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SENATE—*Thursday, July 22, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Pastor Gene Arey, New Harvest Worship Center, Waynesboro, VA.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father God, I come to You today on behalf of the Senators of the United States of America and the people they are called to serve. I thank You that we are one Nation under You, the land of the free and the home of the brave.

I pray for our Senators as they seek Your favor, Your will, and Your righteous blessings for America. I pray that Your guidance, strength, and wisdom will be upon them as they make important decisions and ponder the future of this great Nation. As our Senators complete this session, bring them special favor.

Father, I pray for our President and our civic and military leaders. Grant them the wisdom to discern Your perfect will and to desire to walk in Your ways.

Finally, Lord, I pray for those loved ones who are deployed in harm's way. Please comfort them and protect the military forces stationed around the globe.

In the name of our Lord Jesus, I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAXBY CHAMBLISS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 22, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CHAMBLISS thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, this morning the Senate will conduct a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader and the second 30 minutes under the control of the Democratic leader.

Following morning business, the Senate will resume executive session consideration of Henry Saad to be a U.S. circuit judge for the Sixth Circuit. The order from last night provides for up to three cloture votes beginning at 11 a.m. on the Sixth Circuit nominations. First is on Henry Saad, to be followed by a vote on Richard Griffin and then David McKeague. Therefore, Senators can expect the first votes of the day around 11 o'clock this morning.

Also we will turn to consideration of the defense appropriations conference report when it arrives from the House. We will be monitoring their action on that bill so that we can determine when we may begin debate on that bill this afternoon.

I don't believe there is a need for a great deal of debate on the defense measure; however, we will confer with the Democratic leadership on a time agreement for this afternoon. There are a number of other legislative and executive items we are attempting to clear before we depart for the August adjournment. We will be processing those throughout the day as well.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for statements only for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time and ask that it not be taken from the allocated time to our Democratic caucus this morning.

HONORING NATIVE AMERICAN HEROES

Mr. DASCHLE. Mr. President, Americans are united today in concern for the safety and well-being of our men and women in uniform—especially those who are serving in Iraq and Afghanistan, risking their lives to advance human freedom.

This morning, I would like to speak about the extraordinary service of a group of soldiers from two earlier wars.

We know these men today as "the code talkers."

They were Native American soldiers who used the languages of their tribes to send strategic military communications during World Wars I and II. Their

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● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

impenetrable codes saved the lives of countless American troops in Europe and throughout the Pacific.

The Navajo code talkers are the best-known of these men. Three years ago, they were honored, rightly, with congressional medals.

But the Navajo were not the only code talkers. Soldiers from at least 15 other Indian Nations—including the Cherokee, Choctaw, Comanche, Pawnee, Seminole, Osage, Kiowa and Hopi nations—also served as code talkers. And 11 code talkers came from the Lakota, Dakota, and Nakota nations, known to many as the Great Sioux Nation.

Of those 11, nine—John Bear King of the Standing Rock Sioux Tribe; Simon Broken Leg and Iver Crow Eagle, Sr., of the Rosebud Sioux Tribe; Eddie Eagle Boy and Phillip LaBlanc, of the Cheyenne River Sioux Tribe; Baptiste Pumpkinseed of the Oglala Sioux Tribe; Edmund St. John of the Crow Creek Sioux Tribe; and Walter C. John of the Santee Sioux Tribe of Nebraska—have all passed on.

Charlie Whitepipe is one of the two surviving Lakota code talkers.

In 1941, he enlisted in the United States Army. He was already in training in California when Pearl Harbor was attacked. The following day, he shipped out to Hawaii.

From Hawaii, his unit was sent to the Pacific island nation of New Guinea.

It was in New Guinea that another soldier, from Sioux Falls, told his commanding officer that Charlie Whitepipe would make a good forward observer because—in his words—"the Sioux are stealthy, sneaky, people."

The characterization angered Whitepipe, but it apparently impressed his commanding officer.

Charlie Whitepipe spent the next 2 years in New Guinea as a forward observer and radio man, moving ahead of his unit and communicating in Lakota with a ship-based partner to direct artillery fire at enemy troops.

In 1944, he was shipped home, suffering from malaria and jungle rot, the result of months spent in water-filled foxholes.

After an honorable discharge, he returned to Rosebud, married, and raised six children with his wife.

He spent 30 years working as a lineman with the rural electric association, helping to bring electricity to the Rosebud Reservation and other parts of rural South Dakota. In his son's words, "He got up and went to work 6 days a week and on the 7th day, he got up and took his family to church."

Charlie Whitepipe turned 86 this month. He suffers today from a profound hearing loss caused in part by artillery explosions.

His family remains the center of his life.

Clarence Wolf Guts is the other surviving Lakota code talker.

He enlisted in the Army 7 months after Pearl Harbor with his friend and cousin, Iver Crow Eagle, Sr.

During Ranger training in Alabama, an officer discovered that the cousins could both speak, read, and write Lakota. As Mr. Wolf Guts recalls it, that officer "thought he'd hit the jackpot."

Clarence Wolf Guts was assigned to travel with a general in the Pacific, and Iver Crow Eagle was assigned as a radio operator for a colonel.

For the next 3 years, the cousins jumped from one Pacific island to the next, pushing the Japanese back.

They also helped develop a phonetic alphabet based on Lakota that was later used to develop a Lakota code.

One day, as bullets and shrapnel exploded around him, Clarence Wolf Guts whispered a prayer in Lakota:

> Bring me home, God, and I will praise your name always.

His prayer was answered.

Clarence Wolf Guts returned safely to Pine Ridge in 1946, married and—like Charlie Whitepipe—raised six children.

Today, at 80, he marches with veterans groups whenever he can.

The Yankton Sioux were among the first Native American soldiers to use a native language to confound enemy troops, in World War I. Through two world wars, no native language or code based on an indigenous American language was ever broken.

What makes the code talkers story even more extraordinary to some is the fact that these men chose to fight for the United States at all.

As young boys, Charlie Whitepipe and Clarence Wolf Guts spoke only Lakota. Like most of the code talkers, however, they were forced to attend schools in which they were forbidden to speak their native language.

Students who broke the English-only rules were punished harshly; many were beaten, some even to death.

It was part of a sad, brutal chapter in our Nation's history in which the United States Government and other institutions tried to strip Indian children of their tribal identities.

Despite that history, despite the failure of the United States Government to honor its treaty obligations and other commitments to tribes, Native Americans have long had a higher rate of military service than any other group in America.

Another young Lakota soldier, Sheldon Hawk Eagle, was laid to rest in the National Cemetery in the Black Hills just before Thanksgiving last year. Like so many Lakota people before him, he died serving this Nation.

This past Fourth of July, I was honored to march with other veterans at a powwow at the Sisseton-Wahpeton Sioux Reservation in South Dakota. Among the veterans who marched with us that day were two members of the tribe who were home on leave from Iraq.

That evening, at our State's annual Fourth of July fireworks celebration at Mount Rushmore, South Dakotans paid special tribute to the Lakota code talkers.

There have been other tributes as well. But there is at least one more honor the Lakota code talkers are due.

I strongly believe that Congress should pass the Code Talkers Recognition Act this year to award our Nation's highest honor, the Congressional Medal, to the Lakota code talkers and all Native American code talkers who served in both world wars.

This is a bipartisan bill. Senator INHOFE introduced it, and I am proud to be a cosponsor, along with my fellow South Dakotan, TIM JOHNSON, and others. A similar bill passed the House in 2002 but was blocked in the Senate by members of the other party.

Historians can debate which code talkers communicated in actual codes and which communicated essential military information using only their native languages. What is beyond debate, however, is the courage of veterans such as Charlie Whitepipe and Clarence Wolf Guts and the extraordinary value of their wartime service to our Nation. Let us work together to pass the Code Talkers Recognition Act this year before we lose any more of these heroes.

Let us also agree that we will honor the service of the code talkers by funding veterans health programs adequately, and ensuring that veterans in tribal communities have reasonable access to VA facilities. Let us also honor our Government's treaty obligations to fund Indian health care, so that tribal veterans and their families are not denied essential care.

Finally, we should honor the code talkers by working to preserve the rich, ancient languages they used to preserve our freedom.

Many of those languages are on the verge of extinction. Of the 300 indigenous languages once spoken in America, only 150 are still spoken today. Of those, only 20 are still spoken by several generations.

Experts warn that without immediate, dramatic action by Native Americans, tribal governments and schools, and the Federal Government to encourage their preservation and perpetuation, Lakota and all of the native languages of America will die by the year 2050.

Language is the most effective means we have to transmit our values, our beliefs, and our collective memories from one generation to the next. For that reason, Native Americans and tribal communities particularly benefit from preserving the languages of their ancestors.

But they are not alone. Imagine how World War II might have turned out had we not had the code talkers.

In 1990, with Senator INOUYE's leadership, Congress established the Native

American Languages Act to "preserve, protect and promote the rights and freedom of Native Americans to use, practice and develop Native American languages."

Last year, Senator Inouye introduced amendments to that law to support the creation within tribal communities of immersion schools and language survival "nests," to teach these languages to the next generation.

Let's pass those amendments this year. There is no time to waste.

Let's also work together to adequately fund Indian schools and to include in all Federal education policies the flexibility tribal educators need to include native languages, history and culture in their curriculums.

Indian parents, and tribal leaders and educators, in South Dakota care deeply about this. And President Bush specifically called for such flexibility in the Executive order on Indian education he signed less than three months ago.

Soldiers go to war to give their children the chance to live better lives. What better way can we honor the code talkers than to support schools in which their descendants can learn the native languages that helped to save our Nation?

The result of such efforts will be a healthier, happier Indian population. And who knows what we will all learn in the process?

Mr. President, these remarks have been translated into Lakota by Elizabeth Little Elk, a member of the Rosebud Sioux Tribe. I ask unanimous consent that the Lakota translation of my words be printed in the Congressional Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Honoring Native American Heroes, Preserving Native American Languages

Tunkasila Mila Hanska Oyate ki lel un gluwitapi. Na taku le ecunkupi ke he, wiyan nahan wicasa le un okicize el un pelo. Iyotan winyan na wicasa kowakatan unpi hel Iraq nahan Afghanistan. Takuwe heciya unpi ki hena oyate ki nawicakinjin pelo.

Le hihani ki taku wan iwowablakin kte ehani wicasa eya makasitomani okicize el apa pelo.

Lena akicita ki tokeske wacinwicayau ki he ta wowiye ki un woglakapi, ho ŋahan he un wicakpe ota nin pelo.

Sina Gleska Oyate etan Wicasa eya makocesitomani slolwicaya pelo. Ehani waniyetu yamni he han Tunkasila wicasa ki lena wicayuonihan pelo.

Sina Gleska Oyate ki isnalapi sni, nainjeyan lena oyate ki pi Cherokee, Choctaw, Comanche, Pawnee, Seminole, Osage, Kiowa, nahan Hopi akicita he tanpi. Ho, nahan wicasa ake wanji Oceti Sakowin u pelo.

Le ake wanji ki he John Bear King of the Standing Rock Sioux Tribe; Simon Broken Leg and Iver Crow Eagle, Sr. of the Rosebud Sioux Tribe; Eddie Eagle Boy and Phillip LaBlanc of the Cheyenne River Sioux Tribe; Baptiste Pumpkinseed of the Oglala Sioux Tribe; Edmund St. John of the Crow Creek Sioux Tribe; and Walter C. John of the Santee Sioux Tribe of Nebraska—numlala ni unpi. Charlie Whitepipe hecena niun.

1941 he han akicita el ic'icu, hetan California ekta iyeyapi nahan heceya un he han Pearl Harbor tiektiyapi. He ihaniyuhehan Hawaii ekta iyeyapi, ho nahan hetan New Guinea ekta iyeya pelo.

New Guinea ekta un hehan wicasa wan Inyan oblecahan etanhan itancan ki okiyaki na Charlie Whitepipe atunwan ki waste kte cin Lakota ki lila wicasapi sni hanan waecun unspepi yelo. Le wicasa ki waeyo hehan Charlie Whitepipe iyohpi sni cin Lakota ki hececapi sni, eyas itacan ki hecetula ca Charlie Whitepipe waniyutu num atuwan wicasa heca. Ho nahan, Lakota woiye un wata wan el Lakota wan kici woglake.

1944 hehan lila kuje ca glicuyapi.

Charlie Whitepipe gli hahan taicutun na wakanyeja sakpe icahwice.

Ho hetan waniyetu wikcemna yamni Rural Electric Association hel wowasecun. Ta cinca wan atkuku ki anpetu ki oyohi wasecun, ho nahan anpetu wakan canasna tiwahe tawa ki iyuha wakekiye awinca iye.

Wana Charlie Whitepipe waniyetu saglokan ake sakpe. Lehanl wicasa ki le nunhcan natakuni nahun sni icin okicize ekta un, hehanl wanapobiyab ki nuge ki yusicapi. Wicasa ki let tiwahe tawa ki tehkila.

Clarence Wolf Guts injiyan nahahcini un, nahan injiya Lakota woiye nahan woglake un okicize ekta wacinuanpi.

Ta kola ku kici, Iver Crow Eagle, Sr., akicita el ici'cupi.

Alabama ekta eye wicayapi. Heciya itacan ki wanji ablezina Iver nahan Clarence Lakota woglaka nahan wayawa okihipi. Mr. Wolf Guts oglakina akicita itacan ki lila oiyokipi.

Clarence Wolf Guts akicita ota itacan ki omani. Ho nahan, Iver Crow Eagle, Sr., injeyan akicita itaca wan ki cin wasecun. Lena Wicasa ki tahansi kiciyapi.

Waniyetu yamni Iver nahan Clarence wita ecehcel manipi.

Lakota wowiye un wowapi wan kagapi. Le wowapi ki akicita ki unpi. Anpetu wanji Clarence wacekiya, "Wakan Tanka tanyan waki hantas ohihanke wanjini cecicin kte."

Clarence wacekiye ki he osi'icu.

Clarence Wolf Guts Pine Ridge ekta Tanya gli. Taicutun nainjiyan wakanyeja sakpe icahwice.

Lehanl waniyetu wikcemna saglokan. Akicita ki mani cansna el opa.

Tuwa tokiya Lakol woiye un okicize el un ki he Ihuntuwan Dakota Oyate ki epi. World War I nahan World War II Lakota woiye okicize el un ki ogahniga sni ca, lial taku ota ecun na eyab okihipi.

Lena wicasa ki toheki lila wohanke ki he lena wicasa ki okicize el unpi, nahan iyeca hena hecunpi.

Charlie Whitepipe nahan Clarence Wolf Guts wakanyeja ·pu hehan Lakota ecela unspepi. Ho eyas, wana wayapi hehan Lakota woglake okihip sni. Wasicu ecela woglaka okihipi. Lakota woglaka hantas awicapapi naha tehiya wicakowap. Nahan hunh t'api.

Le iwanglakap cansna lila oyohsice na waste sni. Hehan Mila Hanska ki Oceti Sakowin Oyate tehkiya wicakowapi. Lakol wicoh'an ki unkip waciŋpi.

Lecel oyate ki owicakowap eyas hecana wicasa na winyan ici'cu. Mila Hanska Oyate okicize wanji el iyab canasna Lakota winyan na wicasa akita el eci'cupi.

Akicita wan Sheldon Hawk Eagle eciyapi ca He Sapa National Cemetary el eyonpap le waniyetu hehan le koskalaka ki okicize el lecala t'e.

Le 4th of July hehan akicita ki manipi ca ob wamani. Le Sisseton-Wahpeton Reservation el mawani. Hehan wicasa num Iraq ekta okicize hetan glipi.

He hanhepi hehan He Sapa ekta akicita wica uonihanpi ca el waun.

Akicita ki wica yuonihanpi ota, ho eyas, Lakota woiye akicita ki hena isnala wicayuonihan wacin.

Taku wan lila iblukcan ki he le akicita eya woiye ki hena Tunkasila wicayuonihan ki waste kte. World War I na World War II makasitomani akicita eya iwaglake ki lena woyuonihan wakantuye ic'u wacin.

Wowapi wan lel awahi, le wowapi tuweki iyuha ikipi kte. Senator Inhofe kici, nahan Tim Johnson awahi. Waniyetu nupa hehan wowapi lecel unkohipi, eyas hunk sam kahinhpeya najinpi.

Akicita eya Charlie Whitepipe na Clarence Wolf Guts oyate ecetkiya waencunpi le un wayuonihan wakantuya wicun'kup waste ke yelo. Lena wicasa ki ecani el un kte sni, ca le waniyetu ki unkigluwitap na wowapi ki le unyuwastepi ki waste ktelo.

Lankun taku ecun'kun kte ki he akicita ki lena taky ewojawab ki hena wicunkub ki waste kte. Akicita okuju tipi hena muza ska iyena yuhap ki waste kte. Lena oyate ki Wolakota wowapi waste kte. Lena oyate ki Wolakota wowapi wanji kici unkagapi. Taku wowapi ki le na eya ki unkinyejan ecunkun waste ke.

Na lena winyan na wicasa ki wicasyuonihanpi ki ta woiye ki un inipi.

Makasitomni lakol woiye ki lila oh'kankoya takuni sni ehani kohta yamni woiye waglakapi le hanl wikcemna num woiye waglapi.

Tuwiki yuha takun ecunp sni tantas lakol wichoh'an nahan lakol woye ki wanic in kte.

Lakol wicoh'an na lakol woiye ki un wakanyeja ki tan icagapi. Lena ungluzapi ki waste kte. Lecel oyate ki niupi kte.

1990 hehan Senator Inouye wowapi wan lel ahi, ho ca iyuha walakapi, na luwastepi. He wowapi ki Lakota Oyate ki makasitomni lakol wicoh'an na woiye yuwas'ake.

Senator Inouye nakun wowapi lel ahi he owayawa tipi ki lena muza ska wicaku hecel lakol wicoh'an ki wakanyeja ki unspe okte.

Ateyapi Bush wowapi wan caje ki owa. Wowapi wan woiye ke lena tanyan wacin kte, ca wowapi yamni el caje ke owa. Le wowayepi ki waste.

Akicita ki okicize el yapi hecel ta wakanyeja ki tanyan unpi kte, na tiwahe oyunihanpi uncinpi. Le wowapi ki unyunwastepi wacin.

Le ecunkunpi ki hanta taku unkablezap seca?

Mr. DASCHLE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. I ask the Chair to notify me after 15 minutes of my time has expired.

The ACTING PRESIDENT pro tempore. The Chair will so notify the Senator.

9/11 COMMISSION REPORT

Mr. ALLARD. Mr. President, the report from the National Commission on Terrorist Attacks upon the United States will be coming out today. There has been some dribbling out of information about what that report might contain, but we are not going to know for sure the full content of that report until we get a briefing. I am excited that a good portion of the report is going to be released to the public. I am always of the belief that we need to have an open dialog about issues and where there are shortcomings so that we can come up with the answers and solutions that will serve us best.

I do not think any one group of people or even one individual has all the answers. So I think the more dialog we can get as a result of this report, the better. But I do think it serves us well to think about where we are today, and how it is we got to where we are.

The President came into office about 3½ years ago. He was elected in 2000. He had not even been in office a full year when all of a sudden we had 9/11. What has emerged is that we have a serious problem with terrorism.

Historically, if we look back through the 1990s, we see that there was an emerging problem, which many of us did not recognize as serious as it turned out to be, and most of us did not realize that a series of events would eventually culminate into 9/11 and eventually a finishing off of the war with Iraq. There was a pattern, in looking back.

By the way, it is always easy to look back and say we should have done this and we should have done that, but it is much more difficult to be prospective and say this is the information that is before us and this is what is going to happen in the future.

What was happening in the 1990s was a persistent pattern of boldness in the size and the number of terrorist attacks that were occurring throughout the world. They started with car bombs, and we still have car bombs today. Then they added attacks on embassies. We had an attack on the Khobar Towers. We had an attack on the USS Cole. We had planes bombed by terrorists. We had a partially successful attack from terrorists in New York, and then all of a sudden it built up to the ultimate, which was the 9/11 attack in this country which brought down the Twin Towers in New York, and there was also an attack on the Pentagon, which is the first time this country had been attacked on its own soil since Pearl Harbor.

This was very much an awakening for the Congress, as well as the American people. This President should be commended for rising to the challenges of 9/11, and I think we have the right President in office at the right time. He sent a strong message to the world that was important to send, and that message was that we are not going to tolerate terrorism, and if there are any other countries that are going to support terrorist attacks, either directly or indirectly, they are going to be considered part of the problem as we resolve these issues related to terrorism.

As a result, he had to take some very strong stances. We had to take some very strong positions.

Eventually, what evolved is that Afghanistan was the center. The President dealt first with Afghanistan. Afghanistan was pretty much the center of a lot of the terrorist activities. The Government had been taken over by the terrorists. Afghanistan as a country was being used as a training ground for terrorists who were exporting terrorism throughout the world.

Today, Afghanistan is now a democracy, moving toward more freedom for its people, and getting terrorism under control. It has some challenges with economic growth, but I think President Karzai has done a tremendous job. This all happened because of strong action by this President in moving forward.

We saw that many of these terrorist groups, al-Qaida, for example, had their origins in Saudi Arabia. We saw many terrorist groups that were raising money through Saudi Arabia. Today, Saudi Arabia has recognized the problem and taken some very strong actions. They are working with the United States to control terrorism within their own country.

We have Libya and Muammar Qadhafi, who was exporting terrorism and actually attempting to develop a nuclear weapons program in his own country. Now he has backed off and said, look, we want to work with the United States. He has come out and publicly opposed terrorism. He has given up his nuclear program. The nuclear inspectors can now go into his country and look for nuclear materials.

We have made remarkable progress in Afghanistan. I know we have remarkable progress in Saudi Arabia. We have made remarkable progress in Libya. Even in North Korea we seem to sense more willingness on their part at least to sit down with the United States and negotiate with the United States on how it is we can move toward a more peaceful environment.

Finally, that brings us to Iraq. I think that is another remarkable achievement for this administration. Even though there are some differences of opinion about how this should have been handled, the fact is a large majority of the Senate, working with the President and working with the United Nations, realized terrorism was a problem and Iraq was a part of this problem.

The President decided to invade Iraq and Saddam Hussein. It was a good decision. I need to remind Members this war started actually before then. It started under his father, the first President George Bush. The first President George Bush had to deal with an invasion by Saddam Hussein into the country of Kuwait. He soundly defeated Saddam Hussein. Saddam Hussein agreed to sign a treaty and in that treaty he agreed to allow inspectors into his country. He agreed to many provisions that were being stipulated by the United Nations. He agreed to certain no-fly zones.

We attempted to enforce those no-fly zones as he was constantly shooting at our planes. After the first conflict, Saddam Hussein ignored what he had agreed to with the first President George Bush. Then we had the United Nations inspectors going in and looking for nuclear materials, weapons of mass destruction, and they were kicked out of that country.

The Congress and the United Nations all agreed this was an unstable situation and something needed to be done with Saddam Hussein. So George Bush, who is now our President, made the right decision in saying we need to go into Iraq and we need to deal with this unstable situation because it is a persistent threat to world peace. If we do not deal with the problem now, it is only going to get worse with time. I have to say this President has done a great job. He has the support of the American people.

Now this national commission on terrorist attacks upon the United States is going to reveal some shortcomings and we are going to need to address those. Our Nation has a leader who has made it clear that winning the war on terror is the defining moment for the civilized world.

Since September 11, 2001, President Bush has taken some bold steps to ensure the safety and security of the United States, specifically against terrorist organizations and the nation states that support them. Specifically, since President Bush has taken office, the United States, under his leadership, has overthrown two terrorist regimes, rescued two nations and liberated over 50 million people, captured or killed close to two-thirds of known senior al-Qaida operatives, captured or killed 45 of the 55 most wanted in Iraq, including Iraq's deposed dictator, Saddam Hussein, who is now sitting in jail, hunted down thousands of terrorist and regime remnants in Iraq, disrupted terrorist cells on most continents and likely prevented a number of planned attacks. This is an astounding record of accomplishment for our commander in chief and his national security staff.

We also have to recognize the phenomenal job of our men and women in our military services. They have been phenomenal and I do not think we can repeat that enough. We are very fortunate to have their dedication and commitment, not only of the men and women who are serving in these services, but their families and their communities back home who support them.

The United States went to war in Afghanistan and Iraq risking significant loss of life and treasure to protect our way of life. Our goals are clear and twofold: Destroy the nexus of terrorism and weapons of mass murder that personify the two ousted regimes and create in their stead stable democratic states able to participate in the modern world community.

We succeeded in our first goal, having killed or captured perpetrators and supporters of the enemy terrorists. The courageous people of Afghanistan and Iraq are making remarkable progress toward adoption of constitutional reforms to secure momentum toward lasting democratic independence. Nevertheless, we still have work to do.

The Senate Select Committee on Intelligence report on Iraq's weapons of mass destruction clearly identified what we have all known for some time, our intelligence has not performed in as desirable a way as we would like and in some cases has raised some issues about some of the decisions we had to make in this Congress.

As a former member of the Senate Intelligence Committee, I say to my colleagues that few employees in the Federal Government are as dedicated as those who work for our intelligence agencies. They are hard-working individuals who believe their work is critical to our Nation's national security, and they provide us good information. As policymakers, we also have to recognize the information they give us is not always absolute. A lot of time it is a little bit of information here, a little bit of information there, and we have to put it together and say this is a likely event that is going to happen or this is likely what is happening. It is not absolute in many regards, and we have to treat it that way.

I think that is the way the President treated it, and I think that is the way the Congress has looked at much of the information that we received right after 9/11 and how terrorism is affecting us. That is why it was so frustrating to learn our intelligence agencies did not connect many of the dots in regard to September 11 and again failed to provide reliable information on Iraq's weapons of mass destruction programs.

We clearly have a considerable amount of work to do. As the Senate Intelligence Committee recommended, we need to improve the process by which analysts, collectors, and managers fuse intelligence and produce judgments for policymakers, but that is not new. We have been facing this problem for some time. I am glad we are taking it more seriously. We need to greatly enhance almost every aspect of the intelligence community's human intelligence efforts. We need to address the tendency to build upon the judgments of previous assessments without including the uncertainties in those assessments.

I will note the Senate Intelligence Committee's report did conclude that the intelligence community's judgments regarding Saddam Hussein's government's link to terrorist organizations were reasonable. Equally important was the Senate Intelligence Committee's conclusion that the exaggeration of the intelligence on Iraq's weapons of mass destruction capabilities was not the result of political pressure.

As we prepare for the 9/11 Commission's report, I think it is appropriate that we thank the people who served on the Commission for their service to this country. Their service will go a long way to helping our Nation prevent future attacks.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). Who seeks recognition?

Mr. McCONNELL. Mr. President, I rise to make remarks today on two important subjects with which we are currently dealing in the Congress.

The PRESIDING OFFICER. The Senator from Kentucky.

SETTING THE RECORD STRAIGHT

Mr. McCONNELL. Mr. President, "Did the Bush administration manipulate intelligence about Saddam Hussein's weapons program to justify an invasion of Iraq?" This is the central question posed by discredited Ambassador Joe Wilson in his July 6, 2003, op-ed published by the New York Times.

Wilson alleged the answer to the question was "yes", and a political firestorm ensued. Indeed, the year-long furor over the infamous 16 words stemmed from Mr. Wilson's disproved claims.

Many of the President's fiercest critics have since argued the Bush administration misled the country into war, a truly incendiary charge.

Lord Butler's comprehensive report includes the real 16-word statement we should focus on. Here is what he had to say:

> We conclude that the statement in President Bush's State of the Union address . . . is well founded.

It is well founded. Yet the New York Times threw its hat into the ring early and ran an editorial on July 12, 2003 amplifying Wilson's irresponsible claim and flaming the fires of this pseudo-scandal. This is what they had to say:

> Now the American people need to know how the accusation got into the speech in the first place, and whether it was put there with an intent to deceive the nation. The White House has a lot of explaining to do.

Will the New York Times, which printed 70 stories that repeated Joe Wilson's claims, now retract this editorial? Will it acknowledge on the editorial page the truth about Joe Wilson?

Rather than displaying caution and restraint, too many American politicians raced, like the New York Times, to echo this outrageous allegation.

Early into the fray was the senior Senator from North Carolina. On July 22, 2003, Fox News played a clip from one of Senator EDWARDS' rallies in which he repeats Wilson's attacks on the President's honesty. Senator EDWARDS claims:

> Nothing is more important than the credibility of the president of the United States and the words that come out of his mouth at the State of the Union are, in fact, the responsibility of the president.

According to the correspondent at the rally:

> Edwards blasted the president's 16-word State of the Union sentence on British intelligence information that Iraq sought nuclear weapons material from Africa.

Now a candidate for the Vice Presidency, Senator EDWARDS will have many media opportunities to set the record straight about his view of the President's State of the Union speech. In the name of fairness, I sure hope he will.

Not to be outdone, the Senior Senator from Massachusetts, Senator KENNEDY, delivered an attack on the Bush administration this January. Senator KENNEDY repeated Wilson's distortions, and claimed:

> The gross abuse of intelligence was on full display in the president's State of the Union address last January, when he spoke the now infamous 16 words. . . . And as we all know now, that allegation was false. . . . President Bush and his advisers should have presented their case honestly.

When will Senator KENNEDY acknowledge that the President's claim was "well founded?" The junior Senator from Massachusetts has also accused the President of misleading the country. An Associated Press report from 2003 includes an exchange between Senator KERRY and a woman on the campaign trail. Here is how it went.

> When a woman asked whether U.S. intelligence on Iraq was doctored, Kerry replies that Americans were "clearly misled" on two specific pieces of intelligence. "I will not let him off the hook throughout this campaign with respect to America's credibility . . .

That is the junior Senator from Massachusetts. Let me quote another AP report about Senator KERRY from last summer:

> Kerry said Bush made his case for war based on U.S. intelligence that now appear to be wrong—that Iraq sought nuclear material from Africa.

Now that Joe Wilson's claims have been completely discredited, the junior Senator from Massachusetts has a chance to set the record straight. But will he?

I mentioned yesterday the distinguished Minority Leader had repeated Joe Wilson's discredited claims on the Senate Floor. Just last month, Senator DASCHLE said:

> Sunlight, it's been said, is the best disinfectant. But for too long, the administration has been able to keep Congress and the American people in the dark . . . serious matters, such as the manipulation of intelligence about Iraq, have received only fitful attention.

The bipartisan Senate Intelligence Report reached the following conclusions that directly refute the serious charges made by the President's critics:

> Conclusion 83. The Committee did not find any evidence that Administration officials attempted to coerce, influence, or pressure analysts to change their judgments related

to Iraq's weapons of mass destruction capabilities.

Conclusion 84. The Committee found no evidence that the Vice President's visits to the CIA were attempts to pressure analysts, were perceived as intended to pressure analysts by those who participated in the briefings on Iraq's WMD programs, or did pressure analysts to change their assessments.

Let us not allow honesty to become a casualty of the campaign season.

My colleagues now have an opportunity—and I am sure they will take it—to set the record straight about their support of Mr. Wilson's outrageous claims. In the name of fairness, will they?

NOMINATIONS TO THE SIXTH CIRCUIT COURT

Mr. McCONNELL. Mr. President, on another matter, we will be voting later this morning on the nominations of Henry Saad, David McKeague, and Richard Griffin to the Sixth Circuit Court of Appeals.

As this chart shows, the Sixth Circuit covers Michigan, Ohio, Kentucky, and Tennessee.

For the last 2 years, the Sixth Circuit has been trying to function with 25 percent of its seats empty. That vacancy rate is, as it has been, the highest vacancy rate in the Nation. Not surprisingly, the Judicial Conference has declared all four of these vacant seats to be "judicial emergencies."

For the last 3 years, I have taken to the floor to decry the crushing burden under which the Sixth Circuit operates. The years change but one seemingly immutable fact remains: The Sixth Circuit remains the slowest circuit in the Nation by far. According to the Administrative Office of the Courts, last year the Sixth Circuit was a full 60-percent slower than the national average. According to the AOC, the national average for disposing of an appeal is 10½ months, but in the Sixth Circuit it takes almost 17 months to decide an appeal. That means in another circuit, if you file your appeal at the beginning of the year, you get your decision around Halloween. But in the Sixth Circuit, if you file your appeal at the same time, you get your decision after the following Memorial Day, over a half a year later. If you can believe it, each year the disparity between the Sixth Circuit and its sister circuits gets worse.

In 2001 and 2002, the Sixth Circuit was the slowest circuit in the country, just like last year. In those years, the average time for decision was 15.3 and 16 months, respectively, but last year the delay jumped up to almost 17 months. So clearly my constituents and the other residents of the circuit are suffering more and more as the years go by.

What is the reason for this sorry state of affairs? An intra-delegation dispute from years ago when nearly a quarter of the current Senate wasn't even here. Nor, I might add, was the current President around for that dispute either. He, too, has nothing to do with it.

This dispute drags on year after year. As I understand it, although only two seats were involved in this dispute, six nominees, including four circuit nominees, continue to be bottled up.

Frankly, I don't know whose fault it was it has been so long. But I do know that neither the 4 million people in Kentucky, nor the 6 million people in Tennessee, nor the 11 million people in Ohio—nor their Senators—were any part of it.

They are all suffering for it, though, as are the 10 million people from Michigan.

The Michigan legislature has in fact passed a resolution calling on us, the U.S. Senate, to confirm these nominees. I ask consent that a copy of this resolution from the Michigan State Senate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION NO. 127

Whereas, The Senate of the United States is perpetuating a grave injustice and endangering the well-being of countless Americans, putting our system of justice in jeopardy in Michigan and the states of the Sixth Circuit of the federal court system; and

Whereas, The Senate of the United States is allowing the continued, intentional obstruction of the judicial nominations of four fine Michigan jurists: Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin, all nominated by the President of the United States to serve on the United States 6th Circuit Court of Appeals; and

Whereas, This obstruction is not only harming the lives and careers of good, qualified judicial nominees, but it is also prolonging a dire emergency in the administration of justice. This emergency has brought home to numerous Americans the truth of the phrase "justice delayed is justice denied"; and

Whereas, Both of Michigan's Senators continue to block the Judiciary Committee of the United States Senate from holding hearings regarding these nominees. This refusal to allow the United States Senate to complete its constitutional duty of advice and consent is denying the nominees the opportunity to address any honest objections to their records or qualifications. It is also denying other Senators the right to air the relevant issues and vote according to their consciences. This is taking place during an emergency in the United States 6th Circuit Court of Appeals with the backlog of cases; and

Whereas, We join with the members of Michigan's congressional delegation who wrote Chairman Orrin Hatch on February 26, 2003, to express their concern that "if the President's nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit. This would be an injustice to the many citizens who support these judges and who have given much to their professions and government in Michigan"; and

Whereas, We are concerned about the Sixth Circuit as a whole, a circuit court understaffed, with 4 of its 16 seats vacant, knowing that the Sixth Circuit ranks next to last out of the 12 circuit courts in the time it takes to complete its cases. Since 1996, each active judge has had to increase his or her number of decisions by 46%—more than three times the national average. In the recent past, the Sixth Circuit has taken as long as, 15.3 months to reach a final disposition of an appeal. With the national average at only 10.9 months, this means the Sixth Circuit takes over 40% longer than the national average to process a case; and

Whereas, The last time the Sixth Circuit was this understaffed, former Chief Judge Gilbert S. Merritt said that it was handling "a caseload that is excessive by any standard." Judge Merritt also wrote that the court was "rapidly deteriorating, understaffed and unable to properly carry out their responsibilities"; and

Whereas, Decisions from the Sixth Circuit are slower in coming, based on less careful deliberation, and, as a result, are less likely to be just and predictable. The effects on our people, our society, and our economy are far-reaching, including transaction costs. Litigation increases as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred; and

Whereas, President Bush has done his part to alleviate this judicial crisis. Over the past two years, he has nominated eight qualified people to the Sixth Circuit Court of Appeals, with three of them designated to address judicial emergencies. Four of these nominees continue to languish without hearings because of the obstruction of the two Michigan Senators; Now therefore, be it

Resolved by the Senate, That we memorialize the United States Senate and Michigan's United States Senators to act to continue the confirmation hearings and to have a vote by the full Senate on the Michigan nominees to the United States 6th Circuit Court of Appeals; and be it further

Resolved, That copies of this resolution be transmitted to Michigan's United States Senators and to the President of the United States Senate.

Mr. McCONNELL. Mr. President, that is 31 million people, who continue to suffer because our colleagues on the other side refuse to confirm any of these four Michigan nominees to the Sixth Circuit.

Indeed, two of the seats we are talking about were not even involved in this dispute. President Clinton never nominated anyone to the seat to which Henry Saad was nominated. That vacancy arose on January 1, 2000.

And the seat to which David McKeague was nominated did not even become vacant until the current Bush administration on August 15, 2001.

So what the Senators from Michigan seek to do is hold up one-fourth of an entire circuit because of a past intra-delegation dispute about two of these six seats, the genesis of which occurred many years ago.

As to disputes on judicial nominees, the Senators from Michigan do not have a monopoly on disappointment. There are several Republican nominees who were nominated by George H.W.

Bush, who waited a year or more for a hearing, and who never got one. I note Sixth Circuit nominee John Smietanka, D.C. Circuit nominee John Roberts and Fourth Circuit nominee Terry Boyle, just to name a few.

The remedy for disappointment is not to take out your frustration on the populace of an entire circuit. Nor is it to demand that a President cede his constitutional power to another branch. It is to do what this President has done: re-nominate the person when your party is in the Oval Office.

Let us be clear. We are not talking about any particular problems with the nominees, including Judge Saad, who would be the first Arab-American on any Federal circuit court and who has been endorsed by both the Chamber of Commerce and the United Auto Workers. That is a pretty tall order.

Quite frankly, it wouldn't matter who from Michigan the President put in the slot: if his name were Henry Ford rather than Henry Saad the result would be the same—my colleagues from Michigan would filibuster the nominee.

Why? Presumably because the Michigan Senators didn't get to pick Judge Saad or other Michigan nominees to the Sixth Circuit.

What we are talking about, then, is Senators wanting to adorn themselves with the power of co-nomination.

Let us get back to first principles. Democrat Senators do not get to pick circuit court judges in Republican administrations. In fact, Republican Senators—myself included—do not get to pick circuit court judges in Republican administrations.

The Constitution gives the power to the President, and the President alone, to nominate. We all know as a matter of custom that Senators have a good deal of influence over who gets to be a district judge but little or no influence over who gets to be a circuit judge. Presidents of both parties have been unwilling to delegate the picking of circuit court judges to Senators. It is a Presidential prerogative and we shouldn't rewrite the Constitution to allow Senators—especially those of the opposite party—to nominate judges.

By tradition, the President may consult with individual Senators. But the tradition of "consultation" does not transform individual Senators into co-Presidents.

The President is not required to share his constitutional power with Senators, or with a "non-partisan" commission for that matter.

We have started a new precedent around here by filibustering judges; this is something that I and the vast majority of the Republican caucus opposed during the Clinton administration and refused to engage in, although Republicans had profound differences with many Clinton nominees.

In fact, 95 percent of the current Senators who never voted for a judicial filibuster are Republicans.

Let me say that again.

Ninety-five percent of the current Senators who never voted for a judicial filibuster are Republicans.

Our Democrat friends have started this troubling precedent. They have filibustered seven nominees and are now approaching double digits.

If my Democrat friends want to set another precedent, namely that Senators in opposite parties get to pick a President's circuit court nominees, I have news for you: this precedent may well be used when there's a Democrat in the Oval Office whether that is next year or next decade.

In closing, I don't get to pick Republican circuit nominees, and I don't think Democrats should get to do so in a Republican administration either. That is the President's job.

The Senate may establish a contrary precedent today. But if it does, I and other Republican Senators may invoke it the next time there is a Democrat in the White House. So I urge my Democrat friends to be wary of the steps they are taking because they are leading us down a dangerous path from which there may be no return.

The PRESIDING OFFICER. The Senator from Nevada.

APPROVAL OF JUDGES

Mr. REID. Mr. President, I can remember a famed lawyer named Melvin Belli who came to Las Vegas to try a case. The law at the time was you had to associate with a local attorney. Belli was very articulate and was so good at speaking to the court and the jury. When he finished, the Las Vegas lawyer stood and said, well, what he meant to say. This same lawyer said: When in doubt, wave your arms, scream and shout.

I think that is what we heard today on the Senate floor.

But what is really present in the Senate is the fact that we have approved 199 judges. We have turned down 6. There are crocodile tears that really are not necessary.

In this situation, if we followed the Republican rule established by the Thurmond rule, there would be no judges approved during the month of July. But we have indicated that we would be willing to approve judges during the month of July, and we have done that. I have spoken to a number of Republican Senators who indicated we would do that. The situation involving these three involve not only substance but procedure—199 to 6. That is the rule.

On behalf of Senator DASCHLE, I ask unanimous consent Senator LANDRIEU be recognized for 10 minutes and Senator SCHUMER be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

COLONEL JON M. "JAKE" JONES

Ms. LANDRIEU. Mr. President, I rise today to honor an exemplary soldier, a loyal American, a loving father, and a devoted husband. Our friend and neighbor, Colonel Jon Jones passed away on June 6 after a courageous battle with brain cancer that he waged on his own terms. Until the week of his death, Jon lived life to the fullest and did not allow cancer to define him or to diminish his dream. Rather, he chose to be a husband, father and soldier until the end. His death has been a profound loss to his colleagues in the Army, his neighbors, his friends, and especially to his family. I say to his wife Cynthia, to his two children Nick and Lena, who are here with us today, our Nation is grateful for your family's service and sacrifice.

Jon was born and raised in California. His mother was a teacher, and the influence she had on him was apparent throughout his life. He attended high school outside of Sacremento, and graduated from Cal State at Sacramento. He went the extra mile to participate in the ROTC program at UC-Davis, because his own school had abolished ROTC during the Vietnam war.

He graduated in 1980 as a distinguished military graduate and was commissioned as a regular Army military intelligence officer. He met Cynthia while he was in officers' basic course in Arizona, and they married in 1981. His career in the Army took Cynthia, Nick, and Lena to Turkey, Germany, and South Korea; and his last deployment was to Kuwait and to Iraq.

Jon died two weeks shy of serving 24 years in the U.S. Army and only 12 days from his change of command. For almost 2 years he successfully led the Army's only deployable echelons-above-corps contingency force protection military intelligence brigade. The men and women who served under him, as well as his colleagues and senior officers, testified to his leadership in a time of war. One soldier called it a privilege to be under Colonel Jones' command, and described his strength and leadership as going well beyond what this soldier had seen in any other military officer.

Throughout the war, in addition to his mission, Jon's focus was on the health, welfare, and safety of every soldier and civilian who served with him. When his brigade was deployed for 9 months to support Operation Enduring Freedom, and Operation Iraqi Freedom, he succeeded in that mission and brought every one of his soldiers home.

A month after bringing his brigade home, Jon was diagnosed with an aggressive brain tumor. He was entitled to retirement, but he chose instead to stay in the Army. As he told a colleague: "Quitting was not an option." Another person might have headed for the shore and waited for his time in comfortable surroundings, but this was not the path for Jon Jones.

At the time of his diagnosis, he had a battalion preparing to redeploy to Iraq, and the thought of leaving them went against everything he stood for. In fact, in the months preceding his death, in between his own treatments and surgeries, Jon went to Kuwait and Iraq several times to support and bolster his troops.

Before he passed away, Jon was nominated for the Distinguished Service Medal, for unparalleled dedication to duty. This citation states that his accomplishments will have a lasting effect on national security formulation at the highest levels. Later today, in a room near this distinguished Chamber, Jon's widow Cynthia will accept this medal on her husband's behalf.

Jon's commanding generals, some of whom are also with us today, accepted his decision to stay in the Army and continue in command throughout his treatments. Perhaps they would have encouraged a lesser officer to retire, but Jon was too valuable a soldier to lose. Unfortunately, the Army, and especially the military intelligence community, realizes every day how valuable COL Jake Jones was. Perhaps the words of one of his fellow officers said it best when he stated:

> Jake Jones did more than command a Brigade in war. He commanded the respect and confidence of his peers, his superiors, and his soldiers. He had a special aura about him—a calming presence that bespoke competence and reason.

All of the virtues that made Jon a good soldier also made him a devoted husband and father. In a career that takes you away from your family for extended periods of time, he made it home for his children's birthdays and other special events. The only birthday of Nick's he ever missed was last year when duty to country called him to stay in Iraq. He made it home in time for Lena's birthday last year, and only God's call home kept him from making that commitment this year.

He was driven to be a good example to his children and to make them proud. This drive contributed to his desire to continue in command even as he fought his own personal battle with a fierce enemy. Although his time with Nick and Lena was inexplicably cut short, I know the love he gave them and the lessons he taught them will shore them up, inspire them, and comfort them throughout their lifetime.

Mentor, hero, charismatic leader, humble individual, inspiring commander, confident, patient, steadfast, stalwart, a rock—these are a few of the descriptions used to communicate the man he was. Jon had the determination and perseverance to accomplish any task with which he was presented.

The role in life he cherished the most, after the role of father, was that of a mentor, whether to his soldiers or to his children. He simply loved to teach. Having been raised by a mother who was a teacher, he paid her the greatest compliment a child can give a parent: He followed in her footsteps. He taught those of us who knew him how much fun it was to live, and that quitting was not an option.

Jon Jones was a friend of our family, a neighbor, and an inspiration to all who knew him. His death is our Nation's loss. Rarely does a soldier so capable and so completely committed step forward to answer the call to service. And rarely has a family been so blessed to have such a father and husband.

May it be recorded this day that the people of the United States are grateful to COL Jon Jones for his years of service in the U.S. Army. His memory will live on in the hearts and minds of the many who knew him, admired him, followed him, and loved him.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana yields the floor.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask to be recognized to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

THE 9/11 COMMISSION REPORT

Mr. SCHUMER. Mr. President, I am going to speak on two issues: first, the imminent release of the final report of the 9/11 Commission, and then on the three judges we are voting on shortly.

First, on the imminent release of the report: First, I thank the commissioners. They have done an incredible job. In this town, racked by partisanship, to come up with bipartisan recommendations is an amazing accomplishment in itself. But when you look at what the recommendations are and the thoroughness with which the Commission investigated the mistakes that were made in the past, the report assumes even greater magnitude.

We will have a real challenge in Washington, at each end of Pennsylvania Avenue, to make sure these recommendations are implemented.

The area I want to touch on right now is homeland security, but I do want to say the reforms that were recommended, in terms of intelligence gathering, were right on the money. Many of us were puzzled after 9/11, learning that the FBI knew this little piece of information and an agent in another part of the FBI knew another piece, and the CIA knew this piece and that piece. The question was, why weren't these pieces tied together, which might have drawn the picture of what was going to happen? And I underline the word "might." Who knows if it would have? But it certainly would have given us better odds.

The reason, as the Commission unveiled, is very simple: These intelligence agencies do not talk to one another. They regard the intelligence they have gathered, their work product, as so valued that they do not want to give it up to another agency. The recommendations of the Commission are outstanding—outstanding—in terms of requiring the intelligence agencies to talk to one another.

I am very pleased the Commission did not engage in the blame game or finger pointing but, rather, looked at the facts—just the facts, ma'am; that seems to be their underlying view—and then looked at recommendations based on those facts so that another 9/11, God forbid, would never happen again.

There is a particular area that has not received too much focus that I want to mention today. That is homeland security. The Commission's report shows that while mistakes were made in intelligence gathering and while mistakes after September 11 have certainly been made in fighting the war overseas—we need a strong foreign policy, a muscular foreign policy to fight terrorism—those are mistakes of commission. In a brave new world, a post-September 11 world, anyone is going to make certain mistakes. The mistakes that have been made on homeland security, on protecting our Nation from another terrorist attack, are mistakes of omission. We are simply not doing enough. That is what the Commission's report is going to reveal when they release it at 11:30. I have been briefed on it already, and I guess many Members are being briefed today.

To win this war on terror—it is the same as a good sports team. We need a good offense, we need a good defense. Most of the focus has been on the offense. There has been verbiage devoted to homeland security, but the actual dollars, the actual focus, the actual changes that have to be made are not being made, plain and simple.

The bottom line is that in area after area, when billions of dollars are required, the administration recommends and Congress allocates tens of millions of dollars. They do not do nothing. They don't want to say we are not putting any money into port security, rail security, truck security, or improving security at the borders. But they do the bare minimum essential to get away with saying we are doing something.

It is frustrating to me, particularly coming from New York and knowing too many of the people who were lost on September 11, that we are not fighting a war—it is a war on homeland security—the way we are fighting a war overseas in Iraq and Afghanistan. What is interesting is the technology is there. We know how to detect nuclear materials which, God forbid, might be shipped into this country. We know how to detect explosives if somebody were to walk into a railroad station or Disney World or somewhere else loaded with explosives that they might detonate. We know how to make our truck security more secure so people cannot use truck bombs. We know how to tighten up the borders.

The question is twofold: will and money. We are not doing either. As we stand here today, what are we doing in the Senate? We are debating three judges from Michigan who we know will not pass in a controversial and partisan way while Homeland Security appropriations languish. It has not been brought to the Senate. Why? What are our priorities? This is not a Democrat or Republican issue. This is not a liberal or conservative issue. This is an American issue. We want to preserve our homeland security. We want to make people secure. We want to make people safe.

Over and over again, we are not doing what we should be doing. The number of bills introduced and even passed out of committee to tighten homeland security are too many. It is not just homeland security legislation, it is legislation on ports, legislation on borders. Over these past few months, the Senate has been occupied by partisan political issues when nonpartisan and bipartisan issues that are far more important related to homeland security languish.

I hope the Commission's report is a clarion call. Let's get our act together. Again, this is not a partisan issue. This should not instigate fighting with one another. We should just do it.

I wish the White House in their budgets had allocated more money. When people in the Senate, both Democrat and Republican, said, We need to do this, that, and the other, had the President said, Yes, sir, right on—but we do not have that. We do not have leadership on homeland security. That is what the Commission's report shows.

Being a great leader and being a strong leader does not just mean fighting wars overseas in this brave new post-September 11 world; it means tightening things up at home. The bottom line is simple: Why aren't we protecting our airplanes from shoulder-held missiles which we know the terrorists have? Why aren't we saying more than 5 percent of the big containers that come to our ports on the east coast, the west coast, the gulf coast, should be inspected to see if they might contain materials that could hurt us? Why aren't we doing more to protect the borders? My State of New York has a large northern border. They have not allocated the dollars, the bottom line is they do not have enough manpower at the borders to prevent terrorists from sneaking in. They are doing a great job with the resources they have, but Lord knows they don't have them. We are not doing any of these things.

I point out one other thing the Commission has mentioned—here, Congress is as much to blame as the White House—and that is the allocation of homeland security funds. The Commission is very strong on this issue. The moneys that go to police, fire, and the others who are our first responders—we learned in New York how valuable they were. The report today will show the number of people who died below where the planes hit the World Trade Center towers was few—too many, but few—because of the great job the police and the firefighters did. Yet we are treating that money as pork barrel.

My State has greater needs than, say, the State with the smallest population, Wyoming. Yet Wyoming gets much more money on a per capita basis. To the credit of the administration, that did not happen the first year we allocated homeland security money. Mitch Daniels, a true conservative, the head of OMB, says he does not want to waste these dollars. He is sending dollars to the places of greatest need. I might have wanted more dollars, but at least the dollars that were allocated were allocated fairly. But now we have slipped away from that. Frankly, we do not hear the voice of Tom Ridge, who was the successor as we created a new Homeland Security Department, saying, allocate this money fairly. We do not hear the voice of the President, and we do not hear the voices of the House and Senate.

This wonderful report is very critical of what our Nation is doing on homeland security. It is saying we are not doing enough in area after area. I hope and pray this report will be a wakeup call. We do not want to be in the "what if" situation. God forbid there is another terrorist attack and the next morning we say: What if? What if we had done the job? What if the attack was by shoulder-held missiles? And we say: What if we had done the job. What if the attack was from ships and ports? We say: What if we had done the job on port security or on the rails? Or because someone got across our borders and shouldn't have? We do not want to be in a "what if" situation.

* * *

JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, my colleague from Michigan is here, and I know she will probably want to speak on the three votes on judges.

The first point I make is, I would much rather be debating the Homeland Security bill than these judges. Where are our priorities in this body? What are we doing? We have had weeks and weeks where many have called for bringing Homeland Security appropriations to the Senate. Instead, we have been debating all the political footballs. I know it is a Presidential election year, I know it is election season, but some things should have a higher calling.

On this particular issue, I make one point before yielding the floor to my colleague from Michigan. Anyone who thinks this is a tit-for-tat game at least misreads the Senator from New York. Were there bad things done on judges when Bill Clinton was President by the Republican-controlled Senate? You bet. But that does not motivate me in terms of what we ought to do in the future.

What motivates me is that in the issue of appointing judges—and I remind the American people that now 200 judges have been approved and 6 have been rejected. My guess is the Founding Fathers, given that they gave the Senate the advice and consent process, would have imagined a greater percentage should be rejected.

I am always mindful of the fact that one of the earliest nominees to the U.S. Supreme Court, Mr. Rutledge, from the neighboring State of the Presiding Officer, South Carolina, nominated by President George Washington, was rejected by the Senate because they didn't like his views on the Jay Treaty. That Senate, which had a good number of Founding Fathers in it—the actual people who wrote the Constitution, many of them became Senators the next year or two—didn't have any qualms about blocking a judge they thought was unfit.

Now all of a sudden when this body stops 6 of 200, we hear from the other end of Pennsylvania Avenue: That is obstructionist.

That is not obstructionist. That is doing our job. The Constitution didn't give the President the sole power to appoint judges. It was divided. In fact, for much of the Constitutional Convention the Founding Fathers thought the Senate ought to appoint the judges and only at the last minute did they say the President, with the advice and consent of the Senate.

This President—regretfully, in many instances—has not consulted the Senate. The two Senators from Michigan—they happen to be of a different party than the President but we know they enjoy working with the other party—were not consulted. I know it can be done. We have done it in my State of New York. We don't have a single vacancy in either the district courts or the Second Circuit because finally, after I said I was not going to allow judges to go through unless I was consulted, the White House came and consulted, and there is a happy result. All the vacancies are filled. The judges tend to be conservative, but they are mainstream people. I may not agree with them on a whole lot of issues, but they have all gone forward. In Michigan we have had no consultation.

Today when I vote against these three nominations, I am not just backing up two Senators from Michigan; I am defending the Constitution. That is what all of us who vote this way will do. Because for the President to say on judges, it is my way or the highway, no compromise, is just not what the Founding Fathers intended. It is not good for America. It tends to put—whoever is President—extreme people on the bench instead of the moderate people we need.

I regret that we have come to vote on these judges, but I have no qualms that I will vote and recommend to my colleagues that we vote against all three.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the Chair advise the Senator from Nevada what the status of the floor is at this time?

The PRESIDING OFFICER. There are 2 minutes remaining under morning business.

Mr. REID. I yield that time back.

The PRESIDING OFFICER. Time is yielded back.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF HENRY W. SAAD TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of Calendar No. 705, which the clerk will report.

The assistant legislative clerk read the nomination of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. shall be equally divided between the chairman and the ranking member or his designee.

Mr. REID. Madam President, on behalf of Senator LEAHY, I designate 5 minutes to the Senator from Michigan, Mr. LEVIN. If there is any time remaining on our side, following his presentation, the Senator from New York is yielded the remainder of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Madam President, the issues which we are going to vote on today relate to a principle. The principle is that we should provide hearings to people who are nominated by Presidents. When those hearings are denied in order to preserve vacancies so that a subsequent President can make the appointments, that is wrong. That is what happened with Clinton appointees to Michigan judgeships. Two women, highly qualified, were appointed. One was denied a hearing over 4 years, the longest time in the history of the Senate, never given a hearing by the Judiciary Committee. The second nominee, highly qualified, was denied a hearing for over a year and a half by the Judiciary Committee.

This happened in a number of States. It happened to a nominee from Ohio, whose name was Markus, who testified as to why he was denied a hearing because he asked the Republicans on the Judiciary Committee who were in the majority as to why he was never given a hearing. He was nominated for an Ohio vacancy to the Sixth Circuit. There are four States in our circuit: Ohio, Kentucky, Tennessee, and Michigan. He testified in front of the Judiciary Committee as to what happened, why he was never given a hearing.

> . . . Senator DeWine and his staff and Senator Hatch's staff and others close to him were straight with me. Over and over again they told me two things: There will be no more confirmations to the 6th Circuit during the Clinton Administration, and this has nothing to do with you; don't take it personally—it doesn't matter who the nominee is, what credentials they may have or what support they may have.
>
> . . . On one occasion, Senator DEWINE told me "This is bigger than you and it's bigger than me." Senator Kohl, who had kindly agreed to champion my nomination within the Judiciary Committee, encountered a similar brick wall. . . . The fact was, a decision had been made to hold the vacancies and see who won the presidential election. With a Bush win, all those seats could go to Bush rather than to Clinton nominees.

That is not an acceptable tactic. It should not be allowed to succeed. That is the fundamental issue with these nominees, as to whether that tactic of denying hearings—in one case for over 4 years and another case for a year and a half, to two highly qualified women appointed by President Clinton—is going to work. Senator STABENOW and I are determined that it should not work. But we are also determined to try to accomplish a bipartisan solution.

There is a rare opportunity here, because of the number of vacancies to the Sixth Circuit—there are four Michigan vacancies on the Sixth Circuit—to have a bipartisan solution. Two have been proposed to the White House. Senator STABENOW and I have proposed that there be a bipartisan commission appointed in Michigan to make recommendations on these nominations. Whether these two women succeed in getting those recommendations is not the point and it is not assured. We don't know. Recommendations would not be binding upon the President, nor on the Senate. They are simply recommendations. That has been rejected by the White House.

When Senator LEAHY was the chairman, when Democrats were in the majority in the Senate, he made a suggestion, a proposal to the White House as to how to solve this problem. The White House rejected that one as well.

Senator STABENOW and I have pursued bipartisan solutions to this deadlock. We are going to continue to pursue solutions. But what we will not do and the Senate should not do, in terms of the principle involved here of denying hearings year after year after year to nominees in the Judiciary Committee in order to keep those seats vacant so the next President can make the appointment, this principle, it seems to me, is not in all of our interests.

Even Judge Gonzales has acknowledged there were wrongs. He said: That was wrong. That was wrong to deny Judiciary Committee hearings. That is not right.

And he is right. We are going to try to correct that wrong. It can be corrected in a bipartisan way. But for these nominations to simply be approved and for cloture to be invoked is not the way to achieve a bipartisan solution.

One final comment, if I have another minute. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1½ minutes remaining.

Mr. LEVIN. I thank the Presiding Officer.

Madam President, for over 4 years, we made efforts to get hearings first for Judge White, who is a court of appeals judge in Michigan, and for Kathleen McCree Lewis, who is a noted appellate lawyer from Michigan in the Sixth Circuit. Two pages of efforts were made to get hearings. I am not going to read them all. All I can say is, month after month after month Senator DASCHLE, Senator LEAHY, and others pleaded with the Republican majority, the majority leader, and the chairman of the Judiciary Committee for hearings. We came to the floor and made speeches, even after the blue slip was returned from Senator Abraham.

There is a blue-ship issue here because Senator Abraham did not originally return the blue slip on these judges. But even after the blue slip was returned, there were no hearings provided.

There is a huge issue always, whether blue slips were returned or returned with objections, whether two Senators from a State who have objections should be overridden and the nomination should proceed. That is an issue which affects all of us, and all of us should give a great deal of thought as to whether, if two Senators from a State object to a nominee, that nomination should proceed. That gets to the advise and consent clause of the Constitution. But when blue slips are returned, which is the case with these two judges, there was still a refusal to hold hearings. That is unacceptable. That tactic should not work, and I hope cloture will not be invoked on these three nominations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Madam President, the handling of the nominations of Henry Saad, Richard Griffin, and David McKeague in the Judiciary Committee and here on the Senate floor sets an unfortunate precedent, and will be long remembered in the annals of this Chamber for the double standard it embodies. In collusion with a White House of the same party, the Senate's Republicans have engaged in a series of changed practices and broken rules. The home-State Senators of these nominees opposed proceeding on them any further until and unless they are able to reach a bipartisan solution with the White House, but their interests have been disregarded. In the process Republicans have trampled on years of tradition, practice and comity. This sort of behavior may not easily be repaired, but must be exposed.

Before I discuss the specifics of the Michigan nominations, I would like to review the recent history of Republican rule breaking, bending, and changing with regard to nominations for lifetime judicial appointments. Over the last 3½ years, the good faith efforts of Senate Democrats to repair the damage done to the judicial confirmation process over the previous 6 years has been sorely tested and met with nothing but divisive partisanship. Rule after rule has been broken or twisted until the process so long agreed upon is hardly recognizable anymore.

The string of transparently partisan actions taken by the Senate's Republican majority took a wrong turn in January of last year. It was then that one hearing was held for three controversial circuit court nominees, scheduled to take place in the course of a very busy day in the Senate. There was no precedent for this in the years that Republicans served in the majority and a Democrat was in the White House.

Then, two of the nominees from that hearing were voted out of the committee in clear violation of committee rules. Despite his prior statements acknowledging the proper operation of rule IV in February, which should operate to preserve the minority's right to debate, the chairman declared that Rule IV no longer applied. I spent months working to reach an agreement to move forward the nominees voted out in violation of rule IV and reach an understanding that this important rule would not be violated again. However, in connection with the nomination of William Pryor to the Eleventh Circuit the chairman again overrode the rights of the minority in order to rush to judgment on a controversial circuit court nominee. The assurances given to us that minority rights would be respected and the Senate would not take up nominations sent to the Senate floor in violation of our rights were broken.

The Republican majority also supported and facilitated the unprecedented renomination and consideration of Priscilla Owen to a seat on the U.S. Court of Appeals for the Fifth Circuit, for which she already had been rejected by the Judiciary Committee. That, too, was unprecedented.

The other rule breaking I want to discuss is the one directly relevant to the Michigan nominees. It is the tradition of the "blue-slip," the mechanism by which home-State Senators were, until the last 2 years, able to express their approval of or opposition to judicial nominees from their home States.

For many years, at least since the time of Judiciary Committee Chairman James Eastland, the committee has sought the consent of a judicial nominee's home-State Senators by sending them a letter and a sheet of blue paper asking whether or not they approve of the nominee. This piece of paper, called a blue slip, formalized a courtesy long extended to home-State Senators. It was honored without exception when Chairman HATCH chaired the Judiciary Committee during the Clinton administration. Not once during those six years when the committee was considering the nominations of a Democratic President, did the chairman proceed on a nominee unless two approving, or positive blue slips had been returned. One non-returned blue slip, let alone one where a Senator indicated disapproval of the nominee, was enough to doom a nomination and prevent any consideration. For that matter, it seemed that so long as one Republican Senator had an objection, it was honored, even if they were not home-State Senators like Senator Helms of North Carolina objecting to an African-American nominee from Virginia, or Senator Gorton of Washington objecting to nominees from California.

When President Clinton was in office, the chairman's blue slip sent to Senators, asking their consent, said this:

> Please return this form as soon as possible to the nominations office. No further proceedings on this nominee will be scheduled until both blue slips have been returned by the nominee's home state senators.

When President Bush began his term, and Senator HATCH took over the chairmanship of this committee, he changed his blue slip to drop the assurance he had always provided Republican Senators who had an objection. He eliminated the statement of his consistent practice in the past by striking the sentence that provided: "No further proceedings on this nominee will be scheduled until both blue slips have been returned by the nominee's home state senators." Now he just asks that the blue slip be returned as soon as possible, disregarding years of tradition and respect for the interests of the home-State Senators. Can there be any other explanation for this other than the change in the White House? It is hard to imagine.

This change in policy has worked a severe unfairness on the interests of Senators LEVIN and STABENOW. They objected to the nominations of Henry Saad, Richard Griffin, and David McKeague for reasons they have explained in detail. From the very beginning, they have been crystal clear with the President and the White House about their objections, and they have done everything possible to reach a compromise. Their concerns ought to be respected, not rejected in favor of partisan political rule-bending.

This is not the first time the blue slip rule has been broken. Last year the Judiciary Committee, under Republican leadership, took the unprecedented action of proceeding to a hearing on President Bush's controversial nomination of Carolyn Kuhl to the Ninth Circuit, over the objection of Senator BOXER. When the senior Senator from California announced her opposition to the nomination at the beginning of a Judiciary business meeting, I suggested that further proceedings on that nomination ought to be carefully considered and noted that the committee had never proceeded on a nomination opposed by both home-State Senators once their opposition was known. Nonetheless, in one in a continuing series of changes of practice and position, the committee was required to proceed with the Kuhl nomination, and a divisive vote was the result. The Senate has withheld consent to that nomination after extended debate.

Continuing with the Saad nomination, and going further with Griffin and McKeague, the committee made more profound changes in its practices. When a Democratic President was doing the nominating and Republican Senators were objecting, a single objection from a single home-State Senator stalled any nomination. There is not a single example of a single time that Chairman HATCH went forward with a hearing over the objection or negative blue slip of a single Republican home-State Senator during the years that President Clinton was the nominating authority. But now that a Republican President is doing the nominating, no amount of objecting by Democratic Senators is sufficient. Republicans overrode the objection of one home-State Senator with the Kuhl nomination. Republicans outdid themselves when they overrode the objections of both home-State Senators and forced the Saad, McKeague and Griffin nominations out of committee.

We will hear a lot of arguments from the other side about the history of the blue slip, and of the practices followed by other chairmen, including Senator KENNEDY and Senator BIDEN. What I doubt we will hear from the other side of the aisle is the plain and simple truth of the two conflicting policies the Republicans have followed. While it is true that various chairmen of the Judiciary Committee have used the blue-slip in different ways—some to work unfairness, and others to attempt to remedy it—it is also true that each of those chairmen was consistent in his application of his own policy—that is, until now.

In addition, I think the Senate and the American people need to recall the party-line vote by which Senate Republicans defeated the confirmation to the District Court in Missouri of an outstanding African-American judge named Ronnie White. In connection with that vote, a number of Republican Senators who voted against Judge White justified their action as being required to uphold the role of the Missouri home-State Senators who opposed the nomination. Any Senator who voted against the nomination of Ronnie White and does not vote with Senators LEVIN and STABENOW today will need to find another explanation for having opposed Judge White or explain why suddenly the rules that applied to Judge White do not apply today.

I know Republican partisans hate being reminded of the double standards by which they operated when asked to consider so many of President Clinton's nominees. I know that they would rather exist in a state of "confirmation amnesia," but that is not fair and that is not right. The blue slip policy in effect, and enforced strictly, by Republicans during the Clinton administration operated as an absolute bar to the consideration of any nominee to any court unless both home-State Senators had returned positive blue slips. No time limit was set and no reason had to be articulated.

Remember also that before I became chairman in June of 2001, all of these decisions were being made in secret. Blue slips were not public, and they were allowed to operate as anonymous holds on otherwise qualified nominees.

A few examples of the operation of the blue slip process and how it was scrupulously honored by the committee during the Clinton Presidency are worth remembering. Remember, in the 106th Congress alone, more than half of President Clinton's circuit court nominees were defeated through the operation of the blue slip or other such partisan obstruction.

Perhaps the most vivid is the story of the United States Court of Appeals for the Fourth Circuit, where Senator Helms was permitted to resist President Clinton's nominees for 6 years. Judge James Beaty was first nominated to the Fourth Circuit from North Carolina by President Clinton in 1995, but no action was taken on his nomination in 1995, 1996, 1997, or 1998. Another Fourth Circuit nominee from North Carolina, Rich Leonard, was nominated in 1995, but no action was taken on his nomination either, in 1995 or 1996. The nomination of Judge James Wynn, again a North Carolina nominee to the Fourth Circuit, sent to the Senate by President Clinton in 1999, languished without action in 1999, 2000, and early 2001 until President Bush withdrew his nomination.

A similar tale exists in connection with the Fifth Circuit where Enrique Moreno, Jorge Rangel and Alston Johnson were nominated but never given confirmation hearings.

Perhaps the best documented abuses are those that stopped the nominations of Judge Helene White, Kathleen McCree Lewis and Professor Kent Markus to the Sixth Circuit. Judge White and Ms. Lewis were themselves Michigan nominees. Republicans in the Senate prevented consideration of any of President Clinton's nominees to the Sixth Circuit for years.

When I became chairman in 2001, I ended that impasse. The vacancies that once plagued the Sixth Circuit have been cut in half. Where Republican obstruction led to 8 vacancies on that 16-judge court, Democratic cooperation allowed 4 of those vacancies to be filled. The Sixth Circuit currently has more judges and fewer vacancies than it has had in years.

Those of us who were involved in this process in the years 1995–2000 know that the Clinton White House bent over backwards to work with Republican Senators and seek their advice on appointments to both circuit and district court vacancies. There were many times when the White House made nominations at the direct suggestion of Republican Senators, and there are judges sitting today on the Ninth Circuit and the Fourth Circuit, in the district courts in Arizona, Utah, Mississippi, and many other places only because the recommendations and demands of Republicans Senators were honored.

In contrast, since the beginning of its time in the White House, this Bush administration has sought to overturn traditions of bipartisan nominating commissions and to run roughshod over the advice of Democratic Senators. They attempted to change the exemplary systems in Wisconsin, Washington, and Florida that had worked so well for so many years. They ignored the protests of Senators like Senator BOXER who not only objected to the nominee proposed by the White House, but who, in an attempt to reach a true compromise, also suggested Republican alternatives. And today, despite the best efforts of the well-respected Senators from Michigan, who have proposed a bipartisan commission similar to their sister state of Wisconsin, we see the administration has flatly rejected any sort of compromise.

The double standards that the Republican majority has adopted obviously depend upon the occupant of the White House. The change in the blue slip practice marks only one example of their disregard for the rules and practices of committees and the Senate. In the Judiciary Committee, the Republican majority abandoned our historic practice of bipartisan investigation in the Pryor nomination, as well as the meaning and consistent practice of protecting minority rights through a longstanding committee rule, rule IV, that required a member of the minority to vote to cut off debate in order to bring a matter to a vote. Republicans took another giant step in the direction of unbridled partisanship through the hearings granted Judges Kuhl, Saad, Griffin and McKeague.

During the past year and a half we have also suffered through the scandal of the theft of staff memoranda and files from the Judiciary computer by Republican staff, a matter which is now under criminal investigation by the Department of Justice. It is all part of a pattern that has included bending, changing and even breaking this committee's rules to gain partisan advantage and to stiffen the White House's influence over the Senate.

The partisan Republican motto seems to be "by any means necessary." If stealing computer files is helpful, do it. If rules protecting the minority are inconvenient, ignore them. If traditional practices are an impediment, break them. Partisan Republicans seem intent on turning the independent Senate into a wholly-owned subsidiary of the Presidency and our independent Federal judiciary into an activist arm of the Republican Party.

Senate Republicans are now intent on violating "the Thurmond Rule" and the spirit of the cooperative agreement reached earlier this year by which 25 additional judicial nominees have been considered and confirmed. The Thurmond Rule dates back at least to July 1980 when the Reagan campaign urged Senate Republicans to block President Carter's judicial nominees. Over time, Senator Thurmond and Republican leaders refined their use of and practices under the rule to prevent the consideration of lifetime judicial appointments in the last year of a Presidency unless consensus nominees. Consent of the majority and minority leaders as well as the chairman and ranking member of the Judiciary Committee came to be the norm. The agreement earlier this year on the 25 additional judicial nominees considered and confirmed was consistent with our traditions and the Thurmond Rule.

Senate Republicans abused their power in the last year of President Clinton's first term, in 1996. They would not allow a single circuit court nominee to be considered by the Senate that entire session and only allowed 17 noncontroversial district court nominees confirmed in July. No judicial nominees were allowed a vote in the first 6 months of that session or the last 5 months of that Presidency.

In 2000, we had to work hard to get Senate Republicans to allow votes on judicial nominees, even in the wake of searing criticism of their obstructionism by the Chief Justice of the United States Supreme Court. After July 4, 2000, the only judicial nominees confirmed were by consensus.

In stark contrast to their practices in 1996 and 2000, the Republican leadership of the Senate is now seeking to force the Senate into confirmations of judicial nominees they know to be highly controversial. That is wholly inconsistent with the Thurmond Rule and with their own past practices. Republican partisans seem intent on another contrived partisan political stunt. They insist on staging cloture votes on judicial nominees late in a Presidential election year knowing that they have broken rule after rule and practice after traditional practice just to force the controversial nominations before the Senate. They are manufacturing confrontation and controversy. Like the President, they seek division over cooperation with respect to the handful of most controversial judicial nominees for lifetime appointments.

Reports this week are that the Republican leadership is setting up unilaterally to change the Senate's historic rules to protect the minority. According to press accounts, some Republicans leaders are planning to have Vice President CHENEY, acting as President of the Senate, declare that the Senate's longstanding cloture rule is unconstitutional and then have his fellow party members sustain that partisan power grab. When this radical might-makes-right approach was advocated last year, some Republican had reservations about sacrificing the Senate's rights to freedom of debate. Traditional conservatives who understand the role of the Senate as part of the checks and balances in our Constitution recognized the enormity of damage that would be caused to this institution by empowering such a partisan dictatorship. From this week's reports, sensible Senate Republicans are being cast aside and overridden by the most strident.

Norm Ornstein observed: "If Republicans unilaterally void a rule that they themselves have employed in the past, they will break the back of comity in the Senate." Republicans call this the so-called "nuclear action," because it would destroy the Senate as we know it. It is unjustified and unwise. It is ironic that Republicans blocked nearly 10 times as many of President Clinton's judicial nominees as those of President Bush denied consent. Apparently, clearly Republican partisans will apparently stop at nothing in their efforts to aid and abet this White House in the efforts to politicize the Federal judiciary.

Both of the Senators from Michigan are respected Members of the Senate. Both are fair-minded. Both are committed to solving the problems caused by Republican high-handedness in blocking earlier nominees to the Sixth Circuit. Both of these home-State Senators have attempted to work with the White House to offer their advice, but their input was rejected. They have suggested ways to end the impasse on judicial nominations for Michigan, including a bipartisan commission along the lines of a similar commission in Wisconsin. This is a good idea and a fair idea. I am familiar with the work of bipartisan screening commissions. Vermont and its Republican, Democratic and Independent Senators had used such a commission for more than 25 years with great success. I commend the Senators representing Michigan for their constructive suggestion and for their good faith efforts to work with this White House in spite of the administration's refusal to work with them.

Some Senators have said we need to forget the unfairness of the past on nominations and start on a clean slate. But the way to wipe that slate clean is through cooperation now, and moving forward together—not with the petulant, partisan unilateralism that we have seen so often from this administration.

Although President Bush promised on the campaign trail to be a uniter and not a divider, his practice once in office with respect to judicial nominees has been more divisive than those of any President. Citing the remarks of a White House official, The Lansing State Journal reported, for example, that the President is simply not interested in compromise on the existing vacancies in the State of Michigan. It is unfortunate that the White House is not willing to work toward consensus with all Senators.

Under our Constitution, the Senate has an important role in the selection of our judiciary. The brilliant design of our Founding Fathers established that the first two branches of Government would work together to equip the third branch to serve as an independent arbiter of justice. As columnist George Will has written, "A proper constitution distributes power among legislative, executive and judicial institutions so that the will of the majority can be measured, expressed in policy and, for the protection of minorities, somewhat limited." The structure of our Constitution and our own Senate rules of self-governance are designed to protect minority rights and to encourage consensus. Despite the razor-thin margin of recent elections, the Republican majority is not acting in a measured way but in disregard for the traditions of bipartisanship that are the hallmark of the Senate.

When there was a Democratic President in the White House, circuit court nominees were delayed and deferred, and vacancies on the Courts of Appeals more than doubled under Republican leadership from 16 in January 1995, to 33 when the Democratic majority took over part way through 2001.

Under Democratic leadership, we held hearings on 20 circuit court nominees in 17 months. Indeed, while Republicans averaged 7 confirmations to the circuit courts every 12 months for the last President, the Senate under Democratic leadership confirmed 17 in its 17 months with an historically uncooperative White House.

With a Republican in the White House, the Republican majority shifted from the restrained pace it had said was required for Clinton nominees, into overdrive for the most controversial of President Bush's nominees. In 2003 alone, 13 circuit court judges were confirmed. This year more hearings have been held for nominees in just 5 months than were held in all of 1996 or all of 2000. One hundred and ninety-eight of President Bush's nominees have been confirmed so far—more than in all 4 years of President Reagan's first term, when he had a Republican Senate to work with, more than in the Presidency of the first President Bush and more than in the last term of President Clinton.

Many of the 198 nominees who have been confirmed for this President have proceeded by consensus out of committee and on the Senate floor. I would have hoped that the scores of nominees agreed upon by home-State Senators of both parties, voted out of committee unanimously and confirmed without opposition in the full Senate would have been a lesson for the President. I would have hoped that the Michigan Senators' principled and reasoned opposition to the way the Sixth Circuit nominations have occurred would have been a starting point from which to reach a compromise. But, as with so many other nominees and so many other issues, compromise was not forthcoming from this White House. Instead, they have refused to acknowledge the wrong done to President Clinton's nominees to the very same court, and they have refused to budge. It is a shame.

The Judiciary Committee has now reported more than 200 of President Bush's judicial nominees. Most have been reported with the support of Democratic Senators. Some have been contentious and some have been so extreme that they have not garnered bipartisan support and have been problematic. We have demonstrated time and again that when we unite and work together we make progress. Republicans have too often chosen, instead, to seek to pack the courts and tilt them out of balance and to use unfounded allegations of prejudice to drive wedges among Americans for partisan political purposes.

We have more Federal judges currently serving than at any time in our Nation's history and we have succeeded in reducing judicial vacancies to the lowest level in decades. Even Alberto Gonzales, the White House Counsel, conceded that: "If you look at the total numbers, I think one could draw the conclusion that we've been fairly successful in having a lot of the president's nominees confirmed." The Republican leader in the Senate has termed our efforts "steady progress." The White House would be even more successful if they would work with us to resolve this situation in the Sixth Circuit.

Senate Democrats had demonstrated our good faith in confirming 100 of President Bush's judicial nominees in our 17 months in the Senate majority. We have now cooperated in the confirmation of more judicial nominees for President Bush than President Reagan achieved working hand in hand with a Republican Senate majority. We have already confirmed more judges this Congress than were confirmed before the presidential elections in 1996. We fulfilled our commitment in accord with the agreement reached with the White House to consider 25 additional judicial nominees already this year. We have demonstrated not only our willingness to cooperate but we have done so to achieve historic confirmation numbers and historically low numbers of judicial vacancies. I have come to recognize that no good deed we do in correcting the Republican abuses of the past goes unpunished.

Unfortunately, this President has also chosen to nominate for some important circuit court seats some candidates who on their merits are not deserving of lifetime appointments. It appears that Judge Saad is one of those nominees. Clearly the Senators from Michigan have grave concerns.

I also have concerns about the nominee, his legal judgment, and his ability to be fair. While Judge Saad was an attorney his practice primarily consisted of defending large corporations against employees' claims of race discrimination, age discrimination, sexual harassment and wrongful termination. A review of Judge Saad's cases on the Michigan Court of Appeals raises concerns because he frequently favored employers in complaints brought by workers, even in the face of extremely sympathetic facts.

For example, in Cocke v. Trecorp Enterprises, a young Burger King employee was aggressively and repeatedly sexually harassed and assaulted by her shift manager. More than once, she reported this treatment to her other shift managers who promised to take care of it. The trial court prevented her case from going to the jury but Judge Saad dissented from an appellate decision reversing the trial court. Judge Saad ignored the legal standard of review followed by the majority and would have protected the corporation from responsibility for the shift manager's notorious and unlawful behavior.

Also, in Coleman v. Michigan, a female corrections officer brought a sexual harassment suit against her employer, the State of Michigan. This officer was assaulted and nearly raped by an armed prisoner. According to the officer's complaint, after this terrible attack, her supervisor insinuated that she provoked the attack because of her attire. The supervisor made the officer come to his office on a regular basis to check the appropriateness of her clothing and he frequently called her to discuss personal matters, such as her relationship with her boyfriend. Despite these serious allegations, the trial court granted summary disposition in favor of the State of Michigan. Judge Saad joined in the Michigan Court of Appeals' per curiam opinion affirming the trial court's grant of summary disposition. The corrections officer appealed his decision to the Michigan Supreme Court, which reversed and held that her claims constituted sufficient evidence to go to trial.

In another case, Fuller v. McPherson Hospital, a jury who heard live testimony was persuaded to conclude that a woman had endured sexual harassment from her immediate supervisor and other superiors. The trial court vacated the jury findings because it found that the plaintiff had not complained of the harassment while working at the hospital. On appeal, the panel reinstated the jury's finding of sexual harassment but Judge Saad dissented. Unfortunately, his dissent in this case was only two sentences and failed to address his colleagues' legal conclusions.

I cannot speak in open session about all concerns but I can note a temperament problem, as evidenced by an e-mail he sent, a copy of which he mistakenly sent to Senator STABENOW as well. In Judge Saad's e-mail he displays not only shockingly bad manners, but appalling judgment and a possible threatening nature.

In the e-mail exchange, Judge Saad is writing to someone named Joe, forwarding him a copy of another e-mail sent by Senator STABENOW in response to a letter of support for Saad's nomination. In her response Senator STABENOW politely and reasonably explains the basis for her continuing objection to the nomination, explaining that she understands the writer's "concerns and frustrations," thanking them, and offering her help in the future. Apparently this type of courteous explanation was too much for Judge Saad. Here is what he wrote in response to the Senator's explanation:

> She sends this standard response to all those who inquire about this subject. We know, of course, that this is the game they play. Pretend to do the right thing while abusing the system and undermining the constitutional process. Perhaps some day she will pay the price for her misconduct.

I know that Senator STABENOW does not need me to defend her, and I doubt that sort of personal threat concerns her, but I think Judge Saad's message deserves some attention. It shows a shocking lack of good judgment, a pronounced political viewpoint, and a total absence of respect for the process undertaken by Senators of good faith and good will.

As soon as they saw this e-mail message, both Michigan Senators wrote to the President's Counsel, Alberto Gonzales, alerting him to the offensive comments. While I do not believe Judge Gonzales or the President ever responded, 2 weeks later Judge Saad did get around to sending a "non-apology." He wrote:

> I write regarding your and Senator Levin's recent letter to Alberto R. Gonzales, Counsel to the President (a copy of which you sent to me), relating to an e-mail message that I meant to send only to a close personal friend of mine. Unfortunately, this e-mail, which commented on my pending nomination, was inadvertently sent to your office. I regret that the e-mail was sent to you and certainly apologize for any personal concern this may have caused you. I have a great deal of respect for our political institutions and meant no lack of respect to you.

He cannot bring himself to say he is sorry for his words, to apologize for accusing a Senator of abusing the system she so respects, or even for expressing the hope that she would "pay for her conduct." Instead he is sorry that he was caught, and if what he said may have caused Senator STABENOW "personal concern."

Apart from all of the procedural problems with this nomination, I have serious concerns about giving lifetime tenure to someone with this stunning lack of judgment.

I also have concerns about parts of the record of Richard Griffin. As a judge on the Michigan Court of Appeals since 1989, Judge Griffin has handled and written hundreds of opinions involving a range of civil and criminal law issues. Yet, a review of Judge Griffin's cases on the Michigan Court of Appeals raises concerns. He has not been shy about interjecting his own personal views into some of his opinions, indicating that he may use the opportunity, if confirmed, to further his own agenda when confronted with cases of first impression.

For example, in one troubling case involving the Americans with Disabilities Act (ADA), Doe v. Mich. Dep't of Corrections, Judge Griffin allowed the State disability claim of disabled prisoners to proceed, but wrote that, if precedent had allowed, he would have dismissed those claims. Griffin authored the opinion in this class action brought by current and former prisoners who alleged that the Michigan Department of Corrections denied them certain benefits on the basis of their HIV-positive status. Although Judge Griffin held that the plaintiffs had stated a claim for relief, his opinion makes clear that he only ruled this way because he was bound to follow the precedent established in a recent case decided by his court. Moreover, he went on to urge Congress to invalidate a unanimous Supreme Court decision, written by Justice Scalia, holding that the ADA applies to State prisoners and prisons. He wrote, "While we follow Yeskey, we urge Congress to amend the ADA to exclude prisoners from the class of persons entitled to protection under the act."

In other cases, he has also articulated personal preferences that favor a narrow reading of the law, which would limit individual rights and protections. For example, in Wohlert Special Products v. Mich. Employment Security Comm'n, he reversed the decision of the Michigan Employment Security Commission and held that striking employees were not entitled to unemployment benefits. The Michigan Supreme Court vacated part of Judge Griffin's decision, noting that he had inappropriately made his own findings of fact when ruling that the employees were not entitled to benefits. This case raises concerns about Judge Griffin's willingness to distort precedent to reach the results he favors.

In several other cases, Judge Griffin has gone out of his way to interject his conservative personal views into his opinions. The appeals courts are the courts of last resort in over 99 percent of all Federal cases and often decide cases of first impression. If confirmed, Judge Griffin will have much greater latitude to be a conservative judicial activist.

It is ironic that Judge Griffin's father who, as Senator in 1968, launched the filibuster of the nomination of Supreme Court Justice Abe Fortas to serve as Chief Justice. Former Senator Griffin led a core group of Republican Senators in derailing President Johnson's nomination by filibustering his nomination on the floor of the United States Senate. Eventually, Justice Fortas withdrew his nomination. I know that the Republicans here will call any attempt to block Judge Griffin's nomination "unconstitutional" and "unprecedented," but his father actually helped set the precedent for blocking nominees on the Senate floor.

Finally, I turn to David McKeague, his record, and questions. In particular, I am concerned about Judge McKeague's decisions in a series of cases on environmental issues. In *Northwoods Wilderness Recovery* v. *United States Forest Serv.*, 323 F.3d 405 (6th Cir. 2003), Judge McKeague would have allowed the U.S. Forest Service to commence a harvesting project that allowed selective logging and clear-cutting in areas of Michigan's Upper Peninsula. The appellate court reversed him and found that the Forest Service had not adhered to a "statutorily mandated environmental analysis" prior to approval of the project, which was dubbed "Rolling Thunder."

Sitting by designation on the Sixth Circuit, Judge McKeague joined in an opinion that permitted the Tennessee Valley Authority (TVA) broadly to interpret a clause of the National Environmental Policy Act in a way that would allow the TVA to conduct large-scale timber harvesting operations without performing site-specific environmental assessments. *Help Alert Western Ky., Inc.* v. *Tenn. Valley Authority*, 1999 U.S. App. LEXIS 23759 (6th Cir. 1999). The majority decision in this case permitted the TVA to determine that logging operations that covered 2,147 acres of land were "minor," and thus fell under a categorical exclusion to the environmental impact statement requirement. The dissent in this case noted that the exclusion in the past had applied only to truly "minor" activities, such as the purchase or lease of transmission lines, construction of visitor reception centers and on-site research.

Judge McKeague also dismissed a suit brought by the Michigan Natural Resources Commission against the Manufacturer's National Bank of Detroit, finding that the bank was not liable for the costs of environmental cleanup at sites owned by a "troubled borrower." See *Kelley ex rel. Mich. Natural Resources Comm'n* v. *Tiscornia*, 810 F. Supp. 901 (W.D. Mich. 1993). The bank took over the property from Auto Specialties Manufacturing Company when it defaulted on its loans. The Natural Resources Commission argued that the bank should be responsible for taking over the cost of cleanup because it held the property when the toxic spill occurred, but Judge McKeague disagreed.

In *Miron* v. *Menominee County*, 795 F. Supp. 840 (W.D. Mich. 1992), Judge McKeague rejected the efforts of a citizen who lived close to a landfill to require the Federal Aviation Administration to enjoin landfill cleanup efforts until an environmental impact statement regarding the efforts could be prepared. The citizen contended that if the statement were prepared, the inadequacies of a State-sponsored cleanup would be revealed and appropriate corrective measures would be undertaken to minimize further environmental contamination and wetlands destruction. Holding that the alleged environmental injuries were "remote and speculative," Judge McKeague denied the requested injunctive relief.

In *Pape* v. *U.S. Army Corps of Engineers*, 1998 U.S. Dist. LEXIS 9253 (W.D. Mich.), Judge McKeague seems to have ignored relevant facts in order to prevent citizen enforcement of environmental protections. Dale Pape, a private citizen and wildlife photographer, sued the U.S. Corps of Army Engineers under the Federal Resource Conservation and Recovery Act of 1976 (RCRA), alleging that the Corps mishandled hazardous waste in violation of RCRA, destroying wildlife in a park near the site. Despite the Supreme Court's holding in Lujan v. Defenders of Wildlife that "the desire to use or observe an animal species, even for purely esthetic purposes, is undeniably a cognizable interest for purpose of standing," and even though RCRA specifically conferred the right for citizen suits against the government for failure to implement orders or to protect the environment or health and safety, Judge McKeague dismissed the case, holding that plaintiff lacked standing to sue.

Judge McKeague found plaintiff's complaint insufficient on several grounds, in particular plaintiff's inability to establish which site specifically he would visit in the future. Plaintiff had stated in his complaint that he "has visited the 'area around' the RACO site 'at least five times per year' and that he has made plans to vacation in 'Soliders Park' located 'near' the RACO site in early October 1998, where he plans to spend his time 'fishing, canoeing, and photographing the area.'" Comparing Pape's testimony with that of the Lujan plaintiff, who had failed to win standing after he presented general facts about prior visits and an intent to visit in the future, Judge McKeague rejected Pape's complaint as too speculative, based on the Court's holding in Lujan that:

> [Plaintiffs'] profession of an "intent" to return to the places [plaintiffs] had visited before—where they will, presumably, this time, be deprived of the opportunity to observe animals of the endangered species—is simply not enough to establish standing. . . . Such "some day" intentions—without any description of concrete plans, or indeed, even any specification of when the some day will be—do not support a finding of the "actual or imminent" injury that our cases require.

In concluding that "the allegations contained in plaintiff's first amended complaint fail to establish an actual injury because they do not include an allegation that plaintiff has specific plans to use the allegedly affected area in the future," Judge McKeague seemed to ignore completely the detailed fact description that Pape submitted in his amendment complaint. The judge further asserted that there was no causal connection between the injury and the activity complained of, and that, in any case, the alleged injury was not redressable by the suit.

On another important topic, that of the scheme of enforcing the civil and constitutional rights of institutionalized persons, I am concerned about one of Judge McKeague's decisions. In 1994, (*United States* v. *Michigan*, 868 F. Supp. 890 (W.D. Mi. 1994)), he refused to allow the Department of Justice access to Michigan prisons in the course of its investigation into some now notorious claims of sexual abuse of women prisoners by guards undermines the long-established system under the Constitutional Rights of Institutionalized Persons Act. That law's investigative and enforcement regime is unworkable if the Department of Justice is denied access to State prisons to determine if enough evidence exists to file suit, and Judge McKeague's tortured reasoning made it impossible for the investigation to continue in his district.

I know that concern for the rights of prisoners who have often committed horrendous criminal acts is not politically popular, but Congress enacted the law and expected its statute and its clear intent to be followed. It seems to me that Judge McKeague disregarded legislative history and the clear intent of the law, and that sort of judging is of concern to me.

I also note my disappointment in his answer to a question I sent him about a presentation he made in the fall of 2000, when he made what I judged to be inappropriate and insensitive comments about the health and well-being of sitting Supreme Court Justices. In a speech to a law school audience about the impact of the 2000 elections on the courts, Judge McKeague discussed the possibility of vacancies on the Court over the following year. In doing so he felt it necessary to not only refer to—but to make a chart of—the Justices' particular health problems, and ghoulishly focus on their life expectancy by highlighting their ages. He says he does not believe he was disrespectful, and used only public information. There were other, better ways he could have made the same point, and it is too bad he still cannot see that.

The people of the Sixth Circuit deserve better than this. And the American people, the independent Federal judiciary, the U.S. Senate, all deserve better than the double standard that is now squarely on display for all to see.

Mr. SCHUMER. Madam President, I yield the time remaining to me to the Senator from Michigan.

The PRESIDING OFFICER. All time has expired on the Democratic side.

Mr. LEVIN. Parliamentary inquiry: I thought there was 15 minutes on each side.

The PRESIDING OFFICER. There is 7 minutes on each side.

Mr. SCHUMER. Madam President, I ask unanimous consent, since nobody is here and we are voting at 11, that Senator STABENOW be given 4 minutes to discuss this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I thank the Chair. Madam President, I thank my colleague and friend from New York.

I rise to support the distinguished senior Senator from Michigan, my friend and colleague, who has spoken very eloquently about what we are about to vote on.

Today we will be asked to vote to close debate and proceed to a final vote on three judges who have been nominated by the President to the Sixth Circuit in Michigan. We are asking that colleagues vote no and give us an opportunity to work out this situation in a bipartisan way. We have been very close. I appreciate Chairman HATCH's efforts to work with us, Senator LEAHY, and others who have worked with us and proposed bipartisan solutions. I still believe we can develop a solution if we do not proceed with this vote today. If we do not vote for cloture, I believe we can continue to work together in a bipartisan way to resolve this issue.

It is always difficult when the President nominates people for the bench. Oftentimes people will say: Why not give the President his nominees? We know this is different from the Cabinet. I have voted to give the President his team, his Cabinet, because they are with him for his 4-year term, and they are part of his team. Except for those few exceptions I believed were too extreme, I supported individuals I personally would not select to be in a Cabinet, but it is his team.

In the case of the judiciary, this is the third branch of Government. As we learn from reading simple high school government books, in the beginning of the debate of our Founders, those at the Constitutional Convention gave the full authority to the Senate. Then there was further discussion and they said possibly the President should appoint the third branch of Government. In the end, they said this is so important that this judiciary, this third branch of Government, be independent of the other two branches that we are going to split the authority in half. We are going to give half to the President of the United States to make nominations, and the other half to the Senate to consult and to confirm.

Our concern is that in the case of Michigan, working together has not been happening. It is not about two Senators; it is about the people we represent. We represent 9 million people in the State of Michigan whose voices are heard through our input to the President.

My distinguished colleague from New York spoke about the fact that he and his colleague from New York, opposite parties of the President, have worked with him and have had agreement on judges they believe were mainstream, who were appropriate for the bench, and they have been able to work together to do that.

Why in New York and not Michigan? Why in California and not Michigan? Why in Washington but not Michigan? Why in Wisconsin but not Michigan?

The issue for us today on behalf of the people of our State is we are asking for the same consideration, the same ability to have input about people who will serve us long past this President, people who will serve us long past the next President, people who have lifetime appointments and make decisions that affect our lives in every facet of the laws that affect us, from the workplace to the home to the environment to civil rights. These judges make decisions that affect each of us, and it is our responsibility to be involved and make sure we are working with the White House, whoever that is, to have the very best choices that are balanced and mainstream and will continue on long beyond most of us who are serving in the Senate.

This is important, and it is with great disappointment that I rise today to ask for a "no" vote on cloture because we have been attempting to work this out now for almost 3 years. Unfortunately, this move to get this vote at this time does not help us get to a fair bipartisan conclusion. It is an effort that will only get in the way of that happening.

I ask colleagues to join with us in saying no to the motion to close debate and invoking cloture, and I ask colleagues to give us an opportunity, that same opportunity that anyone on this floor would ask, the same opportunity that others have been given, to work together with this White House to develop recommendations on the Sixth Circuit and nominees we all believe are in the best interest of the people of Michigan and in the best interest of the people of the country.

I yield back my time, Madam President, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, as chairman of the Judiciary Committee, I will take a couple of minutes before the vote to express my views with regard to Judge Saad. There is no question in my mind that Judge Saad is competent, decent, and honorable—a person of great temperament, great legal ability and great capacity. That is what all of the people who know him best say. He also has a "very good" recommendation from the American Bar Association. So he has fit the bill there.

The real problem has been in the prior administration, we were unable to get two judges through, Judge Helene White and Kathleen McCree Lewis, both of whom are nice people. I tried to do my best to get them through, but we could not because there was zero consultation at the time, and by the time we got to the end, it got into another set of problems and, frankly, they did not get confirmed.

The two Senators from Michigan have been very upset about that, and if I were to put myself in their shoes I would feel the same way, perhaps.

The fact of the matter is these are three excellent people who could do a very good job on the bench, and Judge Saad certainly in this particular case is very capable of doing the job. So are Judge Richard Griffin and Judge David W. McKeague. I will continue to work to try and resolve the problems that exist with the Michigan Senators, but these people deserve up-or-down votes and should have up-or-down votes.

Some have said if two Senators are against a nomination in their State, that should be the end of it. That is not true, and it never has been with regard to a circuit court of appeals nominees. Every administration has guarded its right to nominate and put forth circuit court of appeals nominations, and in most cases at least one or two of the Senators have been cooperative in helping.

In this particular case, both Senators feel aggrieved because of the prior two judges and in the process have had some difficulty with Judge Saad. I assure the Senate that Judge Saad is an excellent person. He deserves this position. There is no question about Griffin and McKeague. They are two excellent judges and have great reputations in the State of Michigan. They deserve to be voted up or down today. I hope the people will vote for cloture. It is the right thing to do.

We should not be filibustering Federal judges. It has never been done before, and I recommend to all of our colleagues to vote for cloture in all three cases.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 705, Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Vice James L. Ryan, retired.

Bill Frist, Orrin Hatch, Lamar Alexander, Charles Grassley, Mike Crapo, Pete Domenici, Lincoln Chafee, Mitch McConnell, Ted Stevens, George Allen, Lindsey Graham, John Warner, Jeff Sessions, John Ensign, Trent Lott, Jim Talent, Pat Roberts.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 705, the nomination of Henry W. Saad, of Michigan, to be United States Circuit Court Judge for the Sixth Circuit, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 160 Ex.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Edwards
Kerry

The PRESIDING OFFICER. On this vote, the yeas are 52 and the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF RICHARD A. GRIFFIN TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 789, Richard A. Griffin of Michigan, to be U.S. circuit judge for the Sixth Circuit.

Bill Frist, Orrin Hatch, Lamar Alexander, Charles Grassley, Mike Crapo, Pete Domenici, Lincoln Chafee, Mitch McConnell, Ted Stevens, George Allen, Lindsey Graham, John Warner, Jeff Sessions, John Ensign, Trent Lott, Jim Talent, Pat Roberts.

Mr. HATCH. Mr. President, I am pleased that we are considering the nominations of Judge Richard Griffin and Judge David W. McKeague, who have been nominated by President Bush to serve on the United States Court of Appeals for the Sixth Circuit. These individuals each have a sterling resume and a record of distinguished public service. So I rise today to express my enthusiastic support for the confirmation of Judge Richard Griffin and Judge David W. McKeague to the Sixth Circuit Court of Appeals.

It is unfortunate that we have to continue coming to the floor to vote on cloture motions, to end debate on these nominations, rather than the Senate being able to vote up or down on the merits of the nomination. This unprecedented abuse of the process, by filibuster, to prevent a majority of the Senate from exercising its will is truly disturbing. What is going on is a hijacking of the constitutional process of advice and consent.

This abuse of the process isn't just being used on these two nominees. Unfortunately, we have now reached double-digit filibusters. There are ten judicial nominees who have been subjected to a filibuster. They are Miguel Estrada, D.C. Circuit; Priscilla Owen, 5th Circuit; William Pryor, 11th Circuit; Charles Pickering, 5th Circuit; Carolyn Kuhl, 9th Circuit; Janice Rogers Brown, D.C. Circuit; Williams Myers, 9th Circuit; Henry Saad, 6th Circuit; David McKeague, 6th Circuit; and Richard Griffin, 6th Circuit. In addition to these ten individuals, there are five additional Circuit Court nominations that are threatened to be filibustered—Claude Allen, 9th Circuit; Terrence Boyle, 4th Circuit; Susan Neilson, 6th Circuit; Brett Kavanaugh, D.C. Circuit; and William Haynes, 4th Circuit.

These individuals being filibustered represent a cross section of America and include men and women as well as members of various minority groups. And they are decent individuals with outstanding records in the law, in public service and in their States and communities.

It appears that these nominations are being tied up as some sort of payback for the way President Clinton's nominees were treated. However, a review of the record will demonstrate that this contention is without merit. What is happening is the creation of a stalemate for political purposes.

The current controversy surrounding the nomination of Henry Saad to be United States Circuit Judge for the Sixth Circuit dates back a decade. At the end of President George H.W. Bush's administration two Michigan nominees to the federal courts were denied hearings by the Democratic Senate and failed to attain confirmation. Those nominees were John Smientanka and Henry Saad, whose nomination we are considering again today.

As President Clinton named his nominees to fill judicial vacancies, there was no expectation, let alone demand, that the two previous nominees be renominated by a new administration. Accordingly, President Clinton did nominate Michigan nominees to both the Sixth Circuit and the district courts. In fact, nine of those nominees were confirmed. A majority were confirmed during Republican control of the Senate.

Two nominees, Helene White and Kathleen McCree Lewis, failed to attain confirmation. The primary circumstance for their failed nomination was the lack of consultation with one of the home State senators. In his letter to then White House Counsel Beth Nolan, Senator Abraham wrote to express his astonishment and dismay that President Clinton forwarded the nomination for a Sixth Circuit seat without any advance notice or consultation.

What was particularly troubling was that Senator Abraham had worked with the previous White House Counsel, Mr. Ruff, to improve the consultation process. In fact, despite previous difficulties, Senator Abraham had fully cooperated with the administration in advancing the nominations of a number of Michigan nominees. Unfortunately, the situation again deteriorated and the White House reverted to its previous pattern of lack of consultation. In fact, Senator Abraham was not consulted and in fact was told by the White House Counsel that despite earlier representations, the administration felt under no real obligation to do anything of the kind.

Because of the White House's lack of consultation, the nominations of the two individuals did not move forward. This was consistent with my well stated policy, communicated to Mr. Ruff, that if good faith consultation has not taken place, the Judiciary Committee will treat the return of a negative blue slip by a home state Senator as dispositive and the nominee will not be considered.

At the end of the Clinton presidency, the nominations of Ms. White and Ms. Lewis were returned to the President unconfirmed. Their renomination was urged by Senators LEVIN and STABENOW at the beginning of President Bush's administration. During the spring and summer of 2001, there was considerable consultation by the President with the Michigan Senators regarding nominations to judicial vacancies, and the Sixth Circuit in particular.

While the White House protected its constitutional prerogative to nominate individuals to the judiciary, there was an offer to consider nominating both of the two individuals to Federal judgeships in Michigan in an effort to advance the process. These overtures were not only rebuffed, but in fact holds were requested to be placed on all Sixth Circuit nominations.

This was an unfortunate escalation of the dispute, and was particularly unfair to other States in the Sixth Circuit. In addition, this left the circuit at half-strength. Fortunately, we have been able to confirm non-Michigan judges to the circuit court.

I regret that the cycle of acrimony and partisanship has escalated over the past decade. I believe the Bush administration made a good faith offer and regrets that the compromise was not accepted. However, even as the Judiciary Committee gives appropriate consideration to the views of home State senators, it is not in the public interest to permit this partisan obstructionism to continue.

So let me summarize regarding the treatment of Michigan judicial nominees. During the current Bush presidency the Senate has confirmed no Michigan judges. Six nominations are pending. During the Clinton presidency the Senate confirmed nine Michigan judges. Although two Michigan nominees were left unconfirmed at the end of the Clinton presidency, two nominees were also left without hearings at the end of President Bush's term in 1993. During the first Bush presidency the Senate confirmed six Michigan judges. Two nominations were returned to the President.

So for those who like to keep score, the Michigan judge tally is as follows: Current President Bush: 0–6; President Clinton: 9–2; former President Bush: 6–2. The record is clear that previous Presidents were treated fairly by the Senate. It is time to give President Bush the same courtesy and move forward with his Michigan Judges to the Sixth Circuit and the District Courts. We can begin by approving the cloture motions we will vote on today for Henry Saad, Richard Griffin, and David McKeague.

Yesterday I spoke about the qualifications of Henry Saad. I would like to say a few words about the qualifications of the other two nominees whom we are voting on today.

Judge Griffin has exceptional qualifications for the Federal appellate bench. After graduating from the University of Michigan Law School in 1977, Judge Griffin spent 11 years in the private practice of law first as an associate at Williams, Coulter, Cunningham, Davison & Read from 1977–1981, then as a partner from 1981–1985. In 1985, Judge Griffin founded the firm Read & Griffin, in Traverse City, MI.

During his private practice Judge Griffin specialized in automobile negligence, premises liability, products liability, and employment law. Additionally, he provided pro bono legal services as a volunteer counselor and attorney with the Third Level Crisis Center. In 1988, Judge Griffin was elected to the Michigan Court of Appeals. He was elected to retain his seat in 1996 and again in 2002.

Judge Griffin was first nominated to this position by President George W. Bush on June 26, 2002. He was renominated to this seat on January 7, 2003. He is universally respected as one of the best judges in Michigan. He is not a controversial nominee. Yet he has been waiting for a vote for over 750 days because my colleagues on the other side of the aisle are, once again, playing politics with the Federal judiciary.

Judge Griffin has an exemplary record that includes service as both a committed advocate and an impartial jurist. The American Bar Association has rated him well qualified for this position. Although the ABA rating used to be the gold standard as far as my Democratic colleagues were concerned, I am only half joking when I say that an ABA rating of well qualified seems to have become the kiss of death for President Bush's judicial nominees. Miguel Estrada, Carolyn Kuhl, David McKeague, William Haynes, Charles Pickering and Priscilla Owen, all received Well Qualified ratings from the ABA, and all are, or were, being filibustered by Democrats. Judge Griffin deserves to fare better, and I certainly hope we can give his nomination an up-or-down vote on the Senate floor.

Simply put, Judge Griffin—along with the other qualified nominees to the Sixth Circuit—deserves a vote. I urge my colleagues to do what is right and join me in supporting his confirmation to the Sixth Circuit Court of Appeals.

Judge David McKeague has also been nominated to serve on the Sixth Circuit Court of Appeals. Judge McKeague was first nominated to fill a Federal judgeship in 1992, when the first President Bush nominated him for a seat on the United States District Court for the Western District of Michigan. The

Judiciary Committee voted him to the floor with several other district court nominees en bloc, without any objection, and the full Senate confirmed him to the Federal bench by unanimous consent. Since 1992, he has served with distinction in the Western District of Michigan, and since 1994 has regularly been designated to sit on panels and draft appellate opinions for the Sixth Circuit Court of Appeals.

On November 8, 2001, President Bush nominated Judge McKeague for a seat on the Sixth Circuit, the position for which we are considering him today. When no action was taken on his nomination during the 107th Congress, President Bush renominated him to the Sixth Circuit on January 7, 2003. As with the other nominees, it is time for the Senate to vote up or down on this nomination.

In Judge McKeague, we have a jurist with impressive credentials who will honor his hometown of Lansing and serve with great distinction as a Sixth Circuit judge, as he already has for more than a decade as a Federal district judge in western Michigan.

Judge McKeague graduated from the University of Michigan in 1968 and then attended the University of Michigan Law School. Upon his graduation from law school in 1971, he joined the law firm of Foster, Swift, Collins & Smith, P.C., in Lansing, MI, and in 1976 was elected a shareholder and director of the firm. Judge McKeague served on the firm's executive committee in various offices, and was chairman of the firm's government and commerce department, from 1979 until his confirmation to the Federal bench in February 1992, where he serves as a judge on the U.S. District Court for the Western District of Michigan.

Since 1994, Judge McKeague regularly has participated by designation on, and authored appellate opinions for, panels of the U.S. Court of Appeals for the Sixth Circuit. So he already has considerable experience in handling Federal appellate cases—in fact, I understand that none of the decisions he has authored for the Sixth Circuit have been reversed—and I am certain that experience will serve him well once he is handling cases full time on the Sixth Circuit.

Judge McKeague has been active as a member of several community, local, and professional organizations, including the Judicial Conference of the United States, the Federal Judicial Center, the Michigan State and Ingham County bar associations, the board of directors of a community museum that provides science education for children, Junior Achievement, which provides business education to high school students, and Camp Highfields, a private facility that provides housing and counseling for troubled youth. He has also been active as a member of the Wharton Center for the Performing Arts Advisory Council, the American Inns of Court, the Catholic Lawyers Guild, and the Federalist Society for Law and Public Policy Studies. While in private practice and since his service on the Federal bench began, he has directed and participated in numerous seminars, moot court competitions, and trial advocacy programs at high schools, universities and law schools throughout Michigan. In addition, prior to his confirmation to the Federal bench, he served 6 years in the United States Army Reserve. Since 1998, he has also served as an adjunct professor of law at Michigan State University's Detroit College of Law, where he teaches Federal jurisdiction.

Judge McKeague is a distinguished and well-respected Federal judge who, in the words of one of his current colleagues on the Federal district court, "let the law and the facts take him where they take him." He will make an outstanding addition to the Sixth Circuit, and I urge my colleagues to vote for his confirmation.

Let me make something absolutely clear: We need to vote on these nominations because it is critical that these Sixth Circuit vacancies are filled as expeditiously as possible.

The Sixth Circuit has a vacancy rate of 25 percent, and the four vacancies are all deemed judicial emergencies by the Administrative Office of the U.S. Courts. Among the twelve United States Courts of Appeal, the Sixth Circuit is last in the timeliness of its disposition of cases. For the 12-month period ending September 30, 2003, the median time interval from filing of Notice of Appeal to final disposition was 16.8 months. This was nearly 10 months longer than the Fourth Circuit Court of Appeals which was the fastest court that year at 7 months. By comparison, the average disposition time for appeals in all Circuits was about 10½ months.

Mike Cox, the Attorney General for the State of Michigan, wrote to the committee last year:

> My office alone has over 430 cases currently pending before the Sixth Circuit Court of Appeals. Those cases range the gamut of the law, from habeas matters involving horrendous murders to cases involving matters of broad public policy. . . . [O]n behalf of the citizens of my state, I urge you to quickly approve Judge Saad's nomination, and begin easing the vacancy crisis that has lingered far too long at the Sixth Circuit.

District judges and U.S. attorneys within the Sixth Circuit have publicly stated that the vacancy rate in the Sixth Circuit has slowed the administration of justice. Accordingly, nine members of Michigan's Congressional delegation have written to the Judiciary Committee, expressing their deep concern over the persistence of the Michigan vacancies and urging us to confirm President Bush's Michigan nominees. Under such circumstances, with the understanding that we will continue to work to resolve the Michigan Senators' concerns, we simply must move forward on these nominations and confirm Judge Saad, Judge Griffin, and Judge McKeague to the Sixth Circuit.

I yield the floor.

The PRESIDING OFFICER. By unanimous consent, the call for a quorum has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard A. Griffin, of Michigan to be United States Circuit Judge for the Sixth Circuit shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 161 Ex.]

YEAS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Edwards
Kerry

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF DAVID W. McKEAGUE TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 790, David W. McKeague, of Michigan, to be U.S. circuit judge for the Sixth Circuit.

Bill Frist, Orrin Hatch, Lamar Alexander, Charles Grassley, Mike Crapo, Pete Domenici, Lincoln Chafee, Mitch McConnell, Ted Stevens, George Allen, Lindsey Graham, John Warner, Jeff Sessions, John Ensign, Trent Lott, Jim Talent, Pat Roberts.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 162 Ex.]

YEAS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Edwards
Gregg
Kerry

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENOCIDE IN SUDAN

Mr. FEINGOLD. Mr. President, I rise to join my colleagues in expressing my continued grave concern about the situation in Darfur, Sudan. For months now, Members of Congress have come to the floor to express their outrage at the situation in Darfur. All credible evidence indicates that what is unfolding in Darfur is genocide. Already, an estimated 30,000 civilians have been killed. More than 130,000 refugees have fled to Chad, and more than 1 million people have been displaced.

Numerous credible reports document the widespread use of rape as a weapon against female civilians. Entire communities have been razed, mosques destroyed, and wells poisoned, guaranteeing that a grave humanitarian crisis will continue to unfold for many months or even years. And now reports indicate that terrified survivors are being forced to return to their homes, which have been utterly destroyed, in a context of serious insecurity by Government officials who apparently view their own suffering citizens as something like a source of embarrassment.

Those of us who have followed developments in Sudan for many years see a horrifying familiarity in this crisis. The Government of Sudan has deliberately provoked a humanitarian catastrophe before in an attempt to repress dissent, and so for months now Members have come to the floor to speak out about this crisis.

I have written and spoken to administration officials, to U.N. officials, and to European officials to call for action and a firm unified message to Khartoum. I have raised the issue, as have many colleagues, in numerous Senate Foreign Relations Committee hearings. This April, my colleague, Senator BROWNBACK, and I introduced S. Con. Res. 99 condemning the actions of the Sudanese Government. I have joined many of my colleagues in supporting Senator DEWINE's effort to direct urgently needed funds to Darfur for humanitarian relief, and I am a cosponsor of S. Con. Res. 124 acknowledging the genocide that is unfolding in Darfur, and I commend the leadership of Senators CORZINE and BROWNBACK, the sponsors of this legislation.

This is a tremendously difficult and complex situation. I commend the Secretary of State for traveling to Darfur to raise the profile on this issue. I commend the efforts of the USAID to respond to the urgent humanitarian needs in CHAD and IDPs in Darfur.

The administration can and must do more. First, the President needs to put in charge a senior official who can speak authoritatively to Khartoum and to key regional players, someone who is focused on Sudan exclusively each and every day. It is almost inexplicable that this has not been done to date.

Since our former colleague, Senator Jack Danforth, left his post as the President's special envoy for Sudan to serve as U.S. Ambassador to the United Nations, it appears that no one has been in charge of this issue on a day-to-day basis while this genocide unfolds. What kind of signal does this send about our seriousness? We need someone senior, with knowledge of the African and Arab worlds, put in place today to coordinate U.S. policy and deliver authoritative U.S. messages on a daily basis, to seize on fleeting opportunities, eliminate any confusion, match available resources with urgent needs, and constantly hold the Sudan Government's feet to the fire.

We also need serious thinking today about how to improve the security situation in Darfur. To date, the Government of Sudan has utterly failed to honor its commitments to disarm the janjaweed and to stop their brutal campaign.

Our strategy cannot simply consist of waiting for them to act. This is the same regime that orchestrated this misery in the first place. We cannot leave them in the driver's seat. So even as we push diplomatically for meaningful action from Khartoum, even as we do the hard work of building a strong, unified multilateral coalition to send a clear message about the serious consequences that will result from continued intransigence, we must develop plans to help people in spite of the Government of Sudan's policies. That means finding a way to provide security for Darfur's vulnerable populations and for the humanitarian organizations working to assist them.

We need to be working now to collect testimony and evidence so that those responsible for atrocities in Darfur can be held accountable for their crimes. This must not be an afterthought. It is a central part of our obligation. And in addition to appropriately and sensitively collecting testimony, we should be making plans today to develop strategies to reach the survivors of rape in Darfur with medical assistance, counseling, and community-based support strategies to help address issues of stigma.

Ultimately, we need to think about underlying issues of political disenfranchisement that stoked the initial conflict in Darfur. The North-South peace process made real progress, and I applaud the efforts of the many African, European, and American diplomats who worked so hard to help the parties come to agreement. But the process only created real political space for two entities, the Government of Sudan and the Sudanese People's Liberation Movement of the South. Neither the South nor the North are monolithic. We need to think today about political accommodations that can give the disenfranchised a voice in determining their own destiny.

I share the outrage of my colleagues. But I know that the people of Darfur—the malnourished children, the victims of rape, the broken families struggling to survive—this people need more than our outrage. They need our action.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, when major and hard-fought legislation nears enactment, the rhetoric on this floor can get a little overheated. Supporters of the measure sometimes overstate the importance of the legislation or exaggerate its benefits. Opponents make doomsday predictions of what will happen if the bill becomes law. Only the passage of time can answer those arguments, but by the time that answers are available, the Senate has often has moved on to other battles.

Today, I want to take a few minutes on the floor to call the attention of my colleagues and the American people to some promising indications that the doomsday predictions of opponents of the McCain-Feingold bill have not come to pass. As we told the Senate at the time, McCain-Feingold will not solve every problem in our campaign finance system, and it hasn't. Lately, there has been significant controversy over so-called "527 organizations," which the FEC has permitted to operate in violation, I believe, of the Federal Election Campaign Act of 1974.

Nonetheless, McCain-Feingold is working as it was intended to work. It closed the political party soft money loophole, and it has restored some sanity to a system that had truly spun out of control over the last several elections. While it is still too early to reach a final conclusion, it appears that the cynics and the doubters were wrong. And that is good news for the American people.

When the Senate considered the McCain-Feingold bill in March 2001, we had just finished a hotly contested Presidential election in 2000. Nearly $500 million of soft money was raised in that election by the two political parties, almost double what was raised in the 1996 election. Nearly two-thirds of that total was given by just 800 donors, who contributed over $120,000 each to the parties. The biggest donors contributed far more than that. The most generous soft money donor, AFSCME, gave almost $6 million, all to the Democratic party. SEIU gave a total of $4.3 million, mostly to the Democrats. AT&T gave a total of $3.7 million to the parties, the Carpenters and Joiners Union $2.9 million, Freddie Mac and Philip Morris, $2.4 million. Then we had the "double givers"—companies that gave money to both parties. In 2000, there were 146 donors that gave over $100,000 in soft money to both of the political parties.

The appearance of corruption created by this avalanche of soft money was overwhelming. The public knew it; and we all knew it in our hearts. And the Supreme Court knew it when it upheld the McCain-Feingold bill against constitutional challenge in the case of McConnell v. FEC. The Court stated the following:

> As the record demonstrates, it is the manner in which parties have sold access to federal candidates and officeholders that has given rise to the appearance of undue influence. Implicit (and, as the record shows, sometimes explicit) in the sale of access is the suggestion that money buys influence. It is no surprise then that purchasers of such access unabashedly admit that they are seeking to purchase just such influence. It was not unwarranted for Congress to conclude that the selling of access gives rise to the appearance of corruption.

In this election cycle, I am happy to report, political party soft money is no more. Not reduced, not held in check, not capped—it is just gone. I consider this one of the most significant developments in American politics in the last 50 years. In 2002, a colleague told me on this floor that he had just finished making an hour of calls asking for large soft money contributions. He said he felt like taking a shower. Now, many of my colleagues, including some who did not support our bill, tell me how happy they are to not have to make those calls any more. That's a huge change in how we spend our time, and how we relate to people who have a big stake in what we do on this floor.

But what about the political parties? When we were debating McCain-Feingold, we had a real difference of opinion on how the bill would affect the parties. On one side were Senators who argued passionately that the bill would kill the political parties.

One Senator said the following during our debate:

> This legislation seeks, quite literally, to eliminate any prominence for the role of political parties in American elections.
>
> This legislation favors special interests over parties and favors some special interests over other special interests. Equally remarkable is the patchwork manner in which this legislation achieves its virtual elimination of political parties from the electoral process.

The same Senator claimed:

> But under this bill, I promise you, if McCain-Feingold becomes law, there won't be one penny less spent on politics—not a penny less. In fact, a good deal more will be spent on politics. It just won't be spent by the parties. Even with the increase in hard money, which I think is a good idea and I voted for, there is no way that will ever make up for the soft dollars lost.

There isn't any way, he said, that they will ever make up for the soft dollars lost.

Twenty months after the McCain-Feingold bill went into effect as the law of the land, our two great political parties are alive and well. Apparently they do have something to offer to the American people other than fundraisers for lobbyists. A new study by Anthony Corrado and Tom Mann of the Brookings Institution reports that through the first 18 months of the 2004 election cycle, the national party committees raised $615 million in hard money alone, which was more than the $540 million that they had raised in hard and soft money combined at a comparable point in the 2000 election cycle. Let me say that again. As of June 30, the parties had raised more in hard money in this election cycle than they had raised in hard and soft money combined at a similar point in the 2000 cycle.

Remember the Senator who said there was "no way" that the parties could make up for the soft money they would lose under the McCain-Feingold bill. Well it turns out that Senator was wrong.

The parties are not just surviving, they are thriving. And they are doing this not just by taking advantage of the increased contribution limits instituted by McCain-Feingold. Corrado and Mann state the following:

> While these increases in the contribution limits have provided the parties with millions of additional dollars, the growth in party funding in 2004 is largely the result of a remarkable surge in the number of party donors. Both parties have added hundreds of thousands of new small donors to their rolls.

The numbers are truly astonishing. The Republican National Committee has added a million new donors. The NRCC added 400,000 new contributors in 2003. The DNC has recruited more than 800,000 new small donors through direct mail alone. And these numbers don't include any new online contributions in 2004. And, of course, they don't include the hundreds of millions of dollars in hard money raised by the two major party presidential candidates.

The parties are stronger than they were before not just because they have raised more money than in 2000. Small contributors are a much better indicator of strength than big contributors. Small contributors volunteer, they are involved, they vote, and they inspire others to contribute and vote. I believe McCain-Feingold saved the political parties from the oblivion to which they were sending themselves with their reliance on the easy fix of soft money.

The argument over the effect of the bill on the political parties was just one of the disagreements we had when the bill was considered back in 2001. Another dispute concerned what would happen to all that soft money that had previously been contributed to the parties. Opponents of the bill expressed absolute certainty that the money contributed to the parties would simply migrate to less accountable outside groups. One Senator said the following during our debate:

> Why do we want to ban soft money to political parties, that funding which is now accountable and reportable? This ban would weaken the parties and put more money and control in the hands of wealthy individuals and independent groups who are accountable to no one.

> Another Senator quoted a prominent Republican lawyer who said: "The world under McCain-Feingold is a world where the loudest voices in the process are third-party groups."

Those of us who supported the bill certainly recognized that some donors would look for alternative ways to influence the political process. But we also thought that much of the money that was being given to the political parties was being given under duress. We argued that if Members of Congress and other public officials weren't asking for the money, much of it wouldn't be given at all. We had heard from countless corporate executives that the soft money system, which many had called legalized bribery, was really more like legalized extortion. I will never forget the words of Ed Kangas the former CEO of Deloitte Touche Tohmatsu. He said:

> Businesses should not have to pay a toll to have their case heard in Washington. There are many times when CEOs feel like the pressure to contribute soft money is nothing less than a shakedown.

In 1999, on this floor, I said the following in a debate with another Senator who actually supported the soft money ban, but asserted that soft money would simply flow to outside groups:

> I have this chart. It is a list of all the soft money double givers. These are corporations that have given over $150,000 to both sides. Under the Senator's logic, these very same corporations—Philip Morris, Joseph Seagram, RJR Nabisco, BankAmerica Corporation—each of these would continue making the same amount of contributions; they would take the chance of violating the law by doing this in coordination with or at the suggestion of the parties, and they would calmly turn over the same kind of cash to others, be it left-wing or right-wing independent groups?

> I have to say . . . I am skeptical that if they cannot hand the check directly to the political party leaders, they will take those chances.

On this dispute, with 3½ months to go before the election, the jury is still out. But once again, the early indications are that the doomsday predictions of opponents of the bill will not come to pass.

Not long ago, the Wall Street Journal reported that it surveyed the 20 top corporate donors in the 2002 election cycle and more than half, including Microsoft, Citigroup, and Pfizer, are resisting giving large contributions to the outside groups, the 527s, that are trying to raise unlimited contributions since the parties can no longer accept them. As the article noted:

> The reticence illustrates an uneasiness on the part of some of the corporations to get sucked back into the world of unlimited political contributions that they thought campaign reform had left behind.

According to a Washington Post article in June:

> [E]lection law lawyers said corporations are showing significant reluctance to get back into making "soft money" donations after passage of the McCain-Feingold law.

According to the Center for Public Integrity, which maintains the most complete database of information on 527s using the reports required by the disclosure bill we passed in 2000, 527s that focus on federal elections along with labor-funded 527s have raised approximately $150 million as of June 30. This is far less than the $254 million that had been raised in soft money by the parties at a similar point in the 2000 election cycle and less than half of the $308 million raised in the first 18 months of the 2002 cycle. It is, of course, possible that 527 fundraising will pick up significantly in the wake of the FEC's determination in May that it will likely not regulate these groups as political committees in this election cycle. But the underlying problem with raising money for these organizations remain. That is very simple. It is central to this whole issue. They cannot offer the kind of access and influence that made the parties such effective soft money seekers prior to the enactment of McCain-Feingold.

There is no doubt that ideologically motivated wealthy individuals will continue to seek ways to influence elections. Most of the money being donated to the 527s is coming from such people. I continue to believe that many of these groups, since their stated goal is to influence federal elections, should be required to register as federal PACs, which can accept contributions of only $5,000 per year from individuals. But even if they continue to operate outside the law, they are not going to replace the political parties. Without significant corporate support, they simply cannot raise the kind of money that the parties raised in 2000, much less the amounts that would have been raised under the old system in this election cycle.

So to those who forecast or believed the doomsday scenarios back in 2001 and 2002 when we considered the bill, or who continue to believe them today, I suggest you look at the numbers. McCain-Feingold is working, and the Senate should be proud that it passed. As we approach the 2004 elections, and the airwaves become saturated with political advertising, note the difference. Party ads are paid for with the contributions of millions of hard-working Americans proud to participate in the political process and looking to parties and to their government to represent them, not the special interests that used to write the big checks.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDENT OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent I be recognized to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

9/11 COMMISSION REPORT

Mr. DURBIN. Mr. President, this may be the last day of Senate activity before we take a recess for August. In that recess, both major political parties will have their conventions in Boston and New York. Members will be back home in their States, some campaigning, some spending time with their families—a period of time we all look forward to each year. However, we leave this Senate with a great deal of unfinished business.

This morning, Governor Tom Kean, a former Governor of New Jersey, and Congressman Lee Hamilton of Indiana gave a briefing to Members of the Senate on the 9/11 Commission Report. Let me say at the outset that those two individuals, Governor Kean and Congressman Hamilton, as well as every member of this Commission, performed a great service for the United States of America. They have produced a report which, frankly, is a bargain. They were given an appropriation of some $15 million, they had 80 staff people, and over a very short period of time by congressional standards did a more thorough analysis of the events leading up to September 11 than any analysis that has been done by a congressional committee. They did it in a bipartisan fashion, an analytical fashion, and they did it not looking for someone to blame or someone to assign responsibility but, rather, to learn so they would learn as a Commission and we would learn as a nation how to make America safer.

As Governor Kean this morning went through this Commission report, he outlined all of the occurrences, starting with the initial bombing of the World Trade Center many years ago, that led up to September 11. As he read the list, it went longer and longer and longer, all of the clear evidence we had accumulated of activities by al-Qaida and other terrorists threatening the United States of America. When you heard this list, you reached the same conclusion he did; that is, why didn't we see it coming?

There was so much evidence leading in that direction. Governor Kean and Congressman Hamilton said many of our leaders, many of our agencies, many Members of Congress, and many American people were still thinking about the threat and danger of our world in terms of a cold war. Now we were facing a new danger, a danger which was not obvious to us, and very few people were prescient enough to see it coming.

He talked about how these al-Qaida terrorists on 9/11, with a budget of less than half a million dollars, managed to see weaknesses in our system of security, that they could bring a 4-inch bladed knife on a plane but not a 6-inch bladed knife. All they needed was a 4-inch knife. They used box cutters. They came on planes and threatened the crews and commandeered the aircraft. They knew the doorways to the pilots' cabin were not reinforced or locked. They put all this together into this hideous plan of theirs to crash airplanes into the World Trade Center and the Pentagon.

Well, the facts were there for us to see, and most of us missed it. But this Commission said: We need to look beyond that. We need to look to the next question: What should we be doing to make certain America is safer? What should we have learned from 9/11? And they identified several areas.

Congressman Hamilton said: We need more imagination. At one point he said—I suppose halfway in jest—we should have been reading more Tom Clancy novels and thinking about possibilities rather than just analyzing the way things had always been. We needed to make sure we developed imagination, developed a program that could respond to these new threats, capabilities. And we needed to make certain we had done everything we could to organize and manage our Government assets so they could be used most effectively.

Our friends in the military understand that. It is the reason why the United States of America has the best military in the world. About 10 years ago, Senator Goldwater and Congressman Nichols proposed some dramatic reforms in the military and its management to try to stop this competition among the branches in the military and bring them together, and it has worked. This cooperative effort has made our military even that much better today.

Well, this Commission report suggests we need to do the same thing when it comes to the 15 different intelligence agencies across our Government that are responsible for collecting and analyzing information, to warn us of dangers ahead. Fifteen different agencies, with many extremely talented people, some with the most sophisticated technology in the world, but often dealing with obstacles and hurdles between agencies that should not exist.

They gave us examples: that one agency would know of the 19 terrorists on 9/11 and that many of them were dangerous people, but it was not communicated to the Federal Aviation Administration to keep them off airplanes; that we would establish standards which said: If you were identified by our Government as a dangerous person, we are going to search your baggage, but we are not going to stop you from getting on a plane. All of these things suggest we need to be smarter and better and tougher in the future.

The proposals they came up with are going to be controversial. They will be discussed at length by Members of Congress and a lot of others. But they are on the right track.

First: to give to one person new authority over these intelligence agencies. Senator FEINSTEIN of California, my colleague, has one approach. The Commission has another approach. But the idea is to vest in that person more authority to get the job done.

Second: to force together all these different agencies, 15 different agencies, into a counterterrorism network that works and cooperates. That is something that is long overdue.

And then, third: to look at Congress, because we have a role in this, too. Congress did not do as good a job as it could have done. We have a Senate Intelligence Committee, of which I am proud to be a part, and the House Intelligence Committee. But we need more oversight. We need to be able to develop the skills, with staff and our own commitment, to ask hard questions of these intelligence agencies, to ask what they are doing, whether they are being imaginative enough, whether they are cooperating with other agencies.

We need to ask hard questions about the appropriations for these agencies. I happen to serve on the Intelligence Committee and on the Appropriations Committee. So I sat through both hearings recently. I will tell you what happened in our Appropriations Committee hearing. It was a meeting of the Defense Subcommittee, in the closed room upstairs.

Then-Director of the CIA George Tenet presented a lengthy analysis of the intelligence threats to the United States, about 150 pages, and went through it. On about page 110, he started talking about the appropriations. That is what we were there for. We were there to discuss the money needed for our intelligence operations. But the first 110 out of 150 pages were all about the threats around the world and how serious they might be.

When it came time for members of the Appropriations subcommittee to ask questions, they dwelled on the front part of Mr. Tenet's presentation, the first 110 pages. They dwelled on questions related to threats to the United States.

I am way down the line on that committee. By the time it came, an hour and a half later, to my questions, I said to Director Tenet: May I ask you a question about your appropriations? It was the first question asked about that at that hearing. We spent less than 10 minutes asking about the money that was to be spent and why.

My question to Director Tenet at the time was: What is the most significant part of your budget? How has it changed from last year? And why do we need it?

Well, that is an obvious question in any Appropriations hearing. But we never got to it until extremely late in the hearing. We can do better.

One of the suggestions from Congressman Hamilton is to look for a joint Intelligence Committee between the House and the Senate. There is only one viable analogy, when we did the same thing with atomic energy 40 years ago. No one in Congress today served at that time. It would be interesting to see how it worked.

Another is to give to the Senate Intelligence Committee and House Intelligence Committee authorizing-appropriating authority. For most people following this debate, this sounds so arcane it does not sound important, but it is: to give to one committee the authority to look at the programs and how they are working and then look at the budget and see how it matches up. That is important.

We need to expand the Senate Intelligence Committee staff. We do not have enough people. How can we possibly keep track of 15 different agencies, thousands of employees, the reaches of these agencies into countries all around the world, in the heavens above and the Earth below, and do this with literally a handful of staff people?

On the Senate Intelligence Committee, which I have served on for 4 years, I have one staff person whom I share with another Senator. That is not good enough. Part-time staff will not do the job.

Again, let me say, the 9/11 Commission report is a great service to America. The men and women who spent the time to make it a reality deserve our thanks and praise. President Bush was right yesterday. This is not a matter of blaming President Clinton or blaming President Bush. We are called on, as Members of Congress, in a bipartisan fashion, to think of ways to change the law to make America safer. I think that is what people across America expect of us.

Let me tell you what we can do today in a bipartisan fashion. We are hours away from leaving. We will be off, as I said, for the August recess. We will leave behind this Senate Calendar of pending legislation. On the back page of this calendar, the first item: the Homeland Security appropriations bill. It has been on this calendar since June 17—over a month now. We will leave town. We will leave Washington for 6 weeks, without passing the Homeland Security appropriations bill.

We should have done that a long time ago. We should be moving toward a conference to make sure that when October 1 comes, the new fiscal year, we are ready to move, we are ready to send the resources that are necessary not only to the Department of Homeland Security but to State and local first responders. That is a critical issue.

Let me give you an example. The President's budget request for Homeland Security has a total appropriation of $32.6 billion. This is a 7.7-percent increase over last year. In the House of Representatives, they appropriated $33.1 billion, slightly more than the Senate. But the problem is within the appropriations request itself.

President Bush's budget request for the Department of Homeland Security represents a dramatic cut of $1 billion in money for State and local first responders. I have said it repeatedly, God forbid another act of terrorism hits the United States. People in the streets of America are not likely to look for the number of the White House or of the Senate. They will dial 911. They will be looking for first responders in their community.

When we cut money, as the President's budget does, for State and local first responders, we are shortchanging our line of defense, our hometown line of defense against terrorism.

When you make these cuts to these State and local units of government, let me give you an example of some of what we in Illinois and other places may find at risk.

We need the money that has been cut in the President's budget for homeland security. We need it to specially train and equip local and State teams, firefighters, policemen, medical responders. We need it for interoperable communications.

I was surprised to learn a few years ago that in my State of Illinois, with 12.5 million people, there is no single network for the police and firefighters and ambulance services and hospital trauma centers to communicate. They each have different radio systems, different frequencies. What is wrong with this picture? We need them all together. If something should happen in my State or in a neighboring State, in South Carolina, wherever it happened to be, the first responders in that State should have a common communications system. When President Bush's budget cuts money for State and local responders, it reduces the likelihood that we can develop those systems. We need standardized training, methods to share intelligence, and we need mutual aid plans.

Most people, when they think of dangers and threats in the State of Illinois, automatically think of the great city of Chicago that may be a target. I hope it never happens. We had an exercise 2 years ago to try to simulate what might happen if we had such a tragedy. We quickly learned that if something did happen, we would need a dramatic increase of first responders, that the existing police and firefighters in Chicago and most major cities were inadequate to the task. We would almost have to double their numbers. That means reaching out to surrounding communities in mutual aid, so if it is a situation in downtown Chicago or in a suburban area, surrounding units would come to their assistance. That is done today over and over again across America. When the tornado hit Utica, IL, a few months ago, they had fire departments and first responders from all over the region coming together. But in order to make this mutual aid happen, we need money for the State and local responders to develop it. That line in the budget was cut by President Bush. It needs to be restored by Congress. We need to do that before we go home.

Within this same Senate calendar, you will also find other provisions of homeland security, such as a provision to increase the safety and security of nuclear powerplants. We have six nuclear powerplants in Illinois. These are important for us. They provide more than half of our electricity. They need better protection. We need better coordination of the fire and police and medical units around them.

We also have in our State—and it is probably the reason why we have been as prosperous as we have throughout our history—so much transportation, intermodal facilities. I visited at the old Joliet arsenal out in the area where Shell is. All of these trainyards and interstate highways—each one of them is vulnerable and needs to have special protection. We are a significant source of our Nation's food supply. We have many great universities.

Our State is not unique. Virtually every State can tell the same story of areas where we need to focus our attention and resources. We have these four bills on the calendar that would address some aspects.

One of the bills provides for greater security and defense of nuclear power facilities. That is one that is obvious. We will leave the Senate today without enacting that legislation and moving it to conference committee.

We also have a provision for the chemical industry. Obviously, here is a part of the private sector that is really vulnerable. Legislation has been developed to make it safer, and it sits on the calendar while we spend our time spinning our wheels on the Senate floor.

The same thing for our ports with the thousands of containers that come in on a daily basis, and our rail facilities. Each one of these areas has a special piece of legislation on this calendar that we have failed to address as we leave to go on our August recess. I hope there won't come a moment in the next 6 weeks when we look back and say: We really should have done our work. We should have spent less time on the Senate floor embroiled in these political debates that spin our wheels and go nowhere and more time doing things people care about.

FURTHER IMPORTANT ISSUES

I have devoted this period of time in my speech on the 9/11 Commission report and homeland security, but I will say that we are remiss if we leave Washington without thinking of other issues that have a direct impact on the families and businesses across America. Some are extremely obvious. Pick a State. Pick a city. Go to any business, large or small, and ask them their No. 1 headache today. It is likely that most will respond: The cost of health insurance. It is a cost which is crippling businesses, denying coverage to many people, it continues to go up and out of sight, and reduces protection for the people who are supposed to be helped.

What have we done in Washington in the Senate on the issue of the affordability of quality health care and health insurance? Absolutely nothing. We don't even talk about it. We act as if it is not a problem. It is the No. 1 complaint of businesses and unions and families in Illinois. How can this representative body, charged with changing the laws and making life better in America, have a session that is void of any meaningful debate on the cost and availability of quality health care? We will have done that. We will adjourn without having seriously considered it.

The second issue is the state of the economy, whether we are prepared to help those industries which have struggled during the last recession, particularly manufacturing, whether our trade laws are adequately enforced, whether we are training and equipping the workforce of the future.

The third issue is obvious to most: What are we going to do about energy? Are we going to continue to be dependent for decades to come on the Middle East, drawing us into the intrigue of Saudi Arabia and those surrounding countries and all the other sources or are we going to move toward energy independence? We had a debate on an energy bill that went nowhere. Sadly, that bill didn't get very serious about the real issues. Can you imagine a debate on energy policy in America that does not even address the question of the fuel efficiency of America's cars and trucks? That was our debate. We decided, because the special interest groups, the manufacturers, and some of their workers didn't want to get into energy efficiency, that we would consider an energy bill that did not address the No. 1 area of consumption of energy in America—the fuel efficiencies of cars and trucks.

We can do better. America can have a good, strong, growing economy that is environmentally responsible and energy efficient. We have done it before, and we can do it again. What is lacking is leadership, on the floor of the Senate, in the House, and in the White House. That is critically important.

Of course, the one issue I started with is the issue that I will end with—America's security defense. As we speak on the Senate floor today, just a few minutes away by car are Walter Reed Hospital and the Bethesda Naval Medical Center. In the wards and rooms of those two great medical institutions are men and women who served our country valiantly in Iraq, many of whom suffered extremely serious injuries. I have been out with colleagues to visit with them from time to time and can't help but be impressed. They are the best and brightest in America. They are young men and women who stood up, took the oath, put on the uniform, and risked their lives for America. My heart goes out to them every day and many just like them who are serving in Iraq and Afghanistan and all around the world.

We have to be mindful of the fact that our situation in Iraq is a long-term commitment. No matter what you might have thought when we decided to invade Iraq—and I was one of 23 Senators who voted against the use-of-force resolution at that time—we all come together now believing that we need to provide every resource our men and women in uniform need to finish their mission and come home safely. That is something that should never be far from our minds, as well as the question of what we are going to do to make America safer here at home.

We talk about a war on terrorism, but former Senator Bob Kerrey of Nebraska at the 9/11 Commission meeting made an observation we should not forget. He said to Donald Rumsfeld and George Tenet, who appeared before the Commission, that it really isn't a war on terrorism. Terrorism is a tactic. The question is, Who is the enemy using the terrorism tactic? That is the real question. What should we be doing now to discover the plots and dangers across the world that might come to threaten the United States but also to reach out to the next generation in countries around the world to let them know we are a compassionate, caring people with values they can share and that their lives will be better for that.

It goes beyond military strength and intelligence. It goes into diplomacy and leadership around the world so that this country, as we may hear from time to time, is not only strong at home but respected around the world.

We can do our part. We need to reach out in different areas where we have not as much in the past. Yesterday, I spoke on the floor about the situation in the Sudan. It is a situation where literally a thousand people a day are losing their lives to what is a horrible genocide occurring in that country. We need to do more.

The United States has spent over $100 million so far in food aid. We need to be a political force, too, to push that Sudanese Government to do what is right and to work with the United Nations so that we say to the world: The United States is not interested in treasure or territory; we are a caring people, a humanitarian people who care about some of the poorest places on Earth, such as the Sudan.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I also thank my friend from Tennessee, Senator ALEXANDER. I know he wants to speak as well. I will not be long.

The PRESIDING OFFICER. The Senator from Oregon.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 2723 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 2721 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

9/11 COMMISSION REPORT

Mr. ALEXANDER. Madam President, this morning at about 10 a.m. we were given an opportunity to meet with Governor Kean and Lee Hamilton, the cochair of the 9/11 Commission. That is the subject of the news today. I know both men well. I know Governor Kean better. We served as Governors at the same time. I have known a lot of Governors. He was Governor of New Jersey at the time he served. My judgment was he was the best Governor in the country. Those leadership characteristics certainly showed themselves with this report.

Mr. Hamilton said he had been working actively with the directors of the CIA in every administration since Lyndon Johnson. In a few words, he gave us a very impressive presentation. I believe this is an impressive report. It is an impressive committee. It has had impressive leadership, and it certainly will command my attention as one Senator. I intend to read it all the way through, and I intend to take seriously the recommendations. I hope all Americans will take time to read it.

Terrorism, as they remind us, whether or not we like it, is the greatest challenge today to our national security. It will be for our lifetimes and perhaps much longer than that.

This is a hard matter for us to come to grips with in the United States of America, because it seems too remote from us. It seems as if it is on television. That is hard to say after 9/11 when 3,000 people were killed in an hour.

But as Mr. Hamilton gave his report to us, he emphasized four areas of failure—not President Bush's failure, not President Clinton's failure, but our failure. In fact, he said both Presidents were active and busy and interested and working hard on the threat. But in these four areas, we as a country failed.

First was the failure of imagination. We didn't imagine what could have happened that day. Second was a failure of policy. A third was a failure of capability. And fourth was a failure of management.

It made me think, if I may give a personal reflection. I have thought about it many times because I have heard various people suggest, "Why didn't President Bush think of this?" or "Why didn't President Clinton think of this?" As the Chair knows, I was busy in the mid 1990s trying to occupy the same seat President Bush occupies today. I was a candidate for President of the United States in 1994, 1995, and 1996. I thought back many times. It never once occurred to me a group of people might fly airplanes into the World Trade Center and into the Pentagon and try to fly them into the Capitol.

It never occurred to me. And it also never occurred to me that if I should by some chance be successful in that race, that within a year and a half of taking office I would suddenly be interrupted in a meeting in Florida with some schoolchildren, and in a short period of time I would have to decide whether to shoot down a plane load of U.S. citizens on a commercial airline headed toward Washington, DC. It never occurred to me.

I thought for a long time: Maybe that is just me. Maybe I am naive and have not had enough experience, but I have asked other public officials with a lot more experience. I did not ask the Presiding Officer, whose husband was a candidate for our country's highest office, if that occurred whether they might have to shoot down such an airplane. Maybe with her background in transportation, she would have thought of that, but I didn't. And I think most policymakers did not. Obviously, many people in intelligence didn't.

What Mr. Hamilton was saying, and Governor Kean, is we are going to have to imagine all of the things that could be done, some of us at least, and think about them and take those things very seriously in the future.

As fortunate as we are to live in this big country with remote, safe places, far away from a lot of the fighting we see on television, an unfortunate part of living in today's world is there are real threats and we are going to have to imagine those things that even candidates for the highest office in our land a few years ago would not have ever imagined.

I salute the Commission for its work. I thank them for it. I like the fact that it is unanimous, without a single dissent, without a dissenting opinion. I thank them for their job.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

FINANCIAL SOLICITATIONS ON MILITARY BASES

Mrs. CLINTON. Mr. President, I rise today to express my concern about a rider included in the Department of Defense appropriations conference report that we will be taking up shortly. This rider is from the House Defense appropriations bill. It will limit the ability of the Department of Defense to address deceptive sales practices on our military bases.

This week, the New York Times has published a two-part series which included disturbing reports of financial advisers taking advantage of service men and women on our military installations. These articles contained evidence which indicate that recently enlisted service members are required, at many installations, to attend mandatory financial advisory classes. In those classes, it has been discovered that sales agents use questionable tactics to sell insurance and investments that may not fit the needs of our young men and women in uniform.

Mr. President, I commend to my colleagues the articles from the July 20 and July 21 editions of the New York Times titled "Basic Training Doesn't Guard Against Insurance Pitch to G.I.'s" and "Insurers Rely on Congress to Keep Access to G.I.'s."

Mr. President, as you well know, our men and women in uniform today are being called upon to sacrifice, sometimes—for more than 900 of them—the ultimate sacrifice. All of them are separated from their families. They are putting their lives at risk in the service of our Nation.

It is almost unimaginable that in addition to their sacrifice they would be exposed to less than scrupulous financial advisers at the installations at which they serve. However, instead of protecting our service members, a culture of financial abuse persists on our military bases. As soon as I learned of these reports, I immediately wrote to Secretary of Defense Donald Rumsfeld, asking for an immediate investigation of these practices, as well as immediate action to prevent these abuses from continuing.

Mr. President, I ask unanimous consent that my letter to Secretary Rumsfeld be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 20, 2004.

Hon. DONALD RUMSFELD,
Secretary of Defense,
Department of Defense, Washington, DC.

DEAR MR. SECRETARY: I write to urge you to conduct an immediate investigation into reports about efforts by financial advisors to take advantage of our men and women in uniform through the use of deceptive sales practices. I am greatly alarmed by these reports which indicate that recently enlisted service members at many installations are required to attend mandatory financial advisory classes in which sales agents use questionable tactics to sell insurance and investments that may not fit the needs of people in uniform.

Today our men and women in uniform are being called upon to sacrifice, be separated from their families, and to put their lives at risk in service of their nation. They should not, under any circumstances, be exposed to less than scrupulous financial advisors at the installations at which they serve. However, instead of protecting our service members, a culture of financial abuse persists at military installations. It should not be too much to expect that our service men and women are protected from this behavior through the enforcement of post policies and regulations restricting disreputable financial practices. In short, our men and women in uniform should never be the unwitting prey of self-interested sales agents at military installations.

In addition to conducting a thorough investigation, I urge you to establish a financial education program for enlistees and review the practices whereby sales agents are given unfettered access to new recruits. This financial education program should include a component that equips soldiers to recognize that an attempt is being made to entice them to purchase financial services that are not in their best interest.

With our men and women in uniform serving bravely in Iraq, Afghanistan and elsewhere, we owe it to them to make sure they are not solicited for questionable financial schemes at the installations where they live.

I thank you for your consideration of my request and look forward to your response.

Sincerely yours,
HILLARY RODHAM CLINTON.

Mrs. CLINTON. I have also written to and spoken to both Chairman WARNER and Ranking Member LEVIN from the Senate Committee on Armed Services, to ask for hearings on this issue when we return in September. However, I was alerted yesterday that there is a provision in the Department of Defense conference report that would prohibit the Department of Defense from taking immediate action to address these financial abuses on our military installations.

Specifically, section 8133 of the conference report does not allow any changes to the Department of Defense Directive 1344.7, entitled "Personal Commercial Solicitation on DOD Installations," until 90 days after a report containing the results of an investigation regarding insurance premium allotment processing is submitted to the House Committee on Government Reform and the Senate Committee on Governmental Affairs.

With that investigation still ongoing, it could be months—maybe years, for all we know—until any changes are made to these abusive practices. During that time, more of our young men and women will fall prey to these unscrupulous agents who sell them financial products they do not need and they barely understand.

Yesterday, I sent a letter to Senators STEVENS and BYRD, the distinguished chair and ranking member of the Senate Committee on Appropriations, as well as to Senator INOUYE, the ranking member of the Senate Appropriations Subcommittee on Defense, to express my concern about the inclusion of this provision in the conference report of the DOD appropriations bill and to urge them to take action to remove this rider.

I understand a similar provision, with an even longer delay before DOD can take action, was included in the House Defense authorization bill. I am a conferee in the House-Senate conference on the Defense authorization bill, and I intend to do everything I can to include language that will allow the Department of Defense to immediately address this troubling issue without having to wait several months while our men and women in uniform continue to be fleeced.

I hope I will have the support of my colleagues who are also conferees on the Department of Defense authorization bill. I look forward to working with Senators on the Committee on Appropriations to figure out the best way to address this issue.

The problem of financial advisers taking advantage of our service men and women is one that requires immediate action. It is almost hard to believe, as the two articles in the New York Times so poignantly point out, that young men and women, who have a lot on their minds—such as leaving their families; oftentimes worrying about young wives left alone, taking care of children; or parents who are worried about their safety; trying to get the training they need; trying to get prepared for the dangerous missions they will face in Afghanistan, Iraq, and elsewhere—would be required, in many instances, to attend these meetings, which could do a lot to help educate them.

In fact, in my letter to Secretary Rumsfeld I ask there be financial education provided to these young men and women and oftentimes, if possible, where there are large bases, to the spouses who are left behind. I have visited bases where particularly young wives—often as young as 17, 18, 19 years old—are seeing their husbands leave for overseas deployments. They do not know how to keep a checkbook. They do not know how to pay bills. They have gone literally from their parents' home into a new, young marriage, oftentimes under the pressure of an impending deployment—usually of their husbands—and now, all of a sudden, they are left to try to deal with the financial demands of running a household. They should be given help. They should not be taken advantage of.

It strikes me as just regrettable that we would permit the solicitation for questionable financial schemes at the very military installations where these young men and women live prior to asking them to go into harm's way.

There certainly is a role for additional insurance, for other kinds of investment information to be provided, but not in a situation where the people doing the presentations are often former military officers or high-ranking noncommissioned officers, who purport to and present themselves as people in authority, and often lay the groundwork for a very rushed and somewhat coercive atmosphere, where these young men and women sign things they do not understand. It is somewhat reminiscent of many of our college students, who are in comparable age and group settings, who are given the hard sells for credit cards and insurance policies they do not understand. So I think there is a tremendous opportunity for legitimate financial education and for helping our military service members know what their needs are, and then to meet those needs.

I am looking forward to working with my colleagues on the Committee on Armed Services, as well as Senators on the Committee on Appropriations, to find a solution to this problem. I regret these riders were injected into the DOD appropriations subcommittee conference report that we will vote up or down this afternoon.

I will certainly support the appropriations bill because there are much-needed resources in it for our military and other ongoing needs that are within the purview of the Department of Defense that we need to be funding.

REPORT OF THE 9/11 COMMISSION

Mrs. CLINTON. Mr. President, I salute the 9/11 Commission for an extraordinary job well done and an act of real patriotism. The men and one woman who served on this Commission were asked to do a very difficult task, to try to separate themselves from their prior associations. These are all political people. Not everyone ran for political office, but the distinguished chair and vice chair certainly did and other members as well. These are all people who understand our political process and who with great distinction have served their party as well as our country, but they put that to one side when it came to working together. This 9/11 Commission report is a great testimony to their willingness to search hard for the truth, to get at the facts, to then explain, in understandable language, whatever they could discover about the events leading up to 9/11.

This report not only is educational and informative, but it is an urgent call to action. There are recommendations that ask the branches of our Government, the executive and legislative, as well as the American public, to understand we are up against a determined and committed adversary. Therefore, we have to think differently. We have to organize differently. We cannot act as though business as usual is sufficient. The recommendations from this Commission will ask this body to reorganize itself, to have a different approach to the oversight of intelligence. I hope we will respond to that request and recommendation.

There have been many other commissions, led by distinguished Americans, who have plowed the same ground, who have come forth with worthwhile and compelling recommendations which, frankly, have been ignored. We ignore this one at our peril.

I have stood in this spot numerous times, most recently just a week ago Thursday, to ask what are we doing. We sometimes act as though there is no threat beyond what our young men and women in the military face in the mountains of Afghanistan or the streets of Baghdad. This threat is real and it is here. It is among us. We know enough to understand that there are credible reports of plans underway as I speak to strike again.

If one reads this report—and I hope every American does, and I hope this is assigned in junior high schools and high schools and colleges because this is not just a report to be read by decisionmakers, to be read by political leaders, this is a report that should be read by every American—they cannot help but be struck by the ongoing threat we face.

I perhaps feel it more strongly because we know that in every report of any credibility, New York is always mentioned. Therefore, I have to ask: Are we doing our part even now, before we get to the point of considering the Commission's recommendations? Why aren't we considering homeland security right now? Why have we done nearly everything but consider the appropriations for homeland security, consider the very good legislation offered on both sides of the aisle to try to have a better approach to everything from port security to providing our first responders with the resources they need, to disbursing Federal funds based on threat and not treating it, as the Commission rightly says, like some kind of revenue sharing? Obviously, that will mean New York will get more than any other place, probably followed closely by Washington, DC, but those are the places of highest risk and threat.

The work before us is obvious. But I have to confess to a certain level of frustration that we have not even addressed what is within our purview. Now we are being asked by the 9/11 Commission to be even more imaginative, to be willing to change the turf, to remove some of the authority some have in order to better organize ourselves going forward.

At the press conference today, one of our distinguished former Members who served in this body for a number of years, Senator Bob Kerrey, summed it up. He said, knowing as he does how this town works and how this body works, how this Congress works, he was hopeful but not optimistic that we would face up to our responsibilities.

What does it take for us to realize that the partisan bickering, the divisiveness, the point scoring, and the political gamesmanship have no place in the ongoing serious war against terror?

I hope, as a result of the fine work of this Commission and the path it has charted that we should follow into the future, we will rise to the occasion. There are recommendations certainly for the White House, the FBI, the CIA, the Department of Defense, the Immigration and Naturalization Service, the Department of Homeland Security. There are many recommendations that go to the administration, that go to the executive branch, that regardless of who is our President after November, that President will have to address. But that does not let the Congress off the hook. We have not fulfilled our responsibilities of oversight, and we now must take seriously the recommendations of these patriotic, hard-working, thoughtful Commissioners.

This report cannot be allowed to sit on a shelf somewhere. I hope we will take it in the spirit it is offered, as not just a bipartisan but, frankly, nonpartisan report; that we will immediately, under the leadership we have in this Senate, begin to figure out how we will fulfill the hope this Commission offers us; that we will be better prepared, better organized to play our part in the struggle against terrorism. I certainly will look forward to working with my colleagues in order to do that. I trust and hope that I can afford to be optimistic and that we will be able to prove our former colleague and one of the Commissioners, Senator Kerrey, wrong to a limited extent, that we can be both hopeful and optimistic that the Senate, the Congress, and our Government will live up to the obligations this report lays out so clearly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I rise this afternoon to talk about what so many Americans are thinking about as they turn on their television today, and that is the 9/11 Commission report that is being issued by many of our former colleagues and partners in trying to address the security needs of our Nation. I am sure many Americans are going to want to know from this 9/11 report, is it going to result in us getting off our orange alert? Is it going to help us in providing better security across America?

One of the things we have to think about is the fact that this report now needs to be put into legislative action by this body. I thank the Commission, including Governor Keane, former Congressman Hamilton, and former Senator Slade Gorton, for their contribution to this report and their hard work. The voluminous report has a lot of recommendations, but I would like to call out two or three of those recommendations that are particularly important for us as a body to address when we return in September.

First and foremost is the need for us to focus on international cooperation. We in the Northwest learned that lesson very well when Ahmed Ressam came across the Canadian border with a car full of explosives on his way to LAX Airport. Many people in America know that story and know that a good customs agent was able to stop Ressam and confiscate those goods, and that act was never perpetrated on American soil. We also know after that, 9/11 did happen. So the question for us in America is, What are we going to do to make sure we have good international cooperation?

What is interesting about the Ressam case is Mr. Ressam started his efforts in Algiers, was successful in getting into France, then successful in creating a new identity and getting into Canada. Even though that was an illegal entry into Canada, he was able to remain in Canada and then create a Canadian passport and birth certificate and try to gain access to the United States.

As I said, the route he took through several countries to try to get to Port Angeles, WA, to start his journey shows the need we have in this country for international cooperation as it relates to our visa program and our visa standards. This is something we have seen a delay in in the last several years and something we need to pay particular attention to in the Senate to make sure this visa standard program gets implemented and gets implemented as soon as possible.

While we in the United States can have a visa entry program based on a biometric standard, that standard will only be as good as the standard that is then adopted by Canada and Mexico, our European partners, our Middle East allies, and various other countries around the world. By that, I mean if Mr. Ressam had entered France on a biometric standard which showed, perhaps with fingerprints or facial recognition, who Ahmed Ressam was, the various times he tried to perpetrate a false identity to get into the United States, we would be able to track that individual.

We know this is very important because we know that of the hijackers on 9/11, many of them had various trips back and forth to the United States. While we want to continue to have good international commerce with many countries and have people travel to the United States, we need a better security system with our visa standard, and we should make a top priority of getting such international cooperation based on biometrics.

I can say the same for international cooperation on port security. Washington State, being the home to many ports, needs to focus on the fact that cargo containers come in every day into the ports of Seattle, Tacoma, Vancouver, and various parts of Washington State. What we need is not to wait until the last minute for cargo containers to get into the Seattle area to find out whether they have explosives or whether the containers have been tampered with, but to have point of origin cooperation with countries all over the world to make sure that security system is deployed at the time the cargo leaves its port.

Here are two examples, one of human deployment of people coming to the United States and another of goods and services in which international cooperation is essential. That is why I take to heart the recommendation on page 20 of the 9/11 Commission report, the executive summary saying that:

> Unifying strategic intelligence and operational planning against Islamic terrorists across foreign-domestic divide with a National Counterterrorism Center.

What I believe the report is saying is we have to have the cooperation of our allies and the global community in fighting terrorism and doing so in a cooperative effort if we are going to be successful in the United States.

Secondly, while I think the report emphasizes the focus of a flat organization, from my 2 years on the Judiciary Committee and review of the incidents of 9/11 through the FBI and their organization and changes that have been made to that organization, one thing that is very clear about the 9/11 report is that a flat, decentralized organization and network of information must be accomplished.

While the report does talk about consolidation and the central focus, the important thing to understand is we are facing an asymmetrical threat by terrorists. We are not facing a superpower. We are not facing a well-oiled, well-heeled organization with a lot of support that we can track, detect, and analyze on a large-scale basis; it is very decentralized, with a lot of information flowing from a lot of different cells through different parts of the international community. What is important about that is if we are going to face that asymmetrical threat and meet that challenge, having a large bureaucracy facing an asymmetrical threat of lots of cells presents a challenging problem.

That is why it is very important, as Special Agent Coleen Rowley pointed out to many of the people in the intelligence community and the FBI community, the information that existed in different FBI offices throughout America but was not shared, was not pieced together with the other intelligence information by the CIA about potential people entering and exiting the country, needs to be pieced together in a flat organization.

Critical to this report and our success is for us to monitor the new organizations and agencies, such as Homeland Security, the structure of the FBI and CIA, and any new structures coming out of the 9/11 report to make sure we are keeping a flat organization. That flat organization is about getting access to as much information as possible.

Just as the Intelligence Committee report released by my colleagues in the last 10 days showed and just as this 9/11 report shows, the third thing we need to do is make sure we use the information we acquire and put much more focus and analysis behind that. While that sounds simple and it sounds like something that can be easily forgotten, I remind my colleagues that in 1998, ADM David Jeremiah, under a CIA governance order study, was asked the question: Why did the CIA miss India's testing of a nuclear bomb? Why did we as a country not really understand that was happening? Well, the No. 1 recommendation from that report was not enough analysis, and we had a culture that was not really assessing the 21st century threats to our country.

That is a report that was done in 1998 about a particular part of intelligence, in a particular part of the world, that missed something. We had a report that basically is saying the same things the 9/11 report is saying today, that information and analysis are critical to our success on international efforts at understanding information and potential threats or use of weapons of mass destruction.

To me, it is very important that we take to heart the fact that we need more analysts, and how that analyst structure is going to work. We live in an information age. You can say that terrorists, in their decentralized structure, are going to create much more information about their prospects, their attention to different projects, their communication with cells across the globe. It is this information that we need to acquire, put together, and have analysts working on, on an ongoing basis.

It is safe to say we need a dramatic increase in the number of analysts that we need to recruit into Government, new processes to put this information into a network, and access and assess it on an ongoing basis. I believe this is going to be a very hard challenge for us in Congress because we will see it as something that an agency is assigned to do, and we will forget about the challenges that face each of these agencies as they change their culture and change their structure.

We must keep in mind we are facing a threat of a very decentralized nature. To face a threat of a very decentralized nature we must build organizations and teams of people, including analysts, who also think in a decentralized way.

The report also talks about technology and the role that technology can play. I am a big proponent of technology in this information age. Something like a biometric standard on fingerprints and identification can be helpful. The report goes into a great deal of detail about implementing those at borders, at airports, at various other facilities. Yes, I want to expedite the speed and flow of individuals in and out of the country and have the United States continue to remain a great place where people want to visit. But in adopting these technology solutions, we need to work hard, as the 9/11 report says, to make sure the civil liberties and privacy rights of individuals are protected.

The United States has its privileges. The right to privacy is one of those. So we need to work on this recommendation in the report with that in mind. I think the structure within the FBI and Homeland Security needs to have someone, as these recommendations are implemented, who can—as databases are created, as information is assessed—help create the safeguards that are necessary.

But that should not impede us from working on an international basis to make sure that information about terrorist threats is shared through numerous countries in the world, and shared on a systematic database form with the United States. That is where I believe we have been lacking since 9/11. We have had a visa program and standard that we set in the PATRIOT Act and other bills as an objective. Yet we have failed to execute those. We should use this report today to continue our sharpened focus on getting that standard implemented so we can be sure the same people, like the 9/11 attackers, are not moving in and out of the country.

This report is so critical for us now to join together on these specific recommendations. We must not continue to focus on the past but focus on what we can do to get off of orange alert. It is important that we look at international cooperation, organizations, resources for analysts, new technology, and protecting civil liberties. But as I think about this issue, I think about the significant threats we face from those asymmetrical forms. Yet the results of those could be very catastrophic. That is why we need to get this program implemented.

I look to my colleagues, when we return in September, to keep away from what now has been an analysis of the past and look forward to implementing these solutions as quickly as possible, giving Americans better security in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TROUBLING TRENDS

Mr. LAUTENBERG. Mr. President, I rise this morning because issues are brought to mind that somehow or other have slipped into the background. For example, look at this morning's Washington Post and see there is disturbing news about the impending retirement of air traffic controllers. This is a subject I have dealt with, even in my previous terms, and certainly in my current term in the Senate, sounding the alarm that we are going to be woefully short of people to replace retirees. We have to be certain that in the middle of what is an impending crisis because of the lack of skilled professionals in the towers, we do not turn to the subject of commercializing this.

We went through an enormous amount of pain and dislocation when we took the baggage screeners out of commercial hands and put them into Government hands because we knew they would operate more efficiently. Now the conversation goes that we are trying as well to go back with our screeners and put that function into commercial hands.

I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 2004]

FAA FACES EXODUS OF TRAFFIC CONTROLLERS

(By Karin Brulliard)

Federal officials said yesterday that they are preparing to deal with a nationwide wave of retirements by air traffic controllers over the next decade and that passenger safety will not be jeopardized.

Regional officials with the Federal Aviation Administration are gauging how a potential exodus of nearly half the nation's air traffic controllers will affect individual airports, including Reagan National, Dulles International and Baltimore-Washington International, said Doug Simons, manager at National's control tower.

"Neither the FAA nor its controllers will permit the system to operate in ways that are unsafe or with staffing that is inadequate to the task," Simons told reporters yesterday. "We will be there, with the numbers of people we need, everywhere, at all times."

The FAA estimates that nearly half of the nation's 15,000 air traffic controllers will be eligible for retirement before 2013. Many of the potential retirees were hired in 1982 after President Ronald Reagan fired more than 11,000 striking members of the Professional Air Traffic Controllers Organization the year before.

In the Washington region, nearly 700 air traffic controllers direct more than 3,000 daily flights from six towers and radar centers. Ten percent of those controllers will be eligible to retire in 2006, said FAA spokesman Greg Martin.

Paul Rinaldi, alternate vice president of the National Air Traffic Controllers Association's eastern region said at least one-third of the controllers at Dulles and BWI will be eligible to retire or will reach the mandatory retirement age of 56 by 2008.

The association has warned in recent weeks that the retirements, if not headed off by aggressive recruiting and increased funding, could cause a controller shortage that would result in chronic flight delays, overstressed controllers and safety risks.

If we don't have the adequate number of certified controllers to work this system, basically we're not going to be able . . . to safely meet the needs of the traveler, Rinaldi said.

The association, which represents 30,000 controllers nationwide, has called on Congress to appropriate an additional $14 million to the FAA to hire controllers. The current budget is $6.2 billion. To stave off a crisis, at least 1,000 controllers must be hired annually for the next three to five years, Rinaldi said. The FAA hired 762 controller in 2003.

The retirements will come at a time when air traffic is expected to increase dramatically because of expanded flight schedules, new budget airlines, and growth in the private and charter plane industrys.

A shortage could hit Dulles especially hard. The flight schedule there is expanding rapidly, partly because of the arrival of Independence Air, a discount airline that has been based there since June, Rinaldi said.

The FAA says it is uncertain how many new controllers will be needed and which of the nation's 300 air traffic facilities will need them, Simons said. He said the agency is studying the situation at each of the facilities and will deliver a report to Congress in December.

In the meantime, the agency said, it is taking steps to stem a potential shortage. It has proposed raising the controller retirement age and is focusing on advancements in technology to help reduce the dependence on air traffic controllers.

It is also streamlining controller training, an extensive process that can take up to five years, officials said.

"The task at hand is not simply to hire a number of new controllers, but the right number," Simons said.

Union representatives say there is no time to wait. Hiring must start now so that enough veteran controllers are still in towers to train recruits, said John Carr, national president of the Air Traffic Controllers Association.

"When it comes to having eyes on the skies, we need help and we need help now," Carr said.

Mr. LAUTENBERG. That speaks to the leadership we have. We see a headline that says, "War Funds Dwindling, GAO Warns." That is terrible. We have spent a ton of money.

One thing all of us can agree upon, whether Democrat or Republican, is that we want our troops protected. We want them to be able to conduct their responsibilities in Iraq and Afghanistan with the best equipment they can get. Frankly, I have been looking for some time now at a way to compensate these service people for the 90 days of extended term that has been demanded by this administration. I want to get a $2,000-a-month extra stipend to help them weather the financial storm.

The emotional, family storm is terribly painful. We see an unusual number of suicides—far greater than we have seen in past wars—because of the emotional distress. It is overpowering. Soldiers are away from their families for a year. They are often people with little children. These are people, largely in the Reserve Corps, who are often young, have young families, and are trying to take care of their family and financial needs at the same time—paying the mortgage payments, paying for the normal sustenance of life.

That could not get heard here. It wasn't allowed to be brought up.

There are other things that I consider detrimental to the purported support we want to give our troops. I agree all of us in this body want to do what we can for those who are serving so dutifully and courageously. But we see, no matter what we have allocated, the funds are short. We have a lack of sufficient numbers of service people there, and we are trying to find our way out of that. We now find that a promise made recently that we would go from 130,000 down to 90,000 service people there is now kind of canceled. It has fallen into the background. We are going to maintain 130,000 people there.

I submit that is not enough. We know darned well that is not enough because all we have to do is look at the casualty count and we see now we have finally gone over 900 dead in Iraq.

We see we are miscalculating on all fronts—whether it is financial, whether it is service, whether it is the kind of equipment we should have had early on.

I ask unanimous consent this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 2004]

War Funds Dwindling, GAO Warns

(By Jonathan Weisman)

The U.S. military has spent most of the $65 billion that Congress approved for fighting the wars in Iraq and Afghanistan and is scrambling to find $12.3 billion more from within the Defense Department to finance the wars through the end of the fiscal year, federal investigators said yesterday.

The report from the Government Accountability Office, Congress's independent investigative arm, warned that the budget crunch is having an adverse impact on the military as its shifts resources to Iraq and away from training and maintenance in other parts of the world. The study—the most detailed examination to date of the military's funding problems—appears to contradict White House assurances that the services have enough money to get through the calendar year.

Already, the GAO said, the services have deferred the repair of equipment used in Iraq, grounded some Air Force and Navy pilots, canceled training exercises and delayed facility-restoration projects. The Air Force is straining to cover the cost of body armor for airmen in combat areas, night-vision gear and surveillance equipment, according to the report.

The Army, which is overspending its budget by $10.2 billion for operations and maintenance, is asking the Marines and Air Force to help cover the escalating costs of its logistics contract with Halliburton Co. But the Air Force is also exceeding its budget by $1.4 billion, while the Marines are coming up $500 million short. The Army is even having trouble paying the contractors guarding its garrisons outside the war zones, the report said.

White House spokesman Trent Duffy said the Defense Department continues to believe that extra funds will not be needed this fiscal year. President Bush had requested a $25 billion reserve to cover shortfalls that may arise between Oct. 1, when the new fiscal year begins, and February, when the White House plans to submit a detailed funding request for military operations. But for now, Duffy said, there are no plans to tap the reserve. He added: "This president has said repeatedly the troops will have what they need, when they need it. That's why he has stood steadfastly in support of funding for our troops."

Lt. Col. Rose-Ann Lynch, a spokeswoman for the Pentagon's comptroller, said that though the fiscal 2004 budget is tight, "the department still anticipates sufficient funding to finance ongoing operations."

Democrats quickly pounced on the report, charging that the Bush administration is turning a blind eye to military funding issues to avoid adding to the overall budget deficit or conceding that the Iraq operations are off-course.

"George W. Bush likes to call himself a wartime president, yet in his role as commander in chief, he has grossly mismanaged the war on terrorism and the war in Iraq," contended Mark Kitchens, national security spokesman for Democratic presidential candidate John F. Kerry. "He went to war without allies, without properly equipping our troops and without a plan to win the peace. Now we find he can't even manage a wartime budget."

The GAO report detailed just why a $65 billion emergency appropriation has proved to be insufficient. When Bush requested that money, the Pentagon assumed that troop levels in Iraq would decline from 130,000 to 99,000 by Sept. 30, that a more peaceful Iraq would allow the use of more cost-effective but slower sea lifts to transport troops and equipment, and that troops rotating in would need fewer armored vehicles than the service members they replace.

Instead, troop levels will remain at 138,000 for the foreseeable future, the military is heavily dependent on costly airlifts and the Army's force has actually become more dependent on heavily armored vehicles. The weight of those vehicles, in turn, has contributed to higher-than-anticipated repair and maintenance costs. Higher troop levels have also pushed up the cost of the Pentagon's massive logistical contract with Halliburton subsidiary Kellogg Brown & Root.

About 4,000 Navy personnel in Iraq and Kuwait were not expected to be there, contributing to a $931 million hole in the Navy's budget for fiscal 2004. The Marine Corps was supposed to have decreased its presence in Iraq but instead has 26,500 Marines in the country and an additional two expeditionary units supporting the war on terrorism.

The strain is beginning to add up, the GAO said. The hard-hit Army faces a $5.3 billion shortfall in funds supporting deployed forces, a $2 billion budget deficit for the refurbishing of equipment used in Iraq and a $753 million deficit in its logistics contract. The Army also needs $800 million more to cover equipment maintenance costs and $650 million to pay contractors guarding garrisons.

The Air Force has decreased flying hours for pilots, eliminated some training, slowed civilian hiring and curtailed "lower priority requirements such as travel, supplies and equipment," the report said.

The Pentagon comptroller told GAO investigators that the Defense Department has sufficient funds to cover the shortfalls, provided Congress gives officials more authority to transfer money among accounts.

But the GAO report warned that there will be a serious downside to that approach, especially the deferral of maintenance and refurbishing plans until next year.

"We believe that the deferral of these activities will add to the requirements that will need to be funded in fiscal year 2005 and potentially later years and could result in a 'bow wave' effect in future years," the report cautioned. "Activities that are deferred also run the risk of costing more in future years."

A "bow wave" refers to a time when deferred costs confront Congress all at once, making it impossible to meet the demands.

Mr. LAUTENBERG. When I look at the morning paper, I see examples of what the administration has failed to do. Look at the status of things in Washington, DC. I assume it is a representative city of urban centers across the country. We see the D.C. gap in wealth is growing.

I ask unanimous consent to have that article entitled "D.C. Gap In Wealth Growing" printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 2004]

D.C. GAP IN WEALTH GROWING

UNEDUCATED SUFFER MOST, STUDY SHOWS

(By D'Vera Cohn)

The gap between rich and poor is as great in the District as in any other major city and has grown more here than in most places, a widening chasm that troubles government leaders.

A study to be released today by the D.C. Fiscal Policy Institute said the top 20 percent of the city's households have 31 times the average income of the 20 percent at the bottom. The gap in the District is fed by extremes at both ends: The poor have less average income than in most of the country's 40 biggest cities, and the rich have more.

The persistent gap between rich and poor has been fueling debate over whether the national economic recovery is helping all Americans. The study deepens the picture of an increasingly fractured city, where poverty and wealth both grew in the last decade. The average household income for the top group was $186,830, and the average income for the poorest group was $6,126.

"The rich got richer and the poor didn't get richer," said Stephen Fuller, a regional economist at George Mason University in Fairfax. "The poor can't afford to get out of Washington to the suburbs. . . . Our wealthy class got wealthier in the 1990s, and it didn't trickle down to the bottom."

The new report identifies the District, Atlanta and Miami as the big U.S. cities with the largest income gaps.

Another recent analysis, by the Lewis Mumford Center at the State University of New York at Albany, found that the District now ranks higher among economically polarized cities than it did in 1990. The analysis, by Brian Stults, a sociology professor at the University of Florida, employed a standard technique to analyze income inequality and ranked the District among the five big cities with the largest gap between rich and poor.

The D.C. Fiscal Policy Institute study measured 1999 income, but a co-author, Ed Lazere, said the income gap is not likely to have closed since then. Nationally, the gap between rich and poor widened from the 1970s until the early 1990s, and has inched up slightly since.

The trend, experts say, reflects a growing gap in wages between skilled, educated workers and those with no skills, as well as social changes such as a growing number of single parents, who have lower incomes than married couples. Although some gap is expected, they see the trend as a disturbing reflection of an economy in which people without college educations will be stuck at the bottom.

The city's richest and poorest households could not be more different, according to Lazere's analysis. Half of the richest households, with incomes starting at $89,814, are married. Among the poorest, where incomes topped out at $14,000, six in 10 were single, living alone. Single mothers accounted for less than 10 percent of the richest households, and more than a quarter of the poorest ones. Nearly all the working-age adults held jobs in the richest households, but only about half did in the poorest ones.

Using numbers from another census survey, Lazere's study calculated that the incomes of the city's richest households rose 38 percent over the decade, while those of the poorest went up 3 percent.

Tony Bullock, a spokesman for Mayor Anthony A. Williams (D), said the gap is the product of complex forces, including poor city services and poor schooling, that have persisted for decades and cannot be fixed overnight.

"We have a large concentration of poverty where no matter what we seem to do to bring investment into the District, a certain population is not able to access the kind of employment opportunities that come from a growing tax base," he said. "But it is our hope that we can improve in the future."

Bullock said the attractiveness of the city to high-income households is good for its tax base, and the study agreed. It said high-income families in the Washington region are more likely to live in the city than are affluent families in most other big metro areas.

Those at the top benefit from the District's unique job bank of high-paid employment related to the federal government, including lobbying and contracting. A single young professional can earn $100,000 in his or her first year out of law school.

At the other end of the income scale, Lazere's study said, the D.C. minimum wage, $6.15 an hour, is worth less when inflation is taken into account than it was worth in 1979. The purchasing power of the city's maximum welfare benefit—$379 for a family of three—fell by nearly a third over the decade, it said.

A bill co-sponsored by D.C. Council members David A. Catania (R–At Large) and Sandy Allen (D–Ward 8) would raise the D.C. minimum wage to $6.60 an hour next year and to $7 an hour by January 2006. It would be the first increase since 1997 in the D.C. minimum wage, which is set at $1 above the federal level. Catania said yesterday that he is confident that it will pass, and that he also wants the city to beef up its training programs for less-skilled workers.

"I don't want to focus so much on income disparity," he said. "The government should focus more on how to lift these workers out of poverty and help them make better wages."

Lazere said he is concerned that the mayor's efforts to boost the city's population by 100,000 over the next decade and attract high-income residents could squeeze out the poor through gentrification if the city does not expand its assistance to low-income workers.

"At the high end, the city already is attractive," he said. "Specific policies to attract more high-income families may not be needed and may exacerbate the problems for our neediest residents."

INCOME GAP

[The income gap between the richest and poorest households is at least as wide in the District as in the nation's other big cities, according to a new study by the D.C. Fiscal Policy Institute. The average income of the city's richest households was about 31 times that of the poorest ones.[1]]

Rank and city	Average income bottom fifth of households	Average income top fifth of households	Ratio of highest income to lowest income
1. Washington, D.C.	$6,126	$186,830	30.5
2. Atlanta	5,858	172,773	29.5
3. Miami	4,294	125,934	29.3
4. New York	5,746	159,631	27.8
5. Newark	3,747	93,680	25.0
6. Boston	5,832	145,406	24.9
7. Los Angeles	7,124	162,639	22.8
8. Fort Lauderdale, Fla.	7,831	176,053	22.5
9. Cincinnati, Ohio	5,440	117,086	21.5
10. Oakland, Calif.	7,642	163,931	21.5

[1] Census 2000 data analyzed by the D.C. Fiscal Policy Institute. The difference between D.C., Atlanta and Miami may not be statistically significant.

Mr. LAUTENBERG. If you look at the chart and see what has happened in terms of the difference in the wage scales, it is atrocious.

The wage scale gap at the top of the ladder goes up $186,000 and the people at the bottom of the ladder are at $6,000. Once again, we see a failure of responsibility.

I see on television a message that says, "My name is George W. Bush and I approve of this message." We see talk about the number of votes JOHN KERRY has missed but we don't see in the same message what JOHN KERRY did when he was in Vietnam. Even though he disagreed with the war, he went there and served bravely. He got three Purple Hearts, a Bronze Star, and a Silver Star—medals of bravery. One of the instances that got him that medal was pulling out of the water one of his colleagues who was practically drowning as bullets were flying overhead. He stopped that boat he was in command of and pulled his friend and subordinate out of the water. We don't see that. Instead, it says JOHN KERRY missed these votes.

Yes. JOHN KERRY is a man who is always devoted to duty. Right now what he is doing is important. All of us think the votes are very important here, but very often these votes are already predetermined by the numbers in the majority and the numbers in the minority—not that we should miss votes. But he has a more important task. He has a task of changing the leadership in this country and making sure we are paying attention to our responsibilities to the community at large and not just to a particular moment in time but, rather, in the total picture of leadership.

In my view, it is not how one runs government. What we see is a question of leadership in the administration—the question of leadership of President Bush and Vice President CHENEY. If you look at their prior leadership positions, you will see similar problems.

For instance, take Vice President CHENEY's recent leadership of Halliburton. How did he transform that company?

My experience in the corporate world was a very good experience. I, with two other fellows—all three of us coming from poor homes, two brothers—started a business over 50 years ago. It was a very small business in its beginning days. We had a few dollars of borrowed money—not much. We started a business that never looked like it was going to mature. It took us 12 years to get to the stage where we could apply computer technology to our business. Today that company we started—three poor kids with no resources to begin with—has over 40,000 employees and the longest growth record of any company in America, a growth of 10 percent each and every year for 42 years in a row. We grew at 10-percent earnings each and every year. It is remarkable.

I give that background not to boast but, rather, to try to make a point, the point being that there is a culture associated with our company—a culture, I am proud to say, has never been challenged in over 50 years of business, a culture that says whatever we do we have to be honest with our customers, honest with our employees, honest with our shareholders, and honest with the public at large. That sets the corporate culture. It tells you how we want that company to operate.

A CEO has an impact on a company that should endure beyond his or her years of service. I want to use that example to reflect on what has happened with Halliburton, one of America's largest companies.

In the wake of early leadership, Halliburton has been associated with bribes, kickbacks, violating terrorist sanctions laws, and sweetheart, no-bid Government deals. It doesn't sound very pretty, and it is not.

To make matters worse, Vice President CHENEY still receives salary checks from Halliburton for well over $150,000 each and every year. It has been 4 years now, somewhere around $700,000. He still holds over 400,000 unexercised Halliburton stock options. They are exercisable to 2009. He left the company 4 years ago. If the administration continues its service, he will have 4 more years. That is 2008, by my count. But the options exercise in 2009.

It is unconscionable that he would have a financial association with this company that disgraced corporate leadership in a time of war.

When I was in the Army a long time ago, I enlisted in 1942. I was 18 years old. During that period of time that America was fighting for its life, it was unthinkable that a company could profiteer while a war was going on; unthinkable. It would have been considered traitorous behavior.

But here we are in a session where the Vice President is undermining our Nation's ethical credibility here and abroad.

On September 14, 2003, the Vice President was asked about his relationship with Halliburton and the no-bid contracts on "Meet the Press." This is what triggered my interest. I listened very carefully, because I have respect for the office, and I think DICK CHENEY is someone who wants to do the right thing but it has hasn't come out that way. Vice President CHENEY told Tim Russert:

> I have severed all of my ties with the company, gotten rid of all of my financial interest. I have no financial interest in Halliburton of any kind and haven't had now for over 3 years.

There is a problem with that statement. When he said it, he held over 400,000 Halliburton stock options and continued to receive a deferred salary from the company.

In fairness, the Vice President has said, well, this is insured income, took out an insurance policy not dependent on the operating results of Halliburton. I take him at his word. He said he is going to give profits away from the stock option exercise to charitable institutions, philanthropic institutions.

But it is better for him if the company does well. He has these options, and even if he wants to give away the profits, the more profits the better if you look at the institutes he is giving the profits to. But he does hold 433,000 unexercised Halliburton stock options. Even though most of the exercise prices are above the current market price, the majority of the options, as I mentioned earlier, extend to 2009.

Any optionholder has to hope that the stock price will surge relative to the value of the options in excess. One way it can happen is to be sure that lucrative contracts keep coming from whatever source, whoever the customer is. In this case, the customer is the U.S. Government, and it is happening.

In the first quarter of 2004, Halliburton's revenues were up 80 percent from the first quarter of 2003. Why? Wall Street analysts point to one simple factor—the company's massive Government contracts in Iraq.

In addition, as I said, to the stock options, Vice President CHENEY continues to receive a deferred salary. Halliburton has paid the Vice President a salary of at least $150,000 a year since he has been Vice President of the United States. I think it is wrong and it ought to stop.

I heard the Vice President's defense: The deal was locked in in 1999; there was no way for him to get out of his deferred salary deal. That is not so. A little checking of the facts shows otherwise. I have obtained the terms of Vice President CHENEY's deferred salary contract with Halliburton. The bottom line is that the deferred salary agreement was not set in stone.

In fact, one need only look at the ethics agreement of Treasury Secretary Snow to see what the Vice President should have done in order to avoid taking the salary from a private corporation while in public office. Secretary Snow took six different deferred compensation packages as a lump sum upon taking office. The Vice President is not a victim of Halliburton's generosity. He could have attempted to take the deferred salary as a lump sum.

In the meantime, what has happened to Vice President CHENEY's former company? For starters, Halliburton overcharged the Pentagon a $27.4 million fee for meals served to troops abroad. The company billed taxpayers for meals never served to our troops. This is not Senator LAUTENBERG's concoction. These are the facts printed in news media, printed in contract agreements, printed in Pentagon papers.

Another Pentagon investigation is continuing after an audit found Halliburton overcharged the Army by $61 million for gasoline delivered to Iraq as part of its no-bid contract to operate Iraq's oil industry.

Now whistleblowers, former Halliburton employees, have revealed Halliburton employees would abandon $85,000 trucks because of flat tires—do not bother to fix them, get rid of it—or the need for an oil change. Dump the truck; we can bill the taxpayers. The whistleblowers also said Halliburton spent $45 for 30 canned cases of soda when local Kuwaiti supermarkets charged about $7. Halliburton has a cost-plus contract so they get reimbursed for their spending plus a calculated percentage of profit. That system is being heartily abused and is costing taxpayers a lot of money.

In my view, Halliburton is a company that suffers from failures in leadership, the same type of leadership that continues.

These overcharges are confirmed when the Pentagon, the Department of Defense, is refusing to pay bills of $160 million comprised of the elements I talked about. The auditors at the Pentagon said, Don't pay them; we do not owe that kind of money.

Those are overcharges, Mr. President.

In the meanwhile, we see the attack on Senator KERRY, our colleague. They are saying he has misplaced priorities; he missed votes in the Senate. What they are unwilling to admit is Senator KERRY and all of us are on a critical mission such as those he took on in Vietnam. What he is doing is not purposeless, it is not something to be made fun of. He is working for a safer, stronger America at home and respect for us across the world.

I wish President Bush would talk about the things he did or failed to do and that he would want to correct, such as protecting the purchasing power of working families, eliminating the creation of larger and larger deficits, protecting the solvency of Medicare, now estimated to be insolvent in 2019.

How about the costs of gasoline to the average person in this country since this administration has taken over? And $2.40 a gallon is not unusual for high test; $2.19 for regular gas is not unusual. I don't hear the President saying he wants to correct that problem.

No, he would rather try to say JOHN KERRY deserted his responsibilities, he is soft on defense. He received three Purple Hearts. Citizens do not get Purple Hearts for nothing. They even wanted to challenge the depth of one wound to see whether it was deserving of a Purple Heart.

Look at the cost of prescription drugs. Where are we going with that if drug prices go higher and higher? But we do not hear any protest. As a matter of fact, we had a Medicare bill that says within its content that Medicare is forbidden to negotiate with the drug companies to try to get a lower price because of the huge volume of purchasing for Medicare beneficiaries. The VA negotiates drug prices and it brings the prices way down, much lower, 20, 30 percent lower than those the Medicare beneficiaries pay.

How about improving the job market? We see what is happening in the stock market. If that is to be a barometer of where we are going, it is a terrible indication. The market has been reeling from shock and in an awesome decline from where it was. This market that was supposed to be making everybody, the pensioners and the mutual funds and the investors, happy is not doing so.

We should be hearing from President Bush about what he is going to do to correct the problems so worrisome to American families today: whether they can afford their mortgage, whether they can afford to educate their kids, whether they can afford to take care of a grandparent, if necessary, whether they could guarantee that someone who can learn can get an education. Those are the things we would like to hear.

Stop this insidious criticism, personal criticism, of Senator JOHN KERRY. Look at JOHN KERRY's record and look at the record of this administration. What a comparison that is. The Nation is tired of hearing this negative stuff. Talk about positive things. Talk about what you are going to do for America, not about what the other guy failed to do. Talk about what you failed to do and are ready to correct.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 1039

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to legislative session to consider S. 1039, the Wastewater Treatment Works Security Act of 2003, that the bill be read a third time and passed, and that the Senate return to executive session.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, will my friend restate the unanimous consent request?

The PRESIDING OFFICER. The Senator asks for a restatement of the request?

Mr. REID. Yes, please.

Mr. INHOFE. Of course.

Mr. President, I ask unanimous consent that the Senate proceed to legislative session to consider S. 1039, the Wastewater Treatment Works Security Act of 2003, that the bill be read a third time and passed, and that the Senate return to executive session.

Mr. REID. Mr. President, reserving the right to object, in committee I voted for this matter, to have it reported out. The ranking member, Senator JEFFORDS, did not, as did a number of other people who are in the minority. Their belief is this bill does not require wastewater systems to do basic tasks such as even completing a vulnerability assessment. Senator JEFFORDS believes this legislation is a step backward from existing law for drinking water plants and what we have agreed to already for chemical plants. So because of that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, I would like to at least mention this is a bill that is in the committee I chair. It is one that has been requested by virtually every community we have in Oklahoma. In fact, the Senator who is presiding right now was a cosponsor of this bill. It passed the committee by a vote of 12 to 6. It passed the House of Representatives, once on a voice vote and the second time by a vote of 413 to 2—413 to 2. Virtually every Republican and Democrat voted for it. In fact, every Democrat voted for it. Only two Republicans did not vote for it. The House cosponsors include Congressman JIM OBERSTAR.

Wastewater treatment works are responsible for treating municipal and industrial waste to a level clean enough to be released into the Nation's waterways. I have to say, I cannot think of any one bill that means more to local communities. Having been a mayor of a major community at one time, this is a very critical bill. It is one I am hoping there will be no objection to when we come back from this recess in September.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

9/11 COMMISSION REPORT

Mr. NELSON of Florida. Mr. President, I rise to comment about the 9/11 Commission report. I think it is an excellent report. Its recommendations ought to be implemented and they ought to be implemented soon by the Congress. Given the fact that we are near gridlock in an election season and it is very unlikely in September when we come back from the August recess we will get anything done, I think we ought to consider coming back after the election and implementing the recommendations of the report. Why? Because the only way we protect ourselves from the enemies whom we call terrorists is to have accurate and timely information.

The terrorist uses surprise and stealth, and the only way to defeat that is by having accurate and timely intelligence.

So whatever we need to do to avoid the colossal intelligence failure we had on September 11 and the colossal intelligence failure we had again prior to going into Iraq, we best get about the job of correcting that information gathering, information flow, and information analysis so we can try to continue to thwart the attempts at doing damage to us.

Is it not interesting what the 9/11 Commission report said? It specifically defined the terrorist as someone who is usually an Islamist fundamentalist who has warped the teachings of Islam so that it becomes a passion of hatred, and out of that wanting to do damage to the free world. Of course, we being the superpower are the target of that.

It was also noteworthy in the Commission's report, as they are suggesting how to restructure the intelligence apparatus, they have suggested having a national intelligence director and that the counterterrorism center would be a compendium that would report to him. It is also interesting that they still wanted to keep the administration of intelligence gathering and analysis from direct political involvement. So the Commission did not recommend the new intelligence chief be a member of the President's Cabinet but rather be what they have defined as the National Intelligence Director. Then in all of these subdepartments that have a myriad of filling out a flow chart, an organizational chart, it is interesting how all of the different components of intelligence, the CIA, the DIA, the FBI, would then fit together into this new apparatus.

We only have to remember that about a month ago we had another major information failure, and this was at the time of President Reagan's funeral. We had the Governor of Kentucky on his State airplane, having been given clearance by the FAA to come in and land at Washington National Airport, and his transponder was not working. He had been given clearance by the FAA, but the FAA was not communicating with the military. So the military, seeing a blip on the radar moving to the center of Washington, without a transponder, sent out the alert and, of course, everybody in this U.S. Capitol building and in all of those office buildings off to the side of this building got the emergency evacuate order, so much so that the Capitol Police, bless their hearts, were shouting at the top of their lungs, get out of the building, run, there is an inbound aircraft.

So how many more of these do we need to have before we come to the commonsense reality that we are not collating and coordinating all of this information like we ought to? So, we best get on the process of reforming the system.

Now we have a good blueprint with which to do it. We have an opportunity to make America safer—and, with our allies, quite a bit.

That leads me to the next subject I want to talk about, our allies. The 9/11 Commission report also says something that many of us in this Chamber have been saying for some period of time: You can't go out and be successful in the war on terror until you can bring in a lot of colleagues, a lot of allies, in a coordinated and planned effort so you internationalize the effort. We did that brilliantly 13 years ago in the gulf war. We did that again brilliantly in Afghanistan when we started going after bin Laden. But we didn't do that in Iraq. Especially, we didn't do it in Iraq after a brilliant military victory. We didn't do it in the occupation.

What the 9/11 Commission is pointing out is that if you want to improve the intelligence-gathering mechanism and analysis, then you have to internationalize the effort. That stands to reason.

Fortunately, through Interpol and direct one-to-one relationships with other countries' intelligence services, we get a lot of that information. But as the 9/11 Commission said, we have to do a lot more.

The 9/11 Commission also told us something that we didn't know. It said the country of Iran may have facilitated al-Qaida. It did not suggest that Iran's Government knew anything about the planning for the September 11 attack, but it suggested that some of those operatives passed through Iran.

There have been a number of us in this body who have been talking about Iran; that after September 11, and the importance of going after al-Qaida, that the next imminent threat to the interest of the United States were the countries of Iran and North Korea. Why? Because they are trying to acquire or already are building nuclear capability. Therefore, I think it is very important that we get our act together and implement this Commission report for many reasons. That is just one additional reason.

I see the esteemed chairman of the Senate Armed Services Committee has come into the Chamber. I want to say in his presence, as he knows, as one of the members of his committee, on a completely different subject, I have spoken out time and time again about the plight and the determination to find some evidence about CAPT Scott Speicher, the Navy pilot who was shot down on the first night of the gulf war in 1991.

There is a report in the Washington Times—and I will make reference directly only to what is reported in today's Washington Times—and what the Washington Times says is that a Speicher team has left and has given up the search. I hope that is not true. The family who lives in my State, in Jacksonville, FL, deserves to have closure. The family has been through a trauma like hardly any of us could believe. The Washington Times gives a great deal of detail. I don't know if it is true or not, but if it is, then what this country owes to that family is to keep searching. If a team has been returned, as the Washington Times has stated, then it is important that whatever the size of that team, that we have a presence. As long as the U.S. military is located there, a fallen flier in the future will always have the confidence to know we are not going to leave him or her there alone, and we are coming to get you. We didn't do that with Scott Speicher.

Mr. WARNER. Will the Senator yield?

Mr. NELSON of Florida. I am delighted to yield.

Mr. WARNER. First and foremost, I can't comment on the Washington Times article. But yesterday, in the course of an Armed Services Committee briefing by General Dayton, who at this point in time is also briefing the Senate Intelligence Committee—and I just left the Intelligence Committee meeting to come to the floor—the matter was discussed. That much I will confirm, as appropriate. As a member of the Committee of the Armed Services, my able friend knows that at every juncture our committee, largely through yourself and Senator ROBERTS most often, brings up a current report on that.

I will not say, other than it was a matter that was discussed, and General Dayton shared with us his views. But I wish to point out, in discussing it with General Dayton, he finds that whatever was carried today, reflects it as his views, and he simply wants to say the final decision rests with the Secretary of the Navy, not General Dayton, as to the course of this investigation. So that much I will say. Beyond that, I believe, regrettably, it was a top secret briefing, but nevertheless information might well have gotten out. That is regrettable.

I thank the Senator for bringing it up. I, too, join you in fervently wishing and praying for Scott Speicher. The Senator has to be commended for the amount of time he has spent on this situation.

Mr. NELSON of Florida. I thank my colleague, my esteemed chairman. I am a devoted member of his committee, under his leadership. I thank the Senator from Virginia for all the personal encouragement he has given to me as we have relentlessly kept after this, trying to find some evidence.

I do want to say, since my colleague mentioned General Dayton, I think he performed magnificently. He, of course, had many other responsibilities other than just the search for CAPT Speicher. He had all the responsibilities of the search for weapons of mass destruction. But he had a special team that was led by Major Eames, who has now been promoted to lieutenant colonel. That young officer was as devoted as any that I could ever imagine in the search, when I visited with him in his headquarters in Baghdad. At the time we had actually gone to one of the cells where we thought maybe it was Scott Speicher's initials on the wall, having been scratched into the stucco: MSS.

All those leads did not pan out. But there are other leads they need to follow. It is my hope the U.S. military will continue to do that, even though General Dayton is not in Iraq anymore, and he deserves to be home. Even though Colonel Eames is not in Iraq.

If those leads would be continued, Colonel Eames would, in fact, be back in Iraq in a heartbeat, following up that new information.

I want to take the occasion of reminding the Senate that this Senator will continue to speak out on this issue, to remind the U.S. military of its obligation to continue to search for evidence so the case of Scott Speicher can be brought to closure.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I commend my colleague. He has worked very hard on the Speicher case and undoubtedly his commitment will carry forward. I suggest, based on what was said yesterday, that he will be in consultation with the Secretary of the Navy. He has the authority to make disclosures as he sees fit about this case, but I believe General Dayton, in a very professional and conscientious way, will discharge his duties.

THE 9/11 COMMISSION REPORT

Mr. WARNER. Mr. President, I would like to provide this Senator's observations, very preliminary though they may be, with regard to the report of the 9/11 Commission which was made public today.

Yesterday I joined about a dozen or so Senators, the distinguished majority leader, and others to receive a brief private briefing. That was our first official glimpse of this report. I have not had the opportunity to, of course, go through this rather prodigious volume—each Member received a copy—but I do intend to do so because I think it is a very important contribution by this Commission. I think many parts of it can provide a roadmap for things that must be done.

It has been my privilege to serve in the Senate—this is my 26th year, and I commit to work with other colleagues, all colleagues, to see what we can do to strengthen our ability, not only in intelligence, but across the board in all areas of national security.

As privileged as I am to be the chairman of the Senate Armed Services Committee, I am prepared to listen to how the responsibilities of that committee should be changed for the better. I will not participate in any obstruction simply because of turf. I have been here too long. Also, this changed world in which we live is so very different than when I came to this institution a quarter of a century ago, and most particularly in the aftermath of the tragedy of 9/11.

So I think it is incumbent upon all of us in the Congress and, indeed, the executive branch to have a strong self-examination of the areas covered by this report; to use this report, along with input from other commissions, groups, and individuals, as a sort of roadmap to guide us into those areas which need to be carefully reviewed.

Out of that process, which I hope is a carefully thought through, not rushed, deliberative process, I hope will evolve such changes as we, Congress, deem necessary to strengthen our capability to deter and, if necessary, engage further in this war against terrorism. So, therefore, I say with respect, I welcome the recommendations of the Commission. I commit to study them and commit to work with my colleagues.

Yesterday a specific question was put to the two cochairmen of the 9/11 Commission: Is America safer today? And their unhesitating acknowledgment was it is safer today, and I agree it is. Is it as safe as we need? None of us believe that. But I think conscientious efforts have been made all along the way to make this a safer Nation, and we have, in large measure, succeeded with the goals within the timetable we have had.

I am disappointed, however, that there was not more thorough dialog between the 9/11 Commission and Members of the Congress. I do not take that personally. I did have an opportunity to visit in my office some 2 weeks ago—a very pleasant visit—with one member, at which time we exchanged views. Somehow I do not feel that was the type of consultation that enabled us to get into the report and make constructive contributions. I do not suggest all 535 Members of Congress troop up before the 9/11 Commission. We do not have time to do that. Somehow it seems to me a better balance could have been struck between the knowledge and the ideas we have in the institution of the legislative branch of our Government that could have been shared with this Commission. After all, the Commission was, in many respects, created as a consequence of the actions of Congress.

Having said that, I am going to take some specific issue with this rather sweeping indictment that we have been dysfunctional in our oversight.

All throughout my public service, I have been privileged to have a number of jobs, and I am very humble about it, but I am far from perfect, and I have always welcomed constructive advice and criticism. But this time this dysfunctional brush that was wiped across struck me as not fair to certain things I personally have a knowledge of that were done by this body, the Senate.

I will start back some years ago in 1987 when, as a member of the Armed Services Committee, we structured the Goldwater-Nichols legislation which had sweeping ramifications in our overall defense setup. It has been hailed since that period of time as a landmark achievement by the Congress to begin to transform our military from the cold war era to the era of the threats today which are so diverse and so different as compared to those we confronted during World War II and in the immediate aftermath of the cold war.

That was quite an accomplishment and, in large measure, is owing to Senator Goldwater and Congressman Nichols. Again, I had the privilege to serve with those two men for many years, long before we started the Goldwater-Nichols Act.

As a member of the Armed Services Committee—and I say with humility and personal pride, I was a close personal friend of Senator Goldwater. I admired him so much and looked forward to the times we worked together and traveled together. I remember Congressman Nichols bore the scars of World War II, having been a very courageous serviceperson in that war. He was extremely conscientious about his duties on the House Armed Services Committee. These two giants in the way of thinking got together and relentlessly drove this legislation through both bodies of the Congress, and it has withstood the test of time.

Contemporaneous with this, I remember my dear friend with whom I came to the Senate, Senator Cohen, who later became, after he resigned from the Senate, Secretary of Defense. We worked together as a team with others to carve out of the Department of Defense, taking from the Army, the Navy, the Air Force, and the Marines some of the best and the brightest to create the Special Operations Command.

While today most colleagues have seen their magnificent performance worldwide, particularly as a front line against terrorism, I remind them it was a tough and long struggle, vigorously resisted by the Department of Defense, to create this new entity and to give them their dedicated assets of modest naval vessels, modest number of airplanes, and other equipment which was their own. But we succeeded. Today those forces have established themselves in the contemporary military history of this country as an essential part of our military structure, much admired by all, much envied by all, and their performance record is second to none. I do not mean to suggest by that they have outpaced or outperformed the basic elements, particularly combat-committed elements of the Army, Navy, Air Force, and Marines. No, it is that the whole military looks with a sense of pride toward their accomplishments. I am proud to have been a part of establishing this important part of our armed forces.

Then in 1999, when I was privileged for the first time to become chairman of the Senate Armed Services Committee, I went in there and I changed basically a structure that had been in place for decades, the subcommittee structure. Again, I carved out a new subcommittee called Subcommittee on Emerging Threats and Capabilities. This is 1999. This is not in the aftermath of 9/11. This is 1999.

I must say, I have had the constructive support of the members of the committee, and by pure coincidence—I am speaking of the Subcommittee on Emerging Threats and Capabilities—the first chairman of that subcommittee, the distinguished Senator from Kansas, Mr. ROBERTS, just walked into the Chamber, and perhaps he will have a word or two about the functions of that subcommittee.

Mr. President, I say to my distinguished colleague, I was saying the 9/11 Commission has brushed the Congress as being sort of dysfunctional, and I was going back in history. The Senator from Kansas was one of my principal supporters on establishing the Subcommittee on Emerging Threats and Capabilities. He has been ranking member or chairman of that subcommittee, and under his leadership and that of the full committee, we have achieved a great deal, and have helped the Department of Defense move forward in the areas of joint experimentation, homeland defense, counterterrorism, and future technologies and concepts that will be needed to confront future threats.

That subcommittee was directed to look forward a decade and determine what are the threats that are going to face the United States of America and how best our Department of Defense needs to transform itself and allocate assets and men and women to take up the positions of responsibility to meet those threats.

That subcommittee has done its work and done it admirably and has measurably enhanced the overall strength of our military today.

My distinguished colleague, Senator ROBERTS from Kansas, is chairman of the Intelligence Committee. I am privileged to serve on that committee today. In years past, I was privileged to serve 8 years. We have this rotation in the Senate, and this is my second tour on that committee. When I was vice chairman, together with other members of that committee, we fought hard against the cuts in intelligence.

I ask unanimous consent that portions of the minority view report be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF SENATORS WARNER, DANFORTH, STEVENS, LUGAR, AND WALLOP

The United States must maintain and strengthen U.S. intelligence capabilities to provide for the future security of the Nation and for the protection of its interests around the globe. The U.S. should commit more resources to achievement of that objective than the fiscal year 1994 intelligence authorization bill reported by the Select Committee on Intelligence would provide.

The U.S. faced grave security risks during the Cold War, but it faced them in an international environment that was comparatively stable and predictable. With the end of the Cold War and the dissolution of the Soviet Union and its Warsaw Pact military alliance, the U.S. had hoped for a "New World Order" with stable and steady progress toward greater democracy, freedom and free enterprise. What the U.S. faces in the post-Cold War era, however, is a more chaotic environment with multiple challenges to U.S. interests that complicate the efforts of the U.S. and cooperating nations to achieve the desired progress. In an unstable world of diverse and increasing challenges, the need for robust and reliable U.S. intelligence capabilities has grown rather than diminished.

America faces a world in which:

Ethnic, religious and social tensions spawn regional conflicts;

A number of nations possess nuclear weapons and the means to deliver them on a target;

Other nations seek nuclear, chemical or biological weapons of mass destruction and the means to deliver them;

Terrorist organizations continue to operate and attack U.S. interests (including here at home, as the bombing of the World Trade Center in New York reflects);

International drug organizations continue on a vast scale to produce illegal drugs and smuggle them into the U.S.; and

U.S. economic interests are under constant challenge.

The United States continues to have a vital interest in close monitoring of developments in the independent republics on the territory of the former Soviet Union. The U.S. Government needs accurate and timely intelligence on the nuclear arsenals, facilities and materials located in Russia, Ukraine and other republics; the economic and military restructuring in the republics; and the ethnic, religious and other social turmoil and secessionist pressures in the republics.

To the extent that the end of the Cold War allows a reduction of U.S. resources devoted to intelligence capabilities focused on military capabilities of countries on the territory of the former Soviet Union, the U.S. should reallocate the gained resources to strengthen intelligence capabilities to deal with growing risks to America's interests. The U.S. should make such resources available for strengthened intelligence capabilities focused on the problems with which the U.S. Government must deal in the coming decades, including proliferation of weapons of mass destruction, terrorism, international narcotics trafficking, and the illegal transfer of U.S. high technology. In many intelligence disciplines, investment in research and development is needed now to yield intelligence capabilities a decade from now. Absent needed investment, capabilities will not be available when needed and existing capabilities will erode.

At the same time as risks to U.S. interest grow, U.S. military power will decline as the U.S. draws down substantially the size of its armed forces following victory in the Cold War. With a diverse and growing array of risks to U.S. interests and a reduced commitment of resources to the Nation's defense, the U.S. will grow increasingly dependent for its security and the protection of its interests abroad upon its intelligence capabilities—the Nation's eyes and ears. Indeed, the substantial cuts of recent years in defense budgets have been premised directly upon the strengthening of intelligence support to the remaining, smaller armed forces. Reducing the Nation's intelligence capabilities magnifies significantly the risks attendant to reductions in resources devoted to the Nation's defense. As this Committee noted in discussing legislation to assist in managing the personnel reductions at the Central Intelligence Agency, ". . . maintaining a strong intelligence capability is particularly important when military forces are being substantially reduced . . ." (S. Rept. 103–43, p. 3).

The U.S. will depend on effective foreign intelligence in allocating scarce U.S. national security resources effectively. To protect America's interests in times of peace and of conflict, U.S. policymakers and military commanders will depend heavily upon early warning of trouble and early and extensive knowledge of the activities, capabilities and intentions of foreign powers. Effective intelligence will multiply substantially the effectiveness of the smaller U.S. military force.

A sampling of the deployment of the U.S. armed forces abroad in the past four years illustrates risks to American interests in the post-Cold War world, likely uses of U.S. military forces in the future, and the importance of effective intelligence in supporting military operations. In late 1989, American troops in Operation JUST CAUSE liberated Panama from the Noriega dictatorship that suppressed Panamanian democracy and threatened U.S. personnel. In 1990 and 1991 in Operations DESERT SHIELD and DESERT STORM American and coalition forces liberated Kuwait from Iraqi occupation, and those forces remain on station in and around the Arabian Peninsula to enforce United Nations sanctions on Iraq. American forces have rescued American diplomats caught in civil insurrections abroad. U.S. forces have assisted in stemming the flow of illegal immigrants into the United States. U.S. forces have undertaken humanitarian relief operations, to feed hungry people and provide them medical care. The U.S. has assigned its forces as part of or in support of United Nations peacekeeping forces in many countries, including Bosnia, Macedonia, Somalia, and Cambodia. In every one of these operation—from massive operations on the scale of DESERT STORM to the smallest humanitarian relief operations—the successful accomplishment of missions by the U.S. armed forces and the protection of American troops have depended directly upon the high quality and timeliness of the intelligence available to American forces.

Reductions in U.S. intelligence capabilities in this period of international instability are unwise and do not serve the Nation's long-term security interests. Defense of America and America's interests abroad requires a greater commitment of resources to U.S. intelligence capabilities than the fiscal year 1994 intelligence authorization bill provides.

JOHN WARNER.
JOHN C. DANFORTH.
TED STEVENS.
RICHARD G. LUGAR.
MALCOLM WALLOP.

Mr. WARNER. I have the report that accompanied the 1994 bill. This was written in July of 1993. This report covered the ensuing fiscal year. I wrote the minority views, which were joined in by other colleagues on the committee at that time: Senator Danforth, who is now our Ambassador to the United Nations; Senator STEVENS, who is currently chairman of the Senate Appropriations Committee; Senator LUGAR, who is currently chairman of the Foreign Relations Committee; and our former colleague, Senator Wallop.

Here is what we had to say, and I do not think this is dysfunctional participation, but I will let my colleagues judge for themselves after I have read portions of this report.

The minority views of the following Senators:

The United States must maintain and strengthen U.S. intelligence capabilities to provide for the future security of the Nation and for the protection of its interests around the globe. The U.S. should commit more resources to achievement of that objective than the fiscal year 1994 intelligence authorization bill reported by the Select Committee on Intelligence would provide.

We were, of course, members of that select committee.

The U.S. faced grave security risks during the Cold War, but it faced them in an international environment that was comparatively stable and predictable. With the end of the Cold War and the dissolution of the Soviet Union and its Warsaw Pact military alliance, the U.S. had hoped for a "New World Order" with stable and steady progress toward greater democracy, freedom and free enterprise. What the U.S. faces in the post-Cold War era, however, is a more chaotic environment with multitude challenges to U.S.

> interests that complicate the efforts of the U.S. and cooperating nations to achieve the desired progress. In an unstable world of diverse and increasing challenges, the need for robust and reliable U.S. intelligence capabilities has grown rather than diminished. America faces a world in which: Ethnic, religious and social tensions spawn regional conflicts; a number of nations possess nuclear weapons and the means to deliver them on a target; other nations seek nuclear, chemical or biological weapons of mass destruction and the means to deliver them; terrorist organizations continue to operate and attack U.S. interests (including here at home, as the bombing of the World Trade Center in New York reflects)—

This is 1993. It is interesting. It was June 30, just about this time—

> international drug organizations continue on a vast scale to produce illegal drugs and smuggle them into the U.S.; and U.S. economic interests are under constant challenge.
>
> To the extent that the end of the Cold War allows a reduction of U.S. resources devoted to intelligence capabilities focused on military capabilities of countries on the territory of the former Soviet Union, the U.S. should reallocate the gained resources to strengthen intelligence capabilities to deal with growing risks to America's interests. The U.S. should make such resources available for strengthened intelligence capabilities focused on the problems with which the U.S. Government must deal in the coming decades, including proliferation of weapons of mass destruction, terrorism, international narcotics trafficking, and the illegal transfer of U.S. high technology.

I shall not read further because I will put it in the RECORD.

This is not dysfunctional action by legislators; this is legislators looking into the future and seeing much of what is occurring today. I only wish we had the opportunity to advise the 9/11 Commission of this and other contributions by many others in this Chamber at that period of time who were in the service of the Senate and their States. This was not dysfunctional.

In the days ahead, we do need to look at how best to organize the intelligence elements of our national security structure, along with many other components. We must not, however, do anything precipitously.

In the specific area of intelligence, our intelligence services, even with the flaws that have been recently pointed out, are the best in the world, by far. They are not perfect, and their business is, by definition, one of uncertainty—best judgments made with the information that is currently in hand. Any changes we make must be carefully constructed to preserve existing excellence, while improving other functions.

As we consider any changes, we must remember that intelligence is an integral part of military operations. Recent military operations by our forces in Afghanistan and Iraq have been extraordinarily successful, in large part because of excellent intelligence, and because of the close relationship between military operations and intelligence that has been so carefully built over the years. Intelligence is part of a whole Department of Defense, as well as part of a larger intelligence community. Moving defense intelligence functions under the authority of another cabinet-level official could have unintended consequences—we must move with careful deliberation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

TRIBUTE TO TOM DIEMER

Mr. DEWINE. Mr. President, I rise today to recognize the retiring dean of the Ohio press corps. Tom Diemer, a veteran reporter who spent more than 26 years at the Cleveland Plain Dealer newspaper, has left the paper to pursue another career.

Tom is one of those rare reporters who truly do "get it." Tom understands Ohio. He understands Ohio government. He understands Ohio politics and certainly national politics. He understands what his readers need and what they want to know.

Tom Diemer began working at the Columbus bureau of the Plain Dealer in 1978. A few years later, in 1981, Tom was promoted to bureau chief. When the opportunity came in 1985 to join the Plain Dealer's Washington bureau, Tom took it. During his career here in Washington, Tom has covered four Ohio U.S. Senators: first, Howard Metzenbaum and John Glenn; later on, myself and then GEORGE VOINOVICH.

With a healthy dose of skepticism, Tom reported to his readers in Cleveland about the activities in the U.S. Senate. But Tom was never a reporter to take a press release at face value or a prepared statement at face value. I think Tom was a skeptic in a good sense of the term. He required his sources and those he got information from to make the case to him, and he questioned them, questioned them hard. He asked them questions that showed he was looking for the story behind the story. Whether it was local issues, such as the Great Lakes or the Euclid Corridor, or national issues, such as a war declaration or the PATRIOT Act, we could always expect Tom to dig deeper and go further with his line of questioning than just about anybody else.

Tom would want to know the implications of a certain story or he would want some "color" for his story so he could capture the "feel" of an event for his readers. He would want to be able to take his readers here to Washington and let them feel and understand how things really work in our Nation's Capital.

I always got the feeling that when Tom wrote a story, his editors got off pretty easily. They really did not have to do much work. However Tom wrote it, that was probably just about the way the story appeared in the Plain Dealer because Tom got it right. No matter how tough his questions were to me, I always knew any story I read by Tom Diemer would be fair and accurate.

In Washington, Tom came to lead the Ohio press corps. His expertise about Ohio politics often made him the go-to person for C–SPAN or CNN or any of the national reporters anytime they needed someone to analyze the Ohio political scene during an election year.

I have always appreciated Tom's great professionalism, his thoroughness, his frankness, his fairness, his kindness, and the way he deals honestly, forthrightly with people.

Tom Diemer will still be writing, but he is leaving the Plain Dealer to set out now on his own. I certainly will miss him. I will miss my frequent contact with him. I certainly wish him the best of luck.

TRANSPORTATION SAFETY

Mr. President, I would like to turn to the issue of highway safety. Over 43,000 people lost their lives on our Nation's highways last year. That is one death every 12 minutes or the equivalent of two Boeing 747–400s filled to capacity going down every week with no survivors.

This past May, the National Highway Traffic Safety Administration, NHTSA, released its 2003 traffic safety report, which details when, where, and why so many Americans lose their lives on our roads. This information gives us an idea of how effective our efforts are at the local, State, and national levels and where we need to focus resources in the future to help save lives. Based on the preliminary 2003 data, we have, tragically, a long way to go.

Overall, fatalities increased 1 percent, from 42,815 in 2002 to 43,220 in the year 2003. This is the fourth consecutive increase in annual traffic fatalities. This is truly bad news, particularly in light of the progress we made throughout the 1990s, when the norm was a reduction in fatalities each year. On the other hand, the number of deaths per 100 million vehicle miles traveled stayed constant at 1.5 from 2002 to 2003. While not an increase, this figure does show how difficult it will be to reach the Secretary of Transportation's very aggressive goal of reaching 1.0 fatalities per 100 million vehicle miles traveled by the year 2008.

The 2003 report also includes a number of other findings that shed light on the direction our country is taking as far as highway safety. Among other things, the report states the following:

Standard passenger car fatalities are down but deaths in sports utility vehicles, SUVs, are up in the past year, with most of the increase coming from rollover crashes. NHTSA estimates this trend may continue as SUVs grow as a share of sales volume.

Motorcycle crash deaths are up 11 percent from last year, now totaling 3,592. Further, drunk driving death rates are essentially unchanged from 2002, with 40 percent of crash fatalities involving alcohol in the year 2003.

Further, the number of fatal crashes involving young drivers, those between 16 and 20, declined by 3.7 percent, from 7,738 in 2002 to 7,542 in the year 2003.

While the report does bring welcome news with regard to young drivers who are much more vulnerable while driving than adults, it is also clear that progress needs to be made in a host of other areas, particularly rollover crashes and drunk driving. I have been working in the Senate, along with others, to see that we do just that through safety issues we have added and that the Senate added to the 6-year highway bill currently under consideration by the joint House-Senate conference committee.

These initiatives are designed to advance our ability to test vehicles for passenger protection and rollover crashes, get consumers vital crash test information when they need it most, and increase seatbelt use and reduce drunk driving through nationwide high-visibility traffic safety enforcement campaigns. Combined with increased seatbelt use, something that in my State of Ohio, Ohio State Senator Jeff Armbruster is working diligently to enforce in Columbus, better driver education, which the Ohio Department of Public Safety is focusing on, and responsible practices, such as using a designated driver, can in fact make a real difference.

These initiatives are contained in the Senate-passed bill that is currently being considered by the House-Senate conference committee. It is vitally important that they remain in this conference committee. They will, in fact, save many lives.

Traffic safety affects all of us. We all have a role to play in making sure that when the 2004 numbers come out early next year, they are headed in the right direction.

In a related matter, I would also like to discuss a very important development in the effort to make our Nation's roads safer. Earlier this month, Delaware became the 50th and last U.S. State to adopt a .08 blood-alcohol content per se drunk driving standard. Now every State in the Union has that standard.

This development constitutes the culmination of many years of work here in the Senate to get tough, uniform drunk driving laws on the books across our country. In 2000, the Senate took decisive action to help stop drunk driving by implementing mandatory sanctions for States that do not adopt a .08 per-se standard. Now we are finally seeing the full realization of this effort, as all 50 States now have .08 laws.

This is so important from a safety perspective because the fact is that a person with a .08 blood-alcohol concentration level is seriously impaired. When a person reaches .08, his or her vision, balance, reaction time, hearing, judgment, and self-control are severely impaired. Additionally, critical driving tasks, such as concentrated attention, speed control, braking, steering, gear-changing and lane-tracking, are negatively impacted at .08.

Beyond these facts, there are other scientifically sound reasons to have a national .08 standard. First, the risk of being in a crash increases gradually with each blood-alcohol level, but then rises rapidly after a driver reaches or exceeds .08 compared to drivers with no alcohol in their systems. The National Highway Traffic Safety Administration reports that in single-vehicle crashes, the relative fatality risk for drivers with blood alcohol levels between .05 and .09 is over eleven times greater than for drivers with blood alcohol levels of zero.

Second, .08 blood alcohol laws have proven results in reducing crashes and fatalities. Some studies have found that .08 laws reduce the overall incidence of alcohol fatalities by 16 percent and also reduced fatalities at higher blood alcohol levels. Now that all 50 States have a .08 law, we will have the opportunity to see its effects on a much larger scale.

The reduction in alcohol-related fatalities since the 1970s is not attributable to one single law or program. Rather, it is the result of a whole series of actions taken by State and Federal Government and the tireless efforts of many organizations, such as Mothers Against Drunk Driving, Students Against Drunk Driving, Advocates for Highway and Auto Safety, the Insurance Institute for Highway Safety, the Alliance of Auto Manufacturers, and many others.

I thank my friend from New Jersey, Senator LAUTENBERG, for his continued dedication to fighting drunk driving. His hard work and perseverance have made the nationwide .08 standard possible. Mr. President, .08 was definitely a legislative effort worth fighting for, and now that all 50 States have a companion law in effect, I believe we will see why.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOB GROWTH: GOOD JOBS

Mr. FRIST. Mr. President, shortly we will be going to the Defense bill and we will have a UC in a little bit on that. While we are waiting for some final approval on language, I want to take this opportunity to comment on the economy, job growth, and jobs.

Earlier this week, Chairman Greenspan presented his semiannual monetary policy report to Congress. The chairman's conclusion needs to be highlighted. He said: "Economic developments of the United States have generally been quite favorable in 2004" and that this favorable situation "increasingly supports the view that the expansion is self-sustaining."

On the same day the chairman presented his upbeat, optimistic assessment of the economy to the Senate Banking Committee, the Department of Labor released its latest report on State-by-State employment figures for June. The Department of Labor report presents hard data that shows the unemployment rate has fallen in 47 States since last June—47 States. Nonfarm payroll employment increased in 41 States in June. Over the past year, employment has increased in 46 States. Today, 37 States have unemployment rates at or below the national unemployment rate of 5.6 percent in June. Further, since last August, the economy has generated 1.5 million private sector jobs, and an average of more than 250,000 jobs have been created each month over the last 4 months. Finally, today, more Americans are working than at any time in this country's history—over 139 million Americans.

Unable to refute this good news, this positive news, this real and continually improving news on the job front, some of our Democratic Senators and colleagues, including the presumptive Democratic Presidential and Vice Presidential nominees, have tried a whole new approach in attacking this positive news. They now have decided: OK, maybe there have been jobs created, but they are not good jobs; they are low-paying jobs. This is a new approach. As former President Ronald Reagan would say: There they go again.

The question was asked directly of Chairman Greenspan by my colleague, Senator DOLE, on Tuesday:

> Does your analysis show that the current jobs being created are basically lower wage jobs with little or no benefits?

The chairman's answer, in one uncharacteristic word for him:

> No.

More recently, the University of Pennsylvania's nonpartisan Annenberg Public Policy Center supported research found that after analyzing data over the last year from the Bureau of

Labor Statistics, there was "solid growth in employment in relatively higher paying occupations," including construction workers, health care professionals, business managers, and teachers, and virtually no growth in relatively lower paying occupations, such as office clerks and assembly line workers.

Factually, the study concluded that we have seen "good evidence that job quality has increased over the past year or more."

I asked my staff to similarly analyze the data since the most recent job growth began last August. Using the current population survey data distributed by 11 industries broken down by 14 occupations, 154 categories of workers, there were in these 154 categories 1.8 million jobs created and 110,000 jobs lost since last August.

The median weekly earnings for these 154 categories in 2003 was $541. Of the gross 1.8 million jobs created since last August, 1.4 million were in categories where their weekly wage exceeded the median wage of all workers in 2003. In other words, 77 percent of all the jobs created since last August have been in occupations with weekly earnings above the median.

Of the 1.8 jobs created since last August, 461,000 were in occupations with weekly earnings below the median, or 27 percent of the jobs created were in those below median earnings jobs. Only about 110,000 jobs created since last August have been in occupations at the median.

The conclusion, supported by other objective analyses, higher paying jobs are growing faster than other jobs in this recovery.

My friends on the other side of the aisle who are looking hard to find a way to spread pessimism across the political landscape of this election year are simply wrong in saying the quality of jobs being created is low.

Chairman Greenspan just simply disagrees. The nonpartisan Annenberg Public Policy Center-supported research disagrees, and hard data from the Bureau of Labor Statistics disagree.

Economic growth is on track, job growth is good, and the quality of those jobs is high. I hope my Democratic friends could at least try to get their facts correct, and when they do they will find this latest attempt to discredit the progress made is a canard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in executive session.

Mr. DODD. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DODD pertaining to the introduction of S. 2755 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The majority leader.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005—CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that following the granting of this request, the official Senate copy of the Defense appropriations conference report having been presented to the desk, the Senate proceed to 2 hours for debate only, with 1 hour equally divided between the chairman and ranking member of the committee and 1 hour equally divided between Senator MCCAIN and Senator INOUYE; provided further that following that time the Senate proceed to a vote on adoption of the Defense appropriations conference report with no intervening action or debate and points of order waived; further, that when the Senate receives the official papers from the House, the vote on passage appear at the appropriate place in the RECORD following the receipt of those papers; and, finally, this agreement is null and void if the House does not agree to the conference report.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, reserving the right to object, if all goes well, Members will not use the full 2 hours. This, I think, is the only remaining vote Members would have to worry about tonight unless something untoward happens. Is that right?

Mr. FRIST. Mr. President, we have several business items, one of which has Transportation, Coast Guard, and other issues. The assistant Democratic leader is right with his implication that this is going to be in all likelihood the only rollcall vote. It is absolutely critical that Members understand we have other items we have to address tonight. We need to do that, and finish with this vote, if all goes well.

Mr. REID. Mr. President, if everything goes well, Members may have a vote on this very important conference report.

There is no objection on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. DAYTON. Mr. President, after the vote on the Defense appropriations, will there be opportunities for Senators to speak on other subjects?

Mr. FRIST. Mr. President, there will be. We will be happy to be here through the night for morning business—at some reasonable hour, I hope. We will be here for a while.

Mr. DAYTON. I thank the majority leader.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4613) "making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes," having met, have agreed that the House recede from its disagreement of the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same.
>
> Signed by all of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings in the CONGRESSIONAL RECORD of Tuesday, July 20, 2004 (No. 101—Book II).)

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, our Appropriations Committee is pleased to present to the Senate the Defense Appropriations Conference Report for the Fiscal Year 2005. I believe passage of this measure today represents the earliest date the Defense bill has ever been sent to the President for signing.

This conference report symbolizes a balanced approach to fulfilling the financial needs for the Department for the fiscal year 2005.

It provides $416.2 billion in new discretionary spending authority for the Department of Defense. This amount includes $25 million in emergency spending requested by the President for the fiscal year 2005 costs associated with the operations in Iraq and Afghanistan. That provision becomes effective immediately upon the signing of this bill by the President.

The conference report fully funds key readiness programs critical to the global war on terrorism such as land forces training, helicopter flying hours, ship steaming days, and spare parts.

It fully funds the 3.5 percent military pay raise proposed in the President's budget, and increases levels for basic allowance for housing, eliminating service members' average out-of-pocket housing from 3.5 percent to zero in 2005.

It provides $1.5 billion above the President's budget request for Army and Marine Corps recapitalization of combat and tactical vehicles, helicopters, and ammunition, and provides a total of $18.2 billion for the Defense Health Program, an increase of $2.5 billion over the fiscal year 2004 enacted level.

I urge all Members to support the men and women in uniform who risk their lives for our country each day by voting for this measure.

I would like to thank Larry Lanzillota, the Acting Department of Defense Comptroller, for his hard work, dedication, and diligence throughout the past year. He has done a superb job and we wish him success in his future endeavors.

I also thank my cochairman, Senator INOUYE, for his support and valuable counsel, and recognize him for any statement he wishes to make.

I wish to put in the RECORD the names of the diligent staff members who have worked on this bill night and day to be able to present it to the Senate at this time, as follows:

Charlie Houy, Betsy Schmid, Nicole DiResta, Sid Ashworth, Jennifer Chartrand, Kraig Siracuse, Tom Hawkins, Kate Kaufer, Lesley Kalan, Alycia Farrell, Brian Potts, Brian Wilson, Janelle Treon, and Mazie Mattson.

I yield to my friend from Hawaii, if he wishes to make an opening statement.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise today to address the Defense appropriations conference report that passed the House earlier today.

First, I wish to commend my chairman, Senator STEVENS, and his capable staff for this agreement.

The proposals provided by the conference report represent a careful balance between the recommendations of each body. Moreover, it provides what the Defense Department needs for the coming year.

This is a good bill. It represents a fair compromise. It is the product of a lot of hard work by the chairman and members of the committee. I recommend all my colleagues support it.

Let me highlight just a couple of key items in this measure.

In meeting the conference committee priorities, the bill supports the men and women in uniform. It approves a 3.5 percent pay raise for them. It funds health care requirements to include benefits that are authorized for our guard and reserve forces. And, most important in this very challenging time, it provides significant increases for force protection—specifically up armored "humvees", body armor, better helmets, armor plating for other vehicles and new technology to try and counter improvised explosive devices.

The bill provides substantial resources to enhance investment programs in the Defense Department to support key programs like the V–22, the F–22, the new DDX destroyer, the littoral combat ship, missile defense and significant increases in Army equipment for Stryker combat vehicles, trucks, and helicopters.

But, I want to inform my colleagues that this bill does not rubber stamp the administration's desires. It reduces many programs for which insufficient justification has been provided. While we recognize that the country needs to continue to enhance its space capabilities, members of the Appropriations Committee have learned the hard way that improvements must be developed prudently. It is a waste of resources to try and accelerate complex new technologies in the manner recommended by civilian officials in the Defense Department.

The bill also provides $25 billion in emergency spending, the amount requested, but it allocates the funds to meet the priorities and needs of the individual military departments, not the blank check sought by the administration. It provides adequate safeguards on these funds to ensure proper congressional oversight and requires stringent reporting requirements on its use.

I point out also that there are a few items in here that do not fall under the jurisdiction of the Defense Subcommittee. I will defer to others to speak to those.

This is a good bill. It represents a fair compromise. It is the product of a lot of hard work by the Chairman and Members of the committee. I encourage all my colleagues to support it.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore (Mr. CHAMBLISS). Who yields time?

Mr. STEVENS. Mr. President, on behalf of my colleague from Hawaii, I reserve the remainder of our time. Senator BYRD has his time, Senator McCAIN will have his time, and we will withhold our time.

Our time is reserved?

The ACTING PRESIDENT pro tempore. Yes.

Who yields time?

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 30 minutes.

Mr. BYRD. Mr. President, I yield such time as I may require from my allotted time.

Yesterday, the General Accounting Office released a shocking report about the state of funding for our troops in Iraq and Afghanistan. Simply put, our troops are running out of money. But the White House denies that there is a problem.

The findings in the General Accounting Office report are alarming. The Army is overspending its fiscal year 2004 operations in maintenance funds to the tune of $10.2 billion. The Air Force urgently needs another $1.4 billion this fiscal year, and the Marines are short by $500 million. Our military is cutting back on training at the same time that retired service members are being pressed back into uniform to be sent overseas. These budget problems are being compounded by the fact that the White House planned on having only 99,000 troops in Iraq by this point instead of the 140,000 troops we will have there for the foreseeable future. This is the most astounding evidence to date that the administration has fundamentally mismanaged the financing for the wars in Iraq and Afghanistan. The President did not bother to put a single dime, not one thin dime, in his February budget request for these wars. He insisted that more funding would not be needed until January 2005.

Even when the administration flip-flopped and came to Congress on May 13, 2004, to ask for a $25 billion emergency reserve fund, top administration officials denied that there was an urgent need for more funds to support our troops in the field. Deputy Defense Secretary Wolfowitz described the $25 billion which is contained in the conference report of the Defense appropriations bill now before the Senate as an insurance plan. That is the way Mr. Wolfowitz described it. Secretary Wolfowitz stated in his testimony to the Armed Services Committee that our troops would not run out of funds until February or March 2005.

I didn't buy that line. The administration has fallen down on the job in budgeting for these wars, and his budget projections simply are not to be trusted. I say "these wars" because we are fighting two wars, one war in Afghanistan, which is the result of the al-Qaida attack upon the United States on September 11, 2001. That was an attack upon the United States by those individuals who had hijacked planes and flown them into the World Trade Towers, into the Pentagon, and into the field in Pennsylvania. That was one war. I supported Mr. Bush on that war. I support that war today.

The second war is the Bush war, the war that is of Mr. Bush and his ring of people around him in the White House. That is the Bush war. That was an attack upon a sovereign nation which had not provoked us, which had not attacked us. That was an attack on a nation in support of the Bush doctrine of preemption. I did not support that war then, and I do not support it today.

I did not buy that line. The administration has fallen down on the job of budgeting for these wars, and its budget projections simply are not to be trusted. It should have been clear to anyone who has picked up a newspaper in the last 6 months that our troops were beginning to run low on funds, but the administration sent witnesses bearing only rosy scenarios.

To add insult to injury, the White House asked for a $25 billion blank check on the heels of Bob Woodward's revelations in his book, "Plan of Attack," about the Pentagon hiding from Congress $700 million in spending to prepare for war in Iraq. This was an astounding request.

Thankfully, Congress has seen through the administration's double dealing on funding our troops. I thank the chairman of the Appropriations Committee, Senator TED STEVENS, and his colleague, the ranking member of the Appropriations Defense Subcommittee, Senator DANIEL INOUYE, for working to pierce the fog of rhetoric to reshape this $25 billion reserve fund to best help our troops while protecting the constitutional prerogatives of Congress.

Instead of being a $25 billion blank check, $23 billion of these funds—that is, 92 percent—is made available for regular appropriations accounts. This means that Congress will be better able to track how these additional funds are used. In addition, the $25 billion in funding will be available for our troops as soon as this bill is signed into law. They will not have to wait until October 1 to purchase the critical equipment our troops need to survive in the combat zones in Iraq and Afghanistan. Again, I thank Senator STEVENS and Senator INOUYE for working with me to promote fiscal responsibility and accountability for how these funds are to be used.

Despite the improvements made to the administration's request for funding for the war, I continue to have serious concerns about the direction of the so-called peacetime defense budget; that is, the huge amount of funds not related to the wars in Iraq and Afghanistan. This bill contains $391.2 billion for the Pentagon, not including $25 billion for the cost of the wars. That is a massive increase over the $287.1 billion appropriated for the Pentagon as recently as fiscal year 2001.

The administration claims this explosion in defense spending is necessary to transform our military into a faster, lighter, and stronger fighting force. But today's Los Angeles Times states that the Army is delaying by 2 years the launch of its first modernized unit that is supposed to be the centerpiece of this defense transformation effort.

In this age of sky-high deficits, could it be that we are getting less bang for more bucks? How else can the administration explain a stalled transformation effort when defense spending has risen 36 percent in 4 years? If this rate of growth continues, this country will soon be spending half a trillion per year on the defense establishment, with no assurance that those funds are being well spent.

The Pentagon's accounting systems are a mess, an absolute mess. Despite Secretary Rumsfeld's promise to me at his confirmation hearing in January 2001 to get this problem fixed, the General Accounting Office has recently issued serious warnings that his accounting reform effort is headed down the wrong track.

In fact, this Defense appropriations bill cuts funds from this accounting reform effort precisely because the Defense Department's program to fix its accounting systems is underperforming. Tens of millions of taxpayer dollars that were supposed to have been put to use in establishing a robust system of financial accountability remain unspent. This Congress made the wise decision not to throw more money at a problem that is not being fixed. When Secretary Rumsfeld gets his accounting reform program back on its feet, I will be the first Senator in line to support all necessary funds for that purpose.

Senators should also realize this Defense appropriations bill brings back from conference something that was never included in the Senate-passed bill and something that was never included in the House-passed bill. It includes a deeming resolution to increase the annual discretionary spending limit to $821.9 billion for the fiscal year 2005.

The failure of this Congress to pass its annual budget has led to this move to include a deeming resolution in the Defense appropriations bill, signaling the complete breakdown in this year's budget process.

Setting aside the fact that this provision violates rule XXVIII of the Standing Rules of the Senate, Senators should know that this deeming resolution authorizes $11 billion less than what the Congressional Budget Office says is necessary to maintain current services, adjusted for inflation. That $11 billion is needed to maintain services to our veterans, fund health care and education programs for our seniors and our youth, and maintain our mass transit and highway programs.

In a time of war, each dollar devoted to our military must be put to full use. No matter how many additional hundreds of billions Congress may approve for the Pentagon, defense spending without accountability ultimately hurts our troops in the field.

Each dollar that is spent on wasteful contracts, each dollar that is lost in an accounting maze, is one less dollar for our troops to buy ammunition, to buy fuel, to buy body armor. There must also be a budget so Congress can know the spending plan for our troops on the battlefield will be supported in the coming months and years.

The administration would do well to listen—just to listen; get off its high horse, swallow its false pride, and listen—to this commonsense message. Stop the budget gamesmanship that only endangers the lives of our fighting men and women. Enough of the political posturing that denies that our military in the field may have urgent needs. The President of the United States must take responsibility for the fiscal mess that he has created.

Mr. President, I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time during this quorum call be charged against the time of the Senator from Hawaii and my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time allocated to the Senator from Arizona be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. Approximately 1 hour 10 minutes.

Mr. STEVENS. May I inquire if the Senator from West Virginia wishes to use any further time at this time?

Mr. BYRD. Mr. President, if the distinguished Senator will yield, I will respond. I do intend to. I would hope that the cloakroom would find out if any Senators on my side want any time on this bill.

Mr. STEVENS. That is the reason I have reserved our time and Senator INOUYE reserved his time also. I have been notified of no Senator on my side who wishes to use part of my time. I don't know about the Senator from Hawaii. He indicates he has had no requests.

It appears Senator BYRD would be the last person to make a statement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I speak, in part, on another matter, but basically with reference to the Homeland Security appropriations bill. I would hope to title my remarks at this point "Homeland Insecurity."

In a mere matter of days, we will officially kick off the 2004 Presidential election season, with the convening of the Democratic convention in Boston. The political activities and festivities in Boston will also mark the beginning of a tense interlude between the conventions and the November elections, during which the Nation has been told to brace for the possibility of a large-scale terrorist attack on the United States.

Earlier this month, Homeland Security Secretary Tom Ridge and FBI Director Robert Mueller went on national television to warn the American people that credible evidence pointed to plans by al-Qaida to launch a large-scale attack on the United States before the November elections in an effort to disrupt our democratic process. Yet in the weeks since our Nation's top Homeland Security officials issued that blunt and alarming warning, the administration appears to have buried its head in the sand, carrying on with business as usual, seemingly oblivious to the gathering danger predicted by its own experts.

This morning the Washington Times newspaper published on its front page a chilling account of shadowy groups of Middle Eastern men carrying out surveillance at airports, probing security measures, conducting what appear to be dry runs on our aircraft. The reports are anecdotal, but regardless of whether the article turns out to be accurate or merely an example of scaremongering, it raises serious questions and underscores serious flaws in the administration's preparedness to respond to another terrorist attack on the United States.

Following the tragic events of September 11, protecting the Nation's commercial aircraft became the top antiterrorism priority of the Federal Government in this country. The administration established a firm goal for the number of Federal air marshals so that a high percentage of critical flights could be protected. The exact number of air marshals is classified. However, it is no secret that the Federal Air Marshals Program has never reached the staffing level deemed necessary to protect the American people in the wake of the September 11 attacks.

Worse, as commercial air travel rebounds to its highest level since the September 11 attacks, the number of Federal air marshals is actually declining, falling 9 percent below the meager staffing level that the program was initially able to achieve and far further below the administration's stated goal.

As air marshals leave the program, budget constraints prohibit the hiring of replacements. The number of air marshals continues to dwindle, and the number of critical flights they are able to cover remains on a steady downward spiral. That is enough to make your hair stand on end.

At a time when Americans have been told, in the starkest terms possible, that al-Qaida is moving forward with plans to attack our homeland, the administration continues to twiddle its thumbs and allow our homeland defenses, including protection of commercial aircraft, to erode.

While the Bush administration claims progress in the war on terror and asserts that it is making the Nation safer, the facts belie the rhetoric. The assertions are hollow. The administration has consistently put homeland security on the back burner. At the prodding of Congress, the administration grudgingly created the Cabinet-level Department of Homeland Security. Senator STEVENS and I wrote language into appropriation bills providing that the head of Homeland Security would require confirmation. No, the administration didn't want to send Mr. Ridge up before the Appropriations Committee until Senator STEVENS and I joined in writing that language. Since the creation of this Department, the administration has failed to provide the Department with the resources needed to make Americans safer.

The Senate, I am sorry to say, is somewhat complicit in the administration's negligence. The Senate has danced right along to the White House tune. As Brutus said, in scolding Cicero for attempting to toady up to Antony:

> Our ancestors would have scorned even a gentle master.

Although the Senate Appropriations Committee passed the Homeland Security bill more than a month ago, it has been languishing—now get this. Let me say that again. Hear me. Although the Senate Appropriations Committee passed the Homeland Security appropriations bill more than a month ago, that bill has been languishing on the shelf since then and has yet to see the light of day on the Senate floor.

That is the bill making appropriations for homeland security. That is the bill for your protection, may I say to the people who are watching this Senate through those electronic lenses. It is your protection, your security, your children's protection, your property, your community. And yet that bill has been languishing, where? On the shelf since then and has yet to see the light of day on this Senate floor.

For some reason which I cannot divine, this do-nothing Senate—hear me—for some reason which I cannot divine, this do-nothing Senate, under the Senate Republican leadership, has bottled up the Homeland Security bill, refusing to allow the Senate to debate it and pass it and send it to the President of the United States.

Here we are, the Senate is about to go out for 45 days, and what about your safety out there? What about the safety of the American people? What about the safety of the communities of this country? What about the safety of the children who attend the schools of this country? What about them? Are they going to have to wait 45 days before this bill making appropriations for homeland defense is to even be called up and debated in this Senate? Yes. We are going to go home. We are going to go home and leave those people unprotected insofar as new moneys are concerned for the Department of Homeland Security.

Fie on the administration that would treat the American people so cavalierly. Here is a bill that has been waiting. This is not Senator STEVENS' fault. His Appropriations Committee, of which I am the ranking member, has reported out this bill days and days ago. We should have taken that bill up and passed it. Where is it now? It is bottled up, and there are no chances—none—of calling this appropriations bill up before we go home for a 45-day recess. Go home. Go home. And yet amidst all of this, this administration has been issuing dire warnings about al-Qaida and what may happen in this country in the meantime, and particularly during a time when the American people are going through the democratic processes of nominating a President and Vice President of the United States.

Now, if that isn't enough to make the hair curl, I would like to know what we need to make it curl.

Unlike the billions upon billions of dollars in funding that the President has demanded from Congress to fight his war in Iraq, he has been strangely silent on the need to appropriate homeland security funding to better protect you, Senators, you, the American people at home.

In the wake of the most recent terrorist alert, one would think—wouldn't one think—that the President of the United States would have called on Congress to provide supplemental funding for new measures to thwart the threat from al-Qaida? Wouldn't one think that?

There are so many weak links in our homeland security network for which added resources could be a true lifesaver. The country needs additional funds to secure our mass transit systems, to increase the inspection of air and ship cargo containers, and, yes, to increase the number of Federal air marshals.

Yet the White House is doing nothing in this regard—nothing, nothing—to press Congress to move on this Homeland Security appropriations bill before we close the doors and go home.

If the reports of pilots and flight attendants and air marshals cited in the Washington Times article are accurate, our Nation's aircraft may be under a renewed threat of attack. If the "credible evidence" cited by the Secretary of Homeland Security and the Director of the FBI is accurate, then the United States is entering an extremely—extremely—dangerous period. And if the chairman of the so-called 9/11 Commission was correct in the assessments he made today—I believe he was—then the United States must face up to the mistakes it made in the past and to the probability of another terrorist attack of even greater magnitude than that which shook the Nation on September 11, 2001.

Yet the White House is doing nothing in this regard. By pretending that funding for homeland security can wait, and by refusing to acknowledge that additional resources are needed to protect the Nation, the administration is callously playing fast and loose with the safety of the American people.

I hope and I pray that America remains safe over the coming months. I hope and pray that the reporting is wrong. I hope and pray that the evidence collected by our homeland security experts is off the mark. I hope and pray that the political conventions will be the scenes of nothing more sinister than elbowing for a better view of the platform. Above all, I hope and pray that the administration will come to its senses, drop its pretension that all is well with homeland security, and provide the financial resources required to truly protect the American people at home.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. BIDEN. Mr. President, today, the 9/11 Commission released its report and the Commission Chairman, Thomas H. Kearn, said that an attack "of even greater magnitude is possible—even probable." In fact, intelligence assessments have long warned that al-Qaida is seeking weapons of mass destruction to use against Americans in the United States.

The 9/11 Commission specifically recommended today: "Support the Cooperative Threat Reduction Program" and went on to state that it "is now in need of expansion, improvement, and resources." Yet the conference report before us today includes a rescission insisted upon by the other body of $50 million in fiscal year 2003 funding for cooperative threat reduction programs. In other words, although this bill appropriates $409 million for these programs in fiscal year 2005, 12 percent of that amount from prior appropriations is being taken away. I think that is a huge mistake.

These programs, known as "Nunn-Lugar" programs after former Senator Sam Nunn and the current distinguished chairman of the Foreign Relations Committee, Senator LUGAR, assist countries of the former Soviet Union in the safe and secure transportation, storage and dismantlement of nuclear weapons and nuclear and chemical materials, as well as preventing the diversion of nuclear materials or equipment. So, we have just cut funding for programs that will help keep nuclear weapons out of the hands of terrorists.

There has been some confusion about the impact of this cut. The official at the Defense Department charges with administering these programs believes that she will be able to move funds around sufficiently to prevent the cancellation of any programs, this time. I hope she is right.

The cooperative threat reduction programs are notorious for how slowly the money is obligated. That is not because the programs are unneeded, or because federal employees are not doing their jobs. Rather, pay-outs are slow because cooperation from the countries concerned and various statutory certifications are required before the funds can be used.

This fact makes the program a tempting target for those looking for a pot of money to raid. But such critical programs must not be looked at as "bill payers" for other defense needs.

Neither should we view cooperative threat reduction programs as "foreign aid." That red herring must be put to rest. As former Defense Secretary Bill Perry used to say, CTR is "defense by other means." There is no more pressing national security need than to secure the sources of weapons of mass destruction and keep them out of the hands of terrorists.

I want to put the House on notice today that I will vigorously oppose further cuts in these programs. And should any deobligation of funds be necessary because of this cut, I will urge the President and the Secretary of Defense to reprogram funds to prevent the cancellation of programs and contracts.

We have no greater responsibility than to protect our Nation from an attack with weapons of mass destruction and I, for one, will not stand for this critical program to be chipped away until it becomes ineffective.

Mr. CONRAD. Mr. President, today I want to discuss the Defense Appropriations conference report. I want to say upfront this legislation is extremely important. At a time when our soldiers are still in harm's way in Iraq, Afghanistan, and around the world, this legislation provides resources they need.

This bill is all the more important because costs of war in Iraq are spiraling upward. The GAO has just reported that there is a shortfall of over $12 billion in funding for war costs for fiscal year 2004. This is on top of the $87 billion supplemental that we passed last year. This year's Defense Appropriations bill makes $25 billion in emergency reserve funding for war costs available immediately, helping to cover this shortfall and ensure that our troops have what they need in Iraq.

It is important to note that much more is likely to be needed in 2005. CBO recently estimated that military operations in 2005 could cost $55–$60 billion. These estimates demonstrate that the Bush administration has failed to budget properly for the war in Iraq and continues to understate the likely cost of these operations.

While this Defense conference report is extremely important, I want to make clear that I am deeply disappointed with the budget provisions that were added to this conference report behind closed doors by the majority, without any debate in the House or Senate. In what I believe is an unprecedented move, the majority has inserted deeming language into this defense conference report—setting the overall fiscal year 2005 discretionary spending level at $821 billion. This deeming language should have been debated in the Senate. It is entirely inappropriate to add this language outside the scope of conference without any debate by the Senate or by the Budget Committee. Clearly it was added because the majority knows that members of the Senate will not want to oppose a defense bill while our troops are in harm's way.

This is no way to govern. It sets a terrible precedent. Since a conference report is not amendable, the majority is effectively stifling the ability of the Senate to fully debate and amend the deeming language. But that seems to be the point here. The majority does not want to give the Senate the opportunity to fully debate and amend this language.

We wouldn't be in this position if the majority had passed a budget resolution this year. That is where the overall spending and revenue amounts are supposed to be determined. Yet, because the majority's leadership has refused to restore a strong paygo rule that applies to both tax cuts and spending, the Senate has been unable to get an agreement on a budget. Despite the record deficits we now face, the majority and the Bush administration are still fixated on passing more and more unpaid-for tax cuts. The Bush administration's fiscally irresponsible leadership is driving our nation's finances right off the cliff—and at the worst possible time, on the brink of the retirement of the baby boom generation.

I mentioned that there was no debate on this deeming language. Governing this way is bound to lead to mistakes. In drafting this deeming language, the majority has left out the firewall provisions that guarantee that the gas tax contributions of our Nation's motorists will be used to finance the Nation's highway and mass transit. We have had highway and mass transit firewalls in place for the last 6 years to ensure that funding for those programs is not diverted to other areas. But now, under this deeming language, the firewalls will be eliminated and those highway and mass transit funds could be pilfered to cover shortfalls in other areas of the budget. I think this is a significant mistake—a horrible precedent to set in advance of a highway reauthorization bill.

As I said earlier, the funding for our troops contained in this bill is very important. But I want to be clear how disappointed I am in the way the majority is operating here and in the way they, along with the Bush administration, are dangerously undermining our Nation's fiscal and economic security.

Mr. McCAIN. Mr. President, today we are considering the conference report for the fiscal year 2005 Defense appropriations act. While I recognize the importance of passing this legislation prior to the upcoming recess, I am once again disappointed that we are acting on the appropriations measure prior to enactment of the Defense Authorization Act.

The responsibilities of authorizers and appropriators are expected to be distinct. The Defense Authorization Act lays out the blueprint for the policies and funding levels for the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorizations bills. In reality, the appropriators' function, however, has expanded dramatically, and the Appropriations Committee now engages in significant policy decision making and micromanagement, largely usurping the role of the authorizing committees. I remain hopeful that we will complete action on the Defense authorization act when we return in September in order to provide further clarification of congressional intent to the Department of Defense.

In the meantime, enactment of the Defense appropriations legislation is very important, and it will enable us to continue to meet our obligations to support service members in the fight against terror. The conference report includes many critical funding provisions to which I lend strong support, such as the funding to increase Army end strength by 20,000 soldiers. Unfortunately, although not surprisingly, the conference report also includes a large number of unauthorized and unrequested provisions.

While I appreciate the hard work and the laudable intentions of the members of the Appropriations Committee, the number of earmarks contained in this conference report is alarming. This conference report and accompanying statement of the managers contains close to 2,000 earmarks totaling $8.9 billion in Member adds.

With Americans deployed across the globe fighting terror, and with looming budget deficits at home, the Congress faces some tough choices. We must find a way to uphold our fiscal responsibility while fully providing for our military needs. The costs that go along with the conflicts in Afghanistan and Iraq demand now, more than ever, a new fiscal sanity in approaching our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the binge of pork barrel spending that consumes an ever growing proportion of our Federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks significantly burden American taxpayers.

Not surprisingly, along with the growth in deficit spending over the past few years, there has also been a significant growth in earmarks and pork barrel spending. In fact, according to information compiled by the Congressional Research Service, CRS, the total number of earmarks has grown from 4,126 in fiscal year 1994 to 14,040 in fiscal year 2004. That is an increase of 240 percent in 10 years. In dollar terms, the earmarking has risen from $26.6 billion to $47.9 billion over the same period.

Based on the calculations of my office, the fiscal year 2002 Defense appropriations act contained $3.7 billion in pork. The conference report on the fiscal year 2003 Defense appropriations act contained $8.1 billion in pork. The fiscal year 2004 Senate-passed Defense appropriations act contained well over $4 billion in pork. This year $8.9 billion was added in the conference report and the statement of the managers, which is more than twice the number in last year's Senate-passed version of the legislation. This is real money. Every year, countless important military and domestic programs go unfunded or underfunded. I find it hard to understand why we can find the money to pay for member add-ons, but then have to battle to fund concurrent receipt or the survivor benefit plan.

The Joint Chiefs provided a list of critical requirements above what was provided for in the President's budget request. That list totaled nearly $18 billion for fiscal year 2005. I believe that if we have the resources, we should do all we can to provide additional defense funding for items and programs which the Joint Chiefs need. But instead, we routinely fund programs just because they are important to a particular state or district represented by a powerful Member of Congress. I find this practice to be a disservice to our military men and women, as well as to all American taxpayers.

Once again, the appropriators' addiction to tanker recapitalization is too great for any amount of medication. The whole tanker love affair reads like a bad novel. It is very suspect that the Appropriations Committee added $100 million in this conference report under the heading "Tanker Replacement Transfer Fund." Fortunately, the Senate provision prevailed and Chairman Stevens, as he publicly stated he would do, did not allow the House earmark for Boeing 767 tankers to carry through conference. On that point, the Tanker Replacement Fund is muted. Only the report language makes reference to the "current tanker replacement program of record"—that program, undisputedly, is the KC–X program which is in the Air Force's Future Years Defense Program.

Over the past 3 years, I have spoken at length on the Senate floor on the Boeing 767 tanker lease—it is difficult to understand why we are still debating a tanker program when no money has been included in the President's defense budget submitted to Congress. Further, the Senate Armed Services Committee did not authorize any funding for tanker recapitalization for fiscal year 2005. The Chief of Staff of the Air Force, General John P. Jumper, USAF, did not request advance procurement for tanker replacement in his "Fiscal Year 2005 Unfunded Priority List," totaling nearly $4 billion, which he submitted to Congress in March 2005. The reason is simple—tanker replacement money is not needed now. However, the appetite for this scandal-riddled program is too great, despite the unethical acts of serious misconduct by Air Force officials and the firing of several senior Boeing officers, including the very top of the corporation. It is hard to comprehend why the appropriators continue to put tanker recapitalization ahead of greater priorities for our servicemen and women.

Having said this, I congratulate the appropriators for considering the recent Report of the Defense Science Board Task Force on Aerial Refueling Requirements. Critically, the Defense Science Board task force found there is no compelling material or financial reason to initiate a replacement program prior to the completion of the Analysis of Alternatives, AoA, and the Mobility Capabilities Study, MCS. Moreover the task force observed that the Air Force greatly overstated both the amount of corrosion throughout the KC–135 fleet and the KC–135's operation and support cost growth. It also found that the KC–135E can fly to 2040. In other words, the 'dominating rationale' cited by the Air Force to Congress for having taxpayers pay billions of dollars more for leasing Boeing's KC–767A tankers than they would for buying them outright, has been conclusively shown to be without merit. The Air Force's representations on this issue remains a matter of continuing investigative concern. The likelihood that the analysis of alternatives, AOA, and mobility capabilities study, MCS, if done properly, will recommend an acquisition method for these tankers now known to be wholly unsuitable here, is probably minimal. So the Secretary's decision appears fatal to at least the lease component of the proposal.

I look forward to seeing the language in the fiscal year 2005 Defense appropriations act reconciled with the fiscal year 2005 National Defense Authorization Act, which remains in conference. The language in the Senate version of the Defense authorization bill is valuable in that for the first time, it will inject much needed sunlight on a program whose development has been largely insulated from public scrutiny. The tanker provision in the authorization bill ensures that any effort by the Air Force to replace its fleet of tankers is done responsibly, as is the case with most defense programs, however, that has not been the case so far. We should expect no less from the Air Force.

Let me briefly highlight just some of the egregious examples of pork contained either in the conference report or the statement of managers for FY 2005:

$3.5 million sleep deprivation research. Last night, my staff was here late into the night, conducting tests in sleep deprivation, as they compiled the seventy-plus pages of pork found in the joint explanatory statement. The results: they are tired.

$3.4 million for USMC Hitchhiker. Back in my day, you could give a Marine a ride for free.

$1 million for the Deep Digger.

$1 million for repair to the Biathlon Trail at Fort Richardson, Alaska.

$1 million to restore the Woody Island and its historic structures.

$110 million for the Advanced Procurement of F–15s. The air Force has decided to procure the F–22 to replace the F–15. Yet this earmark keeps the F–15 production line open, so I question the necessity of the F–22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

$1.9 million, for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

$1 million for the Center for Optical Logic Devices. I am the first one who would pay for logic if we could insert some into our political process, but this earmark won't do it.

$7.7 million for the Chameleon Miniaturized Wireless System. Chameleons change colors; but one thing does not change is the unrequested provisions in appropriations bills.

$2 million for the Air Battle Captain program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

$4.2 million for the LISA inspector. This sounds very interesting.

$3.4 million dollars for Project Albert. Hey Hey Hey! Seems like Albert could get pretty fat off all the pork in this bill.

$2.8 million for the C–135 Improved Waste Removal System. We need to improve the way we remove waste from this bill. Maybe combined with the Deep Digger, we can find a way.

I use humor in describing some of these earmarks, but the damage they do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' perennial favorite projects include:

$4.3 million for the Smart Truck. This provision, which directly lines the pockets of the auto industry in Detroit, is not exactly smart.

$7.5 million for the 21st Century Truck. This program has been around for years and not once has the Department of Defense requested funding for it. While I'm sure we all would love to jump into a truck that could be in a James Bond movie, I'm not sure it is appropriate for the Department of Defense to pay for it.

$5.6 million for the New England Manufacturing Supply Chain. This is above and beyond the $14 million for this project already earmarked over the last two years.

$33.9 million for the Maui Space Surveillance System. Why should we provide $44 million for this system, when there are many observatories in the United States, such as the Lowell Observatory in Arizona, that already offers many of the same benefits as the Maui site?

$1 million for the Brown Tree Snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. I'm sure the snakes are a serious problem, but a defense appropriations act is not the appropriate vehicle to address this issue.

There are many earmarks that funnel dollars to worthy programs—such as breast cancer research, but there is no compelling national defense reason for these items to be on this piece of legislation. This type of critical research should be funded through the Labor/HHS appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others.

Once again, the appropriations earmarks in this defense conference report are funneled primarily in to the home States of those Members who sit on the Appropriations Committee. If you look at the plus-ups in the Counter-Drug Activities the earmarking becomes clear. Plus-ups are included for the following States: Florida, Indiana, Tennessee, Alaska, Hawaii, West Virginia, Kentucky, Nevada, New Mexico. All of these states, I repeat, all of these States have Members on the Appropriations Committee in either the House or Senate. I find it hard to believe that only States represented by appropriators have drug problems.

I could go on and on listing examples of pork in this legislation. We would fulfill our objectives better if we reassessed our spending priorities.

This year's conference report also includes a number of "Buy America" provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures, that all carbon, alloy or steel plates are produced in the United States. Whew. I know we will sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers over $5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, Buy America restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners. Not to mention that procurement policy determined in the Defense authorization bill, not in the appropriations bill.

I also want to comment briefly about a provision contained in this Defense appropriations conference report that is entirely unrelated to funding our national defense needs.

A so-called "technical amendment" was added to the Senate measure at the surprise of a number of us who have been on record for opposing such a provision when efforts were made to add it to other legislative measures. Despite the fact that a member of my staff was on the floor during the debate on the Defense appropriations bill and we had been assured the opportunity to review all amendments prior to their adoption, one amendment was suddenly accepted without the review or concurrence of myself or my staff. That amendment rewrites the Fiscal Year 2004 Omnibus Appropriations bill to allow for 23—States plus the District of Columbia, to receive over $300 million in additional funding for highway project earmarks. Of course, this project funding is on top of the funding they already receive under what many of us consider to be an unfair formula whereby the gas taxes of donor states are transferred to pay for the roads in donee states.

With the adoption of this new provision that has been retained in the pending conference report, 23 States plus the District of Columbia, the majority of which are already donee States and receiving more funding than they contribute, will now receive even more money to pay for earmarked projects included in the Omnibus. Again, this funding is in addition to the funding distributed by formula. While the appropriators are taking action to ensure their earmarks are funded outside the formula, 27 States, the majority of which are donor States and already subsidizing other States' highways, will get no benefit, thereby exasperating highway funding inequity.

While it doesn't surprise me that the appropriators found a vehicle for their provision; it does surprise me that they would act in such an orchestrated manner when they knew fully their efforts faced opposition if done so in what most of us consider to be regular order, whereby objectionable amendments are not added just because they are supported by the bill managers. One of the many Senatorial courtesies we all hold dear is that we usually can take Members at their word and that their rights will not be ignored simply for political expediency. Sadly, that was not the case with the adoption of this provision.

The ongoing conference on the highway reauthorization bill is on life-support. If the House, Senate, and administration can reach an agreement on an overall funding level, I will certainly do all that I can as a conferee to ensure that earmarks are counted towards each State's formula distribution. It is only fair that we ensure that once a formula is determined; a formula that I am confident will still include donors and donees, that earmarks are not permitted to further shortchange donor States' highway funding.

I also want to point out that buried at the end of the bill text is a legislative rider that changes our immigration laws. This provision carves out workers in the fish roe processing industry from numerical limitations under the H–2B visa program. While I will be the first to testify to the need to reform our immigration system, and have done so repeatedly, we should not begin to do it on the Defense Appropriations bill by giving a benefit to one small segment of the fishing industry.

This is not the way to legislate. There are severe problems with our H–2B visas. We reached the numerical cap on visas early this year and dependent industries are now struggling to hire the labor they need to operate. The H–2B is just one example of our flawed immigration system; yet carving out a fix for parochial interests; without addressing the overall problem is shortsighted. While owners of fish roe processing facilities benefit from the help powerful members of the Appropriations Committee, every other industry-facing a labor shortage because of this cap will continue to suffer.

I wish it were not necessary for me to come to the Senate floor with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money from their pockets is really going. I urge my colleagues to stop "porking up" our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the rough. We can do better.

Mr. NICKLES. Mr. President, the conference report to accompany H.R. 4613, the Department of Defense appropriations bill for fiscal year 2005, provides $391.170 billion in budget authority and $416.011 billion in outlays in fiscal year 2005 for the Department of Defense. Of these totals, $239 million is for mandatory programs in fiscal year 2005.

The bill further provides $28.2 billion in budget authority in fiscal year 2004 designated as emergency requirements. Of this total $26.8 billion is for defense purposes and $1.3 billion is for non-defense purposes.

The fiscal year 2004 emergency funds for defense include $25 billion in supplemental appropriations for on-going operations in Iraq and Afghanistan. While the President requested these funds for fiscal year 2005, the conference report makes these funds available on enactment. The conference report also includes a repeal of a $1.8 billion defense rescission enacted in the 2004 Omnibus Appropriations bill, P.L. 108–199—in effect appropriating a new $1.8 billion for defense. In total, the $26.8 billion in fiscal year 2004 emergency defense budget authority generates $19.3 billion in outlays in fiscal year 2005.

The bill provides $500 million for wildland fire suppression for 2004. These funds are consistent with amounts assumed in the 2005 budget resolution. The conference report also includes the following non-defense funds: $685 million for the Iraq embassy and diplomatic security expenses; $50 million for convention security in New York City and Boston; and $95 million for Sudan humanitarian assistance.

The bill provides total discretionary budget authority in fiscal year 2005, including emergencies, of $390.931 billion. This amount is $1.684 billion less than the President's request and equal to the 302(b) allocations adopted by the House of Representatives. This amount is $68.4 billion less than fiscal year 2004 enacted levels when supplemental appropriations are included. When supplemental appropriations are not included the conference report provides $20.8 billion more than last year's enacted level.

The conference report also provides a 2005 302(a) allocation to the Senate Appropriations Committee. This will ensure that adequate enforcement tools are available as the Senate considers the remaining appropriation bills. The allocation in the conference report is consistent with the levels envisioned in S. Con. Res. 95, the Concurrent Resolution on the Budget for fiscal year 2005.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4613, 2005 DEFENSE APPROPRIATIONS.—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal Year 2005, $ millions]

	General Purpose	Mandatory	Total
Conference report: [1]			
Budget authority	390,931	239	391,170
Outlays	415,772	239	416,011
House 302(b) allocation: [2]			
Budget authority	390,931	239	391,170
Outlays	415,987	239	416,226
2004 Enacted:			
Budget authority	459,374	226	459,600
Outlays	424,429	226	424,655
President's request:			
Budget authority	392,615	239	392,854
Outlays	418,639	239	418,878
House-passed bill:			
Budget authority	390,931	239	391,170
Outlays	415,594	239	415,833
Senate-passed bill:			
Budget authority	383,773	239	384,012
Outlays	401,566	239	401,805
CONFERENCE REPORT COMPARED TO			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−215	0	−215
2004 Enacted:			
Budget authority	−68,443	13	−68,430
Outlays	−8,657	13	−8,644
President's request:			
Budget authority	−1,684	0	−1,684
Outlays	−2,867	0	−2,867
House-passed bill:			
Budget authority	0	0	0
Outlays	178	0	178
Senate-passed bill:			
Budget authority	7,158	0	7,158
Outlays	14,206	0	14,206

[1] In addition to the amounts shown above, the bill includes $19.902 billion in emergency outlays in 2005 flowing from the $27.656 billion emergency supplemental included in Titles IX and X of H.R. 4613 for 2004. The bill also contains $500 million BA and $340 million outlays in 2004 for wildland fire suppression.

[2] This table compares Senate action to the House 302(b) allocation for information purposes only, not for budget enforcement purposes. The House has deemed 302(b) allocations for 2005 based on the 302(a) appropriations allocation set out in the conference agreement on S. Con. Res. 95, the 2005 budget resolution, which the House has passed.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alaska.

Mr. STEVENS. Mr. President, may I address a question to my colleague from West Virginia?

There are no more requests for time. We are prepared to yield back the remainder of our time and go to a vote. Is the Senator from West Virginia prepared to yield back the remainder of his time?

Mr. BYRD. Yes.

Mr. STEVENS. Mr. President, not having had any other requests for time, I ask that all time remaining be rescinded.

Mr. REID. Reserving the right to object.

Mr. STEVENS. I withdraw that request.

Mr. REID. If the Senator will allow us the opportunity, we have some people who are not expecting the vote to occur right now.

Mr. President, if the distinguished chairman of the committee will allow a 5-minute quorum call, we think we will have this matter worked out very quickly.

Mr. STEVENS. I withdraw my request and concur and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I direct this question to the distinguished Senator from Alaska, the chairman of the committee, who has worked so hard on this bill. Would he and Senator BYRD allow the vote to begin at 7:15?

Mr. STEVENS. Mr. President, I am very willing to enter into such an agreement. Have the yeas and nays been requested?

The PRESIDING OFFICER. No, they have not.

Mr. STEVENS. I request the yeas and nays on final passage, when that occurs. I ask unanimous consent that the rollcall commence at 7:15.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask the distinguished Senator from Iowa, Mr. GRASSLEY—we have about 4 minutes until the vote occurs. Would he like to speak for that period of time?

Mr. GRASSLEY. Yes.

Mr. REID. I ask unanimous consent that the Senator from Iowa be recognized until 7:15, when the vote occurs.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized until 7:15.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 2762 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The hour of 7:15 has arrived. The question is on agreeing to the conference report to accompany H.R. 4613. The yeas and nays have been requested.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—4

Edwards
Graham (FL)
Harkin
Kerry

The conference report was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table is agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I inserted in the RECORD the name of staff members who worked on this bill. I compliment them. I need a round of applause for the staff. This is record time for this bill. It is a very good bill. It is essential. Emergency funds will be available as soon as the President signs it.

I thank all Senators for their cooperation today to get this bill passed before we go home for recess.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

THE 9/11 COMMISSION REPORT AND THE STATUS OF INTELLIGENCE IN THE UNITED STATES

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly the 9/11 Commission report and to comment on the status of intelligence in the United States.

In a context where we have been put on notice by the Director of the FBI and the Secretary of Homeland Security that we may expect an attack by al-Qaida on U.S. soil some time between now and the election, it is of utmost importance we move ahead to put under a single umbrella all of the intelligence agencies in the United States.

The 9/11 Commission report is one further statement that there is a need to put all the intelligence agencies under one umbrella. When we debated the Homeland Security bill back in 2002, I made the submission on the floor of the Senate repeatedly—on September 3, September 10, September 30, November 14, and November 19—that I thought it imperative the new Secretary of Homeland Security should have the authority to direct—not just to ask but to direct—all of the intelligence agencies, to have some effective structure to put all of the intelligence agencies under one umbrella.

I submitted that contention based upon my view that had all of the information been at hand, the attack on 9/11 might well have been prevented. Had the FBI Phoenix report gotten to the right people in headquarters, had the information on Zacarias Moussaoui been properly handled with an appropriate standard for probable cause, had the terrorists in Kuala Lumpur been kept out of the United States—known by the CIA, but let in by Immigration and Naturalization—had those facts and others been pulled together, 9/11 might well have been prevented.

When I chaired the Intelligence Committee in the 104th Congress, it was apparent to me at that time all of the intelligence agencies should be under one umbrella. I made that suggestion in legislation at that time. The Scowcroft report has made the same conclusion. We recently had a report by the Senate Intelligence Committee which pointed out many deficiencies in the CIA. Today we have had the report by the 9/11 Commission, all of which leads to one conclusion, which is hard to dispute; and that is, all the intelligence agencies ought to be under one umbrella.

At a news conference earlier today, Senator MCCAIN, Senator LIEBERMAN, Senator BAYH, and I announced our intention to take the 9/11 Commission report and put it into legislative language, to introduce it when we return after the August break. In so doing, we are not subscribing to all of the provisions of the 9/11 Commission conclusions. But we agree there ought to be a focus of attention, and there ought to be debate, and there ought to be action at an early date.

It was suggested during the course of that news conference that when we come back in a post-election session, which I think is a virtual certainty, we take up the issue of reorganizing the intelligence structure in the United States. If we do not come back in a post-election session as lameducks to finish much of the unfinished business, or to finish all of the unfinished business, then the suggestion was made there ought to be a special session. I repeat that in cosponsoring legislation to encompass the 9/11 Commission report, it is not in total agreement with all of the provisions. I have reservations as to whether it is appropriate to designate a Director as opposed to a Secretary with Cabinet rank to take on the onerous job of struggling with the culture of concealment of the FBI and the culture of concealment of the CIA and the resistance of the Defense Intelligence Agency. We will have an opportunity to consider that in a legislative package.

When the Commission on Weapons of Mass Destruction filed its report in 1999—a commission which I cochaired, a commission which came out of the recommendations of the Senate Intelligence Committee in the 104th Congress when I chaired the Intelligence Committee—the structure was to give the Vice President of the United States the responsibility to coordinate all of the activities of weapons of mass destruction because it was so important and because if you wanted to deal with the Secretaries of the various Departments, it would require somebody of the stature of the Vice President to do that.

It may be that we will revisit the concept of having the Vice President undertake that kind of a responsibility because we are dealing with very strong, powerful forces, which have already started resistance—from the Department of Defense not wanting to give up power or fiscal control; resistance by the CIA, with the Acting Director speaking out very forcefully in opposition to the 9/11 Commission's prospective conclusions, even before the report was filed, and in defending what the CIA had done. There is much which has to be examined as to where the FBI stands.

When we examined the letter from Special Agent Coleen Rowley—13 pages, single spaced—at a Judiciary Committee oversight hearing in June of 2002, we found out the FBI did not even have the right standard for probable cause for a warrant under the Foreign Intelligence Surveillance Act.

When we have seen what the CIA has done in the very strong criticism levied a few weeks ago by the Senate Intelligence Committee, we see there is much, much which has to be done. There have to be improvements in the FBI. There have to be improvements in the CIA. And all of this now comes into sharp focus with the events culminating in today's filing of the 9/11 Commission report—again, especially at a time when we are under siege and under threat of an al-Qaida attack between now and the election.

Recent disclosures by the Senate Intelligence Committee have documented the failures of the CIA to accurately inform the country, including the President and Congress, concerning the facts or judgments on whether Iraq possessed weapons of mass destruction. As a result, some are now questioning whether the United States made the right judgment on going to war with Iraq.

The action on going to war with Iraq, I submit, cannot appropriately be judged by 20/20 hindsight. Based on the facts at hand, when the Senate voted, the judgment to approve the use of force cannot rightfully be faulted. The vote of 77 to 23 encompassed a majority of Democrats, including Senator JOHN KERRY and Senator JOHN EDWARDS.

The decision to use preemptive force was based on the standard of international law which warrants anticipatory self-defense when the threat of attack is imminent so that the defense of preemption is warranted.

This standard was enunciated in 1842 by Secretary of State Daniel Webster in dealing with the so-called Caroline incident.

In the floor debate on the force resolution on October 10, 2002, I quoted Hugo Grotius, considered the father of international law, who said in his 1925 book "The Law of War and Peace" that a nation may use self-defense in anticipation of attack when there is a "present danger." He said, "it is lawful to kill him who is preparing to kill."

In that floor statement, I also quoted another eminent authority on international law, Elihu Root, who said in 1914 that international law did not require a nation to wait to use force in self-defense until it is too late to protect itself.

It is important to revisit the Iraq war vote not to second-guess ourselves but to learn from that experience as we view escalating problems around the world which may pose an imminent threat to this country. It is important that our intelligence agencies present the full picture to decisionmakers, in particular the President, Secretary of Defense, Secretary of State, and the Congress, so the subtleties may be considered in making complicated judgments. Had the decisionmakers been presented with more objective comprehensive information concerning Iraq possessing weapons of mass destruction, it is doubtful that the "imminence" test under international law would have been met.

It is important, in reviewing the incidents, that we not engage in self-flagellation. The comments coming out of Great Britain are informative and instructive. The New York Times reported on July 14 that:

> A major British report released Wednesday found extensive failures both in intelligence gathering on illicit weapons and the government's use of that intelligence to justify the Iraq war. But it cleared Prime Minister Tony Blair of accusations that he or his government distorted the evidence to build a case for war.

The Times further reported:

> Like an earlier inquiry led by Lord Hutton, the report exonerated the government of the charge that it deliberately exaggerated the threat posed by Mr. Hussein in an effort to deceive the public and Parliament. "No single individual is to blame," Lord Butler said. "This was a collective operation."

I suggest very close similarities between British intelligence and U.S. intelligence and the reliance of the executive branch and the reliance of Congress in our vote to use force and in the action of the British, that the self-criticism ought not to be levied in the context of the findings by the British report that clears Prime Minister Blair of accusations that he or his Government distorted the evidence to build the war and the finding by Lord Hutton that no single individual is to blame but, rather, it was a collective operation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

JOB CREATION

Mr. DAYTON. Mr. President, I have the greatest respect for the majority leader, and I agree with him on many subjects, but earlier tonight he had some pretty harsh words for some of the economic statements that I and others of my colleagues have been making in recent weeks. He called them "canards" which is a nice sounding word but means they are false statements.

I feel compelled to rise and present what I think is a better version of the facts which, as we can see, are very different. The majority leader, as I understood his argument, was saying the new jobs that are now being created in the economy are better paying on average than the average of other jobs that were in existence in the year 2003. But that misses the essential point, which is that most of those newly created jobs pay less and offer lower benefits than the over 2.5 million jobs lost during the first 2½ years of the Bush administration. Most of those jobs were good-paying manufacturing jobs, and most of them have not come back. Many of them have been transferred to other countries with lower wages and no standards. They are not coming back at all.

Those are the jobs that the unemployed workers of America are now finding and that are paying on average thousands of dollars less than the jobs those workers held before the recession began in March of 2001. They are among the millions of Americans whose incomes have fallen, who used to have jobs with health insurance but now don't.

I quote from an editorial in today's New York Times in part which states:

> From three different vantage points . . . the same basic picture emerges: While there has been an increase in job creation over the past four months—an unusually belated and anemic spurt by historical standards—the bulk of the activity has been at the low end of the quality spectrum. The Great American Job Machine is not even close to generating the surge of the high-powered jobs that is

> typically the driving force behind greater incomes and consumer demand.
>
> This puts households under enormous pressure. Desperate to maintain lifestyles, they have turned to far riskier sources of support. Reliance on tax cuts has led to record budget deficits, and borrowing against homes has led to record household debt. These trends are dangerous and unsustainable, and they pose a serious risk to economic recovery.
>
> We hear repeatedly that the employment disconnect is all about productivity—that America needs to hire fewer workers because the ones already working are more efficient. This may well be true, but there is a more compelling explanation: global labor arbitrage. Under unrelenting pressure to cut costs, American companies are now replacing high-wage workers here with like-quality, low-wage workers abroad.
>
> It was only a matter of time before the globalization of work affected the United States labor market. The character and quality of American job creation is changing before our very eyes. Which poses the most important question of all: what are we going to do about it?

That is a subject which both of our major party candidates for President this year need to address—what are we going to do about it?

The response of President Bush and his economic apologists thus far is to deny even the reality. Fortunately, we have their own earlier predictions by which to measure today's economic facts.

In May of 2003, the President's own Council of Economic Advisers stated that his what was then called jobs and growth plan of more deficit-driving tax cuts for the rich and the super-rich would result in the creation, they said, of 5.5 million new jobs by the end of this year. Congress passed the President's plan, and it took effect in July of 2003. The actual number of jobs created in the past 12 months is over 2.2 million fewer jobs than the President's Council of Economic Advisers forecast. In fact, the job creation in this country has failed to meet the President's forecasts in 10 of the last 12 months.

Once again, the administration trots out their favorite apologist, Chairman Greenspan, whose salary now should be paid by the President's reelect committee rather than the American taxpayers, who preached fiscal responsibility for 8 years to President Clinton's administration and to the Congress at that time and was instrumental in creating a balanced Federal budget in the year 2000, after taking out the Social Security trust fund—the first time in 40 years that the budget of the Federal Government, the operating accounts were balanced. He then turned around and has acquiesced with every tax cut that has been passed and which has led to the deficits that now exceed over $500 billion a year and which the nonpartisan Concord Coalition, chaired by former Republican Senator Rudman, has called the most reckless fiscal policy in this Nation's history.

Mr. Greenspan, who acquiesced in those, now comes forward and says the tax cuts prevented a deeper recession. In part, he is probably correct that the child tax credit, which certainly passed here with overwhelming bipartisan support, and the 10-percent bracket had those benefits, but certainly nobody could say eliminating the estate tax in 2010 was a force in either dampening the recession or speeding our recovery, nor did making the top tax brackets for the rich and the super-rich even lower, according to most economists, result in that kind of economic stimulus. In fact, the Federal Reserve's own econometric forecast states that public spending is a better multiplier for jobs and economic growth than the tax cuts.

He has gone farther in the last day to say the reason we have lower paying jobs in America is now because American workers are not well enough educated. It is pretty hard to understand how the educational quality of the American workforce could change from what it was prior to the recession when employment had expanded at a robust pace for almost 8 years to where it is less than 3 years later. In fact, the reality is that many American workers are overeducated for the jobs that are available, as the New York Times editorial and other economic analyses have attested. We are not providing the jobs in this economy that people need with the talents they have. We are not providing the jobs people need to maintain the standards of living they enjoyed before. And we are not providing enough jobs for the unemployed and underemployed people of this country. That is the reality, not a canard.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004—CONFERENCE REPORT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 2443, the Coast Guard reauthorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2443), to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings in the CONGRESSIONAL RECORD of Tuesday, July 20, 2004 (Volume 150, Number 101)).

Mr. McCAIN. Mr. President, I rise today as the chairman of the Senate Committee on Commerce, Science, and Transportation, and I am pleased to announce today the successful completion of the conference report for H.R. 2443, The Coast Guard Maritime Transportation Act of 2004. The conference report will provide the Coast Guard with the authorization bill it desperately needs to carry out all its missions, protect the homeland, and ultimately prepare for the future.

This legislation will provide the Coast Guard with an authorization for fiscal year 2004 and several critical programs. First and foremost, it authorizes the funding and personnel levels it needs to fulfill its obligation to the maritime communities of this Nation. It will provide the Coast Guard with $5.4 B in authorized operating expenses, and a $1.1 B authorization for the Integrated Deepwater Program designed to allow the Coast Guard to continue the prosecution of its traditional missions, while at the same time combating new and emerging threats.

Additionally, the conference report authorizes an increase in the active duty personnel to 45,500 personnel, an increase of nearly 8,000, including an authorization for up to 6,700 officers that are desperately needed to fill critical homeland security positions.

The Secretary of homeland security is now authorized to require vital electronic navigation systems onboard vessels the Secretary deems necessary in order to improve and facilitate safe navigation.

A National Coast Guard Museum will be established in New London, CT that will exemplify the fine traditions and heritage that the United States Coast Guard possesses, yet until today, has been unable to properly display. This legislation will now allow the public to witness first hand, the legacy of what once was the Lifesaving Service, now evolved into the modern-day Coast Guard.

This legislation also provides many provisions which improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses personnel management and quality of life issues by providing for a critical skills training bonus, retaining commissioned officers with essential skill sets and experiences, expanding property authorities to ease housing shortages, and includes several measures that grant parity with the other Armed Services. There are also many provisions regarding Law Enforcement, Marine Safety, and Environmental Protection which allow the Coast Guard to better accomplish its many missions.

Further, the legislation requires increased reporting and targeting for inspection of cargo containers headed to the United States. It also provides for increased research and development to improve and deploy port security technology. There are also a number of provisions that clarify the role of the Coast Guard in leading the United States' efforts to improve port and maritime security.

This legislation was crafted in a bipartisan fashion and it provides the Coast Guard with a solid foundation to do its job both now, and in the future. I am proud to give the Coast Guard the resources it needs to carry out its many essential missions that will result in saved lives, seized contraband, a cleaner environment, and ultimately the protection of our homeland.

Mr. HOLLINGS. I am pleased that the conference committee charged with resolving the differences between the House and Senate versions of H.R. 2443 has reached final agreement on the Coast Guard and Maritime Transportation Act of 2004. Through this bill, Congress underscores our support for a strong and effective Coast Guard.

The Coast Guard has always taken on an impressive array of tasks that are important for our national security, the protection of our resources, and the safety of our mariners. After the tragic events of September 11, 2001, we have asked the Coast Guard to take on even more responsibility for our maritime security, all the while continuing to excel in their traditional missions.

This legislation provides an authorization of $8,167,610,000 for the Coast Guard's fiscal year 2005 budget, an increase of 19 percent over fiscal year 2004, and important new authority for the Coast Guard to better execute its missions. Of this, $5,404,300,000 is authorized for the Coast Guard's operating expenses, an increase of 14 percent over fiscal year 2004, with $100 million allocated to cover the costs of the Coast Guard's new tempo demands. This will assure that the traditional core missions of the Coast Guard—such as search and rescue of mariners in distress and protection of our living marine resources—are not compromised. Most importantly, we authorized approximately $300 million for port security that was not requested by the President. I believe the provision of these funds are essential to the security of our ports, our waterways, and our maritime transportation industry. In particular, the funds will help implement the Coast Guard's Automatic Identification System, AIS, to track the movement of foreign vessels operating in U.S. waters.

I have always been a firm supporter of providing the Coast Guard with the tools it needs to get the job done. The Coast Guard needs to upgrade its core assets, in particular, its aging fleet of cutters. The Integrated Deepwater Program is the Coast Guard's program for achieving these upgrades, and the administration has not requested sufficient funding in its budgets to even keep this program on track. The bill authorizes $1.1 billion in fiscal year 2005 for the Deepwater Program. This sends an important signal we support the Coast Guard's modernization effort. I do have some reservations as to whether the Coast Guard can in reality absorb such a large increase over last year's levels, an issue that GAO raised in testimony before the Senate Commerce Committee this year. However, we can consider this issue further when we take up the Department of Homeland Security, DHS, appropriations bill. I am pleased the conference agreed to procurement management improvements by requiring the Coast Guard to report on how it intends to implement recent GAO recommendations, including measures to increase competition of subcontracts, and how it intends to alter the mix of legacy and replacement assets in the future, as well as expected costs of any changes to its original plan. Unless there are significant changes to the way the Deepwater contracting business is conducted, there will be enormous problems in the future that may ultimately undermine this program.

I would also like to thank the conferees for supporting the inclusion of various measures that were addressed in S. 2279, the Maritime Transportation Security Act of 2004, MTSA 2004, a bill that I introduced to enhance implementation of MTSA 2002. I remain very concerned about the current implementation of port security measures and will continue to demand review of implementation policies to ensure that we are aggressively implementing effective security measures. Specifically, the conference agreement includes important requirements to review and improve cargo security programs. We must have concrete cargo security programs in place to detect and prevent cargo containers from being used in a terrorist attack. In the event we are attacked through our ports, we then need to be able to reopen U.S. ports to the commerce that sustains so much of our Nation's economy, with some degree of confidence. We are far from where we should be. Cargo security programs must require that we can verify the contents do not include weapons of mass destruction. Similarly, cargo security programs must be continually inspected to ensure their compliance. Documentary evaluation of cargo information, while important, does not substitute for physical verification. Our motto should not continue to be: "trust, but don't verify".

I also am pleased that the Coast Guard will be reviewing and reporting on Joint Operations Centers such as Operation SeaHawk. Operation SeaHawk, established in Charleston, SC, is providing law enforcement an opportunity to coordinate their law enforcement and security missions, and is being utilized to help implement the security and contingency response plans for the whole area. I feel confident that this model will be found to provide the best structure to coordinate law enforcement activities of the various agencies that are involved in port security and provide a model for the Coast Guard to utilize Area Maritime Security plans.

I am also pleased that the final bill includes a number of important provisions to address important natural resource issues. For example, the bill includes a number of provisions regarding the Oil Pollution Act, including a program to provide loans to fishermen and aquaculture producers who are damaged by oil spills, a requirement for using electronic charts which will reduce oil spill incidents, as well as a report on a number of important issues such as the feasibility of speeding up the requirement for double hulls, and the state of health of the oil pollution trust fund. The bill also requires the Coast Guard to improve its coordination on fisheries enforcement with NOAA and State and local authorities. Finally, it mandates that the Coast Guard must cooperate with NOAA in analyzing ship routing measures for certain ports that would reduce ship strikes of the North Atlantic right whale.

Mr. BYRD. Mr. President, I commend Senator McCAIN, Senator HOLLINGS, and the rest of the conference committee for their hard work on this bipartisan authorization bill. This legislation provides an authorization of $8.168 billion for the Coast Guard's fiscal year 2005 budget, an increase of 19 percent over fiscal year 2004. This conference agreement also includes important new authority for the Coast Guard to better carry out its missions and meet the growing responsibilities of a post-September 11 environment.

Sadly, when it comes to funding homeland security needs, I believe the congressional intent expressed in this bill will, yet again, be ignored at the White House.

This conference report authorizes $5.4 billion for the Coast Guard's operating expenses account—an increase of 14 percent over fiscal year 2004 levels and over $231 million above the President's fiscal year 2005 request for the Coast Guard.

Over 20 months ago, the President signed the Homeland Security Act creating the Department of Homeland Security. With respect to the Coast Guard, that act required that, ". . .the authorities, functions, and capabilities of the Coast Guard to perform its missions shall be maintained intact and without significant reduction. . . ."

Unfortunately, the administration has not held up its end of the bargain.

The administration has failed to provide the Coast Guard with sufficient budgets to maintain both traditional missions and new homeland security responsibilities. As a result, since September 11, 2001, there has been severe degradation in the Coast Guard's traditional mission areas. Because of the administration's negligence, the number of hours the Coast Guard is spending on many of its mission areas has dropped dramatically as compared to pre-September 11, 2001. Drug enforcement is down 41 percent; fisheries enforcement is down 26 percent; search and rescue is down 22 percent; and marine safety is down 41 percent. The administration's fiscal year 2005 request for the Coast Guard falls well short in addressing these serious deficiencies.

This conference report also provides $1.1 billion for the Coast Guard's program to modernize and/or replace some 100 cutters and 200 aircraft over a multi-year period, called Deepwater. This is $334 million above the administration's request and puts the program on track to be completed in 15 years, compared to 22 years as proposed by the administration. Since the terrorist attacks on 9/11, the Coast Guard's ships and planes are being used more today than ever in the Coast Guard's history. The Coast Guard Commandant makes no bones about the fact that recapitalizing operational assets is his No. 1 priority. In testimony before the Senate Appropriations Subcommittee on Homeland Security, the Commandant testified that the current condition of the aging, technologically obsolete fleet, threatens Coast Guard mission performance. He testified that Coast Guard assets are in a "declining readiness spiral."

The question that must be asked is, if Coast Guard assets are in a "declining readiness spiral," why has the administration failed to address the situation. Despite the Commandant's plea for help, the President's budget for the Deepwater program will take 22 years to complete. Twenty-two years. This is 2 years slower than the capital improvement program envisioned when Deepwater was conceived prior to the tragic events of September 11th.

The funding authorized in this bill addresses some of the operational and capital deficiencies that have been ignored by the administration. It is a good bill. However, as a result of the President setting arbitrary limits on discretionary spending, the Homeland Security Appropriations bill, at whatever point the Republican leadership decides to allow the Senate to debate the measure, will not come close to funding the Coast Guard at the levels set in this bill.

By all indications, the President will sign this bill into law. Unfortunately, it will likely be thrown into the pile of other homeland security promises that have gone unfulfilled.

Ms. SNOWE. Mr. President, I rise today in support of the Coast Guard and Maritime Transportation Act of 2004. Since the Coast Guard was last authorized in 2002 as part of the Maritime Transportation Security Act of 2002, its responsibilities and needs have continued to evolve. Last year I introduced the Senate Coast Guard Authorization bill (S. 733), the underlying bill of this conference report, to address many of these concerns. We have successfully finished this critical conference and I strongly believe we need to move forward expeditiously and pass this conference report as soon as possible so that we can provide the Coast Guard with the authorization bill it desperately needs.

In April, as Chair of the Oceans, Fisheries, and Coast Guard subcommittee, I held a hearing to examine the Coast Guard's readiness concerns; review the challenges it faces in balancing its homeland security and traditional missions; and ensure that we provide this service with the fiscal year 2005 budget it needs to carry out all of its many responsibilities.

During this hearing the Coast Guard Commandant, Admiral Collins, presented a stark picture of his service's increasing maintenance costs. I was struck by Admiral Collins' testimony as he laid out the depths of the legacy asset sustainment problems faced by the Coast Guard. I am greatly concerned about the toll such a high operational tempo is taking on his antiquated ships and aircraft and ultimately on his personnel.

The conference report we are considering will provide many important authorizations for the Coast Guard. First and foremost, it would authorize the funding and personnel levels it needs. In recent years we have seen an unprecedented growth in the Coast Guard's budget—more than 30 percent over the past 2 years alone—but this has not been enough. We must provide the Coast Guard with the funding it needs to restore its non-homeland security missions—such as search and rescue, fisheries enforcement, and marine environmental protection—to near their pre-September 11th levels.

Additionally, while we have increased the number of Coast Guard personnel by more than 4,000, we have not raised the statutory cap on its authorized number of officers. We are rectifying this before the Coast Guard reaches its cap and is forced to terminate reserve officer contracts or delay some officer's deserved commissions and promotions. The Conference report raises this cap to 6,700 and prevents the Coast Guard from being forced to implement these drastic measures which would unfairly impact individual officers.

Secondly, we all know that the Coast Guard currently operates the third oldest of the world's 39 similar naval fleets with several cutters dating back to World War II. The administration's fiscal year 2005 request would put this program on a 22-year time line, which is 2 years behind the original 20-year plans. This is simply not acceptable. I strongly believe that we must authorize the acceleration of this critical program because it is the best and most cost effective way to remedy the Coast Guard's readiness problems and provide it with the tools it needs to carry out all of its missions. That is why, I am extremely pleased with the $1.1 billion authorization for the Deepwater program in this Conference report, which if fully funded, will accelerate the program to a 15-year time line.

This conference report also provides many non-controversial provisions which improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses personnel management and quality of life issues by providing for a critical skills training bonus, retaining commissioned officers with essential skill sets and experiences, expanding property authorities to ease housing shortages, and includes several measures that grant parity with the other Armed Services. There are also many provisions requested by the administration regarding Law Enforcement, Marine Safety, and Environmental Protection which allow the Coast Guard to better accomplish its many missions.

This conference report was crafted in a bi-partisan fashion and it provides the Coast Guard with a solid foundation to do its job. I thank all of the Members who have actively participated in its development. I am proud to give the Coast Guard my full support, and the resources it needs to carry out its many essential missions.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

PRESERVING THE ABILITY OF THE FEDERAL HOUSING ADMINISTRATION TO INSURE MORTGAGES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 2712 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2712) to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2712) was read the third time and passed, as follows:

S. 2712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO GENERAL AND SPECIAL RISK PROGRAM ACCOUNT.

Under the heading "FEDERAL HOUSING ADMINISTRATION—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT" in title II of Division G of the Consolidated Appropriations Act, 2004 (Public Law 108–199), in the first proviso, strike "$25,000,000,000" and insert "$29,000,000,000".

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we have actually a lot of business that we are doing and wrapping up for the night. In fact, we are going on recess for the conventions for the next several weeks. Most of the business has been completed, but there will be a lot of very important business that we will be conducting over the next several hours, but we will get it done tonight.

This particular piece of business has to do with patient safety. For me, it means a lot because I can see up close both the importance of this legislation, and have watched it legislatively as it has traveled through its various iterations. So to be able to propound this unanimous consent request is something that we can briefly comment on shortly.

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 387, S. 720.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 720) to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Patient Safety and Quality Improvement Act".

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress makes the following findings:

[(1) In 1999, the Institute of Medicine released a report entitled To Err is Human that described medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result of medical errors each year.

[(2) To address these deaths and injuries due to medical errors, the health care system must identify and learn from such errors so that systems of care can be improved.

[(3) In their report, the Institute of Medicine called on Congress to provide legal protections with respect to information reported for the purposes of quality improvement and patient safety.

[(4) The Health, Education, Labor, and Pensions Committee of the Senate held 4 hearings in the 106th Congress and 1 hearing in the 107th Congress on patient safety where experts in the field supported the recommendation of the Institute of Medicine for congressional action.

[(5) Myriad public and private patient safety initiatives have begun. The Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that may be taken by each Federal agency involved in health care and activities relating to these steps are ongoing.

[(6) The research on patient safety unequivocally calls for a learning environment, rather than a punitive environment, in order to improve patient safety.

[(7) Voluntary data gathering systems are more supportive than mandatory systems in creating the learning environment referred to in paragraph (5) as stated in the Institute of Medicine's report.

[(8) Promising patient safety reporting systems have been established throughout the United States and the best ways to structure and use these systems are currently being determined, largely through projects funded by the Agency for Healthcare Research and Quality.

[(9) The Department of Health and Human Services has initiated several patient safety projects. The Joint Commission on Accreditation of Healthcare Organizations issued a patient safety standard that went into effect on July 1, 2001, and the peer review organizations are conducting ongoing studies of clinical performance measurement of care delivered to beneficiaries under the medicare program under title XVIII of the Social Security Act.

[(10) Many organizations currently collecting patient safety data have expressed a need for legal protections that will allow them to review protected information so that they may collaborate in the development and implementation of patient safety improvement strategies. Currently, the State peer review protections provide inadequate conditions to allow the sharing of information to promote patient safety.

[(11) In 2001, the Institute of Medicine released a report entitled Crossing the Quality Chasm that found that the United States health care system does not consistently deliver high quality care to patients.

[(b) PURPOSES.—It is the purpose of this Act to—

[(1) encourage a culture of safety and quality in the United States health care system by providing for legal protection of information reported voluntarily for the purposes of quality improvement and patient safety; and

[(2) ensure accountability by raising standards and expectations for continuous quality improvements in patient safety through the actions of the Secretary of Health and Human Services.

[SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

[Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

[(1) in section 912(c), by inserting ", in accordance with part C," after "The Director shall";

[(2) by redesignating part C as part D;

[(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

[(4) in section 938(1) (as so redesignated), by striking "921" and inserting "931"; and

[(5) by inserting after part B the following:

[“PART C—PATIENT SAFETY IMPROVEMENT

[“SEC. 921. DEFINITIONS.

[“In this part:

[“(1) NON-IDENTIFIABLE INFORMATION.—The term 'non-identifiable information' means information that is presented in a form and manner that prevents the identification of any provider, patient, and the reporter of patient safety data.

[“(2) PATIENT SAFETY DATA.—The term 'patient safety data' means—

[“(A) any data, reports, records, memoranda, analyses, deliberative work, statements, root cause analyses, or quality improvement processes that could result in improved patient safety or health care quality, that are—

[“(i) collected or developed by a provider for the purpose of reporting to a patient safety organization;

[“(ii) reported to a patient safety organization for patient safety or quality improvement processes;

[“(iii) requested by a patient safety organization (including the contents of such request);

[“(iv) reported to a provider by a patient safety organization;

[“(v) collected or developed by a patient safety organization; or

[“(vi) reported among patient safety organizations, after obtaining authorization; or

[“(B) information related to corrective actions taken in response to patient safety data;

for the purpose of improving patient safety, health care quality, or health care outcomes.

[“(3) PATIENT SAFETY ORGANIZATION.—The term 'patient safety organization' means a private or public organization or component thereof that performs the following activities (which are deemed to be necessary for the proper management and administration of such organization or component thereof):

[“(A) The conduct, as its primary activity, of efforts to improve patient safety and the quality of health care delivery.

[“(B) The collection and analysis of patient safety data that are voluntarily submitted by a provider.

[“(C) The development and dissemination of information to providers with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

[“(D) The utilization of patient safety data to carry out activities under this paragraph and for the purposes of encouraging a culture of safety and of providing direct feedback and assistance to providers to effectively minimize patient risk.

[“(E) The maintenance of confidentiality with respect to individually identifiable health information.

[“(F) The provision of appropriate security measures with respect to patient safety data.

[“(G) The certification to the Agency that the patient safety organization satisfies the criteria of this paragraph for the period in which the organization is carrying out such duties.

[“(4) Provider.—The term ‘provider’ means—

[“(A) a provider of services (as defined in section 1861(u) of the Social Security Act) and a person furnishing any medical or other health care services (as defined in section 1861(s)(1) and (2) of such Act) through, or under the authority of, such a provider of services;

[“(B) a physician (as defined in section 1861(r) of such Act);

[“(C) any other person, including a pharmacist, who is engaged in the delivery of medical or other health services (as defined in section 1861(s)(1) and (2) of such Act) in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State;

[“(D) a renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavioral health residential treatment facility, or clinical laboratory; or

[“(E) any other person or entity specified in regulations by the Secretary after public notice and comment.

[“SEC. 922. CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.

[“(a) In General.—Notwithstanding any other provision of law, and subject to this section, patient safety data shall be privileged and confidential.

[“(b) Scope of Privilege.—Subject to the provisions of subsection (c), patient safety data to which subsection (a) applies shall not be—

[“(1) subject to a civil, criminal, or administrative subpoena;

[“(2) subject to discovery in connection with a civil, criminal, or administrative proceeding;

[“(3) disclosed pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal or State law;

[“(4) admitted as evidence or otherwise disclosed in any civil, criminal, or administrative proceeding; or

[“(5) utilized in an adverse employment action or in the evaluation of decisions made in relation to accreditation, certification, credentialing or licensing of an individual, that is based on such individual's participation in the development, collection, reporting, or storage of patient safety data in accordance with this part.

[“(c) Disclosure Requirements.—Nothing in this section shall be construed to prohibit one or more of the following disclosures (which are deemed to be necessary for the proper management and administration of the patient safety organization):

[“(1) Disclosures by a provider in complying with authorized requests for the provision of information to which subsection (a) applies (such as a patient's medical record or other relevant information) that is in the control of such a provider and that has been developed, maintained, or exists separately from the process by which the provider collects or develops information for reporting to a patient safety organization.

[“(2) Disclosures by a provider or patient safety organization of patient safety data as part of a disciplinary proceeding relating to a provider, or a criminal proceeding, if such a disclosure of such patient safety data is—

[“(A) material to the proceeding;

[“(B) within the public interest; and

[“(C) not available from any other source.

[“(3) Disclosures by a provider or patient safety organization of relevant information to the Food and Drug Administration, or to a person that is subject to the jurisdiction of such Administration, with respect to an Administration-regulated product or activity for which that entity has responsibility, for the purposes of activities related to the quality, safety, or effectiveness of such Administration-regulated product or activity, subject to section 520(c) of the Federal Food, Drug, and Cosmetic Act.

[“(4) Disclosures by a provider or patient safety organization of information to which subsection (a) applies to carry out activities described in paragraph (2)(A) (i) through (vi) or (3) of section 921.

[“(d) Transfer of Information.—The transfer of any patient safety data by a provider to a patient safety organization shall not be treated as a waiver of any privilege or protection established under this part or established under State law.

[“(e) Penalty.—Except as provided in subsection (c) and as otherwise provided for in this section, it shall be unlawful for any person to disclose any patient safety data described in subsection (a). Any person violating the provisions of this section shall, upon conviction, be fined in accordance with section 934(d).

[“(f) No Limitation of Other Privileges.—Nothing in this section shall be construed to limit other privileges that are available under Federal or State laws that provide greater peer review or confidentiality protections than the peer review and confidentiality protections provided for in this section.

[“(g) Rule of Construction.—Nothing in this section shall be construed to alter or affect the implementation of any provision of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033) or any regulation promulgated under such section.

[“SEC. 923. NATIONAL DATABASE.

[“(a) Authority.—

[“(1) In general.—In conducting activities under this part, the Secretary may provide for the establishment and maintenance of a database to receive relevant non-identifiable patient safety data, or may designate entities to collect relevant non-identifiable patient safety data, that is voluntarily reported by patient safety organizations upon the request of the Secretary.

[“(2) Use of data.—Data reported to any database established or designated under paragraph (1) shall be used to analyze regional variations and national statistics related to patient safety and health care quality. The information resulting from such analyses may be included in the annual quality reports prepared under section 913(b)(2).

[“(b) Standards.—In developing or designating a database under subsection (a)(1), the Secretary may determine common formats for the voluntary reporting of non-identifiable patient safety data, including necessary data elements, common and consistent definitions, and a standardized computer interface for the processing of such data. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of part C of title XI of the Social Security Act.

[“(c) Confidentiality.—Any non-identifiable patient safety data that is transferred to the database under this section shall be privileged and confidential.

[“SEC. 924. TECHNICAL ASSISTANCE.

[“The Secretary, acting through the Director, may provide technical assistance to patient safety organizations. Such assistance shall include annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

[“SEC. 925. PROMOTING THE INTEGRATION OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

[“(a) Development.—Not later than 36 months after the date of enactment of the Patient Safety and Quality Improvement Act, the Secretary shall develop or adopt voluntary national standards that promote the integration of health care information technology systems.

[“(b) Updates.—The Secretary shall provide for the ongoing review and periodic updating of the standards developed under subsection (a).

[“(c) Dissemination.—The Secretary shall provide for the dissemination of the standards developed and updated under this section.

[“SEC. 926. AUTHORIZATION OF APPROPRIATIONS.

[“There is authorized to be appropriated such sums as may be necessary to carry out this part.”.

[SEC. 4. STUDIES AND REPORTS.

[(a) Medical Technologies and Therapies.—

[(1) In general.—The Secretary of Health and Human Services shall enter into a contract with an appropriate research organization for the conduct of a study to assess the impact of medical technologies and therapies on patient safety, patient benefit, health care quality, and the costs of care as well as productivity growth. Such study shall determine—

[(A) the extent to which the current health care system's use of labor versus the use of technology has contributed to increases in the share of the gross domestic product that is devoted to health care and the impact of medical technologies and therapies on such increases;

[(B) the extent to which early and appropriate introduction and integration of innovative medical technologies and therapies may affect the overall productivity and quality of the health care delivery systems of the United States; and

[(C) the relationship of such medical technologies and therapies to patient safety, patient benefit, health care quality, and cost of care.

[(2) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

[(b) State Laws Relating to Patient Safety Peer Review Systems.—

[(1) Survey.—The Attorney General shall conduct a survey of State laws that relate to patient safety data peer review systems, including laws that establish an evidentiary privilege applicable to data developed by such systems, and shall review the manner in which such laws have been interpreted by the courts.

[(2) REPORT.—Not later than 9 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of the survey conducted under paragraph (1).]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Safety and Quality Improvement Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the Institute of Medicine released a report entitled To Err is Human that described medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result of medical errors each year.

(2) To address these deaths and injuries due to medical errors, the health care system must identify and learn from such errors so that systems of care can be improved.

(3) In their report, the Institute of Medicine called on Congress to provide legal protections with respect to information reported for the purposes of quality improvement and patient safety.

(4) The Health, Education, Labor, and Pensions Committee of the Senate held 4 hearings in the 106th Congress and 1 hearing in the 107th Congress on patient safety where experts in the field supported the recommendation of the Institute of Medicine for congressional action.

(5) Myriad public and private patient safety initiatives have begun. The Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that may be taken by each Federal agency involved in health care and activities relating to these steps are ongoing.

(6) The research on patient safety unequivocally calls for a learning environment, rather than a punitive environment, in order to improve patient safety.

(7) Voluntary data gathering systems are more supportive than mandatory systems in creating the learning environment referred to in paragraph (6) as stated in the Institute of Medicine's report.

(8) Promising patient safety reporting systems have been established throughout the United States and the best ways to structure and use these systems are currently being determined, largely through projects funded by the Agency for Healthcare Research and Quality.

(9) Many organizations currently collecting patient safety data have expressed a need for legal protections that will allow them to review protected information and collaborate in the development and implementation of patient safety improvement strategies. Currently, the State peer review protections are inadequate to allow the sharing of information to promote patient safety.

(b) PURPOSES.—It is the purpose of this Act to—

(1) encourage a culture of safety and quality in the United States health care system by providing for legal protection of information reported voluntarily for the purposes of quality improvement and patient safety; and

(2) ensure accountability by raising standards and expectations for continuous quality improvements in patient safety.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 912(c), by inserting ", in accordance with part C," after "The Director shall";

(2) by redesignating part C as part D;

(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(4) in 934(d) (as so redesignated), by striking the second sentence and inserting the following: "Penalties provided for under this section shall be imposed and collected by the Secretary using the administrative and procedural processes used to impose and collect civil money penalties under section 1128A of the Social Security Act (other than subsections (a) and (b), the second sentence of subsection (f), and subsections (i), (m), and (n)), unless the Secretary determines that a modification of procedures would be more suitable or reasonable to carry out this subsection and provides for such modification by regulation.";

(5) in section 938(1) (as so redesignated), by striking "921" and inserting "931"; and

(6) by inserting after part B the following:

"PART C—PATIENT SAFETY IMPROVEMENT

"SEC. 921. DEFINITIONS.

"In this part:

"(1) NON-IDENTIFIABLE INFORMATION.—

"(A) IN GENERAL.—The term 'non-identifiable information' means information that is presented in a form and manner that prevents the identification of a provider, a patient, or a reporter of patient safety data.

"(B) IDENTIFIABILITY OF PATIENT.—For purposes of subparagraph (A), the term 'presented in a form and manner that prevents the identification of a patient' means, with respect to information that has been subject to rules promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), that the information has been de-identified so that it is no longer individually identifiable health information as defined in such rules.

"(2) PATIENT SAFETY DATA.—

"(A) IN GENERAL.—The term 'patient safety data' means—

"(i) any data, reports, records, memoranda, analyses (such as root cause analyses), or statements that could result in improved patient safety or health care quality or health care outcomes, that are—

"(I) collected or developed by a provider for reporting to a patient safety organization, provided that they are reported to the patient safety organization within a reasonable period of time;

"(II) requested by a patient safety organization (including the contents of such request);

"(III) reported to a provider by a patient safety organization; or

"(IV) collected from a provider or patient safety organization or developed by a patient safety organization; or

"(ii) any deliberative work or process or oral communications with respect to any patient safety data described in clause (i).

"(B) LIMITATION.—The term 'patient safety data' shall not include information (including a patient's medical record) that is collected or developed separately from and that exists separately from patient safety data. Such separate information or a copy thereof submitted to a patient safety organization shall not itself be considered as patient safety data.

"(3) PATIENT SAFETY ORGANIZATION.—The term 'patient safety organization' means a private or public organization or component thereof that performs all of the following activities (which are deemed to be necessary for the proper management and administration of such organization or component thereof), and that is currently listed by the Secretary as a patient safety organization pursuant to section 924(c):

"(A) The conduct, as its primary activity, of efforts to improve patient safety and the quality of health care delivery.

"(B) The collection and analysis of patient safety data that are submitted by more than one provider.

"(C) The development and dissemination of information to providers with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

"(D) The utilization of patient safety data for the purposes of encouraging a culture of safety and of providing direct feedback and assistance to providers to effectively minimize patient risk.

"(E) The maintenance of a process to preserve confidentiality with respect to the information that is not non-identifiable.

"(F) The provision of appropriate security measures with respect to patient safety data.

"(G) The submittal to the Secretary of a certification pursuant to section 924.

"(4) PROVIDER.—The term 'provider' means—

"(A) a person licensed or otherwise authorized under State law to provide health care services, including—

"(i) a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavior health residential treatment facility, clinical laboratory, or health center; or

"(ii) a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner; or

"(B) any other person specified in regulations promulgated by the Secretary.

"SEC. 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS.

"(a) PRIVILEGE.—Notwithstanding any other provision of Federal, State, or local law, patient safety data shall be privileged and, subject to the provisions of subsection (c), shall not be—

"(1) subject to a Federal, State, or local civil, criminal, or administrative subpoena;

"(2) subject to discovery in connection with a Federal, State, or local civil, criminal, or administrative proceeding;

"(3) disclosed pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal, State, or local law;

"(4) admitted as evidence or otherwise disclosed in any Federal, State, or local civil, criminal, or administrative proceeding; or

"(5) utilized in a disciplinary proceeding against a provider.

"(b) CONFIDENTIALITY.—Notwithstanding any other provision of Federal, State, or local law, and subject to the provisions of subsections (c) and (d), patient safety data shall be confidential and shall not be disclosed.

"(c) EXCEPTIONS TO PRIVILEGE AND CONFIDENTIALITY.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

"(1) Disclosure by a provider or patient safety organization of relevant patient safety data for use in a criminal proceeding only after a court makes an in camera determination that such patient safety data contains evidence of an intentional act to directly harm the patient.

"(2) Voluntary disclosure by a provider or patient safety organization of information to the Food and Drug Administration, or to a person that is subject to the jurisdiction of the Food and Drug Administration, with respect to a Food and Drug Administration-regulated product or activity for which that entity has responsibility, for the purposes of activities related to the quality, safety, or effectiveness of a Food

and Drug Administration-regulated product or activity or a Food and Drug Administration proceeding.

"(3) Voluntary disclosure of non-identifiable patient safety data by a provider or a patient safety organization.

"(4) Voluntary disclosure by a provider of patient safety data to the Centers for Disease Control and Prevention for public health surveillance, investigation, or other public health activities.

"(d) PROTECTED DISCLOSURE AND USE OF INFORMATION.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

"(1) Disclosure by a provider or patient safety organization of information to which subsections (a) or (b) applies to carry out activities described in paragraph (2) or (3) of section 921.

"(2) Use or disclosure by a provider or patient safety organization of patient safety data in connection with providing treatment, improving patient safety, health care quality or administrative efficiency, or any other customary activity of the provider or in obtaining payment.

"(3) Disclosure of patient safety data among patient safety organizations.

"(4) Disclosure of patient safety data by a provider or patient safety organization to grantees or contractors carrying out patient safety research, evaluation, or demonstration projects authorized by the Director.

"(5) Disclosure of patient safety data by a provider to an accrediting body that accredits that provider.

"(e) CONTINUED PROTECTION OF INFORMATION.—Patient safety data used or disclosed in accordance with subsection (d) shall continue to be privileged and confidential in accordance with subsections (a) and (b) and shall not be disclosed—

"(1) by an entity that possessed such information before such use or disclosure; or

"(2) by an entity to which the information was disclosed;

unless such additional disclosure is permitted under subsection (d).

"(f) LIMITATION ON ACTIONS.—

"(1) PATIENT SAFETY ORGANIZATIONS.—Except as provided in subsection (c), no action may be brought or process served against a patient safety organization to compel disclosure of information collected or developed under this part whether or not such information is patient safety data.

"(2) PROVIDERS.—An accrediting body shall not take an accrediting action against a provider based on the good faith participation of the provider in the collection, development, reporting, or maintenance of patient safety data in accordance with this part. An accrediting body may not require a provider to reveal its communications with any patient safety organization established in accordance with this part.

"(g) DISCLOSURE OR USE OF INFORMATION.—

"(1) IN GENERAL.—Except with respect to the specific patient safety data that is used or disclosed, the disclosure or use of any patient safety data in accordance with subsection (c) or (d) shall not be treated as a waiver of any privilege or protection established under this part.

"(2) INADVERTENT DISCLOSURE OR USE.—The inadvertent disclosure or use of patient safety data shall not waive any privilege or protection established under this part with respect to such data.

"(h) REPORTER PROTECTION.—

"(1) IN GENERAL.—A provider may not take an adverse employment action, as described in paragraph (2), against an individual based upon the fact that the individual in good faith reported information—

"(A) to the provider with the intention of having the information reported to a patient safety organization; or

"(B) directly to a patient safety organization.

"(2) ADVERSE EMPLOYMENT ACTION.—For purposes of this subsection, an 'adverse employment action' includes—

"(A) loss of employment, the failure to promote an individual, or the failure to provide any other employment-related benefit for which the individual would otherwise be eligible; or

"(B) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual.

"(i) ENFORCEMENT.—

"(1) PROHIBITION.—Except as provided in subsections (c) and (d) and as otherwise provided for in this section, it shall be unlawful for any person to negligently or intentionally disclose any patient safety data described in subsection (a) and any such person shall, upon adjudication, be assessed in accordance with section 934(d).

"(2) RELATION TO HIPAA.—The penalty provided for under paragraph (1) shall not apply if the defendant would otherwise be subject to a penalty under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) or under section 1176 of the Social Security Act (42 U.S.C. 1320d–5) for the same disclosure.

"(3) EQUITABLE RELIEF.—Without limiting remedies available to other parties, a civil action may be brought by any aggrieved individual to enjoin any act or practice that violates subsection (h) and to obtain other appropriate equitable relief (including reinstatement, back pay, and restoration of benefits) to redress such violation.

"(4) ACTIONS AGAINST STATE EMPLOYEES.—Notwithstanding subsection (a), with respect to a State employer, the privilege described in such subsection shall not apply to such employer unless the employer consents, in advance, to be subject to a civil action under paragraph (3).

"(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) limit other privileges that are available under Federal, State, or local laws that provide greater confidentiality protections or privileges than the privilege and confidentiality protections provided for in this section;

"(2) limit, alter, or affect the requirements of Federal, State, or local law pertaining to patient-related data that is not privileged or confidential under this section;

"(3) alter or affect the implementation of any provision of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), section 1176 of the Social Security Act (42 U.S.C. 1320d–5), or any regulation promulgated under such sections;

"(4) limit the authority of any provider, patient safety organization, or other person to enter into a contract requiring greater confidentiality or delegating authority to make a disclosure or use in accordance with subsection (c) or (d); and

"(5) prohibit a provider from reporting crime to law enforcement authorities.

"SEC. 923. PATIENT SAFETY NETWORK OF DATABASES.

"(a) IN GENERAL.—The Secretary shall maintain a patient safety network of databases that provides an interactive evidence-based management resource for providers, patient safety organizations, and other persons. The network of databases shall have the capacity to accept, aggregate, and analyze nonidentifiable patient safety data voluntarily reported by patient safety organizations, providers, or other persons.

"(b) NETWORK OF DATABASE STANDARDS.—The Secretary may determine common formats for the reporting to the patient safety network of databases maintained under subsection (a) of nonidentifiable patient safety data, including necessary data elements, common and consistent definitions, and a standardized computer interface for the processing of such data. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of part C of title XI of the Social Security Act.

"SEC. 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING.

"(a) CERTIFICATION.—

"(1) INITIAL CERTIFICATION.—Except as provided in paragraph (2), an entity that seeks to be a patient safety organization shall submit an initial certification to the Secretary that the entity intends to perform the activities described in subparagraphs (A) through (F) of section 921(3).

"(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—An entity that seeks to be a patient safety organization may—

"(A) submit an initial certification that it intends to perform the activities described in subparagraph (A) through (F) of section 921(3) other than the activities described in subparagraph (B) of such section; and

"(B) within 2 years of submitting the initial certification under subparagraph (A), submit a supplemental certification that it performs the activities described in section 921(3)(B).

"(3) EXPIRATION AND RENEWAL.—

"(A) EXPIRATION.—An initial certification under paragraph (1) or (2)(A) shall expire on the date that is 3 years after it is submitted.

"(B) RENEWAL.—

"(i) IN GENERAL.—An entity that seeks to remain a patient safety organization after the expiration of an initial certification under paragraph (1) or (2)(A) shall, within the 3-year period described in subparagraph (A), submit a renewal certification to the Secretary that the entity satisfies the criteria described in subparagraph (A) through (F) of section 921(3).

"(ii) TERM OF RENEWAL.—A renewal certification under clause (i) shall expire on the date that is 3 years after that date on which it is submitted, and may be renewed in the same manner as an initial certification.

"(b) ACCEPTANCE OF CERTIFICATION.—Upon the submission by an organization of an initial certification pursuant to subsection (a)(1) or (a)(2)(A), a supplemental certification pursuant to subsection (a)(2)(B), or a renewal certification pursuant to subsection (a)(3)(B), the Secretary shall review such certification and—

"(1) if such certification meets the requirements of subsection (a)(1) or (a)(2)(A), (a)(2)(B), or (a)(3)(B), as applicable, the Secretary shall notify the organization that such certification is accepted; or

"(2) if such certification does not meet such requirements, as applicable, the Secretary shall notify the organization that such certification is not accepted and the reasons therefore.

"(c) LISTING.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall compile and maintain a current listing of patient safety organizations with respect to which the Secretary has accepted a certification pursuant to subsection (b).

"(2) REMOVAL FROM LISTING.—The Secretary shall remove from the listing under paragraph (1)—

"(A) an entity with respect to which the Secretary has accepted an initial certification pursuant to subsection (a)(2)(A) and which does not submit a supplemental certification pursuant to subsection (a)(2)(B) that is accepted by the Secretary;

"(B) an entity whose certification expires and which does not submit a renewal application that is accepted by the Secretary; and

"(C) an entity with respect to which the Secretary revokes the Secretary's acceptance of the entity's certification, pursuant to subsection (d).

"(d) REVOCATION OF ACCEPTANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that a patient safety organization does not perform any activity described in subparagraph (A) through (F) of section 921(3), the Secretary may, after notice and an opportunity for a hearing, revoke the Secretary's acceptance of the certification of such organization.

"(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—A revocation under paragraph (1) may not be based on a determination that the organization does not perform the activity described in section 921(3)(B) if—

"(A) the listing of the organization is based on its submittal of an initial certification under subsection (a)(2)(A);

"(B) the organization has not submitted a supplemental certification under subsection (a)(2)(B); and

"(C) the 2-year period described in subsection (a)(2)(B) has not expired.

"(e) NOTIFICATION OF REVOCATION OR REMOVAL FROM LISTING.—

"(1) SUPPLYING CONFIRMATION OF NOTIFICATION TO PROVIDERS.—Within 15 days of a revocation under subsection (d)(1), a patient safety organization shall submit to the Secretary a confirmation that the organization has taken all reasonable actions to notify each provider whose patient safety data is collected or analyzed by the organization of such revocation.

"(2) PUBLICATION.—Upon the revocation of an acceptance of an organization's certification under subsection (d)(1), or upon the removal of an organization from the listing under subsection (c)(2), the Secretary shall publish notice of the revocation or removal in the Federal Register.

"(f) STATUS OF DATA AFTER REMOVAL FROM LISTING.—

"(1) NEW DATA.—With respect to the privilege and confidentiality protections described in section 922, data submitted to an organization within 30 days after the organization is removed from the listing under subsection (c)(2) shall have the same status as data submitted while the organization was still listed.

"(2) PROTECTION TO CONTINUE TO APPLY.—If the privilege and confidentiality protections described in section 922 applied to data while an organization was listed, or during the 30-day period described in paragraph (1), such protections shall continue to apply to such data after the organization is removed from the listing under subsection (c)(2).

"(g) DISPOSITION OF DATA.—If the Secretary revokes the acceptance of an organization's certification under subsection (d)(1) and removes the organization from the listing as provided for in subsection (c)(2), with respect to the patient safety data that the organization received from providers, the organization shall—

"(1) with the approval of the provider and another patient safety organization, transfer such data to such other organization;

"(2) return such data to the provider of that patient safety data; or

"(3) if returning such data to the provider is not practicable, destroy such data.

"SEC. 925. TECHNICAL ASSISTANCE.

"The Secretary, acting through the Director, may provide technical assistance to patient safety organizations, including annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

"SEC. 926. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

"(a) DEVELOPMENT.—Not later than 36 months after the date of enactment of the Patient Safety and Quality Improvement Act of 2003, the Secretary shall develop or adopt voluntary national standards that promote the electronic exchange of health care information.

"(b) UPDATES.—The Secretary shall provide for the ongoing review and periodic updating of the standards developed under subsection (a).

"(c) DISSEMINATION.—The Secretary shall provide for the dissemination of the standards developed and updated under this section.

"SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary to carry out this part.".

SEC. 4. STUDIES AND REPORTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract (based upon a competitive contracting process) with an appropriate research organization for the conduct of a study to assess the impact of medical technologies and therapies on patient safety, patient benefit, health care quality, and the costs of care as well as productivity growth. Such study shall examine—

(1) the extent to which factors, such as the use of labor and technological advances, have contributed to increases in the share of the gross domestic product that is devoted to health care and the impact of medical technologies and therapies on such increases;

(2) the extent to which early and appropriate introduction and integration of innovative medical technologies and therapies may affect the overall productivity and quality of the health care delivery systems of the United States; and

(3) the relationship of such medical technologies and therapies to patient safety, patient benefit, health care quality, and cost of care.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

Mr. KENNEDY. Mr. President, I commend Senator GREGG, Senator JEFFORDS, Senator DODD, SENATOR FRIST, Senator SESSIONS, and all of the other Democratic and Republican members of our Health committee who have devoted extraordinary energy and skill to finding bipartisan consensus on the complex issue of medical errors and improving patient safety.

For even one American to die from an avoidable medical error is a tragedy. That thousands die every year is a national disgrace—and an urgent call to action.

More than 4 years ago, the Institute of Medicine reported that medical errors cause 98,000 deaths every year. The IOM recommended that health care professionals should be encouraged to report medical errors, without fearing that their reports will be used against them. Our legislation implements this sensible recommendation by establishing patient safety organizations to analyze medical errors and recommend ways to avoid them in future. The legislation also creates a legal privilege for material reported to these safety organizations, while seeing that original records, such as a patient's chart, remain accessible to patients.

Drawing the boundaries of this privilege requires a careful balance. The legislation is designed to create a culture in which medical professionals feel secure in reporting errors without fear of punishment, and it is right to do so. But we must be careful that in doing so, we do not actually shield those who have negligently or intentionally caused harm to patients. We must also make sure not to interfere with existing State laws on reporting.

The proposal that the Senate considers today has made substantial and welcome progress on these and other important issues, and I look forward to making further progress in conference with our colleagues in the House. I will do all I can to see that we continue the bipartisan cooperation that has allowed today's important action. I look forward to working with our colleagues in the House to produce a conference report that includes the best features of the Senate and House proposals. I believe that several features of the bipartisan House legislation are worth close consideration by the conference, including the strong protections against conflict of interest.

I hope that this legislation is the beginning of our action on patient safety—not the conclusion. Other steps are also necessary. The Federal Government should play a leading role in the quest for improving quality and safety for patients. Indeed, the very title of one of IOM's most important reports, "Leadership by Example," highlights the central role that the Federal Government must play in transforming the quality of health care.

I thank all my colleagues from both sides of the aisle, who came together and put their differences aside to bring this legislation to the floor. This legislation sends a promising message that every patient in America will receive effective, high quality health care.

Mr. JEFFORDS. Mr. President, I am very pleased that today the Senate will pass a measure that many have worked on for many years. The Patient Safety and Quality Improvement Act, and similar companion legislation, have been the focus of considerable efforts by many of our colleagues since 1999. I must thank Senator GREGG, Senator KENNEDY and our other colleagues for all their hard work in bringing S. 720 before the Senate today.

In 1999, Americans were shocked by the findings of the landmark Institute of Medicine study on medical errors. As we all know, that study reported that the number of deaths associated with medical errors could be as high 98,000 each year.

Most importantly, the report noted that more than half of these deaths resulted from preventable errors—needless deaths that could have been prevented if we only had a system in place that would help providers learn from each other's mistakes.

The bill starts with a simple premise. Let's set up a system that helps our health care providers learn from each other. Let's set up a system that promotes the reporting and analysis of medical errors. Let's set up a system that engenders the trust of providers and the patients they serve.

Of course, we also live in a complex society, one in which medical errors that may have harmed a patient might also be the basis for litigation. It is a right under our laws to seek a remedy when harmed, and we need to preserve access to certain information for this redress of grievances.

However, an unfortunate consequence of living in a litigious society is that hospitals and providers often feel that it's not in their best interests to share information openly and honestly. We know, in fact, that their attorneys and risk managers often advise them not to do so. So, in order for our system to work, it needs to balance these sometimes competing demands.

The bill we are considering strikes this balance. It calls for the creation of new entities we call Patient Safety Organizations that would collect voluntarily reported patient safety data. This bill provides the protections of confidentiality and privilege to that patient safety data, but the bill also sets definite limitations on what can be considered confidential and privileged.

This legislation does nothing to reduce or affect other Federal, State or local legal requirements pertaining to health related information. Nor does this bill alter any existing rights or remedies available to injured patients. The bottom line is that this legislation neither strengthens nor weakens the existing system of tort and liability law.

Instead, the legislation before us creates a new, parallel system of information collection and analysis, designed to educate our doctors and protect patients' safety everywhere. This bill reflects difficult negotiations and many compromises over almost 5 years of consideration. Through the contributions of Members on both sides of the aisle, this legislation has been greatly strengthened since I first introduced it back in the 106th Congress. I have appended these remarks with an article I wrote that provides a more detailed description of the efforts that have been made to reduce medical errors and I ask unanimous consent that it will be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST, DO NO HARM

With the publication of the Institute of Medicine IOM study, To Err is Human 1999, we were all reminded that Hippocrates' maxim to "first, do no harm" is as relevant to the practice of medicine today as it was in 400 B.C. The IOM report was among the first to galvanize national attention on the issue of patient safety when it reported that medical errors contribute to approximately 100,000 patient deaths a year. This startling and troubling statistic has been verified in subsequent studies and cited in peer reviewed articles in the leading journals of biomedical research, including the Journal of the American Medical Association, the Lancet, and the New England Journal of Medicine.

When I was Chairman of the Senate Committee on Health, Education, Labor, and Pensions in 1999, I undertook several hearings—five in all—to examine this issue and discuss the recommendations of the To Err is Human report. The testimony overwhelmingly agreed with several of the original Institute of Medicine recommendations.

Perhaps the most important of these recommendations stress that improving patient safety requires a learning environment rather than a punitive environment; voluntary data gathering systems as opposed to mandatory systems; and appropriate legal protections—including confidentiality and privilege from discovery—that allow for the review and analysis of medical error information.

In response to this focused attention, a myriad of public and private patient safety initiatives have begun. The Department of Health and Human Services has initiated several patient safety projects, including project grants funded by the Agency for Healthcare Research and Quality AHRQ. The work of the Veteran's Administration in developing and implementing innovative patient safety systems—especially in the area of medication management—has drawn attention from throughout the country. In addition, the Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that can be taken by each Federal agency involved in health care, and agency activities to implement these steps are ongoing.

In addition, several non-governmental organizations and professional societies have "stepped up to the plate" of patient safety. The Joint Commission on Accreditation of Healthcare Organizations, the U.S. Pharmacopoeia, the American Medical Association, and other health care providers including the American Federation of Hospitals and American Hospital Association have launched innovative efforts dedicated to improving patient safety. However, many of the organizations currently collecting patient safety data have expressed the need for legal protections that will allow them to review protected information so that they may collaborate in the development and implementation of patient safety improvement strategies.

The work of Lucien Leape, a member of the IOM panel and adjunct professor of health policy at Harvard University, has supported this view. Dr. Leape has argued persuasively that we as a society will continue to have difficulty in reducing medical errors and improving patient safety because our institutions are "still locked into a blame and punish approach to errors and a focus on individual culpability," and that "the fear of malpractice litigation thus becomes a major barrier to openly discussing and reporting errors."

I have introduced legislation with my colleagues, Senators Bill Frist, John Breaux, and Judd Gregg, which seeks to address these concerns. The legislation raises expectations for higher standards for continuous patient safety improvement and it encourages a new and needed culture of patient safety among health care providers and American hospitals. The bill accomplishes these goals by establishing appropriate legal protections for patient safety information voluntarily shared among patient safety organizations and providers. Our legislation reflects the belief that a culture of patient safety can flourish only in an environment where information, data, process, and recommendations enjoy legal protection and privilege.

Because it appropriately addresses an obvious need and concern, the Jeffords Patient Safety and Quality Improvement Act has enjoyed widespread endorsement by hospital, patient, doctor, and consumer advocacy organizations. This degree of support underscores the broad appeal and essential nature of this proposed legislation.

In the time since the release of To Err is Human, the Congress has been unable to enact sensible legislation to reduce medical errors and increase patient safety. However I believe we can accomplish that goal this year. The House of Representatives has already passed its version of patient safety legislation and we are working to pass the Patient Safety and Quality Improvement Act in the Senate. I am hopeful that we can reconcile disagreements that have previously stopped this legislation from moving forward and I am committed to seeing that happen.

It has been three years since the release of the IOM report. That means, based on the IOM's statistics, that an additional 300,000 deaths and an untold number of injuries have occurred from medical errors. We need to apply Hippocrates' admonition to "first, do no harm" beyond the medical community to the legislative community. We need to pass legislation now that will help the health care community stop the needless injury caused by unintentional medical errors.

Mr. JEFFORDS. I offer my appreciation to the many contributions from Chairman GREGG, Ranking Member KENNEDY, and Senators FRIST, BREAUX, ENZI, SESSIONS, DODD, and BINGAMAN.

We legislate many essential issues in the Congress, but rarely can we say that what we do is a matter of life and death. This, however, is one of those issues. The time to act is long overdue. This is an area where delay will lead to deaths that can be prevented. I urge all of my colleagues to vote in support of this bill.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee amendment as amended be agreed to, the bill as amended be read a third time, and the HELP Committee be discharged from further consideration of H.R. 663, and the Senate proceed to its consideration; provided that all after the enacting clause be stricken and the text of S. 720, as amended, be inserted in lieu thereof; provided further that the bill, as amended, be read a third time and passed, the Senate insist upon its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees with a ratio of 4 to 3.

Finally, I ask unanimous consent that S. 720 be returned to the Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I was on the Senate floor a few weeks ago with the distinguished chairman of the HELP Committee. At that time there was an attempt to move the bill.

I said at that time this bill could be done. There were ways we could accomplish it. This is an extremely important piece of legislation. Through the Chair to the distinguished majority leader, he knows better than I. He is a physician. But from what I know of patient safety, this is an extremely important piece of legislation, and we have been able to do it. We are going to be able to go to conference. There has been agreement between the Chair and the ranking member. I think this is an important step forward.

I would say, through the Chair to my friend who is not here, the distinguished chairman of the HELP Committee, I am glad he brought this to the Senate's attention. I am glad we did not agree to what his unanimous consent request was at that time. But we were able to get it done, and I am very happy for that.

I have no objection. This is an important piece of legislation. I now wish the conferees well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3568) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 663), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The Presiding Officer (Mr. ENZI) appointed Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. ALEXANDER, Mr. KENNEDY, Mr. DODD, and Mr. JEFFORDS conferees on the part of the Senate.

Mr. FRIST. Mr. President, I do want to congratulate Senator GREGG, chairman of the HELP Committee, and ranking member, Senator KENNEDY. This is a piece of legislation that people can trace. Several years ago, the Institute of Medicine did an outstanding report. We rely on the Institute of Medicine again and again to objectively, in a nonpartisan way, look at a whole range of issues, from the financing of health care, health care delivery, preventive health care, acute treatment, chronic treatment. They really respond very much to outside bodies like the Senate and do studies.

One great study they did—people have argued their numbers aren't exactly right, too high, too low—but it was that about 100,000 people die every year from systems' lapses, medical errors. Those are, for the most part, preventable deaths, if you improve the systems. This bill goes right at the heart of improving the systems and does so in a way that relies on individuals who may observe something that didn't work out, sharing that data with their peers in a way that they do not have to fear lawsuits.

Obviously, if there is wrongdoing, lawsuits would be appropriate. But, if it is an error, minor error, or even a more serious error, it can be addressed upfront in a way that you do not have to be afraid somebody is going to come in and crush you from the outside.

I say that because it is a bipartisan bill. It went through the Health, Education, Labor and Pension Committee. I think the fundamental structure of the bill went through the committee unanimously. It shows tremendous leadership.

There were disagreements on a few items that have been worked out, with Senator GREGG's leadership, working with Senator KENNEDY. With that, we have a very good bill, a strong bill that will change systems of health care in a positive way, and clinics and hospitals and physicians offices such that we can eliminate or greatly reduce the number of unnecessary medical errors that occur in large part through systems approaches.

Just an example would be if somebody is on 10 different medicines and somebody prescribes a new medicine. You don't know the interaction of those medicines. You need a system to identify that. That sort of organized, commonsense approach to improve systems is made possible by this bill.

Mr. ENZI. Mr. President, the Senate this evening has taken a major step toward better and safer health care for all Americans.

Tonight, we approved the Patient Safety and Quality Improvement Act. The goal of this legislation is to allow health care providers some freedom from legal fear so they can do what we all strive to do every day—learn from our mistakes.

This bill would create a framework through which hospitals, doctors, and other health care providers can work to improve health care quality in a protected legal environment. It would accomplish this by granting privilege and confidentiality protections to health care providers to allow them to report health care errors and "near misses" to patient safety organizations.

This bill would not permit anyone to hide information about a medical mistake. Lawyers would still have access to medical records and other information that would normally be discoverable in a legal proceeding. However, the bill would ensure that the analysis of that information by patient safety organizations would take place on a separate track in a protected legal environment.

Under the bill, patient safety organizations would have the freedom to collect and analyze data on health care errors in confidence, and then report their findings to the health care community. These findings would help health care providers understand how mistakes happen in our health care system, and how to prevent them.

If we can reach an agreement in conference in the House and send this bill to the President, health care providers will be much more likely to share information about honest mistakes, because they will have some assurance that the analysis of their information won't result in a tidy package of information that a personal injury lawyer could use against them in court.

I express my appreciation for the hard work that the members of the Committee on Health, Education, Labor, and Pensions put into this bill, particularly Chairman GREGG, Majority Leader FRIST, the lead sponsor Senator JEFFORDS, and Senators SESSIONS and KENNEDY.

I also thank the staff who worked so diligently over the course of this Congress to craft this legislation, particularly Vince Ventimiglia, Peggy Carlson, David Fisher, Dean Rosen, Jim Hippe, Sean Donohue, Megan Clarke, David Nexon, David Bowen, and of course Stephen Northrup with my office.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES-MOROCCO FREE-TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate having received H.R. 4842, the companion measure to S. 2677, an act to implement the United States-Morocco Free-Trade Agreement, the House bill is read a third time and passed; the passage of S. 2677 is vitiated, and the bill is returned to the Calendar.

The bill (H.R. 4842) was read the third time and passed.

The PRESIDING OFFICER. The majority leader.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS BILL

Mr. FRIST. Mr. President, a few minutes ago we passed the Department of Defense appropriations bill, with a vote of 96 to 0. I want to take this opportunity to congratulate the chairman of the Appropriations Committee, who is also chairman of the Defense Subcommittee, Senator STEVENS, and his ranking member, Senator INOUYE, on bringing this first appropriations conference report for next year to completion.

This is a critically important bill. It provides nearly $418 billion in resources to our dedicated men and women in the global war on terrorism. The legislation will immediately make available

$26.8 billion to the Department of Defense as emergency appropriations to cover the costs associated with operations in Iraq and Afghanistan, upon signature by the President.

As GAO reported this week, these funds are needed, and they are needed quickly, for the operation and maintenance and military personnel through the end of the current fiscal year. Further, critical funding is provided immediately to the Department of State for our diplomatic programs, for our consular programs, and embassy security in Iraq.

There are other programs funded in this important legislation that I want to thank the conferees for addressing. Mr. President, $95 million is provided immediately to USAID and the State Department to address the tragic moral and humanitarian crisis that is occurring in the Darfur region of the Sudan.

I am hopeful Secretary Powell's and U.N. Secretary General Kofi Annan's discussions today in New York will result in the Sudanese Government fulfilling its recent commitment to end the attacks in the Darfur region by disarming the Janjaweed.

I am particularly concerned our new Ambassador—our former colleague in this body, Senator John Danforth—is reported today as saying the situation in Darfur is not getting better but is getting worse. Mr. President, $95 million in humanitarian and refugee assistance provided in this legislation is critical, but security and stability must be secured in the region if this assistance which we are delivering is ever to really reach the people who are in need. As we all know, in the Darfur region, tens of thousands of people have died, and over a million people are directly affected in this very large western region in Sudan.

I wish it were not necessary, but it is good this legislation will also provide $19 million to improve amputee care at the Walter Reed Medical Center for prosthetic limb development and applied research. Many of us in this body have had the opportunity to visit the men and women—the soldiers—who have been so directly impacted at Walter Reed. We thank them for their service, we thank them for their patriotism, and we are gratified that this $19 million will at least address one dimension, and that is the dimension of amputee care at that wonderful, outstanding medical center.

There is over $18.2 billion for the Defense Health Program, an increase of over $2.5 billion over last year's level. I am pleased this legislation fully funds the 3.5-percent military pay raise and increases our service men's and women's basic housing allowance for housing, putting additional money into their pocket.

On the domestic front, it is appropriate this legislation also provides a half billion dollars, $500 million, in emergency assistance to the Departments of Labor and Agriculture to address the growing cost of increasing forest fires this summer that we see in the West, as well as in Alaska.

We should also point out the legislation provides $50 million to Boston and to New York City to help defray some of the costs associated with our upcoming national conventions.

Mr. President, this is critical legislation for our national security. It is somewhat ironic that we voted on this legislation the same day that the 9/11 Commission released its report because the first recommendation of that report was that the U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power.

This legislation funds our national power. It is appropriate it is the first appropriations bill this year to pass and to be sent to President Bush.

Again, I congratulate Chairman STEVENS, as well as the ranking member, and all of the committee members of the subcommittee and the entire Appropriations Committee for this outstanding piece of legislation.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, on a separate topic, I want to take a few moments before going out on recess, looking back over the last several weeks and sharing with my colleagues some of the very positive things we have been able to accomplish, positive issues and bills that will have a direct impact on people throughout America and also, indeed, throughout the world.

We have had a productive year. Among our many legislative accomplishments, the Senate passed the Laci and Conner's law, the Crime Victims Act, the child nutrition reauthorization, and the Internet access tax moratorium. Each of these initiatives expresses our values. Each will help protect the American family.

In this past month, since the last recess, we have been able to build on those successes. I commend my colleagues for their tremendous work, their hard work, each and every day over July.

We had the opportunity today to receive the report from the 9/11 Commission, and we have heard about it on the floor of the Senate today. We heard about it in our briefings today and yesterday. We have heard us all commend the 9/11 Commission for their efforts to produce a genuinely bipartisan document. That is the way it was received. In talking to the Commission members, that is the way each step along the way the 9/11 Commission acted: in a bipartisan manner.

I have not had the opportunity to read the whole report. It is a large book people have had on the floor today. But I have read the summary and been in on the briefings. The only way I can describe it is, it provides a sobering account of the events leading up to September 11. It offers valuable recommendations—one I just referred to a few moments ago—for how America can better protect itself, how we can act to make America safer.

I again thank the Commission members. They have worked hard over the last several months to produce this outstanding document, a document that will be invaluable in the months ahead as we deliberate. There will be a lot of deliberation, and the Democratic leader and I will comment on that a little bit later in a colloquy on how best to strengthen America's defenses.

In the meantime, as we wrap up for the August recess and the conventions, I would like to take a moment to highlight a few of the recent legislative accomplishments. Yesterday I had the honor of attending the Rose Garden signing ceremony for Project Bioshield. It is an issue that was first proposed by the President in his 2003 State of the Union Address to Congress. As with his broader efforts to defend the homeland, President Bush has demonstrated once again his determination to protect the American people, to make America safer, and that is exactly what this bioshield legislation does.

Because of the President's leadership, the Nation's defenses against biological threats, against chemical threats, against radiological threats will be substantially strengthened. Project Bioshield is a gratifying example of, once again, both sides of the aisle working together in the best interest of the American people. I commend the President for his leadership in the initial proposal, Chairman GREGG, Senator KENNEDY, and all of my colleagues who worked together to craft this legislation, including Senator HATCH who was early to see the need for this initiative.

Only 2 months ago our enemies detonated a sarin-laced roadside bomb in Iraq. Fortunately, their plan did not succeed in effectively dispersing the nerve agent. But it underscored the fact that these weapons exist, that we must be vigilant. Right here at home we had the anthrax assault, used as a weapon up and down the east coast not that long ago, resulting in panic, paralysis, and death. We have had anthrax here in the Nation's Capital. We have had ricin here in the Nation's Capital. Project Bioshield allows us to become proactive in developing a whole range of countermeasures.

Earlier today—now about 12 hours ago—in keeping with our commitment to secure the homeland, the President signed another bill, a bill called the

Law Enforcement Officers Safety Act of 2000. It is a product of a number of our colleagues. Our distinguished colleague from Colorado, Senator CAMPBELL, has worked on this bill for years and years. It was developed in a bipartisan way, once again. On the House side, Congressman DUKE CUNNINGHAM was a real leader on this particular bill. This bill had been a No. 1 legislative priority of our Nation's law enforcement officers, and I am proud of this bipartisan effort to support law enforcement and public safety. The law allows current and retired police officers to carry a concealed weapon in any of the 50 States.

What that means is that America will not allow the tens of thousands of trained and certified law enforcement officers who are out there serving us and out there protecting us every day across the country to be denied the potential opportunity to be called upon, if need be, with assistance. In a post-9/11 world, it is imperative that we all use every resource possible to protect ourselves, and that includes America's men and women in blue.

In addition to our efforts to improve security, this month we took important steps globally in terms of our economic standing in the world. Six days ago we passed the Australia free-trade agreement, and earlier this week we passed the Morocco free-trade agreement. I had the opportunity to talk to the King of Morocco today and reiterated to him the plus this trade agreement will be for the United States and workers in the United States, both the Australia and Morocco free-trade bills, but also to reiterate what the President of the United States had told the King of Morocco when he said: Trade is an important part of good foreign policy. It is an important part of making sure Americans can find jobs.

The Australia agreement has a huge impact right here in the United States of America. It is expected to create as many as 40,000 new jobs. We can expect an increase of about $2 billion annually in trade for the United States and Australia by 2010. At $9 billion, our trade surplus with Australia counts as the largest with any nation. More than 99 percent of our exports to Australia will enter duty-free once this agreement goes into effect. In my home State of Tennessee, Australia is a powerful market, a large market for our goods. In fact, Tennessee exports more to Australia than to France.

With regard to Morocco, more than 95 percent of bilateral trade in consumer and industrial products will become duty-free. The Morocco agreement is the best yet of any United States free-trade agreement with a developing country.

When it comes to a developing continent, earlier this month the President signed another very powerful bill in terms of its impact in Africa. The bill was the African Growth and Opportunity Act. I am especially pleased by this legislation. I have taken advantage of the opportunity of traveling to Africa on a regular basis where one could see upfront, firsthand, the direct impact of this Africa Growth and Opportunity Act when it was initially passed—now several years ago—the impact it has had in the stimulation of jobs, creation of work. And for me, most importantly, it creates hope for a continent that otherwise becomes quite discouraged as it is plagued by so many other huge challenges.

The Africa Growth and Opportunity Act, which we have passed and which is now the law of the land, is a win-win for the United States. It is a win for the African continent, and I would say a win-win for the world. The legislation has not only created new investment opportunities for American businesses, but it has helped create over 150,000 African jobs. When President Museveni from Uganda was here, he said: You use the figure of 150,000, our best estimates are that the impact is not creation of 150,000 African jobs, but 300,000 African jobs.

It has helped to pump more than $340 million into the African economies and has forged a place for Africa in the global trade market. I hope other countries will look at the success of this program and reexamine their trade preferences toward Africa. I hope other countries will take this opportunity, looking at the leadership of the United States, to study their own trade relations with the region and do what we have done in this country, and that is improve them.

Domestically, over the last several weeks we have passed a lot of legislation. In one area we had a significant breakthrough in confirming one of President Bush's judicial nominees. I mention this one in particular because the confirmation of Judge Jay Leon Holmes, who was confirmed to the U.S. District Court, ultimately had bipartisan support. But it took about 18 months of hard work, where there was a lot of attack and a lot of obstruction. Ultimately, Judge Holmes was confirmed this month.

Unfortunately, today our Democratic colleagues voted against permitting three circuit court judges from getting an up-or-down vote. Judge Henry Saad, Judge David McKeague, and Judge Richard Griffin all received support from a majority of Senators, but not this new threshold of having to get a supermajority of 60 votes which is needed to break these unprecedented filibusters we have had this session.

This brings to 10 the number of judges filibustered and, I would argue, as was argued earlier on the floor today, that is 10 too many. We would say that any is too many; that each of these judges deserves an up-or-down vote. People can vote how they want, for the judge or against the judge, but at least we should be given the opportunity to vote.

We will also continue to fight for legislation that keeps America's economic recovery rolling along. We tried recently with class action—we are going to come back to class action. I am not sure exactly when that timing will be, but I can tell you there is strong bipartisan support, and I think this body needs to come back as soon as practical and address class action reform.

I was disappointed by the other side's decision to stop this important legislation because both sides—again, this is a bipartisan bill, and I am confident it can pass with more than 60 votes. These class action lawsuits, as we heard now 2 weeks ago on the floor, have grown exponentially. One recent survey found State court class action filings skyrocketed by 1,300 percent in 10 years.

The result of all of this is a glut of claims that ends up clogging the courts, ultimately wasting taxpayers' dollars and inhibiting the innovation and entrepreneurship we all know is so critical to job creation.

Election year politics should not get in the way of strengthening our economy. It is our duty to serve America's best interests and not to be serving special interests.

When we return after the recess, we have a real challenge, and the challenge is to address all of the appropriations bills. I have been in conversation with the Democratic leader, the Democratic leadership, and Chairman STEVENS, who has been in discussion with Senator BYRD, and all about the recognition that the month of September is going to focus, in large part, on these appropriations bills.

We also need to turn our attention to finishing the FSC/ETI bill, the JOBS bill that we need to get to conference. We have actually appointed Senate conferees, and the House will be appointing their conferees. I am not sure if they will appoint them later tonight or when we get back. It is a very important bill.

We have had a lot of discussions over the course of the day on the highway bill, and I think some progress, indeed, has been made on the highway bill. It is going to be challenging to do because we are a long way from any sort of consensus on that bill, but we all know how important it is.

Although it has not been on the floor of the Senate every day, at some point there are discussions on the importance of having a national energy plan. I take this opportunity to mention it because a lot of people have said: This was filibustered; that was blocked; you are not going to be able to come back and address that legislation. Indeed, we have only probably 20 legislative days left in this session, but as long as people keep working in a bipartisan way, we have the potential for more fully addressing our energy challenges.

All of these pieces of legislation fit into growing our economy, continuing our economic recovery, accelerating it, as well as security. The JOBS bill alone, the FSC/ETI or so-called JOBS bill, will protect more than a million high-quality manufacturing jobs in the United States. Our roads, ports, energy supply, and economic vitality are all critical to our security and to our safety. We have to have a strong infrastructure to be safe and secure, to be able to withstand threats from without.

I see my colleague from Kansas who has a very important statement to make that refers, in part, to some of my comments earlier about the Darfur region, I expect, but let me comment on one issue before turning the floor over to him. It is an issue that again centers on an international issue, and that is Cambodia.

Last Sunday, Cambodian Prime Minister Hun Sen delivered a nationally televised speech accusing democratic opposition party leader Sam Rainsy and his fellow parliamentarians of organizing an armed insurgency to overthrow the government. Concerned for their safety, a number of these leaders fled the country.

I was in touch with my son by e-mail because my son Jonathan happened to be in Cambodia at the time and witnessed these events. These allegations appear designed to intimidate the democratic opposition there. We should all be disturbed by the rhetoric which appears to be designed to subvert democracy by these threats and by this intimidation.

The international community has a great interest in ensuring that Cambodia's fragile progress toward democracy continues. Cambodia has paid too high a price under authoritarian rule in the past. We cannot and will not accept the use of fear as an instrument of the state. Cambodia has made commitments to the international community to respect human rights, preserve the rule of law, and uphold democracy. I call upon the international community to watch these events very carefully.

There is a lot to do when we return in September. I know we are going to have a very busy fall legislative session. I look forward to working with my colleagues, and I look forward to doing the business of the American people and moving America forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

DARFUR

Mr. BROWNBACK. I thank the Chair. Mr. President, I appreciate the majority leader identifying the successes and what we need to be working on. I also appreciate the first part of his speech when he talked about the Sudan, which is something I wish to address for my colleagues.

The House of Representatives has just passed 422 to 0—they rarely do things quite in that fashion—a resolution calling what is taking place in Sudan genocide—genocide, the killing of a group of people purposely by a government, by a group.

I do not think we have ever done that before in the middle of a genocide as it is taking place. We have always adopted a resolution afterward, and once the genocide has occurred, we have said: That is terrible; that should not have happened; and, oh, by the way, it was genocide. They have taken a bold step, the right step, the proper step for the first time to say, while we are in the middle of this crisis, let's call it genocide now, put pressure on the international community to act and address it.

I say to my colleagues tonight, we have virtually the identical resolution in front of this body that we are seeking to move through by unanimous consent. I hope they will consider it and let it through. At this point in time in our sessions, people hold up everything: I am not going to let anything get on through here. I plead with my colleagues, people who are watching, who are monitoring the Chamber, if you are considering that on this resolution, please pull it off and please let this one pass on through so both the House and the Senate can speak with clarity and call the situation in western Sudan, this Darfur region, genocide, and stop the killing.

While the world debates, people die in Darfur, and that is what is taking place today. I was there about 3 weeks ago and 30,000 had died already. Over 300 villages had been burned out, and about a million people were in refugee camps in western Sudan and Chad. The people were in horrific condition and in a very fragile state. They were willing to return to their villages if security could return to the region, but an armed Arab militia was strong through the region, called the Janjaweed, which are men on horses and camels in some cases, with guns. They go in and burn out villages, shooting and killing the men, raping the women, and driving people into refugee camps.

These are deplorable conditions which, if they are not eased, if the situation does not improve, our own Agency for International Development projects that at a minimum 300,000 will die. We are at 30,000 now. We project 300,000 will die if everything goes well from this point forward, and it could go up from there. That is where we are right now: 30,000 dead, projecting 300,000 in the next 6 to 9 months, and it could go above that very easily.

We have a chance, we really have a moment, that we can actually get it right before they die. It was just a couple of months 10 years ago that in Rwanda we saw 800,000 people die. We said after that, "never again." Well, now we have 30,000 and we are headed to 300,000. Are we going to look back on this one and say, "never again," or are we going to get in on this one now and say, "no, let us stop it"?

It is a fairly simple solution, putting pressure on the international community, putting pressure on the African Union, to bring in troops to stabilize this area. It cannot be done by the Government of Khartoum. They have dirty hands. They have armed the Arab militias that are going into the region. It cannot be done by the Arab militias. They are killing the African villagers in this region. They are doing ethnic cleansing and raping the women.

We interviewed a number of different women who had been raped. All of them said that their rapist said to them: We want to create lighter skinned babies. In that region, the paternity determines the ethnicity of the child.

We cannot let this one keep going when we know it is happening and we have a way to stop it. I plead with my colleagues, just look at this. Let this one move on through, then both the House and the Senate will have spoken and called it genocide. We will put pressure on the international community to act, put pressure on Kofi Annan at the U.N., put pressure on the African Union to address this situation before the numbers keep mounting. We can do this.

I will show briefly to my colleagues new pictures Congressman FRANK WOLF and I took, as I say, about 3 weeks ago when we were in the region. This is a typical burned-out village that we saw. We drove by a number of these. These are some of the leaders of the group who are trying to come back to the village. The raids all happened very similarly. Bombers came in, supplied by the Sudanese Government. Helicopters—I will show a picture of one of those in just a little bit—supported by the Sudanese Government would come in in an air attack. Then the Janjaweed, the Arab militias, would come back on camels, horseback, guns blazing, burn the various houses, kill the men, rape the women, pillage, plunder, and steal. As we can see from this picture, this is a sparse and difficult climate in which to live. They drive people out of their villages, away from their wells, and people die.

This next picture is one of the helicopters used in these raids. It has guns mounted on the front. This is old Soviet equipment, yet it works very well in this region when the people they are going against are unarmed altogether. They will go in on these runs. We saw this particular helicopter within 100 yards of a Sudanese Government outpost, within 50 yards of a Janjaweed encampment.

So when the Sudanese Government is saying, Well, it is the Janjaweed that is doing it and we are going to try to disarm them, we are going to control them, they are arming them, this is just them doing something they have done in the south for years, where they arm a militia so they can have some deniability that it is their hands, but in fact it is clearly them who are conducting this.

The next picture I want to show is a woman who has been shot. She is an amputee. We visited with her. We can see where her leg was shot and amputated.

This final picture is chilling. We went into three different refugee camps. Fortunately, children are children everywhere, and they will lighten up. They will be lively. They have smiles on their faces. In one of the camps they were doing an art project to encourage kids to make different things out of clay or actually out of mud. They were doing the soldiers on horses who had attacked them with guns. They made these little mud figures showing what had taken place. We also have drawings that were brought back, drawn by the children, of villages being burned. There is nothing quite like seeing the world through the eyes of a child. It is a very dangerous world and a deadly world these children have seen.

I have a trip report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIP REPORT—SENATOR SAM BROWNBACK AND CONGRESSMAN FRANK WOLF.

DARFUR, WESTERN SUDAN—JUNE 27–29, 2004

It was just 10 years ago—in 1994—when the world stood by and watched as more than 800,000 ethnic Tutsis were systematically murdered in Rwanda by rival extremist Hutus.

When the killing finally ended after 100 days—and the horrific images of what had taken place were broadcast around the globe—world leaders acknowledged it was genocide, apologized for failing to intervene, and vowed "never again."

That pledge from the international community is being put to the test today in western Sudan, where an estimated 30,000 black African Muslims have been murdered and more than 1 million have been driven from their tribal lands and forced to live in one of 129 refugee camps scattered across the western provinces of Darfur. More than 160,000 have fled across the border to Chad.

The United Nations Convention on the Prevention and Punishment of the Crime of Genocide describes genocide as acts committed with intent to destroy, in whole or in part, national, ethnic, racial or religious groups, such as: Killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part; Imposing measures intended to prevent births within the group, or forcibly transferring children of the group to another group.

Having recently spent 3 days and 2 nights (June 27–29) in Darfur, we believe what is happening there may very well meet this test.

During our trip we visited 5 refugee camps: Abu Shouk; Tawilah; Krinding; Sisi, and Mornay—all sprawling tent cities jam-packed with thousands of displaced families and fast becoming breeding grounds for disease and sickness.

We drove past dozens of pillaged villages and walked through what was left of four that were burned to the ground.

We heard countless stories about rape, murder and plunder.

We even watched the barbarous men who are carrying out these attacks—Arab militiamen called Janjaweed—sitting astride camels and horses just a short distance from where young and old have sought what they had hoped would be a safe harbor.

Janjaweed is roughly translated in Arabic as "wild men on horses with G–3 guns" Ruthless, brutal killers, the Janjaweed have instigated a reign of terror on Darfur—a region about the size of Texas—for more than a year. They kill men. They rape women. They abduct children. They torch villages. They dump human corpses and animal carcasses in wells to contaminate the water. Their mandate is essentially doing whatever necessary to force the black African Muslims from their land to never return.

It is clearly the intent of Janjaweed to purge the region of darker-skinned Africans, in particular members of the Fur, Zaghawa, and Massaleit tribes.

JANJAWEED MANDATE

From where does this mandate come? The Government of Sudan disavows supporting the Janjaweed. Some officials in Khartoum even deny the existence of a humanitarian crisis in the region. Yet the facts prove otherwise. We witnessed the destruction. We heard horrific accounts of violence and intimidation. We talked to rape victims. We saw the scars on men who had been shot. We watched mothers cradle their sick and dying babies, hoping against all odds that their children would survive. We saw armed Janjaweed waiting to prey on innocent victims along the perimeter of refugee camps.

To hear the vivid, heartrending descriptions of the attacks it is clear the Janjaweed have the support—and the approval—of the Government of Sudan to operate with impunity. The same stories were repeated at every camp we visited. The raids would happen early in the morning. First comes the low rumble of a Soviet-made Antonov plane—flown by Sudanese pilots—to bomb the village. Next come helicopter gunships—again, flown by Sudanese pilots—to strafe the village with the huge machine guns mounted on each side. Sometimes the helicopters would land and unload supplies for the Janjaweed. They would then be reloaded with booty confiscated from a village. One man told us he saw cows being loaded onto one helicopter. Moments later, the Janjaweed, some clad in military uniforms, would come galloping in on horseback and camels to finish the job by killing, raping, stealing and plundering.

Walking through the burned out villages we could tell the people living there had little or no time to react. They left everything they owned—lanterns, cookware, water jugs, pottery, plows—and ran for their lives. There was not even time to stop and bury their dead.

The Janjaweed made certain that there would be nothing left for the villagers to come home to. Huts were torched. Donkeys, goats and cows were stolen, slaughtered or dumped into wells to poison the water. Grain containers were destroyed. In one village we saw where the Janjaweed even burned the mosque.

Only the lucky ones—mostly women and children—made it out alive.

ETHNIC CLEANSING

What is happening in Darfur is rooted in ethnic cleansing. Religion has nothing to do with what has unfolded over the last year.

No black African is safe in Darfur. Security is non-existent. The Janjaweed are everywhere. Outside the camps. Inside the camps. They walk freely through the marketplace in Geneina, a town in far western Darfur, with guns slung over their shoulders. One shopkeeper, we were told, was shot in the head by a Janjaweed because he wasn't willing to lower the price of a watermelon.

Government of Sudan military and security forces also are omnipresent. At each of the places we visited we were either trailed or escorted by a mixture of military regulars, police forces and government "minders." There have been reports that the government has been folding the Janjaweed into its regular forces as a way to disguise and protect them. At two of the camps we visited, we were told the government had inserted spies to report on what was said or to threaten those who talked. We were told the "minders" repeatedly scolded refugees and told them in Arabic to shut up. Yet, even with these threats, refugees in every camp we visited were eager to tell their stories.

It should be understood that the Janjaweed are not "taking" the land from the black Muslim farmers they are terrorizing. The Janjaweed, whose historical roots are part of the region's roving nomads who have battled with the African farmers for generations, are employing a government-supported scorched earth policy to drive them out of the region—and perhaps to extinction. It also was clear that only villages inhabited by black Africans were being targeted. Arab villages sitting just next to African ones miles from the nearest towns have been left unscathed.

On our first day in the region, we met with local Government of Sudan officials in the town of El Fasher, a two-hour plane ride west of Khartoum. They blame the crisis in the region on two black African rebel groups—the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM)—who started an uprising in February 2003 over what they regarded as unjust treatment by the government in their struggle over land and resources with Arab countrymen. The rebel forces actually held El Fasher for a short period last year. A cease-fire was agreed to in April 2004 between the rebel groups and the Government of Sudan, but the Janjaweed have continued to carry out attacks with the support and approval of Khartoum.

While local government officials in El Fasher were adamant in saying there is no connection between the Government of Sudan and the Janjaweed, whom they called "armed bandits," the militiamen we saw did not look like skilled pilots who could fly planes or helicopters.

We also were told the Janjaweed are well armed and well supplied. If they are traditional nomads, how are they getting modern automatic weapons, and, more importantly, from whom? They also are said to have satellite phones, an astonishing fact considering most of the people in the far western provinces of Darfur have probably never even seen or walked on a paved road.

The impunity under which the Janjaweed operate was most telling as we approached the airport in Geneina on our last day in the region for our flight back to Khartoum. In plain sight was an encampment of Janjaweed within shouting distance of a contingent of Government of Sudan regulars. No more than 200 yards separated the two groups. Sitting on the tarmac were two helicopter gunships and a Soviet-made Antonov plane.

HUMANITARIAN CRISIS

The situation in Darfur is being described as the worst humanitarian crisis in the world today. We agree. But sadly, and with a great sense of urgency, things are only going to worsen. Some say that even under the best of circumstances, as many as 300,000 Darfuris forced from their homes are expected to die from malnutrition and diarrhea or diseases such as malaria and cholera in the coming months. Measles have already spread through Abu Shouk, a large refugee camp outside El Fasher.

According to some predictions, the death toll could reach as high as 1 million by next year. The Darfuri farmers have missed another planting season and will now be dependent on grain and other food stuffs provided by the international community for at least another year. The impending rainy season presents its own set of problems, making roads impassable for food deliveries and the likelihood of disease dramatically increasing with the heavy rains.

The potential for a crisis of catastrophic proportions is very real, especially since none of the villagers we talked to at the refugee camps believed they will be able to go back to their homes anytime soon. Having been brutally terrorized by the Janjaweed and fearing for their lives, they do not believe Government of Sudan officials who say it is safe to return to their villages. We heard stories of some families who went back to their villages only to return to the camps a week later for fear of being attacked again.

The attacks have traumatized thousands of young children. In an effort to cope with what they have endured, programs have been established in the camps to help the young boys and girls deal with their psychological scars. Part of the program encourages them to draw pictures of what they have seen. The crayon drawings are chilling. Huts on fire, red flames shooting through the roof. Planes and helicopters flying overhead shooting bullets. Dead bodies. Depictions, perhaps, of their mother or father.

We also saw a group of children who had made clay figures of men on camels and horseback attacking villages. There is no way to measure the impact of these atrocities on the thousands of children living in these camps. Their lives are forever scarred.

DIFFICULT LIFE IN IDP CAMPS

Abu Shouk was the first of five IDP (Internally Displaced People) camps we visited. More than 40,000 people live in this sprawling tent city, created in April after El Fasher was overrun with homeless families. Methodically laid out with water stations, a health clinic, a supplemental feeding station and crude latrines, it is being hailed as a "model" by humanitarian relief workers in the region.

However, aid workers at Abu Shouk are deeply distressed. They observe that malnutrition and child mortality rates at this "model" camp have reached alarming levels. They fear what may be happening at the other camps, especially in the more remote areas of Darfur that have not been reached by humanitarian groups.

Life in the camps is difficult. Crude shelters made from straw and sticks and covered with plastic sheeting stretch as far as the eye can see. Families arriving at the camps—almost all after walking for days in the hot sun from their now abandon villages—are given only a tarp, a water jug, cookware and a small amount of grain.

The sanitary conditions are wretched. The sandy conditions make building latrines difficult. At Mornay, the largest of the IDP camps in Darfur with more than 70,000 inhabitants, it was hard not to step in either human or animal feces as we walked. In a few weeks, when the heavy rains begin, excrement will flow across the entire camp. Mortality from diarrhea, which we were told represents one-third of the deaths in the camps, will only increase.

To their credit, all the non-governmental organizations (NGOs) that have been allowed to operate in Darfur have done—and continue to do—a tremendous job under extremely trying circumstances. The Government of Sudan has repeatedly thrown up roadblocks to bringing in aid. It has denied or slowed visa processing for relief workers. It has kept aid vehicles locked up in customs for weeks at a time. It has blocked relief groups from bringing in radios. It has limited access to certain regions of the country. All this has made getting medicine, food and other humanitarian supplies, like plastic sheeting and water jugs, an uphill battle. While the Government of Sudan plays its games, people are dying as needed aid sits on tarmacs.

As we approached the Mornay camp on the last day of our 3-day trip, we were stopped by Government of Sudan soldiers and security officers. They followed us throughout the camp, watching with whom we talked. Amazingly, their presence did not inhibit the refugees from recanting the horrors from which they escaped and, for some—mostly women—continue to endure.

The men said while they feel somewhat secure inside the confines of the camps, they dare not venture outside for fear of being shot or killed by the Janjaweed. They showed us scars on their arms and legs of the gunshot wounds they received while escaping from their villages. They are despondent over the fact that they are unable to provide food for their families because they cannot farm their fields. They expressed utter sadness and outrage about their wives and daughters who venture outside the borders of the camp to collect firewood and straw, knowing the fate that awaits them at the hands of the Janjaweed. Life and death decisions are made every day: send the men out and risk death or send the women out and risk rape.

Rape is clearly another weapon being used by the Janjaweed. Rapes, we were told, happen almost daily to the women who venture outside the confines of the camps in search of firewood and straw. They leave very early in the morning, hoping to evade their tormentors before they awake. With the camps swelling in size and nearby resources dwindling, they often walk several miles. The farther the women go from the camp, the greater the risk of being attacked by the Janjaweed. As we approached Mornay, we saw a number of Janjaweed resting with their camels and horses along the perimeter of the camp, easily within walking distance.

We heard the horrific story of 4 young girls—two of whom were sisters—who had been raped just days before we arrived. They had left the camp to collect straw to feed the family's donkey when they were attacked. They said their attackers told them they were slaves and that their skin was too dark. As they were being raped, they said the Janjaweed told them they were hoping to make more lighter-skinned babies.

One of the 4 women assaulted, too shy to tell her story in front of men, privately told a female journalist traveling with us that if anyone were to find out she had been raped, she would never be able to marry.

We were told that some of the rape victims were being branded on their back and arms by the Janjaweed, permanently labeling the women. We heard the chilling account of the rape of a 9-year-old girl.

We also received a letter during our trip from a group of women who were raped. To protect them from further attacks, we purposely do not mention where they are from or list their names. The translation is heartbreaking:

"Messrs. Members of the U.S. Congress

"Peace and the mercy and the blessings of God be upon you.

"We thank you for your help and for standing by the weak of the world, wherever they are found. We welcome you to the . . . region, which was devastated by the Janjaweed, or what is referred to as the government 'horse- and camel-men,' on Friday . . . 2004, when they caused havoc by killing and burning and committing plunder and rape. This was carried out with the help of the government, which used the . . . region as an airport and supplied the Janjaweed with munitions and supplies. So we, the raped woman of the . . . region, would like to explain to you what has happened and God is our best witness.

"We are 44 raped women. As a result of that savagery, some of us became pregnant, some have aborted, some took out their wombs and some are still receiving medical treatment. Hereunder, we list the names of the raped women and state that we have high hopes in you and the international community to stand by us and not to forsake us to this tyrannical, brutal and racist regime, which wants to eliminate us racially, bearing in mind that 90 percent of our sisters at . . . are widows.

"[Above] are the names of some of the women raped in the . . . region. Some of these individuals are now at . . .. some are at Towilah and some are at Abu Shouk camps. Everything we said is the absolute truth. These girls were raped in front of our fathers and husbands.

"We hope that you and the international community will continue to preserve the balance of the peoples and nations.

"Thank you.

"From: The raped women at . . ."

These rape victims have nowhere to turn. Even if they report the attacks to the police, they know nothing will happen. The police, the military and the Janjaweed all appear to be acting in coordination.

DIRE SITUATION IS MAN-MADE

The situation in Darfur is dire, and from what we could see, it is entirely man-made. These people who had managed to survive even the severest droughts and famines during the course of their long history are now in mortal danger of being wiped out simply because of the darker shade of their skin color.

The first step in resolving this crisis is disarming the Janjaweed. It must be done swiftly and universally. If not, the Janjaweed will just bury their weapons in the sand, wait for the pressure from the international community to lift, then reinitiate their reign of terror.

A system of justice overseen by outside monitors must also be implemented. The heinous, murderous acts carried out by the Janjaweed cannot go unpunished. War crimes and crimes against humanity clearly have been—and continue to be—committed. Those responsible must be brought to justice.

Over the course of 3 days, we saw the worst of man's inhumanity to man, but we also saw the best of what it means to be human: mothers waiting patiently for hours in the hot sun so that they could try to save their babies; NGO aid workers and volunteer doctors feeding and caring for the sick and the dying, and the courage and bravery of men, women and children eager to talk to us so that we would know their story.

The world made a promise in 1994 to never again allow the systematic destruction of a people or race. "Never again"—words said, too, after the Holocaust. In Darfur, the international community has a chance to stop history from repeating itself. It also has a chance to end this nightmare for those who have found a way to survive. If the international community fails to act, the next cycle of this crisis will begin. The destiny facing the people of Darfur will be death from hunger or disease.

When will the death of innocent men, women and children—who want nothing more in this world than to be left alone to farm their land and provide for their families—be too much for the conscience of the international community to bear?

We sat with the victims. We heard their mind-numbing stories. We saw their tears. Now the world has seen the pictures and heard the stories. We cannot say we did not know when history judges the year 2004 in Darfur.

RECOMMENDATIONS

The Government of Sudan

The Government of Sudan should immediately implement key provisions of the April 8, cease-fire agreement, including: the cessation of attacks against civilians; disarming the Janjaweed, and removing all barriers to the admittance of international aid into Darfur. There should be a strict timetable holding the Government of Sudan accountable for implementing these provisions.

The Government of Sudan should renew a dialogue with the Sudan Liberation Army and the Justice and Equality Movement to discuss the political, economic and social roots of the crisis.

The African Union

Additional cease-fire observers should be deployed and violations of the cease-fire reported immediately. The current number of 270 observers is inadequate to monitor the activity of an area the size of Texas.

The United States

The United States should publicly identify those responsible for the atrocities occurring in Darfur, including officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, and impose targeted sanctions that include travel bans and the freezing of assets.

The president should instruct the U.S. representative to the United Nations to seek an official investigation and hold accountable officials of the Government of Sudan and government-supported militia groups responsible for the atrocities in Darfur.

The United Nations

The United Nations should pass a strong Security Council resolution condemning the Government of Sudan. It should call for: an immediate end to the attacks; the immediate disarming of the Janjaweed; the immediate protection of civilians by beginning a review of the security of refugees in Darfur; the determination of the feasibility of sending in U.N. protection forces; an immediate review of bringing legal action against those responsible for the policies of ethnic cleansing, crimes against humanity and war crimes in Darfur, and the imposition of targeted sanctions that include travel bans and the freezing of assets.

The United Nations should immediately deploy human rights monitors to Darfur.

The protection of civilians and access to humanitarian aid should be a primary concern; the Security Council must be prepared to establish a no fly zone if the cease-fire continues to be violated.

The United Nations together with other organizations should continue to coordinate a relief strategy for getting aid into those regions of Darfur that have yet to receive humanitarian assistance. Alternative routes and means of delivering aid should be considered if the Government of Sudan continues to impede deliveries.

The United Nations should take immediate steps to seek the removal of Sudan from the United Nations Commission on Human Rights.

The United Nations should set a deadline for the Government of Sudan to comply with all obligations under the ceasefire and prepare contingency plans in the event those deadlines are not met.

We would like to thank everyone involved in organizing, coordinating and implementing our trip. Representatives from the State Department, USAID and the NGOs both in Washington and Sudan deserve special thanks.

We would also like to thank Sean Woo, general counsel to Sen. Brownback (R-KS), and Dan Scandling, chief of staff to Rep. Wolf (R-VA), for accompanying us on the trip. They played a critical role in writing this report and took all the photographs. In addition, we would like to thank Janet Shaffron, legislative director, and Samantha Stockman, foreign affairs legislative assistant, to Rep. Wolf, and Brian Hart, communications director, and Josh Carter, legislative aide, of Sen. Brownback, for editing the report. Colin Samples, an intern in Rep. Wolf's office, did the design and layout.

We also want to extend our thanks to Secretary of State Colin Powell and U.N. Secretary General Kofi Annan for visiting the region. Their personal involvement in working to resolve this crisis is critically important.

Mr. BROWNBACK. The hour is late, but I simply ask my colleagues that we pass this by unanimous consent and then both Houses will have spoken. This is a situation of Muslim-on-Muslim violence. If people are worried about different religions, this is not the case. It is ethnic. It is Arab-on-African violence.

Osama bin Laden had been in Sudan for 5 years, 1991 to 1996. This is where he started organizing violent groups. He did it first in Sudan. The government there has been very efficient in carrying forth what Osama had taught them.

Finally, we can make a difference in Sudan and, by extension, all of Africa, but we really need to act now. We are going to be out the whole month of August. By that period of time, thousands more will die. I realize this is a resolution, so it can be said, well, it does not do that much, but it does put pressure on the international community. It will be the first time we spoke ahead of the full genocide taking place where we actually maybe can stop it and save some lives instead of lamenting afterwards that we should have done something. The administration has really done an overall very good job on this issue in pushing and pressing it, but let's not stop there. Let's keep moving and let's try to get something done.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session for consideration of the following nominations on the Executive Calendar.

Mr. President, I ask the Senate act favorably upon nomination No. 688 and No. 691, all military nominations reported by the Armed Services Committee during today's session.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection. I wish the next time the distinguished chairman of the committee had a consent request, we would have somebody over here.

Mr. WARNER. I inquired of that and I was told I could proceed. I just saw the Senator momentarily.

Mr. REID. We have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration.

DEPARTMENT OF DEFENSE

Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller).

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Douglas M. Pierce

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Duncan J. McNabb

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Yves J. Fontaine

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Don T. Riley

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Jerry M. Rivera

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Gregory J. Hunt

To be brigadier general

Col. Jose M. Vallejo

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General

Lt. Gen. Bantz J. Craddock

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Lt. Gen. James L. Campbell

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. John M. Brown III

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Glenn K. Rieth

Department of Defense

Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army.

In the Marine Corps

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Cornell A. Wilson, Jr.

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert D. Papak

Col. Eugene G. Payne, Jr.

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Randolph D. Alles
Col. Joseph F. Dunford, Jr.
Col. Paul E. Lefebvre
Col. Richard P. Mills
Col. Martin Post

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James F. Amos

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Richard J. Mauldin
Rear Adm. (lh) Anthony L. Winns

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Timothy J. McGee

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Steven L. Enewold

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Stanley D. Bozin
Rear Adm. (lh) Charles T. Bush
Rear Adm. (lh) Jeffrey B. Cassias
Rear Adm. (lh) William D. Crowder
Rear Adm. (lh) Richard K. Gallagher
Rear Adm. (lh) David A. Gove
Rear Adm. (lh) Timothy L. Heely
Rear Adm. (lh) Gary R. Jones
Rear Adm. (lh) James D. Kelly
Rear Adm. (lh) Thomas J. Kilcline, Jr.
Rear Adm. (lh) Samuel J. Locklear III
Rear Adm. (lh) Joseph Maguire
Rear Adm. (lh) Robert T. Moeller
Rear Adm. (lh) Robert D. Reilly, Jr.
Rear Adm. (lh) Jacob L. Shuford
Rear Adm. (lh) Paul S. Stanley
Rear Adm. (lh) Miles B. Wachendorf
Rear Adm. (lh) Patrick M. Walsh

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Timothy J. Keating

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. John B. Nathman

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Robert F. Willard

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Albert T. Church III

Air Force nominations beginning Lorena A. * Bailey and ending Jason P. * Zimmerer, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Air Force nominations beginning Randall M. Ashmore and ending James O. Wooten, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2004.

Air Force nomination of Norman L. Williams.

Air Force nomination of Thomas R. Bird.

Air Force nominations beginning Rex A. Hinesley and ending Jeri K. Somers, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Peter W. Bickel and ending William D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Donald A. Ahern and ending Michael A. Wobbema, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Army nominations beginning Stephan A. * Alkins and ending Clorinda K. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Army nominations beginning Douglas R. Dixon and ending Thorpe C. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Army nominations beginning Nancy H. Fielding and ending Tammy L. Miracle, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Army nominations beginning Brian R. Copes and ending Dennis P. Simons, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Navy nomination of Gerald R. Manley.

Navy nominations beginning Brian S. Adams and ending John M Zuzich, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2004.

Navy nominations beginning Myles E. Brooks, Jr. and ending James E. Watts, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Billy M. Appleton and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Carla M Albritton and ending Edward L. Zawislak, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Michael T Acromite and ending Craig M. Zelig, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Timothy A Ackerman and ending Terry D. Webb, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Steven E Allen and ending Sharon M. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Kristen N. Atterbury and ending Mary A. Yonk, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning David A. Berger and ending Erin E. Stone, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning John J. Adametz and ending Barney S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Mr. REID. I thank my distinguished colleague.

In connection with these nominations, I would like to acknowledge the assistance I have from my distinguished ranking member, Senator LEVIN, who joined me in moving these and Senator MCCAIN, who worked with me on several of these nominations. I am very pleased the Committee on Armed Services was able to effect these nominations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. WARNER. Mr. President, in order to address the Senate on a procedural matter, I ask unanimous consent that the Senate proceed to a period of morning business for 5 minutes.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

SMALL BUSINESS ACT AMENDMENT

Mr. WARNER. I see the distinguished Senator from Nevada is on the floor. On behalf of the majority leader, I wish to put this following unanimous consent request before the Senate relative to S. 2724, small business technical corrections. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2724 which was introduced earlier today by Senators SNOWE, KERRY, and TALENT.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2724) to amend section 33(a) of the Small Business Act (15 U.S.C. 657 c(a)) to clarify that the National Veterans Business Development Corporation is a private entity.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

Mr. REID. Reserving the right to object, Mr. President, I appreciate very much the distinguished Senator from Virginia moving this matter. As the Senator knows, the ranking member on this important committee, Senator KERRY, wholeheartedly supports the action of the Senator from Virginia.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2724) was read the third time and passed, as follows:

S. 2724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

Section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) is amended by adding at the end the following: "Notwithstanding any other provision of law, the Corporation is a private entity and is not an agency, instrumentality, authority, entity, or establishment of the United States Government.".

9/11 COMMISSION REPORT

Mr. FRIST. Mr. President, Senator DASCHLE and I received the 9/11 Commission report earlier today. It looks as if the Commission did a thorough job and that their writeup is fair and balanced. It is certainly well-documented.

Tom Kean and Lee Hamilton deserve our praise for their bipartisan leadership.

The Commission did not play the blame game. Rather, they focused on how the United States can learn from past mistakes to make all Americans safer in the future.

Mr. DASCHLE. Mr. President, I join with the distinguished majority leader in expressing my gratitude to Commissioner Chairman Thomas Kean and Vice Chairman Hamilton and the rest of the Commissioners as well. They were able to operate above partisan differences and produce a unanimous report in an incredibly charged political environment. The Commission has painstakingly outlined the numerous missed opportunities to prevent the tragic events of September 11 and provided the Bush administration and the Congress with a solid set of recommendations that I believe, if enacted, can help make us more secure.

Mr. FRIST. Mr. President, we do want to assure everyone that while mistakes, failures, and missed opportunities occurred in the past, as their report chronicles, the United States still has a very good system to protect the country.

There are thousands of dedicated Americans in the military, the intelligence community, law enforcement, and so on who endeavor every day to keep us safe. They deserve our appreciation and support.

But we can and must do better. We have to get it right 100 percent of the time.

Mr. DASCHLE. Mr. President, the Commission divided its recommendations into two major categories. The first lays out a new global strategy for dealing with the threats we face today. This section contains 28 recommendations on what our Government should do to enhance our national security.

The second section contains 13 suggestions for how our Government—executive branch as well as Congress—should be reconfigured to increase our prospects for achieving our national security objectives.

Senator FRIST and I intend to work together with our colleagues in a bipartisan manner to examine all of the Commission's proposals. We both agree change is long overdue, and we cannot afford to let another opportunity to make these changes slip by.

Mr. FRIST. Mr. President, the threat of terrorism will be with us for a long time. We need to fix the problems and correct the shortcomings cited by the Commission so that we can make America safer.

That is why Senator DASCHLE and I intend to ask the Government Affairs Committee, in close consultation with other committees with a stake in these changes, to carefully evaluate the Commission's proposals regarding reorganization of the executive branch and determine how best to implement them. It is our hope that the Government Affairs Committee shall begin conducting hearings on these issues as soon as possible.

It is also our expectation that the other committees with an interest in this legislation will conduct their own hearings. It is also our hope that the Government Affairs Committee, working closely with the other interested committees, will carefully evaluate each of the Commission's proposals and factor in their views before coming forward with a legislative package. No committee shall lose its rights to review parts of the legislation under its jurisdiction. It is our hope this package will be assembled and presented to the Senate no later than October 1.

Mr. DASCHLE. Mr. President, Senator FRIST and I have also agreed to set up a working group that examines how best to implement the 9/11 Commission's recommendations that deal with reform of the Senate, such as improving intelligence oversight.

Over the coming days we will meet to discuss how best to organize and focus this group.

Our intent would be for this group to similarly present a plan of action by October 1 on how to implement the recommendations made by the Commission that deal with the Congress.

Mr. FRIST. Mr. President, in closing, the Democratic leader and I agree that the Commission has come forward with important recommendations that deserve urgent consideration by this body. We are hopeful that the process we outlined above will give them the bipartisan attention they deserve and the American people expect.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUDAN

Mr. DASCHLE. Mr. President, we are about to take up a number of matters that are in a position to be passed by unanimous consent. One of those includes a concurrent resolution, S. Con. Res. 133, on Sudan. It is a clear statement from the Senate that what is occurring in Sudan is genocide. Many of us have felt the need to express ourselves on this important matter prior to the time we leave for recess.

I thank the distinguished majority leader and a number of colleagues on both sides of the aisle.

It is an important statement to be made. The administration needs to hear it, the international community needs to hear it, and certainly the Sudanese Government, which tolerates if not assists in genocide, needs to hear it.

I note, also, this concurrent resolution would not have been possible without the tireless effort of the Congressional Black Caucus. I especially want to note the efforts of Congressman DON PAYNE, Congressman JOHN CONYERS, and Congresswoman SHEILA JACKSON-LEE. Their tireless efforts for human rights ought to be recognized tonight. I congratulate them and I thank them for their work. I am very proud to be associated with that effort and with this resolution tonight.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MY HERO 6TH GRADE ESSAY CONTEST

Mr. FRIST. Mr. President, I take a moment to honor Rebecca Sadler, who is this year's winner of my annual 6th Grade Essay Contest. Rebecca is from Brentwood, TN, and attends Woodland Middle School.

This year's topic was "A Salute to Community Heroes." Rebecca chose her dad, Jerry M. Sadler. Mr. Sadler died of cancer on November 11, 1999. While we have a few minutes before closing, I thought I would read a few paragraphs from Rebecca Sadler's salute to her dad. It is entitled "My Hero."

> Heroes can be just about anyone. Some have earned Nobel prizes. Some have led marches and protests. Some are world leaders and some have been to the moon. Many have recorded hit singles in the music industry. Others have made millions from a simple story. But what really makes a hero? Are heroes born or made? Do heroes look like movie stars or do they look like the guy who waxes the floors at the end of the day? Are they brave enough to take down an evil terrorist? Or are they just brave enough for a roller coaster?
>
> My hero hasn't been to the moon. And he hasn't led a protest. He didn't win a Nobel prize and he wasn't a world leader. My hero was a friend, a husband, a brother, a cousin, a father, a pilot, and one of the bravest people I've ever known. My hero is my dad. He was a commander in the Navy Reserve. He flew packages for FedEx. He had a wife, three kids, four brothers, three sisters, a mother-in-law, sisters-in-law, brothers-in-law, numerous cousins, nieces and nephews, and innumerable friends.
>
> The thing that made my dad a hero was that he was never afraid and if he was, he never showed it. He was incredibly honest. My dad was a friend to everyone. My dad would have given his life for his family and his country. There was nothing that my dad couldn't do. He was so strong. Every morning I would walk into his room and say good morning. He would gather up all his strength and as soon as I walked in he would sit up, smile, and act like nothing was wrong.
>
> Heroes don't have to be superstars and they do not have to beat any world records. They can be a parent, a teacher, a counselor, or even a garbage man. But heroes have to be a couple of things.
>
> They should be loving, honest, brave, loyal, and kind. They should be kind to people who might not be as fortunate, loving to family, and brave no matter what. They should be loyal to friends, family, God, and their country. They must be honest to their friends so you can trust them.
>
> My dad inspires me because he was all of the things that make a hero. He inspires me because he never gave up, even in the face of death.
>
> My dad inspires me to do the very best I can and to be the very best I can be. He inspires me to fly someday. To say, "Yes, I can" in the face of failure. He taught me to never give up, no matter what, and he taught me to succeed. He showed me how to be brave. He inspires me to be loyal to our country, God, friends, and family. He taught me to be kind to everyone, even complete strangers, and loving to family. He inspires me to be me. My dad is my hero.

That essay is from Rebecca Sadler, 6th grade essay contest winner. It is a contest I have all over the State on a different subject each year. This year was "A Salute to Community Heroes."

Rebecca's dad Jerry M. Sadler, died of cancer on November 11th, 1999.

She concludes:

> I was 7 years old and in the second grade. He left behind a wife, three children, four brothers, three sisters, and many others.

SENATE BUSINESS

Mr. FRIST. Mr. President, in a few minutes we will begin some of the wrap-up. We will be in for a little bit longer. We have a lot of business to do and in a few minutes we will start at least the beginning of that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE INTELLIGENCE COMMITTEE REPORT

Mr. FRIST. Mr. President last week, Kurdish security forces captured 15 militants in Kirkuk. Among them is a man purported to be second in command of Ansar al-Islam, an Iraq-based terrorist group linked with Al Qaeda.

Meanwhile, Iraqi security forces swept through a downtown Baghdad neighborhood and arrested over 500 suspected criminals. The operation, which was conducted without the assistance of U.S. soldiers, was the largest operation of the interior ministry since the fall of Saddam Hussein.

The developments in Kirkuk and Baghdad are positive signs of Iraq's progress. The interim government is taking on the tough responsibility of defending its citizens and confronting terrorists. We know that it will be a long and difficult process. The governor of the Nineveh province was gunned down last week by terrorists. Jordanian militant Abu Musab al-Zarqawi claims credit for the vicious murder. And on Tuesday this week, the interim governor of Basra was assassinated as he was heading to work.

The ongoing violence is frustrating and painful. Still, the Iraqi people remain optimistic. As my colleagues, Senators LIEBERMAN and KYL, pointed out in their excellent editorial in the Washington Post this week, a BBC/Oxford Research International poll finds released this month finds that a majority of Iraqis believe their lives today are quite good or very good, and a majority believes that their lives will be better next year.

Meanwhile, Saddam will soon face his crimes. And Iraq is working to become a free and peaceful country in the heart of the Middle East that doesn't threaten its neighbours or terrorize its citizens.

Which brings me to pre-war Iraq, and the Senate Intelligence Committee report on what we knew and what we did not know.

The Senate Intelligence Committee has issued a detailed report on the intelligence community's estimate of Iraq's WMD. I commend my colleagues for their hard work and commitment. They launched a thorough investigation and produced a unanimous judgment. Indeed, their 12-month inquiry is, and I quote Senator PAT ROBERTS, "without precedent in the history of the Senate Intelligence Committee."

Acting together with clear purpose, the committee has produced a report that genuinely addresses an issue of critical importance to our Nation's security.

Their efforts are an example of the best of the Senate working in a bipartisan manner to advance the interests of the American people.

The report is tough and detailed. It reveals disturbing lapses in our intelligence gathering and processing methods, and it points to the clear need for major reforms not media driven or politically expedient measures, but deep and serious changes to how we gather intelligence—the critical information we need to protect ourselves from stealthy, vicious, and determined enemies.

One of the most troubling aspects of the Senate report is that following 1998, our Government had no human intelligence sources inside Iraq collecting against the WMD target. That is unacceptable.

Meanwhile, what information we did collect was not properly shared among intelligence agencies. Again, unacceptable.

It must be acknowledged, however, that from the United Nations to intelligence agencies all around the world, informed people believed that Saddam had WMD and the means to produce and deliver them.

Following Saddam's defeat in Desert Storm in 1991, inspectors found stockpiles of chemical weapons and biological agents. They also found a nuclear program that was believed to be less than 2 years from completion.

Then, for the next decade, Saddam refused to provide a clear accounting of his weapons programs. He defied 16 Security Council resolutions, ultimately defying Resolution 1441 passed in 2002.

So we know that Saddam used chemical weapons in the past, that he obtained dual-use materials, that he had nuclear scientists on his payroll, and that he had billions of dollars of oil money with which to pursue his goals. In addition, we know that he invaded two neighboring countries, lobbed missiles at a third, and declared America to be a mortal enemy.

A new British report further amplifies these facts. Led by Lord Butler, the British investigative team determined that the claim that Saddam attempted to buy uranium from Africa was "well founded." And I quote:

> We conclude that, on the basis of the intelligence assessments at the time, covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the Government's dossier, and by the Prime Minister in the House of Commons, were well-founded.
>
> By extension, we conclude also that the statement in President Bush's State of the Union Address of 28 January 2003 that: 'The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa' was well-founded.

The report also rebuts many of the widely circulated claims made by Ambassador Joe Wilson about his role in the mission to Niger; the report he made to Washington upon his return; and later his claims that the administration manipulated intelligence. This report reveals that Ambassador Wilson's repeated attacks on the President's credibility were misleading, at best, and without merit.

Furthermore, both reports find that no political pressure was applied to influence intelligence estimates. President Bush and Prime Minister Blair were, in fact, scrupulous in their presentation of the evidence as it was known.

Saddam Hussein intended to resume his illegal weapons programs, and was taking steps to do so. The Butler report corroborates that, prior to the war, Iraq was "carrying out illicit research and development, and procurement activities to seek to sustain its indigenous capabilities."

In other words, Saddam was a threat to our peace, security, and interests. He never abandoned his ultimate goal to acquire WMD. Saddam may have been biding his time, but as the President told the nation, in this case, time was a ticking bomb.

I applaud the efforts of both our Intelligence Committee and our British allies. Their examinations of the intelligence problems and misjudgments prior to the war are crucial to making the reforms necessary to winning the war on terrorism. This war, more than any other, depends on information.

I look forward to the discussion of how we can strengthen our intelligence gathering and analysis. Brave men and women are out in the field, right now, risking their lives to defend America's freedom. They need an intelligence system that backs them up. America needs an intelligence system that works, and works well.

ASBESTOS UPDATE

Mr. FRIST. Mr. President, I would like to report briefly on where things stand on the asbestos negotiations Senator DASCHLE and I have been conducting for the last couple of months.

There is wide agreement that the current asbestos litigation system is disastrous for victims, for jobs, and for the economy.

More than 700,000 individuals have filed claims; approximately 300,000 claims are still pending; more than $70 billion has already been spent trying to resolve these claims; and more than 70 companies have filed for bankruptcy as a result.

And yet we have very little to show for it. We have a system where the sickest victims of asbestos exposure have to wait in line with thousands of unimpaired claimants.

There are many things that we in Congress cannot agree upon. But everyone can agree that this system is a mess and must be fixed.

Senators HATCH and LEAHY ironed out a unique solution to the problem. They created a no-fault trust fund for claimants funded by business and insurance that would pay truly sick claimants fair claims values in a prompt manner.

S. 1125 embodied this idea and was reported out of the Judiciary Committee in July of 2003. That bill provided $108 billion in mandatory funding for claimants.

On April 7, 2004, Senator HATCH and I, along with Senators MILLER, DEWINE, VOINOVICH, CHAMBLISS, HAGEL, and DOMENICI, introduced a substitute bill, S. 2290. S. 2290 increased the funding for claimants to $114 billion.

Unfortunately, on April 22, that bill only received 50 votes on the floor of the Senate. Why? The opponents' primary complaint was that the funding was insufficient.

I did not want to give up on finding a solution to this crisis. Fortunately, neither did the Democrat leader. So we met and decided to ask Judge Becker, a respected Third Circuit Court of Appeals judge who had been working on asbestos issues with Senator SPECTER, to try to mediate the parties' differences. He did so over a 2-week period in May and was able to get Organized Labor to move from $153 billion to $149 billion.

The business and insurance side of the equation moved from the $114 billion into the mid-$120 billion range. But no deal was reached.

In June, the minority leader and I met again and agreed to try to negotiate this matter between us, along with the help of the interested parties.

Soon after those negotiations began, the business side made yet another move, this time offering to fund a $131 billion trust fund. They were told that was still insufficient.

So, at my request, Senator DASCHLE put together a proposal. He proposed a $141 billion trust fund. He also indicated how his side believed the start up of the fund and pending claims should be handled, among other issues.

In response, I encouraged the business and insurance communities to make their best and final proposal on the size of the fund. I told them that the end-game was near and that it was time for them to do the best they could in terms of a proposal.

As a result, they made a huge move and agreed to fund a $140 billion trust fund, with roughly $40 billion funded in the first 5 years.

Now here is the rub. Time is running out. It is now the end of July, and we are set to begin a long recess. We only have 21 days left in this session of Congress to get a bill completed.

So I sat down with Senator DASCHLE earlier this week to try to push negotiations forward. To get a bill, we must begin to tackle the tough issues.

Those tough issues concern funding and pending claims. Because we have reached the bottom line for business and insurance when it comes to funding, it is time to intensify negotiations on the so-called "start-up" and "pendings" issues.

Business and insurance will not agree to a $140 billion trust fund and, simultaneously, continue to pay massive sums for ongoing litigation. Either a trust fund is the solution to our problems or it is not.

I have asked Senator DASCHLE to let me know whether he believes his side can move in our direction and not permit leakage in the tort system. If so, substantial progress can be made.

Today, I received a letter from Senator DASCHLE and 12 other Democrats expressing their commitment to "work over the August recess to narrow our differences and secure a compromise that provides necessary relief to victims and businesses."

I deeply appreciate their steadfast commitment to this issue and look forward to hearing from them about how we can solve the asbestos litigation crisis.

AMERICA IS MOVING FORWARD

Mr. FRIST. Mr. President, over the past few months, my colleagues on the other side of the aisle have come to the Senate floor in a vain effort to convince America that we are worse off than we were 4 years ago.

They offer a pessimistic litany of distorted statistics to discredit the measurable progress America has made in the last 4 years. Just last Friday, the minority leader came to the Senate floor to cast a negative light on America's astonishing rebound from the triple shock of terrorist attacks, corporate scandals, and a recession inherited from the Clinton administration.

It is critical that the American people know the truth.

Far from the other side's woeful depiction, America is moving forward and gaining strength. We have been tested, and we have proven ourselves to be a tough, resilient and resourceful nation. America remains the economic engine of the world. While our European friends struggle with double digit unemployment, America's unemployment rate is at historic lows and dropping.

Are we better off? Four years ago, President Bush inherited an economy that measured $9.8 trillion. Today, the economy has grown almost $1 trillion more.

Are we better off? Four years ago, President Bush inherited an economy that was the equivalent to roughly $25,000 for every person. Today, that number has grown to nearly $30,000.

Are we better off? Four years ago, President Bush inherited an economy that employed 136.9 million people. Today, the number of people working has grown by nearly 2 million and is on track to create 1.2 million jobs this year.

Contrary to claims made by critics, the quality of jobs being created is excellent. Three quarters of the new jobs created in May were in industries that, on average, pay a higher hourly rate than the overall average.

Are we better off? Manufacturing jobs have grown this year for the first time since the mid-90's; 64,000 jobs have been added in the manufacturing sector since January, alone, and there are more jobs to come.

More manufacturers have been reporting increased activity and new orders than at any time in the last 20 years. The ISM Manufacturing employment index in April hit its highest level in 15 years.

Are we better off? Four years ago, President Bush inherited an economy that was constructing only 1.5 million new houses per year. Today, homeownership is at an all time high, including minority homeownership. Americans are investing in themselves and their futures.

Are we better off? Productivity is its highest in 50 years. Unemployment is lower now than it was in the 70s, 80s and 90s—lower, in fact, than during the Clinton years.

Are we better off? The answer is, clearly, a resoundings yes.

Because of President Bush's tax cuts of 2001 and 2003, Americans now have more money to invest, save, or spend as they choose. Business owners have more opportunities to realize their entrepreneurial potential.

America is moving forward because President Bush and the Republican-led Congress believe in the ingenuity, creativity, and common sense of the American people.

When it comes to fighting crime, American law enforcement has the bad guys on the run. The statistics are remarkable.

Fire-arm related violent crime is down. Burglary, robbery and theft are all down.

Simple and aggravated assault is down. Violent crimes, including rape, sexual assaults and robberies, are now at their lowest levels since the government began collecting crime data in 1973. Violent crime is falling in all regions of the country, whether measured by race, ethnicity, age or income.

Property crimes continued a more than 20-year decline.

Gun-related crimes have continued to fall.

The fall in the crime rates has coincided with more aggressive prosecutions of criminals. Average sentences for violent criminals are increasing, and violent felons comprise a growing share of the prison population.

Real, positive change is taking place in America's neighborhoods. American's are safer and more secure at home.

When it comes to improving major social programs, a Republican-led Congress has delivered on major new reforms.

Seniors now have, for the first time, prescription drug coverage under Medicare.

The other side of the aisle had eight years to enact Medicare reform. They didn't. Instead, they played politics with seniors' health. And now that we have made historic improvements, opponents to reform are trying to scare seniors from enjoying their new benefits.

The truth is, under Republican leadership, America's seniors are getting vastly improved Medicare services.

Under the bipartisan Medicare Modernization Act signed by President Bush in December, for the first time, all seniors will have access to $400 billion in expanded drug benefits. Low-income seniors and those with high drug costs will get the most help. Millions of seniors will get comprehensive prescription drug coverage with no gaps in coverage, no premium, and no more than a $5 copay.

Even now, only 6 months after the Medicare legislation became law, the Bush administration is providing immediate relief from the high cost of drugs through its prescription drug discount program. Millions of seniors are getting $1,200, just like cash, on top of 10–25 percent off of the cost of their drugs.

Seniors will have expanded access to an array of preventive benefits—including an annual physical examination—that simply were not part of the program before.

Moreover, all Americans will pay less for prescription drugs because we took steps to speed the delivery of lower cost generic drugs to consumers.

We have also given all Americans more affordable coverage through tax-free health savings accounts so they could take more control over their health care needs and hard-earned dollars.

When it comes to education, again, Republican leadership is delivering major reform.

Because of the No Child Left Behind Act, passed by a Republican-led Congress and signed into law by President Bush, millions of disadvantaged children are now getting the focus and attention they need and deserve.

Reading and math scores in America's large urban schools have improved.

Parents of children in struggling schools have powerful new options, and they are using them. If their school is struggling to teach their children the basics, such as math and reading, parent now can send their kids to a better public school or get their children special tutoring.

Under No Child Left Behind, States and local school districts are now being held accountable for ensuring every child learns—regardless of race, parents' income, disability, geography, or English proficiency. As President Bush has said time and again, every child can learn, and every child should be given a fair chance. The No Child Left Behind Act is helping to make sure the promise is becoming a reality.

As a result of the No Child Left Behind Act, the Federal Government today is spending more money on K-12 education than at any other time in the history of the United States. Federal K-12 education funding to states and local schools has increased by a historic $6.9 billion since the hallmark education reform legislation was signed into law.

Title I aid for disadvantaged students, the cornerstone of the No Child Left Behind Act, has increased by over 40 percent since 2001.

In fact, aid for disadvantaged students received a larger combined increase during the first 2 years of President Bush's administration than it received in the previous 7 years combined under President Clinton.

Our economy is stronger, crime is down, education is improving. Americans have good reason to be optimistic about the future.

And when it comes to environment, we are also seeing major progress. Emissions are down and water quality is improving.

All signs are encouraging.

More, however, can be done, starting with strengthening America's energy independence. President Bush has offered a long-range plan to diversify our energy supply and encourage the use of renewable energy sources.

Senate Democrats, however, are committed to a strategy of obstruction. They come to the Senate floor to lament America's energy problems. Meanwhile, they block the very reforms that would lessen America's dependence on foreign oil supplies.

Likewise, the other side of the aisle bemoans rising health premiums while continuing to block medical malpractice reforms that would lower medical costs.

Which brings me to the larger point.

This year, the other side has been engaged in an unprecedented campaign of obstructionism. Their obstructionism is costing billions of dollars that could be growing the economy and hundreds of thousands of jobs that could be employing America's workers.

The campaign to poor-mouth America's progress may be an election year strategy to immobilize the process, but it is also unfairly discredits the efforts of every American working hard, paying taxes, and leading this country back to economic health. The distorted statistics and misleading charts are meant to sow doubt and confusion. They are meant to make Americans question their own success.

It will not work, and it must not work. We are a strong, robust, and prosperous nation. Optimism is the essence of our success. It drives our creativity and emboldens our entrepreneurial spirit. It is what makes us invest in the future and accomplish our highest aims.

I am confident the American people will look at the gains we are making everyday as a nation and as individuals, and that we will recognize our success, take heart, and keep moving forward. It is the American spirit, and it is the American way.

HONORING OUR ARMED FORCES

SERGEANT KYLE BRINLEE

Mr. INHOFE. Mr. President, I stand here today in memory of a courageous young American who gave his life for freedom. He gave his life for the people of Iraq, he gave it for his fellow Americans, and he gave it especially for those he loved. SGT Kyle Brinlee at the age of 21 gave up his life for the sake of others, and for his service and his sacrifice, I am proud to honor him on the Senate floor today.

SGT Kyle A. Brinlee of Pryor, OK, was deployed from Fort Sill and served as a masonry and carpentry specialist with the 120th Combat Engineering Battalion in Iraq. When he went to Iraq in February, he left the familiar comfort of Pryor, OK, for the unknown hostility of the Middle East. He left his family, friends, and neighbors, expecting to be home within 6 months or a year at the most. Only 3 months passed before these same people lined the streets of Pryor as his funeral procession passed.

On May 11, near Alasad, Iraq, an explosive device destroyed the vehicle in which Kyle Brinlee was riding. He died while securing the freedom of millions of Americans, while trying to secure a chance of that freedom for the Iraqi people.

Sergeant Brinlee, the first Oklahoma guardsman to give his life in Iraq, was eulogized in May in front of a crowd of 1,300 people at the Pryor High School auditorium. Kyle was remembered as an outstanding soldier, a morale builder who was always willing to be the first to volunteer, and as someone who all will miss. After his death, the National Guard awarded Kyle the Bronze Star and the Purple Heart. He has also earned my admiration and prayers and those of many other Americans. His choice was that of a true hero: He endangered his own life for the sake of something greater, and that courage to act for the good of all will mark his legacy forever.

Sergeant Brinlee stands as a true example of bravery. He knew of the dangers that awaited him. He knew he might never have another opportunity to see his family, but he also knew his mission. He knew that American freedom does not come from the complaints of the many but from the sacrifices of the few. SGT Kyle Brinlee was man enough to be counted amongst those noble few. Kyle Brinlee was a true American hero.

Mr. President, on each trip I take overseas as one of the members of the Senate Armed Services Committee, the message I get back from the troops in the field is always the same: Why is it that people in America do not understand what we are doing? I think the media has done a lousy job, distorting the true reality of the freedoms that are taking place in Iraq, of all the good things that are happening over there.

I hear from these brave young troops. They know what their mission is. They know America is in its most threatened position today. They know they are risking their lives, yet they are willing to do it. Certainly SGT Kyle Brinlee is one of those, a very good, heroic example.

Mr. President, I yield the floor.

S. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. DODD. Mr. President, this evening the Senate is expected to consider H.R. 2844, the Continuity in Representation Act of 2004. While there are significant problems with this bill, I believe it is in the best interest of ensuring the continuity of government that the Senate pass the bill, as received from the House, without amendment, before we begin this extended recess.

The most troubling problem with this bill is that it may have the unintended consequence of disenfranchising overseas military voters who are serving this Nation in combat. So in taking this action tonight, let me suggest that our work will not be done. I strongly encourage my colleagues in the House to review this legislation in light of these concerns and to consider adopting technical corrections to this bill to address its unintentional consequences.

The bill before the Senate today is, at best, a stopgap measure which attempts to provide a way to reconstitute the House of Representatives in the event that in excess of 100 vacancies occur in its membership. Unlike vacancies in the Senate, which under the Seventeenth Amendment can be immediately filled, the House has no way to reconstitute itself short of holding elections. In essence, H.R. 2488 requires the States to hold expedited special elections to fill vacancies which occur under extraordinary circumstances.

The House-passed bill provides that upon the announcement by the Speaker of the House that more than 100 vacancies exist in the membership of the House, the States affected must hold a special election within 45 days of the announcement, unless there is a regularly scheduled general election scheduled within 75 days of the announcement. This overly optimistic time line all but ensures that overseas military voters and overseas voters will not have their ballots counted in such an election.

In an attempt to address the issue of overseas military voters and other overseas voters, the House adopted language which calls on the States, but does not require them, to issue absentee ballots or voting material to overseas military voters within 15 days of the Speaker's announcement. However, the bill then requires such States to accept and process such ballots for up to 45 days from the date that the State transmitted the ballot to the voter. On its face, those deadlines would require that an election be held no sooner than 60 days after an announcement by a Speaker of the House in order to ensure that such absentee military ballots are counted.

However, the situation may be much worse. Because the House bill does not require States to transmit ballots to overseas military voters by any specific date, under certain State laws, such voters can receive absentee ballots up to literally the day before the election. In such a case, a State would be required to accept the overseas military ballot up to 45 days after that date, or 90 days after the Speaker's announcement.

The obvious result of these two provisions is to potentially extend the date of the election beyond the required 45 days after the Speaker's announcement—ranging from 46 days to 90 days. And therein lies the problem: are overseas military ballots that are received by the State from 1 to 90 days after the actual election date still counted, or are they ignored unless the election is close?

The unintended consequence of this bill is to tell our brave men and women in uniform, who are literally putting their lives on the line for this Nation in combat overseas, that while they may be able to cast a vote, there is no guarantee that their vote will be counted. That is simply an unacceptable result.

On the other hand, if the result is to hold an election open until all possible overseas ballots are received, then this bill does not provide for expedited elections at all. In fact, the result may be the inability of our Government to function for as long as 90 days after a catastrophe. That would be contrary to the stated purpose of the bill.

And that is why our work is not done. This bill may be a necessary interim measure, but to ensure that there is no lapse in the authority of the House, and the ability of Congress, to exercise its constitutional responsibilities, may require a constitutional amendment providing for an appointment to fill a vacancy. In the meantime, until an amendment to the Constitution can be adopted and ratified providing for the immediate reconstitution of the House, this measure provides some assurance that our representative form of government will continue.

Numerous organizations have called on the House to adopt a constitutional approach, not the least of which is the Continuity of Government Commission, chaired by our distinguished former colleague, Alan Simpson, and the respected Lloyd Cutler. While I respect the concerns of my House colleagues that we preserve the House as an elected body, the Framers did not intend that such a noble principle become the undoing of the people's representative branch of government.

We must find a rational and workable way to ensure that our Government continues to function despite the intent of terrorists and others who would render the people's House silent. But we must do it in a way that ensures that all voters, and particularly those military voters who are serving overseas during a time of war, have an equal opportunity to not only cast a vote, but to have that vote counted.

ELECTIONS IN MONGOLIA

Mr. McCONNELL. Mr. President, I am concerned by reports from Mongolia of alleged election irregularities following a July 17th revote at a certain polling station in the capital city of Ulaan Baatar.

According to observers on the ground, the revote occurred less than 12 hours after it was announced at 8 p.m. on July 16th. While I do not know the nocturnal habits of the Mongolian people, I doubt that voters in Ulaan Baatar—or anywhere else in Mongolia, for that matter—can be fully and adequately informed of the revote in such a short time.

Field reports seem to bear this out. According to the International Republican Institute, turnout at that polling station in the June 27th elections exceeded 70 percent; on the July 17th revote, it totaled some 46 percent. Nearly one-quarter of those who voted in June did not cast a ballot in July.

Further troubling are allegations of a systematic pattern of denying supporters of the Motherland Democracy Coalition, MDC, the right to vote, refusal to permit MDC observers inside the polling station, the use of Mongolian law enforcement officials to prohibit access to the polling station, and vote buying in favor of the ruling Mongolian People's Revolutionary Party, MPRP.

If proven true, these irregularities would mark a major departure from Mongolia's previous election experiences, where voting was generally orderly and according to applicable laws and regulations.

My colleagues might find it interesting that the seat in question was won in the first round of balloting by MDC candidate and businessman Otganbayer by a 222 vote margin. The revote found MPRP Defense Minister Gurragchaa winning the seat by 1,239 votes.

There is no question that reports of irregularities and chicanery must be fully and impartially investigated by the relevant election authorities, and that any and all violators of election laws and regulations be prosecuted and punished to the fullest extent of Mongolian law. It is my hope that this process is more transparent than the counting of ballots at that particular polling station. It is outrageous that MPRP officials prohibited independent election observers to witness the opening of ballot boxes and the counting of ballots—in violation, I understand, of Mongolian law.

Mongolia's leadership would be wise to consider that the country's reputation—and inclusion as an eligible recipient for increased foreign assistance under the Millennium Challenge Corporation—is at stake. Any government that is formed that does not reflect the real will of the Mongolian people will lack credibility and the respect of the international community.

Ulaan Baatar should take note that Washington—and the world—is watching.

TRIBUTE TO SERGEANT MAJOR BEN TAYLOR

Mr. McCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian, Ben "Buster" Taylor, a retired Special Forces sergeant major and former Letcher County Sheriff. Sergeant Major Taylor is not one to brag about his accomplishments, but he should be honored for his courageous and selfless acts during the two decades he spent serving this Nation in the U.S. military.

In 1950, inspired by the heroism of World War II veterans, Taylor joined the United States Army's 11th Airborne Division at Camp Campbell, KY, which is now known as Fort Campbell. As he worked his way through various divisions, the Army began organizing its Special Forces Branch, the Green Berets. Taylor enthusiastically joined the Green Berets and spent the better part of two decades serving with his comrades in Japan, Korea, Thailand, Taiwan, the Philippines, Burma, China, Laos, and Vietnam.

Taylor's missions exemplified his bravery and altruism. During his tours of duty, he was awarded 24 medals and 18 ribbons, among these four bronze stars. With each honor, a story revealing his heroism is told. He has notebooks full of citations and commendations that tell of the many times he risked his own life to save others. But of all these honors, the one most memorable to Taylor is the role he played in the funeral of President John F. Kennedy. Taylor was selected to represent the Green Berets at President Kennedy's funeral. He walked alongside the casket of the fallen Commander in Chief.

Today I ask my colleagues to join me in honoring and recognizing a true American hero, Sergeant Major Ben Taylor.

TRIBUTE TO DR. BOBBY RUSSELL HIMES

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a fellow Kentuckian and proud Republican, Dr. Bobby Russell Himes. Earlier this year, Dr. Himes was named Central Kentucky News-Journal's 2004 Man of the Year. The title is one that Dr. Himes has earned.

Dr. Himes has always strived to live life to its very fullest and give 110 percent. After serving 4 years in the U.S. Air Force, he completed his bachelor's degree at Kentucky Wesleyan College. He went on to finish his formal education by earning a masters degree from Appalachian State University and a doctorate from Vanderbilt University. For 40 years, he was a professor of history and political science at Kentucky's Campbellsville University. He was an inspiring educator, mentor, and friend to students and colleagues. While he no longer teaches classes, he continues to support and encourage younger generations.

Beyond his role as an educator, Dr. Himes has been a businessman, a stalwart volunteer for the Republican Party, and an instrumental figure in creating the Central Kentucky Arts Series. Furthermore, he is a devoted husband, father, grandfather, and now a great-grandfather.

Dr. Himes is truly an inspiration. He persevered through a childhood during the Great Depression and a battle with cancer. If there is one thing to learn from Dr. Bobby Russell Himes, it is his philosophy for living. Dr. Himes believes that, "By setting goals—even if you don't achieve them—you're going to go further just because you set them."

May we please take this time to honor the man whom so many look up to, Dr. Bobby Russell Himes, Central Kentucky News-Journal's 2004 Man of the Year.

TRIBUTE TO R.J. CORMAN

Mr. McCONNELL. Mr. President, I pay tribute to a fellow Kentuckian, Mr. R.J. Corman. Mr. Corman is a remarkable man who has overcome life's adversities and achieved great business success.

Mr. Corman got his start in the railroad business working a backhoe for L&N Railroad. Little did he know, but this initial exposure would lead to his lifetime work. He founded and continues to operate the R.J. Corman Railroad Group in his hometown of Nicholasville, Kentucky. His business has grown over the years and now operates in 19 States, has about 630 employees, and will have at least $120 million in sales this year. The goal of the R.J. Corman Railroad Group is to please customers and perform their services better, faster, and more efficient than anyone else.

While Mr. Corman's companies are incredibly successful and expansive, it is his personal successes that I pay tribute to most. Three years ago, Mr. Corman was diagnosed with cancer and given 3 years to live. A man not used to sitting idly by, he successfully completed a stem-cell bone marrow transplant in November 2001 and today his cancer is in complete remission. In fact, Mr. Corman is doing so well that at the age of 48 he ran in the 108th annual Boston Marathon.

Mr. Corman came from humble beginnings, the son of a state highway worker and homemaker. But he hasn't forgotten where he came from or the lessons his grandfather taught him about hard work and honesty. His never give up attitude has led to business success and overcoming serious illness. Today I ask my colleagues to join me in honoring and recognizing Kentucky's railroad entrepreneur, Mr. R.J. Corman.

TRIBUTE TO OWSLEY BROWN FRAZIER

Mr. McCONNELL. Mr. President, I pay tribute to an outstanding Kentuckian, fellow Louisvillian and friend, Mr. Owsley Brown Frazier. Owsley recently fulfilled one of his life-long dreams by opening a museum to showcase his collection of historic weaponry—the Frazier Historical Arms Museum. I was honored to join him at the grand opening to get a sneak peak at his impressive collection.

The Frazier Historical Arms Museum is more than guns in cases and maps on walls. Inside this $32 million, 100,000-square-foot museum weapons are displayed based on the stories they tell. The museum is home to Teddy Roosevelt's "Big Stick," a rifle owned by George Washington, a bow and arrow used by Geronimo, and General George Armstrong Custer's Colt Navy revolvers. Not only does the museum house Owsley's collection of American artifacts but also holds collections on loan from the British Royal Armories in the Tower of London. These artifacts are combined with guides dressed in period attire, short films, and interactive computer stations. It is definitely a "must see" while in Louisville.

Owsley wanted to give back to his hometown and the museum was his gift. The museum is a testament to his work ethic and his values. It reflects his philanthropic nature that he has contributed $500 million to charities during his lifetime, including tens of millions for his biggest passion—education. He has used his own money, but also millions of dollars of contributions from his family's company to preserve historic buildings, build housing for low-income families and of course, support our local colleges and schools.

His friends describe him as a simple man who loves fishing at his Shelby County farm, breakfast at the Waddy Truck Stop, and would rather watch sports on television than attend cocktail parties. Owsley and I also share a special passion: University of Louisville Athletics. In fact, he once even skipped a family member's wedding because the Cardinals had a game that day.

I ask my colleagues to join me in paying tribute to this incredible man. Owsley has a genuine and sincere love for the city of Louisville, the Commonwealth of Kentucky, and most importantly his fellow man. I can only hope he will inspire us all to share that same benevolent passion and commitment in our lives.

ISRAEL SECURITY FENCE

Mr. REID. Mr. President, they say good fences make good neighbors.

I do not know if that is always true, but I do know that the security fence Israel is building along the West Bank has been good for the security in the region.

Already, the fence has resulted in a 90 percent drop in terrorism coming from the northern West Bank. In 2004, no Israeli nationals were killed or wounded by suicide bombings in areas protected by the fence, while 19 Israeli citizens were killed and 102 wounded by suicide attacks in areas without the fence.

So, it is clear that this fence is saving innocent lives.

Like so many others who know the region and have traveled to Israel and Palestine many times, I wish that a fence was not necessary. In an ideal world, neighbors would not need fences, and Israel and Palestine could have a more open border where goods, services and people move freely.

But that is not the world we live in, and that is not the position in which Israel finds itself. We know that terrorist organizations operating in the West Bank and elsewhere have sworn themselves to one main goal: the destruction of the State of Israel.

These murderers target innocent civilians, women and children in Israeli busses, markets and cafes. Since the start of the Intifada some 4 years ago, almost 1,000 Israelis have been killed. Every man, woman and child in Israel lives with the fear that a terrorist attack could be carried out at any time, on any given day, and in any given location.

When confronted with such threats, free nations look to their military, their law enforcement personnel, and above all else, they look to the rule of law.

A commitment to the rule of law separates free nations from dictatorships. It separates democracies from corrupt and dangerous regimes. It is what binds people together under common values, shared principles and an agreed framework to live in peace.

Israel has a right to live in peace. It has a right, under law, to protect itself and to defend its people from attack. This is not only what the law allows, it is what the people are entitled to. Much of the United Nations Charter, in fact, is based on the inherent right to self-defense.

That is why the recent International Court of Justice, ICJ, advisory opinion on the security fence is so wrong, and why it sets a very dangerous precedent. It is yet another low point for this court and for the UN.

The ICJ declared itself "not convinced" that the barrier Israel is building is a security necessity. I suppose such judgments are easy to make when sitting in the opulence of the Hague some 2,000 miles away. Let the judges live along the Israeli border to the West Bank for some time, and then let them call the fence unnecessary.

Beyond the wrongness of the opinion, the court should never have taken the case to begin with.

The ICJ had no business interfering in the security of a sovereign nation. Israel's democratic institutions and its commitment to the rule of law make it more than able to handle issues arising from the construction of the fence without interference from the ICJ.

Israel's supreme court, for example, ruled that a segment of the security fence must be re-routed to reduce the impact on the Palestinian population, even though the judges noted that "in the short term, this judgment will not make the state's struggle against those rising up against it any easier."

This is what democratic nations do; they act in accordance to the law. They make outside interference by the ICJ not only unwelcome and unnecessary, but even dangerous.

Although the ICJ opinion is nonbinding, it could lead to the introduction of anti-Israel measures at the UN and strengthen attempts to isolate Israel.

This is why some 40 nations, including the United States, submitted briefs to the ICJ objecting to the court's consideration of the case.

This is why I, along with 78 other Senators, wrote the UN Secretary General, calling upon him to reject the ICJ's interference with Israel's right to self defense.

Unfortunately, the UN's action and the ICJ's opinion is another in a long line of anti-Israel positions they have taken. There have been some 400 anti-Israel Resolutions passed at the UN since 1964, while the terrorist atrocities committed against the Jewish people have never been investigated by the UN.

This is wrong, and it is an assault against Israeli sovereignty and its legal systems.

Israel's allies must continue to speak out against this wrong-headed action by the ICJ. This is why Senate has introduced and I have co-sponsored another bi-partisan resolution condemning the recent ICJ decision on the legality of Israel's security fence and urging no further action by the UN to delay or prevent the fence's construction.

We need to pass that resolution, keep the pressure on the UN, and continue to protect Israel's right to self defense. The law authorizes it, and the people of the region deserve it.

HONORING REV. MARION DANIEL BENNETT SR.

Mr. REID. Mr. President, I rise today to congratulate Reverend Marion Daniel Bennett, Sr., on his recent retirement as pastor of the Zion United Methodist Church. It pleases me to be able to speak today of Rev. Bennett's tremendous contributions to Nevada's spiritual, civic, and political life.

Reverend Bennett's dedicated service and inspired leadership of the Zion United Methodist Church in Las Vegas has spanned over four decades. During his tenure, he oversaw the relocation of the Church to its current West Las Vegas site, and spearheaded the development of a much-needed day care center in the community.

Reverend Bennett's commitment to public service, however, has extended well beyond his West Las Vegas congregation. As president of the Las Vegas Branch of the National Association for the Advancement of Colored People from 1963–1967 and 1971–1973, Rev. Bennett was among the foremost leaders in the struggle for civil rights in Nevada. He has continued to remain active in the Las Vegas NAACP as an executive board member for the past 30 years.

Reverend Bennett also served as a member of the Nevada State Assembly for 10 years. As chairman of the Health and Welfare Committee, he worked hard to ensure that the State's health care and social welfare services kept pace with Nevada's dramatic growth and development. In doing so, Reverend Bennett helped expand the opportunities available to Nevadans and improve the quality of life in the Silver State.

His lifetime of service to his church and community has been recognized by many organizations including the University of Nevada, which conferred upon him its Distinguished Nevadan Award.

I also want all within the sound of my voice to understand the quality of friend Reverend Bennett has been to me. The quality has been the best, for which I will always be grateful.

In short, Reverend Bennett has led a distinguished career and life. Please join me in congratulating him on his recent retirement from the Zion United Methodist Church, and wishing him health and happiness in the future.

IN RECOGNITION OF JOE TRUJILLO

Mr. DOMENICI. Mr. President, I honor a long-time member of my staff, Joe Trujillo. I usually call him Joseph, but my staff and most of those from my home State of New Mexico refer to him as "Joe T." I do not want misunderstanding—he is not retiring, because his work is not done. However, Joseph Trujillo has served as a member of my staff, in one capacity or another, for 25 years.

His always positive outlook is remarkable, and his smile is contagious. His jovial attitude and eagerness to deal with challenges is admirable. His keen understanding of people is tied to his own rich personality, and it is Joe's rich personality that I, and those from my home State, have come to know and love the most.

Joe is a New Mexico native. He grew up in Los Alamos, and graduated from Los Alamos High School in 1964. He was the first New Mexico Hispanic to be awarded the Phi Beta Kappa key at the University of New Mexico.

After graduating from UNM in 1968, he worked on a collaborative project to help Albuquerque's inner city poor. We first met in 1969, while I was chairman of the Albuquerque City Commission. Joe later became a City of Albuquerque employee. In 1976, he began working for Albuquerque mayor, Harry McKinney, as the city's federal grants coordinator. Mayor McKinney dispatched him to work out of my office here in Washington, and after awhile I convinced him to become a member of my staff.

Right after coming to work for me in 1979, he became the member of my staff who dealt with Indian affairs. But he did much more. Over the past 25 years he has been given more responsibilities than I can count. From appropriations and budget, to banking, Indian affairs and economic development, and everything in between, Joseph has done it all. His wealth of experience is beyond compare. For all who know Joe, it has always been clear that his passion is working to help those who are less fortunate.

Joe has done more for Indians than most Senators. Through the years, Joe has been instrumental in bringing tribal leaders to the table to discuss their dilemmas. He arranged several economic summits in the State to help Indians develop their infrastructure and local economies. His hard work and dedication wrought a successful economic development strategy, along with an education and healthcare plan to help Indians in New Mexico and across the Nation.

In 2001, after 22 years in my Washington office, he returned to New Mexico to serve as a member of my State staff where he continues his fine work at the local level on Indian issues and rural development initiatives.

Joe Trujillo is loyal, and one on whom I trust and depend. He has been a member of my staff since June 19, 1979. In that time, we have accomplished much, and I am extremely proud of those accomplishments. Most importantly, he is my good friend. Joseph, for all you have done for me, and for all you have done for the people of New Mexico; you have my utmost respect and deepest gratitude. Thank you, and keep up the good work, amigo.

TIME FOR IRAN TO COME CLEAN

Mr. BIDEN. Mr. President, when historians look back on American foreign policy in the early 21st century, they will ask a few basic questions. One will be whether we used our immense military strength wisely. Another will be whether we took effective action to avert genocide in the world. But the biggest question will be whether we did all we could to avert the use of weapons of mass destruction, and especially a nuclear catastrophe.

The resolution before us addresses one of the most sensitive nuclear nonproliferation issues of our day, that of Iran. Over the last 2 years, public allegations and International Atomic Energy Agency inspections have uncovered nearly two decades of covert nuclear programs that Iran has pursued in violation of its obligations under safeguards agreements with the IAEA. While Iran insists publicly that these programs are all peaceful, all the signs and much of the political rhetoric in Iran point to a nuclear weapons program that has been conducted under the cover of peaceful nuclear activities.

Nearly a year ago, Iran promised to come clean on its nuclear programs and to suspend all its uranium enrichment and reprocessing activities. But Iran has yet to comply fully with its commitment. Instead, it has hidden some of its activities and forced IAEA inspectors to pull teeth in order to get information about its programs; it has delayed inspections and, at times, suspended all cooperation; it has continued production of components for uranium enrichment centrifuges; and it has announced an intent to test its uranium conversion facility in a manner that will produce feed material for uranium enrichment centrifuges. All those actions are violations of Iran's legal and political commitments.

More importantly, those actions suggest that Iran still has something to hide. They relate to nuclear activities that are difficult to explain as peaceful programs. Some of those actions relate to programs involving the same criminal network that aided Libya and provided it with a nuclear weapon design. And they are accompanied by political statements that suggest Iran may well want to develop nuclear weapons. If Iran wants to gain the confidence of the international community, that is certainly not the way to go about it.

I do not believe that Iran poses an imminent threat of testing or deploying nuclear weapons. There is hence no need at this time to threaten or undertake military action, and the resolution before us does not threaten, encourage or authorize such action.

Some journalists interpreted a similar resolution in the House of Representatives as authorizing military action, despite the denials of those who supported that resolution, including its co-author, Representative LANTOS of California. That is because the House resolution used the words "all appropriate means," which sounded too similar to previous resolutions on other issues that did authorize the use of force. To make it absolutely clear that the resolution before us does not do that, the authors of the substitute amendment have deleted the word "all" from that phrase. We do not intend this resolution to encourage the use of military force by any country.

Neither can any concurrent resolution authorize the use of force by the United States. Under our Constitution and under the War Powers Resolution, only legislation signed by the President can do that. A concurrent resolution has no legal effect and cannot do so.

What we do intend by this resolution is to encourage all countries to help convince Iran that its national security is best served by giving up the urge to develop a nuclear weapons capability. An Iran with nuclear weapons—or with the ability to produce such weapons—will not be a more secure Iran. Rather, it will only prompt great concern among its neighbors and risk their developing nuclear weapons as well; and it will estrange itself from all countries that support the Nuclear Non-Proliferation Treaty or that believe in keeping one's international obligations.

If Iran wants to understand what nuclear weapons will bring about, it can look to North Korea, which is reduced to begging and threatening the international community in order to feed its people and to provide even minimal energy resources. Those are the wages of proliferation: not security, but insecurity; not acclaim, but ostracism.

If the nations of the world—and especially the industrialized countries in Europe and elsewhere that have important trade relations with Iran—will band together to deliver this message, I believe that Iran will hear it and heed it. But the message may well have to be delivered with more than words. Countries may have to take forceful diplomatic and economic actions in order to demonstrate to Iran the risks that it runs if it insists upon building a nuclear weapons capability. The IAEA Board of Governors may well have to report Iran's noncompliance to the United Nations Security Council, and the Security Council may have to take action under Articles 39 through 41 of the United Nations Charter to encourage or order Iran to cease its programs that would contribute to building that nuclear weapons capability.

Countries can also remind Iran that concerns which may have prompted its covert nuclear programs are now largely dissipated. The Soviet Union is gone, and Russia does not threaten Iranian sovereignty. Saddam Hussein is now a criminal in the dock, rather than a dictator with imperial ambitions. And the case of Libya demonstrates that the United States will readily adjust its policy toward a country that renounces weapons of mass destruction and international terrorism. Iran's security concerns can be met—indeed, can best be met—without its developing or producing any weapons of mass destruction.

It is time that we have a serious discussion with Europe about harmonizing our policies toward Iran. Europe has pursued a strategy of offering positive incentives for Iran to change its behavior, but no penalties if it does not—effectively the reverse of U.S. policy. By coordinating more closely, the United States and Europe are more likely to affect Iran's actions. We should clearly state that if Iran ends its pursuit of a nuclear weapons program and gets out of the terrorism business, then we would be willing to change our policy of isolating and sanctioning Iran.

I hope that enactment of the resolution before us will help galvanize world attention to the threat of nuclear proliferation in Iran and to the need to convince Iran to change its ways. I hope that it will also encourage Iran to choose the path of non-proliferation and base its future on engagement with the world, rather than increasing, self-imposed isolation.

I want to thank the original sponsors of S. Con. Res. 81, Senators FEINSTEIN and KYL, for their cooperation in developing a substitute text that we can all support. I believe that Representatives HYDE and LANTOS, whose H. Con. Res. 398 provided much guidance to us, will also find this text something that they can accept so as to achieve enactment of this important resolution. And I appreciate the work of their staffs over the past several weeks. My own staff and Chairman LUGAR's staff were also instrumental in bringing this work to what I believe will be a successful conclusion.

We have all been guided not by politics, but by the importance of the matter before us. When the issue is nuclear proliferation, uncountable innocent lives hang in the balance. On such an issue, the world must act as one.

ALASKA WILDFIRES

Ms. MURKOWSKI. Mr. President, I rise today to speak about the fires that are burning in my State of Alaska. To date, there are 117 active fires in Alaska that have burned over 3.8 million acres. That is larger than the entire State of Connecticut, and 11 of these fires started yesterday. This year is the 3rd most active fire season in Alaska since records have been kept, 1955.

Alaskans have been living with these fires since early June. All told there have been 479 of them since the start of fire season.

On Monday July 5, I visited the fire camp of the Boundary Fire, which was threatening residences north of Fairbanks, AK.

It rained while I was visiting the camp. Rain and changes in the winds can bring an abrupt end to fire season. I was hopeful that the change in weather would allow firefighters to put down the Boundary Fire in short order.

Unfortunately, it was not to be. Shortly after I left the fire camp, residents of the Haystack subdivision were told it was safe to return home. Just a few days ago, the Haystack subdivision was evacuated for the second time this summer. This evacuation affects 150 residents and 80 homes.

A total of 34 structures have been lost to the fires now burning in the State. Haze from the fires in the interior of Alaska is being experienced as far south as Juneau—that is a distance of about 800 miles.

The heroes of this fire season are the 2,711 firefighters: many from Alaska Native villages and others from the lower 48 who are working night and day to protect homes, private property, and subsistence resources. I am grateful to the coordinated efforts of the Alaska Fire Service and the State Division of Forestry for their tireless work in combating these fires. This week, the community of Fairbanks is celebrating "Golden Days"—their annual summer carnival. I don't know if any of the firefighters will be able to break away from their duties to attend the parade on Saturday, but I can promise you that they will be warmly received by the residents of our Golden Heart City.

I want to commend the Federal fire managers for getting our Nation's aerial firefighting resources back in the air. We may have some differences of opinion about how long it took to accomplish this or how many planes are certified to fly, but I am prepared to leave this discussion for a future time.

The total aerial resources in Alaska include one federally certified heavy air tanker, two heavy air tankers under contract to the State of Alaska, three single-engine air tankers, and three CL 215's. These resources are prepositioned around the State to be used, when needed.

Thus far, the brave men and women on our fire lines have been successful in holding the fire away from primary residences—not only in and around Fairbanks, but also in rural communities like Chicken, Circle, Central, Eagle, Evansville, Tanacross, Galena, and Venetie.

The firefighters remind me that the proximity of the fires to people's homes creates a "teachable moment." The operative words are "be firewise." We need to all remember building defensible space around structures not only increases the likelihood that a building will survive a fire. It also increases safety to residents and our firefighters.

I want to reemphasize my strong support for the fuels reduction provisions of the President's Healthy Forest Initiative. This initiative is needed more than ever now. Our Nation's forestry policy has to allow for responsible forest management that includes the ability to remove, when appropriate, wildfire fuel from forests. Deteriorating forest and rangeland health now affects more than 190 million acres nationwide, an area twice the size of California.

In Alaska, the damage caused by the spruce bark beetle, especially along the Kenai Peninsula has been devastating. Over 5 million acres of trees in south central and interior Alaska have been lost to insects over the last 10 years. Expedited fuel reduction treatment on Federal land on which the existence of disease or insect infestation is a critical provision in this new law.

In addition to treating our Federal lands, treating State and private lands is also important. Such lands benefit from the U.S. Forest Service's State and Private Forestry Program. As we know, wildland fires do not discriminate among land ownership patterns. On the Kenai Peninsula alone, State, native corporation, and private lands have beetle kill in addition to Federal lands on the Chugach and Kenai National Wildlife Refuge. There are still over 200,000 acres of untreated hazardous fuels within the Wildland-Urban Interface, leaving many Alaskan communities at risk.

Another critical program is the Forest Land Enhancement Program (FLEP), which is part of the Farm Bill. This program helps communities and individuals to obtain grants for reforestation and thinning of lands impacted by beetle kill.

In Alaska alone, a total of 478 private landowners, along with 19 native corporations are eligible for FLEP funds for wildfire fuels reduction and timber stand improvements. Without this funding, eligible Alaskan landowners have no opportunity to make needed forest health improvements on their lands. The farm bill in 2002 authorized $100 million from the Commodity Credit Corporation over a 5-year period ending in fiscal year 2007. Only a total of $20 million was used for landowner cost-share and technical assistance in fiscal year 2003 with $50 million transferred from FLEP to cover Forest Service wildfire suppression costs. While supporting wildfire suppression, we must and should utilize funding for those State and private forestry programs that aid communities in fuel reduction work to reduce these catastrophic wildfires we witness each year.

We must work across party lines to get the needed resources, recognizing fiscal responsibility, to all landowners to reduce fuel load. This is a responsibility for all of us in Congress.

SENATOR BOB DOLE AND THE WORLD WAR II MEMORIAL

Mr. LEAHY. Mr. President, on Memorial Day, my wife Marcelle and I were honored to attend the dedication of the gleaming new World War II Memorial. This memorial is not only a testament to the sacrifice of the 16 million courageous men and women who served in that grand struggle, but, in some ways, it speaks to the tireless energy of our friend and former Senate majority leader, Bob Dole.

Senator Dole received a Purple Heart in Italy, yet never let the lingering effects of his very serious wounds stand in the way of his overall effectiveness and ability to lead the Senate. After he left office, he turned his special brand of energy and intelligence towards ensuring the completion of the new memorial. He helped raise awareness of the project across the country and was critical to helping gain congressional approval of the measure.

During the dedication, Senator Dole gave a moving tribute to his comrades-in-arms. These remarks helped give further context and meaning to the pillars, plaques, and fountains that make up this grand memorial.

I will ask to have these remarks included in the RECORD, and I implore all of my colleagues to take a few minutes to read this speech.

Today is a particularly fitting day to read Senator Dole's remarks, as today is his birthday. I want to wish my friend a very happy birthday.

I ask unanimous consent the speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR BOB DOLE—NATIONAL WWII MEMORIAL DEDICATION, MAY 29, 2004

In the first week of January 1945, a hungry and lonesome second lieutenant from small town Kansas dispatched a message to his folks back home: "You can send me something to eat whenever you are ready," he wrote. "Send candy, gum, cookies, cheese, grape jelly, popcorn, nuts, peanut clusters, Vicks Vapo Rub, wool socks, wool scarf, fudge, cookies, ice cream, liver and onions, fried chicken, banana cake, milk, fruit cocktail, Swiss steaks, crackers, more candy, Lifesavers, peanuts, the piano, the radio, the living room suite, the record player and Frank Sinatra. I guess you might as well send the whole house if you can get it into a five-pound box. P.S., keep your fingers crossed."

In authoring that only slightly exaggerated wish list I merely echoed the longings of 16 million Americans whose greatest wish was for an end to the fighting. Sixty years on our ranks have dwindled for the thousands assembled here on the Mall and the millions more watching all across America in living rooms and hospitals and wherever it may be—our men and women overseas and our friends in Great Britain and our allies all around the world. Our final reunion cannot long be delayed.

Yet if we gather in the twilight it is brightened by the knowledge that we have kept faith with our comrades. Sustained by over 600,000 individual contributions, we have raised this memorial to commemorate the service and sacrifice of an entire generation. What we dedicate today is not a memorial to war, rather it's a tribute to the physical and moral courage that makes heroes out of farm and city boys and that inspires Americans in every generation to lay down their lives for people they will never meet, for ideals that make life itself worth living.

This is also a memorial to the American people who in the crucible of war forged a unity that became our ultimate weapon. Just as we pulled together in the course of a common threat 60 years ago, so today's Americans united to build this memorial. Small children held their grandfather's hand while dropping pennies in a collection box. Entire families contributed in memory of loved ones who could win every battle except the battle against time. I think of my brother, Kenny, and my brothers-in-law Larry Nelson and Allen Steel, just three among the millions of ghosts in navy blue and olive drab we honor with this memorial.

Of course, not every warrior wore a uniform. As it happens, today is the 101st birthday of Bob Hope, the GI's favorite entertainer who did more to boost our morale than anyone next to Betty Grable. And I can already hear Bob . . . "but I was next to Betty Grable." And it's hard to believe, but today is also the 87th birthday of John F. Kennedy, a hero of the south Pacific, who, a generation after the surrender documents were signed aboard the USS Missouri, spoke of a new generation of Americans tempered by war that was nevertheless willing "to pay any price, bear any burden, meet any hardship, oppose any foe, to assure the survival and success of liberty." And we shall always honor the memory of our great leader and our American hero, General Eisenhower, who led us to victory all across the world.

As we meet here today, young Americans are risking their lives in liberty's defense. They are the latest link in a chain of sacrifice older than America itself. After all, if we met the test of our times, it was because we drew inspiration from those who had gone before, including the giants of history who are enshrined on this Mall, from Washington, who fathered America with his sword and ennobled it with his character . . . from Jefferson, whose pen gave eloquent voice to our noblest aspirations . . . from Lincoln, who preserved the Union and struck the chains from our countrymen . . . and from Franklin Roosevelt, who presided over a global coalition to rescue humanity from those who had put the soul itself in bondage. Each of these presidents was a soldier of freedom. And in the defining event of the 20th century, their cause became our cause. On distant fields and fathomless oceans, the skies over half the planet and in 10,000 communities on the home front, we did far more than avenge Pearl Harbor. The citizen soldiers who answered liberty's call fought not for territory, but for justice, not for plunder, but to liberate enslaved peoples around the world.

In contending for democracy abroad, we learned painful lessons about our own democracy. For us, the Second World War was in effect a second American revolution. The war invited women into the workforce. It exposed the injustice on African Americans, Hispanics and Japanese Americans and others who demonstrated yet again that war is an equal opportunity employer. What we learned in foreign fields of battle we applied in post-war America. As a result, our democracy, though imperfect, is more nearly perfect than in the days of Washington, Jefferson, Lincoln, and Roosevelt. That's what makes America forever a work in progress—a land that has never become, but is always in the act of becoming. And that's why the armies of democracy have earned a permanent place on this sacred ground.

It is only fitting when this memorial was opened to the public about a month ago the very first visitors were school children. For them, our war is ancient history and those who fought it are slightly ancient themselves. Yet, in the end, they are the ones for whom we built this shrine and to whom we now hand the baton in the unending relay of human possibility.

Certainly the heroes represented by the 4,000 gold stars on the freedom wall need no monument to commemorate their sacrifice. They are known to God and to their fellow soldiers, who will mourn their passing until the day of our own. In their names, we dedicate this place of meditation, and it is in their memory that I ask you to stand, if possible, and join me in a moment of silent tribute to remind us all that at sometime in our life, we have or may be called upon to make a sacrifice for our country to preserve liberty and freedom . . .

. . . God bless America.

U.S.-CENTRAL AMERICA FREE TRADE AGREEMENT

Mr. GRASSLEY. Mr. President, just yesterday the Senate passed the U.S.-Morocco Free-Trade Agreement Implementation Act by a vote of 85 to 13. This followed on the heels of Senate approval of the U.S.-Australia agreement by a vote of 80 to 16. The Australia bill itself was preceded by renewal and extension of the Africa Growth and Opportunity Act, which passed the Senate by unanimous consent on June 24 of this year. Prior to that, the Senate was able to work out its differences and pass the JOBS Act by a vote of 92 to 5. I will note that each of these bills passed in an election year, a year in which many pundits argued that nothing on trade would get done.

Well we proved them wrong. In fact, this has been one of the most active years on trade in the Senate in recent memory. I say, why stop now? We should continue our efforts to open foreign markets to U.S. exports. That is why I am calling on President Bush to send up the Central American Free Trade Agreement at the earliest opportunity.

The CAFTA is an important part of our continuing efforts to open foreign markets to U.S. goods and services. This market access is critical if we are going to continue to grow our exports to the world. For my home State of Iowa, the CAFTA brings important new market access opportunities for our soybean, corn, pork and beef as well as Iowa's manufacturers and service providers.

Under the current framework, many products from the CAFTA nations get access to our market but we do not get the same access to theirs. The CAFTA will change that. It will level the playing field for U.S. producers so they can compete in this growing market.

The CAFTA also sends a strong message to our Latin American neighbors. It shows our strong desire to reach out and form deeper and lasting bonds with the international community, particularly in Latin America. The agreement will help to lock in economic reform and increase transparency in the region. There is no doubt about it. The CAFTA can serve as a cornerstone of economic growth and democracy for the region which will enhance the standard of living for millions of our southern neighbors.

A free trade agreement with these nations represents a unique opportunity not only for U.S. farmers, ranchers, businesses and workers, but also for promoting development, security and prosperity in this region. It is a good agreement for the United States and for Central America. I will work closely with President Bush and my Senate colleagues to do all I can to lay the groundwork for a successful vote on CAFTA later this year.

Mr. DODD. Mr. President, I rise to speak about the United States-Morocco Free-Trade Agreement, which was passed in the Senate yesterday by a vote of 85 to 31. Nearly a year and a half of negotiations were devoted to crafting this agreement by U.S. and Moroccan officials. I voted in support of the implementing legislation to this agreement, and it is my hope that both of our countries will soon move to adopt the agreement.

Every year, the United States exports roughly $475 million worth of goods to Morocco. While this amount is not high when we compare it with U.S. exports to Australia—approximately $13 billion in 2003—it is significant if we view it in the dual contexts of leveling the playing field for American exporters, and, second, development and economic growth. The United States-Morocco FTA will ease the burden on Americans, who, according to the United States Trade Representative, currently face an average tariff of over 20 percent on products they export to Morocco.

Hopefully, this agreement will also spur domestic economic growth in Morocco and encourage that nation to raise its labor and environmental standards. Like all nations, Morocco seeks to develop and modernize its economy. If distributed equitably amongst a nation's citizens, economic modernization and prosperity are important tools in the fight against extremist ideologies that promote terrorism. I hope that will be the case in Morocco.

Indeed, prospects of a United States-Morocco FTA have already in the last year prompted that nation to reform its labor laws. Now it is important that Morocco take all necessary steps to enforce these laws. The U.S. should also encourage Morocco to pursue further labor and environmental reform and strengthen its domestic enforcement of international standards.

That is not to say that this agreement is perfect. No agreement will be perfect—although I still believe that the Jordan FTA, which passed the Senate just a few years ago by a vote of 100 to 0, should serve as a benchmark and guide for the crafting of free trade agreements. Few bills, especially free trade agreements, pass with such overwhelming support. I believe that support was a testament to the inherent quality of that agreement.

Despite my overall support for the pending agreement, I do have a significant concern here. First, as my colleagues are aware, the United States-Morocco FTA, like the United States-Australia FTA, includes language that would allow prescription drug manufacturers to prevent the reimportation of their products.

For a variety of reasons, we are unlikely to import drugs from Morocco in the near future. So as a practical matter, like the United States-Australia FTA, this provision will not affect drug prices in the U.S. And as the United States-Morocco FTA was negotiated around the same time as the United States-Australia FTA, it is not surprising that this provision appears in both agreements. But, in my view, this provision must not be viewed as a precedent by the Bush administration, and I would discourage its inclusion in any future trade agreements entered into by the U.S. Nor do I believe that it prevents us from adopting laws related to drug importation in the future.

JUST SEVEN LEGISLATIVE DAYS LEFT

Mr. LEVIN. Mr. President, this week is the last week that Congress is in session before the August recess and there is only one additional week to act before the Assault Weapons Ban expires on September 13th. This past Monday, one of our former colleagues, Senator Howard Metzenbaum, wrote an op-ed for the Washington Post. In his article, Senator Metzenbaum highlights the broad support this law has among Americans, as well as the inconsistencies between the stated positions and the actions of President Bush on the reauthorization of this critical law.

As my colleagues know, in addition to banning 19 specific weapons, the existing ban makes it illegal to "manufacture, transfer, or possess a semiautomatic" firearm that can accept a detachable magazine and has more than one of several specific military features, such as folding/telescoping stocks, protruding pistol grips, bayonet mounts, threaded muzzles or flash suppressors, barrel shrouds or grenade launchers. These weapons are dangerous and they should not be on America's streets.

In April of this year, the Brady Campaign to Prevent Gun Violence joined hundreds of local elected officials and senior law enforcement officials to urge President Bush to push for reauthorization of this critical piece of gun safety legislation. Since then, the support for this important law has grown exponentially. In addition to former Presidents Ford, Carter, and Clinton, nearly every major law enforcement organization in the country, gun safety organizations, a bipartisan majority of the Senate, and countless local leaders have added their names to the list of supporters. I commend them for their efforts in support of this commonsense gun safety legislation.

In 1994, I voted for the assault weapons ban and in March of this year I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years. Unfortunately, despite Senate passage of the amendment, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reauthorizing the law and President Bush, though he has said he supports it, has done little to help keep the law alive.

I ask unanimous consent that the op-ed from Senator Metzenbaum be printed in the RECORD at the end of my statement. I also ask that the list of organizations in support of this critical piece of gun safety legislation be printed in the RECORD following Senator Metzenbaum's op-ed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA WANTS THE ASSAULT WEAPONS BAN

(By Howard M. Metzenbaum)

A decade ago I was privileged to lead a fight with Senator Dianne Feinstein (D-Calif.) on what for me has become a deeply personal issue: the federal ban on assault weapons. These killing machines had no place on our streets in 1994 and they have no place now. Yet as the days pass, it is becoming clear that many members of Congress are content to skip through the summer months doing nothing while awaiting this fall's greatest prize—not the elections, but the sunset of the assault weapons ban.

Ten years after that great victory we are facing the extinction of an important public safety law that was an unusual piece of bipartisan lawmaking. In 1994 I had the support of two men whom I would rarely call my allies, Republican icons Ronald Reagan and Rudy Giuliani. As a result, Congress was able to put public safety ahead of special-interest politics.

What's going on these days, by contrast, is typical political doublespeak. The president speaks publicly in support of the assault weapons ban but refuses to lobby actively for it. The House majority leader, Tom DeLay of Texas, says the president never told him personally that he wants the assault weapons ban renewed, so DeLay isn't going to pass it.

There you have it. The president says he supports the assault weapons ban but refuses to lift a finger for it. And the powerful House majority leader—who does not support the ban—is pretending that all it would take to pass it is a word from the president.

This is a tragic development for many reasons, not the least of which is that the public wants this legislation. A new study, "Unconventional Wisdom," by the Consumer Federation of America and the Educational Fund to Stop Gun Violence, found that a substantial majority of likely voters in 10 states support renewing and strengthening the federal assault weapons ban, as do most gun owners and National Rifle Association supporters. The survey found that:

Voters in Midwestern states supported renewing the assault weapons ban slightly more than those in Southwestern states. Midwestern states (Ohio, Wisconsin, Michigan and Missouri) averaged 72 percent support for renewal. Southwestern states (Arizona and New Mexico) averaged 67 percent. In Florida, 81 percent of likely voters support renewing the ban.

Rural states, traditionally seen as very conservative on gun issues, strongly favored renewing the ban. Sixty-eight percent of voters in South Dakota and West Virginia support renewal.

Majorities of gun owners in all but two states favored renewing the ban. Even in those two states, Missouri and Ohio, only slightly less than 50 percent of gun owners and NRA supporters favored renewing the ban.

In nine of 10 states surveyed, union households supported renewing the ban by at least 60 percent. In Pennsylvania, 80 percent of union households supported renewing the ban and 73 percent supported strengthening it.

At least 60 percent of current and former military members and military families supported renewing the ban in all states surveyed. In Wisconsin, more than three-fourths, 77 percent, of current and former military members and military families support renewing the ban.

In March the Senate passed a renewed ban as an amendment to a gun industry immunity bill, which was the NRA's top legislative priority. President Bush issued a statement of administration policy calling the assault weapons ban amendment "unacceptable." The amendment passed on a bipartisan vote, 52 to 47, but the underlying bill was defeated. It was a stunning loss for the gun lobby. The NRA opposes even a straight renewal of the ban. It maintains that most Americans don't want the ban renewed, let alone strengthened, and that Congress should let the ban expire. Not true.

The gun industry is licking its chops waiting for the ban to expire. In an upcoming report from the Consumer Federation of America, "Back in Business," one assault weapon manufacturer's sales and marketing director told us, "When the AWB sunsets, which I fully expect it to do, we will be manufacturing pre-ban style weapons and shipping them to the general public through distribution systems and dealers the very next day without doubt. . . . We look forward to Sept. 14th with great enthusiasm."

After 19 years in the Senate, I understand differences of opinions, ideologies and constituencies. What I cannot understand is why congressional leaders and the administration think that the American public won't notice that the ban expired. We'll notice, and they'll be sorry.

Reauthorizing the assault weapons ban is supported by:

Fraternal Order of Police
International Association of Chiefs of Police
Major City Chiefs
National Association of Police Organizations
National Organization of Black Police Officials
International Brotherhood of Police Officers
Hispanic American Police Command Officers Association
American Probation and Parole Association
National League of Cities
US Conference of Mayors
National Association of Counties
US Conference of Catholic Bishops
National Education Association
American Bar Association
NAACP
Americans for Gun Safety
Brady Campaign to Prevent Gun Violence United with the Million Mom March
Church Women United
Episcopal Church, USA
American Academy of Family Physicians
American Public Health Association
Family Violence Prevention Fund
National Coalition Against Domestic Violence
National Network to End Domestic Violence
National Association of Public Hospitals and Health Systems
National Association of Social Workers
Physicians for a Violence Free Society
American Association of Suicidology
Mothers Against Violence in America
Child Welfare League of America
Alliance for Justice

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On August 12, 2002, Stephanie (Wilbur) Thomas, age 19, was driving her friend Ukea (Deon) Davis, age 18, home in southeast Washington, DC. The two young transgendered women were members of Transgender Health Empowerment, an African-American transgender support group. A car drove up beside them, and a gunman fired shots from an automatic weapon. The gunfire killed Ukea Davis and critically wounded Stephanie Thomas. The gunman then got out of the car and fired additional shots into Thomas' car. Though police have not determined if they will file this as a hate crime, the additional shots fired at Thomas after the initial shooting seem to indicate an overkill factor common in many murders of transgendered people in the U.S.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I regret that the President and the Republican leadership in the Senate continue to choose division over cooperation and confrontation over consensus on the Presidents' most controversial judicial nominees. Senators can work together, Republicans and Democrats. The conflict we are experiencing on the Senate floor, which has the collateral consequence of disrupting important and unfinished work of the Senate, is by Republican partisan design. It is bad for the Senate and the country.

Earlier this morning I was at the White House for the signing of the Law Enforcement Officers Safety Act. Senator CAMPBELL and I were the lead sponsors in the Senate on this successful effort, which we know as the "Steve Young Act" to honor an outstanding law enforcement officer.

Another example of our bipartisan cooperation is the resolution the Senate passed unanimously last night regarding with the consequences of the Supreme Court's decision in the Blakely case and the need to clarify Federal criminal sentencing law, S. Con. Res. 130. The Senate has now said, consistent with the record we developed at our recent Judiciary Committee hearing, that the Supreme Court should expeditiously clarify the status of the Federal Sentencing Guidelines. The Second Circuit Court of Appeals urged expedited consideration. The Department of Justice is bringing cases to the Supreme Court and should seek expedited consideration to afford the opportunity needed to obtain that necessary guidance.

There are scores of other measures on the Senate Calendar of Business on which we should be acting and could have been acting this week. We still need to enact the Satellite Home Viewer Improvement Act, S. 2013; the Ag Workers bill, S. 1645; the Dream Act, S. 1545; the judicial pay raise, S. 1023, the Anti-Atrocity Act, S. 710; the authorization for mental health courts, S. 2107; and other needed legislation on which there is so much bipartisan agreement.

With all this to do, with the 13 appropriations bills as yet unfinished, without a budget, without serious oversight of significant problems, it is incredible to me that the Republican Senate leadership is devoting this week to divisive cloture votes on controversial nominations. Why they choose to sow division rather than make progress on matters that could improve the lives of so many Americans across the country is for others to explain.

Criticism of this "do-nothing" Congress is becoming universal. Conservative writers who are more prone to promote the Republican agenda than criticize its leadership have even joined in the chorus. Maybe that explains this misguided exercise, maybe it is reaction to all the criticism and an effort to shore up the extreme right-wing of Republican support. I do not know.

I fear more and more that some want the Senate to become a wholly-owned subsidiary of this Presidency and the Federal courts to become an arm of the Republican Party. That is wrong, that is unwise, that is unsound. The American people need to say no and preserve this great democracy.

Rather than doing the people's business, the Senate is being forced into contrived stunts for partisan political purposes. I urge the Republican leadership to use the upcoming recess to learn about the Senate and its role in our Federal Government. Maybe read Master of the Senate, the extraordinary and award winning book by Robert Caro, or the Constitution of the United States.

The American people deserve better. The Senate deserves better. Senator BYRD has spoken to this situation. Senator DASCHLE, Senator REID and all

Democratic Senators have demonstrated over and over again our good faith and commitment to moving forward. Let us all, Republicans and Democrats, come back from the upcoming hiatus in our Senate proceedings with a commitment to find the common ground that Senator DASCHLE spoke about so well last month in the interests of the American people.

OUR MIDEAST POLICY

Mr. HOLLINGS. Mr. President, I recently wrote a column on Mideast Policy for the Post and Courier in Charleston, SC. I want to share it with my colleagues and ask unanimous consent the July 9 article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOW WE KNOW: IT'S OUR MIDEAST POLICY THAT'S CREATING ENEMIES

(By Ernest F. Hollings)

Now we know: (A) That there are no weapons of mass destruction in Iraq. (B) There was no al-Qaida in Iraq on 9/11. (C) From 1993 until we attacked in 2003—for 10 years—there was no terrorism by Saddam against the United States. (D) Saddam was not involved in the 9/11 attack on the United States. (E) Mideast people are generally of the Islam religion and tribal in culture. The Islam religion is strong—those who don't adhere are considered infidels. (F) Mideast countries don't yearn for democracy—Kuwait, liberated from Saddam, didn't opt for democracy. (G) In "A World Transformed," President "Papa" Bush warned, "We should not march into Baghdad . . . turning the whole Arab world against us . . . assigning young soldiers . . . to fight in what would be an unwinnable urban guerrilla war." (H) We went into Baghdad anyway. (I) As the CIA author of "Imperial Hubris" wrote, "There is nothing that bin Laden could have hoped for more than the invasion and occupation of Iraq." (J) Now we are the infidel. Our invasion has turned Iraq into a shooting gallery and a recruitment center for al-Qaida. (K) The majority of the Iraqi people want us gone. (L) Even with Saddam out, many feel it wasn't worth the lives of 900 killed, 5,000 maimed for life and $200 billion. (M) Now most people of the United States think the invasion of Iraq was a mistake.

1. We also know that: (A) Terrorism did not start on 9/11. Terrorism has been going on in Northern Ireland for 35 years. Terrorism now persists between India and Pakistan and between the Kurds and the Turks. (B) Terrorism is not a war but a weapon. We don't call World War II the Blitzkrieg War or the Battle of the Light Brigade the Cavalry War. (C) Terrorism against the United States is based on our policy in the Mideast. Osama bin Laden hit us because of our presence in Saudi Arabia and policy in Israel/Palestine. (D) Everyone knows that Israel is a U.S. commitment. (E) We have maintained this commitment for 37 years with an evenhanded policy between the Israelis and the Palestinians. (F) But President Bush changed the policy of negotiations, confirming Israeli settlements, and invading Iraq to secure Israel by democratizing the Mideast. (G) U.S. News & World Report and others keep parroting that terrorists hit us "because of our values" and hate us "because of who we are." Not so! It is our Mideast policy they oppose.

The way to win the "war on terrorism" is to (1) Seek out al-Qaida and the Taliban and eliminate them. (2) Secure Iraq so that democracy can work. (3) Publicly renounce preemptive war. (4) Rather than invasion, use capitalism to spread democracy, which is now working in China. (5) Return to the evenhanded policy of negotiations with Israel and Palestine. (6) Start rebuilding both Israel and Palestine.

Everyone laments our predicament after just one year's occupation of Iraq. Imagine 37 years' occupation of Palestine. Anyone with get up and go has gotten up and gone. Palestine is left with the hopeless and embittered. There is no leadership, hardly anything to lead. But embittered refugees from without lead with terrorism. A Palestinian state must first be built in order to be recognized. It can't be built while homes are bulldozed, settlements extended and walls are constructed. Our hypocrisy is obvious. We hail President Reagan for saying, "Mr. Gorbachev, tear down this wall," but now we say, "Mr. Sharon, put up this wall." There are 1 million Arabs in Israel's population of 6 million. For years the people of Israel and Palestine were learning to live together. The Arab soccer team just won the national championship of Israel. But the young of Israel and Palestine are now learning to kill together rather than to live together. This is creating terrorists big time, long term.

People the world around respect America for its stand for freedom and individual rights. It's time to stop this wag of people "hating us" and against us "because of our values." It's not our values or people, but our Mideast policy they oppose. We need to return to evenhandedness and active negotiations in the Mideast. Then we can begin to win the "war on terrorism" and regain our moral authority in the world.

ATTEMPTS TO OBTAIN ADMINISTRATION MEMORANDUMS

Mr. LEAHY. Mr. President, as we go out of session for the long recess at the end of this week, I am disappointed to report that Congress seems content to let the issue of foreign prisoner abuse linger without effective congressional oversight.

The House Armed Services Committee made it clear weeks ago that it believed the ongoing military investigations into the abuses were sufficient. Until today, the Senate Armed Services Committee had not held a hearing on the prisoner abuse issue in more than a month. Chairman WARNER called a hearing this morning to hear a report on one of the investigations: an assessment of Army detention operation doctrine and training, completed by the Army Inspector General.

Waiting for the administration to investigate itself is not the answer. There are at least four completed and seven ongoing military reviews into the treatment of prisoners held in detention facilities in Iraq, Afghanistan, and Guantanamo Bay. While these reviews are necessary, they fail to address critical issues: What role did White House officials, the Justice Department and other agencies play in developing the policies that allowed these abuses to occur? The military investigations may uncover what went wrong at the bottom of the chain of command, but it will take aggressive congressional oversight to discover what went wrong at the top of the chain.

We need to get to the bottom of this scandal, but we also need to get to the top of it. Only by doing that can we responsibly put it behind us and repair the damage it threatens to our security, to our credibility and to the safety of our troops.

Numerous attempts in Congress to uncover the truth have failed because Republicans have circled the wagons and refused to support oversight efforts. In the past week, Democratic members of the House introduced resolutions requiring the Secretary of State and the Attorney General to turn over all documents related to the treatment of prisoners in Iraq, Afghanistan and Guantanamo Bay. The resolutions failed on straight party-line votes, first on July 15 in the House International Relations Committee, and yesterday in the House Judiciary Committee.

Democratic members of the Senate Judiciary Committee tried to make progress as long ago as June 17, 2004, but the Committee, on a party-line vote, rejected a subpoena resolution for documents relating to the interrogation and treatment of detainees. Since that date, no action has been taken by the Senate Judiciary Committee, despite the clear need to resolve these issues.

In the June 17 Committee meeting, and in subsequent days on the Senate Floor, several Senators said that we should give the administration more time to respond to inquiries, even though some of us had been asking for information for more than a year. Questions were submitted to the Attorney General on June 15, following his appearance before the Committee a week earlier. In the June 8 hearing, the Attorney General refused to provide information and essentially demanded that the Committee issue a subpoena for the requested materials.

On June 17, Democratic Judiciary Committee members were urged to withhold a subpoena and to give the Attorney General until the end of the month to respond. At that time, Chairman HATCH said he believed the administration should comply; he said that it was "the right thing to do." He said that if the administration did not respond by the end of June, then "I may very well vote for a subpoena at that time." That same day, Senator DEWINE said, "I think the administration has to [clarify the policy] and has to release the information that will clarify that." Senator SPECTER said, "I believe that this committee ought to know what the interrogation practices are and I am prepared to pursue them." But all in all, the Republicans asked us to give the Department more time, to wait for the Attorney General to answer our questions.

And then, the Attorney General—through an aide—on July 1, again thumbed his nose at his obligations to the Committee of jurisdiction over the Department of Justice. He refused to provide a comprehensive set of answers to questions submitted by the nine Democratic members of this Committee, he refused to provide almost all of the documents that were requested, and, again, he refused even to provide an index of the documents being withheld. Because of the continued stonewalling by the administration, Congress and its committees of jurisdiction over the Department of Justice remain largely in the dark about these pertinent matters.

Other Senate committees have faced similar obstacles, even when there have been bipartisan requests for information. The Pentagon played games with the Senate Armed Services Committee for seven weeks before showing members the reports on treatment of prisoners in Iraq produced by the International Committee of the Red Cross, ICRC. While such reports are generally not released, the ICRC agreed early on that members of Congress should have access to them on a confidential basis. Members of the House and Senate Armed Services Committees were first shown ICRC reports on Iraq last Wednesday, July 14, after having requested them in early June.

Access to these reports was extremely limited, causing some Members of the House Armed Services Committee to complain that the information was stale and that Pentagon briefers were unable to shed light on the abuses. It is puzzling that Members of Congress—and specifically Members of the committees of jurisdiction—should be treated so incidentally.

The ICRC reports did make an important contribution, however. They apparently confirm that U.S. officials should have been alerted to the prisoner abuse at Abu Ghraib prison months before the Pentagon announced an investigation on January 16, 2004, and before General Taguba was assigned to lead this inquiry on January 31, 2004. According to House members, the ICRC reports alleged serious abuses at Abu Ghraib last fall, a time period that coincides with the point at which U.S. military intelligence reportedly took control of certain cellblocks of Abu Ghraib. In addition to the ICRC reports, the New York Times has reported that in November 2003, a small group of interrogators at Abu Ghraib began sharing allegations of prisoner abuse with senior officers. It is hard to comprehend the administration's apparent failure to respond to the ICRC and to internal military reports of abuse for weeks or months in late fall and early winter.

Some individuals who committed abusive acts are being punished, as they must be. But this issue runs much deeper. What of those who gave the orders, set the tone, or looked the other way? What of the White House and Pentagon lawyers who tried to justify the use of torture in their legal arguments? The White House has now disavowed the analysis contained in the August 1, 2002, Office of Legal Counsel memorandum. That memo, which was sent to the White House Counsel, argued that for acts to rise to the level of torture, they must go on for months or even years, or be so severe as to generate the type of pain that would result from organ failure or even death. The White House and the Department of Justice now call that memo "irrelevant" and "unnecessary" and say that DOJ will spend weeks rewriting its analysis.

A troubling editorial in the July 15 Washington Post charges that several detainees in secret CIA custody have probably been tortured, and that the August 1, 2002, memo was written after those acts occurred in order to justify the acts as legal.

Meanwhile, we continue to hear of more documents. The Department of Justice admitted in the July 1 letter to the Judiciary Committee that it had "given specific advice concerning specific interrogation practices," but would not disclose such advice to members of the Committee, who are duly elected representatives of the people of the United States, as well as members of the committee of oversight for the Department of Justice. USA Today reported on June 28 that the Justice Department issued a memo in August 2002 that "specifically authorized the CIA to use 'waterboarding,'" an interrogation technique that is designed to make a prisoner believe he is suffocating. This memo is reportedly classified and has not been released. According to USA Today: "Initially, the Office of Legal Counsel was assigned the task of approving specific interrogation techniques, but high-ranking Justice Department officials intercepted the CIA request, and the matter was handled by top officials in the Deputy Attorney General's office and Justice's Criminal Division."

While former administration officials grant press interviews and write opinion articles denying wrongdoing, and the White House and Justice Department hold closed briefings for the media to disavow the reasoning of this previously relied upon memoranda and to characterize what happened, Senators of the United States are denied basic information and access to the facts. I would hope that the significance of such unilateralism and arrogance shown to the Congress and to its oversight committees will register with each and every Member of this body.

These memos, which may have governed official action for nearly two years, are of particular concern because so much of what is happening in detention centers remains hidden. In addition to Abu Ghraib in Iraq, Bagram in Afghanistan, and Guantanamo Bay, several shadowy detention centers are operated by the intelligence agencies or possibly the military, some under total secrecy. A report on secret detentions was released on June 17, 2004, by Human Rights First, a non-profit research and advocacy organization formerly called the Lawyers Committee for Human Rights. This report raises many important questions on the issue of foreign prisons. I will ask unanimous consent that the introduction be printed in the RECORD. The report, Ending Secret Detentions, describes a number of officially undisclosed locations that sources—typically unnamed government sources quoted in the press—have described as detention centers for terrorism suspects. These sources have discussed facilities in Iraq, Afghanistan, Pakistan, Jordan, Diego Garcia, and on U.S. war ships. The ICRC has not been allowed to visit these facilities. It issued a public statement in March expressing its growing concern over "the fate of an unknown number of people captured . . . and held in undisclosed locations." To date, its requests for access to the prisons have been denied.

In Iraq, where the Bush administration claims to be following the Geneva Conventions, Human Rights First states that it is unclear if the ICRC has access to all detention facilities in the country. Even if it did, the Secretary of State admitted in June that he had approved requests to hide certain detainees from the International Red Cross.

And what of the secret detention centers? Have these facilities been managed by officials operating under the legal analysis contained in DOJ memos that argue for a very narrow reading of the prohibition on torture? Have they been managed by officials acting in accordance with the President's determination that al-Qaeda and Taliban suspects are not protected by the Geneva Conventions? What is the legal status of these individuals? Even in Iraq, where, as I just mentioned, the administration claims to be applying the Geneva Conventions, there is a great deal of ambiguity. The Human Rights First report describes new categories of prisoners in Iraq, including "security detainees," "high value detainees," and a group of prisoners whose status the Coalition Provisional Authority declined to discuss. These are not categories of prisoners defined in the Geneva Conventions, and without full access given the ICRC, no one can verify the circumstances under which they are being held and interrogated.

The administration can provide a significant amount of information about its practices in handling foreign detainees without jeopardizing national security and while still protecting sensitive information. This should include relevant facts about detention centers, and an accounting of the number of detainees, their nationality, and the legal authority under which each is held. I also restate my longstanding request for the documents produced by the White House, the Justice Department, the Pentagon and other agencies that form the legal basis for this Administration's treatment and interrogation of foreign prisoners.

With his words, President Bush says he wants the whole truth, but with his actions he and his administration instead have cynically blocked the doors that lead to the answers. The American people and the American troops who are put at risk by these policies and abuses need and deserve to understand how this happened, and they need to know it will not happen again. For the sake of our national security interests and our credibility, we need to show the world the right way that a democratic society corrects its mistakes. Thwarting adequate oversight and avoiding accountability will not make this problem go away, it will compound it.

I ask unanimous consent the report to which I referred be printed in the RECORD.

(There being no objection, the material was ordered to be printed in the RECORD, as follows:)

[From Human Rights First, June 2004]

ENDING SECRET DETENTIONS

(By Michael Posner and Deborah Pearlstein)

I. INTRODUCTION

More than 3,000 suspected terrorists have been arrested in many countries. Many others have met a different fate. Put it this way, they're no longer a problem to the United States and our friends and allies. (President George W. Bush, State of the Union Address, February 4, 2003)

In April, the U.S. Supreme Court heard oral arguments in the cases of Jose Padilla and Yaser Hamdi—both U.S. citizens who have been held in military detention facilities for more than two years. One justice wondered aloud how the Court could be sure that government interrogators were not abusing these detainees. You just have to "trust the executive to make the kind of quintessential military judgments that are involved in things like that," said Deputy Solicitor General Paul Clement! Later that evening, CBS's 60 Minutes broadcast the first shocking photographs of U.S. troops torturing Iraqi prisoners at the Abu Ghraib detention center in Iraq.

The photos from Abu Ghraib have made a policy of "trust us" obsolete. But they are only the most visible symptoms of a much larger and more disturbing systemic illness. Since the attacks of September 11, the United States has established a network of detention facilities around the world used to detain thousands of individuals captured in the "war on terrorism." Information about this system—particularly the location of U.S. detention facilities, how many are held within them, on what legal basis they are held, and who has access to the prisoners—emerges in a piecemeal way, if at all, and then largely as a result of the work of investigative reporters and other non-governmental sources. The official secrecy surrounding U.S. practices has made conditions ripe for illegality and abuse.

Several of these facilities, including the U.S. military bases at Guantanamo Bay, Cuba, and at Bagram Air Force Base in Afghanistan, are well known. The existence of these facilities—and the fact of unlawful conduct within them—have been widely publicized and well documented. Nonetheless, there is still no or only conflicting information about how many individuals are held there, troubling information about inadequate provision of notice to families about the fact of detainees' capture and condition, and unclear or conflicting statements about detainees' legal status and rights. While the International Committee of the Red Cross (ICRC) has visited these facilities, their visits have been undermined in ways contrary to the letter and spirit of binding law.

In addition, there are detention facilities that multiple sources have reported are maintained by the United States in various officially undisclosed locations, including facilities in Iraq, Afghanistan, Pakistan, Jordan, on the British possession of Diego Garcia, and on U.S. war ships at sea. U.S. Government officials have alluded to detention facilities in undisclosed locations, declining to deny their existence or refusing to comment on reports of their existence.[3] A Department of Defense official told Human Rights First in June 2004 that while Abu Ghraib and Guantanamo's Camp Echo were open to discussion, "as a matter of policy, we don't comment on other facilities.[4] Similarly, Captain Bruce Frame, a U.S. army spokesman from CENTCOM, the unified military command that covers Africa, the Middle East, and Central Asia, told Human Rights First only that there "may or may not" be detention centers in countries other than Iraq and Afghanistan in CENTCOM's area of responsibility.[5]

THE KNOWN UNKNOWNS

What is unknown about this detention system still outweighs what is known about it. But facilities within it share in common key features that—while having unclear benefits in the nation's struggle against terrorism—make inappropriate detention and abuse not only likely, but virtually inevitable.

First, each of these facilities is maintained in either partial or total secrecy. For the past half-century, the United States has considered itself bound by international treaties and U.S. military regulations that prohibit such blanket operating secrecy. Yet in this conflict, the ICRC—which the United States has long respected as a positive force in upholding international humanitarian law—has repeatedly sought and been denied access to these facilities.[6] As the ICRC recently noted in a public statement:

> Beyond Bagram and Guantanamo Bay, the ICRC is increasingly concerned about the fate of an unknown number of people captured as part of the so-called global war on terror and held in undisclosed locations. For the ICRC, obtaining information on these detainees and access to them is an important humanitarian priority and a logical continuation of its current detention work in Bagram and Guantanamo Bay.[7]

Indeed, Human Rights First has been unable to identify any official list of U.S. detention facilities abroad employed in the course of the "war on terrorism." There is likewise no public accounting of how many are detained or for what reason they are held. And there has been a disturbing absence of serious congressional oversight of both known and undisclosed detention facilities.[8]

Second, these facilities have thrived in an environment in which the highest levels of U.S. civilian leadership have sought legal opinions aimed at circumventing the application of domestic and international rules governing arrest and detention. Where it would have once seemed crystal clear to military commanders and on-the-ground military custodians alike that the Geneva Conventions governed the arrest and detention of individuals caught up in the conflicts in Iraq and Afghanistan, this Administration has challenged the applicability of those rules. In several recently leaked legal opinions from White House Counsel, and the Departments of Defense and Justice, it has become clear that some in the Administration have given a green light to the wholesale violation of these rules.[9]

As a result, it remains unclear what legal status has been assigned to those being detained at these U.S.-controlled facilities. Are they prisoners of war, civilians who took a direct part in hostilities (who the Administration calls "unlawful combatants"), or are they suspected of criminal violations under civilian law? The Administration has applied no clear system for defining their status. It also is unclear under many circumstances which U.S. agency is ultimately responsible for their arrest or the conditions of their confinement. And it now seems that U.S. military and intelligence agencies are involved in their interrogation, as well as civilian or foreign government contractors to whom aspects of detention and interrogation has been outsourced. It is likewise unclear to whom a family member or legal representative can appeal to challenge the basis for their continued detention.

Finally, the U.S. government has failed to provide prompt notice to families of those captured that their family member is in custody, much less information about their health or whereabouts. In such cases, the families of individuals removed to such unknown locations have had no opportunity to challenge detentions that may continue for extended periods.[10] For example, Saifullah Paracha, according to information his family received from the ICRC, has been detained at Bagram Air Force Base for more than 11 months. His wife and children remain in the dark, not only of the reason for his detention, but also when they can expect Mr. Paracha to be released or tried.[11] Other individuals captured more than a year ago remain in detention at other undisclosed locations.[12] The lack of information to family members about these detainees violates U.S. legal obligations and sets a negative precedent for treatment that may be directed at U.S. soldiers in the future. It also engenders great anguish and suffering on the part of the families of detainees—no less than did the practice of "forcible disappearance" in past decades—while engendering enormous hostility toward the United States.

IN THE INTEREST OF NATIONAL SECURITY

The Administration has argued that, faced with the unprecedented security threat posed by terrorist groups "of global reach,"[13] it has had to resort to preventive detention and interrogation of those suspected to have information about possible terrorist attacks. According to the Defense and Justice Departments, a key purpose of these indefinite detentions is to promote national security by developing detainees as sources of intelligence. And while much of what goes on at these detention facilities is steeped in secrecy, intelligence agents insist that "[w]e're getting great info almost every day."[14]

Whatever the value of intelligence information obtained in these facilities—and there is reason to doubt the reliability of intelligence information gained only in the course of prolonged incommunicado detention[15]—there is no legal or practical justification for refusing to report comprehensively on the number and location of these detainees—or to fail to provide the identities of detainees to the ICRC, detainees' families, their counsel, or to others having a legitimate interest in the information (unless a wish to the contrary has been manifested by the persons concerned).

The United States is of course within its power to ask questions and to cultivate local sources of information. And the United States certainly has the power to detain—in keeping with its authority under the Constitution and applicable international law—those who are actively engaged in hostilities against the United States, or those suspected of committing or conspiring to commit acts against the law. But it does not have the power to establish a secret system of offshore prisons beyond the reach of supervision, accountability, or law.

Finally, even if some valuable information is being obtained, there are standards on the treatment of prisoners that cannot be set aside. The United States was founded on a core set of beliefs that have served the nation very well over two centuries. Among the most basic of these beliefs is that torture and other cruel, inhuman or degrading treatment is wrong; arbitrary detention is an instrument of tyranny; and no use of government power should go unchecked. The refusal to disclose the identity of detainees, prolonged incommunicado detention, the use of secret detention centers, and the exclusion of judicial or ICRC oversight combine to remove fundamental safeguards against torture and ill-treatment and arbitrary detention. Current practices which violate these principles must be stopped immediately.

The abuses at Abu Ghraib underscore the reason why, since the United States' founding, Americans have rejected the idea of a government left to its own devices and acting on good faith in favor of a government based on checks and balances and anchored to the rule of law. As James Madison noted, "[a] popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or Tragedy."[16] This nation's history has repeatedly taught the value of public debate and discourse. To cite one example, the United States learned this 30 years ago when a series of congressional investigations uncovered widespread, secret domestic spying by the CIA, NSA, FBI, and the Army—revelations whose impact on the intelligence agencies was, in former CIA Director Stansfield Turner's words, "devastating."[17]

We should be clear—the United States has important and legitimate interests in gathering intelligence information and in keeping some of this information secret. But we are not demanding the public release of any information that would compromise these interests. What we are calling for is an official accounting—to Congress and to the ICRC—of the number, nationality, legal status, and place of detention of all those the United States currently holds. We ask that all of these places of detention be acknowledged and open to inspection by the ICRC, and that the names of all detainees be made available promptly to the ICRC and to others with a legitimate interest in this information. Neither logic nor law supports the continued withholding of the most basic information about the United States' global system of secret detention. Trust is plainly no longer enough.

RETIREMENT OF VICE ADMIRAL GORDON S. HOLDER, UNITED STATES NAVY

Mr. NELSON of Florida. Mr. President, I rise today to recognize a great patriot, sailor and fellow Floridian, VADM Gordon S. Holder. Vice Admiral Holder is retiring after a distinguished 36-year career in the United States Navy.

Gordon Holder entered naval service in 1968 after graduating from Florida State, University in Tallahassee and completion of the Officer Candidate School in Newport RI. Since then he as served with distinction in peace and war in a variety of command and staff positions on shore and at sea.

Vice Admiral Holder's illustrious career includes sea duty on the USS *William C. Lawe* (DD 763) as First Lieutenant and Combat Information Center Officer, USS *Brumby* (DE 1044) as Operations Officer, USS *Boulder* (LST 1190) as Chief Engineer, and USS *Hermitage* (LSD 34) as Executive Officer. His first command at sea was USS *Inflict* (MSO 456), with subsequent commanding officer afloat tours in USS *Whidbey Island* (LSD 41) and USS *Austin* (LPD 4). He has also served staff tours with Commander Seventh Fleet and Commander Naval Forces, U.S. Central Command as Fleet Exercises and Amphibious Warfare Officer, and with Amphibious Group Two as Assistant Chief of Staff for Operations and Plans.

Shore tours include Aide to the Commandant Sixth Naval District and Commander Naval Base Charleston, Company Officer and Special Assistant to the Commandant, U.S. Naval Academy, and Assistant Surface Commander Assignments Officer, Naval Military Personnel Command. In 1980, Vice Admiral Holder graduated with distinction from the Air Command and Staff College at Air University, Montgomery, AL.

Vice Admiral Holder was selected for promotion to flag rank in December 1993 and has served as Commander Naval Surface Group Middle Pacific and Commander Naval Base Pearl Harbor, Commander Naval Doctrine Command, Commander Amphibious Group Two, and Commander, Military Sealift Command.

Vice Admiral Holder assumed his current duties as Director for Logistics on the Joint Staff on September 4, 2001 just one week prior to the fateful attacks on U.S. soil. In this capacity he has worked tirelessly and with great success to plan, organize and direct the massive logistics effort of the nation in support of our Armed Forces in the global war on terrorism, including successful combat operations in Afghanistan and Iraq. At the same time, he has been instrumental in guiding the transformation of military logistics to a true 21st century structure that links industry, supply, transportation, maintenance and management systems capable of supporting our forces around the globe. Vice Admiral Holder has had direct and far-reaching influence on numerous policies, programs and operations that support our soldiers, sailors, airmen and marines, including, most notably the rotation of forces in Operation Iraqi Freedom, the largest movement of American forces since World War II.

I ask my colleagues to join me in thanking Vice Admiral Holder for the leadership he has provided, for the care and concern he has demonstrated for our service members and their families and for his dedicated and honorable service to our Nation and Navy. As he turns to retired life, we wish him, his wife Pat and family Godspeed and all the best in the future.

NATIONAL HEALTH INFORMATION TECHNOLOGY ADOPTION ACT

Mr. BUNNING. Mr. President, I would like to rise today to talk for a few minutes about a bill I am cosponsoring, the National Health Information Technology Adoption Act, S. 2710. This bill, introduced yesterday by Senator GREGG, chairman of the Senate Health, Education, Labor and Pensions Committee, takes an important step forward in bringing our Nation's medical system into the 21st century.

In today's society, it seems that almost everything is computerized and on-line. You can pay your bills on-line, order your groceries on-line, and even file your taxes on-line. However, for the most part, medical records are still on paper and in files. This means these records are uneasily shared between doctors treating the same patient or are not readily available during an emergency.

Earlier this year, the Bush administration made computerizing the Nation's medical record and building a nationwide health network a priority. Yesterday, Health and Human Services Secretary Tommy Thompson released a 10-year plan for doing just that.

S. 2710 is similar to the administration's plan and takes some immediate steps to start fulfilling this goal, including establishing an official office at the Department of Health and Human Services to coordinate health information technology at the national level. The bill also provides assistance to local communities linking their health care systems, along with providing grants for purchasing health information technology.

Creating a safe, secure and reliable system for medical records won't be easy, but if done properly, it could help health care providers reduce medical errors and provide better care to their patients. We could also see a substantial savings in administrative costs which will help lower health care costs for everyone.

S. 2710 is a good first step, and I am proud to be a co-sponsor. I am hopeful that the members of the Senate Committee on Health, Education, Labor and Pensions can work together to pass this bill soon, and that we can get it to the President's desk by the end of the year.

LABOR-HHS APPROPRIATIONS

Mr. GREGG. Mr. President, the Senate will soon have the opportunity to consider the 2005 Labor-Health and Human Services Appropriations bill recently passed the House. Included in that bill is a provision that would divert $500,000 in funding from the Office of the General Counsel at the Food and Drug Administration—FDA. As chairman of the committee with oversight over the FDA, I believe that such a provision is not only misguided, but based upon a flawed understanding of both the Agency and the facts.

According to the sponsors of this provision, such a punitive measure is warranted because the current Chief Counsel, Dan Troy, is taking the Agency "in a radical new direction" by filing amicus curiae briefs in product liability cases. Sponsors of this provision also claim that Mr. Troy's involvement in one such case is suspect because it involved Pfizer, a client of Mr. Troy's when he was with the law firm of Wiley, Rein & Fielding. Such charges are patently without merit, and I would like to take this opportunity to set the record straight.

First, Mr. Troy has not broken any new ground by having the FDA interject in product liability cases on the side of a defendants without the court requesting the Agency's position. I have here a letter addressed to me from five former FDA chief counsels—two of which are Democrats—affirming that Mr. Troy's actions are neither "radical" nor "novel." I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 21, 2004.

Re Hinchey Amendment to cut $500,000 from the appropriations for the FDA Office of Chief Counsel

Hon. JUDD GREGG,
Chairman, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG: The undersigned comprise all of the former Chief Counsel to the Food and Drug Administration (in both Republican and Democratic Administrations), except for one who is currently an attorney in the Office of the General Counsel of the Department of Health and Human Services. We are writing to recommend reconsideration of the amendment to the FDA appropriations bill by Representative Hinchey of New York on the floor of the House of Representatives, which would reduce the appropriation for the FDA Office of Chief Counsel by $500,000 and would increase the appropriation for the Division of Drug Marketing, Advertising, and Communications in the FDA Center for Drug Evaluation and Research by a corresponding amount. We support additional funds for the Division of Drug Marketing, but we believe that the reduction of the appropriation for the Office of Chief Counsel and Representative Hinchey's reasons for penalizing that Office cannot be supported.

FDA's Office of Chief Counsel performs critical functions in the administration and enforcement of the Federal Food, Drug, and Cosmetic Act and other laws administered by FDA. The substantial reduction in the funding of that Office, therefore, would materially impair its ability to meet the needs of its client, FDA. Such impairment would be contrary to the public interest.

Representative Hinchey's reasons for penalizing the Office of Chief Counsel and criticizing FDA Chief Counsel Daniel E. Troy are set forth in the House Debate on the FDA appropriations legislation as reported in 150 Cong. Rec. H5598–H5599 (July 13, 2004). Representative Hinchey states that Mr. Troy "has taken the agency in a radical new direction" by submitting amicus curiae briefs in cases in which courts have been asked to require labeling for pharmaceutical products that conflicts with FDA decisions about appropriate labeling for those products. Representative Hinchey characterizes this activity as a "pattern of collusion between the FDA and the drug companies and medical device companies" in a way that has "never happened before."

These characterizations are inaccurate.

In Weinberger v. Bentex Pharmaceuticals, Inc., 412 U.S. 645 (1973), the Supreme Court agreed with the briefs filed by the Department of Justice on behalf of FDA that the agency has primary jurisdiction over new drug issues. In Jones v. Rath Packing Co., 425 U.S. 933 (1977), the FDA took the position in an amicus curiae brief submitted by the Department of Justice that federal food labeling requirements preempt inconsistent state requirements, and the Supreme Court agreed. In subsequent private tort litigation, FDA has taken the position, through amicus curiae briefs filed by the Department of Justice, that FDA decisions regarding drug product labeling and related issues preempt inconsistent state court determinations, and the courts have agreed. E.g., Bernhardt v. Pfizer, Inc., 2000 U.S. Dist. Lexis 16963 (November 16, 2000); Eli Lilly & Co. v. Marshall, 850 S.W. 2d 164 (Texas 1993). All of this was to protect a uniform national system of food and drug law. All of it occurred before Mr. Troy assumed his current position. In none of these cases did any court request FDA's opinion. Thus, there is ample precedent for the actions that Mr. Troy has recently been undertaking. His action is not radical or even novel.

The amicus curiae briefs filed by the Department of Justice at the request of Mr. Troy protect FDA's jurisdiction and the integrity of the federal regulatory process. There is a greater need for FDA intervention today because plaintiffs in courts are intruding more heavily on FDA's primary jurisdiction then ever before. In our judgment, Mr. Troy's actions are in the best interests of the consuming public and FDA. If every state judge and jury could fashion their own labeling requirements for drugs and medical devices, there would be regulatory chaos for these two industries that are so vital to the public health, and FDA's ability to advance the public health by allocating scarce space in product labeling to the most important information would be seriously eroded. By assuring FDA's primary jurisdiction over these matters, Mr. Troy is establishing a sound policy of national decisions that promote the public health and, thus, the public interest.

We therefore recommend that the $500,000 cut from the appropriations for the FDA Office of Chief Counsel be restored.

Sincerely yours,

PETER BARTON HUTT (1972–1975).
RICHARD A. MERRILL (1975–1977).
RICHARD M. COOPER (1977–1979).
NANCY L. BUC (1980–1981).
THOMAS SCARLETT (1981–1989).

Mr. GREGG. Mr. President, second, as stated in the letter from the five former FDA chief counsels, the FDA has been filing amicus briefs for such purposes since long before Mr. Troy's tenure. Mr. Troy is responsible for safeguarding the FDA's ability to carry out the responsibilities Congress has given the Agency, and his interest in those cases has been to preserve the FDA's authority and to safeguard the Agency's primary jurisdiction.

Finally, if Mr. Troy's previous work for a client—in this case Pfizer—automatically precluded him from representing a federal agency in any matter affecting that client, such a policy would not only discourage, but make it extremely difficult for any private sector attorney from taking a job in government. Additionally, I know from personal experience that Mr. Troy has the character and the integrity to recuse himself from a matter when appropriate. On at least one occasion in which my office was required to interact with the FDA, Mr. Troy recused himself from involvement in the matter, citing his interest in complying strictly with FDA rules.

Mr. Troy's actions are neither inappropriate nor unprecedented. Rather, these are examples of Mr. Troy doing his job and enforcing the law. I urge my colleagues to carefully consider these facts before supporting any provision, such as this one, that would undermine the FDA's ability to protect the public health and patient access to safe and effective life-saving therapies.

AVIATION SECURITY

Mr. HOLLINGS. Mr. President, the 9/11 Commission released its report today on the events leading up to 9/11, and the security failures that precipitated this tragedy. The Senate Commerce Committee has spent a great deal of its time and attention on aviation security over the years. I have served in the U.S. Senate for more than 38 years. This institution can be slow to make decisions, but when needed, this body can move quickly and effectively. After 9/11, we acted immediately to create the Transportation Security Administration in an effort to force real change in our aviation security regime. Fast action to bolster our Nation's aviation security was critical to restore the trust of travelers in an air transportation system that was on the verge of collapse.

Congress has often acted decisively during the deliberation of aviation security issues. For example, following the work of a prior presidential commission, a bipartisan group, led on the Senate side by Senator LAUTENBERG and former Senator D'Amato, investigated the 1998 destruction of Pan Am Flight 103 over Lockerbie, Scotland, and made numerous recommendations. We took up and passed many of them as part of the Aviation Security and Improvement Act, P.L. 101–604. I also was in the Senate as a wave of hijacking to Cuba in the late 1960s and early 1970s led to the wide use of metal detectors at commercial airports.

Unfortunatley, the current threat to security is a more sophisticated one, and one that has forced our government to change the way we deal with security in general. Prior to 9/11, we had a poorly paid screener workforce, with a high turnover rate. Post 9/11, we have a better trained, better paid workforce with a relatively low turnover rate. Some, however, want to turn back the clock. We cannot let that happen.

Even prior to 9/11, there are indicators that FAA was concerned with a number of events around the world regarding hijackings. Following Pan Am 103, we pushed to put bomb detection equipment in airports, but until TWA 800 blew up over Long Island in July of 1996, there was no real effort to fund aviation security.

Today TSA is spending $5.3 billion annually on all transportation security, and it is not enough. We have underfunded capital construction at airports, causing a delay in the installation of Explosive Detection Systems. We have a cap on the number of security screeners that can be hired, causing huge lines at many of our airports because we will not provide the money needed to do the job right. But aviation, comparatively, is in far better shape than maritime and rail—areas that are woefully underfunded. I have made this point to the new head of TSA, Admiral Stone, but it is OMB and the administration that are stonewalling the security funding. Simple as that.

With all we know about the threats, one would think that we would be able to fully fund our security needs, but OMB continues to play the types of games it plays with all agencies. Look at our Homeland Security Appropriations bill—no direction on how funds need to be allocated or which areas need greater attention. We have given the administration a blank check to spend the money on programs it believes will protect us, but it is not enough. If we keep refusing to take the proper actions to improve our transportation security, I am afraid that we will find ourselves once again responding to a national tragedy that could have been stopped with the proper actions and preparation.

I ask unanimous consent to print a New York Times editorial on aviation security in the RECORD, as well as a memorandum detailing hijackings from 1983 to 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 11, 2004]

A Dangerous Retreat on Security

Bashing federal bureaucracies is a favorite sport among Republicans on Capitol Hill, but their fun should not come at the expense of national security. That is what is likely to happen if airport security checkpoints are once again turned over to profit-driven private contractors. Under a little noticed provision of the post-9/11 aviation security law that would undoubtedly shock most travelers, airports may soon have that option.

Air travelers find it reassuring that federal employees now guard the front lines in the war on terror, which makes it all the more surreal that a Sept. 10 mind-set could still persist on Capitol Hill. The Bush administration and House Republican leaders initially opposed the creation of the federal Transportation Security Administration after the 2001 terrorist attacks, arguing that private contractors should continue screening passengers. They gave in to the public demand for a federal takeover, but they made sure to plant the seeds of the effort's rollback. They set an arbitrary cap on the number of federal screeners and set up a pilot program of five airports that would continue being served by private companies, though their screeners have to meet the agency's standards and are paid the same.

Republican leaders are loath to see the federal government grow on their watch, and security industry lobbyists are eager to get a larger slice of the billions being spent to protect air travelers. So both want to see the pilot program expanded. Under the 2001 law, individual airports will be able to apply to opt out of the federal system later this year, and rely on private contractors overseen by the T.S.A.

None of this makes any sense. It has taken a herculean effort to deploy the agency's tens of thousands of officers at more than 400 airports in two years. The agency has vastly improved airport security, without perfecting it, and is still making progress.

It's true that the security provided by private firms at San Francisco and four lesser airports is a far cry from the lax pre–9/11 standard. Studies claim it is no better or worse than the security provided by the T.S.A. But that has been in a period when the federal agency was just getting up to speed, and when companies knew they were essentially on probation.

To privatize security at a time of growing complacency would be a dangerous step back. Air travelers do not want to see airports compromise security for the sake of convenience, or federal standards for the sake of profit margins.

Special Analysis—Civil Aviation Incidents in the United States, 1983–1992

This report is an ACI–200 analysis of 36 incidents involving the hijacking or commandeering of aircraft, which occurred in the United States and Puerto Rico between January 1, 1983 and October 1, 1992. The most recent of these incidents took place in February 1991. Twenty-nine of the incidents were hijackings, six were commandeerings, and one was a potential hijacking that was prevented at a security checkpoint. The purpose of this review is to determine what elements, if any, were common to these events. Incidents involving general aviation aircraft are not included in this report.

HIJACKER WEAPONS AND EXPLOSIVES

Persons who hijacked aircraft used a variety of methods, including the use and/or claim of real or fake weapons, explosive devices, or incendiary devices. In some instances, more that one method was used in a single incident.

Real weapons were used during five hijackings. Small knives (blade length of four inches or less), the most frequently employed weapon to hijack aircraft, were used in three incidents. One of these involved three persons using two knives. A handgun, a small pistol of unknown caliber, was used in only one hijacking. This incident involved an escorted prisoner who disarmed his three guards after he obtained a weapon apparently cached in the aircraft's lavatory by persons and means unknown. A plastic flare gun was used in another hijacking.

Flammable liquids (or liquids claimed to be flammable) were used in seven hijacking incidents. Hijackers threatened to ignite liquids in bottles or aerosol hair spray-type cans with cigarette lighters, candles, or matches. Fake explosive devices were displayed in ten incidents and explosive devices were claimed in eight others. Fake weapons, including a starter pistol and a realistic looking toy pistol, were used in three hijackings and weapons were claimed in two others. One hijacker neither used nor claimed a weapon or explosive device. None of the hijacking incidents involved the use of an actual explosive device.

Except for the escorted prisoner who had been searched, all of the individuals who used real weapons to effect a hijacking went through preboard screening procedures at airport security checkpoints. Weapons were usually hidden in carry-on luggage or on the hijacker. The hijacker who used a starter pistol to effect his act passed it through screening in carryon luggage. He also had a pair of scissors and two knives in his carry-on, but these were well within acceptable standards of the time and were not used in the hijacking. Although it does not appear that there were any especially intricate attempts at concealment, a cassette radio was reportedly used to hide a knife in one incident.

A potential hijacking was prevented when two individuals were arrested before the aircraft became airborne. Three individuals who had aroused suspicion prior to boarding their flight were searched at the security checkpoint. One person passed through the checkpoint and went on into the aircraft; however, one of his accomplices was found to have a plastic flask of gasoline strapped to his leg. The first individual was again searched and was found to have a toy pistol as well as a flask of gasoline. Their accomplice was not caught.

COMMANDEERINGS

Real weapons—two knives, two handguns, and a fire ax—were used in five commandeering incidents, and a fake explosive device was used in a sixth. Although access was gained to aircraft in five incidents, a ticketed passenger was involved in only one. None of the aircraft that were commandeered became airborne, and the situations were resolved through negotiations and/or arrests.

Two commandeering incidents involved persons who went through preboard screening. In one incident, an individual had a fishing knife in his carry-on luggage. Although he had no ticket, he realized from observing the screening procedure that he did not need one to enter the sterile area. Once through the security checkpoint, he ran past a gate attendant during boarding and on to a jetway where he used his knife to force his way into the aircraft. The second incident involved a ticketed passenger who, upon boarding his flight, displayed a device consisting of wires and an electrical switch.

Persons who circumvented security checkpoints were involved in three commandeering incidents. Security procedures were observed by the suspects in two of these. One individual, who after watching screening procedures realized she would not be able to pass her handgun through the checkpoint, determined that she could walk quickly past security personnel via the passenger exit ramp; the other individual waited until deplaning passengers caused an automatic door to open. Both of these persons brandished handguns (.22 and .25 caliber) when challenged, and each was able to access an aircraft. In a third incident, an individual grabbed a knife at a food concession area. He ran past a security checkpoint to the door of the aircraft, which was closed, and was thus prevented from gaining access to the plane.

One commandeering incident also involved a passenger who had been deplaned and was already in the sterile area. He broke through an alarmed door and gained access to the Air Operations Area. He then entered an aircraft being serviced and held several crew members hostage with a fire ax he found on board.

MENTAL DISORDERS

Nine of the 36 incidents (25%) were committed by persons who were diagnosed as either being mentally incompetent to stand trial or suffering from various mental disorders. For example, charges were dismissed against the ticketed passenger who displayed a fake explosive device upon boarding the aircraft because he was determined to be suffering from a mental disorder. In another situation, the individual who held hostages aboard an aircraft with a fire ax was suffering from a mental disorder; he committed his act because he believed "Mafia hit men" were about to kill him.

Real weapons were used in three incidents by persons suffering a mental disorder; two had handguns, and one person obtained a fire ax on board in aircraft. Security measures were circumvented on two occasions. One hijacker suffering a mental disorder used a fake weapon, a starter pistol, but also bad a pair of scissors and two knives in his carry-on luggage.

Five of the nine incidents that involved persons suffering mental disorders were hijackings, and four were commandeerings. Claims of explosives or weapons occurred in three incidents. Fake explosive devices were displayed in two incidents; in one of these, the hijacker displayed a fake device but had a two liter soda bottle filled with gasoline, which he apparently had intended to use, in baggage he was made to check.

Specific destinations were given in five of the situations involving persons with mental disorders. In one commandeering incident, the individual wanted to take control of the aircraft and immediately crash it in order to commit suicide.

HIJACKINGS TO CUBA

Cuba was the destination of choice in 22 of the 29 hijackings since January 1983. Fourteen of the first 16 flights hijacked to Cuba, between May 1, 1983, and December 31, 1984, actually landed in Havana. No flights have successfully been hijacked to Cuba since.

Of the 14 hijackings that ended in Cuba, real weapons were used in three. A flare gun was used in one incident, a handgun was used by the escorted prisoner in another, and a knife and aerosol spray can was used in the third incident. Fake explosive devices were displayed in six incidents; two of these were used in combination with a claim of a flammable liquid and/or a fake weapon. Two hijackers also claimed to possess an explosive device. Incendiary devices were claimed in six incidents, sometimes in connection with the use of other devices or claims. In one such incident, the hijacker poured a liquid that smelled like gasoline or kerosene on himself and his seat and then sat holding a lit candle.

Eight of the hijacked flights did not divert to Cuba. A real weapon, a knife, were used in just one of these incidents. Another incident involved the use of a fake weapon (starter pistol) and a claim of explosives. Fake explosive devices were exclusively claimed in one incident and used in three others, once with a claim of a flammable liquid. A weapon was alleged in one incident, and one incident occurred in which neither a device nor a weapon was used or claimed.

Many of the hijackers who sought to go to Cuba had arrived in the United States during the Mariel Boatlift in the early 1980s and wanted to return. Their motivations included homesickness, financial problems, discouragement, and a desire to see family or sick relatives. These individuals usually spoke and understood only Spanish. Several hijackers, however, were non-Cubans who committed their acts for political reasons, that is, to escape the United States and/or find support for the "revolution." Some of the hijackers who wanted to go to Cuba, furthermore, suffered from mental disorders.

Most, if not all, of the hijackers who landed in Cuba were arrested and subsequently tried, convicted, and sentenced to prison. This fact was widely publicized in the United States and may have been a factor in a sharp drop in the number of subsequent hijackings to Cuba (17 between May 1983 and January 1985, and one each year from 1987 through 1991).

OTHER HIJACKINGS

Of the seven hijackings in which Cuba was not given as a destination, two aircraft landed where the hijacker demanded and the others continued on course. The hijackers used fake explosive devices in two incidents, claimed explosives in three, and claimed weapons in two. Real weapons were not used in these incidents.

MULTIPLE HIJACKERS

Only three of the 36 incidents involved more than one person. Two of these were hijackings, neither of which was especially sophisticated, and the third was a potential hijacking that was prevented at the security checkpoint. None of the commandeering incidents involved more than one person.

In one incident, a hijacker produced a bottle of liquid that smelled like gasoline and locked himself in the rear lavatory, while an accomplice went to the forward galley holding a device that was later determined to be fake. The two hijackers were seated one row apart. The second incident occurred when a passenger in the aft galley grabbed a flight attendant and held a knife to her throat. At the same time, two accomplices arose from their seats; one held a knife and the other a can of aerosol spray and a cigarette lighter. The potential hijacking involved the two individuals detected with flasks of gasoline tied to their legs. One person had passed through the security checkpoint and was on board the aircraft when his accomplice was stopped at the checkpoint. The first individual was again searched and was found to have a toy pistol in addition to the flask of gasoline. Both individuals stated that a third person who was with them, and who was not caught, paid them to transport the devices.

One other incident occurred in which a hijacker was supposed to have accomplices. He and three others had planned to commit the hijacking, but, unknown to him, the others did not board the flight after one had been detected with a knife at the security checkpoint. It was only after the hijacker rose from his seat and announced his demand to go to Cuba that he realized he was alone.

OTHER FACTS

Only two of the individuals involved in the 36 incidents were females. One woman successfully hijacked a flight to Cuba using a plastic flare gun, and the other ran past a security checkpoint with a handgun, gained access to an aircraft, and held several hostages before being arrested. This second individual was determined to be suffering from a mental disorder.

Many of the individuals involved in the hijackings had purchased flight tickets paid for in cash. More often than not, these were same-day purchases of one-way, economy class tickets. A few of the hijackers remained in their assigned seats throughout the incident. More than half of the hijackings were initiated by the hijacker either notifying a flight attendant orally or in writing, or by physically accosting a crew member. Several hijackers simply stood up and announced their act, and a few locked themselves in a lavatory. A few also created disturbances, such as pouring liquid on themselves or their surroundings and threatening to ignite it. There is evidence of preplanning in all but one of the incidents. Finally, there are no indications that any hijackers were familiar with the operation of an aircraft.

ANALYSIS

During the past nine years, several elements common, to the 36 hijackings and commandeering incidents in the U.S. are evident: Generally only one person was involved in each incident; one-fourth of all suspects were suffering from some form of mental disorder; international terrorists were not involved in any of the incidents; most incidents were preplanned acts rather than spur of the moment decisions; actual explosive devices were not used; hijackers frequently claimed to possess explosive or incendiary devices; actual weapons were used more frequently during commandeering incidents than in hijacking situations; many of the perpetrators simply wanted to go somewhere for a variety of economic, social, or family reasons, and either could not afford a ticket or had no other means of transport; and there were no deaths to passengers or aircraft crew members.

Many of the incidents occurred either within the sterile area or on board aircraft. Although security procedures at screening checkpoints do not appear to have been at fault in the majority of these cases, some security failures did occur. Actual weapons were taken through screening checkpoints in six incidents. Small knives were used in three hijackings, a plastic flare gun in one incident, and a handgun in another. A small fishing knife was used in a commandeering incident. Fake weapons, a realistic looking toy pistol and a starter pistol, were used in three hijackings.

Several hijackings were committed with common, innocuous-looking items. More than one-third of these incidents were committed by persons carrying hoax explosive devices, for example, a pump toothpaste container attached to a flashlight, a large chalice-like cup, and a cellular telephone. Threats were also made to ignite gasses in aerosol cans or flammable liquids (as claimed) in bottles and flasks in some incidents.

There were, however, some security successes. One hijacking was prevented at a security checkpoint and another did not take place as planned. The first incident involved the two individuals each of whom had a flask of flammable liquid tied to his leg. In the second incident, the discovery of a knife at a checkpoint resulted in the boarding of only one of four persons who planned to hijack the aircraft to Cuba.

At the same time that these types of incidents were taking place in the United States, a different kind of aircraft hijacking was occurring in other parts of the world. These incidents, some of which involved U.S. registered carriers, were noteworthy because of their complexity, duration, and deadliness. They include the hijackings of Trans World Airways Flight 847 and Kuwaiti Air Flight 422, which involved multiple and often zealous, well-armed, well-trained, and disciplined hijackers. Unlike their contemporary U.S. counterparts, these individuals often demonstrated a willingness to die rather than fail and to kill others if their demands, which were frequently politically-motivated, were not met. In many instances, passengers were killed as a result of the actions of such hijackers.

Why such incidents did not occur in the United States during the past nine years is a matter of conjecture. Many theories have been advanced, including logistical and operational problems for international terrorists, non-interest by U.S. domestic terrorist groups, and difficulties (or perceived difficulties) in accessing targets. It should not be presupposed from this, however, that such hijackings will never occur in the U.S. Politically motivated hijackings by multiple hijackers have, in fact, taken place in the U.S., but not within the past 9 years.

During the past nine years, hijackers in the United States have acted in striking contrast to some of their more noteworthy international counterparts. They usually have not been motivated by the same political forces, such as the freeing of political prisoners or providing publicity for a cause, and they have not exhibited the lame propensity to die and kill others rather than fail.

The fact that handguns were seldom used and actual explosive devices never used in domestic hijackings during the past nine years is interesting, but it should not be assumed that future hijackers will act similarly. It is not known why this occurred; it may be a reflection of either better screening procedures or a perception that it is too difficult to pass a gun on board an aircraft. Since several small knives and other items, such as a pair of scissors and a starter pistol, were successfully passed through screening checkpoints in a carry-on bag, however, the system is not infallible.

Although most U.S. hijackings during the past nine years were committed by persons acting alone, it should not be assumed that future incidents will follow this format. If there are accomplices, however, they will likely identify themselves in the beginning of the incident rather than remain hidden. Based on past experiences, the hijacker(s) may possess ore or more weapons or a flammable liquid, a fact which they likely will make known, or they may claim to possess an explosive device.

Hijackings should be taken seriously unless it is obvious that there is no threat or danger. It is often difficult to determine if a claimed weapon, explosive device, or incendiary device is real. The hijacker(s) should be given the benefit of the doubt until circumstances prove otherwise.

NATIONAL PURPLE HEART RECOGNITION DAY

Mr. DURBIN. Mr. President, I am in support of S. Con. Res. 112 which supports the goals and ideals of National Purple Heart Recognition Day. This award was created by General George Washington, who established the Honorary Badge of Distinction in the figure of a heart in purple cloth or silk on August 7, 1782. Since that time, more than 1,535,000 Americans have received Purple Hearts, and their numbers are growing daily as the war in Iraq continues to take its toll.

Over 5,000 Americans have been wounded in Iraq, many of them suffering horrific injuries. One such American is SP Gabe Garriga, one of my constituents. Specialist Garriga volunteered for the Illinois National Guard right after September 11, when he was just 17 years old, because he felt obligated to go and make a difference.

In the summer of 2003, his unit was deployed to Iraq. On July 14, 2003, Specialist Garriga was rushing to help defend a checkpoint in Baghdad. The checkpoint had been breached by an Iraqi car that sped through without stopping, and U.S. soldiers feared that this was yet another suicide bomber. In the rush to defend the checkpoint, Garriga's Humvee slammed into another Humvee and he was thrown from his gun turret directly into burning fuel canisters.

The wounds this young man suffered were absolutely horrendous. He had second and third degree burns over almost half his body and severe abdominal injuries. Doctors gave him a 1 percent chance for survival, but he beat those daunting odds.

Specialist Garriga deserves everything this Nation can give him in return for his service and sacrifice and that includes a Purple Heart.

This award was reinstated in 1932, a century and a half after General Washington created his Badge of Military Merit. At that time, Army regulations defined the conditions for the award as "a wound which necessitates treatment by a medical officer and which is received in action with an enemy."

There is no doubt that Specialist Garriga's wound necessitated medical treatment—27 operations are blunt testimony to that terrible fact. And there is no doubt in my mind that Gabe was involved in action with an enemy when he and his comrades were rushing to defend that breached checkpoint in a time of war. Nonetheless, over a year later, he has still not received a Purple Heart.

Current Army regulations reiterate the conditions spelled out in 1932 and add "It is not intended that such a strict interpretation of the requirement for the wound or injury to be caused by direct result of hostile action be taken that it would preclude the award being made to deserving personnel."

Seeking to prevent a suicide bombing against U.S. troops or officials or against innocent Iraqi civilians is the act of a soldier engaged in the fight against terrorism. President Reagan, in fact, explicitly expanded the terms of the award to include those wounded or killed as the result "of an international terrorist attack."

So, this year, as the anniversary of the creation of this commendation approaches and as we vote to recognize this day, I also urge the Army to award Specialist Garriga the Purple Heart as a symbol of our recognition of his sacrifice in the war in Iraq. He has earned it.

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION REPORT

Mr. SARBANES. Mr. President, I rise to call to the attention of my colleagues the release on June 15 of the 2004 Report to Congress of the United States-China Economic and Security Review Commission.

The Commission was created by Congress on October 30, 2000, as part of the National Defense Authorization Act for 2001. Its principal sponsor in the Senate was Senator BYRD. The charter of the Commission provides that it be composed of 12 Commissioners, 3 of whom are appointed by each of the Congressional leaders in both the House and Senate. The Commission is thus bipartisan, and reflective of the leadership of both the House and the Senate.

The purpose of the Commission, according to its charter, is to "monitor, investigate and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China." The

Commission is required by its charter to submit an annual report to Congress, which must include a full analysis, along with conclusions and recommendations for legislative actions, if any, of the national security implications for the United States of trade and current account balances, financial transactions, and technology transfers with the People's Republic of China.

In preparation for its 2004 annual report, the Commission held 11 public hearings, including field hearings in Columbia, SC, and San Diego, CA. Through these hearings the Commission heard the perspectives of members of Congress, current and former senior government officials, representatives of industry, labor and finance, academics, journalists, and citizens. The Commission took testimony from more than 130 witnesses.

The Commission's fact-finding and examination process also included funding statistical analyses of China's role in world trade and investment, and its compliance record with its WTO commitments. Moreover the Commission contracted for the translation of articles from influential publications within China discussing Beijing's economic and security strategies and its perceptions of the United States.

During the course of its deliberations, the Commission developed a broad bipartisan agreement on the issues it was charged by Congress to examine, and adopted its 2004 report by a unanimous vote.

Among the key findings of the report are that in 2003 the United States ran a global goods trade deficit of $545.5 billion, of which $124 billion was attributable to U.S. trade with China. The U.S. trade deficit with China constituted over 23 percent of the total U.S. goods deficit. Further, with U.S. exports to China of $28 million and imports from China of $152 billion, U.S. trade with China constitutes our most lopsided trading relationship. The report notes that over the past 10 years, the U.S. trade deficit with China has grown at an average rate of 18.5 percent, and if it continues growing at this rate, it will double to $248 billion within 5 years. The report further notes that since 1998, the United States has moved from a global trade surplus in advanced technology products, ATP, of $29.9 billion to a deficit of $27 billion in 2003, of which $21 billion is attributed to our trade with China.

The Commission report unanimously finds that, "The magnitude of the goods trade deficit threatens the nation's manufacturing sector, a sector that is vital for our national and economic security." It further notes that China has a "coordinated sustainable vision for science and technology development" and urges our country to develop a "comprehensive national policy to meet China's challenge to our scientific and technological leadership."

The report finds that China is systematically intervening in the foreign exchange market to keep its currency undervalued, and that this has contributed to the size of the U.S. trade deficit with China and has hurt U.S. manufacturers. The report further notes that China has policies in place to attract foreign direct investment ($57 billion in 2003) and to develop its national productive capacity in "pillar industries". These policies include tariffs, limitations on access to domestic marketing channels, requirements for technology transfer, government selection of partners for joint ventures, preferential loans from state banks, privileged access to land, and direct support for research and development.

In order to begin to help correct our trading relationship with China, the Commission urges that the U.S. immediately seek to have the yuan revalued substantially upward against the dollar and then to be pegged against a trade weighted basket of currencies. After such an immediate revaluation, the Commission recommends that China, as it addresses problems in its banking system, move to a market-based currency. It further recommends that Congress should charge USTR and the Commerce Department to undertake a comprehensive examination of China's industrial policies, described in the report, to determine which may be illegal under provisions of the WTO, and to lay out specific steps the U.S. can take to address these practices through the WTO or other means. It urges the U.S. to make more active use of WTO dispute settlement if we cannot persuade China by negotiation to carry out its WTO commitments.

The report discusses a number of other aspects of United States-China trade and political relations. It makes a number of recommendations to help manage the relationship to minimize security risks and to enhance prospects of moving China toward a more open, democratic and law-based society to the benefit of both countries.

In my view, this 2004 report of the Commission makes a very valuable contribution to our policy deliberations on China. I salute Senator BYRD for his wisdom in calling for the creation of the Commission, and thank all the Commissioners for their contribution to our knowledge of the United States-China economic and political relationship. The Baltimore Sun ran an editorial which strongly praised the report and found that "the case for 'urgent attention and course corrections' to U.S. policies on China is well made." I ask that the Baltimore Sun editorial be inserted in the RECORD after my statement.

I strongly commend the 2004 report of the United States-China Economic and Security Review Commission to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, June 17, 2004]

THE CHINA TRADE-OFF

In the past year, some large foreign investors were for the first time allowed to enter China's domestic stock market to buy shares of Chinese firms. This includes shares of part of Norinco, China North Industries Group—a transnational conglomerate that was founded by the People's Liberation Army, that retains strong military ties, that makes everything from baby shoes to missiles, and that has drawn U.S. sanctions for arming Iran.

Given the lack of disclosure in China, foreign investors and technology traders with Norinco and other Chinese firms cannot know if their resources will end up serving China's long-term, well-coordinated strategic plan to compete with American economic, military and political power. That potential danger is the basis for the very strong alarms sounded this week by the U.S-China Economic and Security Review Commission, a bipartisan congressional group monitoring U.S.-China relations.

In its wide-ranging annual report, the commission warns that rapidly increasing trade, investment and technology flows between the two nations are far too lopsided in China's favor—eroding U.S. economic strength, abetting China's military build-up and its development as a high-tech manufacturing platform, and potentially threatening U.S. security interests. Worse, the commission found that the U.S. government often is far too blind to these hazards in arguably its most important long-term relationship.

The report will be criticized by some for demonizing Beijing just as the West is penetrating Chinese markets and succeeding in dramatically drawing China into the community of nations. But in general, the case for "urgent attention and course corrections" to U.S. policies on China is well made.

For starters, the commission is urging the United States to use the World Trade Organization to more aggressively press China on its undervalued currency and on state subsidies for export manufacturers, both underlying factors in America's $124 billion trade deficit with China last year. It also recommends comprehensive monitoring of: advanced technology transfers to China via U.S. investments, joint ventures and research and development projects; China's U.S. investments; and bilateral exchange and education programs.

The lengthy commission report paints a picture of China leveraging the short-term financial ambitions of diverse U.S. interests to capture money and technology vital to its highly focused, long-term goal of trumping the United States—and of the U.S. government at best adrift in monitoring and managing its side of this imbalanced and critically important relationship. It's a caution worth the highest attention.

CONTINUING FAILURE TO ADDRESS H-2B VISA CRISIS

Mr. LEAHY. Mr. President, I came to this floor more than 2 months ago to decry the Senate's failure to respond to a crisis, caused by Federal policy, that has disrupted the operations of small and large businesses throughout the United States. This crisis has continued unabated since then, but the requests for help from these businesses have continued to fall on deaf ears.

In March, the Department of Homeland Security announced that for the first time ever, the annual cap for H–2B visas had been met. These visas are used by a wide range of industries throughout the Nation to fill temporary labor needs. In my home State of Vermont, they are used primarily by the tourist industry.

The Department of Defense appropriations conference report, before us today, includes a very narrow solution to this problem, benefiting a single industry that uses H–2B visas. The conference report exempts aliens seeking jobs in the "fish roe" industry from counting against the H–2B cap. The provision does nothing to help the broad categories of employers who use H–2B visas.

Across the country, businesses in a wide range of industries have been scrambling this summer, having been forced to discard business plans that relied on the foreign employees who had always before been available to them. For years, these employers had applied in the spring for the employees they needed for the summer, filling positions for which they were unable to find American workers. The cap had never been reached, and they had no reason to believe this year would be different. I know that the March announcement came as a shock to many employers in my State, and dozens of them contacted my office to see what could be done. This setback fell equally hard on employers in other States.

In response to these requests, I joined with a substantial bipartisan coalition in introducing S. 2252, the Save Summer Act of 2004. Senator KENNEDY is the lead sponsor of the bill, which has 18 cosponsors, including 8 Republicans. Our bill would add 40,000 visas for the current fiscal year, providing relief to those summer-oriented businesses that had never even had the opportunity to apply for visas. Unfortunately, the Republican leadership has refused to move this bipartisan bill. The leadership has refused even to move a bill that Senator HATCH introduced, and which was supported only by Republicans. Instead, a tiny minority of Senators has been given a veto over doing anything to address this problem for the current fiscal year or years to come.

The Senate must act in a comprehensive way to solve this problem. I urge the majority leader to bring H–2B legislation to the floor as soon as possible, so we can assure that the summer of 2005 will not be a replay of the summer of 2004.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

Mr. JEFFORDS. Mr. President, I rise today in opposition to the Wastewater Treatment Works Security Act of 2003.

In the wake of September 11, 2001, I believe that it is imperative that the Nation takes every reasonable action we can to prevent terrorism, create effective response and recovery mechanisms, and find ways to minimize any impacts should an event occur.

The Congress has a key role in facilitating these actions by establishing authorities for Government agencies, establishing the legal framework in which homeland security improvements will occur, and appropriating adequate funding for the homeland security mission. Protecting our Nation's critical infrastructure is a major piece of our homeland security strategy.

The water sector has been identified as an element in our Nation's critical infrastructure since the issuance of Presidential Decision Directive 63 (PDD–63), issued in by President Clinton in May 1998, which was the first major governmental action focused on reducing the vulnerability of our Nation's critical infrastructure.

At that time, and in each document outlining homeland security responsibilities since that time, the Environmental Protection Agency, EPA, was designated as the lead for water infrastructure protection.

The security needs are significant in the water and wastewater sectors. There are over 16,000 publicly owned treatment works in the United States, serving almost 190 million people. These industrial facilities use large quantities of toxic chemicals in their treatment and disinfection processes. They are located near population centers and other critical infrastructure. A chemical accident would pose a serious threat. In addition, collection systems run beneath every city and town in America, creating potential corridors for travel or opportunities for access.

There are also serious public health risks associated with a disruption or service failure at a wastewater treatment plant. Treatment works clean wastewater that comes from our toilets, showers, and sewers and send it back into our rivers, streams, lakes, and oceans. Those same bodies of water are our drinking water sources. Without proper treatment, we would see the public health effects of the same type of water-borne disease outbreaks such as cholera that we saw in Iraq earlier this year due to the failure of wastewater treatment plants.

I believe that the Congress should take the risk to wastewater treatment plants seriously. Unfortunately, S. 1039, the Wastewater Treatment Works Security and Safety Act, provides security for our Nation's wastewater infrastructure in name, only.

First, this bill is a rollback of current law requiring vulnerability assessments and emergency response plans at drinking water utilities. In 2002, the Congress passed H.R. 3448, the Public Health and Bioterrorism Preparedness Response Act of 2002, P.L. 107–188. This act requires community water systems to conduct vulnerability assessments and develop an emergency response plan that incorporates the results of the vulnerability assessment. Vulnerability assessments are to be submitted to EPA. The threats posed by drinking water and wastewater facilities are similar. These plants are often co-located. It makes no sense to adopt weaker standards for one sector of the industry than the other. The Bioterrorism Act ensures that water systems take basic action to first identify and then address security needs.

Second, S. 1039 increases wastewater security in name only. It does not require the most basic security precautions—completion of a vulnerability assessment and the incorporation of the results into a treatment works' emergency response plan. Under the provisions of S. 1039, we do not know if individual publicly owned treatment works will choose to complete a vulnerability assessment because there is no requirement to do so. We do not know if they will incorporate their findings into emergency response plans that are designed to protect communities surrounding those plants because there is no requirement to do so. These most basic actions are not too heavy a burden for the wastewater treatment industry to bear.

S. 1039 also does not require, and may actually preclude, the submission of vulnerability assessments that are completed to the Federal Government—a serious obstacle in the Department of Homeland Security's ability to perform its mission. Providing the results of a facility's vulnerability assessment and its emergency response plan to the Federal Government is a vital step both to ensure that vulnerability assessments are completed in critical infrastructure sectors and to ensure that the Federal Government has all of the information it requires to secure the Nation against a potential terrorist attack.

The President's National Strategy for Homeland Security, issued in 2002, states, "A complete and thorough assessment of America's vulnerabilities will not only enable decisive near-term action, but guide the rational long-term investment of effort and resources." Not only does DHS plan to use vulnerability assessments to evaluate threat information and provide warnings, but also to allocate resources. I agree that one of the most efficient ways to spend limited resources is to dentify where we are vulnerable and where we are threatened, then target resources to the cross-section of those two areas.

Under S. 1039 as reported, it is unclear where DHS will get the information they require to complete a national vulnerability assessment and make resource allocation decisions that will increase the level of security in our Nation. What is clear is that DHS is likely to receive only partial information, if any, from a subset of wastewater plants that voluntarily choose to complete a vulnerability assessment and that voluntarily choose to share the information they collect. Without the best, most up to date, accurate information available, DHS will be unable to fully perform its mission.

In addition, elected officials in Congress have a constitutional oversight role over Federal agencies and the laws they implement. Under S. 1039, Congress will not be accountable to the public for the purpose or implementation of this law—Congress will not be able to request or access information from the Federal agencies because the agencies will not have such information.

At the beginning of this Congress, I introduced the Wastewater Treatment Works Security and Safety Act, S. 779. This legislation mirrors existing law for drinking water systems. It requires all wastewater utilities to conduct vulnerability assessments and to develop or modify emergency response plans to incorporate the results of the vulnerability assessments. It requires that these documents be presented to the EPA for review, and it includes significant security measures designed to protect this information from unauthorized disclosure. It authorizes $185 million for assistance in completing vulnerability assessments, for immediate security improvements, and for assistance to small treatment works. It authorizes $15 million for research to identify threats, detection methods, and response actions. This bill will clearly enhance the security of our Nation by taking real actions to improve the security of wastewater treatment works.

The Federal Government has a responsibility to protect the American people. If S. 1039 becomes law, the Federal Government will not know if publicly owned treatment works will voluntarily conduct a vulnerability assessment, if they will voluntarily implement the security needs identified, or if they will incorporate the results into their emergency response plans, and there will be no way of finding out. The Department of Homeland Security's mission to increase the security of the country will be hindered. I believe that S. 1039 fails to take responsible, basic steps to protect our wastewater infrastructure security from terrorist attack, putting Americans at risk.

I urge my colleagues to oppose this legislation and support my alternative bill, S. 779.

MODIFIED VERSION OF S. 849

Mr. McCAIN. Mr. President, today I am introducing a modified version of S. 849, the Northern Arizona National Forest Land Exchange Act, which I cosponsored last year with Senator KYL. Since introducing that bill, I have met with hundreds of Arizonans and learned first-hand of the significant water issues raised by this proposed exchange of about 50,000 acres of private and Federal land in Northern Arizona. I am introducing this modified version of the legislation with the sincere hope of achieving a compromise agreement that can be enacted prior to adjournment.

Let me be clear. I am not offering amendments to this bill to slow its progress, but rather I want to take this opportunity to address one of the most crucial challenges facing Arizona: sound management of its precious water resources. The persistent drought that is draining our reservoirs makes all of us aware of the limits of our water supplies. I strongly believe that the State of Arizona is at a crucial point where decisions regarding growth and water use must be made with the assurance of long-term availability of water supplies without draining our ground and surface waters dry. I am afraid we are currently on a collision course with the reality of our finite and dwindling water supplies and the future economic and environmental welfare of the State.

In the context of this proposed exchange, it would be irresponsible of the Federal Government to transfer public lands into private hands in an area where water problems currently exist without an understanding of the potential water supply impacts. I have spent considerable time and effort in trying to develop a reasoned, compromise proposal that balances the various Arizona interests and achieves a fair and equitable exchange in the public interest. Therefore, it is my hope that the release of this amended bill with a new title addressing the associated water issues will be carefully considered by all interested parties.

My objective is to encourage the formation of a partnership between Federal, State, and local stakeholders in order to facilitate sound, science-based water resource planning and management in the Verde River Basin. In my view, the development of such a collaborative decision-making body, modeled on the Upper San Pedro Partnership, would be a vital step in assuring the wise use of the finite water resources within the Verde River Basin.

An earlier draft proposal of the partnership title to this bill was widely circulated in Northern Arizona and generated productive discussion and comment. This valuable input is reflected in the measure I am offering today. It encourages the creation of a multi-stakeholder partnership and clarifies the Federal role in providing scientific, technical, and financial assistance to State and local water resource planning and management efforts. With this important support, I expect that State and local interests that share ground and surface water resources will come together to advance protection and wise use of finite water supplies.

I became fully aware of the crucial need for this Federal assistance through public meetings I held last December in Flagstaff and Camp Verde. More than 600 people gathered in Camp Verde to express their strongly held views of the proposed land exchange. The primary concern voiced was whether or not adequate water supplies are available in the area to provide for future development given that residents are already experiencing water supply problems. The U.S. Geological Survey presented information about its ongoing studies and what is not known about the hydrologic systems or water use impacts within the Verde Basin. The fact is that we simply do not have sufficient information to determine the quantity of water supply available over the long-term without adverse effects.

I believe that it would be irresponsible of the Federal Government to transfer lands into private hands in an area where water problems already exist without an understanding of the potential impacts. That is why I am interested in expediting essential water studies in the Verde Basin to provide a scientific basis for sound decision-making by the partnership. In the short-term, I envision that the first task of the partnership would be to make a recommendation, based on a water budget analysis for the Verde Valley, regarding available water supply for future use on the Federal parcel in Camp Verde. Long-term water resource planning and management efforts within the region could also be developed through the partnership and informed by the ongoing water studies and analyses.

I would like to briefly explain some of the provisions in this modified bill.

First, under Title I of the bill, it would allow the cities of Flagstaff, Williams, and Camp Verde, as well as several local camps, the option to purchase lands directly from the Forest Service if they are unable to reach an agreement to purchase such lands from the Yavapai Ranch. These communities and camps are very interested in exploring the economic opportunities that would be afforded through the acquisition of certain lands currently held by the Federal Government. The bill also would eliminate the 820-acre Federal parcel in Clarkdale from exchange, at the request of that community.

Next, the bill establishes a new Title II, which is designed to establish a framework to begin addressing the very serious water resource and management issues in Northern Arizona. The purpose of this title is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin, consisting of members that represent Federal, State, and local agencies, along with economic, environmental, and community water interests. The bill language makes it clear that this is not a Federal intrusion into State and local jurisdiction and responsibility for water management and control.

Under Title II, Federal assistance would be authorized upon the formation of a Verde River Basin Partnership. The measure would authorize the Secretary of Agriculture to assist the Arizona Department of Water Resources and the Yavapai Water Advisory Council by participating in the formation of the partnership. While the partnership would not be a Federal entity, it would be eligible for Federal assistance through the Secretary of Agriculture and the Secretary of the Interior.

The amended bill directs the partnership to develop a plan for conducting water resource studies within the Verde River Basin. The plan would include: a list of specific studies and analyses that are needed to support the planning and management objectives of the partnership, identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin, provide study timeliness and cost estimates, and designate as a study priority the compilation of a water budget analysis for the Verde Valley.

To assist the partnership, the bill directs the U.S. Geological Survey, in cooperation with ADWR, to prepare and submit a report to the Partnership that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley. The partnership would then use the information, along with any other relevant information, and submit a preliminary report with its findings and recommendations regarding long-term available water supply within the Verde Valley to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities. Following this preliminary report, the partnership is expected to continue its work and submit a comprehensive report to the Secretary and the Governor of Arizona within 4 years. The comprehensive report would include the results of any water resource assessments conducted under this in the Verde River Basin. It also would identify: any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems; long-term water supply management options for communities and water resources within the basin; and water resource analyses and monitoring needed to support the implementation of management options.

Finally, the bill directs the Secretary of Interior and the Secretary of Agriculture to enter into a memorandum of understanding authorizing the U.S. Geological Survey to access Forest Service land, including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land, to carry out necessary water studies.

I want to do my part in moving the proposed land exchange forward, and it must be done in a manner that is fair to the current residents of Arizona and the Federal taxpayers. In order to do so, it simply must address the affected area's water supply. I remain hopeful that all the interested parties who strongly support the proposed exchange will carefully consider the proposal that I am introducing today.

DEPARTMENT OF JUSTICE APPROPRIATIONS

Mr. LEAHY. Mr. President, I am pleased to introduce with Senator HATCH the Department of Justice Appropriations Authorization Act, Fiscal Years 2005 through 2007. I thank Senator HATCH, the chairman of the Judiciary Committee, for his hard work and support of this legislation.

In the 107th Congress, the Senate and the House of Representatives properly authorized spending for the entire Department of Justice, (DOJ or the Department,) for the first time since 1979. Congress extended that authorization in 1980 and 1981. Until 2002 Congress had not passed nor had the President signed an authorization bill for the Department. In fact, there were a number of years where Congress failed to consider any Department authorization bill. This 23-year failure to properly reauthorize the Department forced the appropriations committees in both houses to reauthorize and appropriate money.

We ceded the authorization power to the appropriators for too long, but in the 107th Congress Senator HATCH and I joined forces with House Judiciary Chairman SENSENBRENNER and ranking member CONYERS to create and pass bipartisan legislation that reaffirmed the authorizing authority and responsibility of the House and Senate Judiciary Committees—the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107-273. A new era of oversight began with that new charter for the Justice Department, with the Senate and House Judiciary Committees taking active new roles in setting the priorities and monitoring the operations of the Department of Justice, the FBI and other law enforcement agencies, and that bill helped our oversight duties in many ways. And, as we have learned in the past 3 years, the fight against terrorism makes constructive oversight more important than ever before.

Already this Congress, House Judiciary Committee Chairman SENSENBRENNER and ranking member CONYERS have authored and shepherded through the House of Representatives a new Department of Justice Appropriations Authorization Act for fiscal years 2004 through 2006, H.R. 3036. I commend both Chairman SENSENBRENNER and ranking member CONYERS for working in a bipartisan manner to pass that legislation in the House of Representatives.

The Department of Justice Appropriations Authorization Act, fiscal years 2005 through 2007 is a comprehensive authorization of the Department based on H.R. 3036 as passed by the House of Representatives on March 30, 2004. Our bipartisan legislation authorizes appropriations for the Department for fiscal years 2005 through 2007, provide permanent enabling authorities which will allow the Department to efficiently carry out its mission, clarify and harmonize existing statutory authority, and repeal obsolete statutory authorities. The bill also establishes certain reporting requirements and other mechanisms intended to better enable the Congress and the Department to oversee the operations of the Department. Finally, our bill incorporates numerous other pieces of legislation—on such issues as preventing and recovering missing children, cigarette trafficking, intellectual property, going after terrorists who commit violent acts against American citizens overseas, among others—currently pending before Congress that enjoy strong bipartisan support.

I will now highlight a number of the provisions that make up this authorization bill.

Title I of our bill authorizes appropriations for the Department of Justice for each of fiscal years 2005 through 2007. With minor exceptions, these authorizations generally reflect the President's budget request.

Title II makes numerous improvements and upgrades to the Department's grant programs that assist law enforcement and criminal justice agencies; build community capacity to prevent, reduce and control crime; assist victims of crime; and prevent crime.

We decided to combine the current Byrne formula grant, Byrne discretionary grant and Local Law Enforcement Block Grant, LLEBG, programs into one Edward Byrne Memorial Justice Assistance Grant Program with an authorization of $1.075 billion and a list of 35 uses—a combination of the traditional Byrne and LLEBG grants regulations—for which these grants may be used.

I am a longtime supporter of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and the LLEBG, both of which have been continuously targeted for elimination by the Bush administration.

LLEBG, which received $225 million this year, provide local governments with the means to underwrite projects that reduce crime and improve public safety, and allow communities to craft their own responses to local crime and drug problems. The Edward Byrne Memorial State and Local Law Enforcement Assistance Program, which Congress funded at $659,117,000 in FY 2004, makes grants to States to improve the functioning of the criminal justice system, with emphasis on violent crimes and serious offenders, and to enforce State and local drug laws. As a senator from a rural State that relies on LLEBG and Byrne grants to combat crime, I have been concerned with the President's proposals for funding and program eliminations of these well-established grant programs. Our legislation makes it clear that the same authorized funding levels and uses will be available under the new consolidated grant program as under the previous two grant programs.

I am pleased that Title II also extends the authorization of appropriations for the Regional Information Sharing System, RISS, at $100 million for each of fiscal years 2005 through 2007. RISS serves as an invaluable tool to Federal, State, and local law enforcement agencies by providing much-needed criminal intelligence and investigative support services. It has built a reputation as one of the most effective and efficient means developed to combat multi-jurisdictional criminal activity, such as narcotics trafficking and gang activity. Without RISS, most law enforcement officers would not have access to newly developed crime-fighting technologies and would be hindered in their intelligence-gathering efforts.

By providing State and local law enforcement agencies with rapid access to its secure, state-of-the-art, nationwide information sharing system, RISS gives law enforcement officers the resources they need to identify and apprehend potential terrorists before they strike. With this in mind, I authored Title VII of the USA PATRIOT Act, Public Law 107–56, to increase information sharing for critical infrastructure protection. The law expanded RISS to facilitate information sharing among Federal, State, and local law enforcement agencies to investigate and prosecute terrorist conspiracies and activities, and increased authorized funding to $100 million.

Proper funding provides RISS with the means to maintain six regionally-based information sharing centers that allow for information and intelligence services to be disseminated nationwide addressing major, multijurisdictional crimes. In addition, as the September 11 terrorist attacks and calls for increased vigilance against future attacks demonstrated, RISS requires additional support to intensify antiterrorism measures.

Each RISS center has up to 1,600 member agencies, the vast majority of which are at the municipal and county levels. Over 400 State agencies and over 850 Federal agencies, however, are also members. The Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Attorneys' Offices, Internal Revenue Service, Secret Service, Customs, and the Bureau of Alcohol, Tobacco, Firearms and Explosives are among the Federal agencies that participate in the RISS Program.

Unfortunately, the Consolidated Appropriations law for FY 2004 did not provide full funding for RISS, instead including $30 million for the program. For the coming fiscal year, the President has proposed $45 million. We must ensure that RISS can continue current services, meet increased membership support needs for terrorism investigations and prosecutions, increase intelligence analysis capabilities and add staff to support the increasing numbers of RISS members.

This title also contains a reauthorization of the Crime Free Rural States program that we created in the DOJ Authorization bill in the last Congress. This program authorizes $10 million annually for rural States to address specific crime problems plaguing their areas. In Vermont, for example, this funding could be used to battle heroin abuse and its consequences.

This authorization bill contains a number of provisions of great interest to victim service organizations and those who administer Federal grants for victim assistance and compensation. In particular, I am pleased that we have responded to repeated requests from the field to increase the amount that State assistance and compensation programs may retain for administrative purposes. I have been proposing such an increase for many years, without success.

Under current law, not more than 5 percent of victim assistance and compensation grants may be used for the administration of the State program receiving the grant. The House bill effectively decreases this already-low apportionment by combining administrative costs with training costs—currently 1 percent under guidelines promulgated by the Office for Victims of Crime, OVC. By contrast, we propose raising the amount that can be used for both worthwhile purposes to 7.5 percent of the grants. While this is still less than 10 percent retention permitted, for example, by the Violence Against Women Act, it will help States to accommodate the addition of training purposes in their costs.

Our bill will also amend the Victims of Crime Act, VOCA, to clarify the provisions establishing the Antiterrorism Emergency Reserve in various ways. The original H.R. 3036 permits replenishments of the emergency reserve based upon amounts obligated rather than amounts actually expended in any given fiscal year. Our bill includes two additional clarifications that I proposed. First, it makes explicit that the emergency reserve may be replenished only once each fiscal year, and may not be continually replenished as amounts are obligated or expended. Allowing continual replenishments could result in the obligations or expenditures exceeding the $50 million emergency reserve maximum. Second, we have ensured that all emergency reserve funds—whether carried over, used to replenish the reserve, obligated or expended—fall above the cap on spending from the Crime Victim Fund as set by appropriations legislation.

Section 242 of the House-passed bill authorized the Assistant Attorney General for the Office for Justice Programs, OJP, to impose special conditions and determine priorities for formula grants. It was unclear to me why the authority to determine formula grant priorities was necessary and what its real impact would be on local victim services. Could it be read to authorize OJP to infringe on the discretion of each State to meet its own needs, as for example by mandating that State VOCA programs give priority to public agencies over nonprofit community organizations, or fund faith-based programs before secular programs? Priorities are already set out by Congress in the authorizing statutes, as is the requirement that programs coordinate public and private victim services in their communities, and the Justice Department should not be allowed to override those congressional directives. Moreover, VOCA already has extensive reporting requirements that enable the Department to monitor how States are distributing these funds. We have therefore deleted the authority to determine formula grant priorities, while retaining the special conditions provision.

Subtitle D of Title II deals with approaches to prevent crime. I am especially pleased that we included provisions that will specifically aid in preventing rural crime because rural States and communities face a number of unique law enforcement challenges. We added these provisions from Senator DASCHLE's Rural Safety Act, S. 1907, of which I am proud to be an original cosponsor. I commend our Democratic leader for his commitment to providing real and meaningful investments to address the unique set of challenges facing rural law enforcement agencies.

Rural law enforcement officers patrol larger areas, operate under tighter budgets and with smaller staffs than their urban and suburban counterparts. This legislation creates programs specifically designed to meet the many complex needs of rural law enforcement agencies and officers. Methamphetamine production and use, for example, is a growing concern for Vermonters. Because the ingredients and the equipment used to produce methamphetamines are so inexpensive and readily available, the drug can be manufactured or "cooked" in homemade labs. This has become one of the major problems facing law enforcement agencies nationwide. Last month, the Vermont State Police busted the first known methamphetamine lab in the state. We must help our law enforcement agencies as they struggle to keep up with its troubling growth.

To help law enforcement combat the spread of methamphetamine and other challenges, we authorize in this bill $20 million in grants for FY 2005 to provide for the cleanup of methamphetamine laboratories and related hazardous waste in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area; and the improvement of contract-related response time for cleanup of methamphetamine laboratories and related hazardous waste in units of local established methamphetamine prevention and treatment pilot programs in rural areas, and provide additional financial support to local law enforcement.

We also establish a rural 9–1–1 service program to provide access to, and improve a communications infrastructure that will ensure a reliable and seamless communication between, law enforcement, fire, and emergency medical service providers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area and in States. Grants—authorized at $25 million for fiscal year 2005—under this program will be used to establish or improve 9–1–1 service in rural communities. Priority in making grants under this program will be given to communities that do not have 9–1–1 service.

I am pleased that our bill includes the Campbell-Leahy-Hatch Bulletproof Vest Partnership Grant Act of 2003, a bill to reauthorize an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers. This bill was passed by the Senate by unanimous consent a year ago this month and it awaits consideration by the House of Representatives.

This measure marks the third time that I have had the privilege of teaming with my friend and colleague Senator CAMPBELL to work on this legislation. We authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with lifesaving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and I hope we will go 3-for-3 this time around. Senator CAMPBELL brings to our effort invaluable experience in this area and during his time in the Senate he has been a leader in the area of law enforcement. As a former deputy sheriff, he knows the dangers law enforcement officers face when out on patrol. I am pleased that we have been joined in this effort by 12 other Senate cosponsors.

Our bipartisan legislation will save the lives of law enforcement officers across the country by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful Department of Justice program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, 148 municipalities have been fortunate to receive to receive funding for the purchase of almost 1200 vests. Without the Federal funding given by this program, I daresay that there would be close to that number of police officers without vests in Vermont today.

The Bulletproof Vest Partnership Grant Act of 2003 will further the success of the Bulletproof Vest Partnership Grant Program by reauthorizing the program through fiscal year 2007. Our legislation would continue the Federal-State partnership by authorizing up to $50 million per year for matching grants to State and local law enforcement agencies and Indian tribes at the Department of Justice to buy body armor.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

We also included in this authorization bill the Prevent All Cigarette Trafficking, PACT, Act, as passed by the Senate by unanimous consent on December 9, 2003, but which has yet to be taken up and passed by the House. I commend Senators HATCH and KOHL for their leadership on this measure and thank them for working with me, among others, to craft the compromise language that we include in this bill to crack down on the growing problem of cigarette smuggling, both interstate and international, as well as to address the connection between cigarette smuggling activities and terrorist funding. I am proud to join Senator HATCH, Senator KOHL and 10 others as a cosponsor of the standalone bill.

I also thank the National Association of Attorneys General and the Campaign for Tobacco-Free Kids for working with us and contributing to this language. I want to say a special thanks to Vermont Attorney General Bill Sorrell, who also serves as the current Chair of the NAAG Tobacco Committee, for his valuable input on the problems with cigarette smuggling that States are facing and his support for this compromise measure. I also want to thank the Vermont Grocers Association, the Vermont Retail Association, the Vermont Association of Chiefs of Police, and the National Conference of State Legislatures for their support for this measure.

The movement of cigarettes from low-tax areas to high-tax areas in order to avoid the payment of taxes when the cigarettes are resold has become a public health problem in recent years. As State after State chooses to raise its tobacco excise taxes as a means of reducing tobacco use and as a source of revenue, many smokers have sought cheaper means by which to purchase cigarettes. Smokers can often purchase cigarettes and tobacco from remote sellers, Internet or mail order at substantial discounts due to avoidance of state taxes. These sellers, however, are evading their tax obligations because they neither collect nor pay the proper State and local excise taxes for cigarette and other tobacco product sales.

We have the ability to dramatically reduce smuggling without imposing undue burdens on manufacturers or law abiding citizens. By reducing smuggling, we will also increase government revenues by minimizing tax avoidance. My friend General Sorrell has told me that this has become a rapidly growing problem in Vermont as more and more tobacco product manufacturers fail to collect and pay cigarette taxes. Criminals are getting away with smuggling and not paying tobacco taxes because of weak punishments, products that are often poorly labeled, the lack of tax stamps and the inability of the current distribution system to track sales from State to State. These lapses point to a need for uniform rules governing group sales to individuals.

The PACT Act will give States the authority to collect millions of dollars in lost State tax revenue resulting from online and other remote sales of cigarette and smokeless tobacco. It also ensures that every tobacco retailer, whether a brick-and-mortar or remote retailer of tobacco products, play by the same rules by equalizing the tax burdens.

Moreover, the PACT Act gives States the authority necessary to enforce the Jenkins Act, a law passed in 1949, which requires cigarette vendors to report interstate sales of cigarettes. This legislation enhances States' abilities to collect all excise taxes and verify the deposit of all required escrow payments for cigarette and smokeless tobacco sales in interstate commerce, including internet sales. In addition, it provides Federal and State law enforcement with additional resources to enforce state tobacco excise tax laws.

Finally, at the request of the National Association of Attorneys General and many State Attorneys General, we have added a new section to provide the States with authority to enforce the Imported Cigarette Compliance Act to crack down on international tobacco smuggling. This additional authority should further reduce tax evasion and eliminate a lucrative funding source for terrorist organizations.

We must not turn a blind eye to the problem of illegal tobacco smuggling. Those who smuggle cigarettes are criminals and we must close the loopholes that allow cigarette smuggling to continue.

The United States has from its inception recognized the importance of intellectual property laws in fostering innovation, and vested in Congress the responsibility of crafting laws that ensure that those who produce inventions are able to reap economic rewards for their efforts. I am pleased that we can today include, as part of the Department of Justice Authorization Act, the Cooperative Research and Technology Enhancement Act of 2004, the CREATE Act, legislation that I cosponsored along with Senator HATCH, Senator KOHL, Senator FEINGOLD, Senator SCHUMER, Senator GRASSLEY, Senator JOHNSON, and Senator COCHRAN. This bill will provide a needed remedy to one aspect of our Nation's patent laws. On June 25, 2004, the CREATE Act passed the Senate by unanimous consent.

When Congress passed the Bayh-Dole Act in 1980, the law encouraged private entities and not-for-profits such as universities to form collaborative partnerships in order to spur innovation. Prior to the enactment of this law, universities were issued fewer than 250 patents each year. That this number has in recent years surpassed two thousand is owed in large measure to the Bayh-Dole Act. The innovation this law encouraged has contributed billions of dollars annually to the United States economy and has produced hundreds of thousands of jobs.

However, one component of the Bayh-Dole Act, when read literally, runs contrary to the intent of that legislation. In 1999, the United States Court of Appeal for the Federal Circuit ruled, in Oddzon Products, Inc. v. Just Toys, Inc., that non-public information may in certain cases be considered "prior art"—a standard which generally prevents an inventor from obtaining a patent. Thus some collaborative teams that the Bayh-Dole Act was intended to encourage have been unable to obtain patents for their efforts. The result is a disincentive to form this type of partnership, which could have a negative impact on the U.S. economy and hamper the development of new creations.

However, the Federal circuit in its ruling invited Congress to better conform the language of the Bayh-Dole Act to the intent of the legislation. The CREATE Act does exactly that by ensuring that nonpublic information is not considered prior art when the information is used in a collaborative partnership under the Bayh-Dole Act. The bill also includes strict evidentiary burdens to ensure that the legislation is tailored narrowly in order to solely fulfill the intent of the Bayh-Dole Act.

I am pleased that the PIRATE Act, which I cosponsored with Senator HATCH, will be included as part of this bipartisan bill. Like the overall bill, the PIRATE Act is a consensus bill that will give the Justice Department new and needed tools—in this case, these tools are specific to the fight against piracy. This bill was unanimously passed by the Senate on June 25, 2004. By including this measure in the Department of Justice Authorization Bill, we hope to muster more forces to combat the growing problem of digital piracy.

For too long, Federal prosecutors have been hindered in their pursuit of pirates, by the fact that they were limited to bringing criminal charges with high burdens of proof. In the world of copyright, a criminal charge is unusually difficult to prove because the defendant must have known that his conduct was illegal and he must have willfully engaged in the conduct anyway. For this reason prosecutors can rarely justify bringing criminal charges, and copyright owners have been left alone to fend for themselves, defending their rights only where they can afford to do so. In a world in which a computer and an Internet connection are all the tools you need to engage in massive piracy, this is an intolerable predicament.

The PIRATE Act will give the Attorney General civil enforcement authority for copyright infringement. It also calls on the Justice Department to initiate training and pilot programs to ensure that Federal prosecutors across the country are aware of the many difficult technical and strategic problems posed by enforcing copyright law in the digital age.

This new authority does not supplant either the criminal provisions of the Copyright Act, or the remedies available to the copyright owner in a private suit. Rather, it allows the Government to bring its resources to bear on this immense problem and to ensure that more creative works are made available online, that those works are more affordable, and that the people who work to bring them to us are paid for their efforts.

I am pleased that the Koby Mandell Act of 2003 was included in this legislation. I am a proud cosponsor of the stand-alone bill. The act would establish an office within the Department of Justice with a mandate to ensure equal treatment of all victims of terrorist acts committed overseas. Its primary role would be to guarantee that vigorous efforts are made to pursue, prosecute, and punish each and every terrorist who harms Americans overseas, no matter where attacks occur. It would also take steps to inform victims of important developments in international cases, such as status reports on efforts to capture terrorists and monitoring the incarceration of those terrorists who are imprisoned overseas. This is important legislation that would send a strong message of resolve that we are committed to finding and punishing every terrorist who harms Americans overseas.

I am pleased that we have included part of S. 1286, the Seniors Safety Act, which I introduced last year. This bill would create an enhanced sentencing penalty for those who commit crimes against the elderly, create new civil and criminal penalties for pension fraud, and create a centralized service to log complaints of telemarketing fraud.

We would also provide the Attorney General with a new and substantial tool to prevent telemarketing fraud—the power to block or terminate service to telephone facilities that are being used to defraud innocent people. The Justice Department could use this authority to disrupt telemarketing fraud schemes directed from foreign sources by cutting off the swindlers' telephone service. Even if the criminals acquire a new telephone number, temporary interruptions will prevent some seniors from being victimized.

We have agreed to incorporate the Federal Prosecutors' Retirement Benefit Equity Act of 2004, which was originally introduced as a stand-alone bill with my good friends Senator HATCH, Senator MIKULSKI and Senator DURBIN. This bill would correct an inequity that exists under current law, whereby Federal prosecutors receive substantially less favorable retirement benefits than other nearly all other people involved in the Federal criminal justice system. The bill would increase the retirement benefits given to Assistant United States Attorneys by including them as "law enforcement officers," LEOs, under the Federal Employees' Retirement System and the Civil Service Retirement System. The bill would also allow the Attorney General to designate other attorneys employed by the Department of Justice who act primarily as criminal prosecutors as LEOs for purposes of receiving these retirement benefits.

The primary reason for granting enhanced retirement benefits to LEOs is the often dangerous work of law enforcement. Currently, Assistant United States Attorneys, AUSAs, and other Federal prosecutors are not eligible for these enhanced benefits, which are enjoyed by the vast majority of other employees in the criminal justice system. This exclusion is unjustified. The relevant provisions of the United States Code dealing with retirement benefits define an LEO as an employee whose duties are, "primarily the investigation, apprehension, or detention" of individuals suspected or convicted of violating Federal law. See 5 U.S.C. §§ 8331(20) & 8401(17). AUSAs and other Federal prosecutors participate in planning investigations, interviewing witnesses both inside and outside of the office setting, debriefing defendants, obtaining warrants, negotiating plea agreements and representing the government at trials and sentencings, all of which fall within the definition of the duties performed by law enforcement officers. Indeed, once a defendant is brought into the criminal justice system, the person with whom they have the most face-to-face contact, and often in an extremely confrontational environment, is the Federal prosecutor.

Although prosecutors do not personally execute arrests, searches and other physically dangerous activities, LEO status is accorded to many criminal justice employees who do not perform such tasks, such as pretrial services officers and probation officers and accountants, cooks and secretaries of the Bureau of Prisons. Moreover, because they are often the most conspicuous representatives of the government in the criminal justice system, Federal prosecutors are natural targets for threats of reprisals by vengeful criminals. Indeed, there are numerous incidents in which assaults and serious death threats have been made against Federal prosecutors, sometimes resulting in significant disruption of their personal and family lives.

I am pleased that S. 710, the Leahy-Hatch Anti-Atrocity Alien Deportation Act, was included in this legislation. This measure would expand the grounds for removing alien human rights violators from the United States, or for denying them entry in the first place. We have heard many accounts of abusers who have taken advantage of America's freedoms after committing horrifying violations of their fellow citizens in their native lands. We need to stop that from happening again.

This bill passed the Judiciary Committee last November but has been subject to an anonymous hold on the floor. A similar version of it passed the Senate by unanimous consent in the 106th Congress. It is long past time to make it law.

I would note that on May 12, a Rwandan man wanted on international charges of genocide and crimes against humanity was arrested at his suburban Chicago home by agents from the Bureau of Immigration and Customs Enforcement, ICE. Before I and others began to raise the issue of the war criminals among us, it was my impression that the former INS paid little attention to rooting out these thugs. I am pleased that the issue has taken on greater importance at ICE and urge the Senate to pass this bill so that we can expand the grounds of inadmissibility and removability for human rights violators.

I am pleased that the DREAM Act has been included in this bill. I am a cosponsor of the bill, which Senators HATCH and DURBIN introduced last year and was passed last fall by the Judiciary Committee. It would benefit undocumented alien children who were brought to the United States by their parents as young children, by restoring States' ability to offer them in-State tuition and offering them a path to legal residency. It has been distressing that a bill with committee approval and 48 sponsors has been unable to get a vote on the floor of the Senate, and I hope that including the DREAM Act in this legislation will give it added momentum.

I am proud that we include Schumer-Specter legislation to honor the sacrifice of the September 11, 2001 terrorist victims by creating congressional medals that would be awarded to their families and loved ones by the President. I am proud to have joined my friends as a cosponsor of this legislation, as have 18 other Senators.

The tragedy of September 11, 2001 demanded unprecedented sacrifices of everyday American civilians and rescue workers 3,000 of whom lost their lives in the attacks. In recognition of their heroic actions on that day, the bipartisan Fallen Heroes of 9/11 Act would create a medal to be awarded posthumously to the victims of the September 11 terrorist attacks. The medal would be designed by the Department of Treasury and awarded to representatives of the deceased by the President. The production of the medals would be paid for by the sale of duplicate medals to the public. Those of us who lost loved ones almost 3 years ago can never have them back, but a medal of honor could recognizes the sacrifices and heroic efforts of our fallen citizens.

I am pleased that our Department of Justice authorization bill includes legislation that Senator HATCH and I introduced together to reauthorize and expand the Department of Justice grant program for Boys & Girls Clubs. The original version of this legislation, S. 2363, currently enjoys 44 cosponsors and passed the Senate by unanimous consent last month. It was considered and reported out of the House Judiciary Committee by voice vote earlier this month but still awaits floor consideration.

Children are the future of our country, and we have a responsibility to make sure they are safe and secure. I know firsthand how well Boys & Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys & Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys & Girls Club in his district rather than helping him get a couple more police officers.

In Vermont, Boys & Girls Clubs have succeeded in preventing crime and supporting our children. The first club was established in Burlington 62 years ago. Now we have 22 club sites operating throughout the State: seven clubs in Brattleboro, one in Springfield, two clubs in Burlington, one in Winooski, two clubs in Montpelier, five clubs in Randolph, one club in Rutland, two clubs in Vergennes and one in Bristol. There are 10 additional project sites that will be on board and serving kids by the end of 2005: one in Bennington, two in Burlington, one in Duxbury, one in St. Johnsbury, one in Hardwick, three in Randolph and one in Ludlow. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys & Girls Clubs. Since 1998, Congress has increased Federal support for Boys & Girls Clubs from $20 million to $80 million in this year. Due in large part to this increase in funding, there now exist 3,300 Boys & Girls Clubs in all 50 States serving more than 3.6 million young people. Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $20 million for FY 2005. That request will leave thousands of children and their Clubs behind and we cannot allow such a thing to happen.

In the 21st Century Department of Justice Appropriations Authorization Act, which Senator HATCH and I worked together to pass in the 107th Congress, we included a provision to reauthorize Justice Department grants to establish new Boys & Girls Clubs nationwide. By authorizing $80 million in DOJ grants for each of the fiscal years through 2005, we sought to establish 1,200 additional Boys & Girls Clubs nationwide. This was to bring the number of Boys & Girls Clubs to 4,000, serving no less than 5 million young people. The bill we introduce today will build upon this: We authorize Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys & Girls

Clubs to help establish 1,500 additional Boys & Girls Clubs across the Nation with the goal of having 5,000 Boys & Girls Clubs in operation by December 31, 2010.

If we had a Boys & Girls Club in every community, prosecutors in our country would have a lot less work to do because of the values that are being instilled in children from the Boys & Girls Clubs of America. Each time I visit a club in Vermont, I am approached by parents, educators, teachers, grandparents and law enforcement officers who tell me "Keep doing this! These clubs give our children the chance to grow up free of drugs, gangs and crime."

You cannot argue that these are just Democratic or Republican ideas, or conservative or liberal ideas. They are simply good sense ideas. We need safe havens where our youth—the future of our country can learn and grow up free from the influences of drugs, gangs and crime. That is why Boys & Girls Clubs are so important to our children.

We also incorporated language similar to the Leahy-Grassley-Lincoln Missing Child Cold Case Review Act of 2004, S. 2435, which will allow an inspector general to authorize his or her staff to provide assistance on and conduct reviews of the inactive case files, or "cold cases," involving children stored at the National Center for Missing & Exploited Children, NCMEC, and to develop recommendations for further investigations. The only alteration we made to the original bill was to include language to also allow the Inspector General of the Government Printing Office to authorize his or her staff to work on cold cases.

Speed is everything in homicide investigations. As a former prosecutor in Vermont, I know firsthand that speed is of the essence when trying to solve a homicide. This focus on speed, however, has led the law enforcement community to generally believe that any case not solved within the first 72 hours or lacking significant leads and witness participation has little likelihood of being solved, regardless of the expertise and resources deployed. With time, such unsolved cases become "cold," and these are among the most difficult and frustrating cases detectives face because they are, in effect, cases that other investigators, for whatever reason, failed to solve.

Our Nation's law enforcement agencies, regardless of size, are not immune to rising crime rates, staff shortages and budget restrictions. Such obstacles have strained the investigative and administrative resources of all agencies. More crime often means that fewer cases are vigorously pursued, fewer opportunities arise for followup and individual caseloads increase for already overworked detectives.

All the obstacles that hamper homicide investigations in their early phases contribute to cold cases. The National Center for Missing & Exploited Children our Nation's top resource center for child protection presently retains a backlog of cold cases involving children that law enforcement departments nationwide have stopped investigating primarily due to all these obstacles. NCMEC serves as a clearinghouse for all cold cases in which a child has not been found and/or the suspect has not been identified.

This provision will allow an inspector general to provide staff support to NCMEC for the purpose of conducting reviews of inactive case files to develop recommendations for further investigation and similar activities. The inspector general community has one of the most diverse and talented criminal investigative cadres in the Federal Government. A vast majority of these special agents have come from traditional law enforcement agencies, and are highly-trained and extremely capable of dealing with complex, criminal cases.

Under current law, an inspector general's duties are limited to activities related to the programs and operations of an agency. This measure would allow an inspector general to permit criminal investigators under his or her supervision to review cold case files, so long as doing so would not interfere with normal duties. An inspector general would not conduct actual investigations, and any inspector general would only commit staff when the office's mission-related workloads permitted. At no time would these activities be allowed to conflict with or delay the stated missions of an inspector general.

From time to time a criminal investigator employed by an inspector general may be between investigations or otherwise available for brief periods of time. This act would also allow those resources to be provided to the National Center for Missing & Exploited Children. Commitment of resources would be at a minimum and would not materially affect the budget of any office.

We have before us the type of bipartisan legislation that should be moved easily through the Senate and House. It is supported by the Department of Justice Office of the Inspector General. I applaud the ongoing work of the National Center for Missing & Exploited Children and hope that we can soon provide NCMEC with the resources it requires to solve cold cases involving missing children.

This authorization bill includes a provision that would help colleges and universities in Vermont and across the nation. It would allow foreigners who are pursuing "distance learning" opportunities at American schools to enter the country for up to 30 days to fulfill academic requirements. Under current law, these students do not fall under any visa category, and many are being denied entry and are thus unable to complete their educations. This is a loophole that harms both those students and the institutions that serve them.

In recent months, serious questions have been raised in the media and in several congressional hearings about deficiencies within the translation program at the FBI. Nearly, 2 years ago I began asking questions in Judiciary Committee hearings about the FBI's translation program. Most of these remain unanswered. As a result, members of our committee are no closer to determining the scope of the issue, including the pervasiveness and seriousness of FBI shortcomings in this area, or what the FBI intends to do to rectify personnel shortages, security issues, translation inaccuracies and other problems that have plagued the translator program for years.

Section 205 of the USA PATRIOT Act included an important reporting requirement by the Attorney General to the Senate and House Judiciary Committees about (1) the number of translators employed by the FBI, (2) legal and practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis, and (3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs. To date, the Attorney General has not made the report required by Section 205 most likely because there is no date certain written in the law by which the report must be made. This provision fills that gap by requiring the report "not later than 30 days after the date of enactment and annually thereafter with respect to the preceding 12 month period." It also expands the reporting requirement to include translators "contracted" by the government in addition to those "employed."

I have worked my entire professional life to protect children from those who would prey on them. Preventing child exploitation through the use of the Internet is one concrete and important way to help this important cause. In this regard, under the Protection of Children from Sexual Predators Act of 1998, Public Law No. 105–314, remote computing and electronic communication service providers are mandated to report all instances of child pornography to the National Center for Missing and Exploited Children. I respect and applaud the work of NCMEC and its tireless efforts in this important national priority.

In March 1998, Congress mandated that NCMEC initiate the CyberTipline for citizens to report online sexual crimes against children. In December 1999, Congress passed Public Law No. 106–113 to modify 42 U.S.C. §13032(b)(1) to set forth a "duty to report" by ISPs.

According to NCMEC, many U.S. electronic communications service providers are not complying with the requirement that they register and use the CyberTipline to report child porn found on their services because supporting regulations required to be promulgated by the Department of Justice on matters such as the contents of the report were never done so.

In this authorization bill we propose language that amends the "duty to report" language by providing specific guidance on what information is required to be included in the ISP reports. The information required includes the content and images of the apparent violation, the Internet Protocol Address, the date and time associated with the violation, and specific contact information for the sender.

America's film heritage is an important part of the American experience, an inheritance from previous generations that helps tell us who we are and who we were as a society. They offer insight into our history, our dreams, and our aspirations. Yet sadly, this part of American heritage is literally disintegrating faster than can be saved. Today, I am delighted that with the help of Senator HATCH, the National Film Preservation Act can be included in our Department of Justice reauthorization bill.

I introduced the National Film Preservation Act last November, a bill that will reauthorize and extend the National Film Preservation Act of 1996. We first acted in 1988 in order to recognize the educational, cultural, and historical importance of our film heritage, and its inherently fragile nature. In doing so, Congress created the National Film Preservation Board and the National Film Preservation Foundation both of which operate under the auspices of the Library of Congress in order to help save America's film heritage.

The National Film Preservation Act will allow the Library of Congress to continue its important work in preserving America's fading treasures, as well as providing grants that will help libraries, museums, and archives preserve films and make those works available for study and research. These continued efforts are more critical today than ever before. While a wide range of works have been saved, with every passing day we lose the opportunity to save more. Fewer than 20 percent of the features of the 1920s exist in complete form and less than 10 percent of the features of the 1910s have survived into the new millennium.

The films saved by the National Film Preservation Board are precisely those types of works that would be unlikely to survive without public support. At-risk documentaries, silent-era films, avant-garde works, ethnic films, newsreels, and home movies frequently provide more insight into the American experience than the Hollywood sound features kept and preserved by major studios. What is more, in many cases only one copy of these "orphaned" works exists. As the Librarian of Congress, Dr. James H. Billington, has noted, "Our film heritage is America's living past."

I would like to thank Senator HATCH again for working with me to include the "National Film Preservation Act" in the bill we are introducing today.

The House-passed bill included an important reporting requirement authored by Rep. ADAM SCHIFF and adopted by the House Judiciary Committee. Specifically, this provision required the Department of Justice to submit an annual report to Congress specifying the number of U.S. persons or residents detained on suspicion of terrorism, and describing Department standards for recommending or determining that a person should be tried as a criminal defendant or designated as an enemy combatant. A Washington Post editorial dated April 3, 2004, praised this provision, while noting that "If more members of the House took their duty to legislate in this critical area seriously, Congress would craft a bill that actually imposed standards rather than simply inquired what they were." I agree, and regret that was unable to persuade Chairman HATCH to retain this modest oversight tool.

I am disappointed that we will not be including the privacy officer provision referred to us by the House. It is critical that the Department have a designated leader who is consistently mindful of the impact of the Department's activities on privacy rights. While there has been some history of a privacy official at the Department, these positions have been nonstatutory, and thus there has been no guarantee of consistent vigor and accountability on these issues. Given that the Department's mission increasingly involves gathering and assessing personal information, we simply can't afford to have a lapse in accountability on privacy. Moreover, this is not an untested idea. Congress created a privacy officer for the Department of Homeland Security, and it has been recognized as a successful example of how this role can be helpful in assessing and addressing privacy concerns. We need to follow this lead, and the privacy officer provision would have been a good opportunity to do so.

I look forward to working with Senator HATCH, Congressman SENSENBRENNER and Congressman CONYERS to continue the important business of reauthorizing the Department of Justice. Clearly, regular reauthorization of the Department should be part and parcel of the committees' traditional role in overseeing the Department's activities. Swift passage into law of the Department of Justice Appropriations Authorization Act, Fiscal Years 2005 through 2007 will be a significant step toward enhancing our oversight role.

DREAM ACT

Mr. DURBIN. Mr. President, I have come to the floor today to speak about the DREAM Act, an immigration reform bill that the Senate should act on as soon as possible.

Immigration reform is an urgent priority for our nation. There are some who want to ignore this issue, especially because it is an election year. Immigration reform is too important to set aside for political reasons.

Our immigration system is broken. It harms our national security and our economy. It also treats hard-working immigrants, especially immigrant children, unfairly.

In recent months, there has been a lot of discussion about President Bush's immigration proposal. I have some serious concerns about the substance of the proposal, but the President did a good thing by coming forward with it. He reopened the national debate about immigration.

Since the President made his proposal in January, nothing has happened. The proposal has not even been introduced as a bill. Clearly, Congress will not act on it this year.

But we cannot wait to act on immigration reform. The problem is too urgent. Congress should back up the President's words with action. We should pass the DREAM Act this year.

The DREAM Act is the only immigration reform proposal reported to the Senate floor in the 108th Congress. It is a narrowly-tailored, bipartisan bill that would provide immigration relief to a select group of students who are long term U.S. residents, have good moral character and are pursuing a college education or have enlisted in the military.

I introduced the DREAM Act with the senior Senator from Utah, ORRIN HATCH, and I thank him for his leadership on this issue. We are an unlikely political couple, and it speaks volumes about the urgent need for immigration reform that we have come together in support of the DREAM Act.

The DREAM Act has broad public support. According to a recent poll of likely voters, 59 percent support the bill, while only 25 percent oppose it.

The DREAM Act has 48 cosponsors and was reported favorably by the Judiciary Committee on an overwhelming 16–3 vote. If brought to a vote, there is every reason to believe it would pass by a wide margin.

The DREAM Act was reported to the floor last October, over eight months ago. The Senate's leadership should bring the DREAM Act to a vote as soon as possible.

Why is the DREAM Act so important? Because of the extraordinary young people it would help. Let me tell you about two of them, whom I have had the pleasure of meeting.

Diana was born in Mexico, but raised in Chicago, in my State of Illinois. Her parents brought her to this country at the age of 6. Her father works construction for $25,000 per year; her mother is a manager in a fast food restaurant who earns $15,000 per year.

Last year, Diana graduated from high school in the top 5 percent of her class with a GPA of 4.4 on a 4.0 scale. She is studying to be an architect and she has won first place in a number of architecture contests. Diana is very active in her church and last year she won the national New Leadership Award from the U.S. Catholic Conference of Bishops.

Diana was accepted to Northwestern University, a prestigious institution, but due to her immigration status, was unable to attend. Last fall, Diana became the first member of her family to attend college when she enrolled in the architecture school at an Illinois state college.

Tereza was also raised in Illinois; her Korean parents brought her to the U.S. when she was two. Her mother, the family's sole breadwinner, earns $20,000 per year working 12-hour days at a drycleaner.

Tereza began playing piano when she was eight. She became a musical prodigy, winning the Chicago Symphony Orchestra Youth Auditions, which enabled her to perform with the Orchestra.

I first learned about Tereza when her family called to ask for my help. Tereza first discovered that she was undocumented when she was preparing to apply to colleges. The top music schools in the country had recruited Tereza, but when they learned about her immigration status, most would not permit her to apply. I called the INS to ask for their help and they told me that Tereza should go back to Korea.

Tereza now attends one of the top music schools in the country.

One of her music teachers told me:

> I worry that our country, the richest and most blessed in the world, will not permit this very large talent to be developed. We are not such a rich land that we can afford to throw away the talents of our residents.

Due to support from their communities, Diana and Tereza are among the lucky ones who have been able to attend college. However, their futures are uncertain—they could be deported at any time.

Diana and Tereza are not alone—thousands of other young people are prevented from pursuing their dreams by our immigration laws.

They are honor-roll students, star athletes, talented artists, homecoming queens, and aspiring teachers and doctors. Their parents brought them to the United States when they were young children. They have lived in this country for most of their lives. It is the only home they know. They have followed the rules and worked hard in school. Unfortunately, they are undocumented, so their options are greatly limited and they could be deported at any time.

The DREAM Act would help these students. It would permit them to become permanent residents if they are long-term U.S. residents, have good moral character, and attend college or enlist in the military for at least 2 years.

The DREAM Act is not an amnesty. It is narrowly tailored to assist only a select group of young people who earn legal status. It is unfair to punish these students for the mistakes of their parents.

The DREAM Act would also repeal a provision of federal law that prevents states from granting in-state tuition rates to undocumented students. It would not create any new tuition breaks. It would not force states to offer in-state tuition to anyone. It would simply return to states the authority to determine their own tuition policies.

This is not just the right thing to do, it is good for America. The DREAM Act would allow students with great potential and ambitions to contribute more fully to our society.

Diana and Tereza are just like millions of immigrants who have come to this country over the course of our history.

I am the proud son of an immigrant. Over 90 years ago my grandmother carried my mother, then a 2-year-old infant, down a gangplank and off the ship that brought them here from Lithuania.

As this poor family made its way through the streets, I am sure someone commented, "Not more of these people." This resistance to new Americans has always been with us.

We need to view immigrants for whom they really are: men and women with the courage to leave behind everything they knew to build a new and better life for themselves and their children.

Immigrants have made us the greatest country in the world. The best and brightest have come here from all over the world, creating a rich diversity that continually renews and drives our society to new heights.

As we mourn the passing of President Ronald Reagan, all Americans should recall his vision of our Nation as a shining city upon a hill. Here is what President Reagan said about the shining city and immigration:

> If there have to be city walls, the walls have doors and the doors are open to anyone with the will and the heart to get here. . . . The city is a beacon a magnet for all who must have freedom, for all pilgrims from all the lost places who are hurtling through the darkness, toward home.

Like me, President Reagan was the son of an immigrant. We had very different political philosophies, but President Reagan understood the importance of immigrants to our great country.

I recently received a letter, in support of the DREAM Act, from a group of Americans who lost loved ones in the September 11 terrorist attacks. They wrote:

> We will all be safer if we unite against the terrorists and if our immigration system can be made more rational and reflective of our values as a nation.

These brave Americans, who have suffered so much, understand that, as we fight the war on terrorism, we must stand by the ideals that made our country great. We shouldn't deport extraordinary young people like Diana and Tereza. They make America a stronger country. We should extend a welcoming hand to them by passing the DREAM Act this year.

These young people cannot wait any longer—many of them will have been deported by the time the next session of Congress begins.

For example, four honor-roll students from Wilson High School in Arizona are currently in deportation proceedings. They have lived in the United States since they were toddlers. Under current law they have no options, but the immigration judge who is considering their case granted a continuance to give Congress time to pass the DREAM Act.

The Senate should vote on the DREAM Act. I ask the Senate's leadership to schedule a vote on this important bill as soon as possible.

RURAL COMMUNITY ARSENIC RELIEF ACT

Mr. CRAIG. Mr. President, I rise to address an issue that is just now emerging in rural America, but one that is important and has the potential to devastate, economically, small cities and towns across the inter-mountain West—like in my State, of Idaho.

The new Environmental Protection Agency drinking water standard of 10 parts per billion for arsenic is something the current Administration inherited from the prior Administration and is now trying to implement. I would remind my colleagues, however, that the new lowered arsenic standard was not universally supported in Congress when it was proposed.

There were Senators—not many, but I was certainly one of them—that knew that the cost of complying with the new arsenic standard was going to cripple economically—was going to break the back financially—of rural communities and small towns across the western United States.

I fought this new standard on the floor of the Senate. I knew the costs were crippling and the health benefit was bogus. I also knew that the science to support the lower standard is being exposed as based on examples and sample populations that were very, very flawed. The science is now revealing that extrapolating from those sample communities to the whole of the United States was a very, very flawed basis for the drinking water standard.

I fought this new standard, but I did not succeed.

There are communities now in Idaho that will not be able to come into compliance with this new standard by the time it takes effect. Some of these Idaho communities have estimated that it would take double or triple their entire city budget, just to try to come into compliance—and that would mean that no other city services could be paid for.

That kind of situation is clearly ridiculous, and I will fight as long and as hard as I can to find solutions to this problem.

For example, this past March I discussed this issue with EPA Administrator Mike Leavitt. Mike Leavitt is a Westerner—his folks in Utah are having some of the same problems.

I discussed that with him and I think he will try to be reasonable. I will keep discussing it with him. The problem is that EPA bureaucrats—who are so good at being bureaucrats—think they know Idaho better than Idahoans do. Some of our Idaho communities have requested of EPA Region 10 that EPA exercise some flexibility with this standard. This is flexibility that EPA has already incorporated into its final agency rule on the arsenic standard.

Unfortunately, EPA bureaucrats are doing what they are good at. They are saying no to flexibility and hey, by the way, Castleford, Idaho or New Plymouth, Idaho—this won't disadvantage you economically as much as you say. That is what EPA says to the communities of Idaho. We know better than you.

Seeing that EPA cannot be reasonable, I have worked with my colleagues Senator NELSON of Nebraska and Senator DOMENICI of New Mexico. Both of their States have similar problems. The product of our collaboration is the bill we are introducing today.

With this bill, we are trying to force States—and in Idaho's case, the EPA since Idaho is what they call a "nonprimacy state"—tc approve requests from communities to delay their compliance with the new arsenic standard.

The bill is straightforward, it is vital, and it is needed. It will save some of these communities from bankruptcy or from discontinuing essential community services. Many other states—other than Idaho, Nebraska, and New Mexico—face this same crisis. I implore my colleagues to learn about what their small communities are facing, and to join with us in enacting this essential regulatory relief.

ADDITIONAL STATEMENTS

HONORING KATIE PENN AND HILLARY RAINEY

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Katie Penn and Hillary Rainey both of Winchester, KY, on being selected to participate in the America's Promise Ambassadors Network. They will be representing their community and Kentucky as young leaders and problem-solvers.

America's Promise was founded in 1997 to make children and youth a national priority. Their mission is to mobilize people from every sector of American life to build the character and competence of youth by fulfilling the following promises: providing caring adults, safe places with structured activities after school, a healthy start, marketable skills through education, and opportunities to serve.

As ambassadors for the America's Promise program, Katie and Hillary will organize a project for National Youth Service Day in April 2005 in their community. In addition, they will dedicate 2 to 3 hours every month volunteering in their community, and will have the opportunity to earn the President's Volunteer Service Award for their activities. They will also be participating in monthly training sessions to build their leadership skills.

Young people are part of the solution to problems we face in this country, and we need to utilize their assets. I join my fellow Kentuckians to congratulate Katie Penn and Hillary Rainey being named ambassadors for this program and thank them for their dedication to community service.•

TRIBUTE TO MINNESOTA RADIO STATION, KTCZ-FM

• Mr. DAYTON. Mr. President, I rise today to recognize an outstanding Minnesota radio station, KTCZ-FM, which recently won a National Association of Broadcasters Crystal Radio Award. The Award honors KTCZ-FM for its continuous commitments and exceptional dedication to community service throughout its listening region.

KTCZ-FM, which is known locally as "Cities 97," deserves this honor for its many charitable contributions. Last year, the station donated over $2.7 million in airtime, which enabled nonprofit service organizations to raise almost $5 million for their important work. The station also aired over $1 million worth of public service announcements and provided almost 80 hours of public affairs broadcasts.

Their tremendous community support previously earned KTCZ-FM the Camp Heartland Heart of Hope Award, the Make-A-Wish Recognition Award, the University Pediatrics Foundation Corporate Friend Award, and a Proclamation by the Governor of Minnesota.

KTCZ-FM's employees share the station's dedication to helping others. Last year, they donated over 2,500 hours of their own time to help worthy causes.

On behalf of the thousands of Minnesotans who have been helped by Cities 97's generosity, I thank the station, its management, and its employees for their extraordinary contributions. I congratulate them for winning a 2004 Crystal Radio Award. I trust that their giving back to their community will continue to lead the way for many more years.•

TRIBUTE TO JUDITH LICHTMAN

• Mr. DODD. Mr. President, I rise to pay tribute to Judith L. Lichtman, who stepped down recently after serving for 30 years as president of the National Partnership for Women and Families.

I have been privileged to work with Judy Lichtman for the past quarter century on numerous issues of importance to American women and families. Judy took the lead in efforts to combat gender-based discrimination in the workplace, to protect a woman's right to choose, to provide each and every American with affordable health care, and to in so many other ways help working families across our Nation.

Judy began her career at the National Partnership for Women and Families in 1974, when it was known as the Women's Legal Defense Fund. At the time, she was its executive director and only paid staff member. Under her leadership, the National Partnership has become an organization that has been at the forefront of many major legislative initiatives concerning women and families for the past three decades.

Judy was particularly instrumental in the successful effort to pass the Family and Medical Leave Act, legislation I was privileged to author in the Senate. Judy recognized decades ago that each and every day, men and especially women in America are forced to make difficult choices between advancing their careers and caring for their families. The FMLA hasn't eliminated these difficult choices entirely. But by providing working men and women with up to twelve weeks of unpaid leave to care for a sick loved one or a newborn child, it has been an enormous help to women and men as they strive to balance the competing demands of work and family.

In this legislative body, and around our country, we often hear rhetoric about "family values." Judy understands that if "family values" as a term means anything, it must be accompanied by policies that actually value families by providing them with access to affordable health care, by helping parents care for their children, by giving working mothers opportunities for equal jobs with equal pay, and by fighting practices that discriminate against parents in the workplace.

Judy understands that the American family's priorities are America's priorities. The family is the fundamental building block of our society. And when we make the American family stronger, we make America stronger.

Judy has won praise from wide circles for her tireless efforts. President Clinton called her "a remarkable national treasure," and I echo those words today. The occasion of Judy's retirement is indeed a bittersweet one. But I have no doubt that she will continue to lend her expertise and passion to the National Partnership as she continues on in the role of senior advisor.

I don't know anyone who is a more passionate, tenacious, and intelligent advocate for women and families than Judy Lichtman. She is a model for generations to come, and I have truly enjoyed the time I have spent working together with her over the years.

I thank Judy for her many, many years of dedicated work, and I wish her luck as she moves on to this new stage in her life and her career.●

IN MEMORY OF FERN HOLLAND

● Mrs. CLINTON. Mr. President, I rise today in honor of the memory of a special woman, Fern Holland, who left the comfort of her work as a lawyer in private practice to serve the poor, the oppressed, and the marginalized. She volunteered for the Peace Corps in Namibia, Africa, and worked with the American Refugee Committee to set up legal clinics in Guinea. Finally, she worked for the U.S. Agency for International Development and the Coalition Provisional Authority as a human rights lawyer organizing women's groups and human rights groups in south central Iraq. Fern is someone who deserves to be remembered both for what she did in life and what she gave in life in service to our country.

On March 9, 2004, she was brutally gunned down south of Baghdad, near the city of Hilla. Her friend and colleague, Salwa Oumashi, was also killed. Fern worked tirelessly to set up women's centers in south central Iraq. She was working for our Government to provide safe places for Iraqi women to discuss and pursue active roles in their communities. During her time in Iraq, she wanted to give women in places like Hilla and Karbala a voice because she feared they might be forgotten otherwise.

Iraqi women are struggling every day to participate in the rebuilding of their country, but they confront many obstacles, not least of which include the daily challenges to their own personal security. Today, the centers Fern helped to establish are playing a crucial role in the women's movement in Iraq. Fern knew the danger that she faced, but she wanted to volunteer her services to further democracy and freedom and to help Iraqi women come out from behind the walls of oppression in order to take their rightful place in a new Iraq.

Fern was in constant e-mail contact with many of us on Capitol Hill. She wrote about the dreams of the Iraqi women she met and what needed to be done to make those dreams come true. Of Fern her Iraqi colleagues wrote: "Fern lost her life, but won our love and this is unique in life. We must follow Fern in the same way and show to the murderers that we will walk on in her spirit."

Fern Holland held two core beliefs: that all people deserve basic human rights, and that one person really can make a difference in the lives of others—and she did.●

RECOGNIZING GREGORY B. ANDREWS

● Mr. ALLEN. Mr. President, I am pleased today to recognize Mr. Gregory B. Andrews for his community service and leadership. Gregory recently graduated cum laude from Longwood University with a business administration degree, concentrating in marketing.

During his time at Longwood University, Gregory actively volunteered to serve the student body. He was president of the Independent Innovation Marketers Association and served on the student advisory board.

Following graduation, Gregory was commissioned a 2nd Lieutenant in the U.S. Army. He is currently serving on active duty at Fort Lee, VA in the Quartermaster School, where he is enrolled in the officer basic course. With the completion of this course, he will join the 3rd Infantry Division at Fort Stewart, GA.

Gregory B. Andrews has proven himself a true leader. I thank him for his dedicated service to our country and wish him well in his future service.●

REMEMBERING ZANE SHOWKER

● Mr. ALLEN. Mr. President, today I would like to reflect on the wonderful life of a fine Virginian and American, Mr. Zane Durwood Showker, who passed away on June 23, 2004 in Rockingham County.

Born on January 30, 1926, in Craigsville, VA, Zane Showker truly made the most of his time here on Earth. Throughout his life, he was an outstanding businessman, perhaps best exemplified by his founding the successful Harrisonburg Fruit and Produce, which would later become Sysco Food Services of Virginia. His entrepreneurial skills were only outshone by his philanthropic skills as Mr. Showker kindly used his great success in business to give back to his community through his various charitable projects.

More than anything, Zane Showker was an exceptionally kind and generous gentleman who cared greatly for the Shenandoah Valley. As Governor, I was proud to appoint Zane to the JMU Board of Visitors, where he served with distinction. His work at JMU and throughout the Valley had a truly positive effect on the lives of countless Virginians. Like so many others, I will always have fond memories of his warm personality and hospitality at his wonderful home, Breezy Hill.

Today, my thoughts and prayers go out to the Showker family during this difficult time.●

RECOGNIZING RAYMON THACKER

● Mr. ALLEN. Mr. President, I am pleased today to recognize Mr. Raymon Thacker for his community service and leadership. Mr. Thacker is in his 70th consecutive year of service as a member of the Scottsville Volunteer Fire Department. Mr. Thacker is a founding member of the Department, and has selflessly given much of his time and hard work to see to it that the Department continues to run smoothly and effectively.

The Scottsville Volunteer Fire Department serves about 15,000 residents within southern Albemarle, Fluvanna, Buckingham, and Nelson Counties. Mr. Thacker has worked tirelessly to make sure everyone in the area remains safe and secure.

The Scottsville region surely appreciates the talents and efforts that Mr. Raymon Thacker has displayed as a member of the Scottsville Volunteer Fire Department. I congratulate him on his community service and wish him well in the future.●

TRIBUTE TO MR. JOHN HICKS

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. John Hicks, a veteran administrator of the University of Alabama System who, after a quarter-century of service, will retire on August 31, 2004. John has made tremendous contributions to the institution through his dedication to educational excellence, and I am pleased to congratulate him today.

John has served as a member of the University of Alabama management team since 1979, most recently as executive assistant to the chancellor and secretary of the board of trustees of the University of Alabama. Recognized nationally for his accomplishments in higher education administration, John has made countless contributions to the university.

John has been an integral part of the university's efforts to recruit senior leadership, resulting in the selection of 10 campus presidents and four chancellors. Additionally, John's responsibilities at the university include oversight of the activities and meetings of the board of trustees as well as leadership in strategic planning and crisis management issues.

As ambassador of the University of Alabama system in the U.S. and abroad, John has represented the Board and its entities in activities of the Association of Governing Boards of American Colleges and Universities, the American Council on Education, the College and University Personnel Association, the Japan-America Society of Alabama, and the National Association of State Universities and Land Grant Colleges. In addition to his responsibilities with the university system, John still finds time to actively participate in the community by serving on the Alabama Shakespeare Festival Theatre Authority and boards of the Alabama School of Math and Science, the Kentuck Festival, and A Women's Place, a shelter for women and children in Tuscaloosa, AL. He is a member of the 2004 class of Leadership Alabama and Christ Episcopal Church.

John received a Bachelor of Science degree in industrial economics/administration and finance from Purdue University and a Master of Arts from the Eastern Michigan University. John and his wife Kirsten Boyd Hicks are the parents of three grown children and have two grandchildren.

John has served the University of Alabama community with dedication and a sincere commitment to make the university a better place. The university will, indeed, miss him, but I am certain he will maintain his presence and leadership within the Tuscaloosa community. Today, I want to congratulate John on the occasion of his retirement and wish him and his family the very best.•

JESSICA LONG

• Ms. MIKULSKI. Mr. President, in a few weeks we are going to be cheering on our champion athletes at the Olympics in Athens, Greece. I rise today to tell America the unique and inspiring story of a 12-year-old Marylander and record-breaking swimmer named Jessica Long.

Jessica was born in Russia and adopted with her brother Joshua as an infant. Though Jessica has faced health difficulties and worn prosthetic legs since she was a little girl, she has always been on the move. She began swimming seriously several years ago, pushing off the wall of the pool with her knees, and using her upper body for the majority of her swimming strength. She has since set 11 National and 2 Pan American records for disabled swimmers. Jessica is now going to compete in the 50-, 100-, and 400-meter freestyle events at the Paralympics Games in Athens.

Jessica also finds time to just have fun and be a kid. She has been a cheerleader, plays with Barbies and music boxes, and has dreams of being a model or designer. I am confident that Jessica will accomplish her goals, whatever they may be.

Jessica Long is a testament to triumph over adversity. She is strong in both body and spirit. I ask my colleagues to join me in saluting her spirit and wishing her the best of luck at the Athens Paralympics.•

COMMEMORATING VALMONT IRRIGATION'S 50TH ANNIVERSARY

• Mr. NELSON of Nebraska. Mr. President, I am pleased and proud to congratulate a leading Nebraska company that this year is celebrating its 50th anniversary as the world's preeminent mechanized irrigation manufacturer. Valmont Industries' development of the center pivot technology has revolutionized agricultural production, not just in the United States, but around the world. At the same time, this technology uses far less water than other traditional means of irrigation such as flood and drip, and preserves water quality by reducing nonpoint source pollution because it lessens the use of pesticides and fertilizers. Valmont's products allow us to grow significantly more crops and produce greater crop revenue, all while protecting our vital natural resources.

I am sure my colleagues are familiar with the center pivot. When you fly across the country and see huge circles in the middle of farmland, those are created by the center pivots manufactured in my home town of McCook and Valley, where they were first developed. In fact, the brand name is popularly known as Valley pivots.

You can also see Valley center pivots and linear and corner machines at work in over 100 countries. All told, the company maintains irrigation manufacturing and distribution facilities in five states and six countries on six continents.

I worked with Valmont officials during my tenure as Governor, and I continue to work with Mogens Bay, chairman and chief executive officer for Valmont; Bob Meaney, senior vice president; and Tom Spears, president of the Irrigation Division; as well as the company's Washington representatives at Bob Lawrence & Associates. In addition, I am also quite familiar with other Valmont products, since it is also the world's foremost manufacturer of engineered poles for electrical transmission, lighting, traffic signs and signals, and wireless communications.

Today, a half century after Bob Daugherty improved and marketed the first center pivot, Valmont has produced an estimated 145,000 center pivots, linear, and corner machines, which successfully irrigate more than 14 million crop acres, and can effectively promote the growth of virtually any crop.

I congratulate Valmont and its dedicated workers for their half century of innovation and initiative as well as for their success in helping to feed the world while protecting our environment. These are truly remarkable legacies.•

TRIBUTE TO THOMAS H. WARDLEIGH

• Ms. MURKOWSKI. Mr. President, I pay tribute to Mr. Thomas H. Wardleigh, Alaskan aviation legend, who left us for new horizons on July 7, 2004, following a long battle with cancer.

A World War II Navy veteran, Tom moved to Alaska in 1951 and continued his aviation career as a mechanic with the U.S. Fish and Wildlife Service, keeping its fleet of Grumman aircraft in operation for decades. He completed his federal service at the Federal Aviation Administration. He then devoted the rest of his life to promoting safety enhancements for Alaskan aviation. In 1984 he became chairman of the Alaskan Aviation Safety Foundation and produced more than 1,000 weekly episodes of a TV show called "Hangar Flying" which was broadcast all over Alaska. Because of the value of the instruction, the national organization, Aircraft Owner and Pilots Association, recently gave a grant to the University of Alaska Archives to transfer all of the programs to DVD so that future aviators will be able to learn from his timeless wisdom.

Tom Wardleigh logged over 33,000 flight hours in numerous types of aircraft. He was in great demand as an advanced flight instructor, and was one of the few multiengine sea plane instructors. Many, many Alaskan pilots were Tom's students over the years.

Although he was a tenacious fighter, Wardleigh was soft spoken, friendly, and always a gentleman, perhaps some reasons he was such a successful advocate for aviation safety enhancement, whether in education or technology. He was most recently instrumental in the development of the FAA Capstone Project which has been credited as a significant factor in lowering the accident rate in rural Alaska. While his work was primarily in Alaska, Tom participated in forums and projects all over the United States as well as in other countries whose aviation leaders often came to Alaska to personally seek Tom's advice on developing their safety programs.

The list of commendations Tom had received over the years is long, and includes AOPA's Laurence P. Sharples' national award in 1994 for his lifetime of service. Last year, FAA Administrator Marion Blakey personally recognized Tom with one of the agency's most significant honors in U.S. civil aviation, the Distinguished Service Award—this in addition to having previously bestowed on him the Charles Taylor Master Mechanic and the Wright Brothers' Master Pilot Awards.

While Tom Wardleigh may have taken his last flight, pilots and passengers alike will fondly remember this special aviator as they turn onto Wardleigh Drive at the Anchorage Ted Stevens International Airport.●

NEW JERSEY STATE SOCIETY BIDS FAREWELL TO JOHN AND HELEN PANNULLO

● Mr. CORZINE. Mr. President, I am pleased to take this opportunity to acknowledge the outstanding contributions of John and Helen Pannullo in strengthening the New Jersey State Society. This valuable organization has played a major role in the professional and social lives of so many present and former New Jersey residents who live and work in the National Capital area. Unfortunately, their colleagues and many friends must bid them a fond farewell as they finally retire and move from this area.

John is a former association executive who has represented a number of associations in New Jersey and Washington, DC. Helen is retiring after 31 years of Federal Government service during which she held a variety of management positions in the information technology field and served on the board of Executive Women in Government.

In 1997 John assumed the Presidency of the New Jersey State Society, and Helen became its secretary. Under their expert leadership, the NJSS had a period of unprecedented growth and activity. They created an annual membership directory and quarterly newsletter. They also initiated the participation of the NJSS in 10 to 12 high-profile events each year, including New Jersey Day at the National Cathedral, the Battle of the Beltway to raise funds for the Cystic Fibrosis Foundation, and the National Book Fest on the Mall. One of the highlights of this period was the 2001 New Jersey inaugural gala attended by more than one thousand NJSS members and their guests.

During their tenure the income of the society has increased ten fold, and the membership has gone from fewer than 100 to nearly 900.

I am sincerely grateful for John and Helen's dedication to the New Jersey State Society and their noteworthy accomplishments on behalf of the citizens, businesses, labor organizations and educational institutions in our State. While we will miss them, I wish them every success and much happiness in this new chapter of their very successful and productive lives.●

TRIBUTE TO THE TOWN OF CHATOM, ALABAMA

● Mr. SESSIONS. Mr. President, I take this opportunity to recognize the town of Chatom in my home state of Alabama. On October 4, 2004, the Town of Chatom will celebrate its 100th birthday. Named the county seat of Washington County in 1907, the town later became the home of the county's first high school. Washington County Hospital and Nursing Home, where an uncle of mine was ably cared for, was founded there in 1952. In 1956, Chatom citizens founded the beautiful Washington County Public Library. Chatom became a regional leader in aviation when Roy Wilcox Airport was established there in 1963. In 1995, the town extended its appeal to additional tourists and golf enthusiasts by opening an eighteen hole golf course. Reflecting the hospitable environment of the town, residents established the Chatom Community Center in 2000. Lake Ellis opened that same year, providing increased avenues for fellowship and leisure to both residents and visitors. Currently, the Town of Chatom encompasses a population of 1,205.

I firmly believe that it is out of the small towns and rural communities of America that there arises the rich values that shape our State and Nation. People know and care for one another. They go to church. They encourage the children of the community. They stand up for truth, justice and common sense. That is the way they were raised and that raising forms the basis for a fierce sense of independence, a respect for the ownership of property, and a love of democracy where people from the heart of America rule. They love and respect America, they understand the exceptional character of our country, obey her laws, and send their sons and daughters to defend her just national interests. Without the people of Chatom and millions like them, we would cease to bear the stamp, "American".

Chatom has been a commercial and educational center for southwest Alabama for many years. In fact, I recently found a diploma of another uncle, Harry A. Powe, Jr., who came down from Black Creek outside Silas to graduate from Chatom High School in the 1920s.

The rich history and character of Chatom are proof of the leadership potential of Americans intent upon the pursuit of the American dream and the promotion of American ideals. Since its founding on October 4, 1904, the Town of Chatom has been a leader of Washington County, due not only to its expanding educational and economical opportunities but also to the hard work and good hearts of its people. As Chatom prepares to celebrate its centennial, we should pause to look forward to the future achievements of its citizens. I congratulate and commend Chatom for its accomplishments and continued growth. I thank the residents of Chatom for their examples of American ideals and southern hospitality.●

HONORING THE ACCOMPLISHMENTS OF JEREMY TODD BOWLING

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Jeremy Todd Bowling of Manchester, KY on being awarded the Kentucky Farm Bureau Insurance Agents Association Scholarship from the Kentucky Farm Bureau Education Foundation. This academic scholarship will provide Jeremy with $2,000 toward his education.

Jeremy has proven to be a very able and competent student by winning this prestigious award. He will represent the graduates of Clay County High School very well when he enrolls at the University of Kentucky in the autumn. There he plans to study biology.

The citizens of Clay County should be proud to have a young man like Jeremy Todd Bowling in their community. His example of dedication and hard work should be an inspiration to the entire Commonwealth.

He has my most sincere admiration for this work and I look forward to his continued service to Kentucky.●

COLONEL ROBERT MORGAN

● Mrs. DOLE. Mr. President, I would like to reflect for a moment and explain why we should take a moment to honor Colonel Robert Morgan, a man of distinguished valor. Not only was he part of our Greatest Generation, he was a true hero, aptly defined as one who inspires through manners and actions, who leads through personal example and accomplishments requiring bravery, skill, and determination. As commander of the famed "Memphis Belle" during World War II, and at a time when German anti-aircraft fire brought down 8 in 10 bombers, Colonel Morgan repeatedly risked everything for his country. In this extremely dangerous environment he piloted the first heavy bomber to complete 25 combat missions in the European Theater, an unprecedented achievement and the magic number to be sent home.

Colonel Morgan's exceptional courage did not end in the European Theater. He continued his valiant service to his country in the Pacific Theater and again made history when his B–29 named "Dauntless Dotty" was chosen to lead the first B–29 raid on Tokyo. A native of Asheville, NC, Colonel Morgan represented the American Spirit—courage in the face of seemingly insurmountable odds.●

HONORING THE ACCOMPLISHMENTS OF JESSE DUKE WELTE

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Jesse Duke Welte of Maysville, KY on being awarded the Kentucky Farm Bureau Mutual Insurance Company Scholarship from the Kentucky Farm Bureau Education

Foundation. This academic scholarship will provide Jesse with $2,000 toward his education.

Jesse has proven to be a very able and competent student by winning this prestigious award. He will represent the graduates of Maysville St. Patrick High School very well when he enrolls at the University of Louisville in the autumn. There he plans to study political science.

The citizens of Maysville should be proud to have a young man like Jesse Duke Welte in their community. His example of dedication and hard work should be an inspiration to the entire Commonwealth.

He has my most sincere admiration for this work and I look forward to his continued service to Kentucky.●

HONORING THE RETIREMENT OF PAUL STABILE

● Mr. JOHNSON. Mr. President, I publicly congratulate Paul Stabile on a very successful career helping individuals with disabilities obtain jobs. He is retiring from the Black Hills Workshop on September 13, 2004.

Over the years, Paul has been extraordinarily committed to exploring new roles for people with disabilities in the workforce throughout the United States. Paul began his career with the Black Hills Workshop in 1973 when philosophies about the people with disabilities were making dramatic changes. The de-institutionalization of people with disabilities in South Dakota was reflective of what was happening all over the United States. Paul's friends recall that Paul welcomed dozens of men and women to Black Hills Workshop and the Rapid City community who had spent their entire lives living in an institution in Redfield. Paul offered them support in living, working and assuming a quality of life that people with disabilities had never before known.

In 1996, a separate corporation, Black Hills Services, was formed to provide services to the Department of Defense and employment opportunities at Ellsworth Air Force Base. Paul was selected to lead the new corporation.

Paul's association with the U.S. Air Force has provided thousands of job opportunities to people with disabilities and provided the Air Force with much-needed support. Paul's partnership with the Air Force has been a shining example to Human Service Agencies around the country for people with disabilities.

During Paul's tenure, Black Hills Services, and the people with disabilities that it serves, has been recognized with some of the highest honors that can be bestowed by the Air Force. These awards include Best Large Commissary in the United States, Best Large Merchandise Department-Commissary, R.T. Riney Award, Best Food Services and the prestigious Hennessy Award for Best Air Force Dining Facility Worldwide.

Paul also served on the Rapid City Mayor's Committee on Employment of People with Disabilities. Paul's leadership has gone beyond South Dakota. From 1996 to 2003, Paul was a member of the NISH Board of Directors where he served as treasurer and secretary. NISH is the nonprofit organization that assists work centers in obtaining and maintaining contracts with the Federal Government. In March 2004, in recognition of Paul's years of service on behalf of NISH, the Javits-Wagner-O'Day, JWOD, Program and people with disabilities, the NISH Board of Directors granted him the status of emeritus Board member.

Paul was recently honored with the prestigious Milton "Milt" Cohen Leadership Award, which recognizes an individual from a Community Rehabilitation Program, CRP, working within the JWOD Program. The honoree must have demonstrated national leadership qualities leading to enhanced employment opportunities for people with severe disabilities. Milton Cohen was a respected national leader in the field of vocational rehabilitation.

I've appreciated Paul's insight, advice and counsel on issues of importance to people with disabilities in South Dakota. His undying commitment and dedication have helped open countless doors of opportunities to people with disabilities. Paul's efforts have helped tear down barriers—barriers set for those set in attitudes. I wish nothing but the best for him and his family. It is with great honor that I share his impressive accomplishments with my colleagues.●

RECOGNIZING HAWAII PARTICIPANTS IN 2004 ECONOMICS CHALLENGE

● Mr. AKAKA. Mr. President, today I congratulate the team of students from Iolani School of Honolulu, HI, for logging a national accomplishment in the National Economics Challenge recently held in New York City. The team traveled over 5,000 miles to represent not only Hawaii, but the western region in the competition, at which they achieved a second-place finish in their category, the David Ricardo division, which is for students enrolled in single-semester economics courses.

The National Economics Challenge is sponsored by the National Council on Economic Education, NCEE, and the Goldman Sachs Foundation, which created the Challenge in 2000 to promote student interest in economics, reinforce classroom instruction, advance academics, and reward scholarship. Preliminary rounds began in April with more than 3,600 students on over 700 teams participating in 33 State and 4 regional competitions. I commend the Hawaii Council on Economic Education for sponsoring the State-level competition in my State and, on a constant basis, training teachers and working to improve economic and financial literacy in Hawaii's schools. Student teams in the final round at the national level faced difficult questions on complex economic concepts and theories involving microeconomics, macroeconomics, international economics, and current events. The final round of the competition was held before a crowd of hundreds at the New York High School of Economics and Finance in Manhattan. The Iolani team competed and placed second in their division, for which I congratulate them wholeheartedly.

As a former teacher and principal, I am aware of the many hours of work that these students dedicated to develop the necessary knowledge to participate in this national competition. They have surmounted many challenges at the State, regional and national levels, and have emerged with not only a placing finish to show for it, but also the experiences and memories of all they have learned along the way. Economic and financial education are crucial components needed to build our future leaders, and I applaud all students who participate in this competition for their hard work.

I am pleased to enter the names of the Iolani team members for the RECORD: Stephani Le, Kimberlee Collins, Kyle Sombrero, and Brando Inouye. I also take this opportunity to recognize their coach Richie Kibota for his contributions in helping the Iolani team prepare for the national competition. Of particular interest are their classmates and peers who rose to the same challenges, whose names I would also like to enter into the RECORD. This includes another Iolani School team who competed and placed at both State and regional levels in the Adam Smith division for advanced placement, international baccalaureate, and honors students, with team members Jeffrey Lawi, Brad Kawitaki, Ronald Kwok, Keone Nakoa, and Krystal Ching, and coach Dick Rankin. Also included are other Hawaii State participants: a third team from Iolani School and other teams from Kamehameha Schools, Maryknoll School, Kaimuki High School, and Nanakuli High and Intermediate School.

Again, I congratulate the students and the faculty of Iolani School, and I join the people of Hawaii in expressing my pride in their impressive achievements. It is these types of efforts that are supported by the Excellence in Economic Education Act, and these kinds of efforts that will ensure that our students and future leaders have the tools they need to make wise economic and financial decisions.●

SALUTE TO HARRY AND DAVID

• Mr. SMITH. Mr. President, 70 years ago—in the fall of 1934—Harry Holmes from Medford, OR traveled to New York City armed with nothing more than a dream and 15 boxes of Royal Rivera pears, which had been grown on the orchard in the beautiful Rogue Valley owned by Harry and his brother David. Their goal—in the midst of an economic depression—was to convince New York business executives that a box of their pears was a perfect Christmas gift.

A week of meetings, however, yielded no success, and the pears were beginning to ripen. In an attempt to prolong the pears, Harry kept the window of his hotel room wide open, transforming his room into a make-shift refrigerator.

With just 2 days left in his trip, Harry was introduced to G. Lynn Sumner, an advertising man. Sumner met with Harry that afternoon, and before business was discussed, Harry had Sumner tuck a towel into his shirt collar and taste one of the pears.

"I took a bite out of my pear and found that Harry had taken a wise precaution," said Sumner. "The juice burst . . . and poured down over me . . . At the same time, I sensed the full flavor of the most luscious pear I had ever tasted."

Sumner was so impressed he immediately agreed to help Harry promote his product. That night he drafted a letter to be sent with each box of pears, asking the recipient just to taste a pear and imagining what a wonderful Christmas gift a box of them would make.

The next morning, each of the 15 boxes of pears, along with a copy of the letter, were sent to America's most prominent business leaders. Before Harry left New York to return to Oregon, he had 500 orders in hand.

Seven decades later, Harry and David is the Nation's largest and most well-known direct marketer of gourmet food and fruit gifts. It ships more than 7.5 million gifts per year, including 4 million during the Christmas holiday season. Harry and David's parent company, Bear Creek Corporation, is also a leading employer in Southern Oregon, providing 3,000 full-time and part-time jobs year around, and 11,000 jobs during the holiday season.

I am proud to congratulate the good folks at Harry and David for 70 years of providing millions and millions of families around the world with delicious food and countless Christmas memories.

I am also reminded of the words of Thomas Jefferson, who said, "Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bands."

In saluting Harry and David, I do more than salute a business. I also salute the "cultivators of the earth"—the farmers and orchardists who do the work necessary to make the land blossom with an abundance of treasures. I am confident that their hard work and the hard work of all those at Harry and David will help to ensure that the best days of this company are yet to come.•

IN RECOGNITION OF THE HATCH CHILE FESTIVAL AND NEW MEXICO CHILE GROWERS

• Mr. DOMENICI. Mr. President, I recognize the Hatch Chile Festival and to recognize my home State of New Mexico as the largest chile growing State in the Nation. Soon it will be September. For those from the Land of Enchantment, that means the recently harvested green chile is ready for roasting.

The chile pepper is thought to have originated in South America. During the 1500s, Spanish explorers and colonists introduced new crops, including chile, to the Southwest.

Although producers have been plagued by continuing drought conditions, agriculture continues to be a major contributor to our State's economy. Chile is one of New Mexico's most valuable commodities in terms of revenue, and is the State's most important agricultural crop both culturally and historically. New Mexico produced over 85,000 tons of chile in 2003, and planted acreage was estimated at 15,800 acres. Additionally, the value of the crop was estimated at around $41 million in 2003.

The Hatch Chile Festival is an annual event which dates back 33 years. The festival celebrates the chile and its cultural influence on New Mexico and its people. The festival is held on Labor Day weekend and draws hundreds of participants to the small town of Hatch, located just west of the banks of the Rio Grande.

Chile harvest usually begins in late July or early August and continues through the red chile harvest or up through the first frost. After harvest, the chile arrives from the farms in almost every container imaginable from bushel baskets and burlap bags, to wooden crates and cardboard boxes—all filled with freshly picked green chile waiting to be roasted.

The roasting process brings out its robust flavor and is most commonly done using a cylindrical tumbler. During harvest season, these gas-powered chile roasters can be seen going almost nonstop—outside grocery stores, in backyards, and of course, at the Chile Festival in Hatch.

The festival spreads across the entire town, making room for visitors to take in the sights and smells of the Chile festival and all its activities. The smell of roasting green chile is subtle, but unmistakable. The flavor of roasted green chile, like that of any food, is hard to describe to someone who has never experienced it.

Chile, and its history, is as much a part of our New Mexico culture and heritage as hot dogs, hamburgers, and apple pie is to our national heritage. So much so, that we even have an official State question, "Red or Green?"

In the past, the Hatch Chile Festival was a small town event which attracted mostly native New Mexicans or people familiar with the town of Hatch. However, in 2003 the Festival was featured on cable television's Food Network, resulting in a significant jump in attendance.

Regardless of its new found fame, the festival has not lost its small town charm, and I expect it never will. The festival brings great recognition to Hatch valley locals, and much pride to native New Mexicans and visitors alike. For that, and for all the accomplishments of chile producers and festival organizers, I am proud, and I salute them all here in this RECORD. Keep up the good work, and may you continue to represent Hatch and the State of New Mexico with distinction.•

RECOGNIZING GENE N. JOHNSON

• Mr. ALLEN. Mr. President, I am pleased to recognize Mr. Gene N. Johnson for his community service and leadership. Mr. Johnson is in his 40th consecutive year of service as a member of the Scottsville Volunteer Fire Department. During his time at the department, Mr. Johnson actively took on the role of department president from 1986–1997, and also served as a HAZMAT responder.

The Scottsville Volunteer Fire Department serves about 15,000 residents within southern Albemarle, Fluvanna, Buckingham and Nelson Counties. Mr. Johnson has worked selflessly to make sure everyone in the area remains safe and secure.

The Scottsville region surely appreciates the talents and efforts that Mr. Gene Johnson has displayed as a member of the Scottsville Volunteer Fire Department. I congratulate him on his community service and wish him well in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 741. An act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 2264. An act to require a report on the conflict in Uganda, and for other purposes.

S.J. Res. 38. Joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.R. 1303. An act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

H.R. 4363. An act to facilitate self-help housing ownership opportunities.

H.R. 4759. An act to implement the United States-Australia Free Trade Agreement.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 2:51 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3884. An act to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the “Hipolito F. Garcia Federal Building and United States Courthouse”.

H.R. 4011. An act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

H.R. 4294. An act to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the “William B. Bryant Annex”.

H.R. 4608. An act to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the “Bob Michel Department of Veterans Affairs Outpatient Clinic”.

H.R. 4660. An act to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act.

H.R. 4766. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4840. An act to amend the Internal Revenue Code of 1986 to simplify the taxation of businesses.

H.R. 4841. An act to amend the Internal Revenue Code of 1986 to simplify certain tax rules for individuals.

H.R. 4879. An act to increase the military housing private investment cap.

At 8:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4842. An act to implement the United States-Morocco Free Trade Agreement.

At 9:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

ENROLLED BILLS SIGNED

At 9:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1572. An act to designate the United States Courthouse located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow United States Courthouse”.

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. An act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the “Sergeant First Class Paul Ray Smith Post Office Building”.

At 10:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 479. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 11:06 p.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4916. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act of the 21st Century.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1587. To promote freedom and democracy in Vietnam; to the Committee on Foreign Relations.

H.R. 4600. An act to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; to the Committee on Commerce, Science, and Transportation.

H.R. 4766. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2704. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8673. A communication from the Administrator, Agricultural Marketing Service, Food and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled “Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate” (FV04–958-2 FR) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8674. A communication from the Director, Faith-Based and Community Initiatives, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Equal Opportunity for Religions Organizations” (RIN0503–AA27) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8675. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Bitertanol, Chlorpropham, Cloprop, Combustion Product Gas, Cyanazine, et al.; Tolerance Actions” (FRL#7358–6) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8676. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs .

EC–8677. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Consolidation of Assets-Backed Commercial Paper Programs and Other Related Issues (Regulations H and Y)” (Doc. No. R–1162) received on July 21, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8678. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO2 Nonattainment and the Monongahela River Valley Unclassifiable Areas to Attainment and Approval of the Maintenance Plan" (FRL#7781-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8679. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Technical Amendment" (FRL#7790-5) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8680. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan Revisions; Ohio" (FRL#7789-2) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8681. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Maryland: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL#7791-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8682. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Asbestos" (FRL#7789-5) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8683. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified and Santa Barbara County Air Pollution Control Districts" (FRL#7783-9) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8684. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL#7781-9) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8685. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL#7784-3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8686. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transportation Conformity Rule Amendments for the New 8-Hour Ozone and PN2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes Correction to the Preamble" (FRL#7789-6) received on July 21, 2004; to the Committee on Environment and Public Works.

EC-8687. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2003"; to the Committee on Finance.

EC-8688. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: United States Munitions List and Part 123" (RIN1400-ZA) received on June 24, 2004; to the Committee on Foreign Relations.

EC-8689. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National Instant Criminal Background Check System Regulation" (RIN1110-AA07) received on July 22, 2004; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-492. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the State Waste Empowerment and Enforcement Provision Act of 2003; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 247

WHEREAS, recent reports issued by he Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately 5.5 million tons annually of municipal solid waste from other states; and

WHEREAS, the amount of municipal solid waste being imported into Virginia is expected to increase in the coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

WHEREAS, the negative impact of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occurs at the location of final disposal and along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

WHEREAS, under current federal law, Virginia cannot regulate the amount of solid waste brought into the Commonwealth each year; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

WHEREAS, the Commerce Clause of the United States Constitution and its interpretation and application by the United States Supreme Court and other federal courts regarding interstate solid waste transportation has left Virginia and other states with limited alternatives to regulate, limit, or prohibit the importation of municipal solid waste; and

WHEREAS, the General Assembly of Virginia believes that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; and

WHEREAS, although state laws governing the importation of municipal solid waste have been ruled to violate the Commerce Clause of the United States Constitution, the enactment of the State Waste Empowerment and Enforcement Provision Act of 2003 would protect states from constitutional challenges to common sense regulation of trash haulers, and empower states to require inspectors at landfills, incinerators, and transfer stations that accept out-of-state municipal solid waste; and

WHEREAS, it is the consensus of the General Assembly of Virginia that state and local governments should be given more authority to limit, reduce, and control the importation of solid waste into their jurisdictions through several provisions, including percentage caps, calendar year freezes, the regulation and restriction of certain modes of transportation, the requirement of state inspectors at facilities handling out-of-state waste, and the assessment of fees for the receipt or disposal of out-of-state municipal solid waste that are different than fees assessed for the receipt or disposal of municipal solid waste generated within the Commonwealth: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123). The Congress is urged to authorize local and state governments to regulate the importation of municipal solid waste into their respective jurisdictions; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-493. A joint resolution adopted by the Legislature of the State of California relative to gasoline; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 28

Whereas, the federal Clean Air Act Amendments of 1990 (P.L. 101-549) mandate the use of reformulated gasoline containing 2 percent, by weight, oxygen in areas designated as nonattainment areas due to high ambient ozone levels in summer months and high ambient carbon monoxide levels in winter months; and

Whereas, the federal oxygenate mandate requires the use of oxygenate in gasoline in approximately 70 percent of the California retail gasoline market; and

Whereas, California has historically led the nation in enacting air quality improvement measures that provide substantial health, economic, and social benefits for the state's citizens; and

Whereas, the State Air Resources Board's Cleaner Burning Gasoline Program has resulted in reducing emissions equivalent to removing 3.5 million cars from California's roads; and

Whereas, the California Cleaner Burning Gasoline Program provides greater flexibility than the federal program to produce gasoline that meets stringent emission reduction mandates; and

Whereas, methyl tertiary-butyl ether (MTBE) has been used in California as the primary oxygenate additive to gasoline because its relatively low vapor pressure (RVP) simplifies the production of low-RVP summer gasolines, and because of its compatibility with the blending and distribution system for gasoline, its ability to be transported by pipeline, and its high octane rating; and

Whereas, the Environmental Protection Agency's Blue Ribbon Panel on Oxygenates in Gasoline recommended that the 2-percent oxygenate requirement be removed and that MTBE be reduced substantially; and

Whereas, pursuant to Chapter 816 of the Statutes of 1997, the University of California prepared a report that assessed the health and environmental effects of MTBE and submitted that report to the Legislature and the Governor in November 1998; and

Whereas, the University of California report found that there are significant risks and costs associated with water contamination due to the use of MTBE because it is highly soluble in water and will transfer readily to groundwater from leaking underground storage tank systems and other components of the gasoline distribution system; and

Whereas, the County of Santa Clara, the City of Santa Monica, the Lake Tahoe region, and the Sacramento area, as well as other municipalities in other areas of the state, have all been forced to shut down public drinking water wells due to MTBE contamination; and

Whereas, the University of California report found that over 60 percent of the reservoirs tested in California have detectable levels of MTBE; and

Whereas, the University of California report found that there is no significant additional air quality benefit to the use of oxygenates such as MTBE in reformulated gasoline, relative to the alternative nonoxygenated formulations identified by the California Cleaner Burning Gasoline Program; and

Whereas, United States Senators Diane Feinstein and James Inhofe previously introduced legislation, S. 947, to grant the governor of a state the power to waive the 2-percent oxygenate content requirement for reformulated or clean burning gasoline as long as the fuel meets all other requirements for reformulated gasoline other than those regarding oxygen content; and

Whereas, California has previously sought a waiver from the United States Environmental Protection Agency of the oxygen content requirement; and

Whereas, the United States Environmental Protection Agency denied California's request for a waiver on the grounds that there was not sufficient evidence that the waiver would help California to reduce harmful levels of air pollutants; and

Whereas, California has sought and received waivers from other provisions of the federal Clean Air Act, including Section 209(b)(1) of that act, and has demonstrated no loss of air quality benefits after those waivers have been issued: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Environmental Protection Agency to reconsider granting an administrative waiver of the federal Clean Air Act's oxygenated gasoline requirement to the State of California, to the extent permitted by the federal Clean Air Act, given the state's independent requirements for clean gasoline that meet both state and national ambient air quality standards; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation, if an administrative waiver of the federal Clean Air Act is not granted by the United States Environmental Protection Agency, similar to, or including, the Feinste-Inhofe legislation, that would authorize California to waive the oxygen content requirement for reformulated gasoline only if the fuel meets other requirements in the federal Clean Air Act for reformulated gasoline; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to sign that legislation if it is enacted by the Congress of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the United States Environmental Protection Agency, the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–494. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to rip currents in the Great Lakes; to the Committee on Environment and Public Works.

House Resolution No. 271

Whereas, the Great Lakes are known for their beauty, power, and importance to life in this region. Less well known and understood are the dangers of rip currents, which threaten public safety and can cause deaths of swimmers at beaches along the Great Lakes. While rip currents seem to be better known at the ocean, they are no less serious to bathers along Michigan's shores; and

Whereas, rip currents, which are sometimes mistakenly, referred to as rip tides or undertows, are caused by sandbars offshore that break apart. The current that results can be very strong, taking even an Olympic-caliber swimmer swiftly away from the shore. The "rip" in the sandbar can be the result of high winds or large waves, and it can occur with absolutely no warning. Rip currents can last a few minutes, several hours, or even days. While there often is discoloration to the water that is swept away from the shore by the rip current, this is not always easy to see. Although there is an effective strategy a swimmer can use to return to shore safely, this knowledge must be in place before such an incident occurs to prevent a tragedy; and

Whereas, there is clearly a need for greater public awareness among beach visitors to the Great Lakes and more comprehensive research into rip currents. Research could help determine better responses and quicker notification for swimmers as a rip current situation develops. With the number of people swimming in the Great Lakes each summer, this research could save many lives: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide increased funding to support research and education on rip currents in the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–495. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to prescription drugs to the Committee on Finance.

Senate Concurrent Resolution No. 56

Whereas, the Medicare Drug Benefit law recently enacted by Congress and signed into law by the President prohibits the government from negotiating prescription drug prices with the manufacturers; and

Whereas, the pharmaceutical companies have been negotiating with other governments such as Canada and Mexico, offering citizens of those countries substantial discounts on prescription drugs, while still generating profits from the discounted prices; and

Whereas, news articles have documented that many Americans travel to Canada to purchase their prescription drugs; and

Whereas, there is a growing momentum to allow individuals, as well as state and local governments, to lower health care costs by purchasing prescription drugs from Canada; and

Whereas, allowing the American government to negotiate prescription drug prices would reduce their costs, as since our purchasing power covers approximately 270 million Americans, which is the largest economy in the world, our government can negotiate lower prices than Canada and other countries and pass on the savings to our citizens; and

Whereas, all Americans will be the beneficiaries of discounted prescription drugs, especially those who need prescription drugs for serious health conditions, all group prescription drug programs provided by employers and union agreements, and the state and federal programs that provide prescription drugs to veterans, Medicaid recipients, and others who qualify for government supported programs; and

Whereas, substantial savings can be used for other healthcare needs or expenses and reducing co-payments; and

Whereas, every other developed country has the power to negotiate the costs of prescription drugs: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the President and Congress are urged to repeal the restriction on government to negotiate reductions in prescription drug prices with manufacturers; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and the members of Hawaii's Congressional delegation.

POM–496. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Central American Free Trade Agreement; to the Committee on Finance.

Senate Resolution No. 115

Whereas, U.S. Trade Representative Robert Zoellick signed a Free Trade Agreement on May 28, 2004, with the Central American countries of El Salvador, Nicaragua, Guatemala, Honduras and Costa Rica; and

Whereas, the Central American Free Trade Agreement (CAFTA) must now be approved by the national assemblies in each of the participating countries, with the approved legislation expected to come before the U.S. Congress in late June or early July for a vote; and

Whereas, approval of such an agreement will be an economic disaster for farmers and workers in Louisiana in particular and throughout the rest of the nation in general; and

Whereas, the Louisiana sugar industry will suffer immediate and irreversible damage as jobs are lost and Louisiana sugar farmers go out of business; and

Whereas, it is now estimated that twenty-seven thousand jobs will be lost across Southern Louisiana, throwing the state's economy into chaos, if the CAFTA legislation is approved by the U.S. Congress; and

Whereas, Louisiana's economy will lose approximately nine hundred eighty-seven million dollars annually and over four billion, five hundred thousand dollars over the next five years if CAFTA becomes law; and

Whereas, CAFTA is modeled after NAFTA, the North American Free Trade Agreement, which has caused many U.S. textile manufacturers such as Fruit of the Loom to desert American workers and relocate in foreign countries where labor and life is extremely cheap; and

Whereas, Louisiana communities are reeling from the effects of NAFTA with Crowley losing more than one hundred jobs at Garment Manufacturing, and St. Martinville, Abbeville, Port Barre, and Vidalia, losing nearly eight thousand Fruit of the Loom jobs; and

Whereas, negotiations between Southwest Louisiana rice farmers and Cuba to buy Louisiana rice will be impeded or made impossible if the U.S. Congress passes the CAFTA legislation: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the U.S. Congress to reject the legislation before it to create the Central American Free Trade Agreement which would have devastating consequences on the economy and the workers of Louisiana; be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana delegation to the United States Congress, and the presiding officer of each house of each state legislature in the United States.

POM-497. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Virginia relative to oral anti-cancer drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 21

Whereas, cancer is a leading cause of morbidity and mortality in the Commonwealth and throughout the nation; and

Whereas, cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, persons who are often dependent on the federal Medicare program for provision of cancer care; and

Whereas, treatment with anti-cancer drugs is the cornerstone of modern cancer care, and elderly cancer patients must have access to potentially life-extending drug therapy; and

Whereas, the Medicare program's coverage of anti-cancer drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, the nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anti-cancer drugs that are less toxic, more effective, and more cost-effective than existing therapies, but, because these drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, the lack of coverage for these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal cost or selection of more toxic and less effective treatments that are covered by Medicare; and

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers such as leukemia, lymphoma, and myeloma, as well as cancers of the breast, lung, and prostate; and

Whereas, certain members of the Congress of the United States have recognized the necessity of Medicare coverage for all oral anti-cancer drugs and have introduced legislation in the 107th Congress to achieve that result (H.R. 1624 and S. 913); Now, therefore, be it

Resolved by the Senate, That the Congress of the United States be hereby urged to adopt, legislation that requires the Medicare program to cover all oral anti-cancer drugs; and, be it

Resolved Further, That the, Clerk of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Health and Human Services, the Administrator of the Centers for Medicare and Medicaid Services, and the members of the Congressional delegation of Virginia so that they may be apprised of the sense of the Senate of Virginia.

POM-498. A resolution adopted by the Senate of the Legislature of the State of Illinois relative to Lithuania; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 447

Whereas, the Members of the Senate of the State of Illinois recognize and honor the 751st year of Lithuania's statehood, and the 86th year of Lithuania's independence as a democracy which was established on February 16, 1918, in Lithuania's historic capital, Vilnius; and

Whereas, Lithuania has made significant progress in developing a stable democracy and free market economy during the 14 years since it overthrew, through a peaceful democratic movement, an illegal foreign occupation by the former Soviet Union; and

Whereas, the United States never recognized the forced incorporation and illegal annexation of Lithuania by the former Soviet Union in June, 1940, and continued to maintain diplomatic relations with the legal representatives of independent Lithuania; and

Whereas, Lithuania has received invitations and is expected to join the North Atlantic Treaty Organization (NATO), a defensive alliance of Western democracies, in May of 2004, as well as the European Union, a common market of Western democracies; and

Whereas, Lithuanian military units are serving together with American troops in Afghanistan and Iraq as allies in the war on global terrorism; and in Bosnia and Kosovo in peacekeeping missions; and

Whereas, the government and parliament of the Russian Federation have consistently opposed Lithuania's re-integration with Western democracies and encumbered Lithuanian-Russian relations by refusing to ratify border treaties, demanding visa-free travel through Lithuania's territory for both civilian and military traffic, undermining Lithuania's full participation in NATO by opposing the basing of NATO troops and equipment on Lithuania's territory, for a very considerable time denying Lithuania's Mazeikiu Nafta oil refinery a reliable supply of crude oil, and imposing double tariffs on Lithuanian imports; and

Whereas, The partially-privatized Russian oil company, LUKoil, and the Russian government refuse to open their oil drilling site in the Baltic Sea 22 km off the coast of Lithuania, known as "D-6", to international inspection, and refuse to cooperate with the Lithuanian government in developing an effective plan to minimize the effects of the United States military personnel as part of a broader NATO commitment; we urge Russia to adopt a more cooperative policy towards Lithuania and its ally, the United States: Therefore, be it

Resolved, by the Senate of the Ninety-Third General Assembly of the State of Illinois, That we urge the government of the Russian Federation and the Russian oil company LUKoil to open up its drilling site in the Baltic Sea, known as D-6, off the coast of Lithuania for inspection by international organizations and Lithuanian authorities, and to develop a comprehensive plan with Lithuania and other concerned states to deal with any environmental pollution caused by the oil drilling and production at the site; and be it further

Resolved, That we urge government officials, the judiciary, and the media in Lithuania to address the current political crisis surrounding the office of the President in Lithuania in a forthright and transparent manner that will serve to strengthen democratic institutions and the rule of law in Lithuania; and be it further

Resolved, That suitable copies of this resolution be presented to President George W. Bush, each member of the Illinois congressional delegation, the embassies of Lithuania and the Russian Federation, and to the national office of the Lithuanian-American Community, Inc.

POM-499. A concurrent resolution adopted by the General Assembly of the State of Ohio relative to Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 24

Whereas, Taiwan and the United States enjoy one of the most important economic and strategic international relationships where together, Taiwan and the United States promote a shared faith in and respect for freedom, democracy, and market principles; and

Whereas, for the past half-century, Taiwan and the United States have worked hand-in-hand to preserve peace and stability within the Pacific Rim and to help improve the lives of their citizens and people around the world; and

Whereas, trade between Taiwan and the United States has increased steadily in the past 40 years, with the United States being Taiwan's second-largest source of imports and Taiwan being the eighth-largest exporter to the United States; and

Whereas, Taiwan is the tenth-largest United States export market, buying more United States merchandise than Brazil, Belgium, Australia, or Italy and ranks as one of the top three destinations for United States peaches, plums, celery, apples, cherries, broccoli, corn, feed grains, and bovine hides; and

Whereas, the economic and trade partnership between Taiwan and the United States is reflected not only in a large volume of two-way trade, but also in the high level of United States investment in Taiwan and increasingly in Taiwan's investment in the United States; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwan counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years, the Republic of China has expressed a willingness to assist, financially and technically, international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's participation in the World Health Organization could bring many benefits to the state of health in Taiwan and also regionally and globally; and

Whereas, the World Health Organization Constitution states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, and economic or social condition; and

Whereas, Falun Gong is an ancient Chinese mind and body practice followed by as many as 100 million people in the People's Republic of China and is a peaceful, spiritual discipline that people use to improve their health and to bring about positive changes in their lives; and

Whereas, in July, 1999, then-President of the People's Republic of China Jiang Zemin, who was fearful of anything other than the Communist Party of China touching the hearts and minds of the Chinese people, banned the practice of Falun Gong. Since then, the Chinese government has conducted a propaganda campaign against Falun Gong and has persecuted, imprisoned, and tortured its practitioners; and

Whereas, Dr. Charles Lee, a Falun Gong practitioner and United States citizen, was arrested on his arrival in the People's Republic of China on January 22, 2003, while attempting to visit his family and has been imprisoned ever since; and

Whereas, Christians and members of other religious groups have also been persecuted in the People's Republic of China: Now therefore be it

Resolved, That the General Assembly of the State of Ohio supports Taiwan's participation in the World Health Organization; and be it further

Resolved, That we, the members of the 125th General Assembly of the State of Ohio, strongly deplore the persecution of Falun Gong practitioners, Christians, and members of other religious groups in the People's Republic of China and the imprisonment of Dr. Charles Lee, implore the government of the People's Republic of China to immediately release Dr. Lee and restore to Falun Gong practitioners, Christians, and members of other religious groups full freedom of religious and spiritual expression, and memorialize the President of the United States and the Secretary of the United States Department of State to take all necessary diplomatic actions to secure the release of Dr. Lee and encourage the restoration of religious freedom for Falun Gong practitioners, Christians, and members of other religious groups in the People's Republic of China; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the members of the Ohio Congressional delegation, to the Speaker and the Clerk of the United States House of Representatives for distribution to the members of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate for distribution to the members of the United States Senate, to the United States Secretary of State, to the Ambassador of the United States to the People's Republic of China, to the Ambassador of the People's Republic of China to the United States, to the Taipei Economic and Cultural Office in Chicago, Illinois, to the World Health Organization, and to the news media of Ohio.

POM–500. A joint resolution adopted by the Sixth Olbiil Era Kelulau (Palau National Congress) of the Republic of Palau relative to Ambassador Fred Monroe Zeder II; to the Committee on Foreign Relations.

POM–501. A concurrent resolution adopted by the House of Representatives of the General Assembly of the State of Delaware relative to trade relations with Taiwan; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 46

Whereas, the United States and the Republic of China on Taiwan, commonly known as Taiwan, maintain an important trade relationship; and

Whereas, despite the fact that Taiwan only recently became a member of the World Trade Organization and that it has no formal trade agreement with the United States, Taiwan is the fourteenth largest trading nation in the world, the United States' eighth largest trading partner, and as a center for international trade it is vital to the economic prosperity of this State and of the United States; and

Whereas, American businesses and workers have benefited greatly from this dynamic trade relationship, most recently in the computer and electronics sector; and

Whereas, as a center for international trade Taiwan is a gateway to other Pacific Rim markets for United States exports, helping to preserve peace and stability within the entire region; and

Whereas, United States agricultural producers have been particularly under represented in the list of United States exports to the region, despite the importance of the market for growers of corn, wheat, and soybeans; and

Whereas, Taiwan has clearly emerged as one of the United States' most important allies in Asia and throughout the world; and

Whereas, the State of Delaware and Taiwan have established a sister-state relationship symbolizing the close friendship between the people of Delaware and the people of Taiwan; and

Whereas, this State seeks to encourage and expand mutually beneficial commercial relationships with Taiwan; and

Whereas, Taiwan's 23,000,000 people are not represented in the United Nations; and

Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations and has much to contribute to the work and funding of the United Nations; and

Whereas, Taiwan's participation in the United Nations will help maintain peace and stability in Asia and the Pacific; and

Whereas, the United States should promote the values of freedom, democracy, and a commitment to open markets and the free exchange of both goods and ideas at home and abroad; and

Whereas, Taiwan shares these values with the United States and has struggled throughout the past 50 years to create what is today an open, thriving, and modern democracy that routinely holds free and fair elections and has dramatically improved its record on human rights; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom of dissent; and

Whereas, it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States must continue to support the growth of democracy and ongoing market opening in Taiwan if this relationship is to evolve and reflect the changing nature of the global system in the 21st Century; and

Whereas, the United States needs to support partner countries that are lowering trade barriers; and

Whereas, a free trade agreement would not only help Taiwan's economy dramatically expand its already growing entrepreneurial class, but it would also serve an important political function; and

Whereas, in the interest of supporting, preserving, and protecting the democratic fabric of the government of Taiwan, it has been made clear that the United States supports the withdrawal of missiles deployed as a threat against Taiwan by the People's Republic of China; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening, and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals;

Whereas, direct and unobstructed participation in international health cooperation forums and programs is crucial for all parts of the world, especially with today's greater potential for cross-border spread of various infectious diseases; and

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of the infectious diseases of cholera, smallpox, and the plague, and being the first Asian nation to eradicate polio and the first country in the world to provide children with free hepatitis B vaccinations; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years Taiwan has expressed a willingness to financially and technically assist the international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's population of 23 million people is larger than that of 75% of the World Health Organization member states; and

Whereas, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, Taiwan's participation in the activities of the World Health Organization could bring many benefits to the state of health not only in Taiwan but also regionally and globally: Now therefore be it

Resolved by the House of Representatives of the 142nd General Assembly of the State of Delaware, the Senate thereof concurring therein, That the Congress and the President of the United States are respectfully requested and urged to strengthen trade relations with the Republic of China on Taiwan (Taiwan) and to support the participation of Taiwan in the United Nations; and be it further

Resolved, That the General Assembly strongly urges the pursuit of a policy that includes an initiative directed at the World Trade Organization to give Taiwan appropriate and meaningful participation in the activities of the World Trade Organization in a manner that is consistent with the organization's requirements; and be it further

Resolved, That the Congress and the President of the United States are respectfully requested and urged to support a free trade agreement between the United States and Taiwan; and be it further

Resolved, That suitably prepared and authenticated copies of this Resolution be sent to: The President of the United States, The United States Secretary of State, The Secretary of Health, Education, and Welfare, The Speaker of the United States House of Representatives, The President of the United States Senate, The Government of Taiwan, The Representative of the Taipei Economic and Cultural Office in Washington, D. C., The World Trade Organization, The United States Trade Representative, The Secretary-General of the United Nations, and The members of Delaware's Congressional delegation.

POM–502. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to Amyotrophic Lateral Sclerosis Awareness Month in Pennsylvania; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 718

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, more than 5,000 new ALS patients are diagnosed annually; and

Whereas, on average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" will increase public awareness of ALS patients' circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure, of ALS; Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize the month of may 2004 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in Pennsylvania; and be it further

Resolved, That the House of Representatives urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM–503. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the approval process necessary for foreign teachers to teach in the state's French immersion program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 23

Whereas, the French immersion program is the state's best hope for preserving the historic linguistic and cultural origins represented by the French language in Louisiana; and

Whereas, the French immersion program can improve critical and creative thinking skills, encourage independent and self-disciplined learning, enhance skills in listening and concentration, boost self-esteem, create a lifelong ability to communicate with French speakers around the globe, and increase opportunity for future employment, and beyond the acquisition of a second language, French immersion achieves the goals of cultural appreciation, respect, and mutual understanding; and

Whereas, the recruitment of teachers in the French immersion program is becoming increasingly challenging, and the number of existing teachers is dwindling at an alarming rate as well; and

Whereas, the looming teacher shortage is a constant concern for the French immersion program, and the recruitment and retainment of an adequate number of qualified French teachers is the key to the continuation of the French immersion program in Louisiana; and

Whereas, the number of foreign teachers available to teach in the French immersion program in Louisiana is being diminished by immigration regulations and complications; and

Whereas, it is urgent that congress devote immediate attention to expediting the approval process required for foreign teachers to gain whatever eligibility is necessary so that the French immersion program will be suitably staffed to meet the needs of the student population and ultimately because the program must have such teachers if it is to survive; and

Whereas, French immersion reflects Louisiana's heritage and benefits every student who takes part in the program, and no child who desires participation should be denied the satisfaction and pride derived from becoming bilingual in the French language due to the emerging shortage of foreign French teachers: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take appropriate action to expedite the approval process necessary for foreign teachers to teach in the state's French immersion program; be it further

Resolved, That a suitable copy of this Resolution be transmitted to the speaker of the United States House of Representatives, the president of the United States Senate, and to each member of Louisiana's congressional delegation.

POM–504. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 20

Whereas, the No Child Left Behind Act of 2001 (NCLB) requires all schools in the nation to meet high academic standards; and

Whereas, the state of Louisiana has worked diligently to meet the requirements of NCLB, creating a school accountability program that has been ranked the best in the nation; and

Whereas, the state's school accountability program is being implemented by city, parish, and other local school systems at considerable cost; and

Whereas, the burden of meeting new standards is falling on teachers and school employees; and

Whereas, city, parish, and other local school systems and their faculty and staff need and deserve adequate resources to accomplish the goals of NCLB; and

Whereas, the proposed federal budget for Fiscal Year 2005 shortchanges the promised funding for NCLB's Title I program by approximately six billion seven hundred million four hundred thousand dollars less than initially promised by NCLB; and

Whereas, it is unreasonable to expect the state of Louisiana and city, parish, and other local school systems to meet federally imposed standards without federal appropriation of adequate funds to meet such standards: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to support an amendment to the proposed federal budget for Fiscal Year 2005 to fully fund the No Child Left Behind Act of 2001; be it further

Resolved, That suitable copies of this Resolution be transmitted to the speaker of the United States House of Representatives, the president of the United States Senate, and each member of Louisiana's congressional delegation.

POM–505. A resolution adopted by the City of Parma Heights of the State of Ohio relative to the Breast Cancer Patient Protection Act of 2003; to the Committee on Health, Education, Labor, and Pensions.

POM—506. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to funding for the Division of Diabetes Translation (DDT); to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 764

Whereas, there are 18.2 million people or 6.30 of the population living with diabetes; and

Whereas, each year 13 million people are diagnosed with diabetes, while 5.2 million cases go undiagnosed; and

Whereas, each year there are 1.3 million newly diagnosed cases of diabetes among people 20 years of age and older; and

Whereas, diabetes is the sixth leading cause of death in the United States, contributing to 213,062 deaths; and

Whereas, approximately one in every 400 to 500 children and adolescents has type 1 diabetes; and

Whereas, twelve percent of adults with diabetes take both insulin and oral medications, 19% take insulin only, 53% take oral medications only, and 156 do not take insulin or oral medications; and

Whereas, in the United States diabetes costs an estimated $132 billion or one out of every ten health care dollars; and

Whereas, DDT, a component of the National Center for Chronic Disease Prevention and Health Promotion of the Centers for Disease Control and Prevention and the United States Department of Health and Human Services, implements transitional programs which have shown to be effective; and

Whereas, DDT takes information from clinical trials and incorporates the findings into clinical and public health practices; and

Whereas, according to the DDT mission, more needs to be done to eliminate the preventable burden of diabetes through leadership, research, programs and policies that translate science into practice; and

Whereas, for fiscal year 2004, the funding for the DDT is $66.9 million: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to increase funding for the DDT to help in the fight against a deadly disease which affects 6.30 of the population; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–507. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the federal drug approval process for the consideration of medical uses for marijuana; to the Committee on Health, Education, Labor, and Pensions.

House Resolution No. 226

Whereas, the Michigan Legislature supports the goal of safe and drug-free communities; and

Whereas, substantial scientific evidence shows that smoked marijuana is harmful and offers no medical benefit to suffering patients; and

Whereas, the Michigan Legislature strongly denounces any attempt to exploit the suffering of sick people by deceptive media campaigns; and

Whereas, medical policy should be set for the state of Michigan by Michigan lawmakers working in conjunction with federal and state officials and not by judges, celebrity spokespeople, or public relations efforts; and

Whereas, the National Cancer Institute has found that inhaling marijuana smoke for any purpose is a health hazard, because it contains over 400 potential carcinogens and delivers up to five times the amount of tar and carbon monoxide to the body as cigarette tobacco; and

Whereas, studies by the National Institute of Allergy and Infectious Diseases reveal that HIV-positive marijuana smokers progress to full-blown AIDS twice as quickly as nonsmokers and have an increased incidence of bacterial pneumonia; and

Whereas, there are safe and effective medicines, including chemical derivatives of the beneficial components of marijuana, that can help control and lessen symptoms of persistent nausea; vomiting, wasting syndrome, or loss of appetite from AIDS, chemotherapy, or radiation treatment, as well as medications available, for multiple sclerosis, glaucoma, and other medical conditions; and

Whereas, statistics on drug use document that when teen perception of risk decreases, due to mixed messages sent by adults, teen use of marijuana increases; and

Whereas, marijuana is a gateway drug, as illustrated by the National Center on Addiction and Substance Abuse at Columbia University, which found that teenagers who smoke marijuana are 85 times more likely to use cocaine than those who do not; and

Whereas, the following medical organizations are opposed to making smoked marijuana available for medical use: American Medical Association; National Multiple Sclerosis Association; National Caner Institute; National Institute for Allergy and Infections Diseases; American Cancer Society; National Eye Institute; National Institute on Dental Research; National Institute for Neurological Disorders and Stroke: Now, therefore, be it

Resolved by the House of Representatives, That we express our opposition to any efforts to circumvent the federal drug approval process for the consideration of medical uses for marijuana; and be it further

Resolved, That we encourage the scientific community to continue its efforts to discover and test safe and effective medicines for people who are seriously ill, including potential medicines containing synthesized components marijuana, including Marinol and Sativex; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–508. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to a Constitutional Amendment to prohibit federal courts from ordering or instructing any state or local unit of government to levy or increase taxes; to the Committee on the Judiciary.

House Resolution No. 4

Whereas, on April, 18, 1990, by a narrow vote of 5 to 4, the Supreme Court of the United States, in the case of Missouri v. Jenkins (495 U.S. 33), chose to ignore Article I, Section 8, of the Constitution of the United States, which reserves exclusively to the legislative branch of government the authority to tax the citizenry; and

Whereas, this ruling has set a disastrous example of allowing federal judges to order or instruct a state, or a political subdivision thereof, or an official of a state or political subdivision, to levy or increase taxes—overturning more than 200 years of judicial nonintrusion into the political thicket of prescribing the level of taxation to be foisted upon Americans; and

Whereas, in blistering dissenting remarks, Associate Justice Anthony Kennedy joined by Chief Justice William Rehnquist and Associate Justices Sandra Day O'Connor and Antonin Scalia pointed out that the Missouri v. Jenkins decision transgresses the basic principles which define the role of judges by endorsing ". . . an expansion of power in the Federal Judiciary beyond all precedent. Today's casual embrace of taxation imposed by the unelected, life-tenured Federal Judiciary disregards fundamental precepts for the democratic control of public institutions"; and

Whereas, Thomas Jefferson, that great native son of Virginia, forewarned of the threat that out-of-control federal courts would pose when he proclaimed, in an 1820 letter to Thomas Ritchie, that "A judiciary independent . . . of the will of the nation is a solecism . . .," and in colorful language he went on to describe the judicial branch as ". . . a subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. They are construing our constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet . . .," and in an 1821 letter to Judge Spencer Roane, Jefferson pointedly asserted that "The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them"; and

Whereas, in The Federalist No. 78, Alexander Hamilton cautioned that "The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body"; and

Whereas, the prevailing line of reasoning among those of us in the "Old Dominion" on the subject of taxation—without representation—finds situs as early as December 18, 1764, when what was then called Virginia's House of Burgesses remonstrated to the British House of Commons that ". . . it is essential to . . . liberty that . . . imposing taxes on the people ought not to be made without the consent of representatives chosen by themselves; who, at the same time that they are acquainted with the circumstances of their constituents, sustain a proportion of the burden laid on them"; and

Whereas, in his 1748 epic work, The Spirit of the Laws, the renowned political analyst Charles de Secondat Baron de Montesquieu prophesied that ". . . there is no liberty, if the power of judging be not separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator"; and

Whereas, James Madison, that noble Virginian—and later fourth President of the United States—opined in The Federalist No. 47 that ". . . the preservation of liberty requires that the three great departments of powers [executive, judicial and legislative] should be separate and distinct"; and

Whereas, lawmakers in the 24 states of Alabama, Alaska, Arizona, Colorado, Delaware, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming, as well as in the two United States territories. of Guam and the Commonwealth of the Northern Mariana Islands, have petitioned the Congress of the United States to propose for ratification an amendment to the Constitution of the United States to reverse the calamitous and ill-conceived 1990 holding in Missouri v. Jenkins; and

Whereas, Alexander Hamilton, in The Federalist No. 85, predicted that there indeed would be times when Americans would come to ". . . rely on the disposition of the state legislatures to erect barriers against the encroachments of the national authority": Now, therefore, be it

Resolved by the House of Delegates, That the Congress of the United States be urged to propose for ratification an amendment to, the Constitution of the United States to prohibit federal courts from ordering or instructing any state or local unit of government to levy or increase taxes, the amendment to read as follows:

"Amendment XXVIII

"Section 1. Neither the Supreme Court nor any inferior court of the United States—nor the court of any state, or political subdivision thereof, in its application of this Constitution or in its application of any law enacted by the Congress—shall have the power to instruct or order a state or political subdivision, or an official of such state or political subdivision, to levy or increase taxes.

"Section 2. For purposes of this Amendment, the word 'state' shall be understood to additionally include the District constituting the Seat of government of the United States, as well as any commonwealth, territory, or possession of the United States."; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the House of Delegates of Virginia in this matter.

POM–509. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to public expressions of religious faith within the state of Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 29

Whereas, the Declaration of Independence declared that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God; and

Whereas, the Tenth Amendment to the United States Constitution clearly recognizes that a state retains all rights not specifically delegated by the constitution to the federal government of the United States of America; and

Whereas, Article III, Section 2, of the United States Constitution grants the Congress the authority to except certain matters from the jurisdiction of the federal courts inferior to the United States Supreme Court; and

Whereas, over the last several decades, the federal courts have claimed legal jurisdiction in matters pertaining to religion within an individual state; and

Whereas, disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expressions of religious faith; and

Whereas, legislation has been introduced in Congress to except subject matter jurisdiction from the federal courts in certain matters pertaining to the power to make a public expression of religious faith. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to continue to preserve Louisiana's sovereignty related to public expressions of religious faith within the state of Louisiana; be it further

Resolved, That the Legislature of Louisiana memorialize the Congress of the United States to pass legislation declaring that the power: (i) to display the Ten Commandments, (ii) to recite the Pledge of Allegiance, and (iii) to recite the national motto on or within property owned or administered by the several states or political subdivisions thereof be among the powers reserved to the states respectively; that the words to the Pledge of Allegiance are "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with Liberty and Justice for all."; that the words to the national motto are "In God We Trust"; and that the subject matter of these declarations be exceptions to the subject matter jurisdiction of federal courts inferior to the United States Supreme Court; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation of the United States Congress.

POM–510. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to a constitutional amendment regarding marriage; to the Committee on the Judiciary.

Whereas, marriage is a unique cornerstone of the family, which is the foundation of human society; and

Whereas, only marriage between one man and one woman has been permitted or recognized historically throughout the United States; and

Whereas, history has shown marriage between a man and a woman to be the best context for the reproduction of the human race and for raising children to be responsible adults; and

Whereas, marriage provides lower risk of infant mortality, better physical health for the children and has numerous health benefits for the father and mother; and

Whereas, religious and civil laws have granted marriage special recognition, benefits, responsibilities and legal protections since at least the beginning of recorded history; and

Whereas, the Commonwealth accords marriage more responsibilities and legal protections than other partnerships of unrelated individuals; and

Whereas, the Full Faith and Credit Clause in the United States Constitution provides that states must recognize the laws and judicial acts of every other state in the Union; and

Whereas, in 1996 Congress enacted the Defense of Marriage Act to exempt states from being required to afford full faith and credit to laws recognizing marriages between persons of the same sex; and

Whereas, in light of the Full Faith and Credit Clause of the United States Constitution, there is significant risk that the federal courts may hold the 1996 federal Defense of Marriage Act unconstitutional; and

Whereas, 37 states, including the Commonwealth, have enacted laws, commonly known as Defense of Marriage Acts, that ban same-sex marriages; and

Whereas, the unique legal status of marriage in the Commonwealth is in danger from constitutional challenges to these state marriage laws and the federal Defense of Marriage Act, which may succeed in light of the recent decisions on equal protection from the United States Supreme Court; and

Whereas, challenges to state laws have been successfully brought in Hawaii, Alaska, Vermont, and most recently in Massachusetts on the grounds that the legislature does not have the right to deny the benefits of marriage to same-sex couples and the state must guarantee the same protections and benefits to same-sex couples as it does to opposite-sex couples absent a constitutional amendment; and

Whereas, the Vermont legislature chose to preserve marriage as the "legally recognized union of one man and one woman," but at the same time enacted a dual system of "civil unions" for same-sex couples that goes beyond existing "domestic partnership" and "reciprocal beneficiaries" laws that exist in California and Hawaii and in many localities in the United States today; and

Whereas, the Massachusetts ruling, by declaring that civil marriage means "the voluntary union of two persons as spouses to the exclusions of all others," represents the most far-reaching decision in its erosion of the states' right to define marriage; and

Whereas, the Massachusetts court has given the Massachusetts legislature 180 days to comply with the court's ruling, which is not sufficient time for the state to adopt a constitutional amendment to overturn the decision; and

Whereas, in light of the Massachusetts decision, many states are scrambling to determine what actions are needed to protect their state's Defense of Marriage Act from future court challenges; and

Whereas, H. J. Res. 56, 108th Cong. and S.J. Res. 26, 108th Cong. proposed an amendment to the Constitution of the United States to declare that "marriage in the United States shall consist only of the union of a man and a woman"; and

Whereas, a federal constitutional amendment is the only way to protect the institution of marriage and resolve the controversy created by these recent decisions by returning the issue to its proper forum in the state legislatures: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to propose a constitutional amendment to protect the fundamental institution of marriage as a union between a man and a woman; and, be it

Resolved further, That the Congress of the United States be urged to initiate an amendment . . .

POM–511. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to a constitutional amendment regarding rights to victims of crime; to the Committee on the Judiciary.

SENATE CONCURRENT MEMORIAL NO. 1003

Whereas, criminal defendants are afforded numerous federal rights and procedural protections; and

Whereas, victims of crime are not afforded any, federal rights or protections; and

Whereas, the people of this state believe in the individual rights and liberties of all persons and have amended the Constitution of Arizona to provide crime victims with rights and yet it is clear that without federal constitutional rights, crime victims' rights are less meaningful and enforceable.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States propose to the people an amendment to the Constitution of the United States that provides rights to crime victims and that embodies the following principles:

(a) The right to be informed of and not excluded from any public proceedings relating to the crime.

(b) The right to be heard regarding any release from custody.

(c) The right to consideration for the safety of the victim, the victim's interest in avoiding unreasonable delay and the victim's interest in restitution.

(d) The right to be heard regarding any negotiated plea or sentence.

(e) The right to receive notice of release or escape.

2. That any amendment to the Constitution of the United States to establish rights for crime victims grant standing to victims of crime to assert all rights established by the Constitution.

3. That any amendment to the Constitution of the United States to establish rights for crime victims should clearly state that the powers of the states to provide victims' rights in criminal proceedings, including the right to define and enforce such rights, shall not be restricted or diminished by the Congress or the federal courts of the United States.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–512. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to veterans' benefits for Filipino veterans; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 250

Whereas, on February 11, 2003, Representative Neil Abercrombie, along with other members, introduced H.R. 677 in the United States House of Representatives, which bill was referred to the House Committee on Veterans' Affairs; and

Whereas, the short title of this bill is "Filipino Veterans Equity Act of 2003"; and

Whereas, H.R. 677 would deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs for qualified Filipino veterans; and

Whereas, H.R. 677, in recognition of the courage and loyalty of the Filipino troops who fought along side our armed forces in the Philippines during World War II, would make health benefits available to more of these. qualified Filipino veterans: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring, That the President of the United States and the United States Congress are urged to support the passage of H.R. 677; and be it

Further Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, and the President of the Filipino-American Veterans, Hawaii Chapter.

POM–513. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 203

Whereas, on December 8, 1941, thousands of Filipino men and women responded to President Roosevelt's call for help to preserve peace and democracy in the Philippines; and

Whereas, during the dark days of World War II, nearly 100,000 soldiers of the Philippine Commonwealth Army provided a ray of hope in the Pacific as they fought alongside United States and Allied forces for four long years to defend and reclaim the Philippine Islands from Japanese aggression; and

Whereas, thousands more Filipinos joined U.S. Armed Forces immediately after the war and served in occupational duty throughout the Pacific Theater; and

Whereas, valiant Filipino soldiers fought, died, and suffered in some of the bloodiest battles of World War II, defending beleaguered Bataan and Corregidor, and thousands of Filipino prisoners of war endured the infamous Bataan Death March and years of captivity; and

Whereas, their many guerrilla actions slowed the Japanese takeover of the Western Pacific region and allowed U.S. forces the time to build and prepare for the allied counterattack on Japan; and

Whereas, Filipino troops fought side-by-side with U.S. forces to secure their island nation as the strategic base from which the final effort to defeat Japan was launched; and

Whereas, President William J. Clinton proclaimed October 20, 1996, as a day honoring the Filipino Veterans of World War II, recalling the courage, sacrifice, and loyalty of Filipino veterans of World War II in defense of democracy and liberty; and

Whereas, for decades after their heroic service under the command of their leaders and General Douglas MacArthur, these men and women of Filipino-American national heritage were denied the benefits and privileges provided to their American compatriots who fought side-by-side with them; and

Whereas, the Rescission Act of 1946 withdrew the U.S. veteran's status of Filipino World War II soldiers, thereby denying them the benefits and compensation received by their American counterparts and soldiers of more than sixty-six other U.S. allied countries, who were similarly inducted into the U.S. military; and

Whereas, the Rescission Act discriminated against Filipinos, making them the only national group singled out for denial of full U.S. veterans status and benefits; and

Whereas, the passage of S. 68, now pending in the United States Senate, would extend full and equitable benefits, particularly health benefits, to Filipino veterans, considering their advanced age and poor health; and

Whereas, S. 68 proposes to amend Title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in Title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii Congressional delegation, and the Secretary of Veterans Affairs.

POM–514. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to President George W. Bush's plans to reduce veterans' benefits; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 126

Whereas, members of the armed forces faithfully and diligently serve the people of the United States and have fought and died in numerous wars and conflicts around the globe to protect the inalienable rights of life, liberty, and the pursuit of happiness for all Americans; and

Whereas, numerous individuals devoted the prime of their lives to defend the United States, often putting careers on hold, delaying their college education, and leaving families behind, without hesitation, asking for nothing but respect in return; and

Whereas, these heroic individuals faced adversity which most citizens will never be able to comprehend, often giving their lives for their fellow citizens; and

Whereas, a large number of veterans have been severely injured and disabled in the performance of their duties, often resulting in financial hardship; and

Whereas, citing a tight budget and overwhelming demand for services after opening their medical facilities to all veterans in 1998, the Veterans Affairs Department (VA) began efforts to halt enrolling new veterans into its health care system; and

Whereas, a memo from the VA in July 2002, stated that marketing veterans health care services at health fairs, open houses, and veterans meetings was inappropriate and banned newspaper ads and mailings encouraging veterans to enroll in the veterans health plan; and

Whereas, this memo was sent out at a time when approximately 300,000 veterans had been waiting for more than six months for an appointment at a VA medical facility, some waiting as long as two years for services; and

Whereas, Rep. Ted Strickland (D–OH) filed a lawsuit against the VA stating that the VA has a congressional mandate that requires the VA to perform outreach services and that the VA's failure to publicize information about health care benefits and veterans' services for veterans and their families is a violation of this mandate; and

Whereas, although Congress is currently considering a bill to allocate funding to the

VA in the sum of $28.6 billion for the current fiscal year, this funding level is still not enough to help alleviate many of the medical plights facing our brave American service men and women; and

Whereas, a number of veterans groups have criticized the President's budget submission for fiscal year 2005 as containing, "few legislative recommendations to improve, expand, or add new benefits for veterans," and that "along with gross funding deficiencies in practically every VA account, VA construction is to be dramatically and most detrimentally shortchanged as well"; and

Whereas, these groups have also criticized the Bush administration's shortcomings in proposals with respect to the provision of benefits to veterans such as:

(1) Developing a mechanism that greatly reduces government obligations to compensate disabled veterans for service-incurred disabilities such as alcoholism and drug abuse;

(2) Asking Congress to enact legislation to deny compensation to a group of disabled veterans who suffer greatly from their service-connected disabilities because these disabilities were obtained during periods of non-combat such as during meal periods;

(3) Proposing legislation to limit veterans to a one-time home loan guaranty;

(4) Recommending a cost-of-living adjustment (COLA) for compensation based on a projected 1.3 percent increase in COLA and continuing the practice of rounding down COLA to the nearest whole dollar which, when done for many years in succession, will have a compounding effect in substantially eroding the value of the already modest rates of compensation; and

(5) Continuing to place restrictions on receiving both military retirement and veterans affairs disability benefits for certain veterans; and

Whereas, this lack of support for those individuals who sacrificed so much for the freedoms the citizens of the United States all enjoy today is shameful and should be looked at as a disgrace by all citizens: Now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That this body expresses its utmost disappointment in the lack of support the current administration has shown toward veterans of our armed forces; and be it further

Resolved, That Congress is urged to increase funding for the continuation and expansion of veterans benefits and services; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and Hawaii's Congressional Delegation.

POM–515. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the realignment of veterans' services; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 682

Whereas, there are ten VA medical centers and 29 community-based outpatient clinics located in the Commonwealth of Pennsylvania; and

Whereas, nationwide the VA patient load has risen approximately 21% since 2001 to more than 6 million; and

Whereas, The Capital Asset Realignment for Enhanced Services (CARES) Commission is considering the closure or partial reduction of services at VA medical centers in Altoona, Butler, Erie and Pittsburgh; and

Whereas, many veterans service organizations oppose these proposed closures or reductions in service and consequent adverse effects on the quality and efficiency of health care for veterans throughout the Commonwealth of Pennsylvania: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania strongly urge the Department of Veterans Affairs to further evaluate the negative effects of the proposed realignment of veterans services and to consider alternative measures for the provision and enhancement of quality health care for veterans in the Commonwealth of Pennsylvania; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, to the Department of Veterans Affairs, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

* * *

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 3340. A bill to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes.

H.R. 4012. To amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act.

H.R. 4222. A bill to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building".

H.R. 4327. A bill to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office Building".

H.R. 4427. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

S. 2501. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

S. 2640. A bill to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes.

S. 2673. A bill to designate the facility of the United States Postal Service located at 1001 Williams Street, Ignacio, Colorado, as the "Leonard C. Burch Post Office Building".

S. 2682. A bill to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Marine Corps nomination of Brig. Gen. Cornell A. Wilson, Jr.

Army nomination of Colonel Yves J. Fontaine.

Army nomination of Brigadier General Don T. Riley.

Army nomination of Col. Jerry M. Rivera.

Navy nominations beginning Rear Adm. (lh) Richard J. Mauldin and ending Rear Adm. (lh) Anthony L. Winns, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nomination of Capt. Timothy J. McGee.

Army nominations beginning Brig. Gen. Gregory J. Hunt and ending Col. Jose M. Vallejo, which nominations were received by the Senate and appeared in the Congressional Record on November 20, 2003.

Navy nomination of Gerald R. Manley.

Air Force nomination of Col. Douglas M. Pierce.

Air Force nominations beginning Lorena A. *Bailey and ending Jason P. *Zimmerer, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Marine Corps nominations beginning Col. Robert D. Papak and ending Col. Eugene G. Payne, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2004.

Marine Corps nominations beginning Col. Randolph D. Alles and ending Col. Martin Post, which nominations were received by the Senate and appeared in the Congressional Record on May 6, 2004.

Air Force nominations beginning Randall M. Ashmore and ending James O. Wooten, which were received by the Senate and appeared in the Congressional Record on May 10, 2004.

Navy nomination of Rear Adm. (lh) Steven L. Enewold.

Navy nominations beginning Rear Adm. (lh) Stanely D. Bozin and ending Rear Adm. (lh) Patrick M. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2004.

Marine Corps nomination of Maj. Gen. James F. Amos.

Navy nomination of Vice Adm. Timothy J. Keating.

Navy nomination of Vice Adm. John B. Nathman.

Army nominations beginning Stephan A. *Alkins and ending Clorinda K. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Army nominations beginning Douglas R. Dixon and ending Thorpe C. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Air Force nomination of Lt. Gen. Duncan J. McNabb.

Army nomination of Lt. Gen. Bantz J. Craddock.

Army nominations beginning Nancy H. Fielding and ending Tammy L. Miracle, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Army nominations beginning Brian R. Copes and ending Dennis P. Simons, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Navy nominations beginning Brian S. Adams and ending John M. Zuzich, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2004.

Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army.

Army nomination of Lt. Gen. James L. Campbell.

Army nomination of Maj. Gen. John M. Brown III.

Navy nomination of Vice Adm. Robert F. Willard.

Navy nomination of Vice Adm. Albert T. Church III.

Air Force nomination of Norman L. Williams.

Air Force nomination of Thomas R. Bird.

Air Force nominations beginning Rex A. Hinesley and ending Jeri K. Somers, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Peter W. Bickel and ending William D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Donald A. Ahern and ending Michael A. Wobbema, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Myles E. Brooks, Jr. and ending James E. Watts, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Billy M. Appleton and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Carla M. Albritton and ending Edward L. Zawislak, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Michael T. Acromite and ending Craig M. Zelig, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Timothy A. Ackerman and ending Terry D. Webb, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Steven E. Allen and ending Sharon M. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Kristen N. Atterbury and ending Mary A. Yonk, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning David A. Berger and ending Erin E. Stone, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning John J. Adametz and ending Barney S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Army nomination of Col. Glenn K. Rieth.

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

*David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

*Benjamin H. Wu, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

*Brett T. Palmer, of New York, to be an Assistant Secretary of Commerce.

*Albert A. Frink, Jr., of California, to be an Assistant Secretary of Commerce.

*Scott Kevin Walker, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

*Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years.

Coast Guard nominations beginning Rear Adm. (lh) Dale G. Gabel and ending Rear Adm. (lh) Stephen W. Rochon, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

*Captain Samuel P. DeBow, Jr., NOAA for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

*Captain Richard R. Behn, NOAA for appointment to the grade of Rear Admiral (O–7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

Mr. McCain. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Craig S. Toomey.

Coast Guard nomination of Laurie J. Mosier.

National Oceanic and Atmospheric Administration nominations beginning John C. Clary III and ending Andrew P. Seaman, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

John Ripin Miller, of Washington, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. Ensign):

S. 2716. A bill to provide for the acquisition of land for administrative and visitor facilities for Death Valley National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Nebraska (for himself, Mr. Craig, and Mr. Domenici):

S. 2717. A bill to amend the Safe Drinking Water Act to exempt nonprofit small public water systems from certain drinking water standards relating to naturally occurring contaminants; to the Committee on Environment and Public Works.

By Mr. DeWINE (for himself and Mr. Dodd):

S. 2718. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI:

S. 2719. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. Alexander, Mr. Brownback, Mr. Hagel, and Mr. Leahy):

S. 2720. A bill to provide assistance for the crisis in Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself and Mr. Kennedy):

S. 2721. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. Specter):

S. 2722. A bill to maintain and expand the steel import licensing and monitoring program; to the Committee on Finance.

By Mr. WYDEN:

S. 2723. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. Kerry, and Mr. Talent):

S. 2724. A bill to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity; considered and passed.

By Mrs. BOXER (for herself, Ms. Mikulski, Mr. Lautenberg, and Mr. Corzine):

S. 2725. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 2726. A bill to amend title 49 of the United States Code to provide flight attendant security training, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. Cochran, Mr. Durbin, and Mr. Feingold):

S. 2727. A bill to amend part A of title VI of the Higher Education Act of 1965 regarding international and foreign language studies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2728. A bill to create a penalty for automobile insurance fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. LAUTENBERG, and Ms. STABENOW):

S. 2729. A bill to encourage students to pursue graduate education and to assist students in affording graduate education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 2730. A bill to amend title V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the medicare program, the medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. LEVIN, Mr. CORZINE, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, and Mr. SCHUMER):

S. 2731. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. REID:

S. 2732. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Environment and Public Works.

By Mr. BROWNBACK:

S. 2733. A bill to promote freedom, fairness, and economic opportunity by establishing a National Enterprise Zone system to promote prosperity in economically depressed areas; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2734. A bill to implement the recommendations of the Inspector General of the Department of the Interior regarding Indian Tribal detention facilities; to the Committee on Indian Affairs.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 2735. A bill to require a study and report regarding the designation of a new interstate route from Augusta, Georgia to Natchez, Mississippi; to the Committee on Environment and Public Works.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 2736. A bill to require a study and report regarding the designations and construction of a new interstate route from Savannah, Georgia to Knoxville, Tennessee; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2737. A bill to facilitate the development of science parks, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2738. A bill to establish a Commission to commemorate the 400th anniversary of the arrival of Samuel de Champlain in the Champlain Valley, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2739. A bill to improve the training and retention of health professionals under titles VII and VIII of the Public Health Service Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Ms. COLLINS):

S. 2740. A bill to improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE:

S. 2741. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2742. A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Ms. CANTWELL, Mr. HOLLINGS, Mrs. FEINSTEIN, and Mr. SESSIONS):

S. 2743. A bill to amend title 38, United States Code, to provide that only licensed medical doctors, licensed doctors of osteopathy, and certain licensed dentists may perform eye surgery at Department of Veterans Affairs facilities or under contract with the Department; to the Committee on Veterans' Affairs.

By Mr. SUNUNU (for himself, Mr. REID, Mrs. DOLE, and Mr. HARKIN):

S. 2744. A bill to authorize the minting and issuance of a Presidential $1 coin series; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 2745. A bill to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 2746. A bill to provide for the termination of the current contract for the operation of Los Alamos National Laboratory, New Mexico, and for other purposes; to the Committee on Armed Services .

By Mr. LIEBERMAN:

S. 2747. A bill to establish a Commission on the Future of the United States Economy to make recommendations on public policy and the reorganization of the Federal Government to promote efficiency and economy of operation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON:

S. 2748. A bill to prohibit the giving or acceptance of payment for the placement of a child, or obtaining consent to adoption; to the Committee on the Judiciary.

By Mr. SARBANES:

S. 2749. A bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes ; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2750. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. CORZINE):

S. 2751. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

By Mr. HATCH:

S. 2752. A bill to reform Federal budget procedures, to impose spending safeguards, to combat waste, fraud, and abuse, to account for accurate Government agency costs, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SMITH:

S. 2753. A bill to authorize the Secretary of Housing and Urban Development to insure zero-downpayment mortgages; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself, Mr. REED, Mrs. MURRAY, Mr. JOHNSON, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, and Mr. LEAHY):

S. 2754. A bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA); to the Committee on Finance.

By Mr. DODD:

S. 2755. A bill to amend the Consumer Credit Protection Act to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLARD (for himself and Mr. HAGEL):

S. 2756. A bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming; to the Committee on Environment and Public Works.

By Mr. FITZGERALD:

S. 2757. A bill to provide for certain financial reporting requirements to apply to the judicial branch of the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. FITZGERALD:

S. 2758. A bill to provide for certain financial reporting requirements to apply to the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. KENNEDY, and Ms. SNOWE):

S. 2759. A bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. HATCH, Mr. CRAIG, Mr. CORNYN, and Mr. SESSIONS):

S. 2760. A bill to limit and expedite Federal collateral review of convictions for killing a public safety officer; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, Mr. CONRAD, and Mr. DASCHLE):

S. 2761. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers, ranchers, and fishermen, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. COLEMAN):

S. 2762. A bill to encourage the use of indigenous feedstock from the Caribbean Basin region with respect to ethyl alcohol for fuel use; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. GREGG, and Mr. REID):

S. 2763. A bill to amend the Atomic Energy Act of 1954 to clarify the treatment of accelerator-produced and other radioactive material as byproduct material; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. BENNETT, Mr. SCHUMER, Mr. HAGEL, Mr. REED, Mr. BUNNING, Mr. CARPER, Mr. CRAPO, Mr. REID, Mrs. DOLE, Mr. NELSON of Nebraska, and Mr. CHAFEE):

S. 2764. A bill to extend the applicability of the Terrorism Risk Insurance Act of 2002; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mr. VOINOVICH, and Mrs. DOLE):

S. 2765. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the conditions under which the Secretary should enter into negotiations to correct currency manipulations by other countries; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 2766. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for medicare prescription drugs and to eliminate the gap in coverage of medicare prescription drug benefits, to reduce medical errors and increase the use of medical technology, to increase services in primary and preventive care by non-physician providers, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 2767. A bill to provide an economic stimulus; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 2768. A bill to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 2769. A bill to provide that imported ethanol shall not count toward satisfaction of any renewable fuel standard that may be enacted; to the Committee on Environment and Public Works.

By Mr. DASCHLE:

S. 2770. A bill to establish a National Commission on American Indian Trust Holdings; to the Committee on Indian Affairs.

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 2771. A bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 2772. A bill to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 415. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 416. A resolution congratulating the California State University, Fullerton baseball team on winning the 2004 College World Series; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 417. A resolution congratulating the University of California at Los Angeles women's softball team on winning the 2004 National Collegiate Athletic Association Championship; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. REID, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. CORZINE, Mr. CRAPO, Mr. DAYTON, Mr. DODD, Mr. FEINGOLD, Mr. GRASSLEY, Mr. INOUYE, Mr. JOHNSON, Mr. KOHL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MILLER, Mr. NELSON of Florida, Mr. SARBANES, Mr. SHELBY, and Mr. WYDEN):

S. Res. 418. A resolution designating September 2004 as "National Prostate Cancer Awareness Month"; considered and agreed to.

By Mr. CORNYN:

S. Res. 419. A resolution expressing the sense of the Senate with respect to the continuity of Government and the smooth transition of executive power; to the Committee on Rules and Administration.

By Mr. SCHUMER (for himself and Ms. COLLINS):

S. Con. Res. 131. A concurrent resolution calling on the Government of Saudi Arabia to cease supporting religious ideologies that promote hatred, intolerance, violence, and other abuses of internationally recognized human rights and urging the Government of the United States to promote religious freedom in Saudi Arabia; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, and Mrs. CLINTON):

S. Con. Res. 132. A concurrent resolution affirming the support of Congress for preserving the image of Alexander Hamilton on the face of $10 Federal reserve notes because of his standing as one of the United States' most influential founding fathers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. KOHL, Ms. LANDRIEU, Mr. JOHNSON, Mr. LEVIN, Mr. DURBIN, Mr. FEINGOLD, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. DOLE, Mrs. BOXER, Mr. LIEBERMAN, Mr. ENZI, Mr. LEAHY, Mr. BYRD, Mr. FITZGERALD, and Mr. SMITH):

S. Con. Res. 133. A concurrent resolution declaring genocide in Darfur, Sudan; considered and agreed to.

By Mr. FITZGERALD (for himself, Mr. LIEBERMAN, and Mr. SARBANES):

S. Con. Res. 134. A concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Con. Res. 135. A concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan; considered and agreed to.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. INHOFE, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Montana (Mr. BAUCUS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 560

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1142

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1142, a bill to provide disadvantaged children with access to dental services.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1735

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1735, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 1890

At the request of Mr. ENZI, the names of the Senator from Utah (Mr. HATCH) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 2138

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2268

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2268, a bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program.

S. 2271

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2271, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 2275

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2299

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2299, a bill to strengthen the national security by encouraging and assisting in the expansion and improvement of educational programs to meet critical needs at the elementary, secondary, and higher education levels.

S. 2327

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 2327, a bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of veterans in State homes shall not be used to offset or reduce other payments made to assist veterans.

S. 2353

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2353, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 2422

At the request of Mr. SMITH, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2422, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 2425

At the request of Mr. BYRD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2436

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2436, a bill to reauthorize the Native American Programs Act of 1974.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2500

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2500, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2566

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2566, a bill to amend title II of the social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2657

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2659

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2659, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 2671

At the request of Mr. ROCKEFELLER, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2679

At the request of Mr. KYL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2679, a bill to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses, and for other purposes.

S. 2687

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2687, a bill to provide coverage under the Railway Labor Act to employees of certain air and surface transportation entities.

S. 2692

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2692, a bill to authorize the Secretary of the Department of Housing and Urban Development to make grants to States for affordable housing for low-income persons, and for other purposes.

S. 2701

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2701, a bill to provide incentives for the sharing of homeland security information, promote the development of an information sharing network, provide grants and other support to achieve communications interoperability, and establish an Office of Information Sharing, and for other purposes.

S. 2702

At the request of Mr. CHAMBLISS, the name of the Senator from Texas (Mr.

CORNYN) was added as a cosponsor of S. 2702, a bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes.

S. 2705

At the request of Mr. DEWINE, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2705, a bill to provide assistance to Sudan, and for other purposes.

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2705, supra.

S. 2710

At the request of Mr. GREGG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2710, a bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

S. CON. RES. 106

At the request of Mr. CAMPBELL, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Con. Res. 106, a concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. CON. RES. 113

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 124

At the request of Mr. BROWNBACK, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Con. Res. 124, a concurrent resolution declaring genocide in Darfur, Sudan.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. Con. Res. 124, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Con. Res. 124, supra.

At the request of Mr. CORZINE, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. GRAHAM) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 124, supra.

S. CON. RES. 126

At the request of Mr. COLEMAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Con. Res. 126, a concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

S. CON. RES. 127

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. CON. RES. 128

At the request of Mr. CHAMBLISS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Con. Res. 128, a concurrent resolution expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month.

S. CON. RES. 130

At the request of Mr. FRIST, his name and the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SESSIONS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 130, a concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Con. Res. 130, supra.

S. RES. 271

At the request of Mr. CORZINE, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 271, a resolution urging the President of the United States diplomatic corps to dissuade member states of the United Nations from supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East.

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 271, supra.

S. RES. 398

At the request of Mr. LUGAR, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 398, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 408

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

At the request of Mr. SMITH, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. ENSIGN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Maine (Ms. SNOWE) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 408, supra.

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 408, supra.

S. RES. 409

At the request of Mr. BAYH, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 409, a resolution encouraging increased involvement in service activities to assist senior citizens.

AMENDMENT NO. 3568

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3568 proposed to H.R. 4226, a bill to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 2716. A bill to provide for the acquisition of land for administrative and visitor facilities for Death Valley National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Death Valley National Park Administrative and Visitor Facilities Act of 2004.

This is a simple common sense bill. It allows the Death Valley National Park to accept a donation of about 15 acres of land and buildings near Beatty, NV.

This small parcel of land and the buildings on it will be used by the park as a maintenance and administrative station. These facilities are needed to consolidate and improve maintenance operations and other administrative functions of the park.

The station would be donated by the Barrick Gold Corporation to the Park Service at no cost and is superior to the Park Service's current facilities in the area. This is an easy way for us to improve maintenance and administrative functions at Death Valley National park at absolutely no cost to the government. This legislation has long been advocated by Nye County and would benefit the nearby community of Beatty, NV.

The current owners have already completed a Phase One Environmental Assessment that concluded there were no "hazardous substances" or "pollutant or contaminants" associated with the land parcels or the structures. We should take advantage of this opportunity to improve park operations while we can.

I urge my colleagues to support this legislation as an easy, efficient way to improve one of America's great national parks.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Death Valley National Park Administrative and Visitor Facilities Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term "Park" means the Death Valley National Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. DEATH VALLEY NATIONAL PARK ADMINISTRATIVE AND VISITOR FACILITIES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b) for inclusion in the Park.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) CONDITIONS.—Before accepting a donation of land under subsection (a), the Secretary shall obtain a phase I environmental assessment prepared by an independent party that—

(1) evaluates the condition of the land (including any structures on the land); and

(2) determines that the land or structure, or a portion of the land or structure, is not contaminated with—

(A) hazardous substances, pollutants, or contaminants, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); or

(B) any petroleum substance, fraction, or derivative.

(d) BOUNDARY REVISION.—On acquisition of the land under subsection (a), the Secretary shall revise the boundary of the Park to reflect the acquisition.

(e) ADMINISTRATION.—Any land acquired under subsection (a) shall be administered by the Secretary as part of the Park.

(f) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary for the development, operation, and maintenance of administrative and visitor facilities for the Park.

By Mr. DEWINE (for himself and Mr. DODD):

S. 2718. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise today, along with my good friend and colleague Senator DODD, to introduce the Sober Truth on Preventing Underage Drinking Act—also known as the STOP Underage Drinking Act. I thank Senator DODD for his commitment to this issue, as well as our colleagues on the House side—Representatives ROYBAL-ALLARD, WOLF, OSBORNE, DELAURO, and WAMP for working so diligently with us over the past few months on this bill. It is a good bill—a carefully crafted, bipartisan, bicameral piece of legislation.

As we discussed at the HELP Subcommittee hearing I chaired in September on underage drinking, it is well known that underage drinking is a significant problem for youth in this country. We've known that for a very long time.

We know that underage drinking often contributes to the four leading causes of deaths among 15 to 20 year olds—that 69 percent of youths who died in alcohol-related traffic fatalities in the year 2000 involved young drinking drivers—that in 1999, nearly 40 percent of people under the age of 21 who were victims of drownings, burns, and falls tested positive for alcohol.

We've known that alcohol has been reported to be involved in 36 percent of homicides, 12 percent of male suicides, and 8 percent of female suicides involving people under 21.

How did we get here, how did our Nation reach this point—a point where today, 12 percent of eighth graders—13 and 14 year olds—binge drink? Add to that, the 22 percent of tenth graders—15 and 16 year olds—who binge drink. The National Institute of Drug Abuse also reported that 95 percent of 12th graders perceive alcohol as readily available to them. Tragically, most children and young adults that drink underage obtain the alcohol from their parents or another adult.

These statistics are frightening. Too many American kids are drinking regularly, and they are drinking in quantities that can be of great, long-term harm to themselves. Again I ask—how did we get here? As a Nation, we clearly haven't done enough to address this problem. We haven't done enough to acknowledge how prevalent and widespread teenage drinking is in this country. We haven't done enough to let parents know that they, too, are a part of this problem and can be a part of the solution.

We talk about drugs and the dangers of drug use, as we should, but the reality is that we, as a society, have become complacent about the problem of underage drinking. This has to change. The culture has to change.

The Sober Truth on Preventing Underage Drinking Act, or STOP Underage Drinking Act, has four major areas of Policy development: First, there is a Federal coordination and reporting provision. This title would create an Interagency Coordinating Committee to coordinate the efforts and expertise of various Federal agencies to combat underage drinking. It would be chaired by the Secretary of Health and Human Services and would include other agencies and departments, such as the Department of Education, the Office of Juvenile Justice and Delinquency Prevention, and the Federal Trade Commission. This title also would mandate an annual report to Congress from the Interagency Committee on their efforts to combat underage drinking, as well as an annual report card on State efforts to combat the problem. Two million dollars, annually, would be appropriated under this section.

Second, the bill contains an authorization for the a national media campaign against underage drinking. This title would provide $1 million annually to authorize a national media campaign for which the Ad Council received $800,000 last year to begin implementation. It would continue funding for fiscal years 2005 and 2006.

Third, the bill would support new intervention programs to prevent underage drinking. This section of the bill would provide $5 million for enhancement grants to the Drug Free Communities program to be directed at the problem of underage drinking. This title also would create a new program which would provide competitive grants to States, non-profit entities, and institutions of higher education to create State-wide coalitions to prevent underage drinking. This program would be funded at $5 million.

Finally, our bill contains a section devoted to research. This title would provide $6 million for increased Federal research and data collection on underage drinking, including reporting on the types and brands of alcohol that kids use and the short-term and long-term impacts of underage drinking upon adolescent brain development.

Again, I thank Senator DODD for working with me on this issue here in the Senate, and I look forward to continuing to work with my colleagues in the House and Senate to pass this very important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sober Truth on Preventing Underage Drinking Act", or the "STOP Underage Drinking Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents
Sec. 2. Findings
Sec. 3. Definitions

TITLE I—SENSE OF CONGRESS

Sec. 101. Sense of Congress

TITLE II—INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT CARD

Sec. 201. Establishment of interagency coordinating committee to prevent underage drinking
Sec. 202. Annual report card
Sec. 203. Authorization of appropriations

TITLE III—NATIONAL MEDIA CAMPAIGN

Sec. 301. National media campaign to prevent underage drinking

TITLE IV—INTERVENTIONS

Sec. 401. Community-based coalition enhancement grants to prevent underage drinking
Sec. 402. Grants directed at reducing higher-education alcohol abuse

TITLE V—ADDITIONAL RESEARCH

Sec. 501. Additional research on underage drinking
Sec. 502. Authorization of appropriations

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Drinking alcohol under the age of 21 is illegal in each of the 50 States and the District of Columbia. Enforcement of current laws and regulations in States and communities, such as minimum age drinking laws, zero tolerance laws, and laws and regulations which restrict availability of alcohol, must supplement other efforts to reduce underage drinking.

(2) Data collected annually by the Department of Health and Human Services shows that alcohol is the most heavily used drug by children in the United States, and that—

(A) more youths consume alcoholic beverages than use tobacco products or illegal drugs;

(B) by the end of the eighth grade, 45.6 percent of children have engaged in alcohol use, and by the end of high school, 76.6 percent have done so; and

(C) the annual societal cost of underage drinking is estimated at $53 to $58 billion.

(3) Data collected by the Department of Health and Human Services and the Department of Transportation indicate that alcohol use by youth has many negative consequences, such as immediate risk from acute impairment; traffic fatalities; violence; suicide; and unprotected sex.

(4) Research confirms that the harm caused by underage drinking lasts beyond the underage years. Compared to persons who wait until age 21 or older to start drinking, those who start to drink before age 14 are, as adults, four times more likely to become alcohol dependent; seven times more likely to be in a motor vehicle crash because of drinking; and more likely to suffer mental and physical damage from alcohol abuse.

(5) Alcohol abuse creates long-term risk developmentally and is associated with negative physical impacts on the brain.

(6) Research indicates that adults greatly underestimate the extent of alcohol use by youths, its negative consequences, and its use by their own children. The IOM report concluded that underage drinking cannot be successfully addressed by focusing on youth alone. Ultimately, adults are responsible for young people obtaining alcohol by selling, providing, or otherwise making it available to them. Parents are the most important channel of influence on their children's underage drinking, according to the IOM report, which also recommends a national adult-oriented media campaign.

(7) Research shows that public service health messages, in combination with community-based efforts, can reduce health-damaging behavior. The Department of Health and Human Services and the Ad Council have undertaken a public health campaign targeted at parents to combat underage alcohol consumption. The Ad Council estimates that, for a typical public health campaign, it receives an average of $28 million per year in free media through its 28,000 media outlets nationwide.

(8) A significant percentage of the total alcohol consumption in the United States each year is by underage youth. The Substance Abuse and Mental Health Services Administration reports that the percentage is over 11 percent.

(9) Youth are exposed to a significant amount of alcohol advertising through a variety of media. Some studies indicate that youth awareness of alcohol advertising correlates to their drinking behavior and beliefs.

(10) According to the Center on Alcohol Marketing and Youth, in 2002, the alcoholic beverage industry spent $990.2 million on product advertising on television, and $10 million on television advertising designed to promote the responsible use of alcohol. For every one television ad discouraging underage alcohol use, there were 609 product ads.

(11) Alcohol use occurs in 76 percent of movies rated G or PG and 97 percent of movies rated PG-13. The Federal Trade Commission has recommended restricting paid alcohol beverage promotional placements to films rated R or NC-17.

(12) Youth spend 9 to 11 hours per week listening to music, and 17 percent of all lyrics contain alcohol references; 30 percent of those songs include brand-name mentions.

(13) Studies show that adolescents watch 20 to 27 hours of television each week, and 71 percent of prime-time television episodes depict alcohol use and 77 percent contain some reference to alcohol.

(14) College and university presidents have cited alcohol abuse as the number one health problem on college and university campuses.

(15) According to the National Institute on Alcohol Abuse and Alcoholism, two of five college students are binge drinkers; 1,400 college students die each year from alcohol-related injuries, a majority of which involve motor vehicle crashes; more than 70,000 students are victims of alcohol-related sexual assault; and 500,000 students are injured under the influence of alcohol each year.

(16) According to the Center on Alcohol Marketing and Youth, in 2002, alcohol producers spent a total of $58 million to place 6,251 commercials in college sports programs, and spent $27.7 million advertising during the NCAA men's basketball tournament, which had as many alcohol ads (939) as the Super Bowl, World Series, College Bowl Games and the National Football League's Monday Night Football broadcasts combined (925).

(17) The IOM report recommended that colleges and universities ban alcohol advertising and promotion on campus in order to demonstrate their commitment to discouraging alcohol use among underage students.

(18) According to the Government Accountability Office ("GAO"), the Federal Government spends $1.8 billion annually to combat youth drug use and $71 million to prevent underage alcohol use.

(19) The GAO concluded that there is a lack of reporting about how these funds are specifically expended, inadequate collaboration among the agencies, and no central coordinating group or office to oversee how the funds are expended or to determine the effectiveness of these efforts.

(20) There are at least three major, annual, government funded national surveys in the United States that include underage drinking data: the National Household Survey on Drug Use and Health, Monitoring the Future, and the Youth Risk Behavior Survey. These surveys do not use common indicators to allow for direct comparison of youth alcohol consumption patterns. Analyses of recent years' data do, however, show similar results.

(21) Research shows that school-based and community-based interventions can reduce underage drinking and associated problems, and that positive outcomes can be achieved by combining environmental and institutional change with theory-based health education—a comprehensive, community-based approach.

(22) Studies show that a minority of youth who need treatment for their alcohol problems receive such services. Further, insufficient information exists to properly assist clinicians and other providers in their youth treatment efforts.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "binge drinking" means a pattern of drinking alcohol that brings blood alcohol concentration (BAC) to 0.08 gm percent or above. For the typical adult, this pattern corresponds to consuming 5 or more drinks (male), or 4 or more drinks (female), in about 2 hours.

(2) The term "heavy drinking" means five or more drinks on the same occasion in the past 30 days.

(3) The term "frequent heavy drinking" means five or more drinks on at least five occasions in the last 30 days.

(4) The term "alcoholic beverage industry" means the brewers, vintners, distillers, importers, distributors, and retail outlets that sell and serve beer, wine, and distilled spirits.

(5) The term "school-based prevention" means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in every grade of school, kindergarten through 12th grade.

(6) The term "youth" means persons under the age of 21.

(7) The term "IOM report" means the report released in September 2003 by the National Research Council, Institute of Medicine, and entitled "Reducing Underage Drinking: A Collective Responsibility".

TITLE I—SENSE OF CONGRESS

SEC. 101. SENSE OF CONGRESS.

It is the sense of the Congress that:

(1) A multi-faceted effort is needed to more successfully address the problem of underage drinking in the United States. A coordinated approach to prevention, intervention, treatment, and research is key to making progress. This Act recognizes the need for a focused national effort, and addresses particulars of the Federal portion of that effort.

(2) States and communities, including colleges and universities, are encouraged to adopt comprehensive prevention approaches, including—

(A) evidence-based screening, programs and curricula;

(B) brief intervention strategies;

(C) consistent policy enforcement; and

(D) environmental changes that limit underage access to alcohol.

(3) Public health and consumer groups have played an important role in drawing the Nation's attention to the health crisis of underage drinking. Working at the Federal, State, and community levels, and motivated by grass-roots support, they have initiated effective prevention programs that have made significant progress in the battle against underage drinking.

(4) The alcohol beverage industry has developed and paid for national education and awareness messages on illegal underage drinking directed to parents as well as consumers generally. According to the industry, it has also supported the training of more than 1.6 million retail employees, community-based prevention programs, point of sale education, and enforcement programs. All of these efforts are aimed at further reducing illegal underage drinking and preventing sales of alcohol to persons under the age of 21. All sectors of the alcohol beverage industry have also voluntarily committed to placing advertisements in broadcast and magazines where at least 70 percent of the audiences are expected to be 21 years of age or older. The industry should continue to monitor and tailor its advertising practices to further limit underage exposure, including the use of independent third party review. The industry should continue and expand evidence-based efforts to prevent underage drinking.

(5) Public health and consumer groups, in collaboration with the alcohol beverage industry, should explore opportunities to reduce underage drinking.

(6) The entertainment industries have a powerful impact on youth, and they should use rating systems and marketing codes to reduce the likelihood that underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol content, even if adults are expected to predominate in the viewing or listening audiences.

(7) Objective scientific evidence and data should be generated and made available to the general public and policy makers at the local, state, and national levels to help them make informed decisions, implement judicious policies, and monitor progress in preventing childhood/adolescent alcohol use.

(8) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans by ending all alcohol advertising during radio and television broadcasts of collegiate sporting events.

TITLE II—INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT CARD

SEC. 201. ESTABLISHMENT OF INTERAGENCY COORDINATING COMMITTEE TO PREVENT UNDERAGE DRINKING.

(a) In General.—The Secretary of Health and Human Services, in collaboration with the Federal officials specified in subsection (b), shall establish an interagency coordinating committee focusing on underage drinking (referred to in this section as the "Committee").

(b) Other Agencies.—The officials referred to in subsection (a) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug Control Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

(c) Chair.—The Secretary of Health and Human Services shall serve as the chair of the Committee.

(d) Duties.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking.

(e) Consultations.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

(f) Annual Report.—

(1) In general.—The Secretary of Health and Human Services, on behalf of the Committee, shall annually submit to the Congress a report that summarizes—

(A) all programs and policies of Federal agencies designed to prevent underage drinking;

(B) the extent of progress in reducing underage drinking nationally;

(C) data that the Secretary shall collect with respect to the information specified in paragraph (2); and

(D) such other information regarding underage drinking as the Secretary determines to be appropriate.

(2) Certain information.—The report under paragraph (1) shall include information on the following:

(A) Patterns and consequences of underage drinking.

(B) Measures of the availability of alcohol to underage populations and the exposure of this population to messages regarding alcohol in advertising and the entertainment media.

(C) Surveillance data, including information on the onset and prevalence of underage drinking.

(D) Any additional findings resulting from research conducted or supported under section 501.

(E) Evidence-based best practices to both prevent underage drinking and provide treatment services to those youth who need them.

SEC. 202. ANNUAL REPORT CARD.

(a) In General.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, with input and collaboration from other appropriate Federal agencies, States, Indian tribes, territories, and public health, consumer, and alcohol beverage industry groups, annually issue a "report card" to accurately rate the performance of each state in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The report card shall include ratings on outcome measures for categories related to the prevalence of underage drinking in each State.

(b) Outcome Measures.—

(1) In general.—The Secretary shall develop, in consultation with the Committee established in section 201, a set of outcome measures to be used in preparing the report card.

(2) Categories.—In developing the outcome measures, the Secretary shall develop measures for categories related to the following:

(A) The degree of strictness of the minimum drinking age laws and dram shop liability statutes in each State.

(B) The number of compliance checks within alcohol retail outlets conducted measured against the number of total alcohol retail outlets in each State, and the results of such checks.

(C) Whether or not the State mandates or otherwise provides training on the proper selling and serving of alcohol for all sellers and servers of alcohol as a condition of employment.

(D) Whether or not the State has policies and regulations with regard to Internet sales and home delivery of alcoholic beverages.

(E) The number of adults in the State targeted by State programs to deter adults from purchasing alcohol for minors.

(F) The number of youths, parents, and caregivers who are targeted by State programs designed to deter underage drinking.

(G) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

(H) The amount that the State invests, per youth capita, on the prevention of underage drinking, further broken down by the amount spent on—

(i) compliance check programs in retail outlets, including providing technology to prevent and detect the use of false identification by minors to make alcohol purchases;

(ii) checkpoints;

(iii) community-based, school-based, and higher-education-based programs to prevent underage drinking;

(iv) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and

(v) other State efforts or programs as deemed appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.

TITLE III—NATIONAL MEDIA CAMPAIGN

SEC. 301. NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.

(a) SCOPE OF THE CAMPAIGN.—The Secretary of Health and Human Services shall continue to fund and oversee the production, broadcasting, and evaluation of the Ad Council's national adult-oriented media public service campaign.

(b) REPORT.—The Secretary of Health and Human Services shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in subsection (a), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.

(c) CONSULTATION REQUIREMENT.—In carrying out the media campaign, the Secretary of Health and Human Services shall direct the Ad Council to consult with interested parties including both the alcohol beverage industry and public health and consumer groups. The progress of this consultative process is to be covered in the report under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for each of the fiscal years 2005 and 2006, and such sums as may be necessary for each subsequent fiscal year.

TITLE IV—INTERVENTIONS

SEC. 401. COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING.

(a) AUTHORIZATION OF PROGRAM.—The Director of the Office of National Drug Control Policy shall award "enhancement grants" to eligible entities to design, test, evaluate and disseminate strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking.

(b) PURPOSES.—The purposes of this section are, in conjunction with the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.), to—

(1) reduce alcohol use among youth in communities throughout the United States;

(2) strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

(3) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;

(4) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;

(5) disseminate to communities timely information regarding state-of-the-art practices and initiatives that have proven to be effective in reducing alcohol use among youth; and

(6) enhance, not supplant, local community initiatives for reducing alcohol use among youth.

(c) APPLICATION.—An eligible entity desiring an enhancement grant under this section shall submit an application to the Director at such time, and in such manner, and accompanied by such information as the Director may require. Each application shall include—

(1) a complete description of the entity's current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or

(2) a complete description of the entity's current initiatives, and how it will use this grant to enhance those initiatives by adding a focus on underage drinking prevention.

(d) USES OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subsection (c). Grants under this section shall not exceed $50,000 per year, and may be awarded for each year the entity is funded as per subsection (f).

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this section.

(f) DEFINITIONS.—For purposes of this section, the term "eligible entity" means an organization that is currently eligible to receive grant funds under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

(g) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this section may be expended for administrative expenses.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.

SEC. 402. GRANTS DIRECTED AT REDUCING HIGHER-EDUCATION ALCOHOL ABUSE.

(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to eligible entities to enable the entities to reduce the rate of underage alcohol use and binge drinking among students at institutions of higher education.

(b) APPLICATIONS.—An eligible entity that desires to receive a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

(1) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

(2) a description of how the eligible entity will target underage students in the State;

(3) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this Act and moving toward indicators described in section (d);

(4) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

(5) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

(6) the anticipated impact of funds provided under this Act in reducing the rates of underage alcohol use;

(7) outreach strategies, including ways in which the eligible entity proposes to—

(A) reach out to students;

(B) promote the purpose of this Act;

(C) address the range of needs of the students and the surrounding communities; and

(D) address community norms for underage students regarding alcohol use; and

(8) such additional information as required by the Secretary.

(c) USES OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subsection (b).

(d) ACCOUNTABILITY.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this section, the Secretary shall include in the notice achievement indicators for the program authorized under this section. The achievement indicators shall be designed—

(1) to measure the impact that the statewide coalitions assisted under this Act are having on the institutions of higher education and the surrounding communities, including changes in the number of alcohol incidents of any kind (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

(2) to measure the quality and accessibility of the programs or information offered by the statewide coalitions; and

(3) to provide such other measures of program impact as the Secretary determines appropriate.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this Act shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this section.

(f) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a State, institution of higher education, or nonprofit entity.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(4) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATEWIDE COALITION.—The term "statewide coalition" means a coalition that—

(A) includes—

(i) institutions of higher education within a State; and

(ii) a nonprofit group, a community underage drinking prevention coalition, or another substance abuse prevention group within a State; and

(B) works toward lowering the alcohol abuse rate by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

(6) SURROUNDING COMMUNITY.—The term "surrounding community" means the community—

(A) that surrounds an institution of higher education participating in a statewide coalition;

(B) where the students from the institution of higher education take part in the community; and

(C) where students from the institution of higher education live in off-campus housing.

(g) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of a grant under this section may be expended for administrative expenses.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.

TITLE V—ADDITIONAL RESEARCH

SEC. 501. ADDITIONAL RESEARCH ON UNDERAGE DRINKING.

(a) IN GENERAL.—The Secretary of Health and Human Services shall collect data on, and conduct or support research on, underage drinking with respect to the following:

(1) The short and long-range impact of alcohol use and abuse upon adolescent brain development and other organ systems.

(2) Comprehensive community-based programs or strategies and statewide systems to prevent underage drinking, across the underage years from early childhood to young adulthood, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

(3) Improved knowledge of the scope of the underage drinking problem and progress in preventing and treating underage drinking.

(4) Annually obtain more precise information than is currently collected on the type and quantity of alcoholic beverages consumed by underage drinkers, as well as information on brand preferences of these drinkers and their exposure to alcohol advertising.

(b) CERTAIN MATTERS.—The Secretary of Health and Human Services shall carry out activities toward the following objectives with respect to underage drinking:

(1) Testing every unnatural death of persons ages 12 to 20 in the United States for alcohol involvement, including suicides, homicides, and unintentional injuries such as falls, drownings, burns, poisonings, and motor vehicle crash deaths.

(2) Obtaining new epidemiological data within the National Epidemiological Study on Alcoholism and Related Conditions and other national or targeted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, including second-hand effects of adolescent alcohol use such as date rapes, violence, risky sexual behavior, and prenatal alcohol exposure.

(3) Developing or identifying successful clinical treatments for youth with alcohol problems.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 501 $6,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.

Mr. DODD. Mr. President, I rise today with my colleague, Senator MIKE DEWINE, to introduce legislation designed to prevent our nation's children and youth from succumbing to the dangers associated with underage alcohol use. The legislation that we introduce today, the STOP (Sober Truth On Preventing) Underage Drinking Act, will greatly strengthen our Nation's ability to combat the too often deadly consequences associated with underage drinking.

An initial examination of the problems presented by underage drinking is truly alarming. Alcohol is the most commonly used drug among America's youth. More young people drink alcohol than smoke tobacco or use marijuana combined. In 2002, 20 percent of eighth graders had drunk alcohol in the previous 30 days. Forty-nine percent of high school seniors are drinkers, and 29 percent report having had five or more drinks in a row, or binged in the past 2 weeks.

Tragically, we know that this year underage drinking will directly lead to more than 3,500 deaths, more than two million injuries, 1,200 babies born with fetal alcohol syndrome and more than 50,000 youths treated for alcohol dependence. We also know that the social costs associated with underage drinking total close to $53 billion annually, including $19 billion from automobile accidents and $29 billion from associated violent crime.

And while no one can argue with the tragic loss of life and significant financial costs associated with underage drinking, too few of us think of the equally devastating loss of potential that occurs when our children begin to drink. Research indicates that children who begin drinking do so at only 12 years of age. We also know that children that begin drinking at such an early age develop a predisposition for alcohol dependence later in life. Such early experimentation can have devastating consequences and derail a child's potential just as she or he is starting out on the path to adulthood. The consumption of alcohol by our children can literally rob them of their future.

The truly alarming and devastating effects of underage alcohol use are what initially led Senator DEWINE and I to begin work to address this important issue. Over the last few months we have worked extensively with Representatives ROYBAL-ALLARD, WOLF, DELAURO, OSBOURNE and WAMP to craft the broad legislative initiative that we introduce today.

The STOP Underage Drinking Act creates the framework for a multifaceted, comprehensive national campaign to prevent underage drinking. Specifically, the legislation includes four major areas of policy development. First, the STOP Underage Drinking Act authorizes $2 million to establish an Interagency Coordinating Committee to coordinate all Federal agency efforts and expertise designed to prevent underage drinking. Chaired by the Secretary of Health and Human Services, this committee will be required to report to the Congress on an annual basis the extent to which Federal efforts are addressing the urgent need to curb underage drinking.

I am particularly pleased that one of the many items in this annual report to Congress will provide for the public health monitoring of the amount of alcohol advertising reaching our children. I have become increasingly concerned about the degree to which alcohol advertisements appear to target our Nation's children. It is my hope that the monitoring called for by this legislation will expose any unethical advertising practices that reach children. We must do all that we can to ensure that our children are not exposed to harmful and deceptive alcohol promotions.

In addition to the Federal coordination of Federal underage drinking prevention efforts, the STOP Underage Drinking Act additionally authorizes $1 million to fund an adult-oriented National Media Campaign against Underage Drinking. Research indicates that most children who drink obtain the alcohol from their parents or from other adults. The National Media Campaign against underage drinking will specifically seek to educate those who provide our children with alcohol about the dangers inherent in underage alcohol use. This media campaign will build upon the valuable underage drinking prevention efforts begun last year by the Ad Council, whose campaigns average an estimated $28 million in donated media from media outlets nationwide.

The legislation additionally authorizes $10 million to provide States, not-for-profit groups and institutions of higher education the ability to create statewide coalitions to prevent underage drinking and alcohol abuse by college and university students. This section will also provide alcohol-specific enhancement grants through the Drug Free Communities Program.

Lastly, the STOP Underage Drinking Act authorizes $6 million to expand research to assess the health effects of underage drinking on adolescent development, including its effect on the brain. This effort will additionally increase Federal data collection on underage drinking, including reporting on the types and brands of alcohol that kids consume.

I want to convey my belief that this legislation truly offers a historical, first step toward addressing the national tragedy represented by underage drinking. I pledge to work strenuously toward passing the STOP Underage Drinking Act and building on its strong foundation and I ask for the support of my colleagues for this critically important initiative.

By Mr. ENZI:

S. 2719. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to introduce the Safety Advancement for Employees (SAFE) Act of 2004. Every worker in America deserves to return home safely at the end of the day. However, more than 5,500 workers die while at work annually. This means that, on any given day, 15 workers will not return home to their families. The fact that these accidents are occurring is not because employers don't care about workplace safety. On the contrary, the Occupational Safety and Health Administration, or OSHA, estimated that 95 percent of employers are striving to create a safer workplace. The vast majority of employers want to comply with safety laws. Therefore, any effort to significantly improve workplace safety by focusing solely on the small percentage of bad actors who willfully break the law is doomed to failure.

We don't need political rhetoric, we need workable solutions. As Chairman of the Subcommittee on Employment, Safety and Training, I felt responsible for finding a solution that will succeed in protecting more workers from harm. I feel a responsibility to every worker and every worker's family to do all I can to prevent workplace accidents and deaths. The SAFE Act will provide the systematic safety improvements that American workers and their families deserve. This legislation helps the vast majority of good faith employers who want to achieve compliance with safety laws. They just need help doing so—more help than OSHA can currently give them. The SAFE Act also allows OSHA to effectively target the few bad actors who willfully place their employees at risk. It also includes provisions to improve hazard communication and reduce injuries and illnesses caused by the presence of hazardous chemicals in the workplace.

The SAFE Act of 2004 will increase the maximum jail sentence for a willful safety violation that results in a worker's death from 6 months, which is a misdemeanor, to 18 months, which is a felony. It would be naive to believe that increasing the criminal penalty by itself will significantly improve workplace safety. Increasing the maximum jail sentence for bad actors will do nothing to help improve the workplace safety records of the 95 percent of employers who want to do the right thing.

I want to prevent the accident in the first place, not just penalize the employer for an injury or death that could have been avoided. By then, it's too late for the victim and their family. We need a system that encourages the good faith employers to find out how to achieve safety voluntarily and without fear of retribution. We need a system that harnesses the resources of safety experts so employers can achieve compliance with safety laws. And, we need a system that can target and punish the few bad employers. This is the system promoted by the Safety Advancement for Employees, or SAFE, Act. The SAFE Act will save workers' lives.

The SAFE Act is a workable solution that will effectively add thousands of highly-trained safety and health professionals to the job of inspecting workplaces around the country. Why is enlisting third party safety experts so critical to the effort of getting employers to comply with safety laws? Because OSHA, the government agency responsible for regulating safety laws, can't do it alone. OSHA should be providing helpful assistance to the overwhelming number of employers who are pursuing safer workplaces. Simultaneously, OSHA should be targeting those employers who are willfully disregarding safety laws, inspecting them, penalizing them, and following up to make sure that bad practices are stopped before accidents occur.

It has been estimated that it would take OSHA over 167 years to inspect every work site in the country. Therefore, OSHA cannot effectively help those good faith employers or deter bad employers from breaking the law. This is why the SAFE Act is so important. It will allow highly-trained safety and health professionals to reach work sites all over the country, where OSHA hasn't even been able to make a dent, encouraging employers to get into compliance voluntarily.

These highly-trained consultants will work with employers to get them into compliance with safety laws. If the employer gets into compliance, the employer can receive a certificate of compliance which will exempt him from civil penalties only for one year. However, at all times and under all circumstances, OSHA remains free to inspect these work sites.

The third-party consultation program is particularly important for small businesses. Employers have to read through and implement over a thousand pages of highly technical safety regulations. Too often, employers are left on their own to try to understand and comply with all these regulations. It is hard enough for large employers who have an in-house staff of safety experts. For the small employer—whose safety "expert" is also the human resources manager, accountant, and systems administrator—the task is nearly impossible. We're talking about employers who want to do the right thing, who want to comply with the law and protect their workers. They just need help doing so—help that OSHA is not currently equipped to provide.

In a report published in March, 2004, the General Accounting Office cited the use of third party consultants among a list of recommendations by researchers, safety and health practitioners, and specialists, to achieve voluntary OSHA compliance. According to the GAO report: "Using Consultants could leverage existing OSHA resources by helping workplaces that might never otherwise see an OSHA inspector, especially small employers, and possibly also by enabling employers to address additional safety and health issues that might not be covered under an OSHA inspection for compliance standards."

We need to leverage the resources of OSHA and the private sector to improve occupational safety around the country—in large and small workplaces alike.

Nowhere is the safety and health challenge more daunting for small businesses than it is in the area of hazard communication. Hazardous chemicals pervade the 21st Century workplace. An estimated 650,000 hazardous chemical products are used in over 3 million workplaces across the country. Everyday, more than 30 million American workers will be exposed to hazardous chemicals on the job. Whether or not they return home safely at the end of the day depends on their awareness of these hazards and appropriate precautionary measures. Communication is the key to protecting the safety and health of these 30 million workers. However, the protection is only as effective as the communication.

Twenty years ago, OSHA adopted the Hazard Communication Standard. Material Safety Data Sheets are the cornerstone of hazard communication. The chemical manufacturer or importer evaluates the chemical and provides employers with information about its hazards and protective measures on the Material Safety Data Sheet, which employers must then provide to workers.

OSHA's rule provides a generic framework for hazard communication. With over 650,000 chemicals in use, and tens of thousands of chemical manufacturers, the clarity, format, and accuracy of Material Safety Data Sheets varies widely. If the Material Safety Data Sheet is stuffed in some thick binder gathering dust, the worker doesn't have time to shuffle through the pages of complex, technical jargon it includes. Workers shouldn't need a Ph.D. in biochemistry to know how to protect themselves against hazardous chemicals.

Twenty years after the Hazard Communication standard was published, it's time for review. It's time to heed the call of workers and employers alike for more clarity, consistency, accuracy, and guidance. Over the years, I've had the great fortune to work with Ron Hayes on improving the safety and health of American workers. Ron wrote me a letter. I ask unanimous consent that the letter be printed in the RECORD. He writes that: "Other standards cover many issues for the workers, but the Material Safety Data Sheet, paperwork is used millions of times each workday, and the accuracy of these sheets [is] of paramount importance for the complete protection of our most important resource, our great American workers."

To improve the protection of our great American workers from hazardous chemicals, the new SAFE Act requires OSHA to develop and post on its website model material safety data sheets for those highly hazardous chemicals listed on the Process Safety Management Standard. These models will be particularly helpful to small businesses that don't have the expertise to develop or decipher their own.

In the twenty years since the Hazard Communication Standard was adopted, the American workplace has changed dramatically. Electronic or internet-based systems not envisioned twenty years ago can significantly improve hazard communication. The new SAFE Act recognizes the promise of technology to improve hazard communication. The legislation creates grants to develop, implement, or evaluate strategies to improve hazard communication through the use of better technology.

In the past twenty years, our workforce has become increasingly diverse. Effective hazard communication should reflect the fact that numerous languages may be spoken at a single worksite. Our economy has also become increasingly global. The chemical industry is one of the United States' largest exporting sectors. The manner in which other countries regulate hazardous chemicals impacts an American manufacturer's ability to compete in the global marketplace.

In 2002, the United Nations adopted the Globally Harmonized System for Classification and Labeling of Chemicals. The Globally Harmonized System is designed to improve the quality of hazard communication by establishing standardized requirements for hazard evaluation, safety data sheets, and labels. The Globally Harmonized System has the potential to address significant concerns with current hazard communication. Whether the United States adopts it cannot be decided by OSHA alone. Other agencies involved in regulating hazardous chemicals must be involved. Key stakeholders in hazard communication—chemical manufacturers, employers, workers, and safety and health experts—must also be involved. For this reason, the new SAFE Act establishes a commission of relevant Federal agencies and stakeholders to study and make recommendations to Congress about the adoption of the Globally Harmonized System.

The SAFE Act sets us firmly on the path towards achieving the goal of the Occupational Safety and Health Act to "assure so far as possible every working man and woman in the nation safe and healthful working conditions." Enforcement alone cannot ensure the safety and health of America's workforce. Government and the private sector can—and must—work together to create a culture where safety and health is the number one priority.

I first introduced the SAFE Act in 1997. Today, the call for meaningful OSHA reform through cooperative and proactive efforts is even louder. The more time that passes without taking such action, the more injuries and deaths will occur that could otherwise be avoided. As I introduce the new SAFE Act today, I hope that we can again begin meaningful discussions about what is involved in achieving safer workplaces. I also hope that we can actually pass the SAFE Act and achieve greater safety and health for our most important resource—our great American worker.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Safety Advancement for Employees Act of 2004" or the "SAFE Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. PURPOSE.

Section 2(b) of the Act (29 U.S.C. 651(b)) is amended—

(1) in paragraph (13), by striking the period and inserting "; and"; and

(2) by adding at the end the following:

"(14) by increasing the joint cooperation of employers, employees, and the Secretary of Labor in the effort to ensure safe and healthful working conditions for employees.".

SEC. 3. THIRD PARTY CONSULTATION SERVICES PROGRAM.

(a) PROGRAM.—The Act (29 U.S.C. 651 et seq.) is amended by inserting after section 8 the following:

"SEC. 8A. THIRD PARTY CONSULTATION SERVICES PROGRAM.

"(a) PURPOSE.—It is the purpose of this section to encourage employers to conduct voluntary safety and health audits using the expertise of qualified safety and health consultants and to proactively seek individualized solutions to workplace safety and health concerns.

"(b) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the advisory committee established under section 7(d), shall establish and implement, by regulation, a program that qualifies individuals to provide consultation services to employers to assist employers in the identification and correction of safety and health hazards in the workplaces of employers.

"(2) ELIGIBILITY.—The following individuals shall be eligible to be qualified under the program under paragraph (1) as certified safety and health consultants:

"(A) An individual who is licensed by a State authority as a physician, industrial hygienist, professional engineer, safety engineer, safety professional, or registered nurse.

"(B) An individual who has been employed as an inspector for a State plan State or as a Federal occupational safety and health inspector for not less than a 5-year period.

"(C) An individual who is qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary.

"(D) An individual who has not less than 10 years expertise in workplace safety and health.

"(E) Other individuals determined to be qualified by the Secretary.

"(3) GEOGRAPHICAL SCOPE OF CONSULTATION SERVICES.—A consultant qualified under the program under paragraph (1) may provide consultation services in any State.

"(4) LIMITATION BASED ON EXPERTISE.—A consultant qualified under the program under paragraph (1) may only provide consultation services to an employer with respect to a worksite if the work performed at that worksite coincides with the particular expertise of the individual.

"(c) SAFETY AND HEALTH REGISTRY.—The Secretary shall develop and maintain a registry that includes all consultants that are qualified under the program under subsection (b)(1) to provide the consultation services described in subsection (b) and shall publish and make such registry readily available to the general public.

"(d) DISCIPLINARY ACTIONS.—The Secretary may revoke the status of a consultant qualified under subsection (b), or the participation of an employer under subsection (b) in the third party consultation program, if the Secretary determines that the consultant or employer—

"(1) has failed to meet the requirements of the program; or

"(2) has committed malfeasance, gross negligence, collusion or fraud in connection with any consultation services provided by the qualified consultant.

"(e) PROGRAM REQUIREMENTS.—

"(1) FULL SERVICE CONSULTATION.—The consultation services described in subsection (b), and provided by a consultant qualified under the program under subsection (b)(1), shall include an evaluation of the workplace of an employer to determine if the employer is in compliance with the requirements of this Act, including any regulations promulgated pursuant to this Act. Employers electing to participate in such program shall contract with a consultant qualified under subsection (b)(2) to perform a full service visit and consultation covering the employer's establishment, including a complete safety and health program review. Following the guidance as specified in this section, the consultant shall discuss with the employer the elements of an effective program.

"(2) CONSULTATION REPORT.—

"(A) IN GENERAL.—After a consultant conducts a comprehensive survey of an employer under a program under this section, the consultant shall prepare and submit to the employer a written report that includes an action plan identifying any violations of this Act, and any appropriate corrective measures to address the violations that are identified using an effective safety and health program.

"(B) ELEMENTS.—A consultation report shall contain each of the following elements.

"(i) ACTION PLAN.—

"(I) IN GENERAL.—An action plan under subparagraph (A) shall be developed in consultation with the employer as part of the initial comprehensive survey. The consultant and the employer shall jointly use the onsite time in the initial visit to the employer's place of business to agree on the terms of the action plan and the time frames for achieving specific items.

“(II) Requirements.—The action plan shall outline the specific steps that must be accomplished by the employer prior to receiving a certificate of compliance. The action plan shall address in detail—

“(aa) the employer's correction of all identified safety and health hazards, with applicable time frames;

“(bb) the steps necessary for the employer to implement an effective safety and health program, with applicable time frames; and

“(cc) a statement of the employer's commitment to work with the consultation project to achieve a certificate of compliance.

“(ii) Safety and health program.—An employer electing to participate in a program under this section shall establish a safety and health program to manage workplace safety and health to reduce injuries, illnesses and fatalities that complies with paragraph (3). Such safety and health program shall be appropriate to the conditions of the workplace involved.

“(3) Requirements for safety and health program.—

“(A) Written program.—An employer electing to participate shall maintain a written safety and health program that contains policies, procedures, and practices to recognize and protect their employees from occupational safety and health hazards. Such procedures shall include provisions for the identification, evaluation and prevention or control of workplace hazards.

“(B) Major elements.—A safety and health program shall include the following elements, and may include other elements as necessary to the specific worksite involved and as determined appropriate by the qualified consultant and employer:

“(i) Employer commitment and employee involvement.—

“(I) In general.—The existence of both management leadership and employee participation must be demonstrated in accordance with subclauses (II) and (III).

“(II) Management leadership.—To make a demonstration of management leadership under this subclause, the employer shall—

“(aa) set a clear worksite safety and health policy that employees can fully understand;

“(bb) set and communicate clear goals and objectives with the involvement of employees;

“(cc) provide essential safety and health leadership in tangible and recognizable ways;

“(dd) set positive safety and health examples; and

“(ee) perform comprehensive reviews of safety and health programs for quality assurance using a process which promotes continuous correction.

“(III) Employee participation.—With respect to employee participation, the employer shall demonstrate a commitment to working to develop a comprehensive, written and operational safety and health program that involves employees in significant ways that affect safety and health. In making such a demonstration, the employer shall—

“(aa) provide for employee participation in actively identifying and resolving safety and health issues in tangible ways that employees can clearly understand;

“(bb) assign safety and health responsibilities in such a way that employees can understand clearly what is expected of them;

“(cc) provide employees with the necessary authority and resources to meet their safety and health responsibilities; and

“(dd) provide that safety and health performance for managers, supervisors and employees be measured in tangible ways.

“(ii) Workplace analysis.—The employer, in consultation with the consultant, shall systematically identify and assess hazards in the following ways:

“(I) Conduct corrective action and regular expert surveys to update hazard inventories.

“(II) Have competent personnel review every planned or new facility, process material, or equipment.

“(III) Train all employees and supervisors, conduct routine joint inspections, and correct items identified.

“(IV) Establish a way for employees to report hazards and provide prompt responses to such reports.

“(V) Investigate worksite accidents and near accidents.

“(VI) Provide employees with the necessary information regarding incident trends, causes and means of prevention.

“(iii) Hazard prevention.—The employer, in consultation with the consultant, shall—

“(I) engage in timely hazard control, working to ensure that hazard controls are fully in place and communicated to employees, with emphasis on engineering controls and enforcing safe work procedures;

“(II) maintain equipment using operators who are trained to recognize maintenance needs and perform or direct timely maintenance;

“(III) provide training on emergency planning and preparation, working to ensure that all personnel know immediately how to respond as a result of effective planning, training, and drills;

“(IV) equip facilities for emergencies with all systems and equipment in place and regularly tested so that all employees know how to communicate during emergencies and how to use equipment; and

“(V) provide for emergency medical situations using employees who are fully trained in emergency medicine.

“(iv) Safety and health training.—The employer, in consultation with the consultant, shall—

“(I) involve employees in hazard assessment, development and delivery of training;

“(II) actively involve supervisors in worksite analysis by empowering them to ensure physical protections, reinforce training, enforce discipline, and explain work procedures; and

“(III) provide training in safety and health management to managers.

“(4) Reinspection.—At a time agreed to by the employer and the consultant, the consultant may reinspect the workplace of the employer to verify that the required elements in the consultation report have been satisfied. If such requirements have been satisfied, the employer shall be provided with a certificate of compliance for that workplace by the qualified consultant.

“(f) Exemption From Civil Penalties for Compliance.—

“(1) In general.—If an employer enters into a contract with an individual qualified under the program under this section, to provide consultation services described in subsection (b), and receives a certificate of compliance under subsection (e)(4), the employer shall be exempt from the assessment of any civil penalty under section 17 for a period of 1 year after the date on which the employer receives such certificate.

“(2) Exceptions.—An employer shall not be exempt under paragraph (1)—

“(A) if the employer has not made a good faith effort to remain in compliance as required under the certificate of compliance; or

“(B) to the extent that there has been a fundamental change in the hazards of the workplace.

“(g) Right To Inspect.—Nothing in this section shall be construed to affect the rights of the Secretary to inspect and investigate worksites covered by a certificate of compliance.

“(h) Renewal Requirements.—An employer that is granted a certificate of compliance under this section may receive a 1 year renewal of the certificate if the following elements are satisfied:

“(1) A qualified consultant shall conduct a complete onsite safety and health survey to ensure that the safety and health program has been effectively maintained or improved, workplace hazards are under control, and elements of the safety and health program are operating effectively.

“(2) The consultant, in an onsite visit by the consultant, has determined that the program requirements have been complied with and the health and safety program has been operating effectively.

“(i) Non-Fixed Worksites.—With respect to employer worksites that do not have a fixed location, a certificate of compliance shall only apply to that worksite which satisfies the criteria under this section and such certificate shall not be portable to any other worksite. This section shall not apply to service establishments that utilize essentially the same work equipment at each nonfixed worksite.”.

SEC. 4. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE.

Section 7 of the Act (29 U.S.C. 656) is amended by adding at the end the following:

“(d)(1) Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish an advisory committee (pursuant to the Federal Advisory Committee Act (5 U.S.C. App.)) to carry out the duties described in paragraph (3).

“(2) The advisory committee shall be composed of—

“(A) 3 members who are employees;

“(B) 3 members who are employers;

“(C) 2 members who are members of the general public; and

“(D) 1 member who is a State official from a State plan State.

Each member of the advisory committee shall have expertise in workplace safety and health as demonstrated by the educational background of the member.

“(3) The advisory committee shall advise and make recommendations to the Secretary with respect to the establishment and implementation of a consultation services program under section 8A.”.

SEC. 5. CONTINUING EDUCATION AND PROFESSIONAL CERTIFICATION FOR CERTAIN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PERSONNEL.

Section 8 of the Act (29 U.S.C. 657) is amended by adding at the end the following:

“(i) Any Federal employee responsible for enforcing this Act shall, not later than 2 years after the date of enactment of this subsection or 2 years after the initial employment of the employee involved, meet the eligibility requirements prescribed under subsection (b)(2) of section 8A.

“(j) The Secretary shall ensure that any Federal employee responsible for enforcing this Act who carries out inspections or investigations under this section, receive professional education and training at least every 5 years as prescribed by the Secretary.”.

SEC. 6. EXPANDED INSPECTION METHODS.

(a) PURPOSE.—It is the purpose of this section to empower the Secretary of Labor to achieve increased employer compliance by using, at the Secretary's discretion, more efficient and effective means for conducting inspections.

(b) GENERAL.—Section 8(f) of the Act (29 U.S.C. 657(f) is amended—

(1) by adding at the end the following:

"(3) The Secretary or an authorized representative of the Secretary may, as a method of investigating an alleged violation or danger under this subsection, attempt, if feasible, to contact an employer by telephone, facsimile, or other appropriate methods to determine whether—

"(A) the employer has taken corrective actions with respect to the alleged violation or danger; or

"(B) there are reasonable grounds to believe that a hazard exists.

"(4) The Secretary is not required to conduct an inspection under this subsection if the Secretary determines that a request for an inspection was made for reasons other than the safety and health of the employees of an employer or that the employees of an employer are not at risk.".

SEC. 7. WORKSITE-SPECIFIC COMPLIANCE METHODS.

Section 9 of the Act (29 U.S.C. 658) is amended by adding at the end the following:

"(d) A citation issued under subsection (a) to an employer who violates section 5, any standard, rule, or order promulgated pursuant to section 6, or any other regulation promulgated under this Act shall be vacated if such employer demonstrates that the employees of such employer were protected by alternative methods that are equally or more protective of the safety and health of the employees than the methods required by such standard, rule, order, or regulation in the factual circumstances underlying the citation.

"(e) Subsection (d) shall not be construed to eliminate or modify other defenses that may exist to any citation.".

SEC. 8. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 21(c) of the Act (29 U.S.C. 670(c)) is amended—

(1) by striking "(c) The" and inserting "(c)(1) The";

(2) by striking "(1) provide" and inserting "(A) provide";

(3) by striking "(2) consult" and inserting "(B) consult"; and

(4) by adding at the end the following:

"(2)(A) The Secretary shall, through the authority granted under section 7(c) and paragraph (1), enter into cooperative agreements with States for the provision of consultation services by such States to employers concerning the provision of safe and healthful working conditions.

"(B)(i) Except as provided in clause (ii), the Secretary shall reimburse a State that enters into a cooperative agreement under subparagraph (A) in an amount that equals 90 percent of the costs incurred by the State for the provision of consultation services under such agreement.

"(ii) A State shall be reimbursed by the Secretary for 90 percent of the costs incurred by the State for the provision of—

"(I) training approved by the Secretary for State personnel operating under a cooperative agreement; and

"(II) specified out-of-State travel expenses incurred by such personnel.

"(iii) A reimbursement paid to a State under this subparagraph shall be limited to costs incurred by such State for the provision of consultation services under this paragraph and the costs described in clause (ii).".

(b) PILOT PROGRAM.—Section 21 of the Act (29 U.S.C. 670) is amended by adding at the end the following:

"(e)(1) Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish and carry out a pilot program in 3 States to provide expedited consultation services, with respect to the provision of safe and healthful working conditions, to employers that are small businesses (as the term is defined by the Administrator of the Small Business Administration). The Secretary shall carry out the program for a period of not to exceed 2 years.

"(2) The Secretary shall provide consultation services under paragraph (1) not later than 4 weeks after the date on which the Secretary receives a request from an employer.

"(3) The Secretary may impose a nominal fee to an employer requesting consultation services under paragraph (1). The fee shall be in an amount determined by the Secretary. Employers paying a fee shall receive priority consultation services by the Secretary.

"(4) In lieu of issuing a citation under section 9 to an employer for a violation found by the Secretary during a consultation under paragraph (1), the Secretary shall permit the employer to carry out corrective measures to correct the conditions causing the violation. The Secretary shall conduct not more than 2 visits to the workplace of the employer to determine if the employer has carried out the corrective measures. The Secretary shall issue a citation as prescribed under section 5 if, after such visits, the employer has failed to carry out the corrective measures.

"(5) Not later than 90 days after the termination of the program under paragraph (1), the Secretary shall prepare and submit a report to the appropriate committees of Congress that contains an evaluation of the implementation of the pilot program.".

SEC. 9. VOLUNTARY PROTECTION PROGRAMS.

(a) COOPERATIVE AGREEMENTS.—The Secretary of Labor shall establish cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENT.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(C) INFORMATION.—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program of the employers shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) EXEMPTIONS.—A site with respect to which a program has been approved shall, during participation in the program be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(4) INCREASED SMALL BUSINESS PARTICIPATION.—The Secretary of Labor shall establish and implement, by regulation, a program to increase participation by small businesses (as the term is defined by the Administrator of the Small Business Administration) in the voluntary protection program through outreach and assistance initiatives and developing program requirements that address the needs of small businesses.

SEC. 10. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Act (29 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 34. ALCOHOL AND SUBSTANCE ABUSE TESTING.

"(a) PROGRAM PURPOSE.—In order to secure a safe workplace, employers may establish and carry out an alcohol and substance abuse testing program in accordance with subsection (b).

"(b) FEDERAL GUIDELINES.—

"(1) REQUIREMENTS.—An alcohol and substance abuse testing program described in subsection (a) shall meet the following requirements:

"(A) SUBSTANCE ABUSE.—A substance abuse testing program shall permit the use of an onsite or offsite testing.

"(B) ALCOHOL.—The alcohol testing component of the program shall take the form of alcohol breath analysis and shall conform to any guidelines developed by the Secretary of Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

"(2) DEFINITION.—For purposes of this section the term 'alcohol and substance abuse testing program' means any program under which test procedures are used to take an analyze blood, breath, hair, urine, saliva, or other body fluids or materials for the purpose of detecting the presence or absence of alcohol or a drug or its metabolites. In the case of urine testing, the confirmation tests must be performed in accordance with the mandatory guidelines for Federal workplace testing programs published by the Secretary of Health and Human Services on April 11, 1988, at section 11979 of title 53, Code of Federal Regulations (including any amendments to such guidelines). Proper laboratory protocols and procedures shall be used to assure accuracy and fairness and laboratories must be subject to the requirements of subpart B of the mandatory guidelines, State certification, the Clinical Laboratory Improvements Act of the College of American Pathologists.

"(c) TEST REQUIREMENTS.—This section shall not be construed to prohibit an employer from requiring—

"(1) an applicant for employment to submit to and pass an alcohol or substance abuse test before employment by the employer; or

"(2) an employee, including managerial personnel, to submit to and pass an alcohol or substance abuse test—

"(A) on a for-cause basis or where the employer has reasonable suspicion to believe that such employee is using or is under the influence of alcohol or a controlled substance;

"(B) where such test is administered as part of a scheduled medical examination;

"(C) in the case of an accident or incident, involving the actual or potential loss of human life, bodily injury, or property damage;

"(D) during the participation of an employee in an alcohol or substance abuse treatment program, and for a reasonable period of time (not to exceed 5 years) after the conclusion of such program; or

"(E) on a random selection basis in work units, locations, or facilities.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to require an employer to establish an alcohol and substance abuse testing program for applicants or employees or make employment decisions based on such test results.

"(e) PREEMPTION.—The provisions of this section shall not preempt any provision of State law to the extent that such State law is inconsistent with this section.

"(f) INVESTIGATIONS.—The Secretary is authorized to conduct testing of employees (including managerial personnel) of an employer for use of alcohol or controlled substances during any investigations of a work-related fatality or serious injury.".

SEC. 11. DISCRETIONARY COMPLIANCE ASSISTANCE.

Subsection (a) of section 9 of the Act (29 U.S.C. 658(a)) is amended to read as follows:

"(a)(1) Nothing in this Act shall be construed as prohibiting the Secretary or the authorized representative of the Secretary from providing technical or compliance assistance to an employer in correcting a violation discovered during an inspection or investigation under this Act without issuing a citation.

"(2) Except as provided in paragraph (3), if, upon an inspection or investigation, the Secretary or an authorized representative of the Secretary believes that an employer has violated a requirement of section 5, of any regulation, rule, or order promulgated pursuant to section 6, or of any regulations prescribed pursuant to this Act, the Secretary may with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of a violation, including a reference to the provision of the Act, regulation, rule, or order alleged to have been violated. The citation shall fix a reasonable time for the abatement of the violation.

"(3) The Secretary or the authorized representative of the Secretary—

"(A) may issue a warning in lieu of a citation with respect to a violation that has no significant relationship to employee safety or health; and

"(B) may issue a warning in lieu of a citation in cases in which an employer in good faith acts promptly to abate a violation if the violation is not a willful or repeated violation.".

SEC. 12. HAZARD COMMUNICATION.

(a) MODEL MATERIAL SAFETY DATA SHEETS.—

(1) PURPOSE.—It is the purpose of this section to assist chemical manufactures and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations, and to improve the accuracy, consistency, and comprehensibility of such material safety data sheets.

(2) MODEL MATERIAL SAFETY DATA SHEETS FOR HIGHLY HAZARDOUS CHEMICALS.—The Secretary of Labor shall develop model material safety data sheets for the list of highly hazardous chemicals contained in Appendix A to the Process Safety Management of Highly Hazardous Chemicals standard published at section 1910.119 of title 29, Code of Federal Regulations. Such model material safety data sheets shall—

(A) comply with the requirements of the Hazard Communication standard published at section 1910.100 of such title 29;

(B) be presented in a consistent format that enhances the reliability and comprehensibility of information about chemical hazards in the workplace and protective measures; and

(C) be made available to the public, including through posting on the Occupational Safety and Health Administration's website, within 18 months after the date of enactment of this Act.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) modify or amend the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations, the Process Safety Management of Highly Hazardous Chemicals standard published at section 1910.119 of such title 29, or any other provision of law; and

(B) authorize the Secretary of Labor to include in the model material safety data sheet developed under this subsection any suggestion or recommendation as to permissible or appropriate workplace exposure levels for these chemicals.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor such sums as may be necessary to carry out this subsection.

(b) GLOBALLY HARMONIZED SYSTEM COMMISSION.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, there shall be established a commission, to be known as the Global Harmonization Commission (referred to in this subsection as the "Commission"), to consider the implementation of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals to improve chemical hazard communication and to make recommendations to Congress.

(2) MEMBERSHIP.—The Commission shall be composed of 13 members of whom—

(A) 1 shall be the Secretary of Labor;

(B) 1 shall be the Secretary of Transportation;

(C) 1 shall be the Secretary of Health and Human Services;

(D) 1 shall be the Administrator of the Environmental Protection Agency;

(E) 1 shall be the Chairman of the Consumer Product Safety Commission; and

(F) 8 shall be appointed by the Secretary of Labor, of whom—

(i) 2 shall be representatives of manufacturers of hazardous chemicals, including a representative of small businesses;

(ii) 2 shall be representatives of employers who are extensive users of hazardous chemicals supplied by others, including a representative of small businesses;

(iii) 2 shall be representatives of labor organizations; and

(iv) 2 shall be occupational safety and health professionals with expertise in chemical hazard communications.

(3) CHAIR AND VICE-CHAIR.—The members of the Commission shall select a chair and vice-chair from among its members.

(4) DUTIES.—

(A) STUDY AND RECOMMENDATIONS.—The Commission shall conduct a thorough study of, and shall develop recommendations on, the following issues relating to the global harmonization of hazardous chemical communication:

(i) Whether the United States should adopt any or all of the elements of the United Nation's Globally Harmonized System of Classification and Labeling of Chemicals (referred to in this subsection and the "Globally Harmonized System").

(ii) How the Globally Harmonized System should be implemented by the Federal agencies with relevant jurisdiction, taking into consideration the role of the States acting under delegated authority.

(iii) How the Globally Harmonized System compares to existing chemical hazard communication laws and regulations, including the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations.

(iv) A consideration of the impact of adopting the Globally Harmonized System on the consistency, effectiveness, comprehensiveness, timing, accuracy, and comprehensibility of chemical hazard communication in the United States.

(v) A consideration of the impact of adopting the Globally Harmonized System on occupational safety and health in the United States.

(vi) A consideration of the impact of adopting the Globally Harmonized System on tort, insurance, and workers compensation laws in the United States.

(vii) A consideration of the impact of adopting the Globally Harmonized System on the ability to bring new products to the market in the United States.

(viii) A consideration of the cost and benefits of adopting the Globally Harmonized System to businesses, including small businesses, in the United States.

(ix) Effective compliance assistance, training, and outreach to help chemical manufacturers, importers, and users, particularly small businesses, understand and comply with the Globally Harmonized System.

(B) REPORT.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation as the Commission considers appropriate.

(5) POWERS.—

(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section. The Commission shall, to the maximum extent possible, use existing data and research to carry out this section.

(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request by the Commission, the head of such department or agency shall promptly furnish such information to the Commission.

(C) Postal services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(6) Personnel matters.—

(A) Compensation; travel expenses.—Each member of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) Staff and equipment.—The Department of the Labor shall provide all financial, administrative, and staffing requirements for the Commission including—

(i) office space;

(ii) furnishings; and

(iii) equipment.

(7) Termination.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report required under paragraph (3)(B).

(8) Authorization of appropriations.—There are authorized to be appropriated to the Department of Labor, such sums as may be necessary to carry out this subsection.

(c) Hazard Communication Demonstration Projects.—

(1) In general.—Section 20(a) of the Act (29 U.S.C. 670(a)) is amended by adding at the end the following:

"(8) Subject to the availability of appropriations, the Secretary of Health and Human Services, after consultation with the Secretary, shall award grants to one or more qualified applicants in order to carry out a demonstration project to development, implement, or evaluate strategies or programs to improve chemical hazard communication in the workplace through the use of technology, which may include electronic or Internet-based hazard communication systems.".

(2) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the amendment made by paragraph (1).

SEC. 13. CRIMINAL PENALTIES.

Subsection (e) of section 17 of the Act (29 U.S.C. 666(e)) is amended—

(1) by striking "fine of not more than $10,000" and inserting "fine in accordance with section 3571 of title 18, United States Code";

(2) by striking "six months" and inserting "18 months";

(3) by striking "fine of not more than $20,000" and inserting "fine in accordance with section 3571 of title 18, United States Code"; and

(4) by striking "1 year" and inserting "3 years".

March 15, 2004.

Re hearing on Hazard Communication (MSDS) loose March 25, 2004.

Hon. Michael B. Enzi,
Washington, DC.

Dear Senator Enzi: Honorable Senators, staff and witnesses, it is an honor for me to have a small part in this most important hearing. I am very proud to have worked with you great statesmen over the years to better safety and health for our great American workers. Your work today in this hearing could be the most important advancement of OSHA's mission ever undertaken and more importantly provide guidance, leadership and much needed closer oversight to a slow moving, backward agency.

No other standard or regulation in OSHA's responsibility covers or protects workers as much as the Hazard Communication standard does and especially the MSDS section of this standard. MSDS effects every worker everyday on every job. Other standards cover many issues for the workers but the MSDS paperwork is used millions of times each workday, and the accuracy of these sheets or of paramount importance for the complete protection of our most important resource our great American workers.

These men and women work and toil everyday to bring a better way of life for us all, they deserve to go home safe and sound everyday, to have the opportunity to live a long and happy life, free of injury and sickness. No one should die, be hurt or made sick at work.

I can only pray that you will be so moved by God today, to make the much needed changes to this problem and find new ways to make sure all MSDS sheets are readable, understandable and correct. Education and information is the key, please help make the changes that will protect all of our workers all the time.

Please forgive me for being absent today but I look forward to working with you and this great committee in the future. I know in my heart you will do the right thing today and am confident new changes and new protection will come from this hearing. God Bless and thank you for your courageous stand for all American workers.

Yours,

Ron Hayes.

By Mr. LUGAR (for himself, Mr. ALEXANDER, Mr. BROWNBACK, Mr. HAGEL, and Mr. LEAHY):

S. 2720. A bill to provide assistance for the crisis in Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the Comprehensive Peace in Sudan Act. This bill is intended to address both the immediate crisis in the Darfur region of Sudan and to support a comprehensive peace in all of that country. It would authorize $300 million to respond to the unfolding catastrophe in Darfur for the next fiscal year and to provide additional funds to begin reconstruction in Sudan upon the conclusion of a viable, comprehensive peace.

Events in Darfur constitute a moral and humanitarian tragedy of incredible proportions. The people of the Darfur region of Sudan are experiencing the full force of an ethnic cleansing campaign by the Government of Sudan. Numerous credible reports by U.S. and U.N. officials indicate that the Sudanese Government has armed and employed a militia of Arab Sudanese, called Janjaweed, to join it in a coordinated effort to kill and rape Darfur inhabitants and systematically destroy homes, villages, and all means of subsistence. This campaign has killed tens of thousands of people and displaced 1.2 million African Sudanese of which 200,000 are now refugees in Chad. A second phase of this campaign may prove to have the most devastating effect through the onset of famine and disease—unless, the international community responds quickly.

The United Nations is meeting significant obstacles to providing life-saving food, medicine, and shelter to the displaced Sudanese. The Sudanese Government has established bureaucratic and administrative obstacles to the provision of assistance. In addition, the international community has not provided adequate resources given the magnitude of the human suffering in Darfur. The United States has been pressing for a more vigorous response to this humanitarian crisis. This bill would support diplomatic efforts already underway and ensure a significant flow of funding.

I am hopeful that Senators will join me in passing this bill quickly.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Peace in Sudan Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) JEM.—The term "JEM" means the Justice and Equality Movement.

(3) SPLM.—The term "SPLM" means the Sudan People's Liberation Movement.

(4) SLA.—The term "SLA" means the Sudanese Liberation Army.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in grave jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and dislocating targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing and Arabization that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final countrywide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) According to United States and United Nations officials, the Government of Sudan

has engaged in an orchestrated campaign, with the assistance of its Arab Sudanese proxy militia, the Janjaweed, to cleanse a significant part of the ethnically African population from North Darfur, West Darfur, and South Darfur, Sudan.

(6) The United Nations High Commissioner for Human Rights identified "massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which may constitute war crimes and/or crimes against humanity".

(7) Evidence collected by international observers in the Darfur region between January 2003 and July 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(8) As a result of this coordinated campaign that may well constitute genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of hundreds of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(9) According to the United Nations High Commissioner for Refugees, 1,200,000 people have been displaced in the Darfur region of Sudan of whom nearly 200,000 have been forced to flee to Chad as refugees.

(10) Even as refugees were fleeing Sudan, the Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers' access to the Darfur area, primarily through bureaucratic and administrative obstruction and delays in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(12) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region—

(A) is estimated to be causing 500 deaths each day; and

(B) is projected to escalate to 1,200 deaths each day by August 2004, and 2,400 deaths each day by December 2004, so that even a best-case scenario will likely result in the death of more than 320,000 people between April 1, 2004 and December 31, 2004.

(13) The Government of Chad in N'Djamena served an important role in facilitating the Darfur Humanitarian Cease-fire dated April 8, 2004 for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(14) The Government and people of Chad have allowed the entry of 200,000 refugees from the Darfur region of Sudan and have generally facilitated the delivery of international humanitarian assistance, although logistical obstacles remain a challenge in a crisis that is taxing the people of eastern Chad and the refugees.

(15) The cooperation and mediation of the SPLM is critical to bringing about a political settlement between the Government of Sudan, the SLA, and the JEM.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) Sudan Peace Act.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) Actions To Address the Conflict.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the principles and purpose of the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, should apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the Darfur Humanitarian Cease-fire dated April 8, 2004 (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide logistical, financial, in-kind, and personnel resources necessary to save the lives of hundreds of thousands of individuals in the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity, to develop a more accurate portrayal of the situation on the ground and best inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should use all necessary means to assist in the immediate deployment of the full mandated African Union contingent of 100 monitors and a security force of 300, and work to increase the authorized level to that which properly addresses the gravity and scope of the problem in a region the size of France;

(7) the President should immediately name a new Special Envoy to Sudan to further efforts begun by John Danforth and to allow the United States to continue to lead the peace effort toward a comprehensive and sustainable peace in Sudan;

(8) the President should use all means to facilitate a comprehensive solution to the conflict in Sudan, including by directing the United States Permanent Representative to the United Nations to pursue a resolution of the United Nations Security Council that—

(A) condemns the actions of the Government of Sudan in engaging in an orchestrated campaign of ethnic cleansing in Darfur;

(B) calls on the Government of Sudan to cease support of ethnic cleansing and the killing of innocent civilians, disarm the Janjaweed militias, prevent such militias from harassing and killing civilians, and ensure immediate access for all humanitarian assistance to all areas of Darfur;

(C) calls on all parties to the conflict in the Darfur region to permit unimpeded delivery of humanitarian assistance directly to Darfur and to allow such assistance to cross directly from countries that border Sudan, and abide by the Darfur Humanitarian Cease-fire dated April 8, 2004;

(D) calls on the Government of Sudan to provide all assistance possible, including release of its strategic food reserves to respond to the Darfur crisis;

(E) calls on the international community, particularly those countries with strong economic ties to Sudan, to expedite the provision of humanitarian assistance to Darfur;

(F) endorses the African Union Observer and Protection Force now deploying to the Darfur region of Sudan;

(G) establishes an international commission of inquiry to examine the actions and accountability of those responsible for war crimes and crimes against humanity that have precipitated and perpetuated the humanitarian crisis in the Darfur region; and

(H) confirms the right of all displaced Sudanese to return to their land under safe and secure conditions;

(9) the United Nations should immediately deploy a United Nations force to Sudan to ensure an appropriate international humanitarian response to the catastrophe in the Darfur region;

(10) sanctions should be imposed on the assets and activities of those Sudanese government officials and other individuals that are involved in carrying out the policy of ethnic cleansing in the Darfur region; and

(11) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to and implements a comprehensive peace agreement for all areas of Sudan, including Darfur.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) Assistance for the Crisis in Darfur and for Comprehensive Peace in Sudan.—

(1) In general.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

"(a) Assistance To Support a Comprehensive Final Peace Agreement and To Respond to the Humanitarian Crisis in Darfur.—

"(1) Authority.—Subject to the requirements of this section, the President is authorized to provide assistance for Sudan to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region, and to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad.

"(2) Requirement for certification.—Notwithstanding section 501(a) of the Assistance for International Malaria Control Act (Public Law 106–570; 50 U.S.C. 1701 note), assistance authorized under this section may be provided to the Government of Sudan only if the President submits the certification described in paragraph (3).

"(3) Certification for the government of sudan.—The certification referred to in paragraph (2) is a certification submitted by the President to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

"(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance or human rights monitors;

"(B) demobilize and disarm militias supported or created by the Government of Sudan;

"(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including Darfur;

"(D) allow an international commission of inquiry to conduct its investigation of atrocities in the Darfur region and Khartoum, preserve evidence of atrocities and prosecute those responsible for war crimes and crimes against humanity; and

"(E) cooperate fully with the African Union and all other observer and monitoring missions mandated to operate in Sudan.

"(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits the certification described in paragraph (3), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government until the date on which the President certifies that the Government of Sudan has resumed taking such actions.

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated to the President to provide the assistance described in paragraph (1), $300,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose. Of such amount, $200,000,000 may be made available for humanitarian assistance in the Darfur region of Sudan and eastern Chad in response to the ongoing crisis, notwithstanding any provision of law other than the provisions of this section.

"(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

"(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term 'Government of Sudan' shall have the same meaning as such term had immediately prior to the conclusion of Darfur Humanitarian Cease-fire dated April 8, 2004.".

(2) CONFORMING AMENDMENT.—Section 3(2) of such Act is amended by striking "The" and inserting "Except as provided in section 12, the".

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking "Sudan." and inserting "Sudan, including the conflict in the Darfur region.".

SEC. 6. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of the planned United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur;

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur, Sudan.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

By Mr. ALEXANDER (for himself and Mr. KENNEDY):

S. 2721. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, I rise today to introduce the American History Achievement Act. I am pleased to be joined in this effort by the Senator from Massachusetts, Mr. KENNEDY. This is part of my effort to put the teaching of American history and civics back in its rightful place in our school curriculum so our children can grow up learning what it means to be an American.

This is especially appropriate on a day when the September 11 report is being released. We tend to think of ourselves as Americans and wonder who we are and what we value and what we have to defend at times when we are threatened or even frightened. This should be a day when we should feel threatened. We are reminded of the challenges we face.

I am especially glad that Senator KENNEDY has joined me in this. Senator KENNEDY is especially appropriate to be a leading sponsor of this legislation. He and his family are, in fact, part of American history in a unique way. He, as well as Senator REID, Senator BYRD, and a number of Senators on this side of the aisle have been working hard in a variety of ways to support efforts that are appropriate in the Federal Government to celebrate our own history.

This modest bill provides for improved testing of American history so we can determine where history is being taught well and where it is being taught poorly so that improvements can be made. We also know when testing is focused on a specific subject, States and school districts are more likely to step up to the challenge and improve performance.

For example, a number of professors and teachers of history have worried that because of the emphasis in No Child Left Behind on reading and mathematics, that history would be left behind. There are two answers to that. One is, if our citizens cannot read, they are not going to know much history, except from watching the History Channel, which is a pretty good way, and another answer is there is a specific provision in the No Child Left Behind Act, which we call the Byrd grants, after Senator BYRD, providing $100 million a year to school districts across the country for the teaching of traditional American history. Those programs are in full flourish in Tennessee, North Carolina, and many parts of this country. They are excellent programs.

When you combine those with the We the People Project of the National Endowment of the Humanities—I attended one of their workshops in Nashville on Friday. Forty teachers across the country met at Andrew Jackson's home, the Hermitage.

We are doing more to put this in the rightful place. The bill Senator KENNEDY and I offer today is one more effort of putting the teaching of American history and civics back where it belongs.

We could certainly use improvement in the teaching of American history. According to the National Assessment of Education Progress, commonly referred to as the Nation's report card, fewer students have a basic understanding of American history than have a basic understanding of any other subject which we test, including math, science, and reading.

When we look at our national report card, American history is our children's worst subject. Yet, according to recent poll results, the exact opposite outcome is desired by the American people.

Hart-Teeter recently polled 1,300 adults for the educational testing service and asked what the principal goal of education should be. The top response: Producing literate, educated students who can participate in our democracy. Twenty-six percent of respondents believed that should be our principal goal. "Teach basics: math, reading" was selected by only 15 percent as the principal goal of education.

The late Albert Shanker of the American Federation of Teachers used to say our common schools were created for the purpose of teaching immigrant children reading, writing, and arithmetic, the three R's, and what it means to be an American, so they could go home and teach their parents.

They have forgotten that latter role, more and more. Our children don't know American history because they are not being taught. For example, the State of Florida just passed a bill permitting high school students to graduate without taking a course in U.S. history. When our children are not being taught our history, they are not learning what is most important.

According to Harvard scholar Samuel Huntington, a 1987 study of high school students found more who knew who Harriet Tubman was than knew Washington commanded the American Army in the Revolution, or that Abraham Lincoln wrote the Emancipation Proclamation. I am all for teaching about Harriet Tubman and teaching about the history of the Underground Railroad. My ancestor, the Rev. John Rankin, like Harriet Tubman, was a conductor on the Underground Railroad. I would like for more children to know about them both. But surely children ought to learn first about the most critical leaders and events in the Revolution and in the Civil War.

Let me give a couple of examples of how bad things have gotten. The fourth grade NAEP test asked students to identify the following passage:

> We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; among these are life, liberty, and the pursuit of happiness . . .

Students were given four choices for the source of that passage: the Constitution, the Mayflower Compact, the Declaration of Independence, the Articles of Confederation. Only 46 percent of students answered correctly, that it came from the Declaration of Independence.

The eighth grade test asked. Imagine you could use a time machine to visit the past. You have landed in Philadelphia in the summer of 1776. Describe an important event that is happening.

Nearly half the students, 46 percent, were not able to answer the question correctly, that the Declaration of Independence was being signed.

This legislation aims to help in the effort to do something about that. The American History Achievement Act gives the national assessment governing board the authority to administer a 10-State pilot study for the NAEP test in U.S. history in 2006. The board already has the authority for reading, math, science, and writing. The pilot program should collect enough data to attain a State-by-State comparison of 8th and 12th grade student knowledge and understanding of history. That will allow us to know which States are doing a better job of teaching American history and allow other States to model their programs on those that are working well. This legislation is part of a broader effort in the Senate.

Earlier this year, Senator REID of Nevada, Senator KENNEDY, and I and others joined with Senators to pass the American History and Civics Education Act, by unanimous vote, to create summer academies for teachers and students of American history. Senator SCHUMER and I have introduced a bill to codify the oath of allegiance which immigrants take when sworn in as new citizens of the United States. The oath should be protected in law just as the national anthem and Pledge of Allegiance are.

Today we are putting a new focus on the teaching of American history. Our children are growing up ignorant of our Nation's history. Yet a recent poll tells us that Americans believe the principal goal of education is "producing literate, educated citizens who can participate in our democracy." It is time to put the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

Our diversity is a prized value in the United States. But more prized is that we have been able to turn all that diversity into one nation. Our motto is: "e pluribus unum," not the other way around. It is: "one from many."

One thing we have in common is our history, and we should teach it. This bill takes us one step closer to achieving that noble goal. I urge my colleagues to support the legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American History Achievement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the 2001 National Assessment of Educational Progress assessment in United States history had the largest percentage of students scoring below basic of any subject that was tested, including mathematics, science, and reading; and

(2) in the 2001 National Assessment of Educational Progress assessment in United States history—

(A) 33 percent of students in grade 4 scored below basic, 36 percent of students in grade 8 scored below basic, and 57 percent of students in grade 12 scored below basic;

(B) 92 percent of students in grade 12 could not explain the most important cause of the Great Depression after reading a paragraph delineating 4 significant reasons;

(C) 91 percent of students in grade 8 could not "list two issues that were important in causing the Civil War" and "list the Northern and Southern positions on each of these issues";

(D) 95 percent of students in grade 4 could not list "two reasons why the people we call 'pioneers' moved west across the United States";

(E) 73 percent of students in grade 4 could not identify the Constitution from among 4 choices as "the document that contains the basic rules used to run the United States government";

(F) 75 percent of students in grade 4 could not identify "the three parts of the federal (national) government of the United States" out of 4 possible choices;

(G) 94 percent of students in grade 8 could not "give two reasons why it can be useful for a country to have a constitution"; and

(H) 91 percent of students in grade 12 were unable to "explain two ways that democratic society benefits from citizens actively participating in the political process".

SEC. 3. AMENDMENT TO THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.

Section 303(b) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)) is amended—

(1) in paragraph (2)(D), by inserting "(with a priority in conducting assessments in history not less frequently than once every 4 years)" after "subject matter"; and

(2) in paragraph (3)(A)—

(A) in clause (iii)—

(i) by inserting "except as provided in clause (v)," before "may conduct"; and

(ii) by striking "and" after the semicolon;

(B) in clause (iv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(v) shall conduct trial State academic assessments of student achievement in United States history in grades 8 and 12 in not less than 10 States representing geographically diverse regions of the United States.".

SEC. 4. NATIONAL ASSESSMENT GOVERNING BOARD.

Section 302(e)(1) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621(e)(1)) is amended—

(1) in subparagraph (I), by striking "and" after the semicolon;

(2) by redesignating subparagraph (J) as subparagraph (K);

(3) in the flush matter at the end, by striking "subparagraph (J)" and inserting "subparagraph (K)"; and

(4) by inserting after subparagraph (I) the following:

"(J) in consultation with the Commissioner for Education Statistics, identify and select the States that will participate in the trial State academic assessments described in section 303(b)(3)(A)(v); and".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3)) is amended by adding at the end the following:

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subparagraph (A)(v) $5,000,000 for each of fiscal years 2005 and 2006 and such sums as may be necessary for each succeeding fiscal year.".

SEC. 6. CONFORMING AMENDMENT.

Section 113(a)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9513(a)(1)) is amended by striking "section 302(e)(1)(J)" and inserting "section 302(e)(1)(K)".

Mr. KENNEDY. Mr. President, it's a privilege to join Senator ALEXANDER in introducing the American History Achievement Act. This bill is part of a continuing effort to renew the national commitment to teaching in the Nation's public schools. It lays the foundation for more effective ways of teaching children about the Nation's past. The bill contains no new requirements for schools, but it does offer a more frequent and effective analysis of how America's schoolchildren are learning American history.

Our economy and our future security rely on good schools that help students develop specific skills, such as reading and math. But the strength of our democracy and our standing in the world also depend on ensuring that children have a basic understanding of the Nation's past.

Helping to instill appreciation of America's past should be an important mission of public schools. Thanks to the hard work of large numbers of history teachers in classrooms throughout America, we're making progress. Results from the most recent assessment under the NAEP show that fourth and eighth graders are improving their knowledge of U.S. history. Research conducted in history classrooms shows that children are using primary sources and documents more often to explore history, and are being assigned historical and biographical readings by their teachers more frequently.

But much more remains to be done to advance the understanding of American history, and to see that the teaching of history is not left behind in classrooms.

A recent study by Dr. Sheldon Stern—the Chief Historian Emeritus at my brother's Presidential Library—suggests that state standards for teaching American history need improvement. His research reveals that 22 States have American history standards that are either weak or lack clear chronology, appropriate political and historical context, or sufficient information about real events and people. As many as 9 States still have no standards at all for American history.

Good standards matter. They're the foundation for teaching and learning in every school. With the right resources, time, and attention, it's possible to develop creative and effective history standards in every State. Massachusetts began to work on this effort in 2000, through a joint review of history standards that involved teachers, administrators, curriculum coordinators, and university professors. After monthly meetings and 3 years of development and revision, the State released a new framework for teaching history in 2003. Today, our standards in American history and World history receive the highest marks.

School budget problems at the local level are obviously a serious threat to these goals. Last week, 7,500 school districts received notice of an impending $237 million overall cut to their budgets, to take effect this fall. These cuts further exacerbate the current funding crisis under the No Child Left Behind Act. Unfortunately, courses in history or the humanities are often the first to go.

Other accounts report that schools are narrowing their curriculums away from the social sciences, arts, and humanities, in favor of a more concentrated approach to the teaching of reading and math in order to meet the strict standards of the No Child Left Behind Act.

Meeting high standards in reading and math is important, but it should not come at the expense of scaling back teaching in other core subjects such as history. Integrating reading and math with other subjects often gives children a better way to master literacy and number skills, even while learning in a history or geography lesson. That type of innovation deserves special attention in our schools. Making it happen requires added investments in teacher preparation and teacher mentoring, so that teachers are well prepared to use interdisciplinary methods in their lesson plans.

Our bill today takes several important steps to strengthen the teaching of American history, and raise the standing of history in school curriculums. Through changes to the National Assessment for Educational Progress, schools will be better able to achieve success on this important issue.

First, we propose a more frequent national assessment of children in American history under the NAEP. For years, NAEP has served as the gold standard for measuring the progress of students and reporting on that progress. Students last participated in the U.S. history NAEP in 2001, and that assessment generated encouraging results. But the preceding assessment—with which we can compare data—was administered in 1994—too long before to be of real assistance.

It makes sense to measure the knowledge and skills of children more frequently. This bill would place priority on administering the national U.S. history NAEP assessment, to generate a more timely picture of student progress. We should have an idea of children's knowledge and skills in American history more often than every 6 or 7 years, in order to address gaps in learning.

The bill also proposes a leap forward to strengthen state standards in American history, through a new State-level assessment of U.S. history under NAEP. The assessment would be conducted on an experimental and pilot basis in 10 States, in grades 8 and 12. The National Assessment Governing Board would ensure that States with model history standards, as well as those that are still under development, participate in this assessment.

Moving NAEP to the state level does not carry any high stakes for schools. But it will provide an additional benchmark for States to develop and improve American history standards. It's our hope that States will also be encouraged to undertake improvements in their history curricula and ensure that American history is a beneficiary and not a victim of school reform.

America's past encompasses great leaders and great ideas that contributed to our heritage and to the principles of freedom, equality, justice, and opportunity for all. Today's students will be better citizens in the future if they learn more about that history. The American History Achievement Act is an important effort toward that goal, and I encourage my colleagues to support it.

By Mr. WYDEN:

S. 2723. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, 2004 is a momentous year for wilderness in Oregon. It marks the 40th anniversary of the 1964 Wilderness Act and the 20th anniversary of the Oregon Wilderness bill from 1984.

But perhaps most importantly, 2004 marks the bicentennial of the single most important exploratory committee ever to be launched by this Federal government: the Lewis and Clark Expedition.

I can see no better way to mark this auspicious year than by enacting a new Oregon Wilderness bill, the "Lewis and Clark Mount Hood Wilderness Act of 2004," which includes, in tribute to the great river-dependent journey of Lewis and Clark, the addition of five free-flowing stretches of rivers to the National Wild and Scenic River System.

In the last few years, some of Oregon's most important treasures have been Congressionally protected: Steens Mountain is now home to 170,000 acres of Wilderness; the Little Sandy watershed is now part of the Bull Run Management Unit and will help provide drinking water for over 700,000 Oregonians; Soda Mountain has been designated a National Monument; and the Ft. Clatsop National Memorial has been expanded and is the subject of legislation under consideration by this august body, as I speak, to make it Oregon's second National Park.

The wilderness bill I introduce today continues to encapsulate, as did the draft wilderness proposal that I floated on this subject in March of this year, the wish of the people in my State to protect but also actively relate to her treasures. Thousands of Oregonians responded to my draft proposal—far more than I ever could have expected. As a result, this is their bill more than it is my bill.

Mount Hood and the Columbia Gorge must be protected because the people of Oregon love these areas, they are proud of these areas, and they are demanding that we come together to protect Oregon's treasures for this and future generations. The people of Oregon helped write this bill, and I believe the people of Oregon on a bipartisan basis will be the ones who help get it passed and signed by the President.

This bill I introduce today protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests symbolize the natural beauty of Oregon. They provide the clean water necessary for the survival of threatened steelhead, Coho and Chinook salmon. These forests provide critical habitat and diverse ecosystems for elk, deer, lynx and the majestic bald eagle. And these are the forests that provide unparalleled recreational opportunities for Oregonians and our visitors.

But the bill I introduce today differs in many ways from the draft proposal because it responds to the many comments I heard in the ensuing 4 months. I received thousands of comments on the proposed legislation. Some comments came as a result of the general public meetings I held in Oregon, on April 11 and 14 of this year in Southwest Portland and in Hood River. Each meeting lasted over 3 hours, and everyone who wanted to speak was given an opportunity to do so. Other comments came from the second Mount Hood Summit held at Timberline Lodge in June hosted by Representatives WALDEN and BLUMENAUER. I and my staff met with over 100 community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. And still more comments came from letters and phone calls from Oregonians.

What I overwhelmingly heard was the need to protect and build on Oregon's Wilderness system is as important today as it was in 1804, 1964 or 1984—and is arguably more so—but it must be accompanied by tools that help us create a planned future on Mount Hood. Mount Hood is clearly going to be at risk otherwise.

The Mount Hood National Forest is the eighth most visited National Forest in the United States. It is one of fourteen Forest Service-designated "urban" national forests in the entire Nation. In the 20 years that has elapsed since any new wilderness has been designated in the Mount Hood area—wild and scenic rivers were last set aside 16 years ago, the population in local counties has increased significantly—20 percent in Multnomah County, 24 percent in Hood River County, and 41 percent in Clackamas County.

The predominant public use of this urban forest is non-mechanized activity like hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free flowing rivers, wilderness and the need for opportunities for diverse outdoor recreation sometimes it seems—I heard this repeatedly—we are in jeopardy of "loving our wild places to death."

A few years ago, the Forest Service made a proposal to limit the number of people that could hike the south side of Mount Hood and the public outcry was enormous. Seems to me, rather than tell people that they are going to be restricted from using our public lands, part of the solution for the future of the Mountain lies in providing more opportunities for them to enjoy the Mountain's great places.

As the Forest Service is well-aware, Mt. Hood's non-mechanized use will increase dramatically over time, but the Forest Service's own documents acknowledge that we are not today even close to ready for that eventuality.

The Forest Service's current Land and Resource Management Plan for Mount Hood, page III-36, which notes the following:

> the present capability to supply recreational opportunities such as hiking on trails in primitive and semi-primitive non-motorized areas is predicted to fall short of satisfying demand.

According to that Forest Service management plan, the Mount Hood National Forest already provides resources for nearly twice the current demand for developed recreation like skiing, power boating and sightseeing by car, but meets less than two-thirds of the demand for backcountry recreation. The future is even grimmer. The Management Plan goes on to project that by 2040, the Mount Hood National Forest will only meet 16 percent of the demand for wilderness recreation, while still meeting over 100 percent of the demand for mechanized recreation.

This Forest Service-projected shortfall means an ever-increasing number of Oregonians will be forced onto inadequate, existing wilderness, drastically impacting the mountain, its visitors, and its well-deserved reputation as one of this country's greatest natural wonders.

Of the more than 600 people who attended the two meetings I held in April in Oregon, 128 spoke—110 in favor of more wilderness and 18 spoke in opposition.

Additionally, I received more than 1,100 written comments about the proposal and over 1,000 of those expressed support for additional wilderness.

I know my colleague wishes to speak. I want to wrap up by highlighting the key areas I had Oregonians focus on in these meetings and how we responded.

First, we heard that Oregonians felt there was not enough wilderness. Second, we heard concern from some who enjoy mountain biking that their recreational opportunity would be unfairly curtailed. Third, we heard from people in the towns, mountains, and gorges about fire protection for their communities. Fourth, we heard about forest health and timber—again, a very important set of concerns for our region. Finally, we were told about developed recreation with many being worried about maintaining a role for skiing and other recreational pleasures on Mount Hood.

In each of these five areas we took steps to address these concerns.

First, the legislation I introduce today to respond to the call of the people of my State for more wilderness would increase the amount we had originally proposed by designating approximately 177,000 new acres of wilderness.

These include very important areas surrounding the oldest Mount Hood wilderness areas—spectacular ridges that frame the Columbia River Gorge that all will marvel at and essential other areas of beautiful fall colors and the best deer and elk hunting existing in the entire forest.

Second, and especially important, I thought the mountain bikers raised valid concerns. So we took two steps. I proposed and I am very interested in talking to my friend from Tennessee who has such an interest in the environment and recreation, generally, about an idea we proposed in this legislation to create a Mount Hood Pedaler's Demonstration Experiment. We call it Hood-PDX, which would in effect be the Nation's first mountain bike area that would join such a treasure as Mount Hood. In this demonstration project, Hood-PDX would be managed as wilderness though it wouldn't be wilderness. It would be a pilot project encompassing over 13,000 acres and over 50 miles of trail. The mountain bikers would have 10 years to establish that bikers can coexist peacefully with wild natural areas.

We also made boundary adjustments to keep them on over 120 miles of trail which they were concerned about losing.

Third, we took steps to protect our communities—particularly Cascade Locks, Government Camp, and Rowena—and so this bill creates fire safety zones for communities in this area.

This legislation also reiterates the Forest Service's mandate for thinning for forest health on the Mount Hood National Resources, and especially the resources to get the job done in the area.

Finally, we add a proposal for developed recreation that would reestablish a southside winter recreation area that encompasses those areas on the southside of Mount Hood that have exceptional potential for commercial recreation.

The protection of these important areas will depend on the hard work and dedication of all Oregonians. I want to particularly thank my friend and colleague Senator SMITH who meets with me every Thursday over lunch. We talk repeatedly about this issue and he has been very gracious. We are going to work together to address the various issues raised by our constituents and raised by our colleagues in the other body, particularly Congressmen WALDEN, BLUMENAUER, and HOOLEY.

This is a special day for Oregon. This is the formal beginning of an important debate about how to protect special Oregon treasure.

Mr. ALEXANDER. Madam President, I would like to salute the Senator from Oregon. I am glad I was here to hear his discussion, especially about mountain bikers' great conservation majority in this country. We ought to do a better job of creating a bigger conservation majority in the Senate. We sometimes split up on the issues, it would appear. But I don't think that is necessary.

For example, I was in Idaho a couple of weeks ago and took a mountain bike ride on the Hiawatha Trail which is between Idaho and Montana where the Milwaukee Railroad used to run from Chicago to Takoma. At one point, they were going to dig up the tracks. But this is a place where they have long tunnels and the speculator high trestles where people used to go in the 1950s and 1960s. But now, because of the work by Members of this body, some on this side of the aisle, some on that side, that is a rails-to-trails project. On that Sunday morning, there were maybe 500 or 600 mountain bikers who had that experience.

It made me think of something I failed to do when I was Governor of our home State. I still deeply regret it. I thought toward the end of my term about but couldn't quite get done the notion of whenever we build a new highway we should provide for a pedestrian or bike trail along the side of it—it is too expensive to do a lot of times on existing roads—that every time you build a new road or widen a road, acquire a little bit more right of way. If we had done that 20 years ago in Tennessee, we would all be grateful for that today.

Senator LANDRIEU, Democratic Senator from Louisiana, and I are working on legislation called the American Outdoors legislation, to try to assure a steady stream of revenue for the Land and Water Conservation Fund for urban parks, for the Game and Fish Commission, and other conservation purposes.

Senator WYDEN, Senator LANDRIEU, and I are all in the same committee. I look forward to working with them on this legislation.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CORZINE):

S. 2725. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes; to the Committee on Finance.

Mrs. BOXER. Mr. President, in 2003 the Medicare Modernization Act became law. A part of that legislation continued a very modest—and fatally flawed—prescription drug benefit for seniors.

One of those flaws—and it was something I pointed out during the Senate debate and offered an amendment to fix—is known as the coverage gap.

Here's how it works: Seniors will have a monthly premium and a $250 deductible and then they pay 25 percent of their prescription drug costs. So far so good. But then once they have drug costs of over $2,250, the benefit stops; it shuts down. And seniors have to pay the next $2,850 of drug costs on their own—100 percent of their costs—before their coverage starts again.

Does this sound like prescription drug coverage to you? I know that my insurance has no such thing, and I know of no other insurance that has such a policy.

So today, Senator MIKULSKI and I are introducing a bill that closes this coverage gap and will better fulfill our promise to seniors to provide a real Medicare prescription drug benefit.

Under our bill—the Closing the Coverage Gap Act of 2004—seniors will pay the premium and the $250 deductible and then pay for 25 percent of their coverage until they reach their catastrophic limit of $5,100. After that, Medicare will pay 95 percent.

Let me give you an example of how this works. A constituent from San Marcos, California wrote me about her prescription drug costs. They exceed $10,000 a year. In 2006, she will be helped by the new law, but will still end up paying nearly $4,000 for her prescriptions. Under my, this woman will be responsible for only $1,500 of her costs. It will ease her burden and give her greater peace of mind.

This bill is simple; it is fair, and it will help millions of seniors across the country.

I thank Senator MIKULSKI for joining me in this effort, and I urge my colleague to cosponsor this bill.

Ms. MIKULSKI. Mr. President, I rise today to join my colleague, Senator BOXER, to introduce the Closing the Coverage Gap of 2004 Act. This bill would fix one of the major flaws of the recently passed Medicare Modernization Act—the $2,850 gap in prescription drug coverage.

The Medicare bill is a hollow promise for a prescription drug benefit for seniors which talks big but delivers small. It promises prescription drugs for seniors, yet it will cause over 2 million seniors to lose their drug coverage, coerce seniors into HMOs, and do nothing to stop the soaring cost of prescription drugs.

During the debate on the bill, Senator BOXER and I worked on an amendment to fix one of the worst flaws in the drug benefit—the coverage gap. When I reviewed the bill, I was appalled to discover that the promised benefit actually provides no drug benefit to seniors for drug costs between $2,250 and $5,100 per year.

The new Medicare benefit affects seniors' drug costs in two ways. First of all it, it prohibits Medicare from negotiating better prices for seniors. I am fighting for legislation that would allow Medicare to negotiate drug prices—lowering drug costs to both seniors and taxpayers.

Next, the benefits are skimpy and spartan. The new Medicare benefit leaves too many seniors in a coverage gap. Some people are calling this a "donut," as if it's a "Krispy Kreme," but there is nothing sweet about it. Seniors will have to pay out of pocket all of their drugs between $2,250 and $5,100 while still paying monthly premiums. This isn't a donut; it's a hidden deductible. The real deductible in this plan isn't $250. Once a senior's drug costs put them into the coverage gap, their deductible could be as high as $3,100. Seniors would have to pay all of the drug costs between $2,250 and $5,100, a total of $2,850, out of their own pockets on top of the $250 deductible.

I think this is outrageous. No other insurance plan simply stops coverage for a while.

Our bill would fix this fatal flaw in the Medicare prescription drug benefit by providing real prescription drug coverage. Under our bill, there is no coverage gap. Seniors would pay their premium and the $250 deductible. Once they have paid their deductible, they would pay 25 percent their drug costs until they reach the catastrophic limit of $5,100. And just like the current benefit, once a senior reaches $5,100, Medicare would pay 95 percent of all drug costs.

I thank Senator BOXER for all her work on this important bill and look forward to working together to close the coverage gap.

I urge my colleagues to support this bill.

By Mrs. BOXER:

S. 2726. A bill to amend title 49 of the United States Code to provide flight attendant security training, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today, I am introducing legislation that is important to the security of our air travel: ensuring that our Nation's flight attendants receive anti-terrorist security training.

On September 11th, as we all know, the terrorists hijacked four commercial jets—all of which were heading to California. And while I can say that air travel today is more secure than it was before the terrorist attacks, I still believe that we have more to do—which was proven with the information recently that a flight between LAX and Dulles is a "flight of interest." There are still threats out there.

It is unacceptable to have loopholes in our aviation security—nearly 3 years since the attack.

In addition to air marshals and armed pilots, flight attendants are part of the last line of defense. The most obvious case is Richard Reid—the shoe bomber who was stopped with the help of a flight attendant. That was a courageous—and life saving—act. All flight attendants should be trained and ready to respond to these types of incidents.

As part of the Department of Homeland Security legislation in 2002, we passed strong flight attendant security training, which I helped write with former Senator Bob Smith. Unfortunately, last year, much of that was repealed—at the insistence of a single member of the House—in the FAA Reauthorization bill.

Therefore, I am introducing legislation today that would reinstate the flight attendant security training included in the Homeland Security bill. The bill would restore the law requiring uniform anti-terrorist training for all flight attendants.

We took a great step forward in 2002. We should not have gone backwards to create a loophole in our aviation security.

We cannot stop fighting terrorism. Well-trained flight attendants are key. We do not have enough air marshals on planes, and the Administration is slow-walking the guns in the cockpit program. We need to rely on our flight attendants now more than ever. We must ensure they get the training they need.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. DURBIN, and Mr. FEINGOLD):

S. 2727. A bill to amend part A of title VI of the Higher Education Act of 1965 regarding international and foreign language studies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators COCHRAN, DURBIN and FEINGOLD to introduce The International and Foreign Language Studies Act of 2004.

In recent years, foreign language needs have significantly increased throughout the Federal Government due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy. Likewise, American business increasingly needs internationally experienced employees to compete in the global economy and to manage a culturally diverse workforce.

Currently, the U.S. government requires 34,000 employees with foreign language skills across 70 federal agencies. These agencies have stated over the last few years, that translator and interpreter shortfalls have adversely affected agency operations and hindered U.S. military, law enforcement, intelligence, counter-terrorism and diplomatic efforts.

Despite our growing needs, in the 2000–01 school year, the number of undergraduate foreign language degrees conferred was only one percent of all degrees. In 2003, only 41 percent of undergraduates reported taking foreign language courses while only 18 percent reported having studied abroad. And yet, 79 percent of Americans believe that students should study abroad sometime during college.

At a time when our security needs are more important than ever, at a time when our economy demands that we enter new markets, and at a time when the world requires us to engage in diplomacy in more thoughtful and considered ways, it is extremely important that we have at our disposal a multilingual, multi cultural, internationally experienced workforce. The Dodd-Cochran International and Foreign Language Studies Act attempts to provide us with this.

The Dodd-Cochran International and Foreign Language Studies Act will increase undergraduate study abroad opportunities as they relate to programs designed to enhance foreign language proficiency and deepen cultural knowledge. The Dodd-Cochran bill will reinstate undergraduate eligibility for Foreign Language and Area Studies Fellowships. The Dodd-Cochran bill will encourage the Department of Education to engage in the collection, analysis and dissemination of data on international education and foreign language needs so that we know and understand exactly what our needs in this area are. And, most importantly, the Dodd-Cochran bill will demonstrate our nation's commitment to increasing the foreign language proficiency and international experience of our electorate by increasing the amount appropriated to international education within the Higher Education Act to $120 million each year.

The Higher Education Act authorizes the Federal Government's major activities as they relate to financial assistance for students attending colleges and universities. It provides aid to institutions of higher education, services to help students complete high school and enter and succeed in postsecondary education, and mechanisms to improve the training of our emerging workforce. This bill will help fulfill that mission.

Foreign language skills and international study are vital to secure the future economic welfare of the United States in an increasingly international economy. Foreign language skills and international study are also vital for the nation to meet 21st century security challenges properly and effectively, especially in light of the terrorist attacks on September 11, 2001.

I hope our colleagues who are not cosponsoring this bill will give it serious consideration. By working together, I believe that the Senate as a body can act to ensure that we strengthen our Nation's security and economy by capitalizing on the talents and dreams of those who wish to enter the international arena.

By Mr. SCHUMER:

S. 2728. A bill to create a penalty for automobile insurance fraud; and for other purposes; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I rise today with Senators STABENOW and LAUTENBERG to introduce the Getting Results for Advanced Degrees (GRAD) Act.

The percentage of individuals pursuing graduate education has increased dramatically in recent decades as individuals seek the education and skills needed to participate in a technologically complex and global economy. In the last 25 years alone, graduate enrollment in the United States has increased by 39 percent. In the fall of 2000, there were 1.85 million graduate students enrolled in American schools.

The economic benefits of graduate education are significant. The median earnings of workers who possess a graduate or professional degree are more than 3½ times those of high school dropouts.

Despite the impact of graduate education on individuals' economic well being, and on the economic strength of our national economy as a whole, graduate education is, for many, financially out of reach. In 2001–02 the average graduate school tuition at public institutions was $4,491 and $15,233 at private institutions. In a 2002 borrower's survey, the average debt reported by graduate students was $45,900. This is an astounding figure.

To respond to the need for a highly educated workforce, I have put together a series of proposals that will make graduate education more accessible and affordable to qualified applicants regardless of income level, the Getting Results for Advanced Degrees Act (GRAD). The purpose of the GRAD Act is to encourage students to pursue graduate education and to assist them in affording it.

Specifically, the GRAD Act increases the authorization level of the Graduate Assistance in Areas of National Need (GAANN) program to $50 million and the Jacob Javits Fellowship Program to $35 million. The GAANN fellowship program helps to support graduate study in areas of national need such as chemistry, computer and information science, engineering, mathematics and physics. The Jacob Javits Fellowship Program helps support graduate study in the arts, humanities and social sciences.

To encourage greater participation by minority students in graduate studies, the Act creates the Patsy T. Mink Fellowship Program to offer assistance to underrepresented minority students pursuing a doctoral degree. The Patsy T. Mink Fellowship Program will help address the important problem of underrepresentation of students from certain minority groups in graduate education.

To help students afford the costs of graduation education, the GRAD Act expands the tax-exempt status of scholarships to treat reasonable room and board allowances as part of permitted higher education expenses. The Act revises the cost of attendance calculations for financial aid for students with dependents to reflect the true cost of living expenses for themselves and their children. The Act increases the amount of earnings students can set aside without having to apply those earnings to the cost of attendance. The GRAD Act also increases the unsubsidized Stafford loan limit for graduate and professional students from $10,000 to $12,500 so they are less likely to have to turn to more expensive private loans.

The Getting Results for Advanced Degrees Act will help students meet the financial challenges faced in pursuing graduate studies. The Act strengthens programs that support graduate students in areas of vital importance to our Nation and makes assistance available to underrepresented minority students pursuing a doctoral degree. By helping students to pursue and afford graduate education, the GRAD Act will help individuals, families and the nation as a whole, realize the important benefits of graduate education.

I hope more of my colleagues will join me in support of graduate education by signing on this bill. By working together, I believe that the Senate as a body can act to ensure that more individuals are able to pursue graduate education and assist our Nation in meeting the challenges faced in a global economy.

By Mr. DURBIN:

S. 2730. A bill to amend title V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the medicare program, the medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce legislation that expands treatment to millions of Americans suffering from a deadly addiction: tobacco. The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2004 will help make smoking cessation therapy accessible to recipients of Medicare, Medicaid, and the Maternal and Child Health (MCH) Program.

We have long known that cigarette smoking is the largest preventable cause of death, accounting for 20 percent of all deaths in this country. It is well documented that smoking causes virtually all cases of lung cancer and contributes to coronary heart disease, peripheral vascular disease, chronic obstructive lung disease, and other deadly health ailments.

The harmful effects of smoking do not end with the smoker. A recent report issued by the American Legacy Foundation cites the effects of secondhand smoke on children of smokers. In addition to the cost of health complications of asthma and chronic ear infections in children, the report indicates that 43,000 children are orphaned every year because of tobacco-related deaths.

Still, despite enormous health risks, 45 million adults in the United States smoke cigarettes. Of those, low income and racial minorities make up a disproportionate share. While 22.5 percent of the general adult population in the U.S. are current smokers, the percentage is about 50 percent higher among Medicaid recipients. Thirty-six percent of adults covered by Medicaid smoke.

We are not only paying a heavy health toll, but an economic price as well. According to the Center for Tobacco Cessation, about 14 percent of all Medicaid expenditures on average are related to smoking. That's not surprising, given that smokers incur an average of $1,041 more in annual medical costs than non-smokers.

Today, however, we have identified clinically proven, effective strategies to help smokers quit. Advancements in treating tobacco use and nicotine addiction using pharmacotherapy and counseling have helped millions kick the habit. The Surgeon General's 2000 Report, Reducing Tobacco Use, concluded that "pharmacologic treatment of nicotine addiction, combined with behavioral support, will enable 10 to 25 percent of users to remain abstinent at one year of post-treatment.

Studies have shown that reducing adult smoking through tobacco use treatment pays immediate dividends, both in terms of health improvements and cost savings. Creating a new nonsmoker reduces anticipated medical costs associated with acute myocardial infarction and stroke by $47 in the first year and by $853 during the next seven years in 1995 dollars. Within four to five years after tobacco cessation, quitters use fewer health care services than continued smokers.

New Jersey and Oregon have provided Medicaid coverage for counseling and drugs as recommended by the Public Health Service, and both states now have among the lowest smoking-related Medicaid costs.

The health benefits tobacco quitters enjoy are also undisputed. They live longer, and after 15 years, the risk of premature death for ex-smokers returns to nearly the level of persons who have never smoked. Male smokers who quit between just the ages of 35 and 39 add an average of five years to their lives; women can add three years. Even older Americans over age 65 can extend their life expectancy by giving up cigarettes.

Former smokers are also healthier. They are less likely to die of chronic lung diseases, and after ten smoke-free years, their risk of lung cancer drops to as much as one-half that of those who continue to smoke. After five to fifteen years the risk of stroke and heart disease for ex-smokers returns to the level of those who have never smoked. They have fewer days of illness, reduced rates of bronchitis and pneumonia, and fewer health complaints.

Public Health Service Guidelines released a few years ago conclude that tobacco dependence treatments are both clinically effective and cost-effective relative to other medical and disease prevention interventions. The guidelines urge health care insurers and purchasers to include counseling and FDA-approved pharmacologic treatments as a covered benefit.

Unfortunately, the Federal Government, a major purchaser of health care through Medicare and Medicaid, does not currently adhere to its own published guidelines. It is high time that government-sponsored health programs catch up with science. That is why I am introducing legislation to improve smoking cessation benefits in government-sponsored health programs.

The Medicare, Medicaid, and MCH Smoking Cessation Promotion Act of 2004 improves access to and coverage of smoking cessation treatment therapies in three meaningful ways.

First, this bill adds a smoking cessation counseling benefit and coverage of FDA-approved tobacco cessation drugs to Medicare. The bill requires all prescription drug sponsors to provide coverage for tobacco cessation drugs under Medicare's prescription drug coverage. It also defines over-the-counter agents as covered drugs, as long as those drugs are prescribed by a doctor or other authorized medical professional. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay $800 billion to treat tobacco-related diseases over the next twenty years. In a study of adults 65 years of age or older who received advice to quit, behavioral counseling and pharmacologic therapy, 24.8 percent reported having stopped smoking six months following the intervention. The total economic benefits of quitting after age 65 are notable. Due to a reduction in the risk of lung cancer, coronary heart disease and emphysema, studies have found that heavy smokers over age 65 who quit can avoid up to $4,592 in lifelong illness-related costs.

Second, this bill provides coverage for counseling, prescription and nonprescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current federal law that allows states to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Despite the fact that the states have received payments from their successful federal lawsuit against the tobacco industry, less than half the states provide coverage for smoking cessation in their Medicaid program.

Even if Medicaid covered cessation products and services exclusively to pregnant women, we would see significant cost savings and health improvements. Children whose mothers smoke during pregnancy are almost twice as likely to develop asthma as those whose mothers did not. Over seven years, reducing smoking prevalence by just one percentage point among pregnant women would prevent 57,200 low birth weight births and save $572 million in direct medical costs.

Third, this bill ensures that the Maternal and Child Health Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services

I hope my colleagues will join me not only in cosponsoring this legislation but also in working with me to see that its provisions are adopted. As the Surgeon General has said, "Although our knowledge about tobacco control remains imperfect, we know more than enough to act now."

By Mr. LAUTENBERG (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. LEVIN, Mr. CORZINE, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, and Mr. SCHUMER):

S. 2731. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Captive Exotic Animal Protection Act of 2004. This Act would prohibit the barbaric and unsporting practice of "canned hunts." I am pleased to be joined by my cosponsors, Senators BIDEN, KENNEDY, LEVIN, CORZINE, FEINSTEIN, FEINGOLD, KOHL, DURBIN and SCHUMER.

Canned hunts take place on private land under circumstances that virtually assure hunters of a kill. Although they advertise under a variety of names, such as hunting preserves or game ranches, canned hunts have two things in common: they charge a fee for killing an animal; and they violate the generally accepted practices of the hunting community, which are based on the concept of "fair chase." Some canned hunts specialize in native species, such as white-tailed deer or elk, while others deal in exotic, non-native, animals that are either bred on-site or bought from dealers or breeders. Exotic animals may include surplus animals bought from wild animal parks, circuses, and petting zoos. Many canned hunts offer both native and exotic species to their customers. The Humane Society of the United States estimates that there are more than 1000 canned hunt operations in at least 25 different States.

Canned hunts cater to persons who lack the time, and sometimes the skill, for normal sports hunting, but who have the money to pay the hefty fees charged for trophy kills. They do not require skill in tracking or shooting. For a price, many canned hunts guarantee a "hunter" a kill of the animal of their choice. A wild boar "kill" may sell for up to $1000, a water buffalo for $3500, and a red deer for up to $6000.

The "hunt" of these tame animals occurs within a fenced enclosure, leaving the animal virtually no chance for escape. Fed and cared for by humans, these animals have often lost their instinctive impulse to flee from hunters who "stalk" them. In addition to fencing, canned hunts use other practices to assure their customers a kill. They employ guides who are intimately familiar with their preserve or ranch, including locations where animals like to eat, bed down, and hide, and may use food plots and feeding stations to attract animals and make them easy targets from nearby shooting blinds or stands—all practices which are prohibited by many State game commissions.

Canned hunts are strongly condemned by animal protection groups. The Fund for Animals has launched a national campaign against what it calls a "cruel, unsporting, and egregious type of hunting." The Humane Society says that "There is no more repugnant hunting practice than shooting tame, exotic mammals in fenced enclosures for a fee in order to obtain a trophy." The group believes that federal legislation is needed "to halt the cruel and unsportsmanlike business of canned hunts."

Canned hunts violate the principles of the sport of hunting. The Boone and Crockett Club, a hunting organization founded by Teddy Roosevelt, defines "fair chase" as the "ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such animals." Surely exotic animals held in canned hunt facilities can in no way be considered "free-ranging," and the hunters at such facilities clearly have an enormous "improper advantage" over the animals.

In addition to being unethical, canned hunts may pose a serious health and safety threat to domestic livestock and native wildlife. Accidental escapes of exotic animals from game ranches are not uncommon, posing a danger to nearby livestock and indigenous wildlife. A dire threat to native deer and elk populations in this country is chronic wasting disease, the deer equivalent of mad cow disease. In some States, experts believe that canned hunts, with their fences and high concentrations of animals, are encouraging transmission of this disease.

In recognition of these threats, several states have banned canned hunting of mammals. Unfortunately, most states lack laws to outlaw this practice. Because interstate commerce in exotic animals is common, Federal legislation is essential to control these cruel practices.

My bill is essentially the same as legislation S. 1655, that was reported by the Judiciary Committee late in the 107th Congress and sponsored by Senator BIDEN. It is similar to legislation that I introduced in the 106th, S. 1345, 105th, S. 995, and 104th, S. 1493, Congresses. The legislation that I am introducing today will target only canned hunt facilities that allow the hunting of exotic, non-native, mammals. It is important to note what the bill does and does not do: (1) The bill does not regulate the hunting of native mammals, such as white-tail deer; (2) the bill does not regulate the hunting of birds, native or exotic, such as doves, pheasants, and mallard ducks; (3) the bill protects only exotic, non-native, mammals that have been confined for the greater part of the animal's life or a year, whichever is shorter; (4) the bill does not cover exotic mammals living as they would in the wild on large preserves where they have an opportunity to avoid hunters, 1000 acres or larger; and (5) the bill regulates the conduct of persons who operate canned hunts or traffic in exotic mammals used in such hunts, not the hunters who patronize canned hunt facilities. In summary, my bill would merely ban the transport and trade of non-native, exotic mammals for the purpose of staged trophy hunts.

The idea of a defenseless animal meeting a violent end as the target of a canned hunt is, at the very least, distasteful to many Americans. In an era when we are seeking to curb violence in our culture, canned hunts are certainly one form of gratuitous brutality that does not belong in our society. I urge my colleagues to join me in supporting this legislation, which will help end this needless practice.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Exotic Animal Protection Act of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The ethic of hunting involves the consideration of fair chase, which allows the animal the opportunity to avoid the hunter.

(2) At more than 1,000 commercial canned hunt operations across the country, trophy hunters pay a fee to shoot captive exotic animals, from African lions to giraffes and blackbuck antelope, in fenced-in enclosures.

(3) Clustered in a captive setting at unusually high densities, confined exotic animals attract disease more readily than more widely dispersed native species who roam freely.

(4) The transportation of captive exotic animals to commercial canned hunt operations can facilitate the spread of disease across great distances.

(5) The regulation of the transport and treatment of exotic animals on shooting preserves falls outside the traditional domains of State agriculture departments and State fish and game agencies.

(6) This Act is limited in its purpose and will not limit the licensed hunting of any native mammals or any native or exotic birds.

(7) This Act does not aim to criticize those hunters who pursue animals that are not enclosed within a fence.

(8) This Act does not attempt to prohibit slaughterhouse activities, nor does it aim to prohibit the routine euthanasia of domesticated farm animals.

SEC. 3. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS FOR PURPOSES OF KILLING OR INJURING THEM.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"§ 49. Exotic animals

"(a) PROHIBITION.—Whoever, in or substantially affecting interstate or foreign commerce, knowingly transfers, transports, or possesses a confined exotic animal, for the purposes of allowing the killing or injuring of that animal for entertainment or for the collection of a trophy, shall be fined under this title, imprisoned not more than 1 year, or both.

"(b) DEFINITIONS.—In this section—

"(1) the term 'confined exotic animal' means a mammal of a species not historically indigenous to the United States, that has been held in captivity, whether or not the defendant knows the length of the captivity, for the shorter of—

"(A) the majority of the animal's life; or

"(B) a period of 1 year; and

"(2) the term 'captivity' does not include any period during which an animal lives as it would in the wild—

"(A) surviving primarily by foraging for naturally occurring food;

"(B) roaming at will over an open area of not less than 1,000 acres; and

"(C) having the opportunity to avoid hunters.

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—Any person authorized by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may—

"(A) without a warrant, arrest any person that violates this section (including regulations promulgated under this section) in the presence or view of the arresting person;

"(B) execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce this section; and

"(C) with a search warrant, search for and seize any animal taken or possessed in violation of this section.

"(2) FORFEITURE.—Any animal seized with or without a search warrant shall be held by the Secretary or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the Secretary of the Interior in accordance with law.

"(3) ASSISTANCE.—The Director of the United States Fish and Wildlife Service may use by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for the purpose of enforcing this section.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 49. Exotic animals".

By Mr. REID:

S. 2732. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, there are still small towns in America where the citizens wait for a doctor to make rounds, a mail truck to drop off the mail. These families have elected to stay in their communities despite all the obstacles, and they deserve an opportunity to enjoy a good quality of life.

But sometimes, the challenges of living in rural America can be overwhelming—especially as they relate to identifying and securing Federal education funding.

There are hundreds of Federal education grants that currently provide an array of support for local education agencies: literacy programs, English learner's programs, after school programs—just to name a few.

Most of the time these Federal dollars and grants end up going to larger urban school districts, not to the little rural ones. One reason is because rural school districts simply don't have the resources needed to write the grant applications or oversee the program.

Or perhaps rural educators don't even realize they are qualified to apply for a particular grant, or they don't have the infrastructure needed to support the initiative.

Many years ago when I attended school in Searchlight, we had one teacher who taught grades 1 through 8. There are still schools in Nevada where this is the case.

I walked to school, and when it was time for high school I hitched a ride into a town 40 miles away and had to stay with a family during the week. That was the transportation system in rural America back then: walk or hitchhike.

Now we have school buses. But many rural areas are operating outdated, unsafe school buses that are driven until they finally can't pass inspection any longer. The skyrocketing gas prices of the past seven months have only made the problem worse.

These local education agencies are strapped. They can't afford to buy newer, safer buses. I was astonished to learn that the school buses in some rural Nevada counties travel a combined 1 million miles in a school year.

The superintendents in my State asked me for help. They identified their need for school buses, and I want to help.

I am introducing legislation today that will help rural school districts transport children to school in a way that is safe, affordable and environmentally sound.

The "Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2004"—or BUS STOP—authorizes the Federal Government to provide $50,000,000 in grants on a competitive basis to rural local educational agencies seeking Federal share assistance to purchase school buses. The Federal share will be 75 percent.

Each applicant must provide documentation that at least 50 percent of their school buses are in need of repair or replacement; the total mileage each bus traveled in the most recent school year; documentation that the applicant is operating with a depleted fleet; and assurance that the school system will pay the local share for the purchase of new school buses.

In an effort to promote clean air, the Environmental Protection Agency has already established a cost-share grant program that will help local school systems replace old school buses, install pollution control devices, and eliminate unnecessary idling.

The EPA is seeking to improve air quality by encouraging large school districts to voluntarily cut emissions. The EPA awarded $5 million in grants to 20 school districts last month and $5 million to 17 school districts last year.

Unfortunately this is an example of a program that my rural counties didn't apply for because they don't have the infrastructure in place to support clean buses. However, working in the spirit of clean air and healthy children, rural school districts can buy newer buses that are better for our air, and safer for our children.

My office has already received phone calls from the education departments from other states. They want to know if the rumor is true: is there finally going to be legislation to help us purchase school buses?

The answer is yes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) school transportation issues have concerned parents, local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency for years;

(2) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses;

(3) the Environmental Protection Agency established the Clean School Bus USA program to replace 129,000 of the oldest diesel buses that cannot be retrofitted in an effort to help children and the environment by improving air quality;

(4) unfortunately, many rural local educational agencies are unable to participate in that program because of the specialized fuels needed to sustain a clean bus fleet;

(5) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspection because of automotive flaws, resulting in a depletion of school bus fleets of the local educational agencies; and

(6) many rural local educational agencies are unable to afford to buy newer, safer buses.

(b) PURPOSE.—The purpose of this Act is to establish within the Environmental Protection Agency a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

SEC. 3. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Rural local educational agency.—The term "rural local educational agency" means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary of Education; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(3) School bus.—The term "school bus" means a vehicle the primary purpose of which is to transport students to and from school or school activities.

SEC. 4. GRANT PROGRAM.

(a) In General.—From amounts made available under subsection (e) for a fiscal year, the Administrator shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(b) Application.—

(1) In general.—Each rural local educational agency that seeks to receive a grant under this Act shall submit to the Administrator for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under paragraph (2)) as the Administrator may require.

(2) Contents.—Each application submitted under paragraph (1) shall include—

(A) documentation that, of the total number of school buses operated by the rural local educational agency, not less than 50 percent of the school buses are in need of repair or replacement;

(B) documentation of the number of miles that each school bus operated by the rural local educational agency traveled in the most recent 9-month academic year;

(C) documentation that the rural local educational agency is operating with a reduced fleet of school buses;

(D) a resolution from the rural local educational agency that—

(i) authorizes the application of the rural local educational agency for a grant under this Act; and

(ii) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(E) an assurance that the rural local educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this Act from non-Federal sources.

(c) Priority.—

(1) In general.—In providing grants under this Act, the Administrator shall give priority to rural local educational agencies that, as determined by the Administrator—

(A) are transporting students in a bus manufactured before 1977;

(B) have a grossly depleted fleet of school buses; or

(C) serve a school that is required, under section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(1)(E)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(d) Payments; Federal Share.—

(1) Payments.—The Administrator shall pay to each rural local educational agency having an application approved under this section the Federal share described in paragraph (2) of the cost of purchasing such number of new school buses as is specified in the approved application.

(2) Federal share.—The Federal share of the cost of purchasing a new school bus under this Act shall be 75 percent.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this Act—

(1) $50,000,000 for fiscal year 2005; and

(2) such sums as are necessary for each of fiscal years 2006 through 2010.

By Mr. CAMPBELL:

S. 2734. A bill to implement the recommendations of the Inspector General of the Department of the Interior regarding Indian Tribal detention facilities; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to introduce The Indian Tribal Detention Facility Reform Act of 2004 which proposes sweeping reforms to operation of tribal detention systems in American Indian communities.

The bill will launch significant efforts to address the third world conditions plaguing this system, problems which were the subject of a series of articles in the USA Today and other national newspapers.

On June 23, 2004, the Committee on Indian Affairs held a hearing on the operation and condition of these detention facilities and the testimony we received was very disturbing.

At the hearing, the Inspector General of the Department of Interior reported that after reports from a variety of sources, including the U.S. Department of Justice, his office began an assessment of the physical condition of these facilities and how they are operated.

The Inspector General also testified about numerous examples of inmate suicides, escapes, neglect, overcrowding and other inhumane conditions, staffing shortages, inmate access to weapons and poor prisoner supervision, all occurring in facilities operated by the Bureau of Indian Affairs or by Indian tribes, pursuant to contract.

The Inspector General reported that the lack of prison monitoring sadly resulted in the death of a 16 year old Indian girl who was placed in a cell for underage drinking. She later died of alcohol poisoning and her family is now considering legal action charging negligence by the jail's managers.

The tragic part of the story is that the death might have been prevented. But what is even more frightening is that deaths and attempted suicides are not isolated events at these facilities.

This is but one example brought to the Committee's attention and in my mind these events and conditions are deplorable, inexcusable and have to end.

The bill I am introducing today establishes clear lines of authority for detention services by directing the Secretary of Interior to create a separate branch of detention services. This separate branch will give the proper attention to issues surrounding detention facilities.

In addition, the bill will require the creation of reporting protocols on serious incidents, particularly escapes, to proper law enforcement authorities. Because in some cases reporting may not be sufficient, the bill will also establish criteria for conducting preliminary inquiries into serious incidents to determine if there is a need for a full investigation.

Finally, the bill requires that the Department of Interior conduct a full report on the conditions and needs of the detention facilities in Indian communities, including staffing shortages and training, and a plan for addressing the needs.

I urge my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Detention Facility Reform Act of 2004".

SEC. 2. DEFINITIONS.

Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) Branch of criminal investigations.—The term 'Branch of Criminal Investigations' means the entity the Secretary is required to establish within the Division of Law Enforcement Services under section 3(d)(1).

"(2) Branch of detention services.—The term 'Branch of Detention Services' means the entity that the Secretary is required to establish within the Division of Law Enforcement Services under section 3(f)(1).

"(3) Bureau.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

"(4) Complementary facility.—

"(A) In general.—The term 'complementary facility' means a facility for the provision of additional or necessary services to detainees as a result of their being in custody.

"(B) Inclusion.—The term 'complementary facility' includes a detoxification center, protective custody cell, shelter care facility, community treatment center, halfway house, or any similar facility.

"(5) Detainee.—The term 'detainee' means an individual who is held in a detention facility for any period of time.

"(6) DETENTION FACILITY.—The term 'detention facility' means a facility for holding of individuals for correctional, intergovernmental, or other custodial purposes that is—

"(A) operated by the Bureau; or

"(B) operated by an Indian tribe under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(7) DIVISION OF LAW ENFORCEMENT SERVICES.—The term 'Division of Law Enforcement Services' means the entity established within the Bureau under section 3(b).

"(8) EMPLOYEE OF THE BUREAU.—The term 'employee of the Bureau' includes an officer of the Bureau.

"(9) ENFORCEMENT OF A LAW.—The term 'enforcement of a law' includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.

"(10) INDIAN COUNTRY.—The term 'Indian country' has the meaning given the term in section 1151 of title 18, United States Code.

"(11) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 201 of Public Law 90-284 (commonly known as the 'Civil Rights Act of 1968') (25 U.S.C. 1301).

"(12) OFFENSE.—The term 'offense' means an offense against the United States, including a violation of a Federal regulation relating to part or all of Indian country.

"(13) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(14) SERIOUS INCIDENT.—

"(A) IN GENERAL.—The term 'serious incident' means an occurrence, event, activity, or other incident that results in—

"(i) a risk of harm or actual harm to an individual or the community; or

"(ii) serious damage to property.

"(B) INCLUSION.—The term 'serious incident' includes all incidents relating to detainee deaths or injuries, suicides, attempted suicides, escapes, and officer safety issues.".

SEC. 3. BRANCH OF DETENTION SERVICES.

Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (d)(4), by striking "Area" each place it appears and inserting "Regional"; and

(2) by adding at the end the following:

"(f) BRANCH OF DETENTION SERVICES.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the Division of Law Enforcement Services a separate Branch of Detention Services.

"(2) DUTIES.—The Branch of Detention Services—

"(A) except as prohibited by other Federal law, shall be responsible for the detention, confinement, and corrections of offenders within Indian country;

"(B) shall not be primarily responsible for routine law enforcement, criminal investigations, or police operations in Indian country; and

"(C) under an interagency agreement between the Secretary and Attorney General and subject to such guidelines as the appropriate agencies or officials of the Department of Justice may adopt, may be responsible for temporarily detaining individuals for the purpose of Federal prosecution, immigration, or transportation, or any other detention purpose.

"(3) REGULATIONS.—The Secretary shall promulgate regulations establishing a procedure for active cooperation and consultation of the detention services employees of the Branch of Detention Services assigned to an Indian reservation with the governmental, law enforcement, and detention officials of the Indian tribes located on the Indian reservation.

"(4) PERSONNEL.—

"(A) SUPERVISION AND DIRECTION.—Personnel of the Branch of Detention Services—

"(i) shall be subject only to the supervision and direction of the law enforcement personnel or personnel of the Branch of Detention Services or of the Division, as the Secretary considers appropriate; and

"(ii) shall not be subject to the supervision of the Bureau Agency Superintendent or Bureau Regional Director.

"(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

"(i) precludes cooperation, coordination, or consultation, as appropriate, with non-law enforcement Bureau personnel at the agency or regional level; or

"(ii) restricts the right of an Indian tribe to contract a detention program under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or to maintain its own detention operations.

"(C) REESTABLISHMENT OF AUTHORITY.—

"(i) REQUEST.—After the date that is 1 year after the date of establishment of the Branch of Detention Services, any Indian tribe may, by resolution of the governing body of the Indian tribe, request the Secretary to reestablish authority over detention of members of the Indian tribe directly through the Agency Superintendent or Bureau Regional Office Director rather than through the Branch of Detention Services.

"(ii) APPROVAL.—In the absence of good cause to the contrary, the Secretary, on receipt of a resolution under clause (i), shall reestablish the authority as requested by the Indian tribe.".

SEC. 4. FUNDING.

Section 9 of the Indian Law Enforcement Reform Act (25 U.S.C. 2808) is amended—

(1) by striking the section heading and all that follows through "Any expenses" and inserting the following:

"SEC. 9. FUNDING.

"(a) IN GENERAL.—Any expenses"; and

(2) by adding at the end the following:

"(b) AVAILABILITY.—Funds made available to carry out this Act shall remain available until expended.".

SEC. 5. DETENTION REFORM AND REVIEW.

The Indian Law Enforcement Reform Act is amended by inserting after section 10 (25 U.S.C. 2809) the following:

"SEC. 10A. DETENTION REFORM.

"(a) FINDINGS.—Congress finds that—

"(1) there are 74 detention facilities in Indian country;

"(2) serious deficiencies in Indian country detention have arisen, including—

"(A) poor facility conditions;

"(B) lack of staff training;

"(C) understaffing; and

"(D) lack of detention facility administration and other operational standards, or failure to comply with any such standards;

"(3) those deficiencies create a dangerous and potentially life-threatening situation for detainees and detention personnel;

"(4) the April 2004 interim report of the Inspector General of the Department of the Interior found that deaths, escapes, and assaults on correctional officers have occurred at several detention facilities in Indian country as a result of those deficiencies;

"(5) the Division of Law Enforcement Services has responsibility for both law enforcement and detention services, but no clear lines of authority for detention services;

"(6) existing Federal law does not provide clear lines of authority or standards for detention services in Indian country; and

"(7) clear authority and standards are needed to assist detention and law enforcement officials in—

"(A) meeting the principal goals of Indian country law enforcement and detention;

"(B) protecting life and property; and

"(C) reducing crime and recidivism rates.

"(b) REPORTING PROTOCOLS FOR SERIOUS INCIDENTS.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, the Bureau shall develop and implement protocols to ensure that all serious incidents occurring at a detention facility are reported promptly through an established chain of command.

"(2) REPORTING OF ESCAPES TO LAW ENFORCEMENT AUTHORITIES.—The protocols shall ensure that each incident involving an escape of a detainee from a detention facility is reported immediately to the appropriate Federal, State, tribal, and local law enforcement authorities.

"(3) PRELIMINARY INQUIRIES INTO SERIOUS INCIDENTS.—

"(A) IN GENERAL.—The Division of Law Enforcement Services shall conduct a preliminary inquiry of any serious incident to determine whether a full investigation is warranted.

"(B) FINDINGS.—All findings made in conducting preliminary inquiries under subparagraph (A) shall be reported to the Division of Law Enforcement Services and the Assistant Secretary of the Interior for Indian Affairs.

"(4) DETENTION FACILITIES STAFFING REVIEW.—The Bureau shall—

"(A) not later than 90 days after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, conduct a review of the staffing needs at all detention facilities; and

"(B) update that review annually.

"(c) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, the Secretary, after consultation with the Attorney General, shall promulgate regulations to carry out subsections (a) and (b).

"(d) DETENTION FACILITIES REVIEW.—

"(1) IN GENERAL.—

"(A) CONSULTATION.—Not later than 1 year after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, in consultation with Indian tribes to the extent practicable, the Bureau shall complete an assessment of the physical conditions and needs of all detention facilities.

"(B) REPORT.—Not later than 15 months after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, the Bureau shall—

"(i) submit to the Committee on Indian Affairs and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives a report that describes the results of the assessment under subparagraph (A); and

"(ii) make the report available to Indian tribal governments.

"(2) DATA AND METHODOLOGIES.—In preparing the report under paragraph (1), the Bureau shall use—

"(A) the existing Department of Justice Federal Bureau of Prisons formula for determining the condition and adequacy of Department of Justice detention facilities, including operational standards;

"(B) data relating to conditions at detention facilities that have previously been compiled, collected, or secured from any source derived, so long as the data are accurate, relevant, timely, and necessary to preparation of the report; and

"(C) the methodologies of the American Institute of Architects or other accredited and reputable architecture or engineering associations responsible for detention facility construction.

"(3) CONTENTS.—The report shall include—

"(A) a catalog of the condition of detention facilities that—

"(i) identifies the existing detention and complementary facilities and any detention and complementary facilities that do not exist but are needed, taking into consideration—

"(I) the size of a detention facility or complementary facility;

"(II) the number of detainees in a facility;

"(III) the age and condition of a facility;

"(IV) interjurisdictional detention needs;

"(V) staff needs; and

"(VI) prisoner isolation and transportation needs;

"(ii) establishes a routine maintenance schedule for each facility;

"(iii) identifies staffing and operational needs of existing and needed facilities; and

"(iv) provides specific cost estimates needed to repair, renovate, lease or construct any new, existing or additional detention facilities or complementary facilities;

"(B) a detailed plan to bring all detention facilities and complementary facilities into compliance with applicable standards that includes—

"(i) detailed information on the status of each facility's compliance with the standards;

"(ii) specific cost estimates for meeting the standards at each facility; and

"(iii) specific timelines for bringing each facility into compliance with the standards;

"(C) an assessment of the feasibility of developing regional detention facilities, taking into consideration the factors identified in subparagraph (A)(i) and a comparison of costs and benefits of regional facilities versus individual tribal facilities; and

"(D) an assessment of the feasibility of tribal operation of the facilities identified under subparagraphs (A)(i) and (C) under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

"(i) any cost savings that would result from tribal rather than Federal operation of the facilities; and

"(ii) a comparison of costs and benefits arising from individual tribal operation versus contracting detention services with State or local facilities.

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection requires termination of the operations of any facility that fails to comply with standards described in subparagraph (B).

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000, to remain available until expended.".

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2738. A bill to establish a Commission to commemorate the 400th anniversary of the arrival of Samuel de Champlain in the Champlain Valley, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I submit today a bill that will assist the States of Vermont and New York in commemorating the extraordinary cultural; historical, and recreational heritage of one of Vermont's greatest natural treasures, Lake Champlain.

Nearly 400 years ago, in 1609, Samuel de Champlain entered a green valley where he arrived at the lake that today carries his name. Lake Champlain stretches nearly 120 miles from Whitehall, NY, to the Richelieu River in Quebec and is nestled between the dramatic peaks of the New York's Adirondacks and Vermont's picturesque Green Mountains.

The Samuel de Champlain 400th Commemoration Commission Act of 2004 will authorize the National Park Service to fund a Commemoration Committee established with the Governors of Vermont and New York in order to plan national events for 2009 that celebrate the arrival of Samuel de Champlain and the rich heritage of the lake—which includes all people present when Champlain arrived in the valley and the communities that exist today.

We Vermonters sometimes affectionately refer to Lake Champlain as the "Sixth Great Lake," and I have many fond memories of this wonderful lake. As a boy I spent time fishing and boating in its waters and over the years have taken my family on many enjoyable ferry rides across the lake. More recently I have become an avid scuba diver, and my own explorations of shipwreck sites in the lake have inspired me to educate others about its history and work to help preserve its unique heritage.

Just as in my own family's history, Lake Champlain's history links together Vermont and our Nation's storied histories.

Shortly after Champlain entered the region, what is now known as Lake Champlain was quickly recognized as the vital transportation route for the Northeast which had been used by Native peoples for centuries. Early settlers used the lake to explore unknown lands and create new settlements in the wilderness of Colonial North America.

Lake Champlain is awash in a rich maritime history. The chain of lakes that includes Lake Champlain has been called the "The Great Warpath" because of its use by early Colonial armies and flotillas. It played a critical role in the birth of the United States Navy through early military and naval struggles played out along its shores and in its bays.

The most famous naval battle on Lake Champlain occurred in 1776, during the American Revolutionary War, when Benedict Arnold managed to successfully delay a British invasion of the rebelling colonies at the Battle of Valcour Island.

Lake Champlain holds one of the largest and best preserved collections of historic naval and other shipwrecks. As an avid scuba diver, I have viewed many of the shipwrecks first hand and am always awed by how well they have been preserved.

The Lake Champlain Maritime Museum, Lake Champlain Basin Program, and many other Vermonters and New Yorkers have worked hard to preserve our fabulous maritime archaeological heritage so that other intrepid adventurers can dive in and explore a part of Vermont's past that helped shape the direction of our developing Nation.

Over the years as my family and I explored the lake's maritime history we also learned about its role in the growing economy of our young Nation. As the United States became more settled and stable, Lake Champlain became a center of flourishing commerce in the Northeast and a critical conduit for getting goods up and down the eastern seaboard.

In fact, historians call the 19th nineteenth century Lake Champlain's "Golden Era" of waterborne commerce. During that time the lake's peaceful waters were churning with the wakes of hundreds of steamboats, canal boats, ferries, merchant sloops and schooners—all plying their trade to markets in the Northeast and abroad.

Today, the storied waters of Lake Champlain are treasured by Vermonters and New Yorkers and millions more as an outstanding natural, cultural, and recreational resource. Activities such as boating, fishing, and tourism help Lake Champlain support a regional economy of more than $9 billion dollars. No other inland body of water has played such a decisive role in the history of the United States as has Lake Champlain.

The arrival of Samuel de Champlain had profound influence on our Nation's history that goes far beyond the simple naming of a lake—this event lead to a multitude of great historic, cultural, and economic achievements that to this day continue to influence life throughout the United States.

This legislation will help our country and the many small towns and groups around Lake Champlain properly celebrate our common heritage.

By Mr. BINGAMAN:

S. 2739. A bill to improve the training and retention of health professionals under titles VII and VIII of the Public Health Service Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Health care continues to be among the fastest growing sectors of the U.S. economy. From 1970 to 2002, the health care consumption doubled from 7 to 14 percent of the U.S. Gross Domestic Product (GDP). Employment in health occupations is projected to increase from 11 million in 2000 to 14 million by 2010. In that same period, the growth rate for new job creation in health care occupations is expected to be 29 percent more than double the growth projected for non-health occupations. Over 5.3 million people will be needed to fill these health-related positions. However, as a nation, we are not educating and training sufficient numbers of healthcare workers and providers, and therefore failing the American people.

There are two ways in which we are failing our citizens. The first is an over-reliance on foreign healthcare workers. Instead of committing ourselves to training and educating Americans, we are importing large numbers of foreigners to meet our public health needs. For example, 25 percent of all physicians in the U.S. are immigrants, as are 16 percent of all laboratory technicians. Although these foreign workers are filling an important void, and are both qualified and competent, thousands of qualified Americans wishing to pursue an education in healthcare fields are turned down every year. It's time we stop importing our skilled workers and start investing in the expansion of a skilled workforce in our own country. In fact, given the recent economic downturn, and the high level of unemployment in our country, preparing Americans to work in an expanding job market such as healthcare is the right thing to do.

The second way in which we are failing the American people is by not educating and training sufficient numbers of racial and ethnic minorities to work in the healthcare system. The racial/ethnic composition of the U.S. healthcare workforce does not reflect that of the general population. For example, while Blacks, Hispanics, and Native Americans represented 26 percent of the general population in 2002, they only represented 6 percent of physicians.

A recent study of New Mexico healthcare professionals concluded that 88 percent of physicians are non-Hispanic Whites, while only 6.5 percent are Hispanic. Overall, ethnic/racial minorities are inadequately represented in all healthcare professions in New Mexico. Additionally, in my State, 21 percent of Internal Medicine Specialists are international medical school graduates, and so are 15 percent of primary care physicians.

A recent Institute of Medicine (IOM) study described compelling evidence for the need to increase diversity within the health workforce. Diversity ensures access to healthcare for underserved populations and greater patient satisfaction. Many segments of the U.S. population, particularly minority groups, reside in medically underserved areas. Black and Hispanic health workers are more likely to provide healthcare to Black and Hispanic patients, to serve poor, uninsured, or Medicaid-insured patients, and to locate their practices in underserved areas. Furthermore, racial/ethnic minority patients are more satisfied with their providers when they are of the same racial/ethnic group.

It is time we invest in our healthcare workforce; in our people; in our future. That is why I am introducing the "Investing in America's Future Act of 2004" today. This bill has several components aimed at improving and expanding education and training for healthcare workers.

This bill will provide incentives for Americans to seek and complete high-quality allied health education and training. It will also expand the Health Career Opportunities Program, which is aimed at enhancing the academic skills of students from disadvantaged backgrounds and supporting them in successfully entering and graduating from health professions training programs. It creates programs of excellence in health professions education for underrepresented minorities, and a health professions student loan fund for low-income and racial/ethnic minority students. Finally, this bill also establishes a Health Work Advisory Commission, charged with creating a national vision to serve as a map for investing in the health workforce.

We must ensure that qualified Americans who wish to enter the health workforce are able to do so, and we must support the training and education of the generations of Americans to come. In doing so, not only will we help more Americans hold good jobs, but we will also provide better healthcare to underserved and disadvantaged groups.

Mr. President, I ask unanimous consent that the text of this bill be in the RECORD.

There being two objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Investing in America's Future Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ALLIED HEALTH

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Amendments to Public Health Service Act.

TITLE II—HEALTH WORKFORCE ADVISORY COMMISSION

Sec. 201. Health Workforce Advisory Commission.

TITLE III—PHYSICIAN DEMONSTRATION PROJECTS IN RURAL STATES

Sec. 301. Definitions.
Sec. 302. Rural States physician recruitment and retention demonstration program.
Sec. 303. Establishment of the health professions database.
Sec. 304. Evaluation and reports.
Sec. 305. Contracting flexibility.

TITLE IV—HEALTH CAREERS OPPORTUNITY PROGRAM

Sec. 401. Purpose.
Sec. 402. Authorization of appropriations.

TITLE V—PROGRAM OF EXCELLENCE IN HEALTH PROFESSIONS EDUCATION FOR UNDERREPRESENTED MINORITIES

Sec. 501. Purpose.
Sec. 502. Authorization of appropriation.

TITLE VI—HEALTH PROFESSIONS STUDENT LOAN FUND; AUTHORIZATIONS OF APPROPRIATIONS REGARDING STUDENTS FROM DISADVANTAGED BACKGROUNDS

Sec. 601. Student loans.
Sec. 602. National Health Service Corps; recruitment and fellowships for individuals from disadvantaged backgrounds.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 703. Study by the Institute of Medicine.

TITLE I—ALLIED HEALTH

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The Bureau of the Census [and other reports] highlight the increased demand for acute and chronic health care services among both the general population and a rapidly [growing aging portion of the population].

(2) The calls for reduction in medical errors, increased patient safety, and increased quality of care have resulted in an amplified call for allied health professionals to provide health care services.

(3) Several allied health professions are characterized by workforce shortages, declining enrollments in allied health education programs, or a combination of both factors, and hospital officials have reported vacancy rates in positions occupied by allied health professionals.

(4) Many allied health education programs are facing significant economic pressure that could force their closure due to an insufficient number of students.

SEC. 102. PURPOSES.

The purpose of this title is to ensure that the United States health care industry will have a supply of allied health professionals needed to support the Nation's health care system in this decade and beyond by—

(1) providing incentives for members of the United States population to seek and complete high-quality allied health education and training; and

(2) providing additional funding to ensure that such education and training can be provided to allied health students.

SEC. 103. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

"Subpart 3—Allied Health Professionals

"SEC. 775. DEFINITIONS.

"In this subpart:

"(1) ALLIED HEALTH EDUCATION PROGRAM.—The term 'allied health education program' means any education program at an accredited institution of higher education leading to a certificate, an associate's degree, a bachelor's degree, or a post baccalaureate degree in an allied health profession.

"(2) ALLIED HEALTH PROFESSION.—The term 'allied health profession' means any profession practiced by an individual in his or her capacity as an allied health professional.

"(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings give to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(4) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given to that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“SEC. 775A. PUBLIC SERVICE ANNOUNCEMENTS.

“The Secretary shall develop and issue public service announcements that advertise and promote the allied health professions, highlight the advantages and rewards of the allied health professions, and encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

“SEC. 775B. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.

“(a) IN GENERAL.—The Secretary shall award grants to eligible entities to support State and local advertising campaigns through appropriate media outlets to promote the allied health professions, highlight the advantages and rewards of the allied health professions, and encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

“(b) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means an entity that is—

“(1) a professional, national, or State allied health association;

“(2) a State health care provider; or

“(3) an association of entities that are each a health care facility, an allied health education program, [or an entity that provides similar services or serves a like function].

“SEC. 775C. ALLIED HEALTH RECRUITMENT GRANT PROGRAM.

“(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to increase allied health professions education opportunities.

“(b) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means an entity that is—

“(1) a professional, national, or State allied health association;

“(2) a State health care provider; or

“(3) an association of entities that are each a health care facility, an allied health education program, [or an entity that provides similar services or serves a like function].

“(c) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use funds received under such grant to—

“(1) support outreach programs at elementary schools and secondary schools that inform guidance counselors and students of education opportunities regarding the allied health professions;

“(2) carry out special projects to increase allied health professions education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented in the allied health professions) by providing student scholarships or stipends, pre-entry preparation, and retention activities;

“(3) provide assistance to public and nonprofit private educational institutions to support remedial education programs for allied health professions students who require assistance with math, science, English, and medical terminology;

“(4) meet the costs of child care and transportation for individuals who are taking part in an allied health education program; or

“(5) support community-based partnerships seeking to recruit allied health professionals in rural communities, urban medically underserved communities, and other communities experiencing an allied health professions shortage.

“SEC. 775D. GRANTS FOR HEALTH CAREER ACADEMIES.

“(a) IN GENERAL.—The Secretary shall award grants to eligible entities for the purpose of assisting such entities in collaborating to carry out programs that form education pipelines to facilitate the entry of students of secondary schools, especially underrepresented racial and ethnic minorities, into careers in the allied health professions.

“(b) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means an institution that offers an allied health education program, a health care facility, or a secondary school.

“SEC. 775E. ALLIED HEALTH PROFESSION, PRACTICE, AND RETENTION GRANTS.

“(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—

“(1) expanding the enrollment in allied health profession education programs, especially by underrepresented racial and ethnic minority students; and

“(2) providing allied health education through new technologies and methods, including distance learning methodologies.

“(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—

“(1) establishing or expanding allied health professions practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in rural areas and other medically underserved communities;

“(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims of domestic violence;

“(3) providing managed care, information management, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or

“(4) developing generational and cultural competencies among allied health professionals.

“(c) RETENTION PRIORITY AREAS.—

“(1) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to enhance the allied health professions workforce by initiating and maintaining allied health retention programs pursuant to paragraph (2) or (3).

“(2) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—

“(A) to promote career advancement for allied health professionals in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals; and

“(B) to assist individuals in obtaining education and training required to enter the allied health professions and advance within such professions, such as by providing career counseling and mentoring.

“(3) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

“(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of allied health professionals and enhance patient care that is directly related to allied health activities by enhancing collaboration and communication among allied health professionals and other health care professionals, and by promoting the involvement of allied health professionals in the organizational and clinical decisionmaking processes of a health care facility.

“(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give preference to applicants that have not previously received an award under this paragraph and to applicants from rural, underserved areas.

“(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in allied health professional retention or patient care.

“(d) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a health care facility, or any partnership or coalition including a health care facility or an allied health education program.

“SEC. 775F. DEVELOPING MODELS AND BEST PRACTICES PROGRAM.

“(a) MODELS AND BEST PRACTICES.—

“(1) GRANTS.—The Secretary shall award grants to eligible entities to enable such entities to carry out demonstrations of models and best practices in allied health for the purpose of developing innovative strategies or approaches for the retention of allied health professionals.

“(2) DISTRIBUTION OF GRANTS.—The Secretary shall ensure the distribution of grants under this subsection to a range of types and sizes of facilities, including facilities located in rural, urban, and suburban areas and a variety of geographic regions.

“(3) USE OF FUND.—The Secretary may not make a grant to an eligible entity under this subsection unless the entity agrees to use funds received under the grant to carry out demonstrations of models and best practices in allied health for the purpose of—

“(A) promoting retention and satisfaction of allied health professionals;

“(B) promoting opportunities for allied health professionals to pursue education, career advancement, and organizational recognition; and

“(C) developing continuing education programs that instruct allied health professionals on how to use emerging medical technologies and how to address current and future health care needs.

“(b) MODELS OF EXCELLENCE.—The Secretary shall award grants to [area health education centers] to enable such centers to enter into contracts with allied health education programs—

“(1) to expand the operation of area health education centers to work in communities to develop models of excellence for allied health professionals; or

“(2) to expand any junior or senior secondary school mentoring programs to include an allied health professions mentoring program.

“(c) DEFINITION.—In this section the term ‘eligible entity’ means a health care facility, or any partnership or coalition containing a health care facility and an allied health education program.

“SEC. 775G. ALLIED HEALTH FACULTY LOAN PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any institution of higher education offering an allied health education program for the establishment and operation of a faculty loan fund in accordance with this section, to increase the number of qualified allied health faculty.

“(b) AGREEMENTS.—Each agreement entered into under this section shall—

“(1) provide for the establishment of a loan fund by the institution involved;

“(2) provide for deposit in the fund of—

“(A) the Federal capital contributions to the fund;

“(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such institution;

“(C) collections of principal and interest on loans made from the fund; and

“(D) any other earnings of the fund;

“(3) provide that the fund will be used only for loans to faculty of allied health education programs in accordance with subsection (c) and for the costs of collection of such loans and interest thereon;

“(4) provide that loans may be made from such fund only to faculty pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program; and

“(5) contain such other provisions as are necessary to protect the financial interests of the United States.

“(c) LOAN PROVISIONS.—Loans from any faculty loan fund established by an institution pursuant to an agreement under this section shall be made to an individual on such terms and conditions as the institution may determine, except that—

“(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

“(2) in the case of any individual, the total of the loans for any academic year made by an institution from loan funds established pursuant to agreements under this section may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

“(3) an amount up to 85 percent of any such loan (plus interest thereon) shall be canceled by the institution as follows—

“(A) upon completion by the individual of each of the first, second, and third year of full-time employment required by the loan agreement entered into under this section, as a faculty member in an allied health education program, the institution shall cancel percent of the principal of, and the interest on, the amount of such loan unpaid on the first day of such employment; and

“(B) upon completion by the individual of the fourth year of full-time employment, required by the loan agreement entered into under this section, as a faculty member in an allied health education program, the school shall cancel 25 percent of the principal of, and the interest on, the amount of such loan unpaid on the first day of such employment;

“(4) such a loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

“(5) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study in an allied health education program; and

“(6) such a loan shall—

“(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study in an allied health education program, bear interest on the unpaid balance of the loan at the rate of 3 percent per annum; or

“(B) subject to subsection (e), if the institution determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

“(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the institution and amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

“(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by an institution under this section.

“SEC. 775H. SCHOLARSHIP PROGRAM FOR SERVICE IN RURAL AND OTHER MEDICALLY UNDER-SERVED AREAS.

“(a) SCHOLARSHIP PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program of entering into contracts with eligible individuals under which such individuals agree to serve as allied health professionals for a period of not less than 2 years at a health care facility with a critical shortage of allied health professionals in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance in an allied health education program.

“(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term ‘eligible individual’ means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in an allied health education program.

“(3) SERVICE REQUIREMENT.—

“(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this section unless the individual agrees to serve as an allied health professional at a health care facility with a critical shortage of allied health professionals for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

“(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

“(i) is entered into by the health care facility involved and the individual and is approved by the Secretary; and

“(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

“(4) PREFERENCE.—In awarding scholarships under this section, the Secretary shall give a preference to applicants with the greatest financial need, applicants currently working in a health care facility who agree to serve the period of obligated service at such facility, minority allied health applicants, and applicants with an interest in a practice area of allied health that has unmet needs.

“(b) REPORTS.—Not later than 18 months after the date of enactment of this subpart and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the programs carried out under this section, including statements regarding—

“(1) the number of enrollees by specialty or discipline, scholarships, and grant recipients;

“(2) the number of graduates;

“(3) the amount of scholarship payments made;

“(4) which educational institutions the recipients attended;

“(5) the number and placement location of the scholarship recipients at health care facilities with a critical shortage of allied health professionals;

“(6) the default rate and actions required;

“(7) the amount of outstanding default funds of the scholarship program;

“(8) to the extent that it can be determined, the reason for the default;

“(9) the demographics of the individuals participating in the scholarship program; and

“(10) an evaluation of the overall costs and benefits of the program.

“SEC. 775I. GRANTS FOR CLINICAL EDUCATION, INTERNSHIP, RESIDENCY PROGRAMS, AND CONTINUING EDUCATION.

“(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to develop allied health clinical education, internship, residency, and continuing education programs described in subsection (b).

“(b) USE OF FUNDS.—The Secretary may not award a grant to an eligible entity under this section unless the entity agrees to use the grant to develop clinical education, internship, residency, and continuing education programs for graduates of allied health education programs. Each such clinical education, internship, residency, or continuing education program shall—

“(1) provide support for allied health education program faculty and mentors;

“(2) provide support for allied health professionals participating on a full-time or a part-time basis; and

“(3) encourage the development of specialties.

“(c) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a partnership of an allied health education program and a health care facility.

“SEC. 775J. GRANTS FOR PARTNERSHIPS.

“(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to form partnerships to carry out the activities described in this section.

“(b) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use amounts received under the grant to—

“(1) provide employees of the health care facility involved advanced training and education in an allied health education program;

“(2) establish or expand allied health practice arrangements in noninstitutional settings to demonstrate methods to improve access to health care in rural and other medically underserved communities;

“(3) purchase distance learning technology to extend general education and training programs to rural areas, and to extend specialty education and training programs to all areas; and

“(4) establish or expand mentoring, clinical education, and internship programs for training in specialty care areas.

“(c) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a partnership of an allied health education program and a health care facility formed to carry out the activities described in this section.

“SEC. 775K. ALLIED HEALTH WORKFORCE DATA COLLECTION AND ANALYSIS.

“The Secretary, in conjunction with allied health professional associations, shall develop a system for collecting and analyzing allied health workforce data gathered by the Bureau of Labor Statistics, the Health Resources and Services Administration, the Department of Health and Human Services, the Department of Veterans Affairs, the Center for Medicare & Medicaid Services, the Department of Defense, allied health professional associations, and regional centers for health workforce studies for the purpose of—

“(1) determining educational pipeline and practitioner shortages; and

“(2) projecting future needs for such a workforce.

"SEC. 775L. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

"The Comptroller General of the United States shall conduct an evaluation of whether the activities carried out under this subpart have demonstrably increased the number of applicants to allied health education programs. Not later than 4 years after the date of the enactment of this subpart, the Comptroller General shall submit a report to the Congress on the results of such evaluation.

"SEC. 775M. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart, such sums as may be necessary for fiscal years 2005 through 2009.".

(b) CENTERS OF EXCELLENCE.—Subparagraph (A) of section 736(g)(1) of the Public Health Service Act (42 U.S.C. 293(g)(1)) is amended by inserting "a school of allied health," after "a school of pharmacy,".

TITLE II—HEALTH WORKFORCE ADVISORY COMMISSION

SEC. 201. HEALTH WORKFORCE ADVISORY COMMISSION.

(a) ESTABLISHMENT.—The Comptroller General of the United States (referred to in this title as the "Comptroller General") shall establish a commission to be known as the Health Workforce Advisory Commission (referred to in this title as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 18 members to be appointed by the Comptroller General not later than 90 days after the date of enactment of this Act, and an ex-officio member who shall serve as the Director of the Commission.

(2) QUALIFICATIONS.—In appointing members to the Commission under paragraph (1), the Comptroller General shall ensure that—

(A) the Commission includes individuals with national recognition for their expertise in health care workforce issues, including workforce forecasting, undergraduate and graduate training, economics, health care and health care systems financing, public health policy, and other fields;

(B) the members are geographically representative of the United States and maintain a balance between urban and rural representatives;

(C) the members include a representative from the commissioned corps of the Public Health Service;

(D) the members represent the spectrum of professions in the current and future healthcare workforce, including physicians, nurses, and other health professionals and personnel, and are skilled in the conduct and interpretation of health workforce measurement, monitoring and analysis, health services, economics, and other workforce related research and technology assessment;

(E) at least 25 percent of the members who are health care providers are from rural areas; and

(F) a majority of the members are individuals who are not currently primarily involved in the provision or management of health professions education and training programs.

(3) TERMS AND VACANCIES.—

(A) TERMS.—The term of service of the members of the Commission shall be for 3 years, except that the Comptroller General shall designate staggered terms for members initially appointed under paragraph (1).

(B) VACANCIES.—Any member of the Commission who is appointed to fill a vacancy on the Commission that occurs before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(4) CHAIRPERSON.—

(A) DESIGNATION.—The Comptroller General shall designate a member of the Commission, at the time of the appointment of such member—

(i) to serve as the Chairperson of the Commission; and

(ii) to serve as the Vice Chairperson of the Commission.

(B) TERM.—A member of the Commission shall serve as the Chairperson or Vice Chairperson of the Commission under subparagraph (A) for the term of such member.

(C) VACANCY.—In the case of a vacancy in the Chairpersonship or Vice Chairpersonship, the Comptroller General shall designate another member to serve for the remainder of the vacant member's term.

(c) DUTIES.—The Commission shall—

(1) review the health workforce policies implemented—

(A) under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395, 1396 et seq.);

(B) under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292, 296 et seq.);

(C) by the National Institutes of Health;

(D) by the Department of Health and Human Services;

(E) by the Department of Veterans Affairs; and

(F) by other departments and agencies as appropriate;

(2) analyze and make recommendations to improve the methods used to measure and monitor the health workforce and the relationship between the number and make up of such personnel and the access of individuals to appropriate health care;

(3) review the impact of health workforce policies and other factors on the ability of the health care system to provide optimal medical and health care services;

(4) analyze and make recommendations pertaining to Federal incentives (financial, regulatory, and otherwise) and Federal programs that are in place to promote the education of an appropriate number and mix of health professionals to provide access to appropriate health care in the United States;

(5) analyze and make recommendations about the appropriate supply and distribution of physicians, nurses, and other health professionals and personnel to achieve a health care system that is safe, effective, patient centered, timely, equitable, and efficient;

(6) analyze the role and global implications of internationally trained physicians, nurses, and other health professionals and personnel in the United States health workforce;

(7) analyze and make recommendations about achieving appropriate diversity in the United States health workforce;

(8) conduct public meetings to discuss health workforce policy issues and help formulate recommendations for Congress and the Secretary of Health and Human Services;

(9) in the course of meetings conducted under paragraph (8), consider the results of staff research, presentations by policy experts, and comments from interested parties;

(10) make recommendations to Congress concerning health workforce policy issues;

(11) not later than April 15, 2005, and each April 15 thereafter, submit a report to Congress containing the results of the reviews conducted under this subsection and the recommendations developed under this subsection;

(12) periodically, as determined appropriate by the Commission, submit reports to Congress concerning specific issues that the Commission determines are of high importance; and

(13) carry out any other activities determined appropriate by the Secretary of Health and Human Services.

(d) ONGOING DUTIES CONCERNING REPORTS AND REVIEWS.—

(1) COMMENTING ON REPORTS.—

(A) SUBMISSION TO COMMISSION.—The Secretary of Health and Human Services shall transmit to the Commission a copy of each report that is submitted by the Secretary to Congress if such report is required by law and relates to health workforce policy.

(B) REVIEW.—The Commission shall review a report transmitted under subparagraph (A) and, not later than 6 months after the date on which the report is transmitted, submit to the appropriate committees of Congress written comments concerning such report. Such comments may include such recommendations as the Commission determines appropriate.

(2) AGENDA AND ADDITIONAL REVIEWS.—

(A) IN GENERAL.—The Commission shall consult periodically with the chairman and ranking members of the appropriate committees of Congress concerning the agenda and progress of the Commission.

(B) ADDITIONAL REVIEWS.—The Commission may from time to time conduct additional reviews and submit additional reports to the appropriate committees of Congress on topics relating to Federal health workforce-related programs and as may be requested by the chairman and ranking members of such committees.

(3) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Secretary of Health and Human Services a copy of each report submitted by the Commission under this section and shall make such reports available to the public.

(e) POWERS OF THE COMMISSION.—

(1) GENERAL POWERS.—Subject to such review as the Comptroller General determines to be necessary to ensure the efficient administration of the Commission, the Commission may—

(A) employ and fix the compensation of the Executive Director and such other personnel as may be necessary to carry out its duties;

(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(C) enter into contracts or make other arrangements as may be necessary for the conduct of the work of the Commission;

(D) make advance, progress, and other payments that relate to the work of the Commission;

(E) provide transportation and subsistence for personnel who are serving without compensation; and

(F) prescribe such rules and regulations at the Commission determines necessary with respect to the internal organization and operation of the Commission.

(2) INFORMATION.—To carry out its duties under this section, the Commission—

(A) shall have unrestricted access to all deliberations, records, and nonproprietary data maintained by the Government Accountability Office;

(B) may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties under this section, on a schedule that is agreed upon between the Chairperson and the head of the department or agency involved;

(C) shall utilize existing information (published and unpublished) collected and assessed either by the staff of the Commission or under other arrangements;

(D) may conduct, or award grants or contracts for the conduct of, original research and experimentation where information available under subparagraphs (A) and (B) is inadequate;

(E) may adopt procedures to permit any interested party to submit information to be used by the Commission in making reports and recommendations under this section; and

(F) may carry out other activities determined appropriate by the Commission.

(f) ADMINISTRATIVE PROVISIONS.—

(1) COMPENSATION.—While serving on the business of the Commission a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for under level IV of the Executive Schedule under title 5, United States Code.

(2) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(3) EXECUTIVE DIRECTOR AND STAFF.—The Comptroller General shall appoint an individual to serve as the interim Executive Director of the Commission until the members of the Commission are able to select a permanent Executive Director under subsection (e)(1)(A).

(4) ETHICAL DISCLOSURE.—The Comptroller General shall establish a system for public disclosure by members of the Commission of financial and other potential conflicts of interest relating to such members.

(5) AUDITS.—The Commission shall be subject to periodic audit by the Comptroller General.

(g) FUNDING.—

(1) REQUESTS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General submits such requests. Amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $6,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year, of which—

(A) 80 percent of such appropriated amount shall be made available from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i); and

(B) 20 percent of such appropriated amount shall be made available from amounts appropriated to carry out title XIX of such Act (42 U.S.C. 1396 et seq.).

(h) DEFINITION.—In this title, the term "appropriate committees of Congress" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

TITLE III—PHYSICIAN DEMONSTRATION PROJECTS IN RURAL STATES

SEC. 301. DEFINITIONS.

In this title:

(1) COGME.—The term "COGME" means the Council on Graduate Medical Education established under section 762 of the Public Health Service Act (42 U.S.C. 294o).

(2) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Rural States Physician Recruitment and Retention Demonstration Program established by the Secretary under section 302(a).

(3) DEMONSTRATION STATES.—The term "demonstration States" means each State identified by the Secretary, based upon data from the most recent year for which data are available—

(A) that has an uninsured population above 16 percent (as determined by the Bureau of the Census);

(B) for which the sum of the number of individuals who are entitled to benefits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the number of individuals who are eligible for medical assistance under the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.) equals or exceeds 20 percent of the total population of the State (as determined by the Centers for Medicare & Medicaid Services); and

(C) that has an estimated number of individuals in the State without access to a primary care provider of at least 17 percent (as published in "HRSA's Bureau of Primary Health Care: BPHC State Profiles").

(4) ELIGIBLE RESIDENCY OR FELLOWSHIP GRADUATE.—The term "eligible residency or fellowship graduate" means a graduate of an approved medical residency training program (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A))) in a shortage physician specialty.

(5) HEALTH PROFESSIONS DATABASE.—The term "Health Professions Database" means the database established under section 303(a).

(6) MEDICARE PROGRAM.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) MEDPAC.—The term "MedPAC" means the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6).

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(9) SHORTAGE PHYSICIAN SPECIALTY.—The term "shortage physician specialty" means a medical or surgical specialty identified in a demonstration State by the Secretary based on—

(A) an analysis and comparison of national data and demonstration State data; and

(B) recommendations from appropriate Federal, State, and private commissions, centers, councils, medical and surgical physician specialty boards, and medical societies or associations involved in physician workforce, education and training, and payment issues.

SEC. 302. RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Rural States Physician Recruitment and Retention Demonstration Program for the purpose of ameliorating physician shortage, recruitment, and retention problems in rural States in accordance with the requirements of this section.

(2) CONSULTATION.—For purposes of establishing the demonstration program, the Secretary shall consult with—

(A) COGME;

(B) MedPAC;

(C) a representative of each demonstration State medical society or association;

(D) the health workforce planning and physician training authority of each demonstration State; and

(E) any other entity described in section 301(9)(B).

(b) DURATION.—The Secretary shall conduct the demonstration program for a period of 10 years.

(c) CONDUCT OF PROGRAM.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Centers for Medicare & Medicaid Services) shall—

(i) notwithstanding section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) increase, by up to 50 percent of the total number of residency and fellowship positions approved at each medical residency training program in each demonstration State, the number of residency and fellowship positions in each shortage physician specialty; and

(ii) subject to subparagraph (C), provide funding under subsections (d)(5)(B) and (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) for each position added under clause (i).

(B) ESTABLISHMENT OF ADDITIONAL POSITIONS.—

(i) IDENTIFICATION.—The Secretary shall identify each additional residency and fellowship position created as a result of the application of subparagraph (A).

(ii) NEGOTIATION AND CONSULTATION.—The Secretary shall negotiate and consult with representatives of each approved medical residency training program in a demonstration State at which a position identified under clause (i) is created for purposes of supporting such position.

(C) CONTRACTS WITH SPONSORING INSTITUTIONS.—

(i) IN GENERAL.—The Secretary shall condition the availability of funding for each residency and fellowship position identified under subparagraph (B)(i) on the execution of a contract containing such provisions as the Secretary determines are appropriate, including the provision described in clause (ii) by each sponsoring institution.

(ii) PROVISION DESCRIBED.—

(I) IN GENERAL.—Except as provided in subclause (II), the provision described in this clause is a provision that provides that, during the residency or fellowship, the resident or fellow shall spend not less than 10 percent of the training time providing specialty services to underserved and rural community populations other than an underserved population of the sponsoring institution.

(II) EXCEPTIONS.—The Secretary, in consultation with COGME, shall identify shortage physician specialties and subspecialties for which the application of the provision described in subclause (I) would be inappropriate and the Secretary may waive the requirement under clause (i) that such provision be included in the contract of a resident or fellow with such a specialty or subspecialty.

(D) LIMITATIONS.—

(i) PERIOD OF PAYMENT.—The Secretary may not fund any residency or fellowship position identified under subparagraph (B)(i) for a period of more than 5 years.

(ii) REASSESSMENT OF NEED.—The Secretary shall reassess the status of the shortage physician specialty in the demonstration State prior to entering into any contract under subparagraph (C) after the date that is 5 years after the date on which the Secretary establishes the demonstration program.

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall establish a loan repayment and forgiveness program, through the holder of the loan, under which the Secretary assumes the obligation to repay a qualified loan amount for an educational loan of an eligible residency or fellowship graduate—

(i) for whom the Secretary has approved an application submitted under subparagraph (D); and

(ii) with whom the Secretary has entered into a contract under subparagraph (C).

(B) Qualified loan amount.—

(i) In general.—Subject to clause (ii), the Secretary shall repay the lesser of—

(I) 25 percent of the loan obligation of a graduate on a loan that is outstanding during the period that the eligible residency or fellowship graduate practices in the area designated by the contract entered into under subparagraph (C); or

(II) $25,000 per graduate per year of such obligation during such period.

(ii) Limitation.—The aggregate amount under this subparagraph may not exceed $125,000 for any graduate and the Secretary may not repay or forgive more than 30 loans per year in each demonstration State under this paragraph.

(C) Contracts with residents and fellows.—

(i) In general.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall execute a contract containing the provisions described in clause (ii).

(ii) Provisions.—The provisions described in this clause are provisions that require the eligible residency or fellowship graduate—

(I) to practice in a health professional shortage area of a demonstration State during the period in which a loan is being repaid or forgiven under this section; and

(II) to provide health services relating to the shortage physician specialty of the graduate that was funded with the loan being repaid or forgiven under this section during such period.

(D) Application.—

(i) In general.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(ii) Reassessment of need.—The Secretary shall reassess the shortage physician specialty in the demonstration State prior to accepting an application for repayment of any loan under this paragraph after the date that is 5 years after the date on which the demonstration program is established.

(E) Construction.—Nothing in the section shall be construed to authorize any refunding of any repayment of a loan.

(F) Prevention of double benefits.—No borrower may, for the same service, receive a benefit under both this paragraph and any loan repayment or forgiveness program under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.).

(d) Waiver of Medicare Requirements.—The Secretary is authorized to waive any requirement of the medicare program, or approve equivalent or alternative ways of meeting such a requirement, if such waiver is necessary to carry out the demonstration program, including the waiver of any limitation on the amount of payment or number of residents under section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(e) Appropriations.—

(1) Funding of additional residency and fellowship positions.—Any expenditures resulting from the establishment of the funding of additional residency and fellowship positions under subsection (c)(1) shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i).

(2) Loan repayment and forgiveness program.—There are authorized to be appropriated such sums as may be necessary to carry out the loan repayment and forgiveness program established under subsection (c)(2).

SEC. 303. ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.

(a) Establishment of the Health Professions Database.—

(1) In general.—Not later than 7 months after the date of enactment of this Act, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall establish a State-specific health professions database to track health professionals in each demonstration State with respect to specialty certifications, practice characteristics, professional licensure, practice types, locations, education, and training, as well as obligations under the demonstration program as a result of the execution of a contract under paragraph (1)(C) or (2)(C) of section 302(c).

(2) Data sources.—In establishing the Health Professions Database, the Secretary shall use the latest available data from existing health workforce files, including the American Medical Association Master File, State databases, specialty medical society data sources and information, and such other data points as may be recommended by COGME, MedPAC, the National Center for Workforce Information and Analysis, or the medical society of the respective demonstration State.

(b) Availability.—

(1) During the program.—During the demonstration program, data from the Health Professions Database shall be made available to the Secretary, each demonstration State, and the public for the purposes of—

(A) developing a baseline with respect to a State's health professions workforce and to track changes in a demonstration State's health professions workforce;

(B) tracking direct and indirect graduate medical education payments to hospitals;

(C) tracking the forgiveness and repayment of loans for educating physicians; and

(D) tracking commitments by physicians under the demonstration program.

(2) Following the program.—Following the termination of the demonstration program, a demonstration State may elect to maintain the Health Professions Database for such State at its expense.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this section.

SEC. 304. EVALUATION AND REPORTS.

(a) Evaluation.—

(1) In general.—COGME and MedPAC shall jointly conduct a comprehensive evaluation of the demonstration program.

(2) Matters evaluated.—The evaluation conducted under paragraph (1) shall include an analysis of the effectiveness of the funding of additional residency and fellowship positions and the loan repayment and forgiveness program on physician recruitment, retention, and specialty mix in each demonstration State.

(b) Progress Reports.—

(1) COGME.—Not later than 1 year after the date on which the Secretary establishes the demonstration program, 5 years after such date, and 10 years after such date, COGME shall submit a report on the progress of the demonstration program to the Secretary and Congress.

(2) MedPAC.—MedPAC shall submit biennial reports on the progress of the demonstration program to the Secretary and Congress.

(c) Final Report.—Not later than 1 year after the date on which the demonstration program terminates, COGME and MedPAC shall submit a final report to the President, Congress, and the Secretary which shall contain a detailed statement of the findings and conclusions of COGME and MedPAC, together with such recommendations for legislation and administrative actions as COGME and MedPAC consider appropriate.

(d) Authorization of Appropriations.—There are authorized to be appropriated to COGME such sums as may be necessary for the purpose of carrying out this section.

SEC. 305. CONTRACTING FLEXIBILITY.

For purposes of conducting the demonstration program and establishing and administering the Health Professions Database, the Secretary may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

TITLE IV—HEALTH CAREERS OPPORTUNITY PROGRAM

SEC. 401. PURPOSE.

It is the purpose of this title to diversify the healthcare workforce by increasing the number of individuals from disadvantaged backgrounds in the health and allied health professions by enhancing the academic skills of students from disadvantaged backgrounds and supporting them in successfully completing, entering, and graduating from health professions training programs.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

Section 740(c) of the Public Health Service Act (42 U.S.C. 293d(c)) is amended by striking "$29,400,000" and all that follows through "2002" and inserting "$50,000,000 for fiscal year 2005, and such sums as may be necessary for each of fiscal years 2006 through 2010".

TITLE V—PROGRAM OF EXCELLENCE IN HEALTH PROFESSIONS EDUCATION FOR UNDERREPRESENTED MINORITIES

SEC. 501. PURPOSE.

It is the purpose of this title to diversify the healthcare workforce by supporting programs of excellence in designated health professions schools that demonstrate a commitment to underrepresented minority populations with a focus on minority health issues, cultural and linguistic competence, and eliminating health disparities.

SEC. 502. AUTHORIZATION OF APPROPRIATION.

Section 736(h)(1) of the Public Health Service Act (42 U.S.C. 293(h)(1)) is amended to read as follows:

"(1) Authorization of appropriations.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $50,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2010.".

TITLE VI—HEALTH PROFESSIONS STUDENT LOAN FUND; AUTHORIZATIONS OF APPROPRIATIONS REGARDING STUDENTS FROM DISADVANTAGED BACKGROUNDS

SEC. 601. STUDENT LOANS.

Section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)) is amended by inserting before paragraph (2), the following:

"(1) In general.—With respect to making Federal capital contributions to student loan funds for purposes of subsection (a), there are authorized to be appropriated $35,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2010.".

SEC. 602. NATIONAL HEALTH SERVICE CORPS; RECRUITMENT AND FELLOWSHIPS FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

(a) IN GENERAL.—Section 331(b) of the Public Health Service Act (42 U.S.C. 254d(b)) is amended by adding at the end the following:

"(3) The Secretary shall ensure that the individuals with respect to whom activities under paragraphs (1) and (2) are carried out include individuals from disadvantaged backgrounds, including activities carried out to provide health professions students with information on the Scholarship and Repayment Programs.".

(b) ASSIGNMENT OF CORPS PERSONNEL.—Section 333(a) of the Public Health Service Act (42 U.S.C. 254f(a)) is amended by adding at the end the following:

"(4) In assigning Corps personnel under this section, the Secretary shall give preference to applicants who request assignment to a federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act) or to a provider organization that has a majority of patients who are minorities or individuals from low-income families (families with a family income that is less than 200 percent of the Official Poverty Line).".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 703. STUDY BY THE INSTITUTE OF MEDICINE.

(a) CONTRACT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study and the preparation of a report on the role of United States medical schools in meeting the physician needs of the United States.

(b) REQUIREMENTS.—In conducting the study under the contract under subsection (a), the Institute of Medicine shall—

(1) examine the supply structure of United States undergraduate medical education and make recommendations concerning the advisability of expanding, enhancing, or modifying such structure to achieve a higher degree of self-sufficiency and equity in such medical education and to position medical schools for the future demands generated by the growing population of the United States; and

(2) examine the role of United States medical schools in reducing racial and ethnic disparities in medical education opportunities and in population health outcomes as well as in reducing the drain on the medical education systems of other countries.

(c) REPORT.—The contract under subsection (a) shall require the Institute of Medicine to submit a report to the Secretary of Health and Human Services on the results of the study not later than 12 months after the date on which the contract is entered into. The Secretary shall submit such report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives.

By Mr. DASCHLE (for himself and Ms. COLLINS):

S. 2740. A bill to improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DASCHLE. Mr. President, every year, I spend time driving across the State of South Dakota, and every year, I hear unbelievable stories from my constituents about the growing health care crisis in South Dakota and across America. One issue that comes up repeatedly in my travels is South Dakota's dental shortage.

The statistics speak for themselves. Almost one-third of my State's 66 counties have been designated Dental Health Professional Shortage Areas. In total, over 97,000 South Dakotans live in a county that does not have enough dentists to meet the needs of the population. Nationally, 25 million Americans reside in such shortage areas.

South Dakota has only one dentist for every 250 square miles, which means that many South Dakotans must travel more than 100 miles to visit a dentist. To see a pediatric dentist, parents often have to travel up to 400 miles. I've heard stories of families driving clear across the State so that their children can receive urgent dental care. Comparatively, Minnesota's rate is 28 square miles per dentist. Massachusetts's rate is less than 2 square miles per dentist, and here in Washington, DC, the rate is 0.1 square miles per dentist.

In addition, the dentists my State does have are getting older. A study conducted in South Dakota found that roughly half of the dentists currently practicing there are over 50 years old, and that 30 percent plan to retire within 10 years. Nationally, more than 20 percent of dentists will retire in the next 10 years, and the number of dental graduates by 2015 may not be enough to replace them.

The problem in Indian country is even worse. Indian pre-school children have 5 times the rate of dental decay experienced by other children in their age group. Despite this great need, the Indian Health Services estimates that one-third of its dental positions are vacant.

A report by the Government Accounting Office in 2000 found that, while several factors contribute to the low use of dental services among low-income individuals, the most important factor was the inability to find a dentist to treat them. That is simply unacceptable.

Another report by Oral Health America in 2003 found that the United States does poorly in several areas that measure access to dental care. In fact, in the report's assessment of dentist availability, the majority of States received a grade of C or lower. The report card also found that those with the greatest need have the hardest time finding care; 18 states received a failing grade for the availability of dentists who provide significant services under Medicaid, contributing to an alarming D grade for the entire nation.

In an effort to address this urgent problem, I have been working with representatives from the South Dakota Oral Health Coalition to develop a legislative remedy at the Federal level. The culmination of that effort is the bill I am introducing today, the Dental Health Provider Shortage Act. Together with Senator COLLINS—herself a longtime supporter of expanding access to dental care—I am proud to introduce this bill, which would help to expand the number of dentists and dental hygienists, both nationwide and in rural and underserved areas.

Specifically, the Dental Heath Provider Shortage Act would work to increase the overall number of dentists and dental hygienists by providing faculty loan repayment programs for dentists who agree to teach, especially in general and pediatric training programs. It would also provide incentives for dentists and dental hygienists to work in rural and underserved areas by expanding both the National Health Service Corps and the Indian Health Service; providing support to Community Health Centers, which play a critical role in the delivery of dental care; and helping these centers and other providers that work in underserved areas to expand their practices. Finally, to encourage participation in State Medicaid programs, the bill would provide funding for states to simplify the Medicaid enrollment and payment process.

In this day and age, people should not be forced to travel great distances—let alone more than 100 miles—just to see a dentist. We can and must do better. The Surgeon General's report, "Oral Health in America," reinforced that oral health is essential to the general health and well-being of all Americans. In its "Call to Action," the report challenged the Nation to build a health infrastructure that can effectively meet the oral health needs of all Americans. By passing the bipartisan Dental Health Provider Shortage Act, we can begin to do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Dental Health Provider Shortage Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXPANDED DELIVERY OF DENTAL SERVICES

Sec. 101. Expansion of dental services offered in underserved areas.
Sec. 102. Grants for capital expenditures for dental care practices in dental health professional shortage areas.
Sec. 103. Grants for administrative simplification for medicaid providers.

TITLE II—EXPANSION OF DENTAL TRAINING PROGRAMS

Sec. 201. Flexible use of training funds for general and pediatric dentistry.
Sec. 202. Loan repayment for faculty of dental educational programs.

TITLE III—IMPROVING DELIVERY OF DENTAL SERVICES THROUGH THE INDIAN HEALTH SERVICE AND THE NATIONAL HEALTH SERVICE CORPS

Sec. 301. Indian Health Service dental officer multiyear retention bonus.
Sec. 302. Increase in National Health Service Corps dental training positions.
Sec. 303. Availability of scholarship and loan repayment programs for National Health Service Corps dental hygienists.

TITLE I—EXPANDED DELIVERY OF DENTAL SERVICES

SEC. 101. EXPANSION OF DENTAL SERVICES OFFERED IN UNDERSERVED AREAS.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following:

"(s) HEALTH CENTER DENTAL ACCESS GRANTS.—

"(1) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award grants and enter into cooperative agreements, for a period not to exceed 3 years, to health centers for the purpose of increasing the number of dental providers associated with the health centers.

"(2) AUTHORIZED ACTIVITIES.—A health center shall use amounts received under a grant under this subsection in any fiscal year—

"(A) for recruitment or retention efforts targeting the dental health care staff of a health center;

"(B) to contract for technical assistance for the purpose of recruiting or retaining dental health care staff; or

"(C) to contract for technical assistance in preparing contracts with local providers of dental health care to provide dental services for medically underserved populations.

"(3) APPLICATION.—Each health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(t) GRANTS FOR DENTAL CARE FACILITY CAPITAL EXPENDITURES.—

"(1) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award 1-year grants to health centers for the purpose of increasing dental health care capabilities by constructing or renovating building space to provide for dental health care.

"(2) AUTHORIZED ACTIVITIES.—A health center shall use amounts received under a grant under this subsection in any fiscal year for the construction or expansion of dental care facilities, including—

"(A) the costs of acquiring or leasing facilities;

"(B) the costs of constructing new facilities;

"(C) the costs of repairing or modernizing existing facilities; or

"(D) the purchase or lease of equipment.

"(3) APPLICATION.—Each health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(u) GRANTS FOR DENTAL RESIDENCY PROGRAMS.—

"(1) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to health centers for the purpose of establishing, at the health centers, new or alternative-campus accredited dental residency training programs affiliated with accredited dental programs.

"(2) AUTHORIZED ACTIVITIES.—A health center shall use amounts received under a grant under this subsection for the costs of establishing a new or alternative-campus accredited dental residency training program affiliated with an accredited dental program at the health center, including the costs of curriculum development, equipment, and recruitment, training, and retention of residents and faculty for such training program.

"(3) PRIORITY.—The Secretary shall give priority in awarding grants under this subsection to health centers in rural areas.

"(4) APPLICATION.—Each health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(5) DEFINITION OF ACCREDITED.—

"(A) IN GENERAL.—In this subsection, the term 'accredited', when applied to a dental training program or a new or alternative-campus dental residency training program, means a program that is accredited by a recognized body or bodies approved for such purpose by the Secretary of Education.

"(B) SPECIAL RULE.—A new dental residency training program that, by reason of an insufficient period of operation, is not, at the time of application for a grant under this subsection, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for purposes of this subsection, if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the new dental residency training program will meet the accreditation standards of such body or bodies prior to the graduation date of the first entering class in such program.

"(C) RULE OF CONSTRUCTION.—The special rule for accreditation described in subparagraph (B) shall not apply to an alternative-campus dental residency training program.".

SEC. 102. GRANTS FOR CAPITAL EXPENDITURES FOR DENTAL CARE PRACTICES IN DENTAL HEALTH PROFESSIONAL SHORTAGE AREAS.

Subpart V of part D of title III of the Public Health Service Act (20 U.S.C. 256 et seq.) is amended by adding at the end the following:

"SEC. 340A. GRANTS FOR CAPITAL EXPENDITURES FOR DENTAL CARE PRACTICES IN DENTAL HEALTH PROFESSIONAL SHORTAGE AREAS.

"(a) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award 1-year grants to eligible individuals for the purpose of increasing dental health care capabilities in dental health professional shortage areas by constructing or renovating building space to provide for dental health care.

"(b) AUTHORIZED ACTIVITIES.—An eligible individual shall use amounts received under a grant under this section in any fiscal year for the construction or expansion of dental care facilities in dental health professional shortage areas, including—

"(1) the costs of acquiring or leasing facilities;

"(2) the costs of constructing new facilities;

"(3) the costs of repairing or modernizing existing facilities; or

"(4) the purchase or lease of equipment.

"(c) APPLICATION.—Each eligible individual desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(d) ELIGIBLE INDIVIDUAL.—To be eligible to receive a grant under this section, an individual shall be a dental health professional who is licensed or certified in accordance with the laws of the State in which such individual provides dental services.

"(e) ELIGIBLE INDIVIDUAL GRANT AGREEMENT.—Each eligible individual who receives a grant under this section shall enter into an agreement with the Secretary under which the eligible individual agrees—

"(1) to practice for 5 years in a dental health professional shortage area, as determined by the Secretary;

"(2) that during the period under paragraph (1), not less than 25 percent of the patients of such individual receive assistance—

"(A) under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

"(B) under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

"(3) to provide services to patients regardless of such patients' ability to pay;

"(4) to use a sliding payment scale for patients who are unable to pay the total cost of services; and

"(5) to repay a pro rata portion of the grant funds received if the eligible individual fails to practice in accordance with paragraphs (1) through (4).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2009.".

SEC. 103. GRANTS FOR ADMINISTRATIVE SIMPLIFICATION FOR MEDICAID PROVIDERS.

(a) AUTHORITY TO AWARD PROVIDER ADMINISTRATIVE SIMPLIFICATION GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall award grants to State agencies responsible for the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for the purpose of simplifying and automating the procedures applicable to providers of medical assistance under the State medicaid program in order to encourage providers to participate in the dental component of such program.

(2) USE OF FUNDS.—A grant awarded under this subsection may be used to simplify—

(A) provider enrollment contracts and processes through such means as providing for online provider enrollment forms;

(B) preauthorization procedures;

(C) claims remittance and processing; and

(D) any other procedures or requirements that would reduce the time and expenses necessary for providers to participate in the medicaid program.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Health and Human Services to award grants under this subsection such sums as are necessary for fiscal year 2005.

(b) MODEL CONTRACT FOR THE ENROLLMENT OF DENTISTS AS MEDICAID PARTICIPATING PROVIDERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall award grants to eligible entities to develop, disseminate, and

assist with the implementation of a model contract for States to use to enroll dentists as participating providers under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) ELIGIBLE ENTITIES DEFINED.—In this subsection, the term "eligible entities" means entities with expertise in the administration of State medicaid programs, which may include the National Association of State Medicaid Directors.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Health and Human Services to award grants under this subsection such sums as are necessary for fiscal year 2005.

TITLE II—EXPANSION OF DENTAL TRAINING PROGRAMS

SEC. 201. FLEXIBLE USE OF TRAINING FUNDS FOR GENERAL AND PEDIATRIC DENTISTRY.

Section 747(a)(6) of the Public Health Service Act (42 U.S.C. 293k(a)(6)) is amended to read as follows:

"(6) to plan, develop, or operate a program of general dentistry or pediatric dentistry, including the costs of faculty development, curriculum development, program administration, financial assistance to residents in such program, and other functions critical to building a competent dental workforce.".

SEC. 202. LOAN REPAYMENT FOR FACULTY OF DENTAL EDUCATIONAL PROGRAMS.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by inserting after section 748 the following:

"SEC. 749. LOAN REPAYMENT FOR FACULTY OF DENTAL EDUCATIONAL PROGRAMS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall carry out a program to repay (by direct payment on behalf of the individual) any outstanding student loan of an individual who is employed as a full-time faculty member of a school of dentistry or an accredited dental education program.

"(b) LOAN REPAYMENT.—The payments described in subsection (a) shall be made by the Secretary as follows:

"(1) Upon completion by the individual for whom the payments are to be made of the first year of employment described under subsection (a), the Secretary shall pay 25 percent of the principal of, and the interest on, each outstanding student loan.

"(2) Upon completion by such individual of the second consecutive year of such employment, the Secretary shall pay an additional 25 percent of the principal of, and the interest on, each such loan.

"(3) Upon completion by such individual of the third consecutive year of such employment, the Secretary shall pay an additional 35 percent of the principal of, and the interest on, each such loan.

"(c) PRIORITY.—In entering into agreements to repay outstanding student loans under subsection (a), the Secretary shall give priority to qualified applicants—

"(1) with the greatest financial need; or

"(2) who are full-time faculty for an accredited program of general or pediatric dentistry.

"(d) REGULATIONS.—The Secretary shall promulgate such regulations as may be necessary to carry out the program under this section.

"(e) REPORTS.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the program carried out under this section, including—

"(1) the number and amount of loan repayments made;

"(2) the number of individuals who receive loan repayment under subsection (a) at each school of dentistry or accredited dental education program that employs individuals who receive such loan repayment;

"(3) the demographics of the individuals participating in the loan repayment program; and

"(4) an evaluation of the overall costs and benefits of the loan repayment program.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2009.".

TITLE III—IMPROVING DELIVERY OF DENTAL SERVICES THROUGH THE INDIAN HEALTH SERVICE AND THE NATIONAL HEALTH SERVICE CORPS

SEC. 301. INDIAN HEALTH SERVICE DENTAL OFFICER MULTIYEAR RETENTION BONUS.

(a) TERMS AND DEFINITIONS.—In this section:

(1) CREDITABLE SERVICE.—The term "creditable service" includes all periods that a dental officer spent in graduate dental educational training programs while not on active duty in the Indian Health Service and all periods of active duty in the Indian Health Service as a dental officer.

(2) DENTAL OFFICER.—The term "dental officer" means an individual in the dental health profession who is an officer of the Indian Health Service.

(3) DIRECTOR.—The term "Director" means the Director of the Indian Health Service.

(4) RESIDENCY.—The term "residency" means a graduate dental educational training program of at least 12 months leading to a specialty, including general practice residency or an advanced education general dentistry.

(5) SPECIALTY.—The term "specialty" means a dental specialty for which there is an Indian Health Service specialty code number.

(b) GENERAL AUTHORITY.—The Director may authorize a multiyear retention bonus under this section for a dental officer of the Indian Health Service who meets the eligibility requirements of subsection (c) and who executes a written agreement to remain on active duty for 2, 3, or 4 years after the completion of any other active duty service commitment to the Indian Health Service.

(c) ELIGIBILITY REQUIREMENTS.—In addition to the requirements described under subsection (b), an eligible dental officer shall—

(1) if trained as a dentist—

(A) be at or below such grade as the Director shall determine;

(B) hold the degree of doctor of dentistry or an equivalent degree;

(C) have completed any active duty service commitment of the Indian Health Service incurred for dental education and training or have 8 years of creditable service; and

(D) have completed initial residency training, or be scheduled to complete initial residency training before September 30 of the fiscal year in which the dental officer enters into a multiyear retention bonus service agreement under this section; or

(2) if trained as a dental hygienist—

(A) have graduated from a dental hygiene educational or training program accredited by the American Dental Association Commission on Dental Accreditation (ADA CDA);

(B) hold a certification of successful completion of the National Board Dental Hygiene Examination; and

(C) hold an active and current dental hygiene license.

(d) MAXIMUM BONUS AMOUNTS.—

(1) MAXIMUM BONUS AMOUNTS FOR DENTISTS.—A multiyear retention bonus authorized for a dental officer who meets the requirements of subsection (c)(1) shall not exceed—

(A) $14,000 for a 4-year written agreement;

(B) $8,000 for a 3-year written agreement; or

(C) $4,000 for a 2-year written agreement.

(2) MAXIMUM BONUS AMOUNTS FOR DENTAL HYGIENISTS.—A multiyear retention bonus authorized for a dental officer who meets the requirements of subsection (c)(2) shall not exceed—

(A) $4,000 for a 4-year written agreement;

(B) $2,000 for a 3-year written agreement; or

(C) $1,000 for a 2-year written agreement.

(e) DISCRETION IN SELECTION PROCESS.—The Director may, based on the requirements of the Indian Health Service, decline to offer a multi-year retention bonus to any specialty that is otherwise eligible, or to restrict the length of such a retention bonus contract for a specialty to less than 4 years.

(f) TERMINATION OF ENTITLEMENT TO MULTIYEAR RETENTION BONUS.—

(1) IN GENERAL.—The Director may terminate, with cause, a dental officer multiyear retention bonus agreement with a dental officer under this section at any time.

(2) PRO RATA RECOUPMENT.—If a dental officer multiyear retention bonus agreement is terminated under paragraph (1), the unserved portion of the retention bonus agreement shall be recouped on a pro rata basis.

(3) REGULATIONS.—The Director shall establish regulations that—

(A) specify the conditions and procedures under which termination may take place; and

(B) shall be included in the dental officer multiyear retention bonus agreement under subsection (b).

(g) REFUNDS.—

(1) IN GENERAL.—Prorated refunds shall be required for sums paid under a retention bonus contract under this section if a dental officer who has received the retention bonus fails to complete the total period of service specified in the dental officer multiyear retention bonus agreement, as conditions and circumstances warrant.

(2) DEBT TO UNITED STATES.—An obligation to reimburse the United States imposed under paragraph (1) is a debt owed to the United States.

(3) NO DISCHARGE IN BANKRUPTCY.—Notwithstanding any other provision of law, a discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a dental officer multiyear retention bonus agreement under this section does not discharge the dental officer who signed such a contract from a debt arising under the contract or under paragraph (1).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2009.

SEC. 302. INCREASE IN NATIONAL HEALTH SERVICE CORPS DENTAL TRAINING POSITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall increase the number of dentists in the National Health Service Corps (referred to in this section as the "Corps"), as designated in subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.), by not less than 100 in each of fiscal years 2005, 2006, and 2007.

(b) AVAILABILITY OF LOAN REPAYMENT AND SCHOLARSHIP PROGRAMS FOR DENTISTS.—The Secretary shall increase the number of Corps dentists selected for the loan repayment and scholarship programs under subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 2541 et seq.) in a sufficient number to address the demand for such programs by qualified individuals.

(c) REPORT ON CORPS.—The Secretary shall annually report to Congress concerning how the Corps is meeting the oral health needs in underserved areas, including rural, frontier, and border areas.

SEC. 303. AVAILABILITY OF SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS FOR NATIONAL HEALTH SERVICE CORPS DENTAL HYGIENISTS.

Section 338A of the Public Health Service Act (42 U.S.C. 2541) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h) Of the total number of contracts under this section and section 338B for each school year that are dedicated to dental hygienists, not less than 20 percent of such contracts for each such school year shall be entered into under this section.".

By Mr. DASCHLE:

S. 2741. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DASCHLE. Mr. President, I am pleased to introduce today the Advancing FASD Research, Prevention, and Services Act. For many years now, I have met and worked with people whose lives have been profoundly affected by the consumption of alcohol during pregnancy. Prenatal exposure to alcohol can cause a wide range of serious, life-long problems known as Fetal Alcohol Syndrome Disorders. Individuals with FASD can have a low IQ, behavioral impairments, growth retardation, facial abnormalities, and birth defects. About 40,000 children are born with FASD each year.

A great deal of progress has been made in raising awareness of the dangers of alcohol consumption during pregnancy, but much more needs to be done. The bill I am introducing today addresses the need for more research, better screening systems to identify children with FASD, effective prevention programs, and enhanced access to treatment and support services. It is my sincere hope that this bill—when combined with the tireless efforts of parents, health professionals, teachers, and countless others—will help prevent FASD and support the children and families who are living with its consequences. I ask unanimous consent that a fact sheet containing a description of the bill be printed in the RECORD.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing FASD Research, Prevention, and Services Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fetal Alcohol Spectrum Disorders are the spectrum of serious, life-long disorders caused by prenatal exposure to alcohol, which include Fetal Alcohol Syndrome, Alcohol-Related Neurodevelopmental Disorder, and Alcohol-Related Birth Defects.

(2) In the decades that have passed since Fetal Alcohol Syndrome was first recognized in the United States, this fully preventable condition has continued to affect American children and families.

(3) Prenatal alcohol exposure can cause brain damage that produces cognitive and behavioral impairments. Prenatal alcohol exposure can cause mental retardation or low IQ and difficulties with learning, memory, attention, and problem-solving. It can also create problems with mental health and social interactions.

(4) Prenatal alcohol exposure also can cause growth retardation, birth defects involving the heart, kidney, vision and hearing, and a characteristic pattern of facial abnormalities.

(5) About 13 percent of women report using alcohol during pregnancy even though there is no known safe level of alcohol consumption during pregnancy.

(6) Estimates of individuals with Fetal Alcohol Syndrome vary but are estimated to be between 0.5 and 2.0 per 1,000 births. The prevalence rate is considerably higher for all Fetal Alcohol Spectrum Disorders: about 10 out of 1,000 births (1 percent of births).

(7) Prevalence of Fetal Alcohol Spectrum Disorders can be even higher in certain populations, such as Native Americans, and in certain areas, such as those characterized by low socioeconomic status.

(8) Fetal Alcohol Spectrum Disorders pose extraordinary financial costs to the Nation, including the cost of specialized health care, education, foster care, incarceration, job training, and general support services for individuals affected by Fetal Alcohol Spectrum Disorders.

(9) Lifetime health costs for an individual with Fetal Alcohol Syndrome average $860,000, and can run as high as $4,200,000. The direct and indirect economic costs of Fetal Alcohol Syndrome in the United States were $5,400,000,000 in 2003. Total economic costs would be even higher for all Fetal Alcohol Spectrum Disorders.

(10) There is a great need for research, surveillance, prevention, treatment, and support services for individuals with Fetal Alcohol Spectrum Disorders and their families.

SEC. 3. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.

Section 399H of the Public Health Service Act (48 U.S.C. 280f) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 399H. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.";

(2) by redesignating subsections (a) through (d) as subsections (h) through (k), respectively;

(3) by inserting after the section heading, the following:

"(a) RESEARCH ON FAS AND RELATED DISORDERS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health and in coordination with the Interagency Coordinating Committee on Fetal Alcohol Syndrome, shall—

"(A) establish a research agenda for Fetal Alcohol Spectrum Disorders; and

"(B) award grants, contracts, or cooperative agreements to public or private nonprofit entities to pay all or part of carrying out research under such agenda.

"(2) TYPES OF RESEARCH.—In carrying out paragraph (1), the Secretary, acting through the Director of the National Institute of Alcohol Abuse and Alcoholism, shall conduct national and international research in coordination with other Federal agencies that includes—

"(A) the identification of the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure;

"(B) the development of a neurocognitive phenotype for Fetal Alcohol Syndrome and Alcohol-Related Neurodevelopmental Disorder;

"(C) the identification of biological markers that can be used to indicate fetal alcohol exposure;

"(D) the identification of fetal and maternal risk factors that increase susceptibility to Fetal Alcohol Spectrum Disorders;

"(E) the investigation of behavioral and pharmacotherapies for alcohol-dependent women to determine new approaches for sustaining recovery;

"(F) the development of scientific-based therapeutic interventions for individuals with Fetal Alcohol Spectrum Disorders;

"(G) the development of screening instruments to identify women who consume alcohol during pregnancy and the development of standards for measuring, reporting, and analyzing alcohol consumption patterns in pregnant women; and

"(H) other research that the Director determines to be appropriate.

"(3) STUDY.—The Secretary, acting through the Director of the National Institute of Mental Health, shall—

"(A) conduct a study on the behavioral disorders that may be associated with prenatal alcohol exposure;

"(B) not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, submit to Congress a report on the appropriateness of characterizing Fetal Alcohol Spectrum Disorders and their secondary behavioral disorders as mental health disorders; and

"(C) conduct additional research on the epidemiology of behavior disorders associated with Fetal Alcohol Spectrum Disorders in collaboration with the Centers for Disease Control and Prevention.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

"(b) SURVEILLANCE, IDENTIFICATION, AND PREVENTION ACTIVITIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the National Center on Birth Defects and Developmental Disabilities, shall facilitate surveillance, identification, and prevention of Fetal Alcohol Spectrum Disorders as provided for in this subsection.

"(2) SURVEILLANCE, IDENTIFICATION, AND PREVENTION.—In carrying out this subsection, the Secretary shall—

“(A) develop and implement a uniform surveillance case definition for Fetal Alcohol Syndrome and a uniform surveillance case definition for Alcohol Related Neurodevelopmental Disorder;

“(B) develop a comprehensive screening process for Fetal Alcohol Spectrum Disorders that covers different age, race, and ethnic groups and is based on the uniform surveillance case definitions developed under subparagraph (A);

“(C) disseminate and provide the necessary training and support for the screening process developed under subparagraph (B) to—

“(i) hospitals, community health centers, outpatient programs, and other appropriate health care providers;

“(ii) incarceration and detainment facilities;

“(iii) primary and secondary schools;

“(iv) social work and child welfare offices;

“(v) foster care providers and adoption agencies;

“(vi) State offices and others providing services to individuals with disabilities; and

“(vii) other entities that the Secretary determines to be appropriate;

“(D) conduct activities related to risk factor surveillance including the annual monitoring and reporting of alcohol consumption among pregnant women and women of child bearing age; and

“(E) conduct applied public health prevention research and implement strategies for reducing alcohol-exposed pregnancies in women at high risk for alcohol-exposed pregnancies.

“(3) Authorization of Appropriation.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

“(c) Building State FASD Systems.—

“(1) In general.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants, contracts, or cooperative agreements to States for the purpose of establishing or expanding statewide programs of surveillance, prevention, and treatment of individuals with Fetal Alcohol Spectrum Disorders.

“(2) Eligibility.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1) a State shall—

“(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require;

“(B) develop and implement a statewide strategic plan for preventing and treating Fetal Alcohol Spectrum Disorders;

“(C) consult with public and private nonprofit entities with relevant expertise on Fetal Alcohol Spectrum Disorders within the State, including—

“(i) parent-led groups and other organizations that support and advocate for individuals with Fetal Alcohol Spectrum Disorders; and

“(ii) Indian tribes and tribal organizations; and

“(D) designate an individual to serve as the coordinator of the State's Fetal Alcohol Spectrum Disorders program.

“(3) Strategic plan.—The statewide strategic plan prepared under paragraph (2)(B) shall include—

“(A) the identification of existing State programs and systems that could be used to identify and treat individuals with Fetal Alcohol Spectrum Disorders and prevent alcohol consumption during pregnancy, such as—

“(i) programs for the developmentally disabled, the mentally ill, and individuals with alcohol dependency;

“(ii) primary and secondary educational systems;

“(iii) judicial systems for juveniles and adults;

“(iv) child welfare programs and social service programs; and

“(v) other programs or systems the State determines to be appropriate;

“(B) the identification of any barriers for individuals with Fetal Alcohol Spectrum Disorders or women at risk for alcohol consumption during pregnancy to access the programs identified under subparagraph (A); and

“(C) proposals to eliminate barriers to prevention and treatment programs and coordinate the activities of such programs.

“(4) Use of funds.—Amounts received under a grant, contract, or cooperative agreement under paragraph (1) shall be used for one or more of the following activities:

“(A) Establishing a statewide surveillance system.

“(B) Collecting, analyzing and interpreting data.

“(C) Establishing a diagnostic center.

“(D) Developing, implementing, and evaluating population-based and targeted prevention programs for Fetal Alcohol Spectrum Disorders, including public awareness campaigns.

“(E) Referring individuals with Fetal Alcohol Spectrum Disorders to appropriate support services.

“(F) Developing and sharing best practices for the prevention, identification, and treatment of Fetal Alcohol Spectrum Disorders.

“(G) Providing training to health care providers on the prevention, identification, and treatment of Fetal Alcohol Spectrum Disorders.

“(H) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services to families of individuals with Fetal Alcohol Spectrum Disorders.

“(I) Other activities determined appropriate by the Secretary.

“(5) Multi-state programs.—The Secretary shall permit the formation of multi-State Fetal Alcohol Spectrum Disorders programs under this subsection.

“(6) Other contracts and agreements.—A State may carry out activities under paragraph (4) through contacts or cooperative agreements with public and private non-profit entities with a demonstrated expertise in Fetal Alcohol Spectrum Disorders.

“(7) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal years 2005 through 2009.

“(d) Promoting Community Partnerships.—

“(1) In general.—The Secretary shall award grants, contracts, or cooperative agreements to eligible entities to enable such entities to establish, enhance, or improve community partnerships for the purpose of collaborating on common objectives and integrating the services available to individuals with Fetal Alcohol Spectrum Disorders, such as surveillance, prevention, treatment, and provision of support services.

“(2) Eligible entities.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity shall—

“(A) be a public or private nonprofit entity, including—

“(i) a health care provider or health professional;

“(ii) a primary or secondary school;

“(iii) a social work or child welfare office;

“(iv) an incarceration or detainment facility;

“(v) a parent-led group or other organization that supports and advocates for individuals with Fetal Alcohol Spectrum Disorders;

“(vi) an Indian tribe or tribal organization;

“(vii) any other entity the Secretary determines to be appropriate; or

“(viii) a consortium of any of the entities described in clauses (i) through (vii); and

“(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including assurances that the entity submitting the application does, at the time of application, or will, within a reasonable amount of time from the date of application, include substantive participation of a broad range of entities that work with or provide services for individuals with Fetal Alcohol Spectrum Disorders.

“(3) Activities.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under this subsection shall carry out 1 or more of the following activities:

“(A) Identifying and integrating existing programs and services available in the community for individuals with Fetal Alcohol Spectrum Disorders.

“(B) Conducting a needs assessment to identify services that are not available in a community.

“(C) Developing and implementing community-based initiatives to prevent, diagnose, treat, and provide support services to individuals with Fetal Alcohol Spectrum Disorders.

“(D) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services.

“(E) Developing and implementing a community-wide public awareness and outreach campaign focusing on the dangers of drinking alcohol while pregnant.

“(F) Providing mentoring or other support to families of individuals with Fetal Alcohol Spectrum Disorders.

“(G) Other activities determined appropriate by the Secretary.

“(4) Authorization of appropriation.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

“(e) Development of Best Practices.—

“(1) In general.—The Secretary, in coordination with the National Task Force on Fetal Alcohol Spectrum Disorders, shall award grants to States, Indian tribes and tribal organizations, and nongovernmental organizations for the establishment of pilot projects to identify and implement best practices for—

“(A) educating children with fetal alcohol spectrum disorders, including—

“(i) activities and programs designed specifically for the identification, treatment, and education of such children; and

“(ii) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;

“(B) educating judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat and support individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—

"(i) programs designed specifically for the identification, treatment, and education of those with Fetal Alcohol Spectrum Disorders; and

"(ii) curricula development and credentialing within the justice system for individuals who implement such programs; and

"(C) educating adoption or foster care agency officials about available and necessary services for children with fetal alcohol spectrum disorders, including—

"(i) programs designed specifically for the identification, treatment, and education of those with Fetal Alcohol Spectrum Disorders; and

"(ii) education and training for potential parents of an adopted child with Fetal Alcohol Spectrum Disorders.

"(2) Application.—To be eligible for a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(3) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

"(f) Transitional Services.—

"(1) In general.—The Secretary shall award demonstration grants, contracts, and cooperative agreements to States, Indian tribes and tribal organizations, and nongovernmental organizations for the purpose of establishing integrated systems for providing transitional services for those affected by prenatal alcohol exposure and evaluating their effectiveness.

"(2) Application.—To be eligible for a grant, contract, or cooperative agreement under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(3) Allowable uses.—An entity shall use amounts received under a grant, contract, or cooperative agreement under paragraph (1) to—

"(A) provide housing assistance to adults with Fetal Alcohol Spectrum Disorders;

"(B) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders;

"(C) provide medication monitoring services for adults with Fetal Alcohol Spectrum Disorders; and

"(D) provide training and support to organizations providing family services or mental health programs and other organizations that work with adults with Fetal Alcohol Spectrum Disorders.

"(4) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

"(g) Community Health Center Initiative.—

"(1) In general.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to community health centers acting in collaboration with States, Indian tribes, tribal organizations, and nongovernmental organizations, for the establishment of a 5-year demonstration program under the direction of the Interagency Coordinating Committee on Fetal Alcohol Syndrome to implement and evaluate a program to increase awareness and identification of Fetal Alcohol Spectrum Disorders in community health centers and to refer affected individuals to appropriate support services.

"(2) Application.—To be eligible to receive a grant under paragraph (1), a community health center shall prepare and submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may reasonably require.

"(3) Activities.—A community health center shall use amounts received under a grant under paragraph (1) to—

"(A) provide training for health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy;

"(B) provide training for health care providers on screening children for Fetal Alcohol Spectrum Disorders;

"(C) educate health care providers and other relevant community health center workers on the support services available for those with Fetal Alcohol Spectrum Disorders and treatment services available for women at risk for alcohol consumption during pregnancy; and

"(D) implement a tracking system that can identify the rates of Fetal Alcohol Spectrum Disorders by racial, ethnic, and economic backgrounds.

"(4) Selection of participants.—The Administrator shall determine the number of community health centers that will participate in the demonstration program under this subsection and shall select participants, to the extent practicable, that are located in different regions of the United States and that serve a racially and ethnically diverse population.

"(5) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

"(6) Report to congress.—Not later than 1 year after completion of the demonstration program under this subsection, the Administrator shall prepare and submit to Congress a report on the results of the demonstration program, including—

"(A) changes in the number of women screened for and identified as at risk for alcohol consumption during pregnancy;

"(B) changes in the number of individuals identified as having a Fetal Alcohol Spectrum Disorder; and

"(C) changes in the number of alcohol-consuming pregnant women and individuals with Fetal Alcohol Spectrum Disorders who were referred to appropriate services.";

(4) in subsection (h)(1) (as so redesignated).

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) in subparagraph (D), by adding "and" after the semicolon; and

(C) by adding at the end the following:

"(E) national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy with the purpose of reducing the prevalence of Fetal Alcohol Spectrum Disorders, that shall—

"(i) be conducted by relevant Federal agencies under the coordination of the Interagency Coordinating Committee on Fetal Alcohol Syndrome;

"(ii) be developed by the appropriate Federal agencies, as determined by the Interagency Coordinating Committee on Fetal Alcohol Syndrome taking into consideration the expertise and experience of other relevant Federal agencies, and shall test and evaluate the public service announcement's effectiveness prior to broadcasting the announcements nationally;

"(iii) be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach women at risk of alcohol consumption during pregnancy; and

"(iv) be measured prior to broadcast of the national public service announcements to provide baseline data that will be used to evaluate the effectiveness of the announcements."; and

(5) in subsection (k) (as so redesignated)—

(A) in paragraph (1), by striking "National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect" and inserting "National Task Force on Fetal Alcohol Spectrum Disorders";

(B) in paragraph (3)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by adding "and" after the semicolon; and

(iii) by adding at the end the following:

"(D) develop, in collaboration with the Interagency Coordinating Committee on Fetal Alcohol Syndrome, a report that identifies and describes the 10 most important actions that must be taken to reduce prenatal alcohol exposure and all its adverse outcomes, and that shall—

"(i) describe the state of the current epidemiology of Fetal Alcohol Spectrum Disorders, risk factors, and successful approaches in policy and services that have reduced alcohol-exposed pregnancies and outcomes;

"(ii) identify innovative approaches that have worked in related areas such as tobacco control or HIV prevention that may provide models for Fetal Alcohol Spectrum Disorders prevention;

"(iii) recommend short-term and long-term action plans for achieving the Healthy 2010 Objectives for the United States, such as increasing abstinence from alcohol among pregnant women and reducing the occurrence of Fetal Alcohol Syndrome; and

"(iv) recommend in coordination with the National Institute on Mental Health whether Fetal Alcohol Syndrome and other prenatal alcohol disorders, or a subset of these disorders, should be included in the Diagnostic and Statistical Manual of Mental Disorders."; and

(C) by striking "Fetal Alcohol Syndrome and Fetal Alcohol Effect" each place that such appears and inserting "Fetal Alcohol Spectrum Disorders".

SEC. 4. COORDINATION AMONG FEDERAL ENTITIES.

Part O of title III of the Public Health Service Act (42 U.S.C. 280f et seq.) is amended by adding at the end the following:

"SEC. 399K–1. COORDINATION AMONG FEDERAL ENTITIES.

"(a) Interagency Coordinating Committee on Fetal Alcohol Syndrome.—The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism, shall provide for the continuation of the Interagency Coordinating Committee on Fetal Alcohol Syndrome so that such Committee may—

"(1) coordinate activities conducted by the Federal Government on Fetal Alcohol Spectrum Disorders, including convening meetings, establishing work groups, sharing information, and facilitating and promoting collaborative projects among Federal agencies; and

"(2) develop, in consultation with the National Task Force on Fetal Alcohol Spectrum Disorders, priority areas for years 2006 through 2010 to guide Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

"(b) COORDINATION AMONG FEDERAL ENTITIES.—

"(1) IN GENERAL.—The Comptroller General of the United States shall evaluate and make recommendations regarding the appropriate roles and responsibilities of Federal entities with respect to programs and activities related to Fetal Alcohol Spectrum Disorders.

"(2) COVERED ENTITIES.—The Federal entities under paragraph (1) shall include entities within the National Institutes of Health, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, the Indian Health Service, the Agency for Healthcare Research and Quality, the Interagency Coordinating Committee on Fetal Alcohol Syndrome, the National Task Force on Fetal Alcohol Spectrum Disorders, as well as the Office of Special Education and Rehabilitative Services in the Department of Education and the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice.

"(3) EVALUATION.—The evaluation conducted by the Comptroller General under paragraph (1) shall include—

"(A) an assessment of the current roles and responsibilities of Federal entities with programs and activities related to Fetal Alcohol Spectrum Disorders; and

"(B) an assessment of whether there is duplication in programs and activities, conflicting roles and responsibilities, or lack of coordination among Federal entities.

"(4) RECOMMENDATION.—The Comptroller General shall provide recommendations on the appropriate roles and responsibilities of the Federal entities described in paragraph (2) in order to maximize the effectiveness of Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

"(5) COMPLETION.—Not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, the Comptroller General shall complete the evaluation and submit to Congress a report on the findings and recommendations made as a result of the evaluation.".

SEC. 5. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

Section 519C(b) of the Public Health Service Act (42 U.S.C. 290bb-25c(b)) is amended—

(1) in paragraph (11), by striking "and" after the semicolon;

(2) by redesignating paragraph (12) as paragraph (15); and

(3) by inserting after paragraph (11), the following:

"(12) provide respite care for caretakers of individuals with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders;

"(13) recruit and train mentors for adolescents with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders;

"(14) provide educational and supportive services to families of individuals with Fetal Alcohol Spectrum Disorders; and".

SEC. 6. PREVENTION, INTERVENTION, AND SERVICES IN THE EDUCATION SYSTEM.

The Secretary of Education shall direct the Office of Special Education and Rehabilitative Services to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the educational system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399H(b) of the Public Health Service Act (as added by this Act);

(2) introduce curricula previously developed by the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration on how to most effectively educate and support children with Fetal Alcohol Spectrum Disorders in both special education and traditional education settings, and investigate incorporating information about the identification, prevention, and treatment of the Disorders into teachers' credentialing requirements;

(3) integrate any special techniques on how to deal with Fetal Alcohol Spectrum Disorders children into parent-teacher or parent-administrator interactions, including after-school programs, special school services, and family aid programs;

(4) collaborate with other Federal agencies to introduce a standardized educational unit within schools' existing sexual and health education curricula, or create one if needed, on the deleterious effects of prenatal alcohol exposure; and

(5) organize a peer advisory network of adolescents in schools to discourage the use of alcohol while pregnant or considering getting pregnant.

SEC. 7. PREVENTION, INTERVENTION, AND SERVICES IN THE JUSTICE SYSTEM.

The Attorney General shall direct the Office of Juvenile Justice and Delinquency Prevention to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the justice system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399H(b) of the Public Health Service Act (as added by this Act);

(2) introduce training curricula, in collaboration with the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration, on how to most effectively identify and interact with individuals with Fetal Alcohol Spectrum Disorders in both the juvenile and adult justice systems, and investigate incorporating information about the identification, prevention, and treatment of the disorders into justice professionals' credentialing requirements;

(3) promote the tracking of individuals entering the juvenile justice system with at-risk backgrounds that indicates them as high probability for having a Fetal Alcohol Spectrum Disorder, especially those whose individuals mothers have a high record of drinking during pregnancy as reported by the appropriated child protection agency;

(4) educate judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat and support individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—

(A) programs designed specifically for the identification, treatment, and education of such children; and

(B) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;

(5) conduct a study on the inadequacies of how the current system processes children with certain developmental delays and subsequently develop alternative methods of incarceration and treatment that are more effective for youth offenders identified to have a Fetal Alcohol Spectrum Disorder; and

(6) develop transition programs for individuals with Fetal Alcohol Spectrum Disorders who are released from incarceration.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 399J of the Public Health Service Act (42 U.S.C. 280f-2) is amended by striking "the part" and all that follows through the period and inserting "subsections (h) thorough (k) of section 399H, $27,000,000 for each of fiscal years 2005 through 2009".

(b) REPEAL OF SUNSET.—Section 399K of the Public Health Service Act (42 U.S.C. 280f-3) is repealed.

THE ADVANCING FASD RESEARCH, PREVENTION, AND SERVICES ACT

RESEARCH

The adverse affects of alcohol consumption during pregnancy are better understood today than they were when Fetal Alcohol Syndrome (FAS) was first described in the medical literature in 1968. But more research is needed. The bill would require the National Institutes of Health to develop a research agenda for Fetal Alcohol Spectrum Disorders (FASD) that would include research related to:

Identifying the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure; development of a neurocognitive phenotype for FAS and Alcohol-Related Neurodevelopmental Disorder (ARND); identifying biological markers that indicate fetal alcohol exposure; identifying risk factors that increase susceptibility to FASD; investigating new approaches for sustaining recovery from alcohol dependence; developing therapeutic interventions for individuals with FASD; developing screening instruments to identify women who consume alcohol during pregnancy; and understanding the behavioral disorders associated with FASD.

SURVEILLANCE, IDENTIFICATION, AND PREVENTION

FASD is often difficult to identify, which complicates efforts to accurately estimate its prevalence. Improved surveillance of FASD is needed to better understand the scope of the problem and to effectively deploy public health resources. The bill would improve surveillance and prevention by:

Developing a comprehensive screening process for FASD; monitoring risk factors for FASD such as alcohol consumption among pregnant women and women of childbearing age; and conducting research on prevention and implementing strategies for reducing alcohol-exposed pregnancies.

STATE FASD SYSTEMS

To improve surveillance, prevention, and treatment of individuals with FASD, the bill would facilitate the development of statewide FASD systems. To be eligible for federal grants, a state would have to develop a strategic plan for preventing and treating FASD, consult with public and non-profit private organizations with relevant expertise, including family organizations, and designate an individual as the state's FASD program coordinator.

States would be required to identify existing state programs that could be used for identification, prevention, and treatment of FASD and to identify barriers that individuals with FASD may now experience when trying to access those programs. States could use the federal funds for a number of activities, including:

Establishing statewide surveillance systems and diagnostic centers; developing and implementing prevention programs, including public awareness campaigns; referring individuals with FASD to appropriate support services; developing and sharing best practices; training health care providers; and disseminating information about FASD and the availability of support services.

COMMUNITY PARTNERSHIPS

Responding to FASD at the community level is also important. The bill would provide federal grants to partnerships of health professionals, school systems, child welfare offices, incarceration facilities, parent organizations, Indian tribes and others within a community. These community partnerships would collaborate on common objectives and integrate services. Federal funds could be used to:

Identify and integrate existing services; identify services not available in a community; develop community-based initiatives to prevent, diagnose, treat and provide support services to individuals with FASD; disseminate information; develop community-wide public awareness and outreach campaigns; and provide mentoring or other support for families of individuals with FASD.

BEST PRACTICES

Individuals with FASD can find themselves in a number of settings and under the supervision of individuals not trained to work with them. The bill would provide federal grants for pilot projects to identify and implement best practices for:

Educating children with FASD within the school system; educating judges, attorneys, child advocates, law enforcement officers, prison wardens, and others on how to treat and support individuals with FASD within the criminal justice system; and educating adoption or foster care agency officials about available and necessary services for children with FASD.

SUPPORT SERVICES

Individuals with FASD often need special support services as they transition from adolescence to adulthood. The bill would provide federal grants that could be used to:

Provide housing assistance to adults with FASD; provide vocational training and placement services to adults with FASD; provide medication monitoring services to adults with FASD; and provide training and support to organizations providing family services or mental health programs and other organizations that work with adults with FASD.

The bill would also allow federal funds to be used to provide respite care to caregivers of individuals with FASD, recruit and train mentors for adolescents with FASD, and provide education and support services to families of individuals with FASD.

COMMUNITY HEALTH CENTER INITIATIVE

Community health centers provide primary and preventive health care services in rural and urban communities that are medically underserved. The bill would provide federal grants to implement and evaluate a program to increase awareness and identification of FASD in community health centers. Participating health centers would:

Provide training to health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy; provide training to health care providers on screening children for FASD; and educate health care providers and other health center workers on the availability of support services for individuals with FASD and treatment services for women at risk for alcohol consumption during pregnancy.

PUBLIC AWARENESS AND EDUCATION

Even though FASD is completely preventable, many continue to consume alcohol during pregnancy. The bill would authorize the development and broadcast of national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy.

NATIONAL TASK FORCE ON FASD

The bill would require the National Task Force on FASD to identify and report on the ten most important actions that should be taken to reduce prenatal alcohol exposure and its adverse outcomes, current epidemiological information, innovative prevention models, short-term and long-term recommendations for achieving the Healthy 2010 Objectives for the Nation related to FASD, and a recommendation on whether FAS and other prenatal alcohol disorders should be included in the Diagnostic and Statistical Manual of Mental Disorders.

COORDINATION AMONG FEDERAL ENTITIES

The bill provides statutory authority for the Interagency Coordinating Committee on FAS and instructs the Comptroller General of the United States to evaluate and make recommendations regarding the appropriate roles and responsibilities of federal entities with programs and activities related to FASD.

PREVENTION, INTERVENTION, AND SERVICES IN THE EDUCATION SYSTEM

The education system must be involved in efforts to address FASD. The bill would have the Department of Education implement screening procedures, introduce curricula on how to effectively educate and support children with FASD, include information on the danger of alcohol consumption during pregnancy in existing sexual and health education curricula, and adopt other strategies to assist students with FASD.

PREVENTION, INTERVENTION, AND SERVICES IN THE JUSTICE SYSTEM

Many FASD adolescents and adults are incarcerated or otherwise involved in the justice system. The bill would have the Attorney General implement screening procedures, introduce training curricula on how to effectively identify and interact with individuals with FASD, track individuals entering the juvenile justice system whose background indicates they have a high probability of having FASD, and develop transition programs for individuals with FASD who are released from incarceration.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2742. A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, the Federal courts propose legislation to improve their operational efficiency. Today, joined by Senator LEAHY, I am introducing legislation requested by the Supreme Court of the United States. This bill is non-controversial and I hope the Senate can complete action on it in a timely manner after we return from our August recess.

There are three sections to this bill which I will describe for the benefit of my colleagues.

Section 1. Supreme Court Police Authority to Protect Court Officials Off of Court Grounds. This section would extend, for an additional four years, a "sunset" provision on authority of the Supreme Court Police to protect the Justices and other Court officials and official guests away from the Court building and grounds.

This authority was established by Public Law 97-390 (12/29/82) and was for a three-year period. Since 1985, the authority has been renewed regularly, generally with three or four year extensions and now expires at the end of 2004. The extension of the sunset provision would permit the Court Police to carry out this function until 2008. The Court Police regularly provide protection for the Justices away from the Court, and in light of the heightened security threats to symbols of our government, it is vital that the Police's authority to carry out this function continue without interruption.

Section 2. Venue for violations of Chapter 61 of Title 40. This section would add the United States District Court for the District of Columbia to the existing statute establishing venue for the prosecution of violations of statutes or regulations governing the Supreme Court building and grounds under 40 USCS §§ 6131 et seq.

Section 6137(b) currently permits prosecutions only in Superior Court. The amendment would provide an additional alternative, in light of the fact that there are prosecutions under these statutes where distinctly Federal interests are at stake.

Prosecutions under this chapter include the following: Sale of articles, signs, and solicitation in Supreme Court Building and grounds; destruction of property in the Supreme Court Building and grounds; possession of firearms, fireworks, unauthorized speeches, and objectionable language in the Supreme Court Building and grounds; and unauthorized parades, assemblages, and display of flags in the Supreme Court Building and grounds.

Section 3. Gifts to the Supreme Court. This section would authorize the Chief Justice or his designee to accept, hold, administer and use gifts of personal property for official Court purposes. Monetary bequests would be turned over to the treasury.

In 1978, Congress authorized the Director of the Administrative Office for United States Courts to receive gifts on behalf of the judiciary, recognizing at the time that the judiciary had already received gifts under its implied powers. [See 28 U.S.C. §604(a)(17)(B).] Generally, the Director does not have authority with respect to the Supreme Court, and this provision is intended to recognize that the Supreme Court has the authority to receive non-monetary gifts on its own behalf. The language of the provision closely tracks the 1978 legislation authorizing the Director to receive gifts for the judiciary.

Mr. President, I appreciate the cooperative effort that Senator LEAHY and I have been able to undertake to bring this legislation to the Senate and am confident we can work together to ensure timely passage of this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR THE UNITED STATES SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF THE SUPREME COURT GROUNDS.

Section 6121(b)(2) of title 40, United States Code, is amended by striking "2004" and inserting "2008".

SEC. 2. VENUE FOR PROSECUTIONS RELATING TO THE UNITED STATES SUPREME COURT BUILDING AND GROUNDS.

Section 6137 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) VENUE AND PROCEDURE.—Prosecution for a violation described in subsection (a) shall be in the United States District Court for the District of Columbia or in the Superior Court of the District of Columbia, on information by the United States Attorney or an Assistant United States Attorney.".

SEC. 3. GIFTS TO THE UNITED STATES SUPREME COURT.

The Chief Justice or his designee is authorized to accept, hold, administer, and utilize gifts and bequests of personal property for the purpose of aiding or facilitating the work of the United States Supreme Court, but gifts or bequests of money shall be covered into the Treasury.

By Mr. FITZGERALD (for himself, Ms. CANTWELL, Mr. HOLLINGS, Mrs. FEINSTEIN, and Mr. SESSIONS):

S. 2743. A bill to amend title 38, United States Code, to provide that only licensed medical doctors, licensed doctors of osteopathy, and certain licensed dentists may perform eye surgery at Department of Veterans Affairs facilities or under contract with the Department; to the Committee on Veterans' Affairs.

Mr. FITZGERALD. Mr. President, I rise today to introduce the Veterans Eye Treatment Safety Act of 2004, or VETS Act, which will protect the eye care of our veterans by providing that only licensed physicians may perform eye surgery at Department of Veterans Affairs (VA) facilities or under contract with the VA.

Presently, 49 out of 50 States prohibit optometrists from performing surgery. Oklahoma is the only State that allows optometrists to perform laser surgical procedures. Recently, Oklahoma enacted a law expanding existing law to allow optometrists to perform nonlaser surgical procedures such as cataract surgery.

Under the VA credentialing practice, optometrists have been granted laser surgery clinical privileges within the VA Medical Center. The VA's credentialing practice allows medical practitioners to be granted privileges to perform procedures within the VA system that they are authorized to perform in the State in which they are licensed. Thus, an optometrist licensed in Oklahoma can be granted clinical privileges to perform laser surgery at the VA. In 2003, the VA allowed at least three optometrists to perform laser eye surgery at multiple VA hospitals throughout the Nation.

This practice is inconsistent with the policies of the Army, Navy, and Air Force, which do not allow optometrists to perform eye surgery. The VA, which also treats TRICARE beneficiaries, is the outlier. If a military retiree, a TRICARE beneficiary, needs laser eye surgery, only a licensed medical doctor or doctor of osteopathy could perform it, as required by the Army, Navy, and Air Force. However, if that same TRICARE beneficiary seeks treatment at a VA facility—as is his or her right—it is possible that an optometrist could perform the surgery. In this case, such person would receive a lower standard of care than the Department of Defense would allow in a military treatment facility. This VA credentialing practice regarding eye surgery creates two standards of care: a high standard of care for active duty personnel, dependents, and TRICARE beneficiaries when seen in a military treatment facility, and a lower standard of care for TRICARE beneficiaries and veterans if treated in the VA system.

The VA's practice is questionable. Optometrists typically do not have the requisite training and experience to perform eye surgery. Only one school of optometry in the United States offers courses in laser eye surgery. To become certified, optometrists must complete two courses at this school, with less than 40 hours of training, and perform only four supervised surgeries. In contrast, ophthalmologists during medical school, internship, and residency complete between 9,000 to 12,000 hours of training and education before practicing without supervision.

The Veterans Eye Treatment Safety Act of 2004 provides that only licensed medical doctors, licensed doctors of osteopathy, or licensed dentists whose practice is limited to oral or maxillofacial surgery may perform eye surgery at Department of Veterans Affairs facilities or under contract with the department. This legislation is narrowly targeted and does not prevent optometrists from performing noninvasive, nonsurgical procedures—the procedures that optometrists are trained and qualified to perform. The bill simply ensures that only licensed physicians can perform invasive, surgical procedures on our veterans.

The VETS Act has been endorsed by the Vietnam Veterans of America, the National Gulf War Resource Center, the American Medical Association, the American Academy of Ophthalmology, the American Osteopathic Association, and the American College of Surgeons. Additionally, the Veterans of Foreign Wars and the Blinded Veterans Association have written letters to the Department of Veterans Affairs opposing allowing optometrists to perform surgery.

This bill is a patient safety measure that protects our veterans. It protects the law of 49 States, preventing the will of one from becoming the law of the land. We must send a clear message to the VA that veterans should receive the same quality eye care that ordinary citizens receive.

I would like to thank Senator CANTWELL, Senator HOLLINGS, Senator FEINSTEIN, and Senator SESSIONS for cosponsoring this important legislation. I urge all of my colleagues to join me in supporting this bill that will protect the ocular safety of our veterans—ensuring that they receive the same high level of care that almost all Americans and members of the armed forces receive.

I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Eye Treatment Safety (VETS) Act of 2004".

SEC. 2. LIMITATION AS TO PERSONS WHO MAY PERFORM EYE SURGERY FOR DEPARTMENT OF VETERANS AFFAIRS.

Section 1707 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) Eye surgery at a Department facility or under contract with the Department may be performed only by an individual who is a licensed medical doctor, a licensed doctor of osteopathy, or a licensed dentist whose practice is limited to the specialty of oral or maxillofacial surgery.

"(2) For purposes of this subsection, the term 'eye surgery' means any procedure involving the eye or the adnexa in which human tissue is cut, burned, frozen, vaporized, ablated, probed, or otherwise altered or penetrated by incision, injection, laser, ultrasound, ionizing radiation, or by other means, in order to treat eye disease, alter or correct refractive error, or alter or enhance cosmetic appearance. Such term does not include the following noninvasive, nonsurgical procedures: removal of superficial ocular foreign bodies from the conjunctival surface, from the eyelid epidermis, or from the corneal epithelium; corneal debridement and scraping; forceps epilation of misaligned eyelashes; the prescription and fitting of contact lenses; insertion of punctal plugs, diagnostic dilation or irrigation of the lacrimal system; the use of diagnostic ultrasound; orthokeratology; or the treatment of emergency cases of anaphylactic shock (with subcutaneous epinephrine, such as that included in a bee sting kit).".

By Mr. SUNUNU (for himself, Mr. REID, Mrs. DOLE, and Mr. HARKIN):

S. 2744. A bill to authorize the minting and issuance of a Presidential $1 coin series; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SUNUNU. Mr. President, I rise today with the Senator from Nevada, Senator REID, to introduce the Presidential $1 Coin Act of 2004. This legislation, which is modeled after the successful 50-State quarter program, would add the image of U.S. Presidents to the circulating dollar coin. I believe this bill, when enacted, will prompt more widespread usage of the dollar coin, earn significant funds for the U.S. government and spark new interest in the history of the leaders of our Nation.

The United States Government currently issues a dollar coin. Unfortunately, many Americans don't know about the coin and most don't use them. In fact, the dollar coin has never lived up to its promise to become a primary component of the American economy. I believe as policy makers, it is our job to ask what this costs our economy and our government, why the dollar coin is not widely used, and what can be done to remedy it.

With a one-dollar coin in general circulation, our economy will be more efficient, and our government will reap the significant benefits that a fully circulating coin will generate. To illustrate, millions of low-dollar transactions occur in our country every day. Bringing even the smallest efficiency to each would result in significant savings to the economy. For example, the vending machine industry estimates that the effect of a widely circulated dollar coin in its sector alone could be as much as $1 billion in savings: $300 million in increased sales and $700 million in reduced maintenance costs. Add to that the savings that businesses would realize by experiencing lower handling costs—it's simply much more expensive to sort and count bills than coins—and one begins to get a sense of the economies that could be achieved if our dollar coin program were more of a success.

In the public sector, the savings are hardly less dramatic. Informed estimates put the effect of a fully circulating dollar coin at as much as a $500 million annual infusion to the Treasury general fund. These funds are created by the difference between what it costs to make a coin or bill and what it's worth. For a dollar coin, the difference, which is called seigniorage, is about 80 cents. While there is no direct comparison for a dollar bill, as the accounting methods are different, the gain to the general fund is much less. Another savings comes from the fact that a coin can do its work for 30 years, while a dollar bill has a lifespan of only about 18 months before it wears out and needs to be replaced.

With such clear advantages on the side of the dollar coin why doesn't the American public use the coin? The answers are fairly well known and were documented by the GAO in a 2002 report to Congress. Let me address some of the problems outlined by the GAO.

First, there is the so-called "network effect." This interdependency of demand is described by the GAO this way—"Increasing the use of the coin is especially difficult because retailers will not stock the dollar coin until they see the public using it, the public is unlikely to use the coin until they see retailers stocking it, and banks and armored carriers are reluctant to invest in new equipment to handle the coin until there is wide demand for it." Second, there is a lack of public information about the savings to the government from using the dollar coin. Third, business users found difficulty in getting the newer "golden" dollar coins in a useable form—they are not rolled like other coins and because they are generally commingled with the older Susan B. Anthony dollars. Fourth, design mistakes made with the Susan B. Anthony dollar led many to confuse the coin with the quarter and spend it at a 75-cent loss. Finally, the most difficult problem of all, Americans prefer the dollar bill to the dollar coin because they can get an adequate supply of them, and they are readily accepted everywhere.

The GAO summed it up with this conclusion in its 2002 report, ". . . until individuals can see that the coin is widely used by others and that the government intends to replace the dollar bill with the dollar coin, they will be unlikely to use the coin in everyday transactions."

The bill I am introducing today will address many of these problems. It will do so by getting the dollar coin in people's hands and pockets. It will provide the information that Americans need to make rational decisions and it takes steps to eliminate other barriers to circulation of the coin. Although this legislation does not take the dollar bill out of circulation, it is well known that continued circulation of the dollar bill is expensive to businesses and consumers alike. Therefore, I am today writing the GAO asking that it carefully examine this issue and update its findings from its last comprehensive review made in 1990.

Now, I turn to the specifics of my legislative proposal. Beginning in 2006, the bill would cause the images of four U.S. Presidents to appear on the dollar coin a year, each in the order of their service, until all are so honored. The reverse of the coin would feature the Statue of Liberty. The edge of the coin would hold important information, such as the date and the so-called mintmark. It is important to note that coins bearing the image of Sacagawea, who currently appears on the face of the dollar coin, will continue to be issued during the period of the Presidential Coin Program established by this bill. I draw my colleague's attention to the fact that her image will be joined by the images of U.S. Presidents, not displaced by them. This is only appropriate, especially as we celebrate the bicentennial of the Lewis and Clark Expedition of which she was such an important part.

To complement the Presidential Coin Program, my bill would also create a new puregold bullion coin to honor presidential spouses. At the same time each president's image appears on the circulating dollar coin, the spouse's image would appear on a one-half ounce pure gold coin. It is my hope that together the Presidential coin and the Spouse coin will spark excitement and interest in the dollar coin and get it into circulation. These coins will appeal both to collectors and to investors.

As I mentioned earlier, the Presidential Coin Program is modeled after the wildly successful 50-state quarter program. As all my colleagues know, that program has aroused new interest in coins, coin collecting and the history of our nation's states. Before it began, the U.S. Mint was producing about $400 million in quarters a year. Demand in the first year of the quarter program shot up to $1.2 billion in quarters that year. Seigniorage from the quarter halfway through the 50-state program has surpassed all expectations, amounting to more than $4 billion, close to the $5 billion that was predicted for the whole 10-year program. I believe that the Presidential Coin Program will have a similar effect on the dollar coin, creating interest and familiarity with the dollar coin and revenues for the U.S. government.

The bill I am introducing with Senator REID would also take other important steps toward getting Americans used to the dollar coin and removing barriers to its circulation. For example, it would cause the Federal Government to use the dollar coin in all its retail operations. Incredibly, this is not the case now. Except for the U.S. Postal Service, few other Federal agencies make use of the coin. Also, the bill would take the Susan B. Anthony dollar coin out of circulation, ending the problem—identified by many business owners—of commingling of the new and old dollar coins. There would be, however, no problem for the Sacagawea and Presidential dollars to circulate at the same time, as they both would be of the attractive "golden" color. The bill also would cause the dollar coins to be available in convenient forms, including rolls and small bags, so that businesses can use them easily. Now, it's hard to get dollar coins except in pillow-sized bags, from which they must be counted before they can go into cash registers.

Finally, this legislation will create a new, pure-gold bullion, one-ounce coin with the image of the so-called "Indian Head" or "Buffalo" nickel. Here, I must note that the design is so popular that when our colleague Senator CAMPBELL, authored legislation to re-create that design as a limited-edition silver dollar to benefit the National Museum of the American Indian now under construction on the Mall, all half-million copies allowed sold out within two weeks. This will be an opportunity for collectors to get a pure-gold copy of the coin, but it will also be an opportunity for investors to buy an investment-grade coin. Other countries, including the People's Republic of China, make this kind of pure-gold investment vehicle available to their citizens, but to date the U.S. Mint gold investment-grade coins have only been about 90 percent pure. I'm certain that with the quality work of the Mint and the imprimatur of the United States Government, this coin will be well-accepted into the market.

Let me conclude, by saying that I believe the bill I am introducing today will put the dollar coin on the map and in the pockets of Americans. That's good for commerce and it's good government.

Mr. REID. Mr. President, I rise today with my good friend Senator SUNUNU to cosponsor the Presidential One Dollar Coin Act of 2004. When enacted, this measure will provide a valuable educational tool to help children and adults alike learn about our presidents, will lead to substantial savings for consumers, and earn billions of dollars for the government.

Let me begin by describing in detail how the program established by this legislation will work. Beginning in 2006, four presidents would be honored each year on dollar coins in the order of service, with their name, dates of service, and a number indicating the order in which they served on the front of the coin.

The Statute of Liberty will appear on the reverse side of the coin, while the date and mintmark will appear on the edge of the coin, leaving room for dramatic images on the faces.

The bill also continues the tradition that no image of a living president appear on coins and also seeks to address the several barriers to circulation that have in the past hindered more widespread use of the dollar coin.

The educational benefits of this program are clear. We all know that Thomas Jefferson wrote the Declaration of Independence in 1776, but how many know the dates of his presidential service to our country? Those were momentous years for our young nation, and this program will put that kind of information in the pockets of every consumer and in the hands of every school child in the nation.

This bill also will provide financial benefits to consumers and the government. The cost of counting and handling change is much lower than that of counting and handling currency. The widespread availability and use of a dollar coin will help lower costs for consumers in sectors of the economy that rely on regular low-dollar-value transactions, such as vending machines and transit systems.

The Department of Treasury also estimates that the dollar coin, if in full circulation, would create as much as $500 million each year for the government. This money, which goes directly to the general fund, arises from the difference between the costs of making the coin and the amount of worth it carries in commerce. While this amount varies depending on a number of factors, for the Golden Dollar, it averages about $0.80 for each coin.

It should be noted that the Department of Treasury estimated that the 50 State Quarter Program would produce $2.6 billion to $5 billion in revenues for the government; halfway through, the program already has earned more than $4 billion.

The second part of this bill would establish a program to honor presidential First Spouses with a nearly pure gold coin. Each coin would bear the likeness of a presidential spouse on one side and an image symbolic of the spouse's works or interests on the other. In the five cases in which presidents had no spouse during their term of office, the measure provides for an image of "Liberty" as was used on a coin during the president's term, with the reverse having an image related to the period of the president's term. I believe the presidential spouse program will build on the benefits—both educational and financial—of the presidential series.

Finally, my bill directs the U.S. Mint to produce a new, one-ounce, pure gold bullion coin with the famous image of the "Indian Head" or "Buffalo" nickel. This fine looking coin is so well known and popular that when it was struck as a silver dollar to help finance the National Museum of the American Indian, all 500,000 were snapped up by consumers and collectors in just two weeks.

While other countries have made coins like these, the Mint has never made a pure gold coin for investors and collectors, and I believe it is time to do so. Not only will these coins increase investment opportunities, they will produce earnings for the government. As my home state of Nevada is a principle gold producing state in the nation, it will also create jobs for my constituents.

I conclude my statement by addressing an important issue that relates to this proposal. I understand that there are those in this body and elsewhere who do not wish to see the image of Sacagawea, which is now on the dollar coin, removed for any reason. It is their view that to do so shows disrespect to her and to all Native Americans. I share their commitment to honoring the memory of Sacagawea, which is why my bill provides for the continued release of Sacagawea dollar coins throughout the Presidential coin program and beyond. Furthermore, I believe this program will actually honor Sacagawea by ensuring that the dollar coin with her image and the images of U.S. Presidents is widely circulated and used by all Americans.

Mr. President, I look forward to working with the Committee on Banking, Housing, and Urban Affairs and the rest of my colleagues to ensure this measure's review and passage.

By Mr. CAMPBELL:

S. 2745. A bill to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, I am honored to rise and introduce legislation that would rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

I do this in recognition of my colleague in the House, SCOTT McINNIS, who will join me this year in returning home to private life after years of dedicated public service to the people of Colorado. For the past two decades, Congressman McINNIS has been a true champion in the fight to protect Colorado's public lands. In fact, no sitting Member of Congress has passed more legislation for the designation and protection of Wilderness areas.

As Congressman McINNIS nears the end of his tenure in office, I thought it appropriate to create a lasting symbol of Colorado's appreciation for his many achievements on behalf of our great State. The Colorado Canyons National Conservation Area is located near Congressman McINNIS' home in Grand Junction. The site is one of America's most beautiful natural treasures. These canyons are preserved today because of the work of Congressman McINNIS, who began his quest to protect the Colorado Canyons by seeking the input of local citizens and landowners. He then took this input and sought the advice of land managers and non-profit conservation organizations. Upon completing the plan, Congressman McINNIS drafted the legislation to create the area and shepherded it through Congress.

Simply put, the creation of the Colorado Canyons National Conservation Area would not have been possible absent the tireless efforts of SCOTT McINNIS. Recognizing the sizable McInnis legacy on behalf of all Coloradans, I think it only fitting and appropriate to introduce this lasting tribute to recognize SCOTT's hard work and abiding love of Colorado's public lands.

By Mr. LIEBERMAN:

S. 2747. A bill to establish a Commission on the Future of the United States Economy to make recommendations on public policy and the reorganization of the Federal Government to promote efficiency and economy of operation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LIEBERMAN. Mr. President, in the mid-1980's President Reagan joined with Democrats and Republicans to fashion an effective strategy to confront the challenges we then faced from the Japanese. It's time to reconsider our competitiveness strategy, this time in response to the Chinese and many other emerging free enterprise economies. The Reagan approach—appointing a bipartisan commission on industrial competitiveness, chaired by John A. Young, president of Hewlett Packard Co., and supported by the Democratic Congress—remains the most effective way to proceed, and today I am introducing legislation to do just that.

Still known as the Young Commission, this distinguished group of leaders from large and small businesses, labor, and academia led the nation in a dialog on ways to strengthen the competitiveness of the U.S. industry in both domestic and foreign markets. Its recommendations and remedies were widely adopted in the late 1980's and 1990's and account for the unprecedented growth we experienced—much coming from America's high tech sector. But our competitive circumstances have changed and the Young Commission vision needs to be reconsidered and refreshed.

The 2.7 million jobs we've lost since 2000 is a bitter reminder of the economic crisis we faced in the early 1980's. Back then Japan had emerged as a major competitor invading our markets with advanced products at lower prices. Sony, Hitachi, Nikon, Toyota, Honda and other rising Japanese industrial giants had cast a shadow of anxiety over the American public. Plant closings and layoffs became widespread as our trade deficit with Japan ballooned and production shrank with rising imports. And the Paul Volcker interest rates imposed to break the back of inflation had crushed the weaker American firms. We had two choices: succumb or fight.

Fortunately, led by the kind of practical vision espoused by the Young Commission, the United States learned how to fight and rose to the challenge with objective analysis of our strengths and weaknesses, hard decisions about government's role, and investments in entrepreneurs and high technology fostering the longest expansionary period in our 200 year history. Wise decisions were made in the 1980s and we cashed in on them in the 1990's. The strategy that worked then is not sufficient now. World markets are now undergoing a momentous change that requires a re-assessment of our competitiveness strategy for this new century.

As the Japanese challenge developed in the early 1980s, the response of our two political parties became a polarized debate about "industrial policy." Republicans favored deeper and deeper tax cuts to stimulate job growth which—together with massive defense spending—sent the deficits through the roof. Some Democrats pushed for an Industrial Development Bank to rescue failing firms and protectionist policies. Neither side thought it could compromise without risking the support of its political base, and we faced a political deadlock on economic policy. Twenty years later, does all of this sound quite familiar?

The Young Commission brought all sides to the table and enabled each to acknowledge the hard facts that shaped the debate. It proposed the first generation of reforms that became a bipartisan competitiveness agenda. Public-private collaborations instead of industrial supports, and research and development investments in information technology became a foundation for the economic boom of the 1990's. Their recommendations provided the roadmap that led to the longest period of economic growth in our history.

Today, the challenges we face are exponentially larger and more complex. We've entered an information age where intangible assets such as innovation and knowledge are the new keys to competitive advantage. These intangibles—including worker skills and knowledge, informal relationships that feed creativity, new business methods, and intellectual property—are driving worldwide economic prosperity. According to a 1998 study by the Brookings Institution 85 percent of company assets are now considered intangible, a significant jump from 38 percent in 1982.

In an age where these knowledge-based assets are difficult to patent or copyright, intellectual property rights are difficult to enforce, and information crosses borders freely and instantaneously, the first Young Commission doesn't give us all the answers. We need a strategy where change is both inevitable and necessary, as companies leapfrog their own technology and continuously reap the rewards that go to innovators. This 21st century rat race—constant insecurity, constant competition, and constant change—presents an opportunity for all, yet it will be a nightmare for the unprepared.

This is our fate for a good reason—the United States won the cold war's battle of ideas. The outcome is what we wished for—free enterprise is on the march, socialist state planning is discredited, and new competitors (principally China and India, but also Canada, Mexico, Ireland, Malaysia, and Taiwan) can deploy world class talent not fearful of international competition. American economic supremacy—our seeming birthright since the Second World War—has come to an end. Now we have to fight for every morsel on our economic table.

The competitors we now face have world class engineering and science talent as well as low wages. The challenge now extends beyond a concern over foreign competition on manufacturing to ominous trends in favor of global outsourcing of the services sector, including high end technology jobs. The drive for increased customization, speed, and responsiveness to customer needs has multiplied the pressures for productivity and quality. Our entire innovation ecosystem is under stress, including the ties between basic research and commercialization, competition for capital and technology, and adaptive business models. As we have done in building fighter aircraft that puts unheard of G force stress on pilots, we now need workers who can thrive on knowledge overload. Because our workforce no longer has the security of certainty and stability, we need to give it the confidence and tools to adapt continuously to innovation and change—in a global melee of shifting upstart competitors.

The American economy is the most adaptable in the world—with a well educated workforce, efficient capital markets, and the zeal of generations of entrepreneurial immigrants. But we seem not to have noticed that the rate of global change is accelerating. The warning signs are everywhere. We are not just losing some high wage jobs—we may be losing critical parts of our innovation infrastructure, and with them, our long-term competitive edge in the global marketplace. As long as emerging nations such as China and India continue to produce more and more science and engineering graduates, invest in their infrastructure, and implement targeted industrial and trade policies to strengthen their research and development and attract foreign investment, doing nothing will slowly and silently erode our economic and national security. As our own giants like GE, TI, Intel, HP, and Microsoft cast a shadow of anxiety over American workers by going offshore, we must proceed with a coordinated and sustainable vision to strengthen our innovation infrastructure. America's dependence on foreign capital to finance excessive government and consumer debt is an ominous trend which threatens our future innovation. The much higher savings rate of many of our competitors gives them ready access to capital necessary for investing in productivity-enhancing research and technologies.

To meet these challenges, we first need an injection of bipartisan political will and that's not easy to find in

Washington these days. It is time to unleash a new, bipartisan and updated Young Commission, charged with analyzing the impact of global economic changes on the American economy, including the offshore outsourcing problem, and offering nonpartisan proposals to preserve our innovation infrastructure and create more high-wage American jobs.

The legislation I am introducing today creates a 22-member bipartisan Commission on the Future of the U.S. Economy to make specific recommendations on a broad range of issues related to the development of our Nations' skill-base, innovation capacity and the other factors needed for the knowledge and information economy. The Commission is to report back to Congress within 18 months.

Numerous groups concerned about the future of the United States economy have begun to address the rising challenge of sustaining our competitive advantage in this new global economy. I first would like to thank Dr. Kenan Patrick Jarboe from Athena Alliance for helping to develop key ideas and providing invaluable advice as my office considered this legislation. I would also like to acknowledge the significant and thoughtful work the Electronic Industries Alliance has provided in formulating ideas for a new competitiveness agenda. I also trust that the major effort in progress under the National Innovation Initiative of the Council on Competitiveness will provide a creative groundwork for this important Commission.

I request unanimous consent that a section-by-section summary of the bill and the text of the bill itself appear in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COMMISSION ON THE FUTURE OF THE U.S. ECONOMY ACT

SECTION-BY-SECTION

SECTION 1. SHORT TITLE.

This section cites the title of the Act as the "Commission on the Future of the U.S. Economy Act of 2004".

SEC. 2. FINDINGS.

This section lays out a number of findings which include:

(1) The U.S. economy has entered an information age where innovation and knowledge are the new keys to competitive advantage and are creating new challenges for American workers and companies.

(2) In 1984, at the height of concerns over the condition of the manufacturing sector in the U.S., President Reagan appointed the bipartisan President's Commission on Industrial Competitiveness (the Young Commission) that addressed the issue of U.S. competitiveness in a new way and developed a framework that has guided policymaking for the past two decades.

(3) There is a need for an independent, bipartisan undertaking comparable to the Young Commission to review the new competitive challenges facing the United States and to recommend a framework to guide the making of responsive public policy.

SEC. 3. ESTABLISHMENT AND PURPOSE.

This section establishes the Commission on the Future of the U.S. Economy with the purpose of undertaking an analysis of the competitive challenges to American companies and workers and making recommendations for public policy, including reorganization of the Federal government, to promote efficiency and economy of operation, to foster the skills and knowledge Americans need to prosper in the 21st century, strengthen the entire innovation system, and stimulate the creation of knowledge, inventions, partnerships and other intangibles so as to maintain economic growth, income generation and job creation.

SEC. 4. COMPOSITION AND MEETINGS.

This section sets the membership at 17 voting members; nine appointed by the President and two each appointed by the Senate Majority Leader, the Senate Minority Leader, the Speaker of the House and the House Minority Leader. In addition, the President shall appoint five non-voting ex officio members from among the following officials: the Secretaries of the Treasury, Commerce, Labor and Defense, the United States Trade Representative, the Chairman of the Council of Economic Advisers, and the Director of the Office of Science and Technology Policy. The President shall designate one regular appointee as Chairperson. The voting members shall elect a Vice Chairperson who is not affiliated with the same political party as the Chairman. Members shall be appointed not later than 60 days after the date of enactment of an Act making the appropriations, and any vacancies shall be filled in the same manner as the original appointment.

Regular members shall be persons who are leaders or recognized experts from industry, labor unions, research institutions, academia and other important social and economic institutions, and have expertise in economics, international trade, services, manufacturing, labor, science and technology, education, business, or have other pertinent qualifications or experience. Regular members may not be officers or employees of the United States. Every effort shall be made to ensure that the regular members are those who can provide new insights to analyzing the nature and consequences of a knowledge-based economy.

The Commission shall hold its first meeting no later than 30 days after all voting members have been appointed.

SEC. 5. DUTIES OF THE COMMISSION.

This section describes the duties of the Commission which shall—

(A) review the findings and recommendations of previous studies and commissions (including the Young Commission and the National Innovation Initiative of the Council on Competitiveness);

(B) analyze the current economic environment and competitive challenges facing the U.S. workers and companies;

(C) review the strategies of other nations for responding to the competitive challenges of the new economic environment, and analyze the impact of those strategies on the future of the U.S. economy;

(D) formulate specific recommendations on a broad range of issues related to the development of the nations' skill-base and innovative capacity within the private and public sectors of the U.S. economy. By March 1, 2006 or 18 months after appointment of members, whichever is later, the Commission shall submit to Congress and the President a report regarding the competitive challenges facing the United States, along with conclusions and specific recommendations for legislative and administrative actions for maintaining economic growth, income generation and job creation. The Commission may also submit an interim or any special reports it feels may be necessary.

SEC. 6. POWERS OF THE COMMISSION.

This section describes the powers of the Commission, which include holding hearings, taking testimony, and receiving evidence. The Commission may request information from any Federal department or agency; may accept, use, and dispose of gifts or donations of services or property; may procure analysis, reports and studies from organizations or individuals other than Commission staff analysis; and may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government. The Commission may also receive administrative support from the Administrator of General Services on a reimbursable basis.

SEC. 7. COMMISSION PERSONNEL MATTERS.

This section describes personnel matters for the Commission. Regular members of the Commission shall be allowed travel expenses and shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule for each day of service. The Commission may hire an Executive Director and staff, without regard to the civil service laws and regulations, not to exceed the rate payable for level V of the Executive Schedule. Federal Government employees may be detailed to the Commission without reimbursement and the Commission may procure temporary and intermittent services to support and supplement Commission staff at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule. Regular members of the Commission do not lose any Federal retirement benefits by virtue of service on the Commission.

SEC. 8. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which it submits the final report.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

This section authorized $10,0000,000 to be appropriated to the Commission, to remain available until expended.

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on the Future of the United States Economy Act of 2004".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States economy has entered an information age in which innovation and knowledge, including worker skills and creativity, are the keys to competitive advantage.

(2) The need for bold innovation and ever-increasing knowledge imposes increasingly demanding competitive challenges for United States workers and companies.

(3) In 1984, in response to concerns over the condition of the manufacturing sector in the United States, President Ronald Reagan appointed the bipartisan President's Commission on Industrial Competitiveness (hereafter in this Act referred to as the "Young Commission") that addressed the issue of United States competitiveness in a new way and developed a framework that has guided policymaking for the past 2 decades.

(4) The Young Commission proposed a reorganization of the performance of the economic and trade functions of the Federal Government, which was never implemented.

(5) The striking changes in world economic circumstances over the 20 years since reorganization was proposed by the Young Commission necessitate reevaluation of the proposal in light of those changes.

(6) Because the challenges facing the United States economy are different in many ways from those of 20 years ago, there is a need to renew the Young Commission's mandate to reexamine America's competitiveness.

(7) Many studies and reports by governmental and nongovernmental organizations, such as the National Innovation Initiative of the Council on Competitiveness, have laid the groundwork for this reexamination.

(8) The changed competitive challenges facing the United States today—

(A) extend beyond a concern over global competition in goods and the loss of domestic manufacturing to the challenges presented by the fusion of manufacturing and services into complex networks and the opening of more service sectors earlier to international competition;

(B) extend beyond concerns over productivity and quality to the challenges presented by the need for increased customization, speed, and responsiveness to customer needs;

(C) extend beyond issues of competitiveness of individual manufacturing firms and industries and to the challenges of ensuring robustness in the networks of manufacturing and service firms and development of new forms of business models;

(D) extend beyond a concern over high-technology research and development and to the challenges of nurturing the entire innovation system, including basic research, technological development, venture capital, new product development, design and aesthetics, new business models, and the development of new markets;

(E) shift attention from concern over raising awareness of trade to a refocusing on the problems of managing the increasing complexity of globalization;

(F) extend beyond the challenges of sustaining a flexible and educated workforce to the challenges of exploring new or better ways to foster the types of skills needed in a knowledge and information economy;

(G) extend beyond concern over cost of capital to the challenges of achieving the dual objectives of unlocking the value of underutilized knowledge assets and insuring the efficiency and stability of the global financial system;

(H) extend beyond a concern over competition from Japan and the Southeast Asian Newly Industrializing Countries (NICs) to the challenges of integrating many countries, such as India, China, and Eastern European nations, into the global economy; and

(I) include the challenges of new demographic dynamics, including the aging of the so-called "baby boom" generation, increased life expectancy, below replacement fertility rates in most of the developed world, and increasing populations in the developing world.

(9) In this information age, new ideas, business models, and technologies, including computer and telecommunications, the Internet, and the digital revolution, have combined to alter the economy structurally.

(10) Information, knowledge, and other intangible assets now power our innovation process, which is based both on science-based research and informal creativity and produces the productivity and improvement gains needed to maintain prosperity.

(11) The range of knowledge, information, and intellectual capital-based intangible assets driving economic prosperity include worker skills and know-how, informal relationships that feed creativity and new ideas, high-performance work organizations, new business methods, intellectual property such as patents and copyrights, brand names, and innovation and creativity skills.

(12) Economic statistics and accounting principles have not caught up with this new economic environment.

(13) All sectors of the economy are affected by this new economic environment.

(14) Small and medium-size firms are especially in need of ways to better develop and utilize their information, knowledge, and other intangible assets.

(15) It is vital to the future strength of the United States economy that, as new ideas, scientific discoveries, and knowledge pervade the domestic and international economies, United States firms be able to assess, absorb, and deploy these opportunities quickly for competitive advantage.

(16) While United States firms and workers lead the world in creating and using information, knowledge, and other intangible assets, increasing global competition means that the United States Government and the private sector must continue to develop the information economy in the United States in order to ensure that the people of the United States prosper in this new economic environment.

(17) There is a need for an independent, bipartisan undertaking comparable to the Young Commission to review the new competitive challenges facing the United States and to recommend a framework to guide the making of responsive public policy, including the reorganization of the Federal Government to promote efficiency and economy of operation, to promote private initiatives, and to guide individual decisionmaking about the future of the United States economy as governments, business, labor unions, and the people of the United States struggle with ways to utilize information, foster the development of intangible assets, and promote innovation and competitiveness in the new global information economy.

SEC. 3. ESTABLISHMENT AND PURPOSE.

(a) ESTABLISHMENT.—There is established the Commission on the Future of the United States Economy (hereafter referred to as the "Commission").

(b) PURPOSES.—The purpose of the Commission are as follows:

(1) To analyze the worldwide competitive challenges to United States companies and workers.

(2) To make recommendations in accordance with this Act, for the making of responsive public policy, including the reorganization of the Federal Government—

(A) to promote efficiency and economy of operation;

(B) to foster the skills and knowledge the people of the United States need to prosper in the 21st century;

(C) to strengthen the entire innovation system undergirding the United States economy; and

(D) to stimulate the creation of knowledge, inventions, partnerships, and other intangible assets in order to maintain economic growth, income generation, and job creation.

SEC. 4. COMPOSITION AND MEETINGS.

(a) COMPOSITION.—The Commission shall be composed of 22 members as follows:

(1) 17 voting members of whom—

(A) 9 members shall be appointed by the President;

(B) 2 members shall be appointed by the majority leader of the Senate;

(C) 2 members shall be appointed by the minority leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 2 members shall be appointed by the minority leader of the House of Representatives.

(2) 5 non-voting ex officio members appointed by the President from among the following officials:

(A) The Secretary of the Treasury.

(B) The Secretary of Commerce.

(C) The Secretary of Labor.

(D) The Secretary of Defense.

(E) The United States Trade Representative.

(F) The Chairman of the Council of Economic Advisors.

(G) The Director of the Office of Science and Technology Policy.

(b) QUALIFICATIONS FOR VOTING MEMBERS.—

(1) REQUIREMENTS.—Persons appointed as voting members under subsection (a)(1) shall be selected from among persons who—

(A) are leaders or recognized experts in industry, labor unions, research institutions, academia, and other important social and economic institutions;

(B) have expertise in economics, international trade, services, manufacturing, labor, science and technology, education, business, or have other qualifications or experience pertinent to the duties of the Commission; and

(C) are not officers or employees of the United States Government.

(2) ADDITIONAL CONSIDERATION.—To the maximum extent practicable, persons who are appointed as voting members shall be persons who can provide new insights into analysis of the nature and consequences of a knowledge-based economy.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate one voting member of the Commission as Chairperson. The voting members of the Commission shall elect a Vice Chairperson from among the voting members of the Commission appointed by the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives. The Vice Chairman shall not be affiliated with the same political party as the Chairman.

(d) INITIAL APPOINTMENTS; VACANCIES.—

(1) INITIAL APPOINTMENTS.—Members shall be appointed not later than 60 days after the date of the enactment of an Act making appropriations authorized under section 9.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(2) INITIAL MEETING.—The Commission shall hold its first meeting not later than 30 days after all voting members of the Commission have been appointed under subsection (a).

(f) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum.

(g) VOTING.—Each voting member of the Commission shall be entitled to 1 equal vote.

SEC. 5. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a study of the United States economy and the competitiveness of United States companies and workers.

(2) SCOPE.—In conducting the study under this subsection, the Commission shall—

(A) review the findings and recommendations of previous commissions, including the Young Commission, and the studies (including resulting findings and recommendations) of others that are relevant to the work of the Commission, including the National Innovation Initiative of the Council on Competitiveness;

(B) analyze the current economic environment and competitive challenges facing United States workers and companies;

(C) review the strategies of other nations for responding to the competitive challenges of the new economic environment, and analyze the impact of those strategies on the future of the United States economy;

(D) formulate specific recommendations on a broad range of issues related to the development of the skill-base and innovative capacity within the private and public sectors of the United States economy and other priorities related to the knowledge and information economy, including recommendations regarding—

(i) the reorganization of the Federal Government to promote efficiency and economy of operation;

(ii) education and training policy;

(iii) labor policy;

(iv) economic development;

(v) science and technology policy and organization;

(vi) intellectual property rights;

(vii) telecommunications policy;

(viii) international economic policy, including trade and finance and the management of globalization;

(ix) macroeconomic policy;

(x) financial regulation and accounting policy;

(xi) antitrust policy;

(xii) public and private infrastructure development and entrepreneurship; and

(xiii) small business development;

(E) formulate recommended policies and actions for—

(i) transforming the education and training process in the United States as necessary to ensure effectiveness for facilitating life-long learning;

(ii) upgrading the skills of the United States workforce to compete effectively in the new economic environment, including mathematics and science skills, critical thinking skills, communication skills, language and intercultural awareness, creativity, and interpersonal relations essential for success in the information age;

(iii) promoting a broad system of innovation and knowledge diffusion, including nontechnological ingenuity and creativity as well as science-based research and development;

(iv) fostering the development of knowledge and information assets in all sectors of the United States economy, particularly those sectors of the economy in which rates of productivity and innovation have lagged, and in United States companies of all sizes, particularly small and medium-size companies;

(v) developing jobs that are rooted in local skills and local knowledge assets in order to lessen displacement resulting from ongoing global competition;

(vi) improving access to, and lowering the cost of, capital by unlocking the value to financial markets of underutilized knowledge assets;

(vii) strengthening the efficiency and stability of the international financial system (taking into account the roles of foreign capital and domestic savings in economic growth);

(viii) developing policies and mechanisms for managing the increasing complexity of globalization;

(ix) adjusting to the impacts of global demographic changes in the United States, other developed countries, and developing countries;

(x) improving economic statistics and accounting principles to adequately measure all sectors of the new economic environment, including the value of information, innovation, knowledge, and other intangible assets; and

(xi) improving understanding of how the Federal Government supports and invests in knowledge and other intangible assets;

(b) REPORTS.—

(1) REQUIRED REPORT.—

(A) IN GENERAL.—The Commission shall submit to Congress and the President a report regarding the competitive challenges facing the United States. The report shall include conclusions and specific recommendations for legislative and executive actions.

(B) TIME FOR REPORT.—The report under this paragraph shall be submitted not later than the later of—

(i) March 1, 2006; or

(ii) the date that is 18 months after the date of the initial meeting of the Commission.

(2) OPTIONAL REPORTS.—The Commission may submit to Congress and the President interim or special reports as the Commission determines appropriate.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any panel or regular member of the Commission, may hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) ANALYSIS, REPORTS, AND STUDIES.—The Commission may procure analyses, reports, and studies from organizations or individuals other than Commission staff, notwithstanding the restrictions under section 7(e) of this Act.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) SUPPORT SERVICES.—Upon request of the Chairperson of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis the administrative support necessary for the Commission to carry out its duties under this Act.

SEC. 7. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services to support and supplement Commission staff under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) APPLICABILITY OF CERTAIN PAY AUTHORITIES.—An individual who is a member of the Commission and is an annuitant or otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of section 8344 or 8468, as the case may be, with respect to such membership.

SEC. 8. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the report required under section 5(b)(1).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission $10,000,000 to carry out activities under this Act, to remain available until expended.

By Mrs. CLINTON:

S. 2748. A bill to prohibit the giving or acceptance of payment for the placement of a child, or obtaining consent to adoption; to the Committee on the Judiciary.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation that will create a national penalty for baby selling and help ensure that all families experience safe and legal adoptions.

Although the majority of adoptions are handled by reputable and ethical agencies, each year around the world, hundreds of thousands of children are sold illegally. In these tragic instances, birth mothers and prospective adoptive families alike are victimized by individuals who treat children as commodities. Baby brokers exploit couples who are eager, if not desperate, to adopt a child, and vulnerable women who are unable or unwilling to raise their children. In too many States baby brokering constitutes only a misdemeanor offense. The Baby Selling Prohibition Act of 2004 will make this horrific crime a felony.

I am pleased to partner with Lifetime Television to help raise awareness about this issue and to change public policy. Lifetime's original movie, "Baby for Sale," which is based on the troubling true story of a couple who tried to adopt a child and got caught up in a baby selling ring, will go a long way toward raising the Nation's consciousness of this issue, and, I hope, generate support for my legislation.

The movie "Baby for Sale" highlights the story of a prospective adoptive couple, William and Lauren Schneider, who registered with an online agency called "Adoption Online." Through this agency, they met a lawyer who introduced them to a baby, Nikolett, who they were told was available for adoption. The Schneiders fell in love with Nikolett at once and wanted to begin the adoption procedures so that they could begin their life as a family together. However, when the lawyer asked them for $60,000 under-the-table to process the adoption the couple alerted the authorities, and ultimately uncovered a bidding war between multiple couples for this little girl. The public outrage surrounding this case led to a change in New York law last year. Under New York's new law, baby selling is considered a felony instead of a misdemeanor.

The Baby Selling Prohibition Act of 2004 is modeled after New York's law. It makes profiting from the sale of a child, defined as charging fees beyond those that are reasonable and allowable, a felony, punishable by up to 10 years in prison.

This critical legislation will prevent families from enduring the same agony that the Schneider's went through and will ensure that every adoptive child's safety and best interest is strictly maintained in all adoption cases.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Baby Selling Prohibition Act of 2004".

SEC. 2. PROHIBITION.

(a) In General.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

"§ 1596. Accepting or charging excess amounts in connection with the placement of a child or obtaining consent to adoption

"(a) Definition of minor.—In this section, the term 'minor' has the same meaning as in section 25(a)(2).

"(b) In General.—Whoever, in connection with the adoption of a minor, knowingly accepts or charges any fee in excess of the allowable costs for adoption, as those costs are defined under the law of the State in which the adoption is finalized, shall be imprisoned for not more than 10 years.

"(c) Allowable Costs.—If, under the law of any State in which an adoption is finalized, the allowable costs associated with the adoption of a minor are not defined, the allowable costs for purposes of this section shall be—

"(1) maternity-related medical and costs;

"(2) travel, meal, and lodging costs accrued when necessary for court appearances;

"(3) counseling fees;

"(4) fees to cover pre- and post-adoption counseling provided by a licensed health practitioner;

"(5) attorney and legal fees associated with the adoption;

"(6) foster care for the child to be adopted; and

"(7) foster care for the child to be adopted, and costs associated with medical care, routine care, travel, and living expenses of the child to be adopted.

"(d) Limitation.—All costs described under subsection (b) or (c) shall be reasonable and customary within the State in which the adoption is finalized.

"(e) Applicability.—This section shall apply to all individuals, intermediaries, or entities involved in the adoption of a minor.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 77 of title 18, United States Code, is amended by adding at the end the following:

"1596. Accepting or charging excess amounts in connection with the placement of a child or obtaining consent to adoption.".

By Mr. SARBANES:

S. 2749. A bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SARBANES. Mr. President, today I am introducing legislation to provide financial support to ensure that uninsured children who have failed vision screenings are able to obtain the glasses or eye treatments they need.

Almost every State in the Union has a system in place to detect vision problems at an early age. Indeed, 30 states and the District of Columbia require vision screening for children beginning with their entry into the school system and eleven additional states recommend such screenings for preschool children. But this system is incomplete. When children fail the screen, there is no requirement that they receive treatment of any kind. And if they are uninsured, their families often cannot afford a visit to the ophthalmologist and obtain the treatment they need to address the problem identified by the screening.

Mr. President, taking steps to identify a problem, but to then fail to address it doesn't make sense; in particular when delay in treatment can have lifelong consequences. For example, one of the most common eye diseases of early childhood, amblyopia or "lazy eye," responds to treatment 95 percent of the time when it is addressed by the age of three. If treatment is delayed until the age of five, however, the likelihood that the problem can be corrected is reduced to 10 percent. Children who cannot correct these refractive vision problems start school at an enormous disadvantage in terms of their ability to learn.

The legislation I am introducing today would help to obviate this deficit. Simply put, it would authorize the Secretary of Health and Human Services, acting through the Center for Disease Control Director, to provide $75 million worth of grants to states for exams and necessary treatment for uninsured children who have failed a vision screening and cannot afford follow-on treatment.

Ample evidence underscores the need for this type of legislation. A study conducted by Dr. Mark Preslan and Audrey Novak of the Maryland Center for Sight, entitled The Baltimore Vision Screening Project found that strabismus—also known as cross-eyes—amblyopia and refractive errors, occurred in higher frequencies and remained untreated for a population sample of youth in schools in lower income areas. The study's main conclusion stated, "Children with limited access to specialized eye care must be provided with a mechanism for obtaining these services."

This disparity exists at the national level as well, and our minority populations are especially underserved. A team of researchers from the University of Michigan documented a national example of differential access to vision treatment. Their research showed that minority children and uninsured children are far less likely to get complete eye exams or glasses. A study in January's Optometry and Vision Sciences demonstrated that uninsured African American and Hispanic children were far less likely to receive vision correction, and that this disparity results from lack of services as opposed to less frequent occurrences of eye problems in these populations.

A study by the Kaiser Commission on the Uninsured reveals that uninsured children are over five times more likely to have an unmet need for medical care. According to a report by the Caring Foundation for Children, 20 percent of uninsured children have untreated vision problems. According to Prevent Blindness America data, 12.1 million school-aged children have vision impairment. Among preschool-aged children, more than 5 percent have a problem that can cause permanent sight loss if left untreated, and almost 80 percent of that 5 percent never get an exam. Another study by the Vision Council of America reported that 40 percent of children who fail a vision screen do not receive the recommended follow-up care. The same study found the average delay between a failed screening and follow-up evaluation by an eye-care professional was 4.1 years.

Most of our States are taking the important first step of identifying young children with vision problems through mandatory vision screening. This legislation simply takes the next step to help provide a remedy for those children who cannot afford treatment.

By Mr. SANTORUM (for himself and Mr. CORZINE):

S. 2751. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today, I am introducing "The America Saving for Personal Investment, Retirement, and Education (ASPIRE) Act of 2004" along with Senator CORZINE. A bipartisan group of members is introducing companion legislation in the House of Representatives. The bill creates a Kids Investment and Development Savings (KIDS) Account for every child at birth and creates a new opportunity for the children of low-income Americans to build assets and wealth.

This country has seen a growing number of Americans investing in the stock market and has witnessed an historic boom in homeownership, which has increased to a record high 68 percent. However, this growth in assets has not reached every American. While many middle- and upper-income families have increased their assets in the past decade, many low-income families have not had the same financial success. A recent study conducted by the Federal Reserve found that the median net worth of families in the bottom 20 percent of the nation's income level was a mere $7,900 an amount that is far too low to ensure a comfortable economic future for their family. This challenge needs to be addressed to ensure that lower income families have a significant opportunity to accrue wealth and expand opportunities for their families.

Under this legislation, KIDS Accounts would be created after a child is born and a Social Security number issued. A one-time $500 deposit would automatically be placed into a KIDS account. Children from households below the national median income would receive an additional deposit of $500 at birth and would be eligible to receive dollar-for-dollar matching funds up to $500 per year for voluntary contributions to the account, which cannot exceed $1,000 per year. All funds grow tax-free. Access to the account prior to age 18 would not be permitted, but kids—in conjunction with their parents—would participate in investment decisions and watch their money grow. When the young person turns 18, he or she can use the accrued money for asset building purposes such as education, homeownership, and retirement planning. Accrued funds could also be rolled over into Roth IRA accounts to expand investment options.

I would like to highlight what I view as the two major benefits of this legislation. The first, and most apparent, is that this bill will help give younger individuals, especially low-income Americans, a sound financial start to begin their adult life. For example, a typical low-income family making modest but steady contributions can create a KIDS Account worth over $20,000 in 18 years. Second, and perhaps more important, is that KIDS Accounts creates opportunities for all Americans to become more financially literate. The account holders and their guardians will choose from a list of possible investment funds and will be able to watch their investment grow over time. All Americans will have the opportunity to see first hand that a smart investment now can grow over time into considerable wealth.

I believe that this bill could be a significant step forward in the effort to expand asset opportunities to all Americans and encourage my colleagues to support this bipartisan effort.

Mr. CORZINE. Mr. President, I am pleased to join with Senator SANTORUM in introducing the ASPIRE Act of 2004, which would expand opportunities for young adults, encourage savings, and promote financial literacy, by establishing investment accounts, known as KIDS Accounts, for every child in America.

ASPIRE is based largely on a similar initiative in the United Kingdom developed by Prime Minister Tony Blair. Yet despite its British roots, the proposal is based on the most basic of American values. By giving every young person resources with which to get a start in life, ASPIRE will help realize the American ideal of equal opportunity. And by making every young person an investor, the proposal would encourage self reliance, promote savings, and give every family a personal stake in America's economy.

Under ASPIRE, an investment account would be established for every American child upon receiving a Social Security number. Each account would be funded initially with $500. Those with incomes less than the national median would receive an additional contribution of up to $500, and would receive a one-for-one government match for their first $500 of private contributions each year. Up to $1000 of after-tax private contributions would be allowed annually from any source.

Funds would accumulate tax-free and could not be withdrawn for purposes other than higher education until the child reaches the age of 18. At that point, funds could be withdrawn either for higher education or for the purchase of a home. Funds left unspent would be saved for retirement under rules similar to those that apply to Roth IRAs. Once the account holder reaches the age of 30, the initial $500 government contribution would have to be repaid, though exceptions could be made to avoid undue hardship.

Accounts initially would be held by a government entity that would be based on the successful Thrift Savings Plan, or TSP, which now manages retirement accounts for Federal employees with relatively low administrative costs. As with the TSP, investors would have a range of investment options, such as a government securities fund, a fixed income investment fund, and a common stock fund. However, once an account holder reaches the age of 18, funds could be rolled over to a KIDS Account held at a private institution.

It is difficult to understate the potential impact of giving every American child a funded investment account of their own. For the first time, every child will have a meaningful incentive to learn the basics of investing, because they will have real resources to invest. For the first time, even families with modest incomes will have a significant incentive to save, to earn the government match. And, perhaps most fundamentally, for the first time, every American child will grow up knowing that when they reach adulthood, they will have the ability to invest in themselves and in their own education. In short, every child will have hope for a real future.

Considering its potentially significant social and individual benefits, the ASPIRE Act requires an investment that is relatively modest. It has been estimated that, when it becomes effective, the bill's cost would represent only about one tenth of one percent of the Federal budget. Yet the proposal differs from other proposals for new spending or tax cuts because, for the first 18 years, it would not reduce overall national savings at all. In that period, virtually every dollar of outlays would be saved, and would be available to expand long-term economic growth. In fact, the proposal would lead to an increase in national savings because of its incentives for families to save more. This would help create the economic growth we need to handle the added burdens associated with the impending retirement of the baby boomers.

Senator SANTORUM and I have been working on this legislation for many months, along with sponsors of identical legislation in the House, Congressmen HAROLD FORD, PATRICK KENNEDY, THOMAS PETRI and PHIL ENGLISH. In that process, we have been assisted by a broad range of experts and other interested parties, for which I am very grateful. However, I want to especially thank Ray Boshara and Reid Cramer of the New America Foundation, who have been extraordinarily helpful in the development of the legislation, and who have taken the lead in efforts to promote this and other asset building initiatives.

I recognize that given the lateness of the session, it is unlikely that this legislation will see action in the 108th Congress. However, Senator SANTORUM and I are hopeful that those with an interest in the proposal will review the language of the bill and give us feedback in the coming months. We are open to suggestions for improvements and expect to introduce a revised version of the legislation in the next Congress.

The ASPIRE Act is a big new idea based on simple, old time American values. It already enjoys strong bipartisan support from conservatives and progressives, alike, in both houses of Congress. I look forward to working with colleagues on both sides of the aisle to secure its prompt enactment.

By Mr. HATCH:

S. 2752. A bill to reform Federal budget procedures, to impose spending safeguards, to combat waste, fraud, and abuse, to account for accurate Government agency costs, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

Mr. HATCH. Mr. President, I rise today to introduce the Family Budget Protection Act of 2004, legislation to help bring our Federal spending under control. The companion to this bill, H.R. 3800, was introduced in the House of Representatives earlier this year by Congressman JEB HENSARLING of Texas, who has been joined by 103 cosponsors.

As all of our colleagues know, our Federal budget situation has been under tremendous strain during the past several years. After enjoying several years of actual and projected surpluses in the later part of the last decade, we have unfortunately suffered a near perfect storm of events that has drastically turned the budget situation from one of sunny optimism to one of great concern. These events, of course, include the recession that followed the bursting of the high tech bubble and stock market adjustment, the corporate scandals, the tragic events of September 11, 2001, and the subsequent expenditures for the wars in Afghanistan and Iraq, and the need for increased spending for homeland security.

The result of these events, combined with the tax cuts that were necessary to get the economy back on a solid path of growth, have had a devastating effect on the Federal budget and its outlook. While I fully support President Bush's initiatives for pursuing the war on terror and protecting our homeland, along with his plan for helping the economy recover, which has obviously worked, I am very concerned about our Federal budget and in finding a way to get it back to balance.

Much of what has happened to our budget has been unavoidable, given the events of the past few years. In my view, we have simply had no choice but to spend the money necessary to fight the war on terror and improve our homeland security. Moreover, we will have to keep spending significant sums for these purposes. After all, providing for our national security has to be our first and highest priority.

I also believe that the tax cuts of 2001, 2002, and 2003 were all necessary to our future prosperity. In order to get our economy growing again and get our people back to work, we needed the economic stimulus that these tax cuts provided.

Not surprisingly, some of my colleagues point the finger solely at these tax cuts as the culprit for our Federal deficits. In fact, according to reports recently released by the Congressional Budget Office, the tax cuts accounted for only 24 percent of CBO's $2.9 billion deficit projection between 2002 and 2011. CBO also estimated that increased spending on entitlement programs and legislated spending increases, particularly homeland security measures, accounted for 76 percent of the deficit projection over this same period. The tax cuts did contribute to the deficit; however, they were crucial to the recent economic recovery we are experiencing.

However, there are other factors that have been and are continuing to contribute to growing deficits that are not vital to our national security or future prosperity. What I am talking about here is the growing tendency for Congress to spend money unnecessarily on various other projects that have far less merit. And, I am talking about the fraud and waste that continues to plague our government.

It seems that just about every time I return home to the State of Utah, I talk with Utah taxpayers who want to know why, given our deteriorating budget circumstances, Congress is not doing more to rein in excess spending. I find that Utahns, like other Americans, are generally willing to pay the high price of fighting the war on terror and of protecting our homeland. But no one wants to pay for wasteful spending or projects that are not necessary. Utahns are increasingly wondering why more cannot be done to ensure that their hard-earned dollars are not going to be wasted or misspent. I believe this bill goes a long ways toward addressing these concerns.

I recognize that it is always tempting to buy now and pay later, extend budget deficits, and increase the size and scope of our government. And, I realize that a government the size of ours is always going to have some fraud and waste associated with it. However, this irresponsible spending and this fraud and waste in government are mortgaging our children's future and shrinking our Nation's dynamic private sector. High deficits and the mountain of Federal debt represent real obligations that hurt our economic security and our ability to prosper, both now and in the future.

I believe that a large part of the problem with this unwarranted spending, and with this fraud and waste, is rooted in the Federal budget process itself. The current budget process is overly complicated, and in many respects, largely incomprehensible. More importantly, it encourages overspending. There is no doubt that its systemic problems contribute largely to our budget deficits.

The Family Budget Protection Act is an opportunity to overhaul a Federal budget process that desperately needs revision. It is an opportunity to tilt the process away from more spending and fraud and waste toward a more responsible way of determining where the taxpayers hard-earned tax dollars are to be spent.

I think Congressman HENSARLING may have said it best when he noted that Washington clearly has a spending problem, not a taxing problem. It is irresponsible for us to continue to demand more money from taxpayers when we continue to flush much of that money straight down the drain by funding wasteful, useless, antiquated, or unnecessary government projects.

I recognize that it is very late in the second session of the 108th Congress and that in this very partisan election year, not much more legislation is likely to be approved. I also recognize that some of the provisions of this bill are controversial and that the House of Representatives recently defeated a bill that included some of these provisions. However, I believe it is important to lay before the Senate this year a comprehensive set of budget reform provisions, and to introduce in this body a budget reform concept bill that can be debated, discussed, examined over the next few months, and built upon in the 109th Congress.

Some of the major features of this legislation would accomplish the following:

Provide a Joint Budget Resolution. The Family Budget Protection Act would change the concurrent budget resolution into a joint budget resolution that is signed by the President and has the force of law. This provision would enable both the President and Congress to commit to the same budget before spending any money that year. Our current budget procedure does not bring Congress and the President to settle on even a basic budget framework until the very end of the process when the government is on the verge of shutting down.

Simplify the Budget. This bill would simplify the current budget into a one-page budget by replacing the current 20 budget functions with established spending levels for only four broad categories—mandatory spending, non-defense and defense discretionary spending, and a rainy day fund for emergencies.

Establish a Rainy Day Fund. This bill would abolish the practice of designating spending as "emergency spending," which is a practice often used to avoid spending safeguards. Spending for true emergencies would be paid for through a "rainy day" fund. All spending that is incurred through the "rainy day" fund must be defined as sudden, urgent, unforeseen, and temporary. Emergencies that exhaust the rainy day fund would be permissible if they were able to overcome a supermajority point of order lying against them.

Set Up Government Shut-Down Protections. The Family Budget Protection Act would provide government shutdown protection through an automatic continuing resolution in the event that an agreement between Congress and the President on spending levels was not reached by the legal deadline. In order to avoid simple inaction by Congress, Federal agencies would receive one percent less funding each quarter the government operated under a continuing resolution.

Provide a Two-Thirds Supermajority Vote. New pay-go rules would be established setting up points of order against spending not included in the budget. This bill would raise the bar for points of order to require a two-thirds supermajority vote (rather than the current three-fifths), in both the House and the Senate, to sanction over-budget spending and spending in violation of the caps.

Set Up Spending Caps. The bill would limit growth in entitlement spending to the current inflationary adjustment for each program and growth in population. The bill would also set discretionary spending caps that would allow spending to grow for inflation, with a firewall separating defense, non-defense, and emergency spending. These spending caps would be protected by points of order and enforced with an across-the board sequester if breached.

Establish Family Budget Protection Accounts. Perhaps one of the most common-sense provisions of the Family Budget Protection Act would be the establishment of Family Budget Protection Accounts. These accounts would allow Congress to target spending during the appropriations process and redirect that spending for family tax relief or deficit reduction at the end of the fiscal year.

Combat Waste, Fraud, and Abuse. Under the Family Budget Protection Act, every voluntary entitlement program and all discretionary programs would be sunset in fiscal year 2008 and 2009 to allow for a thorough cost-benefit analysis to see whether they still merit Federal funding. Entitlement programs such as Social Security, Medicare Part A, and Federal retiree benefits would be exempt from this sunset. The bill would also set up a commission to submit recommendations on how to eliminate waste, fraud, and abuse. The commission's recommendation would either be approved or rejected by Congress as a package, eliminating votes on changes to individual programs. Unlike past proposals, this provision would include defense and entitlement spending in its assessment. The bill would also initiate enhanced rescission authority for the President to propose the elimination of wasteful spending identified in any appropriations bill. The President's proposal would be transmitted to Congress and provided expedited consideration through the legislative process.

The runaway freight train mentality of our Federal government spending simply cannot continue. It is imperative that we move to make these common-sense budget reforms while we are still in a position to do so—rather than continuing to let it control us.

I believe that strong economic growth, combined with tightly controlled spending, are the keys to reducing the deficit and getting the Federal budget in balance again. Although much more needs to be done, we have made great strides in restoring strong economic growth. Along with our continued focus on providing for our national security and fighting the war on terror, I suggest to my colleagues that now is the time to turn our attention to controlling spending. I have no doubt that the reforms included in the Family Budget Protection Act can make a significant contribution to this goal, and I recommend it to my fellow senators for their study and consideration.

By Mr. SMITH:

S. 2753. A bill to authorize the Secretary of Housing and Urban Development to insure zero-downpayment mortgages; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SMITH. Mr. President, I rise today to further the cause of affordable homeownership in America. I am proud of all that we have done to increase opportunities for homeownership, however I hope that no member of this body makes the mistake of believing that the fight is over. I am very proud of the 68.6 percent rate of homeownership we enjoy in America today but millions of American families are unable to take advantage of the many benefits of homeownership. One of the greatest obstacles for these Americans is the minimum down payment. The Federal Housing Administration (FHA) provides loans to many 1st time homebuyers who otherwise would struggle to qualify, yet many working class families are still overwhelmed at the prospect of saving thousands of dollars for the 3 percent minimum down payment. This legislation will help make homeownership become a reality for those Americans.

The Zero Downpayment Act of 2004 will allow families who seek FHA-insured loans to include the downpayment in their loan amount. These borrowers will still have to meet FHA credit qualifications and will pay a slightly higher annual interest rate to cover the cost of the program. Borrowers will also be required to receive counseling to ensure they are ready for the financial responsibilities associated with homeownership. This legislation provides a wonderful opportunity for those Americans who are on the edge of homeownership to begin building better lives and neighborhoods all over the country.

As members of the United States Senate we each spend a good amount of time meeting with people of all walks of life. I am introducing this legislation today, because it can change lives, and give people a chance to experience a better life. I hope my colleagues will join me in the fight to give every American the opportunity to become a homeowner. The Zero Downpayment Act of 2004 is an important step in that process and I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the bill be printed immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Zero Downpayment Act of 2004".

SEC. 2. INSURANCE FOR ZERO-DOWNPAYMENT MORTGAGES.

(a) MORTGAGE INSURANCE AUTHORITY.—Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (k) the following:

“(l) Zero-Downpayment Mortgages.—

“(1) Insurance authority.—The Secretary may insure, and commit to insure, under this subsection any mortgage that meets the requirements of—

“(A) this subsection; and

“(B) except as otherwise specifically provided in this subsection, subsection (b).

“(2) Eligible single family property.—To be eligible for insurance under this subsection, a mortgage shall involve a property upon which there is located a dwelling that is designed principally for a 1- to 4-family residence, and that, notwithstanding subsection (g), is to be occupied by the mortgagor as his or her principal residence, which shall include—

“(A) a 1-family dwelling unit in a multifamily project and an undivided interest in the common areas and facilities which serve the project;

“(B) a 1-family dwelling unit of a cooperative housing corporation, the permanent occupancy of the dwelling units of which is restricted to members of such corporation and in which the purchase of stock or membership entitles the purchaser to the permanent occupancy of such dwelling unit; and

“(C) a manufactured home, or a manufactured home together with a suitably developed lot on which to place the manufactured home.

“(3) Maximum principal obligation.—

“(A) Limitation.—To be eligible for insurance under this subsection, a mortgage shall involve a principal obligation in an amount not in excess of 100 percent of the appraised value of the property, plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage as approved by the Secretary.

“(B) Inapplicability of other loan-to-value requirements.—A mortgage insured under this subsection shall not be subject to subsection (b)(2)(B), or to the undesignated matter that follows such subsection.

“(4) Eligible mortgagors.—The mortgagor under a mortgage insured under this subsection shall meet the following requirements:

“(A) First-time homebuyer.—The mortgagor shall be a first-time homebuyer. The program for mortgage insurance under this subsection shall be considered a Federal program to assist first-time homebuyers for purposes of section 956 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12713).

“(B) Counseling.—

“(i) Requirement.—The mortgagor shall have received counseling, by a third party (other than the mortgagee or any party related directly or indirectly to the mortgagee) who is approved by the Secretary, with respect to the responsibilities and financial management involved in homeownership.

“(ii) Topics.—Counseling required under clause (i) shall include providing to, and discussing with, the mortgagor—

“(I) information regarding homeownership options other than a mortgage insured under this subsection, other zero- or low-downpayment mortgage options that are or may become available to the mortgagor, the financial implications of entering into a mortgage (including a mortgage insured under this subsection), and any other information that the Secretary may require; and

“(II) a document that sets forth the amount and the percentage by which the property subject to the mortgage must appreciate for the mortgagor to recover the principal amount of the mortgage, the costs financed under the mortgage, and the estimated costs involved in selling the property, if the mortgagor were to sell the property on each of the second, fifth, and tenth anniversaries of the mortgage.

“(iii) 2- to 4-family residences.—In the case of a mortgage involving a 2- to 4-family residence, counseling required under clause (i) shall include (in addition to the information required under clause (ii)) information regarding the rights and obligations of landlords and tenants.

“(5) Option for notice of foreclosure prevention counseling availability.—

“(A) Option.—To be eligible for insurance under this section, the mortgagee shall provide the mortgagor, at the time of the execution of the mortgage, an optional written agreement which, if signed by the mortgagor, allows, but does not require, the mortgagee to provide notice in accordance with subparagraph (B) to a housing counseling entity, approved by the Secertary, that has agreed to provide the notice and counseling required under subparagraph (C).

“(B) Notice to counseling agency.—Notice provided under subparagraph (A) shall—

“(i) be provided at the earliest time practicable after the mortgagor becomes 60 days delinquent with respect to any payment due under the mortgage;

“(ii) state that the mortgagor is delinquent and set forth how to contact the mortgagor; and

“(iii) be provided once with respect to each delinquency period for a mortgage.

“(C) Notice to mortgagor.—Upon notice from a mortgagee that a mortgagor is 60 days delinquent with respect to payments due under the mortgage, the housing counseling entity shall immediately notify the mortgagor of such delinquency, that the entity makes available foreclosure prevention counseling that may assist the mortgagor in resolving the delinquency, and of how to contact the entity to arrange for such counseling.

“(D) Ability to cure.—Failure to provide the optional written agreement required under subparagraph (A) may be corrected by sending such agreement to the mortgagor at the earliest time practicable after the mortgagor first becomes 60 days delinquent with respect to payments due under the mortgage. Insurance provided under this subsection may not be terminated and penalties for such failure may not be prospectively or retroactively imposed if such failure is corrected in accordance with this subparagraph.

“(E) Penalties for failure to provide agreement.—The Secretary may establish appropriate penalties for failure of a mortgagee to provide the optional written agreement required under subparagraph (A).

“(F) Limitation on liability of mortgagee.—A mortgagee shall not incur any liability or penalties for any failure of a housing counseling entity to provide notice under subparagraph (C).

“(G) No private right of action.—This section shall not create any private right of action on behalf of the mortgagor.

“(H) Delinquency period.—For purposes of this paragraph, the term ‘delinquency period’ means, with respect to a mortgage, a period that begins upon the mortgagor becoming delinquent with respect to payments due under the mortgage, and ends upon the first subsequent occurrence of such payments under the mortgage becoming current or the property subject to the mortgage being foreclosed or otherwise disposed of.

“(6) Inapplicability of downpayment requirement.—A mortgage insured under this subsection shall not be subject to subsection (b)(9) or any other requirement to pay on account of the property, in cash or its equivalent, any amount of the cost of acquisition.

“(7) Premiums.—In conjunction with the credit subsidy estimation calculated each year pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary shall review the program performance for mortgages insured under this subsection and make any necessary adjustments to ensure that the Mutual Mortgage Insurance Fund shall continue to generate a negative credit subsidy which may include—

“(A) altering mortgage insurance premiums subject to subsection (c)(2);

“(B) reviewing underwriting policies; and

“(C) limiting the availability of mortgage insurance under this subsection.

“(8) Underwriting.—For a mortgage to be eligible for insurance under this subsection, the mortgagor's credit and ability to pay the monthly mortgage payments shall have been evaluated using the Federal Housing Administration's Technology Open To Approved Lenders (TOTAL) Mortgage Scorecard, or a similar standardized credit scoring system approved by the Secretary, and in accordance with procedures established by the Secretary.

“(9) Approval of mortgagees.—To be eligible for insurance under this subsection, a mortgage shall have been made to a mortgagee that meets such criteria as the Secretary shall establish to ensure that mortgagees meet appropriate standards for participation in the program authorized under this subsection.

“(10) Disclosure of incremental costs.—For a mortgage to be eligible for insurance under this subsection, the mortgagee shall provide to the mortgagor, at the time of the application for the loan involved in the mortgage, a written disclosure, as the Secretary shall require, that specifies the effective cost to a mortgagor of borrowing the amount by which the maximum amount that could be borrowed under a mortgage insured under this subsection exceeds the maximum amount that could be borrowed under a mortgage insured under subsection (b), based on average closing costs with respect to such amount, as determined by the Secretary. Such cost shall be expressed as an annual interest rate over the first 5 years of a mortgage.

“(11) Loss mitigation.—

“(A) In general.—Upon the default of any mortgage insured under this subsection. the mortgagee shall engage in loss mitigation actions for the purpose of providing an alternative to foreclosure to the same extent as is required of other mortgages insured under this title pursuant to the regulations issued under section 230(a).

“(B) Annual reporting.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit a report to Congress that compares the rates of default and foreclosure during such fiscal year for mortgages insured under this subsection, for single-family mortgages insured under this title (other than under this subsection), and for mortgages for housing purchased with assistance provided under the downpayment assistance initiative under section 271 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821).

“(12) Additional requirements.—The Secretary may establish any additional requirements for mortgage insurance under this subsection as may be necessary or appropriate.

“(13) Limitation.—The aggregate number of mortgages insured under this section in any fiscal year may not exceed 30 percent of the aggregate number of mortgages and loans insured by the Secretary under this title during the preceding fiscal year.

"(14) PROGRAM SUSPENSION.—

"(A) IN GENERAL.—Subject to subparagraph (C), the authority under paragraph (1) to insure mortgages shall be suspended if at any time the claim rate described in subparagraph (B) exceeds 3.5 percent. A suspension under this subparagraph shall remain in effect until such time as such claim rate is 3.5 percent or less.

"(B) FHA TOTAL SINGLE-FAMILY ANNUAL CLAIM RATE.—The claim rate under subparagraph (A), for any particular time, shall be the ratio of the number of claims during the 12 months preceding such time on mortgages on 1- to 4-family residences insured pursuant to this title, to the number of mortgages on such residences having such insurance in-force at that time.

"(C) APPLICABILITY.—A suspension under subparagraph (A) shall not preclude the Secretary from endorsing or insuring any mortgage that was duly executed before the date of such suspension.

"(15) SUNSET.—No mortgage may be insured under this section after September 30, 2011, except that the Secretary may endorse or insure any mortgage that was duly executed before such date.

"(16) GAO REPORTS.—Not later than 2 years after the date of enactment of the Zero Downpayment Act of 2004, and annually thereafter, the Comptroller General of the United States shall submit a report to Congress regarding the performance of mortgages insured under this subsection.

"(17) IMPLEMENTATION.—The Secretary may implement this subsection on an interim basis by issuing interim rules, except that the Secretary shall solicit public comments upon publication of such interim rules and shall issue final rules implementing this subsection after consideration of the comments submitted.".

(b) MORTGAGE INSURANCE PREMIUMS.—The second sentence of subparagraph (A) of section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)) is amended by striking "In" and inserting "Except with respect to a mortgage insured under subsection (l), in".

By Mr. DASCHLE (for himself, Mr. REED, Mrs. MURRAY, Mr. JOHNSON, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, and Mr. LEAHY):

S. 2754. A bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA); to the Committee on Finance.

Mr. DASCHLE. Mr. President, 8 months ago, the Republican leadership pushed through Congress a lemon of a Medicare prescription drug bill that has been breaking down part by part since the day it was passed.

First, we learned drug companies were raising the prices of many drugs, erasing what little discounts the administration's drug card program might have offered.

Next, we learned the administration concealed its cost estimates, misled Congress, and threatened the Medicare actuary with termination for trying to respond to Congressional requests for information.

Then, we heard that some seniors who enrolled in the program were going to see reductions in other benefits, such as food stamps.

Later, days after the Drug Card program began, seniors from across the country began to report that it was too confusing and studies revealed there were lower prices available from major online pharmacies.

Finally, we learned that the HHS website established to help seniors navigate their way through the labyrinth of the myriad cards was riddled with false information.

The most recent discovery, however, is the most troubling of all, because what we're talking about is not policy breakdown, but policy sabotage.

Let me explain: Every senior has his or her Medicare Part B premium withdrawn from their Social Security check. But when the increase in health care inflation began to outpace seniors' Social Security cost of living adjustments, Congress protected seniors by making it impossible for a senior's Medicare premiums to go up more than the value of his or her Social Security COLA. It's called the "hold harmless" protection, and it makes a simple promise to seniors: The cost of health care will not come at the expense of the cost of living.

We have now learned that behind closed doors and in the dark of night, Republican leaders undermined this promise. Like Part B premiums, the new prescription drug premiums will come out of a senior's Social Security check. But unlike in traditional Medicare, the new drug bill does not protect seniors with a "hold harmless" provision.

It was never mentioned in the debate and no one has stepped forward to take responsibility in the months since. But if we don't fix the problem, it will eventually result in the decimation of seniors' Social Security annual cost of living adjustment.

Never have these protections been more important. In the past several years, the consumer price index, on which Social Security COLAs are pegged, has remained very low. At the same time, the cost of health care has been skyrocketing by double-digit percentages. In the 4 years of this administration, the cumulative increase in the Medicare monthly premiums will be at least $26, nearly twice as much as in the prior eight years under the Clinton administration. In addition, the Medicare Part B premium increase for 2005 is projected to be $114, the largest ever.

For seniors on a fixed income, every dollar counts. The hold harmless protection is the only thing standing in the way of lower and lower Social Security checks.

But the Republican leadership chose not to protect seniors in this drug bill, despite the fact that the cost of pharmaceuticals is increasing even faster than the cost of health care overall. Medicare Part D premiums are expected to rise 7.5 percent per year. The result will be a steady erosion of Social Security checks, and real damage to seniors' ability to pay their bills and keep up with inflation.

According to a new report by the Joint Economic Committee, one in four seniors will lose a quarter of their COLA just on Medicare premium increases by 2007. In 2014, nearly two in three seniors will see the same level of loss. And those most vulnerable will be the ones most severely harmed. For an elderly woman with a monthly benefit of $500, the increase in Medicare premiums will take an average of 60 percent of her COLA from 2007 to 2010, and an average of 66 percent from 2011 to 2014.

Let's not mince words. This is the worst kind of bait and switch. We cannot stand by and allow seniors to be cheated out of their cost of living increases in exchange for a confusing drug benefit that fails to bring down the cost of drugs.

Today, I am introducing the Social Security COLA Protection Act of 2004 to make sure that senior citizens continue to receive a COLA that helps them keep pace with inflation. This bill would restore seniors' protections and ensure that no more than 25 percent of their annual COLAs could be taken away by increases in Medicare premiums. The remaining 75 percent would be secure. For a senior citizen receiving a $600 monthly benefit, this bill would protect more than $2,200 over the next 10 years. That's money seniors will need to cover increases in clothing, food, housing and energy prices.

We're not talking about adding an extra benefit to Social Security. We're talking about protecting seniors' existing benefit from a drug plan that appears now to be little more than a wolf in sheep's clothing.

This wasn't the prescription drug bill seniors were promised. Upon the passage of this bill, President Bush said, "Some older Americans spend much of their Social Security checks just on their medications. . . . Elderly Americans should not have to live with those kinds of fears and hard choices. This new law will ease the burden on seniors and will give them the extra help they need."

As we have seen so often, there has been a gap between what this administration promised, and what it delivered. In the guise of easing one burden on seniors, the administration has added yet another.

I wish the White House and the Republican leadership in Congress had listened more closely to some of the voices of seniors during the debate last Fall. One man from Nashville, Tennessee looked at the details of this bill and asked, "Do you think anybody in Washington has any idea what people on a limited income have to do to live?"

If the authors of the prescription drug bill truly understood what seniors on fixed incomes must go through, they never would have passed it.

Democrats are fighting to make things right again. We do understand the struggles of America's seniors and the burden drug costs put on their finances. Seniors were promised a real prescription drug benefit for Medicare. The Republicans' prescription drug bill has proven to be tragically inadequate. The COLA protection bill we are introducing today represents an important step in repairing the damage, and Democrats will keep fighting until seniors get the help they were promised and the benefit they deserve.

I want to thank the Joint Economic Committee Democrats for their efforts to identify and highlight this problem. Senator Jack Reed is the senior Democratic Senator on the Committee, and the lead cosponsor of the COLA protection bill. Senator Patty Murray joined us in highlighting the problem yesterday. She is also a cosponsor, along with five other Senate Democrats.

This is truly a bicameral effort. My South Dakota colleague, Stephanie Herseth, is sponsoring the House bill. This is the first bill she is introducing in Congress, and I am proud that she is helping lead this fight for seniors in South Dakota and across the country. Many other House Democrats are joining her in this effort.

Senator Reed will be inserting the JEC report into the Record. I encourage my colleagues to read it. I ask unanimous consent to print in the Record a fact sheet on the bill that was prepared by Representative Pelosi's office, as well as a document prepared by the House Ways and Means Committee staff that provides several illustrative examples of how the bill would work, how much retirees would save if it becomes law, and what percentage of Medicare enrollees will benefit. I also ask unanimous consent that the text of the bill be printed in the Record.

We will continue our effort to protect America's seniors and address the problems created by last year's prescription drug bill when Congress returns in the fall.

There being no objection, the material was ordered printed in the Record, as follows:

S. 2754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security COLA Protection Act of 2004".

SEC. 2. PROTECTION OF SOCIAL SECURITY COLA INCREASES AGAINST EXCESSIVE MEDICARE PREMIUM INCREASES.

(a) Application to Part B Premiums.—Section 1839(f) of the Social Security Act (42 U.S.C. 1395r(f)) is amended—

(1) by striking "(f) For any calendar year after 1988" and inserting "(f)(1) For any calendar year after 1988 and before 2005"; and

(2) by adding at the end the following new paragraph:

"(2) For any calendar year (beginning with 2005), if an individual is entitled to monthly benefits under section 202 or 223 or to a monthly annuity under section 3(a), 4(a), or 4(f) of the Railroad Retirement Act of 1974 for November and December of the preceding year, if the monthly premium of the individual under this section for December of the preceding year and for January of the year involved is deducted from those benefits under section 1840(a)(1) or section 1840(b)(1), and if the amount of the individual's premium is not adjusted for January of the year involved under subsection (i), the monthly premium otherwise determined under this section for the individual for that year shall not be increased pursuant to subsection (a)(3) to an amount that exceeds 25 percent of the amount of the increase in such monthly benefits for that individual attributable to section 215(i).".

(b) Application to Part D Premiums.—

(1) In general.—Section 1860D–13(a)(1) of such Act (42 U.S.C. 1395ww-113(a)(1)) is amended—

(A) in subparagraph (F), by striking "(D) and (E)," and inserting "(D), (E), and (F),";

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) Protection of social security COLA increase.—For any calendar year, if an individual is entitled to monthly benefits under section 202 or 223 or to a monthly annuity under section 3(a), 4(a), or 4(f) of the Railroad Retirement Act of 1974 for November and December of the preceding year and was enrolled under a PDP plan or MA–PD plan for such months, the base beneficiary premium otherwise applied under this paragraph for the individual for months in that year shall be decreased by the amount (if any) by which the sum of the amounts described in the following clauses (i) and (ii) exceeds 25 percent of the amount of the increase in such monthly benefits for that individual attributable to section 215(i):

"(i) Part D premium increase factor.—

"(I) In general.—Except as provided in this clause, the amount of the increase (if any) in the adjusted national average monthly bid amount (as determined under subparagraph (B)(iii)) for a month in the year over such amount for a month in the preceding year.

"(II) No application to full premium subsidy individuals.—In the case of an individual enrolled for a premium subsidy under section 1860D–14(a)(1), zero.

"(III) Special rule for partial premium subsidy individuals.—In the case of an individual enrolled for a premium subsidy under section 1860D–14(a)(2), a percent of the increase described in subclause (I) equal to 100 percent minus the percent applied based on the linear scale under such section.

"(ii) Part B premium increase factor.—If the individual is enrolled for such months under part B—

"(I) In general.—Except as provided in subclause (II), the amount of the annual increase in premium effective for such year resulting from the application of section 1839(a)(3), as reduced (if any) under section 1839(f)(2).

"(II) No application to individuals participating in medicare savings program.—In the case of an individual who is enrolled for medical assistance under title XIX for medicare cost-sharing described in section 1905(p)(3)(A)(ii), zero.".

(2) Application under medicare advantage program.—Section 1854(b)(2)(B) of such Act (42 U.S.C. 1395w-24(b)(2)(B)), as in effect as of January 1, 2006, relating to MA monthly prescription drug beneficiary premium, is amended by inserting after "as adjusted under section 1860D–13(a)(1)(B)" the following: "and section 1860D–13(a)(1)(F)".

(3) Payment from medicare prescription drug account.—Section 1860D–16(b) of such Act (42 U.S.C. 1395w-116(b)) is amended—

(A) in paragraph (1)—

(i) by striking "and" at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(E) payment under paragraph (5) of premium reductions effected under section 1860D–13(a)(1)(F)."; and

(B) by adding at the end the following new paragraph:

"(5) Payment for COLA protection premium reductions.—

"(A) In general.—In addition to payments provided under section 1860D–15 to a PDP sponsor or an MA organization, in the case of each part D eligible individual who is enrolled in a prescription drug plan offered by such sponsor or an MA–PD plan offered by such organization and who has a premium reduced under section 1860D–13(a)(1)(F), the Secretary shall provide for payment to such sponsor or organization of an amount equivalent to the amount of such premium reduction.

"(B) Application of provisions.—The provisions of subsections (d) and (f) of section 1860D–15 (relating to payment methods and disclosure of information) shall apply to payment under subparagraph (A) in the same manner as they apply to payments under such section.".

(c) Disregard of Premium Reductions in Determining Dedicated Revenues Under MMA Cost Containment.—Section 801(c)(3)(D) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended by adding at the end the following: "Such premiums shall also be determined without regard to any reductions effected under section 1839(f)(2) or 1860D–13(a)(1)(F) of such title.".

(d) Effective Dates.—

(1) Part B premium.—The amendments made by subsection (a) apply to premiums for months beginning with January 2005.

(2) Part D premium.—The amendments made by subsection (b) apply to premiums for months beginning with January 2007.

(3) MMA provision.—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act.

DEMOCRATS FIGHT TO PROTECT SOCIAL SECURITY COLA: REPORT SHOWS GOP RX DRUG LAW WOULD LEAD TO SOCIAL SECURITY CUTS

Approximately 30 million middle income seniors are enrolled in Social Security and Medicare, and rely on the annual Social Security cost of living increases (COLAs) that help them keep up with the rising cost of groceries, food and housing. Yet medical inflation is rising rapidly, and Medicare premium increases will soon consume the entire Social Security COLA. If nothing is done, escalating drug prices will lead to real cuts in the Social Security benefit as a result of new Part D premium increases in 2007 and beyond. Today, Democrats are unveiling a bill to limit how much rising Medicare premiums can impact seniors' COLAs.

Social Security COLAs are vital to seniors and the disabled. Millions of Americans rely on their Social Security check each month to make ends meet. Each fall, millions of retirees wait anxiously to learn what the Social Security COLA will be for the coming year—because each dollar is needed to balance their budget.

Republican Medicare bill will dramatically reduce Social Security COLAs. Under the GOP Rx drug law, some seniors will have an additional Medicare premium ("Part D") deducted from their Social Security check. With both the new Medicare Part D premium (for prescription drugs) and the existing Part B premiums (for physician and other outpatient care) deducted from a retiree's Social Security check, Social Security COLAs will be significantly eroded. According to a new report by the Democratic staff of the Joint Economic Committee, when the new drug benefit is in place in 2007 almost one-quarter of Social Security beneficiaries will spend over 25 percent of their COLA just on increases in Medicare premiums—and the number will increase to 64 percent (22 million seniors and people with disabilities) in 2014. For an elderly woman with a monthly benefit of $500, the increase in Medicare premiums will absorb almost 60 percent of the COLA from 2007–2010, and 69 percent from 2011–2014.

Making a bad problem worse. The goal of the Social Security COLA is to maintain the purchasing power of the benefit check in the face of rising prices. But that objective is undermined if Medicare premiums, which are typically deducted from Social Security checks, increase rapidly. Medical inflation and increased utilization of outpatient services is already increasing Part B premiums, but current law ensures at least that total Social Security benefits do not go down. By refusing to extend this same protection to the new Part D premiums, and refusing to control drug prices, Republicans have made a difficult situation even worse. While the Social Security COLA only increases at the rate of inflation, the premiums beneficiaries face under Part D will increase by the rate of increase in drug prices. According to CBO projections, Part D premiums will increase by an average of 7.5 percent a year from 2006 to 2014—a far greater rate of increase than that expected for Part B or the Social Security COLA.

Current protection needs improvement. The 2004 Medicare Trustees Report projects that monthly Part B premiums will rise by a record $11.50 for 2005—a one-year increase of more than 17 percent. Given the increased pressures to increase physician payments and the trend of shifting more services to outpatient settings, which increase Part B premiums—and the new costs of Part D—it is important to act now to protect a portion of the COLA for seniors' basic needs.

Democrats' bill will protect Social Security. Democrats' "Social Security COLA Protection Act of 2004" would ensure that no more than 25 percent of a beneficiary's annual COLA could be taken away by increases in Medicare premiums. Doing so would guarantee that seniors and the disabled retain at least 75 percent of the COLA to cover price increases in other goods and services, such as food, clothing, housing and energy costs. In 2007, the legislation would help over 14 million Social Security recipients. By 2014, it will help more than two-thirds of seniors and people with disabilities, approximately 23 million Americans.

HOW THE COLA PROTECTION BILL WORKS

Example 1. Widow with $500 in monthly Social Security benefits in 2004

Her annual Social Security benefit is $6,000, and the COLA will increase her income by $162 in 2005 (a 2.7 percent increase).

However, Medicare Part B premiums are projected to rise by at least $114 that year. Without the bill's protection, a premium increase of $114 will eat up 70 percent of her COLA.

With the bill's protection, only 25 percent of her COLA will be absorbed by Medicare premium increases, leaving 75 percent ($122 per year) to cover other increases in her cost of living. The bill preserves an additional $74 of COLA to be used for other expenses.

By 2009, the bill will save $197 of her COLA. In 2014, $545 of her COLA will be protected. Over 10 years, the projected total savings for this beneficiary will reach $2,615.

Example 2. Retired couple with $1,100 in combined monthly Social Security benefits in 2004.

Their annual benefits are $13,200: $8,400 for the husband and $4,800 for the wife. A 2.7 percent COLA would increase their income by $356 in 2005.

However, the Medicare Part B premiums paid by this couple are projected to rise by at least $228 in 2005. Without the bill's protection, a premium increase of $228 will eat up 64 percent of their combined COLA.

With the bill's protection, only 25 percent of their COLAs will be absorbed by Medicare premium increases, leaving 75 percent ($267 per year) to cover other increases in their cost of living. The bill preserves an additional $139 of COLA to be used for other expenses.

By 2009, the bill will protect $358 of their COLA. In 2014, $1,016 of their COLA will be protected. Over 10 years, the projected total savings for this couple will reach $4,829.

How much would others save?

Annual benefit amount	Savings over 10 years	Average annual savings[1]
$7,200 ($600 per month)	$2,213	$221
$9,000 ($750 per month)	1,611	161
$9,600 ($800 per month)	1,410	140

[1] The particular amount in each year could differ from this average because each year, the amount of protection provided by the bill would depend on the interaction between the Medicare premium increase and that individual's COLA increase. If the premium increase is large while the COLA is small, savings would be larger. If the premium increase is modest while the COLA is large, then savings would be smaller.

What fraction of those who pay Medicare premiums would benefit from the bill?

2005: 90 percent (This is a year when many beneficiaries will need protection to prevent their COLA from being swallowed by Medicare premium increases, because the premium increase is projected to be the largest ever); 2007: 47 percent; 2009: 64 percent; 2011: 68 percent; 2014: 67 percent.

Ways and Means Democratic Staff

July 20, 2004, 10 a.m.

JOINT ECONOMIC COMMITTEE DEMOCRATS

Representative Pete Stark (D–CA)—Senior Democrat

RISING MEDICARE PREMIUMS UNDERMINE THE SOCIAL SECURITY COLA

NEW MEDICARE LAW COULD CUT BENEFITS FOR SOME

(Economic Policy Brief—July 2004)

Unlike most private pensions and other forms of retirement annuity income, Social Security, benefits include an annual cost-of-living adjustment (COLA) that is designed to prevent an erosion of benefits due to inflation. Unfortunately, rising health care costs and last year's Medicare law threaten this valuable cost-of-living protection.

BACKGROUND

In 1975 Congress replaced ad hoc increases in Social Security benefits with an automatic COLA based on the previous year's change in the consumer price index (CPI). The CPI is an index of prices paid by the typical consumer for a representative bundle of goods and services. The goal of the COLA is to ensure that Social Security benefits keep pace with increases in the price of food, clothing, and other necessities—including medical care—so that seniors and other beneficiaries can maintain a stable quality-of-life.

Participants in Medicare Part B, which covers doctors' services, pay a monthly premium that is deducted from their Social Security check. So too will most participants in Medicare Part D, the new prescription drug program. The size of the premiums is based on projected costs for those respective programs. During periods of rapidly rising health care costs, increases in Medicare premiums can represent a significant fraction of the overall Social Security COLA for many Social Security beneficiaries. With the latest Medicare changes, some may even see their benefits cut as their premium increases outpace their COLAs.

Current law puts a limit on the extent to which growth in Medicare Part B premiums can erode the purchasing power of an individual's Social Security benefit. The "hold harmless" provision guarantees that the increase in a person's Part B premium will not be larger than that person's COLA. This ensures that the dollar amount of the benefit received after deducting the Part B premium will never be reduced, but it does not guarantee that the purchasing power of that benefit will not fall. In fact, the entire COLA could be consumed. The latest Medicare legislation does not apply even this "hold harmless" protection to the Part D prescription drug premium. Thus, seniors are exposed to the possibility that large increases in medical costs, especially unchecked prescription drug costs, could eat up a large piece of their Social Security COLA and even cut their Social Security benefit.

RECENT EXPERIENCE WITH COLAS AND MEDICARE PART B PREMIUM INCREASES

During the past three years, rapidly rising health expenditures have been accompanied by large increases in Medicare premiums. Based on current projections, the cumulative increase in the monthly Part B Medicare premium during the four years of the Bush Administration will be at least $26, nearly twice as much as the total increase of $13.40 over the entire eight years of the Clinton Administration. At the same time that Medicare premiums have been rising rapidly, inflation has been very low. As a result, Social Security COLAs have been relatively modest, and many beneficiaries have seen a substantial portion of their COLA consumed by the increases in Medicare premiums.

In 2004, for example, Social Security beneficiaries received a COLA of 2.1 percent ($2.10 for each $100 of monthly benefit). At the same time, the monthly premium for Medicare Part B increased from $58.70 to $66.60, an increase of $7.90 or 13.5 percent. Table 1 shows what part of the COLA was consumed by the increase in the Part B premium for individuals receiving different levels of monthly benefit.

TABLE 1.—IMPACT OF MEDICARE PREMIUM INCREASES ON SOCIAL SECURITY COLAS, 2004

Monthly Social Security benefit in 2004 (dollars)	2004 Social Security COLA (dollars)	COLA after deducting increase in medicare premiums (dollars)	Fraction of COLA absorbed by Medicare premium increases (percent)
384	7.90	0.00	100
500	10.28	2.38	77
750	15.43	7.53	51
1,000	20.57	12.67	38
1,250	25.71	17.81	31
1,500	30.85	22.95	26

Source: JEC Democratic staff, based on Congresssional Budget Office projections.

Individuals with 2004 monthly Social Security benefits of less than $384 received a COLA in 2004 that was less than the increase in Medicare premiums. Because of the "hold harmless" provision, their premium increase was limited to the amount of their COLA. Still, for these individuals (an estimated 1.4 million people), their entire Social Security COLA was wiped out, leaving them nothing to pay for increases in all other goods and services they consume.

Individuals with a monthly benefit of $1,000 (roughly the average benefit of retired men) had to devote nearly 40 percent of their COLA to the increase in their Medicare premium. Those with a monthly benefit of $750 (roughly the average benefit of retired women) needed half their COLA to cover the increase in Medicare premiums. And those with a monthly benefit of $500 (roughly the average benefit of wives of retired workers) needed more than three-quarters of their COLA to pay for the increase in their Medicare premium.

THE IMPACT OF PART D PRESCRIPTION DRUG PREMIUMS

Current forecasts indicate that the Medicare Part B premium increase in 2005 will be the largest dollar amount ever.[1] As a result, seniors can expect another year like 2004, when increases in Medicare premiums will absorb a large percentage of their COLA. CBO's current projections call for the rate of increase in Medicare premiums to abate after 2005, but those projections do not reflect possible legislative changes that would increase physician payments, resulting in higher premiums. Furthermore, beginning in 2006, seniors participating in the Part D prescription drug program will have an additional Medicare premium for that program deducted from their Social Security check.

Using CBO's projections of the Social Security COLA and Medicare premium costs, the Joint Economic Committee Democratic staff has estimated the portion of the COLA that will be absorbed by increases in Medicare premiums incoming years. For a person with a monthly benefit of $500 (in 2004 dollars), the annual increase in combined Part B and Part D premiums will absorb almost three-fifths of the annual COLA, on average, during the 2007-2010 period. Medicare premiums will absorb over two-thirds of the COLA in the 2011-2014 period. Increases in Medicare premiums will absorb a lesser but still significant fraction of the COLA for individuals with larger monthly benefits (Table 2). Because there is no "hold harmless" protection, up to 2 percent of beneficiaries could experience benefit cuts.

TABLE 2.—AVERAGE IMPACT OF MEDICARE PREMIUM INCREASES ON SOCIAL SECURITY COLAS, 2007–2010 AND 2011–2014

Monthly Social Security benefit (2004 dollars)	Average fraction of COLA absorbed by Medicare Part B and Part D premium increases (percent)	
	2007–2010	2011–2014
500	59	69
1,000	24	34
1,500	16	23

Source: JEC Democratic staff, based on Congressional Budget Office projections.

Although the rising cost of Medicare Part B and Part D premiums can absorb a very large fraction of the annual Social Security COLA for those with modest benefit checks, the problem is not confined to them. CBO estimates that in 2007, the first year that increases in Part D premiums will have an impact, 6.9 million people, or nearly 25 percent of those who have Medicare premiums withheld from their Social Security benefit will see at least one-quarter of their COLA absorbed by increases in combined Part B and Part D premiums. By 2014, 64 percent of beneficiaries, or 22.2 million people, will lose at least 25 percent of their COLA to increases in their Medicare premium.

CONCLUSION

For Social Security beneficiaries, the annual COLA is an important protection against rising prices eroding the real purchasing power of their benefit. In the past three years, however, rapidly rising health care costs have undermined this protection by driving up Medicare Part B premiums, which are automatically deducted from participants' monthly Social Security check.For many participants, the increase in Medicare premiums has absorbed a large fraction of their annual COLA, leaving little to deal with the rising costs of all the other goods and services the COLA is meant to cover. That problem will be aggravated when the new premiums for Part D prescription drug coverage take effect, unless policymakers take action to address this gutting of Social Security COLA protection.

ENDNOTE

1. If past practice is followed, the Social Security COLA percentage increase and the increase for Medicare premiums will be announced in mid-October. Me calculations used in this paper assume an increase in the 2005 monthly Part B premium of $9.50. That is higher than the current CBO baseline estimate of $8.70, but the JEC Democratic staff believes that CBO's estimate will increase when it updates its baseline in August. The Medicare actuaries are currently predicting an even higher increase of $11.50 in the monthly premium.

Mr. REED. Mr. President, I rise to join with the distinguished Democratic Leader and Senator MURRAY in introducing the "Social Security COLA Protection Act of 2004." I would also ask unanimous consent to submit for the RECORD the report by the Joint Economic Committee Democratic staff entitled, "Rising Medicare Premiums Undermine the Social Security COLA."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you. Mr. President, Social Security is the bedrock of this country's social safety net and our most effective antipoverty program for seniors and the disabled. A valuable feature of Social Security is the annual cost of living adjustment, or COLA, which was enacted to ensure that the real purchasing power of beneficiaries' checks would be preserved, and not eaten away by inflation. I would also point out that such COLA protection is missing from most private pensions.

Sadly, what the JEC Democrats' report has revealed is that large increases in health care costs and the poor design of the new Medicare prescription drug plan have created a situation in which rising Medicare premiums are undermining the Social Security COLA. The problem is already serious, and we have not even begun to experience the impact of the prescription drug premium of the new Medicare Part D program that will take effect in 2006.

The study shows, for example, that in the years 2011-2014, a person with a monthly Social Security benefit of $500 (in today's dollars) would see 69 percent of her COLA consumed by increases in Medicare Part B and Part D premiums. That leaves far too little of the COLA to cover increases in prices of other necessities such as food, energy, and other medical expenses. Even people with larger monthly benefits would see their COLAs substantially eroded by the increases in Medicare premiums.

Finally, the study shows that by 2014, if there is no legislation to address this problem, 64 percent of beneficiaries who have their Medicare premiums deducted from their Social Security checks will lose at least 25 percent of their Social Security COLA to increases in those premiums.

The JEC Democratic staff study makes a compelling case that we have a serious problem on our hands. That is why I am happy to cosponsor "The Social Security COLA Protection Act of 2004." This legislation will preserve the essential safety net Social Security provides seniors, by making sure that at least 75 percent of their Social Security COLA is protected from increases in Medicare premiums and available to offset increasing cost of other goods and services seniors need in order to maintain an adequate quality-of-life.

By Mr. DODD:

S. 2755. A bill to amend the Consumer Credit Protection Act to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, it is often said that small things can make a very large difference in our society. That saying certainly fits the subject I have come to speak briefly about this afternoon. That little thing in question that I am talking about is 3⅛ inches wide, 2⅛ inches long, and no thicker than one's fingernail. But it has a monumental impact on how millions of

Americans live their lives each and every day. The object to which I am referring, of course, is the credit card.

We have come a long way from the day in 1950 when the Diner's Club issued the first universal credit card that allowed its holders to use credit at certain very select restaurants in New York City. Today, the credit card has become an indispensable part of how we do business in the United States, and across the globe, for that matter.

For many Americans, the main appeal of the credit card is convenience and flexibility. They allow us to go out and eat, go to a shopping mall, to the movies, and stop off at the grocery store on the way home, without folding a single bill or fumbling for loose change in their pockets. Credit cards allow people to shop for products on the Internet in a matter of seconds.

But for more and more Americans, credit cards serve a very different purpose. As the name implies, these cards provide access to credit. We are living in a time when real wages are failing to keep up with price increases, when health care costs and college tuition are on the rise. Millions of Americans are having difficulty making ends meet. For Americans who are strapped for cash, credit cards are much more than a convenience. They have become the only way they can afford basic necessities, such as food, gas, clothing, and medical care.

These Americans are not paying by credit card because they want to; they are doing so because they have no other choice. It is this function of credit cards that make them so appealing to American consumers, but I must also say it is this function that presents the greatest danger to them as well.

Today, the level of credit card debt in the United States is at record heights. Total consumer debt in America is over $2 trillion. Out of that, $735 billion is credit card debt. The average American household has over $9,000 worth of credit card debt. Let me repeat that. The average family living in the United States has over $9,000 of credit card debt. In comparison, the average family household income is just above $40,000.

Due in large part to credit card debt, more Americans are filing for bankruptcy. Last year, over 1.6 million families declared they were bankrupt. For every one family that actually does file for bankruptcy, there are seven more whose debt suggests that they, in fact, should do the same.

Credit card debt does not affect all Americans equally. It is a growing burden that is disproportionately being borne by middle-income, low-income, and working-poor families. According to a recent report, during the 1990s, on average, the American family saw its credit card debt go up by 53 percent. The debt of middle-class families, those earning between $50,000 and $100,000 a year, went up 75 percent. For the older Americans, senior citizens, their average credit card debt went up 149 percent. Finally, for very low-income families, those making less than $10,000 a year, credit card debt grew by a shocking 184 percent.

Why is this happening? Why are millions of Americans drowning in credit card debt? There are some who would describe the numbers I just quoted as a matter of personal responsibility, that some Americans are spending way beyond their means and ultimately are paying the price.

I do believe personal responsibility is extremely important, but many of the victims of credit card debt today are not in that state because they bought a home entertainment system, an expensive vacation, or a plasma TV set.

Take Roberto Towler. Roberto was a professional accountant who was very careful to always pay his bills on time. In early 2000 he was forced to take 2 months off from work because of a back injury. The lost salary meant he had much less cash on hand than before. He had no alternative but to use his credit card for toiletries, clothes for his children, and groceries. He eventually was able to return to work and scale back the use of his credit card, but he found himself barely able to pay back his debt. Eventually Roberto was forced to file bankruptcy with $22,000 of credit card debt.

Many Americans have stories just like Mr. Towler. They work hard, they play by the rules, but after a few twists of fate suddenly find themselves in a tremendous debt. For those caught in the quicksand of debt, a credit card appears to be a lifeline. But, in reality, it only pulls them in deeper and deeper.

We often speak of the ill and infirm as living on borrowed time. These people are living on borrowed money.

In the middle of all this are credit card companies. If we demand responsibility from individuals, and we should, and we do demand it, then we also ought to demand it from corporations as well. Responsibility is not limited to those who are consumers alone.

The reason I am here today is because a good deal of the blame for the crisis in credit card debt we are seeing in America lies in the practices of credit card companies.

I am not someone who takes regulatory reform lightly. I am not a believer in regulation that stifles innovation or efficiency. But at the same time, when we see practices that are truly hurting working families around the country, I believe we have an obligation to act. Just what kind of practices are we talking about? Let me spell it out.

Let's start with interest rates. I am not naive about this. I certainly do not expect credit card companies to be terribly benevolent when it comes to interest rates. But what I expect, and what all Americans deserve, is honesty and fairness.

We have all seen print ads and commercials that advertise fantastically low interest rates, sometimes as low as zero percent. But what these commercials don't tell you is that these teaser rates, as they are called, often expire and rise considerably only after a few months.

If you slip up even once by failing to make a minimum monthly payment, your interest rate may go up even faster. Just one mistake can be enough to drive an interest rate up by nearly 30 percentage points. Of course that information is usually hidden in the fine print of a lengthy disclosure statement.

Most Americans would assume that their interest rates will stay low as long as they make their minimum monthly payments. Not so. Today, credit card companies don't just look at the bill that you pay them, they look at your entire financial picture in deciding how high your interest rate ought to be, how high a rate they ought to charge you.

I learned of a doctor in Illinois who had always paid his credit card bills on time and stayed within his credit card limits. Then one day he took a look at his bill and discovered that the interest rate on his credit card had jumped from 6 percent to nearly 17 percent. He asked the credit card issuer, why? The company said that he was now a higher risk.

What was the reason?

He had taken out a mortgage on his new home.

This is incredible to me. There are few things more rewarding to a family than buying their first home. We celebrate home ownership here in America. Apparently for credit card companies it's a reason to celebrate as well, because it's an excuse to charge higher interest rates.

Interest rates, of course, are not the only way credit card companies make money. In recent years, more and more companies have found another way to increase their bottom lines, by assessing exorbitant fees for the most minor of offenses. Miss a payment by a single day and you may be charged $30 or even $40 for that mistake. Gone are the grace periods that gave consumers some reasonable leeway.

Over the past 2 years, the amount of money generated by credit card fees has simply skyrocketed. In fact, the term "skyrocketed" may be something of an understatement. In 1996, the fees raised $1.7 billion for credit card companies. That's 1996. Last year the credit card companies raised $11 billion in fees alone, only 8 years later.

You might think that if credit card companies know that someone is a risk they would take some action to limit that person's spending, such as lowering their credit line. Or perhaps they might not issue a card to that person in the first place.

But there is a little secret the credit card companies don't want Americans to know. They are actively soliciting and signing up customers who are tremendous credit risks. They are soliciting these people not in spite of the risk, but because of it.

Contrary to what one might think, customers who cannot afford to pay their bills on time are the credit card companies' best customers—not their worst. Unbelievably, these customers who do pay on time are known within the credit card industry as "deadbeats."

Let me repeat that. Those who pay their credit card bills on time are known within the industry as "deadbeats." Why is this? Because when people fail to pay their bills on time, that means more profits for the credit card industry, in the form of more interest charges and penalty fees.

How much more of a profit? Let's say you are the average American, with $9,000 in credit card debt, which is the case today. Let's say you stopped accumulating any more debt and decided you would pay it off by making the minimum monthly payment of 2 percent. Let's say further that your interest rate is 15 percent—which is just about the average today, I might add.

How long would it take you to pay off that debt? Five years? Ten years? Twenty years? It would take 39 years to pay off your debt. Over the course of those 39 years, you would pay $14,000 in interest payments alone, in addition to the $9,000 you owe. This is all assuming, of course, that your interest rate wouldn't rise over those years and that you wouldn't be hit with unexpected fees.

Credit card companies know this. They know their greatest chance of financial profit lies in those customers who have the least chance of paying their bills on time. That is why they continue to solicit these customers and that is why those who do pay on time are known within the industry as the deadbeats.

Last year, credit card companies mailed out 5 billion solicitations to about 200 million individuals in the United States. The average person received about one offer every other week. The average household received more than one per week. I guarantee that a great many of these people do not have sparkling credit ratings, yet these companies continue to send out offer after offer, hoping that yet another customer will take the bait.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the July 6, 2004 edition of the Wall Street Journal entitled "Growing Profit Source for Banks: Fees from Riskiest Card Holders."

This goes into the topic in greater detail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal Online, July 6, 2004]

Growing Profit Source for Banks: Fees From Riskiest Card Holders

(By Mitchell Pacelle)

When Jennifer Reid opened her credit-card statement in April, she discovered how expensive it was to make full use of her credit.

The 42-year-old X-ray technologist had run through $10,000 of her $12,000 credit line on an MBNA Corp. card. In April, her annual interest rate abruptly jumped to 24.98%, up from 19.98% the prior month and far above the initial single-digit rate.

"I don't understand," she recalls telling an MBNA customer-service representative on the phone, complaining that she hadn't been late with a single payment. The representative agreed but pointed out that she had run up more than $5,000 of debt on two other cards. Also, she was making only slightly more than the minimum suggested monthly payments on her MBNA card. He said the company now saw her as a credit risk and feared it would take her forever to pay off her debts. "Isn't that what you want consumers to do?" she snapped back.

That's a question more financially strapped bank customers are asking these days. For consumers who pay off their credit-card balances each month, shop aggressively for interest rates as low as 0%, and take advantage of generous credit-card rewards programs, consumer credit has never been cheaper. But for others like Ms. Reid, who went into debt so she could move to a better job in Florida from South Carolina, the trend is in the other direction.

Card users, consumer advocates and some industry experts complain that banks are attempting to squeeze more and more revenue from consumers struggling to make ends meet. Instead of cutting these people off as bad credit risks, banks are letting them spend—and then hitting them with larger and larger penalties for running up their credit, going over their credit limits, paying late and getting cash advances from their credit cards. The fees are also piling up for bounced checks and overdrawn accounts.

"People think they are being swindled," says industry consultant Duncan MacDonald, formerly a lawyer for the credit-card division of Citigroup Inc. Penalty fees aren't new, but they are becoming more important to the industry's bottom line and are being borne by the people who can least afford to pay them, he contends.

Cardweb.com, a consulting group that tracks the card industry, says credit-card fees, including those from retailers, rose to 33.4% of total credit-card revenue in 2003. That was up from 27.9% in 2000 and just 16.1% in 1996. The average monthly late fee hit $32.01 in May, up from $30.29 a year earlier and $13.30 in May 1996, the company said. In 2003, the credit-card industry reaped $11.7 billion from penalty fees, up 9% from $10.7 billion a year earlier, according to Robert Hammer, an industry consultant.

"As competitive pressure builds on the front-end pricing, it has pushed a lot of the profit streams to the back end of the card—to these fees," says Robert McKiniey, chief executive of CardWeb.com. Over the past two years, he said, "it's become much more aggressive." At industry conferences, he notes, talk often turns to "what the market will bear."

Banks say that penalties and fees are a necessary component of new models for pricing financial services. Gone are the days when banks collected hefty annual fees on all credit cards and charged fat interest rates to all customers. Now, the banks say, they must rely on risk-based pricing models under which customers with the shakiest finances pay higher rates and more fees.

"We look at teaser rates as an area that we have to be competitive in," said Richard Srednicki, a top credit-card executive at J.P. Morgan Chase & Co., during a conference call with investors last fall. He said the bank tries to "mix and match how we compete" on interest rates and fees "in order to make the kinds of returns that we're looking for."

An MBNA spokesman declined to comment on Ms. Reid's experience but noted that one of the most important considerations in setting a credit card's interest rate is "how a customer manages his account." If a customer's financial circumstances change for the worse, he said, the bank has to raise the rate "as a way of balancing that greater risk."

Such variable pricing has been embraced in recent years by airlines, mortgage lenders and others. What raises the hackles of bank customers, however, is that many don't discover the rate changes and penalty fees until they have already been hit with them. Those who complain are directed to disclosure statements that most consumers never read. These disclosures, says Mr. MacDonald, have ballooned from little more than a page 20 years ago to 30 pages or more of small print today.

Federal Comptroller of the Currency John D. Hawke Jr., one of the nation's top bank regulators, warned bankers at a conference last fall that "no retail banking activity generates more consumer complaints" than credit-card practices, "and where there are persistent and serious complaints, there is a fertile seedbed for legislation."

Mr. Hawke raised the case in which a customer presents a credit card at the cash register and the bank approves the transaction even though it knows that the purchase will push the customer over his credit limit. "If, as a practical matter, the line has been increased, is it unfair or deceptive for the creditor to continue to impose an overline 'penalty'?" he asked.

Until the early 1990s, most banks offered one main credit-card product. It typically carried an annual interest rate of about 18% and an annual fee of $25. Cardholders who paid late or strayed over their credit limit were charged modest fees. Profits from good customers covered losses from those who defaulted.

Then card issuers, in an effort to grab market share, began scrapping annual fees and vying to offer the lowest annual interest rates. They junked simple pricing models in favor of complex ones they say were tailored to cardholders' risk and behavior. Eager to sustain growth in a market approaching saturation, they began offering more cards to consumers with spotty credit.

By the late 1990s, banks were attracting consumers with low introductory rates, then subjecting some of them to a myriad of "risk-related fees," such as late fees and over-limit fees. A 2001 survey by the Federal Reserve showed that 30% of general-purpose credit-card holders had paid a late fee in the prior year.

Like Ms. Reid, more customers are seeing red when they discover the penalties on bank statements. Credit-card late-payment charges have risen to as high as $39 for some customers of Bank of America Corp., MBNA, and Providian Financial Corp., and fewer banks grant grace periods. Cardholders who exceed their credit limits face "over limit" fees as high as $39 a month.

In a survey of 140 credit cards this year, the advocacy group Consumer Action said 85% of the banks make it a practice to raise interest rates for customers who pay late—often after a single late payment. Nearly half raise rates if they find out that a customer is in arrears with another creditor.

Since the banks disclose the fees in the fine print of their mailings, they have had little to fear from regulators and the courts. Consumer lawyers have lost a string of lawsuits challenging such practices. A little-noticed April ruling by the U.S. Supreme Court said credit-card companies don't have to include various penalty fees when they calculate the "finance charge" listed on a customer's monthly statement.

And bank regulators have been reluctant to promulgate new regulations. The Federal Reserve Board and four other regulatory groups recently disappointed consumer groups by failing to take a strong stand against "bounce protection" plans. These programs allow customers to overdraw their checking accounts in exchange for a fee each time they do it that can exceed $30. Critics call bounce protection little more than an expensive short-term loan since the overdrawn amount must be covered quickly.

Banks are charging as much as $32 per transaction when customers write a check or make a debit-card purchase without enough money in their accounts to cover the payment. Five years ago, $20 was more typical.

Alicia Flynn, who works in the billing department of a San Francisco hospital, used her Bank of America debit card on Jan. 28 of last year to make four small purchases, including a $2.27 cup of cafeteria soup. But several checks she and her husband had written also hit their account that day. When the bank tallied up the account later that day, it posted some of the checks before the debit-card charges, which had already been cleared at the register. That left the account overdrawn by $40.17. The Flynns were hit with separate $28 "insufficient fund" fees for two checks and all four debit-card transactions, hitting the maximum daily penalty of $140.

"It is somewhat like having a meter maid put five parking citations on your car for one parking violation," complains Mrs. Flynn's husband, Richard Flynn.

Mr. Flynn later learned that subtracting the biggest check first is standard procedure for Bank of America. In response to his complaint letter, a Bank of America representative enclosed a copy of a booklet she said every customer received when opening an account, and directed Mr. Flynn to page 54. It describes the policy and warns customers that "this method may result in additional overdraft fees."

A bank spokesman maintains that most customers want large checks to clear first because they tend to be for important items such as a rent payment. The $28 penalty fee, he said, is intended to "make sure that customers don't run their balances so close to zero," and is priced "to assign a cost of the risk it exposes the bank to."

Banking fees have long been a subject of legislation and litigation. One decision that has helped banks boost their penalty fees came in 1996, when the Supreme Court said states can't regulate such charges if they're levied by out-of-state banks.

The 1968 federal Truth in Lending Act was enacted to promote "awareness of credit costs on the part of consumers." It required "meaningful disclosure of credit terms" but didn't say anything specifically about credit-card fees. In the act, Congress directed the Federal Reserve Board to enact regulations. The Fed responded with Regulation Z, which requires credit-card issuers to disclose the cost of credit as a dollar amount, known as the "finance charge," and as an annual percentage rate. Fees for late payments and the like were not to be included in either calculation.

As a college student in the mid-1990s, Sharon R. Pfennig signed up for a card with a $2,000 credit limit. In 1997, buying clothing at a mall, she blew past her credit limit by $192. Household International Inc. began tacking on a $20 over-limit fee each month. Ms. Pfennig stopped using the card and continued to make her $45 minimum monthly payments. But the monthly penalty fee, coupled with the $35 to $40 she paid each month as interest on her debt, caused her balance to continue climbing. Her monthly over-limit fee then jumped to $29, and her fee total eventually ballooned to about $700.

In 1999, Ms. Pfennig filed a lawsuit in Ohio federal court against Household and MBNA, which had purchased the Household credit-card portfolio that contained her account. The lawsuit accused Household of misrepresenting the true cost of credit by not including over-limit fees in its disclosed "finance charges" on her monthly statement. The suit said this practice, which adhered to Regulation Z, nonetheless violated the Truth in Lending Act.

An appeals court agreed with Ms. Pfennig but the Supreme Court, ruling April 21 of this year, sided with the credit-card company. It said Regulation Z is reasonable and companies that follow it are in compliance with the law.

"I'm getting completely disheartened," said Sandusky, Ohio, consumer lawyer Sylvia Goldsmith, who represented Ms. Pfennig before the high court.

In the Pfennig case, MBNA and Household defended the treatment of fees under current disclosure regulations as simpler for both consumers and banks. "This bright-line rule ensures that creditors disclose over-limit fees in an understandable and consistent manner, permitting consumers to compare such fees across time and across credit-card issuers in a meaningful way," the two banks noted in a Supreme Court brief.

For now, the only way for consumers to know what they're getting into is to plow through the disclosure materials they receive when they open bank accounts or get new credit cards. Most never do—as Mr. Flynn, the disgruntled Bank of America customer, admits. "We just opened a simple bank account, and they gave us a 78-page booklet, small print, and they expect us to read and understand it," he complains.

Ms. Reid, the Florida cardholder, says she is far more careful now about studying her credit-card mail. "I read eve single solitary word now. I hope one of these days I won't have to have a credit card at all."

Mr. DODD. What I find most troubling about this trend is that credit card companies have set their sights on the most vulnerable members of our society when it comes to debt—low-income individuals, the elderly, mentally retarded, and most recently, our children.

Go to any college campus in America and you are bound to come across a table where an enthusiastic sales person is offering free T-shirts, or sports bags, or Frisbees—almost anything in exchange for signing up as a credit card customer. According to a report on CBS News, the average college student is offered 8 cards in his or her first semester in college—8 credit cards. By the end of college, the average graduating senior has 6 credit cards in his or her name.

Why are credit card companies targeting college students so frequently? Because of their limited experience with financial matters, students tend to accumulate debt very quickly, and as a result, more and more of our young people are falling deeper and deeper into the financial hole from which they cannot escape.

In 1998, 67 percent of college students had a credit card. Today, 83 percent have credit cards. In 1998, the average college student graduated with $1,800 in credit card debt. Today the average college senior graduates with $3,000 in credit card debt.

I was shocked to learn that the fastest growing segment of our population that is forced to declare bankruptcy is people under the age of 25. Think of that. The fastest growing group of people declaring bankruptcy are people under the age of 25.

When we think about bankruptcy, we generally envision middle-aged Americans with failed businesses, investments gone bad, perhaps medical bills that have spiraled out of control. The answer is not so. It's college kids, recent graduates.

Some time ago, a piece on "60 Minutes II" told a story of one student's circumstance, Sean Moyer. I have told the story on the floor before but I think it deserves being repeated.

Sean's life began to spin out of control as a result of huge debts racked up in 3 years of college. He could not get loans to go to law school, as he dreamed. His parents couldn't afford to pay his way.

Sean Moyer had 12 credit cards and more than $10,000 in debts. He had two jobs, one at the library, another as a security guard in a Holiday Inn, but he still could not pay the collectors who continually harassed him with letters and phone calls. In 1998, Sean Moyer took his own life.

Three years after his son's death, his mother still gets pre-approved credit card offers in Sean's name. According to his mother, one company preapproved Sean for a $100,000 credit card line.

How is the credit card industry doing as a result of these practices?. These companies are thriving. Credit Card Management, an industry publication, reported that 2003 was the most profitable year for credit cards since the magazine began tracking the industry in 1992.

What makes matters even more astonishing is that this is happening when interest rates are at an all-time low. Yet, for millions of Americans, the interest rates they read about in the newspapers, those set by the Federal Reserve, bear absolutely no relationship whatsoever to interest rates that appear on their credit card bills.

Still, the industry wants more. In recent years, while they have been encouraging consumers to accumulate debt, credit card companies have simultaneously been lobbying Congress to change bankruptcy laws to make it harder and harder for people to have their debts forgiven. This amounts to a two pronged attack on working families in America—get people into as much debt as possible, and then change the rules of the game so they can't get rid of that debt.

It is time we stood up for consumers. It is time we restored a sense of responsibility to this industry.

I am here today to introduce the Credit Card Accountability, Responsibility, and Disclosure Act of 2004, also known as the Credit CARD Act. This bill takes aim at what I consider to be some of the more egregious abuses of consumers by credit card companies.

This bill takes some simple, common-sense steps to stop abusive practices, educate cardholders, and stiffen the penalties on corporations that violate the law.

First of all, I think we can all agree that it is reasonable for a consumer to be clearly notified if his or her interest rates are going up. That is not a radical idea, that is just common sense. My bill would require clear disclosure of any rate changes so there aren't any surprises for the average consumer.

I also don't believe a company should be able to retroactively change the interest rate on debt that already exists. If you want to raise interest rates, fine, but raise them on future debt, not existing debt. Our bill would prohibit any retroactive interest rate changes.

Second, I believe that companies should be rewarding people for responsible card use—not penalizing them. If you pay your bills on time, your interest rate shouldn't go up. If you pay off your balances in full, your company shouldn't be able to charge you any new fees. If you decide to cancel your card, your interest rate shouldn't go up. I am pointing out these facts because that is exactly what happens. My bill would codify all of these common-sense principles into law.

Third, my bill would protect some of the most vulnerable in our society—our Nation's youth—by implementing new requirements for issuing credit cards to people under the age of 21. We are not going to prohibit college students from getting cards, but we are going to make sure that companies can't simply give away cards to millions and millions of students who they know will rack up years and years worth of debt and potentially face bankruptcy and financial ruin before their working lives have barely begun.

If you apply for a credit card and you are under 21, under this bill you will need one of three things: A signature of a parent or guardian who is willing to take responsibility for your debt; information indicating that you have some other means of repaying any debt; or a certification that you have completed a credit counseling course. And if you are a credit card company that offers cards to students under 21, you will be required to comply with these requirements—or face serious penalties.

Finally, this bill requires companies to be honest with consumers by introducing some new disclosure requirements. The most important one is a box—prominently located on every single bill—containing four simple pieces of information: The total balance on your account; your minimum monthly payment; how long it will take to pay your bill if all you pay is the minimum monthly payment; and finally, how much you will have to pay over time—in both interest and principal—if you only make the minimum payments.

The reason for these disclosures is simple, and to many, probably obvious: To allow consumers to know exactly what it means to carry a debt, so they can decide whether or not to do so.

The Credit CARD Act also contains a number of additional disclosure requirements to bring more transparency to an industry that has clearly reaped benefits from the use of fine print and lengthy and confusing policy statements.

We are not asking for much here—only that companies be fair and straightforward with consumers. Let us see some real disclosures so Americans can understand what their bill means, how much they are being charged, and why.

No one wants credit cards to disappear. I certainly believe credit cards are tremendously valuable and worthwhile as long as they are handled responsibly. And no one wants people who need and deserve credit to have no way to get it. But we can't simply stand by as more and more Americans fall deeper and deeper into debt with no way out. We need to take some responsible action so that the credit card can still be a useful financial tool without being a ticket to financial ruin.

If we are going to pass bankruptcy bills in the Senate that demand more responsibility from consumers, shouldn't we demand more responsibility from creditors, as well? This bill, the Credit CARD Act, does just that, and I urge my colleagues in the Senate to adopt it.

I ask unanimous consent for the text of the bill to be printed in the RECORD.

By Mr. ALLARD (for himself and Mr. HAGEL):

S. 2756. A bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming; to the Committee on Environment and Public Works.

Mr. ALLARD. Mr. President, transportation is a key element of economic growth for rural Colorado. Providing access to the national highway system through a well developed transportation corridor will boost economic opportunity and bring new dollars to the area as the flow of commerce increases through traffic, tourism and, hopefully, new industry.

Previously, I introduced legislation to create the Heartland Expressway, a connecting highway of high priority roads on the national highway system. However, a few had concerns about this legislation, so the supporters went back to the drawing board. So, tonight I rise to introduce a bill that reflects the compromise that each of the impacted states have come to.

Through Ports-to-Plains and Heartland Expressway, we can bring greater prosperity through trade and industry to the State of Colorado, while improving the safety and condition of our highways.

Based on the recommendation of the Eastern Colorado Mobility Study, authored by the Colorado Department of Transportation, the corridor will serve a wide variety of trucks and autos, bringing new dollars and boosting the economy.

The Heartland Expressway will result in user cost savings to businesses, have fewer environmental impacts than other corridor alternatives, and will enhance or improve existing—and may even promote the construction of new corridors and intermodal facilities—that will enhance the mobility of freight services within and through eastern Colorado.

The Heartland Expressway will penetrate and promote economic development in Denver, throughout north and southeast Colorado, into Wyoming, and through Scotsbluff, NE to Rapid City, SD.

By Mr. FITZGERALD:

S. 2757. A bill to provide for certain financial reporting requirements to apply to the judicial branch of the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. FITZGERALD.

S. 2758. A bill to provide for certain financial reporting requirements to apply to the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules and Administration.

Mr. FITZGERALD. Mr. President, I rise today to introduce two bills that would ensure fiscal accountability throughout the Judicial and Legislative Branches of the Federal Government: the Judicial Branch Financial Accountability Act of 2004 and the Legislative Branch Financial Accountability Expansion Act of 2004. These bills would strengthen the financial management of both branches by requiring them to prepare annual financial statements and have them independently audited.

These bills also build on S. 2680, the Financial Accountability Expansion Act of 2004, that Senator AKAKA and I introduced on July 16, 2004, to expand independent audit requirements to the remainder of the executive branch that currently is not covered under the Chief Financial Officers Act or the Accountability of Tax Dollars Act. Taken together, this legislative package would ensure—for the first time—that all agencies and entities in the entire United States Government are subject to stringent financial audit requirements.

Congressional efforts to improve financial management and to reduce the waste, fraud and abuse of taxpayer dollars began almost 25 years ago with the enactment of the Federal Managers Financial Integrity Act of 1982, which intended to strengthen internal controls and accounting systems. Another important financial management reform initiative was the Chief Financial Officers Act (CFO) of 1990. Among other things, the CFO Act created 24 CFO and deputy CFO positions in cabinet departments and major executive branch agencies, and required the annual preparation and audit of financial statements.

I would briefly like to mention that the Department of Homeland Security, which has 180,000 employees and a budget of over $30 billion, is the only cabinet level department not now subject to the CFO Act. In order to address this problem, on August 1, 2003, I was joined by Senator AKAKA in introducing S. 1567, the Department of Homeland Security Financial Accountability Act, which would subject the department to the same financial management practices currently required of all other major Federal agencies. The Senate passed S. 1567 in November 2003, and the House of Representatives passed its version, H.R. 4259, on July 20, 2004. It is my hope and expectation that final congressional action on this legislation will occur in the near future.

The CFO Act improved the financial management of cabinet departments and major Federal agencies; however, it did not address the fiscal policies and practices of the rest of the executive branch. Therefore, in 2002, I was the Senate sponsor of the Accountability of Tax Dollars Act (ATDA). This legislation, which became law on November 7, 2002, amended the CFO Act to require agencies with budget authority of over $25 million to prepare annual financial statements and have them independently audited. Due to the enactment of the ATDA, an additional 76 agencies are now subject to requirements for annual audited financial statements.

The ATDA also provided authority to the Director of the Office of Management and Budget (OMB) to waive or exempt certain agencies from the act's requirements. The OMB director may waive these requirements during the first 2 years of implementation if an agency lacks the budgeted resources or requires additional time to develop financial management practices and systems. The OMB director may exempt agencies with budget authority under $25 million if it is determined that there is an absence of risk associated with the agency's operations.

To improve upon the legislative changes Congress enacted in 2002, the Financial Accountability Expansion Act of 2004, which I introduced last week, would further expand the requirements of the CFO Act to every remaining entity in the executive branch. Each executive branch agency or entity, regardless of its size or budget authority, would be subject to the financial oversight and accountability that annual, independently audited financial statements provide. In order to assist small agencies that may not have adequate financial resources or personnel to comply with these requirements, this bill would authorize the Secretary of the Treasury to enter into one or more contracts on behalf of the agency, or multiple agencies through "bundling," for the preparation and independent audit of the financial statement.

To begin the process of expanding audit requirements through the Executive Branch, on July 19, 2004, I was joined by Senator AKAKA in introducing S. 2688, the Executive Branch Financial Accountability Reporting Act of 2004, which would require the Director of the Office of Management and Budget (OMB) to submit a report to the relevant congressional committees that lists all Federal entities not currently required to prepare annual, independently audited financial statements. We were pleased that the Governmental Affairs Committee favorably reported this bill on July 21, 2004, and we intend to work with our colleagues to expedite Senate passage of this important legislation.

Although significant progress has been made in strengthening financial accountability of the executive branch, similar audit requirements in the judicial and legislative branches are woefully inadequate or completely lacking. At a hearing held on July 8, 2004, by the Governmental Affairs Subcommittee on Financial Management, the Budget, and International Security, which I chair, we heard surprising testimony that the judicial branch does not conduct annual audits of its financial statements. Similarly, many entities in the legislative branch do not prepare annual financial statements, and many that do prepare financial statements do not have them independently audited.

As part of the Contract with America in the 104th Congress, the financial statements of the House of Representatives have been annually audited by an independent accounting firm. While several other legislative branch entities voluntarily comply with the requirements of the CFO Act—the Government Accountability Office and the Congressional Budget Office—these agencies of Congress are not statutorily required to do so. I find it disturbing that the United States Senate does not hold itself to the same standards of financial accountability that it imposes on the executive branch of government. The financial activities of all entities established by and within the legislative branch—such as the Senate Disbursing Office, the Capitol Police, the Library of Congress, the Government Accountability Office, the U.S. Botanic Garden, and the Architect of the Capitol—should be subject statutorily to the oversight provided by an independent financial statement audit.

In fiscal year 2004, the Congress appropriated over $3.5 billion for the legislative branch and approximately $5.2 billion for the judicial branch. To ensure that these two co-equal branches of government are subject to independent audit requirements similar to the executive branch, the legislative package I introduce today includes two bills to strengthen the financial management practices of the Federal courts and legislative entities.

The Judicial Branch Financial Accountability Act of 2004 that I introduce today would require the Federal judiciary to have independent audits of annual financial statements covering all accounts and activities. In deference to a co-equal branch of government, the bill would require the Judicial Conference of the United States, the principal policy-making body for the administration of the U.S. Courts, to determine whether the U.S. Supreme Court, the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of International Trade, and other judicial branch entities, should submit separate financial statements, or whether there should be a single consolidated statement that is independently audited.

To ensure that judicial branch entities have the procedures and resources in place to comply with the requirements of this act, this bill would require the submission of a report regarding the act's implementation to the appropriate committees in the Senate and House of Representatives. This report is to be submitted not later than 90 days after the date of the bill's enactment, and is to include any legislative recommendations that may be necessary to carry out the provisions of the act. Similar to the requirements imposed by OMB on executive branch entities, this bill would require the completion and public release of the audited financial statement not later than 45 days after the end of the fiscal year.

The second bill I introduce today—the Legislative Branch Financial Accountability Expansion Act of 2004—would require that each House of Congress and each legislative agency or other entity prepare financial statements that must be independently audited. In order to ensure that entities in the legislative branch have the procedures and resources in place that are necessary to fulfill this requirement, the bill requires each House of Congress and each legislative agency or other entity to submit a report to the appropriate committees in the Senate and House of Representatives regarding the implementation of the act. The report is to be submitted within 90 days of the date of enactment, and is to include whether the establishment of a special office is necessary to carry out the act's requirements, as well as any legislative recommendations that may be necessary.

Within 60 days after the submission of this report, each House of Congress is to establish an office to prepare the financial statement. Each legislative agency or other entity is also required to establish an office, or designate an individual if that is more appropriate, to prepare the financial statement. An independent audit of the financial statement is to be completed and made public within 45 days after the close of the applicable fiscal year.

I am sensitive to how other co-equal branches of the Federal Government conduct their fiscal affairs. Therefore, these bills defer to the leadership of these branches to determine the most appropriate means of implementing annual independent audits of financial statements. In light of these sensitivities, I recognize that these bills represent the first step toward improving the financial accountability of the entire Federal Government. I look forward to working with my colleagues to provide the best legislative solution to ensure full and equal accountability for the use of taxpayer dollars.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 2757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Branch Financial Accountability Act of 2004".

SEC. 2. FEDERAL JUDICIARY.

(a) IN GENERAL.—The Federal Judiciary shall annually have independently audited financial statements prepared for fiscal year 2005, and each fiscal year thereafter, covering all the accounts and associated activities of the judicial branch.

(b) SEPARATE STATEMENTS.—The Judicial Conference of the United States shall determine whether to have separate financial statements for the—

(1) Supreme Court of the United States;

(2) United States Court of Appeals for the Federal Circuit;

(3) United States Court of International Trade;

(4) Administrative Office of the United States Courts;

(5) Federal Judicial Center;

(6) Judicial retirement funds;

(7) United States Sentencing Commission; or

(8) other courts or services paid from the appropriations for "Courts of Appeals, District Courts, and Other Judicial Services".

SEC. 3. PREPARATION AND AUDIT OF STATEMENTS.

(a) PREPARATION.—The Administrative Office of the United States Courts shall prepare the financial statements required by this Act in accordance with United States generally accepted accounting principles.

(b) AUDIT.—

(1) IN GENERAL.—The Judicial Conference of the United States shall provide, by contract, for an independent auditor to audit the financial statements required by this Act in accordance with generally accepted government auditing standards.

(2) REPORT.—Not later than 45 days after the end of the defined fiscal year, whether calendar or fiscal, and each year thereafter, the Administrative Office of the United States Courts shall complete and submit an independently audited financial statement that shall be—

(A) available to the public; and

(B) submitted to—

(i) the Committee on the Judiciary of the Senate and the Committee on Governmental Affairs of the Senate; and

(ii) the Committee on the Judiciary of the House of Representatives and the Committee on Government Reform of the House of Representatives.

SEC. 4. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, a report described under subsection (b) shall be submitted by the Judicial Conference to—

(1) the Committee on the Judiciary of the Senate and the Committee on Governmental Affairs of the Senate; and

(2) the Committee on the Judiciary of the House of Representatives and the Committee on Government Reform of the House of Representatives.

(b) CONTENT.—The report under subsection (a) shall include—

(1) a plan for implementation of this Act; and

(2) recommendations, including legislative actions and amendments to this Act, if necessary, to effectively carry out this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act in fiscal year 2005, and each fiscal year thereafter.

S. 2758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Branch Financial Accountability Act of 2004".

SEC. 2. CONGRESS.

(a) IN GENERAL.—The Senate and the House of Representatives each shall annually have a financial statement prepared in accordance with United States generally accepted accounting principles, and have the statement independently audited, for the preceding calendar year covering all the accounts and associated activities of the Senate and the House of Representatives, respectively.

(b) FINANCIAL STATEMENT.—Each financial statement shall reflect the organizational structure of the Senate and House of Representatives, respectively, and shall cover accounts and financial information for all entities of the Senate and House of Representatives, respectively. Joint activities shall be reflected in the financial statement of a House of Congress to the extent that the House funds the activities.

SEC. 3. AGENCIES.

(a) IN GENERAL.—Each agency under subsection (b) shall annually have a financial statement prepared in accordance with United States generally accepted accounting principles, and have the statement independently audited, for the preceding fiscal year covering all the accounts and associated activities of the agency.

(b) The agencies referred to under subsection (a) are the—

(1) Library of Congress;

(2) Congressional Budget Office;

(3) General Accountability Office;

(4) Government Printing Office;

(5) United States Botanic Garden;

(6) Architect of the Capitol;

(7) United States Capitol Police; and

(8) any other entity of the legislative branch established by Congress and not required by statute to have annual financial statements independently audited.

SEC. 4. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, a report described under subsection (b)—

(1) shall be submitted by the Committee on Rules and Administration of the Senate, with respect to the entities of the Senate, to the Committee on Governmental Affairs of the Senate;

(2) shall be submitted by the Committee on Administration of the House of Representatives, with respect to entities of the House of Representatives, to the Committee on Government Reform of the House of Representatives; and

(3) shall be submitted by each legislative agency or entity under section 3 to the—

(A) Committee on Rules and Administration of the Senate and the Committee on Governmental Affairs of the Senate; and

(B) Committee on Administration of the House of Representatives and the Committee on Government Reform of the House of Representatives.

(b) CONTENT.—Each report under subsection (a) shall include—

(1) a plan for implementation of this Act, including whether the establishment of an office is necessary to carry out this Act; and

(2) recommendations, including legislative actions and amendments to this Act, if necessary, to effectively carry out this Act.

SEC. 5. PREPARATION AND AUDIT OF STATEMENTS.

(a) PREPARATION.—

(1) CONGRESS.—Not later than 60 days after the submission of the report under section 4, the Majority Leader of the Senate in consultation with the Minority Leader of the Senate, and the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives, shall establish offices in the Senate and the House of Representatives, respectively, that shall prepare the financial statements for

each House required by this Act in accordance with United States generally accepted accounting principles.

(2) LEGISLATIVE AGENCIES AND ENTITIES.—Not later than 60 days after the submission of the report under section 5, the head of each legislative agency or entity shall designate an individual or establish an office that shall prepare the financial statements required by this Act in accordance with United States generally accepted accounting principles.

(b) AUDIT.—With respect to the financial statements of each House of Congress and each legislative agency or other entity, the Majority Leader of the Senate in consultation with the Minority Leader of the Senate, the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives, and the head of each legislative agency or other entity, respectively, shall provide, by contract, for an independent audit of the financial statements required by this Act in accordance with generally accepted government auditing standards. Not later than 45 days after the end of the applicable fiscal year, whether calendar or fiscal, and each year thereafter, each House of Congress and head of legislative agency or entity shall complete and make available to the public the independently audited financial statement.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act in fiscal year 2005, and each fiscal year thereafter.

SEC. 7. EFFECTIVE DATES.

(a) IN GENERAL.—Sections 2 and 3 shall take effect in the applicable fiscal year, whether calendar or fiscal, during which the office referred to in section 5 is established.

(b) ADMINISTRATIVE PROVISIONS.—Sections 1, 4, 5, and 6 shall take effect on the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I am pleased to introduce the Children's Health Improvement and Protection (CHIP) Act today, along with my fellow Senators ROCKEFELLER, CHAFEE, and SNOWE. This bill will ensure that children continue to receive health care coverage through the Children's Health Insurance Program, which is especially important as the Nation's economy struggles to recover and State budgets are stretched perilously thin.

The Children's Health Insurance Program, CHIP, has shown great success in reducing the number of children without health insurance. Last year, 5.8 million children were enrolled in CHIP, children who otherwise would have limited access to critical screening and diagnostic services and needed medical care. In 2003, 125,000 children in Massachusetts participated in CHIP and other Stats had similar success.

The need for CHIP has always been clear. We know that children without health insurance are more than three times less likely to have a regular source of health care than insured children. They are more than four times as likely to delay needed medical care because of cost. And they are more than twice as likely as insured children to forego needed prescription drugs and eyeglasses.

Despite the clear evidence that health insurance provides children with a healthier start, continued success of the CHIP program is in jeopardy. A number of States have budget shortfalls that will short-change CHIP programs over the next several years. Last year, the Congress acted to prevent $2.7 billion in Federal funding for CHIP from reverting to the Treasury. However, this funding was a short-term solution for long-term financing problems that will persist until CHIP is reauthorized in 2007. The Center on Budget and Policy Priorities has projected that over 200,000 children are still at risk for losing their health coverage if additional steps are not taken.

This bill will provide the needed steps to support and expand the CHIP program. The Children's Health Improvement and Protection Act of 2004 prevents $1.07 billion in Federal CHIP funds that are scheduled to expire from reverting to the Treasury. In addition, this bill reallocates some of these funds to States that most need them. Seventy percent of the expiring fiscal year 1998, 1999, and 2000 funds would be redistributed to needy States and the remaining 30 percent of the funds would be retained by the States that currently have them.

States that were unable to spend all of their fiscal year 2002, 2003, and 2004 CHIP allotments after 3 years would be able to keep half of the unspent funds. The other 50 percent would be redistributed to States that have fully spent their allotments during the 3-year period they were available. Any retained or redistributed funds would be available for 2 years. After that, our bill establishes a second redistribution for unspent funds, using the same 70–30 redistribution scheme I described previously.

Passage of CHIP was a great step forward in ensuring every child a healthy start in life. It would be a grave mistake and a misplaced set of priorities to weaken this program that so many of us worked to enact and that is helping so many children. It makes no sense to have funds expire and revert to the Treasury when we know that many States are still facing severe deficits that have led to waiting lists or "freezes" in their CHIP programs. This bill will allow States to maintain their CHIP programs and allow them to grow. The health of the Nation reflects the health of our children and I look forward to working with my colleagues in the Senate to get this very important legislation passed.

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. KENNEDY, and Ms. SNOWE):

S. 2759. A bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my friend and colleague from Rhode Island, Mr. CHAFEE, to introduce legislation that will protect the health and well-being of America's children by restoring funds to the Children's Health Insurance Program (CHIP). In 1997, Senator CHAFEE and I worked together to create the Children's Health Insurance Program as part of the Balanced Budget Act. I am proud of the work we have done over the years to make improvements to this critical program, which helps so many of our nation's children.

Since its inception, the CHIP program has been an unqualified success. It has directly contributed to the decline in the number of children without health insurance in recent years. Last year, 5.8 million children were enrolled in CHIP, including over 35,000 children in my home state of West Virginia.

However, the continued success of the CHIP program is in serious jeopardy. A number of States are projected to have insufficient Federal funding to sustain their existing CHIP programs over the next several years. On September 30, 2004, $1.07 billion in Federal CHIP funds are scheduled to expire and revert to the national treasury, despite growing unmet need in a number of States. If Congress does not act to preserve these funds, States will have no choice but to cut coverage for low-income children.

Last year, we acted to protect children's health care by passing legislation to prevent $2.7 billion in Federal funding for CHIP from reverting to the treasury. While this legislation went a long way to address immediate CHIP funding shortfalls, it did not address the long-term financing problems that will persist until CHIP is reauthorized in fiscal year 2007. The legislation we are introducing today would solve the current CHIP financing problems and preserve health care coverage for children through reauthorization, when Congress will have to consider a better Federal financing mechanism for the program.

I am pleased to be joined by Senators CHAFEE, KENNEDY, and SNOWE in introducing legislation that represents a comprehensive approach to shoring up CHIP financing through reauthorization, thereby preventing a devastating enrollment decline and facilitating continued CHIP growth. Our bill would extend the availability of the $1.07 billion in expiring CHIP funds and target some of the funds to the States that need them the most. It would also establish redistribution rules that will keep CHIP money in the CHIP program through fiscal year 2007.

The Children's Health Protection and Improvement Act will allow States to continue offering health care to our Nation's children—the most vulnerable population among us. It will ensure that healthy children have access to preventative check-ups and exams and that sick children can get the medication and treatment they need. This legislation enjoys bipartisan support and is endorsed by the National Governor's Association (NGA).

I urge my colleagues to make enactment of this critical legislation a priority. Congress must act on this legislation this year. We must do this when we return. I recognize that we have very few legislative days left, but this must be at the top of our list because our children cannot afford to wait. We must guarantee the continued success of the CHIP program and sustain the significant progress CHIP has made over the years in reducing the ranks of uninsured children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Protection and Improvement Act of 2004".

SEC. 2. CHANGES TO RULES FOR REDISTRIBUTION AND EXTENDED AVAILABILITY OF 1998 THROUGH 2004 SCHIP ALLOTMENTS.

Section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)), as amended by Public Law 108–74 (117 Stat. 892), is amended—

(1) in the subsection heading by striking ", 1999, 2000, AND 2001" and inserting "THROUGH 2004"; and

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting "or for fiscal year 2002 by the end of fiscal year 2004, or for fiscal year 2003 by the end of fiscal year 2005, or for fiscal year 2004 by the end of fiscal year 2006," after "fiscal year 2003,"; and

(II) by striking "or 2001" and inserting "2001, 2002, 2003, or 2004";

(ii) in clause (i)—

(I) in subclause (III), by striking "or" at the end;

(II) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

"(V) the fiscal year 2002 allotment, the amount specified in subparagraph (E)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (E)(ii) for the State to the amount specified in subparagraph (E)(iii);

"(VI) the fiscal year 2003 allotment, the amount specified in subparagraph (F)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (F)(ii) for the State to the amount specified in subparagraph (F)(iii); or

"(VII) the fiscal year 2004 allotment, the amount specified in subparagraph (G)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (G)(ii) for the State to the amount specified in subparagraph (G)(iii)."; and

(iii) in clause (ii), by striking "or 2001" and inserting "2001, 2002, 2003, or 2004";

(B) in subparagraph (B)—

(i) in clause (ii), by inserting "but subject to paragraph (4)" after "subsection (e)";

(ii) in clause (iii)—

(I) by inserting "but subject to paragraph (4)" after "subsection (e)"; and

(II) by striking "and" at the end;

(iii) by redesignating clause (iv) as clause (vii); and

(iv) by inserting after clause (iii), the following:

"(iv) notwithstanding subsection (e) but subject to paragraph (4), with respect to fiscal year 2002, shall remain available for expenditure by the State through the end of fiscal year 2006;

"(v) notwithstanding subsection (e), with respect to fiscal year 2003, shall remain available for expenditure by the State through the end of fiscal year 2007; and

"(vi) with respect to fiscal year 2004, subsection (e) shall apply; and"; and

(C) by adding at the end the following:

"(E) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2002.—For purposes of subparagraph (A)(i)(V)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2002, less the total amount remaining available pursuant to paragraph (2)(A)(v);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2002, 2003, and 2004 exceed the State's allotment for fiscal year 2002 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2002, of the amounts specified in clause (ii).

"(F) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2003.—For purposes of subparagraph (A)(i)(VI)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2003, less the total amount remaining available pursuant to paragraph (2)(A)(vi);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2003, 2004, and 2005 exceed the State's allotment for fiscal year 2003 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2003, of the amounts specified in clause (ii).

"(G) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2004.—For purposes of subparagraph (A)(i)(VII)—

"(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2004, less the total amount remaining available pursuant to paragraph (2)(A)(vii);

"(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2004, 2005, and 2006 exceed the State's allotment for fiscal year 2004 under subsection (b); and

"(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2004, of the amounts specified in clause (ii).";

(3) in paragraph (2)—

(A) in the paragraph heading by striking "2001" and inserting "2004"; and

(B) in subparagraph (A)—

(i) in clause (i), by striking "Of" and inserting "Subject to paragraph (4), of";

(ii) in clause (ii), by striking "Of" and inserting "Subject to paragraph (4), of";

(iii) in clause (iii), by striking "Of" and inserting "Subject to paragraph (4), of";

(iv) in clause (iv), by striking "Of" and inserting "Subject to paragraph (4), of"; and

(v) by adding at the end the following:

"(v) FISCAL YEAR 2002 ALLOTMENT.—Subject to paragraph (4), of the amounts allotted to a State pursuant to this section for fiscal year 2002 that were not expended by the State by the end of fiscal year 2004, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2006.

"(vi) FISCAL YEAR 2003 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2005, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2007.

"(vii) FISCAL YEAR 2004 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2004 that were not expended by the State by the end of fiscal year 2006, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2007.";

(4) in paragraph (3)—

(A) by striking "or fiscal year 2001" and inserting "fiscal year 2001, fiscal year 2002, fiscal year 2003, or fiscal year 2004,"; and

(B) by striking "or November 30, 2003," and inserting "November 30, 2003, November 30, 2004, November 30, 2005, or November 30, 2006,"; and

(5) by adding at the end the following:

"(4) ADDITIONAL EXTENDED AVAILABILITY OF FISCAL YEARS 1998 THROUGH 2002 ALLOTMENTS.—

"(A) FISCAL YEAR 1998, 1999, AND 2000 ALLOTMENTS.—With respect to any amounts allotted to a State pursuant to this section for fiscal years 1998, 1999, or 2000 that were redistributed to a State under paragraph (1), or whose availability to a State was extended through the end of fiscal year 2004 under paragraph (2), that were not expended by the State by the end of fiscal year 2004, the following rules shall apply:

"(i) 30 percent of such amounts shall remain available for expenditure by the State through the end of fiscal year 2007.

"(ii) The remainder of such amounts shall be redistributed to States that have fully expended the amount of their fiscal year 2002 allotments under this section in the same ratio as unexpended fiscal year 2002 allotments are redistributed under paragraph (1)(A)(i)(V) to such States and the amounts redistributed under this clause shall remain available for expenditure through the end of fiscal year 2007.

"(B) FISCAL YEAR 2001 ALLOTMENTS.—With respect to any amounts allotted to a State pursuant to this section for fiscal year 2001 that were redistributed to a State under paragraph (1), or whose availability to a State was extended through the end of fiscal year 2005 under paragraph (2), that were not expended by the State by the end of fiscal year 2005, the following rules shall apply:

"(i) 30 percent of such amounts shall remain available for expenditure by the State through the end of fiscal year 2007.

"(ii) The remainder of such amounts shall be redistributed to States that have fully expended the amount of their fiscal year 2003 allotments in the same ratio as unexpended fiscal year 2003 allotments are redistributed under paragraph (1)(A)(i)(VI) to such States and the amounts redistributed under this clause shall remain available for expenditure through the end of fiscal year 2007.

"(C) FISCAL YEAR 2002 ALLOTMENTS.—With respect to any amounts allotted to a State pursuant to this section for fiscal year 2002 that were redistributed to a State under paragraph (1), or whose availability to a State was extended through the end of fiscal year 2006 under paragraph (2), that were not expended by the State by the end of such fiscal year, the following rules shall apply:

"(i) 30 percent of those amounts shall remain available for expenditure by the State through the end of fiscal year 2007.

"(ii) The remainder of such amounts shall be redistributed to States that have fully expended the amount of their fiscal year 2004 allotments in the same ratio as unexpended fiscal year 2004 allotments are redistributed under paragraph (1)(A)(i)(VII) to such States and the amounts redistributed under this clause shall remain available for expenditure through the end of fiscal year 2007.".

SEC. 3. CONTINUED AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.

Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as added by Public Law 108–74 (117 Stat. 895) and amended by Public Law 108–127 (117 Stat. 134), is amended by striking "or 2001" and inserting "2001, 2002, 2003 or 2004".

Mr. CHAFEE. Mr. President, I am pleased to join Senator ROCKEFELLER and others today in introducing a bipartisan proposal to extend and redistribute expiring State Children's Health Insurance Program (SCHIP) funds.

This legislation will allow States to retain $1.07 billion in funds originally allocated for fiscal years 1998, 1999, and 2000, and currently scheduled to revert to the Federal Treasury on September 30, 2004. The bill also applies a 70–30 redistribution formula to the 1998–2000 allotments. States with surplus funds scheduled to revert in September will keep 30 percent of the money and cede 70 percent to States that have exhausted their allotments. Additionally, the bill will continue the current law redistribution rules through 2007. It allows States unable to spend all of their fiscal year 2002, 2003, and 2004 SCHIP allotments within the 3-year limit, to keep half of the unspent funds. The other 50 percent would be redistributed to States that have exhausted their allotments.

This proposal will prevent States from losing unexpended SCHIP allotments and allows States like Rhode Island, with efficient programs and a high-level of need, to receive redistributed money. Without this proposal, the overwhelming success of State SCHIP programs and quality health coverage to millions of uninsured children will be jeopardized.

Preserving the expiring funds is essential to guaranteeing that more than 200,000 children will not lose their health insurance coverage between now and 2007. At a time when our Nation's uninsured rate has climbed to 43.6 million, it makes little sense to take away Federal funding from States that are desperately trying to enroll needy children. This legislation is crucial to many States including my State of Rhode Island. Without this remedy, Rhode Island is set to run out of SCHIP funds by 2005. At 5 percent, Rhode Island currently has the third lowest uninsured rate of any State in the Nation for children. This bill will enable Rhode Island to continue offering health coverage to this vulnerable population.

I urge my colleagues to join Senator ROCKEFELLER and me in supporting this important legislation. It is a crucial step toward ensuring that our Nation's children will have long-term access to quality health insurance.

By Mr. GRASSLEY (for himself and Mr. COLEMAN):

S. 2762. A bill to encourage the use of indigenous feedstock from the Caribbean Basin region with respect to ethyl alcohol for fuel use; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to close a loophole under the Caribbean Basin Initiative, CBI, trade preference program which could allow large quantities of Brazilian ethanol to be shipped to the United States duty-free. This loophole allows companies to use the CBI program as a passthrough to get duty-free treatment for Brazilian ethanol. This could end up displacing U.S. production and hurting Iowa's ethanol producers. I want to help make sure that does not happen.

Also, when the Caribbean Basin Initiative was enacted during the Reagan administration, the purpose of the program was to encourage trade and development with the region. I support the CBI program. However, I believe that the program should encourage meaningful economic development in the region. Unfortunately, one special interest provision in the statute permits "wet" ethanol from Brazil to be shipped to the CBI region and merely dehydrated, thus qualifying for duty-free access to the U.S. market. The dehydration process which occurs in the CBI region is not very complicated. It simply removes a small percentage of water from "wet" ethanol, thereby converting it into "dry" ethanol. Such "dry" ethanol is provided duty-free access to the U.S. market. I do not believe that such simple processing is substantial enough to warrant the benefit of getting duty-free access to the U.S. market. In keeping with the original intent of the CBI, I believe that more meaningful economic activity should occur in the CBI region before a product qualifies for duty-free treatment.

My bill would limit the opportunity to exploit this special interest provision. It would introduce a fixed cap on the amount of ethanol that can take advantage of the passthrough provision. The amount of the cap is based on the historical volume of ethanol exports from the CBI region over the past 20 years. Thus, my bill will permit the continued duty-free importation of some ethanol that is simply dehydrated in the CBI region, based on historical trade amounts. However, my bill would put a stop to the unlimited future growth of such duty-free imports.

It is my belief that this modification should not impact any of the CBI companies that are currently operating ethanol plants in the region. At the same time, my bill will encourage greater investment and development in the CBI region because ethanol that is produced from scratch in the CBI region, using CBI inputs, will continue to be eligible for duty-free access to the U.S. market under the CBI program. If ethanol is made from scratch in the CBI region then it will qualify for duty-free treatment.

In sum, my bill only addresses new investments in dehydration plants, whose sole purpose is to merely dehydrate Brazilian ethanol. Our tariff preference programs should not be granting economic incentives in the form of tariff preferences for such passthrough operations. In my mind, that is not what the CBI program is for, and it is not fair for Iowa's ethanol producers.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ETHYL ALCOHOL FOR FUEL USE.

(a) IN GENERAL.—Subparagraph (B) of section 423(c)(3) of the Tax Reform Act of 1986 (19 U.S.C. 2703 note) is amended to read as follows:

"(B) The local feedstock requirement with respect to any calendar year is—

"(i) 0 percent with respect to the base quantity that is entered;

"(ii) 30 percent with respect to the 35,000,000 gallons of dehydrated alcohol and mixtures entered in excess of the base quantity; and

"(iii) 50 percent with respect to all dehydrated alcohol and mixtures entered after the amount specified in clause (ii) is entered.".

(b) BASE QUANTITY.—Clause (i) of section 423(c)(3)(C) of the Tax Reform Act of 1986 (19 U.S.C. 2703 note) is amended to read as follows:

"(i) The term 'base quantity' means, with respect to dehydrated alcohol and mixtures entered during any calendar year—

"(I) 90,000,000 gallons in the case of dehydrated alcohol and mixtures produced in a distillation facility located in a beneficiary country that was established before, and in operation on July 1, 2004; and

"(II) 0 gallons in the case of dehydrated alcohol and mixtures produced in any other distillation facility located in a beneficiary country.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2004.

By Mrs. CLINTON (for herself, Mr. GREGG, and Mr. REID):

S. 2763. A bill to amend the Atomic Energy Act of 1954 to clarify the treatment of accelerator-produced and other radioactive material as byproduct material; to the Committee on Environment and Public Works.

Mrs. CLINTON. Mr. President, I rise to introduce the Dirty Bomb Protections Acts along with Senators GREGG and REID. This bill directs the Nuclear Regulatory Commission, NRC, to control key materials that could be used in a dirty bomb. Unfortunately, some of these materials are currently exempt from Federal control.

This bill follows a prior bill that I introduced with Senator GREGG in 2002, which was the first bipartisan legislation to propose improved domestic controls on materials that could be used in a "dirty bomb." This legislation was supported and acclaimed by international dirty bomb experts. It provided for the safeguarding of radioactive material against use by terrorists. The bill required proper tracking, recovery, storage and export controls for radioactive material.

Since then, the IAEA Board of Governors accepted and its General Conference endorsed the revised "IAEA Code of Conduct on the Safety and Security of Radioactive Sources," which reflects many of the elements in that bill. The heads of state and government of the eight major industrialized democracies, G8, and over 30 other countries have committed to implement the code. And at the Sea Island Summit earlier this year, G8 leaders urged all states to implement the code and recognize it as a global standard.

Passage of the Dirty Bomb Protections Act would allow the U.S. to fully implement the commitments of the code by providing the NRC with authority to control a set of substances for which they currently lack authority, including Radium-226 and other naturally occurring radioactive materials that for historical reasons have remained outside of Federal control. To control these materials, the bill instructs the NRC to: (1) promulgate final implementing regulations governing such byproduct material; and (2) prepare and give public notice of a transition plan for State assumption of regulatory responsibility for such material.

I believe this bill represents an important step forward in our war against terror and our efforts to control access to materials that could be used to produce a dirty bomb. The language is identical to language that passed the EPW Committee unanimously last year. I look forward to working with Senator INHOFE and other Members of the Senate, as well as the NRC, to advance this important legislation this year.

By Mr. DODD (for himself, Mr. BENNETT, Mr. SCHUMER, Mr. HAGEL, Mr. REED, Mr. BUNNING, Mr. CARPER, Mr. CRAPO, Mr. REID, Mrs. DOLE, Mr. NELSON of Nebraska, and Mr. CHAFEE):

2764. A bill to extend the applicability of the Terrorism Risk Insurance Act of 2002; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise to introduce important legislation which I believe is vital to our economic security. I am proud to introduce this legislation, the Terrorism Risk Insurance Extension Act of 2004, with Senators BENNETT, SCHUMER, JACK REED, HAGEL, DOLE, BUNNING, CRAPO, CHAFEE, HARRY REID, and BEN NELSON.

As my colleagues know, the Senate hasn't been a model of legislative productivity this year. It has been a very difficult year—there has been partisan gridlock on a whole host of issues.

It is against this backdrop, the day that we adjourn for 6 weeks for the August recess which includes both conventions and campaigning, that I am proud to speak about an issue that has broad bipartisan support. That issue is an extension of the Terrorism Risk Insurance Act.

This critically important legislation has a history of bipartisan support and I am pleased to say that the robust support on both sides of the aisle still exists as we consider an extension of the program.

The original TRIA legislation was not an easy undertaking. But we persevered, negotiated, and had a frank exchange of views over numerous months and in the end, even though it was at times a laborious, difficult process, we produced a bipartisan bill that garnered 86 votes in this body on this critically important issue.

I worked closely with Democratic Senators SCHUMER, SARBANES, REED, and CORZINE as well as Senators BENNETT, HAGEL, PHIL GRAMM, and many others on the Republican side to get this critical bill passed. That is the model that the Senate should follow more often and that is the model that we are following as we introduce a 2-year extension of the Terrorism Risk Insurance Act today which will provide continued economic security and stability and avoid potential chaos in the aftermath of a terrorist attack.

The September 11 tragedy resulted in disbelief, devastation, and economic dislocation. An attack on our country seemed unimaginable. Few believed any significant major terrorist attack would occur, no less the one as horrific and devastating as the one on 9/11.

September 11 changed everything, most visibly, of course, national and homeland security policy. But September 11 also fundamentally changed the way insurers looked at terrorism risks which suddenly started to resemble an act of war. As a result, after 9/11 the insurance market for terrorism nearly completely dried up. Coverage was unavailable. Many financial transactions weren't able to proceed. And construction workers and other hard-working Americans suddenly found themselves economic victims of terrorism.

In short, we wrote TRIA for a very simple reason: hundreds of thousands of American jobs and billions of dollars of business investment hung in the balance.

We worked together on a bipartisan basis to pass this bill including significant support from this administration which deserves its fair share of credit for enactment of the legislation in November 2002.

TRIA was created as a 3-year Federal program to help make sure the part of the commercial insurance marketplace, disrupted by 9/11, could work again. Most Americans don't even know that TRIA provides a crucial economic safety net for virtually every sector of our economy. Transportation, real estate, utilities, construction, travel and tourism, and financial institutions are just a few of the sectors that need TRIA to protect them against the economic devastation that would come because of a terrorist attack.

Under TRIA, the Government shoulders a share of the financial risk of future attacks. This makes sense—these attacks are against us as Americans, against our democracy, our way of life.

But TRIA also required insurers to offer terrorism coverage on commercial policies. In addition, insurance companies would have to bear an escalating financial burden in future years.

TRIA is working. This public-private "shared loss" mechanism is making terrorism insurance available to all businesses at a reasonable cost. Under TRIA, in the event of another terrorist attack, private insurers will still shoulder tens of billions of dollars of terrorism related risk.

What TRIA does is act as a backstop to the private commercial property-casualty insurance system. It gives the market some certainty by establishing, by law, a limit to insured terrorism losses for the insurance industry and the Federal Government.

The Mortgage Bankers Association recently surveyed its 40 largest commercial/multi-family mortgage banking firms. A substantial majority of them believe that TRIA has made terrorism insurance both more available and less expensive.

But the Mortgage Bankers also noted that failure to extend TRIA would probably hurt the commercial real estate market. If we let TRIA expire, we will see the same uncertain environment we saw before TRIA.

TRIA does not expire until the end of 2005. Now some may wonder why I am choosing today to join with Senator BENNETT and others to introduce this legislation to extend the program.

The answer is that we cannot wait until next year.

The economic safety net that TRIA provides will begin to come apart as early as this fall if Congress does not act.

In the next few months, commercial insurers and their policyholders will begin negotiating new policies. But any 12-month policy taken out after Jan 1 will include at least some time where TRIA doesn't exist if we let it expire.

If we let TRIA expire, business consumers are going to have a hard time getting the coverage they need. That can only hurt our economy, and I'm sure that all Senators share the goal of growing our economy.

If we don't act this year, insurers will have to evaluate every policy as if the backstop will not exist for part of the coverage period.

Senator BENNETT and I and other colleagues propose a 2-year extension this year. That will help avoid destabilizing the insurance market, and, in turn, the national economy. It will give Congress, insurers, businesses, and Government officials time to gather all available, relevant data.

Collecting that data—without fear of market disruption—will help all of us develop a more permanent solution for managing our Nation's economic exposure to catastrophic terrorism.

I know there is plenty of partisan tension in the Senate this year. But keeping our country safe from the economic devastation of a terrorist attack is a critical priority. It is too important to be affected by partisan politics. We didn't let that happen last time, and I hope everyone can work on a bipartisan basis and follow the bipartisan model—rare in this body these days—to make sure it doesn't happen this time.

Mr. BENNETT. Mr. President, I rise today to introduce legislation with my friend and colleague Senator DODD to temporarily extend the Terrorism Risk Insurance Act. Senator DODD was the author of the Terrorism Risk Insurance Act, or TRIA, which was enacted in 2002, and I am joining with him in a bipartisan effort to extend this critically important legislation this year.

As a result of the devastating attacks of 9/11 and a nonexistent terrorism reinsurance market in its wake, TRIA was enacted to provide a temporary economic safety net to our private insurance market. This temporary backstop helped economic growth get back on track after the shock of 9/11. Under current market conditions TRIA is essential to the continued growth of nearly every sector of our economy—transportation, energy, real estate, construction, travel and tourism, lodging, health care, financial institutions, public entities, manufacturing, and retail.

TRIA came into existence for a very simple reason: hundreds of thousands of American jobs—and billions of dollars in business transactions—hung in the balance due to uncertainty in the insurance markets. The September 11 attacks fundamentally altered the way insurers looked at terrorism risks. As a result, the insurance market for terrorism dried up; coverage was unavailable; many types of financial transactions were unable to proceed; hardworking Americans suddenly found themselves economic victims of terrorism.

With broad, bipartisan support, Congress enacted TRIA in November 2002. TRIA was designed to be a temporary, 3-year program to bring stability and functionality back to an essential sector of the commercial insurance marketplace which ceased to exist after 9/11.

Fortunately, TRIA is working as intended. Terrorism insurance is available to all businesses at a reasonable cost. Under TRIA, in the event of further terror attacks, private insurers will cover tens of billions of dollars of terrorism-related risk. TRIA acts as a backstop to the private commercial property-casualty insurance system and provides some market certainty by establishing statutory caps for insured terrorism losses.

TRIA has enabled billions of dollars of real estate and other business transactions previously stalled to go forward without threatening the solvency of the commercial enterprises involved or their insurers. A recent Mortgage Bankers Association, MBA, survey of its 40 largest commercial/multifamily mortgage banking firms revealed that a substantial majority of those survey respondents believe that TRIA has made terrorism insurance both more available and less expensive. Failure to extend TRIA with the uncertainties that still exist in the insurance marketplace would likely have an adverse impact on the commercial real estate market by recreating the pre-TRIA environment that had led to rating agency downgrades of commercial mortgage-backed securities due to lack of adequate terrorism insurance.

TRIA does not currently expire until year-end 2005—which may cause some to wonder why we are introducing legislation today to extend the program by 2 years now. In truth, the economic safety net that TRIA provides will begin to fray as early as this fall if Congress does not act. Because insurers are now required to make terrorism coverage available throughout the life of the program—a decision rendered by the Treasury Department earlier this summer—there is a very real mismatch between TRIA's hard end-date and the commercial insurance policies that will be written in the next few months.

TRIA currently has a "hard" end date, which means that the backstop expires December 31, 2005. However, insurance policies that rely on TRIA are written every day of the year, generally for a 12-month term, although some commercial property policies covered by TRIA are multiyear. Therefore, policies written after January 1, 2005, will have a coverage term that extends beyond the life of the TRIA Federal backstop. As a result, insurers will have no choice but to evaluate every policyholder considered for coverage during this period as if the backstop does not exist for part of the coverage period.

Because commercial insurers must make terrorism coverage available for policies written at any time during 2005, insurers and policyholders will be exposed to risk that they continue to be unable to carry during the part of the coverage term that runs beyond TRIA. Policyholders, state insurance regulators and insurers understand that this potential mismatch between policy periods and TRIA's expiration makes it absolutely critical that Congress acts this year to extend TRIA beyond December 31, 2005.

Failure to extend TRIA beyond its current sunset date of December 31, 2005, will create tremendous uncertainty and potential market upheaval for both commercial policyholders and insurers beginning as early as this fall, when annual policies for coverage starting after January 1, 2005, are considered and negotiated.

Insurers and their policyholders already are beginning to negotiate terms, prices and provisions for policy contracts that will renew beginning in January 2005 and extend into 2006. Unless TRIA is extended in 2004, policyholders whose coverage extends into 2006, and their insurers, will not know whether TRIA's financial backstop will exist for the full term of their coverage. This will make it difficult, if not impossible, to accurately price such coverage and is likely to dramatically reduce the availability of terrorism insurance to business consumers. Such an outcome can only harm the economic recovery underway.

A full 2-year extension this year will help avoid destabilizing the insurance market, and, in turn, the national economy, and will enable Congress, insurers, businesses and Government officials to gather all available relevant data—including market data from all three years of TRIA as insurer deductibles rise from 7 percent of prior year commercial premiums in 2003 to 15 percent of such premiums in 2005. Congressional action now will avoid a premature expiration of the Federal backstop in 2005 and help ensure the economic recovery maintains its pace.

Mr. SCHUMER. I am very pleased to join Senators DODD and BENNETT and others in introducing a bill to extend the Terrorism Risk Insurance Act of 2002 for 2 years. I was actively engaged in the formulation of the act and this bill.

This is important, urgently needed legislation. There is a strong consensus among the affected parties that the act should be extended now. The act, without the extension, would expire at the end of 2005.

There is a mismatch. Unless TRIA is extended this year, it will be very difficult, if not impossible, to accurately price coverage on policies that extend into 2006. This will likely significantly reduce the availability of terrorism coverage. That lack of coverage could adversely affect the economy and the economic recovery.

TRIA is working. The General Accounting Office has found that: "TRIA has improved the availability of terrorism insurance, especially for some high-risk policyholder."

Fortunately, there have been no terrorism events on U.S. soil since 9/11. We all know that we are under a constant threat and TRIA continues to be necessary.

I noted on the Senate floor when TRIA was passed in 2002 that Government is going to have to play a larger role. TRIA establishes a public-private partnership on terrorism insurance. The private sector could not solve this problem alone in 2002, plain and simple, and it still cannot do so. We can quibble about how much and where that Federal role should be, but it is definitely needed.

This nonpartisan bill is essentially a 2-year extension of TRIA. The changes that are made are minor, they include: extending the "make available" provision; including group life insurance policies under the act; gradually adjusting the aggregate industry loss level used to determine mandatory recoupment; providing for a 1 year "soft landing" for policies written before December 31, 2007; and requiring a study addressing long-term solutions to terrorism exposure. These are worthwhile modifications.

The bottom line is a simple one, and that is, our No. 1 goal should be keeping the economy on track in this brave new post-9/11 world. If that means altering the balance between Government and private involvement, so be it.

TRIA has worked in New York City. It has translated into thousands of jobs and desperately needed economic activity for the city, the region, and the entire country. If G-D forbid, there is another terrorism catastrophe in this country I have no doubts that the Government will provide the needed aid. TRIA addresses part of that effort in an orderly manner. Our clear hope is that we will never again experience catastrophes that make this bill necessary.

I am hopeful that this bill can be quickly considered by the Banking Committee, passed by the Senate and House, and enacted into law this year.

By Ms. SNOWE (for herself, Mr. VOINOVICH, and Mrs. DOLE):

S. 2765. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the conditions under which the Secretary should enter into negotiations to correct currency manipulations by other countries; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I respectfully request that the attached bill be printed in the RECORD as introduced. If you have any questions about this request, please contact Rob Weissert at 4-0216.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2765

SECTION 1. AMENDMENTS RELATING TO INTERNATIONAL FINANCIAL POLICY.

(a) BILATERAL NEGOTIATIONS.—Section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)) is amended in the second sentence by striking "(1) have material global account surpluses; and (2)".

(b) REPORT.—Section 3005(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5305(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) a detailed explanation of the test the Secretary uses to determine if a country is manipulating the rate of exchange between that country's currency and the dollar for purposes of preventing effective balance of payments adjustments or gaining an unfair advantage in international trade.".

By Mr. SPECTER:

S. 2766. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs and to eliminate the gap in coverage of Medicare prescription drug benefits, to reduce medical errors and increase the use of medical technology, to increase services in primary and preventive care by non-physician providers, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Prescription Drug and Health Improvement Act of 2004, which is legislation designed to reduce the high prices of prescription drugs. Americans, specifically senior citizens, pay the highest prices in the world for brand-name prescription drugs. With 43 million uninsured Americans and many more senior citizens without an adequate prescription drug benefit, filling a doctor's prescription is unaffordable for many people in this country. The United States has the greatest health care system in the world; however, too many seniors are forced to make difficult choices between life-sustaining prescription drugs and daily necessities.

The Centers for Medicare and Medicaid Services estimate that in 2003 per capita spending on prescription drugs rose approximately 12 percent, with a similar rate of growth expected for this year. Much of the increase in drug spending is due to higher utilization and the shift from older, lower cost drugs to newer, higher cost drugs. However, rapidly increasing drug prices are a critical component.

High drug prices, combined with the surging older population, are also taking a toll on State budgets and private sector health insurance benefits. Medicaid spending on prescription drugs increased at an average annual rate of nearly 20 percent between 1998 and 2001. Until lower priced drugs are available, pressures will continue to squeeze public programs at both the State and Federal level.

To address these problems, my legislation would reduce the high prices of prescription drugs to seniors by: one, allowing the Secretary of Health and Human Services, HHS, to negotiate prescription drug prices with manufacturers; and two, eliminate the coverage gap in the Medicare Prescription Drug Program. The bill's $400 billion price tag over the next 10 years would be offset by, three, reducing medical errors, increasing the use of medical technology, and, four, increasing the use of non-physician providers in primary and preventive health care.

Prescription Drug Negotiation: This legislation would repeal the prohibition against interference by the Secretary of HHS with negotiations between drug manufacturers, pharmacies, and prescription drug plan sponsors and instead authorize the Secretary to negotiate contracts with manufacturers of covered prescription drugs. It will allow the Secretary of HHS to use Medicare's large beneficiary population to leverage bargaining power to obtain lower prescription drug prices for Medicare beneficiaries.

Price negotiations between the Secretary of HHS and prescription drug manufacturers would be analogous to the ability of the Secretary of Veterans Affairs to negotiate prescription drug prices with manufacturers. This bargaining power enables veterans to receive prescription drugs at a significant cost savings.

In my capacity as chairman of the Veterans' Affairs Committee, I introduced the Veterans Prescription Drugs Assistance Act, S. 1153, which was reported out of committee on June 20, 2004.

This legislation would broaden the ability of veterans to access the Veterans Affairs Prescription Drug Program. All Medicare-eligible veterans will be able to purchase medications at a tremendous price reduction through the Veterans Affairs' Prescription Drug Program. In many cases this would save veterans who are Medicare beneficiaries up to 90 percent on the cost of commonly prescribed medications. Similar savings would be available to America's seniors from the savings achieved using the HHS bargaining power, like the Veterans Affairs bargaining power for the benefit of veterans.

Medicare Coverage Gap Elimination: The bill would eliminate the coverage gap, also known as the "doughnut hole," for beneficiaries in the Medicare prescription drug program. Beginning in January 2006, Medicare beneficiaries with an individual income of over $13,470 and couples with an income over $18,180, 150 percent of the poverty level, will pay a monthly premium, approximately $35, a $250 deductible, and coinsurance of 25 percent up to an initial coverage limit of $2,250, but then do not receive coverage until they exceed $5,100 of total spending. Specifically, Medicare beneficiaries will have to make out-of-pocket payments for prescription drug purchases from $2,250 to $5,100 in total spending. After $5,100 in total spending, the coinsurance payment for those beneficiaries is 5 percent. Medicare beneficiaries below 150 percent of the poverty level do not have a gap in drug coverage. My legislation would eliminate the gap in coverage for those over 150 percent of the poverty level in the Medicare prescription drug program, by extending the 25 percent beneficiary coinsurance payment from $2,250 to $5,100 in total spending.

This provision comes at an expected cost of $400 billion over 10 years, which will be paid for through savings from reducing medical errors, increasing the use of medical technology, and increasing the use of non-physician providers in primary and preventive health care.

Reducing Medical Errors and Increasing the Use of Medical Technology: The bill provides grants for demonstration programs to test best practices for reducing errors, testing the use of appropriate technologies to reduce medical errors, such as electronic medication systems, and research in geographically diverse locations to determine the causes of medical errors. The implementation of automated prescription drug dispensers will prevent adverse drug reactions, which in turn can cause further illness resulting in increased care needed to correct the error. The utilization of electronic records will reduce the incidence of repeat medical tests, which will result in significant cost savings.

On November 29, 1999, the Institute of Medicine, IOM, issued a report entitled "To Err is Human: Building a Safer Health System." The IOM report estimated that anywhere between 44,000 and 98,000 hospitalized Americans die each year due to avoidable medical mistakes. However, only a fraction of these deaths and injuries are due to negligence. Most errors are caused by system failures. The IOM issued a comprehensive set of recommendations, including the establishment of a nationwide, mandatory reporting system; incorporation of patient safety standards in regulatory and accreditation programs; and the development of a nonpunitive "culture of safety" in health care organizations. The report called for a 50-percent reduction in medical errors over 5 years.

After the report was issued, I held a series of three Labor, Health and Human Services Appropriations Subcommittee hearings on medical errors: Dec. 13, 1999—to discuss the findings of the Institute of Medicine's report on medical errors; Jan. 25, 2000—a joint hearing with the Committee on Veterans' Affairs to discuss a national error reporting system and the VA's national patient safety program; Feb. 22, 2000—a joint hearing with the Health, Education, Labor and Pensions Committee to discuss the administration's strategy to reduce medical errors.

After hearing from Government witnesses and experts in the field on medical errors, I included $50 million in the fiscal year 2001 Senate Labor, Health and Human Services and Education for a patient safety initiative. In the Senate report, I also directed the Agency for Healthcare Research and Quality, AHRQ, to: one, develop guidelines on the collection of uniform error data; two, establish a competitive demonstration program to test "best practices"; and three, research ways to improve provider training.

The committee also directed AHRQ to prepare an interim report to Congress concerning the results of the demonstration program within 2 years of the beginning of the projects. The fiscal year 2002 Senate report directed AHRQ to submit a report detailing the results of its initiative to reduce medical errors. HHS combined both reports into one, which it submitted to me earlier this year.

Since fiscal year 2001, the Labor/HHS Subcommittee has included within the Agency for Healthcare Research and Quality funding for research into ways to reduce medical errors. The fiscal year 2002 appropriation was $55 million, in fiscal year 2003 another $55 million was provided, and in fiscal year 2004 the appropriation was increased to $79.5 million.

The bill seeks to assist development of private sector technology standards to reduce medical errors by examining information technology, providing grants, and coordinating implementation by private sector entities. This would help ensure that this Federal investment will help further the national health information infrastructure by sharing the information collected through these demonstration projects with other health facilities nationally. These efforts would help reduce medical errors and bring the Nation's health systems into the 21st century with a projected cost savings of $150 billion over 10 years.

Primary and Preventive Care Services: The bill includes provisions for the use of nonphysician providers such as nurse practitioners, physician assistants, and clinical nurse specialists by increasing direct reimbursement under Medicare and Medicaid without regard to the setting where services are provided. The services provided by nonphysician providers would insure that patients would receive benefits and services to which they are entitled without compromising the high standards of medical care. The use of these health care professionals would provide a significant cost savings to health care systems.

The bill creates a medical student tutorial program providing grants to encourage students early on in their medical training to pursue a career in primary care and provides grant assistance to medical training programs to recruit such students. This program is advantageous for medical students by providing valuable primary care experience, while offering services at a lower cost to primary care facilities. The savings from this provision is estimated at $250 billion over a 10-year period.

I believe this bill can provide desperately needed access to inexpensive, effective prescription drugs for America's seniors. The time has come for concerted action in this arena. I urge my colleagues to move this legislation forward promptly.

By Mr. SPECTER:

S. 2767. A bill to provide an economic stimulus; to the Committee on Finance.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Small Business Economic Stimulus Act of 2004. In recent months, there have been clear signs that America's economic downturn has ended and that we are entering a period of renewed growth and prosperity. Yet not all of the economic news has been good. As I travel through Pennsylvania, I still hear from too many companies that they cannot afford to make needed investments in equipment or research at this time. As they postpone such investments, they also push off into the future the economic growth and opportunity that would flow from them. As a result, I continue to meet far too many Pennsylvanians who are out of work. Thus while the economy is improving, it is still incumbent upon us in Congress to do everything in our power to aid this recovery and grow jobs. There is more we can do.

The bill I introduce today, the Small Business Economic Stimulus Act of

2004, will help American companies take the steps they need to grow and hire. Since small businesses create approximately 75 percent of new jobs in America, my bill focuses on the needs of small business in particular. My bill has three parts. Part one renews and extends three tax provisions which are crucial to encouraging new investments in R&D and equipment. Part two provides greater resources to trade offices and trade promotion with a particular emphasis on programs that will enable America's small businesses to better compete in foreign markets. Part three creates a structure for association health plans which will enable small businesses to negotiate less expensive health plans for their employees, thereby saving money while continuing to provide coverage. Together, these provisions amount to a targeted, measured, yet crucial shot in the arm for American small business and the American economy.

The bill I introduce today will permanently extend the research and development tax credit. The R&D tax credit, which expired on June 30, has proven to be of enormous value to American business. We all understand the importance of research and development to the American economy. Most leading American companies owe their market dominance to the innovations coming from R&D labs. Yet R&D is expensive, and it is often among the first items to be cut when budgets get tight. The R&D tax credit serves America by providing an economic incentive to companies to continue to invest in the R&D that will provide the growth and opportunities of the future.

Studies have shown that the R&D tax credit significantly increases research and development expenditures. The marginal effect of $1 of the research credit creates approximately $1 of additional private research and development spending in the short-run, and as much as $2 of extra R&D spending in the long run. This is good for the American economy and the American taxpayer. In fact, one study estimates that a permanent research credit would result in our gross domestic product increasing by $10 billion after 5 years and by $31 billion after 20 years.

In addition, the extension of the R&D tax credit will have benefits beyond the purely economic. For example, the research and development tax credit has proven to be critical to the U.S. biomedical research arena. The tax credit has contributed to many successes in U.S. scientific research and innovation, such as rapid progress in finding cures for life threatening diseases such as AIDS, cancer and multiple sclerosis. Today's diseases—Alzheimer's, AIDS, heart, liver and kidney disease, prostate cancer and arthritis—are complex and are in the final stages for research breakthroughs. If we allow the incentives to invest in medical progress to lapse, the consequence may be irrevocable and society may rue that decision for years to come.

Given the importance of the R&D tax credit, it makes little sense for Congress to continue to renew it for short terms. The investment of funds in research and development is not a temporary fix but something that should be consistently encouraged. Towards this end, my bill permanently extends the R&D tax credit. Such a permanent extension will send a strong signal to American companies that the value of R&D is recognized here in Washington. The permanent extension will also provide greater certainty to companies seeking to make plans years in advance.

My legislation will also renew two less well known but important tax provisions which encourage capital investments. My bill extends for another year a provision that allows companies to take an immediate 50-percent depreciation on purchases of qualified equipment and machinery. This accelerated depreciation is currently set to expire in December, 2004; equipment purchased thereafter would be subject to standard depreciation tables. My bill provides that necessary equipment purchased between December 2004 and December 2005 will continue to qualify for the accelerated depreciation.

The availability of accelerated depreciation—especially at the high rate of 50 percent—makes an enormous difference to companies contemplating large capital investments. Companies which simply could not afford these investments under standard depreciation face a dramatically altered balance sheet once the accelerated depreciation is factored in. Investments that did not previously make economic sense will now be economically advantageous. As these investments are made, companies will grow and hire. This change in the balance sheet will reap a concrete benefit in jobs and growth.

In addition, my legislation extends the section 179 exclusion at the current level of $100,000 through December 2007. This is another esoteric sounding provision that will produce very real economic benefits. Under this provision, companies can immediately expense, that is, recognize as an expense to be deducted from revenues for tax purposes, up to $100,000 invested in equipment and machinery. The standard section 179 deduction is only $25,000. Once again, this provision will have the effect of making investments economically advantageous when they otherwise would not be. The greater capital investment thereby fostered will lead to greater growth and job opportunities.

Beyond these tax incentives, my bill also seeks to help American business through our trade policy. My legislation focuses on two programs in particular which help small businesses find markets for their products abroad. My bill includes an increase in funding of $27 million for the U.S. Trade and Development Agency, USTDA. The USTDA has proven to be critical to small businesses seeking to sell their products abroad. The USTDA helps American businesses study and identify opportunities in foreign markets so that they can determine which options will be profitable. To a small American business facing a very large global economy, the USTDA serves as an accessible and inexpensive international sales department.

USTDA's unique public-private partnership truly extends the effectiveness of taxpayers' dollars. Historically, $35 worth of exports are generated for every dollar invested by USTDA. As a result, $21 billion in U.S. exports have been shipped overseas in concert with USTDA's programs.

My legislation also includes $5 million in funding to promote the benefits available under the Export Trading Company Act of 1982. This legislation was enacted to stimulate U.S. exports by authorizing the Secretary of Commerce to issue export trade certificates of review to groups of small businesses. A certificate of review protects the holder and the members identified in the certificate from State and Federal Government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the certificate and carried out in compliance with its terms and conditions.

Given the realities of international trade, these antitrust exemptions are crucial. In order to compete in a challenging foreign market such as China, for example, it is extremely advantageous to have a full-time sales representative on the ground there. Yet few small businesses can afford to hire full-time representatives and send them to China. The antitrust exemptions in the Export Trading Company Act of 1982 would enable a group of small businesses to band together to hire a sales representative, open an office, and pursue the other necessities of international trade.

The Export Trading Company Act is good legislation which solves a critical problem. Yet few American businesses exploring international trade are aware of the opportunities under this act, let alone take advantage of them. As a result, the enormous economic opportunities created by this law continue to go unrealized. I think that a minimal investment in marketing and promoting this act will pay for itself many times over in increased exports, growth and jobs.

Finally, my bill includes a provision that will enable small businesses to join together to negotiate more affordable health care plans for their employees. This provision will provide an enormous economic boost to America's businesses—with the saving they gain from better health insurance rates they can invest, grow and hire. Yet this provision also provides clear benefits beyond the purely economic. By making health insurance more affordable, this provision will help reverse the growth in the ranks of the uninsured.

According to a poll conducted by the Kaiser Family Foundation, Americans worry more about rising health care costs than they do about terrorist attacks. There is a reason for such concern. More than 43 million Americans under age 65 lack health insurance coverage. The ranks of the uninsured consist primarily of working families with low and moderate incomes—not just the unemployed. Nearly 26 million individuals are employed and still are without health care coverage.

My bill will give small businesses the same market-based advantages when negotiating health insurance for their employees that large companies and unions currently enjoy. As independent entities, small businesses have little leverage when they negotiate with health insurance providers, and the situation they face is often one of take it or leave it. Even when small businesses band together in local purchasing pools, the group is often not large enough to attract new insurance companies with less expensive plans.

My act will allow small businesses to join together in large national pools under the auspices of bona fide associations and either purchase insurance from a provider or self-insure the same way that large employers and unions do. For example, the American Restaurant Association could negotiate a plan on behalf of the hundreds of thousands of employees who work for its member businesses. Once the plan is in place, each individual restaurant could choose to participate in this plan at much better rates than they could ever have negotiated on their own.

I thank Senator SNOWE for her leadership and hard work on this issue of association health plans. On March 6, 2003, Senator SNOWE introduced S. 545, the Small Business Health Fairness Act of 2003. This long and very detailed bill addresses all of the issues needed to make association health plans a reality. I signed on as a cosponsor of S. 545 on June 9, 2003, and I have included the text of S. 545 in my bill.

It is my sincere hope that the economic recovery will continue and will pick up steam in the months to come. There is great reason for optimism. But our optimism must not blind us to the continuing problems that Americans face. There are measures that Congress can take—today—which will help our businesses to grow, hire new employees, and provide health insurance to these employees at a more affordable rate. These measures will, in the long run, more than pay for themselves. We must take these steps and do our part. I hope that my colleagues will join me in supporting the Economic Stimulus Act of 2004.

By Ms. MURKOWSKI:

S. 2768. A bill to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, this is the third occasion on which I have spoken to the Senate about the life and accomplishments of the late Thomas P. O'Hara, an Alaskan hero.

Thomas P. O'Hara was a protection ranger and pilot for the National Park Service, assigned to the Katmai National Park and Preserve in the Bristol Bay region of western Alaska. On December 19, 2002, Ranger O'Hara and his passenger, a Fish and Wildlife Service employee, were on a mission in the Alaska Peninsula National Wildlife Refuge. Their plane went down on the tundra.

When the plane was reported overdue, a rescue effort consisting of 14 single-engine aircraft, an Alaska Air National Guard plane, and a Coast Guard helicopter quickly mobilized. Many of the single-engine aircraft were piloted by Tom's friends. The wreckage was located late in the afternoon of December 20. The passenger survived the crash, but Ranger Tom did not.

Tom O'Hara was an experienced pilot with 11,000 hours as a pilot-in-command. He was active in the communities of Naknek and King Salmon where he grew up, flying children to Bible camp and coaching young wrestlers. Tom provided a strong link between the residents of Bristol Bay and the National Park Service.

Although Tom O'Hara was a most valued employee of the National Park Service, he did not enjoy the same status as National Park Service employees with competitive career status. Tom was hired under a special hiring authority established under the Alaska National Interest Lands Conservation Act, ANILCA, which permits land management agencies like the National Park Service to hire, on a noncompetitive basis, Alaskans who by reason of having lived or worked in or near public lands in Alaska, have special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof.

Tom O'Hara possessed this knowledge and offered it freely to the National Park Service. But because he was hired under this special authority, his opportunities for transfer and promotion within the Park Service were limited, even though his service was exemplary.

As a lasting memorial to Tom O'Hara's exemplary career, I am introducing legislation today that will grant competitive status to ANILCA local hire employees who hold permanent appointments with the Federal land management agencies after the completion of 1 year of satisfactory service. In Tom's honor, the short title of this legislation is the Thomas P. O'Hara Public Land Career Opportunity Act of 2004.

It is my sincere hope that the enactment of this legislation will encourage other Alaskans, particularly Alaska Natives, to follow in Tom O'Hara's footsteps and seek lifelong careers with the Federal land management agencies.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thomas P. O'Hara Public Land Career Opportunity Act of 2004".

SEC. 2. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(2) by inserting after subsection (b) the following:

"(c) COMPETITIVE STATUS.—An individual appointed to a permanent position under subsection (a) shall, after the completion of 1 year of service, be considered to have competitive status and shall enjoy the rights, privileges, and benefits of employees holding competitive status, including the rights, privileges, and benefits relating to promotion and transfer.".

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 2769. A bill to provide that imported ethanol shall not count toward satisfaction of any renewable fuel standard that may be enacted; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, recent media reports indicate that at least two companies are actively considering plans to import Brazilian ethanol into the United States duty-free through the Caribbean Basin. These reports have generated understandable anxiety within the farm community.

Cargill, the Minnesota-based agribusiness giant, has confirmed that it is considering importing 63 million gallons of Brazilian ethanol into the United States each year. And it has been reported that Chevron-Texaco, one of the largest oil companies in the United States, is planning construction of a plant that will enable it to import 50 million to 100 million gallons of ethanol.

Farmers in South Dakota and throughout the Midwest are concerned that such import schemes could threaten the growth of the domestic ethanol industry and undermine our effort to establish ethanol as a major domestic energy source. They should be concerned. These import plans would establish a dangerous precedent for other importers and dramatically undercut the ability of the pending Renewable Fuels Standard to enhance our national energy security and boost farm income.

The key to the next growth spurt in the domestic ethanol industry is bipartisan legislation I wrote with Senator DICK LUGAR (R–IN) that would set mandatory annual production targets for ethanol for the next 10 years. Senator LUGAR and I proposed the Renewable Fuels Standard, or RFS, 4 years ago as a means to grow the domestic ethanol industry in a way that both encourages investment in new community-sized ethanol facilities and expands markets for farmers. We remain hopeful that this proposal will clear Congress before adjournment this year.

Under our proposed RFS, domestic ethanol demand would grow from 3 billion gallons per year in 2004 to more than 5 billion gallons in 2012, providing ethanol plants and farmers with a steady growth schedule that encourages investment in this domestic industry. This RFS would create over 214,000 jobs, increase farm income by $1.3 billion annually, and save the U.S. $4 billion in imported oil each year.

Plans to import ethanol threaten these benefits by injecting an element of market uncertainty into the RFS discussion that could dampen investment in community-sized ethanol facilities. Ethanol importation would put the producers of Brazilian sugarcane in direct competition with American corn growers. That is why today Senators LUGAR, HAGEL, NELSON, and I are introducing legislation to clarify that ethanol imports will not count toward the RFS targets. This bill will ensure that farmers and domestic ethanol investors will get the full benefit of the RFS, and it tells Cargill and Chevron accountants not to count on the new demand created by the Renewable Fuels Standard to justify any scheme to import ethanol.

I understand that corporate executives feel an obligation to their shareholders. My obligation is to South Dakota farmers, ethanol producers, and motorists who view increased ethanol demand as a means to establish greater control over their economic and energy future.

I have fought my entire public career against outright opposition and indifference from the giant corporate interests whose balance sheets don't consider the value-added contribution of local economic development. This situation is no different. As a result of our efforts, Chevron won't get to import as much oil and refine and sell as much high-priced gasoline as they may like, and Cargill won't get to import ethanol and compete against South Dakota producers.

The RFS program is designed to stimulate domestic production and enhance U.S. energy security, not to create a market opportunity for foreign ethanol. The bill I am introducing today will help make sure that rural communities are able to attract investment capital to produce clean burning energy, create quality jobs for their kids, and expand local tax bases to accommodate better schools and community services.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

Mr President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISQUALIFICATION OF IMPORTED ETHANOL FOR THE PURPOSE OF ANY RENEWABLE FUEL STANDARD.

For the purpose of any renewable fuel standard that may be enacted after the date of enactment of this Act, ethanol that is imported, or that is derived from any matter that is imported, shall not count toward satisfaction of the renewable fuel standard.

By Mr. DASCHLE:

S. 2770. A bill to establish a National Commission on American Indian Trust Holdings; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, as we all painfully know, the United States has broken its word to Indian people, disregarded its treaty obligations, and breached its fiduciary trust responsibility. Litigation has been filed, and administrations of both political parties say the right thing, but then do not follow through to redress legitimate grievances. The concepts of sovereignty and government-to-government dialog are acknowledged, only later all too frequently to be ignored.

This sad history was elevated to a new level of concern this spring by the resignation of Mr. Alan Balaran as Special Master in the Cobell class action against the Department of the Interior. On April 5, 2004, Mr. Balaran made some very serious charges against the Department of the Interior in his official letter of resignation. He alleged that energy companies, abetted by the Department of the Interior, routinely pay Indian people less than they pay others for oil and gas easements. He further alleged that Interior officials regularly put the interests of private companies ahead of the Department's fiduciary responsibility to Indian people.

These are disturbing charges leveled by an individual knowledgeable about the long history of trust mismanagement. Congress must get to the bottom of this situation to fully satisfy our own fiduciary responsibility to Indian people.

It is clear that neither the executive branch nor the Congress's hands are clean on the trust management issue. And this not a partisan failure. It is a governmentwide failure that requires independent review.

I am, therefore, today introducing legislation to create a National Commission on American Indian Trust Holdings. This Commission will be unique in several respects. First, it will be composed of 10 prominent U.S. citizens. Two individuals will each be appointed by the President, Senate majority leader, Senate minority leader, Speaker of the House, and House minority leader to place the Commission beyond politics. Second, it will have the resources to hire the technical expertise needed. Professionals with expertise in land and resources management, accounting, Federal Indian policy, and trust law, among other disciplines will be included.

The Commission will build upon past efforts without duplicating past efforts.

Finally, the Commission will be charged with the responsibility of reporting to the President and the Congress within 1 year on: One, how to recoup, if possible, any damages that have resulted from the breach of fiduciary responsibility; and, two, how to prevent any such breaches in the future. We are looking for specific recommendations on how to fairly account for past mistakes, how to find closure on the trust issue, and how to prevent those mistakes from again happening in the future.

The overall goal of the Commission is to fully and completely examine the very serious charges made by Mr. Balaran, as outlined in his letter to Judge Lamberth. The Commission would also be authorized to examine other breaches of trust and to report back to the Congress and such executive departments as may seem appropriate.

Many words have been spoken over many years about trust responsibility and the breach of trust and fiduciary obligations, but very little concrete action has resulted from these words. Mr. Balaran's charges should be a wake-up call to all civic-minded Americans to demand that fairness be restored to the administration of Indian trust accounts. I sincerely hope that, given the track record of the past 10 years, an independent panel of distinguished Americans will be given an opportunity to succeed where the executive and legislative branches have fallen short. Their review will at least get to the bottom of Mr. Balaran's charges. And perhaps we can use the results of this examination to generate momentum for exploring the larger trust issues.

I ask unanimous consent that Mr. Balaran's letter of resignation and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 5, 2004.

Re: *Cobell* v. *Norton*, No. 96–1285.

HON. ROYCE C. LAMBERTH
U.S. District Court for the District of Columbia, Washington, DC.

DEAR JUDGE LAMBERTH: I hereby tender my resignation as Special Master in the Cobell case, effective the close of business on April 5, 2004.

This is an extraordinarily important case. I have been privileged to work on it. For the past several months, however, my efforts have been undermined by a series of motions lodged by the Department of the Interior—one of Cobell's two co-defendants—seeking my disqualification.

It is evident Interior will continue filing such motions, preventing the case from moving forward. The agency's motivation is clear. In recent months, I have reported evidence of a practice—abetted by Interior—of energy companies routinely paying individual Indians much less than they pay non-Indians for oil and gas pipeline easements across the Southwest. I also have uncovered evidence that Interior fails to diligently monitor oil and gas leasing activities on individual Indian lands. To prevent further investigation into these matters, Interior seeks my removal from the Cobell case.

The timing of Interior's efforts to disqualify me is not coincidental. Interior filed its May 2003 disqualification motion shortly after I found the agency withheld salient data from its quarterly reports to the Court. The agency accused me, of improperly retaining the services of a former Interior contractor to obtain information germane to that investigation. You found this accusation frivolous, suggesting it was Interior that acted improperly by impeding my investigation and that Interior had an ulterior motive for seeking my removal. You were correct.

Interior's disqualification attempts stemmed from events that took place several months earlier, beginning with my March 6, 2003 visit to the Office of Appraisal Services of the Navajo Regional Office in Gallup, New Mexico. There, in the presence of the Department of Justice and Interior counsel, the Chief Appraiser admitted that he appraised oil and gas easements running across individual Indian lands for amounts considerably less than the appraised value of identical interests held by non-Indians. The Chief Appraiser also admitted destroying evidence of his 20-year practice of doing so. Interior has never denied that the Chief Appraiser destroyed valuable trust information or that energy companies pay individual Indians a fraction of what they pay similarly situated non-Indians as a result of these inadequate appraisals. (Nor has the agency taken any disciplinary action against the Chief Appraiser. To the contrary, it has gone to great lengths to protect him by retaining the services of two attorneys to defend his conduct during a recent deposition.)

On August 20, 2003, I issued a report chronicling my findings. This report was just the beginning. I soon began to uncover evidence that Interior was putting the interests of private energy companies ahead of the interests of individual Indian beneficiaries.

On September 19, 2003, for example, I visited Minerals Management Service's (MMS) Office of Minerals Revenue Management (MRM) in Dallas—the repository of Interior's oil and gas audit files. My visit was prompted by two events: (1) the March 2003 report of Interior's Office of the Inspector General, revealing that MMS officials not only fabricated oil and gas audit files but were rewarded for their efforts; and (2) Justice's denial of my repeated requests for access to these files. As you noted in your March 15, 2004 decision denying Interior's disqualification motion, since August 1999, I have visited dozens of sites to ensure that Interior was safeguarding trust documentation in accordance with your directives. Interior not only approved of these visits, but encouraged its employees to cooperate with me fully during my inspections. My visit to Dallas was different. After only two hours, during which I uncovered chaotic recordkeeping practices and missing audit files, NMS officials informed me that Justice ordered that I leave.

The reason for this dramatic shift in policy is obvious. Whereas my previous investigations exposed random incidents of unprotected trust documents in remote Interior locations, my recent findings implicated the agency's systemic failure to properly monitor the activities of energy companies leasing minerals on individual Indian lands. The consequences of these findings could cost the very companies with which senior Interior officials maintain close ties, millions of dollars. (In that regard, I direct you to the recent Inspector General Report of Investigation (PI–SI–02–0053–I), discussing the relationship between Interior's most senior officials and energy company executives.) Interior did not want this information to come to light and for the first and only time during my five-year tenure as Special Master, ordered me to leave a site.

Just one week after my Dallas site visit, in a motion filed on September 26, 2003, Interior issued the following ultimatum: either you rule on its disqualification motion by October 15, or the government would file a mandamus petition in the Court of Appeals, seeking to have that Court disqualify me. At that time, the government knew you were beginning a six-defendant criminal trial on October 1, 2003, that involved multiple counts of murder, drug offenses, and racketeering, making it impossible for you to rule on the disqualification issue by the October 15 "deadline." Interior was just going through the motions and, in mid-October, filed its mandamus petition in the Court of Appeals.

It is evident that Interior, supported by the Department of Justice, is committed to removing me from this case. It is also plain that the agency's efforts to unseat me bear no relationship to the reasons it offers in its disqualification motion, but rather to my discovery of significant problems with its appraisal and record-keeping practices. A full investigation into these matters might well result in energy companies being forced to repay significant sums to individual Indians. Interior could not let this happen.

Justice has been much too long in coming for the hundreds of thousands of Native Americans whose land the government has supposedly held in trust, in some cases for over a century. Billions of dollars are at stake. It is past time to get systems in place that will enable the Departments of the Interior and Treasury to track trust data accurately in the future, as well as render an honest and reliable accounting in the present. In this respect, my presence in the case has become a distraction. And while I am confident that Interior's disqualification motions would ultimately be denied, I have no doubt that were I to continue as Special Master, the agency's efforts to disqualify me would persist and accelerate. Given this, I will be of no practical service to the Court. I hope that, with my resignation, the parties will be able to move rapidly toward fundamental reforms. I also hope that, understanding this background, my successors will be more efficacious.

Finally, on a personal note, you are a courageous, decisive, and diligent judge who strives to do justice in each and every case. It has been my honor to have served with you. Thank you for giving me this opportunity.

Sincerely,

ALAN L. BALARAN,
Special Master.

S. 2770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL COMMISSION ON AMERICAN INDIAN TRUST HOLDINGS.

(a) FINDINGS.—Congress finds that—

(1) the United States has entered into treaties with Indian tribes under which the United States made various commitments to Indian tribes and Indian people;

(2) the United States functions, by treaty and statute, as a trustee for Indian tribes and individual Indians;

(3) the United States has a fiduciary obligation to Indian tribes and Indian people and, in accordance with that obligation, must use the highest standard of care to protect the assets of Indian tribes and individual Indians;

(4) the United States has failed Indian tribes and individual Indians and abridged its treaty and other obligations relating to the handling of trust fund management and historical accounting;

(5) mismanagement of Indian trust assets by the United States is a longstanding problem that spans many administrations;

(6) the complexity and longevity of that mismanagement neither mitigates the injustice visited on Indian tribes and the 300,000 individual Native Americans whose accounts have been shortchanged nor absolves the United States of its responsibility to correct the situation in a timely manner;

(7) in 1996 a civil action, Cobell v. Norton, Civ. No. 96–1285 (RCL), was brought in the United States District Court for the District of Columbia to attempt to obtain an order compelling the United States to account for the trust funds managed by the United States on behalf of individual Indians and take all necessary action to bring the United States into compliance with its fiduciary duties;

(8) those funds are generated from Indian trust land royalties resulting from leases of that land to oil, agricultural, timber, mining, and other interests;

(9) on April 5, 2004, Mr. Alan L. Balaran, the Special Master in the Cobell case, tendered his resignation to the Honorable Royce C. Lamberth;

(10) in his letter of resignation, Mr. Balaran stated that—

(A) there is evidence that energy companies, assisted by the Department of the Interior, routinely pay individual Indians much less than they pay non-Indians for oil and gas pipeline easements;

(B) the Special Master had uncovered evidence that the Department fails to diligently monitor oil and gas leasing activities on Indian land; and

(C) there is evidence that the Department has been putting the interests of private energy companies ahead of the interests of individual Indian beneficiaries, notwithstanding their fiduciary obligation to Indian tribes and Indian beneficiaries; and

(11) the Great Plains, Rocky Mountain, and other regions of the United States are rich in other trust assets such as timber, agriculture, mining, and other resources.

(b) DEFINITIONS.—In this section:

(1) BALARAN LETTER.—The term "Balaran letter" means the letter dated April 5, 2004, from Special Master Alan L. Balaran to the Honorable Royce C. Lamberth.

(2) COMMISSION.—The term "Commission" means the National Commission on American Indian Trust Holdings established by subsection (c).

(3) DEPARTMENT.—The term "Department" means the Department of the Interior.

(c) ESTABLISHMENT OF COMMISSION.—There is established the National Commission on American Indian Trust Holdings.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 10 members, of whom—

(A) 2 shall be appointed by the President, 1 of whom the President shall designate as Chairperson of the Commission;

(B) 2 shall be appointed by the majority leader of the Senate;

(C) 2 shall be appointed by the minority leader of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives; and

(E) 2 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS; INITIAL MEETING.—

(A) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(B) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as land and resource management.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 60 days after the date of enactment of this Act.

(4) QUORUM.—Six members of the Commission shall constitute a quorum.

(5) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(e) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) fully examine the allegations made in the Balaran letter;

(B) fully examine whether grazing, leasing, and other trust asset interests have been managed equitably and in a manner consistent with Federal trust law (including regulations);

(C) fully examine such other alleged breaches of the fiduciary responsibility owed by the United States to Indian tribes and individual Indians that come to the Commission's attention as the Commission considers appropriate;

(D) build on the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of earlier studies of the management by the Department of Indian trust assets and trust funds; and

(E) not later than 1 year after the date as of which all members of the Commission have been appointed, submit to the President and Congress a report that states the findings of the Commission and makes recommendations for corrective measures that can be taken to—

(i) recoup any losses suffered by Indian tribes or individual Indians as a result of breaches of fiduciary duty by the Department; or

(ii) prevent any breaches of fiduciary duty in the future.

(2) RELATIONSHIP TO PREVIOUS STUDIES.—When investigating facts and circumstances relating to the management of Indian trust assets and trust funds, the Commission shall—

(A) first review the information compiled by, and the findings, conclusions, and recommendations that resulted from, previous studies (including congressional investigations); and

(B) after that review, pursue any appropriate area of inquiry if the Commission determines that—

(i) earlier studies had not investigated that area;

(ii) the earlier investigation of that area had not been complete; or

(iii) new information not reviewed in the earlier studies had become available with respect to that area.

(3) FOLLOWUP REVIEW.—At least once every 2 years after the date on which the Commission submits the report under paragraph (1), the Commission shall—

(A) reconvene to examine the effectiveness of any actions taken in response to the report in achieving the goals described in clauses (i) and (ii) of paragraph (1)(D); and

(B) submit to the President and Congress a report that describes the findings of the Commission and makes any further recommendations as the Commission considers appropriate.

(f) POWERS OF COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission may—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out this section; and

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—

(I) IN GENERAL.—A subpoena may be issued under this subsection only—

(aa) by the agreement of the Chairperson; or

(bb) by the affirmative vote of 6 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subsection may be issued under the signature of the Chairperson or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson or by a member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in Acts of appropriation, enter into contracts to enable the Commission to discharge the duties of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(4) ASSISTANCE FROM THE SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the United States.

(g) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) NO EFFECT ON COBELL CASE.—Nothing in this section limits the findings, remedies, jurisdiction, authority, or discretion of the court in the civil action Cobell v. Norton, Civ. No. 96-1285 (RCL) (D.D.C.).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(j) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 10 years after the date on which the Commission submits the report of the Commission under subsection (e)(1)(D).

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 2771. A bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality of Care for Individuals With Cancer Act".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—MEASURING THE QUALITY OF CANCER CARE

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TITLE III—MONITORING AND EVALUATING QUALITY OF CANCER CARE AND OUTCOMES

Sec. 301. Partnerships to develop model systems for monitoring and evaluating quality of cancer care and outcomes.

TITLE IV—STRENGTHENING COMPREHENSIVE CANCER CONTROL

Sec. 401. Comprehensive cancer control program.

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Sec. 501. Enhancing cancer care through improved navigation.
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Sec. 701. Programs for survivorship.
Sec. 702. Cancer control programs.

TITLE VIII—PROGRAMS FOR END-OF-LIFE CARE

Sec. 801. Programs for end-of-life care.

TITLE IX—DEVELOPING TRAINING CURRICULA

Sec. 901. Curriculum development.
Sec. 902. Cancer care workforce and translational research.

TITLE X—BREAST AND CERVICAL CANCER

Sec. 1001. Waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

TITLE XI—COLORECTAL CANCER

Sec. 1101. Programs to improve colorectal cancer screening.

TITLE XII—CONDUCTING REPORTS

Sec. 1201. Studies and reports by the Institute of Medicine.

TITLE I—MEASURING THE QUALITY OF CANCER CARE

SEC. 101. DEVELOPMENT OF CORE SETS OF QUALITY OF CANCER CARE MEASURES.

(a) DEVELOPMENT OF CORE SETS OF QUALITY OF CANCER CARE MEASURES.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 417E. DEVELOPMENT OF CORE SETS OF QUALITY OF CANCER CARE MEASURES.

"(a) IN GENERAL.—The Secretary shall award a contract to a national voluntary consensus organization to identify core sets of quality of cancer care measures.

"(b) QUALITY OF CANCER CARE MEASURES.—An entity that receives a contract under this section shall identify core sets of quality of cancer care measures in consultation with a panel or advisory group of interested parties, including significant participation from consumer representatives (which shall include survivors of cancer and their families and members of organizations representing such survivors and their families), health care providers, cancer researchers, payers and purchasers of cancer care services and insurance, and public and private organizations that monitor, accredit, or seek to improve the quality of cancer care.

"(c) REPORT BY ENTITY.—Not later than 24 months after the date of enactment of this section, an eligible entity that receives a contract under this section shall submit to the Secretary a report that—

"(1) lists existing measures used to assess and improve the quality of cancer care;

"(2) identifies those measures that have been scientifically validated, those measures that still require validation, and those aspects of cancer care for which additional measures need to be developed or validated;

"(3) recommends a core set of validated quality of cancer care measures, reflecting a voluntary consensus of interested parties, for measuring and improving the quality of cancer care;

"(4) summarizes the process used to develop the consensus recommendations in paragraph (3), including a statement of any minority views; and

"(5) develops a process for updating the core sets of validated quality of cancer care measures as new scientific evidence becomes available.

"(d) RECOMMENDATIONS BY SECRETARY.—Not later than 6 months after the date the Secretary receives the report described in subsection (c), the Secretary shall issue recommendations on the areas described in paragraphs (1) through (5) of such subsection and shall transmit such recommendations to the President.

"(e) REPORT BY PRESIDENT.—Not later than 6 months after receipt of the report described in subsection (d), the President shall, in consultation with the Quality Interagency Coordination Task Force (established by a Presidential Directive in 1998)—

"(1) provide to the appropriate committees of Congress a report that describes a plan to use the core sets of quality of cancer care measures in programs administered by the Federal Government, including outlining activities to support the widespread dissemination of the report, and provide any other recommendations the President determines to be appropriate; and

"(2) provide updated reports, in accordance with subsection (c)(5), if new quality measures or scientific evidence on quality of cancer care develops.

"(f) TECHNICAL SUPPORT.—The Secretary may provide scientific and technical support to ensure that the scientific evaluation requirements in this section are met.

"(g) AHRQ.—

"(1) ANNUAL REPORT.—The Agency for Healthcare Research and Quality shall include in the annual report required under section 913(b)(2) the core set of quality of cancer care measures developed under this section that are suitable for quality monitoring.

"(2) REQUIREMENT.—The Secretary shall ensure that all agencies within the Department of Health and Human Services shall provide the information necessary for the report described in paragraph (1) regarding quality of cancer care measures.

"(h) SUPPORT.—The Director of the Agency for Healthcare Research and Quality, acting in collaboration with the Director of the National Cancer Institute and the Director of the Centers for Disease Control and Prevention, shall support the development and validation of measures identified by the report in subsection (d).

"(i) DEFINITIONS OF HOSPICE CARE; PALLIATIVE CARE; QUALITY OF CANCER CARE; HEALTH DISPARITY POPULATIONS; HEALTH DISPARITIES RESEARCH.—In this section the terms 'hospice care', 'palliative care', 'quality of cancer care', 'health disparity populations', and 'minority health disparities research' have the meanings given such terms in section 399AA.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.".

(b) MONITORING.—Not later than 4 years after the date of the transmission of the report required under section 417E(e) of the Public Health Service Act, the Comptroller of the General Accounting Office shall submit to the appropriate committees of Congress a report that evaluates the extent to which Federal and private sector health care delivery programs, States, and State cancer plans are utilizing the core sets of quality of cancer care measures (developed under section 417E of the Public Health Service Act) and the extent to which its adoption is affecting the quality of cancer care.

TITLE II—ENHANCING DATA COLLECTION

SEC. 201. EXPANSION OF NATIONAL PROGRAM OF CANCER REGISTRIES.

Part M of title III of the Public Health Service Act (42 U.S.C. 280e et seq.) is amended by inserting after section 399E, the following:

“SEC. 399E–1. MONITORING AND EVALUATING THE QUALITY OF CANCER CARE.

“(a) DEMONSTRATION PROJECTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in coordination with the Director of the National Cancer Institute, shall award competitive grants to State cancer registries that receive funds under this part to enable such registries to expand their ability to monitor and evaluate the quality of cancer care, to develop information concerning the quality of cancer care, and to monitor cancer survivorship.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State cancer registry shall be certified by the North American Association of Central Cancer Registries or other similar certification organization.

“(c) APPLICATION.—A State cancer registry desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(d) CONTRACTING AUTHORITY.—A State cancer registry receiving a grant under this section may enter into contracts with academic institutions, cancer centers, and other entities determined to be appropriate by the Secretary, to carry out the activities authorized under this section.

“(e) USE OF FUNDS.—A State cancer registry receiving a grant under this section shall use amounts received under such grant to—

“(1) collect information for public health surveillance and quality improvement activities using the quality of cancer care measures developed under section 417E (where appropriate), including data concerning racial, ethnic, and other health disparity populations within the State that may have a disparity in incidence or survival from cancer;

“(2) develop linkages between State cancer registry data and other databases, including those that collect outpatient data, to gather information concerning the quality of cancer care;

“(3) identify, develop, and disseminate evidence-based best practices relating to cancer care regarding how States use registry data and how to better link and coordinate the sharing of such data;

“(4) identify geographic areas and populations within the State that have an increased need for awareness regarding cancer risk reduction, screening, prevention, and treatment activities;

“(5) increase coordination between State cancer registries and other entities, including academic institutions, hospitals, health centers, researchers, health care providers, cancer centers, or nonprofit organizations;

“(6) incorporate the collection of data on cancer survivors for the purpose of improving the quality of cancer care;

“(7) identify the impact of co-morbidity of other diseases on survival from cancer; or

“(8) develop methods of determining whether cancer survivors are at an increased risk for other chronic or disabling conditions.

“(f) PRIVACY.—A State cancer registry receiving a grant or an entity receiving a contract under this section shall comply with appropriate security and privacy protocols (including protocols required under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note)), if applicable, with respect to information collected under this title. Nothing in this section shall be construed to supersede applicable Federal or State privacy laws.

“(g) DATABASES.—

“(1) IN GENERAL.—In carrying out this section, a State cancer registry may utilize appropriate databases, including—

“(A) the National Death Index;

“(B) databases related to claims under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act; and

“(C) other databases maintained by the Department of Health and Human Services (including those maintained at the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Centers for Medicare & Medicaid Services, and the National Institutes of Health).

“(2) ADDITIONAL DATA.—A State cancer registry may utilize data in addition to the databases described in paragraph (1), including data maintained by private insurance plans and health care delivery organizations.

“(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an individual or entity to submit information to a State cancer registry under this section.

“(i) DEFINITIONS.—In this section:

“(1) HEALTH CENTER.—The term ‘health center’ has the meaning given the term ‘federally qualified health center’ in section 1861(aa)(4) of the Social Security Act (12 U.S.C. 1395x(aa)(4)).

“(2) QUALITY OF CANCER CARE.—The term ‘quality of cancer care’ has the meaning given such term in section 399AA.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.

“SEC. 399E–2. CANCER SURVEILLANCE SYSTEM.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in coordination with the Director of the National Cancer Institute, shall—

“(1) establish the Cancer Surveillance System (referred to in this section as the ‘System’) to monitor State cancer registries funded under section 399B; and

“(2) provide for the development, expansion, and evaluation of such registries.

“(b) DUTIES.—The System shall—

“(1) facilitate timely access to and exchange of accurate quality of cancer care information among State cancer registries including the use of the quality of cancer care measures developed under section 417E, where appropriate;

“(2) develop guidelines permitting State cancer registries to access the national registry clearinghouse established under paragraph (3);

“(3) establish and maintain a registry information clearinghouse to collect, synthesize, and disseminate information concerning evidence-based best practices for the creative use of State cancer registries, including maintaining an Internet website where such information may be accessed;

“(4) determine the feasibility of monitoring the quality of palliative care by State cancer registries;

“(5) identify and develop evidence-based best practices for coordination between cancer registries and other entities;

“(6) update information collected or made available under this section as determined to be necessary by the Secretary; and

“(7)(A) review pediatric cancer data collected by State cancer registries and evaluate—

“(i) such data for adequacy, completeness, timeliness, and quality; and

“(ii) current efforts to aggregate and disseminate such data; and

“(B) not later than January 1, 2006, submit to Congress a report on the findings made under subparagraph (A).

“(c) PRIVACY.—The System shall comply with appropriate security and privacy protocols (including protocols required under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note)), if applicable, with respect to information collected by the System. Nothing in this section shall be construed to supersede applicable Federal or State privacy laws.

“(d) DEFINITIONS.—In this section, the terms ‘palliative care’ and ‘quality of cancer care’ have the meanings given such terms in section 399AA.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.”.

SEC. 202. REAUTHORIZATION OF NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399F(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) is amended—

(1) by striking “this part,” and inserting “this part, other than sections 399E–1 and 399E–2),”; and

(2) by striking “2003” and inserting “2010”.

SEC. 203. MATCHING FUNDS; RELATIONSHIP TO CERTIFICATION.

(a) MATCHING FUNDS.—Section 399B(b)(1) of the Public Health Service Act (42 U.S.C. 280e(B)(1)) is amended by striking “$3” and inserting “$5”.

(b) RELATIONSHIP TO CERTIFICATION.—Section 399E of the Public Health Service Act (42 U.S.C. 280e–3) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

“(d) RELATIONSHIP TO CERTIFICATION.—The Centers for Disease Control and Prevention is encouraged to work with eligible entities through the provision of technical assistance and funding authority under the National Program of Cancer Registries to assist such entities in complying with the certification process of the North American Association of Central Cancer Registries or similar certification organization.”.

TITLE III—MONITORING AND EVALUATING QUALITY OF CANCER CARE AND OUTCOMES

SEC. 301. PARTNERSHIPS TO DEVELOP MODEL SYSTEMS FOR MONITORING AND EVALUATING QUALITY OF CANCER CARE AND OUTCOMES.

(a) QUALITY OF CANCER CARE.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

“SEC. 904. AREAS OF SPECIAL EMPHASIS.

“(a) QUALITY OF CANCER CARE.—The Secretary, acting through the Director and in collaboration with the Director of the Centers for Disease Control and Prevention and the Director of the National Cancer Institute, shall conduct and support research pertaining to the measurement, evaluation, and improvement of the quality of cancer care, take steps to enhance the usefulness of such research to improve patient care, and appropriately disseminate such information by—

“(1) expanding the evidence base concerning effective interventions for improving the quality of cancer care;

“(2) ensuring effective analysis of data collected by State cancer registries funded under section 399B by developing evidence-based best practices for—

“(A) the real-time recording of and automated transfer of cancer care data to State cancer care registries; and

“(B) the linkage of registry data with private sector claims data and other existing data systems for purposes of analytic academic research;

“(3) developing and validating quality of cancer care indicators and evaluate their use and usefulness; and

“(4) developing volume-based quality indicators, as appropriate, and evaluate ongoing efforts to integrate volume-based measures into cancer quality improvement programs and their impact on patient decisionmaking.

“(b) Partnerships To Speed the Pace of Improvements in the Quality of Cancer Care.—

“(1) In general.—The Secretary, acting through the Director and in collaboration with the Director of the Centers for Disease Control and Prevention and the Director of the National Cancer Institute, shall award competitive grants, contracts, or enter into cooperative agreements with eligible entities to—

“(A) foster the development or adoption of model systems of cancer care;

“(B) speed the pace of improvement in the quality of cancer care; or

“(C) when appropriate, carry out the other requirements of this section.

“(2) Eligibility.—In accordance with the limitations of section 926(c), an applicant eligible to receive a grant, contract, or cooperative agreement under this subsection shall be a consortium consisting of public- and private-sector entities. Each consortium shall include an institution of higher learning or other research entity and 1 or more of the following:

“(A) An entity that delivers or purchases cancer care.

“(B) A professional society or societies that represent health care providers and other cancer caregivers, including hospice programs.

“(C) A consumer or patient organization.

“(D) An entity involved in the monitoring of quality of cancer care or efforts to improve cancer care (including a State or local health department).

“(d) Collaboration.—In carrying out this section, the Secretary, acting through the Director, shall ensure coordination with appropriate Federal and State agencies, private quality improvement entities, and accreditation or licensure organizations with an interest in improving the quality of cancer care.

“(e) Definitions.—In this section, the term ‘quality of cancer care’ has the meaning given such term in section 399AA.”.

(b) Authorization of Appropriations.—Section 927 of the Public Health Service Act (42 U.S.C. 299c–6) is amended by adding at the end the following:

“(e) Quality of Cancer Care.—For the purpose of carrying out the activities under section 904, such sums as may be necessary for each of fiscal years 2005 through 2010.”.

TITLE IV—STRENGTHENING COMPREHENSIVE CANCER CONTROL

SEC. 401. COMPREHENSIVE CANCER CONTROL PROGRAM.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following:

“SEC. 320B. COMPREHENSIVE CANCER CONTROL PROGRAM.

“(a) Establishment.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the Agency for Healthcare Research and Quality and the Director of the National Cancer Institute, shall establish a National Comprehensive Cancer Control Program (referred to in this section as the ‘Program’) to improve the quality of cancer care.

“(b) Program.—In carrying out the Program the Secretary shall—

“(1) establish guidelines regarding the design and implementation of comprehensive cancer control plans; and

“(2) award competitive grants to eligible entities to develop, update, implement, and evaluate comprehensive cancer control plans.

“(c) Eligibility.—An entity is eligible to receive assistance under the Program if such entity is a State health department, territory, Indian tribe, or tribal organization or its designee.

“(d) Application.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of how assistance under such grant will be used to develop and implement comprehensive cancer control programs, including programs to monitor the quality of cancer care (which may include the use of quality of cancer care measures developed under section 417E);

“(2) a description of how the applicant will integrate its activities with academic institutions, nonprofit organizations, or other appropriate entities in planning and implementing comprehensive cancer control plans; and

“(3) a description of how activities carried out by the applicant will be evaluated.

“(e) Use of Funds.—An entity shall use assistance received under this section to—

“(1) convene stakeholders, including stakeholders from the public, private, and nonprofit sectors, to determine priorities for the State, territory, or tribe involved;

“(2) develop, update, implement, or evaluate comprehensive cancer control plans;

“(3) assess disparities in cancer risk reduction, prevention, diagnosis, or quality of cancer care; and

“(4) develop and disseminate best practices, where appropriate, and evaluate the application of such practices as necessary.

“(f) Definitions.—In this section:

“(1) Comprehensive cancer control plan.—The term ‘comprehensive cancer control plan’ means a plan developed with assistance provided under this section that provides for an integrated and coordinated approach to reducing ‘the incidence, morbidity, and mortality of cancer, with a particular emphasis on preventing and controlling cancer among populations most at risk and reducing cancer disparities among underserved populations.

“(2) Comprehensive cancer control program.—The term ‘comprehensive cancer control program’ means a program to fulfill the comprehensive control plan.

“(3) Quality of cancer care.—The term ‘quality of cancer care’ has the meaning given such term in section 399AA.

“(4) Indian tribe; tribal organization.—The terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given such terms in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.”.

TITLE V—IMPROVING NAVIGATION AND SYSTEM COORDINATION

SEC. 501. ENHANCING CANCER CARE THROUGH IMPROVED NAVIGATION AND CANCER CARE COORDINATION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

“Part R—Cancer Prevention and Treatment

“SEC. 399AA. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.

“(a) Definitions.—In this part:

“(1) Culturally competent.—The term ‘culturally competent’, with respect to the manner in which health-related services, education, and training are provided, means providing the services, education, and training in the language and cultural context that is most appropriate for the individuals for whom the services, education, and training are intended.

“(2) Health center.—The term ‘health center’ has the meaning given such term in section 399E–1.

“(3) Health disparity population.—The term ‘health disparity population’ has the meaning given such term in section 903(d)(1).

“(4) Health disparities research.—The term ‘health disparities research’ means basic, clinical, and behavioral research on health conditions disproportionately affecting individuals from health disparity populations, including research to prevent, diagnose, and treat such conditions. Such health conditions shall include all diseases, disorders, and conditions affecting individuals from health disparity populations that are—

“(A) unique to, more serious, or more prevalent in such individuals;

“(B) for which the factors of medical risk or types of medical intervention may be different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

“(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

“(5) Hospice care.—The term ‘hospice care’ has the meaning given such term in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)).

“(6) Hospice program.—The term ‘hospice program’ has the meaning given such term in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

“(7) Palliative care.—The term ‘palliative care’ means comprehensive, interdisciplinary, coordinated, and appropriate care and services provided throughout all stages of disease, from the time of diagnosis to the end of life, relating to pain and other symptom management, including psychosocial needs, that seeks to improve quality of life and prevent and alleviate suffering for an individual and, if appropriate, that individual's family or caregivers.

“(8) Quality of cancer care.—The term ‘quality of cancer care’ means the provision of cancer-related, timely, evidence-based (whenever there is scientific evidence on the effectiveness of interventions), patient-centered care and services of individuals in a technically and culturally competent and appropriate manner, using effective communication and shared decisionmaking to improve clinical outcomes, survival, or quality of life which encompasses—

"(A) the various stages of care, including care and services provided to individuals with a family history of cancer, with an abnormal cancer screening test, or who are clinically diagnosed with cancer, beginning with risk reduction, prevention, and early detection through survivorship, remission, and end-of-life care, and including risk counseling, screening, diagnosis, treatment, followup care, monitoring, rehabilitation, and hospice care; and

"(B) appropriate care and services which should be provided throughout the continuum of care including palliative care and information on treatment options including information regarding clinical trials.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part, other than section 399FF, such sums as may be necessary for each of fiscal years 2006 through 2010.

"SEC. 399BB. ENHANCING CANCER CARE THROUGH IMPROVED NAVIGATION.

"(a) DEMONSTRATION PROJECTS.—The Secretary shall award competitive grants to eligible entities to develop, implement, and evaluate cancer case management programs to enhance the quality of cancer care through improved access and navigation.

"(b) ELIGIBILITY.—An entity is eligible to receive a grant under this section if such entity is a hospital; health center; an academic institution; a hospice program; a palliative care program, or a program offering a continuum of hospice care, palliative care, and other appropriate care to children and their families; a State health agency; an Indian Health Service hospital or clinic, Indian tribal health facility, or urban Indian facility; a nonprofit organization; a health plan; a primary care practice-based research network as defined by the Agency for Healthcare Research and Quality; a cancer center; or any other entity determined to be appropriate by the Secretary.

"(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including assurances that the eligible entity will—

"(1) target patient populations with an unequal burden of cancer through specific outreach activities;

"(2) coordinate culturally competent and appropriate care specified in observance of existing, relevant departmental guidelines, including a special emphasis on underserved populations and how their values and priorities influence screening and treatment decisions;

"(3) coordinate with relevant ombudsman programs and other existing coordination and navigation efforts and services, where possible; and

"(4) evaluate activities and disseminate findings including findings related to repeated difficulties in accessing navigation.

"(d) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to carry out programs in which—

"(1) trained individuals (such as representatives from the community, nurses, social workers, cancer survivors, physicians, or patient advocates) are assigned to act as contacts—

"(A) within the community; or

"(B) within the health care system,

to facilitate access to quality cancer care and cancer preventive services;

"(2) partnerships are created with community organizations (which may include cancer centers, hospitals, health centers, hospice programs, palliative care programs, health care providers, home care, nonprofit organizations, health plans, or other entities determined appropriate by the Secretary) to help facilitate access or to improve the quality of cancer care;

"(3) activities are conducted to coordinate cancer care and preventive services and referrals, including referrals to hospice programs, and palliative care programs; or

"(4) the grantee negotiates, mediates, or arbitrates on behalf of the patient with relevant entities to resolve issues that impede access to care.

"(e) MODELS.—Not later than 3 years after the date of enactment of this section, the Secretary shall develop or modify models to improve the navigation of cancer care for grantees under this section. The Secretary shall update such models as may be necessary to ensure that the best cancer case management practices are being utilized.

"SEC. 399CC. CANCER CARE COORDINATION.

"(a) DEMONSTRATION PROJECTS.—The Secretary shall award competitive grants to eligible entities to facilitate the development of a coordinated system to improve the quality of cancer care.

"(b) ELIGIBILITY.—An entity is eligible to receive a grant under this section if such entity is a hospital; a health center; an academic institution; a hospice program; a palliative care program; a program offering a continuum of hospice care, palliative care, and other appropriate care to children and their families; a State health agency; a nonprofit organization; a health plan; a primary care practice-based research network as defined by the Agency for Healthcare Research and Quality; a cancer center; or any other entity determined to be appropriate by the Secretary.

"(c) APPLICATION.—An eligible entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(d) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to improve coordination of the quality of cancer care, by—

"(1) creating partnerships and enhancing collaboration with health care providers (which may include cancer centers, hospitals, health centers, hospice programs, health care providers, experts in palliative care, preventive service providers) to improve the provision of quality of cancer care;

"(2) developing best practices for the quality of cancer care coordination (with special emphasis provided to those cancers that have low survival rates or individuals with advanced disease), including the development of model systems; and

"(3) evaluating overall activities to identify optimal designs and essential components for cancer practices and models to improve the coordination of cancer care services and activities.

"(e) DISSEMINATION.—The Secretary shall disseminate findings made as a result of activities conducted under this section to the public in coordination with the Agency for Healthcare Research and Quality, the Centers for Medicare & Medicaid Services, or other appropriate Federal agencies.".

TITLE VI—ESTABLISHING PROGRAMS IN PALLIATIVE CARE

SEC. 601. PROGRAMS TO IMPROVE PALLIATIVE CARE.

Part R of title III of the Public Health Service Act (as added by section 501), is further amended by adding at the end the following:

"SEC. 399DD. PROGRAMS TO IMPROVE PALLIATIVE CARE.

"(a) DEMONSTRATION PROJECTS.—The Secretary shall award competitive grants to eligible entities to develop, implement, and evaluate model programs for the delivery of palliative care throughout all stages of disease for individuals with cancer (with a special emphasis on children) and their families.

"(b) ELIGIBILITY.—An entity is eligible to receive a grant under this section if such entity is a hospital; an academic institution; a hospice program; a palliative care program; a program offering a continuum of hospice care, palliative care, and other appropriate care to children and their families; a nonprofit organization; a State health agency; a health center; a cancer center; or any other entity determined to be appropriate by the Secretary.

"(c) APPLICATION.—An eligible entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to—

"(1) integrate palliative care with such entities as academic institutions, community organizations, hospice programs, hospitals, cancer patient and survivorship organizations, health care providers, cancer centers, or other entities determined appropriate by the Secretary;

"(2) conduct outreach and education activities to encourage the dissemination of evidence-based clinical best practices relating to palliative care;

"(3) increase public awareness, including outreach campaigns, particularly to underserved populations;

"(4) disseminate evidence-based information to health care providers and individuals with cancer and their families regarding available palliative care programs and services;

"(5) provide and evaluate education and training programs in palliative care for health care providers, including—

"(A) establishing pilot training programs (including faculty training programs) in medicine, including oncology (including pediatric oncology), family medicine, psychiatry, psychology, pain, nursing, pharmacology, physical therapy, occupational therapy, social work, and other relevant disciplines; or

"(B) developing, implementing, and evaluating pilot training programs for the staff of hospices, nursing homes, hospitals, home health agencies, outpatient care clinics, and other entities determined appropriate by the Secretary;

"(6) design or implement model palliative care programs for individuals with cancer and their families including improving access to clinical trials, where appropriate;

"(7) develop and evaluate pilot programs to address the special needs of children or other underserved populations and their families in palliative care programs;

"(8) conduct demonstration projects to enhance or develop online support networks for individuals with cancer and their families, including those networks for individuals who are homebound, and develop other methods to reach underserved cancer patients; or

“(9) determine whether strategies developed for palliative care for individuals with cancer and their families would be applicable to individuals with other diseases.

“(e) Dissemination.—The Secretary shall disseminate findings made as a result of activities conducted under this section to the public in coordination with the Director of the Agency for Healthcare Research and Quality, the Administrator of the Centers for Medicare & Medicaid Services, and the heads other appropriate Federal agencies.”.

TITLE VII—ESTABLISHING SURVIVORSHIP PROGRAMS

SEC. 701. PROGRAMS FOR SURVIVORSHIP.

Subpart 1 of Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) (as amended by section 101), is further amended by adding at the end the following:

“SEC. 417F. PROGRAMS FOR SURVIVORSHIP.

“(a) Demonstration Projects.—The Secretary shall conduct and support research regarding the unique health challenges associated with cancer survivorship and carry out demonstration projects to develop and implement post-treatment public health programs and services including followup care and monitoring to support and improve the long-term quality of life for cancer survivors, including children.

“(b) Eligibility.—An entity is eligible to receive a competitive grant under this section if such entity is an academic institution, nonprofit organization, State health agency, cancer center, health center, or other entity determined to be appropriate by the Secretary.

“(c) Application.—An entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) Use of Funds.—An entity shall use amounts received under a grant under this section to plan, implement, and evaluate demonstration projects that—

“(1) design protocols for followup care, monitoring, and other survivorship programs (including peer support and mentor programs);

“(2) increase public awareness about appropriate followup care, monitoring and other survivorship programs (including peer support and mentor programs) by disseminating information to health care providers and survivors and their families; and

“(3) support programs to improve the quality of life among cancer survivors, referenced by the quality of cancer care measures developed under section 417E (where appropriate), with particular emphasis on underserved populations, including children.

“(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.”.

SEC. 702. CANCER CONTROL PROGRAMS.

Section 412 of the Public Health Service Act (42 U.S.C. 285a–1) is amended—

(1) in the matter preceding paragraph (1), by striking “cancer and for rehabilitation and counseling respecting cancer.” and inserting “cancer and for survivorship, rehabilitation, and counseling respecting cancer.”;

(2) in paragraph (1)(B), by striking “and the families of cancer patients” and inserting “the families of cancer patients, and cancer survivors”; and

(3) in paragraph (3), by striking “diagnosis, and treatment and control of cancer” and inserting “diagnosis, treatment, survivorship programs, and control of cancer.”.

TITLE VIII—PROGRAMS FOR END-OF-LIFE CARE

SEC. 801. PROGRAMS FOR END-OF-LIFE CARE.

Part R of title III of the Public Health Service Act (as amended by section 601), is further amended by adding the following:

“SEC. 399EE. PROGRAMS FOR END-OF-LIFE CARE.

“(a) Demonstration Projects.—The Secretary shall award competitive grants to eligible entities to develop, implement, and evaluate evidence-based programs for the delivery of quality of cancer care during the end-of-life to individuals with cancer (with a special emphasis on children) and their families.

“(b) Eligibility.—An entity is eligible to receive a grant under this section if such entity is a hospital; an academic institution; a hospice program; a palliative care program; a program offering a continuum of hospice care, palliative care, and other appropriate care to children and their families; a nonprofit organization; a State health agency; a health center; a cancer center; or any other entity determined to be appropriate by the Secretary.

“(c) Application.—An entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) Use of Funds.—An entity shall use amounts received under a grant under this section to—

“(1) integrate palliative care or end-of-life care programs with entities including academic institutions, community organizations, hospice programs, hospitals, cancer patient and survivorship organizations, health care providers, cancer centers, or other entities determined appropriate by the Secretary;

“(2) conduct outreach and education activities to encourage the dissemination of evidence-based clinical best practices relating to end-of-life care,

“(3) increase public awareness, including outreach campaigns, particularly to underserved populations;

“(4) disseminate information to health care providers and individuals with cancer and their families regarding available end-of-life programs, including hospice programs;

“(5) provide and evaluate education and training in end-of-life care for health care providers, including—

“(A) establishing pilot training programs (including faculty training programs) in medicine including oncology (including pediatric oncology), family medicine, psychiatry, psychology, pain, nursing, pharmacology and social work, and other disciplines; or

“(B) developing, implementing, and evaluating pilot training programs for the staff of hospices, nursing homes, hospitals, home health agencies, outpatient care clinics, and other entities determined appropriate by the Secretary;

“(6) design or implement model end-of-life care programs for individuals with cancer and their families including improving access to clinical trials where appropriate;

“(7) develop and evaluate pilot programs to address the special needs of children or other underserved populations and their families in end-of-life programs;

“(8) integrate palliative care and hospice care activities in the delivery of end-of-life care; or

“(9) determine whether strategies developed for end-of-life care for individuals with cancer and their families would be applicable to individuals with other diseases.

“(e) Dissemination.—The Secretary shall disseminate findings made as a result of activities conducted under this section to the public in coordination with the Director of the Agency for Healthcare Research and Quality, the Administrator of the Centers for Medicare & Medicaid Services, and the heads of other appropriate Federal agencies.”.

TITLE IX—DEVELOPING TRAINING CURRICULA

SEC. 901. CURRICULUM DEVELOPMENT.

Part R of title III of the Public Health Service Act (as amended by section 801), is further amended by adding at the end the following:

“SEC. 399FF. CURRICULUM DEVELOPMENT.

“(a) In General.—The Secretary shall award competitive grants for the development of curricula for health care provider training regarding the assessment, monitoring, improvement, and delivery of quality of cancer care.

“(b) Eligibility.—To be eligible to receive a grant under this section, an entity shall be an academic institution, nonprofit organization, cancer center, health center, medical school, or other entity determined appropriate by the Secretary.

“(c) Application.—An entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) Use of Funds.—An entity shall use amounts received under a grant under this subsection to—

“(1) evaluate methods of delivery of the quality of cancer care, including palliative care, hospice care, end-of-life care, or cancer survivorship by health care providers;

“(2) develop curricula concerning the delivery of quality of cancer care including palliative care, hospice care, end-of-life care, or cancer survivorship; and

“(3) provide recommendations for training protocols for medical and nursing education, fellowships, and continuing education in quality of cancer care including palliative care, hospice care, survivorship, or end-of-life care for health care providers.

“(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.”.

SEC. 902. CANCER CARE WORKFORCE AND TRANSLATIONAL RESEARCH.

(a) Cancer Control Programs.—Section 412 of the Public Health Service Act (42 U.S.C. 285a–1) is amended—

(1) by striking “The Director of the Institute” and inserting the following:

“(a) In General.—The Director of the Institute”;

(2) by striking paragraph (2) and inserting the following:

“(2) annual and long-term training goals to assure an adequate and diverse cancer care workforce including—

“(A) preparing and implementing a plan to provide assistance to health professionals in health professions experiencing the most severe shortages including the provision of grants, scholarships, fellowships, post-doctoral stipends, or loans to eligible individuals to increase the cancer care workforce; and

"(B) educating students of health professions and health professionals in—

"(i) effective methods for the prevention and early detection of cancer;

"(ii) the identification of individuals with a high risk of developing cancer;

"(iii) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer;

"(iv) methods to deliver culturally competent care; and

"(v) other appropriate methods for providing quality of cancer care; and"; and

(3) by adding at the end the following:

"(b) COORDINATION WITH EXISTING PROGRAMS.—In carrying out the activities under subsection (a)(2), the Director of the Institute shall coordinate with existing programs, including programs at the Health Resources and Services Administration, to prevent duplication.".

(b) NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS.—Section 414(b) of the Public Health Service Act (42 U.S.C. 285a-3(b)) is amended by striking paragraph (3) and inserting the following:

"(3) clinical training (including training for allied health professionals), loan forgiveness or post-doctoral stipends for bench researchers, continuing education for health professionals and allied health professionals, and information programs for the public regarding cancer; and".

(c) TRANSLATIONAL CANCER RESEARCH.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 414 the following:

"SEC. 414A. TRANSLATIONAL CANCER RESEARCH.

"(a) IN GENERAL.—The Director of the Institute, in collaboration with the Director of the Agency for Healthcare Research and Quality shall enter into cooperative agreements with, and make grants to, public or nonprofit entities to conduct multidisciplinary, translational cancer research.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—The Director of the Institute may use funds provided under this section to establish networks and partnerships to link community cancer providers to programs funded under this section.

"(2) CONSTRUCTION OF NEW FACILITIES.—Funds provided under this section shall not be used for the construction of new facilities.

"(c) STRATEGIC PLAN.—Not later than October 1, 2006, the Director of the Institute shall develop and implement a strategic plan, in collaboration with entities performing translational research, for identifying, expanding, and disseminating the results of translational cancer research to health care providers.

"(d) DUTIES.—An entity receiving a grant under this section shall—

"(1) conduct research with the potential to improve the prevention, diagnosis, and treatment of cancer and to improve the quality of cancer care, including palliation;

"(2) conduct clinical research studies on promising cancer treatments including clinical trials; and

"(3) evaluate tests, techniques, or technologies in individuals being evaluated for the presence of cancer.

"(e) DEFINITION OF TRANSLATIONAL CANCER RESEARCH.—As used in this section, the term 'translational cancer research' means scientific laboratory and clinical research and testing necessary to transform scientific or medical discoveries into new approaches, products, or processes that can assist in preventing, diagnosing, or controlling cancer."

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 417B(a) of the Public Health Service Act (42 U.S.C. 285a–8(a)) is amended by striking "1996" and inserting "2010".

TITLE X—BREAST AND CERVICAL CANCER

SEC. 1001. WAIVERS RELATING TO GRANTS FOR PREVENTIVE HEALTH MEASURES WITH RESPECT TO BREAST AND CERVICAL CANCERS.

(a) IN GENERAL.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended by adding at the end the following:

"(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

"(1) IN GENERAL.—The Secretary may waive the requirements under paragraphs (1) and (4) of subsection (a) if—

"(A)(i) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

"(ii) the application of such requirement would result in a barrier to the enrollment of qualifying women;

"(B) the Secretary finds that granting such a waiver to a State will not reduce the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers; and

"(C) the Secretary finds that granting such a waiver to a State will not adversely affect the quality of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

"(2) DURATION OF WAIVER.—

"(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

"(i) shall grant such waivers for a period of 2 years; and

"(ii) upon request of a State, may extend a waiver for additional 2-year periods in accordance with subparagraph (B).

"(B) ADDITIONAL PERIODS.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of each 2-year waiver period described in subparagraph (A), review performance under the waiver and may extend the waiver for an additional 2-year period if the Secretary determines that—

"(i)(I) without an extension of the waiver, there will be a barrier to the enrollment of qualifying women; or

"(II) the State requesting such extended waiver will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(ii) the waiver has not, and will not, reduce the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

"(iii) the waiver has not, and will not, result in lower quality in the State of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

"(3) REPORTING REQUIREMENT.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

"(A) A description of the total amount of dollars leveraged annually from private entities in States receiving a waiver under paragraph (1) and how these amounts were used.

"(B) With respect to States receiving a waiver under paragraph (1), a description of the percentage of the grant that is expended on providing each of the services or activities described in paragraphs (1) and (2) and paragraphs (3) through (6) of section 1501(a).

"(C) A description of the number of States receiving waivers under paragraph (1) annually.

"(D) With respect to States receiving a waiver under paragraph (1), a description of the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n-5(a)) is amended by striking "$50,000,000" and all that follows through the period, and inserting "such sums as may be necessary for each of fiscal years 2004 through 2009.".

TITLE XI—COLORECTAL CANCER

SEC. 1101. PROGRAMS TO IMPROVE COLORECTAL CANCER SCREENING.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended by adding at the end the following:

"SEC. 1511. COLORECTAL CANCER SCREENING DEMONSTRATION PROJECT.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award competitive grants to public and nonprofit private entities to enable such entities to establish demonstration programs pursuant to the general authority of title III to carry out colorectal screening activities including—

"(1) screening asymptomatic individuals as determined by the Secretary in accordance with category A or B recommendation rating of the U.S. Preventive Service Task Force or as otherwise determined by the Secretary;

"(2) providing appropriate case management and referrals for medical treatment of individuals screened pursuant to this section;

"(3) establishing activities to improve the education, training, and skills of health professionals (including allied health professionals) in the detection and control of colorectal cancer, as a part of their participation in the screening program established under the grant;

"(4) evaluating the programs under this section through appropriate surveillance or program monitoring activities;

"(5) developing and disseminating findings derived through such evaluations and outcomes data collection; and

"(6) promoting the benefits of and participation in the colorectal cancer screening program established under the grant.

"(b) REQUIREMENTS.—

"(1) PRIORITY.—To be eligible for a grant under subsection (a), an entity shall agree with respect to activities and services under the grant to target low-income—

"(A) individuals who are at least 50 years of age; or

"(B) individuals at high risk for colorectal cancer (as defined in section 1861(pp)(2) of the Social Security Act (42 U.S.C. 1395x(pp)(2))).

"(2) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—To be eligible for a grant under subsection (a), an entity shall agree that grant funds will not be expended to make payments for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(B) by an entity that provides health service on a prepaid basis.

"(3) RECORDS AND AUDITS.—To be eligible for a grant under subsection (a), an entity shall agree that the entity will—

"(A) establish such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursal of, and accounting for, amounts received under this section; and

"(B) provide agreed upon annual reports to the Secretary or the Comptroller of the United States for the purposes of auditing the expenditures by the entity.

"(4) REPORTS.—To be eligible for a grant under subsection (a), an entity shall agree to submit to the Secretary such reports as the Secretary determines appropriate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

TITLE XII—CONDUCTING REPORTS

SEC. 1201. STUDIES AND REPORTS BY THE INSTITUTE OF MEDICINE.

(a) CONTRACT.—The Secretary shall enter into a contract with the Institute of Medicine to—

(1) evaluate Federal and State activities relating to comprehensive cancer control programs and activities;

(2) evaluate the quality of cancer care (including palliative care, end-of-life care, and survivorship) that medicare and medicaid beneficiaries receive and the extent to which medicare and medicaid coverage and reimbursement policies affect access to quality cancer care;

(3) evaluate data from the Centers for Medicare & Medicaid Services and other agencies on volume-outcome relationships;

(4) evaluate access to clinical trials and the relationship of such access to the quality of cancer care, especially with respect to health disparity populations; and

(5) assess existing gaps in and impediments to the quality of cancer care, including gaps in data, research and translation, seamless patient care and navigation, palliative care, and care provided to underserved populations.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Institute of Medicine shall submit to the Secretary of Health and Human Services a report containing information on the evaluation conducted under paragraphs (1) through (5) of subsection (a), including data collected at the State level through contracts with appropriate organizations as designated by the Institute of Medicine.

(2) 8 YEARS.—Not later than 8 years after the date of enactment of this Act, the Institute of Medicine shall submit to the Secretary of Health and Human Services a report containing information and recommendations on the areas described in subsection (a), including data collected from relevant demonstration projects.

(3) REPORTS.—The Secretary of Health and Human Services shall submit the reports described in paragraphs (1) and (2) to the relevant committees of Congress.

(c) DEFINITIONS.—

(1) PALLIATIVE CARE; QUALITY OF CANCER CARE.—The terms 'palliative care' and 'quality of cancer care' have the meanings given such terms in section 399AA of the Public Health Service Act.

(2) COMPREHENSIVE CANCER CONTROL PROGRAM.—The term 'comprehensive cancer control program' has the meaning given such term in section 320B of the Public Health Service Act.

(3) HEALTH DISPARITY POPULATION AND HEALTH DISPARITIES RESEARCH.—The terms "health disparity population" and "health disparities research" have the meanings given such terms in section 399AA of the Public Health Service Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague Senator BILL FRIST in introducing this bipartisan legislation to improve the prevention and treatment of cancer. The Quality of Care for Individuals with Cancer Act is a result of the combined efforts of many in the cancer community, including patients, families, cancer survivors, and health providers. Its goal is to see that as many of our fellow citizens as possible are able to obtain state-of-the-art cancer care.

The Nation's continuing investment in medical research in the past decade has led to many new and innovative options in cancer treatment and prevention. We all want to believe that when a loved one or someone we know is diagnosed with cancer, they will benefit from the latest and most effective treatments. Unfortunately, that is often not the case.

Many cancer patients receive the wrong care, too little care, or even too much care. Colon cancer is 85 percent curable if it is detected early through screening. Yet today less than half of all Americans who should be screened for colon cancer are actually screened. If we do not act to correct these problems, over a quarter of a million parents, sons and daughters, will die from this curable cancer in the next 5 years.

Much more can be done to extend the reach of high-quality cancer care and reduce this burden of unnecessary suffering and premature death. New discoveries of science can be brought much more quickly from the research laboratory to the bedside of the patient and to the practice of medicine in all communities.

Our bill will help assure that the care of cancer patients is coordinated from diagnosis through successful treatment. The quality of end of life care will be significantly improved. Needed programs will be established to meet the ongoing needs of cancer survivors and their families.

Health care provider training will make the latest in cancer care available through improved education and networking. Patients will have access to providers who know how to deliver the most effective cancer treatment at the right time and in the right way.

Today, the best in medical research is too often not available to treat and cure many different types of cancer, especially leukemia, breast cancer, and prostate cancer. The treatments will vary for each patient, but the standard of excellence in cancer care should be widely available to all. Enactment of this legislation will bring that day closer, and I look forward to its enactment, its implementation, and the benefits it will bring to so many of our fellow citizens in the years ahead.

By Mr. INHOFE:

S. 2772. A bill to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, I rise today to proudly introduce the Space Commercial Human Ascent Serving Expeditions Act also known as the Space CHASE Act.

Because Oklahoma has significant history in aviation, I believe it is well positioned to be a leading State in the up-and-coming commercial space industry.

Since 1910, beginning with Charles F. Willard who only flew a few hundred yards in a south Oklahoma City field, Oklahomans have been flying.

The following year, Clyde Cessna, an automobile dealer from Enid who later formed the Cessna Aircraft Company, flew his mono-wing airplane near Jet, OK.

Such early flights in Oklahoma continued and in 1929 perhaps one of the most notable aviation events occurred in Waynoka, OK, where Charles Lindbergh stopped on the first transcontinental passenger air and rail service.

By 1931, Wiley Post, from Maysville, OK, gained international recognition when he flew around the world in a little over 8 days. In July 1991, I had the honor of recreating Post's trip on its 60th anniversary.

Oklahoma's aviation history does not stop there. On November 2, 1929, 26 licensed women pilots founded what was known as the 99 Club, or the Ninety-Nines. It was called so at the suggestion of its first president, Amelia Earheart, because of the 117 licensed women pilots in America who were contacted about joining the club, only 99 actually joined. The South Central Section of the 99 Club comprising several States including Oklahoma, has through the years, issued several publications and in 1962, Mary Lester of the Oklahoma Chapter created a new version of the Club's publication, the Ninety-Nine News. Today, the 99 club is an international organization of licensed women pilots from 35 countries, with its international headquarters at Will Rogers World Airport in Oklahoma City.

In 1999, the Oklahoma State Legislature established the Oklahoma Space Industry Development Authority, OSIDA to create a commercial spaceport that will "expand and economically develop the space frontier with advanced spacecraft operating facilities." Furthermore, OSIDA's mission is to carry out this vision with ". . . deliberate and forceful . . . planning and development of spaceport facilities, launch systems and projects, and to successfully promote and stimulate the creation of space commerce, education and space related industries in Oklahoma."

In March of 2001, I appealed to NASA, on behalf of the Oklahoma Space Industry Development Authority, to receive nearly a quarter of a million dollars in grant money. Part of this grant is paid for the opening of the Oklahoma Spaceport. My efforts to build a space industry in Oklahoma are coming to fruition with that March 2002 launch of "Dark Sky Station," from the Spaceport in Burns Flat. The rest of the money from the NASA grant went to nine other organizations around the State, dedicated to providing space-related education.

I applaud OSIDA for this aggressive economic plan and, as a result, know of 15 companies that have entered into Memoranda of Understanding with OSIDA: Armadillo Aerospace; Space Development; XCOR Aerospace; Zero Gravity; Pioneer Rocketplane; Vela Technology; Rocketplane, Ltd.; JP Aerospace; TGV Rockets; JP Skylaunch; Space Adventures; Jim Schouten Enterprises; Universal Spaceliners; Takeoff Technologies; and Space Assets.

Oklahoma is also home to business done by other such companies and entities as: Beyond-Earth Enterprises, which is helping to revitalize the passion of space travel by providing payload launch capabilities at affordable rates; the Global Space League, Inc., a 501(c)3 nonprofit institution which takes science experiments from students, kindergarten through university level, to remote places normally accessible only to professional scientists; and HighShips, which is in the business of developing innovative lighter-than-air flying vehicles.

Several communities in southwestern Oklahoma stand to either benefit from, take part in, or have synergies with commercial space development including: Burns Flat which boasts the third longest runway in North America, Sayre, Frederick, Elk City, Hobart and Altus Air Force Base. I look forward to working with these communities in the future, such as with Oklahoma House District 63 Representative Don Armes.

I encourage any and all companies and individuals who would like to become involved in the commercial space industry to come to southwestern Oklahoma. Oklahoma welcomes space industries with these features: Tax and Financial Incentives; Oklahoma Quality Job Program: Quarterly cash payments of 5% of new payroll for 10 years; Investment Tax Credit: Credit equal 1% of the investment in depreciable property for 5 years-doubles in this Enterprise zone; Sales/Use Tax Refund: Refunds tax paid on construction materials in new manufacturing facility; Property Tax Exemptions: 5-year abatement on 100 percent of property tax on new investment in manufacturing space; Sales/Use Tax Exemption: Available for machinery and equipment used in manufacturing, including property consumed; Accelerated Federal Property Depreciations: Provides approximately 40 percent shorter recovery period for depreciable property on Indian land.

Training Incentives: Vocational Technology School free to employees; customized assistance in employee screening; job training partnership program.

Financing: Oklahoma Finance Authority low cost loans; venture capital program facilitated by the agency; bonding by the agency; business financial assistance.

Site Specifics: existing available buildings: Hangars, office space, maintenance, warehouses; over 13,500 feet runway, ramp space; 3,000 acres of open space; utilities, infrastructure in place; rail spur, major Interstate Highway access; more than 340 days of clear skies; polar and ISS orbit launch windows available; no environmental issues; site geology supports any type of construction.

Please come to Oklahoma to advance commercial space exploration and avail yourself of Oklahoma's benefits.

Coming from Oklahoma's distinguished aviation heritage and innovative activity in the aerospace sector, as well as my experience as a commercially licensed pilot instructor, I rise today to introduce what I believe is a bill to benefit current and future aerospace companies in Oklahoma and throughout our entire Nation.

This legislation came to fruition after I facilitated many negotiations between the Federal Aviation Authority, the House Science Subcommittee on Space and Aeronautics, the Senate Commerce Committee, aerospace companies and the Oklahoma Space Industrial Development Authority.

My language adds to H.R. 3752, the Commercial Space Launch Amendments Act of 2004, which updates the Commercial Space Launch Act of 1984, by accounting for a new class of sub-orbital launch vehicles that use hybrid technology—a combination of rocket and jet engines—to create a fair approach to future civilian suborbital flights.

In this legislation to advance the commercial space community, I have successfully covered hybrid aerospace vehicles.

By defining a sub-orbital vehicle as a rocket-propelled vehicle, "in whole or in part, intended for flight on a sub-orbital trajectory, and whose thrust is greater than its lift for the majority of the rocket-powered portion of its ascent," aerospace companies will now face less regulation than with previous definitions for this type of vehicle.

Under my language, the FAA's Office of Commercial Space Transportation will now have sole regulation authority for sub-orbital hybrid vehicles, and will now be appropriately considered and licensed as launch vehicles. By this classification, aerospace companies such as Rocketplane, which utilizes hybrid technology, will now avoid being forced to go through a lengthy two-step licensing process formerly required for both launch vehicles and commercial aircraft and will have the opportunity to be licensed to carry civilian passengers much more quickly.

In addition to the definition of suborbital flight, I am also proud of the indemnification and insurance provisions of this legislation which make it possible for small companies to enter into this business field, and am happy to create the new "experimental permit" framework.

I know that my colleagues, House Science Space and Aeronautics Subcommittee Chairman ROHRABACHER and Committee Chairman BOEHLERT, and their aide, Timothy Hughes, have worked diligently to update the Commercial Space Launch Act of 1984 by introducing and passing H.R. 3752.

I particularly want to thank my fellow Oklahoman and House Science Committee member FRANK LUCAS for requesting my involvement in this legislation, along with requests from Oklahoma State Senator Gilmer Capps, Oklahoma State Representative Jack Bonny, Oklahoma Lieutenant Governor Mary Fallon, and the Oklahoma Space Industry Development Authority, Congressman LUCAS' colloquy with Chairman BOEHLERT on the floor the House of Representatives on March 4, 2004, speaks of his interest in ensuring that this very commercial space legislation include hybrid vehicles that fly a bit like rockets and a bit like airplanes:

> Mr. Boehlert. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. Lucas) for the purposes of a colloquy.
>
> Mr. Lucas of Oklahoma. Mr. Chairman, I appreciate the gentleman from New York (Mr. Boehlert) and the gentleman from Tennessee (Mr. Gordon) bringing this important bill to the floor, because the emerging commercial human space flight industry presents tremendous opportunities for my State of Oklahoma and our Nation as a whole. I am particularly appreciative of this bill's intent to ease the regulatory burdens for entrepreneurs who are developing new suborbital reusable launch vehicles.
>
> Mr. Boehlert. Mr. Chairman, will the gentleman yield?
>
> Mr. Lucas of Oklahoma. I yield to the gentleman from New York.
>
> Mr. Boehlert. Mr. Chairman, I thank the gentleman for his kind words. He is correct in stating that this legislation seeks to put in place sufficient Federal regulation to protect the general public while also promoting this important new industry.

Mr. Lucas of Oklahoma. As you know, Mr. Chairman, some suborbital reusable launch vehicles that will be used in commercial human space flight activities may have some attributes normally associated with airplanes as well as many attributes of rockets. My hope is that such hybrid vehicles would not have to be regulated under two separate regimes. What are the chairman's views on this matter?

Mr. Boehlert. I thank the gentleman for that question.

This is a very important issue on which we have worked extensively with industry and the executive branch in developing this bill. As currently drafted, H.R. 3752 incorporates definitions promulgated by the Federal Aviation Administration to distinguish between suborbital rockets, which are under the jurisdiction of FAA's Associate Administrator for Commercial Space Transport, and other aerospace vehicles which are regulated by another part of the FAA. That said, I would be happy to keep working with the gentleman from Oklahoma (Mr. Lucas) and other interested parties as the bill moves forward to revisit the important issue of how best to regulate hybrid vehicles that are engaged in commercial human space flight.

Mr. Lucas of Oklahoma. I thank the chairman and I look forward to continuing to work with him and our colleagues in the other body to see if we can create a single regime for hybrid commercial space flight vehicles.

While I realize H.R. 3752 creates fairness in regulation for the newly emerging civilian space flight industry, I believe my language takes it a step further by ensuring all companies entering this field have a level licensing playing field including those using hybrid technologies.

These are exciting times for this field of human endeavor. We are currently in the middle of a competition for the ANSARI X PRIZE. This competition is a courageous effort to refocus society's attention on the last frontier—space. To win the $10 million ANSARI X PRIZE, the successful team will launch a craft carrying at least three people to an altitude of at least 100 km, 62.5 miles, return safely to Earth, then repeat it with the same craft within 2 weeks.

With pilot Mike Melvill, the Burt Rutan team made a flight on June 21, 2004, but control problems prevented the repeat flight within the 2 weeks.

This brilliant concept of the Ansari X Prize exemplifies the excellence that can be achieved through an incentivized approach rather than a governmental mandate or punitive approach. Incentivize and safely get government out of the way is the philosophy of my bill. Tempt not only the pocketbook but the vision of anyone who has the creativity and imagination to pursue it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 415—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 415

Whereas, during the 106th and 107th Congresses, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation into money laundering activities in the U.S. financial services sector, including examinations of money laundering activities in private banking, correspondent banking, and the securities industry;

Whereas, by agreement to Senate Resolution 77, 107th Congress, the Senate authorized the Chairman and Ranking Minority Member of the Subcommittee, acting jointly, to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the use of correspondent banking for the purpose of money laundering;

Whereas, during the present Congress, the Subcommittee has been conducting a followup to its earlier money laundering investigation to evaluate the enforcement and effectiveness of key statutory anti-money laundering provisions, using Riggs Bank of the District of Columbia as a case history;

Whereas, the Subcommittee is asking authorization to provide records of its followup investigation in response to requests from law enforcement officials, legislative bodies, regulatory agencies, and foreign agencies and officials;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's case study investigation into the enforcement and effectiveness of statutory anti-money laundering provisions.

SENATE RESOLUTION 416—CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, FULLERTON BASEBALL TEAM ON WINNING THE 2004 COLLEGE WORLD SERIES

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 416

Whereas on June 27, 2004, the California State University, Fullerton ("Fullerton") Titans won the 2004 College World Series;

Whereas the 3 to 2 victory completed a 2 to 0 sweep of the heavily favored Texas Longhorns;

Whereas the Fullerton team opened the season with 15 wins and 16 losses, then continued on to win 32 of the next 38 games, finishing with 47 wins and 22 losses in the regular season;

Whereas the Fullerton team won with the superlative pitching of Jason Windsor, who threw a complete game and was named Most Outstanding Player of the College World Series;

Whereas Kurt Suzuki broke a 2 and 20 slump with the game winning RBI single;

Whereas the Fullerton roster also includes Joe Turgeon, Justin Turner, Clark Hardman, Mark Carroll, Blake Davis, Brett Pill, Ricky Romero, J.D. McCauley, Mike Martinez, Neil Walton, Ronnie Prettyman, Eric Hale, Evan McArthur, Brandon Tripp, Shawn Scobee, Scott Sarver, Bobby Andrews, Felipe Garcia, Ryan Schreppel, Danny Dorn, Armando Carrasco, Jon Wilhite, Nolan Bruyninckx, Lauren Gagnier, John Curtis, Evan Myrick, Dustin Miller, Vance Otake, Eric Echevarria, P.J. Pilittere, Sergio Pedroza, Geoff Tesmer, John Estes, Mark Davidson, and Vinnie Pestano;

Whereas Fullerton Coach George Horton was competing against his mentor, former Fullerton coach Augie Garrido, who led the Titans to 3 previous national championships;

Whereas the coaching staff of George Horton, Dave Serrano, Rick Vanderhook, and Chad Baum deserve much credit for the accomplishments of their team;

Whereas the Fullerton baseball team has won national championships in 1979, 1984, 1995, and 2004, making it the only team to win a national championship in each of the past 4 decades;

Whereas the students, alumni, faculty, and supporters of Fullerton are to be congratulated for their commitment and pride in their institution: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the California State University, Fullerton Titans on their College World Series championship;

(2) recognizes the achievements of the team;

(3) requests that the President recognize the outstanding accomplishments of the team; and

(4) directs the Secretary of the Senate to make available a copy of this resolution to California State University, Fullerton for appropriate display and to transmit an enrolled copy of this resolution to the 2004 California State University, Fullerton team.

SENATE RESOLUTION 417—CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES WOMEN'S SOFTBALL TEAM ON WINNING THE 2004 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 417

Whereas on May 31, 2004, the University of California at Los Angeles ("UCLA") women's softball team won the 2004 National Collegiate Athletic Association ("NCAA") championship;

Whereas the 3 to 1 victory completed another UCLA softball title run, this time over the in-State rival, the California Bears;

Whereas the victory marked UCLA's tenth NCAA title in team history;

Whereas the UCLA women's softball team ended the season with an impressive 47 to 9 mark;

Whereas UCLA trailed 1 to 0 for the first 5 innings, before Claire Sua tied the game with a solo home run;

Whereas freshman pinch hitter Kristen Dedmon hit a crucial 2-RBI single to give UCLA the lead;

Whereas senior pitcher Keira Goerl became just the second pitcher in NCAA Division I history to win multiple title games;

Whereas the UCLA roster also includes Caitlin Benyi, Jaisa Creps, Lisa Dodd, Andrea Duran, Alissa Eno, Tara Henry, Ashley Herrera, Whitney Holum, Julie Hoshizaki, Jodie Legaspi, Stephanie Ramos, Nicole Sandberg, Amanda Simpson, Shana Stewart, Michelle Turner, and Emily Zaplatosch;

Whereas the coaching staff of Sue Enquist, Kelly Inouye-Perez, and Gina Vecchione deserve much credit for the accomplishments of their team;

Whereas the UCLA team is the first team to defend its NCAA title since 1997;

Whereas UCLA has won 10 of a possible 23 NCAA Division I softball championships; and

Whereas the students, alumni, faculty, and supporters of UCLA are to be congratulated for their commitment and pride in their institution: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles Bruins on winning the 2004 National Collegiate Athletic Association Championship;

(2) recognizes the achievements of the team;

(3) requests that the President recognize the outstanding accomplishments of the team; and

(4) directs the Secretary of the Senate to make available a copy of this resolution to University of California at Los Angeles for appropriate display and to transmit an enrolled copy of this resolution to the 2004 University of California at Los Angeles women's softball team.

SENATE RESOLUTION 418—DESIGNATING SEPTEMBER 2004 AS "NATIONAL PROSTATE CANCER AWARENESS MONTH"

Mr. SESSIONS (for himself, Mr. REID, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. CORZINE, Mr. CRAPO, Mr. DAYTON, Mr. DODD, Mr. FEINGOLD, Mr. GRASSLEY, Mr. INOUYE, Mr. JOHNSON, Mr. KOHL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MILLER, Mr. NELSON of Florida, Mr. SARBANES, Mr. SHELBY, AND Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 418

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas over the past decade, prostate cancer has been the most commonly diagnosed non-skin cancer and the second most common cancer killer of men in the United States;

Whereas over 230,000 men in the United States will be diagnosed with prostate cancer and 29,900 men in the United States will die of prostate cancer in 2004, according to American Cancer Society estimates;

Whereas 30 percent of new cases occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing the occurrence of cancer and, particularly, of prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate as much as 60 percent higher than White males and have double the mortality rates;

Whereas obesity is a significant predictor of prostate cancer severity and death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnosis, he has 5 times the risk, and if he has 3 family members with such diagnosis, he has a 97-percent risk of prostate cancer;

Whereas screening by both digital rectal examination and prostate specific antigen blood test can diagnose the disease in earlier and more treatable stages and reduce prostate cancer mortality;

Whereas ongoing research promises to further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2004 as "National Prostate Cancer Awareness Month";

(2) declares that the Federal Government has a responsibility to—

(A) raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) increase research funding that is commensurate with the burden of the disease so that the causes of prostate cancer, and improved screening, treatments, and a cure for prostate cancer, may be discovered; and

(C) continue to consider ways for improving the access to, and quality of, health care services for detecting and treating prostate cancer; and

(3) requests that the President issue a proclamation calling on the people of the United States, interested groups, and affected persons to—

(A) promote awareness of prostate cancer;

(B) take an active role in the fight to end the devastating affects of prostate cancer on individuals, their families, and the economy; and

(C) observe the month of September 2004 with appropriate ceremonies and activities.

SENATE RESOLUTION 419—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE CONTINUITY OF GOVERNMENT AND THE SMOOTH TRANSITION OF EXECUTIVE POWER

Mr. CORNYN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 419

Whereas members of the Senate, regardless of political party affiliation, agree that the American people deserve a Government that is failsafe and foolproof, and that terrorists should never have the ability to disrupt the operations of the Government;

Whereas continuity of governmental operations in the wake of a catastrophic terrorist attack remains a pressing issue of national importance before the United States Congress;

Whereas, at a minimum, terrorists should never have the ability, by launching a terrorist attack, to change the political party that is in control of the Government, regardless of which party is in power;

Whereas, whenever control of the White House shall change from one political party to another, the outgoing President and the incoming President should work together, and with the Senate to the extent determined appropriate by the Senate, to ensure a smooth transition of executive power, in the interest of the American people;

Whereas, under the current presidential succession statute in section 19 of title 3, United States Code, the members of the cabinet, defined as the heads of the statutory executive departments under section 101 of title 5, United States Code, fall within the line of succession to the presidency;

Whereas, during previous presidential transition periods, the incoming President has had to serve with cabinet members from the prior administration, including subcabinet officials from the prior administration acting as cabinet members, for at least some period of time;

Whereas the Constitution vests the appointment power of executive branch officials in the President, by and with the advice and consent of the Senate, and nothing in this resolution is intended to alter either the constitutional power of the President or the constitutional function of the Senate with regard to the confirmation of presidential nominees;

Whereas an incoming President cannot exercise the constitutional powers of the President, in order to ensure a smooth transition of Government, until noon on the 20th day of January, pursuant to the terms of the twentieth amendment to the Constitution;

Whereas cooperation between the incoming and the outgoing President is therefore the only way to ensure a smooth transition of Government;

Whereas Congress throughout history has acted consistently and in a bipartisan fashion to encourage measures to ensure the smooth transition of executive power from one President to another, such as through the enactment of the Presidential Transition Act of 1963 (3 U.S.C. 102 note; Public Law 88-277) and subsequent amendments;

Whereas Congress has previously concluded that "[t]he national interest requires" that "the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President . . . be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign" under the Presidential Transition Act of 1963 (3 U.S.C. 102 note; Public Law 88-277);

Whereas Congress has further concluded that "[a]ny disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people" under the Presidential Transition

Act of 1963 (3 U.S.C. 102 note; Public Law 88–277); and

Whereas Congress has previously expressed its intent "that appropriate actions be authorized and taken to avoid or minimize any disruption" and "that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of the President, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President" under the Presidential Transition Act of 1963 (3 U.S.C. 102 note; Public Law 88–277): Now, therefore, be it

Resolved, that it is the sense of the Senate that during the period preceding the end of a term of office in which a President will not be serving a succeeding term—

(1) that President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession;

(2) the Senate should consider conducting confirmation proceedings and votes on the nominations described under paragraph (1), to the extent determined appropriate by the Senate, between January 3 and January 20 before the Inauguration; and

(3) that President should consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration to ensure continuity of Government.

Mr. CORNYN. Mr. President, yesterday I rose to address this body in support of a Senate resolution on a profoundly nonpartisan issue. As President Bush and the United States government continue their fight to protect the American way of life in the war against terrorism, they have also been fighting another battle to protect American ideals and principles—a battle against human trafficking and slavery. Most Americans would be shocked to learn that the institution of slavery—an institution that hundreds of thousands of Americans shed precious blood to destroy—continues to persist today—not just around the world, but hidden in communities across America. This is a new fight against an old evil. It is the most fundamental civil rights issue of our time.

I was pleased to work with my lead Democrat co-sponsor, Senator SCHUMER, as well as with Senators GRAHAM of South Carolina, LEAHY, and CLINTON, to introduce and obtain full Senate approval of Senate Resolution 414. That resolution expressed strong support for the Justice Department's recent efforts to combat human trafficking, under the leadership of the Civil Rights Division. The resolution noted that the Justice Department recently held its first-ever National Conference on Human Trafficking in Tampa, Florida, where it announced a new comprehensive model state anti-trafficking law. The resolution encouraged states to consider adopting such laws where they do not currently exist.

Today, I rise in support of a Senate resolution on another profoundly nonpartisan issue—the preservation of our system of government in the wake of a catastrophic terrorist attack. Just as most Americans would be shocked to learn about the incidence of forced labor and sexual servitude in communities across the country, I believe most Americans would be shocked to learn that our laws are profoundly inadequate to ensure continuity of governmental operations in the wake of a catastrophic terrorist attack.

I have spent a great deal of time and energy this past year on the issue of continuity of government. Last September, I chaired two hearings to examine continuity of government problems in the two political branches of government. On September 9, I chaired a hearing of the Senate Judiciary Committee to examine continuity problems in the Congress, and on September 16, Senator LOTT and I co-chaired a joint hearing of the Senate Rules and Judiciary Committees to look at problems in our system of Presidential succession.

These are not partisan issues. These are imminently nonpartisan issues, and so I was pleased to work on those hearings with my distinguished colleagues on the other side of the aisle—Senator LEAHY, the ranking member of the Senate Judiciary Committee, and Senator FEINGOLD, the ranking member of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Property Rights, which I am honored to chair.

In November, I introduced Senate Joint Resolution 23, a proposed constitutional amendment to ensure continuity of Congress. Constitutional legal experts across the political spectrum have recognized that our current laws are inadequate to ensure continuity of Congressional operations in the wake of a catastrophic terrorist attack, and that only a constitutional amendment can ensure that the American people will never have to suffer under martial law.

The constitutional amendment I introduced implements the recommendations of the bipartisan blue ribbon Continuity of Government Commission, sponsored by the American Enterprise Institute and the Brookings Institution. That commission is led by two of our nation's truly most distinguished American statesmen—its honorary co-chairmen, former Presidents Jimmy Carter and Gerald Ford—as well as by its two distinguished co-chairmen, former Senator Alan Simpson and former White House Counsel Lloyd Cutler. The commission is comprised of former high-ranking government officials of both parties, and ably staffed by Norman Ornstein, John Fortier, and Thomas Mann.

I know that there are sharp divisions in the House over what kinds of continuity measures to adopt—whether emergency interim appointments are appropriate and necessary, or if expedited special elections alone are sufficient. It is important to recognize that my amendment takes no position in that debate. My amendment would not compel either chamber of Congress to adopt any particular methodology for redressing continuity problems. It would simply empower Congress to adopt legislation to guarantee continuity of Congressional operations—power that Congress does not currently possess. It is modeled after Article II of the Constitution, which empowers Congress to adopt legislation to provide for continuity of the Presidency.

On January 27 of this year, I chaired a hearing of the Senate Judiciary Committee so that legal experts could examine the need for Senate Joint Resolution 23. And on that same day, I introduced implementing legislation (S. 2031), entitled the Continuity of the Senate Act of 2004. Continuity problems affect both the House and the Senate. Indeed, the Senate arguably faces the most dire problem of all—if a majority of Senators are incapacitated, Congress could be disabled for as long as four years, the amount of time it takes to elect a new majority of Senators. The Continuity of the Senate Act of 2004 would implement the constitutional amendment proposed by Senate Joint Resolution 23. It would simply empower each state to adopt continuity measures for their senators in case of incapacity—following the model of the 17th Amendment with respect to Senate vacancies. I am pleased that Senators DODD and LOTT agreed to serve as original co-sponsors of this legislation. After all, they are the ranking Democrat and Republican, respectively, on the Senate Rules Committee—the committee that would have jurisdiction to consider the Continuity of the Senate Act, in the event that the constitutional amendment I have proposed is approved by two-thirds of the Congress and three-fourths of the states.

On May 13, I convened a meeting of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights—the subcommittee that possesses jurisdiction over constitutional amendments. I am pleased that the subcommittee approved Senate Joint Resolution 23 on a bipartisan vote. I am particularly pleased that the resolution was supported by my distinguished colleague, the subcommittee's ranking Democrat, Senator FEINGOLD. I know from working with him these past several months that he is no fan of constitutional amendments. And of course, everyone in this chamber agrees that the Constitution should not be amended casually. Yet he recognized—as have constitutional legal experts across the political spectrum—that the only way to ensure continuity of Congressional operations is a constitutional amendment. I look forward to working with Senator HATCH, the chairman of the Senate Judiciary Committee, in coming weeks and months so that the full committee can consider the merits of, and the need for, Senate Joint Resolution 23.

Of course, Congress is not the only institution that faces serious problems of continuity of operations. Our laws are also inadequate with respect to Presidential succession. Article II of the Constitution gives Congress the power to enact laws to address Presidential succession—just as my proposed constitutional amendment would give Congress such power with respect to continuity of Congress. Yet legal experts across the political spectrum have written that the current Presidential succession statute is unconstitutional and unworkable.

Accordingly, I introduced legislation in February, right before President's Day, to reform the Presidential succession statute (S. 2073). That same day, I also introduced a Senate resolution (S. Con. Res. 89) to establish a protocol for ensuring proper transition between an outgoing President and a newly elected President. Both measures were cosponsored by Senator LOTT, the chairman of the Rules Committee, which exercises jurisdiction over such matters.

I am pleased to introduce a more robust version of that same resolution today for the Senate's consideration, in the form of a Senate resolution that requires the consent of only this body. It is an important step to ensuring that, no matter what, at a minimum, terrorists will never be able to determine, by launching a terrorist strike, which party controls the White House.

Imagine if you will that it is January 20, the inauguration date for a new incoming President. The sun is shining, and the American people are watching. The new President and Vice President sit on the center platform just steps away from the Capitol Rotunda, joined by American and foreign dignitaries. Leaders of both Houses of Congress sit nearby as well. It is a beautiful day—but as national security and continuity of government experts have long recognized, it is also a window of vulnerability. If terrorists launched a successful strike on Inauguration Day, it could wipe out not only our new President, but also the first three people who are in the line of Presidential succession under our current Presidential succession statute—the Vice President, the Speaker of the House, and the President pro tempore of the Senate.

What happens next?

Well, imagine that the election of the prior year had resulted in a change of political party control of the White House. During previous Presidential transition periods, a new incoming President has had to serve with Cabinet members from the prior administration—including sub-Cabinet officials from the prior administration acting as Cabinet members—for at least some period of time. That means that, in the event of a successful inaugural day attack, the official who could rise to become Acting President, perhaps serving for four full years, could very well be a member of the outgoing administration—indeed, a member of the political party that the American people expelled from office at the most recent election.

The resolution I introduce today would help prevent this from happening. As the resolution acknowledges, members of the Senate, regardless of political party affiliation, agree that the American people deserve a Government that is failsafe and foolproof. We agree that terrorists should never have the ability to disrupt the operations of the Government. We agree that continuity of governmental operations in the wake of a catastrophic terrorist attack remains a pressing issue of national importance before the United States Congress. And we agree that, at a minimum, terrorists should never have the ability, by launching a terrorist attack, to change the political party that is in control of the Government—a principle that applies regardless of which party is in power.

An incoming President, of course, cannot exercise the constitutional powers of the President, in order to ensure a smooth transition of Government, until noon on the 20th day of January, pursuant to the terms of the Twentieth Amendment of the Constitution. Accordingly, cooperation between the incoming and the outgoing President is the only way to ensure a smooth transition of government.

Whenever control of the White House shall change from one political party to another, the outgoing President and the incoming President should work together, and with the Senate to the extent deemed appropriate by the Senate, to ensure a smooth transition of executive power, in the interest of the American people. Accordingly, the resolution establishes a non-binding protocol—a protocol with three parts.

First, the resolution states that an outgoing President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession. Under the current Presidential succession statute (3 U.S.C. §19), that means the members of the Cabinet, defined as the heads of the statutory executive departments (5 U.S.C. §101).

Second, the resolution provides that the Senate should consider conducting confirmation proceedings and votes on Cabinet nominations, to the extent deemed appropriate by the Senate, between January 3 and January 20 before the Inauguration. Of course, nothing in the resolution purports to alter the constitutional powers of either the President or the Senate, and indeed, nothing in this resolution could constitutionally do so.

And third, the resolution encourages the outgoing President to consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration—all to ensure continuity of government.

I am pleased that this resolution has received such strong support amongst experts in the fields of continuity of government and constitutional law. This is a truly nonpartisan effort, so I am particularly pleased that the resolution is so enthusiastically supported by constitutional legal experts such as Walter Dellinger, Cass Sunstein, Laurence Tribe, Michael Gerhardt, and Howard Wasserman. Rather than repeat their words here, I will simply ask unanimous consent that their letters be included in the CONGRESSIONAL RECORD at the close of my remarks.

Throughout history, Congress has acted consistently and in a bipartisan fashion to encourage measures to ensure the smooth transition of Executive power from one President to another. I think, for example, of the Presidential Transition Act of 1963, and its subsequent amendments. In that Act, Congress concluded that "[t]he national interest requires" that "the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President . . . be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign." Congress further concluded that "[a]ny disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people." Accordingly, Congress expressed its intent "that appropriate actions be authorized and taken to avoid or minimize any disruption" and "that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of President, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President."

Close cooperation between an incoming President and an outgoing President is the only way to ensure a smooth transition of government. So this evening, just days away from the first of our nation's two great political conventions, I am pleased to introduce a resolution to ensure continuity of government during a unique window of vulnerability—the Presidential inaugural period. And I look forward to further debate and discussion on other legislation to ensure the continuity of our national government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY,
Cambridge, MA, July 22, 2004.

Hon. JOHN CORNYN,
Chairman, U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights & Property Rights, Washington, DC.

DEAR SENATOR CORNYN: I am writing to commend you for drafting the Resolution whose text you have shared with me expressing the sense of the Senate with respect to continuity of government and the smooth transition of Executive power. I write not as a friend and supporter of Senators Kerry and Edwards, whose election this November to the presidency and vice presidency I believe you know I strongly favor, but as a citizen of this nation and, for more than 30 years, a professor of constitutional law who is devoted to the success of its government of, by, and for the people,

The Resolution I have read is a non-binding measure that creates no obligations or rights and imposes no restrictions. For this reason among others, it is fully consistent with the Constitution of the United States. Unlike some such non-binding measures, however, this one seems to me extremely wise. It entails no posturing, and the recommendations it makes for the transition from an incumbent president's administration to that of a newly elected president who is not the incumbent—a situation I fervently hope we will confront between November 2, 2004, and January 20, 2005—seem to me not only sensible but potentially crucial, especially during a period of our history when fanatic international terrorism threatens to disrupt our political and governmental processes. The recommendations are such that a non-partisan, good-government perspective would commend this Resolution to the entire Senate, and I strongly support its adoption.

Yours truly,
LAURENCE TRIBE.

UNIVERSITY OF CHICAGO LAW SCHOOL,
Chicago, IL, July 22, 2004.

Senator JOHN CORNYN,
Chairman, Senate Subcommittee on the Constitution, Civil Rights, and Property Rights, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR CORNYN: I am writing to express support, from the standpoint of constitutional structure and good governance, for the proposed resolution involving continuity in government, which would contain the following language:

"Resolved, that it is the sense of the Senate that during the period preceding the end of a term of office in which a President will not be serving a succeeding term—

(1) that President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession;

(2) the Senate should consider conducting confirmation proceedings and votes on the nominations described under paragraph (1), to the extent deemed appropriate by the Senate, between January 3 and January 20 before the Inauguration; and

(3) that President should consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration, to ensure continuity of Government"

The significant advantage of the suggested process is that in the event of terrorist attack or other large-scale disruption, it would reduce the risk that there would be "gaps" in the personnel and operation of the Executive Branch. If the process operates as suggested, then there would be no period in which certain high-level offices (those that fall within the line of succession) lack personnel of the President's choosing. A disadvantage of the suggested process is that it would put perhaps unwelcome time pressure on both the President-elect and the Senate—while also putting the sitting President in a mildly awkward position. Nonetheless, the text of the Resolution is not rigid ("should consider"), and there are large virtues, for the President-elect and the Senate alike, of providing an early, expeditious process for ensuring that the President's Cabinet is in place. The process thus promises to reduce a serious danger without compromising important structural values.

One of the most central goals of our constitutional system is to create an energetic and unitary executive branch, one that is capable of prompt and expeditious action. See The Federalist No. 70; E. Corwin, The President—Office and Powers 3–30 (1957). This resolution, at once bipartisan and nonpartisan, would serve to promote that goal under contemporary conditions.

Sincerely,
CASS R. SUNSTEIN.

O'MELVENY & MYERS LLP,
Washington, DC, July 22, 2004.

Re: "Smooth Transition" Proposed Legislation.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: On rare occasions a suggestion comes along that is truly a good government idea. The "smooth transition" resolution you have proposed is a premier example. It is a simple idea that would strengthen our government, regardless of party and regardless of ideology. To have the outgoing President, in his final weeks in office, submit to the Senate the nominations of those individuals the new President-elect has chosen for the cabinet is not merely a convenience: it is essential in an era in which our government must be ever vigilant.

I served in the White House in February, March and April of 1993. As you will recall, the position of Attorney General was not filled in a timely fashion. In my view this resulted in serious mistakes being made, as the President turned to the White House staff for advice and legal opinions that would have come from the Department of Justice had there been a functioning Attorney General. Because of the great and steady influence of career lawyers at Justice, the advice from that Department is generally more solid and consistent over time than a President receives when he has to rely on the White House to carry out duties that should be performed by the Attorney General. So I know first hand how important it is to have new Department Heads in place at the moment the new President is sworn in to office.

Your amendment does more than facilitate the smooth functioning of government. It sets the right tone at a time when so many partisan battles divide us in spirit. Our parties should compete vigorously on policy and present alternative visions and plans to the American people. But then we should facilitate rather than inhibit the capacity of the prevailing party to do the job the American people have chosen them to do. This is a sentiment I expressed four years ago in the pages of The Wall Street Journal as the new administration of President George W. Bush came to power. I am taking the liberty of including a copy of "The Wrong Way to Oppose" from the Journal for January 10, 2001. I wish I had thought of your idea and included it in that piece.

I hope your resolution is adopted with great bi-partisan support. Best wishes to you.

Very truly yours,
WALTER E. DELLINGER,
of O'Melveny & Myers LLP.

THE COLLEGE OF WILLIAM & MARY
SCHOOL OF LAW,
Williamsburg, VA, July 22, 2004.

Hon. JOHN CORNYN,
U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Property Rights, Washington, DC.

DEAR SENATOR CORNYN: I write to express my support for the resolution you are introducing suggesting that the President and Senate should each consider taking particular actions later this year to ensure a smooth transition and the continuity of government. I share your concerns about possibly crippling attacks against our government by terrorists and your efforts to ameliorate the effects of any such attacks. I believe your proposed resolution expresses a noble ideal for the President and the Senate to work together as smoothly and quickly as possible to ensure that the administration is fully staffed and operational during the critical period after the 2004 presidential election and before Inauguration Day in January 2005.

I appreciate that resolutions on presidential nominations touch upon extremely sensitive constitutional terrain. The Appointments Clause of the Constitution vests the President with the authority to nominate certain high-ranking officials, and presidents have fiercely protected this prerogative from encroachment by the Senate. The Appointments Clause also vests the Senate with the authority to provide its "Advice and Consent" on presidential nominations, and the Senate has defended this authority from interference by any other branch. I believe your resolution has merit in part because it accords due respect for the respective appointments authorities of the President and the Senate. It is non-binding. It does not require either branch to do anything it prefers not to do. It shows due respect for the autonomy of the President and the Senate in exercising their respective authorities over federal appointments. Separation of powers problems arise when one branch encroaches upon, or seeks to usurp, the authority of another branch. But, to its credit, the resolution avoids such problems by both acknowledging that its purpose is not to "alter the constitutional power of the President or the constitutional function of the Senate with regard to the confirmation of Presidential nominations" and by calling upon the President and the Senate merely to "consider" taking certain actions later this year—the President in possibly nominating the President-elect's nominees for cabinet and other offices requiring confirmation, and the Senate in considering holding confirmation proceedings and votes on these nominations prior to the Inaugural.

I understand that the President-Elect may not be able, for whatever reason, to nominate all the people he would like by his inaugural. I also understand that the Senate may not be able, for whatever reason, to act as quickly as either the President-Elect or resolution suggests it ought to in taking final action upon his nominations. I also understand that Presidents-Elect's nominees sometimes run into troubles in confirmation proceedings, and there is no way to prevent at least some impasses from occurring. But your resolution does not require either the President or the Senate to do anything in particular; it merely expresses a noble ideal shared by those voting for it.

I believe that this resolution, like your proposed constitutional amendment S.J. Res. 23, should be commended for its nonpartisanship. I share your hope for a smooth transition and continuity of the government for whoever wins this November.

Very truly yours,

MICHAEL J. GERHARDT,
Arthur B. Hanson Professor of Law.

FLORIDA INTERNATIONAL UNIVERSITY,
Miami, FL, July 22, 2004.

Hon. JOHN C. CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: I write in support of your Sense-of-Senate Resolution, proposing a new informal practice for nominating and confirming Cabinet officials when the White House changes party hands. The Resolution urges an outgoing President to nominate, and the new Senate to hold hearings and confirm, some or all of the President-elect's Cabinet prior to the January 20 Inauguration.

Thomas Jefferson's ascension to the presidency has been labeled the Revolution of 1800 in part because it marked one of the first peaceful and orderly transfers of executive power. The continued peaceful and orderly transfer of executive power between political parties and ideologies has become a hallmark of the American constitutional order.

However, the Inauguration ceremony that attends this orderly transfer of power, with leaders of all three branches of the federal government present, marks one of two periods in which presidential succession and continuity is uniquely vulnerable to terrorist attack. The other vulnerable period is when the President addresses a Joint Session of Congress. And the safety valve used then—having one person in the line of presidential succession, whether the Vice President or a Cabinet member, outside of Washington—is not available in the Inauguration scenario. The only people in the line of presidential succession not present at the January 20 ceremony are Cabinet Secretaries (or perhaps only deputies acting as secretary) remaining from the outgoing administration. It would be inconsistent with the expressed will of the People if a terrorist event on January 20, 2004 left the nation (only to use the next possible example of this scenario) not with four years of a President Kerry and Vice President Edwards, but with four years of Acting President Rumsfeld.

The proposal addresses this problem by ensuring that the Cabinet members in the line of succession during the handover of power on noon on January 20 will be the handpicked policy surrogates of the incoming President, those who had been chosen to help the new President exercise executive power and represent the national electoral constituency. Should tragedy strike the Inauguration, the executive branch that emerges conforms politically and ideologically with the public will expressed the previous November. The acting president would be of the same political party and policy commitments as the person just chosen by the People through the Electoral College.

I emphasize several aspects of the proposed practice. First, it urges the Senate to hold hearings and floor votes "to the extent feasible." This practice does not short-circuit the Senate's advice-and-consent role or rigorous vetting of the President-elect's Cabinet. It commands that the Senate take best efforts in the two-plus weeks between January 3 and Inauguration Day to confirm the new Cabinet, particularly some or all of the high-profile positions at the top of the Departments of State, Treasury, Defense, Justice, and Homeland Security. Second, it urges the outgoing President to sign and deliver Commissions to the new Secretaries on the morning of January 20, prior to the ceremony. Until that point, the lame-duck President still acts in the event of emergencies with the counsel of his own Cabinet.

Finally, the Resolution must be considered in light of the Presidential Succession Act of 2004, S. 2073, 108th Cong. (2004), which (properly, both as a constitutional and policy matter) removes legislative officers from the line of presidential succession. The practice created by the Resolution, in connection with the proposed changes to the succession statute, thus provides the only way to ensure a popularly and politically justifiable method of presidential succession in the event of an Inauguration Day tragedy.

This informal practice benefits both political parties and the American People as a whole, ensuring a smooth transition whenever executive power transfers between parties. In fact, the partisan cooperation inherent in the practice (an outgoing President of one party nominating the policy support of his successor) may ease the political rancor in the wake of a heated election. This plan deserves the support of both parties and should be passed.

Thank you for your time. Best of luck in your efforts.

Cordially,

HOWARD M. WASSERMANN.

SENATE CONCURRENT RESOLUTION 131—CALLING ON THE GOVERNMENT OF SAUDI ARABIA TO CEASE SUPPORTING RELIGIOUS IDEOLOGIES THAT PROMOTE HATRED, INTOLERANCE, VIOLENCE, AND OTHER ABUSES OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND URGING THE GOVERNMENT OF THE UNITED STATES TO PROMOTE RELIGIOUS FREEDOM IN SAUDI ARABIA

Mr. SCHUMER (for himself and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 131

Whereas the Department of State's Country Reports on Human Rights Practices for 2003 concluded that human rights conditions remain poor in the Kingdom of Saudi Arabia;

Whereas the Department of State's International Religious Freedom Report for 2003 concluded that religious freedom does not exist in Saudi Arabia;

Whereas in a report on Saudi Arabia published in May 2003, the United States Commission on International Religious Freedom has found that religious freedom does not exist in Saudi Arabia and has concluded that the Government of Saudi Arabia forcefully limits the public practice or expression of religion to the Wahhabi interpretation of Islam;

Whereas the Government of Saudi Arabia severely restricts non-Wahhabi places of worship and denies non-Wahhabi clerics entry into the country;

Whereas security forces of the Government of Saudi Arabia continue to abuse and torture detainees and prisoners, including individuals held on account of their religious beliefs or practices;

Whereas religious law is interpreted and enforced in Saudi Arabia in a manner that affects every aspect of the lives of women in Saudi Arabia and results in serious violations of the human rights of such women;

Whereas the Government of Saudi Arabia severely limits the freedom of movement of women and discriminates against women in education, employment, access to healthcare, marriage, and inheritance, among other things;

Whereas the religious police in Saudi Arabia, known as the "Mutawaa", arbitrarily raid private homes and exercise broadly defined, vague powers, including the ability to use physical force and detain individuals without due process;

Whereas the Mutawaa intimidate, harass, abuse, and detain citizens and foreigners of both sexes;

Whereas, although the Government of Saudi Arabia has publicly affirmed that all residents of Saudi Arabia have the liberty to worship in private, for several years, and as recently as the fall of 2003, Shi'a clerics have been arrested, imprisoned, and tortured for expressing their religious views and some foreign workers have been arrested, detained, tortured, and deported for worshipping in private;

Whereas offensive and discriminatory language has been found in school textbooks sponsored by Saudi Arabia, sermons in mosques, and articles and commentary in the media about Jews, Christians, and other non-Muslims;

Whereas, in March 2004, the Government of Saudi Arabia detained and imprisoned several democratic reformers for criticizing the strict religious environment and the slow pace of reform in Saudi Arabia;

Whereas the Government of Saudi Arabia, which enjoys access to the United States media, refuses to allow the transmission of Radio Sawa, which promotes values of democracy, tolerance, and respect for human rights, in Saudi Arabia;

Whereas the Government of Saudi Arabia funds mosques, university chairs, Islamic study centers, and religious schools known as madrassas, all over the world, in at least 30 countries;

Whereas there have been several reports that some members of extremist and militant groups that promote intolerance, and in some cases violence, in the Middle East, Eastern Europe, Central and South Asia, and Africa have been trained as clerics in Saudi Arabia;

Whereas there have been a growing number of reports that funding originating in Saudi Arabia, including, in some cases, from individuals and organizations associated with the Government of Saudi Arabia and the royal family, has been used to finance religious schools and other activities that allegedly support religious intolerance, and, in some cases, violence, associated with certain Islamic militant and extremist organizations in several parts of the world;

Whereas in response to an April 2004 request of the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives, the Comptroller General of the United States is undertaking a study to determine what the Government of the United

States is doing to identify, monitor, and counter the influence of funding and support from Saudi Arabia for individuals, organizations, and institutions that advocate violence, intolerance, or religious extremism outside of Saudi Arabia; and

Whereas the Government of Saudi Arabia has made public statements pledging political, economic, and educational reforms and the improved treatment of foreign residents, but it does not appear that such pledges are being carried out is Saudi Arabia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls on the Government of the Kingdom of Saudi Arabia—

(A) to stop providing funding for religious activities that promote hatred, violence, and human rights violations;

(B) to stop providing diplomatic status to Islamic clerics and educators teaching outside of Saudi Arabia who are not legally entitled to such status;

(C) to close any Islamic affairs section of an embassy of Saudi Arabia that has been responsible for propagating intolerance;

(D) to uphold the international commitments made by Saudi Arabia by respecting and protecting the human rights of citizens and foreigners of both sexes in Saudi Arabia;

(E) to ratify and fully comply with international human rights instruments and cooperate with United Nations human rights mechanisms, and, in particular, to sign, ratify, and implement the International Covenant on Civil and Political Rights done at New York December 16, 1966;

(F) to immediately implement promised judicial, political, economic, and educational reforms;

(G) to cease messages of hatred, intolerance, or incitement to violence against non-Wahhabi Muslims and non-Muslim religious groups in the educational curricula and textbooks, mosques, and media controlled by the Government of Saudi Arabia;

(H) to permit the establishment of independent, nongovernmental organizations to advance human rights and to promote tolerance in Saudi Arabia, and to take action to create an independent human rights commission for the same purposes;

(I) to safeguard the freedom of non-Muslims, and of those Muslims who do not follow the Wahhabi interpretation of Islam, to worship in private in Saudi Arabia;

(J) to permit non-Wahhabi places of worship, such as churches, to function openly in special compounds or zones for foreigners or in unadorned buildings designated for this purpose; and

(K) to permit the broadcasting of Radio Sawa throughout Saudi Arabia; and

(2) urges the President—

(A) in both public and private fora, to raise concerns at the highest levels with the Government of Saudi Arabia regarding the ongoing and repeated violations of internationally recognized human rights, including the right to freedom of religion or belief, in Saudi Arabia;

(B) to designate Saudi Arabia a country of particular concern under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)) for the systematic, ongoing, and egregious violations of religious freedom occurring in Saudi Arabia;

(C) to encourage the Government of Saudi Arabia to expeditiously implement the publicly stated plans for judicial, political, economic, and educational reform in Saudi Arabia;

(D) to encourage the Government of Saudi Arabia to cease any funding of efforts to propagate outside of Saudi Arabia any religious ideology that explicitly promotes hate, intolerance, and other human rights violations, including violence;

(E) to request that the Government of Saudi Arabia provide an accounting of what kinds of support from Saudi Arabia go to religious schools, mosques, centers of learning, and other religious organizations globally, including in the United States, and the names of such institutions;

(F) to develop and expand specific initiatives and programs in Saudi Arabia to advance human rights, including religious freedom, the rights of women, and the rule of law, including, the Greater Middle East Initiative, and the Department of State's Middle East Partnership Initiative, Middle East Democracy Fund, and Human Rights and Democracy Fund, international broadcasting, including overcoming obstacles to broadcasting Radio Sawa throughout Saudi Arabia, and other public diplomacy programs; and

(G) to provide an unclassified report to Congress on the efforts of the Government of the United States to raise concerns regarding human rights, including religious freedom, with the Government of Saudi Arabia, and the results of such efforts and the results of any initiative or program described in subparagraph (F).

SENATE CONCURRENT RESOLUTION 132—AFFIRMING THE SUPPORT OF CONGRESS FOR PRESERVING THE IMAGE OF ALEXANDER HAMILTON ON THE FACE OF $10 FEDERAL RESERVE NOTES BECAUSE OF HIS STANDING AS ONE OF THE UNITED STATES' MOST INFLUENTIAL FOUNDING FATHERS

Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 132

Whereas Alexander Hamilton helped found and shape the United States by dedicating his life to serve distinguished careers as an American revolutionary soldier and statesman;

Whereas in 1772, Alexander Hamilton arrived in New York as a student from the West Indian Island of Nevis;

Whereas in 1781, Lieutenant Colonel Alexander Hamilton of the Continental Army led a regiment of New York troops in the Battle of Yorktown, the decisive and final major battle in the Revolutionary War;

Whereas Alexander Hamilton served as a strong voice in the Continental Congress and as an influential force as a New York Delegate to the Constitutional Convention of 1787;

Whereas Alexander Hamilton joined James Madison and John Jay to write a majority of the Federalist Papers that urged the people of New York to ratify the Constitution;

Whereas from 1789 to 1795, Alexander Hamilton served in President George Washington's Administration as the first Secretary of the Treasury and established the first Bank of the United States to manage trade and finance;

Whereas Alexander Hamilton's innovative mind created public credit, a circulating medium, and the financial framework of the United States;

Whereas Alexander Hamilton proposed the creation of the Revenue Marines, today known as the Coast Guard, a branch of the military that Congress created to secure the revenue of the United States against contraband;

Whereas Alexander Hamilton exercised his vision for the United States to establish a strong domestic manufacturing base; and

Whereas Alexander Hamilton is known as the "Father of Paterson" for his championing of the Society for Establishing Useful Manufactures (SUM), a group that founded Paterson, New Jersey in 1791, and established it as one of the first industrial centers of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress affirms its support for preserving the image of Alexander Hamilton on the face of $10 Federal reserve notes because of his standing as one of the United States most influential founding fathers.

Mr. LAUTENBERG. Mr. President, I rise today to submit a Senate concurrent resolution which affirms the support of Congress for preserving the image of Alexander Hamilton on the $10 bill. Alexander Hamilton is a Founding Father of our Nation. He was a Lieutenant Colonel in the Revolutionary War, a voice in the Continental Congress, and a delegate to the Constitutional Convention. He authored more than 50 of the 85 "Federalist Papers." He organized the Revenue Marines, known today as the Coast Guard, and played a crucial role in the creation of the U.S. Navy. And Alexander Hamilton is the creator of one of America's first industrial and manufacturing centers, in Paterson, NJ.

Alexander Hamilton was also America's first Secretary of the Treasury and the founder of the first United States Bank. He is responsible for the financial system that our country maintains today. He created the first bank, the first tax system, the first budget, and a strong currency. He had a vision for establishing the economic viability of our fledgling country based on banking, investment, manufacturing, industry, and commerce. We are an economic superpower and a model for the rest of the world in large part because of Alexander Hamilton.

When we look to the Founding Fathers who played significant roles in the formation of America, we see that among them, George Washington has a monument in our Nation's Capital, and his image is on the $1 bill and the quarter deservedly so. Thomas Jefferson also has an impressive memorial in Washington, the main building of the Library of Congress is named after him, and his image is on the $2 bill and the nickel—again, deservedly so. Alexander Hamilton's image is on the $10 bill—and it should remain on the $10 bill. There is perhaps no other American more responsible for the fact that we have a $10 bill.

Of course, Washington and Jefferson were our first and third Presidents. Many of our other Presidents have been or will be appropriately memorialized in some fashion. For instance, our 40th President, Ronald Reagan, has had Washington National Airport and the second largest Federal building in the country, only the Pentagon is bigger, named after him. The headquarters of the Central Intelligence Agency at Langley, VA, has been named after our 41st President, George H. W. Bush. One of the four office buildings for the U.S. House of Representatives has been named after our 38th President, Gerald Ford. And the Old Executive Office Building—right next to the White House—has been named after our 34th President, Dwight Eisenhower.

We stand in a Senate Chamber steeped in history; in a country quite conscious and proud of its birth. We revere those individuals such as Washington, Jefferson, and Hamilton who were present at the creation of our great Nation and helped to establish the democracy we enjoy as a birthright. It is our duty to uphold their legacy and preserve their image. Alexander Hamilton played an instrumental role in our triumph in the Revolutionary War, the birth of our democracy, and the establishment of our financial system. His image must, at the very least, remain on the $10 bill. There have been many Presidents, and there will be many more. But there will be no more Founding Fathers.

SENATE CONCURRENT RESOLUTION 133—DECLARING GENOCIDE IN DARFUR, SUDAN

Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. KOHL, Ms. LANDRIEU, Mr. JOHNSON, Mr. LEVIN, Mr. DURBIN, Mr. FEINGOLD, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. DOLE, Mrs. BOXER, Mr. LIEBERMAN, Mr. ENZI, Mr. LEAHY, Mr. BYRD, Mr. FITZGERALD, and Mr. SMITH) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 133

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948) states that "the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish";

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide declares that "in the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group";

Whereas Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that "[the] following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicit in genocide";

Whereas in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced; and

Whereas in March 2004 the United Nations Resident Humanitarian Coordinator stated: "[T]he war in Darfur started off in a small way last year but it has progressively gotten worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children . . . The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) declares that the atrocities unfolding in Darfur, Sudan, are genocide;

(2) reminds the Contracting Parties to the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948), particularly the Government of Sudan, of their legal obligations under the Convention;

(3) declares that the Government of Sudan, as a Contracting Party, has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) deplores the failure of the United Nations Human Rights Commission to take appropriate action with respect to the crisis in Darfur, Sudan, particularly the failure by the Commission to support United States-sponsored efforts to strongly condemn gross human rights violations committed in Darfur, and calls upon the United Nations and the United Nations Secretary General to assert leadership by calling the atrocities being committed in Darfur by their rightful name: "genocide";

(5) calls on the member states of the United Nations, particularly member states from the African Union, the Arab League, and the Organization of the Islamic Conference, to undertake measures to prevent the genocide in Darfur, Sudan, from escalating further, including the imposition of targeted means against those responsible for the atrocities;

(6) commends the Administration's leadership in seeking a peaceful resolution to the conflict in Darfur, Sudan, and in addressing the ensuing humanitarian crisis, including the visit of Secretary of State Colin Powell to Darfur in June 2004 to engage directly in efforts to end the genocide, and the provision of nearly $140,000,000 to date in bilateral humanitarian assistance through the United States Agency for International Development;

(7) commends the President for appointing former Senator John Danforth as Envoy for Peace in Sudan on September 6, 2001, and further commends the appointment of Senator Danforth as United States Ambassador to the United Nations;

(8) calls on the Administration to continue to lead an international effort to stop genocide in Darfur, Sudan;

(9) calls on the Administration to impose targeted means, including visa bans and the freezing of assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in Darfur, Sudan; and

(10) calls on the United States Agency for International Development to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those individuals driven off their land may return and begin to rebuild their communities.

SENATE CONCURRENT RESOLUTION 134—EXPRESSING THE SENSE OF THE CONGRESS THAT THE PARTHENON MARBLES SHOULD BE RETURNED TO GREECE

Mr. FITZGERALD (for himself, Mr. LIEBERMAN, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON RES. 134

Whereas the Parthenon was built on the hill of the Acropolis in Athens, Greece in the mid-fifth century B.C. under the direction of the Athenian statesman Pericles and the design of the sculptor Phidias.

Whereas the Parthenon is the ultimate expression of the artistic genius of Greece, the preeminent symbol of the Greek cultural heritage—its art, architecture, and democracy—and of the contributions that modern Greeks and their forefathers have made to civilization;

Whereas the Parthenon has served as a place of worship for ancient Greeks, Orthodox Christians, Roman Catholics, and Muslims;

Whereas the Parthenon has been adopted by imitation by the United States in many preeminent public buildings, including the Lincoln Memorial;

Whereas over 100 pieces of the Parthenon's sculptures—now known as the Parthenon Marbles—were removed from the Parthenon under questionable circumstances between 1801 and 1816 by Thomas Bruce, seventh Earl of Elgin, while Greece was still under Ottoman rule;

Whereas the removal of the Parthenon Marbles, including their perilous voyage to Great Britain and their careless storage there for many years greatly endangered the Marbles;

Whereas the Parthenon Marbles were removed to grace the private home of Lord Elgin, who transferred the Marbles to the British Museum only after severe personal economic misfortunes;

Whereas the sculptures of the Parthenon were designed as an integral part of the structure of the Parthenon temple; the carvings of the friezes, pediments, and metopes are not merely statuary, movable decorative art, but are integral parts of the Parthenon, which can best be appreciated if all the Parthenon Marbles are reunified.

Whereas the Parthenon is a universal symbol of culture, democracy, and freedom, making the Parthenon Marbles of concern not only to Greece but to all the world;

Whereas, since obtaining independence in 1830, Greece has sought the return of the Parthenon Marbles;

Whereas the return of the Parthenon Marbles would be a profound demonstration by the United Kingdom of its appreciation and respect for the Parthenon and classical art;

Whereas returning the Parthenon Marbles to Greece would be a gesture of good will on the part of the British Parliament, and would set no legal precedent, nor in any other way affect the ownership or disposition of other objects in museums in the United States or around the world;

Whereas the United Kingdom should return the Parthenon Marbles in recognition that the Parthenon is part of the cultural heritage of the entire world and, as such, should be made whole;

Whereas Greece would provide care for the Parthenon Marbles equal or superior to the care provided by the British Museum, especially considering the irreparable harm caused by attempts by the museum to remove the original color and patina of the Marbles with abrasive cleaners;

Whereas Greece is constructing a new, permanent museum in full view of the Acropolis to house all the Marbles, protected from the elements in a safe, climate-controlled environment;

Whereas Greece has pledged to work with the British government to negotiate mutually agreeable conditions for the return of the Parthenon Marbles;

Where the people of Greece have a greater, ancient bond to the Parthenon Marbles, which were in Greece for over 2,200 years of the over 2,430-year history of the Parthenon;

Whereas the British people support the return of the Parthenon Marbles, as reflected in several recent polls;

Whereas a resolution signed by a majority of members of the European Parliament urged the British government to return the Parthenon Marbles to their natural setting in Greece;

Whereas the British House of Commons Select Committee on Culture, Media and Sport is to be commended for examining the issue of the disposition of the Parthenon Marbles in hearings held in 2000; and

Whereas Athens, Greece—birthplace of the Olympics—was selected as the host city of the Olympics Games in 2004, and the Parthenon Marbles should be returned to their home in Athens in 2004: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Government of the United Kingdom should enter into negotiations with the Government of Greece as soon as possible to facilitate the return of the Parthenon Marbles to Greece.

SENATE CONCURRENT RESOLUTION 135—AUTHORIZING THE PRINTING OF A COMMEMORATIVE DOCUMENT IN MEMORY OF THE LATE PRESIDENT OF THE UNITED STATES, RONALD WILSON REAGAN

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 135

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. COMMEMORATIVE DOCUMENT AUTHORIZED.

A commemorative document in memory of the late President of the United States, Ronald Wilson Reagan, consisting of the eulogies and encomiums for Ronald Wilson Reagan, as expressed in the Senate and the House of Representatives, together with the texts of the state funeral ceremony at the United States Capitol Rotunda, the national funeral service held at the Washington National Cathedral, Washington, District of Columbia, and the interment ceremony at the Ronald Reagan Presidential Library, Simi Valley, California, shall be printed as a Senate document, with illustrations and suitable binding.

SEC. 2. PRINTING OF DOCUMENT.

In addition to the usual number of copies printed, there shall be printed the lesser of—

(1) 32,500 copies of the commemorative document, of which 22,150 copies shall be for the use of the House of Representatives and 10,350 copies shall be for the use of the Senate; or

(2) such number of copies of the commemorative document that does not exceed a production and printing cost of $1,000,000, with distribution of the copies to be allocated in the same proportion as described in paragraph (1).

AMENDMENTS SUBMITTED AND PROPOSED

SA 3567. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2386, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table.

SA 3568. Mr. FRIST (for Mr. GREGG) proposed an amendment to the bill S. 720 to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

SA 3569. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

SA 3570. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, supra.

SA 3571. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, supra.

SA 3572. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

SA 3573. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, supra.

SA 3574. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, supra.

SA 3575. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 849, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; which was referred to the Committee on Energy and Natural Resources.

TEXT OF AMENDMENTS

SA 3567. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2386, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike lines 10 through 16.

SA 3568. Mr. FRIST (for Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 720, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Safety and Quality Improvement Act of 2004".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the Institute of Medicine released a report entitled To Err is Human that described medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result of medical errors each year.

(2) To address these deaths and injuries due to medical errors, the health care system must identify and learn from such errors so that systems of care can be improved.

(3) In their report, the Institute of Medicine called on Congress to provide legal protections with respect to information reported for the purposes of quality improvement and patient safety.

(4) The Health, Education, Labor, and Pensions Committee of the Senate held 4 hearings in the 106th Congress and 1 hearing in the 107th Congress on patient safety where experts in the field supported the recommendation of the Institute of Medicine for congressional action.

(5) Myriad public and private patient safety initiatives have begun. The Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that may be taken by each Federal agency involved in health care and activities relating to these steps are ongoing.

(6) The research on patient safety unequivocally calls for a learning environment, rather than a punitive environment, in order to improve patient safety.

(7) Voluntary data gathering systems are more supportive than mandatory systems in creating the learning environment referred to in paragraph (6) as stated in the Institute of Medicine's report.

(8) Promising patient safety reporting systems have been established throughout the United States and the best ways to structure and use these systems are currently being determined, largely through projects funded by the Agency for Healthcare Research and Quality.

(9) Many organizations currently collecting patient safety data have expressed a need for legal protections that will allow them to review protected information and collaborate in the development and implementation of patient safety improvement strategies. Currently, the State peer review protections are inadequate to allow the sharing of information to promote patient safety.

(b) PURPOSES.—It is the purpose of this Act to—

(1) encourage a culture of safety and quality in the United States health care system by providing for legal protection of information reported voluntarily for the purposes of quality improvement and patient safety; and

(2) ensure accountability by raising standards and expectations for continuous quality improvements in patient safety.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 912(c), by inserting ", in accordance with part C," after "The Director shall";

(2) by redesignating part C as part D;

(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(4) in 934(d) (as so redesignated), by striking the second sentence and inserting the following: "Penalties provided for under this section shall be imposed and collected by the Secretary using the administrative and procedural processes used to impose and collect civil money penalties under section 1128A of the Social Security Act (other than subsections (a) and (b), the second sentence of subsection (f), and subsections (i), (m), and (n)), unless the Secretary determines that a modification of procedures would be more suitable or reasonable to carry out this subsection and provides for such modification by regulation.";

(5) in section 938(1) (as so redesignated), by striking "921" and inserting "931"; and

(6) by inserting after part B the following:

"PART C—PATIENT SAFETY IMPROVEMENT

"SEC. 921. DEFINITIONS.

"In this part:

"(1) Non-identifiable information.—

"(A) In general.—The term 'non-identifiable information' means, with respect to information, that the information is presented in a form and manner that prevents the identification of a provider, a patient, or a reporter of patient safety data.

"(B) Identifiability of patient.—For purposes of subparagraph (A), the term 'presented in a form and manner that prevents the identification of a patient' means, with respect to information that has been subject to rules promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), that the information has been de-identified so that it is no longer individually identifiable health information as defined in such rules.

"(2) Patient safety data.—

"(A) In general.—The term 'patient safety data' means—

"(i) any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements that are—

"(I) collected or developed by a provider for reporting to a patient safety organization, provided that they are reported to the patient safety organization within 60 days;

"(II) requested by a patient safety organization (including the contents of such request), if they are reported to the patient safety organization within 60 days;

"(III) reported to a provider by a patient safety organization; or

"(IV) collected by a patient safety organization from another patient safety organization, or developed by a patient safety organization;

that could result in improved patient safety, health care quality, or health care outcomes; or

"(ii) any deliberative work or process with respect to any patient safety data described in clause (i).

"(B) Limitation.—

"(i) Collection.—If the original material from which any data, reports, records, memoranda, analyses (such as root case analyses), or written or oral statements referred to in subclause (I) or (IV) of subparagraph (A)(i) are collected and is not patient safety data, the act of such collection shall not make such original material patient safety data for purposes of this part.

"(ii) Separate data.—The term 'patient safety data' shall not include information (including a patient's medical record, billing and discharge information or any other patient or provider record) that is collected or developed separately from and that exists separately from patient safety data. Such separate information or a copy thereof submitted to a patient safety organization shall not itself be considered as patient safety data. Nothing in this part, except for section 922(f)(1), shall be construed to limit—

"(I) the discovery of or admissibility of information described in this subparagraph in a criminal, civil, or administrative proceeding;

"(II) the reporting of information described in this subparagraph to a Federal, State, or local governmental agency for public health surveillance, investigation, or other public health purposes or health oversight purposes; or

"(III) a provider's recordkeeping obligation with respect to information described in this subparagraph under Federal, State, or local law.

"(3) Patient safety organization.—The term 'patient safety organization' means a private or public entity or component thereof that is currently listed by the Secretary pursuant to section 924(c).

"(4) Patient safety organization activities.—The term 'patient safety organization activities' means the following activities, which are deemed to be necessary for the proper management and administration of a patient safety organization:

"(A) The conduct, as its primary activity, of efforts to improve patient safety and the quality of health care delivery.

"(B) The collection and analysis of patient safety data that are submitted by more than one provider.

"(C) The development and dissemination of information to providers with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

"(D) The utilization of patient safety data for the purposes of encouraging a culture of safety and of providing direct feedback and assistance to providers to effectively minimize patient risk.

"(E) The maintenance of procedures to preserve confidentiality with respect to patient safety data.

"(F) The provision of appropriate security measures with respect to patient safety data.

"(G) The utilization of qualified staff.

"(5) Person.—The term 'person' includes Federal, State, and local government agencies.

"(6) Provider.—The term 'provider' means—

"(A) a person licensed or otherwise authorized under State law to provide health care services, including—

"(i) a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavior health residential treatment facility, clinical laboratory, or health center; or

"(ii) a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner; or

"(B) any other person specified in regulations promulgated by the Secretary.

"SEC. 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS.

"(a) Privilege.—Notwithstanding any other provision of Federal, State, or local law, patient safety data shall be privileged and, subject to the provisions of subsection (c)(1), shall not be—

"(1) subject to a Federal, State, or local civil, criminal, or administrative subpoena;

"(2) subject to discovery in connection with a Federal, State, or local civil, criminal, or administrative proceeding;

"(3) disclosed pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal, State, or local law;

"(4) admitted as evidence or otherwise disclosed in any Federal, State, or local civil, criminal, or administrative proceeding; or

"(5) utilized in a disciplinary proceeding against a provider.

"(b) Confidentiality.—Notwithstanding any other provision of Federal, State, or local law, and subject to the provisions of subsections (c) and (d), patient safety data shall be confidential and shall not be disclosed.

"(c) Exceptions to Privilege and Confidentiality.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

"(1) Disclosure by a provider or patient safety organization of relevant patient safety data for use in a criminal proceeding only after a court makes an in camera determination that such patient safety data contains evidence of a wanton and criminal act to directly harm the patient.

"(2) Voluntary disclosure of non-identifiable patient safety data by a provider or a patient safety organization.

"(d) Protected Disclosure and Use of Information.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

"(1) Disclosure of patient safety data by a person that is a provider, a patient safety organization, or a contractor of a provider or patient safety organization, to another such person, to carry out patient safety organization activities.

"(2) Disclosure of patient safety data by a provider or patient safety organization to grantees or contractors carrying out patient safety research, evaluation, or demonstration projects authorized by the Director.

"(3) Disclosure of patient safety data by a provider to an accrediting body that accredits that provider.

"(4) Voluntary disclosure of patient safety data by a patient safety organization to the Secretary for public health surveillance if the consent of each provider identified in, or providing, such data is obtained prior to such disclosure. Nothing in the preceding sentence shall be construed to prevent the release of patient safety data that is provided by, or that relates solely to, a provider from which the consent described in such sentence is obtained because one or more other providers do not provide such consent with respect to the disclosure of patient safety date that relates to such nonconsenting providers. Consent for the future release of patient safety data for such purposes may be requested by the patient safety organization at the time the data is submitted.

"(5) Voluntary disclosure of patient safety data by a patient safety organization to State or local government agencies for public health surveillance if the consent of each provider identified in, or providing, such data is obtained prior to such disclosure. Nothing in the preceding sentence shall be construed to prevent the release of patient safety data that is provided by, or that relates solely to, a provider from which the consent described in such sentence is obtained because one or more other providers do not provide such consent with respect to the disclosure of patient safety date that relates to such nonconsenting providers. Consent for the future release of patient safety data for such purposes may be requested by the patient safety organization at the time the data is submitted.

"(e) Continued Protection of Information after Disclosure.—

"(1) In general.—Except as provided in paragraph (2), patient safety data that is used or disclosed shall continue to be privileged and confidential as provided for in subsections (a) and (b), and the provisions of such subsections shall apply to such data in the possession or control of—

"(A) a provider or patient safety organization that possessed such data before the use or disclosure; or

"(B) a person to whom such data was disclosed.

"(2) Exception.—Notwithstanding paragraph (1), and subject to paragraph (3)—

"(A) if patient safety data is used or disclosed as provided for in subsection (c)(1), and such use or disclosure is in open court, the confidentiality protections provided for in subsection (b) shall no longer apply to such data; and

"(B) if patient safety data is used or disclosed as provided for in subsection (c)(2), the privilege and confidentiality protections provided for in subsections (a) and (b) shall no longer apply to such data.

"(3) Construction.—Paragraph (2) shall not be construed as terminating or limiting the privilege or confidentiality protections provided for in subsection (a) or (b) with respect to data other than the specific data used or disclosed as provided for in subsection (c).

"(f) Limitation on Actions.—

"(1) Patient safety organizations.—Except to enforce disclosures pursuant to subsection (c)(1), no action may be brought or process served against a patient safety organization to compel disclosure of information collected or developed under this part whether or not such information is patient safety data unless such information is specifically identified, is not patient safety data, and cannot otherwise be obtained.

"(2) Providers.—An accrediting body shall not take an accrediting action against a provider based on the good faith participation of the provider in the collection, development, reporting, or maintenance of patient safety data in accordance with this part. An accrediting body may not require a provider to reveal its communications with any patient safety organization established in accordance with this part.

"(g) Reporter Protection.—

"(1) In general.—A provider may not take an adverse employment action, as described in paragraph (2), against an individual based upon the fact that the individual in good faith reported information—

"(A) to the provider with the intention of having the information reported to a patient safety organization; or

"(B) directly to a patient safety organization.

"(2) Adverse employment action.—For purposes of this subsection, an 'adverse employment action' includes—

"(A) loss of employment, the failure to promote an individual, or the failure to provide any other employment-related benefit for which the individual would otherwise be eligible; or

"(B) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual.

"(h) Enforcement.—

"(1) Prohibition.—Except as provided in subsections (c) and (d) and as otherwise provided for in this section, it shall be unlawful for any person to negligently or intentionally disclose any patient safety data, and any such person shall, upon adjudication, be assessed in accordance with section 934(d).

"(2) Relation to hipaa.—The penalty provided for under paragraph (1) shall not apply if the defendant would otherwise be subject to a penalty under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) or under section 1176 of the Social Security Act (42 U.S.C. 1320d-5) for the same disclosure.

"(3) Equitable relief.—

"(A) In general.—Without limiting remedies available to other parties, a civil action may be brought by any aggrieved individual to enjoin any act or practice that violates subsection (g) and to obtain other appropriate equitable relief (including reinstatement, back pay, and restoration of benefits) to redress such violation.

"(B) Against state employees.—An entity that is a State or an agency of a State government may not assert the privilege described in subsection (a) unless before the time of the assertion, the entity or, in the case of and with respect to an agency, the State has consented to be subject to an action as described by this paragraph, and that consent has remained in effect.

"(i) Rule of Construction.—Nothing in this section shall be construed to—

"(1) limit other privileges that are available under Federal, State, or local laws that provide greater confidentiality protections or privileges than the privilege and confidentiality protections provided for in this section;

"(2) limit, alter, or affect the requirements of Federal, State, or local law pertaining to information that is not privileged or confidential under this section;

"(3) alter or affect the implementation of any provision of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), section 1176 of the Social Security Act (42 U.S.C. 1320d-5), or any regulation promulgated under such sections;

"(4) limit the authority of any provider, patient safety organization, or other person to enter into a contract requiring greater confidentiality or delegating authority to make a disclosure or use in accordance with subsection (c) or (d); and

"(5) prohibit a provider from reporting a crime to law enforcement authorities, regardless of whether knowledge of the existence of, or the description of, the crime is based on patient safety data, so long as the provider does not disclose patient safety data in making such report.

"SEC. 923. PATIENT SAFETY NETWORK OF DATABASES.

"(a) In General.—The Secretary shall maintain a patient safety network of databases that provides an interactive evidence-based management resource for providers, patient safety organizations, and other persons. The network of databases shall have the capacity to accept, aggregate, and analyze nonidentifiable patient safety data voluntarily reported by patient safety organizations, providers, or other persons.

"(b) Network of Database Standards.—The Secretary may determine common formats for the reporting to the patient safety network of databases maintained under subsection (a) of nonidentifiable patient safety data, including necessary data elements, common and consistent definitions, and a standardized computer interface for the processing of such data. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of Part C of title XI of the Social Security Act.

"SEC. 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING.

"(a) Certification.—

"(1) Initial certification.—Except as provided in paragraph (2), an entity that seeks to be a patient safety organization shall submit an initial certification to the Secretary that the entity intends to perform the patient safety organization activities.

"(2) Delayed certification of collection from more than one provider.—An entity that seeks to be a patient safety organization may—

"(A) submit an initial certification that it intends to perform patient safety organization activities other than the activities described in subparagraph (B) of section 921(4); and

"(B) within 2 years of submitting the initial certification under subparagraph (A), submit a supplemental certification that it performs the patient safety organization activities described in subparagraphs (A) through (F) of section 921(4).

"(3) Expiration and renewal.—

"(A) Expiration.—An initial certification under paragraph (1) or (2)(A) shall expire on the date that is 3 years after it is submitted.

"(B) Renewal.—

"(i) In general.—An entity that seeks to remain a patient safety organization after the expiration of an initial certification under paragraph (1) or (2)(A) shall, within the 3-year period described in subparagraph (A), submit a renewal certification to the Secretary that the entity performs the patient safety organization activities described in section 921(4).

"(ii) Term of renewal.—A renewal certification under clause (i) shall expire on the date that is 3 years after the date on which it is submitted, and may be renewed in the same manner as an initial certification.

"(b) Acceptance of Certification.—Upon the submission by an organization of an initial certification pursuant to subsection (a)(1) or (a)(2)(A), a supplemental certification pursuant to subsection (a)(2)(B), or a renewal certification pursuant to subsection (a)(3)(B), the Secretary shall review such certification and—

"(1) if such certification meets the requirements of subsection (a)(1), (a)(2)(A), (a)(2)(B), or (a)(3)(B), as applicable, the Secretary shall notify the organization that such certification is accepted; or

"(2) if such certification does not meet such requirements, as applicable, the Secretary shall notify the organization that such certification is not accepted and the reasons therefor.

"(c) Listing.—

"(1) In general.—Except as otherwise provided in this subsection, the Secretary shall compile and maintain a current listing of patient safety organizations with respect to which the Secretary has accepted a certification pursuant to subsection (b).

"(2) REMOVAL FROM LISTING.—The Secretary shall remove from the listing under paragraph (1)—

"(A) an entity with respect to which the Secretary has accepted an initial certification pursuant to subsection (a)(2)(A) and which does not submit a supplemental certification pursuant to subsection (a)(2)(B) that is accepted by the Secretary;

"(B) an entity whose certification expires and which does not submit a renewal application that is accepted by the Secretary; and

"(C) an entity with respect to which the Secretary revokes the Secretary's acceptance of the entity's certification, pursuant to subsection (d).

"(d) REVOCATION OF ACCEPTANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines (through a review of patient safety organization activities) that a patient safety organization does not perform one of the patient safety organization activities described in subparagraph (A) through (F) of section 921(4), the Secretary may, after notice and an opportunity for a hearing, revoke the Secretary's acceptance of the certification of such organization.

"(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—A revocation under paragraph (1) may not be based on a determination that the organization does not perform the activity described in section 921(4)(B) if—

"(A) the listing of the organization is based on its submittal of an initial certification under subsection (a)(2)(A);

"(B) the organization has not submitted a supplemental certification under subsection (a)(2)(B); and

"(C) the 2-year period described in subsection (a)(2)(B) has not expired.

"(e) NOTIFICATION OF REVOCATION OR REMOVAL FROM LISTING.—

"(1) SUPPLYING CONFIRMATION OF NOTIFICATION TO PROVIDERS.—Within 15 days of a revocation under subsection (d)(1), a patient safety organization shall submit to the Secretary a confirmation that the organization has taken all reasonable actions to notify each provider whose patient safety data is collected or analyzed by the organization of such revocation.

"(2) PUBLICATION.—Upon the revocation of an acceptance of an organization's certification under subsection (d)(1), or upon the removal of an organization from the listing under subsection (c)(2), the Secretary shall publish notice of the revocation or removal in the Federal Register.

"(f) STATUS OF DATA AFTER REMOVAL FROM LISTING.—

"(1) NEW DATA.—With respect to the privilege and confidentiality protections described in section 922, data submitted to an organization within 30 days after the organization is removed from the listing under subsection (c)(2) shall have the same status as data submitted while the organization was still listed.

"(2) PROTECTION TO CONTINUE TO APPLY.—If the privilege and confidentiality protections described in section 922 applied to data while an organization was listed, or during the 30-day period described in paragraph (1), such protections shall continue to apply to such data after the organization is removed from the listing under subsection (c)(2).

"(g) DISPOSITION OF DATA.—If the Secretary removes an organization from the listing as provided for in subsection (c)(2), with respect to the patient safety data that the organization received from providers, the organization shall—

"(1) with the approval of the provider and another patient safety organization, transfer such data to such other organization;

"(2) return such data to the person that submitted the data; or

"(3) if returning such data to such person is not practicable, destroy such data.

"SEC. 925. TECHNICAL ASSISTANCE.

"The Secretary, acting through the Director, may provide technical assistance to patient safety organizations, including convening annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

"SEC. 926. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

"(a) DEVELOPMENT.—Not later than 36 months after the date of enactment of the Patient Safety and Quality Improvement Act of 2004, the Secretary shall develop or adopt voluntary standards that promote the electronic exchange of health care information.

"(b) UPDATES.—The Secretary shall provide for the ongoing review and periodic updating of the standards developed under subsection (a).

"(c) DISSEMINATION.—The Secretary shall provide for the dissemination of the standards developed and updated under this section.

"SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary to carry out this part.".

SEC. 4. STUDIES AND REPORTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract (based upon a competitive contracting process) with an appropriate research organization for the conduct of a study to assess the impact of medical technologies and therapies on patient safety, patient benefit, health care quality, and the costs of care as well as productivity growth. Such study shall examine—

(1) the extent to which factors, such as the use of labor and technological advances, have contributed to increases in the share of the gross domestic product that is devoted to health care and the impact of medical technologies and therapies on such increases;

(2) the extent to which early and appropriate introduction and integration of innovative medical technologies and therapies may affect the overall productivity and quality of the health care delivery systems of the United States; and

(3) the relationship of such medical technologies and therapies to patient safety, patient benefit, health care quality, and cost of care.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SA 3569. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Strike all after the resolving clause and insert the following:

That Congress—

(1) condemns—

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA it to fully investigate Iran's nuclear activities;

(4) calls upon all states party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the "Nuclear Non-Proliferation Treaty"), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the "Additional Protocol") and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the reports of February 24, 2004, and June 1, 2004, by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran

since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions—

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations—

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004, declaration at the United States-E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take—

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their June 26, 2004, declaration of "the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities";

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) calls on Member States of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia—

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and

(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany—

(A) to fully investigate such assistance;

(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;

(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and

(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute—

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and

(B) as appropriate, to specify areas in which Iran continues to be in noncompliance with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the "proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security," to consider measures necessary—

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to—

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

SA 3570. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that "all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery";

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

Whereas on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the "Nuclear Non-Proliferation Treaty");

Whereas Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas, in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the "Additional Protocol") to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas, in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran "had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent";

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that "some samples from" the laser uranium enrichment project "had been sent for assessment to the supplier's laboratory";

Whereas, in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas, on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas, despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U–235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U–235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that "the contamination is different on domestic and imported centrifuges," that "it is unlikely" that the 36 percent U–235 contamination was due to components acquired from Iran's principal supplier country, and that "important information about the P–2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information";

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated "P2" uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a "full picture of its nuclear activities" and "full transparency";

(2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to "leave no stone unturned" to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with "serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution," and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted "with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments";

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors to one site by March 29, 2004, and to others in mid-April, 2004, including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004, of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004, that its suspension of all uranium enrichment activities "does not include suspension of production of UF6," which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004, which was also adopted unanimously, "deplores" the fact that "Iran's cooperation has not been as full, timely and proactive as it should have been" and "underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons";

Whereas the same resolution also expresses regret that Iran's suspension "commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings";

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran "to suspend all further uranium enrichment-related activities," and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its legal obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

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SA 3571. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Amend the title so as to read: "Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.".

SA 3572. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Strike all after the resolving clause and insert the following:

That Congress—

(1) condemns—

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA it to fully investigate Iran's nuclear activities;

(4) calls upon all states party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the "Nuclear Non-Proliferation Treaty"), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the "Additional Protocol") and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the reports of February 24, 2004, and June 1, 2004, by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions—

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations—

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004, declaration at the United States-E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take—

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their

June 26, 2004, declaration of "the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities";

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) calls on Member States of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia—

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and

(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany—

(A) to fully investigate such assistance;

(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;

(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and

(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute—

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and

(B) as appropriate, to specify areas in which Iran continues to be in noncompliance with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the "proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security," to consider measures necessary—

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to—

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

SA 3573. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that "all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery";

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

Whereas on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the "Nuclear Non-Proliferation Treaty");

Whereas Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas, in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the "Additional Protocol") to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas, in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran "had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent";

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that "some samples from" the laser uranium enrichment project "had been sent for assessment to the supplier's laboratory";

Whereas, in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas, on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas, despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U-235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U–235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that "the contamination is different on domestic and imported centrifuges," that "it is unlikely" that the 36 percent U–235 contamination was due to components acquired from Iran's principal supplier country, and that "important information about the P–2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information";

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated "P2" uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a "full picture of its nuclear activities" and "full transparency";

(2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to "leave no stone unturned" to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with "serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution," and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted "with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments";

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors to one site by March 29, 2004, and to others in mid-April, 2004, including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004, of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004, that its suspension of all uranium enrichment activities "does not include suspension of production of UF6," which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004, which was also adopted unanimously, "deplores" the fact that "Iran's cooperation has not been as full, timely and proactive as it should have been" and "underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons";

Whereas the same resolution also expresses regret that Iran's suspension "commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings";

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran "to suspend all further uranium enrichment-related activities," and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its legal obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

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SA 3574. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Amend the title so as to read: "Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons."

SA 3575. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 849, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited partnership; which was referred to the Committee on Energy and Natural Resources; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NORTHERN ARIZONA LAND EXCHANGE

Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Land exchange.
Sec. 104. Exchange valuation, appraisals, and equalization.
Sec. 105. Miscellaneous provisions.
Sec. 106. Status and management of land after exchange.
Sec. 107. Conveyance of additional land.

TITLE II—VERDE RIVER BASIN PARTNERSHIP

Sec. 201. Findings and purpose.
Sec. 202. Definitions.
Sec. 203. Verde River Basin Partnership.
Sec. 204. Verde River Basin studies.
Sec. 205. Verde River Basin Partnership final report.
Sec. 206. Memorandum of understanding.
Sec. 207. Effect.

TITLE I—NORTHERN ARIZONA LAND EXCHANGE

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Prescott National Forest in Yavapai County, Arizona includes approximately 170 square miles of parcels of Federal land and private land intermingled in a checkerboard pattern;

(2) the Federal land is administered by the Secretary of Agriculture as National Forest System land;

(3) the private land is owned by the Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C.;

(4) portions of the private land within the checkerboard area (including the land located in or near the Pine Creek watershed, Juniper Mesa Wilderness Area, Haystack Peak, and the Luis Maria Baca Float No. 5) possess attributes valuable for public management, use, and enjoyment, including—

(A) outdoor recreation;

(B) stands of old growth pine and juniper;

(C) wildlife habitat;

(D) cultural and archaeological resources; and

(E) scenic vistas;

(5) the checkerboard ownership pattern of private land and Federal land within the Prescott National Forest impedes sound and efficient management and use of the intermingled National Forest System land;

(6) acquisition by the United States of certain parcels of land through a land exchange with Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., for addition to Prescott National Forest would serve the public objectives of—

(A) acquiring private land that meets the criteria for inclusion in the National Forest System;

(B) consolidating a large area of National Forest System land to allow—

(i) permanent public access, use, and enjoyment of the land; and

(ii) efficient management of the land;

(C) minimizing cash outlays by the United States to achieve the objectives described in subparagraphs (A) and (B); and

(D) reducing administrative costs to the United States through—

(i) elimination of approximately 350 miles of boundary between private land and the Federal parcels; and

(ii) reduction of right-of-way, special use, and other permit processing and issuance for roads and other facilities on National Forest System land;

(7) additional parcels of National Forest System land within Yavapai County, Arizona have been identified for inclusion in the land exchange because the parcels—

(A) have lost their forest character;

(B) meet the National Forest Plan criteria for exchange; and

(C) are managed under special use permits and leases for a variety of purposes (including municipal water treatment facilities, sewage treatment facilities, city parks, camps, and airport-related facilities) that—

(i) limit the usefulness of the parcels for general National Forest System purposes; but

(ii)(I) are to be conveyed by the Yavapai Ranch Limited Partnership, to the third-party permit or lease holders in accordance with agreements acceptable to all parties to the agreements; or

(II) are to be purchased directly from the Secretary in accordance with this Act; and

(8) the exchange and conveyance of the Federal land should not result in adverse impacts on existing water users, State water right holders, or the Verde River.

(b) PURPOSE.—The purpose of this title is to authorize, direct, and facilitate—

(1) an equal value exchange of Federal land and non-Federal land between the United States, Yavapai Ranch Limited Partnership, and the Northern Yavapai, L.L.C.; and

(2) the conveyance of portions of certain parcels of the Federal land for community and other uses.

SEC. 102. DEFINITIONS.

In this title:

(1) CAMP.—The term "camp" means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and YoungLife Lost Canyon camps in the State of Arizona.

(2) FEDERAL LAND.—The term "Federal land" means the land described in section 103(a)(2).

(3) MANAGEMENT PLAN.—The term "Management Plan" means the land and resource management plan for Prescott National Forest.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the land described in section 103(b)(2).

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term "Yavapai Ranch" means—

(A) the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership; and

(B) the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 103. LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND BY THE UNITED STATES.—

(1) IN GENERAL.—On receipt of an offer from Yavapai Ranch to convey the non-Federal land that complies with the requirements of this Act and that is acceptable to the Secretary, the Secretary shall convey to Yavapai Ranch by deed acceptable to Yavapai Ranch, subject to easements, rights-of-way, utility lines, and any other valid encumbrances on the Federal land in existence on the date of enactment of this Act and any other reservations that may be agreed to by the Secretary and Yavapai Ranch, all right, title, and interest of the United States in and to the Federal land described in paragraph (2).

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) shall consist of the following:

(A) Certain land comprising approximately 15,300 acres located in Yavapai County, Arizona, as generally depicted on the map entitled "Yavapai Ranch-Ranch Area Federal Lands", dated April 2002.

(B) Certain land in the Coconino National Forest, Coconino County Arizona—

(i) comprising approximately 1,500 acres located in Coconino National Forest, Coconino County, Arizona, as generally depicted on the map entitled "Flagstaff Federal Lands-Airport Parcel", dated April 2002; and

(ii) comprising approximately 28.26 acres in 2 separate parcels, as generally depicted on the map entitled "Flagstaff Federal Lands—Wetzel School and Mt. Elden Parcels", dated September 2002.

(C) Certain land referred to as Williams Airport, Williams golf course, Williams Sewer, Buckskinner Park, Williams Railroad, and Well parcels numbers 2, 3, and 4, comprising approximately 950 acres, located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled "Williams Federal Lands", dated April 2002.

(D) Certain land comprising approximately 2,200 acres located in Prescott National Forest, Yavapai County, Arizona, as generally depicted on the map entitled "Camp Verde Federal Land—General Crook Parcel", dated April 2002.

(E) Certain Forest Service land comprising approximately 237.5 acres located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled "Younglife Lost Canyon", dated April 2002.

(F) Certain Forest Service land comprising approximately 200 acres located in Prescott National Forest, Yavapai County, Arizona, and including Friendly Pines, Patterdale Pines, Camp Pearlstein, Pine Summit, and Sky Y, as generally depicted on the map entitled "Prescott Federal Lands—Summer Youth Camp Parcels", dated April 2002.

(G) Perpetual easements reserved by the United States that—

(i) run with and benefit land owned by or conveyed to Yavapai Ranch across certain land of the United States;

(ii) are for the purposes of—

(I) operating, maintaining, repairing, improving, and replacing electric power lines or water pipelines (including related storage tanks, valves, pumps, and hardware); and

(II) providing rights of reasonable ingress and egress necessary for the activities described in subclause (I);

(iii) are 20 feet in width; and

(iv) are located 10 feet on either side of each line depicted on the map entitled "YRLP Acquired Easements for Water Lines", dated April 2002.

(3) PERMITS.—Permits or other legal occupancies of the Federal land by third parties in existence on the date of transfer of the Federal land to Yavapai Ranch shall be addressed in accordance with—

(A) part 254.15 of title 36, Code of Federal Regulations (or any successor regulation); and

(B) other applicable laws (including regulations).

(4) CONDITION ON CONVEYANCE OF CAMP VERDE PARCEL.—

(A) IN GENERAL.—To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the parcels described in paragraph (2)(D) on current and future users of water and holders of water rights in existence on the date of enactment of this Act and the Verde River and National Forest System land retained by the United States, the United States shall limit in perpetuity the use of water on each parcel by reserving conservation easements that—

(i) run with the land;

(ii) prohibit golf course development on the parcel;

(iii) require that public parks and greenbelts on the parcel be watered with treated effluent;

(iv) limit total post-exchange water use to not more than 700 acre-feet of water per year; and

(v) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(B) RECORDATION.—The conservation easements described in subparagraph (A) shall be recorded in the title to each parcel described in paragraph (2)(D) that is conveyed by the Secretary to Yavapai Ranch.

(C) SUBSEQUENT CONVEYANCE.—

(i) IN GENERAL.—On acquisition of title to the parcel described in paragraph (2)(D), Yavapai Ranch may convey all or a portion of the interest of Yavapai Ranch in the parcel to 1 or more successors-in-interest.

(ii) WATER USE APPORTIONMENT.—A conveyance under clause (i) shall, in accordance with the terms described in subparagraph (A), include a recorded and binding agreement on the quantity of water available for use on the parcel or portion of the parcel conveyed, as determined by Yavapai Ranch.

(D) ENFORCEMENT.—The Secretary shall offer to enter into a memorandum of understanding with a political subdivision of the State, as designated by the Director of Arizona Department of Water Resources, that authorizes the political subdivision to enforce the terms described in subparagraph (A) in any manner provided by law.

(E) LIABILITY.—

(i) IN GENERAL.—Any action for a breach of a term of a conservation easement described in subparagraph (A) shall be against the owner of the parcel or portion of the parcel, at the time of the breach, whose action or failure to act has resulted in the breach.

(ii) HOLD HARMLESS.—To the extent that the United States or a successor-in-interest to the United States no longer holds title to a parcel or any portion of a parcel described in paragraph (2)(D), the United States and any successor-in-interest shall be held harmless from damages or injuries attributable to any breach of a term of a conservation easement described in subparagraph (A) by a subsequent successor-in-interest if the United States or the successor-in-interest did not contribute to the breach.

(5) APPLICABLE LAW.—In accordance with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the United States shall reserve an easement in any land transferred to Yavapai Ranch.

(b) CONVEYANCE OF NON-FEDERAL LAND BY YAVAPAI RANCH.—

(1) IN GENERAL.—On receipt of title to the Federal land, Yavapai Ranch shall simultaneously convey to the United States, by deed acceptable to the Secretary and subject to any encumbrances in existence on April 1, 2002, all right, title, and interest of Yavapai Ranch in and to the non-Federal land.

(2) DESCRIPTION OF NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) consists of approximately 35,000 acres of non-Federal land located within the boundaries of Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Non-Federal Lands", dated April 2002.

(3) EASEMENTS.—

(A) IN GENERAL.—The conveyance of non-Federal land to the United States under paragraph (1) shall be subject to the reservation of—

(i) perpetual and unrestricted easements that run with and benefit the land retained by Yavapai Ranch for—

(I) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(II) related storage tanks, valves, pumps, and hardware; and

(III) pipelines to points of use; and

(ii) easements for reasonable ingress and egress to accomplish the purposes of the easements described in clause (i).

(B) EXISTING WELLS.—

(i) IN GENERAL.—Each easement for an existing well shall be—

(I) 40 acres in area; and

(II) to the maximum extent practicable—

(aa) centered on the existing well; and

(bb) located in the same square mile section of land.

(ii) LIMITATION.—Within each 40-acre easement described in clause (i), the United States and any permitees or licensees of the United States—

(I) may take any actions that are necessary to use the water from the well; but

(II) may not undertake, without the written consent of Yavapai Ranch, any activity that materially interferes with the use of the wells by Yavapai Ranch.

(iii) RESERVATION OF WATER FOR THE UNITED STATES.—The United States shall be entitled to ½ the production of each existing well, not to exceed a total of 3,100,000 gallons of water annually, for watering wildlife and stock and for other National Forest System purposes from the 3 wells.

(C) REASONABLE ACCESS.—Each easement for ingress and egress shall be at least 20 feet in width.

(D) LOCATION.—The locations of the easements and wells shall be the locations generally depicted on a map entitled "YRLP Reserved Easements for Water Lines and Wells", dated April 2002.

(c) LAND TRANSFER PROBLEMS.—

(1) FEDERAL LAND.—If any parcel of Federal land (or a portion of a Federal parcel) cannot be conveyed to Yavapai Ranch because of the presence of hazardous materials or if the proposed title to a parcel of Federal land (or a portion of a Federal parcel) is unacceptable to Yavapai Ranch because of the presence of threatened or endangered species, cultural or historic resources, unpatented mining claims, or other third party rights under public land laws—

(A) the parcel of Federal land or portion of the parcel shall be excluded from the exchange; and

(B) the non-Federal land shall be adjusted in accordance with section 104(c).

(2) NON-FEDERAL LAND.—If any parcel of non-Federal land (or a portion of a non-Federal parcel) cannot be conveyed to the United States because of the presence of hazardous materials or if the proposed title to a parcel or a portion of the parcel is unacceptable to the Secretary—

(A) the parcel of non-Federal land or portion of the parcel shall be excluded from the exchange; and

(B) the Federal land shall be adjusted in accordance with section 104(c).

(d) Conveyance of Federal Land to Cities and Camps.—

(1) Subsequent conveyance.—If, after completion of the appraisals of Federal land and non-Federal land under section 104(b), but before the completion of the exchange, Yavapai Ranch, the cities of Flagstaff, Williams, and Camp Verde, Arizona, and the owners of the camps enter into an agreement for Yavapai Ranch to convey to the cities and the owners of the camps the parcels of Federal land or portions of parcels located in or near the cities or camps, Yavapai Ranch shall, on acquisition of the Federal land, convey to the cities and the owners of the camps the parcels or portions identified in the agreement in accordance with the terms of the agreement.

(2) Direct conveyance.—

(A) In general.—If Yavapai Ranch, the cities referred to in paragraph (1), and the owners of the camps have not entered into an agreement in accordance with paragraph (1), the Secretary—

(i) shall, on notification by Yavapai Ranch, the cities, or camps, delete the parcel or any portion of the parcel from the exchange to provide the United States with manageable post-exchange land and boundaries; and

(ii) may, without further administrative or environmental analyses or appraisal and in accordance with any terms and conditions that the Secretary may require, convey to the cities or camps all right, title, and interest of the United States in and to the parcel or portion of the parcel for consideration in an amount determined under subparagraph (B).

(B) Consideration.—In exchange for a parcel or portion of a parcel acquired under subparagraph (A), the cities or camps shall pay to the Secretary the fair market value of the parcel, as determined by an independent appraisal.

(C) Disposition of proceeds.—The Secretary shall deposit the proceeds of a sale under subparagraph (A) in a special account in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(D) Use.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, until expended, for the acquisition of land in the State of Arizona for National Forest System purposes, including the land authorized for exchange under this title.

SEC. 104. EXCHANGE VALUATION, APPRAISALS, AND EQUALIZATION.

(a) Equal Value Exchange.—The value of the non-Federal and Federal land to be exchanged under this title—

(1) shall be equal, as determined by the Secretary, based on the appraisals conducted under subsection (b); or

(2) shall be equalized in accordance with subsection (c).

(b) Appraisals.—

(1) In general.—The value of the Federal land and non-Federal land shall be determined by appraisals using the appraisal standards in—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, fifth edition (December 20, 2000); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) Approval.—In accordance with part 254.9(a)(1) of title 36, Code of Federal Regulations (or any successor regulation), the appraiser shall be—

(A) acceptable to the Secretary and Yavapai Ranch; and

(B) a contractor, the clients of which shall be the Secretary and Yavapai Ranch.

(3) Requirements.—During the appraisal process the appraiser shall—

(A) consider the effect on value of the Federal land or non-Federal land because of the existence of encumbrances on each parcel, including—

(i) permitted uses on Federal land that cannot be reasonably terminated before the appraisal; and

(ii) facilities on Federal land that cannot be reasonably removed before the appraisal; and

(B) determine the value of each parcel of Federal land and non-Federal land (including the value of each individual section of the intermingled Federal and non-Federal land of the Yavapai Ranch) as an assembled transaction consistent with the applicable provisions of parts 254.5 and 254.9(b)(1)(v) of title 36, Code of Federal Regulations (or any successor regulation).

(4) Dispute resolution.—A dispute relating to the appraised values of the Federal land or non-Federal land following completion of the appraisal shall be processed in accordance with—

(A) section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)); and

(B) part 254.10 of title 36, Code of Federal Regulations (or any successor regulation).

(5) Availability.—In accordance with the policy of the Forest Service, and to ensure the timely and full disclosure of the appraisals to the public, the appraisals approved by the Secretary—

(A) shall be provided by the Secretary to—

(i) the cities of Flagstaff, Williams, and Camp Verde, Arizona; and

(ii) the owners of the camps; and

(B) shall be available for public inspection in—

(i) the Offices of the Supervisors for Prescott, Coconino, and Kaibab National Forests; and

(ii) public libraries in the cities referred to in subparagraph (A)(i).

(c) Equalization of Values.—

(1) In general.—To achieve an equal value exchange of Federal land and non-Federal land, the Secretary and Yavapai Ranch shall adjust the acreage of the Federal land and non-Federal land in accordance with paragraphs (2) and (3) until, to the maximum extent practicable, the value is equal.

(2) Surplus of federal land.—

(A) In general.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 103, the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until, to the maximum extent practicable, the value is equal.

(B) Adjustments.—Adjustments under subparagraph (A) shall be made in accordance with the following order:

(i) By deleting—

(I) 2 portions of the Camp Verde parcel, comprising a total of approximately 630 acres, consisting of—

(aa) a portion of the Camp Verde parcel, comprising approximately 316 acres, located in Prescott National Forest, and more particularly described as lots 1, 5, and 6 of section 26, the NENE ¼ portion of section 26, and the N½N½ portion of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

(bb) a portion of the Camp Verde parcel, comprising approximately 314 acres, located in Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26, the SE¼NE¼ portion of section 26, and the S½N½ of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

(II) lots 5 through 7 of section 36, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(ii) Beginning at the south boundary of section 31, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, by adding to the non-Federal land to be conveyed to the United States in ⅛ section increments (E–W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36, in T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east to west across the sections.

(iii) By deleting the Williams Sewer parcel, comprising approximately 20 acres, located in Kaibab National Forest, and more particularly described as the E½NW¼SE¼ portion of section 21, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(iv) By deleting the Williams railroad parcel, located in the Kaibab National Forest, and more particularly described as—

(I) the W½SW¼ portion of section 26, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), comprising approximately 30 acres;

(II) the NE¼NW¼, the N½SE¼NW¼, the SE¼SE¼NW¼, the NE¼, the SE¼SW¼, and the SE¼ portions of section 27, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way of Interstate 40 and any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), and any portion within Exchange Survey No. 677, comprising approximately 220 acres;

(III) the NE¼NE¼ portion of section 34, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion southwest of the northeastern right-of-way line of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 2 acres; and

(IV) the N½ portion of section 35, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision) and any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 60 acres.

(v) By deleting the Buckskinner Park parcel, comprising approximately 50 acres, located in Kaibab National Forest, and more particularly described as the SW¼SW¼, and the S½S½NW¼SW¼ portions of section 33, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(vi) By deleting the Wetzel school parcel, comprising approximately 10.89 acres, located in Coconino National Forest, and more particularly described as lot 9 of section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(vii) By deleting the Mt. Eldon parcel, comprising approximately 17.21 acres, located in Coconino National Forest, and more particularly described as lot 7 of section 7, T. 21 N., R. 8 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(C) MODIFICATIONS.—The descriptions of land and acreage provided in clauses (ii), (iii), and (vii) of subparagraph (B) may be modified to conform with a survey approved by the Bureau of Land Management.

(3) SURPLUS OF NON-FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 103, the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the value is equal.

(B) ADJUSTMENTS.—An adjustment referred to in subparagraph (A) shall be accomplished by beginning at the east boundary of section 30, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and adding to the Federal land in ⅛ section increments (N–S 64th line) and lot lines across the section, while deleting in the same increments portions of sections 19 and 31, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs north to south across the sections.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—After the values of the non-Federal and Federal land are equalized to the maximum extent practicable under subsection (c), any balance due the Secretary or Yavapai Ranch shall be paid—

(A) through cash equalization payments under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(B) in accordance with standards established by the Secretary and Yavapai Ranch.

(2) LIMITATION.—

(A) ADJUSTMENTS.—If the value of the Federal land exceeds the value of the non-Federal land by more than $50,000, the Secretary and Yavapai Ranch shall, by agreement, delete additional Federal land from the exchange until the value of the Federal land and non-Federal land is equal to the maximum extent practicable.

(B) DEPOSIT.—Any amounts received by the United States under this title—

(i) shall be deposited in a fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act"); and

(ii) shall be available, without further appropriation, for the acquisition of land or interests in land for National Forest System purposes in the State of Arizona.

SEC. 105. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—The Federal land is withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), until the date on which the exchange of Federal land and non-Federal land is completed.

(c) SURVEYS, INVENTORIES, AND CLEARANCES.—Before completing the exchange of Federal land and non-Federal land under this title, the Secretary shall carry out land surveys and preexchange inventories, clearances, reviews, and approvals relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and floodplains.

(d) COSTS OF IMPLEMENTING THE EXCHANGE.—

(1) IN GENERAL.—In accordance with part 254.7(a) of title 36, Code of Federal Regulations (or any successor regulation), and forest service policy, the costs of implementing the exchange of Federal land and non-Federal land shall be shared equally by the Secretary and Yavapai Ranch.

(2) CREDITS.—Any costs incurred by Yavapai Ranch for cultural or historic resource surveys before the date of enactment of this Act or for independent third party contractors under subsection (f) shall be credited against the amount required to be paid by Yavapai Ranch under paragraph (1).

(3) INELIGIBLE REIMBURSEMENTS.—No amount paid by Yavapai Ranch under this subsection shall be eligible for reimbursement under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

(e) TIMING.—It is the intent of Congress that the exchange of Federal land and non-Federal land directed by this title be completed not later than 18 months after the date of enactment of this Act.

(f) CONTRACTORS.—If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in subsection (e), the Secretary or Yavapai Ranch shall contract with independent third party contractors, subject to the mutual agreement of the Secretary and Yavapai Ranch, to carry out any activities necessary to complete the exchange by that date.

SEC. 106. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Non-Federal land acquired by the United States under this title—

(1) shall become part of the Prescott National Forest; and

(2) shall be administered by the Secretary in accordance with—

(A) this title;

(B) the laws (including regulations) applicable to the National Forest System; and

(C) other authorized uses of the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Acquisition of the non-Federal land under this title shall not require a revision or amendment to the Management Plan.

(2) AMENDMENT OR REVISION.—If the Management Plan is amended or revised after the date of acquisition of non-Federal land under this title, the Management Plan shall be amended to reflect the acquisition of the non-Federal land.

(c) POST-EXCHANGE MANAGEMENT OF CERTAIN LAND.—

(1) IN GENERAL.—On acquisition by the United States, the non-Federal land acquired by the United States and any adjoining National Forest System land shall be managed in accordance with—

(A) paragraphs (2) through (5); and

(B) the laws (including regulations) generally applicable to National Forest System land.

(2) GRAZING.—Each area located in the Yavapai Ranch grazing allotment as of the date of enactment of this Act, may as determined to be appropriate by the Secretary—

(A) remain in the Yavapai Ranch grazing allotment; and

(B) continue to be subject to grazing in accordance with the laws (including regulations) generally applicable to domestic livestock grazing on National Forest System land.

(3) EASEMENTS.—

(A) IN GENERAL.—On completion of the land exchange under this title, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for ingress, egress, and utilities across, over, and through—

(i)(I) the routes depicted on the map entitled "Road and Trail Easements—Yavapai Ranch Area" dated April 2002; and

(II) any other inholdings retained by the United States or Yavapai Ranch; or

(ii) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(B) REQUIREMENTS.—An easement described in subparagraph (A)—

(i) shall be unlimited, perpetual, and nonexclusive in nature; and

(ii) shall run with and benefit the land of the grantee.

(C) RIGHTS OF GRANTEE.—The rights of the grantee shall extend to—

(i) any successors-in-interest, assigns, and transferees of Yavapai Ranch; and

(ii) in the case of the Secretary, members of the general public, as determined to be appropriate by the Secretary.

(4) TIMBER HARVESTING.—

(A) IN GENERAL.—After the completion of the exchange of land under this title, except as provided in subparagraph (B), timber harvesting for commodity production shall be prohibited on the Federal land acquired.

(B) EXCEPTIONS.—Timber harvesting may be conducted on the Federal land acquired under this title if the Secretary determines that timber harvesting is necessary—

(i) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(ii) to protect or enhance grassland habitat, watershed values, native plants, trees, and wildlife species; or

(iii) to improve forest health.

(5) WATER IMPROVEMENTS.—Nothing in this title prohibits the Secretary from authorizing or constructing new water improvements in accordance with the laws (including regulations) applicable to water improvements on National Forest System land for—

(A) the benefit of domestic livestock or wildlife management; or

(B) the improvement of forest health or forest restoration.

(d) MAPS.—

(1) IN GENERAL.—The Secretary and Yavapai Ranch may correct any minor errors in the maps of, legal descriptions of, or encumbrances on the Federal land or non-Federal land.

(2) DISCREPANCY.—In the event of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(3) AVAILABILITY.—All maps referred to in this title shall be on file and available for inspection in the Office of the Supervisor, Prescott National Forest, Prescott, Arizona.

(e) EFFECT.—Nothing in this title precludes, prohibits, or otherwise restricts Yavapai Ranch from subsequently granting, conveying, or otherwise transferring title to the Federal land after its acquisition of the Federal land.

SEC. 107. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL—The Secretary shall convey to an individual or entity that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) Description of Land.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(c) Amount of Consideration.—In exchange for the land described in subsection (b), the individual or entity acquiring the land shall pay to the Secretary consideration in the amount of—

(1) $2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) Timing.—

(1) In general.—Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the individual or entity acquiring the land, the Secretary shall convey to the individual or entity the land described in subsection (b).

(2) Limitation.—If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this section shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97-465 (16 U.S.C. 521c et seq.).

TITLE II—VERDE RIVER BASIN PARTNERSHIP

SEC. 201. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the majority of the parcels of Federal land and non-Federal land described in title I are located in the upper and middle portions of the Verde River Basin, Arizona;

(2) the Verde River is a vital resource that—

(A) provides water for community and other uses within the Verde River Basin and Phoenix, Arizona;

(B) recharges area groundwater aquifers; and

(C) sustains highly valued riparian habitat;

(3) approximately 40.5 miles of the Lower Verde River have been designated as a national wild and scenic river with reserved water rights to maintain flows in the River necessary for recreational and environmental purposes;

(4) water withdrawals affect available water supplies and baseflow throughout the Verde River Basin because of the hydrologic connection between surface water and groundwater resources within the entire Basin;

(5) the significant population growth over the past decade in Yavapai County in the Verde River Basin has been accompanied by an increase in water use in the County;

(6) the proposed development of the parcels of Federal land to be acquired under title I would further increase demands on limited water supplies;

(7) the Department of the Interior report entitled "Water 2025: Preventing Crises and Conflict in the West" identified portions of the Verde River Basin as areas in which existing water supplies are not adequate to meet increasing water demands;

(8) significant declines in groundwater levels in portions of the Verde Valley have caused water supply problems, including water quality degradation;

(9) it is essential to the interests of the Federal Government, the State of Arizona, and local communities in the State to determine the long-term availability of water supplies in the Verde Valley before the transfer and private development of Federal land in the area; and

(10) the Upper San Pedro Partnership in the Sierra Vista subwatershed in the State serves as a model of collaborative, science-based water resource planning and management.

(b) Purpose.—The purpose of this title is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin in the State of Arizona, consisting of members that represent—

(1) Federal, State, and local agencies; and

(2) economic, environmental, and community water interests in the Verde River Basin.

SEC. 202. DEFINITIONS.

In this title:

(1) Director.—The term "Director" means the Director of the Arizona Department of Water Resources.

(2) Partnership.—The term "Partnership" means the Verde River Basin Partnership.

(3) Plan.—The term "plan" means the plan for the Verde River Basin required by section 204(a)(1).

(4) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(5) State.—The term "State" means the State of Arizona.

(6) Verde river basin.—The term "Verde River Basin" means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, including drainage and recharge areas with a hydrologic connection to the Verde River.

(7) Water budget.—The term "water budget" means the accounting of—

(A) the quantities of water leaving the Verde River Basin—

(i) as discharge to the Verde River and tributaries;

(ii) as subsurface outflow;

(iii) as evapotranspiration by riparian vegetation;

(iv) as surface evaporation; and

(v) for human consumption; and

(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 203. VERDE RIVER BASIN PARTNERSHIP.

(a) In General.—The Secretary may assist the Director and the Yavapai Water Advisory Council by participating in the establishment of a Verde River Basin Partnership to provide science-based and collaborative water resource planning and management activities relating to the Verde River Basin.

(b) Membership.—It is the intent of Congress that the Partnership be composed of Federal, State, and local members with responsibilities, expertise, and interests pertaining to water resource planning and management.

(c) Authorization of Appropriations.—On establishment of the Partnership, there are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out the activities of the Partnership for each of fiscal years 2005 through 2009.

SEC. 204. VERDE RIVER BASIN STUDIES.

(a) Studies.—

(1) In general.—The Partnership shall prepare a plan for the conduct of water resource studies in the Verde River Basin that identifies—

(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and

(B) the water resource studies, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water supply management options within the Verde River Basin.

(2) Requirements.—At a minimum, the plan shall—

(A) include a list of specific studies and analyses that are needed to support Partnership planning and management decisions;

(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the estimated cost and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley, including the Camp Verde parcel described in section 103(a)(2)(D).

(b) Verde Valley Water Budget Analysis.—

(1) In general.—Not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) Components.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgauging station to the city of Camp Verde at United States Geological Survey Stream Gauge 09506000;

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive water use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(c) Preliminary Report and Recommendations.—.

(1) In general.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley (including the Camp Verde parcel described in section 103(a)(2)(D)), taking into account the long-term consequences analyzed under subsection (b)(2)(C).

(2) Inclusions.—To the maximum extent practicable, the recommendations submitted under paragraph (1) shall include, with respect to the Camp Verde parcel described in section 103(a)(2)(D)—

(A) proposed development scenarios on the parcel that are compatible with long-term available water supply estimates; and

(B) designation of any portions of the parcel that should be retained as open space or otherwise managed for aquifer recharge or baseflow maintenance.

SEC. 205. VERDE RIVER BASIN PARTNERSHIP FINAL REPORT.

Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this title in the Verde River Basin;

(2) identifies any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) identifies water resource analyses and monitoring needed to support the implementation of management options.

SEC. 206. MEMORANDUM OF UNDERSTANDING.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land) to carry out this title.

SEC. 207. EFFECT.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, September 16, 2004, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the current status of the Hard Rock Mining Industry in America. The hearing would provide a status and trend analysis, a review of domestic mineral reserves, a summary on exploration investments and current production as well as permitting and reclamation issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 22, 2004, at 9:30 a.m., in open session to receive testimony on the Department of the Army Inspector General Report on Detention Operation Doctrine and Training.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 22, 2004, at 10 a.m., to conduct an oversight hearing on "Regulation N.M.S. and Developments in Market Structure."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, July 22, 2004, at 10 a.m., to hear testimony on The Role of Higher Education Financing in Strengthening U.S. Competitiveness in a Global Economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 22, 2004, at 9:30 a.m. to hold a hearing on Iraq Post-Transition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, July 22, 2004, at 3:30 p.m., to consider the nomination of Allen Weinstein to be Archivist of the United States, National Archives and Records Administration.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing entitled "Terror Attacks: Are We Prepared?" during the session of the Senate on Thursday, July 22, 2004, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Thursday, July 22, 2004, at 10:30 a.m. in Dirksen Senate Office Building room 226.

Agenda

I. Nominations: Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa, to be Chair of the United States Sentencing Commission; Michael O'Neill, to be a Member of the United States Sentencing Commission; Ruben Castillo, to be a Member of the United States Sentencing Commission; and William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice.

II. Legislation: S. 1635, L–1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss; S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards; S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer; and H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith–TX, Berman–CA, Conyers–MI.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, July 22, 2004, at 2 p.m. on "Protecting Innovation and Art while Preventing Piracy" in the Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Marybeth Peters, Register of Copyrights, United States Copyright Office.

Panel II: Mr. Gary Shapiro, President and Chief Executive Officer, Consumer Electronics Association; Mr. Robert Holleyman, President and Chief Executive Officer, Business Software Alliance; Mr. Andrew Greenberg, Vice-Chairman, Intellectual Property Committee, IEEE–USA; Mr. Kevin McGuiness, Executive Director and General Counsel, NetCoalition; and Mr. Mitch Bainwol, Chairman and Chief Executive Officer, Recording Industry Association of America.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 628 of the Dirksen Senate Office Building, Thursday, July 22, 2004, from 10 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Thursday, July 22, 2004, at 9 a.m., for a hearing entitled "Buyer Beware: The Danger of Purchasing Pharmaceuticals Over the Internet."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on July 22, 2004, at 2:30 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 22, at 2:30 p.m.

The purpose of the hearing is to conduct oversight on the implementation of the National Parks Air Tour Management Act of 2000, Public Law 106-181.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, July 22, 2004, at 2:30 p.m. on the subject of Saturn.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that privilege of the floor be granted to Ellen Forster during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHWAY ACT EXTENSION

Mr. FRIST. I ask unanimous consent that the Senate proceed to consideration of H.R. 4916, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 4916) providing extension of highway, highway safety, transit, and other programs funded out of the Highway Trust Fund.

There being no objection, the Senate proceeded to consider the bill.

SURFACE TRANSPORTATION

Mr. WARNER. Mr. President, I respectfully request if the chairman of the Committee on Environment and Public Works, Senator INHOFE, would engage in a colloquy with me on the impact of the several Surface Transportation extension bills on the so-called "donor" States. As the chairman is well aware, TEA-21 contains a fundamental principle of fairness for donor States which guarantees that no State will receive less than a 90.5 percent rate of return of their gas tax contributions to the Highway trust fund. In the preceding extension bills for fiscal year 2004, this matter was not addressed because it was expected that a full surface transportation reauthorization bill would be enacted this year. I know my chairman has worked tirelessly to pass a new transportation bill, but regrettably we have not completed our work.

As we face the end of the fiscal year, the multiple highway extension bills have not followed the TEA-21 Minimum Guarantee program and the result is that, to date, many States will not receive the 90.5 percent guarantee in fiscal year 2004. I am particularly concerned because again this temporary extension bill does not follow the TEA-21 formula.

I appreciate the chairman's diligence on this matter and I am aware that some funding remains in fiscal year 2004 which may be used to correct this problem. I would like to ask the chairman if my understanding of this situation is correct, and would be grateful for the chairman's view of this matter.

Mr. INHOFE. The Senator from Virginia is correct that the several transportation extension bills enacted this year require that the next legislation we enact must address the "donor" State issue for fiscal year 2004. I remain committed to guaranteeing that all States receive a minimum of 90.5 percent rate of return for their trust fund contributions in fiscal year 2004. As some funding remains in the fiscal year, I am committed to maintaining the Minimum Guarantee program for this year so that no State receives less than a 90.5 percent return on their trust fund contributions.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

Mr. REID. Mr. President, I will speak very briefly. People watching sometimes wonder what is going on in the quorum call. This is hours' worth of quorum call right here. It took only 20 seconds to read it. It is one reason we have the quorum calls.

No objection.

Mr. FRIST. Many hours, many hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4916) was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that at 5 p.m. on Tuesday, September 7, the Senate proceed to executive session for the consideration en bloc of Calendar Nos. 791 and 792; provided further that the time until 5:30 be equally divided between the chairman and the ranking member or their designees.

I further ask consent at 5:30 the Senate proceed to a vote on the confirmation of No. 791, the nomination of Virginia Maria Hernandez Covington, to be followed immediately by a vote on the confirmation of No. 792, the nomination of Michael Schneider, Sr.

I further ask immediately following the vote, the President immediately be notified of the Senate's action and proceed to Calendar No. 787, the nomination of Michael Watson.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, in consultation with the Democratic leader, what we did with that unanimous consent would allow two judges to be voted on at 5:30, with the expectation that the third, which is Mr. Michael Watson, be confirmed by voice vote after that.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 695, 796, 803, 804, 810, 811, and 812, and all nominations on the Secretary's desk. I further ask consent that the nomination of John Miller, PN 1763, be discharged from the Foreign Relations Committee, and the Senate proceed to its consideration. I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

THE JUDICIARY

John O. Colvin, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years. (Reappointment)

DEPARTMENT OF THE TREASURY

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

CENTRAL INTELLIGENCE

Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

DEPARTMENT OF HOMELAND SECURITY

David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Read Adm. (lh) Dale G. Gabel, 8062
Rear Adm. (lh) Jeffrey M. Garrett, 2332
Rear Adm. (lh) Stephen W. Rochon, 9549

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Captain Samuel P. De Bow, Jr., NOAA for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

Captain Richard R. Behn, NOAA for appointment to the grade of Rear Admiral (O–7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1557 COAST GUARD nomination of Craig S. Toomey, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1791 COAST GUARD nomination of Laurie J. Mosier, which was received by the Senate and appeared in the Congressional Record of July 8, 2004.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PH1646 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (163) beginning Michael S. Abbott, and ending David J. Zezula, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2004.

DEPARTMENT OF STATE

John Ripin Miller, of Washington, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

UNANIMOUS AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that during the upcoming adjournment of the Senate, all nominations remain status quo with the exception of Deborah P. Majoras to be a Federal Trade Commissioner, (PN 1613) and Jon D. Leibowitz, (PN 1496).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I thank everyone for their cooperation in getting these agreements for the judges, as well as confirming some important , timely nominations, such as the Assistant Secretary of Homeland Security, Mr. Stone. There are a number of other nominations that remain on the calendar, including a number of diplomatic positions which include the Ambassador to Qatar, the Ambassador to Estonia, several representatives to the United Nations. I was prepared to ask consent for these, although I will withhold that request, but I would ask my colleagues on the other side to look at these nominations and see if there is a way to allow us to proceed to these ambassadorships. I will not belabor the point this evening, but there are so many additional nominations we have that are pending and that we should have acted upon. I hope they will give those every consideration.

Today, more have been reported out, several Commerce Department nominations, Albert Frink, Brett Palmer, Benjamin Wu. These will be added to the growing list of nominations now available. These people deserve action from the Senate.

Mr. REID. Mr. President, I briefly say it should be noted in the Executive Calendar we just approved there is not a single member of the minority in this. We have tried to show our good faith. We have received the assurance of the majority leader and others in the administration that we will work to release some of the people we want through, people nominated by Senator DASCHLE. We are going to work to try to do a good job as soon as we get back.

I want the record also to reflect that Admiral Stone was approved tonight, with the Transportation Security Agency. That simply would not have happened but for the good work of Senator ENSIGN who worked very hard on that, working to get this man's name cleared. But for him, that would not have been done tonight.

MEASURES PLACED ON THE CALENDAR—S. 2704 AND S. 2714

Mr. FRIST. I understand there are two bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for a second time.

The legislative clerk read as follows:

A bill (S. 2704) to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and State children's health insurance programs.

A bill (S. 2714) to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

Mr. FRIST. I object to further proceedings on the measures en bloc at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

DECLARING GENOCIDE IN DARFUR, SUDAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 133, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 133) declaring genocide in Darfur, Sudan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CORZINE. Mr. President, today the Senate is taking historic action, stating clearly that the atrocities occurring in Darfur are genocide, reminding the world of its obligations under the Genocide Convention, and calling on the administration to lead an international effort to stop the genocide. This resolution, which I introduced with my colleague, SAM BROWNBACK, has broad, bipartisan support, and its unanimous approval by the U.S. Senate sends a powerful message—that this body will not remain silent as genocide occurs.

The situation remains, as U.N. officials have called it, "the world's worst humanitarian catastrophe." At least 30,000 have been killed. Mr. President, 1.2 million have been violently displaced from their villages, of whom 200,000 have fled to Chad. The potential death toll is horrifying. Andrew Natsios, Administrator of the U.S. Agency for International Development, has predicted that 300,000 will die this year, even in an "optimistic" scenario in which humanitarian assistance is provided, and that up to one million are at risk.

This disaster is the result of the deliberate policies of the Government of Sudan and the "janjaweed" militias under its control. Earlier this week, Human Rights Watch reported how Sudanese government documents themselves prove Khartoum's complicity. Those documents describe, in plain terms, the government's military support for the militias—its, quote "loyalist tribes"—and its policy of tolerating the abuse of civilians by the militias.

What has been the result? Janjaweed militias, along with Sudanese forces, have engaged in systematic attacks against civilians in Darfur. As recently confirmed by U.S. Government satellite photographs, villages have been burnt to the ground. Livestock and food stock have been destroyed, and water sources poisoned. Humanitarian assistance has been denied. Militias have murdered civilians and abducted children.

Just this week, on Monday, Amnesty International issued a report describing how rape has been used as a weapon of war in Darfur. Amnesty described how women and girls as young as 8 have been raped and abducted, often with the involvement or acquiescence of Sudanese authorities. Janjaweed militia have raped women in public, in front of their families, with the intent of adding humiliation to the violence. Amnesty reports gang rapes, rapes of pregnant women, and torture and killings in the context of sexual violence. Darfurian women, who are often reluctant to talk about these experiences, nonetheless described how they were abducted and held captive during the day, when militia members were looting villages, so that they could be raped at night. Amnesty reported how rapes have occurred during attacks on villages, during the flight of civilians, and in the camps, all with total impunity. Not a single member of the janjaweed or the Sudanese armed forces have been charged with committing rape or abducting civilians.

In addition to stopping this violence, we must act now to prevent death from starvation and disease. Hundreds of thousands of civilians are currently crowded into camps, where conditions are simply stated, horrendous. Humanitarian organizations now estimate that nearly half of the internationally displaced civilians in Darfur have inadequate food and shelter, that 61 percent lack sufficient water, and that 87 percent lack adequate sanitation. Many of the camps are off limits to international relief workers, and much of the countryside is inaccessible as well.

The rains are adding to the obstacles presented to the humanitarian organizations. So, too, is the lack of security created by the militias and Sudanese forces. The result may be a complete break in the food pipeline, and the deaths of hundreds of thousands. As U.N. Under Secretary General for Humanitarian Affairs Jan Egelan said last week, "We are now in this moment of truth, which will last for some weeks."

Along with my colleague, Senator BROWNBACK, I have introduced a resolution declaring the situation in Darfur to be genocide. Why is this so? To begin with, it is undisputed that the murders, rapes, abductions of children, displacements and denial of humanitarian assistance have been directed at particular ethnic groups, specifically the ethnically African groups—the Fur, Zagahwa, and Massalit. Both the U.S. and the U.N. have stated that "ethnic cleansing" is occurring. The U.S. Ambassador for War Crimes, Pierre-Richard Prosper, has said that there are "indicators of genocide."

What does the Genocide Convention of 1948 state? It defines genocide as killing, causing serious bodily harm, and deliberately inflicting conditions of life calculated to bring about its physical destruction—all of which have occurred in Darfur—committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group. The Convention does not require that a certain number have died before it is genocide, only that the acts are occurring.

This declaration is important because of our obligation—and that of the world—to stop genocide before it is too late. After all, the full name of the Genocide Convention is the "Convention on the Prevention and Punishment of the Crime of Genocide." Article I of the Convention states that the contracting parties "undertake to prevent and punish" genocide. The United States and every other permanent member of the U.N. Security Council is a party to the Genocide Convention.

The Genocide Convention arose out of the horror of the Holocaust, in a moment of history in which the world vowed never again to permit this evil. But the world has spoken much more recently. In late January 2004, 55 governments participated in the Stockholm International Forum, "Preventing Genocide: Threats and Responsibilities." Those governments, which included the U.S., the U.K., France and Russia, declared, quote:

> The Holocaust . . . challenged the foundations of human civilization . . . We are committed to shouldering our responsibility to protect groups identified as potential victims of genocide, mass murder or ethnic cleansing, drawing upon the range of tools at our disposal to prevent such atrocities in accordance with international law and fully upholding the Convention on the Prevention and Punishment of the Crime of Genocide.

This was this January. What do these words mean without action? More words, mere condemnations are not sufficient. Nor is humanitarian assistance possible without real intervention. The lack of food, water and sanitation have reached critical levels. But the problem is caused, and compounded, by the lack of security. As Jan Egelan said last week, quote "The number one problem now is lack of security. Our trucks are looted, our humanitarian workers are threatened and attacked."

We must find ways to stop this catastrophe. This resolution calls on the President to lead an international effort to stop this genocide. In my view, to be effective, we must take whatever actions are necessary, including armed intervention, to save the hundreds of thousands of lives that are at stake. I have called for a U.N.-authorized multinational force, as well as the provision of assistance to the African Union's critically important, but thus far, inadequate mission.

In the end, the only thing that will matter is whether we have saved these lives, whether we have done whatever it takes to stop this genocide. This resolution is a powerful statement. But it must also serve as an impetus to the administration and to the rest of the world to act. Morally and legally, we have no other option.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 133) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 133

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948) states that "the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish";

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide declares that "in the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group";

Whereas Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that "[the] following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicit in genocide";

Whereas in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced; and

Whereas in March 2004 the United Nations Resident Humanitarian Coordinator stated: "[T]he war in Darfur started off in a small way last year but it has progressively gotten worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children . . . The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized.": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) declares that the atrocities unfolding in Darfur, Sudan, are genocide;

(2) reminds the Contracting Parties to the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948), particularly the Government of Sudan, of their legal obligations under the Convention;

(3) declares that the Government of Sudan, as a Contracting Party, has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) deplores the failure of the United Nations Human Rights Commission to take appropriate action with respect to the crisis in Darfur, Sudan, particularly the failure by the Commission to support United States-sponsored efforts to strongly condemn gross human rights violations committed in Darfur, and calls upon the United Nations and the United Nations Secretary General to assert leadership by calling the atrocities being committed in Darfur by their rightful name: "genocide";

(5) calls on the member states of the United Nations, particularly member states from the African Union, the Arab League, and the Organization of the Islamic Conference, to undertake measures to prevent the genocide in Darfur, Sudan, from escalating further, including the imposition of targeted means against those responsible for the atrocities;

(6) commends the Administration's leadership in seeking a peaceful resolution to the conflict in Darfur, Sudan, and in addressing

the ensuing humanitarian crisis, including the visit of Secretary of State Colin Powell to Darfur in June 2004 to engage directly in efforts to end the genocide, and the provision of nearly $140,000,000 to date in bilateral humanitarian assistance through the United States Agency for International Development;

(7) commends the President for appointing former Senator John Danforth as Envoy for Peace in Sudan on September 6, 2001, and further commends the appointment of Senator Danforth as United States Ambassador to the United Nations;

(8) calls on the Administration to continue to lead an international effort to stop genocide in Darfur, Sudan;

(9) calls on the Administration to impose targeted means, including visa bans and the freezing of assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in Darfur, Sudan; and

(10) calls on the United States Agency for International Development to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those individuals driven off their land may return and begin to rebuild their communities.

CONDEMNING THE ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 126 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 126) condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, all with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 126) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 126

Whereas on July 18, 1994, 85 innocent people were killed and 300 were wounded when the Argentine Jewish Mutual Association (referred to in this resolution as the "AMIA") was bombed in Buenos Aires, Argentina;

Whereas that attack showed the same cowardice and utter disregard for human life as the attacks on the United States on September 11, 2001;

Whereas the United States welcomes Argentine President Nestor Kirchner's political will to pursue the investigation of the AMIA bombing, as demonstrated by his Executive order opening the archives of Argentina's Secretariat for State Intelligence (referred to in this resolution as "SIDE") and by his decisions to raise the AMIA cause to national status, and to emphasize that there is no statute of limitations for those responsible for this attack;

Whereas it is reported that considerable evidence links the attack to the terrorist group Hizballah, which is based in Lebanon, supported by the Government of the Syrian Arab Republic, and sponsored by the Government of the Islamic Republic of Iran;

Whereas the decade since the bombing has been marked by efforts to minimize the international connection to this terrorist attack;

Whereas in March 2003, an Argentine judge issued arrest warrants for 4 officials of the Government of the Islamic Republic of Iran who are believed to have been involved in planning or carrying out the attack against AMIA and requested that the International Criminal Police Organization apprehend them;

Whereas the 4 indicted Iranians are Ali Fallahian, a former minister of security and intelligence; Mohsen Rabbani, a former cultural attache at the Iranian Embassy in Buenos Aires; Ali Balesh-Abadi, an Iranian diplomat; and Ali Akbar Parvaresh, a former minister of education;

Whereas Hadi Soleimanpour, Iran's Ambassador to Argentina in the 1990s, also has an international arrest warrant pending against him by Argentine authorities for his suspected primary role in the AMIA bombing;

Whereas it is reported that suicide bomber Ibrahim Hussein Berro, a Lebanese citizen, carried out the attack on AMIA;

Whereas it has been reported that contact was made by the Iranian embassy in Buenos Aires to Ibrahim Hussein Berro, who lived in a mosque in Canuelas, Argentina, in the days before the AMIA bombing;

Whereas Argentine officials have acknowledged that there was negligence in the initial phases of the investigation into the 1994 bombing, including the destruction or disappearance of material evidence;

Whereas the first major criminal trial regarding the bombing did not begin until September 2001, and those who are currently on trial are former policemen and civilians who are accused of playing roles only in the procurement and delivery of the vehicle that was used in the bombing;

Whereas the judge who had presided since 2001 over the investigation and trial related to the AMIA bombing was removed in December 2003 due to charges that he bribed a key witness in the AMIA case;

Whereas the new trial judge, Rodolfo Canicoba Corral, deals with many other important cases and has few supporting staff;

Whereas on March 17, 1992, terrorists bombed the Embassy of Israel in Buenos Aires, Argentina, killing 29 people and injuring more than 200, and the perpetrators of the attack also remain at large;

Whereas an inability to extradite suspected Islamic militants and Iranian officials has debilitated the efforts of the Government of Argentina to prosecute masterminds and planners of the 1994 AMIA bombing;

Whereas evidence indicates that the tri-border area where the borders of Argentina, Paraguay, and Brazil meet is suspected of harboring organizations that support terrorism and engage in drug and arms smuggling and an assorted array of other illicit, revenue-raising activities;

Whereas the Government of Argentina supports the 1996 Declaration of Lima to Prevent, Combat and Eliminate Terrorism, which refers to terrorism as a "serious form of organized and systematic violence that is intended to generate chaos and fear among the population, results in death and destruction, and is a reprehensible criminal activity";

Whereas the Government of Argentina supports the 1998 Commitment of Mar del Plata, which calls terrorist acts "serious common crimes that erode peaceful and civilized coexistence, affect the rule of law and the exercise of democracy, and endanger the stability of democratically elected constitutional governments and their socioeconomic development of our countries";

Whereas the Government of Argentina actively supports the development of the Three Plus One Counterterrorism Dialogue with Brazil, Paraguay, and the United States;

Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in the 1994 AMIA bombing and other terrorist cases; and

Whereas the Second Specialized Conference on Terrorism held in Mar del Plata, Argentina on November 23 and November 24, 1998, concluded with the adoption of the Commitment of Mar del Plata, calling for the establishment within the Organization of American States (referred to in this resolution as "OAS") of an Inter-American Committee Against Terrorism (referred to in this resolution as "CICTE"): Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) reiterates its strongest condemnation of the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and honors the victims of this heinous act;

(2) expresses its sympathy to the relatives of the victims, who have waited 10 years without justice for the loss of their loved ones, and may have to wait even longer for justice to be served;

(3) underscores the concern of the United States regarding the continuing, decade-long delay in the proper resolution of this case;

(4) strongly urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case, including by implementing Argentine President Nestor Kirchner's Executive order mandating the opening of the archives of the SIDE of Argentina, and to prosecute with due haste those who are responsible for the bombing;

(5) calls upon the international community to cooperate fully with the investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities;

(6) encourages the President to direct United States law enforcement agencies to provide support and cooperation, if requested, to the Government of Argentina, for the purposes of deepening and expanding the investigation into this bombing and suspected activities in support of terrorism in the tri-border area where the borders of Argentina, Paraguay, and Brazil meet;

(7) encourages the President to direct the United States Representative to the OAS to—

(A) seek support from OAS member countries for the creation of a special task force of the CICTE to assist, as requested by the Government of Argentina, in the investigation of all aspects of the 1994 AMIA terrorist attack; and

(B) urge OAS member countries to designate Hizballah as a terrorist organization if they have not already done so;

(8) stresses the need for international pressure on the Government of the Islamic Republic of Iran and the Government of the Syrian Arab Republic to extradite for trial individuals and government officials who are accused of planning or perpetrating the AMIA attack, and to immediately, unconditionally, and permanently cease any and all assistance to terrorists; and

(9) desires a lasting, warm relationship between the United States and Argentina that is built, in part, on mutual abhorrence of terrorism and commitments to peace, stability, and democracy in the Western Hemisphere.

URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRESIDENTIAL ELECTION ON OCTOBER 31, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 106 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CAMPBELL. Mr. President, I rise to urge passage of S. Con. Res. 106, a bipartisan resolution calling upon the Government of Ukraine to ensure a democratic, transparent and fair election process for the presidential elections scheduled to be held in late October. This resolution, by encouraging fair, open and transparent elections, is a concrete expression of the commitment of the U.S. Congress to the Ukrainian people.

The resolution underscores that an election process and the establishment of a genuinely democratic political system consistent with Ukraine's freely undertaken OSCE commitments is a prerequisite for Ukraine's full integration into the Western community of nations as an equal member, including into NATO. The October elections will be vital in determining Ukraine's course for years to come. They present the Ukrainian authorities with a real opportunity to demonstrate their commitment to OSCE principles and values.

As cochairman of the Helsinki Commission, I would point out that Ukrainian President Leonid Kuchma recently cosigned a Declaration with Russia and leaders of several other independent former Soviet states criticizing the OSCE for focusing too much attention on human rights and democratization. While disappointing, this diatribe is not surprising given the fact that under President Kuchma's leadership, Ukraine's record in such as media freedoms, elections, the rule of law and corruption has moved in the wrong direction. It is up to the OSCE states, including Ukraine, to implement their freely undertaken OSCE commitments and to take corrective measures if necessary—something I hope the Ukrainian authorities will be mindful of in the run-up to the elections.

Ukraine's pre-election environment has already been decidedly problematic and of great concern to the United States and the international community. The pending resolution, S. Con. Res. 106, focuses squarely on key problem areas, including increasing control and manipulation of the media and attempts by national authorities to limit access to international broadcasting, including Radio Liberty. Among other concerns are the serious obstacles to free assembly and a free and fair political campaign as well as substantial irregularities in several recent elections, most notably, the mayoral election held in April in the western Ukrainian city of Mukacheve. This election was marred by intimidation, violence, fraud and manipulation of the vote count, electoral disruptions and irregularities.

According to the most recent report of the nonpartisan Ukrainian nongovernmental Committee of Voters of Ukraine:

> There was no improvement in the political environment in June compared to April and May. Instead, CVU observed an increase in the number of cases of government pressure on the opposition designed to impede their activities. Potential candidates did not enjoy equal access to the media. . . . The level of criminal interference in the pre-election process remains very high, thus threatening free elections.

S. Con Res. 106 outlines those measures the Ukrainian authorities need to take—consistent with their own laws and international agreements—for a free, fair, open and transparent election process. The Ukrainian authorities at all levels, including the executive, legislative and judicial branches, need to ensure an election process that enables all of the candidates to compete on a level playing field. This includes the various ministries and agencies involved directly or indirectly in the elections process, as well as Ukraine's courts.

Ukraine's October presidential elections should be a watershed for the future direction of that country of great potential. Ukrainian authorities need to radically improve the election environment if there is to be hope for these elections to meet OSCE standards. By doing so, they will go a long way in restoring the trust of the citizens of Ukraine and strengthening Ukraine's independence and democracy.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 106) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 106

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Ukrainian Government;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch; and

Whereas the intimidation and violence during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2004 presidential elections;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating States of the OSCE, Ukrainian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints; and

(8) pledges its enduring support and assistance to the Ukrainian people's establishment of a fully free and open democratic system, their creation of a prosperous free market economy, their establishment of a secure independence and freedom from coercion, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

* * *

EXPRESSING THE DEEP CONCERN OF CONGRESS REGARDING THE FAILURE OF THE ISLAMIC REPUBLIC OF IRAN TO ADHERE TO ITS OBLIGATIONS UNDER A SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 81 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the Kyl-Feinstein amendments at the desk be agreed to; the resolution, as amended, be agreed to; the preamble, as amended, be agreed to; the title amendment be agreed to; the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3569 and 3570) were agreed to, as follows:

AMENDMENT NO. 3569

Strike all after the resolving clause and insert the following:

That Congress—

(1) condemns—

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA it to fully investigate Iran's nuclear activities;

(4) calls upon all states party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the "Nuclear Non-Proliferation Treaty"), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the "Additional Protocol") and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the reports of February 24, 2004, and June 1, 2004, by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its

Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions—

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations—

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004, declaration at the United States–E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take—

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their June 26, 2004, declaration of "the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities";

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) calls on Member States of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia—

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and

(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany—

(A) to fully investigate such assistance;

(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;

(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and

(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute—

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and

(B) as appropriate, to specify areas in which Iran continues to be in noncompliance with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the "proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security," to consider measures necessary—

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to—

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

AMENDMENT NO. 3570

Strike the preamble and insert the following:

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that "all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery";

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

Whereas on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the "Nuclear Non-Proliferation Treaty");

Whereas Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas, in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the "Additional Protocol") to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas, in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran "had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent";

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that "some samples from" the laser uranium enrichment project "had been sent for assessment to the supplier's laboratory";

Whereas, in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas, on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas, despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U-235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U-235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that "the contamination is different on domestic and imported centrifuges," that "it is unlikely" that the 36 percent U-235 contamination was due to components acquired from Iran's principal supplier country, and that "important information about the P-2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information";

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated "P2" uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a "full picture of its nuclear activities" and "full transparency";

(2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to "leave no stone unturned" to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with "serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution," and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted "with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments";

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors to one site by March 29, 2004, and to others in mid-April, 2004, including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004, of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004, that its suspension of all uranium enrichment activities "does not include suspension of production of UF6," which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004, which was also adopted unanimously, "deplores" the fact that "Iran's cooperation has not been as full, timely and proactive as it should have been" and "underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons";

Whereas the same resolution also expresses regret that Iran's suspension "commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings";

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran "to suspend all further uranium enrichment-related activities," and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its legal obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

The title amendment (No. 3571) was agreed to, as follows:

AMENDMENT NO. 3571

Amend the title so as to read: "Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.".

The concurrent resolution (S. Con. Res. 81), as amended, was agreed to:

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, reads as follows:

(The concurrent resolution will be printed in a future edition of the RECORD.)

IRAN'S DEVELOPMENT OF NUCLEAR WEAPONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 398 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 398) expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the Kyl-Feinstein amendments at the desk be agreed to, the resolution, as amended, be agreed to, the preamble, as amended, be agreed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3572 and 3573) were agreed to.

(The amendments Nos. 3572 and 3573 are printed in today's RECORD under "Text of Amendments.")

The amendment (No. 3574) was agreed to as follows:

Amend the title so as to read: "Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.".

The concurrent resolution (H. Con. Res. 398), as amended, was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 660 and 662 through 667 en bloc.

I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table en bloc, and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERRY B. DURYEA, JR. POST OFFICE

The bill (S. 2501) to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERRY B. DURYEA, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, shall be known and designated as the "Perry B. Duryea, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Perry B. Duryea, Jr. Post Office.

GUARDIANS OF FREEDOM MEMORIAL POST OFFICE BUILDING

The bill (S. 2640) to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GUARDIANS OF FREEDOM MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Post Office located at 1050 North Hills Boulevard in Reno, Nevada, shall be known and designated as the "Guardians of Freedom Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Guardians of Freedom Memorial Post Office Building".

SEC. 2. INSTALLATION OF PLAQUE.

(a) AGREEMENT.—The Postmaster General may enter into an agreement with the Office of Veterans' Services of the State of Nevada under which the Office of Veterans' Services of the State of Nevada agrees—

(1) to install a plaque to be displayed at the Guardians of Freedom Memorial Post Office Building referred to in section 1(a); and

(2) to maintain and update such plaque, as appropriate and in accordance with subsections (b) and (c).

(b) INSCRIPTIONS.—

(1) DEDICATION.—The plaque installed pursuant to subsection (a) shall bear the following inscription: "This post office building is dedicated in the memory of those men and women of the State of Nevada who have lost their lives while serving in the Armed Forces of the United States in the Global War on Terrorism and in Operation Iraqi Freedom.".

(2) ADDITIONAL INFORMATION.—The plaque installed pursuant to subsection (a) shall also include with respect to the men and women of the Armed Forces referred to in paragraph (1) inscriptions containing the names, ranks, branches of service, hometowns, and dates of death of such men and women.

(c) EXPENDITURE OF COSTS.—The agreement referred to in subsection (a) shall, provide that the Office of Veterans' Services of the State of Nevada shall have sole responsibility for the expenditure of all costs associated with the installation, maintenance, and updating of the plaque.

BEN NIGHTHORSE CAMPBELL POST OFFICE BUILDING

The bill (S. 2682) to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BEN NIGHTHORSE CAMPBELL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, shall be known and designated as the "Ben Nighthorse Campbell Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ben Nighthorse Campbell Post Office Building".

JAMES E. WORSHAM POST OFFICE

The bill (H.R. 3340) to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NEWELL GEORGE POST OFFICE BUILDING

The bill (H.R. 4222) to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

VITILAS "VETO" REID POST OFFICE BUILDING

The bill (H.R. 4327) to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

PERRY B. DURYEA, JR. POST OFFICE

The bill (H.R. 4427) to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office" was considered, ordered to a third reading, read the third time, and passed.

NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 641, S.J. Res. 41.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 41) commemorating the opening of the National Museum of the American Indian.

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the resolving clause and the preamble and insert the part printed in italic:

S.J. RES. 41

[Whereas the National Museum of the American Indian Act (20 U.S.C. 808 et seq.) established within the Smithsonian Institution the National Museum of the American Indian, and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia;

[Whereas the National Museum of the American Indian officially opens on September 21, 2004; and

[Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans: Now, therefore, be it]

Whereas the National Museum of the American Indian Act (20 U.S.C. 808 et seq.) established within the Smithsonian Institution the National Museum of the American Indian and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia;

Whereas the National Museum of the American Indian officially opens on September 21, 2004; and

Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

[Congress—

[(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;

[(2) honors the cultural achievements of all Native Americans;

[(3) celebrates the official opening of the National Museum of the American Indian; and

[(4) encourages all Americans to take advantage of the resources of the National Museum of the American Indian to learn about the history and culture of Native Americans.]

SECTION 1. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

Congress—

(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;

(2) honors the cultural achievements of all Native Americans;

(3) celebrates the official opening of the National Museum of the American Indian; and

(4) requests the President to issue a proclamation encouraging all Americans to take advantage of the resources of the National Museum of

the American Indian to learn about the history and culture of Native Americans.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the preamble, as amended, be agreed to, the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statements in relation to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The joint resolution (S.J. Res. 41), as amended, was read the third time and passed, as follows:

(The joint resolution will be printed in a future edition of the RECORD.)

AUTHORIZING RECORD PRODUCTION BY PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 415, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 415) to authorize production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, from 1999 to 2001, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation into money laundering activities in the U.S. financial services sector, including private banking, correspondent banking, and the securities industry.

Following its investigation, the subcommittee received requests from various law enforcement and regulatory agencies, legislative bodies, and court-appointed officers, both here and abroad, for assistance in connection with their pending investigations into the use of correspondent banks for money laundering. By Senate Resolution 77 of the 107th Congress, agreed to on April 26, 2001, the Senate authorized the chairman and ranking member of the subcommittee, acting jointly, to provide investigative records, obtained by the subcommittee in the course of its investigation, in response to these requests.

Last year, the permanent subcommittee initiated a followup to its earlier investigation to evaluate the enforcement and effectiveness of key statutory anti-money laundering provisions, using Riggs Bank of the District of Columbia as a case history. The subcommittee held a hearing on the results of its investigation on July 15 of this year.

The subcommittee is seeking authority, like that granted in the 107th Congress, to respond to requests from law enforcement and other government agencies for access to investigative records obtained by the Subcommittee in the course of its recent investigation. This resolution would accordingly authorize the chairman and ranking member of the subcommittee, acting jointly, to provide copies of its investigative records from the Riggs Bank investigation in response to such requests.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 415) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 415

Whereas, during the 106th and 107th Congresses, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation into money laundering activities in the U.S. financial services sector, including examinations of money laundering activities in private banking, correspondent banking, and the securities industry;

Whereas, by agreement to Senate Resolution 77, 107th Congress, the Senate authorized the Chairman and Ranking Minority Member of the Subcommittee, acting jointly, to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the use of correspondent banking for the purpose of money laundering;

Whereas, during the present Congress, the Subcommittee has been conducting a followup to its earlier money laundering investigation to evaluate the enforcement and effectiveness of key statutory anti-money laundering provisions, using Riggs Bank of the District of Columbia as a case history;

Whereas, the Subcommittee is seeking authorization to provide records of its followup investigation in response to requests from law enforcement officials, legislative bodies, regulatory agencies, and foreign agencies and officials;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's case study investigation into the enforcement and effectiveness of statutory anti-money laundering provisions.

CALIFORNIA STATE UNIVERSITY, FULLERTON BASEBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 416, submitted earlier today by Senators FEINSTEIN and BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 416) to congratulate the California State University, Fullerton baseball team on winning the 2004 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 416) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 416

Whereas on June 27, 2004, the California State University, Fullerton ("Fullerton") Titans won the 2004 College World Series;

Whereas the 3 to 2 victory completed a 2 to 0 sweep of the heavily favored Texas Longhorns;

Whereas the Fullerton team opened the season with 15 wins and 16 losses, then continued on to win 32 of the next 38 games, finishing with 47 wins and 22 losses in the regular season;

Whereas the Fullerton team won with the superlative pitching of Jason Windsor, who threw a complete game and was named Most Outstanding Player of the College World Series;

Whereas Kurt Suzuki broke a 2 and 20 slump with the game winning RBI single;

Whereas the Fullerton roster also includes Joe Turgeon, Justin Turner, Clark Hardman, Mark Carroll, Blake Davis, Brett Pill, Ricky Romero, J.D. McCauley, Mike Martinez, Neil Walton, Ronnie Prettyman, Eric Hale, Evan McArthur, Brandon Tripp, Shawn Scobee, Scott Sarver, Bobby Andrews, Felipe Garcia, Ryan Schreppel, Danny Dorn, Armando Carrasco, Jon Wilhite, Nolan Bruyninckx, Lauren Gagnier, John Curtis, Evan Myrick, Dustin Miller, Vance Otake, Eric Echevarria, P.J. Pilittere, Sergio Pedroza, Geoff Tesmer, John Estes, Mark Davidson, and Vinnie Pestano;

Whereas Fullerton Coach George Horton was competing against his mentor, former Fullerton coach Augie Garrido, who led the Titans to 3 previous national championships;

Whereas the coaching staff of George Horton, Dave Serrano, Rick Vanderhook, and

Chad Baum deserve much credit for the accomplishments of their team;

Whereas the Fullerton baseball team has won national championships in 1979, 1984, 1995, and 2004, making it the only team to win a national championship in each of the past 4 decades;

Whereas the students, alumni, faculty, and supporters of Fullerton are to be congratulated for their commitment and pride in their institution: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the California State University, Fullerton Titans on their College World Series championship;

(2) recognizes the achievements of the team;

(3) requests that the President recognize the outstanding accomplishments of the team; and

(4) directs the Secretary of the Senate to make available a copy of this resolution to California State University, Fullerton for appropriate display and to transmit an enrolled copy of this resolution to the 2004 California State University, Fullerton team.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES WOMEN'S SOFTBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 417, submitted earlier today by Senators FEINSTEIN and BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 417) congratulating the University of California at Los Angeles women's softball team on winning the 2004 National Collegiate Athletic Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 417) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 417

Whereas on May 31, 2004, the University of California at Los Angeles ("UCLA") women's softball team won the 2004 National Collegiate Athletic Association ("NCAA") championship;

Whereas the 3 to 1 victory completed another UCLA softball title run, this time over the in-State rival, the California Bears;

Whereas the victory marked UCLA's tenth NCAA title in team history;

Whereas the UCLA women's softball team ended the season with an impressive 47 to 9 mark;

Whereas UCLA trailed 1 to 0 for the first 5 innings, before Claire Sua tied the game with a solo home run;

Whereas freshman pinch hitter Kristen Dedmon hit a crucial 2-RBI single to give UCLA the lead;

Whereas senior pitcher Keira Goerl became just the second pitcher in NCAA Division I history to win multiple title games;

Whereas the UCLA roster also includes Caitlin Benyi, Jaisa Creps, Lisa Dodd, Andrea Duran, Alissa Eno, Tara Henry, Ashley Herrera, Whitney Holum, Julie Hoshizaki, Jodie Legaspi, Stephanie Ramos, Nicole Sandberg, Amanda Simpson, Shana Stewart, Michelle Turner, and Emily Zaplatosch;

Whereas the coaching staff of Sue Enquist, Kelly Inouye-Perez, and Gina Vecchione deserve much credit for the accomplishments of their team;

Whereas the UCLA team is the first team to defend its NCAA title since 1997;

Whereas UCLA has won 10 of a possible 23 NCAA Division I softball championships; and

Whereas the students, alumni, faculty, and supporters of UCLA are to be congratulated for their commitment and pride in their institution: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles Bruins on winning the 2004 National Collegiate Athletic Association Championship;

(2) recognizes the achievements of the team;

(3) requests that the President recognize the outstanding accomplishments of the team; and

(4) directs the Secretary of the Senate to make available a copy of this resolution to University of California at Los Angeles for appropriate display and to transmit an enrolled copy of this resolution to the 2004 University of California at Los Angeles women's softball team.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 418, which was submitted earlier today by Senators SESSIONS, REID, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 418) designating September 2004 as "National Prostate Cancer Awareness Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 418) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 418

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas over the past decade, prostate cancer has been the most commonly diagnosed non-skin cancer and the second most common cancer killer of men in the United States;

Whereas over 230,000 men in the United States will be diagnosed with prostate cancer and 29,900 men in the United States will die of prostate cancer in 2004, according to American Cancer Society estimates;

Whereas 30 percent of new cases occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing the occurrence of cancer and, particularly, of prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate as much as 60 percent higher than White males and have double the mortality rates;

Whereas obesity is a significant predictor of prostate cancer severity and death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnosis, he has 5 times the risk, and if he has 3 family members with such diagnosis, he has a 97-percent risk of prostate cancer;

Whereas screening by both digital rectal examination and prostate specific antigen blood test can diagnose the disease in earlier and more treatable stages and reduce prostate cancer mortality;

Whereas ongoing research promises to further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2004 as "National Prostate Cancer Awareness Month";

(2) declares that the Federal Government has a responsibility to—

(A) raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) increase research funding that is commensurate with the burden of the disease so that the causes of prostate cancer, and improved screening, treatments, and a cure for prostate cancer, may be discovered; and

(C) continue to consider ways for improving the access to, and quality of, health care services for detecting and treating prostate cancer; and

(3) requests that the President issue a proclamation calling on the people of the United States, interested groups, and affected persons to—

(A) promote awareness of prostate cancer;

(B) take an active role in the fight to end the devastating affects of prostate cancer on individuals, their families, and the economy; and

(C) observe the month of September 2004 with appropriate ceremonies and activities.

AUTHORIZING PRINTING OF A COMMEMORATIVE DOCUMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 135, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 135) authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 135) was agreed to, as follows:

S. CON. RES. 135

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. COMMEMORATIVE DOCUMENT AUTHORIZED.

A commemorative document in memory of the late President of the United States, Ronald Wilson Reagan, consisting of the eulogies and encomiums for Ronald Wilson Reagan, as expressed in the Senate and the House of Representatives, together with the texts of the state funeral ceremony at the United States Capitol Rotunda, the national funeral service held at the Washington National Cathedral, Washington, District of Columbia, and the interment ceremony at the Ronald Reagan Presidential Library, Simi Valley, California, shall be printed as a Senate document, with illustrations and suitable binding.

SEC. 2. PRINTING OF DOCUMENT.

In addition to the usual number of copies printed, there shall be printed the lesser of—

(1) 32,500 copies of the commemorative document, of which 22,150 copies shall be for the use of the House of Representatives and 10,350 copies shall be for the use of the Senate; or

(2) such number of copies of the commemorative document that does not exceed a production and printing cost of $1,000,000, with distribution of the copies to be allocated in the same proportion as described in paragraph (1).

RECOGNIZING MEMBERS OF AMVETS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 308, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 308) recognizing the Members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 308) was agreed to.

The preamble was agreed to.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 647, 648, 649, and 650, en bloc, that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE UNITED STATES INSTITUTE OF PEACE ON THE OCCASION OF ITS 20TH ANNIVERSARY

The concurrent resolution (S. Con. Res. 109) commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institution for its contribution to international conflict resolution was considered and agreed to, as follows:

S. CON. RES. 109

Whereas the United States Institute of Peace (the Institute) was established by Congress in 1984 as an independent, nonpartisan Federal institution dedicated to the prevention, management, and peaceful resolution of international conflict;

Whereas the Institute fulfills its mandate from Congress through programs and projects that support peacemaking and the peaceful resolution of conflict abroad;

Whereas the Institute's broad congressional mandate has allowed the Institute to become a valued source of innovative ideas and practical policy analysis on peacemaking in zones of conflict around the world, thereby enhancing United States foreign policy;

Whereas the Institute is the result of long-term public interest and dedication from Senator Spark Matsunaga of Hawaii, Senator Jennings Randolph of West Virginia, Senator Mark Hatfield of Oregon, Senator Nancy Kassebaum of Kansas, Senator Claiborne Pell of Rhode Island, Representative Pat Williams of Montana, Representative Dante Fascell of Florida, Representative Dan Glickman of Kansas, Representative John Porter of Illinois, as well as Members of Congress today;

Whereas the Institute trains thousands of government officials, military and law enforcement personnel, humanitarian workers, and civic activists from the United States and abroad in the skills of professional peacemaking;

Whereas the Institute works to alleviate religious and ethnic strife through mediation, training programs, research, and opening of dialogue between and among religious factions;

Whereas the Institute promotes the development of the rule of law in post-conflict and transitional societies and provides assistance on constitution-drafting, judicial and police reform, law revision, and war crimes accountability;

Whereas the Institute examines the role of the media in international conflict including incitement and freedom of the press;

Whereas the Institute attracts new generations to the practice of peacemaking and has funded more than 150 graduate students as Peace Scholars specializing in the resolution and management of international conflict;

Whereas the Institute brings together practitioners and scholars from around the world as fellows in the distinguished Jennings Randolph Fellows Program to advance knowledge and to publish reports and books on topics related to the peaceful resolution of international conflict;

Whereas the Institute has trained hundreds of teachers and enhanced curricular materials related to international conflict, and has conducted educational seminars for thousands of educators at schools and universities around the country;

Whereas the Institute is strengthening curricula and instruction, from high school through graduate school, on the changing character of international conflict and nonviolent approaches to managing international disputes and has inspired the creation of dozens of courses and programs dedicated to these topics;

Whereas the Institute has made more than 1,500 grants totaling nearly $50,000,000 to individuals and nonprofit organizations in 48 States in support of educational, training, and research projects that have helped define and build the field of conflict prevention and conflict management in more than 64 foreign countries;

Whereas the Institute contributes to the advancement of conflict resolution education by awarding college scholarships to high school students through the annual National Peace Essay Contest, training and developing teaching guides for high school teachers, awarding grants to university students pursuing doctoral degrees in international conflict resolution, and awarding grants to universities and professors in the United States researching international conflict resolution;

Whereas the Institute works to bridge the divide with the Muslim world and facilitate cross cultural dialogue around the world, including in Russia and China;

Whereas the Institute's Balkans Initiative has made positive contributions to peacebuilding in that region including the facilitation of the Roundtable on Justice and Reconciliation in Bosnia and Herzegovina wherein key officials of the 3 ethnic groups—Croats, Serbs, and Muslims—came together to discuss war crimes;

Whereas the Institute has provided assistance to the Afghan judicial system by helping to locate, reproduce, translate, and distribute copies of Afghanistan's legal code, which was destroyed by the Taliban and facilitated discussions among the key institutions in the administration of criminal law and justice in Afghanistan;

Whereas the Institute assisted President Nelson Mandela with the development of South Africa's Truth and Reconciliation Commission that was instrumental in preventing post-apartheid bloodshed;

Whereas the Institute developed a detailed plan to handle accountability in the wake of the 1994 genocide in Rwanda, which became the basis for Rwandan Genocide Law, and assisted the Government of Rwanda in the implementation of the Law;

Whereas the Institute continues to work on the formation of a formal Israeli-Palestinian Joint Legal Committee to address legal issues and develop common approaches between the 2 different legal systems;

Whereas the Institute is committed to supporting religious coexistence and understanding in the Middle East, and elsewhere in the world;

Whereas the Institute has served as advisor and principal financial supporter of the Alexandria process, a group of prominent Muslim, Jewish, and Christian leaders from Israel, the Palestinian Authority, and Egypt, who in January 2002 produced the "Alexandria Declaration", a 7-point statement that calls, in the name of the 3 Abrahamic faiths, for the end to bloodshed in the Holy Land;

Whereas the Institute uses its convening power to bring together policymakers and experts on North Korea to discuss issues of security and proliferation on the Korean peninsula and develop policy recommendations;

Whereas the Institute is facilitating peace negotiations between the Government of the Philippines and the Moro Islamic Liberation Front—a Muslim insurgent group operating in the southern island of Mindanao;

Whereas the Institute is organizing programs in Iraq to strengthen the pillars of civil society and to contribute to stabilization and post-conflict peacebuilding, including training in conflict resolution for Iraqi security officials, orientation training for personnel from the United States, grantmaking to Iraqi organizations, collaboration with Iraqi universities, support for interethnic and interreligious dialogue, and assistance with rule of law issues; and

Whereas the Institute endeavors with the support of Congress in a public-private partnership to build a permanent headquarters on the National Mall as a working center on peace, education, training in conflict management skills, and the promotion of applied programs dedicated to resolution of international conflict: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of the founding of the United States Institute of Peace (the Institute) as a national and international resource for peaceful conflict management and looks forward to continuing to gain from its knowledge, teaching, and practical applications of conflict management as a way to promote United States security and peace in the world;

(2) recognizes that the Institute has become an important national resource for educational, training, and applied programs in the prevention, management, and resolution of international conflict;

(3) acknowledges the Institute's contribution to building the Nation's capabilities for the prevention, management, and resolution of international conflict and the advancement of peace and conflict resolution education;

(4) expresses appreciation to the founding men and women of the Institute and the support from the people of the United States;

(5) congratulates the Institute on its 20th anniversary and on its achievements in fulfilling its mandate from Congress; and

(6) directs the Secretary of the Senate to make available an enrolled copy of this resolution to the Institute.

NATIONAL VETERANS AWARENESS WEEK

The resolution (S. Res. 401) designating the week of November 7 through November 13, 2004, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country was considered and agreed to, as follows:

S. Res. 401

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 10, 2003, President George W. Bush issued a proclamation urging all the people of the United States to observe November 9 through November 15, 2003, as "National Veterans Awareness Week": Now, therefore, be it

Resolved,

SECTION 1. NATIONAL VETERANS AWARENESS WEEK.

(a) Sense of the Senate.—It is the sense of the Senate that the President should designate the week of November 7 through November 13, 2004, as "National Veterans Awareness Week".

(b) Proclamation.—The Senate requests the President to issue a proclamation—

(1) designating the week of November 7 through November 13, 2004, as "National Veterans Awareness Week" for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) calling on the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

SMOKEY THE BEAR'S 60TH ANNIVERSARY

The resolution (S. Res. 404) designating August 9, 2004, as "Smokey Bear's 60th Anniversary" was considered and agreed to as follows:

S. Res. 404

Whereas Smokey Bear's service to the United States for 60 years has protected the Nation's forests above and beyond the call of duty;

Whereas Smokey Bear has been dedicated to educating Americans of all ages and particularly America's youth, the future stewards of our forests, about the need for vigilance concerning forest health and wildfires;

Whereas Smokey Bear's message of vigilance can also be applied to the need (1) to remove unnatural accumulations of hazardous fuels from the public forests of the United States; (2) to clear defensible space around homes and escape routes in the wildland-urban interface; and (3) to suppress forest fires that threaten communities or valuable natural resources;

Whereas the Smokey Bear campaign is the longest running public service campaign in the history of the United States;

Whereas Smokey Bear was the first individual animal ever to be honored on a postage stamp;

Whereas the Forest Service of the Department of Agriculture is committed to increasing public information and awareness about wildfires and forest protection;

Whereas the Forest Service of the Department of Agriculture is devoted to changing the public's behavior concerning wildfires in an effort to maintain and protect the natural resources and wildlife of the United States; and

Whereas the Forest Service of the Department of Agriculture, the National Association of State Foresters, and the Advertising Council have provided extraordinary support and dedication to the purpose and efforts of Smokey Bear: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 9, 2004, as "Smokey Bear's 60th Anniversary"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

NATIONAL MAMMOGRAPHY DAY

The resolution (S. Res. 407) designating October 15, 2004, as "National Mammography Day" was considered and agreed to as follows:

S. Res. 407

Whereas according to the American Cancer Society, in 2004, 215,990 women will be diagnosed with breast cancer and 40,110 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality from breast cancer than White women and more than a 100 percent greater mortality from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 15, 2004, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

AMENDING TITLES III AND IV OF SOCIAL SECURITY ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3463, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3463) to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I rise in support of H.R. 3463, the SUTA Dumping Prevention Act of 2003. This bill cleared the House on July 14 by voice vote, and was held at the desk in the Senate to facilitate its quick passage. On July 15, I introduced a companion bill with Senator KENNEDY, S. 2662, and it is cosponsored by Senators GRASSLEY, BAUCUS, ENSIGN, LEVIN, GREGG and MURRAY.

SUTA stands for State Unemployment Tax Avoidance. This bill addresses employers who have lowered their State unemployment tax rate by changing their "experience rating." Experience rating is used to determine an employer's unemployment tax rate. It means that companies who have laid off more workers are required to pay more in State unemployment taxes, and companies that have had fewer layoffs pay less. Experience rating provides several incentives for employers, including encouraging employers to maintain a stable workforce, and an incentive to contest claims when employees quit or are fired for cause.

This legislation cracks down on employers who intentionally avoid paying their fair share of State unemployment taxes. It prohibits shifting employees into shell companies with the sole purpose being to avoid paying the proper amount in unemployment taxes by changing their experience rating. H.R. 3463 ends this abusive practice by requiring States to deter tax rate manipulation and prevent SUTA dumping by requiring that tax rate-related unemployment experience be transferred with a business once it is transferred to another employer. It also imposes penalties when the law is violated.

SUTA dumping was first exposed in December 2002 by the Labor Department's Employment and Training Administration. Since then several States have enacted SUTA dumping legislation, including Arkansas, Maine, North Carolina and Washington. Though according to the General Accounting Office, three-fifths of State unemployment administrators indicated their State law is unable to combat the problem.

H.R. 3463 also includes language to make sure unemployment insurance payments are not fraudulently paid to people who have returned to work. The legislation includes a new hire database provision that authorizes States to access nationwide work history information to ensure that workers on a payroll are not also collecting an unemployment check.

The Congressional Budget Office estimates that H.R. 3463 will decrease the Federal deficit by $499 million over 5 years and $510 million over 10 years. The savings result from increased collections from employers who are currently engaging in SUTA dumping, and additional savings from eliminating fraudulent unemployment insurance payments to employed workers. The SUTA dumping provision will reduce the Federal deficit by $429 million over 10 years, and the new hire database provision by $81 million over 10 years.

These revenues will be added to unemployment trust funds, which include triggers that lower unemployment tax rates as trust fund balances rise. Enactment of H.R. 3463 promotes fairness and will lead to reduced tax rates for employers who are today overtaxed.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3463) was read the third time and passed.

RECOGNIZING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Mr. FRIST. I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 221 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 221) recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed en bloc, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities are credited with making higher education financially attainable for individuals who otherwise may not have been able to afford postsecondary education;

Whereas historically Black colleges and universities have significant success rates.

Whereas historically Black colleges and universities provide a supportive social, cultural, and racial environment for people of color who are seeking a college education;

Whereas in the United States historically Black colleges and universities have educated 75 percent of all Blacks having Ph.D.s, 46 percent of all Black business executives, 50 percent of all Black engineers, and 80 percent of all Black Federal judges;

Whereas in the United States historically Black health professional schools have trained an estimated 40 percent of all Black dentists, 50 percent of all Black pharmacists, and 75 percent of all Black veterinarians;

Whereas in the United States historically Black colleges and universities have educated an estimated 50 percent of all Black attorneys and 75 percent of all Black military officers; and

Whereas historically Black colleges and universities have produced Members of the United States Congress, State legislators, writers, musicians, actors, engineers, journalists, teachers, scholars, judges, pilots, activists, business leaders, lawyers, and doctors: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports the goals and ideals of National Historically Black Colleges and Universities;

(2) salutes and acknowledges historically Black colleges and universities and their presidents, faculties, staff, and trustees for their vigorous and persistent efforts in support of equal opportunity in higher education;

(3) commends the students who benefit from historically Black colleges and universities for their pursuit of academic excellence; and

(4) requests that the President issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

CONGRESSIONAL AWARDS GOLD MEDAL RECIPIENTS

Mr. FRIST. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 400 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 400) recognizing the 2004 Congressional Awards Gold Medal Recipients.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 400) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 400

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need positive direction as they transition into adulthood;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Congressional Awards program is committed to recognizing our Nation's most valuable asset, our youth, by encouraging them to set and accomplish goals in the areas of volunteer public service, personal development, physical fitness, and expedition/exploring;

Whereas more than 14,000 young people have been involved in the Congressional Awards program this year;

Whereas through the efforts of dedicated advisors across the country this year 176 students earned the Congressional Award Gold Medal; and

Whereas increased awareness of the program's existence will encourage youth throughout the Nation to become involved with the Congressional Awards: Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the 2004 Congressional Award Gold Medal recipients: Kori Agin-Batten, Elsbeth Allen, Noah Anderson, Geoffrey Patrick Arai, Kristyn Amour, Stephen Asker, Benjamin Jacob Ulrich Banwart, Elizabeth Barker, Robert G. Barnett, Christopher Belcher, Regina Bennis-Hartman, Samuel B. Blumberg, Christopher Bosch, Barrett Brandon, Blair Brandon, Brooke Brandon, Lindsey Buscemi, Adam M. Cain, Daniel Campis, Tina Cannon, Kent Cheung, Alexander Chun, Madeleine Clark, Sarah Clark, Michael Clontz, Michelle Coxe, Jeremy Crump, Kimberly Dahl, Dung Dam, Quoc Dam, Tri Dam, Kaitlin Davis, Deanna M. DeGregorio, Erin J. DeGroot, Katherine D. DeGroot, John Daniel DeJarnette, Clifton Michael Der Bing, Joshua W. Detherage, Christina Dodson, Matthew Doumar, Lindsay Madison Elgart, Marisa Enrico, Elizabeth Erratt, Julia Evans, Dewan Kazi Farhana, Amanda Feldman, Sarah Finch, Justin Floyd, Amanda Flynn, Richard Zachary Freed, Rigoberto Garcia, Yaneth Garcia-Lopez, Amanda Gersch, Cory Gibson, Anna Gorin, Arielle Gorin, Gina Marie Gormley, Daniel Grad, Tabitha Grad, Rebecca Marie Green, Megan Hanson, Nicole Hanson, Ryan Headley, John Baron Hoff, Jessica Honan, Laura Honan, Lindsey Howard, Harry Kline Howell III, Dermot Sean Hoyne, Daniel Hults, Manuel Ibarra, Angeles Jacobo, Jennifer Anne Jasper, Sarah Jennings, Tabitha Jennings, Tyler Jussel, Atul Kapila, Nikolas Kappy, Megan Kavanagh, Cristina Kavendek, Abbie Klinghoffer, Alexander J. Knihnicky, Ross Kozarsky, Jeffrey David Lambin, Andrew Langfield, Heather R. Leung-Van Hassel, Grace Lichlyter, Zachary Myles Lindsay, Jessica M. Link, Katherine Victoria Lugar, Ryan MacCluen, Raul Magdaleno, Raymond Malapero, Jonathan R. Mason, Rebecca N. Massicotte, Kelly McCormick, Benjamin McDonough, Alyssa McIntyre, Richelle Milburn, Sri Hari Miskin, Sarath Mom, Eric Moulton, Kathleen Mullins, Sarah Mullins, Carolina Munoz, Christine Murray, Kathleen Murray, Samuel Nassie, Douglas Neder, Matthew Neder, Patrick Novak, Ricardo Nunez, Maria Fatima Olvera-Santana, Sona Or, Lauren Pace, Colby Patchin, Emily C. Patchin, Jamin Patel, Elizabeth Philbin, Daniel R. Philbrick, Lauren Priori, Christy Pugh, Hannah Qualls, Sarah Raymond, Brett Rendina, Kristen N. Richter, Margarete Rosenkranz, Erin Rosen-Watson, Julie Rothfarb, Sarah Ann Rudoff, Maggie Salter, Stacia Scattolon, Jessinah Schaefer, Rachel Lyn Schmidt, Lindsay Schroeder, Megan Schroeder, Loni L. Schumacher, Magan Lindsey Scott, Mallory J. Selzer, Jessica Seppi, Anupriya Singhal, Elyssa Starr Sisko, Geoffrey Morgan Smith, Kayla Smith, Michael Smyth, Eric Snyder, Karin Marie Spindler, Georgia Stegall, Charles Strong, Jared Cameron Sullivan, Danielle Sutter, Creighton Lee Taylor, Matthew M. Thies, Sarah Tipton, Erick Todd, Elaine Trahan, Landon Trost, Christine Truesdell, Georgette Tzatzalos, Staff Sergeant Cornelio Umali, Lacey VanderBoegh, Katherine Warner, Emily J. Warren, Kate V. Warren, Brian Washakowski, Crystal-Mae Waugh, Elyse Weissman, Joanna Whitten, Brent Wright, Chantelle Wright, Trevor John Wright, Christopher Zaehringer, Brian Zobel, Christopher Zobel, and Matthew Zobel; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Congressional Awards program.

ENCOURAGING INCREASED INVOLVEMENT IN ASSISTING SENIOR CITIZENS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 409 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 409) encouraging increased involvement in service activities to assist senior citizens.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 409) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 409

Whereas approximately 13,000,000 individuals in the United States have serious long-term health conditions that may force them to seek assistance with daily tasks;

Whereas 56 percent of the individuals in the United States with serious long-term health conditions are age 65 or older;

Whereas the percentage of the population over the age of 65 is expected to rise from 13 percent in 2004 to 20 percent in 2020;

Whereas the number of individuals entering the workforce and the number of health care professionals with geriatric training are not keeping pace with the changing demographics;

Whereas medicaid paid for 51 percent of total long-term care spending in 2002, as compared to the 15 percent of total long-term care spending paid by medicare;

Whereas the long-term care system of the United States, funded largely with Federal and State dollars, will have difficulty supporting the coming demographic shift;

Whereas 80 percent of seniors live at home or in community-based settings;

Whereas 3,900,000 people of the United States who are over age 65 receive long-term care assistance in home and community settings;

Whereas 65 percent of seniors who need long-term care rely exclusively on friends and family, and another 30 percent rely on a combination of paid caregivers and friends or family;

Whereas 15 percent of all seniors over the age of 65 suffer from depression;

Whereas studies have suggested that 25 to 50 percent of nursing home residents are affected by depression;

Whereas approximately 1,450,000 people live in nursing homes in the United States;

Whereas by 2018 there will be 3,600,000 seniors in need of a nursing home bed, which will be an increase of more than 2,000,000 from 2004;

Whereas as many as 60 percent of nursing home residents do not have regular visitors;

Whereas older patients with significant symptoms of depression have significantly higher health care costs than seniors who are not depressed;

Whereas people who are depressed tend to be withdrawn from their community, friends, and family;

Whereas the Corporation for National and Community Service (CNS) Senior Corps programs currently provide seniors with the opportunity to serve their communities through the Retired and Senior Volunteer Program, Foster Grandparent Program, and Senior Companion Program;

Whereas through the Senior Companion Program in particular, in the 2002 to 2003 program year, more than 17,000 low-income seniors volunteered their time assisting 61,000 frail elderly and homebound individuals who have difficulty completing daily tasks;

Whereas numerous volunteer organizations across the United States enable Americans of all ages to participate in similar activities;

Whereas Faith in Action, 1 volunteer organization, brings together 40,000 volunteers of many faiths to serve 60,000 homebound people with long-term health needs or disabilities across the country, 64 percent of whom are 65 years of age or older;

Whereas the thousands of volunteers that, through the Senior Companion Program and volunteer organizations nationwide, provide companionship and assistance to frail elderly individuals and homebound seniors, deserve to be commended for their work;

Whereas the demand for these services outstrips the number of volunteers, and organizations are seeking to enlist more individuals in the United States in the volunteer effort;

Whereas companionship and assistance programs for seniors with long-term health needs offer many demonstrated benefits, such as: allowing frail elderly individuals to remain in their homes; enabling seniors to maintain independence for as long as possible; providing encouragement and friendship to lonely seniors; and providing relief to family caregivers;

Whereas regular visitation and assistance is the best way of assuring seniors that they have not been forgotten, and State and local recognition of regular visitation programs can call further attention to the importance of volunteering on an ongoing basis; and

Whereas a month dedicated to service for seniors and recognized across the United States will call attention to volunteer organizations serving seniors and provide a platform for recruitment efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2004 as "Service for Seniors Month";

(2) recognizes the need for companionship and assistance with daily tasks among seniors with long-term health conditions throughout the year, and encourages the people of the United States to volunteer regularly with homebound frail elderly or at a nursing home or long-term care facility;

(3) encourages volunteer organizations that offer companionship and assistance to seniors to incorporate "Service for Seniors Month" in their recruitment efforts;

(4) encourages individuals in the United States to volunteer in these service organizations in order to give back to a generation that sacrificed so much; and

(5) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe "Service for Seniors Month" with appropriate ceremonies and activities that promote awareness of, and volunteer involvement service for, seniors with long-term health needs.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PURPLE HEART RECOGNITION DAY

Mr. FRIST. Mr. President, I ask unanimous consent the Armed Services Committee be discharged from further consideration of S. Con. Res. 112, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 112) supporting the goals and ideals of National Purple Heart Recognition Day.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 112) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 112

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Purple Heart Recognition Day;

(2) encourages all people of the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for people who have been awarded the Purple Heart.

HONORING THE MEMBERS OF THE ARMY MOTOR TRANSPORT BRIGADE WHO DURING WORLD WAR II SERVED IN THE TRUCKING OPERATION KNOWN AS THE RED BALL EXPRESS FOR THEIR SERVICE AND CONTRIBUTION TO THE ALLIED ADVANCE FOLLOWING THE D-DAY INVASION OF NORMANDY, FRANCE

Mr. FRIST. I ask unanimous consent the Armed Services Committee be discharged from further consideration of H. Con. Res. 439, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 439) honoring the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion of Normandy, France.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. FRIST. I further ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table, all with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 439) was agreed to.

The preamble was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Thomas P. Golden of Tennessee.

AUTHORIZING THE MAJORITY LEADER OR ASSISTANT MAJORITY LEADER AND THE SENIOR SENATOR FROM VIRGINIA TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. I ask unanimous consent that during the adjournment of the Senate, the majority leader or assistant majority leader and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING COMMITTEES TO REPORT LEGISLATIVE AND EXECUTIVE MATTERS

Mr. FRIST. I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Wednesday, August 25, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING APPOINTMENTS BY THE PRESIDENT OF THE SENATE, THE PRESIDENT OF THE SENATE PRO TEMPORE, AND THE MAJORITY AND MINORITY LEADERS

Mr. FRIST. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, The President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF BOTH HOUSES OF CONGRESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 479 which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 479) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 479) was agreed to, as follows:

H. Con. Res. 479

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 22, 2004, or Friday, July 23, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 7, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, July 22, 2004, Friday, July 23, 2004, or Saturday, July 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 7, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDERS FOR TUESDAY, SEPTEMBER 7, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 479 until 12 noon on Tuesday, September 7. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with statements only until 5 p.m., with the time equally divided in the usual form; provided that following morning business the Senate proceed to executive session as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the next vote will occur at 5:30 p.m. on Tuesday, September 7. There will be at least two votes on district judges and a third judge is expected to be confirmed by voice vote.

We have a number of issues remaining when we return from the August break. In addition to the executive nominations, we must continue the appropriations process.

In addition, the Judiciary Committee reported a constitutional amendment regarding flag desecration, and we will want to debate that measure.

Having said that, there will be much work to do and there will be very little time to do it.

I wish everyone a safe and happy recess. I hope everyone has time over the next several weeks to recharge their batteries, for it will be a busy fall legislative period.

I thank everyone for their efforts and hard work throughout this time.

Mr. REID. Mr. President, will the distinguished majority leader allow me to call a quorum?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to H.R. 4417, the Biometric Visa bill, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

Mr. REID. Mr. President, reserving the right to object, I want the RECORD to be spread with the fact that Senator FEINSTEIN has allowed this matter to pass. We have worked on the matter and she feels strongly about the CalFed bill. Numerous staff have worked on this for hours and hours today. Several times today we thought we had it done, and it didn't work out. .

The distinguished majority leader and his staff indicated—I also want the RECORD to reflect this—that everything will be done when we get back to see if we can get this bill which the Senator from California feels so strongly about.

But again, this would not have happened but for the cooperation of the distinguished Senator from California, Senator FEINSTEIN.

No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4417) was read the third time and passed.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 7, 2004

Mr. FRIST. Mr. President, finally, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 479.

There being no objection, the Senate, at 11:46 p.m., adjourned until Tuesday, September 7, 2004, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 22, 2004:

COMMODITY FUTURES TRADING COMMISSION

SHARON BROWN-HRUSKA, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2009. (REAPPOINTMENT)

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JAMES S. SIMPSON, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE JAY C. EHLE.

DEPARTMENT OF ENERGY

KAREN ALDERMAN HARBERT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY), VICE VICKEY A. BAILEY.

INTER-AMERICAN DEVELOPMENT BANK

HECTOR E. MORALES, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE JOSE A. FOURQUET, RESIGNED.

INTERNATIONAL MONETARY FUND

ALAN GREENSPAN, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

THE JUDICIARY

CHRISTOPHER A. BOYKO, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE PAUL R. MATIA, RETIRING.

DEPARTMENT OF JUSTICE

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE RICHARD S. THOMPSON, RESIGNED.

RICHARD B. ROPER III, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE JANE J. BOYLE, RESIGNED.

DEPARTMENT OF THE TREASURY

GREGORY FRANKLIN JENNER, OF OREGON, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE PAMELA F. OLSON, RESIGNED.

DEPARTMENT OF STATE

YOUSIF B. GHAFARI, OF MICHIGAN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JANE DEE HULL, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARJORIE B. MEDINA, 7512

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HENRY LEE EINSEL JR., 3109

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROBERT L. MUNSON, 7660

DEPARTMENT OF ENERGY

JOHN S. SHAW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH), VICE BEVERLY COOK, RESIGNED.

DEPARTMENT OF THE TREASURY

ANNA ESCOBEDO CABRAL, OF VIRGINIA, TO BE TREASURER OF THE UNITED STATES, VICE ROSARIO MARIN.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 22, 2004:

DEPARTMENT OF ENERGY

JERALD S. PAUL, OF FLORIDA, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF DEFENSE

TINA WESTBY JONAS, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

THE JUDICIARY

JOHN O. COLVIN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF THE TREASURY

CHARLES L. KOLBE, OF IOWA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 14, 2004.

CENTRAL INTELLIGENCE

LARRY C. KINDSVATER, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.

DEPARTMENT OF HOMELAND SECURITY

DAVID M. STONE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CAPTAIN SAMUEL P. DE BOW, JR., NOAA FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (O–8), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, NOAA CORPS AND DIRECTOR, OFFICE OF MARINE AND AVIATION OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 3028(D)(1).

CAPTAIN RICHARD R. BEHN, NOAA FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (O–7), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, MARINE AND AVIATION OPERATIONS CENTERS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 3028(D)(1).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS M. PIERCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DUNCAN J. MCNABB

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL YVES J. FONTAINE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DON T. RILEY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JERRY M. RIVERA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GREGORY J. HUNT

To be brigadier general

COL. JOSE M. VALLEJO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BANTZ J. CRADDOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES L. CAMPBELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. BROWN III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GLENN K. RIETH

DEPARTMENT OF DEFENSE

VALERIE LYNN BALDWIN, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

DEPARTMENT OF STATE

JOHN RIPIN MILLER, OF WASHINGTON, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CORNELL A. WILSON, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT D. PAPAK
COL. EUGENE G. PAYNE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RANDOLPH D. ALLES
COL. JOSEPH F. DUNFORD, JR.
COL. PAUL E. LEFEBVRE
COL. RICHARD P. MILLS
COL. MARTIN POST

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES F. AMOS

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD J. MAULDIN
REAR ADM. (LH) ANTHONY L. WINNS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TIMOTHY J. MCGEE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STEVEN L. ENEWOLD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STANLEY D. BOZIN
REAR ADM. (LH) CHARLES T. BUSH
REAR ADM. (LH) JEFFREY B. CASSIAS
REAR ADM. (LH) WILLIAM D. CROWDER
REAR ADM. (LH) RICHARD K. GALLAGHER
REAR ADM. (LH) DAVID A. GOVE
REAR ADM. (LH) TIMOTHY L. HEELY
REAR ADM. (LH) GARY R. JONES
REAR ADM. (LH) JAMES D. KELLY
REAR ADM. (LH) THOMAS J. KILCLINE, JR.
REAR ADM. (LH) SAMUEL J. LOCKLEAR III
REAR ADM. (LH) JOSEPH MAGUIRE
REAR ADM. (LH) ROBERT T. MOELLER
REAR ADM. (LH) ROBERT D. REILLY, JR.
REAR ADM. (LH) JACOB L. SHUFORD
REAR ADM. (LH) PAUL S. STANLEY
REAR ADM. (LH) MILES B. WACHENDORF
REAR ADM. (LH) PATRICK M. WALSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. TIMOTHY J. KEATING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. JOHN B. NATHMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ROBERT F. WILLARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALBERT T. CHURCH III

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) DALE G. GABEL
REAR ADM. (LH) JEFFREY M. GARRETT
REAR ADM. (LH) STEPHEN W. ROCHON

AIR FORCE NOMINATIONS BEGINNING LORENA A. * BAILEY AND ENDING JASON P. * ZIMMERER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.

AIR FORCE NOMINATIONS BEGINNING RANDALL M. ASHMORE AND ENDING JAMES O. WOOTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2004.

AIR FORCE NOMINATION OF NORMAN L. WILLIAMS.

AIR FORCE NOMINATION OF THOMAS R. BIRD.

AIR FORCE NOMINATIONS BEGINNING REX A. HINESLEY AND ENDING JERI K. SOMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

AIR FORCE NOMINATIONS BEGINNING PETER W. BICKEL AND ENDING WILLIAM D. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

AIR FORCE NOMINATIONS BEGINNING DONALD A. AHERN AND ENDING MICHAEL A. WOBBEMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

ARMY NOMINATIONS BEGINNING STEPHAN A. * ALKINS AND ENDING CLORINDA K. ZAWACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2004.

ARMY NOMINATIONS BEGINNING DOUGLAS R. DIXON AND ENDING THORPE C. WHITEHEAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2004.

ARMY NOMINATIONS BEGINNING NANCY H. FIELDING AND ENDING TAMMY L. MIRACLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2004.

ARMY NOMINATIONS BEGINNING BRIAN R. COPES AND ENDING DENNIS P. SIMONS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2004.

NAVY NOMINATION OF GERALD R. MANLEY.

NAVY NOMINATIONS BEGINNING BRIAN S. ADAMS AND ENDING JOHN M. ZUZICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2004.

NAVY NOMINATIONS BEGINNING MYLES E. BROOKS, JR. AND ENDING JAMES E. WATTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING BILLY M. APPLETON AND ENDING MIL A. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING CARLA M. ALBRITTON AND ENDING EDWARD L. ZAWISLAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING MICHAEL T. ACROMITE AND ENDING CRAIG M. ZELIG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING TIMOTHY A. ACKERMAN AND ENDING TERRY D. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING STEVEN E. ALLEN AND ENDING SHARON M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING KRISTEN N. ATTERBURY AND ENDING MARY A. YONK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING DAVID A. BERGER AND ENDING ERIN E. STONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING JOHN J. ADAMETZ AND ENDING BARNEY S. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

COAST GUARD NOMINATION OF CRAIG S. TOOMEY.

COAST GUARD NOMINATION OF LAURIE J. MOSIER.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING JOHN C. CLARY III AND ENDING ANDREW P. SEAMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2004.

HOUSE OF REPRESENTATIVES—*Thursday, July 22, 2004*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your prophet Ezekiel envisioned an idealized kingdom. Just as any patriot does for his or her country. As people of faith, the Members of Congress also have ideals for the Nation. And we pray that their visionary hopes will be realized.

Perhaps it is our own longing for equal justice for all within our boundaries and our desire for homeland security along our borders that help us best to understand the prophetic action of Ezekiel setting boundaries for all the tribes of Israel.

Perhaps he teaches us that we need to set boundaries ourselves as the best way for keeping peace and assuring prosperity. Each State, each community, doing its part to make the whole Nation strong and responsible.

In the end, Ezekiel saw You, the all-holy Lord God, dwelling in the midst of it all. From this center all power would flow in and out. From this center where You dwell all else would be measured and all would be held together.

Lord God, dwell in our midst, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4226. An act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty".

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2249. An act to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. Con. Res. 125. Concurrent resolution recognizing the 60th anniversary of the Warsaw Uprising during World War II.

S. Con. Res. 130. Concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minute speeches per side.

NO AVERAGE SUIT

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I know the photo behind me looks like an average business suit. It is not. It is a weapon of mass destruction. Highly classified documents were removed from the National Archives. The Justice Department is investigating Sandy Berger, having secreted away some misplaced highly classified documents that could be potentially embarrassing to the former administration.

What in heaven's name was he thinking? Why would he risk both his reputation and possible prosecution? What is there to hide in this coat?

At the very least it is gross negligence, and at the most it is a national security crises. With his experience, no one can claim that these are the actions of a bumbling or absent-minded government employee. Sandy Berger knows better.

Since when is taking and misplacing classified documents ever an honest mistake? And we thought it was bad when the last administration was just taking the furniture.

BAD HABITS OF THE WHITE HOUSE

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, the White House read the 9/11 Commission report. They know how damaging it is going to be, so they leaked the Sandy Berger story to distract attention away from this report.

This is a bad habit of this White House. They leak a story to change the subject when they are in deep political trouble. They leaked the identity of a CIA agent whose husband criticized this administration. They leaked Dick Clarke's memo when he criticized them. And they leaked documents to discredit Paul O'Neill after he criticized them.

The timing here, unfortunately, again, is very suspicious. We need some answers here. Can we trust this Justice Department to investigate fairly and impartially who leaked this? And why is this administration trying to distract the American people again from the 9/11 Commission report, a commission that this White House did not support the creation thereof or the continuation of this commission? And most importantly, does this administration trust the American people with the truth? I think not.

GOOD NEWS FROM THE PRESIDENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, I would like to express my appreciation to President Bush for the good news he has given all Americans.

Thanks to his efforts to combat terrorism, terrorists around the world are on the run. Thanks to his economic initiatives, more than one million new jobs have been created in the last several months. Thanks to his education legislation, America's children are doing better in school. Thanks to his Medicare reform, seniors pay less for prescription drugs. Thanks to his tax relief, every taxpayer has more to spend on their family's needs.

Yet, many of the President's opponents, frankly, hate him and the national media is biased against him. Why does the President's good news bring out the worst in others?

Well, I do not know, but I do have a hunch that most Americans will give the President their heartfelt thanks on Election Day.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ONGOING ADMINISTRATION FAILURE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, well, the Republicans can try and dredge up the ghosts of administrations past, but this commission report released this morning says that both the Clinton and Bush administrations are equally culpable in 9/11. What they say is there is an ongoing failure. The greatest failure is of our intelligence agencies and law enforcement agencies to share information.

They say no matter how much money you dump into the intelligence agencies, they are going to continue to fail because of the culture of keeping their own information. They say we need to establish a new way of sharing information among those agencies.

The gigantic bureaucracy of the Department of Homeland Security, written on the back of a napkin by Karl Rove at the White House, did not get there because it excluded the intelligence agencies who failed the United States of America. Nothing has been done about this ongoing failing to integrate the information. They put out something called the TTIC, the Terrorist Threat Information Center. Guess what? They send low-level people there on short details and they do not share. They are like 3-year-olds about billion dollar budgets.

They have the information to make this country safe. It is time for this Congress and this administration to take the steps we need that are outlined in this report. Forget about Sandy Berger and a bunch of other B.S.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). The Members are reminded to avoid profanity.

IRAQ'S RETURN TO NORMALCY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, there is still a lot to do, but as we speak the Iraqi government is making progress. Iraqi police are rounding up kidnappers. The Kurds have captured 15 foreign militants in Kirkuk, including a key leader and an al-Qaeda affiliate.

The number of Arab and other foreign fighters currently detained in Iraq continues to grow. Iraq's border police have apprehended more than 60,000 foreigners in the past 7 months, most of them Iranians trying to enter Iraq illegally, and there are plenty of signs that the residents of Baghdad are finding a sense of normalcy amidst the transition to democracy.

Five teams participated in the first Iraqi baseball tournament, including two female teams. Nightlife is returning to the banks of the Tigris River, and residents have started frequenting summer cafes.

In Mosul the military is working with Iraqis to dig wells, renew archeological digs, build a laboratory and repair a hospital elevator.

The Iraqi people are making progress despite the ongoing efforts of terrorists to drag them back to the dark ages of Saddam Hussein.

WILL THE PRESIDENT KEEP HIS COMMITMENTS?

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, every single law enforcement organization, including the Fraternal Order of Police, the National Sheriffs Association, supports our efforts, or lack of them, our efforts to continue the ban on assault weapons. Their only purpose is to kill or maim. The President made a commitment in his campaign in 2000. He said it. I did not. He said he would continue that ban, and now he is gone back on it.

Now, Mayor Bloomberg of New York said something very interesting 2 weeks ago. You folks are going up there for your convention. They had 11 homicides 2 weekends ago. He stood in a press conference and said, there are too many weapons on the street.

I say to Mayor Bloomberg, call your President, remind him of the commitment he made in the 2000 campaign, the presidential campaign, and make sure he keeps those commitments. We do not need another Columbine. We do not need another spraying of people who are innocently lost day in and day out. What we need is keeping our commitment. Will the President?

SLOPPY SOCKS SCANDAL

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I am hearing from my constituents on the Sandy Berger sloppy socks scandal. They are horrified, absolutely horrified that somebody who was trusted with our Nation's security would stoop to such a level of carelessness that now we have the situation where it appears he has stuffed it in his socks, in his pants pocket, in his jacket pocket and has taken frequent, frequent restroom breaks.

What happened with the documents?

They are offended that the former President would make this a laughing matter and talk about how he laughed about the carelessness.

Let me tell you, my constituents want some answers.

Here is an e-mail from one of my constituents. "I do not care when it was discovered or when it was released, only that it took place. I am very concerned that any government representative would minimize the action or regard it as sloppy, careless or a mistake. It is a crime."

The people want answers. They expect a full investigation.

□ 1015

THE 9/11 COMMISSION REPORT

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, as I got up this morning, I heard on CNN news that the Republican leadership had already decided we cannot do anything about the 9/11 report until next year.

What we come to this morning is, first, the gentleman from Florida, now the lady from Tennessee, to tell us that the problem is Sandy Berger. Hey, folks, do not pay any attention to that report, just look at Sandy Berger's picture. Come on, look at Sandy Berger's picture. Look at Sandy Berger's picture. That is what you want to do.

This is a distraction by the White House. This is a damning report, and we can spend all the time we want to blaming people here, but the question is what are we going to do.

The Republicans say they care about terrorism. This here is a report that gives us concrete things to do; and the leadership of the Republican Party says, well, put this up on the shelf, this 9/11 report, just put it up there, and let us go down and talk about Sandy Berger.

Did anything get lost? Did the commission say they could do not their work? Did the Justice Department come to it with any charges against Mr. Berger? No.

Now, we do not want to talk about the White House and Vivian Plame, or whatever her name was, that they outed or the majority leader who seems to be in some difficulty in Texas. We do not want to talk about that stuff. Let us talk about what needs to be done with the terrorism report.

THE DEFENSE DEPARTMENT WASTES A LOT OF MONEY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, almost every Member of this Congress wants us to have a strong military, and we all want to support our troops. Yet almost everyone realizes, too, that the Defense Department unfortunately wastes a lot of money.

It seems to me that we have an obligation to the taxpayers to speak out against this waste, or it will get even worse.

Now national news organizations and publications have reported that the Defense Department has paid for 556 breast enlargements and 1,592 liposuctions for soldiers and dependents from 2000 through the first 3 months of 2004. These are very expensive operations.

I realize the Federal bureaucrats can rationalize or justify almost any expense, especially since it is not coming out of their pockets, but soldiers have an obligation to stay in shape and meet physical fitness requirements and should not need liposuction for severe obesity.

Certainly, it does not make any sense to say that breast enlargements will make women better soldiers.

THE NATIONAL DEBT

(Mr. MATHESON asked and was given permission to address the House for 1 minute.)

Mr. MATHESON. Mr. Speaker, since the start of the current administration in January of 2001, the national debt has increased by $1,639,772,884,702.

According to the Web site for the Bureau of the Public Debt at the U.S. Department of the Treasury, yesterday the Nation's total outstanding, privately held debt was $4,228,551,437,783.

Foreign holdings of U.S. privately held debt now total $1.75 trillion. This is an increase of $740 billion since January of 2001, and it is 41 percent of all privately held U.S. debt.

For the sake of our children and our grandchildren, the fiscal health of our country deserves far better care and attention from the White House and from this Congress.

WHAT ARE WE WAITING FOR?

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, before the ink was even dry on the 9/11 report, before we even had a chance to read it, some were saying we should delay any action on the 9/11 Commission's recommendations.

I have one simple question: What are we waiting for? Did we miss the point of 9/11? Remember, we cannot spell 9/11 without 9–1–1 and 9–1–1 means urgent, emergency, act now, life or death. It does not mean let us table this discussion until after the election.

The bipartisan commission has called for the creation of a national terrorist center with a new Cabinet-level intelligence chief. They call for the creation of a Joint House and Senate Committee on Intelligence with budget power. I say, great, let us do it, let us act now. What are we waiting for? What part of 9/11 does the leadership of this House not understand?

9/11 COMMISSION REPORT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today the bipartisan 9/11 Commission gave their report to Members of Congress, and I think it was a solid report.

It pointed out we just did not have the imagination to perceive our enemies hating us so much that they would use airplanes as missiles and attack us in the somewhat cowardly, surprised manner that they did. We did not have the capabilities in our intelligence community because we looked at it through Cold War visions. We should have been looking ahead. Finally, we did have not the right management tools. The CIA, the FBI, and other agencies were not talking to each other.

Therefore, one of their recommendations was to put together a national security czar, one person who would be above the CIA and the FBI to kind of control the 15 different intelligence agencies. I think it is an interesting proposal, one that I think most Members of Congress are going to be receptive to.

They also said that we need to put together a committee, maybe a select joint committee between House and Senate, for more oversight, perhaps giving it the authority to authorize and appropriate. Oversight, Members of Congress are going to be very interested in this, and I am looking forward to a good bipartisan effort to address the issues raised by the 9/11 Commission.

BORROWING MONEY

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, I am not sure that the American people understand what is happening with our fiscal House, our economic well-being.

I wonder if the American people know, Mr. Speaker, that the President of the United States is borrowing money to add to the largest annual deficit in the history of the United States, borrowing money to give tax cuts, tax cuts that will go disproportionately to households making over $300,000 a year.

As the Wall Street Journal said just the other day, a very conservative newspaper, all of these prior trillion dollars of tax cuts have benefited primarily the very rich in our society, not the middle class, not the working class and not the poor; and they give reasons why that is so.

Instead of borrowing money, adding to the deficit for more tax cuts for the rich, who have done very well, thank you very much, why do we not invest that money in our Nation's infrastructure, roads, bridges, sewers, hospitals, school buildings, so that not only do we provide good-paying jobs but at the end of it we have something to show for it and we do not force our local property taxpayers to pick up the tab when the Federal Government should be paying for it, instead of giving it to the very rich who have done extraordinarily well. God bless them, but they do not need the money. America and our taxpayers need the money.

MARRIAGE PROTECTION ACT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, on a day of good news, when we have a report from the 9/11 Commission that has been thorough, bipartisan, with some solid, hard-hitting suggestions to make our country safer, when later this morning I am confident the House is going to take a vote condemning what is going on in Sudan and calling it what it is, genocide, moving us in the right direction. Sadly the House Republican leadership has managed to take the terrible idea of enshrining discrimination in our Constitution against gay and lesbian citizens and trump it, take it one step further.

We are about to debate a rule that for the first time in our history would pass legislation stripping from the Federal courts the ability to rule on constitutionality of Legislation. They want to do it specifically in a case of discrimination against our gay and lesbian citizens.

Never before in our history have we done this. In fact our former colleague, Bob Barr, who authored DOMA, said it is unnecessary and a dangerous precedent. I hope the House will reject it.

TAX CUTS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, Democrats like tax cuts, too, but the Democratic Party's tax policies are targeted to do the most good for the majority of Americans. Working families will be the beneficiaries of the Democratic tax policy.

Republicans want tax cuts which give more to the have-mores. Tax cuts for the rich are luxury toys, but tax cuts for working families are absolute necessities.

Working families need more child care tax credits. Working families need tuition tax credits to help their children attend college and rise up the economic ladder.

Let the corporations pay more taxes if we need revenue for the war in Iraq or any other activity. Change the Federal rules for the way we charge for our assets, grazing land, mining rights or the sale and lease of the spectrum above us, which is owned by the American people.

Democrats want tax cuts, but we want tax cuts for working families.

COURT-STRIPPING LEGISLATION

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, today, the House will attempt to do something it has never done before, strip our courts of hearing cases on the Defense of Marriage Act.

Eight years ago, I opposed DOMA because I felt it was a blatant act of discrimination against gays and lesbians. To this day, I believe Republicans forced the issue in 1996 because it was a Presidential year and they wanted to divide the country in a desperate search for votes.

It is 8 years later, and Republicans are at it again. Last week, they were embarrassed in the other body when they could not even muster a majority on a constitutional amendment banning gay marriage. Since that did not work, why not strip the courts of authority to hear cases regarding DOMA?

The court-stripping bill would, for the first time in our Nation's history, take from a group of Americans the right to appeal to our courts. It is also extremely dangerous in that it would lead to the possibility of Congress stripping other issues from judicial review in the future.

It is bad policy; but in an election year, Republicans simply do not care.

PROVIDING FOR CONSIDERATION OF H.R. 3313, MARRIAGE PROTECTION ACT OF 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 734 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 734

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3313) to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) 90 minutes of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

On Wednesday, the Committee on Rules did meet and grant a closed rule for H.R. 3313, the Marriage Protection Act of 2004. The rule provides 90 minutes of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

□ 1030

This bill seeks to utilize the constitutional authority of Congress to limit the jurisdiction of the Federal judiciary to hear cases which may arise as a result of the 1996 Defense of Marriage Act, otherwise known as DOMA. The bill reserves that authority to the States. The bill provides that no Federal court will have the jurisdiction to hear a case arising under DOMA's full faith and credit provision.

This provision in DOMA codified that no State would be required to give full faith and credit to a marriage license issued by another State if that relationship is between two people of the same sex. Long-standing Supreme Court precedent recognizes the power of Congress to limit the jurisdiction of courts that it creates.

In essence, the bill says no Federal court will have the opportunity to strike down DOMA's full faith and credit provision. The result of such a decision by the Federal courts would in effect invalidate the numerous Defense of Marriage Acts which have passed in at least 38 States. This would mean that the citizens of States such as Michigan, California, Virginia, Texas, and Florida, who have their own statutes to define marriage as between one man and one woman, would have to recognize the marriage licenses issued to same sex couples by other States that allow that practice.

I believe the people of these States as well as the people of my home State of North Carolina should be able to defend and preserve the institution of marriage and that we today should support their efforts. This is the way it has been throughout civilization. It is our job to prevent unelected lifetime appointed Federal judges from striking down DOMA's protection for the States. To that end, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I thank the gentlewoman for yielding me the customary 30 minutes, and I rise in strong opposition to this rule and to the underlying bill. The Marriage Protection Act of 2004 is quite simply a mean-spirited, discriminatory and misguided distraction. It does not belong on the floor of the House of Representatives, not when there are so many important issues facing Congress and the American people.

Nearly 900 American soldiers have now been killed in Iraq, but the House is not talking about that today. Today the bipartisan 9/11 Commission issues its report on what happened and how to prevent it from happening again, but we are not talking about that on the House floor today.

This Republican leadership has failed to pass a budget, but we are not talking about that. Today we learn that, according to the GAO, the Pentagon has spent most of the $65 billion that Congress approved for fighting the wars in Iraq and Afghanistan and is trying to find $12.3 billion more from within the Department of Defense to make it through the end of the fiscal year. We should be talking about that.

We still do not have a transportation bill. The minimum wage has not been increased in years. Millions of Americans are unemployed and without health insurance. Homeland security needs are going unmet, but we are not talking about any of that in the House of Representatives today.

According to the New York Times, conservative activist and Republican adviser Paul Weyrich's solution to the bad news coming out of Iraq was to "change the subject" to gay marriage. I quote, "Ninety-nine percent of the President's base will unite behind him if he pushed the amendment," Mr. Weyrich said. "It will cause Mr. KERRY no end of problems." As for gay Republicans whose votes Mr. Bush might lose, Mr. Weyrich wrote, "Good riddance."

So instead of addressing the real concerns facing American families, the leadership of this House has decided to throw their political base some red meat because we all know exactly what is going on here.

Mr. Speaker, we can at least be honest about it. Last week the Republican leadership got beat badly in the other body. Not only did they not pass the Federal Marriage Amendment, Senate Republicans could not even agree among themselves what to vote on. So the Republican leadership, including the White House, decided they needed a win on something that beats up on gay people and they needed to do it fast, so here we are. They could not amend the Constitution last week so they are trying to desecrate and circumvent the Constitution this week.

The intent of this bill is quite clear, to close the door to the Federal courthouse for an entire group of American citizens simply because of their sexual orientation. It is enough to take my breath away. One of the most fundamental, sacred principles of our system is that every single American should have access to equal justice under the law, not some Americans, not most Americans, not just straight Americans, but all Americans. But not any more. Not under this bill.

Under this bill for the first time in our long history, a person can be denied access to the Federal courts when that person claims that a Federal statute violates the Constitution.

Further, this bill takes 200 years of jurisprudence based on the separation of powers and throws it in the trash.

Why? Because of the latest craze in Republican fund-raising appeals, the dreaded "activist judges." To all of those listening to the debate today, I would encourage you to count how many times the phrase "activist judges" is thrown around. Make sure you have your calculator.

The problem is that the Republican leadership only goes after the so-called activist judges they disagree with. They had no problem in activist judges in Bush v. Gore. And make no mistake about it, if this bill passes its proponents will be back for more. Every time there is a court decision they do not like, they will attempt to prohibit the courts from exercising their constitutional oversight. Other issues will be on the table, civil rights and civil liberties, voting rights, choice, environmental protection, worker protections, all will be at risk if a political majority in Congress disagrees with a Federal court decision. This bill would set a dangerous, dangerous precedent.

Finally, we hear a lot of rhetoric today from supporters of this bill protesting that they are not anti-gay, just pro-marriage. Well, the supporters of this bill have even named it the Marriage Protection Act. Mr. Speaker, I thank the other side, but my marriage does not need protection, and certainly not from the Republican leadership of this House.

This bill seeks to solve a problem that does not exist. There is no urgency, no credible court case challenging DOMA.

So let us work on the issues that matter most to our constituents. Let us tackle health care and education and homeland security and jobs, let us not change the subject for political reasons, let us not desecrate the Constitution.

Mr. Speaker, I urge my colleagues to do the right thing. Cast your vote with an eye toward being on the right side of history. Look further than tomorrow's headlines, think about more than 30 minutes from now, think about 30 years from now. Remember that Members of Congress opposed the 1964 Civil Rights Act and the Voting Rights Act. Remember that Members of Congress denounced a decision in Brown v. Board of Education in part because of activist judges. History has not been kind to them.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I would like to clarify the actual wording of what this bill does: It does not favor or disfavor any particular result or any group of people. It is motivated by a desire to preserve for the States the authority to decide whether the shield Congress enacted to protect them from having to accept same sex marriage licenses issued out of State will hold. There is no ill will here toward anyone. It does not dictate the results, either. It only places final authority over whether the States must accept same sex marriage licenses granted in other States in the hands of the States themselves.

This bill should be supported, I believe, by any Member who supports the proposition that lifetime appointed Federal judges must not be allowed to rewrite marriage policies for the States.

Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman for yielding me this time and bringing this rule to the floor. She is one of the great leaders in this Congress.

Mr. Speaker, I rise in support of this rule and the underlying bill that was originally authored by the gentleman from Indiana (Mr. HOSTETTLER).

For 7½ years before I came to Congress I served as a circuit court judge in Tennessee. For many years, I have heard Federal judges complain about the Congress expanding Federal jurisdiction too much, so they are greatly overworked. This is a very reasonable, minimal limitation of their jurisdiction and I am sure that even if this legislation passes, the Federal judges will still claim that they are very much overworked.

On July 12, 1996, the House passed and on September 10, 1996, the Senate passed the Defense of Marriage Act. That act said the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or wife. I repeat that. That legislation said the word "marriage" means only a legal union between one man and one woman.

That legislation further said no State shall be required to give effect to any public act, record or judicial proceeding of any other State respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, Territory and so forth.

That legislation, Mr. Speaker, passed by the overwhelming margin of 342 to 67 in this House, and by the even more overwhelming margin of 85 to 14 in the Senate. That is 85 Senators voted for that legislation. Further, it went to the President, President Clinton at that time, and he signed that legislation into law.

This legislation, authored by the gentleman from Indiana (Mr. HOSTETTLER), is a reasonable expansion of that legislation limiting the jurisdiction because it is true that many, many people in this country have been upset that unelected judges have assumed so much super-legislative power in this country in recent years. The overwhelming majority of the American people do believe that the only true marriage is that between one adult man and one adult woman. There are other limitations on marriage such as prohibitions against marriages by family members or bigamist marriages, and I think the overwhelming majority of the American people feel that our society, our families, and especially our children would be better off if we defined marriage, the only true marriage, legal marriage, as that of being between one man and one woman.

Mr. Speaker, I know that many outstanding people come from broken homes, but I also know that the greatest advantage that we can give to any child is a loving mother and father. That is so important to the future of this country. That is a greater advantage than unbelievable amounts of money.

Senator Daniel Patrick Moynihan, a man who was one of the most respected Members of the Senate, a Senator from the other party, said several years ago that we have been, unfortunately, defining deviancy down, accepting as a part of life what we once found repugnant. We should stand behind traditional marriage. We should stand behind this legislation and support it as strongly as we possibly can.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a strong defender of the United States Constitution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would not be standing here today had it not been for the courts of America, and particularly our Federal jurisdiction. I would not have the opportunity to speak in this august body, to have achieved an education that some might call equal in an unequal system if we did not have Brown v. Topeka Board of Education that broke the chains of segregation on America. I would argue that was a high moment in America's history. We do not have the time in the moments I have to speak to chronicle that history of the courts providing opportunities for the minority.

Today I want to explain to America that this is not a constitutional amendment that will address the question of their fears and apprehensions about loving individuals being together. This is a poor fix and this is a collapse of government as we know it.

Mr. Speaker, might I say that this is an undermining and barring of Americans from the courthouse door. I give Members an example. Just suppose that farming policies of the State of Texas, my Texas, had been ill-conceived and some poor farmer that Willie Nelson sings for every year went to the Federal courthouse in Texas and asked that those policies be declared unconstitutional or illegal. This amendment sets the precedent for slamming the courthouse door to that farmer.

□ 1045

Or maybe someone in Ohio, a consumer who wants to challenge the ill-conceived consumer laws that causes thousands of injuries to our children on the playgrounds of America, and that poor person goes to the Federal courthouse and wants to go to the Supreme Court, that door is slammed in their face.

I asked the Committee on Rules in their wisdom to send this out with an unfavorable response. Unfortunately, they did not. So today we debate an ill-conceived precedent that will deny the citizens of America judicial review, due process, and equal protection under the law.

I close by simply saying, we see in the Washington Post today that the Pentagon needs billions of more dollars this year in Iraq and Afghanistan. Today we do not debate that. We have the 9/11 report, and today we do not have a Homeland Security authorization markup.

I ask my Republican friends, and I ask them with sincerity, why can we not do the people's business and do it in the right way?

Mr. Speaker, I close by saying I was and still stand as a minority in America. I cannot stand for having minority rights denied by this amendment being passed today. I ask for a "no" vote.

Mr. Speaker, I rise in opposition to H. Res. 374, the rule issued for the base bill, H.R. 3313, the Marriage Protection Act (MPA). The very fact that the bill itself has been brought to the floor of the Committee of the Whole is obnoxious and indicative of a diminished respect for the Constitution—with which many of us on this side of the aisle would rather not be associated.

In addition to the contravention of and the disregard for the public policy that has been established by statutory law, caselaw decided in the highest court in the Nation, and most importantly the intent of the Framers of our Constitution, the base bill, as my colleagues from Florida so eloquently stated in the Rules Committee hearing yesterday, "attempts to legislate morality" for an entire nation.

In debating this very important issue, I would ask that my colleagues put aside their personal biases and fears and examine this bill for what it is—a threat to the framework of our democracy that is facially unconstitutional. As legislators, we all take an oath to uphold the integrity of the Constitution and to protect the citizens of America from overbroad and invidious acts of the legislative and executive branches.

H.R. 3313 is inconsistent with the Equal Protection clauses of the Constitution and its Bill of Rights. It singles out one group of people—lesbian and gay Americans—for different and inferior treatment. This unequal treatment of one group is the very essence of classifications that run afoul of the principle of Equal Protection.

The bill is with the separation of powers. The principle of judicial review, part of the bedrock of our political system since Marbury v. Madison, protects citizens from overreaching by the legislative and executive branches. Our system of government relies on its "checks and balances" and an independent judiciary to ensure that all legislation complies with the Constitution. We in Congress lack the power to exempt legislative branch actions from judicial review and we should not attempt to reverse this process now.

The proposed Marriage Protection Amendment is inconsistent with Due Process. Removing access to Federal courts on a question of Federal law, such as the constitutionality of MPA, could deprive an individual challenging such a law of due process, which is guaranteed by the Fifth Amendment's Due Process Clause.

The proposed Marriage Protection Act is a major departure from our constitutional and legal tradition. Despite many efforts over recent decades to adopt restrictions on Federal courts in controversial areas (such as abortion rights and school prayer), no bill instituting a broad ban on a subject matter class or cases has passed, much less one that disadvantages only a discrete group of people.

In Congress, our views differ on many things, but we can unite in the fact that we believe in the constitution and we are here to serve the public. This bill will do neither, it goes against our founding document and it only alienates a group of people and denies them basic rights.

I would ask that my colleagues defeat this bill and protect our fundamental rights.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time at this point.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, as a non-lawyer and observing that there are many young people in the gallery today, this is actually an instructive debate that we are having for the second time in 2 weeks. Last week, with the sponsorship of Republicans and Democrats alike, we paid tribute to John Marshall.

John Marshall was perhaps the most important jurist in the history of the United States, because despite what many people think, in the Constitution of the United States nowhere does it say who will settle disputes between the legislature, the executive, and the courts. What if each of the three branches come to a different conclusion?

Well, John Marshall, in 1803, 201 years ago, said the courts are going to decide. The courts are going to be the final arbiter of what is constitutional and what is not.

For 200 years, that has served as the way that we have operated, virtually unquestioned. It was even unquestioned in the year 2000 when, in the Constitution of the United States, it clearly says that Congress has the right to choose electors, and the Supreme Court took that upon itself. We Democrats, although we were very concerned about it, jurists, scholars of jurisprudence said it was a terrible decision, but no one says it should not be the courts to make that decision.

I would say to the gentlewoman or anyone who supports this bill, if not the courts then who? Who is going to make the decision about the constitutionality of this law?

We are left with essentially three choices. One, we can say the State courts will make that final determination. But what if we have two State courts that are in conflict? Who is going to resolve that dispute?

Two, we can say that it will be the legislature that will always decide these things, and we have 50 different legislative interpretations, or the legislature will change every 2 years, changing interpretation of the law.

And the third choice is just anyone can choose whatever interpretation that they like.

Before we choose anything but the courts, before we support this, let us remember something here. The courts are where the minority goes to have their views heard. That one person who is standing outside a movie theater; the courts are where that one person goes who wants to protect his right to bear arms against a legislature that is overzealous, where the one person goes who has burnt a flag and wants to go to find out if what he has done is constitutional.

There are dozens and dozens of places in society where the majority rules. The court is the only place we go to protect our constitutional rights.

So to the sponsors of the bill, to the sponsors of the rule, I ask them, if not John Marshall's way, if not judicial review, if not the Supreme Court of the United States of America, then who will it be who will decide what is constitutional and what is not?

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume for just a clarification.

Marbury v. Madison is entirely consistent with H.R. 3313. It established the principle of judicial review and stands for the proposition that the Supreme Court has the final say on the issues it decides, provided either the issues it decides are within its original jurisdiction or Congress by statute has granted the Supreme Court the authority to hear the issue. It is that simple. If a case does not fall within the jurisdiction of the Federal courts because Congress has not granted the required jurisdiction, Federal courts simply cannot hear the case.

The author of Marbury v. Madison was Chief Justice John Marshall, as was stated, and Chief Justice Marshall himself, after he decided that case, dismissed cases when the Federal courts had not been granted jurisdiction by Congress to hear them under the Judiciary Act of 1789.

Mr. Speaker, I yield 4½ minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise to support this rule, because this debate must be removed from the courts who are filled with unelected, lifetime judges, and the debate should be moved from those courts back into the court of the people, back into the courthouse square instead of in the courthouse.

Mr. Speaker, Congress has the constitutional right to be involved in this process, and I can tell that the debate has already covered that, so I am going to limit my comments. But the Constitution declares that Congress will be involved in making these sorts of decisions in determining what the Federal courts will and will not hear. It was, in fact, that judicial review process that Judge Marshall made in Marbury v. Madison that began the process of judicial review that is not even called for in the Constitution, and judicial review which has extended the power of the courts beyond, beyond, and beyond where the original Framers of the Constitution intended for the courts to have power and, in doing so, have eroded the power of the legislative branch.

Mr. Speaker, we have encountered in our history a very clear, similar case, exactly paralleling what we are doing today. We had a time in our history when there were definitions that the courts began to give, such as the definition of slavery.

It was the Supreme Court that decided in the Dred Scott decision that the issue of slavery involved the will of the minority and said that the will of the minority could not be subjected to the will of the majority. Of course, the courts at that time did a small sleight of hand because the minority that they were talking about was really the minority slave holders, the owners of slaves, and they overlooked the rights of the minority of the slaves themselves. We fought a Civil War over the Supreme Court's definitions at that point.

Instead of really understanding that the will of the people had spoken and the ensuing constitutional amendments, the courts later, in the Plessy v. Ferguson case, established the Separate but Equal Doctrine that again was offensive to the multitudes of people in this country.

Right now we have a Supreme Court that is willing to declare its will on the people no matter what the people say, and I think that the rule is extremely important here, because it begins to take that right back from the Supreme Court and put the discussion in this body who represents and can be elected and unelected by the people. The Supreme Court cannot be unelected, ever, and it is a very critical element of this argument.

But to those people who say this is an emotional issue, they are exactly correct. Our office spent over 20 hours discussing the issue, and we have people inside our office who were on both sides of the issue. But at the end of the day, nature has described what a marriage is. Law only fundamentally defines what nature has already defined: that a man and a woman come together, they create life, and it is the only life-creating institution and the only life-creating relationship in the world, and then the bonding process of that keeps them together in order to nurture and to grow the children and the offspring.

Mr. Speaker, that is the relationship that people are asking about, and it is a good question. Should gays be allowed to marry? Well, yes, they can, and they should be allowed to marry. But marriage, by definition of nature, is between a man and a woman, and if they are going to marry, they have to marry a man or a woman. The discussion is absolutely centered around this question, and it is not a matter of right and it is not a matter of discrimination.

But what the other side of the aisle wants to do is to redefine marriage for all people. It is the redefinition that is wrong, because there is no civil rights abridgement here. Many black leaders are speaking in favor of this. This is the will of the people saying we must have a discussion among the people as to what is marriage and how it is defined.

For these reasons, I support the rule, Mr. Speaker.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I thought I heard everything here, but citing the Dred Scott decision in support of this amendment is like citing the Ku Klux Klan in support of civil rights legislation. This amendment is a Soviet style attack on American freedom, and the reason requires a little look at history.

The former Soviet Union had a Constitution, like we do. The former Soviet Union had a Bill of Rights, like we do; very similar to our Bill of Rights. But the former Soviet Union had another little trick. Their little trick was that the executive and legislative branches prohibited the judicial system of the former Soviet Union from enforcing their Bill of Rights, and what did they get? Tyranny.

The instructive lesson of the Soviet Union is that we should not go down the path of getting rid of, yes, frustrating, nonunderstandable courts that sometimes do not agree with Congress. But I guess the authors of this amendment feel that they are smarter than Thomas Jefferson and smarter than any court that ever lived.

This is not the only right that is going to be on the chopping block. Once we do away with the independence of the American judicial system, which has never been done in American history, ever; this Chamber has never, ever cut the knees out of the American Bill of Rights in American history, and this is not like the first time we have a controversial issue that may end up in the courts. Civil rights was controversial. Gun rights are controversial. It may be controversial if this Congress passes a gun rights bill like the Brady Bill and then it goes to the U.S. judicial system to see if it is constitutional, that is controversial. But where will this stop?

I may ask the drafters, why did you stop here? Why, if you believe the PATRIOT Act is constitutional, why do you not just do away with the Supreme Court and not let them review that as well?

This is a first step to tyranny. It ought to be rejected.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I would like to read a couple of quotes from Thomas Jefferson that he made, of course, a long time ago. He lamented that "the germ of dissolution of our Federal Government is in the Constitution of the federal judiciary; . . . working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction, until all shall be usurped. . . ."

In Jefferson's view, leaving the protection of individual rights to fellow judges employed for life was a very serious error. Responding to the argument that Federal judges are the final interpreters of the Constitution, Jefferson wrote, "You seem . . . to consider the [federal] judges as the ultimate arbiters of all constitutional questions, a very dangerous doctrine indeed and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men and not more so."

□ 1100

They have with others the same passions for party, for power, and the privileges of their core. Their power is the more dangerous, as they are in office for life and not responsible as the other functionaries are to the elective control.

The Constitution has elected no such single tribunal, knowing that to whatever hands confided with the corruptions of time and party, its members would become despots.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I continue to hear concerns about an overreaching judiciary, and I asked a simple question. I will gladly yield to an answer. If not the judiciary interpreting the laws of Congress, then who does?

Mr. Speaker, does the gentlewoman have a response?

Mrs. MYRICK. Mr. Speaker, will the gentleman yield?

Mr. WEINER. I yield to the gentlewoman from North Carolina.

Mrs. MYRICK. Well, in this particular case, it is the State courts, the right to be left to the State courts.

Mr. WEINER. Certainly. Well, in that case, who is to interpret conflicts between the two State courts or 50 State courts?

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I think it is important that we do listen carefully to this debate. Why are we here today if it is not just a sad grab for votes after the embarrassing meltdown in the Senate last week dealing with the constitutional amendment that would have banned same-sex marriage?

Listen to the rationale. The overworked judiciary? That certainly has not stopped our Republican colleagues from trying to shift the burden when it fits their ideology. They want the States to have the final authority only in this area, not for consumer protections or environmental policy.

The Republican leadership do not like unelected lifetime judges making these difficult decisions.

Well, frankly, looking at their efforts to pack the Federal judiciary with unqualified right-wing ideologues, I can understand why they are a little nervous about it; but, that is our system. Now they are afraid of their own conservative-leaning Supreme Court. This is so unnecessary, that the author of DOMA, our former colleague Bob Barr, has issued an edict. This is not needed; and Mr. Barr points out, to his credit, that this is a terrible precedent.

Ten years from now the American public, especially our young people, are going to wonder why we tied ourselves in knots politically trying to discriminate against citizens based on their sexual orientation; but if we pass this dangerous legislation today, while the controversy surrounding rights for gay and lesbian citizens will be gone, this dangerous, tragic, ill-conceived precedent will linger and will be dusted off every time people want to extend their political influence at the expense of issues that may be controversial but demand attention from our Federal courts.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, again, I thank the gentlewoman for yielding me this time and support the rule.

The comments about conservative-leaning courts just fly in the face of actual fact. This court in Lawrence v. Texas was not exactly right-leaning, and that is a fairly recent decision. In fact, the case of the Congress over being willing to declare what the courts can and cannot look at is a very recent occurrence, as our friends on the other side of the aisle seem to have forgotten that Mr. DASCHLE himself wrote into the legislation that the court cannot even oversee the removal of shrubbery and scrub brush from the national forest in South Dakota.

And certainly if the Supreme Court and the courts can be held back from considering anything in the management of those forests, it might just reach the threshold that the American people should have the right to say that the Federal courts would not be the last point of reference there.

I would go back again to my friend's comment that quoting the Dred Scott decision is like quoting from the Ku Klux Klan civil rights manual. I think that the mixing of conversations there was certainly not based on fact. The Dred Scott decision was a decision by not a Republican court to establish slavery as the legitimate form of activity in this country. The Dred Scott decision was the one that authorized and made slavery legal, and it was against the will of the people that that was done. And it is similar to the case now where the courts would operate against the will of the people.

Mr. McGOVERN. Mr. Speaker, after the gentleman's comments, in his concern for activist Federal judges, I just want to state for the record that seven of the Supreme Court justices right now have been appointed by Republican Presidents, and pretty conservative Republican Presidents at that.

I yield 30 seconds to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, this Member of the other body was in violation of the rules referenced on the floor. Let me just clarify the record there. It is perfectly legal to write into a piece of legislation that one goes to a certain place for a point of review but not another place. Nowhere in the Daschle legislation did it say one has no right to the courts or no right to the Supreme Court of the land. That is simply misstating the facts.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me this time.

I think it is important to understand the essence of this bill, because it is truly very simple. What it does is it says that the Defense of Marriage Act that was passed by this body in 1996, obviously it is a Federal statute, cannot be reviewed by the Federal courts. That is what it says, and it includes even the United States Supreme Court.

So for the first time in our constitutional history since the decision in Marbury v. Madison, this body would strip from the United States Supreme Court its essential function in our democracy, which is the review, particularly of Federal statutes, for the determination as to its constitutionality. That is what this debate is about today. It is not about the defense of marriage. We did that in 1996; and by the way, if you took a look at the recent data in terms of divorce, it has not been very effective, I would suggest; but as the gentleman from Oregon indicated, the author of the Defense of Marriage Act, former Representative Robert Barr, urges a "no" vote on this particular bill because of what it does. It establishes a dangerous precedent. It is clearly unconstitutional.

Let me conclude with this statement. This bill does not defend marriage. What it does do, however, it diminishes our democracy; and we ought not to be about that as an institution. We should encourage our democracy and our values.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong support of the rule considering H.R. 3313, the Marriage Protection Act of 2004. This is a critical piece of legislation that will prevent unelected, lifetime appointed Federal judges from arbitrarily determining the definition of marriage for the American people.

In 1996, Congress passed the Defense of Marriage Act by an overwhelming bipartisan margin. Defense of marriage firmly states that no State shall be required to accept the same-sex marriage licenses granted by other States. To this day, 38 States have passed similar defense of marriage laws, demonstrating the overwhelming consensus for the protection of the institution of marriage.

The role of Congress has always been clear on the limitation of jurisdiction of the lower Federal courts. The Marriage Protection Act is an exercise of Congress's authority and is an appropriate remedy to address the abuses of Federal judges on this issue. States with defense of marriage statutes or constitutional amendments on same-sex marriage should not be forced to accept same-sex marriages from other States.

Today the Federal courts are being used by activist judges to redefine marriage for the American people, completely apart from public debate upon those that the American people have elected to represent them.

More than 200 years of American law and thousands of years of human experience should not be arbitrarily changed by a handful of unelected judges. The issue of marriage is too important to be decided by judicial fiat. The American people must have a voice on this important issue.

Mr. Speaker, I urge passage of H.R. 3313.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to this rule and the underlying bill; and if enacted, this would establish a tremendously dangerous precedent by denying the Federal judiciary the ability to review actions of the legislative and executive branches. It would eliminate the checks and balances that the Founding Fathers of our Nation so wisely established in our Constitution. Such a reckless move would cause lasting and permanent damage to our democracy.

Since John Marshall, the Constitution has had superiority over the legislature. The Constitution gave us the right to speech and privacy, and even if we vote for 435 to 0, certain rights are protected in our Constitution. But if this bill were to become law, it would deny jurisdiction to the Supreme Court and all Federal courts over any cases related to the Defense of Marriage Act.

This bill goes beyond merely preventing same-sex couples from seeking legal redress in our courts. It would deny judicial review to an entire class of citizens because of passing partisan passions, and it is willing to trample on our Constitution in order to do so. No issue is worth paying such a price. This is a low moment in the history of this House. I urge a "no" vote on the rule and the underlying bill. The Republican leadership is trying to use a wedge issue to appeal to right-wing constituencies in a highly charged election year, and they are willing to trample on our Constitution. No issue is ever worth such a price. I urge a "no" vote.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, we here in America are fortunate indeed for our history and our law. We have a written Constitution that protects our liberties, and we have a system of checks and balances that makes sure that we do not fall prey to totalitarianism. 201 years ago, a case was decided, Marbury v. Madison, and in that famous case, Justice Marshall pointed out that we were at a cusp. Either the Constitution is a superior, paramount law, unchangeable by ordinary means, he said, or it is on a level with ordinary legislative acts and like other acts is alterable when the legislature shall please to alter it.

He said then, and for the last 200 years we have agreed, that it is indefatigably the province and the duty of the judicial department to say what the law is. Make no mistake about it, this proposal, whatever you think about gay marriage, whatever you think about DOMA, this proposal today is a radical one. It proposes to change the system of government that we have enjoyed here in America for over 200 years, a system of checks and balances, where the Constitution is the paramount authority, and the executive and the legislative branches must live within the Constitution.

This road leads to totalitarianism; and so whatever you think on the hot issue, the political issue of gay marriage, I urge you to reject this first step down the road to a system of government that is markedly different from what Americans have enjoyed for the last 200 years.

□ 1115

I have never seen a debate of this sort in the Committee on the Judiciary, and again today on the floor, such a serious misunderstanding of the system of government that we have here today. Do not let it happen here.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman for yielding me time.

I rise to support the rule and the underlying bill. We have got several comments from our friends on the other side of the aisle that definitely demand a closer look. First, the statement that this side of the aisle is bringing this highly charged issue up right now as an electionary issue. I am sorry, but it was not this side of the body that began to cause people to go down in acts of defiance of the law, began to get licenses and get marriages approved that were currently against the law. It was not this side of the aisle that brought those up. We are simply responding that now that the issue has come up, we need to deal with it.

Also, there was a comment that we are diminishing democracy, and absolutely the opposite thing is occurring. We are empowering the democracy and we are empowering the people. But the other side is working under the very knowledge and the very truth that if they can find one court and four judges they can create law in this country. That is not empowering democracy. This bill and this rule empower democracy.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, oil prices at $40 a barrel, nearly 1,000 young American men and women dead in Iraq, 6,000 wounded.

What are we debating here on the floor of Congress? We are taking up a bill to strip the Federal courts of the power to hear cases challenging the constitutionality of the Defense of Marriage Act. Apparently, the Republican Congress is so concerned that a gay or lesbian couple might someday have their marriage in one State recognized in another that they are prepared to take the extreme measure of preventing judges from interpreting the law.

While every other American will continue to enjoy the checks and balances that come from three branches of government, the Republicans have decided that if you are gay you should be able to get along with just two branches of government. Why are they doing this?

Conservative activist Paul Weyrich shed some light on the current thinking in Republican circles which explains why this bill is really on the floor today. Here is what Mr. Weyrich had to say: "The President has bet the farm on Iraq. Right or wrong, he has done it. Even if you disagree with the decision, you have to admire the President for putting it on the line and staying the course despite overwhelmingly bad news for months now.

"Therefore, Iraq will be an unavoidable topic of discussion in this campaign. The problem is that events in Iraq are out of the control of the President."

Mr. Weyrich writes, "There is only one alternative to this situation: Change the subject." He dismisses the option of taking up oil prices or the economy. Apparently, even he does not think those are winners for the President.

"No," he concludes, "what I have in mind to change the subject is a winner for the President. The Federal Marriage Amendment." The gay marriage issue, he gleefully advises, "will cause Senator KERRY no end of problems."

So that is what it is really all about. Republican leaders in Washington are running scared. They look at the polls on Iraq, on the economy, on jobs and they fear that the voters are going do rise up in November, and as a result they bring an unconstitutional act out on the floor that will strip gays and lesbians of their rights to be able to go to the Federal courts.

Vote "no" on this bill. It is a disgrace against the United States Constitution.

Mrs. MYRICK. Mr. Speaker, I yield 7½ minutes to the gentleman from Indiana (Mr. HOSTETTLER), the sponsor of this bill.

Mr. HOSTETTLER. Mr. Speaker, I rise in strong support of the rule and, obviously, in strong support of the underlying legislation.

I would like to bring us back to a discussion of the actual legislation that is being considered and a discussion initially of the constitutionality of that legislation.

We have heard lots of folks that have suggested that this legislation is in fact unconstitutional, and I think at the outset we need to remember the wisdom of a law school professor that testified before the United States Subcommittee on Courts, the Internet, and Intellectual Property of the Committee of the Judiciary in 1997, that reminded us as Members of Congress and the country that when it comes to the teaching of constitutional law in our law schools, which we will hear a few of those folks who graduated from those law schools today on this very issue, the thing that you need to understand about constitutional law is it has virtually nothing to do with the Constitution.

And with that in mind, we will talk today about the constitutional law and what is "constitutional or unconstitutional" and then we will be talking about the Constitution.

I will be erring on the side of the actual Constitution and try to inform my colleagues of what the Constitution actually says with regards to, for example, separation of powers.

The notion of separation of powers is this: That the legislature has its powers limited and enumerated in the Constitution; the Article II branch, the executive has their powers, his powers in this particular case, limited and enumerated in the Constitution; and in Article III you have the very limited and enumerated powers of the judiciary in Article III, a much smaller article in text than Article II and Article I; and so you have that separation of powers.

It is interesting to note that in Article III, for example, it talks a lot about the powers vested in the Congress. Well, we will talk about that in just a moment but let us look at Article IV, Section 1 that talks about the power of Congress with regards to the Defense of Marriage Act that was passed in 1996.

This bill, the Marriage Protection Act, seeks to remove from the Federal courts jurisdiction concerning the Defense of Marriage Act. Now, why would we take that step? One reason is because we can and another reason is because we should. I will tell you why we can in a moment, and part of that is the fact that this power granted to Congress that is not granted to the judiciary, that is not granted to the executive, is so explicitly expounded in the Constitution in Article IV, Section 1.

It says, "Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State, and the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved and the effect thereof."

So in Article IV, Section 1 we see a power of the Congress. We do not see anything about the Supreme Court. We do not see anything about the President. That is power explicit and exclusive to Congress. And so in employment of that power, we passed the Defense of Marriage Act that said no State would have to give full faith and credit to a marriage license issued by another State if that marriage license was issued to a same sex couple.

We exercised the explicit and exclusive authority of Congress to, by general laws, prescribe the manner in which the effects of a marriage license and, for example, the State of Massachusetts, was to be felt in the State of, for example, Indiana, my home State. So we have that power.

Once again, nothing here says the courts, nothing here says the executive branch, and then when we move to the idea of can Congress take from the courts certain jurisdictions we have to ask ourselves, well, how does the Constitution grant the authority to create the courts? Well, we turn to Article I, Section 8 and it says, "The Congress shall have power to constitute tribunals inferior to the Supreme Court," and those are today known as the district courts and appeals courts. We have the power to constitute them, to make them up.

Then it goes on to say in Article I, Section 8 that the Congress shall have power to make all laws which shall be necessary and proper for caring into execution the foregoing powers, such as constituting the inferior tribunals, and all other powers vested by this Constitution in the government of the United States or in any department or officer thereof."

So we can create the Federal courts, we can by definition abolish the Federal courts. We do not seek to do that today, but we seek to make a law that will carry into execution that power of creating the courts, and that is to limit the jurisdiction.

We then turn to Article III, Section 1, and we hear once again in Article III, which is generally referred to as the judicial branch creation, and what does it say in Article III? It says, "The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." Then it goes on to talk about the Supreme Court and the judicial capacity and jurisdiction of the court system.

It says in Article III, Section 2, "In all cases affecting ambassadors, other public ministers and councils, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned," and that is previous in Article III, Section 2, all those other cases, "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

So the United States Constitution is very clear. Congress has the authority to create the inferior Federal courts. Congress has the authority to make exceptions and regulations with regard to all of the appellate cases that come before the Supreme Court. Anyone that actually reads the Constitution and has a basic understanding of grammar and the English language in general can find that in fact the Constitution grants Congress the authority.

Now, the question is, so we can do this, the question remaining before us is this: Should Congress do this? That question was answered on Tuesday.

On Tuesday of this week a couple from Massachusetts, a lesbian couple who had been married in Massachusetts, removed themselves to the State of Florida and they entered into the Federal courts a complaint that Florida would not recognize their same sex marriage license conferred upon them.

This battle has been engaged. In fact, the attorney for the lesbian couple that wishes to demand an overturn of the Defense of Marriage Act said this, "With the filing of this historic lawsuit today in the Federal court, Florida has become a battleground."

Well, we want to snuff that battleground out today in Congress by claiming that the people of Florida should be able to determine the marriage laws of the people of Florida and not the State of Massachusetts.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I know what it means to be excluded from your own Constitution, and after the experience of African Americans in this country and a Civil War, I never thought I would see a civil war in law where we would try to exclude any other group of Americans from the Constitution of the United States, and that is exactly what we are trying to do here today. We are trying to change the constitutional system that the framers put in place over one constitutional issue.

Now, every time there is an issue like this which raises the hackles of the country, people rush forward to try to do exactly this, to strip the courts. They did it during the era of desegregation. They have done it with school prayer. The fact is that the issue has been settled for 200 years in Marbury v.

Madison, and the issue is quite simply this: That the Supreme Court is the final arbiter of constitutional matters.

Now, if that were not the case, if that is wrong, then the framers were wrong, because the framers were still sitting, some of them in the court itself, some of them in the Congress when Marbury was passed, and under accepted principles of constitutional interpretation somebody could have come to the floor and said the court has got it wrong and we are going to assert ourselves. Instead they accepted Marbury v. Madison and we must accept it.

The Supreme Court has constitutional standing in our system, and the words are "The judicial power of the United States shall be vested in one Supreme Court." Otherwise, we would have chaos in our system without any separations of powers. Congress would never have to account for unconstitutional laws. All it would have to do is to put court-stripping language in every bill and we would be a Constitution unto ourselves because there would be no review of our unconstitutional laws.

□ 1130

That is unconstitutional. I think it is certainly un-American.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank my friend, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me the time, and I rise in strong support of this rule.

It pains me today to think that we are even at this place in our Nation's history when we have to debate the importance of maintaining the bedrock of our country, the American family.

As a fairly new grandfather myself, I have watched my children as new parents, and I am reminded that their children are each blessed to have a mother and father. They are uniquely suited, male and female, to invest in their lives.

The legislation and the rule before us is not about discrimination or civil rights as some might claim. This is about the bedrock of our society, our community and our future. This is a big deal.

Mr. Speaker, we need to rise in strong support across the board, both sides of the aisle, in bipartisan fashion. We support the American family.

Mr. McGOVERN. Mr. Speaker, can I inquire of the time on both sides.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Massachusetts (Mr. McGOVERN) has 4 minutes remaining. The gentlewoman from North Carolina (Mrs. MYRICK) has 1 minute remaining.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this is not just about gays and lesbians. I have been here 24 years. We never do anything only once. When you have developed a particular procedure to use in defense of your views, that gets used again and again. Today, I was going to say you set a precedent if you pass this bill, but you do not set a precedent. You go back in history to the Articles of Confederation.

Passage of this bill will mean that the United States Constitution, in this particular area, will have different meanings in different States because States will then be the ultimate decider of the Constitution, and anyone who thinks that if we do it in this case that is the only time we will ever do it does not follow things closely.

I am the ranking member on the minority side in the Committee on Financial Services. There is not an area in our jurisdiction with respect to the business community of America where the financial community does not come to us and say we need one uniform law.

Do you not understand, Mr. Speaker, that if you set this precedent, it will apply in other areas? Indeed, it will become boilerplate. If you are passing legislation dealing with the second amendment and gun rights; and environmental land takings under the fifth amendment; the commerce clause, financial regulation, it will be a matter of course to add this language that says, and by the way, we believe so strongly in what we have done, it will be none of the business of the courts.

There will be different views in different States. Forget the Uniform Commercial Code. We will have the "multiple commercial code," the multiple choice commercial code. We will have the "Multiple Choice Constitution."

I guess I am regretful, maybe I can apologize, that the sight of two lesbians falling in love and wanting to formalize that has so traumatized the majority that they are prepared to make the biggest hole in the United States Constitution that we have seen since we became one Nation. You are saying there will be no more uniformity in the Constitution, and you say it is only here.

By the way, I know a few scholars who think you will lose on full faith and credit. You make a terrible mistake to set a precedent that will be followed time and again. It will become truth that you really care about an issue that you say that the United States Constitution will no longer be a uniform document, but will be subject to dozens of separate State interpretations.

Mrs. MYRICK. Mr. Speaker, I yield 30 seconds to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, wrapping up my comments for this part of the debate, I again rise to support the rule and the underlying bill.

This bill does not favor or disfavor any particular result or any group of people. It is motivated by the desire to preserve for the States the authority to decide whether the shield Congress enacted to protect them from having to accept same-sex marriage licenses out of State will hold.

This bill does not eliminate any group from the Constitution, but instead, recognizes the 10th amendment of the Constitution which declares that all rights are reserved for the States except those which are specifically given to the Federal Government.

I would comment that the observations of the last gentleman are completely contrary to the 10th amendment of the Constitution.

Mr. McGOVERN. Mr. Speaker, can I inquire of the gentlewoman how many more speakers she has on her side.

Mrs. MYRICK. I have no more speakers.

Mr. McGOVERN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, let me reiterate what this bill is all about. It is a mean-spirited, unconstitutional, dangerous distraction. No matter what Members may think about gay marriage, the issue here today is whether or not we will take away people's fundamental constitutional rights.

Gay men and women pay taxes, serve in the United States Congress and in legislatures across the country, serve in our military, raise families that participate in the political process. The idea that they should be treated as second-class citizens and stripped of their constitutional rights is not only wrong, it is appalling.

Now, I am from Massachusetts and my colleagues will hear supporters of this bill talking today about the alleged catastrophe that has occurred in my State in the last few months; but you know what, Mr. Speaker, the world did not come to an end in Massachusetts when the State Supreme Court made its ruling. People got up and went to work and took their kids to school and paid their bills and lived their lives. The world kept spinning on its axis.

In the end, I think that is what is driving the supporters of this bill crazy. The outrage, the mass hysteria, the political momentum they expected from this issue just have not materialized. The American people are a lot smarter and a lot more tolerant and a lot more reasonable than the Republican leadership gives them credit for, which is why, Mr. Speaker, even if this bill passes today, I still have hope.

Mr. Speaker, every Member of this House took an oath that they would uphold and defend the Constitution of the United States. I hope we will do that today. I urge all my colleagues to vote "no" on this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4842, UNITED STATES-MOROCCO FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 738 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 738

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4842) to implement the United States-Morocco Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 4842 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 738 is a standard, closed resolution for consideration of the underlying trade legislation that provides for fair and extensive debate on H.R. 4842, the United States-Morocco Free Trade Agreement Implementation Act.

The rule provides 2 hours of general debate evenly divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

Mr. Speaker, the relationship between the Kingdom of Morocco and the United States of America has existed throughout the history of the United States. In December of 1777, when war raged between the American colonies and Britain, Sultan Sidi Mohammed boldly recognized our young, and not yet free, Republic. That magnanimous act of recognition was cemented in a Treaty of Peace and Friendship between our countries, ratified in July of 1878. That enduring document remains the oldest unbroken treaty in the history of the foreign relations of the United States. Quite simply, the Kingdom of Morocco is our most permanent and enduring friend.

The gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Tennessee (Mr. TANNER), the gentleman from Louisiana (Mr. JOHN), and I came together to form the Morocco Caucus in Congress to highlight and to further deepen the truly magnificent and critically important relationship between the United States and the Kingdom of Morocco. The United States has no better friend and ally in the Maghreb, in North Africa and in the Arab world than Morocco.

We are cognizant of, and grateful for, the help Morocco provided during the reign of the great statesman King Hassan II in the dangerous and prolonged struggle known as the Cold War and in the initial and ultimately delicate stages of the peace process between Israel and her neighbors.

We are cognizant of, and grateful for, the unequivocal and decisive help Morocco has provided during the reign of another great statesman, King Mohammed VI, in our common war against the forces of international terrorism. Both our peoples have been victims of the scourge of cowardly attacks upon unarmed civilians, and both nations have answered the challenge of this difficult time with strong leadership and decisive action.

The United States must be cognizant and supportive of the wisdom and experience of Morocco, that great influence for stability in North Africa, in the Middle East, regarding issues related to international terrorism. We must understand that Morocco's insistence upon its territorial integrity and its refusal to accept a terrorist state in the Western Sahara is critically important, not only for the national security of Morocco, but also for the security of the United States and of our European allies.

Today, Mr. Speaker, we celebrate another milestone in the wonderful relationship between the United States and Morocco as we prepare to consider H.R. 4842, legislation to implement the United States-Morocco Free Trade Agreement. This agreement will benefit both our peoples as it facilitates and encourages ever-growing commerce between our countries and the creation of many new jobs in Morocco and in the United States. This agreement will help turn an already solid relationship into an even greater friendship.

Mr. Speaker, I would like to take this opportunity to publicly thank a few distinguished leaders for making this important free trade agreement a reality.

□ 1145

Understanding the importance of this agreement and with the August recess quickly approaching, the gentleman from California (Mr. THOMAS) made great efforts to expedite the consideration of this agreement in the House. The gentleman from Illinois (Speaker HASTERT) has been especially solid in his leadership on this critical issue, as has been the gentleman from Texas (Mr. DELAY), the majority leader, and the gentleman from California (Mr. DREIER), chairman of the Committee on Rules. Ambassador Bob Zoellick has been and continues to be a stalwart, strong advocate on behalf of the economic interests of the United States and especially job creation in America, and President Bush's leadership has truly been the linchpin for great accomplishments such as this.

While we fight terror across the globe, the United States, under this President, has deepened economic and security-based relationships with our friends for the benefit of our protection and our freedom.

Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation that we bring before the House today.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the customary 30 minutes.

Mr. Speaker, an important part of our job is to encourage the purchase of U.S. goods and services by others in the international community, especially now when the economy is limping along and failing to replace the 1.1 million jobs lost since the Bush administration took office. Hopefully opening up foreign markets for American products will lead to the creation of good, high-paying jobs here in the United States. However, we must be mindful of the consequences of free trade agreements such as the U.S.-Morocco Free Trade Agreement.

Last week this body considered the free trade agreement, FTA, between the United States and our ally Australia. Serious questions were raised about the impact patent protection language might have on the ability of the United States to reimport lower cost drugs from other countries and the impact on the Australian government's low-cost pharmaceutical drug program.

According to the Wall Street Journal, urged by the drug industry, the U.S. Trade Representative is seeking to strengthen protections for costlier brand-name drugs, defending the U.S.

companies from foreign competition of foreign producers of generic drugs. So far the USTR has successfully added this safeguard to the trade agreements with Jordan, Chile, Singapore, Australia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Dominican Republic, and Morocco.

The U.S.-Morocco agreement contains patent protection language which restricts Morocco for 5 years from approving generic-drug applications if the application is based on the data of the original manufacturer. What impact will this 5-year ban have when enforced? Will this interfere with a developing African nation's ability to get affordable, generic pharmaceuticals to fight public health crises like the HIV infection?

In response to these serious concerns, the USTR points to a letter of understanding between the United States and Morocco. In the letter, both countries agree that the patent provisions "do not affect the ability of either country to take necessary measures to protect public health by promoting access to medicine for all, and in particular concerning cases such as HIV/AIDS, tuberculosis, malaria, and other epidemics as well as circumstances of extreme urgency or national emergency."

This mutual understanding is promising. However, it is not directly part of the free trade agreement or the implementing legislation. According to Robert Weissman of Essential Action, "This statement of understanding expresses noble sentiments, but is unlikely to make much, if any, material difference in the implementation of the agreement." I hope Mr. Weissman is wrong.

Approximately 16,000 Moroccans are infected with HIV, and the pandemic of HIV and AIDS is devastating the nations of Africa. Will Morocco be able to purchase or produce less expensive, generic anti-viral and other medications needed to fight HIV infection? Of the 40 million people with HIV or AIDS globally, less than 10 percent have access to drugs that have transformed many cases of HIV infection to a chronic illness, from a death sentence. In most of the developing world, drugs to fight HIV infection and AIDS are far too expensive for most. Any barrier to access to more affordable generic medicine denies essential health care to the poor.

Women are nearly half of the 40 million infected with HIV, and the infection rate of women is climbing faster than the infection rate of men in many regions. Irene Khan, Secretary-General of Amnesty International, told last week's World AIDS Conference that "gender inequality is driving new infections among women and girls like never before."

Mr. Speaker, more free trade agreements are in the works. The U.S. Trade Representative has negotiated with six Central American countries and has just initiated negotiations with Thailand. The consequences of trade agreements go far beyond merely eliminating trade barriers, such as tariffs. These agreements enforce significant public policy decisions made not by Congress, but by the Trade Representative. Congress has a narrow role in trade agreements, so I urge my colleagues to carefully consider the language in this and all future agreements. Free trade must be fair trade.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of the U.S.-Morocco Free Trade Agreement. Let me begin by responding to some of the comments my very good friend, the gentlewoman from Rochester, New York (Ms. SLAUGHTER), offered. Those have to do with HIV/AIDS and with gender inequality. We are all very concerned about dealing with those very serious crises that are out there. Most of us have come to the conclusion that one of the best tools that we can utilize to deal with those challenges is to encourage greater economic growth. Improving the standard of living for people will dramatically enhance the chance to deal with gender inequality, to deal with the challenge of having the resources to tackle greater education when it comes to the proliferation of HIV/AIDS.

So let me say that this agreement is itself a very, very comprehensive, unique and cutting-edge agreement which will create opportunities on both sides of the Atlantic.

Last week this body overwhelmingly passed the U.S.-Australia Free Trade Agreement. There is certainly a great deal of differences between Australia and Morocco. Australia has an economy which is very much like ours. They are a developed, industrialized nation with stringent labor and environmental standards. And like the United States, they have an economy that is increasingly based on services.

Morocco, by contrast, is a developing country facing many of the challenges that confront nations throughout the developing world. They are working very hard in Morocco to modernize their infrastructure and develop new sectors even as they strengthen the traditional industries like agriculture and textiles. They are aggressively pursuing labor and environmental reforms as well as combating piracy and counterfeiting. In short, Morocco is working diligently to climb higher and higher up that proverbial economic ladder.

The very remarkable thing about trade liberalization is these two trade agreements, with vastly different economies, can both be unequivocally good for all parties involved, making it a win/win. Trade is not only beneficial for big economies like the United States or wealthy economies like Australia, but it is very, very important for small, developing economies like Morocco, and I would argue in many ways because of the contrast that exists, trade agreements like this for developing nations create a potential for an even more dramatic improvement in the quality of life and the standard of living in those countries.

Unfortunately, economic isolationists often hide behind the guise of fair trade, an argument that was just put forth by my colleague from New York. They use fair trade to argue that because some countries lack the resources to pay American wages or enforce identical labor standards that we have in America, the most developed nation in the world, that we should somehow not trade with these countries. This is a tragically misguided argument.

It is precisely because these countries have further to go up that economic ladder that we should and must pursue open trade. Trade liberalization provides the tools for economic growth by opening up new markets, by building the legal framework necessary for a healthy business and investment environment by creating the resources to set high labor and environmental standards. Morocco is a perfect example of just such a country.

Mr. Speaker, for many years Morocco has been working to bring its economy into this new and vibrant 21st century. It has been working to increase its standard of living, and it has been striving to raise its labor and environmental standards. In fact, Morocco's aggressive efforts to reform its labor laws since the start of the free trade agreement process began, culminated in a groundbreaking new labor law that was passed just a few weeks ago.

These reforms address issues ranging from child labor to the minimum wage to nondiscrimination of women and the disabled, leading again to deal with the challenge that the gentlewoman from Rochester, New York (Ms. SLAUGHTER) raised. This new labor code makes Morocco a leader in the developing world, and it is a testament both to Morocco's commitment to high standards and the effectiveness and the importance and the dynamism of economic engagement.

Morocco is living up to its commitments even before implementation of this free trade agreement, but I want to make it very clear, while the FTA is critical to helping Morocco stay on its current path of economic development, it is by no means a mere gift from the United States of America. American businesses, American consumers, American workers and investors will all benefit from this agreement. Mr. Speaker, 95 percent of all trade in consumer and industrial goods will immediately become duty free. American farmers will have a huge advantage as they gain greater access than even Morocco's traditional European trading partners currently enjoy. U.S. service providers will benefit from broad-based liberalization across all service sectors, and American producers will benefit from the highest intellectual property protections ever negotiated in a free trade agreement, and that is particularly of concern to those Members from areas like southern California where our entertainment industry is so important. Setting an example and dealing with this issue of intellectual property is key.

The FTA also grants us an opportunity to strengthen our relationship. I want to say that relationship has been dramatically strengthened from the work that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has done in developing this important relationship we have. He and the gentleman from Pennsylvania (Mr. ENGLISH) and others he mentioned have been very critical to building this U.S.-Morocco Caucus, and I congratulate them for their hard work in doing what we can to build that relationship which I believe has played a big role in leading us to this point where we, by an overwhelming margin, are going to pass this.

I believe this trade agreement is going to have a chance to deal with one of the challenges that exists in Morocco, and that is dealing with a challenge which has been going on for a long period of time with the Western Sahara. It is my hope that as we strengthen further this relationship between our two countries, we will be able to see a resolution to that.

Mr. Speaker, we know this has been a very important relationship between our two countries. Since 1777, when our friendship formally began, Morocco has proven to be an important and strategic partner. This friendship has never been more apparent than throughout our recent global efforts to combat terrorism. We all know Morocco has been a critically important ally to us in that effort, and as a Muslim-Arab country, they have been an ardent U.S. supporter in a part of the world where our list of very good friends is not as strong as we would have liked.

Mr. Speaker, on both economic and political fronts, Morocco is making tremendous efforts. Today we are able to strengthen this important relationship while tearing down barriers, creating new opportunities for, as I said, American workers, American investors, American business people, and Moroccans alike. I urge my colleagues to demonstrate their support for our pro-economic growth agenda by voting for this rule and for the underlying measure.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), a valued member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I support this rule. However, I want to make it clear that we do not want this as a precedent that on trade agreements only 2 hours of debate always are allowed. In this case I think 2 hours will be satisfactory. That will not always be true.

□ 1200

There are good reasons to support this FTA, and I do so. There is the historical relationship between our two countries, as mentioned. There are the present realities in our relationship, Morocco's important role in its area and beyond that. Also, there are some important provisions in this agreement; for example, relating to manufacturing goods outside of the textile area. Ninety-five percent of them will become duty-free. There are strong services commitments, strong IPR commitments. So there are good reasons to be supportive of this.

I do want to put in perspective, though, several issues that have come up in our discussion, and these issues really were raised by us on the minority side. The gentleman from California (Mr. DREIER) likes to talk about raising issues as if it is a reflection of economic isolationism. That is the rubric, the mantra, the propaganda of the majority. They try to pin it on Democrats, including JOHN KERRY. It is absurd. We raised several issues because they were legitimate ones, not because we opposed expanded trade, but because we want expanded trade to work for everybody. We want expanded trade to be shaped. We do not think it is some magic bullet that we simply have to shoot and everything will work out. We do not think trade policy should be on automatic pilot. We do not think that what is necessarily appropriate in one trade agreement is appropriate in another. These cookie cutter approaches of this administration are wrong, and surely we do not support this agreement because we think that the economic record of this administration is worthy of support by anybody in this country.

So we raised a couple of issues. And the gentlewoman from New York (Ms. SLAUGHTER) referred to the prescription medicine provision, and I want to talk about it. Before I do that, a brief word and we will have more discussion during the 2 hours about the core labor standard provisions. The gentleman from California said we should not impose U.S. wages, identical laws on other countries. That is not what we are talking about. That again is propaganda from the majority side. What we are talking about are basic core international standards, and countries, including ours, have signed on to a declaration that says that people should have the right to associate, to bargain, to be free from discrimination, there should be no child or forced labor. That is what we are talking about when we say they should be incorporated into free trade agreements.

We asked the question, an important one, where is Morocco? Where is Morocco today in terms of their laws and their enforcement of these core labor standards? And the majority, because of their view that trade always works out for the best, it is always win-win, did not raise any questions about that. In fact, as to the reforms of 2003 in Morocco, there was not even within our government an English translation of these laws. And we asked for one and we looked at them. We talked to the Moroccan government about these laws, and I am pleased to say that we had a very useful discussion, which we initiated and the Moroccan government responded to, regarding the status of these core labor standards in Moroccan law and in Moroccan practice.

The reforms that were inaugurated last year were a major step forward. The Moroccan society has some history of some freedom for workers, and the independent union in Morocco supports this agreement, I think, as a result. But there were issues raised as to the ability of people to associate, to bargain, and to strike, and so we asked the Moroccan government to give us in writing the status, and I want to quote from their letter and I will place that letter in the RECORD. The letter read this way:

"The government of Morocco is committed to protecting the right to strike in conformance with ILO, International Labor Organization's core principles. In particular, the government will not use Article 288 of our penal code against lawful strikers."

So I very much disagree with the administration's approach in general. They have in the agreements enforce their own laws. They put these in the agreements regardless of whether the laws incorporate the standards and whether there is implementation of them. And when we have a chance, when we take over, that will change. But in the meanwhile, the question is, is there conformance, is there conformance basically in Morocco with the core labor standards? And I think the realities as we were able to dig them out indicate that they are basically in conformance with the core labor standards.

Now a few words about prescription medicines. Why did we inquire? First of all, there is the same provision here as there is in the previous agreement, including Australia, the general patent provision that could be applied to reimportation of prescription medicines. It turns out in the case of Morocco that that provision is not going to have any potential effect. All of the legislation that has been introduced regarding reimportation does not include Morocco. They have a very small pharmaceutical industry. So I do not think, though I do not like this provision as a general rule, that we should vote against Morocco because of it, but we should make clear that we do not believe these provisions or this provision should be in trade agreements.

Now what about the impact of these provisions not on our important health needs but the important health needs of the people of Morocco? And we were concerned about that. The gentleman from California (Mr. DREIER) talked about AIDS. Look, if we are really concerned, and I think we all are, we need to look at these agreements to see what is the potential impact on the availability of medicines to people in Morocco who are suffering from AIDS and where there is in other cases as well some kind of a health emergency? And there were several provisions in this agreement that raised questions about the accessibility of the people of Morocco in these cases to necessary pharmaceuticals and the ability of the government of Morocco to take the steps necessary to make these drugs available. And these are fairly technical provisions, but they relate to the lives of hundreds of thousands of people. One relates to so-called parallel imports and the other to test data protections.

So I will make a long story short, and, if necessary, we can talk more about this when we have the debate of 2 hours. We entered into discussions with USTR. We on the Democratic side sent a letter to USTR, and they responded. And I include those two letters in the RECORD. And we said, in a few words, would the provisions in these two cases prevent accessibility to necessary drugs in a real case of emergency or necessity? And essentially what USTR has said: The agreement in the side letters, when read together, would not prohibit action by the Moroccan government to provide access to these drugs. And these side letters do have effect. The USTR has told us the following, and I want to read them so there is clarity. This is from page 8 of the mentioned letter to me:

"As stated in the side letter, the letter constitutes a formal agreement between the parties. It is thus a significant part of the interpretive context for this agreement and not merely rhetorical." And they also then earlier have said: "Therefore, if circumstances ever arise in which a drug is produced under compulsory license," meaning the government of Morocco has given that license to make these drugs available, "and it is necessary to approve that drug to protect public health or effectively utilize the TRIPS/health solution, the data protection provisions in the FTA would not stand in the way." And they say the same as to the parallel import issue.

So I just finish by saying this to make it very clear: We were concerned. There is an AIDS epidemic. There are other health issues of serious import for the lives of children and other citizens of Morocco, and we took the initiative to be sure that this agreement would not prevent the availability of medicines in these circumstances. The Declaration, the language that was worked out in Doha, made it clear as to WTO that countries could protect themselves and their citizens when there was an overriding health need, and we wanted to make sure that nothing in this FTA would override that ability. And I am satisfied because of the exchange of letters. I am satisfied because of what was written to us by USTR. I am now satisfied by their categorical statement at our hearing just a few days ago that there would be nothing that would prevent access to these medicines in the circumstances I mentioned because of the FTA.

For all of those reasons, I believe that the issue for Morocco has been addressed. But I want to make it very clear that when we negotiate these agreements in the first place, as is true for core labor standards, as is true for health needs, as is true for anything else, we should be sensitive to what the possible impact would be. We should not be using cookie cutter approaches when the lives and the livelihoods of people in our country and in other countries are involved.

So I support this agreement. I urge passage of the rule. But I think this has been a healthy process, and I think we have both clarified the meaning of this agreement, and also I think what we have done is to serve notice as to how these agreements should be negotiated in the future.

EMBASSY OF THE
KINGDOM OF MOROCCO,
Washington, DC, July 14, 2004.

Hon. SANDY LEVIN,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN LEVIN: I have deeply appreciated the continuing opportunity to work with you on the U.S. Morocco Free Trade Agreement. In particular, I welcome your interest in our nation's labor law, specifically the comprehensive reforms, passed last year.

I want to address through this letter some of the issues that have been highlighted in conversations with you and your staff. Under Moroccan law, it is illegal to fire an individual because they are a member of a labor organization or have engaged in labor organizing. To fire someone on these grounds would be arbitrary under the 2003 law and would make available the full remedies provided under that law.

Under Moroccan law, it is illegal to refuse to hire an individual because they are a member of a labor organization or have engaged in labor organizing. It is also illegal to refuse to rehire or extend the contract of an individual for these reasons.

Section 473 is a provision in the 2003 Labor Law and the provision's intent is to ensure that labor representatives do not undermine the traditional labor organizations. The government intends to implement this provision to achieve that goal, consistent with the core provisions of the ILO.

The right to strike is protected in the Moroccan constitution. Further clarification of these rights is underway. The government of Morocco is committed to protecting the right to strike in conformance with the International Labor Organization's core principles. In particular, the government of Morocco will not use Article 288 of our penal code against lawful strikers.

Concerning the questions regarding Labor Representatives, employers have the obligation to organize the elections for the labor representatives. Employers cannot vote in these elections and are not able to choose labor representatives. Only employees can vote and elect freely the labor representatives.

Employees can join freely the Union of their own choice. Unions designate their representatives within the companies.

On the ILO involvement, Morocco has always worked with ILO. For instance, ILO assisted Morocco to write the Labor Code of 2003 and the new law on child labor. Morocco, as in the past, will continue to ask the support of ILO and work with this organization in all labor issues such as new laws and will ask its help in providing assistance for the implementation of the current rules.

I look forward to continuing to work with you on these issues and any others of potential concern. Nevertheless, I wanted to get back to you in a timely manner on the key issues addressed in this letter.

Sincerely,

AZIZ MEKOUAR,
Ambassador.

EMBASSY OF THE
KINGDOM OF MOROCCO,
Washington, DC, July 19, 2004.

Hon. SANDY LEVIN,
Rayburn-House Office Building,
House of Representatives.

DEAR REPRESENTATIVE LEVIN: I deeply appreciate the opportunity to work with you on the U.S.-Morocco Free Trade Agreement. In particular, I appreciate the opportunity to talk to you about the pharmaceutical provisions in the Free Trade Agreement, and about how the Government of Morocco is meeting the health needs of its citizens.

The Government of Morocco has a well-developed health system, including a comprehensive public health program. For example, free medical care, including medicines, is available through our hospitals. Morocco's health care policy includes a strong emphasis on generic drugs.

Morocco has not needed to engage in emergency measures such as compulsory licensing or parallel imports. In fact, there is a well-developed domestic pharmaceutical industry in Morocco, producing also generics, and in 2000, well in advance of the Free Trade Agreement and completely independent of it, Morocco decided to bar parallel imports.

In addition, as a separate, but quite important matter, the Government of Morocco is strongly committed to and has agreed to the highest-standard intellectual property rights provisions in the Free Trade Agreement. The Government of Morocco believes that effective intellectual property right protection will play a vital role in the continued economic development of our country.

The pharmaceutical provisions in the Free Trade Agreement were carefully considered in Morocco. They were discussed in detail with all parties. All sectors of our health system were involved, including the pharmaceutical industry. The discussions also included the members of the civil society in Morocco.

The Government of Morocco achieved in this agreement full flexibility to meet our nation's health concerns. In particular, the Government of Morocco believes the agreement fully preserves its right to issue a compulsory license in the event that this should prove necessary.

The Agreement does bar "parallel imports" in 1.5.9.4. However, as described above, the Government of Morocco already bans "parallel imports." In addition, the Government of Morocco believes that in the event that it faced a situation where extraordinary action was required, it could meet the needs of its people through a compulsory license.

The Government of Morocco considered carefully the data exclusivity provisions in the agreement. We do not believe that they present any risk to our ability to meet the health needs of our citizens.

Under the Agreement, a compulsory license does not override obligations to provide data exclusivity under 15.10.1 and 2. The Government of Morocco believes it is unlikely that a situation would ever arise where data exclusivity would be a barrier to the issuance of a compulsory license. If such an event did occur, the Government of Morocco believes that an accommodation could be reached with the owner of the data.

The Government of Morocco supports the Paragraph 6 solution of the Doha Declaration. The Free Trade Agreement does not restrict our ability to export under the Paragraph 6 solution of the Doha Declaration. To the specific, 15.9.6 does not create a barrier to exports under the Paragraph 6 solution of the Doha Declaration.

The June 15, 2004 side letter between our two countries addresses the ability to amend the Free Trade Agreement, responsive to amendments to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. Under the Agreement, the Government of Morocco believes it can consult immediately to amend the Agreement responsive to any WTO amendments. Under the Agreement, it is not required to wait for there to be an application in dispute of the Agreement.

I look forward to keep working with you.

Sincerely,

AZIZ MEKOUAR,
Ambassador.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2004.

Hon. ROBERT B. ZOELLICK,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR ZOELLICK: We are writing to express our ongoing concern about sections of recently negotiated U.S. free trade agreements (FTAs) that could affect the availability of affordable drugs in developing countries. In particular, we are concerned about the impact of restrictions on parallel imports and about marketing exclusivity requirements for pharmaceuticals included in the Morocco FTA. Our concern relates to two points.

First, it appears that some of the provisions contradict, both explicitly and in spirit, commitments made by the United States in the World Trade Organization in both the November 2001 Declaration on the TRIPS Agreement and Public Health (the Doha Declaration) and the September 2003 Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (the Paragraph 6 Decision). Section 2101(b)(4)(C) of the Trade Act of 2002 (Trade Promotion Authority or TPA) directs the Administration to respect the Doha Declaration, necessarily including subsequent agreements related to that Declaration.

Second, we are concerned that the FTA's restrictions on obtaining regulatory approval for drugs, including drugs that are already off-patent, are likely to increase prices in the Moroccan market. These restrictions, described below, could undermine the availability of generic versions of drugs to treat serious health problems, including HIV/ADS, that are widespread in many, if not most, developing countries. Moreover, any increase in the price of drugs in a developing country like Morocco will be borne by consumers because most developing countries have large rural, uninsured, and poor populations who pay out-of-pocket for drugs.

In discussions with your staff and in recent testimony before the Committee on Ways and Means, we understand that your office is of the view that the FTA does not interfere with a country's efforts to ensure broader access to medicines. We request that you explain that view to us in writing, and in particular, by responding to the questions outlined below. We have focused on Chapter 15 of the U.S.-Morocco FTA, because it may be considered by Congress in the coming weeks.

RESTRICTIONS ON PARALLEL IMPORTATION

Article 15.9.4 of the U.S.-Morocco FTA requires both countries to recognize the exclusive right of a patent holder to import a patented product, at least where the patent holder has restricted the right to import by contractual means. In practical terms, this provision means that neither Morocco, nor for that matter, the United States, may allow parallel imports of patented pharmaceutical products from the other country, or where a national of the other country owns the patent.

With respect to Morocco, which is a developing country, this provision appears to limit one of the flexibilities identified in the Doha Declaration for increasing access to medicines, and accordingly, it appears to contradict the direction in section 2102(b)(4)(c) of TPA. Specifically, the Doha Declaration reaffirmed that the TRIPS Agreement provides flexibility for WTO Members to take measures to protect public health, including "promot[ing] access to medicines for all." One of the key flexibilities identified in the Doha Declaration is the right of each country to determine for itself whether to allow parallel imports.

Does Article 15.9.4 of the Morocco FTA prevent Morocco from allowing parallel imports of a patented pharmaceutical product?

Given that the Doha Declaration explicitly confirms the right of each country to retain flexibility in allowing parallel imports of drugs as one way of meeting the public health needs of its citizens, please explain why the provision was included given that TPA directs the Administration to respect the Doha Declaration?

Which country sought inclusion of this provision?

If Morocco or the United States eliminated the exclusive right of a patent holder to import a patented product, would either be in violation of Article 15.9.4?

MARKET EXCLUSIVITY AND RELATED PROVISIONS

Article 15.10.1 of the U.S.-Morocco FTA requires that both countries prevent the use of data submitted to support an application for marketing approval (e.g., approval from the Food and Drug Administration (FDA)) for a new pharmaceutical chemical product without the consent of the person submitting such data, for a period of five years from the date of approval. In layman's terms, this means that if a company submits data to meet FDA-type safety and efficacy standards, and obtains marketing approval based on that data, other companies cannot obtain regulatory approval based on those data for five years. Given the cost of generating such data, this provision operates effectively as a grant of market exclusivity in virtually all cases, including in cases where the drug is off patent. Article 15.10.2 appears to allow an additional three years of marketing exclusivity for new uses of an already-approved pharmaceutical product. Article 15.10.3 requires both countries to extend patents where there is a delay in the marketing approval process.

The provisions described above appear to be based on 1984 amendments to U.S. law known as the Hatch-Waxman Act. The objectives of the Hatch-Waxman Act were to accelerate and increase the availability of generic drugs in the United States while balancing the need for continued investment in new drugs. As you are aware, the Hatch-Waxman Act was necessary because prior to 1984, U.S. law made it extremely difficult and expensive to bring a generic version of a pharmaceutical product to market, even after a patent expired. This was because prior to the 1984 changes, a company seeking marketing approval for a copy of an already-approved drug had to generate its own data to support its FDA application. The cost of generating those data effectively precluded second entrants from entering the market. (First entrants were able to offset the cost for generation of the data because they enjoyed patent protection.) The Hatch-Waxman Act allowed second entrants to rely on data submitted by first entrants, thereby reducing costs and speeding introduction of generic versions of drugs to the U.S. market. In exchange for allowing second entrants to "piggy-back" off first entrants, first entrants were given a period of market exclusivity, even for drugs that are off-patent.

The Hatch-Waxman Act's provisions on market exclusivity were part of a compromise necessary to ensure that the U.S. regulatory structure was updated to facilitate the entry of generic drugs into the U.S. market. Most developing countries already have robust generic markets, in large part because they already allow producers of generic versions of drugs to obtain regulatory approval based on data submitted by first applicants or based on prior approval. In light of that fact, and given that innovative drug companies largely develop drugs for developed country markets and conduct the necessary tests to get marketing approval in those markets regardless of whether they are given market exclusivity in low-income developing countries, what is the rationale for including these provisions?

Please describe the circumstances under which the three additional years of marketing exclusivity described in Article 15.10.2 would apply.

Neither Article 15.10.1 or 15.10.2 on marketing exclusivity appear to allow for reliance on previously submitted data or prior approval during the period of market exclusivity absent consent of the first applicant. The Doha Declaration reaffirmed the right of countries to use flexibilities under the TRIPS Agreement, such as compulsory licenses. A compulsory license allows someone other than the patent holder to produce and sell a drug under patent. It is not clear to us why the grant of a compulsory license would override a grant of market exclusivity, as provided in Articles 15.10.1 and 15.10.02. (We note that there is no exception to protect the public.) Please describe how the market exclusivity provisions in Article 15.10.1 and Article 15.10.2 relate to Morocco's ability to issue a compulsory license.

Where a compulsory license has been issued, may a Party automatically deem that the first applicant has consented to reliance on the data or prior approval for the drug produced under the compulsory license?

If the patent and test-data were owned by different entities, does a compulsory license result in legal "consent" by both the patent holder and the data owner for use of the patented material and the test data?

When the drug is off patent, and a Party wishes to permit marketing for a second entrant, what mechanism exists in the FTA to allow for an exception to the provisions on market exclusivity?

Is a grant of market exclusivity pursuant to Articles 15.10.1 and 15.10.2 considered an "investment" with respect to Chapter 10 of the agreement? If so, would an abridgement of the period of market exclusivity constitute a compensable expropriation under Chapter 10?

Article 10.6.5 of the FTA appears to clarify that any act of patent infringement carried out by a Party in the issuance of a compulsory license in accordance with the TRIPS does not constitute a compensable expropriation. Issuance of a compulsory license, however, is only one aspect of the process of getting a drug to market. Does the clarification in Article 10.6.5 also ensure that other measures taken by a government to ensure that a drug on which a compulsory license has been issued can be lawfully marketed (e.g., a grant of marketing approval to a generic or second producer before the period of marketing exclusivity has expired) will not constitute compensable expropriations? If not, is there another provision in the agreement that would ensure that such measures do not constitute expropriations?

Article 15.10.3 requires that a patent term be extended where there is a delay in the regulatory approval process. The provision does not state whether delays attributable to the applicant (e.g., failure to provide adequate data) mitigate against extension. Article 15.9.8, the comparable provision for extension of a patent term because of a delay in the patent approval process, makes clear that delays attributable to the patent applicant should not be considered in determining whether there is a delay that gives rise to the need for an extension. Why was similar language not included in Article 15.10.3?

Is Morocco, or for that matter the United States, required by the FTA to extend a patent term where there is a delay in the regulatory approval that is attributable to the applicant?

BOLAR-TYPE PROVISIONS THAT LIMIT EXPORT

Article 15.9.6 of the U.S.-Morocco FTA appears to allow a person other than a patent holder to make use of a patent in order to generate data in support of an application for marketing approval of a pharmaceutical product (e.g., approval from the FDA). However, Article 15.9.6 also states that if exportation of the product using the patent is allowed, exportation must be limited to "purposes of meeting marketing approval requirements." This provision appears to preclude Morocco from exporting generic versions of patented pharmaceutical products for any reason other than use in obtaining marketing approval because that is the only exception noted.

If that is the case, the provision would seem to curtail Morocco's ability to act as an exporter of pharmaceutical products to least-developed and other countries under the Paragraph 6 Decision. Specifically, the Paragraph 6 Decision allows countries to export drugs produced under a compulsory license to least-developed countries or to countries that lack pharmaceutical manufacturing capabilities. Were the provisions to constrain Morocco's ability to export under the Paragraph 6 Decision, the United States could be accused of backtracking on commitments that have been made.

Please explain whether this Article prohibits Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than "meeting market approval requirements." If it does not, please explain in detail how you came to that conclusion.

If this provision does in fact limit Morocco's ability to allow the export of generic versions of patented pharmaceutical products, please explain how Morocco could serve as an exporting country to help least-developed and other countries address public health needs under the Paragraph 6 Decision. (Exporters under the Paragraph 6 Decision are exporting to meet the health needs of an importing country, not merely to obtain marketing approval.)

Does Article 15.9.6 allow export of a generic version of a patented drug to get marketing approval in a third country (i.e., other than the United States or Morocco)? (Article 15.9.6 states that "the Party shall provide that the product shall only be exported outside its territory for purposes of meeting marketing approval requirements of that Party.")

SIDE LETTER TO THE AGREEMENT

The Morocco FTA includes an exchange of letters dated June 15, 2004, between the Governments of Morocco and the United States. The letters appear intended to clarify the relationship between the intellectual property provisions of the FTA and the ability of Morocco and the United States to take measures to protect the public health.

The letters address two issues. First, the letters state that the intellectual property provisions in the FTA "do not prevent the effective utilization" of the Paragraph 6 Decision. Second, the letters state that if the TRIPS Agreement is amended on issues related to promotion of access to medicines, and that either the United States or Morocco takes action in conformity with such amendments, both countries will "immediately consult in order to adapt [the intellectual property provisions of the FTA] as appropriate in light of the amendment."

On the Paragraph 6 Decision, please explain how the statement that the FTA does not "prevent the effective utilization" is not merely rhetorical. Please be specific as to why you believe the provisions in the FTA do not preclude Morocco from acting as an importer or exporter of drugs under the Paragraph 6 Decision, including how the FTA's provisions related to market exclusivity can be waived if Morocco acts in either capacity.

On the issue of consultation, do the letters mean that both Parties agree to amend the FTA as soon as possible to reflect access to medicines amendments to the TRIPS Agreement? Will the United States refrain from enforcing provisions of the FTA that contravene the TRIPS Agreement amendments while the FTA is being amended? Is USTR willing to engage in an exchange of letters with the Government of Morocco memorializing such an understanding?

We appreciate your prompt response to these questions.

Sincerely,

CHARLES B. RANGEL,
Ranking Democrat, Committee on Ways and Means.
JIM MCDERMOTT,
Member, Committee on Ways and Means.
SANDER LEVIN
Ranking Democrat, Subcommittee on Trade, Committee on Ways and Means.
HENRY A. WAXMAN,
Ranking Democrat, Committee on Government Reform.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, July 19, 2004.

Hon. SANDER M. LEVIN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LEVIN: Thank you for your letter of July 15, 2004, regarding certain provisions of the intellectual property chapter of the U.S.-Morocco Free Trade Agreement (FTA).

I have addressed each of your specific questions below. As a general matter, for the reasons also set forth below, the FTA does not conflict with the Doha Declaration on the TRIPS Agreement and Public Health or otherwise adversely, affect access to medicines in Morocco. The FTA does not require Morocco to change its policies with respect to any of the flexibilities noted in the Doha Declaration. Furthermore, we believe that this FTA can advance Morocco's ability to address public health problems, both by putting in place incentives to develop and bring new medicines to market quickly and by raising standards of living more broadly.

The experience of Jordan under the U.S.-Jordan FTA is illuminating. The United States and Jordan signed the FTA in 2000, during the prior Administration, and we worked with Congress to enact that agreement in 2001. The U.S.-Jordan FTA contains a strong intellectual property chapter that covers, for example, data protection, one of the issues highlighted in your letter. Jordan has witnessed a substantial increase in pharmaceutical investment, creating new jobs and opportunities. In addition, Jordan has approved 32 new innovative medicines since 2000—a substantial increase in the rate of approval of innovative drugs, helping facilitate Jordanian consumers' access to medicines. The Jordanian drug industry has even begun to develop its own innovative medicines. This is an example of how strong intellectual property protection can bring substantial benefits to developing and developed countries together.

Your specific questions with respect to the U.S.-Morocco FTA are addressed below.

PARALLEL IMPORTATION

1. Does Article 15.9.4 of the Morocco FTA prevent Morocco from allowing parallel imports of a patented pharmaceutical product?

Article 15.9.4 of the FTA reflects current Moroccan law and therefore does not require Morocco to do anything it does not already do. The FTA also reflects existing U.S. law. Both Morocco and the United States already provide patent owners with an exclusive right to import patented products, including pharmaceuticals but also all other types of patented products. Many innovative industries and their employees in the United States—from the high tech and pharmaceuticals sectors to sectors covering chemicals and agricultural inputs, and on to engineering and manufacturing—benefit from this long-standing protection in U.S. patent law.

2. Given that the Doha Declaration explicitly confirms the right of each country to retain flexibility in allowing parallel imports of drugs as one way of meeting the public health needs of its citizens, please explain why the provision was included given that TPA directs the Administration to respect the Doha Declaration?

Providing patent owners with an exclusive import right is consistent with Article 28.1 of the TRIPS Agreement, which states that patent owners have the exclusive right to make, use, sell, offer for sale, and import products covered by their patents. U.S. law, developed through a long line of Supreme Court and lower court cases, has recognized this right for over a hundred years. The TRIPS Agreement more precisely articulated the exclusive import right, and, when implementing TRIPS in the Uruguay Round Agreements Act, Congress amended the patent law by providing for such a right expressly in the statute.

At the same time, however, the TRIPS Agreement also allows countries to choose to permit "international exhaustion" without challenge under WTO dispute settlement. International exhaustion would allow parallel imports. The Doha Declaration affirms this approach, and states that "[t]he effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4."

Importantly, neither the TRIPS Agreement nor the Doha Declaration require WTO members to adopt an international exhaustion rule; they merely recognize that countries may do so without challenge. WTO members are free to exercise their sovereign right to choose an alternative policy. As noted, the United States does not permit parallel imports. Morocco also decided in 2000, well before the FTA negotiations, not to permit parallel imports. The fact that the FTA reflects principles already present in both Parties' laws does not in any way lessen our commitment to the Doha Declaration. In fact, in previous FTA negotiations with developing countries that do not have parallel import restrictions in their domestic law (e.g., Central America, Chile, and Bahrain), the final negotiated texts do not contain provisions on parallel importation.

3. Which country sought inclusion of this provision?

This provision is a standard component of the U.S. draft text, which USTR staff has presented to Congress for review and comment on numerous occasions. Morocco readily accepted the proposal, without objection, and noted during the negotiations that Moroccan patent law, like U.S. law, already provided patentees with an exclusive importation right.

4. If Morocco or the United States eliminated the exclusive right of a patent holder to import a patented product, would either be in violation of Article 15.9.4?

It would depend on the details of the particular legislation. A change in U.S. law would, however, affect many other innovative sectors that rely on patents besides the pharmaceutical sector. Many U.S. technology, manufacturing, and other innovative businesses—as well as Members of Congress—urge us regularly to vigorously safeguard U.S. patents and the jobs they help create.

MARKET EXCLUSIVITY

5. The Hatch-Waxman Act's provisions on market exclusivity were part of a compromise necessary to ensure that the U.S. regulatory structure was updated to facilitate the entry of generic drugs into the U.S. market. Most developing countries already have robust generic markets, in large part because they already allow producers of generic versions of drugs to obtain regulatory approval based on data submitted by first applicants or based on prior approval. In light of that fact, and given that innovative drug companies largely develop drugs for developed country markets and conduct the necessary tests to get marketing approval in those markets regardless of whether they are given market exclusivity in low-income developing countries, what is the rationale for including these provisions?

In negotiating the U.S.-Morocco FTA and other recent FTAs, USTR has been mindful of the guidance provided in the Trade Act of 2002, which directs USTR to seek to "ensur[e] that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect[s] a standard of protection similar to that found in United States law." We understand the rationale of this guidance is to help protect and create high-paying jobs in leading American businesses. As a developed economy, it is understandable that U.S. workers will be increasingly employed in higher value (and better paid) innovative and productive jobs. On the basis of Congress' direction, the United States sought to include provisions that reflect U.S. law, including with respect to the protection of data.

The protection of clinical test data has long been a component of trade agreements negotiated by U.S. Administrations with both developed and developing countries. Data protection provisions were included, for example, in many past trade agreements, including the U.S.-Jordan FTA and the U.S.-Vietnam Bilateral Trade Agreement—both negotiated by the prior Administration after the passage of the law to which you refer. Such provisions were included in NAFTA, too. They are in all recent FTAs, including the U.S.-Singapore FTA and the U.S.-Chile FTA. Data protection provisions have also been included in many bilateral intellectual property agreements.

The TRIPS Agreement itself requires protection of clinical test data against unfair commercial use. While the United States protects data to obtain approval for new chemical entities for five years, other countries provide different terms. The EU, for example, protects such data for 6–10 years.

Implicit in the question, however, appears to be an assumption that data protection is disadvantageous for developing countries like Morocco. Yet, protection of data actually has the potential of facilitating and accelerating access to medicines. As recognized in Chapter 15 of the FTA (footnotes 12 and 13), Morocco does not currently approve generic versions of medicines based on approvals granted in other countries. As a result, today a generic producer wishing to sell pharmaceuticals in Morocco may obtain approval only if an innovative producer first obtains approval in Morocco or if the generic producer invests the significant money and time necessary to recreate the data itself. After an innovative producer obtains approval in Morocco, a generic producer may rely on such data to obtain approval for its generic product.

Therefore, under existing Moroccan law, generic manufacturers in Morocco cannot obtain marketing approval for a generic drug until an innovator has first obtained approval for the drug in Morocco. Without data protection, innovative producers will be less likely to enter the Moroccan market in the first place because, once they obtain approval, generic producers may capture most of the market. The data exclusivity provisions of the FTA can thus provide an important incentive for innovators to enter the market, which may in turn expand the potential universe of generic drugs in Morocco. As noted above, this is the development we are seeing in Jordan, to the benefit of Jordan consumers.

6. Please describe the circumstances under which the three additional years of marketing exclusivity described in Article 15.10.2 would apply.

The question seems to imply that the basic five year term of protection for data submitted to obtain approval of new chemical entities may be extended to eight years. This is not correct. There is no circumstance in which the FTA requires that an innovator receive a data protection period longer than five years for new chemical entities.

The three year period of protection reflects a provision in U.S. law, which relates to new information that is submitted after a product is already on the market (for example, because the innovator is seeking approval for a new use of an existing product). In that situation, at least in cases where the origination of this new data involves considerable effort, the FTA requires that the person providing the new data gets three years of protection for that new data relating to that new use. This three year period only applies to the new data for the new use; it is not added to the exclusivity period for any data previously submitted.

For example, if a new chemical entity is given marketing approval, the data supporting that approval is protected for five years. After that time, generic producers may rely on the data to obtain approval for a generic version of the drug for the use supported by the original data. If a new use is subsequently discovered for the chemical entity, and the health authority approves the new use based on new data, then the originator of the new data is entitled to three years of protection for that data. During that time, however, generics can continue to produce and market the drug for the original use.

7. Neither Article 15.10.1 or 15.10.2 on marketing exclusivity appear to allow for reliance on previously submitted data or prior approval during the period of market exclusivity absent consent of the first applicant. The Doha Declaration reaffirmed the right of countries to use flexibilities under the TRIPS agreement, such as compulsory licenses. A compulsory license allows someone other than the patent holder to produce and sell a drug under patent. It is not clear to us why the grant of a compulsory license would override a grant of market exclusivity, as provided in Articles 15.10.1 and 15.10.2. (We note that there is no exception to protect the public.) Please describe how the market exclusivity provisions in Article 15.10.1 and Article 15.10.2 relate to Morocco's ability to issue a compulsory license.

The Doha Declaration recognizes that the TRIPS Agreement allows countries to issue compulsory licenses to address public health problems. The U.S.-Morocco FTA is fully consistent with this principle. It contains no provisions with respect to compulsory licensing, leaving the flexibilities available under WTO rules unchanged.

In the negotiation of the U.S.-Morocco FTA, both parties recognized the importance of protecting public health. Your questions pertain to whether provisions of Chapter 15 (which is the Intellectual Property Rights chapter) might affect this common interest. To address this type of concern, the United States and Morocco agreed to a side letter on public health in which both Parties stated their understanding that "[t]he obligations of Chapter Fifteen of the Agreement do not affect the ability of either Party to take necessary measures to protect public health by promoting access to medicines for all, in particular concerning cases such as HIV/AIDS, tuberculosis, malaria, and other epidemics as well as circumstances of extreme urgency or national emergency." The Parties also stated that "Chapter Fifteen does not prevent the effective utilization of the TRIPS/health solution" reached in the WTO last year to ensure that developing countries that lack pharmaceutical manufacturing capacity may import drugs. Therefore, if circumstances ever arise in which a drug is produced under a compulsory license, and it is necessary to approve that drug to protect public health or effectively utilize the TRIPS/health solution, the data protection provisions in the FTA would not stand in the way.

8. Where a compulsory license has been issued, may a Party automatically deem that the first applicant has consented to reliance on the data or prior approval for the drug produced under the compulsory license?

As explained above, if the measure described in the question is necessary to protect public health, then, as explained in the side letter, the FTA would not stand in the way.

9. If the patent and test-data were owned by different entities, does a compulsory license result in legal "consent" by both the patent holder and the data owner for use of the patented material and the test data?

See previous response.

10. When the drug is off patent, and a Party wishes to permit marketing for a second entrant, what mechanism exists in the FTA to allow for an exception to the provisions on market exclusivity?

A patent is designed to protect one type of intellectual property work, i.e., an invention. Protection of data is intended to protect a different type of work, i.e., undisclosed test data that required significant time and effort to compile. The fact that one type of intellectual property protection for a product has expired, should not lead as a matter of course to the conclusion that all other intellectual property rights attached to the same product should also expire. The same is true in other areas of intellectual property. For example, a single CD may encompass several intellectual property rights related to the music, the performer and the record company. These rights may expire at different times. The fact that the copyright attached to the sound recording has expired, should not mean that the composer or performer loses the copyright it has. As you know, this principle is important to a broad range of U.S. creative and innovative industries, including the entertainment sector, America's second largest export business.

However, as indicated in the side letter, if a circumstance arose, such as an epidemic or national emergency, that could only be addressed by granting a second entrant marketing approval notwithstanding the data protection rights of the originator of the data, the FTA would not stand in the way.

11. Is a grant of market exclusivity pursuant to Articles 15.10.1 and 15.10.2 considered an "investment" with respect to Chapter 10 of the Agreement? If so, would an abridgement of the period of market exclusivity constitute a compensable expropriation under Chapter 10?

The definition of an "investment" in the FTA includes, inter alia, "intellectual property rights." Whether an abridgement of the data protection obligation gives rise to a compensable expropriation of an "investment" under Chapter Ten is a fact-specific issue that would have to be resolved on the merits of a particular case. It is worth noting, however, that Article 10.6.5 provides that the expropriation provision of Chapter Ten does not apply to the issuance of compulsory licenses or to the limitation of intellectual property rights to the extent that such action is consistent with the intellectual property chapter (Chapter Fifteen). A determination concerning the consistency of an action with Chapter Fifteen would be informed by the side letter.

12. Article 10.6.5 of the FTA appears to clarify that any act of patent infringement carried out by a Party in the issuance of a compulsory license in accordance with the TRIPS does not constitute a compensable expropriation. Issuance of a compulsory license, however, is only one aspect of the process of getting a drug to market. Does the clarification in Article 10.6.5 also ensure that other measures taken by a government to ensure that a drug on which a compulsory license has been issued can be lawfully marketed (e.g., a grant of marketing approval to a generic or second producer before the period of marketing exclusivity has expired) will not constitute compensable expropriations? If not, is there another provision in the agreement that would ensure that such measures do not constitute expropriations?

See response to Question 11.

13. Article 15.10.3 requires that a patent term be extended where there is a delay in the regulatory approval process. The provision does not state whether delays attributable to the applicant (e.g., failure to provide adequate data) mitigate against extension. Article 15.9., the comparable provision for extension of a patent term because of a delay in the patent approval process, makes clear that delays attributable to the patent applicant should not be considered in determining whether there is a delay that gives rise to the need for an extension. Why was similar language not included in Article 15.10.3?

The Parties did not find it necessary to specifically address the issue of how to handle delays attributable to an applicant for marketing approval in the context of data protection. As with numerous other provisions, the Parties retain the flexibility to address such details in their implementation of the FTA, provided that they comply with the basic obligation.

14. Is Morocco, or for that matter the United States, required by the FTA to extend a patent term where there is a delay in the regulatory approval that is attributable to the applicant?

The FTA preserves flexibility for the Parties to address the issue of delays attributable to an applicant for marketing approval through their domestic laws and regulations.

BOLAR PROVISIONS

15. Please explain whether this Article prohibits Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than "meeting marketing approval requirements." If it does not, please explain in detail how you came to that conclusion.

No, it does not. The Article dealing with the "Bolar" exception to patent rights only deals with one specific exception. It does not occupy the field of possible exceptions, and thus does not prevent Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than "meeting marketing approval requirements" when permitted by other exceptions. For example, Morocco has the right to allow exports where consistent with TRIPS Article 30 and WTO rules on compulsory licensing. Morocco may, for example, allow export of generic versions of patented drugs by issuing a compulsory license in accordance with the TRIPS/health solution agreed last August in the WTO.

16. If this provision does in fact limit Morocco's ability to allow the export of generic versions of patented pharmaceutical products, please explain how Morocco could serve as an exporting country to help least-developed and other countries address public health needs under the Paragraph 6 Decision. (Exporters under the Paragraph 6 Decision are exporting to meet the health needs of an importing country, not merely to obtain marketing approval).

As noted in the response to Question 15, the FTA does not limit Morocco's ability to make use of the TRIPS/health solution agreed last August to export drugs under a compulsory license to developing countries that cannot produce drugs for themselves.

17. Does Article 15.9.6 allow export of a generic version of a patented drug to get marketing approval in a third country (i.e., other than the United States or Morocco)? (Article 15.9.6 states that "the Party shall provide that the product shall only be exported outside its territory for purposes of meeting marketing approval requirements of that Party.")

Morocco can get marketing approval in a third country to allow export of a generic version through the issuance of a compulsory license for export, consistent with WTO rules. Article 15.9.6 does not interfere with that result.

SIDE LETTER

18. On the Paragraph 6 Decision, please explain how the statement that the FTA does not "prevent the effective utilization" is not merely rhetorical. Please be specific as to why you believe the provisions in the FTA do not preclude Morocco from acting as an importer or exporter of drugs under the Paragraph 6 Decision, including how the FTA's provisions related to market exclusivity can be waived if Morocco acts in either capacity.

There are no provisions in the FTA related to compulsory licensing, which means that it does not limit in any way Morocco's ability to issue compulsory licenses in accordance with WTO rules, including TRIPS Article 31 and the TRIPS/health solution. With respect to other rules included in Chapter 15, including data protection, the side letter states that the FTA does not "prevent the effective utilization of the TRIPS/health solution." As stated in the side letter, the letter constitutes a formal agreement between the

Parties. It is, thus, a significant part of the interpretive context for this agreement and not merely rhetorical. According to Article 31 of the Vienna Convention on the Law of Treaties, which reflects customary rules of treaty interpretation in international law, the terms of a treaty must be interpreted "in their context," and that "context" includes "any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty."

19. On the issue of consultation, do the letters mean that both Parties agree to amend the FTA as soon as possible to reflect access to medicines amendments to the TRIPS Agreement? Will the United States refrain from enforcing provisions of the FTA that contravene the TRIPS Agreement amendments while the FTA is being amended? Is USTR willing to engage in an exchange of letter with the Government of Morocco memorializing such an understanding?

The United States would, of course, work with Morocco to ensure that the FTA is adapted as appropriate if an amendment to the TRIPS Agreement were adopted to ensure access to medicines. The only amendment currently being contemplated with respect to TRIPS involves translating the TRIPS/health solution from last August into a formal amendment. The United States has no intention of using dispute settlement to challenge any country's actions that are in accordance with that solution. In fact, Canada passed legislation recently that would allow it to export drugs in accordance with the TRIPS/health solution. The United States reached an agreement with Canada just last Friday, July 16, to suspend parts of NAFTA to ensure that Canada could implement the solution without running afoul of NAFTA rules.

In closing, let me emphasize that we appreciate the importance of the U.S. commitment to the Doha Declaration on the TRIPS Agreement and Public Health and the global effort to ensure access to medicines in developing countries to address acute public health problems, such as AIDS, malaria and tuberculosis. The United States played a leading role in developing these provisions, including enabling poor countries without domestic production capacity to import drugs under compulsory licenses. We also successfully called for giving Least Developed Countries an additional ten years, from 2006 until 2016, to implement TRIPS rules related to pharmaceuticals. These accomplishments offer a significant solution to the conflicts we encountered on taking office in 2001.

At the same time, as Congress has directed us, the Administration has worked on multiple fronts to strengthen the value internationally of America's innovation economy. These efforts have included stronger intellectual property protection rules and enforcement so as to assist U.S. businesses and workers, and encourage ongoing innovation that benefits U.S. consumers.

Our FTAs are but one component of the Administration's broader efforts to achieve these objectives, and complement efforts undertaken in other fora. Our FTAs not only do not conflict with the objectives expressed in the Doha Declaration but reinforce those objectives and facilitate efforts to address public health problems.

Sincerely,

JOHN K. VERONEAU,
General Counsel.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman from Rochester, New York for yielding me this time.

I rise today in support of the Moroccan Free Trade Agreement because it is an important agreement with a moderate Muslim country and it represents a vital step towards establishing broader free trade in the Middle East.

Former Clinton administration U.S. Trade Representative Mickey Kantor said, "Closer and mutually beneficial ties between Morocco and the United States will bolster a country that has for several centuries earned a reputation for moderation, tolerance, and stability. The Moroccans have democratized their political structures. They recently made historic reforms to improve women's rights, and codified new labor rights and protections based upon key International Labor Organization conventions.

Mr. Speaker, the Moroccan Free Trade Agreement is the first trade pact to be negotiated with an Arab and Muslim country since September 11, and it would permit Morocco to join Jordan in the ranks of countries that have entered into an enhanced partnership with the United States.

☐ 1215

This agreement will enhance our foreign policy and diplomatic efforts to bridge greater understanding and cooperation with moderate Arab nations.

This FTA is going to ensure that U.S. businesses and workers have greater access to the Moroccan market by further eliminating trade barriers. It will deepen and expand bilateral commercial ties beyond the average level of $1 billion in current annual two-way trade flows. In fact, the United States enjoyed a surplus of $2 billion between 1999 and 2003. So they are buying more from us than we are buying from them. This is creating more jobs in the United States.

More than 95 percent of bilateral trade in consumer and industrial products will become duty free immediately upon entry into this agreement, with all remaining tariffs to be eliminated within 9 years. It is the best markets access package of any U.S. free trade agreement with a developing country.

It is going to create new opportunities for U.S. banks, insurance, securities and related services and telecommunications. Key U.S. export sectors gain immediate duty-free access to Morocco, such as information technology, machinery, construction equipment, and chemicals. Morocco is going to accord substantial market access across its entire services regime and adhere to strong and detailed disciplines on regulatory transparency, a key factor.

Additionally, Morocco has agreed to strengthen its intellectual property laws, and the agreement is going to help Morocco to further expand its economic and labor reform efforts.

Mr. Speaker, this FTA will expand trade and bring greater economic opportunities for U.S. workers, farmers and businesses, and is going to promote economic development in other nations.

Through this type of economic engagement, we can forge stronger ties with our allies around the world and promote democracy, free markets, and improved labor standards. That is why I support this agreement. I urge my very good friends, particularly on this side of the aisle, to vote in favor of this implementing legislation.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from Virginia brought up some very important points, and I think they are important to emphasize and not only take note of. This agreement, in addition to the many, many important aspects that it contains for the economy, obviously, of Morocco, and the United States, is a very important agreement politically; and it encourages the extraordinary progress that Morocco has made in the area of labor rights, in the area of a free press, and in the area of democratization.

Morocco has multiple political parties, espousing all conceivable viewpoints. It has an elected parliament and an elected prime minister. It has made commendable progress. It is a great friend and ally of the United States.

For so many reasons, Mr. Speaker, it is important and appropriate for this Congress to be moving forward today passing this implementing legislation for the United States-Morocco Free Trade Agreement.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on adopting House Resolution 738 will be followed by 5-minute votes, as ordered, on suspending the rules and passing H.R. 4175; and suspending the rules and adopting H. Res. 728.

The vote was taken by electronic device, and there were—yeas 345, nays 76, not voting 13, as follows:

[Roll No. 407]

YEAS—345

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—76

Alexander
Baca
Baldwin
Becerra
Berry
Boucher
Brady (PA)
Brown (OH)
Capuano
Conyers
Costello
Cramer
Cummings
DeFazio
Delahunt
DeLauro
Doyle
Evans
Filner
Green (TX)
Grijalva
Hastings (FL)
Hinchey
Holden
Jackson (IL)
Kanjorski
Kildee
Kleczka
Larson (CT)
Lee
Lipinski
Lofgren
Markey
Marshall
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Rahall
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt
Woolsey
Wu

NOT VOTING—13

Bass
Carson (IN)
Collins
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Majette
Paul
Quinn
Simmons
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1244

Mrs. NAPOLITANO, Mr. BECERRA, Ms. BALDWIN, and Mr. McGOVERN changed their vote from "yea" to "nay."

Mr. GUTIERREZ and Mr. WELDON of Florida changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4175, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4175, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 408]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur

Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Bass
Berman
Carson (IN)
Collins
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Majette
Paul
Quinn
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). Members are advised 2 minutes are left in this vote.

□ 1253

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING POSTPONEMENT OF A PRESIDENTIAL ELECTION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 728.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 728 on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 2, not voting 13, as follows:

[Roll No. 409]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
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Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
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Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
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Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
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Spratt
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Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
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Tauzin
Taylor (MS)
Taylor (NC)
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Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Baird
McInnis

NOT VOTING—13

Bachus
Carson (IN)
Collins
Gephardt
Gillmor
Greenwood
Kirk
Kucinich
Lofgren
Lowey
Paul
Quinn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes are left in this vote.

□ 1300

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BASS. Mr. Speaker, on Thursday, July 22, I regrettably missed recorded votes numbered 407 and 409. Had I been present, I would have voted "yea" on both measures.

MARRIAGE PROTECTION ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 734, I call up the bill (H.R. 3313) to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 734, the bill is considered read for amendment.

The text of H.R. 3313 is as follows:

H.R. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marriage Protection Act of 2003".

SEC. 2. LIMITATION ON JURISDICTION.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

"§ 1632. Limitation on jurisdiction

"No court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or determine any question pertaining to the interpretation of section 1738c of this title or of this section. Neither the Supreme Court nor any court created by Act of Congress shall have any appellate jurisdiction to hear or determine any question pertaining to the interpretation of section 7 of title 1.".

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

"1632. Limitation on jurisdiction.".

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marriage Protection Act of 2004".

SEC. 2. LIMITATION ON JURISDICTION.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

"§ 1632. Limitation on jurisdiction

"No court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, section 1738C or this section.".

(b) AMENDMENTS TO THE TABLE OF SECTIONS.—The table of sections at the beginning of chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

"1632. Limitation on jurisdiction.".

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1300

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the time for debate on H.R. 3313 be extended by 20 minutes, said time to be equally controlled by myself and the ranking member, the gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3313.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Speaker, I asked the gentleman from Wisconsin (Mr. SENSENBRENNER) for the privilege of opening this debate so as to lay before the House not only the arguments in favor of the Marriage Protection Act, but also, and perhaps more importantly, to appeal to Members on all sides of this issue to conduct today's debate with the compassion and civility that it deserves.

Mr. Speaker, I repeat my appeal to Members on all sides of this issue. I would hope that Members would conduct today's debate with the compassion and civility that it deserves.

I really feel that, I fear that the debate about homosexual marriage, which has recently been thrust upon the entire Nation by the Supreme Judicial Court of Massachusetts, has begun to deviate from a productive conversation about public policy. Too often proponents and opponents seem more interested in talking to themselves than to each other, and if we truly seek a national consensus on the future of marriage, little can be gained by an afternoon spent hectoring each other.

So those who oppose homosexual marriage need not be lectured about compassion any more than those who support it need to be lectured about morality. You think this bill is cruel and we think same sex marriage is a contradiction in terms. Saying so at the top of our lungs for the next few hours will do little good for anyone, least of all the millions of American homosexuals who deserve respect in this debate as American citizens and as human beings.

Mr. Speaker, we are elected to judge policies, not people, and the policy before us today, the Marriage Protection Act, would reaffirm the current national consensus on homosexual marriage by leaving to the States and to the American people the right to define marriage in this country. This is the position that many Democrats say that they support, all 50 States deciding for themselves how to define marriage rather than a one-size-fits-all definition being imposed on them from above, and this bill is their opportunity to publicly adhere to that argument.

If you support the States and respect the will of the American people, you must support this bill. The overwhelming bipartisan passage of the Defense of Marriage Act in 1996, signed into law by President Bill Clinton, provides uncontradicted testimony to the consensus opinion of the American people, an opinion shared by every civilized society in history. That consensus is simply that marriage is the union between one man and one woman.

The consensus of the American people is simply that marriage is the union between one man and one woman. It is not a contract of mutual affection between consenting adults. It is, instead, the architecture of family, the basic unit of civilization, and the natural means by which the human species creates, protects and instills its values in its children.

Traditional marriage is the most stable, enduring and efficient means of raising children, laying down the roots of community life and establishing the necessary and sustainable predicates of nationhood. This is the evolution of civilization.

Individual men and women, with the innate qualities of their gender, come together in shared sacrifice to raise children. They each make their own unique contributions to the raising of boys and girls as male and female models for their male and female children and create the ideal family unit of mother, father and children, an ideal established by nature, sustained by human experience and supported by decades of social science.

It is not a collection of individuals but of families that come together to form a community of shared values and common purpose, and communities in turn come together and bind each other by those shared values and common purpose to establish a common nation. If any link, if any link in that chain breaks, like, for instance, the erosion of the traditional family that has occurred in this country over the last 40 years, the institution of marriage suffers, but so does the Nation.

Children need their community and their Nation to help stabilize their social environment so that they can have the same chances in life we and every generation of Americans have had before them. That is why there has always been and always will be a compelling government interest to protect the institution of marriage from corrosion within or artificial social engineering without.

If it is true what the Massachusetts Supreme Court says, and I do not believe that it is, that "marriage is an evolving paradigm," then should not that evolution be an organic, natural evolution and left to the collective and evolving wisdom of the American people?

And if, on the other hand, no such institutional evolution exists, does not the arrogance of judges who would impose on our society their own contrary and misguided prejudices fundamentally undermine American democracy?

In both cases the answer is yes, and in both cases the Marriage Protection Act will ensure that we take the proper course.

We are a nation of laws, not commandments, and neither the conservative politician nor the liberal judge by himself has the right to define marriage for a nation of 270 million people. That responsibility, that responsibility lies with the people we all serve, whether it is in Sugar Land or San Francisco and everywhere in between.

So I urge my colleagues, let us have a debate. Let us have a civil debate. But in the end I hope my colleagues understand that that responsibility lies in the body of the House of Representatives and you will vote yes on the bill before us.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I begin by thanking the leader and the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for allowing us to add 10 minutes on each side to this debate.

Now, let us begin with the nature of H.R. 3313. This is not about marriage. This is about whether the third branch of government, the judiciary, since Marbury v. Madison will continue to be the arbiter of what is constitutional in the American system.

So I begin by pointing out that to deny any branch, any issue the right to full judicial review would bring about more chaos than even the proponent of this change, which is patently unconstitutional, would want. The legislation is the first of its kind that has ever been brought to the floor of the House of Representatives.

Never have we ever tried to do something as breathtaking as taking away the right of a Federal appeal when it is clearly permissive not even to go to the Supreme Court. We had an amendment that would have allowed the Supreme Court at least to take precedent. It was voted down by the conservatives in the Committee on the Judiciary. This would be the only instance in the history of the Congress that we have totally precluded the Federal courts from considering the constitutionality of Federal legislation.

The other body only last week decided this question the same way that I pray we will today. They turned it back. It was considered too unconstitutional and too unprecedented. Now, make no mistake about it, were the bill to be enacted, the chaos that would ensue from 50 States plus the District of Columbia issuing conflicting opinions on the marriage law would be irrational.

Why, I ask my colleagues, and I will yield, why would anyone want to create out of this rational body a law that would prevent the Federal courts from deciding cases rather than allowing anywhere up to 50, 51 different decisions? I yield to anyone in this body.

So I want to urge to you that the reason is that we are actually stripping the Federal courts from jurisdiction that has historically been theirs. We have these branches in the judiciary. Now, what would have happened had conservatives decided during the civil rights battles of the sixties to have decided that we would just take the decisions away from the courts, or Brown v. The Board or any of the tests against the Civil Rights Act, the Voter Rights Act, would have had nowhere to go had someone come across this incredibly weird decision.

So I rise in strong opposition to this. I urge the Members, as the leader who preceded me said, may rationally analyze where stripping the Federal courts from any one single issue, where that would lead this great Constitution and democracy of over 209 years.

I rise in strong opposition to this unconstitutional, discriminatory, divisive, and unprecedented bill. The only reason we are debating today is that the President is in danger of losing his job and wants to detract attention from his failure in Iraq and to bolster support amongst right-wing conservatives.

In the past few weeks, I am sorry to say the death toll of U.S.-led forces in Iraq topped 1,000. The bipartisan 9–11 Commission found, contrary to the President's implications, that there was no "collaborative relationship" between Iraq and Al Qaeda. And we all know that no weapons of mass destruction have been found in Iraq.

What did the President do about it? He followed the advice of conservative organizers and "changed the subject" so he could have a chance of winning in November.

That is why we are here. The President and the Republican leadership know that a constitutional amendment could not pass; in fact, it failed the Senate last week. Instead, they are moving this divisive and unconstitutional bill, which proposes to strip all federal courts and the Supreme Court from reviewing not just one but two acts of Congress.

I cannot believe that proponents of this bill understand its implications. Imagine if, in the early 1950's, a conservative Congress had succeeded in stripping the federal courts of jurisdiction to hear segregation cases. The Supreme Court would never have issued its historic Brown v. Board of Education decision declaring that separate was not permitted in education.

Alternatively, consider the implications if a more liberal Congress opted to prevent federal courts from hearing any Second Amendment cases. How would my conservative colleagues like it if the California or the Massachusetts Supreme Court was the final arbiter of the right to bear arms in their states? Would they think it fair that a single class of citizens—gun owners—were excluded from appeals to our federal judicial system?

Yet that is what H.R. 3313 would do—deny any judicial review, even by the Supreme Court—of any case brought challenging the constitutionality of the Defense of Marriage Act, which clarifies that states need not give full faith and credit to same sex marriages entered into in other states. This legislation would be the first and only instance in which Congress had totally precluded the federal courts from considering the constitutionality of federal legislation.

This runs totally contrary to our bedrock principles. Article III of the Constitution says "the judicial Power of the United States, shall be vested in one supreme Court." And in the more than 200 years that have passed since Marbury v. Madison, judicial review has served as the very touchstone of our constitutional system and our democracy.

It is no wonder that, when court stripping legislation was proposed in the 1970's concerning school prayer, abortion, and busing, conservatives found the proposals to be so repugnant. Then-Yale Law School Professor Robert Bork wrote of the bills, "you'd have 50 different constitutions running around out there, and I'm not sure even conservatives would like the results." Senator Barry Goldwater stated that the "frontal assault on the independence of the Federal courts is a dangerous blow to the foundations of a free society" and warned "there is no clear or coherent standard to define why we shall control the Court in one area but not another."

Today, the stakes are no less significant. As emotionally charged and politicized as the issue of same sex marriage has become, we should not use that controversy to permanently damage the courts, the Constitution, and the Congress. At a time when it is more important than ever that our Nation stand out as a beacon of freedom, we must not countenance a bill that undermines the very protector of those freedoms—our independent federal judiciary.

The bill is even more misguided considering that it was a state court, not a federal court, that issued an opinion that permitted same sex marriage. Further, no federal court has even opined on the constitutionality of DOMA.

Make no mistake about it. If this bill is enacted, chaos will ensue when the fifty states and the District of Columbia issue conflicting opinions on DOMA. Then my colleagues on the other side will be clamoring for review by a Supreme Court that has seven Republican appointees and two Democratic appointees.

I urge my colleagues to vote "no" on this legislation.

CONGRESSIONAL RESEARCH SERVICE.

MEMORANDUM

To: House Committee on the Judiciary, Attention: Perry Apelbaum.

From: Johnny H. Killian, Senior Specialist, American Constitutional Law, American Law Division.

Subject: Precedent for Congressional Bill.

This memorandum is in response to your query, respecting H.R. 3313, now pending before the House of Representatives, as to whether there is any precedent for enacted legislation that would deny judicial review in any federal court of the constitutionary of a law that Congress has enacted, whether a law containing the jurisdictional provision or an earlier, separate law. We are not aware of any precedent for a law that would deny the inferior federal courts original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3313, the Marriage Protection Act, simply prevents one or more Federal judges from striking down the provision of the Defense of Marriage Act, known as DOMA, that protects States from having to recognize same sex marriage licenses granted in other States.

This bill will prevent unelected lifetime appointed Federal judges from taking away from the States their right codified in DOMA to reject same sex marriage licenses issued elsewhere if States so choose.

DOMA passed the Congress overwhelmingly in the House by a vote of 342 to 67 and in the Senate by a vote of 85 to 14, and it was signed into law by President Clinton.

□ 1315

This afternoon we will hear from opponents of this bill that this is an unprecedented move to restrict the jurisdiction of the Federal courts. This is not the case.

Beginning with the first Congress, when the Judiciary Act of 1789 was passed, the jurisdiction of the Federal courts was limited; and since that time, Congress has passed enactments either expanding or restricting the jurisdiction of the Federal courts, whether it be in the area of diversity jurisdiction or elsewhere, including the interpretation of Federal laws.

Just less than 2 years ago, as a part of a supplemental appropriations bill, the Congress enacted a provision inserted by Senator DASCHLE of South Dakota preventing Federal court review of determinations made on the clearing of brush on Indian reservations in South Dakota. That was not called an assault on the Constitution by anyone. It was merely a determination by the Congress that these types of questions should not be reviewed judicially, and that is very clearly authorized by article III, section 2 of the Constitution.

Today, we are talking about an issue of whether the Federal courts can interpret the Defense of Marriage Act to take away the right of the State to determine its own marriage laws.

We have heard earlier in this debate that the supreme judicial court of Massachusetts in an interpretation of States rights made the determination that it was unconstitutional to deny marriage licenses, and in that one State only, to persons of the same gender who applied for such a license. What this bill will do is to prevent a Federal court from exporting the decision of a divided court in a single State to the other States.

I do not believe that when James Madison wrote the Constitution his idea of federalism was to allow a divided court in a single State to set national policy, and I sincerely doubt the Constitution would have been ratified had that been the notion that pervaded Philadelphia in 1787 and in the State legislatures elsewhere.

What we are doing here is restoring the Federal system. We are restoring a Federal system in an area that has always been conceded to be the province of the State.

Now, a lot of people will also argue against this bill saying that the danger is not there. I am here to say that the danger is real.

Just 2 days ago, a lesbian couple married in Massachusetts filed the first lawsuit in a Florida Federal court to set Federal precedent and to strike down DOMA's protection that allows States not to recognize same-sex marriage licenses issued in Massachusetts. The attorney for the plaintiffs explicitly stated he filed the case because he wants a Federal court to force every State to recognize same-sex marriage licenses issued in Massachusetts, whether the people of that State agree or not.

Now, the laws of Florida are different than the laws of Massachusetts. Florida should be allowed to make its own laws and to enforce its own laws and not to have residents who disagree with those laws run to Massachusetts and come back and force a Federal judge to recognize that license in Massachusetts.

The threat that is posed to traditional marriage by a handful of Federal judges whose decisions can have an impact across State boundaries has renewed concern about abuse of power from the Federal judiciary. This concern has roots as old and venerable as our Nation's history and is nothing new in the year 2004.

Thomas Jefferson wrote of Federal judges: "Their power is the more dangerous as they are in office for life and not responsible to the elective control."

Abraham Lincoln said in his first inaugural address in 1861: "The candid citizen must confess that if the policy of the government, upon vital questions, affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers having, to that extent, practically resigned their government into the hands of that eminent tribunal."

This statement by Abraham Lincoln was in the wake of the Dred Scott decision, a decision of the Supreme Court which was the single most important spark that began a civil war which to this day was the most bloody conflict in our history.

A remedy to abuses by Federal judges has long been understood to lie, among other places, in Congress's ability to limit Federal court jurisdiction. H.R. 3313 would prevent a few Federal judges from rewriting State marriage recognition laws in ways that do not reflect the will of the people. Nothing in this bill denies anyone their day in court. The bill simply provides that in cases involving DOMA's protection of States rights, those cases are to be brought in State court.

The door of the courthouse is not slammed shut. The people who were married in Massachusetts and want to get recognition of their marriage elsewhere, it is the State courthouse that they go to, not the Federal courthouse.

Any Member who wishes to protect the Defense of Marriage Act's protections for States from invalidation by Federal judges should support this bill. The vast majority of Members of the House represent States that have passed laws that specifically rely on the right of the States codified in DOMA to resist same-sex marriage licenses issued out of State.

The Constitution clearly provides that the lower Federal courts are entirely creatures of the Congress, as is the appellate jurisdiction of the Supreme Court, excluding only the Supreme Court's very limited original jurisdiction over cases involving ambassadors and cases in which States have legal claims against each other.

In The Federalist Papers, Alexander Hamilton made clear the broad nature of Congress's authority to amend Federal court decisions to remedy perceived abuse. He wrote, describing the Constitution, that "it ought to be recollected that the national legislature will have ample authority to make such exceptions, and to prescribe such regulations as will be calculated to obviate or remove the inconveniences'' which are posed by decisions of the Federal judiciary.

That understanding prevails today. As a leading treatise on Federal court jurisdiction has pointed out: "Beginning with the first Judiciary Act in 1789, Congress has never vested the Federal courts with the entire 'judicial power' that would be permitted by article III" of the Constitution. Even the famously liberal Justice William Brennan wrote a Supreme Court opinion that said: "Virtually all matters that might be heard in article III Federal courts could also be left by Congress to State courts."

The United States Constitution applies to the State courts. That was made clear in the 14th amendment.

Limiting Federal court jurisdiction to avoid abuses is not a partisan issue. Senate Minority Leader DASCHLE, as I have previously indicated, supported legislation enacted during the last Congress that denies the Federal court jurisdiction over the procedures governing timber projects in order to expedite forest clearing. If limiting the jurisdiction of the Federal court is good enough to protect trees, it sure ought to be good enough to protect a State's marriage policy.

Far from violating the separation of powers, legislation that leaves State courts with jurisdiction to decide certain classes of cases would be an exercise of one of the very checks and balances provided for in the Constitution. No branch of the Federal Government can be entrusted with absolute power and certainly not a handful of tenured Federal judges appointed for life. The Constitution allows the exercise of judicial power, but it does not grant the Federal courts the unchecked power to define the limits of its own power.

Integral to the American constitutional system is each branch of government's responsibility to use its powers to prevent overreaching by the other branches. H.R. 3313 does just that, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

I supported the Defense of Marriage Act. I rise now in the defense of the Constitution of the United States. I rise now in defense of the separation of powers. I rise now in defense of a Nation of laws, not of men and women.

Mr. Speaker, I urge all of my colleagues to seriously consider the ramifications of the legislation under consideration.

If this bill becomes law, it will represent the first time in our history that Congress has enacted legislation that completely bars any Federal court, including the United States Supreme Court, from considering the constitutionality of Federal legislation. Thus, it contradicts the Supreme Court's historic ruling more than 200 years ago in Marbury v. Madison, which enunciated the principle of Federal judicial review of Federal laws and established the separation of powers doctrine.

How dramatically different has that made America than every other nation in the world, in fact? A Nation of laws.

In Marbury, Chief Justice John Marshall wrote: "It is emphatically the province and duty of the judicial department to say what the law is."

This legislation, however, would undue the deference and respect that Congress has given to the principle of judicial review. It would intrude upon the principle of separation of powers; and as a result, I believe it is unconstitutional.

This legislation also would undermine the independent Federal judiciary. Even the majority's witness, hear me colleagues, the witness called by the majority, Professor Redish, said that if Congress strips the courts of jurisdiction it would, the majority's own witness, "risk undermining public faith in both Congress and the Federal courts." That was your witness, not ours.

And there is little doubt that this bill would set a dangerous precedent.

The author of the Defense of Marriage Act, one of the most conservative Members that has served in this Congress, Bob Barr, said this: "My main concern with H.R. 3313 is that it will lay the path for the sponsors of unconstitutional legislation to simply add the language from H.R. 3313 to their bills." Bob Barr, the sponsor of the Defense of Marriage Act, said that.

If this end-run of judicial review becomes law, what is next? No judicial review of laws restricting freedom of speech or religion or laws affecting the right to vote?

I was elected to the Maryland State Senate in 1966. One of the first bills I voted on in January of 1967 was to repeal the miscegenation statutes that then were on the Maryland books. America has nevertheless stood strong.

Let us reject this undermining of what America stands for, a Nation of laws, not of men and women.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the distinguished chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I want to thank the gentleman from Wisconsin for his leadership on this issue. I also want to thank the gentleman from Indiana (Mr. HOSTETTLER) for proposing this legislation and his leadership as well.

□ 1330

Mr. Speaker, I rise in strong support of H.R. 3313, the Marriage Protection Act. This legislation prevents unelected lifetime appointed Federal judges from striking down the protections Congress afforded States through the Defense of Marriage Act.

The fact of the matter remains that marriage between a man and a woman has been and continues to be the cornerstone of our society. If we are going to change that, if we are going to make two men able to be married or two women able to be married in this country, and I do not think we should, but if we were, it ought to be done through the will of the people, and the will of the people is expressed through their elected representatives, either at the State legislature, whatever State they are located within, or the Congress of the United States, should we determine to take that on nationally.

Rather than having the elected representatives do this, it has been done piecemeal by a rogue mayor, for example, in San Francisco, or a court by a 4 to 3 decision in Massachusetts. So clearly what has happened here, and this is an issue that some on the other side of the aisle might think that Members on this side of the aisle want to be debating today, well, this is an issue which has been thrust upon us by rogue mayors and rogue courts, not something we chose but something we have to do.

The Subcommittee on the Constitution that I chair held four hearings focusing on the status of marriage in the United States. One of the hearings focused specifically on the issue we are considering today. That hearing clearly demonstrated that we could, if we wished, constitutionally strengthen the Defense of Marriage Act and limit the ability of activist Federal judges to force one State's controversial marriage laws on any other State by passing this legislation. We can clearly constitutionally do this.

Now as my colleagues know, in 1996 the House overwhelmingly passed the Defense of Marriage Act by a 342–67 vote. The Senate voiced similar support passing DOMA by a vote of 85–14. It was later signed into law by President Clinton. In passing DOMA, Congress recognized that controversial views on marriage adopted in one State should not be forced on other States. Understanding that marriage as defined by a State would have an impact across State lines, Congress exercised its authority under Article IV, Section 1 of the Constitution, the full faith and credit clause, to protect States right.

Under this provision, "full faith and credit should be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof."

Today, 44 States have enacted laws defining marriage as between a man and woman. That is 88 percent of the States, and 86 percent of the population throughout the country. So far, 38 States have specifically rejected the recognition of same sex marriage licenses granted out of State. Unfortunately, the will of the States could be jeopardized by Federal judges. That is the point of this legislation.

H.R. 3313 will protect the provision of DOMA that keeps final authority of the will of the States with the States, not with Federal judges. Let me make something very clear. If Members voted for the Defense of Marriage Act or purport to support it now, Members must logically vote for the Marriage Protection Act, this law. Voting against this legislation will undermine DOMA and potentially force same-sex marriages on all 50 States.

The Constitution allows Congress to protect DOMA through judicial limitations set forth in H.R. 3313. Together, Article III, Sections 1 and 2 of the Constitution, provide that the Federal courts derive authority solely from Congress and the Supreme Court's appellate jurisdiction is subject to such exceptions and such regulations as the Congress shall make. Moreover, this authority was made clear as far back as the first Judiciary Act of 1789, which according to leading scholars "is widely viewed as an indicator of the original understanding of Article III."

Mr. Speaker, I strongly encourage my colleagues to support this legislation. It is very important.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, more than anything else, today's debate is about the politics of a national election. Perhaps our sons and daughters have been sent to Iraq based on intelligence we now know was not correct, perhaps millions of Americans are out of work, and many more do not have access to a doctor. Perhaps our seniors cannot afford life-protecting medications, but none of that matters, at least we can today take the time out to beat up on an unpopular minority.

Mr. Speaker, that may be good politics, but it demonstrates a dangerous contempt for our system of government. This debate is not really about gay marriage, no matter how long they may talk about it. The courts will or will not declare the Defense of Marriage Act unconstitutional. We do not know that yet. If they declare the Defense of Marriage Act unconstitutional, for those that disagree with them, the remedy is the normal remedy, a constitutional amendment, which I gather we will be debating on this floor in a couple of weeks before we know what the courts do.

But this debate is about whether Congress can adopt unconstitutional legislation on any subject and protect that legislation from constitutional challenge by stripping the courts of their jurisdiction to consider any such challenge. We have never done that before in our history, and we should not do that now.

No less a conservative icon than Barry Goldwater opposed court stripping bills in previous decades on the subjects of school prayer, school busing and abortion, which were the big issues in those days. He warned his colleagues that, "The frontal assault on the independence of the Federal courts is a dangerous blow to the foundations of a free society."

Our former colleague, Bob Barr, the author of the Defense of Marriage Act which this bill purports to protect, had this to say in a letter to the Members of Congress about this bill. "H.R. 3313 will needlessly set a dangerous precedent for future Congresses that might want to protect unconstitutional legislation from judicial review. During my time in Congress, I saw many bills introduced that would violate the takings clause, the second amendment, the 10th amendment, and many other constitutional protections. The fundamental protections afforded by the Constitution would be rendered meaningless if others follow the path set by H.R. 3313." That is from Bob Barr.

The distinguished majority leader of the House, the gentleman from Texas (Mr. DELAY), has already said that if this bill passes he will introduce court-stripping legislation on other subjects. In fact, the likelihood is that language saying the court shall have no jurisdiction to judge the constitutionality of this act will become boilerplate. Just as every rule that we consider in this House has boilerplate language saying that all points of order against this bill are waived, which means the rules of the House do not apply, it will become boilerplate on every bill of doubtful constitutionality. That would render the Bill of Rights meaningless.

The 1936 Stalinist constitution of the Soviet Union read wonderfully on paper. It had a long list of Bill of Rights, freedom of religion, freedom of speech, and freedom of assembly. It was not worth the paper it was written on because there was no means of enforcing those rights. We depend on the courts to enforce our rights against majorities represented in Congress or State legislatures, momentary majorities perhaps.

Without the means of the courts enforcing the Bill of Rights, the Bill of Rights is a nullity. Our Constitution would become like the Soviet constitution, meaningless. We must have a Federal forum to protect liberty, otherwise that liberty will not exist.

The due process clause of the fifth amendment, passed after the Judiciary Court Act of 1789, says that no person may be deprived of life, liberty or property without due process of law. Due process of law means there has to be a judicial forum to assert the right and have the judges decide.

We are told the State courts will be the forum. The State courts will decide whether a law, a Federal law or a State law, violates the United States Constitution. That means we will have 50 different constitutions, 50 different laws. We say in the Pledge of Allegiance the United States is one Nation, indivisible; not if this bill passes. If this bill and other bills like it pass, we will balkanize the United States. The Constitution will mean one thing in New Jersey, another thing in New York and a third thing in Pennsylvania.

Mr. Speaker, it is our very system of government and the constitutional system of checks and balances which is under attack with this bill. If the Congress by statute can prevent the Federal courts from applying the Constitution on any subject matter, then the protections of an independent judiciary, the protections of the Bill of Rights, the protections of the United States Constitution, become no more than a puff of smoke. It will, of course, be unpopular minorities, whether religious minorities, political minorities, ethnic minorities, racial minorities, lesbians, gays, whoever is unpopular at the moment, who will lose their rights.

There have been many Supreme Court decisions I have found loathsome and wrong, such as Bush v. Gore, and some of the cases invalidating or limiting our civil rights law, but while that makes me question the wisdom of some of the justices, even occasionally the motives, it does not make we want to alter the fundamental structure of our government that has protected our liberties for the last two centuries.

The evisceration of our Constitution and Bill of Rights, the natural result of this bill, threatens all of us. It is far, far more important than the question of gay marriage, which is not really involved here because that has not been decided by the courts. We are playing with fire with this bill, and that fire could destroy the Nation we love.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the predictions of attacks by opponents of this bill, including the gentleman from New York (Mr. NADLER), are slaps in the face of the 50 States.

The Supreme Court itself agrees in this case. In a decision this year, the Supreme Court reaffirmed that "the whole subject of domestic relations of husband and wife, parent and child belongs to the laws of the States and not to the United States." That is Elk Grove Unified School District v. Newdow.

The Supreme Court also has stated, "domestic relations are preeminently matters of State law." That is Mansell

v. Mansell, 1989. And that "family relations are a traditional area of State concern," Moore v. Sims, 1979.

So by reserving marriage law decisions to States, as this bill does, we are doing nothing more than what the Supreme Court itself has said is proper.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER), who is the author of the bill.

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the full committee, for yielding me this time.

In my discussion during the consideration of the rule, I informed the body of the constitutional basis for this law. I have several of the provisions beside me here, and for Members who are actually interested in what the Constitution says, that is available in the record as well as in several copies that are available to every Member's office.

However, I would like to address some of the issues talked about during this debate, and one of the issues that is a discussion of where we are with regard to other countries, it was suggested earlier, and we heard it in the last person's speech, that somehow we are doing as the Soviet Union has done in the past by limiting the ability for individuals to go before the court.

Well, the fact is that there was a mechanism in the Soviet Union very similar to the mechanism we have in this country, and it was referred to as the Politburo, and the Politburo was a very small entity of individuals that made policy for the hundreds of millions of individual citizens of the Soviet Union. We have that today in this country. We refer to it as the United States Supreme Court. As few as five people in black robes can look at a particular issue and determine for the rest of us, insinuate for the rest of us, that they are speaking for the majority when, in fact, they are not.

It is time with the passage of this legislation to say that we will have the people in the several States to determine their marriage laws, and we will not allow, for example, what is attempting to be done in the State of Florida, and that is a couple that was wed in the State of Massachusetts imposing their will on the rest of the country by overturning the Defense of Marriage Act.

This bill uses constitutional provisions to allow the States and to allow the citizens of the several States to determine the definition of marriage for themselves and to not allow another State and especially the Federal judiciary to determine the definition of marriage for them.

□ 1345

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I think I just heard the Supreme Court of the United States analogized to the politburo of the Soviet Union, but I am not sure. The Hostettler fix was tried before. It has never happened, but it was tried before and here is what Attorney General William French Smith said in a letter to Strom Thurmond back in 1982:

"The integrity of our system of Federal law depends on a single court of last resort having a final say on the resolution of Federal questions. State courts could reach disparate conclusions on identical questions of Federal law, in this case interpreting the Constitution, and the Supreme Court would not be able to resolve the inevitable conflicts."

If you want to do away with the supremacy clause, repeal Marbury v. Madison, and rip apart any uniform effort to enforce constitutional protections, you should vote for this bill. But one day, some liberal runaway court in some State, justices which we cannot impeach and that we did not confirm over in the other body, one day that court will come down and say that DOMA, the Defense of Marriage Act, is unconstitutional because of the full faith and credit clause; and the losing parties, the people who want State control on the issue of who can marry, will not be able to appeal that to the U.S. Supreme Court under this bill.

What a ridiculous situation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin, for yielding me this time.

Mr. Speaker, all Americans are entitled to a fair hearing before independent-minded judges whose only allegiance is to the law. However, over the last several years we have witnessed some judges wanting to determine social policy rather than interpret the Constitution. They seem to be legislators, not judges; promoters of a partisan agenda, not wise teachers relying on established law.

Judicial activism has reached a crisis. Judges routinely overrule the will of the people, invent new rights, and ignore traditional morality. Judges have redefined marriage, deemed the Pledge of Allegiance unconstitutional, outlawed longstanding religious practices, and imposed their personal views on all Americans.

Fortunately, there is a solution. The Constitution empowers Congress to say that some subjects are off-limits to Federal courts. The constitutional authority authorizing Congress to restrain Federal courts, in fact, has been used before, and it should be used again.

The legislation being considered today preserves the right of State courts to consider the constitutionality of the Defense of Marriage Act, DOMA. It prevents Federal judges from ordering States to accept another State's domestic relations policy, an area of the law historically under the jurisdiction of the States, not the Federal Government.

While the bill does not dictate any conclusions about DOMA, the vast majority of States have enacted laws that support DOMA. We need to protect the right of the voters of those States to define marriage as they see it.

When Federal judges step over the line, Congress has a responsibility to drop a red flag. On behalf of the American people, we should vote for this legislation because it rightfully restrains Federal judges who threaten our democracy.

Mr. NADLER. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, reference was made before to the Daschle court-stripping bill. There was no such thing. His bill did not court-strip. In fact, in the case of Biodiversity Associates v. Cables, his bill was judged constitutional. If the courts had been stripped of jurisdiction, they could not have done that.

The CRS says, "We are not aware of any precedent for law that would deny the inferior Federal court's original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress."

Let us stop with this nonsense that this is not unprecedented.

Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to this bill. It is an attack on fundamental rights and unconstitutionally exceeds the power of this body to regulate the judicial branch of government.

Within our constitutional framework, although Congress is expected to follow the Constitution, it is not for Congress to make the final decision as to what is constitutional and what is not. Since Marbury v. Madison in 1803, at least until today, there has been a longstanding acceptance of the principle that the United States Supreme Court is the final arbiter of what is constitutional and what is not. And although Congress has some power to regulate the jurisdiction of Federal courts, it cannot totally prevent the Supreme Court from ensuring that States comply with the Constitution.

Mr. Speaker, this bill not only violates numerous constitutional principles; it is dangerous policy. If this bill were found to be constitutional, there would be no prohibition against boilerplate language stuck into every bill we consider, stripping judicial review from every controversial issue.

Frankly, I am glad that this kind of legislation did not pass before 1954 so

Congress did not strip the Supreme Court from jurisdiction over segregation in public schools, or before the 1960s when unelected, lifetime-appointed activist Federal judges required Virginia to recognize racially mixed marriages, overruling the will of the people of Virginia.

If this bill ever became law, there would be no Federal law. Some States would rule that DOMA is constitutional. Other States would rule that DOMA is unconstitutional. States will adopt full faith and credit principles in some areas and not in others. A Massachusetts or Vermont couple moving to another State may have their relationship recognized in some States, but not in others. If this bill passes, each State will decide for itself what the Federal law is. Even if it passes, some States will recognize same-sex marriages.

Mr. Speaker, simply because we anticipate that we may not like how the Supreme Court will rule on an issue is no reason to prevent the court from ruling. Today, some Members of Congress are afraid of how courts may rule on issues pertaining to marriage. Tomorrow they may be afraid of how the courts may rule on a different issue, such as abortion or gun control. If we strip the jurisdiction of the Supreme Court over the Defense of Marriage Act, what will we do next?

Mr. Speaker, this unprecedented and perilous legislation violates constitutional principles, establishes dangerous procedure, and undermines the credibility of our system of government. For these reasons, Mr. Speaker, I urge my colleagues to oppose the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from New York has just referenced the Daschle provision in Public Law 107-206 and said it was not, "court-stripping." I just want to quote what the provision of law says:

"Any action authorized by this section shall not be subject to judicial review by any court of the United States."

That quote from the law speaks for itself.

Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the gentleman for yielding time.

Mr. Speaker, I first want to agree with what the gentleman from Maryland and the gentleman from Virginia said on the other side. They said we are talking about fundamental rights here. They said what we are talking about, this decision today, defines us as Americans, that this is about who we are as Americans. I want to agree with that. This is an important decision, one that defines us as a country.

Who should make that decision? The gentleman from Maryland said an individual, every individual, ought to make that decision about marriage. Is that so? A man and a woman? Or two men? Or two women? What about a man and two women? What about a man and three women? What about a man and his first cousin? What if a man chooses to marry his daughter? Is that not an individual decision? Of course not. What if a man decides to marry a 12-year-old young lady? We said, no, that is not an individual decision. It is a decision of law. That is who makes it. The people make it the law.

The gentleman from Maryland said we are a Nation of laws, not people; and that is why it is up to the people to make the decision through their elected Members, their elected representatives, not the courts.

What about letting the courts be the final arbiter of the Constitution? Thomas Jefferson said on August 18, 1821 that it was a very dangerous doctrine for the Supreme Court to be the final arbiter of what the law is. He said in 1820, it would be an act of suicide for the Supreme Court or a judge to make the law. An act of suicide. He said letting the Supreme Court fix the law would be for the people to give up their own ability to rule themselves.

Mr. Speaker, as I close, I submit for printing in the RECORD quotes from Abraham Lincoln and Thomas Jefferson all saying that it is the legislature who makes the law as representatives of the people.

America's greatest leaders have long been concerned about limiting federal judges' abuse of their authority.

Deep concern that federal judges might abuse their power has long been noted by America's most gifted observers, including Thomas Jefferson and Abraham Lincoln.

Thomas Jefferson lamented that "the germ of dissolution of our federal government is in the constitution of the federal judiciary; . . . working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped . . ." In Jefferson's view, leaving the protection of individuals' rights to federal judges employed for life was a serious error. Responding to the argument that federal judges are the final interpreters of the Constitution, Jefferson wrote:

"You seem . . . to consider the [federal] judges as the ultimate arbiters of all constitutional questions, a very dangerous doctrine indeed and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men and not more so. They have with others the same passions for party, for power, and the privilege of their corps . . . [T]heir power [is] the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control. The constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruptions of time and party its members would become despots."

Jefferson strongly denounced the notion that the judiciary should always have the final say on constitutional issues:

"If [such] opinion be sound, then indeed is our Constitution a complete felo de se [act of suicide]. For intending to establish three departments, coordinate and independent, that they might check and balance one another, it has given according to this opinion, to one of them alone, the right to prescribe rules for the government of the others, and to that one too, which is unelected by, and independent of the nation . . . The constitution, on this hypothesis, is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please."

Abraham Lincoln said in his first inaugural address in 1861, "The candid citizen must confess that if the policy of the government, upon vital questions, affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers having, to that extent, practically resigned their government into the hands of that eminent tribunal."

Mr. NADLER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the dean of the House.

Mr. DINGELL. Mr. Speaker, this is an outrage. I do not know whether you are for or against gay marriage, and I do not think it makes a great deal of difference. I happen to oppose the idea. But this is an extraordinary piece of arrogance on the part of the House of Representatives to consider a piece of legislation which would strip American citizens of their right to access to court. Can you imagine anything more shameful than telling an American citizen you cannot go into court to have your concerns addressed, to have cases and controversies, many of which will arise under the Constitution, heard by the courts of your Nation?

The right to access to courts to decide questions of policy is as old as the Magna Carta, and it is as important to us as anything else in the Constitution. Here we calmly say, you cannot have access to the courts, the Federal courts, the lower inferior courts, and the Supreme Court. Shame. Shame, shame, shame.

It is a precedent which is going to live to curse us, and we are going to live to regret this day's labor because other precedents will be following this, wherein we will strip the rights from citizens to go to schools, to have questions relative to their equal rights, to have questions decided about whether they can properly be detained by courts or others and whether or not the citizen can be detained under the authority of the Attorney General; rights of citizens under the second amendment, the first amendment, all of the important questions of the Constitution. Rights under the 14th and the 15th and the 13th amendments, those will also be precedents which could follow this.

The Congress has considered these kinds of questions before. It is to be anticipated if this works, we can look to see this kind of abusive legislation considered in this body again. And you can be almost certain that somebody is sitting there now out there deciding, what new rights can we strip of American citizens because we disagree with them.

I do not think the question is whether or not there should be gay marriage. The question before this body today is, are we going to protect all of the rights of American citizens, regardless of who they might be or how they might be affected?

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from California (Ms. LOFGREN), a member of the committee.

Ms. LOFGREN. Mr. Speaker, as the prior speaker, the dean of the House, has indicated, however one feels on the issue of gay marriage, the question before the House today really is quite a different one, and it is about the fundamental nature of our democracy. Really, the plan before us is a radical, extreme plan to overturn the system of government that we as free Americans have enjoyed for over 200 years.

I have been a Member of this House for 10 years; and I must confess, I have never been as disappointed as I am today in the level of legal analysis that I have heard here. It is disappointing in the extreme. I must also say that you know you are in trouble when you have to go back and reread a case from 1803, Marbury v. Madison, because that is what we are talking about overturning today, that seminal case that we all read in law school, and I read it again this week and it was inspiring me again to understand how fortunate we are that we have a written Constitution and that we have a system of checks and balances that makes sure that the rights in that Constitution cannot be taken away in a flimsy or easy way.

□ 1400

Court Justice Marshall 201 years ago said in his decision, "It is emphatically the province and duty of the judicial department to say what the law is. If then the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution and not such ordinary act must govern the case to which they both apply."

It is that principle of constitutional law that is threatened today, and we should not fool ourselves into thinking that overturning our democracy, our system of checks and balances, can be limited to just the hot button issue of today. If this is constitutional, and many scholars believe it is not, but if this measure passes and is constitutional, we will end up not having the ability to rely on the rights guaranteed to us and the generations before us in our Constitution. We will in fact see any item that a majority of this House and this Congress can muster enshrined as equal to the Constitution itself. I think that that is a result that is disastrous for the United States of America. It is not something I thought I would see as a Member of the House of Representatives, as a member of the House Committee on the Judiciary. It is a radical and extremist position to take that, and I urge all Members of the House, whatever their view is on gay marriage, to not destroy our checks and balance system of America that we have been handed that we should treasure and preserve and cherish instead of recklessly endanger in this way.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Committee on the Judiciary.

Mr. PENCE. Mr. Speaker, I rise in strong support of the Marriage Protection Act. I commend the gentleman from Indiana (Mr. HOSTETTLER) for his principled leadership on this issue.

The Marriage Protection Act is a constitutional remedy to a looming constitutional crisis. Let me say, despite what we have just heard on this blue and gold carpet, nothing in this bill shuts access by petitioners to any State court in the land. What brings us here today is that activist judges in some States are poised to force a new definition of marriage on States like Indiana, and the Marriage Protection Act will stop that strategy in its tracks.

Let me say clearly not on my watch will I stand idly by while the courts in Massachusetts redefine marriage in Indiana, and despite what my colleagues have said on the other side of the aisle about high principle and constitutional ideals and a history lesson, this is about marriage. The Bible says "If the foundations are destroyed, what can the righteous do?" And marriage is such a foundation in our society. Marriage was ordained by God, established in the law. It is the glue of the American family and the safest harbor to raise children. We must preserve and defend this foundation in our society, and we begin by defending the right of States like Indiana to define marriage as it has ever been defined and will always be defined in the hearts of the overwhelming majority of the American people.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I have been married for over 40 years, and I cannot for the life of me think how this legislation that is on the floor today, the so-called Marriage Protection Act, is any protection for my marriage. In fact, I think it is not a protection of the rights of Americans.

Every Member of this body has taken a solemn oath to protect and defend the Constitution of the United States. That is our oath of office. All Members should consider that this bill has far-reaching consequences for the separation of powers that has been the hallmark of our Constitution, our government, and our rights as American citizens. We must today honor our oath of office and oppose this legislation.

This court-stripping bill is not about reaffirming the Defense of Marriage Act or even about gay marriage. The fundamental issue in this bill is whether we want to undermine the Supreme Court and the Federal judiciary and our system of checks and balances. This bill will impact the very foundation of our government. It impedes the uniformity of Federal law. It sets a dangerous precedent, and it does grave damage to the separation of powers.

When former Senator Barry Goldwater spoke against a court-stripping bill in 1982, he warned his colleagues in the other body that it was a frontal assault on the independence of the Federal courts and it is a dangerous blow to the foundations of a free society. We must heed that warning today.

This bill would prohibit Federal courts, including the Supreme Court of the United States, from hearing cases related to the interpretation and the validity under the Constitution of the full faith and credit provision of the Defense of Marriage Act as well as this court-stripping bill. If passed, it would constitute the first time in the over 200 years of our country's history that Congress has enacted legislation totally eliminating any Federal court from considering the constitutionality of Federal legislation. Only State courts would be able to decide questions related to this provision of a Federal statute. The irony of that is that if one's State passed a law that allowed gay marriages and they wanted to challenge it in Federal court, they would only be confined in challenging it in a State court in their State. So even those who would oppose gay marriage would not have recourse to the Federal courts.

I know that the gay marriage issue is a difficult issue for many people, and I respect that. But do not let that bait take them down a path that would have them dishonor their oath of office that they took to become a Member of this House. Attempting by statute to remove the Supreme Court's and the entire Federal judiciary's power to hear a class of cases and to even determine the constitutional validity of a statute is nothing more than a backdoor attempt to amend the Constitution by simple majority.

It would effectively end the Supreme Court's role as a separate and independent branch of government. It would eliminate all means of reconciling conflicting State court interpretations of the Constitution. Think about that. If passed, it would prevent the Supreme Court from being the guardian of our rights.

It has been a settled principle since Chief Justice John Marshall's opinion in Marbury v. Madison, which has been oft quoted here today. Marbury v. Madison stated that "It is emphatically the province and the duty of the judicial department to say what the law is." Subsequent decisions and the Court's role as an equal branch strongly suggest that Congress cannot prohibit the Court from determining the validity of a law in the first place.

Indeed, the author of this legislation here today stated that he believed that the part of Marbury v. Madison that established judicial review was "wrongly decided." Over 200 years of precedent was "wrongly decided," a view that can only be characterized as radical.

Just 2 months ago we all celebrated the 50th anniversary of Brown v. The Board of Education. If the precedent established by this bill had been in force in 1954, there may have been no Brown decision. Imagine what would have happened to all of the advances in civil rights without that ruling. Imagine how little we would have had to celebrate.

Numerous legal experts, including from the other party, indicate that this bill will likely be found unconstitutional. The court-stripping issue is not a new one. Numerous proposals have been made since the Civil War but have never been adopted because Congress wisely exercised restraint and respected the separation of powers and our constitutional framework.

More recently, in 1981 and 1982, more than 30 court-stripping proposals were introduced, primarily by former Senator Jesse Helms, to remove such issues as school prayer, reproductive rights, school busing from Federal courts' jurisdiction. They all failed, thanks to the principled opposition on a bipartisan basis, principally that of, as quoted earlier, Senator Barry Goldwater and then Attorney General under President Ronald Reagan, Attorney General William French Smith.

Mr. Speaker, now as then, full jurisdiction of the Supreme Court is fundamental under our system of government for a uniform and consistent interpretation of the law even when we do not agree with the Court's decision. The impact of this legislation goes far beyond the subject matter that the proponents claim to be concerned with. Our Founders carefully constructed our system of checks and balances, which we tamper with at our peril. It is unwise and politically motivated, I believe. It is designed simply to distract attention from the real issues that we should be dealing with.

Today, Mr. Speaker, millions of Americans are looking for work. Millions more Americans do not have access to quality health care since President Bush took office. Our children are not receiving the quality of education that they deserve to have, the opportunity that is the promise of our country. We are driving ourselves deeply in debt with the irresponsible reckless economic policies of the Republicans here, giving our children obligations instead of opportunity. We have our men and women in uniform in harm's way without the proper equipment, training, and intelligence to get the job done, and we want them to be second to none, and we will make sure they have what they need, but we must take the time to do that.

And instead, what are we doing? Instead, we are gathering here to talk about discrimination, to talk about undermining the Constitution of the United States, to talk about dishonoring the oath of office that we take to protect and defend the Constitution.

I agree with those who say "this bill is as wrong as wrong can be." In short, this bill is bad law, bad policy. That is why it will not have my support.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can understand the fervor of the gentlewoman from California (Ms. PELOSI), distinguished minority leader, in opposition to this legislation. She did not support the Defense of Marriage Act when it was passed in 1996 and signed by President Clinton. But to insinuate that this bill is an attack on the foundations of our government is just plain wrong.

The framers of the Constitution put in Article III, Section 2 relating to the jurisdiction of the Federal courts, inferior Federal courts and the appellate jurisdiction of the Supreme Court to provide a check by the legislative branch of government on the judicial branch of government, and we have heard quotes from Thomas Jefferson and Abraham Lincoln expressing their fears about judicial power being unchecked.

This bill is a check on judicial power, and the question is whether we should have the elected representatives of the people, in this case the Congress today and the State legislatures in the future, determining Federal marriage policy, or whether we should have a Federal judge stating that for a State to take a different position than a divided court in Massachusetts is an unconstitutional deprivation of rights.

Now, in the last 10 years or so Congress has restricted the jurisdiction of the Federal courts on numerous occasions. Much has been mentioned here about the provision that the minority leader in the Senate, Senator DASCHLE, put into Public Law 107-206.

□ 1415

The press comments about that action, which is public law today, included headlines that said: "Daschle seeks to exempt his State; wants logging to prevent fires," and "Plan to curb forest fires wins support."

Senator DASCHLE told the Congress and the country there was an emergency in his State, that action needed to be taken, and we could not have judicial review. The Congress agreed. And we did not hear the hue and cry about the Constitution being undermined because of a congressional determination that there had to be some logging to prevent forest fires in South Dakota, and I think the Congress was right in agreeing with Senator DASCHLE in this instance.

Now, there are a number of other instances in the past 10 years where Congress has precluded Federal judicial review in cases. In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 was passed. That was Public Law 104–208. It precluded all judicial review over specified discretionary decisions of the Immigration and Naturalization Service. There you are involving the allegations of rights by people who are subject to deportation or other actions by the INS. Congress, when it passed that bill, and it was signed by President Clinton, said no judicial review. Did we hear at the time that that undermined the Constitution? No, we did not. It was a correct decision by the Congress to preclude judicial review on this.

After September 11, 2001, Congress passed the Terrorism Risk Insurance Act, Public Law 107–297, precluding judicial review of certifications by the Secretary of the Treasury that a terrorist event had occurred. Did anybody allege that that undermined the Constitution at the time? No way.

The Small Business Liability Relief and Brownfields Revitalization Act, also passed in the last Congress as Public Law 107–118, precludes judicial review of hazardous waste cleanup programs.

So this has been going on all the time.

The Judiciary Act of 1789, one of the first bills passed by the first Congress, recognized that the judicial power of the United States was not unlimited and limited that judicial power. There have been expansions and contractions in the area of diversity jurisdiction of the Federal courts. Nobody has alleged that the Constitution is being undermined; and, in fact, Federal judges have come to the Congress and asked that the jurisdictional amount in diversity cases be raised so they did not have as many cases to decide.

We have heard the Supreme Court say in asbestos that there should be some way to prevent 600,000 cases from choking the Federal court dockets. I would hope that we would be able to pass some kind of asbestos litigation reform.

The fact of the matter remains that we could go on and on and on. It does not violate the Constitution. There are over 200 years of precedents in adjusting the jurisdiction of the Federal Court.

What this bill says is that if a State decides it does not want to recognize a same-sex marriage license granted in another State, there will not be Federal judicial review to do so. This is a

States rights bill, and the Supreme Court has repeatedly said that marriage and family law is primarily a matter of the States, and this ensures that it will be.

Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I find it so interesting that some of our colleagues today are trying to talk about all sorts of other issues, and some that support same-sex marriage are just saying this is an election year ploy to get votes.

I can tell you that for my constituents in Tennessee, they support what we are doing here today, and they are not concerned about whether or not it is an election year or not. They are concerned about protecting marriage, because they know that marriage is an institution that is at the very core of our existence, and that is why we are here today, to protect marriage.

I think it is very sad, very sad, that some courts and some activist judges have taken it upon themselves to usurp the will of the people. Let me remind my colleagues who oppose this that we are acting in the will of the people today.

Already there is a lawsuit that is being brought by same-sex couples in Massachusetts to force other States, like my State of Tennessee, to accept their Massachusetts marriage license, and it is contrary to the Defense of Marriage Act, and it is contrary to the will of the people.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend and colleague, the gentleman from New York (Mr. NADLER), for yielding.

Mr. Speaker, for me, this is unreal. It is unbelievable. I thought that as a Nation and as a people that we had moved much further down the road. To pass this legislation would be a step backward.

There is a song, and some of you are old enough to know it: "Mr. Big stuff, who do you think you are?" I would ask, well, Members of Congress, who do you think we are?

We have not been called or chosen by the people to strip the courts of their power. We have not been ordained by some force to say, "Don't come in here. Don't apply for justice."

Those of us who came through the civil rights movement saw the Federal courts as a sympathetic referee in the struggle for justice, for fairness and for equality.

If it had not been for the Federal courts, where would we be? If it had not been for the Supreme Court of 1964, there would still be legalized segregation in America. If it had not been for the Federal courts, we would still see signs saying "White Men," "Colored Men," "White Women," "Colored Women," "White Waiting," "Colored Waiting."

If it had not been for the Federal courts, I would not be standing here today and many Members of Congress who are people of color would not be standing here either.

We do not want to go back. We want to go forward. To vote for this legislation would be like Members of Congress trying to stand in the courthouse door, just like George Wallace stood in the schoolhouse door to stop integration of Alabama schools.

Today it is gay marriage. Tomorrow it will be something else. During the 1960s, in 1963, in 1964, in 1965, we heard some of the same old arguments. Have we learned anything?

Forget about the politics. Vote your conscience. Vote with your heart, with your soul, with your gut. Do what is right and defeat this bill.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, in spite of all this rhetoric about protecting marriage and saving the country from rogue activist Federal judges, the bill we are debating here today does not protect Americans from gay marriage. We are not debating a gay marriage bill. We are debating a court-stripping bill, and one that is more Draconian than any such bill Congress has ever considered.

Every year, we teach elementary school students throughout America about the wisdom of our Founding Fathers, about the precious rights we have fought at home and abroad to protect, about our democracy that considers all people as equals, and about the delicate system of checks and balances upon which all of this is based.

It is a shame that Members of Congress appear to have forgotten these most basic lessons. They have forgotten that our Founding Fathers established three equal branches of government, no one more powerful than the other; they have forgotten that this system has served us well for over 200 years; and they have forgotten that this is a system that cannot survive if one branch arbitrarily strips power from another.

This is not about gay marriage. This is not about respecting marriage. For the record, my marriage is not threatened by gays and lesbians in Massachusetts or California. What is the heinous crime that gays and lesbians have committed? They want to live with the same dignity that their fellow Americans live with every day.

Please vote this bill down.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I sit here and listen to this debate, and it is one of many debates on this issue that we have had, and it is one of many we will have into the future. And as I listened to the gentleman talk about the civil rights, I harkened back to a time when I sat in the Iowa Senate, where I heard a senator stand and say the next great civil rights crusade is homosexual rights.

Something about how true that rang to me, it caused me to pay attention and understand that was the message. There will always be another civil rights crusade. We will never get this right. There will always be people that see the glass of rights as half full, like us, and some that will say it is half empty, like others.

I will tell you that this is not a civil right. You can look in title VII of the Civil Rights Act, and there it says race, color, religion, sex or national origin. Those things are all immutable characteristics, with the exception of religion, which is constitutionally protected. Immutable characteristics are characteristics that cannot be self-identified, but can be independently verified, and cannot be changed. That is not the case with homosexual marriage.

I hear other statements. The gentleman from Maryland, "risk undermining public faith in the courts." It is the courts that risk undermining public faith in the courts. We are establishing public faith in the process.

And the statement made by the gentlewoman from California, "this is nothing more than a back door attempt to amend the Constitution by simple majority." No, the courts have been continually amending the Constitution by the will of a bare majority of appointed courts. The transfer of the will of four judges from Massachusetts against the will of the people of the United States of America is protected by the Constitution, and that responsibility lies with us and we must step up to that responsibility.

So I would ask, and, as we heard from the minority witness in hearings, the bottom line of that testimony was that the Congress can grant authority to the courts, and we can create courts and that courts can grasp authority by decisions that they make; but we can only limit the courts by allowing the courts to limit themselves.

Now, how ridiculous is that? How far-reaching is the power of the judicial branch if we will take this position that Congress cannot limit the courts when it specifically is in the constitution? We are charged not with just the right or the privilege, but the duty and obligation, when we swore to uphold this Constitution, to defend the separation of powers.

There is no civil right for marriage, there is a license for marriage, and a license is by definition a permit to do something which is otherwise illegal.

We grant that to marriages for those reasons that you have heard some of my colleagues speak to, because the family, the father, the mother, the children and the home, is the essential building block, not just of this culture and this society and this civilization, but every civilization for the last 6,000 years.

That is what is at stake here, and it is our obligation; and I think this is the most essential issue of our time. There is no issue more important than defending marriage, because it is the essential building block of this society, this civilization, and every civilization. We have the duty and obligation.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, to vote in favor of H.R. 3313, I would say that the supporters of the bill have to reach four conclusions:

One, they have to decide that Marbury v. Madison was wrongly decided. Some people on the Committee on the Judiciary freely admitted that. You have to agree that when John Marshall wrote, "If the courts are to regard the Constitution and the Constitution is superior to any ordinary act of the legislature, the Constitution and not such act shall govern the case to which they both apply."

Secondly, you have to come to the conclusion that DOMA is going to be struck down by this very conservative Supreme Court. Otherwise, why would you be here? If you thought the court was going to uphold it, and I have to tell you, I went back and I looked at some of the speeches. A lot of the debate was whether or not DOMA was constitutional. And, one by one, you stood up and said, oh, it absolutely is, it absolutely is, it absolutely is.

So you have to conclude in order to support H.R. 3313 that the Supreme Court is about to strike down DOMA, although I do not know where you get that indication, unless you believe it was violative of the Constitution.

Third, you have to believe that this clause is more important than abortion, more important than gun control, more important than the Flag amendment, more important than any other thing, because you are including this provision in this bill and you have not done it to protect abortion or to ban abortion or to protect gun rights. How come? Do you not feel strongly about those things? Do you not want to keep the Supreme Court out of those issues?

□ 1430

And finally, in order to support this, you have to have utter and complete contempt for individual rights and freedoms, something I thought conservatives stood for.

What if you are the only person in your State that believes something? What if you are the only person in your judicial area that believes something? And what if you are right? What if you are protected by the Constitution?

Time and time again I have heard people stand up and say this is about doing the will of the people. That is not what the courts are supposed to do. The courts are supposed to protect the minority to make sure their rights are not trampled on, protect women when they want to vote, protect blacks when they want to be considered citizens, protect those that want to have the full rights of the Constitution. That is what the Court is supposed to guarantee, because that is never what the majority does. The majority looks out for the majority rule. That is not the role of the legislature, that is the role of the courts.

If you draw those conclusions that you think DOMA is constitutionally flawed, Marbury v. Madison was wrongly concluded, that this is a more important issue than abortion, gun control, anything else, and that you have contempt for individual rights, vote yes on H.R. 3313.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New York for yielding me this time, and I thank him for his leadership.

I hope that this is viewed by the American people as a singular discussion on whether or not, no matter what station in life one may hold, whether or not one represents a voice of one or a voice of thousands, the constitutional rights that have been protected by this Constitution is given to you.

As I spoke to some of our very able young people that are serving us as pages here in the United States Congress, and I am so very proud of them because they are inquisitive without being biased or discriminatory, but they are not our futures, they are our todays. In trying to understand what we are doing today, this is not a pronouncement of a constitutional amendment that requires two-thirds of this body and three-fifths of our States, an elongated process that would allow us to debate the question of whether or not we want to preserve the rights of those who are not like us, some of us here, and give them the same rights. This is not this debate.

This is, in fact, a way to sidewind itself around the idea of whether or not whoever you are, whether you be a farmer, an environmentalist, a parent, someone injured, a young military person fighting on the front lines of Iraq, that you come back and the front doors of the courthouse have been closed to you.

I am ashamed that my colleagues would misuse the constitutional instruction for the understanding of the three branches of government, because Article III does say this: "The judicial power shall extend to all cases in law and equity arising under the Constitution by the laws of the United States of America." Can you tell me how we can argue that we can eliminate someone's right to go into the Court to simply ask for relief on their petition.

I do not want to debate one's religious faith. I cannot equate myself to you. I know what I feel in my heart, that all of us are created equal. The Declaration of Independence said that we all are created equal with certain inalienable rights of life, liberty and the pursuit of happiness. I want people to be able to practice their faith. God bless them.

But this is a tragedy, for I stand here as an unequal person in this Nation. If it had not been for the courts of this Nation, many of us, no matter whether you look like me or have my history, would have the doors closed to you.

So, Mr. Speaker, let me say to my colleagues that the reason why we are voting against this, and I ask my colleagues to consider it, because it would be damaging and devastating and detrimental to the constitutional premise of the Founding Fathers who stood for 3 months trying to establish a nation that could keep democracy for now some 200 years plus.

The crux of this is to do this: one, it does not provide for the equal protection of the law. Two, when the legislature overreaches, you have no place to go; you cannot go into courts and find relief. Three, I would say that this denies you due process.

So this is not a question of one's personal determination, it is a question of your rights as an American citizen. Might I say to you as we look at the rights of American citizens, let me reemphasize, the fact that the eliminating of the right to access the appellate courts has never been done before. To my good friends and colleagues who believe in the Constitution like I do, let us own up to the American people, let us own up to them that what we are doing is destroying justice as we know it. I would only say to my colleagues that I love America, and I would only hope that when we stand to vote that no one looks to see who is who, only to recognize that each of us are equal under the law and should have our right of access to our courts.

Mr. Speaker, marriage is important. Marriage is a concern of many Americans, but so is equal protection, due process and the right of judicial review for a contentious matter raising constitutional issues and questions of law.

Mr. Speaker, I strongly oppose this legislation. Everything from its name to its provisions are in contravention of the principles on which the original Framers of the Constitution created that respected document.

We can see that this proposal purports to deceive our colleagues even in its title. How can this legislation "protect" marriage when it precludes access to Federal courts when married couples seek judgment on the merits and validity of their union? A colleague of ours in the Senate was cited, in the context of the Defense of Marriage Act (DOMA) that recently passed, as stating that same-sex marriages threaten a 5,000 year history of the man-woman union as the "proper union."

However, this argument, along with the bill before us today, fails to constitutionally address the cause that its proponents intend. The bill before us today, as well as DOMA, are overbroad in their scope.

Article III, Section 2 of the United States Constitution states that "The judicial Power shall extend to all Cases, in Law and Equity, arising under the Constitution, and the Laws of the United States . . . (emphasis added)."

Today's debate concerns the question of whether we decide to strip the Federal courts of their constitutionally-vested powers to even decide whether it will hear a matter—justiceability. H.R. 3313 takes the decision away from the Federal courts in the area of justiceability.

First of all, the institution of marriage has roots that stem from religion. Given that we have a great myriad of different religions and creeds that have a wide spectrum of perspectives on marriage, it is unrealistic to draft a single bill to mandate what character we will accept for this union. Furthermore, man is not so omniscient that he can, alone, determine what a legitimate union is.

If my colleagues on the other side of the aisle profess to have a formula for the appearance of the "traditional" or "acceptable" marriage, I ask them whether the following types of family arrangements fit their criteria: single parent, divorced, unmarried parents.

If our colleagues can summarily decide that a same-sex union does not comport with our ideal of "family" or "marriage" because it is not the union of a man and a woman, how do they characterize the above unions?

On the aspect of overbreadth, this bill, while purporting to protect our view of what an "acceptable marriage" is, strips the courts of jurisdiction, strips our Federal judges on the discretion that they have retained for years and strips tax-paying Americans of their legitimate right to have their causes heard by a Federal court.

As a threshold matter, we as lawmakers should enact legislation that summarily abridges or curtails access to Federal courts only in extreme cases or as a last resort. Furthermore, we should use the same philosophy as it pertains to amending the U.S. Constitution. The bill introduced in the Senate, as well as the bill before us today, amend the document that was created by the original Framers and strip Federal judges of their discretion on the issue of justiceability.

Lastly, I would have offered an amendment that would simply allow the Supreme Court, the highest court in the land, to retain its jurisdiction to hear these matters. It would be at the least, arrogant of legislators to think that their judgment, experience, and expertise would make them better arbiters on this issue than life-appointed judicial officials whose job it is to make determinations concerning our laws. The high court has made so many rulings that have changed the lives of minorities, women, children, the disabled, and many other aggrieved individuals and classes that stripping it of its ability to continue this effort would be injurious to the entire Nation.

Mr. Speaker, for the above reasons, I strongly oppose this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. HYDE), the distinguished former chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I think this is a wonderful debate. It is something that I have waited for years to listen to, because these are very important questions and the Constitution is everybody's business. It is certainly ours.

What we are really debating is what does Article III, Section 1, clause 1 mean. The power to court strip, is it there, and if it is there, why is it a mortal sin for Congress to exercise it? I do not know.

The Court is not the only repository of wisdom, nor of due process. We could have a seminar some day on the first amendment. Why does the establishment clause dominate jurisprudence concerning the relationship of religion and the State, but not the free exercise, which is ignored, which withers on the vine? What about the 10th amendment, which says all matters not enumerated to the Court are reserved to the people? It is ignored. It has been ignored for generations.

So as we raise up the Court as the sole repository of wisdom and justice and fair play, we are not very historical because they are capable of abuses, too.

Now, democracy requires checks and balances. We know that. What is the check and balance on the Supreme Court? Unelected, these are people who are well connected and they get confirmed, and they are imperial in their scope, and no check and balance whatsoever.

Now, I would rather have a check and balance on the Court, just as I want one on the Congress, and the best check and balance is the people, the people who do the electing. That is what Article III, Section 1, clause 1 does. It reserves to the people the ultimate decision on a given issue.

Well, I just want to say for a court of last resort, I think "the people" is superior to these people who are nominated and confirmed and unelected and sit for life. I have never heard of an imperial state in this country, but I have heard of an imperial court.

This is not the end of the world; this is fulfilling the very language that our Founding Fathers were wise enough to incorporate into the Constitution, and all of the sky-is-falling-down rhetoric is misconceived, in my judgment.

Mr. NADLER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I disagree with my friend from Illinois. This does not take the matter out of the courts; it takes the matter of constitutionality away from the United States Supreme Court and confers it on the 50 State supreme courts.

What this bill says is, no court created by act of Congress and the Supreme Court shall have no jurisdiction to hear or decide any question pertaining to, among other things, the validity under the Constitution of Section 13, et cetera.

The State courts have, as has been acknowledged, also the right to interpret the Federal Constitution. Frankly, from the standpoint of there being more same-sex marriages under the Full Faith and Credit Clause, I think there would be more if this bill became law. I do not want the bill to become law because of its terrible precedential consequences. But, frankly, the likelihood that this U.S. Supreme Court will find that full faith and credit compels the nationwide recognition of same-sex marriages is quite slight. It is likelier that there are four, five or six State courts that will find that.

So what you are saying is not that the people will decide it as opposed to the courts, the courts presumably made up of aliens that you have appointed in many cases, but the fact is that it will be decided by State supreme courts.

Now, this is the problem. The gentleman from Wisconsin says there is precedent. He is wrong. All of the things he cited had to do with administrative matters, with deportees who are by definition noncitizens and who do not have the same rights. There is no case in American history of this language: you cannot decide any question pertaining to the validity under the Constitution. This is the first time we have said, not that it will not be litigated, but it will not be decided by the U.S. Supreme Court. What you are doing here, you are not repealing anything except the Constitution by going back to the Articles of Confederation.

Here is the problem, and it is not just about same-sex marriage. As I have said, I think there will probably be more State courts that will find full faith and credit than national. But we all know that we never in this body do anything only once. The gentleman from New York (Mr. WEINER) was right when he said, what about other issues. Once you establish this as the way you show your fealty to a principle, it will be demanded with regard to everything else. This will become boilerplate. So on issue after issue we will pass legislation, and we will say, but it cannot be questioned by the Supreme Court.

Now, I can tell you, on the Committee on Financial Services on which I serve, the business community of the United States overwhelmingly comes to us and says we need uniformity, we need uniformity. What you are enacting here today does not say the courts do not have the final say; it says that instead of there being one United States Supreme Court binding interpretation on constitutional questions that are controversial, there will be different State court interpretations, and the impact will be much less on same-sex marriage than on economics, on land-takings, on gun control and a whole range of other issues.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, at every critical juncture in American history, each preceding generation has been asked to pick between equality and inequality, justice and injustice. In that struggle, our predecessors always tipped the scale in favor of equality and justice, and always widening the circle of democracy. And in widening that circle of democracy, America's character and her democratic values were renewed.

Today we are taking a reactionary departure from constitutional history. Our congressional predecessors never successfully attempted such an extreme measure as this, because they knew it would violate every principle that defines America, but this Congress and its majority leaders, in its infinite wisdom, will take that radical step today.

The majority leader asked for a debate known for its tolerance concerning a piece of legislation that is neither tolerant nor respectful of debate. The proponents of this legislation say, this is an effort to protect the institution of marriage. Half of all marriages end in divorce. Divorce threatens marriage. So why do we not deny access to the Federal courts to divorcees?

If you are worried about your marriage, read your vows and leave our Constitution alone.

Today we are not defending marriage; we are defeating the Constitution. Thomas Jefferson wrote in the Declaration of Independence that all men are created equal, but maybe George Orwell is more appropriate today: all are equal, but some are more equal than others.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, this bill, H.R. 3313, is not about gay marriage, it is about taking away access to the Federal judiciary while manipulating our Constitution by using a wedge issue. It is about degrading the role that Federal courts have played in the enforcement of civil rights law. It is about preventing challenges by individuals and groups of Americans who are needy and deserving of their day in court. Most of all, this bill is about ignoring the Constitution.

We must protect the system of checks and balances that our Founding Fathers created. We must refuse to create this dangerous precedent.

This legislation would be precedence for removal of Federal court jurisdiction for other contentious constitutional civil rights issues such as gun rights, religious protections, civil rights.

Mr. Speaker, this is just plain bad policy. Do not support this bill. Know what the proponents are after and do not let them bully you into eroding our judicial protections.

□ 1445

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I have heard a number of people saying today that this is not about the institution of marriage. It most certainly is about the institution of marriage. It is also how marriage is going to be defined. I somehow cannot get my mind around the concept that the Founders' idea was that a bare majority in one State court and a bare majority in the Supreme Court can redefine the word of marriage and shove that down the throats of 49 other States. Somehow that does not seem to make sense. The Democrats here have been suggesting that the Supreme Court should be totally sovereign in every decision, and that one also I find rather puzzling, because the first foray of activist judges on the Supreme Court was that brilliant decision of Dred Scott, which said that African Americans are not actually people.

Now, if every decision of the Supreme Court is gold, how about this one? And what was the result of this little act of activism? Well, they are the wonderful folks who gave us the Civil War. I just cannot understand the logic of saying and talking about the idea of separation of powers and checks and balances and at the same time say, anything the Supreme Court says goes. That is what I am hearing argued today.

The question is when the Supreme Court gets really goofy, and my friends, we can pick how goofy is goofy, but when they really start legislating from the bench, at what point and what is the mechanism to hold them in check? Well, whose job is it? Well, it has been made reference to here. We take an oath of office to uphold the Constitution. It is our job, my friends, as legislators, and it is the job of the President, who also seeks to uphold the Constitution.

Now, there is one other thing that has been stated that some staffers probably should be let go, because they have not done their homework. Because if we take a look in the 107th Congress alone, we can take a look and see that the expedite, the construction of the World War II memorial has article III, section 2, the American Service Members Protection Act. Article III, section 2 language, Aviation Security Act. This is all 107th Congress alone. PATRIOT Act, article III, section 2 language. Intelligence Authorization Act, article III, section 2. Terrorism Risk Insurance Act, and also the Department of Justice Authorization Act, that is not to mention a particular elected representative from South Dakota who said no court can have anything to say about his clearing the undergrowth from his forest.

The question before us is a question of whether or not a redefinition of marriage is going to be imposed on all of our States by a few activist judges. Believe me, the answer should be no.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Washington for purposes of a unanimous consent request.

Mr. MCDERMOTT. Mr. Speaker, I rise against this amendment.

Mr. Speaker, what the Republicans are doing today is a "needless, futile and utterly dangerous abandonment of constitutional principle . . . without precedent or justification." These were the very words used by the Senate Judiciary Committee in 1937 when they opposed President Roosevelt's court packing scheme. it was exactly 67 years ago today that the U.S. Senate voted down that dangerous plan.

Mr. Speaker, the legislation that you are asking this August body to consider is no less dangerous. This legislation, the so-called Marriage Protection Act, is championed by the Republican leadership. It aims to manipulate, to indeed disrobe the Third Branch of our government, The Judiciary.

Any why, Mr. Speaker? Because the Republican Party and this Republican Congress wishes to deny a particular class of people their right to come before the federal courts and defend their unalienable rights. What a horrible precedent.

Mr. Speaker, Alexander Hamilton—the man on our ten dollar bill—in Federalist 78 said that the courts of justice are the bulwarks of a limited constitution against legislative encroachments, and are there to safeguard the private rights of particular classes of citizens against unjust and partial laws. What the Republican bill does is attack the very foundation upon which our Founding Fathers built this great republic.

The Republican party says that we "need to protect marriage from activist judges." Maybe there are a few activist judges out there, but this bill strips all federal courts—even the Supreme Court—from considering the constitutionality of a federal law that attacks the rights of a particular class of people.

The Defense of Marriage Act is clearly a legislative encroachment upon the Constitutional rights of Homosexuals. Why else would you bring a bill out here that denies judicial review over that unjust and partial law?

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise today in opposition to the Marriage Protection Act. I took an oath when I came here to protect and defend the Constitution. This bill obliterates the Constitution.

Let me first make an observation. I am married, and many of my colleagues are married. I do not think my marriage or my colleagues' marriages are threatened because two gay people in Massachusetts want to get married. Maybe it is threatened by meddling in-laws, but certainly not by some legislation that passed in Massachusetts.

But I make that observation as an aside. This bill really is not about marriage, gay or otherwise. This bill is about the Constitution. This legislation sets a very dangerous precedent. It says that we are going to set aside our very cherished separation of powers that is provided in the Constitution that enables the courts to check us, to say, wait a minute, Congress, you have gone too far. My colleague says, well, we have the right to make laws. We do. If we do not like it, we can amend the Constitution; but my Republican colleagues are not trying to amend the Constitution. They are trying to change the Constitution by stripping the courts. We need the separation of powers. We need the courts to independently review the things that we do here in Congress.

Think about it. If we can strip the court's jurisdiction, the Supreme Court's jurisdiction over this matter, what about civil rights laws? Could not some Congress come down here and say, well, we do not need the Federal courts or the Supreme Court ruling on civil rights laws? What does that mean? It means that a State court in Arkansas can say one has this right, while another State court in Nevada could say, oh, no, you do not. That is not what the Founders envisioned. This is a very dangerous vision of America in which the courts do not play a critical role. Let us retain the Constitution as we know it.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership.

This is really a sad day. By stripping away the jurisdiction of the Federal courts and the Supreme Court to hear challenges to the Defense of Marriage Act, this bill opens the door to further court-stripping of additional rights. What is next, the right to vote, the right to assemble, the right to a trial, the right to privacy? Congress would undo over 200 years of history and could potentially rewrite the Bill of Rights, gutting Federal protections against discrimination that are enshrined within the 14th amendment. Where would we be today without a way to redress our grievances against ill-conceived or discriminatory legislation passed by earlier Congresses?

Would interstate travel still be segregated? Would the separate but equal doctrine still exist? Where would we have been without Brown v. Board of Education, Roe v. Wade, or other sufficient landmark court decisions?

From now on will we seek to limit the ability of the Federal courts to hear challenges to any law just because one side or the other opposed it? What does an approach like this bode for the future of our democracy? So why are we doing this? Why are we doing this? I think we are undermining our Constitution today, quite frankly, about trying to get more votes in November. That is why we are doing this. Vote "no" on this dangerous bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Iowa for purposes of a unanimous consent request.

Mr. LEACH. Mr. Speaker, I rise in opposition to this bill.

Mr. Speaker, America is divided on many issues, perhaps none more emotive than that which surrounds family values and the institution of marriage.

For many Americans definitions are critical. Traditionalists believe the term marriage can only properly be applied to a union between a man and a woman. Non-traditionalists, particularly in the gay community, believe that qualification under law for marriage or other forms of civil unions should be provided to same sex couples and that without changes in law to allow such to occur some citizens will have less personal security and legal protection than other elements of the American community.

Historically, issues of marriage come under the primary jurisdiction of State law, but because States may have different approaches and because there is under our Constitution a recognition that legal arrangements made in one State are generally to be respected in others, the Congress chose several years back (1996) to pass a law called the Defense of Marriage Act (DOMA) to allow States not to recognize the validity of same-sex marriages performed in other States.

The measure before Congress today is H.R. 3313, an act which would deny Federal courts, including the Supreme Court, the right to review the constitutionality of the Defense of Marriage Act.

The arguments on the floor today have largely swirled around the issue of marriage. My view is that the bigger issue is process. In America, process is our most important product. Our constitutional system was established with checks and balances. To curb the prospect of concentration of power our Founders created three branches of government—executive, legislative, and judicial—and then quadruplicated these balancing arrangements by creating executive, legislative, and judicial entities at the state, county and city levels.

At any moment in time there will be conflict among various branches and between various levels of government. This discord is sorted out through time tested processes involving compromises, give and take, and at critical moments, definitive decision-making.

In this case, whether one supports or opposes expanding marriage definitions or favors compromise approaches such as sanctioning civil unions, it is a dubious precedent to deny a key component of the American governmental system—federal courts—the power to exercise its constitutional responsibilities.

Although the Constitution gives Congress broad authority to define the jurisdiction of courts, Congress has historically been cautious in limiting the power of courts to review substantive law. to do so would wreak havoc with the separation-of-power doctrine and our legal system.

If one of the objectives in the bill before us is to rein in a runaway judiciary, we might be equally concerned about creating runaway legislative precedents. Barry Goldwater, who was no friend of activist judges, noted a decade ago when referring to previous court stripping attempts: "frontal assault on the independence of the Federal courts is a dangerous blow to the foundations of a free society." It opens up a can of worms, making all controversial issues vulnerable to similar "court stripping" legislation.

It is this court stripping precedent which is primarily at issue today. But it is not the only process problem on the table. One consequence of passage of H.R. 3313 is that it would allow each of the 50 State supreme courts to define DOMA's constitutionality but leave the U.S. Supreme Court powerless to sort out the constitutional mess. Confusion rather than legal clarity would be the likely result.

Judicial review is the heart of constitutional governance. To tamper with the power of courts is a perilous undertaking.

The only oath Members of Congress take upon assuming office is to uphold the Constitution. The founders, who had extensive experience with political persecution, wrote a Constitution which did not put exclusive power in the legislative and executive branches because they wanted to place a check on popular will as well as capricious executive governance. As Madison wrote in Federalist No. 48, "an elective despotism was not the government we fought for . . ."

Constitutionalism is not majoritarianism. The rights of minorities must be respected and all citizens provided due process under the law. Accordingly, I am convinced the constitutional obligation is to vote "no."

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 3313, the Marriage Protection Act of 2004, and in defense of the institution of marriage in America.

In 2003, the Texas State Legislature defined marriage as a union between one man and one woman. Texas joins 37 other States that have enacted similar legislation defending traditional marriages.

With the Defense of Marriage Act, Congress declared that no State can be forced to accept another State's definition of marriage. Unfortunately, these actions are not enough. We have seen time and time again the will of the people can be overturned by the actions of a few judges.

Currently, Federal lawsuits attacking the institution of marriage are underway in several States across the country. If these lawsuits are successful, the voice of the people in Texas and the voice of the overwhelming majority of Americans will be ignored.

Without the Marriage Protection Act, it is possible that Federal judges in California can determine the definition of a marriage in Texas or any other State which tries to protect marriage.

This attack against marriage goes against every value that I and the vast majority of my constituents hold dear. For these reasons I strongly urge the passage of H.R. 3313.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BELL).

Mr. BELL. Mr. Speaker, as the Democratic leader pointed out earlier, this year marked the 50th anniversary of the historic Brown v. Board of Education decision, and thinking about that decision in the context of today's debate, I think we have to ask ourselves what if some of our segregationist forefathers who felt every bit as strongly about the issue of race as many people here today feel about the issue of gay marriage, what if they had succeeded in passing some radical legislation to prevent any Federal court challenge to the law of separate but equal?

Well, obviously, the progress that we have witnessed in the area of civil rights would have been at the very least stymied and most likely prevented altogether. And the real question is they might have no problem with the law that they seek to protect today, but they might have very big problems with the law that they seek to protect tomorrow; and ladies and gentlemen, we cannot cherry-pick. We cannot control what might come forth in the future, because once this genie is out of the bottle, it is out for good.

And the bottom line is, this is not. This is not how our country works. Just how far are we going to let extremists go in tearing down what makes this country great?

And, yes, open courts, open courts where free people can go in and fight for what they believe is right are a part of what makes this country great; and just because it is an election year, just because it is an election year and some wish to fan the flames of an incredibly controversial issue, let us not make the unforgivable mistake of closing off our courts. It is un-American; it is wrong. Vote "no."

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise today in strong opposition to H.R. 3313. I call it the "Offense to the Constitution Act." Not only does this bill have nothing to do with what it pretends to address, but it attacks one of the fundamental principles of our American democratic system, the separation of powers.

The Founding Fathers wisely separated the powers of the executive, the legislative, and the judicial branches so as to avoid an abuse of power by any one of the three. This administration was cemented and codified in great historic American cases like Marbury v. Madison. H.R. 3313 is a direct attack on the separation of powers and the legacy of those cases. It says: "No court created by act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, section 1738C or this section."

Protect the Constitution. Vote down this bill. Vote "no" on H.R. 3313.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I am not a constitutional scholar, obviously. I spent 40 years working with approximately 2,000 young people. I actively recruited those young people to go to the University of Nebraska. I visited annually 60 to 70 of them personally in their homes and met their parents, and I saw firsthand the difference a family makes, for better or for worse.

In my experience, the marriage findings of 12 leading family scholars who summarized thousands of studies on child rearing are as follows: children raised by both biological parents within a marriage are less likely to become unmarried parents, live in poverty, drop out of school, have poor grades, experience health problems, die as infants, abuse alcohol and drugs, experience mental illness, commit suicide, experience sexual and verbal abuse, engage in criminal behavior. And then they concluded with this statement that I think is noteworthy: "Marriage is more than a private emotional relationship. It is also a social good. It is the bedrock of our culture."

And so what I observed was that a father contributes something unique to the welfare of a child. A mother also makes a unique contribution. Several countries, notably in Scandinavia, have changed the traditional definition of marriage. There has always been a decline of traditional marriage and a surge of out-of-wedlock births in these countries, and children born in such circumstances, on average, suffer significant dysfunction.

So the question before us is this, as I see it: Do we allow a small number of members of the judiciary to alter an institution which has been the backbone of this Nation? Do we allow these same jurists to do so with a great majority of our citizens and our States firmly in opposition to a change? Forty-four of 50 States have laws defining marriage in a traditional manner.

Again, Mr. Speaker, this is a matter that speaks directly to the welfare of our children, the future of our country, and I urge support of H.R. 3313.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

My friends, surrounding us here are profiles of the great law givers. There are two Americans up there, Jefferson and Mason. Mason did not sign the Constitution at the Convention. He did not, because it did not have a Bill of Rights in it. Jefferson, on his epitaph, looked at as one of his proudest accomplishments, was the establishment of the clause providing for religious freedom in the State of Virginia.

□ 1500

We have 900 dead Americans in Iraq, thousands more wounded, we have a $600 billion deficit, we have 3 million Americans without jobs, 37 million kids are born in poverty in this country, and we are here today proposing to try to take away one of the three pillars of a three-legged stool that has made our country so strong for so many years.

Do not do this. A three-legged stool cannot stand. A society that does not have a judiciary to protect the rights of the minority will ultimately degenerate, and we must not let that happen.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

We will hear the word "distraction" a great deal in the next couple of weeks because that is what is happening here today.

The 9/11 Commission came out with a report today and instead of focusing on and discussing the issues pertaining to the 9/11 Commission's report, we are here today debating a bill that in essence will change the Constitution without going through the formalities of actually changing the Constitution.

We have 2 million people who are unemployed today in this country who would like to work but do not have the opportunity to do so today. We have 44 million Americans in this country today who do not have health insurance coverage, and yet we are here today debating this bill on the floor that will undermine the rights and privileges, not only of people who are gay or lesbian in the country but all Americans, if this bill were to become law.

Mr. Speaker, I ask my friends and colleagues to vote down this bill. This bill is unfair and unjust. It will undermine the very premise of our Constitution. I challenge my colleagues to please vote down this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, first of all, most of the folks on that side of the aisle keep talking about that we are mending and changing the Constitution. But I think the argument has been shown to be overwhelmingly wrong and the gentleman from New York (Mr. NADLER) will have to agree, and he would now say clearly, it does not violate the Constitution to pass this bill. And I think others will agree with that.

So the people that come down here and say it violates the Constitution are wrong, for your side of the aisle to say we are violating the Constitution, amending and changing it, clearly we are not.

The distinguished chairman of the Committee on the Judiciary has given you nine examples, recent examples, of where we have used almost the same clause or language to do the same thing we are doing today. Did you know that to expedite construction for the World War II Memorial we did this same thing. We did it for the Terrorist Risk Insurance Act, the Department of Justice Authorization Act, which I am sure the gentleman from New York (Mr. NADLER) voted for. The Intelligence Act, the PATRIOT Act, even for campaign finance reform in which the majority of the people on that side of the aisle voted for.

But now let us talk about the Daschle Act. Now that is more recent and I think something we should mention. The distinguished chairman of the Committee on the Judiciary mentioned it, but I just want to read to you what Senator DASCHLE actually said on the Senate floor when he said, Due to extraordinary circumstances, timber activities will be exempt from the National Forest Management Act and National Environment Policy Act. And these exemptions are such that they are not subject to judicial review by any United States court. I'd say Senator DASCHLE blanketed it completely.

Let us get to the real issue. The real issue is not whether the language in this bill is exempting U.S. courts. The real issue is the Defense of Marriage Act. But the Defense of Marriage Act was voted for overwhelmingly by many folks, on that side of the aisle and of course ours, but now you are claiming a technicality by saying we are violating the Constitution. But we all know that we do not want a handful of judges overturning the will of individual States and millions of Americans.

DOMA relied on the principle of federalism, which is a defined concept in our Constitution, to defend States rights and to preserve the sanctity of marriage. It was a perfect match, at least we thought it was, until we found out several events later that the Supreme Court 1997 decision in Roemer v. Evans overturned a popular referendum in their ruling. Last year in Lawrence v. Texas the Supreme Court ignored a States right to determine its own public policy standard and overturned its previous court ruling, which in turn created a new right out of thin air. For years the Federal Courts have been taking jurisdiction away from Congress. It is only proper that we exercise our constitutional right to limit their jurisdiction.

So I would say to my colleagues, if you are against the Defense of Marriage Act, why do you not argue that and do not use the technicalities of saying we are violating the Constitution because you know that is not true. And I have given you at least nine examples here of where you on that side of the aisle have voted for the same, almost the same language.

Now the gentleman from Massachusetts indicated that in this bill there is unique language we have never seen before. Now Mr. Speaker all of us have heard songs before and lots of times those songs sound the same way. But they do not have the same language or exact words. Those songs may sound the same, but they do not have the same words. Likewise, this bill does the same thing as the other bills I mentioned, but the language may not be the same.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I place into the RECORD the case of Biodiversity Associates v. Cables, which contrary to the gentleman from Florida (Mr. STEARNS) ruled that the Daschle bill did not apply to preclude court of appeals review as the legislation's constitutional validity.

BIODIVERSITY ASSOCIATES V. CABLE

Biodiversity Associates and Brian Brademeyer, Plaintiffs-Appellants, Sierra Club and the Wilderness Society, Plaintiffs, v. Rick D. Cables, in his official capacity as Regional Forester of the Rocky Mountain Region of the U.S. Forest Service; Dale N. Bosworth, in his official capacity as Chief of the U.S. Forest Service; John C. Twiss, in his official capacity as Supervisor of the Black Hills National Forest; U.S. Forest Service, Defendants-Appellees, Larry Gabriel, in his official capacity as Secretary of the South Dakota Department of Agriculture; Black Hills Regional Multiple Use Coalition; Black Hills Forest Resource Association; Meade County, Lawrence County, and Pennington County, all political subdivisions the State of South Dakota, * Defendants-Intervenors-Appellees.

*Mr. Cables, Mr. Bosworth and Mr. Gabriel, who are the successors in office of Lyle K. Laverty, Michael Dombeck and Darrell Cruea, respectively, have been substituted as parties pursuant to Fed. R. App. 34(c)(2).

NO. 03–1002

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

357 F.3D 1152; 2004 U.S. APP. LEXIS 1702

(February 4, 2004, Filed)

Prior History: Appeal from the United States District Court for the District of Colorado. (D.C. No. 99–N–2173).

Disposition: Affirmed.

Counsel: Ray Vaughn of WildLaw, Montgomery, Alabama (Steve Novak of WildLaw, Asheville, North Carolina, with him on the briefs), for Plaintiffs-Appellants.

Kevin Traskos, Assistant United States Attorney (John W. Suthers, United States Attorney, with him on the brief), Denver, Colorado, for Defendants-Appellees.

Diane Best, Assistant Attorney General (Lawrence E. Long, Attorney General; Charles D. McGuigan, Assistant Attorney General, with her on the brief), State of South Dakota, Pierre, South Dakota, for Defendants-Intervenors-Appellees.

Judges: Before Murphy, Circuit Judge, Brorby, Senior Circuit Judge, and McConnell, Circuit Judge.

Opinion By: McConnell.

For many years, Congress has been unable to come to agreement on nationwide legislation to address the dangers of insect infestation and fire in the national forests. In 2002, however, in a rider to a supplemental appropriations act for the war on terrorism, Congress passed legislation applicable to selected sections of the Black Hills National Forest in South Dakota and nowhere else, permitting logging and other clearance measures as a means of averting forest fires. The legislation specifies forest management techniques for these lands in minute detail, overrides otherwise applicable environmental laws and attendant administrative review procedures, and explicitly supersedes a settlement agreement between the Forest Service and various environmental groups regarding management of these lands.

The question presented is whether the extraordinary specificity of this legislation, coupled with its displacement of a settlement agreement, amounts to congressional violation of the Constitution's separation of powers, by invading the province of the executive branch, the judicial branch, or both. We hold that it does not. Article IV, §3, cl. 2 expressly grants Congress "Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." With respect to this power—like most of its enumerated powers—Congress is permitted to be as specific as it deems appropriate. Moreover, settlement agreements between private litigants and the executive branch cannot divest Congress of its constitutionally vested authority to legislate.

BACKGROUND

The first law involved in this case is the law of unintended consequences. Fire suppression efforts conducted over more than a century in large parts of the West have had the unintended effect of transforming forests from savannah-like grasslands studded with well-spaced large, old, fire-resistant trees, into thicker, denser forests. Prior to the arrival of Europeans, these forests experienced frequent, but relatively mild, forest fires caused primarily by lightning and Native American activity. These fires would clear the forest floor of undergrowth and saplings while leaving the larger trees unscathed. The denser forests produced by fire suppression accumulate more combustible fuel and are more vulnerable to infestations, such as mountain pine beetles, and to fires far more intense and devastating than those of the pre-settlement era. Forestry experts are divided as to the response to these conditions. Some advocate a hands-off approach, allowing fire (outside areas of human habitation) to reconstitute the forests in their natural state; some advocate controlled burns; and some advocate thinning and fuel removal.

The role of commercial logging as part of the last approach has been particularly controversial.

From 1983 to 1997, the Beaver Park Roadless Area, a relatively pristine portion of the Black Hills National Forest, was free of logging activity, apparently because the land management plan then in place did not allow it. In 1997, however, the Forest Service approved a new Black Hills National Forest plan revision (the "1997 Revised Plan"), which allowed logging in a significant portion of Beaver Park's 5,109 acres. It subsequently began preparations for a timber sale in an area called the "Veteran/Boulder Project Area," which included most of the Beaver Park land newly authorized for logging. Especially in a part of the area known as Forbes Gulch, a major purpose of the logging was to counter an infestation of mountain pine beetles. The Forest Service proceeded to clear various administrative hurdles in preparation for the Veteran/Boulder timber sale, issuing a final environmental impact statement on the proposed sale and records of decision approving timber harvest both inside and outside the Beaver Park Roadless Area.

Several environmental groups, including the Sierra Club, the Wilderness Society, and Appellant Biodiversity Conservation Alliance (BCA), objected strenuously to the timber sale. The Beaver Park Roadless Area was one of the last areas in the Black Hills National Forest still eligible for designation as a wilderness, and logging activity would likely disqualify it from being designated as such. The environmental groups were also concerned about the effects that the Veteran/Boulder timber sale would have on the viability of the northern goshawk population in the Forest. Accordingly, they brought administrative challenges to both the particular project and the recently revised plan under which it was approved.

The groups met with mixed success in their administrative challenges. Their challenge to the Veteran/Boulder sale was initially denied in its entirety, though the sale was stayed pending review of the Revised Plan itself. Then, on October 12, 1999, the Chief of the Forest Service upheld the 1997 Revised Plan in most respects, but found that there was inadequate support in the record for the conclusion that the Revised Plan's proposed changes would not threaten the viability of several species, including the northern goshawk. He therefore ordered further research into that question. In the meanwhile, the Forest Service did not stop all pending projects, but instead provided interim directions that would apply until the identified defects in the Revised Plan were remedied. As a result, when the stay on the sale expired, the Forest Service went forward and put the timber out for bid.

The Sierra Club, the Wilderness Society, and BCA brought suit challenging the sale in federal district court, claiming that the Forest Service could not rely on an "illegal" plan to justify project-level decisions under that plan. Specifically, they argued that the final environmental impact statement's conclusion that the Veteran/Boulder sale would not affect the viability of the northern goshawk was based on the very findings in the 1997 Revised Plan that had been disapproved.

In the waning days of the Clinton Administration, in September of 2000, the Forest Service signed a settlement agreement with the plaintiff groups, under which it agreed not to allow any tree cutting in the Beaver Park Roadless Area, at least until the Service approved a new land and resource management plan remedying the defects of the 1997 plan. The settlement was approved by the United States District Court for the District of Colorado, which had jurisdiction over the lawsuit because the relevant Forest Service offices were in Colorado.

The process of approving a new plan took much longer than anticipated. The record does not reveal whether the mountain pine beetles of western South Dakota were aware of the settlement agreement or participated in the plan revision process, but it is clear that they did not wait for authorization from Washington before undertaking an expanded program of forest resource exploitation. Just two years after the initial Veteran/Boulder environmental impact statement, the mountain pine beetle infestation in this section of the Black Hills had reached epidemic proportions. According to Forest Service estimates, the pine beetles killed 114,000 trees in 2002, as compared to only 15,000 in 1999. This convinced forest managers that immediate harvesting of deadwood and infested trees, which the settlement agreement prohibited, was necessary to guard against further spread of the infestation and potentially disastrous forest fires.

Given that approval of a corrected resource management plan was still a long way off, the Forest Service and the local South Dakota interests that shared its concerns had a choice: they could either attempt to obtain consent to the tree cutting from the original parties to the agreement, or with the help of South Dakota's congressional delegation, they could attempt to overturn the settlement agreement's prohibition by legislation. The Forest Service began by trying the consensual approach. Perhaps spurred by the threat of intervention from Congress, the signatories to the settlement met with the Forest Service to discuss changing the agreement in light of the mountain pine beetle problem. The Forest Service reached agreement with the Sierra Club and the Wilderness Society, but BCA and Brian Brademeyer, then chair of the Black Hills Sierra Club, refused to agree to proposed modifications in the settlement. Stymied, South Dakota interests turned to Congress for a legislative solution.

For some years, Congress had been considering national legislation that would streamline the process of obtaining environmental approval of logging and other clearance projects in fire- and disease-threatened national forests; but these efforts were caught up in the debate over the role of commercial logging in forest restoration. By limiting legislative action to a narrow geographical area, however, and with the acquiescence of some influential environmental groups and the active support of the state's congressional delegation, Congress was able to reach agreement on a bill that would permit logging and other measures in the Beaver Park Roadless Area. In a rider to an unrelated appropriations bill, Congress enacted into law essentially the terms of the modified agreement negotiated between the Forest Service and the Sierra Club and the Wilderness Society. See Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Acts on the United States, Pub. L. No. 107–206, §706, 116 Stat. 820, 864 (2002) (the "706 Rider" or "Rider"). The Rider, which was signed into law on August 2, 2002, required the Forest Service to take a variety of actions that violated the settlement agreement, see, e.g., id. §706(d)(5), 116 Stat. at 867, and prohibited judicial review of those actions, id. §706(j), 116 Stat. at 868. It also specifically referred to the settlement agreement, and stated that the agreement should continue in effect to the extent it was not preempted by the Rider. See id., 116 Stat. at 869.

After the Rider was passed, BCA and Mr. Brademeyer (hereinafter referred to, jointly, as "BCA") went to the federal district court in Colorado to obtain an order requiring continued enforcement of the settlement agreement, claiming that the 706 Rider unconstitutionally trenched on both the executive and judicial branches. The district court denied the motion, and BCA appealed.

DISCUSSION

As a preliminary matter, we must determine the scope of this Court's jurisdiction over this case. Although we would normally have jurisdiction under 28 U.S.C. §1291, the 706 Rider limits that jurisdiction:

> "Due to the extraordinary circumstances present here, actions authorized by this section shall proceed immediately and to completion notwithstanding any other provision of law including, but not limited to, NEPA and the National Forest Management Act (16 U.S.C. 1601 et seq.). Such actions shall not be subject to the notice, comment, and appeal requirements of the Appeals Reform Act, (16 U.S.C. 1612 (note), Pub. Law No. 102–381 sec. 322). Any action authorized by this section shall not be subject to judicial review by any court of the United States."

Rider 706(j), 116 Stat. at 868 (emphasis added). At oral argument, BCA contended that the italicized language does not preclude us from considering the constitutionality of the Rider itself. The government disagrees, arguing that we have jurisdiction at most to determine whether the denial of jurisdiction, not the entire Rider, is constitutional.

In determining the extent of our jurisdiction, we must start with the precise language of the Rider, keeping in mind that such limitations of jurisdiction are to be construed narrowly to avoid constitutional problems. See Johnson v. Robison, 415 U.S. 361, 366–67, 39 L. Ed. 2d 389, 94 S. Ct. 1160 (1974). What is prohibited here is judicial review of "any action authorized by" the Rider. Rider §706(j), 116 Stat. at 868. BCA, however, does not seem to be seeking judicial review of any specific actions already taken or soon to be taken by the Forest Service. Rather, it has moved for enforcement of the settlement agreement in the face of the new Congressional legislation. Admittedly, the basis for the lawsuit, and the alleged injury that gives BCA standing, is the prospect of Forest Service action pursuant to the Rider and in violation of the settlement agreement. Yet at this point, no pastor prospective actions of the Forest Service are directly at issue. The question before us is simply whether the settlement agreement has continuing validity in the face of Congress's intervening act.

The situation here is thus different from one in which the court is asked to hold a party who has violated an injunction in contempt. In such a case, the "actions" taken by a party to the injunction are directly at issue. BCA's motion is more analogous to a suit for declaratory judgment holding the Rider itself to be unconstitutional. Because BCA seeks judicial review of the congressional act mandating that the settlement agreement be violated, rather than judicial review of the Forest Service's acts authorized by the Rider, the jurisdictional bar does not apply. See Nat'l Coalition to Save Our Mall v. Norton, 348 U.S. App. D.C. 92, 269 F.3d 1092, 1095 (D.C. Cir. 2001). We therefore must reach the question of whether the Rider is constitutional. Because this question is purely legal, our review is de novo. See United States v. Pompey, 264 F.3d 1176, 1179 (10th Cir. 2001).

BCA's chief argument is that the Rider trenches on the Executive by giving the Forest Service marching orders so detailed that they go beyond merely "passing new legislation" to interpreting the law, which is "the very essence of 'execution' of the law." Bowsher v. Synar, 478 U.S. 714, 733, 92 L. Ed. 2d 583, 106 S. Ct. 3181 (1986). However, they never clearly explain what, in their view, separates permissible legislation from impermissible interpretation. The main flaw they find in the Rider is its extreme particularity, making it seem as if their theory is that extreme particularity by itself infringes the Executive's power to enforce and execute the law. At times, though, they make a more limited claim: that while specificity is not per se unconstitutional, at least in this case it is "indicative" of the fact that Congress has unconstitutionally "directed how law is to be implemented," rather than (constitutionally) changing the applicable law. Appellants' Reply Br. 5. This more limited claim suggests that it is particularity in combination with some other feature that raises the constitutional problem. We consider each theory in turn.

BCA bases its argument on a handful of cases in which the Supreme Court has held that the legislative branch cannot play a role in the interpretation and execution of the law. See, e.g., Metro. Washington Airports Auth. v. Citizens for the Abatement of Aircraft Noise, Inc., 501 U.S. 252, 271–72, 115 L. Ed. 2d 236, 111 S. Ct. 2298 (1991); Bowsher, 478 U.S. at 725–26; INS v. Chadha, 462 U.S. 919, 951–52, 77 L. Ed. 2d 317, 103 S. Ct. 2764 (1983); Springer v. Philippine Islands, 277 U.S. 189, 201–02, 72 L. Ed. 845, 48 S. Ct. 480 (1928). There is no basis, however, for BCA's assertion that the sheer specificity of the 706 Rider takes it beyond the realm of Congress's legislative powers. Certainly the cases cited above do not support this position. In each of those cases, Congress sought a role for itself in the execution of the laws, beyond enactment of legislation, through mechanisms such as a one-house legislative veto or the vesting of law-executing powers in officers appointed by, or accountable to, Congress. In Bowsher, the Court held that the Comptroller General, who serves at the pleasure of Congress, could not be the officer who determined what spending cuts would be made in order to reduce the deficit under the Gramm-Rudman-Hollings Act of 1985. 478 U.S. at 717–18, 736. Springer held that it violated separation of powers for members of the legislative branch to be directors of government-owned businesses. 277 U.S. at 202–03. Similarly, Metropolitan Washington Airports struck down an arrangement whereby a board of review composed of members of Congress had authority to veto key acts of the Metropolitan Washington Airport Authority. 501 U.S. at 275–77. Chadha struck down a law that delegated authority to the Attorney General to suspend certain deportations, but allowed either house of Congress acting alone to veto the Attorney General's decisions. 462 U.S. at 923, 944–59. None of these cases, or any others of which we are aware, suggest that Congress is required to speak with some minimum degree of generality, so as to leave play for the Executive to exercise discretion in interpreting the law. Rather, the Constitution expressly leaves it up to Congress to determine how specific it may deem it "necessary and proper" for the laws to be. U.S. Const. art. I, §8, cl. 18. The cases cited above have simply forbidden Congress, or its members or servants, from exerting legal authority without observing the formalities for the passage of legislation under the Constitution: "bicameral passage followed by presentment to the President." Bowsher, 478 U.S. at 726 (quoting Chadha, 462 U.S. at 954–55). This is a structural and institutional means of guaranteeing that Congress stays within the bounds of legislating, and is far superior to asking courts to police the shades of gray between the poles of general and specific.

To be sure, the Constitution imposes certain specific constraints on the power of Congress to legislate with overmuch particularity. The Bill of Attainder Clause, U.S. Const. art. I, §9, cl. 3, and the "uniform Duties, Imposts, and Excises" Clause, id., are examples. See §8, cl. 1 Nixon v. Adm'r of Gen. Servs., 433 U.S. 425, 468–73, 53 L. Ed. 2d 867, 97 S. Ct. 2777 (1977); United States v. Ptasynski, 462 U.S. 74, 80–85, 76 L. Ed. 2d 427, 103 S. Ct. 2239 (1983). Due process and equal protection principles similarly prevent Congress from acting with respect to specific persons or groups in some contexts, and specificity may be relevant to determining whether Congress has trenched on the Executive's ability to carry out its specifically enumerated executive powers. Nixon, 433 U.S. at 443. But when Congress is exercising its own powers with respect to matters of public right, the executive role of "taking Care that the Laws be faithfully executed," U.S. Const. art. II, §3, is entirely derivative of the laws passed by Congress, and Congress may be as specific in its instructions to the Executive as it wishes. Indeed, as the Supreme Court has noted, Congress may even pass legislation governing "a legitimate class of one." Nixon, 433 U.S. at 472.

In the instant case, none of the Constitution's explicit restrictions on specificity apply. The Property Clause states that "Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." U.S. Const. art. IV, §3, cl. 2. The Supreme Court has "repeatedly observed that the power over the public land thus entrusted to Congress is without limitations." Kleppe v. New Mexico, 426 U.S. 529, 539, 49 L. Ed. 2d 34, 96 S. Ct. 2285 (1976) (internal brackets and quotation marks omitted); see also Wyoming v. United States, 279 F.3d 1214, 1227 (10th Cir. 2002). It would be difficult if not impossible to control the use of federal lands without reference to specific actions affecting specific tracts of land, and we see no reason why Congress should be forced to avoid such directives. See Save Our Mall, 269 F.3d at 1097 (noting that particularity is especially unproblematic when addressing unique public amenities). The Supreme Court's remark in Metropolitan Washington Airports seems relevant here:

> "Because National and Dulles are the property of the Federal Government and their operations directly affect interstate commerce, there is no doubt concerning the ultimate power of Congress to enact legislation defining the policies that govern those operations. *Congress itself can formulate the details*, or it can enact general standards and assign to the Executive Branch the responsibility for making necessary managerial decisions in conformance with those standards." 501 U.S. at 271–72 (emphasis added).

Thus, BCA is mistaken when it argues that Congress has arrogated power to itself at the expense of the executive branch because it "specifically ordered the Executive Branch to carry out a duty which had been expressly delegated to the Department of Agriculture, the management of the Black Hills National Forest." Appellants' Br. 23. To give specific orders by duly enacted legislation in an area where Congress has previously delegated managerial authority is not an unconstitutional encroachment on the prerogatives of the Executive; it is merely to reclaim the formerly delegated authority. Such delegations, which are accomplished by statute, are always revocable in like manner; they cannot extend the domain reserved by the Constitution to the Executive alone. See Stop H-3 Ass'n v. Dole, 870 F.2d 1419, 1435 n.24 (9th Cir. 1989).

We now turn to consider the view that although the 706 Rider's specificity is unobjectionable in the abstract, it is still unconstitutional because it attempts to mandate specific results without changing the underlying environmental laws. BCA relies for this view chiefly on Robertson v. Seattle Audubon Society, where the Supreme Court upheld a similar provision because it "compelled changes in law, not findings or results under old law." 503 U.S. 429, 438, 118 L. Ed. 2d 73, 112 S. Ct. 1407 (1992); see also Apache Survival Coalition v. United States, 21 F.3d 895, 904 (9th Cir. 1994); Stop H-3 Ass'n, 870 F.2d at 1434 (upholding a statute authorizing construction of a highway despite an environmental regulation because it "does not interpret [the relevant regulation's] requirements but rather exempts H-3 from them"); Armuchee Alliance v. King, 922 F. Supp. 1541, 1550 (N.D. Ga. 1996).

Far from supporting BCA's position, however, Seattle Audubon rejects an argument very much like its own. The case concerned logging litigation to which Congress responded by passing the Northwest Timber Compromise of 1990, applicable only to timber sales entered before September 30, 1990, in thirteen national forests in the Pacific Northwest. The key section of that legislation stated that "Congress determines and directs that management of areas according to [new rules set forth in the Northwest Timber Compromise] . . . meets the statutory requirements that are the basis for [the litigation]." 503 U.S. at 434–35. The Ninth Circuit, below, had held that this did not "establish new law, but directed the court to reach a specific result and make certain factual findings under existing law in connection with two cases pending in federal court," thus encroaching on the judicial branch under United States v. Klein, 80 U.S. (13 Wall.) 128, 20 L. Ed. 519, 7 Ct. Cl. 240 (1872). Seattle Audubon Soc'y v. Robertson, 914 F.2d 1311, 1316 (9th Cir. 1990) (Seattle Audubon 1). In reversing, the Supreme Court criticized the Ninth Circuit's focus on the form of the enactment; instead, it looked to the legal effect of the Seattle Audubon provision:

> "We conclude that subsection (b)(6)(A) compelled changes in law, not findings or results under old law. Before subsection (b)(6)(A) was enacted, the original claims would fail only if the challenged harvesting violated none of five old provisions. Under subsection (b)(6) (A), by contrast, those same claims would fail if the harvesting violated neither of two new provisions. Its operation, we think, modified the old provisions." Seattle Audubon, 503 U.S. at 438.

This case follows a fortiori from Seattle Audubon. Just as in Seattle Audubon, the 706 Rider has the practical effect of changing the scope of the government's legal duties. Before the Rider, the Forest Service was prohibited by law from cutting trees without meeting various requirements of various environmental laws; after the Rider, it is required to cut trees in the Black Hills "notwithstanding" those laws. Rider 706(j), 116

Stat. at 868. But the 706 Rider lacks the problematic language—"the Congress determines and directs that management of areas according to [new rules set forth in the Northwest Timber Compromise] . . . meets the statutory requirements that are the basis for [the litigation]"—which the Ninth Circuit construed as interpreting rather than amending the law. Seattle Audubon I, 914 F.2d at 1316. By contrast, the 706 Rider orders that certain actions be taken "notwithstanding" the requirements of certain prior-enacted laws, thus effectively replacing the old standards, in this one case, with new ones. Similar statutes have been upheld as constitutionally valid amendments of the underlying law. See Save Our Mall, 269 F.3d at 1097; Apache Survival Coalition, 21 F.3d at 904; Stop H–3 Assn, 870 F.2d at 1434. Thus, we need not decide whether directing specific actions without changing the law would be an unconstitutional attempt by Congress to usurp the Executive's role in interpreting the law. In accordance with the counsel in Bowsher, Congress has influenced the execution of the law here only "indirectly—by passing new legislation." 478 U.S. at 734 (citing Chadha, 462 U.S. at 958).

Next, BCA claims that the 706 Rider encroaches on the Judiciary, in three ways: (1) by disturbing final dispositions of cases in violation of Plaut v. Spendthrift Farm, Inc., 514 U.S. 211, 131 L. Ed. 2d 328, 115 S. Ct. 1447 (1995); (2) by prescribing rules of decision to the Judiciary in pending cases, in violation of United States v. Klein, 80 U.S. (13 Wall.) 128, 20 L. Ed. 519, 7 Ct. Cl. 240 (1871); and (3) by vesting review of judicial decisions in the executive branch, in violation of the rule in Hayburn's Case, 2 U.S. (2 Dall.) 409, 1 L. Ed 436 (1792). We reject all three claims.

BCA's first contention, that the 706 Rider impermissibly sets aside a final judicial disposition, depends on a crucial but questionable premise: that the settlement agreement is actually a judicial disposition rather than a mere private agreement between the parties. Although the district court did incorporate the settlement agreement by reference in its order dismissing the suit, it nevertheless preferred the latter characterization in addressing BCA's current request for injunctive relief:

> "This case doesn't even rise to the level where the Court executed a consent decree. This is a case where the parties sat down among themselves and settled the case. The more proper analogy here is to an executory settlement contract. It is true that the Court approved the settlement agreement, but that is different from a consent decree.
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> . . . As far as I'm concerned, the Court's approval of the settlement agreement is entitled to very, very little weight, because it was negotiated among the parties."

Tr. of Mot. Hr'g dated Dec. 26, 2002, at 12, App. 405. Nevertheless, because the settlement agreement was a judicial disposition in form if not in substance, we assume for purposes of this appeal that it is entitled to the same constitutional protection that it would have if the court had decided its terms.

Within the scope of its enumerated powers, Congress has authority to enact laws to govern matters of public right, such as the management of the public lands, and authority to change those laws. Even when the Judiciary has issued a legal judgment enforcing a congressional act—for example, by a writ of injunction—it is no violation of the judicial power for Congress to change the terms of the underlying substantive law. The purpose of an injunction is to define and enforce legal obligations, not to freeze them into place. Thus, when Congress changes the laws, it is those amended laws—not the terms of past injunctions—that must be given prospective legal effect. See, e.g., Miller v. French, 530 U.S. 327, 347–50, 147 L. Ed. 2d 326, 120 S. Ct. 2246 (2000); Hall v. Beals, 396 U.S. 45, 48, 24 L. Ed. 2d 214, 90 S. Ct. 200 (1969); System Fed'n No. 91 v. Wright, 364 U.S. 642, 648–650, 5 L. Ed. 2d 349, 81 S. Ct. 368 (1961); Am. Steel Foundries v. Tri-City Cent. Trades Council, 257 U.S. 184, 201–07, 66 L. Ed. 189, 42 S. Ct. 72 (1921).

The Supreme Court applied this principle to dispose of a contention very similar to BCA's as long ago as 1855, in the venerable case of Pennsylvania v. Wheeling & Belmont Bridge Co., 59 U.S. (18 How.) 421, 15 L. Ed. 435 (1855). In that case, Pennsylvania had previously brought suit to enjoin the construction of a bridge over the Ohio River, which would obstruct access to Pennsylvania's ports. The Supreme Court eventually granted an injunction requiring the bridge to be removed or raised. It reasoned that because Congress had "regulated the navigation of the Ohio River, and had thereby secured to the public, by virtue of its authority, the free and unobstructed use of the same," the Virginia-authorized bridge impeding travel on the Ohio River was "in conflict with the acts of congress, which were the paramount law." 59 U. S. (18 How.) at 430 (summarizing the earlier opinion).

Thereafter, Congress passed a new law authorizing the construction of the bridge and stating that the bridge and one other were "lawful structures in their present positions and elevations." Wheeling Bridge, 59 U.S. (18 How.) at 429. Pennsylvania sued again, claiming that the intervening enactment was an unconstitutional attempt to overturn a final decision of the Judiciary. The Supreme Court disagreed:

> "If the remedy in this case had been an action at law, and a judgment rendered in favor of the plaintiff for damages, the right to these would have passed beyond the reach of the power of congress. It would have depended, not upon the public right of the free navigation of the river, but upon the judgment of the court. . . . But that part of the decree, directing the abatement of the obstruction, is executory, a continuing decree, which requires not only the removal of the bridge, but enjoins the defendants against any reconstruction or continuance. Now, whether it is a future existing or continuing obstruction depends upon the question whether or not it interferes with the right of navigation. If, in the meantime, since the decree, this right has been modified by the competent authority, so that the bridge is no longer an unlawful obstruction, it is quite plain the decree of the court cannot be enforced. There is no longer any interference with the enjoyment of the public right inconsistent with the law, no more than there would be where the plaintiff himself had consented to it, after the rendition of the decree."

Id. at 431–32. Central to the Court's analysis was the fact that the right to unobstructed waterways was a "public right . . . under the regulation of congress." Id. at 431. In other words, the plaintiff had no vested property right in an unobstructed waterway. The core violation was against Congress's right to control the waterways, and Pennsylvania's right to an unobstructed waterway was only the derivative right to enjoy whatever degree of navigation Congress saw fit to allow. So long as the will of Congress was to leave the river unimpeded, any impediment was a violation of the public right thus defined. But once Congress changed its mind, the contours of that right changed, and there was no more ground for injunctive relief. If a landowner grants her neighbor a revocable license to use a private road across her property, the neighbor could conceivably obtain an injunction against any third party who prevents him from using that road. However, that does not affect the right of the landowner to revoke the license at any time. Should the license be revoked, the neighbor's right to use the private road ceases, and enforcing the injunction is no longer appropriate.

Wheeling Bridge has remained a fixed star in the Supreme Court's separation-of-powers jurisprudence, and numerous subsequent cases have relied on it. See, e.g., The Clinton Bridge, 77 U.S. 454, 463, 19 L. Ed. 969 (1870) (concluding, on the basis of Wheeling Bridge, that in public rights cases, Congress could not only modify injunctive relief already granted, but also could "give the rule of decision" in pending cases); Hodges v. Snyder, 261 U.S. 600, 603, 67 L. Ed. 819, 43 S. Ct. 435 (1923) (noting that the normal rule against disturbing final judgments "does not apply to a suit brought for the enforcement of a public right, which, even after it has been established by the judgment of the court, may be annulled by subsequent legislation and should not be thereafter enforced"); Sys. Fed'n No. 91, 364 U.S. at 648–650 (holding that it is an abuse of discretion for a district court not to modify an injunction to reflect changes in underlying law); Miller v. French, 530 U.S. at 347–48.

Even Plaut v. Spendthrift Farms, Inc., the principal case on which BCA relies, is careful not to disturb the holding of Wheeling Bridge. There the Supreme Court had previously imputed a uniform nationwide statute of limitations on actions brought under §10(b) of the Securities Exchange Act of 1934, Lampf, Pleva, Lipkind, Prupis & Petigrow v. Gilbertson, 501 U.S. 350, 115 L. Ed. 2d 321, 111 S. Ct. 2773 (1991), and held that the newly established statute of limitations applied to all pending cases in the federal courts. James B. Beam Distilling Co. v. Georgia, 501 U. S. 529, 115 L. Ed. 2d 481, 111 S. Ct. 2439 (1991). Six months later, Congress passed a law changing the statute of limitations for those cases commenced before Lampf to what it would have been had the Supreme Court not imposed a uniform nationwide limitations period, and reinstating all actions dismissed as time-barred if they would have been timely under the limitations period of their local jurisdiction. See Federal Deposit Insurance Corporation Act of 1991, Pub. L. No. 102–242, sec. 476, §27A, 105 Stat. 2236 (codified at 15 U.S.C. §78aa–1 (1988 Supp. V)). The Supreme Court held that this action violated the separation of powers by requiring federal courts to reopen final judgments. Plaut, 514 U.S. at 240. It reasoned that once the judicial branch has given its final word on a case, to allow Congress to reopen the case by legislation would destroy the power of the Judiciary to render final judgments. Id. at 219. Instead, Congress would be in effect a court of last resort to which one could appeal any "final" decision of the Judiciary.

In rejecting such an outcome, the Court in Plaut did no more than follow the dicta of Wheeling Bridge itself:

> "But it is urged, that the act of congress cannot have the effect and operation to annul the judgment of the court already rendered, or the rights determined thereby in favor of the plaintiff. This, as a general proposition, is certainly not to be denied, especially as it respects adjudication upon the

private rights of the parties. When they have passed into judgment the right becomes absolute, and it is the duty of the court to enforce it.

* * * * *

Now, we agree, if the remedy in this case had been an action at law, and a judgment rendered in favor of the Plaintiff for damages, the right to these would have passed beyond the reach of the power of congress." Wheeling Bridge, 59 U.S. (18 How.) at 431 (emphasis added), quoted in Plaut, 514 U.S. at 226. As Plaut itself insists, it does not call the holding of Wheeling Bridge into question at all. 514 U.S. at 232. The disturbed court decision in Plaut definitively resolved a private claim to a certain amount of money, leaving the defendants with an unconditional right to the sum in question; the judgments in this case and in Wheeling Bridge merely prohibited future interference with the enjoyment of a public right that remained revocable at Congress's pleasure. The Supreme Court has since reaffirmed the continued vitality of Wheeling Bridge in Miller v. French. In that case, the Prison Litigation Reform Act had set new limits on the power of courts to give injunctive relief to prisoners, requiring (among other things) that any injunctive relief granted be both narrowly drawn to correct the violation of federal rights and also the least intrusive means of correcting the violation. 18 U.S.C. 3626(a)(1)(A). The provision at issue in Miller directed that an action to modify or terminate injunctive relief pursuant to the PLRA would act as an automatic stay of any existing injunctive relief if a court did not find that the injunctive relief remained appropriate under the new standards within 30 days. Id. 3626(b)(2).

In upholding the PLRA's automatic stay, the Supreme Court found Wheeling Bridge controlling, distinguishing Plaut because in that case Congress had disturbed final judgments in actions for money damages. Miller, 530 U.S. at 344–45. The Court held that when courts grant prospective injunctive relief, they remain obligated to modify that relief to the extent that "subsequent changes in the law" render it illegal. Id. at 347.

This case falls squarely within the principle of Wheeling Bridge. BCA's members' rights with respect to the national forests is a "public right . . . under the regulation of congress," Wheeling Bridge, 59 U.S. (18 How.) at 431, in exactly the same way that the right to unimpeded navigation of the Ohio River was. Both rights are entirely contingent on Congress's continuing will that the federal lands or interstate waterways be managed in a particular way. The settlement agreement in the Veteran/Boulder matter in no way touched on vested private rights. To be sure, the private interests of BCA's members are sufficiently affected to give rise to standing, but the interest they represented in their lawsuit was nothing other than the interest of the public in seeing that Congress's environmental directives are observed by the Forest Service.

BCA's attempts to distinguish Miller and Wheeling Bridge are unavailing. It argues, first, that in those cases, Congress simply changed the law, leaving it for the courts to decide whether to modify their injunctions, whereas here Congress is directly requiring the courts to modify the settlement agreement. We see no such distinction. In those cases, as here, Congress enacted rules in direct conflict with existing legal obligations. In those cases, as here, courts later had to decide whether those previous legal obligations remained enforceable in light of Congress's act.

Second, BCA argues that the 706 Rider specifically refers to a particular settlement agreement it means to supercede, whereas the PLRA provision in Miller "did not speak directly to any pre-existing judicial ruling or issuance of relief." Appellants' Br. 27. The same was true in Wheeling Bridge. There, legislation was targeted at two named bridges, one of which was the subject of the injunction in the case. See 59 U.S. (18 How.) at 429. It is true that in Seattle Audubon, the Court declined to address the question of whether such targeting raised a constitutional problem. 503 U.S. at 441. However, its silence ended four years later in Plaut. There, a concurrence found a constitutional violation precisely because the reopening of dismissed cases "applied only to a few individual instances." 514 U.S. at 243 (Breyer, J., concurring). A majority of the Court rejected that position, describing it as "wrong in law." Id. at 238. The majority concluded that the infringement of the judicial power consisted "not of the Legislature's acting in a particularized and thus (according to the concurrence) nonlegislative fashion; but rather of the Legislature's nullifying prior, authoritative judicial action. It makes no difference whatever to that separation-of-powers violation that it is in gross rather than particularized." Id. at 239 (emphasis in original; footnote omitted); see also id. at 239 n.9 ("While legislatures usually act through laws of general applicability, that is by no means their only legitimate mode of operation.").

To avoid constant interbranch friction, the lines separating the branches should be clear. As the Supreme Court noted in Plaut, and as BCA's arguments illustrate, it only "prolongs doubt and multiplies confrontation" to make the constitutional analysis hinge on the murky distinction between generalized lawmaking and particularized application of the law. 514 U.S. at 240.

It is true that the injunction BCA seeks to enforce differs from the one in Wheeling Bridge in that it is the product of a settlement agreement rather than a product of a judicial declaration of right. Thus, Appellants' claimed right to keep Beaver Park unmolested might be said to rest directly on the terms of their contractual agreement, and only indirectly on public rights provided by the environmental laws. We must therefore consider whether the settlement agreement has interposed a new set of contractual rights that adequately support keeping the injunction in place, making changes to the scope of the underlying public right irrelevant.

A negative answer to that question has been clear since at least 1961, when the Supreme Court decided System Federation No. 91 v. Wright, 364 U.S. 642, 648–650, 5 L. Ed. 2d 349, 81 S. Ct. 368 (1961). In that case, several nonunion railway employees brought a class action against the railroad and various unions for discrimination against them and other nonunion workers. The district court eventually entered a consent decree enjoining the defendants "from discriminating against the plaintiffs and the classes represented by them in this action by reason of or on account of the refusal of said employees to join or retain their membership in any of defendant labor organizations, or any labor organization." System Fed'n No. 91, 364 U.S. at 644. At the time, labor law did not allow collective bargaining agreements to require union shops. 364 U.S. at 645–46.

Later, when the applicable law had changed to allow such contracts, the unions sought modification of the decree to make it clear that it would not prevent them from bargaining for a union shop. Id. The district court refused to modify the injunction; since nothing in the amended law made it illegal for parties to agree not to have a union shop, the court concluded that the parties were stuck with their agreement. Id.

The Sixth Circuit affirmed, but the Supreme Court reversed, holding that the district court's refusal to modify the decree was an abuse of discretion. 364 U.S. at 646, 650–53. The Court reasoned that, under Wheeling Bridge, the district court would have had to modify the decree if it had been the result of litigation instead of consent. 364 U.S. at 650–51. It then concluded that the same principles applied to consent decrees:

"The result is all one whether the decree has been entered after litigation or by consent. . . . In either event, a court does not abdicate its power to revoke or modify its mandate, if satisfied that what it has been doing has been turned through changing circumstances into an instrument of wrong. We reject the argument . . . that a decree entered upon consent is to be treated as a contract and not as a judicial act. . . ." 364 U.S. at 650–51 (quoting United States v. Swift & Co., 286 U.S. 106, 114–15, 76 L. Ed. 999, 52 S. Ct. 460 (1932) (Cardozo, J.)) (some ellipses in original). The Court's reasons are also applicable here:

"The parties cannot, by giving each other consideration, purchase from a court of equity a continuing injunction. In a case like this the District Court's authority to adopt a consent decree comes only from the statute which the decree is intended to enforce. Frequently of course the terms arrived at by the parties are accepted without change by the adopting court. But just as the adopting court is free to reject agreed-upon terms as not in furtherance of statutory objectives, so must it be free to modify the terms of a consent decree when a change in law brings those terms in conflict with statutory objectives. In short, it was the Railway Labor Act, and only incidentally the parties, that the District Court served in entering the consent decree now before us. The court must be free to continue to further the objectives of that Act when its provisions are amended. The parties have no power to require of the court continuing enforcement of rights the statute no longer gives."

364 U.S. at 651. Put briefly, a settlement agreement or consent decree designed to enforce statutory directives is not merely a private contract. It implicates the courts, and it is the statute—and "only incidentally the parties"—to which the courts owe their allegiance. The primary function of a settlement agreement or consent decree, like that of a litigated judgment, is to enforce the congressional will as reflected in the statute. The court should modify or refuse to enforce a settlement agreement or proposed decree unless it is "in furtherance of statutory objectives." The agreement or consent decree is contractual only to the extent that it represents an agreement by the parties regarding the most efficient means of effectuating their rights under the statute. It does not freeze the provisions of the statute into place. If the statute changes, the parties' rights change, and enforcement of their agreement must also change. Any other conclusion would allow the parties, by exchange of consideration, to bind not only themselves but Congress and the courts as well.

This principle applies even more clearly here than it did in System Federation itself. There, the original injunction was not inconsistent with the new law; it merely ruled out an option that Congress had since made permissible but not mandatory. If that injunction had to change, then a fortiori the injunction at issue here, which is inconsistent with the 706 Rider, must give way.

Having disposed of the claim that the 706 Rider disturbs the district court's final judgment in violation of Plaut, we turn to BCA's somewhat inconsistent claim that the Rider violates United States v. Klein because it dictates "rules of decision" to the district court in a pending case.

Klein involved one episode in a series of conflicts between the Reconstruction Congress and the balking President Andrew Johnson. Various presidential proclamations had offered a "full pardon, with restoration of all rights of property," to certain broad classes, conditioned on taking an oath of loyalty. Klein, 80 U.S. (13 Wall.) at 139–40. In the Abandoned and Captured Property Act, 12 Stat. 820 (Mar. 12, 1863), however, Congress provided that the owner of seized property could sue in the Court of Claims to recover its proceeds only on proof that the owner "had never given aid or comfort to the rebellion." 80 U.S. at 138–39. In United States v. Padelford, 76 U.S. (9 Wall.) 531, 542–43, 19 L. Ed. 788, 7 Ct. Cl. 144 (1869) (mem.), the Supreme Court held that a presidential pardon renders the pardoned "as innocent as if he had never committed the offense," and concluded that proof of pardon was equivalent to proof that the claimant had not aided the rebellion. Congress responded to Padelford by passing an appropriations proviso directing the Court of Claims to take the fact of a pardon, with some narrow exceptions, as conclusive proof that the claimant had "given aid or comfort to the rebellion," and as grounds for dismissing the claimant's suit. Klein, 80 U.S. (13 Wall.) at 142–43. The proviso also removed the Supreme Court's authority to hear appeals of such suits. 80 U.S. at 144–45. In Klein, the administrator of the estate of V.F. Wilson, who had taken the oath and qualified for the pardon, sued to recover the proceeds of Wilson's seized property. Id. at 136, 143. The Supreme Court found the proviso to be unconstitutional, both because it attempted to impair the effect of a presidential pardon and because it "prescribed rules of decision to the Judicial Department of the government in cases pending before it." Id. at 146.

Klein is a notoriously difficult decision to interpret. Read broadly, the "rules of decision" language of Klein would seem to contradict the well-established principle that courts must decide cases according to statutes enacted by Congress. See United States v. Schooner Peggy, 5 U.S. (1 Cranch) 103, 109, 2 L. Ed. 49 (1801); Miller, 530 U.S. at 344, 346–47.

In any event, the 706 Rider is very different from the unusual legislation found unconstitutional in Klein. Central to the Court's analysis in Klein was its conclusion that the government's seizure of the private property at issue did not divest its owner of his property rights. See Klein, 80 U.S. (13 Wall.) at 136–39. Thus, the basis of the Klein suit (at least in the eyes of the Klein court) was a private right to property vindicated by a presidential pardon, which Congress was therefore powerless to extinguish. See 80 U.S. at 148. Since Congress could not manipulate these private rights, Klein merely refused to allow Congress to accomplish indirectly (by manipulating the judiciary's interpretation of those private rights) what it could not accomplish directly.

Thus understood, Klein is precisely in accord with Wheeling Bridge, as Klein itself observes. See 80 U.S. (13 Wall.) at 146–47. When Congress does not control the substance of a right, there are limits to its ability to influence the judiciary's determination of that right, either by directing the judiciary to decide a particular way, or by setting aside judicial determinations after the fact. But when rights are the creatures of Congress, as they were in Wheeling Bridge, Congress is free to modify them at will, even though its action may dictate results in pending cases and terminate prospective relief in concluded ones. Thus, Klein's prohibition on prescribing rules of decision in pending cases has no application to public rights cases like this one.

The Supreme Court explicitly made this point in The Clinton Bridge, a case decided only one year before Klein. That case addressed facts almost identical to those in Wheeling Bridge. The only difference was that Congress passed legislation authorizing the bridge in question while the suit over its legality was still pending, not after the injunction issued. See 77 U.S. (10 Wall.) at 462–63. The Court noted that, in so doing, Congress "gave the rule of decision for the court" in the pending case. 77 U.S. at 463. While it found that to be unobjectionable under Wheeling Bridge, it warned that "very different considerations would have arisen" if Congress had attempted to dictate the rule of decision in a case concerning a "private right of action." Id. Klein must be read as the fulfillment of that narrow warning, not the enunciation of any broader principle.

Furthermore, the Supreme Court has made it clear that Klein does not apply to cases like this one: "Whatever the precise scope of Klein, . . . its prohibition does not take hold when Congress amends applicable law." Plaut, 514 U.S. at 218, quoted in Miller, 530 U.S. at 349 (internal quotation marks and brackets omitted). Because, as we explained in Part II of this opinion, the 706 Rider did "amend[] applicable law," the Klein principle does not apply here.

Last, BCA claims that the 706 Rider violates the rule in Hayburn's Case. Hayburn's Case has come to stand "for the principle that Congress cannot vest review of the decisions of Article III courts in officials of the Executive Branch." Plaut, 514 U.S. at 218. BCA admits that the 706 Rider does not literally authorize Forest Service officials to review judicial determinations. Nevertheless, it maintains that the 706 Rider orders the Executive to ignore and violate judicial orders, and that this is close enough to make out a claim under Hayburn's Case. We disagree. As discussed above, it is well-established that new law can modify old injunctive decrees. Whenever that happens, the new law at least implicitly orders the Executive to ignore the old decrees.

BCA maintains that in such circumstances, Congress's act cannot constitutionally modify an injunction directly. Instead, it claims, any modification must be made by the court itself (though the court may be obliged to do it), and until the court does so, the injunction remains in force. Thus, because the 706 Rider directs the Forest Service to proceed with its tree-cutting activities regardless of whether the court modifies the settlement agreement, it unconstitutionally directs the Executive to ignore an injunction in force. But this is not the lesson of our cases. Wheeling Bridge held, not merely that Congress's legislation made modification of the injunction necessary, but that it rendered the injunction unenforceable. 59 U.S. (18 How.) at 432; Miller, 530 U.S. at 346. Similarly, the provision upheld in Miller v. French went beyond ordering judges to stay prospective relief after 30 days; instead, it stated that a motion to terminate injunctive relief "shall operate as a stay" of that relief beginning 30 days after the motion—thus staying the injunctive relief without any action by the court. Miller, 530 U.S. at 331. When Congress is acting within the boundaries set by Wheeling Bridge and Miller, the parties to a modified injunction need not wait upon the court to ratify the congressional change. Thus, we see no violation of Hayburn's Case or any other constitutional principle here.

Viewed realistically, the 706 Rider intrudes on neither executive nor judicial authority. The Rider comports with the current view of executive branch officials regarding management of the national forest. And while the Rider overrides a settlement agreement entered by the district court, that agreement was in fact a private agreement between the parties, in which the Judiciary had little or no independent involvement. To overturn the Rider would thus serve not to vindicate the constitutionally entrusted prerogatives of those two branches, but rather to keep in place a private group's own preferences about forest preservation policy in the face of contrary judgments by the Executive and Congress. True principles of separation of powers prevent settlement agreements negotiated by private parties and officials of the executive branch from encroaching either on the constitutionally vested authority of Congress or on the statutorily vested authority of those officials' successors in office. BCA's claim amounts to the argument that an agreement forged by a private group with a former administration, without serious judicial involvement, can strip both Congress and the Executive of their discretionary powers. The Constitution neither compels nor permits such a result.

The executive branch does not have authority to contract away the enumerated constitutional powers of Congress or its own successors, and certainly neither does a private group. Accordingly, the governance of the Black Hills National Forest must be conducted according to the new rules set by Congress, as Article IV of the Constitution provides.

For the foregoing reasons, the district court's denial of BCA's motion is affirmed.

The Hostettler bill truly is a revolutionary assault on our Bill of Rights. If Congress, for the first time in our history, is able to prevent citizens from having their rights under the constitution heard in federal court, then the Bill of Rights will be little more than a puff of smoke.

Whatever you think of this legislation, or the Defense of Marriage Act, Sen. Daschle's amendment is no precedent. The Hostettler bill is truly unprecedented. For further information, please visit the Committee website: (http://www.house.gov/judiciary-democrats/marriageprotectioninfo.html).

Sincerely,

JOHN CONYERS, JR.,
Ranking Member, Committee on the Judiciary.
JERROLD NADLER,
Ranking Member, Subcommittee on the Constitution.

Mr. NADLER. Mr. Speaker, I place into the RECORD a memo from the Congressional Research Service that says that Congress has never passed any legislation that denies to the Federal courts the jurisdiction to adjudicate the constitutionality of an act of Congress.

CONGRESSIONAL RESEARCH SERVICE

MEMORANDUM

To: House Committee on the Judiciary, Attention: Perry Apelbaum.

From: Johnny H. Killian, Senior Specialist, American Constitutional Law, American Law Division.

Subject: Precedent for Congressional Bill.

This memorandum is in response to your query, respecting H.R. 3313, now pending before the House of Representatives, as to whether there is any precedent for enacted legislation that would deny judicial review in any federal court of the constitutionality of a law that Congress has enacted, whether a law containing the jurisdictional provision or an earlier, separate law. We are not aware of any precedent for a law that would deny the inferior federal courts original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. It is my intention, Mr. Speaker, to elaborate on the point that was just made.

I have been listening to the debate. I have not heard my colleagues here say that this is unconstitutional. The point is the legislation the gentleman cited, the World War II Memorial, the timber legislation, exempted from judicial review under the terms of the specific act. As in Campaign Finance Reform it did not preclude challenges against the constitutionality of the legislation in question. That is legitimate use of congressional legislative authority.

What you are doing is not adjusting an act. You are saying we are not going to be able to deal with whether or not the laws in question are constitutional. That has never happened before.

I heard the gentleman from Nebraska (Mr. OSBORNE) here a couple of moments ago talk about his lifetime of working with young people. I just left 50 young volunteers who are working in Washington, D.C. neighborhoods. As we were leaving, one of the young women said she woke up this morning listening to what we were going to be debating here today. It made no sense to her and asked, is there any argument that this is being done other than pure political motivation?

This was, I thought, a very perceptive young woman. Her question, I think, answered itself, and I hope we are not to be guilty of undermining these young people's confidence in our activities.

Mr. NADLER. Mr. Speaker, I yield 45 seconds to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in opposition to this sham. What a shame it is when we have 41 million Americans without health insurance, more than 2 million jobs lost, an additional $2 trillion in debt, that the leadership of this Congress chooses to try again to divert attention to a divisive issue. Having failed to even muster 50 votes in the other body to place in the Constitution language setting one group of Americans aside as second class citizens, this leadership now turns its attention to a full assault on the Constitution itself.

If they cannot amend the Constitution, then attack the balance of power. I keep hearing that activist judges should not change State laws. Five activist judges denied all the voters of Florida the right to have their votes counted, but this bill is far more cynical.

The other side knows it will be thrown out by the Supreme Court. That means they can keep this issue alive for years and years.

Stop this assault. Vote no on H.R. 3313.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in opposition to H.R. 3313.

While I believe the institution of marriage should consist of one man and one woman, and I voted for the 1996 Defense of Marriage Act, I cannot support this bill. The Defense of Marriage Act has to my knowledge not been challenged in the Federal court, and it seems like we are putting the cart before the horse. We should allow our system of checks and balances to work like our Founding Fathers designed it.

Whatever Massachusetts, Vermont and Hawaii does regarding their marriage license does not change how Texas law does marriages.

In Texas we already have a law that states the institution of marriage is one man, one woman. We also have a law that states that Texas does not have to recognize marriages that are performed outside the State of Texas. The Defense of Marriage Act supports our State law. Marriage is a State issue and not a Federal issue. We do not seek marriage licenses in the Federal courthouses.

What this bill is about is continued efforts of this administration and Republicans in Congress to divide our country when we really need unity.

Just today we heard that while our troops are fighting for our country, they are short $12 billion in funding, even with all the supplementals we voted for. Maybe this administration, the Republicans, need to spend more time explaining why our troops waited months for body armor and armor for their Humvees and we are still $12 billion short.

Let us spend time protecting our country and not worry about "my" 34 years of marriage. And once again, this administration has the wrong priorities.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I want to concede to my colleagues who argue for the constitutionality of the subject legislation that it is constitutional.

This Congress can strip the Supreme Court of much of its jurisdiction, can abolish all appellate courts, and can abolish all district courts, but just because we can do something does not mean that we should do it.

We have heard much about arrogant activist judges. What have arrogant activist judges done? In 1954 they revoked the reprehensible doctrine of separate but equal in Brown v. Board of Education. In 1964 they reestablished the principle of one-person/one-vote in Reynolds v. Sims. In 1967 they respected the sanctity of all marriages, even those across ethnic lines.

Because we can do something does not mean we should. Let us today not hang out the sign on the Federal courthouse door, "Some Americans Need Not Apply."

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the chairman for yielding me time.

Daniel Webster said, Hold on, my friends, to the Constitution and to the Republic for which it stands, for miracles do not cluster. And what has happened once in 6,000 years may never happen again. So hold on to the Constitution, for if it should fall, there will be anarchy throughout the world.

Mr. Speaker, Daniel Webster is no longer with us, but if we could just realize that we will soon no longer be here either and if we do not uphold and defend the Constitution and the foundation of this republic and society itself, which is marriage and the family, generations will lose this beacon of freedom that we have.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, on a number of occasions during the 12 years that I have been in this body, I have risen on this floor to chide my colleagues from the Committee on the Judiciary and my colleagues in the House for the arrogant and irresponsible belief that we are somehow smarter than the Founding Fathers, for the belief that process in the system and the form of government that we operate in is less important than the result that we seek on a particular issue.

I think today is the ultimate irresponsible, extreme act in that direction. How arrogant and irresponsible is it to say to our American people that the United States Supreme Court will not have jurisdiction to decide the constitutionality of an issue?

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How extreme is that? It just blows my mind. I have trouble coming to grips with the notion that anybody could believe that this is responsible legislating, whether it is constitutional or not, that we would deprive the United States Supreme Court the authority to determine the constitutionality of an issue and disperse it to 50 different supreme courts of the States and not have one court that would be the ultimate arbiter of constitutionality. How arrogant and irresponsible can we be?

That is exactly what this legislation does today. It says to the American people that the Supreme Court of the United States no longer has the authority to determine constitutional issues. How arrogant, how irresponsible can we be?

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I am not going to support this bill. I do not believe it is right. I think court-stripping is wrong. I do not think it is sound; and frankly, I do not think it is going to work. How are we going to resolve the issue between States?

I used to be in business, and Congress could have passed a law in the 1950s when the civil rights issue was heating up that would have prohibited any challenges to the segregated businesses that existed all around me. There never would have been a civil rights law, never would have been a Brown v. Board of Education.

I voted for the Defense of Marriage Act. It defines marriage for a Federal purpose as a legal union between one man and one woman, and that is good enough for me.

Mr. NADLER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN) to close on our side.

Ms. BALDWIN. Mr. Speaker, with this bill, we face no less than the specter of a sign posted on the Federal courthouse door which reads, "You may not defend your constitutional rights in this court; you may not seek equal protection here; you may not petition your government for redress here." Today, the "you" is gay and lesbian American citizens, but who will be next?

Today, the House is considering legislation that were it to become law would do grave damage to our Republic.

I strongly oppose H.R. 3313 and urge all Members to vote against this legislation, and I urge the Members of the majority to reconsider this extreme and radical approach to addressing the issue of same-sex marriage and their concern about so-called judicial activism. Enacting court-stripping legislation would seriously undermine the faith of the American people in this Congress, in the courts, and in the principles of separation of powers.

When writing the Constitution, our Founders wisely decided that the best way to secure our freedoms and liberties was to establish three coequal branches of government: the Congress, the executive, the Supreme Court; and these three branches of government would have different, but overlapping, authorities to ensure that each branch is subject to the checks and balances. Not only will there be times that they will be in disagreement about a particular issue or law; the structure of the Constitution makes these conflicts inevitable.

It is a terrible mistake to strip one branch of government from its involvement in evaluating particular laws, and this is so particularly true when considering the courts whose constitutional and historic role has been to defend our liberties.

Once court-stripping, this door becomes open, where will it stop? Will this language be added to legislation on issues of abortion, guns, prayer, school choice, affirmative action? How about the USA PATRIOT Act? I suspect this is just the tip of the iceberg.

The late Senator Barry Goldwater, a stalwart conservative, said about previous court-stripping attempts in this Congress that it is a frontal assault on the independence of Federal courts and a dangerous blow to the foundations of a free society. I urge my colleagues to reject this unnecessary, unconstitutional and unwise legislation.

Mr. Speaker, today the House is considering legislation that, if it were to become law, would do grave damage to our Republic. I strongly oppose H.R. 3313 and urge all members to vote against this legislation. I urge the members in the majority to reconsider this extreme and radical approach to addressing the issue of same sex marriage and their concerns about so-called judicial activism. In fact, "court stripping" is a bad idea in any form. The consequences of enacting H.R. 3313 far exceed the stated objective of the majority and would seriously undermine the faith of the American people in this Congress, in the courts, in the principle of separation of powers, and in the notion of checks and balances.

When writing the Constitution, the founders wisely decided that the best way to secure our freedom and liberties was to establish 3 coequal branches of government—the Congress, the Executive and the Supreme Court. These 3 branches of government have different but overlapping authorities to ensure that each branch is subject to checks and balances. Not only will there be times that they will be in disagreement about a particular issue or law, the structure of the Constitution makes these conflicts inevitable.

In my home State of Wisconsin, our State university, the University of Wisconsin, dedicates itself to the proposition that through "continual and fearless sifting and winnowing" . . . "the truth can be found." In the context of our laws, this sifting and winnowing occurs at many points in the process. In Congress, we hold hearings, markups, and floor votes and we offer amendments, we hold conference committees and we issue reports. The Executive proposes legislation, engages in public debate, signs and vetoes legislation. The Court then interprets, evaluates, settles disputes and invalidates laws based on bedrock principles enshrined in our Constitution. Yes, this process can be slow, frustrating, and messy at times. But, it is through the process, which includes the court, that we sift and winnow our laws to improve them and ensure they are fair and just for all Americans.

It is a terrible mistake to try to strip one branch of government from its involvement in evaluating particular laws. This is particularly true when considering the courts, whose constitutional and historic role is to defend our liberties.

Fortunately for our citizens, it is my belief that H.R. 3313 is unconstitutional and, if it ever becomes law, will ultimately be invalidated. However, we should defeat this bill today, no matter what.

Mr. Speaker, during the Judiciary subcommittee on the constitution's hearing on this issue on June 24, the majority and minority each invited legal scholars to address the questions: "Can Congress do this?" and "Should Congress do this?" On the former question, the 2 witnesses disagreed, although even the majority witness, Professor Martin H. Redish of Northwestern University, noted that "Congress quite clearly may not revoke or confine Federal jurisdiction in a discriminatory manner." But on the latter question, "Should Congress do this?" the legal scholars agreed that we should not.

Let me quote Professor Redish's testimony on this question because it is compelling: "I firmly believe that Congress should choose to exercise this power virtually never." There has long existed a delicate balance between the authority of the Federal judiciary and Congress, and the exclusion of substantively selective authority from all Federal courts seriously threatens that balance."

Once the "court stripping" door is open, where will it stop? Will this language be added to legislation on the issue of abortion, guns, prayer, school choice, affirmative action? How about the USA PATRIOT Act? I suspect that this is just the tip of the iceberg.

Like the FMA, the Marriage Protection Act is not needed. DOMA remains the law of the land and its constitutionality has not been successfully challenged in any United States court. Congress must tread lightly when trying to modify the important doctrine of separation of powers that is the basis for our government. The late Sen. Barry Goldwater (R–AZ), a stalwart conservative, said about previous court stripping attempts that "frontal assault on the independence of the Federal courts is a dangerous blow to the foundations of a free society." I urge you to reject this unnecessary, unconstitutional and unwise legislation.

Mr. Speaker, with this bill, we face no less than the specter of a sign posted on the Federal court house door which reads, "you may not defend your constitutional rights in this court, you may not seek equal protection here, you may not petition your government for redress here." Today, the "you" is gay and lesbian American citizens. Who will it be next?

Mr. SENSENBRENNER. Mr. Speaker, has the time for the minority expired?

The SPEAKER pro tempore (Mr. GILLMOR). The time has expired on the minority side.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I believe that this debate has fulfilled the majority leader's admonition that the debate be civil. There are strongly held positions on both sides of this question, and I think that both of them have been very well articulated during the course of this debate.

I firmly believe that this bill is not only constitutional but it is also wise and necessary to prevent court decisions from further tearing apart the fabric of our society.

Forty-two years after the Supreme Court decided Marbury v. Madison, the court in the case of Cary v. Curtis in 1845 upheld the regulation of the judicial power by the Congress, and I would like to quote from that decision: "Dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress. To deny this position would be to elevate the judicial over the legislative branch of the government, and to give to the Federal judiciary powers limited by its own discretion merely."

This bill attempts to limit the power of the Federal judiciary to export the decision of a divided court in Massachusetts to the other 49 States which do not have laws granting marriage licenses to same-sex individuals.

The people who have been arguing against this bill, Mr. Speaker, seem to think that the State courts are second-class courts, but we believe that they are equally capable of deciding Federal constitutional questions. Nothing in H.R. 3313 denies the right of a same-sex couple married in Massachusetts to file a petition in State court to have that license and that marriage recognized within that State, and the State courts are perfectly capable of making that determination.

Somehow my colleague from Wisconsin says that this bill slams the door of the Federal courthouse to people who wish to exercise their constitutional rights. Well, I spent a lot of time in Madison as a law student and as a State legislator, and the current Federal courthouse is just a few blocks away from the Dane County Courthouse, and there are judges there that will have all the jurisdiction they need to adjudicate the claims that the gentlewoman from Wisconsin was talking about, and those judges I think are perfectly capable of adjudicating those claims, notwithstanding the lack of confidence on the part of some of the people who have been arguing against this bill.

The real issue is the issue of marriage, and marriage is the foundation upon which any civilized society has been based, long before the United States of America was established and the Constitution was ratified in 1789.

Marriage is under attack as a result of the 4 to 3 decision of the supreme judicial court of Massachusetts. This bill does not affect what Massachusetts does with that decision.

Under this bill, it will be the legislature and the voters and the judges in Massachusetts, should they change their mind, that will determine whether that 4 to 3 decision stands; but what this bill will do is to prevent the export of that Massachusetts decision to the other 49 States that do not allow marriage licenses to be issued to same-sex couples.

I sincerely doubt that when James Madison wrote the Constitution and when the legislatures of the 13 States at that time ratified the Constitution that they ever dreamed that the Federal judiciary would be used to have a decision that has been made in a single State become national policy.

The way we prevent that from becoming national policy is by passing this bill. I urge an "aye" vote.

Mr. HASTINGS of Florida. Mr. Speaker, this morning's papers carry, among others, the following stories:

—The New York Times reports that "The 9/11 Commission is Said to Sharply Fault Role of Congress".

—The L.A. Times has a story titled, "The State Department Seeks Shift in Iraq Effort".

—The Sun Sentinel reports that the American death toll in Iraq has reached 900.

—The Washington Post covers military recruitment, concluding that the pool of future recruits has dwindled to its lowest level in three years.

—And, all these papers and others have stories on the poor shape of the economy and the hardships that the American people are facing.

So, I ask: don't we have better things to deal with two days before going into recess. Is there any sense of responsibility in this Republican Congress?

This bill, more than anything else, is about the politics of a national election. The White House political machine is in full gear, playing to the lowest denominator to reinvigorate the xenophobic and intolerant wing of the Republican Party.

Recognizing that they lack the votes to pass the discriminatory Federal Marriage Amendment, the Republican House leadership is now focusing on slamming shut federal courthouse doors to gay and lesbian Americans.

This bill is at its core a bar on redress for violations of fundamental rights. If Congress by statute can end run the Bill of Rights, no rights to liberty, due process, or equality under the law are safe. Further, it would set the terrible precedent of barring citizens from challenging government infringement of fundamental rights in federal court.

For more than 200 years the federal judiciary has been a check on legislative and executive action. By eliminating an entire subject from the courts' jurisdiction, this legislation threatens to upset the delicate balance between the branches of the federal government that has served our nation well. Indeed, passage of this legislation would represent one of the broadest attacks on the separation of powers in American history.

Once again, it's proven that the most unpopular and vulnerable members of society are all too often the first targets of government repression. But once the federal courthouse door has been slammed shut to one group, it won't be long before others are similarly excluded.

I am reminded of an incisive quote by Holocaust survivor Ellie Wiesel. He said,

> "They came first for the communists, and I didn't speak up because I wasn't a communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a protestant. Then they came for me, and by that time no one was left to speak up."

I am here to strongly oppose this legislation.

I can remember of one other group in America that had to wander every county courthouse in the country to try to vindicate their rights under the Federal Constitution.

Blacks have experienced the injustice, abuse, and disgrace that the Republican Party is promoting with this bill. For example, after the Supreme Court's 1954 Brown v. Board of Education decision that school segregation violated the Constitution, racist lawmakers furiously sought to exempt federal courts from ruling on public education laws.

I became a public servant with the express mission of preventing one of the worst chapters of American history from repeating itself.

Therefore, I oppose this rule and the underlying bill, and ask—beg—my colleagues to act responsibly and protect the constitution by voting no.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in opposition to H.R. 3313, the so-called Marriage Protection Act. This bill would expressly forbid the federal courts, including the Supreme Court, from hearing cases on a Constitutional matter. That not only sounds absurd to me, but I'm sure it confuses American Government students across the country who are learning every day about our system of checks and balances and the role of the courts in our country.

But this bill not only violates the principle of separation of powers, it also grossly violates our equal protection and due process rights. This bill singles out a group of people who simply want to live in peace with the person they love and denies them access to the courts in order to fight for equal rights. If we pass this bill, then I wonder who is next—what group of people is next on the target list for being singled out and denied rights?

It strikes me that this bill is yet another example of how the Republican leadership in this country simply changes the rules when things aren't going their way so that the outcome will shift in their favor, regardless of the effects on our civil rights. We've seen votes held open for hours and funding cut off for popular and critical programs just so the Republican leadership can have their way. And, in this case, the Republican leadership is willing to go so far as to change the Constitutional rules and principles that we have lived by for centuries—the guarantee that any group or individual who feels their rights have been violated can go to court to seek redress—in order to protect a law that we passed eight years ago. This is simply unacceptable, and I urge my colleagues to vote no on H.R. 3313.

Ms. DEGETTE. Mr. Speaker, I rise in opposition to H.R. 3313, the so-called "Marriage Protection Act."

I was really tempted to offer an amendment mandating that every Member of Congress watch "School House Rock" before they are allowed to cast another vote. If you have kids, you are probably familiar with School House Rock. It is the old, ever-popular kids show that explains how American government works. It imparts information on basic civics in fun and easy to understand terms, for example, how there are three branches of government that provide the check and balances that are the bedrock of our country.

But then I decided that, although more of my colleagues than I ever believed possible desperately need this sort of basic primer on government, it didn't seem fair to waste Members' time, like our time is being wasted today as we are forced to debate and vote on this utterly absurd piece of legislation.

Our Founding Fathers established clear separation of powers between the three branches of government. Rep. HOSTETTLER and the Republican leadership are trying to dictate to our formerly independent judiciary what cases it can or cannot consider. This is a court-stripping measure that could lead to Congress's removal of the courts' jurisdiction any time a controversial measure might come before the federal bench.

The Hostettler bill would ban any federal court, including the Supreme Court, from having jurisdiction over challenges to the Defense of Marriage Act. This would mark a nearly unprecedented effort by one independent branch of the federal government, the Congress, to limit the jurisdiction of the judiciary branch.

This is the Republican leadership's last ditch effort to get a vote on gay marriage in the House to effect the election this fall. We are considering legislation to pre-empt an action that has not taken place. The Defense of Marriage Act, which passed in 1996, is not being challenged. This is a cop out, not a compromise. They know they don't have the votes on the Federal Marriage Amendment so they are grasping at straws.

In Federalist Paper 78, Alexander Hamilton defended the need for an independent judiciary. As the only branch of the federal government not swayed by campaigning, Hamilton asserted that it was the branch best able to protect the Constitution from political meddling by the Congress or the President. He also foresaw just the type of action being attempted by Republicans in Congress today, warning ". . . there is no liberty, if the power of judging be not separated from the legislative and executive powers.

If this bill, by some miracle were actually to be signed into law, and by an even bigger miracle, was not immediately overturned because of its blatant unconstitutionality, it would be a horrible precedent in preventing the most basic redress available to the American people.

Imagine bill after bill being passed in Congress, with the same language tacked on at the end saying that once this law passes it can never be challenged in the federal courts, including the Supreme Court. Today the issue is gay marriage, but tomorrow the issue could be anything.

This bill is incredibly short-sighted and it goes against the very principles that so many of its supporters purport to honor as public servants. It really would be laughable if it weren't so scary.

I urge a "no" vote on this ridiculous, unconstitutional and frankly un-American bill.

Mr. BEREUTER. Mr. Speaker, this Member voted for the Defense of Marriage Act (DOMA), P.L. 104–199, which defines marriage as "a legal union between one man and one woman as husband and wife" and a spouse as "a person of the opposite sex that is a husband or a wife." It allows each state to determine if it will recognize the same sex marriages sanctioned by other states. Also, it is this Member's view that the legal approval of same-sex marriages is not in the public interest—as contrasted with legislation authorizing civil unions between two people of the same sex. In short, that means this Member opposes same-sex marriages and believes that the Massachusetts Supreme Judicial Court's decision was both ill-advised and harmful.

However, I believe that attempting to strip the jurisdiction of the U.S. Supreme Court to possibly consider this issue is a rather extraordinary step that is an unfortunate and even dangerous precedent for future attempts to justify stripping the jurisdiction of the U.S. Supreme Court on other controversial societal issues. Therefore, this Member voted "no" on H.R. 3313. The rights of the minority must be protected from inappropriate use of power by a majority, and the Supreme Court sometimes is the final protector of the minority; stripping the court of jurisdiction gradually by legislative action will disturb the necessary checks and balances established in the U.S. Constitution.

This Member makes this statement fully acknowledging that judicial activists in both the Federal Government and state governments sometimes badly abuse their position as was the case with the Massachusetts Supreme Judicial Court.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong opposition to H.R. 3313, the Marriage Protection Act. This dangerous bill would severely undermine our constitutional checks and balances and set a precedent that undermines the independence of the federal judiciary.

Republicans in Congress and the Bush Administration know their domestic and foreign policies are failing—so they are changing the subject. The war in Iraq is a quagmire. Our schools under funded. Our seniors are without the prescription drugs they need and millions of Americans are without jobs.

Despite the many challenges facing our nation, the Republicans have chosen to ignore the real needs of the American people. In the process, they are hijacking our constitutional checks and balances and advancing an extreme right-wing agenda.

For years, key decisions by the courts on the social issues of the day, including school prayer, busing, abortion and the Ten Commandments, have been followed by Republican court-stripping bills to remove the court's authority to hear challenges to such important cases. The Marriage Protection Act is just another example of a power grab that extends Republican control from the White House to Congress to the federal judiciary.

This attack on the Judicial Branch's authority to hear cases based on Legislative and Executive actions is in fundamental contrast to the spirit of our democracy and the U.S. Constitution. Appropriately, most legal scholars have agreed that even if this bill was to become law, it would be unconstitutional. The fact that this legislation has advanced far enough to warrant a vote in the full U.S. House should raise alarm to the extent the Republican Majority will go to advance their right wing agenda.

This legislation should be defeated. The House must send a strong message that we reaffirm our constitutional system of checks and balances between the three branches of government, and we support the basic, civil rights of all Americans—regardless of age, gender, race or sexual orientation. We have a responsibility to protect the Constitution, not render it unnecessary.

Mrs. BONO. Mr. Speaker, I rise against H.R. 3313, the Marriage Protection Act, not because I seek to promote gay marriage but because I believe this bill fails to pass constitutional muster.

Perhaps it is for this reason that Congress has never enacted legislation to prohibit all federal courts, including the Supreme Court, from hearing cases on constitutional matters. It is not within the interest of this institution to begin this practice now. This path can only lead us towards a slippery slope with no clear end in sight.

I understand there are strong feelings on the issue of gay marriage on either side of the debate. I, for one, strongly believe in the sanctity of marriage and that marriage is between one man and one woman. But what this bill does is preclude even the ultimate arbiter of the United States legal system, the Supreme Court, from reviewing a constitutional matter. In fact, under this bill, even those who would seek to overturn a state's gay marriage law would not be able to appeal to the Supreme Court.

Certainly, Congress has stripped statutory questions, like tree cutting, from federal courts. But none of these issues have fallen upon constitutional grounds. Even the nonpartisan Congressional Research Service maintains that "We are not aware of any precedent for a law that would deny the inferior federal courts original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress."

However, I strongly believe in the concept of "checks and balances." Rest assured, should a federal court begin to exercise judicial activism that hijacks the powers of the other two branches, it is up to those branches of government to check the judicial branch and bring it back into balance. But this isn't the case here. In fact, one could question whether or not

Congress, with this bill, would encroach upon the powers of the Supreme Court in having the final say.

As of today, our system of "checks and balances" is working. Until this environment changes or breaks down, the most positive action Congress can take is to let the system work.

Mr. SHAYS. Mr. Speaker, I oppose H.R. 3313, legislation which would prevent our courts from ruling on the constitutionality of the Defense of Marriage Act.

I value our justice system and place great faith in the ability of our courts to ensure the laws we pass are constitutional. The bottom line is, taking the federal courts out of the process by specific legislation is not an appropriate remedy for any issue.

I am sensitive to my colleagues and constituents who oppose gay marriage. But we cannot deny Americans the constitutional rights to which they are entitled and ignore two centuries of judicial precedent, in order to address an issue that should be decided by the states.

I strongly oppose H.R. 3313 and urge my colleagues to do the same.

Ms. HARMAN. Mr. Speaker, in July of 1996, I stood on the House Floor and spoke in opposition to the Defense of Marriage Act. Eight years later, here I am again, standing in opposition to another attempt to divide this nation in an election year and ostracize some of our citizens. Only this time, we're going even further. This time, we are considering legislation that would, for the first time in our Nation's history, seek to exclude a specific group of people from access to the federal court system.

The fact that we are having this debate at this time is as shameful as the debate itself. Our Nation faces many pressing and critical problems: the size of the Federal deficit and its effect on our international competitiveness; threats from rogue nations and terrorists; and an intelligence system that is in desperate need of repair, to name a few. Yet, rather than focusing our energy on protecting our citizens, Congress is debating of a resolution that would take away the rights of some Americans.

There are three really good reasons to vote against H.R. 3313. It's unconstitutional, it discriminates against some Americans, and, for those of you who supported DOMA, it will muddle the definition of marriage and undermine the stated intent of DOMA.

Eight years ago, I warned that the Defense of Marriage Act was an unconstitutional solution in search of a problem. With the measure we are considering today, my colleagues on the other side of the aisle have out-done themselves. H.R. 3313 is the mother of all unconstitutional legislation.

The bill strips the U.S. Supreme Court's original jurisdiction over cases where a state is a party in a DOMA dispute. Original jurisdiction is conferred on the Supreme Court by the Constitution, not by Congress.

Second, this bill is overtly discriminatory. If it were enacted into law, Congress would, for the first time in U.S. history, block a specific group of Americans—same-sex couples and their children—from having full access to the federal court system. It is unconscionable that we would even consider legislation to deny ANY American the right to seek justice through our federal court system.

Finally, we were told that the intent of DOMA was to preserve the traditional definition of marriage. Now we are considering legislation that would make each of the 50 state supreme courts the final authority on the constitutionality of DOMA. This will create a patchwork of state laws on the recognition of marriage, and muddle its definition. Those who support this bill can no longer hide behind the states' rights or the marriage preservation argument. This measure reveals the clear intent of its drafters—to deny certain individuals equal treatment under the law.

I urge my colleagues to stand up and reject this divisive, untimely, and likely unconstitutional bill.

Mr. OBERSTAR. Mr. Speaker, I rise today in opposition to the so-called Marriage Protection Act (H.R. 3313). This bill, contrary to its title, has nothing to do with protecting the institution of marriage. This bill is, in fact, an all-out assault on the U.S. Constitution and our entire system of government. H.R. 3313 has monumentally perilous implications for three basic principles of our democracy—equal protection, due process, and the separation of power between the three branches of government.

This bill discriminates against one class of people, homosexuals, by saying they cannot challenge a law in federal court to determine whether their fundamental rights have been violated. This bill would enable any future majority in Congress to draft laws that would discriminate against any class of people or minority group, and which would then be insulated from a challenge in federal court.

As delineated in the Constitution, the separation of powers doctrine represents the fundamental principle that our federal government consists of three basic and distinct functions, each of which must be exercised by a different branch of government, so as to avoid the arbitrary or excessive exercise of power by any single ruling body. Through this structure, the Framers of the Constitution sought to create an effective, interdependent governmental system which would limit the power vested in any one branch. H.R. 3313, if enacted, would undermine our system of checks and balances, which was carefully crafted by our Founding Fathers to ensure that none of the three arms of government could encroach upon another, or impose its will unilaterally upon the public.

One element of the checks and balances system is the principle of judicial independence, which is so crucial to maintaining our unique democratic system. The Supreme Court's role (under the 1803 case of Marbury v. Madison) is as the final authority on the constitutionality of federal laws. By passing H.R. 3313, Congress would arbitrarily usurp the Supreme Court's power and rightful purpose by appointing itself as both maker and arbiter of the law.

In 1937, President Franklin Delano Roosevelt sent to Congress a bill to reorganize the federal judiciary, which was motivated by the consistent opposition that his New Deal legislation had been encountering in the lower federal courts and the Supreme Court. By increasing the number of judges on the Supreme Court, President Roosevelt hoped to change the balance of opinion of the court. President Roosevelt's proposal met with fiery opposition in Congress—even by those who supported his New Deal policies. Simply put, whether the underlying intent of a legislative initiative is good or bad, if it subverts the Constitution and destroys the independence of the judiciary, it should be defeated.

Over the years, notable conservatives have spoken out against similar court stripping proposals. For example, in 1985, Senator Barry Goldwater stated, "What particularly troubles me about [court stripping proposals] is that I see no limit to the practice. There is no clear or coherent standard to define why we shall control the Court in one area but not another. The only criterion seems to be that whenever a momentary majority can be brought together in disagreement with a judicial action, it is fitting to control the federal courts."

Goldwater also said "those who seek absolute power . . . are simply demanding the right to enforce their own version of heaven on earth, and let me remind you they are the very ones who always create the most hellish tyranny. Absolute power does corrupt and those who seek it must be suspect and must be stopped."

During the debates on the adoption of the Constitution, its opponents repeatedly charged that the Constitution as drafted would open the way to tyranny by the central government, and they demanded a "bill of rights" that would spell out the immunities of individual citizens. The ten amendments to the Constitution, which were enumerated in 1789, have since been expanded to include other democratic principles.

The Equal Protection Clause of the 14th amendment prohibits states from denying any person within its jurisdiction the equal protection of the laws. The question of whether the equal protection clause has been violated arises when a state grants a particular class of individuals the right to engage in activity yet denies other individuals the same right.

Another fundamental principle which is mentioned in the 5th and 14th amendments, due process, requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power. In his 1961 dissenting opinion in Poe v. Ullman, Justice Harlan stated, "[t]he guaranties of due process, though having their roots in Magna Carta's 'per legem terrae' and considered as procedural safeguards 'against executive usurpation and tyranny,' have in this country 'become bulwarks also against arbitrary legislation.'"

Indeed, this bill, if enacted, has implications that will haunt this body and our entire nation for years to come. Our Founding Fathers, by setting up our government with checks and balances, sought to protect the future of our democracy from the tyranny of the majority. Thomas Paine, in "The Rights of Man" said "every age and generation must be as free to act for itself in all cases as the age and generations which proceeded it. The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies. . . . That which may be thought right and found convenient in one age may be thought wrong and found inconvenient in another. In such cases, who is to decide, the living or the dead?"

In earlier days, narrow-minded legislators have advocated court-stripping to fight policies they opposed, such as desegregation, but those efforts have always been defeated by sensible, rational lawmakers. No other Congress has passed a law that totally eliminates the federal courts' ability to review the constitutionality of a federal law. I pray that this 108th Congress will not be the first.

Mr. ETHERIDGE. Mr. Speaker, I oppose this bill because it sets a dangerous precedent and upsets the delicate balance of power that is the heart of our Constitutional democracy. For more than 200 years, America has flourished under the Constitution of 1789 because the Framers successfully erected a system of checks and balances that assigned to the courts the task of interpreting the laws. This bill would upset that balance by intruding on that process and stripping from the courts the powers set forth by our Founding Fathers.

The implications of this precedent are very serious and go well beyond the boundaries of the current debate. If Congress passes H.R. 3313, what is to stop this Congress or a future Congress from stripping the courts of the duty to hear cases involving gun ownership, the death penalty, property rights, or any other controversial issue? Nothing. And this dangerous precedent would only encourage Congress to undertake such meddling. The notion that this Congress, which cannot even pass a budget or the appropriation bills needed to keep the government running, has better judgment on Constitutional matters than Thomas Jefferson, James Madison and John Marshall, is ludicrous.

Mr. STARK. Mr. Speaker, I rise in outraged opposition to H.R. 3313, the So-Called "Marriage Protection Act." This blatantly unconstitutional piece of legislation speaks volumes about the uncontrollable homophobia of the Republican Party and its desperation to change the subject from the quagmire in Iraq.

The Republicans' fear of the Federal courts is somewhat surprising. The Supreme Court, after all, despite occasionally tempering the Republicans' hatred of minorities, immigrants, the accused, and others who have the gall to insist on their Constitutional rights, has been pretty good to the Republican Party. It gave them the President they wanted and has given them great leeway to run roughshod over the environment and the disabled in the name of States' rights.

Most legal experts agree that this Court would likely uphold the Defense of Marriage Act, and yet the Republicans would rather set a new, frightening precedent of letting 50 different State courts be the final arbiters of our laws. They prefer that State judges, rather than Federal judges confirmed by the Senate, make Constitutional law.

Thankfully, the right wing wasn't in control of the Republican Party back when desegregation and Miranda warnings were before the courts, as there were court-stripping proposals on those subjects, too. They would never think of passing a bill today barring African Americans from seeking the protection of Federal courts, but sadly, gay and lesbian Americans incur their wrath over everything from the breakdown of the family to the continued inability of the Red Sox to win the World Series. Their delusion would be funny if it weren't so reckless and harmful.

Mr. Speaker, this bill is all about re-directing blame. Everyone here realizes that if Congress could just pass whatever laws it wanted and throw in a line to keep them from being held unconstitutional, our Constitution and our Separation of Powers would be rendered meaningless. So let's just admit what this is really about: changing the subject from Iraq and attacking defenseless Americans.

Shame on any Member of this body who will trample on our Constitution just to score a few political points. If the Oath we all took to "support and defend the Constitution of the United States" means anything to you, you will "No" on this election-year ploy.

Mr. UDALL of Colorado. Mr. Speaker, it is a cliché to say that there is no perfect legislation. But, to use another cliché, this bill seems to be an exception that proves that rule—because it is not only perfectly unnecessary but also a perfectly bad idea.

The bill seeks to prevent any Federal court—including the U.S. Supreme Court—from deciding "any question pertaining to the interpretation of, or the validity under the Constitution" of the part of the "Defense of Marriage Act" (DOMA) that says no State is required to give legal recognition to a same-sex relationship that is treated as a marriage under the laws of any other State. It also is intended to prevent any Federal court review of the constitutionality of this bill itself.

That would mean that the State courts alone would have the power and responsibility for interpreting two Federal laws. I cannot support that.

My opposition does not mean I think State court judges are not qualified to decide such questions. I have very high regard for their ability and for the vital role that the States and their courts play in our Federal system.

But I have an even higher regard for the fact that each State is a part of a greater whole—of the United States—which make up one nation, based on the principles of "liberty and justice for all," in the words of the Pledge of Allegiance.

And this bill directly attacks that national unity, seeking to replace it with a system in which each of the 50 State supreme courts would be the final authority on important questions involving relations between the States and between the Legislative and Judicial branches of the Federal Government.

This is not only unnecessary—no court, State or Federal, has ruled on DOMA—but both possibly unconstitutional and definitely dangerous.

I say possibly unconstitutional because the Judiciary Committee's report and today's debate show there are strong disagreements about the constitutionality of the bill, even among Members with much greater legal expertise than I can claim.

But while its constitutionality seems doubtful at best, I have no doubt about the bill's dangers and I am convinced that whether or not it is constitutional, it should be rejected.

In reaching that conclusion, I find myself in agreement with our former colleague, the gentleman from Georgia, Bob Barr.

In a letter of July 19th, Mr. Barr notes the potential for the "chaotic result" of "50 different interpretations reached by State supreme courts, with no possibility of the U.S. Supreme Court reversing any incorrect interpretation" of the Federal laws involved.

But he then goes on to say that the "principal problem" with the bill is even worse: "H.R. 3313 will needlessly set a dangerous precedent for future Congresses that might want to protect unconstitutional legislation from judicial review. . . . The fundamental protections afforded by the Constitution would be rendered meaningless if others follow the path set by H.R. 3313."

I completely agree with than analysis. And Mr. Barr and I are not alone in that view. In more or less the same terms, it is echoed by many others, including the Leadership Conference on Civil Rights, the Mexican-American Legal Defense and Educational Fund, Legal Momentum, and the Human Rights Campaign.

Of course, this bill does have its supporters, and in fact may attract a majority when we vote today. But if today there is a majority for putting DOMA beyond Federal judicial review, tomorrow there may be a different majority with a different idea of what legislation should be given such status.

Will tomorrow's majority want to protect future gun-control laws from the judges who struck down the Gun-Free School Zones Act? Or will they want to prohibit the Federal courts from ruling on such matters as State immunity from certain lawsuits? Or might they seek to reverse Roe v. Wade or some other Supreme Court decision by passing a new law and prohibiting the courts from reviewing it?

None of us can know the answers to those questions, because nobody knows what the future holds. But I am convinced that what we do today could shape the future in ways that could undermine the checks of the balances of the constitution and thus weaken the restraints on legislative power that protect the liberties of all Americans.

And because I think it would be profoundly unwise to risk so much on such a radical experiment, I will vote against this bill.

Mr. BARRETT of South Carolina. Mr. Speaker, marriage goes to the heart of our families and our society. My home State of South Carolina is one of at least 42 States that have laws on the books defining marriage as the union of a man and a woman. These laws were passed by the State legislature; those elected to represent the views of their constituents. My constituents contact me on a daily basis about this one issue more than any other issue. They want me to ensure marriage between a man and a woman is preserved.

Yet some in this country, elected by no one, believe they have the right to supercede the wishes of my constituents and the constituents of other members here today.

I respectfully disagree. I believe the only way to ensure court action does not override State law is for the House and Senate to take action. I thank Mr. HOSTETTLER for bringing this legislation to the floor of the people's house for debate, it is time we, as elected officials, have an opportunity to give a voice to our constituents' concerns.

Mr. Speaker, I urge my colleagues in the House to vote in favor of H.R. 3313, the Marriage Protection Act and protect the sanctity of marriage.

Ms. WATSON. Mr. Speaker, I rise in very strong opposition to H.R. 3313, the so-called "Marriage Protection Act," a misnomer that would make George Orwell smile. The fact is, just like the Federal Marriage Amendment, this Court Stripping bill is unnecessary, unwise, and serves as little more than a distraction from the many urgent matters facing our Nation.

Like the Federal Marriage Amendment, the Court Stripping bill is not needed. The Defense of Marriage Act remains the law of the land and its Constitutionality has not been overturned in any United States court. Furthermore, H.R. 3313 is a grave threat to the protection and enforcement of civil rights laws, and will erase decades of social progress all in the name of "marriage protection."

Historically, the judicial branch has often been the sole protector of the rights of minority groups against the will of the popular majority. Cases such as Brown v. Board of Education come to mind. The Court Stripping bill would deny the courts the ability to hear challenges to a legislation by a specific minority group, in this case gays and lesbians, thus creating a slippery slope where any law could be subject to "courtstripping."

This is a serious challenge to our fundamental system of checks and balances. The Court Stripping bill is the first, and undoubtably NOT the last, effort by the Republican Congress to hamstring an independent Federal judiciary. This reckless bill would take away even the Supreme Court's authority to decide on a Federal law.

Those who are advocating the Court Stripping bill today use the argument of "judicial activism" in Massachusetts and other States as a justification. Make no mistake about it, these same arguments were also advanced by defenders of segregation in the South in response to the Brown v. Board of Education decision and other decisions such as Loving v. Virginia that invalidated State anti-miscegenation law.

There are so many issues that this Republican-controlled Congress has failed to address. We don't have a budget. We haven't passed all of our appropriations bills we are engaged in, with no end in sight, and our economy has failed to generate the jobs necessary to keep the GDP growing. Meanwhile, this Republican Congress is taking up a divisive, discriminatory, and completely unnecessary legislation just to appeal to their far right base and to drive a wedge into this upcoming election. It is cynical and simply dead wrong.

Mr. Speaker, I urge my colleagues to join me in rejecting this hateful, unconstitutional, and discriminatory legislation.

Mr. BUYER. Mr. Speaker, I rise in strong support of H.R. 3313, the Marriage Protection Act, introduced by my good friend and fellow Hoosier Mr. HOSTETTLER.

In recent years, judicial activism has continued to attack the traditions that have defined this Nation—our pledge of allegiance declared unconstitutional—and now it seems that marriage is its next target.

In 1996, Congress passed the Defense of Marriage Act by a wide margin in this Chamber and in the other body. I cosponsored the Defense of Marrige Act. It was necessary to pass the Defense of Marrige Act to preserve the States their ability to decide for themselves how marriage is to be constituted within their respective borders. To remind this body of the definition of federalism seems elementary, but I fear that a lesson may be needed for those who do not support this legislation.

The Defense of Marrige Act provides that for Fedreal law, marrige shall mean the union of one man and one woman. It further provides that the States do not have to recognize alternative unions established in other States. Since that time, 44 States of our Union have passed laws that provide that marriage shall consist only of the union of one man and one woman. My State of Indiana has done so.

Now, traditional marriage is under attack and the ability of States to protect traditional marriage within their borders is threatened . . . threatened by the judicial branch.

The Marriage Protection Act, H.R. 3313, is a further step to insure that States maintain the ability to define marriage within their borders and that States are not forced, against the will of their citizens acting through their elected State legislatures, to accept the contortions of marriage legalized in other States. H.R. 3313 would prohibit the lower Federal courts and the Supreme Court from hearing cases that arise under the Defense of Marrige Act.

Congress has clear Constitutional authority to establish the jurisdiction of the lower Federal courts. In Article III, Congress is given the authority to establish the lower courts and to define the appellate jurisdiction under the regulation of Congress. This is part of the checks and balances that our Founding Fathers wove into the Constitution, to ensure that one branch does not exercise power beyond its bounds.

It is unfortunate that circumstances have arisen that have created the need for H.R. 3313. One State in the Nation has declared that "marriage" can be applied to relationships other than one man and one woman; and our fear is that the Federal courts will take the action of one State court and apply it to all 50 States. H.R. 3313 is insurance that the action of this State in expanding the definition of marriage does not have to be recognized in other States unless the people of that State agree to do so.

I commend the gentleman from Indiana's 8th district for introducing this legislation and I strongly urge its adoption.

Ms. ESHOO. Mr. Speaker, I come to the floor today to urge my colleagues to vote against this bill. The Marriage Protection Act would strip the jurisdiction of Federal courts to hear cases interpreting the Defense of Marriage Act or the Federal Marriage Statute.

First, this bill is wrong because it will strip Federal courts, including the Supreme Court, of their ability to hear and review Constitutional cases, something that Congress has never done in our history. The courts are an equal branch of our government. Any attempt to weaken their authority undermines a 200-year precedent and severely endangers the separation of powers that our government is based on. The fact that this kind of action has never been undertaken in the history of this great nation speaks to the absurdity of the bill.

Second, this bill is discriminatory. It singles out one group of people and tells them their interests won't be heard by the highest courts in the land This sends a chilling message, not only to the citizens of this country, but to people all over the world that the United States is moving backward, not forward on issues of civil rights.

Mr. Speaker, no legal crisis exists. This bill is all about politics . . . driving a wedge between people on the eve of party conventions and a national election. It's not only cynical, it's a disservice to the people we represent. What we do with this issue will be forever remembered. I urge my colleagues to oppose this bill. by casting a no vote, we say no to discrimination and state our unwillingness to upset the balance of the equal branches of government.

Mr. KIND. Mr. Speaker, I rise in opposition to H.R. 3313, the so-called Marriage Protection Act. I believe Congress should be focused on supporting American troops fighting in Iraq and Afghanistan, helping the eight million Americans who are looking for jobs, and passing a budget laying out our priorities for fiscal year 2005. Instead, we are debating a bill that fails to address the issues that are of the most importance to our citizens and that is blatantly unconstitutional.

H.R. 3313 would strip the Federal courts, including the Supreme Court, of jurisdiction over any cases dealing with the Defense of Marriage Act (DOMA). This would lead to a patchwork of different decisions from various States which would prove to be unmanageable. Furthermore, it would establish a ridiculous precedent. Whenever Congress passes a law, it could merely insert comparable language prohibiting Federal courts from ever reviewing that legislation to ensure it complies with the United States Constitution. In effect, this bill places the actions of Congress above the law. Clearly, this is not what our Founders intended when they established the separation of powers that has worked well for over 200 years.

This bill is unconstitutional in three ways: it violates the principle of equal protection by depriving a group of people of their right to their day in court; it is inconsistent with the due process clause which demands an independent judicial forum capable of determining Federal constitutional rights; and it violates the concept of separation of powers, so crucial to our system of governance.

Grammar school students in my home state of Wisconsin could tell you that the American system of government finds its strength from our system of checks and balances, a concept that was bold and revolutionary when the Constitution was written over 200 years ago and is now embraced by countries around the world. It is this system that keeps the presidency from becoming a dictatorship, the court from becoming an oligarchy, and members of Congress from becoming despots. If we strip the Federal courts of their seminal rôle in our process of law, we will have rejected the work of James Madison and the other Founding Fathers who wrote the document that is the oldest written constitution in the world still in effect. Furthermore, it jeopardizes all the rights guaranteed in our Constitution, especially the Bill of Rights. It would also allow a future Congress, that may not like gun ownership in our country, to prohibit gun ownership and then strip Federal courts from the ability to review the law to see if it complies with the Second Amendment.

I cannot vote for a bill that would blatantly reject the Constitution, a document which I swore to uphold upon entering Congress. Regardless of our views on particular issues, I believe that each of us in the House of Representatives should respect the Federal courts as an equal branch of government, and I urge my colleagues to reject this bill.

Mr. GRIJALVA. Mr. Speaker, I rise today in opposition to the drastic and shortsighted measure to strip courts of their authority to review the Constitutionality of the Defense of Marriage Act. This is a very clear and easy vote for me, but in no way does that make it insignificant. To the contrary, this is the most important civil rights vote of the year. Congress has not passed a federal court stripping measure since 1868, though it has been attempted on nearly every hot button issue in the past 50 years (prompted by Brown v. Board, Roe v. Wade, Loving v. Virginia, and others), always with the premise of the need to "limit activist judges."

Republicans are trying to undermine the legitimacy of these justices because they are not elected. The founders deliberately created an unelected body that would not have to make the political calculations that the President and Members of Congress need to consider in our controversial decisions. Justices are, by design, removed from the political or electoral process to serve lifetime appointments where they can make independent decisions. Naturally, these decisions often come before the public is quite ready for them. Such was the case with the prohibition of interracial marriage. In 1967, the Supreme Court stated that such a prohibition would "deprive . . . liberty without due process of law in violation of the Due Process Clause of the Fourteenth Amendment. The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men." We now look back on the prohibition of interracial marriage as abhorrent and appreciate the court's decision in Loving v. Virginia in helping us reach this realization.

This bill is not about marriage, as the title claims. This bill is about denying a day in court for an entire class of Americans. This is a question of fairness, equality, and social justice. We cannot, in the interest of fairness to all, exclude selected groups of Americans from enjoying equal protection under the law. Furthermore, court stripping is blatantly unconstitutional. It violates the separation of powers, due process, and equal protection clauses in our Constitution.

If you think this is an easy vote because it will never pass constitutional muster to become law, I remind you of the oath we all took the day we were sworn into office. Every single one of us has sworn to "protect and defend the Constitution of the United States against all enemies, foreign and domestic." A vote in favor of this bill is an attack on the very document that we have sworn to defend.

This body is not at liberty to pick and choose which of the laws we pass should be subject to judicial review. The founders created three equal branches of government, a true system of checks and balances that has served us well for over 200 years. The power of one should not outweigh the other or the system will be fundamentally undermined.

I urge my colleagues to vote against this measure to condone discrimination, undermine the Constitution, and disrupt the democratic process.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to strongly oppose H.R. 3313, the so-called "Marriage Protection Act." There is nothing in this bill that will provide protection to us or to the institution of marriage. On the contrary, this bill will create an extremely dangerous precedent in our legislative system and could cause inculculable harm.

When I was sworn in as a member of this House, I promised to uphold the Constitution of the United States. Every member of this body made the same promise. The Majority's push for passage of this bill sadly signals a step back from that promise and further calls into question the true motivations of the bill's supporters.

The unconstitutionality of this bill is quite clear. The 14th Amendment to the U.S. Constitution reads, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." By denying Americans who wish to challenge the Defense of Marriage Act their day in federal court, H.R. 3313 blatantly violates this equal protection clause. The bill singles out a specific group of Americans and tells them that they cannot have their day in court, thereby denying them due process.

Moreover, this bill violates the separation of powers. Our democracy is reliant upon an independent judiciary, and judicial review is a crucial part of our system of checks and balances. By adding a clause to a bill stipulating that cases against it must not be heard by federal courts as H.R. 3313 does, we are overreaching our powers to legislate.

If this bill passes the House today, I ask the leaders in the Majority: What's next? If we enact a bill into law saying that Defense of Marriage Act cases cannot be heard in federal courts, where do we stop? School prayer, gun control, abortion, obscenity—shall we say that none of these issues may be heard in federal court? What issue or group of people will be next?

Broad opposition to this bill from my constituents and colleagues gives me hope that this bill may not make its way to the President's desk. Those opposed include the Lawyer's Committee for Civil Rights Under Law, Human Rights Watch, the American Civil Liberties Union, the Alliance for Justice, and even former Representative Bob Barr, the original sponsor of the Defense of Marriage Act. These groups represent only a small portion of those firmly opposed to this bill.

The fact is, this debate is not about supporting or opposing gay marriage. Rather, it is about the cost of passing a bill that would result in the revocation of constitutional rights for certain Americans. This bill is a drastic, misguided piece of legislation with strictly political aims, and if this bill passes, it will be a tragic day for democracy. I strongly urge my colleagues on both sides of the aisle to vote against this bill, and to preserve the constitutional rights of all Americans.

Mr. MEEHAN. Mr. Speaker, I rise in strong opposition to the so-called Marriage Protection Act, which has nothing to do with protecting marriage.

This bill is nothing more than the latest Republican attempt to divide Americans and distract us from issues that people care about. It is about singling out one group of Americans for unequal justice under law.

Constitutionally, this bill is a non-starter. The Constitution established an independent judiciary to protect every citizen's rights and to check the power of Congress and the executive. Courts exist to protect the rights of all Americans, even those who are often disenfranchised and marginalized.

Unable to amend the Constitution to their liking, the Republican majority is now waging an unprecedented assault on the independence of the judiciary and the separation of powers in our government. If Congress strips the courts of jurisdiction over the Defense of Marriage Act, there is no telling what other issues will be subject to court stripping.

All of us in Congress took an oath to defend the Constitution. This bill is an attack on our most basic constitutional principles—and just as important, a mean-spirited attack on our country's values of fairness, tolerance, and equality.

Earlier this week, the Speaker asserted that Congress doesn't have time this year to implement the recommendations of the 9/11 Commission—urgent measures to protect our security. So why are we here today using our time to divide people for political reasons? Let's reject this cynical political ploy and move on to the real business of the American people.

Ms. HARMAN. Mr. Speaker, in July of 1996, I stood on the House Floor and spoke in opposition to the Defense of Marriage Act. Eight years later, here I am again, standing in opposition to another attempt to divide this nation in an election year and ostracize some of our citizens. Only this time, we're going even further. This time, we are considering legislation that would, for the first time in our Nation's history, seek to exclude a specific group of people from access to the federal court system.

The fact that we are having this debate at this time is as shameful as the debate itself. Our Nation faces many pressing and critical problems: the size of the Federal deficit and its effect on our international competitiveness; threats from rogue nations and terrorists; and an intelligence system that is in desperate need of repair, to name a few. Yet, rather than focusing our energy on protecting our citizens, Congress is debating of a resolution that would take away the rights of some Americans.

There are three really good reasons to vote against H.R. 3313. It's unconstitutional, it discriminates against some Americans, and, for those of you who supported DOMA, it will muddle the definition of marriage and undermine the stated intent of DOMA.

Eight years ago, I warned that the Defense of Marriage Act was an unconstitutional solution in search of a problem. With the measure we are considering today, my colleagues on the other side of the aisle have out-done themselves. H.R. 3313 is the mother of all unconstitutional legislation.

The bill strips the U.S. Supreme Court's original jurisdiction over cases where a state is a party in a DOMA dispute. Original jurisdiction is conferred on the Supreme Court by the Constitution, not by Congress.

Second, this bill is overtly discriminatory. If it were enacted into law, Congress would, for the first time in U.S. history, block a specific group of Americans—same sex couples and their children—from having full access to the federal court system. It is unconscionable that we would even consider legislation to deny ANY American the right to seek justice through our federal court system.

Finally, we were told that the intent of DOMA was to preserve the traditional definition of marriage. Now we are considering legislation that would make each of the 50 state supreme courts the final authority on the constitutionality of DOMA. This will create a patchwork of state laws on the recognition of marriage, and muddle its definition. Those who support this bill can no longer hide behind the states' rights or the marriage preservation arguments. This measure reveals the clear intent of its drafters—to deny certain individuals equal treatment under the law.

I urge my colleagues to stand up and reject this divisive, untimely, and likely unconstitutional bill.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of H.R. 3313, the Marriage Protection Act. You know it's sad that we're even having this debate. However we are being forced to. Marriage and the American family are under attack by activist groups and they're using wayward judges to chip away at this sacred institution. For the sake of our country, Congress must respond.

This bill would prevent federal courts from forcing states like Texas to recognize same-sex marriages licensed in another state.

Well in Texas, the people have spoken. We have a Defense of Marriage Act on the books. The lone star state only recognizes marriage between a man and a woman, regardless of what other states might do.

However, in light of recent events in Massachusetts and elsewhere, it has become necessary to ensure that the will of the people of Texas isn't circumvented by some unelected judge. And one of the remedies to abuses by federal judges lies in Congress' authority to limit federal court jurisdiction.

Congress shouldn't be afraid to properly exercise checks and balances provided for in the Constitution. It is our responsibility to prevent overreaching by the courts. We've got to reign in these zealous judges who think they can legislate.

Back home we have a popular slogan, "Don't mess with Texas." Well I've got one for this debate, "Don't mess with marriage!"

Mr. MORAN of Virginia. Mr. Speaker, I rise today in opposition to the so-called "Marriage Protection Act."

How marriage is being protected by keeping committed gay and lesbian couples from getting married does not make sense to me. Will it strengthen heterosexual relationships? Reduce promiscuity and unwed pregnancy? Instruct people on the importance of communication to a successful relationship?

No, it would do none of these things.

What it would do is take away Americans right to Due Process and represent a radical departure from our Constitutional and legal tradition in an effort to single out a specific group of American citizens for discrimination. This bill would strip our federal court system of its independence, setting a dangerous precedent and threatening the underpinnings of our free and democratic society.

The Marriage Protection Act precludes federal courts from reviewing the constitutionality of the cross-state recognition section of "the Defense of Marriage Act."

The result of this legislation would be that if DOMA is challenged, the 50 State Supreme Courts would each issue a separate and final ruling on the cross-state recognition section of DOMA. The Supreme Court, whose job is to settle conflicting or contradictory state and federal court rulings, would have its hands tied, thus thwarting their ability to resolve the ensuing confusion. What a mess.

If we decide to wall off the federal courts ability to rule on this issue, where will such actions stop? One can easily foresee a number of other hot button social issues with which this country is clearly divided being blocked in a similar fashion from consideration at the federal level.

Furthermore, we already have sufficient legislation to allow individual states the ability to retain and structure marriage laws the way they see fit. While I opposed and continue to oppose the Defense of Marriage Act (DOMA) which passed the House back in 1996, this law is still fully functional and in effect. Since then, it has not been invalidated by any court anywhere in the country.

Mr. Speaker, I am troubled that we are wasting floor time to discuss this issue today. At a time when there are many more pressing matters needing to be discussed and deserving of debate, we are considering "The Marriage Protection Act," a classic example of an election year wedge issue designed for maximum political impact. I implore the House to consider the full implications of this legislation and urge its defeat.

Mr. HONDA. Mr. Speaker, I rise today in strong opposition of the measure before us, H.R. 3313.

Many of my colleagues on this side of the aisle are lawyers by training and they have given us an excellent analysis of the legal problems with this bill.

They have pointed out that by denying the Supreme Court its role as the final authority on the constitutionality of federal laws, the bill unnecessarily and unconstitutionally usurps the Supreme Court's power.

Mr. Speaker, I am not a lawyer. I am a teacher by training and even without the benefit of legal training, I can see the unfairness of this court stripping bill.

What this bill is trying to do is change the rules of the game, only in this case the rules we are talking about are fundamental principles imbedded in our Constitution.

If I were to ask a class of elementary school kids whether they thought it was fair to change the rules so that a federal law, passed by Congress and signed by the President did not have to face the scrutiny of our federal courts—they would all be scratching their heads. They would ask me, "what about the idea of checks and balances?"

If I mentioned this scenario to some Junior High students they would simply say, "we see what you are doing, you're rigging the system." Teens can be a lot more cynical.

Mr. Speaker, this is not a matter of protecting marriage, it's about protecting the sanctity of separation of powers—and you don't have to be a lawyer to see that.

Mr. STUPAK. Mr. Speaker, I take very seriously my oath of office to the U.S. House of Representatives.

In it, I swear to "always protect and defend the Constitution of the United States . . . so help me God."

I will be doing just that when I vote against H.R. 3313. This bill, which strips the courts of their right—and obligation—to hear challenges to federal law, is a direct attack on our U.S. Constitution.

I have long been a supporter of the Defense of Marriage Act that Congress passed in 1996.–I believe that marriage should be defined as a union between a man and woman.

Despite my support for DOMA—we cannot as Members of Congress, knowingly vote for legislation that undermines the clearly stated separation of powers between the three branches of government as outlined in the Constitution. This separation of power between the legislative, executive and judicial branches serves as the foundation of our democracy and our system of government.

If we fail today to "support and defend" the Constitution, what's next? This legislation sets a terrible precedent!

Will Congress prevent the federal courts, including the Supreme Court, from interpreting civil rights, worker or religious rights laws? Will the courts next be blocked from reviewing actions of the executive branch?

Do we really want to head in a direction where the Constitution and courts reflect only on the political views of the political party that controls the U.S. House, Senate and the Presidency?

I will not use my constituents' vote in the U.S. House of Representatives to undermine our Constitution for blatant election-year politics. And election-year politics is the only reason why this misguided legislation is on the floor. It is truly shameful, as this legislation undermines the integrity and the moral authority of this legislative body to the American people.

Vote "no" on H.R. 3313.

Mr. WELDON of Florida. Mr. Speaker, I support H.R. 3313, The Marriage Protection Act. This bill prevents unelected, lifetime-appointed federal judges from striking down the provision of the Defense of Marriage Act. The Defense of Marriage Act overwhelmingly passed in the House and the Senate and was signed into law by President Clinton in 1996.

H.R. 3313 simply provides that cases involving the section of Defense of Marriage Act—that protects states' rights—must be brought in state court. This brings valuable protection to the states and ensures that one state does not have to recognize a same sex marriage granted by another state.

It also keeps federal courts from forcing states to recognize same-sex marriages that other states, such as Massachusetts, have legalized.

This bill is a good first step, but what is ultimately needed in order to protect time-honored, traditional marriage is an Amendment to the U.S. Constitution. Unfortunately, the Senate failed to pass this amendment last week. That vote was 48 to 50, with Senators JOHN KERRY and JOHN EDWARDS failing to vote. It fell short of the number needed to ensure passage so that the American people could consider a Constitutional Amendment.

My constituents in Florida, and the majority of the American people, do not agree with a hand full of activist judges and courts that are redefining marriage in America. They do not agree with the demands of four unelected members of Massachusetts State Supreme Court who have overturned the laws of the State of Massachusetts and sanctioned same sex marriages.

A family headed by a mother and a father has been a basic building block of society for thousands of years, and it is imperative that its integrity be successfully protected from those who wish to re-define marriage by trying to equate other relationships to that of traditional marriage between one man and one woman.

Mr. Speaker, I urge passage of H.R. 3313.

Mr. PAUL. Mr. Speaker, as an original cosponsor of the Marriage Protection Act (H.R. 3313), I urge all my colleagues to support this bill. H.R. 3313 ensures federal courts will not undermine any state's laws regulating marriage by forcing a state to recognize same-sex marriage licenses issued in another state. The Marriage Protection Act thus ensures that the authority to regulate marriage remains with individual states and communities, which is what the drafters of the Constitution intended.

The practice of judicial activism—legislating from the bench—is now standard procedure for many federal judges. They dismiss the doctrine of strict construction as outdated and, instead, treat the Constitution as fluid and malleable to create a desired outcome in any given case. For judges who see themselves as social activists, their vision of justice is more important than the letter of the law they are sworn to interpret and uphold. With the federal judiciary focused more on promoting a social agenda than on upholding the rule of law, Americans find themselves increasingly governed by judges they did not elect and cannot remove from office.

Consider the Lawrence case decided by the Supreme Court last June. The Court determined that Texas has no right to establish its own standards for private sexual conduct, because these laws violated the court's interpretation of the 14th Amendment. Regardless of the advisability of such laws, the Constitution does not give the federal government the authority to overturn these laws. Under the Tenth Amendment, the State of Texas has the authority to pass laws concerning social matters, using its own local standards, without federal interference. But, rather than adhering to the Constitution and declining jurisdiction over a state matter, the Court decided to stretch the "right to privacy" to justify imposing the justices' vision on the people of Texas.

Since the Lawrence decision, many Americans have expressed their concern that the Court may next "discover" that state laws defining marriage violate the Court's wrong-headed interpretation of the Constitution. After all, some judges may simply view this result as taking the Lawrence decision to its logical conclusion.

One way federal courts may impose a redefinition of marriage on the states is by interpreting the full faith and credit clause to require all states, even those which do not grant legal standing to same-sex marriages, to treat as valid a same-sex marriage licenses from the few states which give legal status to such unions as valid. This would have the practical effect of nullifying state laws defining marriage as solely between a man and a woman, thus allowing a few states and a handful of federal judges to create marriage policy for the entire nation.

In 1996, Congress, exercised its authority under the full faith and credit clause of Article IV of the United States Constitution by passing the Defense of Marriage Act that ensured each state could set its own policy regarding marriage and not be forced to adopt the marriage policies of another state. Since the full faith and credit clause grants Congress the clear authority to "prescribe the effects" that state documents such as marriage licenses have on other states, the Defense of Marriage Act is unquestionably constitutional. However, the lack of respect federal judges show for the plain language of the Constitution necessitates congressional action to ensure state officials are not forced to recognize another state's same-sex marriage licenses because of a flawed judicial interpretation of the full faith and credit clause. The drafters of the Constitution gave Congress the power to limit federal jurisdiction to provide a check on out-of-control federal judges. It is long past time we begin using our legitimate authority to protect the states and the people from "judicial tyranny."

Since the Marriage Protection Act only requires a majority vote in both houses of Congress and the President's signature to become law, it is a more practical way to deal with this issue than the time-consuming process of passing a constitutional amendment. In fact, since the Defense of Marriage Act overwhelmingly passed both houses, and the President supports protecting state marriage laws from judicial tyranny, there is no reason why the Marriage Protection Act cannot become law this year.

Some may argue that allowing federal judges to rewrite the definition of marriage can result in a victory for individual liberty. This claim is flawed. The best guarantor of true liberty is decentralized political institutions, while the greatest threat to liberty is concentrated power. This is why the Constitution carefully limits the power of the federal government over the states. Allowing federal judges unfettered discretion to strike down state laws, or force a state to conform to the laws of another state, in the name of liberty, leads to centralization and loss of liberty.

While marriage is licensed and otherwise regulated by the states, government did not create the institution of marriage. In fact, the institution of marriage most likely pre-dates the institution of government! Government regulation of marriage is based on state recognition of the practices and customs formulated by private individuals interacting in civil society. Many people associate their wedding day with completing the rituals and other requirements of their faith, thus being joined in the eyes of their church, not the day they received their marriage license, thus being joined in the eyes of the state. Having federal officials, whether judges, bureaucrats, or congressmen, impose a new definition of marriage on the people is an act of social engineering profoundly hostile to liberty.

Mr. Speaker, Congress has a constitutional responsibility to stop rogue federal judges from using a flawed interpretation of the Constitution to rewrite the laws and traditions governing marriage. I urge my colleagues to stand against destructive judicial activism and for marriage by voting for the Marriage Protection Act.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 3313, the Marriage Protection Act. As a cosponsor of this important legislation, I thank Chairman SENSENBRENNER and the leadership for bringing it to the House floor.

H.R. 3313 prohibits any federal court, including the Supreme Court, from hearing challenges to a key provision of the Defense of Marriage Act (DOMA), which will preserve the rights of states to not recognize same-sex unions permitted in other states. I support this limitation of federal court jurisdiction in this area.

I would like to point out, however, that H.R. 3313 does not address the current situation in Nebraska.

In 2000, seventy percent (70 percent) of Nebraska voters approved a state constitutional amendment defining marriage as "one man, one woman"—and barring civil unions or domestic partnerships. The ACLU is currently challenging this amendment in federal district court. In a preliminary ruling, the federal district judge (Judge Bataillon) indicated sympathy with the ACLU's claim.

As I understand it, H.R. 3313 would not prevent federal courts from striking down state provisions, such as the one approved by Nebraska voters.

For that reason, an amendment to the U.S. Constitution may be required to further protect state statutes and constitutional amendments from challenge in the federal courts. While I will vote for this legislation, it is becoming increasingly clear to me and many of my colleagues that further action may be required by the Congress to protect and defend traditional marriage in America.

Mr. MEEK of Florida. Mr. Speaker, I rise today to voice strong objections to H.R. 3313, the so called Marriage Protection Act. This Act prohibits federal courts, including the Supreme Court of the United States, from hearing cases on the constitutionality of provisions of the Defense of Marriage Act, including those relating to same-sex marriage licenses.

This bill is phony, and it is a sham. The title of the bill itself is false advertising. While claiming to "protect" marriage, all the bill does is strip federal courts of jurisdiction so that they cannot even consider whether laws on same-sex marriages are consistent with our United States Constitution. For over 200 years, our Constitution has defined our nation and protected our rights. It is a document of empowerment, not limitation. But the Republican leadership wants to put a fence around it and padlock the gate, and they are doing it for purely political purposes.

The United States Congress should not be in the business of stripping federal courts of their ability to hear particular cases. Such actions, if imposed in the 1960's, could have been used to prevent federal courts from hearing voting rights cases. To limit the power of the courts like this for purely partisan purposes sets a dangerous precedent and is simply intolerable. It would undermine the independence of the judicial branch and run contrary to the vision set forth by our founding fathers in the Constitution.

Even for people who, like myself, believe that marriage is between a man and a woman, this measure does nothing to strengthen or protect those bonds. It seems to me that if a threat exists to marriage, it is that too many of them fail. For every two marriages that occurred in the 1990s, one ended in divorce. The stresses on marriages today are great, but they don't have to do with the jurisdiction of the federal courts. This bill does nothing to deal with problems like affordable housing, quality education and training, daycare for young children, high costs of gasoline, electricity and food, high unemployment rates and underemployment, and the lack of health care coverage and other benefits that place severe strains on many families.

Today, the very nature of the typical American family is changing. Just as families headed by only one adult were rare only a few decades ago but are common today, non-traditional couples are now a widespread fact of American society. Nearly 200 Fortune–500 companies and numerous municipalities and organizations have already recognized this fact on their own and provide benefits to same sex couples. In addition, several municipalities have adopted local ordinances prohibiting discrimination based on sexual orientation in housing and employment.

It is simply unfair to deny law-abiding American citizens the protections of civil law with respect to taxation, inheritance, hospital visits and the like, and it is wrong to shackle the federal courts by preventing them from even considering court cases pertaining to these matters.

For these reasons, I urge my colleagues to defeat this bill.

Mr. HOLT. Mr. Speaker, I rise in opposition to H.R. 3313, which would prevent federal courts from hearing cases related to provisions of the Defense of Marriage Act (DOMA) that allow states to refuse to recognize same-sex marriage licenses issued in other jurisdictions.

The Constitution—perhaps the greatest invention in history—has been the source of our freedom in this great country for more than two centuries. The framework of government it established has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights.

The judiciary was designed to be the one branch of the federal government that is not influenced or guided by political forces. This independent nature enables the judiciary to thoughtfully and objectively review laws enacted by the legislative branch to ensure that Federal law is in line with the Constitution. Throughout the development of our nation, this check has been vital to protecting the rights of minorities.

The legislation that we are considering today is a political measure that will threaten this precious system of checks and balances. Although the Constitution gives Congress the power to limit the jurisdiction of the Federal judiciary and the appellate jurisdiction of the Supreme Court, I am certain that the founding fathers did not intend for Congress to use this power to change the jurisdiction of the courts over a political issue. This legislation will set a dangerous precedent that Congress can deny the judicial branch the right to review specific pieces of legislation simply because Congress is concerned that the judiciary will find the legislation unconstitutional. This is a clear misuse of Congressional authority and it is a misguided attempt to legislate on a controversial social issue.

In addition to undermining the authority of the judiciary, H.R. 3313 would deprive a minority population—gay men and women—of basic freedoms. This bill would limit their right to due process by barring individuals from challenging the constitutionality of DOMA. Congress should not limit an individual's ability to seek redress in the court system simply because some Members object to the sexual orientation of others.

And if that is not bad enough, H.R. 3313 would set a pattern that would cause unimaginable harm. Today its gay men and women, tomorrow laws dealing with any other area would be exempted for judicial review.

Altering the framework of our government and restricting access to the courts is not the appropriate way to resolve a divisive political issue. I urge my colleagues to vote against this legislation.

Mr. JONES of North Carolina. Mr. Speaker, I am here today with my colleagues in support of H.R. 3315, the Marriage Protection Act. I represent the people of the 3rd Congressional district of North Carolina, a district that has asked me to support and protect the sanctity of marriage between man and woman. Let me read just a small part of a pastoral letter by Bishop Sheridan of Colorado as he explains the history behind our tradition of marriage: "Every civilization known to mankind has understood marriage as the union of a man and a woman . . . no one can simply redefine marriage to suit a political or social agenda. Once again, we must be clear about this matter. The future of our world depends upon the strength of the family, the basic unit of our society. The future of the family depends on the state of marriage."

Mr. Hostettler's bill will give states their Constitutional right to protect traditional marriage. No state should be forced to recognize a same-sex marriage if that state's citizens do not believe in honoring such a union. I stand with the majority of the people in the 3rd district, the citizens of North Carolina and indeed the majority of all Americans when I say that I strongly believe in protecting marriage as an exclusive union between one man and one woman.

I believe the moral future of a our country is dependent upon the Judeo-Christian values that make up the foundation of America, and if America is to survive as a strong nation it must protect those values. This bill is one way Congress can stands up for traditional American values.

I close with a quote from Supreme Court Justice Antonin Scalia in his dissent of the 5–4 case of Lawrence v. Texas: "But persuading one's fellow citizens is one thing, and imposing one's views in absence of democratic majority will is something else . . . Today's opinion dismantles the structure of constitutional law that has permitted a distinction to be made between heterosexual and homosexual unions, insofar as formal recognition in marriage is concerned.

Mr. WAXMAN. Mr. Speaker, I staunchly oppose H.R. 3313, the so-called "Marriage Protection Act." This bill is an attack on our Constitution, an insult to the fundamental freedoms of our society, and a shameful election year stunt by the Republican party.

Sadly, although its hard to imagine, this bill is even worse than the proposed Federal Marriage Amendment. While I also oppose that legislation, and any effort to write discrimination based on sexual orientation into our laws, this measure presents an even deeper constitutional crisis. What this bill attempts to do is strip the federal court system and the Supreme Court of the ability to decide the constitutionality of a law. Regardless of the issue in question, this bill is a flagrant attack on the basic separation of powers enumerated in the constitution and the inherent right of each branch of government to have full power over its sphere of jurisdiction.

Equally troubling is the purpose of the bill—to single out one minority group and argue that they do not have the right to be heard in court on an issue important to them. The idea that the gay and lesbian community somehow doesn't deserve equal protection under the law is an affront to the Bill of Rights and its guarantee that all Americans have a right to due process.

It is no secret that the Bush Administration will stop at nothing to appeal to its conservative base by discriminating against same-sex couples. But it is an embarrassment to our democracy that the Republican party would promote these initiatives as a ploy to distract from the Administration's far-reaching policy failures. One recent e-mail newsletter sent on June 7, 2004 by veteran right-wing conservative Paul Weyrich openly suggested:

"The president has bet the farm on Iraq . . . Given what the continued killing has done to the president's standing in the polls this far, it is a lead-pipe cinch that as we lead up to the first days of November 2004, violence is going to be horrific. . . The only one alternative to this situation: change the subject. . . Ninety-nine percent of the president's base will unite behind him if he pushed the [Federal Marriage] Amendment."

I opposed the Defense of Marriage Act when it was considered in the House in 1994. Ten years later, I continue to believe that these initiatives against gay marriage do nothing to preserve the institution of marriage, but serve only to fan the flames of intolerance and prejudice. I urge my colleagues to reject this woefully misguided bill and its crude objectives.

Mr. CANNON. Mr. Speaker, today the House of Representatives is acting well within its Constitutional authority in considering H.R. 3313. Currently, many state courts including those in Massachusetts have begun the process of defining marriage through judicial decree. Because of the Constitution's Full Faith and Credit Clause, this judicial activism may be forced upon all the remaining states, including Utah, undermining the traditional definition of marriage and family.

These and other state and federal courts imperial judges are acting in an extra-constitutional fashion and assuming the powers of legislatures.

In Massachusetts, the Supreme Judicial Court of Massachusetts ruled on a 4–3 vote in Goodridge v. Massachusetts Dep't of Health, 798 N.E. 2d 941 (Mass. 2003) that the state's refusal to issue marriage licenses to same-sex couples violated the state constitution. The court found that the traditional definition of marriage, the same definition used throughout history, was evidence of "invidious" discrimination. In a follow-up opinion, these same judges stated the current definition of marriage in Massachusetts was a "stain" on the state constitution and needed to be "eradicated".

On May 17th of this year, the Goodridge decision went into effect and the state of Massachusetts began issuing same-sex marriage licenses. This new and expanded definition of marriage opens many more questions than it answers. What happens if these individuals move to other states after they are married? What benefits and rights must the new jurisdiction accommodate and what other obligations will be thrust on a jurisdiction that does not recognize such unions?

These are difficult and divisive questions, and this is why representatives elected by the people and not the courts should decide them. Those opposed to an open and deliberative debate and public votes by elected legislators have preferred judicial activism instead.

The Defense of Marriage Act, which passed both Houses of Congress and was signed into law by President Clinton, is central to our debate. DOMA was passed to prevent one state from imposing its family law policy on another state. Historically, family law has always been left to the states. However, scholars on both sides of the ideological aisle have stated their Constitutional concerns with the language of DOMA. If DOMA challenges are successful, then one case in one court could conceivably set social policy for the nation.

When the judicial branch loses its moral compass, it is the responsibility of the Congress to exert its authority to keep the judicial branch in check. In this particular circumstance, the Congress has two options. The first is a Constitutional Amendment. The second is assertion of its authority in the Constitution under Article III, Section 2 clause 2 and "regulate" the jurisdiction of the federal courts and make "exceptions" to their jurisdiction.

I have reservations about amending the U.S. Constitution. But that may be our last resort. As President Bush stated, "If judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process." I agree with President Bush.

We are debating H.R. 3313, which limits the role of federal courts. This legislation states, "No court created by an act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, section 1738C." The referenced section relates to the DOMA language allowing states to opt to not recognize the same-sex marriages of another state. HR 3313 is simply Congress reaffirming its intent under DOMA and disallowing judicial review.

Some argue that Congress should not limit the jurisdiction of the federal courts. I would like to remind them of the provision Senator Daschle inserted into a Defense Appropriations bill in the 107th Congress that exempted all forest management projects in the Black Hills National Forest from any further NEPA requirements, from administrative appeals, from Endangered Species Act Section 7 consultation procedures, from review by any court, and from court ordered injunctions. I agreed with Senator Daschle and supported this legislation not only because it set a precedent for good forest policy, but also because it is a precedent for Congress's authority to limit the jurisdiction of the courts.

Chief Justice Marshall inferred in Marbury v. Madison that if the Supreme Court identifies a conflict between a constitutional provision and a congressional statute, the Court has the authority to declare the state unconstitutional. It is clear that Congress has the duty and responsibility to make sure that no act promulgated by it exceeds the Constitution.

In this particular case, the Congress is exerting its explicit authority to limit the jurisdiction of the Courts. This cannot be held unconstitutional by the federal courts or the Supreme Court because they cannot hear it. They have no jurisdiction because Congress withholds jurisdiction. It is the natural check on the courts' power that the founding fathers built into our system of checks and balances.

I say with all sincerity to those opposed to this legislation, the spirit of the law is explicit. State family law is for the states to decide. The Supreme Court in a 2004 decision, Elk Grove Unified School District v. Newdow, 124 S. Ct. 2301, 2309 (2004) (citing and quoting In re Burrus, 136 U.S. 586, 593–94 (1890)), reaffirmed this presumption by stating, "the whole subject of domestic relations . . . belongs to the laws of the State and not to the laws of the United States." If the opponents of this legislation deny this reaffirmation of the law, a Constitutional Amendment to protect the definition of marriage is the only alternative.

I urge a "yes" vote.

Ms. KILPATRICK. Mr. Speaker, I rise in opposition to House consideration of H.R. 3313. My opposition to the bill is based on my belief that when I took my congressional oath to uphold and protect the United States Constitution and the people of America, I pledged to represent and protect all three branches of government.

H.R. 3313 purports to prohibit the Supreme Court from serving as the ultimate and final arbiter on legal matters. The legislation is wrongly inspired because it reflects the arrogance of its crafters who are engaged in exercising excessive legislative authority. H.R. 3313 seeks to establish legal precedent that will allow radical ideologues to preclude the ability of the Supreme Court to hear cases and render decisions, in an effort to limit the Court's judicial authority. The consideration of this measure is the initial volley of a frontal assault on the Constitution.

In my consideration of the bill I have continued to be mindful that I subscribe to a personal belief that marriage is a sacred relationship which is directly related to my strong belief in, and support of children. I also believe that children must be protected and supported so that they can thrive and replenish the earth. I worry about the welfare of our children if the Court's authority is eviscerated. If H.R. 3313 is passed, I am afraid that the Supreme Court will be stripped of its judicial authority, and ultimately its ability to fulfill its mandate to render justice.

It is against this backdrop that I oppose H.R. 3313. The legislation is designed to derail the judicial process and the proponents of the bill are trying to justify their efforts by contending that they are trying to stop judicial activism. So I rise in strong opposition to this bill and I encourage my colleagues on both sides of the political aisle to defeat this measure.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in opposition to H.R. 3313. This unwise legislation would circumvent the checks and balances guaranteed in our Constitution by irreparably altering the role of the judicial branch of government. "The Washington Post" stated in their July 21 editorial: "This is as wrong as wrong can be."

In addition to altering the very foundation of our system of government, H.R. 3313 attempts to abridge the rights of gays and lesbians. Federal courts have played an indispensable role in the enforcement of civil rights laws, often being the sole protector of minority groups, ensuring they are afforded the freedoms guaranteed to all Americans. Enacting this bill would weaken the rights of individuals seeking protection from government through the Federal courts.

This bill would take away the right to judicial review established in the landmark Marbury v. Madison case of 1803. The 200 year old legal precedent set in that case established once and for all that the Federal courts have authority over Federal laws.

The framers of the Constitution intended the balance of power between the branches to protect the minority from the tyranny of the majority. This legislation is not just about same sex marriage, it's about who we are as a country. I urge my colleagues to oppose this obstructionist legislation. As members of Congress it is our responsibility to protect the Constitution that has served us well for more than 200 years and is a model to the world of a government for and by the people.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 734, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 3313 will be followed by 5-minute votes on suspending the rules and passing H.R. 4056; and suspending the rules and adopting H. Res. 652.

The vote was taken by electronic device, and there were—yeas 233, nays 194, not voting 8, as follows:

[Roll No. 410]

YEAS—233

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frost
Gephardt
Gerlach
Gilchrest
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Carson (IN)
Collins
Greenwood
Kirk
Kucinich
Lowey
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

☐ 1553

Mr. LEWIS of Georgia changed his vote from "yea" to "nay."

Mr. SANDLIN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMERCIAL AVIATION MANPADS DEFENSE ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4056, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4056, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 411]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern

McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo

Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Carson (IN)
Collins
Gephardt
Greenwood
Istook
Kirk
Kucinich
Lowey
Paul
Portman
Quinn

☐ 1603

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGING GOVERNMENT OF BELARUS TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

The SPEAKER pro tempore (Mr. GILLMOR). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 652.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 652, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 412]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr

Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett

Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris

Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter

McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Capuano
Carson (IN)
Collins
Diaz-Balart, L.
Diaz-Balart, M.
Gephardt
Greenwood

Kirk
Kucinich
Lowey
Paul
Portman
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1610

So (two thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for debate on rollcall vote 407, rule providing for consideration of U.S.-Morocco Free Trade (H. Res. 738); rollcall vote 408, to increase disability compensation for veterans (H.R. 4175); rollcall vote 409, expressing that Presidential elections should not be postponed due to terrorist attacks (H. Res. 728); rollcall vote 410, final passage of Marriage Protection Act (H.R. 3313), rollcall vote 411, Commercial Aviation MANPADS Defense Act (H.R. 4056); and rollcall vote 412, expressing the sense of Congress for fair elections in Belarus (H. Res. 652).

Had I been present, I would have voted "yea" for rollcall votes 407, 408, 409, 410, 411, and 412.

PERSONAL EXPLANATION

Mrs. LOWEY. Mr. Speaker, during an absence on July 22, 2004, I regrettably missed rollcall votes 407–412 and other votes. Had I been present, I would have voted in the following manner: rollcall No. 407: "yea"; rollcall No. 408: "yea"; rollcall No. 409: "yea"; rollcall No. 410: "no"; rollcall No. 411: "yea"; rollcall No. 412: "yea".

H.R. 4842—United States-Morocco Free Trade Implementation Act: "yea"; H.R. 4837—Military Construction Appropriations Act for FY05: "yea"; Conference Report on H.R. 4613—DOD Appropriations Act for FY05: "yea"; H. Con. Res. 436—Celebrating 10 years of majority rule in S. Africa: "yea"; H. Con. Res. 418—Diplomatic relations between the U.S. and Japan: "yea"; H. Con. Res. 468—Condemning the attack on the AMIA Center: "yea"; H. Con. Res. 467—Declaring genocide in Darfur, Sudan: "yea"; Stenholm Motion to Instruct on H.R. 1308: "yea".

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, today, I was absent attending to a previously scheduled commitment and missed the votes on rollcall No. 411, on H.R. 4056, the Commercial Aviation MANPADS Defense Act; rollcall No. 412, on H. Res. 652, urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the Fall of 2004.

Had I been present, I would have voted "yea" on rollcall No. 411, "yea" on rollcall No. 412.

PRIVILEGED REPORT ON RESOLUTION DIRECTING SECRETARY OF STATE TO TRANSMIT DOCUMENTS RELATING TO TREATMENT OF PRISONERS AND DETAINEES IN IRAQ, AFGHANISTAN AND GUANTANAMO BAY

Ms. HARRIS, from the Committee on International Relations, submitted a privileged report (Rept. No. 108–631) on the resolution (H. Res. 699) directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, which was referred to the House Calendar and ordered to be printed.

PRIVILEGED REPORT ON RESOLUTION REQUESTING PRESIDENT TO TRANSMIT DOCUMENTS RELATING TO TREATMENT OF PRISONERS OR DETAINEES IN IRAQ, AFGHANISTAN OR GUANTANAMO BAY

Mr. HUNTER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 108–632) on the resolution (H. Res. 689) of inquiry requesting the President and directing certain other Federal officials to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 5 P.M., AUGUST 27, 2004, TO FILE REPORT ON H.R. 3551, SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT ACT OF 2004

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science may have until August 27, 2004, at 5 p.m. to file the following report: H.R. 3551, Surface Transportation Research and Development Act of 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

UNITED STATES-MOROCCO FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 738, I call up the bill (H.R. 4842) to implement the United States-Morocco Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4842 is as follows:

H.R. 4842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Morocco Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Morocco entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Morocco for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the United States-Morocco Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Morocco Free Trade Agreement entered into on June 15, 2004, with Morocco and submitted to Congress on July 15, 2004; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on July 15, 2004.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Morocco has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Morocco providing for the entry into force, on or after January 1, 2005, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2004 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 4.1, 4.3.9, 4.3.10, 4.3.11, 4.3.13, 4.3.14, and 4.3.15, and Annex IV of the Agreement.

(2) EFFECT ON MOROCCAN GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of Morocco as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date of entry into force of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Morocco regarding the staging of any duty treatment set forth in Annex IV of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Morocco provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States to Annex IV of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL SAFEGUARD GOOD.—The term "agricultural safeguard good" means a good—

(A) that qualifies as an originating good under section 203;

(B) that is included in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement; and

(C) for which a claim for preferential treatment under the Agreement has been made.

(2) APPLICABLE NTR (MFN) RATE OF DUTY.—The term "applicable NTR (MFN) rate of duty" means, with respect to an agricultural safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on the date on which the additional duty is imposed under subsection (b); or

(B) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on December 31, 2004.

(3) F.O.B.—The term "F.O.B." means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(4) SCHEDULE RATE OF DUTY.—The term "schedule rate of duty" means, with respect to an agricultural safeguard good, the rate of duty for that good set out in the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TRIGGER PRICE.—The "trigger price" for a good means the trigger price indicated for that good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement or any amendment thereto.

(6) UNIT IMPORT PRICE.—The "unit import price" of a good means the price of the good determined on the basis of the F.O.B. import price of the good, expressed in either dollars per kilogram or dollars per liter, whichever unit of measure is indicated for the good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement.

(b) ADDITIONAL DUTIES ON AGRICULTURAL SAFEGUARD GOODS.—

(1) ADDITIONAL DUTIES.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to paragraphs (3), (4), (5), and (6) of this subsection, the Secretary of the Treasury shall assess a duty on an agricultural safeguard good, in the amount determined under paragraph (2), if the Secretary determines that the unit import price of the good when it enters the United States is less than the trigger price for that good.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty assessed under this subsection on an agricultural safeguard good shall be an amount determined in accordance with the following table:

If the excess of the trigger price over the unit import price is:.	The additional duty is an amount equal to:
Not more than 10 percent of the trigger price.	0.
More than 10 percent but not more than 40 percent of the trigger price.	30 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.
More than 40 percent but not more than 60 percent of the trigger price.	50 percent of such excess.
More than 60 percent but not more than 75 percent of the trigger price.	70 percent of such excess.
More than 75 percent of the trigger price.	100 percent of such excess.

(3) EXCEPTIONS.—No additional duty shall be assessed on a good under this subsection if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(4) TERMINATION.—The assessment of an additional duty on a good under this subsection shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TARIFF-RATE QUOTAS.—If an agricultural safeguard good is subject to a tariff-rate quota under the Agreement, any additional duty assessed under this subsection shall be applied only to over-quota imports of the good.

(6) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury assesses an additional duty on a good under this subsection, the Secretary shall notify the Government of Morocco in writing of such action and shall provide to the Government of Morocco data supporting the assessment of additional duties.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or sub-heading, such reference shall be a reference to a heading or subheading of the HTS.

(b) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Morocco into the territory of the United States; or

(ii) from the territory of the United States into the territory of Morocco; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Morocco or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 4–A or 5–A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Morocco or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) REQUIREMENTS.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Morocco or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Morocco or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) CUMULATION.—

(1) ORIGINATING GOOD OR MATERIAL INCORPORATED INTO GOODS OF OTHER COUNTRY.—An originating good or a material produced in the territory of Morocco or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is grown, produced, or manufactured in the territory of Morocco or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the value of a material produced in the territory of Morocco or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of such good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Morocco, the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Morocco or the United States, as the case may be.

(2) EXCEPTION.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Morocco or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) PACKAGING AND PACKING MATERIALS AND CONTAINERS FOR RETAIL SALE AND FOR SHIPMENT.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers have been included in meeting the requirements set forth in subsection (b)(2).

(f) Indirect Materials.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) Transit and Transshipment.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Morocco or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Morocco or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of the United States or Morocco.

(h) Textile and Apparel Goods.—

(1) De minimis amounts of nonoriginating materials.—

(A) In general.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 4–A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) Certain textile or apparel goods.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Morocco or the United States.

(C) Yarn, fabric, or group of fibers.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term "component of the good that determines the tariff classification of the good" means all of the fibers in the yarn, fabric, or group of fibers.

(2) Goods put up in sets for retail sale.—Notwithstanding the rules set forth in Annex 4–A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) Definitions.—In this section:

(1) Direct costs of processing operations.—

(A) In general.—The term "direct costs of processing operations", with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Morocco or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the costs of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) Exceptions.—The term "direct costs of processing operations" does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) Good.—The term "good" means any merchandise, product, article, or material.

(3) Good wholly the growth, product, or manufacture of Morocco, the United States, or both.—The term "good wholly the growth, product, or manufacture of Morocco, the United States, or both" means—

(A) a mineral good extracted in the territory of Morocco or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Morocco or the United States, or both;

(C) a live animal born and raised in the territory of Morocco or the United States, or both;

(D) a good obtained from live animals raised in the territory of Morocco or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Morocco or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Morocco or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Morocco or the United States and flying the flag of that country;

(H) a good taken by Morocco or the United States or a person of Morocco or the United States from the seabed or beneath the seabed outside territorial waters, if Morocco or the United States has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Morocco or the United States or a person of Morocco or the United States and not processed in the territory of a country other than Morocco or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Morocco or the United States, or both; or

(ii) used goods collected in the territory of Morocco or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Morocco or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Morocco or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i), at any stage of production.

(4) Indirect material.—The term "indirect material" means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) Material.—The term "material" means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both.

(6) Material produced in the territory of Morocco or the United States, or both.—The term "material produced in the territory of Morocco or the United States, or both" means a good that is either wholly the growth, product, or manufacture of Morocco, the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Morocco or the United States, or both.

(7) New or different article of commerce.—

(A) In general.—The term "new or different article of commerce" means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Morocco, the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) Exception.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) Recovered goods.—The term "recovered goods" means materials in the form of individual parts that result from—

(A) the complete disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts that is necessary for improvement to sound working condition.

(9) Remanufactured good.—The term "remanufactured good" means an industrial good that is assembled in the territory of Morocco or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to, and meets similar performance standards as, a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term "simple combining or packaging operations" means operations such as adding batteries to electronic devices, fitting together a small number of components by bolting, gluing, or soldering, or packing or repacking components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term "substantially transformed" means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4–A and Annex 5–A of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Morocco pursuant to article 4.3.6 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Morocco to conduct a verification pursuant to article 4.4 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Morocco is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act, or

(ii) is a good of Morocco,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 203;

(2) amendments to existing law made by the subsections referred to in paragraph (1); and

(3) proclamations issued under section 203(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) MOROCCAN ARTICLE.—The term "Moroccan article" means an article that qualifies as an originating good under section 203(b) of this Act or receives preferential tariff treatment under paragraphs 9 through 15 of article 4.3 of the Agreement.

(2) MOROCCAN TEXTILE OR APPAREL ARTICLE.—The term "Moroccan textile or apparel article" means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is a Moroccan article.

(3) COMMISSION.—The term "Commission" means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Moroccan article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Moroccan article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Moroccan article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Moroccan article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930) (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex IV of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that—

(1) is subject to an assessment of additional duty under section 202(b); or

(2) has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle with respect to a good after the date that is 5 years after the date on which duty-free treatment must be provided by the United States to that good pursuant to Annex IV of the Agreement.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of a Moroccan article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Morocco has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Morocco Free Trade Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Moroccan textile or apparel article is being imported into the

United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 2 years, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which is submitted in a proceeding under this subtitle and which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party also shall submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

The SPEAKER pro tempore. Pursuant to House Resolution 738, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I rise today in strong support of H.R. 4842, which will implement the United States-Moroccan Free Trade Agreement. This Free Trade Agreement is comprehensive, it is solid, and it will benefit American workers across the spectrum, including farmers, consumers, businesses, and therefore the United States economy.

Morocco has been since the inception of this country and is today an important strategic partner of the United States. This agreement will enhance and in fact solidify our economic relationship. Not only will this agreement advance our relationship with Morocco, but it serves as a cornerstone to assist the President's broader initiative to create a Middle East free trade area by the year 2013.

The United States has entered into additional agreements, Morocco, Bahrain. We have entered into trade and investment framework agreements with Kuwait, Yemen, Qatar, the United Arab Emirates, Oman, and Saudi Arabia. Many of these countries have expressed interest in moving forward and negotiating a free trade agreement similar to the Moroccan agreement.

Mr. Speaker, this is a long overdue day, but it has arrived, and I am pleased to say that the Senate has already acted on this legislation, and when the House concludes its business on this bill it will be sent to the President for his signature, and this is a marvelous way to end this portion of the 108th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. BROWN) and ask unanimous consent that he be allowed to yield time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

First, I would like the record to remain clear that in my opinion the gentleman from California stole the election in Florida, and I just want to get that out of the way.

But having said that, I think that this agreement that we reach today gives us an opportunity to see what we could be doing, especially as it relates to international treaty agreements, if we attempt to work together.

The government of Morocco has been friendly to the United States for years, and it is a developing country that has strived to have a relationship between organized labor and to work to improve the quality of life for its workers.

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We Democrats truly believe that we should have a bipartisan approach to these types of issues and that there are certain principles we think should be in all trade agreements, and that is that you protect American jobs and that you provide for basic international labor standards in these agreements, and you do no harm.

There are certain provisions here that deal with intellectual rights that we really approve of, but we also believe that we should never allow ourselves to deprive people of medicine that they may need for their health and, indeed, for their life.

The gentleman from Michigan (Mr. LEVIN) has worked very, very hard to make certain that we on the Democratic side do not unilaterally just say out of hand that if we do not find the language we want that we will not be supporting the bill. Indeed, we are more concerned with having language that all civilized and industrialized countries would want to have as a standard that can be reached with the United States on international health.

Mr. Speaker, because of that, I ask unanimous consent to yield the balance of my time to the gentleman from Michigan (Mr. LEVIN), the distinguished senior member of the Subcommittee on Trade, and that he be allowed to yield time as he sees fit.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I am quite pleased that the United States and the Kingdom of Morocco have reached agreement on a bilateral free trade agreement. Morocco has long been a key ally in the Middle East. As many have noted, Morocco was the first country to recognize our sovereignty; and in 1786 we signed the U.S.-Morocco treaty of peace and friendship, which remains the longest unbroken treaty in our Nation's history.

Once implemented, this treaty agreement will be the second of its kind between the U.S. and a moderate Muslim ally, following our trade agreement with the Kingdom of Jordan.

This is an important strategic agreement. While we have had a long-standing diplomatic relationship with Morocco, the U.S.-Morocco FTA cements the economic relationship between our countries. Two-way trade between the U.S. and Morocco is significant, at nearly $1 billion per year. The United States exported over $465 million to Morocco last year, with a trade surplus of over $79 million.

This FTA will eliminate trade barriers, lower tariffs, and provide increased market access for U.S. companies. By knocking down trade barriers in Morocco and in the rest of the world, we can help support even more American jobs. In fact, the International Trade Commission estimates that trade between our countries should double once this agreement is implemented.

This is a strong agreement for all sectors of the U.S. economy. Under its terms, over 95 percent of U.S. exports of consumer and industrial goods to Morocco will become duty free immediately. This follows the high standards set by recently passed trade agreements with Singapore, Chile, and Australia. This is important for U.S. manufacturers.

This is also a strong agreement for the services sector of our economy, whether it be telecommunications, e-commerce for digital commerce, or new opportunities for U.S. financial institutions. The agreement also contains state-of-the-art intellectual property provisions, including commitments in trademarks, copyrights and patents, as well as tough penalties for piracy and counterfeiting. Taken together, these provisions continue a trade policy that best helps U.S. business compete in a global marketplace.

Mr. Speaker, the Farm Bureau strongly supports this agreement, which covers all agricultural products, because for every $1 in increased imports from Morocco, U.S. farmers can expect $10 in increased exports to Morocco. In 2003, the United States had a trade surplus in agricultural products with Morocco of about $82 million, with exports of over $152 million. The Farm Bureau estimates that this agreement could increase U.S. agricultural exports to over $450 million by 2015, tripling our current exports. Furthermore, because Morocco's agreement with the European Union does not include agriculture, this FTA should give American farmers a competitive advantage over our EU counterparts.

Some have questioned whether labor laws in Morocco are adequate. To that end, I would like to point out that the U.S.-Morocco FTA, like all of our trade agreements, requires Morocco to enforce domestic labor laws in accordance with the bipartisan guidance provided by the Congress in Trade Promotion Authority.

Furthermore, in anticipation of a U.S.-Morocco FTA, the Moroccan government, business community, and labor force, working together in a tripartite manner, found consensus in passing a comprehensive new labor law earlier this year that is consistent with ILO standards. Accordingly, the agreement language creating an obligation to effectively enforce one's laws is, in essence, the same as an enforceable ILO standard in this agreement. I, for one, applaud Morocco for its efforts in overhauling its labor laws in anticipation of completing this important trade agreement.

Some on the other side, including the Subcommittee on Trade ranking member, the gentleman from Michigan (Mr. LEVIN), and the Committee on Ways and Means ranking member, the gentleman from New York (Mr. RANGEL), have raised thoughtful questions with regard to various provisions contained in this agreement. I think we have worked well together to address these concerns, and I am pleased that we have their support. While we may continue to disagree on certain issues, there is a lot of common ground from which to work, and I look forward to continuing to work with them to pass important trade agreements.

Unfortunately, I am sure that a small group on the other side who do oppose free trade may come to the House floor today and argue that this agreement is inadequate in certain respects.

I would ask my colleagues to not be fooled by this rhetoric, which we hear every time when we contemplate trade agreements. We heard it last week during debate on our Australian Free Trade Agreement, a country with which we have a $9 billion trade surplus; we heard it during debate 1 year ago regarding Chile and Singapore; and I am sure we will hear it today with regard to Morocco, a country with which we have a trade surplus.

Please do not be fooled. This discomfort has less to do with the provisions of this agreement than it does their dislike of free trade generally.

Mr. Speaker, the vast majority of Members on both sides of the aisle think differently. The American people know that millions of American jobs are dependent upon free trade. U.S. products exported to Morocco currently face an average tariff of more than 20 percent. This FTA will give American businesses exporting to Morocco a leg up to compete as they compete with the European Union. That means better, higher-paying jobs here at home. Perhaps that is why the U.S.-Morocco FTA passed the Committee on Ways and Means by a 26 to 0 vote on Tuesday and passed the Senate by an overwhelming vote of 85 to 13 yesterday. I look forward to another strong, bipartisan vote today.

Mr. Speaker, I would like to emphasize my strong support for this agreement and my appreciation to the administration and Members on both sides of the aisle for their efforts in completing it.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. CRANE) and ask unanimous consent that he control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the Jordan Free Trade Agreement passed in the last year of the Clinton administration represented a step forward in free trade policy, recent free trade agreements provide a template to purposely and purposefully circumvent labor and environmental laws.

To make matters worse, USTR and its pharmaceutical allies are now including language in each trade agreement in front of this body to ban reimportation in all agreements they negotiate. The Morocco Free Trade Agreement is the latest example of this trade, we call it, devolution.

Last week we voted on the U.S.-Australia FTA. While Australian workers, to be sure, enjoy the benefits of good labor laws and the enforcement of those laws, the precedent was the same. Labor and environmental protections were given short shrift in the core text of the agreement, while USTR focused on ensuring the gold standard for the pharmaceutical industry.

It is almost as if the U.S. Government dispatched the USTR again to protect the big drug companies in this country. It is no surprise, with the rest of the record in this body and in this administration in protecting the drug companies on every single issue possible.

But Morocco is not Australia, and I have significant concerns about labor and working conditions there. Like Singapore and Chile, the labor provisions in the Morocco FTA are intentionally unenforceable. Violations of core labor standards cannot be taken to dispute resolution. The commitment to enforce domestic labor laws is subject to remedies weaker than those available for commercial disputes. Again, the commercial part of the agreement is always better, if you will, than the labor part of the agreement, because of this body's and this administration's low regard for worker rights.

This violates the negotiating objective of Fast Track that equivalent remedies should exist for all parts of the agreement.

Further, the "enforce your own laws" standard allows countries the opportunity to rewrite and weaken their labor laws to attract investment and seems to be a magnet for corporate interests all over the world to lobby those legislatures and those congresses and parliaments to weaken their own labor law, because they are not international labor organization standards.

Today we will vote on the U.S.-Morocco Free Trade Agreement containing the same flawed policies on labor and on the environment and on reimportation. The same provisions in Morocco are in the Central America Free Trade Agreement. This agreement does not look much different from CAFTA. So for those of you, and I think it is pretty clear a majority of the Bush administration would have brought that agreement up this summer, those of you voting "no" on CAFTA, you are really voting for a pretty similar agreement on Morocco.

Every free trade template brought before this House is, as Yogi Berra used to say, like deja vu all over again.

First, the Medicare bill passed this year specifically prohibited the U.S. Government from negotiating lower drug prices for America's seniors and consumers. That was one this Congress and this Bush administration gave to the drug industry. Then the pharmaceutical industry punished American consumers by restricting the volume of drug inventories in Canada to prevent importation to the U.S. Then the U.S. Trade Representative and the administration included language in the Australia Free Trade Agreement that enables pharmaceutical companies to prevent prescription drug reimportation to the detriment of American consumers. Again, another bouquet from this Congress and the Bush administration to the drug industry.

I do not think the connection is anything but obvious when you look at the amount of money the drug industry has given to the Republican Party, given to Republican leadership, and given to President Bush.

Now similar provisions contained in last year's Singapore FTA and in the upcoming CAFTA are in the Morocco FTA bill that will be voted on. Though Morocco is not on the list of countries today covered by pending drug legislation, the importation provisions in this FTA prove this is a precedent, it was in Australia, now it is in this, that the USTR plans to extends this to all future trade agreements.

There is broad support in this House, there is even broader support among seniors and among consumers, because they are not getting campaign contributions from the drug industry, for lowering drug prices and for allowing Americans to purchase safe, affordable drugs from other developed nations.

I urge my colleagues to oppose the administration's back-door effort again to close drug reimportation through trade negotiations. It is important to overcome attempts by free trade proponents to reduce this debate to a choice between free trade and no trade, and frame the discussion around priorities affected by irresponsible trade policy, labor protections, the environment, and affordable pharmaceutical access for all nations.

This is not a debate on whether one supports trade; this is a debate on whether one supports responsible trade. I urge my colleagues to oppose this irresponsible trade agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, concerns about the consistency of any future drug reimportation provisions with this free trade agreement are hypothetical. The agreement has no force under U.S. law except to the extent that Congress passes an implementing bill to change U.S. law.

□ 1630

Thus, even if Congress changes U.S. law and the new law were somehow inconsistent with the agreement, that new law would trump the agreement. The agreement cannot prevent Congress from allowing drug reimportation.

The drug reimportation debate in Congress has focused on changes to the Federal Food, Drug and Cosmetic Act that would be necessary to allow drug reimportation, such as changing its provision that only the original manufacturer may reimport a drug. There is nothing in the Morocco FTA or the implementing bill that addresses the Federal Food, Drug and Cosmetic Act for this requirement.

Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of the United States-Morocco Free Trade Agreement pending before us here in this Chamber today.

This agreement will provide 95 percent of consumer and industrial products in bilateral trade become duty-free immediately upon entering into this important, historic agreement.

The chairman has already indicated that the Senate has passed this bill and it will go right from this Chamber to the President's desk for signature.

I strongly concur with Ambassador Bob Zoellick when he stated, "Our agreement with Morocco is not just a single announcement, but a vital step in creating a mosaic of United States free trade agreements across the Middle East and North Africa."

This agreement sends a strong message to this particular region of the world. This agreement enables fair and free trade between long-standing allies. In fact, Morocco and the United States signed a Treaty of Peace and Friendship in 1786. The Kingdom has continuously provided military and diplomatic support for United States foreign operations, and this partnership is solid and it is respected.

I congratulate President Bush and his Majesty, King Mohammed VI, on this historic Free Trade Agreement.

I would like to point out to the gentleman on the other side of the aisle that was speaking about prescription drugs and associate myself with the remarks of the chairman concerning this matter, this House has passed now on two occasions a bill that said that if the Food and Drug Administration can certify that drugs from various countries, namely Canada, are what they are and they are pure and they are not counterfeit, that they can be imported. Under the Clinton administration they said they could not certify that. Under the Bush administration they said they cannot certify that. I think clearly we are going in that direction, but that has absolutely nothing to do with the bill that is before us.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, this trade agreement that we are considering today contains provisions that essentially mimic the Digital Millennium Copyright Act, a law that is currently being litigated and whose scope is as yet unclear. The DMCA, while intended to protect the interests of copyright holders, may also endanger the rights and expectations of consumers.

There is substantial reason to believe that the DMCA is having an adverse impact on technological innovation. There are a lot of cases on appeal, and I think ultimately this body is going to have to sort through the DMCA so that we do not kill and stifle technological innovation.

The FCC is now based on the DMCA, asserting the right to preapprove every product that moves data in the United States. It sounds a little bit like the old Stalinist regime. I think we are going to have to revisit that, and I am concerned about the provisions in this act.

However, I have been reassured by the Trade Representative as well as the Secretary of Commerce that the insertion of this provision in these types of trade agreements will not prevent the Congress from doing what ultimately we are going to have to do, which is to stop the technological stranglehold that we have placed on that sector of the economy, such as TiVo that we read about today, which the FCC is now asserting that they get to decide what TiVo gets to innovate.

So based on those representations, I am going to certainly vote for this agreement today. Certainly, my district in the heart of the Silicon Valley needs to export, especially at a time when 35 percent of the households say someone in their home has been out of work for more than 3 months since January of 2001, when Mr. Bush became President.

At the same time, I call on Congress to show some leadership to the rest of the world by amending the DMCA to make sure that we protect the rights of copyright holders, but that we also do not stifle innovation.

Mr. Speaker, I will insert into the RECORD the letters from the Trade Representative, the Secretary of Commerce, and an article I have written on this subject.

Executive Office of the President, The United States Trade Representative,
Washington, DC, June 17, 2003.

Hon. Zoe Lofgren,
House of Representatives,
Washington, DC.

Dear Congresswoman Lofgren: Thank you for your recent letter regarding the Singapore and Chile Free Trade Agreements, specifically the provisions that reflect the U.S. Digital Millennium Copyright Act (DMCA). I am pleased that my staff had the opportunity to brief you on our FTA negotiations, including on the provisions that address copyright protection in the digital age. I would like to address your remaining concerns.

In the Trade Act of 2002, Congress mandated that we seek provisions that reflect a standard of protection similar to that found in U.S. law and that provide strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property. To that end, we have included provisions in our FTAs that reflect the historic and precedent setting standards for intellectual property protection set forth in the DMCA. We firmly believe that this legislation is evidence of Congressional leadership internationally and should be a model for how governments strike the correct balance between copyright holders and the interests of society in the digital age.

Our FTA provisions that reflect the DMCA were developed in close consultation with the same major domestic stakeholders that worked with Congress to forge the balance in the DMCA. As you may be aware, these groups have recently reiterated their support for our FTAs to Members of Congress and to me. While reflecting the balance in the DMCA, our FTA provisions merely distill the key principles of U.S. legislation; they do not replicate every detail. This is the approach we take throughout the text of the Agreement when reflecting U.S. standards. We take this approach, in part, because we recognize and support, as with all provisions of U.S. law, the Congressional prerogative to adopt further amendments as may be deemed appropriate in the future.

I fully understand that the DMCA has stimulated a vigorous debate in America as well as in Congress and that there are legislative proposals to amend the DMCA to address what may be unintended consequences arising from its implementation. Although at this time there does not appear to be widespread support in Congress, or the national community at large, for substantially revising the existing, fundamental balance struck by the DMCA, we are quite confident that our FTA provisions are sufficiently broad to encompass amendments that Congress may adopt in the future that remain within the overall balance struck in the DMCA. Moreover, the DMCA itself provides for a periodic administrative rule-making procedure to review the effect of the DMCA on users' ability to make certain non-infringing uses and to create additional exemptions to allow for such uses—a carve-out echoed in the FTA provisions.

As I believe my staff clarified during their briefing, we have not had the opportunity to examine H.R. 1066 and H.R. 107 in detail and have not opined on the extent to which these proposals are consistent with our FTAs. What my staff did indicate, which I want to reiterate here, is that the Administration has sought to reflect faithfully a standard of protection for intellectual property similar to that contained in U.S. law as instructed by Congress, but in no way to require a change in U.S. law. Legislative proposals that do not fundamentally alter the existing overall balance struck in U.S. law, and that comply with all existing international obligations regarding intellectual property, will also comply with our FTAs.

I hope this information is helpful to you.

Sincerely,

Robert B. Zoellick.

The Secretary of Commerce,
Washington, DC, June 5, 2003.

Hon. Zoe Lofgren,
House of Representatives,
Washington, DC.

Dear Representative Lofgren: Thank you for your letter expressing your concerns regarding the Singapore and Chile Free Trade Agreements (FTAs). One of the important negotiating objectives of these agreements was to encourage our trading partners to provide for strong protection and enforcement of intellectual property rights, which is especially important in the modern digital trade environment.

Although many of our trading partners already belong to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, the World Intellectual Property Organization (WIPO) Copyright Treaty, and the WIPO Performances and Phonograms Treaty, FTAs build on that foundation. The Singapore and Chile FTAs will ensure that authors and owners of copyrighted works made available in digital form receive commensurate protection, thereby strengthening trade relations with these countries. They also provide a framework of certainty around which companies can begin to build legitimate businesses for the enjoyment of creative works.

I also would like to take the opportunity to respond to specific issues raised in your letter. You expressed concern that the incorporation of provisions based on the Digital Millennium copyright Act (DMCA) in the Singapore and Chile FTAs may have an adverse impact on technological innovation. I believe, however, that strong protection and enforcement of intellectual property rights in FTAs facilitate the expansion of trade and investment in digital technologies and products, thereby advancing the interests of all parties to the FTAs.

You also expressed concern about the balance of interests reflected in both the DMCA and the Singapore and Chile FTAs. As you are aware, in enacting the DMCA, Congress worked hard to achieve a balance among the various groups with interests in the legislation, including copyright owners, users, and Internet service providers, that also met the international obligations set forth in the WIPO treaties. That balance is reflected in the Singapore and Chile FTAs. If the Congress amends the DMCA in the future, the FTAs should then be reviewed for consistency with the amended DMCA.

I believe that the U.S. free trade agreements with Singapore and Chile are milestones in progress toward strong protection and enforcement of intellectual property rights protection for the digital age. I hope that my comments have helped you to decide in favor of supporting the Singapore and Chile FTAs.

If you have any further questions, please feel free to contact me or Brenda Becker, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482–3662.

Sincerely,

Donald L. Evans.

[From San Jose Mercury News, Nov. 17, 2003.]

FCC Rule Could Harm Tech Innovation

(By Zoe Lofgren)

The Federal Communications Commission recently gave itself unprecedented powers to keep new television sets, digital video recorders, handheld devices, third-generation cell phones and even computers out of the hands of American consumers.

How? The FCC issued new rules on the so-called "broadcast flag," a proposal first put forth by the Motion Picture Association of America purportedly to encourage broadcasters to offer more digital programming.

The broadcast flag is a single bit of data added to the digital television shows beamed out across the country. By itself, the bit does nothing. Instead, the meat of the new rule requires every future device capable of playing these shows to recognize the flag and include built-in technologies that prevent them from being pirated.

But here's the kicker. Under the new rules, the FCC gets to decide if a particular technology provides sufficient protection. If you're not on the FCC's pre-approved list, you can't sell your product.

So what does this mean to you and me? It could mean that future consumer electronics and computing products will never come to market. In our digital world, the FCC is not only targeting television sets. Computers, DVRs and handheld devices can handle flagged content. Indeed, any future device capable of handling digital content could potentially be covered.

Do we want the FCC wielding veto power over a new Apple computer, Palm handheld or Motorola cell phone? Of course not. This country's technological leadership is rooted in our ability to quickly adapt and innovate, words that are not often used to describe the federal government.

The FCC's plan sounds a little like the old Soviet Union. And we know how well centralized state control worked for them. That's why Congress never gave the FCC the power to dictate the design of new computers or consumer electronics devices.

In fact, in the Digital Millennium Copyright Act, Congress specifically disavowed such mandates. Apparently, the FCC never got the message. Instead, the FCC believes that its ancillary authority over broadcasting extends to every product that brushes up against digital television. To justify their absurd conclusion, the commissioners even argue that they have the authority to regulate these industries because Congress never said they couldn't.

The main problem with this or any other government mandate is that they are rooted in the present. It is impossible to predict where American ingenuity will take us. We should do everything we can to foster this ingenuity, not put up roadblocks that will only place our inventors at a competitive disadvantage.

The FCC's attempt to become the self-anointed gatekeeper to future innovation will undoubtedly benefit the small consortium of companies with approved technologies. But it will also diminish the incentive to bring new technologies to market, hurt consumers who have bought pre-flag devices, and set a dangerous precedent for government mandates on technology.

That's not to say that the broadcast flag proposal should not be discussed. If Congress, not the FCC, decides that the broadcast flag is necessary, then it should examine ways to implement the flag without stifling innovation and competition. For example, voluntary, non-proprietary standards that preserve interoperability could be set by international non-governmental bodies.

The real goal should not be to slow down innovation, but to find ways for broadcasters to get paid when they deserve payment.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), who is cochair of the Morocco Caucus.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today we are considering landmark legislation to implement the U.S.-Morocco Free Trade Agreement, and delve deeper into the bonds of friendship with the Kingdom of Morocco. Just 4 days ago, we marked exactly 217 years of official relations with Morocco, the longest unbroken diplomatic relationship in the existence of the United States. While the furthering of our positive ties with Morocco is certainly an important goal, this FTA really stands on its own as a benefit to our economy.

The U.S.-Morocco Free Trade Agreement was negotiated over a period of a year and a half and, once implemented, will be truly a win-win for both of our countries. This is, in my view, an FTA which contains the best market access package of any FTA that has been negotiated with a developing country.

I believe it has the potential to serve as a model for future free trade agreements with developing countries, particularly because of tough provisions to enforce intellectual property rights. The Morocco Free Trade Agreement contains the most advanced intellectual property chapter in any FTA negotiated thus far. It contains language that not only commits Morocco to fight piracy, but to fight piracy on products that are potentially coming through as transshipment.

Morocco is a natural market for many American companies, and a Free Trade Agreement will bring both countries closer together for mutual benefit.

The International Trade Commission has also determined that U.S. exports to Morocco are likely to increase dramatically, by $740 million, while imports from Morocco are likely to increase by nearly $200 million after full implementation of the Free Trade Agreement.

The major reason for the anticipated increase in U.S. exports is due to the fact that on day one of this agreement, 95 percent of tariffs on industrial and consumer goods will be eliminated. Morocco has demonstrated consistently its commitment to being a fair and responsible trading partner. They have taken steps to guarantee the security of foreign investment in Morocco, and have enacted sweeping labor laws to protect their workers and to improve women's rights. These negotiations were a catalyst for Morocco moving forward with a modernizing labor code.

Moreover, workers in Morocco have the right to associate, collectively bargain, and to strike. The new labor law also improved worker safety, raised the minimum wage, and created additional safeguards on child labor, all core obligations of the U.S.-Morocco Free Trade Agreement, including labor and environmental provisions, which are subject to the dispute settlement provisions of the agreement, and the agreement includes strong enforcement mechanisms, including the ability to suspend trade concessions or establish monetary assessments.

This agreement deepens America's dialogue with the Middle East and North Africa, and builds upon the free trade agreements already reached with Israel and Jordan.

The U.S.-Morocco Free Trade Agreement, in my view, is an essential part of the puzzle in moving forward to strengthen our trade relationships with our trading partners, establish stronger, more enforceable trade agreements, and establish over time a level playing field in which American companies and American workers can thrive.

Mr. Speaker, I believe the passage of this FTA will be a significant achievement in moving toward a stronger trade policy for the United States, and on the strength of that, I urge all of my colleagues to join me in supporting this FTA.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank my friend from Ohio for yielding me this time.

Let me begin by saying I am prepared to yield time to any proponent of this bill who can tell me what the minimum wage is in Morocco. I heard that it has gone up. What is it, 20 cents an hour, 30 cents an hour? What is the minimum wage in Morocco?

I am prepared to yield time if anyone who is supporting this bill will tell me if Morocco is a democratic society. We heard about workers' rights. My understanding is that it is an hereditary monarchy where the legislature there could be abolished at any time by the King. Does anybody want to respond to that? I am waiting. I hear no response.

A few minutes ago, Mr. Speaker, we were told that gay marriage was going to destroy the fabric of American society. Well, I will tell my colleagues what is going to destroy the fabric of American society: pieces of legislation like this that are wiping out the middle class of this country, are lowering our standard of living, are making the gap between the rich and the poor grow wider.

I would yield again to my friends who are pushing this bill if they will tell me whether they agree with Thomas Donohue, the President of the U.S. Chamber of Commerce, who several weeks ago urged, urged American companies to outsource, urged American companies to throw our workers out on the street and go to China or Morocco.

Will any proponents of this legislation tell me that they disagree with Mr. Donohue? I yield time to anybody who says they disagree with Mr. Donohue, the chairman of the Chamber of Commerce. I do not hear it.

In other words, the proponents of this bill are telling us that they think it is a good idea that Americans workers are thrown out on the street, lose decent paying jobs, and are forced to compete in a race to the bottom against desperate people all over the world who are working for pennies an hour.

Mr. Speaker, what is happening in our society today is that while productivity increases, while technology expands, the reality is that the middle class is shrinking and the average American worker is working longer hours for lower wages. There are a lot of reasons for that, but certainly one of the reasons is that our working class, our middle class is being asked to compete against desperate people in Morocco, in China, all over this world. And American corporations are saying, why should I pay an American worker $10, $15 an hour, have unions, protect the environment, when I can go to Morocco, I can go to China, and big money interests in this country, with the help of the Republican leadership, is going to make it easier for me to go abroad.

What is happening to this economy is an outrage in terms of the needs of our kids. The U.S. Department of Labor has projected that 7 out of the 10 fastest-growing jobs in the next 10 years are going to pay low wages, require a high school degree, with minimal benefits. We are losing our manufacturing base. In the last 3 years, 2.7 million good-paying manufacturing jobs gone. Now they are taking our information technology jobs to India. Gone. And what is going to be left for our kids? Well, Wal-Mart is doing very well; Burger King is doing very well. Is that what we want for our kids? Why are we selling out the middle class of this country? Why are we allowing corporate America to go abroad?

Well, I would suggest that we should look at the campaign contributions that come in to this institution from corporate America. No, let us have trade that is fair, not this trade agreement.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

The new Morocco labor law is a significant improvement over existing labor laws and regulations. The law raises the minimum employment age from 12 to 15 to combat child labor, reduces the work week from 48 to 44 hours with overtime rates payable for additional hours, and calls for a periodic review of the Moroccan minimum wage.

□ 1645

Effective July 1, 2004, the minimum wage in Morocco will increase by 10 percent. Morocco did this to make itself a more attractive FTA partner.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I thank the chairman for yielding me the time and for his leadership on this issue.

I hope the American public was listening carefully to our friend and colleague from Vermont. What he said was what tears apart the fabric of America is to allow our farmers to sell more of their corn to Morocco. He made the point that our farmers who are trying to sell more corn to Morocco, because they buy a lot of it, our farmers who grow wheat and sell more of it will sell more of it to Morocco, that that is bad for America, that companies in Texas, from workers, from petro chemical plants, our computer manufacturing plants, our chemical plants, hard-working workers who are trying to build more products to sell overseas to Morocco, that this will tear apart the fabric of America.

I think it is just the opposite. The problem we have is that there are too many American-need-not-apply signs around this world. We are not able to sell our products and our goods and our services across the world. American workers are the most productive. Our products are great. We need a chance to sell them to customers throughout the world, and what this agreement does is make sure that we are given a fair chance to sell the great products that we build.

In Texas we are the fourth largest exporting State to Morocco, $23 million of goods and services: ag products, petroleum products, chemical products, processed foods, computers and electronics. All made by Texas workers who want to sell their products overseas, but we are blocked. This agreement opens those markets for all workers, because that is their future, to sell more products to whoever can afford to do that.

And as Americans, we know that unless we open these markets, if we just agree to sell to ourselves, to allow Europe to sell to these markets, Asia to sell to these markets, South America to sell to these markets, our prosperity is in danger. This is a great agreement for American workers, and I strongly support it.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Passage of this agreement stands to greatly benefit the United States of America, which enjoys a consistent yearly trade surplus with Morocco, totaling over $1.5 billion from 1992 to 2003. This agreement is a high-standard, comprehensive one that will eliminate tariff and nontariff barriers to trade.

In fact, the agreement represents the best industrial and consumer goods market access package of any U.S. FTA with a developing nation. The agreement also levels the playing field for U.S. businesses, farmers, and workers vis-a-vis European competitors, who have for far too long enjoyed a competitive advantage over the United States suppliers of goods, services, and agricultural products. The agreement will also serve as a key building block toward the establishment of a broader Middle East free trade area.

Through this FTA, Morocco also sets an important example throughout the developing world of the benefits of trade liberalization and strategic importance of high-standard rules that should govern trade. In this respect, the FTA includes the best of intellectual property rights protections negotiated to date by the United States.

In addition, the Moroccan government has used the FTA negotiating process to strengthen its own laws, particularly with respect to the status of women and labor rights, two measures which distinguish Morocco from many of its Arab neighbors.

Finally, this FTA is historic. It is a historic milestone in the United States and Morocco bilateral relationship, which began well over 200 years ago, where Morocco was the first country to recognize the newly independent United States of America. Morocco today remains one of the United States' closest political allies in the war against terror and a steadfast friend in advancing peace in the Middle East.

And it is for these reasons I urge all of my colleagues to support the U.S.-Morocco Free Trade Agreement. This is a solid agreement that promotes our commercial interests and contains important provisions on agriculture, labor, and intellectual property.

Mr. CRANE. Mr. Speaker, let me first congratulate the former speaker for his presentation and what he had to say.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation. I thank the chairman for yielding me time.

There are a number of economic reasons why this FTA is very much in the national interest of the United States, but I want to focus a few comments on the diplomatic or foreign policy reasons. The FTA with Morocco is in our Nation's interest because it will begin to implement the President's vision for a U.S.-Middle East free trade area. I also believe it is important to support the economic reform that is going on in Morocco, a nation where Islam has deep roots and which occupies a leadership position in the Arab world.

As mentioned frequently here, American friendship in Morocco extends back to the beginning of our Republic. We have the longest-standing friendship treaty with that country of any in the world. The enactment of the FTA legislation with Morocco is a vitally important part of the process of boosting economic reform inside the Kingdom of Morocco. In addition, this FTA helps further link the Middle East into the global economic system and spur economic growth and investment. These closer commercial links with our key allies such as Morocco are critically important to the region of the world. And hear this: this legislation makes it less likely, less likely that jobs and businesses will move to Morocco, not more likely.

It is also vital to point out that Morocco has recently undertaken a diplomatic offensive designed to improve its relations with its neighbors to settle a 3-decade-old Saharan conflict. It is also stepping up its antiterrorism cooperation with the U.S. and with Algeria. And recently, it was designated as a major non-NATO ally. That should enable it to get the requisite assistance and cooperation to strengthen our regional and bilateral relationship.

Mr. Speaker, for economic or export reasons, there are three primary reasons why this is a good step for us. This

FTA is in the best agriculture interest of the United States. Number two, the FTA will give us market access for businesses. And, three, it meets the labor and environmental standards set out in the Trade Promotion Act.

In the area of agriculture, it means, for example, that we are going to have an estimated triple increase in our exports to Morocco. In the area of industrial products, it is suggested that our greater market access will be very important. More than 95 percent of the bilateral trade industrial products will become duty-free immediately upon entry into force of this agreement. And in the third area, as I mentioned, it does meet the labor and environmental standards.

Moreover, Morocco recently passed a comprehensive new labor law that meets international labor organizational core labor standards, including right of workers to strike.

In conclusion, this is a very good step for the United States. It is very good for our bilateral relations, and I would say finally that the Mediterranean Group of the NATO Parliamentary Assembly, I happen to be the president, recently visited Morocco, and as a result of that visit, by unanimous action in the standing committee, we decided to upgrade Morocco from observer status to an associate member status because of the significant progress they are making in democracy in their parliament.

For all of these reasons, I urge strong support of the legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, here we go again contemplating the passage of another free trade agreement before we have done the basic reforms that we need to do to protect the American company, the American workers, the American community.

The truth is we need a moratorium on any further trade agreements until we reach a political consensus in this country about what those agreements are going to be like.

For example, there is such inconsistency in the decisions we make in this body. Are people aware that we cannot go visit Cuba as free American citizens? And the administration has just recently decided that those who live in this country with relatives in Cuba can only go there every 10 years to visit their loved ones. Why? Well, because Cuba is a communist country. Fidel Castro is an authoritarian dictator. And, yet, we are encouraging free trade with China. We want our citizens to travel to China. We want our companies to invest in China.

The last time I knew or heard, China was a communist country, it was authoritarian, it was a country that routinely violates human rights, puts those of religious faith in prison. Why the inconsistency? Why the inconsistency?

Now, my friends talk about how we are going to sell all of the wheat, agricultural products to Morocco. Those who like these free trade agreements enjoy talking about all of the products we are going to export. They never talk about all the products that are being flooded, poured into this country. Every day that passes, this country has a $1.5 billion trade deficit, every day, $1.5 billion.

I have here a copy of the economic report of the President. He submitted this and transmitted it to Congress in February of this year. His signature is on this economic report. I think that makes him responsible for what is inside it.

On page 25 of that report under a section titled "International Trade and Finance" are these words: "When a good or a service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically."

I read it again for those who may have thought they were unable to believe their ears. In the President's economic report to the Nation are these words: "When a good or a service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically."

I ask Mr. Don Evans, Secretary of Commerce, reported to be one of the President's closest personal friends, if he would give me a list of the products that cannot be produced at lower cost in another country, a country like China where they use slave labor, where they violate human rights. We need to wake up in this country. The American people need to demand that the President and those of us who serve in this Chamber put their needs first.

Mr. CRANE. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PITTS) for the purpose of engaging in a colloquy.

Mr. PITTS. Mr. Speaker, I would like to thank the gentleman from California (Chairman THOMAS) as well for his leadership on the U.S.-Morocco Free Trade Agreement. I am a free trader and believe that free trade helps our Nation and the nations of the world. However, I am deeply concerned about the issue of Western Sahara, and I have had concerns that the U.S. needed to make clear that this free trade agreement covers only the internationally- and the U.S.-recognized borders of Morocco and does not include the disputed territory of Western Sahara. It is my understanding that the language in the conference report makes clear that the free trade agreement does not cover resources, goods, services, or any other entity related to trade that originates in Western Sahara.

I would ask the gentleman, does the U.S.-Morocco Free Trade Agreement cover trade with the disputed territory of Western Sahara?

□ 1700

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. PITTS. I yield to the gentleman from Illinois.

Mr. CRANE. The Committee on Ways and Means' report states the clear coverage of the free trade agreement. "The committee notes that the FTA will cover trade with and investment in the territory of Morocco as recognized by the United States, which does not include the Western Sahara."

Mr. PITTS. I thank the chairman for that clarification.

The following is a letter from USTR making clear that we do not support Morocco's claim over the Western Sahara and the FTA does not recognize or include the Western Sahara.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, July 20, 2004.

Hon. JOSEPH R. PITTS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN PITTS: Thank you for your letter of July 19, 2004, concerning our Free Trade Agreement (FTA) with Morocco and the status of Western Sahara.

The Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute, and the United States fully supports the United Nations' effort to resolve this issue. The United States and many other countries do not recognize Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means.

The FTA will cover trade and investment in the territory of Morocco as recognized internationally, and will not include Western Sahara. As our Harmonized Tariff Schedule makes clear, for U.S. Customs purposes, the United States treats imports from Western Sahara and Morocco differently. Nothing in the FTA will require us to change this practice. The Administration will draft the proclamation authorized in the legislation implementing the FTA (H.R. 4842) to provide preferential tariff treatment for goods from the territory of Morocco. Preferential tariff treatment will not be provided to goods from Western Sahara.

I hope this letter addresses your question regarding the FTA and the status of Western Sahara. I encourage you to support the FTA. It will create economic opportunities for U.S. manufacturing and service firms, workers, and farmers, and will support economic reforms and foreign investment in Morocco.

Thank you again for your letter. Please feel free to contact me should you have further questions.

Sincerely,

ROBERT B. ZOELLICK.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, thank you for your leadership.

While trade is a vital component to strengthening with the greater Middle East, promoting the spread of democracy is even more so. The Sahrawi are a peaceful pro-Western, pro-democracy people. They want the international community, including the U.N. Security Council and the United States, to uphold its commitment to a free and transparent referendum for self-determination, and it is unacceptable that Morocco has been allowed to prevent that vote from taking place.

During his tenure the former Secretary of State Baker proposed a plan that both parties accepted at first, and the Moroccans accepted the plan, but as soon as the people of Western Sahara accepted they withdrew their support, and I am deeply concerned that the Moroccan government, as patterned, will use this agreement with help from friends in France and others to attempt to increase its exploitation of the resources.

I just want to clarify the statement about the people of Western Sahara. Earlier today someone said that the Sahrawis are terrorists. I take exception to this remark, as the people of Western Sahara, and like many others in North Africa and the Middle East, have actually tried to peacefully solve the conflict. The State Department does not consider the people of Western Sahara to be terrorists. It is a misstatement. It is wrong. It is unproductive in our fight against terrorism to suggest that they are, and our own State Department does not believe the people of Western Sahara are terrorists.

Secondly, I visited there. I visited the refugee camps. I know the people. They are not terrorists. Members of this House should go to the refugee camps. They should see the terrible malnutrition of the people, the lack of health care, the refugee camps. If they would visit the refugee camps they would know that the information fed to them by supporters is inaccurate.

Mr. Chairman, I am voting for the FTA because there is protection for the people and resources of Western Sahara and because I believe the free trade will help the people of Morocco and those of surrounding countries.

The following is a series of items that would make clear that this agreement should not be abused by Morocco to profit off of land that it has no legitimate claim to.

WESTERN SAHARA—ADVISORY OPINION OF 16 OCTOBER 1975

INTERNATIONAL COURT OF JUSTICE

In its Advisory Opinion which the General Assembly of the United Nations had requested on two questions concerning Western Sahara, the Court,

With regard to Question I, "Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (terra nullius)?",

—decided by 13 votes to 3 to comply with the request for an advisory opinion;

—was unanimously of opinion that Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain was not a territory belonging to no one (terra nullius).

With regard to Question II, "What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?", the Court

—decided by 14 votes to 2 to comply with the request for an advisory opinion;

—was of opinion, by 14 votes to 2, that there were legal ties between this territory and the Kingdom of Morocco of the kinds indicated in the penultimate paragraph of the Advisory Opinion;

—was of opinion, by 15 votes to 1, that there were legal ties between this territory and the Mauritanian entity of the kinds indicated in the penultimate paragraph of the Advisory Opinion.

The penultimate paragraph of the Advisory Opinion was to the effect that:

The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.

For these proceedings the Court was composed as follows: President Lachs; Vice-President Ammoun; Judges Forster, Gros, Bengzon, Petrén, Onyeama, Dillard, Ignacio-Pinto, de Castro, Morozov, Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and Ruda; Judge ad hoc Boni.

Judges Gros, Ignacio-Pinto and Nagendra Singh appended declarations to the Advisory Opinion; Vice-President Ammoun and Judges Forster, Petrén, Dillard, de Castro and Boni appended separate opinions, and Judge Ruda a dissenting opinion.

In these declarations and opinions the judges concerned make clear and explain their positions.

Course of the Proceedings
(paras. 1–13 of Advisory Opinion)

The Court first recalls that the General Assembly of the United Nations decided to submit two questions for the Court's advisory opinion by resolution 3292 (XXIX) adopted on 13 December 1974 and received in the Registry on 21 December. It retraces the subsequent steps in the proceedings, including the transmission of a dossier of documents by the Secretary-General of the United Nations (Statute, Art. 65, para. 2) and the presentation of written statements or letters and/or oral statements by 14 States, including Algeria, Mauritania, Morocco, Spain and Zaire (Statute, Art. 66).

Mauritania and Morocco each asked to be authorized to choose a judge ad hoc to sit in the proceedings. By an Order of 22 May 1975 (I.C.J. Reports 1975, p. 6), the Court found that Morocco was entitled under Articles 31 and 68 of the Statute and Article 89 of the Rules of Court to choose a person to sit as judge ad hoc, but that, in the case of Mauritania, the conditions for the application of those Articles had not been satisfied. At the same time the Court stated that those conclusions in no way prejudged its views with regard to the questions referred to it or any other question which might fall to be decided, including those of its competence to give an advisory opinion and the propriety of exercising that competence.

Competence of the Court
(paras. 14–22 of Advisory Opinion)

Under Article 65, paragraph 1, of the Statute, the Court may give an advisory opinion on any legal question at the request of any duly authorized body. The Court notes that the General Assembly of the United Nations is suitably authorized by Article 96, paragraph 1, of the Charter and that the two questions submitted are framed in terms of law and raise problems of international law. They are in principle questions of a legal character, even if they also embody questions of fact, and even if they do not call upon the Court to pronounce on existing rights and obligations. The Court is accordingly competent to entertain the request.

Propriety of Giving an Advisory Opinion
(paras. 23–74 of Advisory Opinion)

Spain put forward objections which in its view would render the giving of an opinion incompatible with the Court's judicial character. It referred in the first place to the fact that it had not given its consent to the Court's adjudicating upon the questions submitted. It maintained (a) that the subject of the questions was substantially identical to that of a dispute concerning Western Sahara which Morocco, in September 1974, had invited it to submit jointly to the Court, a proposal which it had refused: the advisory jurisdiction was therefore being used to circumvent the principle that the Court has no jurisdiction to settle a dispute without the consent of the parties; (b) that the case involved a dispute concerning the attribution of territorial sovereignty over Western Sahara and that the consent of States was always necessary for the adjudication of such disputes; (c) that in the circumstances of the case the Court could not fulfill the requirements of good administration of justice with regard to the determination of the facts. The Court considers (a) that the General Assembly, while noting that a legal controversy over the status of Western Sahara had arisen during its discussions, did not have the object of bringing before the Court a dispute or legal controversy with a view to its subsequent peaceful settlement, but sought an advisory opinion which would be of assistance in the exercise of its functions concerning the decolonization of the territory, hence the legal position of Spain could not be compromised by the Court's answers to the questions submitted; (b) that those questions do not call upon the Court to adjudicate on existing territorial rights; (c) that it has been placed in possession of sufficient information and evidence.

Spain suggested in the second place that the questions submitted to the Court were academic and devoid of purpose or practical effect, in that the United Nations had already settled the method to be followed for the decolonization of Western Sahara, namely a consultation of the indigenous population by means of a referendum to be conducted by Spain under United Nations auspices. The Court examines the resolutions adopted by the General Assembly on the subject, from resolution 1514 (XV) of 14 December 1960, the Declaration on the Granting of Independence to Colonial Countries and Peoples, to resolution 3292 (XXIX) on Western Sahara, embodying the request for advisory opinion. It concludes that the decolonization process envisaged by the General Assembly is one which will respect the right of the population of Western Sahara to determine their future political status by their own freely expressed will. This right to self-determination, which is not affected by the request for advisory opinion and constitutes a basic assumption of the questions put to the Court, leaves the General Assembly a measure of discretion with respect to the forms and procedures by which it is to be realized. The Advisory Opinion will thus furnish the Assembly with elements of a legal character relevant to that further discussion of the problem to which resolution 3292 (XXIX) alludes.

Consequently the Court finds no compelling reason for refusing to give a reply to the two questions submitted to it in the request for advisory opinion.

Question I: "Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the Time of Colonization by Spain a Territory Belonging to No One (terra nullius)?"

(paras. 75–83 of Advisory Opinion)

For the purposes of the Advisory Opinion, the "time of colonization by Spain" may be considered as the period beginning in 1884, when Spain proclaimed its protectorate over the Rio de Oro. It is therefore by reference to the law in force at that period that the legal concept of terra nullius must be interpreted. In law, "occupation" was a means of peaceably acquiring sovereignty over territory otherwise than by cession or succession; it was a cardinal condition of a valid "occupation" that the territory should be terra nullius. According to the State practice of that period, territories inhabited by tribes or peoples having a social and political organization were not regarded as terrae nullius: in their case sovereignty was not generally considered as effected through occupation, but through agreements concluded with local rulers. The information furnished to the Court shows (a) that at the time of colonization Western Sahara was inhabited by peoples which, if nomadic, were socially and politically organized in tribes and under chiefs competent to represent them; (b) that Spain did not proceed upon the basis that it was establishing its sovereignty over terrae nullius: thus in his Order of 26 December 1884 the King of Spain proclaimed that he was taking the Rio de Oro under his protection on the basis of agreements entered into with the chiefs of local tribes.

The Court therefore gives a negative answer to Question I. In accordance with the terms of the request for advisory opinion, "if the answer to the first question is in the negative", the Court is to reply to Question II.

Question II: "What Were the Legal Ties of This Territory with the Kingdom of Morocco and the Mauritanian Entity?"

(paras. 84–161 of Advisory Opinion)

The meaning of the words "legal ties" has to be sought in the object and purpose of resolution 3292 (XXIX) of the United Nations General Assembly. It appears to the Court that they must be understood as referring to such legal ties as may affect the policy to be followed in the decolonization of Western Sahara. The Court cannot accept the view that the ties in question could be limited to ties established directly with the territory and without reference to the people who may be found in it. At the time of its colonization the territory had a sparse population that for the most part consisted of nomadic tribes the members of which traversed the desert on more or less regular routes, sometimes reaching as far as southern Morocco or regions of present-day Mauritania Algeria or other States. These tribes were of the Islamic faith.

Morocco (paragraphs 90–129 of the Advisory Opinion) presented its claim to legal ties with Western Sahara as a claim to ties of sovereignty on the ground of an alleged immemorial possession of the territory and an uninterrupted exercise of authority. In the view of the Court, however, what must be of decisive importance in determining its answer to Question II must be evidence directly relating to effective display of authority in Western Sahara at the time of its colonization by Spain and in the period immediately preceding. Morocco requests that the Court should·take account of the special structure of the Moroccan State. That State was founded on the common religious bond of Islam and on the allegiance of various tribes to the Sultan, through their caids or sheiks, rather than on the notion of territory. It consisted partly of what was called the Bled Makhzen, areas actually subject to the Sultan, and partly of what was called the Bled Siba, areas in which the tribes were not submissive to him; at the relevant period, the areas immediately to the north of Western Sahara lay within the Bled Siba.

As evidence of its display of sovereignty in Western Sahara, Morocco invoked alleged acts of internal display of Moroccan authority, consisting principally of evidence said to show the allegiance of Saharan caids to the Sultan, including dahirs and other documents concerning the appointment of caids, the alleged imposition of Koranic and other taxes, and acts of military resistance to foreign penetration of the territory. Morocco also relied on certain international acts said to constitute recognition by other States of its sovereignty over the whole or part of Western Sahara, including (a) certain treaties concluded with Spain, the United States and Great Britain and Spain between 1767 and 1861, provisions of which dealt inter alia with the safety of persons shipwrecked on the coast of Wad Noun or its vicinity, (b) certain bilateral treaties of the late nineteenth and early twentieth centuries whereby Great Britain, Spain, France and Germany were said to have recognized that Moroccan sovereignty extended as far south as Cape Bojador or the boundary of the Rio de Oro.

Having considered this evidence and the observations of the other States which took part in the proceedings, the Court finds that neither the internal nor the international acts relied upon by Morocco indicate the existence at the relevant period of either the existence or the international recognition of legal ties of territorial sovereignty between Western Sahara and the Moroccan State. Even taking account of the specific structure of that State, they do not show that Morocco displayed any effective and exclusive·State activity in Western Sahara. They do, however, provide indications that a legal tie of allegiance existed at the relevant period between the Sultan and some, but only some, of the nomadic peoples of the territory, through Tekna caids of the Noun region, and they show that the Sultan displayed, and was recognized by other States to possess, some authority or influence with respect to those tribes.

The term "Mauritanian entity" (paragraphs 139–152 of the Advisory Opinion) was first employed during the session of the General Assembly in 1974 at which resolution 3292 (XXIX), requesting an advisory opinion of the Court, was adopted. It denotes the cultural, geographical and social entity within which the Islamic Republic of Mauritania was to be created. According to Mauritania, that entity, at the relevant period, was the Bilad Shinguitti or Shinguitti country, a distinct human unit, characterized by a common language, way of life, religion and system of laws, featuring two types of political authority: emirates and tribal groups.

Expressly recognizing that these emirates and tribes did not constitute a State, Mauritania suggested that the concepts of "nation" and of "people" would be the most appropriate to explain the position of the Shinguitti people at the time of colonization. At that period, according to Mauritania, the Mauritanian entity extended from the Senegal river to the Wad Sakiet El Hamra. The territory at present under Spanish administration and the present territory of the Islamic Republic of Mauritania thus together constituted indissociable parts of a single entity and had legal ties with one another.

The information before the Court discloses that, while there existed among them many ties of a racial, linguistic, religious, cultural and economic nature, the emirates and many of the tribes in the entity were independent in relation to one another; they had no common institutions or organs. The Mauritanian entity therefore did not have the character of a personality or corporate entity distinct from the several emirates or tribes which comprised it. The Court concludes that at the time of colonization by Spain there did not exist between the territory of Western Sahara and the Mauritanian entity any tie of sovereignty, or of allegiance of tribes, or of simple inclusion in the same legal entity. Nevertheless, the General Assembly does not appear to have so framed Question II as to confine the question exclusively to those legal ties which imply territorial sovereignty, which would be to disregard the possible relevance of other legal ties to the decolonization process. The Court considers that, in the relevant period, the nomadic peoples of the Shinguitti country possessed rights, including some rights relating to the lands through which they migrated. These rights constituted legal ties between Western Sahara and the Mauritanian entity. They were ties which knew no frontier between the territories and were vital to the very maintenance of life in the region.

Morocco and Mauritania both laid stress on the overlapping character of the respective legal ties which they claimed Western Sahara to have had with them at the time of colonization (paragraphs 153–160 of the Advisory Opinion). Although their views appeared to have evolved considerably in that respect, the two States both stated at the end of the proceedings that there was a north appertaining to Morocco and a south appertaining to Mauritania without any geographical void in between, but with some overlapping as a result of the intersection of nomadic routes. The Court confines itself to noting that this geographical overlapping indicates the difficulty of disentangling the various relationships existing in the Western Sahara region at the time of colonization.

For these reasons, the Court (paragraphs 162 and 163 of the Advisory Opinion) gives the replies indicated on pages 1 and 2 above.

[From Reuters News Service, Jan. 13, 2004]

SARDINES AND SOVEREIGNTY IN WESTERN SAHARA

(By Eileen Byrne)

LAAYOUNE, WESTERN SAHARA.—On trawlers at the quayside near Laayoune, the main city in Moroccan-controlled Western Sahara, the crew unload sardines in wicker baskets thrown from hand to hand.

The traditional baskets are misleading, because the yield of sardines, octopus and squid from the Western Saharan ports of Laayoune, Boujdour and Dakhla has come to represent more than 60 percent of Morocco's total annual fisheries yield of almost one million tons. With sovereignty over the Western Sahara still in dispute, this is a politically significant catch.

The uncertainty about the future of this vast, mainly desert territory in the northwest corner of Africa puts a dampener, for now, on investment in tourism for winter sun-seekers, officials in Laayoune admit.

But against the backdrop of diplomatic stalemate, as the United Nations strives for a solution to the dispute between Morocco and the Polisario separatist movement, Morocco is keen to show that the regional economy is developing apace.

The fishing sector is one area where the authorities can point to significant growth, always under the firm guiding hand of the central government.

SOUTHERN-MOST SUBJECTS

Claiming Western Sahara as its historic "southern provinces," Morocco controls most of the territory.

The Polisario movement, based across the border in Algeria, sees the future of the area as an independent state, governed by its Saharan Arab inhabitants, known as Sahrawis.

Since a 1991 cease-fire, successive U.N. initiatives aimed at ending a dispute which dates from 1975, and asserting the Sahrawis' right to "self-determination," have failed.

Advocates of independence for Western Sahara stress the territory's mineral wealth, with the phosphate mine at Boukra near Laayoune, and possible offshore oil reserves.

But the Boukra mine is loss-making and subsidized by the Office Cherifien des Phosphates' more important phosphate production near Khouribga, according to officials. It is fishing that generates new jobs and export earnings. Western Sahara fish products now account for up to seven percent of Morocco's total export earnings of 85.6 billion dirhams ($9.80 billion).

Morocco declined to renew a fishing accord with the European Union which until the late 1990s had allowed foreign boats into Moroccan waters. It has instead spent heavily since then on port infrastructure in Western Sahara, as though consolidating its hold on the territory.

Like all other businesses in Western Sahara, the sardine canning businesses, and plants processing octopus for Japanese dinner tables, pay no taxes except for payroll contributions.

They also benefit from the subsidies in the prices of fuel, power and water with which Morocco woos its southern-most subjects, who account for less than two percent of the kingdom's 29.6 million population.

Local investors are often Sahrawi notables who see the territory's future with Rabat rather than the Polisario and who play a prominent role in the local economy. A little over a generation ago, the Sahrawis' lifestyle revolved around camel and goat rearing. Fish did not figure at all in the Sahrawi diet and even today few Sahrawis work directly with fish.

But among new investors, the favorable conditions for businesses can sometimes encourage over-hasty decisions.

OCTOPUS FOR THE JAPANESE

Lining the walls of the conference room in the Laayoune governor's headquarters, photos showed a visit to Western Sahara by Morocco's King Mohammed.

Some 40 men, and one woman wrapped in the colored veil worn in Western Sahara, listened to Morocco's Fisheries Minister Taieb Rhafes. He had flown down from Rabat to explain why he was extending a ban on octopus fishing.

With him were representatives of Moroccan banks whose loans to local investors had encouraged a proliferation of octopus-freezing plants around Dakhla, from a handful in 1997 to 90 in 2003. The octopuses have been almost wiped out by over-fishing, the minister explained. It takes only three months to have an octopus-freezing plant up and running, said an official.

At Laayoune port, the fishermen are not Sahrawis, but come from Moroccan ports further north—Agadir, Essaouira and Safi. A spontaneous movement of sardines southwards, traced by Morocco's fisheries research institute, the INRH, coincided with the development of infrastructure in the Western Sahara. The fishermen followed the fish southwards, bringing their expertise with them.

Moroccan officials have no separate figures for employment among Sahrawis and non-Sahrawis. "There are no two communities here," only Moroccan citizens, Laayoune Governor Mohamed Rharrabi told Reuters.

With the sea-faring culture far-removed from the traditional Sahrawi lifestyle, it seems fishing will provide only some of the jobs needed in the Laayoune region, where unemployment at the last census was 40 percent among 20 to 24 year-olds.

Denmark Does Not Recognise Moroccan Sovereignty on Western Sahara

[From Sahara Press Service (SPS), June 22, 2004]

COPENHAGEN—Danish Government, does not "recognise Moroccan sovereignty on Western Sahara", declared Danish Minister for Foreign Affairs, Mr. Per Stig Mϕller, in response to a question he answered before of his Parliament, according to close sources to the Saharawi representation to Denmark.

Answering a question asked by Danish Member of the Parliamentary group Enhedslisten (Union list, in English), Mr. Soern Soendergaard, the Minister for Foreign Affairs asserted that his Government "does not recognise Moroccan sovereignty on Western Sahara", considering Moroccan presence on the territory as illegal and unacceptable.

Regarding the peace plan, elaborated by UN Secretary General's former Personal Envoy, James Baker, Mr. Mϕller affirmed that this plan remains applicable, recalling that it "is accepted by Polisario Front and the neighbouring countries and is unanimously adopted by Security Council in its resolution 1495".

Finally, the Head of Danish diplomacy reiterated "the support of Denmark of the efforts paid by UN's Secretary General and his former Personal Envoy aimed at reaching a just and lasting solution to the conflict", in Western Sahara conforming to international legality and by implementing UN's resolutions.

[From Sahara Press Service (SPS), June 24, 2004]

German PDC/CSU Calls to Immediate Settlement of Western Sahara Conflict

BERLIN.—The parliamentary group of German Christian Democrat Party (PDC/CSU) in Bundestag (Parliament), called on Thursday to an immediate settlement of Western Sahara's conflict, exhorting international community to pay more efforts in defending Saharawi people's "right to self-determination".

In a communiqué publicised on Thursday, of which SPS received a copy, PDC/CSU parliamentary Group's spokesperson, Dr. Christian Ruck, asserted that "Western Sahara conflict's settlement tolerates no more delays", calling international community to pay more efforts in defending Saharawi people's "right to self-determination".

UN Secretary General's former Personal Envoy, James Baker's resignation "may push to failure" the peace plan for self-determination of Saharawi people, though this plan constitutes "a reasonable compromise to realise peace in this region", deplored the spokesperson.

Thus, the international community is called to "prove to the people of this region, who is still suffering this old aging conflict, that its right to self-determination remains a priority for the international community", which should also defend UN's principles and international law, so as to reach a peaceful settlement to this problem, concluded the communiqué.

[From Upstream Online & Hardcopy, July 2, 2004]

Svitzer Feels Heat in Western Sahara

(By Barry Morgan)

Fugro affiliate Svitzer has just completed a marine survey on Kerr-McGee's Boujdour acreage off the disputed territory of Western Sahara.

Based in Norfolk in the UK, Svitzer is the latest company to attract brickbats from activists determined to persuade industry players not to sign deals with Morocco, which occupies the territory and claims its resources.

Following a one-year extension, KMG's reconnaissance permit will expire on 29 October. However, its tenure is contested by the Sahrawi independence militia, which has long fought for sovereign control, stirring international controversy over the licencing regime imposed by Rabat.

Fellow UK consultancy Robertson Research International (RRI) is also poised to complete survey work in Western Sahara, despite question marks over the legitimacy of UK corporate involvement in what the UK government calls a "non-self governing territory" where it says sovereignty remains to be determined under UN auspices. For its part, RRI said it is not directly contracted to Rabat.

Confirmation of RRI's involvement comes hard on the heels of a campaign launched by Western Sahara support groups across Europe against exploration and production companies doing business at the behest of Rabat.

Kerr-McGee, Total and TGS-Nopec were blasted for jumping the gun on a fragile peace process in which the UN has sought diplomatic consensus ahead of a referendum on self-determination for the Sahrawi people.

Activists' primary target of late has been UK-registered Wessex Exploration, which was recently invited to Rabat to finalise a preliminary but open-ended deal to analyse onshore data ahead of an exploration push outlined by Moroccan state oil company managing director Amina Benkhadra.

Wessex has been warned that "its reputation would suffer" if it did not back off or negotiate with the Sahrawi authorities.

In the meantime, several UK parliamentarians have moved to seek clarification of the

UK government's position on British companies doing business in Western Sahara. Concerned MPs led by the Labour Party's David Drew, want to pin down Whitehall on its attitude.

Drew will shortly table a parliamentary question seeking greater clarity. Drew now speaks for the Western Sahara Support Group and two Conservative MPs are expected to join existing members before they resurface as a parliamentary force.

The UK Foreign Office insists sovereignty in Western Sahara remains undetermined as long as UN calls to resolve the crisis via the so-called Baker Peace Plan remain unheeded. "We want to push the UK to promote the Plan so that Morocco withdraws. It should also tell British companies that they should not get involved in Western Sahara at this time while the UN mandate remains unimplemented," said Drew.

The Foreign Office currently has no problem with companies winning reconnaissance or E&P licences from Rabat, so long as the practical effect complies with constraints laid down by the UN Legal Office on "disregarding the rights" of the Sahrawi people.

This means Kerr-McGee and Total can use TGS-Nopec and Fugro to shoot seismic as long as rigs are not deployed to confirm or produce oil finds.

Meanwhile, the acquisition of strategically important seismic data for Rabat as the licensor remains legal under the "look but don't touch" interpretation of both UK and US governments. However, a UK official said that "we'd have to revisit this opinion if activity got this far. There is no official endorsement".

"Right now, our view is that UK companies going into Western Sahara are on their own and we cannot link them to the Department of Trade & Industry or offer the support of any other government mechanisms," the source added.

Two UK-registered companies presently stand on both sides of the fence. Sterling Resources has inherited an exclusive offshore PSC from AIM-listed Fusion Oil & Gas following a recent take-over, while Wessex is under increasing pressure after retaining its exclusive study licence from Rabat.

After expending $600 million on peacekeeping efforts, the UN system is tiring of the Western Sahara crisis, with UN Special Envoy James Baker resigning in frustration last month.

The UN's new representative, Alvaro de Soto, said this week that he would pursue the same policy as Baker, suggesting no new ideas to break the deadlock were on the table.

[From afrol News, July 12, 2004]

NORWEGIAN INDUSTRY TO EXPLOIT SAHRAWI FISH RESOURCES

Norwegian officials are in the process of promoting Norwegian investments in the booming fisheries industry in Moroccan-occupied Western Sahara, despite protests by Sahrawi officials. The fisheries industry is the dominant economic sector in the territory, promoting new Moroccan settlements here. Norwegian capital and knowledge is to help this development.

According to information made available to afrol News, the Norwegian Ambassador in Morocco, Arne Aasheim last week was on a three-day visit to El Aaiun, the capital of the Western Sahara territory. Here, he had meetings with the Moroccan authorities governing the occupied territory and representatives of the fisheries sector.

Sources wanting to remain anonymous told afrol News that the primary focus in these meetings was on how Norwegian companies could strengthen their foothold in the booming Moroccan fisheries industry, which mainly is based in the occupied territory. Morocco has been singled out as a golden opportunity for Norway's many companies operating in the fisheries sector.

Norway is one of Europe's leading fisheries nations, also regarding the larger definition of the industry, including the construction of fisheries vessels, fishing technology and fish processing and distribution technology.

Morocco, on the other hand, during the last years has singled out the fisheries industry as one of its most promising sectors for economic development. After refusing to renew a fisheries agreement with the European Union in 1999, Moroccan authorities are now promoting the establishment of a large national fleet of fishing vessels, fish processing plants and an export infrastructure. Since 2001, approximately euro 150 million have been invested into the sector annually.

The controversial bit of Morocco's booming fisheries industry is that it is mostly based on the rich fisheries resources off the cost of occupied Western Sahara. According to international law, an occupying state is obliged to manage the renewable resources of the territory it occupies. However, revenues from these resources are to be channelled into the development of the people of the territory.

In the case of Western Sahara, the revenues of the exploitation of the territory's resources however do not go to the internationally recognised representatives of the Sahrawis—the exiled Polisario government—but instead to the strengthening of Morocco's occupation of the territory. Almost the entire work force of the fisheries sector in Western Sahara is of Moroccan origin and the sector's growth is promoting more Moroccan settlements in the occupied territory.

While the Norwegian government generally has defended the case of the Sahrawis in their conflict with Morocco, this has not been the case in the important fisheries sector. Mr Aasheim's predecessor at Norway's Rabat Embassy, Ole Kristian Holthe, since 2000 has been an active and passionate promoter of Norwegian investments in Morocco's booming fisheries sector, non-regarding the location of these investments.

In February 2002, Ambassador Holthe met with the society for Norwegian Maritime Exporters (NME) in Haugesund, informing about that access to "the Moroccan market is something that is happening now." He especially emphasised on the large number of fishing vessels that Moroccan authorities were ordering in an international tender.

Explaining that Morocco is "the most stable Arab country oriented towards the West," Mr Holthe added that the problems surrounding Western Sahara should not endanger Norwegian investments. "Norwegian authorities may consider that [official] Norwegian trade promotion devices should not be involved in investments [in Western Sahara], but my opinion is that, as long as one enters as a partner in the fisheries industry—and looks at this geographically—then it should be safe."

According to research done by the Norway-based international fisheries media 'IntraFish', Norwegian authorities already in 2002 were financially aiding exporters to get a foothold in Morocco; including the occupied territories. This included aid by the Norwegian government's agency guaranteeing export financing and the Scandinavian Investment Bank. At least kroner 30 million (euro 4 million) were available to finance Norwegian exports to Morocco's fisheries sector.

These government efforts have already produced several Norwegian investments in Western Sahara. In October 2002, the Norwegian company Finsam announced it was constructing an ice producing plant in "Laayoune, Morocco"—which translates into El Aaiun in Western Sahara. This ice plant is mainly producing ice for fish landed in El Aaiun.

Other Norwegian investments in the occupied territory's fishery sector include the company Selfa Arctic, which is "constructing modern coastal fisheries in Morocco;" Simrad, which delivers marine electronics to Morocco, including to its "Moroccan retailer in Laayoune;" Astia Holdings, which exports fishing vessels and equipment to Morocco; and Furuno, which sells electronic navigation equipment in Morocco.

Ambassador Holthe's indiscrete promotion of Norwegian export opportunities in Western Sahara however became too much for Norwegian authorities. Already in November 2002, Foreign Minister Jan Petersen instructed his Rabat Ambassador to write an official letter to companies investing in Western Sahara and inform them about the political risk and ethical problems.

According to information given to afrol News, however, Ambassador Holthe smoothened the wording in the letter he sent out to Norwegian companies, saying that the Embassy could see no limits in international law regarding investments in Western Sahara. In 2003, Mr Holthe was replaced and sent to the Norwegian Embassy in Iran for reasons unknown to afrol News.

Since that, Ambassador Aasheim has inherited the complex question of Norwegian investments in Western Sahara. As far as afrol News has been able to establish, the Norwegian Embassy in Rabat has not lowered its profile regarding this promotion since Mr Aasheim's appointment. Last week's official promotion trip by the Ambassador to El Aaiun is probably the first ever investment promotion trip to the occupied territories by any Norwegian government official.

It therefore came as a shock to the Polisario exile government. Mouloud Said, the Polisario Representative in Washington told afrol News today that his government considers "any transaction between the occupying power with any other entity or government as completely illegal at the eyes of international law, and we do condemn any attempt to strengthen the Moroccan occupation."

We are disappointed because traditionally, the Norwegians government has been in support of the peoples' right to self-determination all over Africa and in particular in Western Sahara, added Mr Said. "This is uncharacteristic coming from the representative from a government known for its defence of human rights and the right of self-determination."

Mr Said further said that the Polisario considered a UN legal opinion issued in 2001, regarding oil exploration in Western Sahara to be of relevance in this case. The legal opinion concluded that Morocco had no right to act on behalf of Western Sahara and market its resources, according to Mr Said.

Unfortunately, afrol News was not able to gather reactions from Norwegian authorities. The Norwegian Embassy in Rabat did not answer phone calls from afrol News neither on Friday nor today, while spokesperson Cathrine Andersen at the Norwegian Ministry of Foreign Affairs refused to supply afrol News with a direct phone number to Ambassador Aasheim, claiming the Ministry had "no other information" on how to get in contact with its Rabat Embassy.

Framework Agreement on the Status of Western Sahara (Baker Plan I)

ANNEX I OF SG REPORT S/2001/613 OF 20 JUN 01

The authority in Western Sahara shall be as follows:

1. The population of Western Sahara, through their executive, legislative and judicial bodies shall have exclusive competence over local governmental administration, territorial budget and taxation, law enforcement, internal security, social welfare, culture, education, commerce, transportation, agriculture, mining, fisheries and industry, environmental policy, housing and urban development, water and electricity, roads and other basic infrastructure.

2. The Kingdom of Morocco will have exclusive competence over foreign relations (including international agreements and conventions) national security and external defence (including determination of borders, maritime, aerial or terrestrial and their protection by all appropriate means) all matters relating to the production, sale, ownership or use of weapons or explosives and the preservation of the territorial integrity against secessionist attempts whether from within or without the territory. In addition, the flag, currency, customs, postal and telecommunication systems of the Kingdom shall be the same for Western Sahara. With respect to all functions described in this paragraph (2) the Kingdom may appoint representatives to serve it in Western Sahara.

3. In Western Sahara the execucive authority shall be vested in an Executive, who shall be elected by a vote of those individuals who have been identified as qualified to vote by the Identification Commission of the United Nations Mission for the Referendum in Western Sahara, and whose names are on the United Nations provisional voter lists (completed as of 30 December 1999) without giving effect to any appeals or other objections. To qualify as a candidate for Executive, one must be an individual who has been identified as qualified to vote as aforesaid and whose name is on said provisional voter lists. The Executive shall be elected for a term of four years. Thereafter, the Executive shall be elected by majority vote of the Assembly. The Executive shall appoint administrators in charge of executive departments for terms of four years. The legislative authority shall be vested in an Assembly, the members of which shall be directly elected by voters for terms of four years. The judicial authority shall be vested in such courts as may be necessary, the judges of which shall be selected from the National Institute for Judicial Studies but shall be from Western Sahara. Such courts shall be the authority on territorial law. To be qualified to vote for members of the Assembly, a person must be 18 years or older and either (i) a continuous resident of the territory since 31 October 1998, or (ii) a person listed on the repatriation list as of 31 October 2000.

4. All laws passed by the Assembly and all decisions of the courts referred to in paragraph 3 above must respect and comply with the constitution of the Kingdom of Morocco, particularly with respect to the protection of public liberties. All elections or referenda referred to in this agreement shall be conducted with all appropriate guarantees and in keeping with the Code of Conduct agreed to by the parties in 1997, except where to do so would be inconsistent with the terms hereof.

5. Neither the Kingdom nor the executive, legislative, or judicial bodies of the Authority of Western Sahara referred to above may unilaterally change or abolish the status of Western Sahara. Any changes or modifications of this agreement has to be approved by the Executive and the Assembly of Western Sahara. The status of Western Sahara will be submitted to a referendum of qualified voters on such date as the parties hereto shall agree, within the five year period following the initial actions to implement this agreement. To be qualified to vote in such a referendum a voter must have been a full time resident of Western Sahara for the preceding one year.

6. The Secretary-General of the United Nations will offer his mediation and good offices to assist the two parties hereto in the implementation or interpretation of this agreement.

7. The parties agree to implement this agreement promptly and request the assistance of the United Nations to this end.

[From the Christian Science Monitor, Mar. 26, 2004]

Sahara Refugees Form a Progressive Society

LITERACY AND DEMOCRACY ARE THRIVING IN AN UNLIKELY PLACE

(By John Thorne)

TINDOUF, ALGERIA.—A dozen women recline on the steps of the main girls' school in the Saharawi refugee camps, their pastel robes like blots of water-color on the whitewashed cement. When the door opens and the headmistress emerges, the women suddenly leap up and crowd around her, clamoring. They are mothers seeking places for their daughters in the already-crowded school.

The Saharawi women are among the most liberated of the Muslim world, and their status is characteristic of the well-organized, egalitarian society that has developed in the refugee camps over the past three decades. For all their bleakness, the Saharawi camps boast a representative government, a 95 percent literacy rate, and a constitution that enshrines religious tolerance and gender equality.

The Saharawis are the Arab nomads of Western Sahara, bound together by their Yemeni ancestry and their dialect, Hassaniya, which remains close to classical Arabic. For centuries, they roamed the territory with their camels and goats, sometimes trading with Spanish colonizers, and became known as "blue men" for the indigo robes they wear.

When Spain abandoned Western Sahara in 1975, Morocco invaded and drove the Saharawis into neighboring Algeria. Trading their camels for Land Rovers, they fought a guerrilla war under the leadership of the Polisario Front, an independence movement, until the UN brokered a ceasefire in 1991. Since then, the promised vote on independence has been stalled by disagreement over who should be allowed to participate.

EQUALITY

Meanwhile the Saharawi refugees, numbering some 160,000, have clung on in camps amid the flat, stony wastes near the town of Tindouf, in southwest Algeria. Subsisting on foreign aid—chiefly rice, bread, and a few root vegetables—most suffer from chronic malnutrition. Their settlements consist almost wholly of adobe huts and dusty canvas tents, appearing from afar as brown smudges on the slightly lighter brown desert.

"Women built these camps," says Menana Mohammed, deputy secretary-general of the Union of Saharawi Women. When the Saharawis arrived at Tindouf, most of the men had stayed behind as soldiers. "You'll still find women doing all kinds of work, including leading," Ms. Mohammed adds.

While most of the top brass are men, the minister of culture is a woman. Women hold one fourth of the seats in the Saharawi parliament, and they make up most of the civil service, including teachers, nurses, and doctors.

"These days our chief concern is education," says Mohammed. All young Saharawis learn Spanish as well as Arabic, and some attend universities in Spain, Cuba, and Algeria through the sponsorship of those countries' governments.

"In the camps, we had to be both sexes, because the men were all away fighting," says Mohammed. There is an old Saharawi saying, she says, that rings especially true today: "A tent is raised on two poles: a man and a woman." The Saharawis' traditionally tough, wandering lifestyle has always made them regard husband and wife as equal leaders of the household.

INDIVIDUALISM

It has also begotten an individualistic approach to Islam. While most Muslims tend to stress the importance of the Islamic community, "the Saharawis believe that religion is a very personal issue," says Mouloud Said, the Polisario's representative in the United States. "It's a personal relationship between the human being and his Creator. This is the mentality of the nomadic society."

Mosques are conspicuously absent from the camps, in large part because the Saharawis "don't believe that to speak to God, you need a fancy place," explains Mr. Said.

Saharawis seldom pray in groups save on important Muslim holidays, and view even these ceremonies as purely optional. For some, this is a welcome escape-hatch from the religion's bloodier rituals.

"Each person has his own Islam," says Zorgan Laroussi, a translator in the camps who chose not to attend the mass slaughter of camels for the feast of al-Eid al-Fitr, which marks the end of Ramadan. His brother-in-law Salek did go, and relishes explaining the ritual's finer points while the two men and their families share a dish of grilled hindquarters.

Saharawis are equally welcoming of other religions. "There is an almost continuous presence of church groups from all over the world—in particular the U.S.—in the camps," says Said. "Every year for the last four years, there has been a joint prayer at Easter."

"Tolerance is not something new, but it's something [Saharawi leaders] encourage," he says. "In a tolerant society, the center prevails, not the extremes. That means respect for others, whether for the faith or their ideas."

This credo finds ample use in the Saharawis' recent conversion to a united democratic government. Following their flight from Western Sahara, they quickly saw that overcoming the desert and the Moroccan Army meant forsaking old tribal loyalties. "What's most important is that we Saharawis hang together, so we highlight stories that promote unity among us," says Minister of Culture Miriam Salek, who works with the Ministry of Education and the Saharawi Youth Organization to keep alive Saharawi folklore and history.

DEMOCRACY

In 1976, the Polisario proclaimed, and more or less became, the Saharawi Arab Democratic Republic. Although a government-in-exile, it is recognized by 75 countries, and the UN formally considers Western Sahara an occupied territory.

Tier upon tier of elected officials make up the camp government, from the national parliament down to neighborhood councils. Saharawis are avid voters, and many participate in local civil service—even if it's merely taking a twice-weekly shift on the trash detail, or helping dole out rations.

This could be the blueprint for an independent Western Sahara, and there is a general sense of pride and excitement among the Saharawis for their new society. "This has worked so far, what we have here," says one young daira (district) councilman, "and it should still work in Western Sahara. We built this on the hope of the people, and I don't think they'll want to change."

But as the years drag on, many fear they will never have the chance to find out. Their smoothly running camps and refusal to resort to terrorism keep them out of the public consciousness, relieving pressure on the UN to push for a quick settlement to the 29-year-old conflict. "We have been landless for so long," laments Tellib Helli Embarik, an old tribal leader. "I don't know if the UN is just waiting for us to disappear or what!"

[From the Hill, July 13, 2004]

Deserting the Baker Plan

(By David Keene)

President Bush likes to talk about nurturing democracy within the Muslim world, but he's doing little for the pro-Western Muslims of the Western Sahara whose future rests in his hands.

If you don't know much about the plight of these people, you aren't alone. They have been languishing in refugee camps in western Algeria for nearly 30 years and will remain there until the United States stops playing chief enabler to Moroccan government that invaded and seized their country when it was freed from colonial rule by Spain in the '70s. I've visited the camps, and to suggest that the people who inhabit them live under harsh conditions is to speak euphemistically.

The Western Saharan or Saharawi peoples tried to resist the Moroccans, but hundreds of thousands of them were forced to flee to Algeria before a U.S.-equipped Moroccan army determined to seize their land. Today more than 300,000 of them survive as best they can, unable to see their relatives or visit their homeland.

Realizing they didn't have the capability to defeat Morocco on the battlefield, the Saharawi faced a choice. They could fall on the asymmetric warfare of the terrorist, surrender or turn to the international community. They perhaps rather naively chose the latter course and went to the United Nations and the World Court seeking justice.

Meanwhile, they've built a functioning democracy that guarantees equal rights to men and women alike, educated their children and let it be known that all they want to do is live in peace with those around them. Their congressional friends in the United States include people such as Sens. Jim Inhofe (R-Okla.) and Edward Kennedy (D-Mass.) and Reps Joe Pitts (R-Pa.), Mark Green (R-Wis.) and Donald Payne (D-N.J.), but so far few of their colleagues and virtually no one in the Bush administration or the media seem to share their concerns.

This is in spite of the fact that virtually everyone agrees the Saharawi are right. The International Court of Justice in 1975 ruled Morocco had no right to the land seized, but the king of Morocco ignored the ruling and the United Nations sought a referendum in which the people of the region could vote on whether they wanted to be ruled by their colonial masters or by leaders of their own choosing.

Meanwhile, the United States stood by silent as our Moroccan ally consolidated control over the region to become the last colonial power on the African continent.

Publicly, of course, the Moroccans declared that they too believed in self-determination, but marched hundreds of thousands of Moroccans into the region and declared that if there was to be a vote, these folks should be allowed to vote too. The Saharawi and the United Nations balked at this baldfaced attempt to stuff the ballot boxes, but finally appointed former U.S. Secretary of State James Baker as a special envoy to work something out. Baker eventually came up with a "compromise" plan that would grant the vote to enough Moroccans to give them a majority if they stuck together and suggested a period of autonomy within Morocco followed by a vote to decide whether the region would go its own way.

To everyone's surprise, the Sahrawi accepted the "Baker Plan." They know they can't survive in the camps forever and suspect that more than a few of the Moroccans who will vote might welcome the chance to escape the tender mercies of their king. The Moroccans immediately rejected the plan announcing that they will never accept any scheme that includes the possible loss of the territory they have grabbed.

The United Nations doesn't know what to do, and Baker has thrown up his arms and resigned. The king's only real ally in the United Nations is France, but it's our silent acceptance of whatever he wants do to that has allowed him to thumb his nose at the world. Everyone knows that as long as King Mohammed VI can keep the United States in line, he will remain intransigent.

During the king's visit to Washington last week, President Bush supposedly brought up the Baker Plan, but one wonders if he pressed very hard. He has, after all, said nothing about the Saharawi in public and done everything from declaring Morocco a "major non-NATO ally" to leading the charge for a U.S.-Moroccan Free Trade Agreement to give the King the impression that we aren't about to do anything at all about the way he acts in his own neighborhood.

Meanwhile, the Saharawi hang on, praying for the day when an American president who talks about democracy and justice will come to their aid.

[From the Washington Times, July 9, 2004]

Beyond Diplomatic Niceties

(By Joseph Pitts and Donald Payne)

This week, His Majesty, King Mohammed of Morocco is in Washington to tout the newly signed US.-Morocco Free Trade Agreement and to bask in his nation's newly christened status as a "major non-NATO ally".

While we do not oppose free trade or establishing stronger allies, we would do well to look past the diplomatic niceties that surround such trips. His Majesty's country illegally occupies a swath of land in West Africa known as Western Sahara. His government has promised the people of Western Sahara, the Sahrawi, a vote to determine their own future. More than a decade later, that vote has yet to occur.

Powerful friends in Europe and here in Washington have helped His Majesty's government postpone this vote and consolidate control over the country The Moroccan government says its colonial rule over Western Sahara ensures its "territorial integrity" and preserves stability in the region. But this idea is simply divorced from reality on the ground.

During trips to the country, we have learned the Sahrawis are peaceful, pro-Western and pro-democracy. In short, despite living under an illegitimate colonial power, they have established a deep-rooted culture of democracy, capable of supporting a viable state. They have their own elected leaders, many of them women. They have provided education and equal rights to all their citizens—men and women.

The only stability a sovereign, democratic Western Sahara disrupts is a status quo defined by tyranny. The King will deny this. Official Washington will ignore it. But it is the truth.

From 1884 until 1975, Western Sahara was a Spanish colony. Upon Spain's withdrawal, Morocco invaded. The Sahrawis have fought a lonely battle for liberation ever since, many suffering in the refugee camps that dot Algerian sand dunes. The U.N. International Court of Justice ruled Morocco's claim to Western Sahara was illegitimate. Morocco ignored the ruling.

In 1991, Morocco accepted the U.N.-brokered cease-fire promising the Sahrawis a referendum for national self-determination. Moroccan officials moved tens of thousands of their own citizens to Western Sahara, attempting to stack the vote in its favor. In 1997, the United Nations asked former U.S. Secretary of State James Baker to help implement the referendum. Morocco continued to balk.

The U.N.'s voter identification commission, using agreed-upon criteria, set out to identify the eligible voters. After years of interviews with each, the U.N. in January 2000 published the provisional list of voters, rejecting the majority of Moroccan applicants. Morocco—fearing it would lose the upper hand—reneged on its commitment to the referendum.

To break the impasse, Mr. Baker submitted a compromise plan to the Security Council in July 2003. The plan included a referendum for the Sahrawis and gave Moroccans who settled in Western Sahara through 1999 the right to vote, making them the majority of the electorate. Convinced a peaceful solution was possible, the leading Sahrawi political group—the POLISARIO Front—reluctantly accepted the terms of Mr. Baker's plan. Its gesture was never reciprocated. Morocco, supported by France, rejected the Baker Plan from the outset.

As this battle rages, Sahrawis suffer. The Moroccan government continues to imprison Sahrawi activists, exploit the natural resources of Western Sahara, and prohibit foreign journalists from transmitting the truth to the outside world, as evidenced by the recent expulsion of several Danish reporters.

The U.N. has spent more than $600 million to maintain this dreadful status quo. Successive U.S. administrations, Republican and Democrat, have walked a fine line on this issue. Morocco is a longstanding ally. However, alliance with powerful nations should not provide the cover to ignore international commitments and deny the basic human right of self-determination to a peaceful, democratic people.

When the president meets with King Mohammed this week, he should not ignore His Majesty's opposition to democracy in the Western Sahara. The spread of freedom is central to our mission as a nation. This is ever more important as the administration works to spread democracy in Islamic nations.

Unlike many others in the Middle East and North Africa, the Sahrawis have chosen a peaceful path to democracy. We owe the democratic people of Western Sahara no less than the support we have given others in their fight for independence—the right to have a say in their own future.

When Congress considers the US.-Morocco free trade agreement, it should seriously consider how it will aid His Majesty's attempt to exploit an area to which he has no legitimate claim. Ignoring Western Sahara will put a vote for Sahrawis further out of reach.

The time has come to abandon empty promises and hollow rhetoric in favor of a free, fair, and transparent referendum for the Sahrawis. This is the only way to build a peaceful, democratic future for Western Sahara and the entire region.

LETTER DATED 29 JANUARY 2002 FROM THE UNDER-SECRETARY-GENERAL FOR LEGAL AFFAIRS, THE LEGAL COUNSEL, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

1. In a letter addressed to me on 13 November 2001, the President of the Security Council requested, on behalf of the members of the Security Council, my opinion on "the legality in the context of international law, including relevant resolutions of the Security Council and the General Assembly of the United Nations, and agreements concerning Western Sahara of actions allegedly taken by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara".

2. At my request, the Government of Morocco provided information with respect to two contracts, concluded in October 2001, for oil-reconnaissance and evaluation activities in areas off-shore Western Sahara, one between the Moroccan "Office National de Recherches et d'Exploitations Petrolieres" (ONAREP) and the United States oil-company Kerr Mc-Gee du Maroc Ltd., and the other between ONAREP and the French oil company TotalFinaElf E&P Maroc. Concluded for an initial period of 12 months, both contracts contain standard options for the relinquishment of the rights under the contract or its continuation, including an option for future oil contracts in the respective areas or parts thereof.

3. The question of the legality of the contracts concluded by Morocco off-shore Western Sahara requires an analysis of the status of the territory of Western Sahara, and the status of Morocco in relation to the Territory. As will be seen, it also requires an analysis of the principles of international law governing mineral resource activities in Non-Self-Governing Territories.

4. The law applicable to the determination of these questions is contained in the United Nations Charter, in General Assembly resolutions, pertaining to decolonization, in general, and economic activities in Non-Self-Governing Territories, in particular, and in agreements concerning the status of Western Sahara. The analysis of the applicable law must also reflect the changes and developments which have occurred as international law has been progressively codified and developed, as well as the jurisprudence of the International Court of Justice and the practice of States in matters of natural resource activities in Non-Self-Governing Territories.

A. THE STATUS OF WESTERN SAHARA UNDER MOROCCAN ADMINISTRATION

5. A Spanish protectorate since 1884, Spanish Sahara was included in 1963 in the list of NonSelf-Governing Territories under Chapter XI of the Charter (A/5514, Annex III). Beginning in 1962, Spain as administering Power transmitted technical and statistical information on the territory under Article 73 (e) of the Charter of the United Nations. This information was examined by the Special Committee with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples ("Special Committee"). In a series of General Assembly resolutions on the Question of Spanish/Western Sahara, the applicability to the territory of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV), was reaffirmed.

6. On 14 November 1975, a Declaration of Principles on Western Sahara was concluded in Madrid between Spain, Morocco and Mauritania (the Madrid Agreement), whereby the powers and responsibilities of Spain, as the administering Power of the territory, were transferred to a temporary tripartite administration. The Madrid Agreement did not transfer sovereignty over the territory, nor did it confer upon any of the signatories the status of an administering Power—a status which Spain alone could not have unilaterally transferred. The transfer of administrative authority over the territory to Morocco and Mauritania in 1975, did not affect the international status of Western Sahara as Non-Self-Governing Territory.

7. On 26 February 1976, Spain informed the Secretary-General that as of that it had terminated its presence in Western Sahara and relinquished its responsibilities over the Territory, thus leaving it in fact under the administration of both Morocco and Mauritania in their respective controlled areas. following the withdrawal of Mauritania from the Territory in 1979, upon the conclusion of the Mauritano-Sahraoui agreement of 19 August 1979 (S/13504, Annex I), Morocco has administrated the territory of Western Sahara alone. Morocco however, is not listed as the administering Power of the territory in the United Nations list of Non-Self-Governing Territories, and has, therefore, not transmitted information on the territory in accordance with Articles 73 (e) of the United Nations Charter.

8. Notwithstanding the foregoing, and given the status of Western Sahara as a Non-Self-Governing Territory, it would be appropriate for purposes of the present analysis to have regard to the principles applicable to the powers and responsibilities of an administering Power in matters of mineral resource activities in such a Territory.

B. THE LAW APPLICABLE TO MINERAL RESOURCE ACTIVITIES IN NON-SELF-GOVERNING TERRITORIES

9. Article 73 of the United Nations Charter lays down the fundamental principles applicable to Non-Self-Governing Territories. Members of the United Nations who assumed responsibilities for the administration of these territories have whereby recognized the principle that the interest of the inhabitants of these territories are paramount, and have accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of these territories. Under Article 73 (e) of the Charter, they are required to transmit regularly to the Secretary-General for information purposes statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories under their administration.

10. The legal regime applicable to Non-Self-Governing Territories was further developed in the practice of the United Nations and, more specifically, in the Special Committee and the General Assembly. Resolutions of the General Assembly adopted under the agenda item "implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", called upon the administering Powers to ensure that all economic activities in the Non-Self-Governing Territories under their administration do not adversely affect the interests of the peoples of such territories, but are instead directed to assist them in the exercise of their right to self-determination. The Assembly also consistently urged the administering Powers to safeguard and guarantee the inalienable rights of the peoples of these territories to their natural resources, and to establish and maintain control over the future development of those resources (GA res 35/118 of 11 December 1980; 52/78 of 10 December 1997; 54/91 of 6 December 1999; 55/147 of 8 December 2000; and 56/74 of 10 December 2001).

11. In the resolutions adopted under the item "Activities of foreign economic and other interests which impede the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in territories under Colonial Domination", the General Assembly reiterated that "the exploitation and plundering of the marine and other natural resources of colonial and Non-Self-Governing Territories by foreign economic interests, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of these Territories" and that "any administering Power that deprives the colonial people of Non-Self-Governing Territories of the exercise of their legitimate rights over their natural resources . . . violates the solemn obligations it has assumed under the Charter of the United Nations" (GA res. 48/46 of 10 December 1992 and 49/40 of 9 December 1994).

12. In an important evolution of this doctrine, the General Assembly in resolution 50/33 of 6 December 1995, drew a distinction between economic activities that are detrimental to the peoples of these territories and those directed to benefit them. In paragraph 2 of that resolution, the General Assembly affirmed "the value of foreign economic investment undertaken in collaboration with the peoples of Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories". This position has been affirmed by the General Assembly in later resolutions (GA res. 52/72 of 10 December 1997; 53/61 of 3 December 1998; 54/84 of 5 December 1999; 55/38 of 8 December 2000; and 56/66 of 10 December 2001).

13. The question of Western Sahara has been dealt with by both the General Assembly, as a question of decolonization, and by the Security Council as a question of peace and security. The Council was first seized of the matter in 1975, and in resolutions 377 (1975) of 22 October 1975 and 379 (1975) of 2 November 1975 it requested the Secretary-General to enter into consultations with the parties. Since 1988, in particular, when Morocco and the Frente Polisaro agreed, in principle, to the settlement proposals of the Secretary-General and the Chairman of the OAU, the political process aiming at a peaceful settlement of the question of Western Sahara has been under the purview of the Council. For the purposes of the present analysis, however, the body of Security Council resolutions pertaining to the political process is not relevant to the legal regime applicable to mineral resource activities in Non-Self-

Governing Territories and for this reason is not dealt with in detail in the present letter.

14. The principle of "permanent sovereignty over natural resources" as the right of peoples and nations to use and dispose of the natural resources in their territories in the interest of their national development and well-being, was established in General Assembly resolution 1803 (XVII) of 14 December 1962. It has since been reaffirmed in the 1966 International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, as well as in subsequent General Assembly resolutions, most notably, resolution 3201 (S-VI) of 1 May 1974, "Declaration on the Establishment of a New International Economic Order", and Resolution 3281 (XXIX) containing the Charter of Economic Rights and Duties of States. While the legal nature of the core principle of "permanent sovereignty over natural resources", as a corollary to the principle of territorial sovereignty or the right of self-determination, is indisputably part of customary international law, its exact legal scope and implications are still debatable. In the present context, the question is whether the principle of "permanent sovereignty" prohibits any activities related to natural resources undertaken by an administering Power (cf. para. 8 above) in a Non-Self-Governing Territory, or only those which are undertaken in disregard of the needs, interests and benefits of the people of that territory.

C. THE CASE LAW OF THE INTERNATIONAL COURT OF JUSTICE

15. The question of natural resource exploitation by administering Powers in Non-Self-Governing Territories was brought before the International Court of Justice in the Case of East Timor (Portugal v. Australia) and the Case Concerning Certain Phosphate Lands in Nauru (Nauru v. Australia). In neither case, however, was the question of the legality of resource exploitation activities in Non-Self-Governing Territories conclusively determined.

16. In the Case of East Timor, Portugal argued that in negotiating with Indonesia an agreement on the exploration and exploitation of the continental shelf area of the Timor Gap, Australia had failed to respect the right of the people of East Timor to permanent sovereignty over its natural wealth and resources, and the powers and rights of Portugal as administering Power of East Timor. In the absence of Indonesia's participation in the proceedings, the International Court of Justice concluded that it lacked jurisdiction.

17. In the Nauru Phosphate Case, Nauru claimed the rehabilitation of certain phosphate lands worked out before independence in the period of the Trusteeship administration by Australia, New Zealand and the United Kingdom. Nauru argued that the principle of permanent sovereignty over natural resources was breached in circumstances in which a major resource was depleted on grossly inequitable terms and its extraction involved the physical reduction of the land. Following the Judgment on the Preliminary Objections, the parties reached a settlement and a Judgment on the merits was no longer required.

D. THE PRACTICE OF STATES

18. In the recent practice of States, cases of resource exploitation in Non-Self-Governing Territories have, for obvious reasons, been few and far apart. In 1975, the United Nations Visiting Mission to Spanish Sahara reported that at the time of the visit, four companies held prospecting concessions in off-shore Spanish Sahara. In discussing the exploitation of phosphate deposits in the region of Bu Craa with Spanish officials, the Mission was told that the revenues expected to accrue would be used for the benefit of the Territory, that Spain recognized the sovereignty of the Saharan population over the Territory's natural resources and that, apart from the return of its investment, Spain laid no claim to benefit from the proceeds (A/10023/Rev.1, p. 52)

19. The exploitation of uranium and other natural resources in Namibia by South Africa and a number of Western multinational corporations was considered illegal under Decree No. 1 for the Protection of the Natural Resources of Namibia, enacted in 1974 by the United Nations Council for Namibia, and was condemned by the General Assembly (GA res. 36/51 of 24 November 1981, and 39/42 of 5 December 1984). The case of Namibia, however, must be seen in the light of Security Council resolution 276 (1979) of 30 January 1970, which declared that the continued presence of South Africa in Namibia was illegal and that consequently all acts taken by the Government of South Africa were illegal and invalid.

20. The case of East Timor under the United Nations Transitional Administration in East Timor (UNTAET) is unique in that, while UNTAET is not an administering Power within the meaning of Article 73 of the United Nations Charter, East Timor is still technically listed as a Non-Self-Governing Territory. By the time UNTAET was established in October 1999, the Timor Gap Treaty was fully operational and concessions had been granted in the Zone of Cooperation by Indonesia and Australia, respectively. In order to ensure the continuity of the practical arrangements under the Timor Gap Treaty, UNTAET, acting on behalf of East Timor, concluded on 10 February 2000, an Exchange of Letters with Australia for the continued operation of the terms of the Treaty. Two years later, in anticipation of independence, UNTAET, acting on behalf of East Timor, negotiated with Australia a draft "Timor Sea Arrangement" which will replace the Timor Gap Treaty upon the independence of East Timor. In concluding the agreement for the exploration and exploitation of oil and natural gas deposits in the continental shelf of East Timor, UNTAET, on both occasions, consulted fully with representatives of the East Timorese people, who participated actively in the negotiations.

E. CONCLUSIONS

21. The question addressed to me by the Security Council namely, "the legality . . . of actions allegedly taken by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara," has been analysed by analogy as part of the more general question of whether mineral resource activities in a Non-Self-Governing Territory by an administering Power is illegal, as such, or only if conducted in disregard of the needs and interests of the people of that territory. An analysis of the relevant provisions of the United Nations Charter, General Assembly resolutions, the case law of the International Court of Justice and the practice of States, supports the latter conclusion.

22. The principle that the interests of the peoples of Non-Self-Governing Territories are paramount, and their well-being and development is the "sacred trust" of their respective administering Powers, was established in the Charter of the United Nations and further developed in General Assembly by resolutions on the question of decolonization and economic activities in Non-Self-Governing Territories. In recognizing the inalienable rights of the peoples of Non-Self-Governing Territories to the natural resources in their territories, the General Assembly has consistently condemned the exploitation and plundering of natural resources and any economic activities which are detrimental to the interests of the peoples of these territories and deprive them of their legitimate rights over their natural resource. It recognized, however, the value of economic activities which are undertaken in accordance with the wishes of the peoples of those territories, and their contribution to the development of such territories.

23. In the Cases of East Timor and Nauru, the International Court of Justice did not pronounce itself on the question of the legality of economic activities in Non-Self-Governing Territories. It should be noted, however, that in neither case was it alleged that mineral resource exploitation in such territories was illegal per se. In the Case of East Timor, the conclusion of an oil exploitation agreement was allegedly illegal because it was not concluded with the administering Power (Portugal); in the Nauru Case, the illegality allegedly arose because the mineral resource exploitation depleted unnecessarily or inequitably the overlaying lands.

24. The recent State practice, though limited, is illustrative of an opinio juris on the part of both administering Powers and third States: where resource exploitation activities are concluded in Non-Self-Governing Territories for the benefit of the peoples of these territories, on their behalf, or in consultation with their representatives, they are considered compatible with the Charter obligations of the administering Power, and in conformity with the General Assembly resolutions and the principle of "permanent sovereignty over natural resources" enshrined therein.

25. The foregoing legal principles established in the practice of States and the United Nations pertain to economic activities in Non-Self-Governing Territories, in general, and mineral resource exploitation, in particular. It must be recognized, however, that in the present case, the contracts for oil reconnaissance and evaluation do not entail exploitation or the physical removal of the mineral resources, and no benefits have as of yet accrued. The conclusion is, therefore, that, while the specific contracts which are the subject of the Security Council's request are not in themselves illegal, if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories.

HANS CORELL,
Under-Secretary for legal Affairs,
The Legal Counsel.

KINGDOM OF MOROCCO,
MINISTRY OF INTERIOR, SECRETARIATE,
Rabat, January 22, 1998.

From: The Minister of State for the Interior.
To: All Walis and Governors of the Kingdom's Prefectures and Provinces.
Object: Training workshops for applicants for identification for the referendum to confirm the Moroccanness of the Sahara.

This circular results from examination of the daily activity reports on the ethnic workshops, forwarded by yourselves, and from remarks, suggestions and proposals made by the Moroccan party's Observers in the light of seven weeks of identification, some twenty weeks from the end of this operation.

The results of identification having so far fallen short of the necessary level, owing in part, certainly, to evidence from the Chyoukh representing the other party which is often negative, but also owing to the manifestly insufficient preparation of our applicants, you are invited to pay the closest attention to this briefing and supervise personally, in accordance with my earlier instructions, the strict application of the following measures:

1. Exhaustive pre-identification of the applicants and their sub-fractions:

It emerges from the daily activity reports from the ethnic workshops forwarded by yourself that, unfortunately, only a small number of Walis and Governors (see list attached to this circular) have an exact knowledge of the tribes and sub-fractions relevant to their respective commands, and have consequently been able to provide the Ministry of the Interior with statistical data on the applicants that conforms to the information in the central index.

The others are invited immediately to produce their data on the tribes and sub-fractions and on the number of applicants present in their respective commands and held ready to be summoned at any time to MINURSO's Identification Centres.

It goes without saying that an incomplete knowledge of the sub-fractions and their numbers in a prefecture or province results in underestimation of the real population of applicants, so that an insufficient number of these is being trained and taken to the Identification Centres, contrary to the objective of my earlier instructions.

The Walis and Governors concerned will therefore, on receipt of this circular, require their information technology units to contact the central information technology service to arrange immediate presentation of the province's or prefecture's data on the sub-fractions and their numbers.

2. Preparation of applicants for identification:

As specified in my previous circulars, the basis for the summoning and identification of applicants by MINURSO is the form filled out by them in 1994, on which the computerised data-banks used by this mission and by the Ministry of the Interior itself are both based.

Each applicant is registered and can be sought through his form number. The form contains the applicant's main details and those of his father and mother, in addition to all the elements that specify which identification criterion, out of the five criteria defined by the United Nations Peace Plan, is likely to be fulfilled by the applicant.

The applicant must also have perfect knowledge at least of the contents of the said form. However, when this document does not reflect the applicant's real situation, he should not be imprisoned by it but should seek to make it easy for the Identification Commission to recognise key elements, such as:

the birthplaces of the applicant and his immediate family (father, mother, children).

the seasonal pasture zones frequented in the Sahara by the applicant or his family.

landmark dates in relation to the birth of the applicant and his immediate family (father, mother, children) in the Sahara.

the lineage of the applicant and his immediate family and kinship with a known Sahrawi family.

the history of the applicant's tribe and family.

geography of the region in which they lived and travelled.

Lastly, there is a need to inculcate the applicant with a psychological stance enabling him to:

demystify the identification operation and the MINURSO commission.

be motivated and aware of the stakes in the referendum.

have confidence in himself and be self-assured.

overcome shyness and diffidence and speak loudly and clearly.

learn in advance, from applicants already identified as belonging to the same subfraction, what questions the Identification Commission is asking.

be able to cite one or more family members already counted or identified, and give their numbers.

convince the Moroccan Cheikh who will then convince the Identification Commission.

Full mastery of these elements implies preliminary training of the applicant in his prefecture or province of origin and 2 or 3 days of fine tuning with the Moroccan Cheikh before the identification session.

3. Responsibilities of the Cheikh and the Observer:

As specified in the document attached to this circular, concerning "verification of eligibility" of applicants, the Cheikh's main mission with MINURSO is to testify that the applicant fulfils one of the five identification criteria defined by the United Nations Peace Plan.

To this end, it is necessary for the Cheikh to meet at least once with the Observer and the applicants from each sub-fraction to become amply acquainted with the latter in preparation for the identification session. A list, in Arabic, of the applicants from his sub-fraction should be supplied to the Cheikh.

To facilitate contact between the applicants and the Cheikh of their fraction, the Observer teams will be tripled to enable them to follow the identification operation at the same time as preparing the applicants.

In the identification session the Cheikh should appear credible and convincing and should not restrict himself to recognizing the applicant, but seek to support and defend him as well. He should listen closely to the applicant's declaration and give active, reasoned and coherent testimony in support of the applicant's answers.

He should have perfect knowledge of the applicant, his lineage and his links with the sub-fraction and region.

He should relate this in a clear and convincing manner to the Identification Commission to elicit a positive verdict from it.

4. Role of the Instructors

Close contact between the Instructor, the Cheikh and the Observer is essential to train the Cheikh, teach him the identification process and the five eligibility criteria, raise his awareness, motivate him and remove any complexes he may have about the MINURSO Commission.

At least one full-day session involving the Observer, the Instructor, the Cheikh and the applicants from the sub-fraction is necessary to coordinate, evaluate and plan their common action.

For each ethnic sub-fraction, it is proposed that a group of applicants from the Southern Provinces who have already been identified, along with qualified cadres from these provinces, should be formed to help with the training programme of applicants from the Northern Provinces.

These applicants should identify the best-known and most widely distributed parts of their lineage and make them known to the Identification Commission.

In the same context, applicants from the Northern Provinces who are of Sahrawi origin should be integrated with their respective tribes to familiarize themselves with certain details that may help facilitate their identification.

Nevertheless, in cases where applicants in this category are certain of their Sahrawi origin but have acquired the culture of Northern Morocco, those concerned should defend their Moroccan personality while providing convincing proofs of their Sahrawi origin.

Lastly, agents of the authorities, notables, young people and women should be mobilized in support of this operation.

A special unit is to be established for preparing the Chyoukh, and a system set up to train the Instructors and the Chyoukh in, for example:

the identification process.
the five criteria.
the role of the Chyoukh.
the technical arrangements.

Finally, deserving Chyoukh are to be encouraged and treated with respect.

In conclusion, the next twenty weeks are of determining importance for the outcome of the referendum to confirm the Moroccanness of the Sahara, whose result depends on your immediate action to apply integrally all the instructions you have been given on this subject, which I invite you once again to execute rigorously in liaison with the central Governors concerned, who are required to keep me regularly informed.

DRISS BASRI,
The Minister of State for the Interior.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT), a colleague and friend from the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, the President and his Trade Representative say that the U.S.-Morocco free trade agreement is a good idea because it will strengthen our economic ties with moderate, I emphasize moderate, Muslim countries.

Well, first of all, two-way trade flow between the United States and Morocco is around a billion dollars a year. Morocco is a tiny economy with little economic significance. The U.S. Commerce Department indicated the trade agreement will have a negligible impact on trade and negligible impact on our economies.

Furthermore, while I recognize that King Mohammed VI has made great strides recently, particularly with regard to the rights of women, we should not forget two very important issues. One, Morocco is a monarchy and the king is deemed the country's religious leader. This FTA is really about strengthening ties with moderate monarchies; Jordan, Bahrain and others have preceded it.

There are dozens of Muslim countries that are vibrant democracies, Egypt, that we should have chosen to pursue trade agreements before we chose Morocco.

But, two, the way in which Morocco has handled the Western Sahara is really a stain on their nation. In 1975, when the Western Sahara went free from Spain, the Moroccans moved in immediately and said this is our country. It is a very, very wealthy country in natural resources. Both oil is being drilled for by Kerr McGee and other American and British companies, and the fishing industry off the coast is very proficient.

So before signing an agreement with them, with a nation that has been occupying a territory to which it has no legal claim for 25 years, a nation that has erected a 2,000-kilometer wall to keep the inhabitants of Western Sahara from fleeing, with a country that has no respect for the right of self-determination, we should have ensured that the area of Western Sahara was justly and peacefully resolved. It would have been a lever we could have used to get them to resolve this.

The U.N. has said you should have an election and they just never quite get around to having it for 25 years.

I am really pleased, however, that the chairman of the House Committee on Ways and Means and the ranking member, the gentleman from New York (Mr. RANGEL), have worked with me to insert language into the official committee documents to indicate that in no way does the free trade agreement cover trade investment in the Western Sahara.

The issue is this: If you drill oil in the Western Sahara and the Moroccans take it into Morocco, is it then eligible for tariff-free dealings with the United States? And the answer should be no, and there should really never have been a trade agreement until that legal claim was relinquished or we had some sort of agreement on all of this.

What we do have is a letter which the gentleman from Pennsylvania (Mr. PITTS) inserted in the RECORD. I suspect I have one very similar to his but he will insert it also in the RECORD. I will include a letter from the Trade Representatives saying that in dealing with Morocco we are dealing with Morocco as understood by the United Nations and the United States, and we are not using this as a kind of end-around to go out and get more oil.

One wonders why did we go to Morocco? What is it about Morocco? It is a little tiny country, very little trade with us. What is being done here that really needs to be done?

I think we need to protect the indigenous people of the Sahrawi who live in Western Sahara. They need to have the protection from this United States reaching in and taking their resources by the back door. I thank the chairman for bringing this issue to the floor.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE
Washington, DC, July 20, 2004.

Hon. JIM MCDERMOTT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCDERMOTT: Thank you for your letter of July 19, 2004, concerning our Free Trade Agreement (FTA) with Morocco and the status of Western Sahara.

The Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute, and the United States fully supports the United Nations' efforts to resolve this issue. The United States and many other countries do not recognize Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means.

The FTA will cover trade and investment in the territory of Morocco as recognized internationally, and will not include Western Sahara. As our Harmonized Tariff Schedule makes clear, for U.S. Customs purposes, the United States treats imports from Western Sahara and Morocco differently. Nothing in the FTA will require us to change this practice. The Administration will draft the proclamation authorized in the legislation implementing the FTA (H.R. 4842) to provide preferential tariff treatment for goods from the territory of Morocco. Preferential tariff treatment will not be provided to goods from Western Sahara.

I hope this letter addresses your question regarding the FTA and the status of Western Sahara. I encourage you to support the FTA. It will create economic opportunities for U.S. manufacturing and service firms, workers, and farmers, and will support economic reforms and foreign investment in Morocco.

Thank you again for your letter. Please feel free to contact me should you have further questions.

Sincerely,

ROBERT B. ZOELLICK.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

One of the earlier speakers called for a moratorium on trade agreements. There is nothing that we could do that would hurt American workers more than a moratorium.

Over the last few years Europe has consummated about 36 bilateral trade agreements in this part of the world, and we have consummated about three. Now, when they create a trade agreement with a bilateral agreement with one of these countries, what they are doing is socking in product standards that advantage their products and disadvantage our products.

When we write a free trade agreement with one of these countries it is entirely different. That is why countries like to work with us. It is comprehensive. It includes all products and it is fair, transparent and modern, and I commend Morocco for not only its commitment to develop its economy in a way in which everyone benefits and everyone prospers, but to have evidenced that commitment by changing their labor law in preparation for this free trade agreement. I think that is very commendable.

They changed their labor law to raise the minimum employment age, to reduce the number of hours in a workweek, to call for periodic review of the Moroccan minimum wage, to improve health and safety regulations, and I am skipping over a lot of details, to guarantee the right of association and collective bargaining. They looked at the world standards of how you should treat your workforce and they changed their laws to make those standards their standards.

They are moving. They are developing. Europe is trading with them twice as many dollars worth of product as we are in America. This free trade agreement will change that and ensure American jobs, creating new ones as well.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in opposition to this Moroccan so-called free trade agreement and ask the question, why has the United States as a result of these free trade agreements over the last 20 years amassed the largest trade deficit in the United States history? They have told us when NAFTA was passed we would have a trade balance. We would in fact have hundreds of thousands of new jobs in this country.

What have we got? We have got the largest trade deficit with Mexico we have ever had, the largest trade deficit with Canada we have ever had, and an outwash of jobs from the United States to Mexico, over 900,000 jobs and counting, nearly a million jobs. NAFTA did not work.

Then they said, well, let us sign the China Free Trade Agreement. Boy, that will really be great. We will bring democracy to China. What have we got? We have got the largest growing trade deficit in the history of the United States with China. Every day companies are closing in this country, moving more production to China where wages are what? Ten cents an hour, 20 cents an hour.

The gentleman from Vermont (Mr. SANDERS) asked the opposition here, what is the minimum wage in Morocco? Nobody stood up. Do you know what it is? Eighty eents, 80 cents an hour in Morocco.

What makes you think if we pass another NAFTA-like trade agreement, this time with Morocco, are we going to make it any better? This is no different than what we have had. In fact, it is more of the same and even worse.

Our trade balance with Morocco is going down. Now, I think this agreement with Morocco has nothing to do with trade. It has everything to do with the Sahara and with oil relationships along the western side, and that is a whole other story not for this debate. But why would we want to sign a free trade agreement with a kingdom? Why would we want to empower a monarchy which this will do? You cannot have free trade with a country that is not free. Look at Saudi Arabia, where the majority of terrorists came from. That is a kingdom. Why would we want to empower those who hold assets in undemocratic countries? That is exactly what this agreement will do with Morocco.

This agreement is worse than NAFTA. NAFTA's labor and environmental provisions are a joke anyway. They are just side agreements with no teeth. This agreement has nothing, let me repeat, this has nothing to do with labor or environment. It does not have anything like the Jordanian trade agreement which made a step toward labor and the environment. Further, this agreement blocks the reimportation of prescription drugs as the Australian agreement did.

This agreement provides for the privatization of public services, more outsourcing of our service jobs in this country. There are no adjustment provisions in this agreement for workers who lose their jobs. In fact, in the old NAFTA agreement, they now do not even want to count how many American workers are losing jobs in this country so we can provide them with transitional assistance here at home. This agreement has no adjustment provisions.

One of the interesting provisions in this bill deals with Chapter 11. It guarantees that if investors get in trouble in Morocco—such as, what if terrorists do some things over there we do not like—this agreement protects their private risk through government. Even our own constitution does not do that on investment. Investors get a good deal in this agreement, workers do not.

Let me address one of the other unusual aspects of this agreement. It changes the wording of the provisions that deal with agriculture and food safety from being "equal to" to what is called "equivalency". Who is going to define equivalency on food safety and how it is different from "equal to"? Or who is going to define equivalency on prescription drugs? What it does is it puts us on a downward path compared to the high standards we have set in this country for our own food and drug safety.

This is a bad deal. It is a bad deal economically. It is a bad deal politically. In view of our standing in the Muslim and Arab world, this is a bad deal. It does not promote democracy.

I encourage my colleagues in this body to vote no on this NAFTA-like expansion that now aims to include Morocco.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentlewoman's comments, but we are discussing the U.S.-Morocco FTA, which passed the Committee on Ways and Means by a vote of 26 to nothing. In addition, we have a trade surplus with Morocco. Trade with Morocco creates jobs. The projections are right now that over the next decade our exports will triple in the agricultural sector alone, and the Trade Adjustment Assistance Program already provides benefits to anyone adversely effected by trade, and there is no need for a new program.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, just to correct the record, and I am sure the gentlewoman misspoke, the United States does not have a free trade agreement with China. We have normal trade relations but no free trade agreement with China.

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Mr. Speaker, I do rise in support of this U.S.-Morocco free trade agreement and thank the gentleman from Illinois for his leadership on this.

Today, I am not going to talk about the merits of the agreement. I think there are plenty of them; but instead, I want to point out what I think this agreement means in the context of U.S. policy for the broader Middle East.

This agreement would be the second free trade agreement that we would have with a country in the Middle East, and it would be another cornerstone of U.S. free trade efforts in this region. Achieving free trade and integrating this region into the global economy is of critical concern to the United States.

Economically, socially, this region faces enormous problems, enormous dilemmas. Inequality in many Middle Eastern countries has grown. It has not diminished in recent decades.

Political, economic, and social systems are intertwined and appear closed to those in the outside world. For those who are not already a part of the system, improvement in their lives is only a distant dream.

In July 2002, the United Nations Development Program released a report with some discouraging statistics. Middle Eastern regional growth over the last 2 decades has been the lowest in the world except for sub-Saharan Africa. Labor productivity has been on the decline since 1960. 65 million people are illiterate. One of every two women can neither read nor write. Ten million children are not in school. Unemployment has reached 15 percent with many areas experiencing much higher rates.

The Middle East cannot be healthy socially or politically so long as its economies are in crisis. The United States has a strong interest in helping to stimulate the economies and promote stability in the region.

Now, the U.S.-Morocco free trade agreement cannot by itself solve the deep and widespread economic and social inequalities which permeate this region, but the U.S.-Morocco free trade agreement is a step in helping one country in this region deepen its integration into the world trading system and reach its aspirations for development.

Passing this agreement will help this North African country develop and practice a system of the rule of law that will have implications far beyond trade and the commercial sector.

I urge my colleagues to support this agreement. It is more than just an agreement. It symbolizes our efforts, the efforts of the United States, to integrate this country and this region in partnership with shared aspirations and expectations.

I thank the gentleman for yielding me time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), another distinguished member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to commend the gentleman from Michigan (Mr. LEVIN). He does a terrific job with the gentleman from Illinois (Mr. CRANE) on a bipartisan basis to ensure that every opinion is heard on the Subcommittee on Trade over at the Committee on Ways and Means. I think oftentimes that is why we have the final product that we do.

Let me use this opportunity, Mr. Speaker, to explain why I will be voting in favor of this bilateral free trade agreement between the United States and Morocco, even though there are several aspects of the agreement that trouble me.

My chief disappointment with the agreement is that, once again, the administration refused to specifically require our trading partner to abide by the five most basic internationally recognized labor standards.

The International Labor Organization has identified those principles as the right to associate and bargain collectively, and prohibitions on forced labor, discrimination and child labor.

Instead of assuring these minimal protections for foreign workers, our recent trade agreements have imposed a different standard. They require our partners to enforce whatever labor laws exist in that particular country, regardless of how lax those laws might be.

While I strongly believe that this is the wrong negotiating tack as a general matter, in the specific case of Morocco, the country's labor laws more than surpass international minimum standards; and by all accounts, it appears that the government is making a genuine and conscientious effort to work with unions, workers, and employers to bolster its worker protections even further, including the right to strike. The labor provisions of this agreement are not perfect, but they represent a workable starting point.

Although this agreement is not what I would ideally like to see, it represents an important first step. Fundamentally, I believe that the U.S. can improve its international standing and its national security by expanding trade and strengthening its relationships with moderate Muslim countries. Unfortunately, more and more Muslim voices are calling for boycotts of the United States and its products. That makes it all the more critical for us to reach out to those who are eager to form a partnership with us.

Over the long term, I believe that agreements with nations such as Morocco are mutually beneficial from an economic standpoint. They also represent an opportunity to help mend international relations that have endured a great deal of strain over the last several years.

Mr. Speaker, this agreement could be better. Certainly I would have negotiated it differently, but it will pave the way for progress in a region that is critically important to the United States, and so it does have my support.

Mr. CRANE. Mr. Speaker, can the Chair tell me how much time we have remaining.

The SPEAKER pro tempore (Mr. OSE). The gentleman from Illinois (Mr. CRANE) has 29 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 16 minutes remaining. The gentleman from Ohio (Mr. BROWN) has 14½ minutes remaining.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I want to thank the gentleman from Illinois (Chairman CRANE) and the gentleman from California (Chairman THOMAS) and our ranking members of the Committee on Ways and Means for moving this free trade agreement so effectively through the committee process and onto the floor so that before we break for August recess we can express our support for this agreement.

I do rise in support of the U.S.-Morocco free trade agreement, Mr. Speaker. This is our second trade agreement with an Arab country. With our trade agreement with Morocco, along with those of Israel, Jordan, and Bahrain, we are working to improve economic opportunities in North Africa and in the Middle East.

While the Moroccan economy is much smaller than ours, it remains a key export market for the United States and for my home State. In a State where approximately one in three jobs is now related to trade, it is not surprising that Washington State was the top exporter to Morocco with over $112 million in 2003.

By eliminating 95 percent of the tariffs immediately on United States manufactured goods, we are improving the competitiveness of our businesses in Morocco. Of the $465 million total United States exported from Morocco last year, nearly 29 percent, or $134 million, was due to aerospace products. It is very important to the Northwest, where so many jobs are directly or indirectly affected by our aerospace industry. In fact, Boeing aircraft dominate Royal Air Morac's fleet with a potential of 17 more planes on order.

This agreement will also strengthen intellectual property rights standards for patents, for trademarks and for copyrights so that our high-tech industries are protected in our digital economy. Higher standards, however, are not enough unless there is a commitment for better enforcement of these standards.

For this reason, I am very pleased with Morocco's commitment to better enforcement of intellectual property rights, such as increasing criminal penalties for piracy and for counterfeiting.

This is a very good agreement for our agricultural community. It eliminates duties on our products, and it liberalizes quotas on critical commodities. It also ensures that United States commodities will have equivalent access to any other trade agreements that Morocco negotiates with any other country. If Morocco gives another country better market access on agricultural products, our farmers get the same benefits.

Mr. Speaker, I ask my colleagues to support this trade agreement so that we can build an economic bridge with Morocco and the Middle East.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I am a little puzzled by this debate. I heard my friend from Texas talk about all the great promises of free trade and how these trade agreements are going to mean so much to our farmers and to our workers and to our businesses. I have heard the gentleman from Illinois (Mr. CRANE) say some of the same kinds of things, but I guess I am puzzled because I have heard that throughout my entire 12 years in Congress.

I have heard every trade agreement that comes to the floor, so many speakers say over and over and over again that if we pass these trade agreements, we are going to have more jobs, we are going to do more exports, we are going to have our balance in trade; and look what has happened in the last 12 years.

Our trade deficit when I came to this Congress was about one-fourth of what it is today. We import $1.5 billion more every day than we export. George Bush, Senior, said for every $1 billion of trade, either export or import, it was equivalent to somewhere in the vicinity of 14 or 15 or 16,000 jobs. Well, we have almost a $500 billion trade deficit. Do the math. That is an awful lot of lost jobs.

When we pass these trade agreements, we continue to hemorrhage jobs. We continue to have job loss. We continue to lose manufacturing jobs. One out of six manufacturing jobs in my State has been lost since George Bush took office. We have lost 165 jobs every day of the Bush administration.

So the answer to that is let us do more of what we have already been doing, let us do more tax cuts for the wealthiest people in society, hoping that maybe some of it will trickle down to more jobs, and let us do more trade agreements which ship jobs overseas? People in our communities say these trade agreements are not working.

China, entry of China in WTO; NAFTA; Singapore, Chile, Australia, Morocco, these trade agreements are not translating into more jobs, and people at home know that. In spite of what people in this institution say, in spite of how people in this institution vote, the fact is we continue to lose manufacturing jobs in this country. We have lost millions of jobs in this Bush administration, and then we turn around and do the same thing over and over and over. We make the same promises over and over and over and the results are the same. When we will ever learn?

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I think it is important for everyone to understand that we have a trade surplus at the current time with Morocco. The projections are, though, that with this free trade agreement we will have a very dramatic increase in our exports, especially our exports in the agricultural community with that dramatic drop in tariff barriers that have struck our access there, but we are making progress, dramatic progress.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. RYAN), our distinguished colleague on the committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time. I will just briefly pause and say, having a surplus with Morocco actually helps us with our trade deficit surplus figure because it adds to the surplus side of it.

Mr. Speaker, I would like to pause for a moment and thank those who made this possible. I would like to thank those negotiators at the U.S. Trade Representative who worked long and hard hours with the Moroccans to make this agreement possible. I would like to thank our committee chairman, the gentleman from California (Mr. THOMAS); our subcommittee chairman, the gentleman from Illinois (Mr. CRANE); and also I would like to thank the gentlewoman from Washington (Ms. DUNN), who spearheaded this through committee and here in Congress. This is a great product. This is a great thing.

Now, specifically, why is this beneficial to our constituents? Why is this good for America?

Well, number one, manufacturing, a very important sector to our economy especially in my home State of Wisconsin. This is a great deal for manufacturing. This gets rid of the tariffs on our manufacturing goods going to Morocco.

Number two, and even more important, agriculture. For every $1 of imports we take from Morocco in imports, we export $10. This is a great agreement for agriculture, especially since the Europeans, who enjoy a 50 percent higher trade flow advantage with Morocco than we have at the present time, do not have an agreement with Morocco on agriculture. Let me say it another way. Morocco and Europe trade a lot with each other, 50 percent more than we do with Morocco. That is going to change with this agreement, thankfully; but the Europeans do not have an agriculture agreement with Morocco. We will, and that means we will sell even more agricultural products to Morocco. That is a great thing.

We have a trade surplus with Morocco. They are a great trading partner. This is good for jobs. It is good for manufacturing. It is good for agriculture; but Mr. Speaker, there is a broader vision here. There is a broader purpose for all of this.

This is part of the President's MEFTI plan. This is part of the Middle Eastern Free Trade Initiative. What is that initiative? That initiative is to recognize we need to play a constructive role in the Middle East; that in the war on terror, the most important aspect, long-term vision of that war on terror is improving our understanding and our relations with moderate Muslim countries, with the Arab world. This accomplishes this.

We have 10 TIFAs in place, 10 trade and investment framework agreements in place, throughout the Gulf, throughout Northern Africa, to engage in discussion and dialogue with those countries to help bring them up to the rules of democracy, rules of free enterprise, enforceable contracts, the rule of law, women's right to vote, open societies.

□ 1730

This is what these trade agreements produce. So not only do we produce trade agreements like this Moroccan agreement, which is good for jobs in America, we produce political reforms by engaging in a partnership with those in the Middle East who want democracy and want openness. Because of these agreements and because of the role we play in the world, we serve as a catalyst to getting these countries to open their societies.

Here is one example with the Moroccan agreement. Because of this trade agreement, Morocco passed a great piece of legislation in their constitution and their law for labor standards. They have been trying to do this for 20 years. For 20 years labor groups in Morocco have been trying to get the right to collectively bargain, a shorter workweek, better laws to protect against child labor. Those things are the law of the land in Morocco because of this agreement.

So what we are doing with this broad initiative, through trade investment framework agreements, which lead to these free trade agreements like we have with Jordan and Bahrain and now Morocco, what this accomplishes is bringing these nations into a partnership of democracy, of freedom, of openness and prosperity. That is how we end up improving the lives of people in the Middle East, and that at the end of the day, and I am going to make this connection, is how we make sure that young men and women who are susceptible to the likes of al-Qaeda, who grow up in tyrannical countries with lives where they have no hope and no place to put their creative energies and turn to the likes of al-Qaeda, now have hope in the countries where they did not have them before.

Now young people in these countries who are opening up their systems, bringing democracy, bringing open societies, they have hope. They have a place to channel their energies. This will be one if we improve our relationship, our cultural understanding, our dialogue, and, yes, our trade with these countries.

The Moroccan trade agreement is a perfect example of this vision. I urge Members to pass this trade agreement. It is good for jobs, it is good for Americans, it is good for Moroccans, and it is good for our foreign policy in the Middle East. That is a very, very important goal.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of this free trade agreement between the United States and Morocco. It has been a pleasure for me to work not only with the gentleman from Michigan (Mr. LEVIN), the gentleman from New York (Mr. RANGEL), the gentleman from New York (Mr. MEEKS), the gentleman from Washington (Mr. SMITH), the gentleman from California (Mr. DOOLEY) and others from our side, but also with Members from the other side of the aisle, the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Missouri (Mr. BLUNT), the gentleman from Virginia (Mr. CANTOR), and the gentleman from California (Chairman THOMAS) in making this bill a reality today on the floor.

As a Member who supports free trade and fair trade, and as a member of the Subcommittee on the Middle East and Central Asia on the Committee on International Relations, I was happy to work with Members to develop this legislation, which goes beyond being just a trade bill and morphing into a foreign policy tool.

Morocco has been a strong ally and friend of the United States since we declared our independence, and this agreement will continue to strengthen our long-standing relationship. This free trade agreement with Morocco will immediately eliminate duties on 95 percent of nontextile industrial imports, which will be the best market access the U.S. enjoys with a developing nation.

Besides the economic benefits from the implementation of this free trade agreement, it also has spurred our friends in Morocco to create a comprehensive new labor law which just went into effect this past June. The Moroccan new labor law raises the minimum employment age, reduces the workweek with overtime rates, improves worker health and safety regulations, addresses gender equity, and promotes employment of the disabled. This labor law also guarantees rights of association and collective bargaining. I believe we can credit this movement in terms of improvement of labor standards in Morocco to hopes by Morocco of agreement on this trade agreement.

Morocco has been a stabilizing force in the Middle East, and this agreement will help Morocco to continue on the path of moderation. In fact, Morocco has been a good friend to one of our strongest allies, Israel. Morocco has the largest population of Jews outside of Israel in the Middle East and has played an important role in trying to stabilize the current situation by continuing to play a role as a critical back channel for communications among Israel, the Arab world, and the United States.

At the core of this trade initiative is the belief that through economic opportunity and partnership with the United States and Israel the goal of peace in this region can be furthered. I support this free trade agreement between the United States and Morocco, and I urge Members to vote for final passage.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from New York (Mr. CROWLEY) for his outstanding commitment in this effort to advance our free trade relations and to advance the civilized values that free trade causes. He has done outstanding work in that effort, and I commend him. I thank his colleagues on his side of the aisle for their strong bipartisan support on this important bill.

Mr. Speaker, the administration strongly supports H.R. 4842, which will approve and implement the U.S.-Morocco Free Trade Agreement, as signed by the United States and Morocco on June 15, 2004.

The U.S.-Morocco FTA advances U.S. economic interests and meets the negotiating principles and objectives set out by the Congress in the Trade Act of 2002. The FTA will benefit the people of the United States and Morocco and illustrate to other developing countries the advantages of more open markets for trade and investment.

The FTA provides for increased access for American farmers, workers and businesses to Morocco's markets. Pursuant to the agreement, Morocco will provide strong protection for intellectual property, ensure that rules on electronic commerce are nondiscriminatory, and provide U.S. firms access to covered government procurement opportunities on the same basis that Moroccan firms enjoy.

The U.S.-Morocco FTA provides a significant opportunity to encourage economic reform and development in a moderate Muslim nation and is an important step in implementing the President's plan for a broader U.S.-Middle East Free Trade Area. It also sets a strong example of the benefits of open trade and democracy. Opening markets is part of the President's six-point plan for continuing to strengthen America's economy and to create more opportunities for American farmers, workers and businesses.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

A couple of points I would like to make as we are having this debate. One, we hear that there currently is a trade surplus with Morocco, but we have to look back just a few years and remember that we had a trade surplus with Mexico before we signed NAFTA. I think when we get ourselves into these trade agreements the argument is we have a trade surplus but things are going to change, and we need to look at that here.

What I cannot understand today, not only with this agreement but the legislation that passed out of this House earlier, is what are the priorities? We are trying to strip the Supreme Court of their power that was given to them by the Constitution. We are going off on another trade agreement here. In Ohio, we just lost 14,000 more jobs just in the month of June. The unemployment rate in Ohio went from 5.6 percent to 5.8 percent. What are the priorities of this Congress?

In every single trade agreement that has been passed by this Congress, there has been a promise that has been made along with it. We say we are going to open up markets, we are going to export, and we are going to trade. And as we get rid of those low-paying jobs, we are going to invest in education, we are going to make sure our country is competitive, and we are not living up to that part of the bargain.

We have 59,000 engineers which graduated from this country in 2001, and over 200,000 that graduated from China. If we do not fix the problem we have with our Pell Grants, our student loans, No Child Left Behind in the State of Ohio alone is underfunded for $1.5 billion for one school year, we cannot keep trading and not educating. That is the problem with these trade agreements. If we are going to compete in a global economy, we have to invest in our students or we are going to lose the middle class in the United States of America.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I listened to the debate and I fully agree with Members from States like Ohio that have been devastatingly impacted by trade bills that have not worked.

It is unusual for me to extend myself on trade bills and provide my support, but as I have looked at this particular trade bill let me congratulate the negotiators. They have gone more than the extra mile. I have always said that where we can help developing nations, and particularly those in Africa that I have worked with over the time of my years in Congress, this is an important step we are making.

I cite in this trade bill some very interesting factors. First of all, I am gratified there are no immigration aspects to this bill because I oppose definitively any immigration issues on this bill because the immigration system in this Nation is broken and we must fix it in a way that is fair and balanced to all those who come to this country to seek opportunity.

This bill, however, speaks to the issue of labor concerns. I am delighted in 2003 Morocco undertook a major social dialogue involving the government of Morocco and talked about adopting and did adopt in fact major labor law reforms in July 2003 which reflected a common agreement and was endorsed by all groups. Standards of labor treatment and the elimination of child labor laws has been the result of these negotiations, as well as the recognition of the right to associate and participate in labor unions. Morocco made antiunion and other forms of discrimination illegal, providing strong penalties against such conduct, creating a legal obligation to engage in collective bargaining.

And yes, Mr. Speaker, let me also say that this particular treaty also recognizes in the fight against HIV/AIDS that we have the ability for the government of Morocco to buy generic drugs. I would hope as we look at treaties, as we look at labor agreements that deal in trade, as we look at formulating trade agreements in the future, Morocco as a developing nation is a very good standard by which to answer the Members' questions about the sizable loss of manufacturing jobs and other jobs around America. I too believe that we need job creation, the creation of manufacturing jobs, and we need to invest in the workforce of America.

I believe that this strong trade agreement will allow us to show the people of Morocco how to develop their economic infrastructure, to be the consumers of our products here in the United States as we improve our trade to balance with them. We want to decrease the trade imbalance and increase the amount of exports to Morocco and help it to become an economic engine that will receive our products from the United States. When that occurs, I am prepared to support a trade agreement such as this, and I rise to support the Morocco trade agreement.

Mr. Speaker, I rise today to support H.R. 4842, the "United States-Morocco Free Trade Agreement Implementation Act." Mr. Speaker, having traveled to Africa, I have seen the value when U.S. trade markets are opened to this part of the world. Morocco is an important ally in a region that needs our support. I support the long-term goal of increasing free trade with Africa and its surrounding neighbors. This legislation will build stronger and more effective commercial relationships in a region of the world where economic hope is unfortunately non-existent, developing nations like Morocco need our partnership.

Mr. Speaker, one of my strong issues is the worldwide fight against the deadly pandemic: the HIV/AIDS virus. In August of 2003, the U.S. led the work towards a WTO consensus that allows poor countries without domestic drug production capacity to issue compulsory licenses to import drugs needed to combat diseases such as HIV/AIDS, malaria, tuberculosis and other infectious epidemics. The Morocco FTA will not affect that country's ability to take measures necessary to protect public health or to use the WTO solution to import drugs. This agreement ensures that government marketing-approval agencies will not grant approval to patent-infringing pharmaceuticals.

As far as the agreement is concerned, Morocco has agreed to establish tariff-rate quotas for beef that grow over time, providing significantly increased access to the important market in high-quality beef. In this respect, the U.S. will have superior access over the European Union, and virtually every one else, as well. This legislation levels the playing field between U.S. wheat producers and the EU, though the transition to parity is longer than I prefer.

We should welcome Morocco into the larger network of U.S. free trade partners. The Agreement provides benefits for businesses wishing to supply services cross-border (for instance, by electronic means) as well as businesses wishing to establish a presence locally in the other country. Strong and detailed disciplines on regulatory transparency supplement the Agreement's cross-cutting transparency provisions.

In this agreement, Morocco will allow U.S.-based firms to supply insurance on a cross-border basis (through electronic means) for key markets including reinsurance, reinsurance brokerage, and, subject to a two-year phase-in, marine, aviation and transport (MAT) insurance and brokerage. Morocco also will allow U.S.-based firms to offer services cross-border to Moroccans in areas such as financial information and data processing, and financial advisory services.

Of further benefit to U.S. insurance suppliers, Morocco will phase-out certain mandatory reinsurance cessions and expedite the introduction of insurance products. Each government commits that users of the telecom network will have reasonable and nondiscriminatory access to the network, thereby preventing local firms from having preferential or "first right" of access to telecom networks.

U.S. phone companies will have the right to interconnect will former monopoly networks in Morocco at non-discriminatory, cost-based rates. U.S. firms seeking to build a physical network in Morocco will have non-discriminatory access to key facilities, such as telephone switches and submarine cable landing stations.

This agreement is important because Morocco is an emerging market at the crossroads of Europe, Africa, and the Middle East. It imports $11 billion in products each year. Currently, U.S. products entering Morocco face an average tariff of more than 20 percent, while Moroccan products are only subject to an average 4 percent duty in the United States.

Each government will prohibit bribery, including bribery of foreign United States officials, and establish appropriate criminal penalties to punish violators. This Agreement establishes a secure, predictable legal framework for U.S. investors operating in Morocco.

All forms of investment will be protected under the Agreement, such as enterprises, debt, concessions, contracts and intellectual property. U.S. investors will enjoy in almost all circumstances the right to establish, acquire and operate investments in Morocco on an equal footing with Moroccan investors, and with investors of other countries.

Pursuant to the Trade Promotion Authority Act of 2002 (TPA), the Agreement draws from U.S. Legal principles and practices to provide U.S. investors in Morocco a basic set of substantive protections that Moroccan investors in the United States currently enjoy under the U.S. legal system.

This agreement fully meets the labor objectives set out by the Congress in TPA. Labor obligations are part of the core text of the Agreement. Each government reaffirms its obligations as members of the International Labor Organization (ILO), and commits to strive to ensure that its domestic laws provide for labor standards consistent with internationally recognized labor principles. The Agreement makes clear that it is inappropriate to weaken or reduce domestic labor protections to encourage trade or investment.

Each government will be required to effectively enforce its own domestic labor laws, and this obligation is enforceable through the Agreement's dispute settlement procedures.

Procedural guarantees in the Agreement require each government to provide access for workers and employers to fair, equitable and transparent labor tribunals or courts.

The Agreement includes a cooperative mechanism to promote respect for the principles embodied in the ILO Declaration on Fundamental Principles and Rights at Work, and compliance with ILO Convention 182 on the Worst Forms of Child Labor.

In closing, I support the Moroccan Free Trade Agreement.

□ 1745

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one of the things I have noticed in these debates on these trade issues is there is one common thread. There are many, but there is one really thick common thread that is woven through all these trade agreements, in not just these trade agreements but that is perhaps woven through much of what this Congress has done in the last 3 years, during the Bush years, and that is whatever the drug industry wants, whatever the pharmaceutical companies want.

We know the drug industry is the most profitable industry in America by a factor of three or four times in profitability over other Fortune 500 industries. We also know the drug industry has 600-plus lobbyists, more than one per Member. We also know the drug industry has given more money to President Bush, tens of millions of dollars, and to Republican leadership than any other industry. And we know they have gotten their way.

They wrote the Medicare bill, we know that, with the insurance industry. We know they have begun to try to dry up drug supplies in Canada, prescription drugs, so that Americans have more difficulty going to Canada to get drugs. We know that the FDA, once one of the best agencies in the Federal Government, has been co-opted by the drug industry so that on issue after issue they take the drug industry's side rather than the public safety or the consumers' side. And most importantly, I do not know that Members on the other side of the aisle are quite aware of this, but certainly the public is aware at how high drug prices, how much they have skyrocketed in the 3 years since President Bush has, I was going to say turned a blind eye to drug industry abuses but really actually fronted for and assisted in drug industry abuses.

One more example of that is all of these trade agreements, what happened with the Australia Free Trade Agreement, how it would for all intents and purposes block reimportation, that is, our ability, American consumers' ability to buy prescription drugs from another country, to get drugs at half or a third or a fourth of their price. We are now seeing the same in the Morocco bill.

But let us kind of scratch the surface a little and what you will find, Mr. Speaker, is in April, United States Trade Rep, Ambassador Zoellick, gave Assistant U.S. Trade Representative for Southeast Asian public affairs, Ralph Ives, additional responsibilities as the Assistant U.S. Trade Rep for pharmaceutical policy. He was the chief negotiator in the Australia FTA, which included these provisions we talked about which, of course, benefit the pharmaceutical industry.

Now, Mr. Speaker, we hear that this same Mr. Ives, who I said was the chief Australia FTA negotiator on pharmaceutical interests on behalf of the Bush administration, we find out next month he will leave USTR to become vice president of AdvaMed, a medical supply company. We have also learned that Claude Burke, another negotiator for U.S. taxpayers, paid by our government, a Bush appointee for intellectual property rights, has already left and now is working for another drug company, working for Abbott Labs.

So this revolving door of the drug industry where the drug industry gives money to President Bush, President Bush then helps the drug industry, then these people who are working for taxpayers negotiate a good deal for the drug company, then leave and come back and work for the drug industry. Is there no shame with this crowd, with my Republican friends who have fronted for this drug industry that is fleecing the American public and with the administration? That is one issue.

The other, Mr. Speaker, is why do we pass a trade agreement when we see the same story repeated over and over and over? We just turn the calendar back, rewind the clock, and we see it over and over again. We see speaker after speaker come to this floor and make all kinds of promises. We have a trade surplus in Morocco, so we ought to pass a trade agreement. Just like we had a trade surplus with Mexico, we passed NAFTA; and now we have a $25 billion a year, plus-plus-plus, trade deficit.

They promise more agricultural exports. They promise more American jobs. They promise more business for American companies. They promise more exports of American products. But look what happens. In my State in the last 3 years, we have lost one out of six manufacturing jobs. Does that mean these trade agreements with Mexico, with WTO in China, with Morocco, with Australia, with Chile, with

Singapore, does that mean these trade agreements are working? There is no evidence that they are working. We continue to hemorrhage jobs. We now have a $450 billion trade deficit, $1.5 billion trade deficit every day. So our answer is, boy, let's do more of the same because that must be working.

It is clearly not working. We have lost jobs during the Bush administration, the first President since Herbert Hoover to have a net loss of jobs. So what are we going to do? We are going to keep pursuing the same economic policy we have had the last 3 years, more tax cuts for the most privileged people in society, maybe some of it will trickle down into economic growth. Clearly that has not worked. More trade agreements, like Morocco, like Australia, like NAFTA, like China, more trade agreements. That has not worked because we continue to hemorrhage jobs. We continue to ship jobs overseas.

Maybe, just maybe, Mr. Speaker, since none of that seems to have worked, maybe we ought to try something different. Maybe we ought to have a trade agreement that does not sell out to the drug industry. Maybe we ought to have a trade agreement with enforceable labor and environmental standards, international labor organization standards. Maybe we ought to have a trade agreement that puts American workers first, that puts the environment first, that puts food safety first, that puts American consumers of prescription drugs first. Maybe, just maybe, we ought to put a hold on these trade agreements that continue to ship jobs overseas and, instead, pass something that works for American consumers, that works for American workers, that works for our communities, and that works for the United States of America.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

When we discussed the rule, I went over some of the benefits of this agreement, those relating to manufacturing goods, and we have been deeply hurt in the manufacturing area in the United States these last 3 years. This agreement should open up Morocco to more goods made in America. I referred to the agricultural area. This agreement does open up the Moroccan market to agricultural goods produced in the United States of America. It will also liberalize the service areas that are important for our development. And there is reference to intellectual property safeguards.

I want to spend a few minutes now talking about the broader perspective here, the perspective, I think, with which we must look at trade agreements and expanded trade.

First, there has been some reference here to bipartisanship, and it is true that this will pass with bipartisan support. Not complete. But I want it clear that there has been these last 3 years no basic bipartisan consensus on trade. That has been true of the big issues. We fought out TPA here, and it passed narrowly. CAFTA was negotiated on a narrow basis without adequate bipartisan participation. The same has been true today of the FTAA.

The failure of this administration to build a bipartisan consensus, a strong bipartisan foundation, to renew that foundation that once existed here, I think, has handicapped discussions within the WTO. We cannot make the tough decisions relating to negotiations in the WTO that affect American workers, businesses, farmers and others except on the basis of a strong bipartisan foundation. We do not have it.

Secondly, we on the Democratic side together, all of us, reject the use of one agreement as a model for others. For example, we have discussed core labor standards. Where labor laws in a country are essentially adequate, as was true of Jordan, the standard enforce-your-own-laws, which was the basic standard in Jordan, can work; but it will not work in cases where laws are very inadequate. So that is why we Dems essentially in unison reject the CAFTA that was negotiated. We support a Central American Free Trade Agreement, but one that is different than was negotiated.

So the basic issue, therefore, is not, as some in the majority have stated, whether one is for or against free trade, for or against expanded trade. It is whether the terms of expanded trade will be shaped to benefit all and not just a few. We do not assume that expanded trade is automatically positive all around.

That is why when this agreement came up, we raised two issues. One of them related to core labor standards. There was reform. We wanted to know the facts about those reforms. We wanted to know the realities within Morocco. We wanted to know whether it was more or less like Jordan and not more or less like Central America.

And so we dug into the facts. We made it clear to the Moroccan government that we cared, and I must say I think it is because Democrats have been raising these issues perhaps more than any other factor that the Moroccan government undertook some reforms, and we received back a communication from the government of Morocco. I submit for printing in the RECORD the letter that was sent to us and the three other letters referred to during the debate on the rule.

The material referred to is as follows:

EMBASSY OF THE
KINGDOM OF MOROCCO,
Washington, DC, July 19, 2004.

HON. SANDY LEVIN,
Rayburn House Office Building,
House of Representatives.

DEAR REPRESENTATIVE LEVIN: I deeply appreciate the opportunity to work with you on the U.S.-Morocco Free Trade Agreement. In particular, I appreciate the opportunity to talk to you about the pharmaceutical provisions in the Free Trade Agreement, and about how the Government of Morocco is meeting the health needs of its citizens.

The Government of Morocco has a well-developed health system, including a comprehensive public health program. For example, free medical care, including medicines, is available through our hospitals. Morocco's health care policy includes a strong emphasis on generic drugs.

Morocco has not needed to engage in emergency measures such as compulsory licensing or parallel imports. In fact, there is a well-developed domestic pharmaceutical industry in Morocco, producing also generics, and in 2000, well in advance of the Free Trade Agreement and completely independent of it, Morocco decided to bar parallel imports.

In addition, as a separate, but quite important matter, the Government of Morocco is strongly committed to and has agreed to the highest-standard intellectual property rights provisions in the Free Trade Agreement. The Government of Morocco believes that effective intellectual property right protection will play a vital role in the continued economic development of our country.

The pharmaceutical provisions in the Free Trade Agreement were carefully considered in Morocco. They were discussed in detail with all parties. All sectors of our health system were involved, including the pharmaceutical industry. The discussions also included the members of the civil society in Morocco.

The Government of Morocco achieved in this agreement full flexibility to meet our nation's health concerns. In particular, the Government of Morocco believes the agreement fully preserves its right to issue a compulsory license in the event that this should prove necessary.

The Agreement does bar "parallel imports" in 1.5.9.4. However, as described above, the Government of Morocco already bans "parallel imports." In addition, the Government of Morocco believes that in the event that it faced a situation where extraordinary action was required, it could meet the needs of its people through a compulsory license.

The Government of Morocco considered carefully the data exclusivity provisions in the agreement. We do not believe that they present any risk to our ability to meet the health needs of our citizens.

Under the Agreement, a compulsory license does not override obligations to provide data exclusivity under 15.10.1 and 2. The Government of Morocco believes it is unlikely that a situation would ever arise where data exclusivity would be a barrier to the issuance of a compulsory license. If such an event did occur, the Government of Morocco believes that an accommodation could be reached with the owner of the data.

The Government of Morocco supports the Paragraph 6 solution of the Doha Declaration. The Free Trade Agreement does not restrict our ability to export under the Paragraph 6 solution of the Doha Declaration. To the specific, 15.9.6 does not create a barrier to exports under the Paragraph 6 solution of the Doha Declaration.

The June 15, 2004 side letter between our two countries addresses the ability to amend the Free Trade Agreement, responsive to amendments to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. Under the Agreement, the Government of Morocco believes it can consult immediately to amend the Agreement responsive to any WTO amendments. Under the Agreement, it is not required to wait for there to be an application in dispute of the Agreement.

I look forward to keep working with you.

Sincerely,

AZIZ MEKOUAR,
Ambassador.

EMBASSY OF THE
KINGDOM OF MOROCCO,
Washington, DC, July 14, 2004.

Hon. SANDY LEVIN,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN LEVIN: I have deeply appreciated the continuing opportunity to work with you on the U.S. Morocco Free Trade Agreement. In particular, I welcome your interest in our nation's labor law, specifically the comprehensive reforms, passed last year.

I want to address through this letter some of the issues that have been highlighted in conversations with you and your staff. Under Moroccan law, it is illegal to fire an individual because they are a member of a labor organization or have engaged in labor organizing. To fire someone on these grounds would be arbitrary under the 2003 law and would make available the full remedies provided under that law.

Under Moroccan law, it is illegal to refuse to hire an individual because they are a member of a labor organization or have engaged in labor organizing. It is also illegal to refuse to rehire or extend the contract of an individual for these reasons.

Section 473 is a provision in the 2003 Labor Law and the provision's intent is to ensure that labor representatives do not undermine the traditional labor organizations. The government intends to implement this provision to achieve that goal, consistent with the core provisions of the ILO.

The right to strike is protected in the Moroccan constitution. Further clarification of these rights is underway. The government of Morocco is committed to protecting the right to strike in conformance with the International Labor Organization's core principles. In particular, the government of Morocco will not use Article 288 of our penal code against lawful strikers.

Concerning the questions regarding Labor Representatives, employers have the obligation to organize the elections for the labor representatives. Employers cannot vote in these elections and are not able to choose labor representatives. Only employees can vote and elect freely the labor representatives.

Employees can join freely the Union of their own choice. Unions designate their representatives within the companies.

On the ILO involvement, Morocco has always worked with ILO. For instance, ILO assisted Morocco to write the Labor Code of 2003 and the new law on child labor. Morocco, as in the past, will continue to ask the support of ILO and work with this organization in all labor issues such as new laws and will ask its help in providing assistance for the implementation of the current rules.

I look forward to continuing to work with you on these issues and any others of potential concern. Nevertheless, I wanted to get back to you in a timely manner on the key issues addressed in this letter.

Sincerely,

AZIZ MEKOUAR,
Ambassador.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2004.

Hon. ROBERT B. ZOELLICK,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR ZOELLICK: We are writing to express our ongoing concern about sections of recently negotiated U.S. free trade agreements (FTAs) that could affect the availability of affordable drugs in developing countries. In particular, we are concerned about the impact of restrictions on parallel imports and about marketing exclusivity requirements for pharmaceuticals included in the Morocco FTA. Our concern relates to two points.

First, it appears that some of the provisions contradict, both explicitly and in spirit, commitments made by the United States in the World Trade Organization in both the November 2001 Declaration on the TRIPS Agreement and Public Health (the Doha Declaration) and the September 2003 Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (the Paragraph 6 Decision). Section 2101(b)(4)(C) of the Trade Act of 2002 (Trade Promotion Authority or TPA) directs the Administration to respect the Doha Declaration, necessarily including subsequent agreements related to that Declaration.

Second, we are concerned that the FTA's restrictions on obtaining regulatory approval for drugs, including drugs that are already off-patent, are likely to increase prices in the Moroccan market. These restrictions, described below, could undermine the availability of generic versions of drugs to treat serious health problems, including HIV/ADS, that are widespread in many, if not most, developing countries. Moreover, any increase in the price of drugs in a developing country like Morocco will be borne by consumers because most developing countries have large rural, uninsured, and poor populations who pay out-of-pocket for drugs.

In discussions with your staff and in recent testimony before the Committee on Ways and Means, we understand that your office is of the view that the FTA does not interfere with a country's efforts to ensure broader access to medicines. We request that you explain that view to us in writing, and in particular, by responding to the questions outlined below. We have focused on Chapter 15 of the U.S.-Morocco FTA, because it may be considered by Congress in the coming weeks.

RESTRICTIONS ON PARALLEL IMPORTATION

Article 15.9.4 of the U.S.-Morocco FTA requires both countries to recognize the exclusive right of a patent holder to import a patented product, at least where the patent holder has restricted the right to import by contractual means. In practical terms, this provision means that neither Morocco, nor for that matter, the United States, may allow parallel imports of patented pharmaceutical products from the other country, or where a national of the other country owns the patent.

With respect to Morocco, which is a developing country, this provision appears to limit one of the flexibilities identified in the Doha Declaration for increasing access to medicines, and accordingly, it appears to contradict the direction in section 2102(b)(4)(c) of TPA. Specifically, the Doha Declaration reaffirmed that the TRIPS Agreement provides flexibility for WTO Members to take measures to protect public health, including "promot[ing] access to medicines for all." One of the key flexibilities identified in the Doha Declaration is the right of each country to determine for itself whether to allow parallel imports.

Does Article 15.9.4 of the Morocco FTA prevent Morocco from allowing parallel imports of a patented pharmaceutical product?

Given that the Doha Declaration explicitly confirms the right of each country to retain flexibility in allowing parallel imports of drugs as one way of meeting the public health needs of its citizens, please explain why the provision was included given that TPA directs the Administration to respect the Doha Declaration?

Which country sought inclusion of this provision?

If Morocco or the United States eliminated the exclusive right of a patent holder to import a patented product, would either be in violation of Article 15.9.4?

MARKET EXCLUSIVITY AND RELATED PROVISIONS

Article 15.10.1 of the U.S.-Morocco FTA requires that both countries prevent the use of data submitted to support an application for marketing approval (e.g., approval from the Food and Drug Administration (FDA)) for a new pharmaceutical chemical product without the consent of the person submitting such data, for a period of five years from the date of approval. In layman's terms, this means that if a company submits data to meet FDA-type safety and efficacy standards, and obtains marketing approval based on that data, other companies cannot obtain regulatory approval based on those data for five years. Given the cost of generating such data, this provision operates effectively as a grant of market exclusivity in virtually all cases, including in cases where the drug is off patent. Article 15.10.2 appears to allow an additional three years of marketing exclusivity for new uses of an already-approved pharmaceutical product. Article 15.10.3 requires both countries to extend patents where there is a delay in the marketing approval process.

The provisions described above appear to be based on 1984 amendments to U.S. law known as the Hatch-Waxman Act. The objectives of the Hatch-Waxman Act were to accelerate and increase the availability of generic drugs in the United States while balancing the need for continued investment in new drugs. As you are aware, the Hatch-Waxman Act was necessary because prior to 1984, U.S. law made it extremely difficult and expensive to bring a generic version of a pharmaceutical product to market, even after a patent expired. This was because prior to the 1984 changes, a company seeking marketing approval for a copy of an already-approved drug had to generate its own data to support its FDA application. The cost of generating those data effectively precluded second entrants from entering the market. (First entrants were able to offset the cost for generation of the data because they enjoyed patent protection.) The Hatch-Waxman Act allowed second entrants to rely on data submitted by first entrants, thereby reducing costs and speeding introduction of generic versions of drugs to the U.S. market. In exchange for allowing second entrants to "piggy-back" off first entrants, first entrants were given a period of market exclusivity, even for drugs that are off-patent.

The Hatch-Waxman Act's provisions on market exclusivity were part of a compromise necessary to ensure that the U.S. regulatory structure was updated to facilitate the entry of generic drugs into the U.S. market. Most developing countries already have robust generic markets, in large part because they already allow producers of generic versions of drugs to obtain regulatory approval based on data submitted by first applicants or based on prior approval. In light of that fact, and given that innovative drug companies largely develop drugs for developed country markets and conduct the necessary tests to get marketing approval in those markets regardless of whether they are given market exclusivity in low-income developing countries, what is the rationale for including these provisions?

Please describe the circumstances under which the three additional years of marketing exclusivity described in Article 15.10.2 would apply.

Neither Article 15.10.1 or 15.10.2 on marketing exclusivity appear to allow for reliance on previously submitted data or prior approval during the period of market exclusivity absent consent of the first applicant. The Doha Declaration reaffirmed the right of countries to use flexibilities under the TRIPS Agreement, such as compulsory licenses. A compulsory license allows someone other than the patent holder to produce and sell a drug under patent. It is not clear to us why the grant of a compulsory license would override a grant of market exclusivity, as provided in Articles 15.10.1 and 15.10.02. (We note that there is no exception to protect the public.) Please describe how the market exclusivity provisions in Article 15.10.1 and Article 15.10.2 relate to Morocco's ability to issue a compulsory license.

Where a compulsory license has been issued, may a Party automatically deem that the first applicant has consented to reliance on the data or prior approval for the drug produced under the compulsory license?

If the patent and test-data were owned by different entities, does a compulsory license result in legal "consent" by both the patent holder and the data owner for use of the patented material and the test data?

When the drug is off patent, and a Party wishes to permit marketing for a second entrant, what mechanism exists in the FTA to allow for an exception to the provisions on market exclusivity?

Is a grant of market exclusivity pursuant to Articles 15.10.1 and 15.10.2 considered an "investment" with respect to Chapter 10 of the agreement? If so, would an abridgement of the period of market exclusivity constitute a compensable expropriation under Chapter 10?

Article 10.6.5 of the FTA appears to clarify that any act of patent infringement carried out by a Party in the issuance of a compulsory license in accordance with the TRIPS does not constitute a compensable expropriation. Issuance of a compulsory license, however, is only one aspect of the process of getting a drug to market. Does the clarification in Article 10.6.5 also ensure that other measures taken by a government to ensure that a drug on which a compulsory license has been issued can be lawfully marketed (e.g., a grant of marketing approval to a generic or second producer before the period of marketing exclusivity has expired) will not constitute compensable expropriations? If not, is there another provision in the agreement that would ensure that such measures do not constitute expropriations?

Article 15.10.3 requires that a patent term be extended where there is a delay in the regulatory approval process. The provision does not state whether delays attributable to the applicant (e.g., failure to provide adequate data) mitigate against extension. Article 15.9.8, the comparable provision for extension of a patent term because of a delay in the patent approval process, makes clear that delays attributable to the patent applicant should not be considered in determining whether there is a delay that gives rise to the need for an extension. Why was similar language not included in Article 15.10.3?

Is Morocco, or for that matter the United States, required by the FTA to extend a patent term where there is a delay in the regulatory approval that is attributable to the applicant?

BOLAR-TYPE PROVISIONS THAT LIMIT EXPORT

Article 15.9.6 of the U.S.-Morocco FTA appears to allow a person other than a patent holder to make use of a patent in order to generate data in support of an application for marketing approval of a pharmaceutical product (e.g., approval from the FDA). However, Article 15.9.6 also states that if exportation of the product using the patent is allowed, exportation must be limited to "purposes of meeting marketing approval requirements." This provision appears to preclude Morocco from exporting generic versions of patented pharmaceutical products for any reason other than use in obtaining marketing approval because that is the only exception noted.

If that is the case, the provision would seem to curtail Morocco's ability to act as an exporter of pharmaceutical products to least-developed and other countries under the Paragraph 6 Decision. Specifically, the Paragraph 6 Decision allows countries to export drugs produced under a compulsory license to least-developed countries or to countries that lack pharmaceutical manufacturing capabilities. Were the provisions to constrain Morocco's ability to export under the Paragraph 6 Decision, the United States could be accused of backtracking on commitments that have been made.

Please explain whether this Article prohibits Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than "meeting market approval requirements." If it does not, please explain in detail how you came to that conclusion.

If this provision does in fact limit Morocco's ability to allow the export of generic versions of patented pharmaceutical products, please explain how Morocco could serve as an exporting country to help least-developed and other countries address public health needs under the Paragraph 6 Decision. (Exporters under the Paragraph 6 Decision are exporting to meet the health needs of an importing country, not merely to obtain marketing approval.)

Does Article 15.9.6 allow export of a generic version of a patented drug to get marketing approval in a third country (i.e., other than the United States or Morocco)? (Article 15.9.6 states that "the Party shall provide that the product shall only be exported outside its territory for purposes of meeting marketing approval requirements of that Party.").

SIDE LETTER TO THE AGREEMENT

The Morocco FTA includes an exchange of letters dated June 15, 2004, between the Governments of Morocco and the United States. The letters appear intended to clarify the relationship between the intellectual property provisions of the FTA and the ability of Morocco and the United States to take measures to protect the public health.

The letters address two issues. First, the letters state that the intellectual property provisions in the FTA "do not prevent the effective utilization" of the Paragraph 6 Decision. Second, the letters state that if the TRIPS Agreement is amended on issues related to promotion of access to medicines, and that either the United States or Morocco takes action in conformity with such amendments, both countries will "immediately consult in order to adapt [the intellectual property provisions of the FTA] as appropriate in light of the amendment."

On the Paragraph 6 Decision, please explain how the statement that the FTA does not "prevent the effective utilization" is not merely rhetorical. Please be specific as to why you believe the provisions in the FTA do not preclude Morocco from acting as an importer or exporter of drugs under the Paragraph 6 Decision, including how the FTA's provisions related to market exclusivity can be waived if Morocco acts in either capacity.

On the issue of consultation, do the letters mean that both Parties agree to amend the FTA as soon as possible to reflect access to medicines amendments to the TRIPS Agreement? Will the United States refrain from enforcing provisions of the FTA that contravene the TRIPS Agreement amendments while the FTA is being amended? Is USTR willing to engage in an exchange of letters with the Government of Morocco memorializing such an understanding?

We appreciate your prompt response to these questions.

Sincerely,

CHARLES B. RANGEL,
Ranking Democrat, Committee on Ways and Means.
JIM MCDERMOTT,
Member, Committee on Ways and Means.
SANDER LEVIN
Ranking Democrat, Subcommittee on Trade, Committee on Ways and Means.
HENRY A. WAXMAN,
Ranking Democrat, Committee on Government Reform.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, July 19, 2004.

Hon. SANDER M. LEVIN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LEVIN: Thank you for your letter of July 15, 2004, regarding certain provisions of the intellectual property chapter of the U.S.-Morocco Free Trade Agreement (FTA).

I have addressed each of your specific questions below. As a general matter, for the reasons also set forth below, the FTA does not conflict with the Doha Declaration on the TRIPS Agreement and Public Health or otherwise adversely, affect access to medicines in Morocco. The FTA does not require Morocco to change its policies with respect to any of the flexibilities noted in the Doha Declaration. Furthermore, we believe that this FTA can advance Morocco's ability to address public health problems, both by putting in place incentives to develop and bring new medicines to market quickly and by raising standards of living more broadly.

The experience of Jordan under the U.S.-Jordan FTA is illuminating. The United States and Jordan signed the FTA in 2000, during the prior Administration, and we worked with Congress to enact that agreement in 2001. The U.S.-Jordan FTA contains a strong intellectual property chapter that covers, for example, data protection, one of the issues highlighted in your letter. Jordan has witnessed a substantial increase in pharmaceutical investment, creating new jobs and opportunities. In addition, Jordan has approved 32 new innovative medicines since 2000—a substantial increase in the rate of approval of innovative drugs, helping facilitate Jordanian consumers' access to medicines. The Jordanian drug industry has even begun to develop its own innovative medicines. This is an example of how strong intellectual property protection can bring substantial benefits to developing and developed countries together.

Your specific questions with respect to the U.S.-Morocco FTA are addressed below.

PARALLEL IMPORTATION

1. Does Article 15.9.4 of the Morocco FTA prevent Morocco from allowing parallel imports of a patented pharmaceutical product?

Article 15.9.4 of the FTA reflects current Moroccan law and therefore does not require Morocco to do anything it does not already do. The FTA also reflects existing U.S. law. Both Morocco and the United States already provide patent owners with an exclusive right to import patented products, including pharmaceuticals but also all other types of patented products. Many innovative industries and their employees in the United States—from the high tech and pharmaceuticals sectors to sectors covering chemicals and agricultural inputs, and on to engineering and manufacturing—benefit from this long-standing protection in U.S. patent law.

2. Given that the Doha Declaration explicitly confirms the right of each country to retain flexibility in allowing parallel imports of drugs as one way of meeting the public health needs of its citizens, please explain why the provision was included given that TPA directs the Administration to respect the Doha Declaration?

Providing patent owners with an exclusive import right is consistent with Article 28.1 of the TRIPS Agreement, which states that patent owners have the exclusive right to make, use, sell, offer for sale, and import products covered by their patents. U.S. law, developed through a long line of Supreme Court and lower court cases, has recognized this right for over a hundred years. The TRIPS Agreement more precisely articulated the exclusive import right, and, when implementing TRIPS in the Uruguay Round Agreements Act, Congress amended the patent law by providing for such a right expressly in the statute.

At the same time, however, the TRIPS Agreement also allows countries to choose to permit "international exhaustion" without challenge under WTO dispute settlement. International exhaustion would allow parallel imports. The Doha Declaration affirms this approach, and states that "[t]he effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4."

Importantly, neither the TRIPS Agreement nor the Doha Declaration require WTO members to adopt an international exhaustion rule; they merely recognize that countries may do so without challenge. WTO members are free to exercise their sovereign right to choose an alternative policy. As noted, the United States does not permit parallel imports. Morocco also decided in 2000, well before the FTA negotiations, not to permit parallel imports. The fact that the FTA reflects principles already present in both Parties' laws does not in any way lessen our commitment to the Doha Declaration. In fact, in previous FTA negotiations with developing countries that do not have parallel import restrictions in their domestic law (e.g., Central America, Chile, and Bahrain), the final negotiated texts do not contain provisions on parallel importation.

3. Which country sought inclusion of this provision?

This provision is a standard component of the U.S. draft text, which USTR staff has presented to Congress for review and comment on numerous occasions. Morocco readily accepted the proposal, without objection, and noted during the negotiations that Moroccan patent law, like U.S. law, already provided patentees with an exclusive importation right.

4. If Morocco or the United States eliminated the exclusive right of a patent holder to import a patented product, would either be in violation of Article 15.9.4?

It would depend on the details of the particular legislation. A change in U.S. law would, however, affect many other innovative sectors that rely on patents besides the pharmaceutical sector. Many U.S. technology, manufacturing, and other innovative businesses—as well as Members of Congress—urge us regularly to vigorously safeguard U.S. patents and the jobs they help create.

MARKET EXCLUSIVITY

5. The Hatch-Waxman Act's provisions on market exclusivity were part of a compromise necessary to ensure that the U.S. regulatory structure was updated to facilitate the entry of generic drugs into the U.S. market. Most developing countries already have robust generic markets, in large part because they already allow producers of generic versions of drugs to obtain regulatory approval based on data submitted by first applicants or based on prior approval. In light of that fact, and given that innovative drug companies largely develop drugs for developed country markets and conduct the necessary tests to get marketing approval in those markets regardless of whether they are given market exclusivity in low-income developing countries, what is the rationale for including these provisions?

In negotiating the U.S.-Morocco FTA and other recent FTAs, USTR has been mindful of the guidance provided in the Trade Act of 2002, which directs USTR to seek to "ensur[e] that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect[s] a standard of protection similar to that found in United States law." We understand the rationale of this guidance is to help protect and create high-paying jobs in leading American businesses. As a developed economy, it is understandable that U.S. workers will be increasingly employed in higher value (and better paid) innovative and productive jobs. On the basis of Congress' direction, the United States sought to include provisions that reflect U.S. law, including with respect to the protection of data.

The protection of clinical test data has long been a component of trade agreements negotiated by U.S. Administrations with both developed and developing countries. Data protection provisions were included, for example, in many past trade agreements, including the U.S.-Jordan FTA and the U.S.-Vietnam Bilateral Trade Agreement—both negotiated by the prior Administration after the passage of the law to which you refer. Such provisions were included in NAFTA, too. They are in all recent FTAs, including the U.S.-Singapore FTA and the U.S.-Chile FTA. Data protection provisions have also been included in many bilateral intellectual property agreements.

The TRIPS Agreement itself requires protection of clinical test data against unfair commercial use. While the United States protects data to obtain approval for new chemical entities for five years, other countries provide different terms. The EU, for example, protects such data for 6–10 years.

Implicit in the question, however, appears to be an assumption that data protection is disadvantageous for developing countries like Morocco. Yet, protection of data actually has the potential of facilitating and accelerating access to medicines. As recognized in Chapter 15 of the FTA (footnotes 12 and 13), Morocco does not currently approve generic versions of medicines based on approvals granted in other countries. As a result, today a generic producer wishing to sell pharmaceuticals in Morocco may obtain approval only if an innovative producer first obtains approval in Morocco or if the generic producer invests the significant money and time necessary to recreate the data itself. After an innovative producer obtains approval in Morocco, a generic producer may rely on such data to obtain approval for its generic product.

Therefore, under existing Moroccan law, generic manufacturers in Morocco cannot obtain marketing approval for a generic drug until an innovator has first obtained approval for the drug in Morocco. Without data protection, innovative producers will be less likely to enter the Moroccan market in the first place because, once they obtain approval, generic producers may capture most of the market. The data exclusivity provisions of the FTA can thus provide an important incentive for innovators to enter the market, which may in turn expand the potential universe of generic drugs in Morocco. As noted above, this is the development we are seeing in Jordan, to the benefit of Jordan consumers.

6. Please describe the circumstances under which the three additional years of marketing exclusivity described in Article 15.10.2 would apply.

The question seems to imply that the basic five year term of protection for data submitted to obtain approval of new chemical entities may be extended to eight years. This is not correct. There is no circumstance in which the FTA requires that an innovator receive a data protection period longer than five years for new chemical entities.

The three year period of protection reflects a provision in U.S. law, which relates to new information that is submitted after a product is already on the market (for example, because the innovator is seeking approval for a new use of an existing product). In that situation, at least in cases where the origination of this new data involves considerable effort, the FTA requires that the person providing the new data gets three years of protection for that new data relating to that new use. This three year period only applies to the new data for the new use; it is not added to the exclusivity period for any data previously submitted.

For example, if a new chemical entity is given marketing approval, the data supporting that approval is protected for five years. After that time, generic producers may rely on the data to obtain approval for a generic version of the drug for the use supported by the original data. If a new use is subsequently discovered for the chemical entity, and the health authority approves the new use based on new data, then the originator of the new data is entitled to three years of protection for that data. During that time, however, generics can continue to produce and market the drug for the original use.

7. Neither Article 15.10.1 or 15.10.2 on marketing exclusivity appear to allow for reliance on previously submitted data or prior approval during the period of market exclusivity absent consent of the first applicant. The Doha Declaration reaffirmed the right of countries to use flexibilities under the TRIPS agreement, such as compulsory licenses. A compulsory license allows someone other than the patent holder to produce and sell a drug under patent. It is not clear to us why the grant of a compulsory license would override a grant of market exclusivity, as provided in Articles 15.10.1 and 15.10.2. (We note that there is no exception to protect the public.) Please describe how the market exclusivity provisions in Article 15.10.1 and Article 15.10.2 relate to Morocco's ability to issue a compulsory license.

The Doha Declaration recognizes that the TRIPS Agreement allows countries to issue compulsory licenses to address public health problems. The U.S.-Morocco FTA is fully consistent with this principle. It contains no provisions with respect to compulsory licensing, leaving the flexibilities available under WTO rules unchanged.

In the negotiation of the U.S.-Morocco FTA, both parties recognized the importance of protecting public health. Your questions pertain to whether provisions of Chapter 15 (which is the Intellectual Property Rights chapter) might affect this common interest. To address this type of concern, the United States and Morocco agreed to a side letter on public health in which both Parties stated their understanding that "[t]he obligations of Chapter Fifteen of the Agreement do not affect the ability of either Party to take necessary measures to protect public health by promoting access to medicines for all, in particular concerning cases such as HIV/AIDS, tuberculosis, malaria, and other epidemics as well as circumstances of extreme urgency or national emergency." The Parties also stated that "Chapter Fifteen does not prevent the effective utilization of the TRIPS/health solution" reached in the WTO last year to ensure that developing countries that lack pharmaceutical manufacturing capacity may import drugs. Therefore, if circumstances ever arise in which a drug is produced under a compulsory license, and it is necessary to approve that drug to protect public health or effectively utilize the TRIPS/health solution, the data protection provisions in the FTA would not stand in the way.

8. Where a compulsory license has been issued, may a Party automatically deem that the first applicant has consented to reliance on the data or prior approval for the drug produced under the compulsory license?

As explained above, if the measure described in the question is necessary to protect public health, then, as explained in the side letter, the FTA would not stand in the way.

9. If the patent and test-data were owned by different entities, does a compulsory license result in legal "consent" by both the patent holder and the data owner for use of the patented material and the test data?

See previous response.

10. When the drug is off patent, and a Party wishes to permit marketing for a second entrant, what mechanism exists in the FTA to allow for an exception to the provisions on market exclusivity?

A patent is designed to protect one type of intellectual property work, i.e., an invention. Protection of data is intended to protect a different type of work, i.e., undisclosed test data that required significant time and effort to compile. The fact that one type of intellectual property protection for a product has expired, should not lead as a matter of course to the conclusion that all other intellectual property rights attached to the same product should also expire. The same is true in other areas of intellectual property. For example, a single CD may encompass several intellectual property rights related to the music, the performer and the record company. These rights may expire at different times. The fact that the copyright attached to the sound recording has expired, should not mean that the composer or performer. loses the copyright it has. As you know, this principle is important to a broad range of U.S. creative and innovative industries, including the entertainment sector, America's second largest export business.

However, as indicated in the side letter, if a circumstance arose, such as an epidemic or national emergency, that could only be addressed by granting a second entrant marketing approval notwithstanding the data protection rights of the originator of the data, the FTA would not stand in the way.

11. Is a grant of market exclusivity pursuant to Articles 15.10.1 and 15.10.2 considered an "investment" with respect to Chapter 10 of the Agreement? If so, would an abridgement of the period of market exclusivity constitute a compensable expropriation under Chapter 10?

The definition of an "investment" in the FTA includes, inter alia, "intellectual property rights." Whether an abridgement of the data protection obligation gives rise to a compensable expropriation of an "investment" under Chapter Ten is a fact-specific issue that would have to be resolved on the merits of a particular case. It is worth noting, however, that Article 10.6.5 provides that the expropriation provision of Chapter Ten does not apply to the issuance of compulsory licenses or to the limitation of intellectual property rights to the extent that such action is consistent with the intellectual property chapter (Chapter Fifteen). A determination concerning the consistency of an action with Chapter Fifteen would be informed by the side letter.

12. Article 10.6.5 of the FTA appears to clarify that any act of patent infringement carried out by a Party in the issuance of a compulsory license in accordance with the TRIPS does not constitute a compensable expropriation. Issuance of a compulsory license, however, is only one aspect of the process of getting a drug to market. Does the clarification in Article 10.6.5 also ensure that other measures taken by a government to ensure that a drug on which a compulsory license has been issued can be lawfully marketed (e.g., a grant of marketing approval to a generic or second producer before the period of marketing exclusivity has expired) will not constitute compensable expropriations? If not, is there another provision in the agreement that would ensure that such measures do not constitute expropriations?

See response to Question 11.

13. Article 15.10.3 requires that a patent term be extended where there is a delay in the regulatory approval process. The provision does not state whether delays attributable to the applicant (e.g., failure to provide adequate data) mitigate against extension. Article 15.9., the comparable provision for extension of a patent term because of a delay in the patent approval process, makes clear that delays attributable to the patent applicant should not be considered in determining whether there is a delay that gives rise to the need for an extension. Why was similar language not included in Article 15.10.3?

The Parties did not find it necessary to specifically address the issue of how to handle delays attributable to an applicant for marketing approval in the context of data protection. As with numerous other provisions, the Parties retain the flexibility to address such details in their implementation of the FTA, provided that they comply with the basic obligation.

14. Is Morocco, or for that matter the United States, required by the FTA to extend a patent term where there is a delay in the regulatory approval that is attributable to the applicant?

The FTA preserves flexibility for the Parties to address the issue of delays attributable to an applicant for marketing approval through their domestic laws and regulations.

BOLAR PROVISIONS

15. Please explain whether this Article prohibits Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than "meeting marketing approval requirements." If it does not, please explain in detail how you came to that conclusion.

No, it does not. The Article dealing with the "Bolar" exception to patent rights only deals with one specific exception. It does not occupy the field of possible exceptions, and thus does not prevent Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than "meeting marketing approval requirements" when permitted by other exceptions. For example, Morocco has the right to allow exports where consistent with TRIPS Article 30 and WTO rules on compulsory licensing. Morocco may, for example, allow export of generic versions of patented drugs by issuing a compulsory license in accordance with the TRIPS/health solution agreed last August in the WTO.

16. If this provision does in fact limit Morocco's ability to allow the export of generic versions of patented pharmaceutical products, please explain how Morocco could serve as an exporting country to help least-developed and other countries address public health needs under the Paragraph 6 Decision. (Exporters under the Paragraph 6 Decision are exporting to meet the health needs of an importing country, not merely to obtain marketing approval).

As noted in the response to Question 15, the FTA does not limit Morocco's ability to make use of the TRIPS/health solution agreed last August to export drugs under a compulsory license to developing countries that cannot produce drugs for themselves.

17. Does Article 15.9.6 allow export of a generic version of a patented drug to get marketing approval in a third country (i.e., other than the United States or Morocco)? (Article 15.9.6 states that "the Party shall provide that the product shall only be exported outside its territory for purposes of meeting marketing approval requirements of that Party.")

Morocco can get marketing approval in a third country to allow export of a generic version through the issuance of a compulsory license for export, consistent with WTO rules. Article 15.9.6 does not interfere with that result.

SIDE LETTER

18. On the Paragraph 6 Decision, please explain how the statement that the FTA does

not "prevent the effective utilization" is not merely rhetorical. Please be specific as to why you believe the provisions in the FTA do not preclude Morocco from acting as an importer or exporter of drugs under the Paragraph 6 Decision, including how the FTA's provisions related to market exclusivity can be waived if Morocco acts in either capacity.

There are no provisions in the FTA related to compulsory licensing, which means that it does not limit in any way Morocco's ability to issue compulsory licenses in accordance with WTO rules, including TRIPS Article 31 and the TRIPS/health solution. With respect to other rules included in Chapter 15, including data protection, the side letter states that the FTA does not "prevent the effective utilization of the TRIPS/health solution." As stated in the side letter, the letter constitutes a formal agreement between the Parties. It is, thus, a significant part of the interpretive context for this agreement and not merely rhetorical. According to Article 31 of the Vienna Convention on the Law of Treaties, which reflects customary rules of treaty interpretation in international law, the terms of a treaty must be interpreted "in their context," and that "context" includes "any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty."

19. On the issue of consultation, do the letters mean that both Parties agree to amend the FTA as soon as possible to reflect access to medicines amendments to the TRIPS Agreement? Will the United States refrain from enforcing provisions of the FTA that contravene the TRIPS Agreement amendments while the FTA is being amended? Is USTR willing to engage in an exchange of letter with the Government of Morocco memorializing such an understanding?

The United States would, of course, work with Morocco to ensure that the FTA is adapted as appropriate if an amendment to the TRIPS Agreement were adopted to ensure access to medicines. The only amendment currently being contemplated with respect to TRIPS involves translating the TRIPS/health solution from last August into a formal amendment. The United States has no intention of using dispute settlement to challenge any country's actions that are in accordance with that solution. In fact, Canada passed legislation recently that would allow it to export drugs in accordance with the TRIPS/health solution. The United States reached an agreement with Canada just last Friday, July 16, to suspend parts of NAFTA to ensure that Canada could implement the solution without running afoul of NAFTA rules.

In closing, let me emphasize that we appreciate the importance of the U.S. commitment to the Doha Declaration on the TRIPS Agreement and Public Health and the global effort to ensure access to medicines in developing countries to address acute public health problems, such as AIDS, malaria and tuberculosis. The United States played a leading role in developing these provisions, including enabling poor countries without domestic production capacity to import drugs under compulsory licenses. We also successfully called for giving Least Developed Countries an additional ten years, from 2006 until 2016, to implement TRIPS rules related to pharmaceuticals. These accomplishments offer a significant solution to the conflicts we encountered on taking office in 2001.

At the same time, as Congress has directed us, the Administration has worked on multiple fronts to strengthen the value internationally of America's innovation economy. These efforts have included stronger intellectual property protection rules and enforcement so as to assist U.S. businesses and workers, and encourage ongoing innovation that benefits U.S. consumers.

Our FTAs are but one component of the Administration's broader efforts to achieve these objectives, and complement efforts undertaken in other fora. Our FTAs not only do not conflict with the objectives expressed in the Doha Declaration but reinforce those objectives and facilitate efforts to address public health problems.

Sincerely,

JOHN K. VERONEAU,
General Counsel.

This is what was said in this letter: "The government of Morocco is committed to protecting the right to strike in conformance with the International Labor Organization's core principles. In particular, the government will not use 288 of our penal code against lawful strikers."

I do think that our inquiry, I do think the responsible discussions that were held with the Moroccan government and their officials indicated that, in practice, the labor standards within Morocco essentially meet the ILO standards.

We next raised the issue of prescription medicines. We did not assume more trade would automatically benefit everybody, including our citizens and also the citizens of Morocco. On reimportation, we do not like the language the way it was inserted there, the general language on patent protection. However, reimportation from Morocco has never been suggested in any of the legislation introduced; and so I think for this purpose, for this bill, it is not an issue.

But there were two provisions that could restrict the access of citizens of Morocco to prescription medicines. We are talking about people whose health is at stake. We are talking about the spread of AIDS. We are talking about the spread of other ailments and other diseases. And the question became whether anything in this FTA would restrict the government of Morocco from having access for their citizens to these prescription medicines. That access was assured in the Doha Declaration. And so there followed a letter from us on the Democratic side to USTR; and here is what was said, their understanding of the provisions including the side letters:

"If circumstances ever arise in which a drug is produced under a compulsory license and it is necessary to approve the drug to protect public health or effectively utilize the TRIPS/health solution, the date of protection provisions in the FTA would not stand in the way."

They also said, USTR, in interpreting what was in this FTA: "If the measure described in the question is necessary to protect public health, then, as explained in the side letter, the FTA would not stand in the way."

They also said: "This side letter constitutes a formal agreement between the parties. It is thus a significant part of the interpretive context for this agreement and not merely rhetorical."

In a word, the government of Morocco has the flexibility to assure the health of its citizens under the Doha Declaration.

□ 1800

Because of our efforts to clarify what was going on in terms of core labor standards and conditions in Morocco and because of our efforts in the response of USTR on prescription medicines, we feel that this agreement should be approved.

However, our questions serve notice that we should be very sensitive in the future in how we shape trade agreements. We should not assume there is no need to shape expanded trade. We have made it clear it is essential that we do so, and it is under that kind of structure, it is within that perspective, that I suggest that we approve this agreement between our two nations, with whom there are very significant relationships.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I want to first commend our colleagues on the other side of the aisle on the Committee on Ways and Means for guaranteeing unanimous commitment to passage of our Free Trade Agreement with Morocco and look forward to working with them in the future.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California (Chairman THOMAS).

Mr. THOMAS. Mr. Speaker, my assumption is that the closing remarks on the part of the ranking member of the Trade Subcommittee was an endorsement. It sounded as though we began with an extremely flawed product and, through their efforts, they were successful in righting the ship so that we could actually have a minimally decent document. I wonder where they were when President Clinton wanted fast track, their President, and three quarters of them voted against providing the President.

So when we listen to the remarks, we really have to put it, one, in context and then appreciate that intensity or outlandishness does not equal votes. And when I close shortly, take a look at the votes in terms of who is for and who is against.

But I do want to spend just 1 minute analyzing the level of the content and the direction of the debate. The ranking member from New York began this discussion by indicating that I stole the election in Florida. That certainly was an appropriate beginning on a debate on a Free Trade Agreement with Morocco. I would probably classify it as silly, but that is the level of debate that we often engage in. And it is just a pleasure to allow the rest of the country to understand the level at which exchanges are made not only in committee but on the floor when we try to engage in a serious discussion.

I heard an indication that people were interested in jobs, and, of course, I will talk about the gentleman from Ohio and his diatribe in a minute.

You missed the boat on the jobs issue. That was the jobs growth tax bill. It has had a major positive effect on jobs. You were "no" on that one as well. We have got 46 of the 50 States expanding. Unemployment is down in all regions of the country. This is the fastest growth in the last 20 years. And based upon your debating style, at that point I would pause and parenthetically say even including the Clinton years so that we can understand that the mention of Bush in every other sentence and in a negative way was clearly focused on the Free Trade Agreement and had nothing to do with attempting to influence an election. We have got 1.5 million jobs, continuing to grow, and they will continue to grow right through the election.

But I want to especially focus on the other gentleman from Ohio (Mr. RYAN) because at some point we cannot allow statements made on the floor of the House to stand when they are so outrageously false. The statement referred to legislation that we were considering earlier, and the statement was that what we did denied what the Constitution provides. I would urge everyone at some time, and especially certain Members, to look at the Constitution and turn to Article III, the judicial article, and look at Section 2. And I will just read it briefly, referring to the judicial branch: "In all cases affecting Ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

The Congress was exercising its constitutional function in indicating that areas of appellate jurisdiction were not to be examined by the court, and it absolutely floors me, well, I guess it does not based upon the other statements made by those on the other side of the aisle, that not only apparently they do not know the Constitution, but they actually invoke it in a totally false way on the floor of the House of Representatives.

So what I would really urge Members to do is not pay any attention to what was said necessarily on the other side of the aisle but take a look at the vote for this particular measure. H.R. 4842 certainly deserves the overwhelming majority support of this House. I believe it will be bipartisan. And, please, we will take away from this particular bill on the floor the fact that the vote was bipartisan even if the rhetoric is not and at times not just silly but downright, flat-out wrong.

Mr. KUCINICH. Mr. Speaker, the U.S.-Morocco free trade agreement is bad for America.

The agreement prohibits the importation of lower cost pharmaceuticals, and delays the availability of lower cost generic drugs by creating new patent-like protections for drug regulatory data. Together, these measures will maintain high prescription drug prices in the U.S.

The agreement contains a side letter permitting Morocco to ignore enforcement of its labor laws with no penalty whatsoever. Under this loophole, American employers and workers under U.S. labor law could be at a disadvantage if actual conditions in Morocco are so lax as to create a much cheaper business environment.

The agreement prohibits the preferences for government contracts to be given for: employing U.S. workers, using recycled materials, paying prevailing or living wages. Furthermore, no criminal record of tax evasion, endangering the lives of workers, or pollution can disqualify a company for a government contract.

These flaws are not necessary for trade between nations. They are, however, elements in an anti-consumer, anti-worker, anti-environment and anti-democratic agenda. For these reasons, I oppose the U.S.-Morocco free trade agreement.

Mr. TOWNS. Mr. Speaker, while I intend to vote for the Morocco Free Trade Agreement, I want to stress to the administration how important it is to respect the report language on "Western Sahara" which was included in this bill by my colleague, the gentleman from Washington, Mr. McDERMOTT. This language reflects the sentiment voiced in a recent bipartisan letter to the U.S. Trade Representative, Robert Zoellick.

Under no circumstances should the U.S. proceed with the implementation of a free trade agreement that does not categorically exclude the terrority known as the Western Sahara. The U.S., as well as the international community, does not recognize Morocco's sovereignty over Spain's former colony. Morocco has steadfastly refused any efforts by the United Nations to permit a free and fair referendum on self-determination for the Sahrawi people of Western Sahara. We should not permit Morocco to use the agreement to further its illegal occupation of Western Sahara.

I urge the administration to take these concerns seriously and to implement a free trade agreement that does not violate the sovereignty and rights of the people of Western Sahara.

Mr. CARDIN. Mr. Speaker, I rise today to voice a significant concern with regard to the proposed Free Trade Agreement between the United States and Morocco. While this is a concern specific to Morocco, it highlights a broader issue that I and many of my colleagues share in regard to the pace and "individuality" of the many bilateral FTAs being negotiated by the USTR.

Reviewing the February 25, 2004 State Department Country Report on Human Rights for Morocco, I came across several issues. The report highlights a series of human rights abuses in Morocco and I believe these unacceptable practices need to be a priority of the United States as it builds and strengthens its long-standing ties with Morocco.

I was greatly concerned with an issue that comes up several times in the report. To quote one sentence: "The judiciary lacked independence and was subject to government influence and corruption." As I assume we can all agree, the lack of an independent judiciary and corruption are significant, fundamental barriers to the development of a sound, growing trade relationship.

As the Ways and Means Committee considered this agreement I asked representatives of the USTR about this fundamental issue. They had no comment and promised to follow-up with me. I want to thank Chairman THOMAS for for seconding my concerns at the markup and also seeking a response. The USTR has made available to me the American Bar Association report on the state of Morocco's judicial system, citing some hope for reform.

My impression is that the state of the judiciary in the Kingdom of Morocco and corruption in commerce are issues that received little attention as the USTR negotiated this agreement. That should not be the case. Bilateral FTAs are a means to address issues such as these with key trade partners and strengthen the basis for trade relations. An independent judiciary is essential to sound, long-term trade relations. As well, corruption in many foreign nations has long been a concern of the United States; one where we have long set a high standard and required our businesspeople to operate on an ethical basis.

I understand the USTR's current interest in pursuing a large number of bilateral agreements to advance trade around the world—particularly as our more broad based talks and negotiations on global agreements have stalled. That being said, quantity should not supplant quality in agreements. Our goals in each of our trade agreements should remain high and be targeted to the situation in each nation. I am concerned in this agreement we have not met our highest goals and lost an opportunity.

Reluctantly, I intend to support this FTA because I believe the government of Morocco has demonstrated its commitment to working with us and raising its own standards; the new labor rights laws enacted last year are a good example. But I want to strongly urge the USTR to show more care and attention to the individuality of nations as we move forward, particularly as it relates to institutional reforms and the protection of human rights.

Mr. STARK. Mr. Speaker, time sure flies when you're having fun. Just last week I expressed serious misgivings about the U.S.-Australian Free Trade Agreement (FTA), noting, among other problems, that it set a bad precedent for future trade bills. Those concerns are confirmed today by this bill. The U.S.-Morocco FTA is a bad agreement that protects U.S. pharmaceutical manufacturers while ignoring labor standards and the healthcare needs of Moroccan citizens.

I warned you last week that a vote for the Australian FTA was a vote against prescription drug reimportation, and it's true again today. We cannot continue to allow USTR to include intellectual property provisions in FTAs that undermine Congress's ability to provide affordable prescription drugs through reimportation. True, we aren't going to be importing drugs from Morocco any time soon, but what happens in the next FTA, and the one after that? It should be clear by now that the USTR is merely a shill for the pharmaceutical industry, engaged in nothing more than closing the door to drug reimportation at the request of the Administration.

Unfortunately, the Morocco agreement doesn't stop at undermining the debate over reimportation. In fact, it goes much further by limiting access to potentially life saving drugs in Morocco. Because the agreement limits parallel importation, if a pubic health emergency breaks out, Morocco cannot import affordable drugs from neighboring countries if a U.S. country manufacturers the drug.

Once again, the pharmaceutical industry has used the administration and a free trade agreement to protect its profits, without any concern for global health. If Morocco has a public health crisis, it would be forced to purchase drugs from U.S. manufacturers instead of getting immediate access to the same drugs from nearby countries. The U.S. pharmaceutical industry has been gouging prices here in America for years; just think what they can do to prices when a developing country is in crisis.

You would think one provision limiting access to drugs in Morocco would be victory enough for the pharmaceutical manufacturers, but this industry just does not stop. Also included in the FTA are limits on the use of test data and market exclusivity provisions that could raise the price of drugs in Morocco and further limit access.

Because the FTA limits test data usage and creates 5 years of market exclusivity, the introduction of generic drugs in the Moroccan market will be substantially delayed. When generics are not available, prices increase—along with manufacturers' profits—and poorer citizens have less purchasing power to obtain life saving drugs.

There is also the strong possibility that these data and exclusivity provisions will further tie the hands of the Moroccan government during a public health emergency. The FTA and side letter are amazingly vague on whether Morocco can engage in compulsory licensing of otherwise patented drugs during a health crisis. Here again, the pharmaceutical manufacturers will do anything to make sure they are the monopoly power, even when lives are at stake.

Today we vote on nothing less than the future course of domestic and international pharmaceutical policies. USTR will continue to use trade agreements to limit our ability to import affordable pharmaceuticals from other countries. It is also clear that future negotiations are going to limit drug access in other countries so that U.S. pharmaceutical manufacturers can make even more money abroad. These are bad policies, and we should not let the Administration continue to implement them by slipping them into free trade agreements.

I am also concerned that USTR has once again failed to include core labor standard requirements in a free trade agreement. USTR should not continue to use the "enforce your own laws" standard in FTAs without developing countries. I understand Morocco is moving in the right direction in terms of labor rights, but there is no reason this FTA should not have held them to the core labor standards developed by the International Labour Organization (ILO). The ILO standards ensure workers' human rights and their right to organize and strike. We cannot have acceptable free trade without a level playing field, and these standards are the key to ensuring trade between the U.S. and other countries is both free and fair.

This is a bad free trade agreement that sets a bad precedent for all future trade negotiations. We cannot continue to let the administration make health policy without Congressional input, and we surely would not let the pharmaceutical industry have their way just because of their large campaign donor status. We also cannot ignore workers' rights by allowing trade partners to enforce their own laws when those laws do not meet international labor standards.

I urge my colleagues to vote against the U.S.-Morocco Free Trade Agreement.

Mr. JEFFERSON. Mr. Speaker, I strongly support the Morocco Free Trade Agreement and believe it will promote domestic growth in manufacturing and exports. I look forward to seeing this agreement enacted into law. I also support, thank and congratulate the United States Trade Representative and staff in negotiating the inclusion of full duty drawback and duty deferral rights for U.S. manufacturers, exporters and workers in this FTA. Free trade agreements should include no language that eliminates or otherwise restricts the application of duty drawback and duty deferral programs to U.S. manufacturers and exporters. The language in the Singapore, Australia, Israel and Jordan FTAs and in the CAFTA, for example, have no such restrictive language and we should continue to model future agreements after these FTAs. This issue is of significant importance to many U.S. manufacturers and exporters, including those in my home State of Louisiana.

Duty drawback and duty deferral programs reduce production and operating costs by allowing our manufacturers and exporters to recover duties that were paid on imported materials when the same or similar materials are exported either whole or as a component part of a finished product. Duty drawback positively affects nearly $16 billion of U.S. exports each year. Additionally, nearly 300,000 U.S. jobs are directly related to exported goods that benefit from drawback, and these high quality jobs could be adversely affected by eliminating or restricting drawback. In my own home State of Louisiana, drawback and duty deferral programs provide substantial benefits to local industries, allowing them to compete on a level playing field in the global market. Drawback and deferral prevents outsourcing and saves U.S. manufacturing and jobs. As long as the programs provide a competitive advantage in production and sales for U.S. manufacturers and exporters, they will assist in preventing U.S. jobs from moving offshore.

Drawback makes a significant difference to U.S. companies at the margin when exporting to our FTA partners where they compete against foreign producers that either have substantially lower costs of production or enjoy low or zero import duty rates. This export promotion program is one of the last WTO-sanctioned programs that provide a substantial advantage to U.S. companies participating in the export market. The application of these programs to U.S. manufacturers and exporters should not be restricted in future free trade agreements that we negotiate with our trading partners.

We need to work hard to complete free trade agreements that provide as many competitive advantages as we can to U.S. manufacturers competing in the global market, encourage growth in U.S. exports, and create U.S. jobs.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 4842, legislation implementing a free trade agreement with the nation of Morocco.

For more than two centuries, Morocco has been a steadfast friend to the United States. Few Americans would guess that Morocco was the first nation to extend recognition to the new American nation on December 20, 1777. Morocco is also one of only six Muslim nations to be designated as a "major non-NATO ally." So it is only fitting that we establish a free trade agreement with such a longtime friend and supporter.

Under this FTA, more than 95 percent of bilateral trade between our countries will be duty-free from the first day of implementation. North Carolina exports to Morocco are generally small, valued at just more than 8 million dollars. Morocco is my state's 80th biggest export market with tobacco products, chemical manufacturing, and transportation equipment being our top three exports.

However, North Carolina stands to gain much from increased access to this new market, especially in the field of agriculture. Tariffs on key North Carolina products like soybeans and processed poultry products will be cut significantly. One significant provision in this agreement is that Morocco has agreed to accept U.S. inspection standards for poultry. Phony sanitary and phytosanitary restrictions on U.S. exports have long been a hallmark of international trade. Having Morocco accept our inspection regime will go along way to improving access to that market.

According to an analysis by the American Farm Bureau Federation, this agreement is expected to result in a 10 to 1 gain for the U.S. agricultural sector. Within the next 10–11 years, the U.S. should expect to increase agricultural exports to Morocco by $225 million. What's more, the FTA includes a provision giving U.S. agriculture an "automatic upgrade." Should Morocco negotiate another trade agreement providing another nation with more favorable market access for agriculture, our FTA automatically obtains the same level of access as the other nation. This will ensure America's competitiveness against other nations seeking to enter the Moroccan market.

I believe the geopolitical reasons for establishing this free trade agreement with another Muslim nation in a volatile region overcomes the few deficiencies inherent in the agreement, particularly with regard to textiles. Because of the small amount of trade between our two countries, any potential adverse impact should be minimized. However, this administration cannot continue to count on this Member's support for other trade agreements if it is not willing to stand up for even stronger labor and environmental standards and better protections for America's fragile textile industry.

I ask my colleagues to support this agreement.

The SPEAKER pro tempore (Mr. OSE). All time for debate has expired.

Pursuant to House Resolution 738, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the passage of H.R. 4842 will be followed by 5-minute votes, as ordered, on suspending the rules and adopting House Concurrent Resolution 436; and House Concurrent Resolution 418.

The vote was taken by electronic device, and there were—yeas 323, nays 99, not voting 12, as follows:

[Roll No. 413]

YEAS—323

Abercrombie
Ackerman
Akin
Allen
Bachus
Baird
Baker
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—99

Aderholt
Alexander
Andrews
Baca
Baldwin
Barrett (SC)
Berry
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Burr
Burton (IN)
Butterfield
Capuano
Cardoza
Coble
Conyers
Costello
Davis (IL)
DeFazio
Delahunt
DeLauro
Doggett
Doyle
Emerson
Evans
Farr
Filner
Frank (MA)
Goode
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hinchey
Holden
Holt
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Kanjorski
Kaptur
Kildee
Lantos
Larson (CT)
Lee
Lipinski
Markey
Marshall
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Myrick
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pombo
Rogers (AL)
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Velázquez
Visclosky
Wamp
Waters
Waxman
Wilson (SC)
Woolsey
Wu

NOT VOTING—12

Cannon
Carson (IN)
Collins
Gephardt
Greenwood
Kirk
Kleczka
Kucinich
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1832

Ms. CORRINE BROWN of Florida, and Messrs. BARRETT of South Carolina, RUSH, BURTON of Indiana and BUTTERFIELD changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

CELEBRATING 10 YEARS OF MAJORITY RULE IN REPUBLIC OF SOUTH AFRICA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 436, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 436, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 414]

YEAS—422

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers

Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Collins
Ford
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1841

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE IN HISTORY OF 150TH ANNIVERSARY OF ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN UNITED STATES AND JAPAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 418.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 418, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 415]

YEAS—416

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross

Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Calvert
Carson (IN)
Collins
Conyers
Ford
Gephardt
Greenwood
Hobson
Kirk
Kucinich
Lowey
Meehan
Paul
Quinn
Sabo
Schiff
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1849

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2724. An act to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 741) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 741

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Butterfield (to rank immediately after Ms. Herseth).

COMMITTEE ON SMALL BUSINESS: Mr. Butterfield (to rank immediately after Mr. Udall of New Mexico).

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 735, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 735

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The Defense Appropriations Conference Report provides the tools and the resources for our military to wage an aggressive war against terrorism, while defending our Nation against ever-changing military threats.

Each generation of Americans has been called to defend our freedom, and each time our forefathers and -mothers have answered that call. Our generation's time of national trial has come, and we are being called to stop a new kind of enemy, different from any that we have ever fought before. This enemy is patient, building resources and striking where and when we are least prepared.

The enemy uses a different method each time, and this enemy requires a new kind of defense. And this is what the conference report is continuing to build.

I agree with President Bush when he says that our Armed Forces must be ready to confront every threat from any source that can bring sudden terror and suffering to America.

Our forces must be ready to deploy to any point of the globe on short notice, and this bill provides $416.2 billion in new discretionary spending authority for the Department of Defense. It also includes $25 billion in emergency spending, requested by the President for early fiscal year 2005 costs associated with operations in Iraq and Afghanistan.

Our Nation must have, and we will have, ready forces that can bring victory to our country and safety to our people. The world's best soldiers, sailors, airmen and Marines also deserve the world's best weaponry; and to ensure that, we must invest in procurement accounts. And this report contains $77.6 billion for procurement. We need to give our military the weapons that they need for the future threats.

If this war against terror means that we must find it wherever it exists and pull it out by the roots and bring people to justice, our military must have the means to achieve this.

This bill also makes significant improvements in the quality of life for our men and women who serve in the Armed Forces, including a 3.5 percent pay raise and targeted pay raises to mid-grade noncommissioned officers, generous housing allowances that will significantly decrease the out-of-pocket housing expenses of our service personnel, and provide access to high quality health care. We can never pay our men and women in uniform on the scale that matches the magnitude of their sacrifice, but this bill reflects our respect for their selfless service.

I feel strongly that we need a strong national defense, and we need to be prepared. And with this conference report, we will be. The primary responsibility for us as elected officials is to provide for the common defense of our fellow countrymen; and to that end, I urge my colleagues to support the rule and support the underlying bill, because now, more than ever, we must improve our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman for yielding me the customary 30 minutes.

Mr. Speaker, just yesterday, the gentlewoman from North Carolina and I were here on the floor debating another very important bill for our soldiers, the Military Construction Appropriations bill. Like the Defense appropriations bill, that bill funds vital programs for our troops. Unfortunately, this House's leadership made what I think was a terrible mistake by allowing a provision to improve housing for our troops and their families to potentially be completely stripped from that bill. If that happens, almost 50,000 military families will be affected and continue to live in substandard housing. I think that shows real disregard and disrespect for our soldiers; and frankly, I find it disgraceful.

I understand that we will be continuing debate on the Military Construction bill in just a few minutes, so I suppose we will see shortly how the matter is resolved, but the conference report on the Defense Appropriations bill is a different matter.

I am pleased to join the gentlewoman in support of the conference report and the rule providing for its conversation. Throughout my 26 years in Congress, I have always worked hard to keep our military strong and our troops safe. I believe that providing for our national defense is one of our most important duties as Members of Congress and that providing funding for our troops to ensure their safety and the success of the war on terror is our obligation.

I am proud to say, Mr. Speaker, that the bill before us now does a good job of providing vital support for our troops. The bill gives our troops a much-deserved 3.5 percent pay raise and gives the Department of Defense $25 billion in emergency supplemental funding for the war on terror.

These funds directly and significantly aid our servicemen and -women by providing them with the tools they need to fight the war on terror and return home safely. It will provide every soldier with body armor, provide our troops with more armored Humvees and increase the size of the Army to relieve the burden on our overworked soldiers. It is a good bill, and I support its passage wholeheartedly.

I note also that the conference report provides very substantial funding for the F–22 Raptor, for the V–22 Osprey and for the Joint Strike Fighter. These are fine weapon systems. Much of the work is done in the north Texas area that I represent, and I commend the committee for continuing to support those systems. I am glad we were able to get it right in this bill.

Mr. Speaker, I urge adoption of the rule and adoption of the conference report.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 735, I call up the conference report on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House on July 20, 2004, at page 16403.)

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

We will not take a great deal of time of our colleagues in the House. Following the tradition of the ranking member of the full committee and my colleague, the gentleman from Pennsylvania (Mr. MURTHA), we certainly want to extend our great thanks to all of our colleagues and staff.

Mr. Speaker, it is my great privilege to present to the House the conference agreement on fiscal year 2005 Defense appropriations bill.

My colleagues, one month ago—exactly to this day—the House passed its version of this bill, with overwhelming support. The Senate followed suit shortly afterwards, and like the House, the other body showed nearly unanimous support for this bill.

And here we are tonight, with this conference report. We present a bipartisan Defense bill, targeted at supporting our men and women in the Defense Department and intelligence community, at a most critical time in the Nation's history.

It is during a time of war.

It is during a time of challenge for our Nation and freedom-loving people everywhere.

And it is during a time when our country, once again, must take on the mantle of leading the world community.

This is as the United States has done before—as it must do today; and as it must continue to do in the future.

The President, and this Congress, understand this challenge. The President asked us to consider this bill—the largest Defense bill, in terms of dollars, in our Nation's history. In recognition of this, as I mentioned on a bipartisan basis both the House and the Senate moved this bill late last month into conference. And now we will soon be asking the House, and the other body, to send this final product to the President.

Mr. Speaker, I must say this conference agreement is an even better bill than passed the House. I truly believe that. I can say that because of the tremendous work done by the Members of the conference committee on both sides of the Capitol.

Mr. Speaker, we would not be here tonight without the leadership and experience of my colleague from Pennsylvania, Mr. MURTHA.

And we would not be here without the experience, skill, and tenacity of the leaders of the Senate Defense Subcommittee, my friends, the senior Senators from Alaska and Hawaii.

The support and counsel of our chairman, BILL YOUNG, and our ranking Member DAVID OBEY have also been invaluable at every step of the process. As has been the support of all the Members of the Defense subcommittees—both sides of the aisle, on both sides of the Capitol. I personally want to thank, and acknowledge, all of them.

I must pay tribute to our staffs—especially Sid Ashworth and Charlie Houy, who lead the Senate staff, and our subcommittee staff, led by Kevin Roper and David Morrison. Many thanks also to the full committee staff, Jim Dyer, John Blazey, Dale Oak, Therese McAuliffe, and John Scofield.

This bill reflects our best, collective judgment on how to meet those many challenges and demands confronting the Nation.

What does this bill do? We provide over $416 billion to support our Defense and intelligence communities; most importantly it supports the ongoing operations in Iraq and Afghanistan, and the global war on terrorism; it supports our troops who are on the front lines—it fully funds the pay raise, as well as the military pay, benefits, and medical programs; this bill increases funding to support the overall readiness of DoD forces worldwide; and it increases funding for intelligence.

Looking ahead, this bill also supports major equipment and research needs. For example—we provide over $1.6 billion over the budget request—to help restock and accelerate production of those items being used by our Army and Marine Corps in Iraq—ammunition; trucks; helicopters; and armored vehicles.

This bill also fully supports the President's objective of, later this year, initially fielding a missile defense to protect the United States. We also fund missile defenses for our troops in the field.

It continues production of major platforms such as the Virginia class submarine, the C–17, and V–22 transport aircraft, and the F/A–18 and F/A–22 fighters.

And this bill increases funding to support "military transformation".

Mr. Speaker, most importantly, this bill puts first and foremost our men and women in uniform, especially those on the front lines. In that regard, as you all know, the President asked that we include in this bill some $25 billion to help defray the ongoing costs of our operations in Iraq and Afghanistan. We have done just that—and shaped these funds in a way to provide our deployed forces with the funds they need to meet their most immediate demands.

Mr. Speaker, in summary, this is a bill that I am very, very proud of. And it is one that each and every Member of the House can take pride in also. It deserves your overwhelming support.

Now, if the House would indulge me, I want to thank a few people. Under the rules of our conference, this is the last Defense appropriations bill that I will have the privilege of bringing before the House as chairman. It has been a remarkable and rewarding experience. I want to thank my subcommittee members—on my side, DAVE HOBSON, HENRY BONILLA, GEORGE NETHERCUTT, DUKE CUNNINGHAM, RODNEY FRELINGHUYSEN, TODD TIAHRT, and ROGER WICKER.

On the other side of the aisle, NORM DICKS, MARTIN SABO, PETER VISCLOSKY, and JIM MORAN.

I want to also accord special thanks to the ranking Member of the full committee, DAVE OBEY, and of course, to my predecessor, our full committee chairman BILL YOUNG, who has set a standard that I try every day to emulate. And of course, I must acknowledge my partner, our former chairman, the gentleman from Pennsylvania, JACK MURTHA. I also must recognize the terrific staff that I've gotten to know pretty well over the past few years.

Chairman YOUNG, and Jim Dyer, the chief clerk of the full committee, you've really done a great job in putting together a great team for us on the subcommittee; Alica Jones, Doug Gregory, Betsy Phillips, Paul Juola, Steve Nixon, Leslie Albright, Greg Lankler, Sarah

Young, Paul Terry, Kris Mallard, Sherry Young, Kevin Jones, Callie Michael, and Linda Muir in our computer shop who provides us with so much support.

The same goes for our minority staff, David Morrison and Bill Gnacek. I must thank Carl Kime, of my personal office, who watches this bill for me and does an outstanding job. And, of course, all of the staff in my congressional office for their support and contributions.

I'd be remiss if I didn't mention those committee staff who have moved on to other endeavors, but who made significant contributions while they were with us. They include John Shank, Greg Dahlberg, Dave Kilian, Trish Ryan, Tina Jonas, Dave Norquist, Greg Walters, and Celia Alvarado.

And I cannot let this moment pass without mentioning Letitia White, formerly of my personal staff, who worked so hard on this bill for many years.

Finally, I must mention the clerk of the subcommittee, Kevin Roper, who pulls all this together. And for whom this conference may be the "last time around" as well.

Thank you so much. My colleagues, I thank all of you for your help, and for the privilege of serving with you.

At this point, Mr. Speaker, I would like to insert for the record a summary of the conference agreement.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	28,247,667	29,723,472	29,507,672	29,457,797	29,381,422	+1,133,755
Military Personnel, Navy	23,217,298	24,459,957	24,416,157	24,330,171	24,347,807	+1,130,509
Military Personnel, Marine Corps	8,971,897	9,595,902	9,591,102	9,567,768	9,581,102	+609,205
Military Personnel, Air Force	22,910,868	24,510,811	24,291,411	24,165,011	24,155,911	+1,245,043
Reserve Personnel, Army	3,568,725	3,733,590	3,719,990	3,675,390	3,663,890	+95,165
Reserve Personnel, Navy	2,002,727	2,171,632	2,108,232	2,132,432	2,084,032	+81,305
Reserve Personnel, Marine Corps	571,444	654,973	653,073	624,973	623,073	+51,629
Reserve Personnel, Air Force	1,288,088	1,464,050	1,451,950	1,458,650	1,451,950	+163,862
National Guard Personnel, Army	5,500,369	5,950,729	5,915,229	5,913,329	5,901,729	+401,360
National Guard Personnel, Air Force	2,174,598	2,546,442	2,536,742	2,543,892	2,540,242	+365,644
Total, title I, Military Personnel	98,453,681	104,811,558	104,191,558	103,869,413	103,731,158	+5,277,477
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army 2/	25,029,346	26,133,411	25,820,311	25,705,109	25,764,634	+735,288
Operation and Maintenance, Navy	28,146,658	29,789,190	29,570,090	29,591,679	29,687,245	+1,540,587
Operation and Maintenance, Marine Corps	3,440,323	3,632,115	3,605,815	3,617,473	3,629,901	+189,578
Operation and Maintenance, Air Force	26,904,731	28,471,260	27,994,110	28,282,160	28,113,533	+1,208,802
Operation and Maintenance, Defense-Wide	16,226,841	17,494,076	17,346,411	17,552,314	17,449,619	+1,222,778
Operation and Maintenance, Army Reserve	1,998,609	2,008,128	1,976,128	1,979,038	1,991,128	-7,481
Operation and Maintenance, Navy Reserve	1,172,921	1,240,038	1,233,038	1,244,838	1,237,638	+64,717
Operation and Maintenance, Marine Corps Reserve	173,952	188,696	187,196	188,696	187,196	+13,244
Operation and Maintenance, Air Force Reserve	2,179,388	2,239,790	2,227,190	2,200,790	2,242,590	+63,202
Operation and Maintenance, Army National Guard 2/	4,340,581	4,440,686	4,376,886	4,372,436	4,442,386	+101,805
Operation and Maintenance, Air National Guard	4,431,216	4,422,838	4,438,738	4,454,238	4,472,738	+41,522
Overseas Contingency Operations Transfer Account	5,000	30,000	5,000	30,000	10,000	+5,000
United States Court of Appeals for the Armed Forces	10,333	10,825	10,825	10,825	10,825	+492
Environmental Restoration, Army	396,018	400,948	400,948	566,948	400,948	+4,930
Environmental Restoration, Navy	256,153	266,820	266,820	447,820	266,820	+10,667
Environmental Restoration, Air Force	384,307	397,368	397,368	397,368	397,368	+13,061
Environmental Restoration, Defense-Wide	24,081	23,684	26,684	23,684	23,684	-397
Environmental Restoration, Formerly Used Defense Sites	284,619	216,516	216,516	276,516	266,516	-18,103
Overseas Humanitarian, Disaster, and Civic Aid	59,000	59,000	59,000	59,000	59,000	---
Former Soviet Union Threat Reduction Account	450,800	409,200	409,200	409,200	409,200	-41,600
Total, title II, Operation and maintenance	115,914,877	121,874,589	120,568,274	121,410,132	121,062,969	+5,148,092
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army 2/	2,131,741	2,658,241	3,107,941	2,653,241	2,854,541	+722,800
Missile Procurement, Army 2/	1,493,947	1,398,321	1,327,000	1,378,321	1,307,000	-186,947
Procurement of Weapons and Tracked Combat Vehicles, Army	1,853,712	1,639,695	2,773,695	1,698,695	2,467,495	+613,783
Procurement of Ammunition, Army 2/	1,385,225	1,556,902	1,608,302	1,606,502	1,590,952	+205,727
Other Procurement, Army 2/	4,649,702	4,240,896	4,868,371	4,685,846	4,955,296	+305,594
Aircraft Procurement, Navy	9,110,848	8,767,867	8,841,824	8,899,367	8,912,042	-198,806
Weapons Procurement, Navy	2,044,639	2,101,529	1,993,754	2,222,620	2,114,720	+70,081
Procurement of Ammunition, Navy and Marine Corps	934,905	858,640	885,340	881,140	888,340	-46,565
Shipbuilding and Conversion, Navy	10,878,123	9,962,027	10,189,327	10,171,643	10,427,443	-450,680
Other Procurement, Navy	4,931,186	4,834,278	4,980,325	4,797,025	4,875,786	-55,400
Procurement, Marine Corps	1,151,640	1,190,103	1,462,703	1,266,803	1,432,203	+280,563
Aircraft Procurement, Air Force	12,060,371	13,163,174	13,289,984	13,547,524	13,648,304	+1,587,933
Missile Procurement, Air Force	4,007,203	4,718,313	4,425,013	4,609,213	4,458,113	+450,910
Procurement of Ammunition, Air Force	1,262,725	1,396,457	1,346,557	1,353,859	1,327,459	+64,734
Other Procurement, Air Force	11,462,714	13,283,557	13,199,607	13,284,897	13,071,297	+1,608,583
Procurement, Defense-Wide	3,680,242	2,883,302	3,028,033	2,867,303	2,956,047	-724,195
National Guard and Reserve Equipment	400,000	---	---	500,000	350,000	-50,000
Defense Production Act Purchases	78,016	9,015	27,015	42,515	42,765	-35,251
Total, title III, Procurement	73,516,939	74,662,317	77,354,791	76,466,514	77,679,803	+4,162,864

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army 2/	10,363,941	9,266,258	10,220,123	10,308,804	10,698,989	+335,048
Research, Development, Test and Evaluation, Navy	15,146,383	16,346,391	16,532,361	16,748,035	17,043,812	+1,897,429
Research, Development, Test and Evaluation, Air Force	20,500,984	21,114,667	21,033,622	21,002,308	20,890,922	+389,938
Research, Development, Test and Evaluation, Defense-Wide	18,900,715	20,739,837	20,851,271	20,404,563	20,983,624	+2,082,909
Operational Test and Evaluation, Defense	305,861	305,135	309,135	305,135	314,835	+8,974
Total, title IV, Research, Development, Test and Evaluation	65,217,884	67,772,288	68,946,512	68,768,845	69,932,182	+4,714,298
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	1,641,507	1,685,886	1,174,210	1,685,886	1,174,210	-467,297
National Defense Sealift Fund: Ready Reserve Force	1,066,462	1,269,252	1,186,626	441,936	1,204,626	+138,164
Total, title V, Revolving and Management Funds	2,707,969	2,955,138	2,360,836	2,127,822	2,378,836	-329,133
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	14,914,816	17,203,369	17,148,069	17,299,369	17,297,419	+2,382,603
Procurement	328,826	364,635	364,635	366,235	367,035	+38,209
Research and development	486,371	72,407	446,482	399,207	506,982	+20,611
Total, Defense Health Program	15,730,013	17,640,411	17,959,186	18,064,811	18,171,436	+2,441,423
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance	1,169,168	1,138,801	1,138,801	1,088,801	1,088,801	-80,367
Procurement	79,212	78,980	78,980	78,980	78,980	-232
Research, development, test and evaluation	251,881	154,209	154,209	206,209	205,209	-46,672
Total, Chemical Agents 1/	1,500,261	1,371,990	1,371,990	1,373,990	1,372,990	-127,271
Drug Interdiction and Counter-Drug Activities, Defense	835,616	852,697	876,697	908,797	906,522	+70,906
Office of the Inspector General 3/	162,449	244,562	193,562	244,562	204,562	+42,113
Total, title VI, Other Department of Defense Programs	18,228,339	20,109,660	20,401,435	20,592,160	20,655,510	+2,427,171
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	226,400	239,400	239,400	239,400	239,400	+13,000
Intelligence Community Management Account	175,113	304,355	309,644	319,355	310,466	+135,353
Transfer to Department of Justice	(44,300)	(34,911)	(46,100)	(34,911)	(39,422)	(-4,878)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	18,430	---	---	---	---	-18,430
National Security Education Trust Fund	8,000	8,000	8,000	8,000	8,000	---
Total, title VII, Related agencies	427,943	551,755	557,044	566,755	557,866	+129,923

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005)............	(2,100,000)	(4,000,000)	(3,000,000)	(4,000,000)	(3,500,000)	(+1,400,000)
Indian Financing Act incentives (Sec. 8021)..........	8,000	---	8,000	8,000	8,000	---
Oliktok point acquisition (Sec. 8025)................	---	---	---	2,500	---	---
FFRDCs (Sec. 8028)...................................	-74,200	---	-40,000	-74,200	-125,000	-50,800
Disposal & lease of DOD real property (Sec. 8034).....	31,000	25,000	25,000	25,000	25,000	-6,000
Overseas Mil Fac Invest Recovery (Sec. 8038)..........	1,331	1,000	1,000	1,000	1,000	-331
Rescissions (Sec. 8049)...............................	-325,560	---	-399,750	-148,610	-779,637	-454,077
Travel Cards (Sec. 8082)..............................	44,000	44,000	44,000	---	44,000	---
Special needs students (Sec. 8104)	5,500	---	---	5,500	5,500	---
Fisher House (Sec. 8093)..............................	3,800	---	2,000	---	2,000	-1,800
CAAS/Other Contract Growth (Sec. 8094)................	-504,500	---	-300,000	---	-300,000	+204,500
Contracted Advisory and Assistance Services (Sec.8095)	---	---	---	-500,000	-500,000	-500,000
Aircraft Procurement, Navy (Sec. 8098)................	60,000	---	---	40,000	34,000	-26,000
Operation and Maintenance, Defense-wide (Sec. 8098)...	---	---	---	---	40,000	+40,000
IT cost growth reduction (Sec. 8105)..................	-200,000	---	-270,000	---	-197,500	+2,500
Working Capital Funds Cash Balance (Sec.8107).........	-372,000	---	-316,000	---	-316,000	+56,000
Working Capital Funds Excess Carryover	-44,000	---	---	---	---	+44,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8108)	5,500	---	6,000	---	6,000	+500
Various grants (Sec. 8113)............................	34,950	---	6,600	33,000	51,425	+16,475
Assumed management improvements (Sec. 8122)...........	-1,662,000	---	-345,000	-835,000	-711,000	+951,000
Transportation Working Capital Fund (Sec. 8123).......	-451,000	---	-967,200	-300,000	-967,200	-516,200
Fort Irwin education	17,000	---	---	---	---	-17,000
Iraqi freedom fund (rescission).......................	-3,490,000	---	---	---	---	+3,490,000
MCAGCC health demonstration program (Sec. 8126).......	---	---	3,000	---	2,500	+2,500
Contract offsets (Sec. 8130)..........................	---	---	-100,000	---	-50,000	-50,000
Budget withholds (Sec. 8131)..........................	---	---	-685,000	---	-350,000	-350,000
Tanker replacement transfer fund (Sec. 8132).........	---	---	100,000	---	100,000	+100,000
Unobligated balances (Sec. 8140)......................	---	---	---	-808,100	-768,100	-768,100
Travel costs (Sec. 8141)..............................	---	---	---	-97,331	-100,000	-100,000
Military Personnel reduction	---	---	---	-7,158,000	---	---
Military Personnel (contingent emergency appropriations)	---	---	---	7,158,000	---	---
Shipbuilding and Conversion, Navy.....................	---	---	---	250,900	---	---
Revised Economic Assumptions.......................	---	---	---	-250,900	---	---
Total, Title VIII, General Provisions...........	-6,912,179	70,000	-3,227,350	-2,648,241	-4,845,012	+2,067,167
TITLE IX - ADDITIONAL WAR-RELATED APPROPRIATIONS						
CHAPTER 1 - DEPARTMENT OF DEFENSE--MILITARY						
Military Personnel						
Military Personnel, Army (contingent operations)......	---	---	2,552,200	---	915,700	+915,700
Military Personnel, Navy (contingent operations)......	---	---	232,200	---	27,700	+27,700
Military Personnel, Marine Corps (contingent ops).....	---	---	273,200	---	241,700	+241,700
Military Personnel, Air Force (contingent operations).	---	---	874,400	---	64,900	+64,900
Total, Military Personnel......................	---	---	3,932,000	---	1,250,000	+1,250,000
Operation and Maintenance						
Operation & Maintenance, Army (contingent operations).	---	---	11,698,400	---	13,550,000	+13,550,000
Operation & Maintenance, Navy (contingent operations).	---	---	303,000	---	367,000	+367,000
Operation & Maintenance, Marine Corps (contingent ops)	---	---	1,295,000	---	1,665,000	+1,665,000
Operation & Maintenance, Air Force (contingent ops)...	---	---	744,000	---	419,000	+419,000
Operation & Maintenance, Defense-Wide (contingent ops)	---	---	295,000	---	404,000	+404,000
Iraq Freedom Fund:						
(Contingent emergency) (incl. transfer authority)	---	25,000,000	---	25,000,000	---	---
(Contingent operations)..........................	---	---	2,978,000	---	3,800,000	+3,800,000
Total, Operation and Maintenance...............	---	25,000,000	17,313,400	25,000,000	20,205,000	+20,205,000
Procurement						
Missile Procurement, Army (contingent operations).....	---	---	42,800	---	---	---
Procurement of Weapons and Tracked Combat Vehicles, Army (contingent operations).......................	---	---	201,900	---	50,000	+50,000
Procurement of Ammunition, Army (contingent operations	---	---	330,000	---	110,000	+110,000
Other Procurement, Army (contingent operations).......	---	---	1,151,400	---	755,000	+755,000
Aircraft Procurement, Navy (contingent operations)....	---	---	34,000	---	79,000	+79,000
Procurement of Ammunition, Navy and Marine Corps (contingent operations)...........................	---	---	112,800	---	30,000	+30,000
Procurement, Marine Corps (contingent operations).....	---	---	111,400	---	150,000	+150,000
Other Procurement, Air Force (contingent operations)..	---	---	35,300	---	110,000	+110,000
Procurement, Defense-Wide (contingent operations).....	---	---	80,000	---	50,000	+50,000
National Guard and Reserve Equipment (contingent opera	---	---	100,000	---	50,000	+50,000
Total, Procurement.............................	---	---	2,199,600	---	1,384,000	+1,384,000

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Defense Working Capital Funds (contingent operations)	---	---	1,250,000	---	1,478,000	+1,478,000
Defense Health Program (contingent operations)	---	---	305,000	---	683,000	+683,000
Additional transfer authority (contingent operations):						
Fiscal year 2005 (Sec. 9003(a))	---	---	(2,000,000)	---	(1,500,000)	(+1,500,000)
Fiscal year 2004 (Sec. 9003(b))	---	---	(900,000)	---	(700,000)	(+700,000)
General Provisions						
Office of Justice Programs, State and Local Law Enforcement Assistance (contingent emergency appropriations) (Sec. 9006)	---	---	---	50,000	---	---
Total, Chapter 1 (contingent operations) 4/ 5/	---	25,000,000	25,000,000	25,050,000	25,000,000	+25,000,000
CHAPTER 2 - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs (contingent ops)	---	---	665,300	---	---	---
Embassy security, construction, and maintenance (contingent operations)	---	---	20,000	---	---	---
Total, Chapter 2 (contingent operations) 5/	---	---	685,300	---	---	---
CHAPTER 3 - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
International disaster and famine assistance (Emergency)	---	---	70,000	---	---	---
Department of State						
Migration and refugee assistance (emergency)	---	---	25,000	---	---	---
Total, Chapter 3 (emergency). 5/	---	---	95,000	---	---	---
Total, Title IX (contingent operations) 4/ 5/	---	25,000,000	25,780,300	25,050,000	25,000,000	+25,000,000
TITLE X - OTHER MATTERS						
CHAPTER 1 - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs (emergency)	---	---	---	---	665,300	+665,300
Embassy security, construction, and maintenance (emergency)	---	---	---	---	20,000	+20,000
General Provisions						
Office of Justice Programs, State and Local Law Enforcement Assistance (emergency) (Sec. 11002)	---	---	---	---	50,000	+50,000
Courts of Appeals, District Courts, and Other Judicial Services, Defender services (emergency)(Sec. 11003).	---	---	---	---	26,000	+26,000
Total, Chapter 1 (emergency) 5/	---	---	---	---	761,300	+761,300
CHAPTER 2 - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
International disaster and famine assistance						
(Emergency)	---	---	---	---	70,000	+70,000
(Contingent emergency)	---	---	---	70,000	---	---
Department of State						
Migration and refugee assistance (emergency)	---	---	---	---	25,000	+25,000
(Contingent emergency)	---	---	---	25,000	---	---
Total, Chapter 2 (emergency) 5/	---	---	---	---	95,000	+95,000
(Contingent emergency)	---	---	---	95,000	---	---

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

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CHAPTER 3 - SUPPLEMENTAL APPROPRIATIONS FOR FY 2004 FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Wildland fire management:						
Fire suppression operations (Sec.312/S.Con.Res.95)	---	---	---	---	100,000	+100,000
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland fire management:						
Fire suppression operations (Sec.312/S.Con.Res.95)	---	---	---	---	400,000	+400,000
Total, Chapter 3 (Sec. 312, S.Con.Res.95) 5/....	---	---	---	---	500,000	+500,000
CHAPTER 4 - TITLE X GENERAL PROVISIONS						
Federal-aid to highways (Sec. 14003)..................	---	---	---	---	---	---
Federal payment for school improvement (Sec. 14005)...	---	---	---	---	10,600	+10,600
(Rescission)......................................	---	---	---	---	-10,600	-10,600
Total, Title X 5/..............................	---	---	---	95,000	1,356,300	+1,356,300
(Emergency appropriations)..................	---	---	---	---	(856,300)	(+856,300)
(Contingent emergency appropriations).......	---	---	---	(95,000)	---	---
(Rescissions)...............................	---	---	---	---	(-10,600)	(-10,600)
Total for the bill (net) 5/.....................	367,555,453	417,807,305	416,933,400	416,298,400	417,509,612	+49,954,159
OTHER APPROPRIATIONS						
Emergency Supplemental, Defense, Iraq and Afghanistan, 2004 (P.L. 108-106)................................	64,706,554	---	---	---	---	-64,706,554
Additional transfer authority (sec. 1101) (emerg).	(3,000,000)	---	---	---	---	(-3,000,000)
Consolidated appropriations (by transfer)(P.L.108-199)	(74,600)	---	---	---	---	(-74,600)
Additional transfer authority (Sec. 114)..........	(120,000)	---	---	---	---	(-120,000)
Rescissions......................................	-1,800,000	---	---	---	---	+1,800,000
Net grand total (including other appropriations)5/	430,462,007	417,807,305	416,933,400	416,298,400	417,509,612	-12,952,395
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Disabled military retiree payments (mandatory)....	302,000	---	---	---	---	-302,000
Military personnel accounts (discretionary)...	-302,000	---	---	---	---	+302,000
Army Venture Capital Funds (Sec. 8105)............	17,000	17,000	17,000	17,000	17,000	---
O&M, Army transfer to National Park Service:						
Defense function..............................	-2,500	---	-2,500	---	-1,900	+600
Non-defense function..........................	2,500	---	2,500	---	1,900	-600
Less defense emergency appropriations.............	-64,706,554	---	---	---	---	+64,706,554
Less non-defense emergency appropriations.........	---	---	-95,000	---	-121,000	-121,000
Less Title IX defense contingent operations.......	---	-25,000,000	-25,000,000	-25,000,000	-25,000,000	-25,000,000
Less Title IX non-defense contingent operations...	---	---	-685,300	---	-685,300	-685,300
Less defense contingent emergency appropriations..	---	---	---	-7,158,000	---	---
Less non-defense contingency emerg. appropriations	---	---	---	-145,000	-50,000	-50,000
Less amount charged to FY 04(Sec.312/S.Con.Res.95)	---	---	---	---	-500,000	-500,000
Repeal of FY 2004 rescission (contingent ops).....	---	---	1,800,000	---	1,800,000	+1,800,000
Amount charged to fiscal year 2004............	---	---	-1,800,000	---	-1,800,000	-1,800,000
RDT&E, Navy transfer to NOAA:						
Defense function..............................	---	---	---	-18,000	-18,000	-18,000
Non-defense function..........................	---	---	---	18,000	18,000	+18,000
O&M, Defense-wide transfer to Forest Service:						
Defense function..............................	---	---	---	---	-40,000	-40,000
Non-defense function..........................	---	---	---	---	40,000	+40,000
Aircraft procurement,Navy transfer to Coast Guard:						
Defense function..............................	-60,000	---	---	---	---	+60,000
Non-defense function..........................	60,000	---	---	---	---	-60,000
Total, scorekeeping adjustments...............	-64,689,554	-24,983,000	-25,763,300	-32,286,000	-26,339,300	+38,350,254
Adjusted total (incl scorekeeping adjustments) ..	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Appropriations...............................	(371,388,013)	(392,824,305)	(391,569,850)	(384,161,010)	(391,960,549)	(+20,572,536)
Rescissions..................................	(-5,615,560)	---	(-399,750)	(-148,610)	(-790,237)	(+4,825,323)

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Total (including scorekeeping adjustments)	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Amount in this bill	(430,462,007)	(417,807,305)	(416,933,400)	(416,298,400)	(417,509,612)	(-12,952,395)
Scorekeeping adjustments	(-64,689,554)	(-24,983,000)	(-25,763,300)	(-32,286,000)	(-26,339,300)	(+38,350,254)
Total mandatory and discretionary	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Mandatory	528,400	239,400	239,400	239,400	239,400	-289,000
Discretionary	365,244,053	392,584,905	390,930,700	383,773,000	390,930,912	+25,686,859
RECAPITULATION						
Title I - Military Personnel	98,453,681	104,811,558	104,191,558	103,869,413	103,731,158	+5,277,477
Title II - Operation and Maintenance	115,914,877	121,874,589	120,568,274	121,410,132	121,062,969	+5,148,092
Title III - Procurement	73,516,939	74,662,317	77,354,791	76,466,514	77,679,803	+4,162,864
Title IV - Research, Development, Test and Evaluation	65,217,884	67,772,288	68,946,512	68,768,845	69,932,182	+4,714,298
Title V - Revolving and Management Funds	2,707,969	2,955,138	2,360,836	2,127,822	2,378,836	-329,133
Title VI - Other Department of Defense Programs	18,228,339	20,109,660	20,401,435	20,592,160	20,655,510	+2,427,171
Title VII - Related Agencies	427,943	551,755	557,044	566,755	557,866	+129,923
Title VIII - General Provisions (net)	-6,912,179	70,000	-3,227,350	-2,648,241	-4,845,012	+2,067,167
Title IX - Additional War-Related Appropriations (net)	---	25,000,000	25,780,300	25,050,000	25,000,000	+25,000,000
Title X - Other Matters (net)	---	---	---	95,000	1,356,300	+1,356,300
Total, Department of Defense and other matters (in this bill)	367,555,453	417,807,305	416,933,400	416,298,400	417,509,612	+49,954,159
Other defense appropriations	62,906,554	---	---	---	---	-62,906,554
Total funding available (net)	430,462,007	417,807,305	416,933,400	416,298,400	417,509,612	-12,952,395
Department of Defense	(430,462,007)	(417,807,305)	(416,153,100)	(416,153,400)	(416,153,312)	(-14,308,695)
Other Matters	---	---	(780,300)	(145,000)	(1,356,300)	(+1,356,300)
Scorekeeping adjustments	-64,689,554	-24,983,000	-25,763,300	-32,286,000	-26,339,300	+38,350,254
Total mandatory and discretionary	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859

FOOTNOTES:

1/ Included in Budget under Procurement title.

2/ Includes Budget Amendment (H. Doc. 108-170) which realigns $1,217,538,000 for the termination of the Comanche Helicopter program, of which $30,000,000 was reallocated to Mil. Construction, Army National Guard.

3/ Includes Budget Amendment (H. Doc. 108-183) which adds $10,000 to the Office of the Inspector General request for a technical correction.

4/ Includes Budget Amendment (H. Doc. 108-185) which establishes a $25 billion Contingent Emergency Reserve Fund for operations in Iraq and Afghanistan.

5/ If the Bill is enacted before October 1, 2004, $28,156,300,000 (including repeal of $1,800,000,000 rescission) will be considered FY 2004 budget authority.

Mr. Speaker, I yield back the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume to put some very laudatory comments about the gentleman from California (Mr. LEWIS) in the record, because this is his last time as a chairman maybe.

Mr. Speaker, I rise to pay tribute to my good friend from California, the Chairman of the Defense Appropriations Committee, Congressman JERRY LEWIS. Since joining the Defense Subcommittee, Congressman LEWIS has been one of the strongest supporters of our men and women in uniform that this Congress has ever known. As Chairman, he has guided the Subcommittee without partisanship or political agenda to ensure that our military remains the best military in the world. The Defense Department and the people of our great Nation owe JERRY LEWIS a debt of gratitude for his unyielding support and hard work. And for that, I salute him.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of the conference agreement on H.R. 4613, the Department of Defense (DoD) Appropriations Act for FY2005. This Member would like to thank the distinguished gentleman from California (Mr. LEWIS), Chairman of the Subcommittee and the distinguished gentleman from Pennsylvania (Mr. MURTHA) for their fine work on this important measure.

This Member is very pleased that several projects important to Nebraska and our nation are included in the conference report. First, the final agreement includes $3.5 million for the University of Nebraska-Lincoln (UNL) for the Fibrinogen Bandages for Battlefield Wounds Project. This is a very innovative research and development initiative which shows great promise.

These funds will be used for biomedical tissue engineering research to develop inexpensive, safe and effective fibrinogen for use in bandages, foam and other medical devices. This source of fibrinogen, developed from recombinant proteins instead of human plasma, will remove the major obstacle to the development of an affordable fibrinogen bandage. This research will build on the Department of Defense's (DoD) $20 million investment to produce fibrinogen from transgenic animals rather than human plasma and will create a safer, less expensive and abundant supply for bandages and medical devices. A cost-effective abundant fibrinogen supply will enable development of state-of-the-art bandages and medical devices, saving the lives of wounded soldiers and other trauma victims.

Second, this Member is pleased that $2.5 million is included for another UNL research initiative on Advanced Materials for Mine Detection and Blast Mitigation. These funds will be used to support research on advanced materials for mine detection and blast mitigation that will help protect U.S. soldiers in all environments. This research, which focuses on remote mine detection and the development of materials for advanced composite armor and lightweight body armor and hardened structures, contributes to programs currently underway or envisioned at the U.S. Army Research Laboratory.

Using nanotechnology research will improve remote mine detection, biological threat detection, and body armor. This effort will increase protection and save lives of our soldiers fighting the war on terrorism. UNL researchers have recently produced some of the most advanced nanofibers in the world, opening the possibility for the development of materials with entirely new characteristics. The University will work closely with the scientific staff at the Army Research Laboratory as they proceed with this research.

Third, this Member is encouraged that $3 million was added for the Satellite Communications for Learning Act (SCOLA)/Defense Language Institute (DLI) Foreign Language Center. Furthermore, this Member very pleased by the successful establishment of a congressionally mandated research and development line within the Army's R&D aggregation. This change is critical for language skills development, maintenance and language learning throughout the DoD.

In closing, Mr. Speaker, this Member urges his colleagues to support H.R. 4613.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report on H.R. 4613, and that I may include tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

☐ 1900

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 732 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4837.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 20, 2004, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2005, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,862,854,000, to remain available until September 30, 2009: *Provided,* That of this amount, not to exceed $140,554,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,081,042,000, to remain available until September 30, 2009: *Provided,* That of this amount, not to exceed $93,284,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $797,865,000, to remain available until September 30, 2009: *Provided,* That of this amount, not to exceed

$165,367,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

Military Construction, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $718,837,000, to remain available until September 30, 2009: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $63,482,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

Military Construction, Army National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $394,100,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $74,982,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

Military Construction, Air National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $180,533,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $20,433,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

Military Construction, Army Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $116,521,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $13,413,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

Military Construction, Naval Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $30,955,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $1,653,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

Military Construction, Air Force Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $111,725,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $8,612,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

North Atlantic Treaty Organization

Security Investment Program

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $165,800,000, to remain available until expended.

Family Housing Construction, Army

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $636,099,000, to remain available until September 30, 2009.

Family Housing Operation and Maintenance, Army

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $926,507,000.

Family Housing Construction, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $139,107,000, to remain available until September 30, 2009.

Family Housing Operation and Maintenance, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $696,304,000.

Family Housing Construction, Air Force

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $846,959,000, to remain available until September 30, 2009.

Family Housing Operation and Maintenance, Air Force

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $854,666,000.

Family Housing Construction, Defense-Wide

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $49,000, to remain available until September 30, 2009.

Family Housing Operation and Maintenance, Defense-Wide

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,575,000.

Department of Defense Family Housing Improvement Fund

For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

Chemical Demilitarization Construction, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $81,886,000, to remain available until September 30, 2009: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $246,116,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds made available in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this Act may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this Act shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this Act shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds made available in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of the House of Representatives and Senate.

SEC. 108. None of the funds made available in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of the House of Representatives and Senate.

SEC. 111. None of the funds made available in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations of the House of Representatives and Senate, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the House of Representatives and Senate with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations of the House of Representatives and Senate, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds made available in this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of the House of Representatives and Senate and the Committees on Armed Services of the House of Representatives and Senate the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 124. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds made available in this Act for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $20.000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance notification to the Committees on Appropriations of the House of Representatives and Senate and Committees on Armed Services of the House of Representatives and Senate, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of the House of Representatives and Senate all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 126. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 127. None of the funds made available in this Act under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2005 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 128. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the House of Representatives to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 22, line 2 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I would like to bring Members back up to date on what has happened on the legislation which we started considering yesterday.

This bill funds military construction, which includes a lot of quality of life programs for our military men and women and their families. The funding level is $10 billion, and I am disappointed that the actual funding level is only a 1.6 percent increase over military construction last year, which after inflation is actually a real cut in military construction funding during a time of war.

I think that is inexcusable given our war in Afghanistan and Iraq. This bill appropriates $489 million below what we actually spent for military construction 2 years ago before the Iraqi war even began. And even worse, it is $900 million below what President Bush said would be needed this year, just 12 months ago when he made that prediction.

Despite the fact that we are actually increasing military construction, not even enough funds to make up for inflation, we have 39,000 Army families living in inadequate housing, 34,000 Army barracks are inadequate, 70 percent of Army facilities are C–3 or C–4, which means they are mission impaired, 16,000 Navy and Marine Corps families live in inadequate housing, 31,000 Air Force families live in inadequate housing.

Given this inadequate allocation to address the real priority of military housing and construction and quality of life programs, I commend the gentleman from Michigan (Mr. KNOLLENBERG). He has worked in a thorough and fair manner to take what is a wholly inadequate amount of funding for military construction and to spend that money as wisely and fairly and as carefully as possible, and I salute him in that effort.

The best thing about this bill, at least in this moment, is it prevents a looming crisis in military housing construction. That crisis is, if we do not allow an amendment passed by the gentleman from Michigan (Mr. KNOLLENBERG) in this bill to stay in this bill, this November we are going to put a freeze immediately on 24,000 new military homes throughout the United States, and that will delay by another year homes for another 26,000 military families next year.

So we are going to basically either freeze or delay new housing for 50,000 military families across 22 States, even recognizing some of those families have loved ones serving in Iraq and Afghanistan.

To recap further, unfortunately yesterday the House leadership strong-armed an atrocious rule through this House, a rule that I consider to be a slap in the face of every military family in America, a rule that took 20 to 25 minutes of extra arm twisting so it could pass by one vote. That rule, pushed by the Speaker and the majority leader, will allow one Member out of 435 in this House in the next few moments to basically kill our effort to resolve the military housing crisis, and every Member of the House who voted on that rule knew exactly what was going to happen when they voted for it.

I find it unbelievable that the same House leadership that just 2 months ago on the day that the Armed Services bill put a cap on this bill at the same level that will force this crisis, on that very same day the House leadership supported a $69 billion tax cut that will give Members of Congress a tax cut.

So here we are, the leadership is pushing tax cuts for Members of Congress, they can find time to rename dozens of post offices, they can find the money to push the $69 billion tax cut, but when it comes to protecting a promise of better housing for our military men and women and their families, the House leadership sadly and unfairly said, no, we cannot do that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his statements and for his effort this year. The gentleman from Texas (Mr. EDWARDS) has gone all out working with the gentleman from Michigan (Mr. KNOLLENBERG) to craft a solution here. I have supported his efforts and I have Fort Lewis, Washington, McChord Air Force Base, in fact, in Fort Lewis we have one of the RCI, the Residential Construction Initiatives. It has worked better than any project for housing in the history of the country. And that is why this is so destructive. And we are not talking about spending additional military construction dollars.

The CHAIRMAN. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 2 additional minutes.)

Mr. EDWARDS. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. All we are saying is we are going to raise a limit by $500 million so that these transactions can occur in a public-private partnership.

This is what we have always heard from the majority party is the right way to go, these public-private partnerships. Down in Fort Hood this is a great success.

Mr. EDWARDS. Six thousand new Army homes.

Mr. DICKS. I went out with General Soriano, the Commanding Officer at I CORPS. We went out and walked through these brand new houses being built under the Residential Construction Initiative. The wives of the sergeants were telling us this is the greatest thing that has ever happened in the Army.

I have been out there when these deployments occur, and one of the things the spouses say and one of the things the members of the services say when they are deployed is they worry about their family, they worry about the housing, they worry about health care, they worry about what is going to happen to their families while they are gone. I know from my years of experience, 26 years on the Subcommittee on Defense, 18 years on this subcommittee, that quality of life and having this new housing and getting it done in a timely way is crucial.

That is why the objection to this by the majority party to me is so unexplainable, because one thing we have always been good about in this House is on a bipartisan basis rising above limitations, things of that nature, to get the job done for the men and women who are serving, and especially now when we are in a time of war, especially now when the services are stressed in a most difficult way, and with all these deployments. We are over-deployed.

We saw what the GAO said today. There is not enough money out there to properly deal with the problems we have got. So to pile this last thing on, this poke in the eye of the military families by not raising this limit, to me is one of the worst things that has happened in my 28 years in the House.

The CHAIRMAN. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

Mr. DICKS. Mr. Chairman, I move to strike the last word and I yield to the gentleman from New Jersey (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for his eloquent comments and his leadership and strong support for better quality housing for our families.

I want to summarize where we are. Basically, the same House leadership that said just 2 months ago on the same day we refused to increase the cap so 50,000 new military families over the next 2 years could get new housing, in the same day they push through a $69 billion tax cut that is going to give me a $2,000 tax break.

We could afford the tax break for Members of Congress but we could not afford to take care of our promise of better housing for military families.

Now, the gentleman talked about a poke in the eye. The final poke in the eye is this is not the only bad news that the servicemen and women and veterans are going to hear today, because the same leadership that could support the tax cuts for Members of Congress could not find a way to improve housing and fund that program for military families, the most important effective housing improvement program for our military in our Nation's history. Guess what, in the Committee on Appropriations today we voted out a veterans' health care appropriations bill that basically, well, let me tell you what the National Commander of Disabled American Veterans says about it.

"To the veterans of this Nation it is incomprehensive that our government cannot afford to fund their medical care and benefits programs at a time it can afford generous tax cuts costing hundreds of billions of dollars more."

The American Legion, the DAV, the VFW all went on to say that the leadership-pushed veterans' health care bill today is going to cut, after inflation, real veterans' health care services by $1.3 billion.

Now with the action of the leadership yesterday on the rule and one Member of the House today, we will say to 50,000 military families, we will break our promise to you of better housing.

I think that is a terrible message for us to send our military families. While we go on a month long recess and vacation they are sitting there looking at veterans' health care cuts and frozen programs.

Mr. DICKS. Reclaiming my time, I want to say here is a situation where this does not cost extra money. All we are talking about is raising the limit. The Office of Management and Budget is for this. The Secretary of Defense is for this. The service Secretaries are for this. The Chiefs of Staff of each of the services are for this. I mean, the President is for this. And it would seem to me with all of that support and with the chairman of the House Committee on Armed Services, the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), the gentleman from Michigan (Mr. KNOLLENBERG), who has been a tremendous leader on this, why is it that we cannot get this done? Why is it that we cannot take care of these people?

To me this is unexplainable.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. EDWARDS. Let me put a face on these people.

We are talking about 1,194 military families at Elmendorf Air Force Base in Alaska will next year have their housing delayed. In New York at Fort Drum, 2,272 military families, many of whom had loved ones that had already served in Iraq, will have their housing program this year frozen. In Florida, Eglin and Hurlburt Air Force Bases 2,739 military families will have their housing promises broken. In Virginia 1,268 families at Langley. In Texas, Sheppard Air Force Base 1,288 families.

This is one more broken promise to our military families at a time when they are making incredible sacrifices to our country.

What it does, we talked about a 1.6 percent increase for military construction in this bill, but the truth is that once this objection is raised then that will not allow us to even spend that meager amount of funding for our housing program. So we could end up with an actual cut not only in veterans' health care during a time of war this year, we could end up with an actual cut in military construction during a time of war. That is unconscionable coming from a leadership that said we could afford to give Members of Congress a tax cut just 2 months ago.

Mr. FARR. Mr. Chairman, I move to strike the last word.

I want to have a colloquy between myself and the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. Chairman, I would like to invite you to engage in a brief colloquy with me on an issue regarding Fort Hunter Liggett in California.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. I would be happy to discuss Fort Hunter Liggett with the gentleman.

Mr. FARR. As the gentleman knows, Fort Hunter Liggett is today surrounded by U.S. Forest Service property.

□ 1915

In fact, prior to becoming a military base, most of the land was in the possession of the Forest Service, and another huge tract of land next door was owned by the famed Hearst family.

During the 1995 BRAC round, Fort Hunter Liggett was realigned and the cantonment area was excessed to the National Park Service. This means virtually all the functional buildings to support troop activities were given away, but all the land was retained by the military and put under the control of the Army Reserve.

The National Park Service, in preparation for accepting the cantonment area, studied its options with regard to management of this new property. In its report just released last month, the National Park Service labeled the land of Fort Hunter Liggett as "relatively unchanged landscape" from the time of the California's missionaries; as having "no equivalent" in terms of protected, undisturbed habitat; and as a "rarity" in its "representation of cultural and natural history."

However, because of the type of BRAC action at Fort Hunter Liggett, the land is not available to the Park

Service and the Department of the Interior has indicated its reluctance to add such a huge tract of land to its inventory.

I guess, Mr. Chairman, what I am trying to say is that Fort Hunter Liggett, as active a military base as it is, still is a unique natural resource to our country; and it would be a shame to lose that resource should the base ever find itself nonessential to the military mission of our country.

While the Park Service, at this point anyway, seems disinclined to pursue further ownership of lands at Fort Hunter Liggett, the Forest Service is very interested.

Of course, no one is talking about giving anyone any land at Fort Hunter Liggett right now. It is a very active base, and I expect that it will merit strong support within the BRAC process for keeping it open and functioning.

But, Mr. Chairman, I wish to inquire if the gentleman is aware that the version of the Military Construction bill that is working its way through the other body does, in fact, contain the language addressing the issue of future land status at Fort Hunter Liggett.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I would reply to the gentleman that, yes, I am aware of this language and that it tracks with the gentleman's desire to see the land preserved and conserved for future open, natural space by giving the U.S. Forest Service the right of first refusal for Fort Hunter Liggett lands at such time as the Army deems them surplus.

Mr. FARR. Mr. Chairman, I thank the gentleman for his response and his observation that I do desire to keep Fort Hunter Liggett as a natural resource if and when the military finds it is no longer essential to its mission; and I emphasize again to the chairman, only if and when the land is no longer essential to its military mission. I have no desire to close Fort Hunter Liggett as long as the Army finds it critical to its mission.

The chairman knows that I hoped to attach to the House bill we are debating right now language similar to that inserted on the other side, but in the interest of the House rules and jurisdictional matters, I chose not to.

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman would yield again, I am aware of the gentleman's deep interest in this issue and appreciate his flexibility in finding ways to address this issue.

Mr. FARR. Mr. Chairman, I would ask one further question of the chairman. I would ask that the gentleman would work with me during the conference on this issue to retain language we all find agreeable that will keep the Forest Service as first in line to get Fort Hunter Liggett when and if it is excessed.

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman would further yield, I assure the gentleman that I will be more than happy to work with him in conference on this issue.

Mr. FARR. Mr. Chairman, I thank the chairman for his leadership and cooperation and friendship.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was not my intention to speak on this matter, but I am a little disconcerted about discussions that would suggest that anybody on either side of the aisle is interested in some way or another of placing a limit on the opportunity for our men and women who are serving us across the country by way of their housing or by way of their potential for income.

I did not speak extensively on the earlier bill, but within that bill we had funding, full funding for a pay adjustment for our troops. I believe that everybody here who knows this subject knows that the authorizing committee just the other day moved a separate bill that would lift the lid in terms of the housing challenges we are talking about.

It is not the intention of the Members of this House in any way, shape or form to do anything but support our troops. Indeed, the last bill that passed the House had a $25 billion amendment as a part of its package that reflects our effort to make sure that money upon the time that bill is signed is readily available to fight the war overseas, as well as to make sure that we are doing what is necessary to care for the families, the men and women who make up the strength of this Nation.

I must say that my colleague from the Committee on Appropriations knows full well that on both sides of the aisle we are committed to serving our troops. This is not a partisan question by any matter or means. It is very dangerous to our national security when people try to carry this to partisan levels, and so that is the only reason I am speaking today is because the House has worked beautifully in this connection. It was a bit disconcerting for me at least to hear what I considered to be rhetoric rather than substance.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, let me first say that I worked for 6 months on a bipartisan basis, talking to everyone from the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget; and the chairman of the authorizing committee to try to solve this in a bipartisan manner behind the scenes. At every step of the way for 6 months people said, well, it will get done, it will get done.

The problem is, we are about to take our August recess and it is not done.

Mr. LEWIS of California. Reclaiming my time, the gentleman suggested that we are about to take the August recess; and thereby, I suppose, people are on vacation. I do not know about the gentleman, but I intend to go home and work and communicate to my constituents all of that which we are doing for the men and women who are serving us in this country. I mean, it is very, very important that we not suddenly decide this may be an issue whereby I can impact or give the impression that maybe one side is more holy than the other in terms of what we are trying to do for our troops. It is just the reverse. We have done our work well because we do so in an almost nonpartisan manner.

Mr. Chairman, I would hope as the gentleman is preparing to leave our body as my classmate and my dear friend, I hope that we will have a lot of time in the future to discuss the positive of this kind of discussion. In turn, all of us know that we serve our troops best when we take partisanship out of it.

Indeed, today, I am very proud of my colleague, the gentleman from Michigan (Mr. KNOLLENBERG), for the work he has done here; and I hope we can move forward from this point and discuss his bill in terms of the real values that have been contributed here. So congratulations to my colleague, and I appreciate him giving me this time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply observe that no two people in this House have worked harder to keep partisanship or any other illegitimate consideration out of this issue than have the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS). They have proceeded in tandem to try to produce concrete, as opposed to theoretical, results for the military families in this country who are deserving of a decent place to live.

But what we are being faced with is this: my mentor in this House, when I first came, was Dick Bolling from Missouri who for many years served this House in spectacular fashion on the Committee on Rules, and he often told me that the greatest enemy to true legislative progress was what he called "dung hill politics." By that he meant Members being more interested in preserving the jurisdiction of their committee or the narrow interest that was associated with a committee or subcommittee, rather than focusing on the broader interests of the American people who we are supposed to serve.

It seems to me that this discussion tonight is an example of what Dick Bolling was worried about because what we have going here, as I said yesterday, is a charade.

The gentleman from Michigan and the gentleman from Texas have brought to the floor a bill which provides concrete assurances that at least 24,000 more military families will receive decent housing; but apparently the Committee on the Budget is unhappy, at least the chairman of the Committee on the Budget is unhappy, with the way the committee has gone about this; and so he intends, as I understand it, shortly to exercise a point of order which will strike from this bill the Congress' ability to deliver that housing to those military families.

In order to create an impression that these families are not being hurt, it appears that what the House will now hide behind is a motion taken yesterday to try to increase the authorization for this program, which would have the result, if the bill was enacted into law, of accomplishing the very same thing that is being accomplished by this bill. The problem is the way this Congress works, there is absolutely no assurance that a freestanding, independent authorization bill will go anywhere in the other body; and that is why, if you want to preserve that housing for those members, it is essential to keep this language in this bill.

That is what the gentleman from Michigan has been trying to do. That is what the gentleman from Texas has been trying to do on a bipartisan basis, and we ought to be supporting that effort rather than finding technicalities as reasons to deep-six the very fine work that they have attempted to do.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for yielding.

First, let me respond to the gentleman from California's (Mr. LEWIS) comments that both parties, every Member cares about our troops. I absolutely agree with that. In fact, let me repeat the statement I made on the floor yesterday on this subject, and I quote myself, "Every one of us, Democrat and Republican alike, genuinely respects the service and sacrifice of our troops and their families. No one should doubt that fact, but I strongly believe our budget priorities should better reflect that respect."

Those were my comments. Let me talk about partisanship.

It was the Republican leadership that shoved through a rule last night or on the floor yesterday that was done on a partisan basis. In fact, it was so partisan they had to leave the vote open an extra 20, 25 minutes to, on a partisan basis, force Republicans or convince Republicans to vote against their own interests in their own districts to support a rule that is allowing 50,000 military family housing to be put at risk.

Secondly, the Committee on the Budget, as I last recall, and I am a member of that committee, put together its budget on a partisan basis. That is where the partisanship came in, if it came in at all.

But to totally put to bed any idea that this is a partisan issue, I have letters.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. EDWARDS, and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, the Air Force Association sent a letter to the chairman of the Committee on Rules asking them to not pass the rule that they did.

The Association of the U.S. Army, a letter signed by General Gordon Sullivan, former chief of staff for the Army, put in there that "RCI," the Army's housing program, "has a tremendous positive impact on quality of life for our soldiers.

"I would ask that you work to ensure the amendment" to protect housing "is protected by the Rules Committee and reaches the House floor."

The Military Officers Association of America asks that the House leadership not shove through a partisan rule that would be unfair to military families.

So did the National Military Family Association.

I do not think any of our colleagues would suggest that the Association of the U.S. Army and the Military Officers Association of America and these other military organizations are acting out of a partisan basis. This does not have anything to do with partisanship. It has to do with standing up for fairness for military families who are making an incredible sacrifice for the American family during a time of war; and in doing so, I will not hesitate to stand up to the Republican leadership of this House which shoved through a rule that is going to allow this housing to be put at risk, and I will not hesitate to stand up to any Democrats who would hesitate in fully supporting military housing.

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We all support our troops, but we have an opportunity by passing this bill without a point of order to do something tangible about it. Good intentions, goodwill do not provide better housing for 50,000 military families. Passing this bill, as we passed it out of committee in a bipartisan fashion, that is the way to make a difference for military families who are so deserving of this support.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had a couple of amendments at the desk that I will not offer in favor of engaging in a colloquy with the gentleman from Michigan (Mr. KNOLLENBERG). The reason I offered those amendments is the Pentagon has a day care facility located on its campus that has capacity for over 200 children. After September 11, 2001, parents of those children were assured they would not have to be relocated. Now they are told without any real warning that they have 60 days to vacate. This is nearly 3 years after the attack on the Pentagon.

In Northern Virginia, there is a waiting list of 12 to 18 months at most of the day care facilities, so we offered an amendment to try to speed up the process of building a new day care facility at nearby Fort Myer. That is what this colloquy concerns because it is beyond me why the Pentagon would tell the parents that they have only 60 days to vacate.

They say they have information that the Pentagon might be more likely to be a target between now and Election Day. If that is the case, they need to evacuate them immediately. There is some suspicion as to the purpose, but I do not want to engage in that speculation. I want to do what we can as a legislative body to ensure there is an alternative site because I think most parents would agree that if they had an opportunity to sit down and talk with the decisionmakers at the Pentagon that it makes sense to begin to relocate the children.

Mr. Chairman, let me ask the gentleman from Michigan (Mr. KNOLLENBERG), I understand that the Pentagon, in response to the recent decision to close the day care facility at the Pentagon, has offered to expand and accelerate the planning and construction of the new day care facility at Fort Myer, but at the earliest will be able to start construction in October 2005; is that correct?

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, the gentleman is correct. It is my understanding that the Army has accelerated this project and will be in a position to award a contract in October 2005.

Mr. MORAN of Virginia. Mr. Chairman, does the Army have an updated estimate on how much this project will cost and when this project will be completed?

Mr. KNOLLENBERG. The Army estimates the project will cost approximately $17 million. I do not know how long it will take to complete the facility, but the actions taken so far suggest to me that they will move it forward in an expeditious fashion.

Mr. MORAN of Virginia. Mr. Chairman, my concern is there may be a lack of coordination between the Army and the Washington Headquarters

Services at the Department on how to proceed with the design, planning and construction of the new day care facility. To the gentleman's knowledge, is the Army working with the Washington Headquarters Service on moving forward with this timetable of October 2005?

Mr. KNOLLENBERG. Mr. Chairman, it is my understanding that the Washington Headquarters Service is working with the Army to move this project forward and is prepared to provide the additional funding needed to expand the original project scope at Fort Myer to accommodate the children the gentleman speaks of from the Pentagon facility.

Mr. MORAN of Virginia. Mr. Chairman, it is my hope I can work closely with the gentleman from Michigan on ensuring that the Pentagon work quickly toward providing a completed alternative day care facility at Fort Myer as soon as possible. I would hope that in the meantime the Department dedicates all means necessary to find immediate interim solutions for the parents of the more than 100 children at the Pentagon today who are still without adequate child care options.

Mr. KNOLLENBERG. Mr. Chairman, I will be happy to work with the gentleman to ensure the Department proceeds with this project as soon as possible. I just want to say I appreciate the discussions we have had and the gentleman's interest in bringing a resolution to this that will satisfy all of us. I commend the gentleman for this.

Mr. MORAN of Virginia. Mr. Chairman, I appreciate the gentleman's assistance on this matter. My present concern remains how best to encourage the Pentagon to focus on providing interim day care service. I look forward to working with you to see if there is any assistance we could provide for interim solutions.

I want to recognize the fact that the gentleman from Northern Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce, State, Justice, both of whom have constituents in this situation, as I do, and they have also worked very diligently on this. We appreciate the opportunity to work with the gentleman from Michigan.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 129. Section 2883(g)(1) of title 10, United States Code, is amended by striking "$850,000,000" and inserting "$1,350,000,000". The amendment made by this section shall not be subject to scoring for purposes of the Congressional Budget and Impoundment Control Act of 1974.

POINT OF ORDER

Mr. NUSSLE. Mr. Chairman, I reserve a point of order against section 129 of the bill because it violates clause 2 of rule XXI, which prohibits legislative language that directly amends existing law.

The CHAIRMAN. The Chair understands that the gentleman makes the point of order. Does any other Member wish to be heard on the point of order?

Mr. KNOLLENBERG. Mr. Chairman, I would like to be heard on this point of order.

I understand the gentleman is reserving a point of order because the provision in question is legislation, and therefore prohibited on an appropriations bill under clause 2 of rule XXI of the rules of the House. However, I would like to point out to the gentleman the reason why this provision is in the bill.

As the chairman of the Committee on Armed Services stated earlier, this provision is supported by the authorizing committee and it is not in a defense authorization bill because of an objection by the Committee on the Budget. So with the support of the authorizing committee, the Committee on Appropriations voted to include this provision in the military construction bill, and thus made a value judgment to address military families' lives and welfare.

Now I believe the gentleman agrees with this policy because yesterday he introduced a bill and it passed almost unanimously. However, that bill may not go anywhere and I do not think that we should be playing with people's livelihoods with promises that we cannot keep.

I would also point out that under the Armey protocol, A-R-M-E-Y, this provision should not have been left exposed if the chairman of the authorizing committee does not object to the inclusion of this legislative provision in an appropriations bill. Only a piece of the language, which is directed at scorekeeping, is within the purview of the Committee on the Budget.

It is further regrettable that this provision is going to be stricken even though it is strongly supported by the administration and the House. It does not break the bank, as the chairman of the Committee on the Budget purports, or he would not have introduced a bill that does exactly the same thing yesterday.

I concede it is legislation and I concede it is subject to a point of order, but I also concede it is the right thing to do for our military families, and I believe the majority of the American people will agree with me.

Mr. Chairman, I would ask the chairman of the Committee on the Budget to think about all of this before he insists on his point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. EDWARDS. Mr. Chairman, I do.

Mr. Chairman, what a difference 1 hour makes. Less than 1 hour ago on this floor the House of Representatives passed a rule for the defense appropriations bill which waives all points of order against that bill, and yet because the House leadership instructed the Committee on Rules and twisted arms to force many Republican House members to vote on a bill that does not protect a point of order on this, because of that decision, inconsistent with a rule we just passed in this House by unanimous vote less than 60 minutes ago, because of that we are basically going to put at risk the most important military housing improvement program in American history, a program that does not only improve housing and show respect in a tangible way to men and women and families, to children who are making incredible sacrifices for our country, but a measure that is saving taxpayers billions of dollars by building these houses more efficiently.

In a House that ignores technicalities every single day to carry out priorities much less important than quality military housing for our families during a time of war, we are going to put this incredibly important program at risk.

Finally, I want to say this. Let us be clear, this is not today just an action of one person, the gentleman from Iowa (Mr. NUSSLE). I respect the gentleman. He is a person of principle. I might disagree with the debate on fiscal responsibility when we voted 2 months ago for a $69 billion tax cut that helps Members of Congress and today we cannot afford to take care of a few thousand military families' housing, but I do respect him. He is a person of deep principle.

This is not just an action of the gentleman from Iowa (Mr. NUSSLE). This was an action which was allowed and encouraged by the House leadership by forcing an unfair rule through this House, a rule that was opposed by the Military Officers Association of America, the Association of the U.S. Army, the Air Force Association, and the National Military Family Association.

This action is also something that was allowed by 212 votes, a passage of that rule by one vote, 212 to 211. One Member changing his or her vote, and we could have prevented this tragedy from happening today.

Mr. Chairman, I would urge the gentleman to consider not recognizing the technicality raised here that will harm tens of thousands of military families during a time of war.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. NUSSLE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. NUSSLE. Mr. Chairman, there have been a lot of speeches already, and I understand it is permissible to speak to the point of order, but many of these speeches are just repeats of what has been done and can be done in regular order in consideration of the bill.

Mr. Chairman, I would insist on my point of order.

The CHAIRMAN. The gentleman raises a valid point. Members are to limit their remarks to relevant arguments on the point of order; the Chair has exercised some tolerance in that respect.

Mr. OBEY. Mr. Chairman, I rise to be heard on the point of order.

Mr. Chairman, it is important for us to respect the rules of the House, but sometimes the rules give Members powers to do things that they ought not do. Just because we have the power to do something does not necessarily mean that it is the right thing to do it. Sometimes it is important to exercise restraint. I think this is one of those cases.

The gentleman from Texas (Mr. EDWARDS) correctly points out that an hour ago we waived all points of order on a huge spending bill, many times more dollars than we have in this bill. There were many points of order that could have been lodged against this bill when it came from the Committee on Rules, but the House leadership chose to expose only one item in the bill to a point of order, and that is the item that would have delivered decent housing to 24,000 military families.

What the House did or what the majority did by adopting that rule is to say in effect that peace in the family was more important than the sure delivery of decent housing to 24,000 military families.

Mr. Chairman, I think it is unfortunate that the majority leadership has dictated to the House that it must allow this one provision to be eliminated, but there is not much we can do about it and I also unfortunately have to concede the point of order.

The CHAIRMAN. The Chair has heard from the chairman of the subcommittee, the ranking member of the subcommittee, and the ranking member of the full committee, and is prepared to rule on the point of order raised by the gentleman from Iowa (Mr. NUSSLE).

The Chair finds that this provision directly amends existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 130. The fitness center at Homestead Air Reserve Base, Florida, shall be known and designated as the "Sam Johnson Fitness Center". Any reference to such facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Sam Johnson Fitness Center.

□ 1945

Mr. DICKS. Mr. Chairman, I move to strike the last word.

I would just like to announce to my colleagues today that there was a decision made by the Pentagon to move 3,900 troops to Fort Lewis, Washington, from Fort Polk, Louisiana, for a third Stryker Brigade. The reason I bring this up in the context of military construction is we have done a lot of military construction work at Fort Lewis, but we are going to have to do more. That is why the consequences of the decision just made here to me are so serious, because this RCI program that we have discussed which was started by this committee, the gentleman from Ohio (Mr. HOBSON) when he was chairman worked with all of us to try to further this program, and I believe that this is one of the most constructive programs that we have ever enacted.

I hope that, working together, the leadership of this Congress, we can figure out, if we cannot do it in the military construction bill, maybe we can figure out another way to do it. Maybe the gentleman from California (Mr. HUNTER) can do it, as he mentioned yesterday, that he would take care of this in the conference on the authorization bill between the House and the Senate and help us find a way to work through this.

The reason I am so passionate about this program is because I have seen what it does out at Fort Lewis. In fact, with the help of the chairman, I am trying to get Fort Lewis and McChord Air Force Base, which are right adjacent to each other on I–5 in Tacoma, Washington, in my congressional district, along with ADAM SMITH, these two major bases, McChord has the C–17, and those two bases can cooperate in a joint RCI project. I am working with Assistant Secretary Gibbs, Assistant Secretary Prosch to try to get them to cooperate and work together as was done at Fort Dix with an Air Force base and an Army base there and worked out in a terrific joint venture.

I would just say to all of my colleagues, this is one of the best programs we have ever enacted because we use the housing allowance of the troops, that housing allowance goes to the company, and then the company goes out and does the financing and builds this new military housing. It is terribly popular with the troops. That is why as I see the distinguished chairman of the Committee on Appropriations and the gentleman from Michigan (Mr. KNOLLENBERG) on the floor, who have all worked on this, I just hope that we can continue to work together until the end of this Congress to figure out some way, maybe working with the gentleman from California (Mr. HUNTER) in the authorization bill, to find a solution to this.

I think the overwhelming will here is to keep this program moving forward. We hope that by 2007 we can get rid of all of the backlog of housing that is substandard in all of the services. This is one of the goals of Secretary Rumsfeld and the service chiefs and the Secretaries of each of the services.

I want to compliment the chairman again. This year the chairman did something quite unique. He got the chief of staff of each of the services to come and testify before the committee because he wanted to drive home the point of how important military construction is. I commend the chairman for doing that. This is something that had not been done and there was some resistance, but I think once all the chiefs got there, they realized that this was a friendly committee, a committee that is trying to improve military housing, military construction, and that we would have a chance then to talk directly to the service chiefs on this important subject.

As mentioned by the gentleman from Texas (Mr. EDWARDS), all of the outside groups that support military families have written letters in favor of this initiative. I hope even with the unfortunate decision of the Committee on Rules not to protect this provision which was crafted in a bipartisan basis, there has not been any partisanship here, but it is the duty of the minority to point out when the majority is not living up to its responsibilities.

In this case, I believe not protecting that amendment was a mistake on the part of the leadership in the majority party. It is our responsibility in the minority and in the highest standards of this House to point out when the majority makes a mistake. That is our duty in this legislative process. I hope again that we can pull together after this unfortunate incident and try to find a solution before this Congress is over. If we do, it will be one of the most important things accomplished in this Congress. I want to say again, this is supported by the President, OMB, the Secretary of Defense, and all the service chiefs.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the hour is late and I am not going to take much time, but I think we would all be remiss if we did not acknowledge that this fitness center is going to be named after one of our dear colleagues who was a real war hero, in my opinion. SAM JOHNSON was shot down in Vietnam and spent 7½ years in a Vietnamese prison camp, the Hanoi Hilton; and he suffered tremendously during that 7½-year period. I think it is very, very fitting that he be honored by naming this fitness center after him. In fact, if I had my way and I think my colleagues, we would probably name a couple of air bases in total after him because he is a wonderful guy and a great Congressman.

SAM, if you are listening, we sure love you, buddy.

Mr. HAYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me add my thoughts to those of my friend from Indiana (Mr. BURTON). What a great American SAM JOHNSON is. We cannot do enough to recognize his service. I appreciate that being included.

Just briefly, let me say that on the issue of military housing, I have got a plaque on my wall from the National Military Family Association for working with the families of our military. One of the great joys this year and the year before has been how all of the people in this body, men and women, Republicans and Democrats, have worked together so well with our chairman and the chairman of the full committee to address the issues of housing for our soldiers.

So as I have got that plaque on my wall, as I think about Fort Bragg and the epicenter of the universe and all those fine soldiers at Pope Air Force Base and around our country, I am just proud of our chairman and our Congress for working together across every imaginable line to do everything that we can to provide the best possible housing. We have done that. It is under way. I am extremely confident that we will find a way to make sure that that happens. I appreciate that. I appreciate our soldiers.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Georgia.

Mr. KINGSTON. I just want to say that my friend from North Carolina who so capably represents Fort Bragg, I, as he knows, have five military installations in my district that I am proud to represent. Tomorrow night, in fact, I am going to be at Fort Stewart talking to some of the soldiers. This is a program that does enjoy wide bipartisan support. We are going to keep working on this and find a way to make it happen.

We had lots of discussion in the appropriations committee. We could not quite come to a consensus of where to offset some money. I think there are a lot of programs out there that we should cut, reduce, eliminate, in order to provide adequate housing for our troops and the quality of life for our soldiers in general.

But the one thing to remember is we are in this position because of a technical change in the way the Congressional Budget Office has decided to score military housing. What they are doing is they charge all the money upfront, even though the private sector is paying for it. It is a paper entry. It is not a real dollar entry. I certainly respect what the Committee on the Budget is doing in trying to keep the integrity of the budget process going. I think it is very, very important that we all try to work through this thing. But if we are faced with this change in the scoring from the Congressional Budget Office, I would like to see us find some waste, some duplication, and just some fat in the budget and come up with the money for our soldiers because I think it is so important.

I thank the gentleman for yielding. I have enjoyed working with him on various installation issues.

Mr. HAYES. Reclaiming my time, I could not agree more. We will find a way. It will be done. I thank our soldiers, sailors, airmen, Marines and Coasties.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to read into the RECORD the States and the specific military installations that have just had a guarantee of new housing for their military families taken away from them. Perhaps we will solve this another day. I have been trying to work for 6 months on a bipartisan basis to get this resolved. I am not sure this late in the Congress I have tremendous confidence that it will get resolved, but the real pity is that we could have resolved it today if the leadership had let go through the Committee on Rules the exact same rule we unanimously approved on the military appropriations bill just an hour ago.

The States that have just lost a chance because of this technicality that were allowed by the rule pushed by the leadership that will lose a guarantee to have new military housing for their service men and women are Alabama, Alaska, California, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia and Wyoming.

To add to the military installations I had already mentioned a few moments ago that will either have their housing frozen this year and, in fact, a promise broken to those military families or have their housing expected in 2006 to be delayed a year would include Fort Knox, Kentucky, 3,380 military families affected by this technical ruling. Fort Rucker in Alabama, 1,516 military families. Fort Leavenworth, Kansas, 1,580 military families. Keesler Air Force Base in Mississippi, 1,682 military families. New Mexico, Holloman Air Force Base, 1,440. Fort Gordon, Georgia, 872 families. Scott Air Force Base in Illinois, 475. MCB in Hawaii, Phase 1, 1,377 families will have their hopes for better housing dashed or delayed for a year or more. Camp Lejeune, an important Marine Corps installation in North Carolina, 838 families. In addition to an additional 3,516 families at Camp Lejeune that this year will have their new housing put on hold.

These are not just numbers and names, these are real men and women, real military families making unbelievable sacrifices in behalf of every family in this House and in our Nation that have just lost the opportunity because of an unfair rule opposed by numerous military organizations exercised, as the gentleman had the right to exercise, just a moment ago a technicality to kill that dream of a new home.

It is a shame that dream has been killed today. I certainly urge those who perhaps did not want it to be taken care of today to work together, and I will pledge to work together in good faith with them to try to solve it in the months ahead, but there was no reason not to give this promise today to our military people. They do not ask to be delayed when they are asked to serve their country. When they are asked to go to combat, they go. When we had an opportunity to stand up for them, we should not have been AWOL. We should not have delayed. We should have taken action. That is what is the most shameful thing about what has happened today on this bill.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to have the opportunity to respond very briefly to the gentleman from Texas. First and foremost, he is a member of the Committee on the Budget. He has been working on this a long time, as many Members have. There are some challenges we are going to have to overcome, there is no question. I understand that there is some skepticism about the bill that was passed yesterday, but I would hope that the other body would recognize the fact that a bill that was passed with the unanimous support of the House of Representatives could be expedited and that we could send a very clear signal to our men and women in uniform as well as their families that are looking for housing, that are having to deal with in many instances, as the gentleman knows far better than I, substandard housing, that we could deal with this in a very expeditious manner, the way we did yesterday, in an appropriate way, in a legislative way, not in an extraordinary way.

I would hope that the other body would take this up as quickly and as expeditiously as the House of Representatives did. We can accomplish that. We can do it in a bipartisan way as it was done yesterday. And it can be on the President's desk in moments, without further action, without further ado, without having to make them wait or wonder.

The military construction bill that we are considering right now, its future, we could argue, is also uncertain, given the fact that just about every prognosticator of the appropriations process suggests that we will not be completing the appropriations process on time this year, either as 13 individual appropriation bills or even as an omnibus bill but that, in fact, we may have to live under a continuing resolution for some time.

So while there is uncertainty about military construction and other appropriation matters, there should not have to be concern or question about our military families and what needs to be done as quickly as possible. It can be done expeditiously. It can be done using the vehicle that was passed yesterday by an overwhelming margin.

□ 2000

I would hope that other Members will not try any further delaying tactics for our men and women in uniform. I would hope that we can pass that bill as quickly as possible in the other body, that it will not be delayed, that it would enjoy the same kind of bipartisan support that we have here.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 2005."

Mr. ADERHOLT. Mr. Chairman, I want to commend Chairman KNOLLENBERG and the Military Construction Appropriations Subcommittee Staff once again for their hard work and efforts to produce an excellent bill for us to consider here today.

The importance of our willingness here in Congress to immediately and effectively take care of the needs of our men and women in the Armed Services, and to look after their families, certainly goes without saying. It does not matter whether they are located here at home protecting our homeland security, or whether they are directly in harm's way while serving abroad to serve their country. We must support them in every way that we possibly can.

This legislation represents a vital and immediate need for our troops and their families—to provide adequate and improved facilities for training and equipment; to provide better housing for these brave men and women, and their families, who unselfishly protect our national interests on a daily basis; to provide quality of life improvements such as chapels, child development centers, schools, and fitness centers; to better equip our hospitals and medical and dental facilities; for public safety and security here in our local communities; and to ensure the continued strength, construction and development of our overseas bases and our weapons systems that protect American interests.

The sacrifice that these men and women have made to this Nation demands our attention and steadfast support to help them do the job that they have chosen to do, and to better their lives in any way that we can find. Many of you are concerned that this bill contains an increase on the cap on Federal contributions to the Military Housing Privatization program from $850 Million to $1.3 Billion in this Fiscal Year. This money is urgently needed to fully fund family housing construction and maintenance, and to eliminate inadequate housing that our troops must live in. This funding directly supports two bases in my home State of Alabama, at Redstone and at Fort Rucker, and I want to rise in support of the men and women serving there.

Mr. Chairman, I rise today to thank the Chairman for an excellent bill, and to urge its passage to fully support these men and women in our Armed Services.

Mr. GREEN of Texas. Mr. Chairman, I rise today in support of this bill to provide for military construction in Fiscal Year 2005.

At a time when our Armed Forces are attempting to streamline and transform their operations, this bill provides crucial funding to upgrade, maintain and construct the facilities necessary for this process.

One project of particular interest to me, and which I requested funds for, is a Houston Armed Forces Reserve Center, however, this project was not earmarked in the House bill.

The proposed facility will be designed for both Texas Army National Guard units and Marine Corps Reserve units.

Several existing National Guard facilities will either be vacated by this relocation, or remaining units will be closer to their required space authorizations.

The vacated facilities will reduce the average age of existing facilities and lessen maintenance backlogs.

This facility will have a direct impact on soldier readiness by providing proper authorized space to conduct indoor training, reduce driving distances for a majority of the soldiers residing in Houston, and provide modern facilities support for soldiers.

Additionally, this facility is in line with the military's goal of creating joint-use bases.

While the House bill did not provide an earmark for funding this project, I am hopeful that our appropriators will see fit to include this request in the conference report.

Mr. KNOLLENBERG. Mr. Chairman, I submit the following for the RECORD:

MILITARY CONSTRUCTION APPROPRIATIONS BILL, FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Military construction, Army	1,448,239	1,771,285	1,862,854	+414,615	+91,569
Rescissions	-183,615	---	---	+183,615	---
Emergency appropriations (P.L. 108-106)	162,100	---	---	-162,100	---
Total	1,426,724	1,771,285	1,862,854	+436,130	+91,569
Military construction, Navy	1,238,458	1,060,455	1,081,042	-157,416	+20,587
Rescissions	-45,622	---	---	+45,622	---
Emergency appropriations (P.L. 108-106)	45,530	---	---	-45,530	---
Total	1,238,366	1,060,455	1,081,042	-157,324	+20,587
Military construction, Air Force	1,067,751	663,964	797,865	-269,886	+133,901
Rescission	-23,000	---	---	+23,000	---
Emergency appropriations (P.L. 108-106)	292,550	---	---	-292,550	---
Total	1,337,301	663,964	797,865	-539,436	+133,901
Military construction, Defense-wide	653,656	709,337	718,837	+65,181	+9,500
Rescission	-72,309	---	---	+72,309	---
Total	581,347	709,337	718,837	+137,490	+9,500
Total, Active components	4,583,738	4,205,041	4,460,598	-123,140	+255,557
Military construction, Army National Guard	311,592	295,657	394,100	+82,508	+98,443
Military construction, Air National Guard	222,908	127,368	180,533	-42,375	+53,165
Military construction, Army Reserve	88,451	87,070	116,521	+28,070	+29,451
Military construction, Naval Reserve	45,498	25,285	30,955	-14,543	+5,670
Military construction, Air Force Reserve	62,032	84,556	111,725	+49,693	+27,169
Total, Reserve components	730,481	619,936	833,834	+103,353	+213,898
Total, Military construction	5,314,219	4,824,977	5,294,432	-19,787	+469,455
Appropriations	(5,138,585)	(4,824,977)	(5,294,432)	(+155,847)	(+469,455)
Rescissions	(-324,546)	---	---	(+324,546)	---
North Atlantic Treaty Organization Security Investment Program	169,300	165,800	165,800	-3,500	---
Rescission	-8,000	---	---	+8,000	---
Total	161,300	165,800	165,800	+4,500	---
Family housing construction, Army	383,591	636,099	636,099	+252,508	---
Rescission	-94,151	---	---	+94,151	---
Total	289,440	636,099	636,099	+346,659	---
Family housing operation and maintenance, Army	1,033,026	928,907	926,507	-106,519	-2,400
Emergency appropriations (P.L. 108-106)	11,420	---	---	-11,420	---
Total	1,044,446	928,907	926,507	-117,939	-2,400
Family housing construction, Navy and Marine Corps	184,193	139,107	139,107	-45,086	---
Rescission	-40,508	---	---	+40,508	---
Total	143,685	139,107	139,107	-4,578	---
Family housing operation and maintenance, Navy and Marine Corps	835,078	704,504	696,304	-138,774	-8,200
Emergency appropriations (P.L. 108-106)	6,280	---	---	-6,280	---
Total	841,358	704,504	696,304	-145,054	-8,200
Family housing construction, Air Force	657,065	846,959	846,959	+189,894	---
Rescission	-19,347	---	---	+19,347	---
Total	637,718	846,959	846,959	+209,241	---

MILITARY CONSTRUCTION APPROPRIATIONS BILL, FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Family housing operation and maintenance, Air Force...	816,074	863,896	854,666	+38,592	-9,230
' Emergency appropriations (P.L. 108-106)...........	6,981	---	---	-6,981	---
Total..	823,055	863,896	854,666	+31,611	-9,230
Family housing construction, Defense-wide............	350	49	49	-301	---
Family housing operation and maintenance, Defense-wide	49,440	49,575	49,575	+135	---
Department of Defense Family Housing Improvement Fund..	300	2,500	2,500	+2,200	---
Rescission..	-9,692	---	---	+9,692	---
Total..	-9,392	2,500	2,500	+11,892	---
Total, Family housing..........................	3,820,100	4,171,596	4,151,766	+331,666	-19,830
Chemical demilitarization construction, Defense.......	119,815	81,886	81,886	-37,929	---
Base realignment and closure account.................	370,427	246,116	246,116	-124,311	---
General provision (sec. 118).........................	55,000	63,000	63,000	+8,000	---
Grand total:					
New budget (obligational) authority.........	9,840,861	9,553,375	10,003,000	+162,139	+449,625
Appropriations..........................	(9,812,244)	(9,553,375)	(10,003,000)	(+190,756)	(+449,625)
Emergency appropriations................	(524,861)	---	---	(-524,861)	---
Rescissions............................	(-496,244)	---	---	(+496,244)	---

1/ The amount provided in this bill is $1.205 million above the 302(b) suballocation due to a Congressional Budget Office (CBO) interpretation of the scoring of section 129. This section does not actually appropriate funds; appropriated amounts in this bill are within the 302(b) suballocation. The Committee is working with concerned parties to address CBO's scoring interpretation.

The CHAIRMAN. Having reached the end of the legislation, if there are no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 732, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Unless the motion is adopted, Mr. Speaker, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Obey moves to recommit the bill, H.R. 4837, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment:
>
> "SEC. 129. Section 2883(g)(1) of title 10, United States Code, is amended by striking "$850,000,000" and inserting "$1,300,000,000"."

POINT OF ORDER

Mr. NUSSLE. Mr. Speaker, I make a point of order against the motion to recommit because it violates Section 302(f) of the Congressional Budget Act.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. OBEY. Mr. Speaker, what this amendment attempts to do is to restore the language just stricken by the gentleman. If the gentleman insists on his point of order, then obviously once again the House will have missed an opportunity to provide housing for these 24,000 military families.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that the instructions contained in the motion to recommit offered by the gentleman from Wisconsin (Mr. OBEY) propose to amend existing law. The instructions, therefore, constitute legislation in violation of clause 2 of rule XXI. The Chair also finds that the amendment contemplated by the motion to recommit proposes pending in excess of the pertinent allocation therefore under Section 302(b) of the Budget Act, as asserted by the point of order of the gentleman from Iowa.

The point of order is sustained, and the motion to recommit is not in order.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a subsequent motion to recommit.

The SPEAKER pro tempore. Does the gentleman remain opposed to the bill?

Mr. OBEY. Unless the motion is adopted, Mr. Speaker, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Obey moves to recommit the bill, H.R. 4837, to the Committee on Appropriations with instructions to report the bill promptly with an amendment increasing from $850,000,000 to $1,300,000,000 the limitation on military family housing privatization programs in 10 U.S.C. 2883(g)(1).

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes on his motion.

Mr. OBEY. Mr. Speaker, this is the last opportunity the House will have to do the right thing for 24,000 military families.

This motion to recommit instructs the Committee on Appropriations to report the bill back with the cap lifted by $500 million for a total of $1.35 billion. This does not incur any additional costs. It simply allows existing funds and other assets to be used for privatization.

The problem seems to be, as Members have pointed out, that CBO wants to charge these privately raised funds against the budget allocation, which does not make any sense to anyone who lives in the real world. Any Member who has visited a military base and seen family housing knows this is a real need. Raising the cap enjoys broad support on both sides of the aisle and the White House.

I urge Members to join in support of this motion to recommit and give military families the decent housing they deserve.

Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for yielding to me.

Just a few minutes ago my colleagues on the other side of the aisle said we should work together in the days and months ahead to try to ensure the promise to our military families of better housing. I suggest we start right now, and it would be very simple, and we can send a clear message out to our families who have loved ones in harm's way that right now we are going to guarantee them the quality housing they are expecting.

All we need to do is take basically the exact same language that the gentleman from Iowa (Mr. NUSSLE) put together in the bill he wrote yesterday and passed yesterday, which, by the way, was an example of what the leadership in this House can do when it wants to do something. Let us just adopt that same language in the gentleman from Wisconsin's (Mr. OBEY) motion to recommit. It is the same language. What is the difference?

I tell the Members what the difference would be. If we would work together on a bipartisan basis right now not to object to this, we can send an important message to our troops out there and their loved ones that we are going to support them with better housing, especially during this time of war.

The language is the same. The gentleman's bill, H.R. 4879, that we passed yesterday that he talked about says we strike the number $850 million and insert $1.350 billion. The gentleman from Wisconsin's (Mr. OBEY) motion to recommit that is now before the floor says let us go from $850 million to $1.3 billion on the limitation of military housing privatization programs. What is the difference?

Let us work together right now. Let us do the right thing. Let us not let a technicality prevent us from doing the right thing for tens of thousands of military families. We can do it together. We do not have to wait a week, a month, and the possibilities of what might or might not happen then. We can doing it right now. I urge this House to do so.

Mr. OBEY. Mr. Speaker, to those who would cite the action taken by the House yesterday on the authorization bill, I would simply say that was not a substantive fix. That was a political fix, which is going nowhere because there is no assurance whatsoever that that bill will pass. This bill is a must-pass vehicle. That is why this provision ought to be attached to this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Chair wishes to clarify that the first motion to recommit, which was ruled out of order, violated section 302(f) of the Budget Act, as asserted by the gentleman from Iowa (Mr. NUSSLE).

Mr. KNOLLENBERG. Mr. Speaker, I rise in opposition to the motion to recommit, very reluctantly.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I agree wholeheartedly with the substance of what he is saying because we have been down that road so many times and had those discussions. The problem is I do not want to stop this bill from moving forward, and that is exactly what we would be doing as much as taking on a risk that we are not clear about what the resolution will be.

This motion would require the bill to go back to committee and would slow down the many important programs that we are trying to help. For this reason alone I must oppose this motion.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, obviously I support the gentleman's opposition to the motion. Let me just point out as well in support of his opposition that not only would it delay the military construction bill by sending it back to committee, because of the fact that we are going on recess as an example, it would postpone a decision about this because the gentleman, interestingly enough, complained about a technicality earlier. There is a technicality in this motion that Members need to be aware about. It is the words "promptly," and "promptly" means when we get around to it a little bit later, not forthwith, which means right away.

What we did yesterday is more than promptly. It happened yesterday. It is over in the Senate. They can take advantage of that opportunity and pass that bill immediately, not in some form later on.

So I appreciate the gentleman's opposing this method even though I know his heart may not be in it as much as mine has to be in this instance.

Mr. KNOLLENBERG. Mr. Speaker, reclaiming my time, I appreciate what the gentleman said. I also take it from what he just said that he is going to be a player in this process as we go forward.

Mr. NUSSLE. Mr. Speaker, if the gentleman would continue to yield, I have been a player in this process from the very beginning. And as I did yesterday, I intend to be do whatever I can to help move this issue along in its proper form and in the proper manner.

Mr. KNOLLENBERG. Mr. Speaker, could we come to the conclusion that it would resolve the problem and also eliminate the cap?

Mr. NUSSLE. Mr. Speaker, I guess the gentleman could take that from the fact that I wrote the bill yesterday even though I know there were some who may have been surprised by that. I do not think there is a Member in this body that opposes housing for military families. We just need to do it in the right way.

Mr. KNOLLENBERG. Mr. Speaker, let us make every effort to do just that.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me.

Let me simply point out to the gentleman from Iowa that the bill that the gentleman from Iowa is suggesting that we focus on is the bill that is going nowhere for the next 6 weeks either. The only difference between this bill and the bill that the gentleman is now purportedly supporting is that this bill will after the summer recess go somewhere. The bill the gentleman supported yesterday is going nowhere. That is a big difference to military families.

Mr. KNOLLENBERG. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit H.R. 4837 will be followed by 5-minute votes on passage of H.R. 4837; adoption of the conference report to accompany H.R. 4613; motion to suspend the rules and agree to H. Con. Res. 469; motion to suspend the rules and agree to H. Con. Res. 467; motion to instruct on H.R. 1308.

The vote was taken by electronic device, and there were—yeas 201, nays 217, not voting 16, as follows:

[Roll No. 416]

YEAS—201

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry

Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Carson (IN)
Clay
Collins
Culberson
Gephardt
Greenwood
Hart
Kirk
Kucinich
Lowey
Meehan
Meeks (NY)
Paul
Quinn
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAMP) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2038

Messrs. YOUNG of Alaska, BURGESS, TURNER of Ohio, TAUZIN, BURNS, COLE, and Mrs. MYRICK changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 13, as follows:

[Roll No. 417]

YEAS—420

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Obey

NOT VOTING—13

Ackerman
Carson (IN)
Clay
Collins
Conyers
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2046

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 4613.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 12, not voting 12, as follows:

[Roll No. 418]

YEAS—410

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest

Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)

Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross

Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Conyers
Grijalva
Kucinich
Lee

Lewis (GA)
McDermott
Owens
Payne

Schakowsky
Stark
Watt
Woolsey

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins

Ferguson
Gephardt
Greenwood
Kirk

Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAMP) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2057

Mr. CONYERS changes his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 469.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 469, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 419]

YEAS—422

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt

Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin

Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)

DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle

Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner

Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAMP) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2105

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DECLARING GENOCIDE IN DARFUR, SUDAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 467, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 467, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 420]

YEAS—422

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2112

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAREWELL TO DOUG BEREUTER

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, tonight I join with my colleague, the gentleman from Nebraska (Mr. OSBORNE), in a bittersweet evening for us. The dean of our delegation, the gentleman from Nebraska (Mr. BEREUTER), who has served this House faithfully now into his 26th year, as we are here tonight, these are his last votes as a Member of this august body, and I ask all of my colleagues here tonight to join me in bidding our colleague, the gentleman from Nebraska (Mr. BEREUTER) farewell and Godspeed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas (Mr. STENHOLM).

Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 14, as follows:

[Roll No. 421]

YEAS—198

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Moran (VA)
Paul
Petri
Quinn

□ 2123

Mr. ENGLISH and Mrs. JOHNSON of Connecticut changed their vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, today I missed a series of votes due to the visit of the President to my district. Had I been present, I would have voted in the following way:

"Yes" on rollcall No. 407, H. Res. 738, the rule providing for the Morocco Free Trade Agreement.

"Yes" on rollcall No. 408, H.R. 4175, Veteran's Compensation COLA Act of 2004.

"Yes" on rollcall No. 409, H. Res. 728, sense of Congress on Presidential election postponement.

"No" on rollcall No. 410, H.R. 3313, Marriage Protection Act of 2003.

"Yes" on rollcall No. 411, H.R. 4056, Commercial Aviation MANPADS Defense Act.

"Yes" on rollcall No. 412, H. Res. 652, urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004.

"Yes" on rollcall No. 413, H.R. 4842, United States-Morocco Free Trade Implementation Act.

"Yes" on rollcall No. 414, H. Con. Res. 436, celebrating 10 years of majority rule in the Republic of South Africa.

"Yes" on rollcall No. 415, H. Con. Res. 418, recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan.

"No" on rollcall No. 416, motion to recommit H.R. 4837, Military Construction Appropriations Act for fiscal year 2005.

"Yes" on rollcall No. 417, H.R. 4837, Military Construction Appropriations Act for fiscal year 2005.

"Yes" on rollcall No. 418, conference report on H.R. 4613, Department of Defense Appropriations Act for fiscal year 2005.

"Yes" on rollcall No. 419, H. Con. Res. 469, condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

"Yes" on rollcall No. 420, H. Con. Res. 467, declaring genocide in Darfur, Sudan.

"No" on rollcall No. 421, motion to instruct conferees on H.R. 1308.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DeLAY. Mr. Speaker, pursuant to section 2 of House Resolution 683, I offer a concurrent resolution (H. Con. Res. 479) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. Con. Res. 479

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Thursday, July 22, 2004, or Friday, July 23, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 7, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, July 22, 2004, Friday, July 23, 2004, or Saturday, July 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 7, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES OF THE HOUSE OF REPRESENTATIVES TO FAMILY AND FRIENDS OF MATTIE STEPANEK ON HIS PASSING

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 695) expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CARDIN. Mr. Speaker, reserving the right to object, and I do not intend to object, first I want to thank the gentleman from Pennsylvania (Mr. MURPHY) for bringing forward this unanimous consent request.

Under my reservation, I would be pleased to yield to the gentleman to explain the resolution.

Mr. MURPHY. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Speaker, on behalf of the Committee on Government Reform, I want to offer strong support for H. Res. 695. This resolution expresses the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing on June 22. Thirteen-year-old Mattie Stepanek was a writer and a national figure who suffered from a rare form of muscular dystrophy, called dysautonomic mitochondrial myopathy.

Mattie, who lived in nearby Rockville, Maryland, was an incredibly articulate and optimistic spokesman for muscular dystrophy. He was perhaps best known for writing five volumes of poetry. Incredibly, three of his books reached the New York Times best seller list. I will briefly read one here. It is called, "On Being a Champion."

Mattie wrote: "A champion is a winner, a hero, someone who never gives up even when the going gets rough. A champion is a member of a winning team, someone who overcomes challenges even when it requires creative solutions. A champion is an optimist, a hopeful spirit, someone who plays the game even when the game is called life, especially when the game is called life. There can be a champion in each of us, if we live as a winner, if we live as a member of the team, if we live with a hopeful spirit, for life."

Mattie Stepanek passed away just a few weeks before his 14th birthday, which was last Saturday, July 17. His life was a singular credit to the strength of the human spirit. He contributed so much during a life that was so short. He has given faith to those in need and hope to those who have lost direction. He has touched so many lives that he has never met, and I know he has touched mine. Mattie will continue to reach down from heaven and touch so many more.

Tonight, I stand in strong support of this resolution that honors Mattie Stepanek, and I highly commend the gentleman from Maryland for moving ahead with H. Res. 695. I thank the gentleman for yielding to me and offer blessings to Mattie.

Mr. CARDIN. Mr. Speaker, further reserving the right to object, I first, again, thank the gentleman from Pennsylvania for moving this resolution.

I filed it on behalf of the entire Maryland congressional delegation. Mattie was a resident of our State. Jimmy Carter said that he was the most extraordinary person that he had ever met. Although only 13 years of age when he died, he had the courage that really led all of us. He captured love in the entire Nation when on Oprah's show, Oprah asked, what can I do for you, and he said just pray for me.

As the gentleman from Pennsylvania pointed out, Mattie published five books of poetry, an extraordinary accomplishment for a person his age. Of course, he is best known as a national poster child for muscular dystrophy and along with Jerry Lewis appeared on national television on behalf of raising money to cure that disease.

He was a national figure, a person who touched all of our lives, any person who met him.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

For those of us who met this extraordinary young man, it was really in many ways a life-enriching experience. It is hard to believe that someone as young as Mattie had such a depth of understanding of life. His mother is a wonderful lady who transferred to Mattie her own courage, and he had that in great abundance.

□ 2130

But it was his wisdom far beyond his years that impressed everyone who met with him.

When you listened to Mattie, he spoke as a child; but when you listened to what he said, he spoke as a very wise man.

Mr. Speaker, Mattie Stepanek was someone who enriched the lives of all with whom he came in contact. I had an opportunity to see him every year for a number of years at the softball tournament that the International Association of Firefighters conducted in Prince George's County on behalf of Jerry Lewis' telethon on muscular dystrophy. Mattie would attend and he would speak, and everyone there came to hear Mattie. The rest of us were simply surplus.

I want to thank the gentleman from Maryland (Mr. CARDIN) for introducing this resolution and thank everyone who has been involved in making sure that this resolution comes to the floor and that we observe the passing of an extraordinary American, an extraordinary young man, an extraordinary child of God.

Mr. CARDIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 695

Whereas Mattie Stepanek was born on July 17, 1990, and was raised in Rockville, Maryland;

Whereas Mattie Stepanek had mitochondrial myopathy, a rare form of muscular dystrophy that affects heart rate, breathing, and digestion;

Whereas in 2002, 2003, and 2004, Mattie Stepanek served as the National Goodwill Ambassador for the Muscular Dystrophy Association (MDA), appearing with MDA National Chairman Jerry Lewis on the MDA Labor Day Telethon;

Whereas Mattie Stepanek was able to fulfill three of his dreams by publishing a book of poetry, meeting his hero, former President Jimmy Carter, and meeting Oprah Winfrey;

Whereas Mattie Stepanek has written five books of poetry, including Heartsongs, Journey Through Heartsongs, Hope Through Heartsongs, Celebrate Through Heartsongs, and Loving Through Heartsongs;

Whereas the poetry books written by Mattie Stepanek have sold more than 500,000 copies;

Whereas by the age of 13, Mattie Stepanek reached an 11th grade education level through home schooling; and

Whereas on June 22, 2004, Mattie Stepanek lost his fight with muscular dystrophy at Children's National Medical Center in Washington, District of Columbia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its condolences to the family and friends of Mattie Stepanek on his passing; and

(2) honors the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House Of Representatives, Room H–232, The Capitol, Washington, DC.

DEAR MR. SPEAKER: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life. Therefore, Mr. Speaker, the purpose of this letter is to communicate to you and the House, that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Governor of Nebraska to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. MIKE JOHANNS,
Governor, State of Nebraska, State Capitol, P.O. Box 94848, Lincoln, Nebraska.

DEAR GOVERNOR JOHANNS: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life. Therefore, the purpose of this letter is to communicate to you that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Speaker of the U.S. House of Representatives to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

REMEMBERING AUNITA TRIDORIS HUDSON-EDWARDS

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, I want to read words of reflection about one who believed who just passed away, and read this scripture, "God had the power to work within her and to accomplish abundantly far more than all she could ask or imagine."

Aunita T. Hudson-Edwards was born to Levi Hudson and Elnora Davis Hudson on September 20, 1915 in Carthage, Texas. She was the first of three children, and she just recently passed away. When she married Frank Edwards, she enjoyed parenting four children. Many of you might know Willis Edwards, Brenda Joe Edwards and Edward Earl and Frank. In California she worked as a teacher in Palm Springs Unified School District for 15 years and found herself taking in children who had no one else to claim them. She was active in the community, and as a quiet force demonstrated her trailblazing tendency by founding the Palm Springs Chapter of the NAACP and joining as a founding member of the First Baptist Church. She was a life member of the NAACP.

Mr. Speaker, she was a stateswoman, this woman that we pay tribute as she passes on. She enjoyed coming here to the White House during the Clinton and Bush administrations and tended two Congressional Gold Medal ceremonies, one for Rosa Parks and the recent ceremony for Dorothy Height. She loved going to the NAACP national conventions. She was a great soul we will always remember, and wish that her legacy would produce more like Aunita T. Hudson-Edwards.

MRS. AUNITA TRIDORIS HUDSON-EDWARDS

Words of Reflection about one who believed—

"God had the power to work within (her) and to accomplish abundantly far more than all (she) could ask or imagine . . ." Ephesians 3:20 (NRSV)

Aunita T. Hudson-Edwards was born to Levi Hudson and Elnora Davis Hudson on Sept. 20, 1915 in Carthage, Texas. She was the first of three children. She attended public school in Carthage, Texas and graduated from Bishop College, Marshall, Texas. She taught in the Texas public school system for many years. At an early age she united with Bethlehem Baptist Church of Carthage and remained active until she relocated to California.

She married Frank Edwards and enjoyed parenting four children, Willis, Brenda Joe, Edward Earl, and Frank. In California she worked as a teacher in the Palm Springs Unified School System for 15 years and found herself "taking in" children who had no one to claim them. She was active in the community, and as a quiet force demonstrated her trailblazing tendencies by founding the Palm Springs chapter of the NAACP and joining as a founding member of the First Baptist Church. She was a life member of the NAACP.

As an elder stateswoman she enjoyed accompanying Willis to the White House during the Clinton and Bush Administrations, and attended two Congressional Gold Medal ceremonies (Rosa Parks and Dorothy Height), NAACP national conventions, Congressional Black Caucus weekends, NAACP Image Awards, and numerous awards and community service events.

Aunita T. Hudson-Edwards departed this life July 19, 2004. She is preceded in death by her husband, Frank, her sister, Nelva J. Thomas and brother, Hodges Hudson, both of Kansas City, MO and her son Edward Earl. She leaves to cherish her memory, a son, Willis Edwards of Los Angeles, CA; a daughter, Brenda Joe Pine of Palm Springs, CA; a son Frank Edwards of Northridge, CA; grandchildren: Kisha Dixon, Zachary Clayton, Renita Pine, Natalie Edwards, Antoinette Pine, Charlotte Pine, Derrick Pine, Teresa (Kent) Taylor, Tanya (Kenneth) Molinelli, Karon (Lennard) Lehman, and Sharon Edwards; great-grandchildren: Devian, Fanasha, David, Demaria, Kadisha, Eric, Sierra, Alonzo, Jr, Demitra, Tony, Alonzo, Jason, Jr., Jordan, Deshaun, Delawn, Derrian, Armani, Sherlita, Juan, Vivianna, Derrick Jordan, DeMond, Jade, Arika, Eleana, Suamana (Bright), Mattias, Christian, Michelle, Heather, and Thomas; a nephew, Perry C. Daniels of Longview, TX; a niece, Gwendolyn C. Moore of Miami, FL; niece, Jacquetta J. West of Kansas City, MO; brother-in-law, Dr. Jackson Thomas of Kansas City, MO. She also leaves a host of nieces and nephews in addition to the many relatives and friends in California and Texas.

Aunita Tridoris Hudson-Edwards made herself available to be used by God. Because of her, young people were rescued, communities were activated, churches fulfilled their ministries, and her family was blessed.

Thank you, Mother Aunita, for giving us so much—We pledge to honor your legacy of humble service with the establishment of a computer lab for senior citizens at the First Baptist Church of Palm Springs sponsored by the Tavis Smiley Foundation and the Aunita TriDoris Hudson-Edwards Scholarship Fund in your name. Until we meet again!

JULY 21, 2004.

HOMEGOING SERVICES FOR WILLIS EDWARDS' MOM

We mourn not because she is lost, for God has taken her home, but because we will miss her. Yet, we are assured that if we are faithful, that parting will be only for a short while. We thank God that Mother Edwards came our way and loved us. Willis Edwards has asked that you, his extended family and friends know of the Homegoing Services for his Mom—

AUNITA TRIDORIS HUDSON-EDWARDS

Service in Los Angeles, Saturday, July 24, 2004, 11:00 AM, Ward AME Church, 1177 W. 25th Street, Los Angeles, CA.

Rev. Norman D. Copeland, Pastor and Officiant, Bishop Carolyn Tyler-Guidry, Eulogist.

Service in Palm Springs, Tuesday, July 27, 2004, 11:00 AM, First Baptist Church, 588 Las Vegas Road, Palm Springs, CA.

Rev. Rodney S. Croom, Officiant/Pastor.

Services conducted by: Agape Funeral Home—4250 South Central Avenue—Los Angeles, CA.

For those who have inquired, in lieu of flowers you may want to make a contribution to the Aunita Tridoris Hudson-Edwards Scholarship Fund to provide assistance to young people pursuing college and/or graduate degrees.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 o'clock and 25 minutes p.m.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART IV

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Science, and the Committee on Resources be discharged from further consideration of the bill (H.R. 4916) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I regret that, for a record fifth time, we are again on this floor to extend the highway transit and highway safety programs. Our last extension was 2 months ago, amidst high hopes that we would be able to conclude a conference on the TEA-LU bill that the House passed and the companion bill passed in the other body.

The committee of conference, as we quaintly say in the language of the House, has come to no resolution thereon, but there were signs of progress today. Members of both parties and both Houses have worked diligently and in great earnest to reach an agreement with the White House, but we have not been able to reach a meeting of the minds.

We have agreed to extend current law to continue the vitally important work of our highway transit and highway safety programs. Tonight we move forward with that effort.

To explain the measure pending before us, I yield to the chairman of our committee, the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, it is my understanding that this is a resolution continuing present law until September 24 for highways and until the end of the month of September for transit and other activities under present law. That is my understanding.

We must do this, as the gentleman is well aware, because, if we do not, then the ongoing activities of States across this Nation will be brought to a halt. We have high hopes that by the 24th of September, as the gentleman mentioned, we will have a meeting of the minds on what we call the total bill and there will be no longer any need for a continuing resolution. That is the hope of this chairman, and I am sure it is the hope of the gentleman also.

Basically, that is what this resolution does.

Mr. OBERSTAR. Mr. Speaker, continuing my reservation, I thank the distinguished chairman for his explanation. He has worked diligently on this, put his heart and soul into this initiative. We are very hopeful. I join the chairman in the hope that over the ensuing weeks of August there will be a prayerful resolution to the matters and prayerful successful outcome to our negotiations.

Mr. Speaker, I yield to the distinguished gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee.

Mr. PETRI. Mr. Speaker, we are here once again to extend funding for our nation's highway, transit and safety programs. This bill will complete funding for the fiscal year and ensure that state transportation programs continue to receive the necessary federal funds to maintain and build our Nation's critical infrastructure.

We are here today because we still are unable to reach an agreement on a level of spending that will meet the various demands that have been placed on us: Provide growth in funding for all states; improve the rate of return for donor states; ensure that donee states do not take too much of a hit; provide significant funding to build new corridors to meet emerging trade traffic; provide help to states that are overwhelmed by massive but critical projects that each can reach up to $1 billion in costs; and produce a conference report that will be signed by the President.

This seems to be an impossible situation, but I believe House and Senate conferees have been making a good faith effort to resolve this impasse—but we are not there yet.

I know that there is strong support in the Congress for a good, robust transportation program.

We know that transportation spending from the Highway Trust Fund is a good investment that is necessary in order to maintain and build a first-class transportation network. This is investment that leads to economic growth and prosperity, that provides needed jobs, that assists in the development of transit projects that moves millions of people each day, and that improves unsafe conditions on our highways—thereby saving thousands of lives.

So I urge passage of this bill so that States will continue to receive funds as we here in Washington press on in our efforts to ensure that we have a long-term program that meets our Nation's transportation needs.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I earnestly support the extension of the current law as embodied in the pending legislation.

Mr. Speaker, I rise in support of H.R. 4916, the Surface Transportation Extension Act of 2004, Part IV, but I regret that we are forced, for the fifth time, to temporarily extend the highway, transit, and highway safety programs.

Since our last extension two months ago, there has been some progress on the TEA 21 reauthorization. Nevertheless, the Committee on Conference has come to no resolution on the appropriate funding level for successor legislation to TEA 21. Members of both parties of both Houses have worked diligently and in great earnest with each other and the White House, but have been unable to reach a meeting of the minds.

We agreed to extend current law to continue the vitally important work of our highway, transit, and highway safety programs. Tonight, we move forward with that effort.

However, I regret that, because of certain objections from Members of the other side of the aisle and the Other Body, this extension bill does not continue two critical elements of TEA 21. First, the bill does not ensure that every State receive a 90.5 percent minimum guarantee return. Second, the bill does not continue TEA 21's High Priority Projects program.

With regard to minimum guarantee, the Committee, under the leadership of Chairman YOUNG and on a bipartisan basis, introduced a bill (H.R. 4864) earlier this week that would have ensured that each State received a 90.5 percent return. Regrettably, I understand that the Budget Committee Chairman and others objected to H.R. 4864 because it would have increased the bill's highway allocation by one percent. As a result, this bill does not ensure that each State receives 90.5 percent and, as a result, some States lose an enormous amount of highway construction funding. California loses $34 million; Florida $36 million; Ohio $30 million; Oklahoma $13 million; and Texas loses $115 million; to name just a few. I don't think that outcome is fair. If we are truly extending TEA 21, we should ensure that each state receives the guaranteed 90.5 percent minimum set forth in that legislation. I am hopeful that we will remedy this situation when we return in September, but I realize that the same objections we face to remedying this problem tonight will still be there in September.

Mr. Speaker, I support passage of this fifth extension. Our Nation's highway, transit, and highway safety programs are simply too important to shut down. I believe this bill could be better, and I urge this Body to do better when we are back in September.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, every day, our Nation's transportation system carries goods and products to stores, brings children to school, delivers employees to work and provides access to health care, education and entertainment.

Simply put, our Nation's transportation system is the backbone of our economy and way of life and we can not afford to shortchange either.

I have heard from local, state, and industry representatives, and they all concur that our transportation needs will only be met by passing a fully-funded, long-term bill at no less than a three hundred eighteen billion dollar level.

The continued stalling does nothing to address our Nation's crumbling infrastructure, and jeopardizes 1.7 million new jobs in our country.

Reports of bridges collapsing are increasing in news reports. In my district alone, there are seventeen structurally deficient bridges.

In the State of Texas, construction employment fell by two thousand one-hundred jobs in the month of June alone.

When I return home, the unemployed don't want to here about bureaucratic infighting.

They want to hear about a jobs bill that's going to put them back to work on family-wage jobs.

Mr. Speaker, the eyes of the Nation are upon us. Our constituents are counting on us to do what we know is the right thing. We can not let them down.

We must reject the notion of continuous, short-term extensions.

There is no better economic stimulus package than a fully funded public works bill—plain and simple.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2004, Part IV".

SEC. 2. ADVANCES.

(a) In General.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110; 118 Stat. 478; 118 Stat. 627; 118 Stat. 698) is amended by striking "and the Surface Transportation Extension Act of 2004, Part III" and inserting "the Surface Transportation Extension Act of 2004, Part III, and the Surface Transportation Extension Act of 2004, Part IV".

(b) Programmatic Distributions.—

(1) Special rules for minimum guarantee.—Section 2(b)(4) of such Act is amended by striking "$2,333,333,333" and inserting "$2,800,000,000".

(2) Extension of off-system bridge set-aside.—Section 144(g)(3) of title 23, United States Code, is amended by striking "2003 and in the period of October 1, 2003, through July 31, 2004," and inserting "2004".

(c) Authorization of Contract Authority.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat: 478; 118 Stat. 627; 118 Stat. 698) is amended by striking "$26,998,288,667 for the period of October 1, 2003, through July 31, 2004" and inserting "$30,469,806,615 for the period of October 1, 2003, through September 24, 2004".

(d) Limitation on Obligations.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111; 118 Stat. 478; 118 Stat. 627) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking "July 31" and inserting "September 24";

(2) in paragraph (1)(A)—

(A) by striking "Part II, and" and inserting "Part II,"; and

(B) by inserting after "Part III" the following: ", and the Surface Transportation Extension Act of 2004, Part IV";

(3) in paragraph (1)(B) by striking "$^{10}/_{12}$" and inserting "$^{49}/_{52}$";

(4) in paragraph (2)—

(A) by striking "July 31" and inserting "September 24";

(B) by striking "$28,202,500,000" and inserting "$31,890,519,230"; and

(C) by striking "$532,500,000" and inserting "$602,134,615";

(5) in paragraph (3) by striking "July 31" and inserting "September 24"; and

(6) by adding at the end the following:

"(5) Calculation of ratio.—For purposes of the calculation of the ratio under section 110(a)(3) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199; 118 Stat. 291; 23 U.S.C. 104 note)—

"(A) the obligation limitation for Federal-aid Highways referred to in section 110(a)(3)(A) of such Act shall be deemed to be the obligation limitation for Federal-aid highways and highway safety construction programs for fiscal year 2004 identified under the heading 'Federal-Aid Highways' in such Act (118 Stat. 290); and

"(B) the total of sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of section 110(b) of such Act and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection 110(b)(8) of such Act) for such fiscal year, referred to in section 110(a)(3)(B) of such Act, shall be deemed to be $34,606,000,000, less the aggregate of the amounts not distributed under section 110(a)(1) of such Act.".

SEC. 3. REPAYMENT FROM FUTURE APPORTIONMENTS.

Section 2(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111) is amended—

(1) in paragraph (1) by striking "a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act" and inserting "the Surface Transportation Extension Act of 2004, Part IV"; and

(2) in paragraph (2) by striking "a law described in paragraph (1)" and inserting "the Surface Transportation Extension Act of 2004, Part IV".

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) Authorization of Appropriations Under Title I of TEA-21.—

(1) Federal lands highways.—

(A) Indian reservation roads.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113; 118 Stat. 479; 118 Stat. 628; 118 Stat. 699) is amended—

(i) in the first sentence by striking "2003 and $229,166,667 for the period of October 1, 2003, through July 31,"; and

(ii) by striking the second sentence.

(B) Public lands highways.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking "2003 and $205,000,000 for the period of October 1, 2003, through July 31,".

(C) Park roads and parkways.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking "2003 and $137,500,000 for the period of October 1, 2003, through July 31," .

(D) Refuge roads.—Section 1101(a)(3)(D) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking "2003 and $16,666,667 for the period of October 1, 2003, through July 31,".

(2) National corridor planning and development and coordinated border infrastructure programs.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking "$2003 and $116,666,667 for the period of October 1, 2003, through July 31,".

(3) Construction of ferry boats and ferry terminal facilities.—

(A) In general.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking "2003 and $31,666,667 for the period of October 1, 2003, through July 31,".

(B) Set aside for Alaska, New Jersey, and Washington.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 700) is amended—

(i) in clause (i) by striking "$8,333,333" and inserting "$10,000,000";

(ii) in clause (ii) by striking "$4,166,667" and inserting "$5,000,000"; and

(iii) in clause (iii) by striking "$4,166,667" and inserting "$5,000,000".

(4) National scenic byways program.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking "fiscal year 2003, and $22,916,667 for the period of October 1, 2003, through July 31, 2004" and inserting "fiscal years 2003 and 2004" .

(5) Value pricing pilot program.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking "2003 and $9,166,667 for the period of October 1, 2003, through July 31,".

(6) Highway use tax evasion projects.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking "2003 and $4,166,667 for the period of October 1, 2003, through July 31,".

(7) Commonwealth of Puerto Rico highway program.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking "2003 and $91,666,667 for the period of October 1, 2003, through July 31,".

(8) Safety grants.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking "2003 and $416,667 for the period of October 1, 2003, through July 31,".

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking "2003 and $20,833,333 for the period of October 1, 2003, through July 31,".

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

"(F) $130,000,000 for fiscal year 2004.";

(B) in subsection (a)(2) by striking "2003 and $1,666,667 for the period of October 1, 2003, through July 31,"; and

(C) in the item relating to fiscal year 2004 in the table contained in subsection (c) by striking "$2,166,666,667" and inserting "$2,600,000,000".

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking "$87,500,000 for the period of October 1, 2003, through July 31, 2004" and inserting "$103,000,000 for fiscal year 2004".

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking "$45,833,333 for the period of October 1, 2003, through July 31, 2004" and inserting "$50,000,000 for fiscal year 2004".

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking "$17,500,000 for the period of October 1, 2003, through July 31, 2004" and inserting "$20,000,000 for fiscal year 2004".

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking "2003 and $25,833,333 for the period of October 1, 2003, through July 31,".

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking "$95,833,333 for the period of October 1, 2003, through July 31, 2004" and inserting "$110,000,000 for fiscal year 2004".

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking "$103,333,333 for the period of October 1, 2003, through July 31, 2004" and inserting "$122,000,000 for fiscal year 2004".

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking "$22,500,000 for the period of October 1, 2003, through July 31, 2004" and inserting "$26,500,000 for fiscal year 2004".

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking "$200,000,000 for the period of October 1, 2003, through July 31, 2004" and inserting "$240,000,000 for fiscal year 2004".

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 702) is amended by striking "$30,333,333 for the period of October 1, 2003, through July 31, 2004" and inserting "$36,400,000 for fiscal year 2004".

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 702) is amended by striking "$15,666,667 for the period of October 1, 2003, through July 31, 2004" and inserting "$18,800,000 for fiscal year 2004".

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended by striking "$416,667 for the period of October 1, 2003, through July 31, 2004" and inserting "$500,000 for fiscal year 2004".

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 108 Stat. 702) is amended—

(1) by striking "$83,333,333" and inserting "$100,000,000"; and

(2) by striking "the period of October 1, 2003 through July 31," and inserting "fiscal year".

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking "$83,333,333" and inserting "$100,000,000"; and

(2) by striking "the period of October 1, 2003, through July 31," and inserting "fiscal year".

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended by striking "$625,000 for the period of October 1, 2003, through July 31, 2004" and inserting "$750,000 for fiscal year 2004".

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking "$4,375,000" and inserting "$5,250,000";

(2) by striking "$208,833 instead of"; and

(3) by striking "the period of October 1, 2003, through July 31, 2004" each place it appears and inserting "fiscal year 2004"; and

(4) by striking the comma preceding "for eligible".

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) in paragraph (1) by striking "$8,333,333 for the period of October 1, 2003, through July 31, 2004" and inserting "$10,000,000 for fiscal year 2004"; and

(2) in paragraph (2) by striking "$8,333,333 for the period of October 1, 2003, through July 31, 2004" and inserting "$10,000,000 for fiscal year 2004".

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118; 118 Stat. 483; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking "and section 4 of the Surface Transportation Extension Act of 2004, Part III" and inserting "section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV";

(2) by striking "the amendment made by section 4(a)(1) of the Surface Transportation Extension Act, Part II" and all that follows before the period at the end and inserting "the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part II, the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part III, or the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part IV".

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632; 118 Stat. 703) is amended—

(1) by striking "and section 4 of the Surface Transportation Extension Act of 2004, Part III" and inserting "section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV";

(2) by striking "and by section 4 of the Surface Transportation Extension Act of 2004, Part III" each place it appears and inserting "by section 4 of the Surface Transportation Extension Act of 2004, Part III, and by section 4 of the Surface Transportation Extension Act of 2004, Part IV".

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632; 118 Stat. 703) is amended by striking "and section 4 of the Surface Transportation Extension Act of 2004, Part III" and inserting "section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV".

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking "$93,333,333 for the period of October 1, 2003, through July 31, 2004" and inserting "$112,000,000 for fiscal year 2004".

(b) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking "$100,000,000 for the period of October 1, 2003, through July 31, 2004" and inserting "$110,000,000 for fiscal year 2004".

SEC. 6. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

"(6) $10,000,000 for fiscal year 2004;".

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended—

(1) in the paragraph heading by striking "FIRST 9 MONTHS OF";

(2) in the matter preceding subparagraph (A)—

(A) by striking "the period of October 1, 2003, through July 31, 2004" and inserting "fiscal year 2004"; and

(B) by striking "$68,333,332" and inserting "$82,000,000";

(3) in subparagraph (A) by striking "$8,333,332" and inserting "$10,000,000"; and

(4) in subparagraph (B) by striking "$6,666,668" and inserting "$8,000,000".

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "$4,166,668" and inserting "$5,000,000"; and

(2) by striking "$1,666,668" and inserting "$2,000,000".

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "2003 and for the period of October 1, 2003, through July 31,";

(B) in subparagraph (A) by striking ", except" and all that follows before the semicolon and inserting ", except for fiscal year 2004 during which $1,206,506,000 will be available";

(C) in subparagraph (B) by striking ", except" and all that follows before the semicolon and inserting ", except for fiscal year

2004 during which $1,323,794,000 will be available"; and

(D) in subparagraph (C) by striking ", except" and all that follows before the period and inserting ", except for fiscal year 2004 during which $607,200,000 will be available";

(2) in paragraph (2)(B)—

(A) in clause (i) by striking "2003" and inserting "2004"; and

(B) by striking clause (iii);

(3) in paragraph (3)(B) by striking "2003 (and $2,485,250 shall be available for the period October 1, 2003, through July 31, 2004)" and inserting "2004"; and

(4) in paragraph (3)(C)—

(A) by striking "1999 through 2003" and inserting "1999 through 2004";

(B) by striking "$41,420,833" and inserting "$50,000,000"; and

(C) by striking "the period October 1, 2003, through July 31, 2004" and inserting "fiscal year 2004".

(b) Apportionment of Appropriations for Fixed Guideway Modernization.—Section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is repealed.

(c) Formula Grants Authorizations.—Section 5338(a)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking "2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,";

(2) by striking subparagraph (A)(vi) and inserting the following:

"(vi) $3,071,200,000 for fiscal year 2004.";

(3) by striking subparagraph (B)(vi) and inserting the following:

"(vi) $767,800,000 for fiscal year 2004."; and

(4) in subparagraph (C) by striking "a fiscal year (other than for the period of October 1, 2003, through July 31, 2004)" and inserting "each of fiscal years 1999 through 2003".

(d) Formula Grant Funds.—Section 8(d) of the Surface Transportation Extension Act of 2003 (118 Stat. 633; 118 Stat. 705) is amended to read as follows:

"(d) Allocation of Formula Grant Funds for Fiscal Year 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for fiscal year 2004—

"(1) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

"(2) $50,000,000 shall be available for bus and bus facilities grants under section 5309 of such title;

"(3) $90,652,801 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

"(4) $240,607,643 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

"(5) $6,950,000 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

"(6) $3,445,939,606 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.".

(e) Capital Program Authorizations.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking "2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,";

(2) by striking subparagraph (A)(vi) and inserting the following:

"(vi) $2,510,000,000 for fiscal year 2004."; and

(3) by striking subparagraph (B)(vi) and inserting the following:

"(vi) $627,500,000 for fiscal year 2004.".

(f) Planning Authorizations and Allocations.—Section 5338(c)(2) of such title is amended—

(1) in the paragraph heading by striking "2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,";

(2) by striking subparagraph (A)(vi) and inserting the following:

"(vi) $58,600,000 for fiscal year 2004.";

(3) by striking subparagraph (B)(vi) and inserting the following:

"(vi) $14,400,000 for fiscal year 2004."; and

(4) in subparagraph (C) by striking "or any portion of a fiscal year".

(g) Research Authorizations.—Section 5338(d)(2) of such title is amended—

(1) in the paragraph heading by striking "2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,";

(2) by striking subparagraph (A)(vi) and inserting the following:

"(vi) $42,200,000 for fiscal year 2004.";

(3) by striking subparagraph (B)(vi) and inserting the following:

"(vi) $10,800,000 for fiscal year 2004."; and

(4) in subparagraph (C) by striking "(other than for the period of October 1, 2003, through July 31, 2004)".

(h) Research Funds.—Section 8(h) of the Surface Transportation Extension Act of 2003 (118 Stat. 635; 118 Stat. 706) is repealed.

(i) University Transportation Research Authorizations.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking "2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,";

(2) in subparagraph (A) by striking '2003 and $3,976,400 for the period of October 1, 2003, through July 31,";

(3) in subparagraph (B) by striking "2003 and $994,100 for the period of October 1, 2003, through July 31,"; and

(4) in each of subparagraphs (C)(i) and (C)(iii) by striking "(other than for the period of October 1, 2003, through July 31, 2004)".

(j) University Transportation Research Funds.—

(1) In general.—Section 8(j) of the Surface Transportation Extension Act of 2003 (118 Stat. 635; 118 Stat. 706) is repealed.

(2) Conforming amendment.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 487; 118 Stat. 636; 118 Stat. 707) is amended by striking "or 2003 and in the period October 31, 2003, through July 31, 2004" and inserting ", 2003, or 2004".

(k) Administration Authorizations.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking "2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,";

(2) by striking subparagraph (A)(vi) and inserting the following:

"(vi) $60,400,000 for fiscal year 2004."; and

(3) by striking subparagraph (B)(vi) and inserting the following:

(vi) $15,100,000 for fiscal year 2004.".

(l) Job Access and Reverse Commute Program.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note) is amended—

(1) by striking paragraph (1)(A)(vi) and inserting the following:

"(vi) $100,000,000 for fiscal year 2004.";

(2) by striking paragraph (1)(B)(vi) and inserting the following:

"(vi) $25,000,000 for fiscal year 2004.";

(3) in paragraph (2) by striking "; except that" and all that follows before the period at the end; and

(4) in paragraph (4) by striking "$16,568,333" and inserting "$20,000,000".

(m) Rural Transportation Accessibility Incentive Program.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note) is amended—

(1) by striking paragraph (1)(F) and inserting after paragraph (1)(E) the following:

"(F) $5,250,000 for fiscal year 2004."; and

(2) in paragraph (2) by striking "$6,800,000" and all that follows through "July 31, 2004)" and inserting "$1,700,000 shall be available for each of fiscal years 2000 through 2004".

(n) Urbanized Area Formula Grants.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking "FISCAL YEAR 2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31, 2004" and inserting "FISCAL YEARS 2003 AND 2004"; and

(2) in subparagraph (A) by striking "fiscal year 2003, and for the period of October 1, 2003, through July 31, 2004" and inserting "fiscal years 2003 and 2004".

(o) Obligation Ceiling.—Section 3040 of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 637; 118 Stat. 708) is amended by striking paragraph (6) and inserting the following:

"(6) $7,309,000,000 in fiscal year 2004.".

(p) Fuel Cell Bus and Bus Facilities Program.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 637; 118 Stat. 708) is amended by striking "(or, in the case of the period of October 1, 2003, through July 31, 2004 $4,017,821)".

(q) Advanced Technology Pilot Project.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 118 Stat. 637; 118 Stat. 708) is amended by striking "2003, and for the period of October 1, 2003, through July 31, 2004 $5,000,000 per fiscal year and $4,142,083 for such period" and inserting "2004, $5,000,000 per fiscal year".

(r) Projects for New Fixed Guideway Systems and Extensions to Existing Systems.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 637; 118 Stat. 708) is amended—

(1) by striking "2003 and for the period of October 1, 2003, through July 31, 2004," each place it appears and inserting "2004"; and

(2) in subsection (d)(3) by redesignating the second subparagraph (D), relating to the Memphis-Shelby International Airport intermodal facility, as subparagraph (H) and aligning the margin of such subparagraph with subparagraph (G).

(s) New Jersey Urban Core Project.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379; 117 Stat. 1126; 118 Stat. 489; 118 Stat. 637; 118 Stat. 708) is amended by striking "2003, and for the period of October 1, 2003, through July 31," each place it appears.

(t) Treatment of Funds.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note; 118 Stat. 637; 118 Stat. 708) is amended—

(1) in paragraph (1) by striking ", and by section 7 of the Surface Transportation Extension Act of 2004, Part III" and inserting "by section 7 of the Surface Transportation Extension Act of 2004, Part III, and by section 7 of the Surface Transportation Extension Act of 2004, Part IV"; and

(2) in paragraph (2) by striking ", except that" and all that follows before the period at the end.

(u) Local Share.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 637; 118

Stat. 708) is amended by striking "2003, and for the period of October 1, 2003 through July 31,".

SEC. 8. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) Chapter 4 Highway Safety Programs.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637; 118 Stat. 709) is amended by striking "$136,688,750 for the period of October 1, 2003, through July 31, 2004" and inserting "$165,000,000 for fiscal year 2004".

(b) Highway Safety Research and Development.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637; 118 Stat. 709) is amended by striking "2003 and $59,646,000 for the period of October 1, 2003, through July 31,".

(c) Occupant Protection Incentive Grants-.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638; 118 Stat. 709) is amended by striking "$16,568,333 for the period of October 1, 2003, through July 31, 2004" and inserting "$20,000,000 for fiscal year 2004".

(d) Alcohol-Impaired Driving Countermeasures Incentive Grants.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638; 118 Stat. 709) is amended by striking "$33,136,667 for the period of October 1, 2003, through July 31, 2004" and inserting "$40,000,000 for fiscal year 2004".

(e) National Driver Register.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120; 118 Stat. 638; 118 Stat. 709) is amended by striking "$2,982,300 for the period of October 1, 2003, through July 31, 2004" and inserting "$3,600,000 for fiscal year 2004".

SEC. 9. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) Administrative Expenses.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120; 118 Stat. 490; 118 Stat. 638; 118 Stat. 709) is amended by striking "$146,725,000 for the period October 1, 2003, through July 31, 2004" and inserting "$176,070,000 for fiscal year 2004".

(b) Motor Carrier Safety Assistance Program.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

"(7) Not more than $169,000,000 for fiscal year 2004.".

(c) Information Systems and Commercial Driver's License Grants.—

(1) Authorization of appropriation.—Section 31107(a)(5) of such title is amended to read as follows:

"(5) $20,000,000 for the fiscal year 2004.".

(2) Emergency CDL grants.—Section 7(c)(2) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121; 118 Stat. 490; 118 Stat. 638; 118 Stat. 709) is amended—

(A) by striking "the period of October 1, 2003 through June 30," and inserting "fiscal year"; and

(B) by striking "$833,333" and inserting "$1,000,000".

(d) Crash Causation Study.— Section 7(d) of such Act (117 Stat. 1121; 118 Stat. 490; 118 Stat. 638) is amended—

(1) by striking "$833,333" and inserting "$1,000,000"; and

(2) by striking "the period of October 1, 2003 through July 31," and inserting "fiscal year".

SEC. 10. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) Highway Trust Fund.—

(1) In general.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking "August 1, 2004" and inserting "October 1, 2004",

(B) by striking "or" at the end of subparagraph (H),

(C) by striking the period at the end of subparagraph (I) and inserting ", or",

(D) by inserting after subparagraph (I) the following new subparagraph:

"(J) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part IV.", and

(E) in the matter after subparagraph (J), as added by this paragraph, by striking "Surface Transportation Extension Act of 2004, Part III" and inserting "Surface Transportation Extension Act of 2004, Part IV".

(2) Mass transit account.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "August 1, 2004" and inserting "October 1, 2004",

(B) in subparagraph (F), by striking "or" at the end of such subparagraph,

(C) in subparagraph (G), by inserting "or" at the end of such subparagraph,

(D) by inserting after subparagraph (G) the following new subparagraph:

"(H) the Surface Transportation Extension Act of 2004, Part IV.", and

(E) in the matter after subparagraph (H), as added by this paragraph, by striking "Surface Transportation Extension Act of 2004, Part III" and inserting "Surface Transportation Extension Act of 2004, Part IV".

(3) Exception to limitation on transfers.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking "August 1, 2004" and inserting "October 1, 2004".

(4) Special rule for core highway programs.—

(A) In general.—In the case of a core highway program, subsections (b)(5) and (c)(1) of section 9503 of such Code shall be applied by substituting "September 25, 2004" for "October 1, 2004".

(B) Core highway program.—For purposes of subparagraph (A), the term "core highway program" means any program (other than any program carried out by the National Highway Traffic Safety Administration and any program carried out by the Federal Motor Carrier Administration) funded from the Highway Trust Fund (other than the Mass Transit Account).

(b) Aquatic Resources Trust Fund.—

(1) Sport fish restoration account.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Extension Act of 2004, Part III" each place it appears and inserting "Surface Transportation Extension Act of 2004, Part IV".

(2) Boat safety account.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "August 1, 2004" and inserting "October 1, 2004", and

(B) by striking "Surface Transportation Extension Act of 2004, Part III" and inserting "Surface Transportation Extension Act of 2004, Part IV".

(3) Exception to limitation on transfers.—Paragraph (2) of section 9504(d) of such Code is amended by striking "August 1, 2004" and inserting "October 1, 2004".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) Temporary Rule Regarding Adjustments.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on September 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING DISMAY OVER ALLEGED CRIMINAL ACTIVITIES OF FORMER NATIONAL SECURITY ADVISOR SANDY BERGER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to express my profound dismay over the allegedly criminal activities of former National Security Adviser Sandy Berger and his apparent theft of classified terrorism-related documents from the National Archives.

As a former Air Force officer and current subcommittee chairman on the Permanent Select Committee on Intelligence, I am used to dealing with and protecting highly classified materials. I would have presumed that Mr. Berger was also.

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Yet, it appears that Mr. Berger smuggled his stolen documents out of a secure area in his socks and down his pants. That is correct, in his socks and down his pants, Mr. Speaker. If it was not so serious, it would be comical.

Are we expected to believe that this was all some sort of innocent mistake? The Wall Street Journal likened such a pitiful excuse to the old "the dog ate my homework" routine.

Mr. Speaker, there are two critical concerns here. First is the apparent premeditated theft of highly classified material, presumably to be withheld from the 9/11 Commission and; second, what was in these stolen documents that would cause a former National Security Adviser to risk his reputation and potential jail time to cover up. I want to know the answers to these questions, and I want Mr. Berger to be held accountable for his actions. I suspect the American people do as well.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 8, 2004

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 8, 2004.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, JULY 26, 2004

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 7, 2004

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2004.

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 7, 2004.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

POLYGAMY IN ELDORADO, TEXAS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. BURGESS. Mr. Speaker, I would just point out in the gentleman from Washington's comments, Sandy Berger is not the issue. Why was he fired by the Kerry campaign?

I am really here this morning to talk about H.R. 3313, the Marriage Protection Act, and I wanted to bring to the House's attention an article that appeared in one of my hometown papers, the Fort Worth-Star Telegram earlier this month.

This article dealt with a polygamy sect that is taking over the town of Eldorado, Texas, and their lawyer Rodney Parker disputes the allegation of abuse, saying that detractors had taken beliefs out of context. He went on to say marriages of 16-year-olds and occasionally younger happen, but they are not commonplace, his words. None of these girls is being held prisoner.

He went on to say, I think polygamy is constitutionally permitted. He said all manner of sexual relationships are now permitted. To somehow single this one out and say it is illegal does not make sense.

Mr. Speaker, I would submit that our efforts today to protect the Defense of Marriage Act that was passed in 1996 are right on target and worthy of the support of everyone in this House.

I will include the article I referred to earlier for the RECORD at this point.

[From the Fort Worth Star-Telegram, July 6, 2004]

ELDORADO.—First it was going to be a hunting lodge.

Then a retreat.

But as each new dormitory-style building goes up, residents here become a little more apprehensive as a secretive polygamist sect prepares to occupy a ranch four miles outside Eldorado.

Locals say they have good reasons for feeling uneasy about their new neighbors.

The Fundamentalist Church of Jesus Christ of Latter Day Saints, based in Arizona and Utah, is believed to be the largest polygamist group in the country. The 10,000-member church openly promotes plural marriage and has been subject to allegations of forced marriages, abusing the welfare system and wife swapping. If large numbers of the polygamist church's followers do end up in Eldorado, residents fear the group could dominate the town of 1,955 about 45 miles south of San Angelo. "They could easily come in here, bring in several thousand followers and take over the hospital board and other elected positions if they wanted to," said Randy Matkin, editor of the Eldorado Success and head of the Schleicher County Hospital District board. "That is what concerns us."

Locals note that the Fundamentalist Church of Latter Day Saints initially tried to hide its purchase of the 1,691-acre ranch last year. And the scale of the construction there leads many to question whether church elders were truthful when they said the ranch will be used as a retreat for 200 members. As part of their beliefs, church members interact with the outside world as little as possible. Followers could not be reached for comment for this article, but their lawyer, Rodney Parker, said the allegations are nothing more than religious persecution.

Polygamist towns—The twin cities of Colorado City, Ariz., and Hildale, Utah, where the church is based, are dominated by the polygamist group. The church owns the houses and controls the police and the schools, even though most children of its members are home-schooled. The group believes that the mainstream Church of Jesus Christ of Latter-day Saints strayed from its true beliefs when it renounced plural marriage in 1890. The fundamentalists broke away from the church and have defiantly practiced polygamy ever since.

Eldorado residents became upset in March when they learned that the group had bought the property. One City Council member even suggested the devil had come to town. The Alarm has largely subsided, replaced by apprehension. Residents still grab copies of the Success as soon as they're placed in the racks and call the sheriff when they see large trucks headed to the church compound. From Country Road 300, a two-lane road that surrounds the ranch, the construction is largely out of view. The only evidence of the budding community is a no-trespassing sign and guard shack. The top of a cement batch plant tower is the only visible structure.

But it's a different picture from the air. Five buildings, including three large structures, that appear to be living quarters, have been erected in a matter of months. Workers laid another large foundation in mid-June. Getting a clear picture of what this activity means is difficult.

Warren Jeffs took over leadership of the church after his father, Rulon Jeffs, died in 2002. This year Jeffs purged about 20 church elders, including several rivals, leading some observers to think that the move to Texas is a search for greener pastures.

The church already has a community in Bountiful, British Columbia, and there are rumors of another outpost in Mexico.

One author and former member says the group has changed since Warren Jeffs became the leader.

"The biggest thing I've noticed since Warren Jeffs took over is the wife swapping—taking wives from one man and giving them to another," said Benjamin Bistline, who wrote The Polygamists: A History of Colorado City, Arizona, a nonfiction account of the church's history published by Scottsdale, Ariz.-based Agreka Books.

Under Jeffs, the group has changed some of its beliefs, said Bistline, who left the church in 1980.

"I've always defended the polygamists," Bistline said. "They're very moral people. But now, since he has taken over, there is more corruption, more abuse of women."

Bistline, who lives just outside Colorado City, said he believes that some young women are forced into marriage to keep them in the fold. Moving to Texas may increase the hold on them, he said.

"I think as isolated as it is down there, it will be much harder for the young people to escape," Bistline said.

Religious persecution. Rodney Parker, the church's lawyer, disputes allegations of abuse and forced marriages, saying that detractors take the group's beliefs out of context.

"With regard to the marriage issue, it's very messy, very complicated," Parker said. "There are marriages between the ages of 16 and 18, and occasionally younger, but they're not commonplace. They're being used by critics to imply that's what the church is about and nothing else. It's grossly inaccurate, a deliberate falsehood. None of these girls are being held prisoner."

Parker also argues that attempts to prosecute polygamists will not withstand legal challenges.

"I think polygamy is constitutionally permitted," he said. "All manner of sexual relationships are now being permitted. To somehow single out this one and say it's illegal doesn't make any sense."

Schleicher County Sheriff David Doran, who has visited Colorado City and the Eldorado property, has been trying to learn about the group and calm locals' concerns.

"They have very different beliefs, but they have a nice town up there in Colorado City, and they let me see everything," Doran said. "I talked to women and young children, and everyone was open and polite. I'm trying to do everything in my power to keep a line of communication open to them."

Yet Doran agrees that the group will do whatever Jeff asks.

"If he gives them an order, whatever it is, I'm sure they'll follow it," Doran said.

Flora Jessup, a Phoenix woman who grew up in the fundamentalist church, has been a vocal critic of the sect. It was she who alerted Eldorado residents that the church had bought the ranch.

"They're very good at putting on a face to the public," said Jessup. "They're told to 'keep sweet.' It is a mask that is portrayed by the community. If you do not portray it right, there is punishment."

She said Eldorado residents shouldn't let their guard down.

"You never get a clear picture of what is going on in these communities," Jessup said. "What you see in public and what is happening in private are two totally different things."

A closed society. In Colorado City, the incorporated town is run as a closed society, said Buster Johnson, a Mohave County, Ariz., supervisor from Lake Havasu City.

"They won't be coming into town and kidnapping children or causing any problems," Johnson said. "But they will try and get every bit of government assistance that they can."

Johnson noted that 66 percent of Hildale residents receive Medicaid. The average in Utah is 6.5 percent, he said.

Some critics have referred to the tactic as "bleeding the beast," a method by which the sect siphons financial resources from nonbelievers.

Parker, the group's attorney, said that's false.

"That doesn't mean, however, that they don't take advantage of what they're legally entitled to," he said.

Parker said the ranch will be "a new place to get away from the pressure here in Utah. In that sense, it's a place of refuge, but I think that's about as specific as I can get."

The group is already at odds with the state of Texas over environmental permits. The Texas Commission on Environmental Quality issued cease and desist orders to the group in May for failure to obtain permits for a rock crusher, concrete plant and sewage treatment facilities, and for lacking a storm water runoff plan.

When a Star-Telegram reporter and photographer flew over the compound in June, the concrete plant appeared to be in operation.

"I think we'll be out there within a week," John Steib, the commission's deputy director of the office of compliance and enforcement, said Thursday. If there are violations, the agency could impose fines of $10,000 a day. As for local residents, many say they will tolerate the church as long as no one is harmed. "The only time we're ever going to know is if someone comes in and swears up a complaint," said Justice of the Peace Jimmy Doyle. "If they keep it locked up, I don't know if anyone can get out of an 8-foot, deerproof fence."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND WASTED RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday the Government Accountability Office issued a report stating that the Pentagon will need an estimated $12.3 billion to pay for military operations in Iraq and Afghanistan through September.

The extraordinary amount of money needed to pay for our major military operations is not surprising. What greatly troubles me, once again, is the sheer unwillingness of the Bush administration to adequately plan and prepare for those military operations. The additional $12.3 billion is triple, triple the amount that General Richard Myers, Chairman of the Joint Chiefs of Staff, projected in April would be needed to make it through September. President Bush and the top brass at the Pentagon have, once again, underestimated the resources needed to sustain our military halfway across the world.

The sad part is that many of us have actually come to expect President Bush to shortchange our troops. Military operations are costing more than the Pentagon estimated, in part because top officials expected that Iraq would be a peaceful democracy by now and we could start bringing our troops home. But it does not take a genius to realize that rebuilding a country from the ground up, an entire country that has been decimated by a brutal dictator, takes years, possibly decades.

The costs of these failures are adding up, Mr. Speaker, both in human and in financial terms. Two days ago the United States reached another disheartening milestone when the 900th American soldier was killed in Iraq. Moreover, due to a shortage of qualified soldiers, the Pentagon has shamefully reenlisted the Ready Reserve, a group of retired soldiers who have moved on to civilian life.

Congress has already appropriated nearly $200 billion in supplemental funds to pay for the wars in Iraq and Afghanistan. That number could easily reach $1 trillion before the end of this decade. We cannot possibly fund the war in Iraq at the rate we are going, especially if we want to truly address the threat of terrorism, that threat which, by the way, was never in Iraq, where weapons of mass destruction have yet to be found. Instead of rooting out terrorist networks in Afghanistan, the Bush administration chose to focus on Saddam Hussein, who had no connection to al-Qaeda.

In the process, we have not only failed to adequately address the growing terrorist threat; we have actually added to that threat by incurring the wrath of thousands of Muslims who think we are fighting a war against Islam.

We need to be much smarter about how we address America's national security, Mr. Speaker. That is why I have introduced H. Con. Res. 392, legislation to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. In crafting this legislation, my staff and I received the help and support of the Physicians for Social Responsibility, the Friends Committee on National Legislation, and Women's Action for New Directions. Without the counsel of these organizations, SMART security would not have happened as it did.

SMART security is more vigilant than President Bush claims to be in fighting terror. Instead of emphasizing military force, SMART focuses on multilateral partnerships and stronger intelligence capabilities to track and detain terrorists, and it does so while respecting human and civil rights.

Terrorism is an international problem, and so it makes sense that the fight against terrorism should involve the international community. That is why SMART security calls for working closely with the U.N. and with NATO to achieve our goals. Only by actively involving other nations in this fight can we hope to prevent future acts of terrorism.

It is time America got smart about its national security. I urge all of my colleagues to cosponsor this vitally important resolution, H. Con. Res. 392, because SMART security is tough, pragmatic, and patriotic, and it will keep America safe.

ILLEGAL OCCUPATION OF ISLAND OF CYPRUS BY TURKISH TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, as I have done every year, I rise again today to reiterate my fierce objection to the illegal occupation of the island of Cyprus by Turkish troops and declare my grave concern for the future of the area. The island's three decades of internal division make the status quo absolutely unacceptable.

In July 1974, Turkish troops captured the northern part of Cyprus, seizing more than a third of the island. The Turkish troops expelled 200,000 Greek-Cypriots from their homes and killed 5,000 citizens of the once-peaceful island. The Turkish invasion was a conscious and deliberate attempt at ethnic cleansing. Turkey proceeded to install 40,000 military personnel on Cyprus. Today, these troops, in conjunction with United Nations (U.N.) peacekeeping forces, make the small island of Cyprus one of the most militarized areas in the world. Over a quarter of a century later, approximately 1,500 Greek-Cypriots remain missing, including four Americans.

The Green Line, a 113-mile barbed wire fence, separates the Greek-Cypriot community from its Turkish-Cypriot counterpart. For thirty years, the Turkish Northern Republic of Cyprus (TNRC), recognized by no nation in the world except for Turkey, has prohibited Greek-Cypriots, until recently, from freely crossing the Green Line to visit the towns and communities of their families. With control of about 37 percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek-Cypriot population and the resulting refugees.

Thirty years later, the forced separation of these two communities still exist despite efforts by the U.N. and G–8 leadership to mend this rift between north and south. The U.N., with the explicit support of the United States, has sponsored several rounds of proximity talks between the former President of the Republic of Cyprus, Mr. Glafcos Clerides, and Mr. Rauf Denktash, the self-proclaimed leader of the occupied northern part of the island.

In March 2003, the United Nations-sponsored Cyprus peace talks at the Hague between the President of Cyprus, Tassos Papadopoulos, and Mr. Denktash came to an abrupt halt. Responsibility for this unfortunate setback in the peace process rested largely with Mr. Denktash, who rejected U.N. Secretary General Kofi Annan's plan to end the 29-year division of Cyprus. It was shameful that the Secretary General's personal diplomacy was met by this kind of flat-out rejection. A large share of the blame also rested with the Turkish military and hard-line nationalists in Ankara, who have maintained the illegal Turkish military occupation of Cyprus since Turkish forces invaded the island in 1974. If the Government of Turkey was sincere about settling the Cyprus problem, it could have put the necessary pressure on Mr. Denktash to say "yes" to the U.N. Plan at that time.

Nearly a year later, the Turkish government finally expressed interest in renewing negotiations using the Annan plan as a basis. However, the clock was ticking toward Cyprus becoming a full member of the European Union (EU) on May 1, 2004. The goal was to have a completed and agreed-to settlement plan by the week before so Cyprus could enter the EU as a united island. Even though both sides knew they were not going to get everything they wanted, each side was guaranteed a fair plan and one that would be immediately functional. Unfortunately, the final version of the Annan plan which was submitted for a referenda vote to both communities was unbalanced and biased against the Greek-Cypriots.

On several occasions, my colleagues and I strongly voiced our serious concerns with the Annan plan through letters, meetings and floor statements. We wanted to make sure that all those involved in the negotiation process were well aware that unless these issues were addressed and resolved, the Greek-Cypriots would not agree to the plan. Greater efforts should have been made to address these legitimate concerns which could have secured a positive vote from the Greek-Cypriots.

On April 24, 2004, the people of Cyprus had the opportunity to speak for themselves and vote on a United Nations settlement plan. The Greek-Cypriots' rejection of the suggested settlement plan should not be interpreted as a vote against reunification, but rather, as an important statement about the fundamental principles that must be addressed in any viable and workable settlement.

The Greek-Cypriot voters have made clear that the suggested settlement plan failed because it did not provide for guarantees to ensure the complete implementation of commitments under the plan. Security was a major concern for the Greek-Cypriots.

The Annan plan did not thoroughly satisfy the condition of the removal of foreign troops from Cyprus and the elimination of the right of the guarantor powers to interview in Cyprus. Although previous versions of the Annan plan called for the complete withdrawal of Greek and Turkish forces once Turkey joint the E.U., the final version of the Annan plan provided for an indefinite presence of Turkish troops in Cyprus. According to the plan, the number of troops would gradually decrease to 650 over a period of 14 years. However, their continuing presence and intervention rights would make a full and genuine independence of Cyprus impossible.

The plan also provided for the continuation of the Treaty of guarantee. This treaty gives the guarantor powers (Turkey, Greece, United Kingdom (UK)) the right to unilaterally intervene in order to preserve the "constitutional order" of the United Cyprus Republic and its constituent states. However, the Annan plan failed to specifically clarify that this treaty does not authorize military intervention. This was a critical point because Turkey insisted that it would continue to have the right to intervene militarily in Cyprus. This Turkish arrogance increased the Greek-Cypriot fear of a repetition of the 1974 invasion and its tragic consequences.

The Annan plan also did not provide for a property recovery system that would recognize the rights and interests of displaced Greek-Cypriots, and a property compensation system that would not force Greek-Cypriots to pay for their own restitution. The plan allowed for one-third restitution and two-thirds compensation for property owned in the north by Greek-Cypriots who would be losing the use of their properties. The funds for the restitution would be guaranteed by the Federal State. However, nine-tenths of the Federal State's resources would derive from Greek-Cypriots and the remainder from Turkish-Cypriots. Essentially, the Greek-Cypriots, to a large extent, would be paying for their own loss of property.

In addition, compensation for the property would have been required to be paid by the constituent states. This meant that Greek-Cypriot refugees would have to request compensation from the Greek-Cypriot Constituent State. Again, Greek-Cypriot taxpayers, who were the victims of the invasion, would be paying for their own loss of use of property.

Lastly, the Annan plan ignored the right of all Cypriots to buy property and to live wherever they choose without being limited by ethnic quotas and failed to provide a viable, functional government free of built-in deadlocks and voting restrictions based on ethnicity. It set complicated and restrictive provisions regarding the right of Greek-Cypriot refugees to return to their homes in the north. More specifically, a restrictive moratorium of 6 years would be implemented for those Greek-Cypriots who wished to return and permanently live in the Turkish-Cypriot Constituent State (TCCS). For the first 19 years or until Turkey's accession to the EU, the number of Greek-Cypriots who wished to permanently live in the TCCS would not be able to exceed 18 percent of its total population. After that time period, they would not be able to exceed 33.3 percent of the total population of the TCCS. This restriction would have been permanent.

The Annan plan established a system based on permanent ethnic division, while denying fundamental democratic rights to a segment of the population. Under the plan, Greek-Cypriots permanently living in the TCCS and possessing its internal citizenship status would not have the right to participate in the elections for its 24 representatives in the federal Senate.

Since the vote on the referenda, Greek-Cypriots have been criticized for allegedly rejecting peace and the "only chance" for reunification. Many people—including the Greek-Cypriots themselves—regret that the plan presented to them did not allow both communities to respond positively. Criticism and anger, however, will only further divide the island precisely when the Cypriot people need the support of the international community to continue on the path toward lasting peace.

Greek-Cypriots should not be blamed for voting against a plan that they believed did not meet the interests of their country and their futures. It is one thing for others to comment on the terms and conditions for settlement, but it is the Cypriots who must live with whatever plan is adopted.

The Government of Cyprus continues to emphasize that it remains committed to persevering in its efforts to reunify Cyprus as a bizonal, bicommunal federation with democratic and human rights for all Cypriots. Earlier this year, the Cypriot Government announced a series of measures aimed at assisting those Turkish-Cypriots residing under the control of the Turkish occupation army. This package includes a wide range of political, social, humanitarian, educational and economic measures that will enhance the ability of the Turkish-Cypriots to enjoy many of the benefits that the Republic of Cyprus offers to its citizens—as well as to share in the benefits of European Union membership. Far beyond a merely symbolic gesture, the package is a substantive program to integrate the Turkish-Cypriot community into the larger Cypriot society.

At the same time, the Turkish occupation regime partially lifted restrictions on freedom across the artificial line of division created by Turkey's military occupation. Since then, hundreds of thousands of Greek-Cypriots and Turkish-Cypriots have crossed the line to visit homes and areas of their own country that were inaccessible to them for nearly 30 years. It isn't clear whether opening the border was just a tactic to ease the frustrations, or a sign of a fundamental change of heart. But it has produced rare displays of human kinship, exchanges of flowers and pastries, and emotional visits to homes abandoned in the mid-1970s.

However, neither the Government's measures for the Turkish-Cypriots nor the partial lifting of restrictions by the occupation regime should be seen as a substitute for a comprehensive resolution to end the division of Cyprus.

I urge this Administration, the United Nations and the European Union to respect the democratic decision of the Cypriot people, to remain engaged in efforts to resolve the Cyprus problem, and to work toward a fair and lasting reunification of Cyprus.

ORDER OF BUSINESS

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection. Without objection.

9/11 COMMISSION REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, today we received the long awaited report from the 9/11 Commission, and the 9/11 report I think had some constructive ideas that we in Washington are going to listen to. It was a bipartisan group and they had a lot of good thoughts and some good discussion, and it was a unanimous report.

Three of the things that they said were our problems going into 9/11 was one, we did ignore a lot of red flags. Number two, the capacity that we had to fight terrorism, we were somewhat in the Cold War model and not using all of the technology or on-the-ground intelligence that we really need for this century. Number three, the management of information, the FBI not talking to the CIA, other agencies not sharing information led to lots of things going on and the right arm not knowing what the left arm was doing.

Finally, just our imagination, unable to really conceive of people who hated us so much that we did not know what they were plotting against us, that they were willing to kill themselves, they were instructed to kill Americans in order to get revenge on a country that had done them no harm.

Yet, indeed, if we look at some of the terrorist attacks leading into 9/11, as outlined by our colleague, the gentleman from Pennsylvania (Mr. MURPHY), and I will submit this for the RECORD, it is unbelievable. November 1979, terror in Iran, American embassy attacked, hostages taken. April 1983, Beirut, 63 people killed from a truck filled with explosives driven into the United States embassy. October 1983, Beirut, 241 U.S. servicemen killed from a truck filled with explosives, driven through the main gate of a U.S. Marine Corps headquarters. September 1984, Beirut, a truck filled with explosives crashed through the gate of the U.S. embassy compound. October 1995, the Achille Lauro cruise ship hijacked, one American killed. November 1985, hijackers on an Egyptian plane kill U.S. passengers. December 1985, Rome and Vienna, 20 killed from suicide bombers at U.S. and Israeli international airports. April 1988, 259 killed in bombing of the Pan Am Flight 103 over Lockerbie, Scotland. December 1992, Yemen, 2 killed from a bomb at Gold Mohur Hotel immediately after 100 U.S. servicemen departed. February 1993, World Trade Center, New York City, 6 deaths and more than 1,000 injuries. October 1993, 18 U.S. servicemen killed, Osama bin Laden claims he supplied weapons and fighters to the Somalians. 1994, New York City, investigators thwart the attempt to blow up Holland and Lincoln Tunnels and other New York City landmarks. 1995 Manila, Philippines investigators discover plots to assassinate the Pope and President Clinton during his visit to the Philippines.

This list, Mr. Speaker, goes on and on, and I am going to submit this for the RECORD. But again, one of the things the 9/11 Commission said is we could not imagine the whole concept of the war on terror. I think that what really happened on 9/11, we changed our views that terrorism is not a crime, but an act of war, and that these events, some isolated, are yet still linked together.

I think with some of the recommendations that they have come up with we will be able to avoid this in the future. In the meantime, we need to complete our job and our duty in Iraq. Iraq has harbored terrorists, and that was also in the 9/11 Commission Report. And we have a report that has come in; one year after being in Iraq, U.S. Agency for International Development talking about restoring the services there. This book, Mr. Speaker, which is available to the public, I do have a web page: www.usaid.gov, that is the U.S. Agency for International Development, it talks about reopening the schools there, building the democracy, vaccinating children, helping small businesses and newspapers to reopen. Lots of work is being done.

Iraq is an independent country at this point. It is on its own. We need to support them. We do not need to pull the rug out from under them. We need to help them complete their journey to democracy, and it is not time for Congress to pull the rug out from under them in the name of November politics.

MEMORANDUM

To: Members.
From: Tim Murphy (PA-18).
Date: July 21, 2004.
Subject: Timeline of major terrorist activities.

As we head home for the August recess and face questions from our constituents regarding the War on Terror, I thought you might find helpful this timeline of actual and attempted terrorist attacks.

November 1979—Tehran, Iran: American Embassy attacked and seized, hostages taken—released 1981.

April 1983—Beirut: 63 people killed from truck filled with explosives driven into U.S. Embassy.

October 1983—Beirut: 241 U.S. servicemen killed from truck filled with explosives driven through main gate at U.S. Marine Corps headquarters.

September 1984—Beirut: Truck filled with explosives crashes through gate into U.S. Embassy compound in Beirut, no deaths.

August 1985—Rhein-Main, Germany: 22 killed from car filled with explosives driven into main gate at U.S. Air Force Base.

October 1985: *Achille Lauro* cruise ship hijacked, one American killed.

November 1985: Hijackers on Egyptian plane kill U.S. passengers.

December 1985—Rome and Vienna: 20 killed from suicide bombers at U.S. and Israeli international airports.

April 1988: 259 killed in bombing of Pan Am Flight 103 over Lockerbie, Scotland.

December 1992—Aden, Yemen: Two killed from bomb at Gold Mohur Hotel immediately after one hundred U.S. servicemen departed on their way to duty in Somalia.

February 1993—World Trade Center, New York City: Six deaths and more than 1,000 injuries from bombing.

October 1993—Mogadishu, Somalia: 18 U.S. servicemen killed, Bin Laden claims he supplied weapons and fighters to Somalis involved in the battle.

1994—New York City: Investigators thwarted attempt to blow up Holland and Lincoln tunnels and other New York City landmarks.

Late 1994 early 1995—Manila, Philippines: Investigators discovered plots to assassinate the Pope and President Clinton during visits to the Philippines.

1995: Investigators discovered plans to explode a dozen commercial jets over the Pacific.

June 1995—Addis Ababa, Ethiopia: Unsuccessful attempt to assassinate Egyptian President Hosni Mubarak.

November 1995—Riyadh, Saudi Arabia: Five Americans killed by car bomb at a U.S.-run training facility for the Saudi National Guard.

June 1996—Dhahran, Saudi Arabia: 19 U.S. airmen killed by truck bomb at the Khobar Towers apartment compound where hundreds of U.S. Air Force personnel were stationed.

August 1998—Dar-es-Salaam, Tanzania & Nairobi, Kenya: 224 killed, including 12 Americans, and more than 5,000 wounded by truck bombs at U.S. embassies in both cities.

December 1999—Port Angeles, Washington: U.S. Customs agents stopped Ahmed Ressam from crossing out of Canada into the U.S. with a truck full of explosives headed to Los Angeles airport.

December 1999—Amman, Jordan: Intelligence officials reveal plot to kill U.S. and Israeli citizens by bombing a fully booked hotel and prominent Christian sites over millennium celebrations.

October 2000—Aden, Yemen: 17 sailors killed and 30 wounded when terrorists on boat rigged with explosives attack the U.S.S. *Cole*.

September 2001—New York City; Washington, DC; Shanksville, Pennsylvania: Thousands killed from four hijacked passenger airliners crashed into New York City's two tallest buildings, the Pentagon and a field in rural Pennsylvania.

September 2001—Paris and Brussels: Intelligence officials uncover evidence of plots to bomb the U.S. embassy in Paris, and possibly also NATO headquarters in Brussels.

October 2001—Sarajevo, Bosnia: NATO officials break up an al-Qaeda cell planning to attack the U.S. embassy and Eagle Base airfield, home base to 3,000 U.S. peacekeepers.

December 2001: Richard Reid attempts to blow up a commercial flight from United Kingdom en route to United States using bombs hidden in his shoes.

March 2004—Madrid, Spain: 198 killed and more than 1,400 wounded from 10 coordinated bomb detonations on Madrid subway during commuter rush hour.

ORDER OF BUSINESS

Ms. HERSETH. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

SOCIAL SECURITY COST OF LIVING ADJUSTMENT PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, today I am introducing the Social Security Cost of Living Adjustment Protection Act of 2004. As my colleagues know, I am a new Member of Congress. This legislation, which will protect the retirement incomes of millions of Americans, marks the first bill that I have introduced.

□ 2245

To me, this bill represents the partial fulfillment of a pledge I made to thousands of seniors in South Dakota that if they sent me to Washington, I would fight for them, stand by them and make their voice heard. This bill meets that goal by helping to ensure retirement security for every senior who depends upon his or her monthly social security check to make ends meet.

I am joined today in introducing this bill by our Democratic leader, the gentlewoman from California (Ms. PELOSI), and by two senior members of the Committee on Ways and Means, the gentleman from California (Mr. STARK), the ranking member of the Committee on Ways and Means Subcommittee on Health; and the gentleman from California (Mr. MATSUI), the ranking member of the Committee on Ways and Means Subcommittee on Social Security.

In addition, I deeply appreciate the support of the many additional Members who are joining us in sponsoring this legislation today. Our bill will protect senior citizens from seeing the modest annual increase they receive in their social security benefits absorbed by the rising cost of health care. For retirees who depend on social security benefits to live, the only defense against increasing prices for food, clothing, and energy is the annual cost-of-living adjustment. However, rising Medicare premiums are threatening to severely diminish the purchasing power of this yearly increase in benefits.

In fact, this fall retirees are projected to face the largest premium increase in the history of the program. This means that next year a widow with a $600 monthly social security check will use 59 percent of her COLA just to pay the increase in her Medicare premium.

Every dollar that goes toward rising Medicare premiums is one less she can use to pay for groceries or her utility bill. We are not wealthy in South Dakota. Retirees in my State clip coupons. They put off buying the things they need. They live modestly, because that is what they have to do to get by. So it is no exaggeration to say that retirees in South Dakota need every penny of their COLA, not just so they can maintain a basic standard of living, but so they can maintain their dignity.

This legislation protects retirees by ensuring that no more than 25 percent of their COLA can be absorbed by the increase in Medicare premiums. Next year, it will protect more than 27 million retirees who otherwise would see their scarce dollars taken from food, clothing and other essential purchases.

I hope that Congress will take up and pass this legislation quickly, because the need for it is real and immediate. This fall, just as Medicare premiums go up, temperatures in South Dakota will be going down. Seniors will sit at their kitchen tables reading through their bills, and they may wonder yet again how they are going to make it through the month. We owe them to do better, and I hope that we will.

ORDER OF BUSINESS

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE LIBERTY LIST ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, when he presented the 2003 State Department human rights report, Secretary of State Colin Powell declared, "We join in solidarity with courageous men and women all over the world who strive to advance human rights and democratic values within their own countries and throughout the international community."

Today, joined by the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Michigan (Mr. CONYERS), I am introducing legislation that will build upon the foundation of the State Department's annual human rights report and the annual report on religious freedom. The Liberty List Act will reinforce the special significance of the central pillars of American foreign policy: freedom, democracy, and human rights.

The Liberty List will be an independent annual report issued by the State Department. It will highlight the work of individuals and organizations, including the media, that promote the development of liberty, democracy, and respect for human rights.

In addition to honoring these individuals and organizations for their important contributions to society, the Liberty List will draw attention to the conditions against which these honorees struggle and will offer some protection for honorees by identifying them to the national community.

A few individuals and groups, such as Aung San Suu Kyi and her National League for Democracy, are known around the world for their struggle. Yet for every individual who is known to the international community, there are many other heroes who deserve recognition and support as they risk their lives for the improvement of others.

How many of us in this body have heard of Shirin Ebedi before she was awarded the Nobel Peace Prize in 2003 for her work on behalf of Iran's women and children? There are Aung San Suu Kyis and Shirin Ebedis working in countless places around the world. Their struggle is our struggle; and they deserve our attention, our admiration, and support.

The Liberty List is fundamentally different from the existing State Department report on international religious freedom and the annual country reports on human rights practices. Current reports focus on the human rights records of national governments. They deal with the imposition of State power. The Liberty List in contrast will spotlight individuals and organizations who are working against that power to build freedom, democracy, and respect for human rights.

For example, a group of courageous women called Women of Zimbabwe

Arise have been struggling against the cruelty of the dictatorship of Zimbabwe's President Robert Mugabe. Despite facing arrest, rape and force, these brave women have continued a peaceful struggle for a better life for all Zimbabaweans.

In Uzbekistan, Ruslan Sharipov, an independent human rights activist and journalist, was sentenced to 5½ years in prison last summer. Sharipov has been a fearless critic of police corruption and human rights abuses in Uzbekistan, a nation whose human rights record has been so dismal, the United States cut off aid earlier this month.

These leaders and others like them who struggle for freedom and democracy around the world deserve recognition for their sacrifices and their struggles. It is too easy to forget that the advancement of human rights, democracy, and religious liberty is the product of individuals and small groups of people who fight to improve the lives of their family, friends, and neighbors.

The Liberty List Act will allow the United States to honor these men and women as they strive to make the world a better, safer place for themselves, their children, and ultimately for all of us.

I urge my colleagues to join as cosponsors of the Liberty List Act.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Washington (Mr. McDERMOTT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NATIVE AMERICAN HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise tonight to talk about the health care crisis that continues to affect Native Americans in this country. For far too long, Native Americans have suffered from a lack of access to quality health services, resulting in increasing amounts of Native Americans that suffer from a wide range of diseases and illnesses.

Mr. Speaker, language from a report commissioned by the Federal Government in 1928, 75 years ago, to study the health status of Native Americans is just as true today as it was then. And the language states, "The health of the Indians as compared with that of the general population is bad. The existing evidence warrants the statement that both the general death rates and the infant mortality rates are high. The prevailing living conditions among the great majority of the Indians are conducive to the development and spread of disease. With comparatively few exceptions, the diet of the Indians is bad. The housing conditions are likewise conducive to bad health. The inadequacy of appropriations has prevented the development of an adequate system of public health administration and medical relief work for the Indians."

Mr. Speaker, this excerpt is from a report commissioned by the Federal Government in 1928, over 75 years ago; but to my disbelief and to the disbelief of millions of Native Americans, not much has changed. Indeed, the U.S. Commission on Civil Rights just came out with a draft report studying the current status of the Native American health care system that cites similar trends from a 1928 report. The main reason why there has been such limited success in improving the health status of Native Americans is that the Federal Government has failed miserably to live up to its trust obligation to provide quality health services to American Indians.

Mr. Speaker, the United States Government has a moral and legal obligation to provide for the health of Native Americans. This Federal obligation is the result of Native Americans ceding over 400 million acres of tribal land to the United States. In return, the Federal Government entered into a number of agreements that promised to provide health care services among many other benefits to Native Americans.

The U.S. Commission on Civil Rights report notes that specifically Native Americans are 770 percent more likely to die from alcoholism, 650 percent more likely to die from tuberculosis, 427 percent more likely to die from diabetes, 280 percent more likely to die from accidents, and 52 percent more likely to die from pneumonia or influenza than the rest of the United States, including white and other minority populations. These statistics are appalling, and I think they are just plain heart breaking.

There are many reasons why this health status of Native Americans continues to be poor, such as social and cultural and structural barriers, but the number one reason why American Indians and Alaska natives suffer disproportionately from a poor health status is because the United States Government refuses to invest the funding needed to improve the health status for Native Americans.

Mr. Speaker, the Federal Government is willing to expend nearly twice the amount of Federal dollars to fund health care services for Federal criminals than it spends on health care services for Native Americans. How does that seem fair?

Mr. Speaker, the U.S. Government can and must do better by American Indians and Alaska natives. The first step towards achieving that goal is reauthorizing the Indian Health Care Improvement Act. This legislation is designed to provide parity between Native American health care and the rest of America. The bill enjoys the support of Indian country and bipartisan support in the House and Senate. Yet it languishes in this Congress, awaiting the administration to submit its views.

Accordingly, I urge my colleagues on both sides of the aisle to press upon the Bush administration to send its statement of administration policy to the Congress so we can pass this important piece of legislation. The longer we take, the longer Native Americans will continue to suffer.

REPUBLICANS GRILL BERGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, today we finally have the 9/11 Commission report; but unfortunately on the other side of the aisle, they want to focus on Sandy Berger, a former high-ranking official in the Clinton administration and his transgressions, whatever they might be. Whatever they might be, they did not kill 3,000 people. They did not destroy the World Trade Center. They did not attack the Pentagon, the United States of America, attempted to attack the Capitol and the White House, and he is not planning another attack on the United States of America, unlike al Qaeda, who is still out there planning another attack.

In fact, we have heard from the head of homeland security. It is an imminent threat of attack that will happen sometime between now and the election. And this report points to the fact that we have not taken the steps necessary to utilize and better utilize the resources of the Government of the United States of America to forestall that attack.

Now, remember, a number of us on this side of the aisle called for a Cabinet-level position to coordinate intelligence on the head of the homeland security. The President said no; but after public opinion moved against him, finally they threw out a proposal, just about 2 years ago today.

And 2 years ago today they threw out this proposal, full-blown from the basement of the White House, to create a 270,000-person bureaucracy that would be the Department of Homeland Security; but curiously enough, it did not go to the issues raised in this report, which is it did not touch the intelligence agencies, the CIA, all the intelligence agencies at the Defense Department. They were excluded from Homeland Security. It did not go to the FBI, who failed to coordinate and get the information and share information with the CIA and let people into the country who were on a terrorist watch list, but we let them into the country with visas who were some of the perpetrators of this attack.

They say we need to make major structural changes to address those deficiencies. We have not made them. The Department of Homeland Security did not do it. We created this little weeny thing called the TTIC, Terrorist Threat Information Center, where the various agencies sent over short-term detailees who have no authority, who are supposed to share; but they still do not share. They do not like to share. We have multibillion dollar intelligence agencies, and they are like 3-year-olds. It is mine; it is mine. They do not want to share. Unfortunately, people die when they do not share, and we need to break down that culture.

Now they want to go back and blame Berger and the Clinton administration. This report says both the Clinton administration, the Clinton administration and the Bush administration are to blame, but that is history. What are we going to do today to adopt the recommendations of this report? Because they say the problems are ongoing. They are ongoing. They are still not sharing. We are still not coordinating. We are not defending ourselves to the best of our ability. They make two recommendations, a national counterterrorism center. Great idea, seems like to me. And a national intelligence director, who would be appointed by the President, based in the White House, with a large staff and would have the authority to make the intelligence agencies and the FBI share. No more 3-year-olds saying mine, mine, you cannot have it, but make them share in a meaningful way.

Put together the pieces of the puzzle. They point out here we had 10 pieces of the puzzle, but we failed to put it together. We cannot fail again, but they are saying we will. This is a nonpartisan report, unanimous by Republicans and Democrats alike. Most former elected officials, Governors, Senators, Members of Congress. This should not be politicized.

□ 2300

Let us not waste time down here talking about Sandy Berger. Maybe he committed a crime, maybe. Maybe he did not. Fine. They are investigating, put him in jail if he committed the crime. That is not the point. The point is there is someone out there planning an attack on the United States today which has nothing to do with what that guy might have done or not done, but it has a lot to do with what we have not done here with the inadequacies of the Homeland Security Department that we adopted 2 years ago that are ongoing.

It is all in this report. I urge people to get a copy, to read it and to demand that their Members of Congress, their Senators take meaningful action in the near future.

CELEBRATING INDIA'S INDEPENDENCE DAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I offer my warmest congratulation, to the people of India and the Indian Diaspora as we approach India's Independence Day on August 15.

On that day in 1947, India marched forward into a future of uncertainty. With a struggling economy and high illiteracy and poverty rates, many challenges lay in India's path. Now many of these challenges have been overcome and greater economic opportunities have been created every day for the people of India.

More importantly, India is our ally and a democratic friend. America is the world's oldest democracy and India is the world's largest democracy. We are increasing bilateral trade and increasing military ties through military exercises. We face the same threat from joint terrorists who are targeting innocent civilians unable to defend themselves. Terrorists attacked an Indian airlines plane in 1999 and stabbed an Indian passenger to death, and this same network of terrorists have beheaded innocent people who have tried to help the people of the Middle East. This shows we are allies in the global war on terror and we must work together to eradicate this menace to civilization.

In conclusion, may God bless our troops and we will never forget September 11.

9/11 COMMISSION REPORT FINDINGS

The SPEAKER pro tempore (Mr. HENSARLING). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, let me just note that I do not believe that anyone has had a chance, including my colleague that was just down on the floor, to read the entire testimony or the entire 9/11 Commission's report. I have just read the executive summary and not the entire book, as I find it almost impossible that anyone has, considering the fact that it was just distributed today at 11:30 in the morning.

But let me note that there is every reason in the world to be concerned about Sandy Berger, and for my colleague to cast any type of aspersions on anyone in this body for serious concerns that Mr. Berger, who was the National Security Adviser to President Clinton, has in some ways been guilty of a crime that goes right to the heart of the investigation of 9/11.

Mr. Berger is accused, now he may be innocent, and I am not saying that he is guilty, but he is being accused of taking documents out of the archives of the United States that go directly to the issues that my colleague was just addressing on the floor.

The fact that our colleague would be downplaying the importance of the accusation against Mr. Berger is mind boggling, and I hope that the public looks very carefully at who is really serious about the security of the United States of America. Anyone who downplays the potential damage that Mr. Berger was doing by taking documents out of the Archives, which we do not know which documents, and perhaps inadvertently losing some of them supposedly, this is a very serious charge.

Let me note, my colleague over and over again was talking about the lack of cooperation among the intelligence agencies both domestic and foreign. It was during the Clinton administration under Mr. Berger that the directives were written and the orders were given that the intelligence agencies that investigate overseas, the CIA, et cetera, would not talk to those agencies. Those law enforcement agencies in the United States, FBI, it was there where that policy was made, and Mr. Berger was well aware of that policy. It came into being under his watch during the Clinton administration, and perhaps those documents that are now missing because what Mr. Berger has done could shed some light on this whole issue.

No, this is very serious. It goes to the heart of the matter. Those people are downplaying the potential of what this, the potential atrocity that has been committed against the public's right to know by Mr. Berger's alleged actions. This is really not something that should be just discarded and not looked at as a very serious issue.

Let me note that what I have seen in the 9/11 Commission report, there are some good suggestions in here; but by and large this has been an attempt to whitewash those specific individuals and the specific policies that caused 9/11. What we have got here are people on both sides of the aisle, and that is correct, working together to make sure we do not hold people specifically accountable. That is one of the problems in this town, why problems never get solved. That is why we never seem to make things better because we do not hold people accountable and we do not go back and say the policies, like I just mentioned, the policy during the Clinton administration, which was by the way written and put into practice by Ms. Gorelick, who is on the 9/11 Commission.

Republicans suggest that Ms. Gorelick, who was the one who wrote down this directive, that there should not be cooperation that my colleague was just talking about, Republicans suggested maybe she is a little biased and should not be on the 9/11 Commission. No, we were called partisan by suggesting that she was biased and this should be a very responsible account rather than an account that is being drafted by someone who is guilty of the very charges that my colleague has just made.

So I would think there is a lot more discussion we need on the issue of 9/11, why it happened. I would suggest that we need to go back at least to the Clinton administration, although I will have to admit that some of the things done during the Reagan years during the war against the Soviet's occupation of Afghanistan made some contribution, but it was the Clinton's administration support for the Taliban and their agreement with the Saudis and the Pakistanis and all along their unwillingness to call the Taliban to task and to join with those against the Taliban that that led to 9/11 and this horrible attack and this war that we are in today.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

9/11 COMMISSION REPORT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for half the time remaining until midnight as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, first of all, I would like to kind of catch up on some of the comments that were made earlier this evening by my friends on the other side of the aisle.

One of our friends suggested that we should involve the international community here in the Iraq situation. I would remind her that the international community, the U.N., the United Nations is involved in the largest scandal, the oil-for-food scandal that this world has seen, almost $10 billion, and it looks like our friends in France and Russia were involved in taking payoffs and taking oil vouchers at the very time they were taking U.N. Security votes, and even in the press accusing the United States of involving themselves in Iraq for the oil.

That is the international community that we would like to involve. I would remind my friends also that the United Nations cannot even have a definition, they do not have an established definition for terrorism because Syria sits on the Security Council, and Syria will not let our neighbors be characterized in any way as terrorists, and yet our friends call for the involvement of the international community, meaning the United Nations.

I would note that we pointed out last week in a similar venue that the media somehow has seemed to overlook this scandal. They go smelling around and looking for scandals any time the Bush administration makes a decision, but when the facts come to light in the United Nations' largest scandal ever, they simply ignore it.

They also have overlooked the 400,000 mass graves that have been found in Iraq and seem to be fixated on other problems overlooking the damages that were done during 35 years of Saddam Hussein.

□ 2310

I would like to associate myself with the comments by my other colleague from the other side of the aisle who said put Sandy Berger in jail. If it would help, I would second that and call for a vote immediately on the floor of the House.

It looks like Mr. Berger rolled up documents, stuck them in his underwear and stuck them in his socks and carried them out. These were documents that related to his service during the Clinton years and as it dealt with terrorism.

I suspect then that we begin to put some of the facts in place as we consider Richard Clarke's testimony where he began to tell the American people that there is absolutely no evidence that Iraq was ever supporting al Qaeda ever. This is Richard Clark who was the head terrorism expert under President Clinton.

If one looks back to his initial memos, immediately after 9/11, while the Nation is still sorting through the grief, Mr. Clarke is beginning to e-mail and memo his colleagues that we should begin to cover our trails. It looks like Mr. Berger may have been doing the same thing there in taking documents from the archives, continuing to cover trails that they felt like were damaging.

But the 9/11 Commission came out today with their final report today, Mr. Speaker, and we found several significant findings.

First of all, they declared that there was no smoking gun. The 9/11 Commission's report is very clear in its finding that the terrible events of September 11 could not reasonably have been prevented. The findings produce no smoking gun and place blame at the feet of no single individual or institution.

Furthermore, they go on to quote that since we believe that both President Clinton and President Bush were genuinely concerned about the danger posed by al Qaeda, approaches involving more direct intervention against the sanctuary in Afghanistan apparently must have seen, if they were considered at all, to be disproportionate to the threat. That is on page 349 of the document.

Furthermore, they commented that we do not believe, this is the 9/11 Commission quoting, that we do not believe it is possible to defeat all terrorist attacks against Americans every time and everywhere. A President should tell the American people no President can promise that a catastrophic attack like that of 9/11 will not happen. Again, history has shown us that even the most vigilant and expert agencies cannot always prevent determined, suicidal attackers from reaching a target. That is quoted on page 365.

The report goes on, Mr. Speaker, to establish a very clear link to al Qaeda, and I would remind this body about former Vice President Al Gore's quote. You will recall that in the height of his emotion about 60-days ago, former Vice President Al Gore quoted, the President convinced the country with a mixture of documents that turned out to be forged and blatantly false assertions that Saddam was in league with al Qaeda. I suspect that we should see Mr. Gore coming out now to say that the 9/11 Commission was subjected to those same forged and blatantly false documents because the 9/11 Commission says that there is a clear link between Iraq and al Qaeda. The Commission's report provides ample evidence that there was a strong and real link between al Qaeda and Saddam Hussein's Iraq.

Quoting from the report, page 66, it describes similar meetings between Iraqi officials and bin Laden or his aids may have occurred in 1999 during a period of some reported strings with the Taliban. According to the reporting, Iraqi officials offered bin Laden a safe haven in Iraq. The reports describe friendly contacts and indicate some common themes in both sides hatred of the United States.

Again, on page 61, the 9/11 Commission finds that bin Laden himself met with senior Iraqi intelligence officers in Khartoum in late 1994 or 1995.

On page 66, again, the 9/11 Commission report quotes, in March 1998, after bin Laden's public plot against the United States, two al Qaeda members reportedly went to Iraq to meet with Iraqi intelligence. In July, an Iraqi delegation traveled to Afghanistan to meet first with the Taliban and then with bin Laden.

Mr. Speaker, I suspect that Mr. Gore should apologize to the American people for blatant, false comments or he should provide the documentation for his rhetoric.

The 9/11 Commission, Mr. Speaker, also comments on the fixation on Iraq.

Over the past year, there have been numerous reports from people in the media and from our friends on the other side of the aisle that the Bush administration was fixated on attacking Iraq in the wake of 9/11. However, the Commission's finding strongly refutes such a claim.

On page 335, the Commission quotes, Secretary Powell recalled that Wolfowitz, not Rumsfeld, argued that Iraq was ultimately the source of terrorist problems and should, therefore, be attacked. Powell said the President did not give Wolfowitz's argument much weight. Though continuing to worry about Iraq in the following week, Powell said President Bush saw Afghanistan as the priority.

It goes on on page 336 to quote that, on September 20, President Bush met with British prime minister Tony Blair and the two leaders discussed the global conflict ahead. When Blair asked about Iraq, the President replied that Iraq was not the immediate problem. Some members of his administration, he commented, had expressed a different view, but he was the one responsible for making the decision. Again, the September 11 Commission finds no fixation on Iraq.

Page 336, they continue speaking about General Franks, in quotes, Franks told that he was pushing independently to do more robust planning on military responses in Iraq during the summer before 9/11, a request President Bush denied, arguing that the time was not right. The CENTCOM commander told us he renewed his appeal for further military planning to respond to Iraqi moves shortly after 9/11. Franks said that President Bush again turned down the request.

So our friends on the other side of the aisle would like to characterize the attacks on 9/11 as being easy to contemplate, easy to forecast, and yet, the 9/11 Commission says it is not possible at all.

There is also great testimony on the other side that there was absolutely no link between Iraq and al Qaeda, and the 9/11 Commission report says blatantly that there was connection between the two. They also comment that President Bush did not have a fixation on Iraq, that actually he felt like the problems were elsewhere, Afghanistan or other places.

Finally, the 9/11 report, Mr. Speaker, comments about our urgent need in this country. It comments that perhaps the most powerful finding of the 9/11 Commission is that fighting the global war on terror is a total call to arms.

The Commission goes on to say that one of the key structural failures that the Commission identifies, referred to as a lack of imagination, that was the lack of the imagination of anyone in America to conceive that any persons could hate America so much as to do the attacks on 9/11. In failing to connect the isolated pieces of intelligence in the past, leaders did not understand the urgency because they underestimated the terrorists' singular goal of destroying every American.

Therefore, the September 11 report continues, one of the larger points that the Commission makes is that the war on terror is about killing terrorists before they kill us.

The report said that bin Laden and Islamic terrorists mean exactly what they say. To them, that is, to bin Laden and the terrorists, America is the font of all evil, the head of the snake, and it must be converted or destroyed. It is not in a position with which Americans can bargain or negotiate.

With it, there is no common ground, not even respect for life on which to begin a dialogue. It can only be destroyed or utterly isolated.

The report goes on to say that bin Laden said we do not differentiate between those dressed in military uniforms and civilians. They are all targets in the spotlight. That is, bin Laden is saying that if you are dressed in a uniform, you are no more of a military target than people walking on the streets in any town in Iowa, Michigan or New Mexico.

Furthermore, the report goes on to clarify that the 1993 World Trade Center bombing signaled a new terrorist challenge, one whose rage and malice had no limit. Again, this is the 1993 attack on the World Trade Center, following on 10 years later with the more brutal attack.

□ 2320

But considering the 1993 attack Ramzi Yousef, the Sunni extremist who planted the bomb, said later that he had hoped to kill 250,000 people, all of those being Americans.

The recommendation on page 367 of this 9/11 report, this bipartisan report that just came out today, this month's long study of the 9/11 catastrophe, the recommendation is that the U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each it should have a realistic strategy to keep possible terrorists insecure and on the run using all elements of national power.

Mr. Speaker, after 9/11, the President came on TV and said we must do three things. We must first of all uproot the Taliban to where they cannot continue to train and turn out terrorists onto the streets. We must uproot the Taliban from Afghanistan and its training camps. Secondly, we need to choke off the funding for the Taliban for the terrorists. Thirdly, we need to take the fight to them.

Mr. Speaker, in Afghanistan we did uproot the Taliban and put them on the run. They are not able to sit and take shots at us because they are in a defensive mode moving constantly. So the President followed through on the first of his objectives.

On the second objective, that is squeezing off funding to the terrorist groups worldwide, the President and members of the international community have done a very good job. Just recently, Secretary Powell reported that even in Saudi Arabia that the leaders there acknowledged within the last 30 days that they have a tremendous problem with terrorism and they committed to seek to end the funding that Saudi nationals have given to terrorists.

Finally, Mr. Speaker, in response to the third mantra that he laid out, the President did take the fight to the terrorists. Liberating Iraq is the right thing to do. He has taken the fight to them. He has uprooted them, and we have begun squeezing off their funding sources. Mr. Speaker, the only thing that could cause us to lose this war on terror is for us to lose our resolve.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. McCOTTER) at this time for observations that he has in dealing and talking with Iraqis here in this city this week.

Mr. McCOTTER. Mr. Speaker, I thank the gentleman from New Mexico (Mr. PEARCE). As a member of the Committee on International Relations, Subcommittee on the Middle East, I would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for bringing into the committee some victims who had survived Saddam Hussein's brutality so we could personally hear from them. They also had with them a documentary filmmaker, Mr. Janos, who showed excerpts of his film interviewing survivors, the grieving mothers and widows of Saddam Hussein's executioners.

It is not often that we truly get a chance to plumb the unfathomable depths of human pain, but I believe we experienced that in committee yesterday. We had a chance to see a grieving mother whose husband was killed, whose children were killed, saying she would never laugh again in her lifetime, and praying to God for a short life and a merciful death so she could forget.

We saw a mother break down because she remembered the cries of her child in a cell, a 6 year old, crying out that he had no milk, he was hungry. Well, he is gone and she remains to grief. We had a Mr. Ibraham and a Mr. Taimor. They were both testaments to the evil of the Iraqi dictator. Mr. Ibraham, a Shiite, had been chased through that country, arrested several times, housed in Abu Ghraib prison, and was so shocked by what he experienced there he could not speak about it, especially about what happened to the women.

We also saw Mr. Taimor who had been shot by Iraqi executioners in front of a mass grave and while bleeding had to crawl out.

We in this country hear much from many that Iraq was a mistake. I ask one thing of those people, I ask them to say it to those victim's faces. We hear the hippocrits in this country say that Saddam was a bad man, but the United States should not have taken him from power. I ask them to say that to the Iraqi victims' faces. For those people who believe America is the greatest threat to peace in the world, I ask them never to show their faces in public again.

Whether we like it or not, what we are seeing internationally is a clash of revolutions. It is a clash of revolutions that is fought not upon maps but upon minds. It is the American revolution of freedom for the individual and republican forms of democracy and private enterprise that chased every king from Europe or put them on the dole, that has chased imperial Japanese forces and put a democracy in place, and the world is better. We have seen the Philippines that we once annexed and helped bring into a stable democracy, and throughout the globe we see people trying to emulate the freedom and opportunity we have here.

Yet the second revolution, which is lot upon many, is the Iranian revolution, a revolution of extremism and totalitarianism perverting the peaceful tenets of Islam to accomplish political objectives. Right now our revolutions meet in Iraq. That is why those in this country who do not think deeply about this believe we can retreat from Iraq and that the only consequence will be the United States will have to act multilaterally. The reality is we cannot retreat because unless freedom and democracy are established on the borders of the Iranian revolution, the Iranian revolution will continue to be exported through means both traditional and terrorist. The stakes have never been greater.

I know it is very difficult for many to remember that we are and remain the seminal revolutionary country, and that in many ways it is hard to admit we are a moral force for good in this world, and that absent the United States, what would the world be like.

Well, we might have trouble remembering that, but when I had the chance to ask the victims of Saddam if they thought any other country on the face of the earth could or would save them from his butchery, their answer was no, only the United States could do that. Only the United States would do that. I asked them if they thought it was a mistake, and they said no, that they believe we were a great and a good country for helping to save them.

So as we engage in the debate through now and the election and perhaps throughout the remainder of our lives, let us remember what is at stake, the clash of revolutions. Either we will prevail or we will be defeated, and if we are defeated, as President Lincoln said, we will lose the last best hope of earth.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, in the last year I have had the opportunity to meet a man in New Mexico and I have become friends with him. In looking at things he has in his story, I told him you have been in China for a very long time.

He said yes, since the late sixties.

I commented to him you had to be one of the only Americans there during that period of time. I said how did you go there?

He very truthfully and straightforwardly responded, and his comment was, "To my internal shame, I was invited to mainland China in the late sixties because of my campus radicalism. I went there with the greatest hope to help fight the war for communism and to spread it." He said, "I was not in China more than 30 minutes before I realized it was one of the deepest and biggest scams I had ever seen."

□ 2330

He continued to live in China, eventually marrying a Chinese woman. They watched as her father was carried to the edge of town and summarily shot.

Mr. Speaker, we defeated communism for the most part in this world because of the efforts of Ronald Reagan. But I feel like there is as much lack of truth in this argument about al Qaeda and Iraq and the dangers that terrorism presents to the United States and to the world today as there was back in the 1960s and 1970s about the Communist regimes throughout the world.

There is much work to be done if we are to find freedom and liberty for more people. Freedom and liberty cannot live together in the same world as terrorism. We are finding that out. What the world is going through right now is a decision process: Are we going to accept terrorism, or are we going to root terrorism out? Are we going to have liberty, or are we going to have tyranny? This is one of the most important discussions in our history because at this point terrorism has the potential to be spread worldwide.

Terrorism has as its main focus instability. The terrorists understand they could not militarily defeat the United States. Their attempt was to destabilize us financially. On 9/11, the high estimates are that over $2 trillion worth of losses occurred in the U.S. economy. $2 trillion represents almost 20 percent, Mr. Speaker, of our total economy. How many countries could have suffered that kind of loss and still bounced back with an economy where we could be concerned about the production of jobs? $2 trillion and over 3,000 lives in one split second. That is what happened on 9/11.

If the terrorists are not defeated at every turn, they have stated their intent to get vials of disease, to unleash chemical weapons, to unleash nuclear weapons. Whatever it takes to defeat freedom, they are willing to do. Those attacks on freedom are going to continue to be targeted at the United States first because they realize that this country is the heart and soul of freedom worldwide, that this country is a shining light of liberty to those countries that would aspire to it.

Mr. Speaker, we can make no mistake. We must choose sides in this. We cannot appease terrorists. We cannot act like it will get better. We have read into the RECORD earlier tonight an entire list, two pages, double-spaced, of attacks into the United States or to United States troops by terrorists. Mostly those went unresponded to, but President Bush made a bold decision that we will take the fight to the terrorists. He should be commended for his activities, Mr. Speaker, because it is that boldness that has forestalled any future attacks.

The investments in homeland security, the investments in our defense have been somewhat successful. I agree with the 9/11 report, though, that says that any President should promise the American people that we cannot fight a defensive battle all of the time. That is the reason I favor taking the fight to the terrorists. We must take the heart out of the fight for them. We must take the will to damage this country away from the heart of terrorism.

Mr. Speaker, the 9/11 Commission report gives us valuable information about this Nation's lack of preparedness, the lack of preparedness that extended across more than one administration. I would recommend that Members of this body on both sides of the aisle begin to discuss the findings of the 9/11 Commission, that commission which stated that there is a link between al Qaeda and Iraq, that there was no preoccupation with Iraq as far as President Bush is concerned, and, finally, that we must either kill the terrorists or accept that they are going to kill us.

The SPEAKER pro tempore (Mr. HENSARLING). The gentleman from New Mexico will suspend.

PRESERVING ABILITY OF FEDERAL HOUSING ADMINISTRATION TO INSURE MORTGAGES

Mr. NEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2712) to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO GENERAL AND SPECIAL RISK PROGRAM ACCOUNT.

Under the heading "FEDERAL HOUSING ADMINISTRATION—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT" in title II of Division G of the Consolidated Appropriations Act, 2004 (Public Law 108–199), in the first proviso, strike "$25,000,000,000" and insert "$29,000,000,000".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

9/11 COMMISSION REPORT

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. PEARCE) may continue not beyond midnight.

Mr. PEARCE. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. MCCOTTER. Mr. Speaker, I would just like to touch upon a couple of points that the gentleman from New Mexico brought up. One of them I think that is fascinating is the fixation in this country to try to split hairs between what is a collaborative tie between Iraq and al Qaeda or what is, I suppose, called a casual tie between Iraq and al Qaeda. Or whether or not because al Qaeda may or may not have been involved in Iraq to a great extent but other terrorists were, it still was unjustified.

It seems to me, and I can only speak for myself on this, if a terrorist kills me, it is not really going to matter to me whether he was al Qaeda or whether he was some other group that was housed in Iraq or anything else. It is going to seem to me that, assuming I am looking down as opposed to looking up, I would ask the question why nothing was done. Have we become that legalistic in this country, that formalistic, that blind to the reality around us that we do not understand that if a dictator hates you and a terrorist hates you and they have ties, it does not bode well for you?

I think that is just something that has grated on me for quite some time, how we tend to intellectualize things without seeing the reality, behind the sophistry of the arguments. It is much like the approach that many wish to take towards terrorism. Many in this country believe that you can cleanse the criminal by deeming it political. A murder is a murder. Kidnapping is kidnapping. Extortion is extortion. It is an inherently, intrinsically evil act. The goal for which one engages in the intrinsically evil act does not change its nature, does not justify it.

So when we hear many in the international community trying to justify the actions of the terrorists based upon years of colonial occupation by European powers, I reiterate European powers, or we hear that there are underlying root causes, many of which are valid root causes but no justification for the act of terrorism, we have to be clear in our minds, because as I said before, every single American today is under attack from the terrorists. The act of killing our fellow citizens or kidnapping and killing our fellow citizens or kidnapping and killing other citizens of this world is designed to prey upon our minds, so that we believe that we cannot prevail, that we tend to doubt that people wish to breathe free, that they wish to love their children, that they wish to grow old, that they wish to savor the gift of life from our Creator.

Some would have you believe that there are people in this world that are unfit for democracy, that they would say they can never take to this forum, that it cannot be imposed from above. I believe that the thirst for democracy, the thirst for freedom, comes from within, and that what we as a Nation have done is created the conditions in which their own yearnings can be expressed and their own futures be determined, and then can they live in freedom. I think that if you come from that perspective, it is easy. It is difficult to miss the reality in Iraq which proves my point about the terrorists trying to prey upon your mind. There are 25 million people in Iraq.

The reason the terrorists are engaging in individual suicide bombings, in individual kidnappings, is because you do not have millions of Iraqis fighting with their new government to return to the days of Saddam Hussein.

□ 2340

We do not see organized armies of Iraqis out in the field en masse trying to overthrow the transitional government and replace it with a terrorist regime. What we see every day in Iraq is what we try to do here: Iraqi citizens trying very desperately to live normal, happy lives. They want to take their children to school.

Let me just stress this. In this country when people take their child to school, they generally feel safe that their child will be in a stable environment, will be educated, will return to their loving arms. Put oneself in a position of an Iraqi parent today, and the gentleman from New Mexico (Mr. PEARCE) and I were there at the time of the so-called days of national resistance when the first place they put the fliers threatening to kill people were around the schools so the parents would not take their children to school. We see an Iraqi parent, they have to take their child to school with the threat of terrorism around them every day in a magnitude we have yet to experience. We see them dropping them at the schools, under threat of death for doing so, and then praying that their child comes home to them.

And yet many in this world will say that these are people unfit for freedom. They are no different than we are. I think it was President Kennedy that put it best: We all inhabit this small planet. We all breath the same air. We all cherish our children's future, and we are all mortal.

To our fellow human beings in Iraq, we cannot offer condescension. We cannot offer derision. We must continue to offer assistance so that they can breath free, so that their internal thirst can commence upon a quest for freedom in their lifetimes.

And probably one of the things I will always remember from Iraq, as we were leaving, we were getting on the Black Hawk helicopters to leave the Green Zone for the final time. It was Halloween, and there was an American soldier with a small Iraqi child, maybe 8 or 10, and he had little Dracula fangs he was playing with and smiling at the American soldier. That to me expressed the hope for Iraq, that that child who has been inoculated, who has been given an opportunity to go to school, whose parents have a chance to seize his freedom, that child is the future of Iraq, and we cannot turn our back on that child.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for his comments again.

And, Mr. Speaker, I would note that during this week we were allowed and privileged to hear the Deputy National Security Adviser. He commented that much of Iraq is still very stable. Always when the gentleman from Michigan (Mr. MCCOTTER) and I were in Iraq at the end of October and the first of November, it appeared that about 75 percent of the country was very stable, that there were areas of difficulty in Fallujah, Mosul, that there were areas of problems but that most of the country was doing exactly what the gentleman from Michigan (Mr. MCCOTTER) said. People were trying to live normal lives.

As we drove up and down the highways, it was obvious that we were Americans. We had American flags on the convoy. We had armored vehicles. We were in armored vehicles, and yet there were no signs of obvious dislike or distrust of the Americans. People just seemed to be living their lives. Occasionally we would give waves. No overtly aggressive actions were taken toward us. Small kids sometimes waved and gave us the thumbs up. But that is the picture now of Iraq now under the transitional government, that people are trying to get out and live their lives, and the gentleman from Michigan (Mr. McCOTTER) pointed out very well that while we were there they brought in fliers and showed us that these days of national resistance, if they take their child to school, they will either kill them or blow the school up. People still were selecting to send their kids to schools. About 50 percent of the school kids went that day with those difficult threats about them. Different fliers announced, Do not go shopping, Do not go into the business district today or we will kill you there. And yet the Iraqis, in trying to live normal lives, normal lives where they could expect to come and go, normal lives of freedom, the things that we take for granted and have somewhat become complacent about in this country that they are doing under the threat of death day in and day out.

So to find this transitional government operating actually quite well, we were actually able to hand the power over to them a couple of days early, and in fact many of the ministries were operating even before the handover date. By a couple of weeks they had already been operating. So we find the stability of the transition to be remarkable, and what we are finding also, according to this Deputy National Security Adviser, is that the Iraqis are buying more into the need for them to be out on the frontlines, and as they provide security in their neighborhoods, as they provide border security, they are able to do it better because the United States is not under the tremendous pressure that the international community would bring, and the Iraqis do not face that same pressure either. The Iraqis can act more decisively. They can act with more abruptness. They can act with far more retribution than what the Americans could do, and there is an acceptance in the international community when the Iraqis act in that fashion.

So, Mr. Speaker, if this country will maintain its resolve, if both sides of the debate will begin to discuss the actual truth instead of what they would like to be true, then, Mr. Speaker, we can win this war on terror.

One of the things that I think is very critical is for the media to begin to discuss it truthfully. The media has had it correct back as far as 1999. Many in the news media were publicly reporting the ties between Iraq and al Qaeda. It was only under President Bush, when they decided that they wanted to be against him, that they wanted to discredit him at any cost, that the media began to change their story. Mr. Speaker, I would hope that the media would take a look at the 9/11 Commission, that they would put that beside the Senate Select Committee, which had many of the same findings. I would hope that the news media would compare it to the Butler report on British intelligence and begin to report the truth, that this is indeed a war on terror, that this is indeed the war on terror that is going to determine the outcome of world history.

Mr. Speaker, the media had it right back in 1999. Newsweek Magazine ran an article on January 11, 1999, entitled Saddam + bin Laden? It read in part: "Saddam Hussein, who has a long record of supporting terrorism, is trying to rebuild his intelligence network overseas, assets that would allow him to establish a terrorism network. U.S. sources say he is reaching out to Islamic terrorists, including some who may be linked to Osama bin Laden, the wealthy Saudi exile accused of masterminding the bombing of two U.S. embassies in Africa last summer."

Mr. Speaker, ABC News on January 15, 1999, also had a report in which they acknowledged the links between Iraq and al Qaeda, and yet now they are claiming that there is no link. But on January 15, 1999, ABC News said: "Intelligence sources say bin Laden's long relationship with the Iraqis began as he helped Sudan's fundamentalist government in their efforts to acquire weapons of mass destruction." This according to ABC news. It goes on to say that "ABC News has learned that in December an Iraqi intelligence chief named Faruq Hijazi, now Iraq's Ambassador to Turkey, made a secret trip to Afghanistan to meet with bin Laden. Three intelligence agencies tell ABC News they cannot be certain what was discussed, but almost certainly, they say, bin Laden had been told he would be welcome in Baghdad."

Those findings are similar to the findings of the 9/11 Commission that I reported on earlier in this discussion tonight.

Another well-reported article and news source, NPR reporter Mike Shuster reported in an interview with Vincent Cannistraro, who was the former head of the CIA's counterterrorism center.

□ 2350

Mike Shuster reports on NPR that Iraq's contacts with bin Laden go back some years to at least 1994 when, according to one U.S. Government source, Hijazi met with him when bin Laden lived in Sudan. According to Cannistraro, Iraq invited bin Laden to live in Baghdad to be nearer to potential targets of terrorist attack in Saudi Arabia and Kuwait. Some experts believed bin Laden might be tempted to live in Iraq because of his reported desire to obtain chemical or biological weapons. CIA Director George Tenet referred to that in recent testimony before the Senate Committee on Armed Services, when he said bin Laden was planning additional attacks on American targets.

Mr. Speaker, the news media has had it correct in the past. I earnestly hope that they will return to the truthful reporting of the past and give this 9/11 report the hearing in front of the American people that it deserves. The American people need to know the truth, and the news media needs to be certain that the American people should and will know the truth, whether or not it comes from them.

Mr. Speaker, again, I would begin my wrap up comments by saying that Mr. Berger's removing of documents from the archives absolutely appears to have been criminal contact. I would recommend that this body and all other bodies responsible look into these sorts of illegal activities, to bring this to the highest level of examination.

Mr. Speaker, it is obvious that Mr. Berger wanted to take documents, some of which he has not returned, some of which supposedly have been destroyed. Mr. Berger needs to be held accountable for the illegal activities that he conducted while he was working with the Kerry campaign. I think, Mr. Speaker, that the Kerry campaign needs to also be very straightforward with the American people about their association with Mr. Berger.

Mr. Speaker, I would offer one last time to yield to the gentleman from Michigan.

Mr. McCOTTER. Mr. Speaker, I thank the gentleman from New Mexico for yielding.

I would just like to conclude with an observation and a question. When we last participated in special orders, I asked the question about where is the opposition's plan for dealing with terrorism? Where is their plan for reconstructing Iraq? Where is their plan essentially to protect the national security of the United States, whether they would delegate it to the United Nations or keep it where it remains, here in the bosom of the sovereign people?

Well, I got kind of an answer, and I guess maybe this is what passes for planning these days, it seems to me more a statement of the obvious, that part of the opposition's plan was that they would, with sufficient evidence, preemptively take out terrorists.

Well, I am glad that they concur with part of the President's plan. But that is not necessarily the in-depth approach that we need at the present time. Maybe the forthcoming week will show us more.

My observation along those lines is perhaps more of a frustration, that many people today are saying that America needs international support if we are to stand with the Iraqi people. We all know we would enjoy international support. But what I find galling is they will then turn around and say they are most capable of building the international support for the coalition to help reshape Iraq and help defend the United States. But, in the process of doing that, they have done something very interesting, is that they have denigrated as coerced, as distorted, as bribed, quote-unquote, the allies we have abroad as part of our coalition whose children, whose young men and women, are fighting beside our soldiers in Iraq and who are dying.

Now, I am a liberal arts guy, I was not a math guy, but it seems to me that if you attack and denigrate your own allies, it is very difficult through subtraction to build a larger coalition, especially when one is going to rely on people who have adversarially tried to undermine the United States' effort and our coalition partners' efforts in Iraq. I am thinking of many people in the United Nations who during the Oil For Food scandal were not necessarily in the best position to tell Saddam Hussein, who they were in league with and making money off of, to try to follow the resolutions they passed regarding weapons of mass destruction.

So I would just ask people to consider whether someone may or may not hypothetically be fit to be the Commander-in-Chief of the United States who, during a time of war, denigrates our allies and courts our adversaries. There is no simpler way to put that, because that is absolutely true. Ask yourself that question.

Mr. PEARCE. Mr. Speaker, reclaiming my time, I thank you for your tolerance in allowing us to speak tonight about this very important subject, that of understanding the tie between Iraq, al Qaeda and the international war on terror. It is the most significant thing that this generation faces. We are either going to leave the world more safe, or we can leave the world without freedom.

Mr. Speaker, it is up to this body, it is up to this government, it is up to this President, and it is up to the American people. We must decide. We are going to decide this year which way we are going to pursue this particular war on terror.

Mr. Speaker, I would request humbly that all of the citizens, all of the people throughout this country, and especially the people in this body, would give that discussion their fullest attention and arrive at decisions, so we can explain to the next generation that we took the responsibility and handled that responsibility wisely.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIRK (at the request of Mr. DELAY) for today after 12:00 p.m. on account of traveling with the President to his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2249. An act to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter; to the Committee on Financial Services.

S. 2724. An act to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity; to the Committee on Small Business.

S. Con. Res. 130. Concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 1572. An act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow United States Courthouse".

H.R. 2768. An act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building".

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. HENSARLING). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 11 o'clock and 57 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONERS, AND DELEGATES

Under clause 13 of Rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara

Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. "Buck" McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9313. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Milk in the Pacific Northwest Marketing Area; Order Amending the Order [Docket No. AO-368-A29; DA-01-06] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9314. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [No. 2004-28] (RIN: 1550-AB91); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04- 17] (RIN: 1557-AC86); Federal Reserve System [Regulations BB; Docket No. R-1205]; Federal Deposit Insurance Corporation (RIN: 3064-AC82) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9315. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Commuity Development Block Grant Program; Small Cities and Insular Areas Programs [Docket No. FR-4919-1-01] (RIN: 2506-AC17) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9316. A letter from the Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9317. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

9318. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report regarding calendar year 2003 sales to designated Tier III countries of computers capable of operating at a speed in excess of a specified number of million theoretical operations per second (MTOPS) by companies that participated in the Advanced Simulation & Computing (ASC) Program of the Department, pursuant to Public Law 105–85, section 3157; to the Committee on International Relations.

9319. A letter from the Co-Chairs, Abraham Lincoln Bicentennial Commission, transmitting the Commission's interim report, pursuant to Public Law 106–173, section 8(b) (114 Stat. 17); to the Committee on Government Reform.

9320. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

9321. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9322. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9323. A letter from the Director, Information Security Oversight Office, transmitting a copy of the Information Security Oversight Office's (ISOO) "Report to the President" for 2003; to the Committee on Government Reform.

9324. A letter from the Executive Associate Director, Office of Management and Budget, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9325. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2003 annual report on International Mail Volumes, Costs, and Revenues, pursuant to 39 U.S.C. 3663(a) Public Law 105–277; to the Committee on Government Reform.

9326. A letter from the Regional Director, National Park Service, Department of the Interior, transmitting a report entitled "Lincoln Highway Special Resource Study and Environmental Assessment," pursuant to Public Law 106–583; to the Committee on Resources.

9327. A letter from the General Counsel, Architectural and Transportation Barriers Compliance Board, transmitting the Boards's "Major" final rule — Americans with Disabilities (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines [Docket No. 99-1] (RIN: 3014-AA20) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9328. A letter from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting the Department's final rule — U.S. Treasury Securities — State and Local Government Series — received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9329. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — Establishment of Salado Creek Viticultural Area (2003R-025P) [T.D.TTB-13; Notice No. 20] (RIN: 1513-AA69) received received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9330. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — San Bernabe and San Lucas Viticultural Areas (2001R-170P) [T.D.TTB-14; Re; Notice No. 8] (RIN: 1513-AA28) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9331. A letter from the Chief Counsel, Bureau of Public Debt, Fiscal Service, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series HH — received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9332. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions Imposed on Archaeological Material Originating in Honduras [CBP Dec. 04-08] (RIN: 1505-AB50) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9333. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Port Limits of Memphis, Tennessee [CBP Dec. 04-22] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9334. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Repayment of Non-Federal Loans Used to Pay Unemployment Compensation — received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9335. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualified residential rental projects (Rev. Proc. 2004-39) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9336. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Effective Date of Relative Value Regulations (Announcement 2004-58) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9337. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Charitable Contributions and Conservation Easements [Notice 2004-41] received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9338. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation of income and deductions amoung taxpayers (Rev. Proc. 2004-40) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9339. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-74) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9340. A letter from the Acting Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: IRC 351 Contingent Liability Capital Loss Transactions — received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9341. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-72) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9342. A letter from the Chief, Publications & Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-73) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9343. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Action on Decision in United States v. Roland Harry Macher (In re Macher) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9344. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Payment Card Agent Determination (Rev. Proc. 2004-42) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9345. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Pre-Filing Agreement Program of the Large and Mid-Size Business Division for the Calendar Year 2003 (Announcement 2004-59) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9346. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income from sources within the United States (Rev. Rul. 2004-75) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9347. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Reporting and Backup Withholding for Payment Card Transactions [TD 9136] (RIN: 1545-BA17) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9348. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Request for comments on the use of debit cards to provide qualified transportation fringes under section 132(f) [Notice 2004-46] received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9349. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rents and Royalties [TD 9135] (RIN: 1545-BB44) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9350. A letter from the Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Analysts v. Internal Revenue Service — received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9351. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Services's Final Rule- Partnership Transactions Involving Long-Term Contracts [TD 9137] (RIN: 1545-BA81) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9352. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Physicians Referrals to Health Care Entities With Which They Have Financial Relationships: Extension of Partial Delay of Effective Date [CMS-1809-F5] (RIN: 0938-AM99) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE. Committee on International Relations. House Resolution 699. Resolution directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, adversely; (Rept. 108–631). Referred to the House Calendar.

Mr. HUNTER. Committee on Armed Services. House Resolution 689. Resolution of inquiry requesting the President and directing certain other Federal officials to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay, adversely; (Rept. 108–632). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2005 (Rept. 108–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. H.R. 4501. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes (Rept. 108–634). Referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than October 1, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK (for himself, Mr. Bachus, Mr. Baker, Mr. Bartlett of Maryland, Mr. Bishop of Utah, Mr. Boozman, Mr. Brown of South Carolina, Mr. Cantor, Mr. Culberson, Mrs. Jo Ann Davis of Virginia, Mr. Doolittle, Mrs. Emerson, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Goode, Mr. Hayworth, Mr. Herger, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. Linder, Mr. Lucas of Oklahoma, Mr. McCotter, Mr. Miller of Florida, Mrs. Myrick, Mr. Norwood, Mr. Pence, Mr. Pitts, Mr. Sessions, Mr. Shuster, Mr. Smith of Michigan, Mr. Tancredo, Mr. Tiahrt, Mr. Wamp, Mr. Weldon of Florida, Mr. Wicker, Mr. Wilson of South Carolina, Mr. Brady of Texas, and Mr. Collins):

H.R. 4892. A bill to establish that marriage in the United States consists only of the union of a man and a woman; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Mrs. Napolitano):

H.R. 4893. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; to the Committee on Resources.

By Mr. McINTYRE:

H.R. 4894. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Toomey, Mr. Flake, Ms. Dunn, Mr. Shadegg, Mr. Feeney, Mr. Smith of Michigan, Mr. Doolittle, Mr. Burton of Indiana, Mr. Hoekstra, Mr. Otter, Mr. Bartlett of Maryland, Mr. Franks of Arizona, Mr. Pitts, and Mr. Wilson of South Carolina):

H.R. 4895. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Investment Program; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Ms. Corrine Brown of Florida, Mr. Lipinski, Mr. DeFazio, Mr. Cummings, Mr. Blumenauer, Mr. Larsen of Washington, Mr. Bishop of New York, and Mr. Meehan):

H.R. 4896. A bill to provide for the security of the United States railroad system; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mr. Pallone, Mr. Saxton, Mr. Weldon of Pennsylvania, Mr. Shays, Mr. Farr, Mr. Sanders, Mrs. Capps, Mr. George Miller of California, Mr. Case, Mr. Honda, Mr. Doggett, Mr. Grijalva, Mr. Van Hollen, Mr. Moran of Virginia, Mr. Wexler, Mr. Engel, Ms. Woolsey, Ms. Bordallo, Mr. Faleomavaega, Ms. Loretta Sanchez of California, Mr. Kucinich, and Mr. Gerlach):

H.R. 4897. A bill to protect deep sea corals and sponges, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. Dingell, Mr. Waxman, Mr. Rangel, Mr. Stark, Mr. Strickland, Mr. Engel, and Mr. Pallone):

H.R. 4898. A bill to amend title XVIII of the Social Security Act to modernize the Medicare Program by ensuring that appropriate preventive services are covered under such program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio:

H.R. 4899. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1986 to require agreements regarding the wholesale price of brand-name prescription drugs as a condition of the allowance of certain tax deductions and credits; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. Farr, Mr. Weldon of Pennsylvania, and Mr. Allen):

H.R. 4900. A bill to establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a National Oceans Council, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Ms. Ros-Lehtinen):

H.R. 4901. A bill to promote freedom, fairness, and economic opportunity by establishing a National Enterprise Zone system to promote prosperity in economically depressed areas; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. Pomeroy, Mr. Bishop of Georgia, Mr. Burr, Mr. Kildee, Mr. Kind, Mr. King of Iowa, Mr. McHugh, Mr. McIntyre, Mr. Miller of Florida, Mr. Nethercutt, Mr. Peterson of Pennsylvania, Mr. Ryun of Kansas, Mr. Sanders, Mr. Shuster, Mr. Towns, Mr. Boucher, Mr. Lucas of Oklahoma, Mr. Stenholm, Mr. Bass, Mr. Sandlin, Mr. Manzullo, Mr. Renzi, Mr. Hefley, Mr. Udall of New Mexico, Mr. Ross, Mr. Ney, Mrs. Emerson, and Mr. Alexander):

H.R. 4902. A bill to extend the temporary increase in payments under the Medicare Program for home health services furnished in a rural area; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. Dingell, Mr. Rangel, Mr. Stark, and Mr. Waxman):

H.R. 4903. A bill to amend title XVIII of the Social Security Act to provide for improved accountability in the Medicare Advantage and prescription drug programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4904. A bill to amend title II of the Social Security Act to provide certain benefits under that Act to individuals who served in the United States Merchant Marine during World War II; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. Towns, Mr. Pickering, Mr. Cummings, Mrs. Capito, Ms. DeLauro, Mr. Spratt, Mr. Rush, Mr. Marshall, and Mr. Davis of Illinois):

H.R. 4905. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

By Mr. HAYWORTH (for himself, Mr. Boehner, and Mr. Issa):

H.R. 4906. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself and Mr. Calvert):

H.R. 4907. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; to the Committee on Resources.

By Mr. ISSA:

H.R. 4908. A bill to transfer certain land in Riverside County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin (for himself, Mr. Souder, Mr. Ehlers, Mr. Radanovich, and Mr. Pitts):

H.R. 4909. A bill to establish the Office of Faith-Based and Community Initiatives; to the Committee on Government Reform.

By Ms. HERSETH (for herself, Ms. Pelosi, Mr. Stark, Mr. Matsui, Mr.

RANGEL, Mr. MARKEY, Mr. LAMPSON, Mr. LANTOS, Mr. COSTELLO, Mr. RYAN of Ohio, Mr. CHANDLER, Mr. SANDLIN, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. MCNULTY, Mr. WAXMAN, Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Mr. NEAL of Massachusetts, Mrs. MCCARTHY of New York, Mr. DOGGETT, Mr. MICHAUD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. BECERRA, Mr. RODRIGUEZ, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. BROWN of Ohio, Mr. COOPER, Mrs. TAUSCHER, Mr. BERMAN, Mr. BOSWELL, Ms. MCCOLLUM, Mr. ALLEN, Mr. DEFAZIO, Mr. SANDERS, Mr. FILNER, Mr. GONZALEZ, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. CLAY, Mr. WEINER, Mr. NADLER, Ms. BERKLEY, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. CROWLEY, Mr. DAVIS of Alabama, Ms. SOLIS, Mr. FARR, Mr. HINCHEY, Mr. GREEN of Texas, Mr. OLVER, Mr. KLECZKA, Mr. JOHN, Mr. TOWNS, Mr. ROSS, Mr. EDWARDS, Mr. DAVIS of Tennessee, Mr. MARSHALL, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. LUCAS of Kentucky, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Ms. WATSON, Mr. CAPUANO, Mr. FROST, Mr. OBEY, Ms. SCHAKOWSKY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. CUMMINGS, and Ms. JACKSON-LEE of Texas):

H.R. 4910. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. REYES, Mr. GONZALEZ, Mr. HINOJOSA, Mr. BELL, Mr. EDWARDS, Mr. FROST, Mr. GREEN of Texas, Mr. HALL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. SANDLIN, Mr. STENHOLM, Mr. THORNBERRY, Mr. TURNER of Texas, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Ms. VELÁZQUEZ, and Mr. MENENDEZ):

H.R. 4911. A bill to designate the facility of the United States Postal Service located at 102 East Alexander Street in Three Rivers, Texas, as the "Private Felix Z. Longoria Veterans' Memorial Post Office"; to the Committee on Government Reform.

By Mr. ACKERMAN:

H.R. 4912. A bill to amend the Internal Revenue Code of 1986 to expand the Hope Scholarship Credit to allow a credit without limitation for 50 percent of higher education expenses; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4913. A bill to provide for the protection and preservation of certain rare paleontological resources on the former Union Chapel Mine site in Alabama, and for other purposes; to the Committee on Resources.

By Mr. MICA (for himself, Mr. DEFAZIO, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. HOLDEN, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. EHLERS, Mr. PEARCE, Mr. BAKER, Mr. SHUSTER, Ms. NORTON, Mr. MORAN of Kansas, Mr. MATHESON, Mr. DUNCAN, Mr. RAHALL, Mr. CAPUANO, Mr. LOBIONDO, Mr. CHOCOLA, Mr. PASCRELL, Mr. ISAKSON, Mr. BEAUPREZ, Mr. HAYES, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. DOOLITTLE, Mr. REHBERG, Mr. GRAVES, Mr. BOOZMAN, Mr. GERLACH, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4914. A bill to amend title 49, United States Code, to clarify the importance of utilizing existing, as well as emerging, biometric technology to improve aviation security, including airport perimeter access security; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON:

H.R. 4915. A bill to amend the Internal Revenue Code of 1986 to encourage investment in small companies; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 4916. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. SENSENBRENNER, Mr. HOYER, Mr. HYDE, Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, Mr. CHABOT, Mr. BOUCHER, Mr. BACHUS, Mr. NADLER, Mr. HOSTETTLER, Mr. CARTER, Mr. WATT, Mr. FEENEY, Ms. JACKSON-LEE of Texas, Mr. DOOLITTLE, Mr. DELAHUNT, Mr. WOLF, Mr. FRANK of Massachusetts, Mr. SCHIFF, Mr. OSE, Mr. COBLE, Ms. LOFGREN, Mr. GALLEGLY, Mr. WEXLER, Mr. KELLER, Mr. WEINER, Ms. HART, Ms. LINDA T. SÁNCHEZ of California, Mr. PENCE, Ms. ESHOO, and Mr. FORBES):

H.R. 4917. A bill to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 4918. A bill to provide for the conveyance of certain Federal land administered by the Department of Agriculture in the City of Bastrop, Louisiana, to the City to permit the City to establish and operate a regional emergency services training center for firefighters, police, and EMS personnel serving rural communities in northeast Louisiana, southern Arkansas, and western Mississippi; to the Committee on Agriculture.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 4919. A bill to amend part D of title XVIII of the Social Security Act to provide for the offering of a Federal national prescription drug discount card program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 4920. A bill to suspend temporarily the duty on amyl-anthraquinone; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 4921. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the conservation of water; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. SIMMONS, and Mr. PALLONE):

H.R. 4922. A bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADLEY of New Hampshire:

H.R. 4923. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida (for herself and Mr. CRENSHAW):

H.R. 4924. A bill to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. BURNS (for himself, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. BONNER, Mr. PICKERING, Mr. BARRETT of South Carolina, Mr. MARSHALL, Mr. KINGSTON, and Ms. MAJETTE):

H.R. 4925. A bill to require a study and report regarding the construction and designation of a new Interstate from Augusta, Georgia to Natchez, Mississippi; to the Committee on Transportation and Infrastructure.

By Mr. BURNS (for himself, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. BONNER, Mr. PICKERING, Mr. BARRETT of South Carolina, and Ms. MAJETTE):

H.R. 4926. A bill to require a study and report regarding the construction and designation of a new interstate from Savannah, Georgia to Knoxville, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. JEFFERSON, Mr. ENGLISH, Mr. NEAL of Massachusetts, and Mr. POMEROY):

H.R. 4927. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare Program for beneficiaries with kidney disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 4928. A bill to prohibit the import, export, and take of certain coral reef species, and for other purposes; to the Committee on Resources, and in addition to the Committees on Ways and Means, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 4929. A bill to require the Secretary of Homeland Security to establish at least one Border Patrol unit for the Virgin Islands of the United States; to the Committee on the Judiciary.

By Mr. COX (for himself and Mr. Gibbons):

H.R. 4930. A bill to amend the Homeland Security Act of 2002 to enhance homeland security information sharing and analysis, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Government Reform, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. Rogers of Michigan, and Mr. Levin):

H.R. 4931. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new commercial and consumer motor vehicles with intelligent vehicle technology systems; to the Committee on Ways and Means.

By Mr. DeFAZIO:

H.R. 4932. A bill to establish management priorities for Federal forest lands in Oregon and Washington located west of the Cascade Crest that will protect old growth timber while improving the health of young managed stands, increasing the volume of commercial timber available from these lands, and providing economic opportunities in local communities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Mr. Markey, Mr. Capuano, Mr. Frank of Massachusetts, Mr. Lynch, Mr. McGovern, Mr. Meehan, Mr. Olver, and Mr. Neal of Massachusetts):

H.R. 4933. A bill to require the prompt review by the Secretary of the Interior of the long-standing petition by the Mashpee Wampanoag Tribe for Federal recognition, and for other purposes; to the Committee on Resources.

By Mr. DICKS (for himself, Mr. Smith of Washington, and Mr. Inslee):

H.R. 4934. A bill to direct the Secretary of the Interior to take certain tribally-owned reservation land into trust for the Puyallup Tribe; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. Brown of Ohio, Mr. Waxman, and Mrs. Capps):

H.R. 4935. A bill to amend titles XIX and XXI of the Social Security Act to clarify and ensure that the authority granted to the Secretary of Health and Human Services under section 1115 of that Act is used solely to promote the objectives of the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself and Mr. Barton of Texas):

H.R. 4936. A bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. Allen, Mr. Baird, Mr. Becerra, Mr. Bell, Mrs. Capps, Mr. Cardin, Ms. Carson of Indiana, Mr. Case, Mr. Davis of Illinois, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Edwards, Mr. Evans, Mr. Farr, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gonzalez, Mr. Green of Texas, Mr. Grijalva, Mr. Hastings of Florida, Mr. Hoeffel, Mr. Holt, Mr. Inslee, Mr. Jefferson, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kucinich, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mrs. Maloney, Mr. Markey, Mr. Matsui, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. George Miller of California, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Pomeroy, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Ryan of Ohio, Mr. Sanders, Ms. Schakowsky, Ms. Slaughter, Ms. Solis, Mr. Stark, Mr. Tanner, Mr. Tierney, Mr. Udall of New Mexico, Mr. Waxman, and Ms. Woolsey):

H.R. 4937. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. Allen, Mr. Baird, Mr. Becerra, Mr. Bell, Mrs. Capps, Mr. Cardin, Ms. Carson of Indiana, Mr. Case, Mr. Davis of Illinois, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Edwards, Mr. Evans, Mr. Farr, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gonzalez, Mr. Green of Texas, Mr. Grijalva, Mr. Hastings of Florida, Mr. Hoeffel, Mr. Holt, Mr. Inslee, Mr. Jefferson, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kucinich, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mrs. Maloney, Mr. Markey, Mr. Matsui, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. George Miller of California, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Pomeroy, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Ryan of Ohio, Mr. Sanders, Ms. Schakowsky, Ms. Slaughter, Ms. Solis, Mr. Stark, Mr. Tanner, Mr. Tierney, Mr. Udall of New Mexico, Mr. Waxman, and Ms. Woolsey):

H.R. 4938. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. Petri, Mr. Kennedy of Rhode Island, and Mr. English):

H.R. 4939. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. Dingell, Mr. Greenwood, Mr. Rogers of Michigan, Mr. Stupak, Mr. Upton, Mr. Hall, Mr. Stearns, Mr. Pickering, Mr. Tauzin, Mr. Terry, Mr. Radanovich, Mr. Pitts, Mr. Deal of Georgia, Mrs. Cubin, Mrs. Miller of Michigan, Mr. Oxley, Mr. Buyer, Mr. Bilirakis, Mr. Kildee, Mr. Sullivan, Mr. Green of Texas, Mr. Brown of Ohio, Mr. Strickland, Mr. Levin, and Mr. Issa):

H.R. 4940. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State and foreign municipal solid waste, to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GRANGER (for herself and Mr. Hoyer):

H.R. 4941. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 4942. A bill to prohibit certain forms of material support for terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself and Mr. Kolbe):

H.R. 4943. A bill to provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona for the purpose of consolidating Federal land ownership within the boundaries of the Ironwood Forest National Monument and the Las Cienegas National Conservation Area, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington (for himself, Mr. Otter, Ms. Dunn, Ms. Hooley of Oregon, Mr. Nethercutt, Mr. DeFazio, Mr. Blumenauer, Mr. Walden of Oregon, Mr. Inslee, Mr. Simpson, Mr. Wu, and Mr. Baird):

H.R. 4944. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Resources.

By Mr. HAYES:

H.R. 4945. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. Garrett of New Jersey, Mr. Udall of Colorado, Mr. Miller of Florida, Mr. Goode, and Mr. Tancredo):

H.R. 4946. A bill to provide for the orderly termination of the United States Court of Federal Claims, and for other purposes; to the Committee on the Judiciary.

By Mr. HERGER (for himself and Mr. George Miller of California):

H.R. 4947. A bill to suspend the duty on certain educational toys and devices; to the Committee on Ways and Means.

By Ms. HERSETH:

H.R. 4948. A bill to facilitate economic growth and development and to promote Tribal sovereignty, by encouraging a dramatic increase in the number of individuals with higher education degrees working within and for Indian Country; to the Committee on Education and the Workforce.

By Ms. HERSETH:

H.R. 4949. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Resources.

By Ms. HERSETH (for herself and Mr. Evans):

H.R. 4950. A bill to amend title 38, United States Code, to extend the requirement for biennial reports from the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

By Mr. HOLT:

H.R. 4951. A bill to require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States; to the Committee on Armed Services.

By Mr. HOLT:

H.R. 4952. A bill to suspend temporarily the duty on methacrylamido etheleneurae monomer; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4953. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 4954. A bill to amend the Family and Medical Leave Act of 1993 to authorize leave for the immediate family members of a member of the uniformed services who dies in the line of duty to facilitate the attendance of immediate family members at the burial ceremony of the member, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 4955. A bill to regulate interstate commerce by prohibiting the sale of children's personally identifiable information for commercial marketing purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. BARTLETT of Maryland, Mr. FLAKE, and Mr. DELAHUNT):

H.R. 4956. A bill to amend title 18, United States Code, to provide penalties for accessing certain electronic communications in a manner that violates consumer privacy, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHN:

H.R. 4957. A bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

By Mr. JOHN:

H.R. 4958. A bill to direct the Secretary of the Interior to conduct a sale of oil and gas leases on certain submerged lands of the outer Continental Shelf in the Eastern Gulf of Mexico; to the Committee on Resources.

By Mr. JOHN:

H.R. 4959. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land, to protect the public's ability to fish for sport, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4960. A bill to prohibit the anticipated extreme reduction in the national marketing quotas for the 2005 crop of Flue-cured and Burley tobacco, which, if permitted to occur, would mean economic ruin for tobacco farmers and their families; to the Committee on Agriculture.

By Mr. KING of New York (for himself and Mr. BROWN of Ohio):

H.R. 4961. A bill to extend State Medicaid fiscal relief; to the Committee on Energy and Commerce.

By Mr. LAMPSON (for himself and Mr. GRIJALVA):

H.R. 4962. A bill to create a commemorative currency program featuring each of the 50 State capitols or statehouses on the $1 Federal reserve note, and for other purposes; to the Committee on Financial Services.

By Mr. LAMPSON (for himself, Mr. PAYNE, Mr. OWENS, and Mr. KUCINICH):

H.R. 4963. A bill to amend title 5, United States Code, to allow Federal employees to take time off from work, without loss of time or pay, for the purpose of donating blood; to the Committee on Government Reform.

By Mr. LANGEVIN:

H.R. 4964. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ACKERMAN, and Mr. SHERMAN):

H.R. 4965. A bill to impose sanctions on foreign entities that engage in certain nuclear proliferation activities, and for other purposes; to the Committee on International Relations.

By Mr. LARSON of Connecticut:

H.R. 4966. A bill to amend the Help America Vote Act of 2002 to require the software used in the operation of an electronic voting machine to meet certain requirements as a condition of the use of the machine in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. LARSON of Connecticut:

H.R. 4967. A bill to amend titles XVIII and XIX of the Social Security Act to require automatic fire sprinkler systems in all nursing facilities participating in the Medicare or Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 4968. A bill to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office"; to the Committee on Government Reform.

By Mrs. MALONEY (for herself and Mr. CLAY):

H.R. 4969. A bill to require the annual poverty estimate and the National Assessment of Educational Progress to be subject to certain guidance on the release of information to the public; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself, Mr. HOLT, Mr. MCDERMOTT, and Mr. OWENS):

H.R. 4970. A bill to amend title 49, United States Code, to repeal the security screening opt-out program for airport operators; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY (for herself, Ms. LEE, Ms. WATSON, Mr. JACKSON of Illinois, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. CHANDLER, Ms. MCCARTHY of Missouri, Mr. GRIJALVA, Mr. SHERMAN, Mr. MCDERMOTT, Mr. CONYERS, Mr. SANDERS, and Mr. MEEKS of New York):

H.R. 4971. A bill to amend the Rules of the House of Representatives to prohibit behavior that threatens that institution, and for other purposes; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. MCNULTY, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. FROST, Mr. OWENS, Mr. HINCHEY, and Mr. DEUTSCH):

H.R. 4972. A bill to amend the National Voter Registration Act of 1993 to permit certain individuals who are under the minimum legal voting age to complete voter registration application forms, and for other purposes; to the Committee on House Administration.

By Mrs. MCCARTHY of New York (for herself, Ms. PRYCE of Ohio, Mr. GREEN of Texas, Mr. PAYNE, Mr. FATTAH, and Mr. BERMAN):

H.R. 4973. A bill to authorize the Project GRAD program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MEEKS of New York:

H.R. 4974. A bill to provide health services for individuals assisting with the response to the terrorist attacks in New York City on September 11, 2001, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York:

H.R. 4975. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the international transportation of individuals by water, to establish the Caribbean Ports and Infrastructure Improvement Trust Fund and the Water and Marine Wildlife Protection Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Ms. SLAUGHTER, Ms. DEGETTE, and Mrs. DAVIS of California):

H.R. 4976. A bill to amend title 10, United States Code, to require emergency contraception to be included on the uniform formulary of pharmaceutical agents of the pharmacy benefits program of the Department of Defense; to the Committee on Armed Services.

By Mr. NADLER (for himself, Ms. SCHAKOWSKY, Mr. KUCINICH, and Mrs. MALONEY):

H.R. 4977. A bill to amend title 18, United States Code, to protect the reasonable expectation of privacy of users of e-mail, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 4978. A bill to amend part D of title XVIII of the Social Security Act to condition the payment of employer prescription drug subsidies on the maintenance of current prescription drug benefits; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself, Mrs. DAVIS of California, Mr. GERLACH, Mr. SESSIONS, and Mr. VITTER):

H.R. 4979. A bill to amend the Public Health Service Act to provide for educational activities and research with respect to women's pelvic floor health through the Centers for Disease Control and Prevention and the National Institutes of Health; to the Committee on Energy and Commerce.

By Mr. OSE (for himself, Mr. DELAY, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. SESSIONS, Mr. HOBSON, Mr. ROHRABACHER, Mr. GIBBONS, Mr. NEUGEBAUER, Mr. BAKER, Mr. SMITH of Texas, Mr. DUNCAN, Mr. MCKEON, Mr. HYDE, Mr. SOUDER, Mr. OSBORNE, Mr. CANNON, and Mr. RADANOVICH):

H.R. 4980. A bill to direct the Secretary of the Interior to arrange for the carving of the figure of former President Ronald Reagan on Mount Rushmore National Memorial, and for other purposes; to the Committee on Resources.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 4981. A bill to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mr. HINCHEY, Mr. WELDON of Pennsylvania, Mr. STENHOLM, Mr. PALLONE, Mr. GREEN of Texas, and Mr. OWENS):

H.R. 4982. A bill to establish a Probation and Parole Officer Safety Task Force within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. HINCHEY, Mr. ENGLISH, Mr. FROST, Mr. UPTON, Mr. REYES, Ms. HARRIS, Mr. JEFFERSON, Ms. ROS-LEHTINEN, Mr. RUPPERSBERGER, Mr. SOUDER, Mr. PAYNE, Mr. GREENWOOD, Mr. PALLONE, Mr. WELDON of Pennsylvania, Ms. LEE, Mr. MCHUGH, Mr. OWENS, Ms. HART, Mr. FATTAH, Mr. VITTER, Mr. ALLEN, and Ms. LORETTA SANCHEZ of California):

H.R. 4983. A bill to amend the Internal Revenue Code of 1986 to provide a credit to businesses whose employees teach at community colleges; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 4984. A bill to provide that the royalty rate on the output from Federal lands of potassium and potassium compounds from the mineral sylvite in the 5-year period beginning on the date of the enactment of this Act shall be reduced to 1.0 percent, and for other purposes; to the Committee on Resources.

By Mr. PRICE of North Carolina (for himself and Mr. CASTLE):

H.R. 4985. A bill to amend the Federal Election Campaign Act of 1971 to clarify the requirements for the disclosure of identifying information within authorized campaign communications which are printed, to apply certain requirements regarding the disclosure of identifying information within communications made through the Internet, to apply certain disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. ROGERS of Michigan:

H.R. 4986. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that measures consistent with the obligations of the United States under the World Trade Organization be taken to offset any disadvantage to United States producers resulting from China's exchange rate policies; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. LOBIONDO, and Mr. ANDREWS):

H.R. 4987. A bill to provide for priority funding of water, waste disposal, and wastewater facility loans and grants and community facilities loans and grants for the communities in Burlington and Camden counties in New Jersey, affected by the flood which occurred on July 12, 2004; to the Committee on Agriculture.

By Ms. SCHAKOWSKY (for herself, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. STRICKLAND, Mr. HINCHEY, Mr. EVANS, Mr. OWENS, Ms. LEE, Mr. OLVER, Mr. MCGOVERN, Ms. WATERS, Mr. DEFAZIO, and Mr. PALLONE):

H.R. 4988. A bill to amend title 36, United States Code, to require the observance of certain labor standards by companies that enter into licensing agreements with the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. CONYERS, Mrs. JONES of Ohio, and Mr. ROHRABACHER):

H.R. 4989. A bill to require an annual Department of State report on information relating to the promotion of religious freedom, democracy, and human rights in foreign countries by individuals, nongovernmental organizations, and the media in those countries, and for other purposes; to the Committee on International Relations.

By Mr. SESSIONS:

H.R. 4990. A bill to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building"; to the Committee on Government Reform.

By Mr. SESSIONS:

H.R. 4991. A bill to designate the facility of the United States Postal Service located at 9130 Markville Drive in Dallas, Texas, as the "Vaughn Gross Post Office Building"; to the Committee on Government Reform.

By Mr. SHADEGG (for himself, Mr. NORWOOD, and Mr. THORNBERRY):

H.R. 4992. A bill to amend the Public Health Service Act to protect certain health care providers against legal liability for providing emergency and related care to uninsured individuals; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. FLAKE, Mr. NORWOOD, and Mr. THORNBERRY):

H.R. 4993. A bill to limit the liability of hospitals and emergency departments for noneconomic and punitive damages when providing uncompensated care, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Ms. SOLIS, Mrs. BIGGERT, Mr. BOEHLERT, Mr. CASE, Mrs. DAVIS of California, Ms. DELAURO, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. INSLEE, Mrs. JONES of Ohio, Mrs. JOHNSON of Connecticut, Mr. KUCINICH, Ms. LEE, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SIMMONS, Mr. STARK, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 4994. A bill to amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER:

H.R. 4995. A bill to require the acquisition of intermittent escalators by Federal agencies; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself and Ms. SCHAKOWSKY):

H.R. 4996. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception; to the Committee on Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. ALEXANDER, Mr. BACA, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BOYD, Mr. CARDOZA, Mr. CASE, Mr. CHANDLER, Mr. COOPER, Mr. CRAMER, Mr. DAVIS of Tennessee, Ms. HARMAN, Ms. HERSETH, Mr. HILL, Mr. HOLDEN, Mr. LUCAS of Kentucky, Mr. MICHAUD, Mr. MOORE, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. ROSS, Mr. SANDLIN, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. FORD, and Mr. MCINTYRE):

H.R. 4997. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for middle income taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. STRICKLAND:

H.R. 4998. A bill to make funds available to pay the United States prisoners of war that brought suit against the Government of Iraq in the case of Acree v. Republic of Iraq; to the Committee on International Relations.

By Mr. VAN HOLLEN:

H.R. 4999. A bill to repeal the provisions of law making reemployed annuitants ineligible for physicians comparability allowances under title 5, United States Code, and special pay for physicians and dentists under title 38, United States Code; to the Committee on Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself and Mr. ISSA):

H.R. 5000. A bill to require the Secretaries of Health and Human Services, Defense, and Homeland Security to carry out activities toward bringing to market effective medical countermeasures to radiation from a nuclear or radiological attack; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. ALLEN, and Mr. GREENWOOD):

H.R. 5001. A bill to establish a pilot program to develop a comprehensive system of ocean and coastal observations for the Nation's oceans, coasts, and Great Lakes, including enhanced security at United States ports, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.J. Res. 101. A joint resolution proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths; to the Committee on the Judiciary.

By Mr. FERGUSON:

H. Con. Res. 477. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the USS New Jersey and all those who served aboard her; to the Committee on Government Reform.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Virginia, and Mr. CHABOT):

H. Con. Res. 478. Concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 479. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. BURR (for himself and Mr. UDALL of Colorado):

H. Con. Res. 480. Concurrent resolution recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that "National Take a Kid Mountain Biking Day" should be established in Jacob Mock Doub's honor; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself and Mr. BROWN of Ohio):

H. Con. Res. 481. Concurrent resolution expressing the sense of Congress regarding high level visits by democratically elected officials of Taiwan to the United States; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mrs. CHRISTENSEN, Ms. LEE, Mr. RUSH, Mr. RANGEL, and Mr. CUMMINGS):

H. Con. Res. 482. Concurrent resolution recognizing and celebrating the abolition of slavery more than 150 years ago in the Latin American countries of Mexico, Chile, Uruguay, Bolivia, Colombia, Ecuador, Argentina, Peru, and Venezuela, and for other purposes; to the Committee on International Relations.

By Mr. PASCRELL:

H. Con. Res. 483. Concurrent resolution affirming the support of the Congress for preserving the image of Alexander Hamilton on the face of $10 Federal reserve notes because of his standing as one of the United States' most influential founding fathers; to the Committee on Financial Services.

By Mr. RANGEL:

H. Con. Res. 484. Concurrent resolution expressing the sense of Congress that the Honorable Percy Sutton be recognized as primarily responsible for the rebirth of the legendary Apollo Theatre of Harlem and as a trailblazer in business, politics, telecommunications, and law; to the Committee on Government Reform.

By Mr. SIMMONS (for himself and Mr. EVANS):

H. Con. Res. 485. Concurrent resolution extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office and the Joint POW/MIA Accounting Command of the Department of Defense and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H. Res. 741. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. FERGUSON (for himself, Mr. CASTLE, and Mrs. MCCARTHY of New York):

H. Res. 742. A resolution providing for the consideration of the bill (H. R. 3831) to extend the sunset on the assault weapons ban for 10 years; to the Committee on Rules.

By Ms. BORDALLO (for herself, Mr. ACEVEDO-VILÁ, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Ms. NORTON):

H. Res. 743. A resolution amending the Rules of the House of Representatives to allow Delegates and the Resident Commissioner to file, sign, and call up discharge petitions; to the Committee on Rules.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, and Mr. BEREUTER):

H. Res. 744. A resolution congratulating the people and Government of the Republic of Indonesia on successfully completing elections for national, provincial, and regional parliamentary representatives, and praising the growth of democracy in Indonesia; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. WAXMAN, and Mr. MARKEY):

H. Res. 745. A resolution of inquiry requesting the President of the United States to provide certain information to the House of Representatives respecting the National Energy Policy Development Group; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. WELDON of Pennsylvania, Mr. BASS, Mr. CASTLE, Mr. GREENWOOD, Mr. BOEHLERT, Mr. SHAYS, Mr. GILCHREST, Mr. RAHALL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado):

H. Res. 746. A resolution honoring the 40th Anniversary of the Wilderness Act; to the Committee on Resources.

By Ms. LEE:

H. Res. 747. A resolution recognizing the anniversary of the ratification of the 13th Amendment and encouraging the American people to educate and instill pride and purpose into their communities and to observe the anniversary annually with appropriate programs and activities; to the Committee on the Judiciary.

By Ms. LEE:

H. Res. 748. A resolution providing for consideration of the bill (H.R. 1102) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Rules.

By Mrs. MALONEY:

H. Res. 749. A resolution amending the Rules of the House of Representatives to limit the maximum voting time; to the Committee on Rules.

By Mr. MCCOTTER (for himself and Mr. STUPAK):

H. Res. 750. A resolution recognizing the 130th anniversary of the creation of lifesaving stations on the Great Lakes, which became part of the United States Life-Saving Service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Res. 751. A resolution commending the people and the Governments of the Hashemite Kingdom of Jordan, the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, and the Sultanate Oman for their progress toward democratization and political and economic liberalization; to the Committee on International Relations.

By Mr. SHIMKUS (for himself, Mr. SOUDER, and Mr. LIPINSKI):

H. Res. 752. A resolution expressing continued support for the construction of the Victims of Communism Memorial; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H. Res. 753. A resolution expressing the sense of the House of Representatives that a portrait of Dilip Singh Saund should be displayed in an appropriate place in the United States Capitol or in a House Office Building; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

413. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 114 memorializing the Congress of the United States to give priority to the passage of the defense appropriations bill; to the Committee on Armed Services.

414. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 753 memorialzing the Centers for Medicare and Medicaid Services (CMS) to approve Pennsylvania's assessment on Medicaid-participating nursing homes and provide the funding necessary to ensure quality care for Pennsylvania's vulnerable seniors; to the Committee on Energy and Commerce.

415. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 744 memorializing the Congress of the United States to support passage of the Men's Health Act; to the Committee on Energy and Commerce.

416. Also, a memorial of the House of Representatives of the State of Delaware, relative to House Resolution No. 86 recognizing the plight of Falun Gong practitioners in

China and memorializing the Congress of the United States to take all appropriate actions and to use all appropriate public and private forums to address this issue; to the Committee on International Relations.

417. Also, a memorial of the Senate of the State of Alaska, relative to Senate Resolution No. 4 memorializing the Congress of the United States to amend the federal Wilderness Act to authorize fishery enhancement programs and similar activities in wilderness areas; to the Committee on Resources.

418. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resoultion No. 57 memorialzing the President and the Congress of the United States to protect and uphold the intent and substance of the United States Supreme Court decision in the Roe v. Wade, relating to reproductive rights, and to encourage all Americans to participate in the national celebration, "The March for Women's Lives," in recognition of that decision's historic importance in promoting women's rights; to the Committee on the Judiciary.

419. Also, a memorial of the General Assembly of the State of New York, relative to Assembly Resolution No. 2139 memorializing the President and the Congress of the United States to approve the Agricultural Job Opportunity, Benefits, and Security Act of 2003 (H.R. 3142 and S. 1645), also known as AgJOBS; to the Committee on the Judiciary.

420. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resoultion No. 16 memorializing airline companies in the United States to permanently establish reduced price airfares for active duty military personnel; to the Committee on Transportation and Infrastructure.

421. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 41 memorializing the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar; to the Committee on Transportation and Infrastructure.

422. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 659 memorializing the Congress of the United states to extend and make retroactive the Federal Temporary Extended Unemployment Compensation (TEUC) program; to the Committee on Ways and Means.

423. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 memorializing the Congress of the United States to return responsibility for surface transportation policy to the states by allowing the states to retain federal fuel tax revenues; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KENNEDY of Minnesota:

H.R. 5002. A bill for the relief of Jose Manual Guzman-Morales; to the Committee on the Judiciary.

By Mr. ROTHMAN:

H.R. 5003. A bill for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; to the Committee on the Judiciary.

By Mr. VAN HOLLEN:

H.R. 5004. A bill for the relief of Judith Atuh Tanjoh, Serge Mbah Tikum, Marie Noel Tikum, Emmanuel Ngwa Tikum, and Roger Fon Tikum; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. VITTER.

H.R. 104: Mr. DOGGETT, Mr. STARK, Mr. RANGEL, Mr. SCHIFF, Mrs. CAPPS, and Mr. ORTIZ.

H.R. 107: Mr. PASCRELL.

H.R. 126: Mr. DEUTSCH.

H.R. 434: Mr. CRAMER, Mr. WELDON of Pennsylvania, Mr. PICKERING, and Mr. FLAKE.

H.R. 545: Mr. PORTER.

H.R. 613: Mr. NORWOOD.

H.R. 614: Mr. NORWOOD.

H.R. 623: Mr. GRIJALVA and Mr. SOUDER.

H.R. 648: Mr. VITTER.

H.R. 677: Mrs. CHRISTENSEN.

H.R. 713: Mr. POMEROY.

H.R. 715: Mr. MARKEY and Mr. VITTER.

H.R. 727: Mr. DEFAZIO.

H.R. 729: Mr. PORTER.

H.R. 745: Mr. FATTAH and Mr. BOSWELL.

H.R. 771: Mr. VITTER.

H.R. 782: Mr. PORTER.

H.R. 792: Mr. LARSEN of Washington.

H.R. 814: Mr. PORTER.

H.R. 834: Mr. KENNEDY of Minnesota.

H.R. 839: Mr. STARK and Mr. MCKEON.

H.R. 879: Mr. PICKERING.

H.R. 935: Mr. PASCRELL.

H.R. 1043: Ms. LORETTA SANCHEZ of California.

H.R. 1083: Mr. VITTER and Mr. MATHESON.

H.R. 1101: Mr. PORTER.

H.R. 1157: Mr. TAYLOR of Mississippi.

H.R. 1205: Mr. THOMPSON of Mississippi and Mr. PASCRELL.

H.R. 1212: Mr. WAMP.

H.R. 1231: Mr. CHANDLER.

H.R. 1294: Mrs. JONES of Ohio and Mr. KIND.

H.R. 1305: Mr. GILLMOR.

H.R. 1310: Mr. KENNEDY of Minnesota.

H.R. 1336: Mr. HOSTETTLER and Mr. OXLEY.

H.R. 1381: Mr. SHERMAN.

H.R. 1422: Mr. VITTER.

H.R. 1430: Mr. SHERMAN.

H.R. 1434: Mr. MEEKS of New York.

H.R. 1448: Mr. SHERMAN.

H.R. 1477: Mr. OLVER.

H.R. 1501: Mr. GILCHREST, Mr. HUNTER, Mr. SAXTON, and Mrs. BONO.

H.R. 1508: Ms. HERSETH.

H.R. 1582: Mr. MATHESON.

H.R. 1684: Mr. LEVIN.

H.R. 1734: Mr. LEWIS of California, Mr. ISRAEL, Mr. GONZALEZ, and Mr. MARSHALL.

H.R. 1736: Mr. MCINTYRE.

H.R. 1746: Mr. NORWOOD.

H.R. 1749: Mrs. BIGGERT.

H.R. 1811: Mr. BEAUPREZ, Mr. WALSH, and Mr. ORTIZ.

H.R. 1916: Mr. SHERMAN.

H.R. 1930: Mr. HASTINGS of Florida and Mr. TOWNS.

H.R. 1993: Mr. DEUTSCH and Mrs. CHRISTENSEN.

H.R. 2173: Mr. VITTER and Mr. LARSEN of Washington.

H.R. 2176: Mr. FERGUSON and Mr. SIMPSON.

H.R. 2203: Mr. BERMAN and Mr. TIERNEY.

H.R. 2237: Mr. MCHUGH.

H.R. 2239: Mr. WU.

H.R. 2295: Mr. BOSWELL.

H.R. 2318: Mr. DAVIS of Florida.

H.R. 2387: Mr. BERMAN.

H.R. 2426: Mr. DEUTSCH.

H.R. 2509: Mr. TERRY.

H.R. 2541: Mr. PASCRELL.

H.R. 2598: Mr. GRIJALVA.

H.R. 2621: Mr. MICHAUD.

H.R. 2735: Mr. RANGEL.

H.R. 2815: Mr. BLUMENAUER.

H.R. 2863: Mr. NEY.

H.R. 2868: Mr. VITTER.

H.R. 2890: Mr. HEFLEY.

H.R. 2950: Mr. HOYER, Mr. ROGERS of Michigan, and Mr. SHAW.

H.R. 2959: Mr. WICKER and Mr. SHAW.

H.R. 2974: Mr. PASCRELL.

H.R. 3022: Mr. KUCINICH.

H.R. 3069: Mr. VITTER.

H.R. 3103: Mr. SHUSTER.

H.R. 3142: Mr. LEVIN.

H.R. 3148: Mr. TOM DAVIS of Virginia, Mr. KLINE, Mrs. JO ANN DAVIS of Virginia, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, and Mr. CAPUANO.

H.R. 3178: Mr. MURPHY.

H.R. 3193: Mr. REGULA and Mr. PORTMAN.

H.R. 3242: Mrs. TAUSCHER.

H.R. 3243: Mr. WAXMAN.

H.R. 3369: Mr. PENCE.

H.R. 3412: Mr. GREENWOOD, Mr. WAXMAN, Mr. BEAUPREZ, and Mr. PASCRELL.

H.R. 3420: Mr. PASTOR.

H.R. 3446: Mr. SHERMAN.

H.R. 3507: Mrs. NAPOLITANO.

H.R. 3582: Mr. OLVER.

H.R. 3619: Mr. GORDON.

H.R. 3656: Mr. SIMMONS, Mr. HINCHEY, and Mr. ANDREWS.

H.R. 3676: Mr. OLVER.

H.R. 3719: Mr. SHERMAN.

H.R. 3729: Mr. MILLER of Florida, Mr. DAVIS of Tennessee, and Mr. PASCRELL.

H.R. 3784: Mr. BISHOP of Utah.

H.R. 3801: Mr. HASTINGS of Washington.

H.R. 3802: Mr. GERLACH.

H.R. 3815: Mr. PORTER.

H.R. 3831: Mr. WAXMAN and Mr. WEXLER.

H.R. 3858: Mr. BARTLETT of Maryland, Mr. FORBES, Mr. ALLEN, Mr. BERMAN, and Mr. STUPAK.

H.R. 3871: Mr. CARDIN, Mr. OWENS, Mr. LEWIS of Georgia, and Mr. PASCRELL.

H.R. 3881: Mr. SANDLIN and Mr. DEUTSCH.

H.R. 3891: Mr. MILLER of Florida.

H.R. 3892: Mr. MILLER of Florida.

H.R. 3901: Mr. GARRETT of New Jersey.

H.R. 3968: Mr. RANGEL and Mr. COSTELLO.

H.R. 3987: Mr. CONYERS.

H.R. 4017: Mr. GRIJALVA and Mr. OWENS.

H.R. 4020: Mr. BOUCHER.

H.R. 4026: Mr. PENCE and Mr. PASCRELL.

H.R. 4064: Mr. SHADEGG.

H.R. 4067: Mr. PASCRELL, Mr. NADLER, and Ms. JACKSON-LEE of Texas.

H.R. 4069: Mr. SANDERS and Mr. UDALL of New Mexico.

H.R. 4102: Mr. PASCRELL.

H.R. 4113: Mr. REHBERG.

H.R. 4126: Mr. KING of New York.

H.R. 4129: Mr. FERGUSON, Mr. SHADEGG, and Mr. SAXTON.

H.R. 4151: Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. TOWNS, Mr. PITTS, and Mr. BURGESS.

H.R. 4155: Mr. DEUTSCH.

H.R. 4225: Mr. MILLER of Florida.

H.R. 4230: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4249: Mr. GONZALEZ, Mr. GORDON, Mr. MOLLOHAN, Mr. HINOJOSA, Mr. BELL, Mr. SESSIONS, Mr. OBEY, Mrs. CHRISTENSEN, Ms. NORTON, Mr. ACEVEDO-VILÁ, Mr. MORAN of Virginia, Mr. WOLF, Mr. KENNEDY of Rhode Island, Mr. BOSWELL, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. STRICKLAND, Mr. SCHIFF, Mr. FORD, Mr. CAPUANO, Mr. HINCHEY, Mr. EDWARDS, Mr. BROWN of Ohio, Mr. OSE, Mr. MCINTYRE, Mr. WATT, and Mr. BAIRD.

H.R. 4256: Mrs. MALONEY.

H.R. 4262: Mr. PAYNE and Mr. PALLONE.

H.R. 4263: Mr. MORAN of Virginia.

H.R. 4283: Mr. ISAKSON, Mr. NUSSLE, and Mr. LATHAM.

H.R. 4306: Mr. BERMAN.

H.R. 4316: Mr. MORAN of Virginia.

H.R. 4346: Mr. HASTINGS of Florida, Mr. OLVER, and Mr. MOORE.

H.R. 4354: Mr. OLVER.

H.R. 4356: Mr. SMITH of Washington.

H.R. 4358: Mr. GERLACH.

H.R. 4366: Ms. DeLAURO, Mr. SANDERS, Mr. KUCINICH, and Mr. GRIJALVA.

H.R. 4367: Mr. REYES and Mr. BOUCHER.

H.R. 4377: Mr. McDERMOTT.

H.R. 4391: Mr. HALL.

H.R. 4392: Mr. GOODLATTE and Mr. MORAN of Virginia.

H.R. 4420: Mr. PETRI, Mr. KINGSTON, Mr. PICKERING and Mr. VITTER.

H.R. 4433: Mr. CASTLE and Mr. MORAN of Virginia.

H.R. 4440: Mr. ROHRABACHER and Mr. FOLEY.

H.R. 4445: Mr. DAVIS of Alabama and Mr. PAYNE.

H.R. 4474: Mr. BECERRA and Mr. BERMAN.

H.R. 4491: Mr. KANJORSKI, Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. LaHOOD, and Mr. DOYLE.

H.R. 4493: Mr. WAXMAN, Mr. BECERRA, Mr. GEORGE MILLER of California, Ms. DeLAURO, Mr. CHRISTENSEN, Mr. FATTAH, Mr. McCOTTER, Mrs. LOWEY, Mr. OWENS, and Ms. SOLIS.

H.R. 4496: Mr. McKEON, Mr. NORWOOD, Mr. UPTON, Mr. EHLERS, Mr. ISAKSON, Mr. BURNS, and Mr. VITTER.

H.R. 4502: Mr. SOUDER, Mr. McCOTTER, and Mr. VITTER.

H.R. 4530: Mrs. MYRICK.

H.R. 4546: Mr. OWENS and Ms. BORDALLO.

H.R. 4576: Mr. SHIMKUS and Mr. MANZULLO.

H.R. 4578: Mr. TURNER of Ohio, Mr. CRAMER, Mrs. DAVIS of California, Mr. INSLEE, Mr. FILNER, Mr. STRICKLAND, Mr. LARSEN of Washington, Mr. ISSA, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. COSTELLO, Mr. TURNER of Texas, and Mr. WELLER.

H.R. 4585: Mr. GORDON, Mr. SERRANO, Mr. GRIJALVA, Mr. PALLONE, Ms. SOLIS, Mr. SANDERS, Mr. McDERMOTT, Mr. CROWLEY, Mr. FATTAH, and Mr. EMANUEL.

H.R. 4595: Mr. MORAN of Virginia, Mr. LARSON of Connecticut, Ms. SOLIS, Mr. HINOJOSA, Mr. ACEVEDO-VILÁ, Ms. LINDA T. SÁNCHEZ of California, Mr. ORTIZ, and Mr. RODRIGUEZ.

H.R. 4605: Mr. OLVER, Mr. RAMSTAD, and Mr. LEWIS of Georgia.

H.R. 4610: Mr. SOUDER.

H.R. 4628: Mr. PASCRELL.

H.R. 4634: Mr. GARY G. MILLER of California, Mr. NETHERCUTT, Mr. RENZI, Mr. LaTOURETTE, Mr. ISSA, Mr. OSE, Mr. WELLER, Mr. CALVERT, Mr. HASTINGS of Washington, Mr. KLINE, Mr. SMITH of Washington, Mr. KNOLLENBERG, Mr. ISAKSON, Mr. BISHOP of Utah, Mr. FRELINGHUYSEN, Mr. BASS, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. HUNTER, Mr. BURGESS, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. THORNBERRY, Ms. GRANGER, Mr. SWEENEY, Mr. BOOZMAN, Mr. PUTNAM, Mr. MILLER of Florida, Mr. FORBES, Mr. CRENSHAW, and Mr. KELLER.

H.R. 4652: Mr. LEACH.

H.R. 4656: Ms. JACKSON-LEE of Texas.

H.R. 4658: Mr. VITTER.

H.R. 4662: Mr. CAMP and Mr. GUTKNECHT.

H.R. 4668: Mr. MILLER of Florida, Mr. TIBERI, Mrs. LOWEY, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILÁ, Mr. MEEKS of New York, Mr. WAXMAN, Mr. McNULTY, Mr. CARDOZA, Ms. WATSON, Mr. BERMAN, and Mr. LEWIS of California.

H.R. 4669: Mr. SNYDER, and Mrs. MYRICK.

H.R. 4671: Ms. WOOLSEY.

H.R. 4676: Mr. SHIMKUS, Mrs. CAPITO, Mr. SERRANO, Mr. ACEVEDO-VILÁ, Ms. ROYBAL-ALLARD, Mr. CUMMINGS, Ms. SOLIS, and Mrs. JOHNSON of Connecticut.

H.R. 4678: Mr. DELAHUNT, Mr. McGOVERN, Ms. SOLIS, Mr. MEEKS of New York, Mr. McDERMOTT, Mr. ABERCROMBIE, Mr. OLVER, Mr. CROWLEY, Mr. HONDA, Mr. FRANK of Massachusetts, and Mr. BERMAN.

H.R. 4680: Mr. MILLER of Florida.

H.R. 4682: Mr. GONZALEZ, Ms. LORETTA SANCHEZ of California, Mr. KLECZKA, Mr. MORAN of Virginia, Mr. HONDA, Mr. CARDOZA, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. WEINER, Mr. PORTER, and Mr. SHAW.

H.R. 4687: Mr. ROSS, Mr. KILDEE, Mr. McHUGH, Mr. TAYLOR of Mississippi, Mr. BEREUTER, Mr. SANDERS, Mr. MARSHALL, Mr. STUPAK, and Mr. JOHN.

H.R. 4701: Mr. WAXMAN.

H.R. 4706: Ms. ESHOO, Mr. LANTOS, and Mr. OWENS.

H.R. 4711: Ms. DeLAURO and Mr. FOLEY.

H.R. 4712: Mr. SOUDER and Mr. VITTER.

H.R. 4715: Mr. DUNCAN and Mr. GARRETT of New Jersey.

H.R. 4718: Mr. JENKINS, Mrs. CUBIN, and Mr. McINTYRE.

H.R. 4736: Mr. CONYERS.

H.R. 4758: Ms. SLAUGHTER.

H.R. 4768: Mr. TURNER of Ohio.

H.R. 4769: Ms. HERSETH.

H.R. 4772: Mrs. TAUSCHER, Ms. McCOLLUM, Mr. MEEHAN, Mr. PALLONE, Mr. BOSWELL, Mr. OBEY, Mr. KENNEDY of Rhode Island, Mr. OWENS, Mr. LAMPSON, and Mr. MICHAUD.

H.R. 4773: Mr. RYUN of Kansas, Mr. SAM JOHNSON of Texas, Mr. MILLER of Florida, and Mr. SOUDER.

H.R. 4774: Mr. OWENS.

H.R. 4779: Mr. GUTKNECHT.

H.R. 4785: Mr. BOEHNER.

H.R. 4786: Mrs. CHRISTENSEN and Mr. FROST.

H.R. 4792: Mr. ACKERMAN, Mr. LEACH, and Mr. ALLEN.

H.R. 4793: Mr. OWENS, Mr. TOWNS, Mr. RUSH, Mr. KUCINICH, Mr. WEXLER, Mr. MEEKS of New York, and Ms. CORRINE BROWN of Florida.

H.R. 4799: Mr. BERMAN, Mr. CUMMINGS, Mr. KILDEE, Mr. WAXMAN, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. BURR, Mr. LaHOOD, Mr. OWENS, Mr. McINTYRE, Mr. MARKEY, Mr. MORAN of Virginia, Mr. HALL, and Mr. FRANK of Massachusetts.

H.R. 4802: Mr. HOLDEN, Mr. SANDLIN, Mr. WELDON of Pennsylvania, and Mr. GONZALEZ.

H.R. 4805: Mr. MARIO DIAZ-BALART of Florida and Mr. RYAN of Wisconsin.

H.R. 4807: Ms. HARMAN, Ms. WOOLSEY, Mrs. TAUSCHER, Mr. HUNTER, Mr. CUNNINGHAM, Ms. ROYBAL-ALLARD, Mrs. CAPPS, Mr. BECERRA, Mr. LANTOS, Mr. BACA, Mr. COX, Mr. THOMPSON of California, Mr. STARK, Mr. GALLEGLY, Mr. THOMAS, Ms. WATERS, Mrs. NAPOLITANO, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. BERMAN, Mrs. BONO, Mr. RADANOVICH, Ms. LOFGREN, Mr. ISSA, Ms. PELOSI, and Mr. DREIER.

H.R. 4809: Mr. SOUDER.

H.R. 4824: Mrs. McCARTHY of New York and Mr. HOLT.

H.R. 4826: Mr. HINCHEY, Mr. CUNNINGHAM, Mr. McDERMOTT, and Mr. GRIJALVA.

H.R. 4828: Mr. OWENS, Mr. LEWIS of Georgia, Mr. KLECZKA, Ms. SCHAKOWSKY, Ms. MAJETTE, Ms. MILLENDER-McDONALD, Mr. SANDERS, Mr. CONYERS, Ms. KAPTUR, Mr. PAYNE, Ms. ESHOO, Mr. MARKEY, Mr. ABERCROMBIE, Mr. JEFFERSON, and Ms. KILPATRICK.

H.R. 4830: Mr. PASCRELL.

H.R. 4835: Mr. UDALL of New Mexico.

H.R. 4853: Ms. BALDWIN, Mr. HAYES, Mr. LANGEVIN, Mr. GERLACH, and Mr. STARK.

H.R. 4860: Mr. BEREUTER and Ms. SLAUGHTER.

H.R. 4866: Mr. STRICKLAND, Mr. RYAN of Ohio, and Mr. FILNER.

H.R. 4877: Mr. STUPAK.

H.J. Res. 9: Mr. DeMINT.

H.J. Res. 50: Mr. VITTER.

H.J. Res. 56: Mr. RADANOVICH.

H. Con. Res. 111: Mr. CUMMINGS.

H. Con. Res. 213: Mr. EVANS.

H. Con. Res. 298: Mr. SHUSTER.

H. Con. Res. 319: Mr. PRICE of North Carolina.

H. Con. Res. 330: Mr. MILLER of North Carolina.

H. Con. Res. 363: Mr. DEUTSCH.

H. Con. Res. 375: Mr. RANGEL, Mr. ETHERIDGE, Mr. PORTER, Mr. ROTHMAN, and Mr. PALLONE.

H. Con. Res. 425: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 431: Mr. FROST, Mr. GARRETT of New Jersey, and Mr. UPTON.

H. Con. Res. 435: Mr. TURNER of Texas.

H. Con. Res. 441: Mr. TERRY, Mr. SIMPSON, Mr. WAMP, Mr. RENZI, Mr. UPTON, Mr. HASTINGS of Washington, and Mr. SHIMKUS.

H. Con. Res. 443: Mr. JONES of North Carolina.

H. Con. Res. 456: Mr. PASCRELL.

H. Con. Res. 473: Mr. PASCRELL.

H. Con. Res. 475: Mr. HOUGHTON, Mr. SERRANO, Mrs. MALONEY, Mr. TOWNS, Mr. OWENS, Ms. SLAUGHTER, Mrs. LOWEY, Mr. CROWLEY, Mr. SWEENEY, Mr. QUINN, Mr. HINCHEY, Mr. McNULTY, Mr. MEEKS of New York, Mr. ENGEL, Mr. KING of New York, Mr. WALSH, and Mr. BISHOP of New York.

H. Res. 28: Ms. ROS-LEHTINEN.

H. Res. 485: Mr. RAMSTAD.

H. Res. 556: Mr. CALVERT.

H. Res. 587: Mr. FRANK of Massachusetts.

H. Res. 632: Mr. DEUTSCH.

H. Res. 690: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. THOMPSON of California, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. HONDA, Ms. LOFGREN, Mr. DAVIS of Florida, Mr. MEEK of Florida, Ms. HOOLEY of Oregon, Mr. VAN HOLLEN, Ms. DeGETTE, Mr. STUPAK, Mr. LYNCH, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. UDALL of Colorado, and Mr. DAVIS of Illinois.

H. Res. 716: Mr. WELDON of Pennsylvania.

H. Res. 717: Mr. MEEKS of New York.

H. Res. 720: Mr. WHITFIELD, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. DeFAZIO, Mr. CULBERSON, and Mr. BARRETT of South Carolina.

H. Res. 721: Mr. FROST.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

100. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 261 of 2004 petitioning the Congress of the United

States to introduce and pass appropriate legislation allowing persons alleging age discrimination to be held to the same "disparate impact" standard of proof as those alleging other forms of discrimination; to the Committee on Education and the Workforce.

101. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution 04-R-1203 supporting pending Federal Legislation that would double reserach spending on Alzheimer's Disease, and for other purposes; to the Committee on Energy and Commerce.

102. Also, a petition of H.R.M. Akahi Nui, a Citizen of Maui, Hawaii, relative to notification of violations and offences with order to answer; to the Committee on Resources.

103. Also, a petition of Members of the General Assembly of California, relative to a letter noting the passage of Proposition 22, which read "only marriage between a man and a woman is valid or recognized in California," and petitioning Congress of the United States to pass an amendment to the United States Constitution that would protect and defend the scanctity of marriage between a man and a woman; to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 10. July 19, 2004, by Mr. BISHOP of New York, on House Resolution 708, was signed by the following Members: Timothy H. Bishop, John D. Dingell, Jim McDermott, Eddie Bernice Johnson, Henry A. Waxman, Sherrod Brown, Charles B. Rangel, Albert Russell Wynn, Linda T. Sanchez, Bill Pascrell, Jr., Bob Filner, Jose E. Serrano, James R. Langevin, Betty McCollum, Stephen F. Lynch, Robert E. Andrews, Rick Larsen, Peter A. DeFazio, Lloyd Doggett, Lois Capps, Bobby L. Rush, Anthony D. Weiner, Dale E. Kildee, Karen McCarthy, Robert A. Brady, Joseph Crowley, John W. Olver, Ruben Hinojosa, James P. Moran, Adam B. Schiff, Nita M. Lowery, Nydia M. Velazquez, Janice D. Schakowsky, John Conyers, Jr., Jane Harman, Rodney Alexander, Carolyn McCarthy, Steny H. Hoyer, Eliot L. Engel, Diane E. Watson, Donald M. Payne, Earl Blumenauer, Micheal R. McNulty, Tom Lantos, Rahm Emanuel, Michael H. Michaud, Nick J. Rahall II, Tom Udall, Grace F. Napolitano, Hilda L. Solis, Raul M. Grijalva, Joe Baca, Rush D. Holt, Artur Davis, Major R. Owens, C.A. Dutch Ruppersberger, Chris Van Hollen, Chris Bell, Fortńey Peter Stark, Jim Davis, Martin Frost, Bob Etheridge, Ellen O. Tauscher, Louise McIntosh Slaughter, Brad Miller, Lucille Roybal-Allard, Leonard L. Boswell, Anna G. Eshoo, Darlene Hooley, James P. McGovern, Baron P. Hill, Steven Israel, Dennis Moore, Lynn C. Woolsey, Steven R. Rothman, Susan A. Davis, Jesse L. Jackson, Jr., Frank Pallone, Jr., Carolyn B. Maloney, Tim Ryan, Robert Wexler, Adam Smith, Corrine Brown, Michael F. Doyle, Bart Stupak, Barbara Lee, Ken Lucas, Dennis A. Cardoza, Bart Gordon, Loretta Sanchez, Jim Cooper, David E. Price, Dennis J. Kucinich, Carolyn C. Kilpatrick, Martin T. Meehan, Alcee L. Hastings, Stephanie Tubbs Jones, Bernard Sanders, Earl Pomeroy, John M. Spratt, Jr., Tammy Baldwin, Xavier Becerra, Maurice D. Hinchey, Sander M. Levin, Mark Udall, Mike Thompson, Thomas H. Allen, Sanford D. Bishop, Jr., John Lewis, Shelley Berkley, Barney Frank, Howard L. Berman, Gene Taylor, Mike Ross, David Wu, Danny K. Davis, Gregory W. Meeks, William D. Delahunt, Gary L. Ackerman, Stephanie Herseth, Nancy Pelosi, Melvin L. Watt, Elijah E. Cummings, Brian Baird, Michael M. Honda, Ted Strickland, Edward J. Markey, Jay Inslee, Benjamin L. Cardin, Silvestre Reyes, Diana DeGette, Patrick J. Kennedy, Tm Holden, Lincoln Davis, Ike Skelton, Ed Case, Peter Deutsch, Charles A. Gonzalez, Marcy Kaptur, Robert Menendez, Zoe Lofgren, Lane Evans, Denise L. Majette, Jerrold Nadler, Ben Chandler Vic Snyder, Maxine Waters, Ron Kins, Juanita Millender-McDonald, George Miller, Chaka Fattah, Edolphus Towns, Brad Serman, G.K. Butterfield, James E. Clyburn, Robert T. Matsui, Martin Olav Sabo, Bennie G. Thompson, Ciro D. Rodriguez, Robert E. (Bud) Cramer, Jr., Joseph M. Hoeffel, Harold E. Ford, Jr., Jerry F. Costello, Luis V. Gutierrez, John F. Tierney, Robert C. Scott, Calvin M. Dooley, Paul E. Kanjorski, and Gerald D. Kleczka.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 8, by Mr. EDWARDS on House Resolution 584: G.K. Butterfield.

Petition 9, by Mr. FROST on House Resolution 696: Dennis J. Kucinich, David Wu, Tim Holden, William J. Jefferson, David R. Obey, Xavier Becerra, Lloyd Doggett, Chaka Fattah, Mike Thompson, Neil Abercrombie, Fortney Pete Stark, Adam Smith, Michael M. Honda, Jay Inslee, Denise L. Majette, G.K. Butterfield, Robert E. (Bud) Cramer, Jr., and Richard E. Neal.

EXTENSIONS OF REMARKS

TRIBUTE TO MIKE BESSLER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HOYER. Mr. Speaker, I rise to pay tribute to Mike Bessler, the Chief Publications Clerk with the Office of Official Reporters under the Clerk of the House.

Mike will be retiring on July 30 after 23 years of service to the House making sure our committee transcripts are accurate, properly bound and delivered on time. I am pleased to have this opportunity to commend one of my constituents for his outstanding service to this institution.

Originally from the Bronx, New York, Mike served a 4-year tour in the Air Force, stationed at Wright Patterson in Ohio and Shemya in the Aleutian Islands.

He was finally discharged from Andrews Air Force Base, and with his wife, Peggy decided to stay in the Washington, D.C. area, where he spent over a decade in the private sector before being hired by the Office of Official Reporters in January 1981. He has served in that office with distinction ever since.

Mike has spent his years working closely with the House committees to ensure their satisfaction with the transcripts. Through his dedicated supervision of the Publications Office, he has been the quintessential dedicated public servant.

Those who worked with him are privileged to have worked with an individual of Mike's level of professionalism.

Mike and Peggy are the proud parents of two daughters, Michelle and Kelly, and doting grandparents of Erica, Ezra and Zoe.

Mike looks forward to spending time with them and enjoying gardening, home projects, and devoting more time to a lifelong fascination with film and movies.

Thank you, Mike, for your many years of dedicated, professional service to the House and the country. Best wishes to you and Peggy in your retirement.

HONORING REV. DAVID JOHNSON AND MRS. TAWANA JOHNSON FOR THEIR WORK WITH THE STUDENTS OF THE BRONX, NEW YORK AND THE TRIP TO THE UNITED NATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise today to commend Reverend David M. Johnson and Mrs. Tawana Johnson for their strong community activism and commitment to today's youth. They have not only instilled pride into each and every child they have worked with, they have destroyed the notion that they are just residents of America's inner-cities, but a valued citizen of the world.

On May 14, 2004, Mrs. Johnson, Founder of Virtuous Women Empower and God's Glory Interfaith Ministries where Rev. Johnson presides, organized and sponsored a trip to the United Nations for 100 of the most outstanding students from I.S. 117 Joseph H. Wade and C.E.S. 70 Max Schoenfeld School in the Bronx, New York. This meeting encouraged minority students that their representation in the international community is needed. This trip has engraved in the minds of these students a new understanding of diversity.

The students left a lasting impact on the United Nations with the intellect of their questions, and sincere concern for their community. After their visit the students were encouraged to return and many students were offered internships with the United Nations. Some of the students left striving to become diplomats, ambassadors, and Members of Congress.

Rev. and Mrs. Johnson have instilled a standard of excellence that all students should strive to follow. I share in our young people's dreams of democracy, equal opportunity and success. One day these students will assist in assuring these dreams come true for every citizen. I urge my colleagues to join me in congratulating them for their superior academic achievements, and their desire for social change.

The following Honor Roll students met with United Nations Ambassador Patrick Kennedy on May 14, 2004: Yariza Pimentel, Karina Hernandez, Narda Lopez, Zena Ahmed, Carol Prashad, Patricia Holman, Gisselle Francisco, Jatnna Medina, Jadderin Torres, Yereny Rodriguez, Gisell Acevedo, Jonathan Ruiz, Kamani Gujjar, Donnie Santana, Maite Amador, Eric Mayfield, Pilar Cruz, Eduardo Guerrero, Luiraldy Castillo, Kevin Delarosa, Jose Camacho, Ramon Cabral, Michelle Camarena, Lerubi Lopez, Luis Adames, Eduard Garcia, Betzaida Rodriguez, Denise Garcia, Albania Gonzalez, Edwin Albino, Marla Dominguez, Leonela Paula, Jessica Pena, Myrtle Richards, Kayla Williams, Yennifer Hernandez, Caroline Antigua, Devon Ferrer, Roshawn Ullah, Tasnim Majumder, Elias Rosario, Stephanie Pena, Tataria Burns, Paloma Carty, Erika Rosa, Verenice Gomez, Tatiana Santiago, Angel Cardenas, Jose Aguilar, Omar Liriano, Leandro Pena, Richard Anim, Lisa Maldonado, Steven Diaz, Adalis Martinez, Gaby Perez, Stephany Veras, Claudia Avila, Evelyn Liriano, Marilyn Fernandez, Valeria Salazar, Omaira Tejada, Sebastian Gutierrez, Florangel Monegro, Sylvin Little, and HRU Rameses Amon Ra.

CONGRATULATING THE WRIGHTWOOD NEIGHBORS ASSOCIATION OF CHICAGO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate the Wrightwood Neighbors Association (WNA), and its President Michael Lufrano, on their ongoing commitment to enriching the lives of members of the Wrightwood community, on the occasion of the 21st annual "Taste of Lincoln Avenue."

The Wrightwood neighborhood—part of the Lincoln Park community—is located on Chicago's North side, bounded by Diversey Parkway on the north, Halsted Street on the east, Fullerton Avenue on the south, and Lakewood Avenue on the west.

Since 1962, the work of the WNA has been essential to the ongoing success of the Wrightwood community. The WNA strives to maintain a vibrant urban community for people to live, shop, play, and raise families. The Association has helped Wrightwood preserve its historic and cultural treasures, while also encouraging architectural development to add beauty and rejuvenation to the neighborhood. With this combination, lifelong Wrightwood residents are able to remain, as new generations bring their own flavor to the area.

The vision of the WNA has given Wrightwood the ability to continuously emerge as an area with a strong sense of community, diversity, and heritage. The WNA's committees have enhanced the schools, maintained and improved local parks, and reviewed land development to guarantee the character of the community.

Known as the "Granddaddy of Chicago street festivals," the "Taste of Lincoln Avenue" provides Wrightwood neighbors the opportunity to enjoy the summer and spend time with friends. With food, craft vendors, live music, and other entertainment, it is an occasion for Chicagoans to sample the diversity of this great neighborhood.

Since its beginnings in 1984, the "The Taste of Lincoln Avenue" has raised over $1 million, and last year alone, over $135,000, in order to improve schools and parks, aid non-profit organizations, and increase the beauty of the community. The WNA's "Taste of Lincoln Avenue" celebrates the history of Wrightwood and ensures the community's continuous improvement in the future.

It goes without saying that the enthusiasm, hard work, and leadership of Michael Lufrano, organization officers Jeff Kwiat, Stacey Hawk, Anne Durkin, and Chris Connors, and the other members of the WNA have brought a secure and lasting vision to Chicago's North side. I thank them for the enthusiasm in making the Wrightwood neighborhood one of the jewels of Chicago.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Illinois, and indeed all of Chicago, I am privileged to congratulate the Wrightwood Neighbors Association on continuing to enhance the quality of life in Chicago, and wish them tremendous success with the upcoming "Taste of Lincoln Avenue."

MINOR USE AND MINOR SPECIES ANIMAL HEALTH ACT OF 2004

SPEECH OF

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. SHUSTER. Mr. Speaker, I rise today in strong support of S. 741, the Minor Use and Minor Species Animal Health Act. This legislation contains provisions that will better the lives and ease some of the frustrations for the more than 7 million Americans that suffer from food allergies every day.

I have had the unfortunate experience to learn more about the trials and tribulations of food allergen sufferers when one of the members of my staff, Christy Farmer, was diagnosed with Celiac Disease earlier this year. Celiac Disease is an immune-mediated disease that causes damage to the gastrointestinal tract and is triggered by the consumption of gluten. Gluten is the protein part of wheat, rye, barley, oats, and other related grains, which are found in many of the foods that people eat on a day to day basis. The only treatment for Celiac Disease is adherence to a strict life long gluten-free diet. In order to comply with this, individuals must carefully read all food labels—which can often be inaccurate and extremely confusing. Many times, food products may contain a derivative of a known food allergen, however the food label does not make that clear. This can lead to people unknowingly consuming exactly what they have been trying so hard to avoid. This painstaking process of carefully examining every food label and determining the exact ingredient of each product can be extremely frustrating and difficult for individuals.

This legislation will help tremendously in taking some of the guesswork out of reading food labels. Manufacturers in the food industry must now include the commonly accepted names of the eight most common allergens—milk, eggs, fish, crustacea, tree nuts, wheat, peanuts, and soybeans. Food allergen sufferers will now be able to scan food labels with greater ease and many incidents of accidental ingestion can be avoided.

Having a food allergy, especially to something that is found in so many different foods, can add a level of complication to a person's life that can be difficult to imagine. Christy was required to undergo a total lifestyle change due to her gluten sensitivity. Spontaneously stopping at a restaurant for dinner is no longer possible, traveling not knowing in advance what foods will be available is no longer an option, and giving up your favorite foods is not as easy as it sounds.

I am pleased that this legislation will help ease some of the frustrations and make adhering to an allergy-free diet a little easier for the millions of Americans that suffer from food allergies. I strongly urge my colleagues in joining me to support S. 741.

THE ALASKA AIDS ASSISTANCE ASSOCIATION IN ANCHORAGE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. YOUNG of Alaska. Mr. Speaker, last week at the 15th International AIDS Conference in Bangkok, Thailand, the world's attention was drawn to the 38 million people around the world who are living with HIV—nearly a million of whom live in the United States.

Moreover, many HIV positive individuals in the United States face significant hurdles that prevent them from engaging in long-term health care, including unstable financial and housing situations and a lack of trust between patients and health care providers. As a result, approximately 250,000 individuals who are aware of their HIV status are not receiving regular primary medical care; a population the Health Resources and Services Administration defines as the "unmet need" in the domestic epidemic. However, the United States should not and must not consider this lack of HIV health care inevitable because solutions do exist.

With this in mind, I rise today to recognize and share with you work that is being done in my own state of Alaska to successfully bring HIV treatment and care to the people who need it. The Alaska AIDS Assistance Association in Anchorage uses "Inter-Agency Networking" to connect HIV positive Alaskans to a system of integrated health care and support. The activity accomplishes this by providing health care agencies with opportunities to exchange information and share resources, thus increasing the agencies understanding of community needs and enhancing their ability to provide care to more people living with HIV.

Inter-Agency Networking is indebted to a capacity-building initiative called Connecting to Care, which was developed by AIDS Action in collaboration with the Health Resource and Service Administration, Connecting to Care identified the Alaskan AIDS Assistance Association's activity as a "model practice" and disseminated it to more than 10,000 health providers throughout the country as a model intervention that has been successful in connecting HIV positive individuals to care. My hope is that the Connecting to Care initiative will guide other communities in their own development of activities that connect HIV positive individuals with the health care they want and need.

PROTECTING RAILROAD OPERATORS, TRAVELERS, EMPLOYEES, AND COMMUNITIES WITH TRANSPORTATION SECURITY ACT OF 2004

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CUMMINGS. Mr. Speaker, I, along with my colleagues Congressman JAMES OBERSTAR, the Ranking Member of the Transportation and Infrastructure Committee, and Congresswoman CORRINE BROWN, Ranking Democratic Member of the Railroad Subcommittee, are introducing the "Protecting Railroad Operators, Travelers, Employees, and Communities with Transportation Security Act of 2004" (PROTECTS Act).

Since the September 11 terrorist attacks, the government has authorized over $12 billion on aviation security. Railroad and transit agencies were authorized to receive $65 million in security grants in 2003 and $50 million in 2004. Clearly, this disparity in security funding is unacceptable. We cannot afford to put a price tag on safety. We cannot leave our railroads vulnerable to attack. Nearly five times as many people take trains as planes every day. Our bill authorizes nearly $1.3 billion to protect passenger and freight railroads and the communities they serve.

I have grave concerns regarding the vulnerability of our national rail and transit systems. A documented one-third of all terrorist attacks worldwide have targeted railroads and other surface transportations systems. The United States rail network touches every major urban center and hundreds of smaller communities in between. Millions of tons of hazardous materials are shipped yearly across the United States. A large portion of these shipments is transported by rail, sometimes through densely populated areas, increasing the concern that attacks or accidents on these shipments could have severe consequences. Additionally, the 3,000 to 3,300 railroad shipments of spent nuclear fuel from 39 states that the Department of Energy plans to deposit in Yucca Mountain over the next 24 years, highlights the need for stringent rail security to guard against such incidents.

Based on recent numerous rail attacks around the world, terrorists seem to have expressed a proclivity for attacking rail systems. Between 1998 and 2003, there were 181 attacks on trains and related targets such as depots, ticket stations and rail bridges worldwide. Lack of screening and inadequate safeguards in the transportation of explosives, chemical, biological and radiological agents have created major vulnerabilities in our rail transportation system. These vulnerabilities are all largely un-addressed.

The challenge of protecting our railroads is a daunting one. The demands on our system to deliver travelers and freight safely, quickly, and efficiently make our task all the more difficult. However, these goals are achievable. Failure on this mission is not an option.

The PROTECTS Act authorizes over $1 billion to help secure our national rail system against terrorist threats. $500 million is authorized for grants to wholly or partially reimburse

State and local governments, railroad carriers and rail labor for the development and implementation of increased security measures.

The tragic terrorist attack on a commuter train system in Madrid earlier this year was a urgent reminder of our need to implement safety measures to secure our national rail transportation system. Washington's Union Station, and New York's Penn Station, both have very high volumes of pedestrian traffic that include a mix of Amtrak travelers and daily commuters. Inadequate security measures put these travelers at risk. Our bill authorizes $597 million for Amtrak to address fire and safety issues in tunnels in New York, NY, Baltimore, MD, and Washington, DC. In addition, $65 million is authorized for Amtrak system-wide security upgrades.

It is particularly disturbing that the federal government has yet to complete a national, risk-based threat management plan for preventing attacks upon our nation's rail system. The GAO report, "Rail Safety and Security: Some Actions Already Taken to Enhance Rail Security, but Risk-Based Plan Needed," which I, along with my colleagues JIM OBERSTAR, HENRY WAXMAN, and MARTY MEEHAN requested in 2001, concluded that "the adequacy of this industry plan to protect communities and the railroad infrastructure is still unclear since the Transportation Security Administration lacks the framework for systematically evaluating and prioritizing actions needed to ensure the safety and security of the transportation of hazardous materials by rail."

The PROTECTS Act authorizes grants to State and local governments and emergency responders for proper equipment and protective gear for hazardous material incidents. In addition, the act ensures that responders are properly trained and are familiar with the different types of hazardous materials that pass through and are stored in their communities.

A clear comprehensive industry plan is needed to protect communities and rail infrastructure. With 530 rail stations throughout the country—some of those no more than open platforms where passengers can walk freely onto the train—stringent airport-like security measures are not possible. However, the PROTECTS Act will ensure that the necessary steps to address security vulnerabilities on our rail system are implemented and that a comprehensive plan is developed.

The National Commission on Terrorist Attacks Upon the United States (9/11 Commission) in their report that was released today concludes that the United States needs to develop strategies for neglected parts of our transportation security system. Also, the report recommends that we address problems of biometric screening between agencies and governments, including border and transportation systems. Our bill provides funding and authorizations to aid such efforts.

We got an urgent wake up call on September 11, which we answered. The commuter rail station bombing in Madrid was a second wakeup call. The PROTECTS Act is how we will answer that call. We have to do all that we can to secure America and its citizens against terrorists' threats. Why wait for the other shoe to drop, we need to act now to protect rail and rail passengers before we wake up to another tragic terrorist incident.

THE SITUATION ON CYPRUS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. WHITFIELD. Mr. Speaker, I would like to discuss the situation on Cyprus. The best way to commemorate the twin anniversaries of the coup d'etat and the following events in Cyprus 30 years ago in July 1974 is to make sure that they never happen again. This is only possible if the political problem in Cyprus between the Greek and Turkish Cypriots is settled once and for all. This in turn will make Cyprus a bridge of cooperation, rather than conflict, between Greece and Turkey, and a bastion of stability in the eastern Mediterranean.

A historic opportunity was missed just a few months ago when the "Annan Plan" was rejected by the Greek Cypriots by a margin of 3 to 1, while it was accepted by the Turkish Cypriots with a clear majority of 65 percent in separate referenda. The United States, the European Union, Turkey and Greece had given strong support to the Plan as a reasonable compromise.

According to Secretary-General Kofi Annan's recent report to the Security Council regarding the results of the referenda, "the Turkish Cypriot vote has undone any rationale for pressuring and isolating them." Annan also called on U.N. Security Council members to "give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development."

Having demonstrated their conciliatory spirit by letting bygones be bygones, the Turkish Cypriots rightly expect to be reintegrated with the international community in economic, cultural, social and other fields. U.S. and EU assistance to Turkish Cypriots to help them rehabilitate their economy and ease their isolation has been forthcoming but modest. I believe the Turkish Cypriots need and deserve our help in their struggle for justice and a better future.

AN ARTICLE ABOUT MR. PAUL KLEBNIKOV

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SOUDER. Mr. Speaker, when the Soviet Union collapsed in 1991, its fall was heralded as a new era of peace and prosperity, when the victims of communism would learn what it means to live in freedom. The establishment of capitalism in the capital of communism was no less significant. Sadly, the brand of Russian capitalism practiced today is just another form of materialism without moral foundation.

As rivals jockey for a share of the market and the trappings of a high flying Western lifestyle, Russia's amoral brand of the market economy has led to a last man standing mentality where shooting and bombing rivals and critics are nearly as common as balancing the books.

This past week, the Al Capones of Russia's business world claimed yet another victim. Paul Klebnikov, an American and editor of Forbes Magazine in Russia, was shot to death outside his office.

Klebnikov's only crime was reporting on the Russian business world and criticizing what he viewed as the too close relationship between Russia's elite businessmen and the government.

Paul Klebnikov's fearlessness and sense of right and wrong ultimately were his undoing. Had he been more circumspect in his views or less vocal with his criticism, he would probably be alive today. Those who knew Klebnikov, however, would be the first to say that he would not have changed a thing.

He believed in Russia and in Russia's future. He could not simply sweep Russia's problems under the rug. He knew that the only way to move democracy and market capitalism toward a normal existence was to condemn the excessive and corrupt.

Like so many other similar crimes, Paul Klebnikov's assassination has not been solved. Given the current strength of the Russian mafia and rampant corruption in the Russian government, I don't know if his murderers will ever be brought to justice.

I am submitting for the RECORD an article from the Washington Post. In it, Michael Caputo, a friend and colleague of Paul Klebnikov, honors his friend better than I can.

[The Washington Post, July 13, 2004]

SAME OLD RUTHLESS RUSSIA

(By Michael R. Caputo)

American journalist Paul Klebnikov was shot to death outside my office building on Friday. At least it used to be my office. I worked with Klebnikov, Forbes magazine's maverick correspondent, several times in the past 10 years, sometimes in Moscow, sometimes in New York. Our paths crossed often through one of Russia's wildest decades.

Eight years after we first met as he covered Boris Yeltsin's 1996 presidential election, his murder brings clarity: Nothing has changed. Brutal criminals still run amok in Russia, operating with impunity and no fear of prosecution.

Klebnikov had high hopes for Russia and was determined to urge democracy along. He grew up in the United States, cradled in the close-knit Russian American community; his Russian skills were perfect and his devotion to the culture ran deep. He blossomed in journalism just as the communist bloc crumbled, and his unique understanding of "the story" in the region propelled his career.

As we toured the Russian countryside eight years ago, he talked to peasants waiting in line to vote and grilled me with questions, too. Had I run across billionaire Boris Berezovsky in my work with the Yeltsin administration? I hadn't. Klebnikov had recently been scratching the surface of Berezovsky's brazen get-rich-quick schemes. He was convinced there was much more to the oligarch. He was in town to investigate him as well as to cover the elections.

Berezovsky was one of several superwealthy men who had back doors to Yeltsin's Kremlin. His popularity waxed and waned, but as he amassed wealth he gained unparalleled power. Experienced expatriates in Russia shared an essential rule: Don't cross these brutal billionaires, ever, or you're likely to go home in a box.

Klebnikov knew this well. In Russia the mafia kills every day. He knew Paul Tatum, the Oklahoma entrepreneur who ran afoul of Moscow's mafia and was shot dead just a few hundred yards from a hotel he had founded and had fought against Mayor Yuri Luzhkov to control. After Tatum's murder, Hizzoner promised swift justice. We're still waiting.

Tatum had led a loud life in Moscow. Klebnikov told me he knew Tatum's battle with city "authorities" was never a sound strategy for survival. The Tatum murder shook him, but he was determined to go forward with what grew into a series of articles exposing Russian corruption. After all, he was a reporter, not a businessman.

As a journalist, Klebnikov was the real deal. He was based in New York through the 1990s but had more contacts in Moscow than most reporters on the ground full time. During his frequent trips to the region he accomplished more meetings before lunch than many of us could pull off in a week.

Klebnikov listened as intently to the griping of a pensioner as he did to the drone of politicians. He was quick to the point, wasted no time, and drove to the center of his story like a tank. Some thought he was bold, others thought him brash, but everyone was reading.

"Godfather of the Kremlin," his December 1996 Forbes cover story on Berezovsky, threw new light on the doings of Russia's oligarchs. The story grew into Klebnikov's first book, with the same title, published in 2001. The exiled industrialist took the magazine to court in London, and eventually Forbes recanted accusations of violence. Those of us who lived in Moscow during Berezovsky's heyday still believe.

His follow-up stories on Russian industrialists were always fair and thorough, but he didn't make many friends in the country. Soon after Vladimir Putin stepped into the presidency, Klebnikov and I met in New York. I told him he needed to watch his back with so much change afoot. He shrugged and said he was uniquely positioned to get to the heart of corruption in Russia. "Who else is going to do it?" he asked. I had no answer.

When Forbes announced Klebnikov would lead its new Russian publication and relocate to Moscow, I immediately feared for his safety. A few months later he was dead. I think about him, sprawled bleeding on the sidewalk, coughing his final words to a reporter colleague who found him dying.

Russia hasn't changed in the past decade and at this trajectory it won't be truly civilized for generations. Those who killed Klebnikov are killing today, plan to kill tomorrow, and know they'll roam free to kill for years to come. Hellbent on getting rich, they have no boundaries. Raised in a communist world devoid of morals, they have no soul.

There is no valid reason why a nation so tolerant—even complicit—in organized crime should stand on par with world leaders in groups such as the World Trade Organization. Putin must stand as the guarantor of media freedom. And the Bush administration must demand results in this murder investigation and require the assassins and their bosses be detected, arrested, tried and punished to the fullest extent of the law.

Or will it let Paul Klebnikov, like Paul Tatum, be just another footnote in Russia's disingenuous flirtation with world-class rule of law? We're waiting.

ANNIVERSARY OF THE ILLEGAL TURKISH INVASION OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to commemorate the 30th anniversary of the 1974 illegal Turkish invasion of Cyprus.

I have commemorated this day each year since I became a Member of Congress. PSEKA (The International Coordinating Committee "Justice for Cyprus"), The Cyprus Federation of America, SAE (World Council of Hellenes Abroad), and The Federation of Hellenic Societies are all primarily located in the 14th Congressional district of New York, which I am fortunate to represent. These individuals believe that peace will come to Cyprus, and they have been strong advocates against the division of Cyprus and the human rights violations perpetrated by the Turkish army in Cyprus.

While we must remember this black anniversary, we also have reason to celebrate. On May 1, Cyprus became a full-fledged member of the European Union along with nine other countries from Central and Eastern Europe. Cyprus's accession to the EU is a historic achievement. As an EU member, Cyprus will represent European values and policies and, at the same time, will work toward even stronger transatlantic ties with the United States. This has been a long time in coming, and I believe that Cyprus will have much to contribute to the EU.

Although all of us, including the Turkish Cypriots and Greek Cypriots, wanted to see the division of Cyprus end before its accession to the EU, the Annan Plan for a Cyprus settlement was justly voted down by the Greek Cypriots. Prior to the April referenda on the Annan Plan, I and several of my colleagues met with U.N. Secretary General Kofi Annan to express our concerns and our willingness to work with him to move the process forward. I know we are all hopeful that a just resolution can be reached soon to end the division so that both sides will reap the benefits from membership in the EU.

Now is not the time to give up. Earlier this month, my friend and fellow co-chair of the Congressional Caucus on Hellenic Issues, Congressman BILIRAKIS, and I sent letters, along with more than ninety members of the House of Representatives, to President Bush, Secretary of State Powell, and U.N. Secretary General Annan urging them to respect the democratic decision of the people, to remain engaged in efforts to resolve the Cyprus problem, and to work toward a fair and lasting reunification of Cyprus.

A unified Cyprus would promote stability, both politically and economically, to the entire Mediterranean region. The people of Cyprus deserve a unified and democratic country. I remain hopeful that a peaceful settlement will be found so that the division of Cyprus will come to an end.

Thirty years is too long to have a country divided. It is too long to be kept from your home. It is too long to be separated from family.

We have seen many tremendous changes around the world. It is time for the Cypriots to live in peace and security, with full enjoyment of their human rights.

In recognition of the spirit of the people of Cyprus, I ask my colleagues to join me in solemnly commemorating the 30th anniversary of the invasion of Cyprus.

Long Live Freedom. Long Live Cyprus. Long Live Greece.

A TRIBUTE TO SALVATORE AND MYRA RASPA'S SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HOYER. Mr. Speaker, I rise today to recognize Salvatore and Myra Raspa of St. Mary's County, Maryland for their leadership as outstanding educators and service to their community.

In 1961, Sal was employed as a science and chemistry teacher at Great Mills High School. After teaching for seven years, he was appointed Assistant Principal and in 1978 became Principal of Great Mills High School. He later became Supervisor of Instruction for Science and Health with the Department of Curriculum and Instruction, St. Mary's County Public Schools. He was also Supervisor of Transportation and Assistant Superintendent before his retirement from the St. Mary's County Public Schools in 1999 after 38 years of service.

Dr. Raspa was dedicated to his profession and accordingly received numerous awards and commendations such as recognition from the VFW for Outstanding Achievement and Exceptional Leadership in the Community, the Governor's Citation for Outstanding Commitment to Public Education, recognition from the Naval Air Warfare Center and The Maryland Science Center, and the Joint Board of Science and Engineering Education Award as an Outstanding Educator. He also received the Governor's Award for Voluntary Service in Prevention of Drugs and Alcohol as well as the American Legion Award for Contribution to Youth in St. Mary's County and special recognition from Lions Clubs International for Promoting Drug Awareness Programs—Skills for Adolescence.

Myra Raspa began her teaching career as an English and Publications teacher at Leonardtown High School, where she was responsible for publishing two major publications: The History and Culture of the Chesapeake Bay and The Heritage/History of The St. Mary's County Fair. During her 20 years with the St. Mary's County Public Schools, she also received several awards and citations, such as the Citation from the Southern Maryland Legislative Delegation for "Outstanding Educator and for Contribution to Youth", the Governor's Citation for "Excellence in Education", Recognition from Comptroller Louis L. Goldstein for Exemplary Publication, The Heritage, Citation from St. Mary's County Commissioners for "Outstanding Contribution to Students of St. Mary's County", St. Mary's Board of Education Certification of Recognition for “Outstanding Contribution to Student Achievement”, St. Mary's Award to Recognize Talent in Teachers, The St. Mary's Council on Children and Youth “Outstanding Contribution to Youth”, recognition from Dr. David W. Hornbeck, State Superintendent of Schools for “Outstanding Educator”, and National Council of Teachers of English for “Outstanding Publication”, and a Commendation from Senator C. Bernard Fowler, Senator of Maryland, for “Exemplary Contribution to Youth,” and a Commendation from the Environmental Matters Committee for “Excellence in Education.” She is currently an Instructional Resource with the Department of Curriculum and Instruction with a focus on high schools.

Mr. Speaker, dedicated educators like Sal and Myra Raspa are today's hope for a better tomorrow. They are the role models to whom students and others within their workplace and their community look for guidance and support. By pointing students in the right direction, such educators contribute to the future accomplishments of their students.

They have applied this commitment to molding children's future to their own home, as well. Myra and Sal's children are Sal, Jr., Joseph—deceased, Scott, Angela, Victor, and Anthony. Myra Raspa had to undergo a major juggling act between continuing her education and taking her children to Boy Scouts, band practice, football practice, wrestling practice, swimming lessons, and so forth. All the children attended Great Mills High School and were given their diplomas by their father during his tenure as Principal there. All are college graduates and are successful and are contributing to society. Sal and Myra consider their children their major accomplishments.

As busy as Sal and Myra were, they still took the time to find a way to involve the entire family in a tobacco farming business for a number of years when the children were teenagers, even venturing into an experimental curing process which was monitored by the University of Maryland. The Raspas also operated an air conditioning and refrigeration business at one time.

The Raspas have constantly demonstrated their commitment to service through their participation in other civic activities in St. Mary's County. Sal served four terms on the Democratic Central Committee and served as chair for two terms. He belongs to the Lexington Park Lions Club and received the Melvin Jones Award in 2002, which is the highest award given by Lions Club International. He was elected to the St. Mary's County Board of Education in 2002 and currently holds the position of Vice Chairman.

Myra has been active on many county and state committees including the State Department of Education Standards Setting Committee for English; the Maryland Assessment Consortium; the Gifted and Talented Task Force; Integrated Support Team; PreK–12 Intervention Task Force; Project SMART Grant Advisory Committee; MSPAP MEGA–TASK Developer; Content Coordinator for English/Language Arts/Writing MEGA–TASK, Maryland State Department of Education; and TASK-WRITER for High School Assessments, Maryland State Department.

Both Sal and Myra Raspa are still very active in St. Mary's County and continue to advocate for children. They believe in contributing for the betterment of the community. Mr. Speaker, on this day I wish Dr. and Mrs. Raspa well in their future pursuits.

HONORING THE COUNTRIES OF THE CARIBBEAN ON THE OCCASION OF THE 166TH ANNIVERSARY OF THEIR EMANCIPATION FROM SLAVERY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise today in one accord with all the former British colonies in the Caribbean to celebrate the 166th anniversary of Emancipation Day, August 1, 1838.

In doing so, I wish to not simply recount the histories of the islands in the Caribbean, for I could hardly do justice to their diverse and compelling paths to freedom. Instead, I would like to commemorate the great day of Emancipation with a narrative of cunning, resolve, and triumph, a story that in many ways symbolizes the history of all the former British colonies which were granted freedom on that great August day.

Early in the 18th century the British brought a young lady to Jamaica's shores to work as a slave. Like the Caribbean countries themselves, her roots were African. Her name was likely a strong Ashanti one since she hailed from that great African kingdom, but upon arriving she was stripped of her given nomenclature and was known to her fellow slaves simply as “Nanny.”

Slavery persisted in the Caribbean until 1834 and then in the name of “apprenticeship” until 1838, but it did not persist with “Granny Nanny of the Maroons”, as she is known today. Soon after her arrival she displayed the world-renown Caribbean penchant for cutting her own path, and escaped from her master's plantation with her five brothers. Granny Nanny then traveled around the countryside organizing free Africans in the towns of St. James, St. Elizabeth, and Portland. She eventually established Nanny Town and based the community's governance on the Ashanti society.

Like the Caribbean countries, Nanny was small and wiry, but also like these countries, she was singularly focused in her pursuit of self-determination. The vast British military presence on the island launched numerous attacks on Nanny and her comrades, hoping to force them back into slavery, but for nearly two decades Nanny, the acknowledged and greatly respected leader of an army of at least 800 maroons, withstood their aggressions. She placed guards at look-out points, sent spies to live among the slaves in British plantations, and ordered her fighters to dress like trees and bushes, so that when the British entered these human “forests” they would be overwhelmed by Nanny's forces.

In 1737 the British offered Nanny a truce: the maroons would be given land and rights as free men, but only if they promised to help capture and return runaway slaves, assist the Government in putting down revolts, and cease their wars with the British. Their only other alternative would be to continue in their campaign against the massive British military, pitting 800 men against what was, at that time, the strongest army in the world.

Nanny refused their offer.

And still, these Caribbean countries refuse. Thus, I feel that the story of Granny Nanny is in many ways the story of Barbados, Nevis, Bahamas, Antigua, Barbuda, Montserrat, Jamaica, Trinidad and Tobago, Saint Vincent, Grenada, and Saint Lucia.

For centuries, the people of these countries refused to accept British colonialism, stubbornly resisting the British from hideaways in cities, mountains, and forests. In 1838 they were finally freed from slavery's grasp, but they have not become complacent. Although confronted by pressing economic and social issues, they remain defiant, refusing to be defined by their problems and continuing to make important strides to attract investment, maintain good governance, and work for equity across all segments the population.

Today I remember Caribbean Emancipation Day by saluting Granny Nanny of the Maroons, the hero who perhaps most typifies the spirit of these great nations. It is my hope that we in the United States, with our economic policies and diplomatic relations, continue to support the efforts of these Caribbean countries as they move confidently and prosperously into the 21st Century.

HONORING THE KOREAN CHICAGO KOREAN AMERICAN CHAMBER OF COMMERCE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. EMANUEL. Mr. Speaker, it is my privilege today to recognize the contributions of Chicago's Korean American Chamber of Commerce toward preserving the glorious heritage and culture of Chicago's Korean community, on the occasion of its 9th Annual Korean Street Festival.

The Korean Chamber of Commerce continues to be an integral part of the Korean Community in Chicago. As a strong advocate for commercial, financial, and industrial member rights, the Chamber has played an essential role in local Korean American economic and community development. From educating members on renewing and issuing licenses, to aiding small businesses and forming cooperatives for purchasing products, its services have been indispensable to the greater Chicago area.

Among the valued contributions of the Chicago Korean American Chamber of Commerce is their joint effort with the Korean Street Festival Committee for the annual street festival. The Annual Korean Festival on August 14th and 15th will showcase the rich culture and traditions of the Chicago Korean Community, while celebrating the Centennial of Korean immigration.

Since 1996 the Korean Street Festival Committee has planned its celebration to enrich Chicago's summer season. Last year's display of arts, cuisine, music and dance performances, and variety of merchandise, brought over 40,000 local Chicago residents and travelers from around the Midwest region.

The Chicago Korean American Chamber of Commerce has consistently demonstrated its commitment to keeping the Korean heritage alive in Chicago. Their various programs and services all contribute to the success of the organization, and I applaud those who work and volunteer their time to continue this important mission. But, the Korean Street Festival is much more than good food and entertainment. It is a chance to remember and honor all of the hard work and accomplishments made by the Korean Community. It is through this awareness in which younger generations can pass on the traditions and values of Korea.

Mr. Speaker, I am honored on behalf of the Fifth District, and indeed all of Chicago, to call attention to all of the meaningful work occurring at the Chicago Korean American Chamber of Commerce at the time of its 9th Annual Korean Street Festival. I wish them a glorious festival and a thriving future in Chicago.

BILL CALLS FOR REGULATING ACCUTANE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 4598: the Accutane Safety and Risk Management Act.

In an effort to improve the health and safety of patients using a pharmaceutical product that has been linked to several major side effects, I recently joined with my friend and colleague Congressman BART STUPAK of Michigan to introduce this legislation that will establish a comprehensive patient registry for users of the drug Accutane and its generic forms.

Accutane was approved for use in treating severe acne in the early 1980s. Today, more than 1 million prescriptions are approved each year, and not always for the serious cases of acne for which the drug is intended. The Food & Drug Administration states that, "Accutane may cause depression, psychosis, and rarely, suicidal ideation, suicide attempts, and suicide." Additionally, the makers of the drug state that "there is an extremely high risk that a deformed infant can result if pregnancy occurs while taking Accutane in any amount, even for short periods of time."

Four years ago, Congressman STUPAK had to endure the tragic suicide of his teenage son, who was using Accutane at the time of his death.

Despite the fact that the significant and serious side effects linked to Accutane are well known, the Food and Drug Administration has yet to mandate a program to better monitor the use of this drug and to document its effects in patients. Such a registry has been recommended by FDA advisory panels on two separate occasions.

Mr. Speaker, our bill is common sense legislation that will build upon a safety plan first proposed by the makers of this drug themselves. It will still permit doctors to prescribe Accutane, but will also institute several additional patient safety and protection measures and ensure patients and their families know the full risks before beginning treatment.

H.R. 4598 will permit physicians to prescribe Accutane only for "severe, recalcitrant nodular acne" that has been unresponsive to other forms of treatment. Severe acne is the condition for which Accutane was originally approved by the FDA to treat.

For patients with severe acne, Accutane may be the only medication that can successfully treat their affliction. But in far too many cases, Accutane is prescribed in an overly cavalier manner, and patients are being placed at risk to the drug's potential side effects for no medically valid reason. Many teenagers suffer from acne, and doctors and patients need to be cautious and not treat this drug lightly.

The legislation will also register all physicians and pharmacists who prescribe and dispense the drug, and institute an education campaign to ensure these providers are well-informed about the potential risks associated with Accutane. All patients will also be educated and be required to receive similar information before starting treatment with Accutane and throughout the treatment regimen.

Prescriptions will only be written for 30 days and will not be permitted via the telephone, Internet, or mail. Female patients will also have to undergo a monthly pregnancy test before receiving a renewal on their prescription, and all patients will be required to take a monthly blood test.

The makers of the drug and all practitioners who dispense Accutane will also be required to file prompt reports with the Department of Health and Human Services anytime they learn of a negative reaction, including a death, that occurs in a patient while using Accutane.

REMARKS BY CHAIRMAN DORCAS HARDY, VA TASK FORCE ON VOCATIONAL REHABILITATION AND EMPLOYMENT

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BROWN of South Carolina. Mr. Speaker, Honorable Dorcas R. Hardy recently chaired the Vocational Rehabilitation and Employment Task Force of the Department of Veterans Affairs. The Task Force issued its report in March 2004, and furnishes an excellent road map on how VA can place a stronger emphasis on long-term sustained employment for disabled veterans who are vocational rehabilitation participants. I was especially impressed with the section entitled, More Challenges Await: A Final Word from the Task Force Chairman, and commend it to my colleagues as an example of Ms. Hardy's wisdom and foresight:

MORE CHALLENGES AWAIT: A FINAL WORD FROM THE TASK FORCE CHAIRMAN

Addressing the benefit, rehabilitation, and employment needs of persons with disabilities—and especially veterans with service-connected disabilities continues to be difficult, and often controversial. One thing is certain: The Department of Veterans Affairs cannot afford to fail the veteran who has given so much in the service of our Nation in previous wars and now in this age of terrorism.

There is no doubt in my mind that VA's Vocational Rehabilitation and Employment Program can become the best public rehabilitation program in the country, given appropriate resources and leadership. The new comprehensive, integrated 21st Century VR&E Employment-Driven Delivery System, which is proposed by the Task Force, builds on the strengths of the past and provides a continuum of service delivery, from military service to career counseling, appropriate retraining, and education, to employment or transitional independent living services with the ever-present goal of employment. The new system can provide the answer to a disabled veteran's transition to civilian society—a job.

Employment program will necessitate a major shift in attitude and approach. The current reality is that the VR&E program—despite the legislation of 1980—continues to operate as a VA education benefit for disabled veterans. It provides a larger stipend than the GI Bill program, and is accompanied by some counseling, as necessary. The new program, on the other hand, addresses the continuum of "life cycle" needs that a veteran with disabilities experiences, of which education may—or may not—be a necessary part. The focus will be the rehabilitation and employment needs of the 21st century service-connected disabled veteran.

Because the United States is at war, and will likely be in conflict situations for the foreseeable future, there must be a sense of urgency on the part of the entire Department as well as the Vocational Rehabilitation and Employment Service to create this new 21st century service delivery system.

I respectfully suggest that no more reports or discussions are needed, just immediate and concrete actions that are supported by the Administration, the Department, and the Congress. If this vital program, with its potential for becoming the most outstanding vocational rehabilitation system within the federal government, is unable to quickly and effectively serve the 21st Century veteran, then one must consider other options. These options include: (1) contracting the program out with clear and stringent requirements to follow the employment intent of the law, or (2) recognizing that the mandated employment focus of the program is not possible and reintegrating VR&E into the Education Service of the Veterans Benefits Administration, adding an additional stipend for disabled veterans.

Having served in various state and federal governmental positions, including Commissioner of Social Security and Assistant Secretary of Human Development Services, I have worked with numerous social services policies and programs. Cash benefit services, such as the VA Compensation and Pension Service or Social Security provide support through direct payments. These programs require development of automated claims processing methodologies. Direct and personal services are those provided by VR&E or social service agencies. Different skills, personalities, and approaches are needed for each part of the delivery system. VR&E stands as an island in the sea of the Veterans Benefits Administration, a claims processing organization. VR&E is not connected to the claims processing functions, nor do other business lines have any particular appreciation or understanding of its function. Both cash and direct benefits are needed to support the veteran. Development of a seamless, integrated delivery system is the challenge.

Many have suggested that the entire VR&E program should become a part of the Veterans Health Administration, which has more of a hands-on service delivery focus. Just as the Task Force rejected the idea of moving the VR&E Independent Living program to VHA at this time, that same thinking can be applied to moving all of VR&E to VHA. VR&E needs to address its own shortcomings first, wherever it is housed, before participating in another reorganization.

If implemented with commitment and enthusiasm, the Task Force's recommendation to rebuild the VR&E Service can be successful. Building the new service delivery system cannot be done slowly, nor sequentially. It must be driven with clear and focused timeframes; and it must be done believing that each veteran's future depends upon an effective new approach. Leadership and management will be key; timeframes that some may deem un reasonable should become standard; processes must be streamlined and supported by technology; and veterans must recognize that they, too, have an individual responsibility to complete their vocational rehabilitation plan and secure employment in a timely manner.

FUTURE POLICY CONSIDERATIONS

Throughout the discussions and deliberations of the Task Force, several broad policy issues were raised that were not thoroughly addressed, either because they were not directly within the scope of this Task Force's work or, in several cases, they were far more complex than our time permitted. Some issues were just too controversial at this particular point in time, but their "tipping point" will come and thoughtful policymakers and managers should be prepared to consider their breadth, shape, and impact upon VR&E. As the Veterans Benefits Administration proceeds to modernize VR&E, these longer term policy considerations, which cross the business lines of VBA, should be discussed and addressed. Each issue below will arise in the foreseeable future; each issue will have a significant consequence for the successful future of a 21st century VR&E program.

ROLE OF COUNSELING AND TRANSITION ASSISTANCE IN THE VETERANS BENEFITS ADMINISTRATION

Historically, VBA had a focus on personal counseling about requested benefits and services through face-to-face contact with the veteran. Today, the Compensation and Pension Service provides outreach services to veterans through the Veterans Service Centers but the focus is "you are entitled to benefits from the VA and here is the claim to file." This is not counseling in the traditional sense, rather a method to ensure that veterans receive cash benefits to which they are entitled. Since the VR&E Program is the only benefit that is provided face-to-face to the veteran, VR&E, with its professional counseling staff, should provide all outreach services to veterans, regardless of whether or not the veteran is disabled. A veteran with financial or life cycle or any other issues should be able to access counseling services at a VR&E office. Such a policy may necessitate additional resources beyond what is recommended at this time to rebuild the VR&E program.

NEED FOR NEW PROGRAMS

This report highlights the need for clear and comprehensive data about the population that is served by VR&E. Without such data, as well as research, we will not be able to project who the service-connected disabled veterans of the future will be, nor what their needs will be. Questions that should be addressed include:

Will their injuries and disabilities be considerably different than those of recent veterans?

Will the technology used on battlefields or in medical rehabilitation impact more significantly the veteran's future ability to be a productive member of civilian society?

How will medical advances, as projected by the Institute of Medicine or the National Institutes of Health, impact the VR&E program?

The Task Force's analysis of types of disabilities of veterans entering the VR&E program found that the number of veterans determined disabled due to neuropsychiatric illnesses is increasing. The increase in mental conditions is also being seen by other public benefit programs such as Social Security Disability Insurance. It appears that the majority of veterans in the Independent Living program are those with Post-Traumatic Stress Disorder (PTSD). Yet, as this report clearly states, Independent Living status within the VR&E program should not be the sole response to their needs. An assessment of the impact of an increased number of mental health disabilities on the VR&E services should be conducted as soon as possible. The outcome will likely conclude that new programs should be developed jointly with VHA to address the needs of these veterans. Of equal importance will be the development of a methodology that guides how VR&E interacts with VHA to plan for new solutions to disabling conditions.

IMPACT OF AN AGING VETERAN POPULATION ON SERVICES

Every social services delivery policymaker is well aware of the general aging of the population. The question should be raised as to the expected impact of the graying of veterans upon VR&E. Issues such as the aging of the general workforce could mean less discrimination against older veterans in the workplace and therefore more older applicants for VR&E services. As veterans age, many are filing additional claims for disability compensation, and many may initiate or renew their requests for VR&E services. VR&E should be proactive in addressing at least the following questions: Should VR&E accept all disabled veterans regardless of age? Is age a criterion for prioritization of expected services? How should VR&E balance its resources vis-a-vis age of applicant and number of times services have been requested?

IMPACT OF DISABILITY DETERMINATION

The VA disability benefits adjudication system has been the subject of discussion and controversy for many years. Congress recently established, as part of the 2004 Defense Authorization Act, the Veterans' Disability Benefits Commission to study the compensation benefit structure and complete a report in 2005. They are directed to examine the appropriateness of such benefits and the appropriate benefit determination standards, compare veterans' benefits with other public and private sector disability benefits and, perhaps most important, "consult with Institute of Medicine of National Academy of Sciences with respect to medical aspects of contemporary disability compensation policies."

Ideally the Commission's deliberations will provide a framework for many policy decisions related to the VA's disability criteria that will be updated to reflect the current state of science, medicine, technology, and labor market conditions. Such recommendations could be the catalyst that moves veterans' disability policy toward use of scientific advances and incorporates economic and social changes that have already redefined the relationship between impairments and the ability to work within the private sector. Such discussion and modern approaches could significantly impact the workload and processes of VR&E.

For example, currently there are nearly 175,000 veterans with a 60 percent or more disability rating who have applied and receive a determination that they are "Individually Unemployable." The designation of "Individually Unemployable" entitles the veteran to a 100 percent rating with commensurate compensation. Yet the adjudication process never includes the views of a vocational rehabilitation counselor as to whether or not the beneficiary could participate in the labor force or whether a strong vocational rehabilitation or counseling program would be effective in assisting the veteran achieve employment, perhaps using assistive technology or other types of supports. The questions that are raised are: Without input into the IU determination process from a trained rehabilitation expert, should IU veterans or those applying for IU status be served by the VR&E program? How can an individual be officially designated "unemployable" (a label that should be an anathema) and allowed to participate in an employment program at the expense of another veteran who wants and needs a job?

It is recognized that over the years, the Congress and the courts have expanded the scope and complexity of veterans' disability benefits. It is hoped that the Commission will conduct a thorough review of the benefits schedule and challenge the status quo. They might begin by asking how a tender scar, migraine, or mild asthma can be the sole" disability" for which a veteran receives compensation according to a rating schedule and is thereby automatically eligible for VR&E services, in the same manner as a severely-disabled veteran.

THE GI BILL FOR THE FUTURE

The Task Force learned that more than 75 percent of those who enter the VR&E program proceed through a rehabilitation plan that includes a goal of a college degree. Though the data is not clear, one can assume (given the number of discontinued and interrupted participants) that most veterans spend far more than 4 years attaining their degree. Equally important, most of these "students" never exhausted their GI Bill benefits. One assumes that is because the VR&E education benefits are considerably more generous than the current GI Bill. This pattern raises some questions: Does this mean that deficiencies exist in the current GI Bill? Or are veterans with disabilities just looking for the best deal? Should there be changes in the GI Bill that might make it more appealing to veterans with disabilities? What should they be?

In 1998, the then Vocational Rehabilitation and Counseling Program wrote a strategic management document that addressed the reasons that the program desperately needed to change in order to provide effective services to disabled veterans. The reasons for change were:

Inadequate focus on employment,

Customer perceptions and expectations are out-of-step with the program's intent,

Inability to monitor outcomes and provide feedback to the program; Inadequate IT support for the program, Inadequate access for veterans,

Inadequate coalitions with peer organizations and partners, and inefficient business processes.

Despite such introspection, not much has changed. This 2004 Task Force Report not only urges management to rebuild the VR&E program but also provides a clear road map as to how to accomplish the objective. There is no excuse for lack of success.

THE CHARGE

Unfortunately, there are not as many successful social service delivery programs as one would like. Positive outcomes for adults, as measured by an individual's independence and employment, are often difficult to attain. But I believe the mighty band of nearly 1,000 VR&E staff has the resourcefulness and dedication to build a new service delivery system for veterans with service-connected disabilities. With leadership, appropriate resources, a broad and creative approach, and what I term "cheerleading support," they can reinvent themselves, they can get energized, and they can be the best program serving the 21st century rehabilitation and employment program—and just in time for those 21st Century service veteran. VR&E can become the model public sector members returning from Iraq, Afghanistan, or anywhere else in the world where freedom calls.

It has been a privilege to chair this Task Force and present our report.

Dorcas R. Hardy, Chairman, VA Vocational Rehabilitation and Employment Task Force.

THE MEDICAID AND CHIP SAFETY NET PRESERVATION ACT OF 2004

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DINGELL. Mr. Speaker, along with Representatives BROWN, WAXMAN, and CAPPS, I am introducing the "Medicaid and CHIP Safety Net Preservation Act of 2004." This bill seeks to reaffirm the protections in the Medicaid statute for beneficiaries who receive health coverage through Medicaid in a waiver program. The Medicaid program currently covers more than 50 million Americans of all backgrounds, from pregnant women and children, to the working disabled and elderly in nursing homes. Recent actions by the Administration have raised concerns that the core principles of the Medicaid program are being undermined by the inappropriate use of waiver authority by the Secretary of Health and Human Services.

The Administration's Medicaid waiver initiative is an attempt to do behind closed doors what it has been able to do openly in Congress, which is to reduce protections in healthcare for some of our most vulnerable citizens. In less than four years the Bush Administration has eroded the health care safety net for millions of Americans, at a time when the faltering economy has produced record high unemployment and increased the number of Americans who are uninsured for health care.

The "Medicaid and CHIP Safety Net Preservation Act" will ensure transparency and public input in the process for exercising the waiver authority under Section 1115 of the Social Security Act. It also adds protections to ensure that waivers do not erode the core objectives of the Medicaid program and Child Health Insurance Program (CHIP) previously enacted by Congress.

I urge my colleagues to join me in supporting this legislation to assure that some of our most vulnerable citizens will receive higher, not lower, quality health insurance coverage under Medicaid.

AUTHORIZING PARTICIPATION IN CERTAIN RECYCLING PROJECTS

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 19, 2004

Mr. BACA. Mr. Speaker, I rise in strong support of Congressman DREIER's Inland Empire Regional Water Recycling Initiative, H.R. 2991, which will specifically benefit the cities of Ontario and Fontana in my district.

I am an original co-sponsor of the bill and I look forward to seeing its benefits in the Inland Empire in California.

I consider it top priority to improve water quality and increase water quantity in my community. This community has had to juggle: wildfires, huge population growth, drought, and water contamination with perchlorate and other chemicals. For all of these reasons, water recycling and new technology for treatment are critical to this area.

We need to increase and improve the quality of our water supply, and this legislation before us today is a giant step in that direction.

I would like to commend my neighbor, Congressman DREIER, for his leadership in improving water availability in Southern California, as well as in the fight to clean up perchlorate-contaminated groundwater.

I also commend the bipartisan California delegation for bringing forward important legislation that will bring crucial water benefits to our State.

I urge my colleagues to support this initiative that will help "drought-proof" a region that desperately needs it.

HONORING THE PUBLIC SERVICE OF JOYCE CARDELLA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor a woman whose 42 years of public service to the City of Los Angeles serves as an example to us all. On behalf of my esteemed colleagues, I would like to acknowledge this remarkable woman whose reputation for hard work, humility, and effectiveness is well deserved.

Ms. Cardella began her career in 1960 as a senior clerk stenographer for the Los Angeles City Health Department. In 1963, she transferred to the office of 13th District Councilman James Harvey Brown. Four years later, she joined the office of Fowler D. Jones, the first Chief Legislative Analyst for the Los Angeles City Council. Over the next 34 years, Ms. Cardella faithfully served as the Executive Assistant to each succeeding Chief Legislative Analyst.

She has had the opportunity to work with many of the city's leaders, including 4 mayors, 8 City Council presidents, 67 city council members, 4 city administrative officers, and all 7 chief legislative analysts. Ms. Cardella even worked for the city when my father, former Congressman Edward Roybal, started his career in elected office as a Los Angeles City Council Member.

As part of the team of workers that have led Los Angeles, Ms. Cardella played a role in responding to Los Angeles's triumphs and tragedies—working to prepare the city for the 1984 Olympic Games and to rebuild our city after three major earthquakes, two episodes of civil disturbance, and the Baldwin Hills Flood.

Ms. Cardella has meant many things to many people. To her neighborhood, she is a graduate of Benjamin Franklin High School. To others, she is an alumnus of Glendale College, where she received an associate of arts degree. To her family, she is a loved and respected mother and grandmother. To the city that she proudly served, she is the standard to which few can lay claim, but toward which all employees strive. All who know and have worked with Ms. Cardella, know that her loyalty to her office was second only to her loyalty to the citizens of Los Angeles themselves.

Therefore, Mr. Speaker, it is with great pleasure that I take this opportunity to express my thanks, and that of a grateful city, to Joyce Cardella for 42 years of dedication and public service.

RECOGNIZING THE EUFAULA TRIBUNE'S 75TH ANNIVERSARY OF EXEMPLARY COMMUNITY JOURNALISM

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. EVERETT. Mr. Speaker, I rise today to recognize and honor a community newspaper in my congressional district celebrating 75 years in business. The Eufaula Tribune recently marked its anniversary by announcing a new publisher, Jack Smith, who was the associate publisher, editor, and son of long-time publisher and owner, Joel P. Smith, Sr.

For three quarters of a century, The Tribune has consistently educated, challenged, and supported the community of Eufaula with weekly, professional reporting. In an age of mass media and corporate take-over, this family-owned paper has remained a cornerstone of its community and a refreshing splash of local color. In fact, the Tribune has not only garnered a loyal readership, but has netted 14 awards from the Alabama Press Association.

Since 1958, Joel Smith has devoted his time, energy, and verbal craftsmanship to the Tribune. At the same time, he and his wife, Ann, a columnist and reporter for the Tribune, have raised three boys, balancing healthy community life with critical reporting. Joel's 46 years of endurance and commitment to his paper and his hometown are worth commending.

Jack began working for the Tribune at age 10 and is now an experienced and educated writer, editor, and publisher. Succeeding as publisher while raising his own young family in Eufaula, Jack promises continued excellence for the family-oriented community newspaper, saying "my goal is to become the best community newspaper in Alabama."

Mr. Speaker, I have a special appreciation for the contributions and the difficulties of running a newspaper in a small town. I, myself, owned and published a few different community newspapers in Alabama for over 30 years. It is a challenging and rewarding business and one of the noblest callings in public service.

The Eufaula Tribune has kept Eufaula, Alabama a vibrant, thinking, and informed community for 75 years. I salute this outstanding achievement.

HONORING THE 23RD ANNUAL DOMINICAN INDEPENDENCE DAY PARADE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise to recognize and pay tribute to one of New York's oldest celebrations of Dominican culture, Manhattan's Dominican Day Parade.

The annual parade, which once ran through the heart of Washington Heights, has grown to become one of August's most anticipated celebrations of cultural and ethnic pride on New York's Sixth Avenue since the 1980s. The parade not only is a celebration of pride, but also pays homage to the declaration of the Nation's independence on February 27, 1844, when the Dominican Republic established constitutional autonomy. For Dominicans in the United States the commemoration, held in August, is a second Independence Day serving as a cultural holiday.

The Dominican Day Parade has paid tribute to the cultural heritage of the Dominican Republic and the vast contributions the Dominican community has made in the State of New York and in the Nation. Through the parade, the President and the Dominican Day Parade Committee have promoted unity as well as the advancement of Dominicans in New York City. Dominican youth are our hope for the future and we want to encourage them to strive for excellence and advancement through this great celebration.

As in past years, this celebration follows Dominican Heritage Week and the Gran Parada Dominicana in the Bronx. On August 8th, beginning from 36th Street to 59th Street on Sixth Avenue, New Yorkers of all ages will get a chance to learn about some of the ways in which this vibrant community is transforming the Nation.

I invite my colleagues to join me in honoring this celebration and continue to support the great accomplishments made by Dominicans around the Nation and all over the world.

FREEDOM FOR LUIS MILÁN FERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Luis Milán Fernández, a political prisoner in totalitarian Cuba.

Mr. Milán Fernández is a medical doctor by profession. Because of his training in protecting and nurturing human life, he could not tolerate the tyrant's incessant abuse of Cuban people. He understood the human condition and he knew that freedom is infinitely superior to the ills of tyranny and repression. Because of his belief in liberty, he joined the Cuban Medical Association and other groups dedicated to peacefully advocating for freedom for every citizen of Cuba.

In June 2001, Mr. Milán Fernández signed a document called "Manifesto 2001", a document that called for recognition of fundamental freedoms in Cuba. According to Amnesty International, he, along with other medical professionals, staged a 1-day hunger strike to call attention to the medical situation of detainees.

On March 18, 2003, as part of the dictator's condemnable crackdown on peaceful prodemocracy activists, Mr. Milán Fernández was arrested because of his belief in liberty over repression. In a sham trial, he was "sentenced" to 13 years in the inhuman, totalitarian gulag.

Mr. Milán Fernández is languishing in the infernal gulag because he believes in human rights and liberty. He is suffering in abhorrent conditions because he refuses to accept the reality inflicted on the Cuban people by the tyrant. Let us be very clear, the politics of repression and tyranny practiced by the regime in Havana are incompatible with the democratic values of the western hemisphere.

Mr. Speaker, it is a crime against humanity that prodemocracy activists such as Mr. Milán Fernández are locked in totalitarian dungeons because they advocate for freedom and human rights. My colleagues, we must demand the immediate release of Luis Milán Fernández and every prisoner of conscience imprisoned by the nightmare called the Castro regime.

JULY 28TH IS INTERNET SAFETY DAY

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. FOLEY. Mr. Speaker, today, we live in a new age and it is becoming increasingly apparent that our laws must meet the challenge of protecting our children in the face of new threats and new technology.

The Internet is a powerful tool that has brought new opportunities for education, commerce and self-empowerment to millions of Americans. However, it also provides a new medium for pedophiles to reach out to our most vulnerable citizens—America's children.

This has become a growing problem and, in 2002, the Federal Bureau of Investigation (FBI) reported that online child pornography and/or sexual exploitation are the most significant cyber-crimes against children.

I commend the efforts of Court TV and its CEO Henry Schlieff, Al Roker and the production team behind Al Roker Investigates: Katie.com for bringing attention to online sexual predators. Court TV's active role in shedding light on the issue of "Internet deception" will help protect America's children and raise much needed awareness to parents across the country.

As cochairman of the Congressional Missing & Exploited Children's Caucus, I join you in celebrating July 28 as Internet Safety Day in the hopes of bringing stronger awareness to the deceptive crimes against children that are being perpetrated on the Internet.

While we work in Congress to give law enforcement the tools to protect our children like the highly successful national deployment of the AMBER Alert system, the most important weapon of all is showing parents how to keep a watchful eye on the activities of their children; knowing the people who come into contact with their children in their neighborhoods, schools and online; and using plain common sense.

JUNK FAX PREVENTION ACT OF 2004

SPEECH OF

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. GUTKNECHT. Mr. Speaker, I would like to congratulate Mr. UPTON for crafting this legislation in such a way that it protects the rights of consumers, without obstructing legitimate business endeavors.

I bring a unique perspective to this debate. I am a real estate auctioneer by trade. And for those auctioneers, it is common practice to notify people who have bid at previous auctions about upcoming auction sales. This is particularly the case if the person is interested in a certain type of item that will be sold at a subsequent auction.

Let me provide a real world example. A person registers to bid at an auction of 18th century antique furniture. A few months after that auction, another sale is scheduled that includes 18th century antique furniture. It is common practice for auctioneers to notify those individuals again that there is an upcoming auction, and sending such notices by fax is a very cost effective means of doing this.

H.R. 4600, the "Junk Fax Prevention Act of 2004," restores the Federal Communication Commission's (FCC) interpretation of the EBR or "established business relationship" as it existed prior to January 1, 2003. Under that FCC interpretation, incorporated by reference in the bill, the term "established business relationship" means "a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a residential subscriber—and the bill expands that to also include business subscribers—with or without consideration, on the basis of an inquiry, application, purchase or transaction by the residential subscriber regarding products or services offered by such person or entity, which relationship has not been previously terminated by either party."

As such, with respect to the example I referenced above, H.R. 4600 would permit an auctioneer to send a notice of an upcoming auction by fax to a person who had registered for and/or bid at a prior auction run by that auctioneer.

I support this outcome, and I also agree that if a party wishes to stop receiving such notifications they should be allowed to do so. I am pleased that this legislation contains such "opt-out" language.

I support this legislation and believe that such measures which aim to reduce the onslaught of faxes, e-mails, etc., are good policy for consumers. In addition, it is important that the record highlights the unique nature of the auction business and its importance to a variety of industries and especially rural communities.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this incredibly dangerous legislation. I hope my colleagues are not fooled by the title of this bill, "Declaring genocide in Darfur, Sudan." This resolution is no statement of humanitarian concern for what may be happening in a country thousands of miles from the United States. Rather, it could well lead to war against the African country of Sudan. The resolution "urges the Bush Administration to seriously consider multilateral or even unilateral intervention to prevent genocide should the United Nations Security Council fail to act." We must realize the implications of urging the President to commit the United States to intervene in an ongoing civil war in a foreign land thousands of miles away?

Mr. Speaker, this resolution was never marked up in the House International Relations Committee, on which I serve. Therefore, Members of that committee had no opportunity to amend it or express their views before it was sent to the Floor for a vote. Like too many highly controversial bills, it was rushed onto the suspension calendar (by House rules reserved for "non-controversial" legislation) at the last minute. Perhaps there was a concern that if Members had more time to consider the bill they would cringe at the resolution's call for U.S. military action in Sudan—particularly at a time when our military is stretched to the breaking point. The men and women of the United States Armed Forces risk their lives to protect and defend the United States. Can anyone tell me how sending thousands of American soldiers into harm's way in Sudan is by any stretch of the imagination in the U.S. national interest or in keeping with the Constitutional function of this country's military forces? I urge my colleagues in the strongest terms to reject this dangerous resolution.

INTRODUCTION OF "INTELLIGENT VEHICLE HIGHWAY SAFETY ACT OF 2004"

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CRANE. Mr. Speaker, every year, 42,000 deaths occur on our highways. Together with 6 million accidents and 5.2 million injuries, the comprehensive cost to our Nation is more than $400 billion per year. The great cost in human lives these statistics demonstrate is the reason why today I offer bipartisan legislation that will assist in the reduction of these tragedies on our Nation's roadways.

Driver error is cited as the cause of 90 percent of these accidents. The World Health Organization (WHO) identified road traffic deaths as a worldwide public health issue, and dedicated this year's World Health Day theme to road safety.

A variety of technologies that could help drivers to avoid crashes have already been developed. These "intelligent vehicle technologies" help by warning drivers of impending collisions or compensate for other forms of driver error. While these devices are beginning to be deployed on some automobiles and commercial vehicles, this is happening far too slowly.

The Federal Highway Administration's stated goal for highway safety is to achieve of a 20 percent reduction in vehicle-related fatalities and injuries by 2008. Intelligent vehicle technologies represent the single best opportunity to help us achieve that goal. The Federal Government has long invested in traditional methods of improving highway safety, through the construction of safer roads or through encouraging and then mandating the use of seatbelts. No less important is helping to ensure that automobiles and trucks on our roads are equipped with the latest in these safety technologies.

That is why I have introduced the Intelligent Vehicle Highway Safety Act, which will accelerate the adoption of these technologies, not by regulation, but rather by encouraging consumers to purchase safer vehicles through providing incentives. Vehicles equipped with these life-saving technologies have been shown to reduce accidents anywhere from 40 percent to 60 percent.

My legislation would provide an above-the-line deduction on income tax returns for the cost of purchasing intelligent vehicle technology (IVT) equipment in their passenger vehicles. Businesses that purchase heavy trucks equipped with IVT would be allowed to exempt a portion of this equipment's cost from the Federal Excise Tax (FET). The intent of this legislation is to provide a broad based tax incentive to individuals and businesses that purchase vehicles equipped with IVT safety equipment

Intelligent Vehicle Technologies comprise the range of smart products that enhance safety for drivers, including lane departure warnings, roll stability systems, automatic crash notification systems, workload managers and telematics equipment. The relatively small cost to the Treasury for this legislation is an investment that will save thousands of lives each year. Deployment of IVT will have other benefits as well: accident reduction will reduce injuries, limit property damage and mitigate traffic congestion and its accompanying pollution.

To illustrate, let's take a snap shot of how these technologies could impact the every day lives of American motorists across the Nation. In the New York-Northeast New Jersey area, area residents spend on average 422 million hours each year in traffic related delays. Since 1982 the percent of daily travel time spent in congestion increased from 14 percent to 34 percent in 2001 and peak travel in the same time period congestion increased from 28 percent to 69 percent. This increased congestion represents an $8.4 billion annual cost in delay and wasted fuel, specifically—696 million gallons of fuel on New York City area roads and highways. Over 67 percent of this cost is due to delays caused by driving accidents. And the most sobering statistic of all is the 1,458 traffic deaths that occurred on New York City roadways in 2001. Intelligent Vehicle Technology could reduce congestion costs by $2.8 billion each year, reduce wasted fuel by 238 million gallons each year and reduce congestion by 34 percent.

In our Nation's heartland, the statistics also support the need for measures to be taken to reduce accidents on our roadways. The numbers point to the urgent need for a reduction in the costs to the American people's time, money and quality of life. In the Chicago area, residents spend 27 hours each year in traffic-related delays. Since 1982, time spent in congestion increased from 23 percent to 40 percent in 2001 and for the same time period peak travel congestion increased from 46 percent to 81 percent. If you place dollars to this delay, it costs Chicago area residents $4.1 billion each year in delays and wasted fuel—340 million gallons of wasted fuel to be exact. Once again over 56 percent of this cost is due to driving accidents and related delays. Chicago area accidents in 2001 alone tragically ended the lives of 1,418 motorists. It is estimated that IVT technology could reduce Chicagoland's congestion costs by $1.2 billion each year and save 97 million gallons each year. It is further estimated that IVT technology could also translate into a reduction in the time spent by area residents in traffic congestion by 29 percent.

To illustrate that this is a nationwide problem, fewer residents are harder hit by this "epidemic" than those of the Los Angeles, California area. Residents there collectively spend 667 million hours in traffic-related delays. The percent of daily travel spent in congestion has increased from 31 percent in 1981 to 44 percent in 2001, and peak travel time congestion in the same time period increased from 62 percent in 1981 to 88 percent in 2001. This increased congestion costs residents $12.9 billion each year in delays and wasted fuel to the tune of 996 million gallons of fuel, with nearly 55 percent of this cost due to driving accidents. Most alarming is the number of annual fatalities; in 2001 the number of motorists who lost their lives in traffic accidents was 3,753. This is certainly a human tragedy in addition to a significant drain on area commuter time and money.

In the Los Angeles case, research shows that IVT technology could potentially reduce congestion costs by $3.6 billion each year and reduce the number of gallons of fuel wasted in traffic by 279 million gallons. In terms of quality of life, IVT could give back local residents over 28 percent of the daily travel time they currently spend on the roadways of Los Angeles.

The benefits of IVT technology are not limited to our Nation's commuters. Commercial trucks and trailers are responsible for moving nearly 3.5 trillion tons of freight each year. The reliable and timely transport of goods is vital to the health of our Nation's economy. However, accidents involving commercial trucks cost over $24 billion each year in lives lost, medical and emergency services, and property damage. Fatal accidents cost more than any other accidents when heavy trucks are involved, the average cost being $3.54 million per accident for trucks with multiple trailers. Statistically, over the past 10 years, accidents involving large trucks increased by over 15 percent. The deployment of IVT technologies to the trucking industry could also greatly reduce accident rates, cost per accident, and the resulting traffic congestion. Application of these technologies to commercial trucking is a vital part of increasing our nation's roadway safety and ensuring the cost effective and timely transportation of goods throughout the United States.

America leads the world in the development of IVT technology, which comes as no surprise. However, what is surprising is that Europe and Japan lead in deployment of these technologies. It is clear from the statistics above that accidents, congestion, and related loss of life are nationwide problems that need to be addressed by the deployment of these life saving technologies here at home. The goal of my legislation is to jump start the deployment of these safety technologies so that associated benefits become more universally experienced through its widespread use here in the U.S. It is intended to encourage consumers at all income levels to purchase IVT equipped vehicles.

As we continue to consider various legislation this year, I believe it is also important to look at additional innovative ways to address the unacceptable levels of highway deaths and injuries. The Intelligent Vehicle Highway Safety Act will promote safer vehicles. I look forward to working with my colleagues on both sides of the aisle to enact this important legislation.

PAYING TRIBUTE TO GENERAL RICHARD A. CODY, VICE CHIEF OF STAFF, UNITED STATES ARMY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize and pay tribute to General Richard A. Cody, a true American Patriot, who has dedicated his career to the service and defense of America. On June 24, 2004 General Cody was named the 31st Vice Chief of Staff of the United States Army.

General Cody's impressive military career began upon graduation from the United States Military Academy on June 6, 1972 with his commission as a second lieutenant in the United States Army. General Cody is an Air Assault graduate and Master Aviator with over 5000 hours of flight time. During his thirty-two years of service, General Cody has participated in a variety of command and staff assignments. General Cody served as Commanding General of the 101st Airborne Division, as well as 101st Aviation Regiment during Operation Desert Storm and most recently, he served as Deputy Chief of Staff, United States Army. General Cody has shown brilliant leadership throughout his career having been awarded with decorations such as the Distinguished Service Medal, Defense Superior Service Medal, and the Legion of Merit.

Mr. Speaker, for the last thirty-two years, General Cody has selflessly served the American people, keeping our country safe and free. I cannot think of a better soldier to lead our armed forces as they continue to protect America.

Today, I ask my colleagues to join me in recognizing General Cody's service to America and to offer my best personal regards on his appointment as Vice Chief of Staff of the United States Army.

HONORING PERMEDION FOR ITS THIRTY YEARS OF OUTSTANDING SERVICE TO THE HEALTHCARE COMMUNITY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TIBERI. Mr. Speaker, I rise today to congratulate Permedion for its thirty years of service to the healthcare community. Permedion is a not for profit organization headquartered in Westerville, Ohio whose primary areas of service are healthcare quality measurement and improvement, data analysis and management, and independent medical review. Its employees work nationwide with hospitals, insurance companies, government agencies and other professional groups in order to improve our healthcare system.

Permedion helps reduce healthcare costs by monitoring the utilization and quality of healthcare services and detecting inappropriate use. They also review appeals for medical necessity and are one of the last avenues for enrollees to appeal a decision their health plan makes.

In 1974 a group of physicians founded Permedion with the goal of providing peer review and quality assurance to healthcare agencies across Ohio. Today I am proud to recognize Permedion as one of the nation's leading providers in healthcare quality improvement. Once again, I congratulate Permedion for its thirty years of service and wish them the best for the next thirty.

HONORING THE REPUBLIC OF TRINIDAD AND TOBAGO ON THE OCCASION OF ITS 42ND INDEPENDENCE DAY CELEBRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise today to recognize the Republic of Trinidad and Tobago as it celebrates the 42nd anniversary of its Independence.

Trinidad was settled in the late 1500s by the Spanish, who annihilated the indigenous Arawak and Carib Indian populations on the island. It remained under Spanish rule until the British, enticed by the sugar and cocoa plantations throughout the island, captured it in 1797.

Tobago had a more unsteady development, changing hands over 22 times as the French, Dutch, and British fought over to possess it. Tobago was finally ceded to Great Britain in 1814, and Trinidad and Tobago were incorporated into a single colony in 1888.

Valued for its sugar during the 19th Century, Trinidad became a key oil interest for the British the 20th Century. Oil was discovered in three areas in Trinidad, and oil exports to Britain increased steadily throughout the century, buoyed by the advent of the automobile and the conversion of the British Navy from coal to oil.

In 1941 Britain permitted the United States to establish military bases in Trinidad in exchange for 50 destroyers given to the British government. This began an important period in the country; the G.I.s brought American money and culture to the island, and the Trinidadian people were steadily pulled away from their traditional British loyalties. The Marines also helped construct numerous roads in Trinidad, including the important Northern Coast Road, which is still is functional today.

A nascent movement for independence was born in Trinidad and Tobago in the 1950s, when Eric Williams, a Ph.D. from Howard University, returned to his native country and founded the People's National Movement (PNM). The PNM prevailed in the 1956 national elections, and Dr. Williams became the chief minister of the country from 1956 to 1959, premier from 1959 to 1962, and prime minister from 1962 to 1981. It was Williams who led Trinidad and Tobago into full independence within the Commonwealth in 1962, and he is now considered the father of independent Trinidad and Tobago. Williams died while in office on March 29, 1981.

Trinidad and Tobago joined the United Nations and the Commonwealth immediately after its independence, and in 1967 it became the first Commonwealth country to join the Organization of American States (OAS).

Trinidad and Tobago has enjoyed cordial relations with the United States since independence. U.S. investment in Trinidad and Tobago is nearly two billion dollars, and Trinidad is the leading exporter of liquefied natural gas to the U.S. Trinidad is also active in the U.S.-initiated Summit of the Americas process and fully supports the establishment of the Free Trade Area of the Americas.

Further, many U.S. citizens and permanent residents call Trinidad and Tobago home, and keep strong cultural ties to their country of origin. Nearly 20,000 U.S. citizens visit Trinidad and Tobago for vacation or business every year, and over 2,700 American citizens are residents of the country. Americans celebrate the history and culture of Trinidad and Tobago with annual carnivals held in numerous cities across the U.S., with a major celebration occurring in Brooklyn every Labor Day.

A leading member of the Caribbean Community and Common Market (CARICOM) and the most industrialized nation in the Caribbean, Trinidad and Tobago has become a symbol of what Caribbean countries can achieve if they have the opportunities and wherewithal to become economically successful and socially stable.

As Trinidad and Tobago celebrates the 42nd anniversary of its independence, let us join in honoring the achievements of a country that overcame many obstacles to reach heights of prosperity and stability.

PAYING TRIBUTE TO EMERSON SCHOOL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Emerson School in Grand Junction, Colorado. This school has educated students from Grand Junction for over a century and I am proud to join my colleagues here today before this body of Congress and this nation in recognizing this tremendous institution.

The Emerson School is the oldest building still owned by the in Mesa County Valley School District 51 that is still standing. It was constructed in 1903 during the initial phases of Grand Junction's planning when the town fathers divided the area into quarters and set aside land in each one for a park and a school. Although the school went through some name changes, and is now being used for administration offices, it has for the majority of its existence been reserved for elementary school students.

Mr. Speaker, Emerson School is an institution in Grand Junction that has been used for the important role of educating the youth of Colorado. Their presence in Grand Junction has been a wonderful benefit to the community and the country as these young children go on to future aspirations throughout our great country. I am honored to recognize Emerson School before this body and this nation for their devotion and commitment to education. Congratulations on your celebration of a century of service and thank you for all your hard work and dedication.

HONORING BRANDON J. McDANIEL FOR HIS NAVY AND MARINE CORPS ACHIEVEMENT MEDAL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, I rise today to recognize the honorable actions of Brandon J. McDaniel, for which he was duly awarded the Navy and Marine Corps Achievement Medal.

Corporal McDaniel received the award for superior performance of his duties as an avionics technician, Marine Attack Squadron 231, Detachment Bravo, Marine Aircraft Group 12, 1st Marine Aircraft Wing, U.S. Marine Corps Forces Pacific, on October 22, 2003. The 31st Marine Expeditionary Unit was tasked with providing defensive counter air support to Air Force One and the President of the United States during his October visit to Bali, Indonesia. After an AV–8B was forced to return to the ship due to a generator malfunction, Corporal McDaniel proactively removed key components from another AV–8B and when the disabled aircaft landed, he quickly removed the faulty components and reinstalled serviceable components, enabling the aircraft to be returned to the air within an hour.

His quick thinking and sound decision-making directly contributed to the success of the mission and protection of the President during his Far East tour. Corporal McDaniel's initiative and selfless devotion to duty exhibited the highest standards of the Marine Corps and Navy.

Mr. Speaker, I want to congratulate Corporal Brandon McDaniel on his medal and commend him for his professional achievement and outstanding service to our Nation.

THE INDIAN COUNTRY EDUCATIONAL EMPOWERMENT ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. HERSETH. Mr. Speaker, today I am introducing the Indian Country Educational Empowerment Act of 2004. This Act will facilitate economic growth and development in Indian Country by dramatically increasing the incentives for individuals with advanced degrees to work within and for Indian Country.

I am deeply concerned by the fact that Native Americans continue to rank at the bottom of every indicator of social and economic wellbeing in America. Unemployment continues to average near 50 percent in Indian Country and hovers well over 90 percent on many Reservations. Indian Country continues to have some of the highest rates of poverty, poorest health, highest mortality rates, and lowest levels of educational achievement in the United States.

A unique legal and political relationship exists between the United States and Indian tribes that is reflected in the Constitution, various treaties, Federal statutes, Supreme Court decisions, and executive agreements. This creates a responsibility for the federal government to facilitate and complement tribal governments' efforts to improve the quality of life for Native Americans and encourage economic development in Indian Country. This bill does just that.

Numerous external efforts at economic development in Indian Country have proven unsuccessful. The most successful efforts have been initiated from within native communities themselves. Economic development efforts that empower native communities and give them the tools to make their own decisions should be encouraged and pursued.

I believe that education and economic development go hand-in-hand in Indian Country. Indeed, higher education is a fundamental form of economic development. Yet, an uneducated workforce continues to be a cyclical obstacle to economic growth in Indian Country.

The cycle is vicious. Businesses are often unwilling to locate in to Indian Country because of the lack of an educated workforce and Native American youth see little value in an advanced degree because there are no jobs on the Reservation that would reward one. Those native youth that do obtain a higher education often do not return to their communities because there are no jobs.

Higher education is costly to attain. As college and graduate school costs continue to swell, students are increasingly shouldering high levels of debt to pay for a college education. In fact, thirty-nine percent of student borrowers now graduate with levels of debt that require monthly payments in excess of eight percent of their total monthly incomes.

Loan repayment assistance for higher education graduates choosing to work in Indian Country will help break this cycle of poverty and promote economic development. I urge my colleagues to support this important legislation.

PAYING TRIBUTE TO CAROLINE CRYER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, all too often as I watch the evening news or open the paper, I am bombarded with stories of teens going down the wrong path. Today, I have the pleasure of celebrating a teen from my district, Caroline Cryer, who is excelling as an athlete and a student.

Caroline, who is the captain of the Cherry Creek lacrosse team, has been named All-American for the second-straight year. This past spring the senior was second in the state in assists (43) and points (101) after winning her third state championship in lacrosse. In addition, she was named both the Rocky Mountain News and Denver Post player-of-the-year and the Denver Post/Denver Athletic Club High School Student-Athlete of the Year.

Lacrosse is not the only sport Caroline has shown a talent for; she has excelled in both varsity field hockey and varsity basketball. She won a state championship in 2002 for varsity field hockey.

While participating in these extracurricular activities, Caroline has maintained a 3.76 GPA and graduated with the highest honor roll honors. She has decided to attend Duke University this fall, where she is sure to succeed after taking four college AP tests.

Mr. Speaker, with students like Caroline Cryer in our communities, the next generation promises to do great things. It is my distinct pleasure to honor Caroline here today, and wish her all the best in her future endeavors.

A SPECIAL TRIBUTE TO DAVID UETTERLING ON THE OCCASION OF HIS ELECTION TO STATE COMMANDER OF THE OHIO DISABLED AMERICAN VETERANS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to Mr. David Uetterling of Defiance, Ohio on the occasion of his election as state commander of the Ohio Disabled American Veterans.

David Uetterling has a lifelong record of service to the people of Ohio and the people of America. David entered the United States Army in 1965 and served an 18-month tour of duty in Vietnam. David was injured while serving his country in Vietnam.

A resident of Defiance, Ohio, David has been a life member of the Disabled American Veterans Defiance Chapter 36 since 1982. He served 4 years as commander of the Defiance chapter. David has held various DAV offices at the state level and most recently served as bingo chairman and adjutant/treasurer.

During the 83rd Annual State Convention from June 10–12 in Dublin, Ohio, David Uetterling was unanimously elected state commander of the Ohio Disabled American Veterans, an organization comprised of more than 48,000 veterans. In addition to his service in the DAV, David is a member of the Veterans of Foreign Wars, AMVETS, ELKS, and American Legion.

Mr. Speaker, the service of our disabled veterans is vital to the people of the Fifth Congressional District of Ohio. David Uetterling has effectively displayed leadership to his community through service to the many veterans organizations in which he is involved. His passion to advance the issues that affect veterans most makes him a model citizen of the Fifth District.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to David Uetterling. Our communities benefit greatly through his service. On behalf of the people of the Fifth District of Ohio, I am proud to recognize David Uetterling's great achievement. We wish David and his family all the best as we pay tribute to one of Ohio's finest citizens.

PAYING TRIBUTE TO MARK BURGET

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to Mark Burget of Boulder, Colorado and his hard work to advance the goals of The Nature Conservancy. Recently, Mark announced he would be leaving his position as the Colorado Director of the Nature Conservancy and moving on to The Nature Conservancy Director of the Global Priority Group. As he moves on in his career, I am honored to recognize his accomplishments before this body of Congress and this nation.

Mark spent his childhood in Chester County, Pennsylvania. After receiving his bachelor's degree from Dartmouth College, and his master's in business and Juris Doctoris degree from the University of Virginia, he began his work for the Nature Conservancy in 1992. Soon after, he accepted the appointment as Colorado State Director for the Nature Conservancy. He was Colorado Director for eleven years, where he worked hard to protect 416,000 acres of natural land in Colorado. His new position with the Nature Conservancy will be the Director of the Global Priority Group, where he will work to identify and to act on the most urgent needs for conservation across the globe.

Mr. Speaker, Mike will serve The Nature Conservancy well in his new capacity. He has already done much to protect natural lands in the state of Colorado, and I am confident he will continue to build upon this proud legacy. I congratulate Mike on his new job and wish him all the best in his future endeavors.

TRIBUTE TO U.S. COAST GUARD CUTTER "MACKINAW"

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an extraordinary vessel stationed in my district. For the last 60 years, the U.S. Coast Guard cutter *Mackinaw* and her crew have sailed the northern Great Lakes, keeping these vital waters open and safe. On August 12, past and present crew members of the *Mackinaw* will gather in Cheboygan, Michigan to celebrate the ship they affectionately refer to as "Big Mack" or "Queen of the Seas," and its six decades of service to the State of Michigan and the United States.

In 1941, the United States Congress authorized the construction of a new ice breaker for the Great Lakes. Three years later, on December 20, 1944, the *Mackinaw* was commissioned in Toledo, Ohio and made its maiden voyage to its new home, Cheboygan, Michigan. At 290 feet long, the *Mackinaw* was, and is, the largest and most powerful Coast Guard vessel on the Great Lakes.

Today, there are still men and women in Cheboygan who remember the *Mackinaw*'s arrival in their harbor when thousands gathered on Christmas Eve to welcome the new cutter to their city. Since then, the residents of Cheboygan have taken enormous pride in the *Mackinaw* as the ship and her crew worked to keep shipping lanes open. In its first year of service, the ship opened waterways nearly six weeks ahead of schedule, which allowed vital cargo to reach its destination and kept our nation's war machine running at top capacity.

As the nation shifted to peacetime production, the *Mackinaw* kept up its wartime pace. It continued to break up ice several feet thick every spring to ensure the safe arrival of essential raw materials for the steel and auto industries of Pennsylvania, Ohio, Indiana, and Michigan. The *Mackinaw* has seen the extraordinary expansion of American industry, and made an extraordinary contribution to that expansion.

Mr. Speaker, my most fond memory of the *Mackinaw* is the bitterly cold winter of 1993–1994. During that winter, the *Mackinaw* showed her brute ice-breaking strength time and time again. The *Mackinaw* freed countless vessels from frozen icy impasses. She has rescued stranded boaters, provided safe passage, and even rescued animals in peril.

Staff of the *Mackinaw* so admire the vessel and the Cheboygan community that they gather every five years for a reunion of current and past shipmates.

Mr. Speaker, the *Mackinaw* and her crew have played a role not only in national and international commerce, but also in more local relationships. The crew of the *Mackinaw* has long been an important part of the community in Cheboygan, with members pitching in to fight fires, forming relationships with residents, and many even settling in Cheboygan after their retirement.

As we move closer to 2006 when this historic vessel is decommissioned and replaced with a new cutter *Mackinaw*, Mr. Speaker, I ask the House to join me in paying tribute to the U.S. Coast Guard cutter *Mackinaw* and her crews over the last 60 years. They deserve our deepest gratitude, and I wish them well when they gather next month to celebrate 60 years of fond memories.

PROPOSED AMERICAN HEALTH BENEFITS PROGRAM

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LANGEVIN. Mr. Speaker, I rise today in support of a health care proposal that I am proud to introduce.

For years now, elected officials at all levels of government have struggled to address the nation's health-care crisis, and meet the ever-increasing demand for affordable health care. A significant part of the population lacks access to the most basic health coverage. In 2002, 43.6 million Americans were uninsured—80 percent of whom were members of working families. Closing this gap is one of the greatest domestic challenges our nation faces.

As health-insurance premiums rise each year, businesses face difficult decisions. To maintain the same level of coverage, they must either cover these extra costs or pass them along to employees. Many business owners confront an even starker choice: Decrease benefits or drop coverage altogether.

Those of us in Congress have a responsibility to ensure that no family is forced to go without health coverage. My proposal for meaningful health care reform requires a commitment from the government to act in the best interest of its citizens.

A national template for this type of coverage—one that every Member of Congress is intimately familiar with—already exists: the Federal Employee Health Benefits Program (FEHBP). Through the Office of Personnel Management (OPM), the federal government manages health insurance for more than 8 million federal employees, retirees and dependents. This program, composed of private insurance carriers, is administered by the federal government, which assumes responsibility for approving or disapproving carriers, negotiating benefit and rate changes, and auditing carriers' operations under the law. With incredibly low administrative costs and a below-average annual premium increase, the federal government has been able offer a wide variety of choices and protections to its employees and Members of Congress.

My legislation offers a framework for a system wherein all Americans are offered the opportunity to participate in an FEHBP-style program—called the American Health Benefits Program (AHBP). Under this design, all Americans not eligible for existing federal programs—such as TRICARE, Veterans Health Programs, Indian Health Services, Medicare and Medicaid will be required to participate. The government will provide a defined contribution toward every enrollee's premium and actively manage and regulate the process of informed consumer choice, motivating private insurance companies to produce a favorable combination of efficiency and equity. Plans will compete for enrollees on the basis of benefits as well as efficiency, service and price.

Employers will be relieved of the annual burden of having to negotiate new health care packages for their employees. Thev will continue to play a critical role in the health care system through a flat tax on payroll—which promises to be more stable and consistent than premiums offered to them by insurance companies.

It is time we started offering every American the kind of coverage and oversight that we, as Members of Congress, have come to rely upon. Health care is much more than an issue that polls well with voters. As elected officials, we must take the incremental steps needed to develop a universal health-care system that is affordable, high-quality and well managed.

I firmly believe that health care is a basic inalienable right of every American. If we work together to address this critical issue, I know we can realize this goal.

HONORING LUKE PALDER ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GORDON. Mr. Speaker, I rise today to honor Luke Palder on the completion of his internship. Luke has been a tremendous help to me and my staff while he has interned in my Washington, DC, office this summer.

This is Luke's second summer as an intern for a member of the House of Representatives, which is remarkable when you consider that Luke will begin his senior year of high school this fall.

Luke dedicates himself to excellence, and he commits himself fully to every project he undertakes. His internship in my office has been no exception. He has received the highest praise from constituents who have toured the U.S. Capitol with him. And he has proven himself to be a valuable addition to the office.

Luke treats everyone he meets with kindness and respect. With his dedication and determination, I am sure that he will be successful in every endeavor he pursues. I wish him all the best in the future.

PAYING TRIBUTE TO RAY DOMENICO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise today to honor Ray Domenico of Welby, Colorado. Ray recently passed away from a stomach illness at the age of seventy-four. He will be remembered as the consummate farmer and a true American patriot. It is my privilege to recognize the life and memory of Ray before this body of Congress and this nation.

Ray was born and raised on a farm in Welby, Colorado. Following high school, Ray enlisted in the United States Navy and proudly served our country on a destroyer during the Korean War. After returning from the war, Ray returned to his roots and worked on his family farm. Ray spent many hours out of the day cultivating both fruits and vegetables. He was known for his work ethic, and he instilled the ethic in his children by leading through example.

For Ray, family was the most important part of his life. When he returned home from the Korean War he married Agnes in 1954. Ray and Agnes had known each other for most of their lives, since Agnes grew up on the neighboring farm. The couple raised a large family of thirteen children, with an even larger second generation comprised of thirty-eight grandchildren.

Mr. Speaker, the Welby community will sorely miss Ray Domenico. Throughout the farm community, he will be known for his hard work and dedication to the cultivation of his crops. In this difficult time of bereavement, I wish to express my deepest condolences to his family and friends.

REMEMBERING ROY BURKE "R.B." HEAD, JR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to an outstanding citizen and beloved family man, the late Roy Burke Head, Jr., of Whitesboro, who passed away on April 7 at the age of 92. A stranger to none, he was affectionately known to his friends and family as R.B. or simply "B."

R.B. was a kind and generous man who devoted his life to his family, his community, and his country. He served in the U.S. Army for 5 years and for 50 years worked as a buyer for the wholesale grocery firm, Tyler and Simpson. He retired to pursue his interests of cattle, photography and reading. R.B. also was active in his community, serving as an elder and church treasurer of the First Presbyterian Church. He was a longstanding member of Kiwanis Club—serving for almost 40 years and touting a perfect attendance record until the last few months of his life. He was an avid sports fan, and no distance was too great for him to travel to watch his grandchildren's sporting events.

R.B. also was a devoted family man. He leaves behind his loving wife of 61 years, Lucile Allen Head; his children Judith Anderson Reedy and husband Rick of Frisco, and Sally Burke Light and husband George of Collinsville; seven grandchildren; four great-grandchildren; brother Bill Head and wife Anne of Austin; sister-in-law Mary Ann Allen of Whitesboro and many other family members.

R.B. was a man of honor and integrity who was admired and respected by all those who knew him. He will long be remembered for his leadership, his compassion, and his enthusiasm for life. As we adjourn today, let us do so in memory of this outstanding citizen, Roy Burke Head, Jr.

A BILL TO EXTEND THE AUTHORITY OF THE ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. HERSETH. Mr. Speaker, today I introduce a bill that authorizes a 6-year extension in authority for the Veterans Administration's (VA) Advisory Committee on Former Prisoners of War.

It is estimated that, since the American Revolution, more than 500,000 Americans have been captured and incarcerated as prisoners of war. Since World War I, more than 142,000 Americans—including 83 women—have been captured and interned as POWs. Not included in this figure are nearly 93,000 Americans who were lost in battle and whose whereabouts are unknown. Almost 16,000 POWs are currently in receipt of compensation for service-connected injuries, diseases, or illnesses from the Federal Government.

In 1981, Congress created the Advisory Committee on Former Prisoners of War (Committee). It is comprised of POWs from World War II, the Korean Conflict, Vietnam, and the Gulf War, as well as other individuals who are recognized authorities in such fields as psychiatry, psychology, internal medicine, nutrition, epidemiology, geriatrics, including persons knowledgeable about disabilities prevalent among former POWs, and disabled veterans.

The Committee advises the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for veterans who are former prisoners of war and the needs of such veterans in the areas of service-connected compensation, health care and rehabilitation.

The Committee assesses the needs of former prisoners of war in the area of service-connected compensation, health care, and rehabilitation. It also reviews the VA programs and activities designed to meet such needs. Lastly, it develops such recommendations as it considers appropriate, including recommendations for administrative and legislative action. This committee then prepares biennial reports that are submitted to the Secretary on these issues.

The Committee plays an important role by ensuring that the concerns of America's former prisoners of war are heard and that their needs are met. I am very pleased to introduce this bill today and look forward to working with my colleagues to ensure swift passage of this legislation to allow the Committee to continue its important work.

PAYING TRIBUTE TO KENDAY KAMARA

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, hundreds of students graduate for colleges and universities everyday, on rare occasions there is a student that stands out. I would like to take a moment to recognize one student that has overcome great obstacles to earn his graduate degree and honors. Kenday Kamara was awarded the 2004 Graduate Student of the Year from the University of Phoenix.

Mr. Kamara's life in Sierra Leone was anything but peaceful. As a journalist for the Sierra Leone Digest, Mr. Kamara wrote an editorial appealing for the peaceful resolution to the conflict that was raging in his homeland. Such an act of expression would often go unnoticed here in America; however in Sierra Leone, Mr. Kamara and his family were tormented for this act. He finally received asylum in the United States in 1998, and was later reunited with his family here in 1999.

Mr. Speaker, it is my distinct pleasure to honor Mr. Kamara and his achievements here today, and wish him all the best in her future endeavors.

PAYING TRIBUTE TO MIKE O'NEILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, to place your life in danger for the safety of your fellow citizens is an honorable and noble task, and our police officers do this on a regular basis. Commander Mike O'Neill of the Denver Police Department is one such hero, and after thirty-seven years of dedicated service, he recently announced his retirement. I would like to take this opportunity to thank him for the important role he has played in protecting the citizens of Colorado before this body of Congress and this nation.

At the point in Mike's youth when it came time to commit to his future and decide his vocation, he decided to become a police officer. The choice was obvious for him considering his father had also served as a police officer. In 1967, Mike joined the Denver Police Department working in the city's second district. During his thirty-seven year career, he has worked in units covering drugs and gangs, shifts covering night and day, and he has held positions as district commander, division chief and head of the police academy.

As he embarks on retirement, he finishes his career in patrolling the same district where he began. After over thirty years with the department, he can take pride in knowing he has carried on his family's proud legacy of commitment to serving others. In his retirement, he and his wife Suzy, another former police officer, can enjoy a more relaxing pace to their lives.

Mr. Speaker, Commander Mike O'Neill has shown tremendous leadership and honor throughout his career with the Denver Police Department. Mike consistently exhibited selflessness to put the safety of the people he served first and foremost. It is my pleasure to recognize his career before this body of Congress and this nation. I thank him for his hard work and commitment to his fellow citizens and wish him all the best in his future endeavors.

A SPECIAL TRIBUTE TO THE VAN WERT COUNTY HISTORICAL SOCIETY ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to the Van Wert County Historical Society on the occasion of its fiftieth anniversary.

The Van Wert County Historical Society was born of the desire to preserve the history of a great county within the Fifth Congressional District of Ohio. The idea for a historical society first surfaced during Ohio's sesquicentennial in 1953. From overwhelming requests, members of the Van Wert Sesquicentennial Committee founded the Historical Society in 1954. While the Society was slow to start, a meeting on September 18, 1955, changed the course of history for the group. William Fosnaught, a local attorney and schoolteacher, presented the deed to a mansion which was donated to house the museum.

Since the 1955 donation of a mansion to the Historical Society, the group has expanded its grounds by adding a gazebo, barn, and log house, one-room schoolhouse, Conrail caboose and the annex building. In addition, the Historical Society boasts the only gazebo to be listed on the National Register of Historical Sites.

Mr. Speaker, what makes the Van Wert County Historical Society unique is that the mansion holds artifacts that represent the vast history of Van Wert County.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the Van Wert County Historical Society. Our communities are served well by having these societies to narrate history to future generations. However, it is the generous donations of artifacts and the volunteering of time by the people of Van Wert County which make the Historical Society a success. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

25TH ANNIVERSARY OF SISTER-CITY RELATIONSHIP BETWEEN MARQUETTE, MI AND YOKAICHI, JAPAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STUPAK. Mr. Speaker, on August 13, 1979, the city of Marquette, MI, entered into a sister city relationship with Yokaichi, Shiga Prefecture, Japan. Since then, the relationship has flourished, and I would like to congratulate both cities on their upcoming 25th Anniversary of this sister-city bond.

In his September 12, 1992 remarks to the 102nd Congress, my predecessor, Congressman Robert Davis, praised these sister cities and included an extensive history of that relationship (E2819–2821). I would also like to highlight the history of the Marquette-Yokaichi sister-city program:

On September 12, 1956, President Dwight Eisenhower initiated the Sister City program to build close relationships and cultural understanding between people of different countries. President Eisenhower's theory: these new relationships could be a powerful force in promoting world peace and would help prevent misunderstandings between the governments of those countries.

On November 14, 1968, Michigan Governor George Romney and Shiga Prefecture's Gov. Kinichiro Nozaki initiated a Sister State relationship. This was followed by annual exchanges between these states and the encouragement to establish bonds between their cities.

When the cities of Marquette, Michigan and Yokaichi, Shiga, Japan signed their August 13, 1979 Sister City Agreement, its focus was directed to cultural exchanges with the intent of developing long-term friendships and understanding between the people of these two communities. Several actions have assisted its continued expansion and success:

Annual exchanges of formal delegations and several informal delegations have occurred since 1979.

Each delegate, visitor, student, teacher artist or other representative to his or her sister city is welcomed as a member of an extended family and stays with a host family that may include three generations in its household.

"Sister" agreements were signed between the Rotary Clubs in 1979 and the Chambers of Commerce in 1983 of the two cities.

The two cities have also had many exchanges through their education programs. Northern Michigan University has offered an academic year scholarship to a student from Yokaichi since 1980 and several have returned to receive degrees there. The Japan Center for Michigan Universities, located twenty miles from Yokaichi, has offered scholarships to three Northern Michigan University students each academic year since 1989.

Marquette and Yokaichi school students exchange letters and the schools in each city teach their pupils about their Sister City. Michigan and Shiga initiated annual teacher exchange and government worker exchange programs in the early 1980's. Michigan and Shiga initiated a summer high school student exchange program in the 1990's.

Finally, over 100 Marquette or Yokaichi casual visitors have been welcomed to their sister city. More than 2,500 delegates, host family members, students, teachers, government officials and informal visitors have participated directly in the Marquette-Yokaichi partnership. With each exchange has come the opportunity to plant new seeds of friendship and understanding, many of which have become self-sustaining gardens that are freely shared with others in the community. With each exchange has come the opportunity to become a member of an extended family. And for many, it has become a life-changing experience.

Mr. Speaker, again I applaud the cities of Marquette and Yokaichi for their great success in building this special relationship through their sister-city status. I congratulate them on their 25th anniversary and I wish them continued success for the next twenty-five years.

CONGRATULATING MR. EDWARD J. McELROY ON HIS ELECTION TO THE PRESIDENCY OF THE AMERICAN FEDERATION OF TEACHERS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LANGEVIN. Mr. Speaker, today I rise today to congratulate a longtime champion of public schools, Mr. Edward J. McElroy, on his recent election to the position of President of the American Federation of Teachers (AFT) second-largest teachers' union in the country. His longstanding commitment and leadership on education and the issues faced by working families will be of great value to AFT's 1.3 million members.

A former social studies and English teacher in my hometown of Warwick, R.I., Mr. McElroy earned his bachelor of arts degree from Providence College in Rhode Island. He has also done graduate work at the University of Rhode Island and Rhode Island College. His service in Rhode Island includes time spent as president of the Warwick Teachers Union, the Rhode Island Federation of Teachers and the Rhode Island AFL–CIO. The heart of Mr. McElroy's service has always been fighting for a stronger education system for our children. He has recognized that the best way to give children a chance for a better future and to provide a strong workforce is to provide every child with a strong education.

As president of the Rhode Island Federation of teachers, Mr. McElroy worked with the Rhode Island state legislature on the Michelson Act, which created collective bargaining for teachers in the state. On a national front, he has led efforts to strengthen and uphold financial and accountability requirements at every level of the union. He has been at the forefront of the AFT's initiatives to harness technology to support, inform and mobilize union members. For decades, Ed McElroy has displayed unwavering leadership and commitment to the teachers, paraprofessionals and school-related personnel, local, state and federal employees, higher education faculty and staff, nurses and healthcare professionals, and public schoolchildren of our Nation.

Personally, I have known Mr. McElroy for more than 20 years and have had the pleasure of working with him in his leadership positions, both in Rhode Island and more recently as the Secretary-Treasurer of the AFT. I am confident that he will bring tremendous dedication, professionalism and expertise to the position of President of the American Federation of Teachers.

HONORING WILLIAM POMEROY ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the many contributions William Pomeroy has made while interning in my Washington, D.C., office. Will, a fellow Middle Tennessean, has been a wonderful addition to the office and a great servant to the constituents of Tennessee's Sixth Congressional District.

But Will must return to Knoxville for his sophomore year at the University of Tennessee, where he is a member of the Young Democrats and the Delta Tau Delta fraternity.

During his internship, Will won over the entire staff with his ever-present eagerness and genuine interest in public affairs. He has attended briefings, addressed constituent concerns and served as a friendly and informative tour guide of the U.S. Capitol, providing visitors from Middle Tennessee with a personalized look at a national treasure.

I hope Will has enjoyed his internship as much as my staff and I have enjoyed his presence in the office. I wish him all the best in the future.

PAYING TRIBUTE TO RODNEY DAVIDSON, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to a dedicated volunteer fireman from La Junta, Colorado. Rodney Davidson, Jr. is the recipient of the Volunteer Fireman of the Year award for his position as a role model for future firefighters. Rodney provides an invaluable service to his community and I am honored to recognize his accomplishments before this body of Congress and this nation.

Rodney has spent more than twenty years as a volunteer fireman with the John Fisher Hose Company. When he joined the company in 1984, he was following in the footsteps of his father who currently serves as fire chief and several other family members who served as volunteers. Rodney is the president of the company, an organization that is dedicated to recruiting volunteer fire fighters that dates back to 1883. He is also a certified pyrotechnician and helps with local fireworks displays every year.

Mr. Speaker, Rodney Davidson, Jr. is a dedicated volunteer that risks his own health and safety so that others may live. His work has taken him away from his family and friends on several occasions and he has served as a role model offering leadership and guidance in his community. I am honored to recognize him today before this body and this nation for his devotion and commitment to aiding those in need. He serves as a valuable role model for all fire fighters. Congratulations on your award, Rodney, and I wish you all the best in your future endeavors.

HONORING FEDERAL JUDGE WILLIAM STEGER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, it is a distinct privilege to pay tribute to an outstanding member of the Judiciary and longtime U.S. District Judge for the Eastern District of Texas, Judge William Steger, who recently received the Justinian Award during Law Day festivities in Tyler. Judge Steger has served as a U.S. District Judge in East Texas for more than thirty years, culminating a career dedicated to the highest principles of ethics and justice in the profession of law.

Nominated by President Richard Nixon, Judge Steger began his judgeship on December 29, 1970, in the Eastern District of Texas, presiding in Beaumont and also holding court in Paris, Texarkana, Sherman and Marshall. He moved to the Tyler Federal courthouse, where he currently presides, in September 1978. He assumed Senior Active Status duty as U.S. District Judge on December 31, 1987, and since that time has closed approximately 6,500 cases.

Among his noteworthy rulings, Judge Steger in 1975 ruled that a private hospital, although receiving State and Federal support, was not prohibited from establishing policies denying use of its facilities for elective abortions. In 1980 he presided over one of the first cases applying the Racketeer Influenced and Corrupt Organizations Act, resulting in conviction of numerous county officials for offenses ranging from solicitation of murder to facilitation of gambling activity. Other cases resulted in convictions for illegal narcotics transactions—one of which resulted in the government seizing properties that were later auctioned for over $10,000,000 and deposited in the U.S. Treasury.

A 1950 graduate of Southern Methodist University Law School, Judge Steger engaged in the private practice of law in Longview from 1951 to 1953. In 1953 he was appointed by President Dwight D. Eisenhower as U.S. District Attorney in East Texas and remained in the post until 1959 when he resigned to enter private practice in Tyler. He was a partner in the firm of Wilson, Miller, Spivey and Steger from 1959 to 1970, until his appointment as U.S. District Judge.

From 1952 to 1970 Judge Steger was an active member of the Republican Party of Texas. In 1960 he was the Republican candidate for governor, and in 1962 he was the Republican nominee for U.S. Representative in the Third Congressional District, receiving 48 percent of the vote. He served as State Chairman of the Republican Party of Texas from 1969 to 1970.

Judge Steger was born in 1920 and attended public schools in Dallas. He graduated from Woodrow Wilson High School in 1938 and attended Baylor University from 1938 to 1941, when his pre-law studies were interrupted by World War II. Less than 24 hours after Pearl Harbor was attacked, Judge Steger withdrew from Baylor University and volunteered for service. He enlisted in the U.S. Army Air Corps on January 5, 1942, as cadet and received his Pilot Wings and Commission as 2nd Lieutenant on November 9, 1942. He flew 56 combat missions as a fighter pilot in Tunisia, Sicily and Italy and attained the rank of Captain. After being honorably discharged, he entered SMU Law School in 1948 and received his LLB Degree in 1950.

Judge Steger is married to his wonderful wife of 56 years, Ann Hollandsworth Steger. They had one child, Merritt Reed Steger, who passed away as a young man. Judge and Mrs. Steger have been active members of their community. "Through his efforts, he's made a significant contribution to all aspects of life in Smith County and the State of Texas," said U.S. District Judge T. John Ward in presenting the Justinian Award to Judge Steger.

I also want to commend the Smith County Bar Association, the Smith County Bar Foundation, the Smith County Lawyer's Auxiliary, the Smith County Young Lawyers Association, the Tyler Area Association of Legal Professionals and Tyler Teen Court, Inc., who in conjunction with the American Bar Association, sponsor Law Day each year to honor local attorneys and civic leaders as well as students who participate in Teen Court and an essay and poster contest.

Mr. Speaker, it is a privilege to celebrate the life of this esteemed jurist and outstanding American who answered the call to service in World War II, serving with distinction in that endeavor, then dedicated his life to serving the cause of justice and defending the principles upon which this Nation was founded. I ask my colleagues in the House of Representatives to join me in paying tribute today to U.S. District Judge William Steger and to express our sincere appreciation for his service to his community, the State of Texas, and our Nation.

TRIBAL PARITY ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. HERSETH. Mr. Speaker, I am pleased to introduce today the Tribal Parity Act. This bill would fully compensate the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe in South Dakota for the lands that they lost as a result of the federal government's construction of the massive dams on the main stem of the Missouri River.

The 1944 Flood Control Act cost these tribes much in terms of lost land. It also took an enormous toll on the people of both tribes and their economies. It is critically important that we seek to fully reimburse these tribes for the lands they lost.

The Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe are both constituent bands of the Great Sioux Nation. Both border on the Missouri River in central South Dakota and are connected by the Big Bend Dam.

Congress created a trust fund for the Crow Creek Sioux Tribe in 1996, and a separate trust fund for the Lower Brule Sioux Tribe in 1997. These trust funds sought to compensate the tribes for the value of their land that is now permanently inundated as a result of the construction of the Big Bend Dam. Unfortunately, the formula that the General Accounting Office used to calculate amount of compensation for both tribes was substantially different than the formulas that it has used to calculate damages for many other similarly situated tribes. The result was unfair and inadequate compensation funds for these tribes.

Parity for these tribes would mean an ability to actively work for the betterment of their communities. It would mean adequate roads and improved community facilities. It would mean better health care and newer schools. It would mean attracting commercial business and improving the local economy. Most importantly, it would mean a real chance for these tribes to provide future generations with the tools that so many of us take for granted.

I would ask all of my distinguished colleagues to support the Tribal Parity Act and work with me to enact legislation that would fairly and appropriately compensate members of the Lower Brule and Crow Creek Sioux Tribes. I ask you to do it because of the tremendous positive difference it would make in the lives of those affected—and because it is clearly the right and fair thing to do.

PAYING TRIBUTE TO FREDA POUNDSTONE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, I rise today to recognize the dedicated and inspiring career of Freda Poundstone. Ms. Poundstone served as the first woman mayor of Greenwood Village, Colorado, and when her time as mayor came to an end, she continued to serve the community as a determined lobbyist for 36 years.

During her career, Ms. Poundstone worked diligently to strengthen her community. Her actions as mayor proved that Ms. Poundstone truly acted to serve the public, and this contributed to her many accomplishments. She faced many challenges, but did not hesitate to speak her mind and fight for what she thought was right. Her successes did not stop after serving as mayor, rather Ms. Poundstone became the first woman contract lobbyist in Colorado and furthered her accomplishments to include advocating successfully for the passage of three Constitutional Amendments.

Public officials who fulfill their duties with passion and allegiance as the former mayor did provide an excellent example of true public service. Ms. Poundstone's retirement from lobbying will not mean the end of her service however, as she intends to remain active.

The contributions Ms. Poundstone has made to the Greenwood Village community have been invaluable, and she has truly helped to strengthen and develop the city into what it is today. I wish to thank her for her dedicated service and wish her the best of luck in her retirement.

TRIBUTE TO THE GRACE UNITED METHODIST CHURCH

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STUPAK. Mr. Speaker, I rise today to congratulate a church in my district that recently celebrated a remarkable milestone. On July 2, the members of the Grace United Methodist Church in Houghton, Michigan celebrated their congregation's 150th anniversary. For the last century and a half, Grace United Methodist Church has been a place of worship, prayer and fellowship for the people of this community in Michigan's Upper Peninsula.

In 1854, the same year that the Village of Houghton was founded, Reverend Lewis W. Earl organized the Portage Lake Class, which would become today's Grace United Methodist Church. Three years later, the small congregation resolved "to build a house of worship in Houghton," and construction began in the spring of 1859. Later that year, the structure, which was still being built, was moved to the corner lot that is the site of the present church, thanks to the generous gift of Mr. William Newcomb.

During the pastorate of Reverend C.V. Thompson from 1888 to 1893, the congregation decided to construct the elegant stone church building that is in use today. In June 1893, the completed church was dedicated with much ceremony. Several of the day's most prominent clergymen came to Houghton to give lectures or sermons as part of the dedication activities, including Reverend Earl Cranston, Reverend Joseph Frazer, Reverend Bishop Ninde, and Reverend A.R. Bartlett.

On the evening of November 24, 1916, tragedy struck as Grace Church was almost completely destroyed by fire. Fortunately, the red sandstone walls remained standing, which also protected the church's beautiful stained glass windows. While the members of Grace Church were understandably upset by this turn of events, the other churches of Houghton were quick to offer their assistance. As a result, services were held for several months in the Masonic Temple, and then for 2 years the congregation held joint services with the Presbyterian Church while Grace Church was being rebuilt.

Reconstruction of the church building was delayed by the start of World War I, and the congregation was not able to move back into its own church until 1918, when steps were taken to at least rebuild the basement level. Complete restoration of the church was finally achieved in 1924 when Reverend John E. Lewin worked tirelessly to raise the necessary funds and secure a loan from the Board of Home Missions and Church Extension of the Methodist Episcopal Church.

Mr. Speaker, much has changed in the Grace United Methodist Church's first 150 years. After the church recovered from the 1916 fire, it continued to make improvements and expansions to accommodate its growing congregation. It has also received the guidance and leadership of a number of pastors from its founding by Reverend Earl to the current pastor, Reverend Tom Anderson. But throughout these changes, the members of the Grace United Methodist Church have been true to their faith and to each other.

Mr. Speaker, I ask that the House join me in congratulating the Grace United Methodist Church and its members on their first 150 years as a community of faith, and in wishing them well in their next 150.

PAYING TRIBUTE TO LANDY TAYLOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MCINNIS. Mr. Speaker, I rise today to pay tribute to a kind and caring individual from Montrose, Colorado who is brightening the spirits of American soldiers in Iraq. Landy Taylor is reminding our troops that we support them and their noble mission, and I am proud to join my colleagues here today before this body of Congress and this Nation in recognizing his tremendous generosity and good will.

After receiving an email from Duane Ziegler, the chief of the Montrose Regional Airport fire department who is serving in Iraq with the Colorado National Guard, about the tough battlefront conditions Landy decided to start Operation Sweet Tooth. He figured that candy would help lift the soldiers spirits and so he began to buy cases of candy, elk jerky, and other items and ship them off to the troops. Landy himself, is a former aviation executive and a veteran of the Army and wanted to be able to let our troops know of our Nation's support.

Since the initial shipment of more than seven thousand pieces of candy, Landy, and his wife Marta have shipped hundreds of pounds of candy and over 800 pounds of elk jerky. He often sends care packages daily and sometimes picks up the shipping costs of up to $300 a week out of his own pocket. Most of the candy and snacks that are shipped go to four different military hospitals in Baghdad where they are distributed to patients, soldiers and Iraqi children.

Mr. Speaker, Landy Taylor is a generous individual who is actively involved in lifting the spirits of our American soldiers and demonstrating how much we appreciate their efforts in Iraq. He has inspired other citizens and friends within his community to aid the troops and I am honored to recognize him today before this body and this Nation for his devotion and commitment to our American soldiers. Thank you for your generosity, Landy, and I wish you all the best in your future endeavors.

HONORING HOWARD SNELL FOR HIS SERVICE AND DEDICATION TO OUR COUNTRY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, I am honored today to recognize an outstanding veteran of World War II who dedicated much of his life in service to our country—Howard Snell of Tyler.

Mr. Snell devoted 21 years to service in the U.S. Navy, moving through the ranks from cook to chief sonar technician. During that time, he engaged in 17 World War II battles, including the infamous attack on Pearl Harbor and the monumental showdown at Midway.

Now at the age of 81, Mr. Snell has found himself in the middle of another battle—with cancer. Yet in a display of his trademark determination, Mr. Snell was one of the proud veterans present at the May 29 dedication of the National World War II Memorial in Washington. He postponed his first round of chemotherapy so that he could attend the ceremony, fearing that starting the treatment before his trip would cause him to miss the dedication—and that was simply not an option for this World War II veteran who serves as an official of the national Survivors of Pearl Harbor Association.

Throughout his life, Mr. Snell has upheld the high standards of conduct befitting a soldier and a gentleman. As we adjourn today, it is my privilege to recognize such an outstanding American and veteran—Mr. Howard Snell—and wish him well as he fights another of life's battles.

PAYING TRIBUTE TO SIMON MAGHAKYAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, today, I have the pleasure of celebrating a young person from my district, Simon Hakob Maghakyan, who was elected executive vice president of the Sigma Phi Chapter of Phi Theta Kappa.

Phi Theta Kappa is the international honor society for two-year colleges. Membership is based on academic achievement and members are also provided opportunities for growth and development in scholarship, leadership, fellowship and service.

Simon is attending Arapahoe Community College with a major in general science, with plans to transfer to University of California at Los Angeles. Given his demonstrated dedication to academics and hard work, I have no doubt he will be successful in all of his endeavors.

Mr. Speaker, it is my distinct pleasure to honor Mr. Maghakyan here today, and wish him all the best in his future endeavors.

PAYING TRIBUTE TO INTERNATIONAL DECA COMPETITION WINNERS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, I would like to highlight the accomplishments of three teams of high school students. These teams competed at the 2004 DECA International Career Development Conference held in Nashville, Tennessee, where they placed first in the categories they competed in.

These high school DECA teams have worked throughout the year to prepare for the international competition by preparing projects, competing in preliminary competitions, and expanding their understanding of the business industry.

Hanna Cunnane, Noah Funderburk and Laura Sullivan, from Cherry Creek High School placed in the Hospitality and Recreation Marketing Research competition. Monica Kremer, Charles Fuller and Lauren Blood, also students at Cherry Creek High School placed in Food Marketing Research. The team of Jessica Watts and Jennifer Bracht from Highlands Ranch High School placed in the Travel and Tourism Marketing Management Team Decision Making category.

DECA, the Distributive Education Club of America, was organized in 1946 to bring opportunities in marketing and management closer to students. Since then, the club has grown to have over 180,000 members. The DECA International Career Development Conference is the culmination of the DECA year and brings together thirteen thousand students, advisors and businesspersons for competition and education.

Mr. Speaker, the accomplishments of these students are only the beginning of the contributions they will make in the future. I wish them all the best in their future endeavors.

A SPECIAL TRIBUTE TO KEITH E. HARMAN ON THE OCCASION OF HIS ELECTION AS STATE COMMANDER OF OHIO FOR THE VETERANS OF FOREIGN WARS OF THE UNITED STATES OF AMERICA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding individual from Ohio's Fifth Congressional District. On Saturday, June 26, 2004 Mr. Keith E. Harman, of Delphos, Ohio, was elected and installed as the State Commander of Ohio for the Veterans of Foreign Wars of the United States of America for the 2004–2005 year.

A Vietnam Veteran, Keith Harman served his country with honor and distinction from 1967 to 1969 while attached to A Troop, 2/17th Air Cavalry, 101st Airborne Division as a crew chief and door gunner on a Huey helicopter. Keith's honors include the Vietnam Service Medal with two Bronze Stars, the Vietnam Campaign Medal, the Army Commendation Medal, the Republic of Vietnam Gallantry Cross with Palm Unit Citation Badge and the National Defense Service Medal.

Mr. Speaker, in 1983 Keith began his involvement in the VFW by becoming a Life Member of Post 3035 in Delphos, Ohio and in 1986, Keith was elected Post Commander of 3035. It was in this capacity that he embarked on a career of compassion, always wanting to assist veterans in need. Keith would hold the title of Commander of 3035 for three consecutive years until his election in 1990 to District 2 Commander, where he most recently served as Vice Commander of Ohio. In addition to his VFW duties, Keith has been involved in his fellow veterans' concerns by serving as the Van Wert County Veterans Service Officer for the past thirteen years.

As District 2 Commander, Keith has displayed great leadership by effectively communicating the mission at hand and adapting to the ever-changing world around him. Through his drive and leadership, Keith has worked tirelessly to increase the membership of the VFW, forge solid relationships with Ohio's communities, and advance the issues that affect veterans most.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Mr. Keith Harman. Our communities are well served by having such honorable and giving citizens, like Keith, who care about their well being and stability. We wish Keith and his family all the best as we pay tribute to one of the Fifth District's finest citizens.

TRIBUTE TO THE BETHANY LUTHERAN CHURCH

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STUPAK. Mr. Speaker, I rise today in recognition of a church in my district that has recently passed a remarkable milestone. On July 11, the members of the Bethany Lutheran Church in Isabella, Michigan celebrated their congregation's 100th anniversary. For a century, the Bethany Lutheran Church has been a place of worship, prayer, and fellowship for the people of this small farming community in Michigan's Upper Peninsula.

On July 11, 1904, what was then the Swedish Evangelical Lutheran Church held its first meeting at the home of John Wester in Isabella. This first service was conducted by a seminarian, J.J. Youngren, who used Matthew 5:20–26 for his sermon. Reflecting the heritage of the community, Swedish was the primary language of the congregation for its first twenty years.

On December 26, 1904, the church's first ordained pastor, Reverend K.M. Holmberg, held his first service, using John 1:1–14 as the basis for his sermon. The following spring, the church purchased a half acre of land from one of its members, Mr. Jacob Carlson, where the church building stands to this day. By 1906, the church's Secretary, Mr. Martin Nyquist, was planning for the church building, and construction began on May 31, 1908. The church architect and chief carpenter was Fred Magnuson.

Just over four years later, on July 14, 1912, the congregation attended the first service in the church's new home. Though there have been a number of improvements to the building, the congregation of the Bethany Lutheran Church still meets each Sunday in that original structure.

Mr. Speaker, much has changed in the Bethany Lutheran Church's first century. Always a small congregation, the church's membership has waxed and waned over the years from the original 39 members to the 17 of today. It has also received the guidance and leadership of a number of pastors from Reverend Holmberg to the current pastor, Reverend David Hueter. But throughout these changes, the members of the Bethany Lutheran Church have been true to their faith and to each other.

Mr. Speaker, I ask that the House join me in congratulating the Bethany Lutheran Church and its members on their first 100 years as a community of faith, and in wishing them well in their next 100.

PAYING TRIBUTE TO STEIN ERIKSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to a renowned ski racer from Aspen, Colorado. Stein Erikson has been a great ambassador for the sport of skiing and inspires many Americans and ski enthusiasts around the world. I am privileged to stand before this body of Congress and this Nation to recognize his accomplishments and commitment to the sport of skiing.

Initially Stein moved to Aspen from Norway in 1958 and has been racing and instructing skiers ever since. Stein won a gold and silver medal in the giant slalom, and slalom for the Norwegian ski team in the 1952 Oslo Olympics and several medals from the 1950 and 1954 World Championships. He is best known however for his ski school instruction. He began teaching at Boyne Mountain, Michigan and then moved to Heavenly Valley, California before landing at Aspen Highlands in Snowmass ski school. Recently Stein was inducted into the Colorado Ski and Snowboard Hall of Fame for his many contributions to the sport over the years.

Stein is famous for his execution of an aerial somersault that has since been dubbed the X games of the early days in Aspen ski history. He was the first skier to perform a forward flip or Moby flip that helped to usher in the beginning of freestyle skiing. Stein, who was knighted by the King of Norway in 1997 for his contributions to his home country's favorite sport remains an active fixture in the American skiing scene. Not only did he ski every day last ski season but he can outpace many skiers half his age and his trademark Norwegian sweaters that he made popular fifty years ago continue to warm skiers today.

Mr. Speaker, Stein Erikson is an internationally accomplished skier that has been a great ambassador for his sport and inspired many Americans to chase after their dreams. He has enriched the lives of the members of his Aspen community and I am honored to recognize his achievements before this body of Congress and this nation today. Congratulations on your induction, Stein, and I wish you all the best in your future endeavors.

RESTORING DEMOCRACY TO THE UNITED STATES CONGRESS ACT OF 2004

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. MALONEY. Mr. Speaker, the United States Congress should be a role model for democracies around the world. Instead, with votes that are extended up to three hours to change their outcome to allegations of bribery on the House Floor to the alleged stealing of computer files by a staffer, we are increasingly becoming a model of how not to run a democracy. That is why we am introducing the Restoring Democracy to the United States. This legislation sets forth ten changes that would ensure that the U.S. Congress will continue to be a beacon of democracy.

1. This legislation would limit the time of roll call votes to 17 minutes.

2. It would require conference committees to meet and vote before filing their conference report.

3. It would prohibit germaneness requirements for conference reports from being waived.

4. It would prohibit Members from calling the Capitol Police to have a Member removed from a room.

5. It would prohibit redistricting between censuses.

6. It would prohibit a vote on legislation unless it has been available in a searchable form online for more than 24 hours.

7. It would prohibit bribery on the House Floor.

8. It would prohibit the hacking into Member's computer files.

9. It would prohibit Committees from spending more than $25,000 a year on franked mail.

10. It would guarantee the Minority a minimum of one-third of the overall committee budget.

These ten measure would go a long way to ensure that democracy is upheld in the United States Congress. Unless we enact these safeguards, Members working together in a bipartisan manner will continue to see their work thwarted despite having a majority of Members in favor of their proposals. How many more abuses must there be before we say enough is enough? I urge all Member to support the Restoring Democracy to the U.S. Congress Act of 2004.

REMARKS BY JOHN BROWNE, GROUP CHIEF EXECUTIVE, BEYOND PETROLEUM (BP)

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, I would like to submit the following speech that was delivered by Mr. John Browne, Group Chief Executive of Beyond Petroleum (BP) to the Washington Press Club on March 23, 2004 entitled, "Energy—the Medium Term Outlook."

The level of interest in energy issues and energy security has grown steadily over the last three years. A whole series of events have reminded people both of the importance of secure energy supplies in a modern economy and of the challenges involved in matching available supplies to growing global demand.

Concerns have been expressed—here in the U.S., in Europe and in many other parts of the world. BP is the largest producer of oil and gas here in the U.S., and the second largest private company in our sector in the world. We work in over 100 countries—exploring for, producing, distributing and selling oil and gas in areas ranging from Russia to Angola from Germany to China. So we hear the concerns expressed from many sides.

I want to try and separate the concerns which are real, and which need to be managed—from those which are false, and which need to be discarded before they distract us from the serious agenda. I want in particular to emphasize the point that "self sufficiency" can't be achieved through protectionism. Trade is essential and we have to ensure that trade can thrive. I'll talk about the U.S. position—and I'll try and set that position in its proper context—which is the global energy scene. And I'll focus on facts—because facts should be the basis of good policy.

At one level this is a very simple issue. It is about demand and supply. The demand for energy is driven by demography and economic performance. By the number of people who can afford to buy the energy they need. Today the world's population is estimated at 6.3 bn. That figure grows by almost 10,000 an hour. In ten years time there will be almost another 1 billion people on earth. 7.2 bn by 2015 according to the most authoritative estimates from the U.N. More and more of those people will be able to afford to buy the energy they need. Economic growth continues to extend prosperity to more people every year in China and India and in other emerging economies. The Chinese economy has quadrupled in size over the last twenty years and China is now the 2nd largest single consumer of energy in the world after the U.S.

Today the world will use some 190 million barrels of oil equivalent—that is expressing all the different forms of energy supply—natural gas, coal, nuclear and so on in terms of a common unit of measurement. That energy is used in homes, in industry, in offices, in power stations and in transportation. Technology is gradually making the use of that energy more efficient. The energy intensity of each extra point of GDP growth has fallen over the last thirty years and continues to fall. But the fall is gradual.

The combination of more people and more prosperity will mean that the demand for energy will rise. The most recent estimates of the International Energy Agency suggest that world energy demand will rise by a third to around 240 mbdoe by 2015.

How can that demand be met?

Some place their faith in renewable and alternative forms of energy supply. Power from the wind and the waves. Power from solar panels. We believe those are important sources of future supply. We in BP are investing in research and development work in photovoltaics—the technology which supports solar power—and at various other forms of alternative energy supply. One day one or more of those new sources will provide a significant proportion of global energy demand. But the evidence is that day is still a long time off.

Today all the renewable and alternative forms of energy supply provide just 2.5 per cent of world demand, the bulk of which currently comes from biomass. Solar power provides just 0.001 per cent. Or to put it another way—all the solar power in the world would meet Washington's energy needs for just 6 days per year. Research continues—here in the US and in many other countries. But in every case we are still at the stage of research and experimentation. We believe renewables will provide material supplies of energy in the long term. But the long term could be 20 or 30 or more years away. The estimate from the International Energy Agency is that in 2015 they will provide only 3.3 per cent of total demand.

What sources then will meet the demand?

Some people believe that the key lies in the potential of nuclear power. That is certainly possible. But it seems a remote possibility on the timescale of a decade. Nuclear currently supplies 7 per cent of world energy demand. The first generation of nuclear stations are reaching the end of their natural lives. Last year only 2 new nuclear stations were commissioned and public doubts both about safety and about the uncertain long term costs continue to constrain new investment. In the US, no new stations have been commissioned for over two decades while in Europe the forecasts suggest that on current trends nuclear capacity in Europe will decline rather than increase over the next ten years.

And that leaves hydrocarbons—coal, oil and gas—to meet the balance. The mix will vary from one country to another. China for instance will no doubt continue to use large volumes of coal but in terms of convenience, oil and gas seem set to remain the fuels of choice. In reality, energy security is about the supply of oil and gas to meet demand which could grow, again taking the IEA figures, to around 93 mbd of oil and 64 mbdoe of natural gas by 2015. That would represent a 20 per cent increase in oil demand from today's level and a 45 per cent increase in the consumption of gas.

Can the oil and gas industry meet that demand?

In physical terms the answer is clearly yes. The resources are there. The world holds some 1,000 bn bbl of oil which has been found but not yet produced, and some 5500 tcf of natural gas—also found but not yet produced. At current consumption rates that is 40 years of oil supply and 60 years of gas. In addition the US Geological Service estimates that some 800 bn bbl of oil and 4500 tcf of natural gas are yet to be found. So in terms of physical resources, energy security is within reach.

But I believe there are two fundamental elements of risk which we have to deal with to ensure that security. The first is environmental—the risk that as the evidence of impact of human activity on the world's climate mounts we will be forced to take dramatic and potentially damaging action to avert the danger. That is a risk for the medium and longer term—not for today but we believe that precautionary action now could avert the risk. We believe that it is possible to keep atmospheric concentrations of greenhouse gases below the level at which sustainability is threatened—which on the currently best available scientific evidence is around 500 to 550 parts per million. There are various available paths by which that can be achieved—and there will be no single solution. Different countries can make different contributions to the overall objective and if we can establish a legitimate trusted emissions trading system—linked regionally—I believe we can reduce the risk without imposing a major cost on the economy. The real risk in this area is if we do nothing until it is almost too late. At that point the costs could be much higher.

The other element of risk arises from the fact that supply and demand are not typically co-located. One of the key issues of energy security over the next decade will be the growing trade in both oil and gas which will be necessary to match supply to demand. By 2015 there will be at least four major energy importing regions in the world. Europe, Japan, China and the United States. Europe will be importing around an estimated 80 per cent of its daily needs of both oil and gas. The US rather less—but still more than 65 percent of its oil and around 30 per cent of its gas. By 2015 trade will likely account for almost 70 per cent of world oil demand—some 64 mb/d—and 20 per cent of world gas demand.

Is that trade secure? Can the US and others rely on trade rather than retreating to a policy of self sufficiency with all the costs which that could involve in terms of the environment and competitiveness?

I think the answer to that is also yes, but we can't take anything for granted. Genuine energy security needs sustained, long term engagement and action by both the industry and by Government. The issue of security arises not so much from the growing volume of consumption or the required trade growth but because the resources needed to supply the world's growing demand are concentrated in a relatively limited number of countries.

There are a number of sources of supply to the world market. Let me mention just three. The Caspian, through the Baku to Ceyhan pipeline which is now under construction, is scheduled to be producing and exporting 300,000 barrels per day by the end of 2005. Trinidad is now exporting some 200,000 barrels oil equivalent per day in the form of natural gas and the expansion plans which are now being carried through should double that figure by 2006. Indonesia is likely to be producing 1.5 million barrels per day oil equivalent and exporting 800,000 bdoe of that by the end of this decade. But however important these activities and those in other countries are, the inescapable fact is that even with all those areas developed successfully, the bulk of world traded supplies of both oil and gas for the future will almost certainly come from just three regions. The Middle East, Russia and Africa.

Going back to the estimates published by the IEA—which represent a fair consensus of informed opinion—of the 64 mbd of oil likely to be traded in 2015, well over 80 per cent will come from those three areas. For natural gas the figure is around 50 per cent.

That is the global picture. What about the US?

US energy demand is now 46 mbdoe of which two thirds is provided by oil and natural gas. The forecasts suggest that oil and gas demand will continue to grow so that by 2015 the US will be using around 21 mbd of oil, mainly in transportation and around 13 mbdoe of natural gas. In terms of resources the US remains strong. The US has more domestic supplies than any of the other major importing regions.

Alaska continues to produce just short of 1 million barrels per day and though oil production is declining, technology is progressively expanding the commercial life of Prudhoe Bay. The real strength for the future though lies in the Gulf of Mexico—in the deep water, which is producing 1.5 million barrels per day and which looks set to produce as much as 2.7 mb per day from 2010 onwards.

The gas position is also strong. As well as gas in the lower 48, and in the deep water of the Gulf of Mexico, there are extensive supplies—perhaps as much as 100tcf in Alaska which are ready to be brought to market once the infrastructure is in place. That's a strong position—but the US will still need imports and will still look to the world market to supply the balance of its needs through the next two decades. The forecasts suggest that the US will be importing some 13 mbd of oil and 3 mbdoe/day of natural gas in 2015.

What conclusions can we draw from all that? What do we need to do today to ensure that this country and its trading partners in Europe and Asia and elsewhere enjoy sustainable energy security?

The first conclusion is that these are single global markets. Oil, and increasingly gas are traded internationally. Every area will seek to develop its own resources rationally, but there is a competitive limit to that—set by the cost of development. The cost of self sufficiency for any area would be prohibitive. Trade and open markets have the sustained development of world economy over the last half century and I believe they can and will continue to do so. That applies to energy as much as to any other product. Energy prices will be set by the international market, and prices will affect the economy and the export markets of every country in the world. Energy security can't be achieved in one country. To deny the reality of the global economy would be dangerous and costly.

Secondly, the growth in trade worldwide means that everyone has an interest in the development of the widest possible range of available supplies to limit dependence on any single country. It would be dangerous, economically and strategically, to allow a situation to develop in which the US or any other region was dependent totally or very substantially on countries in the Middle East or any other single producer. At the moment the US imports some 11 mbd of oil. But those imports come from 57 different countries and no one country supplies more than 17 per cent. That is a good position to maintain. And to do so the US has to maintain the open flow of investment—to ensure that the international industry can invest with confidence in exploration and development across a diverse set of countries.

The best estimate of the total investment required to generate the flow of supplies necessary to match demand in 2015 is $2,000 bn. That means that investment by the oil and gas industry will have to be even higher than the $160 bn per annum which has been the average over the last few years. In financial terms I don't doubt that those resources can be found. But each individual investment by each company will be dependent on the climate for investment in the country concerned. That is why we are doing so much to support the principle of transparency—to ensure that the revenues we generate are used wisely in the interests of the long term development of the countries in which we invest. Corruption is an enemy of development, an enemy of business [because it raises costs], and an enemy of energy security.

The third conclusion is that we have to ensure that the necessary resources and infrastructure are built. That applies here to projects such as the Alaskan gas pipeline which could bring 1 million barrels per day oil equivalent to market, and to the development of LNG terminals which can open up channels of imported supply from Trinidad and West Africa. But the same point applies internationally—because infrastructure is necessary to bring resources to market from areas such as the Caspian and Siberia. In all these areas investment now will bring greater security for the future. I want to use this occasion to thank the US Government—under two administrations—for their sustained support for the development of the Baku Tbilisi Ceyhan pipeline. The line which will enhance energy security for the world as a whole could not have been built without that support.

Fourth, we have to continue to develop technology—pushing the edge of what can be done with the resources we have. Extracting more, and using them more efficiently. That ranges from the Deep water, where we and others are now producing from fields in over 7,000 ft of water—two and a half times deeper than was possible ten years ago; to the progressive extension of recovery rates in Alaska; to the sort of work we have underway with our partners in the automobile sector to combine advances in lubricants, in fuels and in engine technology to lift the level of productivity in vehicles.

All those steps are necessary, and many if not most of them will start here in the US—because this is a world technological leader.

So to summarise:

We can't take energy security for granted, and we can't achieve it through protectionism. Demand is rising and the substitutes for oil and gas are a long way off. There is no physical shortage. Technological advances must be deployed both to increase the amount of energy which can be produced and to ensure that it is used with the maximum possible efficiency. Finally, and most importantly, the risks to energy security are political and cannot be resolved by the private sector alone. The private sector has a vital role to play—particularly international companies such as BP. We have to explore and invest in the development of diverse sources of supply and in the infrastructure to bring it to market. But as companies we work within a space defined by public policy decisions. Actions by Governments are crucial in keeping the market open to investment, and ensuring that trade continues to be free and open. Those actions will determine whether those of us in the private sector can make successful long term investments in the development of resources and infrastructure. Diversity of supply is crucial. If we want to avoid undue dependence on just one region such as the Middle East, we have to invest in technology and in trade—raising investment confidence to ensure that supplies and infrastructure are in place to bring oil and gas from areas such as Russia, West Africa and the Caspian. The challenge is to align the medium and long term perspective I have been describing with the inevitably shorter perspective of Government. That has always been the case but the need to achieve that alignment between the actions of the public and the private sector has never been more important than it is today. If we can achieve that alignment I believe we can ensure that secure supplies of energy continue to be available to consumers here in the US and internationally.

PERSONAL EXPLANATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. COLLINS. Mr. Speaker, I was not present for debate on rollcall vote 400, order of the previous question; rollcall vote 401, rule providing for consideration of Military Construction Appropriations (H. Res. 732); rollcall vote 402; recognizing the 35th anniversary of the *Apollo 11* lunar landing (H. Res. 723); rollcall vote 403, to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois (H.R. 4608); rollcall vote 404, conference report for Coast Guard Reauthorization (H.R. 2443); rollcall vote 405, Tax Simplification for America's Job Creation Act (H.R. 4840); and rollcall vote 406, Military Housing Improvement Act (H.R. 4879).

Had I been present, I would have voted "yea" for rollcall votes 400, 401, 402, 403, 404, 405, and 406.

INTRODUCTION OF HIS PRIVATE BILL FOR THE RELIEF OF JUDITH TANJOH AND HER CHILDREN SERGE, MARIE, EMMANUEL AND ROGER TIKUM

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. VAN HOLLEN. Mr. Speaker, today I have introduced a bill for the relief of Judith Tanjoh and her children Serge, Marie, Emmanuel and Roger Tikum.

This family last entered the United States in 1988 in A–2 diplomatic status from the Republic of Cameroon when the now deceased husband of Judith Tanjoh was attached to the Cameroon Embassy. For the next several years the family lived in lawful status in the U.S. through December 31, 1997 when the husband was recalled to the Cameroon because of Judith's political activities against the Cameroon government.

Cameroon has been found by the U.S. State Department's Country Reports on Human Rights Practices to possess a "poor human rights record", continuing to commit "numerous serious abuses". After her husband's recall, Judith decided to file for asylum. However, in turn her application was denied by the INS Asylum Office, the Immigration Judge, the Board of Immigration Appeals, and the U.S. Court of Appeals for the 4th Circuit.

When the Board of Immigration Appeals "affirmed without opinion" the denial of the asylum application by the Immigration Judge on December 17, 2002, it also permitted the family to "voluntarily depart the U.S. . . . within 30 days from the date of this order or any extension beyond that time as may be granted by the district director [of the INS]". Within that 30 day period, Judith's attorneys filed for an extension of the voluntary departure period and a Petition for Review in the U.S. Court of Appeals for the 4th Circuit. Each filing was in accordance with the family's statutory and regulatory rights.

The INS has never responded to the request for extension of the voluntary departure period. The 4th Circuit issued its mandate on November 10, 2003 "enforcing the Board's order of December 17, 2002". Of course, part of that order was permitting the family to voluntarily depart within 30 days.

While these proceedings were pending, INS issued Judith authorization to work and she obtained employment as a certified nursing assistant. Her employer has sponsored her (and her children derivatively) for lawful permanent residence via the Labor Certification process. That application, initially filed prior to April 30, 2001, has been certified by the U.S. Department of Labor and an Immigrant Worker's Visa Classification Petition has been pending with INS since July, 2003.

An INS General Counsel's Memo advises INS Government Attorneys to no longer apply the "exceptional and compelling circumstances" standard to motions to reopen for consideration of adjustment of status to lawful permanent residence for persons who have been in deportation proceedings. The Memo instructs that the INS should join in such a motion (which otherwise could not be filed if more than 3 months have expired since the decision of the Board of Immigration Appeals) if the alien is statutorily eligible and warrants a favorable exercise of discretion. Judith's attorneys have twice requested the INS Chief Counsel's Office in Baltimore to join in such a motion in this case. Since Judith's labor certification was timely filed to allow her to adjust her status to permanent residence, she is statutorily eligible.

The family also clearly warrants a favorable exercise of discretion. Judith has been a hardworking, tax-paying certified nursing assistant for several years as she has worked with INS permission. The children have successfully progressed through our school system for the last 15 years. Roger Tikum graduated college and is now married, employed and living in Wisconsin. Although his wife is a U.S. citizen who has filed a Visa Petition to accord him Immediate Relative status, because he was previously riding on his mother's denied asylum application he faces deportation. Serge won a football scholarship to the University of Massachusetts at Amherst where he is a starting linebacker and an excellent student. Marie is doing well at Montgomery Community College. Emmanuel is a star football player at Bethesda-Chevy Chase High School, where he has also made honor roll.

The Tanjoh/Tikum family are not criminals. They are not terrorists. The children fear being uprooted from their true home in the U.S. and forced to live in a human rights abusive country which they do not know and whose predominant language they do not speak.

Yet, the INS Government Attorneys have coldly rejected each overture for clemency. First, by insisting that the harsher "exceptional and compelling circumstances" standard applies and that these circumstances were neither exceptional nor compelling. Second, by stating that the family was not statutorily eligible for permanent residence because they overstayed the Board of Immigration Appeals' December 17, 2002 Order granting a 30 day voluntary departure period even though the INS has never responded to the extension requests and even though the family timely pursued their Petition for Review rights to the 4th Circuit which only enforced the Board's Order on November 10, 2003.

Therefore, today I have introduced a Private Bill that will enable Judith Tanjoh and the Tikum children to obtain permanent residency. I hope my action today will help bring this heartbreaking story to a close.

TRIBUTE TO ALEWEL'S COUNTRY MEATS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SKELTON. Mr. Speaker, let me take this opportunity to honor Alewel's Country Meats for their contribution in shipping more than 1,000 pounds of beef jerky to provide our Missouri National Guardsmen serving in Iraq a taste of home.

Alewel's Country Meats was started in the year 1932 by Hugo and Emil Alewel of Concordia, Missouri. Originally called Alewel Brothers, the name was later changed to Alewel's Country Meats in 1964. The plant grew to enormous size and in 1974 they expanded to Warrensburg, Missouri. My good friend, Roger Alewel, once ran Alewel's Country Meats, and his able son, Randy, now runs the company.

Alewel's Country Meats is known for their prize winning country hams, bacon, and sausage which are produced from the freshest meat of mid-Missouri. With a legacy of over 70 years, Alewel's Country Meats has become known not only for their quality meats but also for their charitable donations to rural Missouri.

Mr. Speaker, the generous contribution by Alewel's Country Meats is inspirational to all of us. I know the Members of the House will join me in paying tribute to the outstanding commitment to our service members shown by the men and women who work there.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HAYES. Mr. Speaker, I was detained on Thursday, July 15 and Monday, July 19, 2004. Had I been present I would have voted in the following manner: "Yea" on roll No. 385, "nay" on roll No. 386, "yea" on roll No. 387, "nay" on roll No. 388, "nay" on roll No. 389, "nay" on roll No. 390, "yea" on roll No. 391, "yea" on roll No. 392, and "yea" on roll No. 393.

HONORING THE 32ND MILITARY POLICY COMPANY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, it is my privilege to recognize before this House the courageous soldiers of the 32nd Military Police Company, who tomorrow will return home to Wisconsin after spending 16 months fighting for peace and stability in Iraq.

In the face of constant danger, the members of the 32nd helped pave the way for Iraq's steady march toward democracy. Throughout their tour, these brave men and women provided vital security in and around Baghdad, and helped train the new civilian Iraqi police force. Their tireless efforts proved instrumental in helping the new Iraqi government take control of their fledgling democracy, and their sacrifice reminds us all that freedom is not free.

Mr. Speaker, it is my distinct honor to pay tribute to the 32nd Military Police Company. With 23 Purple Hearts awarded, their unit suffered more injuries from hostile action than any Wisconsin National Guard unit since World War II. On behalf of the citizens of Wisconsin's Eighth Congressional District, and a grateful nation, it is my honor to recognize and welcome home these great Americans.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GUTIERREZ. Mr. Speaker, on July 9, 2004, I inadvertently missed rollcall vote 357. I would like the record to show that, had I voted, I would have voted "yea."

TRIBUTE TO MAJOR ROGER B. BROWN (RET.) AND MR. E. PAUL VOORHEES

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. COLLINS. Mr Speaker, I rise today to recognize and congratulate two prominent members of the Columbus, Georgia community, Army Ranger, Major Retired Roger B. Brown and Mr. E. Paul Voorhees for being inducted into the Ranger Hall of Fame on July 8, 2004 at Fort Benning Army Base in Columbus. These two extremely worthy inductees have made endless lists of astonishing contributions and are recognized for this reason. The Ranger Hall of Fame honors and preserves the legacies of America's most extraordinary Rangers and friends of the Army Rangers. They signify selfless sacrifice, professional excellence, and remarkable accomplishment in the defense of the greatest nation in the world and to the highest ideals of service. These gentlemen stand as examples to all professionals.

In addition to Ranger Brown's many accomplishments, he is inducted into the Ranger Hall of Fame for his phenomenal service as an Non-Commissioned Officer NCO and Officer in the modern Rangers. During the Vietnam War, Ranger Brown served three combat tours as an NCO in Ranger Units. He also served numerous tours with the Ranger Department. Ranger Brown served as team leader with both the 173rd Airborne Brigade's Long Reconnaissance Patrol and with the 101st Airborne Division's F/58th Infantry. His exploits are recorded as legend. His teams' accomplishments were those by which others were judged. Ranger Brown served with the F/58th Infantry, those who served with him still admire his leadership qualities of understanding and compassion supported by the highest standards of fitness, discipline, training, and morality. He attended Officer Candidate School where he received a Commission as a 2LT in the Infantry, he retired at the rank of Major. Distinguished as an outstanding Ranger, everyone who served with Ranger Brown had only the highest regard for him. Sergeant Major of the Army Retired, Julian Gates, has stated that "Roger is a great American, a great Ranger, a great soldier leader." For many, Ranger Brown has always followed the Rangers motto and "led the way."

Mr. E. Paul Voorhees, a licensed, ordained minister, is renowned for his selfless sacrifice. Serving the children and the underprivileged, his compassion is celebrated in the Valley Rescue Mission in Columbus, Georgia. In 2003, he traveled at his own expense to Amman, Jordan, and Baghdad, Iraq to visit with and minister to the troops during Operation Iraqi Freedom. He served on the National Staff, Royal Rangers, Assemblies of God, from 1967 to 1985. He has also been a partner-in-education at Stowers Elementary School, Fort Benning. He received a proclamation by the Mayor of Columbus, along with many other community citations, he has earned the Fort Benning's Commander's Award for public service and the St. Maurice Medal. Paul currently serves on the board of directors, National Infantry Association, is a member of the Association of the U.S. Army AUSA, a charter member of the Georgia Sheriffs's Association chaplain's division, and is a chaplain and reserve deputy in Harris County, Georgia.

His store, Ranger Joe's International has grown under his leadership with the worldwide distribution store in Hinesville, Georgia, and two stores in Columbus. Mr. Voorhees was selected as "Small Business Giant, 2003" by the Columbus Chamber of Commerce. Mr. Voorhees is a brilliant example of what U.S. Army Rangers epitomize—excellence in leadership; excellence in performance of duties; and excellence of character.

I congratulate Major Roger B. Brown and Mr. E. Paul Voorhees for their outstanding performances and contributions to the United States Army Rangers. They are a tremendous source of pride and inspiration to all Americans.

INTRODUCTION OF A BILL TO REPLACE THE PROVISIONS OF LAW MAKING REEMPLOYED ANNUITANTS INELIGIBLE FOR PHYSICIANS COMPARABILITY ALLOWANCES AND SPECIAL PAY FOR PHYSICIANS AND DENTISTS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. VAN HOLLEN. Mr. Speaker, today I am introducing a bill to provide rehired annuitant physicians eligibility to receive a Physicians Comparability Allowance (PCA) and Physicians Special Pay (PSP) under Title 38. This bill would aid in the recruitment and retention of qualified physicians to the federal workforce.

The PCA and PSP are both mechanisms by which federal agencies can provide physicians allowances when these agencies are experiencing recruitment and retention problems. Currently, civilian rehired annuitant physicians are prohibited by law from receiving these benefits. However, retired military that join the civilian federal workforce are currently not subject to an exclusion from the PSP and PCA.

We are all aware of the possibilities of a shortage of federal employees due to an aging federal workforce. We must begin now to ensure that we have available pools of talent to replace the current workforce. We must make the Federal Government a viable option for talented and committed Americans. This legislation will provide additional flexibility and authority for attracting and retaining experienced physicians to the federal government.

This issue was brought to my attention by my constituent, Dr. Nancy Scher, who is a Medical Officer in the Division of Oncology Drug Products, Center for Drug Evaluation and Research (CDER) at the Food and Drug Administration (FDA). Dr. Scher is prohibited by law from receiving a PCA or PSP in her current position at the FDA because she is a reemployed civilian annuitant.

Dr. Scher spent 20 years as a part-time physician at the Veterans Affairs Medical Center in Huntington, West Virginia while also employed as a full-time Professor of Medicine at Marshall University. At the VA, Dr. Scher provided a high level of specialty medical care to veterans in a part of the country and at a time when this was a scarce resource. Because of her increasing duties as Chief of Hematology-Oncology at Marshall University, Dr. Scher took an early retirement from the VA with a deceased retirement benefit.

Dr. Scher is devoted to her craft and being denied PCA and PSP will not prevent her from continuing her position at the FDA. However, the law should be changed to make her eligible for these allowances. It would be a shame for the Federal Government not to give highly skilled and experienced physicians like Dr. Scher all the possible advantages available to stay in the federal workforce. The FDA currently pays a PCA and PSP to younger and less experienced physicians. Dr. Scher, as a rehired annuitant is prohibited from receiving these benefits.

Thousands of federal employees over the years have been responsible for breaking new ground in science and medicine. We must continue this tradition by ensuring that the Federal government becomes the employer of choice for scientific and medical talent.

TRIBUTE TO RETIRING COLONEL DONALD R. CURTIS, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that Colonel Donald R. Curtis, Jr. is retiring after a long and distinguished career.

Colonel Curtis' outstanding service to the nation has been marked by meritorious service in increasingly demanding command and staff positions in both the United States and overseas. Throughout his career, Colonel Curtis demonstrated strong, outstanding executive ability, and dedication to the spirit and mission of the United States Army.

Colonel Curtis was commissioned from the United States Military Academy in 1979. He is a graduate of Ohio State University, holding a Master of Science Degree in Civil Engineering. He also graduated from the Engineer Officer Basic and Advanced Courses School, the United States Army Command and General Staff College, and the United States War College. He is a registered Professional Engineer as well.

Colonel Curtis served in command and staff positions over the past twenty-five years. He served as a platoon leader in the 902nd Engineer Company (Assault Float Bridge) at Fort Belvoir, Virginia. He was commander of B Company, 44th Engineer Battalion in the Republic of Korea. Then he did a tour as Assistant Resident Engineer for the Fort Leonard Wood Resident Office, Kansas City District. He served as Battalion Operations Officer, 12th Engineer Battalion, 1st Armored Division at Mannheim, Germany, and served in a joint assignment with the Defense Intelligence Agency. He was the commander of the Walla Walla District from 1996–1998, and then did a tour on the Army Staff. He now is retiring from the Army after having served his last assignment as the District Engineer for the Fort Leonard Wood Resident Office, Kansas City District.

Colonel Curtis's awards and decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal, the Anny Achievement Medal, National Defense Service Medal, Army Service Ribbon, Humanitarian Service Medal, Parachutist Badge, Ranger Tab and the Army Staff Identification Badge.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Colonel Donald R. Curtis, Jr. for his exceptional commitment to the United States Army and the United States of America.

PAYING TRIBUTE TO BILL OTTO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to a remarkable man named Bill Otto who epitomizes the true cowboy in the spirit of the west. He has led an amazing life and I am privileged to stand here before this body of Congress and this nation today to recognize his accomplishments.

Bill comes from a rich western history where he grew up on his father's ranch that had been homesteaded since 1904. His family had been in the ranching business for years and his grandmother used to cook for Teddy Roosevelt and helped bury Calamity Jane. As Bill's brothers and sisters went to school, he trained horses, and by the time Bill was fifteen he was rated as one of the best horse trainers in North Dakota.

Bill gained a reputation for riding the wildest horses as he spent the summers working for the Civilian Conservation Corps. After running the family ranch for a short period at age eighteen, Bill moved to California. He earned his living by grooming horses and working at a boarding stable, and later for a company that owned and rented horses used in the movies. Through a stroke of luck Bill ended up filling in for Jack Conners in a film with Roy Rogers. In 1943, Bill left Hollywood to work at a thoroughbred ranch in Valejo, California where he met his first wife Rella. Bill has spent the remainder of his life working in the Rodeo, training horses, and raising his four kids.

Mr. Speaker, Bill Otto is a talented horse trainer and dedicated family man who brings the heart of the west to life. I am honored to recognize Bill for his great zest for life and his dedication to keeping western traditions alive, and I wish him all the best in his future endeavors.

LIEUTENANT COLONEL EDWARD J. O'NEAL, JR.

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HAYES. Mr. Speaker, I rise today to honor a great American, Lieutenant Colonel Edward J. O'Neal, Jr. of the United States Air Force.

LTC O'Neal was sent to Khobar, Saudi Arabia, to evaluate a maintenance training program of the Royal Saudi Air Force. On May 29, 2004, he had just finished eating breakfast at a coffee shop with a colleague, LTC James Broome III, when a group of terrorists attacked the civilian complex where they dined.

Unarmed and in search of safety, LTC O'Neal and LTC Broome headed toward the roof of a nearby building. On the way, the two soldiers came across four civilian contractors who were doing construction on the third floor of the building. LTC O'Neal and LTC Broome informed the workers of the terrorist attack below and safely escorted the civilians to the roof, where the men barricaded the door with a tool box and rocks. Amid the turmoil and gunfire, LTC O'Neal had the presence of mind to use his cell phone to gather information from other Americans he knew were in the complex and relay it to his operations center in Riyadh, Saudi Arabia The six men remained on the roof, waiting out the attack, for nearly twelve hours with only one water cooler they brought from the third-floor construction site. During that time, the soldiers rationed only one sip of water to each man every hour, in temperatures that reached 120-degrees Fahrenheit.

Once the group on the roof was told the terrorist forces had been isolated in another building of the compound, LTC O'Neal led the group down to the ground floor. At the bottom of the stairs, LTC O'Neal was approaching a steel door that opened up to the street when one remaining terrorist fired a machine gun at him, hitting him four times and also injuring LTC Broome. LTC O'Neal was shot in the left arm, right shoulder, right thigh, and in the torso. Crawling into a space under the stairway, LTC O'Neal remained hidden for 1½ before finally being assisted by a Saudi defense official.

American soldiers like LTC O'Neal put themselves in harm's way on a daily basis to prosecute the Global War on Terrorism and to protect the freedoms and ideals that we as a nation cherish. For his bravery and valor, and for the wounds he received in action on May 29, 2004, Lieutenant Colonel Edward J. O'Neal, Jr. will be awarded the Purple Heart.

It gives me great pride to know that LTC O'Neal will be awarded this meritorious distinction. The Purple Heart is the oldest presently used military decoration in the world, dating back to its first use in the American Revolution. In the summer of 1782, General George Washington was ordered by the Continental Congress to cease granting commissions or advances in rank to soldiers in recognition of outstanding valor and merit. Shortly after, in his General Orders of August 7, 1782, General Washington directed that "whenever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings, over his left breast, the figure of a heart in purple cloth or silk edged with narrow lace or binding." He concluded, "The road to glory in a patriot army and a free country is thus open to all. This order is also to have retrospect to the earliest stages of the war, and to be considered a permanent one."

Specifically a combat decoration, it gives me great pride to know that LTC O'Neal will receive this high honor, the Purple Heart, on August 4, 2004. LTC O'Neal embodies the spirit of those who serve and fight to keep America the greatest light of freedom the world has ever known. I thank LTC O'Neal for his brave service and selfless sacrifice. He is a patriot and a hero. May God bless LTC O'Neal and his family, and may God bless America.

HONORING WISCONSIN STATE TROOPER LES BOLDT

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and privilege to recognize before this House, Wisconsin State Trooper Les Boldt, whose heroic efforts recently saved the life of a woman who tried to take her own life by leaping off a bridge in Green Bay.

After receiving notice from dispatchers that an area resident suffering from depression was potentially suicidal, Trooper Boldt set out to find the woman and check on her welfare. Upon locating her car, a high-speed chase ensued that led the two to the top of the Leo Frigo Memorial Bridge, at which time the woman stepped out of her car and attempted to jump off the 200-foot tall span. Realizing what was about to occur, Boldt ran from his patrol car and caught the woman's arm just after she leaped off the bridge, saving her from almost certain death. After a struggle, Boldt and two other law enforcement officials were able to safely pull the woman back over the edge, giving her a second chance at life.

Mr. Speaker, by selflessly putting his life on the line to save one of his fellow citizens, Trooper Les Boldt showed us all what it means to be truly courageous and heroic. His actions deserve our praise, and on behalf of the residents of Wisconsin's Eighth Congressional District, I say thank you and keep up the great work.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GUTIERREZ. Mr. Speaker, on July 15, 2004, I was unavoidably absent from this

Chamber and missed a rollcall vote. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote 388.

COMMEMORATING THE SUCCESSES OF THE JAVITS-WAGNER-O'DAY (JWOD) PROGRAM

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. NORWOOD. Mr. Speaker, I rise today to honor the Javits-Wagner-O'Day (JWOD) Program because it epitomizes what our country has long stood for—giving everyone an equal chance.

Employment fuels the United States economy and builds our communities. Sadly, people with disabilities are often overlooked when it comes to finding jobs. Those with disabilities face a 50 percent unemployment rate, which is more than 10 times the national average. These are people who can work, and want to work, but who face transportation, environmental, and attitudinal barriers when it comes to finding the employment that will allow them to become self-sufficient, independent members of society.

Hiring a deserving, qualified individual with a disability creates a positive synergy that ripples out to the greater community in the form of reduced dependency on welfare. There are 45 million Americans with a disability, many of whom are forced to rely on public welfare because they have not been able to find employment. Of people with disabilities, some 5.2 million receive Social Security Disability Insurance, 3.5 million receive Supplemental Security Insurance, and 1.3 million who receive both. By tapping into the potential of a person with a disability by offering them an employment opportunity, we can help them to become tax-paying citizens that can help power America's economy and strengthen our communities.

That is why I am proud to commend the Javits-Wagner-O'Day (JWOD) Program, which provides employment opportunities where they are needed most—to Americans with disabilities.

The JWOD Program uses the purchasing power of the Federal Government to buy products and services from participating, community-based nonprofit agencies dedicated to training and employing individuals with disabilities, which allows them to acquire job skills and training, receive good wages and benefits, and gain greater independence.

The program serves 40,000 people with disabilities nationwide and last year generated approximately $280 million in wages earned and nearly $1.5 billion in products sold. In Georgia alone, some 972 people with disabilities earned nearly $3 million in wages last year as a result of JWOD. I am pleased that these JWOD contracts have had such a positive impact, and hope that his is only the beginning.

Mr. Speaker, I am proud to support the JWOD Program and encourage my congressional colleagues to do the same.

COMMEMORATING THE 100TH ANNIVERSARY OF PEMBROKE, GA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KINGSTON. Mr. Speaker, I wish to commemorate Pembroke, Georgia on its 100th Anniversary in 2004. I was honored to have represented this vibrant city for so many years and to call many of its residents my friends.

Historic downtown Pembroke is named for Pembroke Williams who was a judge and a prominent local resident in the late 19th century. The historic district is located in the central business district of this city of 2,500 persons and is characterized by its relationship to the Georgia Central Railroad, which bisects the town. It was founded as a farming town, like so many similar towns which sprouted during that time to serve the agricultural needs of the nation. The layout of the town around the railroad hearkens to a time of great growth, industrial zeal and expansionism. Pembroke found a thriving life serving the trains that led to the great markets of the coast.

The majority of the structures in the district are of 1930s and 1940s vintage. The city also consists of several blocks of early 20th-Century commercial and government buildings. With the exception of a few buildings, all of the buildings are of one or two stories in height, and most of the buildings are brick or brick-faced buildings with pine timber construction.

The buildings in the district are a variety of styles and materials, all dating from the early to mid 1900s. Most are brick one and two-storied commercial buildings and originally had wood or metal awnings over the windows. Today, the buildings show architectural niceties such as terra cotta embellishments, carved cornerstone, and marble commemorative plaques that reflect the pride of simple rural businessmen in their buildings and in their town. The most interesting structures architecturally are the Pembroke Millworks building and the Food bank building. Most of the buildings in the district are in good condition and are currently in use as publicly owned property.

The historic district of Pembroke was created to serve the agricultural needs of the nation in the 19th and early 20th centuries. The layout of the town around the railroad, the plethora of commercial structures crowding the verges of the railroad property, and the prim, stolid storefronts of the respectable buildings all hearken to a time of great growth, industrial zeal and expansionism in American history.

The history of Pembroke is the history of early American commerce. Founded as a railroad depot, Pembroke found a thriving life serving the trains that led to the great markets of the coast. When the trains stopped coming and the commerce declined, the town faltered, but managed to remain alive through the tough years. Now on the verge of explosive re-growth as a bedroom community to Savannah, Pembroke is seeking to retain its heritage, while finding new vitality in the influx of new residents.

Much of the historic district, once the province of private industry, is today publicly owned property. The buildings themselves, and their changing uses over the years, offer a glimpse into the working of local government of the last century. At the same time, several of the buildings—the "Welcome Center," the old Jail, and the Tos Theater to name the most prominent—retain elements of some of the more grim elements of its past . . . the stark conditions of prisoners in the jail, the segregated seating in the old theater, the peculiar design of the "Welcome Center" (with slit windows giving the police officers a vantage on the entire downtown).

The Tos Theater, founded by G.S. Tos, was a quintessential example of the small-town movie palace. Without even a concession stand (candy, popcorn, and sodas were obtained from the drugstore soda fountain next door), the Tos Theater nevertheless was an important social gathering place for the town. With segregated seating (the toilet facilities), the building also recalls some of the social conventions of the 20th Century South, conventions which are fast fading into the past, but should be recalled and recognized.

Pembroke's Historic District is a landscape defined by transportation. First by the railway, which gave the town its reason for existence and its livelihood for much of its history. Second by horses and mules, the dependence on which beasts of burden helped to define the layout of the city. Third by the car, highways for which have provided the lifeline for the city, keeping Pembroke connected to its larger neighbors for much of the latter half of the 20th Century. The highways—Hwy. 67, Hwy. 119 and Hwy. 280—which converge in Pembroke will help to define its future, as they have its past.

I am proud to recognize Pembroke, Georgia on this its 100th Anniversary. This town has provided much to the state of Georgia and I am proud to have represented it in the United States House of Representatives.

TRIBUTE TO NESHANNOCK HIGH SCHOOL BASEBALL TEAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Neshannock High School baseball team, this year's Class A Pennsylvania State Champions. Head coach, Michael Kirkwood led the Neshannock Lancers to the State Championship game, where they defeated the Muncy Indians by a score of 8–4. The Lancers ended the season with an impressive 23–1 record.

I am happy to see such spirit, dedication, and teamwork flourishing in the congressional district that I represent. I wish the members of 2004 Neshannock baseball team continued success.

I am proud to have such talented young athletes in the 4th Congressional District of Pennsylvania, and I ask that all of my colleagues in the House of Representatives join with me in recognizing their great achievement.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall vote 406. It was my intention to vote "yes" on rollcall No. 406.

INTRODUCTION OF THE PASSENGER SAFETY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. MALONEY. Mr. Speaker, now is not the time to return to private airline screeners, now is the time to continue to focus on passenger safety.

This November, airports will be given the option to apply to opt-out of having Transportation Security Administration TSA screeners in favor of hiring private screeners. If this is allowed to happen, it will be a step backwards in airline security.

TSA has only been in existence for a few years and has certainly suffered through some growing pains. Because of this, we should be focused on ensuring the success of TSA rather than adding the new challenge of privatization that could jeopardize their future and potentially endanger the security of airline passengers. That is why I am introducing the Passenger Safety Act which will repeal the opt-out language in the law that created the TSA. I urge my colleagues to support this important initiative to protect passenger safety.

PAYING TRIBUTE TO AILEEN WARFIELD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life and memory of Aileen Warfield of Pueblo, Colorado. Aileen recently passed away at the age of seventy-eight. She will be remembered for her commitment to her family and her contributions to her community. I would like to join my colleagues in recognizing her life and her memory before this body of Congress and this nation.

Aileen's passion was working at her candy store, Nettie's Colorado Candies. The origins of Nettie's Colorado Candies can be traced back to the 1930's, and Aileen and her husband, Ray Warfield bought the candy store in 1971. They had no experience in the business, but Aileen wished to undertake the challenge of owning and operating a small business. Once the Warfields assumed control, they made it into a family business employing most of their children over the years. What originated as a hobby, turned into a busy job. Aileen worked six days a week and was an active member of the RCI, the Retail Confectioners International.

Aileen dedicated her time and energies to her family and her community. She was a member of the Mesa Junction Association, a board member of the Parade of Lights committee and the Greater Pueblo Chamber of Commerce.

Mr. Speaker, Aileen Warfield was a beloved member of her community and I am honored to remember her life today. Her work ethic and friendly face at the candy store will be sorely missed in the Grand Junction community. I would like to offer my deepest condolences to Aileen's family and friends during this difficult time of bereavement.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GUTIERREZ. Mr. Speaker, on July 19, 2004, I was unavoidably absent from this Chamber and missed three rollcall votes. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 391, 392, and 393.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Ms. PELOSI. Mr. Speaker, I commend my colleague, DONALD PAYNE, and the members of the Congressional Black Caucus for their leadership in bringing H. Con. Res. 467 to the floor so quickly. The resolution, which I am proud to co-sponsor, accurately labels the situation in the Darfur region of the Sudan as genocide, and calls upon the United Nations to take action to prevent it.

Mr. Speaker, millions of people in Darfur face a life-threatening crisis. Through actions of militias supported by the Sudanese government, villages have been burned, crops destroyed, and people uprooted.

Tens of thousands of people have already died. Without prompt and effective international action, the death toll will soon go much higher.

The Bush Administration has appropriately increased public awareness, in the United States and throughout the world, about what is at stake in Darfur, and this resolution acknowledges that.

But it calls upon the Administration to do more. A decade ago, the international community did not act quickly enough to prevent the horror of Rwanda. We must not see a repeat of that tragedy in Darfur.

Sustained and effective leadership by the United States will be necessary to achieve that goal.

The rainy season has arrived in Darfur, and the level of misery is increasing. The Sudanese are not acting quickly enough to implement promises they made to control the militias and facilitate the delivery of relief supplies.

Passage of this resolution should heighten the sense of urgency and sharpen the understanding of the Sudanese government of the resolve of the United States on this urgent and critical matter.

I urge the adoption of the resolution.

URGING GOVERNMENT OF BELARUS TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I am a cosponsor of H. Con. Res. 652 which urges the Government of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in October 2004. As the sponsor of the Belarus Democracy Act (H.R. 854), which has also been reported out by the International Relations Committee, it is important that the House call specific attention to these upcoming fall elections. Mr. BEREUTER, in his capacity as Chairman of the House International Relations Subcommittee on Europe, has lend his support of the Belarus Democracy Act as well.

Belarus' poor track record with recent elections—which were judged as not meeting international democratic standards by the Organization for Security and Cooperation in Europe—and more broadly with the situation with respect to human rights and democracy in Belarus, underscore the need for this resolution. Belarus, under autocratic ruler Alexander Lukashenka, has the worst human rights record in Europe today. Repressions against members of the democratic opposition, nongovernmental organizations, the independent media and independent trade unions have become commonplace. Independent thought and action are anathema to Lukashenka, who over the last 10 years has consolidated his power to an alarming extent.

Mr. Speaker, I hope that the Belarusian authorities will take this resolution seriously, as it provides them with a blueprint on what they need to do to have their elections conform with OSCE standards. Unfortunately, four benchmarks for free and fair elections established by the OSCE 4 years ago still not been met. Thus far, the pre-election environment has not been encouraging. Last month, three opposition parliamentarians staged an 18–day hunger strike demanding changes in the Election Code, which still includes several undemocratic provisions. The reform bill was overwhelmingly defeated by the Lukashenka-controlled parliament.

Belarusians still have no opportunity to receive independent viewpoints through broadcast media. Opposition access to the state media is virtually non-existent; rather the political opposition is often vilified. Just yesterday Lukashenka, talking about his hopes for a pro-government majority in the October elections, said: "I strongly hope that the people will make the right choice," and added that "the people will take a close look at traitors, black sheep . . . wolves in sheep's clothing, and we will help them if they don't." This is not a good harbinger for the elections—and the election campaign has not even begun!

Mr. Speaker, it is vital that we convey to the Belarusian authorities our call for a free, fair, open and transparent parliamentary election process consistent with Belarus' freely undertaken OSCE commitments. The long-suffering Belarusian people deserve no less.

STOCK OPTION ACCOUNTING REFORM ACT

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Ms. HARMAN. Mr. Chairman, as a cosponsor of H.R. 3574, the Stock Option Accounting Reform Act, I urge my colleagues to support passage of the bill. In order to remain competitive in today's difficult economy, America's small businesses need the flexibility to choose how to treat their stock options, and I am pleased that Congress is acting today on legislation that maintains the discretionary nature of expensing stock options. If Congress were to do nothing and allow the mandatory stock option expensing proposal to take effect, America's small businesses—especially high tech firms—would suffer.

Particularly for the high tech sector, stock options are critical to attracting employees to new, start-up companies. Requiring companies to expense their stock options would compel many small firms to stop offering the options altogether, forcing some to give up the primary tool used to attract the best employees. Start-up firms would be especially hard hit because it would be increasingly difficult for them to raise capital.

At a time when U.S. industries are losing jobs overseas, mandatory stock option expensing would put small American companies at an even greater disadvantage. Many foreign competitors offer stock options to create talented work pools. By passing this legislation today, we will ensure that U.S. businesses remain competitive and avoid additional incentives for U.S. firms to move jobs overseas.

We need to maintain a balance between increasing transparency to outside investors while not burdening technology firms with onerous reporting requirements. The Stock Option Accounting Reform Act will achieve and maintain that balance. For instance, this legislation requires increased disclosure by companies about stock option plans, stock purchase plans and similar incentive plans.

In addition, although the bill keeps the expensing of stock options as voluntary, in general, larger companies are required to expense the fair value of the stock options issued to their top five corporate officers. This proposal will allow each business to make its own decision on how to handle stock options issued to medium and low-level employees, while achieving a certain degree of transparency for investors.

H.R. 3574 bridges two potentially conflicting goals—rewarding hard work and ensuring transparency of corporate actions in the capital markets. Enjoying the fruits of one's own labor is a key component of the American Dream. For innovative and highly creative ventures like high tech, the rewards may be slow to realize—thus inviting the issuance of stock options, which will capture a company's future value.

I support the passage of the Stock Option Accounting Reform Act and urge my colleagues to do the same.

CELEBRATING COTTAGE GROVE'S SECOND ALL AMERICAN CITY AWARD

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DEFAZIO. Mr. Speaker, I rise today to recognize and congratulate the City of Cottage Grove, Oregon. Located in my congressional district at the southern end of the beautiful Willamette Valley, Cottage Grove recently won its second All-American City award.

The Kalapuya Indians first enjoyed the riches of the southern valley, and the Oregon Trail opened the territory to other settlers in 1848. In 1863, gold was discovered in the mountains south of Cottage Grove, and mining activities continued into the 1920s, when the lumber industry became the economic engine. The City celebrates its exciting history every summer during Bohemia Mining Days. Today, this community of not quite 9,000 is blessed with a wealth of community spirit and "can do" attitude.

Cottage Grove is a vital community dedicated to possibilities. This town is not afraid to take and share responsibility for creating a better future. In fact, in Cottage Grove there is a strong sense of obligation to making dreams come true. The 1968 and 2004 All-American City Awards honor the community's commitment to excellence, cooperation, and creativity.

Only ten communities earn All-American City status each year nationwide. Cottage Grove is being saluted for a variety of accomplishments and three major projects—the new Cottage Grove Community Hospital, the formation of the Economic & Business Improvement District, and the recently completed Cottage Grove High School facility.

American anthropologist Margaret Mead once said, "Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has." Cottage Grove embodies this great notion, with friends, neighbors, government, businesses, and service agencies working together to get things done, and done well.

I am proud to represent Cottage Grove, and thank you for the opportunity to highlight "the little city that could."

HONORING RICHARD A. BLOCH, BUSINESS PIONEER AND PHILANTHROPIST

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, Missouri citizens and all Americans mourn yesterday's passing of a great American, Richard A. Bloch—the "R" in H&R Block. Richard Bloch was an entrepreneur, philanthropist, beloved husband, devoted father of three and grandfather of 10, who exemplified personal and professional integrity. He was 78 years old.

Honored for his philanthropy and his second career as a crusader for cancer patients, as '— well as his success in creating one of America's most famous brands, Richard Bloch was born in Kansas City in 1926.

By age 12, he had founded his own small business providing printing services to Kansas City high schools. At 16, he entered the Wharton School of Finance at the University of Pennsylvania, the youngest member of his class. He graduated in 1945 with a degree in economics.

After graduation, Richard returned to Kansas City, married his wife Annette, and soon joined his brothers Henry and Leon in their bookkeeping business. A simple newspaper ad in the Kansas City Star in 1954, showing a man behind an eight ball, with the headline, "Taxes, $5," stimulated a long line of customers that turned a sidelight of tax return preparation into a spectacular national success that made business history.

Today those first customers translate into one out of every seven individual income tax filers in America, served by over 125,000 employees at nearly 10,000 U.S. offices, and international clients in 11 countries. Tax planning and preparation have expanded to include financial, mortgage, accounting, and consulting services.

Over the last 50 years, well over a hundred million Americans have had their anxieties allayed by a Block-prepared tax return. Both Federal and State governments also benefit from accurate tax returns reflecting sound advice and professional preparation.

In 1978, Richard was diagnosed with lung cancer and told he had three months to live. Refusing to accept this prognosis, he sought treatment at the M.D. Anderson Center in Houston. Richard promised himself that if he survived, he would devote his life to helping others fight cancer. Cured after two years of aggressive therapy, he kept that promise, selling his interest in H&R Block to devote full time to cancer work.

Richard and Annette founded the R. A. Bloch Cancer Management Center and the R. A. Bloch Cancer Support Center at the University of Missouri in Kansas City. From 1980 to 1995, the Management Center offered Kansas City area patients a free multidisciplinary second opinion panel. The panel, including more than 100 physicians, helped patients identify the best cancer treatment available. The Management Center has served as a model for more than 125 centers nationwide.

Richard and Annette also founded the Cancer Hotline in 1980 and authored three books. Supported by volunteers who have had or are battling cancer, the hotline educates thousands of newly diagnosed cancer patients and their family and friends about available treatments. A Website, www.blochcancer.org, now assists. So do annual Fighting Cancer Rallies in more than 700 communities that raise awareness that cancer and death are not synonymous and that give victims faith that there can be life after a cancer diagnosis.

In my district and across America, Richard & Annette Bloch Parks for Cancer Survivors provide an oasis of peace for contemplation and inspiration, dedicated to Americans who have been diagnosed with cancer, each a tribute to life.

Richard Bloch's vision of a national network of cancer information led to the National Cancer Institute's Physician's Data Query. This Website provides information about state of the art treatment for every type and stage of cancer and all the current experimental therapies. To honor Richard's efforts, our government named a building at the National Cancer Institute in Bethesda, Maryland, the R. A. Bloch International Cancer Information Center. Most government cancer information is disseminated from the Bloch Center.

In 1982, Richard was appointed by President Reagan to a six year term on the National Cancer Advisory Board. He was a member of the President's Circle of the National Academy of Sciences, the Institute of Medicine, and a former board member of the National Institute of Health's Office of Alternative Medicine. He also received the American Society of Clinical Oncology's 1994 Public Service Award and the 1995 Layman's Award from the Society of Surgical Oncology.

Richard would ask anyone who wanted to open an H&R Block office, "Tell me what you want out of life." He encouraged people to go where their hearts led them and to follow their passion. Mr. Speaker, please join me in extending heartfelt sympathy to the entire Bloch family—Annette; his three daughters, Linda Lyon, Barbara Stanny, and Nancy Linsley; his 10 grandchildren; brothers Leon Jr. and Henry and Henry's wife, Marion—as we honor the memory of an American whose life is a testimonial to the values our Nation celebrates.

RECOGNIZING THE 30TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LANGEVIN. Mr. Speaker, as a proud member of the Hellenic Caucus, I rise today to recognize the 30th anniversary of Turkey's invasion of Cyprus. On this occasion, we mourn those who lost their lives and remember the barrier created in 1974. Sadly, that barrier still exists today, and despite attempts by the United Nations for a reunification settlement, the island remains divided between the Turkish Cypriots and the Greek Cypriots. I thank Mrs. MALONEY and Mr. BILIRAKIS for their ongoing leadership in the Hellenic Caucus and for bringing much-needed attention to issues of importance to the Hellenic community.

On the occasion of this anniversary, in addition to mourning and remembering, let us also look forward. The events of this past spring represent great triumphs for the Cyprus state and reaffirm Cyprus's willingness and determination to become an integral part of both the European community as well as the greater global community. Just this past May, Cyprus joined the European Union and will enjoy all of the privileges and opportunities of full membership. Inherent in that membership is a commitment to the human rights and fundamental freedoms that underscore that partnership. Despite this step forward, the nation remains divided. As the Greek Cypriots steer their nation toward greater prosperity and legitimacy, the Turkish Cypriots continue to pursue division and isolation.

The government of Cyprus remains committed to reunification, as a bizonal, bicommunal federation with democratic and human rights for all Cypriots. In April, the people of Cyprus held a democratic vote on a reunification plan put forward by the UN. An astonishing 90 percent of the Greek Cypriot community turned out for this important vote. Yet, with 76 percent of Greek Cypriot voters opposing the plan, many in the international community were disappointed with the final outcome. What we must recognize is that any disappointment and criticism should be directed at the inadequacies of the reunification plan, rather than the free, democratic choice of the Greek Cypriots not to accept such a plan. Not only was the rejection of that plan an exercise of the democratic rights of the Greek Cypriots, but it further demonstrates their commitment to finding a viable and workable settlement.

In reflecting on this historic vote, we should heed the words of the Greek Cypriot President Tassos Papadopoulus: "We are determined to try, until the end, in a peaceful manner and through negotiations, to end the invasion and occupation. The people should be brave, patient, and work hard." Patience in particular is tantamount to this endeavor. A lasting solution is not one that will be attained with the implementation of a rushed plan.

Both the recent accession to the EU as well as this recent democratic vote should give us renewed determination to seek a full and peaceful reunification. Along with my colleagues, I will continue to put pressure on the Bush Administration and the international community to help Cyprus work toward a peaceful solution. Now more than ever, the U.S. must continue its role in supporting negotiations. It has been a long, hard road, but with support from the United States, the European Union, and the United Nations, a reunification of Cyprus is still within reach. Such a reunification would benefit us all. It would bring long-awaited peace and stability to the people of Cyprus, to the region, and to the larger international community.

Again, I thank my colleagues on the Hellenic Caucus for their recognition of this important event.

HONORING THE GOOD SAMARITAN CHRISTIAN FELLOWSHIP CHURCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. LEE. Mr. Speaker, I rise today to honor the Good Samaritan Christian Fellowship Church of Oakland, California for 50 years of ministry and invaluable service to the community.

The Good Samaritan Christian Fellowship Church was founded in 1954 as the Good Samaritan Baptist Church by the late Dr. & Mrs. R.D. Garrison, Sr., who led the ministry for over 30 years. In 1982, Dr. Garrison, Sr. placed his son Apostle and Mrs. R.D. Garrison, Jr. at the head of the church, and the ministry was subsequently established as the Good Samaritan Christian Fellowship Church.

Since that time, the Good Samaritan Christian Fellowship Church has played an active role in initiating and expanding a wide range of charitable and community building activities. In addition to ministering and counseling countless members of the community, the church has played a vital role in local youth mentoring and development. The church is responsible not only for organizing local Boy Scout and Girl Scout programs, but also for the creation of initiatives such as the After School Tutoring Program, which focuses on reading, writing, and math for children of all ages. Furthermore, the church has made extensive efforts in the areas of emergency meals and housing by working to provide food for the homeless, as well as shelter for countless families in distress.

From August 8th–15th, 2004, the Good Samaritan Christian Fellowship Church will be celebrating its 50-year anniversary in Oakland, California. I would like to mark this occasion by commending the church for the exceptional service it has provided to the community, not only in its capacity as an institution of faith and worship, but also as a leader in working to provide invaluable social and charitable services to the people of Oakland. By remaining committed to the areas of leadership and service throughout its fifty years of ministry, the Good Samaritan Christian Fellowship Church has contributed enormously not only to the Oakland community, but also to our shared goal of world peace.

TRIBUTE TO COLONEL JOAL E. WOLF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to Army Reserve Lieutenant Colonel Joal E. Wolf. Lieutenant Colonel Wolf distinguished himself as the Commander of the 3401st Military Intelligence Detachment and Chief of Staff of the Iraq Intelligence Task Force and Iraq Working Group of the Joint Staff at the Defense Intelligence Agency from April 2001 to May 2004. Lieutenant Colonel

Wolf led daily operations in providing cutting-edge and time-critical assessments and trend analysis on military activity in and around the Iraqi theater in support of Operation Iraqi Freedom. Lieutenant Colonel Wolf's leadership ensured over 4,000 tasks were completed efficiently and delivered timely to senior military and civilian leaders in the Department of Defense, White House and Congress. These intelligence products contributed significantly to the shaping of our national security policy and military planning, especially in the areas of infrastructure, economics, war crimes, sensitive site exploitation, anti-Coalition militants, weapons of mass destruction, and Coalition force protection. Lieutenant Colonel Wolf led his detachment to eclipse a bold 200 percent increase in production and in creating the Iraqi "55 Most-Wanted" deck of cards. For his service, Lieutenant Colonel Wolf was awarded the Defense Meritorious Service Medal on May 28, 2004.

In addition to being a fine military officer, Joal is also my brother-in-law and a small business owner. Joal is the proud son of Mrs. Phyllis M. Wolf, a veteran of the United States Army, and the late Dr. Alan E. Wolf, who was also a veteran of the United States Army. My relation to Joal has allowed me to closely follow his selfless service and better understand the sacrifices that thousands of reservists and Guardsmen are making in the war against terrorism. I am personally grateful to Joal and all of the brave men and women in our military who are making tremendous sacrifices to serve our Nation during this difficult time.

COMMENDING THE RAOUL WALLENBERG LIVING MEMORIAL AT THE AMERICAN SWEDISH INSTITUTE IN MINNEAPOLIS, MINNESOTA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LANTOS. Mr. Speaker, I want to express my strong support for the American Swedish Institute's work to establish a Raoul Wallenberg Living Memorial in Minneapolis, Minnesota. The institute was founded by Swan J. Turnblad, a successful Swedish businessman in 1929. Mr. Turnblad donated his mansion to become an internationally recognized museum as well as the home to an educational center offering a variety of programs designed to celebrate the best of Swedish culture. Today the American Swedish Institute seeks to develop a dynamic combination of educational opportunities and art that will honor, celebrate and perpetuate the legacy of one of the world's most courageous citizens, Raoul Wallenberg.

Mr. Speaker, it was exactly 60 years ago that Raoul Wallenberg, a son of a distinguished Swedish family, risked his life during World War II, when he left behind the comfort, the safety and the security of neutral Sweden to travel to Nazi-occupied and war-torn Hungary to save innocent lives. Through his extraordinary bravery, ingenuity and compassion he saved tens of thousands of Hungarian Jews from the horrors of the Nazi Holocaust.

I believe that the legacy of Raoul Wallenberg's courageous actions during World War II that saved thousands of potential Holocaust victims in Budapest is worthy of celebration, preservation and a continued public dialogue. As an international hero, every child needs to know the story of Raoul Wallenberg, and how his choices can play an important role in their own lives.

The Raoul Wallenberg Living Memorial intends to provide educational opportunities that celebrate the life, contribution, and spirit of Raoul Wallenberg, as well as other historic and current figures that embody Raoul Wallenberg's extraordinary courage.

The goal of the American Swedish Institute and the Raoul Wallenberg Living Memorial is that every student will complete their Minnesota high school experience knowing the name and legacy of Raoul Wallenberg, and the impact one person's humanity can have. The American Swedish Institute will be the home of and catalyst for a nationally recognized educational program that inspires young American students to live by the vision and inspiration embodied in the life and example of Raoul Wallenberg.

Mr. Speaker, Raoul Wallenberg will always stand as a reminder of the difference one person with courage can make and a great role model for the next generation who recognized that true satisfaction comes only from serving others, in this case in sacrificing his own life so others may live.

I am confident that the Raoul Wallenberg Living Memorial will inspire young students by his story to become better, more unselfish, more caring human beings that are willing to transcend the barriers of race, religion, or nationality in their concern for others. It is therefore important to support projects like this so that the memory, legend and life of Raoul Wallenberg will not be forgotten. The vision he had for what one person can do in the face of injustice must be integrated in the moral fabric of every community, state, and nation.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. MEEKS of New York. Mr. Speaker, only a few months ago the world honored the tenth anniversary of the Rwandan genocide and promised never to tolerate genocide again. 10 years later we are witnessing another genocide, but this time in the Sudan. Since the conflict erupted in February 2003, thirty thousand have died and close to a quarter of a million will die, if we do not act.

Sudanese government troops and their allied militia, the Janjaweed, have raped, tortured, maimed, and burned entire villages to cleanse the area of African Muslims. An estimated 1.2 million have been forced from their homes and into camps, where they remain vulnerable to attacks and lack basic services.

We must stop what is happening. It is Genocide, and under the requirements of the 1948 UN Convention, the world is obligated to act to stop it.

We must insist that the Sudanese government cease support for and disarm the Janjaweed militias and if it cannot, the UN Security Council must be persuaded to authorize force to do so.

The U.S. and world must target sanctions such as travel bans and the freezing of assets of Khartoum government officials responsible to stop the atrocities. We must find out why humanitarian aid is not getting through and ensure that it does.

Lastly, we must establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those driven off their land may return and begin to rebuild their communities.

We must act now, if we are to prevent another Rwanda.

THE PATH TO GLORY: CONGRESSIONAL MEDAL OF HONOR, NAVY CROSS AND DISTINGUISHED SERVICE CROSS AFRICAN AMERICAN RECIPIENTS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, the setting for the 15th Anniversary of the Congressional Black Caucus's Veterans Braintrust took place amid repeated inferences that the Congressional Black Caucus CBC and other Democrats were unpatriotic. Despite the CBC's determination to express it's patriotism we support the troops while continuing to raise the volume of criticism about the current engagement in Iraq, and/or the War on Terrorism.

With this as the larger socio-political backdrop the Veterans Braintrust decided to invite some of our most heroic African Americans, their family members and advocates such as Sgt. Andrew Bowman, Asa Gordon, Elizabeth Rankin-Fulcher, Maj. Robert Greene, USA, Ret., John Howe, Steve Harris, Alonzo Swann, Jr., Allene Carter, CDR. Ross Fowler, USCG, Ret., Lee & Cornelius Charlton, Mark Pitts, Baba Henderson, Dr. Frank Smith, Jr., Betty Stokes, Mary Jones, and Isaac Prentice to Washington, DC as a special testimonial to our collective patriotism, sacrifice and valor on behalf of this great nation during her many times of trouble and conflict.

Thus, consciously choosing to illuminate some historical facts and advocate in effect that countless African Americans have served in America's wars, been shot, wounded and disabled, yet continue to be neglected, or denied quality health care and access to other benefits and services, including basic equal rights.

Equally important, the 15th Anniversary Veterans Braintrust National Issues Forum "The Path to Glory: The Congressional Medal of Honor, Navy Cross, and Distinguished Service Cross Recipients" also known as the pyramid of honor; and subtitled: "Revisiting the Battles of Sgt. Henry Johnson and Dorie Miller for the Congressional Medal Honor," was indeed a historic milestone. For the first time in our nations history the families of African American recipients of the Congressional Medal of Honor, along with awardees of the Navy Cross and the Distinguished Service Cross (DSC) were gathered in one room. Additionally, the issues forum was exceptionally well attended with representatives coming from as far away as Albany, New York, Detroit, Michigan, Indianapolis, Indiana, and Los Angeles, California.

While the CBC represents 26 million African Americans, including more than 2 million African American veterans, we all recognize our country faces many challenges both within and without that is why Representative SANFORD BISHOP, Jr. D–GA and I felt a moral obligation, not a duty at this time to look back and reexamine issues from the past, closely related to the awarding of the military's highest awards for heroism and valor—The Congressional Medal of Honor, Navy Cross and Distinguished Service Cross.

Here again, the Veterans Braintrust which is widely recognized as the premiere forum for debate between veterans of African descent and government officials sought to examine some of the historically vexing issues, individual war narratives, and family testimonies associated with more than a century and a half of the awarding of the military's highest awards for bravery and valor.

To help provide a framework for this historical and contemporary analysis war/veteran narratives included the Civil War, Indian Campaigns of the 19th Century, and World War I, World War II, Korean and Vietnam Conflicts of the 20th Century in the wake of growing criticism of US Foreign Policy, raising concerns about the fate of affirmative action, and the ever increasing African American health disparities.

Executive Director Ron Armstead layed the groundwork by researching William Raspberry's 'Two Heroes, No Medals of Honor' column examining two black war heroes quest for posthumous Congressional Medals of Honor: Sgt. Henry Johnson, a World War I Infantryman from Albany, and Seaman Dorius 'Dorie' Miller, a World War II hero from Waco, Texas. The column cited, although the military services, while not discounting their heroism, have steadfastly refused to go along with any attempts to grant Johnson and Miller the Medal of Honor. While countering, that although no black soldier was awarded the medal of honor during WWI, approximately 50 black soldiers were awarded the DSC, the Army's second highest award for valor in combat, for their extraordinary heroism in WWI. As a result, the number of black servicemen to receive CMH's for their heroism in the two world wars of the twentieth century remained zero until the 1990's.

Further, our war/veteran narratives revealed the Navy's reluctance to embrace black war heroes in 1944 met it's timely demise 48 years later when Alonzo Swann, Jr., then 67, of Gary, Indiana stepped aboard his old ship the USS Intrepid, an aircraft carrier and accepted the Navy's highest award for bravery—the Navy Cross. His medal came nearly a half-century after he and his African American shipmates in Intrepid's Gun Tub #10 shot down a Japanese kamikaze plane. However, his odyssey began October 27, 1944, when the captain of the Intrepid, Joseph Bolfger, recommended all seven survivors for the Navy Cross, just short of the Medal of Honor, the nation's highest award and conducted meritorious mast on board the ship for the men. Yet, when the commendations were sent on to Washington, they came back, with the men being given only Bronze Stars, or lower medals with no apparent explanation for the change.

Notwithstanding Swann's long, arduous and lonely court battle to receive the belated honor, it wasn't until 1997 that another of his shipmates Navy Petty Officer Robert Jones, by then 71, and a resident of Newport News, Virginia received his Navy Cross, again more than 50 years afterward in a stately ceremony held at the Capitol Building in Washington, DC, hosted by Congressman ROBERT "BOBBY" SCOTT (D–VA).

Furthermore, family testimonies revealed America in 1951 prior to the Brown versus the Board of Education decision was a very different place when Sgt. Charlton, who would have been 22, had he lived to his birthday, July 24, distinguished himself in battle to such an extent that he earned his nation's highest recognition for valor—the Medal of Honor. However, when his body was returned from Korea, his family was denied the right to bury his remains in Arlington National Cemetery with other Medal of Honor recipients. Sgt. Charlton was a war hero, but Cornelius Charlton was black.

Moreover, it wasn't until 1990, when the American Legion spearheaded an effort to locate the graves of all Medal of Honor recipients. Through their efforts Charlton's final resting place was identified as Bryant Memorial Park, which had become overgrown.

Yet, equally poignant, family testimonies revealed that it wasn't until 1997, a half century since WWII, and President Harry Truman who stood on the White House grounds and awarded 28 United States Medals of Honor to white soldiers for their outstanding valor that black soldiers who were denied the recognition accorded their white counterparts, were awarded the same honor—the Medal of Honor. During a White House ceremony former President Clinton presented the nation's highest military award for bravery to seven black WWII heroes, six of which were awarded posthumously. The only living veteran awarded the medal of honor during the ceremony was 77-year-old Vernon Baker, of St. Maries, Idaho. The other heroes finally awarded the Medal of Honor were: Edward A. Carter, Jr., John R. Fox, Wily F. James, Jr., Ruben Rivers, Charles L. Thomas, and George Watson. Attending the ceremony was retired Army General Colin Powell, who as Chairman of the Joint Chiefs of Staff was the highest ranking African American in the military.

And now almost a century and a half after the end of the Civil War, a resurgence of interest and advocacy on behalf of legendary Harriet Tubman has gradually materialized, while on the other hand the first-ever memorials to honor black war heroes within: (a) the Commonwealth of Virginia is being planned; (b) the first national park monument was dedicated to Mississippi Black Civil War soldiers; (c) a monument/memorial is being planned to honor the Seminole Negro Indian Scouts and their families; (d) a US Colored Troops USCT plaque dedication is being planned for Andersonville National Historic Site in southwest Georgia; and finally planning is underway for the North Chicago Memorial Park/Monument dedicated to the 100,000 men who went through the Great Lakes Naval Training Center during World War II.

Later that evening we gathered drenching ourselves in the richness of Black history and feeling mixtures of both pride and pain as we awarded, or publicly recognized, acknowledged and meaningfully remembered those who fought for people they had never even met. Something quite austere happened at the gala reception and award ceremony, which prompted many to say, 'I thought we did therapy that night,' and left others crying and emotional. We have given these awards annually over the course of the past ten years. This year our honorees included three categories: (1) individual awardees: Norma Baker, GSgt. Maurice Bingham, USMC, Ret., Celestine Caldwell Hollings, Paul J. Matthews, Cpl. Fred McGee, USA, Freddi E. Moody, Master Chief Vince Patton, USCG, Ret., Ed.D., Lt. Col. Charles H. Rucks, USMC, Ret., Isiah J. Williams, III, Master Chief Harold Wilson, USN, Ret., and Wallace Terry (Posthumous); (2) organizational awardees: the Center for Drug Abuse Research, Howard University, Community Anti-Drug Coalition of America, Harlem Youth Marines, Inc., Morgan State University, The Association of the 2221 Negro Volunteers, WWII, and the 1279th Combat Engineers Alumni Association; and (3) historic groups and/or sites: United States Colored Troops Institute and Olustee Battlefield Historical State Park.

Finally, as we prepare our special 15th Anniversary report, after-action briefs and legislative proposals we must reiterate now more resolutely than ever before from the very beginning of independence "We were there," and despite the adversity, "We served!' Simply read the missing pages of American history, or perhaps the footnotes and you will find the names of Crispus Attucks, Salem Poor, Sgt. William H. Carney, Cpl. Andrew Jackson Smith, Harriet Tubman, Freddie Stowers, Sgt. Henry Johnson, Mess Attendant Dorius 'Dorie' Miller, Josephine Baker, Pvt. William Thompson, Sgt. Cornelius Charlton, Cpl. Fred McGee, Captain Riley L. Pitts, Staff Sgt. Hilliard Carter, and others, as well as thunderous places like Breeds Hill, Fort Wagner, Honey Hill, New Market Heights, . . ., Kunu-Ri, Hill 188, Hill 528, Hill 543, Pork Chop Hill, Hamburger Hill, Heartbreak Ridge, and others looming as silent reminders of past deeds, and debts unpaid.

Therefore, let it be said, here, now and forever more, that African Americans have not once, not twice, but repeatedly demonstrated throughout this country's long history an unwavering dedication towards the principles of freedom, liberty and justice for all. This is the true testament of African American patriotism and looms as an outstanding example for current and future generations of Americans nationwide, as well as freedom loving people around the world.

The struggle continues.

HOMEPORTING OF THE USS "RONALD REAGAN"

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ISSA. Mr. Speaker, I rise today, on the eve of the home porting ceremony of the USS *Ronald Reagan,* to welcome America's newest Aircraft Carrier and its crew to San Diego.

The USS *Ronald Reagan* CVN 76, our nation's ninth *Nimitz* class carrier, is the world's most advanced and most capable carrier ever built. The USS *Reagan,* along with its crew of 6,000 and its commanding officer Captain James A. Symonds, will give America greater capabilities to address threats to the safety of Americans and international peace and stability than ever before.

For most of the world's history, the oceans have been a dangerous and lawless place. For over 60 years, however, America's Navy has reigned supreme over the world's oceans. Today, our Navy ensures freedom of the seas for all nations who seek to use the world's shipping lanes for peaceful purposes. The USS *Ronald Reagan* enhances our Navy's ability to do its job.

For California, the USS *Ronald Reagan* will serve as a proud reminder of the legacy left behind by our former Governor and President. President Reagan understood the importance of maintaining a strong and effective military. Throughout his administration, which brought about a successful end to the Cold War, President Reagan rebuilt America's armed forces with a steadfast belief in the pursuit of peace through strength. Because of this legacy, it is entirely fitting that the most powerful and diplomatically visible symbol of the American Navy now shares both the name and home state of President Ronald Reagan.

The crew of the USS *Reagan* will find the San Diego community to be warm and welcoming. San Diego has a mix of many cultures and, as someone who moved my family here 20 years ago, I can assure the entire crew that San Diego is a great place to live, work, and raise a family.

Mr. Speaker, in closing, I would like to recognize Mrs. Reagan who will participate in tomorrow's home porting ceremony. The USS *Ronald Reagan* is a testament to the many great things Ronald and Nancy Reagan accomplished together. Ronald Reagan gave our nation hope and reminded us that with hard work and determination we could do great things. President Reagan may have moved on, but his legacy is as strong and steady as the ship that now bears his name.

HONORING THE MOSES AND AARON FOUNDATION SPECIAL FUND FOR CHILDREN

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. NADLER. Mr. Speaker, I rise today to call attention to a worthy organization, one committed to special children and their families. The Moses and Aaron Foundation's significant and enduring efforts deserve the highest praise, as do the philanthropists who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation Special Fund for Children is dedicated to assisting children with disabilities and their families with a wide range of programs including social, physical, financial and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions: collects; purchases; and distributes clothing for children in need and remembers them with presents at holiday time or when hospitalized.

In cooperation with Ballys Fitness Centers the Moses and Aaron Foundation under the direction of its President Rabbi Yaacov Kaploun, and Executive Vice President Yehuda Kaploun has been able to establish 27 physical fitness and therapy centers and has arranged for sound and musical equipment in other institutions.

The corporate and individual supporters of the Foundation, include Metropolitan Lumber, Bally Total Fitness, Mr. David Buntzman, Mr. & Mrs. Jarred Feldman, Mr. Robert Gans, Mr. and Mrs. Richard Gans, Mr. Avi and Dr. Laura Greenbaum, Mr. and Mrs. David Hirsch, Mr. and Mrs. Ira Rennert, Mr. Eli Rothman, Mr. Mark Selden, and Mr. and Mrs. Clifford Feldstsein. We recognize the special support of Ashley and Liora Herschman, recipients of the Dr. Steven Stowe Acts of Kindness Memorial Award, who by their contributions and kindness have brought happiness and a smile to the faces of hundreds of special children.

On Saturday night July 31, 2004 at the Sullivan County Community College, Lock Sheldrake, New York, the Moses and Aaron Foundation under the Honorary Chairmanship of Nobel Laureate Elie Wiesel, will sponsor its eighth Summer "Chazak—Strength" Concert honoring and paying tribute to special and outstanding children, and is produced by STB Jewish Music Productions. The Guests of Honor will be the Special and Outstanding children, many of whom will perform with the entertainers on stage. More than forty organizations and schools serving the physically and mentally disabled children will be represented.

The Chazak Concert and the Moses and Aaron Foundation's other programs demonstrate a caring and compassionate concern for the quality and dignity of life of others and merit the appreciation of all those who have benefited from its services.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation, an organization which exemplifies the generosity of spirit in American society.

TRIBUTE TO MR. NORM D. COVELL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MATSUI. Mr. Speaker, I rise in tribute to Mr. Norm D. Covell, a man with a great career in public service. For the past four decades, Norm has worked tirelessly to reduce air pollution and its affects on public health. Norm will soon retire from his current position as the Air pollution Control Officer for the Sacramento Metropolitan Air Quality Management District. As Norm's friends, family, and colleagues gather to celebrate his distinguished career, I ask all my colleagues to join me in saluting this outstanding citizen of Sacramento.

After obtaining his bachelor of science degrees from California State University—Fresno, Norm began his environmental health and air quality career as a military preventive medicine specialist. Eventually, Norm would be appointed as the Assistant Director for the Fresno County Department of Health and Assistant Air Pollution Control Officer. During his two decades of service in Fresno County, Norm was instrumental in implementing a number of effective and innovative solutions to air quality management.

In 1984, Norm was named as the Air Pollution Control Officer for the Sacramento Metropolitan Air Quality Management District. During this period, Norm has been deservingly recognized as a visionary and dedicated leader at the local, state, and national levels of government for his efforts in advancing programs and policies that significantly improve air quality.

The Sacramento Metropolitan Air Quality Management District works cooperatively to coordinate the efforts of local, state and federal government agencies, the business community, and private citizens to achieve and maintain healthy air quality for Sacramento. This vision recognizes that the AQMD alone cannot achieve healthy air for Sacramento, but that combined with its regulatory role and its lead role in development of innovative programs, it can encourage the cooperative interagency and public effort that will be required to improve air quality. As the Air Pollution Control Officer, Norm oversees a dedicated staff of 83 positions and an annual program budget of $19 million.

Norm was an instrumental force in developing an innovative market-based incentive program to reduce regional mobile source emissions. This program eventually became the model for the very successful Mayor Program that has been adopted throughout California. Norm also played a crucial role in creating the Business Environmental Resource Center that helps regional small businesses understand and comply with air quality, hazardous materials and water quality regulations. Throughout his career, Norm has demonstrated a consistent ability to increase awareness of air quality issues. Therefore, it is no surprise that so many of Norm's projects and ideas have gained national recognition and replication.

As a result of his sterling reputation in the field of air quality management, Norm has served in a number of important leadership roles. Norm was the President of the California Environmental Health Association from 1977 to 1979. Norm served as the President of the California Air Pollution Control Officers Association from 1984 to 1986. From 1994 to 1995, Norm was the President of the National Association of Local Air Pollution Control Officials. Norm's impressive resume is a testament to his status as one of California's most accomplished leaders in the field of air quality management.

In his retirement, Norm can look forward to spending more time with his family. Norm will also devote more time to two of his favorite pursuits: fishing and his beloved San Francisco 49ers. I am confident that Norm would achieve great success and happiness in his retirement, just as he had throughout his professional career.

Mr. Speaker, as Norm's friends, family and colleagues gather to celebrate his great career; I am truly honored to pay tribute to one of Sacramento's most honorable citizens. The Sacramento region has benefited greatly from having Norm's strong leadership. He will be missed greatly by all who worked with him. I ask all of my colleagues to join with me in wishing Norm continued success in all of his future endeavors, wherever retirement may lead him.

THE SECURITY AND FAIRNESS ENHANCEMENT FOR AMERICA ACT

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. JENKINS. Mr. Speaker, a significant majority of Americans believes that current immigration levels need to be reduced, according to consistent polling results over the last decade. This country currently admits about one million new legal immigrants every year. An undetermined number come in illegally. Realistically, it will take several years to produce the comprehensive reforms that are needed. However, there is something that we can do now to improve the situation.

In 1990, immigration laws were changed to include a new diversity lottery program. The premise of this new program was to encourage more immigration from nations that were not already sending large numbers to the United States. Unfortunately, the current format for this lottery program are subject to fraud and abuse and leave our nation exposed to those who may seek to do harm on American soil.

Under this program, any applicant that applies under the current setup for this program may be chosen at random and given the status of a permanent resident simply based upon luck. We already have a tragic example of the potential for danger with the story of Hesham Mohamed Ali Hedayet, the gunmen who killed two people at the Los Angeles International Airport in July of 2002. The investigation of this shooting revealed that the gunman had been in the U.S. illegally, but his wife won the visa lottery. This enabled the husband to apply for permanent status and remain in the country to commit his crimes.

There are also a number of stories of fraud and abuse that have been identified by the Inspector General of the State Department. Duplicate applications, identity fraud, and forged documents have been found to be commonplace in these reviews, leaving our national security at risk.

The current diversity visa program does a disservice to our immigration policy and to those immigrants who have moved through the more traditional process that allows them to lawfully reside in this country. Combining this with the clear threats to our national security, it is imperative that we take steps to reform this dangerous program.

Legislation has been introduced that I have cosponsored, H.R. 775, the Security and Fairness Enhancement for America Act, which would eliminate the visa lottery program. The House Immigration Subcommittee has held a hearing on the proposal, and we should continue efforts to move it promptly through the legislative process.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H. Con. Res. 467, a bill that declares genocide in Darfur, Sudan and I commend its sponsor for introducing it.

Mr. Speaker, 10 years ago, genocide occurred in Rwanda. In a little over three months, 800,000 people had died and 2 million more had fled their homes while the U.S. and other nations stood by and watched, later promising that it would never let such a crime happen again.

Today, we have the opportunity to live up to our promise. We have the opportunity to perform our role as a contracting party in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. We have the opportunity to prevent the continuation of the brutal murders that have already taken place in Darfur, Sudan. 30,000 civilians have already been murdered, 130,000 more have fled to neighboring Chad, and around 1,000,000 more have been forced into refugee camps.

If we do not act immediately, the death toll will continue to rise. Estimates say that within the next several months, the death toll could rise to 300,000 people or more. We cannot stand by, watch, and once again promise that we will never let such atrocities occur. We have the opportunity to support H. Con. Res. 467, thereby declaring genocide in Sudan and urging the President to act immediately to alleviate this terrible situation.

Mr. Speaker, we must act immediately. I ask that we unite and support H. Con. Res. 467 to end the furtherance of these atrocious crimes against humanity.

WARSAW UPRISING 60TH ANNIVERSARY COMMEMORATIVE SPEECH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LIPINSKI. Mr. Speaker, on August 1, 1944, the greatest armed uprising by underground Europe against the German occupant began in Warsaw. The Warsaw Uprising lasted for 63 days and cost the lives of about 250,000 people. These two months of heroic combat serve as a symbol of courage, chivalry, the price of independence, but also of the harsh reality of world politics.

The Uprising was started by the Polish underground Home Army, which at the beginning of August had only about 20,000 poorly equipped soldiers, but over time managed to actively involve over 400,000 men, women and children. It was largely thanks to young Polish Boy Scouts that messages between fighting insurgents were spread, medications were delivered and symbols of independence were painted on walls of buildings to show the people—and the Nazis—that Poland was fighting and would not bow to the overwhelming force of German troops, tanks, airplanes and artillery. Even German war correspondents noted that the intensity and difficulty of combat in Warsaw could only be compared to the street battles of Stalingrad, which greatly attributed to the fall of the Germans on the eastern front. The United States recognized the valiance of the Polish insurgents by officially proclaiming them military combatants on August 30, 1944.

Although a quarter million people died in the Uprising and the city was leveled to the ground on Hitler's orders, which showed the world how high a price Poland was prepared to pay for its freedom, the Poles did not gain full independence until 1989, 45 years after the Uprising's end.

The Soviet dictator, Josef Stalin, had a vision of a communist Polish state with a vassal government long before the Warsaw Uprising started. During the conference in Teheran in 1943, Stalin managed to convince the United Sates and Great Britain to shift Poland's borders west, thus reassuring his strong position and the authority to make practically unilateral decisions about the future of Central & Eastern Europe. In July 1944, the Red Army was within fifty kilometers from Poland's capital, but though their primary objective was to crash the Wehrmacht, they did not mean to liberate Poland, but to install a quasi-Polish government that had already been prepared in Moscow to rule in compliance with Soviet principles and under Stalin's supervision. The Home Army was seen as a perilous force, as it sought independence, therefore the communist propaganda renounced the Home Army led uprising as a "reckless and irresponsible adventure" to which the Soviet government could not lend its support. In fact, soon after the collapse of the Uprising most of Home Army officers and many soldiers were prosecuted and sentenced for treason. Ironically, had the home Army's commanders decided not to rise against the occupant, they would no doubt have been accused of collaboration with the Nazis and of cowardice. Having made the tragic decision to take arms against the oppressor that not long before had controlled most of Europe, the leaders of the Uprising had every right to expect support from their western allies. And they did receive it.

Airplanes flew from Italy across half of Europe delivering arms and other provisions to the insurgents, sustaining heavy casualties, but were not allowed to land on the Soviet side of the front. Not until September 18, 1944, two and a half weeks before the collapse of the Uprising, were over one hundred B–17 American flying fortresses able to appear above Warsaw to drop arms, medications and other provisions and then land on the Soviet side of the front. Unfortunately, it was already too late, as the areas of Warsaw in the hands of the Home Army had significantly diminished when compared with the first half of August, making it possible for the Poles to collect less than one-third of the dropped cargo.

The Soviets entered eastern Warsaw lying on the right bank of the Vistula River in the middle of September, but did not move into the center of the city, where the insurgents were still fighting, having decided to wait until those who were willing to sacrifice their lives for Poland's independence have perished.

On August 1, sixty years will have passed since the outbreak of the bloodiest battle in over 1000 years of Polish history and one of the most heroic combats in the Second World War. Rarely has the price of freedom and independence been so high and the fate of those who paid it so tragic. For fifteen years now Poland has been a free country, a member of NATO for five years and since May, a member of the European Union. Its successful transition from an oppressive regime to a peaceful democracy proves the determination of Poles to be a free nation. Such courageous events as the Warsaw Uprising show that it is freedom they deserve. They surely earned it.

HONORING RICK HOYT UPON RETIREMENT FROM FAYETTEVILLE POLICE DEPARTMENT

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BOOZMAN. Mr. Speaker, I rise to honor Fayetteville's Chief of Police Rick Hoyt, who will be retiring from the department at the end of the month.

A graduate of the Fayetteville school system and the University of Arkansas, Rick joined his hometown police force in 1976. His second day on the job was almost his last as a drunk driver hit him while he was directing traffic. He was thrown 69 feet by the impact and spent several weeks in a full body cast in the hospital. Initially, nobody was sure whether or not he would survive. Rick surprised everyone when he was back on the beat in less than 3 months, a testament to his strong spirit and desire to serve the public.

His dedication to protecting and serving the people of Fayetteville led to a series of promotions within the department. In 2002, he was named Interim Police Chief while the city of Fayetteville conducted a nationwide search to find a permanent chief. Within a matter of months, that search was called off and Rick was given the job. As Mayor Dan Coody put it at the time, "We are so satisfied with Chief Hoyt that I don't think we could have done any better."

For the next 2 years, Rick did a tremendous job leading the Fayetteville Police Department. My constituents and I are extremely grateful for service over the 28 years that he worked for the Fayetteville Police Department. I ask my colleagues to join with me today in thanking Rick for his service and wishing him all the best as he enters into a new phase in his life.

HONORING THE INTERNATIONAL RULE OF LAW CENTER AT THE UNIVERSITY OF RICHMOND

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CANTOR. Mr. Speaker, I rise today to recognize Chairman BILL YOUNG and Chairman JIM KOLBE for including the International Rule of Law Center at the University of Richmond as a program that will be actively considered by the U.S. Agency for International Development. This is an important step forward in our effort to enhance fair and judicial systems internationally.

Today, one of the most pressing needs in emerging democracies is to educate leaders who administer justice in the traditions of due process, transparency, accountability, consistency, and judicial independence. Only with an understanding of such values can leaders within a society go forward to create stable and sustainable justice systems that are critical to democracy.

With the aim of international stability in mind, it is in our national interest to foster a crosscultural exchange and understanding of the importance of law. The International Rule of Law Center at the University of Richmond will play a constructive role in accomplishing this goal by supporting the education of future judges in emerging democracies.

The International Rule of Law Center will educate approximately 20 foreign students in a 1-year program that culminates with the students earning a master of laws degree. The program will include many practical field experiences and trips, in addition to a curriculum that focuses on judicial administration, constitutional law, the theory of a sound and fair system of justice, and elements of international law.

Mr. Speaker, I applaud Chairman BILL YOUNG and Chairman JIM KOLBE for their efforts, and I look forward to working with them in the future.

URGING GOVERNMENT OF BELARUS TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H. Res. 652, which calls on the government of Belarus to ensure that Parliamentary elections which will take place in Belarus in October of this year are democratic, transparent and fair.

Thirteen years after the fall of communism, Belarus remains one of the few nations in Europe where the transition to democracy has not taken sufficient root.

The current political leadership continues to rule in an authoritarian manner and its government continues to crack down on those individuals and organizations who are trying to help build support for democracy and democratic institutions.

Unlike the situation in Ukraine, the government in Belarus has thus far not given any clear indication that it is committed to free and fair elections. However, in a recent meeting with the Ambassador from Belarus, this Member was led to believe that the government's position on the elections could be positive. The Ambassador gave assurances that the government would enforce the election codes and would allow all political parties to have representatives on the electoral commissions which oversee the implementation of the elections. He also indicated that Belarus would cooperate with the OSCE and would allow international observers.

At a hearing the Europe Subcommittee held in March on Belarus, this Member mentioned that Speaker DENNIS HASTERT and this Member met with the leaders of the Belarus opposition, collectively known as the Coalition Five-Plus, to discuss the elections and their vision for a democratic future for Belarus. This group of political parties has united in a common platform in an attempt to bring democracy and respectability back to the Belarus Parliament. Unfortunately, members of the opposition political parties and participants in political demonstrations continue to be subjected to increased harassment, surveillance by government agents, arrests, and physical abuse.

For these reasons, it is important that the United States Government, including this Congress, continue to emphatically express our strong support for free, fair and transparent elections and more definitive progress toward establishing a functioning democracy in Belarus.

In Europe, the situation in Belarus understandably seems to be of equal concern. The OSCE, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe have all expressed deep concerns over Belarus and its forthcoming elections. In fact, this Member is informed that the Chair of the Belarus Working Group of the OSCE PA recently visited Minsk for additional discussions on the elections.

Mr. Speaker, H. Res. 652 emphasizes that if Belarus is ever to become more integrated into the community of democratic nations, it must work toward the establishment of a genuinely democratic political system in which the freedom of association and assembly are guaranteed. It also must be a fact that political candidates from the opposition will be free from political harassment and intimidation as they campaign for office and in which the media is free to act independently, free from government control or intimidation. Finally there must be a system in which elections and the electoral process are open, transparent and fair if Belarus wishes to be included in the community of democratic nations.

The parliamentary elections this fall will be a litmus test for President Lukashenko's commitment to democracy and the direction he intends to take Belarus in the future.

In closing, Mr. Speaker, H. Res. 652 rather precisely explains the concerns and recommendations of the United States House of Representatives.

I urge the adoption of the resolution.

REMEMBERING H.J. "BUBBA" SHANDS, JR.

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TURNER of Texas. Mr. Speaker, on June 19, 2004, the City of Lufkin and the state of Texas lost a friend with the passing of "Bubba" Shands, Jr. Bubba was an invaluable member of the community in Lufkin for many years, and he will be sorely missed.

The Lufkin Daily News recently called Bubba a "a Lufkin icon" and "East Texas' favorite son." I think those are two fitting names for Bubba, but I also think there are many more that we could add to that list: husband, father, grandfather, brother, athlete, patriot, leader, believer, and always, great friend to all.

Hilliard Judge "Bubba" Shands was born on November 18, 1926 in Lufkin, Texas. He grew up as a highly accomplished student-athlete, first at Lufkin High School and then at the University of Texas.

Bubba began working in the banking industry in 1958, and continued working in that industry until 1991. He was a bank executive for First Bank & Trust (formerly Republic Bank) for many years, and he also served on the boards of several other financial institutions, such as First Bank of Conroe, Angelina Savings Bank, and Balcones Resources in Austin.

Bubba always realized the importance of community service and was involved with many volunteer and civic organizations throughout his life. He worked diligently towards the creation of Angelina County Airport and the Salvation Army's Adult Day Center in Lufkin, and he was also deeply active in the movement to fund and create Angelina College. He served on the board of the United Way of Angelina County, the Angelina College Board of Trustees, the Lufkin Rotary Club, and he was an active member of the First United Methodist Church in Lufkin.

We pray for God's comforting spirit to be with his wife, Ann; his sister, Mary; his daughter Becky; his son, Jay; and his five grandchildren, Matt, Hill, Rob, Richie, Annie and Hunter.

Today, we honor the memory of a great East Texan, Hilliard Judge "Bubba" Shands, and we ask that we may all celebrate and enjoy life the same way Bubba did for each of his 77 years on this Earth.

THE 25TH ANNIVERSARY OF COPPER CREEK RECORDS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GOODLATTE. Mr. Speaker, it is with great pleasure that I recognize the 25th Anniversary of Copper Creek Records. Copper Creek Records was formed in October of 1978 when recordings were made to introduce an up-and-coming bluegrass band known as the Johnson Mountain Boys, a group that went on to become festival and concert headliners as well as pioneers in the resurgence of traditional forms of bluegrass music.

Early in the label's career, documenting the history of bluegrass and old-time music was of paramount importance. The company documented such events as live concerts, field recordings, and vintage radio shows by legendary artists such as the Stanley Brothers and the Carter Family, as well as Reno & Smiley. A number of these releases were cited by the Library of Congress for their packaging, content, and historical value.

Coupled with historic preservation, Copper Creek has been active in developing new, up-and-coming talent as well as providing an outlet to musically deserving artists who fly just under the "mainstream radar." Most recently, the label has been active in licensing vintage country, old-time, and bluegrass recordings for the major labels.

Over the years, the label has released nearly 200 different recorded projects. In addition to producing CDs for release on Copper Creek, the label has been active in producing historical reissues for other groups and labels that have ties to the Commonwealth of Virginia.

By sharing the history of bluegrass and vintage music and remaining active in current musical styles, Copper Creek Records has enriched our nation's cultural and historic understanding. Again, congratulations to Copper Creek Records on their 25th year.

ANTONIO CHAVEZ HONORED FOR 30 YEARS OF SERVICE TO THE COMMUNITY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of Antonio Chavez and would like to recognize his extraordinary and tireless service to our community.

His first job with the County was in the Public Guardian's Office in 1974. Later, he was hired by Tom Guerin to work in Personnel's Affirmative Action Unit, and then worked in the Recruitment and Examining Unit as an Analyst. Antonio moved on in 1978 when he heard his true calling—job placement at Social Services. During his 15 years with JTPA, he focused on job development. In 1993 a new adventure began with the Gain Program, which later became CalWORKs. Later, at 1888 Senter Road Employment Connection, he earned the title, "Mr. Job Placement."

Throughout much of the time when he worked with GAIN/CalWORKs, he also held another position in the community for which he selflessly devoted long hours for many years: President of the Personnel Management Association of Aztlan (PMMA, now known as CHISPPA). This non-profit organization was truly a benefit to the Latino community, providing many professional development workshops for job seekers and scholarships for college students.

That organization also developed a mentorship/internship program that helped many college students and graduates gain valuable experience and employment. Under Antonio's leadership, PMMA also played a major role in the planning and implementation of many of Jobs America's Diversity Job Fairs.

Antonio Chavez has devoted his life to enrich and advance his community, and his contribution deserves to be honored to serve as an inspiration a new generation of San Jose residents.

I want to thank Antonio Chavez for his many years of service to our community and wish him nothing but the best in this next phase of his life.

TRIBUTE TO GORDON AND MARY ELWELL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CALVERT. Mr. Speaker, I rise today to celebrate a recent achievement of two people who, in celebrating their 50th year of marriage, have provided an inspiring example to all Americans. On June 5, 1954 at Holy Family Church, South Buffalo, New York sweethearts Gordon Elwell married Mary Mattimore. With not much more at the beginning to call their own except their marriage, their faith and vast opportunities afforded by this great country, Gordon and Mary have come a long way in the 50 years of marriage.

Gordon became a respected house builder in the Buffalo, New York area. Mary ran the household and tirelessly provided a loving and nurturing home environment for her husband and eight children. Throughout their incredible life together, Gordon and Mary have dedicated their lives to each other, their and children and grandchildren. To date they have been blessed with twelve grandchildren to spoil as only grandparents can.

In a society with one of the highest divorce rates in the world, Gordon and Mary have provided their children and grandchildren with a shining example of a successful marriage. It is all about hard work, a sense of humor and yes, a love that will not quit. Gordon and Mary have been truly blessed by the first 50 years of this magical marriage, and here's hoping that the best is yet to come. On behalf of my colleagues, let me join the many friends and admirers in wishing Gordon and Mary, and their family, all good fortune during the next 50 years.

WHEN "UP TO CODE" JUST ISN'T ENOUGH

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LARSON of Connecticut. Mr. Speaker, last year we saw an alarming increase in the number of fire related deaths in nursing homes. Fires at nursing homes in Hartford, CT and Nashville, TN claimed the lives of 31 residents, many of whom were elderly or bedridden.

In both cases, these buildings were considered "up to code," in that they met all fire codes and regulations applicable to their age and construction. These codes exempted both buildings from laws requiring them to be equipped with sprinklers because they were considered too old, and too costly, to retrofit. Most in the nursing home industry say this is an economic decision, that homes simply cannot afford the cost of retrofitting their facilities with sprinkler systems. The people of Hartford and Nashville, however, would say that this gap in fire protection is too high a cost where the safety of their loved ones is concerned.

With reduced mobility and heath related impairments, the nursing home population is significantly more vulnerable in fire related emergencies. Although it has been repeatedly proven that the presence of fire sprinklers significantly improves the chances of survival for older adults during a fire, the GAO reports that 20 to 30 percent of the approximately 17,000 nursing homes nationwide do not have an automatic fire sprinkler system. While some states have already taken action to ensure that their nursing homes are equipped with sprinklers, far too many lack such life saving and common sense requirements.

Today, even after last year's fires, there is no comprehensive federal standard for the inclusion of sprinklers in the nation's nursing homes. While the Center for Medicare and Medicaid Services last year adopted the 2000 edition National Fire Protection Association's Life Safety Code, which required that new and renovated nursing homes be equipped with sprinklers, this new policy did not address the lack of sprinklers in already existing older homes. As a result, thousands of homes are allowed to operate "up to code," yet lacking a life saving sprinkler system.

Last week the GAO released a study on nursing home fire safety which concluded that "the substantial loss of life in the Hartford and Nashville fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems." The report also found that "federal oversight of nursing home compliance with fire safety standards is inadequate," and has led to inconsistent monitoring of fire safety standards, incomplete data on sprinkler coverage, and an alarming gap in nursing home fire protection. Above all, the report underscored the need for immediate action.

To this end, I have introduced the Nursing Home Fire Safety Act to eliminate the threat of fire for the 1.6 million elderly and disabled Americans living in nursing homes. Under this bill, all nursing homes participating in Medicare and Medicaid would be required to be fully equipped with automatic fire sprinklers within 5 years. With 97 percent of all nursing homes participating in these programs, this bill would protect the greatest number of Americans possible.

This bill also addresses what is generally seen as the biggest hurdle to installing sprinklers—the cost. Under my bill, any nursing home that has to pay to install sprinklers to meet this new requirement would be fully reimbursed through either Medicare or Medicaid. These reimbursements would be for the total cost of installing a sprinkler system, and would in no way impact any payment, service or program already offered through either program.

Although the 108th Congress is winding to a close, I feel it is important to introduce this bill now and take this crucial first step to begin a long delayed dialogue on nursing home fire safety. Many groups have been looking at this problem for over a year now, and will all undoubtedly have different ideas on an ideal solution. In light of the new information put forward in the GAO report, I look forward to working with them to improve this legislation and to find the best way to ensure that our nursing homes have the safety equipment they need to keep their residents safe from fire.

Mr. Speaker, the federal government has turned a blind eye to this problem for far too long. "Up to code" is simply not enough when it comes to protecting the lives of our nation's nursing home population. The fires in Hartford and Nashville demonstrate the terrible and unacceptable consequences of allowing nursing homes to continue to lack vital life saving safety equipment. It is time for Congress to take action to protect our nation's most frail and vulnerable, and prevent similar tragedies in the future.

I urge my colleagues to join me in helping to make nursing homes in their districts, and around the country, safe from the threat of fire.

A SALUTE TO COACH GAYLE HATCH AND HIS SELECTION AS COACH OF THE U.S. OLYMPIC WEIGHTLIFTING TEAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BAKER. Mr. Speaker, as many in this chamber now know, Coach Gayle Hatch of Baton Rouge, Louisiana, will be the coach of the U.S. Olympic Weightlifting Team at the 2004 Summer Olympiad in Athens, Greece.

I can think of no one associated with coaching, even at the highest levels, more deserving of Olympic recognition. The Olympics is the venue where the best of our world's athletes compete and pursue the ideals of sportsmanship.

Hard work, hard work, and hard work are three of the most important elements of preparation. Talent is certainly important, but commitment to principle is essential. There is no other challenge to an athlete that holds out the highest standards of conduct, as the minimum standard for admission. This makes participation in the Olympics a rare honor. To be selected as a coach of such competitors is even more special.

It is likely that most in the House who listen to this text would assume it is written as a casual political statement to acknowledge Coach Hatch's recent success. Few would know of our long-standing friendship.

It was well over 20 years ago when I first brought my son Brandon to Coach Hatch's training facility. I thought well enough of him then to trust his guidance with my own son. To the exclusion of all other sports, Brandon trained with a commitment I have not seen before. Today my son is a hard working and disciplined person, in large measure due to the principles instilled in Coach Hatch's gym.

I also know the same is true for many men and women who have been part of the "Hatch" family. Whether in sports or other endeavors, graduates of the "Hatch School of Hard Work" always found ways to succeed in life. This is why I rise today to speak to my colleagues in the House.

Coach Hatch's contribution to the Baton Rouge and sporting community goes far beyond helping a talented young athlete finish in first place. Coach Hatch's work, by instilling principles of decency into young people, is of immeasurable value.

The Olympic Committee has selected Coach Hatch to lead young Americans in the most difficult athletic challenge they will likely ever face. This is a big deal. But I know that our team members will bring honor to America, because of their principled conduct which Coach Hatch will require. Their athletic success will only be an additional reward.

Long after Coach Hatch returns home from Athens, returning I hope, to coach more young people, the awards and acknowledgments will continue to come. Some may be from an Olympic Committee, or an Olympian here or there, but hundreds will come from dads like me. We know, Coach Hatch, what you have given of yourself to help mold our children into principled and committed young adults.

Although it can't be found or put on a shelf, I hope you take pride in hearing all us dads say, "Thanks Coach".

For those who don't know Coach Hatch, it is worth noting that he has been active as a weightlifting and strength coach for more than 30 years, and the Gayle Hatch Weightlifting Team has won more than 40 men's Junior, Senior, and Masters national championships. Coach Hatch is a member of the USA Weightlifting Hall of Fame, the National Master Weightlifting Hall of Fame and the USA Strength and Conditioning Coaches Hall of Fame. He holds USA Weightlifting's highest certificate ranking, Senior U.S. International Coach, and is the director of USA Weightlifting's Southern Regional Training Center.

IN RECOGNITION OF THE 105TH ANNIVERSARY OF THE NATIONAL COURT REPORTERS ASSOCIATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SIMPSON. Mr. Speaker, I rise today to honor America's stenographic court reporters and captioners as they celebrate the 105th anniversary of their association.

For centuries, scribes have captured the spoken word to record major and everyday events in recorded history. Shorthand reporters were vital to the preservation of our Nation's founding documents, including the Declaration of Independence and the Bill of Rights. We use them every day in Congress to record the proceedings of our body.

They also provide a valuable service in reaching the hearing-impaired by providing broadcast captioning through Communication Access Realtime Translation (CART). This service benefits millions of Americans every day.

Mr. Speaker, I join with other Members of Congress in honoring and celebrating the efforts of all stenographic court reporters and captioners on July 30, 2004, as they celebrate the 105th anniversary of their association.

FOOD ALLERGEN LABELING AND CONSUMER PROTECTION ACT

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MEEHAN. Mr. Speaker, I rise today in strong support of the Food Allergen Labeling and Consumer Protection Act. I would like to thank Representative NITA LOWEY for her leadership on this issue, and I would also like to thank Abby Giarrosso of Methuen, Massachusetts for bringing this important bill to my attention.

Abby and her family request a meeting with my office because Abby wanted to share her experience as a child with celiac disease and to get legislation passed making it easier for her to eat safely. She shared letters that she had received from food companies in response to her requests for lists of products she could eat. The response letters were telling. Some gave her examples of gluten-free foods and others said that it was just too hard for them to break down their ingredients.

After Abby came in to my office, I immediately cosponsored the bill, and commissioned a certificate for Abby making her an honorary Legislative Assistant for her work to pass this bill into law.

Abby's story is so touching and compelling. At a birthday party she recently attended, they served pizza and cake and all of the children were given an assortment of goodies as party favors. She has a hard time in situations like that because while the other kids can eat the food, she has to just watch. Her parents do a fantastic job working around the problem. At the party they had her bring her own gluten-free pizza. It seemed reasonable to me that if manufacturers are going to sell products that have serious adverse health effects for a large number of consumers, the least they can do is disclose those ingredients.

The Food Allergen Labeling and Consumer Protection Act will make it easier for people with food allergies to more easily identify a product's ingredients. By requiring food labels to list what, if any, of the eight major food allergens are contained in a product, the bill will protect people with food allergies from the risk of dangerous and even life-threatening reactions.

The bill will also help the estimated three million Americans who suffer from celiac disease, an autoimmune disease that's triggered by the consumption of gluten. The legislation instructs the Department of Health and Human Services to define what constitutes "gluten-free" food and how the term should be used on food labels. For those who suffer from celiac disease, like Abby Giarrosso, accurate and easy to read food ingredient labels are critical to their health and well-being.

I urge my colleagues to join me in supporting this important legislation.

PROTECTING RAILROAD OPERATORS, TRAVELERS, EMPLOYEES, AND COMMUNITIES WITH TRANSPORTATION SECURITY ACT OF 2004

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. OBERSTAR. Mr. Speaker, today my colleagues, Congresswoman BROWN, the Ranking Democratic Member of the Railroad Subcommittee of the Committee on Transportation and Infrastructure, Congressmen LIPINSKI, DEFAZIO, CUMMINGS, BLUMENAUER, LARSEN, and MEEHAN, join me in introducing H.R. _____'s, the "Protecting Railroad Operators, Travelers, Employees, and Communities with Transportation Security Act of 2004," PROTECTS Act.

On March 11, 2004, a coordinated terrorist attack against the commuter train system of Madrid, Spain, killed 191 people and wounded more than 1,800 others, making it the deadliest terrorist attack against European civilians since 1988. The attacks consisted of a series of ten explosions that occurred onboard four commuter trains.

If we learned one thing about terrorists from the Madrid attack, it is that they stick to what they know. Since 2000, bombs have been detonated or defused on railways in India, Russia, the Philippines, the Czech Republic, South Africa, Israel, and Germany. In France, a group calling itself AZF claims it has hidden 10 bombs around the country in order to extort $5 million from the French government. The group demonstrated its credibility by suggesting investigators dig under a rail line; they found a small bomb powerful enough to derail a train.

Terrorist threats against trains in the United States are also increasing. Just last week, a Seattle man who was aboard a cross-country Amtrak train was charged with telephoning bomb threats against the train as it passed through Wisconsin. In May 2003, Lyman Faris, a truck driver from Ohio who pleaded guilty to providing material support to al-Qaeda, told investigators that the organization wanted to derail a train near Washington, D.C. Other intelligence sources report that al-Qaeda operatives have targeted the Washington rail corridor and that some have discussed exploding a train near storage tanks containing hazardous chemicals.

Recent news articles report that, due to increased security threats, New York and New Jersey have put together an "unprecedented" rail security plan for the Republican Convention, which includes conducting inspections on platforms, boosting canine units, locking restrooms, and banning overhead luggage.

With ever-increasing threats, our Nation's rail system is at great risk. Accordingly, the Federal Government needs a permanent rail security plan that assures the safety and security of all rail passengers.

The fact is that the Federal Government is spending $4.4 billion this year on aviation security, but it's spending only $65 million on rail security, even though five times as many people take trains as planes every day. The freight railroads have adopted some security measures and Amtrak has added police and dog units and removed large fixtures, such as garbage receptacles and vending machines, from their platforms, but the railroads can't do the job themselves.

The PROTECTS Act ensures that the Federal Government will do its part to take the necessary steps to address security risks on our Nation's railroads, while protecting rail passengers, rail workers, and citizens who live or work in the communities in which railroads operate.

The bill authorizes over $1 billion to safeguard our Nation's rail network from terrorist threats. $500 million is authorized for grants to State and local governments, railroad carriers, rail labor, and others for the full or partial reimbursement of costs incurred in preventing or responding to terrorist activities or other intercity passenger rail and freight rail security threats.

A total of $597 million is authorized for Amtrak to make fire and life-safety improvements to tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, DC. $65 million is authorized for system-wide Amtrak security upgrades. This funding is critical as Amtrak shuttles 66,000 passengers every day, two-thirds of them through the targeted Northeast corridor. Terrorist attacks on crowded stations and on key elements of the infrastructure are a particular cause for concern.

A total of $50 million is authorized for the Secretary of Transportation to create a research and development program to improve freight and intercity passenger rail security. Funding is also provided for a vulnerability assessment of freight and passenger rail transportation and a study and pilot program on passenger, baggage, and cargo screening.

Moreover, the PROTECTS Act focuses on something other bills ignore: the importance of ensuring that key workers have the necessary support and training required to protect our rail system, whether those workers are railroad employees or emergency responders.

Rail workers are truly the eyes and ears of the rail industry. They greet passengers, sell tickets, operate trains, maintain track and signal systems, dispatch trains, operate bridges, and repair rail cars. They are in the most direct position to spot security risks and potential threats. The PROTECTS Act requires rail carriers to provide security training to these workers to ensure that they are prepared to recognize and react to potential threat conditions. Moreover, the bill strengthens whistleblower protections to ensure that workers who report or identify a security risk will not face retribution or retaliation from their employers. These protections are similar to the whistleblower protections provided to airline employees, except that this would allow a whistleblower to bring an action in the appropriate district court if the Secretary of Labor fails to issue a final decision within 180 days of the filing of a complaint. A rail worker should not have to choose between doing the right thing on security and his or her job. Despite whistleblower protections in current law, employees still experience employer harassment and intimidation when reporting accidents, injuries, and other safety concerns.

When I began reviewing the issue of rail security, I sent a letter, along with Congressmen HENRY WAXMAN and ELIJAH CUMMINGS, to the Government Accountability Office, GAO, requesting a review of ten communities to see whether they are prepared to respond to rail incidents involving hazardous materials, whether accidental or intentional. Accidents in urban areas, such as the 2001 incident in the Howard Street Tunnel in Baltimore, Maryland, involving a fire fueled by hazardous materials, and a leak in hydrocholric acid from a parked tank car in an urban area in Lowell, Massachusetts, have called attention to the safety of hazardous materials shipped by rail.

GAO found that many emergency responders were not properly trained to respond to incidents involving hazardous materials and radioactive waste. Local fire department officials that GAO visited in all ten communities confirmed that fire department personnel have received the awareness-level training, the lowest level of training recommended in National Fire Protection Association (NFPA) Standard 472, Professional Competence of Responders to Hazardous Materials Incidents, which provides first responders with the knowledge and skills to identify a hazardous materials incident and to contact the appropriate response resource. However, NFPA representatives reported that the minimum level of training for first responders should actually be at the operations level, the second highest level of training described in NFPA Standard 472, which trains responders to plan and initiate a response to the incident. The PROTECTS Act does just that, but it doesn't stop there.

GAO found that while local communities have most of the equipment needed to respond to hazardous material incidents, some locations lacked essential equipment, such as detectors, decontamination equipment, and personal protective gear. My bill addresses this need. It authorizes the Secretary of Transportation to make grants to State and local governments, as well as nonprofit employee organizations representing emergency responders, for advanced firefighter turnout gear.

The PROTECTS Act also ensures that emergency responders know the types and quantities of hazardous materials stored in transit in their communities to aid in emergency response planning and to ensure that, once again, the local emergency responders have the proper training and equipment to respond to incidents involving dangerous materials.

Winston Churchill, in his first statement as Prime Minister to the House of Commons, said "without victory there is no survival," including, as he noted, "victory in spite of all terror."

The PROTECTS Act is a necessary step to ensuring that end.

A detailed summary of the bill's provisions is attached.

The Protecting Railroad Operators, Travelers, Employees, and Communities With Transportation Security Act of 2004—The PROTECTS Act

On March 11, 2004, a coordinated terrorist attack against the commuter train system of Madrid, Spain, killed 191 people and wounded more than 1,800 others, making it the deadliest terrorist attack against European civilians since 1988. The attacks consisted of a series of ten explosions that occurred onboard four commuter trains.

Bombings on trains are nothing new for terrorists. Our Nation's rail transportation network has also been targeted. Lyman Faxis, a truck driver from Ohio who pleaded guilty last May to providing material support to al-Qaeda, told investigators that the organization wanted to derail a train near Washington, DC. Other intelligence sources report that al-Qaeda operatives have targeted the Washington rail corridor and that some had discussed exploding a train near storage tanks containing hazardous chemicals. Then, last Friday, a Seattle man who was aboard a cross-country Amtrak train was charged with telephoning bomb threats against the train as it passed through Wisconsin on Tuesday.

The Federal Government is spending $4.4 billion this year on aviation security, and spending only $65 million on rail security, even though five times as many people take trains as planes every day. While the freight railroads have adopted some security measures and Amtrak has added police and dog units and removed large, fixtures from their platforms, such as trashcans and vending machines, the railroads can't do the job themselves.

The PROTECTS Act of 2004 ensures that the Federal Government will take the necessary steps to address certain security risks on our rail transportation network, while protecting the safety and security of travelers, employees, and communities. The bill, among other things, authorizes $500 million to be appropriated for freight and passenger rail security improvements, a total of $597 million for Amtrak's fire and life-safety improvements, $65 million for system-wide Amtrak security upgrades, and a total of $100 million for rail research and development.

Vulnerability Assessment. Requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to complete a vulnerability assessment of freight and passenger rail transportation, develop recommendations for improving rail security, and finalize a plan for the Federal Government to provide increased security support during high or .severe threat levels of alert. The bill includes a reporting requirement to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation. The bill authorizes $5 million in fiscal year 2005 for this initiative.

Memorandum of Agreement. Requires the Secretary of Transportation and the Secretary of Homeland Security to execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security in addressing rail security.

Study of Foreign Rail Transport Security Programs. Requires the Comptroller General to conduct a study of rail passenger transportation security programs in Japan, the European Union, and other foreign countries. The results of the study must be submitted to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation, along with the Comptroller General's assessment of whether the United States can implement the same or similar security measures as those which are determined effective under this study.

Rail Police Officers. Allows rail police officers who are employed by a particular rail carrier to enforce the laws of a jurisdiction in which any rail carrier owns property.

Review of Rail Regulations. Requires the Department of Transportation, to review existing rail regulations for the purpose of identifying areas in which those regulations need to be revised to improve rail security. Not later than 1 year after the date of enactment of the Act, the Inspector General must send a report to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation, including recommendations for changes to the regulations reviewed and any legislative changes required to improve railroad security.

Freight and Passenger Rail Security Improvement Program. Authorizes the Secretary of Transportation to make grants to State and local governments, railroad carriers, non-profit employee organizations representing rail workers or emergency responders, owners and lessors of rail cars used for transporting hazardous materials, shippers of hazardous materials by rail, universities, colleges, and research centers for full or partial reimbursement of costs incurred for certain activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats. The bill authorizes $500 million in fiscal year 2005 for this program.

Fire and Life-Safety Improvements. Authorizes the Secretary of Transportation to make grants to Amtrak for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC. A total of $597 million is authorized for this program.

Rail Security Research and Development. Allows the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to establish a research and development program to improve freight and intercity passenger rail security. The bill authorizes $50 million in each of fiscal years 2005 and 2006 for this program.

Rail Worker Security Training Program. Requires the Secretary of Transportation to develop guidance for a security training program to prepare rail workers for potential threat conditions. Railroad carriers would be required to develop the program in accordance with the guidance and submit it to the Secretary for approval. Once the program is approved, the railroad carriers would have 180 days to complete the training.

Whistleblower Protections. Strengthens whistleblower protections to ensure that no employee or other person may be harassed, prosecuted, held liable, or discriminated against in any way for commencing, testifying, assisting, or participating in a proceeding or any other action to enhance rail security, or for refusing to violate or assist in violating any law, rule, or regulation, related to rail security. The bill would also allow claimants to bring an action in the appropriate district court if the Secretary of Labor has not issued a final decision within 180 days of the filing of a complaint, and there is no showing that the delay is due to the bad faith of the claimant.

Systemwide Amtrak Security Upgrades. Authorizes the Secretary of Transportation to make grants to Amtrak to secure tunnels, Amtrak trains, and Amtrak stations; to obtain a watch list identification system; to obtain train tracking and interoperable communications systems; to hire additional police and security officers, including canine units; and to expand emergency preparedness efforts. The bill authorizes $65 million in fiscal year 2005 for this program.

Public Awareness. Requires the Secretary of Transportation, in coordination with the Secretary of Homeland Security, to develop a national plan to increase awareness of measures that the general public, passengers, and employees can take to increase rail security.

Passenger, Baggage, and Cargo Screening. Requires the Secretary of Transportation, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security to analyze the cost and feasibility of requiring security screening of passengers, baggage, and cargo on passenger trains. The bill also requires the Secretary of Transportation to conduct a pilot program of random security screening of passengers and baggage at passenger rail stations served by Amtrak. The bill authorizes $5 million for fiscal year 2005 for this program.

Emergency Responder Training Standards. Ensures that persons responding to emergencies that involve the removal and transportation of hazardous materials and high hazard materials are properly trained to protect nearby persons, property, or the environment from the effects of hazmat accidents.

Information for First Responders. Allows rail tank cars containing hazardous materials and high hazard materials to be transported or stored on rail tracks as long as information identifying the tank car, the hazardous materials within the tank car, and response guidance are immediately available to local emergency responders. Such information shall be provided through the Operation Respond Institute's technology or similar technology.

Definitions. Defines 'high hazard' materials as poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, anhydrous ammonia, and Class 7 radioactive materials.

HONORING THE COUNTRY OF JAMAICA ON THE OCCASION OF ITS 42ND INDEPENDENCE DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise today to recognize the country of Jamaica and to celebrate the 42nd anniversary of its Independence.

The history and traditions of the Jamaican people are knitted tightly within America's cultural fabric. Jamaica's influence is particularly apparent in Black and Brown communities throughout the United States, where the sounds, smells, tastes, and mores of Jamaica have found a second home. From Brooklyn to Baltimore to the Bay Area, Jamaicans and Jamaican-Americans have made their mark as successful, knowledgeable, and hard-working ambassadors of both a vibrant culture and an impassioned commitment to social change.

The Jamaican spirit is vibrantly shown by the two men who perhaps did the most to set the country on a path towards independence. Following the 1938 labor unrest, William Alexander Bustamante, founder of the Jamaican Trade Workers and Tradesmen Union JTWTU 3 years earlier, captured the hearts and minds of workers made furious by British indifference and oppression. Bustamante emerged from the strikes as the leading spokesperson for working class interests in Jamaica. By leveraging the power of the JTWTU to create the Bustamante Industrial Trade Unions, Bustamante formally inaugurated Jamaica's worker's movement, which was the primary piston in the engine of Jamaica's independence campaign.

While Bustamante organized the masses in the streets, Norman W. Manley, an Oxford-trained lawyer, Rhodes scholar, and humanist intellectual, laid the groundwork for the theory behind the independence movement's action. On September 18, 1938 Manley inaugurated the People's National Party PNP, which was guided by the principles of equality of opportunity and the need for a welfare state. Manley established a broad network in both urban areas and rural parishes, and built support for progressive public policy across wide swaths of Jamaican society.

Although Bustamante eventually founded the Jamaican Labor Party, a political rival of the PNP, the two men, both visionary nationalists and advocates of fundamental social change, worked towards the singular goal of freedom for Jamaica's people. Their efforts as alternating Premiers led to constitutional amendments which strengthened Jamaican self-governance and gradually eroded British control the island. This period, known as "constitutional decolonization," ushered in the great day of Jamaica's independence, August 6, 1962.

But Jamaica's independence is not just marked by a date. It is carried instead in the bosom of emissaries of peace and justice, Jamaicans who have sown seeds of their particularly fiery brand of liberty across the world.

Thus we cannot tell the tale of American liberation movements without mentioning with highest regard the great Jamaican-American leader Marcus Garvey, founder of the Universal Negro Improvement Association and champion of oppressed people of African descent across the globe.

And the very marrow of the anti-war, Black Power, and anti-colonialist movements of the late 1960s, 70s, and 80s was the inspirational and haunting melodies of Bob Marley, perhaps the most important figure in 20th century music. Marley elevated music beyond the level of an art form and made it instead an earthly embodiment of spiritual truths, melodious wisdom which transcended daily problems and cut to the heart of man's most pressing struggles. Even today, the music of Bob Marley articulates the groanings of people's movements throughout the world, unceasing in its cry for peace and freedom.

The list could go on: 'Granny Nanny,' the revolutionary maroon who fiercely and successfully battled the British throughout the 18th century; General Colin Powell, our national hero; Claude McKay, the great poet and inspiration for the Harlem Renaissance; Dudley Thompson, Sheryl Lee Ralph, Grace Jones, Harry Belafonte, and many, many others. These Jamaicans and Jamaican-Americans have had an enormous impact on American history and culture, cutting their own paths across the world and touching the lives of millions of Americans.

On this special occasion, I hold that Independence Day is not simply a 24-hour period in Jamaica; it is, instead, a way of life. And it is my hope that we in the United States, with our economic policies and diplomatic relations, encourage the spirit of self-determination and independence in Jamaica, assisting Jamaica's people as they work for the economic and social freedom that they so sorely deserve.

INTRODUCTION OF THE AMERICA SAVING FOR PERSONAL INVESTMENT, RETIREMENT AND EDUCATION ("ASPIRE") ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to join my colleagues Congressmen FORD, PETRI, and ENGLISH in introducing the ASPIRE Act, which presents new hope for extending the American dream.

The ASPIRE Act—or America Saving for Personal Investment, Retirement, and Education—renews our commitment to ensuring opportunity for every child. This Act is in keeping with our government's long-standing tradition of expanding opportunities for each generation of citizens. It upholds the tradition of the Homestead Act, which in the nineteenth century sought to create opportunity through land ownership. It is in the same spirit that, in the twentieth century, we created universal public education—and then opened up access to higher education through the GI Bill and Pell grants.

Living up to our goal of ensuring opportunity requires a new strategy, one tailored to the information age. In the twenty-first century, opportunity is tied to ownership. And yet we see today glaring disparities in the distribution of assets. A huge gulf exists between those who have ready access to asset-building tools, and those who do not.

If we are to make good on our promise to America's youth, we need an honest new effort to broaden ownership of assets. We need to make savings incentives universal, rather than reserving them exclusively for the wealthy and middle class. The tax deductions we currently use to incentivize savings disproportionately benefit those in the highest tax brackets, not those who need the most help.

By creating universal "KIDS accounts," the ASPIRE Act will give every child born in this country a real stake in the future. Under the program, every child's account will be credited with an automatic $500 seed contribution at birth, supplemented by up to an additional $500 for children living below the median income.

These accounts will be invested in a system like the Thrift Savings Plan for federal employees, giving kids and their parents a range of indexed investment options, from government bonds to international stocks. The accounts will be able to receive up to $1,000 each year in private voluntary contributions. Children in lower income families will receive dollar-for-dollar government matches for annual contributions of up to $500. As in Roth IRAs, the growth of account balances will be tax-free.

When children turn 18, thanks to compound interest, they will have a real nest egg that they can use for higher education costs, save for future home-ownership, or save for retirement. They can then chose to maintain their accounts within the ASPIRE Fund, or roll them over to private financial institutions.

Some will criticize universal savings accounts as too "big government" or too expensive. But let me tell you, we subsidize asset-building in a very big way already—70 billion dollars each year for the homeowner's mortgage interest deduction and 150 billion for retirement accounts like IRAs, just to name two. Contrast this with the seven billion dollars per year it would take to bring savings to every American. That's less than 3 percent of what we currently spend subsidizing savings and investment for middle class and wealthy Americans.

Universal KIDS accounts will go a long way toward the creation of a true stakeholder society. They will enable millions of young Americans to gain access to higher education. They will put homeownership—the cornerstone of Americans' financial stability—within reach of millions more families. And they will put every young American on track for developing retirement savings.

Consider that a child receiving the full $1,000 seed contribution, contributing as little as $250 per year to an account earning 7 percent, would hold an account worth $21,480 by her 18th birthday. By the time this individual reaches age 65, the account balance would grow to over half a million dollars.

We know from experience that incentives like matching contributions can help lower-income families save. Evidence provided by individual development accounts as well as 401(k) plans clearly points to the success of these strategies. In addition, international models demonstrate the feasibility of a universal accounts program. This is the so-called baby bonds idea that Tony Blair has instituted in Great Britain, and if they can do it there, we can do it here in the United States.

Think about the way that universal accounts would transform the outlook of young Americans. A new generation, assured savings accounts at birth, would cultivate a savings habit from a young age. These kids would grow up knowing that they own something, getting quarterly statements. KIDS Accounts would encourage a new culture of increased financial literacy, which is critical for enhancing one's prospects in a society where ownership equates with opportunity. Your lot in life shouldn't depend on your parents' paycheck. KIDS accounts would give every child in the United States a real stake in the future, and a reason to dream.

I want to point out, Mr. Speaker, that this bill is both bipartisan and bicameral, with Senators SANTORUM and CORZINE introducing a companion in the other body. I hope that the breadth of our initial supporters will foreshadow a wider embrace of this legislation that truly transcends party lines.

I want to thank my colleagues from both parties and both chambers for the hard work that has gone into thinking through details of this effort. And special thanks are due Ray Boshara and Reid Cramer at the New America Foundation, who have provided much of the intellectual foundation underlying this important step forward.

Mr. Speaker, too often our policy innovation falls victim to our partisan acrimony. If we are to preserve the universal opportunity that has been the hallmark of America for two centuries, we need to get beyond stale ideas and ideological blinders and embrace new ideas for a new age. I'm proud to join my friends today in introducing the ASPIRE Act and look forward to working with colleagues on both sides of the aisle to reinvigorate the American dream.

RECOGNIZING DON MILLER AS A HERO OF CHEMISTRY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize my constituent, Don Miller of Downingtown, PA, as one of the American Chemistry Society's 2004 Heroes of Chemistry.

The Heroes of Chemistry Award was created in 1996 to recognize the innovation and hard work of scientists whose chemical work has produced successful commercial products.

Along with four of his colleagues at Wyeth, Don is being recognized by the ACS for his pioneering work in developing the world's first antibody-targeted chemotherapeutic agent. Don headed this team of scientists for 7 years, seeing the research all the way through to product approval by the Food and Drug Administration.

Born and raised in Pittsburgh, Don's love of science led him first to the University of Pittsburgh and then on to Purdue University for his PhD. His career as a scientist has taken him across the United States and around the world, but the driving force in his life remains in Downingtown with his loving wife, Eva, and his daughters, Skye and Rhiannon.

The ingenuity, perseverance and dedication of Don Miller, and all of his colleagues in the various fields of chemical research, has had a tremendously positive impact on the quality of our health and lives and we all owe Don and his dedicated colleagues our utmost gratitude and appreciation.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. COLE. Mr. Speaker, I rise today to note that on rollcall 397 I voted incorrectly and would like the RECORD to reflect that I had intended to vote "yea" on that rollcall vote.

INTRODUCTION OF OCEANS 21

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. FARR. Mr. Speaker, today signals the beginning of a new era in the protection and management of this Nation's largest public trust resource: our oceans. Along with the other bi-partisan co-chairs of the House Oceans Caucus, JIM GREENWOOD of Pennsylvania, TOM ALLEN of Maine, and CURT WELDON of Pennsylvania, I introduced OCEANS 21, a comprehensive oceans policy bill that answers the calls of the Pew Oceans Commission and the U.S. Commission on Ocean Policy.

Our bill offers a comprehensive legislative solution to all of the crises documented in both oceans reports by establishing a strong national oceans policy that protects, maintains, and restores the health of marine ecosystems. This national policy will secure, for present and future generations, the full range of benefits of healthy marine ecosystems—a responsibility that I take quite seriously in my job of representing California's central coast, home to the Nation's largest national marine sanctuary.

The importance of this policy cannot be overstated, as we all depend on our oceans and coasts, from the person who lives off the water to the person who visits the ocean once in a lifetime. The oceans provide food, jobs, vacation spots, as well as opportunities for scientific inquiry, including medical discovery, and personal reflection. Despite our inability to measure the many non-market values associated with our oceans and coasts, we are able to quantify some of the benefits they provide. For example, over a trillion dollars is added to our economy each year by ocean and coastal economies. This is a huge economic contribution to our gross domestic product, a contribution that must be protected so the returns keep coming. Our bill explicitly protects these returns.

Mr. Speaker, to implement the national oceans policy set forth in OCEANS 21, we provide four national standards which covered actions, defined as those carried out by the Federal Government or paid for in part by Federal funds, must be consistent with. These standards include a precautionary approach and a reversal of the burden of proof. These cornerstones of OCEANS 21 are founded on the opinions of many marine scientists who have seen the health of marine ecosystems degrade over the past years. In fact, many scientists have been encouraging a restructuring of our ocean policy to reflect a precautionary approach and a reversal of the burden of proof for many years. For example, in a 1998 Science article, Paul Dayton, a preeminent marine scientist, asserted, "If society's environmental needs are to be protected so that future generations can also enjoy, learn, and profit from marine ecosystems, this legal burden of proof must be applied to our marine resources so that those hoping to exploit them must demonstrate no ecologically significant long-term changes." Today, I am proud to report back to the scientists, those who know our oceans better than most, that members of Congress have heard their calls and have responded.

As asserted in both the Pew and U.S. Commission Reports, our government needs a way to promote greater coordination among federal agencies whose actions may affect the oceans. Our bill responds to this issue by establishing a National Oceans Council comprised of secretaries of departments and heads of independent agencies. OCEANS 21 recommends that this Council be chaired by a National Oceans Advisor to the President. We recognized early on in our House Oceans Caucus leadership discussions that the best way to improve federal stewardship of our ocean resources was to offer a mechanism for bringing federal agencies together and to have an advisor to the President who can articulate the importance of the oceans. The National Oceans Council and the National Oceans Advisor are the solutions we present.

One of the biggest advances in our understanding of the oceans to occur since our last national review of ocean policy over 30 years ago is that the natural world functions as ecosystems, with each species intricately connected to the other parts that make up the whole. Both the Pew and the U.S. Commission Reports clearly state that we must adopt a new policy framework that is based on the concept of "the whole," an ecosystem-based approach, and move away from our archaic approach based on political boundaries. This new ecosystem-based management approach will not be as easy as our previous approaches, but we must dedicate ourselves to making it a reality.

We have responded to the call for ecosystem-based management by including within OCEANS 21 a provision for Regional Ocean Councils, whose primary responsibility is to do ecosystem planning. We do comprehensive land use planning, so why not do comprehensive ocean planning? With a national ocean policy explicitly written to maintain healthy ocean ecosystems and with Regional Ocean Councils charged with developing and implementing regional ocean ecosystem plans, we can turn back the tide of irresponsible ocean management.

Mr. Speaker, the bill also provides an "Organic Act" for the National Oceanic and Atmospheric Administration (NOAA)—an agency whose existence today is only reflected in an Executive Order. Our bill establishes NOAA in statute. However, unlike some of the other proposals currently being considered, we do not simply codify the status quo. This is because we recognize the status quo has failed and, if long-term ecological sustainability is one of our goals, then we can no longer consider our ocean resources in a piecemeal fashion. OCEANS 21, therefore, restructures NOAA to better reflect the importance of ecosystem approaches.

Setting the stage for a long-term solution to the best possible management of our ocean resources, we also call for the President to submit recommendations for reorganizing Federal departments to establish a Department of Natural Resources. This way, all of our valuable natural resources can be managed together—reflecting our full acknowledgement of the connections between all parts of the natural world, from the oceans to the land to the air.

In addition to addressing the problems of oceans governance, OCEANS 21 also addresses the need for increased investments in marine science research, including ocean exploration, and marine education.

Mr. Speaker, to address the Pew and U.S. Commission recommendations surrounding the ocean science, our bill calls for a national strategy on ocean and coastal science and authorizes funding for marine ecosystems research. OCEANS 21 also creates a National Oceans Council Subcommittee to focus Federal investments on scientific areas especially requiring attention.

One of the most exciting aspects of OCEANS 21 is that it will help to instill a new marine stewardship ethic in all people—from first-graders learning how to read to graduate students investigating challenging scientific processes. The bill does this is in many ways: by explicitly describing education as one of NOAA's missions; by creating an interagency ocean science and coastal education program; by establishing an ocean science and technology scholarship program; and by creating a mass media campaign on how we are all dependent on healthy and productive oceans.

Mr. Speaker, OCEANS 21 is a comprehensive response to two comprehensive ocean reports that both deliver the same sad message: our oceans are in peril and we must act now. It is up to each of us to not let this unprecedented, once-in-a-generation opportunity pass us by. With the U.S. Commission on Ocean Policy and The Pew Oceans Commission Reports both calling for immediate action to protect the oceans, this Congress has a responsibility to the American public to pass legislation that ensures future generations have the opportunity to benefit from healthy oceans. Since coming to Congress in 1993, I have worked hard to raise awareness of the importance of our oceans and today, my dedication to protecting this Country's largest public trust resource is reflected in the introduction of OCEANS 21. I have worked with the bi-partisan cochairs of the House Oceans Caucus to introduce a bill that we all support and this bipartisan effort should be celebrated.

The Bush Administration has a prime opportunity to take the steps necessary to instill a new ocean ethic in our government. Action by this Administration could very well save our oceans. The time for leadership is now. I am dedicated to providing it in Congress, and I hope the President will provide it in the White House.

Mr. Speaker, I urge all of my colleagues to dedicate themselves to shaping a better future for our oceans by supporting the House Oceans Caucus Leadership's ocean policy bill. Our bill will not only bring U.S. ocean policy into the 21st century, it will set the tone for a future in which our oceans remain vital components of our economy, our communities, and our lives.

Mr. Speaker, I would like to close with a quote from the U.S. Commission Report that encapsulates my thoughts on the urgency of considering OCEANS 21 this session:

"The responsibility of our generation is to reclaim and renew the oceans for ourselves, for our children, and—if we do the job right—for those whose footprints will mark the sands of beaches from Maine to Hawaii long after ours have washed away."

HENDRICK MOTORSPORTS

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HAYES. Mr. Speaker, I rise today in celebration of the twentieth anniversary of Hendrick Motorsports.

Hendrick Motorsports was started by my good friend Rick Hendrick in 1984 for the purpose of entering a single car into a single stock car race. Over the next twenty years, Hendrick Motorsports grew into the racing empire it is today, supporting four entries in NASCAR's Nextel Cup Series and one entry in the Busch Series every week. Since its inception, Hedrick Motorsports teams have secured five NASCAR Winston Cup now Nextel Cup Championships, three NASCAR Craftsman Truck Series titles, and one NASCAR Busch Series crown, totaling more than 100 victories in twenty years of racing.

All Hendrick race cars are completely constructed at a 62-acre complex in my home of Cabarrus County, North Carolina. Hendrick Motorsports provides employment to more than 400 Cabarrus County residents. They work not only in the production of racing cars and engines at the main complex but also in the many other daily operation activities of Hendrick Motorsports, such as managing HendrickMotorsports.com, maintaining the 15,000 square-foot Hendrick museum, marketing, public relations, sponsor services, licensing, and merchandising.

The success of Hendrick Motorsports on the race track has led to the opening of the Hendrick Automotive Group, which consists of nearly 60 car dealerships across the country. These dealerships contribute both to their local communities, through donations to local charities, and to the Nation as a whole by participating in The Hendrick Marrow Program.

Created in 1997, the Hendrick Marrow Program seeks to recruit donors to the National Marrow Donor Program and provides financial assistance to the patients who receive these live-saving transplants. As a direct result of the Hendrick Marrow Program's efforts, more than 60,000 potential volunteer donors have joined the National Marrow Donor Program Registry and more than $500,000 have been used to assist patients with transplant-related costs, such as lodging and post-transplant prescriptions.

Mr. Speaker, I am proud to thank Hendrick Motorsports for making Cabarrus County "The Center of American Motorsports" and to congratulate them for twenty years of achievement both on and off the track.

INTRODUCTION OF THE GATEWAY TO DEMOCRACY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Gateway to Democracy Act, a bill designed to increase young voter registration and participation. As we enter another presidential election season we are once again reminded that in order for our democracy to function properly, people need to exercise their right to vote. Unfortunately, young people consistently fail to turn out to the polls on voting day. According to the U.S. Census Bureau, in the 2000 general election only 45.4 percent of 18 to 24 year olds were registered to vote and only 32.3 percent voted. The statistics for the 1998 general election were even more dismal, as 39.2 percent of such individuals were registered and a mere 16.6 percent actually went to the polls.

Studies have shown that people establish their voting behavior early in life. People who start voting between the ages of 18-24 are more likely to consistently participate in the election process for the rest of their lives. Thus it is in the best interest of the country to make it as easy as possible for the youth of our nation to go to the polls for the first time.

Young adults often fail to turn out on their first Election Day simply because, for the first time, they realize they have not registered to vote. Most states require registration prior to the election itself, so that it is too late to establish voter eligibility on Election Day. The Gateway to Democracy Act seeks to increase the number of young people who are eligible to vote as soon as they reach voting age.

In 1993, we passed The National Voter Registration Act so that people could register to vote when they applied for their motor vehicle driver's licenses. This law has increased voter registration and according to studies appears to increase youth voting. However, many states allow individuals to get their licenses years before they meet the age requirement for registration, but few states allow registration at that time if the person is not eighteen years old. Since 53.7 percent of seventeen year olds already had their motor vehicle licenses in 2002, we missed a valuable opportunity to register more than half of the people in that age group.

The Gateway to Democracy is a very simple idea. If you're 18 or older and you apply for a driver's license, you can also register to vote. But in most states, if you are under 18, you do not have the same opportunity to register to vote at the same time that you apply for a drivers license. Thus, a 16 or 17 year old typically must make a second trip to register after that person reaches the eligible age to vote. Often these young people don't bother to make this second trip until it is too late for them to participate in the first election for which they are eligible. This bill will allow people who are too young to vote to fill out all the paperwork necessary to register to vote when they get their drivers license. However, they won't be eligible to go to the polls until they reach the legal minimum voting age.

Some states already have successful preregistration programs. For example, Connecticut, Florida and Maine allow people to pre-register to vote at age 17, Georgia, Missouri, and Iowa allow people to pre-register at age 17 and a half and Hawaii allows people to preregister at age 16. These programs prove that pre-registration programs are simple and effective.

The Gateway to Democracy is a commonsense solution to the problem of getting young people registered in time for their first election. It allows young people to take care of the paperwork ahead of time so that they don't have anything standing in their way on Election Day.

INTRODUCTION OF THE ESRD MODERNIZATION ACT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CAMP. Mr. Speaker, I rise to urge my colleagues to support the End Stage Renal Disease (ESRD) Modernization Act, which is designed to improve the quality of care and quality of life for the more than 3,000,000 Americans living with ESRD.

Patients with irreversible kidney failure, also known as ESRD, will die unless they receive a kidney transplant or undergo dialysis. Sadly, transplantation is limited due to the shortage of donor organs, so the vast majority of those with ESRD must undergo dialysis, three times a week, in dialysis centers or their homes.

Since Congress first agreed to provide Medicare benefits to patients with kidney disease, the number of Americans in need of dialysis treatments has increased exponentially. Today, the most common cause of kidney failure is diabetes. As rates of obesity and Type II diabetes increase, we face an even greater number of Americans at risk for kidney failure.

Because of Medicare, these patients are able to live longer and healthier lives. As important as the ESRD program is, it has not kept pace with the rest of Medicare. Last year we worked to modernize the Medicare program, yet we did not address some of the most pressing issues within the ESRD Program. The comprehensive bill that we introduce today seeks to resolve those problems.

The ESRD Modernization Act would establish educational programs to improve patient care and quality of life. Under this Act, patients with chronic kidney disease (the precursor to ESRD) would have access to new educational programs to learn more the factors that lead to kidney failure and how to prevent them. ESRD patients would have the opportunity to develop skills to help them manage their disease more effectively. The bill also seeks to help those patients able to continue working while receiving dialysis do so by improving the home dialysis benefit.

Additionally, the ESRD Modernization Act would ensure the financial stability of the Medicare ESRD program by providing a mechanism for annual updates to the composite rate. Currently, the ESRD Program is the only Medicare Prospective Payment System program that does not have a mechanism to update its payment rates. This Act will provide such a mechanism, consistent with MedPAC's recommendation in its 2000 Report to Congress.

It is time we fix this life-saving program. I urge my colleagues to support this important piece of legislation so that the Medicare ESRD Program can meet the challenges it faces in the 21st Century.

THE 9/11 COMMISSION REPORT

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. McCARTHY of Missouri. Mr. Speaker, on September 11, 2001 America watched in horror as terrorists attacked our country. We felt outrage and sadness but the worst feeling that day was a sense of helplessness. We wanted to know how the terrorists were able to invade our country and commit these terrible acts of violence and what we could do to prevent this from happening again.

Today's release of the 9/11 Commission Report will help focus our efforts in finding out what went wrong and what steps we must take to prevent another attack. The findings by the bipartisan 9/11 Commissioners give us an opportunity to analyze the steps that we have taken in the last two and one half years to make this country safer.

The Commission found that lack of intelligence information sharing between the CIA, FBI and other government agencies was the greatest weakness leading to the 9/11 attacks. They found that even when information was shared there still was an inability to connect the dots.

As Ranking Member on the Intelligence and Counterterrorism Subcommittee of the Select Committee on Homeland Security, I have worked with my Subcommittee chairman, Jim Gibbons, to make sure that the intelligence agencies are gathering and sharing critical information. We have also held hearings concerning information sharing with our first responders and state and local officials. These brave men and women who serve on the front line must be kept in the loop and be provided with the tools they need to communicate with each other as they work to protect the citizens of this great country. We still have much to accomplish, but I believe that the 9/11 Commission Report will significantly assist with our work on these critical issues.

The Commission recommends that Congress give the executive branch more guidance on fighting terrorism and that the Congressional Intelligence Committees take a more active oversight role. They also recommend the establishment of a National Counterterrorism Center, and consolidating budgetary and operational oversight of all fifteen intelligence agencies and the naming of a new National Intelligence Director to help unify the intelligence community. I support all of these recommendations and thank the 9/11 Commissioners and their staff for their dedication to winning the war on terrorism.

THE 30TH ANNIVERSARY ON TURKEY'S INVASION OF CYPRUS

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MEEKS of New York. Mr. Speaker, this week, the world marked the 30th anniversary of Turkey's invasion of Cyprus. And so began three decades of Turkey's illegal military occupation of Cyprus. Even as we speak, Turkey maintains 30,000 heavily armed troops in the occupied portions of Cyprus.

For 30 years, Cyprus has been divided by a green line—a 113 mile barbed wire barrier that runs across the width of the island.

For 30 years, Greek Cypriots have experienced 30 years of ethnic cleansing, forcible evictions, and missing persons. Cyprus has endured 30 years of the flouting of its territorial integrity. This includes the occupation authority's attempt to create an independent "Turkish Republic of Northern Cyprus."

The international community has witnessed 30 years of the flagrant violation of U.N. General Assembly resolutions and Security Council decisions calling for immediate withdrawal of all foreign forces from Cyprus, the return of refugees, and respect for the island's sovereignty.

Thirty years is a long time. The occupation of Cyprus has been going on too long. If left to their own wisdom and devices, with firm international support, Greek and Turkish Cypriots could find ways to live in peace and harmony.

The international community can and must play an indispensable role in settling the Cyprus dispute. But, to do this, it must draw the proper conclusions from results of the vote this past April on the reunification plan put forward by the United Nations.

Seventy six percent of the Greek Cypriot electorate opposed the "Annan Plan" because of concerns about security, property restitution, and the structure of the proposed central government, while 65 percent of Turkish Cypriot voters supported it. It is clear from this experience that a workable solution must take the interests and concerns of both the Greek and Turkish Cypriot communities fully into account.

It is instructive that the split vote has not led to greater tension between the two communities or between Greece and Turkey. During most of the 433 year history of Cyprus, Greek and Turkish Cypriots have coexisted peacefully.

With the notable exception of the period that immediately followed Turkish occupation of Cyprus, Greek and Turkish Cypriot relations have largely been free of inter-communal violence. The hotly debated referendum itself took place overwhelmingly with an absence of conflict. This shows that despite the differences between them, Greek and Turkish Cypriots overwhelmingly share a desire for peace.

The leadership of the Republic of Cyprus seeks a bizonal, bicommunal federation under a plan that promotes the genuine reunification of Cypriots and Cypriot society, while enabling each community to retain its own identity and culture.

Cyprus's admission to the European Union on May 1st of this year may have created a new opportunity for resolving the division and occupation with an inclusive democratic system in which human rights are fully respected and the fundamental freedoms on which the European Union is founded, are guaranteed.

Taking all of this into account, the U.N. needs to go back to the drawing board. The United States needs to remain an honest broker. It must not attempt to impose a solution that the overwhelming majority of Greek-Cypriots reject. To do so will make an ultimate solution and final reunification difficult, if not impossible, to achieve.

America must at all times remember that a united, peaceful, and prosperous Cyprus is in our national interest and the interest of world peace. After the 9/11 terrorist attacks, Cyprus was one of the first nations to express its solidarity with the United States. Cyprus has also been a strong ally in the war against terrorism. We must continue to support our friends, who like us, only seek to live in peace.

LIEUTENANT COLONEL LAWRENCE A. MILLBEN RECEIVES THE CHAMPION OF EXCELLENCE AWARD

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CONYERS. Mr. Speaker, I am pleased to acknowledge one of my constituents, Lieutenant Colonel Lawrence A. Millben, Support Group Commander of the 127th Wing of the Selfridge Air National Guard Base in Michigan. This Saturday, July 24, 2004, he will be recognized by the North American Black Historical Museum with a Champion of Excellence Award for his many achievements, particularly within the realm of aviation. Like the North American Black Historical Museum, I am impressed by his accomplishments in the United States and Canada. I am especially proud of Lieutenant Colonel Millben because of the numerous contributions and firsts realized in my District, the 14th Congressional District of Michigan, because of him.

Lieutenant Colonel Millben, born in Detroit, Michigan and educated in the Detroit Public School System, has achieved many firsts and has set an exceptional example. He was the first African American to graduate from Aero Mechanics High School, one of four schools in the country that specializes in aircraft maintenance. After high school, he became the first African American to enlist in the Michigan Air National Guard. In 1957, he continued his education and attended the basic and the advanced technician level Aircraft Electrical Schools, completing both simultaneously. This was the first time in the history of the Air Force School that anyone completed both schools simultaneously.

After attending the Air Force School, he went on to have a rewarding career in the private sector, as well as in the military. He was employed by the Burroughs Corporation from 1959 through 1975 and holds several United States Patents. He has also advised the Detroit Public School System on Aircraft Avionics and Aerospace subjects as a consultant.

Military highlights for the Lieutenant Colonel include serving as a full time Avionics Officer from 1975 until 1983, acting as the 191st Consolidated Aircraft Maintenance Squadron Commander in 1983, becoming the first African American Line Officer promoted to the grade of Lieutenant Colonel Millben in 1986, and assuming the position of Deputy Commander for Maintenance in 1988. From 1987–1988, he also served as the President of the 12,000 members National Guard Association of Michigan, the first African American Air Guardsman to do so. Finally, in his current capacity of Support Group Commander of the 127th Wing of the Selfridge Air National Guard Base in Michigan, he accomplished another first, as he was the first African American to assume this role as well.

Awards and decorations received by Lieutenant Colonel Millben include the Air Force Outstanding Unit Award, National Defense Service Medal, Air Reserve Forces Meritorious Service Award, and the Major General John A. Johnston Award for Excellence. He also received the State of Michigan Award for Continued Support of Vocational Education in 1985 and the Spirit of Detroit Award in 1987. He completed Air Command and Staff College in 1980 and Air War College in 1993. He is married to the former Jean Wilburn and is the father of Sheryl, Patricia Millben-Craft, and Lawrence, Jr.

TRIBUTE TO FRANCES PRESTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BERMAN. Mr. Speaker, I rise today to ask my colleagues to join me in offering our congratulations and very best wishes to one of the First Ladies of American music. Frances W. Preston will soon retire as president and Chief Executive Officer of Broadcast Music Inc., (BMI).

The business acumen of Frances Preston is exceeded only by her charisma and charm, and by the respect, affection and admiration her colleagues and peers have for her. She has been lauded for her empathy and for the gracious manner in which she treats every person, from the hottest star to the humblest worker. She is an exceptional executive, leader, role model, and friend.

With Frances at its head, BMI has grown to represent over 300,000 American and foreign songwriters, composers, and music publishers in licensing music and collecting and distributing royalties from play on radio and in television, films, ads and other media. Its artists represent all types of music and its catalog contains 4.5 million works. During her 18 years as president, its revenue has grown more than three times to more than $625 million.

BMI has become an internationally respected leader and a unique success story as the entertainment industry has been transformed by digital technology and globalization. Sensitive to the changing world of music, Frances has focused on domestic licensing, foreign performing rights, legislation for fair compensation for writers and publishers, and copyright protection.

Frances joined BMI in 1958 after working in music and broadcasting in Nashville. She opened BMI's regional office there, and led her company to preeminence in the South, signing writers and publishers with roots in both country and other types of music.

In 1964, the year the Nashville BMI Building opened on Music Row, Frances became a vice president of BMI—reportedly, the first woman corporate executive in Tennessee.

She has often been called a trailblazer in the music business but Frances was also a trailblazer among women. She was the first woman Rotarian in the State of Tennessee. She was the first woman to work with the National Chamber of Commerce. She was one of the first four women—and the first businesswoman—to be invited to join the Friars Club in New York and the first woman to serve on their board of governors.

Frances moved to BMI's New York office in 1985. She was appointed Senior Vice President, Performing Rights in 1985 and President and CEO in 1986. She is a member of BMI's Board of Directors.

In 1992, in recognition of the important role she played in building Nashville's music industry, she received the highest accolade in Country music: induction into the Country Music Hall of Fame. In 2004, she was also inducted into the Gospel Music Hall of Fame. She is a lifetime member of the board of directors of the Country Music Association—one of only five individuals to be so honored—and has served as president and chairperson of the board. She is also a lifetime board member of the Gospel Music Association, where she served as chairperson and president, as well as a lifetime member of the Nashville Songwriters Association International.

Frances is vice president of the National Music Council and a member of the Board of Directors of the National Academy of Popular Music/Songwriters Hall of Fame, a board member of the Rock & Roll Hall of Fame, and a director and member of the executive committee of the Broadcasters' Foundation.

Frances' many interests and her expertise extend far beyond the music industry. A distinguished member of business and political circles, she served on President Jimmy Carter's Panama Canal Study Committee, the commission for the White House Record Library, and Vice President Albert Gore's National Information Infrastructure Advisory Council.

She has given selflessly of her time and resources to many of America's most worthy charities. She is President of the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research and the recipient of its 1992 Humanitarian Award. She is an activist and a philanthropist who became involved in the fight against cancer after the disease claimed her close friend and ski instructor. The Frances Williams Preston Research Laboratories at the Vanderbilt-Ingram Cancer Center is named in her honor, as is Vanderbilt's Frances Williams Preston Building, the focal point for the VICC's research.

Included among other awards far too numerous to list, Preston has received the Women's Equity Action League (WEAL) Achievement Award, presented to only five women each year, honoring her as one of "America's outstanding women in business and labor." She has been honored with the Broadcasters' Foundation's Golden Mike Award, and the President's Award from the National Music Publishers' Association in recognition of her contributions to the music and music publishing industries.

Preston was singled out by Esquire magazine as "the most influential and powerful person in the country music business." Ladies' Home Journal listed her as one of the "50 Most Powerful Women In America" and Entertainment Weekly placed her second in its Top 10 listing of "The Powers of Country Music." Over the years, Business Nashville, BAM, Radio Ink and Hits have listed her as one of the most powerful people in the music industry. In 1997, she was one of only ten businesswomen featured in Rolling Stone's "Women in Rock" special issue.

Frances has been a partner and strong supporter to those of us in Congress who care about copyright protection. She has vigorously supported the fight against music piracy and vigorously guarded against any legislation that would reduce the rights and incomes of songwriters, composers and publishers.

I am honored to congratulate Frances on her retirement and ask my colleagues in the House to join me in wishing her many happy years ahead.

PALESTINIAN PARLIAMENT URGES NEEDED REFORMS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ISSA. Mr. Speaker, I rise today to recognize the Palestinian Parliament for their leadership in demanding reforms in the Palestinian Authority.

By a vote of 43–4, Palestinian lawmakers overwhelmingly approved a resolution calling on Palestinian leader Yasir Arafat to accept the resignation of Prime Minister Ahmed Qurei and calling for the formation of a new government that would have greater control over the security forces, the authority to introduce political changes and to combat pervasive corruption. Yesterday's vote marks the emergence of the Palestinian Parliament as a check to Mr. Arafat's political power.

If the Palestinian Authority is to gain legitimacy among its own people and in the world community, the Palestinians themselves must take responsibility for bringing about needed reforms and for establishing an effective security apparatus to combat terrorism and violence.

It is clear by yesterday's action that a new power base dedicated to reducing violence and chaos in the Gaza Strip is emerging, and the United States must encourage and support that effort. I look forward to a renewed commitment in bringing stability to this region.

I am hopeful that seeing the success of this resolution, Palestinian lawmakers will assert themselves in the future to serve the greater interests of the Palestinian people.

CONDEMNING ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. HASTINGS of Florida. Mr. Speaker, in 1994, a terrorist bomb destroyed the headquarters of the Argentine Jewish Mutual Association, known by its Spanish acronym, AMIA, killing 85 people and wounding 200. To this day, the attack on the AMIA remains the deadliest anti-Semitic incident since World War II.

I take this opportunity to condemn the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina on July 18, 1994, and to honor the victims of this heinous act.

The AMIA attack, which showed the same cowardice as the September 11, 2001, attack, tragically illustrates the intention of Islamic terrorists to bring their jihad against Western values to our own hemisphere.

Substantial evidence attributes the attack on July 18, 1994, to the terrorist group Hizballah, based in Lebanon and sponsored by Iran. Evidence indicates that the tri-border region where Argentina, Paraguay, and Brazil meet was used to channel resources for the purpose of carrying out the AMIA attack by terrorists linked with Iran.

Regrettably, the scheming of international terrorist organizations such as Hizballah and al-Qaeda are not confined to the tri-border region. Much of the Western Hemisphere is ideal for international terrorist groups to establish bases due to the ill equipped and poorly trained security agencies across the region.

Terrorism is their technique, but hatred is their ideology. The fight against terrorism must remain a top priority. Nowhere is this more true than in America's backyard.

While the case has been officially under investigation for over 9 years, the responsible parties have not yet been apprehended.

Massive judicial and investigative irregularities, destruction of evidence, and cover-ups have already distorted the long-delayed trial.

The biggest blow to the trial came last year when Federal Judge Juan Jose Galeano, who had spent nine years probing the bombing, was removed from the case. It was revealed he paid $400,000 in State money to a witness in return for testimony needed to move the stalled case forward.

So now, the court is focusing on investigating the investigation rather than look into who was to blame.

Make no mistake about it, failure to duly punish the culprits of the AMIA attack serves to reward terrorists and help spread terrorism. Therefore, I strongly urge the Government of Argentina to fulfill its international obligations and its promise to the Argentine people by pursuing the local and international connections to this act of terrorism, wherever it may lead, and to properly punish all those who are involved.

Argentina owes it to itself, its people and the human family to conduct an intense, fearless and comprehensive investigation that will lead to the identification and prosecution of the principal criminals.

HONORING SHAFER VINEYARDS' 25TH ANNIVERSARY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor an extraordinary event in my district. This year marks the 25th anniversary of Shafer Vineyards, a family run winery that produces some of the world's highest rated wines from the heart of California's Napa Valley.

I have had the pleasure of knowing John and Barbara Shafer for a long time. Their history in the Napa Valley and the philanthropic contributions they have made in enhancing thousands of lives of those who are less fortunate have truly been an inspiration to all who have met this remarkable family.

Mr. Speaker and colleagues, if you do not know the Shafers, you should. John left a successful career in publishing in 1972 to pursue his dream of a second career in producing premium wine. He and his family moved to the Napa Valley and purchased a 210-acre estate in the Stags Leap District. The family began planting 50 acres of vineyards on the rocky hillside property. In 1978 their painstaking work paid off when John crushed their first harvest of cabernet sauvignon grapes marking the beginning of their winery.

Mr. Speaker, the rise of Shafer Vineyards is truly an American success story. In the 25 years since the Shafer family produced their first vintage consisting 1,000 cases of cabernet sauvignon, the winery has grown to produce 32,000 cases of Cabernet Sauvignon, Merlot, Chardonnay, Sangiovese and Syrah per year. Today Shafer wines can be found throughout the entire United States and in markets throughout Europe and Asia. The Shafer's have also set the bar for sustainable agriculture in the Napa Valley and throughout the world. By the end of 2004, their winery will convert to 100 percent solar power.

While the Shafer family's business has grown beyond their dreams, the values that they began with remain as strong and visible in our community as ever. Twenty-five years later John still serves as chairman of the board of the winery and his son Doug has taken over the day-to-day activities serving as president.

Not only do Shafer Vineyards and the Shafer family have an illustrious history of winemaking and responsible land stewardship, but they also have a long history of public service. For as many years as I can remember, the Shafer family has been a leader in ensuring the success of the annual Napa Valley Wine Auction, which has raised over $50 million for community non-profit organizations. John served as the chairman of the 1999 wine auction, that year the auction raised $5.5 million breaking all previous records. Recently John led the effort to build the Napa Valley Vintners Community Health Center which houses four healthcare organizations and will care for thousands of area residents for generations to come.

Mr. Speaker, at this time I think it is appropriate that we honor and congratulate the Shafer family for their success in the wine business and their countless contributions to the betterment of the Napa Valley. I wish the Shafer family and Shafer Vineyards well as they enjoy and prosper during their next 25 years of success.

INTRODUCTION OF A BILL TO SUSPEND THE DUTY ON CERTAIN EDUCATIONAL TOYS AND DEVICES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HERGER. Mr. Speaker, I rise today to introduce a bill to suspend the duty on electronic educational toys for children. This duty is, in fact, an educational tax on the consumer.

At a time when we as policymakers are focusing on ways to enhance education for our children, it is important to aggressively promote tools that are valuable in teaching fundamental skills. Penalizing the consumer for buying educational toys is contrary to the country's educational goals.

Currently, computers and toys enter the United States duty free. But electronic educational toys have a duty. This duty is inevitably passed on to the consumer. We do not want to create a situation where a consumer may be less inclined to buy an educational toy versus a regular toy, which has not had to absorb the cost of the duty.

The company leading the fight to eliminate the tax on electronic educational toys is a California company, LeapFrog Enterprises, Inc. LeapFrog is an innovative company and a leading developer of educational products, currently employing 1,000 people in my state.

I hope my colleagues will join me in this effort to end an unwise tax on education.

REPUBLIC OF CYPRUS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to commend the commitment of the Republic of Cyprus to democracy, human rights, free markets, and equal justice under law.

Regrettably, this July 20th marked the thirtieth anniversary of the invasion of Cyprus by Turkish military forces. This illegal military occupation of more than one-third of Cyprus' territory is a violation of multiple United Nations Security Council resolutions.

To this day, Turkey maintains a force of 30,000 heavily armed troops in Cyprus. 1,500 Greek Cypriots and 4 Americans of Cypriot descent remain missing since 1974, when the Turkish military forces commenced a policy of ethnic cleansing, forcibly evicting 200,000 Greek Cypriots from their homes.

In 1983, displaying blatant disregard for international law and the sovereign independence of the Republic of Cyprus, Turkey encouraged the secession and declaration of independence of the occupied areas.

The "Turkish Republic of Northern Cyprus" has been recognized by no nation except for Turkey, and the U.N. General Assembly has made numerous calls for the immediate withdrawal of all foreign military forces from Cyprus.

Cyprus' accession to the European Union in May of 2004 has given Cypriots new resolve to overcome the division of their nation and citizens. It will be a difficult path towards a united Cyprus that is founded on respect for human rights and fundamental freedoms. But it is a path paved with the hope of a determined people.

Currently, the Republic of Cyprus is seeking a bizonal and bicommunal federation, reunifying society and economy, while granting each community the right to retain its own identity and culture, without military occupation.

Although a reunification plan was set forth by the United Nations, in April of this year 76 percent of Greek Cypriot voters stood in opposition to the plan due to issues of vital concern, such as security, property restitution, and dissatisfaction with the structure of the proposed central government.

Despite the rejection of the plan, 90 percent of the Greek Cypriot community turned out to vote on the UN plan, displaying a deep interest and concern in the future of the reunification of their nation and the changes this would bring.

We must learn from the message sent by those who could not support the proposed Plan. The lesson is Cyprus' reunification is too important an issue to rush into a Plan that does not address the serious concerns of all Cypriots.

H.R. 3874

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. DAVIS of California. Mr. Speaker, it has been my pleasure to co-sponsor Representative Bono's bill, H.R. 3874, which will enable the Palm Springs area to benefit from the conveyance of 44 acres of Bureau of Land Management land to Father Joe's Villages for the creation of a homeless shelter, a training center, and affordable housing for this area of Riverside County.

I have had the privilege of knowing Father Joe Carroll for many years in San Diego, where he has worked tirelessly to develop an extensive program of services for the homeless of all ages through the St. Vincent De Paul Village.

Often identified by the community for its Kitchen, which serves 4,000 meals a day, the center goes way beyond providing the homeless with food to offering dental, vision, and other health services. It also provides high school equivalency and computer training.

Helping the homeless find jobs not only includes coaching in job hunting skills and providing interview attire but begins with coordinating on-site psychiatric services to address some of the underlying needs of village members through volunteer professionals from the University of California San Diego.

The Center also provides for the 24-hour care of some 200 orphaned children, which includes meeting not only their food, clothing, housing, and health needs but also houses their public schooling.

The village offers courses in parenting, anger management, and counseling for unmarried couples with children as well as prenatal care. In sum, it invests in offering needy people full-life services both intensively and for an extended time to help them turn their lives around.

I know that with the decades of Father Joe Carroll's successful experience in San Diego, this opportunity to create a new service base in Palm Springs will be beneficial for the community.

TAXES AND THE ECONOMY, CUT ONE, GROW THE OTHER

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BOEHLERT. Mr. Speaker, high tax rates and complex tax codes stifle job growth. A fair and simple tax code should only provide enough revenue for the federal government to carry out its necessary tasks. It should not restrict the innovative and entrepreneurial opportunities that made America such a great nation.

The last thing the federal government should be doing is taking more money away from hard-working Americans. The key to growing our economy is allowing Americans to keep more of their own money to spend, save, and invest. Jobs is my favorite four letter word—and the tax cuts we've passed have been responsible for creating millions of new jobs across the nation.

In the House, we have worked hard to cut taxes. We have passed legislation to permanently eliminate the marriage penalty tax, extend Alternative Minimum Tax reforms, permanently expand the 10 percent bracket to lower taxes for hard working, low income families, and keep the child tax credit at the $1,000. That's real tax relief.

Our American Jobs Creation Act of 2004, provides tax relief to domestic manufacturers and U.S. employers to make them more competitive both at home and abroad.

We must also strengthen the economy by reforming our tax code. The overly complex U.S. tax code is more than a burden to working families; it's a drain on our economic efficiency and productivity. American taxpayers spend over three billion hours each year complying with a confusing U.S. tax code. The cost to our economy by complying with the tax code is a staggering $85 billion a year. That's unacceptable.

This week we passed legislation to relieve families and small businesses of onerous and complicated tax compliance. I will continue to vote for tax relief and tax reform. Tax cuts and tax reforms are a powerful economic stimulus creating new jobs; reducing the cost of doing business; and providing a framework for long-term economic growth.

CORRECTING THE RECORD REGARDING UNFOUNDED ATTACKS ON FDA GENERAL COUNSEL

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BARTON of Texas. Mr. Speaker, on Tuesday, July 13, 2004, on the floor of this House, Representative Hinchey of New York made several statements about Daniel E. Troy, Chief Counsel of the FDA.

Allegations were leveled against Mr. Troy that he took unprecedented action regarding the FDA's involvement in the submission of briefs in product liability cases. His actions were neither unprecedented nor unusual. In a letter dated July 15, 2004, to Chairman Bonilla, five former FDA chief counsels—two of them Democrats—state, Mr. Troy's actions in this regard are neither "radical" nor "even novel."

The FDA must have the ability to carry out the responsibilities Congress has given the Agency. His interest in those cases is to vindicate FDA's authority over medical product risk communication and to safeguard the agency's primary jurisdiction. As Chief Counsel for the FDA, Mr. Troy appears to have acted completely within the scope of his duties and obligations. In order to address the allegation that Mr. Troy acted inappropriately, I would like to submit a copy of that letter for the Record.

July 15, 2004.

Re Hinchey amendment to cut $500,000 from the appropriations for the FDA Office of Chief Counsel.

Hon. Henry Bonilla,
Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Committee, House of Representatives, Washington, DC.

Dear Mr. Chairman: The undersigned comprise all of the former Chief Counsel to the Food and Drug Administration (in both Republican and Democratic Administrations), except for one who is currently an attorney in the Office of the General Counsel of the Department of Health and Human Services. We are writing to recommend reconsideration of the amendment to the FDA appropriations bill by Representative Hinchey of New York on the floor of the House of Representatives, which would reduce the appropriation for the FDA Office of Chief Counsel by $500,000 and would increase the appropriation for the Division of Drug Marketing, Advertising, and Communications in the FDA Center for Drug Evaluation and Research by a corresponding amount. We support additional funds for the Division of Drug Marketing, but we believe that the reduction of the appropriation for the Office of Chief Counsel and Representative Hinchey's reasons for penalizing that Office cannot be supported.

FDA's Office of Chief Counsel performs critical functions in the administration and enforcement of the Federal Food, Drug, and Cosmetic Act and other laws administered by FDA. The substantial reduction in the funding of that Office, therefore, would materially impair its ability to meet the needs of its client, FDA. Such impairment would be contrary to the public interest.

Representative Hinchey's reasons for penalizing the Office of Chief Counsel and criticizing FDA Chief Counsel Daniel E. Troy are set forth in the House Debate on the FDA appropriations legislation as reported in 150 Cong. Rec. H5598–TI5599 (July 13, 2004). Representative Hinchey states that Mr. Troy "has taken the agency in a radical new direction" by submitting amicus curiae briefs in cases in which courts have been asked to require labeling for pharmaceutical products that conflicts with FDA decisions about appropriate labeling for those products. Representative Hinchey characterizes this activity as a "pattern of collusion between the FDA and the drug companies and medical device companies" in a way that has "never happened before."

These characterizations are inaccurate.

In Weinberger v. Bentex Pharmaceuticals, Inc., 412 U.S. 645 (1973), the Supreme Court agreed with the briefs filed by the Department of Justice on behalf of FDA that the agency has primary jurisdiction over new drug issues. In Jones v. Rath Packing Co., 425 U.S. 933 (1977), the FDA took the position in an amicus curiae brief submitted by the Department of Justice that federal food labeling requirements preempt inconsistent state requirements, and the Supreme Court agreed. In subsequent private tort litigation, FDA has taken the position, through amicus curiae briefs filed by the Department of Justice, that FDA decisions regarding drug product labeling and related issues preempt inconsistent state court determinations, and the courts have agreed. E.g., Bernhardt v. Pfizer, Inc., 2000 U.S. Dist. Lexis 16963 (November 16, 2000); Eli Lilly. v. Marshall, 850 S.W. 2d 164 (Texas 1993). All of this was to protect a uniform national system of food and drug law. All of it occurred before Mr. Troy assumed his current position. In none of these cases did any court request FDA's opinion. Thus, there is ample precedent for the actions that Mr. Troy has recently been undertaking. His action is not radical or even novel.

The amicus curiae briefs filed by the Department of Justice at the request of Mr. Troy protect FDA's jurisdiction and the integrity of the federal regulatory process. There is a greater need for FDA intervention today because plaintiffs in courts are intruding more heavily on FDA's primary jurisdiction than ever before. In our judgment, Mr. Troy's actions are in the best interests of the consuming public and FDA. If every state judge and jury could fashion their own labeling requirements for drugs and medical devices, there would be regulatory chaos for these two industries that are so vital to the public health. and FDA's ability to advance the public health by allocating scarce space in product labeling to the most important information would be seriously eroded. By assuring FDA's primary jurisdiction over these matters, Mr. Troy is establishing a sound policy of national decisions that promote the public health and, thus, the public interest.

We therefore recommend that the $500,000 cut from the appropriations for the FDA Office of Chief Counsel be restored.

Sincerely yours,

PETER BARTON HUTT (1972–1975).
RICHARD A. MERRILL (1975–1977).
RICHARD M. COOPER (1977–1979).
NANCY L. BUC (1980–1981).
THOMAS SCARLETT (1981–1989).

THE ISSUE OF BONUS DEPRECIATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. WELLER. Mr. Speaker, thank you for the opportunity to address an important issue. Over the past 2–3 years, the issue of bonus depreciation has been very important to American companies and American workers as our economy recovers from the recent recession.

On March 9, 2002, President Bush signed the Job Creation and Worker Assistance Act of 2002 into law. This law allows businesses to accelerate the depreciation of equipment they purchase between September 11, 2001 and December 31, 2004. They get to accelerate 30 percent more in the first year. Before this law, a $1,000 computer would be depreciated equally over 5 years. $200 each year. With this change, businesses get $200 in the first year, plus a 30 percent bonus. So, they depreciate $500 in the first year and the remaining $500 over the next four years ($125 each year for four years). In 2003, President Bush signed legislation to increase the 30 percent bonus depreciation to 50 percent. There is evidence that bonus depreciation is helping to drive the U.S. economic recovery.

Fifty percent bonus depreciation will expire on December 31, 2004. I personally will continue working to try to extend this important provision. For some industries, such small aircraft manufacturers, this provision will expire much sooner than December 2004. Because of the relatively long period of time it takes to build these airplanes, many manufacturers cannot promise delivery by the end of this year. Because of this, new orders are drying up.

Why is this important? Well, building new airplanes requires workers. Increased orders requires increased workers. In May 2004, Cessna announced they would be hiring back 400 workers to meet increased demand.

Both the House and Senate versions of the JOBS bill includes a provision extending the period for placing in service certain noncommercial business aircraft. Under the provision, if such an aircraft is ordered in 2004 and certain additional requirements are met, then a taxpayer would have until the end of 2005 to place the aircraft in service.

I believe it is important that Congress enact this provision, either in the JOBS bill or through another vehicle, as soon as possible. I look forward to working with my colleagues to help make this happen.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DINGELL. Mr. Speaker, I am pleased to be introducing this legislation with Chairman BARTON that will protect more than $1 billion in State Children's Health Insurance Program (SCHIP) funding. This funding is scheduled to revert to the Treasury on September 30 if Congress does not act.

The SCHIP program was established in 1997 to reduce the number of uninsured children. Since its inception, the program has been a great success. Last year, 5.8 million children were enrolled.

As a result of this success, however, a number of States are projected to have insufficient federal funding to sustain their existing programs over the next several years. Unless Congress acts, more than 200,000 children could lose their health insurance coverage as a result.

The solution Chairman BARTON and I are proposing has the support of the National Governors Association, along with a number of advocacy groups representing the concerns of children.

I look forward to working together to enact this legislation when we return in September.

ICE AGE FLOODS NATIONAL GEOLOGICAL TRAIL

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HASTINGS of Washington. Mr. Speaker, today I am introducing legislation to create the Ice Age Floods National Geological Trail.

At the end of the Ice Age, 12,000–17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States. These floods left dramatic and distinguishing features on the landscape throughout Montana, Idaho, Washington, and Oregon.

In 2001, a joint study team headed by the National Park Service, that included 70 members from public and private entities, completed a study endorsing the establishment of the Ice Age Floods National Geological Trail to recognize the national significance of this phenomenon and to coordinate public and private sector entities in the presentation of the story of the Ice Age Floods.

The Ice Age Floods National Geological Trail would reveal, to the public, a fascinating story that spans across the Pacific Northwest. Regional, national, and international travelers would have the opportunity to discover how immensely powerful cataclysmic floods had a profound effect in shaping distinctive landscapes and in defining ways of life, from the flanks of the Rocky Mountains to the Pacific Ocean.

The Trail can be expected to generate significant economic benefit, through increased tourism, in a vast and largely rural region. I ask you to refer this legislation to the appropriate committee for consideration.

CONGRATULATING THE NATIONAL ENVIRONMENTAL SERVICES CENTER (NESC) ON ITS SILVER ANNIVERSARY

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MOLLOHAN. Mr. Speaker, a milestone anniversary is being celebrated this month at West Virginia University, in my Congressional District. Twenty-five years ago, the National Small Flows Clearinghouse first opened its doors. It was established by Professors Willem Van Eck and Raul Zaltzman, who wanted to help smaller communities find the best technologies to meet their water treatment needs.

Today, the Small Flows Clearinghouse is a highly successful program of the National Environmental Services Center (NESC). Since 1979, this organization has evolved into a national leader in combating pollution and assisting small communities on water issues. NESC is an expert resource not only on wastewater, but also drinking water, environmental training, infrastructure security and utility management. From its offices in Morgantown, NESC helps to protect public health and the environment in communities all across the country.

The organization will celebrate its 25th anniversary with an open house on July 26 at the university's Evansdale Campus. In marking the occasion, Mr. Speaker, I would like to offer my congratulations to President David Hardesty, Vice President for Research and Economic Development John Weete, and the NESC team: Executive Director John Mori, Director of Program Development Pam Schade and the entire staff, both past and present.

Their commitment to the health of our people and communities has achieved real results, and I wish them the very best as they begin NESC's next quarter-century of service.

H.R. 3684 FOOD ALLERGEN AND CONSUMER PROTECTION ACT OF 2003

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H.R. 3684, the Food Allergen Labeling and Consumer Protection Act. This act mandates clear labeling to protect consumers from medical problems caused by the eight major food allergens: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans. These irritants are found in a wide variety of packaged foods, and account for an estimated 90 percent of all food allergies.

Food allergies can drastically affect the quality of life for the seven million Americans who suffer from them. Approximately 30,000 individuals each year require emergency room treatment for food allergies, and about 150 die each year. The eight percent of all children in America who have these allergies and their families deserve our help and support in dealing with the challenges they face in their daily lives.

As there is no cure for food allergies, the only protection against reactions to these foods is to avoid them altogether. But without proper labeling, parents cannot ever be sure their children are safe. One mislabeled product, one misleading claim, can be fatal. We need tough standards to ensure that food producers provide adequate information on packaging. This legislation provides those standards by requiring that foods containing any of the eight major food allergens be labeled in a clear and easy-to-understand way, so parents can feel confident in their choices.

This bill also addresses trace allergens, another major concern of those who live with food allergies. Products which claim to be allergen free can still be contaminated with these products during the manufacturing process. This bill requires the Department of Health and Human Services to effectively track which foods are unintentionally contaminated with major food allergens during the manufacturing process, and to recommend alternate processes to reduce such contamination.

Mr. Speaker, food allergies create a major obstacle for allergy sufferers and their families. The dangers of allergic reactions restrict options for travel, socializing, working and learning. This legislation can help prevent avoidable allergic reactions and provide additional peace of mind to families. I commend the gentlelady (Mrs. LOWEY) from New York for bringing this legislation to the floor, and I urge my colleagues to support it.

INTRODUCING LEGISLATION TO NAME A POST OFFICE IN ROSINE, KENTUCKY, AFTER BILL MONROE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LEWIS of Kentucky. Mr. Speaker, the tradition of Bluegrass music is something we can all be proud of. It is a very significant part of the culture that I cherish and is as much Kentucky as horses and basketball. There is one man we can all recognize for this pride, the father of Bluegrass music, Bill Monroe.

Mr. Monroe is the creator of a musical art form that is focused, and often composed, of the family. In 1939, he founded the legendary band the Blue Grass Boys, which at times included the guitarist Lester Flatt, banjo picker Earl Scruggs, fiddle player Chubby Wise, and his son, bass player James Monroe.

In 1970, Mr. Monroe was inducted into the Country Music Hall of Fame. The following year, he was recognized for his songwriting craft and was entered into the Nashville Songwriters Association International Hall of Fame. Mr. Monroe was also rightfully recognized with the Grammy Lifetime Achievement Award.

Mr. Monroe's songs like "Kentucky Waltz" bring back pleasant memories of the past that we tell our children about. Because of the influence he has had on me and many others I am honored today to introduce legislation that names the post office in Rosine, KY after Mr. Monroe. This is one small way that I, as a Member of Congress, can recognize a lifelong idle who is a proud part of the lives of many Kentuckians.

HONORING JOSEPH AND ANNE QUINN ON THEIR 50TH WEDDING ANNIVERSARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Joseph and Anne Quinn of Smithtown, New York, who will observe their 50th wedding anniversary on August 15th, 2004. Born in New York City, they met as freshmen in college. Joe was a student at Iona College in New Rochelle and Anne attended St. John's University. They were married on August 1, 1954 at St. Joan of Arc Church in Jackson Heights, New York. The Quinns moved to Suffolk County in 1955 when Joe began a thirty-three year career in education with the Middle Country School District. The couple has lived in Smithtown since 1958.

The Quinns have ten children—Kathleen, Terence, Brendan, Marybeth, Patrick, Neil, Regina, Timothy, Lawrence, and Julianne—all of whom are married. They are the proud grandparents of twenty-two.

Joseph retired in January 2003 from a second career as Staff Assistant to Congressman GARY ACKERMAN. Anne retired in December 2002 from her position as a New York State Taxpayer Service Representative. Mr. Quinn was Chair of the Smithtown Democratic Committee for twenty-two years and is still greatly interested in politics.

The Quinns have been active members of St. Patrick's Parish since moving to Smithtown. They plan to continue travelling all over the country to visit their widespread family.

The Quinns will mark their fiftieth anniversary with a renewal of vows at St. Patrick's Church and a dinner at the Bellport Country Club. Their children have also planned a family trip to Colorado as a reunion to celebrate this landmark anniversary.

I am proud to honor this distinguished couple and their long-standing commitment to the community and to one another.

TRIBUTE TO FILM AND TELEVISION COMPOSER JERRY GOLDSMITH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to note the passing of one of this nation's great cinematic artists, composer Jerry Goldsmith. Mr. Goldsmith died on July 21, 2004 at the age of 75. He leaves behind a distinguished repertoire of outstanding and memorable film scores and television themes that are as recognizable as they are innovative.

Scoring movies and television programs is a vastly underappreciated art form. Too often this music is considered as just another part of things that are popular but are only entertainment, not art. However, his scores, like the work of his colleague film and television composers, are essentially classical music pieces. As such, they should not be dismissed simply because they happen to be associated with films and television shows, which in fact are valid art forms.

As anyone in the entertainment industry can attest, music is an essential and integral part of the final artistic product. It sets appropriate moods and tones and can help make action scenes more thrilling and tense as well as stir the emotions in more quiet interludes. Mr. Goldsmith was a master at the full range of his craft often creating path-breaking and innovative scores.

The sound of his echoing trumpets for the soundtrack of the movie "Patton" has so permeated the culture that this music is now synonymous with military leaders. His spooky and menacing chants for the film "The Omen," for which he won the Academy Award, is now standard for horror films. And his experimental use of electronics, woodwinds and percussion helped create the sense of "other worldliness" in the film "Planet of the Apes." The fact that these musical themes and many others of his are so widely recognized and copied not only acknowledges his versatility and genius, but also underscores the legitimacy of the scoring craft.

Jerry Goldsmith was born Jerrald Goldsmith on February 10th 1929 in Los Angeles, California. At the beginning of the 1940s, he took piano lessons from Jakob Gimpel and Mario Castelnuevo-Tedesco. While attending the University of California, he took classes with Mikols Rozsa, the famed composer of such films as "Ben-Hur," "Ivanhoe," "El Cid" and "Spellbound."

Mr. Goldsmith started his career at CBS television in the early 1950s as a clerk typist and eventually got assignments composing music for radio plays, and later for television broadcasts. He eventually wrote music for such famous television shows such as "The Twilight Zone," "Dr. Kildare," "The Man From U.N.C.L.E.," "The Waltons," "Barnaby Jones," "Star Trek: Voyager" and "Star Trek: The Next Generation."

Mr. Goldsmith's first motion picture score was in 1957 for a long forgotten B-western named "Black Patch." However, his first major recognition as a film composer did not occur until 1962 for his score of the Kirk Douglas film "Lonely Are the Brave." That same year, he got his first Academy Award nomination for the film "Freud."

Throughout his career, he became associated with distinguished directors such as the late Franklin J. Schaffner who, with Mr. Goldsmith scoring, made "Planet Of The Apes," "Patton," "Papillon," "The Boys From Brazil," and "Lionheart." He also worked on a number of Paul Verhoeven films including "Total Recall," 'Basic Instinct," and "Hollow Man." He wrote the scores for director Fred Schepisi films "The Russia House,' "Mr. Baseball," "Six Degrees Of Separation," and "I.Q." And director Joe Dante gave Mr. Goldsmith the opportunity to show his talents for films like "Twilight Zone: The Movie," "Gremlins I and II," "Innerspace," "Explorers," "The 'burbs," "Matinee," and "Small Soldiers."

Mr. Goldsmith received 17 Academy Award nominations for his work starting in 1962 for "Freud," and including his work on films such as "Chinatown," "Hoosiers," "Basic Instinct," "LA Confidential," and finally for his score of the animated "Mulan" in 1998. He won four Emmy Awards for his television work and was nominated for five Grammy Awards.

Mr. Speaker, I ask my colleagues to join me in remembering the life and work of Jerry Goldsmith. He was a national treasure. Although we will no longer get the opportunity to hear new scores from him, his musical legacy will live on in his recordings for generations.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. ISRAEL. Mr. Speaker, I rise in strong support of this bill, declaring the atrocities unfolding in Darfur, Sudan, as genocide.

In Darfur, villages are being burned to the ground. Death squads herd African villagers into refugee camps until they are full to bursting, lacking food and basic medicines.

In a matter of months, government-backed militias have killed 30,000 people and forced more than one million from their homes.

People talk about "indicators of genocide" and lawyers argue whether the killing, which the administration has already characterized as ethnic cleansing, is genocide.

Whatever label one attaches to these killings, there is a moral obligation to do everything possible to stop them. To ignore slaughter on this scale is unforgivable.

To its credit, the administration is pushing a UN Security Council resolution. But as that process unfolds, the killing continues.

The time has come for action, for the international community to exercise its moral and political and arguably also legal obligations to intervene in Darfur.

Genocide has shown its ugly face too often this century: European Jews during World War II, Cambodians in the late 1970s, and Rwandans in 1994.

The lesson is clear. We must stop the genocide; prevent further atrocities; and bring those guilty of genocide or ethnic cleansing to justice.

INTRODUCTION OF POVERTY STATS LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. MALONEY. Mr. Speaker, today I introduce legislation with Representative WILLIAM LACY CLAY, D-MO, that requires the annual poverty estimate and the National Assessment of Educational Progress to be subject to certain guidelines on the release of the information to the public. I am deeply concerned at what appears to be the politicization of data by the Bush Administration on important issues ranging from worker safety to the dangers of lead paint to emergency contraceptives. Because data regarding poverty and educational progress are essential to lawmakers at all levels of government to implement policies addressing these issues, it is critical that this information is disseminated in an open and timely process.

Last year, the Census Bureau decided to break with tradition to release its annual poverty estimates on a Friday in Suitland, Maryland, rather than during the middle of the week at the National Press Club in Washington, DC. Because that report was expected to announce the loss of millions of jobs, the questionable circumstances regarding the release of those statistics led myself and Representative CLAY to seek an investigation by the Government Accountability Office, GAO, as to why the Census Bureau made its decision. We should not be playing politics with science, which is why I believe this legislation is so important.

C. J. CHEN, TECRO REPRESENTATIVE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MCDERMOTT. Mr. Speaker, C. J. Chen soon will be concluding his term as Representative of the Taipei Economic and Cultural Representative Office ("TECRO"). In this capacity C. J. Chen has spent the past four years as Taiwan's unofficial ambassador to the United States, an important posting and a critical position for the twenty-three million people on Taiwan.

Few diplomats have a greater understanding about East Asia and the United States than C. J. Chen. He has been a member of Taiwan's foreign service for more than three and one half decades, and he has spent most of that time focused on fostering ties between Taiwan and the United States. By all accounts, he has done an excellent job.

Representative Chen's diplomatic career has been most impressive. He has held a number of important positions in Taiwan's Ministry of External Affairs and capped his long diplomatic career in Taipei by being named Foreign Minister. During the past four years while serving as head of TECRO, Representative Chen has used his vast experience to preserve and expand ties between Taipei and Washington. Representative Chen's advice and counsel have always been sought by Members of Congress who have a keen interest in matters involving the Taiwan Straits. Therefore, his impending departure is a loss for Taiwan's friends in Washington.

Mr. Speaker, my colleagues and I wish Representative Chen and his lovely wife Yolanda well as they prepare to return to Taipei for new challenges. I look forward to seeing him again in Taipei or when he returns to Washington in the months ahead.

INTRODUCTION OF THE SOCIAL SECURITY FAIRNESS FOR MERCHANT MARINERS ACT OF 2004

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. FILNER. Mr. Speaker, I rise today to introduce the "Social Security Fairness for Merchant Mariners Act of 2004" (H.R. 4904).

There were three major roles in World War II: the fighting forces overseas, the production army at home, and the link between them—the United States Merchant Marine. The maritime power of the Merchant Marine may have been the difference between victory and defeat.

The World War II Merchant Mariners suffered the highest casualty rate of any of the branches of service while they delivered troops, tanks, food, airplanes, fuel and other needed supplies to every theater of the war. Enemy forces sank over 800 ships between 1941 and 1944 alone.

Given the role of the Merchant Mariners in World War II, it is unbelievable that they were not given their proper recognition as "veterans". I would hope that this was an oversight, not a deliberate attempt to exclude them from benefits.

One of the results of this lack of the "veteran" designation is that the law does not recognize Merchant Mariners as veterans for Social Security purposes. If they had the veteran designation, their Social Security would have been calculated as if they had earned $160 more a month than they did earn during their time in service in the Merchant Marines. Of course, what this means is a smaller Social Security check, now that they are retired.

My bill H.R. 4904, will fix this unfair situation! It will provide benefits with the status of "veteran" under the Social Security Act to the Merchant Mariners who served during World War II.

Combined with my bill, the "Belated Thank You to the Merchant Mariners of World War II" (H.R. 3729), which would compensate them for their exclusion from GI Bill benefits, Congress can fix the injustice that has been endured by the Merchant Mariners. We can never make up for years lost, but we can provide additional benefits to Merchant Mariners, many of whom are living on small, fixed incomes, in their final years.

I urge my colleagues to support and cosponsor H.R. 4904

CONGRATULATING INDIANA BROADCASTER OF THE YEAR AWARD RECIPIENT, HAROLD A. WELTER

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BUYER. Mr. Speaker, I rise today to congratulate Harold Welter for receiving the Indiana Football Coaches Association "2004 Broadcaster of the Year Award."

For 39 years Harold Welter has been the voice of high school sports in Indiana's Kankakee Valley. If there was an important football game, boy's basketball game, girl's basketball game, and even sometimes a baseball game in the area, Harold was there broadcasting it on WKVI radio.

Though Harold is a die-hard fan of his hometown Knox High School Redskins, he broadcasts each game in a professional and impartial manner that brings the action of the game to life for his listeners. He also regularly invites local individuals to be guest commentators on a night's game, a privilege I have had on one occasion.

Harold has gone the extra mile promoting high school sports. He established a Saturday morning radio show now called "Saturday Sportsline" on WKVI which recognizes outstanding high school sports teams and athletes through in-depth interviews with coaches and players that let listeners learn more about our local sports heroes.

This year, the Indiana Football Coaches Association recognized Harold's dedication to high school sports in Indiana by naming him their "Broadcaster of the Year." It is a tremendous honor and well deserved. His sincerity and concern for the lives of young adults is admirable and recognized by all who know him.

From his first job in radio at WRIN in Rensselaer, Indiana, to his many years of calling high school sports in the Kankakee Valley, Harold has kept his listeners tuning in. I am pleased to join other Hoosier sports fans in honoring Harold for his contributions to Indiana high school sports and congratulate him again for being named "Broadcaster of the Year" by the Indiana Football Coaches Association.

THE HEALTHY START REAUTHORIZATION ACT OF 2004

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. UPTON. Mr. Chairman, I rise today to announce that, along with my colleagues Representatives Edolphus Towns, Charles "Chip" Pickering, Elijah Cummings, Shelley Moore Capito, Rosa DeLauro, John Spratt, Bobby Rush, Jim Marshall, and Danny Davis, I am introducing legislation to reauthorize the Healthy Start Act, H.R. 4905.

The Healthy Start program works to reduce the incidence of infant mortality and low birth weight and eliminate perinatal disparities in communities across the Nation where the infant mortality rate is in excess of 150 percent of the national average. The program, which began as a successful demonstration project in 1991 under the leadership of Health and Human Services Secretary Lewis Sullivan and was overwhelmingly authorized by Congress in 2000, has at its core the recognition that infant mortality and morbidity are not just medical problems, they are community problems. To qualify for a Healthy Start grant, communities must buy-in by forming networks of community public and private decision-makers and leaders, educators, health professionals, and family members to set ambitious goals for themselves and work in a coordinated and effective way to meet those goals. These programs are targeted to at-risk populations and are characterized by aggressive outreach to reach young women who are pregnant and/or are already mothers, as well as fathers, who live in communities with the toughest poverty, drug use, and unemployment.

We are fortunate to have a Healthy Start program in Kalamazoo, Michigan, in my Congressional district. Our Healthy Start Family Resource Center offers prenatal care, WIC resources, transportation, personal counseling and many other services. So far, 100 percent of the expectant mothers who have received prenatal care and other services through the Center have delivered healthy, full-term babies.

The Healthy Start Reauthorization Act will reauthorize the program for fiscal years 2005 through 2010 at "such sums as may be necessary."

RECOGNIZING THE SERVICE OF MAJOR GENERAL RONALD L. LOWE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, the U.S. Congress and the nation take great pride in formally recognizing the exceptionally meritorious military service of Major General Ronald L. Lowe, U.S. Army, who completes his tour as the Chief of Staff, United States Pacific Command on the 29th of July 2004. This significant milestone marks the completion of more than 38 years of active and reserve service to the nation.

Major General Ronald L. Lowe was assigned to the position of Chief of Staff, U.S. Pacific Command, Camp H.M. Smith, Hawaii on 4 June 2000. Prior to joining the USPACOM staff, General Lowe served for three years as the Deputy Commander for Support, Eighth U.S. Army, Yongsan, Korea. In this role he served as the senior wartime logistician responsible for battle command of all Army combat service support forces in the Korea theater of operations. Earlier, MG Lowe served for four years as Vice Director of Information Systems for Command, Control, Communications and Computers (DISC4), Office of the Secretary of the Army, with duty at the Pentagon, Washington, D.C.

Prior to recall to active duty under the Defense Department's "Chairman's Ten" program, General Lowe held U.S. Army Reserve command assignments with the 351st Civil Affairs Command, the 7th Psychological Operations Group and the 14th Psychological Operations Battalion. During the early years of his career General Lowe served on active duty as a mechanized infantry platoon leader, company commander and battalion logistics officer, in Europe. Later he served as a Deputy District Senior Advisor in the Republic of Vietnam and as Chief of the Enlisted Separations Branch of the U.S. Army Personnel Center.

General Lowe is a graduate of the Infantry Officer Basic Course, Civil Affairs Officer Advanced Course, the Command and General Staff College and the Army War College. He holds a Bachelor of Arts degree from San Jose State University and Certificates in Procurement and Applied Total Quality Management from the University of California, Berkeley. He has participated in advanced management programs at the University of California at Los Angeles, Michigan State University and Harvard University. In civilian life, General Lowe retired from Pacific Bell, an SBC Communications subsidiary, in 1997. Prior to his retirement he served as Pacific Bell's Executive Director of General Contracting. More recently he worked in Europe as a senior consultant for KPMG. He is a past President of the Senior Army Reserve Commanders Association, SARCA, and the National Civil Affairs Association and he currently serves on the Advisory Board of the Association of the U.S. Army.

General Lowe has been awarded the Combat Infantryman's Badge, the Expert Infantryman's Badge, the Parachutist Badge, the Legion of Merit with Oak Leaf Cluster, the Bronze Star Medal, the Defense Meritorious Service Medal, the Army Meritorious Service Medal with 2 Oak Leaf Clusters and various other decorations.

The U.S. Congress congratulates MG Lowe on his retirement, and extends its gratitude for his many years of service to our nation.

A SPECIAL TRIBUTE TO JOHN REAGAN McKEE ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to Mr. John Reagan McKee on the occasion of his retirement. On June 4, 2004, Mr. McKee retired after thirty years as an English teacher at Libbey High School in Toledo, OH.

To truly do Mr. McKee justice would not be to speak of his achievements by the awards he received or the teams he coached; it would be to speak of the kind of educator he was. John McKee was able to turn discouraging circumstances into opportunities.

John McKee introduced students to their potential and his belief in their character guided and motivated children to fulfill their dreams. For the past five years, the Graduating class has chosen Mr. McKee as the teacher who influenced them most.

Whether an English teacher, basketball coach or Advisor on the school paper, John McKee brought out the best in his students and made sure they recognized it as well. In doing so, he ensured himself a permanent spot in the memories of his students as one who truly believed in them. Among students and among his fellow teachers, his presence at Libbey will be sorely missed.

Mr. Speaker, the profession of education is not merely a job, it is a lifestyle. My appreciation for teachers runs deep. And my appreciation for dedicating one's life to the advancement of education runs deeper. John McKee has effectively displayed a commitment to his community. John's passion for education is what makes him a model citizen of the Fifth District.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to John Reagan McKee for thirty years of success as an educator. On behalf of the people of the Fifth District of Ohio, I am proud to recognize John McKee's great achievement. We wish John and his family all the best as we pay tribute to one of Ohio's finest citizens.

HONORING OVERSTOCK.COM FOR THEIR EFFORTS IN AFGHANISTAN

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CANNON. Mr. Speaker, I rise today to honor and recognize a Utah company for the help it has given to the recently freed people of Afghanistan.

Overstock.com, founded in 1999, is one of Utah's best performing companies and a leader in liquidating excess inventory through the Internet. For nearly five years, Overstock.com has operated on principles of value investing and fair deals, which is why it has become a leader on the Internet.

Overstock.com has also done great work abroad as well. Worldstock is the socially responsible goods department of Overstock.com that contracts with skilled craftspeople in developing countries and helps them sell their products. I am proud to say that this Utah based company is now Afghanistan's largest private employer. The Ministry of Commerce in Afghanistan reported that Worldstock has made it possible for 1,400 Afghans—90 percent of them women—to earn a living. This is a quite a feat, considering that just a few short years ago Afghanis, especially women, were living under the oppressive Taliban regime.

In Afghanistan, Overstock.com has been able to utilize technology to provide employment for this developing country. Overstock.com has given Afghanis the skills needed for long-term business success. Additionally, Overstock.com has said that it will not make a profit of more than one percent on goods sold through its Worldstock division. This policy has allowed women, prevented from working under the Taliban regime, to now flourish. Global trade and commerce are now a reality to the Afghani people thanks in part to the efforts of Overstock.com.

I would also like to recognize the founder and CEO of Overstock.com, Dr. Patrick Byrne. Being a three-time cancer survivor has not slowed down his altruism, productivity or creativity. It is Dr. Byrne's vision that drives Overstock.com and its work in Afghanistan. In 2003, Dr. Byrne hired Neelab Kaniska, an Afghan woman who fled her homeland when she was a child, to manage Worldstock. This position allowed Neelab to return to her native country and work with local artisans and provide them with the technological tools that now employ over 1500.

Overstock.com and Dr. Patrick Byrne understand the importance of all markets whether it is the individual consumer, small business owner, or an artisan in a developing country. I applaud their efforts and their representation of Utah, American business, and the American spirit.

IN MEMORY OF NEIL HAVENS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the memory of Neil Havens, former postmaster of my hometown of Simi Valley, California, and a man for whom community was family and who epitomized the spirit of Simi Valley.

Neil Havens died peacefully Friday at the age of 74 in his favorite chair in the home he and his wife, Pat, moved into soon after they married in 1951. A fourth-generation Simi Valley native, Neil was appointed postmaster by President Dwight Eisenhower, taking over from his father, Charles Reuben Havens. His grandfather, Charles Albert Havens, also delivered the post in Simi Valley.

And while his 30-year reign as postmaster guaranteed him a place in Simi Valley's history, it was Neil's commitment to community that guaranteed him a place in the hearts of all who knew him.

Neil Havens was a longtime Rotarian. He served as president of the Rotary Club of Simi Valley twice. He was one of the founding members of the Simi Valley Education Foundation. He served on the board of the Simi Valley Cultural Arts Center Foundation. He was a member of the Salvation Army Disaster Team. He raised money for Simi Valley Hospital. He was active in the U.S. Naval Reserve. And the list goes on.

But that is not what people talk about when they talk about Neil Havens. They talk about his firm handshake and his ready smile framed by a trademark jawline beard. They talk about how many friends he had and how he called every week. They talk about how their lawn was mysteriously mowed when they fell ill, to find out later that it was Neil who wielded the mysterious mower. They talk about how he visited sick friends every day they were ill and looked after their family once they passed.

Neil Havens defined community as family. And Neil looked after his family.

Neil is survived by his wife, Pat, herself a community icon. She and Neil graduated together from Simi Valley High School in 1947 and raised three children in Simi Valley, Debra, Barbara and Russ. The City Council named Pat as Simi Valley's first City Historian while I was mayor of the city, a post she still holds along with Director of the Strathearn Historical Park and Museum.

In addition, Neil is survived by four grandchildren.

Mr. Speaker, I know my colleagues join me in sending our condolences to Pat Havens, their children and grandchildren, and pause in remembering a man whose family extended far beyond the bonds of blood and whose life embraced all who knew him. Godspeed, Neil.

INTRODUCTION OF H.R.___, THE LIBERTY LIST

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SCHIFF. Mr. Speaker, in presenting the 2003 State Department Human Rights Report Secretary of State Colin Powell declared, "We join in solidarity with courageous men and women all over the world who strive to advance human rights and democratic values within their own countries and throughout the international community." Today, I introduce the Liberty List Act that will highlight those courageous men and women and reinforce the special significance of freedom, democracy, and human rights in American foreign policy.

The Liberty List will be an independent annual report issued by the State Department to highlight the work of individuals and organizations, including the media, who promote the development of liberty, democracy, and respect for human rights. In addition to honoring these individuals and organizations for their important contributions to their societies, the Liberty List will draw attention to the conditions against which the honorees struggle and will offer some protection for honorees by identifying them to the international community. A few individuals and groups, such as Aung San Suu Kyi and her National League for Democracy NLD, are known around the world for their struggle. Yet, for every individual who is known to the international community, there are many other heroes who deserve recognition and support as they risk their own lives for the improvement of others'.

The Liberty List is fundamentally different from the existing State Department Report on International Religious Freedom and the annual Country Reports on Human Rights Practices. Current reports focus on the human rights records of national governments; they deal with the imposition of state power. The Liberty List, in contrast, will spotlight individuals and organizations who are working against that power to build freedom, democracy, and respect for human rights.

Leaders in the struggle for freedom and democracy around the world deserve recognition for the sacrifices and their struggles. It is through the work individuals, who struggle at the local and national levels to improve the lives of their families, friends, and neighbors, that democracy, freedom, and human rights will prevail. The Liberty List Act will establish a means by which the United States can honor these men and women as they strive to make the world a better, safer place.

I urge my colleagues to join me as cosponsors of this legislation.

THE CASE OF THE HUNGARIAN GOLD TRAIN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SERRANO. Mr. Speaker, I rise today to discuss an important issue of justice for Holocaust survivors: the saga of the Hungarian Gold Train, and the role played by the United States government.

As the Presidential Advisory Committee on Holocaust Assets, PCHA, first revealed in full in 1999, this was a dark mark on the otherwise heroic and exemplary role played by the United States in the treatment of Holocaust survivors. In 1944, the Nazis systematically confiscated the property of Hungary's Jews. A train loaded with stolen property was turned over to U.S. Army after World War II ended. Our policy and law required us to return that property to its rightful owners. Instead, the United States refused to return the property to Hungary—despite the pleas of Holocaust survivors. Worse, our government covered up the matter for half a century. As the PCHA concluded, the Gold Train is "an example of an egregious failure of the United States to follow its own policy regarding restitution of Holocaust victims' property after World War II."

As members of this House are well aware, the United States has been at the forefront of recent worldwide efforts to assure restitution and historic justice for Holocaust survivors. When other nations or their corporations have tried to use legalistic defenses, such as sovereign immunity or statutes of limitations, we have said forthrightly that there is a moral as well as a legal obligation to make historic amends. Sadly, in dealing with the claims of the Hungarian Holocaust survivors, our own government has taken the very approach we have decried elsewhere.

The survivors filed suit in federal court in Miami in 2001 seeking an accounting and restitution. The Justice Department has litigated this case in a manner that appears to ignore its moral dimensions, and that appears to contradict our bipartisan national policy on Holocaust restitution. It has sought to have the case thrown out of court—an effort rejected by Judge Patricia Seitz. It has insisted on taking grueling in-person depositions from dozens of elderly survivors. It only filed a substantive response to the lawsuit three years later. In that response, it chided the survivors themselves for lacking the "due diligence" to learn about the Gold Train, despite the fact that the government itself covered up the story and kept documents classified for decades! This sort of foot-dragging only adds insult to injury. The Department of Justice has a duty, in my view, not only to vigorously uphold the law, but also to pursue justice and seek fair restitution for those victims who lost property on the Gold Train.

The report accompanying the Commerce, Justice and State Appropriations bill makes clear the Appropriations Committee's concern over this issue. Report language indicates that the Committee is watching this case carefully. As I told Deputy Attorney General Comey when he testified before the Subcommittee in March, I have heard a great deal about this from Holocaust survivors. I feel very strongly that these individuals should not be dragged through further time-consuming litigation and court proceedings.

Mr. Speaker, I believe the judge's order that the Justice Department mediate the case with the survivors is a very positive development. The parties have agreed that Fred Fielding, the former White House counsel to President Reagan and currently a member of the Commission on Terrorist Attacks on the United States, the 9/11 Commission, will conduct the mediation. I will monitor this process, and work with Mr. Fielding as necessary to see that justice is done. As the report indicates, it is important that the Justice Department treat this mediation seriously and at last resolve this matter in a way that is fair, compassionate, and prompt.

I believe that the most authoritative account of this case—and of the United States government's moral duty to compensate these survivors—was recently written by the Hon. Stuart E. Eizenstat. Ambassador Eizenstat was the Special Representative on Holocaust Restitution Issues during his time as Under Secretary of State and Deputy Treasury Secretary during the 1990s. He sat on the PCHA and is respected worldwide for his balanced leadership on this issue. He recently wrote an article in the Forward, the respected Jewish newspaper. I strongly agree with the thrust of this article, and I would like to enter it into the record at the end of this statement.

Mr. Speaker, simply put, justice delayed is justice denied. These Holocaust survivors came to the United States to build new lives, and our government has wrongly withheld the compensation which could have helped in that process. They have been waiting for almost sixty years for justice. They should not have to wait any longer.

[From the Forward, June 17, 2004]

INTEGRITY OF THE RESTITUTION PROCESS RESTS ON SINGLE STANDARD OF JUSTICE

(By Stuart Eizenstat)

During the last decade, Swiss, German, Austrian and French companies and their governments paid some $8 billion to Jewish and non-Jewish victims of the Third Reich, disgorged thousands of dormant bank accounts, finally honored prewar insurance policies and returned confiscated property and artwork.

The Europeans paid reparations for their conduct during World War II, and restituted property even though their legal liability more than half a century later stood on shaky grounds. They did so in significant part because the American government insisted that they had a moral and historical responsibility to those they wronged.

Now, however, the shoe is on the other foot in the "Hungarian Gold Train" case. The American government is being sued by Jewish survivors for alleged improper handling of assets stolen from them by the pro-Nazi regime in Hungary. Faced with righting what may be America's historical wrong, the Justice Department has forgotten our own message to the world, and is relying on strict legal arguments to escape responsibility.

This is the wrong approach and should be corrected immediately, lest we lose the moral high ground that was indispensable to achieving our agreements—and that remains essential today to ensure our agreements are honored and that other human rights violations are taken seriously.

The U.S. Army was not only heroic in winning World War II, but also had an enviable postwar record in recovering Nazi-looted property. Unlike the Soviet Union, which took away valuable paintings and cultural property as war booty, the American government never tried to enrich itself as the victorious power. In accordance with international legal principles and American policy, art and cultural property was returned to the countries from which it had been taken. In turn, those countries were expected to return the property to the citizens from whom it had been confiscated.

But in regard to the Hungarian Gold Train, the American government followed a starkly different policy. The train, totaling 24 rail cars and holding countless Hungarian Jews' valuables that had been confiscated by the pro-Nazi Hungarian government, was seized by the U.S. Army in Austria in mid-May 1945, just after the war had ended. Despite constant appeals for years by the post-war Hungarian government and the official Hungarian Jewish organizations to return the property—even to simply permit an examination of the valuables—the American government refused. Even the American Legation to Hungary questioned Washington's refusal.

Instead, the U.S. Army declared the Gold Train assets "enemy property" unidentifiable as to individual ownership and national origin, making restitution infeasible. Instead of returning the property to the Hungarian government, as the French army did with other Jewish assets it seized after the war, some senior American military officers requisitioned the property to furnish their apartments in Austria. Other items, such as watches, alarm clocks and cameras, were sold through Army Exchange stores in Austria. More than 1,100 paintings, some with impressive credentials, were transferred by the U.S. Army to the Austrian government. A substantial amount of property was sold for auction in New York, with proceeds transferred to the International Refugee Organization to benefit Holocaust survivors. A small number of items simply were stolen.

None of the property, however, was returned to the large surviving Hungarian Jewish community from whom the Gold Train assets had been confiscated.

After successfully urging more than 20 countries to establish historical commissions to examine their role in dealing with looted Nazi assets, President Clinton followed my recommendation to create our own Presidential Advisory Commission on Holocaust Assets in the United States. The commission, headed by Edgar Bronfman—who played a critical role in exposing the misuse of Jewish bank accounts by Swiss banks—first publicly disclosed the disturbing facts about the Hungarian Gold Train in an interim report in 1999 and in a later report in December 2000. The Bronfman-led commission, in which I served as a commissioner, did not flinch from exposing misjudgments by the American government—just as the Clinton administration did not hesitate to do for so many years with other countries.

Our disclosures led to a private class-action lawsuit, Irvin Rosner et al v. United States, by more than 3,000 Hungarian Holocaust survivors against the American government, seeking an accounting of the contents of the Gold Train; a search of U.S. Army posts for the valuables and the return of any Gold Train property still in government hands; and up to $10,000 in damages from each member of the class of Hungarian Jewish survivors.

Instead of acting as we had urged foreign government and their companies to act, instead of even calling for an investigation of the facts to establish whether there truly was the kind of culpability our presidential commission found, the American government moved to dismiss the case on the basis of the statute of limitations, the sovereign immunity of the United States and the inappropriateness of the federal court system as a proper forum for these claims. The government has subjected elderly survivors to rigorous depositions, and has used an expert witness, the chair of Tel Aviv University's Jewish history department, to contest some of our commission's findings and the plaintiffs' more sensational allegations.

Even if the Hungarian Gold Train case is questionable on legal grounds, and even though some of the facts remain contested, the moral claim by the survivors that their assets were not returned is solid. What, then, should be done now?

For starters, the mindset of the Bush administration's Justice Department must change. We must hold ourselves to the same rigorous moral and historical accountability to which we have held foreign governments and their corporations. This was the basic argument made by a bipartisan group of 17 senators, including Hillary Rodham Clinton of New York and Trent Lott of Mississippi, in a recent letter to Attorney General John Ashcroft.

As reported in these pages two weeks ago, U.S. Federal Judge Patricia Seitz granted part of the Justice Department's motion to dismiss the Hungarian Gold Train case, but denied other parts and has ordered the United States to submit to mediation. The Justice Department should now take the opportunity to allow the mediator to review all the records and documents and to weigh the contested facts, including the amount of Hungarian Jewish assets that was actually on the Gold Train.

Of course, it will be almost impossible for survivors to identify individual items that were confiscated from them and to determine which items made their way onto the Gold Train. That is why the Bush administration should apply the same "rough justice" concepts we used in negotiating with the Germans, Austrians, Swiss and French—this time, for the benefit of Hungarian Jewish survivors in the United States, Israel and Hungary.

After all, it was no easier for slave and forced laborers of German and Austrian companies to identify their employers. Yet German and Austrian corporations and their respective governments met their responsibility and paid billions of dollars to survivors, Jews and non-Jews alike. The French government likewise faced its moral responsibility to those victimized by Vichy France.

Justice would be served if the mediator appointed by Seitz was permitted to make a recommendation to the parties, Congress held a hearing on the mediator's findings and on competing allegations, and President Bush asked Congress for a reasonable lump sum payment to be allocated on a per capita basis to living Hungarian Holocaust survivors who file an affidavit identifying their moveable property that was taken in April 1944 by the pro-Nazi regime.

Obviously, the American government is only responsible for what it seized on the Gold Train and failed to return. And the amount should reflect that some of the assets were sold for the benefit of Holocaust survivors in the United States, a small number of whom were Hungarian Jews. The amount, however, is less important than establishing the principle that the United States will hold itself to the same standard to which we have held others.

And importantly, a simple, straightforward apology should accompany the payments for what was likely a singular deviation from the otherwise sterling conduct of the American military after World War II. The United States will then be in a stronger position to continue to urge other countries to meet their responsibilities—and we will have proved that when the shoe is on our foot, we can wear it.

TRIBUTE TO SENIORS DAY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the first annual Tribute to Seniors Day to be hosted by the Waldo County YMCA in the City of Belfast, Maine.

The focus of this important day is to honor the seniors of Waldo County and their dedication to their community and their families. This event will give important recognition to our seniors, and will include a health fair and other events and activities that will provide useful social services information.

Tribute to Seniors Day will be a fitting salute to a group that over the years has persevered and seen our country through hard and trying times, including those of the Greatest Generation who lived through the Great Depression and a World War. They were forged in the toughest trials of this century, and they remain community leaders to this day.

While the struggles this generation has faced over the years have changed, today the important fight is for affordable heath care and prescription drugs, and our seniors are leading the charge. There is no greater gift of gratitude that we can give to our seniors than to join them in this fight and improve Medicare in order to make prescription drugs affordable for all.

I am certain that this event will be a resounding success for years to come and will provide other areas with a model through which to recognize the lifelong dedication and service provided by local seniors. I encourage everyone in Waldo County to attend this important event and lend their support for their friends and family as we celebrate Tribute to Seniors Day.

To our seniors who have lived through and experienced so much, and who still remain pillars of our community, I salute you.

MEMORIALIZING ROBERT MASAHIRO YOSHIKAWA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HONDA. Mr. Speaker, I rise today to honor the life and contributions of Mr. Robert Masahiro Yoshikawa who recently passed away. He was a pillar of the community and a personal friend of mine. Mr. Yoshikawa made an immeasurable impact on all those around him through his career, his volunteer work, and his devotion to family. His tireless efforts improved the lives of countless people in his community.

I met Robert Yoshikawa many years ago when we were both students at San Jose State University. From that moment on, he continually amazed me with his unwavering selflessness and his extraordinary dedication to the community. Throughout his life, he consistently put others before himself through volunteering and his active involvement with his church, his family activities, and his neighborhood.

For those who are unfamiliar with Mr. Yoshikawa's life, I would like to take a moment to highlight some of his extraordinary contributions. In addition to serving as President of the San Jose Buddhist Church Betsuin, Bob served on the board of directors of both the SJBC and Fuji Towers and played an integral part on many committees. Mr. Yoshikawa served as past chairman of the San Jose Buddhist Church Betsuin Ministerial Affairs and Obon Committees, as well as being a charter member and current president of the Young Japanese Adults. In 2002, Robert was presented with the Volunteer Recognition Award by the Junior League of San Jose.

In addition to his extensive volunteer work, Mr. Yoshikawa was a wonderful husband to his wife Phyllis and father to his sons, Mark and Scott. He served as an ideal role model for his sons, teaching them right from wrong, imparting to them a spirit of service, and making time to involve himself in their lives and activities. He could often be seen videotaping his sons' football games or driving them to various Boy Scouts, sporting or church activities in his Chevy Suburban. He would constantly guide his sons with sage advice from his experience and the experiences of his own father. He was a man of strong conviction, who stood behind his decisions without wavering.

Robert Yoshikawa, a second generation American, was born in Newcastle, California in 1940. Upon graduating from high school, he attended Sierra Junior College before matriculating on to San Jose State where he received a degree in mechanical engineering and met his future wife, Phyllis Osaki. The couple first lived in an apartment in Sunnyvale, but spent the past 37 years in the house in San Jose that they watched being built. It was there they raised their two boys. Robert worked at Lockheed Martin until his retirement in 2003. At Lockheed, Robert's robust engineering skills and attention to detail were instrumental in the success of several important projects. He was praised for being accurate and efficient, and his remarkable patience and experience made him a valuable mentor to the younger engineers at Lockheed.

Upon retiring from his job at Lockheed Martin after 40 years, Mr. Yoshikawa embarked on yet another chapter in his full life. Though he and Phyllis had already traveled the globe, he had even more trips planned and was enjoying his return to improving his golf game with other retired friends. Always wanting to be useful, he also agreed to volunteer at the Japanese American Museum of San Jose as just one more in his myriad of community services. It was on March 24, while volunteering at the museum, that Mr. Yoshikawa died of a heart attack. Since he was in apparent excellent health, his passing came as quite a shock to all who knew him.

Mr. Speaker, I rise today to mourn the loss of a friend and a role model. I knew Robert for 40 years and he was as inspirational to me the last time I saw him, as he was when we first met. I know that the people of the Bay Area appreciate everything that this wonderful man has done for them and I feel privileged for having known him.

TRIBUTE TO KELLER HAYES

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. DEGETTE. Mr. Speaker, I would like to recognize the notable accomplishments of a remarkable woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize Keller Hayes for her impressive record of business and civic leadership as well as her invaluable service to our state and community.

Keller Hayes has used her time, skill and energy to make Colorado a better place. She came to our community from a small ranch in rural Nebraska and graduated from the University of Nebraska at Lincoln with a degree in Journalism and Women's Studies. She worked for various publishing houses, including a trade publication in Minnesota and for Monterey Life in California before joining the Colorado Women's Chamber of Commerce.

For Keller, the economic empowerment of women has meaning. Whether advocating for passage of a pay-equity resolution at the statehouse or developing a Women's Business Certification program to allow women-owned companies to gain greater access to corporate and government contracts, Keller has been a champion for social and economic empowerment. She believes in the mission of the Colorado Women's Chamber of Commerce and during her tenure as President, she gave its mission new life and helped build a dynamic organization. When Keller took up the job, she and a part-time person were the only staff the chamber had. Today, the organization has eight staff people, boasts 1,700 members and has become the largest women's chamber in the country. Under Keller's leadership, the Women's Chamber created a structure that promotes the economic advancement of its members and provides meaningful leadership for women in business. Keller has opened doors and garnered respect for the women's business community. She has brought other women along and helped get them a seat at the table. Keller has fought for recognition of both the immeasurable contribution of women to our economy and the full value of women's abilities. As a result of her leadership, business women have become a more powerful force in our city and our state.

For her efforts, Keller was chosen the 2001 Outstanding Woman in Business Nonprofit by the Denver Business Journal and 2002 Women in Business Advocate of the Year in Region VIII for the Small Business Administration. But it takes a special person to reach a high level of professional accomplishment and still find the time and energy to give back to the community. Over the past six years, Keller has volunteered for the Rape/Spouse Abuse Crisis Center as an on-line counselor, volunteer trainer, speaker and public relations volunteer. Not only has Keller used her skills and talents to promote the economic empowerment of women, she has done much to advance the well-being of our people.

While I believe many of us are saddened Keller has left the Women's Chamber, I am confident that her leadership, skill and experience will be of great benefit to all of us in her new venture and we look forward to her continued involvement in our civic life.

Please join me commending Keller Hayes for her professional achievement, community service and active involvement in helping women attain professional excellence and a dynamic voice in public life. It is the strong leadership she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

HONORING BILL LYNCH AS DEPUTY MANAGER FOR KERRY-EDWARDS CAMPAIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise to recognize the appointment of William (Bill) Lynch Jr. as Deputy Campaign Manager for the Kerry-Edwards Presidential Campaign.

A Harlem native and former Deputy Mayor of the City of New York, Bill Lynch has more than 30 years experience in local and national politics, government operations and public policy. In 1997, former President William J. Clinton nominated Mr. Lynch for the position of Vice Chair to the Democratic National Committee.

Prior to Mr. Lynch's appointment as the Deputy Mayor for Intergovernmental Affairs in 1989, he served as Campaign Manager for David Dinkins '89 and as Chief of Staff to the then Manhattan Borough President. Bill Lynch has been a social and political activist for the past twenty-five years, serving as Director of Legislation and Political Action for District Council 1701 of the American Federation of State and Municipal Employees (AFL–CIO), as well as Campaign Manager for Congressman MAJOR OWENS and Assemblyman William Frank Boyland both of Brooklyn, New York.

Mr. Lynch will lead a national effort to motivate and deliver key Democratic Party constituent groups, particularly African Americans and Latinos that have been marginalized in the past. I urge my colleagues to join me in commending Mr. William Lynch on his recent appointment as the Deputy Campaign Manager for the Kerry-Edwards Presidential Campaign and wish him all the success.

I commend to my colleagues the following article, which appeared in the New York Daily News on July 20, 2004.

[From the Daily News, July 20, 2004]

DEMS' NEW CAPTAIN

(By Errol Louis)

On a quiet, isolated farm in Tennessee, a few hundred political leaders gathered Sunday to honor two New Yorkers—Len Riggio, the Brooklyn-born chairman of Barnes & Noble, and former Deputy Mayor Bill Lynch—in a ceremony that symbolizes a pivotal moment in the race for President. Newly named to the post of deputy manger of the Kerry-Edwards campaign, Lynch will help lead a national effort to fire up and deliver many of the Democratic Party's key constituent groups. That includes women, gays, young adults, blacks, Latinos and union members, especially in the swing states—all in the 104-day sprint between now and Election Day.

Should Lynch succeed, the ticket stands a good chance of winning. But if he comes up even a little bit short in key states like Ohio, Pennsylvania or Florida, it could cost the Democrats the election.

Given the importance of his mission, it's fitting that Lynch was back at the Haley Farm Freedom School, a 157-acre spread outside Knoxville, over the weekend. There he joined a cross section of the Democratic Party's elite, including David Dinkins and Elizabeth Edwards, the wife of the vice presidential candidate, at the dedication of the Riggio-Lynch Chapel, a building paid for by the bookstore magnate and designed by renowned architect Maya Lin (of Vietnam memorial fame).

The farm, formerly owned by the writer Alex Haley, was acquired a decade ago by the Children's Defense Fund and transformed into a thriving conference and training center for veterans of the civil rights movement and their younger, modern successors. Over the last 10 years, more than 6,000 young people have passed through the Haley farm for retreat-like workshops on everything from writing policy papers to studying how civil disobedience works.

College-age activists, many with dreadlocks and tattoos, regularly sit and swap stories with movement veterans who put their bodies on the line in places like Selma, Birmingham and the Mississippi Delta. The same kids are the secret weapon that could carry the election.

Lynch, a former union organizer who did his share of sit-ins before turning to electoral politics, is expected to tap into this army of well-trained young activists and bring their farm-stoked energy into the Kerry-Edwards campaign.

The challenge for Lynch will be to persuade party bigwigs that in many communities, no amount of expensive advertising, fancy Internet networking or televised debating can replace doorknocking, phonebanking and other kinds of grass-roots organizing.

It's a debate that goes on in every Democratic campaign. All too often, fancy media strategists win the debate and grab most of the campaign funds—and then lose the election.

It doesn't have to turn out that way. The troops who could win the fall election have been training quietly for more than a decade on that quiet farm outside Knoxville. If Lynch succeeds at bringing them into a Democratic win, it will look like a 100-day electoral miracle.

INTRODUCTION OF BILL TO ESTABLISH A BORDER PATROL UNIT FOR THE U.S. VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce legislation to require the Secretary of Homeland Security to establish at least one Border Patrol unit for the U.S. Virgin Islands.

With over 175 miles of unprotected and open borders, the Virgin Islands are the gateway to the U.S. and our nation's southernmost border. And, it would appear, Mr. Speaker that the U.S. Virgin Islands is today the gateway of choice for human smugglers.

Since 1998 more than 500 Chinese nationals have entered the territory of the U.S. Virgin Islands. Those dropping the aliens ashore have identified the Virgin Islands as an area from which illegals can try to travel undetected to the U.S. mainland. While most of these landings have principally been during the predawn hours at one of the several cays on the island of St. John, there have also been landings on all three islands with 15 Chinese nationals being apprehended on St. John and St. Thomas as recently as this past April 19th. According to the U.S. Attorney for the Virgin Islands, "we don't know who these people are who are smuggled into the territory from China."

Because of the lack of a Border Patrol Unit in the territory, other federal agencies such as Immigration and Customs Enforcement (ICE) have to spend a significant amount of manhours apprehending, processing, detaining and watching aliens in custody. ICE has to use between 6 and 8 agents in every landing of 12 to 15 aliens. At a rate of on average 3 to 4 landings per month more than 80 hours are spent processing these aliens. Time which could be used to investigate conspiracies, smuggling organizations and dismantling rings.

Mr. Speaker, having a Border Patrol Unit assigned in the territory would also enable us to deal with the other serious problem we face which is drug smuggling. ICE has identified several trafficking organizations that use the U.S. Virgin Islands to conduct drug smuggling operations, with marijuana, cocaine and heroin being shipped to the territory on a weekly basis.

We also know Mr. Speaker, of the very real connection and relationship between drugs and terrorism: One third of listed terrorist organizations are involved in drug trafficking; according to published reports Al Qaeda and Osama bin Laden financed the development of a highly addictive liquid heroin as part of their multi-pronged terrorists campaign to destabilize western society; and according to a UN report, "Funds used from the production-and trading of opium and heroin are used to buy arms and other war materials and to finance the training of terrorists and support the operations of extremist.

Mr. Speaker, it is a proven fact that it's more beneficial to stop undocumented aliens and contraband before it enters the United States, rather than attempt to catch everything after it has already entered. Having a Border Patrol in the Virgin Islands will increase exponentially the ability of our country to intercept the next potentially dangerous terrorist before he or she reaches our shores or the drugs that could be used the finance another 9/11 type operation. I urge my colleagues to support this important bill.

INTRODUCTION OF THE REVISED INTERNATIONAL CONSUMER PROTECTION ACT OF 2004

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STEARNS. Mr. Speaker, today, along with JAN SCHAKOWSKY, I am introducing a revised International Consumer Protection Act of 2004.

This revision reflects changes agreed in negotiations among a number of Federal agencies including the Federal Trade Commission and the Department of Justice to settle questions of inter-agency cooperation.

The changes from the Committee Reported bill are as follows:

LIST OF CHANGES FROM H.R. 3143 AS INTRODUCED

S. 1234, §1: Includes statements of findings and purpose.

S. 1234, §4(b) (adding FTC Act, 6(j)(3)): Requires FTC to consider the U.S. public interest as a whole, not only consumers' interest, in determining whether to provide investigative assistance to a foreign agency.

S. 1234, §4(b) (adding FTC Act, §6(j)(4)): Clarifies State Department oversight of the development of international agreements.

S. 1234, §4(b) (adding FTC Act, §6(j)(6)); also 4(d): Excludes investigative assistance to a foreign law enforcement agency in matters targeting a bank, savings and loan institution, federal credit union, or common carriers.

S. 1234, §4(b) (adding FTC Act, §6(j)(7)); also §6(a) (amending FTC Act, §21(b)(6)): Ensures no support given to countries on Secretary of State's "terrorism list."

S. 1234, §5: Clarifies and simplifies provision on FTC's cooperation with DOJ regarding foreign litigation.

S. 1234, §6(a) (amending FTC Act, §21(b)(6)): Provides the appropriate Federal banking agency or NCUA with a right of prior approval before FTC provides a foreign agency with materials obtained under compulsory process for a matter targeting a bank, savings and loan institution, or Federal credit union.

S. 1234, §6(b) (amending FTC Act, §21(f)): Makes the section more parallel to SEC provision and eliminates a reference in existing FTC Act to "exemption" from FOIA; does not alter the scope of the FTC's current ability to protect domestic information from disclosure.

S. 1234, §7(a) (adding FTC Act, §21A(b)): Tracks more closely the language of RFPA and ECPA for orders under those laws delaying notice or prohibiting disclosure, for a limited time, of an FTC request for information, because of anticipated adverse results. Clarifies that a court has discretion whether to issue such an order. Makes use of terms consistent throughout the section.

S. 1234, §7(a) (adding FTC Act, §21A(c)): Clarifies provision authorizing the FTC to seek a court order prohibiting disclosure of an FTC request for information in an appropriate case and for a limited time: applies only when neither RFPA nor ECPA requires notice. Does not apply to investigative targets or disclosures to Federal agencies.

S. 1234, §7(a) (adding FTC Act, §21A(d)): Clarifies that protection from legal liability for not disclosing an FTC request applies only if neither RFPA nor ECPA requires notice of the request, and does not apply to an obligation to notify a Federal agency of the request.

S. 1234, §7(a) (adding FTC Act, §21A(g)): Restructures the list of adverse results, but retains the same items.

S. 1234, §8 (adding FTC Act, §§21B(a) and (c)): Clarifies protection from liability for voluntary provision of information to the FTC. Precludes protection for a failure to meet any notice obligation to a Federal agency.

S. 1234, §8 (adding FTC Act, §21 B(b): Narrows protection from liability for voluntary disclosures by financial institutions to the FTC of possible law violations, in accordance with existing law, 31 U.S. 5318(g)(3); clarifies that the protection reaches disclosures related to implicated assets and suspicious chargeback information.

S. 1234, §8 (adding FTC Act, §21B(d): Clarifies that a domain name registrar or registry is eligible for the protection only in its capacity as such, not in any other business it may conduct.

S. 1234, §9 (adding FTC Act, §25A): States expressly that foreign participants in staff exchanges become employees of the FTC subject to the same ethics standards as other employees. Corrects the citations to appointing authorities.

S. 1234, §11: Provides an overall savings clause for existing authority.

S. 1234, §13(9): Requires report to Congress on FTC litigation brought in foreign courts.

A TRIBUTE TO RONALD E. JONES

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BOUCHER. Mr. Speaker, I rise today to recognize a fine Virginian, Ronald E. Jones, who has served our state and community as a teacher, a committed volunteer, a good Democrat and a fine family man.

Ronald E. Jones was born in Richlands, Virginia and has devoted his life to educating the children of Russell and Buchanan Counties. Mr. Jones was a music teacher and taught not only music but lessons about life. In addition to his duties as a teacher, Mr. Jones devoted countless hours to his students and community as Band Director for Lebanon High School, Cleveland Middle School and Council High School. Many fine musicians in our part of Virginia studied with Mr. Jones and his work has touched the lives of each of his students.

Mr. Jones is also an active member of his community. He has been a Mason, a member of the Lions and Kiwanis Clubs, and a member of the Virginia Jaycees where he still serves as an "Exhausted Rooster" with that organization. Mr. Jones has also utilized his musical skills to honor our nation's heroes and as a bugler has played Taps at military funerals across Southwest Virginia. He is honored that the Governor of the Commonwealth of Virginia recognized his service by naming him a member of the Honorable Order of Kentucky Colonels.

In addition to his community and musical endeavors, Mr. Jones has also served his community in both the governmental and political arena. He served the Town of Lebanon as a Councilman and as Vice Mayor. A proud Democrat, he served on the Russell County Democratic Party nominating committee for many years and is a life long member of the Democratic Party.

Mr. Jones is a valued and cherished member of his community. I am glad that this body can recognize his service today and thank him, his wife of almost 40 years Bonnie Sue, and his son Bradley E. Jones, for the service that he has provided to my area of Virginia.

TRIBUTE TO EDGAR UIHLEIN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CRANE. Mr. Speaker, I rise today to pay tribute to my friend Edgar Uihlein of Northbrook, Illinois.

I first got to know Ed Uihlein when I was running for Congress for the first time in 1969. Ed encouraged me just as he has helped other conservative candidates and organizations, including the Leadership Institute.

Ed is a man of extraordinary character. He has worked by the sweat of his brow, and he has worked by the labor of his mind. He has taken care of his own, and he has fought for what was right. Ed has a spirit of adventure and courage. On an impulse, he played hooky from Princeton for a full year while he joined his father on a round-the-world tour in 1936. Ed was in the Navy in World War II, and he took care of his men. When the ship's refrigerator broke.down during a long stay in a foreign port, and the crew had no fresh food for a week, he disappeared for half the day, only to return with a barrow full of fresh fish that he himself had caught. The whole ship feasted and the next day the coast where he had fished was full of American sailors trying their luck.

Ed married his sweetheart Lucia in 1941, and built his family with love and care. Today, his five children have fond memories of their parents standing beside their beds, singing duets as they tucked them in. Every morning, Ed drove the children to school, and along the way he would sing to them. As the children got older, Ed would take turns reading books aloud in the evenings, and around the dinner table he would talk politics. They could see his concern, and they came to share it. In 1956, he paid his kids a penny an envelope to address, stamp and seal letters of concern that were sent to every Member of Congress with regard to the heroes of the Hungarian Uprising. Today, their five children and ten grandchildren are productive, patriotic citizens scattered around the country—but, I am happy to say, two of his sons are still living in Illinois.

Ed has made significant financial contributions to individuals, to the arts, and to charities both large and small, many of which are marked "anonymous". I once asked his family for a photograph of him and they did not have one. Ed isn't the kind of man who would sit for a portrait photo. That modesty is another facet of his distinction as an individual.

Ed, you're a great American. I am honored to call you friend.

RECOGNIZING THE CHARITABLE GOOD WORKS OF THE OCEANSIDE ELKS LODGE #1561

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ISSA. Mr. Speaker, I rise today to recognize the 75 years of good works and charity of the Oceanside Elks Lodge #1561. On May 31, 1929, the Oceanside Elks Lodge became a reality in the Palomar Theater building in Oceanside, California, with 129 charter members.

The first business meeting took place on June 28, 1929. Since that time, the Lodge has held meetings in three different locations ending in their current facility at 444 Country Club Lane in downtown Oceanside.

The motto, "Elks Care and Elks Share," is well established in the order of Elks, and the Oceanside Lodge has been one of the leaders in monies donated to worthy causes since its beginning. Over the last 15 years, the Oceanside Lodge has donated over $482,624 to charitable causes, such as direct student scholarships, VA Hospitals, the American Heart Association, youth groups and a host of other local charities.

The Elks National Order has donated in excess of $3 billion to charity during its 137 years, second only to the United States Government in total donations.

When founded in 1868, the Elks Lodge was a fraternal organization. However, the Oceanside Lodge is proud to recognize Donna Stewart as their first female Elk and Claudia Dineen as their first female Exalted Ruler.

Their Current Exalted Ruler, Robert F. Neal, is a long-time, respected member of the community and is working to increase the charitable contributions to even greater heights.

Mr. Speaker, I believe it is vital that we in Congress recognize the 187 years of service and charitable good works of the Elks Lodge and the 75 years of generosity of the Oceanside Elks Lodge #1561 to their local community.

PAYING TRIBUTE TO DR. HAROLD KATNER

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MARSHALL. Mr. Speaker, I rise today to pay tribute to a man who has selflessly served his community for many years. Since the very beginning of the HIV/AIDS epidemic—more than 20 years ago—Dr. Harold Katner has been a leader in Middle Georgia's fight against AIDS. Through education, research, and treatment, Dr. Katner has spent the bulk of his career working to help the victims of this disease.

When HIV/AIDS was first discovered, public fear of the disease was intense and its victims were often loathed and shunned. Recognizing the need to quell the public's fears, Dr. Katner realized that educating a skeptical public would be crucial in the fight against AIDS. He resolved to educate Middle Georgians whenever and wherever he could. Still today, Dr. Katner educates students of all levels—middle school, medical school, high school, college, as well as medical professionals. And his teaching efforts have not been limited to Mercer University or even to Georgia. Dr. Katner has given international presentations and has been recognized by various national organizations and international entities. One of his colleagues put it best: "He gives AIDS presentations everywhere and anywhere, speaking to any group that invites him to talk" about this devastating medical and social issue.

Mr. Speaker, in addition to his efforts to educate the public, Dr. Katner has also treated AIDS patients from the beginning. As a pioneer in the early 1980's, he was the only physician in the City of Macon who would treat AIDS patients. Treating a disease that disproportionately affects those in poverty is a special challenge because many of its victims cannot afford treatment, and understanding the financial difficulties facing many patients, Dr. Katner offered medical care without concern for remuneration. To this day, much of the treatment and education he offers is to those in poverty, particularly to the younger, more vulnerable members of society. For his work with patients, Dr. Katner has been recognized by the American Medical Association and Mercer University named him Attendant of the Year five times in 10 years.

Dr. Katner's research efforts have been prolific, as well. He has published his research extensively and has presented his work to help educate his peers, as well as the general public. His credentials are considerable, and yet he is remains a caring, humble physician, dedicated to his patients in true homage to the Hippocratic Oath.

Mr. Speaker, Dr. Katner's efforts in fighting against the AIDS epidemic—through research, treatment, education—have truly been those of a hero. Today, I hope that Middle Georgia and the country will join me in thanking this public servant, in the truest sense, for his tremendous efforts to help both the victims of AIDS and stop the spread of this epidemic.

PROTECTS ACT OF 2004

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am proud to join Rep. JAMES OBERSTAR (Minn) in introducing the Protecting Railroad Operators, Travelers, Employees, and Communities with Transportation Security Act of 2004 (PROTECTS Act). The bill authorizes nearly $1.3 billion to provide better railroad security and response to terrorist attacks.

The federal government is spending $4.4 billion this year on aviation security, but it's spending only $65 million on rail security, even though five times as many people take trains as planes every day.

The bill authorizes $500 million to be appropriated for freight and passenger rail security improvements, a total of $597 million for Amtrak's fire and life-safety improvements, $65 million for system-wide Amtrak security upgrades, and a total of $100 million for rail research and development. It also provides for improved training and equipment for railroad employees and local emergency personnel to better respond to terrorist incidents.

Increased funding for rail security is something this country desperately needs, particularly in light of the terrible metro rail tragedy in Madrid. The nation's rail infrastructure has been treated like the stepchild of the overall transportation system. It is finally time we dedicate our resources to providing rail security for our nation's citizens.

After September 11th we started spending money like crazy on security, but I'm not sure we are getting our money's worth out of many of the programs we developed. That's why it is so important that we tailor a security program that truly meets the needs of our rail lines and passengers. The security measures we put in place for Aviation will not work for Rail. We need to learn from the mistakes that were made in developing aviation security, and apply what we learned in developing a rail security program.

But we can't keep treating our rail infrastructure as a second class citizen. We have dedicated billions of dollars to the airline industry, and created a grant program for the nation's ports, but have done little to invest in the security upgrades our rail infrastructure needs.

We have a lot of work ahead of us, but I know that everyone in Washington is dedicated to protecting our railways from attack. No security is fail-proof, but working together we can create a rail security program that protects passengers and keeps the trains running on time.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I was unable to cast votes on Monday, July 19, 2004 due to official business. If I was present for rollcall votes for the following bills: 391 on motion to suspend the rules and pass, as amended, H.R. 1587—To promote freedom and democracy in Viet Nam; 392 on motion to suspend the rules and agree, S. Con. Res. 114—"Concerning the importance of the distribution of food in schools to hungry or malnourished children around the world"; 393 on motion to suspend the rules and pass S. 2264—The Northern Uganda Crisis Response Act, I would have voted "yea" to all of these bills.

TRIBUTE TO MR. BRUCE MIMS UPON HIS RETIREMENT AFTER 38 YEARS OF PUBLIC HEALTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to express and convey congratulations to Mr. Bruce Mims, my longtime friend and professional associate on the occasion of his retirement from the Illinois Department of Public Health. Mr. Mims started work in Public Health at a time when very few African Americans were engaged in this profession. It was also a very exciting time in that the Voting Rights Act had been passed, the war on poverty program was being implemented, health problems, needs and issues were being identified in a big way and Bruce was a young, energetic and willing participant.

I first knew Bruce as Executive Director of the Mid-South Health Planning Organization, a Sub-B Agency of the comprehensive Health Planning Agency. The Agency was a sister to the Westside Health Planning Organization, an agency that I ran. When the law for our agencies sunset, Bruce went to work for the Illinois Department of Public Health, where he became one of the foremost Public Health experts in the country and remained there until his retirement.

It has been a pleasure knowing and working with Bruce for all of these years. I congratulate him on his outstanding contributions and wish him well in all of his future endeavors.

RECALLING THE 30TH ANNIVERSARY OF THE TRAGIC AND INFAMOUS INVASION OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to recall a tragic and infamous event, the 30th anniversary of the invasion of Cyprus by Turkey.

On July 20, 1974, Turkey invaded Cyprus. As part of a two stage offensive, Turkish troops forcefully seized approximately one-third of the island nation of Cyprus. This abominable act of violence against the people of Cyprus has never been undone. To this day, Turkish troops occupy Cyprus, splitting the nation into two areas.

Since 1974, the nation has been divided, but progress is being made toward the reunification of Cyprus. In late April, the people of Cyprus went to the polls to vote on a plan of reunification. Unfortunately, this reunification proposal was rushed to coincide with the ascension of Cyprus into the European Union. Citing many issues of concern, including security, approximately 75 percent of Greek Cypriots opposed the plan.

In the end, it was too much to ask that concerns that have been unresolved for 30 years be effectively settled in a process that lasted less than 3 months. However, one failure must not be the end of attempts to reunify the island. A lasting and equitable solution for the people of Cyprus, and the goal of a united Cyprus, is too important to abandon, now or ever. The goal of the process must be to attain a just and lasting solution, not a rushed solution. I remain committed to achieving a solution to this problem so that we never have to gather again to commemorate an anniversary of this hostile and unjustifiable invasion.

The people of Cyprus have suffered from the division of their nation for 30 years. Mr. Speaker, I pray that this will be the last year of a divided Cyprus. I sincerely hope that 30 years after the nation of Cyprus was torn asunder, all Cypriots can be reunited, living in peace and freedom forever.

EXPAND ACCESS TO MEDICINE FROM ABROAD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. FILNER. Mr. Speaker, although the pharmaceutical industry and the supporters of the Republican prescription drug plan may disagree, Americans have a right to affordable medicine! That is why so many continue to ask Congress to take action, such as allowing the importation of safe prescription drugs from abroad.

The residents of Calexico, El Centro, San Ysidro, Chula Vista and other border communities join in that call, but in the meantime many are already going to Mexico to buy up to a 90-day supply of prescription drugs for personal use.

They purchase medicines in Mexico because the pharmaceutical companies continue to gouge them at home.

Yet the Senate's Pharmaceutical Market Access and Drug Safety Act, which takes the important step of permitting importation from Canada and Europe, would reduce the 90-day cap on personal use medicine from Mexico to a 14-day supply.

It is inconsistent to increase access to Canadian and European prescription drugs while decreasing access to safe medicine from Mexico. It is unfair to low-income seniors who rely on these life-enhancing—and often life-saving—medications.

The supporters of the bill may have reservations about the safety of medicine from Mexico. This is a valid issue to raise. Yet the FDA has not provided convincing evidence that the importation of inexpensive drugs from Mexico has resulted in health problems. If the authors of the bill were convinced that medicines from Mexico were in fact dangerous, why would they allow even a 14-day supply?

The fact is seniors in my district have found these medicines to be a safe, affordable and accessible alternative to their local pharmacies. That is why I call on my colleagues in the Senate to oppose this legislation as it is currently written and ensure that communities on the U.S-Mexico border have access to affordable drugs.

The availability of inexpensive medicine is such an important issue at the border because many senior citizens and other residents of these communities have low-incomes and no insurance.

The U.S.-Mexico Border Commission reports that if the border region were the Nation's 51st state, it would rank: Last in the percentage of insured residents, last in per capita income, last in access to care, first in unemployed; and first in the number of school children living in poverty.

We must move forward in boosting the health of our border communities and increasing the availability of safe and inexpensive medicines, rather than moving backward and placing new restricts on access to prescription drugs from Mexico.

RECOGNIZING THE 30TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KIRK. Mr. Speaker, I rise today to recognize the thirtieth anniversary of Turkey's invasion of Cyprus. This anniversary serves as a reminder of three decades of illegal occupation by Turkish military forces of over one-third of Cyprus's territory.

On July 20, 1974, Turkey invaded Cyprus, forcing nearly 200,000 Greek Cypriots from their homes. To this day, in defiance of United Nations General Assembly and Security Council resolutions, Turkey maintains more than 30,000 troops in the occupied territory.

The division of Cyprus has gone on for too long. The past year has seen great efforts by the Cypriots, the United States, and the U.N. to develop a plan for reunification. Unfortunately, the U.N. sponsored April 2004 vote on reunification failed to pass.

Cyprus's recent accession to the European Union presents great opportunities to join its European counterparts in strongly supporting human rights and fundamental freedoms. These values should lay the foundation for a final settlement. On this anniversary, I join my colleagues in looking forward to a future where Greek and Turkish Cypriots can once again live in peace on one unified island.

30TH ANNIVERSARY ON TURKEY'S INVASION OF CYPRUS

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MEEKS of New York. Mr. Speaker, this week, the world marked the 30th anniversary of Turkey's invasion of Cyprus. And so began three decades of Turkey's illegal military occupation of Cyprus. Even as we speak, Turkey maintains 30,000 heavily armed troops in the occupied portions of Cyprus.

For 30 years, Cyprus has been divided by a green line—a 113 mile barbed wire barrier that runs across the width of the island.

For 30 years, Greek Cypriots have experienced 30 years of ethnic cleansing, forcible evictions, and missing persons. Cyprus has endured 30 years of the flouting of its territorial integrity. This includes the occupation authority's attempt to create an independent "Turkish Republic of Northern Cyprus."

The international community has witnessed 30 years of the flagrant violation of U.N. General Assembly resolutions and Security Council decisions calling for immediate withdrawal of all foreign forces from Cyprus, the return of refugees, and respect for the island's sovereignty.

Thirty years is a long time. The occupation of Cyprus has been going on too long. If left to their own wisdom and devices, with firm international support, Greek and Turkish Cypriots could find ways to live in peace and harmony.

The international community can and must play an indispensable role in settling the Cyprus dispute. But, to do this, it must draw the proper conclusions from results of the vote this past April on the reunification plan put forward by the United Nations.

Seventy six percent of the Greek Cypriot electorate opposed the "Annan Plan" because of concerns about security, property restitution, and the structure of the proposed central government, while 65 percent of Turkish Cypriot voters supported it. It is clear from this experience that a workable solution must take the interests and concerns of both the Greek and Turkish Cypriot communities fully into account.

It is instructive that the split vote has not led to greater tension between the two communities or between Greece and Turkey. During most of the 433 year history of Cyprus, Greek and Turkish Cypriots have coexisted peacefully.

With the notable exception of the period that immediately followed Turkish occupation of Cyprus, Greek and Turkish Cypriot relations have largely been free of inter-communal violence. The hotly debated referendum itself took place overwhelmingly with an absence of conflict. This shows that despite the differences between them, Greek and Turkish Cypriots overwhelmingly share a desire for peace.

The leadership of the Republic of Cyprus seeks a bizonal, bicommunal federation under a plan that promotes the genuine reunification of Cypriots and Cypriot society, while enabling each community to retain its own identity and culture.

Cyprus's admission to the European Union on May 1st of this year may have created a new opportunity for resolving the division and occupation with an inclusive democratic system in which human rights are fully respected and the fundamental freedoms on which the European Union is founded, are guaranteed.

Taking all of this into account, the U.N. needs to go back to the drawing board. The U.S. needs to remain an honest broker. It must not attempt to impose a solution that the overwhelming majority of Greek-Cypriots reject. To do so will make an ultimate solution and final reunification difficult, if not impossible, to achieve.

America must at all times remember that a united, peaceful, and prosperous Cyprus is in our national interest and the interest of world peace. After the 9/11 terrorist attacks, Cyprus was one of the first nations to express its solidarity with the United States. Cyprus has also been a strong ally in the war against terrorism. We must continue to support our friends, who like us, only seek to live in peace.

HONORING BRIGADIER GENERAL WILLIAM P. KANE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GINGREY. Mr. Speaker, today I rise to pay tribute to Brigadier General William P. Kane, who has faithfully served as the commander of the 94th Air Lift Wing, Dobbins Air Reserve Base in Marietta, Georgia for the last six years. The 94th Airlift wing is an Air Force Reserve C–130 unit and has a mission to train and equip combat-ready units to deploy on short notice to defend our nation, which I might add, they did on several occasions during Operation Iraqi Freedom. Additionally, Dobbins serves as the host organization to other tenant organizations, such as Naval Air Station Atlanta and Lockheed Martin, where they manufacture the F/A–22.

With this complex mission, General Kane did an outstanding job and we who reside in Marietta and Northwest Atlanta owe him a great debt of gratitude.

In addition to holding a Ph.D. in Cell and Molecular Biology, General Kane is a highly accomplished C–130 pilot, logging over 6,500 flight hours. In addition, General Kane has faithfully served the Air Reserve during his various commands of one squadron, two groups, and now three wings during his distinguished 32-year career.

While General Kane has gone on to take over command of the 302nd Airlift Wing in his hometown of Colorado Springs, Colorado, he will be sorely missed in the 11th District of Georgia.

Mr. Speaker, I ask that you join me in thanking Brigadier General Kane for his outstanding and selfless service.

INTRODUCTION OF THE CORAL REEF CONSERVATION AND PROTECTION ACT OF 2004

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CASE. Mr. Speaker, every once in awhile I am deeply grateful for an action I am able to take that is both long overdue and truly needed. That is how I feel now as I introduce the Coral Reef Conservation and Protection Act of 2004.

My childhood was spent among the rich diversity of the coral reef ecosystems of my native Island of Hawaii. It was a time of budding wonder at what nature had wrought, the living corals and other reef life existing in mutual dependency and sustainability. But just weeks ago, when I returned, as I often do, now with my children, to those same reefs, they're not what they were. Still beautiful, yes; still wondrous. But there is not the same diversity of coral nor the same luster; the fish and other marine life not as plentiful nor diverse; the presence of new, alien species is apparent.

Of course, there are simply more of us in those marine environments than there were, and so our cumulative impact over my 50 years in those waters has become apparent, even at the level of recreational and subsistence use. But it's more, for these reefs have become a significant business, their coral exoskeletons, their living creators, and the shells and fish that live in and among them valuable collectors' items for the aquariums and curio shops of the world. And the purposeful and accidental introduction of marine invasives in isolated instances over the last decades have magnified into a critical mass of statewide presence and threat.

In relevant terms, though, we in Hawaii are among the lucky ones, for at least we still have living, albeit threatened, coral reefs, with declining but at least remaining marine life. At least we have marginally protective state laws, and a culture of arguable sustainability.

But in much of the rest of the marine world, especially throughout the temperate zones of the Pacific and beyond, the world of the coral reef is past endangered and into destroyed, wiped out by a wave of commercial overfishing, overcollecting, dynamiting, cyanide poisoning, and other forms of ecological pillage. In these worlds, laws do not exist to provide even minimum protections or, if they do, they are spurned.

Some say that that's their business; what do we care if they wreck their marine ecosystems? First, of course, in today's interdependent world, our global environment is everyone's business. But beyond that, we can't turn our backs because we are the chief facilitator; ours is the largest market for the products of this stripping of the world's coral reefs.

None of this is new: we have known all of this for decades. We have even set out to do something about it. In 1973, we became a party to the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), which sought to clamp down on endangered species trafficking. But although some of our world's coral reef life has been designated as covered under it, the enforcement mechanisms are frankly ineffective.

More recently, in 1998 President Clinton issued the Coral Reef Protection Executive Order (#13098) establishing the U.S. Coral Reef Task Force. That entity was directed to strengthen our stewardship and conservation of our country's reef ecosystems, and to assess our role in the international coral reef products trade with the goal of taking actions to promote conservation and sustainable use of coral reefs worldwide.

The Task Force conducted its evaluations, made its reports, and outlined what was needed. That was in large part comprehensive legislation to institute common protective standards for our nation's coral reefs, but, equally important, rules to discourage international coral reef abuse and encourage sustainable practices by allowing imports only of non-endangered products collected by sustainable practices and pursuant to integrated management plans.

The Coral Reef Conservation and Protection Act of 2004 I gratefully introduce today embodies the principal directions of the Task Force and more. It establishes a comprehensive scheme for the domestic and international protection of our world's coral reef ecosystems. The regime's key ingredients are the disallowal of any domestic taking, transport in interstate commerce, or import of the endangered marine life of our coral reefs, unless that life is collected in non-destructive ways or subject to sustainable management plans or otherwise exempted from coverage by administrative actions.

Mr. Speaker, we have to start somewhere; our world's coral reefs are crying out for our help. This bill is that start, and I urge its prompt deliberation and passage.

Mahalo, and aloha!

A POINT OF LIGHT FOR ALL AMERICANS—ESTER SILVER-PARKER VICE PRESIDENT OF DIVERSITY FOR WAL-MART STORES, INC.

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. OWENS. Mr. Speaker, I rise today to pay tribute to a distinguished business executive well known to members of the Congressional Black Caucus, Ester Silver-Parker.

She serves on the boards of International Women's Forum, Brenau University, North Carolina Central University, National Public Radio Foundation, The Congressional Black Caucus Foundation, the Wyndham Hotel Women and Diversity Roundtable.

Ester Silver-Parker was named Vice President of Diversity Relations for Wal-Mart Stores, Inc. in December 2003. She is charged with the strategic planning and execution of Wal-Mart's diverse efforts as it relates to its supplier development program, philanthropic and community relations programs. Additionally, she is responsible for strengthening Wal-Mart's relationships with diversity leaders and leadership organizations in the communities it serves.

Prior to joining Wal-Mart, Ms. Silver-Parker served as Vice President of Corporate Affairs and President of the AT&T Foundation for AT&T. She also directed AT&T's National Constituency Relations, Issues Management and Corporate Social Responsibility Programs.

Ms. Silver-Parker directed AT&T's public relations field offices in the Northeast States, the Mid-Atlantic States and the Southeast. She established the first AT&T public relations operations in Puerto Rico and the Virgin Islands, designed and implemented the plan to increase AT&T's presence in the U.S. domestic field operations, and developed the organizational design for AT&T's field public relations organization. She also established AT&T's first constituent relations organization. She was the recipient of the Catherine Cleary Award, the highest leadership honor AT&T gives to a female employee.

Prior to joining AT&T, Ms. Silver-Parker worked in public relations for New York Telephone, the National Urban League and as a journalist for Essence Magazine, the Review of Political Economy and New World Outlook.

Ester Silver-Parker has traveled on behalf of the Board of Global Ministries in the Congo, Burundi and Kenya to study and write about the health conditions and quality of life of women and children. She is a frequent speaker on issues pertaining to women, diversity, corporate social responsibility, and strategic philanthropy.

She received a Masters in journalism from Columbia University School of Journalism and a Bachelors of Arts in political science from North Carolina Central University. She is a graduate of Pennsylvania State University's Executive Management Program and holds an Honorary Doctor's Degree in Humane Letters from Benedict College.

Ms. Silver-Parker has received numerous awards, including the Ebony Magazine Outstanding Women in Corporate Marketing, the Congressional Black Caucus Unsung Hero Award, the DECA Award for outstanding businesswoman, the Harlem YMCA Black Achievers in Industry Award, New York City Gus D'Amato Community Service Award, the Atlanta Business League's Outstanding Corporate Person Award, the 100 Black Men of America's Corporate Excellence Award, the National AIDS Fund's Leadership Award, the Asian Pacific Islanders Women's Leadership Starfish Award.

Mr. Speaker, Ms. Silver-Parker is a genuine professional who cares deeply about her community. I am honored to recognize her as a "Point of Light for All Americans."

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. JONES of North Carolina. Mr. Speaker, on Wednesday, July 21, I was meeting with constituents and unavoidably missed rollcall votes 402 and 403. Had I been present, I would have voted "yes" on rollcall vote No. 402, and "yes" on rollcall vote No. 403.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. VAN HOLLEN. Mr. Speaker, ten years ago, as bloated corpses floated down Rwanda's rivers, the international community debated whether the atrocities being committed in Rwanda fit the definition of "genocide." By the time the world stopped debating, it was too late. Millions of men, women and children had been killed. The failure of the world to act in Rwanda remains a stain on our collective conscience.

We must learn from the tragic mistakes of the past. Today, one thousand miles north of Rwanda, in the Darfur region of Sudan, more than 30,000 people have already been killed by the Sudanese military's aerial bombardments and the atrocities being committed by their ruthless proxies, the Jangaweed militia. Gang rapes, the branding of raped women, amputations, and summary killings are widespread. More than a million people have been driven from their homes as villages have been burned and crops destroyed. The Sudanese government has deliberately blocked the delivery of food, medicine and other humanitarian assistance. More than 160,000 Darfurians have become refugees in neighboring Chad. Conditions are ripe for the spread of fatal diseases such as measles, cholera, dysentery, meningitis and malaria. The U.S. Agency for International Development estimates that 350,000 people are likely to die in the coming months and that the death toll could reach more than a million unless the violence stops and the Sudanese government immediately grants international aid groups better access to Darfur.

Here in Washington and at the United Nations headquarters in New York, many officials are again debating whether this unfolding tragedy constitutes genocide, ethnic cleansing or something else. This time let us not debate until it is too late to stop this human catastrophe. Let us not wait until thousands more children are killed before we summon the will to stop this horror. America and the international community have a moral duty to act. The United States and the 130 other signatories to the Genocide Convention also have a legal obligation to "undertake to prevent and punish" the crime of genocide.

The Convention defines genocide as actions undertaken "with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such." The actions include "deliberately inflicting on members of the group conditions of life calculated to bring about its physical destruction in whole or in part." By all accounts, including the reports of U.N. fact finders, it is the African peoples in the Darfur region who have been targeted for destruction by the Khartoum-backed Arab death squads.

In the middle of an unfolding crisis like that in Darfur, there will always be debate over whether what is happening constitutes genocide. But it is important to remember that the Genocide Convention does not require absolute proof of genocidal intentions before the international community is empowered to intervene. The Convention would offer no protection to innocent victims if we had to wait until there were tens of thousands more corpses before we act. A key part of the Genocide Convention is prevention, not just punishment after the fact.

The United States has already done more than any other nation to call attention to and respond to this tragedy. But our efforts to date have not brought an end to the growing crisis. We must take additional measures now.

The United States should immediately call for an emergency meeting of the U.N. Security Council and introduce and call for a vote on a resolution that demands that the Government of Sudan take the following steps: First, allow international relief groups and human rights groups free and secure access to the Darfur region, including access to the camps where thousands are huddled in wretched conditions; Second, the Government of Sudan must immediately terminate its support for the Janjaweed and dispatch its forces to disarm them. Third, the Sudanese government must allow the more than one million displaced persons to return home. The resolution must include stiff sanctions if the Sudanese government refuses to meet these conditions and it must authorize the deployment of peacekeeping forces to Darfur to protect civilians and individuals from CARE and other hunmanitarian organizations seeking to provide humanitarian assistance.

It is critical that U.N. Secretary General Kofi Annan exhibit strong leadership on Darfur. Mukesh Kapila, until recently the top U.N. official in Sudan has been outspoken in sounding the alarm. I am encouraged that the Secretary General visited Sudan. However, the result of his visit must be more than an expression of concern. Secretary General Annan must make it clear that if the Sudanese government does not cooperate fully in stopping the killings and destruction, he will push for immediate international sanctions. He must let the Sudanese government know that the welcome progress made in reaching an accommodation with the South will not prevent the world from taking action to stop the horror in Darfur. The U.N. ignored warnings of mass murder a decade ago in Rwanda; it must not stand by again.

We should not allow other members of the U.N. Security Council to engage in endless negotiations and delay a vote on the resolution. In this case, every day that goes by without action means more lives lost. Let's vote on the resolution. If the rest of the world refuses to authorize collective action, shame on them. Failure to pass such a resolution would not represent a failure of American leadership; it would be a terrible blot on the world's conscience.

Whether or not the United Nations acts, the United States should take steps on its own. We should make it clear that if the Sudanese government does not meet the demands in the proposed resolution, the United States will impose travel restrictions on Sudanese officials and move to freeze their assets. Even apart from U.N. action, we can immediately urge other nations to join us in taking these and other measures.

I commend Secretary of State Colin Powell for his visit to the Darfur region. It is critical, however, that the Secretary's visit do more than simply call attention to the tragedy unfolding there. The United States must make it clear that the failure of Khartoum to fully cooperate in ending the destruction and killings will result in a concerted American effort to punish the Sudanese government and harness international support to intervene in Darfur.

We must not look back on Darfur ten years from now and decry the fact that the world failed to act to stop the crime of genocide. Rwanda and other genocides should have taught us that those who knowingly fail to confront such evil are themselves complicit through inaction. We are all god's children. These are crimes against humanity. Let us respond to this unfolding human disaster with the urgency that it demands.

RECOGNIZING THE ANNIVERSARY OF WARSAW UPRISING DURING WORLD WAR II

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. EMANUEL. Mr. Speaker, as the House of Representatives adjourns for the next six weeks, I am proud to rise on behalf of more than 111,000 of my constituents who are of Polish descent in the Fifth Congressional District of Illinois on Chicago's northwest side. It is my privilege to join with friends of Poland and people of Polish descent around the world who will join together to commemorate the Warsaw Uprising.

On their behalf, it is my honor to have introduced H. Con. Res. 470, recognizing the anniversary of the Warsaw Uprising during World War II. It was 60 years ago this August when ordinary Polish citizens, fighting against overwhelming odds and extreme hardships, took up arms against their German oppressors.

Counting on Allied forces to assist in the impending liberation of Warsaw, the Underground Home Army launched its attack against German forces in an attempt to win back their country. Heavily outnumbered and armed mostly with homemade weapons, the Polish resistance fought bravely and heroically for 63 days.

On the verge of victory but with Allied forces still far from the scene, their fates were sealed when the Germans reinforcements arrived. Ultimately, 250,000 civilians and troops were killed and in the wake of the uprising's outcome, centuries-old buildings, monuments and cultural treasures were systematically destroyed by the Germans.

To this day, the courage and valor demonstrated by the Polish resistance stands as a symbol to the spirit of the Polish people and remains a shining example of the world's greatest challenges to fascism and oppression. Polish citizens can be proud of the men and women who fought in this landmark chapter of Poland's resistance, and proud of their resolve and belief in freedom.

Today, this resolution serves another purpose. It reaffirms the special relationship between United States and Poland and the unwavering bond-that exists among our two peoples. I offer this resolution as a symbol of gratitude for Poland's friendship and for standing shoulder to shoulder with our troops in Iraq and where the global war against terror is waged.

Mr. Speaker, our Nation shares and appreciates Poland's values and democratic ideals of liberty and human rights. The same indomitable spirit that was alive 60 years ago remains strong in the Polish consciousness today.

SENATE—*Tuesday, September 7, 2004*

The Senate met at 12:09 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, thank You for Your steadfast love and Your unchanging mercy. Your wondrous deeds sustain us and Your compassion keeps us secure. Thank You for traveling mercies and for the shield of Your protection during the conventions. Remind us that true greatness comes through service. May we esteem others as better than ourselves.

Bless our lawmakers today. Strengthen them in their challenging work of striving to find common ground. Protect them from strife and division as they seek unity for the good of our Nation and world.

In a special way, comfort those who mourn in Russia and help those who face the challenges of nature in Florida. We pray also for the speedy and complete recovery of President Clinton. Lord, we treasure each other as these situations remind us of the fragility of life. Empower us all to trust You without wavering. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, first, let me welcome everybody back from what I hope was a safe and productive August break. It seems as if only a few days ago we were here on the floor finishing our work prior to our recess. Since that time, we have had the two party conventions, and our colleagues have been spending time with their constituents and with family and friends.

Today, we will resume our Senate business with a period of morning business to allow Senators to make statements and to introduce legislation. A number of colleagues have expressed their desire to come to the floor, and we will coordinate an informal schedule of speakers over the course of this afternoon.

Under the consent agreement reached prior to the recess, at 5 p.m. today we will proceed to executive session for debate on two district court nominations. Those nominations are Virginia Maria Hernandez Covington, of Florida, to be a U.S. district judge for the Middle District of Florida, and Michael Schneider, of Texas, to be a U.S. district judge for the Eastern District of Texas. The Senate will vote on the confirmation of those judicial nominations at 5:30 today, and those will be the first votes of the day.

Following those votes, we will consider the nomination of Michael Watson, of Ohio, to be a U.S. district judge for the Southern District of Ohio. I do not anticipate a rollcall vote to be necessary on the Watson nomination; therefore, the two votes at 5:30 today should be the only rollcall votes of the day.

I know there are colleagues who are ready to speak; therefore, I will defer some longer opening comments to about 30 minutes from now. I would say at this time that our plans are to begin consideration of the Homeland Security appropriations bill tomorrow morning. I am discussing with the Democratic leadership an agreement to allow us to move quickly on that legislation. Again, I will have more to say on the Senate schedule in about 30 or 45 minutes.

With that, Mr. President, I look forward to a productive legislative period.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

COMPLETING THE SENATE'S BUSINESS

Mr. DASCHLE. Mr. President, I join my colleague, the majority leader, in welcoming all of our colleagues back, and also our staff and a new class of pages who are starting today. We are pleased they could join us. We know they will be enjoying their experience, and we are delighted they could be here as we begin this important business.

I had the opportunity to talk with Senator FRIST briefly this morning. He and I come to the floor this morning with the realization that, with what limited time is left, we must do what our eloquent Chaplain has just prayed we would do; that is, we find the common ground required to deal with the array of legislative challenges that we face as a Senate body and as a country.

It would be my hope we could do what the majority leader has suggested, which is to begin deliberations on the Homeland Security appropriations bill very early in the session, hopefully as early as tomorrow. I will be discussing this matter and other scheduling issues with our caucus and our leadership tomorrow morning, but I can say, even having not had the benefit of those discussions, there is a great deal of interest in working with our colleagues on the other side of the aisle to achieve completion of the Homeland Security bill, as we have called for now for a couple of months.

We also have, of course, 11 other appropriations bills that have not yet reached completion. Most have not even been considered on the Senate floor. It would be my hope we could devote all of our energy, all of our attention, all of the effort at addressing that need. We are only 3 weeks away from the end of this fiscal year, and clearly a lot of work has to be done if we are going to be able to complete our work on time.

So the appropriations bills, especially the Homeland Security appropriations bill, need our attention. I will say publicly what I have already said privately to the majority leader: that he can count on our cooperation and partnership as we address that bill in particular.

There are also a number of bills in conference. The highway bill ought to be completed this month. The FSC bill, the foreign sales credit bill, the Energy bill, the Defense bill—all of those bills need attention, need completion. So we have a lot of work to do.

It would certainly be my hope our Republican colleagues would send the right message not only to all of us on this side of the aisle but to the country about their determination to put those priorities first. We can always score cheap political points, but I hope we would resist that temptation on both sides of the aisle and get on with the work of the Senate and the country in a way that will accomplish this very extraordinarily long list of legislative challenges and needs that we face as we begin our session.

I also note we will be taking up additional judicial nominations, I am sure. The three judges confirmed today will bring the total for this administration to 201, which is the fourth highest member of judges ever confirmed in a single term. I think it goes again to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the extraordinary cooperation the administration has received on nominations.

MAKING THE 9/11 COMMISSION'S RECOMMENDATIONS LAW

Mr. DASCHLE. Mr. President, I will have a lot more to say about nominations in coming days, but I want to focus, if I may, on just one matter that I think deserves real attention this month. I have also discussed this matter with the majority leader. It has to do with the recommendations made by the 9/11 Commission.

On November 27, 2002, when the President signed the law that created the National Commission on Terrorist Attacks Upon the United States, he said:

> I expect that the Commission's final report will contain important recommendations for steps that can be taken to improve our preparedness for and responses to terrorist attacks in the future.

Twenty months, over 1,000 interviews, 12 public hearings, millions of pages of documents reviewed later, the Commission has put together those important recommendations—41 in all. Few of the recommendations are new. Many are obvious. Yet none are law. The ideas are there. The leadership has been lacking. It is up to us, with the time we have now, to provide that leadership.

Congress is back in session for less than 2 months. The single most important thing we can do is make the American agenda the Senate's agenda, and we need to put security first. That means putting at the top of our legislative agenda the two items that carry with them an urgency that is unique to our time and our challenges: the recommendations of the 9/11 Commission and the funding necessary to increase homeland security.

The last months have only heightened concerns about the threat of terrorism.

In early August, the Secretary of Homeland Security raised the terror alert level from elevated to high, putting Washington, DC, New York, and New Jersey on orange alert.

Also last month, two airliners crashed nearly simultaneously in an incident that appears to have been caused by midair explosions.

Last week the world witnessed the terrible hostage standoff at a Russian school and the tragic consequences that resulted.

In those last two incidents, other nations were targets. And yet we know that America is a target. The question for every Member of Congress is, have we done enough to improve our Nation's security?

Three high-level government reports all sanctioned by the Bush administration—conclude the answer is: not yet.

The 9/11 Commission is not the first to look at how we can strengthen our intelligence community in order to protect ourselves. In just the past 4 years, the Joint House-Senate inquiry into the September 11 terrorist attacks issued its findings, as did a commission appointed by President Bush and led by General Brent Scowcroft.

Three independent commissions have reviewed these issues, and they have all made remarkably similar recommendations.

They have all said we need a national intelligence director someone whose job it is to manage the national intelligence program and oversee the agencies that make up the intelligence community. Right now, the CIA director also serves as the Director of Central Intelligence. But whoever is in that job simply doesn't have the authority to reposition our intelligence community to face new threats. We know al-Qaida is adapting every day. We are not.

They have all said we need a national Counterterrorism Center, to bring together all sources of information so that we can eliminate the barriers that kept one agency's information from another's and kept all of that information from getting analyzed.

We need to do more to understand and disrupt terrorist finances; improve the FBI's counterterrorism capabilities; and work with our allies to abolish terrorist sanctuaries.

When you have all of these experts saying all of the same things, it would be foolish for us not to listen and dangerous for us not to act.

The 9/11 Commission has made a series of additional recommendations. They include: Securing weapons of mass destruction and keeping them out of the hands of terrorists; using the full array of our power—military, diplomatic, law enforcement, and humanitarian—to combat Islamic extremism; finishing the job in Afghanistan with a long-term commitment to reconstruction and security, so that land never again becomes a haven for terrorists; openly confronting the ongoing Saudi-based terror financing and official tolerance of extremists, and reconfiguring our relationship so that it is not based simply on oil.

Of course, one of their most significant recommendations was for us to do more to protect the homeland. Recent disclosures have demonstrated that al-Qaida is an opportunistic organization. They don't attack where we are well defended. They attack where we aren't.

And so it is vitally important that we make America a harder target, while also preparing for attacks that may take place, so that we can contain the damage and save lives.

The way we do that is through the Homeland Security appropriations bill.

This bill includes the funding necessary to improve border security and customs inspections, to hire 570 new border agents, to make our ports safer by inspecting more shipping containers, and to make America's transportation systems safer.

It also includes funding to protect America against bioterrorism, cyberterrorism and to ensure our first responders have the tools and training they need in case they are called upon to respond to an attack.

Right now, we face a test of seriousness.

The September 11 Commission has made 41 recommendations. One of them can be addressed by completing work on the Homeland Security appropriations bill. But we need to act on all of them. As Lee Hamilton has said:

> We believe that the reforms are a package and that if some are broken off, then the result is that you diminish the impact of our recommendations . . . You end up with something of less value.

We need to put security first. I don't think the Senate should be allowed to leave town until we have acted on all 41 of these recommendations.

Certainly, there will be some disagreement on some. I know that others have suggested different approaches and different reforms entirely.

All of these things deserve debate and discussion. But debate and discussion are meaningless if the 9/11 Commission's recommendations don't also receive action.

Time is of the essence.

Every day the Congress spends not doing the 9/11 recommendations is a day we ignore the threat and neglect our most solemn duty as leaders.

As Governor Kean has said:

> We all think that if we do not act quickly, we increase the risk to the American people. We all agree that the status quo is unacceptable Every day that passes is a day of increased risk if we do not make changes.

In the words of the families of the victims of September 11:

> Nearly three years have passed since our nation's homeland security was cataclysmically breached. Far too little has been done to better secure our homeland. We therefore request that Congress and our President act with the greatest urgency.

We need to listen to the experts.

We need to listen to the voices of those who have lost loved ones and are working to see that the horror that was visited on their families is not visited on others.

We need to listen to the American people who are concerned about the safety of their families and communities. And then we need to do what the American people expect of us.

Senators MCCAIN and LIEBERMAN have put together comprehensive legislation that covers each of the 9/11 Commission's 41 recommendations.

They will be introducing that legislation this afternoon.

We all understand that we have limited time in this session and a great deal of unfinished work. This should be our first order of business.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for statements only until 5 p.m., with the time equally divided in the usual form.

The Senator from Mississippi.

Mr. LOTT. Mr. President, my apologies; what is the time divide?

The PRESIDING OFFICER. The time until 5 p.m., is divided in the usual manner.

THANKING NEW YORK CITY

Mr. LOTT. Mr. President, I would like to comment on the agenda we are going to be dealing with in September. But before I do that, I want to say I was very proud of the job that was done by the people of New York City, the leadership of New York City, and all who were involved in the Republican National Convention in New York.

I must confess, I dreaded going to New York City for our convention. I was worried about the heat at the end of August. I was worried about the traffic and congestion. I was worried about the ability to secure the place from potential terrorist threats. I was concerned about what the protesters might do. I had a lot of concerns.

I also had some concerns about how the convention itself would be perceived. But I must say, I was pleased with the way the city handled the convention. It was not as hot as I expected. The traffic was not as bad as I expected. The protesters were there, but they stayed within reasonable bounds. They were able to express themselves. Some of them went too far, and they wound up being arrested. The police in New York City did a very effective job. They were friendly. They were helpful. The city officials, Mayor Bloomberg, the State officials, Governor Pataki and his administration, all who were involved in the security and transportation aspects of the convention deserve to be commended because it turned out to be very good.

The convention itself, the events surrounding the convention, the experience, exceeded my greatest expectations. There were good speakers every night. I won't dare to name them now because if I name one, I might not name another who did a wonderful job. I was inspired by it all. But not wanting to make this a partisan speech, my real purpose is to extend my congratulations to the city of New York. They did a great job. I feel as many people said when New York City was attacked on that infamous day of 9/11, we all became New Yorkers, and from that we all became Americans again. We did a lot of things in a bipartisan, nonpartisan way for the future of the people in that city and for the security of the American people. That was a good experience which came out of that terrible event.

So I want the record to show I found the whole event most enjoyable and a productive product for the political process.

SENATE AGENDA

Mr. LOTT. Mr. President, looking at the agenda for September—others set the agenda and I understand that and I will support that—there are certain things we must do. We need to confirm Congressman PORTER GOSS to be head of the CIA. We need to look at the 9/11 Commission recommendations and see how much of those can be done in a responsible way.

I know there will be some who will resist and will defend the status quo or worry about committee turf. But we have a problem. Our intelligence operation is not set up properly. We had failures as we went into Iraq. We should not try to deny that. We should acknowledge it. I commend our men and women in the intelligence community who do a great job. They are on the line this day in Afghanistan, Iraq, and even here in America. We should recognize that talent. We should be careful not to undermine the morale of those organizations. We have learned there is a problem with chain of command and how the analytical material is checked and double-checked. We know the Intelligence Committees in the Congress have not been set up in a way to do proper oversight. I can say that from experience, having looked at it from a leadership position, but also as a member of the Intelligence Committee for the last year and a half. It is not set up properly. Membership should be permanent, so that members not only can attend hearings, but understand what they are hearing, the dialog, acronyms and people, and burrow in and ask the right questions. This is not so that we will go native and become captive to the community, but so we will be able to ask the right questions. Even the staffing arrangement has to be changed.

We have a limited period of time and, obviously, this requires taking up some of that time. I want us to act in this intelligence area, as far as how it is set up, in the executive and legislative branches. We may not be able to do it all in September, but let's do all we can and then we can continue to work on it, provided, of course, we don't let the forces of the status quo rise up and prevent the necessary changes that I believe are called for. I am a strong advocate of reform across the board when it comes to our intelligence community.

Of course, we have to deal with the appropriations bills in some way. I am pleased the leadership decided to call up the Homeland Security Appropriations bill. Certainly, other than defense, nothing is more important to fund as soon as we can and in the best way we can than homeland security. I hope we can get through that process in a reasonable period of time, knowing there will be some amendments to be offered. We should get that appropriations bill done.

Beyond that, I am not sure whether we are going to have an omnibus appropriations bill or a continuing resolution or for how long funding will be continued. That will be left in the hands of others in the leadership and even the Appropriations Committee. But I want to talk about some other issues that don't always pop up when people are talking about what we should do in September.

Yes, we should deal with the intelligence issue. We should do some confirmations—confirm PORTER GOSS. We should do some judges and appropriations. But there are an awful lot of other things that have not been done yet that we should complete before we go out. It is going to be very unattractive and, in fact, an admission of failure to do our job if we don't complete work on some of the bills that are in conference—for instance, the highway bill. I hear some talk now that we should extend the current highway authorization into next year. Why? We need those highway jobs this year.

There are very few things we can do, if anything, that would create more jobs quicker than to pass a highway bill. There are highway projects, bridge projects and public transportation projects all across this country that can begin immediately and will put thousands of people to work. By the way, it would make our roads safer and would help with economic development. We are in conference. There have been a lot of discussions, but I don't know that we are going to be able to get it completed if we don't pick up the pace. If we don't, then I think that all involved should feel badly because the American people will not be well served if we don't do the highway bill and we put it off until after the election or even next year.

I urge the leadership on that conference committee in the House and Senate, Democrat and Republican, to pay attention to this highway bill and get it done. It would be a huge achievement for the American people if we pass that bill before we go out. I am not incriminating any individuals, but I am going to feel very critical of the Senate and the Congress if we don't get that highway bill done before we go home again.

I realize maybe it is futile now, but when are we going to get serious about energy? For 3 years we have been striving mightily to produce an energy bill.

We get tangled up on one issue or another, such as over whether we should drill in Alaska. Now it is over an additive, MTBE. Meanwhile, we don't have a national energy policy. When the price of a barrel of oil went to $48 and more, as it did, I began to ask why, and what are we going to do about it? I know that if we pass an energy bill in the morning, it would not immediately affect the price of a barrel of oil that much, but it would help our long-term energy security. I think this is an issue that is staring us in the eye and we are continuing to blink.

Sooner or later we are going to pay an economic or a national security price if we don't stop our dependence on foreign energy, and oil specifically. I am very unnerved to think we depend on over 50 percent of our oil coming from Saudi Arabia, Nigeria, Venezuela, and elsewhere. What if they cut us off for whatever reason? What would happen and how soon? I am tired of hearing excuses about why we didn't do it. I want to know how we are going to get it done. This bill came through committee, passed the Senate and the House, came out of conference and was passed by the House and came to the Senate, and with 57 votes we stalled out.

Here we sit with no clear path to getting an energy bill. A pox on all our houses if we don't do something about that. Some people say stop filling the Strategic Petroleum Reserve. I agree. We should not fill the SPR when the price of oil is as high as it is. That is a small part of what should be done. We need the whole package. And I want to say this: We need more exploration, more oil drilling, more natural gas wells, more coal, more hydroelectric power, and we need to perfect clean coal technology. We should have incentives for conservation and alternative fuels, the whole package, but here again the Congress is failing in doing its job by not passing an energy bill. We should do it before we go home for the election.

Another bill I think is urgent that we pass is the so-called Jumpstart Our Business Strength, or JOBS, bill. It is a bill that is required because the World Trade Organization held that some of our tax policies were an unfair subsidization of our manufacturing. The World Trade Organization ruled that way. By the way, as a result of that, each month the tariff put on American goods by the European Union continues to go up 1 percent—it is now 11 percent, headed for 17 percent—because we supposedly had an export subsidy. That subsidy should be eliminated and that money should be moved over into the manufacturing area in a way that would help keep American industry in America and create jobs.

How can we not do this? Some people throw up their hands and say we cannot get it done in the next month; that the House and Senate bills are too big; that the Senate bill has too much in it, and they are too different; how will we ever merge them? I don't care. Throw them both out the door and come up with a different, smaller bill, one that gets the job done in conference, and do it now. The chairmen of the committees in the House and the Senate and the ranking members need to get this done. I don't see how in the world we can leave this session of Congress and not pass that JOBS bill and allow American products to be hit with an ever-increasing tariff of 1 percent increase every month, going up to 17 percent, and say we will see you later and we will get to it next year. I urge my colleagues, especially the leadership and chairmen of the committees and the ranking members, to find a way to get this bill done.

Lastly—and I will yield the floor—some people are whispering that ugly phrase "lame duck." I have been here 32 years. I have been through lame ducks and they are all ugly—to come back after the election, when Congress is filled with people who have retired and have been defeated, and may have a different vested interest, perhaps.

Now I admit that on occasion, even though they were ugly, they were usually brief and we did something good. We did it during the Clinton administration. We did a very important trade bill and, I think, once in the late nineties, maybe we came back and did the omnibus appropriations bill and then left. But I am worried about the large amount of work being considered for a lame duck session this year and whether that would be in the best interest of the American people.

Whatever we cannot get done in terms of appropriations, let's either do it in an omnibus bill for the entire fiscal year or do it through a continuing resolution until February. But the idea that we are going to come back in December and work right up until Christmas and fix what needs to be fixed in that period of time to me is a very dubious and, frankly, unwise suggestion.

How can it be stopped? I had somebody in the leadership ask me that: Oh my goodness, we have other things we have to do; how can we avoid a lame duck session? Real simple, Mr. President. The two leaders in the House and the two leaders in the Senate say we are not coming back for a lame duck session. It is not in the best interest of the American people. Tell the appropriators to do what they have to do, but we are not coming back for a lame duck session. If we do not do that and we come back here, I dread to see it.

I welcome my colleagues back. I hope everybody had a nice, restful August. I hope we get a lot done in September. I do not expect very much because there are a few distractions underway, but we are poised on the brink of being able to do some good things. If we could get a highway bill, an energy bill, the JOBS bill, we could all go out and take credit for it.

I remind my colleagues of the same thing I said many times over the years to leaders, to my good friend from South Dakota—when you produce a product, everybody wins. When you don't call up a bill or you don't finish a bill, the American people lose, and that is where we are poised to go. Which will it be?

I yield the floor, Mr. President.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the distinguished Senator from Mississippi is on the Senate floor, I will propose a unanimous consent request.

I ask unanimous consent that following the completion of my remarks, Senator NELSON of Florida be recognized for 10 minutes, and following his statement that Senator DORGAN be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

Mr. REID. Mr. President, I acknowledge—and I failed to tell my two colleagues this—that Senator FRIST has announced that he is going to come to the Chamber and give a speech. He said he wanted to come around 12:30 p.m. He is due any time now; isn't that right?

Mr. LOTT. Can I inquire under my reservation?

Mr. REID. So I say, if he shows up, I think it would be appropriate to have the majority leader take the floor.

Mr. LOTT. So, Mr. President, the request is that next would be Senator NELSON, and then if Senator FRIST comes at that point he would be recognized?

Mr. REID. The request is—I am going to give a statement now—following my statement, if Senator FRIST is here, he would supersede these two Senators who are waiting.

Mr. LOTT. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE AGENDA

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Mississippi, and all those within the sound of my voice, I appreciate his dissertation on what we should do in the approximately 15 days we have left in this legislative session. I appreciate his observations. The fact is, whether we want to acknowledge it, we have not done anything the whole year. If there is any cause for our having so little time to do so much, it is because we have not done anything up to now. We have not passed any appropriations bills—one.

To hear talk about an omnibus bill should cause the hair on everyone's neck to rise. The omnibus bill we had last year was a disaster, in my opinion. I hope we do not do that again. I would rather have a series of continuing resolutions than have this big, ugly piece of legislation that has so many ways of creating mischief.

I do appreciate my friend from Mississippi, who has a wealth of experience, having been majority and minority leader of the Senate, but he should acknowledge what he is talking about is pie in the sky. We cannot do that. We do not have time.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield?

Mr. REID. I will be happy to yield. Mr. President, we have to do the best we can with the tools we have.

I will be happy to yield for a question from my friend.

Mr. DORGAN. Mr. President, I listened to my colleague from Mississippi. I agree we should pass a good energy bill and a jobs bill. I agree with all that. He suggested at the end to the Senator from South Dakota—I assume he was referring to the Democratic leader—that it would be good to get things done. I point out the Wall Street Journal article of today titled "Lawmakers Face Big Backlog." Let me read what this article says, and most of us know this to be the case:

> The highway bill, for example, is hung up in a dispute between Republican Senators and the White House. . . .

That is not obstructionism by this side.

> In the energy debate, oil-state Republicans, led by House Majority Leader Tom DeLay of Texas, want liability protections for companies that make the fuel additive MTBE; Northeastern Senators, such as Sen. Judd Gregg of New Hampshire, are opposed.

That is not obstructionism on this side. That is the Energy bill.

Quoting again:

> The animosity between House Ways and Means Committee Chairman Bill Thomas and Senate Finance Committee Chairman Charles Grassley has slowed progress on tax legislation.

That is the JOBS bill about which my colleague was talking. There is the highway bill, the Energy bill, the JOBS bill, and this article from the Wall Street Journal today, hardly a progressive organization, says the problem is not obstructionism by this side of the aisle; it is the other side of the aisle that is having an internal debate they cannot resolve, and that is what is slowing things down.

I say on my behalf and I expect I say on behalf of the assistant minority leader from Nevada and certainly from the standpoint of the Democratic leader, Senator DASCHLE, we would like nothing more than to get a good highway bill, to get a good energy bill passed through the Congress, to proceed and deal with the issue of jobs. We cannot resolve on this side of the aisle the internal debate that goes on between the White House and the majority party in the Republican caucus. That is exactly what is holding up these issues. My hope is they will resolve those debates. We can work together and find a way in a bipartisan manner to address all of these issues—energy, jobs, and the highway bill. I think we should do that.

I wanted to make that point quoting from an article that was in the Wall Street Journal today which I believe describes what is really at work here that has held up the progress and business of the Senate.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from North Dakota, he has pointed out in reading from the Wall Street Journal a few of the problems are around here. These very important issues cannot be resolved, in my opinion, in just a matter of a few days. For them to come out now and say we suddenly have our act together now, let's have no debate and rush these through because we have no time left in this legislative session, is not fair. It is not fair to the Senate but, more importantly, it is not fair to this country.

Mr. President, I hope all Senators had a good productive 6 weeks since we were last in session. I personally had a productive time in Nevada. I held many townhall meetings all over the State of Nevada, from Sparks to Pahrump in southern Nevada. They were productive meetings, but I was surprised the meetings all related to the same subjects.

People brought up the same issues no matter where we were in Nevada: Health care. People are tremendously concerned about health care. The people of Nevada realize we have 44 million people with no health insurance, millions more who are underinsured, and those who have health insurance see the costs escalating. Small businesses are finding it more difficult all the time to give health benefits to their employees. It is not because they are cheap. It is not because they are mean. It is simply that they cannot afford health insurance. They know they would have a more productive workforce if people had health insurance. This is a tremendous issue all over the State of Nevada and this country.

Senior citizens. I had a number of townhall meetings related specifically to senior citizens. To say they do not like the new Medicare bill is an understatement. It is a bill that is designed to bankrupt Medicare and is in the process of doing so. To top this off, they were told last week that there would be a 17-percent premium increase. They are very concerned.

Education. The Leave No Child Behind Act is leaving children behind. It is ruining public education not only in Nevada but all over the country. Nevada is a rapidly growing State. We created about 15 new schools this year. When school started a week ago, we had in Clark County alone 15 new schools, 3 new high schools. There are so many new teachers hired in the Clark County school district they cannot get them all together at one time. I talked with all the new teachers, but it took 2 separate groups of 1,000 each—2,000 new schoolteachers in Clark County alone.

These young men and women are anxious to begin a new career. There are some teachers who have transferred from other places or who have come from other places, but most all the teachers are first-year teachers, and they are excited about being able to educate these children, to form the minds of these little people who appear before them.

They are concerned because they know the reputation of the Leave No Child Behind Act has preceded them, and they know how difficult it is with this law, these unfunded mandates that are contained therein, to do a good job of teaching. Administrators acknowledge this.

I met with all 17 school administrators, school superintendents, in the State of Nevada. All 17 said the Leave No Child Behind Act is destroying public education. These 17 superintendents are from school districts as large as the one in Clark County of 300,000 students, to Esmeralda County, Goldfield, NV, 88 students in that school district.

I did not ask their party affiliation, but I am sure they are Democrats and Republicans. They all acknowledge that the Leave No Child Behind Act is simply not working.

My friend from Mississippi gave a short dissertation on all the things we need to do, but what one needs to do is look at the calendar and how we are going to accomplish this. It is a very short period of time. I think the majority leader will tell us we are going to end around October 8. This is a real short week, so there is 1 week, 2 weeks, 3 weeks, 4 weeks. That is 5 weeks. We have the Jewish holidays week after next which will make that a very short week. We have Columbus Day. We have so few days to do so much.

What I think we need to do is make sure we fund the Government. If it means a lame duck session, which none of us like, it means a lame duck session. The fact is, we have so little time to do so much. I hope we would be able to focus on what is absolutely necessary.

Again, I have the greatest respect and admiration for my friend, the junior Senator from Mississippi. But what he is talking about does not acknowledge what we did not do before the break occurred.

I look forward to working with Senator MCCONNELL. Senator DASCHLE has asked me to work as the lead Democrat on the working group to consider the recommendations of the 9/11 Commission. We will focus on the role Congress plays in supporting our intelligence community and the Department of Homeland Security.

I start out on this acknowledging that the two people who led this Commission, Governor Tom Kean and Congressman Lee Hamilton, are two of the finest public servants anywhere in America. They spent a year of their lives working on this issue. They had good Commission members. They had 80 of the top people in the world to help them do their research and investigations.

What they came up with is good, and it is going to take some real strong evidence to show why we should not follow that. I have an open mind and look forward to working with Senator McCONNELL, for whom I have the highest regard. This is a bipartisan working group and we must keep it that way. We have to keep politics out of this process. We are in the middle of an election, but this is not a partisan issue. I am going to work with every member of this group to find solutions that will make our Nation stronger and improve our intelligence capabilities.

I hope we can finish the so-called FSC bill that the majority leader has named the JOBS bill. I hope we do this for lots of reasons, but the most important reason, as far as I am concerned, is when I went home people are concerned about energy.

This country has less than 3 percent of the known oil reserves in the world, counting ANWR. We cannot produce our way out of the problems we have. There are things we can do to improve our production, but we cannot produce our way out of our problems. We use 12 million barrels a day. We import over 60 percent of those 12 million barrels. That cannot go on forever.

I hope we would recognize that this FSC bill, the JOBS bill, has in it section 45 production tax credits to give tax credits for Sun and wind production of energy, geothermal production of energy, and biomass. This is the future. When a country has less than 3 percent of the known oil reserves in the world, this is where we need to go. We need to go to alternative energy. That way we can move to a production society. We can do lots of good things.

The tax credit for wind energy expired the first of the year. We know it worked well. We know there are some farms in the Midwest that make more money producing electricity than they do growing soybeans, corn, and wheat.

Developing these clean, renewable resources, in addition to being the right thing to do, will create thousands of new jobs, and it will help consumers by providing a steady and reliable source of electricity and it will protect our environment. Because renewable energy is made in the USA, it will help reduce our dependence on foreign oil.

We have so much to do. We have only passed 1 of the 13 appropriations bills. We need to address these most important issues. As I have already indicated, I personally am opposed to an omnibus. I would rather have continuing resolutions than an omnibus bill because it was not a good experience last time. We have a lot of work to do. Let us get busy.

I see the majority leader on the floor of the Senate, and I yield the floor to him.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the majority leader is to be recognized, then the Senator from Florida, and then the Senator from North Dakota.

Mr. DOMENICI. The Senator from New Mexico would like to ask the majority leader a question.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. I am happy to yield for a question.

Mr. DOMENICI. I ask the majority leader, if Senator REID would have no objection, if he could yield me 2 minutes.

Mr. FRIST. Mr. President, I would be happy to yield to the Senator from New Mexico 2 minutes. Then, just so other Senators will know, I have about a 15-minute statement in which I would like to outline what the plans will be over the next several weeks.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. I certainly have no objection to the Senator from New Mexico speaking. Unless a Republican comes, because we want to alternate back and forth, I ask that following Senator DORGAN, Senator BOXER be recognized for 10 minutes.

Mr. FRIST. That would be fine from my standpoint. And Senator NELSON?

Mr. REID. He is already recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

PASSING AN ENERGY BILL

Mr. DOMENICI. Mr. President, I was in my office and I heard Senator DORGAN talk about the Wall Street Journal and the Energy bill, or at least he commented on it. The Energy bill that is pending at the desk, which the Democrats have refused to let us take up, does not have the MTBE provision to which the Senate Democrats and some Republicans objected. It is not in there. So who is holding it up? The Senate Democrats, led by Senator BINGAMAN, will not let us proceed on that bill.

It is most interesting. The distinguished Senator from Nevada read off a list of things we ought to be doing. The Senator ought to know that every single one of those, and more, is in that Energy bill. He talked about renewables from wind to solar and production tax credits. They are all in that bill. More natural gas is in that bill; research to use clean coal is in that bill. Also, we have language that will forever cause us to not have any more big regional blackouts in America, and on and on.

So let's be honest about it. The Energy bill, as a superbill, is pending. If they would just let us vote, we would have a bill for America that includes everything Senator REID has talked about and more.

As far as us killing an energy bill with provisions for holding harmless the producers of MTBE, I suggest Senators get the bill and read it. That provision is out of the bill that our leader called up and that the Democrats decided to filibuster. They want us to get 60 votes on everything, including America's energy future. That is the way it is.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

LEGISLATION AND ISSUES BEFORE THE SENATE

Mr. FRIST. If we could just go back to regular order, I will do my statement because I know there will be a response back and forth. At this juncture, I have about a 15-minute statement.

I opened the Senate, now about 45 minutes ago, and as my colleagues can tell, there is a lot of interest in a whole lot of both legislation and issues that people want to get out front on. What I would like to do is take a few minutes and give an overview of where we have been a little bit, but also where we are going over the next several weeks.

I talked to Senator DASCHLE earlier today. We will continue our discussions over the course of today and tomorrow, meeting with the leadership on both sides of the aisle, and our various caucuses. We will work out the details.

I want to step back and paint the larger picture because we have so little time with so many huge issues before us. Each Senator has four or five issues that mean the most to them.

What is absolutely critical, from a leadership standpoint on both sides of the aisle, is to have a framework so we can accomplish the Nation's business and move America forward. With a limited number of days and what we know is going to be a very trying season because of the campaigns that are going on and the politics that go on that are necessarily related to the campaigns, it is going to be a huge challenge before us.

As I said an hour ago, I do want to welcome everybody back. I do hope everybody is energized—which we have seen already on the floor of the Senate—but also that everybody is relaxed and understands the importance of the issues before us. I am delighted people have had the time to spend back at home with their constituents and, what is probably most important for periods like this, with their family and friends.

We all must expect a very busy legislative session on the floor—which people will see laid out in our debate on amendments on the important issues—but also on a whole range of issues that are either in conference today or will soon be in conference. There are a number of crucial items before us that we must complete this year.

Stepping back to our timeline, our goal is to finish this session of Congress by October 8. Some people said it would be October 1, some October 15. The goal is October 8. There will be discussions about a lameduck session and people will be writing about it. Our goal is to complete this session by October 8. I look forward to working with the leadership in conferences and caucuses on both sides of the aisle to accomplish this because we are moving America forward. For whom? It is for the American people. So we absolutely must be working together.

Today on our first day back, our top priority—it may spill into tomorrow morning, but our top priority is to address what is happening in Florida as we speak and as we have seen it play out over last night and the day before and, indeed, over the last several weeks. We need to reach out and aggressively respond to help the people of Florida who have seen their homes literally devastated, who are displaced from their homes, displaced from their communities, huddling with their families a long way from where they live.

We have had two devastating storms in a short 3-week period in Florida. As our Senators from Florida know, as we have discussed, we will be there, we will respond as soon as possible. I was talking to Senator NELSON on the floor about this.

Over the last weekend, even before Hurricane Frances touched the eastern shores of Florida, the Congress, this body, was notified that FEMA would be obligating funds for these disasters at a rate greater than what had been appropriated for this year. In other words, what that means is FEMA would be operating in a deficiency. Currently the administration estimates that FEMA indeed will be out of funds by the end of tomorrow. Therefore, last night the President of the United States transmitted to us an emergency $2 billion supplemental request for FEMA. The President has asked us, asked this body, to take immediate action on this request.

I have been in contact with officials from the administration, with the chairman of the Senate Appropriations Committee, with officials and Representatives from Florida, and everyone agrees we should act as soon as possible. I anticipate the House of Representatives will act no later than tomorrow morning and perhaps even tonight. We should follow that immediately upon receipt of this emergency supplemental, and I will be working with the minority to structure an arrangement for quick passage in the Senate to help those people in Florida who are struggling this very moment. Our neighbors in Florida are depending on us for emergency response, for shelter, for food, and other types of care.

In his letter to us last evening, the President says he anticipates a further request in coming days as the full impact of Hurricanes Charley and Frances become clearer. I expect we will need to include further FEMA funding on the Homeland Security appropriations bill for fiscal year 2005 that we will be turning to tomorrow morning. But we must act first on this initial $2 billion emergency request. Our prayers and thoughts do go out to the people of Florida who are suffering, who are living in shelters, without homes to return to, and who must live with that ever-present possibility that other storms will strike them, that they may be on the way, given the fact that the hurricane season is only half over as I speak. We must act quickly to provide the hard-working staff at FEMA, who have done such a tremendous job over the last several weeks, with the funds and with the resources they need to continue to aid the people of Florida.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. FRIST. I will be happy to yield.

Mr. DORGAN. If I might inquire on that point. I thank very much the majority leader for his indulgence.

My understanding is the proposed $2 billion to restore FEMA money needs to be acted on quickly. I understand that. I think everyone would want to cooperate with the majority leader on that point. The majority leader indicated that the White House would intend then to send down a second request. The reason I am asking a question about that is this. There are, as the Senator knows, other areas of the country that have suffered substantial weather-related disasters. In North Dakota, for example, 1.7 million acres could not even be planted in farmland this year, so we have some farmers in pretty tough shape. It is not only North Dakota, but Minnesota, Montana, and other parts of the area. There are some drought-stricken areas out West as well. Some of us would want to include some help for those producers.

I don't think we would want to interrupt what is going on today. The Senator is absolutely correct, we need to move quickly to respond. But, Senator FRIST, you indicated the second request may well be put on a Homeland Security appropriations bill. Yet I know there is a unanimous consent request being offered today, or at least one that is being talked about, that would preclude amendments to that that would not be about Homeland Security.

How would we get an emergency or disaster piece on that bill? Would those of us who want to add to it to deal with the disaster in farm country have an opportunity to do so?

Mr. FRIST. Mr. President, the details we will get into. I have two points I wanted to make, even in mentioning it. A, we need to respond and we need to respond quickly, as the Senator from Florida and I were talking about. From a FEMA standpoint, this money is needed now. Everybody with FEMA down there is working hard. They should not have to be worrying about money coming in. They are responding directly to the people.

Even the $2 billion, as we have seen from estimates in the newspaper, what has happened in Florida is going to eventually cost, at least from the estimates I have seen, several-fold that. I don't want to send the signal that when we move so quickly on the $2 billion, we are excluding the earlier events in Florida, the full ramifications of the current hurricane, or other needs. The real issue is whether we wait on this $2 billion and address the other needs and assess wherever they are in the country. There is general agreement we need to move now with this installment that FEMA needs because they are out of money, and then the specific vehicle we need to discuss.

I haven't talked to anybody about how we want to do that, but we will have to have a second supplemental of some sort to address needs in Florida and possibly other needs.

Let me continue to try to get through because the specifics we can come back to and talk about, because I have a whole range of issues, if that is all right.

I want to come back to homeland security because I mentioned in my opening statement today the importance of going to the Homeland Security appropriations bill, and thematically that is the issue which I believe will dominate the next 4 weeks. I will come back to how the various pieces will fit in when addressing what is the overriding issue of this body over the next several weeks.

As Senator DASCHLE mentioned, last week we saw the terrible school siege in Beslan, Russia, which served as a reminder that our enemies are ruthless and determined. Those pictures and the coverage we have seen are burned into our minds at this juncture, and the ferocity of the enemy in that small town in southern Russia. Al-Qaida-linked militants literally slaughtered hundreds of schoolchildren, parents, and teachers on what should have been a joyous day—the first day of school. It was a massacre. There is really no other way to describe it. There are 334 people dead and 200 people missing right now. Our hearts ache and reach out to the people of Russia and to the families who have been devastated by this sickening act of violence. America understands the pain that is felt by those families, by that country, and by those communities. We are determined to defeat those forces of terror which were depicted by that horrendous event and to do so quickly and responsibly.

We must strengthen our homeland security, and we will turn to that legislation tomorrow. We need to reform our intelligence systems.

Thirdly, we need to address the vacancy of that top post of the CIA.

These are three objectives we need to keep coming back to and to stay focused on over the course of the next several days since we have so little time. Those three objectives we absolutely must achieve.

Tomorrow morning we will go to the Homeland Security appropriations bill. In the past there have been efforts to bog down the process with unrelated amendments, nongermane amendments. We should all agree and we do all agree that homeland security should not be used to advance separate, unrelated political issues.

Our first responders and the American people are depending on this body to act. Both Democratic leadership and Republican leadership agree to go to this particular bill, an important bill which funds our homeland security in this country. I urge my colleagues again to act swiftly, to amend appropriately but act swiftly on this important bill. We need a bill that is appropriately debated, amended, passed, signed, and enacted before we adjourn.

I will continue to work with our Democratic colleagues in terms of an agreement that will allow us to consider the Homeland Security appropriations bill and amendments with hopes of finishing that bill as expeditiously as possible.

As our top focus—protecting our Nation—must go beyond homeland preparedness, America will only be secure if we deal with threats before they happen, not just after they happen. As the 9/11 Commission Report so grimly outlined, our intelligence community calls out for major reform.

President Bush has already taken steps following a careful review of the Commission's recommendations. President Bush has issued three Executive orders to strengthen our intelligence system. The CIA Director will now have expanded powers to ensure a joint, unified national intelligence effort. The President has also ordered the creation of a national counterterrorism center which will be responsible for analyzing and integrating foreign and domestic intelligence which is acquired across various departments and agencies. With the third Executive order, the President directed our intelligence agencies to give the highest priority to detection, prevention, disruption, preemption, and mitigation of efforts of terrorist activities against the United States. He has ordered our agencies to maximize their ability to exchange intelligence so we can put together each piece of the puzzle and preempt terrorist plotting.

President Bush's top priority is defending America.

These directives are crucial to winning the war on terror, but as we all acknowledge and the reason we must act in this legislative body is that these measures are interim measures. Here in the Senate we began responding to the 9/11 Commission Report as soon as it came out, but we have much work to do, as was outlined by several of my colleagues over the last hour, this month to respond to the 9/11 Commission Report, its criticisms, its critiques, as well as its recommendations.

There are three major areas we need to address in the coming weeks: First, legislation to reform intelligence analysis and coordination in the executive branch; second, the confirmation of a new CIA Director; and third, the Senate's role in oversight of intelligence and homeland security; that is, what goes on here in the U.S. Senate. What is our role? Go back and look at it and engage appropriate reform. Those are the three issues we must address.

I mentioned that after the 9/11 Commission Report this body began to respond immediately. In July, just before the recess began, Senator DASCHLE and I immediately set the process in place in the Senate to respond legislatively to the 9/11 Commission Report.

First, on executive reform in the executive branch, Senator DASCHLE and I asked the Governmental Affairs Committee in close consultation with other committees that have a stake in these changes to carefully evaluate the Commission's proposals regarding reorganization of the executive branch and then to determine how best to implement those.

Over the August recess—a time that is typically just a recess and people are back at home with constituents in their States—Congress held over two dozen committee hearings. In the Senate, four committees worked through August and heard testimony from roughly two dozen witnesses. Those committees included the Governmental Affairs Committee, the Intelligence Committee, the Commerce Committee, and the Armed Services Committee. Each carefully examined the recommendation of the 9/11 Report, and each brought in expert testimony to review past performance and future reforms.

The Governmental Affairs Committee, led by Chairman SUSAN COLLINS and Senator JOE LIEBERMAN, is taking the lead to determine how we can best reorganize and revitalize intelligence agencies and activities in the executive branch. This is a complicated undertaking. It is a serious undertaking but one which is absolutely vital to the security of our country.

Much work has been done over the last 6 weeks after the 9/11 Commission Report, but we have a huge amount of work to do in the next several weeks.

The second issue is the CIA Director. As with the President, the Senate's highest priority is to protect the American people. Our top concern must be ensuring that we are as effective as possible in dealing with the threat of terrorism. That is why we must act promptly in this body to confirm Congressman PORTER GOSS to the currently vacant post of CIA Director. It is obvious that we need a permanent CIA Director, and it is time for this body to act. The nomination has been made. With the schedule that will be outlined in the next several days, we must act on this important position. At a time of homeland general insecurity with the threat of terrorism, whether it is in the homeland or international, we should not allow this critical post to remain vacant.

Congressman GOSS, I might add, is an outstanding choice to lead the agency. As chairman of the House Intelligence Committee and a former CIA agent, he has long experience in the field of intelligence. He knows clearly the challenges ahead. We must confirm Congressman GOSS without delay. There is no time to lose.

Thirdly, Senate oversight. I mentioned the relationship with the executive branch, which the Governmental Affairs Committee addressed. Second, I mentioned the importance of our responsibility to go ahead and move this nomination of Congressman GOSS. The third issue is what we do in the U.S. Senate in terms of our appropriate responsibility and in terms of oversight.

In a separate effort regarding the 9/11 Commission Report response from the Governmental Affairs Committee, Senator DASCHLE and I established a task force to evaluate the September 11 Commission proposals and to offer specific reforms as they relate to Senate intelligence in homeland security oversight. Senator MCCONNELL and Senator REID are cochairs of this task force. Their work is underway.

This is a pivotal moment to make over the Senate so it operates efficiently, effectively, more responsibly, and more transparently in overseeing the security of our homeland. We cannot lose this opportunity. We should not lose this opportunity. There will be the old battles, I am sure, that will play out again and again in terms of jurisdiction, in terms of power, in terms of prestige, or in terms of the way we have been locked in in the past in this body in dealing with intelligence oversight.

Our national defense requires no less than a new unified bipartisan effort to transform the Senate to meet these new threats. Time is of the essence. It is not my intent that the task force spend months and months and months reviewing options and then see time run out on this Congress. We need to act deliberately, give a lot of thought to it, debate it, and then act decisively. I know from conversations the Democratic leadership agrees with this as well.

As we move forward to strengthen our national security, I will shift gears a bit from the agenda of the next several weeks and turn to the issue of protecting America's taxpayers. Four important family tax revisions are set to expire at the end of this year. They include the increase in the child tax credit to $1,000, marriage penalty tax relief, expansion of the 10-percent tax bracket, and the increase in the alternative minimum tax exemption. Each of these provisions impacts families. Each has helped ease the burden on millions of American families.

If we do not act in this body to extend the provisions, millions of hard-working American families will pay the price. They will be unfairly penalized. If we do not act, their taxes will go up and their household budgets will shrink. They will have less freedom and less ability to make ends meet.

For example, if we do not act, 70 million women will see their taxes increase on average $660. If we do not act, 46 million married couples will each pay on average a whopping $900 more in taxes. It we do not act, 38 million families with children will pay $900 more, on average. If we do not act, 8 million single women with children will see their taxes increase by nearly $370. If we do not act, 11 million elderly would each have to pay $383 more. If we do not act, 23 million small business owners would incur tax increases averaging $784. Nearly 2 million individuals and families who currently have no income tax liability would once again become subject to the income tax.

That is what is at stake. That is what is before the Senate. That is simply unacceptable. We cannot allow the American people to suffer an automatic and totally unavoidable tax hike because we in this body fail to act.

There is bipartisan consensus to take action to extend these family tax provisions and to protect the American family. Protecting the homeland, protecting the American family, are tall goals, but they are absolutely crucial to the security and the well-being of our country.

Meanwhile, we also have a responsibility to deliberate on the President's judicial nominees under the previous order at 5:30 today. We will have two votes on the two district judge nominations, Virginia Maria Hernandez Covington of Florida and Michael H. Schneider, Sr. of Texas. Both are exceptional nominees. Both enjoyed bipartisan support. Following these votes, we will consider another excellent nominee, District Judge Michael Watson. His nomination will not require a rollcall vote.

Judge Hernandez Covington is a Florida native and currently serves on the Second District Court of Appeals. She stands before us as a nominee to the middle district court of Florida as an appellate judge. Hernandez Covington authored over 110 opinions and has heard more than 1,000 cases. The American Bar Association unanimously rated judge Hernandez Covington well-qualified for the U.S. District Court.

The second judge under consideration today is Michael Schneider. He currently presides on the Texas Supreme Court. President Bush has nominated Judge Schneider to the U.S. District Court for the Eastern District of Texas. As an appellate and trial judge, Justice Schneider has heard civil and criminal matters from across the State. He was honored in 1994 as the Texas trial judge of the year. In 2001 he was awarded Texas's appellate judge of the year. Judge Schneider received the ABA's highest rating, unanimously well-qualified.

Our third nominee, Judge Michael Watson, has been an appellate and trial court judge in the Ohio State courts for over 8 years. He currently serves on the Tenth District Court of Appeals. The American Bar Association has rated Judge Watson qualified to serve on the U.S. District Court.

Each of these candidates is indeed outstanding. I expect their votes to go smoothly this afternoon.

I would be remiss, however, if I did not mention the fact that 10 other nominees are still in limbo. Since 2003, seven appellate court nominees have been filibustered. They have been denied something very simple: an up-or-down vote by each Senator in the Senate. They have been denied that through filibusters. We believe that is wrong. We believe the obstruction tactics to which these individuals have been subjected is harmful and unfair. They are unfair to the nominees—public servants all—and they are harmful to the judicial system and to the Senate which is charged by the Constitution to do something very simple; that is, advice and consent. That means an up-or-down vote: Yes or no. If they want to vote no, they should be able to vote no. And if they want to vote yes, they should be able to vote yes. They deserve a vote.

I ask my colleagues to stop the obstruction and to allow an up-or-down vote on all these nominees. A simple up-or-down vote: Yes or no.

In closing, as we all know, President Clinton had heart surgery, and, as so many people have done, we offer our best wishes to the President for a speedy recovery. He underwent coronary bypass grafting and by all accounts has done very well. This is something that is very close to me. The coronary bypass grafting is an operation I performed routinely, an operation I did every day before coming to the Senate. It is routine. Now there are 330,000 done a year, about 1,000 a day—even more than that. About 500,000 were done before the new technology of stints and angioplasty came in. Although it is a routine procedure for many hospitals, postcoronary artery bypass grafting is a big operation. It is like being hit by a truck in terms of the recovery. It takes a few days.

President Clinton, by all accounts, has done very well. We heard last night from the surgeons. Obviously, we all have had the opportunity to extend our thoughts and prayers to our colleague, Senator CLINTON, here and to their entire family over the last several days.

I also briefly mention in early August we tightened security around the Capitol significantly. Over the recess, Senator DASCHLE and I met with the Sergeant at Arms and other law enforcement and intelligence people. We agreed that new information regarding potential threats required our Capitol to establish some temporary perimeter security checkpoints at all streets leading into the complex, as well as a number of other security measures.

That said, we are working closely with the Capitol police and the District of Columbia to minimize any inconvenience.

We look forward to a busy session, a productive session over the next days and weeks. We will address legislation that is absolutely critical to the security of our homeland, to the security of the United States, and to the well-being of our fellow Americans. We will vote on, and I am confident we will pass, the supplemental appropriations bill for the State of Florida to help them respond to the devastation of Hurricanes Charley and Frances.

By working in a bipartisan manner—and as I said when we opened, I know the environment, and the larger environment, is going to be very politically charged, but if we in this body can work in a bipartisan manner, a focused manner, I am convinced we can accomplish the goals that are set out and move America forward. We will strengthen our security, we will strengthen our homes, and we will lend a hand to our neighbors as we confront the challenges ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized for 10 minutes.

EMERGENCY APPROPRIATIONS FOR FLORIDA

Mr. NELSON of Florida. Mr. President, I thank the majority leader for the comforting statement that we will take up the emergency appropriations for FEMA to meet the first of two crises we have had in the State of Florida over the course of the last few weeks.

If I might inquire of the majority leader, is it still the understanding of the majority leader that the House bill may come tonight, or are we looking at tomorrow in which we could pass this emergency supplemental appropriations?

Mr. FRIST. Mr. President, even since I completed my remarks, I was just inquiring. It depends entirely when we get the language from the House. I think we still have a shot of doing it later tonight. But we will be in session with the votes on the judges. If we need to stay in a little bit later to do it tonight, we will do it. I am very hopeful we will have language here within an hour and a half or 2 hours, in which case we will go to all the appropriate people in the body to make sure the language is agreeable.

So I think we still have a good shot of doing it tonight. As I told the Senator from Florida, I recognize the importance of getting this money as quickly as possible in the people's hands, where they are not worried about money coming in. They are going to be able to take care of the people in Florida and emergencies around the country.

Mr. NELSON of Florida. As the Senator and I discussed last night, I was told by the Director of FEMA they are basically running out of money. By the end of the week, they are not going to have any cash to expend. So I think that ups the urgency of this appropriations.

I also appreciate the statement by the majority leader that this is just a first step. When we look at the needs, just for FEMA, from the first hurricane, Charley, it is going to exceed the $2 billion request by the President. And that does not include all of the other agencies, such as the Department of Agriculture, the Small Business Administration, the Economic Development Administration, the Defense costs. NASA has costs. You can go on down the list.

For example, compared to Hurricane Andrew 12 years ago, the FEMA cost then was $2.9 billion. But the overall cost to the Federal Government, including all of the other agencies, was over $6 billion. And that was just one hurricane, a magnitude greater than Charley, but now we have two. And Lord help us if we have three. But we are dealing in a range of probably $4.5 billion out of these two.

So is it my understanding from the majority leader that it would be his intention, as he had discussed last night in our telephone conversation, that we would take up additional emergency appropriations next week?

Mr. FRIST. Mr. President, in response to my colleague from Florida, I want to make it very clear, it is impossible to determine what the real requirement is going to be in Florida. The important thing is to look at this supplemental as a first major step to keep the emergency care, the shelters, the response flowing, and that there will be another supplemental. I will not have quite the sense of time urgency, meaning in hours. As you said, with FEMA not having sufficient funds by tomorrow, it means we need to act tonight or first thing in the morning. And we will follow up with appropriate deliberations as information comes forward and there are accurate requests being made and we can assess the full extent of the damage. But even with that, we need to do it quickly. It is not something we want to push way off into the future.

Mr. NELSON of Florida. I thank the majority leader and the minority leader for their cooperation because clearly the State of Florida is reeling under this one-two punch to which we have been subjected. As a result, we have to act and act quickly.

I had a number of people in the press down in Florida asking me where the money was going to come from. If there is a reason for the Federal Government, it is to respond in times of emergency, whether that be a national emergency such as a war or a national emergency in times of natural disaster.

We have always done it. I remember when I came to Congress in 1979, one of the first votes I cast was in relation to the eruption of Mount St. Helens in the State of Washington. That place needed a great deal of Federal assistance to overcome all of the deficiencies that had happened to that society in the midst of that natural disaster.

Now we have not only the disaster of one hurricane but having the State crisscrossed with a big X over the center of the State almost like a bull's eye by the second hurricane. And thank the Good Lord it was not a category 4, which a day out it was a category 4. In this particular case, it had winds up to 145 miles an hour. Well, by the time it hit, it had subsided to a category 2, with winds up to 105 miles an hour. There is a huge difference in the destructive force of the winds going from 105 to 145 miles an hour. The destructive potential of that wind goes up exponentially as you raise the wind speed.

But what happened with Frances, even though it subsided to having winds up to 105 miles an hour when it hit the coast, with gusts up to 120 miles per hour, it lingered, it slowed, it stalled, it wobbled, and it was so massive it covered up the entire State of Florida so that parts that were thought to be immune from this hurricane because of the track of the hurricane, suddenly were engulfed in fierce winds and driving rain which has caused enormous flooding problems.

So it will be my intention, once we pass this emergency supplemental of $2 billion—which is not going to anywhere cover just the costs for FEMA for the first hurricane—to come back for appropriate additional funds for the first hurricane as well as the second hurricane.

For example, besides FEMA, there are the expenses of the Department of Agriculture. We are going to have huge crop losses from Charley and now also from Frances. There is also the Small Business Administration, which has a number of relief programs in addition to low-interest loans; the Economic Development Administration in the Department of Commerce; and the millions of dollars to assist the Department of Transportation, as well as the American Red Cross.

I mentioned some damage done to the Department of Defense, and NASA, for that matter. As a matter of fact, from the first hurricane, NASA incurred costs of $750,000, and the hurricane only just scraped the edge of the space center. This one did significant damage, taking out 1,000 very large panels on the vehicle assembly building, which is the largest building in volume where the space shuttle is stacked vertically. When we come together as the Federal Government, it is time to respond.

I thank my colleagues for their favorable consideration of this request. I remind them that we are not through yet. We have some major additional emergency supplemental appropriations. When we compare this to another major natural disaster such as Andrew, we can see the Federal Government spent over $6 billion on the cost of recovery from Andrew. It won't be that much for these two storms, but it will be substantial.

I am very grateful to the Senate for listening to the pleas of the two Senators from Florida as we ask for its help in this time of need.

I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, the Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, I expect most Senators feel as do I: Whatever resources are needed by the citizens of Florida to recover should be provided by the Senate. I certainly will be one Senator who wants to support the $2 billion emergency supplemental that is necessary now and whatever additional resources are needed to help Floridians recover from these devastating storms. The storm season is not even over at this point. Most of us do not understand, perhaps, the experience of the citizens of Florida. I did want to make the point earlier that when we do the second piece, there are some other parts of the country that are going to have to be dealt with. That was the point I was making.

I want to make sure everybody understands: Whatever resources are needed by the citizens of Florida, I believe the Senate should stand ready to say to them, you are not alone; this country wants to help in times of need and in times of emergency.

NETWORK COVERAGE OF CONVENTIONS

Mr. DORGAN. Mr. President, I rise to speak on the two political conventions. My speech will not be about the politics of the conventions but about the coverage of the conventions.

Senator LOTT and I have worked all of this year and the major part of last year on an issue dealing with the concentration of broadcast ownership in a rule that was crafted by the Federal Communications Commission that would allow even greater concentration in broadcast ownership. That rule would have allowed in the larger cities for one company to purchase three television stations, eight radio stations, the cable system, and the largest newspaper, and that would be fine.

Many Republicans and Democrats don't think that is fine. We think the concentration of ownership of media properties will mean that fewer and fewer Americans, probably fewer than a handful of Americans, will determine what the rest of the American people see, hear, and read. We don't think that is helpful.

A Federal court has overturned the rule the FCC developed and sent it back to them, saying "redo it." Senator LOTT and I and others hope the FCC will do this the right way. The right way would be to promote more economic opportunity and broader ownership, not concentrated ownership in radio and television and newspapers.

This relates to the coverage of the Republican and Democratic Conventions. I thought it was interesting this year that the coverage of the two political conventions was so spartan as to almost be nonexistent with respect to the major networks.

Michael Copps, a commissioner at the FCC, wrote an op-ed piece on the subject. I ask unanimous consent to print it in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 30, 2004]

SHOW ME THE CONVENTION

(By Michael J. Copps)

As a Democratic commissioner on the Federal Communications Commission, I may not agree with many positions taken by speakers this week at the Republican National Convention. Even so, I believe our broadcast media owe us more coverage of an event that remains an important component of the presidential campaign. Yet tonight, if people around the country tune in to the commercial broadcast TV networks, most will not see any live convention coverage. That's not right.

Let's remember that American citizens own the public airwaves, not TV executives. We give broadcasters the right to use these airwaves for free in exchange for their agreement to broadcast in the public interest. They earn huge profits using this public resource. During this campaign season broadcasters will receive nearly $1.5 billion from political advertising.

What do we get in return for granting TV stations free use of our airwaves? Unfortunately, when it comes to coverage of issues important to our nation, the answer is less and less. Coverage of the 2000 presidential election on the network evening news dropped by a third compared to reporting on the 1996 election. During the last election cycle we heard directly from presidential candidates for an average of 9 seconds a night on the news. Local races? Forget it. In 2002—the most recent midterm elections—more than half of local newscasts contained no campaign coverage at all. Local coverage has diminished to the point that campaign ads outnumber campaign stories by four to one. What coverage there is focuses inordinately on polls and handicapping the horse race.

TV executives tell us that the convention and campaign coverage provided by the cable channels is sufficient. I don't think so. Around 35 million Americans don't get cable, often because they cannot afford it. To put it in perspective, that's more than the combined populations of Ohio, Michigan, Wisconsin and Minnesota. Furthermore, broadcasters legally undertake to serve the public interest themselves in exchange for free spectrum—their licenses don't allow them to pass the buck to cable. Remember also that the vast majority of cable channels are national, not local. So don't look for local campaign coverage on cable, except in the few towns where local cable news exists. Most Americans still must look to their local broadcaster for news of local campaigns and issues.

The F.C.C. is doing nothing to help as the situation deteriorates. It has weakened almost every explicit duty stations once had for serving the public interest, like ensuring that stations cover local issues and offer viewers a diversity of opinion. Just as bad, the commission eliminated protections against media consolidation last year, even though critics warned that this would result in even less local coverage. Luckily a federal court rejected this decision, so we have another chance to save these rules.

The F.C.C. has also failed to set guidelines for how broadcasters will meet their public interest responsibilities when digital TV and multicasting become more widespread. To make matters worse, the F.C.C. now practically rubber-stamps TV license renewals, usually without auditing station records to determine whether licensees are fulfilling their public interest responsibilities or checking with communities to ensure that stations are meeting local needs.

Whether we are Democrats, Republicans or independents, we all can agree that democracy depends on well-informed citizens. So as you flip through the channels tonight while the convention is largely ignored, consider whether TV broadcasters, sustained by free access to the public airwaves in exchange for programming in the public interest, are holding up their end of the deal.

Mr. DORGAN. Mr. Copps makes the point that we give broadcasters the right to use the airwaves in exchange for their agreement to broadcast in the public interest. They don't own the airwaves. They are licensed to use them in exchange for broadcasting in the public interest. They also earn substantial money in broadcasting properties from advertising during television campaigns. It is expected they will earn nearly $1.5 billion from political advertising.

What do we get in return? We get almost no coverage any longer, very spartan coverage of the two political conventions. Television and other executives say: That is because people can watch the conventions on cable television. Well, there are more channels. There is cable. But 35 million Americans don't get cable television.

Let me take a look at what has happened, as Mr. Copps describes it in his piece. On Monday, August 30, the Republican Convention was held in New York. This is a Monday evening. None of the networks decided they would cover the Republican Convention. It is strange for me to be protesting that, but nonetheless I think the networks have a responsibility and should have had a responsibility to provide extensive coverage of both political conventions. So on Monday night, they did not show the American people the speech by Senator McCAIN, our colleague. Incidentally, I think that speech should have been heard by the American people. They didn't air the speech by Rudy Giuliani. The American people should have heard that speech. Why is it they couldn't have done that?

Let me show you what they were airing on Monday evening. They had "Access Hollywood." That was important. Then they went to "Fear Factor." That is where you sometimes tune in and you see people eating a bowl of maggots or whatever other disgusting thing happens on "Fear Factor." I have seen it as I have used the remote control to change the channels. "Complex Malibu," they aired—eight couples begin the competition by working on a master bedroom—and NFL preseason, and the "Last Comic Standing."

The American people couldn't get the Republican Convention that evening because this is what was aired on television. This was a Monday evening, the first evening of the convention.

What about the Democratic Convention? The networks decided they wouldn't broadcast on Tuesday evening of the Democratic Convention. They broadcast three nights, 1 hour each evening for three nights. On Tuesday evening, July 27, the keynote speaker Barak Obama spoke, Teresa Heinz spoke. The American people didn't get to listen to those speeches. They should have been able to.

Here is what was going on. They aired that evening "Trading Spouses, Meet Your New Mommy," "Wheel of Fortune," "Last Comic Standing," "Quintuplets," "The Amazing Race," eight teams travel from Argentina to St. Petersburg, Russia. The networks were too busy. They didn't want to put on 2 hours a night for four nights, or four hours a night, they used to do that.

Some people say the conventions are staged. Really? Well, there are a lot of stories at the conventions. But those stories are not covered these days by the major broadcast networks. Why? Because they are only broadcasting 1 hour a night, three nights; 3 hours, total 6 hours, for both the Republican and the Democratic National Conventions; 6 hours every 4 years. How does that relate to the obligation to serve in the public interest? How does that relate to what Senator LOTT and I and others have been talking about, how a few people decide what the American people read or hear? How many people do you think made the decision we will only offer 3 hours to the American people of the Republican National Convention on the major networks? How many people do you think made the decision we will only offer 3 hours of the Democratic Convention?

I think both the Republican Convention and the Democratic Convention were shortchanged. Why do I say that? Because the fact is, we make decisions in the political process. Our major national conventions are a significant part of the process. The dialog, the discussion, the debate in those conventions is a significant part of showing and telling the American people what these political parties are about. I know we get plenty of television in politics. But most of it is 30-second incendiary, negative ads talking about who is the worst rather than who is the best. Very few of them have any ideas or talk about issues.

The question is, as Commissioner Copps points out in his editorial published in the New York Times, are the networks serving this country's interests by deciding they shall air only 3 hours every 4 years of a major political convention?

In 1976, the three major television networks provided more than 50 hours of television convention coverage. In 1996, 20 years later, that had dropped to 12 hours. This year it dropped to 6 hours.

The New York Daily News said that before cable and satellite, ABC, CBS, and NBC turned over their prime time to the conventions as a matter of civic duty.

It is interesting to me that these conventions are staged so tightly. One of the reasons they are created as tightly as they are with respect to agenda is to fit into the very short time period the networks now offer for the coverage of the conventions.

Mr. President, the issue of broadcast ownership and the concentration of broadcast ownership remains at the FCC. The question is, what will they do with these rules and how will the rules affect what people see and hear in the future? How does concentration of economic ownership in broadcast properties affect what we saw this year, the coverage of only 3 hours of the Republican and Democratic Conventions? I have described significant speakers the American people did not have an opportunity to see or hear. Someone made a decision it wasn't worth it. This is what Senator LOTT and I and others have been concerned about for a long while—about the concentration of ownership in broadcast properties.

Again, I am not against big in every circumstance. I don't think big is always bad or small is always beautiful. But in broadcast properties—radio, television, and newspapers—I think broad-based economic ownership best serves this democracy. I think when we see more and more concentration, where you have fewer and fewer people—in some cases a handful—deciding what the American people will see, hear, and read, frankly, I think that is unhealthy. One sign of that is what they decided to air at a time when they decided the two political conventions by the national Republican party and the national Democratic party were unworthy. I think it goes without saying that they have shortchanged the American people.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent that upon completion of my remarks Senator HARKIN be recognized for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISSUES BEFORE THE SENATE

Mrs. BOXER. Mr. President, it has been quite a while since the Senate has been in session. I spent the entire time traveling up and down my State learning a lot from my people, as I always do. I am coming back here ready to work for as long as it takes to protect the American people, to do what we can about the health care crisis, Medicare, and the rest. How much we get done is going to be up to us. Of course, the leadership around here has to go to the bills that will make us safe, help our seniors, take up the issue of health care, and will get the deficits under control. That is their job. We will see what happens.

I hope we go to Homeland Security appropriations because there is a lot of work we need to do on that bill to make sure it truly does protect the American people.

BEST WISHES TO FORMER PRESIDENT CLINTON

Mrs. BOXER. Mr. President, I want to use this opportunity to send my best wishes to President Clinton as he recovers from very serious surgery, which, thank the Lord, appears to be successful. I know the first few days are the toughest. We have had a number of calls into our office from my constituents. I wanted to say that if they want to send a message to President Clinton, they should, if they have access to a computer, go to the following site: www.clintonpresidentialcenter.org. Then they can go to the right side of the page and there is a link where they can send personal best wishes to President Clinton.

As usual, President Clinton is going to teach the country something about heart disease. I thought I would take a moment to say this is something I have been working on for years, since 1997. I introduced the Women's Cardiovascular Disease Research and Prevention Act. I was proud to do it with Congresswoman Maxine Waters. Together, we wrote this bill and it was to expand and coordinate the efforts of fighting heart attack, stroke, and other cardiovascular diseases in women.

A lot of women don't think cardiovascular disease—heart attack and stroke—is a threat to them. Yet, if you look at the numbers, nearly 500,000 women die of cardiovascular disease each year. The number is far less for breast cancer. Of course, we live in fear of breast cancer, which kills far fewer. But cardiovascular disease in women is the biggest killer. More than 20 percent of Americans have some kind of cardiovascular disease, with over half being women.

So President Clinton, I know, is going to do very well. He has taught us so many things about issues and I know he will teach us a lot about how to prevent heart disease and how to make sure, if you have a family history, you take the right exams so that you find out early if you have it. I am proud my bill became law in 1998 as part of a larger bill on women's health.

AMERICAN DEATHS IN IRAQ

Mrs. BOXER. Mr. President, according to CNN this morning, there have been 999 total U.S. deaths in Iraq. We are one away from 1,000 deaths. When the President stood on the carrier with the "mission accomplished" sign behind him, 138 of our soldiers had died. That was May 1, 2003. Since the President declared mission accomplished—and he did it, as many of us said on both sides of the aisle, without a plan for the aftermath of the war, which was brilliantly executed—we have lost 861 more soldiers.

When I was home, I met with veterans from this war and the one in Afghanistan. Mr. President, 6,916 Americans have been injured in Iraq. According to a report in the L.A. Times, 57 percent have been injured so severely that they are unable to return to duty. I asked what the suicide rate was in

Iraq. I learned from the military that the suicide rate is very high—64 percent higher than the suicide rate in our country, and it is 34 percent higher than in any other war theater. So we better be ready for the veterans who are coming back from that war, with 6,916 wounded.

The Washington Post got hold of the veterans budget of this administration, and what did they learn? They learned that the Bush draft budget for 2006 includes an overall VA cut of $910 million. If we love our soldiers—and I believe we all do—how could we possibly cut the VA budget at a time when we are getting close to, at this point, 7,000 injured vets coming home?

The total of California's deaths is 254. I have paid tribute to each and every one of those who died from California—those who were either born in California, lived in California, or went to Iraq or Afghanistan from a California base. Today, I want to pay tribute to 48 more casualties that happened between the time we left 6 weeks ago and now.

This relates to those killed in Iraq, not Afghanistan, since July 5. All of them are from California or based in California. So I will go through these names.

LCpl John Vangyzen, age 21. Lance Corporal Vangyzen died on July 5 as a result of enemy action in Al Anbar Province. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, at Twentynine Palms, CA.

LCpl Michael S. Torres, age 21, died July 5 as a result of enemy action in Al Anbar Province, 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

Cpl Dallas L. Kerns died on July 5 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, at Twentynine Palms, CA.

LCpl Justin T. Hunt died July 6 as a result of enemy action in Al Anbar Province. He was assigned to 2nd Light Armored Reconnaissance Battalion, 2nd Marine Division, II Marine Expeditionary Force at Camp Lejune, NC. He was from Riverside, CA.

SPC William R. Emanuel, IV, age 19, was from Stockton, CA. He died July 8 in Baghdad. He was in the Iraqi National Guard Headquarters when it came under a mortar attack. He was assigned to 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany.

Cpl Terry Holmes, age 22, died July 10 due to a noncombat-related vehicle accident in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Sgt Krisna Nachampassak, age 27, died July 10 due to a noncombat-related vehicle accident in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

PFC Christopher Reed, age 20, died July 10 due to a noncombat-related vehicle accident in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

SSgt Trevor Spink, age 36, died July 10 due to a noncombat-related vehicle accident in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

PFC Jesse J. Martinez, age 20, died in Talafar, Iraq, when his vehicle rolled over as the driver tried to avoid another vehicle. He was assigned to the Army's 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, Fort Lewis, WA. He was from Tracy, CA.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I did not have any time limit on my unanimous consent request.

The PRESIDING OFFICER. The request was for 10 minutes for each of the three people.

Mrs. BOXER. I ask unanimous consent for enough time until I conclude these names and another 10 minutes to talk about other issues. It should be another 10 to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. If the Presiding Officer could tell me when I have used 10 minutes.

I wish I did not have to take so much time, Mr. President. These are 48 of our best and brightest over there.

LCpl Bryan P. Kelly, age 21, died July 16 due to injuries received from enemy action in Al Anbar Province. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

SSgt Michael J. Clark, age 29, died July 20 due to combat action in Al Anbar Province. He was assigned to Combat Service Support Battalion 1, Group 11, 1st Force Service Support Group, Camp Pendleton, CA.

LCpl Mark E. Engel, age 21, died July 21 at Brook Army Medical Center, Fort Sam Houston, TX, of multiple wounds he received as a result of enemy action in Al Anbar Province. He was assigned to 2nd Light Armored Reconnaissance Battalion, 2nd Marine Division, Camp Lejune, NC. He was from Grand Junction, CA.

LTC David S. Green, age 39, died July 28 due to enemy action in Al Anbar Province. He was a reservist assigned to Marine Light Attack Helicopter Squadron 775, Marine Aircraft Group 16, 3D Marine Air Wing, Marine Corps Air Station, Miramar, CA.

GySgt Shawn A. Lane, age 33, died July 28 due to enemy action in Al Anbar Province. He was assigned to Headquarters Battalion, 1st Marine Division, Camp Pendleton,CA.

SPC Armando Hernandez, age 22, died in Samarra, Iraq, when an improvised explosive device exploded near his guard post. He was assigned to the Army's 1st Squadron, 4th Cavalry, 1st Infantry Division, Schweinfurt, Germany. He was from Hesperia, CA.

Sgt Juan Calderon, Jr., age 26, died August 2 due to enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Cpl Dean P. Pratt, age 22, died August 2 due to enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPT Gregory A. Ratzlaff, age 36, died August 3 due to a noncombat-related incident at Forward Operating Base Duke, Iraq. He was assigned to Marine Medium Helicopter Squadron 166, Marine Aircraft Group 16, 3rd Marine Aircraft Wing, Marine Corps Air Station Miramar, San Diego, CA.

GySgt Elia P. Fontecchia, age 30, died August 4 from injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marines, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LCpl Joseph L. Nice, age 19, died August 4 due to enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marines, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

Sgt Moses D. Rocha, age 33, died August 5 due to injuries received from enemy action in An Najaf, Iraq. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

Sgt Yadir G. Reynoso, age 27, died August 5 due to enemy action in An Najaf Province. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

LCpl Larry L. Wells, age 22, died August 6 due to enemy action in An Najaf, Iraq. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

Cpl Roberto Abad, age 22, died August 6 after being struck by an exploding mortar during enemy action in Najaf. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, Camp Pendleton, Ca. He was from Los Angeles, CA.

LCpl Jonathan W. Collins, age 19, died August 8 due to enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Tavon L. Hubbard, age 24, died August 11 in a helicopter crash in Al Anbar Province. He was assigned to the Command Element, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

SSgt John R. Howard, age 26, died August 11 in a helicopter crash in Al

Anbar Province. He was assigned to Marine Medium Helicopter Squadron 166 (Reinforced), 11th Marine Expeditionary Unit, Marine Corps Air Station, Miramar, CA. He was from San Diego, CA.

LCpl Kane M. Funke, age 20, died August 13 as a result of enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 7th Marines, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

PFC Fernando B. Hannon, age 19, was killed August 15 while conducting combat operations in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, Ca. He was from Riverside, CA.

PFC Geoffrey Perez, age 24, was killed on August 15 from an explosion while conducting combat operations in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Los Angeles, CA.

LCpl Caleb J. Powers, age 21, died August 17 due to enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Sgt Harvey E. Parkerson, III, age 27, died after sustaining a fatal gunshot wound to the head while conducting combat operations in Najaf Province. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit (Special Operations Capable), Camp Pendleton, CA. He was from Yuba City, CA.

PFC Nachez Washalanta, age 21, died August 21 from injuries received due to enemy action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

LCpl Seth Huston, age 19, died August 21 due to enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Sgt Jason Cook, age 25, died August 21 from injuries received due to enemy action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

Cpl Nicanor Alvarez, age 22, died August 21 from injuries received due to enemy action in Al Anbar Province. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA. He was from San Bernardino, CA.

GySgt Edward T. Reeder, age 32, died August 21 in a noncombat-related vehicle incident in Al Anbar Province. He was assigned to Headquarters and Service Battalion, 1st Force Service Support Group, Camp Pendleton, CA.

LCpl Jacob R. Lugo, age 21, died August 24 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LCpl Alexander S. Arrendondo, age 20, died August 25 as a result of enemy action in An Najaf. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit (Special Operations Capable), Camp Pendleton, CA.

PFC Nicholas M. Skinner, age 20, died August 26 from injuries received due to enemy action in An Najaf, Iraq. He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit (Special Operations Capable), Camp Pendleton, CA.

SPC Omead H. Razani, age 19, died August 27 in Habbaniyah, Iraq, of noncombat-related injuries. He was assigned to the 1st Battalion, 506th Infantry Regiment, 2nd Brigade, 2nd Infantry Division, Camp Greaves, Korea. He was from Los Angeles, CA.

LCpl Nickalous Aldrich, age 21, died August 27 from a nonhostile vehicle accident in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Regiment, Camp Pendleton, CA.

Sgt Edgar Lopez, age 27, died August 28 due to enemy action in Babil Province, Iraq. He was assigned to 1st Battalion, 2nd Marine Regiment, 24th Marine Expeditionary Unit, Camp Lejune, NC. He was from Los Angeles, CA.

CPT Alan Rowe, age 35, died September 3 due to enemy action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LCpl Nicholas Perez, age 19, died September 3 due to enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

1LT Ronald Winchester, age 25, died September 3 due to enemy action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Air Ground Combat Center, Twentynine Palms, CA.

LCpl Nicholas Wilt, age 23, died September 3 due to enemy action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Ground Combat Center, Twentynine Palms, CA.

As my colleagues know, I have paid tribute to every Californian who has died in Iraq from the beginning of the war. I have paid tribute to them if they were born and raised in California or if they were assigned to a California base. I have read into the RECORD and paid tribute now to 254 soldiers. It takes a lot of time, but this time is nothing compared to a lifetime of grieving, tears, and pain these relatives are going through, not only from my State but all over the country.

Mr. REID. Will the Senator yield?

Mrs. BOXER. I will.

Mr. REID. I express my appreciation to the Senator from California for her diligence in coming to the Senate floor and spreading on the RECORD the names of these soldiers who were killed in Iraq. As the Senator knows, about 25 percent of all the deaths in Iraq are related to the State of California.

Mrs. BOXER. Yes.

Mr. REID. We are within a score of having a thousand deaths in Iraq. I say to my friend from California, I appreciate it so much because I have been on the Senate floor where I have lamented the fact and have referred to major newspapers around the country where the deaths of our servicemen have been relegated to page 14 and page 7 of newspapers around the country. Each one of these 254 deaths involves the sons, daughters, husbands, wives, mothers, fathers, cousins, and neighbors, people who will long remember those who died in service to their country.

We cannot take for granted what is happening in Iraq.

Mrs. BOXER. Mr. President, how much time remains on my time?

The PRESIDING OFFICER. The Senator wanted to be notified when she used another 10 minutes.

Mrs. BOXER. I ask unanimous consent for an additional 5 minutes after my additional 5, so it would be an additional 10.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I simply want to say that it is important to me to do what we can to recognize what is going on in Iraq. It is a situation that is extremely difficult and desperate. It appears now that we have not solved the Sadr problem. We have moved from Najaf to where we lost 7 Marines last night in Sadr City where he now resides, with more than 2 million people residing in that city.

So I again want the record to reflect my appreciation to the Senator from California for giving recognition to these gallant servicemen who have lost their lives in Iraq. I wish she would continue to do so. At the very least, the relatives and friends of these gallant soldiers should have their names recognized. They deserve more than that, but certainly that is a step in the right direction.

Mrs. BOXER. If I could respond to my friend, and also say to my friend from Iowa, I have found there is so little focus on these young men and women who are sacrificing. We do not see them when they come home. We do not hear about them and the ones who are wounded. I say to my friend, and he may not be aware of this, one more soldier and we are going to see a thousand dead. It is 999 today.

Mr. REID. I did not realize that. The last number I saw was about 978.

Mrs. BOXER. Right, 999. Now is the time, if ever there were a time, to reflect on this policy. Now, President Bush says we are not turning back. One has to ask themselves: What does that mean? We are not turning back from what? We are not turning back from a war without a plan?

Well, I hope we will get a plan. We need a plan. Just as we had a military plan, we need a plan. Things are at a state now where I have to come and take the time to do this. There is discontent on the other side. It takes a long time to read 48 new names of Californians. Is that not the least we can do? I have talked about what the potential of each of them was. These are the sons and daughters of our people.

Mr. REID. Would the Senator yield?

Mrs. BOXER. Yes.

Mr. REID. We are focused today, and certainly I support the Senator in doing so, on the soldiers who are dead. As the Senator indicated, it is now 999. The one thing we do not focus on is this war is different than any war we have ever had. The ratio of deaths to casualties is much different. The casualties in this war—those people being wounded—are very severe although they have the use of body armor and other protections included in most of the vehicles. We have many severe burns, people being blinded, paralyzed, losing limbs. These are people who are nameless, hundreds and hundreds, into the thousands now, of people who have been severely wounded, not wounded but severely wounded. I wish there were some way we could recognize the suffering that is going on.

Mrs. BOXER. I say to my friend, when I opened up my remarks, I stated that 6,916 Americans have been injured in Iraq. My friend is right, it is an enormous number. According to a report in the L.A. Times, 57 percent have been injured so severely that they are unable to return to duty. These are very severe injuries.

My point is, is this the time, then, to have a budget that the President—we found out about it because The Washington Post got a copy—cuts VA by $910 million? There are these many Americans, and God knows what the total will be by the end of the month.

"We are not turning back." The President says that over and over again. "We are staying the course." Well, why do we not look at this course? Why do we not look at these policies? Why do we not see if there are ways to better handle this, to internationalize this, to take the burden off of the backs of our young people, as Senator KERRY has said? Where is the plan?

I yield to my friend.

Mr. HARKIN. I ask the Senator to yield. I thank the Senator for her very perceptive and very sensitive approach on this issue of what is happening with our troops in Iraq. The Senator from Nevada is absolutely right about this, that this war is different than any we have ever had. I suppose the good news is we are saving a lot more lives than we have ever in the past. We are there with our medical equipment, as the Senator said, as well as because of body armor and a lot of other things. But what we are also experiencing, as the Senator from California pointed out, is a higher level of individuals with severe injuries, injuries that not only won't allow them to return to active duty but will mean they are going to carry their burdens the rest of their natural lives, for them and their families.

What is unanswered, among all the other things that are unanswered—how we are going to get out of Iraq, how we are going to protect our troops better, how we are going to get other countries to come in, how we are going to pay for it, endless questions—the one nagging question, which I believe the Senator from California has just put her finger on, is: Will we, will this administration, and will this Congress commit itself to ensuring that these young men and women who have been so severely injured will have the supporting mechanisms, the educational benefits, the kind of things that are needed so they can live a full, rich, productive life here in America? That has never been committed to by this administration.

When the President says he wants to stay the course, is that one course on which he wants to stay, I ask my friends, that we will not commit ourselves to making sure these brave young men and women are taken care of, that all their medical needs are met, but more important that they are able to lead full, productive lives here in America?

Mrs. BOXER. Absolutely. The sad truth is we got a copy of their budget.

Mr. HARKIN. That is right.

Mrs. BOXER. President Bush, this is going to be an issue. People are going to take a look at this. It is one thing to send our troops to war; it is another thing to not be there with what they need when they come back. And we are going to make that an issue.

There is one other thing we need to make an issue because there are some things going on in this country that are on the wrong track. I know my friend agrees with this. The seniors in this country just got hit with a 17.4-percent increase in their Medicare premiums. I say to my friend from Iowa, who is a champion not only of veterans but of seniors and children and education and all these other issues, how are our elderly going to handle this? This is the largest single premium increase in nearly 40 years of history with Medicare.

My friend and I know why. The No. 1 reason is this: This administration worked on a Medicare bill that has a $14 billion slush fund to the HMOs, to "convince them," to convince them to take Medicare patients. That is $14 billion.

What else? Medicare is prohibited from negotiating for lower drug prices. I say to my friend, if you walked down the street in Des Moines or anywhere in your State, and you went up to someone and said: Guess what. The Government is telling you you can't shop around for the best price. If you want to go around and buy a bike for your kid, you have to go to Mike's bike shop, not Ray's bike shop or Barbara's bike shop.

Your constituents would say: Senator, if that is the kind of Government I have, hey, this is not the country I know it is.

Yet and still, this administration, backed by the majority party, tied Medicare's hands. Now our people are paying through the nose and they are frightened.

I have been home for the last 2 months, and my senior citizens—first of all, they say this is the worst prescription drug benefit they ever saw. They don't understand it. The only time they can take advantage of it is if they fit a certain profile. Most of them don't even want it. Now they have to pay for something they didn't want because it is built into these premiums. That is what the administration says. They are giving you a great new benefit. Now you pay for it. And they are paying for a slush fund for the HMOs.

Here is the deal. This President says we are not going back; we are not changing course. All well and good if the course is working. But when it is not working, when we are paying the cost of Iraq, 90 percent of it both in the injuries and in the pocketbook, and we are spending now in excess of $200 billion over there and the deficits are—what are they now, $400 billion plus? The highest ever in the history of our country? Stay the course? Don't turn back from debts that are falling on our people? Don't turn back from Medicare premium increases?

I ask for 1 additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. One additional minute.

Mrs. BOXER. So it is one thing to stand in front of a microphone and say don't turn back, if you have policies that are working. But when you have policies that are costing us lives in Iraq, 90 percent of the casualties, 90 percent of the cost, and then you turn your back on our allies? When the President landed on that "mission accomplished" carrier, our allies begged to help us in Iraq. Oh, no, we weren't going to share the spoils of this with them. The rebuilding was just going to Halliburton folks.

That is the price our people are paying. I love them dearly and I want to see them come back home and be relieved by people from all over the world. And I want to see our senior citizens not have to choose between medicine and food. This is wrong.

So, hopefully, we will see some changes in this country. I think you and I agree they are sorely needed. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. HARKIN. I thank the Senator from California for her very clear presentation today. What is happening to make America weaker? We are getting weaker all the time. As the Senator from California pointed out, we are getting weaker because our seniors now are denied the medical care they need and ought to have. We are getting weaker because our deficits are going up at an alarming rate. We are getting weaker because we are getting sucked further and further into the quagmire of Iraq with no end in sight. We are getting weaker in this country because the middle class is getting squeezed. The wealthy are getting the tax breaks.

I am beginning to think that George W. Bush stands for George Weaker Bush. Weakening America, that is what is happening in this country. We are weaker than what we were.

I thank the Senator from California for her very perceptive analysis and for her continued progressive views on turning our country in the correct direction.

I like the expression, what the Senator from California said about President Bush, saying he wants to stay the course or don't turn back. Don't turn back.

Mrs. BOXER. Right.

Mr. HARKIN. It seems to me, if you are on a highway in a car, and you are headed towards a cliff and there is a bend in the road that you can take and it will save you, what sense does it make to keep going straight off the cliff?

Mrs. BOXER. Good one.

Mr. HARKIN. That seems to me what the President is saying: Stay in the car with me. I do not change course.

We are already kind of over the cliff. We are going to go down it.

We could make some changes in our economic policy, our fiscal policy. Certainly, we can make changes in our foreign policy, in our policy in Iraq, to turn this country so we do not continue to go off the cliff.

I guess the President says that he knows where he is going. There is one thing about being resolute in one's determination to do certain things. But there comes a point where you are stubborn in the face of facts and reality. I am afraid this President does not realize the difference between being resolute and carrying out policies, and being stubborn when those policies are hurting America and making us weaker.

I want to change the focus of the discussion. I want to talk about the economy. This morning the Congressional Budget Office announced it now projects this year's budget deficit will rise to $422 billion, an all-time high. Actually, if you look at this chart, if you look at the red, that is the budget deficit of $422 billion for 2004. But if you exclude Social Security surplus, the budget deficit is really $574 billion.

Bear in mind, this comes from a President who originally pledged he would not run deficits and he would protect Social Security surpluses. Talk about flip-flopping, this is the flip-flop of all time.

Now we see these deficits are not only huge but they are going to continue as far as the eye can see. It is shocking when we look at where we were 4 years ago when we had an all-time-high budget surplus and we could see these surpluses continuing on through this decade when we were strong in the world, when we had other countries supporting us, and now to see where we have come in 4 short years.

Right now our operating budget deficit, without counting the Social Security surplus, is about 5 percent of the gross domestic product.

Last year the President's Council of Economic Advisers predicted normal job growth would be 228,000 jobs a month, about the average level during the Clinton administration. The Council of Economic Advisers said the job growth would be even more if we passed the 2003 tax bill which was done. It said we would create 305,000 jobs a month. Unfortunately, over the past 3 months job creation has been about one-third that rate. A million jobs have been lost since Mr. Bush took office.

It seems to me the appropriate question to ask is are we better off today than we were 4 years ago as a nation? Again, look back. It seems almost like a distant utopia when I read the figures. We were the envy of the world in 2000, with 23 million new jobs created and the largest budget surplus in U.S. history—$236 billion in 1 year. But now, 4 years later, we are weaker in almost every respect in this country.

Data released by the Census Bureau paints a very disturbing picture. Since Mr. Bush took office, real median household income has fallen by $1,535. During the Clinton administration the real median household income went up $5,489. Look at the difference. Median income up under the Clinton administration, median income down $1,535 a year under the Bush administration.

Then look at poverty. The number of Americans living in poverty has risen by 4.3 million under President Bush through 2003. During the Clinton administration, 6.4 million Americans were lifted out of poverty. In 4 years of Bush, 4.28 million have been driven into poverty.

Is that progress? We should stay the course? We should not turn back? I would love to turn back to the economic policies of the Clinton years. No. This President says no, stay the course.

In every single way we are weaker.

The number of Americans without health insurance has gone up 5.2 million in the last 4 years. The policies of this administration have weakened our economy. They have depleted our Federal Treasury. They have made America a weaker country.

Now look at taxes. A new study by the Congressional Budget Office tells us the real story. The share of taxes borne by those making more than $1 million a year was reduced by 10 percent thanks to the tax cuts of this administration. But the share of taxes borne by the middle-income taxpayers actually increased by almost 5 percent. Meanwhile, interest on the public debt because of these huge deficits will nearly double in the next 4 years. By 2009, every year we will be paying $1,000 in interest for every man, woman, and child in America. That is $4,000 for a family of four. It is making our future weaker.

We hear a lot of talk from this administration about doing away with the so-called death tax, the tax on accumulated wealth—so-called estate taxes—the idea being that we don't end up with those with billions of dollars being able to pass it all on while average Americans have to face more and more debt. The Bush administration says they want to get rid of the estate tax.

What about the birth tax? What about the tax this administration is leveling on every child who is going to be born in America in the future? Every child born in the United States henceforth will have $1,000 taxes put on his or her head as soon as they are born. No one is talking about the birth tax. We ought to be talking about that rather than trying to have the wealthy pay a little bit more fair share of their taxes in this country.

Again, because of the interest on the national debt, a family of four, as I said, will be paying $4,000 a year. Guess what? That is one tax that cannot be cut. Who is going to be paying it? Middle-income taxpayers, $4,000 a year. That is a new birth tax on every child born in America. But no, we do not hear the administration talking about that.

The real reason the economy is so weak is that for 4 years the Bush administration has been preaching fiscal conservatism, but has been practicing a reckless "damn the torpedoes" brand of fiscal radicalism. We have had a radical fiscal policy over the last 4 years. The Bush team sees cutting taxes as the be-all and end-all of their political existence. For them, cutting taxes is not an economic plan; it is not even an ideology. It is a theology of one size fits all. If the economy is weak, you cut taxes. If the economy is strong, you cut taxes. If there is a surplus, you cut taxes. If there are huge deficits, you cut taxes. You have a war on terrorism, cut taxes.

How many Americans realize that the wars in Afghanistan and Iraq are the first wars in American history to be paid for and financed by tax cuts? In the past, we have always asked the American people to help fight our wars by paying increased taxes. Now tax cuts for the wealthy, birth tax on the kids of middle-income taxpayers, more costs for medical health for the elderly, and the deficit continues to go up.

As I said, this year it is really $577 billion, not $422 billion—$577 billion. That is because you have to count the Social Security surplus.

The President says stay the course, don't turn back. For 4 years this President and his team have pursued policies that have led to deficits, debt, drift, and decline. He is leaving a dramatic and weakened economy and Treasury to his successor and to the next generation.

We have to do better. We can do better. The answer is not to stay with the driver of the car who is going to drive you over the cliff because he is too stubborn to recognize what is weakening America. The answer is to modify our policies, change our course to build a brighter and a stronger and better America for our children and grandchildren. Vice President CHENEY famously asserted that "deficits don't matter." I couldn't disagree more. So do all mainstream economists. The truth is deficits do matter and they matter profoundly. Chronic, long-term deficits that we now see mean the Federal Government must accumulate huge and growing debt held in bonds. That means the Government is competing with limited dollars and crowding out other borrowers. This puts other pressure on interest rates. That is bad for job creation.

Second, as the Government's debt increases, it is harder to find resources to make investments here at home in our roads and our bridges, our schools and educational systems. That means a less efficient transportation system and as less skilled workforce. That is bad for business.

Third, as we are already seeing, a far larger share of our Government's bonds are being bought up by foreign governments. Japan, China, and South Korea have particularly heavy purchases of our bonds.

Should that be a worry? It means their future decisions can have a major impact on our economy. In the long term, sooner or later we have to expect the dollar to fall dramatically if our policies don't change. That will hurt our economy by driving up inflation as we pay more for the imports that come into our country.

Lastly, as I have said before and I will keep repeating it, it is especially troubling for the young people in America for them and their future; for our obligations that we have to meet the obligations of the baby boomers who will soon retire and make sure we keep our commitment to them to meet their health needs and to make sure Social Security is sound.

We do not make Social Security sound by driving us further and further into debt. We do not solve the problem by privatizing Social Security. We already see in the private sector more and more retirement plans under fire. United Airlines and others. Now they want to take Social Security and put it out there on the stock market, too.

Lastly, our incomes are down in America. We know that. What is the answer of this President? Cut overtime. A couple weeks ago the President put into effect administration rules that will take away overtime pay protection for over 6 million Americans. Before that rule was promulgated by the administration, they never had one public hearing.

Thanks to the Senator from Pennsylvania, we did have a couple of hearings—two or three—in the Senate, but that was after the horse was out of the barn. At least we had the hearings. Every time we had the hearings, it became clear the overtime rules were going to hurt working Americans; that they were not going to clear up, as they said, ambiguous rules that already existed; that, in fact, this was an assault on overtime. It was a way of allowing employers the ability to redefine what you do as a worker, to reclassify you, have you work over 40 hours a week, and not have to pay you overtime. That is what is happening.

Lastly, the income tax of this country is moving away from being an income tax. It is under this Administration becoming a wage tax. If you work and you make wages, you get taxed. However, if you have investment income, dividend income, and a bunch of other things such as that, well, under the President's plans, you will not have to worry too much about paying taxes anymore.

So what we will have in America is a work tax. If you work for a living and make a wage, you will pay taxes. You pay the full brunt of taxes. But if you are a very high income person, and most of your income is off of dividends, your taxes have already been sharply reduced and if the President's wishes come to pass, you do not pay much in taxes.

We are robbing our kids. We are hurting our elderly. We are making America weaker and weaker as every day, every week goes by in this crazy economic policy of this administration. I cannot think of any other word for it other than to say it is beyond the pale. I don't mind an administration that takes a chance, that has maybe a new economic theory to test. OK, fine. But when it proves, year after year after year that it does not work, why keep doing it?

Someone once defined insanity as doing the same thing over and over again and expecting a different result. Why do we keep trying the same economic policy year after year after year? We see the same results: higher unemployment, less family income, more people in poverty, higher deficits, higher debt. Yet the President says: Keep me as your driver, stay in the car, as we continue to make America weaker and drive over a cliff.

It is time to change course in this country. It is time to put our country back on a fiscally sound basis in this country or else this country is going to be facing even larger deficits, bigger debts, more foreign countries buying more bonds. As the old saying goes, he who pays the piper calls the tune. I am afraid a country that owns all of our debt will call our tune and that will be the ultimate weakness for America.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Arizona.

Mr. McCAIN. Mr. President, thank you.

(The remarks of Mr. McCAIN, Mr. SPECTER, Mr. LIEBERMAN, and Mr. BAYH pertaining to the introduction of S. 2774 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Parliamentary inquiry: Are we still in morning business?

The PRESIDING OFFICER (Mr. BURNS). That is correct.

Mr. DOMENICI. Is it appropriate for the Senator from New Mexico to ask to speak at this time?

The PRESIDING OFFICER. It is.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. DOMENICI. Mr. President, across this land, our people are driving up to the gasoline pumps, and they are filling their tank. In the last 6 or 8 months, every time they filled up their tank, the amount went up, up, and up. It peaked for a while, but still, in some parts of America, it is $2 a gallon, $1.90, $1.96.

Everybody understands that America has no energy policy. A few months ago, we had a blackout—remember—in the northeastern part of America, something a country such as ours should not have unless somebody intentionally and physically destroyed power lines or big connectors. But it happened because of overload, and it happened because we do not have an energy policy.

Natural gas, our most plentiful fuel and the one that is best for America's future, we thought we had enough for anything forever and ever. It turns out that unless we do something to increase our supply, it, too, is going to be in short supply. As a matter of fact, as tough as it is to admit this, unless we bring some huge new natural gas supplies on in America, this great land will go from dependence on crude oil to another state of dependence: dependence on foreign sources for natural gas.

We have solar. We have all the renewables. And at this time in our history, they are stalemated. The reason they are stalemated is because they need an energy policy. They need the Energy bill that is sitting up at that desk. It has production credits that existed before for all the renewables, for clean coal and its development. All of those are in this bill. The Energy bill is up there at the desk.

Rising oil prices and the fact we have no energy policy is dangerous for our national security, for our environment, for jobs, and for the personal prosperity of our people and our consumers.

Around the world, we are seeing increased demands for energy, increasingly thin reserves of fossil fuels, and increased instability of oil-producing countries. Demand for oil is growing. The price goes up and down, not so much because of supply but because there is no assurance of supply—interruptions, revolutions—and so America sits by and we look at it all, and I guess we would all like to say somebody else is to blame.

I hear in the campaign that nobody wants to talk too much about energy. One of the candidates said we have to stop being dependent on foreign oil. I am not standing here saying that Energy bill at the desk does that because we are already 60—and going up—percent dependent, and I defy anybody to have a plan to get rid of that. I guess if you want to order Americans to get rid of all their cars and buy little ones that get 100 miles to a gallon or 60, you might do something. But nobody will vote for that.

Is my time running out?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. DOMENICI. I thank the Chair.

So here is what we have to do. We have to look at ourselves and say: What can we do to produce all kinds of new alternative fuels that will give us a chance to prove to the world that we are not going to sit by and do nothing? We are going to say we are going to do something big about natural gas. This bill says some of the available outer continental gas, which is not environmentally precluded, can be gotten. We are going to say there is a huge supply from Alaska. Not the one everybody objects to. I should not say everyone. Some do, but I don't. But other natural gas can be brought to the central part of America, to Chicago, and in a few years it will provide another great source.

We have language in this bill that will stabilize electricity, in terms of regions. It will put in some standards. Yes, from everything we understand, it has a real chance of doing two things: encouraging investment in electricity, which we need desperately; second, seeing that we do not have any blackouts in the future.

Frankly, for the past 21 months—not alone but with other people—we have worked to develop a consensus on an energy bill. The other side, the Democrats, have insisted, because they filibustered the Energy bill, that we get 60 votes. Actually, the bill at the desk has been recrafted, so it seems to us it should get 60 votes.

It is not so good that we have to get 60. Americans used to think that 51 votes would win, right? They look at television and they say: What do you mean you lost that bill? You got 58 votes.

If we are filibustering, we need 60. We took out the portion of this bill that was most objectionable, and it is not in there anymore. I am not going into detail about it. Everybody in here knows it has to do with a piece of legislation that was in the original bill that held certain companies harmless from a fuel additive that was prescribed, mandated by the Federal Government, and OK'd by the Federal Government. Then when it got out in the field, if people caused it to leak or dropped it on the ground, it caused damage. So people want to make the companies that did it liable. In this body we don't want to say to those companies, "You are OK." So we took that out. It is not in there.

The House of Representatives has done their thing. After we passed the bill big in conference, within 48 hours they passed it. It came here. We got 48 votes. As everyone knows, we had to try to fix it. We did. The Senator occupying the chair helped. He did a yeoman's job helping us, as did many other Senators. We tried to bring it up. Senators said: We will filibuster again. If we don't filibuster, we have scores of amendments to add to it.

Let me tell you, the Energy bill could do the following. Anybody who is interested in jobs ought to be for it. It would create more than 800,000 jobs. It would revitalize rural America by encouraging renewable fuels such as ethanol. It would increase the production of renewables of every kind—wind, solar, geothermal, and the like. It would build an Alaskan natural gas pipeline, encourage production of domestic natural gas besides Alaska, and domestic oil.

I am not overstating the oil. We can't produce ourselves out of dependence, but we can produce more than we are producing.

It can strengthen the future of the nuclear energy option, promote clean coal technology, promote hydrogen—which the President said we start with a $5 billion program because hydrogen may indeed be the fuel of the future; promote energy efficiency, increase our research and development in various technologies.

On electricity, I have stated it in generalities, but let me be very precise. It establishes mandatory reliability rules for the electricity grid and promotes investment and expansion of the electricity grid.

We have labored for years. There has not been an energy bill in 12 years. I don't know how comprehensive it was, but it was hard to get done, and it did a lot of things. Now we have many sound concepts in this bill. If we can reach agreement to limit debate to an agreeable, reasonable number of amendments—I suggest anything reasonable. Come down here and say 10 amendments on each side and then vote. I would like to try that. I will bet there are some on the other side who would object.

Why would they object? Is not 10 amendments enough for anybody to get their ideas to change this bill considered and get on with voting on it? I think it is. But let's hear something positive. I hope we can try that. Then at least Americans will know we tried. Americans will know, as we said, we need a policy to move forward.

Energy is a complex and multifaceted problem. To approach it as a single-issue problem is very small thinking and not the best way to move this country forward. The Energy bill is about big thinking, forward-looking principles that would guide us to better technologies, more secure energy, more secure resources that deal with energy and the safest operation of our energy assets. I suggest the Energy bill is a good place to start, and we ought to start soon. There is no other way.

I know my time is quickly running out, but I want to close by saying to the Democrats, to the Senator from New Mexico, Mr. BINGAMAN: Why don't you let us vote? There are many Farm Belt Senators. You would think they would be for this bill. They should be. I spoke of ethanol. It is in here. Some people don't like it, but at least it is a product. It is energy that is produced here. It is renewable to a great extent, and the farmers of America would very much have another serious crop.

Add it all together, I can't understand why those on the other side, the Democrats, would like to kill it. At least during this week, next week, and the week after, those concerned about renewables—clean coal, natural gas—everything I have spoken about today, they are going to know it wasn't the Republicans, it wasn't the President. It is those on that side of the aisle who do not want to let us do anything.

Mr. President, I hope I am wrong. I hope after all these months we will see something positive happen. If not, we will keep insisting that we ought to vote and get something done.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

THE DEFICIT

Mr. CONRAD. Mr. President, the new deficit numbers came out today from the Congressional Budget Office. They show that we will now run the largest deficit in the history of the country—some $422 billion. That is nearly $50 billion more than last year, and it should alarm every Member of this body and certainly every Member of the Congress. We are headed in a direction that is utterly unsustainable.

When the President was asked about this in a recent interview on NBC, the questioner said this to him:

> Let me ask you about deficits. This year, $445 billion, ballpark. Do you think that's pretty good?

The President said:

> Yes. I do. I do.

When you are running the worst deficits in the history of the country, to think that is good news I find unusual. This is not good news. It reminds me a little of the captain of the *Titanic* when the ship is going down saying: Well, there is good news here because the ship is not sinking as fast as I thought it would.

We can't continue with deficits of this magnitude. This President ran on the promise that he was going to be fiscally responsible. But look at his record compared to the previous three Presidents: President Reagan ran a large deficit; President Bush 1 ran large deficits—in fact, the largest deficit in history in his final year; under President Clinton, we had deficit improvement each and every year. We climbed up out of the red ink, and for several years—in fact, 4 years—we were deficit free. Now President Bush took over, and each and every year the deficits have gotten worse. In fact, we can all recall that he inherited a substantial budget surplus—$127 billion. Then each and every year the deficits have gotten much worse.

One of the things that is most alarming and ought to concern people the most is that the amount of deficit this year—$422 billion—is not the amount by which the debt will increase. I think there is a lot of confusion.

I taught economics classes at the universities in my State during the break. I find there is a lot of confusion between the deficit and the debt. The deficit, of course, is the annual difference between what we raise and what we spend. That is the annual difference. The debt is the accumulation of all the deficits over time. But it is also true that the deficits printed in the newspapers badly understate how much the debt is increased. The biggest reason for that is they leave Social Security in the calculation. Of course, Social Security is supposed to be separate, it is supposed to be apart, and even by law Social Security is supposed to be separate. But that is not the way we have it treated in the newspaper. They put everything into one pot. When you do that, you hide the fact that they are going to borrow this year nearly $150 billion from Social Security. That gets added onto the debt, but it doesn't count as deficit.

It is kind of a bizarre way we do accounting here in Washington. There is no other institution in the country that would be able to do what we do here—take retirement funds of employees and use it to pay the operating expenses of the Federal Government—but that is what we are doing under the President's plan. That is what we will do every year for the next 10 years under the President's plan. In fact, we will not just borrow $149 billion from Social Security; over the next 10 years under the President's plan, $2.4 trillion will be borrowed from Social Security with no plan to pay it back.

If you look at just this year, the official deficit now they are estimating at $422 billion, but what will be added to the debt will be well over $630 billion. I hope someone is listening out there. The debt of the United States in 1 year is going to increase by over $630 billion, $422 billion of deficits plus $149 billion borrowed from the Social Security trust fund, every penny of which has to be paid back.

The President has no plan to do it.

On top of that, another $60 billion from other trust funds the President is borrowing. That is not the only place the President is borrowing. He has borrowed over $600 billion from Japan, over $150 billion from China. He has even borrowed tens of billions of dollars from South Korea.

This is a course that is utterly unsustainable.

If we look to the future, the President is telling the American people he has a plan to cut the deficit in half over the next 5 years. My advice to the American people is, do not believe it, because it will not happen. The only way the President comes up with that calculation is he leaves big chunks of spending out of the calculation. He leaves out the war cost beyond another $25 billion. We all know it will be much more than that. On top of that, he leaves out the necessity of fixing the alternate minimum tax which right now affects 3 million people. By 2010, the Congressional Budget Office says it will affect 30 million people. Boy, are they in for a big surprise. They thought they would get a tax cut, but they have coming at them a big tax increase. It costs over $600 billion to fix it. The President does not have any money in his budget beyond next year to deal with it.

If we put back in all these things the President is leaving out, here is what we see is the long-term outlook for the deficit. We do not see it being cut in half because we put back the need to fix the alternative minimum tax, the war costs, the President's proposal for more and more tax cuts. What we see by 2014 is the operating deficit of this country will be approaching $800 billion. That is an utterly unsustainable course.

There was an item in this morning's Washington Post that I thought was a bit of a warning shot across the bow. This was a report from the U.S. Navy that says they plan to buy fewer ships. In fact, many fewer ships because of the budget pressure.

It is time to connect the dots. It is time to recognize these large budget deficits that are mushrooming as we look ahead to future years under the President's plan, because the President says spend more on defense, spend more on homeland security, both of which, undoubtedly, are necessary, but he couples with that massive additional tax cuts when we already have record deficits. How is it possible for any of this to add up? It does not add up, and it threatens fiscally our long-term economic security.

The Navy is planning to buy fewer ships. That is only the Navy. We will find the Air Force will be under pressure, the Army will be under pressure. In fact, every element of Federal operations will be under pressure because fundamentally we cannot be strong if we are financially weak.

This country now is running such massive deficits and adding such enormous sums to the debt—the biggest numbers we have ever seen in the history of the country—that it fundamentally threatens the long-term economic security of this country.

I submit to my colleagues and the American people that the President has us on the wrong course. It is time for everyone, on a bipartisan basis, to get together, to come up with a plan to get us back on fiscal track, a fiscal track that will ultimately lead to balanced budgets. There is no time to spare because the baby boom generation will start to retire in 2008. It is hard to believe, but those baby boomers who were born after World War II are getting ready to retire. They will dramatically increase the number of people eligible for Social Security and Medicare. That is one reason Chairman Greenspan has urged us to cut Social Security and Medicare.

Is that the course we want to go down? That is where the President's budget plan is taking us. He has run up the biggest deficits in the history of the country and there is no end in sight. All of this at the worst possible time, right before the baby boomers retire. What are the results? What are the implications of this plan and policy?

In the warning of Chairman Greenspan we see the implication that the natural conclusion, the natural result of the President's policies is to force cuts in Social Security and Medicare and much of the rest of the Government as we know it. That is because the President's plan is so badly out of balance. The difference between revenue and expenditure is so big—and that is before the baby boomers retire; that is before the number of people eligible for Social Security and Medicare double—this is a course that cannot be sustained.

The quicker we deal with it, the better. Everyone knows when you have a problem, the faster you deal with it, the easier it is to solve. The more time you delay, the more time you wait, the bigger the problem becomes.

I am here in the Senate to say the Congressional Budget Office has sent us a very clear signal. We have the biggest deficit this year we have ever seen in the country's history. And we can see for the future, if the President's plan is followed, these deficits can only grow as the baby boomers retire.

This President may have left town by that time. But the rest of us who are here—maybe some of us will be gone, as well—but those who are here are going to inherit an extraordinary problem. It is our obligation now to begin to address it. That is the right thing to do for the country. It is the honorable thing to inform the country of how big this challenge is, how deep this deficit chasm has become, and how threatening it is for our future economic security.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

25TH ANNIVERSARY OF ESPN

Mr. LIEBERMAN. Mr. President, I have the high honor and great personal privilege of coming to the Chamber this afternoon to extend my congratulations to everyone at ESPN. All of us who are ESPN sports fans and viewers and those at the network itself are celebrating 25 years of excellence by this remarkable group of people in sports broadcasting.

As a sports fan and a Senator from Connecticut, I speak as one who is very proud that this American dream has occurred in our State, located in Bristol, CT, and a tremendous citizen of the State which brought almost 3,000 jobs to Connecticut. We are very proud in a very direct sense and very grateful to ESPN for all they contribute to Connecticut.

I must say, when I have been traveling, and at the end of a long day when I get to the hotel room and turn on the TV, there is nothing more comforting than turning on ESPN and knowing that signal is coming to me right from Bristol, CT.

I say this is an American dream story because ESPN was the idea of two people, a father and son, the Rasmussens, who thought originally that they would like to find a way to broadcast University of Connecticut sports events to people around the State on cable. Consulting some experts I believe at RCA, they found they could buy satellite time to do that, and then one of the folks at RCA said to them: Incidentally, it will cost you the same amount of money to broadcast around America and the world via satellite as it will in Connecticut. And that began 25 years ago ESPN, the Entertainment and Sports Programming Network, which is today the worldwide leader in sports. It started small and ended big, going strong, and all as a result of hard work and a lot of innovation.

I had the privilege of visiting ESPN's studios in Bristol, CT, last week. It is really a campus now. I had the thrill of touring the ESPN new digital center. This was about as good as it gets for someone who grew up not dreaming of being a Senator but dreaming of being a Major League baseball player, a center fielder, for that matter—not a preference for political inclinations, not a left fielder or right fielder but a center fielder.

The closest I got to that dream is what I did that day sitting at the anchor desk on the brandnew, very impressive sports center studio set with none other than the closest thing the sports world has to Walter Cronkite, the honorable Chris Berman. It was a lot of fun and a great treat. I also got the chance to look at the new studio we will soon be seeing on the NFL programming and then next year on the baseball programming. There is a lot of excitement there.

As we celebrate ESPN's 25th anniversary, I offer my congratulations on a magnificent first 25 years to George Bodenheimer, ESPN's president, and to the almost 3,000 employees of ESPN who have changed our lives as sports fans and changed so much for the better in the life of the greater Bristol community.

Chris Berman, in addition to my comparison—perhaps a little overstated—to Walter Cronkite, has been the great originator of nicknames. The most famous and the one I love best is when he called a particular baseball player Bert "Be Home" Blyleven. I could go on.

I watched the ESPN retrospective on their first 25 years last night. I did notice in the show that one fan held up a sign that kind of got even with Chris Berman, and it said: "Chris, beast of Berman." Let that speak for itself.

In any case, probably the best tribute one could pay to this extraordinary network and the people who work at it is that as you look back at the 25 years, to paraphrase Berman himself, no one could have guessed that this network could go all the way. It has gone all the way, and it will just keep on going for the next 25 years, more successful than the first 25 years, and beyond. So thanks and congratulations to all the people at ESPN.

I think the most fitting one-word tribute I can use to close a celebration on the Senate floor of ESPN's first great 25 years is to say simply and enthusiastically: Booyah.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, while the distinguished Senator from Connecticut is still on the floor of the Senate, I commend him for his remarks. The real success, of course, is due to NASCAR. I hope the Senator appreciates that. In any event, I share his sentiments.

COMMITTEE ON PRESENT DANGER

Mr. KYL. Mr. President, I wish to remark on something Senator LIEBERMAN and I had been hoping to launch and then discuss in a little more detail, a subject on all of our minds, and that is the kind of challenge we face as the leading country in the world in this current war on terrorism.

I am very pleased that Senator LIEBERMAN has joined with me and others, or I with him—I think he was the first and I was the second, to put it that way, to correct the record—in a reinstitution of the Committee on Present Danger. This is the third iteration of that committee, twice begun during the cold war—during the first stages of the cold war and then the later stages of the cold war—to ensure that America understood and was willing to face the threat of Communists and communism in a way that would result ultimately in victory.

There were times in the beginning of the war where I think there was an inadequate appreciation of the nature of that threat and how long a struggle it would be and how we prepared and how Americans would have to persevere in order to win that cold war, and then at a midpoint in the war when it seemed as if detente and acceptance of a permanent status of communism was really the only way the United States could ensure we would have peace in the future began to creep into our policy in so many ways that, again, the committee was formed and, under new leadership, said there is an evil in the world—communism—and we cannot coexist in it. In the end, it will have to face its demise, and we will have to win.

President Reagan embodied that spirit in calling the Soviet Union "the evil empire," in both saying and doing that which enabled people to appreciate there could be a winner and a loser against communism, that it was a failed idea, and that we in the United States and the West generally could defeat it, and we did.

Along comes the war against the Islamic radicals who have committed terrorism across the globe, most recently in Russia. But on 9/11, all of the previous attacks of those terrorists who were brought into focus had been treated as a matter of law enforcement. On 9/11, President Bush understood that something much greater was at stake, an existential threat to the United States specifically and to our civilization generally that had to be met with firm resolve because the enemy was not content to seek some kind of peace negotiations or extract some temporary commitments, but rather by its own declarations was in a fight to the finish: Either they win or we win; either they die or we die.

This existential threat would have to be faced by a nation that was willing to engage in the fight as long as it took with whatever it took, regardless of the costs, because nothing more or less than our survival was at stake.

So this third iteration of the Committee on Present Danger was formed. Senator LIEBERMAN and I have been honored to be the honorary chairmen of this effort, to remind Americans and to educate the rest of the world to the seriousness of this threat, to the fact that this is a war, and in war everyone must make sacrifices.

We send brave young men and women to do military missions that could cost their lives. A couple of my colleagues were on the floor earlier lamenting the cost of this war and the casualties among those who have served. Indeed, each one of us grieves for each one of those casualties, and the families and friends of all involved.

But the President has reminded us that in this case our security is not free and that sacrifices will have to be made.

The point of this committee is to remind everyone what is at stake, how difficult the battle will be, how, although we Americans are generally very impatient people who see a problem, want to get on it, solve it and move on, in this case, as with other wars, we have to be in it until the end, whatever the cost. In this case, like the cold war specifically, it is probably going to be a long conflict that will test our patience and our resolve, but that in the end ironically it is patience and resolve demonstrated to the enemy that are most likely to create the condition for our victory.

In this case, being in some respects a battle of ideas and resolve, if the enemy views us to be a weak horse, as Osama bin Laden has called us, then they will be emboldened to continue the battle and to bring it to the United States. On the other hand, if they view us as a strong horse, then they may appreciate the fact that in the end they cannot prevail. That will, more than anything else, permit us to win this war.

So with Senator LIEBERMAN, I point out to my colleagues that in the ensuing weeks we will be engaged in this discussion in an effort to lay out all of the facts about the enemy that we face and the kind of war that we are going to have to be prepared to fight and the sacrifice that is going to be required not just of the men and women whom we place in harm's way for their military mission but the people involved in all of the other contexts of this battle, whether it be military, intelligence, law enforcement, and even right at home. There are many things Americans can do to help win this war.

My last point is simply this: The best thing that Americans can do to win this war is to demonstrate our resolve not only to the enemy but also to our friends and allies, and most importantly to the people in harm's way, our men and women in the military and others who we have put on the front lines of the battle, to demonstrate to them that as a nation, while we may have some disagreements about the specifics of how we proceed with this conflict, we are united as a people in believing one main thing, and that is that the battle is worth it. So that whatever casualties do exist no one ever need be in doubt, be it the families, the friends, the colleagues in arms, or the service men and women, that their sacrifice was worth the price, whatever that price is.

If we ever begin to create the idea that this is not a war worth winning, that it is not a war worth sacrifice by Americans, then we will have done a great disservice not only to our overall war effort, because the enemy will surely pick up those signals, but also to the families and to the people in the military who are laying their lives on the line. They must continue to know that all of us believe this is a sacrifice worth making and that their sacrifice will not have been in vain.

I hope as time goes on, in debating the nuances of how we proceed with this conflict, all of my colleagues, Republicans and Democrats and everyone else in this great Nation, will understand the importance of reaffirming to those we have put in harm's way that whatever sacrifice they make, it is worth the sacrifice for the security of the people back home, for the opportunities they are creating for others and for the defeat of this insidious foe. That is something we will be talking about, especially as we move into the final phase of this legislative session and fund our homeland security effort, reform our intelligence community and our congressional oversight of that community, and do whatever we can do right now to help win this war, that we ensure that all Americans understand how they can contribute to the victory. Right now their biggest contribution can be to support the effort so the people who we have sent in harm's way will appreciate that their sacrifices, whatever they may be, are not in vain.

The PRESIDING OFFICER. The Senator from Virginia.

RAVAGES OF TROPICAL STORM GASTON ON VIRGINIA

Mr. ALLEN. Mr. President, before I begin my comments, I rise to commend the words of Senator KYL of Arizona and Senator LIEBERMAN. Senator LIEBERMAN was commending ESPN's 25 years as a wonderful station, great entertainment, and something that means a lot to our family.

I bring to my colleagues' attention something that is very important to Virginia, and Florida as well. These hurricanes and disasters that have been hitting our country, particularly in Florida, which has naturally gotten the most attention, but also Tropical Storm Gaston that had such a terrible impact in the Richmond area.

We will be voting shortly on H.R. 5005, which is an emergency supplemental disaster relief appropriations measure. On behalf of the people of Virginia, and also Floridians, I thank my colleagues and also President Bush for acting to assist in this disaster relief, which is so necessary.

I was down in Richmond yesterday inspecting businesses that have been flooded out by this unique flash flood that hit the Shockoe Bottom, which is a historic area of Richmond. There are a lot of small shops there, small stores, restaurants. There are people who have lived there since the renovation of Shockoe Bottom. There are a lot of manufacturers up into the Shockoe valley that were also devastated. In Chesterfield County, an overflowing creek came through and they actually had to demolish two big apartment areas and residences. Just in Chesterfield County alone, 47 people's lives were saved by the firefighters and police. There were eight people who lost their lives from Tropical Storm Gaston in the Commonwealth of Virginia.

In addition to lives lost, which of course is the worst thing to happen, people lost all of their possessions, photographs of loved ones, their important documents and files. People lost all of their clothing from the mud slides that came in and the water that rose so quickly.

There was one fellow at the disaster relief center that opened up yesterday afternoon. He had pants that were covered with paint and a T-shirt covered with paint. Those were the only clothes he had. All the rest of his clothes had been ruined. He was a painter. That is why he had so much paint on him. We saw others who were wondering where they were going to live and where they could get assistance. We saw small businesses—there were 35 businesses, 25 restaurants, hundreds of residences that were made uninhabitable.

One of the best things I saw of the evidence of how this flood came in, particularly in the Shockoe Bottom area, was a person who had a laptop and on it was a videotape of the flood waters coming in. Within 15 minutes, it had gone from nothing on the floor in the restaurant—this was at Bottoms Up Pizza—and it went up to well over 5 feet just in 15 minutes. People did not have time to do much of anything other than get up on different places to get out of the water.

The cleanup is going to be painstaking. A lot of work has been done. A lot of efforts have been made. It is a lot to clean out that mud, to disinfect, to dry it out and get back in business. In some of the places all the elevators, of course, were wrecked. In one facility, they had to take mud out of the basement by buckets and take it up steps. They did a phenomenally good job doing it but that gives us the sense of what has to be done.

In another small restaurant they were taking all the screws apart of a coffee roaster to make sure they could be dried off and oiled. Of course, all the furniture is wrecked. As far as the restaurants are concerned, they also have to make sure all the walls are sanitary and cleaned out for health reasons.

We saw trucks and vehicles all wrecked. There is one Virginia Guardsman who is actually over in Kosovo, his truck was swamped and of course made useless as well.

The point is, FEMA needs money. They need a lot of money because of these disasters. The President has acted. This country is going to provide billions of dollars to make sure FEMA has the money. In addition, when you talk about small businesses, they get assistance from SBA for very low interest loans. Those low-interest loans can help a lot of those businesses get back on their feet.

There is a lot of work, a lot of despair. Yesterday I was with Melanie Sabelhaus, who is the Deputy Administrator for the SBA. You see people's eyes light up for the opportunities they will receive.

I know the time has expired. May I speak in that time for 3 minutes?

Mr. REID. Mr. President, I have no objection to the distinguished Senator from Virginia speaking as long as the time for the vote does not change.

The PRESIDING OFFICER. Morning business has expired.

Mr. ALLEN. I ask unanimous consent to speak for an additional 3 minutes and have that time allocated to the Republican side for the debate on judges so the vote continues at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, again, this is important in that this bill we will be voting on after the judge votes, H.R. 5005, provides $2 billion to replenish FEMA's disaster relief account. Included in there, which is very important, as Melanie Sabelhaus said, we are making promises of loans to folks, and we have run out of funds. So it is important we all work as quickly as possible to make sure these funds are there because there is an allocation in here of up to $30 million which may be transferred to the Small Business Administration's efforts to carry out disaster loans authorized by section 7(b) of the Small Business Act.

The point is, we have a lot of people hurting in this country, in Florida, and obviously I am talking about Virginia. It is important we all come together quickly, efficiently, and as expeditiously as possible to assist these individuals who have a lot of pain, a lot of work to do, but also a great deal of spirit. In the Shockoe Bottom, what encouraged me the most was folks cleaning and going through all that work—which is very tedious work. The smells and the mold and all that is almost overwhelming at times. But there is a great deal of history in the Shockoe Bottom of Richmond. It is one of the oldest neighborhoods in one of the oldest cities in the country. It has a lot of history. This is going to be adding to the lore. I think, as they clean up and get back in business, it will be stronger than ever.

I am very pleased that all of us, the executive branch and legislative branch, are making sure the funds are there to help those small business owners, men and women, get back on their feet, get their customers in those doors again, keep those people working.

I thank you all for this effort. I hope this will pass unanimously after we dispose of the action on judges shortly.

I look forward to making sure we work together to get America—whether in Florida or Virginia or elsewhere—moving forward.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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EXECUTIVE SESSION

NOMINATION OF VIRGINIA MARIA HERNANDEZ COVINGTON TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

NOMINATION OF MICHAEL H. SCHNEIDER, SR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS

The PRESIDING OFFICER. The clerk will report the nominations.

The assistant legislative clerk read the nominations of Virginia Maria Hernandez Covington, of Florida, to be United States District Judge for the Middle District of Florida, and Michael H. Schneider, Sr., of Texas, to be United States District Judge for the Eastern District of Texas.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent the last 5 minutes of debate be granted to the two Senators from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this will be counted against the time for the majority; is that right?

Mr. HATCH. Yes.

Mr. President, I am pleased that the Senate is turning its attention to the confirmation of judges this evening. The record will note that the Senate Judiciary Committee has worked hard to ensure President Bush's judicial nominees have been given the appropriate scrutiny. I have also made every effort to ensure fair treatment of the nominees. While there has been a bit of obstructionism in the advice and consent process, including unprecedented filibusters, we have made significant progress.

During the 107th Congress, during which the Democrats held the majority for most of the Congress, the Senate confirmed 100 of President Bush's nominees. Thus far, in the 108th we have confirmed 98, and with the expected confirmation of these judges, we will match the record established by Senator LEAHY. I recognize him for the good work he has done on many of the nominees and thank him for his cooperation as ranking member. There is still some work to be done, and I am hopeful that additional nominees will be confirmed by this Senate. Our Senators certainly deserve that kind of consideration.

Today I rise in support of the nomination of Virginia Maria Hernandez Covington to the United States District Court for the Middle District of Florida. Judge Covington is the first Cuban-American woman ever appointed to Florida's appellate courts and is currently the highest-ranking Hispanic woman serving in Florida's judiciary.

After graduating from Georgetown University Law Center, where she was the editor of the Tax Lawyer law review, Judge Covington began her career in public service as a trial attorney for the Federal Trade Commission. She then moved to Florida to work as an assistant state attorney for Hillsborough County, FL. In 1983, she was appointed Assistant U.S. Attorney for the Middle District of Florida, and eventually was promoted to Chief of that District's asset forfeiture section. In 2001, Governor Jeb Bush appointed her to Florida's Second District Court of Appeal, where she has served with great distinction.

While serving as an Assistant U.S. Attorney, Judge Covington lectured extensively on asset forfeiture, money laundering, and complex prosecutions to prosecutors and law enforcement personnel throughout the United States. She also lectured, taught and participated in seminars on trial advocacy practice and procedure with prosecutors, law enforcement personnel, and judges in Chile, Argentina, Mexico, Venezuela, Colombia, Costa Rica, and Honduras. As a U.S. Department of Justice liaison, she also helped the Bolivian government establish its narcotics-related asset forfeiture program.

Judge Covington's professional and civic work has won her respect and recognition throughout central Florida. Most recently, she was honored as the 2003 Hispanic Woman of the Year by Tampa Hispanic Heritage Incorporated.

Judge Covington was reported from our Committee without opposition, and I am confident that she will serve with distinction as a Federal judge. The ABA Committee agrees, unanimously rating her "Well Qualified" for the Federal bench. There is absolutely no reason to delay her confirmation to the Middle District of Florida, and I urge my colleagues to join me in voting to confirm her.

I am also pleased to speak in support of Michael H. Schneider, Sr., who has been nominated to the United States District Court for the Eastern District of Texas.

Judge Schneider has had a distinguished legal career. He began his career more than 30 years ago as an assistant district attorney in the Harris County District Attorney's Office, with a particular emphasis on economic crimes. After 4 years there, he entered the private sector, working for various industries—including the Union Pacific Railroad Company where he served as its General Solicitor. In 1989, he joined the law firm of McFall & Sartwelle, LLP, as a trial attorney. He litigated cases involving products liability defense, commercial torts and commercial fraud cases. To date, he has tried approximately 150 cases to a verdict. That is more than most attorneys even dream of trying.

In 1990, Judge Schneider became the presiding judge of the 157th District Court in Harris County, TX. From 1996 until 2002, he served as the chief justice of the Texas First Court of Appeals in Houston. In 2002, Governor Rick Perry appointed him to the Supreme Court of Texas. Justice Schneider was subsequently elected to a term that expires in 2008.

Judge Schneider brings a wealth of experience to the federal bench. Aside from a law degree from the University of Houston, he also earned his LLM from the University of Virginia School of Law. The ABA has rated him unanimously "Well Qualified," and I am confident that he will be an excellent addition to the federal bench in the Eastern District of Texas.

Following the two scheduled rollcall votes this evening, we will turn to the confirmation of Michael Watson, who has been nominated to the United States District Court for the Southern District of Ohio. I am hopeful that we can quickly conclude debate on this nomination and move promptly to a vote of approval for Judge Watson.

Judge Michael Watson began his legal career as a law clerk and bailiff to the Honorable Tommy L. Thompson of the Franklin County Court of Common Pleas in Ohio. He litigated a broad range of civil and criminal cases before joining the Ohio Department of Commerce as its chief legal counsel, where he served until 1992. He then joined the staff of the Office of the Governor as deputy chief legal counsel, and was promoted to chief legal counsel in 1994.

On January 1, 1996, then-Governor George Voinovich appointed Judge Watson to the Franklin County Court of Common Pleas. Judge Watson was subsequently re-elected and, in 2003, Governor Bob Taft appointed him to Ohio's Tenth District Court of Appeals, where he currently serves.

Judge Watson brings a wealth of trial and appellate experience to the federal bench. A substantial majority of the ABA Committee rated him "Qualified" for this nomination to the federal bench, and I am confident that he will make a fine jurist. I urge my colleagues to vote to confirm him to the Southern District of Ohio.

Mr. President, I reserve the last 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in executive session.

Mr. LEAHY. How much time is reserved for the Senator from Vermont?

The PRESIDING OFFICER. Fifteen minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer. I will not use all of that time because I know a score of Senators support the nomination of Judge Covington. All Democratic members of the Senate Judiciary Committee voted in favor of her nomination.

The selection of Judge Covington is an example of what happens when the judicial nominations process works as it should. She was interviewed and recommended by a Florida bipartisan judicial selection commission. Both Republicans and Democrats supported her. Her two home-State Senators strongly support her, and I do too.

Today Democrats and Republicans join together in considering the nomination of Virginia Maria Hernandez Covington to the U.S. District Court for the Middle District of Florida. The Florida Senators support the nomination of Judge Covington and all Democratic Members of the Senate Judiciary Committee voted in favor of her nomination.

The selection of Judge Covington to be the nominee for the Southern District of Florida serves as an example of how the judicial nominations process should work. She was interviewed and recommended by Florida's bipartisan judicial selection commission. This selection commission was created by Senators GRAHAM and NELSON in a negotiated agreement with the White House and it has produced talented and well-respected attorneys for the lifetime appointments on the district courts in Florida. I congratulate the Senators from Florida for their efforts to maintain this important mechanism for promoting experienced and consensus candidates for the federal bench, despite the resistance of the White House to this time-tested procedure for finding qualified and consensus nominees.

Judge Covington currently serves as Judge for the Second District Court of Appeals in Florida, one of five appellate districts in Florida. She has served as an appellate judge since her appointment by Governor Bush in September 2001. She previously worked as a federal prosecutor and spent nearly 20 years with the U.S. Attorney's Office for the Middle District of Florida.

Judge Covington is highly regarded. I supported her nomination in the Judiciary Committee and I voted to report her nomination favorably from the Judiciary Committee. This is a nomination that was reported unanimously. Although it is after Labor Day and well past the time when Republicans traditionally shut down the judiciary confirmation process under the "Thurmond Rule," I expect that Democrats will continue our good faith efforts.

With today's unanimous consent agreement for votes on Judge Covington and another judicial nominee from Texas, the Senate will have confirmed 200 judicial nominees of President Bush. In 17 months of a Democratic majority in the Senate, we confirmed 100 of his judicial nominees, and now with a total of 26 months of Republican control of the Senate, another 100 of Bush's judicial nominees have been confirmed.

Despite all of the complaining by the President and his partisans, the fact of the matter is that with today's votes the Senate will have approved 200 of his judicial nominees. He has appointed more judges than President Ronald Reagan did in his first term, more than his father did in his presidency and more than President Clinton did in his most recent term in office. Thanks to the bipartisanship demonstrated by Senate Democrats, we have reached the lowest number of vacancies in the federal courts since the Reagan era. With today's confirmation votes there will be only 26 open seats in the entire federal bench, and there are more federal judges serving today than at any time in our history.

The Senate has withheld its consent from some of this President's most extreme and unfair nominations but nowhere near the number of moderate Clinton nominees that Republicans stalled in recent years.

Democrats have supported the swift confirmation of 20 of President Bush's Latino nominees, including three Latinos to the circuit courts, Judge Carlos Bea, Judge Consuelo Callahan, and Judge Edward Prado. Indeed, it was Senate Democrats who pressed for votes on Judge Prado and Judge Callahan while Republicans delayed them. Republicans also blocked four of President Clinton's Hispanic judicial nominees from ever being considered and delayed others for hundreds of days. Judge Richard Paez was forced to wait more than 1,500 days—longer than any nominee in history—to get a vote on his nomination. President Clinton named 11 Latino nominees for the circuit courts and Republicans blocked three of them, Jorge Rangel, Enrique Moreno, and Christine Arguello, as well as district court nominee Ricardo Morado.

Less than 10 percent of President Bush's judicial nominees are Latino, even though this is a diverse ethnic group which constitutes a larger and growing percentage of the U.S. population. In fact, President Bush has nominated more people who have been involved with the Federalist Society than Latinos, African Americans, and Asian Americans combined. This disparity demonstrates that this President is less concerned about creating a federal judiciary of excellent, fair judges who reflect the racial and ethnic diversity of our people and more concerned about ideological purity and finding nominees who are likely to side with the President on his political agenda. It is notable that over the last year this President has failed to nominate a single Hispanic to the circuit court positions he prizes. By contrast at least six of the nine circuit court nominations this President has made during the last year are affiliated with the Federalist Society. This Administration has shown that it is committed to packing the courts with individuals who will shape the bench according to narrow ideological goals. Democrats have resisted this President's most extreme nominees to preserve federal courts that are fair, balanced and independent.

Mr. President, I would like to speak briefly about Texas Supreme Court Justice Michael Schneider, who has been nominated to the U.S. District Court for the Eastern District of Texas. I first met him when I served as the State's Attorney in Chittenden County.

As I rushed back here for the votes, I ran into Justice Schneider, who reminded me of the day we first met. I recall the day very well and when he was here for his hearing earlier this summer I told my staff about his work as a fellow prosecuting attorney years ago. I remember the time he and my dear friend Carol Vance, who was the district attorney in Harris County, came to Vermont in 1974. We had a meeting of the National District Attorneys Association and the consumer fraud units at Sugar Bush in Vermont. I recall talking with him about the problem of fraud and other white-collar crimes.

I would also noted that the district attorney of Harris County was a close friend of mine and spoke very highly about then Mr. Schneider's—Justice Schneider's—reputation as a conservative but fair-minded judge. His confirmation will fill the last remaining vacancy currently open on the Federal district courts in Texas.

I wish the White House would recognize that so many of President Bush's judicial nominees, including Texans, have been confirmed in contrast to the treatment of judicial nominees by members of the President's party who blocked more than 60 of President Clinton's judicial nominees including Texans whose nominations were subject to lengthy delays or defeated by delays by the Republicans. The distinguished chairman will recall how the Republicans many times by just a one-person filibuster within committee delayed and defeated the nominations of Enrique Moreno, Judge Jorge Rangel, Ricardo Morado, and Judge Michael Schattman. None of these four nominees from Texas ever got a vote in the Judiciary Committee or on the floor. I mention that because it was my intention not to treat President Bush's nominees unfairly, and today's vote on the nomination of Justice Schneider demonstrates that we have been far more fair. That is why I have gone forward with Michael Schneider.

Today, September 7, the Senate considers the nomination of Michael Schneider to the U.S. District Court for the Eastern District of Texas. Justice Schneider has served on the Supreme Court of Texas for two years. Including his 12 years of service as a trial and appellate judge and his part-time position at a municipal court, Justice Schneider has served as a judge in one capacity or another for 25 years.

Justice Schneider served as Assistant District Attorney for Harris County, from 1971 to 1975. I also remember first meeting this nominee when I was serving as State's Attorney for Chittenden County and Mr. Schneider was a defense attorney working on cases involving fraud, organized crime and other white collar crimes. Throughout his career, Justice Schneider has demonstrated a commitment to serving those less fortunate, by developing a mock trial program at a school in an impoverished neighborhood, participating in Habitat for Humanity projects, establishing alternative dispute resolution programs, and working with the State Bar of Texas to increase access to justice.

Justice Schneider has a reputation as a conservative, but fair-minded judge. In general, his opinions have focused on statutory interpretation, proper trial procedures, and the rule of law. Justice Schneider's confirmation will mark the 16th district court nominee of President Bush's from the State of Texas who has received a hearing before the Senate Judiciary Committee and has been confirmed. This nomination will fill the last remaining vacancy on the Texas federal district courts. Of course, we have not heard and likely will not hear a single word of appreciation from the White House that all 16 men and women the President has nominated to the federal trial courts in Texas have been confirmed by the Senate.

Our bipartisanship toward his nominees stands in marked contrast to the fate of many of President Clinton's nominees from Texas, who were blocked and delayed by the Republican majority, including Enrique Moreno and Judge Jorge Rangel, Ricardo Morado; and Judge Michael Schattman. While Republicans blocked these Texas nominees along with more than 60 other Clinton judicial nominees, Senate Democrats have by contrast acted fairly and expeditiously toward President Bush's judicial nominees. The treatment of Judge Schneider's nomination stands in stark contrast to how Texans nominated by President Clinton were treated.

After Judge Jorge Rangel, disappointed with his treatment at the hands of the Republican majority, asked President Clinton not to resubmit his nomination for endless delay, President Clinton nominated Enrique Moreno, a distinguished attorney in private practice in El Paso, Texas and a native of Mexico. Mr. Moreno is a graduate of Harvard University and the Harvard Law School. He was given the highest rating of unanimous "Well Qualified" by the ABA. Mr. Moreno's nomination languished for 15 months, with President Clinton renominating him at the beginning of 2001. President Bush missed one of many opportunities for bipartisanship when he withdrew that nomination and, instead, sent the Senate the divisive nomination of Priscilla Owen.

In addition to defeating the district court nomination of Judge Michael Schattman by inaction, Republicans delayed confirmation of Judge Hilda Tagle for more than two a half years with no explanation for their actions. When Ricardo Morado was nominated to the district court by President Clinton on May 11, 2000, Republican Senators indicated that this was just too late in an election year for him to be confirmed. In contrast, Justice Schneider was nominated later in the year than Richard Morado, on May 17, 2004. Senate Democrats are, again, demonstrating their extraordinary good faith with respect to this nomination in light of recent Republican excesses.

This confirmation is taking place in September of a presidential election year, which is long past the deadline for action under the "Thurmond Rule." In July 1980, Republican presidential candidate Ronald Reagan asked Senate Republicans, then in the minority, to stop confirming the judicial nominees of President Carter. Senator Strom Thurmond, who was then the Ranking Member of the Judiciary Committee, was happy to oblige. Republicans were able to accomplish this blockade with only a few exceptions that required Republican consent. Senate Republicans have adhered to this rule with a Democratic President, whether they were in the minority, as in 1980, or the majority, as in 1996 and 2000. Although vacancies were much higher in those years than today, Republicans insisted on maintaining judicial vacancies to be filled by the President elected in the coming fall election.

With today's unanimous consent agreement for votes on two district court nominees including Judge Schneider, the Senate will have confirmed 200 judicial nominees of President Bush. In 17 months of a Democratic majority in the Senate, we confirmed 100 of his judicial nominees, and now with a total of 26 months of Republican control of the Senate another 100 judicial nominees have been confirmed.

Despite all of the complaining by the President and his partisans, the fact of the matter is that with today's votes the Senate will have approved 200 of his judicial nominees. He has appointed more judges in his first term than President Ronald Reagan did in his first term, more than his father did in his presidency and more than President Clinton did in his most recent term in office. Thanks to the bipartisanship demonstrated by Senate Democrats, we have reached the lowest number of vacancies in the federal courts since the Reagan era. With today's confirmation votes, there will be only 26 open seats in the entire federal bench, and there are more federal judges serving today than at any time in our history.

The Senate has withheld its consent from some of this President's most extreme and unfair nominations but no where near the number of moderate Clinton nominees that Republicans stalled in recent years.

I congratulate Justice Schneider and his family on his confirmation.

Finally, I note today is the 7th day of September and we are way beyond what is called the "Thurmond Rule." It was back in July of 1980 when Ronald Reagan, who was not yet President but was running for that office sought to stop any more judicial nominees of President Carter from being confirmed. The Republicans were actually in the minority in the Senate but candidate Reagan asked Senator Thurmond, who was the Ranking Member of the Senate Judiciary Committee which was led by Chairman KENNEDY, to block any more nominees from being confirmed for the remainder of the year. Senator Thurmond happily obliged and from July 1980 until the end of the year the only judicial nominees confirmed were those who had the consent of the Majority Leader and the Minority Leader and the Chairman and Ranking member of the Senate Judiciary Committee. All of President Carter's other judicial nominees were blocked and defeated without votes.

The "Thurmond Rule" is that after July or the nominating conventions no more judges will be confirmed in a Presidential election year unless there is consent. Today's vote on Justice Schneider actually will be one of the last votes, as we all know. But it is an interesting thing. I note that every year where there has been a Democratic President, Republicans have adhered to the Thurmond rule as though it was handed down from on Mount Olympus. The Olympian heights of that standard, precedent and history somehow have changed when there was a Republican in the White House. Now that there is a Republican in the White House, we have heard little about this precedent from Republicans even though it was sheer gospel to them when there was a Democratic President.

Having said that, I fully support the confirmation of Judge Virginia Maria Hernandez Covington and that of Justice Michael Schneider.

I withhold the remainder of time.

I suggest the absence of a quorum and ask unanimous consent that the time run equally.

Mr. HATCH. Mr. President, I have to reserve the right of the two Senators from Texas, if my friend will permit it.

Mr. LEAHY. We are trying to reserve time for the Senator from Florida. I am sure between the Senator from Utah and the Senator from Vermont we can make the appropriate unanimous consent request. It is obvious the Senator from Texas should be heard, and obviously the Senator from Florida should be.

Mr. HATCH. Mr. President, I agree with that. We can work it out.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I want to express my strong support for the nomination of Justice Michael Schneider to serve on the District Court for the Eastern District of Texas.

First, I say thank you to the chairman of the Judiciary Committee, Senator HATCH, as well as the ranking member, Senator LEAHY, for working with us to try to fill this important vacancy in the Eastern District of Texas.

The vacancy that will be filled by this nomination was created by the untimely passing of Chief Judge John H. Hannah, Jr. Judge Hannah was a good man and a distinguished jurist. His family's loss was also a great loss to the State of Texas.

I have enjoyed working with Judge Hannah throughout his career. I recall working with him on a variety of matters when he served as secretary of state of Texas from 1991 to 1994. And Senator HUTCHISON and I worked closely with him just last year on legislation to authorize the Eastern District of Texas to hold court in the city of Plano. That bill, S. 1720, was important to Judge Hannah, who always worked hard to serve the citizens of the Eastern District. He passed away the day after the President signed that legislation into law.

The death of Judge Hannah leaves some big shoes to fill, but President Bush could not have filled them better than with the nomination of Texas Supreme Court Judge Michael Haygood Schneider.

Justice Schneider will bring to the Federal district court the wisdom, judgment, and experience of over a quarter century of service on the bench. He understands—as any good judge must—that the duty of a judge is to interpret the law, not to legislate from the bench.

Justice Schneider has held virtually every position in the State court system that Texas has to offer. From 1978 to 1990, he served on the West University Place Municipal Court. Then, he served on the 157th District Court of Texas, located in Houston, until 1996. Next, he became Chief Justice of the First Court of Appeals in Houston. He served there until 2002, when he was appointed Justice of the Supreme Court of Texas, where I once served. He has been honored as both Trial Judge of the Year and Appellate Judge of the Year by the Texas Association of Civil Trial and Appellate Specialists.

In addition to this extraordinary record of judicial service, Justice Schneider also served the people of Texas in the role of Assistant District Attorney for Harris County. Justice Schneider is a graduate of Stephen F. Austin State University, the University of Houston College of Law, and—more recently—the LL.M. program of the University of Virginia Law School. And he has a distinguished record of civic involvement.

Justice Schneider's reputation as an exceptional jurist and a true gentleman is well known throughout the State of Texas. It is also well known by the American Bar Association, which gave him its highest rating, when its standing committee on the Federal Judiciary unanimously certified him as "well qualified" for the Federal bench. And his nomination enjoys broad bipartisan support across the State of Texas. For example, Susan Hays, who chairs the Dallas County Democratic Party, has written a strong letter of support.

Justice Schneider is also a humble man. His profile on the Texas Supreme Court's website points out that "[h]e held a variety of jobs during college and law school," including "searching titles at a major oil company, managing apartments, driving ambulances, operating a school bus for disabled children, working at a funeral home, teaching school, delivering milk, clerking for a law firm, managing a college cafeteria, serving as a waiter, bell hopping at a hotel, and serving as an intern at the United States Attorney's Office." I'm tempted to ask him which of these jobs best prepares him for life as a Federal district judge.

I am pleased that the President has nominated Justice Schneider to serve on the Eastern District of Texas, and I look forward to his service on the Federal bench in the great State of Texas.

Daniel Webster said that justice is the greatest desire of man on Earth. It is, I suppose, the reverence we have for the aspiration of justice that we honor men and women by allowing them to wear a black robe and to judge us.

Justice Schneider, as the chairman of the Judiciary Committee has already noted, has had a distinguished judicial career of having served at all levels of the Texas State judiciary. Beyond that, Justice Schneider has a reputation for being a gentleman, being an honorable person and one who will do well in this important position.

I ask my colleagues to support this nomination. I say how delighted I am, given this late point in the year when many judicial nominations would not ordinarily be brought up, that there has been bipartisan consensus that this good man and this good judge be put up for an up-or-down vote.

I also ask unanimous consent to print in the RECORD a letter from the Dallas County Democratic Party.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DALLAS COUNTY DEMOCRATIC PARTY,
July 6, 2004.

Chairman ORRIN G. HATCH,
Senator PATRICK J. LEAHY,
Senator JOHN CORNYN,
Members of the Senate Committee on the Judiciary.

Re Nomination of Michael H. Schneider, Sr. for the United States District Judge for the Eastern District of Texas

TO THE MEMBERS OF THE COMMITTEE: I write to encourage you to confirm the nomination of Justice Schneider. As the Dallas County Democratic Chair, I supported Justice Linda Yañez, Justice Schneider's opponent in his 2002 race for the Texas Supreme Court. During that election season I learned a great deal about Justice Schneider, namely how well-regarded and well-respected he is by the bench and the bar in Texas. Even the plaintiff's bar in Houston, Justice Schneider's home base, supported his race out of respect for his dedication to following the law.

During his tenure on the Texas Supreme Court I have followed his performance closely. (I served as a law clerk on the court during the 1997–1998 term, and specialize in civil appellate work in my law practice.) While on the Court he has been a voice of moderation and judicial conservatism. In the many conversations I have had with Texas appellate lawyers—of all political persuasions—the overwhelming consensus is that Justice Schneider has done a wonderful job on the Court and fully deserves to be elevated to the federal bench. Justice Schneider is dedicated to the rule of law and the integrity of the judicial system. The only reservation I have about his nomination is that I hate to lose his influence on the Texas Supreme Court. In addition to being a Democrat, I am a member of the Texas Trial Lawyers Association and the Dallas Trial Lawyers Association. Speaking both as a Democrat and as a plaintiff's lawyer, I urge the Committee to confirm Justice Schneider.

While much has been made in the press about partisan gridlock over judicial nominations, as a partisan leader and as a lawyer I know there are times the parties should come together to support a nominee. This is such a time. I urge the Committee to vote on Justice Schneider's nomination at Wednesday's hearing. A quick vote is critical this late in an election year. If you have any questions about my support of his nomination, please call me at 214-557-4819.

Sincerely,

SUSAN HAYS,
Chair.

The PRESIDING OFFICER. The senior Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am very pleased the distinguished Senator from Texas on the Judiciary Committee has spoken. I am happy to add my remarks.

I particularly thank the chairman of the committee and the ranking member. Senator HATCH and Senator LEAHY have tried on this nomination and the ones we are voting on today to get these judicial nominations through. I very much appreciate it.

We know this is late in the year and sometimes we get hung up on things. I have not agreed with everything that has happened in the Judiciary Committee, but on this nomination I appreciate everyone's word being kept. I had very much hoped we could have this nomination confirmed. I hope there will be a few others, as well. We do have another Texan coming up later this week.

I am happy to support my friend, a fellow Texan, Justice Michael Schneider. I have known Mike and his wife Mary for years. I know this man. I know his wife. I know their family. I know they will be exemplary public servants.

In February, I, along with Senator CORNYN, recommended him to President Bush for the eastern judicial district. He has exemplified what we want in Federal judges. For 25 years, he has sat on the bench from the bottom to the top. Here is a man who knows the judiciary. He was in West University Place, which is a small town near Houston, TX, on the municipal court. Then he was on the district bench in Houston, Harris County. Then he was the chief justice of the first Texas Court of Appeals, once again in Harris County, before he rose to the Supreme Court of Texas where he has served since 2002.

He has also served as assistant district attorney of Harris County and he has served in the private sector. He earned his bachelor's degree from Stephen F. Austin State University in 1965, in Nacogdoches, TX, and also earned a law degree from the University of Houston College of Law in 1971 and a master of law degree from the University of Virginia School of Law in 2001.

He has been honored judge of the year twice by the Texas Association of Civil Trial and Appellate Specialists and by the Houston Police Officers Association.

We have a judge who is known to the community, all sides of the bar. He is certainly respected by all. This is virtually unanimous. It is unanimous. The ABA rating was the highest that could be given. I believe we will have a unanimous vote today based on his great qualifications. I am happy to recommend him to my colleagues in the Senate.

I yield the floor.

The PRESIDING OFFICER. The time controlled by the majority has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask that it be in order to ask unanimous consent that we request the yeas and nays on both Ms. Covington and Mr. Schneider and I would ask for the yeas and nays with one show of hands as a request for the yeas and nays on both.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I commend the distinguished Senator from Florida. It was his use of a bipartisan commission to make sure that we had this exemplary nominee.

I yield the remainder of my time to the Senator from Florida.

Mr. NELSON of Florida. I thank the distinguished Senator from Vermont. I commend the chairman and the ranking member for their bipartisanship. I compliment the Senators for their bipartisanship.

We already had this agreement on the number of judges we were going to do, proffered some months ago. The fact that a judicial nominee of the quality of Judge Covington from Tampa, FL, would come to the committee in a bipartisan fashion—members were very kind to move a nominee such as this. Indeed, this is the way the Senate ought to be working. I am grateful the judge I was recommending was the beneficiary of that bipartisanship.

Indeed, Judge Virginia Hernandez Covington, a product of Tampa, a product of the University of Tampa, both bachelor's and master's degree, and Georgetown Law, a former assistant U.S. attorney in the U.S. Attorney's Office for almost 20 years, with 70 commendations while there, was then appointed to our State court system to the district court of appeals where she is now serving her 6-year term.

She has lectured extensively on a whole host of complex legal subjects. When our office called her to give her the good news that her nomination, thanks to these two distinguished Senators, was scheduled for a vote, she was down practicing her fluent Spanish in South America where she was teaching earlier this year.

This is the kind of bipartisanship and nominee we want. What do we want? It is clear to me what I want in a judge. I want someone who has judicial temperament. I want someone who is going to be openminded and who will look at the facts and will apply the law. Outstandingly, Judge Covington represents that particular example of what a judge should be.

She is going to have a tremendous success as a Federal judge. She is going to make an excellent addition to the high quality of judges we have been very fortunate in Florida to have. I congratulate Judge Covington because her nomination will be confirmed within a few moments.

I yield the floor.

Mr. HATCH. Mr. President, one last thing I mention to my colleague on the other side. I ask unanimous consent there be 2 minutes of debate equally divided between the two rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Virginia Maria Hernandez Covington, of Florida, to be United States District Judge for the Middle District of Florida? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Missouri (Mr. TALENT) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 164 Ex.]

YEAS—91

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thomas
Voinovich
Warner
Wyden

NOT VOTING—9

Akaka
Clinton
Edwards
Graham (FL)
Graham (SC)
Kerry
Murkowski
Santorum
Talent

The nomination was confirmed.

Mr. HATCH. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be recognized to speak for up to 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY 80TH BIRTHDAY TO SENATOR INOUYE

Mr. STEVENS. Mr. President, one of the pleasures of being in this body is to be around men younger than I. One in particular I have traveled with considerably and for whom I have great fondness—he must have just walked off the Senate floor; I hope someone brings him back. I wish to call the attention of the Senate to the fact that my brother from Hawaii is 80 years old today.

(Applause.)

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF MICHAEL H. SCHNEIDER, SR.

Mr. HATCH. Mr. President, I yield our minute to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend Michael Schneider to my colleagues. He has had 25 years on the bench, starting as a municipal judge and working his way to the Supreme Court of Texas. He is one of the most respected judges in Texas, and I hope all my colleagues will vote for him.

I ask my colleague, Senator CORNYN, if he wishes to finish this minute.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I had a chance to speak earlier in support of this wonderful nomination, Judge Mike Schneider. I join my colleague in encouraging each of our colleagues to vote for him.

I also want to say how much I appreciate the ranking member of the Judiciary Committee and Chairman HATCH for making this vote possible tonight. I urge my colleagues to vote for the nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have already spoken in favor of Justice Schneider. Mike and I first met when we were both much younger prosecutors. I urge my colleagues on this side of the aisle to support his nomination.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael H. Schneider, Sr., of Texas, to be United States District Judge for the Eastern District of Texas? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—92

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Harkin

NOT VOTING—7

Akaka
Clinton
Edwards
Graham (FL)
Kerry
Murkowski
Santorum

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of these actions.

NOMINATION OF MICHAEL H. WATSON TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Michael H. Watson, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I take a few minutes to speak about Judge Michael H. Watson, who is from my home State of Ohio. He is from Columbus. As my colleagues are aware, President Bush nominated Judge Watson to serve as a Federal judge in the Southern District of Ohio.

I would like to take a moment to tell my Senate colleagues why I believe so strongly in his nomination. Judge Watson is exactly the sort of person we ought to have serving on the Federal bench. He has had a long and distinguished career as a public servant. He has been a judge on the 10th District Court of Appeals in Franklin County since Governor Bob Taft appointed him in May 2003.

From 1996 to 2003, Judge Watson served on the Franklin County Common Pleas Court, a position he was appointed to by then-Governor George Voinovich and to which he was reelected twice.

In Ohio, the Common Pleas Court is the highest trial bench. It is the court that tries all the major civil and criminal cases. During his last 3 years on the trial court, Judge Watson served as administrative judge with responsibility of the administrative management of the 16-member court and its staff. He dealt with, literally, thousands of cases during his time as a State trial court judge.

Before serving on the bench, Judge Watson worked for the office of then-Governor George Voinovich—first as Deputy Chief Legal Counsel and then, from 1994 to 1995, as Chief Legal Counsel. Prior to that, he was Chief Legal Counsel to the Director of the Ohio Department of Commerce. Judge Watson also spent several years in private practice, focusing primarily on personal injury litigation, employment disputes, workers' compensation, and criminal defense.

Without question, Judge Watson has had an impressive legal career. But what really impresses me about him is how hard he has worked throughout his life. Judge Watson has genuinely lived the American dream by working hard and overcoming the odds.

Not long after high school, the Judge enlisted in the Air Force and served for over 3 years. When he was discharged, he enrolled at the Ohio State University and continued his service in the military in the Air National Guard. While in college, he married his high school sweetheart, Lori, and they had their first son when Judge Watson was a junior in college. During all this time, Judge Watson was working full-time in the Franklin County prosecuting attorney's office. That's right, Mr. President; Judge Watson was enrolled at OSU full-time, raising a family, serving in the Air National Guard, and working full-time.

When Judge Watson finished college, he enrolled in a law school night program at Capital University Law School. During the day, Judge Watson worked full-time as a court bailiff for a well-known Franklin County judge. That job evolved into a law clerk position, in which Judge Watson remained for his entire 4 years of law school.

If someone in my family or I ended up in a Federal court, I would want a judge who could relate to me. I would want a judge who knows what the real world is like for most Americans. I would want a judge who knows what it is like to struggle and what it is like to be faced with the real world. Judge Watson is that kind of judge.

Of course, I would also want a judge who knows what he is doing and who will enforce the law—and Judge Watson has clearly proven he is qualified for the job in that respect. But what Judge Watson has that makes him really outstanding, in my view, is his ability to make decisions with compassion and with a true understanding of what it is like in the real world.

Judge Watson will be a fine addition to the District Court. In his time on the Ohio Court of Common Pleas and on the Ohio Court of Appeals, Judge Watson has distinguished himself through his thoughtful legal reasoning and his great integrity. This experience and his temperament make Judge Watson highly qualified for the Federal District Court.

Senator VOINOVICH and I have known Michael Watson for a number of years. As I said, this is a man who is eminently qualified to serve on the Federal bench. Mike Watson currently serves on the court of appeals in Ohio. For 7 years prior to that he served on our common pleas court bench, which in Ohio is our highest trial bench. Prior to that, among other jobs, he was the chief legal counsel for then-Governor George Voinovich.

Mike Watson is an Air Force veteran. He worked his way through night law school while serving at the same time as the court bailiff in Franklin County.

This is a man who is respected by his peers and respected by the men and women who practice law in front of him. If you talk to people who practiced law in front of Judge Watson during the 7 years he served on the common pleas court bench, they will tell you this is a man of great integrity. They will tell you this is a man of great common sense, a man who works very hard, and a man of great courtesy. This is a man who has the right judicial temperament to serve on our Federal bench.

I am proud to be here this evening to recommend to my colleagues that we confirm this nomination. I am very proud to be in the Senate to speak in favor of the nomination of Michael Watson.

Mr. LEAHY. Mr. President, today, the Senate is considering the nomination of Judge Michael Watson for a lifetime seat on the United States District Court for the Southern District of Ohio. Judge Watson enjoys the strong support of Senator DEWINE and Senator VOINOVICH, for whom he worked in the Ohio Governor's office.

I noted when this matter was considered by the Judiciary Committee that proceedings on it had been rushed and highly irregular. Corners had been cut at every stage, from the noticing of his hearing late on Friday of a holiday recess for a day when the majority was told no Democratic Senators could attend, to the promise that the hearing would be postponed if his rating was negative—it was and the hearing was not. Then, of course, there was the premature listing of his nomination on the agenda before Members had a fair opportunity to review his answers to written questions.

A few minutes before a committee meeting a lengthy letter arrived from a Republican former colleague of Judge Watson attempting to address some of the ethics concerns that had been raised, and then during the meeting another letter was mentioned from the nominee promising not to use his judicial campaign donations to buy tickets to partisan political events, which he had previously said he might do.

It also seems clear from the incompleteness of the Senate questionnaire submitted by this nominee in the late spring that his answers to some of our standard questions were not vetted to determine if they were fully responsive. They were not and, in essence, we have been told that we have received all the information this nominee is going to give. At the same time we have heard that this nominee has been telling people in Ohio that he has been promised that his confirmation is a done deal, and if that were true then what incentive would he have to provide us with more complete information.

Surely, for example, the lack of information about some of the cases handled by this nominee or the names of opposing counsels familiar with his work made it difficult for the American Bar Association to speak with anyone but loyal friends and colleagues. Nevertheless, the ABA—which has been exceedingly generous to President Bush's judicial nominees—gave Judge Watson a partial 'not qualified' rating. This is cause for concern, because the ABA usually gives sitting judges nominated by George Bush a minimum rating of unanimously "qualified," and often a rating of "well qualified."

When such a red flag is raised, it is our practice to seek input from the legal community in the nominee's home State about whether there is any cause for concern, since the ABA does not tell us the basis of its votes. Indeed, the credibility of the ABA's ratings has been called into question regarding some of the inflated ratings given to some nominees, despite serious issues such as inexperience or lack of compliance with attorney or judicial codes of conduct.

It does appear that Judge Watson has many fans but it is also true that some, from both parties, have expressed serious concerns that he is simply too political to be rewarded with a lifetime seat on the Federal bench.

I have been concerned that he is not the type of consensus nominee who should be moving so quickly or at all at this stage in a presidential election year. I would note that in 2000, 13 of President Clinton's district court nominees nominated as late as Judge Watson or later never got a hearing or a vote in committee, and the only district court nominees who received committee votes in July of that election year were those who moved by consent. I can recall no nominee with a partial "not qualified" rating getting through in July 2000. In fact, I know that anyone President Clinton nominated after the first quarter of 2000 for which there was a single objection by any Senator never got a vote.

Similarly, in 1996, the last time a President was running for reelection, more than half of the district court nominees sent to the Senate as late or later in the year as Judge Watson never got a vote in committee. When a Democrat was in the White House, only consensus nominees moved this late in the year as part of a package or agreement, and Judge Watson was nominated too late to be part of the package agreed to earlier this year for confirmation votes.

The Senate has already confirmed three district court nominees and two circuit court nominees of President Bush from Ohio, some of whom have been extremely controversial and divisive. We moved forward with those nominations even though two of President Clinton's nominees to Ohio were blocked by Republican Senators, Steve Bell and Professor Kent Markus.

Steve Bell, an expert in environmental law, waited more than 16 months and never was allowed a hearing or a vote on his nomination. No one questioned Bell's legal qualifications, and unlike Judge Watson, he did not receive a partial rating of not qualified, yet he never got a hearing or a vote. Mr. Bell is the son of U.S. District Court Judge Sam Bell of Silver Lake, a Republican appointee to the Federal courts. Mr. Bell was formerly the assistant law director in the City of Akron under Republican Mayor Roy L. Ray from 1981 to 1984 and an assistant U.S. attorney, appointed by President Ronald Reagan, from 1984 to 1988. Because he moved to northern Ohio to prevent any appearance of impropriety from practicing before his father's colleagues, this was used as the basis for blocking him from getting a hearing on his nomination to a seat in southern Ohio, where he was born and raised and where he practiced law for much of his career. He never got a hearing or a vote by Republicans.

Similarly, Professor Kent Markus, who leads the Dave Thomas Adoption Law Center at Capital University and previously served as an assistant to Lee Fisher and Janet Reno, never got a hearing or a vote. According to Professor Markus' testimony at a hearing about Democratic nominees who never got a hearing, Senator DEWINE told him in 2000 that there were no objections to the merits of his nomination but that no Clinton nominees would be confirmed to the sixth circuit for "political reasons." Yet here we are with a Bush judicial nominee in Ohio in September of this election year, who some consider to be too political, being pushed forward to confirmation. This is such a double standard.

As I noted in committee, I have found some of Judge Watson's answers to questions unsettling. Why was information about Judge Watson currently running for office in a partisan race not made available from the outset? While being up for election is not disqualifying, we are justifiably wary after another nominee of President Bush, Ron Clark of Texas, continued to run for election in a partisan race after he was confirmed by the Senate. According to press accounts, even though his seat was a so-called "judicial emergency," Mr. Clark asked the President not to sign his commission for office until he finished his race and sat for another session in the Texas legislature so that he could help elect a Republican speaker of the house and vote on things like redistricting, and President Bush delayed signing Clark's appointment papers. After information surfaced about the White House's willingness to delay the appointment of Mr. Clark, he stepped out of the race but told voters that they could still vote for him, and he won. This was shocking and inappropriate behavior by a man confirmed to sit as a Federal judge.

In Judge Watson's situation we have heard that he is actively seeking donations for his State race while also telling donors that he expects to be confirmed shortly. In his written answers, he states that he has "informed [his] contributors that [he is] in the confirmation process." I was troubled by his initial response to my question about what he will do with the funds he has amassed if he is confirmed. He stated that he has not determined whether, if he is confirmed, he will return the money to donors, contribute it to charity or use the money to "purchase individual tickets to other political events." This option is clearly prohibited by Canon 7 of the Code of Conduct for United States judges, which applies to nominees, and bans such partisan activities as buying tickets to partisan events.

Judge Watson's friend subsequently wrote a letter to the Senate claiming that the Code of Conduct for United States judges does not apply to nominees, but anyone who reads Canon 1 of the Code would see that it says, "the Code is designed to provide guidance to judges and nominees for judicial office." That letter also asserts that nominees have one year "to come into full compliance with its terms," which is simply incorrect. There is a narrow exemption related to divesting from profit-sharing or deferred compensation arrangements that is wholly inapplicable to the mandate of Canon 7 prohibiting political activity. The letter is similarly misguided when it asserts a wholly new interpretation on the restriction against soliciting campaign funds, by claiming that Federal judges or nominees could solicit such funds as long as they did not do so "personally" and instead used agents to do so. This novel interpretation would create a gaping hole in the Federal prohibition against such partisan activity. Fortunately, the approach advocated by the letter has not been embraced or adopted by the Federal courts.

Admittedly, the ethical rules are rules of reason. In rare instances, like Judge Watson's, an individual is not required to choose between the possibility of a Federal judgeship and the possibility of a State judgeship. At the same time, given the vital importance of the ethical constraints to the public confidence in the fairness of our courts, such a person must exercise extra caution to steer clear of conduct that could call into question his or her impartiality under the Federal rules. If Judge Watson were following the advice and interpretations offered in the letter of his friend, he would be unlikely to comport his conduct with the Code of Conduct for United States judges which expressly applies to nominees such as him.

I do appreciate that, despite the justifications offered by his friend, Judge Watson has informed Senator DEWINE that if he is confirmed he has decided to donate his campaign funds "to a charity dedicated to the protection of the health and welfare of children," in compliance with "State election laws." I am happy that Senator DEWINE has been able to get the nominee to make these assurances and promise that he and his campaign committee will disclose the names and amounts of his donors.

In addition to the assurances of Senator DEWINE, who I hold in high esteem, we have also heard positive things about the nominee from prominent members of the legal community in Ohio since a vote on his nomination in committee was postponed. Some came from unexpected sources. I remain troubled but given the support of the Senators from Ohio and lawyers from Ohio, I will not oppose this nomination.

I congratulate Judge Watson and his family on his confirmation. He is being given a position of great public trust, and I hope that he will live up to the assurances he has given to the Senate and be fair and non-partisan as a Federal judge.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Michael H. Watson, of Ohio, to be United States District Judge for the Southern District of Ohio?

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I ask unanimous consent the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. I also ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, that the Senate may receive from the House the supplemental appropriations bill, the text of which is at the desk; that the Senate then proceed to its immediate consideration; the bill be read the third time, and passed, and the motion to reconsider be laid upon the table.

Mr. DASCHLE. Reserving the right to object, Mr. President, I applaud the effort made by the majority leader and all Members of Congress to respond as quickly and as comprehensively as we can to the extraordinary disaster we have now witnessed in Florida. Our hearts and prayers go to all of those people who have experienced this remarkable set of circumstances.

There are other areas of the country which have not had the same degree of direct adverse weather but have suffered adversely the effects in many parts of the country with regard to drought, in particular, in certain areas. The two Senators from North Dakota, Senators DORGAN and CONRAD, in particular, have been very vocal about the extraordinary impact it has had. South Dakota has also been very adversely affected. We have had terrible drought. We have not been able to address it satisfactorily. There are some people now who are actually having to sell their farms and ranches because they are unable to cope any longer with the drought circumstances.

I ask that we might modify the consent to provide for a single amendment which would provide disaster assistance primarily to agricultural producers in Florida and throughout the country in an effort to address those needs, as well.

The PRESIDING OFFICER. Does the majority leader so modify?

Mr. FRIST. Mr. President, reserving the right to object, and then I think the Senator from Mississippi may want to comment, as we discussed earlier today, the $2 billion supplemental is coming from the House later tonight, almost certainly later tonight or in the morning. The purpose of passing the bill as it comes from the House, which this will in effect do, will allow the President to sign it very quickly because, as we know, tomorrow FEMA is actually in deficiency and does not have the money. The purpose is for us to get this bill passed through the House, the Senate, and signed by the President tomorrow. Such modification would mean we would not be able to do that.

As we discussed earlier, there are going to be other opportunities. As I mentioned directly to the Senator from Florida, we do not know what the total cost will be, even for Florida; and there very likely will be another supplemental, at which time consideration of other Senators' interests could be expressed.

I will turn to the Senator from Mississippi who will be managing the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, further reserving the right to object, the leader is absolutely correct when he suggests there may very well be another supplemental request submitted. This request that is being presented to the Senate tonight is in response to a direct request from the President for $2 billion to replenish a fund that has run out of money, or will be exhausted in the morning.

The House is acting tonight to approve the request of the President for the additional $2 billion. The Senate should act tonight also, without getting into discussions of additional funding for other disasters or other needs around the country, because this situation is an ongoing disaster in

Florida. Without these funds being made available tonight, in response to the President's request, they will not be able to continue the debris removal, providing shelter and food for those disaster victims who need those benefits. The disaster relief fund will be exhausted.

So my hope is we can consider additional requests, such as the one being suggested by the distinguished leader from South Dakota. We will carefully consider any other requests, but tonight is not the time to get into the business of picking out which other amendments or additions should be included in this dire emergency request we are being called upon to make to the Senate.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will quickly respond. It is certainly not my intention to object to this request. I think both Senators have spoken very accurately about the need to expeditiously consider this supplemental funding request. I will say, however, that the ongoing disasters—especially in the Dakotas but around the country—in areas affecting agriculture will have to be addressed. We cannot ignore it indefinitely. We can certainly understand the need for urgent action tonight on this particular request, but I do hope we can come back at a later date, in the not-too-distant future, to address in a more comprehensive way other disasters as well.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I object to the proposed modification.

The PRESIDING OFFICER. Is there objection to the original request?

The Senator from Minnesota.

Mr. DAYTON. Mr. President, reserving the right to object, may I ask the majority leader, what are the factors that decide whether a particular disaster merits this kind of expedited action and which ones do not? I certainly want to agree with what the Democratic leader just said because my State, which is adjacent to his, has suffered for the last 4 years now from various disasters. After the first 2 years, we were finally able to get the administration to relent and allow for one of those 2 years to be covered for farmers, many of whom lost their entire crop in our State.

Last year, we had another round of natural disasters, and there was no disaster relief provided or authorized by the Congress or agreed to by the administration. Now, this year, my State has just experienced a frost that has cost $190 million in damages, and it is likely to mount.

Again, when the majority leader—I respect his candor—says that further requests or supplementals may be forthcoming, that is not much consolation to my farmers and constituents; whereas, now in the State of Florida—and I share the Democratic leader's sympathies for that State because there are many Minnesota residents who are affected who have part-time residencies in the State of Florida—but on behalf of those who live all the time in Minnesota, they are not going to be as sympathetic when their needs continue to be ignored and right away Florida gets this kind of expedited assistance.

I wonder, again, what are the criteria and are they going to apply to any State other than Florida?

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will make a very brief response because I talked about it a couple times on the floor today. FEMA is out of money—FEMA is out of money—beginning in about 12 hours. So without trying to go through each request by each Senator, certain criteria can be applied. FEMA will be out of money tomorrow. We are talking about FEMA generally. That is why this $2 billion is being expedited tonight at the request of the President of the United States. I understand there can be many individual requests, but the criteria are the agency in charge of emergency management broadly will be out of money tomorrow.

Mr. DAYTON. Mr. President, I do respect the majority leader.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Thank you, Mr. President.

The farmers in my State are out of money. There are farmers in my State who were out of money last year who have been forced into bankruptcy. How do they make the necessary appeal to the President to get on his list? Is it required that the Governor of the State be the brother of the President? How is this going to be handled? Because based on the most recent hurricane, Frances—again, I am sympathetic to those affected, which includes Minnesotans, but we are going to have another request. Can we have an assurance there will be an opportunity at that time, as the Democratic leader is trying to obtain, so we can offer amendments to have the Senate consider other requests for disaster aid? Is that something on which we could get a concurrence?

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will sort of restate what to the Democratic leader we tried to say. There will be opportunities to consider individual States. Right now we have an emergency for the agency which responds to all of our emergencies—FEMA.

We have a deadline. The President made this specific request last night. There will be opportunities to talk about particular Senators' interests in representing their constituents as to what are legitimate concerns. But I do plead, for the sake of people around the country, including in Florida, as we speak, that we do not, in essence, defund our Federal Emergency Management Agency, FEMA, when we have this opportunity to take a bill that is coming from the House, going to the Senate floor, requested by the President of the United States, so people can have shelter and can have food and emergency services because the deficiency is that tomorrow they will be out of money.

Mr. President, let me just one more time propound the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

The Senator from Minnesota.

Mr. DAYTON. Mr. President, I reserve the right to object to say that I will not object in this case but with the understanding that the next time, as the majority leader said, there will be opportunities. If there is another supplemental request, I will insist on the opportunity to at least have these other requests considered. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the bill (H.R. 5005) is printed in today's RECORD under "Message from the House during Adjournment.")

UNANIMOUS-CONSENT AGREEMENT—H.R. 4567

Mr. FRIST. Mr. President, I ask unanimous consent that on Wednesday, September 8, at 11:30 a.m., the Senate proceed to the consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill; provided that all after the enacting clause be stricken and the text of S. 2537 be inserted in lieu thereof and considered as original text for the purpose of further amendment; provided further that no points of order be waived by virtue of this agreement. I further ask consent that the only first-degree amendments in order be related to the text of the bill, homeland security, natural disasters, or Government security contracts, and that they be subject to relevant second-degree amendments to the first degree to which they are offered. Finally, I ask consent that following passage of the bill, the Senate insist on its amendment, request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. DASCHLE. Mr. President, reserving the right to object, and I certainly will not object, but I wish to clarify the matter pertaining to going to conference. I have had a conversation with the majority leader, and he has given me his assurance that this would not be used as a vehicle for debt limit, and we do not intend for this legislation to be a larger omnibus bill. I know some colleagues perhaps on both sides of the aisle have expressed that concern. I think we can say with confidence that is not the intent.

It is also my hope that this unanimous consent agreement would be the first installment perhaps of a series which would also include a finite list, perhaps within the next 24 hours or so, that would give us a clear understanding of what these amendments may be. But we would ask for cooperation on both sides of the aisle in that there will be plenty of opportunities and other circumstances to offer amendments that may exceed the bounds of this agreement. But I am real hopeful we can get good bipartisan cooperation and complete the work on time.

But I would ask the majority leader if he could confirm the clarification with regard to intent when we go to conference.

Mr. FRIST. Mr. President, this is an extension of a conversation we have had. Again, we have been talking over the course of the day as to how we can, as quickly as possible, address the Homeland Security appropriations bill that the distinguished manager will be talking to shortly, sort of introducing what we will be talking about tomorrow.

Indeed, the Democratic leader is correct. This will not be a vehicle either for addressing the debt limit or for an omnibus appropriations type bill. We will work together on this very important bill to efficiently, effectively, and deliberately consider amendments that are appropriate for homeland security and then bring this to closure after appropriate debate and amendment. His understanding is correct.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. FRIST. Mr. President, the Homeland Security appropriations legislation is the bill that we will be going to first thing tomorrow. It is a bill that is important. It is a bill that we need to address for the safety and security of the American people. I am very hopeful we can address both concerns and debate the amendments in an expeditious way so we can complete the bill and get it to the President as soon as possible.

With that, I will yield the floor. I know the distinguished Senator from Mississippi is going to want to make some comments at some point as well.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. We are in morning business.

Mr. DODD. I thank the Chair.

ESPN 25TH ANNIVERSARY

Mr. DODD. Mr. President, on a lighter note and a moment of celebration, I would like to take a few minutes of the Senate's time to congratulate an institution located in my home State of Connecticut which is going to be celebrating today its 25th anniversary as an institution. I speak of ESPN, the network which is enjoying 25 years of existence as a network.

I want to read the lead paragraph from a newspaper article that appeared on June 27, 1978, in the Journal Inquirer, a newspaper located in Connecticut. The lead paragraph of this story reads as follows:

> Cable television may be the place for over 150 hours of local sports programming starting this fall. The Entertainment and Sports Programming Network—

ESPN—

> an independent cable television production company, announced here Monday plans to televise up to 20 hours a week—

Think of that, 20 hours a week—

> of both professional and amateur local sports programming.

That was 25 years ago. I ask unanimous consent that this news story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Journal Inquirer, June 27, 1978]

NETWORK PLANNING TV SPORTS

(By Matt Buckler)

PLAINVILLE.—Cable television may be the place for over 150 hours of local sports programming starting this fall. The Entertainment and Sports Programing Network, an independent cable television production company, announced here Monday plans to televise up to 20 hours a week of both professional and amateur local sports programing.

Among the programs scheduled to begin in September are 12 state college football games and 24 state college basketball games. Also in the planning stage is the televising of the New England Whaler road games.

"We've had two exploratory meetings with the Whalers and we have a full-blown proposal in the works," said Ed Eagan, president of Cable Promotions. "We could be televising more Whaler games than have ever been on television before."

Other sports events scheduled to be shown in the first phase of the project, which will run from September 9 to Memorial Day, are a sports magazine show, which will feature such topics as hot air ballooning and hang gliding, a Gordie Howe instructional hockey series, and a talk show with Colleen Howe.

ESP will be offering these programs to the 20 cable television companies throughout Connecticut. It will be up to the individual companies whether or not they want to carry the package and if they will charge extra for it to its subscribers.

"We've talked informally to three cable companies and so far they are very receptive to our idea," said Bill Rasmussen, the vice-president in charge of programing. Rasmussen was formerly the Communications Director for the Whalers.

Scott Rasmussen will serve as Production Director and WTIC announcers Arnold Dean and Lou Palmer will handle the play-by-play.

The series is scheduled to get underway September 9 with a college football game. It is also probable that the company will carry the scholastic basketball and hockey championships, according to Eagan.

Although the company will be based in Plainville, it is not affiliated with any cable company. It will attempt to sell its sports programing to the individual companies.

Mr. DODD. That story was the harbinger of what has become one of the great stories of the media in the last 100 years or longer.

It is not an exaggeration to say that ESPN has radically changed the way we see, hear, and follow sports, not only here in America, but around the world. The network has truly become, as its slogan proclaims, "The Worldwide Leader in Sports."

Over the past quarter-century, ESPN has transformed itself from a minuscule cable television network to one of the leading names in national media, reaching over 94 million Americans each week. If ESPN were an athlete, it would be the little-known draft pick from a small school who made it all the way to the Hall of Fame.

It is hard to believe it today, but in those early years, ESPN found it difficult to fill up its schedule with sports. The June 27, 1978 issue of one of our local newspapers, the Journal-Inquirer, under the headline "Network Planning TV Sports," reported the modest goals of a new station that would televise "up to 20 hours a week of both professional and amateur local sports programming."

Today, to say that ESPN has managed to fill its schedule is an understatement. Today, if one is asked the question, "What's on ESPN," the most appropriate response might be, "Which ESPN do you mean?" There is ESPN, the flagship network. There is ESPN2. There is ESPNEWS, the 24-hour sports news station. There is ESPN Classic, where nostalgic sports fans can relive the exploits of Mickey Mantle, Jim Brown, Muhammad Ali, and countless others. There is ESPN Deportes, a 24-hour Spanish-language sports network, not to mention ESPN International and ESPN Radio. And, of course, there is ESPN.com, which has become one of the most popular sites on the internet, much to the dismay of office managers everywhere.

ESPN has truly lived the corporate version of the American dream. As its announcers might say, when it comes to sports broadcasting, you can't stop ESPN; you can only hope to contain it.

Yet even as it has transformed itself into a media giant, for 25 years now, ESPN has called only one place home—the city of Bristol, in my home State of Connecticut.

Some might question why a network of ESPN's stature might prefer a quiet city of only 60,000 people to the glitz and glamour of New York City or Hollywood. But, those of us who live in Connecticut aren't the least bit surprised that ESPN's executives, workers, and broadcasters have chosen not only to work in central Connecticut, but to buy homes and raise their families there as well.

We are also especially proud of our "homegrown talent," those ESPN broadcasters who first made a name for themselves at local stations in Connecticut. Most notably, of course, there is my friend Chris Berman, a native of Greenwich. Back when I was a member of the House of Representatives, Chris was a weekend anchor with WVIT–TV, Channel 30, in Hartford. His head of hair was much fuller then, and mine was much darker. In the two-and-a-half decades since, Chris has become one of ESPN's most well-known and beloved on-air personalities.

Over the course of its 25 years, ESPN has set records, reached numerous milestones, become a household name, and revolutionized sports coverage as we know it.

Whenever a major event takes place in the world of sports, fans know that ESPN will bring them the latest news, the first interviews, and the deepest coverage. Thanks to ESPN, fans across the Nation watched live when Cal Ripken passed Lou Gehrig, when Mark McGwire tied Roger Maris, and when the World Cup was played in the United States for the very first time. ESPN has also made countless innovations in the world of sports broadcasting, introducing techniques like the "helmet-cam," the "K Zone," the "player mike," and ultra-slow-motion replay.

Of course, one can't discuss ESPN without mentioning their most well-known news program, SportsCenter. Watched by as many as 88 million people each month, SportsCenter is a phenomenon within a phenomenon, a program that has carved out its own niche in American culture.

By combining all-star coverage with a knack for wit, SportsCenter has become the model that all other sports programs emulate. Its announcers have perfected a style that is, as one of them might put it, "as cool as the other side of the pillow." Professional athletes admit that they stay up late after game nights to watch their own highlights on the 1 a.m. SportsCenter. Even in games of sandlot baseball or pickup basketball, players have adopted the lingo of ESPN announcers, calling exceptional plays "SportsCenter highlights" or "web gems."

There is a great deal of uncertainty in our Nation today. We have an election in less than two months. Our troops are on the ground in Iraq, Afghanistan, and elsewhere. We are fighting a global campaign against terrorism.

But even during these difficult times, sports have the power to capture our attention. It is an inescapable fact that sports are woven into the fabric of American life. The spirit of competition; the importance of fair play; courage in the face of adversity—these are all American values that we can and do celebrate with our enthusiasm for sports.

Sports have the power to inspire us all to strive for greater and loftier heights. Who can forget Willis Reed limping onto the floor at Madison Square Garden in 1970, or the 1980 U.S. Olympic hockey team's "Miracle on Ice," or the American women's team winning the 1999 World Cup?

True, sports can inspire fierce rivalries. We in Connecticut, who live on the front lines of the Yankee-Red Sox divide, know that better than anyone. But more significantly, sports can unite us. At no time was that clearer than in the aftermath of the attacks of September 11, when the sight of baseball and football players taking the field helped restore a sense of normalcy, and in a small way, helped our Nation begin to heal.

For the past 25 years, ESPN has helped bring the exciting, emotional, and magical world of sports into the living rooms of millions and millions of Americans. And in doing so, they have become a part of American history.

I wish everyone at ESPN a very happy 25th anniversary, and I wish them nothing but success in the years to come.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MADD

Mr. DASCHLE. Mr. President, I rise today to congratulate and thank the members, volunteers, and sponsors of Mothers Against Drunk Driving, or MADD. MADD and its mission "to stop drunk driving, support victims of this violent crime and prevent underage drinking" has become the largest crime victims' assistance organization in the world, with more than 3 million members and supporters.

This month marks the 20th anniversary of South Dakota's Pennington County chapter of MADD. MADD Pennington County shares this anniversary with the enactment of the National Uniform 21 Minimum Drinking Age Act, one of the organization's greatest victories. Since the law was passed in 1984, over 20,000 young lives have been saved from highway crashes. Much of that success is thanks to MADD's efforts to change public attitudes and raise social awareness of the dangers of impaired driving.

We still have much to do. Since 2000, about half of all the traffic related deaths in South Dakota were alcohol related. In the face of this challenge, the MADD chapter of Pennington County has been active in outreach, coordinating with the police department to educate the owners and staffs of restaurants and bars, as well as high school and college students.

Two women in particular have made a difference, and they deserve special recognition. Lila Doud, who is the current Chapter President, and Janice Morehouse, the Secretary/Treasurer, have been working with the MADD Pennington County chapter since its inception 20 years ago. All the volunteers and sponsors of MADD Pennington County have much to be proud of and I am grateful for their commitment to public safety, victim services, and education. All of South Dakota owes them a great debt and we thank them for their service.

THE RIGHT COURSE FOR THE ECONOMY

Mr. DASCHLE. Mr. President, I always find it of interest when a prominent member of corporate America steps forward to offer a refreshing perspective on the economic challenges our country faces today.

To that end, I would like to call the Senate's attention to two pieces of commentary written by Leo Hindery, Jr. and published over the summer recess.

Mr. Hindery, as many of my colleagues are aware, has served as the CEO of TCI and AT&T Broadband, and more recently as the chairman of the YES Network. He has a keen understanding that corporations have obligations both to their shareholders, but also to the communities in which they operate, and the American economy they fuel.

Mr. Hindery's first piece is on the subject of outsourcing, and he argues that offshoring of jobs is not inevitable, nor is it often the best long-term strategy for American companies.

His second talks about the need to see through the sky-is-falling claims of some interest groups and weigh both policy and electoral decisions on a simple standard—what is the best thing to do, not just for a few who are well-off and well-connected, but for the economy as a whole?

Again, I think these pieces of insight and analysis would be of interest to those of us who are entrusted to make decisions about the policies America adopts, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the San Jose Mercury News, Aug. 5, 2004]

WHEN OUTSOURCING TAKES YOUR JOB, THEN IT WILL MATTER

(By Leo Hindery, Jr.)

A recession is when someone else loses his or her job; a depression is when you lose your job. I was reminded of this adage when a recent report by three Bay Area groups said we shouldn't worry about outsourcing of good jobs to other countries. Those losing their jobs would beg to differ.

Throwing in the towel, one of the report's sponsors asid, "Offshoring is here to stay." That's particularly troubling when a UC-Berkeley analysis found that one-in-six jobs are at risk of being exported from Silicon Valley.

But voters aren't buying the lines coming from think tanks and Washington. First, they were told that he few jobs lost would be quickly replaced. They weren't. Then President Bush's economic adviser said outsourcing jobs was actually good in the long run. Displaced workers know better. And now, it seems, the new line is that nothing should be done. Voters don't buy inaction, either.

Offshoring of jobs is not inevitable. There's much government can do, and it should act before more good jobs disappear and the middle class shrinks even more.

First, we must ensure that free trade is also fair trade. How can we keep manufacturing jobs in America when foreign competitors often employ children, pay pennies, provide little or no benefits and ignore environmental standards? Likewise, how can we keep high-quality customer and technical-service jobs here when employees in Bangalore, India, earn $200 to $300 a month for jobs that pay Americans $2,000-$3,000?

America has a responsibility to the rest of the world, especially developing countries, to foster responsible free trade. But we can no longer condone—or support—practices that pay subsistence wages, violate child labor standards and degrade the environment.

Second, we must responsibly use our nation's corporate tax laws to provide incentives for American businesses to keep high-quality jobs here. Today, corporations take advantage of tax benefits by shipping operations overseas, shielding profits earned there. Sen. John Kerry has rightly proposed eliminating that loophole, which is a glaring incentive to move operations overseas and keep them abroad by reinvesting profits there.

We should also adopt a levy on corporations that use loopholes to escape taxation. That would help redress the imbalance between job retention and untaxed overseas profits, and aid workers who lose jobs in part because of skewed tax policies.

Part of the bargain that was supposed to accompany "free trade" was help for workers who lose their livelihood through no fault of their own. Workers need retraining for new careers when industries disappear. They need unemployment benefits and medical benefits.

Action on outsourcing would be far less urgent if enough jobs were being created here at home. But today's lukewarm economic recovery provides no place for laid-off workers to go.

None of this is "protectionism," except that it will protect foreign workers and nations from exploitation, the U.S. tax code from encouraging companies to offshore jobs, and American workers from the unchecked whims of globalization.

Corporate leaders need to work smarter. Having served as a CEO, I know the pressures to outsource can be intense. But business executives must look beyond the short-term, cost-cutting gains that outsourcing sometimes provides and focus instead on the long-term costs and devastation to employees and our national economy.

And political candidates will have to show they understand the voters' call for action. Because this election should be about getting the economy moving and about who will best protect the middle class and those striving to join it.

[From the Financial Times, Aug. 10, 2004]

BUSH'S ECONOMY IS FOR THE ELITE FEW

(By Leo Hindery)

Within an hour of John Kerry's selection of John Edwards as his running mate, the US Chamber of Commerce said it was forced to abandon its position of "neutrality" because Mr Edwards was "hostile to business" I could almost hear the laughter in corporate boardrooms across the country. To argue that the Chamber intended to be, or has ever been, politically "neutral" reminds me of the film *Casablanca* when Claude Rains expresses shock that gambling was taking place in Rick's Cafe.

The line revealed the dirty little secret of the US Chamber of Commerce. It is run by the wealthy chief executives of the nation's biggest companies.

It is easy to see why enormously rich businessmen believe more personal income and lower taxes are good for them. But what is good for an individual chief executive's wallet does not translate into being "good for business" or for the nation's economy.

What businesses and the economy need are full employment, or as full as possible, and strong consumer demand, generated by a combination of consumer confidence and fair compensation. The Bush-Cheney ticket is failing that test. They adopt "anything-goes-for-big-business" policies, continue to push for ever-lower tax rates for the wealthiest Americans, defend self-serving executive compensation packages and condone benign regulation of corrupt practices.

The latest sign of how what is really good for ordinary citizens and the economy is being flipped on its head is George W. Bush's spin on sluggish job-growth numbers. Now, he contends, that bad is good. In response to the far lower than expected employment numbers for June, he said: "Steady growth. That's important. We don't need boom-or-bust-type growth."

But when the number of new jobs created this year fails to keep up with the growth in the adult population—a trend confirmed by last Friday's job numbers for July—a little more boom and a little less steady stagnation would certainly be helpful.

Certainly the unemployed and businesses that need to sell products and services to people with incomes are getting weary of the disappointing growth. For the first time in more than seven decades, there are fewer jobs at this point in an election year than there were when the current president was inaugurated. A net 2.6m manufacturing jobs have been lost since 2001.

And anyone whose job has been outsourced to other countries should appreciate Mr. Kerry's call to end tax loopholes and benefits that provide an incentive for shipping jobs overseas and keeping the profits there.

Compounding the problem, far too many of the jobs being created are low-wage positions with few benefits. Overall, wages for non-supervisory workers have failed to keep up with inflation over the past year.

But jobs and wages are not all that matters. Instead of Mr. Bush's big tax cuts for the top 2 percent of Americans, the Kerry-Edwards ticket would reform healthcare. That would make health insurance more available and affordable for millions of Americans and cheaper for businesses. The other 98 percent of Americans and the businesses whose healthcare costs would be lower should welcome the choice between better healthcare and tax cuts for the wealthy.

The business community has also traditionally, and rightly, been concerned about massive government borrowing. But under the Bush administration, we have seen huge budget surpluses turned quickly into crushing deficits. That, too, takes a toll on consumer and business confidence.

Make no mistake about it. There is a big distinction between the US Chamber and local Chambers. The local Chambers honestly focus on what is good for their communities. They understand that jobs and wages are essential for their business members to have customers and for their cities and regions to thrive.

Yes, the US Chamber would like to distract attention from the economy and scare Americans about the Democratic ticket. But in this election year, voters must make a distinction between policies that will create jobs and value for shareholders and organizations that speak and act at the whim of entrenched management and the economic elite.

Today, the Bush administration and the US Chamber are trying to twist even the questionable adage of Calvin Coolidge that "the business of America is business" into something far worse, namely that "the business of America is about super-rich CEOs and executives". Instead, we need a team who will, as Franklin Delano Roosevelt did. "save capitalism from the capitalists".

Americans have a fundamental choice to make in November, and the economy will be an important issue. The US Chamber hopes voters will—ignoring the facts, history and the candidates' records—assume that Republicans are better for the economy than Democrats. But the voters should avoid this knee-jerk reaction, and make the distinction between what is good for the elite few and what is good for the economy as a whole. Then it will be clear who will really do the best job of looking out for them and who will get our economy moving again.

TRIBUTE TO CHIEF OLIVER RED CLOUD

Mr. DASCHLE. Mr. President, on August 7, I had the privilege of honoring Chief Oliver Red Cloud at an important gathering in South Dakota, the Oglala Lakota Nations Pow-wow. Chief Red Cloud has led an amazing exemplary life from which all of us could learn. I want to share with my colleagues my thoughts on this outstanding leader and ask unanimous consent that my August 7 remarks be printed in the RECORD.

The PRESIDING OFFICER. There being no objection, the following material was ordered to be printed in the RECORD.

STATEMENT OF SENATOR TOM DASCHLE HONORING CHIEF OLIVER RED CLOUD

OGLALA LAKOTA NATIONS POW-WOW, AUGUST 7, 2004

It is my honor and privilege to stand before my friends and pay tribute to a great man—a man who represents the four values of the Lakota: generosity, respect, courage, and wisdom. He is a well known and respected traditional leader. He is Chief Oliver Red Cloud.

As a fourth generation descendent of Makhpiya-Luta, Chief Red Cloud carries on a honorable tradition. Like his great-grandfather, he has a proud history of maintaining the traditional ways of his peoples, and fights tirelessly to improve living standards on the reservation. In 1870, Chief Red Cloud's great-grandfather spoke in New York City, saying, "We do not want riches, we do not ask for riches, but we want our children properly trained and brought up." Chief Red Cloud continues to carry out that call, preserving the Lakota way of life, so that young children will have the opportunity to embrace their language and culture.

As many of you know, he gives unselfishly of himself to help those in need. He is generous with his knowledge—offering guidance to those who seek it. I know this, because even as I visited him in the hospital to offer him my support, he was offering me his wisdom.

Chief Red Cloud offers guidance to those who seek it, and I am thankful to be a recipient of his wisdom. Because of his wisdom and his passion, Chief Red Cloud has been able to bridge differences, find creative solutions to problems facing the Great Sioux Nation, and make sure the voices of his people are heard. In so doing, he has earned the respect of Indian nations and strengthened this Nation's independence and sovereignty.

As Makhpiya-Luta once said, "All I want is right and just."

We have challenging times ahead of us, breaking down barriers that have existed for far too long; but by working together we can build a society where each individual and community becomes whole.

That, too, is what is right and just.

Please join me in honoring Chief Red Cloud for his leadership, counsel and guidance. I know we will continue our dialogue, and I look forward to working with all of you.

HONORING OUR ARMED FORCES

CORPORAL TOMMY L. PARKER

Mrs. LINCOLN. Mr. President, today I rise to pay tribute to an authentic American hero who gave his life in the defense of his Nation. Cpl Tommy L. Parker, Jr., 21, of Heber Springs was one of four marines killed June 21 in Ramadi, Iraq. He was serving with a sniper platoon of the First Marine Division out of Camp Pendleton, CA.

Tommy was a 2001 graduate of Triple S Christian Academy. The Rev. John Bishop, who taught Tommy, praised his devotion to his faith, saying that even when surrounded by tough marines he was not too shy to give witness to his beliefs. As Tommy prepared to leave for Iraq, Bishop said Parker's wife told him, he remarked that the experience was bringing him closer to God.

Tommy is survived by his wife, Carla Parker; his daughter, Lara; and his parents, Tommy and Renatta.

Tommy's sacrifice is a shining example of the commitment that is necessary to keep this Nation free. When his Nation called, he answered. Our prayers and gratitude go out to his family for the great service that Tommy rendered to our Nation.

STAFF SERGEANT DUSTIN W. PETERS

Mr. President, today I also wish to pay tribute to a brave Arkansan who gave his life for the cause of freedom. Air Force SSgt Dustin W. Peters was killed July 11 when his convoy was hit by homemade bombs about 150 miles north of Baghdad.

Dustin was born August 22, 1978, in Texarkana, TX. He attended high school in El Dorado, KS, and in Shirley, AR, before going into the Air Force in 1997. Dustin received the Bronze Star and the Purple Heart posthumously. The Bronze Star Medal is given to individuals who distinguish themselves by heroism, outstanding achievement or meritorious service while serving in a combat theater, according to base officials. Dustin received his for heroism.

Dustin is survived by his son, Dalton, of El Dorado, KS; his mother, Linda Benning, of Shirley, AR; and his father, Dennis, of Enid, OK.

His fellow airmen said of Dustin that "you could count on . . . his service to our country and others always came ahead of his own needs and desires. His loss has touched us deeply, and we will miss him." Not only will his fellow airmen miss him but a grateful Nation will miss him. His sacrifice will never be forgotten.

PRIVATE VAN RYAN MARCUM

Mr. President, today I also wish to pay tribute to a brave young Arkansan who lost his life training to become a member of the United States Army. PVT Van Ryan Marcum, 21, a native of Prescott, AR, was electrocuted June 19 during an infantry basic training exercise when he touched a metal structure electrically charged by a faulty light fixture.

Van Ryan Marcum was memorialized at Fort Benning, GA. Joining the 220 soldiers from Charlie Company, with whom Marcum served, were his mother, grandmother, uncle and other family members invited to witness the tribute to the young man so interested in becoming an Army Ranger. As the ceremony unfolded, some soldiers grieved silently with bowed heads; others could not suppress quiet sniffles as the music played and the tributes were delivered.

CPT Kevin Salge, commander of Charlie Company, was quoted as saying that it was an honor to count among his unit's soldiers a trooper such as Marcum, who had a bright future in the military. "As soon as he completed a task he was ready for another. He carried his weight and more," Salge said. "He would have been a great addition to the Army."

Van's desire to defend his Nation is a tribute to his courage and dedication. We honor the sacrifice he made in the service of his country.

SPECIALIST DONALD R. MCCUNE II

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who grew up in South Bend, IN. SP Donald R. McCune II, 20 years old, died on August 5 in a hospital in Landstuhl, Germany from injuries sustained after an explosive device detonated near his patrol vehicle in Balad, Iraq. With his entire life before him, Donald chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Donald spent his early childhood through part of high school in South Bend before moving to Michigan. He joined the Army National Guard shortly thereafter, following a long family tradition of military service. According to family and friends, enlisting was something he felt he needed to do. Donald was assigned to the 1st Battalion, 161st Infantry Regiment, Army National Guard, Moses Lake, WA. Previously, he served with an Army Reserve unit based in Fraser for almost 2 years. This past spring, Donald was deployed to Iraq, where he bravely fought for 3 months before sacrificing his life for the worthy cause of freedom. Rick Monier, Donald's grandfather told the Detroit Free Press, "It was sad he had to pass away—he or any other soldier—but it was for freedom, and he believed in the cause."

Donald was the thirty-first Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his mother, Darcy Lewis; his stepfather Benjamin Lewis; his father, Donald McCune; his sister, Casandra Karczewski; his brother, Josh McCune; his grandmother, Gladys Gilbert; his grandfather, Rick Monier; his stepgrandmother, Dianne Ronier; and his maternal great-grandmother, Beth Gilbert.

Today, I join Donald's family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over this tremendous loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Donald, a memory that will burn brightly during these continuing days of conflict and grief.

Donald was known for his dedicated spirit and his love of country. When looking back on the life of her late son and his plans for the future, Darcy told the Detroit Free Press, "He knew the risks of fighting and had even talked about returning to Iraq after his stint was over and doing security work." Today and always, Donald will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Donald's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Donald's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Donald R. McCune II in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Donald's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Donald.

PRIVATE FIRST CLASS LUIS A. PEREZ

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who grew up in East Chicago, IN. PFC Luis A. Perez, 19 years old, died on August 16 when the fuel truck he was driving struck a land mine in Iraq. With his entire life before him, Luis chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Luis spent his early childhood in East Chicago where he attended McKinley Elementary School before moving to Hammond and attending Morton High School. He joined the Army Reserves shortly after graduating from high school, following in his father's footsteps of military service. Luis was assigned to the 223rd Transportation Company, United States Reserve, Norristown, PA. This summer, Luis was deployed to Kuwait and from there was sent to Iraq, where he bravely fought before sacrificing his life for the worthy cause of freedom.

Luis was the thirty-third Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his wife, Theresa; his mother, Maria Miranda; his father, Jose; his grandmother, Clara Madrigal; and two sisters.

Today, I join Luis' family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over this tremendous loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Luis, a memory that will burn brightly during these continuing days of conflict and grief.

Luis was known for his dedicated spirit and his love of country. According to family and friends, enlisting was something Luis had wanted to do since he was very young. His grandmother, Clara Madrigal told the Times of Northwest Indiana that she remembers Luis as a boy saying that he wanted to grow up and be a "green man." When Clara inquired as to what a "green man" was, her grandson responded, "A soldier, like my father." Aside from being a soldier, Luis enjoyed playing video games and basketball and writing poetry. Today and always, Luis will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Luis' sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Luis' actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Luis A. Perez in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Luis' can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Luis.

SERGEANT DAVID M. HEATH

Mr. President, it is with a heavy heart and deep sense of gratitude to honor the life of a brave young man from LaPorte, IN. SGT David M. Heath, 20 years old, died on August 16 in the Sadr City district of Baghdad when his patrol came under a small arms and rocket-propelled grenade attack. With his entire life before him, David chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

David attended New Prairie High School until 10th grade before moving to nearby LaPorte. There, he met his wife Donna, and in September 2001 decided to join the military to support his family and make his father proud. After his first 10-month assignment in Iraq in 2003, David returned home but decided to re-enlist expecting to move to Germany. Instead, his orders were to report to another tour of duty in Iraq. David's stepfather, Ed Modjeska, told the Laporte Herald-Argus that David realized his second trip overseas would be dangerous, "but he knew he had to go, it was his job. . . . He wanted to serve his country."

David was the 32nd Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his wife Donna Heath; his son Derek; and his stepdaughter, Angela Riffel. May David's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join David's family, his friends and the entire LaPorte community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of David, a memory that will burn brightly during these continuing days of conflict and grief.

David, a fourth-generation soldier, was known for his dedication to family and his love of country. When looking back on David's life, family friend Robin Dingman told WSBT-TV of South Bend that "He loved his kids, he loved his wife, he love NASCAR, but that was a given. As bad as this is, he died nobly, and that is a great honor." Today and always, David will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring David's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of David's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of David M. Heath in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like David's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with David.

PETTY OFFICER 3RD CLASS ERIC KNOTT

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Eric Knott of Grand Island, NE, a Petty Officer 3rd Class in the U.S. Navy. Petty Officer Knott was killed in Iraq on September 4 in a mortar attack while working at a construction site. He was 21 years old.

Petty Officer Knott will be remembered as a proud individual dedicated to serving his country. He joined the U.S. Navy in 2001 after graduating from Grand Island Senior High School and became a Navy Seabee so he could learn specialty welding and help others. Petty Officer Knott spent about 9 months in Iraq last year and was recently redeployed in August. He had just been promoted and was overseeing a three-person unit.

Petty Officer Knott is survived by his parents Randy Knott of Grand Island and Vera Thorpe of Hastings; stepmother, Teri Knott of Grand Island; step-father Steve Thorpe of Hastings; brothers William and Tim of Seward; sister Angela of Lincoln; and grandparents Lyle and Arlene Knott and Masel Anderson, all of Grand Island. Our thoughts and prayers are with them at this difficult time. America is proud of Eric Knott's service and mourns his loss.

For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Petty Officer 3rd Class Eric Knott.

TRIBUTE TO INDIANAPOLIS POLICE OFFICER TIMOTHY LAIRD

Mr. BAYH. Mr. President, I rise today to pay tribute to and honor the remarkable life of Timothy "Jake" Laird, an Indianapolis police officer who was killed in the line of duty on August 18, 2004 by a gunman terrorizing an Indianapolis neighborhood.

During the early morning of August 18, Officer Laird left his own patrol area to come to the aid of fellow police officers in a nearby neighborhood who were facing a dangerous man armed with multiple assault weapons. Laird, a 4-year veteran of the Indianapolis Police Department, went out of his way to protect the citizens of Indianapolis by knowingly putting himself in danger, a selfless act that would cost him his life. Officer Laird, 31 years old, was the first Indianapolis police officer to die in the line of duty in 16 years.

Officer Laird graduated from Warren Central High School in 1991. After graduating from high school, he joined the Marines and married his high school sweetheart, Jennifer Lyn Reno, in 1992. Officer Laird served 8 years in the Marines before joining the Indianapolis Police Department in 2000, where he quickly distinguished himself as a confident, hardworking policeman who could be counted on by his fellow officers.

During his time with the Indianapolis Police Department, Officer Laird received two letters of commendation, though these respected symbols of official praise pale in comparison to the words his family and fellow officers used to describe his work. Those who knew him remember Officer Laird as a perfectionist who demanded the most of himself on the job but was the first to laugh at himself during lighter moments. He was known as the kind of officer that others wanted with them on patrol, and his willingness to put his life in danger to help another officer is the ultimate proof of the kind of man he was.

Officer Laird was a devoted family man who relished his time with loved ones. He leaves behind his wife, Jennifer; his daughter, Kaylee; his father, Tim Althouse; and his stepmother, Barb; his mother and stepfather, Debbie and Michael Laird; his two brothers, one sister and two stepbrothers.

In the wake of his death, friends, neighbors and fellow officers came together to praise Officer Laird's bravery, selflessness and love for his family. According to his father, Jake had wanted to be a police officer ever since he was a little boy. Officer Laird was a role model not only for his family, but for all who knew him and whose lives he touched. He dedicated his life to the noblest of causes; his family, his job and keeping others safe. May his daughter grow up knowing that her father was a brave, hard-working and loving man.

It is my sad duty to enter the name of Timothy "Jake" Laird into the United States CONGRESSIONAL RECORD. As Officer Laird rests with God in eternal peace, let us never forget the courage and sacrifice he displayed when he laid down his life on August 18, 2004.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Scotty Joe Weaver, an 18-year-old gay Alabama man was beaten, stabbed, and his body burned in woods near his mobile home on July 18, 2004. Robert Porter, 18, Christopher Ryan Gaines, 20, and Gaines' girlfriend, Nichole Kelsay have been charged with the July 18 killing, which police believe was motivated by hate.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

Mr. NELSON of Nebraska. Mr. President, I rise to join my colleagues in support of this request for additional disaster assistance in the wake of Hurricanes Charley and Frances, and the devastation they have brought on the State of Florida. I, along with my Nebraska constituents, send our thoughts and prayers to those in Florida dealing with the physical and emotional impact of these hurricanes.

In Nebraska, we sympathize with the victims of natural disasters, whether they be caused by hurricanes, floods, or tornadoes. Presently, my State is facing its fifth straight year of record drought, which as you know has a damaging effect on the agricultural industry, as well the mainstreet of every Nebraska community. Multiple years of drought have cost our Nation billions of dollars in economic losses and has many farmers wondering whether they will be able to carry on. They are not in this position because of poor planning or some unfortunate weather incident but rather as the result of a continuous natural disaster that once again has turned upside down the hopes and work that went into planting this spring.

This drought is a disaster—it is been a disaster for agriculture and a disaster for rural communities, which depend so much on agriculture. I think that going home over the August recess certainly gave all of us from States hit by drought even more reason to seek assistance. I do not want to detract from the importance of sending disaster assistance to those in Florida. However, I believe that my colleagues must join me in casting a greater spotlight on the importance of helping our Nation's farmers and ranchers recover from the impacts of the current drought.

Therefore, I would like to join the Senator from South Dakota in calling on the President and the Congress to support funding for drought aid for our farmers and ranchers, and to fully fund the crop and livestock disaster programs so critical to Nebraska's farmers and ranchers.

A drought relief package is of the utmost importance to farmers and ranchers in Nebraska and across all those rural America parts suffering from this natural disaster. It will make the difference between keeping their farms or being forced out of agriculture—to the detriment of all of us who depend on the "breadbasket of the world." We must seek this assistance in order to ensure that our rural communities are not allowed to wither under the worst conditions in over half of a century.

I hope my Senate colleagues will join me in supporting drought assistance this year. Like any other natural disaster, this drought has hurt the very livelihoods of good, hardworking people who struggle every day to stay afloat even under normal conditions. It is imperative that we respond to this crisis in rural America.

I thank my colleagues for this opportunity to address an issue of great importance to my State.

RESOLVE, THE NATIONAL INFERTILITY ASSOCIATION

Mr. INOUYE. Mr. President, I come to the floor today to commend RESOLVE, the National Infertility Association, on its three decades of accomplishment and for the many activities it has planned to observe National Infertility Awareness Week, which will be celebrated this year during the week of September 26 to October 2, 2004.

For 30 years, RESOLVE has compassionately and effectively served the needs of the nearly seven million Americans comprising our Nation's infertile community, and has been a leading force in efforts to educate the broader public about this devastating condition. Infertility is recognized as a disease and medical condition that has devastating physical, social and psychological consequences.

RESOLVE, the National Infertility Association, was incorporated by Barbara Eck Menning, in 1974, to aid and support individuals with infertility. RESOLVE is a nonprofit organization, governed by a volunteer board of directors, many of whom are individuals with first-hand personal experience with the physical, emotional, and social challenges accompanying infertility. They are citizens who have overcome these challenges through assisted reproductive technologies and adoption or determined that their lives would be childless. Regardless of their resolution, RESOLVE helped them to reach it with information, education, and support. RESOLVE's leaders are also members of the professional community who address these issues including National Institutes of Health funded researchers, attorneys, physicians, nurses, and other representatives from the health care industry and related businesses. RESOLVE has a database of more than 40,000 individuals and providers, and a network of more than 40 chapters providing support services, information and grassroots advocacy in local communities nationwide.

National Infertility Awareness Week focuses attention on the fact that infertility affects approximately 6.6 million people in the United States, a figure which represents 1 in 10 couples in which the woman is of reproductive age. These are only the reported cases. Millions go unreported because of the stigma attached to infertility and recent surveys suggest that nearly three-quarters of those who can be helped do not seek medical or other assistance because of, among other things, their fears and lack of awareness of the resources available to them and the limited insurance coverage to assist them. The National Institutes of Health, most particularly the National Institute for Child Health and Development, spends approximately $300 million a year on biomedical research focused on reproductive health, treatments, and cures of reproductive disorders. This important research will advance our understanding of infertility-associated diseases and the availability of more effective and affordable treatments that will be respected by insurers and employers as a routine benefit for all those insured.

I am proud that my state of Hawaii and 14 other states have enacted laws that require insurance companies to provide some level of coverage for infertility treatment. Like the thousands of individuals working as part of the RESOLVE network, a dedicated community of Americans, I am committed to helping to ensure that those struggling with the multiple challenges of infertility have regular access to appropriate and affordable health care coverage to address their health care needs.

I applaud the work of RESOLVE, The National Infertility Association, and commend the many ongoing efforts and special activities throughout the country aimed to educate and inform the public about the issue of infertility, during National Infertility Awareness Week, September 26 to October 2, 2004.

"FOUR TRIALS"

Mr. LEAHY. Mr. President, as we approach the end of this Congress, we will reach a point when a number of us will make statements reflecting on those who will not be returning to the Senate next year. I will miss a number of Senators who have chosen not to seek reelection. Today, I want to focus on a Senator who is responding to the country's call by joining with another extraordinary American leader, JOHN KERRY, in this year's national campaign. I speak, of course, of JOHN EDWARDS, whose energy, optimism and good sense have been a great asset to the Senate over the last 6 years.

I read that political partisans at corporate business and insurance organizations have established a "November Fund" of $10 million to seek to smear JOHN EDWARDS. I hope that before the American people or the media fall prey to these attacks, they consider the facts. In that regard, I urge Americans to read "Four Trials". This extraordinary book is an autobiographical account of JOHN EDWARDS's life and some of the cases in which he represented ordinary citizens who had suffered grievous wrongs. JOHN is rightly proud of his hard work as the lawyer representing E.G. Sawyer, Jennifer Campbell, Josh Howard, Valerie Lakey and so many other middle class and working class families against powerful interests that both harmed them and then refused to acknowledge responsibility for causing that harm.

I wish that those preparing to launch attacks against JOHN EDWARDS and other trial lawyers would read "Four Trials." It has recently been released in paperback, so now for only $13 they may save themselves millions in negative attack ads. No one who knows the story of JOHN EDWARDS's legal career can have anything other than admiration for what he was able to achieve through hard work, persistence and belief in the American people who serve on our Nation's juries. That faith in ordinary Americans and commitment to justice is what he is now bringing to American voters across the Nation.

My plea may be futile when addressed to the rabid partisans who, again this year, will apparently stop at nothing. Those who will foster and promote attacks on JOHN KERRY's military service and on JOHN EDWARDS's representation of injured, ordinary citizens in need of a voice have likewise savagely attacked JOHN MCCAIN during the Republican primaries 4 years ago and MAX CLELAND 2 years ago.

They promote attacks to divide us. They lessen America by fostering squabbles for partisan gain. I was pleased to see JOHN KERRY and JOHN EDWARDS issue a call at the Democratic nominating convention in August for the Republican ticket and its supporters to abandon negative attacks. I am disappointed that Republican partisans have not risen to that challenge but continue to engage in what is rightfully termed a "smear and fear" campaign. George Bush could have and should have called a halt to the scurrilous attacks upon JOHN KERRY's heroic military service but seems more than willing to see Karl Rove's well-known smear tactics dominate this fall's campaign.

The upcoming wave of attacks against JOHN EDWARDS will be one financed by those who oppose lowering drug prices for seniors, oppose a real patients' bill of rights and oppose accountability for misconduct that shatters the lives of ordinary Americans. Let them tell David and Sandy Lakey that JOHN EDWARDS, and lawyers like him who fight for victims, should not be allowed to seek justice in America.

I urge fair-minded Republicans and independents as well as Democrats to consider JOHN EDWARDS's life and work and to read "Four Trials." It will make you cry. It will remind you that good-hearted people like JOHN and Elizabeth Edwards do the right thing and seek to help their neighbors. It will make you proud to live in a country where ordinary Americans can take on the powerful with the help of a committed legal advocate and achieve some measure of justice.

I look forward to the days and weeks ahead when more and more of the country will have the opportunity to get to know JOHN EDWARDS. I have every confidence that come the inauguration in January, JOHN will return as President of the Senate as a part of his duties as Vice President of the United States. It has been a pleasure and a privilege to serve with him, and I look forward to working with him on behalf of the American people in the years to come.

PRELIMINARY REPORT OF THE U.S. COMMISSION ON OCEAN POLICY

Mr. WARNER. Mr. President, I rise to note the April 20th release of the Preliminary Report of the U.S. Commission on Ocean Policy. This comprehensive report, the first of its kind in 35 years, lays out an ocean blueprint for the 21st century for implementation by the Congress and the Administration. The Ocean Commission, led by former Chief of Naval Operations and Secretary of Energy, Admiral James D. Watkins, USN (Ret.), is to be congratulated for its diligence and dedication to its mandate to make recommendations for a comprehensive and coordinated national ocean policy for the United States.

The Commonwealth of Virginia has always had a strong connection to the ocean. From the arrival of settlers in Jamestown in the early 1600's, to the current day when the ports of Norfolk, Portsmouth and Newport News play a vital role in our Nation's economy and security, Virginia has always depended on the oceans. While the Commonwealth has long recognized the importance of the oceans, one of the most valuable contributions of the Ocean Commission's report is its finding that oceans and their resources are important to all States, and that we all have a role to play in their protection and management.

The Ocean Commission's preliminary report represents the culmination of 2½ years of work, including 15 public meetings around the country, 17 site visits to gather more detailed information, and input from 445 witnesses, resulting in nearly 1,900 pages of testimony. The report is over 400 pages long and contains almost 200 recommendations designed to improve the Federal governance structure, enhance and increase ocean science and research, improve coastal water quality, sustain our Nation's fisheries, and improve the stewardship of our oceans through an expanded education and outreach program.

An overarching theme of the report is the need at the Federal, regional and State levels to move toward an ecosystem-based management approach that acknowledges the complexities of both ecosystems and human needs. This approach recognizes the relationships among all ecosystem components and requires fundamental changes in governance and greatly improved science and education. Through its active participation in the Chesapeake Bay Program, Virginia understands the many advantages to be gained by developing regional, ecosystem-based approaches to address the complex interrelationships of activities in many States that impact the Bay.

As the former Chief of Naval Operations under President Reagan, Admiral Watkins well knows the role oceans have played in protecting United States national security interests. The Ocean Commission's preliminary report, while not focused primarily on national security issues, contains recommendations on ports and marine transportation, vessel operations, increased ocean research and exploration, improved management of our ocean resources, and accession to the United Nations Convention on the Law of the Sea—all of which will contribute to our Nation's security and future well-being.

As the Commission finalizes its report I look forward to working together with the administration and my associates in this body and in the House as we take advantage of the opportunity presented by the work of the Ocean Commission to implement a new vision for the future of our Nation's oceans.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Mr. BURNS. Mr. President, I take a few moments to comment on S. 2468, the Postal Accountability and Enhancement Act, which will reform the postal laws of the United States to guarantee its success into the 21st century. The United States Postal Service faces several long-term financial challenges unless something is done. In the last 5 years alone, the first-class mail, which accounts for over half of all postal revenue, has dropped dramatically. The continued downward spiral of the Postal Service is linked to the increased use of faxes and e-mails to communicate. As these different ways of communicating and doing business increase, it is important to preserve delivery to every address—making it a universal service—which this bill guarantees. As a rural State, Montana is a primary example of a State that needs this assurance. The Postal Service is the only service provider available in many parts of Montana and allows Montana residents to stay in contact with the rest of the country and the world.

Additionally, the Postal Service faces such problems as reacting to needed price changes. Currently, the Postal Service takes 18 months to react to price changes, which makes it impossible to respond to market conditions. The Postal Accountability and Enhancement Act would allow the Postal Regulatory Commission the power to institute emergency price increases due to unexpected circumstances. An Anthrax attack, that recently occurred, is an example of this circumstance. In addition, this bill would free up $78 billion over a period of 60 years by repealing the provision of the Public Law 108–18, which states that overpayment to the Postal Service must be kept in an escrow account. By releasing these funds, the Postal Service would be able to diminish rate increases, help pay off the debt owed to the U.S. Treasury and help fund health care liabilities for their employees. These funds are also need to be put toward employee salaries and benefits, which make up 76 percent of the Postal Service costs.

One Montanan wrote me recently saying, "Postal Reform is critical to the nearly 3000 Postal Employees in Montana and the thousands of others who rely on the USPS as a foundation for their occupation." I could not agree more. I urge my colleagues to vote in favor of the Postal Accountability and Enhancement Act of 2004.

ADDITIONAL STATEMENTS

TRIBUTE TO PAUL MOLITOR

• Mr. COLEMAN. Mr. President, it is truly an honor and a privilege to take this opportunity to pay tribute to Paul Molitor, an incredible individual and a tremendous baseball player from the city of Saint Paul, MN. Paul will forever be remembered as one of the greatest to ever play the game, but most of all he will be remembered as a hometown hero to many Minnesotans. In recognition of his achievements and dedication to the sport, Paul has been inducted into the National Baseball Hall of Fame in Cooperstown, NY. This is a tribute not only to his abilities on the field, but also to his commitment to the community. It is my great privilege to highlight his accomplishments before the United States Senate and this Nation.

Paul's humble beginnings were that of many young Minnesotans. At the age of four, it was clear that a passion for baseball was developing in the heart of this young Midwestern boy. Every where he went, Paul would carry his mitt with him. He shined as a star athlete for the Raiders of Cretin-Derham Hall High School in Saint Paul. For his college education, he stuck close to home and became a Golden Gopher by attending the University of Minnesota. At the U of M, Paul was a three-year starter and a two-time All-American before he made the decision to sign with the Milwaukee Brewers as the third overall pick in the 1977 Major League Baseball draft.

After only a short time in the minor leagues, Paul earned a role as the starting shortstop and leadoff hitter for the Brewers. This position would be one of many that this versatile athlete would play throughout his record-breaking career. Paul reached many milestones that few players would ever meet. He is one of only five players with over 3,000 hits and over 500 steals, the others being legendary players Ty Cobb, Honus Wagner, Eddie Collins, and Lou Brock. Paul is in the top ten all-time in at-bats, hits, singles, and doubles, and in the top twenty all-time in runs scored, triples, and stolen bases. Paul also tops the list as the only player in Major League Baseball history with 3,000 hits, 500 stolen bases, and 200 home runs. All of these are great accomplishments, but perhaps his greatest feat came in 1993, when the Toronto Blue Jays won the World Series and Paul was recognized as the most valuable player.

Outside of baseball, Paul is well-known as one that actively gives back to his community. In 1998, he was honored with the Branch Rickey Award, which is given to baseball players that show unparalleled devotion to serving their community. In addition to this, Paul was also recognized for his strength of character when he was awarded the Lou Gehrig Memorial Award, given to those who best exemplify the giving character of Lou Gehrig, another hall-of-famer.

Paul Molitor has come a long way from the sandlots of Saint Paul to the ballparks of Major League Baseball. In twenty-one seasons, Paul played with three major league clubs, before coming back home to play for his hometown team, the Minnesota Twins, in 1996. It is quite clear that Paul Molitor is a person whose dedication and hard work brought him to the pinnacle of Major League Baseball. His talent, commitment, and love for the game have led to his selection into the National Baseball Hall of Fame. It is my distinct pleasure to recognize his achievements before the United States Senate, and I wish him all the best in his future endeavors.

Paul, you have made many proud—your fans, teammates, and the State of Minnesota. You are a true hometown her. Congratulations on your induction into the National Baseball Hall of Fame.•

HONORING ROY SNYDER

• Mr. BURNS. Mr. President, I honor a great public servant, Roy Snyder. Roy Snyder is retiring after 27 years of providing exemplary service to America. His career began in 1962, with the Bureau of Land Management. He then served our Country for over 10 years in the United States Army where he attained the rank of Captain. He then turned his abilities to Corps of Engineers. For the last 15 years, it has been Montana's fortune to have Roy as Operations Manager at Fort Peck Lake. He assumed this position with the determination to make changes that would benefit the public. He accomplished that mission. Fort Peck Lake saw many positive changes under Mr. Snyder's oversight. Without his support and encouragement, Fort Peck would still be a little known and little used recreation site.

It has been my honor and privilege to work with him on significant projects that have benefited not just Montanans, but all recreational users of Fort Peck. With Roy's help the roads around Fort Peck have been improved, the campgrounds have been improved, there is a breakwater, Lewis and Clark sites, fishing access sites, a fish hatchery, the Interpretive Center. All of these are due in large part, to Roy's tenacious ability to make things happen.

Even more important, he has created relationships between users that never existed before. People who didn't realize they had anything in common are now working together. He has worked to turn a lack of communication into an open line that benefits everyone who uses Fort Peck.

Even in times of adversity, Roy has been a stalwart supporter of the recreational users. He put the public's need before all others and worked to ensure they had the chance to make the most of Fort Peck Lake. It is my honor to commend Roy Snyder for his 27 years of service. It is even more of an honor for me to refer to Roy as my friend. Roy, thank you for everything you have done to make Fort Peck Lake what it is today. We will all miss you.•

HONORING THE LIFE OF J. IRWIN MILLER

• Mr. BAYH. Mr. President, I rise today to honor the life of my fellow Hoosier, Joseph Irwin Miller, who died on Monday, August 16, at the age of 95. J. Irwin Miller was a leading industrialist who used his business success as an opportunity to give back to his community by helping Hoosiers in need, advancing greater social change through example and turning Columbus, IN, into an architectural landmark.

Joseph Irwin Miller was a fourth-generation Hoosier, born in 1909 to Hugh and Nettie Miller. He graduated from Yale University in 1931 and joined his family's bank 3 years later. His family also owned Cummins, a local diesel maker that Miller would transform into a Fortune 500 company recognized around the world. On his watch, Cummins increased its sales five times over, to $100 million by 1955. From a small-town company with 60 employees, J. Irwin Miller grew Cummins into an industry giant with 25,000 employees from around the world.

These economic accomplishments are remarkable, but they are far outmatched by Miller's work in public service and social activism. J. Irwin Miller was a visionary whose impact reached far beyond Cummins, affecting the entire State of Indiana and indeed many nations, through his innovative leadership, personal convictions and legendary philanthropy.

During the long fight for greater civil rights, Miller led by example, first by eliminating segregation at Cummins and later by helping organize the Reverend Martin Luther King, Jr.'s, civil rights march. J. Irwin Miller was a man who stood by his beliefs no matter what the cost. To protest apartheid in South Africa, Miller closed the Cummins plant located there and helped write legislation that led to economic sanctions against the country. Such dedication to one's beliefs and commitment to do what is right is especially commendable today, in light of recent corporate scandals and failings.

J. Irwin Miller was a man of international importance and influence, but he never forgot his roots in Indiana. His love for his hometown is evident throughout Columbus, where today visitors can find examples of the finest architecture in the world. Because of his efforts, Columbus became known as the "Athens of the Prairie," with schools and public buildings designed by such world-renowned figures as I. M. Pei and Eliel Saarinen.

With the passing of J. Irwin Miller, I hope that these buildings become more than architectural landmarks, but symbols of the true public spirit demonstrated by Miller in every aspect of his life. J. Irwin Miller was a true leader in business and in life, and he will be greatly missed.

It is my honor to enter the name of Joseph Irwin Miller into the CONGRESSIONAL RECORD.•

NORTH AMERICAN EXPLORATION

• Mr. BENNETT. Mr. President, I rise today to pay tribute and to extend my congratulations to a great Utah company, North American Exploration, which recently celebrated its 40th anniversary of service to the mining industry. For the last 25 of these years, North American has been headquartered in the City of Kaysville in my home State of Utah.

Over the last four decades, North American has provided mineral exploration and mine development services on countless projects throughout Utah and the Mountain West, producing jobs for hundreds of Utahns in the process. North American is typical of so many small businesses that are truly the silent engines behind our economy.

As a former businessman myself and as a member of the Senate Small Business Committee, I am well aware of the challenges involved in building and managing a successful enterprise. North American has been very fortunate to be aided in this endeavor by the leadership of Jay Gatten, who has been their chief executive since 1979.

So let me conclude by again offering my congratulations to Jay and Tora Gatten, Brian Vinton, and the rest of the North American team for the successes they have enjoyed and by offering them every best wish for continued prosperity.•

TRIBUTE TO THOMAS A. GRAU

• Mr. BURNS. Mr. President, I rise today to commend Thomas A. Grau, CPCU, who will be installed as the 100th president of the Nation's largest insurance association—the Independent Insurance Agents & Brokers of America, IIABA—this October in Orlando. He was elected to IIABA's Executive Committee in September 1999, and was inaugurated as president-elect during the association's convention in Las Vegas last fall. Tom is an executive with the Cogswell Agency in Great Falls, MT.

Tom has been active on the local, state, regional and national levels of the insurance industry throughout his career. In 1991, he began his 6-year tenure as the Independent Insurance Agents of Montana representative to the IIABA National Board of Directors. In 1997, he was appointed chairman of IIABA's Finance Committee. Tom also served on IIABA's Audit and Direction, and Resource Coordination Committees.

He also was active in the regional Far West Agents Conference, serving as its chairman in 1986. The conference is an annual meeting of industry and independent agent leaders from eight Western States.

On the state level, Tom was president of the Independent Insurance Agents of Montana, IIAM, in 1988, 1989 as well as chairman of its Technical Affairs Committee for 5 years and a member of the Board of Directors of IIAM's for-profit subsidiary—Public Risk Insurance Management, PRIM. On the local level, he twice served as president of the Independent Insurance Agents of Great Falls.

Tom has been an ardent proponent of insurance industry education throughout his career, serving as instructor for numerous professional accreditation classes on the local and State levels, and earning the Chartered Property and Casualty Underwriter, CPCU, designation in 1982.

Tom also is deeply involved in his community. He is an active member of Holy Spirit Catholic Church and serves on the finance committee of Holy Spirit Catholic School. He is actively engaged in the local chapter of Optimist International, in which he is a past president and has held several offices, as well as the Muscular Dystrophy Association and the Boy Scouts of America.

I am proud of Tom's many accomplishments, and I know he will serve his fellow independent agents and brokers with visionary leadership to further their many worthy causes. I wish him and his wife, Cheryl, great success as president and first lady of the Independent Insurance Agents & Brokers of America.•

HONORING THE TOWN OF SCOTLAND

• Mr. JOHNSON. Mr. President, I honor and publicly recognize the 125th anniversary of the founding of the town of Scotland, SD. The town of Scotland has a proud past and promising future.

Like many towns in South Dakota, Scotland got its start with help from the railroad. Scotland was originally founded in 1870 on a site near Dawson Creek. However, in 1879, with the approach of the Chicago, Milwaukee,and St. Paul Railroad, it became necessary for Scotland to be relocated to the upland prairie. The town still stands on this second site.

General Charles T. Campbell and John Stafford are credited with the founding of Scotland. General Campbell was of Scottish ancestry and that's how the name came about. He was a distinguished soldier in both the Mexican and Civil Wars. In 1867, he was assigned to Dakota Territory as an inspector for Indian agencies. It was at this time, while traveling for his duties as inspector, that General Campbell discovered the ideal location on Dawson Creek to build a trading post and inn on the Firesteel Stage Coach line that ran between Firesteel, near present-day Mitchell, and Yankton. General Campbell's original buildings established the nucleus from which the town of Scotland soon evolved.

John Stafford arrived with his family from Canada in 1872. Mr. Stafford is important to the development of Scotland because he donated eighty acres of land for the new town site. In the next decade, more than 100 families moved to the area, and most of them were of English, especially Scottish, descent. The relocation of the town in 1879 escalated the growth of Scotland. The year 1873 heralded the arrival of a large population of German-Russian immigrants. The years from 1885–1891 was the golden age of development for Scotland. During that time Scotland boasted the largest flax market in the United States and the world's largest tow mill. Scotland is also proud to be the hometown of United States astronaut Charles Gemar. Currently, about 1,000 people reside in Scotland. It is with great honor that I advise my colleagues of the achievements made by this great community.•

HONORING THE CITY OF AVON

• Mr. JOHNSON. Mr. President, I honor and publicly recognize the 125th anniversary of the founding of the city of Avon, SD. The city of Avon looks back on a proud history and looks forward to a promising future.

Taking its name from a post office run out of the nearby home of Mr. and Mrs. George Phoenix, the city of Avon grew out of the 1879 expansion of the Chicago, Milwaukee, and St. Paul Railroad. Prosperous agriculture in the western part of Bon Homme County led farmers and ranchers to seek expanded markets for their goods. Railroad officials, in turn, recognized the value of building a branch line from Napa to Platte to serve this need, and some 500 workers began the arduous task of laying the new line through the area. The start of work was closely followed by the opening of a saloon by Joe Sterba that would find its home in Avon's first permanent commercial building by 1900. Other businesses quickly joined the saloon, and Avon was soon a thriving community serving the agricultural region that surrounded it.

For most of its 125 years, the city of Avon has been served by the weekly newspaper, the Avon Clarion, which began publication in the winter of 1901. In an article that year, the paper boasted that Avon had, "without exception, the brightest and most encouraging future of any town along this line." In the 125 years since its founding, Avon has proven its ability to thrive and serve farmers and ranchers in the region. Currently, more than 550 people live in the city of Avon. It is with great honor that I advise my colleagues of the achievements made by this great community.•

HONORING THE TOWN OF BURKE

• Mr. JOHNSON. Mr. President, I honor and publicly recognize the 100th anniversary of the founding of the town of Burke, SD. The town of Burke has enjoyed a proud past and looks forward to a bright future.

Founded in 1904, the town of Burke took its name from Charles Burke of Pierre, who served in the South Dakota legislature, U.S. Congress, and later as U.S. Commissioner of Indian Affairs.

Burke was platted as a government townsite and surveyed by Sam Chilton. On August 4, homesteaders gathered in the center of the townsite and raced on foot, on horseback and with wagons to lay their claims to plots in the town. Though the town was born with the sound of the pistol that day, Burke did not experience the boom that many of the other towns in the area did. Burke's growth was slow and purposeful. Early settlers faced and overcame the hardships of South Dakota winters, tedious trips to the nearest railroad town for supplies, the devastation of tornadoes, and even terrorization from gamblers and thugs that had made their way into town. The citizens of Burke cleaned up the rough element and earned a reputation as one of the most peaceable and law-abiding towns in the county.

Since 1917, Burke has served as the county seat of Gregory County. The town lies about 30 miles west of the Missouri River in a region of fertile farmland and gently rolling hills. Currently, more than 650 people live in Burke. The town celebrated its centennial birthday with festivities during the first week of August. Among the many events during the 5-day celebration were an alumni golf tournament, a centennial farm dance, a parade, an alumni banquet, a centennial coin auction, and a ballroom dance. It is with great honor that I advise my colleagues of the achievements made by this great community.•

HONORING THE TOWN OF TYNDALL

• Mr. JOHNSON. Mr. President, I honor and publicly recognize the 125th anniversary of the founding of the town of Tyndall, SD. The town of Tyndall is a spirited and self-reliant county seat with a proud past and promising future.

In 1879, the Chicago, Milwaukee, and St. Paul Railway chose to enter Bon Homme County. Dan Currier build the first home and store along the railroad route in Tyndall, so-named for the English physicist John Tyndall who first explained what makes the sky blue. In 1884, Dan Currier opened the Grand Central Hotel, referred to as the greatest hotel this side of Chicago at the time. Mr. Currier remained active in the town's growth and became the first mayor in 1887. The first settlers in Tyndall were predominately German, Czech, and Irish. Their meeting halls were some of the first building in the town of Tyndall and many are preserved today.

A major attraction opened in Tyndall in 1989: the Soukup and Thomas Balloon Museum. The museum exhibits one of the best displays of ballooning history, including the first balloon basket to fly over the Soviet Union. The museum also houses a rare collection from the Hindenburg Airship as well as examples of balloon mail, lithographs, jewelry, trophies, and other collectibles. Tyndall hosted the 6th World Gas Balloon Championship and the 1st World Roziere Balloon Championship in 1990. The second annual International Balloon Rally was held in 1991 in Tyndall.

Though the railroad which gave birth to the town of Tyndall is no longer operational, the town continues to thrive, relying on friendly local business and aggressive agriculture. Currently 1,200 people reside in this progressive community. It is with great honor that I advise my colleagues of the achievements made by this great community.•

HONORING THE TOWN OF LAKE ANDES

• Mr. JOHNSON. Mr. President, I honor and publicly recognize the 100th anniversary of the founding of the town of Lake Andes, SD. Lake Andes has experienced a proud century and looks forward to a promising future.

Founded in 1904, the town of Lake Andes sits on the southwest shore of its namesake. Measuring twelve miles in length and a mile and a half wide, Andes Lake is one of the most popular destinations for hunters and fishers in the State and sits at the center of one of the richest and most fertile sections of South Dakota.

Though it was platted in 1901, the town was not officially established until three years later, when town lots were sold on May 18, 1904. In 1911, the town welcomed the construction of a Carnegie Library, which still stands and has since been designated a historical structure for the State of South Dakota. Lake Andes became the county seat of Charles Mix County in 1916, prompting growth and prosperity that would lead to more than 80 years of stability in the town.

Currently, more than 800 people reside in the town of Lake Andes. In early June, Lake Andes held centennial festivities that coincided with the town's Fish Days celebration, an annual tradition that began in 1915, continued through 1969, and was reestablished in 1988. A parade, carnival, quilt show, and firemen's water fight were among the many celebratory events that weekend. It is with great honor that I advise my colleagues of the achievements made by this great community.•

HONORING THE TOWN OF HERRICK

• Mr. JOHNSON. Mr. President, I honor and publicly recognize the 100th anniversary of the founding of the town of Herrick, SD. The town of Herrick has a strong sense of its past and anticipates a bright future.

Though it was originally named Willette, the town adopted the name of prestigious homestead lawyer Samuel Herrick soon after its 1904 founding. From 1906 to 1907, Herrick experienced a period of growth as it served as a stop along the railroad. Many of the original buildings in the town still stand, including the Town Hall built in 1913, which has been restored and is in use, and the old saloon, which has since become a family restaurant and bar. Two other structures find themselves on the National Register of Historic Places: the Herrick School House and Herrick Elevator.

Herrick's 105 proud residents and friends of the community celebrated the centennial at the end of July with festivities including an all-school reunion, the annual Squeal Meal celebration, and a hayride featuring buildings and homes that were built around the time of the founding. It is with great honor that I advise my colleagues of the achievements made by this great community.•

HONORING JEFFREY LEE NELSON

• Mr. JOHNSON. Mr. President, I congratulate Jeff Nelson of Madison, SD, for recently celebrating 30 years of distinguished service at East River Electric.

Jeff Nelson understands the word dedication. Mr. Nelson was born and raised in Marion, SD, where he attended high school. After graduating from South Dakota State University in 1971 with a degree in electrical engineering, he entered the U.S. Army and was stationed in Germany. From 1971 to 1974, he served as an officer in the U.S. Army's Armored Division. After honorably serving, he and his wife, Trudi, relocated to Madison where he started working for East River Electric.

I know first hand that Jeff has done a great deal to improve the lives of countless South Dakotans. He is a tremendously talented man with a great deal of energy and ambition. He is not only a good friend, but a person who may staff and I deal with closely. As general manager of East River Electric since 1990, he has earned the respect and admiration of all those who have had the opportunity to work with him.

East River Electric is a power supply cooperative which serves wholesale electricity to 22 member systems, which in turn serve over 82,000 homes and businesses. The 36,000 square mile service area covers 41 counties in Eastern South Dakota and nine counties in western Minnesota.

Jeff's friendly demeanor and wealth of knowledge have helped him develop close relationships with his colleagues and with community leaders throughout our State. This friendly attitude has led to numerous elected posts and honors. He is currently the president of the Mid-West Electric Consumers Association board of directors, Upper Great

Plains Region Affiliate of Western States Power Corporation board of directors, chairman of the Power and Water Resources Standing Committee of the National Rural Electric Cooperative Association, and vice president of the Western States Power Corporation board of directors. Among his many philanthropic efforts are the organizer of the Lake County Food Pantry, treasurer of the East Central South Dakota Habitat for Humanity, and he is on the board of directors for the Lake Area Improvement Corporation.

Through it all, Jeff's devotion to his family is his number one priority. Even as his responsibilities at East River Electric changed and grew, his commitment to his family never wavered. Jeff and Trudi have two children, Erik and Katie. Erik and his wife, Stacy, live in Sioux Falls, while Katie resides in nearby Marshall, Minnesota.

I congratulate Jeff Nelson for his 30 years of distinguished service. It is with great honor that I share his impressive accomplishments with my colleagues.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United Stats submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

Under the authority of the order of January 7, 2003, the following enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS) on July 23, 2004:

H.R. 1572. An act to designate the United States Courthouse located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow United States Courthouse."

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. An act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building".

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on July 26, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on July 27, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

H.R. 2443. An act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.

H.R. 3340. An act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes.

H.R. 3463. An act to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

H.R. 4222. An act to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building".

H.R. 4226. An act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty".

H.R. 4327. An act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office Building".

H.R. 4417. An act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

H.R. 4427. An act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

H.R. 4613. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4842. An act to implement the United States-Morocco Free Trade Agreement.

H.R. 4916. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Under the authority of the order of July 22, 2004, the enrolled bills were subsequently signed by the Acting President pro tempore (Mr. WARNER) on July 27, 2004.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on July 23, 2004, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 741. An act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 2264. An act to require a report on the conflict in Uganda, and for other purposes.

S.J. Res. 38. Joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Secretary of the Senate reported that on July 28, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

MESSAGE FROM THE HOUSE

At 1:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3313. An act to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act.

H.R. 4056. An act to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation.

H.R. 4175. An act to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 4837. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 418. Concurrent resolution recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan.

H. Con. Res. 436. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

H. Con. Res. 467. Concurrent resolution declaring genocide in Darfur, Sudan.

H. Con. Res. 469. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate January 7, 2003, the Secretary of the Senate, on September 7, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5005. An act making emergency appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT OF 2004

The text of the bill is as follows:

H.R. 5005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, to provide emergency supplemental appropriations for additional disaster assistance, namely:

DEPARTMENT OF HOMELAND SECURITY EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

For an additional amount for "Disaster Relief", $2,000,000,000, to remain available until expended, of which up to $30,000,000 may be transferred to "Small Business Administration—Salaries and Expenses", for administrative expenses to carry out the disaster loans program authorized by section 7(b) of the Small Business Act: *Provided*, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

This Act may be cited as the "Emergency Supplemental Appropriations for Disaster Relief Act, 2004".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3313. An act to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; to the Committee on the Judiciary.

H.R. 3574. An act to require the mandatory expensing of stock options granted to executive officers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3819. An act to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3884. An act to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3936. An act to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4011. An act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes; to the Committee on Foreign Relations.

H.R. 4056. An act to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; to the Committee on Commerce, Science, and Transportation.

H.R. 4175. An act to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4259. An act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes; to the Committee on Governmental Affairs

H.R. 4294. To designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the "William B. Bryant Annex"; to the Committee on Environment and Public Works.

H.R. 4608. An act to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the "Bob Michel Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 4660. An act to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act; to the Committee on Foreign Relations.

H.R. 4816. An act to permit the Librarian of Congress to hire Library of Congress Police employees; to the Committee on Rules and Administration.

H.R. 4840. An act to amend the Internal Revenue Code of 1986 to simplify the taxation of businesses; to the Committee on Finance.

H.R. 4841. An act to amend the Internal Revenue Code of 1986 to simplify certain tax rules for individuals; to the Committee on Finance.

H.R. 4850. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

H.R. 4879. An act to increase the military housing private investment cap; to the Committee on Armed Services

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 301. Concurrent resolution supporting the goals and ideals of the World Year of Physics; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 418. Concurrent resolution recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; to the Committee on Foreign Relations.

H. Con. Res. 436. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; to the Committee on Foreign Relations.

H. Con. Res. 467. Concurrent resolution declaring genocide in Darfur, Sudan; to the Committee on Foreign Relations.

H. Con. Res. 469. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4837. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8690. A message from the President of the United States, transmitting, pursuant to law, the District of Columbia's Fiscal Year 2005 Budget Request Act; to the Committee on Governmental Affairs.

EC-8691. A message from the President of the United States, transmitting, pursuant to law, a report on the continuation of a national emergency regarding export control regulations explained in Executive Order 13222; to the Committee on Banking, Housing, and Urban Affairs.

EC–8692. A message from the President of the United States, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of certain items; to the Committee on Banking, Housing, and Urban Affairs.

EC–8693. A message from the President of the United States, transmitting, pursuant to law, the report of the termination of the emergency declared in Executive Order 12722 with respect to Iraq and the modification of Executive Order 13290, Executive Order 13303, and Executive Order 13315; to the Committee on Banking, Housing, and Urban Affairs.

EC–8694. A message from the President of the United States, transmitting, pursuant to law, an Executive Order blocking property of certain persons and prohibiting the importation of certain goods from Liberia and an accompanying report; to the Committee on Banking, Housing, and Urban Affairs.

EC–8695. A communication from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands and Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services including Third Generation Wireless Systems" (FCC04–134) received on July 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8696. A communication from the Attorney, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 51.908 Availability of Agreements to Other Telecommunications Carriers Under Section 252(i) of the Act" (FCC04–164) received on July 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8697. A communication from the Chief, Disability Rights Office, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, CC Doc. Nos 90–571 and 98–67; CG Doc. No. 03–123" (FCC04–137) received on July 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights by Syrian Air Carriers to the United States; Doc. No. FAA–2004–17763" (RIN2120–AI34) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Flight Requirements; Powerplant Installation Requirements; Public Address System; Trim Systems and Protective Breathing Equipment; and, Powerplant Controls; FAA–2002–13859 (RIN2120–AI35) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aircraft Assembly Placard Requirements; Doc. No. FAA–2004–18477" (RIN2120–AI24) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Design Standards for Fuselage Doors on Transport Category Airplanes; Doc. No. FAA–2003–14193" (RIN2120–AH34) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Airports; Doc. No. FAA–200–7479 TECHNICAL CORRECTION" (RIN2120–AG96) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Noise Certification Regulations for Helicopters; Doc. No. FAA–200–7958" (RIN2120–AH10) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Airports; Doc. No. FAA–200–7479 CORRECTION" (RIN2120–AG96) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Doc. No. FAA–2001–11133" (RIN2120–AH19) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8706. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy for the position of Administrator, Federal Railroad Administration, received on July 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8707. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to foreign aviation authorities to which the Administrator provided services in the preceding fiscal year; to the Committee on Commerce, Science, and Transportation.

EC–8708. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization for 2003; to the Committee on Commerce, Science, and Transportation.

EC–8709. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revocation of General Order No. 3 Which Imposed License Requirements on Shaykh Hamad bin Ali bin Jaber Al-Thani and Entities Related to or Controlled by Him" (RIN0694–AD21) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8710. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Standard for Cigarette Lighters; Adjusted Customs Value for Cigarette Lighters" (RIN3041–AC24) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8711. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Property Reporting" (RIN2700–AC79) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8712. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Free Annual File Disclosures, 16 C.F.R. Parts 610 and 698" (RIN3084–0128) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8713. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Logical Regulations for Marine Events" (RIN1625–AA08) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8714. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones Including 4 Regulations: CGD05–03–167, CGD01–03–102, CGD09–03–202, COTP Memphis 04–0001" (RIN1625–AA00) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8715. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (Including 4 Regulations: CGD05–04–067, COTP Pittsburgh 03–030, COTP San Diego 04–015, CGD01–04–002" (RIN1625–AA87) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8716. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (Including 4 Regulations): CGD01–04–087, CGD01–04–046, CGD01–04–081, COTP Savannah 04–066" (RIN1625–AA00) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8717. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (Including 3 Regulations): CGD13–04–033, CGD01–04–088, CGD05–04–116" (RIN1625–AA87) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8718. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: CGD07–04–015, CGD01–04–030" (RIN1625–AA09) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8719. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: CGD06–04–091, CGD01–04–080, CGD08–04–026, CGD01–04–076, CGD08–04–025, CGD08–

04-022" (RIN1625–AA09) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8720. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Enforcement of SOLAS Requirements" received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8721. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Unauthorized Entry into Cuban Territorial Waters" received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8722. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Mandatory Ballast Water Management Program for U.S. Waters" (RIN1625–AA52) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8723. A communication from the Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Carriage of Navigation Equipment for Ships on International Voyages" received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8724. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of FACT Act Rules" (RIN3084–AA94) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8725. A communication from the Attorney Advisor, Department of Transportation, Office of the Secretary, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, Department of Transportation, received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8726. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648–AN16) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8727. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2004" (RIN0648–AQ82) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8728. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule on the Policy for Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank" (RIN0648–AQ51) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8729. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Taking Threatened or Endangered Species Incidental to Commercial Fishing Operations" (RIN0648–AR53) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8730. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)" received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8731. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notice of Closure of the 2004 Deep-Water Grouper Commercial Fishery, Reef Fish Fishery of the Gulf of Alaska" received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8732. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Inseason Adjustments to Management Measures" (ID070104B) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8733. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)" received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8734. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fishery Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska (GOA)" (ID070904E) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8735. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Authorization for Commercial Fisheries Under the Marine Mammal Protection Act of 1972; Zero Mortality Rate Goal" (RIN0648–AR15) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8736. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Final Rule" (RIN0648–AS43) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8737. A communication from the Chief Scientist, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Investigation of Research Misconduct" (RIN2700–AC50) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8738. A communication from the Administrator, Federal Aviation Administration, transmitting, pursuant to law, a report relative to the Pilot Records Improvement Act; to the Committee on Commerce, Science, and Transportation.

EC–8739. A communication from the Director, U.S. Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Age Search Fee Structure" (RIN0607–AA41) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8740. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fishery Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the West Yakutat Area of the Gulf of Alaska" (ID072804C) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8741. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Flathead Sole in the BSAI" received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8742. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fishery Closure; Prohibiting Directed Fishing for Atka Mackerel in the Gulf of Alaska (GOA)" (ID0728040) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8743. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fishery Closure; Prohibiting Directed Fishing for Northern Rockfish in the Western Regulatory Area of the GOA" (ID072204F) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8744. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fishery Closure; Prohibiting Directed Fishing for Deep Water Complex in the Gulf of Alaska (GOA)" (ID072304A) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8745. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fishery Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska (GOA)" (ID071604A) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8746. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fishery Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Western Yakutat District of the Gulf of Alaska" (ID071604B) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8747. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and the Aleutian Islands Management Area" received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8748. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Shortraker/Rougheye Rockfish in the Western Regulatory Area of the GOA" (ID072704C) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8749. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of 'Other Rockfish' in the Central Regulatory Area of the Gulf of Alaska" (ID072704B) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8750. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Prohibition on Retention of Community Development Quota (CDQ) Reserve Amount of 'Other Species' in the Bering Sea and Aleutian Islands Management Area (BSAI)" received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8751. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Bluefin Tuna Fisheries; Atlantic Bluefin Tuna Retention Limit Adjustment" (ID071504A) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8752. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Carriage of Navigation Equipment for Ships on International Voyages" received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8753. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels" (RIN1625-AA62) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8754. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Enforcement of SOLAS Requirements" received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8755. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events (Including 2 Regulations): CGD05-04-133, CGD05-04-139" (RIN1625-AA09) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8756. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: CGD01-04-095, CGD05-04-146, CGD08-04-028" (RIN1625-AA09) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8757. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Security Zone Regulations: COTP Charleston 04-100, COTP San Francisco Bay 04-020, CGD05-04-151, CGD05-040148, CGD09-04-095" (RIN1625-AA87) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8758. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Security Zone Regulations: Three Mile Island Generating Station, Susquehanna River, Dauphin County, PA: CGD05-03-116" (RIN1625-AA87) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8759. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Anacostia River, Washington, DC: CGD05-04-028" (RIN1625-AA09) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8760. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations: CGD05-04-137, COTP Jacksonville 04-096" (RIN1625-AA00) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8761. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS No. 208, Response to Petitions from November 2003 Final Rule (Part 2)" (RIN2127-AJ42) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8762. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS No. 301 Response to Petitions from December 2003 Final Rule" (RIN2127-AJ45) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8763. A communication from the Contracting Officer, Department of Transportation, transmitting, pursuant to law, a report relative to the Interagency Agreement No. DTTS59-98-X-0053 between the Department and the Old Executive Office Building; to the Committee on Commerce, Science, and Transportation.

EC-8764. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Elimination of Credit Cards as Payment for Replenishing Deposit Accounts" (RIN0651-AB74) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8765. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Reissuance of NASA FAR Supplement Subchapter G" (RIN2700-AC87) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8766. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Reissuance of NASA FAR Supplement Subchapter F" (RIN2700-AC86) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8767. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Re-issuance of NASA FAR Supplement Subchapter E" (RIN2700-AC68) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8768. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a nomination and change in previously submitted reported information for the position of Assistant Secretary for Manufacturing and Services, Department of Commerce/International Trade Administration, received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8769. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Catch Limit Adjustment" (ID061604A) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8770. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "International Fisheries Regulations; Pacific Tuna Fisheries" (RIN0648-AQ22) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8771. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions #5—Adjustments of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon" (ID071304A) received on August 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8772. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Sections 73.606(b) and 73.622(b), Table of Allotments, TV and DTV Broadcast Stations: El Dorado, AR" (DA04-2300) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8773. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Apalachicola, FL" (RM-10851) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8774. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV and TV Broadcast Stations; Moscow, ID" (RM-10566) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8775. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Yuba City and Lincoln, California)" (MB Doc. No. 04–24) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8776. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Canton, Cedarville, IL; Council Grove, KS; Clifton, IL; Farmersburg, IN; Freeport, IL; Fowler, IN; Golden Meadow, LA; Homer, LA; Madison, IN; Pinckneyville, IL; Terre Haute, IN; Ringgold, LA and Smith Mills, KY" (MB Doc Nos. 04–97 through 04–110) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8777. A communication from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Anniston, AL; Asbury, IA; Horseshoe Beach, FL ; Keosauqua, IA; Live Oak, FL; Moville, IA; Olathe, CO; Rudd, IA; Somerton, AZ; Sutter Creek, CA; Weiser, ID; Westley, CA" (MB Doc Nos. 04–79, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211 Trent 500 Series Turbofan Engines; Correction" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Manual Requirements in Part 135; Correction" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller, Inc. Models HC B5MP–3C.M10876K Propellers" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes; CORRECTION" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211 Trent 500 Series Turbofan Engines" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200 Series Airplanes Modified by Supplemental Type Certificate ST00516AT" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model EC 1555B Helicopters" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS 365 N3 Helicopters" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Deutschland TAY 611–8, 620–15, and 651–54 Series Turbofan Engines" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Mystere-Falcon 900 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 81, 82, 83, and 87 Airplanes; Model MD–88 Airplanes; and Model MD–90–30 Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319–111, 112, 113, and 114; A–320–111, 211, 212, and 214; and A–321–111, 112, and 211 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aircruisers Company Emergency Evacuation Slide/Raft System; Correction" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasilera de Aeronautica SW Model EMB 120 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 120 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Model 390 Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and A300 B4; Model A300 B4–600, –600R, C4–605R Variant F, and F4–600R, and Model A310 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model AVRO 146–RJ Series Airplanes; and BAE Systems Limited Model BAE 146 Series Airplanes" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Tekamah, NE; Doc. No. 04–ACE–29" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Kimball, NE; Doc. No. 04–ACE–31" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fulton, MO; Doc. No. 04–ACE–15" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Festus, MO; Doc. No. 04–ACE–14" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Des Moines, IA; Doc. No. 04–ACE–11" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fairbury, NE; Doc. No. 04–ACE–43" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kipnuk, AK; Doc. No. 04–AAL–05" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Colo Void Clause Coalition; Antenna Systems Co-Location; Voluntary Best Practices; Statement of Policy and Disposition of Comments; Doc. No. 2004–16982" (RIN2120–ZZ52) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace; Amendment of Class E Airspace; New Smyrna Beach, FL; Doc. No. 04–ASO–3" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Jamestown, KY" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (42) Amdt. No. 3100" (RIN2120–AA65) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8810. A communication from the Deputy Division Chief, Pricing Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Federal-State Joint Conference on Accounting Issues; 2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase II" (FCC04–149) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8811. A communication from the Chief, Policy and Rules Division Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Modification of Parts 2 and 15 of the Commission's Rules for Unlicensed Devices and Equipment Approval" (ET Doc. NO. 03–201) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8812. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alternative Geometric Visibility Requirements for Lamps" (RIN2127–AF75) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8813. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Final Rule, Response to Petitions for Reconsideration, Corrections; Child Restraint Anchorage Systems" (RIN2127–AJ39) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8814. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Disposition of Recalled Tires" (RIN2127–AI29) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8815. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ashtabula, OH Doc. No. 03–AGL–18" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8816. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Oshkosh, NE Doc. No. 04–ACE–27" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8817. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Columbus, NE Doc. No. 04–ACE–42" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8818. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Dayton, TN Doc. No. 04–ASO–06" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8819. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Greencastle, IN Doc. No. 03–AGL–19" (RIN2120–AA66) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8820. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Kaman Aerospace Corporation Model K–1200 Helicopters" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8821. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schweizer Aircraft Corporation Model 269A, 269A–1, 269B, 269C, and TH–55A Helicopters" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8822. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Recission; Robinson Helicopter Compant Model R44 Helicopters" (RIN2120–AA64) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8823. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Periodic Underwater Inspections" (RIN2137–AC54) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8824. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels" (RIN2133–AB49) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8825. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of 'Other Rockfish' in the Western Regulatory Area of the Gulf of Alaska" received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8826. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of the Pelagic Shelf Rockfish in the Western Yakutat District of the Gulf of Alaska" received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8827. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS); Pelagic Longline

Fishery" (RIN0648–AR80) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8828. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, Department of Commerce, received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8829. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a designation of acting officer and change in previously submitted reported information for the position of General Counsel, Office of the Deputy Secretary, Department of Commerce, received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8830. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and change in previously submitted reported information for the position of Assistant Secretary for Communications and Information, Department of Commerce, received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8831. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions of Export Licensing Jurisdiction of Certain Types of Energetic Materials and Other Chemicals Based on Review of the United States Munitions List" (RIN0694–AC75) received on August 11, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8832. A communication from the Assistant Administrator for Procurement, National Aeronautic and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Representations and Certifications—Other Than Commercial Items" (RIN2700–AC97) received on August 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8833. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on August 18, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8834. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Subject to Certification; D&C Black No. 2" (Doc. No. 1987C–0023) received on August 18, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8835. A communication from the General Counsel, Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule entitled "Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines" (RIN3014–AA20) received on July 23, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8836. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Requirements for the Group Health Insurance Market; Non-Federal Governmental Plans Exempt from HIPPA Title I Requirements" (RIN0938–AK00) received on July 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8837. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Interim Final Regulation for Mental Health Parity" (RIN0938–AL42) received on July 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8838. A communication from the Human Resources Specialist, Department of Labor, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Administrator, Wage and Hour Division, Department of Labor, received on July 26, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8839. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter (UIPL) 14–01—Treatment of Indian Tribes Under Federal Unemployment Compensation Law; UIPL 14–01, Change 1—Questions and Answers" received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8840. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8841. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers Program—Health and Function Outcomes for Individuals with Disabilities" (RIN1820–ZA37) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8842. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers Program—Community Integration for Individuals with Disabilities" (RIN1820–ZA34) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8843. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers" (RIN1820–ZA33) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8844. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers Program—Improving Employment Outcomes" (RIN1820–ZA26) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8845. A communication from the Acting Director, National Science Foundation, transmitting, pursuant to law, a report entitled "Women, Minorities, and Persons with Disabilities in Science and Engineering: 2004"; to the Committee on Health, Education, Labor, and Pensions.

EC–8846. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Report on the Federal Work Force for fiscal year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–8847. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra; Correction" (Doc. No. 1999F–0719) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8848. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Use of Materials Derived from Cattle in Human Food and Cosmetics" (RIN0910–AF47) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8849. A communication from the Administrator Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Repayment of Non-Federal Loans Used to Pay Unemployment Compensation" (UIPL 7–04) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8850. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Effective Date of Requirement for Premarket Approval for Three Class III Preamendments Devices" (Doc. No. 2003N–0468) received on August 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8851. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Report to Congress on the Fiscal Year (FY) 2003 Competitive Sourcing Efforts"; to the Committee on Health, Education, Labor, and Pensions.

EC–8852. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs—Model Demonstration Projects—Positive Psychology" (RIN1820–ZA35) received on August 11, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8853. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on Developmental Disabilities Programs for Fiscal

Years 2001 and 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8854. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Controlled Negative Pressure REDON Fit Testing Protocol" (RIN1218–AC05) received on August 11, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8855. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Comments on UNICOR Business Operations: Clarification of Addresses" (RIN1120–AB15) received on August 18, 2004; to the Committee on the Judiciary.

EC–8856. A communication from the Director, Regulations and Forms Services, Bureau of Citizenship and Immigration Services, transmitting, pursuant to law, the report of a rule entitled "Extension of the Deadline for Certain Health Care Workers Required to Obtain Certificates" (RIN1615–AB28) received on July 25, 2004; to the Committee on the Judiciary.

EC–8857. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Admission and Orientation Program: Removal from Rules" (RIN1120–AB08) received on July 26, 2004; to the Committee on the Judiciary.

EC–8858. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Executive Office for Immigration Review; Definitions; Fees; Powers and Authority of DHS Officers and Employees in Removal Proceedings" (RIN1125–AA43) received on August 6, 2004; to the Committee on the Judiciary.

EC–8859. A communication from the Director, Regulations and Forms Services, Bureau of Citizenship and Immigration Services, transmitting, pursuant to law, the report of a rule entitled "Employment Authorization Documents" (RIN1615–AA63) received on August 6, 2004; to the Committee on the Judiciary.

EC–8860. A communication from the Deputy General Counsel and Designated Reporting Official, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Deputy Director for Demand Reduction, Office of National Drug Control Policy, received on August 6, 2004; to the Committee on the Judiciary.

EC–8861. A communication from the Rules Administrator, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Inmate Commissary Account Deposit Procedures" (RIN1120–AA86) received on August 6, 2004; to the Committee on the Judiciary.

EC–8862. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and trade Bureau, Treasury Department, transmitting, pursuant to law, the report of a rule entitled "Red Hills Lake County Viticultural Area" (RIN1513–AA33) received on August 6, 2004; to the Committee on the Judiciary.

EC–8863. A communication from the Assistant Chief, Regulations and Procedures Division, transmitting, pursuant to law, the report of a rule entitled "Removal of Requirement to Disclose Saccharin in the Labeling of Wine, Distilled Spirits, and Malt Beverages" (RIN1513–AA93) received on August 6, 2004; to the Committee on the Judiciary.

EC–8864. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice Before the Board of Patent Appeals and Interferences" (RIN0651–AB32) received on August 11, 2004; to the Committee on the Judiciary.

EC–8865. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the "Plan Colombia/Andean Ridge Counterdrug Initiative Semi-Annual Obligation Report, 1st and 2nd Quarters Fiscal Year 2004"; to the Committee on the Judiciary.

EC–8866. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle; Import Regulations" (Doc. 03–081–2) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8867. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Processing Tomato Crop Insurance Provisions" (RIN0563–AB90) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8868. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; General Administrative Regulations, Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations for the 2004 and Succeeding Crop Years; and the Common Crop Insurance Regulations, Basic Provisions" (RIN0563–AB94) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8869. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1739, Broadband Grant Program" (RIN0572–AB94) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8870. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit" (FV04–905–3) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8871. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Exemption for Shipments of Tree Run Citrus" (FV04–905–2) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8872. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Decreased Assessment Rates" (FV04–916/7–4) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8873. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying the Procedures Used to Limit the Volume of Small Red Seedless Grapefruit Grown in Florida" (FV04–905–5) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8874. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate" (FV04–906–2) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8875. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California; Delay of Effective Date for Aflatoxin, Size and Quality Requirements" (FV02–983–1) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8876. A communication from the Administrator, Agricultural Marketing Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (FV04–916/7–02) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8877. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Additions to Quarantined Areas" (Doc. No. 03–109–2) received on July 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8878. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Decreased Assessment Rate for Specified Marketing Orders" (FV04–922–1) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

NOTIFICATION OF THE PRESIDENT'S INTENTION TO DESIGNATE IRAQ AS A BENEFICIARY DEVELOPING COUNTRY FOR PURPOSES OF THE GENERALIZED SYSTEM OF PREFERENCES—PM 92

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 502(f) of the Trade Act of 1974, as amended (the "1974 Act"), I am writing to inform you of my intent to designate Iraq as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP).

I have considered the criteria set forth in sections 501 and 502 of the 1974

Act. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Iraq.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 7, 2004.*

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of July 22, 2004, the following reports of committees were submitted on August 25, 2004:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2495. A bill to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects (Rept. No. 108–312).

S. 2547. A bill to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes (Rept. No. 108–313).

S. 2773. An original bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 108–314).

H.R. 2408. To amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges and for other purposes (Rept. No. 108–315).

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 2610, A bill to implement the United States-Australia Free Trade Agreement (Rept. No. 108–316).

Report to accompany S. 2677, A bill to implement the United States-Morocco Free Trade Agreement ((Rept. No. 108–317).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2468. A bill to reform the postal laws of the United States (Rept. No. 108–318).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 203. A bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining (Rept. No. 108–319).

S. 931. A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land (Rept. No. 108–320).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2052. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail (Rept. No. 108–321).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 2167. A bill to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and for other purposes (Rept. No. 108–322).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2173. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (Rept. No. 108–323).

S. 2285. A bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah (Rept. No. 108–324).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 2287. A bill to adjust the boundary of the Barataria Preserve Unit of Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes (Rept. No. 108–325).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2460. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes (Rept. No. 108–326).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2508. A bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse (Rept. No. 108–327).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2511. A bill to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes (Rept. No. 108–328).

S. 2543. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes (Rept. No. 108–329).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 265. A bill to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes (Rept. No. 108–330).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendment:

H.R. 1284. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project (Rept. No. 108–331).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1616. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes (Rept. No. 108–332).

H.R. 3768. A bill to expand the Timucuan Ecological and Historic Preserve, Florida (Rept. No. 108–333).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2382. A bill to establish grant programs for the development of telecommunications capacities in Indian country (Rept. No. 108–335).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAYH, Mr. GRAHAM of South Carolina, Mr. DASCHLE, Mrs. CLINTON, Mr. NELSON of Florida, Mr. CORZINE, and Ms. MIKULSKI):

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; read the first time.

By Ms. LANDRIEU:

S. 2775. A bill for the relief of Raheela Naz Khan; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2776. A bill to require the Secretary of Veterans Affairs to carry out a program of outreach to veterans of World War II and the Korean conflict on the nature and availability of benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2777. A bill to protect public health and safety in the event that testing of nuclear weapons by the United States is resumed; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 478

At the request of Mr. SARBANES, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 540

At the request of Mr. INHOFE, the names of the Senator from Missouri (Mr. BOND), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United

States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 1250

At the request of Mr. BURNS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1250, a bill to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system and other purposes.

S. 1277

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1277, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement discipline, accountability, and due process laws.

S. 1630

At the request of Mrs. DOLE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1735

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1735, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 1773

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1773, a bill, to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes.

S. 1925

At the request of Mr. KENNEDY, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1925, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 1963

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 1980

At the request of Mr. GRAHAM of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1980, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 1998

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1998, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 2018

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2018, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes.

S. 2077

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2077, a bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance.

S. 2176

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2176, a bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

S. 2253

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2253, a bill to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps.

S. 2313

At the request of Mr. GRAHAM of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2329

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2329, a bill to protect crime victims' rights.

S. 2338

At the request of Mr. BOND, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2417

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2417, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes.

S. 2461

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2462

At the request of Mr. WARNER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2462, a bill to provide additional assistance to recipients of Federal Pell Grants who are pursuing programs of study in engineering, mathematics, science, or foreign languages.

S. 2468

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2468, a bill to reform the postal laws of the United States.

S. 2477

At the request of Mr. REED, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2477, a bill to amend the Higher Education Act of 1965 to expand college access and increase college persistence, to simplify the process of applying for student assistance, and for other purposes.

S. 2502

At the request of Mr. CRAIG, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S. 2526

At the request of Mr. BOND, the names of the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. FITZGERALD), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2602

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2614

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2614, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 2623

At the request of Mr. SMITH, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2627

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2627, a bill to express the policy of the United States with respect to the adherence by the United States to global standards in the transfer of small arms and light weapons, and for other purposes.

S. 2659

At the request of Ms. COLLINS, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2659, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 2671

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2676

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2676, a bill to amend chapter 4 of title 39, United States Code, to provide for the issuance of a semipostal stamp in order to provide funding for childhood drinking prevention and education, and for other purposes.

S. 2681

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2681, a bill to establish a program to support a transition to democracy in Iran.

S. 2726

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2726, a bill to amend title 49 of the United States Code to provide flight attendant security training, and for other purposes.

S. 2729

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2729, a bill to encourage students to pursue graduate education and to assist students in affording graduate education.

S. 2740

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2740, a bill to improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes.

S. 2741

At the request of Mr. DASCHLE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2741, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2749

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2749, a bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes.

S. 2754

At the request of Mr. DASCHLE, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2754, a bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA).

S. 2760

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2760, a bill to limit and expedite Federal collateral review of convictions for killing a public safety officer.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

S. CON. RES. 41

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 41, a concurrent resolution directing Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 121

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 121, a concurrent resolution supporting the goals and ideals of the World Year of Physics.

S. CON. RES. 127

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. CON. RES. 128

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 128, a concurrent resolution expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Kansas (Mr. BROWNBACK), the Senator from Michigan (Ms. STABENOW) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 408

At the request of Mr. SMITH, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. MILLER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. ALLEN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 408, supra.

AMENDMENT NO. 945

At the request of Mr. GREGG, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of amendment No. 945 proposed to S. 1, a bill to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the Medicare program and to strengthen and improve the Medicare program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAYH, Mr. GRAHAM of South Carolina, Mr. DASCHLE, Mrs. CLINTON, Mr. NELSON of Florida, Mr. CORZINE, and Ms. MIKULSKI):

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; read the first time.

Mr. MCCAIN. Mr. President, this week marks the third anniversary of that terrible day in 2001 when terrorists attacked America's commercial and governmental capitals. On that occasion, in the largest attack ever on American soil, 2,973 innocent individuals lost their lives. The victimization of America went beyond this astounding number, with physical injuries to many, damage to our Nation's economy, and psychological trauma among millions who witnessed these shocking events.

While nothing we do can erase this pain, we can honor and pay tribute to those who have suffered by ensuring that terrorists never again attack our land. We have come a long way since 2001 in enhancing this country's ability to prevent and respond to terrorist attacks, but, as the 9/11 Commission said in its final report, we are not yet safe. Increasing our safety against terrorist attack requires new strategies, new ways of thinking, and new ways of organizing our government.

Today I am pleased to be joined by Senators LIEBERMAN, SPECTER, BAYH, GRAHAM of South Carolina, DASCHLE, and CLINTON in introducing legislation designed to implement the 9/11 Commission recommendations, which were issued just prior to the August recess. Governor Tom Kean and Representative LEE HAMILTON have endorsed this bill, and assured us that it accurately reflects the Commission's intent.

With the introduction of this bill, the Senate now has before it legislation that addresses each of the Commission's 41 recommendations, which together are designed to build unity of effort across the U.S. Government—all in an effort to prevent future terrorist attacks. The provisions of this bill outline the shape and objectives of a global counterterrorism strategy, and suggest a reconfiguration of our national security and homeland security apparatus within the U.S. Government. As anyone who reads the legislation will quickly see, it also cuts across jurisdictional lines with respect to the Senate committee prerogatives. There are portions of this bill that deal with intelligence, foreign affairs, defense, border security and commerce, transportation security, and more. In normal times, naysayers would caution that this fact alone could paralyze this body. But these are not normal times. International terrorism poses a real and present danger to the United States, and it is our responsibility as elected officials to take action on the Commission's recommendations.

I would like to highlight some of the major aspects of the bill, and I know that the other sponsors also will provide details on the bill's structure.

The largest section of this bill concerns the reorganization of our intelligence community. This legislation establishes a National Intelligence Authority to unify the efforts of the community, and this new entity would be headed by a National Intelligence Director, NID. The NID also would act as the principal intelligence advisor to the President, taking over this function from the Director of Central Intelligence. The NID would have direct budgetary authority and significant personnel authority over all of the intelligence agencies, except those that generate intelligence that falls under the purview of one department alone, such as tactical military intelligence. The NID would have influence over the budgets for these other entities that do provide this very specific intelligence. Assisting the NID would be four deputies, including a principal deputy, another that serves currently as the CIA Director and would handle foreign intelligence, a deputy that also serves as the Under Secretary of Defense for Intelligence, and a fourth that handles domestic intelligence.

Also established in this bill is a National Counterterrorism Center to oversee all of the U.S. Government counterterrorism operations, including analysis, net assessments, and guidance for joint counterterrorism operations. The center would be headed by a deputy-level official who can adjudicate policy disagreements among the agencies and, if need be, bump them up to the National Security Council for a decision. In addition to the National Counterterrorism Center, the bill authorizes the NID to establish "National Intelligence Centers" that will address particular geographic or functional areas. These centers will, like the NCTC, bring together the full range of reporting and analysis on particular topics so that no one with a need to know is cut out of the loop. There are also provisions designed to ensure that increased centralization of the intelligence community does not lead to a reduction in the range of analytical views available to policymakers.

Finally in the intelligence title, the bill codifies the critical reforms that Director Mueller has begun at the FBI, including his efforts to improve the FBI's intelligence capabilities and develop a personnel cadre that specializes in national security issues.

In its report, the 9/11 Commission found that the biggest impediment to "connecting the dots" among diverse sources of homeland security information is the widespread resistance to sharing. To address this problem, the Commission recommended that the

President create a new "trusted information network" modeled on a framework developed by a Markle Foundation task force. This bill directs the President to create an information network among all Federal departments and agencies with responsibilities for homeland security, among State and local authorities, and among relevant private sector entities. The legislation describes key attributes that should be incorporated into the network and sets forth an ambitious schedule for development and implementation.

The Commission report stated that, "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by current congressional rules and resolutions, we believe the American people will not get the security they want and need. The United States needs a strong, stable, and capable congressional committee structure to give America's national intelligence agencies oversight, support, and leadership."

The Commission offered several options for how Congress should be restructured to best provide for strong oversight over both intelligence and homeland security. With respect to intelligence, it recommended that Congress create either a joint committee modeled after the Joint Atomic Energy Committee or House and Senate Committees with combined authorizing and appropriating powers. With respect to homeland security, it recommended that Congress create a single, principal point of oversight and review, noting that DHS officials now appear before 88 different committees and subcommittees.

Late last month, the Senate leadership tasked a bipartisan working group with examining how best to implement these recommendations and asked it to report back to the leadership as soon as possible. In recognition of this ongoing review, our bill does not propose the committee structures we believe should be adopted, but instead includes a Sense of the Congress that both houses of the 108th Congress adopt all necessary rule changes so that the committee structures for the 109th Congress are revised in accordance with one of the options recommended by the Commission.

It is incumbent on each member to put aside jurisdictional power struggles and take action that is in the interest of securing our homeland. We should strive to never again read a report that calls Congressional oversight "dysfunctional." We simply must heed the Commissions call to action and fundamentally overhaul Congressional oversight for intelligence and homeland security. As the Commission stated, "tinkering with the existing structure is not sufficient."

As recommended by the Commission, we have included provisions to help ensure that an incoming President-elect can start putting together his national security team during a transition between administrations. Our legislation would establish procedures for expediting security clearances and Senate consideration of top national security appointees, as well as any necessary clearances for presidential transition team members. In addition, it directs the President to consolidate security clearance responsibilities in a single Federal agency, and to work with the new NID to set uniform standards for granting security clearances so that they are accepted by all Federal agencies.

One lesson from the Commissions report is that no one set of strategies is sufficient to prevent future terrorist attacks. The United States must use all of the instruments at our disposal to counter the short and long-term threats posed by international terrorism. For this reason, we have devoted an entire title of the bill to the role of diplomacy, foreign aid, and the military. The legislation would renew the U.S. commitment to Pakistan's future, in light of the critical role that country plays in the war on terror, and authorizes a substantial increase in aid to Afghanistan. It addresses our relations with Saudi Arabia and suggests establishing an international contact group to develop a multilateral counterterrorism strategy. Other provisions in our bill will enhance America's ability to fight the war of ideas by promoting universal values of democracy, tolerance, and openness. It authorizes increased funding for U.S. broadcasts to Muslim countries and would ramp up the scale of education and exchange programs.

This bill notes that the proliferation of weapons of mass destruction is a grave and gathering threat to this country, and suggests ways to strengthen our nonproliferation programs. And, since portrayals of mistreatment of captured terrorists hinders our ability to engage in the wider struggle against them, this legislation both reiterates standards for their humane treatment once captured, and calls on the U.S. Government to develop a common approach to detainee treatment, along with its coalition partners.

One significant way to prevent future terrorist attacks on American soil is to stop terrorists from entering the country in the first place. This bill contains a number of provisions that would enhance the security of our borders, transportation systems and critical infrastructure. For example, our legislation requires the Secretary of Homeland Security to work with multiple government agencies to develop a unified strategy to intercept terrorists, find terrorist facilitators, and constrain terrorist mobility both domestically and internationally. In addition, to efficiently screen persons entering the United States, we must integrate the multiple terrorist screening systems already in place. This bill would require the Secretary of Homeland Security to develop a comprehensive screening system that brings together an integrated network of screening points, and to work to fully implement the entry and exit functions of the U.S. VISIT system at all ports of entry as quickly as possible.

The Commission also pointed out what appears to be a gaping hole in our border security. I am referring to the ability of people who claim to be United States citizens to orally attest to their citizenship when passing from Canada or Mexico into the United States. Numerous reports, including a recent GAO study, point to our porous borders as potential terrorist entryways into this country. Our legislation would require everyone entering the U.S. to present a passport, at a minimum.

Of course, travel documents only work insofar as they are authentic and can be authenticated by our officials. Our bill requires the Secretary of Homeland Security to establish uniform Federal standards for driver's licenses and birth certificates. It is long past time that we take action to protect these documents from being used to commit identity theft, terrorism, and other criminal acts.

Although there has been considerable progress in tightening transportation security since September 11, the Commission made several recommendations to further improve the system. For example, the computer systems and protocols used to vet passengers before they board a plane are not substantially different than the systems that failed to prevent the 9/11 hijackers from boarding their flights. Therefore in this legislation we require the Transportation Security Administration to take over and improve the no-fly list process, and to improve the screening of air passengers for explosives and the screening of air cargo. In addition, we require DHS to set risk-based priorities for defending various transportation assets, and then figure out a plan and budget to get the job done.

Mr. President, I am in full agreement with the Commission that we need to broadly address transportation security vulnerabilities. In fact, the Committee on Commerce, Science, and Transportation has already reported several legislative measures designed to improve the security of other transportation modes. A maritime security bill was signed into law in 2002, and we reported a subsequent maritime security measure earlier this year. We also reported, and the Senate has passed, a bus security bill, and our rail security legislation is pending on the Senate Calendar. These measures must be enacted before we adjourn.

The Commission made a number of recommendations to further our national preparedness and emergency response efforts. Its report states that "homeland security assistance should be based strictly on an assessment of risks and vulnerabilities," and implores that "Congress should not use this money as a pork barrel." I heartily agree. In following this recommendation, the legislation directs the Secretary of Homeland Security to allocate assistance based on the threats, risks, and vulnerabilities facing a community, along with its population and other specific criteria. It also establishes an expert advisory panel to develop benchmarks for assessing the homeland security needs and capabilities of various communities, and rescinds the current formula for homeland security grants.

The bill would also require certain broadcasters to vacate their television channels in a crisis so that their airwaves are available to first responders, and ensure that public safety organizations have access to this spectrum no later than January 1, 2007. In addition, it directs the Secretary of Homeland Security to work with other officials in developing effective communications capabilities, including back-up support. These steps are vital for closing the existing gaps in interoperability of emergency communications systems.

The Commissioners pointed out that the private sector controls 85 percent of the critical infrastructure in the Nation. Our bill directs the Secretary of Homeland Security to establish a program to promote private sector preparedness for terrorism and other emergencies. It also directs the Secretary to report to Congress regularly on the adequacy of the government's plans to protect our Nation's critical infrastructure.

All of us who are concerned with threats to this Nation's security also wish to ensure that our efforts to protect Americans do not infringe on our civil liberties. After all, giving up the way of life we have fought so hard to defend is not an acceptable price for greater security. We must find a way to balance the two, and that is what this bill proposes to do. It creates a Privacy and Civil Liberties Board, as well as designated privacy and civil liberties officers within relevant Federal agencies, to analyze actions the enhanced security measures taken by our government and to ensure that civil liberties are appropriately considered as these policies are developed. The Board, which would reside within the Executive Office of the President, would advise the President and Federal agencies on the privacy and civil liberties implications of proposed and extant laws, as well as authority to oversee Federal agencies to ensure that civil liberties are being protected.

In addition, the legislation requires certain agency heads to designate senior officers to serve as privacy and civil liberties resources and watchdogs. Among these officers' responsibilities is ensuring that their agency has a process in place to receive, investigate, and respond to complaints from people who report privacy or civil liberties violations.

Having described the bill we are introducing today, I'd like to reiterate that it addresses each of the Commission's recommendations—not more, not less. The sponsors all recognize that other legislative proposals will be offered that address the security of our Nation in the face of terrorist threats. In particular, I want to acknowledge the efforts by Senator COLLINS and Senator LIEBERMAN, the Chairman and Ranking Member of the Senate Government Affairs Committee. That Committee has a key leadership role in this area, and it is one that I greatly respect. I know that they are working to report a bipartisan reform proposal to reform the Intelligence community in the days ahead and look forward to Senate debate on their proposal.

The sponsors of today's legislation remain open to all proposals, and in fact, will have additional suggestions of our own. But the introduction of our legislation today ensures that the commendable work of the 9/11 Commission has a real opportunity to be debated, amended, and adopted. Despite the short and crowded legislative calendar, we urge the leadership to allow for debate on this and other proposals to address the 9/11 Commission's recommendations. Even in an election year, there is no higher priority than defending the American people against threats to their security.

Mr. President, there has been much talk over recent months about the importance of firm resolve in the face of threats to America's security and its integrity. This legislation presents the Congress with an opportunity this year to exhibit some resolve of our own. While we will act in the shadow of the dark hours of September 11, we can show the American people—and the world—that this government is committed to facing down the worst threats that face us today. We can move forward—yes, in an election year, yes, by actually finding agreement regardless of party or committee assignment—to better protect and preserve the security of this Nation. With the Senate's serious and thorough consideration of the Commission's recommendations, we will honor those who have been patient enough to afford us this opportunity to change.

I will make two additional comments. One, we need to reform the institutions of government. This blueprint which outlines in legislative form the recommendations of the September 11 Commission are exactly that, a blueprint. I am confident that the Committee on Governmental Affairs, under the outstanding leadership of the Senator from Maine, Ms. COLLINS, working with Senator LIEBERMAN, Senator SPECTER, and other members of the committee, will produce a legislative product of which everyone can be very proud. They have already begun a series of hearings, and I have complete confidence in their deliberations and their results.

Let me also say that one of the most difficult aspects of reform will be reform of the institutions here and in the other body. There is no doubt that either one of the two committee recommendations—that there be a joint committee along the lines of the now defunct Joint Committee on Atomic Energy or two separate permanent committees. Those committees have to have budgetary authority. They must be able to appropriate. If not, those committees will be debating societies and they will not have the influence or power necessary or authority necessary to supervise America's intelligence operations.

There are many other areas and many other ideas, including those of the White House and the executive branch that need to be taken into consideration. But I think this is a good start because if there is one thing all of us can agree on it is that the recommendations of the 9/11 Commission have been embraced by virtually one and all, clearly, with some reservations because it is not a perfect document. But overall, the overwhelming majority of Americans expect that we should act on this blueprint as a blueprint, but, second of all, that we should act—that we should act.

There is no disagreement that our intelligence agencies and our ability to obtain the vital information that is necessary to maintain our national security and prevent another terrorist attack require us to act in an expeditious fashion.

I understand the majority leader, in consultations with Senator DASCHLE, has laid out a schedule for the Governmental Affairs Committee to report out the last week in September. I think that is a very worthwhile cause.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, it is good to see you after the recess. I thank my colleague and dear friend from Arizona, Senator MCCAIN, for his comments. I support him in substance and in spirit, which is to say the urgency of Congress reacting to the report of the 9/11 Commission.

It was shortly after September 11 that Senator MCCAIN and I introduced legislation, with Senators SPECTER, BAYH, and others, creating the National Commission on Terrorist Attacks Upon the United States. We believed—and we know so many others agreed—that the Nation needed to know as clearly and definitively as possible what had happened, why it had happened, and what could be done to prevent such a heinous attack from ever happening again.

In particular, most understandably and movingly, the families of the 9/11 victims rightly demanded that we learn all we could from the tragedy that took their loved ones from them. In its 20-month existence, the Commission, headed by Governor Thomas Kean and Congressman Lee Hamilton, brought a laser focus to its task. The Commission insisted on talking to the people and seeing the documents that could help them understand and tell the full story. The result is not only a definitive account of what happened on September 11, but also a very thoughtful and compelling analysis of why it happened and where we must go from here. And I take it to be a sign of not only tribute to the Commission but of the public concern and interest in what the Commission had to say, that the published volume of its report, unlike any I have known of in a long time, remains a bestseller throughout our country.

So today, Senator MCCAIN, Senator SPECTER, Senator BAYH, and I join together again to introduce the 9/11 Commission Report Implementation Act of 2004. This legislation embraces and expresses in legislative language all 41 of the recommendations in the Commission's final report. Some of those, involving calls to restructure the intelligence community, have already been the focus of extensive debate. Others, such as the proposals to crack down on fraudulent identification documents or to build new bridges to the Muslim world, have gotten less discussion. But they are all—each and every one of them—the product of the outstanding and diligent work of the Commission and therefore deserve, indeed command, our attention. We did not attempt to pick and choose which of the 41 recommendations should be considered or legislated, or to edit the Commission's policy conclusions. Indeed, there are one or two areas where I might take a different approach to the concerns the Commission has raised. But the Commission's recommendations should be our starting point. And I believe in many cases, probably most, they should be our ending point as well.

Introducing this legislation is the fulfillment of the promise we made on the day the Commission issued its report: that we would express its proposals in legislation. At that time we had no idea whether anything would happen on the Commission report in August or September or October. It was that night that Senators FRIST and DASCHLE, our bipartisan leadership, asked our Governmental Affairs Committee to assume responsibility for considering the Commission's report and making a set of proposals to the Senate no later than October 1.

This proposal we now introduce today will go to the Governmental Affairs Committee, formally or informally, to inform the work it is doing. The Governmental Affairs Committee now has the ball and will report to Congress, and is on a schedule, I am pleased to say, to report in advance of the deadline set by Senators FRIST and DASCHLE, in advance of October 1.

So what does the Commission and therefore this legislation call for? The Commission's final report depicts a nation that was woefully unprepared for the attacks of September 11. As the Commission concludes: We need a new strategic vision to confront terrorism and a new unified effort to carry out that strategy. Such unity can only be achieved through a dramatic transformation of the status quo of our key organizations and policies. That is the first order of business.

The Commission has described how, in the course of its investigation, it repeatedly asked this question: Who was in charge prior to September 11, and who is in charge today? And it never received a satisfactory answer. In fact, Governor Kean and Congressman Hamilton testified to us before our Governmental Affairs Committee that they still cannot point to some one individual in charge of the American intelligence effort, its enormous human and technological assets, and, therefore, no one who is personally accountable.

This is unacceptable. This legislation rightly creates a national intelligence director to serve as head of the intelligence community and principal adviser to the President for national intelligence matters. The director will have strong budget, resource, and personnel authority to shape priorities and break down the kinds of turf barriers and stovepipes that stood in the way of our Government pulling together in one place all the information we knew prior to September 11—information that might well have prevented the attacks of September 11 from occurring.

These powers are far stronger than the current authorities exercised by the Director of Central Intelligence. This will create the capability and the accountability for someone to truly lead a unified intelligence effort that will, in turn, greatly benefit the specific fight against terrorism. This intelligence director will operate through a new agency, to be called the National Intelligence Authority. This is not a large new bureaucracy, but rather a command, control and coordination center to achieve a unified intelligence effort. Although the Commission originally called for this office to be created within the White House, numerous experts counseled against this and the Commissioners themselves now agree with that counsel. As a result, this legislation creates the National Intelligence Authority as an independent entity.

To help guarantee the government-wide antiterrorism cooperation that did not exist pre-9/11, the legislation also creates a National Counterterrorism Center, patterned on the joint commands of the Department of Defense, drawing on expertise from throughout the intelligence community. This center will serve as an analytic fusion center on terrorism, and will also have responsibility to develop operational plans for counterterrorism initiatives, and then to track and monitor the operations' implementation. As such, the center will build on the promise of the new multi-agency Terrorist Threat Integration Center it would replace, but go beyond that model to create an even more robust center that combines analytical and operational capabilities.

As recommended by the Commission, the legislation also provides for the creation by the National Intelligence Director of a number of national intelligence centers focused on either specific topics like weapons of mass destruction or specific geographic areas such as the Middle East. These centers will bring together the most experienced intelligence experts from across the intelligence community on a given issue or region, and can be created or eliminated as needed, giving us the flexibility to hone in on evolving priorities.

I am pleased these intelligence reform proposals have already been the focus of numerous hearings, and these issues, as I have said, will be under active consideration in the Governmental Affairs Committee in the coming days.

The work on this legislation and the work that the Governmental Affairs Committee is doing has proceeded distinctly, separately, but collaboratively, and work on each has informed and, I believe, strengthened the other.

I hope—I know the cosponsors of this legislation share that hope—the package we are introducing today will be of real help to the Governmental Affairs Committee as it frames the legislation it—we—will report out to the Senate. I am confident the Senate can actually begin to consider it well before the end of September.

The intense debate over the Commission's recommendations on intelligence reform may have obscured the sweeping proposals the Commission made in other areas—very strong and important proposals on border and transportation security, on information sharing, on national preparedness and congressional oversight.

Those proposals are included in this legislation as well. As a result, we hope its introduction will jump-start debate and consideration of those other vital reforms.

First, the Commission stressed we must do all we can to stop this problem at the source—that is, to alter the conditions and dynamics that give rise to terrorism in the first place. This legislation includes the recommendations to strengthen our efforts to fight international terrorism using such tools as diplomacy and foreign aid. For instance, the legislation would increase U.S. foreign assistance to Afghanistan and renew our commitment to Pakistan. It would enhance our outreach to the Muslim world through U.S. broadcasts to the region, educational exchange programs and a fund to boost educational opportunities for Muslim youth.

This will be a long and difficult challenge, however, and we must assume international terrorism will be with us for years to come and prepare accordingly. In addition to the intelligence community reforms I have already mentioned, the Commission calls for a range of new programs and policies to combat terror.

Information sharing is one such critical step. Terrorism has made the homeland part of the frontlines, but too many government officials still believe information related to terrorist threats must be carefully hoarded among a select group. Even colleagues within the intelligence community are often not trusted with vital information, much less officials outside the national security elites or in state and local government. We must break down these information barriers and engage a far broader community in the task of fighting terrorism. This will would create an urgently needed information sharing network to break down the information stovepipes that currently hamper our efforts to stay one step ahead of the terrorists. The network, which is modeled on a proposal by a task force of the Markle Foundation, would consist of policies and information technology designed to facilitate and promote sharing of terrorism information throughout the Federal government, with state and local agencies and, as appropriate, the private sector. The President will be required to submit an implementation plan to Congress, including clear deadlines, assignment of responsibilities and budget requirements. The proposal includes safeguards for privacy and civil liberties.

The bill includes critical provisions to restrict terrorist travel—the strategies and methods by which terrorists can, and did, come to this country and position themselves for attacks. It would expand our efforts to collect and utilize intelligence regarding terrorist travel strategies and methods. The legislation also requires an integrated screening system to ensure adequate screening at the nation's entry points and to access transportation systems and critical infrastructure. Complementary provisions in the bill require stronger document requirements for all travelers, including citizens, to enter the United States; acceleration of the automated biometric entry and exit system known as U.S.-Visit; and improved security for identification documents such as driver licenses and birth certificates.

In the area of transportation security, the 9/11 Commission warned against the government's heavy focus on passenger aviation to the near exclusion of other modes of transportation. As its Final Report states, "[o]ver 90 percent of the nation's $5.3 billion annual investment in the [Transportation Security Administration] goes to aviation—to fight the last war." Yet we are investing little in protecting the 14 million Americans who use transit systems each weekday, or safeguarding our port systems that handle millions of shipping containers each year. What is lacking, the Commission states, is "a forward-looking strategic plan systematically analyzing assets, risks, costs and benefits." Following its recommendations, this legislation calls for a comprehensive transportation security strategy to assess risks and set priorities across all modes of transportation. It also seeks to close ongoing gaps in aviation security by requiring the Transportation Security Administration, rather than the airlines, to screen passenger names against a consolidated terrorist watchlist. Additional aviation-related measures include explosives screening for all passengers and their carry-on bags, accelerated research and deployment of explosives detection technologies, and measures to improve the security of cargo traveling on passenger aircraft.

To help deter terrorist attacks and minimize the effect of any attacks that do occur, we must improve our preparedness capabilities and this legislation includes the Commission's recommended steps to do so. The bill would require that homeland security preparedness grants be distributed solely on the basis of criteria related to threat and risk, eliminating the per state minimum in current law. It would facilitate first responder communications by assigning certain radio spectrum to public safety agencies for their use—an important step toward solving the critical challenge of enabling first responders to talk to one another during an emergency. Fighting terrorism is a challenge for our entire national community and the Commission also stressed the importance of preparedness within the private sector. This legislation requires the Department of Homeland Security to promote a voluntary preparedness standard for the private sector. It also presses the Secretary of DHS to complete efforts to inventory the nation's critical infrastructure, assess the threats and vulnerabilities regarding these critical assets, and ensure there are measures to protect them.

The Commission recognized that these new policies and programs will raise important issues regarding privacy and civil liberties and called for a new Privacy and Civil Liberties Oversight Board to ensure the protection of these liberties as laws and policies are developed and implemented to protect the nation from terrorism. This legislation creates such a board, which will consist of five individuals appointed by the President and confirmed by the Senate. In addition to advising the President and federal agencies, the board will have strong authority to conduct investigations and oversight of government actions in the war on terror.

Finally, as we look to the changes the Commission has urged for executive branch structures and programs, we cannot neglect the Commission's call to reform our own structures and its indictment of the status quo of congressional oversight of intelligence. We have to clean and reshape not only the executive branch, but we have to clean out and reshape our own house.

The Commission concluded that the Intelligence Committees of the House and Senate are not organized currently to provide the necessary leadership and oversight for intelligence and counterterrorism, and that jurisdiction over the Department of Homeland Security is also too broadly dispersed.

The legislation we are introducing today incorporates the mandate of the Commission that each Chamber reform its rules to create a more powerful Intelligence Committee and to consolidate oversight of the Department of Homeland Security in a single committee in each Chamber.

Clearly, we have our work cut out for us. But nothing is more important than to respond not just in a timely but in an urgent way to the recommendations of the 9/11 Commission, and to do so, as the Commission itself did, in a way that puts partisanship aside and our national security first. The group of us introducing this legislation—Senators McCAIN, SPECTER, BAYH, and I—stand shoulder to shoulder across party lines to achieve a safer nation, to protect the American people at home.

We are confident, as we go forward, that our colleagues on both sides of the aisle will join us. There will be differences of opinion. It would be shocking if there were not. Because the recommendations of the Commission represent bold change and dramatically alter the status quo, differences of opinion will naturally occur. They ought to occur. But I am confident in the end they will not be partisan. In the end, we will act and act quickly to implement much of the 9/11 Commission's report so that we can say to the American people, particularly those who lost loved ones on September 11, that we have taken action, done whatever we possibly could to prevent a terrorist attack such as the one that occurred on September 11, 2001, from ever happening again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join my colleagues—Senators MCCAIN, LIEBERMAN, and BAYH—in introducing this legislation today which codifies the recommendations of the 9/11 Commission. The 9/11 Commission has accomplished a very important mission in stimulating the demand of the American people that action be taken to put all of our intelligence agencies under one command authority. Had this been done prior to 9/11, it is my judgment that 9/11 could have been prevented.

There was the famous FBI report from Phoenix about the suspicious character who wanted to learn to fly an airplane but wasn't interested in learning to take off or land. There were the suspicious people in Kuala Lumpur who turned out to be two of the terrorists known by the CIA to be al-Qaida, but it was not told to the INS to keep them out of the country. There was the information on Zacarias Moussaoui and the work of the FBI field office in Minneapolis with the 13-page, single-spaced report filed by Agent Coleen Rowley. Those factors and others gave clear-cut clues to what was happening or about to happen. Had they been pursued and investigated, the chances are good that 9/11 could have been prevented.

The Commission, in focusing public attention on the absolute necessity to have one commander, has accomplished something which had not been accomplished up until the present time. I served on the Intelligence Committee back in 1987, when we had the investigation of the Iran Contra affair. At that time I introduced legislation for a national intelligence director looking more to oversight at that time. In 1996, when I was chairman of the Senate Intelligence Committee, I introduced legislation which would have provided budget and hiring authority under the CIA Director. Technically, the Director of the Central Intelligence Agency has for some time—I believe going back to 1947—the overall direction of the intelligence community. But without budget authority and without hiring and firing, it has been virtually meaningless. But in 1996, I proposed that legislation.

In 2002, we moved for the creation of an Office of Homeland Security. Senator LIEBERMAN and I introduced, 30 days after 9/11, legislation to create the Department of Homeland Security. But there were various objections to it, and the issue was not taken up seriously until mid-2002. There was a real effort made in that legislation to have all of the intelligence agencies under one command authority. The House of Representatives passed a bill in October and left town, which they do from time to time, leaving us with the option of either taking their bill or not having a bill until the following spring.

At that time I had an amendment prepared to give the Secretary of Homeland Security the authority to direct all of the other intelligence agencies. As I have said on the record before, and it is worth repeating briefly, I had a conversation that afternoon with Secretary Ridge who urged me not to offer the amendment. I told him I thought it had to be done. And when I declined to accept his recommendations, I got a call from Vice President CHENEY who urged the same course. When I again declined, I later talked to the President that afternoon and decided that I would await a later date to press for having that authority to direct. But this has been a gaping hole in the intelligence apparatus forever.

The Scowcroft Commission filed a report, still in confidential form but widely reputed to create an individual in charge of the overall intelligence agency. So, finally, we are coming to the point where we are thinking very seriously about having one person in charge, a national director of intelligence, thanks to the focus of the 9/11 Commission.

The Government Affairs Committee on which I serve, with the leadership of Senator COLLINS, the chairman of the committee, and Senator LIEBERMAN, the ranking member, did something very unusual. We returned in the first week of the recess on July 30 and held additional hearings. In reviewing the work of the 9/11 Commission at that time, I expressed for the record and would repeat now briefly the concerns I have about the so-called double hatting. The 9/11 Commission has recommended that the counterintelligence unit, for example, of the FBI stay under the direction of the Director of the FBI but report also to the national intelligence director so that the Director of the FBI counterintelligence unit would be so-called double hatted.

Well, I do not think that can work under the very basic principle that no one can serve two masters.

The same kind of concept is present on double hatting with the CIA Director for the Department of Defense intelligence agencies. During the course of the Governmental Affairs hearings, I asked Congressman Lee Hamilton, cochairman of the 9/11 Commission, about the possibility of creating the director with a 10-year term, modeled after the FBI Director, to be able to have someone who would outlast the tenure of Presidents. I think that is also a concept which ought to be incorporated.

When the Governmental Affairs Committee was considering this issue and legislation, I prepared a draft bill which I submitted to the members of the Governmental Affairs Committee back on August 3 of this year.

I think it would be useful to put it into the RECORD. I ask unanimous consent that the text of that draft proposal be printed in the CONGRESSIONAL RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. There are other proposals that have been made. The chairman of the Senate Intelligence Committee, Senator ROBERTS, has proposed legislation. So we have a great many ideas to choose from. As I sat at the Governmental Affairs hearing in early August, it was my hope that we would report out a bill early. I am pleased to say Chairman COLLINS has listed a markup for the week of September 20th, so that we should have a bill to present to the Senate early on. Then it is my hope we will act on this matter and act expeditiously. We have to get it right.

These are complicated matters. We have been studying them for a very long time. We have been studying them, to my personal knowledge, going back to 1987 in legislation I introduced, and again in 1996, and with the very extensive consideration of the legislation on homeland security in 2002. So I think we are ready to move ahead and make the kinds of judgments that are tough decisions, but that is the pay grade around here. I think the time has come to act.

It may not be a perfect bill. I have been in the Senate for 24 years now and I have not seen a perfect bill. The risks of inaction, in my view, are much greater than the risks of action. We know enough to make a sound judgment as to how to put the entire intelligence community under one umbrella.

I see my colleague Senator BAYH on the floor. I yield the floor.

EXHIBIT 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Reformation Act of 2004" or "9-11 Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF INTELLIGENCE

Subtitle A—Executive Department

Sec. 101. Executive department.
Sec. 102. Director of Intelligence.

Subtitle B—Office of the Director of Intelligence

Sec. 111. Office of the Director of Intelligence.
Sec. 112. Deputy Director of Intelligence.
Sec. 113. National Counterterrorism Center.
Sec. 114. Other national intelligence centers.
Sec. 115. Assistant Director of Intelligence for Research, Development, and Procurement.
Sec. 116. Assistant Director of Intelligence for Civil Liberties and Privacy.
Sec. 117. National Intelligence Council.
Sec. 118. General Counsel of the Department of Intelligence.

Sec. 119. Inspector General of the Department of Intelligence.
Sec. 120. Intelligence Comptroller.
Sec. 121. Chief Information Officer of the Department of Intelligence.
Sec. 122. Chief Financial Officer of the Department of Intelligence.
Sec. 123. Military status of Director of Intelligence and Deputy Director of Intelligence.

Subtitle C—Mission, Responsibilities, and Authorities

Sec. 131. Provision of national intelligence.
Sec. 132. Responsibilities of Director of Intelligence.
Sec. 133. Authorities of Director of Intelligence.

TITLE II—ELEMENTS OF DEPARTMENT OF INTELLIGENCE

Subtitle A—Central Intelligence Agency

Sec. 201. Central Intelligence Agency.
Sec. 202. Mission; power and authorities.

Subtitle B—National Security Agency

Sec. 211. National Security Agency.
Sec. 212. Mission; power and authorities.

Subtitle C—National Geospatial-Intelligence Agency

Sec. 221. National Geospatial-Intelligence Agency.
Sec. 222. Mission; power and authorities.

Subtitle D—National Reconnaissance Office

Sec. 231. National Reconnaissance Office.
Sec. 232. Mission; power and authorities.

Subtitle E—Other Offices

Sec. 241. Intelligence, counterterrorism, and counterintelligence offices.
Sec. 242. Office of Civil Liberties and Privacy.

TITLE III—OTHER INTELLIGENCE MATTERS

Subtitle A—Modifications and Improvements of Intelligence Authorities

Sec. 301. Sense of Congress on availability to public of certain intelligence funding information.
Sec. 302. Coordination between Director of Intelligence and Secretary of Defense in performance of specific functions pertaining to National Foreign Intelligence Program.
Sec. 303. Role of Director of Intelligence in certain recommendations to the President on appointments to intelligence community.
Sec. 304. Collection tasking authority.
Sec. 305. Oversight of combat support agencies of the intelligence community.
Sec. 306. Improvement of intelligence capabilities of the Federal Bureau of Investigation.

Subtitle B—Restatement of Authorities on National Geospatial-Intelligence Agency

PART I—MISSIONS

Sec. 311. Missions.
Sec. 312. Support for foreign countries on imagery intelligence and geospatial information.

PART II—MAPS, CHARTS, AND GEODETIC PRODUCTS

Sec. 321. Maps, charts, and books.
Sec. 322. Pilot charts.
Sec. 323. Sale of maps, charts, and navigational publications.
Sec. 324. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations.
Sec. 325. Public availability of maps, charts, and geodetic data.
Sec. 326. Civil actions barred.
Sec. 327. Treatment of certain operational files.

PART III—PERSONNEL MANAGEMENT

Sec. 331. Management rights.
Sec. 332. Financial assistance to certain employees in acquisition of critical skills.

PART IV—DEFINITIONS

Sec. 341. Definitions.

TITLE IV—TRANSITION MATTERS

Subtitle A—Modification of Authorities on Elements of Intelligence Community

Sec. 401. Conforming modification of authorities on Central Intelligence Agency.
Sec. 402. Other conforming modifications of law relating to missions, responsibilities, and authorities of Director of Intelligence and Director of Central Intelligence Agency.
Sec. 403. Conforming modification of authorities on certain Central Intelligence Agency officers.
Sec. 404. Conforming modification of authorities on National Security Agency.
Sec. 405. Inclusion of Department of Intelligence in intelligence community.
Sec. 406. Repeal of superseded authorities on National Geospatial-Intelligence Agency.
Sec. 407. Other conforming amendment.

Subtitle B—Other Transition Matters Relating to Intelligence

Sec. 411. Preservation of intelligence capabilities.
Sec. 412. General references to intelligence officials.

Subtitle C—Transfer of Elements

Sec. 421. Transfer of Terrorist Threat Integration Center.
Sec. 422. Transfer of Community Management Staff.
Sec. 423. Transfer of certain elements of Federal Bureau of Investigation.

Subtitle D—Transfer of Functions

Sec. 431. Transfer of functions.
Sec. 432. Transitional authorities.
Sec. 433. Savings provisions.

Subtitle E—Other Matters

Sec. 441. Treatment of Department of Intelligence as executive department.
Sec. 442. Executive Schedule matters.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States receives the best intelligence available.

(2) The National Security Act of 1947 (50 U.S.C. 401 et seq.) created a formal structure under an official who would lead the Central Intelligence Agency and, in a separate role as Director of Central Intelligence, the intelligence community of the United States Government, and serve as the principal adviser to the President on intelligence.

(3) Executive Order 12333 (December 4, 1981; 46 F.R. 59941) states that "the United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal".

(4) The intelligence community of the United States is supposed to function as a single corporate enterprise, supporting those who manage the strategic interests of the United States, whether political, economic, or military.

(5) The United States has suffered through an escalating cycle of intelligence failures, especially since the end of the Cold War, while witnessing the onset of new and emerging global threats such as terrorism and proliferation of weapons of mass destruction.

(6) The Director of Central Intelligence has no genuine influence over elements of the intelligence community other than the Central Intelligence Agency because, among other things, the Director controls only a small portion of the funds, personnel, and related assets of the intelligence community. There is no structural mechanism to enforce the mandate of Executive Order 12333 that all elements of the intelligence community must fully cooperate with one another.

(7) As such, the existing intelligence structure is dysfunctional, and not organized to effectively respond to new and emerging threats. In fact, the intelligence apparatus of the United States has for decades grown more cumbersome and unaccountable and may now properly be characterized as a Cold War model in an era of terrorism.

(8) The existing dysfunctional structure of the intelligence community has severe consequences, as the Director of Central Intelligence—or those ostensibly under the Director's control—missed, ignored, or failed to connect numerous warnings which could have averted the terrorist plot of September 11, 2001. Similar errors may have caused the Director to mislead the President on the nature of weapons of mass destruction threats as the Administration weighed military action against Iraq.

(9) Despite the best efforts of the Administration of President George W. Bush, Congress, and the American people, much of the dysfunction in the intelligence community—including the lack of common terrorist watchlists and the inability to detect and apprehend terrorists traveling in the United States—has not been remedied in the three years since the terrorist attacks of September 11, 2001.

(10) The final report of the National Commission on Terrorist Attacks Upon the United States, while making certain recommendations on the restructuring of the intelligence community to meet new and emerging terrorist threats, leaves much discretion to Congress in determining the scope and nature of the restructuring of the intelligence community.

(11) President George W. Bush on August 2, 2004, specifically requested that Congress create a national intelligence director in a "free-standing entity similar to a cabinet agency or an agency" and "who will have a great deal of budget authority" and will have "the same relationship to the White House and the President that the Secretary of Defense would have, the Secretary of the Department of Homeland Security, the Attorney General, [or] the Secretary of the Treasury would have." The Executive Orders issued on August 27, 2004, while properly focusing on strengthened management of the

intelligence community, strengthening information sharing, and the creation of a National Counterterrorism Center, also leaves a great deal of discretion to Congress to codify these matters in law and determine the scope and nature of the restructuring of the intelligence community.

(12) To effectively counter the grave threat of transnational terrorism, Secretary of Defense Donald Rumsfeld recently conceded, as he must, that "strong, entrenched agencies must be willing to give up some of their turf and authority in exchange for a stronger, faster, more efficient, government-wide effort".

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for fundamental reform of the intelligence community of the United States Government involving a robust Department of Intelligence and Director of Intelligence with control over the budgets, personnel, and related assets of the intelligence community.

(2) To compel the elements of the intelligence community to work together to accomplish their common mission, much as the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) fostered "jointness" among the various Armed Forces, in conformance with the requirements of law and Executive orders.

(3) To facilitate the provision to the President and the National Security Council of the necessary information on which to base decisions concerning the development and conduct of foreign policy, defense policy, and economic policy, and the protection of United States national interests from security threats, including threats related to transnational terrorism.

(4) To ensure that all means, consistent with United States laws, Executive orders, and regulations and with full consideration of the rights of United States persons, are used to develop intelligence for the President and the National Security Council.

(5) To create a structure for the intelligence community that will better serve the President in his duty under the Constitution of the United States to protect the security of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Intelligence.

(2) DIRECTOR.—The term "Director" means the Director of Intelligence.

(3) INTELLIGENCE.—The term "intelligence" includes foreign intelligence and counterintelligence.

(4) FOREIGN INTELLIGENCE.—The term "foreign intelligence" means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(5) COUNTERINTELLIGENCE.—The term "counterintelligence" means information gathered, and activities conducted, to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(6) INTELLIGENCE COMMUNITY.—The term "intelligence community" includes—

(A) the Department, which shall include the Office of the Director of Intelligence and such other offices as the Director may designate or are prescribed by law;

(B) the Central Intelligence Agency;

(C) the National Security Agency;

(D) the Defense Intelligence Agency;

(E) the National Geospatial-Intelligence Agency;

(F) the National Reconnaissance Office;

(G) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;

(H) the intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, and the Coast Guard;

(I) the Bureau of Intelligence and Research of the Department of State;

(J) the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information; and

(K) such other elements of any other department or agency of the United States as may be designated by the President, or designated jointly by the Director and the head of the department or agency concerned, as an element of the intelligence community.

(7) NATIONAL INTELLIGENCE; INTELLIGENCE RELATED TO THE NATIONAL SECURITY.—The terms "national intelligence" and "intelligence related to the national security"—

(A) refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the Director and the Attorney General, or otherwise as expressly provided for in this Act or otherwise provided by law.

(8) NATIONAL FOREIGN INTELLIGENCE PROGRAM.—The term "National Foreign Intelligence Program" refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director and the head of a department or agency of the United States Government or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

(9) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(10) TERRORISM INFORMATION.—The term "terrorism information" means any information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other United States Government activities, relating to—

(A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to other nations or the persons or interests of other nations;

(C) communications of or by such groups or individuals; or

(D) groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

TITLE I—DEPARTMENT OF INTELLIGENCE

Subtitle A—Executive Department

SEC. 101. EXECUTIVE DEPARTMENT.

(a) EXECUTIVE DEPARTMENT.—The Department of Intelligence is an executive department of the United States.

(b) COMPOSITION.—The Department is composed of the following:

(1) The Office of the Director of Intelligence.

(2) The elements specified in title II.

(3) Such other offices, agencies, and activities as may be established by law or by the President.

(c) SEAL.—The Director shall have a seal for the Department. The design of the seal is subject to approval by the President. Judicial notice shall be taken of the seal.

SEC. 102. DIRECTOR OF INTELLIGENCE.

(a) DIRECTOR OF INTELLIGENCE.—There is a Director of Intelligence, who is the head of the Department of Intelligence, appointed by the President, by and with the advice and consent of the Senate.

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as Director shall have extensive national security expertise.

(c) TERM OF OFFICE.—(1) The term of service of the Director shall be 10 years.

(2) Paragraph (1) shall apply with respect to any individual appointed as Director after the date of the enactment of this Act.

(3) If the individual serving as the Director of Central Intelligence on the date of the enactment of this Act is the first person appointed as Director of Intelligence under this section, the date of appointment of such individual as Director of Intelligence shall be treated as the date of the commencement of the term of service of the individual as Director of Intelligence for purposes of this subsection.

(d) DUTIES AND RESPONSIBILITIES.—The Director shall—

(1) serve as head of the intelligence community in accordance with the provisions of this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law;

(2) act as a principal adviser to the President for intelligence related to the national security; and

(3) determine the annual budget for intelligence and intelligence-related activities of the United States Government in accordance with section 133.

Subtitle B—Office of the Director of Intelligence

SEC. 111. OFFICE OF THE DIRECTOR OF INTELLIGENCE.

(a) OFFICE OF DIRECTOR OF INTELLIGENCE.—There is within the Department an Office of the Director of Intelligence.

(b) FUNCTION.—The function of the Office of the Director of Intelligence is to assist the Director in carrying out the duties and responsibilities of the Director under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law and to carry out such other duties as may be prescribed by law.

(c) COMPOSITION.—The Office of the Director of Intelligence is composed of the following:

(1) The Deputy Director of Intelligence.

(2) The National Counterterrorism Center.

(3) Other national intelligence centers established under section 114.

(4) The Assistant Director of Intelligence for Research, Development, and Procurement.

(5) The Assistant Director of Intelligence for Civil Liberties and Privacy.

(6) The National Intelligence Council.

(7) The General Counsel of the Department of Intelligence.

(8) The Inspector General of the Department of Intelligence.

(9) The Intelligence Comptroller.

(10) The Chief Information Officer of the Department of Intelligence.

(11) The Chief Financial Officer of the Department of Intelligence.

(12) Such other offices and officials as may be established by law or the Director may establish or designate in the Office.

(d) STAFF.—(1) To assist the Director in fulfilling the responsibilities of the Director as head of the intelligence community, the Director shall employ and utilize in the Office of the Director of Intelligence a professional staff having an expertise in matters relating to such responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

(2) The staff of the Office under paragraph (1) shall include the elements of the Community Management Staff that are transferred to the Office under title IV.

(3) To the maximum extent practicable, the Director shall utilize existing personnel, resources, and expertise in organizing the staff of the Office under paragraph (1).

SEC. 112. DEPUTY DIRECTOR OF INTELLIGENCE.

(a) DEPUTY DIRECTOR OF INTELLIGENCE.—There is a Deputy Director of Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as Deputy Director of Intelligence shall have extensive national security expertise.

(c) DUTIES AND RESPONSIBILITIES.—The Deputy Director of Intelligence shall, subject to the direction of the Director, be responsible for assisting the Director in carrying out the responsibilities of the Director, including—

(1) assisting the Director in the development and execution of budgets under section 133, evaluating programs, and exercising authority under section 133(f) with respect to reprogramming and reallocation of funds and transfers of personnel;

(2) assisting the Director in the transition of elements of the intelligence community to the Department under this Act;

(3) assisting the Director in the development, implementation, and management of a personnel system for intelligence community personnel;

(4) collecting data and preparing separate quarterly reports on the obligation and expenditures of funds from the elements of the intelligence community under the National Foreign Intelligence Program;

(5) assisting the Director in the establishment of the National Counterterrorism Center and the national intelligence centers;

(6) assisting the Director in the management and administration of the staff of the Office of the Director of Intelligence;

(7) assisting the Director in performing management functions across the intelligence community, including the management of personnel and resources;

(8) assisting the Director in ensuring that the elements of the intelligence community make better use of open source intelligence analysis;

(9) assisting the Director in directing the efficient and effective tasking of national intelligence collection using technical means and human sources;

(10) assisting the Director with the establishment of standards, requirements, and priorities for the analysis and production of intelligence by all elements of the intelligence community;

(11) assisting the Director in overseeing the collection, analysis, production, and dissemination of intelligence by all elements of the intelligence community;

(12) assisting the Director in monitoring the allocation of resources for the collection, analysis, and production of intelligence in order to identify any unnecessary duplication in the collection, analysis and production of intelligence;

(13) assisting the Director in directing the competitive analysis of analytical products having national importance;

(14) assisting the Director with the establishment of priorities and requirements for daily tasking of collection, analysis, and dissemination of information;

(15) assisting the Director in conducting daily tasking of collection, analysis, and dissemination of information;

(16) assisting the Director in providing advisory guidance on the tasking of collection, analysis, and dissemination of information to elements of the departments and agencies of the United States Government that collect intelligence and are not within the National Foreign Intelligence Program;

(17) assisting the Director with the establishment of procedures and mechanisms to provide for real-time automated tasking across multiple intelligence disciplines, such as signals intelligence, measurement and signature intelligence, human intelligence, imagery intelligence, and electronic intelligence;

(18) assisting the Director in assessing the performance of the elements of the intelligence community with respect to tasking requests and priorities; and

(19) making recommendations to the Director regarding the assignment within the Department of officers or employees of the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and other elements of the Department to assist in the tasking of collection, analysis, and dissemination of information to all elements of the intelligence community under the National Foreign Intelligence Program.

(d) POWER TO ACT AS DIRECTOR OF INTELLIGENCE.—The Deputy Director of Intelligence shall act for, and exercise the powers of, the Director during the Director's absence or disability or during a vacancy in the position of Director of Intelligence.

(e) PRECEDENCE IN OFFICE OF DIRECTOR OF INTELLIGENCE.—The Deputy Director of Intelligence takes precedence in the Office of the Director of Intelligence immediately after the Director.

SEC. 113. NATIONAL COUNTERTERRORISM CENTER.

(a) NATIONAL COUNTERTERRORISM CENTER.—There is a National Counterterrorism Center.

(b) MISSIONS.—(1) The missions of the National Counterterrorism Center shall be as follows:

(A) To serve as the primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism or counterterrorism (other than purely domestic counterterrorism information) and, in furtherance of such mission—

(i) to receive, retain, and disseminate information from any department, agency, or other element of the Federal Government, any State or local government, or any other source to the extent consistent with applicable law; and

(ii) to respond to inquiries from any department, agency, or other element of the Federal Government, or any State or local government agency, that is discharging counterterrorism responsibilities in order to assist such department, agency, or element in discharging such responsibilities.

(B) To conduct strategic planning for operations for counterterrorism activities that integrate all instruments of National power, including diplomacy, finance, military force, intelligence, homeland security, and law enforcement.

(C) Consistent with applicable law, to assign general responsibilities for counterterrorism in support of strategic plans under paragraph (2) to departments, agencies, and elements of the United States Government having counterterrorism responsibilities, and provide such departments, agencies, and elements with access to intelligence necessary to accomplish the responsibilities so assigned, without undertaking the direction of such operations.

(D) To serve as the central and shared information repository within the United States Government on terrorism information.

(E) To ensure that appropriate departments, agencies, and elements of the United States Government have access to and receive all-source intelligence support necessary to executive their counterterrorism plans or perform alternative, independent analysis.

(F) To unify the strategic intelligence and planning of operations against transnational terrorist threats across the foreign-domestic divide.

(G) To foster joint action among the department, agencies, and elements of the United States Government involved in counterterrorism.

(H) To oversee the counterterrorism operations of the United States Government.

(I) To ensure that an accountable official has authority to guide the Government-wide counterterrorism efforts of the United States Government.

(2) A department, agency, or element of the United States Government that objects to the assignment of general operational authority to such department, agency, or element under paragraph (1)(C) shall notify the National Security Council and the Homeland Security Council under title IX of the Homeland Security Act of 2002 (6 U.S.C. 491 et seq.) of such objection.

(c) ADMINISTRATOR OF NATIONAL COUNTERTERRORISM CENTER.—(1) There is an Administrator of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as Administrator of the National Counterterrorism Center shall have significant expertise in matters relating to the national security of the United States and matters relating to terrorism that threatens the national security of the United States.

(d) DUTIES AND RESPONSIBILITIES OF ADMINISTRATOR.—Notwithstanding any other provision of law, at the policy direction of the President and the National Security Council, the Administrator of the National Counterterrorism Center shall, through the Director, be responsible for the following insofar as it relates to counterterrorism:

(1) Serving as the principal advisor to the President on counterterrorism matters.

(2) Directing the efficient and effective tasking of national intelligence collection using technical means and human sources.

(3) Establishing standards and priorities relating to the analysis and production of intelligence by the elements of the intelligence community.

(4) Directing the tasking of analysis and production of intelligence by the elements of the intelligence community.

(5) Directing competitive analysis of analytical products having national importance.

(6) Identifying intelligence requirements.

(e) AUTHORITIES OF ADMINISTRATOR.—In carrying out the duties and responsibilities specified in subsection (d), the Administrator of the National Counterterrorism Center shall—

(1) monitor the implementation of counterterrorism operations and coordinate the updating of plans for such operations as needed;

(2) oversee interagency task forces on counterterrorism (including task forces of the Central Intelligence Agency, the Federal Bureau of Investigation, and other departments, agencies, and elements of the United States Government), and, as the Administrator determines necessary, incorporate the coordinating activities of such task forces into the Center;

(3) incorporate into the Center any interagency planning of operations on counterterrorism that is being conducted by the staff of the National Security Council as of the date of the enactment of this Act;

(4) establish priorities and requirements for, and coordinate the efficient and effective tasking of, national intelligence collection on counterterrorism, whether inside or outside the United States, using technical means and human sources, including the establishment of mechanisms and procedures to provide for automated tasking across multiple intelligence disciplines in real time;

(5) develop assessments comparing terrorist capabilities and intentions with United States defenses against such threats (commonly referred to as "net-assessments");

(6) provide warnings of terrorist threats as directed by the President;

(7) incorporate, as necessary, the perspectives and needs of State and local counterterrorism officials in implementing the mission of the Center; and

(8) access, as considered necessary by the Administrator for the performance of the functions of the Center, information to which the Administrator is granted access by subsection (i).

(f) DEPUTY ADMINISTRATORS OF NATIONAL COUNTERTERRORISM CENTER.—(1) There is in the National Counterterrorism Center a Deputy Administrator of the National Counterterrorism Center for Intelligence who shall be appointed by the Administrator of the National Counterterrorism Center.

(2) There is in the National Counterterrorism Center a Deputy Administrator of the National Counterterrorism Center for Operations who shall be appointed by the Administrator of the National Counterterrorism Center.

(3) The Deputy Administrators shall have the responsibilities set forth in subsection (g).

(g) DUTIES AND RESPONSIBILITIES OF DEPUTY ADMINISTRATORS.—(1) The Deputy Administrator of the National Counterterrorism Center for Intelligence shall have responsibilities for matters as follows:

(A) Strategic analysis of terrorist threats.

(B) The pooling of all-source intelligence (whether domestic or foreign) about transnational terrorist organizations with worldwide reach.

(C) The development of assessment comparing terrorist capabilities and intentions with United States defenses against such threats (commonly referred to as "net assessments").

(D) The provision of warnings on terrorist threats.

(E) The discharge of the tasking of national intelligence under subsection (d) and (e).

(F) The duties of the Terrorist Threat Integration Center (TTIC) transferred to the Department under title IV.

(2) The Deputy Administrator of the National Counterterrorism Center for Operations shall have responsibilities as follows:

(A) Joint planning for the assignment of responsibilities for operations to lead agencies.

(B) The tracking of operations so assigned.

(C) The overall coordination of operations of the intelligence community.

(h) STAFF.—(1) To assist the Administrator of the National Counterterrorism Center in fulfilling the responsibilities of the Administrator under this section, the Administrator shall employ and utilize in the Center a professional staff having an expertise in matters relating to such responsibilities.

(2) The head of any element of the intelligence community may, upon the request of the Director, assign or detail to the Center any officer or employee of such element to assist the Administrator in carrying out the responsibilities of the Administrator under this section.

(i) ACCESS TO TERRORISM INFORMATION.—The head of each department, agency, or other element of the United States Government that possesses or acquires terrorism information shall—

(1) give prompt access to such information to the Administrator of the National Counterterrorism Center, unless otherwise expressly prohibited by law or otherwise directed by the President;

(2) cooperate in, and facilitate the production of, reports based on terrorism information with contents and formats that permit dissemination of such information in a manner that maximizes the utility of such information in protecting the territory, people, and interests of the United States; and

(3) if such department, agency, or other element conducts diplomatic, financial, military, homeland security, intelligence, or law enforcement activities relating to counterterrorism, keep the Administrator fully and currently informed of such activities, unless expressly prohibited by law or otherwise directed by the President.

SEC. 114. OTHER NATIONAL INTELLIGENCE CENTERS.

(a) NATIONAL INTELLIGENCE CENTERS.—(1) The Director shall establish within the Department one or more centers (to be known as "national intelligence centers") to address intelligence priorities established by the National Security Council.

(2) Each national intelligence center shall be assigned an area of intelligence responsibility, whether expressed in terms of a geographic region (including the Middle East), in terms of function (including counterterrorism, proliferation of weapons of mass destruction, and international crime and narcotics), or in other terms.

(b) REQUIREMENTS RELATING TO ESTABLISHMENT OF CENTERS.—(1) In establishing a national intelligence center, the Director shall assign lead responsibility for such center to an element of the intelligence community selected by the Director for that purpose.

(2) The Director shall determine the structure and size of each national intelligence center.

(3) The Director shall notify the congressional intelligence committees of the establishment of a national intelligence center not later than 60 days before the date of the establishment of the center.

(c) MISSION OF CENTERS.—(1) Each national intelligence center shall provide joint all source intelligence analysis and planning of intelligence operations in the area of intelligence responsibility assigned the center by the Director pursuant to intelligence priorities established by the National Security Council.

(2) As part of its intelligence analysis mission, a national intelligence center shall—

(A) undertake primary responsibility for strategic and tactical intelligence analysis, fusing all-source intelligence, whether foreign or domestic, on the area of intelligence responsibility of the center;

(B) develop intelligence net assessments;

(C) provide threat warnings to the Director and to appropriate departments, agencies, and elements of the United States Government for further dissemination at the State and local level; and

(D) direct foreign and domestic intelligence collection and analysis to address threats and to support implementation of operations.

(3) As part of its mission to plan intelligence operations, a national intelligence center shall—

(A) develop, based on policy objectives and priorities established by the National Security Council, plans for operations for intelligence collection for its area of intelligence responsibility;

(B) assign responsibilities for operations for intelligence collection for its area of intelligence responsibility to the elements of the intelligence community, which operations shall be directed and conducted by the elements of the intelligence community concerned; and

(C) oversee implementation of such plans and operations, and update such plans, as the administrator of the center considers appropriate.

(d) SUPERVISION.—The administrator of each national intelligence center shall report directly to the Director in order to ensure adequate sharing of intelligence analysis and adequate planning of intelligence operations in the area of intelligence responsibility assigned to such center.

(e) STAFF OF CENTERS.—(1) The head of an element of the intelligence community shall, upon the request of the administrator of a national intelligence center and with the approval of the Director, assign or detail to the center any personnel, including intelligence analysts and intelligence operations specialists, of such element as the administrator of the center considers appropriate to carry out the mission of the center.

(2) Personnel assigned or detailed to a national intelligence center under paragraph (1) shall be under the authority, direction, and control of the administrator of the center on all matters for which the center has been assigned responsibility and for all matters related to the accomplishment of the mission of the center.

(3) Performance evaluations of personnel assigned or detailed to a national intelligence center under this subsection shall be

undertaken by the supervisors of such personnel at the center.

(4) The supervisors of the staff of a national center may, with the approval of the Director, reward the staff of the center for meritorious performance by the provision of such performance awards as the Director shall prescribe.

(5) The administrator of a national intelligence center may recommend to the head of the element of the intelligence community concerned the reassignment to such element of any personnel of such element previously assigned or detailed to the center.

(f) Modification or Termination of Centers.—(1) The Director may terminate a national intelligence center if the Director determines that the center is no longer required to meet an intelligence priority established by the National Security Council.

(2) The Director may from time to time recommend to the National Security Council a modification of the mission or responsibilities of a national intelligence center, and may, with the approval of the National Security Council, modify the mission or responsibilities of a national intelligence center.

(g) Support.—The element of the intelligence community assigned lead responsibility for a national intelligence center under subsection (b)(1) shall be responsible for the provision of administrative support for the center, including the provision of funds to the center necessary for the administration of the center, until such time as the center is included in the National Foreign Intelligence Program Budget.

SEC. 115. ASSISTANT DIRECTOR OF INTELLIGENCE FOR RESEARCH, DEVELOPMENT, AND PROCUREMENT.

(a) Assistant Director of Intelligence for Research, Development, and Procurement.—There is an Assistant Director of Intelligence for Research, Development, and Procurement who shall be appointed by the Director.

(b) Direction.—The Assistant Director of Intelligence for Research, Development, and Procurement shall report to the Director regarding the activities of the Assistant Director.

(c) Principal Responsibilities.—The Assistant Director of Intelligence for Research, Development, and Procurement shall—

(1) manage and oversee the research and development activities of the intelligence community with respect to the intelligence and intelligence-related activities of the United States Government;

(2) ensure that research and development projects are consistent with national intelligence requirements;

(3) establish priorities among such projects in order to address deficiencies in the collection, analysis, and dissemination of national intelligence;

(4) account for funding constraints in program development and acquisition;

(5) address system requirements from collection to final dissemination (also known as "end-to-end architecture"); and

(6) in consultation with the Director, the Chief Information Officer of the Department of Intelligence, and the Intelligence Comptroller, ensure that tactical military intelligence systems, military systems, and national intelligence systems are sufficiently interoperable.

(e) Responsibility for Performance of Specific Function.—In carrying out responsibilities under this section, the Assistant Director of Intelligence for Research, Development, and Procurement shall ensure through the National Reconnaissance Office the continued operation of an effective unified organization for the research, development, and acquisition of overhead reconnaissance systems necessary to satisfy—

(1) the requirements of all elements of the intelligence community; and

(2) the needs of the Department of Defense, including the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands.

SEC. 116. ASSISTANT DIRECTOR OF INTELLIGENCE FOR CIVIL LIBERTIES AND PRIVACY.

(a) Assistant Director of Intelligence for Civil Liberties and Privacy.—There is an Assistant Director of Intelligence for Civil Liberties and Privacy who shall be appointed by the Director.

(b) Direction.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall report to the Director regarding the activities of the Assistant Director.

(c) Duties and Responsibilities.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall—

(1) serve as the head of the Office of Civil Liberties and Privacy under section 242; and

(2) in that capacity, have the duties and responsibilities specified in that section.

SEC. 117. NATIONAL INTELLIGENCE COUNCIL.

(a) National Intelligence Council.—There is a National Intelligence Council.

(b) Composition.—(1) The National Intelligence Council shall be composed of substantive experts on matters addressed by the Council who shall be appointed by, report to, and serve at the pleasure of the Director.

(2) The Director shall prescribe appropriate security requirements for service on the Council to ensure the protection of intelligence sources and methods.

(c) Duties and Responsibilities.—(1) The National Intelligence Council shall—

(A) produce national intelligence estimates for the United States Government, including alternative views held by elements of the intelligence community;

(B) evaluate intelligence community-wide collection, analysis, and production of intelligence and the requirements and resources of the collection, analysis, and production of such intelligence; and

(C) otherwise assist the Director in carrying out the responsibilities described in section 131.

(2)(A) National intelligence estimates produced under paragraph (1)(A) shall—

(i) separately state, and distinguish between, the intelligence underlying the estimate and the assumptions and judgment of analysts with respect to that intelligence and estimate;

(ii) describe the quality and reliability of the intelligence underlying the estimates; and

(iii) present and explain alternative conclusions with respect to the intelligence and estimates.

(B) Before publication and distribution of a national intelligence estimate, the estimate shall be certified by both the Director and the Chairman of the Council as approved for publication and distribution.

(d) Access to Intelligence.—To the extent approved by the President and recommended by the Director, the National Intelligence Council shall have access to all intelligence related to the national security that is necessary for its duties and responsibilities under this section.

(e) Contract Authority.—Subject to the direction and control of the Director, the National Intelligence Council may carry out its duties and responsibilities under this section by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this section.

(f) Staff.—The Director shall make available to the National Intelligence Council such staff as may be necessary to permit the Council to carry out its duties and responsibilities under this section.

(g) Availability to Policymakers.—The National Intelligence Council shall be readily accessible to policymaking officials of the United States.

(h) Assistance of Intelligence Community.—The heads of the elements of the intelligence community shall, as appropriate, furnish such support to the National Intelligence Council, including the preparation of intelligence analyses, as may be required by the Director.

SEC. 118. GENERAL COUNSEL OF THE DEPARTMENT OF INTELLIGENCE.

(a) General Counsel.—There is a General Counsel of the Department of Intelligence who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Prohibition on Dual Service as General Counsel of Another Agency.—The individual serving in the position of General Counsel of the Department of Intelligence may not, while so serving, also serve as the General Counsel of any other department, agency, or element of the United States Government.

(c) Scope of Position.—The General Counsel of the Department of Intelligence is the chief legal officer of the Department.

(d) Functions.—The General Counsel of the Department of Intelligence shall perform such functions as the Director may prescribe.

SEC. 119. INSPECTOR GENERAL OF THE DEPARTMENT OF INTELLIGENCE.

(a) Inspector General.—There is an Inspector General of the Department of Intelligence who shall be appointed as provided in section 3 of the Inspector General Act of 1978 (5 U.S.C. App. 3).

(b) Supervision and Control; Removal.—(1) The Inspector General of the Department of Intelligence shall report to and be under the general supervision of the Director.

(2) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

(c) Duties and Responsibilities.—It shall be the duty and responsibility of the Inspector General of the Department of Intelligence—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Department and the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the Director fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of

such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports;

(4) to prepare semiannual reports as provided in subsection (d); and

(5) to perform such other duties specified for inspectors general in the Inspector General Act of 1978 as the Director shall prescribe.

(d) POWERS AND AUTHORITIES.—(1)(A) The Inspector General of the Department of Intelligence shall have access to any employee or any employee of a contractor of the Department or any other element of the intelligence community whose testimony is needed for the performance of the duties and responsibilities of the Inspector General.

(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

(2) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Department or any other element of the intelligence community—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Agency or any other element of the intelligence community in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(3) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the Inspector General's duties, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

(4) The Inspector General shall have such additional powers and authorities specified for inspectors general in the Inspector General Act of 1978 as the Director shall prescribe.

(e) SEMIANNUAL REPORTS.—(1) Not later than April 30 and October 31 each year, the Inspector General of the Department of Intelligence shall submit to the Director a report on the activities of the Inspector General under this section during the six-month period ending March 31 and September 30 of such year, respectively.

(2) Each report shall include, for the period covered by such report, the following:

(A) The matters specified for semiannual reports of inspectors general in section 5 of the Inspector General Act of 1978.

(B) An assessment of the effectiveness of all measures in place in the Department for the protection of civil liberties and privacy of United States persons.

(3) Not later than 30 days after receipt of a report under paragraph (1), the Director shall transmit to the congressional intelligence committees a complete, unabridged copy of such report together with such comments on such report as the Director considers appropriate.

(f) COOPERATION WITH OTHER INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—Each inspector general of an element of the intelligence community shall cooperate fully with the Inspector General of the Department of Intelligence in the performance of any duty or function by the Inspector General of the Department of Intelligence under this section regarding such element.

(g) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—The performance by the Inspector General of the Department of Intelligence of any duty or function regarding an element of the intelligence community may not be construed to modify or affect the responsibility of any other inspector general having responsibilities regarding the element of the intelligence community.

SEC. 120. INTELLIGENCE COMPTROLLER.

(a) INTELLIGENCE COMPTROLLER.—There is an Intelligence Comptroller who shall be appointed by the Director.

(b) SUPERVISION.—The Intelligence Comptroller shall report directly to the Director.

(c) DUTIES.—The Intelligence Comptroller shall—

(1) assist the Secretary of Defense in the preparation and execution of the budget of the Department of Defense insofar as such budget relates to the tactical intelligence programs;

(2) assist the Deputy Director of Intelligence in the preparation and execution of the budget of the intelligence community under the National Foreign Intelligence Program;

(3) provide unfettered access to the Director to financial information under the National Foreign Intelligence Program; and

(4) provide information to the Deputy Director of Intelligence necessary for reports under section 112(c)(4).

(d) STAFF.—The staff of the Intelligence Comptroller shall consist of personnel of the intelligence community who are assigned to the staff by the Director, in consultation with the heads of the other elements of the intelligence community.

SEC. 121. CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF INTELLIGENCE.

(a) CHIEF INFORMATION OFFICER OF DEPARTMENT OF INTELLIGENCE.—There is a Chief Information Officer of the Department of Intelligence who shall be appointed by the Director.

(b) ELIGIBILITY FOR APPOINTMENT.—Any individual appointed as Chief Information Officer of the Department of Intelligence shall have extensive experience in the management, operation, and maintenance of complex information networks, including the use of advanced information technology applications and products to promote the efficient and secure exchange of information across such networks.

(c) DUTIES AND RESPONSIBILITIES.—The Chief Information Officer of the Department of Intelligence shall—

(1) develop an integrated information technology network that provides for the efficient and secure exchange of intelligence information among the elements of the intelligence community and, as directed by the President, other departments, agencies, and elements of the United States Government and of State and local governments;

(2) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture;

(3) ensure that the elements of the intelligence community have direct and continuous electronic access to all information (including unevaluated intelligence) necessary for appropriately cleared analysts to conduct comprehensive all-source analysis and for appropriately cleared policymakers to perform their duties;

(4) review and provide recommendations to the Director on intelligence community budget requests for information technology and national security systems;

(5) ensure the interoperability of information technology and national security systems throughout the intelligence community;

(6) promulgate and enforce standards on information technology and national security systems that apply throughout the intelligence community;

(7) provide for the elimination of duplicate information technology and national security systems within and between the elements of the intelligence community; and

(8) maintain a consolidated inventory of mission critical and mission essential information systems for the intelligence community, identify interfaces between such systems and other information systems, and develop and maintain contingency plans for responding to a disruption in the operation of any of such systems.

SEC. 122. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF INTELLIGENCE.

(a) CHIEF FINANCIAL OFFICER OF DEPARTMENT OF INTELLIGENCE.—There is a Chief Financial Officer of the Department of Intelligence who shall be appointed from civilian life by the Director.

(b) SUPERVISION.—The Chief Financial Officer of the Department of Intelligence shall report directly to the Director.

(c) DUTIES AND RESPONSIBILITIES.—The Chief Financial Officer of the Department of Intelligence shall, in consultation with the Intelligence Comptroller—

(1) assist the Director and the Deputy Director of Intelligence in the preparation and execution of the budget of the elements of the intelligence community under the National Foreign Intelligence Program;

(2) assist the Secretary of Defense in the preparation and execution of the budget of the Department of Defense insofar as such budget relates to the elements of the intelligence community within the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program; and

(3) provide unfettered access to the Director to financial information under the National Foreign Intelligence Program.

(d) STAFF.—The staff of the Chief Financial Officer of the Department of Intelligence shall consist of personnel of the elements of the intelligence community who are assigned to the staff by the Director.

SEC. 123. MILITARY STATUS OF DIRECTOR OF INTELLIGENCE AND DEPUTY DIRECTOR OF INTELLIGENCE.

(a) IN GENERAL.—(1) Not more than one of the individuals serving in the positions specified in subsection (b) may be a commissioned officer of the Armed Forces in active status.

(2) It is the sense of Congress that at least one of the individuals serving in a position specified in subsection (b) should be a commissioned officer of the Armed Forces, whether in active or retired status.

(b) COVERED POSITIONS.—The positions referred to in this subsection are the following:

(1) The Director.

(2) The Deputy Director of Intelligence.

(c) SERVICE OF COMMISSIONED OFFICERS.—(1) A commissioned officer of the Armed Forces, while serving in a position specified in subsection (b)—

(A) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

(B) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense, except as otherwise authorized by law; and

(C) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the appointment of an officer of the Armed Forces to a position specified in subsection (b) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in subsection (b), while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director.

Subtitle C—Mission, Responsibilities, and Authorities

SEC. 131. PROVISION OF NATIONAL INTELLIGENCE.

(a) PROVISION OF NATIONAL INTELLIGENCE.—The Director shall be responsible for providing national intelligence—

(1) to the President;

(2) to the heads of other departments and agencies of the executive branch;

(3) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and

(4) upon request, to the Senate and House of Representatives and the committees thereof.

(b) SENSE OF CONGRESS.—The national intelligence provided under subsection (a) should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

SEC. 132. RESPONSIBILITIES OF DIRECTOR OF INTELLIGENCE.

(a) IN GENERAL.—The Director shall, in consultation with the heads of relevant entities and taking into consideration the intelligence requirements established by the National Security Council for purposes of national security and foreign policy—

(1) direct and manage the tasking of collection, analysis, and dissemination of national intelligence by elements of the intelligence community, including the establishment of requirements and priorities of such tasking;

(2) approve collection and analysis requirements, determine collection and analysis priorities, and resolve conflicts in collection and analysis priorities levied on national collection and analysis assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President;

(3) promote and evaluate the utility of national intelligence to consumers within the United States Government;

(4) eliminate waste and unnecessary duplication within the intelligence community;

(5) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or Executive order;

(6) establish requirements and procedures for the classification of information;

(7) establish requirements and procedures for the dissemination of classified information by elements of the intelligence community;

(8) establish intelligence reporting guidelines while protecting intelligence sources and methods;

(9) oversee and ensure compliance by each element of the intelligence community with the statutes and Executive orders of the United States, including laws related to the protection of civil liberties and privacy of United States persons;

(10) protect intelligence sources and methods from unauthorized disclosure as provided in subsection (b);

(11) establish and implement policies and procedures governing access to, and use of, specified data base information by officers and employees of the elements of the intelligence community and, as directed by the President (after recommendations by the Attorney General), law enforcement personnel of the United States Government;

(12) develop, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate departments and agencies of the United States Government, an integrated communications network that provides interoperable communications capabilities among all elements of the intelligence community and such other entities and persons as the Director considers appropriate;

(13) develop and implement, in consultation with the heads of the other elements of the intelligence community, policies and programs within the intelligence community for the rotation of personnel among the elements of the intelligence community in a manner that—

(A) makes service in more than one element of the intelligence community pursuant to such rotation a condition of promotion to such positions within the intelligence community as the Director shall specify;

(B) ensures the effective management of intelligence community personnel who are specially training in intelligence community-wide matters; and

(C) establishes standards for education and training that will facilitate assignments to the national intelligence centers under section 114;

(14) consolidate and manage a common personnel security system for the Department;

(15) develop and implement, as necessary, a common personnel system and common retirement and disability system for the Department;

(16) ensure that the composition of the personnel of the intelligence community is sufficiently diverse for purposes of the collection and analysis of intelligence by recruiting and training for service in the intelligence community women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(17) appoint officers or employees of the Department of Homeland Security, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and other elements of the Department of Intelligence to serve as tasking directors to assist in the tasking of collection, analysis, and dissemination of information for all elements of the intelligence community under the National Foreign Intelligence Program;

(18) in accordance with the provisions of section 106 of the National Security Act of 1947 (50 U.S.C. 403–6), make recommendations to the President regarding the appointment of certain heads of elements of the intelligence community;

(19) develop such objectives and guidance for the intelligence community as, in the judgment of the Director, are necessary to ensure the timely and effective collection, processing, analysis, and dissemination of intelligence, of whatever nature and from whatever source derived, concerning current and potential threats to the security of the United States and its interests, and to ensure that the National Foreign Intelligence Program is structured adequately to achieve such objectives;

(20) work with the elements of the intelligence community to ensure that the intelligence collection activities of the United States Government are integrated in—

(A) collecting against enduring and emerging threats to the national security of the United States;

(B) maximizing the value of such intelligence collection to the national security of the United States; and

(C) ensuring that all collected data is available, to the maximum extent practicable, for integration, analysis, and dissemination to those who can act on, add value to, or otherwise apply it to mission needs;

(21) ensure that appropriate departments, agencies, and elements of the United States Government have access to, and receive, all-source intelligence support needed to perform independent, alternative analysis;

(22) establish policies, procedures, and mechanisms that translate intelligence objectives and priorities approved by the President into specific guidance for the intelligence community;

(23) receive access to all foreign intelligence, counterintelligence, and national intelligence, including intelligence derived from activities of any department, agency, or element of the United States Government, and to all other information that is related to the national security or is otherwise required for the performance of the duties of the Director, except in cases in which the access of the Director to such information is

expressly prohibited by law, by the President, or by the Attorney General acting at the direction of the President;

(24) consistent with section 133, review, and approve or disapprove, any proposal to—

(A) reprogram funds within an appropriation for the National Foreign Intelligence Program;

(B) transfer funds from an appropriation for the National Foreign Intelligence Program to an appropriation that is not for the National Foreign Intelligence Program within the intelligence community; or

(C) transfer funds from an appropriation that is not for the National Foreign Intelligence Program within the intelligence community to an appropriation for the National Foreign Intelligence Program;

(25) ensure that any intelligence and operational systems and architectures of the departments, agencies, and elements of the United States Government are consistent with national intelligence requirements set by the Director and all applicable information sharing and security guidelines and information privacy requirements;

(26) in consultation with the Attorney General, set forth common standards, through written requirements, procedures, and guidelines, for the collection and sharing of information collected abroad and in the United States by the elements of the intelligence community, and with State and local governments in consultation with the Secretary of Homeland Security, while to the maximum extent practicable, protecting the privacy and civil liberties of United States persons and ensuring that relevant officers of the United States Government are provided with clear, understandable, consistent, effective, and lawful procedures and guidelines for the collection, handling, distribution, and retention of information;

(27) require, at the outset of the intelligence collection and analysis process, the creation of records and reporting, for both raw and processed information, in such a manner that sources and methods are protected so that the information can be distributed at lower classification levels, and by creating unclassified versions for distribution whenever possible;

(28) require information to be shared free of originator controls, including controls requiring the consent of the originating agency prior to the dissemination of the information outside any other agency to which it has been made available, and otherwise minimizing the applicability of information compartmentalization systems to information while holding personnel accountable for increased sharing of intelligence related to the national security;

(29) direct, supervise, and control all aspects of national intelligence, including the programs, projects, and activities of the national intelligence centers; and

(30) perform such other functions as the President may direct.

(b) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) In order to protect intelligence sources and methods from unauthorized disclosure and, consistent with that protection, to maximize the dissemination of intelligence, the Director shall establish and implement guidelines for the following purposes:

(A) The classification of information.

(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

(C) The preparation of intelligence reports to ensure that, to the maximum extent practicable, information contained in such reports is also available in unclassified form.

(2) The Director may not delegate a duty or authority under this subsection.

(c) UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.—The President, acting through the Director, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any department, agency, or element of the United States Government and to employees of contractors of the departments, agencies, and elements of the United States Government;

(2) ensure the consistent implementation of those standards and procedures throughout the departments, agencies, and elements of the United States Government; and

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

SEC. 133. AUTHORITIES OF DIRECTOR OF INTELLIGENCE.

(a) ACCESS TO INTELLIGENCE.—To the extent approved by the President, the Director shall have access to all intelligence related to the national security which is collected by any department, agency, or other element of the United States Government.

(b) DETERMINATION OF BUDGETS FOR NFIP AND OTHER INTELLIGENCE ACTIVITIES.—The Director shall determine, as appropriate, the annual budget for intelligence and intelligence-related activities of the United States under section 102(d)(3) by—

(1) developing and presenting to the President an annual budget for the National Foreign Intelligence Program, including, in furtherance of such budget—

(A) the preparation, review, modification, and approval of budgets of the elements of the intelligence community; and

(B) the preparation, review, modification, and approval of personnel and resource allocations by the elements of the intelligence community;

(2) participating in the development by the Secretary of Defense of the annual budget for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program;

(3) having direct jurisdiction of amounts appropriated or otherwise made available for the National Foreign Intelligence Program as specified in subsection (e); and

(4) managing and overseeing the execution, and, if necessary, the modification of the annual budget for the National Foreign Intelligence Program, including directing the reprogramming and reallocation of funds, and the transfer of personnel, among and between elements of the intelligence community in accordance with subsection (f).

(c) BUDGET AUTHORITIES.—(1) For purposes of subsection (b)—

(A) the Director shall, acting through the Deputy Director of Intelligence, direct, coordinate, and prepare the annual budgets of the elements of the intelligence community within the National Foreign Intelligence Program, in consultation with the heads of such elements;

(B) the Director shall provide guidance for the development of the annual budgets for such other elements of the intelligence community as are not within the National Foreign Intelligence Program;

(C) the heads of the elements referred to in subparagraph (B), shall coordinate closely with the Deputy Director of Intelligence in the development of the budgets of those elements, before the submission of their recommendations to the Director for approval; and

(D) the budget of any element of the intelligence community within the National Foreign Intelligence Program may not be provided to the President for transmission to Congress unless the Director has approved such budget.

(2)(A) In preparing and presenting an annual budget under subsection (b)(1), the Director shall develop the annual budget for the elements of the intelligence community within the National Foreign Intelligence Program.

(B) If any portion of the budget for an element of the intelligence community is prepared outside the Office of the Director of Intelligence, the Director—

(i) shall approve such budget before submission to the President; and

(ii) may require modifications of such budget to meet the requirements and priorities of the Director before approving such budget under clause (i).

(d) MANAGEMENT AND OVERSIGHT OF NATIONAL FOREIGN INTELLIGENCE PROGRAM.—(1) The Director shall manage and oversee the execution by each element of the intelligence community of any amounts appropriated or otherwise made available to such element under the National Foreign Intelligence Program.

(2) Consistent with subsections (e) and (f), the Director may modify the resource and personnel allocations of any element of the intelligence community.

(e) JURISDICTION OF FUNDS UNDER NFIP.—Notwithstanding any other provision of law and consistent with section 504 of the National Security Act of 1947 (50 U.S.C. 414), any amounts appropriated or otherwise made available for the National Foreign Intelligence Program shall be considered to be appropriated or otherwise made available to, and under the direct jurisdiction, management, and oversight of, the Director.

(f) REPROGRAMMING AND REALLOCATION OF FUNDS AND TRANSFER OF PERSONNEL UNDER NFIP.—(1)(A) Consistent with section 504 of the National Security Act of 1947, the Director of Intelligence may, with the approval of the Director of the Office of Management and Budget and in accordance with procedures developed by the Director of Intelligence, reprogram funds appropriated or otherwise made available for a program within the National Foreign Intelligence Program to another such program.

(B) Consistent with section 504 of the National Security Act of 1947, no funds appropriated or otherwise made available under the National Foreign Intelligence Program may be reprogrammed by any element of the intelligence community without the prior approval of the Director except in accordance with procedures issued by the Director.

(2) Consistent with section 504 of the National Security Act of 1947, the Director may reallocate funds appropriated or otherwise made available for a program within the National Foreign Intelligence Program for other purposes under such program.

(3) Consistent with section 504 of the National Security Act of 1947, the Director may, in accordance with procedures developed by the Director, transfer personnel authorized for an element of the intelligence community to another element of the intelligence community for a period of up to a year.

(4) Consistent with section 504 of the National Security Act of 1947, the Secretary of Defense shall consult with the Director before reprogramming funds available under the Joint Military Intelligence Program or the Tactical Intelligence and Related Activities Program.

(5) The Director may not delegate a responsibility or authority of the Director under this subsection.

(6) A reprogramming of funds or a transfer of funds or personnel may be made under this subsection only if—

(A) the funds or personnel are being reprogrammed or transferred, as the case may be, to an activity that is a higher priority intelligence activity;

(B) the need for funds or personnel for such activity is based on unforeseen requirements; and

(C) in the case of a reprogramming of funds, the reprogramming of funds does not involve a reprogramming of funds to the Reserve for Contingencies of the Central Intelligence Agency.

(7) Funds reprogrammed or transferred under this subsection shall remain available for the same period as the account or subaccount to which reprogrammed or transferred, as the case may be.

(8)(A) Any reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees.

(B) Any proposed reprogramming of funds for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed reprogramming and how it satisfies the requirements of this subsection.

(C) The congressional intelligence committees shall be promptly notified of any reprogramming of funds under this subsection in any case in which the reprogramming of such funds would not have otherwise required reprogramming notification under procedures in effect as of October 24, 1992.

(9)(A) The Director shall promptly submit to the congressional intelligence committees and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, a report on any transfer of personnel made pursuant to this subsection.

(B) The Director shall include in any report under subparagraph (A) an explanation of the nature of the transfer concerned and how it satisfies the requirements of this subsection.

(g) Delegation of Certain Administrative Authorities.—(1) Notwithstanding any other provision of law, the Director may delegate to the head of any other element of the intelligence community any authority of the Director of the Central Intelligence Agency with respect to the Central Intelligence Agency under a provision of the Central Intelligence Agency Act of 1949 as follows:

(A) Section 3 (50 U.S.C. 403c), relating to procurement.

(B) Section 4 (50 U.S.C. 403e), relating to travel allowances and related expenses.

(C) Section 5 (50 U.S.C. 403f), relating to administration of funds.

(D) Section 6 (50 U.S.C. 403g), relating to exemptions from certain information disclosure requirements.

(E) Section 8 (50 U.S.C. 403j), relating to availability of appropriations.

(F) Section 11 (50 U.S.C. 403k), relating to payment of death gratuities.

(G) Section 12 (50 U.S.C. 403l), relating to acceptance of gifts, devises, and bequests.

(H) Section 21 (50 U.S.C. 403u), relating to operation of a central services program.

(2) Notwithstanding any other provision of law, the head of an element of the intelligence community delegated an authority under paragraph (1) with respect to such element may exercise such authority with respect to such element to the same extent that the Director of the Central Intelligence Agency may exercise such authority with respect to the Central Intelligence Agency.

(h) Termination of Employees of Department.—(1) Notwithstanding any other provision of law, the Director may, at the discretion of the Director, terminate the employment of any officer or employee of the Department whenever the Director considers the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

(2) Any such termination of employment shall not affect the right of the officer or employee terminated to seek or accept employment in any other department or agency of the United States Government if declared eligible for such employment by the Office of Personnel Management.

(i) Coordination With Foreign Governments.—Under the direction of the National Security Council and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

(j) Standards and Qualifications for Performance of Intelligence Activities.—The Director shall develop standards and qualifications for persons engaged in the performance of intelligence activities within the intelligence community.

(k) Personal Services.—The Director may—

(1) procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109 of title 5, United States Code; and

(2) whenever necessary due to a need related to intelligence functions of the Department, procure temporary (not to exceed 1 year) or intermittent personal services, including the services of experts or consultants (or organizations thereof), without regard to the pay limitations of such section 3109.

TITLE II—ELEMENTS OF DEPARTMENT OF INTELLIGENCE

Subtitle A—Central Intelligence Agency

SEC. 201. CENTRAL INTELLIGENCE AGENCY.

(a) Element of Department of Intelligence.—The Central Intelligence Agency is an element of the Department.

(b) Head of Agency.—The Director of the Central Intelligence Agency is the head of the Central Intelligence Agency as provided for in the National Security Act of 1947 (50 U.S.C. 401 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law.

(c) Supervision and Control.—(1) The Central Intelligence Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the Central Intelligence Agency shall report directly to the Director of Intelligence.

SEC. 202. MISSION; POWER AND AUTHORITIES.

(a) Mission.—The Central Intelligence Agency shall have the mission provided for the Agency under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) and as otherwise provided by law or directed by the President.

(b) Power and Authorities.—Except as otherwise provided by this Act, the Director of the Central Intelligence Agency shall have such powers and authorities as are provided the Director in the National Security Act of 1947 and Central Intelligence Agency Act of 1949 and as are otherwise provided by law or directed by the President or the Director.

Subtitle B—National Security Agency

SEC. 211. NATIONAL SECURITY AGENCY.

(a) Element of Department of Intelligence.—The National Security Agency is an element of the Department.

(b) Head of Agency.—The Director of the National Security Agency is the head of the National Security Agency.

(c) Supervision and Control.—(1) The National Security Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Security Agency shall report directly to the Director of Intelligence.

SEC. 212. MISSION; POWER AND AUTHORITIES.

(a) Mission.—The National Security Agency shall have the mission provided for the Agency under the National Security Agency Act of 1959 (50 U.S.C. 402 note) or as otherwise provided by law or directed by the President.

(b) Power and Authorities.—The Director of the National Security Agency shall have such powers and authorities as are provided the Director in the National Security Act of 1959 or as are otherwise provided by law or directed by the President.

Subtitle C—National Geospatial-Intelligence Agency

SEC. 221. NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) Element of Department of Intelligence.—The National Geospatial-Intelligence Agency is an element of the Department.

(b) Head of Agency.—(1) The Director of the National Geospatial-Intelligence Agency is the head of the National Geospatial-Intelligence Agency.

(2) If an officer of the Armed Forces on active duty is appointed to the position of Director of the National Geospatial-Intelligence Agency, the position shall be treated as having been designated by the President as a position of importance and responsibility for purposes of section 601 of title 10, United States Code, and shall carry the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

(c) Supervision and Control.—(1) The National Geospatial-Intelligence Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Geospatial-Intelligence Agency shall report directly to the Director of Intelligence.

SEC. 222. MISSION; POWER AND AUTHORITIES.

(a) Mission.—The National Geospatial-Intelligence Agency shall have the mission provided for the Agency under subtitle B of title III or as otherwise provided by law or directed by the President.

(b) Power and Authorities.—The Director of the National Geospatial-Intelligence Agency shall have such powers and authorities as are provided the Agency under subtitle B of title III or as otherwise provided by law or directed by the President.

(c) Availability and Continued Improvement of Imagery Intelligence Support to All-Source Analysis and Production Function.—The Director of Intelligence shall take all necessary steps to ensure the full availability and continued improvement of imagery intelligence support for all-source analysis and production.

Subtitle D—National Reconnaissance Office

SEC. 231. NATIONAL RECONNAISSANCE OFFICE.

(a) ELEMENT OF DEPARTMENT OF INTELLIGENCE.—The National Reconnaissance Office is an element of the Department.

(b) HEAD OF OFFICE.—The Director of the National Reconnaissance Office is the head of the National Reconnaissance Office.

(c) SUPERVISION AND CONTROL.—(1) The National Reconnaissance Office shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Reconnaissance Office shall report directly to the Director of Intelligence.

SEC. 232. MISSION; POWER AND AUTHORITIES.

(a) MISSION.—The National Reconnaissance Office shall have the mission provided by law or as directed by the President.

(b) POWER AND AUTHORITIES.—The National Reconnaissance Office shall have such powers and authorities as are provided by law or as directed by the President.

Subtitle E—Other Offices

SEC. 241. INTELLIGENCE, COUNTERTERRORISM, AND COUNTERINTELLIGENCE OFFICES.

(a) ELEMENTS OF DEPARTMENT OF INTELLIGENCE.—Each element of the Federal Bureau of Investigation specified in subsection (b) shall, after the date of the enactment of this Act, be an element of the Department.

(b) SPECIFIED ELEMENTS.—The elements of the Federal Bureau of Investigation specified in this subsection are as follows:

(1) The Office of Intelligence.

(2) The Counterterrorism Division personnel under the National Foreign Intelligence Program.

(3) The Counterintelligence Division personnel under the National Foreign Intelligence Program.

(c) SUPERVISION AND CONTROL.—(1) Each element of the Department under subsection (a) shall be under the supervision, direction, and control of the Director of Intelligence.

(2)(A) Each element of the Department under subsection (a) shall remain at all times subject to applicable guidelines on investigations of the Attorney General and the Department of Justice in effect as of September 1, 2004, and any successor guidelines to such guidelines, particularly the provisions of such guidelines relating to investigations within the United States and investigations of United States persons.

(B) A copy of any guidelines covered by subparagraph (A) shall be made available to congressional intelligence committees and the public before their implementation or utilization by the elements of the Department under subsection (a). In making guidelines available to the public under this subparagraph, the Director of Intelligence may redact any portions of such guidelines that are classified for reasons of national security.

(3) The Attorney General shall review, and approve prior to execution, the tasking of, or requests for, domestic collection against United States persons, collection against United States persons, domestic intelligence operations, and assignment of operational responsibilities by the Administrator of the National Counterterrorism Center.

(d) MISSION.—Each element of the Department under subsection (a) shall have the mission provided for such element by law or as directed by the President.

(e) POWER AND AUTHORITIES.—Each element of the Department under subsection (a) shall have such powers and authorities as are provided such element by law or as directed by the President.

(f) SUPPORT.—(1) The Director of the Federal Bureau of Investigation shall, in coordination with the Director of Intelligence, ensure that each element of the Department under subsection (a) is provided all administrative resources necessary to perform its intelligence and intelligence-related functions.

(2) The Attorney General shall ensure through the Director of Intelligence that the domestic intelligence operations of the elements of the Department under subsection (a), and any intelligence operations of such elements directed against United States persons, comply with the Constitution and all laws, regulations, Executive orders, and implementing guidelines of the United States applicable to such operations.

SEC. 242. OFFICE OF CIVIL LIBERTIES AND PRIVACY.

(a) OFFICE OF CIVIL LIBERTIES AND PRIVACY.—There is within the Department an Office of Civil Liberties and Privacy.

(b) HEAD OF OFFICE.—The Assistant Director of Intelligence for Civil Liberties and Privacy is the head of the Office of Civil Liberties and Privacy.

(c) SUPERVISION.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall report directly to the Director.

(d) DUTIES RELATING TO CIVIL LIBERTIES.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall, with respect to matters of the Department relating to civil liberties—

(1) assist the Director in ensuring that the protection of civil rights and civil liberties is appropriately incorporated in the policies and procedures developed for and implemented by the Department;

(2) oversee compliance by the Department with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil rights and civil liberties;

(3) review, investigate, and assess complaints and other information indicating possible abuses of civil rights or civil liberties in the administration of the programs and operations of the Department unless, in the determination of the Inspector General of the Department of Intelligence, the review, investigation, or assessment of a particular complaint or information can better be conducted by the Inspector General;

(4) issue guidance on civil liberties concerns with, or civil liberties objections to, any policy or practice of the Department; and

(5) perform such other duties as may be prescribed by the Director or specified by law.

(e) DUTIES RELATING TO PRIVACY.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall, with respect to matters of the Department relating to privacy—

(1) assure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(2) assure that personal information contained in Privacy Act systems of records is handled in full compliance with fair information practices as set out in the Privacy Act of 1974;

(3) conduct a privacy impact assessment of proposed rules of the Department or that of the Department on the privacy of personal information, including the type of personal information collected and the number of people affected; and

(4) conduct privacy impact assessments when appropriate or as required by law.

TITLE III—OTHER INTELLIGENCE MATTERS

Subtitle A—Modifications and Improvements of Intelligence Authorities

SEC. 301. SENSE OF CONGRESS ON AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should, for each fiscal year after fiscal year 2005, make available to the public the information described in subsection (b) unless the President certifies that public disclosure of such information would cause damage to the national security of the United States.

(b) COVERED INFORMATION.—The information described in this subsection is as follows:

(1) The aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government.

SEC. 302. COORDINATION BETWEEN DIRECTOR OF INTELLIGENCE AND SECRETARY OF DEFENSE IN PERFORMANCE OF SPECIFIC FUNCTIONS PERTAINING TO NATIONAL FOREIGN INTELLIGENCE PROGRAM.

Section 105(b) of the National Security Act of 1947 (50 U.S.C. 403–5(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “Consistent with sections 103 and 104, the Secretary of Defense shall” and inserting “Consistent with sections 132 and 133 of the Intelligence Reformation Act of 2004, the Secretary of Defense shall, in coordination with the Director of Intelligence”; and

(2) in paragraph (2)(D), by striking “notwithstanding any other provision of law,”.

SEC. 303. ROLE OF DIRECTOR OF INTELLIGENCE IN CERTAIN RECOMMENDATIONS TO THE PRESIDENT ON APPOINTMENTS TO INTELLIGENCE COMMUNITY.

The text of section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

“(a) RECOMMENDATIONS OF DIRECTOR OF INTELLIGENCE IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of Intelligence shall recommend to the President an individual for appointment to the position.

“(2) Paragraph (1) applies to the following positions:

“(A) The Deputy Director of Intelligence.

“(B) The Director of the Central Intelligence Agency.

“(C) The Director of the National Security Agency.

“(D) The Director of the National Geospatial-Intelligence Agency.

“(E) The Director of the National Reconnaissance Office.

“(F) The Administrator of the National Counterterrorism Center.

“(b) CONCURRENCE OF DIRECTOR OF INTELLIGENCE IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of Intelligence before recommending to the President an individual for appointment to the position. If the Director does not concur in the recommendation, the head of the department or agency having jurisdiction over the position may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

“(2) Paragraph (1) applies to the following positions:

“(A) The Under Secretary for Information Analysis and Infrastructure Protection of the Department of Homeland Security.

“(B) The Assistant Secretary of State for Intelligence and Research.

“(C) The Director of the Defense Intelligence Agency.

“(D) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

“(E) The Assistant Secretary for Terrorist Financing of the Department of the Treasury.

“(F) The Director of the Office of Intelligence of the Department of Energy.

“(G) The Director of the Office of Counterintelligence of the Department of Energy.”.

SEC. 304. COLLECTION TASKING AUTHORITY.

Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is amended by striking “(except as otherwise agreed by the Director and the Secretary of Defense)”.

SEC. 305. OVERSIGHT OF COMBAT SUPPORT AGENCIES OF THE INTELLIGENCE COMMUNITY.

(a) Oversight.—(1) Chapter 8 of title 10, United States Code, is amended by inserting after section 193 the following new section:

“§ 193a. Combat support agencies of the intelligence community: oversight

“(a) Combat Readiness.—(1) Every two years (or sooner, if approved by the Director of Intelligence), the Chairman of the Joint Chiefs of Staff shall, in consultation with the Secretary of Defense, submit to the Director of Intelligence a report on the combat support agencies of the intelligence community. Each report shall include—

“(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

“(B) any recommendations that the Chairman considers appropriate.

“(2) In preparing each report, the Chairman shall review the plans of each combat support agency of the intelligence community with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, with the approval of the Secretary of Defense, provide the Director of Intelligence any recommendations for modifications of such plans that the Chairman considers appropriate.

“(b) Participation in Joint Training Exercises.—The Chairman shall, with the cooperation of the Director of Intelligence—

“(1) provide for the participation of the combat support agencies of the intelligence community in joint training exercises to the extent necessary to ensure that such agencies are capable of performing their support missions with respect to a war or threat to national security; and

“(2) assess the performance in joint training exercises of each combat support agency of the intelligence community and, in accordance with guidelines established by the Secretary of Defense, take steps to provide the Director of Intelligence recommendations for any change that the Chairman considers appropriate to improve that performance.

“(c) Readiness Reporting System.—The Chairman shall develop, in consultation with the director of each combat support agency of the intelligence community, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each combat support agency of the intelligence community to perform with respect to a war or threat to national security.

“(d) Review of NSA, NGA, and NRO.—(1) Subsections (a), (b), and (c) shall apply to the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office, but only with respect to combat support functions that such agencies perform for the Department of Defense.

“(2) The Secretary of Defense shall, in coordination with the Director of Intelligence, establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office.

“(e) Combat Support Capabilities of DIA, NSA, NGA, and NRO.—The Director of Intelligence shall develop and implement such policies and programs as the Director determines necessary to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office to accomplish assigned missions in support of military combat operations.

“(f) Combat Support Agency of the Intelligence Community Defined.—In this section, the term ‘combat support agency of the intelligence community’ means any of the following agencies:

“(1) The National Security Agency.

“(2) The Defense Intelligence Agency.

“(3) The National Geospatial-Intelligence Agency.

“(4) The National Reconnaissance Office.”.

(2) The table of sections at the beginning of subchapter I of chapter 8 of such title is amended by inserting after the item relating to section 193 the following new item:

“193a. Combat support agencies of the intelligence community: oversight.”.

(b) Conforming Amendment.—Section 193(f) of such title is amended—

(1) by striking paragraphs (2) and (4); and

(2) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively.

SEC. 306. IMPROVEMENT OF INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) Findings.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States in its final report stated that the Federal Bureau of Investigation, under the current Director of the Federal Bureau of Investigation, has made significant progress in improving its intelligence capabilities.

(2) In the report, the members of the Commission also urged that the Federal Bureau of Investigation fully institutionalize the shift of the Bureau to a preventive counterterrorism posture.

(b) National Security Workforce.—(1) The Director of the Federal Bureau of Investigation shall continue efforts to develop and maintain within the Federal Bureau of Investigation a national security workforce.

(2) In a developing and maintaining a national security workforce under paragraph (1), the Director of the Federal Bureau of Investigation shall, subject to the direction and control of the President, develop and maintain a specialized and integrated national security workforce who are recruited, trained, rewarded in a manner which ensures the existence within the Bureau of an institutional culture with substantial expertise in, and commitment to, the intelligence and national security missions of the Bureau.

(3) Each agent employed by the Bureau after the date of the enactment of this Act shall receive basic training in both criminal justice matters and national security matters.

(4) Each agent employed by the Bureau after the date of the enactment of this Act shall, to the maximum extent practicable, be given the opportunity to undergo, during such agent's early service with the Bureau, meaningful assignments in criminal justice matters and in national security matters.

(5) The Director of the Federal Bureau of Investigation shall carry out a program to enhance the capacity of the Bureau to recruit and retain individuals with backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence and national security missions of the Bureau.

(6) Commencing as soon as practicable after the date of the enactment of this Act, each senior manager of the Bureau shall be a certified intelligence officer.

(7) It is the sense of Congress that the successful discharge of advanced training courses, and of one or more assignments to another element of the intelligence community, should be a precondition to advancement to higher level national security assignments within the Bureau.

(c) Field Office Matters.—(1) The Director of the Federal Bureau of Investigation shall ensure that each field office of the Federal Bureau of Investigation has an official at the deputy level or higher with responsibility for national security matters.

(2) The Director of the Federal Bureau of Investigation shall provide for such expansion of the secure facilities in the field offices of the Bureau as is necessary to ensure the discharge by the field offices of the intelligence and national security missions of the Bureau.

(d) Reports.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress made as of the date of such report in carrying out the requirements of this section.

(2) The Director of the Federal Bureau of Investigation shall include in each semiannual program review of the Bureau that is submitted to Congress a report on the progress made by each field office of the Bureau during the period covered by such review in addressing Bureau and national program priorities.

(3) Not later than 180 days after the date of the enactment of this Act and every six months thereafter, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.

Subtitle B—Restatement of Authorities on National Geospatial-Intelligence Agency

PART I—MISSIONS

SEC. 311. MISSIONS.

(a) National Security Missions.—(1) The National Geospatial-Intelligence Agency shall, in support of the national security objectives of the United States, provide geospatial intelligence consisting of the following:

(A) Imagery.

(B) Imagery intelligence.

(C) Geospatial information.

(2) Geospatial intelligence provided in carrying out paragraph (1) shall be timely, relevant, and accurate.

(b) NAVIGATION INFORMATION.—The National Geospatial-Intelligence Agency shall improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Director of Intelligence, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally.

(c) MAPS, CHARTS, ETC.—The National Geospatial-Intelligence Agency shall prepare and distribute maps, charts, books, and geodetic products as authorized under part II of this subtitle.

(d) NATIONAL MISSIONS.—The National Geospatial-Intelligence Agency also has national missions as specified in section 110(a) of the National Security Act of 1947 (50 U.S.C. 404e(a)).

(e) SYSTEMS.—The National Geospatial-Intelligence Agency may, in furtherance of a mission of the Agency, design, develop, deploy, operate, and maintain systems related to the processing and dissemination of imagery intelligence and geospatial information that may be transferred to, accepted or used by, or used on behalf of—

(1) the Armed Forces, including any combatant command, component of a combatant command, joint task force, or tactical unit; or

(2) any other department or agency of the United States.

SEC. 312. SUPPORT FOR FOREIGN COUNTRIES ON IMAGERY INTELLIGENCE AND GEOSPATIAL INFORMATION.

(a) USE OF APPROPRIATED FUNDS.—The Director of the National Geospatial-Intelligence Agency may use appropriated funds available to the National Geospatial-Intelligence Agency to provide foreign countries with imagery intelligence and geospatial information support.

(b) USE OF FUNDS OTHER THAN APPROPRIATED FUNDS.—The Director of the National Geospatial-Intelligence Agency may use funds other than appropriated funds to provide foreign countries with imagery intelligence and geospatial information support, notwithstanding provisions of law relating to the expenditure of funds of the United States, except that—

(1) no such funds may be expended, in whole or in part, by or for the benefit of the National Geospatial-Intelligence Agency for a purpose for which Congress had previously denied funds;

(2) proceeds from the sale of imagery intelligence or geospatial information items may be used only to purchase replacement items similar to the items that are sold; and

(3) the authority provided by this subsection may not be used to acquire items or services for the principal benefit of the United States.

(c) ACCOMMODATION PROCUREMENTS.—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

PART II—MAPS, CHARTS, AND GEODETIC PRODUCTS

SEC. 321. MAPS, CHARTS, AND BOOKS.

The Director of Intelligence may—

(1) have the National Geospatial-Intelligence Agency prepare maps, charts, and nautical books required in navigation and have those materials published and furnished to navigators; and

(2) buy the plates and copyrights of existing maps, charts, books on navigation, and sailing directions and instructions.

SEC. 322. PILOT CHARTS.

(a) NOTICE ON PREPARATION BY AGENCY.—There shall be conspicuously printed on pilot charts prepared in the National Geospatial-Intelligence Agency the following: "Prepared from data furnished by the National Geospatial-Intelligence Agency of the Department of Intelligence and by the Department of Commerce, and published at the National Geospatial-Intelligence Agency under the authority of the Director of Intelligence".

(b) INFORMATION FROM DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall furnish to the National Geospatial-Intelligence Agency, as quickly as possible, all meteorological information received by the Secretary of Commerce that is necessary for, and of the character used in, preparing pilot charts.

SEC. 323. SALE OF MAPS, CHARTS, AND NAVIGATIONAL PUBLICATIONS.

(a) PRICES.—All maps, charts, and other publications offered for sale by the National Geospatial-Intelligence Agency shall be sold at prices and under regulations that may be prescribed by the Director Intelligence.

(b) USE OF PROCEEDS TO PAY FOREIGN LICENSING FEES.—(1) The Director of Intelligence may pay any NGA foreign data acquisition fee out of the proceeds of the sale of maps, charts, and other publications of the Agency, and those proceeds are hereby made available for that purpose.

(2) In this subsection, the term "NGA foreign data acquisition fee" means any licensing or other fee imposed by a foreign country or international organization for the acquisition or use of data or products by the National Geospatial-Intelligence Agency.

SEC. 324. EXCHANGE OF MAPPING, CHARTING, AND GEODETIC DATA WITH FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

The Director of Intelligence may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies and services to a foreign country or international organization pursuant to an agreement for the production or exchange of such data.

SEC. 325. PUBLIC AVAILABILITY OF MAPS, CHARTS, AND GEODETIC DATA.

(a) SALE OF MAPS AND CHARTS.—The National Geospatial-Intelligence Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

(b) EXCEPTION.—(1) Notwithstanding any other provision of law, the Director of Intelligence may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Intelligence—

(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to Government purposes only;

(B) that contains information that the Director of Intelligence has determined in writing would, if disclosed, reveal sources and methods, or capabilities, used to obtain source material for production of the geodetic product; or

(C) that contains information that the Director of the National Geospatial-Intelligence Agency has determined in writing would, if disclosed, jeopardize or interfere with ongoing military or intelligence operations, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities.

(2) In this subsection, the term "geodetic product" means imagery, imagery intelligence, or geospatial information.

(c) REGULATIONS.—(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

(A) in the case of allies of the United States; and

(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.

SEC. 326. CIVIL ACTIONS BARRED.

(a) CLAIMS BARRED.—No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the National Geospatial-Intelligence Agency.

(b) NAVIGATIONAL AIDS COVERED.—Subsection (a) applies with respect to a navigational aid in the form of a map, a chart, or a publication and any other form or medium of product or information in which the National Geospatial-Intelligence Agency prepares or disseminates navigational aids.

SEC. 327. TREATMENT OF CERTAIN OPERATIONAL FILES.

(a) AUTHORITY.—The Director of Intelligence may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

(b) COVERED OPERATIONAL FILES.—The authority under subsection (a) applies to operational files in the possession of the National Geospatial-Intelligence Agency that—

(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

(c) OPERATIONAL FILES DEFINED.—In this section, the term "operational files" has the meaning given that term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)).

PART III—PERSONNEL MANAGEMENT

SEC. 331. MANAGEMENT RIGHTS.

(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5, United States Code, for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National

Geospatial-Intelligence Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Geospatial-Intelligence Agency.

(b) BARGAINING UNITS.—The Director of the National Geospatial-Intelligence Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5, United States Code, only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on September 30, 1996.

(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Geospatial-Intelligence Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

(2) A determination described in paragraph (1) that is made by the Director of the National Geospatial-Intelligence Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

SEC. 332. FINANCIAL ASSISTANCE TO CERTAIN EMPLOYEES IN ACQUISITION OF CRITICAL SKILLS.

The Director of Intelligence may establish an undergraduate training program with respect to civilian employees of the National Geospatial-Intelligence Agency that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

PART IV—DEFINITIONS

SEC. 341. DEFINITIONS.

In this subtitle:

(1) IMAGERY.—(A) The term "imagery" means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

(i) products produced by space-based national intelligence reconnaissance systems; and

(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

(B) Such term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

(2) IMAGERY INTELLIGENCE.—The term "imagery intelligence" means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

(3) GEOSPATIAL INFORMATION.—The term "geospatial information" means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies; and

(B) mapping, charting, geodetic data, and related products.

(4) GEOSPATIAL INTELLIGENCE.—The term "geospatial intelligence" means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, imagery intelligence, and geospatial information.

TITLE IV—TRANSITION MATTERS

Subtitle A—Modification of Authorities on Elements of Intelligence Community

SEC. 401. CONFORMING MODIFICATION OF AUTHORITIES ON CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

"CENTRAL INTELLIGENCE AGENCY

"SEC. 102. (a) IN GENERAL.—There is a Central Intelligence Agency.

"(b) FUNCTION.—The function of the Agency shall be to assist the Director of the Central Intelligence Agency in carrying out the responsibilities of the Director under section 103.

"DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

"SEC. 103. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) HEAD OF CENTRAL INTELLIGENCE AGENCY.—The Director of the Central Intelligence Agency shall be the head of the Central Intelligence Agency.

"(c) PROHIBITION ON SIMULTANEOUS SERVICE AS DIRECTOR OF INTELLIGENCE.—The individual serving in the position of Director of the Central Intelligence Agency shall not, while so serving, also serve as the Director of Intelligence.

"(d) GENERAL RESPONSIBILITIES.—As head of the Central Intelligence Agency, the Director of the Central Intelligence Agency shall—

"(1) provide capabilities for the collection of intelligence through human sources and by other appropriate means and provide for the analysis of such intelligence, except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

"(2) correlate, evaluate, and analyze intelligence related to the national security and provide appropriate dissemination of such intelligence;

"(3) perform such additional services as are of common concern to the elements of the intelligence community, which services the Director of Intelligence determines can be more efficiently accomplished by the Agency;

"(4) notwithstanding any other provision of law, report directly to the Director of Intelligence concerning all functions and duties of the Agency; and

"(5) perform such other functions and duties concerning intelligence related to the national security as the Director of Intelligence shall prescribe.".

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the items relating to sections 102 through 104 and inserting the following new items:

"Sec. 102. Central Intelligence Agency.
"Sec. 103. Director of the Central Intelligence Agency.".

SEC. 402. OTHER CONFORMING MODIFICATIONS OF LAW RELATING TO MISSIONS, RESPONSIBILITIES, AND AUTHORITIES OF DIRECTOR OF INTELLIGENCE AND DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.

(a) NATIONAL SECURITY ACT OF 1947.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking "Director of Central Intelligence" and inserting "Director of Intelligence" each place it appears in the following provisions:

(A) Section 3(4)(J) (50 U.S.C. 401a(4)(J)).

(B) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

(C) Section 3(6) (50 U.S.C. 401a(6)).

(D) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).

(E) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

(F) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).

(G) Section 101(j) (50 U.S.C. 402(j)), both places it appears.

(H) Section 105(a) (50 U.S.C. 403–5(a)).

(I) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

(J) Section 105(b)(6)(A) (50 U.S.C. 403-5(b)(6)(A)).

(K) Section 105(d) (50 U.S.C. 403–5(d)).

(L) Section 105B(a)(1) (50 U.S.C. 403-5b(a)(1)).

(M) Section 105B(a)(2) (50 U.S.C. 403-5b(a)(2)).

(N) Section 105B(b) (50 U.S.C. 403–5b(b)), both places it appears.

(O) Section 110(b) (50 U.S.C. 404e(b)).

(P) Section 110(c) (50 U.S.C. 404e(c)).

(Q) Section 111 (50 U.S.C. 404f).

(R) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

(S) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

(T) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).

(U) Section 113(c) (50 U.S.C. 404h(c)).

(V) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

(W) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

(X) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

(Y) Section 115(b) (50 U.S.C. 404j(b)).

(Z) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).

(AA) Section 116(a) (50 U.S.C. 404k(a)).

(BB) Section 116(b) (50 U.S.C. 404k(b)).

(CC) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).

(DD) Section 303(a) (50 U.S.C. 405(a)), both places it appears.

(EE) Section 501(d) (50 U.S.C. 413(d)).

(FF) Section 502(a) (50 U.S.C. 413a(a)).

(GG) Section 502(c) (50 U.S.C. 413a(c)).

(HH) Section 503(b) (50 U.S.C. 413b(b)).

(II) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

(JJ) Section 603(a) (50 U.S.C. 423(a)).

(KK) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).

(LL) Section 702(b) (50 U.S.C. 432(b)), both places it appears.

(2) That Act is amended further amended by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency" each place it appears in the following provisions:

(A) Section 504(a)(2) (50 U.S.C. 414(a)(2)).

(B) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).

(C) Section 701(a) (50 U.S.C. 431(a)).

(D) Section 702(a) (50 U.S.C. 432(a)).

(3) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking "or the Office of the Director of Central Intelligence" and inserting "the Office of the Director of Intelligence, or the Office of the Director of the Central Intelligence Agency".

(4)(A) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

"ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF INTELLIGENCE".

(B) The table of contents for that Act is further amended by striking the item relating to section 114 and inserting the following new item:

"Sec. 114. Additional annual reports from the Director of Intelligence.".

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(A) by redesignating paragraphs (a) and (c) as paragraphs (1) and (3), respectively; and

(B) by striking paragraph (b) and inserting the following new paragraph (2):

"(2) 'Director' means the Director of the Central Intelligence Agency; and".

(2) Section 6 of that Act (50 U.S.C. 403g) is amended—

(A) by striking "Director of Central Intelligence" and inserting "Director of Intelligence"; and

(B) by striking "section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6))" and inserting "section 103(b)(7) of the National Security Act of 1947".

(3) Section 17(f) of that Act (50 U.S.C. 403q(f)) is amended—

(A) by striking "Director of Central Intelligence" the first place it appears and inserting "Director of Intelligence"; and

(B) by striking "Director of Central Intelligence" the second place it appears and inserting "Director of Intelligence".

(4) That Act is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of the Central Intelligence Agency":

(A) Section 14(b) (50 U.S.C. 403n(b)).

(B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

(C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.

(D) Section 21(h)(1) (50 U.S.C. 403u(h)(1)).

(E) Section 21(h)(2) (50 U.S.C. 403u(h)(2)).

(5) That Act is further amended by striking "of Central Intelligence" in each of the following provisions:

(A) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).

(B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

(C) Section 20(c) (50 U.S.C. 403t(c)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—(1) Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

"(2) DIRECTOR.—The term 'Director' means the Director of the Central Intelligence Agency.".

(2) Section 201(c) of that Act (50 U.S.C. 2011) is amended by striking "paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) that the Director of Central Intelligence" and inserting "section 103(b)(7) of the National Security Act of 1947 that the Director of Intelligence".

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:

"(1) the term 'Director' means the Director of the Central Intelligence Agency;".

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of Intelligence".

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking "Director of Central Intelligence" and inserting "Director of Intelligence".

SEC. 403. CONFORMING MODIFICATION OF AUTHORITIES ON CERTAIN CENTRAL INTELLIGENCE AGENCY OFFICERS.

(a) INSPECTOR GENERAL ACT OF 1978.—Section 8H(a)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App. 8H(a)(1)(C)) is amended by inserting before the period at the end the following: "or to the Inspector General of the Department of Intelligence".

(b) OTHER OFFICERS.—(1) Section 528 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "Associate Director of Central Intelligence for Military Support" and inserting "Assistant Deputy Administrator of the National Counterterrorism Center for Operations"; and

(B) in the heading, by striking "**ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT**" and inserting "**ASSISTANT DEPUTY ADMINISTRATOR OF THE NATIONAL COUNTERTERRORISM CENTER FOR OPERATIONS**".

(2) The item relating to section 528 in the table of sections at the beginning of chapter 32 of such title is amended by striking "Associate Director of Central Intelligence for Military Support" and inserting "Assistant Deputy Administration of the National Counterterrorism Center for for Operations".

SEC. 404. CONFORMING MODIFICATION OF AUTHORITIES ON NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) by inserting before section 5 the following new sections:

"SEC. 2. (a) The National Security Agency is an element of the Department of Intelligence.

"(b) The National Security Agency is an element of the intelligence community under the National Security Act of 1947 (50 U.S.C. 401 et seq.).

"SEC. 3. (a) The Director of the National Security Agency is the head of the National Security Agency.

"(b) The Director of the National Security Agency is subject to the direction and control of the Director of Intelligence.

"(c) The Director of the National Security Agency shall report directly to the Director of Intelligence on matters relating to the National Security Agency.";

(2) by striking "Secretary of Defense" each place it appears (other than the second place it appears in section 9(b), section 9(d), and section 10(c)(1)) and inserting "Director of Intelligence"; and

(3) in section 9(d), by striking "Secretary of Defense shall" and inserting "Director of Intelligence and the Secretary of Defense shall jointly".

SEC. 405. INCLUSION OF DEPARTMENT OF INTELLIGENCE IN INTELLIGENCE COMMUNITY.

Subparagraph (A) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended to read as follows:

"(A) the Department of Intelligence, which shall include the Office of the Director of Intelligence, the National Intelligence Council, and such other offices as the Director of Intelligence may designate;".

SEC. 406. REPEAL OF SUPERSEDED AUTHORITIES ON NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) REPEAL.—Chapter 22 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—The table of chapters at the beginning of subtitle A, and part I of subtitle A, of such title are each amended by striking the item relating to chapter 22.

SEC. 407. OTHER CONFORMING AMENDMENT.

Section 110(a) of the National Security Act of 1947 is amended by striking "section 442 of title 10, United States Code," and inserting "section 232 of the Intelligence Reformation Act of 2004".

Subtitle B—Other Transition Matters Relating to Intelligence

SEC. 411. PRESERVATION OF INTELLIGENCE CAPABILITIES.

The Director of Intelligence, the Director of the Central Intelligence Agency, the Attorney General, the Secretary of Defense, and the heads of other appropriate departments and agencies of the United States Government shall jointly take such actions as are appropriate to preserve the intelligence capabilities of the United States during the transfer of agencies, offices, and functions to the Department under this Act.

SEC. 412. GENERAL REFERENCES TO INTELLIGENCE OFFICIALS.

(a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Director of Central Intelligence in the Director's capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of Intelligence.

(b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CENTRAL INTELLIGENCE AGENCY.—Any reference to the Director of Central Intelligence in the Director's capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AS DEPUTY TO HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Deputy Director of Central Intelligence in the Deputy Director's capacity as deputy to the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Deputy Director of Intelligence.

Subtitle C—Transfer of Elements

SEC. 421. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.

(a) TRANSFER.—The Director of the Central Intelligence Agency shall transfer to the Director of Intelligence administrative jurisdiction and control of the Terrorist Threat Integration Center (TTIC).

(b) ADMINISTRATION.—The Director of Intelligence shall administer the Terrorist Threat Integration Center as a component of the National Counterterrorism Center under section 113.

SEC. 422. TRANSFER OF COMMUNITY MANAGEMENT STAFF.

(a) TRANSFER.—The Director of the Central Intelligence Agency shall transfer to the Director of Intelligence administrative jurisdiction and control of the Community Management Staff.

(b) ADMINISTRATION.—The Director of Intelligence shall administer the Community Management Staff as a component of the Office of the Director of Intelligence under section 111.

SEC. 423. TRANSFER OF CERTAIN ELEMENTS OF FEDERAL BUREAU OF INVESTIGATION.

(a) TRANSFER.—The Director of the Federal Bureau of Investigation shall transfer to the

Director Intelligence administrative jurisdiction and control of the elements of the Federal Bureau of Investigation as follows:

(1) The Office of Intelligence.

(2) The Counterterrorism Division personnel under the National Foreign Intelligence Program.

(3) The Counterintelligence Division personnel under the National Foreign Intelligence Program.

(b) ADMINISTRATION.—The Director of Intelligence shall administer each element transferred to the Director under subsection (a) as an element of the Department under subtitle E of title II.

Subtitle D—Transfer of Functions

SEC. 431. TRANSFER OF FUNCTIONS.

In accordance with the provisions of this subtitle, there shall be transferred to the Director of Intelligence the functions, personnel, assets, and liabilities of each of the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The National Geospatial-Intelligence Agency.

(4) The National Reconnaissance Office.

(5) The Office of Intelligence.

(6) The elements of the Counterterrorism Division of the Federal Bureau of Investigation specified in section 241(b).

(7) The elements of the Counterintelligence Division of the Federal Bureau of Investigation specified in section 241(b).

(8) The Terrorist Threat Integration Center.

(9) The Community Management Staff.

SEC. 432. TRANSITIONAL AUTHORITIES.

(a) PROVISION OF ASSISTANCE BY OFFICIALS.—Until the transfer of an agency or office to the Department under this Act, any official having authority over or functions relating to the agency or office immediately before the date of the enactment of this Act shall provide to the Director such assistance, including the use of personnel and assets, as the Director may request in preparing for the transfer and integration of the agency or office into the Department.

(b) SERVICES AND PERSONNEL.—Upon the request of the Director, the head of any department or agency of the United States may, on a reimbursable basis, provide services or detail personnel to assist with the transition of an agency or office to the Department under this Act.

(c) TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS, AND FUNCTIONS.—Upon the transfer of an agency or office to the Department under this Act—

(1) the personnel, assets, and obligations held by or available in connection with the agency or office shall be transferred to the Director of Intelligence for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and in accordance with the provisions of section 1531(a)(2) of title 31, United States Code; and

(2) the Director of Intelligence shall have all functions relating to the agency or office that any other official could by law exercise in relation to the agency immediately before such transfer, and shall have in addition all functions vested in the Director by this Act or other law.

SEC. 433. SAVINGS PROVISIONS.

(a) COMPLETED ADMINISTRATIVE ACTIONS.—(1) Completed administrative actions of an agency or office shall not be affected by the enactment of this Act or the transfer of such agency or office to the Department, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(2) For purposes of paragraph (1), the term "completed administrative action" includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(b) PENDING PROCEEDINGS.—Subject to the authority of the Director—

(1) pending proceedings in an agency or office, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency or office to the Department, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this Act had not been enacted or the agency or office had not been transferred, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) PENDING CIVIL ACTIONS.—Subject to the authority of the Director, pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of an agency or office to the Department, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

(d) REFERENCES.—References relating to an agency or office that is transferred to the Department in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or the date of the enactment of this Act shall be deemed to refer, as appropriate, to the Department, to its officers, employees, or agents, or to its corresponding organizational units or functions. Statutory reporting requirements that applied in relation to such an agency or office immediately before the date of the enactment of this Act shall continue to apply following such transfer if they refer to the agency or office by name.

(e) EMPLOYMENT PROVISIONS.—(1) Notwithstanding the generality of the foregoing (including subsections (a) and (d)), in and for the Department the Director of Intelligence may, in regulations prescribed jointly with the Director of the Office of Personnel Management, adopt the rules, procedures, terms, and conditions, established by statute, rule, or regulation before the date of the enactment of this Act, relating to employment in any agency or office transferred to the Department pursuant to this Act; and

(2) except as otherwise provided in this Act, or under authority granted by this Act, the transfer pursuant to this Act of personnel shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(f) STATUTORY REPORTING REQUIREMENTS.—Any statutory reporting requirement that applied to an agency or office transferred to the Department under this Act, immediately before the date of the enactment of this Act shall continue to apply following that transfer if the statutory requirement refers to the agency or office by name.

Subtitle E—Other Matters

SEC. 441. TREATMENT OF DEPARTMENT OF INTELLIGENCE AS EXECUTIVE DEPARTMENT.

Section 101 of title 5, United States Code, is amended by adding at the end the following:

"The Department of Intelligence.".

SEC. 442. EXECUTIVE SCHEDULE MATTERS.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

"Director of Intelligence.".

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new items:

"Director of Central Intelligence Agency.

"Administrator of the National Counterterrorism Center.".

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

"Deputy Director of Intelligence.".

(d) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Directors of Central Intelligence;

(2) by striking the item relating to the Inspector General of the Central Intelligence Agency and inserting the following new items:

"Inspector General, Central Intelligence Agency.

"Inspector General, Department of Intelligence.";

(3) by inserting after the item relating to the General Counsel of the Central Intelligence Agency the following new item:

"General Counsel of the Department of Intelligence."; and

(4) by adding at the end the following new items:

"Assistant Directors of Intelligence (2).

"Deputy Administrators of the National Counterterrorism Center (2).".

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, it is a privilege for me to join my esteemed colleague Senator SPECTER from Pennsylvania and Senators LIEBERMAN and MCCAIN in this effort to implement the 9/11 Commission recommendations to defend our country.

This is a bipartisan undertaking. We have proven we can rise above partisan politics. It remains to be seen whether we can rise above the bureaucratic inertia, gridlock, and turf jealousy that all too often afflict the Federal Government. I believe we must and I believe we can, if we are to uphold the weighty responsibility placed on us by our fellow American citizens.

The most important thing we can bring to this task is a sense of urgency. What began as a wake-up call on September 11 may not be answered following this November 2, unless we maintain the momentum generated by the recommendations of the 9/11 Commission. All too often the country's attention, this body's attention, can be diverted into other arenas, keeping us from taking a difficult but necessary action that sustained focus and attention can achieve.

So I am very insistent that we regain the momentum, bring a sense of urgency and purpose to this calling, because it is what will be necessary to break down some of the barriers that too often in the past have kept us from doing what we now know to be important in terms of defending this country.

Our proposal is the most comprehensive one before the Congress. It addresses not only identifying and cracking down on terrorists who would threaten to do harm to the American people; it is also the only proposal that deals with the causes—the environment that gives rise to those violent individuals in the first place. We have to do both. If there is one thing I am absolutely certain of, it is no matter what resources, focus, and new structure we bring to the challenge of defending our country, we will not be able to identify and bring to justice every individual who wishes us harm. We have to prevent them from being created in the first place. We need to do both. That is what this calls for.

We emphasize accountability and this is vitally important. If you look at the failings that occurred before 9/11, and at some of the weaknesses exposed by the search for weapons of mass destruction in Iraq, you can see there were some significant problems with our intelligence system. Yet, as far as I know, no individual has been admonished, no individual has been demoted, no individual has been fired. George Tenet fell on his sword and took responsibility. But as far as I know, that is as far as it goes.

Is this the best we can do in terms of having a structure that assigns missions and holds people accountable for successfully fulfilling them? I don't believe it is. This proposal we have placed before this Congress insists upon clearly delineated lines of authority, holds people clearly accountable for carrying out tasks, with consequences that will be easier to impose if people do not do the job we have a right to expect of them. If I were the President asking who was responsible or in charge or accountable for this, you would have a half dozen different individuals. But the only individual you can look at and say this person is in charge of a national security apparatus in this country is the President himself.

Well, that is not good enough because with all the President has to be responsible for, he needs to have someone subordinate to him, who is clearly identifiable, to bring coherence and accountability to the national security apparatus. That is what our proposal would put into place.

Finally, let me say two things. We need to increase the amount of information available to our country in order to provide for our defense. No matter what structure we provide, no matter how comprehensive or how much we emphasize accountability, we simply need to know more about dangerous individuals, dangerous places, and what they are doing in an attempt to harm America. There are glaring blind spots today, when it comes to intelligence, that will make us unable to defend our country. We are in the process of trying to correct some of those blind spots, but more needs to be done.

This report focuses like a laser, particularly on improving the level of human intelligence that will augment our technology, and other sources at our disposal to provide for the common defense.

In conclusion, let me say this. I am reminded of the old adage, "Fool me once, shame on you; fool me twice, shame on me." It is no longer possible to deny there are glaring weaknesses in the national security intelligence apparatus that sprung up following World War II. It was designed for a different time and a different challenge. We must seize this opportunity and put into place truly transformational change that will enable us to defend our country against the threats of the 21st century, not those that threatened us in the recent past.

Those who would temporize, equivocate, and those who would unduly compromise will bear a very heavy burden indeed should another tragedy strike this country. Now is the time for bold action. Now is the time to put aside the bureaucratic turf jealousies, inertia, and divisions that afflict the Congress and the executive branch and unite politically, unite across branches of Government, unite in a common purpose of truly bold reform and change, so that those who follow in our footsteps will know we have done everything humanly possible to protect this country.

Some of the sacrifices need to start with this Congress. Too often people have committee jealousies and they want to protect turf. We need to put that aside and unite as one people, one Congress, to protect this Nation. That is what this legislation does. So I am pleased to join with my colleagues in a bipartisan spirit to move the intelligence system forward and defend America.

I will conclude with a saying I once read. I am a member of the Intelligence Committee. At one of the briefings, we got what was actually a cover sheet of the budget for the intelligence community a couple of years ago. The budget is classified, but this is not. It was a quote from Napoleon Bonaparte, which I found interesting. Napoleon Bonaparte once said "a well-placed spy is worth at least two divisions." Well, today a well-placed spy and access to timely, accurate information could be worth two American cities; it could mean the difference between hundreds of thousands of lives saved or lost.

Let us not get embroiled in political, bureaucratic, or other disputes when the fate of our Nation hangs in the balance. Now is the time to act. I am honored to join with my colleagues in proposing that we do exactly that.

Mr. McCAIN. Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "9/11 Commission Report Implementation Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REFORM OF INTELLIGENCE COMMUNITY

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—National Intelligence Authority

Sec. 111. National Intelligence Authority.
Sec. 112. National Intelligence Director.
Sec. 113. Office of the National Intelligence Director.
Sec. 114. Deputy National Intelligence Directors.
Sec. 115. National Intelligence Council.
Sec. 116. General Counsel of the National Intelligence Authority.
Sec. 117. Inspector General of the National Intelligence Authority.
Sec. 118. Intelligence Comptroller.
Sec. 119. Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.
Sec. 120. Privacy Officer of the National Intelligence Authority.
Sec. 121. Chief Information Officer of the National Intelligence Authority.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

Sec. 131. Provision of national intelligence.
Sec. 132. Responsibilities of National Intelligence Director.
Sec. 133. Authorities of National Intelligence Director.
Sec. 134. Enhanced personnel management.
Sec. 135. Role of National Intelligence Director in appointment and termination of certain officials responsible for intelligence-related activities.

Subtitle C—Elements of National Intelligence Authority

Sec. 141. National Counterterrorism Center.
Sec. 142. National intelligence centers.

Subtitle D—Additional Authorities of National Intelligence Authority

Sec. 151. Use of appropriated funds.
Sec. 152. Procurement authorities.
Sec. 153. Personnel matters.
Sec. 154. Ethics matters.

Subtitle E—Additional Improvements of Intelligence Activities

Sec. 161. Availability to public of certain intelligence funding information.
Sec. 162. Merger of Homeland Security Council into National Security Council.

Sec. 163. Reform of Central Intelligence Agency.
Sec. 164. Paramilitary operations.
Sec. 165. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
Sec. 166. Report on implementation of intelligence community reform.
Subtitle F—Conforming and Other Amendments
Sec. 171. Restatement and modification of basic authority of the Central Intelligence Agency.
Sec. 172. Conforming amendments relating to roles of National Intelligence Director and Director of the Central Intelligence Agency.
Sec. 173. Other conforming amendments.
Sec. 174. Elements of intelligence community under National Security Act of 1947.
Sec. 175. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
Sec. 176. Repeal of superseded authorities.
Sec. 177. Clerical amendments to National Security Act of 1947.
Sec. 178. Conforming amendments relating to dual service of certain officials as Deputy National Intelligence Directors.
Sec. 179. Conforming amendment to Inspector General Act of 1978.
Subtitle G—Other Matters
Sec. 181. Transfer of Community Management Staff.
Sec. 182. Transfer of Terrorist Threat Integration Center.
Sec. 183. Termination of positions of Assistant Directors of Central Intelligence.
Sec. 184. Termination of Joint Military Intelligence Program.
Sec. 185. Executive schedule matters.
Sec. 186. Preservation of intelligence capabilities.
Sec. 187. General references.
TITLE II—INFORMATION SHARING
Sec. 201. Information sharing.
TITLE III—CONGRESSIONAL REFORM
Sec. 301. Findings.
Sec. 302. Reorganization of congressional jurisdiction.
TITLE IV—PRESIDENTIAL TRANSITION
Sec. 401. Presidential transition.
TITLE V—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM
Sec. 501. Report on terrorist sanctuaries.
Sec. 502. Role of Pakistan in countering terrorism.
Sec. 503. Aid to Afghanistan.
Sec. 504. The United States-Saudi Arabia relationship.
Sec. 505. Efforts to combat Islamic terrorism by engaging in the struggle of ideas in the Islamic world.
Sec. 506. United States policy toward dictatorships.
Sec. 507. Promotion of United States values through broadcast media.
Sec. 508. Use of United States scholarship and exchange programs in the Islamic world.
Sec. 509. International Youth Opportunity Fund.
Sec. 510. Report on the use of economic policies to combat terrorism.
Sec. 511. Middle East Partnership Initiative.
Sec. 512. Comprehensive coalition strategy for fighting terrorism.
Sec. 513. Detention and humane treatment of captured terrorists.
Sec. 514. Proliferation of weapons of mass destruction.
Sec. 515. Financing of terrorism.
TITLE VI—TERRORIST TRAVEL AND EFFECTIVE SCREENING
Sec. 601. Counterterrorist travel intelligence.
Sec. 602. Integrated screening system.
Sec. 603. Biometric entry and exit data system.
Sec. 604. Travel documents.
Sec. 605. Exchange of terrorist information.
Sec. 606. Minimum standards for identification-related documents.
TITLE VII—TRANSPORTATION SECURITY
Sec. 701. Definitions.
Sec. 702. National Strategy for Transportation Security.
Sec. 703. Use of watchlists for passenger air transportation screening.
Sec. 704. Enhanced passenger and cargo screening.
TITLE VIII—NATIONAL PREPAREDNESS
Sec. 801. Homeland security assistance.
Sec. 802. The incident command system.
Sec. 803. National Capital Region Mutual Aid.
Sec. 804. Assignment of spectrum for public safety.
Sec. 805. Urban area communications capabilities.
Sec. 806. Private sector preparedness.
Sec. 807. Critical infrastructure and readiness assessments.
Sec. 808. Report on Northern Command and defense of the United States homeland.
TITLE IX—PROTECTION OF CIVIL LIBERTIES
Sec. 901. Privacy and Civil Liberties Oversight Board.
Sec. 902. Privacy and Civil Liberties Officers.

TITLE I—REFORM OF INTELLIGENCE COMMUNITY

SEC. 101. SHORT TITLE.

This title may be cited as the "National Intelligence Authority Act of 2004".

SEC. 102. DEFINITIONS.

In this title:

(1) The term "intelligence" includes foreign intelligence and counterintelligence.

(2) The term "foreign intelligence" means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(3) The term "counterintelligence" means information gathered, and activities conducted, to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(4) The term "intelligence community" includes the following:

(A) The National Intelligence Authority.

(B) The Central Intelligence Agency.

(C) The National Security Agency.

(D) The Defense Intelligence Agency.

(E) The National Geospatial-Intelligence Agency.

(F) The National Reconnaissance Office.

(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

(I) The Bureau of Intelligence and Research of the Department of State.

(J) The Office of Intelligence and Analysis of the Department of the Treasury.

(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the National Intelligence Director and the head of the department or agency concerned, as an element of the intelligence community.

(5) The terms "national intelligence" and "intelligence related to the national security"—

(A) each refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the National Intelligence Director and the Attorney General, or otherwise as expressly provided for in this title.

(6) The term "National Intelligence Program"—

(A)(i) refers to all national intelligence programs, projects, and activities of the elements of the intelligence community; and

(ii) includes all programs, projects, and activities (whether or not pertaining to national intelligence) of the National Intelligence Authority, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the Office of Intelligence of the Federal Bureau of Investigation, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security; but

(B) does not refer—

(i) to any program, project, or activity pertaining solely to the requirements of a single department, agency, or element of the United States Government; or

(ii) to any program, project, or activity of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by the United States Armed Forces.

(7) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle A—National Intelligence Authority

SEC. 111. NATIONAL INTELLIGENCE AUTHORITY.

(a) Independent Establishment.—There is hereby established as an independent establishment in the executive branch of government the National Intelligence Authority.

(b) Composition.—The National Intelligence Authority is composed of the following:

(1) The Office of the National Intelligence Director.

(2) The elements specified in subtitle C.

(3) Such other elements, offices, agencies, and activities as may be designated by law or by the President as part of the Authority.

(c) Primary Missions.—The primary missions of the National Intelligence Authority are as follows:

(1) To unify and strengthen the efforts of the intelligence community.

(2) To ensure the organization of the efforts of the intelligence community in a collective manner relating to intelligence responsibilities.

(3) To provide for the operation of the National Counterterrorism Center and the national intelligence centers under subtitle C.

(4) To eliminate barriers in the conduct of the counterterrorism activities of the United States Government between foreign intelligence activities conducted inside and outside the United States while ensuring the protection of civil liberties.

(5) To establish clear responsibility and accountability for counterterrorism and other intelligence matters relating to the national security of the United States.

(d) SEAL.—The National Intelligence Director shall have a seal for the National Intelligence Authority. The design of the seal is subject to the approval of the President. Judicial notice shall be taken of the seal.

SEC. 112. NATIONAL INTELLIGENCE DIRECTOR.

(a) NATIONAL INTELLIGENCE DIRECTOR.—There is a National Intelligence Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as National Intelligence Director shall have extensive national security expertise.

(c) PRINCIPAL DUTIES AND RESPONSIBILITIES.—The National Intelligence Director shall—

(1) serve as head of the intelligence community in accordance with the provisions of this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law;

(2) act as a principal adviser to the President for intelligence related to the national security;

(3) serve as the head of the National Intelligence Authority (but may not serve as the Director of the Central Intelligence Agency); and

(4) direct, manage, and oversee the execution of the National Intelligence Program.

(d) GENERAL RESPONSIBILITIES AND AUTHORITIES.—In carrying out the duties and responsibilities set forth in subsection (c), the National Intelligence Director shall have the responsibilities set forth in section 132 and the authorities set forth in section 133 and other applicable provisions of law.

SEC. 113. OFFICE OF THE NATIONAL INTELLIGENCE DIRECTOR.

(a) OFFICE OF NATIONAL INTELLIGENCE DIRECTOR.—There is within the National Intelligence Authority an Office of the National Intelligence Director.

(b) FUNCTION.—The function of the Office of the National Intelligence Director is to assist the National Intelligence Director in carrying out the duties and responsibilities of the Director under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law, and to carry out such other duties as may be prescribed by the President or by law.

(c) COMPOSITION.—The Office of the National Intelligence Director is composed of the following:

(1) The Deputy National Intelligence Director.

(2) The Deputy National Intelligence Director for Foreign Intelligence.

(3) The Deputy National Intelligence Director for Defense Intelligence.

(4) The Deputy National Intelligence Director for Homeland Intelligence.

(5) The National Intelligence Council.

(6) The General Counsel of the National Intelligence Authority.

(7) The Inspector General of the National Intelligence Authority.

(8) The Intelligence Comptroller.

(9) The Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.

(10) The Privacy Officer of the National Intelligence Authority.

(11) The Chief Information Officer of the National Intelligence Authority.

(12) Such other offices and officials as may be established by law or the Director may establish or designate in the Office.

(d) STAFF.—(1) To assist the National Intelligence Director in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize in the Office of the National Intelligence Director a professional staff having an expertise in matters relating to such duties and responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

(2) The staff of the Office under paragraph (1) shall include the elements of the Community Management Staff that are transferred to the Office under section 181.

SEC. 114. DEPUTY NATIONAL INTELLIGENCE DIRECTORS.

(a) DEPUTY NATIONAL INTELLIGENCE DIRECTOR.—(1) There is a Deputy National Intelligence Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as Deputy National Intelligence Director shall have extensive national security experience and management expertise.

(3) The individual serving as Deputy National Intelligence Director may not serve in any capacity in any other element of the intelligence community.

(4) The Deputy National Intelligence Director shall assist the National Intelligence Director in carrying out the duties and responsibilities of the Director.

(5) The Deputy National Intelligence Director shall act for, and exercise the powers of, the National Intelligence Director during the absence or disability of the National Intelligence Director or during a vacancy in the position of National Director of Intelligence.

(b) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR FOREIGN INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Foreign Intelligence.

(2) The Director of the Central Intelligence Agency under section 103 of the National Security Act of 1947 also serves as the Deputy National Intelligence Director for Foreign Intelligence.

(3) In the capacity as Deputy National Intelligence Director for Foreign Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for foreign intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to foreign intelligence as the Director may assign.

(c) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR DEFENSE INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Defense Intelligence.

(2) The Under Secretary of Defense for Intelligence under section 137 of title 10, United States Code, also serves as the Deputy National Intelligence Director for Defense Intelligence.

(3) In the capacity as Deputy National Intelligence Director for Defense Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for defense intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to foreign intelligence as the Director may assign.

(d) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR HOMELAND INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Homeland Intelligence.

(2)(A) At the election of the National Intelligence Director, one of the officials specified in subparagraph (B) also serves as the Deputy National Intelligence Director for Homeland Intelligence.

(B) The officials specified in this subparagraph are as follows:

(i) The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection under section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121).

(ii) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation.

(3) In the capacity as Deputy National Intelligence Director for Homeland Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for homeland intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to homeland intelligence as the Director may assign.

(e) DUTIES AND RESPONSIBILITIES REGARDING SPECIFIC INTELLIGENCE MATTERS.—Each Deputy National Intelligence Director shall assist the National Intelligence Director and the Deputy National Intelligence Director under subsection (a) in—

(1) managing the collection, analysis, production, and dissemination of intelligence in accordance with the standards, requirements, and priorities established by the National Intelligence Director;

(2) ensuring the acquisition of collection systems in accordance with the standards, requirements, and priorities established by the National Intelligence Director;

(3) setting standards, requirements, and priorities for the hiring and training of personnel;

(4) assigning or detailing personnel as staff of the national intelligence centers;

(5) overseeing the performance of the national intelligence centers, subject to the direction of the National Intelligence Director;

(6) ensuring that the intelligence community makes better use of open source information and analysis; and

(7) coordinating among the agencies, elements, and components of the intelligence community.

SEC. 115. NATIONAL INTELLIGENCE COUNCIL.

(a) NATIONAL INTELLIGENCE COUNCIL.—There is a National Intelligence Council.

(b) COMPOSITION.—(1) The National Intelligence Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the National Intelligence Director.

(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

(c) Duties and Responsibilities.—(1) The National Intelligence Council shall—

(A) subject to paragraph (2), produce national intelligence estimates for the United States Government, including, whenever the Council considers appropriate, alternative views held by elements of the intelligence community;

(B) evaluate community-wide collection and production of intelligence by the intelligence community and the requirements and resources of such collection and production; and

(C) otherwise assist the National Intelligence Director in carrying out the responsibilities of the Director under section 131.

(2) The National Intelligence Director shall ensure that the Council satisfies the needs of policymakers and other consumers of intelligence by ensuring that each national intelligence estimate under paragraph (1)—

(A) states separately, and distinguishes between, the intelligence underlying such estimate and the assumptions and judgments of analysts with respect to such intelligence and such estimate;

(B) describes the quality and reliability of the intelligence underlying such estimate;

(C) presents and explains alternative conclusions, if any, with respect to the intelligence underlying such estimate and such estimate; and

(D) characterizes the uncertainties, if any, and confidence in such estimate.

(d) Service as Senior Intelligence Advisers.—Within their respective areas of expertise and under the direction of the National Intelligence Director, the members of the National Intelligence Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the United States Government.

(e) Authority To Contract.—Subject to the direction and control of the National Intelligence Director, the National Intelligence Council may carry out its responsibilities under this section by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this section.

(f) Staff.—The National Intelligence Director shall make available to the National Intelligence Council such staff as may be necessary to permit the Council to carry out its responsibilities under this section.

(g) Availability of Council and Staff.—(1) The National Intelligence Director shall take appropriate measures to ensure that the National Intelligence Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

(2) The Council shall be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.

(h) Support.—The heads of the elements of the intelligence community shall, as appropriate, furnish such support to the National Intelligence Council, including the preparation of intelligence analyses, as may be required by the National Intelligence Director.

SEC. 116. GENERAL COUNSEL OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) General Counsel of National Intelligence Authority.—There is a General Counsel of the National Intelligence Authority who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Prohibition on Dual Service as General Counsel of Another Agency.—The individual serving in the position of General Counsel of the National Intelligence Authority may not, while so serving, also serve as the General Counsel of any other department, agency, or element of the United States Government.

(c) Scope of Position.—The General Counsel of the National Intelligence Authority is the chief legal officer of the National Intelligence Authority.

(d) Functions.—The General Counsel of the National Intelligence Authority shall perform such functions as the National Intelligence Director may prescribe.

SEC. 117. INSPECTOR GENERAL OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) Office of Inspector General of National Intelligence Authority.—There is an Office of the Inspector General of the National Intelligence Authority.

(b) Purpose.—The purpose of the Office of the Inspector General of the National Intelligence Authority is to—

(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

(A) the programs and operations of the National Intelligence Authority;

(B) the relationships among the elements of the intelligence community within the National Intelligence Program; and

(C) the relationship of the Authority with the other elements of the intelligence community;

(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and in the relationships described in paragraph (1), and to detect fraud and abuse in such programs, operations, and relationships;

(3) provide a means for keeping the National Intelligence Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and in such relationships, and the necessity for, and the progress of, corrective actions; and

(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of significant problems and deficiencies relating to the administration of such programs and operations, and in such relationships, as well as the necessity for, and the progress of, corrective actions.

(c) Inspector General of National Intelligence Authority.—(1) There is an Inspector General of the National Intelligence Authority, who shall be the head of the Office of the Inspector General of the National Intelligence Authority, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(2) The nomination of an individual for appointment as Inspector General shall be made—

(A) without regard to political affiliation;

(B) solely on the basis of integrity, compliance with the security standards of the National Intelligence Authority, and prior experience in the field of intelligence or national security; and

(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

(3) The Inspector General shall report directly to and be under the general supervision of the National Intelligence Director.

(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

(d) Duties and Responsibilities.—It shall be the duty and responsibility of the Inspector General of the National Intelligence Authority—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the National Intelligence Authority, and in the relationships among the elements of the intelligence community within the National Intelligence Program, to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the National Intelligence Director fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in the relationships described in paragraph (1), and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

(e) Limitations on Activities.—(1) The National Intelligence Director may prohibit the Inspector General of the National Intelligence Authority from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within seven days to the congressional intelligence committees.

(3) The Director shall advise the Inspector General at the time a report under paragraph (1) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

(f) Authorities.—(1) The Inspector General of the National Intelligence Authority shall have direct and prompt access to the National Intelligence Director when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of the National Intelligence Authority whose testimony is needed for the performance of the duties of the Inspector General.

(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

(D) Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, including loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Authority—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information may be taken by any employee of the Authority in a position to take such actions, unless such complaint was made or such information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the National Intelligence Authority designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Authority.

(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

(g) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the National Intelligence Authority shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(2)(A) Subject to applicable law and the policies of the National Intelligence Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out the functions of the Inspector General.

(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the National Intelligence Authority a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

(h) REPORTS.—(1)(A) The Inspector General of the National Intelligence Authority shall, not later than January 31 and July 31 of each year, prepare and submit to the National Intelligence Director a classified semiannual report summarizing the activities of the Office of the Inspector General of the National Intelligence Authority during the immediately preceding six-month periods ending December 31 (of the preceding year) and June 30, respectively.

(B) Each report under this paragraph shall include, at a minimum, the following:

(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report.

(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Intelligence Authority identified by the Inspector General during the period covered by such report.

(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

(iv) A statement whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

(v) An assessment of the effectiveness of all measures in place in the Authority for the protection of civil liberties and privacy of United States persons.

(vi) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

(vii) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

(viii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Authority, and to detect and eliminate fraud and abuse in such programs and operations.

(C) Not later than 30 days after the date of the submittal of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations of the Authority or regarding relationships among the elements of the intelligence community within the National Intelligence Program.

(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

(3) In the event that—

(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Authority official who holds or held a position in the Authority that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis;

(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

(4) Pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

(5)(A) An employee of the Authority, or of a contractor to the Authority, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than three days after any such action is taken.

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) In this paragraph, the term "urgent concern" means any of the following:

(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Authority, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

(i) SEPARATE BUDGET ACCOUNT.—The National Intelligence Director shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the National Intelligence Authority.

SEC. 118. INTELLIGENCE COMPTROLLER.

(a) INTELLIGENCE COMPTROLLER.—There is an Intelligence Comptroller who shall be appointed from civilian life by the National Intelligence Director.

(b) SUPERVISION.—The Intelligence Comptroller shall report directly to the National Intelligence Director.

(c) DUTIES.—The Intelligence Comptroller shall—

(1) assist the National Intelligence Director in the preparation and execution of the budget of the elements of the intelligence community within the National Intelligence Program;

(2) assist the Director in participating in the development by the Secretary of Defense of the annual budget for military intelligence programs and activities outside the National Intelligence Program;

(3) provide unfettered access to the Director to financial information under the National Intelligence Program;

(4) perform such other duties as may be prescribed by the Director or specified by law.

SEC. 119. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES OF NATIONAL INTELLIGENCE AUTHORITY.—There is an Officer for Civil Rights and Civil Liberties of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) SUPERVISION.—The Officer for Civil Rights and Civil Liberties of the National Intelligence Authority shall report directly to the National Intelligence Director.

(c) DUTIES.—The Officer for Civil Rights and Civil Liberties of the National Intelligence Authority shall—

(1) assist the National Intelligence Director in ensuring that the protection of civil rights and civil liberties is appropriately incorporated in the policies and procedures developed for and implemented by the National Intelligence Authority and in the relationships among the elements of the intelligence community within the National Intelligence Program;

(2) oversee compliance by the Authority, and in the relationships described in paragraph (1), with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil rights and civil liberties;

(3) review, investigate, and assess complaints and other information indicating possible abuses of civil rights or civil liberties in the administration of the programs and operations of the Authority, and in the relationships described in paragraph (1), unless, in the determination of the Inspector General of the National Intelligence Authority, the review, investigation, or assessment of a particular complaint or information can better be conducted by the Inspector General; and

(4) perform such other duties as may be prescribed by the Director or specified by law.

SEC. 120. PRIVACY OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) PRIVACY OFFICER OF NATIONAL INTELLIGENCE AUTHORITY.—There is a Privacy Officer of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) DUTIES.—The Privacy Officer of the National Intelligence Authority shall have primary responsibility for the privacy policy of the National Intelligence Authority, including—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(2) assuring that personal information contained in Privacy Act systems of records is handled in full compliance with fair information practices as set out in the Privacy Act of 1974;

(3) conducting privacy impact assessments when appropriate or as required by law; and

(4) performing such other duties as may be prescribed by the Director or specified by law.

SEC. 121. CHIEF INFORMATION OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) CHIEF INFORMATION OFFICER OF NATIONAL INTELLIGENCE AUTHORITY.—There is a Chief Information Officer of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) DUTIES.—The Chief Information Officer of the National Intelligence Authority shall—

(1) assist the National Intelligence Director in developing and implementing an integrated information technology network, as required by section 132(a)(14);

(2) develop an enterprise architecture for the intelligence community and assist the Director in ensuring that elements of the intelligence community comply with such architecture;

(3) ensure that the elements of the intelligence community have direct and continuous electronic access to all information (including unevaluated intelligence) necessary for appropriately cleared analysts to conduct comprehensive all-source analysis and for appropriately cleared policymakers to perform their duties;

(4) review and provide recommendations to the Director on National Intelligence Program budget requests for information technology and national security systems;

(5) assist the Director in promulgating and enforcing standards on information technology and national security systems that apply throughout the intelligence community;

(6) provide for the elimination of duplicate information technology and national security systems within and between the elements of the intelligence community; and

(7) perform such other duties with respect to the information systems and information technology of the National Intelligence Authority as may be prescribed by the Director or specified by law.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

SEC. 131. PROVISION OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Under the direction of the National Security Council, the National Intelligence Director shall be responsible for providing national intelligence—

(1) to the President;

(2) to the heads of other departments and agencies of the executive branch;

(3) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and

(4) where appropriate, to the Senate and House of Representatives and the committees thereof.

(b) NATIONAL INTELLIGENCE.—Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

SEC. 132. RESPONSIBILITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) IN GENERAL.—The National Intelligence Director shall—

(1) develop and present to the President on an annual basis a unified budget for the intelligence and intelligence-related activities of the United States Government;

(2) ensure a unified budget for the intelligence and intelligence-related activities of the United States Government that reflects an appropriate balance among the varieties of technical and human intelligence methods and analysis;

(3) direct and manage the tasking of collection, analysis, and dissemination of national intelligence by elements of the intelligence community, including the establishment of requirements and priorities of such tasking;

(4) approve collection and analysis requirements, determine collection and analysis priorities, and resolve conflicts in collection and analysis priorities levied on national intelligence collection and analysis assets;

(5) establish and oversee the National Counterterrorism Center under section 141 and the national intelligence centers under section 142;

(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or Executive order;

(7) develop and implement, in consultation with the heads of the other elements of the intelligence community, personnel policies and programs applicable to the intelligence community that—

(A) facilitate assignments and details of personnel to the National Counterterrorism Center under section 141, to national intelligence centers under section 142, and across agency lines;

(B) set standards for education and training;

(C) ensure that the personnel of the intelligence community is sufficiently diverse for purposes of the collection and analysis of intelligence by ensuring the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(D) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify;

(E) ensure the effective management and authority of intelligence community personnel who are responsible for intelligence community-wide matters; and

(F) include the enhancements required under section 134;

(8) promote and evaluate the utility of national intelligence to consumers within the United States Government;

(9) ensure that appropriate officials of the United States Government and other appropriate individuals have access to a variety of intelligence assessments and analytical views;

(10) protect intelligence sources and methods from unauthorized disclosure;

(11) establish requirements and procedures for the classification of information and for access to classified information;

(12) establish requirements and procedures for the dissemination of classified information by elements of the intelligence community;

(13) establish information sharing and intelligence reporting guidelines that maximize the dissemination of information while protecting intelligence sources and methods;

(14) develop, in consultation with the heads of appropriate departments and agencies of the United States Government, an integrated information technology network that provides for the efficient and secure exchange of intelligence information among all elements of the intelligence community and such other entities and persons as the Director considers appropriate;

(15) ensure compliance by the elements of the intelligence community with the Constitution and all laws, regulations, Executive orders, and implementing guidelines of the United States, including all laws, regulations, Executive orders, and implementing guidelines relating to the protection of civil liberties and privacy of United States persons;

(16) eliminate waste and unnecessary duplication within the intelligence community; and

(17) perform such other functions as the President may direct.

(b) UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.—The President, acting through the National Intelligence Director, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any department, agency, or element of the United States Government, and to employees of contractors of such departments, agencies, and elements;

(2) ensure the consistent implementation of such standards and procedures throughout the departments, agencies, and elements of the United States Government; and

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

SEC. 133. AUTHORITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) ACCESS TO INTELLIGENCE.—To the extent approved by the President, the National Intelligence Director shall have access to all intelligence related to the national security which is collected by any department, agency, or other element of the United States Government.

(b) DETERMINATION OF BUDGETS FOR NIP AND OTHER INTELLIGENCE ACTIVITIES.—The National Intelligence Director shall determine the annual budget for intelligence and intelligence-related activities of the United States Government by—

(1) developing and presenting to the President an annual budget for the National Intelligence Program, including, in furtherance of such budget, the review, modification, and approval of budgets of the elements of the intelligence community within the National Intelligence Program utilizing the budget authorities in subsection (d)(1);

(2) providing guidance on the development of annual budgets for such elements of the intelligence community as are not within the National Intelligence Program utilizing the budget authorities in subsection (d)(2);

(3) participating in the development by the Secretary of Defense of the annual budget for military intelligence programs and activities outside the National Intelligence Program;

(4) having direct jurisdiction of amounts appropriated or otherwise made available for the National Intelligence Program as specified in subsection (e); and

(5) managing and overseeing the execution, and, if necessary, the modification of the annual budget for the National Intelligence Program, including directing the reprogramming and reallocation of funds, and the transfer of personnel, among and between elements of the intelligence community within the National Intelligence Program utilizing the authorities in subsections (f) and (g).

(c) SCOPE OF NIP AND JMIP.—The National Intelligence Director and the Secretary of Defense shall jointly review the programs, projects, and activities under the Joint Military Intelligence Program in order to identify the programs, projects, and activities within the Joint Military Intelligence Program as of the date of the enactment of this Act that pertain to national intelligence. Any programs, projects, and activities so identified are to be carried out instead within the National Intelligence Program.

(d) BUDGET AUTHORITIES.—(1)(A) The National Intelligence Director shall direct, coordinate, prepare, modify, and present to the President the annual budgets of the elements of the intelligence community within the National Intelligence Program, in consultation with the heads of those elements.

(B) The budget of an element of the intelligence community within the National Intelligence Program may not be provided to the President for transmission to Congress unless the Director has approved such budget.

(2)(A) The Director shall provide guidance for the development of the annual budgets for such elements of the intelligence community as are not within the National Intelligence Program;

(B) The heads of the elements of the intelligence community referred to in subparagraph (A) shall coordinate closely with the Director in the development of the budgets of such elements, before the submission of their recommendations on such budgets to the President.

(e) JURISDICTION OF FUNDS UNDER NIP.—Notwithstanding any other provision of law and consistent with section 504 of the National Security Act of 1947 (50 U.S.C. 414), any amounts appropriated or otherwise made available for the National Intelligence Program shall be appropriated to, and under the direct jurisdiction of, the National Intelligence Director.

(f) ROLE IN REPROGRAMMING.—(1) No funds made available under the National Intelligence Program may be reprogrammed by any element of the intelligence community within the National Intelligence Program without the prior approval of the National Intelligence Director except in accordance with procedures issued by the Director.

(2) The Director shall consult with the appropriate committees of Congress regarding modifications of existing procedures to expedite the reprogramming of funds within the National Intelligence Program.

(g) TRANSFER OF FUNDS OR PERSONNEL WITHIN NATIONAL INTELLIGENCE PROGRAM.—(1)(A) In addition to any other authorities available under law for such purposes, the National Intelligence Director, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Intelligence Program to another such program and, in accordance with procedures to be developed by the National Intelligence Director and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element.

(B) The National Intelligence Director may delegate a duty of the Director under this subsection only to the Deputy National Intelligence Director.

(2) A transfer of funds or personnel may be made under this subsection only if—

(A) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;

(B) the need for funds or personnel for such activity is based on unforeseen requirements; and

(C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency.

(3) Funds transferred under this subsection shall remain available for the same period as the appropriations account to which transferred.

(4) Any transfer of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of October 24, 1992.

(5) The National Intelligence Director shall promptly submit to the congressional intelligence committees and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, a report on any transfer of personnel made pursuant to this subsection. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

SEC. 134. ENHANCED PERSONNEL MANAGEMENT.

(a) REWARDS FOR SERVICE IN CERTAIN POSITIONS.—(1) The National Intelligence Director shall, under regulations prescribed by the Director, provide incentives for service on the staff of the national intelligence centers, on the staff of the National Counterterrorism Center, and in other positions in support of the intelligence community management functions of the Director.

(2) Incentives under paragraph (1) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

(b) ENHANCED PROMOTION FOR SERVICE UNDER NID.—(1) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed to service under the National Intelligence Director shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

(2) The Director may prescribe regulations to carry out this section.

(c) JOINT CAREER MATTERS.—(1) In carrying out section 132(a)(7), the National Intelligence Director shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, and disciplines.

(2) The mechanisms prescribed under paragraph (1) may include the following:

(A) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.

(B) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.

(C) The establishment of requirements for education, training, service, and evaluation that involve service in more than one element of the intelligence community.

(3) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate within the intelligence community the joint officer management policies established by the Goldwater–Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) and the amendments on joint officer management made by that Act.

SEC. 135. ROLE OF NATIONAL INTELLIGENCE DIRECTOR IN APPOINTMENT AND TERMINATION OF CERTAIN OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

(a) RECOMMENDATION OF NID IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (3), the National Intelligence Director shall recommend to the President an individual for nomination to fill the vacancy.

(2) Paragraph (1) applies to the following positions:

(A) The Deputy National Intelligence Director.

(B) The Deputy National Intelligence Director for Foreign Intelligence.

(b) CONCURRENCE OF SECRETARY OF DEFENSE IN CERTAIN APPOINTMENTS RECOMMENDED BY NID.—(1) In the event of a vacancy in a position referred to in paragraph (2), the National Intelligence Director shall obtain the concurrence of the Secretary of Defense before recommending to the President an individual for nomination to fill such vacancy. If the Secretary does not concur in the recommendation, the Director may make the recommendation to the President without the concurrence of the Secretary, but shall include in the recommendation a statement that the Secretary does not concur in the recommendation.

(2) Paragraph (1) applies to the following positions:

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

(C) The Director of the National Geospatial-Intelligence Agency.

(c) CONCURRENCE OF NID IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the National Intelligence Director before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may fill the vacancy or make the recommendation to the President (as the case may be) without the concurrence of the Director, but shall notify the President that the Director does not concur in appointment or recommendation (as the case may be).

(2) Paragraph (1) applies to the following positions:

(A) The Under Secretary of Defense for Intelligence.

(B) The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.

(C) The Director of the Defense Intelligence Agency.

(D) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation.

(d) RECOMMENDATION OF NID IN TERMINATION OF SERVICE.—The National Intelligence Director may recommend to the President or the head of the department or agency concerned the termination of service of any individual serving in any position covered by this section.

Subtitle C—Elements of National Intelligence Authority

SEC. 141. NATIONAL COUNTERTERRORISM CENTER.

(a) NATIONAL COUNTERTERRORISM CENTER.—There is within the National Intelligence Authority a National Counterterrorism Center.

(b) DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER.—(1) There is a Director of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as the Director of the National Counterterrorism Center shall have significant expertise in matters relating to the national security of the United States and matters relating to terrorism that threatens the national security of the United States.

(c) SUPERVISION.—(1) The Director of the National Counterterrorism Center shall report to the National Intelligence Director on—

(A) the budget and programs of the National Counterterrorism Center;

(B) the activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (f); and

(C) the conduct of intelligence operations implemented by other elements of the intelligence community.

(2) The Director of the National Counterterrorism Center shall report directly to the President and the National Security Council on the planning and progress of joint counterterrorism operations (other than intelligence operations).

(d) PRIMARY MISSIONS.—The primary missions of the National Counterterrorism Center shall be as follows:

(1) To unify strategy for the civilian and military counterterrorism efforts of the United States Government.

(2) To effectively integrate counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States.

(e) DUTIES AND RESPONSIBILITIES OF DIRECTOR.—Notwithstanding any other provision of law, at the direction of the President and the National Security Council, the Director of the National Counterterrorism Center shall—

(1) serve, through the National Intelligence Director, as the principal adviser to the President on intelligence operations relating to counterterrorism;

(2) provide unified strategic direction for the civilian and military counterterrorism efforts of the United States Government and for the effective integration of counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States;

(3) advise the President and the National Intelligence Director on the extent to which the counterterrorism program recommendations and budget proposals of the departments, agencies, and elements of the United States Government conform to the priorities established by the President and the National Security Council;

(4) concur in, or advise the President on, the selections of personnel to head the operating entities of the United States Government with principal missions relating to counterterrorism, including the head of the Central Intelligence Agency's Counterterrorist Center, the head of the Counterterrorism Division of the Federal Bureau of Investigation, the coordinator for counterterrorism of the Department of State, and the commanders of the Special Operations Command and the Northern Command within the Department of Defense; and

(5) perform such other duties as the National Intelligence Director may prescribe or are prescribed by law.

(f) DIRECTORATE OF INTELLIGENCE.—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Intelligence.

(2) The Directorate shall utilize the capabilities of the Terrorist Threat Integration Center (TTIC) transferred to the Directorate by section 182 and such other capabilities as the Director of the National Counterterrorism Center considers appropriate.

(3) The Directorate shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations from all sources of intelligence, whether collected inside or outside the United States.

(4) The Directorate shall—

(A) be the principal repository within the United States Government for all-source information on suspected terrorists, their organizations, and their capabilities;

(B) propose intelligence collection requirements for action by elements of the intelligence community inside and outside the United States;

(C) have primary responsibility within the United States Government for net assessments and warnings about terrorist threats, which assessments and warnings shall be based on a comparison of terrorist capabilities with assessed national vulnerabilities; and

(D) perform such other duties and functions as the Director of the National Counterterrorism Center may prescribe.

(g) DIRECTORATE OF OPERATIONS.—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Operations.

(2)(A) The Directorate shall have primary responsibility within the United States Government for providing guidance and plans, including strategic plans, for joint counterterrorism operations conducted by the United States Government.

(B) For purposes of subparagraph (A), joint counterterrorism operations are counterterrorism operations that—

(i) involve, or are likely to involve, more than one executive agency of the United States Government (including the Armed Forces of the United States); or

(ii) are designated as joint operations by the Director of the National Counterterrorism Center.

(3) The Directorate shall—

(A) provide guidance, and develop strategy and plans for operations, to counter terrorist activities based on policy objectives and priorities established by the National Security Council;

(B) develop plans under subparagraph (A) utilizing input from personnel in other departments, agencies, and elements of the United States Government who have expertise in the priorities, functions, assets, programs, capabilities, and operations of such departments, agencies, and elements with respect to counterterrorism;

(C) assign responsibilities for counterterrorism operations to the departments, agencies, and elements of the United States Government (including the Department of Defense and the Armed Forces, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Homeland Security, and other departments, agencies, and elements of the United States Government), consistent with the authorities of such departments, agencies, and elements, which operations shall be conducted by the department, agency, or element to which assigned and, in the case of operations assigned to units of the Armed Forces, shall require the concurrence of the Secretary of Defense;

(D) monitor the implementation of operations assigned under subparagraph (C) and update plans for such operations as necessary;

(E) report to the President and the National Intelligence Director on the compliance of the departments, agencies, and elements of the United States with the plans developed under subparagraph (A); and

(F) perform such other duties and functions as the Director of the National Counterterrorism Center may prescribe.

(4) The Directorate may not direct the execution of operations assigned under paragraph (3).

(h) STAFF.—(1) The Director of the National Counterterrorism Center may, in the discretion of the Director, appoint deputy directors of the National Counterterrorism Center to oversee such portions of the operations of the National Counterterrorism Center as the Director considers appropriate.

(2) To assist the Director of the National Counterterrorism Center in fulfilling the duties and responsibilities of the Director under this section, the Director shall employ and utilize in the National Counterterrorism Center a professional staff having an expertise in matters relating to such duties and responsibilities.

(3) In providing for a professional staff for the National Counterterrorism Center under paragraph (2), the Director of the National Counterterrorism Center may establish as positions in the excepted service such positions in the Center as the Director considers appropriate.

(4) The Director of the National Counterterrorism Center shall ensure, with the approval of the National Intelligence Director, that the analytical staff of the National Counterterrorism Center is comprised primarily of experts from elements in the intelligence community and from such other personnel in the United States Government as the Director of the National Counterterrorism Center considers appropriate.

(5)(A) In order to meet the requirement in paragraph (4), the National Intelligence Director shall—

(i) transfer to the staff of the National Counterterrorism Center any personnel of another element of the intelligence community that the National Intelligence Director considers appropriate; and

(ii) in the case of personnel from a department, agency, or element of the United States Government outside the intelligence community, request the transfer of such personnel from the department, agency, or element concerned.

(B) The head of a department, agency, or element of the United States Government receiving a request for the transfer of personnel under subparagraph (A)(ii) shall, to the extent practicable, approve the request.

(6) The National Intelligence Director shall ensure that the staff of the National Counterterrorism Center has access to all databases maintained by the elements of the intelligence community that are relevant to the duties of the Center.

(7) The Director of the National Counterterrorism Center shall evaluate the staff of the National Counterterrorism Center in the performance of their duties.

(i) SUPPORT AND COOPERATION OF OTHER AGENCIES.—(1) The elements of the intelligence community and the other departments, agencies, and elements of the United States Government shall support, assist, and cooperate with the National Counterterrorism Center in carrying out its missions under this section.

(2) The support, assistance, and cooperation of a department, agency, or element of the United States Government under this subsection shall include, but not be limited to—

(A) the implementation of plans for operations, whether foreign or domestic, that are developed by the National Counterterrorism Center in a manner consistent with the laws and regulations of the United States;

(B) cooperative work with the Director of the National Counterterrorism Center to ensure that ongoing operations of such department, agency, or element do not conflict with joint operations planned by the Center;

(C) reports, upon request, to the Director of the National Counterterrorism Center on the progress of such department, agency, or element in implementing responsibilities assigned to such department, agency, or element through joint operations plans; and

(D) the provision to the analysts of the National Counterterrorism Center electronic access in real time to information and intelligence collected by such department, agency, or element that is relevant to the mission of the Center.

(3)(A) In the event of a disagreement between the National Counterterrorism Center and the head of a department, agency, or element of the United States Government on a plan developed or responsibility assigned by the Center under this section, the Director of the National Counterterrorism Center shall notify the National Security Council of the disagreement.

(B) The National Security Council shall resolve each disagreement of which the Council is notified under subparagraph (A).

SEC. 142. NATIONAL INTELLIGENCE CENTERS.

(a) National Intelligence Centers.—(1) The National Intelligence Director shall establish within the National Intelligence Authority centers (to be known as "national intelligence centers") to address intelligence priorities established by the National Security Council.

(2) Each national intelligence center shall be assigned an area of intelligence responsibility, whether expressed in terms of a geographic region, in terms of function, or in other terms.

(3) National intelligence centers shall be established at the direction of the President, as prescribed by law, or upon the initiative of the National Intelligence Director.

(b) Establishment of Centers.—(1) In establishing a national intelligence center, the National Intelligence Director shall assign lead responsibility for such center to an element of the intelligence community selected by the Director for that purpose.

(2) The Director shall determine the structure and size of each national intelligence center.

(3) The Director shall notify Congress of the establishment of a national intelligence center at least 30 days before the date of the establishment of the center.

(c) Directors of Centers.—(1) Each national intelligence center shall have as its head a Director who shall be appointed by the National Intelligence Director for that purpose.

(2) The Director of a national intelligence center shall serve as the principal adviser to the National Intelligence Director on intelligence matters with respect to the area of intelligence responsibility assigned to the center.

(3) In carrying out duties under paragraph (3), the Director of a national intelligence center shall—

(A) manage the operations of the center;

(B) coordinate the provision of administration and support by the element of the intelligence community with lead responsibility for the center under subsection (b)(1);

(C) submit budget and personnel requests for the center to the National Intelligence Director;

(D) seek such assistance from other departments, agencies, and elements of the United States Government as are needed to fulfill the mission of the center; and

(E) advise the National Intelligence Director of the information technology, personnel, and other requirements of the center for the performance of its mission.

(4) The National Intelligence Director shall ensure that the Director of a national intelligence center has sufficient authority, direction, and control over the center to effectively accomplish the mission of the center.

(d) Mission of Centers.—(1) Each national intelligence center shall provide all-source analysis of intelligence and propose intelligence collection requirements in the area of intelligence responsibility assigned to the center by the National Intelligence Director pursuant to intelligence priorities established by the National Security Council.

(2) Within its area of intelligence responsibility, a national intelligence center shall—

(A) have primary responsibility for strategic analysis of intelligence, fusing all-source intelligence from foreign and domestic sources;

(B) be the principal repository within the United States Government for all-source information;

(C) identify and propose requirements and priorities for intelligence collection;

(D) have primary responsibility within the United States Government for net assessments, where applicable, and warnings;

(E) ensure that appropriate officials of the United States Government and other appropriate individuals have access to a variety of intelligence assessments and analytical views;

(F) provide advice and guidance to the President, the National Security Council, the National Intelligence Director, and the heads of other appropriate departments, agencies, and elements of the United States Government; and

(G) perform such other duties and responsibilities as the National Intelligence Director may prescribe.

(e) Information Sharing.—(1) The National Intelligence Director shall ensure that the Directors of the national intelligence centers and the other elements of the intelligence community undertake appropriate sharing of intelligence analysis and plans for operations in order to facilitate the activities of the centers.

(2) In order to facilitate information sharing under paragraph (1), the Directors of the national intelligence centers shall—

(A) report directly to the National Intelligence Director regarding their activities under this section; and

(B) coordinate with the Deputy National Intelligence Director regarding such activities.

(f) Termination of Centers.—(1) The National Intelligence Director may terminate a national intelligence center if the National Intelligence Director determines that the center is no longer required to meet an intelligence priority established by the National Security Council.

(2) The National Intelligence Director shall notify Congress of the termination of a national intelligence center at least 30 days before the date of the termination of the center.

(g) Staff of Centers.—(1) The head of an element of the intelligence community shall assign or detail to a national intelligence center such personnel as the National Intelligence Director considers appropriate to carry out the mission of the center.

(2) Personnel assigned or detailed to a national intelligence center under paragraph (1) shall be under the authority, direction, and control of the Director of the center on all matters for which the center has been assigned responsibility and for all matters related to the accomplishment of the mission of the center.

(3) Performance evaluations of personnel assigned or detailed to a national intelligence center under this subsection shall be undertaken by the supervisors of such personnel at the center.

(4) The supervisors of the staff of a national center may, with the approval of the National Intelligence Director, reward the staff of the center for meritorious performance by the provision of such performance awards as the National Intelligence Director shall prescribe.

(5) The Director of a national intelligence center may recommend to the National Intelligence Director the reassignment to the home element concerned of any personnel previously assigned or detailed to the center from another element of the intelligence community.

(h) Support.—The element of the intelligence community assigned lead responsibility for a national intelligence center under subsection (b)(1) shall be responsible for the provision of administrative support for the center, including the provision of funds to the center necessary for the administration of the center.

Subtitle D—Additional Authorities of National Intelligence Authority

SEC. 151. USE OF APPROPRIATED FUNDS.

(a) Disposal of Property.—(1) If specifically authorized to dispose of real property of the National Intelligence Authority under any law enacted after the date of the enactment of this Act, the National Intelligence Director shall, subject to paragraph (2), exercise such authority in strict compliance with subchapter IV of chapter 5 of title 40, United States Code.

(2) The Director shall deposit the proceeds of any disposal of property of the National Intelligence Authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31, United States Code.

(b) Gifts.—Gifts or donations of services or property of or for the National Intelligence Authority may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

SEC. 152. PROCUREMENT AUTHORITIES.

(a) In General.—In the performance of its functions, the National Intelligence Authority may exercise the authorities referred to in section 3(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(a)).

(b) Treatment as Head of Agency.—For the purpose of the exercise of any authority referred to in subsection (a) with respect to the National Intelligence Authority, a reference to the head of an agency shall be deemed to be a reference to the National Intelligence Director or the Deputy National Intelligence Director.

(c) Determination and Decisions.—(1) Any determination or decision to be made under an authority referred to in subsection (a) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

(2) Except as provided in paragraph (3), the National Intelligence Director or the Deputy National Intelligence Director may, in such official's discretion, delegate to any officer or other official of the National Intelligence Authority any authority to make a determination or decision as the head of the agency under an authority referred to in subsection (a).

(3) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the National Intelligence Agency of an authority referred to in subsection (a).

(4) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the National Intelligence Authority for a period of at least six years following the date of such determination or decision.

SEC. 153. PERSONNEL MATTERS.

(a) In General.—In addition to the authorities provided in section 134, the National Intelligence Director may exercise with respect to the personnel of the National Intelligence Authority any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central

Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this Act to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

(b) RIGHTS AND PROTECTIONS OF EMPLOYEES AND APPLICANTS.—Employees and applicants for employment of the National Intelligence Authority shall have the same rights and protections under the Authority as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this Act.

SEC. 154. ETHICS MATTERS.

(a) POLITICAL SERVICE OF PERSONNEL.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) in subclause (XII), by striking "or" at the end; and

(2) by inserting after subclause (XIII) the following new subclause:

"(XIV) the National Intelligence Authority; or".

(b) DELETION OF INFORMATION ABOUT FOREIGN GIFTS.—Section 7342(f)(4) of title 5, United States Code, is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated, by striking "the Director of Central Intelligence" and inserting "the Director of the Central Intelligence Agency"; and

(3) by adding at the end the following new subparagraph:

"(B) In transmitting such listings for the National Intelligence Authority, the National Intelligence Director may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.".

(c) EXEMPTION FROM FINANCIAL DISCLOSURES.—Section 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is amended by inserting "the National Intelligence Authority," before "the Central Intelligence Agency".

Subtitle E—Additional Improvements of Intelligence Activities

SEC. 161. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2005—

(1) the aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government; and

(2) the aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for each element or component of the intelligence community.

(b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2005—

(1) the aggregate amount of funds appropriated by Congress for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government; and

(2) the aggregate amount of funds appropriated by Congress for the fiscal year concerned for each element or component of the intelligence community.

SEC. 162. MERGER OF HOMELAND SECURITY COUNCIL INTO NATIONAL SECURITY COUNCIL.

(a) MERGER OF HOMELAND SECURITY COUNCIL INTO NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph of subsection (a), by striking clauses (5) and (6) and inserting the following new clauses:

"(5) the Attorney General;

"(6) the Secretary of Homeland Security;"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(3) assess the objectives, commitments, and risks of the United States in the interests of homeland security and make recommendations to the President based on such assessments;

"(4) oversee and review the homeland security policies of the Federal Government and make recommendations to the President based on such oversight and review; and

"(5) perform such other functions as the President may direct.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Title IX of the Homeland Security Act of 2002 (6 U.S.C. 491 et seq.) is repealed.

(2) The table of contents for that Act is amended by striking the items relating to title IX.

SEC. 163. REFORM OF CENTRAL INTELLIGENCE AGENCY.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Covert operations tend to be highly tactical and require close attention. The Central Intelligence Agency should retain responsibility for the direction and execution of clandestine and covert operations. The Central Intelligence Agency should also concentrate on building capabilities to carry out such operations and on providing personnel who will be directing and executing such operations in the field.

(2) The reconstitution of the analytic and human intelligence collection capabilities of the Central Intelligence Agency requires the undiverted attention of the head of the Central Intelligence Agency.

(b) TRANSFORMATION OF CENTRAL INTELLIGENCE AGENCY.—The Director of the Central Intelligence Agency shall transform the intelligence and intelligence-related capabilities of the Central Intelligence Agency by—

(1) building the human intelligence capabilities of the clandestine service;

(2) building the analytic capabilities of the Agency;

(3) developing a stronger language program;

(4) renewing emphasis on the recruitment of operations officers of diverse background who can blend in more easily in foreign cities;

(5) ensuring a seamless relationship between human source collection and signals collection at the operational level; and

(6) providing for a better balance between unilateral operations and liaison operations.

(c) RETENTION OF RESPONSIBILITY FOR CLANDESTINE AND COVERT OPERATIONS.—The Central Intelligence Agency shall retain responsibility for the direction and execution of clandestine and covert operations as authorized by the President or the National Intelligence Director and assigned by a national intelligence center.

SEC. 164. PARAMILITARY OPERATIONS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Prior to September 11, 2001, the Central Intelligence Agency relied on proxies to conduct paramilitary operations, with unsatisfactory results.

(2) The United States cannot afford to build two separate capabilities for carrying out paramilitary operations, and therefore should concentrate responsibility and necessary legal authority for such operations in one entity.

(3) In conducting future paramilitary operations, Central Intelligence Agency experts should be integrated into military training, exercises, and planning, and lead responsibility for directing and executing paramilitary operations should rest with the Department of Defense.

(b) SENSE OF CONGRESS ON LEAD RESPONSIBILITY FOR PARAMILITARY OPERATIONS.—The Secretary of Defense should have lead responsibility for directing and executing paramilitary operations, whether clandestine or covert.

(c) SENSE OF CONGRESS ON DISCHARGE THROUGH SPECIAL OPERATIONS COMMAND.—In carrying out the responsibility under subsection (b) the Secretary of Defense should—

(1) assign the Special Operations Command lead responsibility within the Department of Defense for paramilitary operations; and

(2) consolidate responsibility for such operations with the capabilities for training, direction, and execution of such operations.

(d) SENSE OF CONGRESS ON JOINT PLANNING.—The Secretary of Defense and the Director of the Central Intelligence Agency should work jointly to plan paramilitary operations.

(e) PARAMILITARY OPERATIONS DEFINED.—In this section, the term "paramilitary operations" means operations that, by their tactics and requirements in military-type personnel, equipment, and training, approximate conventional military operations, but that are distinguished from conventional military operations through reliance on light infantry, less capability to carry out sustained combat operations involving heavy weapons and less capability of sustaining long-term logistical support.

SEC. 165. IMPROVEMENT OF INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The Federal Bureau of Investigation has made significant progress in improving its intelligence capabilities.

(2) The Federal Bureau of Investigation must fully institutionalize the shift of the Bureau to a preventive counterterrorism posture.

(b) IMPROVEMENT OF INTELLIGENCE CAPABILITIES.—The Director of the Federal Bureau of Investigation shall continue efforts to improve the intelligence capabilities of the Bureau and to develop and maintain within the Bureau a national security workforce.

(c) NATIONAL SECURITY WORKFORCE.—(1) In developing and maintaining a national security workforce under subsection (b), the Director of the Federal Bureau of Investigation shall, subject to the direction and control of the President, develop and maintain a specialized and integrated national security workforce consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, and rewarded in a manner which ensures the existence within the Bureau of an institutional culture with substantial expertise in, and commitment to, the intelligence and national security missions of the Bureau.

(2) Each agent employed by the Bureau after the date of the enactment of this Act shall receive basic training in both criminal justice matters and national security matters.

(3) Each agent employed by the Bureau after the date of the enactment of this Act shall, to the maximum extent practicable, be given the opportunity to undergo, during such agent's early service with the Bureau, meaningful assignments in criminal justice matters and in national security matters.

(4) The Director shall—

(A) require agents and analysts of the Bureau to specialize in either criminal justice matters or national security matters; and

(B) in furtherance of the requirement under subparagraph (A) and to the maximum extent practicable, afford agents and analysts of the Bureau the opportunity to work in the specialty selected by such agents and analysts over their entire career with the Bureau.

(5) The Director shall carry out a program to enhance the capacity of the Bureau to recruit and retain individuals with backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence and national security missions of the Bureau.

(6) The Director shall, to the maximum extent practicable, afford the analysts of the Bureau training and career opportunities commensurate with the training and career opportunities afforded analysts in other elements of the intelligence community.

(7) Commencing as soon as practicable after the date of the enactment of this Act, each senior manager of the Bureau shall be a certified intelligence officer.

(8) The Director shall, to the maximum extent practicable, ensure that the successful completion of advanced training courses, and of one or more assignments to another element of the intelligence community, is a precondition to advancement to higher level national security assignments within the Bureau.

(d) FIELD OFFICE MATTERS.—(1) In improving the intelligence capabilities of the Federal Bureau of Investigation under subsection (b), the Director of the Federal Bureau of Investigation shall ensure that each field office of the Bureau has an official at the deputy level or higher with responsibility for national security matters.

(2) The Director shall provide for such expansion of the secure facilities in the field offices of the Bureau as is necessary to ensure the discharge by the field offices of the intelligence and national security missions of the Bureau.

(3) The Director shall take appropriate actions to ensure the integration of analysts, agents, linguists, and surveillance personnel in the field.

(e) BUDGET MATTERS.—The Director of the Federal Bureau of Investigation shall, in consultation with the Director of the Office of Management and Budget, modify the budget structure of the Federal Bureau of Investigation in order to organize the budget according to the four principal missions of the Bureau as follows:

(1) Intelligence.

(2) Counterterrorism and counterintelligence.

(3) Crime.

(4) Criminal justice services.

(f) REPORTS.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress made as of the date of such report in carrying out the requirements of this section.

(B) The report required by subparagraph (A) shall include an estimate of the resources required to complete the expansion of secure facilities to carry out the national security mission of the field offices of the Federal Bureau of Investigation.

(2) The Director shall include in each semiannual program review of the Bureau that is submitted to Congress a report on the progress made by each field office of the Bureau during the period covered by such review in addressing Bureau and national program priorities.

(3) Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the Director shall submit to Congress a report assessing the qualifications, status, and roles of analysts at Bureau headquarters and in the field offices of the Bureau.

(4) Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the Director shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.

(5) A report required by this subsection shall be submitted—

(A) to each committee of Congress that has jurisdiction over the subject matter of such report; and

(B) in an unclassified form, but may include a classified annex.

SEC. 166. REPORT ON IMPLEMENTATION OF INTELLIGENCE COMMUNITY REFORM.

Not later than one year after the date of the enactment of this Act, the National Intelligence Director shall submit to Congress a report on the progress made in the implementation of this title, including the amendments made by this title. The report shall include a comprehensive description of the progress made, and may include such recommendations for additional legislative or administrative action as the Director considers appropriate.

Subtitle F—Conforming and Other Amendments

SEC. 171. RESTATEMENT AND MODIFICATION OF BASIC AUTHORITY OF THE CENTRAL INTELLIGENCE AGENCY.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

"CENTRAL INTELLIGENCE AGENCY

"SEC. 102. (a) CENTRAL INTELLIGENCE AGENCY.—There is a Central Intelligence Agency.

"(b) FUNCTION.—The function of the Central Intelligence Agency is to assist the Director of the Central Intelligence Agency in carrying out the responsibilities specified in section 103(c).

"DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

"SEC. 103. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Director of the Central Intelligence Agency also serves as the Deputy National Intelligence Director for Foreign Intelligence under section 114(b) of the National Intelligence Authority Act of 2004 and, in that capacity, has the duties and responsibilities provided for in paragraph (3) of that section.

"(b) DUTIES.—In the capacity as Director of the Central Intelligence Agency, the Director of the Central Intelligence Agency shall—

"(1) carry out the responsibilities specified in subsection (c); and

"(2) serve as the head of the Central Intelligence Agency.

"(c) RESPONSIBILITIES.—The Director of the Central Intelligence Agency shall—

"(1) collect intelligence through human sources and by other appropriate means, except that the Director of the Central Intelligence Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

"(2) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;

"(3) perform such additional services as are of common concern to the elements of the intelligence community, which services the National Intelligence Director determines can be more efficiently accomplished centrally; and

"(4) perform such other functions and duties related to intelligence affecting the national security as the President, the National Security Council, or the National Intelligence Director may direct.

"(d) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—(1) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the discretion of the Director, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director considers the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

"(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.".

SEC. 172. CONFORMING AMENDMENTS RELATING TO ROLES OF NATIONAL INTELLIGENCE DIRECTOR AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) NATIONAL SECURITY ACT OF 1947.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "National Intelligence Director":

(A) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

(B) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).

(C) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

(D) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)):

(E) Section 101(j) (50 U.S.C. 402(j)).

(F) Section 105(a) (50 U.S.C. 403-5(a)).

(G) Section 105(b)(6)(A) (50 U.S.C. 403-5(b)(6)(A)).

(H) Section 105B(a)(1) (50 U.S.C. 403-5b(a)(1)).

(I) Section 105B(b) (50 U.S.C. 403-5b(b)), the first place it appears.

(J) Section 110(b) (50 U.S.C. 404e(b)).

(K) Section 110(c) (50 U.S.C. 404e(c)).

(L) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

(M) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

(N) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).

(O) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

(P) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

(R) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

(S) Section 115(b) (50 U.S.C. 404j(b)).

(T) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).

(U) Section 116(a) (50 U.S.C. 404k(a)).

(V) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).

(W) Section 303(a) (50 U.S.C. 405(a)), both places it appears.

(X) Section 501(d) (50 U.S.C. 413(d)).

(Y) Section 502(a) (50 U.S.C. 413a(a)).

(Z) Section 502(c) (50 U.S.C. 413a(c)).

(AA) Section 503(b) (50 U.S.C. 413b(b)).

(BB) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).

(CC) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

(DD) Section 506A(a)(1) (50 U.S.C. 415a–1(a)(1)).

(EE) Section 603(a) (50 U.S.C. 423(a)).

(FF) Section 702(a)(1) (50 U.S.C. 432(a)(1)).

(GG) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).

(HH) Section 702(b)(1) (50 U.S.C. 432(b)(1)), both places it appears.

(II) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).

(JJ) Section 703(a)(6)(B)(viii) (50 U.S.C. 432a(a)(6)(B)(viii)).

(KK) Section 703(b)(1) (50 U.S.C. 432a(b)(1)), both places it appears.

(LL) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).

(MM) Section 704(f)(2)(H) (50 U.S.C. 432b(f)(2)(H)).

(NN) Section 704(g)(1)) (50 U.S.C. 432b(g)(1)), both places it appears.

(OO) Section 1001(a) (50 U.S.C. 441g(a)).

(PP) Section 1102(a)(1) (50 U.S.C. 442a(a)(1)).

(QQ) Section 1102(b)(1) (50 U.S.C. 442a(b)(1)).

(RR) Section 1102(c)(1) (50 U.S.C. 442a(c)(1)).

(SS) Section 1102(d) (50 U.S.C. 442a(d)).

(2) That Act is further amended by striking "of Central Intelligence" each place it appears in the following provisions:

(A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

(B) Section 105B(a)(2) (50 U.S.C. 403–5b(a)(2)).

(C) Section 105B(b) (50 U.S.C. 403–5b(b)), the second place it appears.

(3) That Act is further amended by striking "Director" each place it appears in the following provisions and inserting "National Intelligence Director":

(A) Section 114(c) (50 U.S.C. 404i(c)).

(B) Section 116(b) (50 U.S.C. 404k(b)).

(C) Section 1001(b) (50 U.S.C. 441g(b)).

(C) Section 1001(c) (50 U.S.C. 441g(c)), the first place it appears.

(D) Section 1001(d)(1)(B) (50 U.S.C. 441g(d)(1)(B)).

(E) Section 1001(e) (50 U.S.C. 441g(e)), the first place it appears.

(4) Section 114A of that Act (50 U.S.C. 404i–1) is amended by striking "Director of Central Intelligence" and inserting "National Intelligence Director, the Director of the Central Intelligence Agency"

(5) Section 504(a)(2) of that Act (50 U.S.C. 414(a)(2)) is amended by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency".

(6) Section 701 of that Act (50 U.S.C. 431) is amended—

(A) in subsection (a), by striking "Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence" and inserting "The Director of the Central Intelligence Agency, with the coordination of the National Intelligence Director, may exempt operational files of the Central Intelligence Agency"; and

(B) in subsection (g)(1), by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency and the National Intelligence Director".

(7) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

"ADDITIONAL ANNUAL REPORTS FROM THE NATIONAL INTELLIGENCE DIRECTOR".

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "National Intelligence Director":

(A) Section 6 (50 U.S.C. 403g).

(B) Section 17(f) (50 U.S.C. 403q(f)), both places it appears.

(2) That Act is further amended by striking "of Central Intelligence" in each of the following provisions:

(A) Section 2 (50 U.S.C. 403b).

(B) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).

(C) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

(D) Section 20(c) (50 U.S.C. 403t(c)).

(3) That Act is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of the Central Intelligence Agency":

(A) Section 14(b) (50 U.S.C. 403n(b)).

(B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

(C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.

(D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

(E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

"(2) DIRECTOR.—The term 'Director' means the Director of the Central Intelligence Agency.".

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:

"(1) the term 'Director' means the Director of the Central Intelligence Agency;".

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking "Director of Central Intelligence" each place it appears and inserting "National Intelligence Director".

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking "Director of Central Intelligence" and inserting "National Intelligence Director".

(g) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 103–359.—Section 811(c)(6)(C) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359) is amended by striking "Director of Central Intelligence" and inserting "National Intelligence Director".

(2) PUBLIC LAW 107–306.—(A) The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended by striking "Director of Central Intelligence, acting as the head of the intelligence community," each place it appears in the following provisions and inserting "National Intelligence Director":

(i) Section 313(a) (50 U.S.C. 404n(a)).

(ii) Section 343(a)(1) (50 U.S.C. 404n–2(a)(1))

(B) That Act is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "National Intelligence Director":

(i) Section 902(a)(2) (50 U.S.C. 402b(a)(2)).

(ii) Section 904(e)(4) (50 U.S.C. 402c(e)(4)).

(iii) Section 904(e)(5) (50 U.S.C. 402c(e)(5)).

(iv) Section 904(h) (50 U.S.C. 402c(h)), each place it appears.

(v) Section 904(m) (50 U.S.C. 402c(m)).

(C) Section 341 of that Act (50 U.S.C. 404n–1) is amended by striking "Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency" and inserting "National Intelligence Director shall establish within the Central Intelligence Agency".

(D) Section 352(b) of that Act (50 U.S.C. 404–3 note) is amended by striking "Director" and inserting "National Intelligence Director".

(3) PUBLIC LAW 108–177.—(A) The Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177) is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "National Intelligence Director":

(i) Section 317(a) (50 U.S.C. 403–3 note).

(ii) Section 317(h)(1).

(iii) Section 318(a) (50 U.S.C. 441g note).

(iv) Section 319(b) (50 U.S.C. 403 note).

(v) Section 341(b) (28 U.S.C. 519 note).

(vi) Section 357(a) (50 U.S.C. 403 note).

(vii) Section 504(a) (117 Stat. 2634), both places it appears.

(B) Section 319(f)(2) of that Act (50 U.S.C. 403 note) is amended by striking "Director" the first place it appears and inserting "National Intelligence Director".

(C) Section 404 of that Act (18 U.S.C. 4124 note) is amended by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency".

SEC. 173. OTHER CONFORMING AMENDMENTS

(a) NATIONAL SECURITY ACT OF 1947.—(1) Section 101(j) of the National Security Act of 1947 (50 U.S.C. 402(j)) is amended by striking "Deputy Director of Central Intelligence" and inserting "Deputy National Intelligence Director".

(2) Section 112(d)(1) of that Act (50 U.S.C. 404g(d)(1)) is amended by striking "section 103(c)(6) of this Act" and inserting "section 132(a)(9) of the National Intelligence Authority Act of 2004".

(3) Section 116(b) of that Act (50 U.S.C. 404k(b)) is amended by striking "to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency, the Director may delegate such authority to the Deputy Director for Operations" and inserting "to the Deputy National Intelligence Director, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency".

(4) Section 506A(b)(1) of that Act (50 U.S.C. 415a–1(b)(1)) is amended by striking "Office of the Deputy Director of Central Intelligence" and inserting "Office of the National Intelligence Director".

(5) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking "Office of the Director of Central Intelligence" and inserting "Office of the National Intelligence Director".

(6) Section 1001(b) of that Act (50 U.S.C. 441g(b)) is amended by striking "Assistant Director of Central Intelligence for Administration" and inserting "Office of the National Intelligence Director".

(b) CENTRAL INTELLIGENCE ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking "section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(7))" and inserting "section 132(a)(9) of the National Intelligence Authority Act of 2004".

(c) Central Intelligence Agency Retirement Act.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking "paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c)) that the Director of Central Intelligence" and inserting "section 132(a)(9) of the National Intelligence Authority Act of 2004 that the National Intelligence Director".

(d) Intelligence Authorization Acts.—

(1) Public law 107-306.—(A) Section 343(c) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 404n-2(c)) is amended by striking "section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3((c)(6))" and inserting "section 132(a)(9) of the National Intelligence Authority Act of 2004".

(B) Section 904 of that Act (50 U.S.C. 402c) is amended—

(i) in subsection (c), by striking "Office of the Director of Central Intelligence" and inserting "Office of the National Intelligence Director"; and

(ii) in subsection (l), by striking "Office of the Director of Central Intelligence" and inserting "Office of the National Intelligence Director".

(2) Public law 108-177.—Section 317 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403-3 note) is amended—

(A) in subsection (g), by striking "Assistant Director of Central Intelligence for Analysis and Production" and inserting "Deputy National Intelligence Director"; and

(B) in subsection (h)(2)(C), by striking "Assistant Director" and inserting "Deputy National Intelligence Director".

SEC. 174. ELEMENTS OF INTELLIGENCE COMMUNITY UNDER NATIONAL SECURITY ACT OF 1947.

Paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

"(4) The term 'intelligence community' includes the following:

"(A) The National Intelligence Authority.

"(B) The Central Intelligence Agency.

"(C) The National Security Agency.

"(D) The Defense Intelligence Agency.

"(E) The National Geospatial-Intelligence Agency.

"(F) The National Reconnaissance Office.

"(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

"(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

"(I) The Bureau of Intelligence and Research of the Department of State.

"(J) The Office of Intelligence and Analysis of the Department of the Treasury.

"(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

"(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the National Intelligence Director and the head of the department or agency concerned, as an element of the intelligence community.".

SEC. 175. REDESIGNATION OF NATIONAL FOREIGN INTELLIGENCE PROGRAM AS NATIONAL INTELLIGENCE PROGRAM.

(a) Redesignation.—Paragraph (6) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

"(6) The term 'National Intelligence Program'—

"(A)(i) refers to all national intelligence programs, projects, and activities of the elements of the intelligence community; and

"(ii) includes all programs, projects, and activities (whether or not pertaining to national intelligence) of the National Intelligence Authority, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the Office of Intelligence of the Federal Bureau of Investigation, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security; but

"(B) does not refer—

"(i) to any program, project, or activity pertaining solely to the requirements of a single department, agency, or element of the United States Government; or

"(ii) to any program, project, or activity of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by the United States Armed Forces.".

(b) Conforming Amendments.—(1) The National Security Act of 1947, as amended by this Act, is further amended by striking "National Foreign Intelligence Program" each place it appears in the following provisions and inserting "National Intelligence Program":

(A) Section 105(a)(2) (50 U.S.C. 403-5(a)(2)).

(B) Section 105(a)(3) (50 U.S.C. 403-5(a)(3)).

(C) Section 506(a) (50 U.S.C. 415a(a)).

(2) Section 17(f) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(f)) is amended by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program".

(c) Heading Amendments.—(1) The heading of section 105 of that Act is amended by striking "FOREIGN".

(2) The heading of section 506 of that Act is amended by striking "FOREIGN".

SEC. 176. REPEAL OF SUPERSEDED AUTHORITIES.

(a) Appointment of Certain Intelligence Officials.—Section 106 of the National Security Act of 1947 (50 U.S.C. 403-6) is repealed.

(b) Collection Tasking Authority.—Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is repealed.

SEC. 177. CLERICAL AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.

The table of contents for the National Security Act of 1947 is amended—

(1) by striking the items relating to sections 102 through 104 and inserting the following new items:

"Sec. 102. Central Intelligence Agency.
"Sec. 103. Director of the Central Intelligence Agency.";

(2) by striking the item relating to section 105 and inserting the following new item:

"Sec 105. Responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.";

(3) by striking the item relating to section 114 and inserting the following new item:

"Sec. 114. Additional annual reports from the National Intelligence Director.";

and

(4) by striking the item relating to section 506 and inserting the following new item:

"Sec. 506. Specificity of National Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence".

SEC. 178. CONFORMING AMENDMENTS RELATING TO DUAL SERVICE OF CERTAIN OFFICIALS AS DEPUTY NATIONAL INTELLIGENCE DIRECTORS.

(a) Director of Central Intelligence Agency.—Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(1) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(2) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

"(2) 'Director' means the Director of the Central Intelligence Agency; and".

(b) Under Secretary of Defense for Intelligence.—Section 137 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new sentence: "The appointment of an individual as Under Secretary is subject to the provisions of section 135(c) of the National Intelligence Authority Act of 2004."; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) In addition to the duties and powers provided for under paragraph (1), the Under Secretary of Defense for Intelligence also serves as Deputy National Intelligence Director for Defense Intelligence under section 114(c) of the National Intelligence Authority Act of 2004, and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.".

(c) Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.—Section 201(a) of the Homeland Security Act of 2002 (6 U.S.C. 201(a)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The appointment of an individual as Under Secretary is subject to the provisions of section 135(c) of the National Intelligence Authority Act of 2004."; and

(2) by adding at the end the following new paragraph:

"(3) Concurrent service as deputy national intelligence director for homeland intelligence.—Upon the election of the National Intelligence Director, the Under Secretary also serves as the Deputy National Intelligence Director for Homeland Intelligence under section 114(d) of the National Intelligence Authority Act of 2004, and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.".

(d) Executive Assistant Director for Intelligence of FBI.—Upon the election of the National Intelligence Director, the Executive Assistant Director for Intelligence of the Federal Bureau of Investigation also serves as the Deputy National Intelligence Director for Homeland Intelligence under section 114(d), and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.

SEC. 179. CONFORMING AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.

Section 8H(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new subparagraph:

"(D) An employee of the National Intelligence Authority, or of a contractor of the Authority, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the National Intelligence Authority in accordance with section 131(h)(5) of the National Intelligence Authority Act of 2004.''.

Subtitle G—Other Matters

SEC. 181. TRANSFER OF COMMUNITY MANAGEMENT STAFF.

(a) TRANSFER.—There shall be transferred to the Office of the National Intelligence Director the staff of the Community Management Staff as of the date of the enactment of this Act, including all functions and activities discharged by the Community Management Staff as of that date.

(b) ADMINISTRATION.—The National Intelligence Director shall administer the Community Management Staff after the date of the enactment of this Act as a component of the Office of the National Intelligence Director under section 113(d)(2).

SEC. 182. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.

(a) TRANSFER.—There shall be transferred to the National Counterterrorism Center the Terrorist Threat Integration Center (TTIC), including all functions and activities discharged by the Terrorist Threat Integration Center as of the date of the enactment of this Act.

(b) ADMINISTRATION.—The Director of the National Counterterrorism Center shall administer the Terrorist Threat Integration Center after the date of the enactment of this Act as a component of the Directorate of Intelligence of the National Counterterrorism Center under section 141(f)(2).

SEC. 183. TERMINATION OF POSITIONS OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

(a) TERMINATION.—The positions within the Central Intelligence Agency referred to in subsection (b) are hereby abolished.

(b) COVERED POSITIONS.—The positions within the Central Intelligence Agency referred to in this subsection are as follows:

(1) The Assistant Director of Central Intelligence for Collection.

(2) The Assistant Director of Central Intelligence for Analysis and Production.

(3) The Assistant Director of Central Intelligence for Administration.

SEC. 184. TERMINATION OF JOINT MILITARY INTELLIGENCE PROGRAM.

Effective as of October 1, 2005, the Joint Military Intelligence Program is abolished.

SEC. 185. EXECUTIVE SCHEDULE MATTERS.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding the end the following new item:

''National Intelligence Director.''.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new items:

''Deputy National Intelligence Director.

''Director of the National Counterterrorism Center.''.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the Assistant Directors of Central Intelligence.

SEC. 186. PRESERVATION OF INTELLIGENCE CAPABILITIES.

The National Intelligence Director, the Director of the Central Intelligence Agency, and the Secretary of Defense shall jointly take such actions as are appropriate to preserve the intelligence capabilities of the United States during the establishment of the National Intelligence Authority under this title.

SEC. 187. GENERAL REFERENCES.

(a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the National Intelligence Director.

(b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CIA.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) COMMUNITY MANAGEMENT STAFF.—Any reference to the Community Management Staff in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the staff of the Office of the National Intelligence Director.

TITLE II—INFORMATION SHARING

SEC. 201. INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

(1) NETWORK.—The term ''Network'' means the Information Sharing Network described in subsection (c).

(2) TERRORISM INFORMATION.—The term ''terrorism information'' means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities, relating to—

(A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(C) communications of or by such groups or individuals; or

(D) information relating to groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The effective use of information, from all available sources, is essential to the fight against terror and the protection of our homeland. The biggest impediment to all-source analysis, and to a greater likelihood of ''connecting the dots'', is resistance to sharing information.

(2) The United States Government has access to a vast amount of information, including not only traditional intelligence but also other government databases, such as those containing customs or immigration information. But the United States Government has a weak system for processing and using the information it has.

(3) In the period leading up to September 11, 2001, there were instances of potentially helpful information that was available but that no person knew to ask for; information that was distributed only in compartmented channels; and information that was requested but could not be shared.

(4) Current security requirements nurture overclassification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks, including criminal, civil, and administrative sanctions, but few rewards for sharing information.

(5) The current system, in which each intelligence agency has its own security practices, requires a demonstrated ''need to know'' before sharing. This approach assumes that it is possible to know, in advance, who will need to use the information. An outgrowth of the cold war, such a system implicitly assumes that the risk of inadvertent disclosure outweighs the benefits of wider sharing. Such assumptions are no longer appropriate. Although counterintelligence concerns are still real, the costs of not sharing information are also substantial. The current ''need-to-know'' culture of information protection needs to be replaced with a ''need-to-share'' culture of integration.

(6) A new approach to the sharing of terrorism information is urgently needed. An important conceptual model for a new ''trusted information network'' is the Systemwide Homeland Analysis and Resource Exchange (SHARE) Network proposed by a task force of leading professionals assembled by the Markle Foundation and described in reports issued in October 2002 and December 2003.

(7) No single agency can create a meaningful information sharing system on its own. Alone, each agency can only modernize stovepipes, not replace them. Presidential leadership is required to bring about governmentwide change.

(c) INFORMATION SHARING NETWORK.—

(1) ESTABLISHMENT.—The President shall establish an information sharing network to promote the sharing of terrorism information, in a manner consistent with national security and the protection of privacy and civil liberties.

(2) ATTRIBUTES.—The Network shall promote coordination, communication and collaboration of people and information among all relevant Federal departments and agencies, State, tribal, and local authorities, and relevant private sector entities, including owners and operators of critical infrastructure, by using policy guidelines and technologies that support—

(A) a decentralized, distributed, and coordinated environment that connects existing systems where appropriate and allows users to share information horizontally across agencies, vertically between levels of government, and, as appropriate, with the private sector;

(B) building on existing systems capabilities at relevant agencies;

(C) utilizing industry best practices, including minimizing the centralization of data and seeking to use common tools and capabilities whenever possible;

(D) employing an information rights management approach that controls access to data rather than to whole networks;

(E) facilitating the sharing of information at and across all levels of security by using policy guidelines and technologies that support writing information that can be broadly shared;

(F) providing directory services for locating people and information;

(G) incorporating protections for individuals' privacy and civil liberties;

(H) incorporating mechanisms for information security; and

(I) access controls, authentication and authorization, audits, and other strong mechanisms for information security and privacy guideline enforcement across all levels of security, in order to enhance accountability and facilitate oversight.

(d) IMMEDIATE STEPS.—Not later than 90 days after the date of enactment of this Act, the President, through the Director of Management and Budget and in consultation with the National Intelligence Director, the Attorney General, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and such other Federal officials as the President shall designate, shall—

(1) establish electronic directory services to assist in locating in the Federal Government terrorism information and people with relevant knowledge about terrorism information; and

(2) conduct a review of relevant current Federal agency capabilities, including a baseline inventory of current Federal systems that contain terrorism information, the money currently spent to maintain those systems, and identification of other information that should be included in the Network.

(e) GUIDELINES.—As soon as possible, but in no event later than 180 days after the date of enactment of this Act, the President shall—

(1) in consultation with the National Intelligence Director and the Advisory Council on Information Sharing established in subsection (g), issue guidelines for acquiring, accessing, sharing, and using terrorism information, including guidelines to ensure such information is provided in its most shareable form, such as by separating out data from the sources and methods by which they are obtained;

(2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 901, issue guidelines that—

(A) protect privacy and civil liberties in the development and use of the Network; and

(B) shall be made public, unless, and only to the extent that, nondisclosure is clearly necessary to protect national security;

(3) establish objective, systemwide performance measures to enable the assessment of progress toward achieving full implementation of the Network; and

(4) require Federal departments and agencies to promote a culture of information sharing by—

(A) reducing disincentives to information sharing, including overclassification of information and unnecessary requirements for originator approval; and

(B) providing affirmative incentives for information sharing, such as the incorporation of information sharing performance measures into agency and managerial evaluations, and employee awards for promoting innovative information sharing practices.

(f) SYSTEM DESIGN AND IMPLEMENTATION PLAN.—Not later than 270 days after the date of enactment of this Act, the President shall submit to Congress a system design and implementation plan for the Network. The plan shall be prepared by the President through the Director of Management and Budget and in consultation with the National Intelligence Director, the Attorney General, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and such other Federal officials as the President shall designate, and shall include—

(1) a description of the parameters of the proposed Network, including functions, capabilities, and resources;

(2) a description of the technological, legal, and policy issues presented by the creation of the Network described in subsection (c), and the ways in which these issues will be addressed;

(3)(A) a delineation of the roles of the Federal departments and agencies that will participate in the development of the Network, including—

(i) identification of any agency that will build the infrastructure needed to operate and manage the Network (as distinct from the individual agency components that are to be part of the Network); and

(ii) identification of any agency that will operate and manage the Network (as distinct from the individual agency components that are to be part of the Network);

(B) a provision that the delineation of roles under subparagraph (A) shall—

(i) be consistent with the authority of the National Intelligence Director, under this Act, to set standards for information sharing and information technology throughout the intelligence community; and

(ii) recognize the role of the Department of Homeland Security in coordinating with State, tribal, and local officials and the private sector;

(4) a description of the technological requirements to appropriately link and enhance existing networks and a description of the system design that will meet these requirements;

(5) a plan, including a time line, for the development and phased implementation of the Network;

(6) total budget requirements to develop and implement the Network, including the estimated annual cost for each of the 5 years following the date of enactment of this Act; and

(7) proposals for any legislation that the President believes necessary to implement the Network.

(g) ADVISORY COUNCIL ON INFORMATION SHARING.—

(1) ESTABLISHMENT.—There is established an Advisory Council on Information Sharing (in this subsection referred to as the "Council").

(2) MEMBERSHIP.—No more than 25 individuals may serve as members of the Council, which shall include—

(A) the National Intelligence Director, who shall serve as Chairman of the Council;

(B) the Secretary of Homeland Security;

(C) the Secretary of Defense;

(D) the Attorney General;

(E) the Secretary of State;

(F) the Director of the Central Intelligence Agency;

(G) the Director of the Federal Bureau of Investigation;

(H) the Director of Management and Budget;

(I) such other Federal officials as the President shall designate;

(J) representatives of State, tribal, and local governments, to be appointed by the President;

(K) individuals from outside government with expertise in relevant technology, security and privacy concepts, to be appointed by the President; and

(L) individuals who are employed in private businesses or nonprofit organizations that own or operate critical infrastructure, to be appointed by the President.

(3) RESPONSIBILITIES.—The Council shall—

(A) advise the President and the heads of relevant Federal departments and agencies on the implementation of the Network;

(B) ensure that there is coordination among participants in the Network in the development and implementation of the Network;

(C) review, on an ongoing basis, policy, legal and technology issues related to the implementation of the Network; and

(D) establish a dispute resolution process to resolve disagreements among departments and agencies about whether particular terrorism information should be shared and in what manner.

(4) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Council shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(5) INFORMING THE PUBLIC.—The Council shall hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(6) COUNCIL REPORTS.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the National Intelligence Director, in the capacity of Chairman of the Council, shall submit a report to Congress that shall include—

(A) a description of the activities and accomplishments of the Council in the preceding year; and

(B) the number and dates of the meetings held by the Council and a list of attendees at each meeting.

(h) PRESIDENTIAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and semiannually thereafter, the President shall submit a report to Congress on the state of the Network. The report shall include—

(1) a progress report on the extent to which the Network has been implemented, including how the Network has fared on the governmentwide and agency-specific performance measures and whether the performance goals set in the preceding year have been met;

(2) objective systemwide performance goals for the following year;

(3) an accounting of how much was spent on the Network in the preceding year;

(4) actions taken to ensure that agencies procure new technology that is consistent with the Network and information on whether new systems and technology are consistent with the Network;

(5) the extent to which, in appropriate circumstances, all terrorism watch lists are available for combined searching in real time through the Network and whether there are consistent standards for placing individuals on, and removing individuals from, the watch lists, including the availability of processes for correcting errors;

(6) the extent to which unnecessary roadblocks or disincentives to information sharing, including the inappropriate use of paper-only intelligence products and requirements for originator approval, have been eliminated;

(7) the extent to which positive incentives for information sharing have been implemented;

(8) the extent to which classified information is also made available through the Network, in whole or in part, in unclassified form;

(9) the extent to which State, tribal, and local officials—

(A) are participating in the Network;

(B) have systems which have become integrated into the Network;

(C) are providing as well as receiving information; and

(D) are using the Network to communicate with each other;

(10) the extent to which—

(A) private sector data, including information from owners and operators of critical infrastructure, is incorporated in the Network; and

(B) the private sector is both providing and receiving information;

(11) where private sector data has been used by the Government or has been incorporated into the Network—

(A) the measures taken to protect sensitive business information; and

(B) where the data involves information about individuals, the measures taken to ensure the accuracy of such data;

(12) the measures taken by the Federal Government to ensure the accuracy of other information on the Network and, in particular, the accuracy of information about individuals;

(13) an assessment of the Network's privacy protections, including actions taken in the preceding year to implement or enforce privacy protections and a report of complaints received about interference with an individual's privacy or civil liberties; and

(14) an assessment of the security protections of the Network.

(i) AGENCY PLANS AND REPORTS.—Each Federal department or agency that possesses or uses terrorism information or that otherwise participates, or expects to participate, in the Network, shall submit to the Director of Management and Budget and to Congress—

(1) not later than 1 year after the enactment of this Act, a report including—

(A) a strategic plan for implementation of the Network's requirements within the department or agency;

(B) objective performance measures to assess the progress and adequacy of the department's or agency's information sharing efforts; and

(C) budgetary requirements to integrate the department or agency into the Network, including projected annual expenditures for each of the following 5 years following the submission of the reports; and

(2) annually thereafter, reports including—

(A) an assessment of the department's or agency's progress in complying with the Network's requirements, including how well the department or agency has performed on the objective measures developed under paragraph (1);

(B) the department's or agency's expenditures to implement and comply with the Network's requirements in the preceding year;

(C) the department's or agency's plans for further implementation of the Network in the year following the submission of the report.

(j) PERIODIC ASSESSMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Government Accountability Office shall review and evaluate the implementation of the Network, both generally and, at its discretion, within specific departments and agencies, to determine the extent of compliance with the Network's requirements and to assess the effectiveness of the Network in improving information sharing and collaboration and in protecting privacy and civil liberties, and shall report to Congress on its findings.

(2) INSPECTORS GENERAL.—The Inspector General in any Federal department or agency that possesses or uses terrorism information or that otherwise participates in the Network shall, at the discretion of the Inspector General—

(A) conduct audits or investigations to—

(i) determine the compliance of that department or agency with the Network's requirements; and

(ii) assess the effectiveness of that department or agency in improving information sharing and collaboration and in protecting privacy and civil liberties; and

(B) issue reports on such audits and investigations.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $50,000,000 to the Director of Management and Budget to carry out this section for fiscal year 2005; and

(2) such sums as are necessary to carry out this section in each fiscal year thereafter, to be disbursed and allocated in accordance with the Network system design and implementation plan required by subsection (f).

TITLE III—CONGRESSIONAL REFORM

SEC. 301. FINDINGS.

Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The American people are not served well by current congressional rules and resolutions governing intelligence and homeland security oversight.

(2) A unified Executive Branch effort on fighting terrorism will not be effective unless it is matched by a unified effort in Congress, specifically a strong, stable, and capable congressional committee structure to give the intelligence agencies and Department of Homeland Security sound oversight, support, and leadership.

(3) The intelligence committees of the Senate and the House of Representatives are not organized to provide strong leadership and oversight for intelligence and counterterrorism.

(4) Jurisdiction over the Department of Homeland Security, which is scattered among many committees in each chamber, does not allow for the clear authority and responsibility needed for effective congressional oversight.

(5) Congress should either create a new, joint Senate-House intelligence authorizing committee modeled on the former Joint Committee on Atomic Energy, or establish new intelligence committees in each chamber with combined authorization and appropriations authority.

(6) Congress should establish a single, principal point of oversight and review in each chamber for the Department of Homeland Security and the report of the National Commission on Terrorist Attacks Upon the United States stated that "Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties.".

(7) In August 2004, the joint Senate leadership created a bipartisan working group to examine how best to implement the Commission's recommendations with respect to reform of the Senate's oversight of intelligence and homeland security, and directed the working group to begin its work immediately and to present its findings and recommendations to Senate leadership as expeditiously as possible.

SEC. 302. REORGANIZATION OF CONGRESSIONAL JURISDICTION.

The 108th Congress shall not adjourn until each House of Congress has adopted the necessary changes to its rules such that, effective the start of the 109th Congress—

(1) jurisdiction over proposed legislation, messages, petitions, memorials, and other matters relating to the Department of Homeland Security shall be consolidated in a single committee in each House and such committee shall have a nonpartisan staff; and

(2) jurisdiction over proposed legislation, messages, petitions, memorials, and other matters related to intelligence shall reside in—

(A) either a joint Senate-House authorizing committee modeled on the former Joint Committee on Atomic Energy, or a committee in each chamber with combined authorization and appropriations authority; and

(B) regardless of which committee structure is selected, the intelligence committee or committees shall have—

(i) not more than 9 members in each House, who shall serve without term limits and of which at least 1 each shall also serve on a committee on Armed Services, Judiciary, and Foreign Affairs and at least 1 on a Defense Appropriations subcommittee;

(ii) authority to issue subpoenas;

(iii) majority party representation that does not exceed minority party representation by more than 1 member in each House, and a nonpartisan staff; and

(iv) a subcommittee devoted solely to oversight.

TITLE IV—PRESIDENTIAL TRANSITION

SEC. 401. PRESIDENTIAL TRANSITION.

(a) SERVICES PROVIDED PRESIDENT-ELECT.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by adding after subsection (a)(8)(A)(iv) the following:

"(v) Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific operational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by adding after subsection (e) the following:

"(f)(1) The President-elect should submit to the agency designated by the President under section 401(d) of the 9/11 Commission Report Implementation Act of 2004 the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

"(2) The Federal Bureau of Investigation, and any other appropriate agency, shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.".

(b) SENSE OF THE SENATE REGARDING EXPEDITED CONSIDERATION OF NATIONAL SECURITY NOMINEES.—It is the sense of the Senate that—

(1) the President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the date of the inauguration of the President-elect as President; and

(2) for all national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extent possible, complete their consideration of these

nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.

(c) SECURITY CLEARANCES FOR TRANSITION TEAM MEMBERS.—

(1) DEFINITION.—In this section, the term "major party" shall have the meaning given under section 9002(6) of the Internal Revenue Code of 1986.

(2) IN GENERAL.—Each major party candidate for President, except a candidate who is the incumbent President, may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect's transition team.

(3) COMPLETION DATE.—Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

(d) CONSOLIDATION OF RESPONSIBILITY FOR PERSONNEL SECURITY INVESTIGATIONS.—

(1) CONSOLIDATION.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the President shall select a single Federal agency to provide and maintain all security clearances for Federal employees and Federal contractor personnel who require access to classified information, including conducting all investigation functions.

(B) CONSIDERATIONS.—In selecting an agency under this paragraph, the President shall fully consider requiring the transfer of investigation functions to the Office of Personnel Management as described under section 906 of the National Defense Authorization Act for Fiscal Year 2004 (5 U.S.C. 1101 note).

(C) COORDINATION AND CONSOLIDATION OF RESPONSIBILITIES.—The Federal agency selected under this paragraph shall—

(i) take all necessary actions to carry out the responsibilities under this subsection, including entering into a memorandum of understanding with any agency carrying out such responsibilities before the date of enactment of this Act; and

(ii) identify any legislative actions necessary to further implement this subsection.

(D) DATABASE.—The agency selected shall, as soon as practicable, establish and maintain a single database for tracking security clearance applications, investigations and eligibility determinations and ensure that security clearance investigations are conducted according to uniform standards, including uniform security questionnaires and financial disclosure requirements.

(E) POLYGRAPHS.—The President shall direct the agency selected under this paragraph to administer any polygraph examinations on behalf of agencies that require them.

(2) ACCESS.—The President, acting through the National Intelligence Director, shall—

(A) establish uniform standards and procedures for the grant of access to classified information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies and departments;

(B) ensure the consistent implementation of those standards and procedures throughout such agencies and departments; and

(C) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

TITLE V—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM

SEC. 501. REPORT ON TERRORIST SANCTUARIES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Complex terrorist operations require locations that provide such operations sanctuary from interference by government or law enforcement personnel.

(2) A terrorist sanctuary existed in Afghanistan before September 11, 2001.

(3) The terrorist sanctuary in Afghanistan provided direct and indirect value to members of al Qaeda who participated in the terrorist attacks on the United States on September 11, 2001 and in other terrorist operations.

(4) Terrorist organizations have fled to some of the least governed and most lawless places in the world to find sanctuary.

(5) During the twenty-first century, terrorists are focusing on remote regions and failing states as locations to seek sanctuary.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should identify and prioritize locations that are or that could be used as terrorist sanctuaries;

(2) the United States Government should have a realistic strategy that includes the use of all elements of national power to keep possible terrorists from using a location as a sanctuary; and

(3) the United States Government should reach out, listen to, and work with countries in bilateral and multilateral fora to prevent locations from becoming sanctuaries and to prevent terrorists from using locations as sanctuaries.

(c) STRATEGY ON TERRORIST SANCTUARIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that describes a strategy for addressing and, where possible, eliminating terrorist sanctuaries.

(2) CONTENT.—The report required under this section shall include the following:

(A) A description of actual and potential terrorist sanctuaries, together with an assessment of the priorities of addressing and eliminating such sanctuaries.

(B) An outline of strategies for disrupting or eliminating the security provided to terrorists by such sanctuaries.

(C) A description of efforts by the United States Government to work with other countries in bilateral and multilateral fora to address or eliminate actual or potential terrorist sanctuaries and disrupt or eliminate the security provided to terrorists by such sanctuaries.

(D) A description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries, such as supporting and strengthening host governments, reducing poverty, increasing economic development, strengthening civil society, securing borders, strengthening internal security forces, and disrupting logistics and communications networks of terrorist groups.

SEC. 502. ROLE OF PAKISTAN IN COUNTERING TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The Government of Pakistan has a critical role to perform in the struggle against Islamist terrorism.

(2) The endemic poverty, widespread corruption, and frequent ineffectiveness of government in Pakistan create opportunities for Islamist recruitment.

(3) The poor quality of education in Pakistan is particularly worrying, as millions of families send their children to madrassahs, some of which have been used as incubators for violent extremism.

(4) The vast unpoliced regions in Pakistan make the country attractive to extremists seeking refuge and recruits and also provide a base for operations against coalition forces in Afghanistan.

(5) A stable Pakistan, with a government advocating "enlightened moderation" in the Muslim world, is critical to stability in the region.

(6) There is a widespread belief among the people of Pakistan that the United States has long treated them as allies of convenience.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should make a long-term commitment to assisting in ensuring a promising, stable, and secure future in Pakistan, as long as its leaders remain committed to combatting extremists and implementing a strategy of "enlightened moderation";

(2) the United States aid to Pakistan should be fulsome and, at a minimum, sustained at the fiscal year 2004 levels;

(3) the United States should support the Government of Pakistan with a comprehensive effort that extends from military aid to support for better education; and

(4) the United States Government should devote particular attention and resources to assisting in the improvement of the quality of education in Pakistan.

(c) REPORT ON SUPPORT FOR PAKISTAN.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the United States Government to support Pakistan and encourage moderation in that country.

(2) CONTENT.—The report required under this section shall include the following:

(A) An examination of the desirability of establishing a Pakistan Education Fund to direct resources toward improving the quality of secondary schools in Pakistan.

(B) Recommendations on the funding necessary to provide various levels of educational support.

(C) An examination of the current composition and levels of United States military aid to Pakistan, together with any recommendations for changes in such levels and composition that the President considers appropriate.

(D) An examination of other major types of United States financial support to Pakistan, together with any recommendations for changes in the levels and composition of such support that the President considers appropriate.

SEC. 503. AID TO AFGHANISTAN.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The United States and its allies in the international community have made progress in promoting economic and political reform within Afghanistan, including the establishment of a central government with a democratic constitution, a new currency, and a new army, the increase of personal freedom, and the elevation of the standard of living of many Afghans.

(2) A number of significant obstacles must be overcome if Afghanistan is to become a secure and prosperous democracy, and such a transition depends in particular upon—

(A) improving security throughout the country;

(B) disarming and demobilizing militias;

(C) curtailing the rule of the warlords;

(D) promoting equitable economic development;

(E) protecting the human rights of the people of Afghanistan;

(F) holding elections for public office; and

(G) ending the cultivation and trafficking of narcotics.

(3) The United States and the international community must make a long-term commitment to addressing the deteriorating security situation in Afghanistan and the burgeoning narcotics trade, endemic poverty, and other serious problems in Afghanistan in order to prevent that country from relapsing into a sanctuary for international terrorism.

(b) POLICY.—It shall be the policy of the United States to take the following actions with respect to Afghanistan:

(1) Working with other nations to obtain long-term security, political, and financial commitments and fulfillment of pledges to the Government of Afghanistan to accomplish the objectives of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.), especially to ensure a secure, democratic, and prosperous Afghanistan that respects the rights of its citizens and is free of international terrorist organizations.

(2) Using the voice and vote of the United States in relevant international organizations, including the North Atlantic Treaty Organization and the United Nations Security Council, to strengthen international commitments to assist the Government of Afghanistan in enhancing security, building national police and military forces, increasing counter-narcotics efforts, and expanding infrastructure and public services throughout the country.

(3) Taking appropriate steps to increase the assistance provided under programs of the Department of State and the United States Agency for International Development throughout Afghanistan and to increase the number of personnel of those agencies in Afghanistan as necessary to support the increased assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISCAL YEAR 2005.—There are authorized to be appropriated to the President for fiscal year 2005 for assistance for Afghanistan, in addition to any amounts otherwise available for the following purposes, the following amounts:

(A) For Development Assistance to carry out the provisions of sections 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d), $400,000,000.

(B) For the Child Survival and Health Program Fund to carry out the provisions of section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b), $100,000,000.

(C) For the Economic Support Fund to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), $550,000,000.

(D) For International Narcotics and Law Enforcement to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), $360,000,000.

(E) For Nonproliferation, Anti-Terrorism, Demining, and Related Programs, $50,000,000.

(F) For International Military Education and Training to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347), $2,000,000.

(G) For Foreign Military Financing Program grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763), $880,000,000.

(H) For Peacekeeping Operations to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), $60,000,000.

(2) FISCAL YEARS 2006 THROUGH 2009.—There are authorized to be appropriated to the President for each of fiscal years 2006 through 2009 such sums as may be necessary for financial and other assistance to Afghanistan.

(3) CONDITIONS FOR ASSISTANCE.—Assistance provided by the President under this subsection—

(A) shall be consistent with the Afghanistan Freedom Support Act of 2002; and

(B) shall be provided with reference to the "Securing Afghanistan's Future" document published by the Government of Afghanistan.

(d) SENSE OF CONGRESS.—It is the sense of Congress that Congress should, in consultation with the President, update and revise, as appropriate, the Afghanistan Freedom Support Act of 2002.

(e) STRATEGY AND SUPPORT REGARDING UNITED STATES AID TO AFGHANISTAN.—

(1) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a 5-year strategy for providing aid to Afghanistan.

(2) CONTENT.—The strategy required under paragraph (1) shall describe the resources that will be needed during the next 5 years to achieve specific objectives in Afghanistan, including in the following areas:

(A) Fostering economic development.

(B) Curtailing the cultivation of opium.

(C) Achieving internal security and stability.

(D) Eliminating terrorist sanctuaries.

(E) Increasing governmental capabilities.

(F) Improving essential infrastructure and public services.

(G) Improving public health services.

(H) Establishing a broad-based educational system.

(I) Promoting democracy and the rule of law.

(J) Building national police and military forces.

(3) UPDATES.—Beginning not later than 1 year after the strategy is submitted to Congress under paragraph (1), the President shall submit to Congress an annual report—

(A) updating the progress made toward achieving the goals outlined in the strategy under this subsection; and

(B) identifying shortfalls in meeting those goals and the resources needed to fully achieve them.

SEC. 504. THE UNITED STATES-SAUDI ARABIA RELATIONSHIP.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Despite a long history of friendly relations with the United States, Saudi Arabia has been a problematic ally in combating Islamic extremism.

(2) Cooperation between the Governments of the United States and Saudi Arabia has traditionally been carried out in private.

(3) The Government of Saudi Arabia has not always responded promptly and fully to United States requests for assistance in the global war on Islamist terrorism.

(4) Counterterrorism cooperation between the Governments of the United States and Saudi Arabia has improved significantly since the terrorist bombing attacks in Riyadh, Saudi Arabia, on May 12, 2003.

(5) The Government of Saudi Arabia is now aggressively pursuing al Qaeda and appears to be acting to build a domestic consensus for some internal reforms.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the problems in the relationship between the United States and Saudi Arabia must be confronted openly, and the opportunities for cooperation between the countries must be pursued openly by those governments;

(2) both governments must build a relationship that they can publicly defend and that is based on other national interests in addition to their national interests in oil;

(3) this relationship should include a shared commitment to political and economic reform in Saudi Arabia; and

(4) this relationship should also include a shared interest in greater tolerance and respect for other cultures in Saudi Arabia and a commitment to fight the violent extremists who foment hatred in the Middle East.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a strategy for expanding collaboration with the Government of Saudi Arabia on subjects of mutual interest and of importance to the United States.

(2) SCOPE.—As part of this strategy, the President shall consider the utility of undertaking a periodic, formal, and visible high-level dialogue between senior United States Government officials of cabinet level or higher rank and their counterparts in the Government of Saudi Arabia to address challenges in the relationship between the 2 governments and to identify areas and mechanisms for cooperation.

(3) CONTENT.—The strategy under this subsection shall encompass—

(A) intelligence and security cooperation in the fight against Islamist terrorism;

(B) ways to advance the Middle East peace process;

(C) political and economic reform in Saudi Arabia and throughout the Middle East; and

(D) the promotion of greater tolerance and respect for cultural and religious diversity in Saudi Arabia and throughout the Middle East.

SEC. 505. EFFORTS TO COMBAT ISLAMIC TERRORISM BY ENGAGING IN THE STRUGGLE OF IDEAS IN THE ISLAMIC WORLD.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While support for the United States has plummeted in the Islamic world, many negative views are uninformed, at best, and, at worst, are informed by coarse stereotypes and caricatures.

(2) Local newspapers in Islamic countries and influential broadcasters who reach Islamic audiences through satellite television often reinforce the idea that the people and Government of the United States are anti-Muslim.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States should offer an example of moral leadership in the world that includes a commitment to treat all people humanely, abide by the rule of law, and be generous and caring to the people and governments of other countries;

(2) the United States should cooperate with governments of Islamic countries to foster agreement on respect for human dignity and opportunity, and to offer a vision of a better future that includes stressing life over death, individual educational and economic opportunity, widespread political participation, contempt for indiscriminate violence, respect for the rule of law, openness in discussing differences, and tolerance for opposing points of view;

(3) the United States should encourage reform, freedom, democracy, and opportunity for Arabs and Muslims and promote moderation in the Islamic world; and

(4) the United States should work to defeat extremist ideology in the Islamic world by providing assistance to moderate Arabs and Muslims to combat extremist ideas.

(c) REPORT ON THE STRUGGLE OF IDEAS IN THE ISLAMIC WORLD.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that contains a cohesive long-term strategy for the United States Government to help win the struggle of ideas in the Islamic world.

(2) CONTENT.—The report required under this section shall include the following:

(A) A description of specific goals related to winning this struggle of ideas.

(B) A description of the range of tools available to the United States Government to accomplish these goals and the manner in which such tools will be employed.

(C) A list of benchmarks for measuring success and a plan for linking resources to the accomplishment of these goals.

(D) A description of any additional resources that may be necessary to help win this struggle of ideas.

(E) Any recommendations for the creation of, and United States participation in, international institutions for the promotion of democracy and economic diversification in the Islamic world, and intra-regional trade in the Middle East.

(F) An estimate of the level of United States financial assistance that would be sufficient to convince United States allies and people in the Islamic world that engaging in the struggle of ideas in the Islamic world is a top priority of the United States and that the United States intends to make a substantial and sustained commitment toward winning this struggle.

SEC. 506. UNITED STATES POLICY TOWARD DICTATORSHIPS.

(a) FINDING.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that short-term gains enjoyed by the United States through cooperation with the world's most repressive and brutal governments are too often outweighed by long-term setbacks for the stature and interests of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States foreign policy should promote the value of life and the importance of individual educational and economic opportunity, encourage widespread political participation, condemn indiscriminate violence, and promote respect for the rule of law, openness in discussing differences among people, and tolerance for opposing points of view; and

(2) the United States Government must prevail upon the governments of all predominantly Muslim countries, including those that are friends and allies of the United States, to condemn indiscriminate violence, promote the value of life, respect and promote the principles of individual education and economic opportunity, encourage widespread political participation, and promote the rule of law, openness in discussing differences among people, and tolerance for opposing points of view.

SEC. 507. PROMOTION OF UNITED STATES VALUES THROUGH BROADCAST MEDIA.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Although the United States has demonstrated and promoted its values in defending Muslims against tyrants and criminals in Somalia, Bosnia, Kosovo, Afghanistan, and Iraq, this message is not always clearly presented in the Islamic world.

(2) If the United States does not act to vigorously define its message in the Islamic world, the image of the United States will be defined by Islamic extremists who seek to demonize the United States.

(3) Recognizing that many Arab and Muslim audiences rely on satellite television and radio, the United States Government has launched promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States must do more to defend and promote its values and ideals to the broadest possible audience in the Islamic world;

(2) United States efforts to defend and promote these values and ideals are beginning to ensure that accurate expressions of these values reach large audiences in the Islamic world and should be robustly supported;

(3) the United States Government could and should do more to engage the Muslim world in the struggle of ideas; and

(4) the United States Government should more intensively employ existing broadcast media in the Islamic world as part of this engagement.

(c) REPORT ON OUTREACH STRATEGY.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the strategy of the United States Government for expanding its outreach to foreign Muslim audiences through broadcast media.

(2) CONTENT.—The report shall include the following:

(A) The initiatives of the Broadcasting Board of Governors and the public diplomacy activities of the Department of State with respect to outreach to foreign Muslim audiences.

(B) An outline of recommended actions that the United States Government should take to more regularly and comprehensively present a United States point of view through indigenous broadcast media in countries with sizable Muslim populations, including increasing appearances by United States Government officials, experts, and citizens.

(C) An assessment of potential incentives for, and costs associated with, encouraging United States broadcasters to dub or subtitle into Arabic and other relevant languages their news and public affairs programs broadcast in the Muslim world in order to present those programs to a much broader Muslim audience than is currently reached.

(D) Any recommendations the President may have for additional funding and legislation necessary to achieve the objectives of the strategy.

(d) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6501 et seq.), and to carry out other activities under this section consistent with the purposes of such Acts, the following amounts:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For International Broadcasting Operations—

(A) $717,160,000 for fiscal year 2005; and

(B) such sums as may be necessary for each of the fiscal years 2006 through 2009.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For Broadcasting Capital Improvements—

(A) $11,040,000 for fiscal year 2005; and

(B) such sums as may be necessary for each of the fiscal years 2006 through 2009.

SEC. 508. USE OF UNITED STATES SCHOLARSHIP AND EXCHANGE PROGRAMS IN THE ISLAMIC WORLD.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Exchange, scholarship, and library programs are effective ways for the United States Government to promote internationally the values and ideals of the United States.

(2) Exchange, scholarship, and library programs can expose young people from other countries to United States values and offer them knowledge and hope.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should expand its exchange, scholarship, and library programs, especially those that benefit people in the Arab and Muslim worlds.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE COUNTRY.—The term "eligible country" means a country or entity in Africa, the Middle East, Central Asia, South Asia, or Southeast Asia that—

(A) has a sizable Muslim population; and

(B) is designated by the Secretary of State as eligible to participate in programs under this section.

(2) SECRETARY.—Except as otherwise specifically provided, the term "Secretary" means the Secretary of State.

(3) UNITED STATES ENTITY.—The term "United States entity" means an entity that is organized under the laws of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, or any other territory or possession of the United States.

(4) UNITED STATES SPONSORING ORGANIZATION.—The term "United States sponsoring organization" means a nongovernmental organization that is—

(A) based in the United States; and

(B) controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by subsection (e).

(d) EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.—

(1) PURPOSE.—The purpose of this subsection is to provide for the expansion of international educational and cultural exchange programs between the United States and eligible countries.

(2) SPECIFIC PROGRAMS.—In carrying out this subsection, the Secretary is authorized

to conduct or initiate programs in eligible countries as follows:

(A) FULBRIGHT EXCHANGE PROGRAM.—

(i) INCREASED NUMBER OF AWARDS.—The Secretary is authorized to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program.

(ii) INTERNATIONAL SUPPORT FOR FULBRIGHT PROGRAM.—The Secretary shall work to increase support for the J. William Fulbright Educational Exchange Program in eligible countries in order to enhance academic and scholarly exchanges with those countries.

(B) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary is authorized to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from eligible countries.

(C) SISTER INSTITUTIONS PROGRAMS.—The Secretary is authorized to facilitate the establishment of sister institution programs between cities and municipalities and other institutions in the United States and in eligible countries in order to enhance mutual understanding at the community level.

(D) LIBRARY TRAINING EXCHANGES.—The Secretary is authorized to develop a demonstration program, including training in the library sciences, to assist governments in eligible countries to establish or upgrade the public library systems of such countries for the purpose of improving literacy.

(E) INTERNATIONAL VISITORS PROGRAM.—The Secretary is authorized to expand the number of participants from eligible countries in the International Visitors Program.

(F) YOUTH AMBASSADORS.—

(i) IN GENERAL.—The Secretary is authorized to establish a youth ambassadors program for visits by middle and secondary school students from eligible countries to the United States to participate in activities, including cultural and educational activities, that are designed to familiarize participating students with United States society and values.

(ii) VISITS.—The visits of students who are participating in the youth ambassador program under clause (i) shall be scheduled during the school holidays in the home countries of the students and may not exceed 4 weeks.

(iii) CRITERIA.—Students selected to participate in the youth ambassador program shall reflect the economic and geographic diversity of eligible countries.

(G) EDUCATION REFORM.—The Secretary is authorized—

(i) to expand programs that seek to improve the quality of primary and secondary school systems in eligible countries; and

(ii) in order to foster understanding of the United States, to promote civic education through teacher exchanges, teacher training, textbook modernization, and other efforts.

(H) PROMOTION OF RELIGIOUS FREEDOM.—The Secretary is authorized to establish a program to promote dialogue and exchange among leaders and scholars of all faiths from the United States and eligible countries.

(I) BRIDGING THE DIGITAL DIVIDE.—The Secretary is authorized to establish a program to help foster access to information technology among underserved populations and by civil society groups in eligible countries.

(J) PEOPLE-TO-PEOPLE DIPLOMACY.—The Secretary is authorized to expand efforts to promote United States public diplomacy interests in eligible countries through cultural, arts, entertainment, sports and other exchanges.

(K) COLLEGE SCHOLARSHIPS.—

(i) IN GENERAL.—The Secretary is authorized to establish a program to offer scholarships to permit individuals to attend eligible colleges and universities.

(ii) ELIGIBILITY FOR PROGRAM.—To be eligible for the scholarship program, an individual shall be a citizen or resident of an eligible country who has graduated from a secondary school in an eligible country.

(iii) ELIGIBLE COLLEGE OR UNIVERSITY DEFINED.—In this subparagraph, the term "eligible college or university" means a college or university that is organized under the laws of the United States, a State, or the District of Columbia, accredited by an accrediting agency recognized by the Secretary of Education, and primarily located in, but not controlled by, an eligible country.

(L) LANGUAGE TRAINING PROGRAM.—The Secretary is authorized to provide travel and subsistence funding for students who are United States citizens to travel to eligible countries to participate in immersion training programs in languages used in such countries and to develop regulations governing the provision of such funding.

(e) SECONDARY SCHOOL EXCHANGE PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to establish an international exchange visitor program, modeled on the Future Leaders Exchange Program established under the FREEDOM Support Act (22 U.S.C. 5801 et seq.), for eligible students to—

(A) attend public secondary school in the United States;

(B) live with a host family in the United States; and

(C) participate in activities designed to promote a greater understanding of United States and Islamic values and culture.

(2) ELIGIBLE STUDENT DEFINED.—In this subsection, the term "eligible student" means an individual who—

(A) is a national of an eligible country;

(B) is at least 15 years of age but not more than 18 years and 6 months of age at the time of enrollment in the program;

(C) is enrolled in a secondary school in an eligible country;

(D) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(E) demonstrates maturity, good character, and scholastic aptitude, and has the proficiency in the English language necessary to participate in the program;

(F) has not previously participated in an exchange program in the United States sponsored by the Government of the United States; and

(G) is not prohibited from entering the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or any other provision of law related to immigration and nationality.

(3) COMPLIANCE WITH VISA REQUIREMENTS.—An eligible student may not participate in the exchange visitor program authorized by paragraph (1) unless the eligible student has the status of nonimmigrant under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

(4) BROAD PARTICIPATION.—Whenever appropriate, the Secretary shall make special provisions to ensure the broadest possible participation in the exchange visitor program authorized by paragraph (1), particularly among females and less advantaged citizens of eligible countries.

(5) DESIGNATED EXCHANGE VISITOR PROGRAM.—The exchange visitor program authorized by paragraph (1) shall be a designated exchange visitor program for the purposes of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(6) REGULAR REPORTING TO THE SECRETARY.—If the Secretary utilizes a United States sponsoring organization to carry out the exchange visitor program authorized by paragraph (1), such United States sponsoring organization shall report regularly to the Secretary on the progress it has made to implement such program.

(f) REPORT ON EXPEDITING VISAS FOR PARTICIPANTS IN EXCHANGE, SCHOLARSHIP, AND VISITORS PROGRAMS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Secretary of Homeland Security shall submit to Congress a report on expediting the issuance of visas to individuals who are entering the United States for the purpose of participating in a scholarship, exchange, or visitor program authorized in subsection (d) or (e) without compromising the security of the United States.

(2) RECOMMENDATIONS.—The report required by paragraph (1) shall include—

(A) the recommendations of the Secretary and the Secretary of Homeland Security, if any, for methods to expedite the processing of requests for such visas; and

(B) a proposed schedule for implementing any recommendations described in subparagraph (A).

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for educational and cultural exchange programs for fiscal year 2005, there is authorized to be appropriated to the Department of State $60,000,000 to carry out programs under this section.

SEC. 509. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism.

(2) Education in the Middle East about the world outside that region is weak.

(3) The United Nations has rightly equated literacy with freedom.

(4) The international community is moving toward setting a concrete goal of reducing by half the illiteracy rate in the Middle East by 2010, through the implementation of education programs targeting women and girls and programs for adult literacy, and by other means.

(5) To be effective, the effort to improve education in the Middle East must also include—

(A) support for the provision of basic education tools, such as textbooks that translate more of the world's knowledge into local languages and local libraries to house such materials; and

(B) more vocational education in trades and business skills.

(6) The Middle East can benefit from some of the same programs to bridge the digital divide that already have been developed for other regions of the world.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall establish an International Youth Opportunity Fund (hereafter in this section referred to as the "Fund").

(B) INTERNATIONAL PARTICIPATION.—The President shall seek the cooperation of the international community in establishing and generously supporting the Fund.

(2) Purpose.—The purpose of the Fund shall be to provide financial assistance for the improvement of public education in the Middle East, including assistance for the construction and operation of primary and secondary schools in countries that have a sizable Muslim population and that commit to sensibly investing their own financial resources in public education.

(3) Eligibility for assistance.—

(A) Determination.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall determine which countries are eligible for assistance through the Fund.

(B) Criteria.—In determining whether a country is eligible for assistance, the Secretary shall consider whether the government of that country is sensibly investing financial resources in public education and is committed to promoting a system of education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs.

(4) Use of funds.—Financial assistance provided through the Fund shall be used for expanding literacy programs, providing textbooks, reducing the digital divide, expanding vocational and business education, constructing and operating public schools, establishing local libraries, training teachers in modern education techniques, and promoting public education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs.

(c) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly prepare and submit to Congress a report on the improvement of education in the Middle East.

(2) Content.—Reports submitted under this subsection shall include the following:

(A) A general strategy for working with eligible host governments in the Middle East toward establishing the International Youth Opportunity Fund and related programs.

(B) A listing of countries that are eligible for assistance under such programs.

(C) A description of the specific programs initiated in each eligible country and the amount expended in support of such programs.

(D) A description of activities undertaken to close the digital divide and expand vocational and business skills in eligible countries.

(E) A listing of activities that could be undertaken if additional funding were provided and the amount of funding that would be necessary to carry out such activities.

(F) A strategy for garnering programmatic and financial support from international organizations and other countries in support of the Fund and activities related to the improvement of public education in eligible countries.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the President for the establishment of the International Youth Opportunity Fund, in addition to any amounts otherwise available for such purpose, $40,000,000 for fiscal year 2005 and such sums as may be necessary for fiscal years 2006 through 2009.

SEC. 510. REPORT ON THE USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While terrorism is not caused by poverty, breeding grounds for terrorism are created by backward economic policies and repressive political regimes.

(2) Policies that support economic development and reform also have political implications, as economic and political liberties are often linked.

(3) The United States is working toward creating a Middle East Free Trade Area by 2013 and implementing a free trade agreement with Bahrain, and free trade agreements exist between the United States and Israel and the United States and Jordan.

(4) Existing and proposed free trade agreements between the United States and Islamic countries are drawing interest from other countries in the Middle East region, and Islamic countries can become full participants in the rules-based global trading system, as the United States considers lowering its barriers to trade with the poorest Arab countries.

(b) Sense of Congress.—It is the sense of Congress that—

(1) a comprehensive United States strategy to counter terrorism should include economic policies that encourage development, open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future;

(2) 1 element of such a strategy should encompass the lowering of trade barriers with the poorest countries that have a significant population of Arab or Muslim individuals;

(3) another element of such a strategy should encompass United States efforts to promote economic reform in countries that have a significant population of Arab or Muslim individuals, including efforts to integrate such countries into the global trading system; and

(4) given the importance of the rule of law in promoting economic development and attracting investment, the United States should devote an increased proportion of its assistance to countries in the Middle East to the promotion of the rule of law.

(c) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the United States Government to encourage development and promote economic reform in countries that have a significant population of Arab or Muslim individuals.

(2) Content.—The report required under this subsection shall describe—

(A) efforts to integrate countries with significant populations of Arab or Muslim individuals into the global trading system; and

(B) actions that the United States Government, acting alone and in partnership with other governments in the Middle East, can take to promote intra-regional trade and the rule of law in the region.

SEC. 511. MIDDLE EAST PARTNERSHIP INITIATIVE.

(a) Authorization of Appropriations.—There is authorized to be appropriated for fiscal year 2005 $200,000,000 for the Middle East Partnership Initiative.

(b) Sense of Congress.—It is the sense of Congress that, given the importance of the rule of law and economic reform to development in the Middle East, a significant portion of the funds authorized to be appropriated under subsection (a) should be made available to promote the rule of law in the Middle East.

SEC. 512. COMPREHENSIVE COALITION STRATEGY FOR FIGHTING TERRORISM.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Almost every aspect of the counterterrorism strategy of the United States relies on international cooperation.

(2) Since September 11, 2001, the number and scope of United States Government contacts with foreign governments concerning counterterrorism have expanded significantly, but such contacts have often been ad hoc and not integrated as a comprehensive and unified approach.

(b) International Contact Group on Counterterrorism.—

(1) Sense of congress.—It is the sense of Congress that the President—

(A) should seek to engage the leaders of the governments of other countries in a process of advancing beyond separate and uncoordinated national counterterrorism strategies to develop with those other governments a comprehensive coalition strategy to fight Islamist terrorism; and

(B) to that end, should seek to establish an international counterterrorism policy contact group with the leaders of governments providing leadership in global counterterrorism efforts and governments of countries with sizable Muslim populations, to be used as a ready and flexible international means for discussing and coordinating the development of important counterterrorism policies by the participating governments.

(2) Authority.—The President is authorized to establish an international counterterrorism policy contact group with the leaders of governments referred to in paragraph (1) for purposes as follows:

(A) To develop in common with such other countries important policies and a strategy that address the various components of international prosecution of the war on terrorism, including policies and a strategy that address military issues, law enforcement, the collection, analysis, and dissemination of intelligence, issues relating to interdiction of travel by terrorists, counterterrorism-related customs issues, financial issues, and issues relating to terrorist sanctuaries.

(B) To address, to the extent (if any) that the President and leaders of other participating governments determine appropriate, such long-term issues as economic and political reforms that can contribute to strengthening stability and security in the Middle East.

SEC. 513. DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that is adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(b) Definitions.—In this section:

(1) Cruel, inhuman, or degrading treatment or punishment.—The term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited

by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(2) Geneva conventions.—The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(3) Prisoner.—The term "prisoner" means a foreign individual captured, detained, interned, or otherwise held in the custody of the United States.

(4) Secretary.—The term "Secretary" means the Secretary of Defense.

(5) Torture.—The term "torture" has the meaning given that term in section 2340 of title 18, United States Code.

(c) Sense of Congress.—It is the sense of Congress that—

(1) the United States should engage countries that are participating in the coalition to fight terrorism to develop a common approach toward the detention and humane treatment of captured international terrorists; and

(2) an approach toward the detention and humane treatment of captured international terrorists developed by the countries participating in the coalition to fight terrorism could draw upon Article 3 of the Convention Relative to the Treatment of Prisoners of War, the principles of which are commonly accepted as minimum basic standards for humane treatment of captured individuals.

(d) Policy.—It is the policy of the United States—

(1) to treat any prisoner humanely and in accordance with standards that the Government of the United States would determine to be consistent with international law if such standards were applied to personnel of the United States captured by an enemy in the war on terrorism;

(2) if there is any doubt as to whether a prisoner is entitled to the protections afforded by the Geneva Conventions, to provide the prisoner such protections until the status of the prisoner is determined under the procedures authorized by paragraph 1–6 of Army Regulation 190–8 (1997); and

(3) to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of such prisoners.

(e) Prohibition on Torture or Cruel, Inhuman, or Degrading Treatment or Punishment.—

(1) In general.—No prisoner shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Relationship to geneva conventions.—Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(f) Rules, Regulations, and Guidelines.—

(1) Requirement.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (e)(1) by the members of the Armed Forces of the United States and by any person providing services to the Department of Defense on a contract basis.

(2) Report to congress.—The Secretary shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(g) Report on Possible Violations.—

(1) Requirement.—The Secretary shall submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding any investigation of a possible violation of the prohibition in subsection (e)(1) by a member of the Armed Forces of the United States or by a person providing services to the Department of Defense on a contract basis.

(2) Form of report.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual involved in, or responsible for, a violation of the prohibition in subsection (e)(1).

(h) Report on a Coalition Approach Toward the Detention and Humane Treatment of Captured Terrorists.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report describing the efforts of the United States Government to develop an approach toward the detention and humane treatment of captured international terrorists that will be adhered to by all countries that are members of the coalition against terrorism.

SEC. 514. PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Al Qaeda has tried to acquire or make weapons of mass destruction since 1994 or earlier.

(2) The United States doubtless would be a prime target for use of any such weapon by al Qaeda.

(3) Although the United States Government has redoubled its international commitments to supporting the programs for Cooperative Threat Reduction and other nonproliferation assistance programs, nonproliferation experts continue to express deep concern about the United States Government's commitment and approach to securing the weapons of mass destruction and related highly dangerous materials that are still scattered among Russia and other countries of the former Soviet Union.

(4) The cost of increased investment in the prevention of proliferation of weapons of mass destruction and related dangerous materials is greatly outweighed by the potentially catastrophic cost to the United States of use of weapons of mass destruction or related dangerous materials by the terrorists who are so eager to acquire them.

(b) Sense of Congress.—It is the sense of Congress that—

(1) maximum effort to prevent the proliferation of weapons of mass destruction, wherever such proliferation may occur, is warranted; and

(2) the programs of the United States Government to prevent or counter the proliferation of weapons of mass destruction, including the Proliferation Security Initiative, the programs for Cooperative Threat Reduction, and other nonproliferation assistance programs, should be expanded, improved, and better funded to address the global dimensions of the proliferation threat.

(c) Requirement for Strategy.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress—

(1) a strategy for expanding and strengthening the Proliferation Security Initiative, the programs for Cooperative Threat Reduction, and other nonproliferation assistance programs; and

(2) an estimate of the funding necessary to execute that strategy.

(d) Report on Reforming the Cooperative Threat Reduction Program and Other Non-Proliferation Assistance Programs.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report evaluating whether the United States could more effectively address the global threat of nuclear proliferation by—

(1) establishing a central coordinator for the programs for Cooperative Threat Reduction;

(2) eliminating the requirement that the President spend no more than $50,000,000 annually on programs for Cooperative Threat Reduction and other non-proliferation assistance programs carried out outside the former Soviet Union; or

(3) repealing the provisions of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) that place conditions on assistance to the former Soviet Union unrelated to bilateral cooperation on weapons dismantlement.

SEC. 515. FINANCING OF TERRORISM.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While efforts to designate and freeze the assets of terrorist financiers have been relatively unsuccessful, efforts to target the relatively small number of al Qaeda financial facilitators have been valuable and successful.

(2) The death or capture of several important financial facilitators has decreased the amount of money available to al Qaeda, and has made it more difficult for al Qaeda to raise and move money.

(3) The capture of al Qaeda financial facilitators has provided a windfall of intelligence that can be used to continue the cycle of disruption.

(4) The United States Government has rightly recognized that information about terrorist money helps in understanding terror networks, searching them out, and disrupting their operations.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the primary weapon in the effort to stop terrorist financing should be the targeting of terrorist financial facilitators by intelligence and law enforcement agencies; and

(2) efforts to track terrorist financing must be paramount in United States counter-terrorism efforts.

(c) Report on Terrorist Financing.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report evaluating the effectiveness of United

States efforts to curtail the international financing of terrorism.

(2) CONTENTS.—The report required by paragraph (1) shall evaluate and make recommendations on—

(A) the effectiveness of efforts and methods to track terrorist financing;

(B) ways to improve international governmental cooperation in this effort;

(C) ways to improve performance of financial institutions in this effort;

(D) the adequacy of agency coordination in this effort and ways to improve that coordination; and

(E) recommendations for changes in law and additional resources required to improve this effort.

TITLE VI—TERRORIST TRAVEL AND EFFECTIVE SCREENING

SEC. 601. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Travel documents are as important to terrorists as weapons since terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack sites.

(2) International travel is dangerous for terrorists because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points.

(3) Terrorists use evasive, but detectable, methods to travel, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud.

(4) Before September 11, 2001, no Federal agency systematically analyzed terrorist travel strategies. If an agency had done so, the agency could have discovered the ways in which the terrorist predecessors to al Qaeda had been systematically, but detectably, exploiting weaknesses in our border security since the early 1990s.

(5) Many of the hijackers were potentially vulnerable to interception by border authorities. Analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept some of the hijackers and a more effective use of information available in Government databases could have identified some of the hijackers.

(6) The routine operations of our immigration laws and the aspects of those laws not specifically aimed at protecting against terrorism inevitably shaped al Qaeda's planning and opportunities.

(7) New insights into terrorist travel gained since September 11, 2001, have not been adequately integrated into the front lines of border security.

(8) The small classified terrorist travel intelligence collection and analysis program currently in place has produced useful results and should be expanded.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress unclassified and classified versions of a strategy for combining terrorist travel intelligence, operations, and law enforcement into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility domestically and internationally. The report to Congress should include a description of the actions taken to implement the strategy.

(2) ACCOUNTABILITY.—The strategy submitted under paragraph (1) shall—

(A) describe a program for collecting, analyzing, disseminating, and utilizing information and intelligence regarding terrorist travel tactics and methods; and

(B) outline which Federal intelligence, diplomatic, and law enforcement agencies will be held accountable for implementing each element of the strategy.

(3) COORDINATION.—The strategy shall be developed in coordination with all relevant Federal agencies, including—

(A) the National Counterterrorism Center;

(B) the Department of Transportation;

(C) the Department of State;

(D) the Department of the Treasury;

(E) the Department of Justice;

(F) the Department of Defense;

(G) the Federal Bureau of Investigation;

(H) the Drug Enforcement Agency; and

(I) the agencies that comprise the intelligence community.

(4) CONTENTS.—The strategy shall address—

(A) the intelligence and law enforcement collection, analysis, operations, and reporting required to identify and disrupt terrorist travel practices and trends, and the terrorist travel facilitators, document forgers, human smugglers, travel agencies, and corrupt border and transportation officials who assist terrorists;

(B) the initial and ongoing training and training materials required by consular, border, and immigration officials to effectively detect and disrupt terrorist travel described under subsection (c)(3);

(C) the new procedures required and actions to be taken to integrate existing counterterrorist travel and mobility intelligence into border security processes, including consular, port of entry, border patrol, maritime, immigration benefits, and related law enforcement activities;

(D) the actions required to integrate current terrorist mobility intelligence into military force protection measures;

(E) the additional assistance to be given to the interagency Human Smuggling and Trafficking Center for purposes of combatting terrorist travel, including further developing and expanding enforcement and operational capabilities that address terrorist travel;

(F) the additional resources to be given to the Directorate of Information and Analysis and Infrastructure Protection to aid in the sharing of information between the frontline border agencies of the Department of Homeland Security and classified and unclassified sources of counterterrorist travel intelligence and information elsewhere in the Federal Government, including the Human Smuggling and Trafficking Center;

(G) the development and implementation of procedures to enable the Human Smuggling and Trafficking Center to timely receive terrorist travel intelligence and documentation obtained at consulates and ports of entry, and by law enforcement officers and military personnel;

(H) the use of foreign and technical assistance to advance border security measures and law enforcement operations against terrorist travel facilitators;

(I) the development of a program to provide each consular, port of entry, and immigration benefits office with a counterterrorist travel expert trained and authorized to use the relevant authentication technologies and cleared to access all appropriate immigration, law enforcement, and intelligence databases;

(J) the feasibility of digitally transmitting passport information to a central cadre of specialists until such time as experts described under subparagraph (I) are available at consular, port of entry, and immigration benefits offices; and

(K) granting consular officers the security clearances necessary to access law enforcement sensitive databases.

(c) FRONTLINE COUNTERTERRORIST TRAVEL TECHNOLOGY AND TRAINING.—

(1) TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit to Congress a plan describing how the Department of Homeland Security and the Department of State can acquire and deploy, to all consulates, ports of entry, and immigration benefits offices, technologies that facilitate document authentication and the detection of potential terrorist indicators on travel documents.

(2) CONTENTS OF PLAN.—The plan submitted under paragraph (1) shall—

(A) outline the timetable needed to acquire and deploy the authentication technologies;

(B) identify the resources required to—

(i) fully disseminate these technologies; and

(ii) train personnel on use of these technologies; and

(C) address the feasibility of using these technologies to screen every passport submitted for identification purposes to a United States consular, border, or immigration official.

(3) TRAINING PROGRAM.—

(A) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall develop and implement an initial and annual training program for consular, border, and immigration officials to teach such officials how to effectively detect and disrupt terrorist travel. The Secretary may assist State, local, and tribal governments, and private industry, in establishing training programs related to terrorist travel intelligence.

(B) TRAINING TOPICS.—The training developed under this paragraph shall include training in—

(i) methods for identifying fraudulent documents;

(ii) detecting terrorist indicators on travel documents;

(iii) recognizing travel patterns, tactics, and behaviors exhibited by terrorists;

(iv) the use of information contained in available databases and data systems and procedures to maintain the accuracy and integrity of such systems; and

(v) other topics determined necessary by the Secretary of Homeland Security and the Secretary of State.

(C) CERTIFICATION.—Not later than 1 year after the date of enactment of this Act—

(i) the Secretary of Homeland Security shall certify to Congress that all border and immigration officials have received training under this paragraph; and

(ii) the Secretary of State shall certify to Congress that all consular officers have received training under this paragraph.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out the provisions of this subsection.

(d) ENHANCING CLASSIFIED COUNTERTERRORIST TRAVEL EFFORTS.—

(1) IN GENERAL.—The National Intelligence Director shall significantly increase resources and personnel to the small classified

program that collects and analyzes intelligence on terrorist travel.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this subsection.

SEC. 602. INTEGRATED SCREENING SYSTEM.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop a plan for a comprehensive integrated screening system.

(b) DESIGN.—The system planned under subsection (a) shall be designed to—

(1) encompass an integrated network of screening points that includes the Nation's border security system, transportation system, and critical infrastructure or facilities that the Secretary determines need to be protected against terrorist attack;

(2) build upon existing border enforcement and security activities, and to the extent practicable, private sector security initiatives, in a manner that will enable the utilization of a range of security check points in a continuous and consistent manner throughout the Nation's screening system;

(3) allow access to government databases to detect terrorists; and

(4) utilize biometric identifiers that the Secretary determines to be appropriate and feasible.

(c) STANDARDS FOR SCREENING PROCEDURES.—

(1) AUTHORIZATION.—The Secretary may promulgate standards for screening procedures for—

(A) entering and leaving the United States;

(B) accessing Federal facilities that the Secretary determines need to be protected against terrorist attack;

(C) accessing critical infrastructure that the Secretary determines need to be protected against terrorist attack; and

(D) accessing modes of transportation that the Secretary determines need to be protected against terrorist attack.

(2) SCOPE.—Standards prescribed under this subsection may address a range of factors, including technologies required to be used in screening and requirements for secure identification.

(3) REQUIREMENTS.—In promulgating standards for screening procedures, the Secretary shall—

(A) consider and incorporate appropriate civil liberties and privacy protections;

(B) comply with the Administrative Procedure Act; and

(C) consult with other Federal, State, local, and tribal governments, and other interested parties, as appropriate.

(4) LIMITATION.—This section does not confer to the Secretary new statutory authority, or alter existing authorities, over systems, critical infrastructure, and facilities.

(5) NOTIFICATION.—If the Secretary determines that additional regulatory authority is needed to fully implement the plan for an integrated screening system, the Secretary shall immediately notify Congress.

(d) COMPLIANCE.—The Secretary may issue regulations to ensure compliance with the standards promulgated under this section.

(e) CONSULTATION.—For those systems, critical infrastructure, and facilities that the Secretary determines need to be protected against terrorist attack, the Secretary shall consult with other Federal agencies, State, local, and tribal governments, and the private sector to ensure the development of consistent standards and consistent implementation of the integrated screening system.

(f) BIOMETRIC IDENTIFIERS.—In carrying out this section, the Secretary shall continue to review biometric technologies and existing Federal and State programs using biometric identifiers. Such review shall consider the accuracy rate of available technologies.

(g) IMPLEMENTATION.—

(1) PHASE I.—The Secretary shall—

(A) issue standards for driver's licenses, personal identification cards, and birth certificates, as required under section 606;

(B) develop plans for, and begin implementation of, a single program for registered travelers to expedite travel across the border, as required under section 603(e);

(C) continue the implementation of a biometric exit and entry data system that links to relevant databases and data systems, as required by subsections (b) and (c) of section 603 and other existing authorities;

(D) centralize the "no-fly" and "automatic-selectee" lists, making use of improved terrorists watch lists, as required by section 703;

(E) develop plans, in consultation with other relevant agencies, for the sharing of terrorist information with trusted governments, as required by section 605;

(F) initiate any other action determined appropriate by the Secretary to facilitate the implementation of this paragraph; and

(G) report to Congress on the implementation of phase I, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) plans for the development and implementation of phases II and III.

(2) PHASE II.—The Secretary shall—

(A) complete the implementation of a single program for registered travelers to expedite travel across the border, as required by section 603(e);

(B) complete the implementation of a biometric entry and exit data system that links to relevant databases and data systems, as required by subsections (b) and (c) of section 603, and other existing authorities;

(C) in cooperation with other relevant agencies, engage in dialogue with foreign governments to develop plans for the use of common screening standards;

(D) initiate any other action determined appropriate by the Secretary to facilitate the implementation of this paragraph; and

(E) report to Congress on the implementation of phase II, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) the plans for the development and implementation of phase III.

(3) PHASE III.—The Secretary shall—

(A) finalize and deploy the integrated screening system required by subsection (a);

(B) in cooperation with other relevant agencies, promote the implementation of common screening standards by foreign governments; and

(C) report to Congress on the implementation of Phase III, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) the plans for the ongoing operation of the integrated screening system.

(h) REPORT.—After phase III has been implemented, the Secretary shall submit a report to Congress every 3 years that describes the ongoing operation of the integrated screening system, including its effectiveness, efficient use of resources, compliance with statutory provisions, and safeguards for privacy and civil liberties.

(i) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out the provisions of this section.

SEC. 603. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that completing a biometric entry and exit data system as expeditiously as possible is an essential investment in efforts to protect the United States by preventing the entry of terrorists.

(b) PLAN AND REPORT.—

(1) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security shall develop a plan to accelerate the full implementation of an automated biometric entry and exit data system required by applicable sections of—

(A) the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208);

(B) the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–205);

(C) the Visa Waiver Permanent Program Act (Public Law 106–396);

(D) the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173); and

(E) the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56).

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the plan developed under paragraph (1), which shall contain—

(A) a description of the current functionality of the entry and exit data system, including—

(i) a listing of ports of entry with biometric entry data systems in use and whether such screening systems are located at primary or secondary inspection areas;

(ii) a listing of ports of entry with biometric exit data systems in use;

(iii) a listing of databases and data systems with which the automated entry and exit data system are interoperable;

(iv) a description of—

(I) identified deficiencies concerning the accuracy or integrity of the information contained in the entry and exit data system;

(II) identified deficiencies concerning technology associated with processing individuals through the system; and

(III) programs or policies planned or implemented to correct problems identified in subclause (I) or (II); and

(v) an assessment of the effectiveness of the entry and exit data system in fulfilling its intended purposes, including preventing terrorists from entering the United States;

(B) a description of factors relevant to the accelerated implementation of the biometric entry and exit system, including—

(i) the earliest date on which the Secretary estimates that full implementation of the biometric entry and exit data system can be completed;

(ii) the actions the Secretary will take to accelerate the full implementation of the biometric entry and exit data system at all ports of entry through which all aliens must pass that are legally required to do so; and

(iii) the resources and authorities required to enable the Secretary to meet the implementation date described in clause (i);

(C) a description of any improvements needed in the information technology employed for the entry and exit data system; and

(D) a description of plans for improved or added interoperability with any other databases or data systems.

(c) INTEGRATION REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall integrate the biometric entry and exit data system with all databases and data systems maintained by the United States Citizenship and Immigration Services that process or contain information on aliens.

(d) MAINTAINING ACCURACY AND INTEGRITY OF ENTRY AND EXIT DATA SYSTEM.—

(1) IN GENERAL.—The Secretary, in consultation with other appropriate agencies, shall establish rules, guidelines, policies, and operating and auditing procedures for collecting, removing, and updating data maintained in, and adding information to, the entry and exit data system, and databases and data systems linked to the entry and exit data system, that ensure the accuracy and integrity of the data.

(2) REQUIREMENTS.—The rules, guidelines, policies, and procedures established under paragraph (1) shall—

(A) incorporate a simple and timely method for—

(i) correcting errors; and

(ii) clarifying information known to cause false hits or misidentification errors; and

(B) include procedures for individuals to seek corrections of data contained in the data systems.

(e) EXPEDITING REGISTERED TRAVELERS ACROSS INTERNATIONAL BORDERS.—

(1) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that—

(A) expediting the travel of previously screened and known travelers across the borders of the United States should be a high priority; and

(B) the process of expediting known travelers across the border can permit inspectors to better focus on identifying terrorists attempting to enter the United States.

(2) DEFINITION.—The term "registered traveler program" means any program designed to expedite the travel of previously screened and known travelers across the borders of the United States.

(3) REGISTERED TRAVEL PLAN.—

(A) IN GENERAL.—As soon as is practicable, the Secretary shall develop and implement a plan to expedite the processing of registered travelers who enter and exit the United States through a single registered traveler program.

(B) INTEGRATION.—The registered traveler program developed under this paragraph shall be integrated into the automated biometric entry and exit data system described in this section.

(C) REVIEW AND EVALUATION.—In developing the program under this paragraph, the Secretary shall—

(i) review existing programs or pilot projects designed to expedite the travel of registered travelers across the borders of the United States;

(ii) evaluate the effectiveness of the programs described in clause (i), the costs associated with such programs, and the costs to travelers to join such programs; and

(iii) increase research and development efforts to accelerate the development and implementation of a single registered traveler program.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the Department's progress on the development and implementation of the plan required by this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out the provisions of this section.

SEC. 604. TRAVEL DOCUMENTS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that—

(1) existing procedures allow many individuals to enter the United States by showing minimal identification or without showing any identification;

(2) the planning for the terrorist attacks of September 11, 2001, demonstrates that terrorists study and exploit United States vulnerabilities; and

(3) additional safeguards are needed to ensure that terrorists cannot enter the United States.

(b) BIOMETRIC PASSPORTS.—

(1) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require biometric passports or other identification deemed by the Secretary to be at least as secure as a biometric passport, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(2) REQUIREMENT TO PRODUCE DOCUMENTATION.—The plan developed under paragraph (1) shall require all United States citizens, and categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of such Act, to carry and produce the documentation described in paragraph (1) when traveling from foreign countries into the United States.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—After the complete implementation of the plan described in subsection (b)—

(1) the Secretary of State and the Attorney General may no longer exercise discretion under section 212(d)(4)(B) of such Act to waive documentary requirements for travel into the United States; and

(2) the President may no longer exercise discretion under section 215(b) of such Act to waive documentary requirements for United States citizens departing from or entering, or attempting to depart from or enter, the United States, unless the Secretary of State determines that the alternative documentation that is the basis for the waiver of the documentary requirement is at least as secure as a biometric passport.

(d) TRANSIT WITHOUT VISA PROGRAM.—The Secretary of State shall not use any authorities granted under section 212(d)(4)(C) of such Act until the Secretary, in conjunction with the Secretary of Homeland Security, completely implements a security plan to fully ensure secure transit passage areas to prevent aliens proceeding in immediate and continuous transit through the United States from illegally entering the United States.

SEC. 605. EXCHANGE OF TERRORIST INFORMATION.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that—

(1) the exchange of terrorist information with other countries, consistent with privacy requirements, along with listings of lost and stolen passports, will have immediate security benefits; and

(2) the further away from the borders of the United States that screening occurs, the more security benefits the United States will gain.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should exchange terrorist information with trusted allies;

(2) the United States Government should move toward real-time verification of passports with issuing authorities;

(3) where practicable the United States Government should conduct screening before a passenger departs on a flight destined for the United States;

(4) the United States Government should work with other countries to ensure effective inspection regimes at all airports;

(5) the United States Government should work with other countries to improve passport standards and provide foreign assistance to countries that need help making the transition to the global standard for identification; and

(6) the Department of Homeland Security, in coordination with the Department of State and other agencies, should implement the initiatives called for in this subsection.

(c) REPORT REGARDING THE EXCHANGE OF TERRORIST INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security, working with other agencies, shall submit to the appropriate committees of Congress a report on Federal efforts to collaborate with allies of the United States in the exchange of terrorist information.

(2) CONTENTS.—The report shall outline—

(A) strategies for increasing such collaboration and cooperation;

(B) progress made in screening passengers before their departure to the United States; and

(C) efforts to work with other countries to accomplish the goals described under this section.

SEC. 606. MINIMUM STANDARDS FOR IDENTIFICATION-RELATED DOCUMENTS.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

"SEC. 890A. MINIMUM STANDARDS FOR BIRTH CERTIFICATES.

"(a) DEFINITION.—In this section, the term 'birth certificate' means a certificate of birth—

"(1) for an individual (regardless of where born)—

"(A) who is a citizen or national of the United States at birth; and

"(B) whose birth is registered in the United States; and

"(2) that—

"(A) is issued by a Federal, State, or local government agency or authorized custodian of record and produced from birth records maintained by such agency or custodian of record; or

"(B) is an authenticated copy, issued by a Federal, State, or local government agency or authorized custodian of record, of an original certificate of birth issued by such agency or custodian of record.

"(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

"(1) IN GENERAL.—Beginning 2 years after the promulgation of minimum standards under paragraph (2), no Federal agency may accept a birth certificate for any official purpose unless the certificate conforms to such standards.

"(2) MINIMUM STANDARDS.—Within 1 year after the date of enactment of this section, the Secretary shall by regulation establish minimum standards for birth certificates for use by Federal agencies for official purposes that—

"(A) at a minimum, shall require certification of the birth certificate by the State or local government custodian of record that issued the certificate, and shall require the use of safety paper, the seal of the issuing custodian of record, and other features designed to prevent tampering, counterfeiting, or otherwise duplicating the birth certificate for fraudulent purposes;

"(B) shall establish requirements for proof and verification of identity as a condition of issuance of a birth certificate, with additional security measures for the issuance of a birth certificate for a person who is not the applicant;

"(C) may not require a single design to which birth certificates issued by all States must conform; and

"(D) shall accommodate the differences between the States in the manner and form in which birth records are stored and birth certificates are produced from such records.

"(3) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required by paragraph (2), the Secretary shall consult with State vital statistics offices and appropriate Federal agencies.

"(4) EXTENSION OF EFFECTIVE DATE.—The Secretary may extend the 2-year date under paragraph (1) by up to 2 additional years for birth certificates issued before that 2-year date if the Secretary determines that the States are unable to comply with such date after making reasonable efforts to do so.

"(c) GRANTS TO STATES.—

"(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—

"(A) IN GENERAL.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary shall make grants to States to assist them in conforming to the minimum standards for birth certificates set forth in the regulation.

"(B) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this paragraph based on the proportion that the estimated average annual number of birth certificates issued by a State applying for a grant bears to the estimated average annual number of birth certificates issued by all States.

"(2) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

"(A) IN GENERAL.—The Secretary, in coordination with other appropriate Federal agencies, shall make grants to States to assist them in—

"(i) computerizing their birth and death records;

"(ii) developing the capability to match birth and death records within each State and among the States; and

"(iii) noting the fact of death on the birth certificates of deceased persons.

"(B) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this paragraph based on the proportion that the estimated annual average number of birth and death records created by a State applying for a grant bears to the estimated annual average number of birth and death records originated by all States.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this section.

"SEC. 890B. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS.

"(a) DEFINITIONS.—In this section:

"(1) DRIVER'S LICENSE.—The term 'driver's license' means a motor vehicle operator's license as defined in section 30301(5) of title 49, United States Code.

"(2) PERSONAL IDENTIFICATION CARD.—The term 'personal identification card' means an identification document (as defined in section 1028(d)(3) of title 18, United States Code) issued by a State.

"(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

"(1) IN GENERAL.—

"(A) LIMITATION ON ACCEPTANCE.—No Federal agency may accept, for any official purpose, a driver's license or personal identification card issued by a State more than 2 years after the promulgation of the minimum standards under paragraph (2) unless the driver's license or personal identification card conforms to such minimum standards.

"(B) DATE FOR CONFORMANCE.—The Secretary shall establish a date after which no driver's license or personal identification card shall be accepted by a Federal agency for any official purpose unless such driver's license or personal identification card conforms to the minimum standards established under paragraph (2). The date shall be as early as the Secretary determines it is practicable for the States to comply with such date with reasonable efforts.

"(2) MINIMUM STANDARDS.—Within 1 year after the date of enactment of this section, the Secretary shall by regulation establish minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes that shall include—

"(A) standards for documentation required as proof of identity of an applicant for a driver's license or identification card;

"(B) standards for third-party verification of the authenticity of documents used to obtain a driver's license or identification card;

"(C) standards for the processing of applications for driver's licenses and identification cards to prevent fraud;

"(D) security standards to ensure that driver's licenses and identification cards are—

"(i) resistant to tampering, alteration, or counterfeiting; and

"(ii) capable of accommodating a digital photograph or other unique identifier; and

"(E) a requirement that a State confiscate a driver's license or identification card if any component or security feature of the license or identification card is compromised.

"(3) CONTENT OF REGULATIONS.—The regulations required by paragraph (2)—

"(A) shall facilitate communication between the chief driver licensing official of a State and an appropriate official of a Federal agency to verify the authenticity of documents issued by such Federal agency and presented to prove the identity of an individual;

"(B) may not directly or indirectly infringe on a State's power to set eligibility criteria for obtaining a driver's license or identification card from that State; and

"(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of such eligibility criteria by the State.

"(4) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required by paragraph (2), the Secretary shall consult with the Department of Transportation, the chief driver licensing official of each State, any other State organization that issues personal identification cards, and any organization, determined appropriate by the Secretary, that represents the interests of the States.

"(c) GRANTS TO STATES.—

"(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary shall make grants to States to assist them in conforming to the minimum standards for driver's licenses and personal identification cards set forth in the regulation.

"(2) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this subsection based on the proportion that the estimated average annual number of driver's licenses and personal identification cards issued by a State applying for a grant bears to the average annual number of such documents issued by all States.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.

"SEC. 890C. SOCIAL SECURITY CARDS.

"(a) SECURITY ENHANCEMENTS.—The Commissioner of Social Security shall—

"(1) within 180 days after the date of enactment of this section, issue regulations to restrict the issuance of multiple replacement social security cards to any individual to minimize fraud;

"(2) within 1 year after the date of enactment of this section, require independent verification of all records provided by an applicant for an original social security card, other than for purposes of enumeration at birth; and

"(3) within 18 months after the date of enactment of this section, add death, fraud, and work authorization indicators to the social security number verification system.

"(b) INTERAGENCY SECURITY TASK FORCE.—The Secretary and the Commissioner of Social Security shall form an interagency task force for the purpose of further improving the security of social security cards and numbers. Within 1 year after the date of enactment of this section, the task force shall establish security requirements, including—

"(1) standards for safeguarding social security cards from counterfeiting, tampering, alteration, and theft;

"(2) requirements for verifying documents submitted for the issuance of replacement cards; and

"(3) actions to increase enforcement against the fraudulent use or issuance of social security numbers and cards.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note) is repealed.

(2) Section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 890 the following:

"Sec. 890A. Minimum standards for birth certificates.
"Sec. 890B. Driver's licenses and personal identification cards.
"Sec. 890C. Social security cards.".

TITLE VII—TRANSPORTATION SECURITY

SEC. 701. DEFINITIONS.

In this title, the terms "air carrier", "air transportation", "aircraft", "airport", "cargo", "foreign air carrier", and "intrastate air transportation" have the meanings given such terms in section 40102 of title 49, United States Code.

SEC. 702. NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) REQUIREMENT FOR STRATEGY.—

(1) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall—

(A) develop and implement a National Strategy for Transportation Security; and

(B) revise such strategy whenever necessary to improve or to maintain the currency of the strategy or whenever the Secretary otherwise considers it appropriate to do so.

(2) CONSULTATION WITH SECRETARY OF TRANSPORTATION.—The Secretary of Homeland Security shall consult with the Secretary of Transportation in developing and revising the National Strategy for Transportation Security under this section.

(b) CONTENT.—The National Strategy for Transportation Security shall include the following matters:

(1) An identification and evaluation of the transportation assets within the United States that, in the interests of national security, must be protected from attack or disruption by terrorist or other hostile forces, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, urban mass transit, and other public transportation infrastructure assets that could be at risk of such an attack or disruption.

(2) The development of the risk-based priorities, and realistic deadlines, for addressing security needs associated with those assets.

(3) The most practical and cost-effective means of defending those assets against threats to their security.

(4) A forward-looking strategic plan that assigns transportation security roles and missions to departments and agencies of the Federal Government (including the Armed Forces), State governments (including the Army National Guard and Air National Guard), local governments, and public utilities, and establishes mechanisms for encouraging private sector cooperation and participation in the implementation of such plan.

(5) A comprehensive delineation of response and recovery responsibilities and issues regarding threatened and executed acts of terrorism within the United States.

(6) A prioritization of research and development objectives that support transportation security needs, giving a higher priority to research and development directed toward protecting vital assets.

(7) A budget and recommendations for appropriate levels and sources of funding to meet the objectives set forth in the strategy.

(c) SUBMISSIONS TO CONGRESS.—

(1) THE NATIONAL STRATEGY.—

(A) INITIAL STRATEGY.—The Secretary of Homeland Security shall submit the National Strategy for Transportation Security developed under this section to Congress not later than April 1, 2005.

(B) SUBSEQUENT VERSIONS.—After 2005, the Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including any revisions, to Congress not less frequently than April 1 of each even-numbered year.

(2) PERIODIC PROGRESS REPORT.—

(A) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary of Homeland Security shall submit to Congress an assessment of the progress made on implementing the National Strategy for Transportation Security.

(B) CONTENT.—Each progress report under this paragraph shall include, at a minimum, the following matters:

(i) An assessment of the adequacy of the resources committed to meeting the objectives of the National Strategy for Transportation Security.

(ii) Any recommendations for improving and implementing that strategy that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

(3) CLASSIFIED MATERIAL.—Any part of the National Strategy for Transportation Security that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

(d) PRIORITY STATUS.—

(1) IN GENERAL.—The National Strategy for Transportation Security shall be the governing document for Federal transportation security efforts.

(2) OTHER PLANS AND REPORTS.—The National Strategy for Transportation Security shall include, as an integral part or as an appendix—

(A) the current National Maritime Transportation Security Plan under section 70103 of title 46, United States Code;

(B) the report of the Secretary of Transportation under section 44938 of title 49, United States Code; and

(C) any other transportation security plan or report that the Secretary of Homeland Security determines appropriate for inclusion.

SEC. 703. USE OF WATCHLISTS FOR PASSENGER AIR TRANSPORTATION SCREENING.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Transportation Security Administration, as soon as practicable after the date of the enactment of this Act but in no event later than 90 days after that date, shall—

(1) implement a procedure under which the Transportation Security Administration compares information about passengers who are to be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation for flights and flight segments originating in the United States with a comprehensive, consolidated database containing information about known or suspected terrorists and their associates; and

(2) use the information obtained by comparing the passenger information with the information in the database to prevent known or suspected terrorists and their associates from boarding such flights or flight segments or to subject them to specific additional security scrutiny, through the use of "no fly" and "automatic selectee" lists or other means.

(b) AIR CARRIER COOPERATION.—The Secretary of Homeland Security, in coordination with the Secretary of Transportation, shall by order require air carriers to provide the passenger information necessary to implement the procedure required by subsection (a).

(c) MAINTAINING THE ACCURACY AND INTEGRITY OF THE "NO FLY" AND "AUTOMATIC SELECTEE" LISTS.—

(1) WATCHLIST DATABASE.—The Secretary of Homeland Security, in consultation with the Director of the Federal Bureau of Investigation, shall design guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the watchlist database described in subsection (a)(1) that are designed to ensure the accuracy and integrity of the database.

(2) ACCURACY OF ENTRIES.—In developing the "no fly" and "automatic selectee" lists under subsection (a)(2), the Secretary of Homeland Security shall establish a simple and timely method for correcting erroneous entries, for clarifying information known to cause false hits or misidentification errors, and for updating relevant information that is dispositive in the passenger screening process. The Secretary shall also establish a process to provide individuals whose names are confused with, or similar to, names in the database with a means of demonstrating that they are not a person named in the database.

SEC. 704. ENHANCED PASSENGER AND CARGO SCREENING.

(a) AIRCRAFT PASSENGER SCREENING AT CHECKPOINTS.—

(1) DETECTION OF EXPLOSIVES.—

(A) IMPROVEMENT OF CAPABILITIES.—As soon as practicable after the date of the enactment of this Act, the Secretary of Homeland Security shall take such action as is necessary to improve the capabilities at passenger screening checkpoints, especially at commercial airports, to detect explosives carried aboard aircraft by passengers or placed aboard aircraft by passengers.

(B) INTERIM ACTION.—Until measures are implemented that enable the screening of all passengers for explosives, the Secretary shall take immediate measures to require Transportation Security Administration or other screeners to screen for explosives any individual identified for additional screening before that individual may board an aircraft.

(2) IMPLEMENTATION REPORT.—

(A) REQUIREMENT FOR REPORT.—Within 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall transmit to the Senate and the House of Representatives a report on how the Secretary intends to achieve the objectives of the actions required under paragraph (1). The report shall include an implementation schedule.

(B) CLASSIFIED INFORMATION.—The Secretary may submit separately in classified form any information in the report under subparagraph (A) that involves information that is properly classified under criteria established by Executive order.

(b) ACCELERATION OF RESEARCH AND DEVELOPMENT ON, AND DEPLOYMENT OF, DETECTION OF EXPLOSIVES.—

(1) REQUIRED ACTION.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall take such action as may be necessary to accelerate research and development and deployment of technology for screening aircraft passengers for explosives during or before the aircraft boarding process.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for each of fiscal years 2005 through 2009.

(c) IMPROVEMENT OF SCREENER JOB PERFORMANCE.—

(1) Required action.—The Secretary of Homeland Security shall take such action as may be necessary to improve the job performance of airport screening personnel.

(2) Human factors study.—In carrying out this subsection, the Secretary shall, not later than 180 days after the date of the enactment of this Act, conduct a human factors study in order better to understand problems in screener performance and to set attainable objectives for individual screeners and screening checkpoints.

(d) Checked Baggage and Cargo.—

(1) In-line baggage screening.—The Secretary of Homeland Security shall take such action as may be necessary to expedite the installation and use of advanced in-line baggage-screening equipment at commercial airports.

(2) Cargo security.—The Secretary shall take such action as may be necessary to ensure that the Transportation Security Administration increases and improves its efforts to screen potentially dangerous cargo.

(3) Hardened containers.—The Secretary, in consultation with the Secretary of Transportation, shall require air carriers to deploy at least 1 hardened container for containing baggage or cargo items in each passenger aircraft that also carries cargo.

(e) Cost-Sharing.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with representatives of air carriers, airport operators, and other interested parties, shall submit to the Senate and the House of Representatives—

(1) a proposed formula for cost-sharing, for the advanced in-line baggage screening equipment required by this title, between and among the Federal Government, State and local governments, and the private sector that reflects proportionate national security benefits and private sector benefits for such enhancement; and

(2) recommendations, including recommended legislation, for an equitable, feasible, and expeditious system for defraying the costs of the advanced in-line baggage screening equipment required by this title, which may be based on the formula proposed under paragraph (1).

TITLE VIII—NATIONAL PREPAREDNESS

SEC. 801. HOMELAND SECURITY ASSISTANCE.

(a) Definitions.—In this section:

(1) Community.—The term "community" means a State, local government, or region.

(2) Homeland security assistance.—The term "homeland security assistance" means grants or other financial assistance provided by the Department of Homeland Security under the State Homeland Security Grants Program, the Urban Areas Security Initiative, or the Law Enforcement Terrorism Prevention Program.

(3) Local government.—The term "local government" has the meaning given that term in section 2(10) of the Homeland Security Act of 2002 (6 U.S.C. 101(10)).

(4) Region.—The term "region" means any intrastate or interstate consortium of local governments.

(5) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

(6) State.—The term "State" has the meaning given that term in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

(7) Under secretary.—The term "Under Secretary" means the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.

(b) In General.—The Secretary shall allocate homeland security assistance to communities based on—

(1) the level of threat faced by a community, as determined by the Secretary through the Under Secretary, in consultation with the National Intelligence Director;

(2) the critical infrastructure in the community, and the risks to and vulnerability of that infrastructure, as identified and assessed by the Secretary through the Under Secretary;

(3) the community's population and population density;

(4) such other indicia of a community's risk and vulnerability as the Secretary determines is appropriate;

(5) the benchmarks developed under subsection (d)(4)(A); and

(6) the goal of achieving and enhancing essential emergency preparedness and response capabilities throughout the Nation.

(c) Reallocation of Assistance.—A State receiving homeland security assistance may reallocate such assistance, in whole or in part, among local governments or other entities, only if such reallocation is made on the basis of an assessment of threats, risks, and vulnerabilities of the local governments or other entities that is consistent with the criteria set forth in subsection (b).

(d) Advisory Panel.—

(1) Establishment.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish an advisory panel to assist the Secretary in determining how to allocate homeland security assistance funds most effectively among communities, consistent with the criteria set out in subsection (b).

(2) Selection of members.—The Secretary shall appoint no fewer than 10 individuals to serve on the advisory panel. The individuals shall—

(A) be chosen on the basis of their knowledge, achievements, and experience;

(B) be from diverse geographic and professional backgrounds; and

(C) have demonstrated expertise in homeland security or emergency preparedness and response.

(3) Term.—Each member of the advisory panel appointed by the Secretary shall serve a term the length of which is to be determined by the Secretary, but which shall not exceed 5 years.

(4) Responsibilities.—The advisory panel shall—

(A) develop benchmarks by which the needs and capabilities of diverse communities throughout the Nation with respect to potential terrorist attacks may be assessed, and review and revise those benchmarks as appropriate; and

(B) advise the Secretary on means of establishing appropriate priorities for the allocation of funding among applicants for homeland security assistance.

(5) Reports.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the advisory panel shall provide the Secretary and Congress with a report on the benchmarks it has developed under paragraph (4)(A), including any revisions or modifications to such benchmarks.

(6) Applicability of federal advisory committee act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory panel.

(7) Administrative support services.—The Secretary shall provide administrative support services to the advisory panel.

(e) Technical and Conforming Amendment.—Section 1014(c) of the USA PATRIOT ACT of 2001 (42 U.S.C. 3714(c)) is amended by striking paragraph (3).

SEC. 802. THE INCIDENT COMMAND SYSTEM.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The attacks on September 11, 2001, demonstrated that even the most robust emergency response capabilities can be overwhelmed if an attack is large enough.

(2) Teamwork, collaboration, and cooperation at an incident site are critical to a successful response to a terrorist attack.

(3) Key decision makers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety.

(4) Regular joint training at all levels is essential to ensuring close coordination during an actual incident.

(5) Beginning with fiscal year 2005, the Department of Homeland Security is requiring that entities adopt the Incident Command System and other concepts of the National Incident Management System in order to qualify for funds distributed by the Office of State and Local Government Coordination and Preparedness.

(b) Sense of Congress.—It is the sense of Congress that—

(1) emergency response agencies nationwide should adopt the Incident Command System;

(2) when multiple agencies or multiple jurisdictions are involved, they should follow a unified command system; and

(3) the Secretary of Homeland Security should require, as a further condition of receiving homeland security preparedness funds from the Office of State and Local Government Coordination and Preparedness, that grant applicants document measures taken to fully and aggressively implement the Incident Command System and unified command procedures.

SEC. 803. NATIONAL CAPITAL REGION MUTUAL AID.

(a) Definitions.—In this section:

(1) Authorized representative of the federal government.—The term "authorized representative of the Federal Government" means any individual or individuals designated by the President with respect to the executive branch, the Chief Justice with respect to the Federal judiciary, or the President of the Senate and Speaker of the House of Representatives with respect to Congress, or their designees, to request assistance under a Mutual Aid Agreement for an emergency or public service event.

(2) Chief operating officer.—The term "chief operating officer" means the official designated by law to declare an emergency in and for the locality of that chief operating officer.

(3) Emergency.—The term "emergency" means a major disaster or emergency declared by the President, or a state of emergency declared by the Mayor of the District of Columbia, the Governor of the State of Maryland or the Commonwealth of Virginia, or the declaration of a local emergency by the chief operating officer of a locality, or their designees, that triggers mutual aid under the terms of a Mutual Aid Agreement.

(4) Employee.—The term "employee" means the employees of the party, including its agents or authorized volunteers, who are committed in a Mutual Aid Agreement to prepare for or who respond to an emergency or public service event.

(5) Locality.—The term "locality" means a county, city, or town within the State of Maryland or the Commonwealth of Virginia and within the National Capital Region.

(6) MUTUAL AID AGREEMENT.—The term "Mutual Aid Agreement" means an agreement, authorized under subsection (b) for the provision of police, fire, rescue and other public safety and health or medical services to any party to the agreement during a public service event, an emergency, or preplanned training event.

(7) NATIONAL CAPITAL REGION OR REGION.—The term "National Capital Region" or "Region" means the area defined under section 2674(f)(2) of title 10, United States Code, and those counties with a border abutting that area and any municipalities therein.

(8) PARTY.—The term "party" means the State of Maryland, the Commonwealth of Virginia, the District of Columbia, and any of the localities duly executing a Mutual Aid Agreement under this section.

(9) PUBLIC SERVICE EVENT.—The term "public service event"—

(A) means any undeclared emergency, incident or situation in preparation for or response to which the Mayor of the District of Columbia, an authorized representative of the Federal Government, the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality in the National Capital Region, or their designees, requests or provides assistance under a Mutual Aid Agreement within the National Capital Region; and

(B) includes Presidential inaugurations, public gatherings, demonstrations and protests, and law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and other support that require human resources, equipment, facilities or services supplemental to or greater than the requesting jurisdiction can provide.

(10) STATE.—The term "State" means the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

(11) TRAINING.—The term "training" means emergency and public service event-related exercises, testing, or other activities using equipment and personnel to simulate performance of any aspect of the giving or receiving of aid by National Capital Region jurisdictions during emergencies or public service events, such actions occurring outside actual emergency or public service event periods.

(b) MUTUAL AID AUTHORIZED.—

(1) IN GENERAL.—The Mayor of the District of Columbia, any authorized representative of the Federal Government, the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality, or their designees, acting within his or her jurisdictional purview, may, subject to State law, enter into, request or provide assistance under Mutual Aid Agreements with localities, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority for—

(A) law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and resource support in an emergency or public service event;

(B) preparing for, mitigating, managing, responding to or recovering from any emergency or public service event; and

(C) training for any of the activities described under subparagraphs (A) and (B).

(2) FACILITATING LOCALITIES.—The State of Maryland and the Commonwealth of Virginia are encouraged to facilitate the ability of localities to enter into interstate Mutual Aid Agreements in the National Capital Region under this section.

(3) APPLICATION AND EFFECT.—This section—

(A) does not apply to law enforcement security operations at special events of national significance under section 3056(e) of title 18, United States Code, or other law enforcement functions of the United States Secret Service;

(B) does not diminish any authorities, express or implied, of Federal agencies to enter into Mutual Aid Agreements in furtherance of their Federal missions; and

(C) does not—

(i) preclude any party from entering into supplementary Mutual Aid Agreements with fewer than all the parties, or with another party; or

(ii) affect any other agreement in effect before the date of enactment of this Act among the States and localities, including the Emergency Management Assistance Compact.

(4) RIGHTS DESCRIBED.—Other than as described in this section, the rights and responsibilities of the parties to a Mutual Aid Agreement entered into under this section shall be as described in the Mutual Aid Agreement.

(c) DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The District of Columbia may purchase liability and indemnification insurance or become self insured against claims arising under a Mutual Aid Agreement authorized under this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).

(d) LIABILITY AND ACTIONS AT LAW.—

(1) IN GENERAL.—Any responding party or its officers or employees rendering aid or failing to render aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement authorized under this section, and any party or its officers or employees engaged in training activities with another party under such a Mutual Aid Agreement, shall be liable on account of any act or omission of its officers or employees while so engaged or on account of the maintenance or use of any related equipment, facilities, or supplies, but only to the extent permitted under the laws and procedures of the State of the party rendering aid.

(2) ACTIONS.—Any action brought against a party or its officers or employees on account of an act or omission in the rendering of aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, or failure to render such aid or on account of the maintenance or use of any related equipment, facilities, or supplies may be brought only under the laws and procedures of the State of the party rendering aid and only in the Federal or State courts located therein. Actions against the United States under this section may be brought only in Federal courts.

(3) GOOD FAITH EXCEPTION.—

(A) DEFINITION.—In this paragraph, the term "good faith" shall not include willful misconduct, gross negligence, or recklessness.

(B) EXCEPTION.—No State or locality, or its officers or employees, rendering aid to another party, or engaging in training, under a Mutual Aid Agreement shall be liable under Federal law on account of any act or omission performed in good faith while so engaged, or on account of the maintenance or use of any related equipment, facilities, or supplies performed in good faith.

(4) IMMUNITIES.—This section shall not abrogate any other immunities from liability that any party has under any other Federal or State law.

(d) WORKERS COMPENSATION.—

(1) COMPENSATION.—Each party shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that party and representatives of deceased members of such forces if such members sustain injuries or are killed while rendering aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement, or engaged in training activities under a Mutual Aid Agreement, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

(2) OTHER STATE LAW.—No party shall be liable under the law of any State other than its own for providing for the payment of compensation and death benefits to injured members of the emergency forces of that party and representatives of deceased members of such forces if such members sustain injuries or are killed while rendering aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement or engaged in training activities under a Mutual Aid Agreement.

(e) LICENSES AND PERMITS.—If any person holds a license, certificate, or other permit issued by any responding party evidencing the meeting of qualifications for professional, mechanical, or other skills and assistance is requested by a receiving jurisdiction, such person will be deemed licensed, certified, or permitted by the receiving jurisdiction to render aid involving such skill to meet a public service event, emergency or training for any such events.

SEC. 804. ASSIGNMENT OF SPECTRUM FOR PUBLIC SAFETY.

Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following:

"(E) EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, under section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing not later than January 1, 2007.".

SEC. 805. URBAN AREA COMMUNICATIONS CAPABILITIES.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 510. HIGH RISK URBAN AREA COMMUNICATIONS CAPABILITIES.

"The Secretary, in consultation with the Federal Communications Commission and the Secretary of Defense, and with appropriate governors, mayors, and other State and local government officials, shall encourage and support the establishment of consistent and effective communications capabilities in the event of an emergency in urban areas determined by the Secretary to be at consistently high levels of risk from terrorist attack. Such communications capabilities shall ensure the ability of all levels of government agencies, including military authorities, and of first responders, hospitals, and other organizations with emergency response capabilities to communicate with each other in the event of an emergency. Additionally, the Secretary, in conjunction with the Secretary of Defense, shall develop plans to provide back-up and additional communications support in the event of an emergency.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by inserting after the item relating to section 509 the following:

"Sec. 510. High risk urban area communications capabilities.".

SEC. 806. PRIVATE SECTOR PREPAREDNESS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Private sector organizations own 85 percent of the Nation's critical infrastructure and employ the vast majority of the Nation's workers.

(2) Unless a terrorist attack targets a military or other secure government facility, the first people called upon to respond will likely be civilians.

(3) Despite the exemplary efforts of some private entities, the private sector remains largely unprepared for a terrorist attack, due in part to the lack of a widely accepted standard for private sector preparedness.

(4) Preparedness in the private sector and public sector for rescue, restart and recovery of operations should include—

(A) a plan for evacuation;

(B) adequate communications capabilities; and

(C) a plan for continuity of operations.

(5) The American National Standards Institute recommends a voluntary national preparedness standard for the private sector based on the existing American National Standard on Disaster/Emergency Management and Business Continuity Programs (NFPA 1600), with appropriate modifications. This standard would establish a common set of criteria and terminology for preparedness, disaster management, emergency management, and business continuity programs.

(6) The mandate of the Department of Homeland Security extends to working with the private sector, as well as government entities.

(b) PRIVATE SECTOR PREPAREDNESS PROGRAM.—

(1) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 805, is amended by adding at the end the following:

"SEC. 511. PRIVATE SECTOR PREPAREDNESS PROGRAM.

"The Secretary shall establish a program to promote private sector preparedness for terrorism and other emergencies, including promoting the adoption of a voluntary national preparedness standard such as the private sector preparedness standard developed by the American National Standards Institute and based on the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of that Act, as amended by section 805, is amended by inserting after the item relating to section 510 the following:

"Sec. 511. Private sector preparedness program.".

(c) SENSE OF CONGRESS.—It is the sense of Congress that insurance and credit-rating industries should consider compliance with the voluntary national preparedness standard, the adoption of which is promoted by the Secretary of Homeland Security under section 511 of the Homeland Security Act of 2002, as added by subsection (b), in assessing insurability and credit worthiness.

SEC. 807. CRITICAL INFRASTRUCTURE AND READINESS ASSESSMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Under section 201 of the Homeland Security Act of 2002 (6 U.S.C 121), the Department of Homeland Security, through the Under Secretary for Information Analysis and Infrastructure Protection, has the responsibility—

(A) to carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States;

(B) to identify priorities for protective and supportive measures; and

(C) to develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States.

(2) Under Homeland Security Presidential Directive 7, issued on December 17, 2003, the Secretary of Homeland Security was given 1 year to develop a comprehensive plan to identify, prioritize, and coordinate the protection of critical infrastructure and key resources.

(3) Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, the Secretary of Homeland Security should—

(A) identify those elements of the United States' transportation, energy, communications, financial, and other institutions that need to be protected;

(B) develop plans to protect that infrastructure; and

(C) exercise mechanisms to enhance preparedness.

(b) REPORTS ON RISK ASSESSMENT AND READINESS.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress on—

(1) the Department of Homeland Security's progress in completing vulnerability and risk assessments of the Nation's critical infrastructure;

(2) the adequacy of the Government's plans to protect such infrastructure; and

(3) the readiness of the Government to respond to threats against the United States.

SEC. 808. REPORT ON NORTHERN COMMAND AND DEFENSE OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the 2 departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command (hereafter in this section referred to as "NORAD"), which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even though the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even the use of airplanes as missiles within the United States.

(3) The United States Northern Command has been established to assume responsibility for defense within the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should regularly assess the adequacy of United States Northern Command's plans and strategies with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of such plans and strategies.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the United States Northern Command's plans and strategies to defend the United States against military and paramilitary threats within the United States.

TITLE IX—PROTECTION OF CIVIL LIBERTIES

SEC. 901. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) IN GENERAL.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this title as the "Board").

(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

(c) PURPOSE.—The Board shall—

(1) analyze and review actions the Executive Branch takes to protect the Nation from terrorism; and

(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

(d) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under section 201(e);

(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under section 201(e);

(C) advise the President and Federal executive departments and agencies to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the executive department or agency has explained—

(i) that the power actually materially enhances security; and

(ii) that there is adequate supervision of the executive's use of the power to ensure protection of civil liberties.

(2) OVERSIGHT.—The Board shall continually review—

(A) the regulations, policies, and procedures and the implementation of the regulations, policies, procedures, and related laws of Federal executive departments and agencies to ensure that privacy and civil liberties are protected;

(B) the information sharing practices of Federal executive departments and agencies to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines promulgated under section 201(e) and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

(C) other actions by the Executive Branch related to efforts to protect the Nation from terrorism to determine whether such actions—

(i) appropriately protect privacy and civil liberties; and

(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall review and assess the activities of privacy and civil liberties officers described in section 902 and, where appropriate, shall coordinate their activities.

(e) REPORTS.—

(1) IN GENERAL.—The Board shall—

(A) receive and review reports from privacy and civil liberties officers described in section 902; and

(B) periodically submit, not less than semiannually, reports to Congress and the President.

(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

(A) a description of the major activities of the Board during the relevant period; and

(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d).

(f) INFORMING THE PUBLIC.—The Board shall hold public hearings, release public reports, and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(g) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board may—

(A) secure directly from any Federal executive department or agency, or any Federal officer or employee, all relevant records, reports, audits, reviews, documents, papers, or recommendations, including classified information consistent with applicable law;

(B) interview, take statements from, or take public testimony from personnel of any Federal executive department or agency or any Federal officer or employee;

(C) request information or assistance from any State, tribal, or local government; and

(D) require, by subpoena, persons other than Federal executive departments and agencies to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

(h) MEMBERSHIP.—

(1) MEMBERS.—The Board shall be composed of a chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, and relevant experience, and without regard to political affiliation.

(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, an officer, or an employee of the Federal Government, other than in the capacity as a member of the Board.

(i) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIRMAN.—The chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day during which the chairman is engaged in the actual performance of the duties of the Board.

(B) MEMBERS.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(j) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Chairman, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(k) SECURITY CLEARANCES.—The appropriate Federal executive departments and agencies shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 902. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) DESIGNATION AND FUNCTIONS.—The Attorney General, Secretary of Defense, Secretary of Homeland Security, Secretary of State, Secretary of the Treasury, Secretary of Health and Human Services, National Intelligence Director, Director of the Central Intelligence Agency, and the head of any other executive department or agency designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

(1) assist the department or agency head and other department or agency officials in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

(2) periodically investigate and review department or agency actions, policies, procedures, guidelines, and related laws and their implementation to ensure that the department or agency is adequately considering privacy and civil liberties in its actions;

(3) ensure that the department or agency has adequate procedures to receive, investigate, and respond to complaints from individuals who allege the department or agency has violated their privacy or civil liberties; and

(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether the department or agency has explained—

(i) that the power actually materially enhances security; and

(ii) that there is adequate supervision of the department's or agency's use of the power to ensure protection of civil liberties.

(b) EXCEPTION TO DESIGNATION AUTHORITY.—

(1) PRIVACY OFFICERS.—In any department or agency referenced in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

(2) CIVIL LIBERTIES OFFICERS.—In any department or agency referenced in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer,

such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

(c) SUPERVISION AND COORDINATION.—Each privacy or civil liberties officer described in subsection (a) or (b) shall—

(1) report directly to the department or agency head; and

(2) coordinate their activities with the Inspector General of the agency to avoid duplication of effort.

(d) AGENCY COOPERATION.—Each department or agency head shall ensure that each privacy and civil liberties officer—

(1) has the information and material necessary to fulfill the officer's functions;

(2) is advised of proposed policy changes;

(3) is consulted by decision makers; and

(4) is given access to material and personnel the officer determines to be necessary to carry out the officer's functions.

(e) PERIODIC REPORTS.—

(1) IN GENERAL.—The privacy and civil liberties officers of each department or agency referenced or designated under subsection (a) shall periodically, but not less than quarterly, submit a report on the officers' activities to Congress, the department or agency head, and the Privacy and Civil Liberties Oversight Board.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the officer's functions, including—

(A) information on the number and types of reviews undertaken;

(B) the type of advice provided and the response given to such advice;

(C) the number and nature of the complaints received by the agency for alleged violations; and

(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the officer's activities.

By Mr. SPECTER.

S. 2776. A bill to require the Secretary of Veterans Affairs to carry out a program of outreach to veterans of World War II and the Korean conflict on the nature and availability of benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to comment on legislation I am introducing today which would direct the Department of Veterans Affairs (VA) to provide a new, targeted program of outreach to veterans of World War II and the Korean conflict. The purpose of the program would be to inform these veterans, most of whom are now over the age of 70, of the veterans benefits to which they may be entitled, and to encourage them to apply for those benefits. The center piece of the new outreach program would be a $35 million nationwide public service announcement campaign through various print, radio, and television media outlets. I believe such a campaign would be the most effective, and efficient, way to "get the word out" about VA benefits and services, but my legislation gives VA flexibility to devise other means if appropriate.

I am concerned that there are a number of older veterans who served during World War II and the Korean conflict, and who are entitled to benefits from VA, are simply not aware of that fact. A recent article in the Philadelphia Inquirer told the story of a World War II veteran from Missouri who filed a claim for benefits in 1947 for a cold-weather injury suffered while wading through an icy French harbor. The claim was denied, but because of intensive outreach conducted the State of Missouri over 50 years later, the veteran recently was awarded 100 percent disability compensation. The same article cities survey data from VA which suggest that over one-half million veterans might be eligible for VA compensation benefits—if only they would file claims. A similar inference can be drawn from data from the Veterans Benefits Administration Fiscal year 2003 Annual Benefits Report which show that even though veterans of World War II and the Korean conflict comprise 31.6 percent of the total veteran population, only 23.2 percent of the total number of veterans actually receiving VA disability compensation are veterans of WWII and the Korean conflict. Further, it is a fact that Korean conflict and World War II veterans who are receiving compensation are compensated for fewer disabilities, on average, than are later generations of veterans.

I suspect that one reason for these discrepancies might be found in the fact that VA and the Department of Defense (DoD) now do a far better job than in prior years of educating service members of the benefits to which they are entitled. This year, VA compiled a report on its outreach activities—a report that was requested by Senator Russ Feingold and me—which outlines at great length programs—all laudable programs—of outreach specifically targeting service members and veterans recently discharged from service. For example, VA has a presence at 136 military installations which enables service members to receive complete medical examinations and disability ratings prior to discharge from service. VA and DoD also cooperate in providing intensive transition workshops for departing service members. I commend both VA and DoD for their outreach activities, particularly for such activities that target service members returning from Iraq and Afghanistan. Clearly, VA and DoD have made great strides in informing service members and veterans of their benefits at the point in their lives when such information is most useful, namely, at discharge from service. However, the intensity and breadth of outreach activities that are now the norm for the current generation of newly discharged veterans simply were not undertaken when World War II and Korean conflict veterans left service.

The Nation recently honored the World War II generation with the dedication of the World War II Memorial in Washington, and with celebrations of the 60th anniversary of the Normandy invasion. Just last year, we marked the 50th anniversary of the end of the Korean conflict. While the fan fare surrounding these events has waned, our efforts on behalf of veterans of these wars must not. It is imperative we make final attempts to let them, and their families, known of the benefits to which they are entitled. The legislation provides a first step to that end. I ask my colleagues for their support, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAM OF OUTREACH TO VETERANS OF WORLD WAR II AND KOREAN CONFLICT ON VETERANS BENEFITS.

(a) FINDINGS.—Congress makes the following findings:

(1) Veterans of World War II and the Korean conflict represent 31.6 percent of the current population of veterans. However, veterans of World War II and the Korean conflict represent only 23.2 percent of the total number of veterans currently receiving disability compensation from the Department of Veterans Affairs.

(2) Veterans of World War II and the Korean conflict who receive disability compensation have, on average, 1.94 and 2.12 disabilities per veteran, respectively, whereas veterans of the Vietnam era and the Persian Gulf War who receive disability compensation have, on average, 2.88 and 3.48 disabilities per veteran, respectively.

(3) Advances in medical science and technology have improved the understanding of the origins of diseases and disabilities which are associated with military service, including diseases and disabilities that manifest long after the completion of military service.

(4) Unlike veterans of later periods, veterans of World War II and the Korean conflict did not have the benefit of extensive transition assistance and outreach services now routinely provided by the Department and other government agencies.

(5) Veterans of World War II and the Korean conflict are dying at the aggregate rate of 1,400 per day.

(6) It is in the interest of the Nation that the Secretary make every effort to inform veterans of World War II and the Korean conflict of the benefits to which they may be entitled.

(b) OUTREACH.—(1) The Secretary of Veterans Affairs shall carry out a program to provide outreach to veterans of World War II and of the Korean conflict on the nature and availability of benefits for veterans.

(2) The purpose of the program is to make veterans of World War II and of the Korean conflict aware of the veterans benefits to which they may be entitled and to encourage such veterans to apply for such benefits.

(3)(A) The program shall include a nationwide public service campaign consisting of such elements, and appearing in and through such media, as the Secretary considers appropriate for the program.

(B) Of the amount authorized to be appropriated by subsection (e) for the program, $35,000,000 shall be available for the public service campaign described in subparagraph (A).

(4) As part of the program, the Secretary shall establish performance measures for the outreach under the program to permit the on-going evaluation of the extent and success of the outreach under the program.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the program under this section. The report shall include the following:

(1) A description of the program, including a detailed description of the outreach conducted under the program.

(2) A statement of the amount expended on the program.

(3) An assessment of the effectiveness of the program.

(d) DEFINITIONS.—In this section, the terms "World War II" and "Korean conflict" have the meanings given such terms in section 101 of title 38, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out this section.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3576. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3576. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Government Reorganization Act of 2004".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal responsibility to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the "ceded lands trust"), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the "Apology Resolution") was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction;

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands that comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003.

SEC. 3. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term "adult member" means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103–150, (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term "commission" means the Commission established under section 7(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in section 3(8).

(5) COUNCIL.—The term "council" means the Native Hawaiian Interim Governing Council established under section 7(c)(2).

(6) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) INTERAGENCY COORDINATING GROUP.—The term "Interagency Coordinating Group" means the Native Hawaiian Interagency Coordinating Group established under section 6.

(8) NATIVE HAWAIIAN.—For the purpose of establishing the roll authorized under section 7(c)(1) and before the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the term "Native Hawaiian" means—

(A) an individual who is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(i) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(B) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(9) NATIVE HAWAIIAN GOVERNING ENTITY.—The term "Native Hawaiian Governing Entity" means the governing entity organized by the Native Hawaiian people pursuant to this Act.

(10) OFFICE.—The term "Office" means the United States Office for Native Hawaiian Relations established under section 5(a).

(11) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the Native Hawaiian governing entity and the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary of the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, the Governor of the State of Hawaii and relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the "Native Hawaiian Interagency Coordinating Group".

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) ensure that each Federal agency develops a policy on consultation with the Native

Hawaiian people, and upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, consultation with the Native Hawaiian governing entity; and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) Recognition of the Native Hawaiian Governing Entity.—The right of the Native Hawaiian people to reorganize the Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) Commission.—

(1) In general.—There is authorized to be established a Commission to be composed of nine members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(8).

(2) Membership.—

(A) Appointment.—Within 180 days of the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subclause (B). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(B) Requirements.—The members of the Commission shall be Native Hawaiian, as defined in section 3(8), and shall have expertise in the determination of Native Hawaiian ancestry and lineal descendancy.

(3) Expenses.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) Duties.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(8).

(5) Staff.—

(A) In general.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) Compensation.—

(i) In general.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) Maximum rate of pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) Detail of federal government employees.—

(A) In general.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) Civil service status.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) Procurement of temporary and intermittent services.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) Expiration.—The Secretary shall dissolve the Commission upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) Process for the Reorganization of the Native Hawaiian Governing Entity.—

(1) Roll.—

(A) Contents.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(8) by the Commission.

(B) Formation of roll.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 3(8).

(C) Documentation.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 3(8);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to subclauses (i) and (ii) in the Federal Register;

(D) Consultation.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(8), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) Certification and submittal of roll to secretary.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 3(8) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(8).

(F) Publication.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 3(8), the Secretary shall publish the roll in the Federal Register.

(G) Appeal.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 3(8) and to be 18 years of age or older.

(H) Publication; update.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal;

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 3(8) after the initial publication of the roll or after any subsequent publications of the roll.

(I) Failure to act.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) Effect of publication.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) Organization of the native hawaiian interim governing council.—

(A) Organization.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) Powers.—

(i) In general.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) Funding.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) Activities.—

(I) In general.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 8(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the three governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 8(b)(1) and the enactment of legislation to implement the agreements of the three governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103–454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86–3, 73 Stat. 5), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii; and

(E) any residual responsibilities of the United States and the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties shall submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the three governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the three governments.

(c) CLAIMS.—

(1) IN GENERAL.—Nothing in this Act serves as a settlement of any claim against the United States.

(2) STATUTE OF LIMITATIONS.—Any claim against the United States arising under Federal law that—

(A) is in existence on the date of enactment of this Act;

(B) is asserted by the Native Hawaiian governing entity on behalf of the Native Hawaiian people; and

(C) relates to the legal and political relationship between the United States and the Native Hawaiian people;

shall be brought in the court of jurisdiction over such claims not later than 20 years after the date on which Federal recognition is extended to the Native Hawaiian governing entity under section 7(c)(6).

SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—Nothing in this Act shall be construed to authorize the Native Hawaiian governing entity to conduct gaming activities under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) BUREAU OF INDIAN AFFAIRS.—Nothing contained in this Act provides an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any persons not otherwise eligible for the programs or services.

SEC. 10. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 14th at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, NV, and for other purposes; S. 2723, to designate certain land in the State of Oregon as wilderness, and for other purposes; and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7574 Frank Gladics at 202–224–2878 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 7, 2004 at 2:30 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. I ask unanimous consent Milan Dalal of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick Leahy:									
France	Dollar		513.00						513.00
Luke Albee:									
France	Dollar		513.00						513.00
Senator Zell Miller:									
France	Dollar		513.00						513.00
Hunt Shipman:									
Hong Kong	Dollar		858.00		5,526.00				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Patricia Doty:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
West Higginbothom:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Martha Scott Poindexter:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Delegation Expenses:									
France	Dollar						1,072.00		1,072.00
Delegation Expenses:									
Thailand	Dollar						2,229.15		2,229.15
Delegation Expenses:									
Vietnam	Dollar				297.22		1,363.53		1,660.75
Delegation Expenses:									
Hong Kong	Dollar						3,516.01		3,516.01
Delegation Expenses:									
China	Dollar				52.03		1,461.20		1,513.23
John Zilkowski:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		564.00						564.00
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Robert Holifield:									
Hong Kong	Dollar		858.00		5,526.50				6,384.50
Thailand	Dollar		563.97						563.97
Vietnam	Dollar		849.00						849.00
China	Dollar		598.00						598.00
Total			18,752.97		33,508.25		9,641.89		61,903.11

THAD COCHRAN,
Chairman, Committee on Agriculture, Nutrition and Forestry, July 19, 2004

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Conrad Burns:									
Ireland	Euro		249.50						249.50
Kazakhstan	Tenge		410.00						410.00
Ireland	Euro		157.00						157.00
Michael D. Rawson:									
Ireland	Euro		249.50						249.50

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kazakhstan	Tenge		410.00						410.00
Ireland	Euro		157.00						157.00
Total			1,633.00						1,633.00

TED STEVENS,
Chairman, Committee on Appropriations, June 23, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Gordon Smith:									
France	Euro		513.00		4,431.57				4,944.57
Delegation Expenses:									
France	Euro						2,142.86		2,142.86
Total			513.00		4,431.57		2,142.86		7,087.43

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, July 8, 2004.

AMENDED—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nilmini Rubin:									
Paraguay	Guarini		1,323.00		492.19				1,815.19
Kim Savit:									
Qatar	Rial						532.62		532.62
Total			1,323.00		492.19		532.62		2,347.81

DICK LUGAR,
Chairman, Committee on Foreign Relations, July 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lamar Alexander:									
Japan	Yen		1,008.82						1,008.82
United States	Dollar				7,926.93				7,926.93
Senator Sam Brownback:									
United Arab Emirates	Dirham				998.00				998.00
United States	Dollar				4,200.00				4,200.00
Senator Michael Enzi:									
Belgium	Euro		566.41				22.00		588.41
Germany	Euro		36.50						36.50
Antony Blinken:									
France	Euro		758.00						758.00
United States	Dollar				6,396.30				6,396.30
Jay Branegan:									
Hong Kong	Dollar		142.64						142.64
Cambodia	Dollar		1,298.00						1,298.00
United States	Dollar				7,525.88				7,525.88
Peter Contostavlos:									
Dominican Republic	Peso		313.00						313.00
Venezuela	Bolivar		400.00						400.00
United States	Dollar				2,366.44				2,366.44
Heather Flynn:									
Liberia	Dollar		855.00						855.00
Cote d' Ivoire	Franc		554.00						554.00
United States	Dollar				6,537.89				6,537.89
Chad	Franc		1,450.00						1,450.00
United States	Dollar				8,934.56				8,934.56
Michael Haltzel:									
Ukraine	Hryvnia		1,250.00						1,250.00
United States	Dollar				4,227.08				4,227.08
Michael Mattler:									
Russia	Ruble		1,800.00						1,800.00
United States	Dollar				5,632.00				5,632.00
Carl Meacham:									
Venezuela	Bolivar		1,132.00						1,132.00
United States	Dollar				2,454.54				2,454.54
Jennifer Simon:									
Venezuela	Bolivar		1,132.00						1,132.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				2,454.54				2,454.54
Manisha Singh:									
Chile	Peso		726.00						726.00
Costa Rica	Colon		377.00						377.00
United States	Dollar				4,743.24				4,743.24
Matt Sonnesyn:									
Japan	Yen		1,107.75						1,107.75
United States	Dollar				7,926.84				7,926.84
Sean Woo:									
Sudan	Dinar		70.00						70.00
United States	Dollar				7,748.97				7,748.97
Total			14,977.12		80,073.21		22.00		95,072.33

DICK LUGAR,
Chairman, Committee on Foreign Relations, July 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Lautenberg:									
France	Euro		2,655.86						2,655.86
Richard Kessler:									
France	Euro		2,238.00						2,238.00
Total			4,893.86						4,893.86

SUSAN COLLINS,
Chairman, Committee on Governmental Affairs, July 1, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Cornyn:									
Guatemala	Quetzal		612.40						612.40
Honduras	Lempira		410.00						410.00
El Salvador	Colon		20.00						20.00
Nicaragua	Cordoba Oro		530.23						530.23
Costa Rica	Colon		543.00						543.00
Katherine Bloemendal:									
Guatemala	Quetzal		529.55						529.55
Honduras	Lempira		350.00						350.00
El Salvador	Colon		106.90						106.90
Nicaragua	Cordoba Oro		423.51						423.51
Costa Rica	Colon		400.00						400.00
Romanita Matta:									
Mexico	Pesos		1,105.04						1,105.04
United States	Dollar				575.75				575.75
Total			5,030.63		575.75				5,606.38

ORRIN HATCH,
Chairman, Committee on the Judiciary, July 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL LOTT U.S.-RUSSIA IPG FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Trent Lott:									
Germany	Euro		816.00						816.00
Russia	Ruble		736.00						736.00
Czech Republic	Crown		636.00						636.00
Senator Jeff Sessions:									
Germany	Euro		786.00						786.00
Russia	Ruble		706.00						706.00
Czech Republic	Crown		606.00						606.00
Senator Lamar Alexander:									
Germany	Euro		796.00						796.00
Russia	Ruble		716.00						716.00
Czech Republic	Crown		616.00						616.00
Senator John Cornyn:									
Germany	Euro		777.00						777.00
Russia	Ruble		697.00						697.00
Czech Republic	Crown		597.00						597.00
Julia Hart:									
Germany	Euro		791.00						791.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL LOTT U.S.-RUSSIA IPG FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2004.—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Russia	Ruble		711.00						711.00
Czech Republic	Crown		586.00						586.00
William Gotshall:									
Germany	Euro		816.00						816.00
Russia	Ruble		736.00						736.00
Czech Republic	Crown		636.00						636.00
Tom Ingram:									
Germany	Euro		816.00						816.00
Russia	Ruble		736.00						736.00
Czech Republic	Crown		636.00						636.00
Russ Thomasson									
Germany	Euro		683.50						683.50
Russia	Ruble		603.50						603.50
Czech Republic	Crown		636.00						636.00
Mitch Waldman:									
Germany	Euro		816.00						816.00
Russia	Ruble		736.00						736.00
Czech Republic	Crown		636.00						636.00
Delegation Expenses:*									
Germany	Euro						17,543.85		17,543.85
Russia	Ruble						9,683.62		9,683.62
Czech Republic	Crown						5,249.96		5,249.96
Total			19,060.00				32,477.43		51,537.43

*Delegation expense include payments to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384 and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader, July 10, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), OFFICE OF THE VICE PRESIDENT FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Brenda Becker:									
United Kingdom	Pound		181.00						181.00
France	Euro		389.00						389.00
Total			570.00						570.00

DICK CHENEY,
Vice President of the United States, July 20, 2004.

AUTHORIZATION TO SIGN BILLS AND RESOLUTIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that during this adjournment of the Senate the junior Senator from Missouri be authorized to sign newly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2774

Mr. McCONNELL. I understand that S. 2774 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 2774) to implement the recommendations of the National Commission on Terrorist Attacks upon the United States, and for other purposes.

Mr. McCONNELL. I ask for its second reading, and in order to place the bill on the calendar under the provision of rule XIV I object to proceeding to the matter.

The PRESIDING OFFICER. The objection having been heard, the bill will be read the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 108–199, Title VI, Section 637, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Thomas Chandler Kleine of Virginia.

ORDERS FOR WEDNESDAY, SEPTEMBER 8, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent when the Senate completes its business today it adjourn until 10:30 a.m. on Wednesday, September 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for statements only until 11:30 a.m. with the first half of the time under the control of the Democratic leader or his designee and the remaining time under the control of the majority leader or his designee; provided that at 11:30 a.m. the Senate proceed to consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill, as provided under the previous order.

I further ask consent that the Senate recess from 12:30 until 2:15 p.m. for weekly party luncheons.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, following morning business the Senate will begin consideration of the Homeland Security appropriations bill. We will begin the amending process tomorrow morning and Senators should expect rollcall votes during tomorrow's session. It is our intention to move this bill to completion in a timely manner and those Senators who wish to offer amendments should contact the bill managers as soon as possible.

ADJOURNMENT UNTIL TOMORROW AT 10:30 A.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:07 p.m., adjourned until Wednesday, September 8, 2004, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 7, 2004:

MORRIS K. UDALL SCHOLORSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008. (REAPPOINTMENT)

THE JUDICIARY

PAUL A. CROTTY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE HAROLD BAER, JR., RETIRING.

CENTRAL INTELLIGENCE

PORTER J. GOSS, OF FLORIDA, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE GEORGE JOHN TENET, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. GARY T. BLORE, 3199
CAPT. CRAIG E. BONE, 6477
CAPT. ROBERT S. BRANHAM, 6546
CAPT. JOHN P. CURRIER, 0852
CAPT. RONALD T. HEWITT, 6030
CAPT. JOSEPH L. NIMMICH, 9821
CAPT. JOEL R. WHITEHEAD, 5138

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. GREGORY S. MARTIN, 6337

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BRUCE A. WRIGHT, 5759

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RONALD E. KEYS, 5357

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN R. LORENZ, 2664

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DENNIS R. LARSEN, 3094

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEVIN P. CHILTON, 6603

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM M. FRASER III, 9314

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CARROL H. CHANDLER, 9115

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN G. WOOD, 7553

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT T. DAIL, 5056

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID F. MELCHER, 8170

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES E. ARCHER, 6923
BRIG. GEN. STEVEN P. BEST, 7173
BRIG. GEN. PETER S. COOKE, 6590
BRIG. GEN. MICHAEL A. KUEHR, 0757
BRIG. GEN. JACK C. STULTZ, 5861

To be brigadier general

COL. NORMAN H. ANDERSSON, 9151
COL. EDWARD L. ARNTSON II, 5208
COL. MARGRIT M. FARMER, 0260
COL. GLENN J. LESNIAK, 8435
COL. ADOLPH MC QUEEN JR., 8120
COL. JACK F. NEVIN, 0497
COL. MAYNARD J. SANDERS, 3264
COL. GREGORY A. SCHUMACHER, 9676
COL. KEITH L. THURGOOD, 0611

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD HANLON JR., 2430

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES K. MORAN, 5752

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH A. SESTAK JR., 0962

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK P. FITZGERALD, 2694

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. GARY ROUGHEAD, 6126

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ANDREW M. SINGER, 1084

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ROBERT B. MURRETT, 7287

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO THE POSITION OF COAST GUARD BAND DIRECTOR IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 336:

To be lieutenant

KENNETH W. MEGAN, 5106

CONFIRMATIONS

Executive nominations confirmed by the Senate September 7, 2004:

THE JUDICIARY

MICHAEL H. WATSON, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.

VIRGINIA MARIA HERNANDEZ COVINGTON, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

MICHAEL H. SCHNEIDER, SR., OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

HOUSE OF REPRESENTATIVES—*Tuesday, September 7, 2004*

The House met at 2 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty and eternal God, through Your provident goodness, and guided by Your Spirit, you have brought us together for this fall session of the 108th Congress of the United States of America.

Keep us safe and healthy throughout these days. May all our thoughts, words, and actions be pleasing in Your sight and serve the lasting interests of this Nation, so that, as a people, we may become a beacon of light and a lesson in freedom to the rest of the world.

This we pray, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Mrs. MILLER of Michigan) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill and a concurrence resolution of the House of the following titles:

H.R. 663. An act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 663), "An Act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes", disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. ALEXANDER, Mr. KENNEDY, Mr. DODD, and Mr. JEFFORDS, to be the conferees on the part of the Senate.

H. Con. Res. 398. Concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

The message also announced that the Senate has passed bills, a joint resolution, and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 720. An act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

S. 2501. An act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

S. 2640. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes.

S. 2682. An act to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building".

S.J. Res. 41. Joint resolution commemorating the opening of the National Museum of the American Indian.

S. Con. Res. 81. Concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

S. Con. Res. 106. Concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. Con. Res. 109. Concurrent resolution commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution.

S. Con. Res. 112. Concurrent resolution supporting the goals and ideals of National Purple Heart Recognition Day.

S. Con. Res. 126. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this issue.

S. Con. Res. 133. Concurrent resolution declaring genocide in Darfur, Sudan.

S. Con. Res. 135. Concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PENCE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 26, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Senate on July 23, 2004 at 4:10 p.m.:

That the Senate passed without amendment H.R. 3340.

That the Senate passed without amendment H.R. 3463.

That the Senate passed without amendment H.R. 4222.

That the Senate passed without amendment H.R. 4327.

That the Senate passed without amendment H.R. 4427.

That the Senate passed without amendment H.R. 4417.

That the Senate passed without amendment H.R. 4842.

That the Senate passed without amendment H.R. 4916.

That the Senate passed without amendment H. Con. Res. 308.

That the Senate passed without amendment H. Con. Res. 439.

That the Senate passed without amendment H. Con. Res. 479.

That the Senate agreed to conference report H.R. 2443.

That the Senate agreed to conference report H.R. 4613.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(c) of rule XX, the Chair announces to the House, that, in light of the resignation of the gentleman from Nebraska (Mr. BEREUTER), the whole number of the House is adjusted to 434.

COMMUNICATION FROM THE HON. ROBERT MENENDEZ, CHAIRMAN, DEMOCRATIC CAUCUS

The Speaker pro tempore laid before the House the following communication from the Honorable ROBERT MENENDEZ, Chairman, Democratic Caucus:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 9, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to clause 5(b)(1) of Rule X, I am writing to inform you that Rep. Rodney Alexander has ceased to be a member of the House Democratic Caucus.

Sincerely,

ROBERT MENENDEZ,
Chairman.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 16, 2004.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Rodney Alexander's election to the Committee on Agriculture has been automatically vacated pursuant to clause 5(b)(1) of rule X effective August 9, 2004.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 16, 2004.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Rodney Alexander's election to the Committee on Armed Services has been automatically vacated pursuant to clause 5(b)(1) of rule X effective August 9, 2004.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore TOM DAVIS of Virginia signed the following enrolled bills on Wednesday, July 28, 2004:

H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes;

H.R. 3340, to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building," respectively, and for other purposes;

H.R. 3463, to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits;

H.R. 4222, to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building";

H.R. 4226, to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the protocol to the Convention on International Interests in Mobile Equipment on matters specific to aircraft equipment, known as the "Cape Town Treaty";

H.R. 4327, to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office building";

H.R. 4417, to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents;

H.R. 4427, to designate the facility the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr., Post Office";

H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes;

H.R. 4842, to implement the United States-Morocco Free Trade Agreement;

H.R. 4916, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; and

S. 2712, to preserve the ability of the Federal Housing Administration to ensure mortgages under sections 238 and 519 of the National Housing Act.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 27, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on July 21, 2004 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION, DOCKET 2729, LAKE ERIE WATERFRONT, EUCLID, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio Shoreline of Lake Erie, Euclid to Chagrin River, published as House Document 324, 83rd Congress, 2nd Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of shoreline protection, storm damage reduction, environmental restoration and protection, recreation and other related purposes along the Lake Erie waterfront in Euclid, Ohio.

RESOLUTION, DOCKET 2730, CHERRY RIVER BASIN, WEST VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio river and tributaries, Pennsylvania, Ohio and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction and other related purposes in the Cherry River basin at Richwood, West Virginia and vicinity.

RESOLUTION, DOCKET 2731, MEADOW RIVER BASIN, WEST VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio river and tributaries, Pennsylvania, Ohio and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction and other related purposes in the Meadow River basin at Richwood, West Virginia and vicinity.

RESOLUTION, DOCKET 2732, CLINTON RIVER AND ANCHOR BAY, MICHIGAN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers, Red Run Drain and Lower Clinton River, Michigan, Rivers and Harbor Act of 1970, published as House Document 431, 91st Congress, 2nd Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood protection, environmental restoration and protection, recreation and related purposes for the Clinton River and Anchor Bay watersheds within the counties of Macomb, Oakland, and St. Clair, Michigan.

RESOLUTION, DOCKET 2733, CUYAHOGA RIVER & TRIBUTARIES AT STOW, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United

States House of Representatives, That the Secretary of the Army, acting through the Chief of Engineers, is requested to review the report on the Cuyahoga River published in June 1975 entitled, "Second Interim Preliminary Feasibility Report on Cuyahoga River Flood Control Study", and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of water quality, environmental restoration and protection, recreation, flood damage reduction and other related purposes within the City of Stow, Ohio.

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore. The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

House of Representatives, Committee on Transportation and Infrastructure,
Washington, DC, July 21, 2004.

Hon. J. Dennis Hastert,
Speaker of the House,
Washington, DC.

Dear Mr. Speaker: Enclosed please find the resolutions approved by the Committee on Transportation and Infrastructure on July 21, 2004, in accordance with 40 U.S.C. §3307.

Sincerely,

Don Young,
Chairman.

Enclosures.

Alteration—J. Edgar Hoover Building, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the J. Edgar Hoover Building located at 935 Pennsylvania Avenue, NW, in Washington, DC, at a design and review cost of $689,000, an estimated construction cost of $8,918,000, and management and inspection cost of $635,000 for a combined estimated total project cost of $10,242,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Eisenhower Executive Office Building, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Eisenhower Executive Office Building located at Pennsylvania Avenue and 17th Street, NW, in Washington, DC, at a design and review cost of $454,000, an estimated construction cost of $4,092,000, and management and inspection cost of $454,000 for a combined estimated total project cost of $5,000,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Federal Office Building 6, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of Federal Office Building 6 located at 400 Maryland Avenue, SW, in Washington, DC, at a design and review cost of $622,000, an estimated construction cost of $7,315,000, and management and inspection cost of $330,000 for a combined estimated total project cost of $8,267,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Mary E. Switzer Memorial Federal Building, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Mary E. Switzer Memorial Federal Building located at 330 C St., SW, in Washington, DC, at an estimated construction cost of $100,080,000 and management and inspection cost of $7,525,000 for a combined estimated total project cost of $116,325,000 (design and review cost of $8,720,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—New Executive Office Building, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the New Executive Office Building located at 725 17th St., NW, in Washington, DC, at a design and review cost of $451,000, an estimated construction cost of $5,388,000, and management and inspection cost of $423,000 for a combined estimated total project cost of $6,262,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Theodore Roosevelt Building, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Theodore Roosevelt Building located at 1900 E Street, NW, in Washington, DC, at a design and review cost of $570,000, an estimated construction cost of $8,630,000, and management and inspection cost of $530,000 for a combined estimated total project cost of $9,730,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Martin Luther King, Jr. Federal Building, Atlanta, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for Phase 1 of the alteration of the Martin Luther King, Jr. Federal Building located at 77 Forsyth St., in Atlanta, Georgia, at an estimated construction cost of $13,436,000, and management and inspection cost of $1,364,000 for a combined estimated total project cost of $45,712,000 (design and review cost of $2,351,000 was previously authorized; estimated construction and management and inspection cost of $28,561,000 for Phase 2 will be included in a future request), a prospectus for which is attached to, and included in, this resolution.

Alteration—U.S. Court of Appeals, Atlanta, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration for adaptive reuse of historic properties adjacent to the Elbert P. Tuttle Court of Appeals Building in Atlanta, Georgia, at an estimated construction cost of $30,773,000, and management and inspection cost of $1,231,000 for a combined estimated total project cost of $49,239,000 (acquisition cost of $9,100,000, relocation cost of $1,500,000 and design cost of $6,725,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—Hilo Federal Building-Post Office, Hilo, HI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Federal Building and Post Office located at 154 Waianuenue Avenue, in Hilo, Hawaii, at an estimated construction cost of $4,528,000, and management and inspection cost of $605,000 for a combined estimated total project cost of $5,738,000 (design and review cost of $605,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—Hale Boggs Federal Building and Courthouse, New Orleans, LA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Hale Boggs Federal Building and Courthouse located at 501 Magazine Street and 500 Camp Street, in New Orleans, Louisiana, at an estimated construction cost of $20,525,000, and management and inspection cost of $2,056,000 for a combined estimated total project cost of $24,742,000 (design and review cost of $2,161,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—John Minor Wisdom Court of Appeals, New Orleans, LA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the John Minor Wisdom Court of Appeals Building located at 600 Camp Street, in New Orleans, Louisiana, at an estimated construction cost of $6,973,000, and management and inspection cost of $1,032,000 for a combined estimated total project cost of $8,944,000 (design and review cost of $939,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—Washington National Record Center, Suitland, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Washington National Record Center, located at the Suitland Federal Center, in Suitland, Maryland, at an estimated construction cost of $6,840,000, design and review cost of $698,000 and management and inspection cost of $451,000 for a combined estimated total project cost of $7,989,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—SSA National Headquarters—Altmeyer Building, Woodlawn, MD

Resolved by the Committee on Transportation and Infrastructuer of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Altmeyer Building, located at the Social Security. Administration's Headquarters Campus, in Woodlawn, Maryland, at an estimated construction cost of $5,250,000, design and review cost of $525,000 and management and inspection cost of $525,000 for a combined estimated total project cost of $12,600,000 (includes authorization for $6,300,000 to be contributed by the Social Security Administration), a prospectus for which is attached to, and included in, this resolution.

Alteration—Warren E. Burger Federal Building and United States Courthouse, St. Paul, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Warren. E. Burger Federal Building and United States Courthouse, in St. Paul, Minnesota, at an estimated construction cost of $33,745,000 and management and inspection cost of $2,899,000 for a combined estimated total project cost of $39,235,000 (design and review cost of $2,591,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Amended Prospectus—Alteration—Bannister Federal Complex, Building 2, Kansas City, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Bannister Federal Complex, Building 2, in Kansas City, Missouri, at an additional estimated design/build cost of $3,384,000 (estimated design/build cost of $2,641,000 was previously authorized), additional design and review cost of $221,000 (design and review cost of $243,000 was previously authorized), and additional management and inspection cost of $113,000 (management and inspection cost of $264,000 was previously authorized) for a combined estimated total project cost of $6,866,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committeee resolution dated June 26, 2002 that authorized $3,148,000.

Alteration—Richard Bolling Federal Building, Kansas City, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Richard Bolling Federal Building located at 601 East 12th Street, in Kansas City, Missouri, at an estimated construction cost of $146,144,000 for Phases 2, 3, and 4, design and review cost of $8,108,000 for Phases 3 and 4, and management and inspection cost of $14,853,000 for Phases 2, 3, and 4 for a combined estimated total project cost of $199,583,000 (estimated construction cost of $24,010,000 for Phase 1, design and review cost of $4,663,000 for Phases 1 and 2, and management and inspection cost of $1,805,000 for Phase 1 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—Daniel P. Moynihan United States Courthouse, New York, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Daniel P. Moynihan United States Courthouse located at 500 Pearl Street, in New York City, New York, at an estimated construction cost of $2,338,000, design and review cost of $94,000 and management and inspection cost of $73,000 for a combined estimated total project cost of $2,505,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Joseph P. Addabbo Federal Building, Jamaica, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Joseph P. Addabbo Federal Building located at One Jamaica Center Plaza, in Jamaica, New York, at an estimated construction cost of $4,896,000, design and review cost of $353,000 and management and inspection cost of $206,000 for a combined estimated total project cost of $5,455,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—George H. Fallon Federal Building, Baltimore, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the George H. Fallon Federal Building located at 31 Hopkins Street, in Baltimore, Maryland, at an estimated construction cost of $42,473,000, additional design and review cost of $1,079,000, and management and inspection cost of $2,611,000 for a combined estimated total project cost of $49,737,000 (design and review cost of $3,574,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—Potter Stewart United States Courthouse, Cincinnati, OH

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Potter Stewart United States Courthouse located at 100 East Fifth Street, in Cincinnati, Ohio, at an estimated construction cost of $32,228,000, design and review cost of $3,162,000 and management and inspection cost of $2,585,000 for a combined estimated total project cost of $37,975,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Anthony J. Celebrezze Federal Building, Cleveland, OH

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Anthony J. Celebrezze Federal Building located at 1240 East Ninth Street, in Cleveland, Ohio, at an estimated construction cost of $34,418,000 and management and inspection cost of $2,957,000 for a combined estimated total project cost of $39,649,000 (design and review cost of $2,274,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—William K. Nakamura United States Courthouse, Seattle, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the William K. Nakamura United States Courthouse located at 1010 5th Avenue, in Seattle, Washington, at an estimated construction cost of $45,879,000 and management and inspection cost of $4,331,000 for a combined estimated total project cost of $53,060,000 (design and review cost of $2,850,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Alteration—Post Office-Courthouse, Hot Springs, AR

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Post Office-Courthouse located at Broadway and Reserve Streets, in Hot Springs, Arkansas, at an estimated construction cost of $3,545,000, design and review cost of $180,000 and management and inspection cost of $248,000 for a combined estimated total project cost of $3,973,000, a prospectus for which is attached to, and included in, this resolution.

Alteration—Page Belcher Federal Building, Tulsa, OK

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Page Belcher Federal Building, in Tulsa, Oklahoma, at an estimated construction cost of $3,100,000, design and review cost of $175,000 and management and inspection cost of $115,000 for a combined estimated total project cost of $3,390,000; a prospectus for which is attached to, and included in, this resolution.

Design—Various Locations

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the design of projects scheduled for the Robert S. Vance Federal Building and United States Courthouse, located in Birmingham, Alabama, at a design cost of $1,739,000; Lafayette Building, located in Washington, D.C., at a design cost of $8,470,000; Eisenhower Executive Office Building, located in Washington, D.C., at a design cost of $4,788,000; Everett McKinley Dirksen United States Courthouse, located in Chicago, Illinois, at a design cost of $8,152,000; Birch Bayh Federal Building and United States Courthouse, located in Indianapolis, Indiana, at a design cost of $2,413,000; Peter W. Rodino Federal Building, located in Newark, New Jersey at a design cost of $4,700,000; Thurgood Marshall United States Courthouse, located in New York City, New York at a design cost of $13,500,000; and the John W. Peck Federal Building, located in Cincinnati, Ohio, at a design cost of $2,587,000, for a total design cost of $46,349,000, for which a prospectus is attached to, and included in, this resolution.

Lease—Bureau of Land Management, 1620 L Street, NW, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 74,698 rentable square feet of space for the Bureau of Land Management currently located in leased space at 1620 L Street, NW, in Washington, DC, at a proposed total annual cost of $3,361,410 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF EDUCATION, 555 NEW JERSEY AVENUE, SW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 82,191 rentable square feet of space for the Department of Education currently located in leased space at 555 New Jersey Avenue, SW, in Washington, DC, at a proposed total annual cost of $3,698,595 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF HOMELAND SECURITY, 425 EYE STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 403,847 rentable square feet of space for the Department of Homeland Security currently located in leased space at 425 Eye Street, NW, in Washington, DC, at a proposed total annual cost of $18,173,115 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, 1100 L STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 182,264 rentable square feet of space and 173 parking spaces for the Department of Justice currently located in leased space at 1100 L Street, NW, in Washington, DC, at a proposed total annual cost of $8,201,880 for a lease term of 10 years, 'a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, 1400 NEW YORK AVENUE, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 163,664 rentable square feet of space and 79 parking spaces for the Department of Justice currently located in leased space at 1400 New York Avenue, NW, in Washington, DC, at a proposed total annual cost of $7,364,880 for a lease term of 10 years a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, VARIOUS LOCATIONS, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 496,571 rentable square feet of space for the Department of Justice currently located in various leased locations in Washington, DC, at a proposed total annual cost of $22,345,695 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—INTERNAL REVENUE SERVICE, 950 L'ENFANT PLAZA, SW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 110,570 rentable square feet of space for the Internal Revenue Service currently located in leased space at 950 L'Enfant Plaza, SW, in Washington, DC, at a proposed total annual cost of $4,975,650 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—SURFACE TRANSPORTATION BOARD, 1925 K STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 74,870 rentable square feet of space and 2 parking spaces for the Surface Transportation Board currently located in leased space at 1925 K Street, NW, in Washington, DC, at a proposed total annual cost of $3,369,150 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF EDUCATION, 111 NORTH CANAL STREET, CHICAGO, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 91,141 rentable square feet of space and 8 parking spaces for the Department of Education currently located in leased space at 111 North Canal Street, in Chicago, Illinois, at a proposed total annual cost of $3,554,499 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE, 1931 JEFFERSON DAVIS HIGHWAY, ARLINGTON, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 372,826 rentable square feet of space for the Department of Defense currently located in leased space at 1931 Jefferson Davis Highway, in Arlington, Virginia, at a proposed total annual cost of $12,676,084 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, BUREAU OF PRISONS, 500 1ST STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 112,970 rentable square feet of space and 133 parking spaces for the Department of Justice, Bureau of Prisons currently located in leased space at 500 1st Street, NW, in Washington, DC, at a proposed total annual cost of $5,383,650 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Executive Office of Immigration Review, Department of Homeland Security, Miami, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 127,211 rentable square feet of space and 32 parking spaces for the Executive Office of Immigration Review and Department of Homeland Security, Office of the Chief Counsel currently located in various leased locations, in Miami, Florida, at a proposed total annual cost of $3,802,211 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—United States Courts, New York City, NY

Resolved by the Committee on Transportation and Infrastrcucture of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 205,500 rentable square feet of space for the United States Courts currently located in government owned space, at a proposed total annual cost of $10,994,250 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Homeland Securit, Frederick County, VA

Resolved by the Committee on Transportationand and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 155,864 rentable square feet of space and 734 parking spaces for the Department of Homeland Security, currently located in government owned space at the Mount Weather Emergency Operations Center in Clarke County, Virginia, at a proposed total annual cost of $3,740,736 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Defense, 2511 Jefferson Davis Highway, Arlington, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 377,882 rentable square feet of space and 52 parking spaces for the Department of Defense, currently located in leased space at 2511 Jefferson Davis Highway, in Arlington, Virginia, at a proposed total annual cost of $12,847,988 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Lease—Bureau of Public Debt, Parkersburg, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 182,499 rentable square feet of space for the Bureau of Public Debt currently located in leased space in Parkersburg, West Virginia, at a proposed total annual cost of $4,927,473 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Design—Federal Bureau of Investigation, 1100 Wilshire Boulevard, Los Angeles, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for design of a 1,357,000 gross square foot facility including secure structured parking for 1,200 vehicles, located in Los Angeles, California, at a design cost of $14,054,000, a prospectus for which is attached to, and included in, this resolution.

Additional Design and Construction—United States Courthouse, Los Angeles, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations of $364,384,000 are authorized for construction of a 1,016,300 gross square foot United States Courthouse including 150 inside parking spaces, located in Los Angeles, California, including additional design cost of $4,340,000, management and inspection cost of $11,936,000, and estimated construction cost of $348,109,000, for an estimated total project cost of $399,635,000 (site cost of $20,600,000 and design cost of $14,650,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Provided further, That the Committee expects the General Services Administration, in consultation with the Administrative Office of the United States Courts, to design for, and configure for maximum utilization, a courtroom sharing model for the courts in Los Angeles, California, ensuring, to the maximum extent practicable, continued use of all existing courtrooms in the Roybal Federal Building for judicial proceedings.

Additional Site and Design—United States Courthouse Annex, San Diego, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for additional site and additional design of a 614,394 gross square foot facility including 105 inside parking spaces, located in San Diego, California, at an additional site cost of $2,516,000 (site cost of $29,400,000 was previously authorized) and additional design cost of $552,000 (design cost of $11,441,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Building Purchase and Site Acquisition—10 West Jackson Boulevard, Chicago, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for acquisition of the building located at 10 West Jackson Boulevard and other proximate parcels adjacent to the Everett M. Dirksen Courthouse, located in Chicago, Illinois, at an estimated total project cost of $53,170,000, a prospectus for which is attached to, and included in, this resolution.

Site Acquisition and Design—United States Border Station, Calais, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for site acquisition and design of a 95,239 gross square foot facility including 14 inside and 122 outside parking spaces, located in Calais, Maine, at a site acquisition cost of $332,000 and design and review cost of $2,937,000, a prospectus for which is attached to, and included in, this resolution.

Site Acquisition and Design—United States Border Station, Madawaska, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for site acquisition and design of a 17,504 gross square foot facility including 4 inside and 31 outside parking spaces, located in Madawaska, Maine, at a site acquisition cost of $500,000 and design and review cost of $1,260,000, a prospectus for which is attached to, and included in, this resolution.

Site Acquisition and Design—United States Border Station, Warroad, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. § 3307, appropriations are authorized for site acquisition and design of a 34,785 gross square foot facility including 5 inside and 37 outside parking spaces, located in Warroad, Minnesota, at a site acquisition cost of $300,000 and design and review cost of $1,537,000, a prospectus for which is attached to, and included in, this resolution.

Site Acquisition and Design—United States Border Station, Alexandria Bay, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 131,520 gross square foot facility and 203 parking spaces, located in Alexandria Bay, New York, at a site acquisition cost of $200,000 and design and review cost of $8,684,000, a prospectus for which is attached to, and included in, this resolution.

Amended Construction—United States Border Station, Massena, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 58,950 gross square foot facility and 170 parking spaces, located in Massena, New York, at an additional site acquisition cost of $432,000 (site acquisition cost of $100,000 was previously authorized), additional design and review cost of $2,832,000 (design and review cost of $1,546,000 was previously authorized), management and inspection cost of $5,040,000, and estimated construction cost of $48,938,000 for an estimated total project cost of $58,888,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated June 26, 2002.

Site Acquisition and Design—United States Border Station, Dunseith, ND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 58,672 gross square foot facility including 4 inside and 29 outside parking spaces, located in Dunseith, North Dakota, at a site acquisition cost of $300,000 and design and review cost of $2,001,000, a prospectus for which is attached to, and included in, this resolution.

Construction—United States Border Station, Portal, ND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of a 72,125 gross square foot facility including 22 inside and 90 outside parking spaces, located in Portal, North Dakota, at an additional site acquisition cost of $200,000 (site acquisition cost of $800,000 was previously authorized), additional design and review cost of $552,000 (design and review cost of $1,401,000 was previously authorized), management and inspection cost of $1,575,000, and estimated construction cost of $20,024,000 for an estimated total project cost of $24,552,000, a prospectus for which is attached to, and included in, this resolution.

Design—Ysleta Border Station, El Paso, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for design of the Ysleta Border Station, a 201,093 gross square foot facility and 412 outside parking spaces, located in El Paso, Texas, at a design cost of $2,491,000, a prospectus for which is attached to, and included in, this resolution.

Construction—Paso del Norte Border Station, El Paso, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of the Paso Del Norte Border Station, a 148,800 gross square foot facility and 372 outside parking spaces, located in El Paso, Texas, at an additional design cost of $660,000 (design cost of $2,200,000 was previously authorized), management and inspection cost of $3,019,000 and estimated construction cost of $22,512,000 for an estimated total project cost of $28,391,000, a prospectus for which is attached to, and included in, this resolution.

Additional Site and Design and Construction—United States Courthouse, El Paso, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations of $7,577,000 are authorized for construction of a 239,600 gross square foot United States Courthouse including 60 inside parking spaces, located in El Paso, Texas, including additional site cost of $1,500,000, additional design cost of $1,214,000, additional estimated construction cost of $379,000, and management and inspection cost of $4,484,000, for an estimated total project cost of $74,655,000, a prospectus for which is attached to, and included in, this resolution. This resolution is in addition to Committee resolutions that authorized $8,473,000 for site and design of a 221,613 gross square foot Courthouse, including 60 inside parking spaces on July 26, 2000; $2,720,000 for additional site and design of a 221,613 gross square foot Courthouse, including 60 inside parking spaces on July 18, 2001; and $1,673,000 for additional site and design, $4,285,000 for management and inspection, and $49,927,000 for estimated construction cost of a 231,945 gross square foot Courthouse, including 60 inside parking spaces, on July 23, 2003.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Site Acquisition and Design—United States Border Station, Richford, VT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 25,927 gross square foot facility including 5 inside and 33 outside parking spaces, located in Richford, Vermont, at a site acquisition cost of $589,000 and design and review cost of $956,000, a prospectus for which is attached to, and included in, this resolution.

Site Acquisition and Design—United States Border Station, Norton, VT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 29,925 gross square foot facility including 4 inside and 44 outside parking spaces, located in Norton, Vermont, at a site acquisition cost of $580,000 and design and review cost of $1,167,000, a prospectus for which is attached to, and included in, this resolution.

Site Acquisition and Design—United States Border Station, Derby Line, VT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 43,809 gross square foot facility including 5 inside and 67 outside parking spaces, located in Derby Line, Vermont, at a site acquisition cost of $1,253,000 and design and review cost of $2,095,000, a prospectus for which is attached to, and included in, this resolution.

Additional Design—United States Courthouse, Cedar Rapids, IA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 300,388 gross square foot United States Courthouse including 40 inside parking spaces, located in Cedar Rapids, Iowa, at an additional design cost of $1,541,000 (design cost of $5,167,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Amended Prospectus—United States Courthouse, Harrisburg, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 262,970 gross square foot United States Courthouse including 40 inside parking spaces, located in Harrisburg, Pennsylvania, within a delineated area expanded from the Central Business District of Harrisburg to the City of Harrisburg, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated July 24, 2002 and July 23, 2003 that authorized appropriations for a Courthouse located within the Central Business District.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Additional Site and Design—United States Courthouse, Jackson, MS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 430,293 gross square foot United States Courthouse including 79 inside parking spaces, located in Jackson, Mississippi, at an additional site cost of $210,000 and additional design cost of $2,216,000 (site cost of $6,500,000 and design cost of $6,731,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Additional Site and Design—United States Courthouse, Nashville, TN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 378,307 gross square foot United States Courthouse including 55 inside parking spaces, located in Nashville, Tennessee, at an additional site cost of $5,399,000 and additional design cost of $1,614,000 (site cost of $13,601,000 and design cost of $7,095,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Additional Site and Design—United States Courthouse, Austin, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 229,483 gross square foot United States Courthouse including 65 parking spaces, located in Austin, Texas, at an additional site cost of $3,000,000 and additional design cost of $759,000 (site cost of $9,000,000 and design cost of $4,809,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Site—United States Courthouse, San Antonio, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition for a 377,691 gross square foot United States Courthouse including 37 inside parking spaces, located in San Antonio, Texas, at a site acquisition cost of $18,000,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Additional Construction—United States Courthouse, Richmond, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations of $7,403,000 are authorized for construction of a 346,000 gross square foot United States Courthouse including 64 inside parking spaces, located in Richmond, Virginia, including additional design cost of $516,000, additional management and inspection cost of $295,000, and additional estimated construction cost of $6,592,000, for an estimated total project cost of $102,476,000 (site cost of $13,054,000, design cost of $5,490,000, construction cost of $71,722,000, and management and inspection cost of $4,807,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

There was no objection.

REPORT ON H.R. 5006, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–636) on the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

THE HOME-STRETCH AGENDA

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, as we return this week for the home stretch of the 108th Congress, it bears repeating that our focus for the remainder of this legislative session will be the same focus we have had for the last 2 years: growing our economy, defending our national security, and protecting the American family.

The first order of business will be reforming the way that we secure our homeland in the wake of the 9/11 Commission's investigation. When the commission released its report, many rushed to either condemn or rubber stamp its conclusions, but we in the majority took a very novel approach: we actually read them. Six committees held more than 20 hearings on the report's findings and are now in the process of developing a comprehensive 9/11 Commission Implementation Act.

Considering the opportunity that the 9/11 Commission has given us, Congress cannot in good conscience satisfy itself with a watered-down, politically-convenient bill that just Scotch-tapes over a few vulnerabilities.

We are the first Congress elected after 9/11, and we were elected specifically to make the difficult, but necessary, choices to protect our constituents. That is exactly what a comprehensive 9/11 Commission Implementation Act will force us to do, and I hope everyone on both sides of the aisle will rise to the occasion and support its passage.

Secondly, Mr. Speaker, Congress cannot adjourn before we finish our work protecting American families from the snap-back tax hikes that many Democrats hope to foist upon our economy before they skip town. Unless Congress acts, the marriage penalty will return, the $1,000 per child tax credit will disappear, and the expanded 10 percent tax bracket will shrink, representing a massive tax hike targeted directly at married couples, parents and working families, just in time for the holidays; and we will not let that happen.

Over the last 2 years, the economy has rebounded from recession, corporate scandals and terrorism; 144,000 more new jobs were created just last month, 1.7 million more since last August.

□ 1415

Congress did not create this growth; the American people did. Our job now, as they build our economy to ever loftier heights, is to stay out of their way and not spend too much of their money while we are at it.

Toward that end, this week, the House will continue to work on Federal spending bills for 2005, according to the common-sense budget that the House passed this spring.

Our goals for the next several weeks are clear, and as far as our Nation has come in these last 2 years, we owe it to the American people to work as they have to protect our homeland, our economy, and our families.

HIKE IN MEDICARE PREMIUMS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, last Thursday, President Bush promised in his convention acceptance speech to honor America's seniors by giving them immediate help. The very next day, his administration announced the largest Medicare premium increase in the program's history.

This year most Medicare beneficiaries paid $66 a month for physician services. Thanks to the President's action, these monthly premiums will rise more than 17 percent, forcing seniors with tight incomes to fork over about $78 per month.

Now, President Bush tried to blame the premium hike on rising health care costs, but he ignores the fact that the Medicare bill he and Republicans fought so hard to make law is also responsible for these record increases. That is because the law gives insurers billions of dollars as an enticement to keep seniors on their rolls.

Seniors deserve better than the treatment they are receiving from President Bush and congressional Republicans. Democrats continue to support a prescription drug law that would provide meaningful assistance without forcing up Medicare premiums.

HONORING SECOND LIEUTENANT JAMES MICHAEL GOINS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today in honor of one of America's bravest, Second Lieutenant James Michael Goins, a Carroll County, Arkansas, native who was recently killed in action in Iraq.

Michael, a member of the Army's 2nd Battalion, 12th Cavalry Regiment, was killed on August 15 when a militia member in Najaf attacked his tank.

By all accounts, Michael was not only a great soldier, but also a model citizen. He was high school valedictorian, captain of his high school football and basketball teams, and a recipient of the National Military Scholar Award, an honor going to only 10 percent of the ROTC cadets in the Nation.

He carried himself in a manner that earned praise and admiration from every person he touched. His ROTC professor called Michael the "finest soldier" he "has ever known" and his high school basketball coach said he "learned more about life" from Michael than he gave Michael.

Michael always wanted to be a soldier. Almost immediately upon earning his officer's commission, he selflessly put himself in harm's way in a country far away so that we could live free of terror here at home.

Mr. Speaker, Second Lieutenant James Michael Goins made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep Michael's family and friends in their thoughts and prayers during these difficult times.

TERROR ATTACKS IN RUSSIA PART OF GLOBAL WAR ON TERROR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week the world watched in horror as militant terrorists murdered hundreds of Russian schoolchildren. No one can doubt that we are in a full-scale global war on terror. Since September 11, the terrorists have attacked in Tunis, Karachi, Bali, Jakarta, Casablanca, Bombay, Mombassa, Najaf, Riyadh, Baghdad, Istanbul, Madrid, and continued the campaign of terror against Israel.

As British Prime Minister Tony Blair has stated, the world was transformed on September 11. We can no longer simply grieve for the victims of these evil acts; we must join together and defeat the terrorists before they can strike again. This is why President George W. Bush has brought together allies to liberate millions from terrorist-sponsoring regimes in Afghanistan and Iraq. Together with our allies, we are making major arrests of terrorists throughout the world, cutting off their financial assets, and increasing our intelligence capabilities.

We must realize that this war cannot be won overnight. It requires perseverance and steadfastness. Yet, in the end, freedom and liberty will triumph over extremist hatred.

In conclusion, may God bless our troops, and we will never forget September 11.

U.S. ECONOMY KEEPS ON GROWING AND CREATING NEW JOBS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, the U.S. economy keeps on growing and creating new jobs. Last month alone, 144,000 new jobs were created. But if one were to listen to Senator JOHN KERRY, one would think we were in the middle of another Great Depression.

The U.S. economy has created jobs in each of the last 12 months for a total of nearly 1.7 million new jobs. The unemployment rate has fallen to 5.4 percent, which is about the same as in 1996 when President Bill Clinton was running for reelection. And thanks to the leadership of our great President George W. Bush and the majority of the Republicans in Congress, our economy is strong and getting stronger.

Senator KERRY, while flip-flopping on a variety of issues, has been remarkably consistent on one issue, and that one issue is raising taxes. Higher taxes on hard-working Americans and job providers have never created a job or helped a family meet its needs.

My message to Senator KERRY is we have turned the corner toward a progrowth, projob, profamily economy, and we are not turning back.

WEEKLY AWARD FOR WORST EXAMPLE OF BIASED LIBERAL MEDIA REPORT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, The New York Times has repeatedly hammered Republicans for their get-out-the-vote efforts involving churches, going so far as to suggest that their tax-exempt status should be questioned. One reporter, David D. Kilpatrick, has written four stories on this topic in the past few months, implying that Republicans' relationship with churches somehow is improper. Yet when former President Bill Clinton recently gave a politically motivated anti-Republican speech at the Riverside Church in New York City, the Times was not concerned.

As the election draws near, the liberal bias of the media continues to grow worse. The American people deserve to hear balanced and factual news.

Beginning next week and continuing until the November elections, I will announce a weekly award for the worst example of a biased liberal media report, whether print or electronic.

EMERGENCY DISASTER FUNDS NECESSARY FOR FLORIDA

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, when natural disasters occur around the world, or especially in the United States, we respond. But of all of these natural disasters that we have experienced, seldom has an entire State been affected. But thanks to tropical storm Bonnie, Hurricane Charley, and Hurricane Frances, every section of Florida has been affected.

President Bush, Governor Bush, Mike Brown, the Director of FEMA, and our State and local emergency responders have done an outstanding job, and the people of Florida have done an outstanding job in beginning to put their lives back together. But today FEMA, who handles our disaster funding, is running out of money, and by midnight tonight their funds will be exhausted.

I have introduced a supplemental bill, as requested by the President, and, hopefully, we can pass it here in the House this afternoon, and the Senate will be able to take it up later this evening. It is important because FEMA is out of money. It is important to make sure that everybody knows that this is not going to be the total cost. This is just emergency funding to keep the cash flowing to those disaster areas in my State of Florida.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PENCE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

GUARDIANS OF FREEDOM MEMORIAL POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4442) to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes.

The Clerk read as follows:

H.R. 4442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GUARDIANS OF FREEDOM MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, shall be known and designated as the "Guardians of Freedom Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Guardians of Freedom Memorial Post Office Building".

SEC. 2. INSTALLATION OF PLAQUE.

(a) AGREEMENT.—The Postmaster General may enter into an agreement with the Office of Veterans' Services of the State of Nevada under which the Office of Veterans' Services of the State of Nevada agrees—

(1) to install a plaque to be displayed at the Guardians of Freedom Memorial Post Office Building referred to in section 1(a); and

(2) to maintain and update such plaque, as appropriate and in accordance with subsections (b) and (c).

(b) INSCRIPTIONS.—

(1) DEDICATION.—The plaque installed pursuant to subsection (a) shall bear the following inscription: "This post office building is dedicated in the memory of those men and women of the State of Nevada who have lost their lives while serving in the Armed Forces of the United States in the Global War on Terrorism and in Operation Iraqi Freedom.".

(2) ADDITIONAL INFORMATION.—The plaque installed pursuant to subsection (a) shall also include with respect to the men and women of the Armed Forces referred to in paragraph (1) inscriptions containing the names, ranks, branches of service, hometowns, and dates of death of such men and women.

(c) EXPENDITURE OF COSTS.—The agreement referred to in subsection (a) shall provide that the Office of Veterans' Services of the State of Nevada shall have sole responsibility for the expenditure of all costs associated with the installation, maintenance, and updating of the plaque.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4442, introduced by the gentleman from Nevada (Mr. GIBBONS), designates the Post Office in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building." This post office intends to serve as a memorial to our fellow Americans whom we have lost in the war against terror. Therefore, I strongly thank the gentleman from Nevada (Mr. GIBBONS) for offering this legislation. I am going to urge its passage and ask all of my colleagues to do the same.

Since the attacks on New York and Washington on September 11, 2001, our Nation has been locked in a war on terror that we did not choose to enter. But thanks to the work of our brave U.S. Armed Forces, this conflict is one that we will win. Our loyal troops toil and struggle every day in Afghanistan, in Iraq, and other locations across the globe defending America from terrorism, hate, and extremism. We must never forget their sacrifices.

Mr. Speaker, as President Bush made clear during his Presidential nomination acceptance speech last week, we have fought the terrorists across the Earth not for pride, not for power, but because the lives of our citizens are at stake. During the war on terror, our military men and women have extended the fight with terrorists to where they live and plot, thus making Americans safer here at home.

American troops continue to fight terrorism in Iraq and in Afghanistan during their critical efforts to stabilize these two young nations. They are succeeding, and history will fondly remember their efforts to liberate millions of people. We think about our soldiers each and every day, we pray for them, and we owe them the thanks of a grateful Nation. This Post Office is one small token of our boundless appreciation.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 4442, legislation naming a postal facility in Reno, Nevada, after "Guardians of Freedom." This measure, which was introduced by the gentleman from Nevada (Mr. GIBBONS) on May 20, 2004, and unanimously reported by our committee on July 8, 2004, enjoys the support and cosponsorship of the Nevada delegation.

The name, "Guardians of Freedom," was chosen by the Nevada North Valley High School Air Force Junior ROTC cadets. The cadets chose the name to honor Nevada men and women who have fought and continue to fight the war on terrorism, particularly those Nevadans who have lost their lives to protect our freedoms.

I commend my colleague for sponsoring this bill, and I urge its quick passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I rise today in support of H.R. 4442, legislation introduced by my fellow Nevadan, the gentleman from Nevada (Mr. GIBBONS), to designate the United States postal facility at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building."

I am proud to join with the gentleman from Nevada (Mr. GIBBONS) in honoring the brave men and women of our Nation's Armed Forces with the dedication of this Post Office. It is important for all of us to pause and remember those who have selflessly stood in harm's way as the guardians of our most fundamental freedoms: life, liberty, and the pursuit of happiness.

Remembering those who have served our country with the Guardians of Freedom Memorial Post Office Building helps to preserve in the hearts and lives of our citizens the spirit of patriotism, the love of country, and the willingness to serve and sacrifice for the common good.

This legislation recognizes not just members of the military, but all men and women and children who are committed to guarding the freedoms we hold so dearly.

Recently our Nation has been faced with threats from enemies who desire to oppress rather than to liberate, who advocate tyranny over democracy, and who prefer terrorism to freedom. The attacks of September 11, 2001, are fresh in our memories, but we are reminded that this is not the first time in the history of our great Nation that we have been faced with intimidation and threats to our freedoms.

Mr. Speaker, while the names of those who threaten us may be new, the honor and courage with which our Nation faces them is not.

□ 1430

All of those who have worked to guard our freedoms, our police and fire departments, first responders and all Americans who believe our country is the greatest Nation in the world because of the freedoms we enjoy are honored with this postal facility in Reno, Nevada.

I would also like to take a moment to thank the gentleman from Nevada (Congressman GIBBONS) for his personal dedication to our Nation. As many of you know, prior to coming to Congress, the gentleman from Nevada (Mr. GIBBONS) served our Nation as a combat pilot and is a decorated veteran of both the Vietnam and Persian Gulf wars. Throughout his military service, the gentleman from Nevada (Mr. GIBBONS) received 19 service medals including the Legion of Merit and the Distinguished Flying Cross. He continues protecting the freedom of Nevadans and all Americans through his service in Congress where he has distinguished himself as a leader in homeland security and intelligence issues.

Again, I urge all Members of the House to support H.R. 4442 and pass this legislation honoring those who serve as guardians of our freedom.

Mr. GIBBONS. Mr. Speaker, I rise today in support of H.R. 4442, the Guardians of Freedom Memorial Post Office Building Designation Act.

It is my great honor and privilege to bring before you this bill, which attempts to honor Nevada's military personnel who have made the ultimate sacrifice during the Global War on Terror, and Operation Iraqi Freedom.

Nevada's families have lost precious loved ones during these conflicts, and many members of Nevada's communities have come to me requesting some form of recognition for these noble men and women.

This bill helps provide such recognition by establishing the Guardians of Freedom Memorial Post Office Building, in Reno, NV—a consecration of ground forever preserving the memories of these valiant individuals.

To my knowledge, no other post office in the United States serves with the distinction of being the single location for recognizing and honoring all those of a community who have fallen in defense of our Nation's liberty.

Upon passage of this bill into law, a plaque will be placed at this site.

The plaque will bear the names of those Nevadans who have given the ultimate sacrifice in fighting terrorism; the names of those who have died defending America's liberty. The names, Mr. Speaker, of those Nevadans who have fallen while liberating their brothers and sisters in humanity from the barbarism of a different age.

The names of these Nevadans will be permanently etched into this plaque and will serve as an enduring reminder to future generations that freedom is never free, and those who defend liberty will never be forgotten.

I urge my colleagues to join me in supporting my fellow Nevadans who have lost loved ones, by voting in favor of this special bill, H.R. 4442.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I urge all Members to support the passage of H.R. 4442, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4442.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HARVEY AND BERNICE JONES POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4381) to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the "Harvey and Bernice Jones Post Office Building."

The Clerk read as follows:

H.R. 4381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HARVEY AND BERNICE JONES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, shall be known and designated as the "Harvey and Bernice Jones Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Harvey and Bernice Jones Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I am pleased to rise in support of H.R. 4381. The Congress names post offices after numerous Americans, some famous, some anonymous, who devote inordinate time, energy, and resources to constructive causes, to their communities, or to the greater public. And today, through the consideration of H.R. 4381, we recognize a couple that is among the most deserving to be honored by Congress with a local post office.

Mr. Speaker, Harvey and Bernice Jones dedicated literally a lifetime of service to the people of Arkansas. The Joneses gave away literally millions of dollars to schools, to hospitals, to charities, most of them in northwest Arkansas, through the Harvey and Bernice Jones Charitable Trust.

After Harvey died in 1989, Bernice established the Harvey and Bernice Jones Eye Institute at the University of Arkansas Medical Center in Little Rock in 1994. The next year Bernice opened the Harvey and Bernice Jones Center for Families and Children in Springdale. The center, which features a swimming pool and ice skating rink, continues to positively mentor youths. President Clinton took notice of Mrs. Jones's work in his home State and awarded Bernice the Presidential Citizens Medal for her benevolence to humanity on February 22, 1996.

Bernice Jones passed away September 10, 2003. And I thank the gentleman from Arkansas (Congressman BOOZMAN) for advancing this legislation on behalf of Harvey and Bernice Jones. This beloved couple deserves to be remembered by the people of Springdale forever. This post office should serve as a wonderful memorial to their compassion.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as a Member of the House Committee on Government Reform, I am pleased to join with my colleagues in the consideration of H.R. 4381, legislation naming a postal facility in Springdale, Arkansas, after Harvey and Bernice Jones. This measure, which was introduced by the gentleman from Arkansas (Representative BOOZMAN) on May 18, 2004, and unanimously reported by our committee on July 8, 2004, enjoys the support and cosponsorship of the Arkansas delegation.

As my colleagues have heard, the late Harvey and Bernice Jones were founders of a nonprofit organization, the Jones Center for Families. The mission of the center is to "serve families, strengthen community, and glorify God." The organization, which provided a host of needed community services including health, education, and recreational facilities, was founded to improve the lives of those in need of assistance and guidance.

In 1996 President William Clinton awarded Mrs. Bernice Young Jones the Presidential Citizen Medal. Throughout her life, Mrs. Jones donated millions of dollars to assist individuals and families.

Mr. Harvey Jones, who built one of the largest trucking companies in the country, was also a generous contributor to charitable organizations. Sadly, he passed in 1989, and Mrs. Jones passed away last year.

I commend my colleagues for sponsoring this bill, and I urge its quick passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN), my distinguished colleague.

Mr. BOOZMAN. Mr. Speaker, I thank the gentlewoman from Michigan (Mrs. MILLER) for yielding me this time.

Mr. Speaker, today I am honored to introduce legislation to my fellow colleagues to name the post office at 2811 Springdale Avenue in Springdale, Arkansas, after Harvey and Bernice Jones. Harvey and Bernice Jones are known throughout Arkansas for their amazing generosity and compassion for their community. Harvey Jones first started the Springdale Transportation Company in 1919 and soon changed the name to Jones Truck Lines, Incorporated, which later became one of the largest privately owned trucking companies in the United States. In 1938 the couple married and together used their success to further the improvement of their community and their home State of Arkansas.

The Joneses were instrumental in the development of Springdale's first hospital, and in 1992 Bernice Jones continued their support for the hospital by pledging $25 million to the Northwest Medical Center of Washington County. Furthermore, the couple provided a wing of the hospital for family members who want to stay close to their loved ones.

Harvey Jones was chairman of the Springdale Memorial Hospital Board, president of the Springdale School Board, president of the Springdale Chamber of Commerce, and chairman of the board of the First National Bank of Springdale.

After her husband's death in 1989, Bernice Jones continued the couple's philanthropic interests. She paid for the computers and Internet access for the entire Springdale School System and was a lead supporter for the children's library fund. As an eye doctor in Arkansas, I was gratified by her donation of $11.5 million for the 56,000 square foot Harvey and Bernice Jones Eye Institute at the University of Arkansas for the Medical Sciences in Little Rock.

I could go on and on with the extensive list of their contributions and achievements, but probably their most memorable gift to the community is the Harvey and Bernice Jones Center for Families in Springdale, Arkansas. Established by Mrs. Jones in 1995, the Jones Center is a 235,000 square foot facility dedicated to the intellectual, cultural, and spiritual enhancement of families throughout the community.

The center offers ice skating, swimming, and numerous other sports activities. There is a beautiful chapel for services and weddings. An ever-widening array of family classes are offered, including a senior center, a teen arts program, CPR, cancer screening, and many, many more. All of this is free for the community use as long as they behave like ladies and gentlemen. This was Bernice's only rule for the center. The Joneses are still honored extensively throughout the State for their accomplishments. We can continue to honor them by naming the Springdale Post Office after the Joneses. They selflessly rose to answer the call of their community time and time again and will continue to be an inspiration for Arkansas for years to come.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4381.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANTHONY I. LOMBARDI MEMORIAL POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4618) to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the "Anthony I. Lombardi Memorial Post Office Building".

The Clerk read as follows:

H.R. 4618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANTHONY I. LOMBARDI MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, shall be known and designated as the "Anthony I. Lombardi Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Anthony I. Lombardi Memorial Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4618, introduced by the gentleman from New York (Congressman ENGEL) designates this postal facility in Nanuet, New York, as the "Anthony I. Lombardi Memorial Post Office Building." All 29 Members of the New York State delegation have cosponsored this bill.

Mr. Speaker, Anthony Lombardi spent his entire adult life as a respected postal letter carrier in his hometown of Nanuet, New York. In addition, he taught Sunday school and worked as a custodial supervisor at Nanuet High School. He was a fearless Army sergeant, who served our Nation during World War II, landing on Normandy during D-Day. He was twice honored with the Bronze Star for bravery. Interestingly, one of his Bronze Stars was for rescuing a wounded soldier in the battlefield, a man who safely returned home and became the father to Gary Hart, who grew up to be a United States Senator.

Mr. Speaker, this is a fitting tribute to a lifelong postal employee, a man who was beloved by his community, Anthony Lombardi. I certainly support H.R. 4618. I would urge all my colleagues to do the same. I thank the gentleman from New York for his compassionate work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 4618, legislation naming a postal facility in Nanuet, New York, after Anthony Lombardi. This measure was introduced by the gentleman from New York (Representative ENGEL) on June 18, 2004, and unanimously reported by our committee on July 21, 2004; and it enjoys the support and cosponsorship of the New York delegation.

A native of Nanuet, New York, Anthony Lombardi served in the U.S. Army. A dedicated serviceman, Anthony participated in the ground force that stormed Normandy in 1944. He was later wounded in another battle. For his valiant efforts, Anthony was awarded two Bronze Stars.

After the many battles, Anthony returned home, taught Sunday school at St. Joseph's of Spring Valley, and began a 30-year career with the U.S. Postal Service.

As a letter carrier, Anthony Lombardi walked over 100,000 miles delivering mail. His neighbors and friends remembered him as a carrier who did his job with a smile and a hug.

I commend my colleague for honoring the memory of the late Anthony Lombardi, and I urge the swift adaptation of H.R. 4618.

Mr. Speaker, I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise today in support of H.R. 4618. Mr. Lombardi was a dedicated postal employee, and exemplary New Yorker, and it is my honor to dedicate the U.S. Post Office of Nanuet, New York, in the name of the late Anthony Lombardi, retired Army Sergeant, 4th Infantry.

Anthony Lombardi, known to those close to him as "Tony," grew up in St. Agatha's Orphanage in Nanuet. When Tony enlisted in the Army, the United States was embroiled in the European battles of World War II. Tony served in the ground force that stormed Normandy in 1944 and was later awarded the first of his two Bronze Stars for his part in the battle's success. Sixteen days after D-Day, Tony volunteered for a mission in the hills of a German stronghold near Bretteville, France, where he delivered food, ammunition, and water under hostile conditions to the needy frontline troops. During the difficult Battle of Hurtgen Forest, Tony's company commander was wounded by enemy fire. Tony came to his commander's aid and brought him to safety.

Tony Lombardi could easily be honored on his military record alone but few in Nanuet had any knowledge that he even served in the war until after his death in 1987. His work in the community made Tony a household name in Nanuet. He dedicated much of his time to teaching Sunday school at St. Joseph's of Spring Valley. In 1978, the students of Nanuet High School honored him for his dedication to the school and its pupils in his efforts as head night custodian for over 22 years.

Tony Lombardi is loved and remembered most in Nanuet as a friendly and caring mailman. During his 30-year career, Lombardi estimated that he had walked over 100,000 miles delivering mail. He always greeted everyone with a smile, a handshake and a hug and left a life-long impression on all those who came in contact with him.

The Nanuet Post Office will serve as daily reminder to the community of Mr. Lombardi's contributions to Nanuet.

□ 1445

Mrs. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4618.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL WILLIAM CAREY LEE POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4556) to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the "General William Carey Lee Post Office Building."

The Clerk read as follows:

H.R. 4556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL WILLIAM CAREY LEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, shall be known and designated as the "General William Carey Lee Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the General William Carey Lee Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4556, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I am pleased to rise in support of H.R. 4556. This bill designates the U.S. Postal Service facility at 1115 South Clinton Avenue, in Dunn, North Carolina, as the General William Carey Lee Post Office Building.

General William Lee, also known as the Father of the Airborne, was the founder and original Commander of the 101st Airborne Division. This elite paratrooper company was hailed for its incredibly heroic efforts during the D-Day invasion of the Second World War. The 101st Airborne Division is famously portrayed in the television series Band of Brothers.

General Lee enlisted in the Army in 1917 and served during both World War I and World War II. His combat honors include the Distinguished Service Medal, the American Defense Service Medal, and the World War I and World War II Victory Medals. He remains one of America's most decorated military leaders, and since he passed away in 1948, this honor for such an authentic American hero is long overdue. Therefore, I would urge all Members to support the swift passage of this post office designation.

Mr. Speaker, I congratulate the gentleman from North Carolina (Mr. ETHERIDGE) for his work on H.R. 4556.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4556, legislation naming a postal facility in Dunn, North Carolina, after General William Carey Lee. This measure, which was introduced by the gentleman from North Carolina (Mr. ETHERIDGE) on June 14, 2004, and unanimously reported out by our committee on July 21, 2004, enjoys the support and cosponsorship of the North Carolina delegation.

William Carey Lee was a native of Dunn, North Carolina. He left college to join the United States Army and fought in World War I. He returned home from the war and graduated from North Carolina State University.

After a distinguished Army career, William Carey Lee became Commander of the Provisional Parachute Group and the 502nd and 503rd Parachute Battalions at Fort Benning. His enormous enthusiasm for parachute and glider troops led him to develop and command the 101st Airborne Division, an elite paratrooper company hailed for its heroic participation in the D-Day invasion.

Although his health would not allow him to be there for the invasion, his men respected and admired him so much that as they jumped from their planes into battle, they yelled his name.

General Lee died in 1948, but he remains a legend. Mr. Speaker, I commend my colleague for seeking to honor the legacy of General Lee by sponsoring this bill, and I urge its quick passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE), the sponsor of H.R. 4556.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman from California for yielding me the time, and let me thank the committee for reporting out favorably and unanimously this important piece of legislation that, as has been noted, was introduced and has been agreed to by our delegation unanimously. And I urge my colleagues to support this legislation as we name the main post office in Dunn, North Carolina, in honor of General William Carey Lee, as has been noted today, who has been, and it has been said is, the father of the United States Airborne, and that is absolutely correct.

William Carey Lee, as has been noted, was born in Dunn, North Carolina, on March 12, 1895. So he is a native of a previous century. He attended Wake Forest and NC State Universities, but left the latter, NC State, to enroll as a second lieutenant in the United States Army.

After serving 18 months in Europe during the First World War and earning the rank of captain, he returned stateside where he graduated from NC State University and was so enthralled and felt so much for the military services that he went on to United States Officers Candidate School 2 years later, and his enthusiasm led him to make a career out of the military.

His enthusiasm for parachutists and glider troops that he had seen in Germany during World War I led him to develop the Parachute Test Platoon, and he had been doing a lot of work on it. Finally, in 1942, the President, President Roosevelt, assigned as the Provisional Paratroop Group, only a year old, that was then to be led by Lieutenant Colonel Lee, and it was reconstituted as the Airborne Command. Within the year, three parachute regiments were added to the Army's Airborne forces, and the Airborne Command headquarters were relocated to what was then called Camp Fort Bragg, as we know today Fort Bragg, with Brigadier General Lee in command, who had moved up very quickly in the ranks of the military.

In August of 1942, the 82nd and the 101st Airborne Divisions were formed. Major General Lee was put in command of the new 101st Airborne, and they, of course, at that point were stationed at Fort Bragg. After a year of rigorous training, General Lee and his men departed for England.

In 1944, General Lee suffered a heart attack that forced him to step down as the commanding officer of the 101st Airborne Division, just as that division was making its final preparations for the invasion in Normandy, of which the General had been a major planner with General Eisenhower and others. As a tribute to their former commander, each of the men, as my colleagues heard this evening, of the 101st Airborne Division yelled "Bill Lee" as they jumped from the plane into the dark into combat.

The men of the 101st who had been under General Lee's command have since been immortalized in a best-selling book by the historian Stephen Ambrose and in the miniseries Band of Brothers. They were an elite rifle company that parachuted into France on D-Day, that fought in the Battle of the Bulge. They captured Hitler's Eagle's Nest, and they were also a unit that suffered 150 percent casualties and whose lives have become legendary. One could say how could a company, how could a division suffer 150 percent casualties? Easy. As one was lost, others joined the group.

Mr. Speaker, as the Nation pauses this year to honor the World War II veterans and to mark the 60th anniversary of D-Day, it is appropriate that we honor General Lee, a Dunn, North Carolina, native and the father of the United States Airborne. This General from a small town was a big-time leader. He represented the can-do attitudes and the patriotism embodied by the people of Dunn and Harnett County in North Carolina and America.

Today, in Dunn, there is a museum of his homeplace. The effort to turn that home into a museum was led by a member of his staff, Hoover Adams, who was a captain who served under General Lee. That museum is now open to the public and had a lot of memorabilia from World War II and other Airborne divisions around the world.

Mr. Speaker, I urge my colleagues to support this legislation and today to honor a true American hero, General William Carey Lee.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I would urge all Members to support H.R. 4556, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4556.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TROPICAL FOREST CONSERVATION ACT REAUTHORIZATION

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4654) to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

The Clerk read as follows:

H.R. 4654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION OF DEBT UNDER THE FOREIGN ASSISTANCE ACT OF 1961 AND TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

Section 806(d) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amended by adding at the end the following new paragraphs:

"(4) $20,000,000 for fiscal year 2005.

"(5) $25,000,000 for fiscal year 2006.

"(6) $30,000,000 for fiscal year 2007.".

SEC. 2. USE OF FUNDS TO CONDUCT PROGRAM AUDITS AND EVALUATIONS.

Section 806 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d) is amended by adding at the end the following new subsection:

"(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS AND EVALUATIONS.—Of the amounts made available to carry out this part for a fiscal year, $200,000 is authorized to be made available to carry out audits and evaluations of programs under this part, including personnel costs associated with such audits and evaluations.".

SEC. 3. AUTHORITY TO ALLOW FOR PAYMENTS OF INTEREST AND PRINCIPAL IN LOCAL CURRENCIES.

(a) AUTHORITY UNDER THE FOREIGN ASSISTANCE ACT OF 1961.—Section 806(c) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "The following" and inserting "(1) The following";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) In addition to the application of the provisions relating to repayment of principal under section 705 of this Act to the reduction of debt under subsection (a)(1) (in accordance with paragraph (1)(A) of this subsection), repayment of principal on a new obligation established under subsection (b) may be made in the local currency of the beneficiary country and deposited in the Tropical Forest Fund of the country in the same manner as the provisions relating to payment of interest on new obligations under section 706 of this Act.".

(b) AUTHORITY UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.—Section 807(c) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431e(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "The following" and inserting "(1) The following";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) In addition to the application of the provisions relating to repayment of principal under section 605 of the Agricultural Trade Development and Assistance Act of 1954 to the reduction of debt under subsection (a)(1) (in accordance with paragraph (1)(A) of this subsection), repayment of principal on a new obligation established under subsection (b) may be made in the local currency of the beneficiary country and deposited in the Tropical Forest Fund of the country in the same manner as the provisions relating to payment of interest on new obligations under section 606 of such Act.".

(c) CONFORMING AMENDMENT.—Section 810(a) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431h(a)) is amended by inserting "and principal" after "interest".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from Minnesota (Ms. MCCOLLUM) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4654, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

This bill reauthorizes the Tropical Forest Conservation Act of 1998, TFCA, through fiscal year 2007. The current authorization for this important program expires at the end of fiscal year 2004. H.R. 4654 authorizes appropriations for debt reduction for eligible countries through fiscal year 2007 at $20 million in fiscal year 2005, the President's budget request; at $25 million in fiscal year 2006; and $30 million in fiscal year 2007.

The bill adds a new section to the underlying statute which authorizes the use of funds for audits and evaluations of this program. In addition, the bill allows for TFCA debt reduction agreements to redirect reduced principal payments for forest conservation activities. Current law allows only the redirection of reduced interest payment into forest conservation funds.

Ensuring fiscal and programmatic accountability requires the ability to contract for independent audits. While it is the intent of H.R. 4654 to maximize the amount of funds going to new TFCA agreements, a modest authorization level is provided as a good management procedure to ensure that some audits be undertaken each year.

□ 1500

The $200,000 authorized by the bill to be made available to carry out audits and evaluations of programs is not intended as a limit on expenditures for these important functions.

The bill would allow principal on debt incurred before January 1, 1998, to be eligible for treatment under the straight debt reduction option. Currently, only interest can be treated. The benefit of also treating principal in this matter is that the U.S. Government can generate more funds for forest conservation.

Mr. Speaker, I reserve the balance of my time.

Ms. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this legislation.

This legislation continues a vitally important environmental initiative started in the Clinton administration. With the extension of this program, millions of acres of endangered tropical forests around the world will be saved, and the biological diversity of our world will be further preserved.

I would first like to recognize the efforts of the gentleman from Ohio (Mr. PORTMAN), who worked closely with our former colleague and former chair of the Committee on International Relations, the Honorable Lee Hamilton, in crafting this innovative measure in 1998.

Mr. Speaker, the Tropical Forest Conservation Act has become one of the most effective foreign policy tools designed to encourage developing nations to protect and preserve tropical forests. Already the U.S. has entered into bilateral agreements with seven countries: Bangladesh, Belize, El Salvador, Panama, Peru, the Philippines, and Colombia.

This innovative program has been a tremendous success. It has given the people of developing countries the opportunity to protect and invest in their local ecosystems, thus preserving our global environment while at the same time paying down interest on debt owed to the United States.

The current bilateral agreements under the Tropical Forest Conservation Act will generate $70 million for tropical forest preservation. The most recent agreement has produced a pledge by Colombia to invest $10 million over 12 years to protect the nearly 11 million acres of this tropical forest.

Among the areas that will be preserved in Colombia as a result is the Tuparo National Park. This unique forest contains a rich diversity of species, including jaguars, river dolphins, and the endangered giant armadillo. This also includes a threatened crocodile, which is found only in this part of South America. This area is also being protected because it serves as a base for migrating birds from North America.

The bill before us would expand the Tropical Forest Conservation Act by allowing developing countries not only to service their debt by making payments to forest conservation funds, but also to pay down the principal on these debts. Right now, there are several debtor countries that are potentially eligible for the program but cannot participate because of the way in which the language was originally written. This new authority in this reauthorization would remedy this situation and increase the number of countries eligible to participate in the program.

Mr. Speaker, the Tropical Forest Conservation Act is a shining example of good policy mixed with strong environmental protections. It is my hope that in the future we will be able to promote and support additional measures that balance economic stability and environmental sustainability both for these countries.

Again, I strongly support the passage of this legislation to reauthorize the Tropical Forest Conservation Act, and I urge my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Ohio (Mr. PORTMAN), the prime sponsor and the author of this bill.

Mr. PORTMAN. Mr. Speaker, I want to thank my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), who is chair of the Subcommittee on the Middle East and South Asia of the Committee on International Relations. I want to thank her for her good work in the committee, and particularly her help with regard to this legislation and her willingness to be one of the original cosponsors and to help to promote this.

I also want to thank my colleague from Minnesota (Ms. MCCOLLUM). I thought that statement was eloquent, and I think she well stated what we are trying to do with this reauthorization, which is to continue a good program and also to expand it so that more countries can be eligible.

I rise today in very strong support of this legislation. It was introduced, along with my colleague and ranking member, the gentleman from California (Mr. LANTOS), of the Committee on International Relations, by 32 of our colleagues to reauthorize this Tropical Forest Conservation Act through fiscal year 2007. This is a bipartisan and market-based conservation incentive program which helps to protect the world's most valuable tropical forests using the so-called debt-for-nature mechanisms.

H.R. 4654 was developed with the Bush administration, with the Nature Conservancy, World Wildlife Fund, Conservation International, and the Wildlife Conservation Society. The administration and these highly respected environmental organizations are to be commended for their good work on the Tropical Forest Conservation Act and on this legislation before us today.

This legislation comes out of a couple of Congresses ago, the 105th Congress, when I, along with my colleagues

Lee Hamilton, mentioned earlier, and John Kasich, introduced legislation that established the Tropical Forest Conservation Act, or TFCA. It was overwhelmingly approved by the House, the Senate, and enacted in 1998. It was then reauthorized in 2001, until the end of this current year.

The TFCA is based on the previous Bush administration's Enterprise for the Americas Initiative, also known as EAI. That initiative allowed the President to restructure debt in exchange for certain conservation efforts in Latin America. We took that basic philosophy, broadened it, we expanded on it, and we now allow protection of threatened tropical forests worldwide.

A conservative estimate is that, because of the agreements that have been signed to date, 41 million acres of tropical forests are being protected. The United States has a significant national interest in this. Tropical forests provide a wide range of benefits. They harbor 50 to 90 percent of the Earth's terrestrial biodiversity. They act as "carbon sinks," absorbing massive quantities of carbon dioxide from the atmosphere, thereby reducing so-called greenhouse gases. Therefore, the quality of the air we breathe here in this country is affected by the health of these dense forests.

They also regulate rainfall on which agriculture and coastal resources depend, and they are of great importance to regional and global climate. Furthermore, tropical forests are breeding grounds for new medicines. Twenty-five percent of prescription drugs come from tropical forests. The United States National Cancer Institute has identified over 3,000 plants that they believe are active against cancer. Seventy percent of them can be found in these tropical rain forests.

Regrettably, tropical forests are rapidly disappearing. It is now estimated that 30 million acres, an area larger than the State of Pennsylvania, or my State of Ohio, are now being lost each year. The heavy debt burden of many of these countries in the tropics is a contributing factor because they have to resort to exploitation of their natural resources, particularly the extraction of timber, oil, and precious metals, to be able to generate revenue to service their external debt. At the same time, these poorer governments tend to have fewer resources available to set aside and protect tropical forests.

The TFCA, which is part of the current Bush administration's global climate change policy, addresses these economic pressures by authorizing the President to allow eligible countries to engage in debt swaps, in buybacks, and in reduction and restructuring of debt in exchange for protecting threatened tropical forests on a sustained basis. So the program gets at some of the underlying causes for the disappearing tropical forests because it gets at some of the economic reasons some of the countries must exploit this resource.

The debt-for-nature mechanism in the TFCA has proven to be an effective market-oriented means to leverage scarce funds available for international conservation. The host country places local currency in its tropical forest fund that typically exceeds the cost to the U.S. Government of the debt reduction agreement. So we are leveraging funds.

Furthermore, because these tropical forest funds have integrity, are broadly supported within the host country, we have found that conservation organizations are interested in placing their own money in these tropical forest funds, which of course produce additional leverage of the Federal conservation dollars that we are providing.

There have been eight TFCA agreements included to date: Bangladesh, El Salvador, Belize, Peru, the Philippines, Colombia, and actually two now with Panama. $49.3 million in Federal contributions have gone into these agreements and $6.3 million in private contributions from these conservation NGOs under these eight agreements. Through this we have generated $81.4 million in long-term income commitments for tropical forest conservation, so the leverage is out there and is working.

The second Panama deal actually was just signed last month. Under this agreement, the U.S. Government contributed $6.5 million to reduce debt, and the Nature Conservancy contributed $1.3 million in a second round of agreements now that will generate nearly $11 million for tropical conservation over the next 12 years.

This agreement with Panama, along with the previous one, now provides over $21 million in total funds available for conservation purposes. This is a great agreement that helps protect the biologically rich forest of Darien National Park.

Active deals are also being negotiated with Jamaica and Sri Lanka. Other countries that have expressed interest in the program and who have eligible debt include Guatemala, Ecuador, Paraguay, St. Vincent, Botswana, Costa Rica, the Dominican Republic, India, Indonesia, Brazil, and Kenya.

H.R. 4654 will improve and refine the Tropical Forest Conservation Act, as was discussed earlier, by better funding audits to ensure the program is operating as expected and as intended and by broadening the governments that can participate by allowing principal, not just interest, to be reduced and to be redirected into these conservation funds.

The bill does have an authorization here of $20 million in fiscal year 2005, which is included in the President's budget request.

Mr. Speaker, I would like to take a moment, if I could, to just thank all those who have gotten us to this point and worked so hard on this reauthorization bill. I want to thank those people like Bill Millan and Steve McCormick of the Nature Conservancy; Randy Snodgrass, Melissa Moye and Estrelitta Fitzhugh of the World Wildlife Fund; Kelly Keenan Aylward with the Wildlife Conservation Society; and Nicholas Lapham with Conservation International.

From the administration, I want to thank the Council on Environmental Quality; also Joel Kaplan and Robin Cleveland of OMB; Bill Schuerch and Katie Berg of the Treasury Department; Claudia McMurray, Stephanie Caswell and Teresa Hobgood of the State Department; Jim Hester with USAID; Scott Lampman and others.

In Congress, I want to be sure and thank Kristen Gilley and David Killon of the Committee on International Relations, minority and majority staff; and Mark Synnes of the House Legislative Counsel for helping us to draft the bill; and at CRS we got some great help from Pervaze Sheikh. For his excellent analysis of the program, I want to thank him. And, finally, I want to thank Tim Miller of my staff and Justin Louchheim, who have taken a personal interest in this and their commitment to it over the years.

Again, this is a good program, it is working well, and worthy of reauthorization. I urge all Members to support strongly this market-based approach that is working to conserve the world's most threatened tropical forest.

Mr. LANTOS. Mr. Speaker, the legislation before the House continues a vitally important environmental initiative begun during the Clinton Administration. The Tropical Forest Conservation Act has already resulted in the funding of programs to conserve over 40 million acres of endangered tropical forests around the globe. These preservation efforts are critical to long-term U.S. interests as the tropical forest being saved are estimated to contain 50–90 percent of the earth's terrestrial biodiversity.

Mr. Speaker, I am proud to have had the opportunity to co-sponsor this reauthorization with Congressman ROB PORTMAN. Congressman PORTMAN deserves credit for having the foresight to initiate this program with the original authorization he crafted in partnership with the former chairman of the International Relations Committee, Mr. Lee Hamilton, in 1998.

Mr. Speaker, the Tropical Forest Conservation Act has been a tremendous success. It has allowed the governments of developing countries to get the benefit of improving their local ecosystem when paying down interest owed on debt to the United States. It is supported by a broad spectrum of environmental advocacy organizations led by the Nature Conservancy and the World Wildlife Fund.

This program inspires more prompt debt servicing and gives foreign governments a greater sense of responsibility for preserving the global environment.

Already the U.S. has entered into binding bilateral agreements with seven countries: Bangladesh, Belize, El Salvador, Panama, Peru, the Philippines and Colombia. These agreements will generate $70 million for tropical forest preservation.

The most recent agreement has produced a pledge by Colombia to invest $10 million over 12 years to protect nearly 11 million acres of its tropical forest.

Among the areas that will be preserved in Colombia as a result is the Tuparo National Park. This unique forest contains a rich diversity of species including jaguars, river dolphins, the endangered giant armadillo and the critically threatened Orinoco crocodile, which is found only in this part of South America. The area is also a major winter base for migrating bird species from the United States.

Mr. Speaker, the rapid disappearance of tropical forests is a threat to our national security. We need these forests to regulate the global environment. They act as critical "carbon sinks", absorbing massive quantities of carbon dioxide that otherwise would contribute to global warming. They also regulate rainfall, which is critical to maintaining sustainable agricultural production across the globe. In addition, their diverse plants provide a large percentage of life-saving medicines. Therefore, as the forests disappear, some of our opportunities to cure debilitating illnesses also vanish.

Mr. Speaker, I strongly support passage of this legislation, and urge my colleagues to do so as well.

Ms. MCCOLLUM. Mr. Speaker, I have no further requests at this time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4654.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 13 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 6 o'clock and 30 minutes p.m.

REPORT ON HOUSE RESOLUTION 700, DIRECTING THE ATTORNEY GENERAL TO TRANSMIT DOCUMENTS IN THE POSSESSION OF THE ATTORNEY GENERAL RELATING TO TREATMENT OF PRISONERS AND DETAINEES IN IRAQ, AFGHANISTAN, AND GUANTANAMO BAY

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 108–658) on the resolution (H. Res. 700) directing the Attorney General to transmit to the House of Representatives documents in the possession of the Attorney General relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4381, by the yeas and nays; and

H.R. 4556, by the yeas and nays.

Both will be 15-minute votes.

HARVEY AND BERNICE JONES POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4381.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4381, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, answered "present" 1, not voting 50, as follows:

[Roll No. 422]

YEAS—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi

Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—1

McCollum

NOT VOTING—50

Baker
Ballenger
Bilirakis
Brady (TX)
Burr
Cannon
Carson (IN)
Carson (OK)
Davis (FL)
Edwards
Engel
Flake
Franks (AZ)
Frost
Gallegly
Gephardt
Grijalva
Gutierrez
Hoeffel
Hulshof
John
Jones (OH)
Kolbe
Lampson
Latham
Lipinski
Lucas (OK)
Majette
McInnis
Mollohan
Murtha
Nethercutt
Nunes
Oberstar
Owens
Putnam
Regula
Renzi
Rush
Ryan (OH)
Schrock
Sessions
Simpson
Stark
Tauzin
Towns
Watt
Weldon (FL)
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLINE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1856

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL WILLIAM CAREY LEE POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4556.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4556, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 0, answered "present" 1, not voting 52, as follows:

[Roll No. 423]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—1

McCollum

NOT VOTING—52

Baker
Ballenger
Bilirakis
Brady (TX)
Burr
Cannon
Carson (IN)
Carson (OK)
Clyburn
Davis (FL)
Engel
Flake
Franks (AZ)
Frost
Gallegly
Gephardt
Grijalva
Gutierrez
Hoeffel
Hulshof
John
Jones (OH)
Kolbe
Lampson
Latham
Lipinski
Lucas (OK)
Majette
McInnis
Mollohan
Moran (VA)
Murtha
Nethercutt
Nunes
Oberstar
Owens
Putnam
Rangel
Regula
Renzi
Rush
Ryan (OH)
Schrock
Sessions
Simpson
Stark
Tauzin
Towns
Watt
Weldon (FL)
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLINE) (during the vote). There are 2 minutes remaining in this vote.

□ 1913

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RENZI. Mr. Speaker, on Tuesday September 7, 2004, I was attending a funeral and missed the day's votes. Had I been present, I would have voted as follows:

(1) On motion to suspend the rules and pass H.R. 4381—Harvey and Bernice Jones Post Office Building Designation Act, I would have voted "yea."

(2) On motion to suspend the rules and pass H.R. 4556—General William Carey Lee Post Office Building Designation Act, I would have voted "yea."

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, on Tuesday September 7, 2004, I was unavoidably detained and missed rollcall votes Nos. 422 and 423. Had I been present for the votes, I would have voted "Aye" for both measures to name The General William Carey Lee Post Office Building, and to name The Harvey and Bernice Jones Post Office Building, respectively.

I ask unanimous consent that my vote statement appear in the appropriate place in the CONGRESSIONAL RECORD behind the day's recorded votes.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. HILL. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, Tax Relief, Simplification, and Equity Act of 2003.

The form of this motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 1308 be instructed to agree, to the maximum extent possible within the scope of conference, to a conference report that

(1) extends the tax relief provisions which expire at the end of 2004; and

(2) does not increase the Federal budget deficit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on any additional motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote will be taken tomorrow.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5005) making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

The Clerk read as follows:

H.R. 5005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, to provide emergency supplemental appropriations for additional disaster assistance, namely:

DEPARTMENT OF HOMELAND SECURITY

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

For an additional amount for "Disaster Relief", $2,000,000,000, to remain available until expended, of which up to $30,000,000 may be transferred to "Small Business Administration—Salaries and Expenses", for administrative expenses to carry out the disaster loans program authorized by section 7(b) of the Small Business Act: *Provided*, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287.

This Act may be cited as the "Emergency Supplemental Appropriations for Disaster Relief Act, 2004".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I be allowed to yield 5 minutes of my time to the gentleman from Florida (Mr. YOUNG).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized and will control 25 minutes of the debate.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill H.R. 5005, making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the additional time because, as you might expect, many Members of the Florida delegation would like to be heard on this bill.

Mr. Speaker, Congress has responded many, many times to natural disasters in different parts of the country; but I cannot remember any time when an entire State, and I mean everybody in the State, was actually affected by a series of natural disasters in one way or another. Unfortunately, thanks to Tropical Storm Bonnie and Hurricane Charlie and Hurricane Frances, that is exactly what has happened to Florida in the last couple of weeks, and we are still feeling the effects.

As a matter of fact, our sister States to the north, Georgia and the Carolinas, and probably Virginia, sometime tonight are all going to feel some of the effects of Hurricane Frances.

Mr. Speaker, I would like to compliment the President of the United States, the Governor of Florida, the director of FEMA, and the State and local emergency disaster responders for the tremendous way they have all worked together to help the people of Florida recover.

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Mr. Speaker, the damage has been severe. If Members have watched the television screens, they know what I am talking about. It has been total disaster in some parts of our State.

This supplemental bill is a bill for $2 billion. It is an emergency declaration. The reason we have tried to move this bill as quickly as we can, FEMA, which is handling basically the Federal response, runs out of money probably by midnight tonight. Rather than interrupt the cash flow to the emergency workers in Florida, we are trying to move this bill. Hopefully our brothers and sisters in the other body will move it quickly tonight, and it will be on the President's desk so there is no interruption in the cash flow to the people who need it in Florida.

This is not going to cover all of the costs of the natural disasters that we are dealing with and have been dealing with, but we will take that up at a later date. This is an emergency measure to keep the cash flow moving into Florida and FEMA.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I am confident we will find overwhelming support in the House for this measure. I am certain it will be bipartisan to a very great degree. I certainly expect to be voting for it.

I would simply make one observation in the process, however. We should not be surprised that FEMA is at this point running out of money, because in the conference on the legislative appropriation bill last year when additional supplemental funding for FEMA was being attached, a number of us on this side of the aisle warned at that time, I know the gentleman from Washington (Mr. DICKS) did, I know I did, we warned at that time that because we were appropriating $800 million less than the historical average of the last 5 years, we would not have enough money without additional funding. And now because of that shortfall, it is obvious we have no choice but to move tonight.

I would simply say I hope in the future any administration, regardless of party, will request the amount that represents their full expectations of national need in terms of dealing with disasters.

I would also hope in the long run we can come up with a better way to finance national disasters, because it seems to me that there ought to be some kind of a self-insurance fund established between the States, backed up and guaranteed by the Federal Government so we do not have to keep funding this on a horseback basis every time there is another problem. We ought to be able to fund this program much the way we fund worker's compensation, with an insurance fund into which States buy on an experience-rated basis. That would be much more fiscally responsible than the way we go about it these days.

Having said that, I urge support on both sides of the aisle for this request. I know the gentleman from Florida

(Mr. YOUNG) is most concerned about it. These storms have affected his district significantly. I have been to his district, and it is a beautiful place. As soon as we can get this money down to those folks who need it, the better.

There are a lot of my neighbors in Wisconsin who spend their winters in areas of Florida hit by these two storms, and we fully expect yet another storm to be hitting the Southeastern region of the country within a very short period of time. I think we have no choice tonight but to act on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW), and just note the last time we spoke was on the telephone as Hurricane Frances was coming ashore right over his house.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time, and I thank the gentleman from Wisconsin (Mr. OBEY), the ranking member.

When a disaster happens in America, we are not Democrats and Republicans, we are Americans, and we care about each other. We suffer with each other, we cry with each other, and we pray with each other.

I was taken by a photograph which was in this morning's Fort Lauderdale Sun Sentinel of a woman who had just lost her entire home, and she was on her way to get in line for some ice and water. This tells us how quickly we can lose everything in this world, and how important it is that we as a Nation pull together and come forward with some relief which is so badly needed.

Up in the central part of the State, we had Hurricane Frances following Charley, which was described on television as big as the State of Texas. It covered the entire State of Florida, as the chairman correctly pointed out.

I also want to be sure that we give proper credit to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, who started putting together this appropriation bill even as the hurricane was still coming ashore, and maybe before that because of Hurricane Charley and the losses we sustained. I know my daughter in DeLand, Florida, ancient, gorgeous oak trees in her back lawn, gone. My son in Orlando, a huge oak tree fell on his house. These things can change lives in no time.

I think it is remarkable when we see the expedited process that has been used here, and this has been done because we have got good cooperation on both sides of the aisle. The Speaker has been great to bring this up. Over in the Senate, we will pass this very clean bill in record time, and it will go to the President. This bill will become signed into law before Hurricane Frances has even left the continental United States. In fact, we may be feeling the winds of this storm right here in Washington, D.C., while the President is signing the bill which will give us a bridge to the relief we need.

On behalf of all of the people of Florida and the Florida delegation, I thank this House, I thank the Senate and the President of the United States for this expedited procedure. This is remarkable, and it does show that we as Americans deeply care.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time. I thank he and the gentleman from Florida (Chairman YOUNG) for their steadfast support for the victims of Charley and Frances. The gentleman from Florida (Mr. SHAW) has put in immeasurable time and work, as have others of us who have been directly impacted.

I rise tonight in strong support of this emergency supplemental appropriations measure. I also echo the words of the chairman when he stated earlier today that this bill must merely be a down payment of disaster assistance to Florida's hurricane victims. I know that all of our colleagues join me in expressing sympathy and understanding to those who lost their homes, their belongings, and in some cases their loved ones who were either killed or injured to Charley and Frances. We stand united in our efforts to help those who have lost so much.

In the district that I am privileged to represent, the wrath and strength of Frances is clear and evident. Hundreds of homes have literally been destroyed and all but scraps of wood remain. Our citrus, sugar and tomato fields are flooded, and more than 2 million homes remain without electricity days after the storm has passed and for some days to come. For the millions who have been affected, life has come to a standstill.

As a fifth-generation Floridian, I know firsthand that hurricanes and tropical storms are part of life in south Florida. But if Andrew, and most recently Charley and Frances, taught us anything, it is that the resilience of our community to recover and rebuild is stronger than anything Mother Nature will ever throw our way. With time and the necessary resources, I am confident we will recover.

I am deeply grateful to the full leadership of both sides in this instance, and our hearts go out to those that have lost so much. The gentleman from Florida (Mr. YOUNG), the gentleman from Florida (Mr. SHAW), all of us in Florida really have a lot of work to do in the future. Like the gentleman from Wisconsin (Mr. OBEY) spoke about establishing an appropriate relief fund, it is something long overdue in this Congress, and this may be a good first step for us to be reminded that it is time for us to have a disaster fund in Congress.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), who had floods of 6 to 7 feet in Virginia streets from Tropical Storm Gaston.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for bringing this bill forward in such an expedited fashion.

As the chairman suggested, many States in this country, especially in the Southeast, have felt the effects of devastating hurricanes and tropical storms. On August 30, which was Tuesday of last week, Tropical Storm Gaston unleashed 10 to 14 inches of rain on Richmond, Virginia, over the span of only 4 hours. This massive rainfall was responsible for the loss of eight lives, heavy flooding, and millions of dollars of property damage.

As Richmonders began the long clean-up, the costs are beginning to mount. The storm caused 20 blocks in Richmond to be condemned as uninhabitable and did what is expected to be $60 million to $80 million of damage. Business owners and residents in Richmond lost their homes, companies and cars because of the rapid flooding. One of the hardest-hit areas, Shockoe Bottom, is a busy commercial area of Richmond, and its destruction will dramatically affect the area's economy.

Last week I wrote the President to ask that Virginians affected by Tropical Storm Gaston be given immediate Federal assistance. Friday, President Bush responded swiftly by declaring these hard-hit areas of central Virginia Federal disaster areas, allowing them to be eligible for loans and grants through FEMA and the Small Business Administration.

Mr. Speaker, that is why I am here in support of the chairman's bill for the supplemental funding for FEMA and SBA to respond to the storm. Disaster relief and emergency aid that FEMA and SBA are providing in Richmond is one of the best and most appropriate functions of government, and one in which Congress should fully invest. These additional grants will allow these individuals, homeowners, business owners and local governments, who are, again, as the gentleman from Florida (Mr. YOUNG) has said, now as we speak, are facing the damaging and flooding rains of Hurricane Frances, to quickly get back on their feet. That is why I am here to support its swift passage.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MEEK), a member of the committee.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to be on the floor not only with the gentleman from Wisconsin, but also with the chairman of the Committee on Appropriations.

Mr. Speaker, I think it is very important not only for Members of Congress, but the rest of the United States to understand that Florida has gone through quite a bit, and there are other States that are affected as relates to the flooding and some of the aftermath of the hurricanes.

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But I also want to add, and I want the Members and I know it is not in this bill, I know we have $2 billion that is going to FEMA. We have, I believe, $30 million going to the Small Business Administration. But I think it is important to remember that the VA was also hit in this storm. In Palm Beach, I know some of the Members can attest to it, that it is important that we have emergency funding in a bill, not in this particular bill, but in another supplemental coming up for the losses that the Department of Veterans Affairs was not included in this bill.

The VA in West Balm Peach and in the middle of this storm, clinics in Brevard and also Port Charlotte received lesser damage than their main facility in West Palm Peach. In the middle of the storm, it was flooded. They had to move people to the second floor. That is something that we definitely need to think about, and I know it is something we will include, hopefully, in the future for these patriots that have laid it down for the very democracy that we celebrate today.

But I am excited about the fact that not only Floridians but also others can count on the Congress responding in the way that we are, because we are spending their tax dollars. It is not like we are giving them something. This is something that they have invested in our government, rightfully so; and we are responding to them in their time of need.

Mr. Speaker, I encourage, like I know that Members will, when they open the board up to allow an opportunity to vote on this emergency supplemental, I am pretty sure that every Member of this Congress will be in support of that. I would like to commend the local governments and their response to our recent natural disasters and their continued support and commitment. Also to those Floridians that have lost time and wages from their jobs and small businesses. This is very timely. I want to thank the ranking member for allowing me to have time, but let us also remember our veterans and VA hospitals.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds. I want to assure my very distinguished friend and colleague from Florida that we understand that there are many expenses that will need to be covered, but we do not know exactly what they are yet; so this is really a stopgap to keep the cash flowing to Florida today. But we will revisit this and the President has acknowledged that he would be asking for an additional supplemental once those figures are available to us. We are going to move quickly. I appreciate the gentleman's comments.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman will yield, I know a wise man such as himself is fully aware of what I just shared with the other Members. I want to thank the gentleman for sharing that with the rest of us.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY), who experienced not only Frances but Charley as well.

Mr. FOLEY. Mr. Speaker, I would like to take this moment to thank the wonderful hardworking and dedicated employees of the emergency operating centers of Charlotte County, Highlands, Palm Beach, Martin, St. Lucie, Okeechobee, Glades, and Hendry. I would like to thank Mike Brown and his capable staff at FEMA. I would like to thank President Bush for visiting our citizens in the storm-ravaged communities of Punta Gorda and, tomorrow, Fort Pierce. I would like to thank Governor Bush for his tireless commitment to our State's fragile citizens, the United Way, and the Red Cross.

It is amazing to me how beautiful this Nation is when our fellow citizens have been found wanting and hurting. You have all heard the plea from Florida's citizens for help, and you have answered that plea today, not just with money but with prayers, not just with prayers but with help, and not just with help but with hope. We will rebuild. We will be stronger and better than ever. I ask my citizens in Florida to be patient. I know you are under great stress, but help is on the way. This bill will provide it. This Congress will respond. And our President is doing all he can with the help of FEMA to make certain this misery and pain is short-lived.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, there is an expression those of us in Florida occasionally use that there are two types of Americans, those that live in Florida and those that want to live in Florida. And if people live long enough, generally that might be where they end up.

I remember the first year I came to this Chamber, and I see many of my colleagues who joined me that first year, Congressman DIAZ-BALART, Congressman HASTINGS, and others. Right after Hurricane Andrew was the last time our State experienced something of the magnitude of what we are experiencing today. My colleague from West Palm Beach just used the words that were the catch words after Hurricane Andrew: we will rebuild. In fact, we rebuilt and we rebuilt stronger and we rebuilt more significantly and a better community after the disaster of Hurricane Andrew. I am confident that we will do the same after Frances and Charley.

One of the advantages and disadvantages of literally living in paradise is that we actually are a location on the planet Earth where hurricanes find their way on a pretty regular basis. I am proud of the response of the people of Florida during this last disaster. I look forward to the continued effort and prayers and specific things of everyone in this country. The President is planning on coming back to Florida tomorrow, an unexpected visit sooner than after the Charley disaster. Unfortunately, at this point I do not expect to be able to join him because I hope to be on this floor passing this, as has been mentioned, hopefully unanimously, the $2 billion.

In the 12 years since Andrew, we have had many supplementals of disasters that have faced this country. I think it is really part of the greatness and the really shining moments of this Congress when we acknowledge our debt and our relationship to every other citizen of the United States as we pass this supplemental tomorrow. I urge its adoption.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the very distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, in Florida we have lived through Charley and Frances, and my area has been hard hit by both storms. All eight of my counties have sustained damage, both from wind and from storm surge. Myself, my own property has sustained some damage due to it. We have had the hopes of many Floridians dashed. Businesses have been harmed, agriculture, homes. Yet the spirit of the average citizen living in Florida is upbeat. They know that they will rebuild and that Florida will again be a great, healthy, and vibrant State. Neighbors have been helping neighbors, and that is the good news.

There are groups out there such as the Christian Contractors Association who have been helping people, seniors without a lot of funds repair their homes, take down trees, et cetera. Certainly the Red Cross, the Salvation Army and FEMA, along with a myriad of other agencies, are out there assisting people. Florida will survive Charley and Frances; and for all of the citizens out there, they need to be in touch with FEMA. That is what this emergency funding is all about.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I stand here before you in support of this bill. My district has been devastated by the record number of storms that have made landfall this hurricane season. Many people in my district are still without power. I want to thank Chairman YOUNG and the ranking member.

In 1992, FEMA was in shambles. Tonight I want to send a special thanks to President Clinton and to Director Witt whose leadership was instrumental in getting this organization working and back on track. And I want to thank all of the volunteers who worked together to bring relief to the victims of Bonnie, Charley, and now Hurricane Frances. Working side by side and neighborhood to neighborhood, they have helped all of us weather the storms. We are truly blessed that no further lives were taken during this latest storm.

We need a dedicated method of funding, not piecemeal dollars here and there, to adequately meet the needs of Florida and any other disaster that occurs in this country. I hope that we will have a clean bill, one that is not loaded or loved to death with amendments that do not pertain to the support and help of people who truly need the relief these funds promise. Thanks again for the support.

I also want to mention all of the organizations, FEMA, but under that the Army Corps have worked extremely hard and many community organizations and groups, the Red Cross. They are too numerous to name, so I want to make sure I revise and extend my remarks so I can thank all of these people that have come together, the fire departments, the mayors, local governments, the Federal agencies. Senator NELSON has been on the ground from day one. I want to thank everybody and all of the Florida delegation and all of the people that worked together to make things better for the people of Florida.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1½ minutes to the very distinguished gentleman from Florida (Mr. GOSS), former chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, this funding is real money that will bring real relief to the people in Florida who have been devastated by Hurricanes Charley and Frances and who need help. As Governor Bush said to us, we have developed a case, perhaps, of "hurricane amnesia" in recent years in Florida. We certainly no longer have that. In my district alone, Charley severely damaged homes, four hospitals, cut a barrier island in two, left thousands without power, left thousands without employment, changing life forever for some people.

Just 3 weeks later, another massive hurricane slammed many of the same areas that had already been wrecked by Charley. Charlotte Harbor was hit twice hard. As I took stock of the devastation one day after Hurricane Charley hit, I found remarkable the terrible damage, the scale of destruction, and how people's lives were affected. But I was more impressed by the response, local, State and Federal, all working together; and it was hot, and it was miserable. It was amazing to see how well they were doing.

And they are still there. This ordeal has consumed the entire State of Florida, and Governor Bush has been steadfast in these times of crisis and we thank him. I commend and thank him especially for his strong leadership not once but twice; and I pray not for a third time, and hope Ivan will go elsewhere. Our Senators BOB GRAHAM and BILL NELSON also have done a fabulous job. They have met the challenges directly on the ground and, working as legislators, they have served our State and our country with great distinction.

Hurricanes are a part of life in Florida. It comes with the territory. But the past 4 weeks have been extraordinary. Not since 1950 have two powerful hurricanes hit Florida in the same year, let alone the same month. FEMA's relief funds need to be replenished now, and this funding will do just that. Appropriations Chairman BILL YOUNG, a great Floridian, has given us the leadership response that has been effective and instantaneous. Delegation Chairman CLAY SHAW has organized us to work together. We are grateful. I urge support for the bill.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the very distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am privileged to be part of this Florida delegation. We are working in unison and in a very strong bipartisan manner through the good times and the bad times. After Hurricane Andrew hit my district so strongly 12 years ago, we learned valuable lessons about emergency preparedness and responses to devastation such as that. After that, building codes were strengthened so that structures could withstand these winds that were so devastating. So we learned our lesson in Hurricane Andrew. But Floridians are resilient people. We have to keep learning new lessons as every hurricane season rolls around, and we are going to come back stronger than ever. We have faith in each other. We have faith as a people, as a community; and we know that no hurricane can knock Floridians off our feet for very long.

We thank individuals like Chairman YOUNG and Congressman SHAW, the dean of our delegation. With their leadership, they have made sure that this appropriations will be spent in a wise way and will be given to FEMA for this disaster emergency. And we want to thank Governor Jeb Bush who has been coordinating this emergency response and President Bush who is going to be touring in the Miami National Hurricane Center. FEMA and the Red Cross volunteers, Salvation Army, faith-based organizations, all Floridians have come together in this moment of crisis.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Speaker, during the last month, the worst circumstances have summoned the best of humanity. Having endured the unrelenting fury of two major hurricanes, Floridians from all walks of life have linked arms in their determined effort to rescue, recover, and rebuild. Moreover, the generous and compassionate soul of America has once again become manifest through the hearts and hands of the volunteers who have traveled hundreds, sometimes thousands, of miles to assist our local first responders.

Even before the storms hit, Governor Bush had marshaled the resources necessary to provide victims with rapid assistance. During the grueling aftermath, his reassuring presence throughout the State has served as an essential source of comfort and hope.

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President Bush and FEMA have likewise delivered a quick and effective response from the Federal level. I particularly wish to commend U.S. Agriculture Secretary Ann Veneman for her swift approval of disaster relief for our farmers and growers.

Finally, I wish to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Florida (Mr. SHAW), our delegation Chair, for their leadership in requesting the President's $2 billion for additional disaster relief funding and look forward to working with our entire State delegation to provide our constituents with the help they so desperately need and deserve.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. CRENSHAW), a member of the Committee on Appropriations.

Mr. CRENSHAW. Mr. Speaker, I thank the chairman for yielding me this time, and I thank the chairman for his leadership in this area.

This is money, Mr. Speaker, that will go to help people who are hurting right now, and, believe me, there are a lot of people in Florida who are hurting. Even in my area in northeast Florida where we did not suffer any direct brunt of the hurricane, thousands of people are without electricity. Their homes have been damaged. And while State, local, and Federal officials did a great job of doing everything they could to prepare for this disaster, one can only do so much.

So I urge my colleagues to support this so that we can once again get the money to the people that are hurting now and come back and help those at a later time. I urge the adoption of this bill.

Mr. OBEY. Mr. Speaker, would the Speaker be kind enough to inform me how much time I have remaining?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Wisconsin (Mr. OBEY) has 4½ minutes remaining, and the gentleman from Florida (Mr. YOUNG) has 11 minutes remaining.

Mr. OBEY. Mr. Speaker, I at this point have no further requests for time. There may be one other Member coming. So if the gentleman from Florida needs more time, I would be happy to yield him 2½ additional minutes.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman's generosity, and that may be the case. We will deal with our speakers and then see where we stand. I thank him for yielding me the time.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the chairman of the Committee on Appropriations and the ranking member for bringing forth this legislation so quickly to make certain that there is no interruption in the assistance that FEMA and the Small Business Administration are providing to the victims of the two hurricanes that have caused so much damage in Florida in recent weeks.

I have been very proud of, just like today, the response that we see from the Congress. Obviously the Speaker and the leadership have demonstrated tremendous solidarity with the people of Florida today. I have also been very pleased to see the promptness and the seriousness and the leadership of the President and the Governor, who, even before the first hurricane, Charley, hit Florida, there had been a major disaster area declared by the President pursuant to the request of the Governor.

So everything that can be done is being done. It is important for the people to know that we will continue to do everything that we can to alleviate their need in this very difficult moment. I thank again the gentleman from Florida (Mr. YOUNG) for bringing this forward with such promptness.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I, too, want to thank the chairman for the quickness of this measure, this important measure.

As we have heard before, when tough things happen, when the American people are suffering, is when the country truly shines. And we are seeing another example. We are seeing unity. We are seeing how the ranking member has been so generous with his time and also working with the chairman to make sure that this is a reality. The people who deserve and need the help get it as soon as possible.

But I have to take this opportunity, Mr. Speaker, to thank a number of people. President Bush, who from day one has been incredibly supportive and has led the relief effort. Governor Bush and his cabinet have done an incredible job. They have been on the field. The people from FEMA have been amazing. We run into them all over in Florida. I was with a group of them in Miami recently where the Governor was there as well. The Small Business Administration, the first responders, Mr. Speaker, police officers, firefighters, everybody who has come together to make sure that the suffering is minimized as much as possible, and I just want to thank everybody. And, of course, our guardian angel always, the chairman of the Committee on Appropriations from our great State of Florida, who is always there leading every single fight for the people of Florida.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to spend a second and also echo my appreciation to the gentleman from Florida (Chairman YOUNG), to both sides of the aisle, for bringing forward this legislation; to the leadership of President Bush and his administration, who have acted, in advance of both this latest storm and the previous storm we had; for the leadership, the fantastic assistance provided Governor Bush. He has just been on the job working day and night. And I would be remiss if I did not mention all of the local officials. I represent some six counties, and many of those people have been through two disasters now, and they have worked nonstop. So, again, my congratulations.

This money that we are sending from Washington is part of the great strength of our Nation, part of the strength of a Federal system, and it is the people's money, the taxpayers' money. And when we have a need, it is appropriate that we do provide assistance from the country to an area that is hard hit, whether it is Florida; Richmond, Virginia; or other parts of the Nation. So it is one of the great strengths of our Nation and our people.

Finally, I want to say that Florida is open for business. I chair the Aviation Subcommittee. All of our major airports are open. I want to thank Marion Blakey, the head of FAA, she worked nonstop, and Woody Woodward, our national airports administrator, to make certain that Florida, which depends on travel and aviation, is open for business.

But we are open for business. There are some pockets in the southwest and some in the southeast, but our major attractions are open. All of our interstates and our roads, I have reports back as a member of the Committee on Transportation and Infrastructure, are open. And we want people to do us a favor by not canceling their plans to visit Florida. We will dust ourselves off. We will clean up a bit. But people can help Florida by not canceling their plans, but coming to Florida. We are open for business, and we will prevail.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

First let me say that I am so proud to be a part of this Florida delegation that has come together so strongly as we do when matters affect our State. All of our Members on both sides of the aisle have just been dynamic in supporting each other in the problems that we might experience in our districts because of this one tropical storm and two hurricanes.

I want to especially thank the gentleman from Wisconsin (Mr. OBEY) for working with me as we moved ahead with this bill to decide how we are going to do it, what the bill was going to look like, and the gentleman from Wisconsin (Mr. OBEY) was very supportive, and I have to say I just really appreciate the support that he gave us.

After Hurricane Charley, I went to south Florida with President Bush, where he announced that he would be asking for this supplemental to make sure that the cash flow continued, and I was there to assure him that we would move this bill as expeditiously as we could. The House convened at 2 o'clock today after the summer district work period, and at 2 o'clock I introduced this supplemental appropriations bill. And thanks to the support of the gentleman from Illinois (Speaker HASTERT) and the gentleman from Texas (Mr. DELAY), our majority leader, and the gentleman from Missouri (Mr. BLUNT), our majority whip, everyone came together to help us move this legislation that is so important.

I want to thank the President of the United States for recognizing the needs of Florida. I want to thank Governor Bush, who has done really a dynamic job in helping to manage not only as we led up to the hurricanes, but during the hurricanes and following the hurricanes for recovery. He has just been an amazing manager, and he has worked with everyone at the State and local level just to do the very best we could to help the people of our State that were hurt so bad.

FEMA, we have talked about FEMA this afternoon, and FEMA has done an outstanding job. There are numerous other Federal agencies that have also been involved, and they have all just really turned to and helped our State as we recover from these disasters. The Florida National Guard, I talked to General Burnett early as Charley was approaching, and General Burnett had mobilized the Guard, ready to move in to protect property, to protect lives, to do whatever was necessary; and they just deserve a tremendous vote of confidence and vote of gratitude from Florida.

All in all, as one of my colleagues from Florida said, this has been a great experience of coming together when people need help. As I said earlier in my remarks, all of Florida was affected one way or another, which was very unusual. We have an earthquake or a fire or a flood or whatever that might be, we respond quickly, and usually it is in a part of a State or a community, but in this case the entire State of Florida was affected. So as chairman of this committee and as the introducer of this bill, I appreciate the way that the House is moving to move this bill over to the Senate, which I believe will deem it passed tonight and get it to the President.

Mr. KELLER. Mr. Speaker, I rise today in support of this emergency supplemental appropriations bill to provide $2 billion to FEMA to help the citizens of Florida recover from Hurricanes Charley and Frances.

I am sensitive to the fact that these two hurricanes have had a devastating impact on the lives of several hundred thousand Central Floridians. My own mom, Lora Keller, completely lost her home in Hurricane Charley.

Despite these temporary heartaches, I am optimistic about Florida's future. Congress, especially those of us from Florida, will work very closely with President Bush and Governor Bush over the next few days to help rebuild Florida quickly, and even stronger than before.

This $2 billion will be able to help Central Florida families with things like temporary lodging, food and water supplies, medical care and will allow roofs to be repaired.

I urge my colleagues to vote "yes" on this important legislation.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5005.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5006, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Ms. PRYCE of Ohio (during consideration of H.R. 5005) from the Committee on Rules, submitted a privileged report (Rept. No. 108-66) on the resolution (H. Res. 754) providing for consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 2000

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SAUDI ARABIA AND TERRORISM: THE PAINFUL TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, a tragedy occurred in Russia this past week. Thirty Chechen rebels took control of a schoolhouse on the first day of school, and they killed at least 338 people, half of them children who were going to school for their first day. According to the reports, 10 of those people who were terrorists were Arabs; and we believe that they were probably from Saudi Arabia.

One of the problems that we have had in the past is a lot of the terrorist activity has been emanating and originating from Saudi Arabia, ostensibly friends of the United States of America. Osama bin Laden is a Saudi. Fifteen of the 19 terrorists that flew the planes into the World Trade Center and the Pentagon and the plane that went down in Pennsylvania were Saudi Arabians.

The Saudis have been funding for many, many years madrassas where Wahhabism is taught. Wahhabism is a radical fundamentalist Muslim religion that is being taught in the schools that teaches the children to hate Christians and Jews and teaches them to perpetrate violent acts.

Well, the Saudis today said that they are going to try to change the educational system over there so no radical fundamentalism can be taught that would lead to this kind of terrorist activity.

I would just like to say tonight, Mr. Speaker, that it is high time, high time, that the Saudis, whom we have been supporting with our dollars, buying our oil from them, for many, many years, it is high time that they stopped this terrorist activity which has been originating in their country.

The Saudi royal family has been giving money to radical organizations. They have been giving money to families of people whose children blew themselves up while killing people in Israel and the West Bank and in what is called Palestine. The Saudi Government has been giving money to al-Qaeda in the past.

Mr. Speaker, all I can say tonight is that the Saudis continue to tell us that they are our friends. They tell us they want to stop terrorism. Yet, time after time after time, we see terrorist activity taking place, and who has been involved? It is the Saudi people, and it is people who have been taught in the madrassas, who have been taught that radical fundamentalism that is called Wahhabism.

Mr. Speaker, I would like to say to my colleagues tonight that this government, the Government of the United States through the State Department, must continue to tell the Saudis that they must take these people on, they have to stop this terrorist activity emanating and originating in their country, and they have to stop this type of teaching of the children. They have been allowing this teaching to go on for 25 to 30 years now.

It is high time that this stopped, because the children who are growing up today are going to be the terrorists of tomorrow; and if they continue to let that happen in their schools, we are going to have to face this not only now, but our children and our grandchildren are going to be facing this kind of terrorist activity down the road.

Osama bin Laden, al-Qaeda, the Taliban, all of them have to be defeated. We are in a world war against terrorism, and we need every government of the world that believes in freedom and democracy and the things we believe in to be on our side. That includes the Saudis. They are going to have to take a hard line.

MEDICARE PREMIUM INCREASE SQUEEZES SENIORS' BUDGETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, last Thursday President Bush got up on his $2.5 million podium and crowed about how his Medicare reform bill was making health care more affordable for seniors. But less than 24 hours later, this administration announced the largest increase in Medicare premiums in history.

Beginning in January, retirees and the disabled will see their Medicare premiums rise by $11.60 per month, to $78.20. That is an increase of 17 percent. It comes on the heels of last year's whopping 14 percent increase. The Bush administration deliberately tried to bury this bad news, releasing the information late on Friday in the midst of a hurricane and leading up to a long holiday weekend. They did that in the hopes that seniors would not notice.

The Social Security COLA will not be generous either. That is why the Bush administration needed to stifle news coverage about the Medicare premium increase. The Social Security trustees have predicted a 1.3 percent COLA for 2005. For a retiree receiving the average benefit of $895, that amounts to a monthly increase of $11.64.

After Medicare's premiums go up, seniors will be left with an additional 4 cents per month to handle rising expenses. Seniors have increasing housing costs, high gas prices, rising grocery bills and the prospects of record heating bills this winter, just like everyone else. Does 4 cents a month sound like enough of a cost-of-living increase to cover inflation and expenses?

The retirees I know pay very close attention to information about their health insurance costs because they need to watch every dime. But the same cannot be said of President Bush and the Republican Congress. The so-called Medicare reform bill that they are so quick to praise is largely to blame for the premium increases and Medicare's ongoing financial difficulties.

The Medicare reform bill, with a price tag of $549 billion, spends more money to pad the pockets of corporate executives than it does to pay for prescription drugs or for more comprehensive medical coverage for seniors. More than 60 percent of the bill's cost is attributable to $139 billion in overpayments to pharmaceutical companies, $70 billion in subsidies to corporations and $130 billion in overpayments to Medicare HMOs. These expenses do nothing to improve the quality of health care that seniors receive, but they certainly have a negative impact on the affordability of that care.

Today's retirees will not be the only ones to pay the price for the shortsighted, irresponsible agenda of President Bush and the Republican Congress. We all will, in today's budget deficits and tomorrow's skyrocketing Medicare costs.

None of the Medicare bill's $549 billion price tag was paid for, which means it only adds to the Federal budget deficit. The growing budget deficit in turn means that we will not be able to put any money aside to shore up Medicare's finances for the impending retirement of the baby boom generation. Under this leadership, today's seniors and tomorrow's retirees can expect many years of outrageously high increases.

This is just another example of the Bush administration and the Republican Congress saying one thing and doing another. It sounds nice to say that you have added a comprehensive, guaranteed prescription drug benefit; but you did not. It sounds nice to say that you have made seniors' health care better and more affordable, but you have not done that either. President Bush and the Republican leadership have done just the opposite.

When seniors get their Social Security checks in January and those checks are only 4 cents more than what they got last January, they will know the difference between your words and your deeds.

HONORING THE FIRST RESPONDERS OF THE ELEVENTH DISTRICT OF GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, in the short time that I have been a Member of this Congress, of this body, the House of Representatives, I have come to expect a good measure of partisanship and partisan rhetoric that occurs on the floor of the House, especially during this, a Presidential election year. I have come to expect that, but not to enjoy it.

But I want to say, Mr. Speaker, to my colleagues, that the past hour I have sat here in this Chamber and seen a great measure of bipartisanship as our chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), came together to bring us this emergency supplemental appropriation to help the people in Florida who have been devastated by Hurricanes Charlie and Frances with this $2 billion stopgap measure to get money to FEMA, the Federal Emergency Management Administration, to help the people of Florida in a bipartisan way, and to have us have this discussion led by the delegation from Florida, both Republicans and Democrats.

This is the kind of bipartisanship that the people of this country and the great State of Florida deserve to see more of. In fact, it reminded me that we are coming up pretty soon, this Saturday, in fact, on the third anniversary of a tragic event in this country. Of course, I am speaking of 9/11, when this body again was at its finest moment when they came together and there was not that level of partisanship, and we pulled together for the benefit of all Americans.

So, Mr. Speaker, tonight I want to rise and pay tribute to the first responders whose selfless service and hard work keep the citizens of the Nation, but particularly Georgia and my eleventh district, safe and secure each and every day.

Just as the moniker suggests, our Nation's first responders are the first to arrive at the scene and usually the last to leave. They are the brave souls risking their lives to prevent catastrophe and healing the wounded and broken when disaster strikes, just as they are doing in Florida today. They are always vigilant and ever ready, and they deserve our heartfelt thanks.

Since the tragic events of September 11, we have all learned that terrorists are not just looking at New York City and Washington, D.C. Rather, they have undertaken a vast effort to survey potential targets across this country. Should Metro Atlanta, the capital of the South, suffer an attack, you and I know that the brave first responders from West Georgia's Eleventh Congressional District will be among the many who will answer the call to duty.

I also know how much new equipment and technology means to the first responders of the Eleventh Congressional District of Georgia, and we in Congress are working hard to continue to provide it.

Mr. Speaker, I recently had the privilege of visiting with the volunteer fire department in Woodland, Georgia, in Talbot County, to inspect their new fire truck; and I left very impressed with their operation. I was also struck by how much of a difference a piece of equipment like a new fire truck can have on a great community like Woodland.

So whether it is a fire truck, HAZMAT equipment for biological threats, or a communications network upgrade in northwest Georgia, I remain committed to doing everything I can to ensure that Georgia's first responders receive the necessary funding to ensure the safety and security of our communities in Georgia.

We must never take for granted the bravery and commitment of our true first responders. We in Congress must provide them with the tools necessary to conduct their vital service.

Mr. Speaker, the eleventh district's first responders are on the front line every day, and they deserve our support and appreciation. I want to take this opportunity tonight to thank each of them as we approach the third anniversary of 9/11 for their work to protect and serve the citizens of Georgia and the Southeast.

ASSAULT WEAPONS BAN MUST NOT EXPIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, over 200 days ago I started speaking about September 13. That is the day when the assault weapons ban that we have in place now is going to expire.

Over the last couple of years, and then even this week when we saw the tragedy that happened in Russia, we saw what terrorists could do when they put their minds to having destruction. They do not care about human life. We are told that we have terrorists here in this country waiting to do their destruction on us as American citizens. We are told that when they can, they will do as much destruction as possible.

Come September 13, at midnight, your local terrorists, the gangs that are in our streets, the drug dealers, will be able to buy assault weapons at your local gun store.

I do not understand this. We hear the rhetoric all the time that the assault weapons bill has not worked. Well, you talk to the police officers that are coming down here tomorrow to try to convince the President to expand the bill. We have seen a 60 percent drop in killings with the guns that have been banned.

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Our local police say they are not prepared for this. The bulletproof vests that we give our police officers are no match to the guns that are going to be back out on the streets. The large-capacity clips, right now we hold it at 15, 10, and yet in our States when our hunters go out shooting for deer or hunting, they are only allowed 6 bullets. But we are going to give people anywhere like the killer today in Ohio that used 50 rounds. Where is the common sense?

We have the majority of the American people wanting to keep this ban in place. We have 56 percent of gun owners, NRA members that say, keep the ban in place. Yet there is total silence here in this House. The bill is not going to be allowed to be brought up even for a vote. But by the way, on Monday there will be a suspension vote to allow guns back into the D.C. area and not to punish anyone that is carrying an unlicensed gun.

Is this where we as Americans want to be? The rhetoric that we hear constantly, as if this is a slippery road, we are out to take away everyone's right to own a gun. Well, that is not the slippery road. We are trying to save lives.

Ten years ago we put this bill in place because too many of our police officers were being killed and outgunned. Come Tuesday morning of next week, September 14, when our kids are going back to school, our police officers are going to be in harm's way once again. The President of the United States has said that he would sign the bill if it got on his desk. Well, you cannot have it two ways, Mr. President. You have to make the phone call here. You have to tell DENNIS HASTERT, we want the bill up here. And like your father before you, make phone calls to say, get this bill passed, as Ronald Reagan did, as President Carter did, and as President Clinton did.

We cannot save every life. There is no bill in the world that is going to be able to do that. But when we have something in place that has saved lives, why would we just let it go? The NRA, are they that strong? Where are the voices of the American people? Where is this House, and where is this President? Whose side are they going to be on? The police officers that we talk about that are so heroic from 9/11 and through the convention and through all of the terrorist threats that we have, where are the voices that are going to protect those police officers? We are just going to let it go? Who is going to face the families? Who is going to talk to the surviving families when the first police officer is mowed down? Who is going to do that? It always seems that I am the one who has to talk to the victims' families.

We have several days left. We have all of the police and the police chiefs coming in tomorrow. Mr. President, I am begging you, get on the phone. Make this happen. We can pass it in the Senate, and we can pass it here in the House, but we need your help. Mr. President, I am begging of you. You talk about our police officers. How about protecting them now?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KING of Iowa). Members are reminded to address their remarks to the Chair rather than to the President.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in November of 2000, America witnessed the breakdown of its electoral system. Four years later, as far as I can see, nothing that was broken has been fixed. Many Americans believe the same injustices to democracy that we witnessed 4 years ago could occur once again this November.

The very security of our democracy is at stake. For all of the Bush administration's talk about securing our Nation from the threat of terrorism, no discussion of security would be complete if it did not address the need to secure our national election system.

After the controversial election in 2000, one would think President Bush would do everything in his power to ensure the integrity of America's election system. I know that is what I would have done had I become President of this United States, particularly after having lost the national popular vote by more than half a million votes. But unfortunately, despite some Democratic efforts here in Congress, this administration has failed to win back the trust of our Nation's voters.

The Help America Vote Act, which was signed into law in the year 2002, was designed to assist States in upgrading their fragile election systems. I supported this legislation because it took steps in the right direction to make our election system secure. While some improvements have been made because of this act, its most useful reforms, the reforms that would actually ensure security, will not be in place by the November election, and that is because this administration refused to release most of the Federal dollars promised by the Help America Vote Act until June of 2004, 2 years after it became public law, delaying what could have been a secure election this November.

With 32 million voters in 19 States using punch-card ballots again this November, millions of voters will walk away from the polls not knowing for certain whether their votes were tallied correctly.

The emergence of electronic voting systems, I believe, is a good thing, but not without verifiable technology. Sadly, Republicans have refused to allow for paper-verified voting trails to ensure that each vote is counted correctly. Without a paper trail, there will be no way to conduct a recount should an election be contested.

Why have Congress and the Bush administration failed to produce vital changes since the drawn-out election of 4 short years ago? Some would say it is in the administration's best interests not to change the system.

Mr. Speaker, there is an even greater threat lurking quietly below. That is, the possible disenfranchisement of voters due to inaccurate registration methods and the shady control of voting lists. A recent Caltech/MIT study concluded that 4 million to 6 million votes were lost nationwide in the 2000 election. Half of these were traced to registration problems. In the year 2000, thousands of Floridians were deprived of the right to vote because they shared the same name with someone who had been convicted of a felony. This type of disenfranchisement and the physical intimidation of some voters is no better than the practices used to prevent Southern blacks from voting in the 1950s and 1960s. It appears we have not come very far since then.

We need to be smarter. We need to be smarter in order to secure our elections. I have introduced H. Con. Res. 392, the SMART Security Resolution, to address both foreign and domestic threats to our Nation. SMART stands for Sensible, Multilateral American Response to Terrorism. SMART security emphasizes the need for the United States to act as a leader and a model for other less sophisticated, less democratic nations. This means shoring up the credibility of our own election system, including the development of new, verifiable technology, to ensure that our Nation's poor and aged are not disenfranchised. It means avoiding a system where our own citizens are forced to cry out for international observers to ensure the fairness of our elections. SMART security means fully and quickly implementing the reforms stipulated in the Help America Vote Act.

Mr. Speaker, how can this country ever hope to be a true democratic model for the rest of the world when its own elected leaders have failed to ensure that our election system is truly democratic? Let us be smarter about the way we elect our national leaders, because until we do, our election system will remain one accused of fraud and riddled with doubt, and we will not stand as an example of democracy in the rest of the world.

HONORING OUR FALLEN HEROES WITH A MEMORIAL IN THE CAPITOL ROTUNDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today, nine more Americans gave their lives in Iraq, nine more families are going to be without their loved ones this holiday season, and nine more American families are grieving.

Out of those nine, two soldiers and seven marines, perhaps your neighbor, and they are our neighbors, because they are always going to be America's neighbors, holds the distinction of becoming the one thousandth American casualty in Iraq. We salute our soldiers, marines, airmen, sailors, reservists, and guardsmen who are called to duty. We thank them deeply for their service, their valor, and their sacrifice for this country.

The one thousandth casualty in Iraq is a milestone and one we must acknowledge as we continue to reflect on the cost of the war on our Nation's families and the American people. We must honor the service of our troops and pay tribute to their heroism.

For that reason, the gentleman from Texas (Mr. TURNER), a veteran, and I have written a letter to the Speaker of the House asking him to arrange a temporary memorial in the Capitol Rotunda to our fallen troops from Iraq and Afghanistan, explaining the pictures of each fallen soldier, along with biographic information, which would also provide an opportunity for visitors in the Rotunda of the people's House to write notes in honor of those soldiers to their families, their loved ones, their brothers, their sisters, their mothers and fathers, and husbands and wives.

Throughout its history, the Rotunda has been used for public viewing for fallen heroes, bestowing upon them one of the Nation's highest honors. After World War I, we saluted the fallen soldiers in the Rotunda. After World War II, Korea, Vietnam, we did the same. It is only fitting that we use the Capitol Rotunda of the people's House to honor those who have fallen in Iraq and Afghanistan.

The war in Iraq is not over, and there will certainly be more lives lost, but this tribute is for all Americans to show its respect for the men and women who paid the ultimate sacrifice as well as to their families. In honor of those lost soldiers, President Franklin Delano Roosevelt once said, "He stands in the unbroken line of patriots who have dared to die, that freedom might live and grow and increase its blessings. Freedom lives and through it, he lives in a way that humbles the undertakings of most men."

Just as President Roosevelt honored the fallen of World War II, we believe this tribute would honor our most recent heroes and their families.

Mr. Speaker, since this Congress has begun, we have found time to name, I think at last count, 65 post offices, including 2 tonight. I think we can, and, indeed, it is our duty and our responsibility, to find the time to properly honor those who have sacrificed everything in Iraq and Afghanistan. I hope that we do this as an institution, as a Congress, to use the people's House to pay tribute to those families and allow all those families to know that for everybody who comes here who writes a card, a note, a tribute, that those families who have lost their loved ones will know that they will always be in America's prayers and in America's thoughts.

A colleague, a Republican colleague, outside of his office has that memorial put up. I think it is a great idea. I have asked the Speaker to take that idea and now make it an institution rather than an individual's decision. Regardless of politics, regardless of where you were on the idea of going to war in either Iraq or Afghanistan, we use the people's House, put on that memorial, and let the families know as they get the letters from everybody who visits it, the cards, the letters, the notes, the tributes, they will always be a part of America's family, and they will never be forgotten.

□ 2030

And they will always be in our prayers and our thoughts. I think this is something we owe these families. And I hope we can accomplish this, unlike other matters, in a bipartisan fashion. It is an idea I saw one of our colleagues had done outside his office, and I am hoping now the institution will take it up and make it its own in a proper tribute; and it be would be a temporary tribute for all those families and to all those who have fallen in both the theaters of Iraq and Afghanistan.

BREACH OF THE COMMITMENT TO MEDICARE

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, when President Bush took office, he assured seniors he would honor the Nation's commitment to Medicare. He said Medicare is the binding commitment of a caring society. He did not say temporary commitment. He did not say faltering commitment. He said binding commitment.

By any standard, raising the Medicare premium by 17.4 percent, that is more than five times the projected increase in Social Security benefits for seniors, raising the Medicare premium by 17.4 percent is a breach of that commitment, the largest increase in Medicare's 38 year history.

At the Republican convention on Thursday night, the President said, "I believe we have a moral responsibility to honor America's seniors." The next day, late in the afternoon, right before Labor Day, Friday afternoon, the Labor Day weekend, in spite of his comments the night before, the President quietly announced this 17.4 percent increase in premiums for senior citizens to have to pay into Medicare. Right before the Labor Day weekend. Is that what it means to honor seniors?

After President Bush signed the Medicare drug law a year ago, he launched a very expensive taxpayer-financed ad campaign featuring the slogan: "Same Medicare, better benefits." Those ads failed to mention the 17 percent premium increase even though the administration planned it as far back as March 2003. They failed to mention the 10 percent increase in the deductible for doctors' services which was written into the new law. It failed to mention the fact that both the premium and the deductible will continue to increase year after year after year without any corresponding increase in coverage.

Those ads, those taxpayer-financed ads, trying to sell the American people on the new Medicare bill failed to mention that while seniors will be paying more for the same Medicare, HMOs will be, "earning" might not be the right word, but earning more for the same Medicare. $16 billion more, in fact.

This bill, this Medicare bill, clearly written for the drug industry and for the insurance industry, clearly has put seniors in the back seat. The drug industry, the insurance industries have contributed literally tens of millions of dollars to President Bush's campaign. The insurance industry gets a taxpayer subsidy of $16 billion. And then seniors see their premiums go up and see their deductibles go up. They have got to find the money somewhere.

Under the Bush plan, in order to pay the insurance companies those subsidies, they need to raise the premiums for seniors more than $100; they need to raise those premiums, a 17 percent increase. They need to raise those premiums for seniors to make up that money.

These benefits are being lavished on HMOs as a bonus and incentive for HMOs to accelerate their enrollment of Medicare enrollees. Now HMO profits last year without this increased by 50 percent, yet seniors are paying higher premiums so that HMO profits can soar even further. Senior and disabled Medicare enrollees on fixed incomes will pay more. HMOs will earn more and big drug companies will charge more.

The Bush administration in an amazing sleight of hand insisted on prohibiting Medicare from negotiating bulk discounts on behalf of 39 million Medicare beneficiaries on the prescription drugs the same way that large insurance plans do, the same way that the VA does in our government.

As a result, the drug industry, because of this protection of the drug industry by the Bush administration, the drug industry stands to earn an additional $160 billion in profits during the next 10 years. $160 billion in profits in the next 10 years.

Again, more campaign contributions to President Bush from the insurance industry, more tens of millions of dollars in campaign contributions to the Republican leadership and to the President from the drug industry.

It is the same old story, the President says the right thing and then he does the wrong thing. It is the same old story, the President always responding to the best heeled, most organized, wealthiest corporate interests in this city.

Last week, the President again called himself a compassionate conservative, as if eroding senior's fixed incomes is compassionate, as if coercing them into fly-by-night HMOs, as the Medicare bill does, is compassionate, as if relegating seniors to a bargain-basement prescription drug plan is in any way compassionate.

After all, this President has proposed cutting $60 billion from Medicaid; he had to because the tax cuts that went overwhelmingly to the wealthiest people in our society, he had to find the money someplace when it is the only source of nursing home care for 70 percent of people who need it. It is consistent, but it is not compassionate.

ORDER OF BUSINESS

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take my Special Order out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

HONORING THE MEN FROM WASHINGTON STATE WHO HAVE DIED IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, young men and women are giving up their lives nearly every day to sustain the President's war in Iraq. They are not in Iraq toppling Saddam. That has been done. They are not in Iraq dismantling weapons of mass destruction. There never were any. They are in Iraq dying in George Bush's crusade.

I think it is only fitting that we should give each of the dead a minute of silence here on the floor. But we cannot because we would have to stand here silent for 16½ hours. That is because today we lost the 1,000th American in Iraq. For what? For what?

The President says we took out Saddam Hussein because he was a bad guy. Well, that could apply to an awful lot of people all over the face of the Earth. They went in there with no plan for establishing the peace. And more people have died since the President made his fabled landing on the Abraham Lincoln saying "mission accomplished" than died before that. More people have died since they handed over control to the Iraqis than died before the mission was accomplished. This has been an unending disaster.

So since we cannot give a minute of silence for every member, let me tell you who has died from my State thus far in Iraq. And I hope every Member will come to the floor and do what I am doing tonight, speak the names of the dead. Think about the futures they have lost and the families they leave behind. And then I hope every American will ask the President why. Why?

From Washington State we have lost Lance Corporal Cedric E. Burns, age 22; Specialist Justin W. Hebert, age 20; Private Duane E. Longstreth, age 19; Private Kerry D. Scott, age 21; Second Lieutenant Benjamin L. Colgan, age 30, distinguished soldier who made his picture on to the front page of Time magazine, very courageous and very good soldier; Specialist Robert T. Benson, age 20; Specialist John R. Sullivan, age 26; Captain James A. Shull, age 32; Specialist Nathan W. Nakis, 19; Sergeant Curt E. Jordan, Jr., age 25; Staff Sergeant Christopher Bunda, age 29; First Lieutenant Michael R. Adams, age 24; Sergeant Jacob R. Herring, age 21; Sergeant Jeffery R. Shaver, age 26; Private Cody S. Calavan, age 19; Lance Corporal Dustin L. Sides, age 22; Staff Sergeant Marvin Best, age 33; Specialist Jeremiah W. Schmunk, age 21; Sergeant Yadir G. Reynoso, age 27; Lance Corporal Kane M. Funke, age 20; Lance Corporal Caleb J. Powers, age 21; Sergeant Jason Cook, age 25.

These men have died in this crusade in a war that was never understood by the people who started it. They had no reason to go to Iraq and they went anyway, and these people from my State paid the price.

TWO UNFORTUNATE NATIONAL RECORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I want this evening to talk about two national records. Unfortunately, they are records we wish had not happened. Mr. Speaker, at this point I will place in the RECORD a story from the New York Times today.

[From the New York Times, Sept. 7, 2004]

BUSH UNLIKELY TO FULFILL VOW ON DEFICIT, BUDGET OFFICE PROJECTS

(By Edmund L. Andrews)

Washington, Sept. 7—Almost regardless of what happens in Iraq and Afghanistan, President Bush is very unlikely to fulfill his promise of reducing the federal budget deficit by half within five years, the nonpartisan Congressional Budget Office said today.

In the last independent assessment of Mr. Bush's fiscal legacy before the elections, the Congressional agency said that if there were no change to existing law, the federal deficit would decline only modestly from a record of $422 billion in 2004 to about $312 billion in 2009.

If Mr. Bush persuades Congress to make his tax cuts permanent, he will fall even farther short of his promise. The federal deficit could reach nearly $500 billion in 2009 and the federal debt could swell by $4.8 trillion over the next decade.

The new estimate is the first time that the Congressional agency has projected that President Bush will not be able to fulfill his promise, made last February, to cut the deficit by half.

Budget projections, by Congress as well as the administration, have been notoriously wrong in the past—failing to anticipate a flood of tax revenue during the last 1990's and then badly underestimating a plunge in revenue after the stock market collapsed in 2000.

But the new report is sobering because it arrives at similar conclusions even when analysts made extremely optimistic assumptions about war costs in Iraq and robust economic growth.

"The message is that you cannot grow your way out of this," said Douglas Holtz-Eakin, who is director of the Congressional Budget Office and a former chief economist on President Bush's Council of Economic Advisers.

If anything, Congressional analysts are more optimistic about economic growth, which usually leads to higher tax revenue, than Wall Street analysts or the White House. The Congressional report also estimated the budget outlook with three different assumptions about the course of the war in Iraq and Afghanistan, including the unlikely possibility that no more money would be needed after next year.

Stripping out all war costs for the two countries after next year, the Congressional analysts said the federal government would save $536 billion over the next five years. But making Mr. Bush's tax cuts permanent, one of the president's top priorities, would cost $549 billion through 2009 and $2.2 trillion through 2014.

Averting a massive increase in the alternative minimum tax, a parallel tax that was originally designed to keep people from taking too much advantage of loopholes, would cost another $150 billion over the next five years and more than $400 billion over ten years.

Democrats said the new report showed Mr. Bush's tax cuts and spending policies had been reckless in transforming a record budget surplus to a record budget deficit, just a few years before the nation's retiring baby boomers start to drive up Social Security and Medicare entitlement costs by tens of billions of dollars a year.

"When the Bush administration took office in 2001, C.B.O. projected a $397 billion surplus for 2004," said Representative John W. Spratt of South Carolina, the senior Democrat on the House Budget Committee. "Under the fiscal policies of this administration, the bottom line of the budget has worsened by $819 billion in 2004 alone."

Republicans quickly countered by saying that the federal deficit this year will be smaller, and tax revenue will be higher, than either the administration or the Congressional Budget Office predicted in January and February.

"This report underscores that our policies are working to create a stronger economy, more jobs and a lower deficit," said Representative Jim Nussle, Republican of Iowa, the chairman of the House Budget Committee.

Mr. Speaker, the headline reads: "Bush Unlikely to Fulfill Vow on Deficit, Budget Office Projects." The nonpartisan Congressional Budget Office has said regardless of what happens in the wars in Iraq and Afghanistan, President Bush is very unlikely to fulfill his promise of reducing our Federal deficit by half within 5 years, which is what had been promised.

In fact, the fiscal legacy of this administration is simply horrendous. By the end of this decade it is anticipated that the Federal debt could swell by nearly an additional $5 trillion.

President Bush will not keep his promise made last February right here to cut the deficit by half. In fact, Douglas Holtz-Eakin, who is director of the Congressional Budget Office and former chief economist on the President's Council of Economic Advisors, has said the message is you cannot grow your way out of this.

The policies of this administration, the fiscal policies, are truly reckless. And I think what is of deep concern to me and to our constituents in Ohio is that when you rack up a deficit of this proportion where you are borrowing against Social Security trust funds and borrowing from foreign countries to float this debt, you leave the trust fund in jeopardy and you end up giving your independence over to those who are financing you.

And who are those holders of U.S. dollar reserves? Who are the holders of 42 percent of the bonds and securities that we have to pay off? China, Saudi Arabia, Japan, many other Middle Eastern countries.

Our tax revenues then have to go to pay interest, 42 percent of this debt now being owned by foreign interests.

This is a story which is an unfortunate development that we need to reverse this year and next year and the following year by electing people to the Presidency and to this Congress who are responsible with the taxpayers' dollars.

The second record I wish to place in the Record this evening is the death toll, just announced for U.S. troops in Iraq which passed 1,000 today, a milestone marking the continuing high cost of the war 18 months after President Bush declared an end to major combat and more than 2 months since the nominal return of sovereignty to Iraq.

□ 2045

This is truly a tragedy. The total today of those killed reached 1,001, including 756 combat deaths. According to casualties.org, a Web site that tallies U.S. military casualties in Iraq, mainly from U.S. military news releases, including combat and noncombat causes, 855 U.S. troops have died since May 1 of last year, and 140 have died since the return of sovereignty on June 28.

A total of 6,916 were wounded as of the end of August, and this past August was the most cruel of all months of this war. Our soldiers were being attacked about 2,000 times in the month of August, an average of 67 times daily, which is double the rate of attack in July when forces were attacked about 1,000 times or an average of 37 times daily.

I will place this article from Knight Ridder news in the Record at this point.

[From Knight Ridder, Sept. 7, 2004]

U.S. DEATH TOLL IN IRAQ PASSES 1,000

(By Dogen Hannah)

Baghdad, Iraq—(KRT).—The death toll for U.S. troops in Iraq passed 1,000 on Tuesday, a milestone marking the continuing high cost of the war 16 months after President Bush declared an end to major combat and more than two months since the nominal return of sovereignty to Iraq.

The total, which reached 1,001, included 756 combat deaths, according to icasualties.org, a Web site that tallies U.S. military casualties in Iraq mainly from U.S. military news releases. Including combat and noncombat causes, 855 U.S. troops have died since May 1 last year, and 140 have died since the return of sovereignty on June 28.

The daily casualty toll has been slowly rising since major combat operations ended—it now averages more than two deaths each day. April was the deadliest month of the war, with 135 U.S. soldiers losing their lives during a broad uprising in central and southern Iraq. Fifty-four U.S. troops died in July, 66 in August, and 23 so far in September.

A total of 6,916 were wounded as of the end of August, of which 3,076 returned to duty within 72 hours.

Pitched battles such as last month's three-week showdown with a militia in Najaf, during which seven Marines and two soldiers died, have grabbed headlines. But months of attacks on or by U.S. forces elsewhere have added to the toll, even as fledgling Iraqi forces shoulder more of the burden of quelling the tenacious insurgency.

On Tuesday, White House press secretary Scott McClellan said of those who died in Iraq and Afghanistan: "We remember, honor and mourn the loss of all those who made the ultimate sacrifice for freedom."

Army Lt. Col. Steven Boylan, a U.S. military spokesman in Baghdad, said the rising death toll should be kept in perspective. Each death is regrettable, he said, but the overall toll is relatively small compared with how long U.S. forces have been in Iraq and how many service members have served in the country.

"I'm not sure it is a large number when you look at it in the big scheme of things," Boylan said. "The thing that concerns me is people equating success or failure with the number. The first casualty to the last casualty, whenever that will be, is just as important and shouldn't be pegged to numbers."

The latest deaths include four soldiers killed Tuesday in Baghdad and a soldier who died Tuesday from injuries received from a roadside bomb attack Monday on a convoy in Baghdad. On Monday, the deadliest day for U.S. forces in four months, seven Marines were killed in a massive car bombing on the outskirts of Fallujah, a notorious hotspot of anti-U.S. sentiment about 40 miles west of Baghdad. Three soldiers also were killed in Baghdad and elsewhere. The approximately 140,000 U.S. service members in Iraq are deployed across a vast region stretching from Iraq's northern border with Turkey, Syria and Iran, through the country's middle and into its southern provinces. The rest of southern Iraq is the responsibility of coalition forces led by Britain and Poland.

The coalition's mission is to support the fledgling interim Iraqi government's efforts to prepare the country for nationwide parliamentary elections by Jan. 31, including establishing law and order. Boylan said U.S. military leaders have acknowledged that the insurgency is making their job difficult.

"It may not happen as fast as everybody would like," Boylan said. "It's hard work, especially when there are groups of people who don't want you in their area, for whatever reason."

Multinational soldiers were attacked about 2,000 times in August, or an average of 67 times daily, a record since the April 2003 fall of Saddam Hussein's regime, a military spokesman said this week. In July, the coalition was attacked about 1,000 times, or an average of 37 times daily.

Mortar rounds rain on military bases. Improvised explosive devices and car bombs blow apart military convoys. Gunmen armed with assault rifles, sniper rifles and rocket-propelled grenades prey on Marines and soldiers patrolling in armored vehicles or on foot. "It kind of runs the whole gamut," Boylan said of the perils facing U.S. forces. "There's still an active threat. We have to guard against that every day."

Soldiers such as Army Staff Sgt. Mathew Barker, whose 1st Cavalry company is stationed in an Iraqi National Guard building in northern Baghdad barricaded behind razor wire and earthen barriers, remain alert to the threats but try not to let the danger impede their mission.

"If you spend every waking moment worrying about what's going to happen, it isn't going to do you any good," Barker said. "Unfortunately, due to the nature of the operation—guerrilla-style tactics—you're going to have casualties. But we have a mission to accomplish." The number of organized, "full-time" insurgents is hard to quantify but is believed to be between 4,000 and 6,000, Boylan said. Also, there are an unknown number of individuals occasionally participating in insurgent activities, sometimes for money, he said.

Other reported estimates, including from U.S. military sources speaking on condition of anonymity, have put the insurgency's size as high as 20,000.

Much of the danger to U.S. forces continues to be within, and emanate from, the so-called Sunni Triangle. The region north and west of Baghdad and bounded by the predominantly Sunni Muslim cities of Tikrit, Ramadi and Baquouba is an insurgent stronghold.

So hostile are certain areas that the military has designated some cities—including Fallujah, Ramadi and Samarra in the Sunni Triangle and the southern cities of Kufa and Latifiya—"no-go zones." Yet, Army Lt. Gen. Thomas Metz said this week that U.S. forces might seek to gain control of Fallujah before next year's parliamentary election.

Such a move could add significantly to the number of U.S. casualties.

Barker, the 1st Cavalry soldier in Baghdad, looks on the casualty count with a certain degree of stoicism. "We're Army. This is our job. This is what we signed up to do," he said.

Yet he and his fellow soldiers also are keenly aware of the mounting death toll. Reading the Army's newspaper, Stars and Stripes, they can't ignore the rising number and the names of their fallen comrades-in-arms.

"Yes, it's a low figure compared to how many people have been here," Barker said. "But one death is more than enough."

Later this month I will begin a Special Order on the anniversary of September 11 that addresses the root causes of terrorism and where the rising antagonism against the United States and the West emanates from. For until we address the root causes of the hate, we cannot possibly contain the rising insurgency that cuts across borders, Nations and cultures, and our soldiers are paying the largest price for this.

Tonight we wish to thank those men and women serving our Nation through the military, whose mission is extraordinarily difficult and whose patriotism is at the highest levels, and they deserve our highest esteem and appreciation.

ASSAULT WEAPONS BAN EXTENSION

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, let me rise to acknowledge and offer my personal sympathy to the many, many families in this country who since we have been on the work recess have lost their loved ones in Iraq and Afghanistan. I think it is important as we proceed in what is going to be probably a very vigorous and adversarial 6 to 8 weeks of legislative business to let all Americans know that those of us who have vigorously opposed the policies of an undefined war and lack of an exit strategy no less have the greatest amount of respect and sympathy for those who are willing to give the ultimate sacrifice.

In the last 48 hours, we lost 7 marines in the tragedy of a car bomb in Iraq. So I wanted to make clear, as I proceed and will be debating these questions of the 9/11 Commission, how important it is to reflect upon those servants who have given their lives.

I also want to mention this evening, Mr. Speaker, the importance of the next couple of weeks and days and to focus tonight on what I think is the week's outrage.

Six days from now on September 13, 2004, this Congress and this President will allow the assault weapons ban to expire. I think that if we were to think with a deal of consciousness and be reflective, people of reason would ask the question, why.

Why, when the assault weapons ban has seen a 60 percent decrease in the use of assault weapons in crime; why, when we have seen a decrease in the number of school shootings we had just 4 or 5 years ago, when children were being shot by automatic weapons; why, in the backdrop of an automatic weapon shooting today, why would you imagine that the Republican leadership of the House and Senate refuse to do what is right? When our soldiers in Iraq and Afghanistan cannot even get flak jackets to protect them against bullets, why would we want to have in the United States of America the idea of war weaponry on the street?

Is the Speaker aware that the gun companies are now taking people's credit cards over the Internet so that on the sunset of September 13 they can simply ship these guns out en masse?

Why is democracy being denied in the very place that democracy is supposed to be enhanced? Why are we refusing to allow a vigorous and fair debate on the question of whether or not the assault weapons ban should continue? Why are we being denied the very privilege of having this legislative initiative being placed on the floor of the House and Senate simply to allow those who have differing opinions, who represent millions and millions of Americans who have pleaded with their legislators to again enact the assault weapons ban, why is the leadership refusing to acknowledge this legislative initiative?

Why is the President of the United States, who has indicated his consent and approval of the assault weapons ban, not lifting a single finger? Is this what my colleagues call flip-flop? Is this what my colleagues call indecisiveness? Is this what my colleagues call saying one thing and doing another?

It seems very clear to me. It is a tragedy. Whose child will be next that will be shot by an assault weapon? Whose employee is next? Whose employer is next; what law enforcement officer, what first responder, whom we pretend to be so supportive of, when most of the law enforcement agencies in America have asked us to extend the assault weapons ban?

This is an absurdity, this is an outrage, and we will continue to be on the floor every single day to shed the light of day, to pull the covers back to let everybody know the masquerading that is going on here in Washington, the flip-flopping, the outrage of deceit by suggesting that there is some support for the assault weapons ban, and yet the leadership of this House, dominated by the Republicans, and the Senate, refuse to allow us to have a simple debate on this question.

I believe in life over death and peace over war, and I see no conflict in the second amendment in the constitutional right to bear arms with any desire and need to carry an automatic weapon. I would support my law enforcement officers, the peace of our community and peace of this Nation over any gun manufacturer any day. Come out and show yourself. We are the truthsayers in the place. I ask for a debate on the assault weapons ban, and I ask for it to be extended.

WHY THE CAPITAL LOOKS LIKE A BEWILDERED CITY UNDER ATTACK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I thought I ought to come to the House floor this evening to explain my understanding of why the capital looks like a bewildered city under attack. The Members have not seen the worst of it yet because we have not all come to the House during rush hour or left the House during rush hour.

The District was put under an orange alert while Members were away. I am fully appreciative of the reasons for the orange alert after the IMF and World Bank were seen as targeted places. I am a member of the Select Committee on Homeland Security. I believe strong action was necessary. What we see around the House and the Senate are the primitive protections, if we can call them that.

Checkpoints, a street closure of the only street for all intents and purposes leaving from this part of the city to the transportation hub of the region, Union Station, rail, light rail, buses, Metro, this is what you would expect if we were under attack. If you get a red alert, there is nothing more to do. So we have to ask ourselves, was this necessary, was there an alternative?

Let me be clear, New York has been under an orange alert since 9/11. While very special precautions were taken during the Republican convention, and I would hope so, no major street in New York City has been closed to traffic.

During the recess I had meetings with all the security officials, Mr. Livingood, Mr. Pickle, Chief Gainer, to ask what was going on and to see whether or not we could offer some alternatives. With me also was the administrator of the District of Columbia representing the Mayor of the District of Columbia.

The first thing I asked was, do we have a citywide plan, a coordinated, citywide security plan to protect the Nation's Capital. Astonishingly, we do not. Each sector operates on its own. The Capitol Police here in the House and the Senate, that is one sector. The White House sector, through the Secret Service, the Federal agencies, that is another sector. Finally, the Metropolitan Police Department, on whom all are dependent, no coordinated plan. So on 15th Street, right by Treasury and the White House, no security checkpoints, no street closures, because the Secret Service made a calculated, analytical decision that you did not need it, that the risk was not such that you needed to close whole streets or even use checkpoints. Why are we having checkpoints here?

I believe that Mr. Livingood and the Capitol Police will shortly be forced to do the sensible thing, not to abolish the necessary checkpoints, but to look at what they say are the vehicles that concern them, larger vehicles like limousines, like SUVs, but they are peering into each and every car so that there is going to be traffic, as the Mayor says, all the way to Delaware. It is all the way, all the way to Maryland.

Mind you, the entire region is going to be affected. Many people are avoiding the area so they are clogging up 395 and downtown.

The gentleman from Ohio (Chairman NEY) and I have spoken. He believed on his own motion that there needed to be a citywide coordinated plan. He has said he wishes to have a task force with all of the players at the table. That is the only way we are really going to be secure.

We have submitted alternatives that came out of these meetings, checkpoints of the kind I just described where you, in fact, let most cars go by, but you do, in fact, stop those of a particular size. Open First Street. We have an alternative. Use checkpoints on First Street. Then narrow First Street with barricades so that cars can only go to and fro after being checkpointed. There is no way in which that does not provide the kind of protection that is needed for Dirksen and Russell, which are on each side.

Above all, let us get down to technology. They used some low technology for the first time, tested some low technology for the first time after the orange alert that had to do with manipulation of traffic lights.

I am asking Members to call my office, to let me know what their experience has been with the checkpoints and with the closure of First Street. Some of you are going to be absolutely exasperated. There are over 20,000 employees, 440 Members of the House, 100 Members of the Senate, but I need your feedback as we try to find new ways.

At the moment we are dealing with 19th century ways to protect the Nation's Capital. They would have used checkpoints and barricades 100 years ago. I think we can do better than that. We do not want the people's House and the Senate to look like an armed camp. We must protect this place not only symbolically, but because this is where the greatest government in the world is, and this is where 600,000 people live.

We have all of the resources that come with innovation because we are Americans. That spirit of innovation is not being shown around this Capitol. I need Members to come forward. Let me know what is happening so that we can compel improvements and make this House and the Senate look like the people's Congress again.

☐ 2100

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. KING of Iowa) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 7, 2004 at 4:50 p.m. and said to contain a message from the President whereby he transmits a copy of a Proclamation he has issued entitled, "To Modify the Generalized System of Preferences and for Other Purposes".

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

TO MODIFY THE GENERALIZED SYSTEM OF PREFERENCES, AND FOR OTHER PURPOSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–211)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 502(f) of the Trade Act of 1974, as amended (the "1974 Act"), I am writing to inform you of my intent to designate Iraq as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP).

I have considered the criteria set forth in sections 501 and 502 of the 1974 Act. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Iraq.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 7, 2004.*

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following titles:

H.R. 5005. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

MAJOR TOPICS IN THIS FALL'S ELECTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, there seem to be three major topics which will be determining factors in this fall's elections, and these are: the conflict in the Middle East, the economy, and values in cultural issues. I will attempt tonight to discuss each one of these areas, hopefully in a somewhat accurate, factual, and dispassionate manner. I will start with the situation in the Middle East.

One thing that we often notice as we watch the nightly news is relatively little discussion of Afghanistan; and by almost any measure, Afghanistan has been a major success. The Taliban has been removed from power, the Soviet Union left Afghanistan after several years of war, unable to conquer the Taliban; and we took them out in a matter of weeks with a loss of roughly 100 troops. The terrorist training camps have been destroyed. Terrorist funding in Afghanistan has been largely disrupted, and the terrorist leadership has been rendered largely ineffective throughout that whole country, which is roughly the size of Texas. The country is reasonably stable and has been stabilized with a very small coalition force of approximately 15,000 troops, again in a country the size of Texas.

This is a remarkable achievement. The Loyal Jurga, the constitutional convention, has been accomplished. Even with all of the rival warlords and tribal factions, they did come up with a constitution that is pro-democracy and seems to represent all factions within the country. So it was a remarkable achievement.

Karzai is certainly a very effective leader. They will have general elections on October 9, and certainly Karzai will have some opposition. But if he is elected, and I think that he will be, we will have a very powerful ally. And I think most people would have to say that this was an almost unheard of accomplishment in a period of a little over a year and a half. So Afghanistan has been a truly amazing accomplishment and one that I think that we can be very pleased with.

There are still some negatives there. There still is somewhat of an opium crop, and that has to be dealt with. A few hundred Taliban and al Qaeda forces are still active, but most have been driven back into the mountains.

Iraq, of course, is another subject; and we have heard that discussed by two or three other speakers on the House floor this evening. There is no question that there is a great deal of controversy about weapons of mass destruction, and there is no question that some of the intelligence that we have received regarding weapons of mass destruction has not been accurate.

I would say that most of the Members of this House at one time or another were invited over to the Pentagon, and we went over in groups of 10 or 15 or 20 or 30, and we were shown aerial reconnaissance photos of Iraq. Most of these were satellite photos. They were remarkably clear. You could read a license plate from outerspace because of the clarity. We were told, and I believe that the people giving us the briefing absolutely believed what they were saying, that this building here was where anthrax was being created, this was where foot and mouth disease was being experimented with, these trucks were going here, and these ammunition dumps were here and so on.

The problem was that our intelligence on the ground was very ineffective. We were relying heavily upon Iraqis for our information, and many of those Iraqis had an axe to grind. They wanted to get rid of Saddam Hussein; and, therefore, whether they deliberately did it or not, I do not know, but obviously some of the information that we received was not very accurate. So this has been certainly a major concern.

However, Great Britain, the Soviet Union, and most U.N. countries had very similar intelligence, and that is why we had 17 United Nations resolutions based on the assumption that Iraq had weapons of mass destruction. So this was certainly not a miscalculation that was done by the United States alone.

One of the main difficulties that we had was that intelligence spending in our country was cut during the 1990s; and, as a result, the expenditures on intelligence were roughly cut in half, and that certainly reduced our capabilities. So there is plenty of blame to go around, and many people have been busy pointing the finger over the last several months. However, the key issue at this point is not what happened in the past, but where do we go from here.

While I was in the Middle East, I had a conversation with a young captain from Nebraska, my home State, and this young man's name was Christ Ferdico; and he said two things that made sense to me. First of all, he said, you know, it is better that we fighter terrorists here in the Middle East than fight them in the United States. So he was saying that by being on offense, we have occupied the terrorists' attention and resources, and there is no question that we have. Some people have said we have made the world a more dangerous place. But, obviously, the financial resources, the military resources, a lot of the planning has been diverted from this country and other countries to the conflict in the Middle East, so we have not had an attack in this country since 9/11. It does not mean we will never have another attack, but it certainly means that we have, to some degree, diverted some of the attention from this country.

The second thing this young man said to me which I found to be interesting and I believe to be true, he said, I hope the American people do not lose patience. We tend to be a very impatient Nation. We want our problems solved yesterday. We sometimes do not want to pay a very great price to achieve something. And so the impatience of the American people certainly is a concern. Again, we heard some of that debate earlier from some of the other speakers.

We have lost at this point approximately 1,000 soldiers in Iraq. One is too many, and every one of those soldiers from my district that have been lost I have attempted to call their wives, their husbands, their parents and talk to them personally. It has been very interesting because I thought at some point I would run into bitterness or run into acrimony. Certainly there was sorrow, but there was also pride in every one of those phone calls. Every one of those families said, you know he really believed or she really believed in what he or she was doing. They were really proud of the effort, and we are very proud of them and their willingness to sacrifice.

In the Civil War, Mr. Speaker, we lost roughly 400,000 troops. At Antietam it was 20,000 in one day. During World War II there were approximately 450,000 soldiers who died. In Korea, roughly 50,000. In Vietnam, 60,000. In those two conflicts we really do not have much to show in any way by way of accomplishment. That is not true with this particular conflict that we are involved in today.

So, again, I do not want to in any way minimize the sacrifice of those 1,000 soldiers; but it is important historically to keep this in perspective in terms of what has been accomplished and in terms of the loss of life, which has been relatively small when you look at all of the wars that have been fought over the history of our Nation.

A few months ago, I talked to soldiers in Afghanistan, in Kuwait, and in Iraq. We visited the hospital in Ramstein, Germany, Landstahl, where most all of the casualties, the seriously injured troops from the Middle East were taken, and then more recently here at Walter Reed. I was really amazed at how positive they were. Some had been seriously injured. Some had even lost limbs, arms or legs. The prevailing sentiment was that they wanted to get back to their units.

Now, many of them would not be able to do that. And I thought at some point I would run into somebody in all those travels that would tell me, you know, this was a terrible mistake. We should not have done this. I do not know why you put us over there. That did not happen. So there seems to be a great deal of pride and a great sense of mission on the part of these young people.

So some might pose the question: Well, why would they feel that way? Has anything good happened? We talked a little about Afghanistan; but in Iraq, for instance, more than 20,000 reconstruction projects have been completed and a great many of them have been with the aid of our troops. Crude oil exports are estimated to be $8 billion worth of exports in 2004, which would be approximately prewar or maybe even exceeding prewar levels.

The average household income in Iraq has doubled over the last 8 months. Most Iraqis feel very good and very confident about their economic future. Businesses are springing up where normally there was no free enterprise at all previously. Today, there are more than 1 million automobiles more in Iraq than before the war. We have cleared roughly 17,000 kilometers of waterways for irrigation in 2003. Thirty to forty percent of the marshes drained by Saddam are now restored.

In the health care area, 85 percent of the children have been immunized.

Most of them had never been immunized previously in their lifetime. All 240 hospitals in Iraq are now open and functioning. There are 1,200 clinics in operation, and 30 times more money is being spent in Iraq today on health care than under Saddam. His people had abysmal health care under his regime.

As far as education is concerned, 2,500 schools have been rehabilitated. New desks and books have been brought in, and 32,000 new teachers have been trained. School attendance is up by 80 percent in Iraq, and in a great many of these schools girls are there for the first time. Iraq has the highest illiteracy rate of any Arab country, roughly 77 percent in the female population, so for the first time many of these young women are attending school.

Power generation continues to be a problem, but still we are generating more power today than before the war. There is still occasional brownouts or blackouts, but it is better than it was.

There are 230,000 police, military individuals, guards, that have been trained. Most of them are employed, some are still in training; but we do feel that a great deal of progress has been made in that respect.

Of course, everyone knows there has been a transfer of power to the Iraqi interim government. These are very, very brave people. They are under constant attack and surveillance, and we have to hope that they can be somewhat successful. Elections will be scheduled this January, and of course that will be a tremendous milestone. The whole Middle East, I believe, is looking at this experiment to see whether it can be successful or not, and that is why we see so many attacks from the insurgents. They absolutely do not want to see a democracy succeed in that part of the world.

The gentlewoman from Washington (Ms. DUNN) and I have formed something called the Iraqi Women's Caucus. Sounds like kind of a strange thing for a former football coach to be involved with; but we, in a conversation, came to believe that women tend to be a little less violent than men, and currently 60 percent of the population in Iraq is female because so many men have been killed. So we thought is there anything that we can do to help the Iraqi women be elected to office, or at least a certain percentage of them.

□ 2115

So we have brought Iraqi women to this country to teach them about democracy, about how they might be elected to public office, and some minimal funding has been given to these organizations. I have tried to spend time and speak to each one individually. Some of them are highly educated and speak English, some of them I speak through an interpreter, but the prevailing sentiment I get is things are better now. One lady said, we do not understand what all of the uproar is about weapons of mass destruction. Saddam Hussein was the ultimate weapon of mass destruction.

Many of these women had family members who were killed, had seen rapes in front of their families, had undergone and seen tremendous atrocities. They feel almost unanimously the Iraqi people are relieved and grateful to see Saddam Hussein gone.

They also say that the future is brighter now. They feel definitely things are better, and they see some light at the end of the tunnel.

So the major sources of information that I have tried to use as I evaluate that situation is a little bit of personal experience, but mostly what I have gleaned from talking to the soldiers who have been there and who are there and talking to Iraqi citizens who are there now, I feel that the picture I have gotten is quite different than what we get on the nightly news. Certainly not all of the news is good, and I do not want to hide our head in the sand and pretend everything is perfect. There is no question that security over there is very problematic, and the Iraqi women tell us that. The Iraqis we talk to say that security is the number one issue that they are faced with. But still, a tremendous amount has been accomplished.

A Gallup poll done a few months ago in Iraq clearly said that 80 to 90 percent of the Iraqis see a brighter future. About 80 percent would like to see some type of democratic government, a parliamentary type of government like they see in Europe, or something like what we have, and most of them would like to see their country no longer under a coalition force. But they also realize it is too soon; this is something that cannot be done at the present time.

As I look at the situation, I feel that failure really is not an option, because if we were to pull out of Iraq at this time, number one, we will have dishonored the nearly 1,000 soldiers who have lost their lives. As I have talked to their families, as I have mentioned, it would be a terrible thing to talk to one of those families and say, we are leaving now, and the death of your soldier really went for naught. I do not think we can afford to do that. They felt there was a meaning and a purpose in going there, and we have to honor their lives by making sure that there is a favorable outcome.

Number two, we will condemn thousands of Iraqis to death. Almost any Iraqi who has helped the coalition will certainly be sentenced to some type of very poor future, probably death. There is a strong likelihood of a civil war breaking out, which would be a bloodbath, and we promised the Iraqis that we would not do that. After the first Gulf War, hopefully we learned our lesson. So we have told them we will stick with them and see it through.

The third thing that would happen if we pulled out is this country would become more vulnerable to terrorism, because any time you show terrorists that their methods are successful, it only invites more terrorism. It does not involve appeasement, it does not solve anything, it only escalates the problem. We cannot allow them to see that terrorism works.

We have heard a great deal about Abu Ghraib and some of the things that have not gone well in Iraq, but I would like to tell Members, Mr. Speaker, about a young man named Troy Jenkins and what he did last April. Troy Jenkins was one of our soldiers. A young Iraqi girl apparently either had in her hands or was standing near a cluster bomb, and no one knows for sure whether she was innocent and did not know what she had, and apparently Troy Jenkins assumed she did not know. He threw himself on that cluster bomb and saved that girl's life and probably several of his comrades. We do not hear much about Troy Jenkins and the soldiers who have been willing to risk danger every day to do some of the reconstruction projects.

I think it is well that we remember that there have been many acts of heroism. Some great things have been accomplished. It has not been a universally successful operation, but still more good has occurred than bad.

The second thing I would like to talk about today, Mr. Speaker, which seems to be a matter of some controversy, is the economy. As with the war in Iraq, we find that perception often does not match reality. Some characterize the economy as being very poor. We hear this being discussed all of the time. I would like to mention just a few factors which I think are important to consider at this point.

Referring to this chart on my left, interest rates currently are the lowest in the last 40 years. Of course, low interest rates generally stimulate economic growth and investment. Inflation is again at historic lows. The Producer Price Index is roughly 1.5 percent over the last 12 months. There was a time not too many years ago when we had double-digit inflation. No economy can sustain that type of inflation. The inflation level now is very low. Productivity expanded 5 percent over the last 4 quarters. We think that is the highest in the last 20 years.

In the manufacturing sector, which we hear a lot about, employment reached a 30-year high in May. So the manufacturing sector is recovering, and employment is certainly rebounding.

Housing, homeownership was 68.6 percent last quarter. That means more than two-thirds of Americans now own their own home, an all-time high. Again, that is an encouraging sign.

Members may say if all of these things are true, what is the problem with the economy? There has got to be something wrong. The thing that we hear most often is the unemployment rate. The unemployment rate is out of sight, and people simply do not have any jobs. So we might again refer to a chart here.

During the decades of the 1970s, for that 10-year period, the average unemployment rate was 6.2 percent. During the 1980s, average unemployment went up to 7.3 percent. During the 1990s, which was an exceptionally favorable period of economic activity, if we listen to most people, particularly some Members speaking on this floor, the unemployment rate was 5.8 percent. Today, in 2004, the unemployment rate is 5.4 percent, lower than any one of those decades. If we average that 30-year period from 1970 to 2000, the average unemployment rate was 6.4 percent. Today it is 5.4 percent. That is not perfect. Mr. Speaker, we would like to see that down around 4.5 or something like that, but it is very difficult to get there. It certainly is much better than it has been historically for the last 30 years. I think that is important to realize.

Mr. Speaker, unemployment runs roughly 9 to 10 percent in the European Union. Many of us feel that the European Union countries are doing well, but their unemployment rate is roughly double what we are currently experiencing. We added 144,000 new jobs in July. So over the last 12 months, we have added 1.7 million jobs in this economy. Some will say, but since the President took office, we are still down about 700,000 jobs. We lost about 2.5 million, we got 1.7 million back, so this President is a failure. I do not necessarily think that is true, because we had 9/11. We had a recession going on when the President took office, and we had the corporate scandals. So a lot has hit this economy, but it is certainly going in the right direction. It looks like it is recovering.

In 2003, and this is something that very few people have stopped to think about or talk about, we had more Americans employed at the end of 2003 than at any time in history. What has happened is some of those roughly 2 million Americans who lost jobs started to work for themselves. So we had more people employed when we went to the household survey than ever before. So we talk about lost jobs, but many people have started their own businesses and are not destitute or out of work.

Another myth which has been circulating here recently is that all of the tax cuts that were passed have not impacted the middle class. Some have said that the middle class is now paying more than before the tax cuts. That is absolutely not true. Every segment of the tax-paying economy is paying less in taxes than before the tax cuts. So currently an average middle-class family making $35,000 or $40,000, a wife, husband and two children, pays today $1,948 less in taxes than before the tax cuts. If you are making $35,000 or $40,000, and you have $2,000 less to pay, that is significant, and that is going directly to the middle class. So whether you are talking about the top bracket, the middle bracket or the lower bracket, if they paid taxes before, they are paying less today. So it is important to realize that the average American citizen has received a substantial tax cut.

The most troubling factor, I think, as far as the economy is concerned which faces this country is well within the domain of Congress, and that is high energy prices. That is the one thing that we continually see affecting jobs, the stock market, and the economy in general. So I would like to address that very quickly because it affects trucking, airlines, agriculture, individuals, and yet one of the most discouraging things to me is we cannot get an energy bill passed in this Congress. The House has passed an energy bill, we have passed the conference report, but still it has not passed the other body. Until it becomes law, we all have failed to some degree.

I would like to flesh out briefly for one second some of the main provisions of the energy bill which I think would be so important as far as the economy is concerned. This is really something that lies at the feet of not Republicans or Democrats, it is all of us.

A key part of the energy bill is renewable fuel standards which provide for solar energy, wind energy, ethanol, and biodiesel. These are all ways to avoid being so dependent on foreign oil. Also, hydrogen fuel cell research and development is part of the energy bill, and most people feel this is the wave of the future. It is environmentally friendly and leaves no greenhouse gases. So if we want to develop hydrogen fuel cells, we need an energy bill because this is the stimulus that will cause this to happen.

In Alaska, the natural gas pipeline, we have tons of natural gas. We have thousands of tons of natural gas in Alaska at the present time, and yet we are experiencing a tremendous shortage of natural gas in this country today. So it affects fuel prices, it affects heating prices, fertilizers and all of the different things which impact our economy. If we can build that pipeline from Alaska bringing that gas down here, our economy is going to recover very quickly.

□ 2130

It is going to take a little time, 2, 3, 4 years; but it needs to be done. Then, of course, tax incentives to increase energy production. This country basically has not done much in exploration for additional oil reserves, energy reserves, nuclear power over the last 20, 30 years because of environmental regulations. We have to have some incentives to get this thing going again. Our refinery capacity has been reduced by roughly 30 percent over the last 15, 20 years. With those reductions, we put ourselves in a bind. We are now 60 percent dependent on foreign oil. We cannot continue to operate that way because projections have that going from 60 percent to 70 percent within the next few years. The buck stops here. It stops with Congress, and the blame game and partisanship is inexcusable. It simply needs to be done.

On balance, Mr. Speaker, having said all of this, I think it is important to realize that this is the strongest economy in the world. Regardless of what anyone says, it is not perfect; but the economy by most measures, by most standards, is very strong at the present time and appears to be getting stronger.

We have talked a little bit about the Middle East, and we have talked about the economy. The last topic I would like to cover has to do with the third significant factor, I think, which will bear upon the upcoming elections and that has to do with the culture. I was privileged to hear British Prime Minister Tony Blair speak in this Chamber a year ago. One comment that he made made particular sense to me. He said this: "As Britain knows, all predominant power seems for a time invincible but, in fact, it is transitory." What he was saying, I believe, is that there is sort of an illusion. When you are on top, when you are the predominant country in the world, the most powerful country in the world, it seems like that will go on forever. But he says, Great Britain has experienced this, and we know that this is transitory, that all power is eventually transitory. It does not last forever.

I would like to explore that thought a little bit tonight because history teaches that most of the world's great powers are not overcome by external military force but, rather, disassembled from within. Let us examine three such instances. First, we might take a look at Rome. That is a long time ago, about 2,000 years; but it certainly was the most dominant civilization. As a matter of fact, it ruled the whole civilized world at one time about 2,000 years ago and appeared to be invincible, but eventually it fell from preeminence.

Some of the incidents that are given by historians are a little disturbing. They said there was a general decline in morality. There was increasing corruption and instability in the leadership of the Roman Empire. An increasing public addiction to ever-more violent public spectacles. In the Roman Colosseum, as you know, the masses had to be entertained, and it got bloodier and it got bloodier. Increasing crime and prostitution and a general population that became more self-absorbed, apathetic and unwilling to sacrifice for the common good. I do not know if any of that rings home or not, but to me it is a little disturbing when you read that list.

Then, of course, Great Britain, the British Empire, dominated the world from the late 1600s through much of the 1800s, and this is what Tony Blair was talking about. That empire eventually slowly crumbled. The reasons given by historians were that they lost the national resolve to maintain their territory, which was spread all around the world, a great colonial empire, the values that led to ascendency eventually were eroded and the spiritual underpinnings shifted in that nation.

Then Russia more recently, only 20 years ago, one of two great superpowers at that time, in a matter of months Russia disintegrated before our very eyes. Alexander Solzhenitsyn reflected on this fall when he observed this: "Over a half century ago, while I was still a child, I recall a number of older people offer the following explanation for the great disasters that had befallen Russia." He said this: "Men have forgotten God. That's why all of this has happened." Marx and Lenin had dismantled Russia's religious heritage and their value system and Russia, even though it continued to do well for a number of years, had a broken foundation and eventually collapsed like a house of cards with nothing to sustain it.

Some of the common themes of these three great world powers and their historical collapse would be the following: citizens are less willing to sacrifice for others and for their country, citizens become more self-absorbed, a greater desire for the state to provide for their welfare, less personal responsibility, a weakening of commonly held values, and a decline of spiritual commitment.

What does all of this have to do with the United States and our present situation, Mr. Speaker? We certainly have the most powerful military. We have the strongest economy and the most stable government of any nation in the world today. And so it is easy to think that we are truly invincible. However, as Tony Blair stated, "As Britain knows, all predominant power for a time seems invincible but, in fact, it is transitory."

Is there reason for concern? Is there any reason to think that maybe we ought to pay attention to the current situation? I would say that there are some things over my previous 36 years spent in coaching and working with young people that have given me pause. I would like to mention some of these trends that I find disturbing. The young men that I worked with from roughly 1962 through 1997 were more talented each year. Yet they showed more signs of distress, more personal struggles. We spent more time with them off the field than we used to, and with some players off the field was really more intensive than on the field. There was less moral clarity as time passed and just generally a higher level of troubled young people.

This chart that I am going to show you reflects some of the dysfunction that we have seen and an alarming trend. From 1960, the number of juvenile court delinquency cases increased by between 400 and 500 percent, just a steady upward trend, until the late 1990s. Several factors, I believe, contributed to these changes. First of all, family stability has eroded considerably. In 1960, the out-of-wedlock birthrate, Mr. Speaker, was 5 percent, one out of every 20 young people born. Today, the out-of-wedlock birthrate is 33 percent, one out of three. And so one-third of the young people coming into our population have two strikes against them. Some of them somehow or another adapt, weave their way through, make it okay; but it is much more difficult.

In 1960, the great majority of children lived with both biological parents. Today nearly 60 percent of our young people will spend at least part of their youth without both biological parents. So at least half, and maybe more than half, of our young people have suffered some major trauma in their family life. Only 7 percent of today's families are traditional families. I use quotation marks around the word "traditional" because only 7 percent today are traditional. A traditional family would be where one parent, primarily the father usually, works full-time and one parent, usually the mother, but not always, would be home with the children. And so when the children come home from school at 3 o'clock, generally nobody is home and so the hours from 3 to 6 are the most dangerous and the most troubled hours of the day for our young people in our culture at this particular time. Parents spend 40 percent less time with children than they did a generation ago. The divorce rate has increased 300 percent since 1960. This is a big one, Mr. Speaker. Twenty-four million children today live without their real father.

Fatherless children, according to research, show the following tendencies: number one, they are more likely to be abused, girls or boys. They are more likely to have mental and emotional problems. They are more likely to abuse drugs and alcohol. More likely to commit suicide, commit a crime, or be promiscuous. The foundation of our culture, the family, is under assault. The family is the basic social unit. Some are surprised when there is concern about how marriage is defined. Many people say this is bigotry, this is religious fundamentalism, this is narrow mindedness.

The concern that I have and I think a great many people have is not against anybody. The concern is for children, because it takes a mother and a father to create a child. According to nearly all of the research I have seen, and there is a lot of it, to have an adequate family and to have a healthy child, the best chance you have is to have a father contribute to the rearing of that child and a mother contribute to the rearing of that child. It takes both, each one, a male and a female, to contribute something to the stability and the education of that child. We feel that it is important that we think this through, because some countries have redefined marriage. As they have done so, we have seen less traditional marriage, we have seen more children born out of wedlock and more children living in dysfunctional situations. If you want to preserve the culture, if you want a strong country, you absolutely must have strong families. You must have children who grow up in a healthy way.

Mr. Speaker, that is one reason why many of us have some concern about this particular issue. The family structure, the launching pad, is certainly not as stable as it once was. There are some discouraging signs. The difficult thing now is that we are taking those young people from that launching pad and we are releasing them into an environment that is much less friendly than it was 30, 40, 50 years ago.

In 1960, when I first started coaching, working with young people, drug abuse was almost unheard of. Today, of course, drug abuse is of almost epidemic proportion. Even in rural areas, an area I represent, methamphetamines, which are tremendously destructive, are very common. Another type of drug which ofttimes flies under the radar screen is that of alcohol abuse involving underage drinkers. A National Academy of Science study shows that alcohol kills 6½ times more kids than all other drugs combined. And so we are scared to death of cocaine and ecstasy and methamphetamine, and we should be; but when all is said and done, roughly 6½ times more children die from alcohol abuse than all the other drugs put together.

Alcohol underage drinking costs the U.S. $53 billion annually, roughly 2½ times what we spent to rebuild Iraq. We have 3 million teenage alcoholics. As I said, by far the biggest drug problem, and one of the major concerns is that children are starting to drink at younger and younger ages. The average young person today takes their first drink of alcohol at age 12.

Unfortunately, underage drinkers tend to binge drink. They drink on average, at an average sitting, twice as much as an adult; and, of course, alcoholism is achievable much more quickly under those circumstances. Alcohol and the drug issue is a big issue.

In addition, we have the most violent Nation in the world for young people, the highest homicide rate, the highest suicide rate, and the second-place country is not even close. Pornography has exploded. There are over 1 million porn sites on the Internet. According to the London School of Economics, nine out of 10 children ages 9 to 16 have viewed pornography on the Internet and mostly unintentionally. Corporations such as AT&T have in the past been involved in the hard-core pornography business. Some of our more respectable businesses, and I say respectable in quotes, have gotten into this business.

Many of us are somewhat dismayed by the way the FCC is regulating obscenity on the Nation's airwaves. I would have to say they are doing better. They have made some attempts to see things differently since the Super Bowl; but it took that, the Super Bowl half-time show, to get their attention. Video games, of course, are very violent. Some of them are very antisocial and of course much music, some television, many movies are graphic. The content of some of these media programs simply could not have been presented to the public 30 years ago.

I have grandchildren ages 5 to 12, and I guess anyone who has young children or grandchildren is concerned about this. The family is less stable, the environment is more threatening, and our value system has shifted. Stephen Covey in his book, "Seven Habits of Highly Successful People," reviewed all of the literature that had to do with success during the history of our Nation. He came up with something that was rather interesting. He said during that first 150 years of our Nation's existence, all of the research and all of the articles that he could find, nearly all of them, defined success in terms of character traits. A successful person was honest, a successful person was hardworking, faithful, loyal, compassionate and so on.

Then he said about 50, 60 years ago, things began to shift. What he noted was that success was no longer defined in terms of character.

□ 2145

Success had to do with material positions, how much money one had, how much power one had, how much prestige or celebrity one had. So it is very possible under this current definition to be labeled a success and really not be a very good person, not be a very sound person.

So character apparently today has very little to do with whether a person is called successful or not. And, of course, we have seen a discouraging lack of integrity in the business world: Enron, WorldCom, Global Crossing. We have seen some of it in the press, some of it in athletics, some of it in the church, some of it in politics in the last few years. So the value system has shifted.

Philosophically, the predominant world view that we see today in our culture is something called postmodernism, and it is especially prevalent on college campuses. And what postmodernism says is that there are no moral absolutes; everything is relative. So in the right circumstance, theft is okay; incest is certainly understandable, excusable; murder, adultery, treason. There are no moral absolutes. One's truth is one's truth. My truth is my truth. And there are no standards to which we can hang our moral compass.

So in view of the family breakdown, the decline of the culture, and shifting values, this is an extremely difficult time to be a young person, perhaps the most difficult time in our history, and we are asking them to weave their way through a minefield littered with alcohol and drug abuse, harmful video games, music, TV, movies, promiscuity, gangs, violent behavior, and broken homes. And I think it is important that we pay attention to this because this has to do with the strength of our culture. So this is one reason, I believe, why the President has seen a real need for mentoring, because in the absence of caring adults in the lives of young people, mentoring seems to be about the next best thing that we can do.

So a mentor is someone who cares unconditionally. A mentor is one who affirms, who says, "I believe in you, I know you can do this," and everyone at some point needs affirmation. And a mentor is one who provides guidance, who tells someone that they have this talent, and they can see them going to a community college, that they can see them developing their artistic ability or their athletic talent or their music or whatever. Everyone needs somebody who sees something in them. So we need to pay close attention, as no culture is more than one generation away from dissolution.

Two hundred years ago, de Toqueville made an astute observation, and this is what he said: He said, "America is great because America is good," and he was referring to the large number of churches and civic clubs and youth groups and individuals reaching out to help those who were less fortunate when he said this. And he was referring to the inherent decency of the American people. He was referring to the basic ethic, "Do unto others as you would have them do unto you." And de Toqueville wrote 200 years ago, as I said, and I guess the question we have to ask is, are his observations true today? Some are; however, there are certainly disturbing signs of change.

I will conclude today, Mr. Speaker, by discussing a couple of concerns that I have with the courts, and I think, as I go through this, I would like people and the Speaker to consider, as the election approaches, what candidates, what people would be most likely to address some of the dysfunction that we have discussed here, some of the concerns that we have about our culture, and some of the things that our young people are enduring.

In regard to the first amendment, we have found that there are some court decisions that at least some, including myself, would question.

In 1996 Congress passed the Communications Decency Act, that was the overwhelming majority of people in this body, that made it illegal to send indecent material to children via the Internet. But in June 1997, the Supreme Court overturned portions of the law. They said this: "Indecent material is protected by the first amendment." So indecent material is protected.

In 1996, the Child Pornography Prevention Act outlawed child pornography, including visual depictions that appear to be of a minor. In other words, this was simulated, computer-generated child pornography. In April 2002, the Supreme Court declared this law unconstitutional and overturned the law.

In October 1998, the Children Online Protection Act was passed by Congress, signed into law, and it prohibits the communication of harmful material to children on publicly accessible Web sites. The Supreme Court refused to rule on the 1998 law, and it prevented it from being enacted.

The 106th Congress passed the Children's Internet Protection Act, which requires schools and libraries that receive Federal funds to use Internet filtering to protect minors from harmful material on the Internet. In May 2002, a Federal court declared the law unconstitutional.

So free speech, indecent speech is protected, while many of our women and children are being attacked, because 80 to 90 percent of pedophiles and rapists use pornography on a regular basis.

So the argument is what people see and what they hear really does not harm anybody. This is just something that is out there in space. And if that is true, then why do we spend each year as a Nation billions of dollars on advertising? The reason is obviously that what people see and what they hear and what they read does affect behavior. It has a great impact on behavior. So there is some concern about these issues.

Another first amendment issue that is a major concern is the issue of separation of church and state. Many people assume that that is in the Constitution, separation of church and state, but actually what the Constitution says in the first amendment is this: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." So the establishment clause simply says that Congress, this body, cannot create a state religion and cannot prevent somebody from practicing a religion. That is what it says. So we have taken that and run with it.

So in 1962, the Supreme Court ruled the following prayer as being unconstitutional, and this is what the prayer said: "Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our teachers and our country." I do not want anyone to believe that I am saying that a teacher ought to get on a PA system, or the superintendent, or a teacher ought to get up in class and proselytize or try to promote a particular religious agenda. I do not believe that at all. But it seems to me that many of the rulings that we have had have taken us far afield from what the Founding Fathers originally espoused.

Benjamin Franklin said this: "We have been assured, Sir, in the Sacred Writings that except the Lord build the house, they labor in vain that build it. I firmly believe this. I also believe that without His concurring aid, we shall succeed in the political building no better than the builders of Babel; we shall be divided by our little, partial local interests; our projects will be confounded; and we ourselves shall become a reproach and a byword down to future ages."

And he goes on to say this: "I therefore beg leave to move that, henceforth, prayers imploring the assistance of Heaven and its blessing on our deliberation be held in this assembly every morning before we proceed to business." So that is the inception of why we have a prayer on the House floor and in the Senate every day before we begin business. And obviously Ben Franklin was one of the Framers of the Constitution, and yet he did not seem to see that prayer was to be abolished.

George Washington said this: "The propitious," or favorable, "smiles of Heaven can never be expected on a Nation that disregards the eternal rules of order and right which Heaven itself has ordained." So when he talks about eternal rules of order and right which Heaven has ordained, obviously he is talking about some immutable principles. He is talking about some values which do not shift with the sands and the whims of individuals. So he obviously would not agree with postmodernism.

David Barton, the historian, says this: "Franklin had warned that 'forgetting God' and imagining that we no longer needed his 'concurring aid' would result in internal disputes, the decay of the Nation's prestige and reputation, and a diminished national success. Washington had warned that if religious principles were excluded, the Nation's morality and political prosperity would suffer. Yet, despite such clear words, in cases beginning in 1962, the Supreme Court offered rulings which eventually divorced the Nation, its schools, and its public affairs for more than three centuries of heritage. America is now learning experientially what both Washington and Franklin knew to be true; we are suffering in very areas they predicted."

So in referring to the establishment clause, I would like to just make a couple of observations: In 1992, that the Supreme Court ruled that an invocation and benediction at a graduation ceremony in a high school was unconstitutional. The Court held that a minute of silence in a school was unconstitutional. In a minute of silence, somebody might look out the window, somebody might think about their history test, somebody might say a prayer, but certainly this was not infringing, I would not think, on anyone's religious principles. In a student-led prayer at a football game, the students had voted that they wanted a prayer before the football game, a student would lead the prayer, and the Supreme Court said that is not constitutional.

So the thing that has happened is that we have seen some jurists who seem to have taken what I would say great liberty with the Constitution. So the Constitution is increasingly interpreted as a "living document," in quotes. So the Constitution is not interpreted as it was written, but rather as Justices believe it should be written and as it has become. So this "living document" hypothesis has changed things dramatically.

The makeup of the courts and the will of Congress will greatly influence whether we continue to drift further from our spiritual heritage or draw close to those values upon which our Nation was founded. I believe that November's elections will directly influence not only the makeup of the Congress, but also ultimately the nature of the courts, and this is something I think we need to pay close attention to.

So there is no question that we are engaged in a cultural and spiritual struggle of huge proportion. Much is at stake. I can only hope that the principles upon which this Nation were founded remain preeminent.

THE STATE OF OUR ECONOMY

The SPEAKER pro tempore (Mr. KING of Iowa). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I listened attentively to my Republican colleague's remarks, and I do have a great deal of respect for the gentleman, but I have to take issue, I should say, with some of the comments he made.

First of all, as much as he discussed about how the situation has improved in Iraq, and I am not sure that that is the case, but he did talk about how the U.S. has spent so much money on Iraq, in reconstruction in Iraq, and hospitals, schools, other activities, the bottom line is that much of that money I think would have been better spent here.

When I was home during the district work period, I think most people know that the Congress was in recess from the end of July during the time of the Democratic convention until last week during the Republican convention, and I heard constantly in my district office at the forums that I held, at the open houses at my offices, about the problems that Americans were facing, people who had lost their jobs, people who had tried to find another job and found another job that paid less or did not provide the same benefits, people who had lost their health insurance; and I really do not believe that the situation the gentleman described about the economy is at all rosy.

The economy is not doing well. The average person is really feeling squeezed because what is happening is they work harder, and, as the gentleman mentioned, productivity is up, but wages are not keeping up with it, and Americans find themselves working harder, earning less money, and facing increased costs for gas, schools to send their kids to college, and health insurance.

□ 2200

They are really not very optimistic about the future of the economy, because the situation seems to be getting worse over the last 4 years.

So this evening I wanted to really pose, and I see some of my colleagues are here, so I would like to start with some of them, but I would really like to pose the question about whether or not over the last 4 years Americans' lives have improved or gotten worse. I think for most people, the answer is definitely that they have gotten worse.

When you ask people are they better off today than they were 4 years ago when President Bush began his Presidency, the answer is no, they are not better off. I realize that my Republican colleagues spend a lot of time talking about how the situation has improved in Iraq but, frankly, I think in many ways the money that has been spent in Iraq for reconstruction, for sewers, for hospitals, for education, has been spent at the expense of what could be done here, because as we know, many Americans really face increased costs and the inability to access health insurance, the inability to send their kids to the college of their choice, the inability in many cases even to be able to find an apartment or to pay for the gas so they can go to work.

I know that I do not want to always be pessimistic, I like to think optimistically, but the picture that the Republicans paint and the picture painted at the Republican convention last week about a rosy America and things getting better and jobs being more available, these things just simply are not true. The economy is not doing well. The job situation is not good. Most importantly, Americans feel increasingly that they work harder and that they have to pay more and that they get less.

I have some of my colleagues here tonight. I see the gentlewoman from Texas (Ms. JACKSON-LEE) is here. I know she also waited through the last hour listening to our Republican speaker. I would like to yield to her at this time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding. I am very pleased to join him and to also be joined as part of this Special Order by the gentlewoman from Chicago, Illinois (Ms. SCHAKOWSKY).

I think the wait is important, because as we return from the work recess, and I am glad the gentleman mentioned a number of constituents that he encountered, all of us have, whether they have been in our own respective districts or States, but around the Nation, I think we are at a precipice, we are at a crisis, we are at a no-return point.

What saddens me is that we have a collective body of the executive and the majority in Congress that refuses to deal with the issues that we have heard from our constituents. Might I say to you that I did not see an R on these constituents or a D or an I, meaning Independent, or a non-voter or someone who is nonpartisan or bipartisan. I saw average Americans pleading with Members of Congress to get the job done.

Might I just share with you what our colleagues are going to be spending their time on as we look toward the November election. Rather than spending intense time on getting a serious appropriations bill, because, as you well know, we are told that we may have to return for a lame duck session, and the only reason is because we are going to take up a lot of time, not on the serious issues, but on the frivolous issues that will just create the kind of political and social divisiveness that the Republicans want to see happening.

For example, I am told that the other body is going to take up the flag-burning amendment. As I understand it, Flag Day was 2 or 3 months ago. All of us understand that there are differences of opinion; but, more importantly, I do not know the last time that a flag in the United States has been burned over the last 20 years. So we are going to be dealing with that debate and question.

I understand they are going to be talking about abortion, taxes, reforming the legal system, and, of course, amending the Constitution. None of those deal with the issues that are hurting Americans today, Americans who are trying to send their children to college, those of us who have seen young people graduate from high school and their parents, middle-class parents, not having the resources, the Pell grants, the various scholarships that are necessary, because they happen to be in the middle-class squeeze. Many of them, in fact, are part of those 3 million who have lost jobs under the Republican Congress and Republican administration. In fact, this administration has already lost almost 2 million jobs; more than 5 million Americans have lost their health care, and jobs are still being shipped overseas.

So I would just like to briefly focus on health care and focus on security. I serve on the Select Committee on Homeland Security and spent a number of days in the month of August in hearings here in Washington, had the privilege of joining my colleagues, the gentleman from Texas (Mr. ORTIZ), and the gentleman from Texas (Mr. TURNER), at the border looking at crisis issues dealing with the necessary resources that our Border Patrol needs.

By the way, our Border Patrol said they do not want the military there, as many of the Republicans have tried to do over and over again, but they do want increased resources to secure the homeland by safeguarding the border.

But let me just simply say in the course of looking at America's needs, in addition to the loss of 2 to 3 million jobs and no replacement of such, the last month we saw only 144,000 jobs, way below the necessary job creation in order to catch up with the 3 million jobs lost.

While I was home in the district, I had a teacher that used to be, I believe, either a Teamster or steel worker, I think he was a Teamster, and he was indicating that he educated himself through his union work. He cannot get health insurance for his children through the State of Texas. He is a teacher teaching our children, but he cannot afford the kind of quality health insurance; he cannot pay for it.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I have to say, when I had the open houses, and at my typical open house I will have 100 people show up at one of my offices, that was the biggest concern. People had lost their health insurance, were not able to get it on the job anymore.

Again, the problem that I see is that this Bush administration talks about how they are going to improve access to health insurance, how they are going to improve access to college, No Child Left Behind. But when you talk to the people, the reality is things are getting worse on every one of these fronts. We saw statistics 2 weeks ago, a report came out, that said we started out with 40 million uninsured 4 years ago. Now it is 45 million. Just an example.

Ms. JACKSON-LEE of Texas. If the gentleman will yield further, it is continuing to grow. I know we as a body, as a Congress, have increased our access to the Web or access to the Internet. It would be interesting as we debate these issues in Special Orders, would it not be interesting to have people sign on to the Web: "I agree with this issue," "I disagree."

I would venture to say you would get 40 to 45 million hits on this question of health care and the uninsured, because it involves working people. That is what I think our colleagues, and that is why I am so concerned and so much wanting to respond to your question, are we better off today than we were 4 years ago, because the question is, we should be going forward.

What does going forward mean? It means we cannot talk about 44 million that did not have the insurance 4 years ago, and we are now 4 years later and we have done nothing as a Congress to stem the tide, or the Republican administration, to stem the tide of this travesty.

As I look at other issues that are impacting Americans, the other one that comes in at a very high level is, how would you say it, the dismantling of the pension systems of Americans around the country, whether it is a public pension system, a private pension system. Of course, Enron happens to be the poster child for that. But every single day Americans are finding out that their pensions are being decreased, diminished, or eliminated.

We have sought not to do something about that. We decided to give 1 percent of the richest Americans millions of dollars in tax cuts, but yet we have refused to come and deal with the bread and butter issues that Americans are concerned about.

I am concerned that Americans have to deal with these bread and butter issues. I am concerned that our mothers and fathers, whom we claim to be the Greatest Generation, tomorrow will have to pay a 17 percent increase in their premium on their Medicare. I have yet to call home to my mom to be able to sort of say it softly, because I know what that will mean to someone like her that is on a fixed income. She is only symbolic of the millions of senior citizens on fixed income.

I hesitate to think, a $2 billion check going to Florida, and by the way, not much money got to New York after 9-11 as quickly as it got to Florida, and I want it to go to Florida. I will be voting unanimously on it, I think it was passed unanimously tonight. But there are senior citizens who are not only suffering from Charley and Frances, but now they are getting hit from Washington, D.C. with a 17 percent increase in their premium.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I just wanted to say if you listen to the President during his acceptance speech at the convention, he said that he was going to do all these things for seniors. Of course, he trumpeted the so-called prescription drug benefit that kicks in in 2 years, in 2006, which I think is a sham.

But when asked about this 17 percent increase in premiums for Medicare part B, he said, oh, that is because health care costs have gone up. But what he neglected to mention was the biggest factor in this increase is the fact that with that prescription drug so-called benefit, which you and I realize is really not going to be a benefit in 2 years, so much money has gone to the insurers that that is resulting in the part B increase in premium going up 17 percent. There is a link between the two.

So, once again, they say we are going to help the seniors, and the reality is that their health care costs are going up tremendously. We have not had an increase like that in part B in anybody's memory. I do not know if there has ever been that much of an increase. A lot of it is linked to this sham Medicare prescription drug benefit because so much money is going to the insurers and not actually coming back to the seniors, not to mention it does not even go into effect for a couple of years.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield further, I see my colleagues here. Let me try to at least bring a few points out, and then yield back to the gentleman, because I know that everyone in their communities are finding this out.

Let me add not only to the pharmaceuticals, but the HMOs are taking a large chunk of these dollars as well, and the services, look, when you see doctors, they are complaining about the complexity of the Medicare system, the dismantling of the Medicaid system almost, where they cannot utilize that. So the victims in this are the medical professionals, nurses, nurse practitioners, doctors, hospitals and the actual consumer of the product and the other guys who stand alongside.

By the way, we all come from communities where we know that there is a lot of good work that pharmaceuticals can do. My problem is that the bad part of the business has been enhanced by this Republican agenda, that is, the 3-hour vote we had on Medicare, versus the good part, because pharmaceuticals do some good work. But the question is the benefit has not gone to the consumers. It has actually gone, in fact, to these folk that are putting money in their pocket.

What else has happened? On the front page of the Houston Chronicle today, and I think the article is all over the country, millions of dollars are being cut from research labs and research universities in America. The highest percentage of research dollars started in 1999 under President Clinton, and it continued that momentum. Now, under this administration, there are research professors that do not even know whether they will be employed. The very same researchers who found the human genome and other kinds of outstanding opportunities that we had in research, can you believe it, they are going to be shut down because we are cutting their research money.

Let me quickly just go to this question of homeland security because I think it is enormously important to point out tragically that the war in Iraq and the Afghan war, many of us understand that there is a need to finish what unfortunately was started in the wrong way.

But the problem is, as evidenced by the tragedy of seven Marines being killed in the last 24 hours, August being the highest number of casualties among our soldiers over the past couple of months, no enunciated exit strategy.

Now, let me make it very clear because our candidate, Senator KERRY, has received a beating because he has been honest, because he indicated that he voted against the $87 billion, not out of flip-flop, but because the $87 billion was not getting the job done and it was destroying the domestic agenda.

But the real question is what kind of exit strategy, with honor, does this administration, this Republican Congress, have? They absolutely have none. How do they mix that, Afghanistan's security and Iraq's security, with the idea of homeland security? I did not hear one word, much of discussion, of homeland security in the 4 or 5 days of that convention.

But let me just point out for you what is happening witn homeland security in this country. A task force headed by former Senator Warren Rudman found that the United States remains dangerously ill prepared to handle a catastrophic attack on American soil. This is not a partisan report, but is cited by the 9/11 Commission.

It specifically said the Bush budgets would leave a $98.4 billion funding gap for first responders over the next 5 years, a finding the Rand Corporation essentially seconded.

I do not believe any of these have Democratic credentials or are part of any sort of partisan activity.

This year the President is proposing to slash more than $600 million, 14 percent, from first responder funding. Similarly, the Bush administration has allocated less than $500 million for port security, even though the Coast Guard estimates that $7.5 billion is needed in the next decade. This is the homeland security of this Congress and the homeland security of this administration. The majority leader said that the 9/11 Commission report is going to be high on the agenda. Maybe it is going to be high on the agenda, but they do not want to do one single thing that the 9/11 Commission has suggested, including the fact that this so-called intelligence director, I believe, and I have legislation on this, should be a cabinet-level position. I think that is crucial in the work that we are trying to do.

I believe that we have come back and there is no agenda in this Congress; and, frankly, I think it is important for the American people if they can sign on to a Web site and say stop fooling around with frivolous issues, divisive issues, and issues that do not provide the bread and butter questions that Americans are asking, get to work.

□ 2215

I hope that the Democrats will be able to say to the Republicans in this House, we need to work on behalf of the American people, not the November 2nd election of which they are trying to establish an agenda for and, as a result, the American people are suffering. I am delighted to join the gentleman and I hope that we will continue to work so that the American people can see that there are those who believe that their jobs are to improve their quality of life.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. I know I started out asking the question, are you better off than you were 4 years ago, and I was primarily focusing on it from an economic point of view. But as the gentlewoman points out, from a security point of view as well, we can easily say that in the aftermath of 9-11, we can say that the recommendations of the 9-11 Commission and the idea of making the homeland more secure, we can really not make the case that that has happened either under this administration, so I think that is a good point that the gentlewoman makes.

I yield to the gentlewoman from Illinois.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey for leading us in these Special Orders so that we can talk truth to the American people.

The fact of the matter is that a large majority of Americans do think that the country is going in the wrong direction. They do not think they are better off today. In listening to some of our colleagues on the Republican side, it sounds like they think that the American people just do not get it; that if they would just look at their charts and really understand the truth, they would understand that things are really better.

But the fact of the matter is that it is the Republicans who do not get it, or are not listening to the people who are telling them that no, in fact, maybe they do not even read the newspapers, except the articles they like to read, because the headlines, I think it was during the convention, in fact, that were saying that, in fact, a million more people now are without any health insurance in the United States of America, that more Americans have fallen into poverty in the United States of America. The fact that there is the kind of poverty that we have here in the richest country in the world is a disgrace in and of itself, or that there are people without health care.

We are facing health care issues in my family, and one of my loved ones was just in the emergency room, got a bill for one night in the emergency room, $16,500. Now, fortunately, she has health insurance. What if she did not? She would have a bill for $16,500. You find me an American family that can easily absorb that kind of thing.

Mr. Speaker, we know that college tuition is up. We know that wages for average workers are down. We know that there are problems in after-school programs all over. We know that property taxes are going up, often wiping out any possible tax benefit that they may have had on their income tax, if any. We know that seniors are going to be paying more for Medicare. Maybe they got a measly check for a refund on their income tax, more than eaten up by the increase that they are facing in their prescription drugs and then their Medicare premiums. So they better check it out. The American people understand the country is going in the wrong direction and the economy is not good.

But I bring my colleagues good news. I have found the people who are benefiting. My husband has a pilot's license, so he gets all kinds of mail and he got this in the mail, a beautiful picture of a private jet. And it says on the front, "Bank with it. Land the ultimate tax benefit with a Cirrus high-performance aircraft." You look on the back and it says, "Deduct up to 79 percent. Your defining moment is now. Better get moving. Take delivery of the internationally acclaimed Cirrus aircraft before December 31st, 2004, and you will be able to take off with more than you think. Interested, aren't you? For only $220,000, you can purchase a Cirrus srV." That is the low-end Cirrus plane. And, it says, "You must act quickly to take advantage of this incredible tax advantage. Delivery slots are limited for the remainder of 2004," and then they cite the Jobs and Growth Tax Relief Act of 2003. "If you ever needed an incentive to fly, this is it," they say.

The Jobs and Growth Tax Relief Act of 2003, this new law makes the purchase of a new aircraft financially more attractive than ever, by providing increased incentives for new aircraft purchases delivered before December 31, 2004. This law allows bonus depreciation up to 50 percent off the purchase price of the new aircraft, and then it talks about additional write-offs.

Anyway, so get out your checkbook; $220,000 for a Cirrus srV. Your total first-year deduction, first-year deduction, $172,800, or 79 percent.

So do not tell me that there are not people benefiting from this tax cut. We got another ad that my husband cut out from Flying Magazine which he subscribes to that shows the man with his jacket flung over his shoulder coming out of this airplane. I guess this is the guy who has benefited or can benefit from the tax cuts.

Now, you explain to people who do not have a job, have been looking for a job, who cannot afford that $16,500 bill in the emergency room of a hospital, who cannot send their child to college, who does not have any health benefits from the new job that he or she got because there are not any benefits, why this is so doggone important. "Bank with it. Land the ultimate tax benefit with a Cirrus high-performance aircraft."

These are the people, this is the priority of this administration, while the rest of us, of our I guess not very smart constituents who have not figured out how great the economy is and are struggling every night at their kitchen table to figure out just how to make ends meet and have a decent life for their family. You better believe that for most Americans, this means nothing. This is a slap in the face to them.

We can do better as a country. If they think the country is in the wrong direction, it is. It is topsy-turvy, when we are not looking at those people who want an after-school program for their child, or want to be able to send their kid to college, that we are going to be able to provide a 79 percent tax break to somebody buying a private jet.

I thank the gentleman for letting me talk about this tonight.

Mr. PALLONE. Mr. Speaker, I appreciate the gentlewoman's comments, because we need to point to personal examples to show how the policies of this administration are impacting real people, and I think that that is really one of the best. I am sure that this is one of those tax loopholes that was put into the jobs bill, or whatever that bill was called, the tax bill of the Committee on Ways and Means at the request of the small aircraft companies, and it is just incredible.

I want to yield to the gentleman from Maine, but first, one of the people that came into my office when I had an open house one day, and I said it was mostly about health care and the loss of health insurance, was a guy from Edison, New Jersey, which is my largest town, and he worked for the Frigadaire plant, which made refrigerators, air conditioners, that kind of thing, and the plant closed this year and there were 1,500 jobs, they all went to China. And he came to my office because under the Job Retraining Act or something that Republicans, whenever they pass these trade bills, they say oh, do not worry, because we are going to provide all kinds of retraining. And as my colleagues know, President Bush has cut all of the retraining money, so whatever was promised out there when you lost your job that you are going to get retrained, most of that has disappeared. In New Jersey, it has pretty much dried up, the Federal dollars.

So he came in and he actually found a job which paid a little less and did not have quite the benefits of the one he lost, but still was a pretty good job. In order to get it, he had to go through some training program that was supposedly funded by the Federal Government. When he showed up at the training program, they told him that the money had been cut, there was not any more money. So he actually lost the job. It was an opportunity to find a job that paid a reasonable amount, and he lost the job because the training money was not there.

Every promise that we get from this administration, whether it is prescription drugs, or expanded health care, or more opportunities for college, or retraining, if you lose your job, it just all ends up being not true. I mean I do not know how to say it. I do not want to say it is a lie, but it is just not true. The funding is not there, the programs are not there. It is just a lot of hype, and that is what we are getting and continue to get from this administration. But I want to thank the gentlewoman for providing a really good example. Thanks.

I yield to the gentleman from Maine, one of our champions on the health care issue.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New Jersey for holding this Special Order on whether or not Americans are better off than they were 4 years ago. I particularly want to thank the gentlewoman from Illinois, because I thought that was a great example of how the very wealthiest among us can benefit enormously from the administration's tax cuts, and yet the rest of the people are basically left high and dry. That is why 50 percent of the American people have not noticed any benefit at all from the Bush tax cuts.

But that is a very good example, because it is possible, as we all know in politics, to repeat something over and over again, even if it is not true, and persuade a certain number of people that it is. I give my colleagues this example. I was coming down from Maine on the plane today and talking to the fellow on the plane and we got talking about these tax cuts which most people know are weighted for the wealthiest people in this country. And he said, Well, but don't these small businessmen and women, aren't they the ones who create most of the jobs? And you realize what the administration has been able to do. They have been able to hoodwink a certain percentage of the American people into believing that the very, very wealthiest people in this country are the small businessmen and women. Well, small businessmen and women in my State are not making $1 million a year. Maybe a few are, and I hope we will have more of them. But the cold, hard truth is, a lot of them are struggling to get by. They are really struggling with the rapid rise in their health care costs, but it simply is not true that the Bush tax cuts go to the small business community in general.

But what the administration has done and what the Republicans in Congress have done is marvelous. They have described as a small businessman the typical person who is worth a half a billion dollars, a half a billion dollars, and just because he or she has some investment somewhere in some small business, they are described as a small businessman. That is what they have done to distort the truth.

If you stand back and go to the question that you posed earlier, are most Americans better off today than they were 4 years ago? That is an appropriate question to ask. Because though elections are about the future, the record of the incumbent is really something that needs to be examined. The President and the congressional Republicans are saying, stay the course. We are back on track. The economy is doing well. Well, when the election hits, we will still be down a million private sector jobs over 4 years. This is not a 12-month problem, an 18-month problem, it is a 4-year problem. We have lost over a million private sector jobs during the Bush administration. No President since Herbert Hoover, 80 years ago, no President has had that poor of a record on job creation.

So let us think about this problem generally. Do we want to know how the economy is doing? Let us talk about jobs. We are down a million in the last 4 years; wages, median incomes in terms of real dollars adjusted for inflation are down; and health care. And what has happened in health care? Two things. The cost of health care, the premiums that people are paying, particularly in the small business community, are going up and going up rapidly. In my State of Maine, small businessmen and women will tell me, their premiums are going up 20, 30 percent a year, year after year after year. So that is one problem. The second problem is, we have seen an increase of 5 million people during George Bush's first term, 5 million people who no longer have any health insurance at all. Stay the course? Support the President? We are on the right track? It makes no sense.

The cold, hard truth reflected in these numbers is that this administration has paid attention to the stock market and to people earning $1 million or more a year, tried to provide them the benefit and tried to hoodwink the rest of the American public into believing, if only we take care of the very wealthy and we give them tax breaks, then all of the benefits will trickle down and jobs will be created.

☐ 2230

Well, the proof is in the pudding. If that strategy made sense, then the 2001 tax cut and the 2003 tax cut should have produced, according to the President's estimates, according to his Council of Economic Advisors, 7 million new jobs. And instead we are down 1 million, more than 1 million.

So all one has to do is see what they promised and look at the results. This is not a strategy that worked in the 1980s; it is not a strategy that is working today.

One other factor that ought to be thrown in, we have something over 1 million, 1.2 million, I am not sure of the exact number, people who have now fallen below the poverty line in the last 4 years. And we have detected what Alan Greenspan calls a softening in the economy already. For job creation, this year is worse than any single year during the Clinton administration. This is worse than any single year in the Clinton administration, and this is the year of recovery.

So it is pretty clear when you look at the numbers, when you look at the record, this administration has an abysmal record. And for most Americans, staying the course with this administration and the Republicans in Congress would be a foolhardy undertaking. And that is why I am so pleased that my colleague has held this Special Order tonight, because we have a lot to say and the numbers, frankly, speak for themselves.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. One of the things, before me there was a Republican who spoke, and somebody that I admire a great deal, but he cited the reasons why the Republicans feel the economy is getting better. And some of them I thought were so off base. The one that was the most off base was he talked about how productivity had increased over the last 4 years. And that is true. But the problem is it has not benefited the worker.

In other words, when I was home in New Jersey, not only did I hear from people about how they had lost their job or they had lost their health insurance, but I also heard, I found another job, I have a job, but I have to work harder and I am not getting paid as much. And that is the other reality, which is that, yes, productivity is going up, people are working harder, but they are not benefiting from it. Their real wages have decreased significantly over the last 4 years, and they do not have the pension benefits, and they do not have the health insurance benefits.

And my colleague, again, some of the things that the Republican colleague said I agreed with. He talked about character and how important it was for people to have good character and a sense of responsibility. And I think that is all true, but we are talking about people who are willing to work, in many cases work harder by his own acknowledgement than they did 4 years ago, but they should benefit from that. They should not be faced with less income in real dollars or the inability to pay for health insurance.

It is one thing to talk about character. I think Americans have a lot of character in the sense of responsibility, but they just find themselves working two jobs and in some cases three jobs and not bringing home the same amount of money in real terms that they were 4 years ago. That is the tragedy of it. It really is.

I yield to the gentleman,

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding. I have been reading this book called "The Two-Income Trap. Why Middle Class Parents Are Going Broke" by Elizabeth Warren and Amelia Warren Tyagi. There are trends going on in our economy, have been for some time, that are making life very, very hard for middle-income Americans. One is the explosion in the cost of housing. Absolute explosion. If you want to buy a house on a safe street in a place where there are good schools, you have to pay much, much more money than you did 4 years ago, 10 years ago, 20 years ago.

Second is the cost of education. Whether one is talking about preschool or college, the fact is that education costs a lot more than it used to, and yet it is more critical than ever before.

And the third is the cost of health care. The cost of health care is going up in a way that is just putting middle-income families right on the financial edge. And this is a world that the congressional leadership here, the Republican leadership and the administration just do not understand. And the reason I say that is because they never talk about it; they never talk about it.

And their economic policy is not directed at these people; it is directed to making sure that the wealthiest people in the country get very large tax cuts. Hopefully, the theory was, I remember when the 2003 tax cut was being debated last year, the theory was if we could gin up the stock market, then that will lift up the whole economy. Well, Main Street is more important than Wall Street. It comes down to ordinary people earning enough to be able to buy the goods that American manufacturers and American service providers have to offer.

And what we are seeing with outsourcing, with the squeeze and downward pressure on wages, more productivity as you say, but less hours worked and lower wages, now, this is really a very, very serious economic policy.

That is why I think that it is time for a change in direction in leadership.

Now, the administration will say anything. And what they always say if one criticizes their economic policies or any other policies they say you are being a pessimist. You are being a pessimist. So if one points out the truth, he is criticized for being pessimistic.

Frankly, JOHN KERRY has the right answer: we can do better. I mean, this country can do a lot better for the Republicans in Congress and the administration to be satisfied with net negative job growth over 4 years, with a decline in the median income wage level, with a dramatic explosion in the number of Americans who do not have health insurance, and rapidly rising premiums for those who do not. That is a record of failure. And why any American would vote for those who have espoused that kind of record of failure is really beyond me.

We need to have this debate to make sure that people understand that what they are saying about their economic policies is, frankly, not true, not grounded in sound economics, but is grounded, as it has been in the past, in wishful thinking. That if they help the very wealthiest, somehow the rest of us will benefit. We have had 4 years of it. It has not worked. It is time for a change.

Mr. PALLONE. Mr. Speaker, I wanted to mention one other thing. I was so glad my colleague mentioned about the housing market, because one of the other things that the Republican Member who preceded us talked about as to why things were better was he talked about low interest rates and linked that to homeownership. Of course, I am not advocating higher interest rates. I think that low interest rates are a good thing, although they have actually gone up a little bit in the last couple of months. But my colleague pointed out how often times, and this is certainly true where I am in my district in New Jersey, that people simply cannot afford the homeownership, even with the lower interest rates.

And what I find is happening where I am in New Jersey, I live along the coast, so the housing market has gotten so ridiculous in terms of the price of a home or even an apartment or a condo or co-op, that what is happening is any new construction is being purchased by people who have a lot of money for investment. So the people who need a new home are not able to afford it, but the people that are buying the homes are investors, or a condo or co-op unit, who then seek to rent it out or something.

And I am not saying this is always the case, but my colleague is right about the prices for homes. It is just completely out of reach. What is happening is that the people who live in my hometown of Long Branch, but it is not just Long Branch, are traditionally losing their homes and have to leave. And I do not know where they are going, certainly going to leave the district because they simply cannot afford the high prices.

So even though low interest rates help many times, they help the wealthier person who will buy a second or third home rather than the younger person who is trying to buy something because they cannot afford the prices. It is absolutely true.

Mr. ALLEN. Mr. Speaker, if I could continue that thought, one of the points that Elizabeth Warren makes in this book, "The Two-Income Trap: Why Middle-class Parents Are Going Broke," is that often it takes two incomes in order to be able to buy a home. But once you have bought the home and you have signed the mortgage, that is a fixed expense. You cannot get out of it. It is not discretionary income. It is not like cutting back on food, skipping going out to a restaurant once in a while. These expenses have become the most important expenses.

And the reason why middle-income families today have less discretionary income than middle-income families 20 years ago is because their money is all tied up in fixed expenses. It may be a car payment; it often is a house payment. One has got to have health insurance. Those costs are there.

And we need a President and we need a Congress that will focus on the real world, not some dream world which does not take account of what is going on in the lives of middle-income Americans.

I thank the gentleman again for holding this Special Order.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for coming. He is always out there in front on all the health care issues and certainly tonight was no different in that respect.

Mr. Speaker, I wanted to go back to this issue that I mentioned a couple times this evening about how people are working harder but not sharing in the gains. And I particularly mention this because I guess 2 days ago was Labor Day and my Republican colleague tonight talked about productivity and increased productivity, that that was such a positive value in the economy.

There was an article in the New York Times that was actually on Labor Day this past Monday, that was essentially trying to highlight this issue of increased productivity, or Americans working harder but not sharing in the gains. It was an op-ed piece by Bob Herbert that was entitled "An Economy That Turns American Values Upside Down." Why Americans are "working harder but not sharing in the gains."

I thought that that was so relevant because it kind of goes back to the whole issue of the middle-class squeeze that many of my Democrat colleagues were talking about tonight. I just wanted to reference certain sections of this article by Bob Herbert because I thought it was so much on point.

He begins by saying that the Labor Department reported last week that 144,000 payroll jobs were created in August. And he wants to put that, of course, in perspective: "The number was below market forecasts. It was also below the number of jobs needed to accommodate the growth in the unemployment age population. In short, this was not good news. It is only by the diminished job creation standards that have prevailed since the last recession that any positive spin could be put on last month's performance."

President Bush has been out there talking about how great it was that these 144,000 jobs were created in August. And what Bob Herbert is saying is that this is a spin that has been put on it when the reality is that over the last 4 years we have lost so many jobs.

He says, and I quote again, "After almost 3 years of recovery, our job market is still too weak to broadly distribute the benefits of the growing economy. Unemployment is essentially unchanged, job growth is stalled, and real wages have started to fall behind inflation. Prolonged weakness in the labor market has left the Nation with over 1 million fewer jobs than when the recession began."

Of course, when President Bush first took office, this is the worst position in terms of recouping lost jobs in any business cycle since the 1920s. Essentially we have to go back to Herbert Hoover in order to see a situation where so many jobs have been lost.

Then Herbert goes on to say what is happening is nothing less than a deterioration in this standard of living in the United States. And this is what I really wanted to talk about is that regardless of the number of jobs, the bottom line is that the standard of living is going down because people have to work harder and make less money.

He says, "Despite the statistical growth in the economy, the continued slack in the labor market has resulted in a decline in real wages for anxious American workers and a marked deterioration in job quality."

From 2000 through 2003, there was a $1,500 loss in median household income, or basically a 3.4 percent decrease. We have a 3.4 percent loss in real income juxtaposed with a jump in productivity. "This is the part of the story that spotlights the unfairness at the heart of the current economic setup in the U.S. While workers have been remarkably productive in recent years, they have not participated in the benefits of their own increased productivity. That does not sound much like the American way.

"Today's workers have lost power in many different ways through the slack labor market, government policies that favor corporate interests, the weakening of unions, the growth of lower-paying service industries, global trade capital mobility, the declining real value of the minimum wage, immigration and so on.

"The end result of all this is a trait of American families struggling just to hang on rather than to get ahead. The benefits of productivity gains in economic growth are flowing to profits, not worker compensation. The fat cats are getting fatter while workers, at least for the time being, are watching the curtain come down on the heralded American dream."

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I mean, I understand what my Republican colleague said earlier when he was trying to paint a rosy picture of the economy getting better. I do not even think that is true, but the bottom line is, regardless of any growth in the economy, it is not benefiting the average worker. That is why when we go home, myself and my Democratic colleagues, and we hear from our constituents, they are very pessimistic about the future because they realize that even if they have a job, that they are working harder and not making any more money in real terms and the prices for everything continue to go up.

Mr. Speaker, in the time that I have left, I just wanted to be critical, because I do not know how else to put it, of the President and the Republican convention and the way they portrayed the sort of rosy picture about America.

If you think about it, 24 years ago when Ronald Reagan was running for President, he asked American people the same question that I asked tonight, and that is, are you better off today than you were 4 years ago, but last week at the Republican national convention, every speaker that came to the podium simply ignored that question. President Bush refused to highlight any meaningful domestic accomplishments in his acceptance speech at the Republican convention.

My question, Mr. Speaker, is why are Republicans so afraid to ask the American people if they are better off than they were 4 years ago, and I think that the reason is because both the President, as well as the congressional Republicans, are smart enough to realize that if they ask the American people that question the answer for the most part would be a resounding, no, we are not better off. This is what my Democratic colleagues were saying this evening.

In fact, Mr. Speaker, President Bush's leadership on the economy has been lacking since the very early days of his administration, and I just want to get into some of these statistics about the job losses because I think they are so important.

As I said, last Friday the Department of Labor announced that 144,000 jobs were created during the month of August. That number is more than 100,000 jobs fewer than the 250,000 jobs the Bush administration estimated would be created each month this year. Over the last three months, the administration has not come close to hitting any of these estimates.

President Bush will certainly now be the first President since the Great Depression, since Herbert Hoover, to have lost jobs on his watch. Unless the economy creates 900,000 over the next few months, which is not possible really, the President will not have created one net job over the last 4 years, and if we contrast that with the economic record of President Clinton, before President Bush, Clinton created more than 20 million net jobs during his 8 years in office.

It is no wonder that the Republicans do not want to talk about their economic record and did not talk about it last week at the Republican National Convention.

Last year when the President was touting another round of his tax cuts, which I think clearly benefited the elite and more than the average American, the White House predicted that the cuts would create 2.1 million jobs in the 7 months after the passage of that tax cut bill. But what actually happened during that period? Only 296,000 jobs were created, 1.8 million short of the President's prediction. There is no indication that the tax cuts are helping the economy or that they are helping create jobs, none whatsoever.

The economic reports were so bad that President Bush's advisers refused to endorse the President's own Economic Report in which the administration predicted 2.6 million jobs would be created this year, and I think it is a good thing that the administration backed away from those estimates because there is no way its policies can create 2.6 million jobs this year.

One of my Democratic colleagues tonight talked about outsourcing, and I think that is an important factor in the issue of job loss under this administration. One of the major reasons for the current job recession is the increased exporting of high-paying, white and blue collar jobs overseas.

I mentioned an example with the gentleman who came to my office who lost his job with Frigidaire, an air conditioning plant in Edison, that basically moved to Brazil, and we lost 1,500 jobs in my district. Earlier this year, the Ford plant in my district closed, leaving more than 900 New Jersey employees without jobs.

We do not even hear President Bush talking about the outsourcing issue or the fact that jobs from New Jersey and other States are being shipped overseas. Earlier this year, we learned the Bush administration views the movement of American factory jobs and white collar work to other countries as a positive transformation that will, in the end, enrich our economy. This is the whole free-trade theme, if you will, or spin that the President puts on the whole issue of jobs going overseas, but I mean, the bottom line is our economy can continue to grow; but if it does not grow by creating jobs here and the jobs are created overseas, that seems like that is okay with President Bush but it is not okay with me. It is certainly not okay with my constituents.

If you listen to what the congressional Democrats and Senator JOHN KERRY have been saying, we support abolishing tax breaks for companies who ship jobs overseas, and I do not know what to say. I do not know how you force the President to address this issue of outsourcing. He simply does not want to do it because I do not think he thinks that it is really a bad thing, and so he is not going to address it.

The other thing I wanted to talk about, and I talked about briefly when I mentioned this Bob Herbert article, about how the jobs that are being created, they pay substantially lower than the jobs that they replace. If you can, imagine losing your job and then searching and searching for another comparable job, only to realize that you are going to have to take a big pay cut. Well, that is what constituents who came to my office during the August break told me that was happening to them.

The new jobs being created are paying more than $9,000 less than the old jobs that they replaced on the average in the United States. Families are being squeezed by falling incomes and rising costs. According to a Census report released last month, the typical family's income has fallen more than $1,500 under George Bush, and essentially what you are seeing is Americans are worse off today because of the President's economic policies.

Now, this is not true if you are wealthy. If you are a wealthy individual, you are doing fine, but it is the middle class that is essentially struggling, and instead of coming up with proposals that will help the middle class, the President chooses tax breaks for companies that ship jobs overseas. Overall, you end up with a 1.6 million job loss.

I talked tonight about how on many fronts we hear from the President or from the congressional Republicans that they are going to address some of these problems and that they are going to deal with some of the problems of the middle class squeeze. Of course, if you listened to President Bush's acceptance speech at the Republican Convention, he certainly puts a spin to suggest that somehow he is going to address health care costs, he is going to address the high cost of education, he is going to address the need for job training when someone loses their job.

But if you look at the actual record, and this happens to be true on so many domestic policy issues, you find that, in reality, what the Bush administration says is not what they actually do, and I just wanted to give a couple of examples that relate back to some of the issues that my colleagues mentioned tonight, and then I will conclude, Mr. Speaker.

I mentioned the whole job training issue, about how the President promised that there was going to be money for job training when people lost their jobs. In a second term, this was again in the President's acceptance speech last week at the Republican Convention, the President pledged to "double the number of people served by our principal job training program."

I talked about the guy who worked for Frigidaire in my district who was not able to get the job training that he was promised and ended up not being able to get another job when he lost his job at Frigidaire. In his 2005 budget, that is, the budget that we are now working on, the President proposed to cut job training and vocational education by 10 percent. That is $556 million from what Congress pledged to those programs in 2002. So the President says in his acceptance speech at the Republican Convention that if he is re-elected he is going to double the number of people served by principal job training programs, but his current budget proposal would actually cut job training by 10 percent. Absolutely inconsistent.

He talked in his acceptance speech about increased funding for community colleges because we know that a lot of people who are middle class send their kids to community college because they cannot afford a 4-year college, not to mention private 4-year college.

Last year, the Bush administration proposed cutting the largest direct aid initiative to community colleges, the Perkins Program for technical vocational training, from $1.3 billion to about $1 billion. So here he is again, the President is saying in his acceptance speech at the Republican Convention, increased funding for community colleges. In reality, his budget that was proposed for the next fiscal year cuts money for community colleges.

The biggest program that middle class people rely on in terms of direct funding for college education is the Pell grant proposal. In his speech he pledged to expand Pell grants for low and middle income families, but for the last 3 years, Bush has proposed freezing or cutting Pell grants, and that despite pledging in 2002 to raise Pell grants to a $1,500 limit, the maximum Pell grant is currently $4,050.

So, again, I can mention the health care issues, I could mention Medicare prescription drugs, education, job training. In every one of these areas, every one of these domestic what I would call priority areas, if you listened to the President's speech last week, he said we are going to address this and we are going to help the average American, but in reality, the policies for the last 3 or 4 years have done exactly the opposite.

Finally, I just want to say, if you listened to the President's speech last week at the Republican Convention, he renewed his calls to make his tax cuts permanent. This morning again I listened to the gentleman from Texas (Mr. DELAY) talk about how over the next few weeks we are going to extend the tax cuts.

The reality is that the only people that are going to benefit from these policies are high-income households. Estimates based on data from the Urban Institute, the Brookings Institution, a tax policy center, show that if the tax cuts are made permanent that the top one percent of households will gain an average of $58,200 a year. By contrast, people in the middle of the income spectrum will secure just a 2.5 percent increase in the after-tax income, with average tax cuts of $655, a little more than 1/90th of what those in the top 1 percent would receive.

So, again, these tax policies have failed. They have not turned around the economy. The economy is not improving by any standard. The only people that are benefiting from the tax policies and the Republican economic policies are essentially the very wealthy, the people that are in the top 1 percent income bracket.

I started out this evening, Mr. Speaker, by asking the question, are you better off than you were 4 years ago. Clearly, the answer is no.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. RYAN of Ohio (at the request of Ms. PELOSI) for today on account of a family emergency.

Mr. BALLENGER (at the request of Mr. DELAY) for today through September 20 on account of medical reasons.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for today on account of travel delays.

Mr. RENZI (at the request of Mr. DELAY) for today on account of attending the funeral of a friend.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MCCARTHY of New York) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and September 8.

Mr. GINGREY, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

SENATE BILLS REFERRED

A bill, a joint resolution, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2682. An act to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building"; referred to the Committee on Government Reform.

S.J. Res. 41. Joint resolution commemorating the opening of the National Museum of the American Indian; referred to the Committee on House Administration.

S. Con. Res. 109. Concurrent resolution commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution, referred to the Committee on International Relations.

S. Con. Res. 135. Concurrent Resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan; referred to the Committee on Administration.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore (Mr. TOM DAVIS of Virginia):

H.R. 2443. An act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.

H.R. 3340. An act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes.

H.R. 3463. An act to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

H.R. 4222. An act to designate the facility of the United States Postal Service located at 550 Nebraska Avenue, Kansas City, Kansas, as the "Newell George Post Office Building".

H.R. 4226. An act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty".

H.R. 4327. An act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office Building".

H.R. 4417. An act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

H.R. 4427. An act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

H.R. 4613. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4842. An act to implement the United States-Morocco Free Trade Agreement.

H.R. 4916. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Mr. Trandahl, Clerk of the House, also reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5005. Making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore (Mr. TOM DAVIS of Virginia) announced his signature to enrolled bills of the Senate of the following titles:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 22, 2004, he presented to the President of the United States, for his approval, the following bills:

H.R. 1303. To amend the E-Government Act of 2002, with respect to rulemaking authority of the Judicial Conference.

H.R. 4363. To facilitate self-help housing homeownership opportunities.

Jeff Trandahl, Clerk of the House reports that on July 26, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 1572. To designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow United States Courthouse".

H.R. 1914. To provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. To require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. To require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. To designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building".

Jeff Trandahl, Clerk of the House reports that on July 28, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 2443. A bill to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.

H.R. 3340. To redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building", respectively, and for other purposes.

H.R. 3463. To amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

H.R. 4222. To designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building".

H.R. 4226. To amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty".

H.R. 4327. To designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the "Vitilas 'Veto' Reid Post Office Building".

H.R. 4417. To modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

H.R. 4427. To designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office".

H.R. 4613. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4759. To implement the United States-Australia Free Trade Agreement.

H.R. 4916. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Jeff Trandahl, Clerk of the House reports that on August 5, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 4842. To implement the United States-Morocco Free Trade Agreement.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 8, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9353. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyrimethanil; Pesticide Tolerances [OPP–2004–0195; FRL–7371–2] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9354. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Time-Limited Pesticide Tolerances [OPP–2004–0086; FRL–7352–1] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9355. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propanoic Acid; Pesticide Tolerance [OPP–2003–0283; FRL–7358–4] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9356. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propamocarb hydrochloride; Pesticide Tolerance [OPP–2004–0100; FRL–7368–8] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9357. A communication from the President of the United States, transmitting s letter indicating the President's concurrence with Congress in the designation of funds provided as part of the Department of Defense Appropriations, FY 2005 (H.R. 4613) as an emergency requirement to support Operations Iraqi Freedom and Enduring Freedom, the Department of State's Mission in Iraq, State and local law enforcement assistance for security and related costs associated with the 2004 Presidential Candidate Nominating Conventions, the Judiciary, and to respond to the humanitarian crisis in the Darfur region of Sudan; (H. Doc. No. 108–206); to the Committee on Appropriations and ordered to be printed.

9358. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Department of Agriculture, the Department of Energy, and the Corps of Engineers; (H. Doc.

No. 108–208); to the Committee on Appropriations and ordered to be printed.

9359. A communication from the President of the United States, transmitting request for an emergency FY 2004 supplemental appropriation for the Department of Homeland Security; (H. Doc. No. 108–209); to the Committee on Appropriations and ordered to be printed.

9360. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106–246, section 3204(f) (114 Stat. 577); to the Committee on Armed Services.

9361. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [CA 287–0445; FRL–7804–2] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9362. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Restructuring and Renumbering of Wyoming Air Quality Standards and Regulations [SIP NO. WY–001–0013, FRL–7784–8] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9363. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Illinois [IL223–1a; FRL–7784–6] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9364. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; State of Alaska; Fairbanks Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes [Docket #: AK–04–002a; FRL–7792–3] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9365. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–7790–6] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9366. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan; South Coast Air Quality Management District [CA302–0463; FRL–7788–5] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9367. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Lamar and Steamboat Springs [CO–001–0076a, CO–001–0077a; FRL–7784–9] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9368. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; State of Washington; Central Puget Sound Carbon Monoxide and Ozone Second 10-Year Maintenance Plans [Docket #:WA–04–001; FRL–7792–5] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9369. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles [OAR–2003–0014; FRL–7797–6] (RIN: 2060–AG98) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9370. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting A report describing in detail Russian proliferation of WMD and ballistic missile goods, technology, expertise, and information, and of dual-use items that may contribute to the development of WMD and ballistic missiles, to Iran and other countries of proliferation concern, pursuant to 22 U.S.C. 5952 note Public Law 107–314, section 1206; to the Committee on International Relations.

9371. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

9372. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105–261, section 1512; (H. Doc. No. 108–210); to the Committee on International Relations and ordered to be printed.

9373. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–492, "Free Clinic Assistance Program Extension Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9374. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–491, "Washington Convention Center Authority Advisory Committee Continuity Third Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9375. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–490, "Juvenile Flotation Device Requirement Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9376. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–489, "District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9377. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–488, "Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9378. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–498, "Board of Education Continuity and Transition Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9379. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–504, "Washington Convention Center Authority Advisory Committee Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9380. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–503, "Inspector General Appointment and Term Clarification Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9381. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–527, "Anacostia Waterfront Corporation Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9382. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–505, "Georgetown Project and Noise Control Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9383. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–506, "Captive Insurance Company Enhancement Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9384. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–521, "Commission on Human Rights Establishment Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9385. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–522, "Office of Administrative Hearings Establishment Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9386. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–523, "Help America Vote Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9387. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–487, "Fiscal Year 2005 Budget Support Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9388. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–470, "Juvenile Flotation Device Requirement Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9389. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–473, "Mental Health Civil Commitment Extension Temporary Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9390. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–472, "Tax Increment Financing Reauthorization Date Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9391. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–471, "Walter Reed Property Tax Exemption Reconfirmation Temporary Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9392. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–469, "Eastern Market Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9393. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–476, "Office of Property Management Reform Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9394. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–475, "Public Congestion and Venue Protection Temporary Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9395. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–478, "Board of Education Continuity and Transition Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9396. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–477, "Motorized Bicycle Responsibility Clarification Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9397. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–474, "Presidential Elector Deadline Waiver Second Temporary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9398. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 108–205); to the Committee on Standards of Official Conduct and ordered to be printed.

9399. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2005 Rates [CMS 0938–AM80] (RIN: 0938–AM80) received August 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9400. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Fiscal Year 2005 [CMS–1360–N] (RIN: 0938–AM82) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9401. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit (Rev. Rul. 2004–82) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9402. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Diane Fernandez v. Commissioner 114 T.C. 324 (2000) [Docket No. 16710–99] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9403. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Kaffenberger v. United States, 314 F.3d 944 (8th Cir. 2003)—received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9404. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Appeals Settlement Guidelines; Leasing Promotions—Penalties for Leasing Stripping TransActions—received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9405. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding the Treatment of Certain Contigent Payment Debt Instruments with One or More Payments that Are Denominated in, or Determined by Reference to, a Nonfunctional Currency [TD 9157] (RIN: 1545–AW33) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9406. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Transitional Rule for Vested Accrued Vacation Pay [TD 9138] (RIN: 1545–BD12) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9407. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—2004 Section 43 Inflation Adjustment [Notice 2004–49] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9408. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—2004 Marginal Production Rates [Notice 2004–48] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9409. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Statutory Options [TD 9144] (RIN: 1545–BA75) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9410. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Extension of Time to Elect Method for Determining Allowable Loss [TD 9154] (RIN: 1545–BD64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9411. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Subsidiary Stock Loss Under Section 1.337(d)–2T [Notice 2004–58] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9412. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Forms and instructions (Rev. Proc. 2004–53) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9413. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Information Reporting for Advance Payments of Health Coverage Tax Credit [Notice 2004–47] received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9414. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update—Notice [CMS–1249–N] (RIN: 0938–AM46) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

9415. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Hospice Wage Index for Fiscal Year 2005 [CMS–1264–N] (RIN: 0938–AM78) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on September 7, 2004]

Mr. REGULA: Committee on Appropriations. H.R. 5006. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–636). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2129. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; with an amendment (Rept. 108–637). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2400. A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam (Rept. 108–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2457. A bill to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes; with an amendment (Rept. 108–639). Referred to the Committee of the Whole House on the State of Union.

Mr. POMBO: Committee on Resources. H.R. 2663. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes (Rept. 108–640). Referred to the Committee of the Whole House on the State of Union.

Mr. POMBO: Committee on Resources. H.R. 3056. A bill to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; with an amendment (Rept. 108–641). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3257. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area; with an amendment (Rept. 108–642). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3334. A bill to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California; with an amendment (Rept. 108–643). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3427. A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; with an amendment (Rept. 108–644). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3589. A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands; with an amendment (Rept. 108–645). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3597. A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California, and for other purposes; with an amendment (Rept. 108–646). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3954. A bill to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes; with an amendment (Rept. 108–647). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4010. A bill to authorize and amend the National Geologic Mapping Act of 1992 (Rept. 108–648). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4045. A bill to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; with an amendment (Rept. 108–649). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4459. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes (Rept. 108–650). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4481. A bill to amend Public Law 86–434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; with an amendment (Rept. 108–651). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4494. A bill to designate the Grey Towers National Historic Site in the Commonwealth of Pennsylvania, and for other purposes; with an amendment (Rept. 108–652). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 943. An act to authorize the Secretary of the Interior to enter into 1 or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick Project, Wyoming (Rept. 108–653). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1537. An act to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery (Rept. 108–654). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes (Rept. 108–655). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1721. An act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes (Rept. 108–656). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Resolution 431. Resolution honoring the achievements of Siegfried and Roy, recognizing the impact of their efforts on the conservation of endangered species both domestically and worldwide, and wishing Roy Horn a full and speedy recovery (Rept. 108–657). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 700. Resolution directing the Attorney General to transmit to the House of Representatives documents in the possession of the Attorney General relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, with an amendment; adversely; (Rept. 108–658). Referred to the House Calendar.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 4496. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act; with an amendment (Rept. 108–659). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4518. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code; with an amendment (Rept. 108–660). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 754. Resolution providing for consideration for the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–661). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. H.R. 3551. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; with an amendment (Rept. 108–662 Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of July 22, 2004]

Mr. BARTON: Committee on Energy and Commerce. H.R. 3143. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception, (Rept. 108–635, Pt. 1); Referred to the Committees on Financial Services, International Relations, and Judiciary for a period ending not later than October 1, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of those committees pursuant to clause 1(g), (j), and (k), rule X, respectively. Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on September 7, 2004]

H.R. 3551. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 1, 2004.

S. 144. Referral to the Committee on Agriculture extended for a period ending not later than September 30, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Florida:

H.R. 5005. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA:

H.R. 5006. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

By Mr. PORTER:

H.R. 5007. A bill to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security an Under Secretary for Local Government and Tourism, and for other purposes; to the Committee on Homeland Security (Select).

By Mr. MANZULLO (for himself and Ms. VELÁZQUEZ):

H.R. 5008. A bill to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes; to the Committee on Small Business.

By Mr. REHBERG:

H.R. 5009. A bill to extend water contracts between the United States and specific irrigation districts and the City of Helena in

Montana, and for other purposes; to the Committee on Resources.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 5010. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Resources.

By Mr. BURNS (for himself, Mr. SIMPSON, Mr. EDWARDS, Mr. NORWOOD, and Mr. WILSON of South Carolina):

H.R. 5011. A bill to prevent the sale of abusive insurance and investment products to military personnel; to the Committee on Financial Services.

By Mr. LAHOOD (for himself and Mr. JACKSON of Illinois):

H.R. 5012. A bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Financial Services.

By Mr. LARSON of Connecticut:

H.R. 5013. A bill to amend the Internal Revenue Code of 1986 to increase the frequency of disclosure of information by political organizations and to improve the linkage between databases for public disclosure of election-related information maintained by the Department of the Treasury and the Federal Election Commission; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, and Mr. LANGEVIN):

H.R. 5014. A bill to direct the Director of the National Park Service to prepare a report on the sustainability of the John H. Chafee Blackstone River Valley National Heritage Corridor and the John H. Chafee Blackstone River Valley National Heritage Commission; to the Committee on Resources.

By Mr. MCHUGH (for himself, Mr. SANDERS, and Mr. SWEENEY):

H.R. 5015. A bill to establish a Commission to commemorate the 400th anniversary of the arrival of Samuel de Champlain in the Champlain Valley and for other purposes; to the Committee on Government Reform.

By Mr. OSBORNE:

H.R. 5016. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Resources.

By Mr. PASCRELL:

H.R. 5017. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5018. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5019. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5020. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved by vinegar or acetic acid in concentrations at .5% or greater; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5021. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than .5%; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 5022. A bill to strengthen and expand scientific and technological education capabilities of associate-degree-granting colleges through the establishment of partnership arrangements with bachelor-degree-granting institutions; to the Committee on Education and the Workforce.

By Mr. SWEENEY:

H.R. 5023. A bill to amend title 38, United States Code, to provide for the payment of stipends to veterans who pursue doctoral degrees in science or technology; to the Committee on Veterans' Affairs.

By Mrs. DAVIS of California (for herself, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. MCHUGH, Mrs. WILSON of New Mexico, Mr. SKELTON, Mr. BARTLETT of Maryland, Mr. MARSHALL, Mr. SCHROCK, Mr. ALEXANDER, Mr. PALLONE, Mr. SNYDER, Mr. ISRAEL, Mr. SAXTON, Mrs. TAUSCHER, Mr. MILLER of Florida, Mr. SMITH of Washington, Mr. REYES, Mr. SPRATT, Mr. KLINE, Mr. ORTIZ, Mr. BACA, Mr. RODRIGUEZ, Mr. EVANS, Mr. RYAN of Ohio, Mr. LANGEVIN, Mr. CALVERT, Mr. FILNER, Mr. LARSEN of Washington, and Mr. HILL):

H. Con. Res. 486. Concurrent resolution recognizing and honoring military unit family support volunteers for their dedicated service to the United States, the Armed Forces, and members of the Armed Forces and their families; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HENSARLING, Mr. BURGESS, Mr. FROST, Mr. LAMPSON, Mr. BELL, Mr. STENHOLM, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. HINOJOSA, Ms. GRANGER, Mr. SANDLIN, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. ORTIZ, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. NEUGEBAUER, Mr. EDWARDS, Mr. BARTON of Texas, Mr. HALL, and Mr. REYES):

H. Con. Res. 487. Concurrent resolution recognizing Dallas/Fort Worth International Airport on the occasion of its 30th anniversary; to the Committee on Transportation and Infrastructure.

By Mr. WAXMAN (for himself, Mr. MCHUGH, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. RANGEL, Mr. BROWN of Ohio, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. MCDERMOTT, Mr. OWENS, and Mr. SNYDER):

H. Res. 755. A resolution supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance to the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. FROST, Mr. KUCINICH, Mr. MCNULTY, Ms. SCHAKOWSKY, Mr. RODRIGUEZ, Mr. HINOJOSA, Ms. BORDALLO, Ms. ESHOO, and Mr. MCGOVERN.

H.R. 480: Mr. QUINN.

H.R. 502: Mr. BRADLEY of New Hampshire.

H.R. 504: Mr. SHAYS.

H.R. 717: Mr. WEINER.

H.R. 852: Ms. LINDA T. SÁNCHEZ of California.

H.R. 857: Mr. BARRETT of South Carolina.

H.R. 979: Mr. FATTAH.

H.R. 996: Mr. SCHROCK and Mr. CLAY.

H.R. 1043: Mr. LEWIS of Georgia, Mr. NADLER, Mr. CAPUANO, and Mr. MORAN of Kansas.

H.R. 1057: Mr. YOUNG of Alaska.

H.R. 1117: Mr. FLAKE and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1118: Mr. PORTER.

H.R. 1214: Mr. TURNER of Ohio.

H.R. 1231: Ms. MAJETTE.

H.R. 1328: Mr. ANDREWS.

H.R. 1422: Mr. JOHN.

H.R. 1428: Mr. BERRY and Mr. TOM DAVIS of Virginia.

H.R. 1433: Mr. BROWN of Ohio.

H.R. 1440: Mr. MEEHAN.

H.R. 1470: Mr. SHERMAN.

H.R. 1524: Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. TOWNS, and Mr. FILNER.

H.R. 1684: Mr. LIPINSKI.

H.R. 1688: Mr. BRADY of Pennsylvania.

H.R. 1708: Mr. PORTER and Ms. MAJETTE.

H.R. 1726: Mr. PICKERING and Mr. PALLONE.

H.R. 1755: Mr. TAYLOR of North Carolina.

H.R. 1783: Mr. NEUGEBAUER.

H.R. 1859: Mr. LANTOS.

H.R. 1863: Mr. BISHOP of New York and Mr. CHANDLER.

H.R. 2034: Mr. GORDON.

H.R. 2180: Mr. ENGEL.

H.R. 2181: Mr. KIND.

H.R. 2247: Mr. SHERMAN.

H.R. 2318: Ms. HERSETH.

H.R. 2505: Mr. LANGEVIN.

H.R. 2671: Mr. HYDE and Mr. BRADLEY of New Hampshire.

H.R. 2763: Mr. PAUL, Mr. VITTER, Mr. ROGERS of Michigan, and Ms. BORDALLO.

H.R. 2851: Mr. MILLER of Florida.

H.R. 2863: Ms. PELOSI and Mr. HONDA.

H.R. 2944: Mr. PAUL.

H.R. 2959: Mr. OBERSTAR, Mr. GORDON, Mr. DEFAZIO, and Mr. PETRI.

H.R. 2963: Mr. ISSA.

H.R. 2967: Mr. GREENWOOD and Mr. PASCRELL.

H.R. 2974: Ms. SCHAKOWSKY.

H.R. 2986: Mr. FILNER.

H.R. 3052: Mr. BRADLEY of New Hampshire.

H.R. 3063: Mr. OLVER and Mr. FRANK of Massachusetts.

H.R. 3142: Mr. HOBSON, Mr. RAHALL, and Mr. KIND.

H.R. 3193: Mr. KOLBE.

H.R. 3369: Mr. HOSTETTLER and Mr. CANTOR.

H.R. 3459: Mr. HOEFFEL.

H.R. 3474: Mr. BUTTERFIELD, Mr. ANDREWS, and Mr. GUTKNECHT.

H.R. 3488: Mr. BELL.

H.R. 3539: Ms. SLAUGHTER.

H.R. 3595: Ms. WATSON.

H.R. 3780: Mr. FATTAH.

H.R. 3858: Mr. SHERMAN, Mr. HYDE, and Mr. CHANDLER.

H.R. 3881: Ms. WOOLSEY.

H.R. 3974: Mr. BUTTERFIELD and Mr. WYNN.

H.R. 4000: Mr. HOSTETTLER.

H.R. 4026: Mr. DICKS, Mr. BRADLEY of New Hampshire, Mr. SPRATT, and Mr. LEACH.

H.R. 4097: Mrs. MCCARTHY of New York and Mr. ISRAEL.

H.R. 4119: Mr. LINCOLN DIAZ-BALART of Florida and Mr. ANDREWS.

H.R. 4169: Mr. RAHALL, Mr. SMITH of New Jersey, and Mr. CHANDLER.

H.R. 4192: Mr. PASCRELL, Mr. MARKEY, Mr. MEEHAN, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. STARK, Mr. BACA, and Mr. SCHIFF.

H.R. 4204: Mrs. BIGGERT.

H.R. 4217: Mr. MARSHALL and Mr. SMITH of New Jersey.

H.R. 4307: Mr. KELLER.

H.R. 4316: Mr. STARK.

H.R. 4341: Mr. CONYERS, Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. GREEN of Wisconsin, and Mr. CHANDLER.

H.R. 4343: Mr. CANTOR, Mr. PORTMAN, Mr. GOODE, and Mr. BOOZMAN.

H.R. 4358: Mr. WELDON of Pennsylvania and Mr. ROHRABACHER.

H.R. 4430: Mr. SMITH of Texas.

H.R. 4433: Mr. COX, Mr. SCHROCK, Mr. RAMSTAD, Mr. FRELINGHUYSEN, Mr. ALLEN, and Mr. ROTHMAN.

H.R. 4440: Mr. BARTLETT of Maryland, Mr. DOOLITTLE, and Mr. BRADLEY of New Hampshire.

H.R. 4445: Mr. CUMMINGS, Mr. WATT, Mr. CLYBURN, Mr. THOMPSON of Mississippi, and Mr. BUTTERFIELD.

H.R. 4491: Mr. BISHOP of New York, Mr. HOLDEN, Mr. FROST, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. GORDON, Mr. ENGEL, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. SANDLIN, Mr. LAMPSON, Mr. ACKERMAN, and Mr. PICKERING.

H.R. 4502: Mrs. MUSGRAVE, Mr. SIMPSON, Mr. HAYES, Mr. GORDON, and Mr. BOUCHER.

H.R. 4530: Mr. HERGER and Mr. BOOZMAN.

H.R. 4561: Mr. DEUTSCH.

H.R. 4575: Mr. CLAY, Mr. HOLT, Mr. GREEN of Texas, Mr. BLUMENAUER, Mr. PASCRELL, and Ms. ROYBAL-ALLARD.

H.R. 4578: Mr. LAMPSON, Mr. NETHERCUTT, Mr. CHABOT, Mr. SIMMONS, Mr. KIND, and Mr. GONZALEZ.

H.R. 4585: Ms. CARSON of Indiana and Mr. HINCHEY.

H.R. 4605: Mr. DAVIS of Alabama.

H.R. 4610: Mr. LEACH, Mr. COSTELLO, Mr. NEAL of Massachusetts, Mr. WAXMAN, Mr. BACHUS, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS, Mr. LAMPSON, and Mr. OLVER.

H.R. 4616: Mr. CUNNINGHAM, Mr. STRICKLAND, Mr. TIAHRT, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. RANGEL, and Mr. SMITH of Washington.

H.R. 4633: Mr. ISAKSON.

H.R. 4655: Ms. SCHAKOWSKY.

H.R. 4656. Mr. FROST.

H.R. 4662. Mr. RENZI.

H.R. 4664. Mr. HINCHEY.

H.R. 4670. Mrs. LOWEY.

H.R. 4676. Mr. FILNER, Ms. SCHAKOWSKY, Mr. PASTOR, Mr. GREEN of Texas, Mr. PITTS, Mr. WYNN, Mr. GILCHREST, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RAMSTAD, Mr. SHAYS, Mr. GREENWOOD, and Ms. NORTON.

H.R. 4710. Ms. SCHAKOWSKY, Ms. WATSON, Mr. OWENS, Mr. GEORGE MILLER of California, Mr. EMANUEL, Mr. MCGOVERN, Mr. KLECZKA, Mr. DOGGETT, Mr. PALLONE, Ms. DELAURO, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. MEEKS of New York, Ms. WATERS, Mr. HOLT, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. PASCRELL, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. KANJORSKI, Mr. MCDERMOTT, Mr. FILNER, Mr. CLAY, Mr. SANDERS, Mr. UDALL of New Mexico, Ms. SOLIS, Ms. LOFGREN, Mr. KUCINICH, and Ms. WOOLSEY.

H.R. 4718. Mr. BISHOP of Georgia.

H.R. 4765. Ms. LEE.

H.R. 4769. Mr. MARKEY and Mrs. LOWEY.

H.R. 4799. Ms. SLAUGHTER, Mrs. WILSON of New Mexico, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Ms. DELAURO, Mr. PORTER, Mr. BRADLEY of New Hampshire, Mr. RANGEL, Mr. UDALL of Colorado, Mr. ETHERIDGE, Mr. WELDON of Pennsylvania, Ms. BALDWIN, Mr. STENHOLM, Mr. BLUMENAUER, Mr. MCGOVERN, Ms. BORDALLO, Ms. ROS-LEHTINEN, Mrs. DAVIS of California, and Mrs. MCCARTHY of New York.

H.R. 4823: Mr. OWENS and Mr. KUCINICH.

H.R. 4887: Mr. BISHOP of Georgia.

H.R. 4894: Mr. FARR.

H.R. 4897: Mr. MENENDEZ, Mrs. MCCARTHY of New York, Ms. LEE, Mrs. MALONEY, Mrs. DAVIS of California, Mr. HOLT, Mr. LANGEVIN, Mr. FILNER, Mrs. TAUSCHER, and Mr. BLUMENAUER.

H.R. 4905: Mr. SMITH of New Jersey.

H.R. 4914: Mr. PETRI and Mr. BURGESS.

H.R. 4917: Mrs. BLACKBURN and Ms. BALDWIN.

H.R. 4925: Mr. WILSON of South Carolina.

H.R. 4926: Mr. WILSON of South Carolina.

H.R. 4968: Mr. WHITFIELD, Mrs. NORTHUP, Mr. LUCAS of Kentucky, Mr. ROGERS of Kentucky, and Mr. CHANDLER.

H.R. 4978: Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. KILDEE, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. RAHALL, Mr. CUMMINGS, Mr. RANGEL, Mr. HOEFFEL, and Mr. DOGGETT.

H.R. 4992: Mr. SESSIONS.

H.R. 4993: Mr. SESSIONS.

H.R. 4994: Mr. MEEHAN, Mr. OBERSTAR, Ms. MCCARTHY of Missouri, Mr. GUTIERREZ, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. BORDALLO, Mr. GREENWOOD, Mr. ANDREWS, and Ms. MCCOLLUM.

H.R. 4995: Mrs. CHRISTENSEN, Mr. MARKEY, Mr. BROWN of Ohio, and Mr. BLUMENAUER.

H.J. Res. 44: Mr. GARRETT of New Jersey.

H.J. Res. 56: Mr. MARSHALL and Mr. LINDER.

H. Res. 373: Mr. MCDERMOTT, Mr. HONDA, Mr. SERRANO, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Ms. LORETTA SANCHEZ of California, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, AND Ms. WATERS.

H. Res. 556: Mr. GILCHREST.

H. Res. 596: Mr. DAVIS of Illinois, Mr. PLATTS, and Mr. KLECZKA.

H. Res. 722: Mr. BASS, Mr. DELAHUNT, Mr. TERRY, Mr. GREEN of Texas, Mr. HOLDEN, Mr. DINGELL, Mr. LANTOS, Mr. JENKINS, Mr. GORDON, Mr. CUNNINGHAM, Mr. MCINTYRE, Mr. DOGGETT, Mr. ETHERIDGE, Mr. FARR, Mr. FROST, Mr. PETERSON of Minnesota, Mr. ROSS, Mr. TIERNEY, Mr. MCHUGH, Mr. HALL, Mr. COSTELLO, Mr. SNYDER, and Mrs. MYRICK.

H. Res. 751: Mr. CHABOT, Mr. CROWLEY, and Mr. SMITH of New Jersey.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member's name was withdrawn from the following discharge petition:

[Omitted from the Record of July 22, 2004]

Petition 8 by Mr. EDWARDS on House Resolution 584: Frank W. Ballance, Jr.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5006

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

H.R. 5006

OFFERED BY: MR. GARRETT

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

H.R. 5006

OFFERED BY: MR. PAUL

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to create or implement any new universal mental health screening program.

H.R. 5006

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: In title II, in the item relating to "CENTERS FOR DISEASE CONTROL AND PREVENTION-DISEASE CONTROL, RESEARCH, AND TRAINING", in paragraph (2) of the first proviso, insert after the dollar amount (relating to the National Center for Health Statistics surveys) the following: "(increased by $2,500,000)".

In title II, in the item relating to "NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES", insert after the dollar amount the following: "(increased by $1,500,000)".

In title II, in the item relating to "CHILDREN AND FAMILIES SERVICES PROGRAMS", insert "(decreased by $4,000,000)" after the aggregate dollar amount and insert "(decreased by $4,000,000)" after the dollar amount in the tenth proviso (relating to competitive grants to provide abstinence education).

SENATE—*Wednesday, September 8, 2004*

The Senate met at 10:30 a.m. and was called to order by the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord, You are the source of every good and perfect gift. You are our light and salvation. We will not fear. Thank You for Your goodness and forgiveness. You abound in steadfast love to all who call on You. Lord, sustain us as we put our trust completely in You. Keep us from those who stir up strife and enable us to live in peace. Lord, You know the things that overpower us and You have heard our cries. Thank You for Your deliverance, for keeping our feet from falling.

Bless our Senators and their staffs. May they walk before You in the light of life. Be gracious to them and gladden their spirits with Your eternal presence. Give them strength for this day's journey and surround them with Your favor. We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY O. GRAHAM led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 8, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. GRAHAM of South Carolina thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have 1 hour of morning business, with the first half of that time under the control of the Democratic side of the aisle and the second half under the control of the majority.

ORDER OF PROCEDURE

I now ask unanimous consent that the Senate begin the Homeland Security appropriations bill as under the order following that 1-hour period.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the distinguished majority leader is propounding to the Chair that each side would have a full 30 minutes after the prayer and the pledge has been added in; is that right?

Mr. FRIST. Mr. President, that is correct. I will have about a 5-minute statement. After my statement, the Democratic leader has a statement. Then we will have 1 full hour, 30 minutes for each side.

Mr. REID. Mr. President, I appreciate that. So I do not interrupt again, I ask unanimous consent that 20 minutes be designated to the Senator from California, 10 minutes be designated—let's see. What we will do is have 19 minutes for the Senator from California, 8 minutes for Senator KENNEDY from Massachusetts, and 3 minutes for Senator SCHUMER from New York. I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Would it be OK with Senator FEINSTEIN if we could get the short speeches out of the way first? Would that be OK?

Mrs. FEINSTEIN. Yes.

Mr. REID. OK. We would go with SCHUMER, KENNEDY, and FEINSTEIN. Thank you very much, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we do expect amendments to be offered on the Homeland Security bill over the course of today's session, and we will have votes today. As a reminder, the Senate will be in recess from 12:30 to 2:15 for the weekly party luncheons to meet.

Finally, on behalf of the managers of the bill, it would be helpful if Senators would notify the managers if they intend to offer amendments to the Homeland Security appropriations measure. I believe we have most of those amendments already listed. But what we would like to do is reach an agreement to limit the amendments to allow us to finish the bill as quickly as reasonable and as possible and, therefore, Members should now notify their respective cloakrooms, if they have not already done so.

Again, we did a lot of groundwork yesterday in talking to our Members and in preparing for the Homeland Security appropriations bill. For that, I express my thanks and thanks on behalf of the leadership of the Democrats and the Republicans. As always, Senators will be notified when we come to that first vote.

SACRIFICES OF OUR MILITARY MEN AND WOMEN

Mr. FRIST. Mr. President, I want to very briefly comment on an observation that when I got home last night a lot of the media networks were talking about; that is, yesterday the U.S. military deaths in Operation Iraqi Freedom surpassed 1,000. Each one of these deaths is a sacrifice for the freedom and liberty we enjoy each and every day, and it really has focused on the importance of what the war on terror is all about, as we see what is depicted in Russia and as we see what has happened in Afghanistan and Iraq and really throughout the world and throughout the Middle East.

I wish to make the point again that we all think—we all know it, but really it does need to be said; we think it every day, but it does need to be said—that these brave men and women in uniform sacrificed their lives for the cause of freedom—freedom in this country and throughout the world—and for the security and safety of their fellow Americans. We owe them a deep debt of gratitude for their courage and for their valor and their strength and their commitment to our country and to these ideals of which we every day take advantage.

As President Bush has reiterated time and time again, and as he mentioned in an early morning meeting we had—a bicameral, bipartisan meeting that finished 15, 20 minutes ago—our cause is to fight the enemy on his soil before he can strike us here at home.

Because of our bold action, and, yes, the sacrifices this country has made, terrorists will no longer find safe harbor in Iraq. Because of our determination, Saddam Hussein now sits in a prison where his only plotting and planning is to defend himself before a war crimes tribunal. Because of our resolve, Saddam's two sadistic sons, Uday and Qusay, are dead, and many of his top lieutenants are dead or in custody. Because of America and her many allies, no longer will the civilized world be threatened by Saddam and his murderous ambitions.

From the very beginning, since President Bush launched Operation Iraqi Freedom roughly a year and a half ago, our Armed Forces have performed valiantly—from that first dramatic 3-week campaign that led to the fall of Baghdad, to the fighting that goes on right now in specific regions where the insurgents are attempting to thwart Iraq's path to self-government.

The enemies of freedom will not prevail. The President, our Commander in Chief, has made it clear they will not prevail. This body has made it clear, our U.S. Government has made it clear, the enemy will not prevail. The enemies of freedom are going to fall. The people of Iraq want democracy. Polls show over and over again that the majority of Iraqis are optimistic about their future. Now they are finally free to realize their dreams.

Our hearts do go out to the families who have lost loved ones in battle, as well as to the thousands of men and women who have been injured. The valor and courage of our young women and men in the armed services are a shining example to all of the world, and we owe them and their families our deepest respect. They now belong to America's pantheon of heroes who have given their lives for the cause of liberty.

Mr. President, I yield the floor, and we will now have an hour of morning business, with 30 minutes to each side.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for statements only of 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from California.

Mrs. FEINSTEIN. I believe I have 18 minutes of that time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California has 19 minutes.

Mrs. FEINSTEIN. I thank the Chair.

ASSAULT WEAPONS BAN TO EXPIRE

Mrs. FEINSTEIN. Mr. President, some of us have come to the Chamber today: Senator SCHUMER, who handled the assault weapons legislation 10 years ago in the House of Representatives as a member of the Judiciary Committee; Senator KENNEDY, who has been steadfast in support of this legislation for literally decades; and myself, as the Senate author of the bill. Ten years ago, the Senate, the House of Representatives, and the President of the United States stood up for the safety of the American people and against the National Rifle Association, and we passed one of the most important public safety measures this country has seen, the Federal ban on assault weapons.

That legislation was designed to dry up the supply of assault weapons over time. That legislation was designed so that no legitimate gun owner would lose their gun, nor have any.

The assault weapons ban, although not perfect, represented the best we could do to stem the growth and spread of these weapons throughout our cities and our States. That legislation is going to expire in 5 days.

A couple of months ago the Senate took a vote. We know we have 52 votes for its reauthorization for another 10-year period. Senator WARNER of Virginia joined me in sponsoring that legislation on the floor of the Senate. We also know that the legislation has been effective because gun traces to crimes committed with assault weapons have declined by two-thirds in these past 10 years.

The American people have supported the ban and their support has never waived. Today almost three-fourths of the American public supports the ban, as do more than two-thirds of gun owners.

Law enforcement supported the ban in 1994, and their support has never waived either. Every major law enforcement organization in the country supports renewing this ban, and countless individual chiefs of police, sheriffs, and line officers have put themselves on the line to express their support, too. In fact, many of these same officers are in town today to let Congress know how important the assault weapons ban is to the safety of those who face these guns in the line of duty day in and day out.

This chart illustrates the percentage of banned assault weapons used in crimes, down by nearly two-thirds since passage of the 1994 act.

The NRA will say: The bill is cosmetic. It hasn't done anything. It has been ineffective.

Then why do they make this legislation and its demise their No. 1 priority? This chart shows that they are wrong. In a moment, I will cite testimony from a former BATF analyst that says this legislation has, in fact, been effective.

Presidents Clinton, Carter, Ford, and Reagan, and even Bush, have all expressed support for renewing the ban. President Bush stated his firm support in his 2000 campaign. He has never publicly wavered from that stance. But 5 days from today, none of this support will matter. The assault weapons ban will be history, one more victim of the powerful, selfish NRA and its brutal lobbying tactics.

Because the President has steadfastly refused to put his money where his mouth is and help us renew the ban, it is going to expire without so much as even a vote in the House of Representatives. We have asked the President: Please use your leadership to convince the Speaker of the House of Representatives to bring this bill to the floor. Please use your leadership to twist some arms. If you support this, if you know the American people support it, if you believe it makes for a safer America, please help us.

We have cried out in vain. There has been no response from the White House. Instead, the President quietly awaits September 13 and hopes that after he lets the ban expire, he can once again receive the endorsement of the NRA, because the NRA is not going to make their endorsement until the ban expires.

This is truly a dark day in the Senate's history, as we let this ban, which has worked so well and has saved lives, simply fade away.

I mentioned earlier that what the ban does is prohibit the manufacture of large-capacity ammunition magazines, clips, drums, or strips of more than ten rounds. It prohibits the manufacture and sale of 19 specific types of military-style assault weapons as well as a number of other guns based on a simple test to determine whether the guns were hunting guns or weapons of war.

Come next week, companies will once again begin to churn out large-capacity ammunition devices, and powerful, easily concealed military weapons, all for civilian use. The NRA will try to hail this as a victory for hunters, but the fact is, no hunter has lost their weapon, and no hunter has been limited by the assault weapons ban. The law specifically, by name, exempts 670 hunting guns entirely.

It is also important to note that the ban grandfathered in every gun made before 1994. No innocent gun owner lost their weapon. There was no confiscation component to the bill. But by banning the future manufacture of these guns, prohibiting the sale or transfer of any newly manufactured gun, the bill's intent was to gradually dry up the supply of these guns overtime.

I mentioned I would give you some Department of Justice data. I mentioned the proportion of assault weapons used in crime has fallen more than 65 percent since the ban took effect. Let me give you an analysis that was conducted by Gerald Nunziato, who for 8 years served as the special agent in charge of the Bureau of Alcohol, Tobacco, and Firearms, the BATF's, national tracing center. This is not some fly-by-night study. This is by the one person who knows what these numbers mean better than anyone. He found two things. First, as indicated by this chart, he found that:

> Assault weapons banned by name in the Federal Assault Weapons Act have declined significantly as a percentage of guns ATF has traced to crime, and in absolute number of traces, since the Act was passed. Had this decline not occurred, thousands more of those banned assault weapons would likely have been traced to crime over the last 10 years.

He also said:

> The gun industry's efforts to evade the Federal Assault Weapons Act through the sale of "copycat" guns has not substantially undercut the positive effect of the statute in reducing the incidence of assault weapons among gun crimes.

In other words, even though craven gun manufacturers tried to evade the ban, those copycat guns did not replace banned guns in equal numbers, at least when traced to crimes.

I want to spend a couple of minutes and explain to you about a shipment that was recently found by Italian customs. Some 8,000 AK-47 assault rifles were on their way from the Romanian port of Constanta to New York City, according to press reports and BATF information, apparently bound for a gun store in Georgia by the name of Century International Arms.

These guns had a value of more than $7 million—8,000 AK-47s.

It is believed by some that these guns were being shipped to the United States in anticipation of the expiration of the assault weapons legislation. Though this shipment may very well have been illegal in any case under a 1989 Executive Order, think of one gun store buying 8,000 AK-47s in anticipation of 5 days from today. Think of where guns like these are going to go. Some are going to go to legitimate gun owners. Others are going to go to gang bangers. They are going to be sold out of the backseats of automobiles and on street corners to criminals. They have become the weapon of choice for those who go up against the police. Mr. President, that is 8,000 AK-47s in one shipment coming into the United States.

One advertisement now running in gun magazines is from a company called ArmaLite. They make postban rifles. As one can see from this advertisement, ArmaLite is now offering a coupon for a free flash suppressor for anyone who buys one of their guns. A flash suppressor is used to prevent the flash of the gun when it is fired. So if you are using it, no one can see where you are, particularly at night, by the flash of the weapon.

Let me read what this says:

> And by the way . . . ArmaLite's rifles are made to be easily retrofitted with your flash suppressor and your other pre-ban features so you don't have to wait if you're choosing an ArmaLite.

They are giving a coupon for a free flash suppressor with every new weapon to keep in your pocket as a reminder to work with the NRA to get out the vote and to keep writing and calling your legislators. That is what we are up against: flash suppressors for votes in this country. It makes me sick to my stomach.

The ad states:

> It is not legal to install this on a post-ban rifle until the assault weapons ban sunsets.

That will happen in 5 days.

A recent study by the Consumer Federation of America discovered that manufacturers are also gearing up to manufacture large-capacity ammunition clips.

This is the danger. Just yesterday in Geneva, OH, somebody stood in the main thoroughfare and fired more than 50 rounds from a big clip. No one could get to him to disarm him. Three people were wounded. He just stood there and fired the weapon indiscriminately.

One manufacturer told a caller from the Consumer Federation of America that there is a pent-up demand for 50-round clips and larger. Who needs a 50-round clip? Hunting laws in every State restrict the number of bullets in a clip to under 10. Who needs a 50-round clip?

It is clear that time has run out. It is clear the President of the United States will not help, and this is truly a sad day for this Nation.

My hope is if the ban expires and these guns and high-capacity clips once again start to flood our streets, some common sense will return to Washington and we can then put the ban in place. But I want this Senate to know, Mr. President, that I do not intend to give up. Next year, I will put a better law on virtually any bill I can find to do so, and we will come back and back and back, and we will have armor because no doubt tragedy will ensue.

The assault weapons legislation has worked. No legal owner has been denied a weapon. No weapon has been confiscated. Yet the supply of these weapons on the streets have declined. A dominant majority, upwards of 70 percent of the American people, support its reauthorization. We have bipartisan support in the Senate for its reauthorization. President Bush, please, if you care, if you are listening, do something. The House can pass this. We have had the debate in the Senate. It will only take a few minutes for the Senate to cast the same vote again, and then you can sign a piece of legislation that we know makes this Nation safer.

Mr. President, how much time remains of my time?

The ACTING PRESIDENT pro tempore. Four minutes.

Mrs. FEINSTEIN. I thank the Chair. I withhold the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I again congratulate my friends and colleagues, Senator FEINSTEIN and Senator SCHUMER, for the strong leadership they have shown on this issue and their continued perseverance and persistence in urging the House and Senate and the President to act. Unless the President and Congress act, the current Federal ban on assault weapons will expire in 5 days.

Semiautomatic weapons are killing machines with utterly no redeeming value in any sane community, and lifting this ban will put these weapons of death back in the hands of criminals and will give terrorists a new tool to attack America.

We know terrorists are now exploiting the weaknesses and loopholes in our gun laws. A terrorist training manual discovered by American soldiers in Afghanistan in 2001 advised al-Qaida members to buy assault weapons in the United States and use them against us.

The failure to renew the ban this year will drastically undermine the safety of our streets, our neighborhoods, and our schools, and strengthen terrorists and other criminals. It would be a tragic and senseless blow to the security of our homeland.

Terrorists already here in sleeper cells or coming in from abroad will be able to buy assault weapons without background checks at gun shows and wreak terror throughout the Nation.

How can we possibly allow this essential protection against crime and terrorism to expire? How can we deliberately put the security of our communities in such new and needless jeopardy?

The need for Presidential leadership has never been greater. We know we have the votes for renewing the assault weapons ban in the Senate because we passed such an amendment in March by a bipartisan vote of 52 to 47. The Republican leadership in the Senate, however, refuses to bring the ban back for another vote, and the House Republican leadership refuses to act at all.

In the 2000 campaign, President Bush specifically pledged to renew the ban, but now as the ban is about to expire, the silence from the White House is deafening. It is long past time for President Bush to live up to his commitment.

President Bush has shown that when he wants something from this Republican Congress, he gets it. When he wanted tax breaks for the wealthy, he got it. When he wanted another round of tax breaks, he got them, too. We need that same commitment from President Bush when it comes to protecting our families and securing our communities from deadly assault weapons.

President Bush, the time to act is now. Congress awaits your call.

IRAQ

Mr. KENNEDY. Mr. President, 16 months after President Bush declared "mission accomplished" aboard the USS *Abraham Lincoln*, the fighting in Iraq continues and casualties continue to mount.

Yesterday we reached a mournful milestone that we never thought possible: 1,000 brave Americans have lost their lives in Iraq. Nearly 7,000 more have been injured. The youngest of America's fallen soldiers was just 18 years old. The oldest was 59. More than half had not even celebrated their 30th birthday. They hailed from nearly every State in the Nation. They are the best of America, and we are proud of each one. Although I disagree with the President about Iraq, I honor the service and sacrifice and dedication of each of these brave men and women.

It was wrong for the President to rush to war for such a deeply questionable cause. We all know Saddam Hussein was a brutal dictator, but he did not pose the kind of immediate threat to our national security to justify a unilateral and preventive war.

Despite the President's claim that Iraq is central to the global war on terror, there was no persuasive pattern of ties or operational links between Iraq and al-Qaida. There were no nuclear weapons.

President Bush has stated that the war in Iraq was a catastrophic success. He is right in one sense. The war has been a catastrophe. The war has been a catastrophe for our fallen soldiers, far too many of whom were sent to war with no plan to win the peace. The war has been a catastrophe for their loved ones. The war has been a catastrophe for our Nation's standing in the world and for the war on terror, for it distracted us from the real threat of al-Qaida in Afghanistan. It has made the war on terrorism far harder to win and it has made America more hated in the world than at any other time in our history.

We need honest solutions that will end the terror of Osama bin Laden and destroy al-Qaida. We need honest solutions that will bring the war in Iraq to a noble end and bring our troops home with honor. This administration has had its chance and it failed the basic test of competence. It failed to deploy enough troops in Iraq to win the peace. It failed at Abu Ghraib. It failed in issuing sweetheart deals to Halliburton. It has failed the basic test of Presidential leadership.

We need a new administration that will be honest with the American people on national security and propose real solutions to make us safer and stronger.

How much time remains for the Democrats?

The ACTING PRESIDENT pro tempore. There is 8½ minutes.

Mr. KENNEDY. Whatever time remains I yield to the Senator from New York, Mr. SCHUMER.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. FEINSTEIN. Before the Senator from New York begins, I do wish to use my remaining 4 minutes.

The ACTING PRESIDENT pro tempore. There is 8 minutes 7 seconds remaining.

ASSAULT WEAPONS BAN

Mr. SCHUMER. Mr. President, I believe I have 4 minutes, which I very much appreciate and I want to thank my colleague from California for yielding the time and for her tremendous and unstinting leadership on this very important issue.

If nothing happens, AK-47s, Uzis, and TEC-9s are going to be back on the streets next week. That is a giant step backward. It is hard to believe that with all the progress we have made in the fight on crime, with the reduction in crime, with the reduction in the number in law enforcement who are hurt and killed in the line of duty, with the new war on terrorism upon us, that we are going to make it easy for anybody to get an AK-47, provided they have not been convicted of a felony. Someone on a terrorist watch list will be able to walk into a store and get an AK-47.

What is going on in America? This should not be a contest. This bill should have been renewed without a debate. Everyone who studied it has agreed it has been broadly successful. This President and the previous four, from Ronald Reagan and Gerald Ford to Bill Clinton and Jimmy Carter, are on record as being for this, and because of a small band of people who are ideologues, who are extreme, we are not going to see this happen.

This represents the dysfunction of American politics. When a country cannot deal with an issue in a straightforward, forthright way, when a country that has had success takes a step back because a narrow few have some ideological notion that everyone should be entitled to have any weapon they want—some of them even believe a bazooka or a tank is okay—then something is wrong.

We need some leadership. We need the President of the United States to ask the House of Representatives to vote on the bill. We have not heard a peep out of him. We need some leadership from the leadership of the House to allow the bill to be on the floor. The crime bill of 1994, for all the "sturm und drang," was one of the great governmental successes of the last decade.

As we wrote it, our motto in that bill was tough on punishment and smart on prevention. We brought a grand coalition from the most liberal to the most conservative to deal with the scourge of crime. The only reason there is not much of a fuss on this issue, regrettably, is because we have succeeded, because crime rates are lower and the large impetus to do more has declined because of our success.

When one has success, the answer is not to undo that success. It is to continue what has been done, and we are not. It is a sign, in my judgment, of the weakness of our politics, and even of this Republic, that the Senator from California and I are on the floor today as the gates are closing, pleading with our President and our colleagues to allow a vote to occur. This is not the America of which we should be proud.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New York. I remember my call to him 10 years ago over in the House saying, "Chuck, would you consider handling this in the House," and he did. It was not easy. After the 1994 vote, the House repealed the assault weapons legislation, under pressure from the NRA. He stood fast—we stood fast—and the law continued. I am very grateful to the Senator and I want him to know that.

Going on at this very time is a press conference of law enforcement from all over the United States. One of the people who journeyed here for this press conference is a man by the name of Lee Guelff. His brother James Guelff was a police officer working out of Northern Station in San Francisco when a call came in that there was a sniper at Pine and California Streets. Officer Guelff responded to the call. What he found was a sniper, clad from head to toe in Kevlar, with military-style semiautomatic assault weapons, as well as over 1,000 rounds of ammunition. He had his service revolver, and the shots were flying.

As he went to speed-load his weapon, he was hit in the head by a bullet of the hundreds of rounds this man fired. It took 150 police officers to bring down this man clad in Kevlar at the corner of Pine and California Streets.

These weapons are not for civilian use. These weapons all were designed for military use to kill large numbers of people in close combat. Whether it is Geneva, OH, or Pine and California Streets in San Francisco, these weapons do not belong in civilian hands.

I will show a few pictures of police officers who have been in similar status. Marion County, IN, Deputy Sheriff Jason Baker was shot with an AK-47 during a traffic pursuit. He was following directly behind the fleeing vehicle when the suspects shot him in the head with one of the rounds from the AK-47. He died that day from gunshot wounds.

Lance Corporal Dana Lyle Tate and Corporal Dyke Coursen, Beaufort County deputy sheriffs, were shot and killed with an assault rifle after responding to a domestic disturbance call. Everyone who knows law enforcement knows domestic disturbances are fraught with jeopardy. When someone has an assault weapon against a police officer entering that house, the police officers do not have a chance.

San Francisco police officer Isaac Espinoza, 29, was gunned down April 10 of this year with an AK-47. His partner was wounded as well. There were a number of bullets fired. He was shot in the back.

Los Angeles County Police Captain Michael Sparkes, just on August 10 of this year, was shot and killed while off duty in Rosewood, CA. He was taking an early morning bicycle ride when he was confronted by two alleged gang members. The two men were attempting to rob Sparkes when an exchange of gunfire occurred. Captain Sparkes was shot multiple times with an AK-47 assault rifle containing a 40-round magazine of ammunition.

Downstairs there are representatives from the Fraternal Order of Police, the International Association of Chiefs of Police, Major City Chiefs, the National Association of Police Organizations, the National Association of Black Police Officers.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mrs. FEINSTEIN. I thank you. One last statement. Virtually all of law enforcement has implored us, has requested that we reauthorize this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

CONGRESSIONAL BUDGET OFFICE SEPTEMBER UPDATE

Mr. NICKLES. Mr. President, yesterday the CBO, the Congressional Budget Office, issued their September update. It just came out. I heard my colleague and counterpart on the Budget Committee allude to it on the floor of the Senate yesterday, and he did that with great talent but maybe with a little different analysis than what I might give. So I thought I might give a little different presentation.

I think there is a lot of good news in this report. It also shows we have some big challenges before us. CBO estimates for this year we are going to have a deficit of $422 billion. That is a record in nominal terms. But it is an improvement. CBO was just predicting 6 months ago it was going to be $470-something, so it is down $56 billion. The deficits are moving down. That is good news. OMB projected earlier this year the deficit was going to be $521 billion. Now they are down around the $441 billion, so they project significant improvement. As a matter of fact, the number CBO just came up with is about $100 billion less than what OMB, the Office of Management and Budget, had predicted at the beginning of this year. So deficits are coming down. They are coming down dramatically.

I think the good news is the budget we passed last year and the tax package we passed, the economic growth package we passed last year, is working. We should be proud of it. I have been in the Senate now for 24 years. We pass a lot of different bills sometimes to stimulate growth or try to help the economy or try to do something that will have significant economic results. The bill we passed last year, the 2003 tax bill that President Bush signed in January, the tax bill that cut the tax rate on capital gains and dividends to 15 percent, the tax bill that accelerated the 2001 tax cuts and actually made them effective—that bill worked. Most of those cuts had not actually gone into effect. Some did for lower rates, but upper incomes had not received a rate reduction. Middle-income people had not received but a 1-point reduction. We accelerated the 28 percent to a 25-percent rate, the maximum rate to 35 percent, cut cap gains to 15 percent, and cut the rate on dividends to 15 percent. And guess what. It has worked. It has worked.

Since the President signed that bill, we have 1.75 million new jobs. That is 1,750,000 new jobs created. We have had 12 months in a row where we have had new jobs created every month. We really did reverse a downward trend, a decline.

We had a real chilling event on 9/11: our economy was hit. The financial structure of the United States was hit. We had a stock market that burst, frankly, in March of the year 2000. The NASDAQ declined by about 50 percent in the year 2000. Revenues to the Federal Government had been declining dramatically. You add 9/11, to that you add the war on terrorism.

Deficits are high. This Senator has spent the majority of my career trying to rein in Federal spending and hold down deficits. These deficits are very high. The good news is the deficit is coming down. Before one can criticize, they have to understand what caused the deficits. The deficits were caused by the market crash. When Alan Greenspan mentioned this a few years ago, he called it irrational exuberance in the stock market. That crashed. As a result, a lot of money, actually trillions of dollars of market value, was lost in the stock markets. That reduction applied to money coming into the Federal Government.

The money we received in the Federal Government, total receipts, was over $2 trillion in the year 2000. Last year it was about $1.78 trillion. That was not because of the tax cuts we passed. It was because of the very soft economy, and it was because of 9/11. A lot concurred at that time. President Bush realized that, this Congress realized that, and I compliment my colleagues, especially ZELL MILLER for that because he helped me cosponsor that bill we passed last year that helped make this economic recovery happen.

The other good news in this report is CBO projected real economic growth this year of 4.8 percent. That is great. They project 4.2 percent for next year. That is super. That is real economic growth over and above inflation.

So the budget has worked. The tax bill we passed last year worked. New jobs are being created, almost 2 million jobs in the last 12 months alone. So we have a lot of good news. The good news is the budget we passed last year has worked. We defeated over $800 billion worth of additional spending, most of which was offered by my colleagues on the other side of the aisle. We defeated that. The budget worked. The good news is when we passed the Department of Defense appropriations bill before we adjourned for the August recess, we put in a budget provision that caps domestic discretionary spending. That was part of the DOD appropriations bill. So we passed that part of our budget this year. That is now the law of the land. Now we can pass our appropriations bills. We are going to take up the Homeland Security bill later this afternoon, and hopefully we will be able to pass it. We have budget rules that will work to enforce limitations on that bill and all other appropriations bills. So maybe now we can go ahead and complete our appropriations process.

I mention these things to point out that there is some good news in this report. The report is also distorted because it says you have to use present base lines. Present base lines assume that all spending will continue to grow basically with inflation. This year alone, in the year 2004, we are spending about $115 billion in Iraq and Afghanistan in the war on terror. We did that through supplementals. We will not continue doing that year after year, not at those levels. In that period of time we have been fighting a war. We have hundreds of thousands of troops who are engaged in that effort.

I was in Iraq a couple of months ago. We are training 210,000 Iraqis to take our place. I was in Afghanistan. We are training thousands and thousands of Afghanis, and we have 20-some thousand troops in Afghanistan. They will be taking our place so we will not have to continue. We will not have supplementals near in this range. We had a $87 billion supplemental last year, and $28 billion included in the DOD appropriations bill. We will not have that large an amount of additional money to be used primarily to fight wars against terrorism in Iraq and Afghanistan. I am sure we will be spending some money. I am sure there will be some, but it will not be anywhere near that over a 10-year timeframe. CBO assumes we will spend $114 billion inflated for the next 10 years. That is over $1.3 trillion. Then, if you add inflation to that, in addition to that, and interest expense that they also assume, that assumes about half of their negative projections.

I might mention, too, my colleague said we have to fix the AMT, and if you add that in and extend every tax cut out there, the deficits will be terrible. I have a couple of comments.

No. 1, the President made a speech at the Republican Convention and said we need to reform the Tax Code. I will not be here, but I hope the next Congress will take the President up on that.

The Tax Code needs to be reformed. AMT is living proof that the Tax Code needs to be reformed. I look at the Tax Code as about a foot tall. I always compare it to the Bible. The Bible is about an inch. Unlike the Bible, the Tax Code contains no good news. I look at the Tax Code and it is complicated. It needs to be reformed. The President challenged Congress to do it. The next Congress should take the President up on that. You can fix AMT. There are an awful lot of anomalies and so many inconsistencies in the Tax Code. You can't fix it a paragraph at a time. You need to rewrite the entire thing. I think that can be done.

You don't have to get in this debate—well, if we continue this or that.

We have to extend the family tax provisions that expire at the end of this year. There are three of them. There is a $1,000 tax credit per child. That would revert to $700 per child if it is not extended. We need to extend the marriage penalty relief to allow married couples who have taxable incomes up to $58,000 so they will pay a 15-percent rate on taxable income up to $58,000. If you do not do it, it will revert back to some $40,000. That is about a $900 tax increase on married couples. Also, the expansion of the 10-percent bracket.

Those need to be done this year. They need to be done this month. Hopefully this Congress will get that done. I expect we will. I am a conferee of that particular bill which is in conference. I am optimistic we will get that extended.

We need to reform the Tax Code. Some people say we need a higher personal rate; we want to sock it to the wealthier people who are paying a 35-percent rate. That is the same rate General Motors pays. I don't think wealthy people should have to pay more than the largest corporations in the world.

I am in favor of reforming the Tax Code. I think the President is right on in that effort. Instead of trying to paint the most negative picture possible with a doomsday scenario of the deficit getting bad, assuming we are going to a war in Iraq every year, which is not going to happen, and assuming a lot of negatives that, frankly, I do not agree with, I think future Congresses can reform the Tax Code and do it without "having higher tax rates" on individuals than you have on General Motors and other corporations.

The good news is CBO says deficits are falling. That is good. The tax cuts we passed last year, frankly, are raising more revenues than people anticipated. That is good. CBO overestimated revenue. They kept telling us we think it is going to be better. Revenue crashed when the stock market crashed. It took a lot of economic viability out of the economy. When we introduced the tax bill last year, the Dow Jones was at 7,700. Because of the tax cut we passed last year, today the Dow Jones is 10,300. The Nasdaq is up over 40 or 50 percent more than it was when we introduced the bill a little over a year ago—almost 2 years ago in January. We passed the bill in June of last year. We have seen very positive results in the stock market. We have seen very positive results in the economy with 4.8 percent growth. Now we have seen very positive results in employment with almost 2 million new jobs created, including in the manufacturing sector which has been on a 1-year decline. We now see an uplift in the manufacturing sector as well. The good news is the economy is growing. The bill we passed last year has had a positive impact.

With the cooperation of Senator STEVENS, we were able to put in a cap on discretionary spending in the DOD appropriations bill. Now Congress can move forward. That is half of our budget.

If somebody wants to know, the budget basically deals with how much money you are going to spend and how much money you are going to tax. This takes care of the spending side of it and puts the cap on spending, replacing the cap we passed in the previous budget. It supersedes that. Now we have a new cap on domestic discretionary spending of $821 billion. That is what we passed on the floor of the Senate. That is what we agreed to and that is what is now the law of the land. I think that is good news as well. That will constrain spending. We will probably find out later this afternoon.

I think we have some good news on the economy. We have good news because the future deficits are falling. The economy is growing, and we have a little work to do to finish the appropriations bills and to finish action on a couple of tax bills this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SENATE SCHEDULE

Mr. THOMAS. Mr. President, I certainly appreciate the comments of my friend from Oklahoma. There are some positive things that have resulted after a number of very difficult years. I certainly appreciate the leadership which he has given on the budget.

I wanted to talk a moment about Senate business. Of course, I suppose we all have ideas about what we could do. We will be here for another month. Obviously, we can't do everything that is out there before us. Clearly, there were a lot of items we couldn't complete partly as a result of the fact that, frankly, we have not done as much over the last year as we should have and could have done. Some of that, of course, has been because of the Presidential election which is still looming before us. That has caused arguments on a lot of things which are more political than need to be. It is not unusual for the Congress to be political, of course. But I think to the extent it has been, it is more than usual. I hope we can move forward.

I was encouraged about what our leadership said yesterday as we try to move forward and try to actually cooperate on some things. Unfortunately, before the day is over I think we are back into the same old routine of trying to put the blame on everyone, and so on. The fact is we have work to do. We have an opportunity to do it. As I said, we will not all agree on what they ought to be, but it seems to me the real challenge before us is to set some priorities. We have a certain amount of time. We can do a certain number of things. Admittedly, we will have different ideas about what those priorities ought to be. I wanted to share that.

It seems to me it is important to do the things in a timely manner which have an impact on the economy—things Senator NICKLES also talked about. One is appropriations. Appropriations were intended to be done in July and August at the end of the fiscal year—at the end of September. We are a little late on those. The Appropriations Committee has been dealing with them for a long time. It seems to me that we ought to be prepared to move forward within the budget. It is one of the most important things.

I happen to believe energy is one of the most important things we have to deal with, to have an energy policy which gives us some idea as to the direction we are going to take when we deal with the obvious difficulties of energy. The cost of energy, the import percentages we have to expect from overseas, with all of the unrest in the Middle East where some of it comes from—those are the kinds of things we need to deal with. We have talked about it now for about 3 years. We have a policy. A policy has been on the floor. Unfortunately, as it moved to the floor the last time it was filibustered and we lacked the votes to get it passed. We need to pass it. In my view, that would have a great impact on the highway bill.

Again, we have had a highway bill for some time. We had a 6-year bill. It expired a year ago. Now we are proceeding monthly. We need to get a longer term highway bill in place.

As I traveled around my State of Wyoming last month, I probably heard as much about that as anything, how important the transportation system is to all of us. Coupled with that, of course, is the number of jobs developed by having the opportunity to move forward.

I commend the chairman and his staff for working during the recess. We had differences on what the spending level ought to be, which should not have been that difficult because this spending is the result of transportation. That is what those taxes are for; to expend those on highway and related transportation is what it is all for. I understand we are reaching some agreements on what that ought to be. We have had differences with the Senate and the House and the White House. But we need to move forward.

Certainly, our State of Wyoming is particularly dependent on transportation because the miles per capita are very large. We have lots of miles—not only used in Wyoming but used by others with a relatively small population. It is very important to us. The economic impact, of course, is very important. For every $1 billion spent, 47,000 jobs are created—and created quickly.

One of the problems, of course, is much of the highway construction is done by contracting. If the highway departments within the States do not know what their funds are going to be, it is impossible for them to go ahead and do contracting in the future. It is also very seasonable. Most of the work in the West and the mountain States has to be done in the good weather periods. We need to do something with that.

The Energy bill, as I mentioned, is a total bill. It is not just one or two little things. It has to do with research and the alternative resources of energy in the future. Whether it is wind or conversion of coal to diesel or to hydrogen, it deals with alternative energy as well as renewable. It deals with efficiency and conservation and the use of energy. We can make great strides in that area. It also has to do with the encouragement—giving incentives to domestic production, which, of course, is very important.

We need to make some changes. We need to utilize coal more, for example, because it is our largest resource of fossil fuel. It can be converted into other fuels—diesel, hydrogen, or whatever. We need to use coal to generate electricity rather than gas because gas is so flexible and it can be used for other things. Coal can be used economically in a clean way as well.

There is nothing more important than to have an idea. This was one of the first things that was done at the White House, and we have done it here. I have been on that committee. Yet we have not been able to get it done. Now it is at the desk. All we need to do is bring it up and move forward.

There are a lot of other things that are very important. We will have to decide whether we want to get things done or whether we want to continue to argue. There is nothing wrong with having different ideas, voting on them, and reaching a conclusion. We have great challenges ahead and only a short time in which to complete them. I certainly urge Members to put their energies into those priorities and complete them.

I yield the floor.

Mr. ENZI. How much time remains for our side?

The ACTING PRESIDENT pro tempore. There is 8 minutes 45 seconds.

JOBS

Mr. ENZI. Mr. President, the economy is getting stronger. The economy has shown 12 straight months of job gains. Last month, payroll employment increased by 144,000 jobs. Nearly 1.7 million new jobs have been created over the past year. The unemployment fell to 5.4 percent—the lowest rate since October, 2001. We have laid the groundwork for the economic recovery we are experiencing today. We have ensured the presence of more capital in our economy which has led to the creation of more jobs for our workers.

President Bush's economic policies continue to create new jobs and move the economy forward. This all adds up to good news for the American people. We have weathered the storm and are poised to enter a new period of prosperity.

However, I have to caution you about some roadblocks that stand in the way of prosperity for our workers and businesses alike. The first roadblock is a gap between the skills our workforce has and the skills our employers need. The second roadblock is the Democrats' obstruction of legislation that will help close this skills gap. First, I will talk about the skills gap so you can understand just how damaging the Democrats' obstruction is to our workers and our economy.

It may surprise you to learn that many good jobs in this country remain unfilled because employers can't find workers with the skills they need. According to a 2003 survey by the Center for Workforce Preparation, an affiliate of the U.S. Chamber of Commerce, half of the employers reported difficulty in finding qualified workers. The problem is greatest for small employers. Small business—our greatest source of economic growth—can't create jobs if they don't have the skilled workers to fill the jobs.

The gap between the demand for high-skilled workers and the supply will only widen in the future. Looking ahead 2 years, only 30 percent of the employers surveyed by the Center for Workforce Preparation believe the skills of their workers will keep pace. This skills gap blocks the pathway to better jobs and better lives for American workers and their families.

This skills gap also threatens the ability of American businesses to compete in a more complex, global economy. When Federal Reserve Chairman Alan Greenspan testified before the Senate Banking Committee, he said that "what will ultimately determine the standard of living in this country is the skill of the people." Why is effective workforce training so important? Because in an increasingly knowledge-based economy, people—their talent and their ideas—make the difference. Human capital is a company's most important resource. The skills and ingenuity of the American workforce will drive our economy in the 21st century and beyond. If we want to keep high-paying jobs in America, our challenge is to equip our workers with skills the global economy demands. We used to manufacture buggy whips. We do not make them anymore. People had to have new skills.

Unfortunately, the current workforce development system is not effectively equipping workers with the relevant skills. Without any action, technology and other advances will outpace the ability of American workers and business to update skills needed to compete. We must improve the Nation's job-training system created under the Workforce Investment Act to better prepare American workers for the good jobs of today and tomorrow. Only a systematic reform of our Nation's job-training system will enable American workers and businesses to compete—and succeed—in the global economy.

There is good news. We have a bill that does this. It is a bipartisan bill that reauthorizes and improves the Nation's job-training system. It will help retrain workers to fill the jobs needed in this country now and in the future. It will link workforce development with economic development, recognizing that job training and job creation go hand in hand. It will partner the public workforce system with private sector employers—including small businesses—and with training providers to better prepare workers for high-wage, high-growth jobs. And this legislation will improve access to job training, and employment services in all parts of the country. It will help an estimated 900,000 unemployed workers a year get back to work.

The good news is we have bipartisan legislation that does all of this—legislation that passed out of the Health, Education, Labor, and Pensions Committee unanimously, legislation that passed on the Senate Floor unanimously. Where is the bill now? Here is the bad news. Here is the roadblock. The Democrats won't let us send this important job-training bill to conference. They are stopping progress by refusing to appoint a conference committee, which is a committee made up of Republicans and Democrats who would meet with the House to work out the differences between the House and Senate versions of the bill, and it would not be the last action on the bill. If people do not like what happened in conference, it can be filibustered.

An important jobs bill—a bill that will help American workers and businesses—is being held hostage to election year politics. If we really care about keeping good jobs in this country, we need to send the job training legislation to conference—and then to the President to become law.

I owe my constituents more than this. I think we all do. We owe the American people an open legislative process, a process they expect and deserve from us. This is not just an academic question of Senate rules and procedures. A bill that would help put Americans back to work or find better jobs now lies in legislative limbo.

I was reminded just how important job training is to the lives of our workers and the strength of our businesses and communities during a conference held in Wyoming this summer. In June, I attended the Wyoming Summit on Workforce Development. This was a conference designed to teach people how to bring business and jobs to Wyoming. In Wyoming, a lot of our people are leaving the State to find better jobs elsewhere. We know that we have to create the kind of good jobs with good futures that will keep our people in Wyoming. To do that, Wyoming needs workers with skills the new, global economy calls for.

One of the speakers at the summit was a consultant, Robert Ady, who advises companies where they should relocate or open new operations. According to Mr. Ady, a key location factor for a light manufacturing business is the presence of a qualified workforce. Whether a company decides to open a plant in Cheyenne or China depends upon a qualified local workforce. A skilled workforce can make the difference between success and failure in the new, global economy. It makes the difference for our workers, for our companies, for Wyoming and for the United States as a whole.

Almost 200 business participants from around the State attended the Wyoming Summit on Workforce Development. For Wyoming, having 200 business people in one place at one time is a real accomplishment. It showed the need and commitment our businesses have to workforce development. These 200 business participants—most from small companies—represented at least 200 opportunities for Wyoming workers and communities. They are looking to us to put the tools in place to keep the American dream alive in communities across Wyoming and the rest of the country.

There is an American dream. It is to have a family, have a nice home, and have a good job to support that home and family. Prior to my coming to the Senate, my wife and I owned a small chain of shoe stores. As a small business owner, I saw firsthand the impact that job training can have on achieving the dream. We had an employee—a Vietnam veteran—who went through a workforce training course and ended up managing and then buying two stores from us. He's an example of what you can do with effective job training if you teach workers to dream at the same time.

We have to give workers—and businesses—the tools to turn the dream into reality. Job training under the Workforce Investment Act can turn the dream into reality for millions of American workers. By blocking legislation that improves job training, my colleagues on the other side of the aisle are blocking the pathway to new and better jobs for American workers. They are blocking the pathway to prosperity for American families and American businesses.

The job-training bill, known as the Workforce Investment Act, is a central part of a combination of federal education and training programs that provide lifelong learning for the workforce of today and tomorrow. The job-training bill, together with the Carl D. Perkins Vocational and Technical Education Improvement Act when I recently introduced, and the Higher Education Act offer the resources that are needed to help prepare students of all ages for jobs in high-wage and high-skill occupations. In this technology driven global economy, everyone is a student who must adapt to changing workforce needs by continuing to pursue their education. In turn, Congress must ensure that education and job training are connected to the needs of business, including small businesses, now and into the future.

I conclude by urging my colleagues on the other side of the aisle—in fact, I urge the Democratic leader to lead—to allow the appointment of conferees to the job training legislation known as the Workforce Investment Act. The cost of this obstruction is the loss of important legislative efforts that will be felt by American people as it harms the integrity of the legislative process itself.

I hope our bipartisan efforts on the bill can continue. I hope regular order is restored to the appointment of conferees so we can craft the final version of this legislation and get 900,000 people back to work. If we really want to keep good jobs in this country, the Democrats would agree to send this important bill to conference. Our workers and our businesses deserve this bill. They deserve more than this election year political obstruction. They deserve the tools needed to keep American workers and businesses the best in the world.

Mr. President, how much time is left before the next action?

The ACTING PRESIDENT pro tempore. There is 7 seconds.

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. The time has expired for morning business.

Mr. DORGAN. I ask unanimous consent to speak for 8 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REIMPORTATION OF DRUGS

Mr. DORGAN. Mr. President, I rise to discuss the issue of the reimportation of prescription drugs. I do that because we have a very short time remaining in this Congress. We actually began last evening with a couple of votes. I read this morning that the majority leader would like to finish by October 8. There are very few days in which to advance some of these issues. The issue of reimportation of prescription drugs is a very important issue.

We pay the highest prices in the world for prescription drugs. Many of my constituents who live in North Dakota go across the line and purchase identical prescription drugs, FDA-approved prescription drugs from Canada, the same pill put in the same bottle made by the same company sold in Canada and the U.S. The difference is price. One example is Lipitor, a very popular cholesterol-lowering drug. If you buy Lipitor in Canada, it is $1.01 per tablet. If you buy it 5 miles south of the Canadian border, it is $1.82 per tablet, nearly double the price for the American consumer. That is the case with drug after drug, when you compare.

A group of us—Senator McCAIN, myself, and many others—has been working on reimportation legislation that would allow more than just personal use reimportation to come across from Canada, and I have talked to Senator FRIST at great length about this issue.

On March 11 of this year, about midnight, when we were in session that evening dealing with the budget, Senator FRIST and I reached agreement. He put in the RECORD that he would announce that in consultation with the chairman of the Senate Committee on Health, Education, Labor, and Pensions, along with Senator DORGAN, Senator STABENOW, Senator MCCAIN, Senator COCHRAN, and others, that the Senate would begin a process for developing proposals that would allow for the safe reimportation of FDA-approved prescription drugs. Now we face the time period when, nearing the end of the session, we have not yet had that vote. There is a bill at the desk that was passed by the House of Representatives. That is one possibility. The other would be bipartisan legislation Senators MCCAIN, STABENOW, others, and I have introduced. Still other opportunities might be an amendment to another bill.

The reason I take the floor at this moment is in this morning's Congressional Quarterly, it says:

> It appears increasingly unlikely that the Senate will vote this year on legislation that would allow Americans to import prescription drugs from abroad, despite wide public support for the idea.
>
> An aide to [Senate] Majority Leader Bill Frist . . . said Tuesday that consensus on permitting the practice remained elusive and that the issue could get swamped by more pressing issues leading up to Election Day.

That was from the majority leader's aide.

Senator GRASSLEY was quoted as saying that Senator FRIST, the majority leader, "is intentionally keeping drug reimportation off the Senate floor because it would pass by a wide margin." That is a direct quote from Senator GRASSLEY.

I have spoken at great length with Senator FRIST about this issue. I know others have different views and they have their own interests. But I believe there has been a commitment for us to at least try to have votes on reimportation. Some of us feel very strongly about it. It is not partisan because we have Republicans and Democrats who have joined on a bipartisan piece of legislation.

It is my hope that in the coming days we will find a way either to take the bill that is at the Senate desk, which is a bipartisan House-passed bill allowing for the reimportation of prescription drugs, or alternatively to have an opportunity to vote on the bipartisan legislation we have developed here in the Senate.

I have said many times, my own view is that the pharmaceutical industry is a big industry. They do a lot of good. They produce lifesaving medicines. But miracle medicines offer no miracles to those who can't afford them. It is unfair that we pay the highest prices in the world for prescription drugs.

I believe one way to begin putting downward pressure on prices is to let the market system work. The market system would do for our country just as it does in Europe where they have something called parallel trading. Parallel trading means that for approved prescription drugs, if you are in Germany and want to buy a prescription drug from Spain, that is not a problem, you can do that. If you are in France and want to buy a prescription drug from Italy, that is not a problem. The parallel trading plan works in Europe, works for the safety of the European consumer.

Why should the American consumer not be able to purchase or why shouldn't pharmacists from our country not be able to purchase an FDA-approved drug from a licensed pharmacist in Canada? That is the absurdity of all this. A pharmacist from Grand Forks, ND, cannot go to that one-room pharmacy in Emerson, Canada, a licensed pharmacy in Emerson, and purchase that Lipitor at a savings and pass the savings along to the American consumer.

We want to change the law to allow that to happen so that pharmacists and licensed distributors can access FDA-approved drugs that are sold in every other country in the world at a lower price and bring them back and allow the savings to be passed along to the American consumer. Ultimately, what it will mean is a repricing of those drugs in our country. The market system will force a repricing and a lowering of prescription drugs prices. That is the goal, and that is what the result would be if the market system is allowed to work.

Again, we are only talking about FDA-approved drugs. We are not talking about anything other than FDA-approved drugs that were produced in FDA-inspected plants, sold by a licensed distributor and pharmacist in Canada and/or the United States.

That is the issue. I came to the Senate floor only because I saw the statement this morning by Senator FRIST's staff suggesting that maybe this won't get done. Again, I refer the majority leader to March 11, the statement in the CONGRESSIONAL RECORD in which the majority leader said: The Senate will begin a process for developing proposals that would allow for the safe reimportation of FDA-approved drugs, not "maybe" but that would allow for the reimportation. The fact is, I feel there is a commitment here, and my hope is that commitment will be kept in the coming couple of weeks as we work to finish our work in this Congress.

We have a lot to do. There is a lot of politics running around this Chamber. My hope is that on big issues and important issues, we can decide we want to do the right thing and engage on issues that are important to this country and important to the American people.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 4567, which the clerk will report.

The journal clerk read as follows:

> A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and detailees be granted the privilege of the floor during the consideration of the fiscal year 2005 Homeland Security appropriations bill and any votes that may occur in relation thereto: Less Spivey, Carol Cribbs, Kimberly Nelson, James Hayes, Avery Forbes, Brian Glackin, Chip Walgren, Scott Nance, Alexa Sewell, Peter Edge, and Sean MacKenzie.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. COCHRAN. Madam President, we are now on the Homeland Security appropriations bill for the next fiscal year, 2005.

For the information of Senators, this morning the President signed the supplemental appropriations bill the Senate passed last night. The President had requested a supplemental for the Disaster Relief Fund of the Federal Emergency Management Agency. Because of the pressure on that fund, the Agency would have run out of money this morning if the Congress had not acted in response to the President's request on yesterday.

The House acted and the Senate approved the supplemental appropriations bill for the Department. So I am happy to make that report to the Senate. There was some discussion of that issue last night, and I appreciate the cooperation and the support of the Senate in taking the action we did.

We are now prepared to consider the full year appropriations bill for the Department of Homeland Security.

We have some opening statements we will make. Senator BYRD is the senior Democratic member of this subcommittee, as well as the full committee of the Appropriations Committee. He has a statement he wishes to make.

After opening statements are made, we will be happy to consider any amendments Senators wish to offer. We hope to be able to complete action on this bill as soon as reasonably possible. By the end of the week would be great, if we could accomplish that. But if not, I think we will have the support of the leader and the chairman of the full committee to continue to work on this bill until we do finish it.

It is a matter of great importance that these agencies and this Department know what the funding levels are going to be for the fiscal year that begins very soon, October 1. We certainly need to take action in a timely way for orderly planning for the use of those funds that are appropriated by the Congress for this important work.

Protecting our homeland is a very important—there is no more important action by the Federal Government, in my opinion. So I hope we can consider this bill with a sense of serious deliberation and work hard to complete action in a timely fashion.

I appreciate very much the cooperation of Senators who are letting us know about suggestions they have for changes in our bill as reported by the Appropriations Committee. We will consider them, and we will accept those that we can accept. We hope we will be able to have the full cooperation of all Senators in that respect.

MORNING BUSINESS

Mr. COCHRAN. Madam President, since there is not much time left between now and the weekly luncheons both sides have planned for today, it is my suggestion that we go into a period for morning business so Senators can speak if they choose to between now and 12:30 p.m.—I think is the time for the luncheons to begin—and then we can come back in at 2:15 p.m. and resume consideration of the bill at that time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I think this is wise. We have two of the most senior Members of the Senate who are managing this bill. It has been said, and I will say it again, we are doing everything we can on this side to limit amendments. There are people who have amendments, and we want them to be able to offer them to this most important piece of legislation.

We just finished a leadership meeting, and those there who had a number of amendments indicated they would be willing to agree to short time agreements on them. I think it is something on which we can move forward.

I know Senator BYRD has a statement that is—I won't say long, but it is weighty. I think it would be better if we came back after the break and let him begin his statement. Personally, I want to be here to do that. I would agree to be in morning business until 12:30 p.m. with the time evenly divided, and come back at 2:15 p.m. If it is all right with Senator COCHRAN, Senator BYRD can have the floor at 2:15 p.m.

Mr. COCHRAN. That is certainly fine with me, and I join with the Senator in making that request. I ask unanimous consent that the Senate be in a period for morning business until the hour of 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Alaska, I ask the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005—Continued

The PRESIDING OFFICER. For the information of the Senate, under a previous order, following the adjournment of the Senate yesterday, H.R. 5005, making supplemental appropriations, was received from the House and considered passed by the Senate.

Also for the information of the Senate, all after the enacting clause of H.R. 4567, the Homeland Security appropriations bill, has been stricken. The text of S. 2537 has been inserted in lieu thereof and considered original text for the purpose of further amendments, and no points of order have been waived.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am very pleased to present this appropriations bill to the Senate. It is the culmination of a lot of hard work by all of the members of our subcommittee, as we conducted hearings to review the proposed budget from the Department of Homeland Security, and as we listened to those who have responsibilities for managing the various directorates and other agencies and activities that come within the ambit of the responsibilities of the Homeland Security Department.

We learned a lot in the hearings. We learned about new procedures that were being developed and deployed. We learned about new technologies that were being explored. In the bioterrorism area, we were learning about the research that is being done to make our capacity more sophisticated and capable of protecting the health and safety of all Americans from attacks in that area.

We have been challenged as we have never been challenged before to look again carefully at how we go about protecting the citizens of our great country. The experience of September 11, of course, stays in our mind as something that is unthinkable. The fact that it did happen is still unbelievable, and we realize that we have the responsibility—representatives of the people of this country serving in Congress today—to try to get it right so that kind of thing can't happen again.

We are blessed to be served in the administration by people such as Tom Ridge, the new Secretary of the Department of Homeland Security. The President recommended this new Department be created. The Congress responded. The Governmental Affairs Committee, on which I served at that time, dealt with the challenge of the legal framework of defining the responsibilities of a new department and what activities would come under the Department. We brought together under this one Department 22 different Federal agencies, or at least parts of 22 different agencies. Some, such as the U.S. Coast Guard, were transferred underneath the jurisdictional responsibility of the Department to help make our effort more coherent, more effectively and efficiently managed, and to achieve the goal of making our country safer and more secure for the citizens who live in the United States. I think we have made great progress.

This bill specifically provides funding of $33.1 billion for the Department of Homeland Security for this next fiscal year, 2005. This is the second appropriations bill to fund the Department which began its operations short of a year and a half ago. The new Department has made substantial progress to merge the agency functions and the employees who were transferred under its responsibilities and to undertake its new duties to better secure and more effectively protect our great Nation.

We also have seen a new system put in place called the US VISIT Program to screen visaholders and to stop potential terrorists and those who may be dangerous, because they have committed crimes in the past, from entering our country to start with. US VISIT, through biometrics and other new innovations, has already identified, apprehended, or arrested more than 400 individuals. Through the science and technology directorate, the Department has aggressively moved forward on the successful testing of the first commercial portal monitors and handheld radiological identifiers to detect the smuggling of materials which could be used to build weapons of mass destruction. Federal air marshals have been deployed. State-of-the-art technologies have been introduced, and cockpit doors have been modified to increase the safety of air travel.

I know there can be criticism leveled at the efforts of the Transportation Security Administration which has been the agency identified with the responsibility for overseeing aviation security and many other areas of responsibility. But let me remind Senators—and this is contained in our committee report—I invite the attention of the Senate to the report, on page 31, where we talk about aviation security. My good friend, the distinguished Senator from West Virginia, mentioned people who might bring in bombs or material that can be used as explosives to blow up planes and otherwise harm us.

> The Transportation Security Administration aviation security account [in this legislation] provides for Federal aviation security by employing the most efficient screening of all passengers and baggage, deployment of onsite law enforcement, continuation of a uniform set of background requirements for airport and airline personnel, deployment of the most current explosive detection technology, and creation of a model workplace.
>
> The aviation security activities include funding for Federal and private contract passenger and baggage screeners, including personnel compensation and benefits, training, and human resource services; passenger checkpoint support; air cargo security; procurement and maintenance of explosive detection systems; and checkpoint support.

I suggest that the $4,386,083,000 for aviation security contained in this bill is designed to meet the needs we have for improved and safer air travel, working with the airlines who are spending their own money in many of these and other areas. I suggest we have the safest air transportation system in the world. And we are going to continue to monitor the activities. We are going to continue to engage in oversight and interaction with the Federal agencies involved, as well as Department of Homeland Security officials, to see that we stay on course and that we continue to upgrade, improve, and take advantage of the latest technologies to guarantee the safety and security of American citizens.

Looking at another area, efforts have been undertaken to increase our stockpile of antibiotics, vaccines, and other medications to protect Americans in the event of a terrorist attack and to identify and develop new countermeasures to protect Americans against new biological threats. Today our first responders, those who work at the fire departments, the police departments, the emergency medical centers, have been provided with resources from the Federal Government to buy necessary equipment, to increase training to better protect our communities throughout the country.

Including the resources in this bill we are presenting today to the Senate, over $12 billion will have been appropriated to our State and local partners across the country, over $2.5 billion to firefighters alone.

The Department of Homeland Security has made important strides in this last year. The bill we present to you today will allow the Department to continue to build on its success and make our Nation even more secure.

If Senators look at the provisions in the bill, they will see that it reflects suggestions made by Senators on both sides of the aisle. This is a bipartisan bill. It is not a Republican bill or a Democratic bill, it is an American bill. It is a bill to protect the safety and security of all Americans. Our committee held hearings and listened to every suggestion made by all Senators for the levels of appropriations for all of these activities.

This is the second year of this bill, as I said, but I think we have made important strides forward. I particularly thank again the distinguished Senator from West Virginia for his cooperation, his support, and his assistance during the development of this bill and the conduct of our hearings and the presentation of the final work product to the Senate today.

I am going to close my remarks—and I will be prepared to receive any suggestions for changes in the bill or amendments or other statements from Senators—by quoting from something Tom Ridge said with which I was particularly impressed. Our Secretary of the Department of Homeland Security said:

> Homeland security is about the integration of a nation, everyone pledged to freedom's cause, everyone its protector, and everyone its beneficiary. It's about the integration of people and technology to make us smarter, safer, more sophisticated, and better protected. It's about the integration of our national efforts, not one department or one organization, but everyone tasked with our Nation's protection. Every day, we work to make America more secure. Every day, the memories of September 11th inspire us to live our vision of preserving our freedoms, protecting America, enjoying our liberties, and securing the homeland.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate now has before it the fiscal year 2005 Homeland Security appropriations bill. I commend subcommittee Chairman COCHRAN and I commend him highly. I commend his staff for their work on this important legislation. We had an excellent series of hearings this year that I believe helped the subcommittee to produce a bill that contains significant improvements to the President's request.

I also commend the thousands of men and women who are on the front lines of homeland security. We need to give these men and women the tools they need to do their jobs in order to support their strong commitment to serve the Nation every hour of every day of every week of every month.

On August 1, 2004, Secretary Tom Ridge increased the threat level for New York, New Jersey, and our Nation's Capital, to Code Orange, a high risk of terrorist attacks. This is the sixth time since September 11, 2001, that the threat level has been increased to Code Orange.

On July 14, Acting CIA Director John McLaughlin said, "In the Summer of 2001, we had ample warning of attack, but we didn't know anything about specificity: timing, targets, and so forth. But we did have conviction that something big was coming at us. We have that same conviction now."

On July 8, Secretary Tom Ridge and FBI Director Robert Mueller announced that al-Qaida cells are operating in the United States and that multiple simultaneous attacks are possible before the November elections.

In late May, the Attorney General announced that he had credible intelligence from multiple sources that al-Qaida plans to hit the United States hard in the next few months.

In the weeks following the Madrid railway bombings, the Washington Post reported that the President informed the Republican congressional leadership that he was all but certain that terrorists would attempt a major attack on the United States before the November elections.

It is past time that we begin debating this legislation as we approach the 3 year anniversary of the 9/11 terrorist attacks and as Congress reviews the recommendations of the 9/11 Commission. The Commission concluded that the terrorists who are intent on doing us harm are so cunning and agile, and sufficiently knowledgeable about this country that they would schedule their attacks when Congress was in session. These reports also indicate that on September 11, 2001, our Government agencies were not prepared to deter or respond to such attacks. I believe that we are still not prepared.

The bill before the Senate provides $33.1 billion, a level that is $896 million above the President's request. Regrettably, the allocation that is available for homeland security programs is inadequate. This is not a criticism of Chairman COCHRAN, nor is it a criticism of full committee Chairman TED STEVENS.

The fact is that limits placed on homeland security funding by the Bush White House constrain our ability to address known threats to the safety of the American people.

In response to the danger of terror attacks so often invoked by the President, the Attorney General, the Secretary of Homeland Security, and the FBI Director, it is hard to believe that the President would not request supplemental appropriations for securing our mass transit systems, for screening airline passengers for explosives, for inspecting more containers coming into our ports, for increasing inspections of air cargo, or for increasing the number of Federal air marshals. When the threat level was elevated to Code Orange, why did the President not seek a supplemental? Why does he not amend his fiscal year 2005 budget request to increase his anemic 2-percent proposed increase for the Department of Homeland Security? Why in Heaven's name?

Why, indeed, does the Department seem satisfied with a go-slow, business-as-usual approach to homeland security? The Department issued advice to mass transit systems for improving security, but provided no funding to increase law enforcement presence, or to deploy canine teams. Despite a 6-percent increase in airline flights this year, the Department has allowed the number of Federal air marshals to shrink precipitously—by 9 percent—and the President's budget would result in even deeper reductions next year. Despite concerns about the safety of our borders, the Department, in March, imposed a hiring freeze on Customs officers and immigration inspectors. What could possibly drive such decisions?

Millions of dollars that Congress approved for port security, bus security, and hazardous materials grants 11 months ago have not been awarded. Why? Millions of dollars that Congress approved in February of 2003, 18 months ago, for the purchase of additional emergency equipment for the 28 Urban Search and Rescue teams have not been spent. Why? Having this money sit in Washington, DC, does not make American citizens any safer.

As a result of the President's decision not to seek supplemental appropriations, the Transportation Security Administration was forced to cut funding for training passenger and baggage screeners and for purchasing equipment for airport checkpoints by $38 million. I am one Senator who believes that this administration is playing with fire.

It has been 2½ years since Richard Reid, the so-called shoe bomber, tried to blow up an aircraft in flight over the ocean with explosives that he carried onto the aircraft. Just 2 weeks ago, two Russian planes were simultaneously blown out of the sky. Preliminary investigations indicate that the planes were destroyed by explosives carried onto the planes by passengers. The 9/11 Commission concluded that we must give priority attention to screening passengers for explosives. Are we any closer to deploying a national system that could check passengers for explosives? The answer is no.

It has been over 2½ years since the Congress passed the USA PATRIOT Act and set a goal of tripling the border patrol and customs officers on the northern border. Have we met the goal? Again, no. We are 1,428 officers short of the goal.

It has been nearly 3 years since 9/11, when police and firemen in the World Trade Center could not talk to each other on their radios. As the 9/11 Commission concluded, many first responders failed to get the order to evacuate the towers, causing hundreds of them to perish. Are we any closer to providing police and firemen across the nation with interoperable communications equipment? Sadly, the answer is no.

The EPA has estimated that there are 100 chemical plants in this country, each of which, if attacked, could harm over 1 million people. In February of 2003, the National Infrastructure Protection Center, which is now part of the Department of Homeland Security, issued a threat warning that al-Qaida may attempt to launch conventional attacks on nuclear or chemical plants. A year and a half later, has the Department actually hardened the security of the chemical plants? You guessed it, no.

I simply do not understand why this administration thinks that homeland security is not important enough to fund. The President campaigns on being the best candidate to protect this Nation, yet each and every budget that he sends to Capitol Hill shortchanges the safety and security of whom? You guessed it, the American people.

Similarly, I am very concerned that we are about to make the same mistakes with our Nation's intelligence services.

The 9/11 Commission offered a large number of proposals to change our intelligence system, each of which needs to be carefully evaluated. Some may work and some may not, but adopting them all lock, stock, and barrel without carefully scrutinizing each proposal simply to beat the political clock is a surefire recipe for disaster. We should not create sheer chaos and bureaucratic turf battles within the very structure that is trying to ferret out another attack before it happens.

For instance, last month, the President signed three Executive Orders to begin implementing the 9/11 Commission reforms. But the Bush administration has not sent a single budget amendment to the Capitol to pay for those changes. Where is the money to operate the new National Counterterrorism Center that the President created by Executive Order? And if there is no new money, isn't the President just reshuffling the deck chairs? Is this the same old story being played out?

This is what we have seen with homeland security. There is great fanfare when the President signs a homeland security authorization bill. But then the appropriations bills and amendments are rejected by the Bush White House as "extraneous spending"—the very amendments that would keep the promise of the administration's fanfare. When are we going to break this cycle of false promises to the people of this Nation?

Our intelligence services have problems that must be addressed. We have far too few people on the ground in key places on the globe. We have terribly inadequate intelligence technologies. We do not have sufficient backup facilities for our one-of-a-kind intelligence assets. The FBI Director has told every person who would listen about the critical vulnerabilities that he must address to meet today's threats. Yet, instead of taking on these tasks which we know must be done, this government seems all too eager to satisfy itself with shifting boxes and creating bureaucracies.

In the legislation before the Senate today, we try to break that cycle. The $896 million increase that is in the Senate bill will help to address some of the gaps in the President's homeland security budget. The bill includes $150 million for mass transit security, none of which was requested by the President. Instead of cutting port security by 62 percent, as proposed by the President, we are providing at least a modest increase over last year for port security. We are providing $98 million more than the President requested for replacing the Coast Guard ships and planes that are deteriorating at a dangerous pace. Funds are included to stop the loss of Federal air marshals. Additional funding is also provided for air cargo security and explosives-detection equipment and for additional radiation detectors that can be deployed at our ports.

We continue to fund effective programs that the President wanted to cut or reorganize, such as the fire grants program and the All Hazards Emergency Management Performance Grants program.

In addition, the bill contains an important protection for the privacy rights of Americans. I thank Chairman COCHRAN for his support of my amendment in subcommittee concerning CAPPS II, the Department's proposed new airline passenger profiling system. By restating the language that was in the 2004 act, this bill allows testing of the project to move forward, but ensures that the system will not be deployed until GAO confirms that privacy rights will be protected, that an appeals process is in place, that the data in the system is accurate, and that the data is protected from unauthorized use. On July 15, Secretary Ridge announced that CAPPS II, in its current form, would not be deployed. I am encouraged that he finally got the message that the Congress has been sending him for over a year about balancing our need for protection with our rights to privacy. On August 26, the Department announced a replacement program called Secure Flight, but details are not yet available. I look forward to hearing the details of the plan so that we can determine whether the privacy rights of our citizens are protected.

With the limited funds that were made available to the subcommittee under our allocation, Chairman COCHRAN has produced a good bill. And I commend him for it.

However, this Nation faces a turning point, as we are challenged, once again, by the threat of attack on our shores. We know that terrorists live among us. Yet we do not know where they will strike, we do not know when they will strike. We do not know. What we have are warnings from the Attorney General, from the FBI Director, and even from the President that al-Qaida is planning an attack here within our shores. Are we prepared to prevent such an attack? Are we prepared to respond to such an attack? Look at the funding levels and decide.

The bill that is before the Senate contains an increase of about 5 percent above the fiscal year 2004 level. The President is certain that America is going to be attacked again soon, yet the Senate is debating a bill that provides for a 5-percent increase. If an attack occurs, it will be on the head of this White House to explain why they pinched pennies with homeland security.

Congress has a responsibility to protect the Nation. So does the President. The country's serious vulnerabilities demand that we invest dollars where they are most needed.

That is why I intend to offer an amendment to this bill to target increased funding to those programs that have the most impact on well-documented vulnerabilities, such as rail security, port security, chemical security, fire and other first-responder programs, and border protection.

Mr. President, more than 95 percent of the Nation's overseas cargo moves through our ports. The U.S. Coast Guard estimates that a one-month closure of a major U.S. port would cost our national economy $60 billion. We inspect only 9 percent of the cargo containers that come into our seaports. The 9/11 Commission concluded that we must do better, and I agree. In order to help secure those ports, the Coast Guard estimates that $1.1 billion is required to implement the Maritime Transportation Security Act in the first year, and $5.4 billion over 10 years. Yet the President requested only $46 million for port security grants, and this bill only provides $150 million. We need to do more.

On March 11 of this year, terrorists attacked commuter trains in Madrid, Spain, killing nearly 200 innocent passengers. The President has not requested a dime for mass transit security. We should be investing in additional guards, better training, additional canine teams and better surveillance. Chairman COCHRAN has initiated a $150 million program for mass transit security, but the Senate Banking Committee has reported a bill authorizing over $3.5 billion for fiscal year 2005 for mass transit security and the Senate Commerce Committee has reported a bill authorizing $1.2 billion for rail and Amtrak security. Americans use public transportation over 32 million times per workday. We need to do more.

The Hart-Rudman report on the terrorist threat in this country recommended a $98 billion investment in equipping and training for our first responders over the next 5 years. Yet, this bill cuts first-responder funding below the levels enacted last year. The committee report calls on the Department to finally issue Federal guidelines to assist State and local governments in making wise purchases with first responder funding, but guidelines are not a substitute for money. The bill would reduce first-responder funding by $778 million from the fiscal year 2004 level, including cuts in the fire grant program. That is not acceptable.

This is a good bill but it simply does not do enough. My amendment, which I shall offer, will not simply throw money at homeland security. It will address specific, known vulnerabilities. It will fund a number of the security weaknesses identified by the 9/11 Commission.

Last week, the President said:

> This election will also determine how America responds to the continuing danger of terrorism—and you know where I stand. Three days after September 11, I stood where Americans died in the ruins of the Twin Towers. Workers in hard hats were shouting to me, "Whatever it takes." A fellow grabbed me by the arm and he said, "Do not let me down." Since that day I wake up every morning thinking about how to better protect our country. I will never relent in defending America, whatever it takes.

Whatever it takes? Well, Mr. President, it takes more than empty promises to protect this country from attack. If President Bush meant what he said last week, he would not accept a bill that cuts funds for first responders, that leaves first responders unable to communicate, that leaves airline passengers worrying about whether a fellow passenger has the means whereby to destroy the plane, whether a passenger has brought explosives on board, or that fails to adequately invest in securing our ports, our chemical facilities, and our trains.

Again, I commend Chairman COCHRAN for his work on this important legislation. He conducted hearings. He conducted fair hearings. I encourage Members to bring their amendments to the floor so that they can be considered and so that we can bring this bill to final passage and go to conference. We need to get a good freestanding bill to the President's desk. We have waited far, far too long.

Mr. President, I ask the Senate to support this bill.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, we are considering a must-pass piece of legislation, the Homeland Security bill. Because of that, it is an appropriate vehicle to amend to pass other must-pass appropriations. The appropriation I am speaking of is hurricane relief for the battered State of Florida and, in some cases, parts of Georgia, as well, but particularly the State of Florida because of not only one hurricane but two hurricanes. Hopefully, the good Lord is not going to make it three hurricanes.

Hurricane Ivan is on a track, as of the latest advisory from 11 this morning from the National Hurricane Center, to come across Jamaica, up over the western side of Cuba and into the Gulf of Mexico, which is almost the identical track Hurricane Charley took 4 weeks ago.

Let us hope if it continues on that track that it continues on into the Gulf and does not take a right turn, which is what Hurricane Charley did, hitting the coast of Florida at Ground Zero, which was Punta Gorda, FL, with winds of 145 miles an hour coming straight off of the Gulf of Mexico and right up Charlotte Harbor.

We cannot do anything about that because that is the forces of Mother Nature, but what we can do is respond as a Federal Government in times of natural disaster emergency.

We started that process last night when we passed a $2 billion supplemental appropriation. That is not nearly enough for the first hurricane, let alone the second hurricane. The $2 billion appropriation was a figure the President requested, which is the ordinary procedure. Senator GRAHAM of Florida and I had first ballparked only the FEMA portion at $2.5 billion and requested that of the President. The President chose a $2 billion figure and it is our normal custom, in times of national emergency, to go with the President's request. So with bipartisan unanimous support, we passed a $2 billion appropriation last night. That was quite timely because FEMA's coffers were running dry today.

Four weeks ago, FEMA had only $837 million in its emergency disaster relief fund. As of Monday, when I met with the FEMA director and his regional director who is now in place in a headquarters in Florida, they were down to less than $100 million and they were not able to pay bills and order supplies because they were fast running out of money. Thanks to the majority leader and minority leader and the leadership of the various committees of this body, the Senate passed what had been sent over from the House and $2 billion has now replenished the emergency disaster relief fund.

That is going to be used pretty quickly. That was only for FEMA. That does not say anything about the $500 million we are estimating through the Department of Agriculture in crop losses and all of the assistance from the Department of Agriculture not only for crop losses but for damage to equipment and buildings. Of course, that does not say anything about assistance to the Department of Transportation, where there was significant damage to airports in Florida, including the Orlando International Airport that got hit not once but twice.

That does not even say anything about a lot of that assistance that comes through the Small Business Administration, which is not only assistance for businesses but assistance to individuals, as well as low-interest loans to help people get back on their feet. That does not say anything about assisting the American Red Cross, which has been down there not once but twice now in helping people who are walking around in a daze with no power, with a home that has been completely destroyed.

So in times of natural disaster, the costs begin to mount up. I will give a means of comparison. Twelve years ago in the monster hurricane, Hurricane Andrew, that savaged south Florida, it was a hurricane that went over a relatively unpopulated part of the State, south Miami, south Dade County, the city of Homestead, but then it exited over the Everglades, an unpopulated part of Florida. Yet, 12 years ago, the cost of that hurricane to the Federal Government, just for FEMA, was $2.9 billion. The total cost to the Federal Government, including all of these other agencies, some of which I have mentioned, was over $6 billion, some $6.3 billion.

We are now dealing with not one hurricane, which was not as destructive as Hurricane Andrew for comparison, but now we are dealing with the second hurricane.

Now I will speak about this second hurricane, Hurricane Frances. By the time it hit the shore at Fort Pierce, its winds were down to 105 miles an hour. There were gusts of up to 120 miles an hour and those gusts were recorded at the Cape, what we refer to as the Cape, Cape Canaveral, the Cape Canaveral Air Force station at the Kennedy Space Center. That center sustained considerable damage. The big vehicle assembly building, which used to be the largest building in volume in the world when it was constructed in the 1960s, used today to stack the space shuttle vertically to all of its component parts, was ravaged to the point of losing 1,000 panels, each panel being 10 feet by 4 feet, a total of over 50,000 square feet that is now open into the building.

I do not need to paint the picture of the disaster that could occur if this third hurricane were to come and hit the Kennedy Space Center, with the thousand huge, open windows allowing the forces of Mother Nature to go inside the vehicle assembly building. That could set back the American space program considerably if there were significant damage.

I had a little prayer session in the Commerce Committee with the administrator of NASA today about what we are going to do about this and how NASA itself has got to be a part of this emergency appropriation, as the Department of Defense was 12 years ago when Hurricane Andrew did so much damage to Homestead Air Force Base. So, too, we have this problem at the Space Center. By the way, it is not only the vehicle assembly building.

There is no excuse for why the building that manufactures the delicate silicon tiles that go on the underbelly of the Space Shuttle Orbiter was ripped apart when these winds came across the Cape. My colleagues should see pictures of it. Our ability to produce the thermal protection system for the space shuttle was savaged by these winds. There is no excuse for not having a building that is constructed to withstand hurricane force winds, and I have asked NASA to answer to that. The fact is, it has happened and it is going to have to be repaired, as is the roof of the building that handles the central computers that has now been ripped off. What I am saying is there are going to be a lot of costs because Mother Nature has dealt us a very savage blow.

The gentleman handling this legislation is the distinguished Senator from Mississippi, who is also an expert in agricultural appropriations.

I am sure the Senator has already gotten the reports that the first hurricane savaged the citrus crop 100 percent. Even more, because the young trees that snapped, that were loaded down with fruit, by the way, now have to be pruned back. So the loss of the orange crop is not just this year, 100 percent of the crop, but that loss will be sustained over several years as those pruned-back orange trees will take years to grow back. So that is the agricultural loss.

If that were not enough—let me call this to the attention of the chairman of the Agricultural Subcommittee of the Appropriations Committee. If that were not enough, here comes the second hurricane, and it ravages another part of the citrus growing region in Florida called the Indian River citrus region, where the delicacy fresh grapefruit is grown. There is no telling, I have not gotten the estimates of what happened, but if it is like the first one, even those grapefruits still on the tree, with the root rot going on with the floods, it is likely it is a 100 percent loss as well.

We can see the extraordinary destructive force of nature that has hit us. Lord forbid a third one, Ivan, comes to our State. We don't wish it to go to anybody's State.

Floridians are tired; they are stressed; they are hot; their patience is wearing thin. Yet they have been very appreciative of the response. One of the lessons that we learned from Hurricane Andrew was that it was total chaos afterward. One level of government was not talking to another level. That has been changed. There is communication and cooperation efficiently going on between all levels of government. However, when you get hit not once but twice, with the possibility of a third time, then the human endurance and the ability to respond to natural disaster begins to have a finite limit.

If there is one reason for the Federal Government to exist, it is to help its people in times of disaster. I will later on be offering some amendments to this bill. Most of what I have proposed here I would prefer that we strip off this bill and we handle it as a freestanding bill so it doesn't get mired in all of this. But I am only going on the instructions that the majority leader has given me, which is that we passed the $2 billion last night and he wanted to—and it was his words, many times over—attach it to the Homeland Security bill. So we can discuss what is the appropriate venue.

I yield to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I am happy to compliment the distinguished Senator for his description of the damages in Florida. We are all keenly aware, because the of the images on television, and the description in the newspapers, conversations with friends and family members in that State, how terrible those storms have been and the devastation that has been caused.

One thing that reminds me of the history of my own State is the terrible force of the wave action. I can remember when Hurricane Camille struck the Mississippi Gulf Coast in, I think, 1969, that storm did more damage than any other hurricane that had ever hit that part of the gulf of Mexico. I recall going down to the gulf of Mexico and visiting that area, seeing how devastating the damage was and how long it took to recover from it. As a matter of fact there are still scars. There is one shrimp boat about 2 blocks inland now that is sitting there as a reminder of the force of that hurricane.

The fact of the matter is, and the Senator is correct, the $2 billion the Congress has approved for a supplemental appropriation for the Federal Emergency Management Agency is targeted just to the Disaster Relief Fund. This is, as the Senator knows, to provide emergency assistance of food, shelter, debris cleanup—taking care of the emergency situation that exists. That fund was going to be exhausted this morning when the President signed the bill appropriating this additional money. So, with this funding, that account is taken care of.

As the Senator indicates, there is a lot of other damage that is outside the jurisdiction of the Federal Emergency Management Agency. The Department of Agriculture and other Federal agencies may have responsibilities and they may not have sufficient funds to meet all the needs for which some people are entitled to reimbursement or some kind of disaster relief under Federal law. For that reason the President indicated in his request to Congress which he submitted on September 6—and I'll read this. He said:

> The enclosed request requires immediate action by the Congress to ensure that the immediate response efforts to these recent disasters continue uninterrupted. I anticipate making a further request in the coming days that will provide for a comprehensive response and recovery effort addressing the impact of both of these hurricanes. In addition, federal government agencies will continue their response and recovery efforts using existing resources and programs.

What we get from that is the President is submitting and, we have been advised by the President's staff, that in the coming days there will be another supplemental appropriations bill requested by the President. It will not be the bill that we are considering today, though. This is the annual appropriations bill that funds the entire Department of Homeland Security, Coast Guard, the Secret Service—the 22 various agencies that are combined within the ambit of the Department of Homeland Security.

I suggest to the Senator we would welcome any suggestions he has for inclusions in the additional supplemental that will be before the Congress soon, at the request of the President.

Mr. NELSON of Florida. I thank the Senator for his comments. It would be this Senator's preference that we have an emergency supplemental just for the hurricane damage, including all of these agencies as well as—I didn't even mention the Army Corps of Engineers. We had severe beach erosion: in some cases, beaches disappearing. I just mentioned, for example, citrus, but we are talking about huge losses in nurseries, in vegetables, in cattle, hogs, the oyster/clam industry, timber—just to mention a few. It would be this Senator's preference clearly to have a stand alone supplemental. However it was Senator FRIST, the majority leader, who called me saying he wanted to use this vehicle, the Department of Homeland Security, to which to attach those additional emergency supplemental requests.

If there is a change in that, and I get assurance that in fact this other legislation will move because of the necessity of it—I remind you the $2 billion last night was just FEMA for the first hurricane, Charlie. That doesn't address all these other agencies and it doesn't address FEMA for the second hurricane, Hurricane Frances.

I will certainly work with the Senator. But I am one way or another going to make sure we have this appropriations request before the Senate under the emergency conditions that we find ourselves facing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator SCHUMER is here. He has a very important amendment to offer. I think we could probably agree on a time for debate. We of course will ask the majority what time we want to vote. But I gather the Senator from New York would be in agreement to a time limit on his amendment.

Mr. SCHUMER. I thank my colleague from Nevada. I would be happy to set a time limit and then have a vote on the amendment.

Mr. REID. Could the Senator give us an idea about how much time it might take? Senator COCHRAN usually likes to work under time agreements. Could we have a general idea?

Mr. SCHUMER. That is fine with me. Maybe we could have a few minutes for the majority and a few minutes for the minority.

Mr. REID. We have a general idea about how much time it would take. If we could have a vote sometime before 5 o'clock?

Mr. COCHRAN. Mr. President, before we start agreeing on times for votes, that is above my pay grade. We have a distinguished majority leader, and we will have to consult with him and other Senators.

Mr. REID. I did mention that, but to give Members an idea of when there might be a vote, Senator SCHUMER is ready to offer his amendment.

Mr. COCHRAN. It depends on what his amendment is. We may all rejoice and vote for it. Who knows? Again, we may not.

Mr. SCHUMER. If my colleague will yield, I can assure him it is a good one.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President. I will be offering an amendment on nuclear security in a few minutes. But first I would in general address this bill.

Let me first say at the outset I am glad we are doing this bill now. As you know, many of us on this side of the aisle asked that this bill come up much sooner. But to do it right here as our first order of business when we return from the summer break after the two conventions I think is very good. I am glad we are on this bill.

The second point I would make is this: I don't think anyone on this side—certainly not the senior Senator from New York—wants to obstruct or not have this bill pass. We want it to move forward. So there is no intention to delay. As my good friend from Mississippi has seen by my asking for a short period to debate this amendment, having spent 18 years in the House of Representatives, 45 minutes is a lifetime there, but here in the Senate it is a relatively short amount of time. There is no intention for dilatory tactics or anything of that sort.

I believe, being head of our Democratic Task Force on Homeland Security, and having talked to many of my colleagues about further amendments, my friend, our chairman of the Subcommittee on Homeland Security Appropriations, will find similarly short time limits are being called for. That is all the good news. The bad news is many of us think this amendment being brought before us is woefully inadequate. I would like to discuss that in general.

I have been quite hawkish on the war on terrorism, having supported the President's request to go into Iraq. I supported the $87 billion and I believe we need a strong and muscular foreign policy overseas. Mistakes are often made. We should do a lot better in terms of those mistakes. But inaction is perhaps the greatest mistake of all.

I am for fighting a vigorous war on terror overseas. I believe what our President said—former President Bill Clinton—is exactly right. To have strength and intelligence—that is exactly what he said, something to that effect—are not mutually exclusive categories when fighting a war on terror. If we are fighting a strong war on terror overseas, we are certainly not doing it here at home.

If I had to choose perhaps the greatest weakness of this administration in its war on terror, it would be the inadequacy of what we are doing here at home. The bottom line is this: We get a lot of rhetoric. We don't get the focus, the thoughtfulness, or the resources, the dollars to do what we need to do. Sure, if you think this is a 20-year plan, maybe we are doing enough. But we sure don't think it is a 20-year plan when we go overseas, nor should we. It is not a 20-year plan here.

Let me say this. This is my own view. We have a window in this global war on terror. In other words, my view is that this war on terrorism we face can be described in a single sentence; that is, the very technology which has blessed our lives and accounted for so much of the prosperity we have seen over the last two decades here at home has an evil underside, and that is that small groups of bad people can get hold of that technology and use it for terrible purposes. You can be in a cave in Afghanistan, and as long as you have a wireless connection to the Internet you can learn as much about America as any of us knows. If you took 500 random people anywhere on the globe from the most highly intelligent and well-read and studied to maybe the guy who sweeps the floors at night and injected them all with an evil virus so that they all decide to spend the next 5 years figuring out how to do terrible damage to the United States and then implement it, the odds are too high they can succeed.

This is not simply a war against al-Qaida. Al-Qaida is the first group who learned how to use this technology to cause the terrible events in the city from which I hail and which I so love. Al-Qaida is on the run. We have not done enough maybe in Afghanistan and Pakistan, but clearly al-Qaida is weaker today than it was then. But it is only a matter of time before new groups—maybe the Chechens, maybe the East Timorese, maybe even the skinheads in western Montana—figure out they can use this technology and do terrible damage. So we have a window. It may be 2 years, it may be 4 years, it may be 6 years, but it sure as heck ain't 10 or 20 where we can tighten up our defenses, because even though we have to fight the war on terror overseas we also have to prepare a defense at home.

If 500 people can do such terrible things, the odds we will be able to catch all of them before any of them implement the first strike against us is rather small.

Like anyone who follows sports knows, to win a game you need a good defense and a good offense. Whether you agree with this administration or disagree, you can't take away that they are focused on that offense. When it comes to defense, they are not home. They would be ranked as one of the worst defenses around. I have tried to figure out why this is, why we are doing so little on homeland security at home; why when it comes to our ports or our trucks or our rails or our borders, we are making such slow and halting progress, almost grudging progress, if you will.

I am not a person inside the brain of the President or his chief advisers, but having talked to people who have worked there and left—some of them in disgust—I can tell you that part of it is a lack of desire to spend the dollars necessary. Spend whatever it takes overseas, fine; spend whatever it takes here to make us secure, the money is not there.

There is also the mistrust of Government, a sort of antigovernment view that Government is not a good thing, that Government is not going to do it right, that Government should be the place of last resort. Unfortunately, when it comes to the war on terror, it is only the Government that can do it, whether it be overseas or here at home.

But as a result, this administration, in my judgment, whatever grade you give them in fighting the war overseas, would get a D or an F in most areas in terms of fighting the war here at home.

Let me give some general places where we are not close to doing enough. Regarding the air, we have done a good job making sure another September 11 does not happen specifically in the way it did; in other words, simply bolting the cockpits of all our planes greatly cuts down the average of a plane being hijacked. Putting air marshals on the planes makes a great deal of sense. We have made progress inspecting baggage and luggage. In fact, I think the TSA has done a good job and is an example that Government can do a good job. They are doing better than the private sector did when they were hiring people at minimum wage who hardly spoke English. However, even in the air we are vulnerable to terrorists using shoulder-held missiles and taking down our planes. We can stop that.

There will be an amendment offered here either by me or by somebody else that will push us to do more, much more quickly. Are we doing nothing in these areas? Absolutely not. We are doing a little bit. Again, if you believe that we can take 20 years to tighten our defenses before, God forbid, terrorists strike again, that is fine. If you believe we have a window that may be 3 or 4 or 5 years, it is a dereliction of duty. It is a dereliction of responsibility, the same as not protecting our troops overseas.

Take the rails. We learned in Madrid that terrorists may want to hurt people by blowing up trains and railway stations. The best way they do that, the most efficacious way, is by using regular explosives. We have the technology to develop devices that can be like smoke detectors. They can be put on every railroad car, in every railway or subway station. If someone walks in with nitrates, they will be detected. We do this, of course, on airplanes. We have sniffing devices which are now used in a few airplanes. I went through one of the devices in Rochester. It works well. That does not work for crowded trains and commuter rails and subways. We can increase the technology and it can be like a smoke detector. Place it on the ceiling, and it goes off if somebody carries explosives, thereby thwarting a blowing up of a train or a railroad station. We are not doing that.

Nor are we protecting the egress and ingress at most of our train stations in case, God forbid, something blows up. Penn Station, the busiest rail station in the country, still has tunnels a mile and a half long without ventilation and without escape routes. Two or three years ago we allocated $500 million to improve that. Only $100 million has been spent.

My colleague from California, Senator BOXER, will have an amendment on rail security that will address some of these concerns. She and I will be talking about that.

What about the ports? We are still only inspecting, at best, 5 percent of all incoming containers. I was speaking to a few people who run the container operations in parts of New York. They say it is more like 1 percent that we are inspecting. Who knows what is in the containers? Shoulder-held missiles, nuclear weapons, terrorists themselves. They caught someone actually in a container trying to smuggle himself into Toronto. We do not inspect these containers. Almost anything can be in them. Again, the technology is there to do more, quicker, and better inspections, to detect explosives or biological or radiological compounds and to put a lock on the container so it cannot be opened again and something be placed in it. My colleague from Washington will be offering an amendment on port security.

How about trucks? We have learned al-Qaida is now using truck bombs as a weapon of choice. This is what our intelligence picked up when we had the last scare that said something might occur during the political season, either at the conventions—which, thank God, it didn't—or maybe closer to the political season. There were indications that truck bombs might be used. There are things that can be done, things that are technologically available and feasible to deal with truck bombs. We can, for instance, require any truck that carries hazardous material have a GPS system so we know exactly where they are going. If they go off course, we will know. If they are stolen, we will know. A truck was stolen in Pennshauken, NJ, my neighboring state, that contained hazardous material. It is missing. It has been missing for 3 months. Who knows who has it. The odds are it was robbery, but it is always possible someone for far more evil purpose was stealing that truck.

In Brazil, a country hardly as technologically advanced as we, every truck has a GPS system. When they go off course, it cuts off so the truck cannot run any further if they are worried. Brazilian truck companies did this to prevent theft. Why aren't we requiring it here? The cost is minimal. Put a GPS system in your new Cadillac, it costs a couple hundred bucks more. We can do the same thing for trucks.

We can have some controls on how ammonium nitrate is sold, which is used in truck bombs. We cannot stop it or limit it; our farmers need it. But certainly when someone buys a lot we could require they identify themselves and call an 800 number to make sure they are not on a terrorist watch list or a previously convicted felon.

We can put taggants in the explosions. With nanotechnology, the marking devices are very tiny and do not interfere with either the cost or the effectiveness of the explosive. That way, we can find out who tried to buy certain materials. It serves as a deterrent, as well. We are doing virtually none of that.

By the way, there will be an amendment on truck security.

Are our chemical plants secure? Absolutely not. My colleague from New Jersey, Senator CORZINE, has been the leader on this issue. His State is one of the leading chemical producing States in the country. A terrorist can easily scout out a chemical plant and make plans to blow it up, creating huge damage. All these areas are not areas where we do not know what to do. We know what to do. They are not areas where the technology is not yet able to be developed. It is able to be developed.

I have talked to experts in all of these areas until I am blue in the face. We do not have the urgency coming from this administration when, time and time and time again the Senator from West Virginia, who has been such a leader on this issue, Senator BYRD, or any who have been focused on this area, have brought amendments to the Senate to provide the dollars to make these things feasible, we have been told we do not have enough money.

I ask, would most Americans rather see these things being done and have maybe half a percent less cut on the top tax rate? In other words, say we go, instead of from 39 to 35.5 percent, that would give us enough money to do all of these things. This is not a political choice. This is hardly pork. This is protecting our homeland every bit as much as providing our soldiers overseas with the weaponry, the backup, that they need. Yet no one is home. There is some rhetoric, but every time the dollars aren't there, there is not the focus, there is not the alarm, the sense of urgency some Members feel.

As we debate this bill, many Members will offer a series of amendments on each of the areas I have talked about and then some others.

These amendments are not intended for any political purpose. They are intended out of a sense of urgency, out of a sense of anxiety, out of a sense of even anguish that we are just not doing enough. I will be here making sure we vote on every one of these amendments. It will probably take us a day to debate them all, a full day, and if others say we do not have that kind of time, I would argue we do. If the majority leader thinks we have to work late to consider these amendments, so be it. But we are just not doing the job.

One final issue which I will be bringing up is our first responders. Our hospitals, our police departments, our fire departments—Senator MIKULSKI will have an amendment on the fire grants—are stretched. They have done a great job in their respective areas. Our police do a great job on the war on crime. Our fire departments keep us safe. Our hospitals are more and more advanced. But each of them has been asked to do special things since 9/11. Each of them has new burdens placed upon them and we are not giving them the dollars they need to do it.

Now, you may say, well, let the localities pay for it. But the hospitals in the localities are not paying. With Medicare and Medicaid reimbursements what they are, with the HMOs being more and more efficient, they do not have the money on their own. So if we do not do it, no one will.

With police and fire, it is not much different. We all know how our localities' budgets are strapped. We all know that the property taxes are a huge burden on people. To ask them to raise the property tax burden to do this means it either will not be done or will not be done in the full way that it should. Yet we are not helping our first responders: our police, our firefighters, our hospitals.

So there will be another amendment, I neglected to mention, which I will offer to increase funding overall for first responders. Senator MIKULSKI will have an amendment on the fire grants. But the bottom line is this: There is, as I said, a dereliction of duty, a dereliction of responsibility on homeland security. This administration almost has a disconnect. Dollars do not matter when it comes to fighting the war overseas, when it comes to defending our soldiers. Dollars cannot because their lives are precious. But dollars almost are the end-all and be-all when it comes to homeland security, and we do not do close to what we should be doing.

So in terms of my general remarks, I look forward to debating this bill. I hope some of my colleagues on the other side of the aisle will join us in supporting these amendments.

The bottom line is very simple: No one knows how the war on terror is going to twist and turn over the next generation. That is why I tend to like proactive policies both abroad and at home. But no one is a genius. There are a few geniuses, but not enough of them. No one can foresee the future, so we do not know what is in store for us. We certainly want to cut down the odds of a terrible, terrible incident occurring again the way one did on 9/11 in my city.

I wear this flag in memory of those who we lost. I put it on September 12, and I wear this very flag every day. I knew some of the people. I was friends with a firefighter who died, a guy who I played basketball with in school who died, a businessman who helped me as I was on my way up politically. So it is sort of personal. But the anguish I feel is maybe one-tenth the anguish, one-one-hundredth the anguish, one-one-thousandth the anguish of the families who live with this every day. But they would want us to do everything we can, and we are not.

It is my hope this debate will, at the very least, elucidate places where we are not doing what we should, and maybe even provide the kind of dollars, resources, and focus that have been so sorely lacking thus far.

AMENDMENT NO. 3580

With that, Mr. President, I now send an amendment to the desk to address the critical issue of nuclear security in our ports in terms of research and development.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 3580.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, a point of order. I have no objection to the dispensing of the reading of the amendment, but a point of order. Is there already an amendment pending from the Senator at the desk? Is this the second amendment or is this a different amendment?

The PRESIDING OFFICER. There are no other amendments pending.

Mr. COCHRAN. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered. The reading will be dispensed with and the amendment will be considered as read.

The amendment is as follows:

(Purpose: To appropriate an additional $150,000,000 for port security research and development grants)

On page 19, strike "$2,845,081,000" and all that follows through "grants;" on page 20, line 11, and insert the following: "$2,995,081,000, which shall be allocated as follows:

"(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to states within 45 days after enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

"(2) $1,550,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided*, That $300,000,000 shall be for port security grants;".

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, this amendment deals with, to me at least, the greatest nightmare that—how much time does our side have, Mr. President?

The PRESIDING OFFICER. There is no pending order for time.

Mr. SCHUMER. Oh, we did not have a time agreement? Thank you, Mr. President. I only intend to take another 10 to 15 minutes on my own, and then maybe if my colleague from Mississippi speaks in favor of the amendment I will not even speak further. But if he speaks against it, I will try to answer what he has to say.

Mr. President, if you think of all the terrible things that terrorists could do to us—and there are so many you almost run out of mental space thinking about them—perhaps the worst that I can imagine is that a nuclear weapon, and I am not talking about a dirty bomb, which would be bad enough, but a real nuclear weapon would be smuggled into this country and exploded anywhere in the country, but particularly in one of our large cities.

The damage would be unimaginable. It is guessed if it were even a 10-kiloton device—smaller than the devices that were exploded in Hiroshima and Nagasaki—that over 100,000 people would die immediately, hundreds of thousands more in the next month, and then perhaps even millions over the years from the radiation. The economic loss would be incredible, not just in the city where it was exploded but wherever the wind currents blew in terms of where the radiation blew. It would probably, in many ways, change the way of life that we cherish for every American, no matter in what part of the country you lived.

So it seems to me we should be doing everything we can to prevent a nuclear weapon from being exploded here. Part of that, of course, is to try to buy up the nuclear weapons we know parts of the former Soviet Union have had and a few other countries have had. We should be funding Nunn-Lugar. But the amendment does not go to that. The other is to prevent them from being smuggled in.

There is good news and bad news about nuclear material. The good news is, in terms of detection, every one of them emits something called gamma rays which can be seen and detected through metal, through anything but lead. Lead is very heavy, so it is hard to detect a device totally surrounded by lead. And then you can detect lead anyway.

The bad news is, right now the detection devices we have are not very proficient. They still have to detect the nuclear material at relatively close range. A Geiger counter needs 3 feet. Some of the other ones that have been developed need a little bit more space.

They are not foolproof, to say the least. I have talked to scientists in my State at Brookhaven National Laboratory and to scientists in many other States, and devices could be developed that, No. 1, detect any kind of nuclear materials from 70 or 80 feet away and detect them in a far more foolproof way than the present devices.

Now, the only way a nuclear device can be smuggled into this country very easily—the only remaining way—is in large containers that come into our ports by the tens of thousands every day or in a truck that goes over the Mexican or Canadian border.

It is very easy to imagine that we could place these detection devices on every crane that loads a container coming to our country. You may say: Well, there are thousands of cranes all over the world. That is true, but already we only allow containers to come into this country that are loaded from 15 ports. I do not have the list of them, but it is Antwerp, Singapore, places such as that. You do not want to detect them here because then they could be exploded while the ship approaches our shores and is not yet here. It could be placed on every toll booth. We would basically prevent any nuclear weapon from being smuggled into the country. But the devices that really work well and can detect radiation far enough away and do it well and sensitively are not yet developed.

Scientists say that with a couple of years of research they can do it. They right now detect small amounts of nuclear material in cyclotrons and atom smashers at a great distance, but those devices are too large and delicate. They can't be bounced around very much to work.

All it takes is spending some dollars, maybe $150 million, maybe $250 million—it sounds like a lot, but it is not in terms of the $1.7 trillion budget—and then installing them in the ways that I have stated.

I have tried for 3 years to get this body to do it. A few years ago we accepted an amendment that would have at least put in $150 million for these devices. But when it came back from conference, only $35 million was left. Guess what. That was in the 2003 budget. They still haven't spent it. Is that amazing? It is $35 million to start on this research, and Homeland Security still has not let the contracts.

What is going on here? This is a huge catastrophe that could, God forbid, happen, and we are just asleep at the switch.

This amendment seeks to rectify that. This amendment will provide all of the necessary funding to develop the devices and then install them in places we need them. My guess is the whole process would take 2 to 3 years, if we really put the energy and the muscle into it. It is true that there are a few places where we are doing this with rudimentary, more primitive types of detection devices. Yes, one of them is in my harbor, Howland Hook on Staten Island. I have visited. I see how it works. It is better than nothing. But it isn't close to good enough. That is one container port, and there are 40 or 50 in New York alone.

We all know the terrorists have access to the Internet, and they know exactly where nuclear devices are being detected, the few ports that they are, and the huge number where they are not. They also know that the detection devices could be a lot bigger.

What we really want to do is develop a super Geiger counter, one that can detect nuclear materials from a distance and one that is more accurate. Again, you put it on every crane that loads a container bound for the U.S., on every toll booth that has a truck that will go into the U.S., you have dramatically reduced the odds of this type of catastrophe occurring.

Is there anyone who doesn't believe we should do that? Is there anyone who thinks the funding we are asking here, which is an additional $150 million, isn't worth the cost? Yet my guess is that when we have this rollcall vote in a short while, people will just march up to the podium and vote no, and there is no good answer.

I hope my colleagues will not do that. One hundred fifty million dollars is not going to break this bank. It is quite broken already. It is not going to break it much further, and it will do a world of good.

I urge my colleagues to support this amendment. I hope, if we are going to support the amendment, that we will see it through in conference and not do what happened a couple of years ago where it was knocked out in conference and a much smaller amount of money was provided for and then that money was not spent.

I am ready to sit down. I know my colleague from Mississippi wants to move the bill forward. I do not disagree with that. I think the argument is pretty clear and pretty succinct. I hope we will be off to a good start on this bill by supporting this amendment and by not ignoring homeland security, particularly a catastrophe that could occur if a nuclear weapon were smuggled into this country.

AMENDMENT NO. 3580, AS MODIFIED

Mr. President, I have a modification of my amendment at the desk, and I ask unanimous consent that it be so modified. It is just changing one number.

The PRESIDING OFFICER (Mr. CORNYN). The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

On page 19, strike “$2,845,081,000” and all that follows through “grants;” on page 20, line 11, and insert the following: “$2,995,081,000, which shall be allocated as follows:

“(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to states within 45 days after enactment of this Act; that States shall submit applications within

45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

"(2) $1,350,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided*, That $300,000,000 shall be for port security grants;".

Mr. SCHUMER. It is actually a reduction in the amount of money by $50 million.

I urge my colleagues to support this deeply significant but, in terms of dollars, modest amendment so we can cut down the odds of a nuclear weapon being smuggled into this country and, God forbid, creating a catastrophe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is always instructive to listen to the distinguished Senator from New York talk about programs and activities that are of major concern to his constituents, particularly in the New York City area, but New York State generally. We appreciate his observations and his expression of concern about technologies and advancements and new ways of protecting the citizens of his State and our country against nuclear threats or other threats to our security. We think the Department has made important progress in these areas, analyzing and understanding the technologies that are available.

We have included, for example, encouragement for additional investigations in this area. I am reading from page 84 of the committee report now. It says:

> The Committee expects a significant expansion of the Countermeasures Test Bed being conducted with the Port Authority of New York and New Jersey in testing technologies to detect radiation/nuclear threats to include railway, general aviation facility monitoring, expanded roadways coverage, and an additional seaport.
>
> The Committee is aware of technology proposals developed with national laboratories to facilitate the inspection of containerized cargo for fissile materials as a part of the normal off-loading process at the Nation's seaports.

The Department is focused on the importance that we all believe should be paid to this area of interest and concern. We know that existing technologies are being deployed by agencies at ports of entry, including the U.S. Coast Guard and the Bureau of Customs and Border Protection. They provide an effective nuclear countermeasure system, but continued focused development can considerably extend these capabilities in order to develop technologies for application to specific locations, including those in the intermodal transportation system, in the maritime domain, at border ports of entry, and in the aviation industry.

Specifically, the committee included in this section of the bill to which this amendment is directed great latitude in approving grants that can be the subject of applications from not only States but local jurisdictions such as port security areas.

Of the total provided by the committee for urban area security initiative grants, $150 million is for port security grants; $150 million is included for rail and transit security grants; $10 million is available for inner city bus security grants for the improvement of ticket identification, the installation of driver shields, the enhancement of emergency communications, and further implementation of passenger screening; $15 million is also included for trucking industry security grants to continue the Highway Watch Grant Program.

This committee had the responsibility of trying to help ensure that across the broad range of urban area security concerns funds were available for grants to local areas and to States to deal with these new challenges.

The committee believes the Department's practice over the past 2 years to allocate appropriated funds could be improved. We suggested, for example, that they all not be made available early in the fiscal year but to leave some opportunities for later grantmaking authority so that if any new discoveries or intelligence of recent terrorist threat information became available, these funds could be targeted to higher risk areas and where we would get more for our money.

It is easy to offer an amendment to double an appropriation, and that is what this amendment does. We have $150 million in the bill for this one particular grant program within the broad urban area security initiative grants. What the Senator from New York is doing is asking that be doubled.

You can just about go through this bill, I suggest, and find every incremental amount that is in this bill and pick out one and offer an amendment to double it and make a good persuasive case why it would be better off if we could spend twice as much money as we have allocated for that one activity. That is a pretty easy argument to make. But it is also a cheap shot, and the reason I am calling it a cheap shot is that we have within this Urban Area Security Grant Program $1.2 billion for discretionary grants to high-threat urban areas. The Secretary has to make these decisions on the basis of the applications and the proposals that are submitted to the Department.

If we in the Congress are going to go back through the bill and try to second-guess every one of these accounts and double it and ask for a vote, you could easily double the whole cost of the bill. We have a $33.1 billion bill. It probably would be harder to get a vote to double that to $66 billion, but you could make some arguments why we could spend that amount of money. But could we spend it in a thoughtful way that would efficiently and responsibly use the taxpayers' dollars in this area of concern, homeland security?

We have had 2 years of experience in writing this bill. Last year, we ended up having to make points of order on the basis of the fact that some of the amendments were in excess of the allocation that was given to this subcommittee.

I understand the full committee has been meeting this afternoon during the last hour to review the amount of funding that would be available to each subcommittee of the Senate Appropriations Committee. And I understand soon, if it has not already been done, there will be filed with the Senate this allocation, and this subcommittee will have a limited amount of money to use in writing this bill.

I am not suggesting we have gotten the cart before the horse, but I am suggesting that before we vote on this amendment, I want to be sure I know what the allocation amount is for this subcommittee. It is not just targeted to the amendment of the distinguished Senator from New York that I do this, but any amendment that would come in and double an amount without any more justification than it would be good if we could spend twice as much as we are spending. And that is really the argument.

Sure, it would be good if we could spend twice as much as we are spending in a lot of areas, but we have to make the choices within a framework of funds available to the committee for a wide range of activities, all of which are very important. We have to choose among programs of the U.S. Coast Guard, programs of the Transportation Security Administration, of the Secret Service, of the Federal Emergency Management Agency, and many others whose accounts are funded in this annual appropriations bill.

I am hopeful we can withhold action on this particular amendment and let us have an opportunity to review the committee's work.

So awaiting the further advice of the chairman of the Appropriations Committee or his staff, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum be dispensed with so I might answer my friend from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I make this point. We were here 2 years ago, and a year ago, and my good friend from Mississippi, with the same eloquence, made the same argument: The amount of money is the amount of money we have; yes, we could double it, but let's leave it up to the wisdom of the Department and the committee.

We did that, and in the last year, we have had no money spent on developing better nuclear detection devices. That is a cheap shot? In all due respect to my colleague from Mississippi, and I would say in all due respect this could happen in New York and it could happen in Houston, TX, and blow over to Mississippi—this could happen anywhere in the country, and I am sure just as I would want to protect the citizens of every other State, so would my colleague from Mississippi.

This is hardly an urban issue. Chernobyl did not occur in an urban—it may have been in an urban setting, but it ruined millions of acres of farmland, which I know my colleague cares a great deal about, as do I.

We are asking not for $33 billion, although maybe that would be spent. If I were the President, I would spend a lot of time figuring out what we needed and then spend it. I would not just ask for extra money. This is a small amount of money, $150 million, specifically directed to nuclear security, when in the past we have not done it. And my colleague argues we have enough money and leave it to the wisdom of the Department to do.

By my good friend's logic, we should not have a Congress. Let's have one broad allocation for homeland security and let them do what they want. And let's not even look, if they do not do something we all think is necessary, and come back and say let them do it again.

This is not a typical request. This is not something that just benefits one specific area or one specific company. This is dealing with one of the greatest dangers America faces, and spending a small amount of money after we have learned that Homeland Security will not do it themselves seems to me to be a reasonable request.

I greatly understand my colleague's nose-in-the-tent argument: If I am for this, well, I have to be for it for so many other things. But I ask him to look at the substance of this amendment and its cost, and I cannot think of an argument against it.

Yes, there is $1.2 billion for all kinds of threats. This is the greatest threat we face, perhaps, and there is no specific money that says we have to do this. In the past, when we have had these broad categories, again Homeland Security has done virtually nothing. Why, I don't know. I have asked them. They say: Yes, we are working on it, just as my good friend from Mississippi has said, but nothing happens.

So we wait another year and another year. I hope we do not have to wait until something terrible happens. That is not what anybody wants. To say that Congress should not be modifying what the administration has done says we should not have a Congress, and to say that this amendment is either frivolous or regional or unnecessary does not make any sense to me.

If my colleague could assure me that the Homeland Security Department would do this out of the existing allocation, I would say, sure, but we had that kind of assurance 2 years ago. My friend, the chairman of the Appropriations Committee, Senator STEVENS, said to me: You are right. Let us make sure we get this done.

Well, it has not been done. So I would simply say, I know the committee has labored under what the administration has sent them on the issue, for instance, of rail security. Where the Rail Association says we need $6 billion to thoroughly protect our rails, the administration asked for zero, and the committee comes up with $150 million. That is a lot better than zero but is not close to what we need.

I say to my friend from Mississippi, the bottom line is, my premise is we are not doing enough, we are not spending enough dollars, and we should have a significant increase.

When we came and found we needed $25 billion more for the war in Iraq, nobody said, well, we could double the number, let's not. Nor should they have. Well, it is the same thing when it comes to homeland security. The difference is, it is not a day-to-day issue. Nothing happens, nothing happens, nothing happens, nothing happens, thank God, and then something terrible happens and we say, why did we not do it?

I am trying to prevent that scenario. I am trying to prevent it for my city and my State and the Senators' cities and the Senators' States, and everybody.

So I ask that my colleagues look at this amendment. Do not be swayed by the logic, well, if we double this one we will have to double every one. Let us look at every one and see what we need. Certainly this one, which is $150 million more, aimed at a specific program that no one could object to, makes a great deal of sense. I hope it will pass. I urge my colleagues to vote for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator talks about we have sort of rubberstamped what the President has asked for in some of these areas. We have agreed with the President on some of his initiatives because we thought he was right, but when we thought the administration was wrong or where they have requested funds, as he pointed out, in the railroad area, for security programs there, this committee has recommended and the Congress has agreed to add funds over and above what has been requested by the President.

In this particular area, where the Senator is coming in now and doubling the amount of money we have in this one particular grant program—we have appropriated for this program almost $500 million, specifically for port security grants, since fiscal year 2002. We are addressing this issue. This is the point, and I am not apologizing for the decisions this committee has made and that have been ratified by both Houses of Congress and approved in the appropriations conference report. We have appropriated almost $500 million specifically for this program. We have asked for another $150 million this year. That is not enough, he says; double it.

We can talk about it on and on and on and go into all the other accounts that involve security in urban areas, high threat areas, but we have to realize there is a limit. Some Senators think we can come in and double the amounts in individual accounts and it will not matter, but if we keep on doing that before this bill is passed, we will have added no telling how much to the deficit. We would have put the administration in a position where they are going to have to either ask for deferrals or recisions of funds. If they cannot possibly get grants out to people who are qualified to use the money or can justify the use of the funds, we cannot pour the money on the ground, and I am not going to stand here and go along with suggestions that amount to spending more because it sounds as if we are going to be doing more. It does not necessarily follow.

I am hopeful we will have in place within the next few minutes some information about the total allocation of funding to this committee, because without that we can continue to add money for individual accounts in this bill for the rest of today and tonight and on into the weekend and then we will have to go back through and start striking funds that have been added so we will be consistent with the allocation to the subcommittee.

What I am asking the Senate to do, and the reason I put in the suggestion for a quorum when I first made the point of order, is to await the advice of the Committee on Appropriations. I am told they sent the information over electronic device, but we need it written on paper so Senators can read it and can understand what the limitations are. So I am hopeful we can await the advice of the full committee on the action that has been taken today. I would appreciate it very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I indicated earlier that the Senate Appropriations Committee met earlier this afternoon to approve the subcommittee funding allocations. The allocations approved are the same as those provided earlier by the full committee, for this subcommittee's information. For Homeland Security appropriations, the approved fiscal year 2005 discretionary spending allocation is $32 billion in budget authority and $29.873 billion in outlays. The bill reported by the committee is at the $32 billion discretionary budget authority allocation and $144 million below the outlay allocation. The allocations for this bill are $897 million in budget authority and $730 million in outlay above the President's request, showing the priority the committee has placed on Homeland Security accounts and its appropriations.

This is a fiscally responsible allocation and Members will be required to provide offsets for any additional spending proposed by amendments to be added to this bill, or the amendment will be subject to a 60-vote Budget Act point of order, I am advised. Therefore, I make a point of order against the Schumer amendment under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. SCHUMER. Mr. President, parliamentary inquiry: My friend from Mississippi said the outlays were still $144 million below what had been allocated by the committee. If I were to ask unanimous consent to make this amendment instead of $150 million, $144 million, within the outlays, would a point of order still lie?

Mr. COCHRAN. Mr. President, I think the Senator asked for a parliamentary inquiry. I don't have standing to rule on parliamentary inquiries. That is the responsibility of the Chair.

Mr. SCHUMER. I ask the Chair. Given the Budget Act, if this amendment were to be modified instead of $150 million of new money, given what we just heard, if the outlays were below $144 million, below the full committee allocation to the subcommittee, would a point of order still lie?

The PRESIDING OFFICER. The Chair is advised that depends on whether it would affect the change in outlays as well as budget authority. It is the understanding of the Chair that there is no room with regard to budget authority.

Mr. SCHUMER. Continuing my parliamentary inquiry, that would mean a point of order would lie even if we were within the outlays?

The PRESIDING OFFICER. That is correct.

Mr. SCHUMER. Just one further parliamentary inquiry: If we said zero budget authority but $144 million in outlays, would that be in order?

The PRESIDING OFFICER. The Chair would have to check with the Budget Committee on the specific numbers.

Mr. SCHUMER. Mr. President, I imagine it is not. So pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable section of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate vote on the motion to waive in relation to the pending Schumer amendment at 4:45 p.m. today, with the debate until that time equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 46, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—50

Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Voinovich
Warner
Wyden

NAYS—46

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas

NOT VOTING—4

Akaka
Clinton
Edwards
Kerry

The PRESIDING OFFICER. On this vote, the ayes are 50, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3581

Mr. LEAHY. Madam President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN, proposes an amendment numbered 3581.

Mr. LEAHY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds from being used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by certain employees of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security)

At the appropriate place, insert the following:

SEC. . None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

Mr. LEAHY. Madam President, I have offered this amendment on behalf of myself, Senator NELSON of Nebraska, Senator JEFFORDS, Senator LIEBERMAN, and Senator FEINSTEIN.

I rise today to offer an amendment that would end an ill-advised attempt by the Department of Homeland Security to privatize jobs that are vital to keeping Americans safe. This amendment would prohibit DHS from spending money to contract out immigration information officer, contact representative, or investigative assistant positions. I am pleased to have Senators BEN NELSON, LIEBERMAN, and JEFFORDS as cosponsors. The House voted for this exact amendment earlier this year by a vote of 242 to 163, with 49 Republicans supporting it. I trust that we will have a similar bipartisan majority in the Senate.

Immigration information officers, IIOs, are responsible for screening applications for immigration benefits for fraud and for performing criminal background checks on applicants. There are more than 1,200 IIOs and contact representatives around the Nation working for the Citizenship and Immigration Services, CIS, branch of DHS. The work they do in attempting to discover and prevent immigration fraud—and prevent dangerous people from abusing the immigration system—is clearly "inherently governmental," making them an inappropriate target of a privatization effort.

As our Nation continues to face the threat of terrorism, CIS carriers a heavy burden in its attempt to process immigration and naturalization applications while ensuring that terrorists—along with other fraudulent actors—do not abuse our immigration system. Information officers have played a vital role in meeting this burden. Indeed, the agency's own job description requires that IIOs have the "[s]kill to identify fraudulent documents in order to prevent persons from appealing for benefits for which they are not eligible," a skill that is obviously all the more important in this era. They are also required by DHS to have "[k]nowledge and skill in interviewing techniques and observation of applicants in order to determine if an applicant is misrepresenting the facts in order to appear eligible for a benefit." I am offering this amendment because I believe that weeding out potential fraud in our immigration system must remain a responsibility of Government employees, especially when the perpetrator of the fraud may be a dangerous criminal or terrorist.

In addition to their security-related work, these IIOs perform duties that are directly related to achieving President Bush's goal, stated during his 2000 campaign and since, of providing more efficient services to lawful immigrants. IIOs increase efficiency by, as their job description states, exploring "all avenues of assistance available to the customer; determin[ing] the benefit most advantageous if more than one exists, and try[ing] to motivate the customer to file the appropriate application(s)." IIOs also have extensive knowledge and use discretion in their positions—they are required to have "knowledge of the exclusion and deportation regulations" and "knowledge and familiarity with the immigration and nationality laws." As CIS continues its efforts to reduce the backlog faced by immigration applicants to 6 months, the last thing we should be doing is replacing knowledgeable immigration professionals with inexperienced contract workers.

Should a private contractor win the work currently performed by IIOs, that contractor will be responsible for adjudicating immigration benefits and detecting fraud and criminal activity, requiring the contractor to make decisions that are both sensitive to national security and have a huge impact on the lives of millions of immigrants. This would be a bad idea in any era, but it is particularly inappropriate now.

I have a personal interest in this issue because about 100 fine Vermonters currently work as IIOs. I know the fine work they do, and I know that my staff and, indeed, all of our staffs rely on them and their counterparts throughout the country when we are seeking to help our constituents. I know that our Nation will be better off if these fine men and women remain in their current positions.

Thirty-five members of this body are already on record in opposition to contracting out the IIO positions. We wrote to Secretary Ridge a year ago, seeking the cancellation of the A-76 process. I have since joined with Senators LIEBERMAN, BYRD, and KENNEDY in obtaining documentation from DHS about its decision to launch the A-76 process to hire private contractors to perform the work currently done by IIOs. The documents the Department has provided have proven illuminating. They have shown that officials within CIS did not think there should be private sector competition for these jobs, and believed that the IIOs were performing inherently governmental work. These officials took their concerns to the leadership at DHS, but their views were overruled, and the competition proceeded.

Grant Thornton and PEC Solutions, outside consultants hired by DHS, drafted memoranda and presentations to demonstrate that going forward with the job competition was unwise. These views, too, were ignored.

The decision to contract out these positions is all the more disturbing because it has the hallmarks of a decision made simply to meet a quota. The Bush administration set a goal of privatizing 15 percent of Government jobs shortly after it took office. When the original decision to submit the IIO positions to competition was made, they were still INS and Department of Justice employees. According to a senior official at CIS, that original decision was made when the Office of Management and Budget informed DOJ that it had only hours to submit 1,200 positions that could be privatized. Only James Ziglar, then the INS Commissioner, even knew that the IIO positions would be submitted to OMB.

After the INS was transferred to DHS, the new Department had to decide whether to continue with the competition. DHS announced its decision to subject the jobs to competition in August 2003, and DHS documents suggest that the 15-percent goal remained a major factor in the decision, with the leader of the DHS privatization office referring to the need to meet OMB's 15-percent goal as recently as October 2003. This was true even though Congress prohibited agencies in February 2003—10 months earlier—from applying or enforcing any numerical goals or targets for subjecting employees to public-private competition, and even though the administration grudgingly announced it would abide by the law forbidding this quota in July 2003.

This amendment would also protect the jobs of investigative assistants. These CIS employees work in the Fraud Detection Unit, searching a variety of private, governmental, and criminal databases to find information about applicants for immigration benefits. These positions were created in the aftermath of the September 11, 2001, attacks, to ensure that only qualified personnel would have access to highly sensitive databases. Despite the nature of the position and the circumstances under which it was created, DHS has demonstrated interest in privatizing these positions as well. This amendment would put a stop to that misguided effort as well.

In conclusion, this amendment would protect Federal employees who are trying to weed out fraud in the immigration system and assist lawful immigrants seeking benefits to which they are entitled. It had overwhelming bipartisan support in the House, passing with nearly 50 Republican votes. I urge my colleagues to support this amendment.

Madam President, I will summarize what this is about for my colleagues. There is an attempt to privatize a number of jobs in the Department of Homeland Security. These jobs are vital to our American security. I do not believe they should be privatized. A majority of the other body feels the same way.

My amendment would prohibit DHS, the Department of Homeland Security, spending money to contract out immigration information officer, contact representative, or investigative assistant positions. That is why I am glad Senators NELSON of Nebraska, LIEBERMAN, JEFFORDS, and FEINSTEIN have cosponsored this amendment.

This is not a partisan issue. The House voted for this exact amendment. They just copied the wording of it. They voted overwhelming for it, 242 to 163, with 49 Republicans supporting it.

I hope we will have similar bipartisan support in the Senate.

Let me explain immigration information officers. We call them IIOs. They are the people who screen applications for immigration benefits for fraud. They perform criminal background checks on applicants. There are more than 1,200 of these IIOs and contact representatives around the Nation. They work for the Citizenship and Immigration Service, a branch of DHS.

The work they do in attempting to discover and prevent immigration fraud and prevent very dangerous people from abusing the immigration system is clearly inherently governmental.

This is not a custodial service. This is not a landscape service. These are things preventing immigration fraud. It is clearly inherently governmental. So it should not be part of a privatization effort.

As we all know, our Nation continues to face the threat of terrorism. CIS carries a heavy burden to attempt to process immigration and naturalization applications, but they have to ensure that terrorists, along with a lot of fraudulent actors, do not abuse our immigration system. They play a vital role in meeting this burden. In fact, the agency's own job description requires that "they have the skill to identify fraudulent documents in order to prevent persons from appealing for benefits for which they are not eligible." That is a skill obviously all the more important in this era.

They are also required by DHS to have knowledge and skilled interviewing techniques in observation of applications. What they have to do comes from years of experience. They have to be able to find those people who are seeking a benefit who are not eligible.

I have spent a lot of time on immigration matters and I believe that weeding out potential fraud in our immigration system is a major responsibility of our Government. It is a major responsibility of our Government employees. We do not turn it over to somebody else, especially when the perpetrator of that fraud could be a very dangerous criminal or a terrorist. I do not want to have it turned over to Fraud Catchers USA. I want it within our Government so we know what standards are being followed.

They also perform duties that are directly related to achieving President Bush's goal of providing more efficient services to lawful immigrants. They increase efficiency, explore all avenues of assistance available to the customer to determine the benefit most advantageous when more than one exists, again based on vast experience.

The administration wants to reduce the backlog faced by immigration applicants to 6 months. Well, suddenly putting in a whole new service to do it makes little sense. If a private contractor does it, that contractor is going to be responsible for adjudicating immigration benefits and detecting fraud and criminal activity that will require the contractor to make decisions that are sensitive to our national security. It is also going to have a huge impact on the lives of millions of immigrants. I think this would be a bad idea in any era, but with the terror threat we face now, I think it is a very bad one.

The amendment would also protect the jobs of investigative assistants who work in the fraud detection unit. These positions were created in the aftermath of September 11 attacks. Despite the nature of the position, despite the circumstances under which it was created, DHS has demonstrated interest in privatizing these positions as well. I think that is a mistake.

As I said, this passed overwhelmingly in the other body, Republicans and Democrats alike supporting it. I hope we would do the same.

I see the distinguished Senator from Nebraska on his feet, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I have cosponsored, as my distinguished colleague from Vermont has indicated, an amendment to the Homeland Security appropriations bill, and I ask unanimous consent that Senator HARRY REID of Nevada be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. I believe this is a matter of great importance to the security of our country. The amendment would eliminate funding for an A–76 competitive outsourcing study of immigration information officer, contact representative, and investigative assistant positions within the Bureau of Citizenship and Immigration Services, or the BCIS, at the Department of Homeland Security.

As a general principle, I do not oppose privatization of Government jobs where doing so clearly is in the best interest of the most efficient use of taxpayers' dollars and is in the best interest of not only our Government but of the taxpayers. I do believe, though, that there are some types of jobs that can and should be performed by Government, as well as some jobs and services that can be performed by private contractors. I believe that deciding which jobs are appropriate for privatization should be a very careful and deliberative process. It should not be done to meet arbitrary quotas. In the case of these particular BCIS jobs, I believe DHS has made a mistake in subjecting them to an A–76 study.

In this instance in particular, I do not believe privatizing these particular jobs is appropriate or will best serve the interests of our country. I believe these jobs are intricately tied to the national security of our country and therefore are inherently governmental. These jobs require a high level of discretion and of very specific knowledge of immigration laws to determine who is eligible for immigration benefits. These workers are charged with weeding out fraud in the immigration system and identifying those with criminal histories or those who could be potential terrorists. These are the types of jobs that are inherently governmental in that they are vital to protecting our country from security threats.

The DHS's own job descriptions for these positions illustrate why these positions are inherently governmental. For example, immigration information officers are required to have the "skill to identify fraudulent documents in order to prevent persons from appealing for benefits for which they are not eligible." They are also required to have "knowledge and skill in interviewing techniques and observation of applicants in order to determine if an applicant is misrepresenting the facts in order to appear eligible for a benefit."

In addition, according to the DHS's own job descriptions, workers in these positions are exposed to highly confidential information and may at times be exposed to national security information. They must exercise their discretion by observing and questioning individuals for the purpose of determining if those individuals are attempting to submit applications under fraudulent situations and reasons. This can lead to the arrest or detention and subsequent deportation of those aliens and may lead to the prosecution of cases.

In Nebraska alone, there are 100 workers within the BCIS performing these functions, and I have heard from them directly about why they believe their duties are inherently governmental. Quite frankly, I agree with them. I believe it would be unwise, especially in our country's current heightened state of alert to terrorist threats, to outsource jobs that are so closely linked to the security and safety of our country. Weeding out potential fraud in our immigration system must indeed remain a responsibility of Government employees, especially when the perpetrator of the fraud may be a dangerous criminal or a terrorist.

Therefore, I urge my colleagues to support Senator LEAHY's and my amendment and prevent these jobs from being privatized.

I thank the Senator from Vermont.

AMENDMENT NO. 3582 TO AMENDMENT NO. 3581

Mr. THOMAS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 3582 to amendment No. 3581.

Mr. THOMAS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to submit to Congress, at least 60 days prior to award, a report on the results of an Office of Management and Budget Circular A-76 competition, to include estimated savings, performance improvements, and the impact on jobs and Federal Government employees)

Strike all after the word "Sec." and insert the following:

SEC. . None of the funds appropriated by this Act may be used to make an award, pursuant to a competition under Office of Management and Budget Circular A-76, to a source for the performance of services that were provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants unless—

(1) the Secretary of Homeland Security submits to Congress, not later than 60 days before making such award, a report that describes—

(A) the performance requirements for the services;

(B) the estimated savings to be derived from the performance of such services by that source;

(C) the actions that are to be taken to effectuate the transition to performance either by Federal Government employees under the applicable most efficient organization plan or by a contractor, as the case may be; and

(D) the strategy for mitigating the adverse effects of such award, if any, on Federal Government employees; and

(2) the making of the award to that source will not result in the closure of an immigration information service center that was in operation on June 1, 2004.

Mr. THOMAS. Madam President, I offer this as a second degree to the pending amendment of the Senator from Vermont. The amendment specifically restricts the Department's ability to conduct competitions under President Bush's competitive sourcing initiative, which is an integral part of his management agenda. As a strong supporter of the competitive sourcing process and consistent advocate for a smaller and more efficient government, I offer this second degree to ensure that any attempts to restrict the Department of Homeland Security in implementing its competitive sourcing efforts are limited.

The positions in question, immigration information officers, have been identified by the Department as noninherently governmental functions. They have been identified by the Department in that category. They are commercial activities and can be performed in the private sector without endangering our homeland security efforts.

The Department of Homeland Security is simply complying with the FAIR Act by subjecting these positions to public/private competition in order to determine if they could best be performed by the private sector or remain in house. This competition was initiated by the Department of Justice prior to the transfer to DHS. It is critical to significantly improving first line services associated with processing immigration applications and benefits. DHS is in the process of completing its competition in these very positions, and the amendment of the Senator would prohibit DHS from completing this competition. Numerous studies have confirmed that competitions create opportunities for innovative, improved data management, economic, and performance improvements. They are confident that competition has already provided a powerful incentive for both the public and the private sector sources to identify new and better ways of meeting the requirements.

This information has to do with these positions. The IIOs are GS-5s, 7s, and 8s, with supervisors at the GS-9 level, who perform only first line procedural processing for a range of immigrant applications/benefits. They are not performing inherently governmental work, are not policymakers or regulators, do not bind the Government to a course of action. Adjudicators, who have authority to investigate, correct, overrule and make final decisions regarding immigration status, are a separate function within the Citizenship and Immigration Service, but are not covered by this proposed, or any other, DHS competition.

The DHS has opened its commercial activity currently performed by Government employees to competition from the private sector in order to improve services, improve the opportunity for innovation, improve levels of security, and create the possibility of cost savings. The Government and private sector will compete for the work based on quality and cost.

The agency has written that on a governmentwide basis, competitions completed in fiscal year 2003 are estimated to generate savings and cost avoidances of over $1 billion over the next 3 to 5 years. The House version of the bill contains a provision that would block DHS from using competition to choose the best public or private sector sources to handle tasks associated with the processing of immigration applications. We understand an amendment may be offered on the Senate floor that would preclude public-private competition and turn back DHS efforts to significantly improve customer service for immigrants. If the final version of the bill were to contain such a prohibition, the President's senior advisor would recommend he veto the bill.

We have been through this a number of times. It always is presented as if these are replacing Government jobs with private sector jobs which, first of all, I don't think is a bad idea but nevertheless that is not the case. This is competition. This is an opportunity for both those in the Government service and in the private sector to have an opportunity to deal with these administrative first level jobs—these are people who do not make the decisions, they simply go through the details of this—and to allow this agency to continue to seek to make their work more effective and more efficient. Somehow, every time this comes up we have this opposition to this program that has been in place, is in place, and the fact is it has already been proven to save considerable amount of money. It is already proven in most cases, as a matter of fact, because of the improvement on the part of the Federal employees; they remain there through the competition.

It just seems to me it is a mistake for us to get into this program and say you can't do that anymore. Clearly these people are not the people who are decisionmakers. They are the folks who are doing the administrative work that brings it to the decisionmakers.

Additionally, my amendment would not result in the closure of any immigration service centers or district offices currently in operation, which appears to be the concern of some of the sponsors.

I hope we can take a long look at this and that we can try to allow this program of efficiency, of cost saving, to be continued by this department. Let them make the decision as to who can best do this task.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have great respect for the Senator from Wyoming. He is a friend. I understand what he is saying. Unfortunately, the reason why this position was not taken in the other body is what he has asked for is something they could do anyway, simply ask for a reporting requirement. What they have done, in asking for that, they simply put it over for another 60 days and then do exactly what they want. I don't think anybody questions the reporting that would come back from the very department that wants to do this would be to say: Do what you want to do. They accept the report, they accept the way it will be done. Rather than needing 60 days, they could probably do it in 6 minutes.

What I am concerned about is the reason why there is such a bipartisan support for this in the other body—not for the gutting amendment of the Senator from Wyoming but for our amendment—was this makes sure that these very critical services are in the hands of Government agencies.

There are jobs that can be privatized but I think sometimes we privatize what we should not. We sometimes privatize law enforcement and we have seen some of the problems we have had in our prisons when we have done that. Otherwise we privatize investigations and we find that people have their records and their reputations ruined by private companies that do not meet the standards they are supposed to follow and afterwards they say, Sorry, we made a mistake.

Frankly, if you vote for the second-degree amendment you are voting to outsource positions that are critical to our security. We have had 35 Senators who have already written to Secretary Ridge, asking him not to do this. Basically the second-degree amendment simply says tell us why you think you should do it and just go ahead and do it anyway.

I hope we would not vote for it.

Mr. JEFFORDS. Mr. President, I strongly support the amendment offered by Senator LEAHY, myself, and other colleagues that would prohibit opening up the Immigration Information Officers, IIO, position for commercial competition.

This position was opened for commercial competition after a determination that the IIO position was not performing an "inherently governmental activity," and thus capable of being filled through commercial competition. This decision was fundamentally flawed and will, if implemented, be an impediment to national security.

While a very basic description of the functions performed by an IIO might include telephonic and written responses to questions from the public, a closer look at the duties actually performed by IIOs results in a more varied list of duties. My staff and I have had the pleasure of being helped by IIOs on numerous occasions over the years in our attempts to assist my constituents. It is my experience, that IIOs not only provide basic immigration information to the public, but they also have the ability to advise petitioners on the type of petition to file; they have the authority to correct mistakes made in Citizenship and Immigration Services, CIS, records and computer systems; they can reject petitions for various reasons; and it is my understanding that many IIOs adjudicate petitions.

As anyone who is familiar with United States immigration law knows, interpreting regulations and offering advice is a complicated business. When dealing with immigration law, the potential is great for making a mistake that could severely impact a business or a family for a lifetime. Thus, it is inconceivable to me that CIS would consider opening this position to commercial competition.

In the interest of security, following the 2001 terrorist attacks, the Federal Government decided that airport passenger screeners should be Federal employees. Consistent with that decision, I believe that maintaining the IIO position as a Federal employee position strengthens our protection against future terrorist attacks.

In reality, IIOs have the ability to determine who can or cannot remain in this country. When dealing with the public, they draw from a wealth of institutional knowledge that benefits not only the petitioner, but also the entire Nation. IIOs also have access to agency records and can, in fact, modify such information when appropriate.

For many years, the Immigration and Naturalization Service, INS, struggled to live up to the word "service" in its name. It is my hope that at the beginning of this new era, with the creation of the Department of Homeland Security, including the CIS, we will not weaken our ability to provide persons seeking immigration benefits with the service they deserve. Having the important duties of Immigration Information Officers performed by individuals selected through commercial competition will only hinder the service provided, not improve it.

A similar amendment passed in the House of Representatives during its consideration of the Department of Homeland Security Appropriations bill this year, and I am hopeful that my Senate colleagues will join us in supporting this important amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, it occurs to me that this is an issue that probably ought not be on this bill. As a matter of general principle, it is a legislative decision. It seems to me the committee of jurisdiction would probably be the committee chaired by the distinguished Presiding Officer.

Having said that, that doesn't make this amendment go away by itself. We have to dispose of it. We have to deal with it. Frankly, I am confused about how the amendment got added to the House Appropriations Committee bill. I am told it was an amendment offered on the floor and it was adopted by the House. This seems to me an amendment that ought to be at least discussed in conference. If we adopt the Leahy amendment without changing it at all, then we are stuck with the language, it seems to me. I don't know how you get away from having this provision in the final version of the bill, and this appropriations process would have been subverted and it would have been distorted.

This is not an appropriations amendment. We are not talking about an amount of money to be appropriated for any particular purpose. Immigration services are provided, of course, by the Department of Homeland Security and apparently the Department feels it ought to have flexibility in the administration of that program. We are singling out an employment circular to prohibit its effectiveness on an appropriations bill. I think it is fairly convoluted.

I don't like the process. The Senator from Wyoming comes in and offers a modification, which basically requires the Department to provide information on its intentions.

It must submit to Congress not later than 60 days before making an award. This is an award for providing services under the auspices of the Bureau of U.S. Citizenship and Immigration Services. Before it makes an award to someone to provide these services, it has to go through certain steps and make this disclosure to the Congress.

It seems to me that this is an appropriate place to at least call time out and let us put this issue on hold and give the Appropriations Committee an opportunity to consider it in conference. We would have to resolve the differences between this amendment and this provision in the Senate and the one adopted by the House.

I fully support the amendment offered by the Senator from Wyoming.

Let me add one other note. The administration submits to the committee after we write a bill in the Appropriations Committee a Statement of Administration Policy. Looking at their Statement of Administration Policy on the bill as reported by our Appropriations Committee, you get down to the bottom of page 2 where it talks about competitive sourcing, it states:

> The administration has adopted a reasonable and responsible approach for ensuring the fair and effective application of public-private competition. On a government-wide basis, competitions completed in fiscal year 2003 are estimated to generate savings, or cost avoidances, of more than $1 billion over the next 3 to 5 years. The House version of the bill contains a provision that would block DHS from using competition to choose the best public or private sector source to handle basic administrative tasks associated with the processing of immigration applications and benefits. We understand an amendment may be offered on the Senate floor that would also preclude public-private competition and turn back DHS' efforts to significantly improve customer service for immigrants. If the final version of the bill were to contain such a prohibition, the President's senior advisers would recommend that he veto the bill.

So I can't stand idly by and see this provision be included in the bill and risk the veto of this Homeland Security appropriations bill that we have worked very hard to craft, after hearings and hearings, and with the good assistance of other Senators on the subcommittee such as the distinguished Senator from Vermont. I would hate to see all of our work go for naught and have to start over with a vetoed bill.

I am urging Senators to vote for the Thomas amendment and let us take this issue to conference and see if it can be resolved in a way that gets the bill signed and takes care of the concerns expressed by the distinguished Senator, my very good friend from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have served for over a quarter of a century on the Appropriations Committee with the distinguished senior Senator from Mississippi. I hope this doesn't hurt him back home when I can state unequivocally that nobody works harder than he does. Nobody is more conscientious in going through legislation. I know he has worked very hard on the appropriations bill before us. As he knows, I have supported him in the subcommittee on a great deal of measures in this bill. We have similar views.

On the question of vetoes, I can remember the last time a piece of legislation I was working on with the White House, saying they would veto legislation if we put in the TRICARE provisions to provide health care for our National Guard and Reserve members and their families, even at a time when an extraordinary, unprecedented number of National Guard and Reserve members were being called up for the war in Iraq and were being required to serve way beyond the time anyone ever anticipated. Nobody could understand why the White House would do that which basically undercuts the brave men and women who are going over there. Fortunately, Republicans and Democrats came together in this body and the other body and passed the legislation with very strong bipartisan support and somehow the veto threat disappeared.

I suspect the same thing. This bill is not going to be vetoed on this issue. I understand the threats. I have been here for 30 years, and I have seen Democratic Presidents and Republican Presidents and administrations. It never comes through the Presidents. It says their senior advisers would recommend a veto threat. I have seen hundreds of these in my 30 years I have been in the Senate. I have probably seen about a dozen vetoes come out of the hundreds and hundreds of threats, even though they have been ignored.

The distinguished chairman of the subcommittee has a responsibility to bring that forward. But he knows, as I do, that we hear veto threats almost as though they were being printed and cranked out when any bill comes along.

I think it never would have passed a body as tightly controlled by the Republicans as the House of Representatives, it would never have passed with the overwhelming support had they really thought there would be a veto.

I ask unanimous consent that the distinguished Senator from Wisconsin, Mr. FEINGOLD, be added as a cosponsor to my amendment to the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I would say only this: If the Thomas amendment is adopted, it effectively kills the Leahy amendment and allows the outsourcing to go forward on what is a critical governmental responsibility.

As I have said before, I would be happy to see a private enterprise stake. As we know, this administration has dramatically increased the number of Government employees. They went down substantially during the 8 years of President Clinton's administration, and they have increased more than any time in a dozen years by this administration. Maybe they could look for areas of outsourcing but not outsourcing in those areas that are critical to our lives and our national security and fight against terrorism.

I am perfectly willing to go to a vote on the Thomas amendment, but I would remind everybody that it kills the Leahy-Nelson et al amendment and allows at a time of heightened terrorist threat the Department of Homeland Security, which dramatically increased the number of employees, to take some very key governmental employees and turn them over to the private sector and say the private sector can handle our security from terrorists who might try to come in under the immigration rubric better than our own Government could do.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Madam President, are we going to vote? Fine. I would like to be able to make a closing statement pretty much as my friend from Vermont did.

I want you to remember that this is an effort that is being made throughout the Government to try to find a way to be more efficient. It is not outsourcing; it is competition; and whoever does the best job ends up doing this activity.

I further remind you that these are not people who make decisions with regard to terrorism. These are the people who do the detail work and report to folks who make the decisions.

I also remind you that this Department is in the process of doing this now, is willing to come to the Senate as we proceed and report where they are. This is part of the program that has been ongoing. It has been proven to work. We ought to continue to do it here.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, we have a situation where an amendment has been offered. Eventually, there will be a vote on the amendment offered by Senator LEAHY and Senator NELSON. It may not be tonight. Before this bill is finished, they have a right to have their amendment heard, which it has been, and voted on.

Everyone should understand this amendment will not go away. People will vote on outsourcing. That is the way it is. So everyone understands, there will be another opportunity for Senators NELSON and LEAHY to offer the amendment. If the majority wants to second-degree the amendment and filibuster their own bill, we would have to do it some other time.

We, in good faith offered, an amendment. Time was very limited. These two men spoke very short periods of time. There are many others who wanted to speak, but in the context of what the two leaders said, we should try to move this bill along. We tried to do that. At least we should have an opportunity to vote on these amendments.

It appears the majority is attempting to not allow us an opportunity to vote on this amendment. And it will happen, sooner or later.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, so there is no illusion about who is responsible for suggesting we have a vote on the Thomas amendment, it is me. It is not the majority leader. As the manager of this bill, I think we ought to follow the regular order. The Senator from Vermont laid down an amendment. The Senator from Wyoming offered an amendment to the amendment. It is in order.

We have had a debate on it. He is entitled to a vote on his amendment. We ought to have it. If his amendment prevails, then we vote on the amendment as amended. Nobody is going to filibuster the bill on this side. I am not going to. I am not going to filibuster my own bill because of this amendment. I want people to understand it is not this big an issue. It is not going to bring down the Senate and block consideration of this bill as far as I am concerned.

Mr. LEAHY. I wonder if I might ask the senior distinguished Senator from Mississippi a question. He has said this matter has to go to conference. He is absolutely right. He will hold the majority votes in the conference. Why not this: Why not set both the Thomas amendment as a freestanding amendment, the Nelson-Leahy, et al, amendment, as a freestanding amendment, take them both to conference?

Mr. COCHRAN. I will give a quick answer. I am not going to, by unanimous consent, deprive any Senator of a right to offer an amendment. That is what I would be doing if I would, by agreement, say that you can offer an amendment and have a vote on it without any other Senator having an opportunity to modify it.

That is not in the rules of the Senate. It is inconsistent with the traditions of the institution to do that.

Mr. LEAHY. The reason I suggest it is because the Senator from Wyoming is in the Senate, and it is his amendment. That way he could be part of it.

The Senator from Mississippi is absolutely right. We go forward with a vote—I was suggesting a way to save having to put the other amendment up at another time. It still becomes a matter of conference. If the distinguished Senator from Mississippi wishes to go forward with the vote on the Thomas, that is fine with me.

I would state, as I have before, that is a defeat of the underlying Nelson-Leahy, et al, amendment which will come up in another form at a later time. I am perfectly willing to go ahead and vote now.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the second-degree amendment offered by the Senator from Wyoming.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—47

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NOT VOTING—4

Akaka
Clinton
Edwards
Kerry

The amendment (No. 3582) was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3584 TO AMENDMENT NO. 3581, AS AMENDED

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN, proposes an amendment numbered 3584.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds from being used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by certain employees of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security)

At the end of the amendment add the following:

SEC. . Notwithstanding any other provisions of this Act none of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants. This section shall take effect one day after the date of the bill's enactment.

Mr. LEAHY. Mr. President, if I could have the attention of the managers, we have had the basic debate on this amendment. I ask that we have 2 minutes on each side and then go to a vote, if that is agreeable. I will make that request.

I ask unanimous consent that we have 4 minutes equally divided and that it then be in order to request the yeas and nays and go to a vote.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I do not know what the amendment is. It was sent to the desk. It would be nice to know what it is so we would know whether we should agree to the unanimous consent request to limit 2 minutes to a side.

Mr. LEAHY. I apologize. I thought the distinguished Senator from Mississippi had been advised of this amendment. It is basically my underlying amendment as freestanding.

Mr. COCHRAN. Mr. President, parliamentary inquiry. If this is an amendment that has already been before the Senate and to which an amendment has been added, is it in order for the Senator to put before the Senate the same amendment as an amendment?

The PRESIDING OFFICER. It is in order because the amendment is now in a different posture as a second-degree amendment.

Mr. COCHRAN. Mr. President, I have no objection to the request for the time agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, as I said before, the amendment I have offered is the same amendment that passed overwhelmingly in the House of Representatives, with strong Republican support. It says on these very critical—very critical—steps based in the former INS in which they try to weed out possible terrorists on immigration applications that this not be contracted out to a private company but be done by professionals. That is really the bottom line. We can talk about it for hours. We have had the debate before.

I withhold the remainder of my time, and I will ask for the yeas and nays once time is yielded back.

The PRESIDING OFFICER. Time is not yielded back.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming is recognized.

Mr. THOMAS. We just voted on this same issue. We have voted on it a dozen times. What we have here is an effort by this Government to try to be more efficient, more cost saving, by having competition. That is what is involved.

Let me say that these immigration information officers are GS-5s, 7s, and 8s, with supervisors at the GS-9 level, who perform only first-line procedural processing. They are not performing any "inherently governmental" work. They are not policymakers or regulators. They do not bind the Government to a course of action. This is already underway in this administration. They have looked at doing this. Who knows who is going to do it more efficiently? We are saying to the Government that you cannot do that. You have to leave things the way they are, and we don't want to have any opportunity to do things better than we have been doing them. That is what it is all about. I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I strongly urge Senators to vote against the Leahy amendment.

Mr. LEAHY. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The Senator has 56 seconds.

Mr. LEAHY. Mr. President, we are talking about people who attempt to discover and prevent immigration fraud, prevent dangerous people from abusing the immigration system. This is inherently governmental. We have kept inherently governmental things like law enforcement within the Government. We should do it here with these 1,200 immigration information officers who contact representatives around the Nation. We have an inherent body of expertise that we need in this fight against terrorism.

I yield back my remaining time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment of the Senator from Vermont.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—49

Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—47

Alexander
Allard
Allen
Bennett
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Akaka
Clinton
Edwards
Kerry

The amendment (No. 3584) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3581, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3581, as amended.

The amendment (No. 3581), as amended, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3586 THROUGH 3588, EN BLOC

Mr. COCHRAN. Mr. President, I send to the desk three amendments that are making technical changes to the bill. They have been cleared on both sides of the aisle. I ask they be considered and agreed to en bloc.

I ask my statement on each of these amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes amendments en bloc numbered 3586 through 3588.

The amendments (Nos. 3586 through 3588), en bloc, are as follows:

AMENDMENT NO. 3586

(Purpose: To make technical corrections to provisions of the bill related to verification of air carrier calendar year 2000 security cost)

On page 11, strike "Provided further" on line 13 down through and including "proviso" on line 23, and insert the following:

"*Provided further*, That the Government Accountability Office shall review, using a methodology deemed appropriate by the Comptroller General, the calendar year 2000 cost information for screening passengers and property pursuant to section 44940(a)(2) of Title 49, United States Code, of air carriers and foreign air carriers engaged in air transportation and intrastate air transportation and report the information within six months of enactment of the Act but no earlier than March 31, 2005, to the Committees on Appropriations of the Senate and House of Representatives and Committee on Commerce, Science, and Transportation: *Provided further*, That the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access, for the purpose of reviewing such cost information, to the personnel and to the books; accounts; documents; papers; records (including electronic records); and automated data and files of such air carriers, airport authorities, and their contractors; that the Comptroller General deems relevant for purposes of reviewing the information sought pursuant to the provisions of the preceding proviso: *Provided further*, That the Comptroller General may obtain and duplicate any such records, documents, working papers, automated data and files, or other information relevant to such reviews without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of Title 31 of the United States Code: *Provided further*, That the Comptroller General shall maintain the same level of confidentiality for information made available under the preceding provisos as that required under section 716(e) of Title 31 of the United States Code: *Provided further*, That upon the request of the Comptroller General, the Secretary of the Department of Homeland Security shall transfer to the Government Accountability Office from appropriations available for administration expenses of the Transportations Security Administration, the amount requested by the Comptroller General, not to exceed $5,000,000, to cover the full costs of any review and report of the calendar year 2000 cost information conducted by the Comptroller General, with 15 days advance notice by the Transportation Security Administration to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That the Comptroller General shall credit funds transferred under the authority of the preceding proviso to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the review and report: *Provided further*, That any funds transferred and credited under the authority of the preceding provisos that are not needed for the Comptroller General's performance of such review and report shall be returned to the Department of Homeland Security and credited to the appropriation from which transferred.".

On page 11, line 25, strike "audit" and insert "review".

AMENDMENT NO. 3587

On page 7, line 3, strike "General Accounting" and insert "Government Accountability".

AMENDMENT NO. 3588

(Purpose: To make modifications to the Government Accountability Office study of the Transportation Security Administration's Computer Assisted Passenger Prescreening System/Secure flight program)

On page 37, line 6, strike all after "(a)" down through and including "2005." on page 39, line 5 and insert the following:

"None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) or Secure Flight or other follow on/successor programs, that the Transportation Security administration (TSA) plans to utilize to screen aviation passengers, until the Government Accountability Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II or Secure Flight or other follow on/successor programs;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II or Secure flight or other follow on/successor programs and has demonstrated that CAPPS II or Secure flight or other follow on/successor programs can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II or Secure flight or other follow on/successor programs are being developed and prepared;

(5) The TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II or Secure Flight or other follow on/successor programs from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the sue and operation of the system;

(8) there are no specific privacy concerns with the technological architecture of the system; and

(9) the TSA has, pursuant to the requirements of 49 USC 44903 (i)(2)(A), modified CAPPS II or Secure flight or other follow on/successor programs with respect to intrastate transportation to accommodate States with unique air transportation needs and passengers who might otherwise regularly trigger primary selectee status.

(b) During the testing phase permitted by paragraph (a) of this section, no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

(c) The Government Accountability Office shall submit the report required under paragraph (a) of this section no later than February 15, 2005.''.

AMENDMENT NO. 3586

Mr. COCHRAN. Madam President, this amendment makes necessary technical changes in the bill language authorizing the Government Accountability Office—GAO—to perform review activities to verify air carriers' calendar year 2000 security costs and makes funds available to GAO for this purpose.

AMENDMENT NO. 3587

This amendment makes a technical correction to the bill in conformance of Public Law 108–271 renaming the General Accounting Office the Government Accountability Office.

AMENDMENT NO. 3588

This amendment makes technical corrections to bill language for the Government Accountability Office to report on the progress of the Secure Flight program.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, the amendments are agreed to.

The amendments (Nos. 3586 through 3588), en bloc, were agreed to.

Mr. REID. Madam President, while the distinguished manager of the bill is in the Chamber, I wonder if the Senator would agree—I talked to him personally, but so Senator BYRD knows—that Senator BYRD could offer his amendment during morning business in the morning. Would that be appropriate?

Mr. COCHRAN. Madam President, it is certainly OK with me for Senator BYRD to offer his amendment any time he wants to offer it. We are not putting one Senator in front of another. But he is the distinguished ranking member of the subcommittee, and we would be happy to see him offer his amendment when he wants to in the morning.

Mr. REID. I would say through the Chair to the distinguished manager of the bill that Senator BYRD is planning to be here when morning business finishes around 10:30 tomorrow. Our next amendment in order will be that offered by Senators DODD and STABENOW on first responders. That would be the next one that we would offer, just so the distinguished manager of the bill knows that.

Mr. COCHRAN. If it suits Senator BYRD, it suits me. There are some amendments on the list that we have been reviewing hoping to agree those would be the only amendments in order to the bill. I don't know how close we are to reaching an agreement on that or whether the acting leader is empowered to sign off on those agreements. We probably should wait until Senator BYRD is here though.

Mr. REID. We are working on a list of amendments, and we are not ready to do it at this time, but maybe tomorrow sometime we could do that. We will do our very best.

Mr. COCHRAN. Madam President, I encourage Senators to let us know if they intend to offer an amendment to this bill. We would like to have a finite list of amendments so we can expedite final conclusion of this bill tomorrow or as soon as possible.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I have sought recognition to discuss an amendment which I have been discussing with the manager of the bill which would allocate $50 million for high-risk organizations as defined under section 501(c)(3) of the Internal Revenue Code with the priority of that $50 million to be determined by the Secretary of Homeland Security. The $50 million figure is firm, and there is no doubt that there will be a need for more than $50 million. This is a start. This is a start on the protection of 501(c)(3)s and the discretion of the Secretary of Homeland Security is limited to establishing the priority for the use of the $50 million. The Secretary does not have the authority to put up the $50 million. The $50 million will be firm under this amendment, with the discretion of the Secretary to establish the priority.

This amendment, which is currently being reworked, is expected to have $50 million dedicated for assistance to nonprofit organizations as defined under section 501(c)(3) of the IRS Code 1986 which are at high risk of international terrorist attack, with priority funding to be determined by the Secretary of Homeland Security.

An earlier draft of this amendment was to be cosponsored by Senator MIKULSKI, Senator SANTORUM, Senator MURRAY, Senator LUGAR, Senator KENNEDY, and Senator LIEBERMAN, but they are not being added as cosponsors at this point because they have to look over the change in wordage. But the substantive thrust is exactly the same, to provide $50 million for these 501(c)(3) institutions which are at high risk.

The Director of Central Intelligence has stated that al-Qaida has turned its attention to so-called "soft targets." Al-Qaida's willingness to attack soft targets of all kinds has been made readily apparent with the attacks in the United States, England, Canada, Spain, Germany, Iraq, Tunisia, Kenya, Morocco, and Turkey, including an International Red Cross building, synagogues, train stations, hotels, airplanes, restaurants, nightclubs, and cultural and community centers.

There is broad national support for this initiative with the following organizations illustrative of the support: the American Association of Homes and Services for the Aging; the American Jewish Committee; the American Jewish Congress; the American Red Cross; the American Society of Association Executives; the Association of Art Museum Directors; the Association of Jewish Aging Services of North America; Independent Sector; National Assembly of Health and Human Service Organizations; National Association of Independent Colleges and Universities; Theater Communications Group; Union of Orthodox Jewish Congregations; United Jewish Communities, representing 155 Jewish federations; the United Synagogue of Conservative Judaism; the United Way of America; and the YMCA of the United States of America.

This assistance would be delivered pursuant to pending legislation which Senator MIKULSKI and I have introduced as Senate bill 2275 which was marked up by the Governmental Affairs Committee and is now on the docket of the Senate.

I would have waited until tomorrow to make this presentation, but I will be traveling with President Bush in Pennsylvania so I will not be here to offer the amendment. The amendment has been discussed, as I say, with the manager. I believe it is going to be accepted, but it cannot be offered at the present moment because the senior Senator from West Virginia, Senator BYRD, has an amendment which he intends to offer which is broader in scope and, if enacted, may well cover this amendment. It is hard always to say what is going to happen if any amendment is offered in the future, but in the event the Byrd amendment is not accepted, then this amendment will be offered.

To repeat, I think it will be acceptable to the managers; however, no commitments were made. If the Byrd amendment is not accepted, or voted for and adopted, this amendment may still be in order, depending on the precise language of the amendment to be offered by Senator BYRD.

I wanted to lay out the provisions. It is very important that churches, synagogues, YMCAs, and other religious institutions have some specified protection under this Homeland Security bill.

The authorizing legislation which Senator MIKULSKI and I produced has been marked up and approved by the Governmental Affairs Committee. It authorizes some $100 million. But in discussions with the manager, the $50 million figure appears to be acceptable. We want to proceed on that basis.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARITIME PATROL AIRCRAFT REQUIREMENTS

Mr. SHELBY. Madam President, I seek recognition for the purpose of engaging Senator COCHRAN, Chairman of the Homeland Security Appropriations Subcommittee, in a discussion on the U.S. Coast Guard's Deepwater program.

The chairman of the subcommittee, Senator COCHRAN, has the good fortune of representing a coastal State on the Gulf of Mexico very similar in geography to my State of Alabama. The chairman is an outstanding steward and supporter of the United States Coast Guard and in particular the ongoing Deepwater modernization program in the Coast Guard. This bill addresses numerous issues related to Deepwater and I appreciate the chairman's support and leadership on this vital issue to every coastal State, as well as the Nation.

Mr. COCHRAN. I thank the Senator from Alabama for his kind words. He is both a colleague and a neighbor to my State of Mississippi. As neighbors, our two States have a strong appreciation for a strong and capable Coast Guard.

Mr. SHELBY. I note that this bill contains a provision to address a continuing issue of concern over the provision of Maritime Patrol Aircraft assets for the United States Coast Guard. Last year, the chairman wisely and judiciously included funding in his bill for a third Maritime Patrol Aircraft. This year, the subcommittee bill includes a total of $15.25 million for the Maritime Patrol Aircraft requirement. This amount, together with available balances from previous appropriated funds for maritime patrol purposes, will enable the Coast Guard to place the third CN–235 Maritime Patrol Aircraft under contract and to fund long-lead items for the next series of CN–235 aircraft to be purchased, thereby reducing the cost of these next aircraft.

Mr. COCHRAN. As the Senator from Alabama is well aware, the Coast Guard has been moving slowly on the Maritime Patrol Aircraft Modernization pending a review of their requirements for specific types of aircraft throughout the Coast Guard. I am very sensitive to the Senator's concerns with this slow pace of Maritime Patrol Aircraft modernization. I would say to the Senator, that I firmly believe and am committed to the Coast Guard's modernization effort under the Deepwater program, which includes the Maritime Patrol Aircraft requirement.

Mr. SHELBY. I thank the chairman for his support for the Maritime Patrol Aircraft and the recognition of the importance of the CN–235 to the Coast Guard's mission requirement to achieve maritime domain awareness through aerial surveillance. Clearly, the security of the United States is improved through any effective means to push our borders farther out and extend our zone of security. The CN–235 is one such effective method of extending our borders.

Mr. COCHRAN. I share the Senator's assessment that the extension of our maritime surveillance is critical to our security interests. The Coast Guard selected the CN–235 as the optimal solution for the Maritime Patrol Aircraft mission and I continually encourage the Commandant to aggressively pursue the modernization of all assets to address the mission needs of the Coast Guard. It is clear that the Maritime Patrol Aircraft requirement has been delayed due to the Coast Guard review and I support any expedited effort to ensure that the long-term maritime patrol mission requirement is addressed.

Mr. SHELBY. I thank the Senator for his time and attention and I yield the floor.

Mr. NICKLES. Madam President, the pending Department of Homeland Security appropriations bill for Fiscal Year 2005, S. 2537 as reported by the Senate Committee on Appropriations provides $32.867 billion in budget authority and $30.736 billion in outlays in Fiscal Year 2005 for the Department of Homeland Security. Of these totals, $867 million is for mandatory programs in Fiscal Year 2005.

The bill provides total discretionary budget authority in Fiscal Year 2005, of $32 billion. This amount is $1.05 billion more than the President's request, it matches the 302(b) allocations adopted by the Senate Appropriations Committee, and is $2.812 billion more than Fiscal Year 2004 enacted levels excluding Fiscal Year 2004 supplemental appropriations.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4567, 2005 HOMELAND SECURITY APPROPRIATIONS

[Spending comparisons—Senate-reported bill (Fiscal Year 2005, $ millions)]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	32,000	867	32,867
Outlays	29,729	863	30,952
Senate committee allocation:			
Budget authority	32,000	867	32,867
Outlays	29,873	863	30,736
2004 Enacted:			
Budget authority	29,188	1,020	30,208
Outlays	26,771	850	27,621
President's request:			
Budget authority	30,950	867	31,817
Outlays	28,990	863	29,853
House-passed bill:			
Budget authority	32,000	867	32,867
Outlays	29,813	863	30,676
SENATE REPORTED BILL COMPARED AT:			
Senate 302(b) allocation:			
Budget authority			
Outlays	−144		−144
2004 Enacted:			
Budget authority	2,812	−153	2,659
Outlays	2,958	13	2,971
President's request:			
Budget authority	1,050		1,050
Outlays	739		739
House-passed bill:			
Budget authority			
Outlays	−84		−84

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. GRAHAM of Florida. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE REFORM

Mr. GRAHAM of Florida. Madam President, there are now fewer than 72 hours from this hour, on this Wednesday afternoon, until we observe the third anniversary of the terrorist attacks on this Nation when 19 hijackers took control of commercial airliners, converted them into weapons, and struck the symbols of our economic and military might.

When the House and Senate Intelligence Committees began the Joint Inquiry into the attacks of September 11, the first witness we called in public session was Kristen Breitweiser. Kristen's husband Ronald, who worked in the World Trade Center, was one of the 3,000 innocent lives lost that day. In his memory, she helped found the family group September 11th Advocates.

In her brave testimony, she described her husband's last words to her. She described her daughter placing flowers on an empty grave. On her right hand, she was wearing her husband's wedding band—charred, scratched, but intact—recovered from Ground Zero with a part of her husband's left arm.

Her testimony was deeply moving. Her closing words presented a call to action. This is what she said:

> All we have are tears and a resolve to find the answers because we continue to look into the eyes of our young children who ask us why.
>
> We have an obligation as parents and as a nation to provide these innocent children with answers as to why their mother or father never returned home from work that day.
>
> We need people to be held accountable for their failures.
>
> We need leaders with the courage to take responsibility for what went wrong.
>
> Mistakes were made and too many lives were lost.
>
> We must investigate these errors so that they will never happen again.
>
> It is our responsibility as a nation to turn the dark events of September 11th into something from which we can all learn and grow, so that we, as a nation, can look forward to a safe future.

As we debate the scope of reforms of our intelligence community, I hope we will keep in mind the challenge laid down by Kristen Breitweiser and the others whose lives have been touched by this tragedy.

Today, and over the next several days, I want to discuss with my colleagues the question of whether we have met her challenge. I, for one, do not believe we have. And then we need to look at the question of where do we go from here?

I will start my discussion this evening with a look at the history of our intelligence efforts and what that history tells us about the challenge of the future.

While America has understood the utility of intelligence since Paul Revere's midnight ride from Boston to Lexington, warning that the British were coming, America has never embraced intelligence. It was contrary to a nation that had fought a 7-year war to secure liberty from the very things that were the stock and trade of King George III's intelligence gathering: the late night knock on the door to separate a husband, father, or son from a frightened family; the use of torture to discover the rebellious plans of patriots; the clandestine search of private effects without notice or permission.

So it is of little surprise that the United States was the last advanced nation in the world to establish a permanent civilian intelligence agency—not until 1947—and that came only after two world wars when we realized that a new era—the cold war—was dawning.

When the Berlin Wall came down, the Soviet Union dissolved and the cold war ended, we had lost our single clear enemy, and our intelligence capabilities were allowed to wither.

There was no reliable and consistent source of funding for intelligence agencies, and the agencies failed to anticipate and adapt to the new threats of the 21st century.

That is clear from what we have come to know about the attacks of September 11. All Americans now realize that in this new world, an attack can come not only from an army of an enemy, but also in the form of a boat, a backpack, or a vial.

Now all Americans realize that intelligence has become a crucial shield, an evermore integral part of our national and personal security.

In this century, effective intelligence will be more important than it has ever been to this Nation for six reasons.

First, our adversary is different from any we have engaged in the past. It is not a nation but a tribe of tribes united by an ideology. The terrorists are not constrained by the global standards and values of the West but are instead a foe for which death and an afterlife in paradise are the highest goals of life. To know this enemy is essential to defeating this enemy, and Americans will be dependent on effective intelligence to gain that knowledge.

Second, we learned on September 11 that the Atlantic and Pacific are not the protective barriers to our domestic security they have been in the past.

Our new enemy was capable of insinuating 19 or more of its trained killers into our Nation, where they were able to refine a plan, practice and execute the most deadly attack on the continental United States in our history, and to do all of that in anonymity.

America will look to alert intelligence to do what two oceans can no longer do: protect us here at home.

Third, America can no longer abide by the rule of never striking first, waiting only until we have been acted upon. The consequences of waiting for threats to gather is too risky. But to be anticipatory, to be preemptive, requires the highest quality of intelligence, or we risk something else—the loss of lives of soldiers and civilians and the loss of our global credibility.

If we are to adhere to a doctrine of preemption, we have to be certain we know what it is we are preempting. We cannot afford to be deceived, manipulated, or blinded by ideology, as we have been in Iraq, or to waste time and resources fighting threats that are not real.

Fourth, sound intelligence will enhance our long-term security. America's political, economic, and security interests now span the globe. A vigilant intelligence community will alert us to emerging threats against our interests beyond the homeland. Through both strategic and actionable intelligence, we will be better able to confront terrorist threats abroad before those threats materialize at home.

But we face threats beyond terrorism—most especially the spread of weapons of mass destruction, including nuclear weapons. Accurate and actionable intelligence is absolutely necessary if we are able to make what many think is inevitable, an attack in the United States by terrorists with nuclear weapons, preventable.

Fifth, effective intelligence is important to maintaining our international relationships. Success in the 21st century will require alliances with nations that share our vision and our values, if not our views on all subjects. Credible information upon which wise judgments can be founded must be the bedrock of those alliances.

Sixth and finally, with better intelligence, our Nation and its leaders will be more able to focus on the challenges of the future rather than the failures of the past. The pace of technological change will only continue to accelerate, and the rising tide of globalization will lead to a new and complex web of relationships between state and nonstate actors. Better intelligence will help us keep up with the pace of change as we continue to identify new challenges.

For all of these reasons, in the 21st century, intelligence will have a role to play in almost every way we seek to provide greater security at home and advance our interests abroad.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I ask unanimous consent that the list of amendments I will send to the desk be the only first-degree amendments in order to the bill; provided further that they be subject to second degrees that are relevant to the first degrees; finally, that all other provisions of the previous order governing this bill remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Allard—Reports from DoHS, Allard—Reports from DoHS, Baucus—Border Air Bases Security Money, Baucus—Relevant, Baucus—Relevant, Bennett—U.S.-Customs Service, Biden—AMTRAK, Boxer—Air Marshals, Boxer—Air Marshals, Boxer—Interoperable Communications, Boxer—Port Security Grants, Boxer—Related to Homeland Security, Bunning—Aviation Security, Bunning—

Relevant and Germane, Byrd—Additional Funds for Homeland Security.

Byrd—Relevant, Byrd—Relevant, Byrd—Relevant, Byrd—Relevant, Byrd—Relevant, Byrd—Relevant to any on the list, Carper—Rail Security, Clinton—Funding for FDNY and NYPD, Clinton—Insert language requiring Homeland Security funds beyond small State minimum to be allocated based on threat and risk, Clinton—Strike requirement that Homeland Security funds be allocated on per-capita basis (this language is in the Senate report, not the bill), Clinton—High threat urban areas, Cochran—Managers Amendments, Cochran—Relevant, Cochran—Relevant, Cochran—Relevant, Cochran—Relevant, Cochran—Relevant, Collins—Relevant, Collins—Relevant, Corzine—Relevant, Daschle—Relevant, Daschle—Relevant, Daschle—Relevant to any on the list, Daschle—Relevant to any on the list, Dayton—Relevant, Dayton—Relevant, DeWine—Firefighters Assistance, Dodd—Fire Fighters, Dodd—First Responders and other Homeland Security needs, Dole—Textile Transshipment Fundings.

Dorgan/Conrad—Ag., Durbin—Customs, Durbin—Homeland Security Management, Feingold—Data Mining, Feingold—Emergency Responders, Feingold—Relevant, Feingold—Relevant, Feingold—TSA, Feinstein—Relevant, Feinstein—Relevant, Fitzgerald—CFO Appointee, Fitzgerald—CFO Political Appointee, Fitzgerald—CFO Political Appointee, Fitzgerald—CFO Reporting, Frist—Relevant or Relevant to the list.

Frist—Relevant or Relevant to the list, Frist—Relevant or Relevant to the list, Frist—Relevant or Relevant to the list, Frist—Relevant or Relevant to the list, Harkin—Increase Hazardous Mitigation Grant Program, Harkin—Relevant, Hatch-Dugway Proving Ground, Hatch—Homeland Security, Hollings—Port Security, Landrieu—Barge Tracking, Landrieu—Personnel, Lautenberg—Coast Guard, Lautenberg—Color coded threat system, Lautenberg—Port Security, Lautenberg—Port Security.

Lautenberg—Rail Security, Lautenberg—Reimbursement due to convention and elevated alert levels, Lautenberg—Transportation Security Information, Leahy—Immigration (House Version), Levin—Contracting with Corporate Ex-Patriots, Levin—Relevant, Lieberman—Port Security, McConnell—Related, McConnell—Related, McConnell—Related, Mikulski—Fire Grants, Mikulski—Overtime for Border Agents, Murkowski—FEMA Disaster Assist Employee CADRE, Murray—Related, Murray—Related.

Murray—Related, Murray—Related, Murray—Related, Nelson-Florida—Ag., Nelson-Florida—American Red Cross, Nelson-Florida—Economic Assistance, Nelson-Florida—FAA, Nelson-Florida—FEMA, Nelson-Florida—SBA, Nelson-Nebraska—First Responders, Reed—Congressional Notification, Reed—LNG Shipment Security, Reed—Transit Security, Reed—Transit Security, Reid-Hazardous Material Truck Tracking.

Reid—Interoperable Communication, Reid—Relevant, Reid—Relevant to any on list, Reid—TSA Funding, Reid—Waterfall Fire, Schumer—Buffalo Peace Bridge, Schumer—High Threat Urban Area Funding, Schumer—Hospitals, Schumer—Immigration, Schumer—Northern Border, Schumer—Port Security, Schumer—Rail and Transit Security, Schumer—Relevant, Schumer—Relevant, Schumer—Relevant.

Schumer—Rochester Fast Ferry, Schumer—Signal Corps, Schumer—Stingers, Schumer—Truck Security, Shelby—Marine Patrol Aircraft, Specter—Homeland Security, Specter—Homeland Security, Stabenow—Funding for Non-urban Border Crossing, Stabenow—Rundmond/Hart Funding, Stabenow—Rural Volunteers/First Responders, Stevens—Relevant, Stevens—Relevant, Talent—Homeland Spending Allocation, Talent—Threat-Based Assessment, Voinovich—EMPG, Voinovich—First Responders Med. Screening, Warner—Storm Damage, Warner—Storm Damage.

Mr. REID. Madam President, if I may have the attention of the distinguished majority whip, as he can see, there are scores of amendments. We are going to be as cooperative as we can. We have a number of ours that are relevant amendments, and we will work with our side to see how many are serious about offering amendments. It is going to be a real heavy lift to finish this by next Tuesday, which is what the leaders want.

Mr. McCONNELL. Madam President, I say to my friend, I hope we will have the cooperation to try to winnow down the list and finish up the bill prior to the Jewish holiday, which begins next Wednesday.

MORNING BUSINESS

Mr. McCONNELL. Madam President, I ask unanimous consent that there now be a period for morning business for debate only with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF SALLY KABISCH

Mr. REID. Madame President, there are times in history when one person can and does make a difference.

The recent death of Sally Kabisch reminded me of one such person and one particular period of time.

Sally Kabisch dedicated herself to a remarkable career of conservation. She worked at various times as a grassroots organizer and advocate for conservation efforts in Nevada, California and Alaska.

One of Sally's great achievements was in Nevada.

Perhaps more than any other citizen, Sally is responsible for Nevada's Forest Service Wilderness bill, which I had the opportunity to pass through Congress in 1989.

From 1986 until President Bush signed the Nevada Wilderness Act on December 5, 1909, Sally was an indomitable and ever-optimistic force for protecting wild places in Nevada.

She worked doggedly to build support for wilderness. She organized, she advocated, and she traveled.

As she worked to pass that law, she was patient, positive, enthusiastic, stubborn and determined.

As her friend and another great advocate for Nevada's outdoors, Marge Sill, says, "she was a constant inspiration to all of us."

Sally's husband Tom Kizzia and her children Emily and Ethan know what the rest of us should remember: One person can make a difference.

Sally was one person who made a great difference. Nevada and America are better and wilder for it, forever.

INTERNATIONAL MARIACHI CONFERENCE AND FESTIVAL

Mr. REID. Madam President, today I celebrate the Clark County School District's inaugural International Mariachi Conference and Festival. This event, promoting cultural awareness and appreciation in the Las Vegas community through the performance of mariachi music, will be held in Henderson, NV, this September.

The Clark County School District, already highly regarded for its progressive approach to music education, serves close to 1,000 mariachi students in 12 schools through its newly formed Secondary Mariachi Education Program.

Thanks to the tireless efforts of Jesus Javier Trujillo, Marcia Neal and many others in the Clark County School District, the conference and festival will offer participants a quality musical experience and help foster a lifelong interest in music. For performers, such as the members of Mariachi Cobre, Mariachi Los Arrieros del Valle, and the Clark County School District Mariachi Task Force, the event will offer an opportunity to promote their culture and showcase their musical talents.

I salute Mr. Trujillo, Ms. Neal, and the Clark County School District on establishing the International Mariachi Conference and Festival, and extend my best wishes that this event will enjoy a successful future.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Fort Worth, TX, on October 21, 2000, a high school student was hospitalized after two 17-year-olds allegedly attacked him in a parking lot, beating him and scratching antigay epithets into his car. The victim suffered a broken nose and numerous other injuries, including cuts, bruises and two blood clots on his brain.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS NICHOLAS SKINNER

Mr. GRASSLEY. Madam President, I rise today to pay tribute to a great patriot, PFC Nicholas Skinner, U.S. Marine Corps. Private First Class Skinner courageously gave his life on August 26, 2004, in support of Operation Iraqi Freedom when he was shot during a heavy exchange of gunfire in Najaf, Iraq. Private First Class Skinner is survived by his father Randy Skinner, his mother Laura Hamann, his older brother James and his younger sister Stephanie. This brave young soldier was only 20 years old. In his short life he made a lasting impression on his friends, family and fellow soldiers.

I ask my colleagues in the Senate and my fellow Americans to join me today in paying tribute to my fellow Iowan, Private First Class Skinner, for his sacrifice on behalf of our country. My deepest sympathy goes out to his family and friends. Private First Class Skinner was a great man that dedicated himself to his duty as a soldier. Private First Class Skinner told his grandmother that he joined the Marines because "They're over there fighting for me and my country, I want to go over there and fight for you and my country." Private First Class Skinner is the example of a fine man and a strong soldier. I salute him for his sense of duty and his service to the American people.

We can all be proud of this extraordinary soldier. He did not die in vain, but died for his country that he loved to serve. Private First Class Skinner has entered the ranks of our Nation's greatest patriots. He will always be honored as a hero who gave the ultimate sacrifice for liberty. He will be greatly missed.

CONGRATULATIONS TO MICHIGAN OLYMPIANS

Mr. LEVIN. Madam President I take this opportunity to congratulate all of the athletes who competed in the 2004 Summer Olympic Games in Athens, Greece. The Olympic Games celebrate years of training, struggle and perseverance in overcoming obstacles and striving to become the best. It was wonderful to see so many athletes from across the globe come together in peaceful competition.

Greece did a tremendous job of hosting the Games. The scenery was breathtaking, and the venues were spectacular. These Games were especially notable because of the return of the Olympics to its birthplace in Greece. The historic legacy of Greece was particularly noteworthy for the marathon competitors who began their journey in the ancient city of Marathon, the original location of the event, and for the shot-put competitors who competed in the original Olympic stadium in Olympia.

Over a 16-day span, the Olympic spirit was embodied by the athletic prowess and grace displayed by the best athletes our country has to offer, including many from Michigan. Michigan continued our long tradition of contributing world-class athletes to both the Summer and Winter Olympic Games with athletes competing in 13 different sports in this year's Games. It was inspiring to witness their total effort, and in many cases, the realization of their dreams. There are legions of young athletes who watched these Games and will continue to dream and strive to one day represent their country with the same pride, grace and determination that was on display at these Games.

I am particularly proud of the 28 individuals from Michigan who competed for the United States in the 2004 Athens Olympics. All of the athletes on Team USA achieved amazing feats to qualify for these Games. The Michigan Olympians included Martin Boonzaayer in judo; Tim Broe in track and field; Swin Cash in basketball; Tara Cunningham in weightlifting; Andre Dirrell in boxing; Kate Johnson in rowing; Kara Lynn Joyce in swimming; Klete Keller in swimming; Dan Ketchum in swimming; Rachel Komisarz in swimming; Kate MacKenzie in rowing; Tom Malchow in swimming; Kate Markgraf in soccer; Jamie Nieto in track and field; Carly Piper in swimming; Andy Potts in the triathalon; Jasna Reed in table tennis; Ruth Riley in basketball; Dathan Ritzenhein in track and field; Artour Samsonov in rowing; Jeff Smoke in canoe/kayak; Daryl Szarenski in shooting; Sheila Taormina in the triathalon; Lindsay Tarpley in soccer; Paul Terek in track and field; Peter Vanderkaay in swimming; Steve Warner in rowing; and Lauryn Williams in track and field. This outstanding group of athletes brought honor to our State and Nation and accounted for a total of 15 medals for the United States: eight gold, five silver, and two bronze.

In addition, competing at these Games were nine other athletes with ties to Michigan: Michael Phelps in swimming, who will be attending the University of Michigan, U of M; Alan Webb in track and field, who attended the U of M; and Venus Williams in tennis, who lived in Michigan, competed for Team USA. In addition, six athletes with Michigan ties competed for other countries: Courtney Babcock for Canada in track and field; Carlos Delfino for Argentina in basketball; Chris Demetral for Greece in baseball; Andrew Hurd for Canada in swimming; Kevin Sullivan for Canada in track and field; and Nick Willis for New Zealand in track and field.

Every two years we watch the Summer and Winter Games to catch a glimpse of these extraordinary athletes' struggles and successes. An Olympian's life is about sacrifice, about showing up to grueling practices day after day, about working hard to become the best in the world. It was riveting to watch these Games unfold. In Athens, as is the case in every Olympiad, there were many amazing moments that will resonate in our minds for years to come. Let me take a moment to highlight a few of them.

Representing the WNBA Champion Detroit Shock on the gold medal winning women's basketball team were Ruth Riley and Swin Cash. The women won the gold medal by going unbeaten, increasing their Olympic winning streak to an incredible 25 games. Another notable achievement was accomplished by Andre Dirrell of Flint, who won a bronze medal in the middleweight division in boxing. Dirrell showed the heart of a champion as one of only two U.S. boxers to win a medal in these Games.

First-time Olympian Lauryn Williams of Detroit won the silver medal in the 100-meter sprint. In an extremely close race, Williams edged out a Jamaican runner to finish with the silver and a personal best time. In addition, Kate Johnson, from the U of M, won a silver medal as part of the women's eight rowing team. The team set a world record in one of their preliminary heats en route to winning their medal.

On the soccer field, the U.S. women's team took the gold medal with an extremely thrilling 2 to 1 overtime victory over Brazil. Michigan residents Kate Markgraf and Lindsay Tarpley helped the team achieve this victory over the tough Brazilian team. Tarpley, a midfielder from Kalamazoo, tallied one assist against Greece and scored the first goal in the gold medal match against Brazil. Markgraf of Bloomfield Hills, starting in all six games as a defender, helped her team remain undefeated. This was her second time representing the United States in the Olympics.

Another heart pounder came in the men's 4x200 meter freestyle swimming relay. The U.S. men's team, which included Peter Vanderkaay from Royal Oak, Klete Keller from Ann Arbor, U of M alumnus Dan Ketchum and future Wolverine Michael Phelps, held off a strong Australian team to win the gold and set an American record. In addition to thfs golden performance, Keller won the bronze medal in the 400-meter freestyle, and Michael Phelps won an additional five gold and two bronze medals to establish himself as one of the stars of this or any Olympiad.

For the women's swim team, Kara Lynn Joyce from Ann Arbor won a silver medal as a part of the 4x100 meter medley relay team. Additionally, Joyce, along with teammate Rachel Komisarz from Warren, won a silver medal in the 4x100 meter freestyle relay. Another victory was secured by the women's 4x200 meter freestyle relay team, which included Komisarz and Carly Piper from Grosse Pointe Woods who swam in the finals. In the finals, the U.S. women broke the world record.

The athletes with Michigan ties who represented other countries had many notable achievements as well. Second baseman and Troy resident Chris Demetral, a Greek American, assisted the Greek baseball team to a 7th overall finish. In men's basketball, Carlos Delfino, who was drafted by the World Champion Detroit Pistons in 2003 and will be joining the team this year, competed for the Argentinean Olympic team.

Our athletes were supported by a great number of coaches and staff who made their success in the Games possible. The coaches with ties to Michigan include Bob Bowman of the U of M in swimming; Larry Brown of the Detroit Pistons in basketball; Todd Dagenais of Michigan State University in volleyball; Steven Fraser from the U of M in wrestling; Kevin Jackson from Jackson in wrestling; Al Mitchell of Northern Michigan University in boxing, and Jon Urbanchek of the U of M in swimming. In addition to the coaching staff, three U of M alumni were involved in the administration of the Games. Jeffrey Benz is the current general counsel and Abigail Tompkins is a member of the United States Olympic Committee, USOC. Thomas Miller is the current United States Ambassador to Greece. All of these individuals worked tirelessly to assist the athletes in their pursuit of greatness at these Games.

I know I speak for all Michiganians in expressing appreciation and congratulations to all of the Michigan athletes, coaches, and administrators who took part in the 2004 Summer Olympic Games. The Games last a few short weeks, but the memories will be ingrained in the minds of all who saw them and shared vicariously in the efforts of these great athletes. For their commitment, drive and competitive spirit, I congratulate all the athletes of the 2004 Olympic Games, but it is with particular pride that I salute the athletes and coaches from Michigan.

2004 OLYMPIC GAMES

Mr. FEINGOLD. Madam President, I am sure that my colleagues will join me in congratulating the American athletes who competed in the 2004 Olympic Games in Athens, Greece.

The Olympics have a rich history, with records dating the first Olympic Games to 776 B.C. in Olympia, Greece. The early athletic contests allowed youths to highlight their physical prowess, with victory reflecting well upon the competitor's home city. The modern Olympic Games have endured for over a century, through times of war and peace, and this year, the Olympics returned to its origins.

The symbols of the Games—the motto, the flames, the rings—carry important meanings. The Olympic motto "citius—altius—fortius", which is Latin for "faster—higher—stronger" encourages all to strive to achieve their personal best. The Olympic flame, lit by the sun's rays in Olympia and passed around the world, burns bright while the competitions continue. The five Olympic rings represent the five continents, interwoven to demonstrate the universality of the Games.

Being an Olympian is a tremendous honor, and I commend the many athletes who represented our Nation well. America's 2004 Olympians are some of the finest athletes in the world. Dedicated to their sport, these individuals often devote years of their lives to training for the ultimate experience of competing in the Olympics. All competed well, and their hard efforts were rewarded as a remarkable 103 medals were earned by Americans in Athens.

I would like to particularly recognize the Olympians from my home State of Wisconsin. Fifteen athletes competing in the 2004 Olympic games have ties to Wisconsin, and I am proud of their efforts. These 15 athletes traveled to Athens to compete in a variety of sporting events, events that ranged from rowing to gymnastics to the modern pentathlon. It is my honor to recognize these fine competitors from Wisconsin:

Chris Ahrens. A graduate of Whitefish Bay High School and two-time Olympian, Chris earned a gold medal this year as a member of the men's eight rowing team.

Deirdre Demet-Barry. A seven-time national cycling champion originally from Milwaukee, Deirdre competed in women's cycling while in Athens.

Rebecca Giddens. A kayaker since age 10, this Green Bay native earned the bronze medal in the women's K1 flat kayak slalom.

James Gruenwald. Originally hailing from Greendale, James competed in his second Olympics in the men's Greco-Roman wrestling competition.

Dennis Hall. A proud cheesehead and Plover resident, Dennis competed in the men's Greco-Roman wrestling for his third Olympics.

Paul Hamm. A native of Waukesha, Paul won gold and silver medals in men's gymnastics events in his second Olympic Games.

Morgan Hamm. As a member of the U.S. men's gymnastics team, this Waukesha native helped lead the team to a silver medal.

Ben Holbrook. Ben is originally from Hartland and competed in the Men's quadruple sculls rowing competition in Athens.

Beau Hoopman. Raised in Plymouth, Beau rowed at the University of Wisconsin and won a gold medal in Athens with the men's eight rowing team..

Mary Beth Larsen-Iagorashvili. A graduate of Mukwonago High School who attended Marquette University, Mary Beth competed in the women's modern pentathlon.

Garrett Lowney. Athens was the second Olympic Games at which this Freedom resident competed in men's Greco-Roman wrestling.

Erin Mirabella. Erin, a native of Racine and former student at UW-Parkside, won the bronze medal for her performance in women's track cycling.

Jeff Nygaard. Jeff showed his Wisconsin roots when he named Brett Favre as a favorite athlete. From Madison, Jeff competed in men's beach volleyball.

Andrew Rock. A student at UW-La Crosse, Andrew won a gold medal as a member of the men's 1,600 meter relay in Athens.

Matt Smith. A graduate of the University of Wisconsin, Matt currently serves our country as an infantry captain for the U.S. Army. He competed as a rower in the men's lightweight four.

Neil Walker. A swimmer originally from Verona, Neil earned two Olympic medals—a bronze in the men's 4 x 100 freestyle relay and a gold medal in the men's 4 x 100 medley relay.

Mike Wherley. A Sun Prairie High School graduate, Mike rowed in his first Olympics with the men's four in Athens.

I offer my congratulations to these athletes. They demonstrated great passion and dedication to their sport and to the spirit of the Olympics. They made Wisconsin proud.

VOTE EXPLANATION

Mr. TALENT. Madam President, I was unavoidably detained and unable to participate in rollcall vote No. 164 that took place on September 7, 2004. My flight was diverted from its intended destination of Reagan National Airport to Dulles International Airport and prevented me from being able to cast my vote. Had I been present I would have voted in favor of the nomination of Virginia Maria Hernandez Covington to be U.S. District Judge for the Middle District of Florida.

SUPPLEMENTAL APPROPRIATIONS BILL

Mr. GRAHAM of Florida. Mr. President, I rise today to say thank you on behalf of the millions of citizens of my State who have been affected by the incredible events of the last month.

Thank you to all of the State and local officials who took quick and decisive actions that saved many lives. Thank you to the first responders who helped citizens evacuate and continued working to keep people safe throughout these major storms. Thank you to the thousands of volunteers from the Red Cross, who staffed hundreds of shelters that served as the only safe haven for many Floridians. Thank you to the professionals from FEMA and the Small Business Administration, who activated immediately and began to respond in a manner I have not witnessed before.

I did a workday as a hurricane recovery volunteer in Port Charlotte, FL, on August 31, assisting Red Cross volunteers to distribute midday meals to people who were still without power and then going door-to-door with FEMA workers for follow-up damage assessments. I was moved by the gratitude on the faces of people fighting to recover some degree of normalcy in their lives, even as they face daunting odds—roofs open to the sky, shattered windows, no air conditioning, their possessions scattered and broken.

Every June 1, the citizens in my State prepare for another hurricane season. Some have lived in Florida all their lives and are very well versed in hurricane procedures. Some are new residents and have never been through a large storm. Nothing, however, could have prepared Floridians for the recent series of devastating events which started with Tropical Storm Bonnie striking the panhandle in early August, followed by Hurricane Charley crashing into Florida's west coast on August 13, and continued with Hurricane Frances attacking the entire State this past weekend. Now we are tracking Hurricane Ivan, which is again headed in our direction.

It is remarkable that these massive storms, which impacted nearly all of the 67 counties in the State of Florida, have caused only 29 confirmed fatalities. Hurricane Charley, a category 4 storm with winds in excess of 135 miles per hour, and Hurricane Frances, a category 2 storm with winds near 100 miles per hour, could have been much deadlier. However, while human losses were mercifully low, Florida's infrastructure suffered greatly.

Now we must move forward and look toward cleaning up and rebuilding our homes and businesses. I applaud the Senate's quick approval of supplemental appropriations of $2 billion in emergency assistance through both FEMA and the Small Business Administration. After responding to these major events in my State as well as the recent tropical storm in Virginia, FEMA is stretched extremely thin and needs an influx of funds to keep operations up and running and planning for the long-term recovery.

In the last three weeks alone, FEMA has issued over $100 million in individual assistance funds to Florida residents. Over $2.7 million of that has already been allocated for Hurricane Frances' victims, while the storm is still moving up the Eastern seaboard. The SBA has already approved over $23 million in disaster loans from Charley and with a filing deadline for assistance extended until October 12, 2004, we expect that number to increase exponentially.

The supplemental appropriations bill passed yesterday is only the first installment of badly needed funds for recovery. We must get an accurate assessment of the damage and determine the appropriate amount of funding needed and the appropriate Federal agencies to assist specific sectors of the State in rebuilding.

The physical infrastructure needs must be determined. How much damage did the road network suffer? Early estimates from Charley alone total over $65 million for the Federal-aid system. Several Florida airports sustained major damage, which totals nearly $34 million. These are just a few quick estimates. Across the board, we need to determine the extent of damage to Florida's infrastructure from both Charley and Frances—the highway and transit network, airports, seaports and schools.

Additionally, our Florida growers have been devastated. Early estimates top $225 million in citrus losses for Charley alone, with over 40 percent of the citrus crop lost. It is too early to tell, but losses from Frances could top $800 million. The crop insurance program will not be able to cover losses of this magnitude. Congress must step in to help Florida farmers.

These examples are just a small snapshot of the needs of our State. As we determine the amount of damage in other areas, we will need to appropriate funds for other Federal agencies, such as Army Corps of Engineers, Housing and Urban Development, Health and Human Services, Department of Defense, NASA and others.

We must move quickly to put together an accurate assessment of the impact that these storms have had on the State of Florida and respond to this need with adequate Federal funding. I look forward to working with my colleagues in the coming days to achieve this goal.

THE BENIGNO FAMILY AND BRAIN INJURY RESEARCH

Mr. CORZINE. Madam President, I rise today to pay tribute to the Benigno family of Clifton, NJ, for their tireless efforts to advance the cause of brain injury research.

Nearly 20 years ago, Dennis and Rosalind Benigno's 15-year-old son, Dennis John, was struck by a car while walking home from a football physical. Dennis John suffered severe, long-term brain injuries in the accident. Now 34, Dennis John cannot walk or talk. He communicates with his eyes and laughter, and seems to understand when his parents talk to him. Dennis and Rosalind have made a life of caring for their injured son.

Their personal tragedy, however, is not the end of the story. Mr. Benigno has turned tragedy into action. He has been a passionate advocate on behalf of his son raising awareness and promoting research efforts that offer the prospect of a cure for traumatic brain injury. The Benignos founded the Coalition for Brain Injury Research, which has donated more than $125,000 in the past 2 years to the study of brain cell repair. They raise funds through walkathons and a lectures series, and Mr. Benigno has traveled throughout the country for research dollars.

Mr. Benigno has also turned to his elected representatives in New Jersey and Washington, DC. His efforts have led to the creation of the Congressional Brain Injury Task Force, cochaired by my good friend Congressman BILL PASCRELL. For the last 6 years, Mr. Benigno has also lobbied local, State, and Federal legislators to support legislation that would create a dedicated source of funding for medical research into traumatic brain injuries.

His work has begun to pay off. On January 2 of this year, Governor McGeevy signed the Brain Injury Research Act into law. With this legislation, New Jersey becomes the first State in the Nation to create a funding stream for researchers devising treatments and cures for brain injuries. The act is expected to raise more than $3 million a year for brain injury research from a $1 surcharge on motor vehicle penalties.

Dennis John is one of more than 5.3 million Americans who currently suffer disabilities from brain injury, according to the Centers for Disease Control, CDC. Every year, 200,000 people sustain brain injuries, a number that exceeds the incidence of HIV/AIDS and breast cancer. Right now, there is no cure. In fact, brain injuries are the only catastrophic illness for which scientists have yet to readily identify a cure as their research goal. The Brain Injury Research Act, finally, offers hope to the hundreds of thousands who suffer from brain injuries that an effective therapy may be in sight.

While religious authorities, ethics scholars, and we here in the halls of government continue to debate the implications of stem and fetal cell research, the Benigno's remain focused on one thing—supporting the research efforts that may find a cure for their son and others like him. As we make decisions that have the power to spark or extinguish the hopes of millions that the cures they pray for may be found, we should keep the Benignos in mind.

One point is very clear—this new law and the hope it nurtures are a credit to Mr. Benigno's dedication, courage, and perseverance. He is an inspiration to all of us, and a testament to what one determined citizen can achieve in our democracy.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF THE LOUISVILLE STUNNERS

• Mr. BUNNING. Madam President, I pay tribute and congratulate the Louisville Stunners 16-and-under fast pitch softball team. Their recent play has given Kentucky reason to be proud.

Led by coach Kevin Johnson, the Stunners qualified for their division's USSSA World Series in Columbus, IN, held from July 26 to August 1, 2004, being the only team to represent Kentucky. While there, they finished in fourth place out of 54 teams. Not only did they play well against the best teams in the country, but they also received the sportsmanship award.

I cannot think of a much better group of young people to represent Kentucky. As a former Major League Baseball player, I appreciate their athletic excellence. As a United States Senator from Kentucky, I appreciate the dignity and decorum with which they played.

I am proud to read the names of these teammates into the CONGRESSIONAL RECORD today. They are Whitney Atcher, Alicia Ewen, Jodi Pence, Jennifer Young, Jennifer Kisselbaugh, Tiffany Dean, Courtney Roller, Holly Goemmer, Jessica McGohon, Krystle Johnson, Kasey Graham, and Jennifer Johnson.

The citizens of Kentucky should be proud of these young ladies. Their example of dedication and hard work should be an inspiration to the entire Commonwealth. I wish them continued success both on and off the softball field.•

IN RECOGNITION OF SENATOR CARPER'S NATIONAL PARKS COMMITTEE

• Mr. CARPER. Madam President, today I give thanks to the members of my National Parks Committee in Delaware for all of their efforts, time, and dedication in attempting to establish a national park in Delaware.

Delaware is the only State that does not have a national park, national monument, national historic site or any other unit of the National Park Service. It is through the hard work of the members of this committee that we have narrowed down the search in recommending the first national park in the First State.

I began the process of trying to establish a national park in 2002. My staff and I took suggestions from the public via surveys, a web poll, and phone calls. We received hundreds of responses, and suggestions ranged from Fort DuPont to Cape Henlopen State Park to the Underground Railroad to the World War II Towers. After several months of hearing what the public recommended, I established the National Parks Committee in 2003.

The committee was comprised of 12 people, including Dr. James Soles, the head of the committee, Dr. Wilma Mishoe, Ms. Norma Lee Derrickson, the Honorable John Schroeder, Mr. O. Francis Biondi, Mr. Ernst Dannemann, Dr. Linda Johnson-Gilliam, Ms. Jane Richter, Ms. Maria Matos, Mr. Ruly Carpenter, Mr. Bill Powers and Mr. Edwin Mongan III. For several months, the members met and discussed extensively each of the suggestions offered by the public. They held workshops in each county whereby the public could attend, participate and offer suggestions. They took a tour of the proposed sites to determine which location would make the best national park.

After months of deliberation, the committee came to its final recommendation: the creation of "The Delaware National Coastal Heritage Park." This National Park would memorialize the rich and diverse history of Delaware's coastal areas, bringing that history and related attractions into sharp focus for area residents and visitors alike.

This park would be unique among national parks in both its physical dimensions and its theme. Physically, the park would be comprised of a series of four interpretive centers. The centers would largely direct visitors to already existing attractions related to the theme of the park—that is that Delaware's coastal region is comprised of a series of historic, cultural and natural interwoven threads that hold great significance in the history of both Delaware and the United States.

The concept of the unit recognizes that Delaware's coastal region is a near perfect microcosm of America's coastal regions and that they have always played a key role in human activity. It recognizes that the fabric that makes up our Nation is in turn made up of many threads of human and natural activity and that most of those threads have their origins in coastal regions like Delaware's.

In the First State, these threads start with the development of the earliest human settlers in the area and run through to some of the most sophisticated human activities of modern times. Among the most significant are the history of the first European settlers in the Delaware Valley who built Fort Christina in 1638, the development of coastal defenses from the beaches of Cape Henlopen on the Atlantic Ocean to Pea Patch Island in the Delaware River and, the successful operation of the Underground Railroad, by which thousands of enslaved Africans found their way to freedom along Delaware's ocean, bay and river coastline. Other threads include: the history of the Native American tribes such as the Lenni Lenape in what is now Delaware, the arrival of the Finns and the Swedes at the Rocks in Wilmington, the increased influence of the English and Dutch as European immigration grew, the development of transportation and commerce along the same waterways starting with the earliest explorers and extending to today's ultra modern Port of Wilmington, the expansion of modern industry including the early gunpowder factories of Irenee DuPont, the rise of the chemical industry and today's two modern auto assembly plants and the credit card giants that dominate Wilmington's skyline, Delaware's significant contributions to the development of our constitutional republic, including Delaware's historic vote at the Golden Fleece Tavern in Dover to ratify the Constitution of 1787, making it the first State to do so, and the beautiful and ecologically important natural areas along the coast that are already preserved as wildlife refuges.

These threads will be highlighted and showcased in a format unique to the National Park system. The park will be structured much like a series of four bicycle wheels, each with a hub and spokes. The hubs will be interpretive centers located strategically along the coast line. The spokes will be the multitude of attractions and sites that relate to the various threads described above.

The "gateway" or "headquarters" hub will be located on the 7th Street Peninsula at the site of the original Fort Christina. Within a short walking distance of the existing Fort Christina State Park is the Old Swedes Church, the oldest Episcopal Church in America in continuous use; the Kalmar Nyckel, a replica of the ship that carried early Swedes to our shores; Tubman-Garrett Park, located at a point in Wilmington where escaping slaves swam across the Christina River as part of their journey on the Underground Railroad, and other attractions. As a hub, it would provide information, recommendations and directions about other sites in the Wilmington area that relate to the threads of the coastal region.

A second hub would be located in the City of New Castle. It would provide information on attractions in the city's renowned historic district as well as related attractions in New Castle County such as Fort Delaware State Park on Pea Patch Island and Old St. Anne's Episcopal Church in Middletown, originally founded in 1705.

A third would be located in Kent County, along the coast of the Delaware River. It would provide information on the existing preserved natural areas such as Bombay Hook and on the myriad other attractions in Kent County that are integral parts of the threads highlighted by the park. These would include the John Dickinson Mansion, Dover's historic Green and others.

The fourth and final hub would be located in the Lewes area and would provide information on the numerous historic sites and natural areas that have made Sussex County's coastal region so pivotal to Delaware. These would include the Zwaanendael Museum, the Fenwick Lighthouse, and the Georgetown County Courthouse.

Together, these four interpretative centers would direct visitors to the many existing attractions that help us understand and appreciate the entire fabric of our society, a fabric woven from the many threads of Delaware's coastal region.

It is through the dedication and hard work of these sixteen members that this park is even a possibility. Each of the members took time out of their busy lives to help with this important project marking Delaware's history. I thank them, along with several members of my staff, for all their hard work and congratulate them on a job well done.•

IN RECOGNITION OF THE VOICES OF DETROIT INITIATIVE

• Mr. LEVIN. Madam President, I would like to take a moment to recognize the Voices of Detroit Initiative, VODI. VODI provides an opportunity for people living in Detroit and Wayne County, who do not have insurance, to improve their health. VODI has emerged as an extraordinary leader in Michigan's efforts to provide better health care access for the uninsured. The Robert Wood Johnson Foundation, RWJF, recognized VODI for its efforts and awarded them a grant as part of RWJF's Urgent Matters initiative to increase understanding of the health care safety net and improve the efficiency of emergency care.

Over a quarter million residents are without health insurance coverage in Detroit and Wayne County. This lack of insurance has severe implications on patient health and the availability of resources to care for the uninsured, most of whom are low-income working people. As a result, more than 50 percent of emergency room visits are for problems that could have been treated outside of the emergency room.

VODI is a coalition between Michigan's leading systems: Henry Ford Health System, Detroit Medical Center, St. John Health, Oakwood Healthcare and Federally Qualified Health Centers. The Federally Qualified Health Centers are made up of Advantage Health Centers, Community Health and Social Services, CHASS, and Detroit Community Health Connection, and the Detroit and Wayne County Health Departments. Together these leaders work to connect the uninsured with a provider or clinic that can provide direct care on an ongoing basis, a "medical home." Health care services at these sites are provided to VODI's members on a sliding-fee scale. VODI also engages in multiple activities to promote better health care access for the uninsured, including a pharmacy assistance and medication review program, a tobacco use reduction program, and care management services to assist clients with managing their chronic health conditions.

On behalf of the people of Michigan, I am pleased to express appreciation to the Voices of Detroit Initiative for their untiring leadership in coordinating and leveraging scarce resources on behalf of the underserved and uninsured and to honor the organization, its staff, and its partners as they continue to work to fulfill their lifesaving mission.•

TRIBUTE TO MR. WALTER HAMBLIN

• Mr. BUNNING. Madam President, I pay tribute today to the life of Mr. Walter "Sam" Hamblin of Demossville, KY.

Sam served his country in the Army for 22 years. He enlisted as a private, but worked his way through Officer Candidate School before retiring with the rank of major. He served with distinction during the Vietnam war and provided important service both at his station in Texas and at the Pentagon in Washington, DC.

Sam chose to retire near his family's home in Kentucky, adopting the farm life and raising his children. Family and service were very important to Sam. Six generations earlier, Pierce Dant Hamblin crossed the Delaware River with General Washington during the Revolutionary War. His great grandfather, Henry Clay Hamblin, served in the Kentucky 7th Regiment during the Civil War. And Sam's father, Walter Hamblin, served in the Navy during World War II. Through the years, the Hamblins have been known as defenders of the Commonwealth.

During Sam's retirement—and in between attending local sporting events and taking care of his growing family—he continued to travel to Washington and lend his expertise to the American military. He was also the manager and owner of the Peaselburg Inn of Covington. And he still found time to write country music songs with his son, Samuel.

Unforunately, Sam developed thyroid and throat cancer 5 years ago. After fighting hard against cancer, Sam died Friday, July 23, 2004 at his home.

I am proud of Sam Hamblin's distinguished service. He honored the legacy and traditions of the Hamblin family and served our country well. My thoughts and prayers are with his family.•

AMERICAN LEGION OF OSAGE, IA

• Mr. HARKIN. Madam President, I would like to pay special tribute to the American Legion Auxiliary Unit 278 of Osage, IA. On Sunday, April 18, the American Legion, the Auxiliary, and SAL held one of their "famous omelet" breakfasts for a fundraiser to support the Osage High School Band's trip to Washington, DC on May 29. The Osage band was chosen to represent Iowa in the parade at the dedication of the new World War II Memorial.

It was necessary for the band to raise $65,000 so that all members could participate in this great event. The American Legion Family of Osage agreed to host a breakfast and to match funds that were raised that day. A number of Legion members cooked meals, with band members serving the food. In all, over 300 people were served.

The American Legion was proud to present a check in the amount of $2,400.00 to band director Jeff Kirkpatrick at their regular monthly meeting on Wednesday, April 20.

I join State Commander John Ross in congratulating his hometown band for being chosen to represent Iowa. Along with the Osage Legion family, I salute the community, the band, and all who helped in any way to make this trip possible.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under authority of the order of the Senate of September 7, 2004, the Secretary of the Senate, on September 7, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 5005. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

Under the authority of order of September 7, 2004, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate on September 7, 2004.

MESSAGE FROM THE HOUSE

At 4:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4381. An act to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the "Harvey and Bernice Jones Post Office Building".

H.R. 4442. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes.

H.R. 4556. An act to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the "General William Carey Lee Post Office Building".

H.R. 4618. An act to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the "Anthony I. Lombardi Memorial Post Office Building".

H.R. 4654. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4381. An act to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the "Harvey and Bernice Jones Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4442. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4556. An act to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the "General William Carey Lee Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4618. An act to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the "Anthony I. Lombardi Memorial Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4654. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8879. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to authorize the addition of approximately 64,000 acres of land in the Rouge River-Siskiyou National Forest in the State of Oregon; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8880. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Loans - Rescheduling Terms and Loan Subordinations" (RIN0560-AG53) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8881. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 36 Exempt Commercial Markets" received on August 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8882. A communication from the Acting Administrator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Beef or Pork with Barbecue Sauce; Revision of Standard" (RIN0583-AC09) received on August 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8883. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Corrections to Regional Office Information, References to Section 4d(2) and Criteria for CPO Registration Exemption (69 FR 41424, July 9, 2004)" received on August 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8884. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Eligibility and Scope of Financing; Loan Policies and Operations; General Provisions; Credit and Related Services" (RIN3052-AC06) received on August 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8885. A communication from the Chief, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law , the report of a rule entitled "Vehicle and Maximum Excess Shelter Expense Deduction Provisions of P.L. 106-387" (RIN0584-AD13) received on August 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8886. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, a regulatory action entitled "Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8887. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled "Department of Defense Report: FY 2003 Competitive Sourcing Efforts"; to the Committee on Armed Services.

EC–8888. A communication from the Deputy Chief of Naval Operations, Department of Navy, transmitting, pursuant to law, the report of a decision to implement performance by the Most Efficient Organization (MEO) for the Pacific Northwest Facilities Management in Silverdale, WA; to the Committee on Armed Services.

EC–8889. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the authorization of a list of officers to wear the insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

EC–8890. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense for Public Affairs, Department of Defense, received on August 18, 2004; to the Committee on Armed Services.

EC–8891. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Army for Installations and Environment, Department of Defense, received on August 18, 2004; to the Committee on Armed Services.

EC–8892. A communication from the Deputy Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to reducing the cost of the Base Operating Support function at March Air Reserve Base (ARB), California; to the Committee on Armed Services.

EC–8893. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a list of officers approved to wear the insignia of major general or brigadier general; to the Committee on Armed Services.

EC–8894. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law; a list of officers approved to wear the insignia of brigadier general; to the Committee on Armed Services.

EC–8895. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Assistant Secretary of Defense for International Security Policy, Department of Defense, received on July 26, 2004; to the Committee on Armed Services.

EC–8896. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8897. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law , a report entitled "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC–8898. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of rear admiral; to the Committee on Armed Services.

EC–8899. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval for a list of officers to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC–8900. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–8901. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–8902. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of admiral; to the Committee on Armed Services.

EC–8903. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of general; to the Committee on Armed Services.

EC–8904. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of a list of officers to wear of the insignia of the grade of admiral and vice admiral; to the Committee on Armed Services.

EC–8905. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC–8906. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to security guards' needs; to the Committee on Armed Services.

EC–8907. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Written Assurance of Technical Data Conformity" (DFARS Case 2003-D104) received on August 6, 2004; to the Committee on Armed Services.

EC–8908. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Acquisition Challenge Program; to the Committee on Armed Services.

EC–8909. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Group II Mission Computer Replacement Program; to the Committee on Armed Services.

EC–8910. A communication from the Deputy Chief of Naval Operations for Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, a report relative to implementation performance by the Most Efficient Organization (MEO) for Design Engineering at the Puget Sound Naval Shipyard, Detachment Boston; to the Committee on Armed Services.

EC–8911. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Use of FAR Part 12 for Performance-Based Contracting for Services" (DFARS Case 2003–D111) received on August 6, 2004; to the Committee on Armed Services.

EC–8912. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Information Assurance" (DFARS Case 2002–D020) received on August 6, 2004; to the Committee on Armed Services.

EC–8913. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Firefighting Services Contracts" (DFARS Case 2003–D107) received on August 6, 2004; to the Committee on Armed Services.

EC–8914. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Designated Countries—New European Union Members" (DFARS Case 2004–D006) received on August 6, 2004; to the Committee on Armed Services.

EC–8915. A communication from the Alternate OSD FRLO, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Individual Case Management Program, Program for Persons with Disabilities, Extended Benefits for Disabled Family Members of Active Duty Service Members, Custodial Care" (RIN0720–AA78) received on August 11, 2004; to the Committee on Armed Services.

EC–8916. A communication from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Part 575, Iraqi Sanctions Regulations; General License No. 1 Under Executive Order" received on August 18, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8917. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report of the Department's assumption of the licensing responsibility for exports and reexports to Iraq, by virtue of the President's termination of Executive Order 12722 relating to the Iraqi invasion of Kuwait; to the Committee on Banking, Housing, and Urban Affairs.

EC–8918. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the final report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–8919. A communication from the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Registration of Federal Home Loan Bank Equity Securities" (RIN3069–AB22) received on August 18, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8920. A communication from the Chief Counsel, Bureau of the Public Debt, Treasury Department, transmitting, pursuant to law, the report of a rule entitled "31 CFR Parts 351, 359, and 363, Regulations Governing Treasury Securities—New Treasury Direct System" received on August 18, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8921. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report relative to the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–8922. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Part 541" received on July 26, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8923. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Investment Company Governance, Securities Exchange Commission Investment Company Act Release No. 26520" (RIN3235–AJ05) received on July 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8924. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 229, Regulation CC—Availability of Funds and Collection of Checks" (Doc. No. R–1176) received on July 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8925. A communication from the Assistant General Counsel for Banking and Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program—Litigation Management" (RIN1505–AB08) received on July 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8926. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 701 and 790, Organization and Operations of Federal Credit Unions; Description of NCUA" received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8927. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 703 and 704; Investment in Exchangeable Collateralized Mortgage Obligations" received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8928. A communication from the Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Programs and Other Related Issues" received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8929. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation SHO, on Short Sales" (RIN3235–AJ00) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8930. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the national emergency declared by Executive Order 13222 of August 17, 2001 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979; to the

Committee on Banking, Housing, and Urban Affairs.

EC–8931. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 69 FR 34588" (44 CFR 67) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8932. A communication from the Acting Executive Director and General Counsel, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Subcommittee's Annual Inventory Submission; to the Committee on Banking, Housing, and Urban Affairs.

EC–8933. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–8934. A communication from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for calendar year 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–8935. A communication from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally-Owned Residential Property Being Sold, Conforming Amendments and Corrections" (RIN2501–AB57) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8936. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Extension of Minimum Funding Under the Indian Housing Block Grant Program" (RIN2577–AC43) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8937. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Mortgages on Hawaiian Home Lands Insured Under Section 247" (RIN2502–AH92) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8938. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "FHA Single Family Mortgage Insurance; Lender Accountability for Appraisals" (RIN2502-AH78) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8939. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Equal Participation of Faith-Based Organizations" (RIN2501-AD03) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8940. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 69 FR 40324" (Doc. No. FEMA 7835) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8941. A communication from the Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Fundamental Change in Asset Composition of a Bank" received on August 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8942. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a determination that allows the Export-Import Bank to provide a guarantee or insurance in support of the sale of defense articles to Colombia upon completion of a 25-day Congressional notification period; to the Committee on Banking, Housing, and Urban Affairs.

EC–8943. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report for the Strategic Petroleum Reserve covering calendar year 2003; to the Committee on Energy and Natural Resources.

EC–8944. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

EC–8945. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 2003 Annual Report for Department of the Interior's Office of Surface Mining Reclamation and Enforcement; to the Committee on Energy and Natural Resources .

EC–8946. A communication from the Executive Director, Advisory Council on Historic Preservation, transmitting, pursuant to law, the report of a rule entitled "Protection of Historic Properties" (RIN3010-AA06) received on July 27, 2004; to the Committee on Energy and Natural Resources.

EC–8947. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California State Tiger Salamander; and Special Rule Exemption for Existing Routine Ranching Activities; Final Rule" (RIN1018-AI68) received on August 6, 2004; to the Committee on Energy and Natural Resources.

EC–8948. A communication from the Office of the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting, pursuant to law, a legislative proposal to make revisions to Title II of Public Law 106-248, the Federal Land Transaction Facilitation Act (FLTFA); to the Committee on Energy and Natural Resources.

EC–8949. A communication from the Director, Office of Integrated Analysis and Forecasting, Energy Information Administration, transmitting, pursuant to law, the Administration's report entitled "Emissions of Greenhouse Gases in the United States, 2000"; to the Committee on Energy and Natural Resources.

EC–8950. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law , the report of a rule entitled "Kentucky Regulatory Program" (KY-216-FOR) received on August 6, 2004; to the Committee on Energy and Natural Resources.

EC–8951. A communication from the Secretary of Energy, transmitting, pursuant to law, a letter certifying that groundbreaking for the Depleted Uranium Hexafluoride Conversion facilities at the Paducah Gaseous Diffusion Plant in Kentucky and at the Portsmouth Gaseous Diffusion Plant in Ohio occurred on July 27 and 28, 2004, respectively; to the Committee on Energy and Natural Resources.

EC–8952. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and FY 2005 Rates (CMS-1428-F)" (RIN0938-AM80) received on August 6, 2004; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2005" (Rept. No. 108–336).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2005" (Rept. No. 108–337).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAMBLISS:

S. 2778. A bill to amend title 10, United States Code, to provide for the establishment of a unified combatant command for military intelligence, and for other purposes; to the Select Committee on Intelligence.

By Mr. DOMENICI (for himself and Mrs. LINCOLN):

S. 2779. A bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. DAYTON, Mrs. BOXER, Mr. LAUTENBERG, Mr. CORZINE, Mr. HARKIN, Mr. REID, and Mr. LEAHY):

S. 2780. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 322

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation.

S. 404

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 404, a bill to protect children from exploitive child modeling, and for other purposes.

S. 1087

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1087, a bill to provide for uterine fibroid research and education, and for other purposes.

S. 1194

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1194, a bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1717

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1717, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stems cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 2268

At the request of Mr. BUNNING, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2268, a bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program.

S. 2278

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2278, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes.

S. 2299

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2299, a bill to strengthen the national security by encouraging and assisting in the expansion and improvement of educational programs to meet critical needs at the elementary, secondary, and higher education levels.

S. 2338

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2363

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2393

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2393, a bill to improve aviation security.

S. 2437

At the request of Mr. ENSIGN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2437, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2593

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2593, a bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to geriatric assessments and chronic care management, and for other purposes.

S. 2598

At the request of Mr. REID, his name was added as a cosponsor of S. 2598, a bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes.

S. 2613

At the request of Mr. HAGEL, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2613, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies.

S. 2623

At the request of Mr. SMITH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2671

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2759

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2761

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2761, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers, ranchers, and fishermen, and for other purposes.

S. 2762

At the request of Mr. GRASSLEY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2762, a bill to encourage the use of indigenous feedstock from the Caribbean Basin region with respect to ethyl alcohol for fuel use.

S. 2774

At the request of Mr. LIEBERMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2774, a bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S.J. RES. 19

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S.J. Res. 19, a joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 128

At the request of Mr. NELSON of Nebraska, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Con. Res. 128, a concurrent resolution expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month.

S. CON. RES. 133

At the request of Mr. CORZINE, the names of the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 133, a concurrent resolution declaring genocide in Darfur, Sudan.

S. RES. 387

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAMBLISS:

S. 2778. A bill to amend title 10, United States Code, to provide for the establishment of a unified combatant command for military intelligence, and for other purposes; to the Select Committee on Intelligence.

Mr. CHAMBLISS. Mr. President, today I am introducing legislation to establish a unified combatant command for military intelligence within the Department of Defense. This bill is designed to complement several other pieces of intelligence reform legislation that have been, or will be introduced, all of which call for the creation of a National Intelligence Director who will oversee our intelligence community and be separate from the position of Director of the Central Intelligence Agency.

The very essence of my bipartisan bill is to bridge the gap between the National Intelligence Director and the array of military intelligence entities that he or she will have to deal with, either through direct budget authority or coordination with to ensure all of our intelligence priorities are being properly resourced. The goal of my bill is to make the National Intelligence Director as effective as possible, ensure our military men and women get the best intelligence possible when they are risking their lives to protect our freedoms, and to better integrate our military and civilian intelligence officials into one team.

Let me explain the rationale for this bill and how it will help strengthen the overall intelligence collection and analysis of the United States.

Currently, there are 15 recognized members of the Intelligence Community, eight of which are in the Department of Defense. The Department of Defense is not only the largest user of intelligence; it is the largest collector as well. These are realities that won't appreciably change, regardless of how we reform our Intelligence Community.

The centerpiece of almost all intelligence reform legislation is the creation of a National Intelligence Director, as proposed by the 9/11 Commission and endorsed by President Bush. However, I strongly believe that to make the National Intelligence Director really effective and to make our Intelligence Community function more efficiently, quickly, and be more responsive, the vast intelligence elements and capabilities within the military need to be brought together under a single command.

I want to give the National Intelligence Director one point of contact in the military, not eight. I want to give the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and our Unified Commanders one person to turn to for their military intelligence needs. I want the military services to resource and support a unified command for intelligence in the same way they are supporting other functional commands such as our Special Operations Command and the Transportation Command.

Let me highlight some of the main provisions of this bill as they pertain to the responsibilities of the commander of the military intelligence command, especially as they relate to the responsibilities of the National Intelligence Director. This bill specifies that the military intelligence commander will: represent the Department of Defense in the Intelligence Community under the direction of the National Intelligence Director; carry out intelligence collection and analysis activities in response to requests from the National Intelligence Director; prepare and submit to the Secretary of Defense and the National Intelligence Director recommendations and budget proposals for military intelligence forces and activities; establish priorities for military intelligence in harmony with national priorities established by the National Intelligence Director and approved by the President; ensure the interoperability of intelligence sharing within the Department of Defense and within the Intelligence Community as a whole, as directed by the National Intelligence Director, and respond to intelligence requirements levied by the National Intelligence Director.

Let me reiterate that this bill is designed to complement broader legislation creating the National Intelligence Director. I believe that it will make the National Intelligence Director more effective, better represent the needs of our warfighters to the National Intelligence Director, and create synergies and economies of scale within the Department of Defense on intelligence issues. In short, this bill will make our overall Intelligence Community more effective.

The Department of Defense needs to embrace our new intelligence team, headed by the National Intelligence Director, not as eight separate members but as one. I am convinced that creating a unified command for military intelligence will be good for the military, good for the National Intelligence Director, and good for our country.

By Mr. DOMENICI (for himself and Mrs. LINCOLN):

S. 2779. A bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator LINCOLN, to introduce a bill to improve the Interstate Compact on the Placement of Children.

The Compact is a uniform law that has been enacted by all 50 States, the District of Columbia, and the U.S. Virgin Islands. It establishes orderly procedures for the interstate placement of children and fixes responsibility for those involved in placing the child.

As the father of 8 children myself, I understand that all children deserve and need a safe and supportive environment. The bill I am introducing today will protect the safety of children who are placed across State lines for foster care, adoption, or residential care. This bill will ensure informed placement decisions, including a full exchange of information between sending and receiving States and it will set and enforce specific timelines for the permanent placement of children. The bill will also create Federal incentives to help foster children find safe and permanent homes.

It is estimated that some 20,000 children need to go to another State to find adoptive families. In such cases, safe and stable homes simply cannot be found in the child's State of residence, where they are typically bounced from one foster home to another. The Interstate Compact on the Placement of Children (ICPC) is premised on the belief that children requiring out-of-state placement will receive the same protections and services that would be provided if they remained in their home States. Yet, the median time spent in the foster care system by children in need of out-of-State placements is 43 months; 2 full years longer than the average time spent by an in-state-placed child.

The two primary reasons for an abused and neglected child to move to another State are adoption or foster care placement, typically into the care of relatives. The ICPC establishes uniform legal and administrative procedures governing the interstate placement of children and outlines the many steps necessary to place a child out of state. The ICPC is the best means we have to ensure protection and services to children who are placed across State lines for foster care or adoption. However, the ICPC was drafted 40 years ago, and through no fault of their original authors, has begun to show its age. It has now become outdated and a barrier to the timely placement of children across State lines.

Finding permanent homes for all children must be the highest priority of the foster care system. Children placed out of State need to be assured of the same protections and services that would be provided if they remained in their home States. Circumstances which make interstate placement of children necessary and the types of protections needed, offer compelling reasons for a mechanism which regulates those placements and Congress should expeditiously revise the ICPC to better serve the interests of these children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Orderly and Timely Interstate Placement of Foster Children Act of 2004".

SEC. 2. SENSE OF THE CONGRESS.

(a) FINDING.—The Congress finds that the Interstate Compact on the Placement of Children (ICPC) was drafted more than 40 years ago, is outdated, and is a barrier to the timely placement of children across State lines.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the States should expeditiously revise the ICPC to better serve the interests of children and reduce unnecessary work, and that the revision should include—

(1) limiting its applicability to children in foster care under the responsibility of a State, except those seeking placement in a residential facility primarily to access clinical mental health services; and

(2) providing for deadlines for the completion and approval of home studies as set forth in section 4.

SEC. 3. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following:

"(25) provides that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact approved by the Secretary, if incorporating the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph.".

SEC. 4. HOME STUDIES.

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is further amended—

(A) by striking "and" at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting "; and"; and

(C) by adding at the end the following:

"(26) provides that—

"(A) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the appropriateness of placing a child in the home, the State shall, directly or by contract—

"(i) conduct and complete the study; and

"(ii) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child;

"(B) the State shall treat any report described in subparagraph (A) that is received from another State (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 7 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

"(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A).".

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

"SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the State is in compliance with subsection (c) for the fiscal year; and

"(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

"(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State, and with respect to each such study, the identity of the other State involved; and

"(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States, and with respect to each such study, the identity of the other State involved.

"(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

"(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, the timely interstate home study incentive payment payable to a State for a fiscal year shall be $1,000, multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year.

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

"(A) the total of the amounts so made available; divided by

"(B) the total of such otherwise payable incentive payments.

"(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

"(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

"(g) DEFINITIONS.—In this section:

"(1) HOME STUDY.—The term 'home study' means a study of a home environment, conducted in accordance with applicable requirements of the State in which the home is located, for the purpose of assessing whether placement of a child in the home would be appropriate for the child.

"(2) INTERSTATE HOME STUDY.—The term 'interstate home study' means a home study conducted by a State at the request of another State, to facilitate an adoptive or relative placement in the State.

"(3) TIMELY INTERSTATE HOME STUDY.—The term 'timely interstate home study' means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2005.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.".

(c) REPEALER.—Effective October 1, 2008, section 473B of the Social Security Act is repealed.

SEC. 5. REQUIREMENT TO CHECK CHILD ABUSE REGISTRIES; OPT-OUT ELIMINATED.

Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A), by striking "unless an election provided for in subparagraph (B) is made with respect to the State,"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) provides that the State shall—

"(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

"(ii) comply with any request described in clause (i) that is received from another State; and

"(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;".

SEC. 6. COURTS ALLOWED ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE TO LOCATE PARENTS IN FOSTER CARE OR ADOPTIVE PLACEMENT CASES.

Section 453(c) of the Social Security Act (42 U.S.C. 653(c)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) any court which has authority with respect to the placement of a child in foster care or for adoption, but only for the purpose of locating a parent of the child.".

SEC. 7. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking "or of the State in which the child has been placed" and inserting "of the State in which the child has been placed, or of a private agency under contract with either such State".

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking "12" and inserting "6".

SEC. 8. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by strjking "To the extent available and accessible, the" and inserting "The"; and

(B) by inserting "the most recent information available regarding" after "including"; and

(2) in paragraph (5)(D)—

(A) by inserting "a copy of the record is" before "supplied"; and

(B) by inserting ", and is supplied to the child at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law" before the semicolon.

SEC. 9. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking "an opportunity" and inserting "a right";

(2) by striking "and opportunity" and inserting "and right"; and

(3) by striking "review or hearing" each place it appears and inserting "proceeding".

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting "shall have in effect a rule requiring State courts to notify foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State of any proceeding to be held with respect to the child, and" after "highest State court".

SEC. 10. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting "(including, if appropriate, through an interstate placement)" after "accordance with the permanency plan".

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting ", which considers in-State and out-of-State permanent placement options for the child," before "shall".

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting ", including identifying appropriate out-of-State relatives and placements" before "may".

SEC. 11. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting "to facilitate orderly and timely interstate placements" before the period.

SEC. 12. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C) is amended—

(1) by inserting ", in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options," after "living arrangement"; and

(2) by inserting "the hearing shall determine" before "whether the".

SEC. 13. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking "develop plans for the" and inserting "make";

(2) by inserting "(including through contracts for the purchase of services)" after "resources"; and

(3) by inserting ", and shall eliminate legal barriers," before "to facilitate".

SEC. 14. GAO STUDY ON CHILD WELFARE BACKGROUND CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of background checks that are performed for the purpose of determining the appropriateness of placing in a foster or adoptive home a child who is under the custody of a State. The study shall review the policies and practices of States in order to—

(1) identify the most common delays in the background clearance process and where in the process the delays occur;

(2) describe when background checks are initiated;

(3) determine which of local, State, or Federal (such as FBI) background checks are used, how long it takes, on average, for each kind of check to be processed, which crimes or other events are included in each kind of check, how the States differ in classifying the crimes and other events checked, and how the information revealed by the checks is used in determining eligibility to act as a foster or adoptive parent;

(4) examine the barriers child welfare agencies face in accessing criminal background check information;

(5) examine the use of the latest information-sharing technology, including electronic fingerprinting and participation in the Integrated Automated Fingerprinting Information System;

(6) identify the varied uses of such technology for child welfare purposes as opposed to criminal justice purposes; and

(7) recommend best practices that can increase the speed, efficiency, and accuracy of child welfare background checks at all levels of government.

(b) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Ways and Means and on Education and the Workforce of the House of Representatives and the Committees on Finance and on Health, Education, Labor, and Pensions of the Senate a report which contains the results of the study required by subsection (a).

SEC. 15. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on October 1, 2004, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3577. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3578. Mr. BAUCUS (for himself, Mr. LEVIN, Ms. STABENOW, Mrs. MURRAY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3579. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3580. Mr. SCHUMER (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

SA 3581. Mr. LEAHY (for himself, Mr. NELSON, of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4567, supra.

SA 3582. Mr. THOMAS proposed an amendment to amendment SA 3581 proposed by Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) to the bill H.R. 4567, supra.

SA 3583. Mr. SPECTER (for himself, Ms. MIKULSKI, Mr. SANTORUM, Mrs. MURRAY, Mr. LUGAR, Mr. KENNEDY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3584. Mr. LEAHY (for himself, Mr. NELSON, of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 3581 proposed by Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) to the bill H.R. 4567, supra.

SA 3585. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3586. Mr. COCHRAN (for himself and Mr. BYRD) proposed an amendment to the bill H.R. 4567, supra.

SA 3587. Mr. COCHRAN proposed an amendment to the bill H.R. 4567, supra.

SA 3588. Mr. COCHRAN (for himself, Mr. BYRD, and Mr. STEVENS) proposed an amendment to the bill H.R. 4567, supra .

SA 3589. Mr. ALLARD (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3590. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3591. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3592. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3593. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3577. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . Amounts appropriated under this Act for expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service shall not be made available unless the Service implements procedures to ensure that, with respect to contracts (including subcontracts) entered into on or after October 1, 2003 with private security firms to provide protective services for federally owned or leased buildings, the terms of such contracts are not modified in a manner that results in a change in benefits for the employees involved unless the employees involved consent to such changes.

SA 3578. Mr. BAUCUS (for himself, Mr. LEVIN, Ms. STABENOW, Mrs. MURRAY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. (a) The total amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT" is hereby increased by $200,000,000. Of such total amount, as so increased, $200,000,000 shall be available for the establishment and operation of air bases in the States of Michigan, Montana, New York, North Dakota, and Washington.

(b) Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "March 1, 2005" and inserting "June 1, 2005".

SA 3579. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, lines 17, strike "$700,000,000" and insert "$900,000,000".

SA 3580. Mr. SCHUMER (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, strike "$2,845,081,000" and all that follows through "grants;" on page 20, line 11, and insert, the following: "$2,995,081,000 which shall be allocated as follows:

"(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to states within 45 days after enactment of this Act; that States shall submit applications within 45 days after the grant announcement: and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

"(2) $1,550,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided*, That $300,000,000 shall be for port security grants;".

SA 3581. Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SA 3582. Mr. THOMAS proposed an amendment to amendment SA 3581 proposed by Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

Strike all after the word "Sec." and insert the following:

     . None of the funds appropriated by this Act may be used to make an award, pursuant to a competition under Office of Management and Budget Circular A–76, to a source for the performance of services that were provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants unless—

(1) the Secretary of Homeland Security submits to Congress, not later than 60 days before making such award, a report that describes—

(A) the performance requirements for the services;

(B) the estimated savings to be derived from the performance of such services by that source;

(C) the actions that are to be taken to effectuate the transition to performance either by Federal Government employees under the applicable most efficient organization plan or by a contractor, as the case may be; and

(D) the strategy for mitigating the adverse effects of such award, if any, on Federal Government employees; and

(2) the making of the award to that source will not result in the closure of an immigration information service center that was in operation on June 1, 2004.

SA 3583. Mr. SPECTER (for himself, Ms. MIKULSKI, Mr. SANTORUM, Mrs. MURRAY, Mr. LUGAR, Mr. KENNEDY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, between lines 22 and 23, insert the following:

In addition to all amounts appropriated under this heading, $50,000,000 for discretionary assistance to nonprofit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high risk of international terrorist attack.

SA 3584. Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 3581 proposed by Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows;

At the end of the amendment add the following:

SEC.   . Notwithstanding any other provisions of this Act none of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

This section shall take effect one day after the date of the bill's enactment.

SA 3585. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall—

(1) develop and maintain an integrated strategic transportation security plan; and

(2) base future budget requests on the plan.

(b) The integrated strategic transportation security plan shall—

(1) identify and evaluate the United States transportation assets that need to be protected;

(2) set risk-based priorities for defending the assets identified;

(3) select the most practical and cost-effective ways of defending the assets identified; and

(4) assign transportation security roles and missions to the relevant Federal, State, regional, and local authorities and to the private sector.

(c) The Secretary of Homeland Security shall submit the integrated strategic transportation security plan to Congress not later than February 1, 2005 and shall submit updated plans, including assessments of the progress made on implementation of the plan, on the first day of February each year thereafter. Any part of the plan that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

SA 3586. Mr. COCHRAN (for himself and Mr. BYRD) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 11, strike "*Provided further*" on line 13 down through and including "proviso" on line 23, and insert the following:

"*Provided further*, That the Government Accountability Office shall review, using a methodology deemed appropriate by the Comptroller General, the calendar year 2000 cost information for screening passengers and property pursuant to section 44940(a)(2) of Title 49, United States Code, of air carriers and foreign air carriers engaged in air transportation and intrastate air transportation and report the information within six months of enactment of the Act but no earlier than March 31, 2005, to the Committees on Appropriations of the Senate and House of Representatives and Committee on Commerce, Science, and Transportation: *Provided further*, That the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access, for the purpose of reviewing such cost information, to the personnel and to the books; accounts; documents; papers; records (including electronic records); and automated data and files of such air carriers, airport authorities, and their contractors; that the Comptroller General deems relevant for purposes of reviewing the information sought pursuant to the provisions of the preceding proviso: *Provided further*, That the Comptroller General may obtain and duplicate any such records, documents, working papers, automated data and files, or other information relevant to such reviews without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of Title 31 of the United States Code: *Provided further*, That the Comptroller General shall maintain the same level of confidentiality for information made available under the preceding provisos as that required under section 716(e) of Title 31 of the United States Code: *Provided further*, That upon the request of the Comptroller General, the Secretary of the Department of Homeland Security shall transfer to the Government Accountability Office from appropriations available for administration expenses of the Transportation Security Administration, the amount requested by the Comptroller General, not to exceed $5,000,000, to cover the full costs of any review and report of the calendar year 2000 cost information conducted by the Comptroller General, with 15 days advance notice by the Transportation Security Administration to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That the Comptroller General shall credit funds transferred under the authority of the preceding proviso to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the review and report: *Provided further*, That any funds transferred and credited under the authority of the preceding provisos that are not needed for the Comptroller General's performance of such review and report shall be returned to the Department of Homeland Security and credited to the appropriation from which transferred.".

On page 11, line 25, strike "audit" and insert "review".

SA 3587. Mr. COCHRAN proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 7, line 3, strike "General Accounting" and insert "Government Accountability".

SA 3588. Mr. COCHRAN (for himself, Mr. BYRD, and Mr. STEVENS) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 37, line 6, strike all after "(a)" down through and including "2005." on page 39, line 5 and insert the following:

"None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) or Secure Flight or other follow on/successor programs, that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the Government Accountability Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II or Secure Flight or other follow on/successor programs;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II or Secure Flight or other follow on/successor programs and has demonstrated that CAPPS II or Secure Flight or other follow on/successor programs can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II or Secure Flight or other follow on/successor programs are being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II or Secure Flight or other follow on/successor programs from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system;

(8) there are no specific privacy concerns with the technological architecture of the system; and

(9) the TSA has, pursuant to the requirements of 49 USC 44903 (i)(2)(A), modified CAPPS II or Secure Flight or other follow on/successor programs with respect to intrastate transportation to accommodate States with unique air transportation needs and passengers who might otherwise regularly trigger primary selectee status.

(b) During the testing phase permitted by paragraph (a) of this section, no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

(c) The Government Accountability Office shall submit the report required under paragraph (a) of this section no later than February 15, 2005.''.

SA 3589. Mr. ALLARD (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives and to the Committee on Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the implementation of Homeland Security Presidential Directive Seven.

(b) The report under this section shall include—

(1) the Department's plan and associated timeline for the mapping of the United States critical infrastructure;

(2) an assessment of the resource requirements of relevant States, counties, and local governments so that full participation by those entities may be integrated into the plan;

(3) the Department's plan for oversight of all geospatial information systems management, procurement, and interoperability; and

(4) the timeline for creating the Department-wide Geospatial Information System capability under the direction of the Chief Information Officer.

SA 3590. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) In General.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

"(G) The Department of Homeland Security.".

(b) Appointment or Designation of CFO.—The President shall appoint or designate a Chief Financial Officer of the Department of Homeland Security under the amendment made by subsection (a) by not later than 180 days after the date of the enactment of this Act.

(c) Continued Service of Current Official.—The individual serving as Chief Financial Officer of the Department of Homeland Security immediately before the date of enactment of this Act may continue to serve in that position until the date of the confirmation or designation, as applicable (under section 901(a)(1)(B) of title 31, United States Code), of a successor under the amendment made by subsection (a).

(d) Conforming Amendments.—

(1) Homeland security act of 2002.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 103 (6 U.S.C. 113)—

(i) in subsection (d) by striking paragraph (4), and redesignating paragraph (5) as paragraph (4);

(ii) by redesignating subsection (e) as subsection (f); and

(iii) by inserting after subsection (d) the following:

"(e) Chief Financial Officer.—There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31, United States Code."; and

(B) in section 702 (6 U.S.C. 342) by striking "shall report" and all that follows through the period and inserting "shall perform functions as specified in chapter 9 of title 31, United States Code.".

(2) FEMA.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (B), and by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively.

SA 3591. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

TITLE VI—DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY

SEC. 601. SHORT TITLE.

This title may be cited as the "Department of Homeland Security Financial Accountability Act".

SEC. 602. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) In General.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

"(G) The Department of Homeland Security.".

(b) Appointment or Designation of CFO.—The President shall appoint or designate a Chief Financial Officer of the Department of Homeland Security under the amendment made by subsection (a) by not later than 180 days after the date of the enactment of this Act.

(c) Continued Service of Current Official.—The individual serving as Chief Financial Officer of the Department of Homeland Security immediately before the date of enactment of this Act may continue to serve in that position until the date of the confirmation or designation, as applicable (under section 901(a)(1)(B) of title 31, United States Code), of a successor under the amendment made by subsection (a).

(d) Conforming Amendments.—

(1) Homeland security act of 2002.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 103 (6 U.S.C. 113)—

(i) in subsection (d) by striking paragraph (4), and redesignating paragraph (5) as paragraph (4);

(ii) by redesignating subsection (e) as subsection (f); and

(iii) by inserting after subsection (d) the following:

"(e) Chief Financial Officer.—There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31, United States Code."; and

(B) in section 702 (6 U.S.C. 342) by striking "shall report" and all that follows through the period and inserting "shall perform functions as specified in chapter 9 of title 31, United States Code.".

(2) FEMA.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (B), and by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively.

SEC. 603. FUNCTIONS OF CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) Performance and Accountability Reports.—Section 3516 of title 31, United States Code, is amended by adding at the end the following:

"(f) The Secretary of Homeland Security—

"(1) shall for each fiscal year submit a performance and accountability report under subsection (a) that incorporates the program performance report under section 1116 of this title for the Department of Homeland Security; and

"(2) shall include in each performance and accountability report an audit opinion of the Department's internal controls over its financial reporting.".

(b) Implementation of Audit Opinion Requirement.—The Secretary of Homeland Security shall include audit opinions in performance and accountability reports under section 3516(f) of title 31, United States Code, as amended by subsection (a), only for fiscal years after fiscal year 2004.

(c) Assertion of Internal Controls.—The Secretary of Homeland Security shall include in the performance and accountability report for fiscal year 2004 submitted by the Secretary under section 3516(f) of title 31, United States Code, an assertion of the internal controls that apply to financial reporting by the Department of Homeland Security.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out this title.

SA 3592. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

TITLE VI—DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY

SEC. 601. SHORT TITLE.

This title may be cited as "Department of Homeland Security Financial Accountability Act".

SEC. 602. FINDINGS.

The Congress finds the following:

(1) Influential financial management leadership is of vital importance to the mission success of the Department of Homeland Security. For this reason, the Chief Financial Officer of the Department must be a key figure in the Department's management.

(2) To provide a sound financial leadership structure, the provisions of law enacted by the Chief Financial Officers Act of 1990 (Public Law 101-576) provide that the Chief Financial Officer of each of the Federal executive departments is to be a Presidential appointee who reports directly to the Secretary of that department on financial management matters. Because the Department of Homeland Security was only recently created, the provisions enacted by that Act must be amended to include the Department within these provisions.

(3) The Department of Homeland Security was created by consolidation of 22 separate Federal agencies, each with its own accounting and financial management system. None of these systems was developed with a view to executing the mission of the Department of Homeland Security to prevent terrorist attacks within the United States, reduce the Nation's vulnerability to terrorism, and minimize the damage and assist in the recovery from terrorist attacks. For these reasons, a strong Chief Financial Officer is needed within the Department both to consolidate financial management operations, and to insure that management control systems are comprehensively designed to achieve the mission and execute the strategy of the Department.

(4) The provisions of law enacted by the Chief Financial Officers Act of 1990 require agency Chief Financial Officers to improve the financial information available to agency managers and the Congress. Those provisions also specify that agency financial management systems must provide for the systematic measurement of performance. In the case of the Department of Homeland Security, therefore, it is vitally important that management control systems be designed with a clear view of a homeland security strategy, including the priorities of the Department in addressing those risks of terrorism deemed most significant based upon a comprehensive assessment of potential threats, vulnerabilities, criticality, and consequences. For this reason, Federal law should be amended to clearly state the responsibilities of the Chief Financial Officer of the Department of Homeland Security to provide management control information, for the benefit of managers within the Department and to help inform the Congress, that permits an assessment of the Department's performance in executing a homeland security strategy.

SEC. 603. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) In General.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

"(G) The Department of Homeland Security.".

(b) Appointment or Designation of CFO.—The President shall appoint or designate a Chief Financial Officer of the Department of Homeland Security under the amendment made by subsection (a) by not later than 180 days after the date of the enactment of this Act.

(c) Continued Service of Current Official.—An individual serving as Chief Financial Officer of the Department of Homeland Security immediately before the date of enactment of this Act, or another person who is appointed to replace such an individual in an acting capacity after the date of enactment of this Act, may continue to serve in that position until the date of the confirmation or designation, as applicable (under section 901(a)(1)(B) of title 31, United States Code), of a successor under the amendment made by subsection (a).

(d) Conforming Amendments.—

(1) Homeland security act of 2002.—The Homeland Security Act of 2002 (Public Law 107-296) is amended—

(A) in section 103 (6 U.S.C. 113)—

(i) in subsection (d) by striking paragraph (4), and redesignating paragraph (5) as paragraph (4);

(ii) by redesignating subsection (e) as subsection (f); and

(iii) by inserting after subsection (d) the following:

"(e) Chief Financial Officer.—There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31, United States Code."; and

(B) in section 702 (6 U.S.C. 342) by striking "shall report" and all that follows through the period and inserting "shall perform functions as specified in chapter 9 of title 31, United States Code, and, with respect to all such functions and other responsibilities that may be assigned to the Chief Financial Officer from time to time, shall also report to the Under Secretary for Management.".

(2) FEMA.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (B), and by redesignating subparagraphs (C) through (H) in order as subparagraphs (B) through (G).

SEC. 604. FUNCTIONS OF CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) Performance and Accountability Reports.—Section 3516 of title 31, United States Code, is amended by adding at the end the following:

"(f) The Secretary of Homeland Security—

"(1) shall for each fiscal year submit a performance and accountability report under subsection (a) that incorporates the program performance report under section 1116 of this title for the Department of Homeland Security;

"(2) shall include in each performance and accountability report an audit opinion of the Department's internal controls over its financial reporting; and

"(3) shall design and implement Department-wide management controls that—

"(A) reflect the most recent homeland security strategy developed pursuant to section 874(b)(2) of the Homeland Security Act of 2002; and

"(B) permit assessment, by the Congress and by managers within the Department, of the Department's performance in executing such strategy.".

(b) Implementation of Audit Opinion Requirement.—The Secretary of Homeland Security shall include audit opinions in performance and accountability reports under section 3516(f) of title 31, United States Code, as amended by subsection (a), only for fiscal years after fiscal year 2005.

(c) Assertion of Internal Controls.—The Secretary of Homeland Security shall include in the performance and accountability report for fiscal year 2005 submitted by the Secretary under section 3516(f) of title 31, United States Code, an assertion of the internal controls that apply to financial reporting by the Department of Homeland Security.

(d) Audit Opinions of Internal Controls Over Financial Reporting by Chief Financial Officer Agencies.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Chief Financial Officers Council and the President's Council on Integrity and Efficiency established by Executive Order 12805 of May 11, 1992, shall jointly conduct a study of the potential costs and benefits of requiring the agencies listed in section 901(b) of title 31, United States Code, to obtain audit opinions of their internal controls over their financial reporting.

(2) Report.—Upon completion of the study under paragraph (1), the Chief Financial Officers Council and the President's Council on Integrity and Efficiency shall promptly submit a report on the results of the study to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Comptroller General of the United States.

(3) Government Accountibility Office analysis.—Not later than 90 days after receiving the report under paragraph (2), the Comptroller General shall perform an analysis of the information provided in the report and report the findings of the analysis to the committees referred to in paragraph (2).

SEC. 605. FUTURE YEARS HOMELAND SECURITY PROGRAM AND HOMELAND SECURITY STRATEGY.

Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 112) is amended by striking subsection (b) and inserting the following:

"(b) Contents.—The Future Years Homeland Security Program under subsection (a) shall—

"(1) include the same type of information, organizational structure, and level of detail as the future years defense program submitted to Congress by the Secretary of Defense under section 221 of title 10, United States Code;

"(2) set forth the homeland security strategy of the Department, which shall be developed and updated as appropriate annually by the Secretary, that was used to develop program planning guidance for the Future Years Homeland Security Program; and

"(3) include an explanation of how the resource allocations included in the Future Years Homeland Security Program correlate to the homeland security strategy set forth under paragraph (2).".

SEC. 606. ESTABLISHMENT OF OFFICE OF PROGRAM ANALYSIS AND EVALUATION.

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is amended by—

(1) inserting "(a) In General.—" before the first sentence; and

(2) adding at the end the following:

"(b) PROGRAM ANALYSIS AND EVALUATION FUNCTION.—

"(1) ESTABLISHMENT OF OFFICE OF PROGRAM ANALYSIS AND EVALUATION.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish an Office of Program Analysis and Evaluation within the Department (in this section referred to as the 'Office').

"(2) RESPONSIBILITIES.—The Office shall perform the following functions:

"(A) Analyze and evaluate plans, programs, and budgets of the Department in relation to United States homeland security objectives, projected threats, vulnerability assessments, estimated costs, resource constraints, and the most recent homeland security strategy developed pursuant to section 874(b)(2).

"(B) Develop and perform analyses and evaluations of alternative plans, programs, personnel levels, and budget submissions for the Department in relation to United States homeland security objectives, projected threats, vulnerability assessments, estimated costs, resource constraints, and the most recent homeland security strategy developed pursuant to section 874(b)(2).

"(C) Establish policies for, and oversee the integration of, the planning, programming, and budgeting system of the Department.

"(D) Review and ensure that the Department meets performance-based budget requirements established by the Office of Management and Budget.

"(E) Provide guidance for, and oversee the development of, the Future Years Homeland Security Program of the Department, as specified under section 874.

"(F) Ensure that the costs of Department programs, including classified programs, are presented accurately and completely.

"(G) Oversee the preparation of the annual performance plan for the Department and the program and performance section of the annual report on program performance for the Department, consistent with sections 1115 and 1116, respectively, of title 31, United States Code.

"(H) Provide leadership in developing and promoting improved analytical tools and methods for analyzing homeland security planning and the allocation of resources.

"(I) Any other responsibilities delegated by the Secretary consistent with an effective program analysis and evaluation function.

"(3) DIRECTOR OF PROGRAM ANALYSIS AND EVALUATION.—There shall be a Director of Program Analysis and Evaluation, who—

"(A) shall be a principal staff assistant to the Chief Financial Officer of the Department for program analysis and evaluation; and

"(B) shall report to an official no lower than the Chief Financial Officer.

"(4) REORGANIZATION.—

"(A) IN GENERAL.—The Secretary may allocate or reallocate the functions of the Office, or discontinue the Office, in accordance with section 872(a).

"(B) EXEMPTION FROM LIMITATIONS.—Section 872(b) shall not apply to any action by the Secretary under this paragraph.".

SEC. 607. NOTIFICATION REGARDING TRANSFER OR REPROGRAMMING OF FUNDS FOR DEPARTMENT OF HOMELAND SECURITY.

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is further amended by adding at the end the following:

"(c) NOTIFICATION REGARDING TRANSFER OR REPROGRAMMING OF FUNDS.—In any case in which appropriations available to the Department or any officer of the Department are transferred or reprogrammed and notice of such transfer or reprogramming is submitted to the Congress (including any officer, office, or Committee of the Congress), the Chief Financial Officer of the Department shall simultaneously submit such notice to the Select Committee on Homeland Security (or any successor to the jurisdiction of that committee) and the Committee on Government Reform of the House of Representatives, and to the Committee on Governmental Affairs of the Senate.".

SA 3593. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is amended by striking ", or to another official of the Department, as the Secretary may direct".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding the current status of the Hard Rock Mining Industry in America previously scheduled for Thursday, September 16 before the Committee on Energy and Natural Resources has been postponed until Thursday, September 23, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

For further information, please contact Dick Bouts at 202–224–7545 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that Committee on Commerce, Science, and Transportation be authorized to meet on September 8, 2004, at 10 a.m. on NASA: Space Shuttle in SR–253.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that Committee on Commerce, Science, and Transportation be authorized to meet on September 8, 2004, at 2:30 p.m. on Spectrum for Public Safety Uses in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 8, 2004, at 10:30 a.m. for a hearing titled "Building an Agile Intelligence Community to Fight Terrorism and Emerging Threats."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 8, 2004 at 10:00 a.m. on "Judiciary Nominations" in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Senators.

Panel II: Susan B. Neilson, to be United States Circuit Judge for the Sixth Circuit.

Panel III: Micaela Alvarez, to be United States District Judge for the Southern District of Texas; Keith Starrett, to be United States District Judge for the Southern District of Mississippi; Raymond L. Finch, to be Judge for the District Court of the Virgin Islands for a term of ten years. (Reappointment).

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 2774

Mr. McCONNELL. Madam President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2774) to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

Mr. McCONNELL. Madam President, in order to place the bill on the calendar under rule XIV, I object to further proceedings on this measure.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, SEPTEMBER 9, 2004

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 9. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the remaining time under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Madam President, for the information of all Senators, following morning business, the Senate will resume consideration of the Homeland Security appropriations bill. We will continue the amending process tomorrow morning, and Senators should expect rollcall votes throughout the day.

Moments ago, we were able to lock in the final list of amendments, and the chairman and ranking member will continue working through the list tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:47 p.m., adjourned until Thursday, September 9, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 2004:

DEPARTMENT OF DEFENSE

RAYMOND F. DUBOIS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS, VICE DIANE K. MORALES, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

THOMAS V. SKINNER, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JOHN PETER SUAREZ, RESIGNED.

DEPARTMENT OF STATE

HOWARD J. KRONGARD, OF NEW JERSEY, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE CLARK KENT ERVIN.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DOUGLAS MENARCHIK, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE PATRICK M. CRONIN, RESIGNED.

DEPARTMENT OF STATE

CATHERINE TODD BAILEY, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES MILLER, 9161

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL M. HARTING, 6710
ANTHONY T. KAUFFMAN, 8600
STEPHAN G. LYON, 3705
ROBERT A. MARASCO, 1915
RICHARD W. MORRIS, 6080
ANTHONY L. ORDNER, 4905
DANIEL G. RAINES, 8094
KIRK J. SAMPSON, 9898
JOEL C. WRIGHT, 0037

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANA J. NELSON, 3693

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM E. LINDSEY, 8659

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

MARTIN S. FASS, 9074

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

JUAN H. BANKS, 8916
THOMAS D. BECKER, 9728
PATRICK S. BELL, 2161
SUSAN M. CEBULA, 3901
CONCECION O. COLON, 5838
MARGARET A. FACENDAMCNEILL, 5114
MARIAM A. HAMIDI, 3664
MARK A. HASKELL, 8917
DEE T. HERRING, 8877
JULIE R. HOLLOBAUGH, 6315
TARA HOWELL, 0634
SHAWN R. KENNEDY, 0177
KYUNG KIM, 3308
PHIL J. KIM, 7189
ERIC J. KUNATH, 3157
TIMOTHY LEE, 2900
KATHERINE H. MARTIN, 1141
ADAM J. MCKISSOCK, 7875
ANNE M. MILLER, 6257
RANDY E. MUCCIOLI, 6869
RONALD E. PRENZEL, 1149
MARK E. RANSCHAERT, 8235
CABALLERO A. RECIO, 3060
HIRBOD ROWSHAN, 4615
JOHN C. SHILLINGBURG, 8818
RYAN L. SNYDER, 7416
JAE Y. SONG, 0044
CHARLES G. STONE, 4783
DERRICK S. TANIHARA, 2201
NATHANIEL D. TRICKER, 6199
DEMETRES WILLIAMS, 4422
MICHAEL H. WU, 1804
ROLF M. WUERCH, 2530
LISA N. YARBROUGH, 2826

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN M. SESSOMS, 5731

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANDREW M. ARCHILA, 8087
KENNETH J. ARLINGHAUS, 2736
ANTHONY R. ARTINO JR., 0665
DAVID J. BACHAND, 4120
DAVID J. BACON, 2104
TAUSEEF A. BADAR, 5897
ALBERT J. BAINGER, 9418
DAVID G. BAPTISTA, 4299
JOEL R. BEALER, 3899
BARBARA K. BELLMONT, 8472
LYNN R. BINKLEY, 0505
AMY L. BIRTELSMITH, 1357
THOMAS G. BODNOVICH, JR., 1642
RONALD D. BOLING, 2994
THOMAS Z. BOSY, 4033
WAYNE C. BOUCHER, 5248
RODERICK L. BOYCE, 2425
GARY T. BRICE, 7497
REGINALD C. BROWN, 8756
MARY J. BURKES, 3668
MICHAEL J. BUSH, 7631
JEROME T. CAMPBELL II, 5328
ELIZABETH C. CARR, 0375
WILLIAM D. CARROLL, 2306
MATTHEW CASE, 1100
CHERYL C. CASEY, 7800
WAYNE X. CHARDON, 4215
KATRINA A. CHENEVERT, 7941
MARK D. CLARK, 9088
JOSEPH V. COHN, 1237
ESKINDER DAGNACHEW, 4773
JEFFREY A. DAMASCHKE, 0576
RONALD E. DAVID, 2854
ARNEL I. DELAPENA, 6341
GERALD T. DELONG, 9336
MICHAEL D. DIALWARD, 5525
JODY A. DREYER, 9216
JEFFREY R. DUFAULT, 7739
BRYAN S. DUPREE, 4820
PAUL B. DURAND, 6703
SEAN P. EASLEY, 6860
JOHN B. ELLIS, 0536
REYNALDO F. ESPINO, 3719
SAMUEL G. ESPIRITU, 1102
BRIDGETTE M. FABER, 8002
KATHRYN F. FAIR, 0295
PATRICK N. FAIRLEY, 1951
ALFREDO T. FERNANDEZ JR., 5055
BARBARA H. FLETCHER, 7680
SIDNEY G. FOOSHEE, 6936
MATHEW C. GARBER, 5443
EUGENE K. GARLAND, 4797
EDRION R. GAWARAN, 1283
JESSIE GEE, 4722
JEREMY B. GREEN, 1726
DUWAYNE S. GRIEPENTROG, 3904
JESSIE E. GROSS, 8293
SHELLY J. HAKSPIEL, 4181
KAREN R. HALL, 4777
CHRISTOPHER M. HANSEN, 1490
BRANDON W. HARDIN, 0213
DONALD D. HARRIS, 0762
BRIAN C. HATCH, 5316
MICHAEL K. HAYTAIAN JR., 5568
MARC D. HERWITZ, 7448
DAVID C. HICKS, 2692
LINDA M. HILL, 7809
TRACI J. HINDMAN, 2153
JASON J. HOLMES, 8366
WILLIAM J. HUGHES IV, 4982
SANDRA D. JOHNSON, 7286
SEAN R. JUDGE, 0036
GREGORY R. KAHLES, 6578
BRADLEY J. KAROVIC, 1018
MICHAEL J. KEMPER, 4088
CARRIE H. KENNEDY, 0014
MARTIN W. KERR, 8873
JOHN J. KIM, 0612
LINDA G. KIMSEY, 9076
DAVID W. LABRIE, 3752
TODD J. LAUBY, 5457
MARK R. LAUDA, 6736
JOSEPH B. LAWRENCE, 9621
ROBIN M. LEWIS, 1828
MICHAEL D. LIPKE, 3182
ANTONIA LOPEZ, 8510
ARLENE G. LOPEZ, 8466
JAMES LYNCH, 0084
KATHLEEN S. MAAS, 9085
RANDY L. MARTINEZ, 7832
RAYMOND W. MCCLARY III, 7564
HENRY V. MCCRACKING, 9126
RICHARD C. MCCROW, 5384
JAMES D. MCGOWAN, 2687
KEVIN J. MCGOWAN, 3151
FRANCIS V. MCLEAN, 7340
CAROLYN M. MEDINA, 8686
PATRICK G. MELER, 0155
CHRISTOPHER T. MEYER, 3739
DOUGLAS M. MONETTE, 3891
NORMAN K. MOSER, 4642
STEVEN W. NEWELL, 2520
DAVID P. NEWMAN, 8993
ORLANDO J. OLMO, 6918
THOMAS A. OLSON, 6442
GREGORY B OSTRANDER, 2277
NANNETTE M PACO, 0955
CHERYL T PARHAM, 3645
SHERI B PARKER, 5954
RAFAEL C PEREZ, 6392
PHILIP D POLEN, 3013
DANIEL E QUANCE, 6494
DEIDRA M RAMOS, 6854
MARGARET M READ, 1094
BITHIAH R REED, 4074
JAY K RIGSBEE, 8433
LYMON N ROAN, 7658
CHAD E ROE, 2311
JEANETTE D ROSEBERRY, 8368
CELESTE C SANTANA, 8850
KENNETH P SAUSEN, 8663
WILLIAM E SCHALCK, 8170
JON A SELBYG, 0531
STEVEN D SHADLEY, 1696
NIKHIL K SHAH, 2667
MICHAEL D SMITH, 5799
MICHAEL P SMITH, 1934
BEVERLY A SOUTHERLAND, 9609
DONNA M SPORRER, 8017
DOUGLAS E STEPHENS, 3288
JAMES L STILLEY, 7077
TONY J STOCKTON, 6109
ROBERT L SUMTER, 1614
MARGARET A SWANK, 2761
DENNIS A THOMAS, 1535
ENRIQUE S TORRES, 0910
PAUL D TREADWAY, 3999
GERARDO A TUERO, 4736
MARY N VIETEN, 1134
WADE A WALLACE, 8433
JOHNATHAN E WARE, 9768
KEVIN R WILLIAMS, 7793
LUZ J WILSON, 9934
CHARLES R J WOODRUFF, 2091
MARC T YOUNG, 0591
RICHARD G ZEBER, 5764

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAY A BAILEY, 6350
DANIEL C BERTEAU, 4817
BERNARD A BEZY, 5551
MICHAEL D BROWN, 9089
MARC G DICONTI, 8824
KIM M DONAHUE, 9166
CHRISTOPHER S FRONK, 9452
GLENDA J HARRISON, 2772
CHARLES E HODGES, 1446
ERIC R HOOG, 1197
JAMES L JOHNSON, 4613
JOHN A KALANTZIS, 8973
DORAN T KELVINGTON, 1900
JOSEPH KOCH, 7862
ALAN W LENZ, 5171
VICTOR E MCINNIS, 9390
BARRY A METZGER, 3622
EMILE G MOURED, 4572
STEVEN T ORREN, 7485
CLINTON A PICKETT III, 6509
DAVID A SHIRK, 9012
DAVID A STROUD, 8017

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAYMOND ALEXANDER, 6665
ERNESTO C ANDRADA JR., 8492
JULIUS U ARNETTE, 3437
MARK I AXINTO, 8307
SUSAN L AYERS, 6935
BABAK A BARAKAT, 1630
KENNETH C BARRETT, 9763
NATHAN B BEGLEY, 9383
LESLIE S BELTZ, 4974
PATRICK C BLAKE, 3472
WILLIAM D BOOTH, 3225
CHARLES R BULL JR., 0879
DAVID D CARNAL, 2084
JOHN J CHEN, 7818
GEORGE W CLARK III, 2390
COREY A COOK, 0109
DAVID H CORNELIUS JR., 9321
KRISTIAN M DORAN, 0182
PAUL B DOUGHERTY, 0744
DAVID E DOYLE, 4943
CHARLES W DUNPHY JR., 0643
CHARLES DWY, 2688
MARK M ESTES, 6415
GEORGE C ESTRADA, 9398
HEIDI R FEARON, 2724
KEITH A FREESE, 3528
MARK T GALIANO, 5332
NICOLA M GATHRIGHT, 3465
THOMAS W GREEN, 0025
MICHAEL E GROSS, 4571
KEITH J GUILLORY, 5632
FERNANDO HARRIS, 7589
FERDINAND C HERRERA, 5940
MICHAEL W HERYFORD, 3946
MATTHEW D HOLMAN, 7689
ROY S HORNBACK, 2827
PRUDENCE Y HOWARD, 1914
MOONI JAFAR, 0807
CHRISTOPHER L JAMES, 4489
JEFFREY H JEFFERIES, 9008
KEITH W JEFFRIES, 4180
BLAKE W KENT, 7327
JERRY A KING, 4637
KEVIN KLEIN, 1888
JASON E KLINGENBERG, 8742
GREGORY R LASK, 8939
YANFENG LI, 1307
STEVEN L LUNA, 9740
GEOFFREY D LYSTER, 8823
STEVEN J MACDONALD, 7245
BRIAN A MAI, 8167
STEVEN R MARSHALL, 6951
SANTO MCADOO, 5590
JACQUELINE M MEYER, 6514
JACOB W MILLER, 2170
JOAQUIN J MOLINA, 1772
CHARLES R NEU, 1799
TIMOTHY J NICHOLLS, 9512
DANIEL L NORTON, 6461
RICHARD J OTLOWSKI, 4631
EDWARD D PIDGEON, 0895
KRISTIN M PIOTROWSKI, 9558
WADE W RINDY, 9713
DAVID E ROBERTS, 2607
JUAN J RODRIGUEZ, 5904
MICHAEL W ROY, 8567
HARRY M RUSSELL, 4846
NICHOLAS R RUSSO, 9347
ALLEN E SANFORD, 6516
STEVEN K SCHULTZ, 4974
JAMES H STRAUSS, 1515
BRETT M SULLIVAN, 8205
LESLEY N SWINT, 7741
JULIE M TREANOR, 2941
ALSANDRO H TURNER, 0965
ANDREW E TUTTLE, 8214
BRYAN G VANVELDHUIZEN, 8886
BRAD W VETTING, 8487
BRIAN J VOSBERG, 9189
JAMES J WALLS, 0967
TODD A WANACK, 7676
PETER W WARD, 1364
RICHARD H WILHELM, 7717
MICHELLE D WINEGARDNER, 4160
ANTHONY D YANERO, 9824
MICHAEL YORK, 4590
MARK A ZIEGLER, 8477

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEVEN W ASHTON, 2257
THOMAS M BESTAFKA, 8553
ABRAXAS J CATALANOTTE, 7711
ROBERT M COHEN, 1737
ANDRE L COLEMAN, 9031
ANTHONY M CONLEY, 0349
JORGE L CONTRERAS, 9862
TITANIA B CROSS, 0602
EILEEN J DANDREA, 0720
ISABELLE E DETTER, 5912
JEFFREY C DEVINEY, 3583
MICHAEL D DYSART, 7173
SABRINA G FREGLY, 9860
CAMERON J GEERTSEMA, 3678
DONALD L GEORGE JR., 0350
JOSEPH L GREESON, 9934
DARREN R HALE, 3531
TROY D HAMILTON, 0805
DEAN L HANSEN, 1327
KENT B HARRISON, 7364
CHRISTOPHER M HODRICK, 7707
DAVID I KANG, 0743
SCOTT R KING, 4928
SCOTT M KOSNICK, 5127
MICHAEL J LAGARDE, 0574
TIMOTHY G LAMB, 1420
BRIAN T LINDOERFER, 0472
YVONNE R LYDA, 6684
CHRISTOPHER A MARTINO, 3297
STEVEN J MAURO, 2249
MATTHEW MCCANN, 8446
JEFFREY E MCCOY, 8295
TIM H MIN, 5270
SUZANNE B MONTGOMERY, 2916
THOMAS M MOSKAL, 3699
BRIAN E NOTTINGHAM, 9007
ANANT R PATEL, 6397
ROGER L PIRKOLA, 7020
AVONNA S RAMSEY, 3549
DARRELL A REYNARD, 0434
ERIN H SANDERS, 7892
JOEL K SENSENIG, 2602
GREGG R SHIPP, 7912
JAMES A SINCLAIR, 9358
KEMIT W SPEARS, 1758
STEVEN J STASICK, 1497
ALLEN R SULLIVAN, 0138
ANDREW J SULLIVAN, 0626
CHRISTOPHER R VIA, 3309
BURR M VOGEL, 1588
JAMES R WATTS, 3739
JASON D ZEDA, 0534

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TAMMERA L ACKISS, 9418
PAUL R ALLEN, 3920
DANIEL ANTHONY, 0026
JACOB ARMIJO, 0896
LAUREN E BEALL, 4017
ANTHONY V BEER, 4362
JUANITA B BELISO, 6638
RENE A BELMARES, 0284
JOHN O BENNETT, 5498
MONICA E BRADFORD, 6146
DONNA N BRADLEY, 2848
LISA A BRAUN, 4571
THOMAS R BROADWAY JR., 4964
KRISTEN L BROOM, 6460
ANNE M BROWN, 1174
CHRISTOPHER J BURFORD, 7109
KEVIN P BUSS, 7399
PETER D CHAREST, 3912
PATRICIA J CHRISTIAN, 9101
JUDITH A CIESLA, 7122
DEBORAH L CODDING, 0533
LANA M COLE, 0745
BILLIE D COLEY, 5659
BRENDA M COLLINS, 0473
JONATHAN W COTTON, 9552
TINA M COX, 2406
ROBYN L CROSS, 1752
HEATHER M CUNIFF, 9861
STACEY L DAWSON, 8281
WILLIAM C DEATON, 8363
GARY T DEEN, 8284
DAVID N DESANTOS, 4135
DEBORAH L DIEHL, 5747
JAMES M DIXON, 4654
NAOMI N DOMINGO, 3590
SUSAN M DOWLING, 3061
JOEL D DULAIGH, 2268
ROBERT H DURANT, 5335
JOHN E ECKENRODE, 3753
THERESA P EVEREST, 7601
CYNTHIA T FERGUSON, 9670
RAYMOND GARAY, 2621
CHRISTOPHER C GILLETTE, 5339
KEITH J GOLDSTON, 3956
MIKE G GONZALEZ, 7412
MARY G GRACIA, 4587
MARY F GREER, 9143
HARRY W HAMILTON, 5064
CHARLES S HARTUNG, 4698
JERRY R HAYWALD, 5474
JOSE A HERNANDEZ, 5768
JOHN W HICKS, 3967
STEPHANIE M HIGGINS, 3881
JOHNNIE M HOLMES, 0520
JULIE A HOOVER, 2288
LONNIE S HOSEA, 7478
JEFFREY L HUFF, 1243
IRENE G IRBY, 4092
NANCY J JOHNSON, 3233
CELESTINE D JOHNSONGARDNER, 7586
TERESA M KRONENBERGER, 4819
LARRY L LABOSSIERE, 1707
MARCI C LABOSSIERE, 3831
CHRISTINE M LANGAN, 4542
CHRISTINE B LARSON, 1535
CINDY L LASWELL, 9015
JENNIFER D LETTERMAN, 7168
ANDREA LLOYD, 7104
PAUL A LOESCHE, 3251
EDDIE LOPEZ, 3146
JILL M MACMILLAN, 8894
KARI L MARTIN, 2596
KATHY L MCCALL, 6870
EUGENE A MCGOUGH, 5417
MARLON S MEDINA, 5057
SCOTT J MESSMER, 7161
JAMES W MICKEY, 1409
TERESA T MILLER, 9405
JOHN A MORGAN, 2006
SHANNON R MUEHE, 7486
MICHELE L MURRAY, 4299
RICHARD A MYERS, 6864
KRISTY L NEWTON, 8479
HEATHER C NOHR, 3519
MARIA M NORBECK, 8847
KENNETH J OAKES, 4160
CATHERINE L OCONNOR, 0651
MARTIN OCONNOR, 6494
SHEILA F OLEARY, 2090
CHRISTOPHER OUDEKERK, 9301
KENNETH D PACE, 1323
BOYD F PADFIELD, 5667
MELINDA D PAGLIARINI, 6643
STEVEN J PARKS, 4454
JUSTICE M PARROTT, 9779
SARA S PICKETT, 8517
JOHN C PROFERA, 6536
ALBIN S QUIKO, 9504
BELINDA A RAND, 2060
GEORGE G REICHERT, 3676
DAVID C REITER, 2013
VANESSA D RICHARDS, 9794
GREGORY D RILEY, 6716
TONY J ROSALES, 9447
REGINALD T RUSSELL, 8773
JIMMY L RYALS, 2210
ROBERTO SANJUAN, 3953
JEANNE M SARMIENTO, 4487
BETH A SAULS, 1885
ELIZABETH K SAYRE, 0360
CARY T SCHULTZ, 5287
THECLY H SCOTT, 8626
GRACE K SEABROOK, 8052
STEVEN R SHINDLER, 7529
KATHALEEN L SIKES, 5557
TANYA B SINCLAIR, 0424
KURT D SMILEY, 5903
CAROL A SMITH, 5770
SCOTT M SONDGERATH, 1695
STUART E SQUIRE, 6938
KIMBERLY M STACK, 7502
RHONDA K STELL, 7827
BARBARA A SULFARO, 3474
MARY C SUTTON, 3042
TINA F SYLVE, 4189
JOSEPH L TAYLOR, 8227
DAVID V D THOMAS, 2593
PATRICK O TURPIN, 3511
WILLIAM L WALTERS, 7710
KURTT H WALTON, 1015
TAMMY L WEINZATL, 4072
BARBARA C WHITESIDE, 4897
DAVID L WHITLEY, 3228
JOHNNETTA N WIDER, 1516
ANN WILLIAMS, 6941
CYNTHIA A WILSON, 6684
AMY E WOOTTEN, 9741
FELICIA B WRAY, 7215
STEVEN T YADEN, 3615
KATHLEEN L YUHAS, 3252

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

IK J AHN, 1302
MANUEL F ALSINA, 0946
DAVID A AUSTIN, 0791
KATHERINE C AUSTIN, 8248
KENNETH R AUSTIN, 8309
FRANK O AXELSEN, 9969
REBECCA L BACZUK, 7127
ALFREDO E BAKER, 0775
SALVATORE K BAVUSO, 7581

DAVID S BAYLEY, 9613
SANDRA M BENDER, 2413
DAVID B BENSON, 7227
ANTHONY A BENTLEY, 9361
KYLE R BERRY, 7205
JONATHAN L BINGHAM, 9383
ROBIN L BIRD, 3950
RON A BIRNBAUM, 6367
ANTHONY C BOGANEY, 9233
GRANT H BONAVIA, 3910
RACHEL BOOTH, 8802
DAVID M BRETT, 8648
MARK F BRODIE, 4913
JOHN S BROOKS, 6049
WILLIAM M BROWN, 9275
CAROL A T BROWNING, 5545
ERIC P BRUMWELL, 5945
CASEY J BURG, 8222
ALEXANDER I BUSTAMANTE, 5357
DOUGLAS H BUXTON, 9138
JAMES E CALLAN, 1166
DAVID W CALLAWAY, 4727
ERIC S CAMPENOT, 9683
RICHARD C CAMPIN, 2254
NICOLE L CARLSON, 2161
CHRISTOPHER CARR, 9990
RUSSELL B CARR, 8983
MEREDITH L CARTER, 1933
HENRY F CASEY III, 8818
THERESA L CASTRO, 0257
RICHARD A CATHERINA, 2679
CHUN W CHEN, 9172
ALFREDMY G CHESSOR, 7370
NANCY CHUROSH, 7401
SUSAN C CLARK, 6615
EMILY E COLE, 7362
MICHAEL H CONN, 3467
WILLIAM T CONNELL, 5129
CHRISTOPHER M COOPER, 5549
MICHAEL A COSGROVE, 7617
MARY H CURRIER, 9609
NANA E K DADSON, 4095
HUGH M DAINER, 0306
DAVID C DANISH, 8848
JOHN M DAVIS, 1265
LISA A DAVIS, 1294
MARK L DEARDEN, 4637
RUBEN DELPILAR, 9576
STEPHANIE M DENNIS, 9696
ALTA J DEROO, 7583
CHRISTOPHER B DEWING, 7092
COLIN C DIRCKS, 5945
CHRISTOPHER K DOLAN, 7372
ANTHONY H DONALDSON, 9973
HARLAN F DOREY, 9120
CHRISTOPHER A DUPLESSIS, 0371
MATTHEW K EASTMAN, 7139
BRIAN L FELDMAN, 4668
ERIN A FELGER, 0466
BENJAMIN P FISCHER, 0407
STEPHEN L FISCHER, 3950
KANTI R FORD, 5064
MARC A FRANZOS, 4904
KEVIN M FRENCH, 5906
LAURIE B FRUEH, 0992
ROGER M GALINDO, 2313
STEVEN J GAUERKE, 0131
JONATHAN M GIBBONS, 1224
JONATHAN E GILHOOLY, 5216
TODD D GLEESON, 8941
ELIZABETH M GOMEZ, 0540
ROBERT H GOODWIN, 4137
ELIZABETH A GRAY, 6856
SAMANTHA GRILLO, 6547
JAMES R GRIMES, 0690
RICHARD S HAMILTON, 0724
ERIC B HARRIS, 1948
WILLIAM A HAUG, 6960
CAROL P HEALY, 8513
DAVID A HENSLEY, 8124
JASON D HIGGINSON, 2555
TAMMY N HILL, 8581
THIEUHA T HOANG, 5723
TUAN Q HOANG, 6571
KERRY J HOLLENBECK, 9616
JARROD P HOLMES, 0220
AMY S HUBERT, 5852
JENNIFER J HUMPHREY, 4357
CHRISANNA JOHNSON, 6799
DAVID P JOHNSON, 5003
MICHAEL L JULIANO, 0014
DAVID M JUNKER, 4990
JINU P KAMDAR, 6214
HENRY S KANE, 8698
JEFFREY P KECK, 7189
GEOFFREY S KEENAN, 1209
DARREN B KELLER, 9632
CHANG H KIM, 4749
JEONG H KIM, 2786
JOHN C KIM, 6272
SANDRA L KIMMER, 3581
MICHAEL S KONG, 2423
DAVID J KRAUSE, 1826
KERRY C LATCH, 5928
ERIC A LAVERY, 4097
GARY A LAWSON, 4202
MIKE H LEE, 9826
MARK J LENART, 2078
KRISTIAN E LEWIS, 2166
MARK D LIGNELL, 5916
MICHAEL E LITTLE, 4421
LANNY F LITTLEJOHN, 7415
EUGENIO LUJAN, 5304
DAVIN R LUNDQUIST, 9529
NAM T LY, 8870
JAMES J LYONS, 0686
NAPOLEON B MAGPANTAY III, 2594
TIMOTHY E MARRA, 3373
RYAN C MAVES, 5543
SEAN P MCBRIDE, 6453
CRAIG M MCCORMICK, 7275
JOHN W MCGRATH, 4380
MICHAEL P MCNALLY, 9164
ROBERT J MEYER, 0861
TIMOTHY J MICKEL, 0390
EDMUND A MILDER, 0080
KYLE D MITCHELL, 8700
LAURA N MODZELEWSKI, 2447
DANIEL P MOLONEY, 5810
KRISTIN L MONTALVO, 2082
EMORI A MOORE, 8511
FREDERICK D MOORE, 7008
MATTHEW J MOORE, 6256
THOMAS G MORIARITY, 4870
JOHN W MORONEY, 8586
MARK M MORTON, 7625
GARY J MULLEN JR., 6072
ENCHANTA L MURPHY, 4209
SANDEEP K NARANG, 2082
GAUTAM S NAYAK, 4183
SONJA F NAZARETH, 9431
KHANH V NGUYEN, 1765
MINH Q NGUYEN, 8387
DAVID K NITTA, 3941
CRAIG D NORRIS, 9153
MICHAEL J OAKES, 6212
SEAN P O'BRIEN, 9204
KEVIN M OMEARA, 6347
MICHAEL J ORAS, 7660
MATTHEW E OSBORNE, 0920
ADAM R PACAL, 8228
JAMES K PALMA, 5817
MICHAEL A PARIMUCHA, 2637
CHAN W PARK, 0386
TODD A PARKER, 3618
MARK D PAYSON, 5161
ANDREW J PELCZAR, 8629
LEON PENDERGRAPH, 5078
MICHAEL J PERRY, 5546
SHERI D PIEL, 0534
GIRARD L POIRIER, 5979
KEVIN J POLICKY, 1257
NICHOLAS D POLLARD, 0279
TIMOTHY M POWELL, 1378
RONALD T PURCELL, 0833
CARLOS E QUEZADA, 4276
ALISSA G QUIN, 2463
MATTHEW C RADIMER, 0158
DANIEL A RAKOWSKI, 5205
CRAIG J RANDALL, 7260
QUENTIN P RAY, 0691
AMANDA E RHODES, 2025
BRANDT E RICE, 7086
DARIAN C RICE, 0865
JOHN D RICHARD, 2261
ARNALDO L RIVERA, 4855
LOUIS RIVERA, 2612
ERIN M ROBERTS, 7831
MICHAEL A ROBINSON, 0475
DAVID B ROSENBERG, 2193
HOWARD A RUMJAHN, 5479
LAWRENCE B RYAN, 4025
MARLENE L SANCHEZ, 5199
JOSEPH M SCHNEIDER, 6305
ARTHUR M SCHUELER III, 6229
JASON R SCHUH, 3392
KATHRYN C SELF, 1534
ANDREW J SELLERS, 7644
AMY A SHIPLEY, 8623
BRIAN A SINGLETON, 9081
TRACY T SKIPTON, 5791
MARGUERITE I SLINGLUFF, 8109
BRYAN D SMITH, 1586
JAMES P SMITH, 2062
ANDREA N SNITCHLER, 2984
JUSTIN K SPACKEY, 6193
GEORGE A SPENCER, 8976
MICHAEL T SPOONER, 2261
DAVID M STEVENS, 7834
RICHARD A STOEBNER, 3654
VALERIE S STRANG, 7231
GARRICK L STRIDE, 5080
ERIC D STURGILL, 9541
CHRISTOPHER D SULLIVAN, 7837
MANUEL TANGUMA III, 8122
DONALD P TAYLOR, 7615
DANIELLE A TAYSOM, 1484
RICHARD W TEMPLE, 9124
BRIAN C THOMAS, 2839
JOHN P TRAFELI, 9738
RODNEY W TREGLE, 7854
APRIL A TRUETT, 0856
ROBERT J VANDERBROOK, 1907
ERIC D VINSON, 3223
ROBERT S WAGENAAR, 4586
THAO N WAGNER, 5163
ROBERT N WALTER, 4238
WILLIAM B WARNER, 6825
MATTHEW J WAUSON, 0835
CHRISTOPHER H WAY, 0754
KEDRIC E WEBSTER, 2219
MATTHEW L WEST, 7691
ERIK L WHITE, 5922
LISA M WIEDEL, 0788
TIMOTHY M WILKS, 8206
MARK D WILLIAMS JR., 7365
MELITA J WILLIAMS, 7141
RONALD J WILLY, 1012
SEAN R WISE, 8974
JOON S YUN, 6476
ROBERT A ZALEWSKI, 7983
CHAD T ZEHMS, 8151
GREGORY J ZIMMER, 7435
SARA B ZIMMER, 3040

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KERRY L ABRAMSON, 5355
JEFFREY P AMES, 4411
MATTHEW L BERAN, 1637
JENNIFER BLAZEWICK, 8258
JOSEPH F CARILLI JR., 6141
CONNER W CHILDERS, 4323
DANIEL CIMMINO, 3173
JUSTIN B CLANCY, 2824
TRACY L CLARK, 1423
PETER C CLEMOW, 7354
ROBERT C DETOLVE, 5006
LAURIN N ESKRIDGE, 2534
TYRONE P FIELDS, 4404
DEANDREA G FULLER, 0545
MARCUS N FULTON, 5157
BRUCE A GRAGERT, 0368
JASON S GROVER, 6645
JOSEPH G HOELZ, 5795
ANDREW R HOUSE, 1406
FRANKIE D HUTCHISON, 8066
DOMINIC J JONES, 4426
ADAM S KANTOR, 4514
BRANDON S KEITH, 6783
GARY S LARSON, 0152
MICHAEL D LAWRENCE, 6339
THOMAS F LEARY, 1992
MICHAEL J LUKEN, 0739
TAMARA L MCCRACKEN, 3644
JONATHAN M MCLEOD, 5573
JAMES A OUELLETTE JR., 8805
TRAVIS J OWENS, 0109
WILLIAM G PERDUE, 2042
MICHELLE M PETTIT, 6363
LIA M REYNOLDS, 8240
AARON C RUGH, 6030
COLLEEN M SHOOK, 7097
VALERIE L SMALL, 9547
SAMUEL A SMITH, 8574
SCOTT A SUOZZI, 0012
ANDRU E WALL, 6038

HOUSE OF REPRESENTATIVES—*Wednesday, September 8, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 8, 2004.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, may Your grace and peace permeate this Chamber. Let the atmosphere of this fall session encourage lively debate, but always with mutual respect. May everyone's work reveal gracious manners and a manifest personal kindness. Fill this place with spoken wisdom and attentive listening.

May daily work, various conversations and structured meetings bring personal satisfaction, prove productive for the American people, and give You glory, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TV AFFECTS SEXUAL BEHAVIOR OF TEENS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the programs that teenagers watch on television affect their behavior. Advertisers have known this for years and have cashed in on it.

This week, we have a better idea of how television takes hold of our young people. A Rand Corporation study recently found that children who watch a lot of TV with sexual content are twice as likely to be sexually active as those with little exposure to televised sexual behavior.

Sexuality is pervasive on television, present in more than two-thirds of all programming from innuendoes to actual depictions. Kids become absorbed with the characters in their favorite shows and begin to model their behavior. They are simply doing what their role models do. Sadly, the study found that doing what their favorite characters do results in regret, and they cited television as a factor in influencing their behavior.

In a culture increasingly devoid of positive role models, television is filling the void; and many parents are dropping the ball. Excessive exposure to television hurts our kids. Parents need to turn off the TV before more damage is done to our Nation's kids.

DISGRACEFUL STATEMENTS BY VICE PRESIDENT

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, Divider, Chapter 1: Yesterday, the Vice President of the United States said, "It is absolutely essential that 8 weeks from today on November 2 we make the right choice, because if we make the wrong choice, then the danger is that we will get hit again."

Besides being outrageous, the Vice President mocked the word "sensitive" used by Senator KERRY several weeks ago. He took it out of context. Measuring, he is going to tell us what toughness is. He is the evaluator of what "toughness" means. If that is not the biggest joke.

The choices we are making here in this body will determine the safety and the security of the American people, not partisan, political rhetoric on the campaign trail. And that is why we need to act now together, not divided, to implement the recommendations of the 9/11 Commission. Campaigns are no excuse for questioning the patriotism or the motivations of the other side. In campaigns you are supposed to air what you feel about a particular subject.

This is a disgraceful act. I did not serve in the service to listen to this garbage.

HOMEOWNERSHIP AT AN ALL-TIME HIGH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today, homeownership in America is at an all-time high. Republicans should be proud of this achievement, as we have worked along with President George W. Bush to make it easier for all families to afford their own home.

We passed tax cuts for all Americans allowing them to keep more of their own money. We passed the American Dream Down Payment Act to help thousands of low-income families make the down payment on their first home. Minority homeownership has climbed to record levels of over 50 percent. Housing starts in 2003 were at the highest level in 25 years, and home sales were the highest ever.

As a former real estate attorney, I know firsthand the joy of buyers and sellers. I know the jobs created for the construction workers, landscapers, and suppliers. I appreciate the success of Realtors, and this builds the local tax base for better schools.

While Democrats continue to try to talk down the economy with pessimism, American families living in their own home know that our economy is strong and growing.

In conclusion, may God bless our troops, and we will never forget September 11.

PROVIDE PROTECTION BEFORE DISASTERS OCCUR

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, last night the House approved disaster assistance for citizens in Florida. Our hearts go out, for it is appropriate for us to step in and do what we can. But we need to do more. There is a big difference in loss from storms, floods and wildfires, depending on what people do in advance to protect themselves.

It is time for the Federal Government to add assistance to do it right, in planning, zoning and building codes, if we create the right balance of policy

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

so fewer people are at risk, we are also kinder to the taxpayers. We know what to do.

I hope we do not have any more supplementals where we do not provide assistance to help people protect themselves to avoid these problems in the first place.

PRESIDENT AN OUTSTANDING LEADER IN WAR ON TERROR

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, Senator JOHN KERRY is campaigning to be President by saying that he will use diplomacy to fight a "more sensitive" war on terror. But how does Senator KERRY's diplomatic effort show up on the campaign trail? He refers to the 30-plus nations that have joined our efforts to bring freedom to the people of Iraq as "the coerced and bribed." He constantly belittles the efforts of allies who fight and bleed along with our soldiers in the effort to fight terror and to spread freedom. How can someone who belittles our allies expect to gather more allies?

President Bush has been an outstanding leader in successfully prosecuting the war on terror. He has led the fight to bring freedom to 50 million people in Afghanistan and Iraq. Under his leadership, our forces toppled the Taliban and Saddam Hussein. They have also captured or killed two-thirds of the top leadership of the al Qaeda. Our forces are on the offensive on the war on terror, and because of the outstanding leadership of President George W. Bush, we are spreading freedom, spreading hope and making America a safer place.

THE ECONOMY, UNEMPLOYMENT, AND MEDICARE PREMIUMS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, let us clear the air. As President Bush crisscrosses the country touting the state of our economy, it is time for a reality check: 1.7 million jobs have been lost under this President's watch; 1.4 million people lost their health insurance last year; and 4.3 million people, 4.3 million people, have slipped into poverty.

In my district in East Los Angeles and the San Gabriel Valley, 30,000 people are looking for work, 24,000 people are now living in poverty, and one out of every three residents lacks health insurance in my district. Eight million Americans are looking for work.

Now the Bush administration has announced an $11.60 increase in Medicare premiums. For seniors in my district, that makes a difference. That means they may not be able to afford food and clothing; $11 is a big deal for people in my district.

Democrats have a plan to cut taxes for middle-class families, protect overtime, and provide incentives for businesses. It is time for us to change the President.

PAYING TRIBUTE TO OUR TROOPS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise again to pay tribute and support to our troops, particularly in Afghanistan. We should be reminded that there is a lot of inordinate negative press and that Americans have been apprised of the situation in Iraq, and I think there is a lot of good things happening also in Afghanistan.

Just one of the accomplishments is they are continuing to attack the narcotics trade to prevent proceeds from being used to fund terrorists and insurgents. We are helping the Afghans provide for their own security and rebuilding provinces shattered by more than 20 years of war, tribal fighting, and Taliban oppression. Afghanistan's presidential and parliamentary elections are slated for October 2004 and 2005, respectively.

Those are just a few of the accomplishments of our troops engaged in Operation Enduring Freedom in Afghanistan. But there is one other thing: one of the accomplishments, obviously, is that their actions overseas and in Iraq have prevented another terrorist attack here in the United States.

So I am proud of our courageous troops defending our Nation, and encourage my colleagues to join me in singing their praises also.

CALLING UPON THE VICE PRESIDENT TO APOLOGIZE

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, if it were permissible under the rules of this House, I would call upon the Vice President to apologize to the American people for making the following outrageous statement. Yesterday he said, "It is absolutely essential that 8 weeks from today on November 2 we make the right choice, because if we make the wrong choice, the danger is we will get hit again."

Does the Vice President not understand that we have parents with sons and daughters fighting in Iraq who are members of the Democratic Party and who support Senator KERRY for President? Does he not understand that at this very moment and at the moment he spoke, there were Democratic soldiers in Iraq fighting for his freedom, as well as the freedom of all of us?

It is shameful, shameful, that the Vice President would interject such a divisive bit of rhetoric into the public discourse in this country. Has he no shame?

HONORING CARLY PATTERSON

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, last month, Carly Patterson captured the gold medal and the hearts of the world when she won the all-around competition in gymnastics. Her come-from-behind victory will always have a place in the all-time best moments in the Athens Olympics. It is a tremendous honor to recognize America's sweetheart for her hard work. Carly also won a silver medal in the team competition and an individual silver in the balance beam.

Just this past weekend, Allen, Texas, gave her a hero's welcome-back parade. Thousands lined the street to congratulate her on a job well done.

Carly Patterson is a shining example for America to countless young people about all that you can accomplish when you put your mind to it. Carly made Allen and America proud with her good sportsmanship and her heart of a champion.

Great job, Carly Patterson. We are proud of you. God bless you. We all salute you.

BEING LESS CRITICAL OF THE PRESIDENT

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, sometimes I think Democrats are a little too critical of President Bush. Now, it is true that he took a huge surplus and turned it into the largest fiscal deficit in American history; that is true. It is true that he promised Americans that he would protect seniors, and the next day gave Americans the largest Medicare premium increase, essentially a tax increase, in American history, of 17 percent. It is true that he has the largest loss of jobs, over 2.5 million jobs, since Herbert Hoover.

But now some Democrats have even criticized the President for refusing to take his physical and thereby squandering $1 million of flight training when he served in the National Guard. I think we need to put that in context. If he continued to fly, he may have crashed the plane.

We need to be a little less critical of this President.

EXPRESSING ALARM ABOUT AMERICA'S SHRINKING FLEET

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today with grave concerns about our country's security. A report from the American Shipbuilding Association, the ASA, was recently released that gives alarming figures about our Navy's shrinking fleet and our vulnerability to China.

□ 1015

The report shows that by 2010, China will have twice as many submarines as the United States. And that is not all. Assuming that we build six ships a year, the Chinese fleet will surpass the size of the U.S. fleet by 2015.

Further, a Chinese general was quoted as saying the Chinese Navy is being designed with the direct objective of being able to "neutralize" a U.S. aircraft carrier.

China's threat is real. And yet, just last month, the Navy submitted a proposal to the Secretary of Defense that dramatically reduces our shipbuilding program.

Mr. Speaker, this is unacceptable. Further cuts will not only be devastating to our shipbuilding industry, they will make us vulnerable to threats like China.

ASA's report says it best: "Ignoring the Navy's requirement will serve as the precursor to the end of America's reign as a sovereign superpower."

DEMANDING THE TRUTH

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, The New York Times today says: "U.S. Conceding Rebels Control of Regions of Iraq. Pentagon is not certain when central areas can be secured."

Iraq has come to that. From the day the President launched his crusade, we feared that casualties would mount, and they have. One thousand brave Americans have died.

The marker somehow brings it more in focus for the American people. As if 999 would not, or if even one death in this war is not tragic enough.

One thousand soldiers killed in Iraq, over 6,000 wounded and maimed, tens of thousands of Iraqis killed and injured; and the American people still do not know why.

The President has changed his reasons for going to war so often that we have lost sight of another casualty. The truth has fallen alongside of those brave U.S. soldiers.

We cannot bring them back, but we can honor them by demanding the truth on the 2nd of November. It is coming, Mr. President.

2005 REPUBLICAN FREEDOM CALENDAR CELEBRATING THE 150TH ANNIVERSARY OF REPUBLICAN PARTY

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, what we are fighting for in Iraq is what we have always fought for here in America. We are fighting for freedom.

This year is the 150th anniversary of the founding of the Republican Party. Over a century and a half, from the abolition of slavery to the establishment of women's suffrage, to the freeing of millions of people from slavery and the Soviet Empire, Afghanistan, and in Iraq, the Republican Party has been the most effective political organization in the history of the world in advancing the cause of freedom.

So that all of us can learn more about the civil rights achievements of this distinguished American institution in its 150th anniversary year, the House Republican Policy Committee has produced this 2005 Republican Freedom Calendar. Each day of the year the calendar lists an important milestone in the Republican Party's history of advancing freedom.

Thirty-five years ago yesterday, America mourned the death of one of the world's greatest civil rights champions, Senate Republican Leader Everett Dirksen. It was he who authored the 1960 Civil Rights Act, and it was he more than any other person who was responsible for passage of the 1964 Civil Rights Act, including defeating a 14-hour Democrat filibuster in the Senate.

The 2005 Freedom Calendar is available both in published and electronic form on the Internet at policy.house.gov.

BUSH ECONOMIC POLICIES NOT WORKING

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, $422 billion: a new record deficit for the United States of America, yet another record for the Bush administration, eclipsing last year's record of $375 billion. But only inside the Washington Beltway or inside the Bush White House is this considered proof positive that his economic policies are working.

Working how? We are going to spend every penny of the Social Security surplus and replace it with IOUs. We are going to finance the entire Government of the United States outside the Department of Defense with borrowed money. We are going to add 10 percent to the national debt in one year, indebting another generation and a generation after that to work to pay off this profligate spending.

They say their policies are working. Working how? For whom? The very few wealthy people who have reaped the benefit of the huge tax cuts, while the rest of America is being given the tab.

ELECTION OF MEMBER TO COMMITTEE ON ARMED SERVICES

Mr. MENENDEZ. Mr. Speaker, by direction of the House Democratic Caucus, I offer a privileged resolution, (H. Res. 756) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 756

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Stenholm.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING OLYMPIC GOLD MEDALIST ANDRE WARD

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, I rise today with a deep sense of pride to honor the outstanding achievements of Olympic boxer Andre Ward of Oakland, California. Andre won the gold medal in the light heavyweight boxing final in the 2004 Summer Olympic Games in Athens, Greece, making him Oakland's first Olympic gold medalist since 1968.

Andre began boxing at the age of 9. After learning the basics of boxing from his father, Andre began training with his godfather and current coach, Virgil Hunter. Within one year, Andre won his first tournament, and at age 14 began a winning streak that spanned 6 years and roughly 90 fights. During that time, Andre would go on to win two U.S. national championships along with several other major national tournaments.

The residents of the Ninth Congressional District of California, the entire State of California, and our Nation commend Andre Ward, not only for these extraordinary achievements, but also for the dedication and the perseverance he has demonstrated in working towards his goals. His commitment and determination have made it possible for him to realize this dream of winning an Olympic gold medal, and his success is truly an inspiration to all of us. We salute this phenomenal young man.

ECONOMY SUFFERING UNDER BUSH ADMINISTRATION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, George Bush is running for reelection on a platform that our economy is in good shape. Well, this is a sham.

Today, 8 million Americans are looking for work; 8 million Americans are looking for work. The unemployment rate is 30 percent higher than it was when he took office.

So what is he doing about it? He continues to encourage and reward sending good jobs overseas, while creating low-paying jobs right here at home and, at the same time, changes overtime policies to cheat millions of workers out of overtime pay.

What he ought to be doing is investing in our infrastructure, making sure that our Nation gets roads, highways, bridges, sewer systems, waste water treatment plants; our clean water systems are upgraded, are enlarged, are made better. Because, I say to my colleagues, those jobs pay a livable wage. Those jobs leave behind improvements for our communities and our country. That would increase the jobs in this country.

BUSH ADMINISTRATION UNDERFUNDS HOMELAND SECURITY

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, it has been 3 years since the 9/11 attack on our Nation. Are we safer than we were before 9/11? Are we safe enough? The 9/11 Commission has done its job; now it is time for Congress to do ours.

Homeland security is still pitifully underfunded. Our police and firefighters are struggling to cope with the dual responsibilities of homeland security and traditional public safety in law enforcement.

The Bush administration has foolishly underfunded first responders and port security. The administration has failed to include a single dollar in its budget for rail or transit security.

First responders in southern Nevada tell me that we must direct more resources to those on the frontline on our war against terrorism: police, firefighters, hospital personnel. Given the President's plan to transport thousands of shipments of deadly radioactive nuclear waste across the country, it is imperative that the President plan to protect these proposed mobile Chernobyls from the possibility of a terrorist attack. Yet we have done nothing to ensure that our rail lines are safe.

Republican leadership has failed to come forward with a meaningful homeland security plan. They failed to address the recommendations of the 9/11 Commission, and they failed to provide for the needs of our first responders.

This Congress needs to act now in order to protect the people of this great Nation.

HEARTFELT SYMPATHY AND CONDOLENCES FOR RUSSIA

(Mr. BAIRD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAIRD. Mr. Speaker, we have a lot to do today in the House of Representatives, as we do every day; and we will undoubtedly talk about a number of matters of great importance. But as we do, we should not forget that thousands of miles from here, thousands of families are mourning the loss of their children, their husbands and wives in Russia to a brutal and horrible terrorist attack.

I would ask this House to think about that as we go about our business, to extend our heartfelt sympathies and condolences, and our steadfast determination to assist our friends in stamping out this horrific kind of attack. Whatever the political grievance, whatever the disagreement there can be, there must be no excuse for this sort of barbarity.

Our hearts go out to our friends, and we share in their profound sadness in Russia.

POLITICS OF HOPE VERSUS POLITICS OF FEAR FOR AMERICA

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the Vice President of the United States said yesterday, "It is absolutely essential that 8 weeks from today on November 2nd, we make the right choice, because if we make the wrong choice, then the danger is that we'll get hit again." The words of the Vice President, Vice President CHENEY.

That is absolutely outrageous. It is unreal. It is unbelievable.

My fellow Americans, I want you to know that this administration will say anything, even do anything to stay in power. They will deceive, they will mislead, and they will steal. They will not tell the truth. There should be a sense of righteous indignation all across America, in the American media.

The Vice President of the United States is preaching the politics of fear. He is trying to scare the American people. We can do better, much better, with the politics of hope. For we are one people, one America, one family, one House. The American family. The American House. Shame on you, Mr. Vice President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Members should not address the Vice President in personally offensive terms.

EXPRESSING INDIGNATION RESULTING FROM COMMENTS OF VICE PRESIDENT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would make one announcement this morning before I begin my 1-minute and ask for the leadership of consciousness and fairness of this House, the Republicans, to bring the extension of the assault weapons ban to the floor of the House and allow democracy to prevail.

I too offer my sympathy to the people of Russia for the loss of their loved ones. That is why I stand this morning to claim outrageously my indignation over a most hateful comment, if you will, that has been offered by the second-in-command of the United States of America. To suggest that the American people will make a choice, and if they make a different choice from the present leadership of this government, then we are sure to have a terrorist hit, is something beyond my comprehension. It is beyond my comprehension to debase the very serious issue of lives lost on 9/11, now some few days away; to suggest that by voting that you are going to bring about a hit on the innocent American people.

I would hope that in the course of this debate, the American people will make the right choice, and that choice is to recognize that people who have dignity and respect for the Constitution, JOHN KERRY and JOHN EDWARDS, are really the ones that should be elected; and anyone who wants to play in the field of divisiveness suggesting that we be hit because you make an election choice should be unelected.

ARE WE SAFER NOW THAN 4 YEARS AGO?

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, are we safer now than we were 4 years ago? We have spent billions and 1,000 of our best have died in Iraq. But spending blood and treasure without wisdom will not necessarily make us safer. And while we have as a unified Nation dealt with al Qaeda and Afghanistan, we have ignored the nuclear weapons programs of Iran and North Korea. Our policy toward those two greatest threats has been "hear no evil, see no evil."

□ 1030

The administration's idea on how to make us safe from those nuclear weapons as to North Korea is to beg and as to Iran is to beg the Europeans to beg on our behalf.

The Bush administration refuses to use economic sanctions on Iran and those who subsidize North Korea because they do not want to inconvenience corporate America. Our invasion of Iraq is as if in the wake of Pearl Harbor we invaded Fascist Spain while ignoring Imperial Japan and Nazi Germany.

VICE PRESIDENT CHENEY'S SCARE TACTICS

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to denounce Vice President CHENEY's disgusting and inappropriate remarks yesterday while campaigning. The Vice President's consistent attacks have reached an all-time low, even for him, and that is saying a lot for the most polarizing, divisive Vice President in the history of the United States.

We were not attacked because we were Democrats. We were not attacked because we were Republicans. We were attacked because we were Americans, and the question is where is this administration leading us? Mr. CHENEY criticizes Mr. KERRY while he was defending this country, and he took five deferments.

To exploit 9/11 and play on the public fears of terrorism is an affirmation by this administration that their record is too dismal to stand on its own. Americans should be fearful, fearful of the Bush-Cheney policies that have recruited more terrorists who want to destroy us, fearful that the hatred for America is at an all-time high, thanks to the policies of Bush-Cheney.

Time and time again this administration has made the wrong choices for America. JOHN KERRY and JOHN EDWARDS will take America in a new direction. He will make America stronger at home and more respected around the world.

VICE PRESIDENT CHENEY REACHED A NEW LOW

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, yesterday Vice President CHENEY reached a new low. The Vice President has a history of saying outrageous things, but yesterday takes the cake.

I hope everyone realizes what the Vice President is up to. He is desperately trying to change the subject from the tragic milestone of 1,000 American fatalities in Iraq.

Today we mourn with the families who have lost their loved ones.

He can try to change the subject, Mr. Speaker, but he cannot change the fact that over and over and over again this administration has made the wrong choices in Iraq. Here we are, no weapons of mass destruction, 1,000 American fatalities, thousands and thousands of wounded and $200 billion later.

Imagine what we could have done with $200 billion. We could have invested that in jobs, in health care, in education and veterans programs, and in ensuring that our military is the best-equipped, best-trained and best-housed in the world. Those should be our priorities, Mr. Speaker, and it is sad that after 4 years in office, DICK CHENEY still does not get it.

OUTRAGE OVER INCREASE IN MEDICARE PART B PREMIUMS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I just want to reiterate again my sense of outrage over this 17 percent increase in Medicare Part B premiums, which is basically $11 a month for America's seniors that is soon to go into effect.

President Bush said, well, this is because health care costs have gone up, but what he does not say is it is actually the result of Republican policies. The Republicans passed their so-called Medicare prescription drug bill, which we know is a sham, does not even go into effect until the year 2006, but what that bill did was to give a lot more money to insurers, and, as a result, the cost of Medicare premiums are going up.

The fact of the matter is that this 17 percent increase that is unaffordable for many seniors is a direct result of Republican policy and the Bush administration's policy, and it has to stop.

We need a change of administration. We need a President, JOHN KERRY, who is going to worry about senior citizens, address their needs, address the rising costs of health care, address the Medicare concerns, provide a true prescription drug benefit.

This premium increase is just an indication of what we would see over the next 2-years if the Republicans continue in power in this House. It has got to stop. Seniors should wake up and see the result of the Bush policies and what it means for their Medicare program.

LOSS OF SOLDIERS' LIVES

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER. Mr. Speaker, I rise this morning to discuss the issue of having lost 1,000 of our soldiers. How heart-breaking this is when we look at the ages and the numbers of those young people, many of them barely 19 years old, whose dreams for their lives and hopes for their future are gone, and our hearts break for them and for their families.

One statistic that we have not heard much about, and frankly I think have not been given the truth about, are the number of those who have been wounded and maimed. Again, 18, 19, 20, 21 years old.

We are told that the casualty statistics of people wounded amounts to 7,000, but we found out last week in my office, because I was curious about that number, that the Pentagon has sent home over 15,800. These are young people coming back to the United States whose lives are changed forever, many of them amputees. Many of them lost their eyesight, many of them again changed and future gone, coming back to an America where the Veterans Administration has been so decimated by the Bush administration that they will have to wait 6 or 8 months even to see a doctor at the VA.

The resources, the health care that they need, that they counted on and that we made a contract with them is not there. What a sad commentary on this country, with its wealth and its riches and where people go on living their lives, that we would allow our young people and a large part of our future to be maimed and to be killed for a war with no end.

PROVIDING FOR CONSIDERATION OF H.R. 5006, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 754 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 754

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: sections 219(b), 221, and 506. Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 754 is an open rule which provides for 1 hour of general debate equally divided between the gentleman from Ohio and the gentleman from Wisconsin on H.R. 5006, the fiscal year 2005 Labor, Health and Human Services, and Education and Related Agencies appropriations bill.

The rule waives all points of order against consideration of the bill and against provisions in the bill except as specified in this resolution.

After general debate, any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House.

The bill shall be read for amendment by paragraph, and the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, we have before us today a funding package that fulfills our promises to hard-working Americans and their families. Before I summarize the main components of this package, it is worth taking a big-picture view of the context in which we consider this incredibly important legislation today.

Mr. Speaker, my colleagues in this Chamber and all Americans listening to this debate today need no reminder that the world has changed dramatically since the terrorist attacks on our Nation. While we hang our flags a little higher and wear our stars and stripes a little more often these days, we do so in part as a response to the tragedy that took place on our soil on September 11.

The war against terror has brought us many new challenges; namely, how best to protect our homeland and keep it safe from future acts of terrorism. That is not an easy job. Yet each day that goes by without an act of terror in America's neighborhoods offers us reassurance that we are doing what is necessary to protect our Nation from harm, and each day monumental steps are being taken an ocean away in Iraq, Afghanistan and elsewhere to nab terrorist cells and offer citizens of these nations new opportunities to live their lives free of fear and full of promise.

Mr. Speaker, as I see it, we cannot have a discussion about domestic priorities without taking a look at the bigger picture, without recognizing up front that we do, in fact, live in a different world today, and that we have sizable commitments to fulfill that we did not have a few years ago.

Like so many of my colleagues, I hear quite a bit from my constituents back home about the need to balance spending priorities. In fact, many of the candidate surveys I filled out this year for reelection specifically asked, "If elected, how do you intend to balance domestic priorities with fighting the war on terror and protecting the homeland?" In 100 words or less, I might add. Now, that is a tall order.

But really, that is a very fair question and one that we in Congress, especially Members who sit on our Committee on Appropriations, must take very seriously.

So my purpose here today is to assure the American people that while we have incredible demands, expectations and commitments to fulfill as we continue to fight the war on terror and protect our homeland, we remain equally determined to fund critical initiatives here in the United States in a fiscally responsible manner.

Today I am privileged to be the first to give my colleagues the lay of the land as to how this Congress intends to fulfill its promises to Americans across the country in the areas of education, health and labor.

I am proud to report that the gentleman from Florida, the gentleman from Ohio and their colleagues on the Committee on Appropriations have produced a funding plan that reflects our priorities, meets our goals, and, most importantly, places the greatest amount of funding in the areas where we need it most.

Since the beginning of the 108th Congress, we have made tremendous progress in strengthening our Nation's education system. This House has moved forward measures to ensure our schools have the tools they need to meet President Bush's call for high standards and accountability, and while making remarkable progress, our work is not yet done.

The legislation before us today recognizes the important role education programs play in the lives of children with special needs by funding special education grants at the highest level in history, at over $11 billion. My friends watching in my home State of Ohio will be pleased to know that since fiscal year 2003, money directed to our State for special education programs has increased by 25 percent.

This legislation also recognizes the critical role that teachers play in the education of our Nation's students. We all remember those teachers who inspired us to learn and to succeed. We want to give every teacher tools to inspire their students. That is why this bill provides nearly $3 billion for grants to States to administer professional development programs for their teachers.

Of course, educating our Nation's children is a shared responsibility, at a Federal, State and a local level.

□ 1045

And I think my colleagues would agree with me that the Federal Government is fulfilling its role in dedicating funds to strengthen our Nation's education system.

When we talk about education, often our first thoughts are about the millions of American children who deserve to have good teachers, small classrooms, up-to-date textbooks, and a safe environment in which to learn. And while we can give our children the best of each of those things, if the child does not have his health, these things mean nothing. Same goes for adults who go to work every day to provide for their families. Without their health, productivity decreases, paychecks stop coming, and families struggle.

Good health is really the backbone to living a quality life. The Federal Government, through partnerships with State, local, and private entities, have made significant investments in medical research and health programs for years now. A few years ago, Congress fulfilled its commitment to doubling the budget of the National Institutes of Health, the medical research arm of the Federal Government. This truly was a remarkable goal and an even more remarkable achievement to meet such a goal. Since then, Congress has not rested on its laurels. We continue to provide significant increases in funding for NIH, as indicated by the $700 million increase in funds over last year's level. This brings NIH funding to a record high of $28.5 billion.

We all know that investments in research yield new treatments, but those treatments are only meaningful if they are accessible to those who need them. The legislation before us today recognizes the unique role that community health centers play in neighborhoods across America. These centers help ensure that the neediest in our communities have access to health care services.

President Bush and this Congress are committed to increasing Federal support for community health centers. This bill expands the President's Community Health Center initiative to increase the role of community health centers in our neighborhoods by funding the program at $1.8 billion, an increase of $200 million over last year.

Mr. Speaker, I also want to take a moment to highlight one other critical health-related program included in this package. That is the Children's Hospital Graduate Medical Education program. This program, funded at $303 million, helps our Nation's children's hospitals train future pediatricians. It is a wonderful program that has been increased significantly in funding based on annual evaluations since its very inception. I want to give a special thanks to both the chairman and the ranking member for supporting this critical program again this year.

Last but not least, this legislation makes clear Congress' support for job training programs and assistance for dislocated workers. The worker-training portion of the bill restores funding for core job training to over $1.5 billion and provides another $1.5 billion to assist displaced workers. Mr. Speaker, the best part of this package is that it recognizes that we have limited resources to spend, yet still meets America's needs with those resources. It demonstrates that funding America's priorities can be both generous and responsible.

Before closing, I would like to once again express my appreciation to the gentleman from Ohio (Mr. REGULA) and the gentleman from Florida (Mr. YOUNG) for their tremendous leadership as they have worked tirelessly this year to assure that Congress spends generously but wisely. I urge my colleagues to support this rule and approve the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, appropriation bills are the truest expression of Congress' priorities. All year long we may claim to support after-school programs and child care assistance or provide expanded job-search assistance to the 1.2 million unemployed Americans. All year long we may have expressed opposition to the new Labor Department overtime rules. Today is the day we match the deeds to words.

Mr. Speaker, the bill before us, H.R. 5006, the fiscal year 2005 Appropriations Act for the Department of Labor, Health and Human Services, and Education, shortchanges a wide range of programs important to the people we serve.

Now, why are these programs being shortchanged? To meet our homeland security or our defense needs? To pay down our historic $422 billion deficit? No. Programs are being shortchanged to pay for tax cuts that the Congressional Budget Office found go disproportionately to the wealthiest Americans.

Schools are shortchanged under H.R. 5006. And those who supported the No Child Left Behind Act should have a problem with the fact that this measure shortchanges our schools to the tune of $9.5 billion.

The promises made when No Child Left Behind was signed into law over 2½ years ago may be a faint memory to those who supported the bill, but let me assure you that school superintendents, principals, teachers, and parents have not forgotten.

While I was pleased to see the bill raises funding levels for special education and title I funding by $1 billion each, this is a far cry from what has been promised.

The elimination of 22 education programs under H.R. 5006 warrants attention. Among them are the Dropout Prevention Program, Teaching American History grants, Foreign Language assistance, and the Arts in Education program, which encourages the integration of arts into classroom instruction.

There is a human toll to cutting these programs. A 60 percent cut to the Perkins loan program will result in 53,000 students losing college assistance. A freeze in the level of Federal support for after-school programs may force communities to close their centers. In my district, this year, the Rochester school board had to make the painful decision to cut their budget by over $7 million. The children in Rochester did not have the option this summer to take summer school, and now their after-school programs are in jeopardy.

Turning to the Health and Human Services section of the bill, I am troubled by cuts to public health and our critical health care safety net programs. The bill terminates the Healthy Communities Access program, which is a vital grant program supporting local efforts that take care of the health of the uninsured. It is wrong to eliminate this important program, especially given the fact that, according to the new census figures, the number of uninsured Americans has swelled to 45 million.

Mr. Speaker, I submit herewith for the RECORD a report issued by the U.S. Census Bureau which provides further details regarding this issue:

Estimates derived from SIPP data answer such questions as: What percentage of households move up or down the income distribution over times? How many people remain in poverty over time? How long do people without health insurance tend to remain uninsured?

INCOME IN THE UNITED STATES

HIGHLIGHTS

Real median household money income remained unchanged between 2002 and 2003 at a level of $43,318, following two consecutive years of decline. Median income remained unchanged for all types of family and nonfamily households (such as married-couple household and single individuals) between 2002 and 2003.

Real median household income remained unchanged for non-Hispanic White, Black, and Asian households between 2002 and 2003. Households with Hispanic householders (who can be of any race) experienced a real decline in median income of 2.6 percent between 2002 and 2003.

The most commonly used measure of household income inequality, the Gini index, did not change between 2002 and 2003. The share of aggregate income received by the lowest quintile declined from 3.5 percent to 3.4 percent, as did the real income level delineating the 20th percentile of household income, from $18,326 to $17,984 (a 1.9 percent decline in real terms). The 80th percentile of household income increased 1.1 percent, from $85,941 to $86,867 in real terms.

The real median earnings of men who worked full-time, year-round remained unchanged between 2002 and 2003 at $40,668. The real median earnings of the comparable group of women declined by 0.6 percent to $30,724. Reflecting the fall in the earnings of women, the female-to-male earnings ratio declined from 0.77 to 0.76 between 2002 and 2003. The last time the female-to-male earnings ratio experienced an annual decline was between 1998 and 1999.

Compared with 1967, the first year for which household income statistics are available, real median household income is up 30 percent. Over this period, median income tended to rise and fall along with the business cycle. median income peaked in 1999, was unchanged in 2000, declined over the next 2 years (by a cumulative 3.3 percent), and was unchanged in 2003.

RACE AND HISPANIC ORIGIN

Real median household income remained unchanged for most race groups between 2002 and 2003. For example, the median incomes of non-Hispanic White households, Black households, and Asian households remained unchanged. Hispanic households experienced a decline in median income of 2.6 percent.

Black households had the lowest median income. Their 2003 median money income was about $30,000, which was 62 percent of the median for non-Hispanic White households (about $48,000).

Median money income for Hispanic households was about $33,000 in 2003, which was 69 percent of the median for non-Hispanic White households.

Asian households had the highest median income among the race groups. Their 2003 median money income was about $55,000. 117 percent of the median for non-Hispanic White households.

AMERICAN INDIAN AND ALASKA NATIVE POPULATION

Because of the relatively small population of this racial group, the sampling variability of their income data is larger than for the other racial groups and may cause single-year estimates to fluctuate more widely. To reduce the chances of misinterpreting changes in income or comparisons of income with other groups, the Census Bureau uses 2-

year-average medians for measuring changes in the income of American Indians and Alaska Natives over time, and 3-year-average medians when comparing the income of this group with other racial groups.

The 3-year-average (2001–2003) median income for American Indian and Alaska Native households was higher than the median for Black households; not different from the median for Hispanic households; and lower than the medians for non-Hispanic White households and Asian households.

Comparison of 2-year moving averages (2001–2002 and 2002–2003) shows that the median income for American Indian and Alaska Native households who chose that race alone or in combination with another increased by 4.0 percent over that period for single-race American Indian and Alaska Native households, median income remained statistically unchanged.

NATIVITY

Native households had a real median income in 2003 ($44,347) that was not different from that in 2002. Foreign-born households experienced a real decline of 3.5 percent to $37,499. Households maintained by a foreign-born house-holder who was not a citizen of the United States experienced their third consecutive annual decline in real median household income, down 5.6 percent from 2002 to $32,806. The real median income of households maintained by a foreign-born householder who was a naturalized citizen remained unchanged at $46,049.

Median income was $44,347 for native households, 18 percent higher than the median for all foreign-born households ($37,499), and 35 percent higher than for noncitizen foreign-born households ($32,806).

REGION

Real median money income of house-holds did not change between 2002 and 2003 in three of the four regions, while income in the South declined 1.5 percent to $39,823. the South had the lowest income of any region. In 2003, the median income of households in the Northeast was $46,742; in the Midwest, it was $44,73; and in the West, it was $46,820.

RESIDENCE

Real median income remained unchanged between 2002 and 2003 for households inside metropolitan areas overall and outside metropolitan areas, while the real median income of households in central cities of metropolitan areas declined by 1.4 percent of $37,174. This is the third consecutive year that households in central cities of metropolitan area experienced a decline.

INCOME INEQUALITY

The Gini index indicated no change in household income inequality between 2002 and 2003. The 2003 Gini index (0.464) was higher than in 1995 although the individual annual changes in that period were not statistically significant.

Between 2002 and 2003, the real income of the household at the 20th income percentile (that is, the income percentile (that is, the income delineating the lowest 20 percent of households) declined 1.9 percent from $18,326 to $17,984, and the income of the household at the 80th income percentile increased 1.1 percent from $85,941 to $86,867 (the income levels denoting the 40th and 60th percentiles did not change). In addition, the share of aggregate income received by the lowest household income quintile declined from 3.5 percent to 3.4 percent. The shares of all other quintiles were unchanged—in 2003, the second quintile received 8.7 percent, the third quintile 14.8 percent, the fourth quintile 23.4 percent, and the fifth quintile 49.8 percent.

WORK EXPERIENCE AND EARNINGS

Of the 80.6 million men aged 15 and over who worked in 2003, 73.0 percent worked full-time, year-round, unchanged from 2002. Of the 71.4 million women in the same age group who worked in 2003, 58.7 percent worked full-time, year-round, also unchanged from 2002.

The real median earnings of men who worked full-time, year-round in 2003 ($40,668) did not change from 2002, while those of their female counter-parts declined by 0.6 percent, to $30,724. The decline in women's real earnings between 2002 and 2003 was the first since 1995. Reflecting the decline in the real earnings of women, the female-to-male earnings ratio for full-time, year-round workers fell from 0.77 to 0.76 between 2002 and 2003. The last time the female-to-mail earnings ratio experienced an annual decline was between 1998 and 1999.

HEALTH INSURANCE COVERAGE IN THE UNITED STATES

HIGHLIGHTS

The number of people with health insurance coverage increased by 1.0 million in 2003, to 243.3 million (84.4 percent of the population).

An estimated 15.6 percent of the population or 45.0 million people, were without health insurance coverage in 2003, up from 15.2 percent and 43.6 million people in 2002.

The percentage and number of people covered by employment-based health insurance fell between 2002 and 2003, from 61.3 percent and 175.3 million to 60.4 percent and 174.0 million.

The percentage and number of people covered by government health insurance programs increased between 2002 and 2003, from 25.7 percent and 73.6 million to 26.6 percent and 76.8 million, driven by increases in the percentage and number of people covered by Medicaid (from 11.6 percent and 33.2 million to 12.4 percent and 35.6 million) and Medicare (from 13.4 percent and 38.4 million to 13.7 percent and 39.5 million).

The proportion of children who were without health insurance did not change, remaining at 11.4 percent of all children, or 8.4 million, in 2003. With an uninsured rate at 19.2 percent, children in poverty were more likely to be uninsured than all children.

The uninsured rate and number of uninsured increased from 2002 to 2003 for non-Hispanic Whites (from 10.7 percent and 20.8 million to 11.1 percent and 21.6 million), but not for Blacks or Asians. Although the number of uninsured increased for Hispanics (from 12.8 million to 13.2 million), their uninsured rate was unchanged at 32.7 percent.

The historical record is marked by a 12-year period from 1987 to 1998 when the uninsured rate (12.9 percent in 1987) either increased or was unchanged from on year to the next. After peaking at 16.3 percent in 1998, the rate fell for two years in a row to 14.2 percent in 2000, before the latest period of annual increases to 15.6 percent in 2003.

TYPE OF COVERAGE

Most people (60.4 percent) were covered by a health insurance plan related to employment for some or all of 2003, but the proportion declined from the previous year. This decline essentially explains the fall in total private health insurance coverage, from 69.6 percent in 2002 to 68.6 percent in 2003.

The percentage of people covered by health insurance provided by the government increased between 2002 and 2003. Medicaid coverage rose by 0.7 percentage points to 12.4 percent in 2003. Medicare coverage also rose in 2003, by 0.2 percentage points to 13.7 percent. Among the entire population, 26.6 percent had government insurance, including Medicare, Medicaid, and military health care (3.5 percent).

RACE AND HISPANIC ORIGIN

In 2003, the uninsured rate for Blacks was unchanged at about 19.5 percent, and the rate for Asians unchanged at about 18.7 percent. The uninsured rate rose for non-Hispanic Whites—from 10.7 percent to 11.1 percent. Among Hispanics, the uninsured rate was unchanged at 32.7 percent, whereas the number of Hispanics without coverage increased from 12.8 million to 13.2 million in 2003.

The 3-year averages of the uninsured rates by race and Hispanic origin (2001–2003) show that people who reported American Indian and Alaska Native had an uninsured rate that was lower than the uninsured rate for Hispanics (32.8 percent) but higher than those of the other race groups. Comparison of 2-year moving averages (2001–2002 and 2002–2003) shows that the uninsured rate for American Indians and Alaska Natives did not change.

NATIVITY

The uninsured rate increased in 2003, from 12.8 percent to 13.0 percent for the native population, and from 33.4 percent to 34.5 percent for the foreign-born population. Among the foreign born, the uninsured rate for noncitizens also increased, from 43.3 percent to 45.3 percent, while the uninsured rate for naturalized citizens was unchanged at 17.1 percent. The proportion of the foreign-born population without health insurance (34.5 percent) was about two and a half times that of the native population (13.0 percent) in 2003. Among the foreign born, noncitizens were more likely than naturalized citizens to lack coverage—45.3 percent compared with 17.1 percent.

ECONOMIC STATUS

The likelihood of being covered by health insurance rises with income. Among people in households with annual incomes of less than $25,000 in 2003, 75.8 percent had health insurance; the level increased with income up to 91.8 percent for those with incomes of $75,000 or more. Compared with 2002, the coverage rate was unchanged for those with household incomes more than $75,000, whereas rates fell for those in each lower category of household income.

Of those 18 to 64 years old in 2003, full-time workers were more likely to be covered by health insurance (82.5 percent) than part-time workers (76.2 percent) or nonworkers (74.0 percent). The uninsured rate for those working full-time increased from 16.8 percent in 2002 to 17.5 percent in 2003. The comparable rates for those working part-time or not working did not change.

CHILDREN'S HEALTH INSURANCE COVERAGE

The percentage and number of children (people under 18 years old) without health insurance did not change between 2002 and 2003, at 11.4 percent and 8.4 million, respectively. The likelihood of health insurance coverage varied among children by poverty status, age, race, and Hispanic origin. Children in poverty were more likely to be uninsured than the population of all children in 2003—19.2 percent compared with 11.4 percent.

Children 12 to 17 years old were more likely to be uninsured than those under 12—12.7 percent compared with 10.6 percent. While 21.0 percent of Hispanic children did not have any health insurance in 2003, the comparable rates among children for whom a single race was reported were 7.4 percent for non-Hispanic White children, 14.5 percent for Black children, and 12.4 percent for Asian children.

REGION

The South was the only region to show an increase in the percentage of people without health insurance in 2003, up from 17.5 percent in 2002 to 18.0 percent. The uninsured rates for other regions did not change in 2003—12.9 percent for the Northeast, 12.0 percent for the Midwest, and 17.6 percent for the West.

RESIDENCE

The uninsured rates increased between 2002 and 2003 inside metropolitan areas overall (from 15.3 percent to 15.6 percent) and for people living in the suburbs (from 13.1 percent to 13.5 percent), while the uninsured rates for people in central cities of metropolitan areas (19.5 percent) and outside metropolitan areas (15.5 percent) did not change in 2003.

Mr. Speaker, it is also wrong to freeze funding for Title X Family Planning services or for prenatal care for mothers and medical treatment for uninsured children, which this bill does.

Most importantly, this bill does nothing to address the recently announced, just last week, over the holiday, the 17 percent hike to Medicare premiums, which is the largest premium increase in the 40-year history of Medicare. For seniors living on fixed incomes, there is no room in their budgets to pay another $11.60 for doctors' visits per month.

At a time when seniors in Medicare are preoccupied with questions of the prescription drug law, the news of a premium increase only compounds their concern and frustration with the Medicare program. Medicare is not being reformed; it is being eviscerated.

Another troubling aspect of the bill is the inclusion of a provision offered by the gentleman from Pennsylvania (Mr. WELDON) that could have a devastating effect on women's ability to receive the full range of reproductive health services, including abortion care and even simple information about their medical options. Talk about unconstitutional.

Under the Weldon amendment, health care companies are granted the right to exempt themselves from any Federal, State, or local law that assures women have access to abortion services and information. This is another gag rule. This sweeping "refusal" policy, otherwise known as a "backdoor gag rule on doctors," is not restricted to just the actual abortion services, but also would allow companies not to pay for abortions, or even referrals for patients to see another doctor.

Once again, we are asking professionals not to be able to give to their patients the information they deserve and they need. It not only undermines the rights of women but also bestows power on insurance companies to choose whether or not to comply with the law. This is a precedent that should worry all of us and one that we have seen before that has been struck down. I know that this provision will be struck in conference and, if not, certainly in the courts.

It also says that should that information be given, the community can lose all of its Federal money. I do not know exactly how extensive that is. Does that mean all Medicare, Medicaid, nutrition money, highway money, school money, everything else that comes in from the Federal Government to the community will be cut off because a woman has been told her rights? Surely nobody in this House would want that.

Now, let me address some unfinished business from last year's appropriation debate: unemployment and overtime. This is really a tragedy, Mr. Speaker, for the millions of unemployed who are losing their homes, their cars, and are unable to keep their children in college. Millions of unemployed Americans today lost their jobs because of trade policies or outsourcing or the stalled economy, and they have not found replacement jobs. They have had to survive without the unemployment assistance for a year, something this country has never done before.

The news that 144,000 jobs were created in August was no solace, since our economy is still 1.2 million jobs short of where it was in 2000. At this rate, the current administration will be the first in our history to see fewer non-farm jobs created at the end of 4 years.

A 10 percent cut to farm offices is certainly not helpful. And funding Job Corps at a paltry $1.5 billion and providing only $25 million for community college training initiatives are also troubling decisions.

In addition to training, today's unemployed, over a fifth of whom are the long-term unemployed, need Congress to extend the unemployment insurance. I have constituents, as do all of my colleagues, who have exhausted all their regular and extended unemployment and still have not been able to secure a job. Unemployment insurance, which expired last November, must be extended and more needs to be done for America's dislocated workers.

Finally, I want to turn to a subject of keen interest to working Americans, access to overtime compensation. This week, for the 122nd year, Americans came together to commemorate Labor Day, a day when we celebrate the contributions that workers have made to the strength and the prosperity of our country. Alas, this year there is no cause for celebration for America's workers.

Today, they are simply struggling to support their families on wages that have not kept pace with inflation. They strain to cover exploding health care premiums, and they try to avoid joining the ranks of the 1.4 million workers who lost coverage last year alone. And they worry that their jobs are the next to be shipped off to Mexico or China. Now, with the enactment of the Labor Department's new overtime rules, they have a whole new source of stress. Today, they worry they are among the 6 million workers who stand to lose access to overtime pay under the new rules.

My colleague, the gentleman from Wisconsin (Mr. OBEY), will offer an amendment to block enforcement of the final overtime rule with one exception. It would allow an increase to the salary threshold for low-wage workers from $8,060 to $23,600. Last year, this body approved, by a vote of 221 to 203, a similar measure that would have stopped the Department of Labor from rolling back the 40-hour workweek. As we all know, at the insistence of this administration, that provision was stripped out from the final fiscal year 2004 omnibus appropriations bill, even though it had passed both Houses.

Mr. Speaker, I submit for the CONGRESSIONAL RECORD a list of people who are losing their overtime work, which include firefighters, police sergeants, nurses, licensed practical nurses, nursery school teachers, oil and gas pipeline workers, steel workers, teachers, and on and on.

THE REPUBLICAN-LED SENATE VOTED 99:0 TO PROTECT OVERTIME RIGHTS FOR WORKERS IN 55 JOB CATEGORIES BECAUSE THEY HAD NO CONFIDENCE IN THE ADMINISTRATION'S CLAIMS

Any work paid on an hourly basis
Blue collar workers
Any work provided overtime under a collective bargaining agreement
Team Leaders
Computer programmers
Registered Nurses
Licensed practical nurses
Nurse midwives
Nursery school teachers
Oil and gas pipeline workers
Oil and gas platform workers
Refinery workers
Steel workers
Shipyard and ship scrapping workers
Teachers
Technicians
Journalists
Chefs
Cooks
Police Officers
Firefighters
Fire sergeants
Police sergeants
Emergency medical technicians
Paramedics
Waste disposal workers
Day care workers
Maintenance employees
Production line employees
Construction employees
Carpenters
Mechanics
Plumbers
Iron Workers
Craftsmen
Operating engineers
Laborers
Painters
Cements masons
Stone and brick masons
Sheet metal workers
Utility workers
Longshoremen
Stationary engineers
Welders
Boilermakers
Funeral directors
Athletic trainers

Outside sales employees
Inside sales employees
Grocery store managers
Financial services industry workers
Route drivers
Assistant retails managers

Mr. Speaker, we do not do enough in this bill, and we really must.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise to support the rule. There is a campaign of disinformation that is being waged against the overtime pay reforms put in place by the Department of Labor late last month, and I would like to speak to that.

The administration has guaranteed overtime protection for 6.7 million working Americans, and it is a reform that was needed and it was overdue. We have not seen millions of workers lose their overtime pay. In fact, we have watched as 1.3 million additional Americans have gained their right to claim overtime pay.

The previous system was outdated, it was unfair, and the Bush administration deserves credit for reforming the system, even though they knew the political interests aligned against the President would try to frame it as a negative.

The old status quo was a 54-year-old regulation. That is what the critics are claiming was fair. Under that regulation, someone earning as little as $8,060 would be classified as a white collar employee and prevented, prevented, from receiving overtime pay. No more, Mr. Speaker. This new policy is worker-friendly, it is fair, and I support the rule.

□ 1100

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, a few minutes ago we heard one of the speakers on the majority side of the aisle talk about this bill in terms of being a bill which meets our promises. I am not quite sure what bill she was referring to, but it certainly could not have been this one because this bill is a monument to broken promises and is an embarrassment to the institution, in my view, if this institution pretends that it cares about making the long-term investments in our economy and in our kids that are necessary.

If you take a look at what this bill does not produce, this bill falls $9.5 billion below the promises in the No Child Left Behind Act of just 3 years ago for Title I alone, which is the major program by which we attack poor education systems for disadvantaged children. For Title I alone, this bill is $7 billion short of the promises laid out in the No Child Left Behind Act.

Special education: Both political parties posed for political holy pictures in terms of how much we are going to try to do for handicapped children, and yet this bill provides $2.5 billion less than the Republicans promised in their own budget of just 1 year ago.

Then if we look at Pell grants, I was so flabbergasted, I practically fell onto the floor when I saw the President of the United States speak to the Republican convention and talk about his determination to increase Pell grants, when, in fact, the majority has frozen Pell grants for 2 years in a row, and this bill is part of that freezing process. So Pell grants have been frozen while tuition has gone up at the average 4-year university by almost 17 percent in that same time period.

In the Department of Labor, we have almost a million and a half fewer private sector jobs than we had 4 years ago, and yet this legislation cuts help for people making a job search through State agencies by 10 percent.

The Community Access Program, which attempts to provide access to decent health care for poor people, is eliminated. The After School Center Program, which is an effort to see to it that kids do not go home to an empty nest after they finish the school day and can still receive some meaningful instruction, that program is frozen. NIH, National Institutes of Health, which do the basic research on all disease: smallest increase in 19 years. Now these cuts are not necessitated, as was indicated on the majority side, because we are at war; these cuts are necessitated because the majority has decided that their top priority is to provide people who make a million dollars a year with a $127,000 tax cut next year. That is why these squeezes are made necessary.

So, Mr. Speaker, I am going to ask the House to vote against the previous question on the rule so that we can offer an amendment that would shave those tax cuts for millionaires from $127,000 to a mere $89,000. I do not know how they will be able to get along with a mere $89,000 tax cut, the poor devils, but they are just going to have to do it. We are going to try to shave that tax cut for the most well-off people in this society so we can continue to meet our obligation to the least well-off people in our society.

What is at stake, in my view, is whether or not this Congress is willing to slowly shred the safety net for the middle class, or whether we are going to continue to build that safety net. I want to be able to offer an amendment which will restore $5.5 billion more to education, which will invest $200 million more in workforce training, invest an additional $1.6 billion to provide more assistance to the 45 million people without health care, and make a series of other adjustments that will make this a far more progressive and humane bill. The only way we can do that is if we defeat the motion on the previous question on the rule. I would urge the House to do just that when the opportunity comes in just a few moments.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), the dean of the delegation from the great State of Ohio and the chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies.

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me this time. I want to highlight some of the positive things about this bill.

This bill distributes over $142.5 billion, and it does things for people. It is aimed at helping people, and I think we can be proud as a Congress for what we are doing here. It funds over 500 discretionary programs, and every one of those programs is important to people in this Nation. But, importantly, also, it stays within the subcommittee's 302(b) allocation and the constraints that were established in the budget resolution. It would be easy to go over because these programs are something that are very sensitive, but I think we have tried very hard, and we had a bipartisan effort in the subcommittee, to meet the needs and aspirations without exceeding the budget.

We did this with a lot of hearings, 23 days of hearings. We heard from 33 different agencies, and we had over 100 public witnesses. One of the things that we have done in our subcommittee is give the public an opportunity to be heard on how these programs affect them and what is important to them.

The bill only goes up a little over 2 percent above last year's level, and obviously we had to make some very tough priority choices in order to stay within the constraints of the budget resolution which gave us a little bit over 2 percent.

A policy decision we made was to focus on education, and we put $342 million more into education programs than was requested in the President's budget. The bill reflects the priorities of Members of the House. For example, the original budget proposed to cut vocational education State grants by $200 million. We not only restored the $200 million, but added $20 million above last year because we recognized that vocational education is extremely important as people need to have training and retraining. We think of vocational education as only at the high school level, but we have a lot of adult education programs that give individuals an opportunity to get skills for new job opportunities that come their way.

We increase the funding for student aid in higher education in certain areas not requested by the administration, and we restored other programs that were proposed for termination. I think overall the bill reflects the priorities of the Members of this House on both sides of the aisle in the field of education. Obviously, it would be nice to have a lot more, but we have to work within the constraints of the budget.

An area of great interest to our Members is special education, IDEA, and we added a billion dollars to this program above last year that brings the total to over $11 billion. In Title I, we added a billion dollars over last year for a total of $13.3 billion. In addition to aid to education, this bill expands funding for training and adjustment services for workers that are dislocated due to plant closures and mass layoffs. It reflects the fact that we have somewhat of a changing mix of the employment opportunities in our society.

This bill also provides $50 million for the President's new Community College/Community-Based Job Training Initiative. These types of institutions, because they are sort of a hands-on opportunity, have provided a lot of great help to people. I know in my own district we have a vocational or trade school that is post-high school 2 years. It offers skills in about 45 different curricula offerings, and enrollments just leaped to a very high level, and the important thing is that they have an excellent record in placing their graduates, their 2-year graduates, in jobs. So we want to support that type of thing in this bill.

Another area that is of interest to people are the community health centers, because it keeps people out of emergency rooms that really need that access. It provides medical help to the people that are without means. I think expansion of the community health center service is very important. We support the proposal of the President in his budget.

Through NIH, we support medical research. This is an agency that gives hope to people, hope that there will be a cure. I think the measure of the success is testimony by Dr. Zerhouni that every 5 years life expectancy goes up a year in the United States. That is a tremendous record. We try to continue the support. We have more than doubled NIH in the last 5 years, and we added $700 million to this year's bill.

Also we recognize that preparedness is very important in today's world of terrorism and uncertainty, so we have given the Federal, State and local public health officials the ability to respond to terrorism, to meet whatever emergencies arise in the public health system. One of the things that has been our goal is to make the whole public health system seamless, starting with the Centers for Disease Control and with the State public health and the local public health, so the ability to communicate when there is an emergency is done almost instantly. Secretary Thompson has given great leadership, I think, in focusing an information center in HHS that allows a quick response whenever there is a critical problem. Because of the importance of all this, we added $188 million above the 2004 level.

We added $398 million to the Centers for Disease Control. Because we have a freer flow of people around the world: SARS, the West Nile virus, hepatitis, influenza, and other emerging global disease threats. And the watchdog, the protection for all of us, is done effectively by the Centers for Disease Control. They are on the cutting edge. Recognizing that, we put an increase in $29 million over 2004 to deal with some of these threats to all of us.

I could say a lot more about the bill and will in the general debate, but I think overall the bill, given the constraints that we had in terms of the allocation, we have done a fair job. I think fair in the sense that it reflects not a partisan outlook, but reflects the feeling of the members of the subcommittee and the full committee and the Members of this House, many of whom testified on various things. We tried to make a balanced bill that would give the best possible service to the American people in terms of their education, in terms of their health, job retraining, and basically I suppose one could describe this bill as the epitome of hope. It gives hope that there will be cures found by NIH, hope that people will get new skills so they can be reemployed, and hope that their children will have better education opportunities than they have, and we have tried to respond to that desire on the part of the American people.

I urge Members to support this rule and to support the bill when we get to it. I think it is a fair and balanced approach to the challenges that confronted our subcommittee.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1115

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman for yielding me this time, and I thank the chairman and ranking member of this committee for the work that they have done, as well as the full committee, because I know that they have worked, as we would say, against all odds. But I think when we come to the floor of the House, it is appropriate to tell the truth and to really acknowledge why this bill does not deserve in its present form the support of those of us who believe in comprehensive health care and recognizing the valiant work of Americans who work every day to make the engine of this country run.

First of all, this bill suffers because this administration and this Congress have made a decision that those who make a million dollars, those who make millions of dollars a year, are far more important with giving them, the 1 percent richest of America, the biggest tax cut that they will ever have. In fact, part of the reason why we are suffering in this legislation is because there is this idea that we should make these tax cuts permanent, permanent in the light of soaring costs in the Iraq and Afghanistan wars, young men and women losing their lives and not having the resources that they need in health care and jobs when they come home, those who do come home, and then those families whose young ones have lost their lives not having the resources in order to survive.

This is a bill that suffers a lot. First of all, it immediately squeezes the middle class. How does it do that? By eliminating for the first time in history the rights to overtime. Overtime has been somewhat of a sacred understanding that when you go the extra mile, you are paid in many instances. This bill does not affirm that because, of course, it affirms the Labor Department's regulations. I hope that we all will support the Obey-Miller amendment in order to restore the rights of overtime.

This bill does not affirm what we call access to health care by minorities. Hispanic males and African American females were in the highest obesity at-risk groups when data was evaluated by race and gender. African American men are at least 50 percent more likely to develop lung cancer than white men. African American men are twice as likely to be diagnosed for prostate cancer as white men. We have a problem in the lack of access to health care and disparity in health care. None of the resources in this bill focus particularly on that concern. In fact, the Centers for Disease Control loses money.

Job-training programs lose money. But more importantly, the whole idea of promoting good health care for the uninsured loses its momentum in this legislation. For example, the NIH gets its smallest increase over the years. The NIH is involved in research that helps improve health conditions. And, of course, we have a problem with respect to community health centers in promoting more of those in our community. Access to health care is a key to good health care, particularly for those who are uninsured.

I will offer two amendments that deal with the inequities in health care in particular, adding dollars to lupus research and also adding dollars for research in hepatitis C, which impacts minorities and veterans to a high degree.

I would say that this legislation is lacking in a lot of ways. It is lacking in its caring attitude. It is lacking in the recognition that there are great needs among populations that have been underserved. It is lacking in the fullest amount of funding to allow the utilization, to close the gap between health care. And, of course, it is lacking in the understanding of the 44 million that are uninsured. I would hope that we would come to grips with the fact that health care is very much a part of the American dream. It is a part of equality and justice. Until we have justice in health care, until we have justice in labor rights, our country is not meeting its promise.

I hope that my colleagues will vote enthusiastically for the Obey-Miller amendment to restore overtime rights, and I hope they will support my amendments on adding additional funds for lupus research and as well as adding additional funds to find the cure and do research in hepatitis C.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), a champion and leader in the area of education.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the underlying legislation and the rule which is before us because it includes many things which I support, community health centers, the Ryan White AIDS program, and programs and activities at the CDC and the NIH, but mostly because the bill reflects our priority for the schools and students across the country. In the past 9 years, this Congress has provided record increases to our Nation's education programs, more than doubling discretionary spending to the U.S. Department of Education. As we all know, in recent years these increases have been coupled with widespread reforms that will ensure that every child in the classroom is learning.

In January of 2001, the No Child Left Behind Act was signed into law, and we are now beginning to see the benefits of these bold policies. In the past couple of months, many States have reported the number of schools in need of improvement is actually decreasing. In fact, in my home State of Delaware, 128 of our 173 schools have met adequate yearly progress, up from 75 in the last school year. This is remarkable news, and educators across the country are to be commended for their dedication to meeting the rigors of No Child Left Behind.

No Child Left Behind provides the road map for reform, and our past appropriations acts have given the funding to help make it possible. Title I alone has increased over $3 billion in the past 3 years and programs encompassed by the No Child Left Behind Act have nearly doubled over the same time period. Today's bill builds upon our impressive record by providing increases to IDEA, State assessments, teacher quality, Impact Aid and the Institution of Education Sciences, to name only a few.

As time progresses, the facts grow clearer that No Child Left Behind is the right thing for our students and that the Federal Government is providing the resources needed. There is no evidence to show that the law is an unfunded mandate, and we should all stand proud on our record of supporting all education programs.

I would be remiss if I did not take time here today to discuss embryonic stem cell research as well. As many of my colleagues know, I have been leading the House effort with my colleague from Colorado (Ms. DEGETTE) to expand the current Federal policy in order to realize the true hope that science holds for millions of patients who suffer nationwide. We have organized letters, met with the Nation's premier scientists, visited the Harvard Stem Cell Institute and Children's Hospital in Boston where leading research is taking place, and have introduced bipartisan legislation that would expand the policy while remaining consistent with the President's ethical concerns.

Times have changed and science has moved forward from the President's thoughtful decision, and there are now over 150 new stem cell lines nationwide that have been derived with improved technology and are genetically diverse. We must reevaluate this policy. Unfortunately, now is not the time to do so. This issue must be decided on science, not politics. We must have a thorough debate in the House and in the U.S. Senate on the state of the research and how to move the policy forward while ensuring that research is conducted ethically.

Mr. Speaker, I plan to press forward with this issue in the coming months. It is too important to ignore.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time. I want to call a vote for the previous question and urge a "no" vote.

If the previous question is defeated, I will offer an amendment to the rule that will make in order an amendment that was submitted to the Rules Committee yesterday by the gentleman from Wisconsin (Ranking Member OBEY) but, sadly, was rejected. The amendment would increase funding for a number of vital programs and services that are insufficiently funded in the bill.

The programs and services provided in H.R. 5006 touch the lives of almost every American. The bill funds activities ranging from education for preschoolers from low-income families, to college tuition assistance, and to home-delivered meals for the elderly. It also provides for job training, worker protection, and funding for medical research. But as critical as these programs are to our citizens, the leadership has drastically underfunded them. The Obey substitute will help restore funding to a number of the most important of these programs.

I want to point out that this amendment is fully paid for. It offsets the increased costs of the programs by slightly scaling back the 2001 and 2003 tax cuts for those with incomes above $1 million. Under this amendment, their average tax cut would go from $127,000 to $89,000, still a very substantial tax cut. I think most people making that kind of money are willing to accept this modest cut, especially since it will help improve the quality of life for so many less-privileged Americans and help America.

Mr. Speaker, all Members of this House need to be very concerned about the lack of adequate funding for the critical programs and services in this bill, whether it is health care, education, medical research, services for the elderly, low-income energy assistance. The list is long. The Obey amendment would help correct the funding deficiencies in the bill and would do so, as I said, with no additional cost to the deficit.

I urge Members on both sides of the aisle to vote "no" on the previous question so that we can vote on the Obey amendment. A "no" vote will not stop the House from taking up the Labor-HHS bill. It will not affect the open-amending process provided for in the rule. But a "yes" vote will prevent the House from considering this important amendment.

I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time.

Today we have a unique opportunity to tell the American people what their government is doing with their money. While this Congress remains fully committed to fighting the war on terror and protecting our homeland, we remain just as focused on meeting the needs of Americans here at home. That is what we are doing today.

This carefully crafted package reflects the Federal Government's commitment to ensuring that children with special needs and the teachers who inspire them to learn have the tools they need in school to succeed. This package also reflects the government's commitment to ensuring that critical agencies like the National Institutes of Health can conduct medical research to better treat illnesses and making certain that those treatments get into the hands of the Americans who need them. This package also reflects the government's commitment to seeing that men and women looking for new jobs receive the helping hand and training that they need to bring home a paycheck.

Mr. Speaker, the authors of this appropriations package, my good friend from Ohio (Mr. REGULA) and his committee, were asked to do a very tough job this year, to balance spending priorities. Once again, they have met this challenge by producing a carefully crafted product that provides considerable increases for vital programs and services while preserving our commitment to spending taxpayers' dollars wisely.

I urge my colleagues to support this rule and the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H.RES. 754—RULE ON H.R. 5006 FISCAL YEAR 2005 LABOR/HHS/EDUCATION APPROPRIATIONS

At the end of the resolution, add the following:

"Sec. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative OBEY of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

Sec. 3. The amendment referred to in section 2 is as follows:

In title I, under the heading "Employment and Training Administration, Training and Employment Services", after "$2,649,728,000" insert "(increased by $125,858,000)", after $1,642,442,000" insert "(increased by $125,858,000)", and after "$1,178,192,000" insert "(increased by $38,000,000)".

In title I, under the heading "State Unemployment Insurance and Employment Service Operations", after each appearance of "$141,934,000" insert "(decreased by $137,000)", and after "$3,440,914,000" insert "(increased by $87,995,000)".

In title I, under the heading "Departmental Management, Salaries and Expenses", after "$264,653,000" insert "(increased by $74,317,000)".

In title II, under the heading "Health Resources and Services Administration, Health Resources and Services", after "$6,305,333,000" insert "(increased by $403,000,000)", after "$32,500,000" insert "(increased by $7,500,000)", and after "$278,283,000" insert "(increased by $17,000,000)".

In title II, under the heading "Centers for Disease Control and Prevention, Disease Control, Research, and Training", after "$4,228,778,000" insert "(increased by $100,000,000)".

In title II, under the heading "National Cancer Institute", after"$4,870,025,000" insert "(increased by $63,486,000)".

In title II, under the heading "National Heart, and Blood Institute", after "$2,963,953,000" insert "(increased by $38,639,000)".

In title II, under the heading "National Institute of Dental and Craniofacial Research", after "$394,080,000" insert "(increased by $5,137,000)".

In title II, under the heading "National Institute of Diabetes and Digestive and Kidney Diseases", after "$1,726,196,000" insert "(increased by $22,503,000)".

In title II, under the heading "National Institute of Neurological Disorders and Stroke", after "$1,545,623,00 " insert "(increased by $20,149,000)".

In title II, under the heading "National Institute of Allergy and Infectious Diseases", after "$4,440,007,000" insert "(increased by $54,622,000)".

In title II, under the heading "National Institute of General Medical Sciences", after "$1,959,810,000" insert "(increased by $25,548,000)".

In title II, under the heading "National Institute of Child Health and Humane Development", after "$1,280,915,000" insert "(increased by $16,698,000)".

In title II, under the heading "National Eye Institute", after "$671,578,000" insert "(increased by $8,755,000)".

In title II, under the heading "National Institute of Environmental Health Sciences", after "$650,027,000" insert "(increased by $8,474,000)".

In title II, under the heading "National Institute on Aging", after "$1,055,666,000" insert "(increased by $13,762,000)".

In title II, under the heading "National Institute of Arthritis and Musculoskeletal and Skin Diseases", after "$515,378,000" insert "(increased by $6,719,000)".

In title II, under the heading "National Institute of Deafness and Other Communication Disorders", after "$393,507,000" insert "(increased by $5,130,000)".

In title II, under the heading "National Institute of Nursing Research", after "$139,198,000" insert "(increased by $1,815,000)".

In title II, under the heading "National Institute on Alcohol Abuse and Alcoholism", after "$441,911,000" insert "(increased by $5,761,000)".

In title II, under the heading "National Institute on Drug Abuse", after "$1,012,760,000" insert "(increased by $13,203,000)".

In title II, under the heading "National Institute of Mental Health", after "$1,420,609,000" insert "(increased by $18,519,000)".

In title II, under the heading "National Human Genome Research Institute", after "$492,670,000" insert "(increased by $6,423,000)".

In title II, under the heading "National Institute of Biomedical Imaging and Bioengineering", after "$297,647,000" insert "(increased by $3,880,000)".

In title II, under the heading "National Center for Research Resources", after "$1,094,141,000" insert "(increased by $136,907,000, of which $122,644,000 shall be for extramural facilities construction grants)".

In title II, under the heading "National Center for Complementary and Alternative Medicine", after "$121,116,000" insert "(increased by $1,579,000)".

In title II, under the heading "National Center on Minority Health Disparities", after "$196,780,000" insert "(increased by $2,565,000)".

In title II, under the heading "John E. Fogarty International Center", after "$67,182,000" insert "(increased by $876,000)".

In title II, under the heading "National Library of Medicine", after "$316,947,000" insert "(increased by $4,132,000)".

In title II, under the heading "Office of the Director", after "$359,645,000" insert "(increased by $14,719,000)".

In title II, under the heading "Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services", after "$3,270,360,000" insert "(increased by $40,000,000)".

In title II, under the heading "Low-Income Home Energy Assistance", after "$200,000,000", after "$1,900,000,000" insert "(increased by $200,000,000)".

In title II, under the heading "Refugee and Entrant Assistance", after "$491,336,000" insert "(increased by $32,000,000)".

In title II, under the heading "Payments to States for the Child Care and Development Block Grant", after "$2,099,729,000" insert "(increased by $100,000,000)".

In title II, under the heading "Children and Families Services Programs", after "$8,985,663,000" insert "(increased by $110,000,000)", after "$6,898,580,000" insert "(increased by $80,000,000)" and after "$710,088,000" insert "(increased by $30,000,000)".

In title II, under the heading "Administration on Aging, Aging Services Programs", after "$1,403,479,000" insert "(increased by $70,000,000)".

In title II, in the first paragraph under the heading "Public Health and Social Services Emergency Fund", after "$1,842,247,000" insert "(increased by $16,000,000)", and after "$1,187,760,000" insert "(increased by $16,000,000)".

In title II, in the third paragraph under the heading "Public Health and Social Services Emergency Fund", after "$60,000,000" insert "(increased by $40,000,000)".

In title II, under the heading "Education for the Disadvantaged", after "$15,535,735,000" insert "(increased by $1,727,686,000)", after "$7,849,390,000" insert "(increased by $1,727,686,000)" after "$7,037,592,000" insert "(increased by $233,636,000)", after each appearance of "$2,469,843,000" insert "(increased by $633,182,000)", and after "$80,000,000" insert "(increased by $227,686,000)".

In title II, under the heading "School Improvement Programs", after "$5,641,401,000", and after "$4,031,016,000" insert "(increased by $425,000,000)".

In title II, under the heading "Special Education", after "$12,176,101,000" insert "(increased by $1,200,000,000)", and after "$6,560,447,000" insert "(increased by $1,200,000,000)".

In title II, under the heading "Student Financial Assistance", after "$14,755,794,000" insert "(increased by $2,200,000,000)", and after "$4,050" insert "(increased by $450)".

At the end of the bill (before the short title), insert the following new section:

Sec. . In the case of taxpayers with adjusted gross income in excess of $1,000,000, for the tax year beginning in 2005 the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 30 percent.

Mr. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of the adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 209, nays 190, not voting 34, as follows:

[Roll No. 424]

YEAS—209

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—34

Andrews
Ballenger
Bilirakis
Boehlert
Brady (TX)
Cannon
Chandler
Clay
Conyers
Culberson
Engel
Flake
Grijalva
Hobson
John
Jones (OH)
Kleczka
Kolbe
Lampson
Lewis (CA)
McCarthy (NY)
McInnis
Mollohan
Nethercutt
Norwood
Owens
Payne
Putnam
Ryan (OH)
Schrock
Simmons
Tauzin
Udall (CO)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1152

Mr. DOOLEY of California and Ms. CORRINE BROWN of Florida changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5006, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5006.

□ 1152

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to offer today the fiscal year 2005 appropriations bill for the Departments of Labor, Health and Human Services, Education and related agencies. By taking into consideration the priorities of the President and the Members, all the Members of this House, we have produced a bill that meets the needs of all Americans. This bill affects the lives, in one way or another, of every American.

We are appreciative of the efforts of the leaders of the House and the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), to provide a workable allocation for this bill. I am pleased to say that this bill was unanimously approved on a bipartisan basis in both the subcommittee and the full committee. I would also like to acknowledge the hard work, dedication, and expertise of my subcommittee staff, as well as the minority staff, in putting together this bill.

Mr. Chairman, this bill is about hope. It gives hope to every child seeking a good education, it gives hope to everyone searching for a good or better job than they have, and it gives hope to the ill seeking a cure.

This bill provides $142.5 billion—that is $500 for every person in the United States of America—a 2.2 percent increase over fiscal year 2004, for over 500 different discretionary programs. It is responsible, it is fair, and it is balanced.

Let me first talk about education. I would like to discuss what this bill provides for education. Education is essential to the preservation of democracy, and an investment in education is an investment in human capital and an investment in the future of this great Nation.

Mr. Chairman, Federal education spending has more than doubled since fiscal year 1996, from $23 billion to nearly $60 billion today. We have focused spending in this bill in the key areas that most directly improve our children's education.

First and foremost, I believe that no child will be left behind if he or she has a quality and dedicated teacher. Almost every teacher in our Nation's classrooms today is there for one reason: They love children and want to help them reach their full potential, and that should be their goal.

We applaud their hard work and dedication, and we support them in this bill by providing funding to encourage people to enter the field of teaching and to strengthen and maximize the skills of those already in the classroom.

I would urge young people that are thinking about a career to give consideration to being in a classroom, where they can touch the lives of children. Often when I speak to large groups out in the district, I say, how many of you had a teacher that has made a difference in your life? Almost every hand in the room goes up.

This bill also supports teachers and students by increasing funding for Title I by $1 billion. Title I provides the additional resources to low-income schools to help principals, teachers and students close education achievement gaps. At the school level, Title I helps provide additional staff, ongoing training and the latest research, computer equipment, books or new curricula offerings that, coupled with strong accountability efforts, helps disadvantaged children meet the same high standards as their more advantaged peers.

In addition to the funding increases in Title I, this bill also increases funding for scientifically based reading programs so that all children can read well by the end of the third grade. In 3 short years, funding for reading programs has tripled to over $1.3 billion, tripled, and importantly so. Reading is the key. This investment will assist parents, teachers and school districts in meeting the reading challenges of our children.

Mr. Chairman, many of my colleagues speak with me about the financial demands of special education on their local school districts. We also hear from parents about the need to support adequate special education funding to ensure their special-needs children receive a quality and equal education opportunity.

In this bill, funding for special education totals over $11 billion, a nearly 380 percent increase since fiscal year 1996, and $1 billion more than last year.

Title III programs are designed to strengthen institutions of higher education that serve a high percentage of minority students and students from low-income backgrounds. I want to point out that in fiscal year 2005, funding to Title III programs is at $519 million, and this, combined with the funding for Howard University and other historically black colleges and universities financing programs, our commitment to minority serving institutions exceeds $975 million.

□ 1200

The sharp rise in college costs continues to be a barrier to many students. Pell grants help ensure access to postsecondary education for low and middle-income undergraduate students by providing grants that help meet college education needs. The bill continues to support a maximum Pell grant level of $4,050, while also including $12.9 billion for Pell grants, an increase of $823 million over last year.

Health and Human Services.

If you have good health, you have hope; and if you have hope, you have everything. Health care is a critical part of our Nation's economic development. To assist in protecting the health of all Americans, and to provide essential human services, the bill provides the Department of Health and Human Services over $62 billion for fiscal year 2005.

Mr. Chairman, similar to the Department of Education, we have more than doubled the funding for HHS since fiscal year 1996: $28.9 billion in fiscal year 1996 to $62.2 billion for fiscal year 2005. I think that is a tremendous increase under the circumstances, but will meet real needs.

At the forefront of new progress in medicine, the National Institutes of Health supports and conducts medical research to understand how the human body works and to gain insight into countless diseases and disorders. As a result of our commitment to NIH, our citizens are living longer and better lives. Life expectancy at birth was only 47 years in 1900. By 2000, it was almost 77 years, and my colleagues heard me say earlier that Dr. Zerhouni testified that every 5 years, life expectancy goes up a year.

In every state across the country, the NIH supports research at hospitals, universities, and medical schools. The 5-year doubling of the NIH budget completed in fiscal year 2003 has picked up the pace of discovery and heightened public expectations. We now expect NIH to carefully examine its portfolio and continue to be a good steward of the public's investment. Funding for NIH has increased by over $700 million, bringing its total budget to $28.5 billion. In that regard I might say that we looked at all the programs and said, is this producing results so that we could use the money as good stewards and as wisely as possible for the 280 million Americans.

All of the information and advances we have gained from NIH, however, will be useless if they do not make their way to health care providers and individuals, those most responsible for their own health. Thus, the work of the Centers for Disease Control and prevention is critical to protecting the health and safety of people at home and abroad.

Recognizing the tremendous challenges faced by CDC, we have provided over $915 million for the prevention and control of chronic diseases such as diabetes, cancer, heart disease, arthritis and tobacco use, and $640 million for immunizations. CDC's total allocation for fiscal year 2005 includes nearly $4.5 billion.

Mr. Chairman, health centers operating at the community level provide regular access to high-quality, family-oriented, comprehensive primary and preventive health care, regardless of ability to pay, and improves the health status of underserved populations living in inner city and rural areas. These funds provided in our bill, $1.8 billion, an increase of $218 million over last year, are expected to serve 14.8 million patients in fiscal year 2005—83 percent more than in fiscal year 1996. These are important to a lot of people. They are important to emergency rooms, because it gives people a place to go as an alternative.

Children's hospitals across the Nation are the training grounds for our pediatricians and pediatric specialists. Many of these hospitals are regional and national referral centers for very sick children, often serving as the only source of care for many critical pediatric services. The bill provides over $303 million to train these important caregivers who care for America's youngest population, its children.

The Ryan White AIDS Drug Assistance Program funding is increased by over $35 million, bringing its total to over $800 million. The increase in funding assists those infected with the virus and receiving vital medication through the drug assistance program. Overall, the Ryan White AIDS programs are funded at more than $2 billion.

The Centers for Medicare and Medicaid Services is the Federal agency responsible for overseeing Medicare, Medicaid, and the State Children's Health Insurance Program. CMS is the largest purchaser of health care in the world and second only to Social Security in the level of Federal spending. And while the mandatory funding for CMS programs comes through the Committee on Ways and Means, this bill provides the costs for their administrative functions. Funding for CMS is at $2.7 billion, an increase of more than $100 million. That is important, because it will speed up processing of claims for people in Medicare, Medicaid, and so on.

Infant mortality rates in certain segments of our population are at least 1½ times the national average. We have provided over $97 million for the Healthy Start Program, which uses community-designed and evidence-supported strategies aimed at reducing infant mortality.

Our commitment to a child's wellbeing does not rest with Healthy Start. We have provided nearly $6.9 billion for Head Start, a program designed primarily for preschoolers from low-income families.

The Adoption Incentive Program has been successful in contributing to substantial increases in adoptions in recent years. Between fiscal year 1998 and fiscal year 2002, a total of 236,000 children were adopted. Think what that means. They got a home. They got a family, Mr. Chairman. 236,000! While the overall number of children being adopted has grown dramatically, some children needing permanent homes remain less likely to be adopted. This bill provides $32 million for the Adoption Incentives Program so that States may continue their efforts to increase the number of children adopted by caring families.

Additional support for the President's initiatives in this bill include: $55 million for the Compassion Capital Fund, which helps faith-based and community organizations increase their effectiveness and enhance their ability to provide social services to those most in need. Mr. Chairman, $129 million for violent crime reduction programs; $110 million for abstinence education, an increase of nearly $35 million over the fiscal year 2004 level.

The Low Income Home Energy Assistance Program ensures that low-income households are not without heating or cooling and provides protection to our most vulnerable populations: the elderly, households with small children, and persons with disabilities. The funds are distributed to the States through a formula grant program, and we have provided $2 billion for fiscal year 2005, an increase of $110 million over the fiscal year 2004 level. In addition, $227 million is included for the weatherization program.

Mr. Chairman, our society is judged not only by the care we provide to our young, but also by how we treat the elderly. This bill provides over $1.4 billion to the Administration on Aging to enhance health care, nutrition, and social supports to seniors and their family caregivers.

In the labor area.

We ought to support the aspirations of people: good health, security, meaningful work, creative and intellectual pursuits. The Department of Labor plays a key role in many important worker-training and protection programs. Therefore, we have restored funding to core job training and employment assistance programs.

A number of communities continue to experience plant closings and other layoffs, and we understand the need to support dislocated worker-training programs that can assist workers to return to gainful employment. In this bill, we restore funding for dislocated worker-assistance programs to nearly $1.5 billion, $25 million over fiscal year 2004, and an increase of over $96 million above the budget request.

This bill includes $19 million for a Homeless Veterans Reintegration program to operate employment programs that reach out to homeless veterans and help them become employed.

Worker-protection programs, including OSHA and MSHA, are funded at $462 million and $276 million, respectively.

The Social Security Administration receives its mandatory allocation through the Committee on Ways and Means; this bill provides the funding for their administrative costs. Effective administration of this agency ensures efficient services to recipients. We have included $485 million, an increase in the funding for the Social Security Administration to improve delivery of benefits and expedite the processing of disability claims. I am sure all of my colleagues have experienced this, where people very much need the funding and to get their disability claims taken care of, and we recognize that; and we have added money so that we can speed up the process.

Mr. Chairman, much more could be said about this bill which touches every American at some point in life. We are mindful of the fiscal limitations of our bill and have tried to use the allocation to fund our highest priorities.

The French philosopher de Touqueville came to America in the 1800s and wanted to see what makes this country different, and he observed, "America is great because she is good. If America ceases to be good, America will cease to be great."

This bill is about the goodness of America. This bill is a perfect example of how the taxpayers of this country are providing funds to help others. It is a perfect example of caring for each other, and I think that is very much a part of the goodness of America. As I stated earlier, this bill is about hope. Someone once said, "Hope deferred makes the heart sick, but a desire fulfilled is a tree of life." We give hope to people who want better education. We give hope to people who want better health, and we give hope to those who are seeking retraining in order to get a job. This is very important in what this bill does for the people of this Nation. I think the people desire a good education, they desire meaningful jobs, and they desire good health.

Mr. Chairman, this bill does its best, within the constraints of what we had available, to meet the American people's needs. It is responsible, it is fair, and it is balanced. I ask my colleagues to support it.

Mr. Chairman, at this time I will submit a detailed table of the bill into the RECORD.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE I - DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	186,891	188,000	188,000	+1,109	---
Advance from prior year	(707,799)	(712,000)	(712,000)	(+4,201)	---
FY 2006	712,000	712,000	712,000	---	---
Adult Training	898,891	900,000	900,000	+1,109	---
Youth Training	995,059	1,000,965	1,000,965	+5,906	---
Dislocated Worker Assistance, current year	330,192	251,669	330,192	---	+78,523
Advance from prior year	(842,997)	(848,000)	(848,000)	(+5,003)	---
FY 2006	848,000	848,000	848,000	---	---
Dislocated Worker Assistance	1,178,192	1,099,669	1,178,192	---	+78,523
Federally Administered Programs:					
Dislocated Worker Assistance National Reserve:					
Current year	64,227	71,371	89,227	+25,000	+17,856
Advance from prior year	(210,749)	(212,000)	(212,000)	(+1,251)	---
FY 2006	212,000	212,000	212,000	---	---
Dislocated Worker Assistance Nat'l Reserve	276,227	283,371	301,227	+25,000	+17,856
Total, Dislocated Worker Assistance	1,454,419	1,383,040	1,479,419	+25,000	+96,379
Native Americans	54,675	55,000	54,675	---	-325
Migrant and Seasonal Farmworkers	76,370	---	76,370	---	+76,370
Job Corps:					
Operations	820,114	859,966	845,000	+24,886	-14,966
Advance from prior year	(587,513)	(591,000)	(591,000)	(+3,487)	---
FY 2006	591,000	591,000	591,000	---	---
Construction and Renovation	30,038	6,321	6,321	-23,717	---
Advance from prior year	(99,410)	(100,000)	(100,000)	(+590)	---
FY 2006	100,000	100,000	100,000	---	---
Subtotal, Job Corps, program level	1,541,152	1,557,287	1,542,321	+1,169	-14,966
National Activities:					
Pilots, Demonstrations and Research	57,751	30,000	48,474	-9,277	+18,474
Responsible Reintegration of Youthful Offender	49,705	50,000	---	-49,705	-50,000
Evaluation	8,986	8,000	8,000	-986	---
Prisoner Re-entry	---	40,000	---	---	-40,000
Community College initiative	---	250,000	---	---	-250,000
Personal reemployment accounts	---	50,000	---	---	-50,000
Denali Commission	4,970	---	---	-4,970	---
Other	3,486	2,000	2,504	-982	+504
Subtotal, National activities	124,898	430,000	58,978	-65,920	-371,022
Subtotal, Federal activities	2,073,322	2,325,658	2,033,571	-39,751	-292,087
Current Year	1,170,322	1,422,658	1,130,571	-39,751	-292,087
FY 2006	903,000	903,000	903,000	---	---
Total, Training and Employment Services	5,145,464	5,326,292	5,112,728	-32,736	-213,564
Current Year	(2,682,464)	(2,863,292)	(2,649,728)	(-32,736)	(-213,564)
FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	---	---
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	438,650	440,200	440,200	+1,550	---
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	1,338,200	1,057,300	1,057,300	-280,900	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Operations	2,608,653	2,700,714	2,690,714	+82,061	-10,000
National Activities	9,876	10,500	10,500	+624	---
Subtotal, Unemployment Compensation	2,618,529	2,711,214	2,701,214	+82,685	-10,000
Employment Service:					
Allotments to States:					
Federal Funds	23,163	23,300	23,300	+137	---
Trust Funds	763,724	672,700	672,700	-91,024	---
Subtotal	786,887	696,000	696,000	-90,887	---
ES National Activities	63,971	67,000	67,000	+3,029	---
Subtotal, Employment Service	850,858	763,000	763,000	-87,858	---
Federal Funds	23,163	23,300	23,300	+137	---
Trust Funds	827,695	739,700	739,700	-87,995	---
One-Stop Career Centers/Labor Market Information	98,764	99,350	98,764	---	-586
Work Incentives Grants	19,753	19,870	19,870	+117	---
Total, State Unemployment & Employment Srvcs	3,587,904	3,593,434	3,582,848	-5,056	-10,586
Federal Funds	141,680	142,520	141,934	+254	-586
Trust Funds	3,446,224	3,450,914	3,440,914	-5,310	-10,000
ADVANCES TO THE UI AND OTHER TRUST FUNDS 1/	467,000	517,000	517,000	+50,000	---
PROGRAM ADMINISTRATION					
Adult Employment and Training	38,382	39,380	38,382	---	-998
Trust Funds	6,814	6,980	6,814	---	-166
Youth Employment and Training	39,009	40,133	39,009	---	-1,124
Employment Security	5,948	6,146	5,948	---	-198
Trust Funds	48,624	55,722	48,624	---	-7,098
Apprenticeship Services	20,760	21,405	20,760	---	-645
Executive Direction	8,400	8,718	6,900	-1,500	-1,818
Trust Funds	2,041	2,158	2,041	---	-117
Welfare to Work	2,371	376	376	-1,995	---
Total, Program Administration	172,349	181,018	168,854	-3,495	-12,164
Federal Funds	114,870	116,158	111,375	-3,495	-4,783
Trust Funds	57,479	64,860	57,479	---	-7,381
Total, Employment and Training Administration	11,149,567	11,115,244	10,878,930	-270,637	-236,314
Federal Funds	7,645,864	7,599,470	7,380,537	-265,327	-218,933
Current Year	(5,182,864)	(5,136,470)	(4,917,537)	(-265,327)	(-218,933)
FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	---	---
Trust Funds	3,503,703	3,515,774	3,498,393	-5,310	-17,381

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
EMPLOYEE BENEFITS SECURITY ADMINISTRATION					
Enforcement and Participant Assistance	102,730	110,330	110,330	+7,600	---
Policy and Compliance Assistance	16,907	17,497	17,497	+590	---
Executive Leadership, Program Oversight & Admin	4,403	4,518	4,518	+115	---
Total, EBSA	124,040	132,345	132,345	+8,305	---
PENSION BENEFIT GUARANTY CORPORATION					
Pension insurance activities	---	(12,211)	(12,211)	(+12,211)	---
Pension plan termination	---	(169,739)	(169,739)	(+169,739)	---
Operational support	---	(84,380)	(84,380)	(+84,380)	---
Program Adm. subject to limitation (TF)	20,553	---	---	-20,553	---
Termination services not subject to limitation (NA)	(212,219)	---	---	(-212,219)	---
Total, PBGC	20,553	---	---	-20,553	---
Total, PBGC (Program level)	(232,772)	(266,330)	(266,330)	(+33,558)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of Wage and Hour Standards	160,096	165,933	165,933	+5,837	---
Office of Labor-Management Standards	38,580	43,545	43,545	+4,965	---
Federal Contractor EEO Standards Enforcement	79,442	82,078	79,442	---	-2,636
Federal Programs for Workers' Compensation	96,754	99,528	96,754	---	-2,774
Trust Funds	2,021	2,058	2,021	---	-37
Program Direction and Support	15,123	16,152	15,123	---	-1,029
Total, ESA salaries and expenses	392,016	409,294	402,818	+10,802	-6,476
Federal Funds	389,995	407,236	400,797	+10,802	-6,439
Trust Funds	2,021	2,058	2,021	---	-37
SPECIAL BENEFITS					
Federal employees compensation benefits	160,000	230,000	230,000	+70,000	---
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---
Total, Special Benefits	163,000	233,000	233,000	+70,000	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments	390,848	270,806	270,806	-120,042	---
Administration	6,143	5,194	5,194	-949	---
Subtotal, Black Lung, FY 2005 program level	396,991	276,000	276,000	-120,991	---
Less funds advanced in prior year	-97,000	-88,000	-88,000	+9,000	---
Total, Black Lung, current request, FY 2005.	299,991	188,000	188,000	-111,991	---
New advances, 1st quarter FY 2006	88,000	81,000	81,000	-7,000	---
Total, Special Benefits for Disabled Coal Miners	387,991	269,000	269,000	-118,991	---
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND					
Program Benefits	(221,000)	(221,000)	(221,000)	---	---
Administrative Expenses	51,651	40,821	40,821	-10,830	---
Total, Energy Emp Occupational Illness Comp Fund	51,651	40,821	40,821	-10,830	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances............	998,901	1,001,951	1,001,951	+3,050	---
Employment Standards Adm. S&E.........................	32,004	32,646	32,646	+642	---
Departmental Management S&E...........................	23,401	23,705	23,705	+304	---
Departmental Management, Inspector General............	338	342	342	+4	---
Subtotal, Black Lung Disability................	1,054,644	1,058,644	1,058,644	+4,000	---
Treasury Administrative Costs.........................	356	356	356	---	---
Total, Black Lung Disability Trust Fund.........	1,055,000	1,059,000	1,059,000	+4,000	---
Total, Employment Standards Administration......	2,049,658	2,011,115	2,004,639	-45,019	-6,476
Federal Funds.................................	2,047,637	2,009,057	2,002,618	-45,019	-6,439
Current year.............................	(1,959,637)	(1,928,057)	(1,921,618)	(-38,019)	(-6,439)
FY 2006..................................	(88,000)	(81,000)	(81,000)	(-7,000)	---
Trust Funds...................................	2,021	2,058	2,021	---	-37
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards...........................	15,920	16,132	16,132	+212	---
Federal Enforcement...................................	166,015	171,020	171,020	+5,005	---
State Programs..	91,959	91,747	91,747	-212	---
Technical Support.....................................	21,593	20,909	20,909	-684	---
Compliance Assistance:					
Federal Assistance................................	67,049	71,430	71,430	+4,381	---
State Consultation Grants.........................	52,211	53,792	53,792	+1,581	---
Training Grants...................................	10,510	4,000	4,000	-6,510	---
Subtotal, Compliance Assistance................	129,770	129,222	129,222	-548	---
Safety and Health Statistics..........................	22,237	22,382	22,382	+145	---
Executive Direction and Administration................	10,047	10,187	10,187	+140	---
Total, OSHA....................................	457,541	461,599	461,599	+4,058	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement	115,339	114,889	114,889	-450	---
Metal/Non-Metal Enforcement	65,985	66,782	66,782	+797	---
Standards Development	2,326	2,333	2,333	+7	---
Assessments	4,170	5,280	5,280	+1,110	---
Educational Policy and Development	30,356	31,507	31,507	+1,151	---
Technical Support	24,545	25,064	25,064	+519	---
Program evaluation and information resources (PEIR)	13,963	17,666	17,666	+3,703	---
Program Administration	12,173	12,046	12,046	-127	---
Total, Mine Safety and Health Administration	268,857	275,567	275,567	+6,710	---
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	160,431	164,026	164,026	+3,595	---
Labor Market Information (Trust Funds)	74,667	78,473	78,473	+3,806	---
Prices and Cost of Living	166,344	170,736	170,736	+4,392	---
Compensation and Working Conditions	77,614	79,827	79,827	+2,213	---
Productivity and Technology	10,294	10,588	10,588	+294	---
Executive Direction and Staff Services	29,146	29,868	29,868	+722	---
Total, Bureau of Labor Statistics	518,496	533,518	533,518	+15,022	---
Federal Funds	443,829	455,045	455,045	+11,216	---
Trust Funds	74,667	78,473	78,473	+3,806	---
OFFICE OF DISABILITY EMPLOYMENT POLICY					
Office of Disability Employment Policy	47,024	47,555	47,555	+531	---
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction	27,084	33,206	27,084	---	-6,122
Departmental IT Crosscut	48,219	33,565	30,000	-18,219	-3,565
Departmental Management Crosscut	4,965	10,100	5,000	+35	-5,100
Legal Services	80,412	84,007	80,412	---	-3,595
Trust Funds	314	322	314	---	-8
International Labor Affairs	109,862	30,545	35,545	-74,317	+5,000
Administration and Management	33,153	32,675	32,675	-478	---
Frances Perkins building security enhancements	---	15,000	7,000	+7,000	-8,000
Adjudication	25,872	26,683	25,872	---	-811
Women's Bureau	9,201	9,554	9,554	+353	---
Civil Rights Activities	6,114	6,287	6,287	+173	---
Chief Financial Officer	5,123	5,224	5,224	+101	---
Total, Salaries and expenses	350,319	287,168	264,967	-85,352	-22,201
Federal Funds	350,005	286,846	264,653	-85,352	-22,193
Trust Funds	314	322	314	---	-8

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
VETERANS EMPLOYMENT AND TRAINING					
State administration, Grants	161,408	162,415	162,415	+1,007	---
Federal Administration	28,857	29,683	29,683	+826	---
National Veterans Training Institute	1,988	2,000	2,000	+12	---
Homeless Veterans Program	18,888	19,000	19,000	+112	---
Veterans Workforce Investment Programs	7,505	7,550	7,550	+45	---
Total, Veterans Employment and Training	218,646	220,648	220,648	+2,002	---
Federal Funds	26,393	26,550	26,550	+157	---
Trust Funds	192,253	194,098	194,098	+1,845	---
OFFICE OF THE INSPECTOR GENERAL					
Program Activities	59,643	64,029	64,029	+4,386	---
Trust Funds	5,696	5,561	5,561	-135	---
Total, Office of the Inspector General	65,339	69,590	69,590	+4,251	---
Federal funds	59,643	64,029	64,029	+4,386	---
Trust funds	5,696	5,561	5,561	-135	---
Total, Departmental Management	634,304	577,406	555,205	-79,099	-22,201
Federal Funds	436,041	377,425	355,232	-80,809	-22,193
Trust Funds	198,263	199,981	199,973	+1,710	-8
WORKING CAPITAL FUND					
Working capital fund	13,768	25,000	10,000	-3,768	-15,000
Total, Title I, Department of Labor	15,283,808	15,179,349	14,899,358	-384,450	-279,991
Federal Funds	11,484,601	11,383,063	11,120,498	-364,103	-262,565
Current Year	(8,933,601)	(8,839,063)	(8,576,498)	(-357,103)	(-262,565)
FY 2006	(2,551,000)	(2,544,000)	(2,544,000)	(-7,000)	---
Trust Funds	3,799,207	3,796,286	3,778,860	-20,347	-17,426

Title I Footnotes:
1/ Two year availability.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES					
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Community health centers	1,617,381	1,835,925	1,835,925	+218,544	---
Free Clinics Medical Malpractice	4,821	4,821	---	-4,821	-4,821
National Health Service Corps:					
Field placements	45,506	45,735	45,506	---	-229
Recruitment	124,397	159,132	124,397	---	-34,735
Subtotal, National Health Service Corps	169,903	204,867	169,903	---	-34,964
Health Professions					
Training for Diversity:					
Centers of excellence	33,882	---	33,882	---	+33,882
Health careers opportunity program	35,935	---	35,935	---	+35,935
Faculty loan repayment	1,313	---	1,313	---	+1,313
Scholarships for disadvantaged students	47,510	9,897	47,510	---	+37,613
Subtotal, Training for Diversity	118,640	9,897	118,640	---	+108,743
Training in Primary Care Medicine and Dentistry	81,742	---	63,857	-17,885	+63,857
Interdisciplinary Community-Based Linkages:					
Area health education centers	29,206	---	29,206	---	+29,206
Health education and training centers	3,851	---	3,851	---	+3,851
Allied health and other disciplines	11,849	---	11,849	---	+11,849
Geriatric programs	31,805	---	31,805	---	+31,805
Quentin N. Burdick pgm for rural training	6,126	---	2,255	-3,871	+2,255
Subtotal, Interdisciplinary Comm. Linkages	82,837	---	78,966	-3,871	+78,966
Health Professions Workforce Info & Analysis	722	999	---	-722	-999
Public Health Workforce Development:					
Public health, preventive med. & dental pgms	9,170	---	6,970	-2,200	+6,970
Health administration programs	1,079	---	1,045	-34	+1,045
Subtotal, Public Health Workforce Development	10,249	---	8,015	-2,234	+8,015
Nursing Programs:					
Advanced Education Nursing	58,636	43,637	53,634	-5,002	+9,997
Nurse education, practice, and retention	31,768	41,765	36,765	+4,997	-5,000
Nursing workforce diversity	16,402	21,399	16,402	---	-4,997
Loan repayment and scholarship program	26,736	31,738	31,738	+5,002	---
Comprehensive geriatric education	3,478	3,478	3,478	---	---
Nursing faculty loan program	4,870	4,870	4,870	---	---
Subtotal, Nursing programs	141,890	146,887	146,887	+4,997	---
Subtotal, Health Professions	436,080	157,783	416,365	-19,715	+258,582
Other HRSA Programs:					
Hansen's Disease Services	17,413	17,413	17,413	---	---
Maternal & Child Health Block Grant	729,817	729,817	729,817	---	---
Healthy Start	97,751	97,751	97,751	---	---
Universal Newborn Hearing	9,872	---	9,872	---	+9,872
Organ Transplantation	24,632	24,632	24,632	---	---
Cord Blood Stem Cell Bank	9,941	9,941	---	-9,941	-9,941
Bone Marrow Program	22,662	22,662	25,662	+3,000	+3,000
Rural outreach grants	39,601	11,098	30,124	-9,477	+19,026
Rural Health Research	8,902	8,902	8,902	---	---
Telehealth	3,949	3,949	3,949	---	---
Rural Hospital Flexibility Grants	39,499	---	32,500	-6,999	+32,500
Rural and community access to emergency devices	10,933	2,015	5,000	-5,933	+2,985
Rural EMS	497	---	---	-497	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
State Offices of Rural Health	8,390	8,390	8,390	---	---
Denali Commission	34,793	22,000	---	-34,793	-22,000
Emergency medical services for children	19,860	19,860	19,860	---	---
Poison control	23,696	23,696	23,696	---	---
Traumatic Brain Injury	9,375	9,375	9,375	---	---
Black lung clinics	5,963	5,963	5,963	---	---
Trauma Care	3,449	---	3,449	---	+3,449
Payment to Hawaii, treatment of Hansen's	2,033	2,033	2,033	---	---
Other HRSA programs	1,123,028	1,019,497	1,058,388	-64,640	+38,891
Ryan White AIDS Programs:					
Emergency Assistance	615,023	615,023	615,023	---	---
Comprehensive Care Programs	1,105,900	1,120,900	1,140,900	+35,000	+20,000
AIDS Drug Assistance Program (ADAP) (NA)	(768,872)	(783,872)	(803,872)	(+35,000)	(+20,000)
Early Intervention Program	197,170	197,170	197,170	---	---
Pediatric HIV/AIDS	73,108	73,108	73,108	---	---
AIDS Dental Services	13,325	13,325	13,325	---	---
Education and Training Centers	35,335	35,335	35,335	---	---
Subtotal, Ryan White AIDS programs	2,039,861	2,054,861	2,074,861	+35,000	+20,000
Evaluation Tap Funding (NA)	(25,000)	(25,000)	(25,000)	---	---
Subtotal, Ryan White AIDs program level	2,064,861	2,079,861	2,099,861	+35,000	+20,000
Family Planning	278,283	278,283	278,283	---	---
Children's Hospitals Graduate Medical Education	303,170	303,258	303,258	+88	---
Health Care and Other Facilities	371,536	---	---	-371,536	---
Buildings and Facilities	249	249	249	---	---
Radiation Exposure Compensation Act	1,974	1,974	1,974	---	---
National Practitioner Data Bank	16,000	15,700	15,700	-300	---
User Fees	-16,000	-15,700	-15,700	+300	---
Health Care Integrity and Protection Data Bank	4,000	4,000	4,000	---	---
User Fees	-4,000	-4,000	-4,000	---	---
Community Access Program	83,674	9,998	---	-83,674	-9,998
State Planning Grants for Health Care Access	14,810	---	14,810	---	+14,810
Program Management	148,533	151,317	151,317	+2,784	---
Total, Health resources and services	6,593,303	6,022,833	6,305,333	-287,970	+282,500
Total, Health resources & services program level	(6,618,303)	(6,047,833)	(6,330,333)	(-287,970)	(+282,500)
Evaluation tap funding	(25,000)	(25,000)	(25,000)	---	---
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:					
Liquidating account	(25,000)	(4,000)	(4,000)	(-21,000)	---
Program management	3,353	3,270	3,270	-83	---
Total, HEAL	3,353	3,270	3,270	-83	---
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post-FY 1988 claims	66,000	66,000	66,000	---	---
HRSA administration	3,190	3,176	3,176	-14	---
Total, Vaccine Injury Compensation Trust Fund	69,190	69,176	69,176	-14	---
Total, Health Resources and Services Admin	6,665,846	6,095,279	6,377,779	-288,067	+282,500
Total, HRSA program level	(6,715,846)	(6,124,279)	(6,406,779)	(-309,067)	(+282,500)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
CENTERS FOR DISEASE CONTROL AND PREVENTION					
Birth Defects/Developmental Disabilities/Disability and Health	112,743	112,972	119,214	+6,471	+6,242
Chronic Disease Prevention and Health Promotion	853,378	915,425	915,711	+62,333	+286
Environmental Health	183,212	183,795	186,113	+2,901	+2,318
Epidemic Services and Response	91,776	92,485	91,776	---	-709
Health Statistics	---	---	---	---	---
Evaluation Tap Funding	(127,634)	(149,600)	(149,600)	(+21,966)	---
Subtotal, Program level	127,634	149,600	149,600	+21,966	---
HIV/AIDS, STD and TB Prevention	1,141,661	1,143,299	1,149,330	+7,669	+6,031
Immunization	629,344	630,070	640,070	+10,726	+10,000
Evaluation Tap Funding	(14,000)	(14,000)	(14,000)	---	---
Subtotal, Program level	643,344	644,070	654,070	+10,726	+10,000
Infectious Disease Control	369,485	400,779	398,439	+28,954	-2,340
Injury Prevention and Control	153,591	153,879	155,591	+2,000	+1,712
Occupational Safety and Health 1/	235,088	236,687	236,687	+1,599	---
Evaluation Tap Funding	(41,900)	(41,900)	(41,900)	---	---
Subtotal, Program level	276,988	278,587	278,587	+1,599	---
Preventive Health and Health Services Block Grant	133,298	133,298	110,000	-23,298	-23,298
Public Health Improvement	143,962	69,692	85,174	-58,788	+15,482
Evaluation Tap Funding	(28,600)	(43,600)	(43,600)	(+15,000)	---
Subtotal, Program level	172,562	113,292	128,774	-43,788	+15,482
Buildings and Facilities	260,454	81,500	81,500	-178,954	---
Office of the Director	59,173	59,673	59,173	---	-500
Total, Centers for Disease Control	4,367,165	4,213,554	4,228,778	-138,387	+15,224
Evaluation Tap Funding (NA)	(212,134)	(249,100)	(249,100)	(+36,966)	---
Total, Centers for Disease Control program level	(4,579,299)	(4,462,654)	(4,477,878)	(-101,421)	(+15,224)
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	4,739,255	4,870,025	4,870,025	+130,770	---
National Heart, Lung, and Blood Institute	2,878,691	2,963,953	2,963,953	+85,262	---
National Institute of Dental & Craniofacial Research	383,282	394,080	394,080	+10,798	---
National Institute of Diabetes and Digestive and Kidney Diseases	1,671,803	1,726,196	1,726,196	+54,393	---
Juvenile diabetes	(150,000)	(150,000)	(150,000)	---	---
Subtotal, NIDDK	1,821,803	1,876,196	1,876,196	+54,393	---
National Institute of Neurological Disorders & Stroke	1,501,207	1,545,623	1,545,623	+44,416	---
National Institute of Allergy and Infectious Diseases	4,155,447	4,340,007	4,340,007	+184,560	---
Global HIV/AIDS Fund Transfer	149,115	100,000	100,000	-49,115	---
Subtotal, NIAID	4,304,562	4,440,007	4,440,007	+135,445	---
National Institute of General Medical Sciences	1,904,838	1,959,810	1,959,810	+54,972	---
National Institute of Child Health & Human Development	1,242,361	1,280,915	1,280,915	+38,554	---
National Eye Institute	653,052	671,578	671,578	+18,526	---
National Institute of Environmental Health Sciences	632,392	650,027	650,027	+17,635	---
National Institute on Aging	1,024,754	1,055,666	1,055,666	+30,912	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	501,066	515,378	515,378	+14,312	---
National Institute on Deafness and Other Communication Disorders	382,053	393,507	393,507	+11,454	---
National Institute of Nursing Research	134,724	139,198	139,198	+4,474	---
National Institute on Alcohol Abuse and Alcoholism	428,669	441,911	441,911	+13,242	---
National Institute on Drug Abuse	990,953	1,012,760	1,012,760	+21,807	---
Evaluation tap funding	---	(6,300)	(6,300)	(+6,300)	---
National Institute of Mental Health	1,381,774	1,420,609	1,420,609	+38,835	---
National Human Genome Research Institute	479,073	492,670	492,670	+13,597	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
National Institute of Biomedical Imaging and Bioengineering	287,129	297,647	297,647	+10,518	---
National Center for Research Resources	1,179,058	1,094,141	1,094,141	-84,917	---
National Center for Complementary and Alternative Medicine	116,978	121,116	121,116	+4,138	---
National Center on Minority Health and Health Disparities	191,471	196,780	196,780	+5,309	---
John E. Fogarty International Center	65,382	67,182	67,182	+1,800	---
National Library of Medicine	309,045	316,947	316,947	+7,902	---
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	---	---
Subtotal, NLM	317,245	325,147	325,147	+7,902	---
Office of the Director	327,504	359,645	359,645	+32,141	---
Buildings and Facilities	88,972	99,500	99,500	+10,528	---
Total, N.I.H. appropriations	27,800,048	28,526,871	28,526,871	+726,823	---
Global HIV/AIDS Fund Transfer	-149,115	-100,000	-100,000	+49,115	---
Evaluation Tap Funding	(8,200)	(14,500)	(14,500)	(+6,300)	---
Total, N.I.H., Program Level	(27,659,133)	(28,441,371)	(28,441,371)	(+782,238)	---
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMIN.					
Mental Health:					
Programs of Regional and National Significance	240,796	270,548	257,420	+16,624	-13,128
Mental Health block grant	412,840	414,267	414,267	+1,427	---
Evaluation Tap Funding	(21,850)	(21,803)	(21,803)	(-47)	---
Children's Mental Health	102,354	106,013	106,013	+3,659	---
Grants to States for the Homeless (PATH)	49,760	55,251	55,251	+5,491	---
Samaritan initiative	---	10,000	---	---	-10,000
Protection and Advocacy	34,620	34,620	36,000	+1,380	+1,380
Subtotal, Mental Health	840,370	890,699	868,951	+28,581	-21,748
Substance Abuse Treatment:					
Programs of Regional and National Significance	419,219	512,732	414,919	-4,300	-97,813
Evaluation Tap Funding	---	(4,300)	(4,300)	(+4,300)	---
Substance Abuse block grant	1,699,946	1,753,035	1,710,035	+10,089	-43,000
Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	---	---
Subtotal, Substance Abuse Treatment	2,119,165	2,265,767	2,124,954	+5,789	-140,813
Subtotal, Program level	2,198,365	2,349,267	2,208,454	+10,089	-140,813
Substance Abuse Prevention:					
Programs of Regional and National Significance	198,458	196,018	200,000	+1,542	+3,982
Program Management and Buildings and Facilities	75,915	76,455	76,455	+540	---
Evaluation Tap funding (NA)	(16,000)	(16,000)	(16,000)	---	---
Subtotal, Program level	91,915	92,455	92,455	+540	---
Total, Substance Abuse and Mental Health	3,233,908	3,428,939	3,270,360	+36,452	-158,579
Evaluation Tap funding	(117,050)	(121,303)	(121,303)	(+4,253)	---
Total, SAMHS program level	(3,350,958)	(3,550,242)	(3,391,663)	(+40,705)	(-158,579)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Evaluation Tap funding (NA)	(245,695)	(245,695)	(245,695)	---	---
Reducing medical errors (non-add)	(79,500)	(84,000)	(84,000)	(+4,500)	---
Subtotal (including Evaluation Tap funding)	(245,695)	(245,695)	(245,695)	---	---
Health Insurance and Expenditure Surveys:					
Evaluation Tap funding (NA)	(55,300)	(55,300)	(55,300)	---	---
Program Support:					
Evaluation Tap funding (NA)	(2,700)	(2,700)	(2,700)	---	---
Total, AHRQ Evaluation Tap funding (NA)	(303,695)	(303,695)	(303,695)	---	---
Total, Public Health Service appropriation	42,066,967	42,264,643	42,403,788	+336,821	+139,145
Total, Public Health Service program level	(42,608,931)	(42,882,241)	(43,021,386)	(+412,455)	(+139,145)
CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	172,706,067	167,013,865	167,013,865	-5,692,202	---
State and local administration	9,067,320	9,318,602	9,318,602	+251,282	---
Vaccines for Children	980,196	1,208,296	1,208,296	+228,100	---
Subtotal, Medicaid program level	182,753,583	177,540,763	177,540,763	-5,212,820	---
Less funds advanced in prior year	-51,861,386	-58,416,275	-58,416,275	-6,554,889	---
Total, Grants to States for medicaid	130,892,197	119,124,488	119,124,488	-11,767,709	---
New advance, 1st quarter	58,416,275	58,517,290	58,517,290	+101,015	---
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	94,518,000	114,002,000	114,002,000	+19,484,000	---
Hospital insurance for the uninsured	197,000	87,000	87,000	-110,000	---
Federal uninsured payment	168,000	199,000	199,000	+31,000	---
Program management	201,100	215,000	215,000	+13,900	---
Prescription drug eligibility determinations	---	105,900	105,900	+105,900	---
Subtotal, Payments to Trust Funds, current law	95,084,100	114,608,900	114,608,900	+19,524,800	---
New Advance FY 2006	---	5,216,900	5,216,900	+5,216,900	---
Total, Payments to Trust Funds, current law	95,084,100	119,825,800	119,825,800	+24,741,700	---
PROGRAM MANAGEMENT					
Medicare reform funding 2/ 3/ 4/	(1,000,000)	(250,000)	(250,000)	(-750,000)	---
Research, Demonstration, Evaluation	77,791	68,274	68,400	-9,391	+126
Medicare Operations	1,701,038	1,793,879	1,793,879	+92,841	---
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	---	---
Subtotal, Medicare Operations program level	(2,421,038)	(2,513,879)	(2,513,879)	(+92,841)	---
Revitalization plan	29,619	24,400	24,400	-5,219	---
State Survey and Certification	251,252	270,392	270,392	+19,140	---
Federal Administration	577,146	589,182	589,182	+12,036	---
Total, Program management, Limitation on new BA	2,636,846	2,746,127	2,746,253	+109,407	+126
Total, Program management, program level	(3,356,846)	(3,466,127)	(3,466,253)	(+109,407)	(+126)
Total, Center for Medicare and Medicaid Services	287,029,418	300,213,705	300,213,831	+13,184,413	+126
Federal funds	284,392,572	297,467,578	297,467,578	+13,075,006	---
Current year	(225,976,297)	(233,733,388)	(233,733,388)	(+7,757,091)	---
New advance, FY 2006	(58,416,275)	(63,734,190)	(63,734,190)	(+5,317,915)	---
Trust Funds	2,636,846	2,746,127	2,746,253	+109,407	+126

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
ADMINISTRATION FOR CHILDREN AND FAMILIES FAMILY SUPPORT PAYMENTS TO STATES					
Payments to territories	23,000	23,000	23,000	---	---
Repatriation	1,000	1,000	1,000	---	---
Subtotal, Welfare payments	24,000	24,000	24,000	---	---
Child Support Enforcement:					
State and local administration	3,897,674	3,940,698	3,940,698	+43,024	---
Federal incentive payments	454,000	446,000	446,000	-8,000	---
Access and visitation	10,000	12,000	12,000	+2,000	---
Subtotal, Child Support Enforcement	4,361,674	4,398,698	4,398,698	+37,024	---
Prior year AFDC payments	20,000	---	---	-20,000	---
Total, Family support payments program level	4,405,674	4,422,698	4,422,698	+17,024	---
Less funds advanced in previous years	-1,100,000	-1,200,000	-1,200,000	-100,000	---
Total, Family support payments, current request	3,305,674	3,222,698	3,222,698	-82,976	---
Plus New advance, 1st quarter, FY 2006	1,200,000	1,200,000	1,200,000	---	---
Total, Family support payments	4,505,674	4,422,698	4,422,698	-82,976	---
LOW INCOME HOME ENERGY ASSISTANCE					
Formula grants	1,789,380	1,800,500	1,900,000	+110,620	+99,500
Emergency allocation:					
Contingent emergency allocation	99,410	200,000	100,000	+590	-100,000
Department of Energy-Weatherization Assistance5/6/	227,166	291,200	227,000	-166	-64,200
Total, Low income home energy assistance	2,115,956	2,291,700	2,227,000	+111,044	-64,700
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and Medical Services	168,975	193,577	193,577	+24,602	---
Victims of Trafficking	9,909	10,000	10,000	+91	---
Social Services	152,218	151,121	166,218	+14,000	+15,097
Preventive Health	4,792	4,835	4,835	+43	---
Targeted Assistance	49,025	49,477	49,477	+452	---
Unaccompanied minors	52,770	54,229	54,229	+1,459	---
Victims of Torture	9,909	10,000	13,000	+3,091	+3,000
Total, Refugee and entrant assistance	447,598	473,239	491,336	+43,738	+18,097
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,087,310	2,099,729	2,099,729	+12,419	---
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	---	---
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth and Families:					
Head Start, current funded	5,383,108	5,543,580	5,498,580	+115,472	-45,000
Advance from prior year	(1,391,740)	(1,400,000)	(1,400,000)	(+8,260)	---
FY 2006	1,400,000	1,400,000	1,400,000	---	---
Subtotal, Head Start, program level	6,774,848	6,943,580	6,898,580	+123,732	-45,000
Consolidated Runaway, Homeless Youth Program	89,431	89,447	89,447	+16	---
Maternity Group Homes	---	10,000	---	---	-10,000
Prevention grants to reduce abuse of runaway youth	15,302	15,302	15,302	---	---
Child Abuse State Grants	21,883	42,013	28,484	+6,601	-13,529
Child Abuse Discretionary Activities	34,386	26,266	26,266	-8,120	---
Community based child abuse prevention	33,205	65,002	43,205	+10,000	-21,797
Abandoned Infants Assistance	12,052	12,086	12,086	+34	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
Child Welfare Services	289,320	291,986	291,986	+2,666	---
Child Welfare Training	7,411	7,470	7,470	+59	---
Adoption Opportunities	27,103	27,343	27,343	+240	---
Adoption Incentive (no cap adjustment)	7,456	32,103	32,103	+24,647	---
Adoption Awareness	12,785	12,906	12,906	+121	---
Compassion Capital Fund	47,702	100,000	55,000	+7,298	-45,000
Social Services and Income Maintenance Research	13,168	5,982	---	-13,168	-5,982
Evaluation tap funding	(6,000)	---	(5,982)	(-18)	(+5,982)
Subtotal, Program level	19,168	5,982	5,982	-13,186	---
Developmental Disabilities Program:					
State Councils	73,081	73,081	73,081	---	---
Protection and Advocacy	38,416	38,416	38,416	---	---
Voting access for individuals with disabilities	14,911	14,912	15,000	+89	+88
Developmental Disabilities Projects of National Significance	11,561	11,642	11,642	+81	---
University Centers for Excellence in Developmental Disabilities	26,803	26,803	26,803	---	---
Subtotal, Developmental disabilities	164,772	164,854	164,942	+170	+88
Native American Programs	45,157	45,155	45,155	-2	---
Community Services:					
Grants to States for Community Services	641,935	494,946	627,500	-14,435	+132,554
Community Initiative Program:					
Economic Development	32,338	32,492	32,492	+154	---
Individual Development Account Initiative	24,695	24,912	24,912	+217	---
Rural Community Facilities	7,184	---	7,184	---	+7,184
Subtotal, Community Initiative Program	64,217	57,404	64,588	+371	+7,184
National Youth Sports	17,894	---	18,000	+106	+18,000
Community Food and Nutrition	7,238	---	---	-7,238	---
Subtotal, Community Services	731,284	552,350	710,088	-21,196	+157,738
Domestic Violence Hotline	2,982	3,000	3,000	+18	---
Family Violence/Battered Women's Shelters	125,648	125,648	125,648	---	---
Early Learning Fund	33,580	---	---	-33,580	---
Faith-Based Center	1,386	1,400	1,400	+14	---
Mentoring Children of Prisoners	49,701	50,000	50,000	+299	---
Independent Living Training Vouchers	44,734	60,000	50,000	+5,266	-10,000
Promoting Responsible Fatherhood and healthy marriages	---	50,000	---	---	-50,000
Abstinence Education	70,049	181,926	105,046	+34,997	-76,880
Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	---	---
Program Direction	177,894	190,206	190,206	+12,312	---
Total, Children and Families Services Programs	8,841,499	9,106,025	8,985,663	+144,164	-120,362
Current Year	(7,441,499)	(7,706,025)	(7,585,663)	(+144,164)	(-120,362)
FY 2006	(1,400,000)	(1,400,000)	(1,400,000)	---	---
Evaluation Tap funding	(10,500)	(4,500)	(10,482)	(-18)	(+5,982)
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	---	---
Discretionary Funds	99,383	200,000	105,000	+5,617	-95,000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION					
Foster Care	4,974,200	4,895,500	4,895,500	-78,700	---
Adoption Assistance	1,699,700	1,770,100	1,770,100	+70,400	---
Independent living	140,000	140,000	140,000	---	---
Total, Payments to States	6,813,900	6,805,600	6,805,600	-8,300	---
Less Advances from Prior Year	-1,745,600	-1,767,700	-1,767,700	-22,100	---
Total, payments, current request	5,068,300	5,037,900	5,037,900	-30,400	---
New Advance, 1st quarter	1,767,700	1,767,200	1,767,200	-500	---
Total, Administration for Children & Families	26,938,420	27,403,491	27,141,526	+203,106	-261,965
Current year	(22,570,720)	(23,036,291)	(22,774,326)	(+203,606)	(-261,965)
FY 2006	(4,367,700)	(4,367,200)	(4,367,200)	(-500)	---
ADMINISTRATION ON AGING					
Grants to States:					
Supportive Services and Centers	353,889	357,000	357,000	+3,111	---
Preventive Health	21,790	21,919	21,919	+129	---
Protection of vulnerable older americans-Title VII	19,444	18,559	18,559	-885	---
Family Caregivers	152,738	155,512	157,000	+4,262	+1,488
Native American Caregivers Support	6,318	6,355	6,355	+37	---
Subtotal, Caregivers	159,056	161,867	163,355	+4,299	+1,488
Nutrition:					
Congregate Meals	386,353	388,646	392,148	+5,795	+3,502
Home Delivered Meals	179,917	180,985	187,616	+7,699	+6,631
Nutrition Services Incentive Program	148,191	149,183	150,414	+2,223	+1,231
Subtotal, Nutrition	714,461	718,814	730,178	+15,717	+11,364
Subtotal, Grants to States	1,268,640	1,278,159	1,291,011	+22,371	+12,852
Grants for Native Americans	26,453	26,612	26,612	+159	---
Program Innovations	33,509	23,843	37,943	+4,434	+14,100
Aging Network Support Activities	13,294	13,373	13,373	+79	---
Alzheimer's Disease Demonstrations	11,883	11,500	11,500	-383	---
White House Conference on Aging	2,814	4,558	4,558	+1,744	---
Program Administration	17,324	18,482	18,482	+1,158	---
Total, Administration on Aging	1,373,917	1,376,527	1,403,479	+29,562	+26,952
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal Funds	174,811	180,045	180,045	+5,234	---
Trust Funds	5,816	5,851	5,851	+35	---
Subtotal	(180,627)	(185,896)	(185,896)	(+5,269)	---
Adolescent Family Life (Title XX)	30,946	54,349	31,229	+283	-23,120
Minority health	55,190	47,236	47,236	-7,954	---
Office of women's health	28,915	29,103	29,103	+188	---
Minority HIV/AIDS	49,544	52,838	52,838	+3,294	---
Health care information technology	---	50,000	25,000	+25,000	-25,000
IT Security and Innovation Fund	14,847	18,400	14,847	---	-3,553
Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	---	---
Total, General Departmental Management	360,069	437,822	386,149	+26,080	-51,673
Federal Funds	354,253	431,971	380,298	+26,045	-51,673
Trust Funds	5,816	5,851	5,851	+35	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
OFFICE OF THE INSPECTOR GENERAL:					
Federal Funds	39,094	40,323	40,323	+1,229	---
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	---	---
Total, Inspector General program level	(199,094)	(200,323)	(200,323)	(+1,229)	---
OFFICE FOR CIVIL RIGHTS:					
Federal Funds	30,607	32,043	32,043	+1,436	---
Trust Funds	3,294	3,314	3,314	+20	---
Total, Office for Civil Rights	33,901	35,357	35,357	+1,456	---
POLICY RESEARCH:					
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(20,750)	(28,750)	(20,750)	---	(-8,000)
Total, Policy Research	20,750	28,750	20,750	---	-8,000
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS					
Retirement payments	228,064	241,294	241,294	+13,230	---
Survivors benefits	14,298	14,750	14,750	+452	---
Dependents' medical care	79,401	74,592	74,592	-4,809	---
Total,Medical benefits for Commissioned Officers	321,763	330,636	330,636	+8,873	---
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND					
HRSA Homeland security activities	542,649	503,649	542,649	---	+39,000
CDC Homeland security activities	1,507,211	1,509,571	1,637,760	+130,549	+128,189
NIH Homeland security activities	---	47,400	47,400	+47,400	---
Office of the Secretary Homeland sercurity activities	64,438	64,438	64,438	---	---
Other PHSSEF Homeland security activities	49,705	100,000	60,000	+10,295	-40,000
Total, PHSSEF	2,164,003	2,225,058	2,352,247	+188,244	+127,189
Total, Office of the Secretary	2,918,830	3,069,196	3,144,712	+225,882	+75,516
Federal Funds	2,909,720	3,060,031	3,135,547	+225,827	+75,516
Trust Funds	9,110	9,165	9,165	+55	---
Total, Title II, Dept of Health & Human Services	360,327,552	374,327,562	374,307,336	+13,979,784	-20,226
Federal Funds	357,681,596	371,572,270	371,551,918	+13,870,322	-20,352
Current year	(294,897,621)	(303,470,880)	(303,450,528)	(+8,552,907)	(-20,352)
FY 2006	(62,783,975)	(68,101,390)	(68,101,390)	(+5,317,415)	---
Trust Funds	2,645,956	2,755,292	2,755,418	+109,462	+126

Title II Footnotes:
1/ Includes Mine Safety and Health.
2/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
3/ $1 billion available for fiscal years 2004-2005.
4/ $250 million available for fiscal years 2005-2008.
5/ FY 2005 House jurisdiction change--account moved from Interior Appropriations.
6/ Weatherization assistance funds transferred to and administered by Department of Energy.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

TITLE III - DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
Grants to Local Educational Agencies (LEAs)					
Basic Grants					
Advance from prior year	(2,011,272)	(1,883,584)	(1,883,584)	(-127,688)	---
Forward funded	5,150,529	6,150,508	6,150,508	+999,979	---
Current funded	3,479	3,500	3,500	+21	---
Subtotal, Basic grants current year approp.	5,154,008	6,154,008	6,154,008	+1,000,000	---
Subtotal, Basic grants total funds available	(7,165,280)	(8,037,592)	(8,037,592)	(+872,312)	---
Basic Grants FY 2006 Advance	1,883,584	883,584	883,584	-1,000,000	---
Subtotal, Basic grants, program level	7,037,592	7,037,592	7,037,592	---	---
Concentration Grants					
Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	---	---
FY 2006 Advance	1,365,031	1,365,031	1,365,031	---	---
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	---	---
Targeted Grants					
Advance from prior year	(1,670,239)	(1,969,843)	(1,969,843)	(+299,604)	---
FY 2006 Advance	1,969,843	4,146,187	2,469,843	+500,000	-1,676,344
Subtotal, Targeted Grants program level	1,969,843	4,146,187	2,469,843	+500,000	-1,676,344
Education Finance Incentive Grants					
Advance from prior year	(1,541,759)	(1,969,843)	(1,969,843)	(+428,084)	---
FY 2006 Advance	1,969,843	793,499	2,469,843	+500,000	+1,676,344
Subtotal, Education Finance Incentive Grants	1,969,843	793,499	2,469,843	+500,000	+1,676,344
Subtotal, Grants to LEAs, program level	12,342,309	13,342,309	13,342,309	+1,000,000	---
Even Start	246,910	---	246,910	---	+246,910
Reading First:					
State Grants (forward funded)	828,923	930,000	930,000	+101,077	---
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---
FY 2006 Advance	195,000	195,000	195,000	---	---
Subtotal, Reading First State Grants	1,023,923	1,125,000	1,125,000	+101,077	---
Early Reading First	94,439	132,000	132,000	+37,561	---
Striving readers	---	100,000	100,000	+100,000	---
Literacy through School Libraries	19,842	19,842	19,842	---	---
State Agency Programs:					
Migrant	393,577	393,577	393,577	---	---
Neglected and Delinquent/High Risk Youth	48,395	48,395	48,395	---	---
Subtotal, State Agency programs	441,972	441,972	441,972	---	---
Evaluation	8,790	9,500	9,500	+710	---
Comprehensive School Reform Demonstration	233,613	---	80,000	-153,613	+80,000
Migrant Education:					
High School Equivalency Program	18,888	18,888	22,545	+3,657	+3,657
College Assistance Migrant Program	15,657	15,657	15,657	---	---
Subtotal, Migrant Education	34,545	34,545	38,202	+3,657	+3,657
Total, Education for the disadvantaged	14,446,343	15,205,168	15,535,735	+1,089,392	+330,567
Current Year	(7,063,042)	(7,821,867)	(8,152,434)	(+1,089,392)	(+330,567)
FY 2006	(7,383,301)	(7,383,301)	(7,383,301)	---	---
Subtotal, forward funded	(6,901,947)	(7,522,480)	(7,849,390)	(+947,443)	(+326,910)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
IMPACT AID					
Basic Support Payments	1,063,687	1,063,687	1,083,687	+20,000	+20,000
Payments for Children with Disabilities	50,369	50,369	50,369	---	---
Facilities Maintenance (Sec. 8008)	7,901	7,901	7,901	---	---
Construction (Sec. 8007)	45,935	45,936	45,936	+1	---
Payments for Federal Property (Sec. 8002)	61,634	61,634	63,000	+1,366	+1,366
Total, Impact aid	1,229,526	1,229,527	1,250,893	+21,367	+21,366
SCHOOL IMPROVEMENT PROGRAMS					
State Grants for Improving Teacher Quality	1,495,126	1,495,126	1,515,000	+19,874	+19,874
Advance from prior year	(1,150,000)	(1,435,000)	(1,435,000)	(+285,000)	---
FY 2006	1,435,000	1,435,000	1,435,000	---	---
Subtotal, State Grants for Improving Teacher Quality, program level	2,930,126	2,930,126	2,950,000	+19,874	+19,874
Early Childhood Educator Professional Development	14,814	14,814	14,814	---	---
Mathematics and Science Partnerships	149,115	269,115	269,115	+120,000	---
State Grants for Innovative Education (Education Block Grant)	296,548	296,549	---	-296,548	-296,549
Advance from prior year	(285,000)	---	---	(-285,000)	---
FY 2006	---	---	---	---	---
Subtotal, Education Block Grant, program level	296,548	296,549	---	-296,548	-296,549
Educational Technology State Grants	691,841	691,841	600,000	-91,841	-91,841
Supplemental Education Grants	---	---	18,330	+18,330	+18,330
21st Century Community Learning Centers	999,070	999,070	999,070	---	---
State Assessments/Enhanced Assessment Instruments	390,000	410,000	410,000	+20,000	---
Javits gifted talented education	11,111	---	11,111	---	+11,111
Foreign language assistance	16,546	---	---	-16,546	---
Education for Homeless Children & Youth	59,646	59,646	70,000	+10,354	+10,354
Training and Advisory Services (Civil Rights)	7,243	7,243	7,243	---	---
Education for Native Hawaiians	33,302	33,302	33,302	---	---
Alaska Native Education Equity	33,302	33,302	33,302	---	---
Rural Education	167,831	167,831	167,831	---	---
Comprehensive Centers	57,283	27,654	57,283	---	+29,629
Total, School improvement programs	5,857,778	5,940,493	5,641,401	-216,377	-299,092
Current Year	(4,422,778)	(4,505,493)	(4,206,401)	(-216,377)	(-299,092)
FY 2006	(1,435,000)	(1,435,000)	(1,435,000)	---	---
Subtotal, forward funded	(4,249,177)	(4,389,178)	(4,031,016)	(-218,161)	(-358,162)
INDIAN EDUCATION					
Grants to Local Educational Agencies	95,933	95,933	95,933	---	---
Federal Programs:					
Special Programs for Indian Children	19,753	19,753	19,753	---	---
National Activities	5,170	5,170	5,170	---	---
Subtotal, Federal Programs	24,923	24,923	24,923	---	---
Total, Indian Education	120,856	120,856	120,856	---	---
INNOVATION AND IMPROVEMENT					
Troops-to-Teachers	14,911	14,912	14,912	+1	---
Transition to Teaching	45,295	45,295	45,295	---	---
National Writing Project	17,894	---	17,894	---	+17,894
Teaching of Traditional American History	119,292	119,292	---	-119,292	-119,292
School Leadership	12,346	---	15,000	+2,654	+15,000
Advanced Credentialing	18,391	7,000	18,391	---	+11,391
Charter Schools Grants	218,702	218,702	218,702	---	---
Credit Enhancement for Charter School Facilities	37,279	100,000	50,000	+12,721	-50,000
Voluntary Public School Choice	26,757	26,757	26,757	---	---
Magnet Schools Assistance	108,640	108,640	108,640	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
Fund for the Improvement of Education (FIE):					
Current funded	356,197	170,185	100,000	-256,197	-70,185
Forward funded	74,073	---	---	-74,073	---
Subtotal, FIE	430,270	170,185	100,000	-330,270	-70,185
Ready to Learn television	22,864	22,864	22,864	---	---
Dropout Prevention Programs	4,970	---	---	-4,970	---
Close Up Fellowships	1,481	---	1,481	---	+1,481
Advanced Placement	23,534	51,534	30,000	+6,466	-21,534
Total, Innovation and Improvement	1,102,626	885,181	669,936	-432,690	-215,245
Forward funded	(74,073)	---	---	(-74,073)	---
SAFE SCHOOLS AND CITIZENSHIP EDUCATION					
Safe and Drug Free Schools and Communities:					
State Grants, forward funded	440,908	440,908	440,908	---	---
Advance from prior year	(330,000)	---	---	(-330,000)	---
FY 2006	---	---	---	---	---
State Grants, program level	440,908	440,908	440,908	---	---
National Programs	153,767	175,069	153,767	---	-21,302
Alcohol Abuse Reduction	29,823	---	---	-29,823	---
Mentoring Programs	49,705	100,000	49,705	---	-50,295
Character education	24,691	24,691	24,961	+270	+270
Elementary and Secondary School Counseling	33,799	---	33,799	---	+33,799
Carol M. White Physical Education Program	69,587	69,587	69,587	---	---
Civic Education	28,642	28,642	28,642	---	---
State Grants for Incarcerated Youth Offenders	24,852	---	---	-24,852	---
Total, Safe Schools and Citizenship Education	855,774	838,897	801,369	-54,405	-37,528
Current Year	(855,774)	(838,897)	(801,369)	(-54,405)	(-37,528)
FY 2006	---	---	---	---	---
Subtotal, forward funded	(465,760)	(440,908)	(440,908)	(-24,852)	---
ENGLISH LANGUAGE ACQUISITION					
Current funded	124,220	85,500	85,500	-38,720	---
Forward funded	556,995	595,715	595,715	+38,720	---
Total, English Language Acquisition	681,215	681,215	681,215	---	---
SPECIAL EDUCATION					
State Grants:					
Grants to States Part B current year	4,655,106	5,655,106	5,655,106	+1,000,000	---
Part B advance from prior year	(5,672,000)	(5,413,000)	(5,413,000)	(-259,000)	---
Grants to States Part B (FY 2006)	5,413,000	5,413,000	5,413,000	---	---
Subtotal, Grants to States, program level	10,068,106	11,068,106	11,068,106	+1,000,000	---
Preschool Grants	387,699	387,699	387,699	---	---
Grants for Infants and Families	444,363	466,581	466,581	+22,218	---
Subtotal, State grants, program level	10,900,168	11,922,386	11,922,386	+1,022,218	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
IDEA National Activities (current funded):					
State Improvement	51,061	51,061	51,061	---	---
Technical Assistance and Dissemination	52,820	52,819	52,819	-1	---
Personnel Preparation	91,357	91,357	91,357	---	---
Parent Information Centers	26,173	26,173	26,173	---	---
Technology and Media Services	39,129	32,305	32,305	-6,824	---
Subtotal, IDEA special programs	260,540	253,715	253,715	-6,825	---
Total, Special education	11,160,708	12,176,101	12,176,101	+1,015,393	---
Current Year	(5,747,708)	(6,763,101)	(6,763,101)	(+1,015,393)	---
FY 2006	(5,413,000)	(5,413,000)	(5,413,000)	---	---
Subtotal, Forward funded	(5,538,229)	(6,560,447)	(6,560,447)	(+1,022,218)	---
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants	2,584,162	2,635,845	2,635,845	+51,683	---
Vocational Rehabilitation Incentive Grants	---	61,800	---	---	-61,800
Client Assistance State grants	11,997	11,997	11,997	---	---
Training	39,139	39,139	39,139	---	---
Demonstration and training programs	24,286	18,784	18,784	-5,502	---
Migrant and seasonal farmworkers	2,321	---	2,321	---	+2,321
Recreational programs	2,564	---	2,564	---	+2,564
Protection and advocacy of individual rights (PAIR)	16,790	19,570	16,790	---	-2,780
Projects with industry	21,799	---	21,799	---	+21,799
Supported employment State grants	37,680	---	37,680	---	+37,680
Independent living:					
State grants	22,020	22,020	25,000	+2,980	+2,980
Centers	73,563	73,563	75,000	+1,437	+1,437
Services for older blind individuals	31,811	31,811	35,000	+3,189	+3,189
Subtotal, Independent living	127,394	127,394	135,000	+7,606	+7,606
Program Improvement	889	850	850	-39	---
Evaluation	988	1,500	1,500	+512	---
Helen Keller National Center for Deaf/Blind Youth and Adults	8,666	8,666	8,666	---	---
National Inst. Disability and Rehab. Research (NIDRR)	106,652	106,652	106,652	---	---
Assistive Technology	25,943	15,000	15,000	-10,943	---
Subtotal, discretionary programs	427,108	411,352	418,742	-8,366	+7,390
Total, Rehabilitation services	3,011,270	3,047,197	3,054,587	+43,317	+7,390
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	16,403	16,403	17,000	+597	+597

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):					
Operations	53,118	53,118	54,105	+987	+987
Construction	365	685	1,685	+1,320	+1,000
Total, NTID	53,483	53,803	55,790	+2,307	+1,987
Gallaudet University	100,205	100,205	104,000	+3,795	+3,795
Total, Special Institutions for Persons with Disabilities	170,091	170,411	176,790	+6,699	+6,379
VOCATIONAL AND ADULT EDUCATION					
Vocational Education:					
Basic State Grants/Secondary & Technical Education					
State Grants, current funded	404,008	221,000	424,008	+20,000	+203,008
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---
FY 2006	791,000	791,000	791,000	---	---
Subtotal, Basic State Grants, program level	1,195,008	1,012,000	1,215,008	+20,000	+203,008
Tech-Prep Education State Grants	106,665	---	106,665	---	+106,665
National Programs	11,852	---	11,852	---	+11,852
Tech-Prep Education Demonstration	4,939	---	---	-4,939	---
Occupational and Employment Information Program	9,382	---	---	-9,382	---
Subtotal, Vocational Education	1,327,846	1,012,000	1,333,525	+5,679	+321,525
Adult Education:					
State Grants/Adult basic and literacy education:					
State Grants, current funded	574,372	574,372	574,372	---	---
National Programs					
National Leadership Activities	9,169	9,169	9,169	---	---
National Institute for Literacy	6,692	6,692	6,692	---	---
Subtotal, National programs	15,861	15,861	15,861	---	---
Subtotal, Adult education	590,233	590,233	590,233	---	---
Smaller Learning Communities, current funded	8,698	---	5,085	-3,613	+5,085
Smaller Learning Communities, forward funded	165,269	---	96,613	-68,656	+96,613
Community Technology Centers	9,941	---	---	-9,941	---
Total, Vocational and adult education	2,101,987	1,602,233	2,025,456	-76,531	+423,223
Current Year	(1,310,987)	(811,233)	(1,234,456)	(-76,531)	(+423,223)
FY 2006	(791,000)	(791,000)	(791,000)	---	---
Subtotal, forward funded	(1,292,348)	(811,233)	(1,229,371)	(-62,977)	(+418,138)
STUDENT FINANCIAL ASSISTANCE					
Pell Grants -- maximum grant (NA)	(4,050)	(4,050)	(4,050)	---	---
Pell Grants -- Regular Program	12,006,738	12,830,000	12,830,000	+823,262	---
Enhanced Pell grants for State scholars	---	33,000	---	---	-33,000
Federal Supplemental Educational Opportunity Grants	770,455	770,455	794,455	+24,000	+24,000
Federal Work Study	998,502	998,502	998,502	---	---
Federal Perkins Loans:					
Capital Contributions	98,764	---	---	-98,764	---
Loan Cancellations	66,665	66,665	66,665	---	---
Subtotal, Federal Perkins loans	165,429	66,665	66,665	-98,764	---
LEAP program	66,172	---	66,172	---	+66,172
Total, Student Financial Assistance	14,007,296	14,698,622	14,755,794	+748,498	+57,172

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
STUDENT AID ADMINISTRATION					
Administrative Costs	116,727	934,639	120,247	+3,520	-814,392
Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	+795,000
HIGHER EDUCATION					
Aid for Institutional Development:					
Strengthening Institutions	80,986	80,986	80,986	---	---
Hispanic Serving Institutions	93,993	95,873	95,873	+1,880	---
Strengthening Historically Black Colleges (HBCUs)	222,764	240,500	240,500	+17,736	---
Strengthening historically black graduate insts	53,100	58,500	58,500	+5,400	---
Strengthening Alaska Native and Native Hawaiian-Serving Institutions	10,935	6,137	10,935	---	+4,798
Strengthening Tribal Colleges	23,287	23,753	23,753	+466	---
Subtotal, Aid for Institutional development	485,065	505,749	510,547	+25,482	+4,798
International Education and Foreign Language:					
Domestic Programs	89,211	89,211	93,211	+4,000	+4,000
Overseas Programs	12,840	12,840	12,840	---	---
Institute for International Public Policy	1,629	1,629	1,629	---	---
Subtotal, International Education & Foreign Lang	103,680	103,680	107,680	+4,000	+4,000
Fund for the Improvement of Postsec. Ed. (FIPSE)	157,700	32,011	32,011	-125,689	---
Minority Science and Engineering Improvement	8,889	8,889	8,889	---	---
Interest Subsidy Grants	1,988	1,500	1,500	-488	---
Tribally Controlled Postsec Voc/Tech Institutions	7,185	7,185	7,185	---	---
Federal TRIO Programs	832,559	832,559	842,559	+10,000	+10,000
GEAR UP	298,230	298,230	318,230	+20,000	+20,000
Byrd Honors Scholarships	40,758	40,758	---	-40,758	-40,758
Javits Fellowships	9,876	9,876	9,876	---	---
Graduate Assistance in Areas of National Need	30,616	30,616	30,616	---	---
Teacher Quality Enhancement Grants	88,887	88,888	88,888	+1	---
Child Care Access Means Parents in School	16,098	16,099	16,099	+1	---
Demonstration in Disabilities / Higher Education	6,913	---	---	-6,913	---
Underground Railroad Program	2,222	---	---	-2,222	---
GPRA data/HEA program evaluation	988	988	988	---	---
B.J. Stupak Olympic Scholarships	988	---	988	---	+988
Total, Higher education	2,092,642	1,977,028	1,976,056	-116,586	-972
HOWARD UNIVERSITY					
Academic Program	205,212	205,164	210,342	+5,130	+5,178
Endowment Program	3,552	3,600	3,552	---	-48
Howard University Hospital	29,999	29,999	29,999	---	---
Total, Howard University	238,763	238,763	243,893	+5,130	+5,130
College Housing and Academic Facilities Loans Program: (CHAFL)	769	578	578	-191	---
HBCU Capital Financing Program -- Federal Adm	209	212	212	+3	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
INSTITUTE OF EDUCATION SCIENCES					
Research, development and dissemination	165,518	185,000	165,518	---	-19,482
Statistics	91,664	91,664	91,664	---	---
Regional Educational Laboratories	66,665	---	66,665	---	+66,665
Research and innovation in special education	78,125	78,125	78,125	---	---
Statewide data systems	---	---	30,000	+30,000	+30,000
Assessment:					
National Assessment	89,703	89,703	89,703	---	---
National Assessment Governing Board	5,060	5,129	5,129	+69	---
Subtotal, Assessment	94,763	94,832	94,832	+69	---
Total, IES	496,735	449,621	526,804	+30,069	+77,183
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	420,379	429,778	421,055	+676	-8,723
OFFICE FOR CIVIL RIGHTS	88,305	92,801	90,248	+1,943	-2,553
OFFICE OF THE INSPECTOR GENERAL	46,624	50,576	47,790	+1,166	-2,786
Total, Departmental management	555,308	573,155	559,093	+3,785	-14,062
Total: Elementary and Secondary Education Act programs	24,478,026	24,901,337	24,803,103	+325,077	-98,234
Total, Title III, Department of Education	58,246,623	59,974,897	60,317,016	+2,070,393	+342,119
Current Year	(43,224,322)	(44,952,596)	(45,294,715)	(+2,070,393)	(+342,119)
FY 2006	(15,022,301)	(15,022,301)	(15,022,301)	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE IV - RELATED AGENCIES					
ARMED FORCES RETIREMENT HOME					
Operations and Maintenance	62,923	57,195	57,195	-5,728	---
Capital Program	1,971	4,000	4,000	+2,029	---
Total, AFRH	64,894	61,195	61,195	-3,699	---
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED 1/	4,697	4,672	4,672	-25	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 2/					
Volunteers in Service to America (VISTA)	93,731	96,428	93,731	---	-2,697
Volunteers in Homeland Security	9,876	15,000	5,000	-4,876	-10,000
National Senior Volunteer Corps:					
Foster Grandparents Program	110,121	106,700	112,323	+2,202	+5,623
Senior Companion Program	45,987	46,563	45,987	---	-576
Retired Senior Volunteer Program	58,156	69,884	58,156	---	-11,728
Senior Demonstration Program	---	1,397	---	---	-1,397
Subtotal, Senior Volunteers	214,264	224,544	216,466	+2,202	-8,078
Program Administration	36,469	39,363	38,000	+1,531	-1,363
Total, Domestic Volunteer Service Programs	354,340	375,335	353,197	-1,143	-22,138
CORPORATION FOR PUBLIC BROADCASTING:					
FY 2007 (current) with FY 2006 comparable	400,000	---	400,000	---	+400,000
FY 2006 advance with FY 2005 comparable (NA)	(390,000)	(400,000)	(400,000)	(+10,000)	---
FY 2005 advance with FY 2004 comparable (NA)	(377,758)	(390,000)	(390,000)	(+12,242)	---
Digitalization program, current funded 3/	49,705	---	---	-49,705	---
Funds provided in P.L. 107-116 4/	---	(20,000)	(20,000)	(+20,000)	---
Interconnection, current funded 3/	9,941	---	---	-9,941	---
Funds provided in P.L. 107-116 4/	---	(75,000)	(60,000)	(+60,000)	(-15,000)
Subtotal, FY 2005 appropriation	59,646	---	---	-59,646	---
Subtotal, FY 2005 comparable	(59,646)	(95,000)	(80,000)	(+20,354)	(-15,000)
FEDERAL MEDIATION AND CONCILIATION SERVICE	43,129	43,964	43,964	+835	---
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,728	7,813	7,813	+85	---
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	262,240	261,743	261,743	-497	---
MEDICARE PAYMENT ADVISORY COMMISSION	9,245	9,905	9,905	+660	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	994	1,000	1,000	+6	---
NATIONAL COUNCIL ON DISABILITY	3,021	2,873	2,873	-148	---
NATIONAL LABOR RELATIONS BOARD	242,633	248,785	248,785	+6,152	---
NATIONAL MEDIATION BOARD	11,354	11,635	11,635	+281	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	9,805	10,516	10,516	+711	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account	118,298	108,000	108,000	-10,298	---
Less Income Tax Receipts on Dual Benefits	-7,953	-8,000	-8,000	-47	---
Subtotal, Dual Benefits	110,345	100,000	100,000	-10,345	---
Federal Payment to the RR Retirement Account	150	150	150	---	---
Limitation on Administration	100,702	102,600	102,202	+1,500	-398
Inspector General	6,561	7,200	6,561	---	-639
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds	21,658	20,454	20,454	-1,204	---
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	34,198,000	38,109,000	38,109,000	+3,911,000	---
Beneficiary services	100,000	45,929	45,929	-54,071	---
Research and demonstration	38,000	27,000	27,000	-11,000	---
Administration	2,973,300	3,017,000	2,986,900	+13,600	-30,100
Subtotal, SSI program level	37,309,300	41,198,929	41,168,829	+3,859,529	-30,100
Less funds advanced in prior year	-11,080,000	-12,590,000	-12,590,000	-1,510,000	---
Subtotal, regular SSI current year	26,229,300	28,608,929	28,578,829	+2,349,529	-30,100
Plus User Fee Activities	120,000	124,000	124,000	+4,000	---
Total, SSI, current request	26,349,300	28,732,929	28,702,829	+2,353,529	-30,100
New advance, 1st quarter, FY 2006	12,590,000	10,930,000	10,930,000	-1,660,000	---
Total, SSI program	38,939,300	39,662,929	39,632,829	+693,529	-30,100
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI Trust Funds	4,070,369	4,454,000	4,412,700	+342,331	-41,300
HI/SMI Trust Funds	1,147,705	1,284,000	1,272,500	+124,795	-11,500
Social Security Advisory Board	1,800	2,000	2,000	+200	---
SSI	2,973,300	3,017,000	2,986,900	+13,600	-30,100
Subtotal, regular LAE	8,193,174	8,757,000	8,674,100	+480,926	-82,900
User Fee Activities (SSI)	120,000	124,000	124,000	+4,000	---
Total, Limitation on Administrative Expenses	8,313,174	8,881,000	8,798,100	+484,926	-82,900
MEDICARE REFORM FUNDING					
HI/SMI trust funds mandatory spending 5/ 6/	(500,000)	---	---	(-500,000)	---
Medicare reform contingency fund 7/	---	100,000	---	---	-100,000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
OFFICE OF INSPECTOR GENERAL					
Federal Funds	24,355	26,000	25,748	+1,393	-252
Trust Funds	63,324	66,000	65,359	+2,035	-641
Total, Office of Inspector General	87,679	92,000	91,107	+3,428	-893
Adjustment: Trust fund transfers from general revenues	-3,093,300	-3,141,000	-3,110,900	-17,600	+30,100
Total, Social Security Administration	44,268,511	45,615,383	45,431,590	+1,163,079	-183,793
Federal funds	38,985,313	39,809,383	39,679,031	+693,718	-130,352
Current year	(26,395,313)	(28,879,383)	(28,749,031)	(+2,353,718)	(-130,352)
New advances, 1st quarter	(12,590,000)	(10,930,000)	(10,930,000)	(-1,660,000)	---
Trust funds	5,283,198	5,806,000	5,752,559	+469,361	-53,441
Total, Title IV, Related Agencies	45,959,995	46,864,769	47,057,801	+1,097,806	+193,032
Federal Funds	40,560,289	40,939,064	41,186,574	+626,285	+247,510
Current Year	(27,570,289)	(30,009,064)	(29,856,574)	(+2,286,285)	(-152,490)
FY 2006 Advance	(12,590,000)	(10,930,000)	(10,930,000)	(-1,660,000)	---
FY 2007 Advance	(400,000)	---	(400,000)	---	(+400,000)
Trust Funds	5,399,706	5,925,705	5,871,227	+471,521	-54,478

Title IV Footnotes:
1/ FY 2005 House jurisdiction change--account moved from Transportation-Treasury Appropriations.
2/ Appropriations for Americorps are provided in the VA-HUD bill.
3/ Current funded.
4/ Requested funds for these activities are from previously appropriated funds.
5/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
6/ Available in fiscal years 2004 and 2005.
7/ Two-year availability. Funds may be transferred between CMS and SSA.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION--FY 2005 (H.R. 5006)
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	Bill	Bill vs. Comparable	Bill vs. Request
SUMMARY					
Federal Funds	467,973,109	483,869,294	484,176,006	+16,202,897	+306,712
Current year	(374,625,833)	(387,271,603)	(387,178,315)	(+12,552,482)	(-93,288)
2006 advance	(92,947,276)	(96,597,691)	(96,597,691)	(+3,650,415)	---
2006 advance	(400,000)	---	(400,000)	---	(+400,000)
Trust Funds	11,844,869	12,477,283	12,405,505	+560,636	-71,778
Grand Total	479,817,978	496,346,577	496,581,511	+16,763,533	+234,934
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	340,041,821	353,451,511	353,451,511	+13,409,690	---
Less advances for subsequent years	-74,061,975	-77,712,390	-77,712,390	-3,650,415	---
Plus advances provided in prior years	65,883,986	74,061,975	74,061,975	+8,177,989	---
Total, mandatory, current year	331,863,832	349,801,096	349,801,096	+17,937,264	---
Discretionary, total in bill	139,776,157	142,895,066	143,130,000	+3,353,843	+234,934
Less advances for subsequent years	-19,285,301	-18,885,301	-19,285,301	---	-400,000
Plus advances provided in prior years	19,229,267	19,275,301	19,275,301	+46,034	---
Scorekeeping adjustments:					
SSA User Fee Collection	-120,000	-124,000	-124,000	-4,000	---
Vaccines for children legislative proposal	---	-110,000	---	---	+110,000
Medicaid/Medicare offsetting proposals	---	-462,000	---	---	+462,000
HI/SMI user fees	---	-165,000	-155,000	-155,000	+10,000
Medicare Hospital loans	---	---	-200,000	-200,000	-200,000
CDC Management/IT Savings	---	---	-15,000	-15,000	-15,000
Welfare to Work rescission	-176,000	---	---	+176,000	---
H-1B rescission	---	-100,000	-100,000	-100,000	---
75 percent rule scoring	---	---	9,000	+9,000	+9,000
75 percent rule offset in CMS	---	---	-9,000	-9,000	-9,000
Across the board admin. expenses reduction	---	---	---	---	---
ESA Special benefits (offset. collections)	-54	---	---	+54	---
Total, discretionary	139,424,069	142,324,066	142,526,000	+3,101,931	+201,934
Adjustment to balance with 2004 enacted	-252,080	---	---	+252,080	---
Total, discretionary (FY 2004 enacted)	139,171,989	142,324,066	142,526,000	+3,354,011	+201,934
Grand total, current year (incl FY 2004 comparable)	471,287,901	492,125,162	492,327,096	+21,039,195	+201,934
Grand total, current year (incl FY 2004 enacted)	471,035,821	492,125,162	492,327,096	+21,291,275	+201,934

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

I will include at this point in the debate the supplemental views that I and my Democratic colleagues wrote on this bill which lay out our concerns about this bill's shortcomings. I think they will be sufficient to explain why so many of us have such grave misgivings about this bill.

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD

While this bill is a modest improvement over the President's budget request, it fails to meet America's needs in education, health care, medical research, and human services. The bill's inadequacies, however, are not the fault of the Committee or Chairman Regula. This bill's shortcomings are the direct and foreseeable result of the Majority's reckless FY 2005 budget resolution which, as with each of the budgets the Majority produced over the past three years, abandons fiscal discipline, mortgages our nation's future, and makes impossible critical investments that benefit all Americans. It is the product of the skewed priorities of the Majority, who value super-sized tax cuts for our wealthiest and most privileged citizens over honoring our commitments and protecting our most vulnerable citizens.

Even when provided with an opportunity to change course, the Majority held rigidly to its failed budget blueprint. Earlier this year, the Majority rejected a Democratic alternative to the FY 2005 budget that was fiscally responsible and allowed a greater investment in education, health care, and many other critical priorities. Then, on June 24, the Majority defeated a Democratic resolution to revise the budget resolution that would have made a greater investment in education, training, and health by modestly scaling back tax cuts for those with annual incomes of $1 million or more.

Given the Majority Party's misguided budgetary choices, shortfalls in appropriations are inevitable. In fact, the Labor-HHS-Education Subcommittee received a relatively good share of an inadequate total, allowing an increase of about $3 billion above the current year. That increase was largely allocated to a few areas: providing $1 billion increases for two high-priority education programs, keeping up with rising costs in the Pell Grant program, partially covering increased research costs at NIH, and funding the administrative expenses of the Social Security Administration.

After doing these things, the subcommittee had more than exhausted the additional funds it was allocated above the FY 2004 level. Consequently, other priorities in the bill had to be cut.

EDUCATION—NOT AT THE TOP OF THE CLASS

Next year, K–12 and higher education enrollments will again reach record levels. Nearly 55 million students will attend the nation's elementary and secondary schools—4 million more students than in 1995. Full-time college enrollment will reach 16.7 million students—14 percent more than a decade ago.

At the same time that schools are serving more students, the stakes are raised higher by the mandates of the No Child Left Behind Act (NCLB). During the 2005 school year, schools must actually test each student in grades 3–8 in reading and math or face federal sanctions. Student achievement must improve. And, every teacher of a core academic subject must become "highly qualified."

Against the backdrop of record school enrollments, unprecedented Federal education accountability requirements, and rising demand for college assistance, the Committee bill fails to match these growing demands with sufficient resources. The bill provides a $2.0 billion (3.6 percent) increase over FY 2004 for the Department of Education's discretionary programs, continuing a downward slide in new discretionary education investments under the Bush Administration.

No Child Left Behind

While all 50 states and 15,500 school districts are striving to address NCLB's worthy goals, money remains short in many schools. Nonetheless, the Committee bill actually *cuts* NCLB funding $120 million below the Administration's request, while providing only $328 million (1.3 percent) more than FY 2004. In total, the bill provides $9.5 billion less than the funding promised in NCLB.

Fully funding Title 1—which serves low-income children in schools with the greatest educational challenges—is the centerpiece of federal education reform efforts. Title 1 grants to school districts receive a $1 billion (8.1 percent) increase in the Committee bill, the same amount as the President's request. Despite this needed increase, Title 1 appropriations in FY 2005 would still fall $7.2 billion short of the NCLB funding promise—accounting for most of the total $9.5 billion NCLB shortfall in the Committee bill.

A key concept in NCLB is that students who are falling behind are able to receive tutoring and a broad array of enrichment services in school and community-based after school centers. Yet the Committee bill freezes funding for 21st Century Community Learning Centers at $999 million—only half of the $2.0 billion authorized by NCLB. At the $2.0 billion level, an additional 1.3 million children could be served in such communities as Davenport, Iowa, Columbus, Ohio, Greenville, South Carolina, and Salt Lake City, Utah, all of which are struggling to keep existing after school centers open to serve children in working families.

The Committee bill freezes funding at last year's levels for several programs that are important to the success of NCLB. For example, English language learning assistance for more than 5 million children who must learn to read and speak English is frozen at $681 million, the second year in a row—even while these children must meet the same rigorous academic standards as all other children. About 6,500 rural school districts will see their Rural Educational Achievement Program grants level funded at $168 million, in the aggregate; despite the difficulty they face in recruiting and retaining teachers. In addition, investments in school violence prevention, substance abuse prevention and school safety activities are frozen at $595 million, nearly 10 percent less than the safe and drug-free schools funding level three years ago.

The Committee bill makes only modest investments in a few areas. For example, it provides a $63 million net increase for teacher training in math and science instruction (after accounting for an offsetting reduction in NSF support). It provides 1,300 school districts located on or near military bases and other federal facilities a $21 million (1.7 percent) increase under the Impact Aid program. Further, it rejects the Administration's proposal to cut vocational and career education by $316 million and, instead, provides an increase to offset inflation.

These modest increases, however, are offset by deep reductions in other education initiatives, including the outright elimination of 22 programs. For example, the Committee bill wipes out the Title VI education block grant, although the Administration proposed to continue its flexible funding of nearly $300 million to help the nation's school districts pay for locally identified needs, such as up-to-date instructional materials, counseling services, and parental involvement activities. Moreover, arts education, teacher training to improve American history instruction, drop out prevention, K–12 foreign language assistance, and community technology centers to bridge the digital divide in low-income communities—all priority activities reauthorized in NCLB—are terminated. Because of budget constraints, the bill even denies over $100 million in education initiatives requested by the President.

Special Education

President Bush's Commission on Excellence in Special Education concluded, "children with disabilities remain those most at risk of being left behind." The Committee bill makes progress in fulfilling federal commitments in special education by providing a $1 billion (9.9 percent) increase over FY 2004 for IDEA Part B State Grants, the same amount as the President's request. Under the Committee bill, the federal contribution toward special education costs incurred by the nation's schools will increase from 18.7 percent in FY 2004 to 19.8 percent in FY 2005. Nonetheless, the Committee bill falls $2.5 billion short of the $13.6 billion promised last year by the Majority party when it passed H.R. 1350, the IDEA reauthorization bill.

College Assistance

In today's increasingly technological society, a college education is essential for a good-paying job. For low- and moderate-income families, however, the task of sending a child to college—which has never been easy—is now a daunting challenge, given an average 26 percent tuition increase in the last two years at 4-year public colleges and universities.

The Committee bill, however, makes little progress in making college more affordable for disadvantaged students. The bill freezes the maximum Pell Grant for low-income college students at $4,050 for the second year in a row, freezes College Work Study assistance, and cuts Perkins Loans by $99 million below last year's level.

College students will receive help with dramatically rising tuition bills only through a $24 million (3.1 percent) increase for Supplemental Educational Opportunity Grants (SEOGs), and a restoration of the $66 million LEAP grants for state need-based student financial assistance programs, which the Administration sought to eliminate.

INVESTING LESS IN AMERICA'S LABOR FORCE

For the Department of Labor's employment and training assistance programs for unemployed Americans, the Committee bill invests $236 million *less* than the Administration's request and $40 million *less* than last year, despite a loss of 1.8 million private sector jobs since President Bush took office.

While the Committee bill provides a $25 million (1.7 percent) increase over FY 2004 to assist dislocated workers affected by mass layoffs, it denies 80 percent of the Administration's $250 million request for the Community College technical training initiative and eliminates the $90 million prisoner reentry initiative due to budget constraints. The bill shaves the Administration's proposed 2.8 percent increase for salaries and other operating costs for Job Corps, the highly successful initiative that helps hardcore disadvantaged and unemployed youth, to a 1.8 percent increase over FY 2004.

Unemployment remains unacceptably high with 8.0 million Americans out of work; however, the Committee bill actually cuts assistance for individuals seeking jobs through the Employment Service, a building block for the nation's one-stop employment services delivery system. State Employment Service funding is cut to $696 million, a 10 percent reduction below FY 2004 and the lowest level in more than 10 years. The Committee bill also rescinds $100 million in prior funding, as requested by the Administration, for the H-1B training grants that help train Americans in high-skill, high-wage jobs and reduce the nation's reliance on foreign workers.

Further, funding to promote international labor standards and combat abusive child labor will be eviscerated with a 68 percent cut in the Committee bill, which adds only $5 million to the Administration's request. The $35.5 million provided in the bill includes only $16 million for child labor projects compared with the $82 million allocated in FY 2004.

FALLING SHORT OF THE PROMISE OF A SAFE AND HEALTHY NATION

For the health-related programs of the Department of HHS, the Committee's bill falls short of what is needed to maintain the health care safety net, protect the public health, and advance medical research.

The measure does substantially increase funding for Community Health Centers, expand a Global Disease Detection initiative at CDC, and provide modest increases for AIDS drug assistance and chronic disease prevention programs. In some respects it is an improvement over the President's budget—it rejects the Administration's proposal to cut bio-terrorism preparedness assistance to health departments and hospitals, and reduces the President's proposed cuts in rural health and health professions programs.

However, a number of health programs are still cut below the current-year level by the Committee bill. Examples include the Healthy Communities Access Program, several rural health programs, some health professions training programs (especially those related to primary care and public health), and block grants for public health services. A large number of other programs have their funding frozen, often for the second or third year in a row. These freezes, while health care costs and the number of people needing assistance are continuing to increase, mean real erosion in the health care safety net and public health protection.

- The Committee bill terminates the Healthy Communities Access Program (HCAP), which makes grants to local consortia of hospitals, health centers, and other providers to build better integrated systems of care for the uninsured. This means that roughly 70 communities will lose their existing three-year grants and about 35 new grants will not be made.
- Rural Health Outreach Grants—which support primary health care, dental health, mental health, and telemedicine projects—are cut by 24 percent. Grants to improve small rural hospitals are cut in half, funding to help rural communities acquire the defibrillators that can save the lives of heart attack victims are cut by more than half, and a small new program to help improve emergency medical services in rural areas is eliminated.
- Apart from grants to Health Centers, the bill continues to slow erosion of most other health care programs. The Maternal and Child Health Block Grant is funded slightly *below* its level of three years earlier, with no increase for rising health care costs, population or anything else. These grants help support prenatal care and health and dental services for low-income children, and assist children with disabilities and other special health care needs. The National Health Service Corps—which helps bring doctors and dentists into under-served areas—receives a bit less than in FY 2003. The Ryan White AIDS Care programs (other than drug assistance) is also slightly under its FY 2003 level (while the number of AIDS patients has been rising by about 7 percent per year), and the Title X family planning program is just 1.8 percent above FY 2003.
- Support for training in primary care medicine and dentisty—which is targeted to increasing the number of doctors and dentists in rural and other underserved areas—is cut 22 percent below the current year by the bill. Support for training in public health and preventive medicine is cut 24 percent, despite the difficulties that public health departments are having recruiting and retaining qualified professionals.
- The Committee bill does include a small, $5 million (3.5 percent) increase for nurse education and training programs. While a step in the right direction, it pales in comparison to the national commitment envisioned under the Nurse Reinvestment Act, which was aimed at stemming the looming nursing shortage.
- CDC's childhood immunization program receives a small but welcome $11 million increase in the Committee bill. However, the bill's FY 2005 level is just 3.4 percent above FY 2002 while the cost to immunize a child with all recommended vaccines will have increased 18.5 percent.
- Also in CDC, although the bill roughly doubles an important Global Disease Detection initiative, funding for ongoing domestic activities to control and respond to infectious diseases like West Nile Virus, SARS and the flu are increased by just 1.1 percent.
- The Committee bill makes a 17.5 percent cut in basic support to state and local health departments through the Preventive Health and Health Services Block Grant. This funding is used for a range of priorities, from health screening to immunization to control of chronic diseases like diabetes and asthma to basic epidemiological investigations and public health laboratory operations.

For the National Institutes of Health, the Committee bill is identical to the Administration's budget request. It provides an increase of 2.6 percent—which is the smallest in 19 years and significantly less than the 3.5 percent needed to cover estimated inflation in biomedical research costs. Although the Administration says that its budget (and hence the Committee bill) would produce a small increase in the number of new and recompeting research project grants—reversing a decrease that is occurring in FY 2004—it achieves that result only by assuming unusually tight limits on the average size of research grants, including cuts to ongoing research projects below previously committed levels. If grant amounts were instead allowed to increase at normal rates, the number of new grants would decrease for the second year in a row. Many Members have been circulating letters to the Committee urging additional funding to accelerate research into diseases like Parkinson's or Alzheimer's or cancer. Many of the Members of Congress who have signed such letters in fact voted for the Republican budget resolution which has made it impossible for the committee to provide funding levels requested in such letters. At the funding level in the Committee bill, such increases simply are not possible.

HELPING AMERICA'S MOST VULNERABLE CITIZENS

For the human services side of the Department of HHS, the Committee bill includes increases for Low-Income Home Energy Assistance (LIHEAP), Refugee Assistance, Head Start, Abstinence-only Sex Education, and some programs of the Administration on Aging. It also rejects most (but not all) of the cut in the Community Services Block Grant proposed by the President. On the whole, however, the bill's human services appropriations fall short of what is needed.

For LIHEAP, the Committee added $111 million above FY 2004, as proposed by the President. However, this barely does more than reverse a decrease that occurred last year. Sharply higher energy prices combined with cold winters have increased the need for LIHEAP. These same conditions have also led to growing need for the Energy Department's Weatherization Assistance Program (which was recently transferred to the Labor-HHS bill). However, the bill includes no increase at all for Weatherization, rejecting the $64 million addition proposed by the President.

The Child Care Block Grant has its funding essentially frozen for the third year in a row under the Committee's bill, meaning a real reduction in help for working families. Appropriations for Head Start are $45 million less than the amount proposed by the President. Overall funding for the Administration on Aging is up by 2.2 percent. However, this follows two years of even smaller increases, leaving the FY 2005 figure just 4.0 percent above its level three years earlier.

THE DEMOCRATIC ALTERNATIVE

The demands of the war on terrorism, the conflict in Iraq, homeland security needs, and a sluggish economy require a pragmatic and responsible approach to America's budget. Yet, even with all these competing needs and challenges, this bill's shortcomings were not fated.

The budget alternatives that Democrats offered earlier this year—including the package of budget resolution revisions that the House considered on June 24—would have allowed this Committee to make a greater investment in education, health care, medical research, and other pressing needs. Our budget alternatives were also fiscally responsible; they would have provided for these national needs and reduced the deficit by modestly reducing tax cuts for those with annual incomes above $1 million.

When this bill was considered by subcommittee and by the full Appropriations Committee, amendments were offered mirroring the Labor-HHS-Education portion of the Democratic budget proposal. These amendments would have added $7.4 billion to the bill, paid for by 30 percent reduction in the 2005 tax cuts for people with incomes over $1 million. Instead of tax cuts averaging about $127,000, this top-income group would have their tax cuts reduced to an average of $89,000. Regrettably, these amendments were defeated on party line votes. Had they been adopted, we could:

- Invest $1.5 billion more in Title I instruction to help an additional 500,000 low-income and minority children in the poorest communities succeed in school;

- Invest $200 million more in after school centers so that an additional 267,000 children, who are responsible for taking care of themselves after school each day, have a safe and nurturing place to go after school;
- Invest $1.2 billion more to subsidize the high costs of educating 6.9 million children with disabilities;
- Provide a $450 increase in the maximum Pell Grant for students with the greatest financial need, and begin to restore its purchasing power for more than 5 million low-income students;
- Assist an additional 51,000 teachers improve their instructional skills to become highly qualified under NCLB; and
- Ensure that 2,500 low-performing schools receive the assistance they were promised to implement effective, comprehensive reforms to raise their academic performance.

In the area of workforce training, the Democratic amendment would have provided an additional $200 million to support training and job placement services for more jobless Americans. And, it would have fully restored funding to combat child labor and promote workers' rights around the world, which in turn would have helped workers here at home.

On the health and human services side, the Democratic amendment would have allowed us to provide more help to the 45 million people without health care, maintain momentum in biomedical research, and restore some of the lost purchasing power in key human services programs. For example, the amendment would do the following:

- Maintain the Healthy Communities Access Program, rather than terminating it as under the Committee bill, and add some funds to make up for lost ground in programs like the Maternal and Child Health Block Grant, Family Planning, and Community Mental Health Block Grant.
- Avoid any cuts in health professions training programs, add $20 million to the National Health Service Corps to get more doctors and dentists into underserved rural and inner city areas, and add $35 million to Nurse Reinvestment Act programs to help stem the nursing shortage by providing more scholarships for nursing students and more support for nursing schools.
- Eliminate the proposed cuts in rural health programs, and add an additional $19 million to better support rural health clinics, hospitals and emergency services.
- Provide $50 million to help meet some of the most urgent unmet needs for dental care, through grants for rural dental clinics, scholarships and student loan repayment arrangements for dentists who locate in underserved areas, and grants and low-interest loans to help dentists who agree to participate in Medicaid establish and expand practices in areas with dental shortages.
- Add $500 million to the budget of the National Institutes of Health—enough to provide a full inflation adjustment, renew all ongoing research grants, and restore the number of new grants to the FY 2003 level. This would help maintain momentum in research to find better treatments for diseases like cancer, Parkinson's disease, and Alzheimer's.
- Provide $50 million more for child immunization, to help catch up with rising vaccine costs, and also add $50 million to other infectious disease control efforts at CDC (including those aimed at HIV/AIDS, tuberculosis, and sexually transmitted diseases).
- Add $200 million to the Low-Income Home Energy Assistance Program to help keep up with rising needs. Between the 2002 and 2004 winter heating seasons, average home heating costs rose 50 percent for natural gas users and 54 percent for users of fuel oil. As energy prices rise and the economy remains weak, the number of households seeking assistance is rising, but the program still serves only about 14 percent of the eligible population.

Provide an additional $70 million for senior citizens' programs of the Administration on Aging, including Meals on Wheels and other nutrition programs.

Budgets are as much about America's values are they are about dollars and cents. By prioritizing massive tax cuts for the wealthiest among us, House Republicans have once again rejected traditional American values of shared sacrifice in difficult times and equal opportunity for all Americans. The Majority's priorities will mean less opportunity through education and job training, decreased access to health care in rural and other underserved areas, and a nation that is less caring toward its most vulnerable children, families, and senior citizens.

The decisions that have led to this unhappy situation have, in fact, already been made by the Republican majority members who have voted for the Republican budget resolution and against our efforts to modify it. This bill is the inevitable unhappy result of those decisions. The only way to achieve a more favorable final outcome is for this bill to move to conference with the Senate and be greatly altered to produce a more responsible result.

DAVID OBEY.
STENY HOYER.
NITA LOWEY.
ROSA L. DELAURO.
JESSE L. JACKSON, Jr.
PATRICK J. KENNEDY.
LUCILLE ROYBAL-ALLARD.

Democratic Amendment to FY 2005 Labor-HHS-Education Appropriations

	Increase Above Committee Bill *Dollars in millions*
Education	
Providing Title 1 reading and math instruction to 500,000 additional low-income children	1,500
Helping 267,000 additional children in working families to benefit from after-school learning opportunities	200
Increasing assistance to local communities for special education	1,200
Helping to put a highly qualified teacher in every classroom	225
Increasing the maximum Pell Grant by $450 to $4,500 to begin to restore the lost purchasing power of Pell Grants	2,200
Supporting effective school improvement through comprehensive school reforms at an additional 2,500 schools	228
Total, Department of Education	*$5,553*
Employment and Training	
Investing in training and job placement assistance for unemployed Americans	126
Promoting international labor standards and workers' rights	74
Total, Department of Labor	*$200*
Health and Human Services	
Keeping up with costs of childhood immunization, and improving control of infectious diseases (including TB, STDs & AIDS)	100

	Increase Above Committee Bill *Dollars in millions*
Preserving critical investments in medical research at NIH	500
Maintaining core health care "safety net" programs, especially for children and rural residents (including Community Access Program, Family Planning, etc).	333
Improving critical dental services for children and others lacking access to care	50
Helping to alleviate the shortage of nurses	35
Training doctors, dentists and other health professionals, especially for rural and underserved areas	25
Improving public health preparedness for bio-terrorism & epidemics	56
Helping low-income families with energy costs through LIHEAP	200
Maintaining access to child care and Head Start	180
Improving economic opportunity and community services (CSBG)	30
Assisting communities with refugee resettlement	32
Meals-on Wheels, Senior Centers, Family Caregiver Assistance and other help for older Americans	70
Total, Department of HHS	*$1,611*
TOTAL	**$7,364**

Offset

The cost of these additions would be offset through a 30 percent reduction in the tax cuts received by people with annual incomes above $1 million as a result of the 2001 and 2003 tax legislation. Instead of annual tax cuts averaging $127,000, this group would receive tax cuts averaging $89,000.

DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS

Program Level, $ in millions

	FY 2004	FY 2005	FY 2005	FY 2005	Democratic Amendment Compared To:			
					Committee		FY 2004	
	Comparable	Request	Committee	Democrats	Dollars	Percent	Dollars	Percent
Education Investments								
Title 1 Grants to School Districts	$12,342	$13,342	$13,342	$14,842	$1,500	11.2%	$2,500	20.3%
21st Century After School Centers	$999	$999	$999	$1,199	$200	20.0%	$200	20.0%
IDEA Part B State Grants	$10,068	$11,068	$11,068	$12,268	$1,200	10.8%	$2,200	21.9%
Federal Contribution	*18.6%*	*19.7%*	*19.7%*	*22.0%*	*$0*	*11.7%*	*$0*	*18.3%*
Teacher Quality State Grants	$2,930	$2,930	$2,950	$3,175	$225	7.6%	$245	8.4%
Pell Grants	$12,007	$12,830	$12,830	$15,030	$2,200	17.1%	$3,023	25.2%
Maximum Award	*$4,050*	*$4,050*	*$4,050*	*$4,500*	*$450*	*11.1%*	*$450*	*11.1%*
Comprehensive School Reform	$308	$0	$80	$308	$228	284.6%	$0	0.0%
Subtotal, Department of Education					$5,553		$8,168	
Employment and Training Investments								
Dislocated Worker Assistance	$1,454	$1,383	$1,479	$1,517	$38	2.6%	$63	4.3%
Formula	*$1,178*	*$1,100*	*$1,178*	*$1,216*	*$38*	*3.2%*	*$38*	*3.2%*
National Reserve	*$276*	*$283*	*$301*	*$301*	*$0*	*0.0%*	*$25*	*9.1%*
Employment Service	$851	$763	$763	$851	$88	11.5%	$0	0.0%
International Labor Affairs	$110	$31	$36	$110	$74	209.1%	$0	0.0%
Subtotal, Department of Labor					$200		$63	
Health & Human Services Investments								
Centers for Disease Control:								
HIV/AIDS, STD and TB Control	$1,142	$1,143	$1,149	$1,184	$35	3.0%	$43	3.7%
Immunization	$643	$644	$654	$704	$50	7.6%	$61	9.4%
Infectious Disease Control	$369	$401	$401	$416	$15	3.7%	$47	12.6%
National Institutes of Health	$27,808	$28,541	$28,541	$29,041	$500	1.8%	$1,233	4.4%
Community Health Centers	$1,617	$1,836	$1,836	$1,867	$31	1.7%	$250	15.5%
National Health Service Corps	$170	$205	$170	$190	$20	11.8%	$20	11.8%
Community Access Program	$104	$10	$0	$104	$104	n.a.	$0	0.0%
Maternal and Child Health Block Grant	$730	$730	$730	$770	$40	5.5%	$40	5.5%
Healthy Start	$98	$98	$98	$108	$10	10.2%	$10	10.2%
Family Planning	$278	$278	$278	$295	$17	6.1%	$17	6.1%
Ryan White AIDS CARE Act	$2,065	$2,080	$2,100	$2,130	$30	1.4%	$65	3.1%

DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS

Program Level, $ in millions

	FY 2004	FY 2005	FY 2005	FY 2005	Democratic Amendment Compared To:			
					Committee		FY 2004	
	Comparable	Request	Committee	Democrats	Dollars	Percent	Dollars	Percent
Rural Health and Telemedicine	$111	$34	$88	$129	$41	47.2%	$19	16.8%
(Above line restores all programs to FY 2004 level, plus $10 million for Rural Health Outreach, $5 million for Telemedicine, and $4 million for Rural EMS).								
Substance Abuse and Mental Health Services	$3,351	$3,550	$3,392	$3,432	$40	1.2%	$81	2.4%
Dental Care Initiative				$50	$50	n.a.	$50	n.a.
(Above line adds $10 million to National Health Service Corps, $10 million to Rural Health Outreach and $6 million to Health Professions, all for dental care, plus $24 million for Dental Shortage Area Grants under PHSA sec. 340G)								
Nurse Education	$142	$147	$147	$182	$35	23.8%	$40	28.2%
(Above line adds $15 million to scholarship & loan repayments, $5 million each to advanced education nursing and diversity, $4 million each to education-practice-retention and faculty loan repayments, and $3 millon to geriatric nursing.)								
Health Professions Education	$294	$11	$269	$294	$25	9.2%	$0	0.0%
Public Health Emergency Fund	$2,164	$2,225	$2,369	$2,425	$56	2.4%	$261	12.1%
Low-Income Home Energy Assistance	$1,889	$2,001	$2,000	$2,200	$200	10.0%	$311	16.5%
Child Care Development Block Grant	$2,087	$2,100	$2,100	$2,200	$100	4.8%	$113	5.4%
Head Start	$6,783	$6,944	$6,899	$6,979	$80	1.2%	$195	2.9%
Community Services Block Grant	$642	$495	$628	$650	$23	3.6%	$8	1.3%
Community Services discretionary programs	$89	$57	$83	$90	$7	8.8%	$0	0.5%
Refugee & Entrant Assistance	$448	$473	$491	$523	$32	6.5%	$76	16.9%
Older Americans Act programs	$1,374	$1,377	$1,403	$1,473	$70	5.0%	$100	7.2%
(Above line adds $20 million to Supportive Services, $25 million to Nutrition, $10 million to Family Caregivers and $2 million to Native American Caregivers, $4 million each to Native Americans and Protection of Vulnerable Older Americans and $5 million to Alzheimer's Disease grants.)								
Subtotal, Department of Health and Human Services					$1,611		$3,039	
Total					**$7,364**		**$11,269**	

SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest $000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
Alabama	+$25,610,000	+$2,927,000	+$19,470,000	+$3,700,000	+$41,736,000	+$93,443,000
Alaska	+$4,027,000	+$980,000	+$3,631,000	+$1,108,000	+$1,716,000	+$11,462,000
Arizona	+$27,864,000	+$3,619,000	+$18,163,000	+$4,647,000	+$44,464,000	+$98,757,000
Arkansas	+$18,102,000	+$1,823,000	+$12,075,000	+$2,324,000	+$23,051,000	+$57,375,000
California	+$187,447,000	+$27,678,000	+$133,993,000	+$30,073,000	+$197,728,000	+$576,919,000
Colorado	+$15,473,000	+$1,762,000	+$15,382,000	+$2,639,000	+$24,202,000	+$59,458,000
Connecticut	+$13,794,000	+$1,617,000	+$13,699,000	+$1,853,000	+$11,572,000	+$42,535,000
Delaware	+$4,117,000	+$980,000	+$3,327,000	+$1,108,000	+$3,299,000	+$12,831,000
District of Columbia	+$5,235,000	+$980,000	+$1,673,000	+$1,108,000	+$5,906,000	+$14,902,000
Florida	+$62,613,000	+$9,152,000	+$68,360,000	+$11,462,000	+$108,565,000	+$260,152,000
Georgia	+$48,534,000	+$5,986,000	+$31,929,000	+$6,688,000	+$51,107,000	+$144,244,000
Hawaii	+$5,339,000	+$980,000	+$4,197,000	+$1,108,000	+$5,472,000	+$17,096,000
Idaho	+$5,361,000	+$980,000	+$5,712,000	+$1,108,000	+$11,559,000	+$24,720,000
Illinois	+$50,377,000	+$8,197,000	+$53,266,000	+$8,541,000	+$76,262,000	+$196,643,000
Indiana	+$27,895,000	+$2,542,000	+$26,842,000	+$3,601,000	+$35,923,000	+$96,803,000
Iowa	+$11,507,000	+$980,000	+$12,287,000	+$1,513,000	+$21,923,000	+$48,210,000
Kansas	+$13,770,000	+$1,235,000	+$11,500,000	+$1,583,000	+$18,402,000	+$46,490,000
Kentucky	+$25,154,000	+$2,642,000	+$15,714,000	+$3,078,000	+$30,709,000	+$77,297,000
Louisiana	+$33,963,000	+$4,237,000	+$19,525,000	+$4,588,000	+$40,562,000	+$102,875,000
Maine	+$5,862,000	+$980,000	+$5,507,000	+$1,108,000	+$7,067,000	+$20,524,000
Maryland	+$19,042,000	+$2,602,000	+$21,014,000	+$3,003,000	+$25,430,000	+$71,091,000
Massachusetts	+$26,580,000	+$3,304,000	+$28,570,000	+$3,489,000	+$29,523,000	+$91,466,000
Michigan	+$54,136,000	+$6,220,000	+$43,983,000	+$6,478,000	+$57,125,000	+$167,942,000
Minnesota	+$14,893,000	+$1,488,000	+$20,008,000	+$2,444,000	+$27,174,000	+$66,007,000
Mississippi	+$20,970,000	+$2,461,000	+$13,145,000	+$2,962,000	+$32,644,000	+$72,182,000
Missouri	+$24,977,000	+$2,814,000	+$22,863,000	+$3,700,000	+$35,980,000	+$90,334,000
Montana	+$5,039,000	+$980,000	+$4,000,000	+$1,108,000	+$7,819,000	+$18,946,000
Nebraska	+$7,456,000	+$980,000	+$7,516,000	+$1,108,000	+$10,990,000	+$28,050,000
Nevada	+$6,610,000	+$1,027,000	+$6,830,000	+$1,438,000	+$6,997,000	+$22,902,000
New Hampshire	+$4,234,000	+$980,000	+$4,776,000	+$1,108,000	+$4,913,000	+$16,011,000

SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest $000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
New Jersey	+$38,083,000	+$4,012,000	+$36,380,000	+$4,676,000	+$39,909,000	+$123,060,000
New Mexico	+$15,676,000	+$1,836,000	+$9,600,000	+$2,011,000	+$16,075,000	+$45,198,000
New York	+$109,210,000	+$19,493,000	+$77,511,000	+$15,198,000	+$149,927,000	+$371,339,000
North Carolina	+$36,827,000	+$4,264,000	+$33,389,000	+$5,754,000	+$51,779,000	+$132,013,000
North Dakota	+$3,986,000	+$980,000	+$2,702,000	+$1,108,000	+$6,214,000	+$14,990,000
Ohio	+$58,614,000	+$6,240,000	+$50,213,000	+$7,074,000	+$68,552,000	+$190,693,000
Oklahoma	+$19,662,000	+$2,184,000	+$16,170,000	+$2,804,000	+$29,482,000	+$70,302,000
Oregon	+$21,693,000	+$2,077,000	+$14,341,000	+$2,297,000	+$22,828,000	+$63,236,000
Pennsylvania	+$59,457,000	+$6,595,000	+$47,480,000	+$7,052,000	+$70,915,000	+$191,499,000
Puerto Rico	+$58,352,000	+$7,240,000	+$11,102,000	+$8,446,000	+$80,026,000	+$165,166,000
Rhode Island	+$6,640,000	+$980,000	+$4,402,000	+$1,108,000	+$7,982,000	+$21,112,000
South Carolina	+$24,387,000	+$2,606,000	+$18,338,000	+$3,068,000	+$27,780,000	+$76,179,000
South Dakota	+$4,589,000	+$980,000	+$3,219,000	+$1,108,000	+$6,674,000	+$16,570,000
Tennessee	+$27,048,000	+$3,164,000	+$24,995,000	+$4,127,000	+$37,513,000	+$96,847,000
Texas	+$126,201,000	+$17,610,000	+$99,459,000	+$20,053,000	+$139,937,000	+$403,260,000
Utah	+$8,060,000	+$980,000	+$12,058,000	+$1,477,000	+$21,598,000	+$44,173,000
Vermont	+$3,763,000	+$980,000	+$2,605,000	+$1,108,000	+$3,452,000	+$11,908,000
Virginia	+$26,950,000	+$3,065,000	+$29,659,000	+$4,192,000	+$36,975,000	+$100,841,000
Washington	+$25,650,000	+$2,656,000	+$25,032,000	+$3,681,000	+$32,436,000	+$89,455,000
West Virginia	+$14,604,000	+$1,470,000	+$7,644,000	+$1,408,000	+$15,180,000	+$40,306,000
Wisconsin	+$25,618,000	+$2,477,000	+$22,012,000	+$3,001,000	+$24,620,000	+$77,728,000
Wyoming	+$3,847,000	+$980,000	+$2,734,000	+$1,108,000	+$3,361,000	+$12,030,000
TOTAL APPROPRIATION	+$1,500,000,000	+$200,000,000	+$1,200,000,000	+$225,000,000	+$2,200,000,000	+$5,325,000,000

Note: Title 1, After School, IDEA Part B, and Teacher Quality estimates from the Congressional Research Service based on data provided by the U.S. Department of Education. Pell Grant estimates from American Council on Education based on data provided by the U.S. Department of Education.

Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), a member of the subcommittee.

□ 1215

Mrs. LOWEY. Mr. Chairman, I rise in support of the fiscal year 2005 Labor-HHS bill, and I first want to express my appreciation to the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Ranking Member OBEY). They are men of principle, great fairness and determination. It is a pleasure serving with them.

I also want to take a moment to convey my admiration for the gentleman from Florida (Chairman YOUNG). After years of leading the Committee on Appropriations in a fair, bipartisan manner, my good friend is leaving the chairmanship at the end of the year, and while I look forward to continuing to work with the gentleman from Florida (Mr. YOUNG) in the future, I want him to know how much his leadership will be missed.

I also want to thank the staff on both sides of the aisle who continue to be so very helpful.

My colleagues, the programs funded in the Labor-HHS bill are critical, as we heard discussed by the gentleman from Ohio (Mr. REGULA). We provide the children of working parents with safe places to go after school. We lead the world in biomedical research. We recruit young professionals into nursing, a profession with a looming shortage that will affect all Americans who seek health services.

We allocate resources to State and local health departments, as well as hospitals, so they are equipped to respond to a mass incident, for which most are only modestly better prepared than they were on September 11.

We prevent our most vulnerable from having to choose between food and heat. We help put kids through college, a pinnacle of the American dream.

These activities benefit every member of our society. However, because of the limited allocation provided by the Committee on the Budget, many important needs will remain underfunded.

For example, last year Congress did not fulfill its obligation to fully fund the Title I program which serves the poorest children in America, and because of that, more than half our Nation's school districts from Kansas to Minnesota, North Dakota to Pennsylvania, Missouri to Yonkers, New York, in my district, received less Title I from one year to the next. We can expect similar funding cuts for schools across the country in fiscal year 2005 because the bill falls $7.2 billion short on the amount authorized under the No Child Left Behind Act.

Despite a 26 percent tuition increase in the last 2 years, the bill freezes the maximum Pell grant for low-income college students for the second year in a row and cuts Perkins loans by $99 million below last year's level.

Even though every school administrator and teacher I talked to pleads for additional special education funding to meet the growing demands, the bill falls $2.5 billion below the Republican promise made last year in the IDEA reauthorization bill.

At a time when our Nation is desperate for additional nurses and schools of nursing cannot accommodate the increased number of applicants, an additional $5 million for nurse education and training will help only a fraction of the 18,000 candidates denied admission last year because there are not enough instructors to teach them.

Earlier this year this administration circulated a memorandum indicating that the 2006 spending cuts outlined in this year's budget will be implemented. That means huge reductions in spending on health, education, and labor are just around the corner.

Mr. Chairman, in closing, I also want to express my continued concern with the Weldon refusal clause provision. For over 30 years, there have been Federal laws that allow doctors, nurses and hospitals to refuse to provide abortion services because of their religious beliefs, as it should be. However, just as the law protects religious or moral objections, it protects the rights of patients, ensuring that women have access to accurate and complete medical information when making decisions about their own health. The Weldon provision would unravel these protections, gutting the patient protections included in the Title X family planning program, which require that all legal options are presented to a woman. It is my hope that this provision will be stripped from the final Labor-HHS spending bill.

Mr. Speaker, although I did discuss some significant flaws, I will support final passage, and I have said many times that I am truly honored to be a member of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies. I believe that we have tried to work as a team and make the most of the inadequate allocation provided to us by the leadership.

I also continue to hope that through floor consideration today, Senate consideration and during conference we will continue to work together as a team to make additional improvements to the bill.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), a very valued member of our subcommittee.

Mr. WICKER. Mr. Chairman, as usual, the next 2 days of debate on the Labor-HHS education bill will be instructive.

First, the basics. We will authorize in this bill spending of $142 billion plus for health, for education and for the American workers of this country in three major departments. This amounts to $3 billion more than we spent last year, Mr. Chairman, an increase in the discretionary spending in these 3 areas of 2.4 percent. At the same time, we are keeping it within the subcommittee allocation and the limits of the budget resolution, and I think the chairman is to be commended for that.

I have enormous respect for the leadership of this subcommittee on both sides of the aisle, certainly for the chairman, but also for my friend on the Democratic side who just spoke and for the ranking minority member.

What we will hear today amounts to sincerely held views and what it really comes down to, in the long run, is a difference in philosophy.

I have been on this subcommittee for 10 years now, the 10 years that the Republicans have been in the majority in this Congress. And each year when this bill comes up, the majority puts forward a bill that spends an amount of money over and above the last year, and our friends on the Democratic side of the aisle object to the bill based on the fact that they would like to spend more money and tax more.

When they object to the bill, Mr. Chairman, they will often say that it is not really the fault of the leadership of this committee, not the fault of the chairman of the full committee or the subcommittee; that it is the underlying budget we adopted earlier which is at fault. What they really mean when they say this is that they wish a budget had been adopted so that taxes could be higher and that Federal spending could be higher, and indeed, that is the basic difference in philosophy on the two sides of the aisle.

Beginning in 2001, when we realized we were coming into a recession, and then certainly after 9/11 and the tragedy and the cost of that event, this majority on the Republican side decided to reduce the tax burden on Americans, reduce the tax burden on families with children, reduce the tax burden on married couples by eliminating the marriage penalty, reduce the tax burden on lower income workers and on every American who pays income tax, and, yes, to reduce taxes on the job creators.

What has that gotten us during this time? What it has gotten us, according to Chairman Greenspan's testimony before the Committee on the Budget just this morning? Chairman Greenspan said, We are in a period of moderate to excellent economic growth and the shallowest recession in postwar history.

I would submit that this is the program we need, and is why we have adopted the budget and why we should adopt the bill today.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, of all the appropriations bill this body considers every year, it is the Labor-HHS and Education appropriations bill that best represents our Nation's investment in the future. Education, health care, medical research, job training, these are the things that bind us as a society and play formative roles in determining the course of this country.

So the choices that we make in this bill can help to expand opportunity for generations to come, making Americans live longer, healthier, more productive lives. That is the power of this bill.

At a time when so many families are faced with the rising costs of health care and college tuitions, a sluggish economy and falling wages, this bill has the opportunity to strengthen the economic, health and retirement security for every citizen in this country for generations to come.

Unfortunately, this bill provides $9.5 billion less than the funding promised in the No Child Left Behind Act, and most of the shortfall is in Title I, which serves low-income children and schools with the greatest educational challenges. With an average 26 percent tuition increase in the last 2 years at 4-year public colleges and universities, this bill misses a real opportunity to impact families' lives. It freezes the Pell grant and college work study assistance program and cuts the Perkins loan program.

With a hesitant economic recovery that is creating too few jobs, jobs that generally pay $9,000 less than the ones lost, we should be giving our 8 million unemployed workers the tools that they need to retrain for this new and changing economy. Instead, this bill invests $236 million less than the administration's own request for employment and training assistance programs, including a devastating cut of $88 million to the Employment Service, almost 10 percent, the building block for the Nation's one-stop employment centers.

The shortfalls continue with appropriations for the Departments of Health and Human Services in the area of the National Institutes of Health. A few years ago, we were actually making good on the commitment to double that budget, but now we are barely keeping up with inflation. What that means is medical researchers, racing for lifesaving cures to diseases like cancer, Alzheimer's, diabetes, find themselves having to cut corners so that they can complete their research. NIH's ability to continue its support for clinical trials will be endangered.

I was someone who was diagnosed with the deadliest of all gynecological cancers, ovarian, more than 18 years ago. I know firsthand how this research can save lives. It changed and it saved my life. That is the power of the NIH.

I have said it before. For all their virtues, tax cuts do not save lives. Now, with our Nation at war, our economy failing millions of families, we are seeing the price all Americans have paid for these tax cuts. Child care funding is back to where it was 3 years ago. Home energy assistance is budgeted where we were 2 years ago, and Head Start, which can only serve half the eligible children, is cut in real dollar terms. Tax cuts are quite literally mortgaging the future we pass on to our children and our children's children.

No appropriations bill touches the American family like this. I believe we have a moral responsibility to do better for the people of this country with this bill than we are.

Mr. REGULA. Mr. Chairman, for the moment, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I would like to thank my ranking member, also the chairman of the committee, for bringing this bill up today.

I rise to highlight an important program that this bill fails to fund. The Congress has supported and funded the Community Access Program since its inception in 2000. The CAP program, the Community Access Program, has provided communities with much-needed grant funding to provide both preventive and primary care to their uninsured populations.

In communities like mine in Houston, and literally hundreds across the country, we utilize this funding to put together the necessary consortium or groups to help solve our health care access problems. For-profit, nonprofit and public health agencies coordinate services using CAP funds.

Unfortunately, this bill completely eliminates the CAP program at a time when the level of uninsured individuals in this country has reached 44 million and is growing. Now is not the time to cut off access to this important primary and preventive health care service in our communities.

Without this health care access, our uninsured constituents tend to seek health care from our hospital emergency rooms, where costs are skyrocketing and beds are scarce.

This is truly a case where an ounce of prevention is worth a pound of cure.

I thank the committee for its work to increase funding for community health centers, which received $218 million over the President's request, and that is great.

While the Community Health Center and Community Access Programs share similar missions, the Community Access Program really helps coordinate the services, whereas community healthcare centers are really important to a growing number in our community and even need more.

I urge our colleagues on the Committee on Appropriations to restore funding for the CAP program.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I simply want to say that I agree with the remarks of the gentleman from Texas, and I hope the committee will listen to what he said.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

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Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time and for his very good and hard work on this bill. I thank the chairman of the committee, as well, for working against tremendous odds.

There was a previous question that focused on the Obey amendment that could not be offered. I will call it the millionaires amendment that would have helped restore some balance in paying for programs which the American people place particular priority on. I just want to use one of those programs to vivify my concern, and the concern, of course, comes because, unlike the Obey amendment, we are growing the deficit. The deficit is like a child you do not see grow, and then one day you say, oh, my, how you have grown. By that time, of course, the deficit could bring down our economy. So it is important to do what the Obey amendment would have done.

What the committee has done is to barely save, and I have come to thank you for saving the so-called VERB program, a program that deals with the most serious public health problem in the United States today, obesity and overweight. All this Congress has done for this problem is the so-called cheeseburger bill, the absurdity of suing somebody because you are too fat. But we are leaving people to their own devices.

The experts say that by 2005 obesity and overweight will have overtaken smoking as the leading cause of death. At least for our children, you have left in the bill, instead of allowing the administration to kill the so-called VERB bill, and all VERB stands for is action. There has been a 42 percent increase in obesity among children in the last 25 years. It takes $85 million to keep this program going. You have put $65 million in this rigorously evaluated program that is only now in year 3 of its 5-year period.

But the rigorous evaluation shows an increase in physical activity of at least 35 percent among children. So I thank you for saving this program and hope that adults will be saved sometime in the future.

Mr. REGULA. Mr. Chairman, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this Labor, Health and Education bill is supposed to be that portion of the budget which invests in our children, which opens the door of opportunity for young people, which opens the door to the doctor's office or to the hospital for people who live life on its underside and do not have access to regular health care. It is supposed to protect the interests of workers. This bill falls far short on all fronts.

This bill does nothing to help workers, to protect workers against the efforts of employers to chisel on overtime pay. It falls billions of dollars behind the No Child Left Behind legislation in terms of meeting our obligations to support the education of our children. It brings to a screeching halt the healthy expansion of after-school programs. It does, in so many ways, fall short of where we ought to be; and it does that because the majority, as I said earlier, has made a decision that its top legislative priority is ever more and always to provide very large tax cuts to people who are already very well off.

I really believe that there is no way to fix this bill, because this bill is the result of two past decisions. It is the result, as the gentleman from Ohio has said, it is the result of the Republican majority's passing a budget resolution which provides inadequate room for education, health, and worker-protection programs. It is also the result of the second vote which occurred on this House floor just a few weeks ago on a resolution that I offered to try to amend that budget resolution so that it would be a somewhat more progressive product that we could be proud of.

At this point, the only way that you could help this bill is to move it on to the Senate in the hopes that the Senate will provide better numbers so that in conference we can provide more resources for education, health care, and worker-protection bills that are so crucial to the welfare of this country's population.

I would say, Mr. Chairman, that there is only one way in the long term that we can fix this problem, and that is to put a different person in the White House and a different majority in the House of Representatives and the Senate. Because what is really at stake in this election, in my view, as someone said on the other side of the aisle, what is really at stake is whether or not this country is going to continue to build a social safety net for the middle class, for the broad working class of this country, or whether we are going to say, in effect, "Sorry, but everybody is going to be on their own. You are going to rely on the luck of the draw. If life treats you happily, you will come out as one of life's winners; and if life does not treat you so happily, sorry, but you are on your own. We have no obligation to help in any significant way."

This bill does a number of things for people, but it does not do nearly enough to meet the rising challenges that we have. And I regret very much that we are in that position, but there is not much we in the minority can do to change it except to make clear what is happening. So I urge Members to remember that as we go through the bill this afternoon.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume to remind my colleagues that in what is a relatively short period of 9 years, the total of this bill has gone from $65 billion to $143 billion. That is a dramatic increase, and I think it recognizes the commitment on the part of Members on both sides that these are important issues that we are addressing in this bill. But I think it also reflects the fact that we have a caring approach.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON), a very valued member of the subcommittee.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to congratulate the chairman. We have a difficult budget year this year; and he has managed to cobble together, I would have to say almost like a skilled surgeon, I may be the doctor on the committee, but he handled this with the dexterity of a skilled surgeon, balancing the critical issues of education, health, and research against the budget realities.

Mr. Chairman, we are coming out of a recession. And to the gentleman of Wisconsin, I would simply say it is really unclear to me if we had not cut taxes that we would have more money in this bill. I think if we had not cut taxes, the economy would be in a worse slump and that we indeed would have less revenue, not more revenue.

Conflicting priorities are always a challenge for the Congress. The gentleman from Ohio has achieved the right balance. I know it is not a perfect bill, but I think this is our best shot at getting this bill moving.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute, and I would simply say to the gentleman the issue is not whether we should have cut taxes. Obviously, any time the economy is underperforming, it is perfectly legitimate to cut taxes over the short term. FDR invented that, and I am fully subscribed to that Keynesian approach to economics.

What I do not subscribe to is the idea that in the context of cutting taxes we have to give people who make $1 million a year a $127,000 tax cut. I think we could very well limit the size of that tax cut. That is the only tax cut that we have objected to and tried to change in order to finance this bill.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I know the gentleman from Wisconsin and I have discussed this issue in the past. The reason I think that was the right economic priority is because most of those people, at least in my congressional district, are small businessmen and women; and they take most of those funds and pump them back into their businesses, creating jobs. Most of the job growth has been in the small business sector, and I think it was the right thing to do.

Mr. OBEY. Mr. Chairman, I yield myself 1 additional minute, and I would simply say in response that a very small portion of the people who would be affected by our amendment are small businessmen. Very small portion. The fact is that this House has to make a choice. Do we think it is essential to provide a $120,000 tax cut to people making over $1 million a year; or do we think that we ought to use some of that money to provide better opportunity for education, better health care for 45 million people that do not have it, and some additional protection for our workers in what is becoming every day a more and more brutal world market?

Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I appreciate the gentleman from Wisconsin yielding me this time, and I rise in support of the Labor-HHS bill today. While I feel the bill falls short in many areas, particularly in education, I will support the final bill. However, I would also like to rise today and speak to an issue that has great personal meaning to me and has been ignored by our House leadership.

While my amendments reauthorizing the assault weapons ban have been found nongermane, I will still be speaking to it, because so few opportunities remain to do anything about it before it expires on Monday.

One week from today, I will be able to purchase an assault weapon from any number of Web sites and from our local gun stores, which means our gangs and our police officers, and I just came back from a press conference with the police chiefs and the rank-and-file officers, and, unfortunately, many victims, all calling on our President to make some calls over here to the House so that we can bring the bill up for a vote.

A poll released this weekend by the National Annenberg Election Survey says two-thirds of Americans support keeping the assault weapons bill in place. And, in fact, 57 percent of gun owners support the ban, putting to rest the notion the ban is somewhat a threat to our second amendment.

Not one sportsman has missed a day in any hunting season due to the ban on assault weapons. President Bush says he supports the ban, but so far he has been doing the talk, but he has given us no action on it. The ball is in the President's court. He needs to pick up the phone and put renewing the ban on to the House floor. Only President Bush can stay the assault weapons ban execution.

Almost every law enforcement agency in the country supports renewing the ban. That is all the evidence I need to be convinced the ban is working. The most immediate challenge relating to the ban expiring is our police departments, who are saying they are not ready for this to expire. It is basically our police officers who are out there protecting us against terrorists and gangs, who protect our lives every day on the front lines that will be facing these assault weapons when they come back on the streets.

Since assault-style weapons do not need to be aimed, are designed to be moved back and forth in a sweeping fashion in order to rain bullets on an area instead of a specific target, gang violence will become more reckless, with many more innocent bystanders caught in crossfires.

Police departments will have to reoutfit their squad cars, purchase new bulletproof vests, and make other expensive preparations for the ban's expiration.

Many currently banned weapons have multiple-capacity clips, holding up to 30 rounds of ammunition. Many State laws, including my State of New York, limit our hunters to six rounds in a clip. Deer are given a better chance of surviving than our police officers.

With the Bush budget intent on slashing grants to local police departments and its reluctance to push for extending the ban, the administration is depriving our police officers of the support that we need.

Mr. REGULA. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 9½ minutes remaining.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER), a great member of our subcommittee.

Ms. GRANGER. Mr. Chairman, I rise in strong support of this bill. It has some very important programs in it. Specifically, one that I have been involved in is the provision of a $2 billion increase from fiscal year 2004 for the Department of Education to continue support for effective reading programs and better technology in the classroom.

Mr. Chairman, I have been to the schools in my district that have used this technology, and as a former teacher I can tell you that it strengthens what a teacher is able to do, particularly with students with problems. The other thing it provides that is very important, I think, is the VERB program. The VERB program came to my district this summer and addresses the serious health dilemma facing our young people, and that is the rise of obesity.

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It is a very successful program which encourages children to be more physically active. They sent a truck out to Six Flags Over Texas, and I met the children there. They were able to pick out the verb that they wanted to use that was fun, whether it was basketball, dancing, skateboarding, running. They put excitement in exercise, and that is how VERB is working, and that is how VERB has contributed to a 34 percent rise in free time of physical activity of 9 and 10 years old in a target area. I approve this, and I certainly appreciate the work on the bill.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce and a great colleague from Ohio.

Mr. BOEHNER. Mr. Chairman, let me congratulate the gentleman from Ohio (Mr. REGULA), the gentleman from Wisconsin (Mr. OBEY), and the other members of the Committee on Appropriations for a job well done on what is a very large bill and a very difficult bill.

There has been much said today about education, and the good news is No Child Left Behind is working and working very well. As we see the preliminary results coming in from around the country, we are seeing increased test scores in both reading and math, especially for our most disadvantaged children. If we look at where the Federal education dollars go, by and large, they are aimed at those very children, those disadvantaged children who need that extra help to have a chance at a good education.

But while the news is good from No Child Left Behind and test scores are going up, there has been this chorus of criticism from some of my colleagues about the fact that it is underfunded and we are not spending enough. It is easy to stand here in the well of the House and talk about how the glass is half empty, but I am here to suggest it is almost full.

If we look at this bill, there is a $2 billion increase in overall education funding in this bill, bringing the total amount for education spending to the Department to $57.7 billion. Now that means in President Bush's first term in office, in just 4 years, the Department of Education's overall funding will have increased by $15.5 billion. If we look back over the 9.5 years Republicans have been in control of Congress, we see education funding has skyrocketed by some $23 billion. That is an increase of more than 150 percent under the Republican Congress. Much of this increase in spending can be attributed to those programs in No Child Left Behind.

The most significant program the Federal Government operates to help disadvantaged children under No Child Left Behind is title I. Again this year we see another $1 billion increase in Title I, about 8 percent over last year's level. If we look at what has happened over the 4 years that the President has been in office, we will see these massive increases. But we can go back all of the way to the 10 years Republicans have been in Congress, and see that we have increased spending for Title I for disadvantaged children by some 96 percent. And the funding increases in just the first 2 years of President Bush's term in office far outstrip the 8 years of the previous administration. Title I increases are continuing. That is our commitment to helping the disadvantaged students in our society get the kind of education they all deserve.

Then we have special education. When Republicans took control of Congress in 1994, we were spending $2.3 billion a year to help special ed students around the country. This is 20 years after a Supreme Court case and Congress passing the Individuals with Disabilities in Education Act but never really funding it. Over the last 10 years, we have increased funding from $2.3 billion to this year $11.1 billion. That is a 378 percent increase in help for those students with special needs.

I believe that the money we are spending to help our special-needs students and our disadvantaged students is money well spent because if we really truly believe no child should be left behind, the Federal Government has to do its share.

I am here to say that I believe the Federal Government is doing its share. We have had our increases over the last 4 years, we have kept our commitments to our Nation's students. I would ask all of my colleagues today to stand up and support these numbers and support our bill.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would simply like to say that I react to the gentleman's numbers with a touch of humor because the argument he makes is similar to the child who kills his parents and then throws himself on the mercy of the court because he is an orphan. The fact is if you look at the historical record over the last 10 years, if the House Republican majority had had its way, we would have appropriated about $20 billion less for education over the last 10 years than the Congress wound up appropriating. The House Republicans had to be led kicking and screaming into supporting the increases which he now tries to claim credit for.

I would point out this is the same Republican majority which tried 10 years ago to abolish the Department of Education and tried to make savage cuts in education 3 years in a row before they finally got religion.

I would also point out that in President Bush's first year, it was the Democrats who led the effort to add $4 billion to the President's education budget, and I am happy to say we finally persuaded the Republican majority to agree with our request.

If the House Republicans had had their way, $3.4 billion less would have been spent on education of the poorest children in America than was actually appropriated, and 1 million low-income children would have been eliminated from the Title I program; $3.1 billion less would have been spent on the education of children with disabilities than was actually appropriated if the House Republican majority had its way; $524 million less would have been spent on safe and nurturing places for children in the after-school hours than was actually appropriated if the House Republican majority had its way; and the maximum Pell grant would have been smaller in 5 of the last 10 years than the level actually approved, again if the House Republican majority had its way.

So I guess I am willing to accept the fact that the Republicans now want to borrow the money that we succeeded in putting into the education budget and borrow it so they can make on their own competing claims the education budget. I do not much care as long as we've got the money.

With that, Mr. Chairman, I urge Members to find every opportunity possible to support more resources in this bill for education, health care, and worker protection.

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Chairman, I thank the distinguished ranking member for yielding me this time.

I start by reiterating the observation that the ranking member, the gentleman from Wisconsin (Mr. OBEY), has made. It is very nice to get up and say with a chart, this is what we have spent. Those figures are undoubtedly accurate. What is not accurate, as the gentleman from Wisconsin (Mr. OBEY) so correctly pointed out, was that those were not the figures that the Republican House budget proposed in years past. In point of fact, when they talk about the 10-year period of time, the fight almost every year between the Clinton administration and the Republican House and sometimes Senate was that we had not put in sufficient funds to meet our obligations as it relates to education, Title I and other educational objectives. Invariably, the President got his way. So, yes, the figures are higher, but they are not higher because the Republican Committee on the Budget proposed them as such.

Mr. Chairman, this bill, in my opinion, fails to meet the crucial priorities that the citizens of this great Nation expect and deserve in education, in health care, in medical research, and in many other areas, including the promotion of the quality and safety of work in America.

But as I have said before, this is not the fault, and I reiterate, not the fault of the subcommittee chairman, the gentleman from Ohio (Mr. REGULA). The gentleman from Ohio (Mr. REGULA) neither sits on the Budget Committee, nor, in my opinion, was he very enthusiastic about the Committee on the Budget's product. And it is certainly not the fault of the gentleman from Florida (Mr. YOUNG). As a matter of fact, earlier this year the gentleman from Florida (Mr. YOUNG) made the correct observation that the budget was not real, and the numbers projected in the budget were insufficient to meet the obligations of the Committee on Appropriations to provide for the needs of the American people. That was the chairman of our committee speaking.

Instead, this bill's deficiencies have been caused by the Republican majority's irresponsible and unrealistic budget resolution for fiscal year 2005. This is not an unusual budget resolution. It is a political document, not a fiscal document. It was made for the purposes of making political points, not for investing in our people. It abandons fiscal discipline and makes crucial investments in the American people virtually impossible.

One would think that, because the Republicans have been in charge and they have proposed not spending appropriate funds even though they say they are going to, that we would have saved a lot of dollars. But in point of fact, as the whole country knows, we have been going deeply into debt over the last 40 months. In fact, the President's acceptance speech in New York says he wants fiscal restraint, but he has led this country, along with the Republican majority in this House and this Senate, from a $5.6 trillion surplus to a $3 trillion to $4 trillion deficit in 40 months. That is almost a $10 trillion turnaround from fiscal responsibility to fiscal irresponsibility in less than 4 years.

Despite the rhetoric coming from the other side of the aisle, the inescapable fact is that this bill underfunds the bipartisan No Child Left Behind Act by at least $9.5 billion this year. That is in the authorization bill, they imposed a mandate on the States. I supported that bill. We want accountability, we want performance, we want quality education for every one of our children. We said we are going to require you to do certain things, States, but we are going to give you resources to help you accomplish those objectives. We are $9.5 billion short in that promise, and $25 billion short over the last 3 years, short from what the President, in signing the authorization bill, said we were going to do.

Unfortunately, we are falling behind in other areas as well. At a time when this Congress and this administration proudly tout the doubling of National Institutes of Health just a few years ago, NIH today only gets the President's request level. This represents the smallest increase in NIH funding in 19 years. As all of our citizens know, NIH is charged with the responsibility of finding a cure for cancer, making heart disease less fatal, finding a cure for diabetes, seeing if we can find how to prevent Alzheimer's disease, and responding to the AIDS crisis in this country and around the world.

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We are short-funding those critical efforts that afflict and threaten our people. Moreover, it is simply not enough to keep up with the medical inflation and will force NIH to lose momentum on the scientific progress they gained from the doubling that Republicans and Democrats all so proudly talked about.

In addition, Head Start, a program that Ronald Reagan said was a success, George Bush I said it was a success, and Bill Clinton clearly said it was a success, is cut by $45 million below the President's request. Thousands of children will have no seat in Head Start, notwithstanding the fact that we think it works. Ryan White HIV/AIDS programs are largely frozen. The maximum Pell grant is frozen. And the Department of Labor is slated for an overall cut of $98 million.

My friends, this bill is insufficient. It may well be better than a continuing resolution, but it is insufficient to meet our obligations and responsibilities. How sad it is that we pass the people's bill with insufficient resources to meet the people's needs.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time. One comment I would like to make, we are talking about a lot of programs here and an effort to improve education, but the bottom line is that the real work is done in the classroom. I just want to pay tribute to the teachers of America. I think we are so fortunate to have the dedicated people that are in the classroom. I have met many of them, as have you. As I said earlier, when I ask at a meeting, how many of you had a teacher that impacted your life, every hand in the room goes up.

So what our job is, with programs, provide support for those people that are out there and are dedicating their efforts and their lives to young people of this Nation, and we should say a big thank you to all of them.

Mrs. CHRISTENSEN. Mr. Chairman, I join my colleagues today in opposition to H.R. 5006, the LHHS appropriation bill. We know that Congress has many priorities to consider during this fiscal year. And we implore Congress to make eliminating health and healthcare disparities top priorities. This HHS bill, unfortunately, does not contain such investment in the health and welfare of Americans nor does it demonstrate unwavering commitment to well-being of our citizens, including those most in need. With this bill, it is clear that the Republicans do not see America's greatest asset is its people, and refuse to invest in making its people as strong and healthy as possible.

Let me say at the outset, Mr. Chairman, that this great country of ours ranks at the bottom of all of the industrialized countries of the world with regard to the quality of our health care system, we are not where we should be given our resources in infant mortality, HIV/AIDS, immunization, substance abuse and many of the major diseases. In most cases the reason is because more than one third of our population remains outside of the healthcare mainstream.

Today almost 45 million Americans are uninsured, of which 50 percent are minorities: 18 percent of the total elderly population has no coverage at all; 1 out of 6 Americans does not have health insurance; more than 100,000 people lose their health insurance every day; and an astounding 23 percent of African Americans have no insurance at all.

Our health care system in this country is currently in peril. It is falling short on promise and contributing to the disabling illness and premature death of the people it is supposed to serve. The picture is the worst for African Americans who for almost every illness are impacted most severely and disproportionately—in some cases more than all other minorities combined. Every day in this country there are at least 200 African American deaths, which could have been prevented. Today we know that must of it happens because even when we have access to care, the medical evaluations and treatments that are made available to everyone else are denied to us—not only in the private sector but in the public system as well.

What I am here to try to do today is to leave you with one indelible message: that there are gross inequities in healthcare which cause hundreds of preventable deaths in the African American community every day and which tear at families, drain the lifeblood of our communities, and breed an escalating and reverberating cycle of despair which this subcommittee has the power to end this today if it has the will to do so.

The choice if it can be considered that, is either to write off human beings—our brothers and sisters—who make up this segment of our population, or to make the requisite investment in fixing an inadequate, discriminating, dysfunctional health care system.

The current strongly held-to "cost-containment" paradigm, while it sounds good on the surface, has obviously not worked. We now have double digit increases in premiums in an industry that was to rein in its costs. What it did instead was create a multi-tiered system of care, both within managed care and without. Those at the lowest rungs of the system got sicker, the sicker, i.e. more costly, were and still are being dropped, and those who were the sickest were and remain locked out entirely. So not only are health care costs continuing to escalate, the overall health picture in this country is worse than ever.

What we now have is a system, which continues the failed paradigm in which African Americans and other people of color who because they have long been denied access to quality health care, now experience the very worst health status. Not doing what is needed to change this is to threaten the health of not just African Americans and other people of color but every other person in this country, especially at a time when we live under the cloud of possible bioterrorism.

Controlling the cost of health care, which can only be done in the long term, will never be achieved without a major investment in prevention, and leveling the health care playing field for all Americans through fully funding a health care system that provides equal access to quality, comprehensive health care to everyone legally in this country, regardless of color, ethnicity or language.

The funding requests I am outlining today are the bare minimum to ensure that our children have the opportunity for good health, that there are health care professionals who can bridge the race, ethnicity and language gaps to bring wellness within reach of our now sick and dying communities, that states and communities will receive the help to fill the gaps and repair the deficiencies of access and services, and which will enable the affected communities themselves to take ownership of the problems as well as the solutions to their increasing healthcare crisis—a crisis that threatens the health and security of all Americans. Yet this bill fails to even meet this baseline obligation.

If we have learned nothing in the last 10 years, we should have learned that cost containment strategies in our unequal system of care can never bring down healthcare costs. We can only ensure that quality health care will be within the reach of future generations if we make a major investment in prevention and increasing access to care now.

On March 20, 2002, the Institute of Medicine (IOM) released a landmark report entitled: Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care which was requested by Congressman JACKSON. Among other key findings, the report documented that minorities in the United States receive fewer life-prolonging cardiac medications and surgeries, are less likely to receive dialysis and kidney transplants, and are less likely to receive adequate treatment for pain. Its first and most telling finding states that "racial and ethnic disparities in healthcare exist and, because they are associated with worse outcomes in many cases, are unacceptable."

And so I urge the committee to give serious and favorable consideration to our funding requests. Because of time limitations, let me focus on just a few areas contained in the request:

Sixty-six million dollars for the Office of Minority Health, OS, DHHS.

As the Department of Health and Human Services' (DHHS) lead office for improving the health status of racial and ethnic minorities, the Office of Minority Health (OMH) conducts and supports health promotion and disease prevention programs and activities designed to help reduce the high rates of death and disease in communities of color. OMH also serves as one of the focal points for the Department's initiative to eliminate health disparities. By increasing funding to $20.9 million, this office will be able to expand OMH's elimination of health programs in prevention, research, education and outreach, capacity building, and the development of community infrastructure. The increased funding is also needed to fund the State Partnership Initiative Grant Program; Cultural and Linguistic Best Practices Studies; State Health Data Management; Community Programs to Improve Minority Health Grants; Center for Linguistic and Cultural Competence in Health Care; Eliminating Obstacles to Participating in Government Programs; Technical Assistance to Community Health Program; and Community-Based Organization Partnership Prevention Centers.

Two hundred twenty-five million dollars for the National Center for Minority Health and Health Disparities (NCMHD), NIH.

Funding is needed to develop and implement programs necessary to further address minority health and health disparities and to help improve the infrastructure associated with this research and outreach. In addition, the loan repayment payment must be expanded to include master degree graduates from schools of public health and public health programs to ensure that efforts to build and disseminate research-based health information are intensified. As required, the Center is currently developing a strategic plan to guide the Center's efforts. To be effective, the plan must include and reflect the direct input of the NIH institutes and centers; consumer advocacy groups; the public; researchers; professional and scientific organizations; behavioral and public health organizations; health care providers; academic institutions; and industry. The resulting plan is needed to serve as a fundamental blueprint for the Center's activities, as well as a vehicle for helping to ensure a coordinated and effective response to minority health and health disparities.

One hundred twenty million dollars for the Racial and Ethnic Approaches to Community Health (REACH), National Center for Chronic Disease Prevention and Health Promotion, CDC.

The REACH program is a cornerstone CDC initiative aimed at helping to eliminate disparities in health status experienced by ethnic minority populations in cardiovascular disease, immunizations, breast and cervical cancer screening and management, diabetes, HIV/AIDS and infant mortality. The increase is needed to fund additional Phase I planning grants, Phase II implementation and evaluation grants, expand and enhance technical assistance and training, and apply lessons learned. REACH received 211 applications in its first year, but it only had enough funding to make 31 awards, leaving a very large number of meritorious projects unfunded. REACH must have the resources necessary to capitalize on the strengths that national/multi-geographical minority organizations can provide the initiative.

Three hundred million dollars for the Agency for Healthcare Research and Quality (AHRQ).

At a hearing before the Criminal Justice Subcommittee of the Government Reform Committee on May 21, 2002, AHRQ Acting Director Dr. Carolyn Clancy described the initiatives undertaken by her agency to attack health disparities. One of the most important of these is the EXCEED program, which funds Centers of Excellence to eliminate health disparities in nine cities throughout the country. These include efforts to address diabetes care for Native Americans, health disparities in cancer among rural African American adults, and premature birth in ethnically diverse communities in Harlem, New York. According to Dr. Clancy, "EXCEED encouraged the formation of new research relationships as well as building on existing partnerships between researchers, professional organizations, and community-based organizations instrumental in helping to influence change in local communities."

The EXCEED program exemplifies the type of initiative recommended by the IOM report, which urged "further research to identify sources of racial and ethnic disparities and assess promising intervention strategies" (Recommendation 8–1). Yet the Administration's 2003 budget would curtail these efforts. In the budget, total AHRQ funding falls from $300 million in 2002 to $251 million in 2003. About $192 million of the AHRQ budget is protected from the cutbacks, meaning that $49 million must be trimmed from the remaining $108 million of spending, a 46 percent cut. The EXCEED program and other research grants to study and reduce health disparities fall into this vulnerable $108 million.

Increase of $14 million for the U.S. DHHS Office of Civil Rights (OCR) and a reworking of authorization language to tie it to disparity work U.S. DHHS Office of Civil Rights to enforce civil rights laws.

Enforcement of regulation and statute is a basic component of a comprehensive strategy to address racial and ethnic disparities in healthcare, but it has been relegated to low-priority status. The U.S. DHHS Office of Civil Rights (OCR) is charged with enforcing several relevant federal statutes and regulations that prohibit discrimination in healthcare (principally Title VI of the 1964 Civil Rights Act), but the agency suffers from insufficient resources to investigate complaints of possible violations, and has long abandoned proactive, investigative strategies.

Despite an increasing number of complaints in recent years, funding for OCR remained constant in actual dollars from fiscal year 1981 to fiscal year 2003, resulting in a 60 percent decline in funding after adjusting for inflation. The decrease has severely and negatively affected OCR's ability to conduct civil rights enforcement strategies, such as on-site complaint investigations, compliance reviews, and local community outreach and education. Providing a substantial increasing in funding for the Office of Civil Rights is necessary for OCR to resume the practice of periodic, proactive investigation, both to collect data on the extent of civil rights violations and to provide a deterrent to would-be lawbreakers.

Increased funding for Initiatives for Health Professions Training: (1) $40 million for the Health Careers Opportunity Program ($5.2 million increase); (2) $40 million Minority Centers of Excellence ($7.4 million increase); (3) $52 million for Scholarships for Disadvantaged Students ($5.8 million increase); and (4) $3 million for Faculty Loan Repayment and Faculty Fellowships ($1.67 million increase).

Diversity in the health professions offers numerous benefits, including "increasing the proportion of under represented U.S. racial and ethnic minorities among health professionals". (IOM Report). Such efforts were supported by HHS in the past, but now are threatened with extinction.

The spring 1999 issue of the HHS Office of Minority Health's newsletter Closing the Gaps focused on the theme of "Putting the Right People in the Right Places." The newsletter highlighted the startling under representation of ethnic and minority groups within the health professions and stressed the important role of three programs: (1) the Health Careers Opportunity Program, which trains more than 6,000 high school and undergraduate students each year and is associated with acceptance rates to health professional schools that are 20 percent higher than the national average; (2) the Minority Faculty Fellowships Program, which addresses the problem that "just four percent of faculty at U.S. health profession schools are minorities"; and (3) the Centers of Excellence Program, which works with Historically Black Colleges and Universities and Hispanic Serving Health Professions Schools to "recruit and retrain minority faculty and students, carry out research specific to racial and ethnic minorities, provide culturally appropriate clinical education, and develop curricula and information resources that respond to the needs of minorities."

Unfortunately, the very same programs highlighted by HHS in 1999 as successful have disappeared from the President's 2004 budget. In fact, all of these programs received zero funding or are scheduled for elimination.

To insure that no one is denied necessary health care because of race, ethnicity or language, they must have the tools to do their job. Bringing equity into our healthcare system demands a funding increase for this office.

Fifty million dollars for Territorial Hospitals and Health Departments.

Mr. Chairman, years of Medicaid caps have and continue to create a crisis in the healthcare systems in the offshore territories. To address and resolve this, last year I requested that the sum of $50 million be made available to the secretary for territorial hospitals and health departments to close some of their critical health care gaps and repair infrastructure deficiencies. I repeat this request again for this year's appropriation.

Because of the Medicaid cap, and a match that is not indexed for average income level, both which are Congressionally set, we are unable to cover individuals at 100 percent of poverty—for the Virgin Islands it is closer to 30 percent below that income level. Under the cap, spending per recipient is at best one-fifth of the national average.

Our hospitals are struggling, because the cap prevents them from collecting full payments for the services they provide, and they are also unable to collect Disproportionate Share payments, despite the fact that about 60 percent of their inpatients are below the poverty level. About one-third of these qualify for Medicaid, which as I indicated before, never fully reimburses them. The rest of their patients have no coverage whatsoever.

Long-term care is limited, and thus unavailable to persons and their families who need it, not because the rooms are not there, but because we do not have enough Medicaid dollars to pay for them, even though the federal funds are matched 2 to 1 by local dollars—far above our requirement. While many states are covering women and their minor children well above the 100 percent of poverty, we cannot even come close.

Along with my fellow representatives from Guam, American Samoa and Puerto Rico, I have introduced bills to both remove the Medicaid Cap as well as, for the first time, provide for the creation of a Disproportionate Share payment to our hospitals.

Our final request, Mr. Chairman, once again deals with the Minority HIV/AIDS Initiative. We are here today once again to request funding for the full amount of our request for the MAHI in the amount of $610 million. While our review of the current programs demonstrates the need for increased funding, in light of our other requests which all have the potential to impact this epidemic to some degree, and the budgetary constraints of our government we are requesting a need-based increase over our 2002 request of $70 million. We strongly believe that the $610 million request is absolutely necessary if we are to have any success whatsoever in stemming the tide of this epidemic which continues to ravage our communities.

Once again, the purpose of the special and targeted funding is to provide technical assistance and to increase the capacity of our own communities to administer programs aimed at prevention and treatment, and to bolster or build the infrastructure needed to make all life saving measures accessible.

The Minority HIV/AIDS request is not meant to be the total funding for communities of color but should be utilized in such a way to better enable our communities, that are hard to reach and out of the mainstream, to access the $8 billion plus that is available for HIV and AIDS.

It is also important to point out that as serious an issue as it is, HIV and AIDS is just one symptom of all that is wrong in our communities, many of which come under the purview of this subcommittee. This funding will not only be successful in the fight against long term HIV and AIDS but also in all other areas, if in the long term the underpinnings of our communities are also strengthened.

There is a critical part of the Minority HIV/AIDS initiative request, which does not involve money. It is one of language.

Mr. Chairman, the intent of the MAHI is to ensure that its funds, which are only a small part of overall HIV/AIDS funding, are used to build capacity within African American and other communities of color which are the ones now being disproportionately impacted. The current of the language initiative has not maintained that focus. We are therefore requesting that the original FY 1999 language be restored or be mirrored, in your 2005 bill, with the following change which I believe meets the concerns of the Department with regard to discrimination, while empowering our communities which is the only way we can effectively control this and the other diseases which create the disparities.

The cost in dollars today will be significant, but the cost in lives and to our economy in the future are risks that we must not take.

There is no question that health disparities are deeply rooted in our medical system and in our culture. Eliminating them is going to take a lot more than one leadership summit or one media campaign. It will take a long-term commitment. It will take a long-term investment.

Dr. Martin Luther King, Jr. once said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." We have a moral obligation to end injustice in health care and health disparities among Americans. I urge my colleagues to support this request.

On behalf of the Congressional Black Caucus, I urge a "no" vote on the rule and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, a number of my colleagues have stood up today to speak out against various parts of the Labor, Health and Human Services and Education appropriations bill. I recognize that through our positions as legislators, we have the ability to create programs and new initiatives that can benefit our constituents and our country. It is within the scope of our job to debate which programs deserve particular funding. Appropriations bills are Congress' vehicle of funding the public, not for creating limitations and barriers for their basic rights afforded by the constitution.

Within this appropriation bill is a provision that effectively prohibits a federal agency or program, or State or local government, from enforcing any abortion-related laws or regulations as they apply to health care entities. "Healthcare entity" is defined to include individual physicians or other health care professionals, hospitals, provider-sponsored organizations, HMOs, insurance plans, or "any kind of health care facility, organization, or plan." This "refusal clause" permits a broad range of individuals and institutions—including hospitals, hospital employees, health care providers, employers, and insurers—to refuse to provide, pay, counsel or even issue referrals for medical treatment based on their moral or religious views.

Refusal clauses affect a broad range of reproductive services, including: information and referrals for family planning, genetic counseling, infertility treatment, rape treatment, sterilization, STD and HIV testing and treatment and abortion.

Doctors and health care providers have a duty to ensure that women receive accurate information and appropriate care. Failure to provide this care—even for religious, political or ideological reasons—jeopardizes women's health and violates bedrock principles of medical ethics.

OBEY OVERTIME AMENDMENT

I would like to join many of my Democratic colleagues in supporting Mr. OBEY's amendment to restore overtime protection to the millions of workers who will otherwise lose it if the Bush administration regulation that went into effect on August 23 is allowed to remain in effect.

Workers who are likely to see their pay cut include 2.3 million "team" leaders; almost 2 million low-level supervisors; hundreds of thousands of loan officers and other financial service employees; more than 1 million employees who lack college or graduate degrees or who may not be considered "artistic" professionals; 90,000 computer employees, funeral directors and embalmers; and more than 30,000 nursery school and Head Start teachers across the country.

Those families that lose overtime protection will find they will have to work longer hours for significantly less money. Overtime accounted for approximately a quarter of the income, more than $8,000 a year, for families who earned overtime in 2000. As the pool of workers who are exempt from overtime is expanded, those workers who are not directly affected by the regulation will lose income as their opportunity to be able to work overtime is diminished.

The Bush administration has justified the regulation on the basis of a proposed clarification of the rules and limitation on litigation; however, virtually every observer of the regulation has acknowledged that the regulations will incorporate vague new terms, that provisions of the regulation are confusing and conflicting, and that the regulation will engender substantial litigation for years to come.

I will offer two amendments to this legislation that would address the horrific effects of hepatitis C and lupus—the silent killer.

The purpose of the Jackson-Lee amendment relating to hepatitis C is to increase the research activities at the Centers for Disease Control for patients who are particularly at risk for the disease or resistant to conventional treatments—African-Americans, children and adolescents, renal dialysis patients, HIV/HCV positive patients, and patients with hemophilia. Because hepatitis C is a communicable disease, I believe this is an important step in getting this public health issue under control.

Back in June of this year, I joined the "Hepatitis C Movement for Awareness" to call for a more aggressive, and better informed, national approach to the hepatitis C epidemic in the United States. Hepatitis C infects 300 million people worldwide, including over 5.8 million Americans. Only 20 percent of those infected know they are infected, and scientists are still unsure how the virus is spread, or who is most likely to be infected. This deadly epidemic cannot be ignored any longer. We need action. I commend the Hepatitis C Movement for Awareness for its tenacity and energy in galvanizing in Washington to make its case for change.

The second of my amendments relates to addressing the silent killer, lupus. The purpose of this amendment is twofold. First the amendment transfers $1,500,000 to the account of NIH's National Center on Minority Health to increase educational programs on Lupus for health care providers and for the general public. I believe that this will help to facilitate the diagnosis of lupus today—particularly among susceptible populations. Second, I am proposing to transfer $2,500,000 to the Centers for Disease Control to expand the operation of the National Lupus Patient Registry. There are presently four pilot registry programs operating in Michigan and in Georgia. These pilot programs have been a good start, but additional data is needed to distinguish between environmental and other factors that cause Lupus.

Mr. Chairman, I urge my colleagues to support the two Jackson-Lee amendments. I hope that the deficiencies that relate to the treatment of hepatitis C and lupus can be addressed in conference.

Mrs. CHRISTENSEN. Mr. Chairman, I rise to urge my colleague to oppose the previous question on H.R. 5006, the FY 2005 Labor-HHS-Education Appropriations bill in order that we could get an opportunity to debate an amendment by Ranking Member OBEY which the majority on the Rules Committee refused to make in order. The Obey amendment would add $7.4 billion to the GOP bill, paid for by reducing the average tax cut for millionaires in FY 2005 from $127,000 to $89,000.

As a physician and the chair of the Congressional Black Caucus' Health Braintrust, I am particularly supportive of the amendment's proposed to add additional funds for health care. The amendment would increase health care and funding by $1.1 billion, including providing $500 million for critical investments in medical research at NIH; providing $333 million for maintaining access to health care, including restoring the Community Acess Program for the Uninsured, eliminated by the Republican bill, increasing funding for rural health, and increasing funding for the Maternal and Child Health Block Grant and Healthy Start; and providing $100 million for childhood immunization and infectious disease programs.

Conversely, the majority bill shortchanges health care programs in some critical ways. It cuts rural health care activities by 21 percent from FY 2004. It cuts helath care professions trading by 8 percent. It cuts public and preventative health activities by 18 percent. And it only provides a piddling 4.6 percent increase in HIV/AIDS programs for the second year in a row.

My colleagues the majority bill clearly demonstrates that their rhetoric about supporting the middle class and families are not reflected in the legislation they propose. Democrats on the other hand have consistently fought on behalf of programs that would strengthen the middle class and families.

I urge my colleagues to defeat the previous question and support the Obey substitute.

Mr. WELDON of Florida. Mr. Chairman, I rise to support this legislation.

Mr. Chairman, an important and necessary provision is included in the bill that is intended to protect health care entities from discrimination because they choose not to provide abortion services.

The amendment, adopted during full committee consideration, is intended to protect the decisions of physicians, nurses, clinics, hospitals, medical centers, and even health insurance providers from being forced by the government to provide, refer or pay for abortions.

This is reasonable federal policy and one that was overwhelmingly approved by this very body by a vote of 229–189.

The policy simply states that health care entities should not be forced to provide elective abortion—a practice to which a majority of health care providers object and which they will not perform as a matter of conscience.

But while 45 States and the Federal Government protect the right of health care provider to decline involvement in abortion, abortion advocates are working to abolish these legal protections.

Abortion advocates have launched a campaign to force hospitals and other health care entities to provide, refer, and pay for abortions.

They argue that the term "health care entity" only covers individuals and not institutions. They have also argued that because an entity receives Federal funds they are required to provide abortions. By twisting the law they have successfully used the courts and State and local governments to violate the objections to abortions of health care entities and providers.

This is why we need to strengthen Federal protections against discrimination based on objections to abortion.

The right of conscience is fundamental to our American freedoms. We should guarantee this freedom by protecting all health care providers from being required to perform, refer, or pay for elective abortions.

I urge my colleagues to support the language in the bill and support its passage.

Mr. GOODLATTE. Mr. Chairman, I rise today to show my support for the Community Services Block Grant, CSBG. CSBG funds the anti-poverty community action agencies and family self-sufficiency efforts of a nationwide network of 1,100 community agencies. These organizations create, coordinate, and deliver comprehensive programs and services to as many as 27 percent of all people living in poverty in the United States.

Total Action Against Poverty is a community action agency whose service area includes Virginia's Sixth Congressional District, which I represent. This agency offers more than 31 programs in housing, education, employment, training, rehabilitation, community development, neighborhood organization, child care, and family development.

The Community Services Block Grant provides flexible funding that enables community action agencies to pursue comprehensive, innovative approaches to help low-income Americans achieve self-sufficiency.

The demand for community action agencies' services among impoverished individuals and families has not abated and, in fact, continues to grow.

Demand for core emergency CAA services, including food banks, clothing, emergency shelter, and utility assistance, continues to increase dramatically.

One of Total Action Against Poverty's programs offers a diverse array of education and training programs for low-income, unemployed, and underemployed adults residing in the Roanoke Valley Alleghany Regional Planning District. The centerpiece of this initiative is the Center for Employment Training, CET, which provides individualized training tailored to enhance competitiveness in the local workforce. Local businesses help develop training and curricula, and facilitate the hiring of CET graduates.

I support the work and the difference that this agency, one of many like it across the U.S., is doing to make a difference in my district. I encourage my colleagues to support the Community Service Block Grant in the Labor–HHS bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act, $2,649,728,000 plus reimbursements; of which $1,642,442,000 is available for obligation for the period July 1, 2005, through June 30, 2006, except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2004, until expended; of which $1,000,965,000 is available for obligation for the period April 1, 2005, through June 30, 2006, to carry out chapter 4 of such Act; and of which $6,321,000 is available for the period July 1, 2005, through June 30, 2008, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act, $301,227,000 shall be for activities described in section 132(a)(2)(A) of such Act, and $1,178,192,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That $8,000,000 shall be for carrying out section 172 of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, $76,874,000 shall be for carrying out section 167 of such Act, including $71,787,000 for formula grants, $4,583,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $504,000 for other discretionary purposes: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2005, through June 30, 2006, and of which $100,000,000 is available for the period October 1, 2005, through June 30, 2008, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the unobligated funds contained in the H–1 B Nonimmigrant Petitioner Account that are available to the Secretary of Labor pursuant to section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), $100,000,000 are rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151 (b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $1,057,300,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $141,934,000, together with not to exceed $3,440,914,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2005, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2007; of which $141,934,000, together with not to exceed $672,700,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2005, through June 30, 2006, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the

Average Weekly Insured Unemployment (AWIU) for fiscal year 2005 is projected by the Department of Labor to exceed 3,327,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

Advances to the Unemployment Trust Fund and Other Funds

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2006, $517,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2005, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

Program Administration

For expenses of administering employment and training programs, $111,375,000, together with not to exceed $57,479,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

Employee Benefits Security Administration

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $132,345,000.

Pension Benefit Guaranty Corporation

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2005, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2005 shall be available for obligations for administrative expenses in excess of $266,330,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

Employment Standards Administration

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $400,797,000, together with $2,021,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

Special Benefits

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $233,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2004, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2005: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $39,668,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $12,351,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $14,221,000;

(3) for periodic roll management and medical review, $13,096,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

Special Benefits for Disabled Coal Miners

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, (the "Act"), $276,000,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2006, $81,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $40,821,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2005 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

Black Lung Disability Trust Fund

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2005 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2005 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,646,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $23,705,000 for transfer to Departmental Management, "Salaries and Expenses"; $342,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $461,599,000, including not to exceed $91,747,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2005, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Johnson of Connecticut:

AMENDMENT TO LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS BILL, 2005, AS REPORTED

OFFERED BY MRS. JOHNSON OF CONNECTICUT

In title I, in the item relating to OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION, after the aggregate dollar amount insert the following: "(reduced by $25,000,000)".

In title II, in the item relating to OFFICE OF THE SECRETARY, after the aggregate dollar amount insert the following: "(increased by $25,000,000)".

In title II, in the item relating to OFFICE OF THE SECRETARY, after the fourth dollar amount, insert the following: "(increased by $25,000,000)".

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of my amendment to accelerate the adoption of health information technology and to improve health care quality for all Americans, significantly reduce preventable medical errors, and rein in rising health care costs. My amendment would add $25 million to the Department of Health and Human Services to advance health information technology. This meets the Secretary's budget request to fund State, regional or local grants to develop health systems that coordinate with each other. This funding will also help unleash our creativity through grants to foster innovative information technologies that improve health care.

Mr. Chairman, this President and this Secretary of Health and Human Services, Tommy Thompson, have provided remarkable, aggressive, and visionary leadership to bring America's health care system into the 21st century, to improve the quality of care available to all Americans, and to dramatically reduce administrative costs, medical errors, duplicate testing, duplicate record keeping, and address all those aspects of our health care system that have already been identified by the Institute of Medicine as being the source of poor-quality care and an enormous health care cost.

At this moment, with health care costs rising at an extraordinary rate, pressing premiums up for everyone, including our seniors under part B, we must push forward to develop interoperable electronic health records, e-prescribing and all those other applications of modern information technology to our health sector. It is indeed bizarre that other sectors of the economy, manufacturing, banking, many other sectors, are far ahead of the health care sector in integrating, absorbing, using and exploiting information technology to both improve the quality of operations in those sectors and the quality of the product as an outcome. Information technology will dramatically improve the quality of health care available to all Americans and holds out the promise of reducing costs tremendously.

For example, health information technology will reduce medical errors which account for 44,000 to 98,000 deaths annually, more than motor vehicle accidents, breast cancer, or AIDS. It will reduce known medical errors that cost $30 billion to $35 billion annually. Health IT will save $5.4 billion a year annually that is spent on unnecessary services because tests or second opinions cannot be located. It will also eliminate costly defensive medical practices which account for as much as $108 billion in unnecessary health care costs each year. Health IT will allow physicians to detect negative drug interactions which result in 7,000 deaths each year.

My friends in this body, we must do everything we possibly can to back Secretary Thompson and this President in moving health information technology into our health care sector as rapidly as possible. These innovative grants, the work that they are doing to establish standards, the pressure they are putting on the private sector to develop interoperable technologies is all exactly what needs to happen; and it is my hope that we will be able to accomplish the goal of this amendment, to provide the full $50 million that the new office, of which Dr. Brailer is now the head as the national coordinator of information technology, that their full budget allocation request can be fulfilled.

I have talked with the gentleman from Ohio (Mr. REGULA) about this. Rather than pursuing this amendment further, I am going to withdraw it. But I did want to stress how important it is that we back this office with its full dollar amount. I hope that in the course of the development of this bill, that that goal will be fulfilled.

Mr. REGULA. Mr. Chairman, I move to strike the last word. I commend the gentlewoman for what she is trying to do here. My concern is that if we diminish OSHA's impact, we will have more people going into the hospital. Part of the objective of OSHA is to have safety in the workplace and get fewer people in. I think her desire to improve the quality programs that are embodied in the amendment here, we will be sensitive to this in conference. We have no idea what the other body's bill is going to look like and where the emphasis is going to be. I appreciate the fact that the gentlewoman will withdraw her amendment, but we will keep this very much in mind.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. I thank the chairman very much for his comments.

Mr. Chairman, I also want to say both to the gentleman from Ohio (Mr. REGULA) and also to the gentleman from Wisconsin (Mr. OBEY) that you have brought forward for this body a very fine, balanced bill in a difficult era. The money that you have put into critical health care activities that the Federal Government funds, like the children's hospitals and also into public education as well as job training and a number of other areas is really a tribute to the kind of thoughtful leadership that this body is capable of.

I do withdraw my amendment, recognizing the importance and value of OSHA, and I appreciate your willingness to look at this critical function as you move this bill toward its final conclusion.

Mr. REGULA. I thank the gentlewoman for her contribution.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $275,567,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

Bureau of Labor Statistics

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $455,045,000, together with not to exceed $78,473,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

Office of Disability Employment Policy

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,555,000.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $264,653,000, of which, $7,000,000 to remain available until September 30, 2006, is for Frances Perkins Building Security enhancements, and $30,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software, and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy, together with not to exceed $314,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $194,098,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2005, of which $2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $26,550,000 of which $7,550,000 shall be available for obligation for the period July 1, 2005, through June 30, 2006.

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AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY of Oregon:

In title I, in the item relating to "DEPARTMENTAL MANAGEMENT—VETERANS EMPLOYMENT AND TRAINING", after the aggregate dollar amount, insert the following: "(increased by $5,000,000)".

In title II, in the item relating to "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by $5,000,000)".

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the gentlewoman has a good amendment here. We are prepared to accept this, and I think in light of all the circumstances, the need for veterans' employment and training is growing, and, therefore, I think this is a very positive amendment, and we would be willing to accept it at this point.

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the chairman for accepting the amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we also would be happy to accept it on this side of the aisle. It is a good amendment.

Ms. HOOLEY of Oregon. Mr. Chairman, just very briefly, this is so our Guard and Reserves can go back to the job they left when they went overseas. The men and women of our Armed Forces fought for their country. They should not have to fight for their jobs when they return home, and I thank them for accepting the amendment.

Mr. McGOVERN. Mr. Chairman, I rise in support of the Hooley amendment.

All of us are incredibly grateful to the men and women of our armed forces, including members of the National Guard and Reserves. Thousands of our Guard members and Reserves have been activated, taking them away not only from their families, but from their jobs, as well.

The Hooley amendment provides $5 million to the Department of Labor Veteran's Employment and Training Program, specifically for a nationwide campaign to educate America's employers about the Uniformed Services Employment and Reemployment Rights Act (USERRA).

USERRA spells out the responsibilities of employers of members of the National Guard and Reserve, and it explains the employment rights of those members. However, many employees and employers do not know about USERRA.

Mr. Chairman, the U.S. Chamber of Commerce has estimated that 70 percent of military reservists called to active-duty work in small or medium-size companies.

In response, I introduced H.R. 4477 with the bipartisan support of U.S. Representative JEB BRADLEY. H.R. 4477 is a simple, straightforward bill, and it complements the Hooley amendment. My bill seeks to promote understanding between employees and employers when it comes to their rights and obligations under USERRA. H.R. 4477 would require the Department of Labor to produce a poster—similar to the Family and Medical Leave poster—for employers to post at work sites.

Mr. Chairman, many employers across the country either do not know about USERRA, or they are only vaguely aware of it. By not complying with USERRA, employers put themselves at risk of facing Department of Labor investigations. By educating employers and employees before potential violations, we can protect employers from costly litigation, potential fines, and public embarrassment.

Mr. Chairman, H.R. 4477 would not create additional paper work or burden employers with difficult Department of Labor requirements. In fact, H.R. 4477 is an effort to educate employers and keep them from unknowingly breaking existing law.

Mr. Chairman, I commend U.S. Representative HOOLEY for bringing her amendment to the floor today. By educating employers and employees about USERRA, we can assist them in working out any potential conflicts before employees are activated. I urge adoption of the Hooley amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The agreement was agreed to.

The CHAIRMAN. Are there further amendments to this paragraph of the bill?

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $64,029,000, together with not to exceed $5,561,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $10,000,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. Not later than 30 days after the date of enactment of this Act, the Secretry of Labor shall issue a monthly transit subsidy of not less than the amount each of its employees of the National Capital Region is eligible to receive, not to exceed a maximum of $100, as directed by Executive Order 13150.

This title may be cited as the "Department of Labor Appropriations Act, 2005".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711 and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,305,333,000, of which $32,500,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $45,000,000 to remain available until expended is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $278,283,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $803,872,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $119,158,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

AMENDMENT OFFERED BY MR. GREEN OF TEXAS

Mr. GREEN of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Texas:

In title II, in the item relating to "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES", insert after the first undesignated paragraph the following undesignated paragraph:

In addition, for carrying out section 340 of the Public Health Service Act (relating to the healthy communities access program), $104,000,000.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

Mr. GREEN of Texas. Mr. Chairman, I have an amendment that would restore the much-needed funding for the Community Access Program, and, believe me, I appreciate what the chairman and the ranking member on the subcommittee and the full committee did with the resources that we have. I know there are more demand resources, but to actually zero out the Community Access Program I think is something that this House and this Congress should not do.

With more than 44 million Americans currently living without health insurance, there is no doubt that too many Americans are going without necessary preventative health care. This lack of access to care comes at an extremely high cost both in human and budgetary terms. Nearly 40 percent of uninsured adults skip a recommended medical test or treatment. And 20 percent indicate that they have needed but have not received care for a serious health problem in the past year.

Without access to primary health care, the uninsured end up in our emergency rooms where treatment is extremely expensive and taxpayers are footing the bill; either that or the shareholders in our for-profit corporations.

This is where the Community Access Program, or the CAP program, comes in. This successful program was created 4 years ago to help local agencies coordinate preventative and primary health care for uninsured individuals in their communities. CAP allows coordinating efforts between the for-profit hospitals, the nonprofit, and the public health providers and literally everyone in the community to serve the people more efficiently. The program facilitates a community-based approach to preventative health care and allows the community to tailor its program specifically to the needs of its uninsured population.

The CAP program has been instrumental in providing health care to the uninsured in my hometown in Houston. Gateway to Care, the community access collaborative in Harris County, Texas, has used CAP funding to expand primary health care services by steering uninsured individuals to the county's existing services, which the uninsured rarely take advantage of. From CAP funds, Gateway has developed a nurse triage service that individuals can utilize 24 hours a day, 7 days a week. So instead of someone showing up in the emergency room, they actually have a phone number to call, and maybe it is just a sinus infection and they can direct them to the closest clinic in their area instead of showing up at whether it is our for-profit or our public hospitals or our nonprofits. Instead of calling 911 and having an ambulance come to get them, these individuals can speak with a qualified nurse who can help them determine the type of care they require.

Gateway has utilized this funding to increase the enrollment in the State's CHIP program and to develop a streamlined eligibility system among the four major safety net providers in our county. Gateway's achievements have helped thousands of Houstonians access necessary health care services.

And yet Gateway is not alone in its successful use of this CAP funding. The program has funded more than 150 health care collaboratives in 42 States; so it is clear that CAP has touched most of us in this Chamber. CAP collaboratives are serving the uninsured across America from Jacksonville, Florida, to Portland, Maine, from Anchorage, Alaska, to Los Angeles, California. They serve small areas like Concord, North Carolina, and urban areas like Houston.

Mr. Chairman, I will include for the RECORD a list of the American cities that have benefited from this successful program.

Birmingham, AL, Montgomery, AL, Sylacauga, AL, Anchorage, AK, Sitka, AK, Augusta, AR, Helena, AR, Ratcliff, AR, Bisbee, AZ, Navajo, AZ, Prescott, AZ, Tuscon, AZ, Bakersfield, CA, El Centro, CA, Eureka, CA, Lompoc, CA, Los Angeles, CA, Martinez, CA, Orange, CA, Salinas, CA, San Francisco, CA, San Leandro, CA, San Mateo, CA, Stockton, CA, Vallejo, CA, Colorado Springs, CO, Denver, CO, Greeley, CO, Derby, CO, New Haven, CT, Middletown, CT, Dover, DE, Ft. Lauderdale, FL, Jacksonville, FL, Kissimmee, FL, Miami, FL, Orlando, FL, St. Augustine, FL, Tallahassee, FL, Tampa, FL, Atlanta, GA, Augusta, GA, Macon, GA, Des Moines, IA, Couer D'Alene, ID, Carlinville, IL, Chicago, IL, Rockford, IL, Springfield, IL.

Indianapolis, IN, South Bend, IN, Tribune, KS, Wichita, KS, Ashland, KY, Louisville, KY, Lexington, KY, Franklin, LA, New Orleans, LA, Boston, MA, Cambridge, MA, Springfield, MA, Yarmouthport, MA, Lavale, MD, Rockville, MD, Portland, ME, Detroit, MI, Grand Blanc, MI, Kalamazoo, MI, Lansing, MI, Marquette, MI, Muskegon, MI, Saginaw, MI, Ypsilanti, MI, Alexandria, MN, Mankato, MN, Minneapolis, MN, St. Cloud, MN, Kansas City, MO, Kirksville, MO, Jackson, MS, Clarksdale, MS, Billings, MT, Asheville, NC, Concord, NC, Durham, NC, Greensboro, NC, Pinehurst, NC, Raleigh, NC, Washington, NC, Bismarck, ND, Chadron, NE, Columbus, NE, Omaha, NE, Concord, NH, Albuquerque, NM, El Rito, NM, Santa Fe, NM, Amherst, NY.

Binghamton, NY, Brooklyn, NY, New York, NY, Queens, NY, Tarrytown, NY, Warrensburg, NY, Cincinnati, OH, Columbus, OH, Dayton, OH, Tulsa, OK, Cave Junction, OR, Portland, OR, Blossburg, PA, Norristown, PA, Philadelphia, PA, Pittsburgh, PA, Scranton, PA, Cranston, RI, Columbia, SC, Greenville, SC, Orangeburg, SC, Chattanooga, TN, Memphis, TN, Talbott, TN, Nashville, TN, Austin, TX, Corpus Cristi, TX, Dallas, TX, El Paso, TX, Galveston, TX, Houston, TX, Uvalde, TX, Salt Lake City, UT, Arrington, VA, Danville, VA, Falls Church, VA, Richmond, VA, Winchester, VA, Olympia, WA, Seattle, WA, Spokane, WA, Wenatchee, WA, Milwaukee, WI, Huntington, WV, Martinsburg, WV, Charleston, WV, Hinton, WV.

As much success as these communities have achieved with CAP funding, the bill unfortunately eliminates that program. Last year the program received $104 million appropriation; yet the administration transferred $20 million of that, or roughly 20 percent of the total funding, to a pediatric AIDS initiative. No one wants to deny the pediatric AIDS patients the care they need, but this situation demonstrates the problem we have with this bill. We are forced to rob one very worthy program to pay for another necessary program, and in the end the health of our community suffers.

My amendment would restore the $104 million for CAP, restoring funding for the program to the fiscal year 2004 enacted levels.

Because of the host of worthy health care programs in this bill, we do not have an offset, and I would like to withdraw the amendment.

I appreciate the chairman's courtesy in allowing me to talk about the amendment, but I want my colleagues to understand the tremendous strides this program has made in providing primary health care to those 44 million Americans currently living without insurance. The program is worthy of our support, and it is my hope that funding will be restored in conference.

Again, to the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY), I appreciate their allowing me the time, and I thank them for the funds for the community health centers, but we still need the dollars to coordinate these community health centers.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say the gentleman is absolutely right. This is a program that was begun by Secretary Shalala, who recognized that it is not enough to provide money to health centers if we do not also provide a thoughtful way to coordinate programs and services. This is what makes some of these efforts workable, and I think it is a disgrace that at a time when we have seen the number of uninsured increase from 40 to 45 million people, that we are eliminating a program that is crucial to providing service in more than 20 communities around the country.

Mr. GREEN of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

I appreciate the fact that the gentleman is withdrawing the amendment because there is not an offset, but I want to commend him for his thoughts on this issue because it is important. These centers are very important, and it is a classic example of what confronted us in the subcommittee, and that is, there is so much in the way of good things that need to be done, and we had to make priority judgments. We will keep this in mind as we go to conference, but I certainly think the need is out there.

Mr. GREEN of Texas. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. GREEN of Texas. Mr. Chairman, I thank the chairman for his comments.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the last word.

I am sorry that my colleague has withdrawn the amendment, and I hope they are going to be able to work this out further down the road.

But with that I also want to bring up what health care costs are because of assault weapons. Unfortunately, I have not been allowed to bring up the bill for a vote on assault weapons, but I just want to give the Members some health care costs.

Death and injuries caused by firearms cost the U.S. about $100 billion a year. If we keep assault weapons off the streets, we can bring that down and use the money for our community centers in those areas that need it. This includes hospitalization, other medical care costs, rehabilitation, and lost productivity.

I hope that we can, before this week is over, bring up the assault weapons bill so that we can have the bill and reduce health care costs in this country.

The CHAIRMAN. Are there other amendments to this paragraph of the bill?

If not, the Clerk will read.

The Clerk read as follows:

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,270,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,176,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $4,228,778,000, of which $81,500,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $142,808,000 for international HIV/AIDS shall remain available until September 30, 2006. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act:

(1) $14,000,000 to carry out the National Immunization Surveys;

(2) $149,600,000 to carry out the National Center for Health Statistics surveys;

(3) $28,600,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels;

(4) $15,000,000 to carry out Public Health Research; and

(5) $41,900,000 to carry out Research Tools and Approaches activities within the National Occupational Research Agenda:

Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. JACKSON-LEE of Texas:

In title II, in the item relating to "CENTERS FOR DISEASE CONTROL AND PREVENTION-DISEASE CONTROL, RESEARCH, AND TRAINING", in paragraph (2) of the first proviso, insert after the dollar amount (relating to the National Center for Health Statistics surveys) the following: "(increased by $2,500,000)".

In title II, in the item relating to "NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES", insert after the dollar amount the following: "(increased by $1,500,000)".

In title II, in the item relating to "CHILDREN AND FAMILIES SERVICES PROGRAMS", insert "(decreased by $4,000,000)" after the aggregate dollar amount and insert "(decreased by $4,000,000)" after the dollar amount in the tenth proviso (relating to competitive grants to provide abstinence education).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me, because this is a very important debate, again add my appreciation to the members of the Committee on Appropriations, the chairman and ranking of the full committee, and, of course, the ranking and subcommittee chairman of this Labor-HHS.

I hope that the gentlewoman from New York (Mrs. MCCARTHY) will rise to support this amendment and share her thoughts as well on another deadly health issue, and that is the use of guns and the resulting injuries and deaths that come about through that. I do add my voice in this very short time for having the reauthorization of the assault weapons ban. I remember studying this issue in Houston, and I found that for an injured child, costs were at that time, some maybe 5 to 10 years ago, $60,000 per their care. I imagine it has quadrupled at this point. So I hope that we will move in that direction.

I, too, raise an issue that I hope my colleagues will join me enthusiastically, and I also will acknowledge the hard work of a former colleague, Congresswoman Carrie Meek of Florida, who at most times when we came to the floor dealing with the appropriations, Labor-HHS, the Members can be assured she was speaking about the deadly disease of lupus.

Today I am proposing two amendments to the Labor-HHS-Education appropriations bill to further research and outreach on lupus, and I urge the Members to support these amendments. Lupus is a chronic, disabling, and potentially fatal condition in which the immune system attacks the body's own organs and tissues. Lupus strikes primarily women, and it is twice as common among people of color. Currently it is estimated that 1.5 million to 2 million Americans have lupus. There is no cure for lupus. No new drugs have been approved to treat the disease in nearly 40 years, and no medically validated measure to diagnose and track the disease's progression and how it exists.

I, too, am concerned about the National Institutes of Health and the more opportunities for research, and I hope in conference we can alter the configuration so that many researchers in labs around the country and professors will not be denied their opportunity to find the cure for lupus. That is why I am adding this small of amount of dollars that is budget-neutral as evidenced and indicated by CBO.

Early diagnosis and treatment of lupus are essential to minimizing life-threatening complications. Lack of understanding of lupus combined with the disease's complexity leads to significant underdiagnosis. And I might say that it strikes young women in a potentially hardship manner. I remember a young woman that I knew in my church, had two beautiful young children and a beautiful husband, was taken in the prime of her life not knowing that she had lupus, and it was too late in order to provide her with the treatment that she needed, and certainly there was no cure at the time.

□ 1330

Symptoms of the disease may resemble the flu or other less severe instances. In some instances, the patient's apparent symptoms may seem to subside, leading up to a false sense of security. Some surveys indicate that some lupus patients may suffer for 4 years or more and visit 3 or more different physicians before obtaining a diagnosis. I know this personally, because I had a member of my family who I had to take to doctors trying to find out whether it was or whether it was not. And you can be assured in our frustration, but also our great concern and our fear, that we were overcome by the fact that it was really a diagnosis that was hard to pinpoint. The delay in obtaining treatment can be devastating, because time is lost while irreversible organ damage may appear.

The purpose of these amendments is twofold. First, the amendment transfers $1.5 million to the account of the NIH's National Center for Minority Health to increase educational programs on lupus for health care providers and for the general public.

Let me assure you that we have yet addressed in this House the disparities in health care as it relates to minorities. We have yet to pass the equity to health care bill that has been promulgated or written by the Hispanic Caucus, the African American Caucus and the Asian Pacific Caucus and others. I believe that this will help to facilitate the diagnosis of lupus today, particularly among susceptible populations.

Second, I am proposing to transfer $2.5 million to the Centers for Disease Control to expand the operation of the National Lupus Patient Registry. There are presently four pilot registry programs in Michigan and in Georgia. These pilot programs have been a good start, but additional data is needed to distinguish between environmental and other factors that cause lupus.

Let me say to my colleagues, no one knows when their neighbor, their friend, their constituent may be diagnosed. There is one strong point about this disease: It is not easily diagnosed, and many people live with it for a very long period of time. Mr. Chairman, that is why we do not know how many people really have lupus. I would ask my colleagues to join me in this effort and support this amendment, very, very well balanced, and, might I say, not violating CBO. I ask for support of this amendment.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are a couple of things that I would point out in opposition to this. Number one, we are already recognizing the need for health statistics. In this bill, we have increased the amount for this purpose by $21,960,000. This is an increase of almost 20 percent over last year.

Secondly, at NIH we have increased the amount for monthly health and health disparities reports by $5.3 million.

So it is not the case that we have ignored the subject. I think we have tried to deal within the constraints of what we have available, and to take the money out of the other program, I think, would be just a mistake at this point. Therefore, I would be in opposition to the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must also reluctantly oppose the amendment, because I think it has an unintended effect. The amendment, as I read it, would actually result in a small across-the-board reduction in funding for virtually all public health agency programs, including the National Institutes of Health. I do not think that is what we want to do.

Secondly, I would point out the gentlewoman has made quite clear in her remarks that she is attempting to add funding for a specific disease. In all of the years this subcommittee has funded the National Institutes of Health, it has never dictated to the National Institutes exactly how much money they should spend on any specific disease, and I do not think we ought to start now.

So I reluctantly would have to oppose the amendment and say that what we really need is an overall increase in funding for NIH so that we can attack lupus and dozens of other diseases that are causing great pain and suffering to people around the world.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Jackson-Lee amendment. This amendment would increase funds for the National Center for Health Statistics surveys and for the National Center For Minority Health and Health Disparities.

The cost of health care for minorities is completely disproportionate. Nowhere is this truer than when it comes to the cost of gun violence. Although African Americans and Hispanics make up only 12.1 and 12.5 percent of the U.S. population respectively, these groups suffered 37 percent of all firearm deaths in 2000.

In 2000, homicide with firearms took the lives of 5,699 African Americans. In 2000, homicide with firearms took the lives of 1,958 Hispanics.

In 2000, the death rate for firearm injuries was two times higher for the African American population than the Caucasian population. In 2000, firearms homicide was the leading cause of death for African Americans age 15 to 34.

The assault weapons ban expires September 13, and we are not allowed to bring it up on the floor. This is something that could go into our communities, save lives and keep down health costs.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. McCARTHY of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman.

Mr. Chairman, let me carefully say this adds more money to the NIH. We respectfully add the fact that it is not necessarily a specific designation for a specific disease. But might I say that because of the discrepancies in access to health care for minorities and access to health care in respect to those who are being treated for lupus and the definitive impact on minorities as it relates to minority women as it relates to lupus, I would offer to say that this is an amendment that has vibrancy and is necessary without in any way undermining or penalizing NIH.

I might also say that I have from the CBO that this is clearly budget-neutral and does not have an impact on the outlays.

So this is an amendment that is viable for my colleagues to support. I ask for all of my colleagues to look seriously at the opportunity for NIH to make its own determination on a very vital disease, a disease that is necessarily in need of both a cure and research.

I would also offer to say to my colleagues that when we speak about lupus, it is like a silent killer, because you can have it without knowing. You can have it without being diagnosed. Therefore, it is extremely important to be able to provide these additional resources.

I ask my colleagues to provide support for this amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. McCARTHY of New York. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I want to say I am sure it is not the intention of the gentlewoman from Texas to fund this amendment by providing for an actual reduction in NIH, but the way she has drawn the amendment, it has that effect. I understand that is not her intention, but that is the effect of the amendment as written.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

Mr. LANGEVIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we discuss the fine work that our doctors and scientists are performing with the help of Federal assistance, I want to make sure that my colleagues are aware of the limitations on critical research that are currently in place. These restrictions, the current regulations that guide the National Institutes of Health, are stifling progress into curing chronic conditions and diseases that affect up to 100 million Americans, a number that dramatically increases when you consider their families and loved ones. Unfortunately, rather than overturning these limitations, the committee report to today's Labor, Health and Human Services, and Education appropriations bill instead reaffirms them.

For 3 years, the tremendously promising field of human embryonic stem cell research has been restricted to work on stem cell lines developed before August 9, 2001. Despite the limitations of this policy, our Nation's scientists have made tremendous progress. They have already shown that they can direct the development of human embryonic stem cells into insulin-producing cells that might help cure juvenile diabetes. This type of research holds promise of new therapies, even cures, for countless conditions and diseases such as diabetes, Alzheimer's, Parkinson's, ALS, heart disease, spinal cord injury and cancer.

Mr. Chairman, our scientists are maximizing the resources made available to them under the current policy, but we can do better. We must make it possible for researchers to engage in the responsible pursuit of human pluripotent stem cell research.

Earlier this summer, I was proud to join the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE) in introducing legislation that would achieve this goal by directing NIH to fund stem cell research only if those cells had been derived from excess human embryos created through the in vitro fertilization process for fertility treatment, embryos which otherwise would have been discarded. All tissue donations would be voluntary, accompanied by informed consent and without compensation.

Under these principles, research could flourish. The Federal Government would maintain reasonable and ethical oversight and the promise of cures, and in some cases the promise of life itself would be extended and restored to millions of Americans.

Unfortunately, our current policies place limits on the hopes and dreams of these millions of Americans. Scientists are reporting that it is increasingly difficult to attract new scientists to this area of research because of concerns that funding restrictions will keep this research from being successful. Foreign countries, most notably Great Britain, have been far more supportive of stem cell research.

Mr. Chairman, we face the real danger that without Federal funding, the Nation's top academic researchers at universities, medical schools and teaching hospitals cannot join in the search for cures, which means much slower progress.

Mr. Chairman, we owe it to our constituents to ensure that this research takes place ethically and with the full support of the Federal Government and as soon as possible. For far too many Americans, there is no time to waste.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not totally disagree with my colleague but just a little bit that just spoke, because there are limited directions of stem cell research that I think that we could all support, whether you are prolife, prochoice, which is not an issue in this case.

Dr. Larry Goldstein from the University of San Diego, California, my daughter interned with him, and he does genetic research.

I would like to remind my colleagues, first of all, that it was President George W. Bush that supported stem cell research in a certain line, that turned out to be tainted.

There are some folks and some doctors that would actually clone people for body parts. I do not think most Americans support that, and I do not support cloning. But there is an area in which I think we can all come together.

Dr. Goldstein told me that quite often a woman invests her embryos because she is going to go through chemo or radiation treatments, and maybe she wants in-vitro fertilization at a later date. But they do not save those embryos for 1,000 years. They discard them. They throw them away, because they can't save them. They are thrown down the toilet.

In that case, why can we not use those stem cells to further research? They are not going to become life. They are going to be discarded, they are going to be thrown away.

I think that if you sat in the Subcommittee on Labor, Health and Human Services, Education and Related Agencies of the Committee on Appropriations during hearings where they have children with unique diseases, I had one little girl 8 years old, and she said, "Congressman, you are the only person that can save my life."

If we can come together and work in this particular area, I do not support cloning, but if they are going to be discarded, why can we not use those to enhance; save life?

□ 1345

I have asked the President, along with Mrs. Reagan and Mary Tyler Moore and others, to work in this direction.

There is a third area which Dr. Goldstein pointed out, that there are some stem cells that are so diseased it would be unethical to implant them. Doctors and researchers want to use those stem cells to be able to eliminate those diseases in children, and that is another area in which we can come together. Unfortunately, many of my colleagues, in my opinion, want to go too far. But I think we can all get around it and embrace an area in which the stem cells are going to be thrown away, they are going to be discarded, and we are this close, I say to my colleagues, to getting rid of diabetes. Let us come together on the issue.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that I absolutely agree with the gentleman who just spoke, and I congratulate him for the comments that he made. Everyone who has looked with any care whatsoever at this issue understands that there are massive ethical considerations surrounding this question. We need to try to work our way through those ethical considerations in a way that will bring people together on some very fundamental questions, rather than pulling them apart. I think the gentleman has pointed to one way that can be done.

I would caution those in this society who think that we can somehow stop science from engaging in the kind of research just discussed by the gentleman from California, I would caution those who feel that we can stop that kind of research. We cannot. That kind of research will go forward. The only question is whether it will go forward in the United States or whether it will be somewhere else, and whether or not it will go forward under the auspices of the National Institutes of Health with all of the ethical considerations that they try to bring to bear on this issue, or whether it will be conducted by scientific teams that are not quite so careful about the ethical considerations involved.

I think that the gentleman from California has pointed out how we could move people forward on this issue in a way which is not destructive of anyone's ethical values. We need to start recognizing that we are dealing with real situations, real human beings; and humanity is not going to allow politicians to get in the way of attacking some of the medical problems that have been discussed by the gentleman from Rhode Island or by the gentleman from California; and I congratulate both of them for raising the issue this afternoon.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 26, line 18, insert after the aggregate dollar amount the following: "(increased by $1,000,000)".

Page 46, line 4, insert after the aggregate dollar amount the following: "(decreased by $1,000,000)".

Page 48, line 2, insert after the dollar amount the following: "(decreased by $1,000,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment. We do not have a copy.

The CHAIRMAN. Will the gentlewoman submit the amendment to the desk? We do not seem to have a copy of it either.

Mr. REGULA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me again join the gentlewoman from New York (Mrs. MCCARTHY) on the desire to attack another health issue and that is of course to see the ban on assault weapons reauthorized.

I rise to offer an amendment on another and very fast-growing epidemic in our country called hepatitis C. Mr. Chairman, I have an amendment that relates to this very grave matter as it is being distributed to my colleagues.

Our Nation is facing an epidemic of hepatitis C virus, or HCV infection. HCV is the most common blood-borne infection in the United States. Although many of them do not know it, nearly 4 million Americans are currently infected, and 35,000 new infections occur each year.

I have been told about this because of the sizable population of hepatitis C-infected veterans that I have come across. And I want to thank Ed Wendt, a constituent of mine who has raised the question of what we are doing and how we are doing it and how we can do better by those who are infected and the many, many veterans who are infected by this disease.

This insidious virus takes thousands of lives annually, primarily through cirrhosis and liver cancer. HCV costs millions of dollars in health care and lost wages each year, but it receives inadequate attention from the public, the medical field, and the Federal Government.

Hepatitis is an inflammation of the liver. Inflammation of the liver with swelling, tenderness, and sometimes permanent damage can be caused by infection with various viruses or by substances such as chemicals, drugs, and alcohol. Current concern over viral hepatitis stems from the serious long-term health consequences for long-term sufferers.

Hepatitis C virus is one of six known types of the hepatitis viruses. The C virus has emerged as a cause of chronic liver disease, both in the United States and worldwide. It is of concern because of its potential for serious long-term health consequences. It resorts, or causes, if you will, the need for liver transplants as evidenced by my constituent who has suffered long and had a difficult health history. Its pattern of infection among young, hard-to-reach risk groups and the current lack of vaccine or curative therapy impacts or increases the number of deaths.

Some studies indicate that minority populations in the U.S. are disproportionately affected by hepatitis C virus, and some reports have shown that African Americans do not respond to the current treatment of chronic HCV infection with the same efficacy as whites. This is why I started out this debate by saying it is time now for us to pass the equity in health care and disparities in health care in America. But this amendment, as did the lupus amendment, attempts in some small way to address this divide.

HCV is a particular problem for patients coinfected with HIV. According to Dr. Raymond Chung, M.D., director of the Center for Liver Disorders at Massachusetts General Hospital, "About 25 percent of those with HIV are coinfected with HCV, largely because these viruses share modes of transmission." Treatment of patients coinfected with HCV and HIV is particularly challenging, because many of the retroviral treatments traditionally used in HIV therapies are toxic to the liver. Better information about HCV will help develop treatments that are effective for HIV and compatible with HCV. That is all I am asking for in this very simple and minimal amendment of asking for $1 million.

The purpose of this amendment is to increase the research opportunities and to be able to provide patients who are at risk for some control studies: African Americans, children, and adolescents, renal dialysis patients, HIV- and HCV-positive patients, and patients with hemophilia. Because hepatitis C is a communicable disease, I believe this is an important step in getting this public issue under control.

Back in June, I joined the Hepatitis C Movement for Awareness to call for more aggressive and better informed national approach to the hepatitis C epidemic in the United States. Hepatitis C infects 300 million people worldwide, including over 5.8 million Americans. We must do something more. And only 20 percent of those infected know they are infected, and scientists are still unsure how the virus is spread or who is most likely to be infected. This deadly epidemic cannot be ignored any longer. We need action, and I ask my colleagues to support this amendment.

The grass-roots movement of this organization is made up of veterans, victims of hepatitis C, and other health care advocates; and they came to Washington to simply ask the question, can we get help. They are seeking our help, working with the Veterans Administration, which I must say I applaud for looking at this issue more closely. This is not an issue for one person or two persons, it is for millions of people, and those who go infected who do not know they are infected.

I want to congratulate those who worked on this effort, including Ed Wendt and the whole hepatitis C movement, because they do it not for themselves. They do it for those who come after them. They ask that we have a wake-up call so that we can stop the tragedy of the hepatitis C epidemic.

Now it is time that we wake up together and move forward on an amendment that will simply help us move in that direction. I urge my colleagues to join me in supporting this important amendment.

Mr. Chairman, I have an amendment at the desk that relates to a very grave matter with respect to the status of minority health. Our nation is facing an epidemic of Hepatitis C Virus (HCV) infection. HCV is the most common blood-borne infection in the United States. Although many of them do not know it, nearly four million Americans are currently infected, and 35,000 new infections occur each year. This insidious virus takes thousands of lives annually—primarily through cirrhosis and liver cancer. HCV costs millions of dollars in healthcare and lost wages each year, but it receives inadequate attention from the public, the medical field, and the federal government.

Hepatitis is an inflammation of the liver. Inflammation of the liver, with swelling, tenderness, and sometimes permanent damage, can be caused by infection with various viruses or by substances such as chemicals, drugs, and alcohol. Current concern over viral hepatitis stems from the serious long-term health consequences for long term sufferers.

Hepatitis C virus is one of six known types of the hepatitis virus. Hepatitis C has emerged as a major cause of chronic liver disease both in the United States and worldwide. It is of concern because of its potential for serious long-term health consequences, its pattern of infection among young, hard-to-reach risk groups, and the current lack of a vaccine or curative therapy.

Some studies indicate that minority populations in the U.S. are disproportionately affected by the hepatitis C virus (HCV), and some reports have shown that African-Americans do not respond to treatment of chronic HCV infection with the same efficacy as whites.

HCV is a particular problem for patients co-infected with HIV. According to Dr. Raymond Chung, MD, director of the Center for Liver Disorders at Massachusetts General Hospital, "About 25 percent of those with HIV are co-infected with HCV, largely because these viruses share modes of transmission." Treatment of patients co-infected with HCV and HIV is particularly challenging because many of the retroviral treatments traditionally used in HIV therapies are toxic to the liver. Better information about HCV will help to develop treatments that are effective for HIV and compatible with HCV.

The purpose of this amendment is to increase the Hepatitis C research activities at the Center for Disease Control for patients who are particularly at risk for the disease or resistant to conventional treatments—African-Americans, children and adolescents, renal dialysis patients, HIV/HCV positive patients, and patients with hemophilia. Because Hepatitis C is a communicable disease, I believe this is an important step in getting this public health issue under control.

Back in June of this year, I joined the "Hepatitis C Movement for Awareness" to call for a more aggressive, and better informed, national approach to the Hepatitis C epidemic in the United States. Hepatitis C infects 300 million people worldwide, including over 5.8 million Americans. Only 20% of those infected know they are infected, and scientists are still unsure how the virus is spread, or who is most likely to be infected. This deadly epidemic cannot be ignored any longer. We need action. I commend the Hepatitis C Movement for Awareness for its tenacity and energy in galvanizing in Washington to make its case for change.

The grassroots movement made up of Veterans, victims of Hepatitis C, and other healthcare advocates, came to Washington to tell policymakers about the pressing need for a viable national Hepatitis C policy. They feared that the present policies are based on worn out assumptions, and untested hypotheses. I agreed that more information was needed to help lawmakers craft appropriate strategies for mitigation of the rampant disease. I have been pressing the GAO for a comprehensive study of the past and present Hepatitis epidemic in the United States. We have to know where we stand, where mistakes have been made, and how we can do better. This epidemic is devastating our Veterans and our minority communities.

The Hepatitis C Movement for Awareness graciously presented me with an award for progress made toward the GAO report. I appreciated receiving this award. But, what I appreciated more was at the friendship and cooperation of my constituents Ed Wendt, Tricia Lupole, and the whole Hepatitis C Movement for Awareness. Years ago, the gave me a wake-up call on the tragedy of the Hep C epidemic. Now it is time to wake up Washington, and the nation by pursuing this amendment.

I hope that my colleagues will join me in supporting this important amendment.

The CHAIRMAN. Does the gentleman from Ohio wish to make his point of order?

Mr. REGULA. Mr. Chairman, I withdraw my point of order, and I move to strike the last word.

Mr. Chairman, this amendment, if I understand it correctly, takes $1 million out of abstinence and puts it into CDC without any clarity as to how it would be used in CDC. We have over $4 billion in CDC already. I do not think that adding another $1 million would be significant in their total budget; and in abstinence, it is important that we kept that as tight as possible. Again, it is a rearranging of priorities, and for that reason I object to the amendment.

The CHAIRMAN. Does the gentleman from Wisconsin continue to reserve his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation, and I move to strike the requisite number of words.

Mr. Chairman, I would simply say that I would appreciate it if Members have amendments to offer that they at least provide each side of the committee with a copy of the amendment. I think it is a disservice to the House when amendments are sprung on the committee and we have no opportunity to review them. If we are shown them ahead of time, we can help Members draft them correctly so that they are in order.

So it seems to me it is in the interests of both people who offer these amendments and it is in the interests of the House for Members who are planning to offer amendments to provide us copies. It would seem to me a simple matter of common courtesy.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Jackson-Lee amendment on hepatitis C. I spent over 30 years as a nurse before I came to Congress; and, unfortunately, hepatitis C a number of times, when it is diagnosed, it is far too late for so many of the patients. Unfortunately, the signs do not show up until the disease is very advanced, and because we are in a global world now and it is becoming a communicable disease, it is spreading more rapidly. Much more research needs to be done to see how we can stop this.

But I know one of the ways that we can have more money so we have the money for research is to try and stop the amount of money that is being spent every single year because of gun violence. And with the assault weapons ban expiring on September 13, we are going to see more violence on our streets; we are going to see more of these patients in our trauma hospitals, which is going to drive up the cost of health care all the way around. That is a shame. That is preventable. We need, certainly, the administration to back the police around this country and to back the health care providers around this country who all want to see the ban put in place.

□ 1400

If we do that, we can keep down health care costs because of the gun violence and have money go into research for hepatitis C and for so many other issues that all of us here care about.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman for yielding.

I ask my colleagues to simply help us. It is simply asking $1 million for the hepatitis C, and I thank the gentlewoman from New York (Mrs. MCCARTHY) for her information.

This bill, with all the hard work of the appropriators, and I really appreciate them, was sprung on Members on Labor Day weekend. My apologies for the amendment being at the leg counsel, and it is supposed to be at the desk. It is now there, but I really ask my colleagues to look at the need. I also know my staff gave the amendment to both managers of the bill.

We are talking about 300 million worldwide, close to 10 million around the country, veterans, children and others infected with hepatitis C. The more we can do, the better off we are.

I believe this is a well-grounded amendment that should warrant the support of our colleagues on both sides of the aisle, and I would ask my colleagues to support this.

As I indicated, CBO has indicated this is revenue-neutral, has no impact with respect to the issues at hand, and I would simply ask that this amendment be supported.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to point out, we do have $22.5 million in the bill now for hepatitis C funding, and we recognize the importance of that, and we have done all that we could within the budget constraints, and there is a sizable amount there.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me just quickly say, I respect what the gentleman has done. One of the problems we have is we are suffering because we have such a great percentage of our dollars going to the tax cut. I think we can do more. Certainly what we have is what the gentleman has been able to do, but I believe this disease is so deadly that adding additional funds is a priority and should be a priority when we talk about health care and also inequity in health care, and I thank the distinguished gentleman.

The CHAIRMAN. Does any other Member wish to be heard on the Jackson-Lee amendment?

If not, the question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

Are there further amendments to this paragraph of the bill?

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 42, line 7 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 28, line 16 through page 42, line 7 is as follows:

National Institutes of Health

National Cancer Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,870,025,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick Maryland.

National Heart, Lung, and Blood Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,963,953,000.

National Institute of Dental and Craniofacial Research

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $394,080,000.

National Institute of Diabetes and Digestive and Kidney Diseases

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,726,196,000.

National Institute of Neurological Disorders and Stroke

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,545,623,000.

National Institute of Allergy and Infectious Diseases

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,440,007,000: *Provided*, That $100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: *Provided further*, That up to $150,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

National Institute of General Medical Sciences

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,959,810,000.

National Institute of Child Health and Human Development

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,280,915,000.

National Eye Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $671,578,000.

National Institute of Environmental Health Sciences

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $650,027,000.

National Institute on Aging

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,055,666,000.

National Institute of Arthritis and Musculoskeletal and Skin Diseases

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $515,378,000.

National Institute on Deafness and Other Communication Disorders

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $393,507,000.

National Institute of Nursing Research

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $139,198,000.

National Institute on Alcohol Abuse and Alcoholism

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $441,911,000.

National Institute on Drug Abuse

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,012,760,000: *Provided*, That in addition to amounts provided herein, $6,300,000 shall be available from amounts under section 241 of the Act to carry out national surveys on drug abuse and related analysis.

National Institute of Mental Health

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,420,609,000.

National Human Genome Research Institute

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $492,670,000.

National Institute of Biomedical Imaging and Bioengineering

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $297,647,000.

National Center for Research Resources

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,094,141,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

National Center for Complementary and Alternative Medicine

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $121,116,000.

National Center on Minority Health and Health Disparities

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $196,780,000.

John E. Fogarty International Center

For carrying out the activities at the John E. Fogarty International Center, $67,182,000.

National Library of Medicine

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $316,947,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2005, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts under section 241 of the Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

Office of the Director

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $359,645,000, of which up to $7,500,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That a uniform percentage of the amounts appropriated in this Act to each Institute and Center, as determined by the Director and totaling not more than $176,800,000, may be utilized for the National Institutes of Health Roadmap Initiative: *Provided further*, That amounts utilized under the preceding proviso shall be in addition to amounts made available for the Roadmap Initiative from the Director's Discretionary Fund: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $99,500,000, to remain available until expended.

Substance Abuse and Mental Health Services Administration

Substance Abuse and Mental Health Services

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act, and section 301 of the Public Health Service Act with respect to program management, $3,270,360,000: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act:

(1) $79,200,000 to carry out subpart II of title XIX of the Public Health Service Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of title XIX;

(2) $21,803,000 to carry out subpart I of part B of title XIX of the Public Health Services Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX;

(3) $16,000,000 to carry out national surveys on drug abuse; and

(4) $4,300,000 for substance abuse treatment programs.

Agency for Healthcare Research and Quality

Healthcare Research and Quality

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $303,695,000.

Centers for Medicare and Medicaid Services

Grants to States for Medicaid

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $119,124,488,000, to remain available until expended.

For making, after May 31, 2005, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2005 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2006, $58,517,290,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

Payments to Health Care Trust Funds

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D–16 and 1860D–31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $114,608,900,000. To ensure prompt payments of Medicare prescription drug benefits as provided under section 1860D–16 of the Social Security Act, $5,216,900,000, to become available on October 1, 2005, for fiscal year 2006.

Program Management

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,746,253,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $24,400,000, to remain available until September 30, 2006, is for contract costs for CMS's Systems Revitalization Plan: *Provided further*, That $78,300,000, to remain available until September 30, 2006, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That not less than $129,000,000 shall be for processing Medicare appeals, of which $50,000,000 shall be transferred to the Social Security Administration for processing Medicare appeals: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2005 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That the aggregate amount under this heading is hereby reduced by $9,000,000, such reduction shall be allocated among the programs and activities under this heading (including programs and activities for which amounts are specified under this heading) in such manner as the Administrator of the Centers for Medicare & Medicaid Services determines to be appropriate.

Health Maintenance Organization Loan and Loan Guarantee Fund

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2005, no commitments for direct loans or loan guarantees shall be made.

Administration for Children and Families

Payments to States for Child Support Enforcement and Family Support Programs

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,873,802,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2006, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

The CHAIRMAN. Are there amendments to this section of the bill? If not, the Clerk will read.

The Clerk read as follows:

Low-Income Home Energy Assistance

(INCLUDING TRANSFER OF FUNDS)

For carrying out low-income home energy assistance activities, $2,227,000,000: *Provided*, That of the total amount provided under this heading, $1,900,000,000 shall be for the low-income home energy assistance program under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.): *Provided further*, That of the total amount provided under this heading, $100,000,000, to remain available until expended, shall be for the low-income home energy assistance program under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.) for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of such Act, and notwithstanding the designation requirement of section 2602(e) of such Act: *Provided further*, That of the total amount provided under this heading, $227,000,000 is hereby transferred to the Department of Energy for the weatherization assistance program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), and shall remain available until expended.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 42, line 11, after the dollar amount insert "(increased by $22,000,000)".

Page 42, line 12, after the dollar amount insert "(increased by $11,000,000)".

Page 42, line 25, after the dollar amount insert "(increased by $11,000,000)".

Page 50, line 12, after the dollar amount insert "(reduced by $26,000,000)".

Mr. SANDERS. Mr. Chairman, let me begin by thanking the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Ranking Member OBEY) for their very, very hard work on this important bill.

Mr. Chairman, as I think every American from Vermont to California knows, in a couple of weeks as winter approaches, people are going to have a very, very rude surprise when they take a look at their home heating bills. I do not have to tell anybody here or anybody in America that the cost of home heating fuels are skyrocketing out of control, and I do not have to tell anybody here that millions and millions of Americans are going to find it increasingly difficult to pay these outrageously high costs in order to keep warm this winter.

Mr. Chairman, according to the Energy Information Administration, the price of heating oil, natural gas and propane are expected to skyrocket. They are going to go off the wall.

The amendment that I am offering today would provide relief to hundreds of thousands of families by increasing funding for the highly successful and widely supported Low Income Home Energy Assistance Program, the LIHEAP program, as well as the Weatherization Assistance Program, by $22 million. This increase, I should point out to my friends, would still be $42 million below the President's request. The amendment would be offset by a $26 million reduction in departmental management at the Department of Health and Human Services, which would still provide, with that reduction, level funding for this program.

This amendment has tripartisan support and is being cosponsored by my colleagues, the gentleman from Connecticut (Mr. SIMMONS), the gentlewoman from New York (Mrs. MCCARTHY), the gentleman from New Hampshire (Mr. BRADLEY), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Massachusetts (Mr. MEEHAN). It also enjoys the very strong support of the National Community Action Foundation.

Mr. Chairman, from California to Vermont, every American knows that energy costs are only going to go up this winter. Here is what the Energy Information Administration is predicting: Compared to the winters of 1998 to 2000, the price of natural gas will be 55 percent higher; the price of heating oil will be 45 percent higher; and the price of propane will be 41 percent higher.

LIHEAP is the primary program that provides assistance to help lower-income families pay their energy bills, and there has been no time when more people are going to need LIHEAP assistance than now. We are facing a crisis, and if we do not act, large numbers of Americans could well go cold this winter.

Mr. Chairman, in this country no American family should go without heat this winter. Not one senior citizen should choose between heating their homes and paying for the prescription drugs that they need.

Mr. Chairman, LIHEAP and weatherization enjoy broad bipartisan support in Congress. Last March, more than 70 Members of both the House and Senate, including 20 Republicans, cosigned letters calling for $3 billion in funding for LIHEAP. Even if this amendment were signed into law, LIHEAP would still be more than $500 million short of that mark.

Similar amendments that I have offered in the past to increase funding for weatherization have been very successful because I think they have strong tripartisan support, understanding that it is absurd that people lose their heat through faulty windows or roofs, and that it makes sense economically and environmentally to substantially increase weatherization.

Mr. Chairman, for those of us concerned about protecting the financial well-being of lower-income Americans and for those of us concerned about the environment, this is a very important amendment. It will make more homes throughout this country energy-efficient through proper insulation. This is good for low-income people, it is good for the government, it is good for our environment.

The weatherization program also creates good-paying jobs, increases property values, and decreases U.S. energy use by the equivalent of some 15 million barrels of oil every year.

Under this program, 105,000 homes will be weatherized this year, but much more can and must be done, and while 4.8 million families received LIHEAP assistance this year, over 25 million eligible families did not receive any help due to lack of funding from the Federal Government.

Mr. Chairman, we can do better than that, we must do better than that, and I urge my colleagues to vote "yes" on this important amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the last word.

I rise in support of the Sanders-Simmons-McCarthy amendment and am honored to be a cosponsor.

This vital amendment would increase funding for the Low Income Energy Assistance Program and Weatherization Assistance Program by $26 million.

Recent predictions indicate that this winter may be one of the harshest in many years in the Northeast, and the Energy Information Administration is predicting the price of heating oil, natural gas and propane will skyrocket. By the way, those prices have already skyrocketed.

LIHEAP provides the needed warmth for our most vulnerable communities, the poor, the elderly and the disabled. These disadvantaged communities are also, unfortunately, the most affected by gun violence.

When we have seen over the last several months that unemployment has gone up in certain areas of our country, our seniors are facing higher medical costs, higher prescription drug costs, now a 17 percent increase on their Medicare. Adding any little bit, amount, as far as increases on heating is going to be a problem for them.

As my colleague from Vermont has said, there is no one in this country that should be cold, but also another thing that happens, unfortunately, in this poorest of the poor communities is the gun violence we see on a daily basis. I could speak about that in my own district of Long Island. I know they say the suburban areas do not have gun violence. Well, unfortunately, after September 13 we are probably going to start seeing an increase of that because we are not allowed to bring up the assault weapons bill here on the House floor.

It is a shame that our seniors and our most vulnerable, who are our children and the poor that live in the communities, will be facing these guns again. It is a shame that our police officers who patrol these areas will also be facing these problems again.

I am sorry that we are not allowed to bring up the assault weapons bill that will expire on September 13. I hope that the leadership will change its mind.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to point out that we recognized in our bill the importance of LIHEAP. We did increase it by $111 million over last year. The total provided in the bill is now $1.9 billion, a lot of money, and that is the formula grants that go right out to the States. In addition, there is $100 million for the contingent emergency fund, and lastly, in the weatherization assistance grant, which came to us from the Subcommittee on the Interior and Related Agencies, we are funded at $227 million.

None of us know exactly what the needs will be in the coming winter. It could be severe, it could be mild; and if it is a mild winter, I think this is more than adequate. If it is a severe winter, we may want to do a supplemental appropriation.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my friend for his support for these programs over the years, and I am not going to argue with him about the value of these programs because I know he appreciates the value of the programs.

But what my friend cannot deny is that the cost of heating fuels are skyrocketing. There is no debate about that, and the problem is that if we simply increase weatherization and LIHEAP by a little bit, it is not going to keep up with 30, 40, 50 percent increases in home heating fuel.

I think my friend would recognize, and none of us can predict the weather, but even with an average winter, the fact that heating fuels are soaring will mean that fewer dollars will be available to people, or we are going to have to cut back on the number of people that utilize the programs.

All I am doing, this is not a multibillion-dollar increase, and I know my friend's heart is in the right place on this issue. It is a relatively modest increase of $22 million. I would appreciate support for it.

Mr. REGULA. Mr. Chairman, reclaiming my time, it seems easy to take this out of the administrative budget of the Secretary of Health and Human Services, but let me point out that he has a great challenge in oversight to manage that Department effectively, and that is part of his administrative budget.

Within that budget, he has to administer the Centers for Disease Control, the National Institutes of Health, the FDA, HRSA, SAMHSA, the Indian Health Services, CMS, the children and families programs, the older americans programs and the health care quality. Now, that is quite a range of services that he has to manage effectively if they are going to serve the public well, and we are faced with some priority choices here.

Mr. SANDERS. Mr. Chairman, if my friend would further yield, I understand that, and it is like I would not be unhappy if the gentleman took care of that in conference. I know it is a tough judgment.

I simply would like the Members to stand up for folks who might go cold this winter. That is the point that I want to make. I am not going to get in a great argument with my colleague here. And perhaps he can adjust that in conference.

Mr. REGULA. Mr. Chairman, well, if the gentleman would be willing to withdraw, we certainly would keep it in mind in conference, because I understand. I come from a State where it gets reasonably cold in the winter, too.

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I understand what the gentleman is saying about fuel costs. We do not know, I see gasoline is like a yo-yo. One day it is $1.89 out my way, and the next day it is $1.69. But the problem for the Secretary of HHS to manage all these agencies, what we have tried to do is put in a reasonable amount for his needs.

Now, in conference, maybe we can address this, and we would certainly keep it in mind if the gentleman would consider withdrawing it.

Mr. SANDERS. If the gentleman will continue to yield, Mr. Chairman, I think it is best to give the Members an opportunity to express their will on this, but I thank the gentleman very, very much.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Vermont for bringing forth this very, very important amendment. Tens of millions of families in America are in for bad news this winter when they get their heating bills in the mail. According to the Energy Information Administration, the prices of heating oil and natural gas are expected to skyrocket. The EIA predicts that compared to the winter of just 4 years ago, the price of natural gas will be 55 percent higher and the price of heating oil will be 45 percent higher this winter.

Now, these increased costs could not come at a worse time. According to our Census Bureau, since 2001, when President Bush took office, the number of people living in poverty has increased by 4.3 million, and the median family income has dropped by over $1,500. The median family is the exact mid-point among our roughly 100 million American families, and all families with income below that median family's income have lost income. Families are already struggling to pay high and rising gasoline and health care costs.

So the Low-Income Home Energy Assistance Program, the LIHEAP program, is the primary program that provides assistance to help lower-income families pay their energy bills. There has been no time when more people are going to need LIHEAP assistance than now. This amendment would provide modest, but important, relief to thousands of these families by increasing funding for the LIHEAP and Weatherization Assistance Program by about $22 million. The increase proposed by this amendment would still leave that LIHEAP account $42 million below the President's request.

Mr. Chairman, not one family should go without heat this winter, and not one senior citizen should have to choose between heating their home and purchasing their prescription drugs. I urge my colleagues to vote "yes" on this important amendment when it comes up later.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Vermont, and thank also the chairman, the gentleman from Ohio (Mr. REGULA), for his support of LIHEAP funding, both in this budget and in the past. However, given the recent run-up in the cost of all kinds of petroleum products, gasoline, to say nothing of natural gas and the price of oil, this is a very important issue for all of us in the Northeast and in the cold-weather States.

Before I became a Member of Congress, I served in the New Hampshire legislature, and I chaired the committee that dealt with all of the energy issues, so I know firsthand how important LIHEAP funding on a Federal basis is for all of the cold-weather States. We have seen over the last several years the price of natural gas increase by over 50 percent, the price of oil by 45 percent, propane by 40 percent; and it is going to cost, Mr. Chairman, over $1,000 to heat an average home this winter with natural gas, oil, and propane. So this modest amount of money, $22 million, which would come out of overhead and administration, is very important to my region of the country, and I ask my colleagues to support this amendment.

Mr. SIMMONS. Mr. Chairman, I rise to support this amendment to increase funding for the highly successful Low Income Home Energy Assistance Program (LIHEAP) and Weatherization Assistance Program (WAP) by $22 million. This modest increase in funding would still be $42 million below the President's request, but it could help thousands of low-income Americans, the elderly and disabled stay warm this winter. This increased investment for our Nation's most vulnerable population would be offset by a $26 million reduction in Departmental Management at the Department of Health and Human Services which would still provide level funding for this program.

The Energy Information Administration is predicting that the price of heating oil, natural gas and propane will skyrocket this winter. Compared to average heating costs from 1998 to 2000, consumers are expected to pay 55 percent more for natural gas; 45 percent more for heating oil; and 41 percent more for propane. Heating a home with natural gas will cost an average of $1,049 this winter; heating with fuel oil will cost $1,094; and, heating with propane will cost $1,361.

This increased cost in energy couldn't come at a worse time. Since 2001, the number of people living in poverty has increased by 4.3 million, and the average family income has dropped by over $1,500. LIHEAP and WAP are needed now more than ever to make sure that on the richest country on earth, our constituents don't have to make the unacceptable choice between heating their homes and feeding their families.

Last March, more than 70 Members of both the House and Senate, including 20 Republicans, co-signed letters in support of $3 billion in funding for LIHEAP. Even if this amendment was signed into law, LIHEAP would still be more than $500 million short of this mark.

Simply put, Weatherization and LIHEAP work. WAP has allowed low-income families to save more than $200 a year in heating costs. These modest savings can be used for other important family needs such as food, clothing, housing and other basic necessities of life. And, LIHEAP is a vital safety net for our Nation's low-income families which reduces the percentage of their income spent on residential energy costs. Unaffordable home energy can result in: homelessness; health and safety problems, such as malnutrition, hypothermia and heat stroke; and, lack of educational attainment for children. LIHEAP protects public health and safety by keeping families warm in the winter and cool in the summer.

For all of these reasons I support this amendment.

Mr. MARKEY. Mr. Chairman, I rise in support of this important amendment, which I am pleased to join in cosponsoring.

This amendment would provide a modest boost to the funding levels for these two programs—$11 million more for LIHEAP and $11 million more for Weatherization. This additional funding is desperately needed, but it would still leave many needs unmet. LIHEAP alone needs $1 billion above the $1.9 billion level in this bill to simply maintain the purchasing power it enjoyed in 1982. Meanwhile, we are seeing greatly increased volatility in oil and natural gas markets which threaten consumers with higher home heating prices this winter. The Department of Energy reports that consumers are expected to pay 55 percent more for natural gas; 45 percent more for heating oil; and 41 percent more for propane than they did in the years between 1998 and 2000. As a result, heating a home with natural gas will cost an average of $1,049 this winter; heating with fuel oil will cost $1,094; and, heating with propane will cost $1,361.

According to the Census Bureau, nearly 36 million Americans—including almost 13 million children—now live in poverty. That is an increase of over a million people in the last year alone. Faced with a growing number of families in poverty, the Republican leadership has brought to the floor an appropriations bill that does little to help those Americans who have fallen below the poverty line. It seems the Republican leadership would rather protect President Bush's tax cuts for the wealthiest Americans than lend a helping hand to the poorest Americans.

For the low income families and seniors of Massachusetts and the rest of New England, winter—and increased utility bills—will be here too soon. Many families and seniors will once again be faced with the difficult decision between heating and eating.

Two crucial programs that help low-income families and seniors deal with the high cost of heating their homes in the winter are the Low Income Home Energy Assistance Program (LIHEAP) and the Weatherization Assistance

Program. This appropriations bill's funding levels for these two crucial programs are inadequate to meet the current and growing needs of low-income Americans.

There is bipartisan support from legislators representing warm and cold climates to raise LIHEAP's funding to $3 billion, but this appropriations bill is nowhere near that level of funding. I urge my colleagues to pass this amendment today as a first step to meeting LIHEAP needs in the very near future. We owe the low-income families that rely on this program no less.

I urge adoption of the amendment.

The CHAIRMAN. Does any other Member wish to be heard on the Sanders amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

Are there further amendments to this paragraph of the bill?

If not, the Clerk will read.

The Clerk read as follows:

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108–179), $491,336,000, of which up to $10,000,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108–193): *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2005 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2007.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,729,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,864,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 4.5 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,985,663,000, of which $32,103,000, to remain available until September 30, 2006, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2005: *Provided further*, That $6,898,580,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2005, and remain available through September 30, 2006: *Provided further*, That $710,088,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than $7,184,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further*, That in addition to amounts provided herein, $5,982,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $55,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $15,000,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,000,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $105,046,000 is only for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Services Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $105,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,037,900,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2006, $1,767,200,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman.

Mr. Chairman, the committee report on the Labor-HHS bill includes language that encourages the National Institutes of Health to adopt a policy that would make available to the public without charge the scientific journal articles that report the results of research that has been supported with NIH funding. As you know, Mr. Chairman, I have been very concerned for a number of years that the public is not always able to access the results of that research, federally funded research, unless they had a university library nearby or could pay often very large subscription fees of the journals, costs that are beyond most families' budgets.

The NIH, in response to language in the bill, has acted quickly to respond to our guidance. It posted the draft policy last Friday, September 3. Dr. Zerhouni, the Director of NIH, took care to seek comment from the various stakeholders involved in the issue, seeking comment from publishers, for-profit and nonprofit groups, from scientists, and from advocates for curing different diseases; and he has held three public meetings. Dr. Zerhouni heard some powerful stories from patients and family members who were struggling to learn as much as they could about treatment for serious diseases that affect them and their loved ones and had previously been unable to access some of the key information that could help them.

Dr. Zerhouni has produced a draft proposal from NIH that carefully balances the interests of these groups; and, most importantly, Mr. Chairman, it moves NIH in the direction of making more research available to the people who financed it, namely, the American taxpayers.

Mr. Chairman, I see the action by the NIH to date as being consistent with the language in our bill, and I would appreciate the chairman's thoughts on this.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I have been very pleased to see that NIH has responded so quickly and thoughtfully to the House report language. I think it is a very simple proposition: NIH, or the taxpayer, pays for the research, even pays for the journals, and should be able to share the results with the taxpaying public. Our investment in research is not well served by a process that limits taxpayer access instead of expanding it, and I should add public access.

I encourage NIH to move expeditiously to finalize its proposal after considering the comments it receives on its policy. The public deserves nothing less.

Mr. ISTOOK. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Administration on Aging

Aging Services Programs

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,403,479,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $4,558,000 shall remain available until September 30, 2007, for the White House Conference on Aging.

Office of the Secretary

General Departmental Management

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $380,298,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $25,000,000 shall be for advancing health care information technology nationally, including demonstration project grants; $52,838,000 shall be for minority AIDS prevention and treatment activities; $14,847,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects; and $5,000,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this, and we do not have a copy of the amendment.

The CHAIRMAN. If the gentleman could provide us with a copy, we will distribute it to everybody.

Is there objection to the gentleman from Michigan offering his amendment at this point?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

Page 49, line 25, insert "(increased by $10,000,000)" after the 1st dollar amount.

Page 50, line 3, insert "; of which $160,414,000 shall be available to carry out the Nutrition Services Incentive Program;" after "reactions;".

Page 50, line 12, insert "(reduced by $10,000,000)" after the dollar amount.

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, I rise to offer an amendment to increase funding for seniors' meals programs by $10 million. The Meals on Wheels program is a critical lifeline to our Nation's seniors who are most in need of our assistance.

The bill includes $730 million for senior nutrition programs, $16 million more than last year, or a 2.2 percent increase. I wish to thank the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for including these additional funds and recognizing the importance of these programs to our seniors. I am offering this amendment because, despite the increase in the bill, the funding falls far too short.

I am sure that all of us have met and spoken with seniors in our districts. I am sure that the seniors have told my colleagues how much they depend on senior meals assistance and the Meals on Wheels program, or the meals they receive at the senior centers. I am sure that if Members, like I have done in the past, would go out and actually deliver senior meals to the homes of homebound seniors, they would realize how important not just these prepared meals are but also the social interaction these homebound seniors have with members of the public.

I have heard from the area agencies on aging in my district that they are cutting meals they are offering. In Michigan, we have had to cut back significantly weekend meals, evening meals, and even the senior lunch meals. The challenges faced by our Meals on Wheels program is compounded by the fiscal problems of the States that have not been able to increase their contributions, despite their acknowledgment that the need for these programs continues to grow.

This amendment would simply increase funding for the Nutrition Services Incentives Program by $10 million to $160 million. The House approved a similar amendment of mine back in 2001. Unfortunately, that amendment back in the 2001 appropriation bill to increase funding for the program to $160 million was dropped in conference. That was 4 years ago, and funding for senior meals programs has stayed basically flat until this year.

Mr. Chairman, we need to make this investment now. Nationally, 4.6 million Meals on Wheels meals were cut last year, and a number of congregate meals were cut by 2.9 million, for a total of 7.5 million meals that had to be cut last year because of lack of funding. These decreases in funding ignore the 25 percent increase in the number of Americans who are expected to be eligible for the Older Americans Act programs in the next 5 years.

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It is critical that we include the highest level of funding possible for senior nutrition programs. I understand and I appreciate the work of the committee and what they have done to increase funding. I appreciate the fact that both the ranking member and the chairman have indicated that, if possible, they will try to increase funding in the conference report.

Mr. Chairman, I will ask unanimous consent to withdraw my amendment with the understanding that we will continue to work to increase funding in the future. This program is critically important to our seniors. While I appreciate the appropriators' work, I think we need to continue to highlight the concerns that we have for the lack of funds for the Senior Meal Program.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when I hear my colleagues from both sides of the aisle offering all of these amendments obviously to help our constituents from all over the country, and I thank my chairman and the ranking member for working so hard to bring us everything we need. I think more of us as Members should sit here instead of trying to watch this on television. I know that we are working very hard to keep the people of the United States comfortable, to make sure they have heat and do research to keep them healthy, and yet we have a program in place that is going to expire on September 13, which is the assault weapons bill. Yet we are not allowed to bring it up on the floor to talk about it. That is a shame. This is something that is working, does not cost any money, and yet as Members of Congress we are not allowed to bring the bill up for a vote, and the American people want it.

I thank the committee and subcommittee chairmen for doing the hard work they are doing, but I wish we could debate the assault weapons ban. The police officers on the street want to keep this ban in place. The health care professionals want to keep this ban in place. Every help organization wants to keep this ban in place. All of the different organizations which represent children want to keep the ban in place. I do not understand why we do not bring that issue to the floor for a vote. I hope by Monday, September 13, the White House will heed our call. I hope that the Speaker of the House will heed our call and answer to the American people.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $40,323,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $32,043,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $20,750,000, which shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That the expenditure of any funds available under section 241 of the Public Health Service Act is subject to the requirements of section 206 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations, $1,842,247,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,187,760,000; Office of the Secretary, $64,438,000; National Institutes of Health, $47,400,000; and Health Resources and Services Administration, $542,649,000: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, $450,000,000, to remain available until expended, for the Strategic National Stockpile: *Provided*, That subject to 31 U.S.C. 1531, there shall be transferred to the Secretary of Health and Human Services the functions, assets, unexpended balances (including those from appropriations authorized under section 121(3) of Public Law 107–188 and prior authorities); and liabilities of the Strategic National Stockpile, including the functions of the Secretary of Homeland Security relating thereto: *Provided further*, That the stockpile shall be deployed as deemed appropriate by the Secretary, or when requested by the Secretary of Homeland Security.

In addition, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, $60,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.3 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2005 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2005 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2004, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2004 State expenditures and all fiscal year 2005 obligations for tobacco prevention and compliance activities by program activity by July 31, 2005.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2005.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2005, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap Initiative of the Director.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. The unobligated balance of the funds appropriated by section 1897(g) of the Social Security Act, as added by section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is rescinded.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 63, line 13, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Are there any amendments to the portion of the bill now open?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 219. (a) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by $155,000,000.

(b) MEDICARE CLAIMS PROCESSING FEE.—

(1) IN GENERAL.—Notwithstanding section 1842(c)(4) of the Social Security Act, each claim submitted by an individual or entity furnishing items or services for which payment may be made under part A or part B of title XVIII of such Act is subject to a processing fee of $5.00 if the claim—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must be returned by the medicare claims processing contractor involved to the individual or entity for completion or correction.

(2) DEDUCTION AND TRANSFER.—The Secretary of Health and Human Services shall deduct any fees assessed pursuant to paragraph (1) against an individual or entity from amounts otherwise payable from a trust fund under such title to such individual or entity, and shall transfer the amount so deducted from such trust fund to the Program Management account of the Centers for Medicare & Medicaid Services.

(3) AVAILABILITY.—Fees collected under this subsection shall remain available until expended.

(4) WAIVER AUTHORITY.—The Secretary of Health and Human Services may provide for waiver of fees for claims described in paragraph (2) in cases of such compelling circumstances as the Secretary may determine.

(5) EXCLUSION OF FEES IN ALLOWABLE COSTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under the Social Security Act.

(6) EFFECTIVE DATE.—This subsection shall apply to claims referred to in paragraph (1) submitted on or after a date, specified by the Secretary of Health and Human Services, that is not later than 3 months after the date of the enactment of this Act.

POINT OF ORDER

Mr. BILIRAKIS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BILIRAKIS. Mr. Chairman, reluctantly, quite frankly, I raise this point of order, but it is necessary to do so.

My point of order is against section 219(b) of the bill on the grounds that this provision violates clause 2(b) of House rule XXI because it is legislation included in a general appropriations bill. The rule, as I understand it, does not protect against that.

My point of order is this proposes to change existing law and constitutes legislating in an appropriations bill and violates clause 2(b) of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, reluctantly we concede the point of order, but I would point out this is part of the President's request. It is a management tool to let the user pay for a service being provided by the government. But the gentleman is correct, it does violate the right of the authorizers to deal with this subject, and it is not a proper part of the bill.

The CHAIRMAN. The point of order is conceded and sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 220. The amount appropriated in this Act for "Centers for Disease Control and Prevention—Disease Control Research and Training" is hereby reduced by $15,000,000, to be derived from the amounts made available for administrative and related information technology expenses: *Provided*, That the Director of the Centers for Disease Control and Prevention shall determine the allocation of the reduction among Agency activities, and shall submit to the Committees on Appropriations a report specifying the proposed allocation.

SEC. 221. LIMITATION ON USE OF FUNDS; STUDY.

(a) LIMITATION ON FUNDS.—Notwithstanding any other provision of law, none of the funds appropriated by this Act or any other Act may be expended by the Secretary of Health and Human Services or by a medicare fiscal intermediary or administrative contractor—

(1) to apply the criteria (commonly known as the "75 percent rule") that are used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility (as defined in Department of Health and Human Services, Centers for Medicare and Medicaid Services, "Medicare Program; Final Rule; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility", 69 Federal Register 25751 et seq. (May 7, 2004), and any accompanying CMS Manual System Transmittals (including, but not limited to, Transmittal 221 and any change request pursuant to such rule) for purposes of the medicare program;

(2) to compile facility data pertaining to compliance with such 75 percent rule or enforce such rule; or

(3) to utilize or apply any existing or new local medical review policy, local coverage determination, or national coverage determination with respect to medical necessity standards for inpatient rehabilitation facilities under the medicare program;

until the date that is 9 months after the date on which the report required by subsection (b)(3) is transmitted to the Secretary and the Congress.

(b) STUDY AND REPORT.—(1) The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academy of Sciences to study and make recommendations (and submit a report under paragraph (3)) on—

(A) a clinical consensus on how to modernize the medicare criteria used to distinguish an inpatient rehabilitation facility from an acute care hospital and other providers of intensive medical rehabilitation; and

(B) the appropriate medical necessity criteria for determining clinical appropriateness of inpatient rehabilitation facility admissions, with due consideration being given to chapter 1, section 110 of the Medicare Benefit Policy Manual, the current capabilities of treatments and modalities performed by acute and post-acute providers, and the combined medical and functional needs of patients.

(2) Under such contract the Institute shall use a panel that includes a multi-disciplinary group of expert researchers and clinicians in the field of medical rehabilitation.

(3) Under such contract the Institute shall submit a report to the Secretary and the Congress on the study and recommendations described in paragraph (1) not later than October 1, 2005.

AMENDMENT OFFERED BY MR. LO BIONDO

Mr. LoBIONDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LoBIONDO:

In title II, amend section 221 (page 65, line 19, through page 68, line 2) to read as follows:

SEC. 221. (a) Notwithstanding section 412.23(b)(2) of title 42 of the Code of Federal Regulations, none of the funds appropriated by this Act may be expended by the Secretary of Health and Human Services to treat a hospital or unit of a hospital that was certified by the Secretary as an inpatient rehabilitation facility on or before June 30, 2004, as a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) until, not later than 60 days after the date on which the report under subsection (b) is issued, the Secretary, taking into account the recommendations in such report—

(1) determines that the classification criteria of hospitals and units of hospitals as inpatient rehabilitation facilities under such section 412.23(b)(2) are not inconsistent with such recommendations; or

(2) promulgates a regulation providing for revised criteria under such section 412.23(b)(2), which regulation shall be effective and final immediately on an interim basis as of the date of publication of the regulation.

(b) The study referred to in subsection (a) is a study by the Comptroller General of the United States directed in the statement of managers accompanying the conference report on the bill H.R. 1 of the 108th Congress regarding clinically appropriate standards for defining inpatient rehabilitation services under such section 412.23(b)(2).

(c) The aggregate amount appropriated under title II for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by $3,500,000.

Mr. LoBIONDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LoBIONDO. Mr. Chairman, I rise today in strong support of the LoBiondo-Lowey-Wamp amendment. The gentlewoman from New York (Mrs. LOWEY) and the gentleman from Tennessee (Mr. WAMP) have joined together in trying to bring this to the attention of our colleagues.

Before I discuss the amendment, however, I would like to thank the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. REGULA) for their support on this critical issue. I would also like to thank the gentleman from California (Mr. THOMAS) and his staff for their willingness to work with me and my colleagues on this issue, and to help in crafting an amendment which will help rehab patients across the country.

The LoBiondo-Lowey-Wamp amendment would halt the Centers for Medicare and Medicaid Services, CMS, on the implementation of the so-called 75 percent rule until a study is completed on the issue. As many know, rehabilitation hospitals provide essential care to patients recovering from conditions such as a stroke, hip replacement or cardiopulmonary disease. This policy, commonly known as the 75 percent rule, sets limits on which patients would be eligible for care at these facilities.

Under the current rule which went into effect on July 1, fewer Americans will have access to rehab care. This is wrong. Fewer patients needing treatment for conditions such as arthritis and joint replacement will qualify for this care, an important element in the overall recovery process. It is simply wrong not to do something about this. In addition, access to rehab care for patients recovering from cancer, cardiac conditions, transplant and pulmonary conditions is also threatened.

This amendment is by no means the first attempt to deal with the issue.

Over the past year, the majority of Members of Congress not once, but twice has called on CMS to withhold implementation of the 75 percent rule until a thorough independent assessment by medical experts is completed. A similar directive was included in both the Medicare Modernization Act passed last November and the fiscal year 2004 omnibus appropriations bill. Yet despite the will of Congress, CMS finalized the 75 percent rule in April and implemented it on July 1 without either commissioning a study in advance or making significant, much-needed updates.

Our amendment seeks to ensure that Congress' intent is carried out and that patients across America continue to have access to the rehab care they need. It will ensure that experts in the field of rehabilitative care study the issue and make recommendations that will produce a rule for rehab hospitals that reflects the advances medicine has made in the area of rehabilitative care.

I would like all of my colleagues to think what it would be like for them if they had to go to one of their constituents who needed rehab care, and they were denied access to the rehab hospital in their district; or worse yet, that rehab hospital had to close. What would my colleagues think if they had a family member, someone in their family, that was denied rehabilitative care, very good care, because of a stupid rule that we were not able to fix? People across America who need these services will not accept that Congress stood back and did nothing when there is something we can do.

I thank all Members in this Chamber who have supported our efforts to change the 75 percent rule, and I urge Members to cast a yes vote for the LoBiondo-Lowey-Wamp amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, with the understanding that this has been cleared with the Committee on Ways and Means, we are prepared to accept this amendment.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman from Ohio.

Mrs. LOWEY. Mr. Chairman, I rise in support of the amendment.

First of all, I would like to thank our distinguished chairman because he has worked with us and understands the importance of this very critical issue in so many Members' districts across the country. I rise in strong support of the amendment, and I am appreciative for all of us who have been working together. Just a few words on it, and again I thank our chairman.

Last year CMS decided to change and reinstate the patient rehabilitation facilities 75 percent rule, a rule which was enforced inconsistently and intermittently until it was fully suspended in 2002 because rehabilitation care had evolved so far beyond the original rule's scope.

In an effort to ensure that the rule would be updated appropriately, Congress asked CMS to commission an independent study on the status of rehabilitative care and use the findings to rewrite the rule. As my colleagues know, we had more than 300 Members of Congress supporting this request and the inclusion of similar directives in the fiscal year 2004 omnibus spending bill and the Prescription Drug Act.

CMS issued the final 75 percent rule without the benefit of a study, leaving the list of qualifying conditions practically the same as those imposed two decades ago. Considering the impact of these rehabilitation policies on the health and well-being of our constituents, we could not stand by and let our call for a study go unfulfilled. So again with the support of the Committee on Ways and Means chairman, the gentleman from California (Mr. THOMAS), and the ranking member, the gentleman from New York (Mr. RANGEL), the LoBiondo-Lowey-Wamp amendment will ensure that an independent study of the issue is conducted and the findings used to rewrite the 75 percent rule.

I am very appreciative, Mr. Chairman, of both committees, and particularly the gentleman from Ohio (Chairman REGULA). We have worked together in a bipartisan way to bring this amendment to the floor, and I want to thank the staff of the gentleman from California (Mr. THOMAS), Joel White and Deb Williams, for carefully working out the details of this amendment late last night and early this morning. I am delighted we have been able to work this out.

□ 1445

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief, just to add that this is one of those rare opportunities for the Appropriations Committee and the Ways and Means Committee to meet at the water's edge. Sometimes we put limitation amendments on appropriations bills and they strike those through a point of order, which they have the right to do here. Yet they chose to agree with us and say that this GAO study needs to be completed and all the science needs to be brought to bear before this rule is actually implemented.

Let me just say that one of the greatest areas of innovation in our health care delivery system in this country is inpatient rehabilitation hospitals where virtually every family in America has had somebody benefit from one of those hospitals, and they are wowed at what we are doing. It is a very fluid area of health care. It is changing every month because of new technologies and new procedures. Yet some of these rules are antiquated in these 13 categories. They need to be changed based on what is happening in health care, not a bean counter at OMB saying, we only have this much money or we want to reduce this much money, therefore, this is what you are going to be reimbursed for.

In our health care delivery system, we need to reimburse wherever the innovation is, wherever the patient is, wherever the need is, wherever the cure is; and that is what this does is allow science to prevail and not some arbitrary limitation that is set down the street by any administration or any government bureaucrat.

That is, frankly, where the Congress is doing its job to weigh in, because we are sensitive to these things; and, frankly, sometimes the Appropriations Committee can be very helpful by using the power of the money flow and the appropriations process to say, wait a second, stop the trains, we are going in the wrong direction.

This is a win-win. Congratulations to all and thanks especially to Ways and Means for letting us live to fight another day on behalf of patients and inpatient rehabilitation hospitals across the country. I thank the gentlewoman from New York (Mrs. LOWEY) and the gentleman from New Jersey (Mr. LOBIONDO). It is always a pleasure to work with them.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the chairman for accepting this amendment. It is extremely important for someone that has spent so much time in a rehab unit taking care of patients, even to the point of taking care of my son going back a number of years ago.

Medical technology and the science of taking care of those that never had a chance to learn how to walk again or possibly feed themselves again is now possible. It is mainly because of rehab. I know a lot of people think that they used to lay around the hospital after a hip operation. Today you have a hip operation, and you go to a rehab unit. It actually saves money, mainly because the patient is getting the rehab that they need so they can get up and walk and have a quality-of-life issue. On the other end of it, unfortunately going back not that many years ago, even for a simple hip operation, especially with the elderly, they ended up getting pneumonia and unfortunately needed more long-term care.

With that being said, the majority of our rehab hospitals and rehab units in an awful lot of our larger cities are filled, unfortunately, with patients because of gun violence in this country. On September 13, we are going to see the assault weapons bill expire unless this Congress, the Speaker of the House, the President of the United

States get involved and allow us to debate this. We can save billions of dollars just on health care costs if we can bring down gun violence. We have seen a 60 percent drop since the assault weapons bill was passed on the use of those guns on our officers in our communities.

Large capacity clips, we are going to have them back out on the streets again. These are the large capacity clips that we see our men and women using that are serving this country so well over in the war in Iraq. We saw yesterday in the paper where someone with a gun had a large capacity clip that had 50 rounds. This is what we are going to go back to unless we stop by September 13, on Monday, to be able to renew the ban on assault weapons, to protect our communities, protect our police officers and to a very, very large extent, make more room in the emergency rooms, make more room in the trauma centers, make more room in the rehab units, because today because of medical technology, thank goodness, people like my son are surviving these horrific wounds. A lot of our police officers are surviving their horrific wounds. But unfortunately the rehab, the expense to get those victims back on their feet certainly is extremely expensive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 222. None of the funds appropriated in this title may be used to impede the exchange of information between the Office of the Actuary of the Centers for Medicare & Medicaid Services and Congress, including its members, committees, and staff.

AMENDMENT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLEN:

At the end of title II (before the short title), insert the following:

SEC. . For research on outcomes of health care items and services (including the comparative clinical effectiveness of prescription drugs), as authorized by section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), $50,000,000.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. ALLEN. Mr. Chairman, when Americans turn on their televisions today, they are inundated by television advertisements promoting particular prescription drugs. Doctors are overwhelmed by detailers from the pharmaceutical industry coming to praise the virtues of the particular drugs that are manufactured by the people who employ them. But what patients and physicians in this country really need is quality information, evidence-based information about the comparative effectiveness of different drugs that are advertised to treat the same illness or condition.

The Medicare Prescription Drug Improvement and Modernization Act provides for research on outcomes of health care items and services, including the comparative clinical effectiveness of prescription drugs. Today I am pleased to join my colleague from Missouri (Mrs. EMERSON) in offering an amendment to fund that provision in the new Medicare law.

Section 1013 of the new Medicare law authorizes $50 million in fiscal year 2004 for the Agency For Health Care Research and Quality to conduct outcomes research on prescription drugs and other treatments. Unfortunately, the President's fiscal year 2005 budget contained no funding for this initiative. Currently, there really is a dearth of evidence-based information available to assist practitioners in choosing the most appropriate medication for their patients.

The $50 million we seek would fund new research and literature surveys to improve scientific evidence about the comparative effectiveness and safety of prescription drugs and other treatments. Additionally, funds would be used to communicate the results of this research to health care practitioners, health care purchasers and consumers. All we are asking is for better information to be available to doctors and patients. And if we can make that better information, independent research not funded by the pharmaceutical industry, if we make that information available, we will have better health care quality in this country; and we will have lower prices as well. It is very important that we ensure that our prescription drug spending is not based on the latest television or glossy magazine advertisement, but on science-based and tested information.

Physicians and their patients need access to credible, unbiased, evidence-based data on the comparative effectiveness of prescription drugs so they can make informed decisions about their purchases. As the cost of health care continues to rise, obtaining the greatest health care value is essential. More objective research will improve the quality of care and help to reduce costs.

This spring, Members from both sides of the aisle joined me in sending a letter to the chairman and ranking member urging $75 million for this provision. In addition, the Senate approved an amendment in support of $75 million for prescription drug comparative effectiveness studies, indicating the high level of bipartisan support for this initiative.

I do hope that the chairman agrees that this provision, which has been authorized, is a worthy initiative. I look forward to working with him and the committee to provide some funding in conference and to encourage the administration to add money for this purpose in next year's budget.

Though I would urge support for this amendment, I do intend to withdraw the amendment, but first I would like to give an opportunity to my friend from Missouri (Mrs. EMERSON) to speak on it.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Allen-Emerson comparative effectiveness research amendment. As my colleague said, as the costs of health care continue to rise, we really do need to make sure that our Nation's health care providers have every possible tool at hand so that they can understand the best, most efficient level of quality care to give their patients.

We obviously in Congress have recognized that need because we authorized $75 million in funding for the Agency For Health Care Research and Quality to conduct comparative effectiveness and health care outcomes research. This information would be made available to providers and consumers alike and allow physicians and their patients to make more informed and personalized decisions on each individual patient's plan of care.

More importantly, comparative effectiveness research will provide evidence-based research to help improve the efficiency of our health care system. Currently, very little objective evidence-based information is available to help physicians choose the most appropriate prescription medications for each patient. Without such information available, many patients may be prescribed a more expensive brand-name medication when a less costly generic medication may have the same clinical effectiveness. Funding further comparative effectiveness research efforts will provide American health care consumers with impartial research-based evidence of the value of different prescription medications and, moreover, will help drive down the costs of health care in the United States.

Mr. Chairman, I also want to mention, in this time when we are all very concerned with the number of uninsureds around the country, with the increasing inflation in the health care delivery system, with small businesses and large businesses experiencing incredibly difficult increases in their costs, this is a measure that has been endorsed by many large and small employer groups, namely, the AARP, the AFL–CIO, Caterpillar Tractor Company, Eastman Kodak, Kaiser Permanente, Verizon Communications, General Motors, United Health Care, the Coalition For Health Services Research. I could go on and on. But the bottom line is anything that we can do effectively to lower the costs of delivering health care in this country is something that the Congress should do.

I urge adoption of this amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Listening to my two colleagues, I appreciate this amendment they have put forward. Obviously, with the medical technology that we have today and with the medicines that are out there, I sometimes sit when I am watching the TV shows and I am watching them advertise all of these particular drugs, I hope everybody also listens to see what the side effects are going to be. They better listen carefully, because some of these side effects are very serious.

There are many drugs on the market that are over 10 to 15 years old that work just as well. People have to realize that. Unfortunately, even our doctors now, they are given information, thinking, wow, if this can help my patient. Let us hope that is what they are thinking. But we have to reevaluate this whole thing. It used to be you went to your doctor, the doctor knew which particular drug would work for you for whatever ailment you had, and you took it. Now we see TV, the doctors tell me, they want this drug, they want this drug, they want this drug. Aspirin still works very, very well. Ibuprofen when I was working, gosh, a long time ago, that was a prescription drug. It is now over the counter. But there are still many prescription drugs that work just as well. Obviously, sometimes they are not going to work for the patient. That is when we should try a new drug. The research and development and the research that is needed to see what these actual new drugs do, I think, is extremely important.

With that being said, also, September 13, the assault weapons bill is going to expire. The reason I bring it up towards the health care section is mainly because how much health care money is expended on, unfortunately, these horrific wounds that we see. We also know with a lot of these types of assault weapons, there are head injuries. People do not realize when you have a head injury, a lot of times these patients have to be on an awful lot of different drugs that might even put the patient to the point of where they think they might be schizophrenic. It does fit and tie in with these bills.

The important thing is the assault weapons bill costs absolutely no money. We can renew it. It does not cost anybody anything except saving lives, saving health care costs; and I hope that the President of the United States will ask the Speaker of the House to allow this bill to come up on the floor for a vote.

□ 1500

Mr. ALLEN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

I appreciate the fact that the gentleman is withdrawing the amendment. I think it has been a good discussion about what is a continuing problem. We have recognized it to some extent by putting 12 million plus or minus in AHRQ to do this very thing, and it is something we should keep in mind in the future. But the problem here is there is no offset for the $50 million. I think the intention is good, but this has been a tough bill to make all the dollars fit.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Chairman, I thank the chairman for his comments.

AMENDMENT OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of New Mexico:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC.   . Of the amount made available in this title for the account "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", $23,000,000 is transferred and made available as an additional amount under the account "CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING".

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to offer an amendment to increase funding in the fiscal year 2005 Labor-HHS appropriations bill before us for the CDC's Preventative Health Care Block Grant. This important grant is one of the few grants that allows States the flexibility to address their own unique health care challenges in exciting and innovative ways.

Unfortunately, H.R. 5006 cuts the amount of funding for the Preventative Block Grant by $23 million from the fiscal 2004 amount of $133 million to $110 million for fiscal year 2005. The funding provided in the legislation is also $23 million below the administration's request for fiscal year 2005.

My amendment would restore the funding to last year's level. It would offset the increase in the Preventative Health Care Block Grant by reducing the level of the Department of Health and Human Services departmental management by the same amount.

Mr. Chairman, this block grant has allowed State health departments to address a wide variety of public health issues, including cardiovascular disease, diabetes, physical activity, suicide prevention, just to name a few. States have documented that investment of block grant dollars has resulted in improved health care outcomes and in some significant cost savings.

I strongly believe that the Preventative Health Care Block Grant is exactly the type of program we should be supporting. The national investment in prevention is currently estimated to be less than 5 percent of the annual health care costs despite strong evidence that prevention can be cost effective and helps people enhance the quality of their lives.

In addition, this block grant is excellent public policy because it provides States with great flexibility in addressing the public health care needs their populations face.

Mr. Chairman, I am a strong supporter of health care promotion programs that have the potential to improve health, improve the quality of life, reduce health care costs, and boost productivity. I believe it is time for America to increase its investment in health care prevention strategies. It is a fact that adaptable lifestyle factors, such as smoking, sedentary lifestyle, poor nutrition, unmanaged stress, and obesity, account for approximately half the premature deaths in the United States. Moreover, spending on chronic diseases related to lifestyle and other preventable diseases accounts for an estimated 70 percent of total health care spending. With the pending retirement of the baby boom generation, the financial burden of these preventable diseases will further threaten the solvency of the Medicare program.

It is my hope that with a greater focus on prevention, we will be able to greatly reduce the number of individuals who suffer from all types of ailments, including diabetes, cancer, heart disease, and strokes just to name a few areas where preventative health care can make the difference. The CDC's Preventative Health Care Block Grant goes a long way towards achieving this goal.

One of the other key components of the block grant is that it is the primary source of flexible funding that provides States the latitude to fund any of 265 national health care objectives available in the Nation's Healthy People 2010 Health Improvement Plan.

Mr. Chairman, I know the chairman and ranking member of the Labor, Health and Human Services, Education and Related Agencies Subcommittee did the best they possibly could in stretching the dollar as far as they could in this bill, and for that I applaud them. However, a cut of this magnitude, nearly 18 percent, will force State and local health departments to eliminate or severely reduce some very important public health activities.

I look forward to working with the chairman and ranking member to restore funding to this account in some way.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the last word.

I thank my colleague for bringing up this very important issue, preventative medicine and the research that needs to go into it. Any of us that have ever been in the health care field know preventative care and having the best techniques is the best thing that we can all offer anyone. There are so many things that we can do today to prevent, unfortunately, diseases that certainly could cost us as people and human beings in quality of life and, of course, the health care system millions and billions of dollars every single year.

With that being said, preventative care is what we should be looking at—how are we going to stop gun violence in this country. The first step that we can take is making sure the assault weapons ban is renewed by September 13. That alone will save so much money every single year. Our police officers, our children, and even those that live in the poorest communities where some of these health care communities are being closed down because of a lack of funds, people do not realize on the mental end the stress of living in these communities, what it costs.

I am hoping that we in time will have enough money to run the programs that we need; but to be honest, we can save money by cutting down on gun violence. We can save emotional stress by cutting down on gun violence. We certainly can protect our police officers in this country by making sure the assault weapons ban comes up for a vote, passes here in the House. It has already been passed in the Senate, and the President said he would sign the bill if it gets on his desk.

AMENDMENT OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. BORDALLO:

At the end of title II (before the short title), insert the following:

SEC.   . For "Centers for Medicare and Medicaid Services—Grants to States for Medicaid" $8,000,000 to be used for an increase in the amount available under section 1108 of the Social Security Act for fiscal year 2005 of $2,500,000 for Guam, $2,500,000 for the Virgin Islands, $2,000,000 for American Samoa, and $1,000,000 for the Northern Mariana Islands, and the amount otherwise provided by this title for "John E. Fogarty International Center" is hereby reduced by $8,000,000.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

Ms. BORDALLO. Mr. Chairman, I respectfully request that the House adopt the Bordallo-Christensen-Faleomavaega amendment to the fiscal year 2005 Departments of Labor, Health and Human Services appropriations bill.

For years, Mr. Chairman, citizens of the United States territories have experienced numerous disparities with respect to health care access and quality. While many of the reasons for such disparities must be resolved at the local level, there are several Federal programs whose administration in the territories contribute to these observed disparities. The most notable and glaring deficiency are Medicaid funding ceilings to the U.S. territories as mandated by section 1108 of the Social Security Act.

In Guam, Medicaid and the SCHIP combined cover only about 25 percent of all estimated costs eligible for Medicaid-matching grants. Similar Federal funding shortages have been experienced in all U.S. territories as a result of section 1108 funding caps. U.S. territories were hit particularly hard by the previous recession where unemployment caused territorial governments to cover the spiraling uninsured health care costs despite shrinking revenues.

The amendment would provide a temporary boost in Medicaid funding to Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands in order to assist those governments in meeting critical shortages in public health funding. This amendment is offset by reducing by 8 million funding for the John E. Fogarty International Center.

Mr. Chairman, while I support the mission of the John E. Fogarty International Center, I feel that it is important to concentrate on providing adequate health care to citizens in the U.S. territories before investing further in international health care research. Funding for the John E. Fogarty International Center would be reduced to just under fiscal year 2003 levels, at which time the center had experienced consecutive years of double-digit percentage funding increases.

Mr. Chairman, this amendment has bipartisan support based on the hearing that we had chaired by the gentleman from Indiana (Mr. BURTON).

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentlewoman's amendment that we have sponsored together with the gentlewoman from the Virgin Islands.

Mr. Chairman, in fiscal year 2003 American Samoa's Medicaid program cost $12.2 million. If American Samoa were treated like a State, the Federal Government would have been responsible for $6.1 million or half the cost; but the American Samoa government would have been responsible for the other half also, about $6.1 million. As it is, a Federal ceiling is in place, unfortunately. So for fiscal year 2003, the Federal ceiling for American Samoa was $3.7 million. The Federal Government only paid out $3.7 million, and we had to meet the rest of the obligation of the total cost of $12.2 million.

The bottom line, Mr. Chairman, is there is definitely a need for this additional appropriations for our Medicaid needs, and I ask my colleagues to please support this proposed amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise to join my colleagues MADELEINE BORDALLO and ENI FALEOMAVAEGA in strong support of our amendment to provide some additional relief to our constituents in the form of additional health care dollars. It remains a national shame in my view, that because of where they live, my low-income and indigent constituents, as well as those of my colleagues, are not able to receive the same level of Medicaid assistance because of a punitive cap.

My colleagues, while the national per capita expenditure for Medicaid is $3862, the expenditure for the Virgin Islands is only $436. The total cost of Medicaid in the Virgin Islands is about $15 million per year but the Federal government only covers about $6 million of that amount. According to the Virgin Islands Medicaid Director, the 18,000 Medicaid recipients she serves receive an absolute "bare bones" service.

Mr. Chairman, a report 3 years ago entitled the Access Improvement Project of the Virgin Islands, revealed that great disparities exist for eligible children in the Virgin Islands compared to the continental United States. The report shows that while the Nation as a whole spends an average of $76 for EPSDT screening per Medicaid eligible child, the U.S. Virgin Islands only spent $1.20. Additionally, the total Medicaid expenditures per child also shows an astonishing disparity.

In the age group 15 to 20, national Medicaid expenditures were approximately 599 percent more than what is being spent in the Virgin Islands. We also received a 50 percent match, despite a State like Mississippi where the average income is $1,500 higher than ours. They receive 80 percent match. And the Virgin Islands Medicaid program cannot provide wheelchairs, hearing aids or prosthetic devices, and only provides physical and occupational therapy to a limited degree because of the limited funding.

Mr. Chairman, this modest amendment which we are offering today, would provide a one time 25 percent increase in Medicaid payments to the Virgin Islands, Guam, and American Samoa so that our most vulnerable constituents could receive better health care services which they otherwise would have to do without because of our already overburdened local governments.

I urge my colleagues to support this amendment.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. The pertinent part of clause 2 of rule XXI is as follows: An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been signed into law, and therefore it violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from American Samoa (Mr. FALEOMAVAEGA) wish to be heard on the point of order?

Mr. FALEOMAVAEGA. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. FALEOMAVAEGA. Mr. Chairman, I kindly respect the decision the Chairman has made concerning his opinion that has been expressed concerning the proposed amendment. We realize there is no authorization. But I thought that this was part of the appropriations process, that we have made in the past precedents where appropriations have been made without any authorization. But again I have to respect my good chairman's decision on this and sincerely hope that maybe down the line we will be able to work something out to give due assistance to the insular areas on this very important issue.

□ 1515

The CHAIRMAN. The Chair is prepared to rule. The proponent of an item of appropriation carries a burden of persuasion on the question whether it is supported by an authorization in law.

Having reviewed the amendment, the underlying law, and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. The amendment proposes appropriations above the levels currently authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

Are there further amendments to this paragraph of the bill?

If not, the Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2005".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,535,735,000, of which $7,849,390,000 shall become available on July 1, 2005, and shall remain available through September 30, 2006, and of which $7,383,301,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006, for academic year 2005–2006: *Provided*, That $7,037,592,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2004, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That $2,469,843,000 shall be available for targeted grants under section 1125: *Provided further*, That $2,469,843,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That $80,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,250,893,000, of which $1,083,687,000 shall be for basic support payments under section 8003(b), $50,369,000 shall be for payments for children with disabilities under section 8003(d), $45,936,000 shall be for construction under section 8007 and shall remain available through September 30, 2006, $63,000,000 shall be for Federal property payments under section 8002, and $7,901,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2004-2005, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, part B of title IV, subpart 6 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Civil Rights Act of 1964; and section 105(f)(1)(B)(iii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188), $5,641,401,000, of which $4,031,016,000 shall become available on July 1, 2005, and remain available through September 30, 2006, and of which $1,435,000,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006, for academic year 2005–2006: *Provided*, That $410,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further*, That $68,394,000 shall be available to carry out part D of title V of the ESEA and section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $12,230,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and $6,100,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: *Provided further*, That up to five percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the U.S. Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That the amount made available in the Department of Education Appropriations Act, 2004, under the heading School Improvement Programs and including any funds transferred by the Secretary of Education pursuant to section 304 of that Act for state assessment grants authorized under section 6111 of the Elementary and Secondary Education Act of 1965, shall not be less than $390,000,000: *Provided further*, That, notwithstanding any other provision of law, including any across-the-board reduction that would otherwise apply, the funds made available for fiscal year 2005 under the heading School Improvement Programs for state assessment grants under section 6111 of the Elementary and Secondary Education Act of 1965 shall not be less than $400,000,000.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY:

In the item relating to "SCHOOL IMPROVEMENT PROGRAMS", insert before the period at the end the following:

: *Provided*, That, of the funds made available under this heading, $3,000,000 is for carrying out subpart 21 of part D of title V of the Elementary and Secondary Education Act of 1965 (commonly referred to as the Women's Educational Equity Act of 2001; 20 U.S.C. 7283 et seq.)

Mr. REGULA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) reserves a point of order against the amendment.

The gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Chairman, we are calling this the Patsy Mink amendment, as the first legislation was written and passed by our distinguished colleague and friend that founded the Women's Educational Equity Act. This would restore the $3 million for this program that was taken out in the mark before us, and this has no offset because the money would come out of the school improvement program that has well over $50 million in it.

This is certainly needed. Some people on the other side of the aisle have said that we no longer need the Women's Educational Equity Act, but the figures that came out last week from the Census Bureau showed that the pay gap widened between men and women in 2003, and that women's pay slumped for the first time since 1999, falling to 75.5 cents to the male dollar.

I will include for the RECORD the census report that shows the gap between men and women growing, and specifically the fact that women's pay has slumped for the first time since 1999.

I would like to take this opportunity to thank very much Patsy Mink for her hard work and leadership in authoring WEEA. It has made a difference in the lives of millions of girls and women for 30 years by training teachers to treat boys and girls fairly in the classroom, teaching about reducing sexual harassment, and encouraging girls to study math and science among many other things. WEEA ensures that girls and women will succeed in school, plain and simple.

Unfortunately, in this tight budget year, WEEA was zeroed out in this bill. Mr. Chairman, I can assure you that cutting the $3 million to girls' education is totally unfair and will not help in any way to balance the budget.

Women have made great strides over the past 30 years, but these strides have not happened by themselves. It is programs like WEEA that provide the training, the materials and the support for our young girls in the educational system, but we still have a tremendous long way to go before we reach a point when WEEA will no longer be needed.

In 2003, male students scored higher on average than female students in mathematics. Girls represent only 17 percent of the computer science AP test takers. Women are roughly 20 percent of IT professionals. Women receive less than 28 percent of the computer science bachelor's degrees, down from a high of 37 percent in 1984. Women make up just 9 percent of engineering-related bachelor degrees. These statistics are unacceptable, but would be worse without WEEA.

As the educational needs of our society change and grow, as math and technology continue to become prominent skills of our everyday lives, gender equity in our education system is more important than ever. Girls must catch up with boys when it comes to math and technology, and WEEA can help.

This amendment, the Patsy Mink Women's Educational Equity Act, will support our daughters, our sisters, our friends. Vote yes on the Maloney-Woolsey-Sanchez amendment.

I also would like to cite a report that came out recently, the Dingell-Maloney report, that showed that there was a consistent gap between the earnings between men and women for the past 20 years, a consistent 40 percent gap. After making up for time for pregnancy or taking care of sick parents, there is still a 20 percent unexplained gap between men and women's pay. This translates into pensions.

I would consider a vote against this amendment a vote against women, a vote against equity and opportunity for women in the workforce. It begins in the classroom. This program is as needed today as when Patsy Mink first wrote it. So I call upon my colleagues on both sides of the aisle to vote for their daughters, their sisters and their friends, and to support this amendment.

Mr. Chairman, I will place in the RECORD the Dingell-Maloney report that shows the persistent 20 percent gap, which can only be explained as discrimination.

I want to thank very much my colleague, the gentlewoman from California (Ms. WOOLSEY) for her excellent leadership and help on this issue through many Congresses, and the gentleman from Wisconsin (Mr. OBEY) for his fine help.

GAO Pay Gap Report Highlights

(Briefing by Reps. Maloney & Dingell)

The General Accounting Office (GAO) examined 18 years of data on over 9,300 Americans for an earnings study commissioned by Representatives Carolyn Maloney (D–NY) and John Dingell (D–MI). The new study is a follow-up to the more narrowly-focused 2002 GAO report on the earnings gap between female and male managers.

Results of the GAO study show: The pay gap is real. Women working full-time today are paid an average of 80 cents for every dollar that men are paid, even when accounting for demographic and work-related factors such as occupation, industry, race, marital status and job tenure. This 20 percent earnings gap cannot be explained due to differences in work patterns or histories.

Differing work patterns lead to an even larger earnings gap between men and women—suggesting that working women are penalized for their dual role as wage earners and those who disproportionately care for home and family obligations. The GAO study confirms that women in the workforce are less likely to work a full-time schedule and are more likely to leave the labor force for longer periods of time than men, suppressing women's earnings even further. And, men with children are paid about 2 percent more than men without children, whereas women with children are paid about 2.5 percent less than women without children.

The pay gap has persisted for past two decades. The GAO study confirms that the earnings gap between women and men has been consistent from 1983–2000, despite a sense of continued progress toward gender equality in the workplace.

The GAO also reviewed other studies and interviewed employers and earnings experts to round out their analysis, leading to troubling questions about the persistent pay gap: Why do workplaces still maintain the same policies, practices and structures that existed when most of their workers did not have obligations to care for children and family life? Why do industries and professions dominated by women pay disproportionately less than male-dominated industries? How much does the pay gap between men and women cost families?

In response to the GAO findings, Representatives Maloney and Dingell seek to establish a new Center for the Study of Women and Workplace Policy at a public university that would serve as a nationwide resource for employers, women and families. The Center would follow up on the GAO study, collaborate with businesses and women's organizations on solutions to the earnings gap, and publish yearly guides on best practices for employers and family friendly workplaces for women.

[From the Feminist Daily News Wire, Sept. 2, 2004]

Wage Gap Increases Between Women and Men, US Census Reports

Figures released by the US Census Bureau last week show that the pay gap between women and men widened in 2003. Women's pay slumped for the first time since 1999, with women earning only 75.5 cents to every dollar men earn. The Census Bureau stated that this marks the first "statistically significant" decline in women's pay since 1995, AccountingWEB.com reports, with real median earnings of women over the age of 15 fell 0.6 percent to $30,724. The Institute for Women's Policy Research has stated that the 1.4 percent decrease in the gender wage ratio is the largest backslide since 1991.

Though over forty years have passed since the Equal Pay Act was signed in 1963, at which point women earned 59 cents to the dollar men earned, progress to attain its goals has been slow. With more families becoming dependent on women as breadwinners, and with approximately half of women entering retirement alone, the wage gap is a crucial issue that affects the health and well-being of women and their families. The poverty rate for women and girls increased to 13.7 percent from 13.3 percent in 2002, increasing for the third straight year, reports Women's eNews. In addition, the uninsured rate rose more sharply for women at four percent, with the rate for men only rising one percent.

The Asheville Citizen-Times reports that the typical prime-age working woman earned $273,592 over the 15 year period between 1983 and 1998, compared with $722,693 for the typical prime-age working man. In addition to the wage gap, this discrepancy occurs because women work more part-time jobs and take more time out of the workforce to raise children. However, the Asheville Citizen-Times reports that in October 2003 the General Accounting Office released a report titled "Women's Earnings" that examined 18 years of data. The report found a 20 percent earnings gap between men and women that could not be explained, even after accounting for factors such as occupation, industry, marital status, and job tenure.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment, because we need to continue to give women the boost they must have yet to succeed in this global economy that we are living in.

Our late colleague, Patsy Mink, authored the Women's Educational Equity Act, which we call WEEA. WEEA and other equity provisions have been doing a very, very good job. But, do you know what? That good job has made this program vulnerable, because it appears that their success could be an excuse to eliminate this good program.

It is hard to believe that the Members of this Congress think that gender equity provisions can be eliminated today because more women are enrolled in college, are graduating from college, or because boys, of all things, have reading scores that are not as good as girls. That is a very shortsighted view.

Women are still underrepresented in math and science and in engineering-related fields, fields that actually pay higher salaries and oftentimes require overseas hiring to fill the positions.

Many girls and women shy away from any sort of science or technology activity, despite the importance of these areas in modern society. We need to fix that, because research has shown that interest in math and science begins to wane in early adolescence.

We want to make sure that girls keep all their options open. They do not have to be scientists, they do not have to be mathematicians, they do not have to be engineers, but when they are ready to go to college, they have to have the option, just like the guys do.

The National Bureau of Economic Research reports that students who do well in math outearn their nonmathematical counterparts even if they do not go on to college. Within 6 years of graduating high school in 1980, young men with strong basic math skills were earning 53 cents more per hour than those with average math skills. The difference between women with stronger math skills and men with average math skills was even more significant, with women earning 74 cents more per hour.

It is clear that increased comprehension in math and science benefits women. The Women's Educational Equity Act program is critical to helping promote equal education opportunities for girls and women by providing funds and assistance to educational agencies. That is why our amendment would protect this successful program by leveling out funding for WEEA at $3 million. We would be taking funds from the Fund for the Improvement of Education, or FIE. These funds fund individual Member projects. I can tell you that every single Member in this body will better serve their constituents if they are serving the women in their school districts.

If our schools do not continue to receive this support, females and minorities will continue to dominate the low-wage jobs, while America's high-wage, high-tech jobs go to foreign undergraduates and foreign graduates. Women will continue to have fewer economic opportunities than men and less access to the careers that will support them and their families. Without these opportunities, this country will be deprived of the highly-educated, highly-skilled workforce we need in the United States to compete in the global economy.

Gender equity in education is not a women's thing. All Americans, men and women alike, have a stake in making sure that all students gain the skill and self-confidence they need in elementary and secondary school to become productive, self-supporting adults.

Mr. Chairman, I urge my colleagues to support our amendment, to protect this important program from becoming yet another unnecessary casualty of a very shortsighted budget.

The CHAIRMAN. Does the gentleman from Ohio continue to reserve his point of order?

Mr. REGULA. Mr. Chairman, I withdraw my point of order.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the last word.

I rise in support of the Maloney-Woolsey-Sanchez amendment. This amendment would provide funds for the Patsy Mink Women's Educational Equity Act program. This is an important program promoted and named after our dearly missed colleague Patsy Mink, who I served with on the Committee on Education and the Workforce.

It is designed to promote gender equality in providing counseling and guidance, physical education and the development of the classroom materials.

A lot of people in Title IX kind of made fun of us women, and yet when you look at the women in the Olympics, these programs work. So we have to make sure that we keep them going.

I understand that I am lucky. I work in Congress. With that being said, I get equal pay. But an awful lot of my colleagues that are my friends that are working on the outside world doing the hard work right next to their male colleagues, they do not get the same pay. So women are disadvantaged in many parts of our society, and equal education offers them the opportunity to grow.

Our women also are living, unfortunately, sometimes in a violent society, especially those in the low-income areas. Think about all the women that right now possibly will be losing their husbands either from the war in Iraq or even from September 11, where we need to and we still continue the trend of educating them so they can educate themselves and have a job. But the majority of firearm homicides are the result of intimate partner violence.

With that being said, on September 13 the assault weapons bill will expire in this country. We know it has saved lives. We know that basically it has certainly put women at less risk, especially those that are in low-income areas and their children.

I do not understand why we cannot bring up the bill for a vote. I do not understand why. The President of the United States has said that he would sign the bill if it got onto his desk.

□ 1530

Well, we are the ones here who are holding it up. He is going to sign the bill. That is a good sign. So I think that we should move forward between today and Monday afternoon and be able to get this vote done so we can continue something that works. A program like this works. We have seen equal education getting better and better. Why are we even looking at a program to either cut it back or to see it expire when a program works?

Police chiefs from all over the country were here today. The rank-and-file were here today. Unfortunately, victims were here today too. I mentioned them many times today. We can cut down on health care costs; we can cut down on those who are in rehab hospitals, some who never leave. We can cut down on the amount of people who are unfortunately injured because of large-capacity clips and assault weapons. The bottom line is, why did we have an assault weapons ban in the beginning? Because too many of our police officers were being mowed down. We are putting that risk right back on the streets again. We are putting that risk to our police officers today, when things are actually even worse than they were 10 years ago.

This is when we should be renewing this ban. This is when we should be making sure our police officers who are protecting us because terrorists are in this country. This is what we should be doing. The American people care about this issue. They count on us, we in Congress, our leaders, our President, to take a lead on this. And we are letting them down, unless somebody has a change of heart. Do not think this is going to go away, because it is not. It will not, unfortunately, because one day we will be standing here and people will be saying, why did we not do something about it, and that is going to be, unfortunately, when we have a tragedy in our school or our police officers are mowed down, and people say, why did you not do something.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in strong support of the Maloney/Woolsey/Sanchez amendment to restore Women's Educational Equity Act, or WEEA, funding in the Labor HHS bill.

I am standing here again, as I did in 1999 with my late colleague Patsy Mink, to urge Congress to provide $3 million in funding for this vitally important program.

WEEA was established in 1974 to promote educational equity for girls and women, including those who suffer multiple discrimination based on gender, race, ethnicity, national origin, disability, or age. The program was also established to urge compliance with Title IX which prohibits sex discrimination in federally funded education programs and activities.

In the last 29 years, WEEA has funded more than 700 projects throughout the United States. And, unlike a number of programs this Congress has funded, the results speak for themselves.

Girls and women in this country are doing better. For the first time, women's educational achievement equals or surpasses that of men. Women are also more likely to graduate, more likely to engage in school activities, and less likely to engage in high risk activities.

However, as women advance through their educational careers, they become increasingly less likely to enroll in advanced placement courses, especially those in math and sciences.

According to 2000 figures, only 18 percent of engineering degrees are awarded to women, and only 10.6 percent of employed engineers are female. As a representative from Orange County—one of the largest aerospace and defense industrial bases in the country—I know this is a problem. Time and time again, my aerospace and defense contractors tell me that they simply can't find enough people to hire, especially enough women, and that they are having to turn to foreign students to meeting hiring needs.

It doesn't have to be this way. Programs such as WEEA will help fill those programs with our women.

And because of the lack of role models in these fields, classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women.

Studies show that women teachers, especially in the K–8 grades, often feel uncomfortable or underqualified to teach math and science. Studies also show that many of our young women perceive math and science as "unfeminine." Why is this? Is there something hidden in the curriculum? Is it in the way that we teach? What makes women believe they are best suited for other fields? WEEA programs are searching to find the answers to these questions.

Three million dollars is a small amount of money to expend on a program with tremendous payoffs. Support WEEA. Vote for the Maloney/Woolsey/Sanchez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes. There was an amendment brought to the floor just a few minutes ago by the gentlewoman from Guam (Ms. BORDALLO), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and the gentleman from Guam (Mr. FALEOMAVAEGA) regarding Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and it was regarding section 1108 of the Social Security Act, which places a funding ceiling on all Medicaid funding to U.S. territories.

In Guam, Medicaid and CHIP combined cover only about 25 percent of all estimated costs eligible for Medicaid matching grants.

The reason I came to the floor is because we had a hearing on this not long ago and the hearing was as a result of my going to Guam and Saipan and the Marianas to talk to them about health care problems. My Subcommittee on Wellness and Human Rights was looking into the problems they are facing over there regarding health care. They have an absolute epidemic of type 2 diabetes. They do not have enough equipment over there to take care of the population. People are literally dying because they cannot be taken care of as far as their dialysis is concerned. They are running those machines 24 hours a day, Mr. Chairman. Mr. Chairman, they are running those dialysis machines in the Northern Marianas and Guam and Saipan 24 hours a day. The people cannot get health care.

The Speaker of the House of Representatives in Guam had heart trouble. They had to fly him all the way from Guam to Honolulu to get health care. Otherwise, he would have died. That is the Speaker of the House over there.

I know that there was a point of order raised against this, and I understand that we cannot legislate on an appropriations bill. But I would just like to say to the chairman, this is not a political thing. This is not a Democrat or Republican thing. The people of that area of the world, American citizens are dying because they cannot get adequate health care, and the economy has been hit very hard over there in that region of the world, and they cannot reach the matching grant requirement which is much lower than in the 48 States that we have right here.

So I would just like to say to my good friend, the gentleman from Ohio (Mr. REGULA), and the Committee on Appropriations and all of the members of the Committee on Appropriations, something has to be done about the problem in Guam, Saipan, and the Northern Marianas and American Samoa, because those people over there simply are not getting health care. It is not a question of quality of health care; they are not getting health care. They do not have enough dialysis machines, they do not have enough equipment to take care of people with heart trouble and, as I said before, they are having to go all the way to Hawaii, 4, 5, 6, 7 hours on a plane to have their lives saved.

So I just wanted to bring this to the attention of my colleagues on the Committee on Appropriations, and I will bring it to the attention of the authorizing committee as well; I know it is important to do that. But I am sorry I was not on the floor to discuss this when it came up. I know it would not have done any good, because it is subject to a point of order. But this is something that they are suffering from over there.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by Ms. JACKSON-LEE of Texas; an amendment offered by Ms. JACKSON-LEE of Texas; and an amendment offered by Mr. SANDERS of Vermont.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by two 5-minute votes.

The vote was taken by electronic device, and there were—ayes 112, noes 305, not voting 16, as follows:

[Roll No. 425]

AYES—112

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Carson (IN)
Case
Clay
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Deutsch
Dingell
Doggett
Evans
Fattah
Filner
Ford
Frank (MA)
Gephardt
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lynch
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Moran (VA)
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rodriguez
Rothman
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Serrano
Sherman
Slaughter
Stark
Tanner
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—305

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett

Farr
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schakowsky
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—16

Ballenger
Cannon
Dicks
Dooley (CA)
Dunn
Engel
Flake
Grijalva
Jones (OH)
Mollohan
Nethercutt
Ryan (OH)
Schrock
Smith (WA)
Tauzin
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1606

Messrs. FRELINGHUYSEN, SHIMKUS, BISHOP of Georgia, HOYER, CARSON of Oklahoma, CLYBURN, THORNBERRY, LAMPSON, TIBERI, BUYER, ETHERIDGE, SPRATT, Ms. ROYBAL-ALLARD, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Messrs. MILLER of North Carolina, BACA, STRICKLAND, GONZALEZ, KUCINICH, GEORGE MILLER of California, OBERSTAR, OLVER, LANGEVIN and REYES changed their vote from "aye" to "no."

Mr. LYNCH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 261, answered "present" 1, not voting 15, as follows:

[Roll No. 426]

AYES—156

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Emanuel
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Ruppersberger
Rush
Sabo
Sànchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—261

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Eshoo
Evans
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)

Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

ANSWERED "PRESENT"—1

Lipinski

NOT VOTING—15

Akin
Ballenger
Cannon
Dicks
Dooley (CA)
Dunn
Engel
Flake
Grijalva
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1615

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 305, noes 114, not voting 14, as follows:

[Roll No. 427]

AYES—305

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—114

Aderholt
Akin
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Calvert
Cantor
Carter
Case
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Everett
Feeney
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Goss
Granger
Greenwood
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Keller
Kingston
Knollenberg
Kolbe
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (VA)
Musgrave
Myrick
Northup
Norwood
Nunes
Ose
Otter
Oxley
Pearce
Pence
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Regula
Rogers (KY)
Rohrabacher
Royce
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Walden (OR)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—14

Ballenger
Bilirakis
Cannon
Dicks
Dooley (CA)
Engel
Flake
Grijalva
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1624

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GRIJALVA. Mr. Chairman, on September 7th and 8th, 2004, I was delayed in returning from my district due to official business and I missed rollcall vote Nos. 422, 423, 424, 425, 426, 427.

If I had been here I would have voted in favor of rollcall vote No. 422, to name the Harvey and Bernice Jones Post Office Building, and rollcall vote No. 423 to name the General William Carey Lee Post Office Building.

I would have voted "no" on rollcall vote No. 424, the Previous Question regarding the Rule for the Labor Health and Human Services and Education Appropriations bill for Fiscal Year 2005.

I would have voted in favor of rollcall vote No. 425, Ms. JACKSON-LEE's amendment to increase funding in the CDC and NIH for Lupus. I would have voted in favor of rollcall vote No. 426, Ms. JACKSON-LEE's amendment to increase funding in the CDC for Hepatitis C.

I would have voted in favor of rollcall vote No. 427, Mr. SANDER's amendment to increase funding for the low-income home energy assistance program and the weatherization assistance program by $22,000,000.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 95, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill through page 95, line 21, is as follows:

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $120,856,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $669,936,000: *Provided*, That

$18,391,000 shall be available to carry out section 2151(c) of the ESEA, of which not less than $10,000,000 shall be provided to the National Board for Professional Teaching Standards, not less than $7,000,000 shall be provided to the American Board for the Certification of Teacher Excellence, and up to $1,391,000 may be reserved by the Secretary to conduct an evaluation of activities authorized by such section: *Provided further*, That $50,000,000 shall be for subpart 2 of part B of title V: *Provided further*, That $100,000,000 shall be available to carry out part D of title V of the ESEA.

Safe Schools and Citizenship Education

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $801,369,000, of which $440,908,000 shall become available on July 1, 2005 and remain available through September 30, 2006: *Provided*, That $440,908,000 shall be available for subpart 1 of part A of title IV and $203,472,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $128,347,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $11,852,000 may be used to carry out section 2345.

English Language Acquisition

For carrying out part A of title III of the ESEA, $681,215,000, of which $595,715,000 shall become available on July 1, 2005, and shall remain available through September 30, 2006: *Provided*, That funds reserved under section 3111(c)(1)(D) of the ESEA that are not used in accordance with section 3111(c)(2) may be added to the funds that are available July 1, 2005, through September 30, 2006, for State allotments under section 3111(c)(3).

Special Education

For carrying out parts B, C, and D of the Individuals with Disabilities Education Act, $12,176,101,000, of which $6,560,447,000 shall become available for obligation on July 1, 2005, and shall remain available through September 30, 2006, and of which $5,413,000,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006, for academic year 2005–2006: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic, Inc. to support the development, production, and circulation of recorded educational materials: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2004, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,054,587,000, of which $15,000,000 shall be for grants to States under title III of the AT Act: *Provided*, That the Federal share of such grants shall not exceed 75 percent, and the requirements in sections 301(c)(2) and section 302 of the AT Act shall not apply to such grants.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $17,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $55,790,000, of which $1,685,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $104,000,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

Vocational and Adult Education

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $2,025,456,000, of which $1,234,456,000 shall become available on July 1, 2005, and shall remain available through September 30, 2006, and of which $791,000,000 shall become available on October 1, 2005, and shall remain available through September 30, 2006: *Provided*, That of the amount provided for Adult Education State Grants, $69,135,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,169,000 shall be for national leadership activities under section 243 and $6,692,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $101,698,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2004, and shall remain available through September 30, 2006, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2005, and remain available through September 30, 2006, for grants to local educational agencies: *Provided further*, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

Student Financial Assistance

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,755,794,000, which shall remain available through September 30, 2006.

The maximum Pell Grant for which a student shall be eligible during award year 2005-2006 shall be $4,050.

Student Aid Administration

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,247,000.

Higher Education

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $1,976,056,000, of which $1,500,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: *Provided*, That $9,876,000, to remain available through September 30, 2006, shall be available to fund fellowships for academic year 2006–2007 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $988,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.

Howard University

For partial support of Howard University (20 U.S.C. 121 et seq.), $243,893,000, of which not less than $3,552,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

College Housing and Academic Facilities Loans Program

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $578,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

Historically Black College and University Capital Financing Program Account

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $212,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279 and section 672 of the Individuals with Disabilities Education Act, $526,804,000: *Provided*, That, of the amount appropriated, $195,518,000 shall be available for obligation through September 30, 2006.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $421,055,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $90,248,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $47,790,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 8002(m) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(m)) is amended by striking "5 years" each place it appears and inserting "7 years".

SEC. 306. None of the funds appropriated by this Act shall be available to the Secretary of Education—

(1) to enforce any change or clarification of Department of Education policy with respect to the Federal Family Education Loan Program Consolidation loans for borrowers with both FFEL and non-FFEL loans, as provided for in a dear colleague letter of the Secretary's dated April 29, 2004; or

(2) to issue letters regarding loan verification certificates to providers of Federal Family Education Loan requesting information regarding William D. Ford Direct Student Loans, including Direct Stafford, PLUS, and Consolidation Loans, that state either of the following:

(A) We cannot approve the certification form (s). The borrower has Direct Loans.

(B) We cannot approve the certification form (s). The borrower has a Direct Consolidation Loan and has no other loans.

This title may be cited as the "Department of Education Appropriations Act, 2005".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $61,195,000, of which $4,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,672,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $353,197,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2007, $400,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2005 by Public Law 108–7, up to $20,000,000 is available for grants associated with the transition of public broadcasting to digital broadcasting, including costs related to transmission equipment and program production, development, and distribution, to be awarded as determinded by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and up to $60,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after allocations made herein.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,964,000, including $1,500,000, to remain available through September 30, 2006, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,813,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act of 1996, $261,743,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $9,905,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,873,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $248,785,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,635,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,516,000.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $108,000,000, which shall include amounts becoming available in fiscal year 2005 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $108,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

Federal Payments to the Railroad Retirement Accounts

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2006, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

Limitation On Administration

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $102,202,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

Limitation on the Office of Inspector General

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,561,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

Social Security Administration

Payments to Social Security Trust Funds

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,454,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $28,578,829,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2006, $10,930,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $8,674,100,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2005 not needed for fiscal year 2005 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $124,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2005 exceed $124,000,000, the amounts shall be available in fiscal year 2006 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for Federal-State partnerships, any unobligated balances at the end of fiscal year 2004 shall be transferred to the Supplemental Security Income Program and remain available until expended to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $25,748,000, together with not to exceed $65,359,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

AMENDMENT OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

At the end of title III of the bill, insert after the last section (preceding the short title) the following:

SEC. . For "SCHOOL IMPROVEMENT PROGRAMS" for innovative programs, as authorized by part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.), and the amount otherwise provided by this Act for "EDUCATION FOR THE DISADVANTAGED" is hereby reduced by, $20,000,000.

Mr. SHADEGG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SHADEGG. Mr. Chairman, this is an amendment offered by myself and the gentlewoman from Colorado (Mrs. MUSGRAVE), and we believe it is extremely important at this particular time in our Nation's history.

Mr. Chairman, the base bill we have before us omits any funding for title V, part A education block grants, and that program has previously been funded at the level of $296 million. That program is one of the few places where educators in America have flexibility to spend money as they see fit. Indeed, these title V block grants are critical, and they give local educators the flexibility and the funds to address local needs. They are used to reduce class size, buy computers, provide teacher training, and they are used to support remedial reading efforts.

It is the flexibility of these grants that are so important at a time when the no child left behind bill is being funded across our Nation, and some people say there is not sufficient funding. Many local educators have spoken up and said this program needs to be funded.

Indeed, in a letter from the American Association of School Administrators, which represents more than 14,000 school administrators and local education leaders across the country, in a letter dated just yesterday, they said, "At a time when every dollar flowing from the Federal Government to local districts has a specific purpose, only this funding stream," the title V education block grant, "allows districts the flexibility to use the dollars to meet the unique needs of the local school district." The letter went on to say every district benefits from funding under this block grant; therefore, every district would be affected by its elimination, and they reiterate these dollars are helping local school districts implement No Child Left Behind.

I believe there is no opposition to the addition of the funding which this amendment offers. What there is is a debate about the source of that funding. The amendment takes $20 million from the Even Start Program and puts it into this title V education block program. We chose that because it was the only source we could find. We would note that Even Start is already funded at $247 million, and that is a sufficient amount to continue the programs already funded. I urge my colleagues to support the amendment.

AMENDMENT OFFERED BY MR. OBEY TO AMENDMENT OFFERED BY MR. SHADEGG

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY to amendment offered by Mr. SHADEGG:

Strike the provisions of the amendment reducing funds for Education for the Disadvantaged.

Insert the following language into the amendment:

"At the end of the bill (before the short title), insert the following new section:

'Sec. . In the case of taxpayers with adjusted gross income in excess of $1,000,000, for the tax year beginning in 2005 the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs Growth and Tax Relief Reconciliation Act of 2003 shall be reduced by $125 for each such taxpayer.'"

Mr. REGULA. Mr. Chairman, I reserve a point of order on the proposed amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order on the amendment to the amendment.

Mr. OBEY. Mr. Chairman, I certainly have no objection to the gentleman's efforts to provide funding for the block grant program. I think we ought to do that, but I offer this amendment to illustrate that the budget resolution adopted by the majority has put this committee in a position where each time a Member of either the majority or minority party tries to save a deserving program, they are forced to gouge another deserving program in order to pay for it.

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Yet at the same time, that same budget resolution made it possible for the government to provide every person in this country who makes $1 million or more a year with a $127,000 tax cut this year. What this amendment points out is that if we simply reduce that $127,000 tax cut for millionaires by $125, so they would be stuck with a whole $125 less than $127,000, if we did that, we would not have to cut into the Even Start program.

I am not the sponsor of the Even Start program. The sponsor of the Even Start program was a former Republican Member of this House who was a Republican chairman of the Education and Labor Committee, Bill Goodling. I do not think we ought to be going after that program in order to do what the gentleman wants to do. So I am offering this amendment simply to illustrate that there are other ways to deal with this problem that are much more socially just and economically sensible.

I do not see why we ought to be cutting into funding which helps families of disadvantaged children learn to read and write. I do not see why we should be cutting into that program in order to fund the other block grant program. But this is the kind of robbing-Peter-to-pay-Paul situation that we have been backed into by the majority and by the White House.

Mr. Chairman, I offer this amendment in the hopes that the majority will not strike it on a point of order, because I think this is a much more civilized way to deal with what the gentleman is trying to do.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. REGULA. Mr. Chairman, we will have to insist on our point of order because obviously this is legislating on an appropriations, to add the language that the gentleman from Wisconsin is proposing. It violates clause 2 of rule XXI. The rule states in pertinent part that an amendment to a general appropriation bill shall not be in order if it changes existing law. Obviously, this amendment proposes a change in existing law by prescribing changes in tax liabilities; and, therefore, we insist on our point of order.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

Mr. Chairman, the gentleman seeks to strike this amendment on a point of order. I would point out that the purpose of the Budget Act is to force Congress to make choices, to choose between priorities in the process of putting together a comprehensive budget. What the majority has done by the way it has used budget resolutions and the process of reconciliation is, instead, to fragment the budget process so that the Congress never gets to deal with the trade-offs between revenues and expenditures. That, I think, is a fundamental corruption of the original intention of the Budget Act.

I wish that the majority party had not determined to walk down this road, but they have; and under the approach that they have established in the House, I must concede the point of order, but it is too bad because it means that we are going to be gouging one good Republican program in order to pay for one good national program.

The CHAIRMAN. The point of order is conceded and sustained and the amendment to the Shadegg amendment is not in order.

Mrs. MUSGRAVE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to offer this amendment today with the gentleman from Arizona to restore much-needed funding for the title V block grant program. These funds allow local educators the flexibility to address local needs, whether it is school safety, remedial reading, dropout prevention, professional development or support for charter schools.

This innovative education program is the most flexible program contained within the Elementary and Secondary Education Act. It is the only formula program that allows recipients to use the funds to benefit any and all student populations in any and all schools. In 2001–2002, 23 percent of the money provided to Colorado through this block grant was used for literacy programs, and 11 percent was used for library materials. Other States have used the money for computers and teachers. Many States are now using the money to meet the academic requirements of No Child Left Behind.

I am extremely supportive of giving our local educators flexibility with their funding so they can make decisions that truly benefit students. These innovative education funds can be used for anything to improve academic achievement. I urge my colleagues to support this amendment and restore these funds.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I think it is a fairness issue because we want to give all the children in the schools of the United States an opportunity. What this does, and unfortunately we had to drop it from the original bill, it was $296 million last year and down to zero, in an effort to beef up a lot of programs that are very important to Members.

But I think in fairness this is a very modest amendment that is being proposed by the gentleman from Arizona. It is $20 million. It gives the schools that are taking responsibility, the parochial schools, some of the private schools, some of the schools that are in another venue, and it is a modest amount to say to them, we understand and we care about what happens in your school, too. We care about the students in your school, that they get an equal shot or at least some help, a recognition of the importance of that.

The Even Start program will still have a lot of money left. It is not as if we are putting it way behind. In light of all that, I strongly support the amendment proposed by the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. SHADEGG. Mr. Chairman, I thank the chairman of the subcommittee for his support of this amendment; and to my friend from the opposite side of the aisle, I want to make it clear to him, we did propose a much more modest amendment, only $20 million. Our original goal had been to restore the entire $296 million. I would hope that in negotiations with the other body you would find, as I know the chairman will look to find, funds to put into this block grant program. I understand and sympathize with the remarks he made in his effort. Hopefully, as this bill moves forward and he will be in the conference and I will not, you can restore these funds even above the $20 million level here. Our effort was to be sure there was a line item in the bill as it leaves the House for you to work with as you go to the Members of the other body on this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 506. This provision violates clause 2(b) of House rule XXI. It proposes to change existing law and, therefore, constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, we recognize the validity of the gentleman's point and we certainly, in light of the circumstances, concede that the point of order is valid.

The CHAIRMAN. The point of order is conceded and sustained and that provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 516. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 517. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 518. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . (a) Paragraph (2) of section 1122(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)) is amended—

(1) by striking "If sufficient funds" and inserting the following:

"(A) CONCENTRATION GRANTS.—If sufficient funds"; and

(2) by adding at the end the following:

"(B) TARGETED GRANTS.—Notwithstanding the inability of a local educational agency to meet the minimum eligibility criteria described in section 1125(a)(1) for a fiscal year, if sufficient funds are appropriated, the amount made available to the agency under section 1125 for that year shall be—

"(i) if the agency met such minimum eligibility criteria and received a grant under section 1125 for the preceding fiscal year, not less than 67 percent of the amount of such grant; or

"(ii) if the agency met such minimum eligibility criteria and received a grant under section 1125 for the second preceding fiscal year (but not the preceding fiscal year), not less than 34 percent of the amount of such grant.

"(C) EDUCATION FINANCE INCENTIVE GRANTS.—Notwithstanding the inability of a local educational agency to meet the minimum eligibility criteria described in section 1125A(c) for a fiscal year, if sufficient funds are appropriated, the amount made available to the agency under section 1125A for that year shall be—

"(i) if the agency met such minimum eligibility criteria and received a grant under section 1125A for the preceding fiscal year, not less than 67 percent of the amount of such grant; or

"(ii) if the agency met such minimum eligibility criteria and received a grant under section 1125A for the second preceding fiscal year (but not the preceding fiscal year), not less than 34 percent of the amount of such grant.".

(b) The amendments made by this section apply only with respect to funds appropriated for fiscal year 2005 or any subsequent fiscal year.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. OBEY. Mr. Chairman, I also reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. TOM DAVIS of Virginia. Mr. Chairman, first let me state I realize this amendment is subject to a point of order so I will withdraw the amendment, but I want to take the opportunity to raise an important issue that is of great importance to the Fairfax County school districts which I represent.

Mr. Chairman, No Child Left Behind requires the Department of Education to use the most up-to-date poverty data from the Census Bureau when determining eligibility for title I grants. The intent behind this requirement is sensible. We want title I funds going where they are most needed.

That said, two of the four available title I grant programs, Targeted Grants and Education Finance Incentive Grants, have a 5 percent cutoff for eligibility. If a school district falls below this level, they lose all funding through these grants. There are no hold-harmless provisions for a drop in poverty rates.

In the case of Fairfax County, our most recent poverty figures fell about 1 percent to 4.94 percent. While this figure represents a small number of students, 106 students to be exact, it has equated to a 26 percent reduction in title I funds.

□ 1645

We lose almost $3½ million for losing 106 students. That is about $33,000 a student. My concern is not just that my local school district has lost $3.3 million for the coming school year, it is that a school district like Fairfax County can hover at around the 5 percent level year after year, and this makes it impossible to plan effectively since it is unclear from one year to the next whether these funds will be available.

Our amendment would implement hold harmless provisions for targeted and EFIG grants. The first year the school district fell below the 5 percent level, it would still be eligible for two-thirds of the amount they received the previous year. The second year it would be eligible for one-third. The third year it would lose eligibility.

In my estimation such a stair-step system would better reflect a true change in the demographics of a given school district and allow better planning from year to year. As I said, this equates to almost $33,000 a student for a loss of 106 students.

I will withdraw the amendment, but hope that the members on the authorizing committee and appropriation committees will work with us in the future to try to look at such a stepped approach, which I think makes for better planning.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong support of this amendment which will help to correct an "unfair penalty" relating to Title I funding for some of our nation's most deserving schools.

There are four different grant categories which deliver Title I funds to school districts: Basic Grants, Targeted Grants, Education Finance Incentive Grants (EFIG), and Concentration Grants. The Department of Education maintains a 5 percent poverty level "cliff" for Education Finance Incentive Grants and targeted grants.

This means that if a school district's poverty line falls below five percent, they lose a significant portion of their Title I funds.

The Davis-Moran amendment would provide a phase out of funds over several years, for example, if the school district falls below the 5 percent requirement, they would only lose 33 percent the following fiscal year. After the second consecutive year, they would lose 66 percent. After the third year, they would lose all funding. If a school district's poverty data rose above the 5 percent minimum level, it would be fully eligible to receive education finance incentive grants and targeted grants.

As a representative of one of the largest public school systems in the country, Fairfax County, I am deeply troubled that they are set to lose over $3 million in Title I funds because their poverty level is 4.96 percent, slightly below the 5 percent floor required for most Title I grants.

This loss of Title I funds is going to have a devastating impact on several school districts and comes at a particularly critical time. School districts are facing the public choice and supplemental services sanctions mandated by No Child Left Behind, and these same school districts are going to be forced to redirect Title I funds out of the very classrooms where they are needed the most.

No Child Left Behind stipulates that the Department of Education must use the most-up-to-date poverty data from the Census Bureau in determining a school district's eligibility to receive Title I funds.

Because of this, the Department of Education is using data from census year 2000 for their calculations of poverty rates. Unfortunately it is 2004 and we do not have the same economy that we had 4 years ago.

In Fairfax County alone, the student population eligible for the free and reduced-price lunch program has increased by 18 percent since FY 2000. This data more clearly reflects the need of the Fairfax County school system to receive Title I funds than old census data.

Because Title I funds are allocated on the basis of poverty and not the basis of free and reduced price lunch eligibility, this school system stands to see their Title I funds decreased by 26 percent, the largest dollar decrease of any school division in the country.

This poverty threshold calculation actually under emphasizes significant pockets of poverty in otherwise relatively wealthy school districts. The Fairfax County Public School System is a perfect example of a school district which includes the wealthy areas of Great Falls and McLean but also the traditionally underserved areas of the Route 1 Corridor and Baileys Crossroads, where a majority of students on free and reduced lunch reside.

This calculation is not fair to those students in the poor sections of a wealthy county, and does not accurately portray the needs of them, their teachers and their schools.

I urge all my colleagues to adopt the Davis-Moran amendment and make the Title I funding formula more equitable in order to ensure that no child is left behind.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEORGE MILLER of California:

At the end of the bill, before the short title, insert the following:

SEC. . None of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce section 4010(c) of the Employee Retirement Income Security Act of 1974.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to offer an amendment to better protect the pension benefits of millions of Americans. Workers' retirement security has been taking it on the chin for the last 4 years. First, tens of thousands of workers and retirees lost their retirement savings after the Enron and WorldCom debacles. Then the Bush administration tried to restart the cash balance conversions and cut the pensions of millions of older workers. Under that proposal millions of older workers would have seen their pension benefits cut up to in half, and they would have had no way to return and repair the amount of money that they were planning to retire on. And now we find out that thousands of pension plans are, in fact, underfunded, and many are considering the termination and the dumping of billions of dollars of liability on the Pension Benefit Guaranty Corporation, the agency that ensures the workers of this country's pensions.

The Pension Benefits Guaranty Corporation has gone from a $7 billion surplus to a $10 billion deficit in just 2 years. The GAO has it on its watch list of high-risk agencies. And a handful of airlines, including United, Delta, and US Air, may soon dump more liabilities on the Pension Benefits Guaranty Corporation that reach as high as $30 billion.

One of the worst parts of this is that the workers have no idea that their pension funds are underfunded and at risk, that their employer could default on their pension promises. Let me say that again. That while these plans are underfunded, and while they are at risk, the workers are not informed of that information. Pension law requires underfunded pension plans to report their underfunding to the government, but not to the workers.

My amendment is simple. I prohibit the Pension Benefit Guaranty Corporation from enforcing the part of the law that prohibits them from disclosing to workers and to retirees the funding status of their pension plan. After all, this is their money. This is money that they have contributed to those pension plans. It is money that they are planning on for their retirement. It is money that they are planning on for their future, and it is money that they cannot replace if they are an older worker. They ought to have this information.

Most interesting is the fact that the Pension Benefit Guaranty Corporation wants to make this information public. The Bush administration has said that they support making it public. But this provision in the law prevents them from doing this.

There is no reason why the government should know the status of company pension plans, but the workers should not. Workers are losing more and more each day under the administration's proposals on pension. Their jobs are being outsourced overseas. Their wages are falling. They have no protection of an adequate minimum wage. They are either losing their health care benefits or paying more in copays and deductibles and more of their wages on skyrocketing health insurance premiums, and they are losing their retirement security.

We have got to be able to provide them this information. This is very analogous to the workers at the Enron Corporation. The corporation knew that their 401(K) plans were in serious jeopardy. The corporation officers were unloading the stock because they knew they could not continue that criminal enterprise that they were engaged in in ripping off the energy consumers of this Nation. They unloaded. They got out. They took care of their golden parachutes. But the workers lost their 401(K) plans.

In this Congress we listened to the testimony of these workers as they talked about their entire retirement being destroyed, workers who were 60 years old, 65 years old, who had worked 10 and 15 and 20 years, who were planning to retire, no way to replace those savings. And now we see, and now we see, that there are hundreds of corporations that are underfunding; in fact, over 1,000 corporations that are underfunded according to the law in their pension plans, but this information is disclosed only to the Pension Benefit Guaranty Corporation and not to this.

Why am I here with this amendment on the floor? Because I have requested the chairman of the committee to ask to make this information public, and he has refused to do so. If he would do that, the law provides that it would be made available to the Members of Congress. At least we could start to see some of this information. But that will not be done.

The fact of the matter is this, and it is very simple: The workers in these corporations paid into these pensions. The corporations contributed to these pensions. The workers gave up other benefits to get these pensions. That money belongs to the workers. The workers ought to have the information.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 1 additional minute.)

Mr. GEORGE MILLER of California. Mr. Chairman, it is just a matter of decency. We see now major reforms going on in the administration of mutual funds and how their relationships are on behalf of workers, the disclosures of fees, the disclosures of their transactions, time days, one scandal after another, with people cheating the owners of the money out of their funds. Now we see the machinations of corporations as they try to cover up the potential liability or the potential failure or the loss of these pensions of the workers. Transparency is the watchword of the day. The workers of America, of corporations that are in danger of unloading these pensions and getting rid of these pensions, the workers of this country are entitled to that information.

I would hope that this House would support this in the name of the transparency, in support of the position of the Bush administration, in support of the position of the Pension Benefit Guaranty Corporation that this information should be made available, and I would urge an aye vote.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

I rise in strong support of the amendment by the gentleman from California (Mr. GEORGE MILLER). I think most Americans, Mr. Chairman, would be shocked to know that information about their pension which they own is not available to them at the same time it is available to a government agency.

When the President speaks about Social Security, he is fond of talking about trying to create accounts which are private property of citizens so that we can know what is ours. Pensions are already private property of citizens. When one contributes to a pension fund, or their employer contributes on their behalf to their fund, they own it. But under the present law, one of the more remarkable laws that we have on the books, if the pension fund that one's employer sponsors is in trouble, if it looks like it is going to be unable to pay benefits because its costs are exceeding its revenue, and it looks like the fund might crash so that the Federal Government, under the jurisdiction of the Pension Benefit Guaranty Corporation, will have to step in and make the pension fund whole, the law says that one's pension fund has to tell the Pension Benefit Guaranty Corporation that it is in trouble, and it has to disclose the nature of that trouble. So this government agency gets this information about one's pension fund being in trouble and their check being in jeopardy. Believe it or not, there is a statute that says once this government agency has this information that a person's pension is in trouble, it cannot tell him.

We do not understand that. We think if someone works for a company, and is counting on their pension being delivered, and has contributed to that pension, and has had the employer contribute to that pension, and the pension is in jeopardy so much that the trustees of the fund have to report that trouble to a government agency, we think that the citizens, the pensioners themselves, have a right to know.

That is what the gentleman from California's (Mr. GEORGE MILLER) amendment does. It prohibits the administration, prohibits the executive branch, from enforcing this secrecy law. One's pension should not be held secret from them if they are an employee or a citizen or a future pensioner. That is what this says.

It is my understanding that, as the gentleman from California (Mr. GEORGE MILLER) said, in fact, the administration supports this change, wants this information to be made public.

I do not believe this is a partisan issue. I think that responsible Members on both sides of the aisle would understand that if their pension is in trouble, they ought to have a right to know it, not later after the pension fund has failed and they do not get their check, not after it is too late to do something about it, as was in the case of the Enron and WorldCom employees, but now, as soon as it is timely, so they can do something about it.

So if the Members believe, as I think people on both sides of the aisle do, that someone's pension is their property, and if they believe, as I think people on both sides of the aisle do, that they have the right to know about the dynamics and phenomena happening about one's own property, and if they believe that some government agency has the right to know what is going on with their pension and they should, too, if they believe those things, then they ought to vote for the gentleman from California's (Mr. GEORGE MILLER) amendment. It is an idea that is supported, to my understanding, by the administration. I hope it would be supported by both sides of the aisle here. I would urge a "yes" vote.

Mr. REGULA. Mr. Chairman, I continue to reserve a point of order.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the concerns of my colleagues on the other side, but I rise today in opposition to their amendment. And while they make it sound simple as it would normally be the case, there is nothing at all simple about the amendment that is being offered.

The 4010 information that is required to be submitted to the Pension Benefit Guaranty Corporation would be for any defined benefit pension plan that has a negative balance actuarially of at least $50 million, and these could be public companies, they could be private companies. And the information that has to be supplied to the Pension Benefit Guaranty Corporation is not just information about where the pension fund is. It also includes all types of detailed information about the finances of the company itself.

□ 1700

For private companies who may be in this position, this is very sensitive information.

The reason we have not dealt with the issue as yet is we have been working on a long-term fix for the defined benefit pension plans. As we get into those conversations, we have had a number of hearings over the past couple of years, we passed the Pension Equity Funding Act earlier this year, signed by the President, to fix the most immediate problems.

But as the gentleman from California (Mr. GEORGE MILLER), the author of the amendment, well knows, we have had a number of hearings last year and this year about the long-term problems facing defined benefit pension plans, a traditional pension plan, and what we hope to do is to have a bill next year that would revise all of the funding rules to make it easier for companies to comply with the rules and, most importantly, to ensure that companies are funding their pension plans.

As part of this overall bill, I think there may be a way to address the concerns raised by the gentleman from California (Mr. GEORGE MILLER) in terms of who the companies are or the extent of their pension issue, without disclosing all of the sensitive financial data that must be submitted to the Pension Benefit Guaranty Corporation.

So I would urge my colleagues to vote no on the Miller amendment, and my colleagues should know that a commitment is on my part to the gentleman from California (Mr. GEORGE MILLER) and to all of my colleagues that we will address that portion that is not nearly as sensitive on the financial data as we deal with the broader overhaul of our defined pension benefit laws and regulations.

I would urge my colleagues to vote no.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding, and I thank the comments of my chairman, the gentleman from Ohio (Mr. BOEHNER), on this situation. But I must say I continue to disagree with the gentleman, and I disagree on two grounds.

First and foremost, we have made several requests to him to ask the PBGC, and we have specifically have asked, the Democrats on the committee have asked the PBGC for this information. They will not make it available to the committee, much less the public. They will not make it available to the committee because the chairman of the committee must make that request to them.

So when you talk about us going into long-term pension reform, Mr. Chairman, at a minimum we ought to have this information about the magnitude of the problem and the variations among the various corporations and the industries that are involved in this, if we are going to, in fact, deal with some kind of long-term and necessary fix, that I hope we will, and I thank you for holding those hearings. We need that information as members of the committee at a minimum.

But, furthermore, this information was available up until 1994. Then the Clinton administration cut a deal on the financing of GATT, and this information, the corporations prevailed on them to make this secret in exchange for a premium increase to pay for GATT. Who got left out? Who was not at the table? The American worker. So all of a sudden they did not get the information anymore.

The point and the magnitude and the necessity for this amendment, let me just point out that according to Standard & Poor, 290 of the 362 companies in the Standard & Poor's 500 that offer defined benefit plans are underfunded by $165 billion in 2003.

The point is this, that this is a huge, looming problem. You know the people who just went through bankruptcy at U.S. Air and thought they had cured their problem? Well, when United said, we think we might offload our pension onto the public taxpayers, all of a sudden the people at U.S. Air are in trouble again.

We think these people ought to have that information, so they, when they are negotiating, because if United does this, it is a likelihood that U.S. Air does it, and if U.S. Air does it, it is a likelihood that Delta will do it.

Well, that is a catastrophe for the PBGC and for those workers. There is something about transparency. We insisted in other financial arrangements where individuals have their money in the hands of third parties, and in this case we ought to do it for corporations.

So I appreciate, and I have said to the chairman very often, that he has given attention to this problem. We hope to have a long-term solution. But this is fundamental to the rights of workers at this most perilous time with respect to the security of their pensions.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. If I understand this correctly, the corporation would have to disclose information under the requirements of this section that would go beyond the pension part of their liability.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman would yield further, I appreciate that argument, but in reviewing the case, the Bush administration said they support the disclosure under this provision of the law, and the PBGC supports that. I do not think these two entities are interested in destroying these corporations. The fact of the matter is this information was made available for many years.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman from California, and I fully agree with his statement.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, all day today we have been hearing so many different issues coming up onto the floor that are concerning so many people, and I thank the ranking member, and I thank the chairman, and I thank the ranking minority ranking member on the Committee on Education and the Workforce for bringing these issues up.

I am here because I am not allowed to bring up the assault weapons bill onto the floor. With that, I will continue for the rest of the evening and all day tomorrow and all day Monday to talk about how we need to get the President involved to be able to make some phone calls to the Speaker of the House. I know that he supposedly is going to be meeting with all the police officers and chiefs that we met this morning to try and convince them that this is what the American people want, this is what our police officers want.

It comes down to a safety issue. There are so many things that we have to handle here, and we actually, in my opinion, have wasted an awful lot of time this year. We have done more politicking than we have done actual work, and that is too bad, because the only one that suffers is the American people.

If the assault weapons ban is not renewed, the American people in the end will suffer, our children will suffer, our communities will suffer, our health care system will suffer.

This is a bill that is already in place. They say enforce the law. Well, let us continue enforcing the law. Let us make sure the assault weapons bill stays in place. It saves lives. It does not cost us a penny.

I just heard that one of the large gun manufacturers, with every assault weapons gun that they buy, they will get a free large-capacity clip. Is that not terrific? It is much easier to mow down our own citizens.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by our colleague and join in offering the amendment by our colleague from California (Mr. GEORGE MILLER). This amendment follows very closely legislation that the gentleman from California (Mr. GEORGE MILLER) and I introduced last year to address this problem.

There are at the moment that we gather here in Congress, I suppose, tens of millions of Americans who are out working, trying to ensure that their families have a better future. As they do their work and they look forward to payday to get their paycheck, one of the things they also consider are whatever benefits that they get with their work. For many workers, particularly those that move in their forties and fifties to begin to think about what retirement lies ahead, they have a particular concern with the retirement plan for their company and whether it will, in fact, allow them to retire in dignity and enjoy the fruits of their labor after they have provided for their family and community, to be able to enjoy a decent, dignified retirement.

In recent years, American employees, American workers, have had good reason to be fearful that that very significant benefit of retirement that they have worked for, with some companies perhaps for 20 or 30 years, will not be there when they need it in full amount.

First there were the employees of Enron. Thousands of them, through no fault of their own, lost their retirement. Then the same thing happened at WorldCom. Thousands of people who had worked for that company almost since its origin losing their retirement future, the hope of a dignified retirement, many of them having to go back into the workforce.

Really, when you look back over the activities of this Congress since the Enron debacle, as far as preventing another debacle for employees at Enron and their retirement futures, or WorldCom, this Congress has done next to nothing to prevent other employees from suffering the same fate.

As the years have gone by and Congress has been inactive, our economy has struggled, and we have begun to see more major companies, particularly in the airline industry, begin to raise questions as to whether they were going to put their pension plan into bankruptcy, whether they were going to stop making pension payments.

This amendment does not solve all those problems. It is a very modest amendment. It simply expresses confidence in the employees, that they deserve to know the same information that their employer is filing with the government bureaucracy.

As my colleague from California just pointed out, were it not for the fine print in legislation that was approved in 1994, we would have the right to know this information. This amendment is based on the principle that if the employee has the information,,they can choose to go to another employer who has a fully funded pension plan, or they can turn to their employer and ask, why not? Why am I being given a false promise of a secure retirement, when, in fact, this plan is not funded at a sufficient level to assure that all workers who work here and retire will be able to enjoy their retirement with dignity?

Of course, there is another public policy consideration here, and that is that there is a government agency, the Pension Benefit Guaranty Corporation, that is responsible for ensuring and protecting against those plans that fail. From all of the recent reports about the status of that corporation, we face the potential of something that will make the savings and loan bailout of a few decades back look modest in comparison to the dangers of major pension funds, one after another, going under and placing a burden on this corporation.

The Bush administration came out in support of the very kind of amendment that is being offered here today. As usual, once some special interest began to question the wisdom of this provision, they fell moot. But their recommendation is a matter of public policy; it is clear, and it is out there.

The Government Accountability Office, the Pension Benefit Guaranty Corporation itself, all of these have recommended that this information that they get be made available to the employee so that the employee will be empowered.

This amendment is based on the principle that the workers that are out there deserve the right to know, they deserve the right to be empowered about their pension future, and I can see no good reason not to provide that information.

The suggestion by the chairman of the committee that he has a long-term plan to deal with this is great, but it is a little too long for the term of those who are concerned about their retirement safety and, one after another, pension plans failing.

I urge adoption of the amendment.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) insist on his point of order?

Mr. REGULA. Mr. Chairman, I do. But we recognize that since it is a limitation amendment, that it would not be in order. On that basis, I withdraw it.

The CHAIRMAN. The gentleman withdraws his reservation.

The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds appropriated by this Act may be expended by the Secretary of Health and Human Services to carry out the modification of coverage policy number 35-26 of the Medicare Coverage Issues Manual R125CM announced by the Secretary on July 15, 2004, in the press release entitled "HHS ANNOUNCES REVISED MEDICARE OBESITY COVERAGE POLICY–Policy Opens Doors to Coverage based on Evidence" until the date on which the Secretary submits to Congress a report containing the Secretary's estimate of the increased costs to the medicare program by reason of such modification of coverage policy.

Mr. REGULA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) reserves a point of order against the amendment.

The gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes in support of his amendment.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, this is a very simple amendment. Obviously the chairman has reserved a point of order. He might want to listen to my arguments. Perhaps persuasiveness of what I have to say will change his mind.

All of us know that on July 15, 2004, the Secretary of Health and Human Services announced that Medicare would allow for the coverage of antiobesity treatments and interventions by Medicare.

□ 1715

He said this would go on as long as scientific and medical evidence demonstrates their effectiveness in improving the health of beneficiaries on Medicare.

Now, the question I have, and part of my amendment here is, we do not know what this means. Does this mean that it is going to have an immediate impact on Medicare's coverage? Does this mean there are new benefits? We just do not know. Because the Secretary is saying, let us just take a look at this treatment or at that treatment, evaluate it on the basis of improving the health of individuals.

So my amendment is basically saying, okay, Mr. Secretary, if you want to go ahead and look at the coverage of somebody who is overweight, give them treatments or intervention and use taxpayers' good, hard-earned dollars to do so and you want to do it on the basis of scientific and medical evidence, what is it going to cost?

So I would urge the chairman to put this in the mix, maybe perhaps in conference or something, because we all know that Medicare is increasing, in light of obesity contributions, which is in the billions of dollars to Medicare, the Nation's health care costs, this just may be the thing that increases it dramatically. Part B premiums are rising at 17 percent. We have heard Senator KERRY talk about that on the campaign trail. So what is the cost of this new benefit that we are speculating might occur after we prove the scientific and medical evidence to use it?

I think that, besides information about health outcomes, information about the possible consequences and obesity policy changes in future premiums would be useful and also should be part of this debate.

Now, all of us in this Chamber and throughout America believe in preventive health treatments, and for Medicare, we accept that. Medicare beneficiaries are now offered "Welcome to Medicare" physicals and screening for diabetes and heart disease. But, obviously, these new benefits are passed along in premiums to beneficiaries, and we should also talk about that.

Now, I remind my colleagues that on August 27, Federal Reserve Chairman Greenspan was speaking about Social Security and Medicare entitlements, and he warned his audience at that point, he said, "If we have promised more than our economy has the ability to deliver to retirees, as I fear we have, we must recalibrate our public programs so that pending retirees have time to adjust."

Let us think about what we promise and what we decide as a Nation to cover and, more importantly, what is the price tag for these new benefits for the beneficiaries.

With 64 percent of the American population that is overweight, a substantial number of beneficiaries may likely qualify for this new coverage, and that will increase the cost. Moreover, with the declaration of obesity as a disease, we tread into public funding and issues involving sheer behavior. Now, science certainly points to biological contributions to obesity, for example, genetics or uncontrolled metabolism. But still, there are undoubtedly behavioral choices involving what we eat and whether we exercise. These are a matter of personal preference and choice, and I think it is dangerous to say that, just because Medicare is a public program, it can insert itself into private decisions.

Recently, in an article in Reason Magazine on "The War on Fat," they write that the argument based on taxpayer-funded health insurance proves too much. It gives the government an open-ended license to tax, regulate, or ban any behavior that might lead to disease or injury. If diet is a political issue, what is not? The same logic suggests that government should take an interest in how much we sleep or whether we floss regularly.

So I submit, Mr. Chairman, that we should find the cost of this new benefit to Medicare and, obviously, trial lawyers also may use the policy change as another weapon in their arsenal.

So, Mr. Chairman, in light of your distinguished leadership here and you are saying that it is out of order, I am willing to withdraw this amendment. I recognize that this is perhaps not the appropriate place, but I urge the chairman and his colleagues on the conference committee to consider defining the cost before we allow this new benefit to continue.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand what the gentleman is getting at. I think it is a very difficult definition as to what obesity would be because there are so many factors, but what we might consider and will look at in the conference would be some language just asking the Secretary to give us some idea of what kind of costs are going to be involved in implementing a program of this type, without putting a huge burden on the Secretary to implement or to go ahead with the program.

So I think the gentleman from Florida has served a useful purpose of causing us to focus on what could be a significant challenge prospectively.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank the gentleman for his leadership and consideration on this; and I think perhaps that is a compromise, to ask the Secretary how much it will cost to implement this, based upon this sort of general understanding of what he is going to do. So I thank the chairman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ___. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $1,425,000,000.

Mr. HEFLEY. Mr. Chairman, I rise today to offer an amendment that would cut discretionary spending in this appropriations bill by $1.4 billion, an amount equal to 1 percent of the $142.5 billion discretionary spending price tag. As many of my colleagues know, I have offered a similar amendment on many of the appropriations bills.

Let me begin by saying, however, that I recognize the difficult job the committee has had in putting together this bill. It is complex, it is big, it is a lot of money, it is important, and there are many, many good things in this; and I commend the chairman and the ranking member, particularly, for their effort in this, to produce a bill with as many good things in it as there are.

However, the fact remains that the Federal budget for fiscal year 2005 is going to be too large. Until we can make a dent in the outrageous level of the Federal deficit, we must be even more diligent in reining in spending. I do not think it is too much to ask to trim the budget for this spending bill by a mere 1 percent and prove to the American public that we want to make a priority of balancing the Federal budget.

I also want to point out that this amendment is structured so that the administration would maintain the ability to determine which accounts should be cut or scaled back in order to achieve this rescission, rather than cutting all programs across the board. My intent is not to single out all programs for reduction, but I am confident that we can eliminate some of the waste and abuse and find a way to trim 1 percent of the total spending.

Thus, I ask my colleagues to support this amendment and reduce the amount of discretionary spending in this bill by 1 cent on the dollar.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand the gentleman's concern, and it is a worthy objective, but we have tried already to cut back. When we know that we are bringing out a bill of this magnitude that affects the lives of 280 million Americans in terms of their education, in terms of their health resources, in terms of the ability to find new employment opportunities, we have already pushed that as hard as we can; and we are under the cost of living. It is only a 2.2 percent increase over last year.

I think we have worked very hard to meet the needs of the American people in a very responsible way. While it seems like 1 percent is not a lot, it is $1.4 billion. And do we start taking it out of programs for special needs children, do we take it out of the title I, or do we take it out of health research? We realize the difficulty of applying something like this across the board.

Reluctantly, I oppose the amendment because I think we have already made a real effort to make this bill as financially responsible as possible, given the challenges of meeting the needs of the people of this Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the Hefley amendment will be followed by one 5-minute vote, as ordered on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The vote was taken by electronic device, and there were—ayes 79, noes 333, not voting 21, as follows:

[Roll No. 428]

AYES—79

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Burton (IN)
Buyer
Chabot
Chocola
Coble
Collins
Cox
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Gutknecht
Hayes
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hostettler
Jenkins
Jones (NC)
King (IA)
Kingston
Lewis (KY)
Linder
McCotter
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Rohrabacher
Royce
Ryan (WI)

Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Whitfield
Wilson (SC)

NOES—333

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—21

Ballenger
Bono
Cannon
Crane
Cummings
Engel
Gephardt
Goss
Istook
Millender-McDonald
Mollohan
Moran (VA)
Nethercutt
Ney
Portman
Ryan (OH)
Schrock
Smith (MI)
Tauzin
Watson
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1752

Messrs. RUSH, BRADY of Pennsylvania, FRANK of Massachusetts, Ms. SCHAKOWSKY, and Messrs. OWENS, LYNCH and ISRAEL changed their vote from "aye" to "no."

Messrs. SULLIVAN, OTTER, MARIO DIAZ-BALART of Florida, and WHITFIELD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 428 I was detained by my constituents and was unable to get to the floor in time for voting. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 148, not voting 17, as follows:

[Roll No. 429]

AYES—268

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burr
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—148

Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Burgess
Burns
Burton (IN)
Buyer
Calvert
Cantor
Carter
Chocola
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Isakson
Issa
Istook
Johnson, Sam
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Lucas (OK)
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Weldon (FL)
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—17

Ballenger
Bono
Cannon
Crane
Engel
Gephardt
Goss
Hunter
Mollohan
Moran (VA)
Nethercutt
Ney
Nussle
Ryan (OH)
Schrock
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1805

Messrs. TAYLOR of North Carolina, ADERHOLT, SHUSTER, SWEENEY, WAMP, Ms. HART and Mr. WALSH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1800

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are now more than 8 million people out of work in this country; 3 million have been out of work for so long they have exhausted their unemployment compensation benefits. We have more than 1.5 million fewer private sector jobs than we had 4 years ago, and the administration's response to that has been to impose new regulations allowing employers to chisel workers on overtime protection, despite the fact that cost of living has risen twice as much this year as last year, despite the fact that gas prices, college tuition, and health care costs are going through the roof.

I had planned at this point to offer an amendment with the gentleman from California (Mr. GEORGE MILLER) which would block most of the sections of that new rule with one exception: We would have allowed the changes to go forward that improve the situation for workers that make between $8,000 and $23,000 a year. But now I have been told that if I intend to offer that amendment tonight, the majority will shut down the House for the evening.

The record will show that the minority on every single appropriation bill has cooperated procedurally with the majority, even when we have not agreed with the content of those bills, in the interest of comity in the hopes that somehow we could reach compromise and accommodation as we move through the process.

In spite of that cooperation, the majority by the end of this fiscal year will only be able to show that they have passed 1 and possibly 2 of the 13 appropriation bills. I want it made clear that the reason for that miserable record is because of the rigidity of the majority and because of their refusal to work with the minority or even other members of the majority in the other body. This is part of a long pattern of procedural abuse.

On prescription drugs, the majority held the vote open for 3 hours when they did not get the result they wanted. On the PATRIOT Act, the Sanders amendment was held open for 40 minutes until enough arms could be broken on the majority side. On vouchers on the D.C. bill, the roll was held open for 50 minutes until the majority could achieve a different result. On campaign finance, the House was kept at bay for 2 hours before the majority moved ahead.

I would simply make this point, Mr. Chairman. The majority is busy trying to bring the nicer points of democracy to Iraq. It would be nice if they would recognize those same niceties here at home.

I want to make one further point. People are asking me, why are you cooperating procedurally on bringing the Labor, Health, Education bill to the floor when you are so opposed to its contents? Well, there are two reasons. First of all, because we believe on the minority side that these issues ought to be debated even if we do not win. Secondly, very frankly, I want the record to show in the end that even though the minority has given the majority every single procedural cooperation that we could, that the majority has still not been able to perform because of its own rigidity and because they refuse to work with anybody, because they refuse to compromise with anybody.

It is outrageous after we have been asked for so long to bring this bill to the floor, they now want to pull the bill so they have another chance to twist arms overnight.

Do you really want to put workers in so much of a corner that you will not even allow us to have a vote on this overtime provision? We already won this vote once in the House, we won it once in the Senate, and yet the majority leadership arbitrarily stripped it out of the bill last year. Now you are trying to play the same game this time. I hope that every majority Member who intends to vote for this amendment tomorrow, if the House comes back into session on this bill, I hope you will stick with your conscience overnight and not cave in to pressure by tomorrow morning.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio (Mr. REGULA).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 195, not voting 23, as follows:

[Roll No. 430]

AYES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)

Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Ballenger
Bono
Cannon
Clyburn
Crane
Engel
Gephardt
Goss
Hinojosa
Kleczka
McGovern
Mollohan
Moran (VA)
Nethercutt
Ney
Norwood
Nussle
Paul
Ryan (OH)
Schrock
Strickland
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1829

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE RESOLUTION 757, EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider House Resolution 757 in the House; the resolution shall be considered as read for amendment; the previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) 1 hour of debate on the resolution equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON H.R. 5025, DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. ISTOOK, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–671) on the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. HILL. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HILL moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 1308 be instructed to agree, to the maximum extent possible within the scope of conference, to a conference report that—

(1) extends the tax relief provisions which expire at the end of 2004, and

(2) does not increase the Federal budget deficit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Indiana (Mr. HILL) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I am here to introduce a simple, but important, motion before us. My motion calls on Congress to extend expiring middle- and low-income tax cuts set to expire at the end of this year without increasing the deficit. We have seen broad and bipartisan support for extending the middle-class tax cuts. We have also seen bipartisan support for the concept of pay-as-you-go to avoid further increasing the ballooning budget deficits facing our Nation. The motion before us asks the conferees to be sure that Congress achieves both of these goals.

We have already seen a bipartisan proposal from the Senate extending for a year middle-class tax cuts without increasing the deficit. And the Blue Dogs have offered a corresponding bill in the House.

□ 1830

There are some simple solutions to making these cuts budget neutral, and I would suggest that they are relatively noncontroversial, such as closing various tax shelters that are being abused.

Mr. Speaker, we ought to be creating economic stimulus and tax relief while maintaining our long-term economic security. Economists have estimated that the current debt limit will be reached very soon, either this month or in October. This means that the limit on the national debt will have to be raised for the third time in 4 years to more than $8 trillion, effectively forcing our children and our grandchildren to pay our Nation's bills. Tragically, Social Security becomes the victim program of this irresponsible behavior because its surpluses are used to fund the debt.

The Congressional Budget Office has announced that the 2004 deficit will be $422 billion. When the Social Security surplus is excluded, the deficit for 2004 is $574 billion. And we have got projected deficits as far as the eye can see if Congress continues down the path it is on.

So for starters, I think a budget paired with budget enforcement rules would help get us on the right track. Alan Greenspan and many others have called for these deficits to be reined in through pay-as-you-go budget discipline. So if we are going to cut taxes in this fiscal climate, we ought to be doing it either with offsets or spending cuts. I could not in good conscience add more burden to the backs of our children and grandchildren, and this Congress should not have that kind of a conscience as well. Families are spending thousands of dollars each year in debt taxes because the Federal Government has not balanced its books. As deficits grow, so does the burden on taxpayers. Not only is the deficit spending irresponsible, but it is immoral, passing on a legacy of debt to be paid off by our children and our grandchildren.

One of our highest priorities should be to act fiscally responsible with the people's tax dollars. If we are to be responsible and honest with the people, we must honestly confront the cause of these deficits. We cannot continue down the path of increased spending and tax cutting at the same time. This Congress is doing both, and it is burying its head in the sand by expecting no consequences. Soon the debt will be so enormous that it will begin to affect "the long-term health of our economy," not my words but the words of Alan Greenspan. When that day comes, we can be sure that the middle class will shoulder the heaviest burden.

So let us give the middle class some relief from taxes today without making them pay for it in the end.

Lastly, I want to make clear that this motion calls for the extension, not the expiration, of middle-class tax cuts. But there is no free lunch here. These tax cuts will be paid for somehow, whether it is with an offset upfront like we want to do it today or whether it is offset with borrowed money tomorrow. As the Concord Coalition has noted, if we must borrow the money, the cost will even be greater because we have to pay interest on the borrowed money. That is equal to a tax increase on the American people.

All it takes is a couple of hands reaching across the aisle, and we can make a real difference in the lives of the middle- and lower-income families of America. Both Congress and the administration ought to sit down, put everything on the table, and get our economic house in order, not mortgage our future to pay for today.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield 7 minutes to the gentleman from Arizona (Mr. HAYWORTH), my distinguished colleague from the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

I listened with great interest to my friend from Indiana, and I rise asking this House to reject this motion to instruct because when we take a closer look at what is transpiring here, we do see really a distillation, a distinction, of two different philosophies. One is the notion that the highest and best use of the taxpayers' money is here by government. And that is fine. That is an intellectually defensible position; but those who offer that tonight, I believe, need to make very clear to the American public what, in fact, transpires if we embrace this motion to instruct.

Essentially what will transpire, despite the best efforts of my friends on the other side, if this body fails to act to maintain the rate of tax relief, next year the $1,000 child tax credit shrinks. It shrinks to $700 per child.

If we want to provide tax relief for working families, the desired goal that we hear from our friends here, we do not want, in essence, to increase taxes. But that will be what will happen. We will see the marriage penalty provision reduced.

And it is fine to have a disagreement. My friends on the other side view this as a fundamental cost to government. Again, that is fine, and I will leave that position for them to stake out, and we could go back through a litany of history in deficit spending that in previous Congresses it seemed to matter not a whit. But we welcome this adherence that my friends now say they have for fiscal accountability, responsibility. We welcome it from any quarter.

But the question becomes, What is the best way really long term to reduce deficits? And this argument, incidentally, is nothing really new. It has been part and parcel of our constitutional Republic since the Federalist Papers. Hamilton and others said, why do we not embrace a policy of growth? When we reduce taxation across the board, when we maintain the $1,000-per-child tax credit, when we maintain the alleviation of the marriage penalty that we have incorporated into current law, we actually grow the economy because people have more of their hard-earned money to spend.

And so it is important to maintain the tax relief that we have already established, not to come back and fill under the notion that somehow by doing so, we are being more fiscally accountable and responsible. No, we are not to the families who depend on the tax relief. And if we reject across-the-board tax relief, we are hurting the very people who produce in our economy.

Good people can disagree. And we appreciate the motion to instruct, and we appreciate the lectures that will be forthcoming, to be sure, on fiscal responsibility. But at the end of the day when we maintain a reduction of taxation across the board, we grow our economy. We have seen that happen. It is not partisan. Many of my friends on this side and, indeed, throughout the Chamber and across this country, Mr. Speaker, remember with great reverence Jack Kennedy's Presidency, remember his argument that a rising tide lifts all the boats, that when we cut taxes across the board, we invigorate the economy.

We saw that happen, though, sadly, President Kennedy did not live to see the result. We saw it happen in the Presidency of Ronald Reagan. We have seen a reinvigoration of our economy through the across-the-board tax relief that we have offered now that should be made permanent because that is the very thing that has gotten us out of the economic doldrums in the wake of 9/11.

So, respectfully, not doubting the sincerity of my friend from Indiana, nor the speakers who will follow, we just have two different paths we need to follow. Either embrace pro-growth notions that in the fullness of time we know that long term we actually increase revenues to the government for more economic activity. And despite the best efforts of my friend, I do not want to see the per-child tax credit watered down to $700 a year. I do not want to see a decrease in the benefits we have offered married couples. I do not want to see an abridgement in what, in essence, in the long term will actually increase revenues to the government through increased economic activity.

But two different points of view: either the money belongs to the folks, or it belongs to the government. If we vote "yes" on the motion to instruct, what we are doing is saying the highest and best use of the people's money, Mr. Speaker, is here in Washington, D.C. I believe it is exactly the opposite. I believe the highest and best use of the money is not to ignore our obligations, but to understand the money belongs to the people. When the people keep more of it, when the families with children keep more of it, when married couples keep more of it, when small business owners have more of their money to save, spend, and invest, we indeed ignite the engines of economic prosperity.

And in the long term, Mr. Speaker, we will see more revenue to the government, not through the heavy hand of castor oil economics, but through the real proven success, whether in the Kennedy years or in the Reagan years or more recently this Congress working with this President, we fire the engines of economic activity.

So with all due respect to my friends on the other side, reject this motion to instruct. Stay the course. In the long term it will mean more economic prosperity and the very revenues to the government my friends on the other side purport to want to see.

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

Apparently the gentleman from Arizona, my good friend, has not read our motion to instruct. We want to do the same things about rejuvenating the economic machine that he does. We want to extend the tax cuts. We just want to pay for it. And so I fail to understand the point that he was trying to make.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I am sorry my friend from Arizona has left the floor. But I sat here and listened carefully to his very eloquent speech that was totally irrelevant to the motion that is before the House.

We are not talking about raising taxes. We are talking about being concerned about the rising deficit. And sooner or later these speeches that we make, and I think it was Yogi Berra who said this is deja vu all over again, sooner or later folks like the gentleman from Arizona (Mr. HAYWORTH) are going to have to come to this floor and increase the debt ceiling for the United States of America, the credit card limit. Because they can talk about all of what these tax cuts are doing all they want to, but CBO today certified that we now have the largest deficit in the history of our country, $422 billion; and it is explained away, somehow, some way, this rhetoric that we hear over and over that unfortunately has got a few of the American people believing them, that these deficits do not matter.

They do matter; and soon, I hope, the gentleman from Arizona will stand on this floor and move the motion to increase our debt ceiling to $8 trillion, which is what somebody is going to have to do because we will reach sometime in October or early November the credit card limit of what the United States of America can borrow.

The gentleman from Indiana offers a simple motion to instruct, and just as he said, the Blue Dogs, we had a substitute that called for an extension of middle-class tax relief, the marriage tax penalty. All of these, we are not arguing. We want to extend them. But nobody listens on that side. They come up with a speech that is totally irrelevant to the argument. But we want to pay for them because if we do not pay for them, we are going to have to borrow the additional money to make room for them. That is not me talking. That is not the Blue Dogs talking. That is the overwhelming consensus of economists who are saying we have got to borrow it; $422 billion dollars, $574 billion when we once again take into consideration we are borrowing all of the Social Security trust fund dollars and we might add in all the military trust fund dollars and all of the civil service trust fund dollars. And the folks on this side who claim to be conservatives say that is irrelevant.

It is going to take 40 percent of all the income taxes collected this year to pay the deficit tax, the interest on the national debt. And if interest rates start going up, guess what. The deficit tax is going to go up.

□ 1845

This is money that is literally wasted as far as a productive value for the United States of America. But nobody mentions that. Everybody is going to talk about more tax cuts, more tax cuts.

We say, great. Put them on the floor, paid for, and we will support you. But put them on the floor and borrow on our children's and grandchildren's future, and we say no. Let you do it. But you will have to make another speech like the gentleman from Arizona makes, and everybody thinks that is great stuff and that us Blue Dogs are all opposing him. We agreed with him. We agreed with him on everything, except you should not do what he is doing by borrowing on the future on some theory of economics that has been proven, proven in the 1980s, proven in the 1990s, and now we are about to prove it in this century, that it does not work, because if it did work, we would not have to be borrowing the money to pay for it.

So listen very carefully to what Mr. Greenspan is saying. Listen to what people like Pete Peterson, people like the Concord Coalition are saying; begging this body, begging this body to get fiscally responsible and not keep turning a blind eye to the fact that of this debt held by the public now, $1.7 trillion of that debt is now owned by foreign interests, and $1 trillion of our debt is owned by foreign institutions.

Now, the United States of America is no different than any family sitting down over dinner at this moment. When your banker tells you that you cannot borrow any more, you have to adjust your spending habits.

We are heading for a precipice that is going to be one of the most serious problems this country has ever faced, because 2011 is not that far away. The baby-boom generation, all the promises, all of the legislation we refuse to consider on this floor dealing with the future is being swept under the rug.

Support the gentleman from Indiana's motion to instruct. It is a fiscally responsible direction for this House to take.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you know, this is a very interesting debate tonight, although it seems a little circular, because we have seen similar motions to instruct in the past.

Mr. Speaker, I have chosen to rise tonight in opposition to this motion to instruct. First I want to commend the chairman of the Committee on Ways and Means and the Republican leadership for having already taken substantial action on the issues before us.

Contrary to what the argument is we are hearing from the minority, the House took action on this issue and moved legislation forward in order to ensure that families are not hit with a tax increase next year. Earlier this year, the House voted to permanently extend the current $1,000 child tax credit, relief from the marriage penalty and the expansion of the 10 percent bracket. That is the bracket that applies to working families. The House passed this permanent relief without raising taxes on hard-working Americans.

The motion to instruct before us takes several steps back from the policy we had previously passed. The motion calls for the extension of middle-class tax cuts, but insists that they be fully paid for. I do not think that the minority intends to pay for them through cuts in spending. If they did, we might have a very different outcome this evening, but I do not believe they do.

Republicans have provided tax relief in the past 3 years, and the minority has fought us every single time.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH. Mr. Speaker, the gentleman has already had a few minutes. I would like to complete my statement, because I think it is important that a realistic perspective be offered on this.

This is, in my view, simply another attempt to turn the clock back on tax relief. While it is costly to extend tax relief permanently, the workers of this country deserve to know that their taxes will not be increased on a year-by-year basis. The tax relief passed by this House under this administration has clearly helped grow the economy.

Chairman Greenspan has been invoked here, and it is fairly clear from his testimony before congressional committees that he believes that the tax plan that has passed the House and that has been signed into law has clearly stimulated the economy.

This is the wrong time to block the extension of this tax relief. The House acted when it passed a direct and permanent solution to the needs of families struggling with the burden of day-to-day expenses.

This motion, in my view, is unnecessary and sets us down a path of tax increases. The author, whom I have great respect for, argued that this could be paid for simply by closing a few tax shelters. If it is so painless, I would be very interested as a member of the Committee on Ways and Means to solicit his suggestions, and perhaps he may offer some this evening.

I thank him, Mr. Speaker. However, under the circumstances, I feel obliged to call upon the House to oppose this motion.

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think most Americans listening to this debate tonight would agree that tax cuts are not appropriate when you have to borrow the money to offer the tax cuts, so this motion that we are offering here tonight prevents that from happening. It simply says we have got to find a way to pay for it, and we are not going to go out and borrow the money. I think everybody at their kitchen table tonight would agree with that philosophy.

Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I want to thank my friend from Indiana for yielding me time.

Mr. Speaker, there are so many issues that the Members of this House disagree upon, and I am talking about Members from the Democratic side disagreeing with the Members on the Republican side. Witness the bill that was just pulled by the majority leadership over the overtime regulation issue. And there are other issues that we disagree upon.

But, Mr. Speaker, there are many, many issues that we do agree upon, and I think what the American people want us to do is to isolate those issues that we can agree upon and then move forward with those particular issues.

I listened to my friend from Pennsylvania and my friend from Arizona earlier, whom I am not sure was reading the same motion to instruct that I have before me. But the motion to instruct that we have before us does two things, two things that I think every Member of this House would agree with, and certainly all of the American families would. There are three specific provisions. It extends the middle-income tax cut. Number one is the 10 percent tax bracket; two is the child tax credit; and, three, is the Marriage Penalty Relief Act. It extends those.

Now, my friend from Pennsylvania voted for those, but he voted earlier to end them, to sunset them, after 4 years. Now we face that sunset. We are asking that they be extended. That is the first part.

The second part says do not increase the size of the Federal budget deficit. These are two things we can agree upon.

Extend the tax cuts; that is, the 10 percent bracket, the child tax credit and, of course, the marriage penalty relief. Those are provisions which will affect every middle-income family in a positive way. Those are provisions which will, in the long run, increase the size of the middle class of America, and any good economic policy plan put in place by anyone should include provisions which try to increase the size of the middle class.

So, Mr. Speaker, we should not be confused by all the rhetoric here about raising taxes. This motion to instruct extends tax cuts. I would remind us to focus on those things again: The 10 percent tax bracket, the child tax credit and the marriage penalty relief, and doing it without increasing the size of the Federal budget deficit.

Mr. ENGLISH. Mr. Speaker, I reserve the balance of my time.

Mr. HILL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me time.

I asked the gentleman from Pennsylvania to yield a moment ago, and he refused to. And I understand, I did not mean to interrupt, but I did want to clarify one of the statements.

The gentleman was mischaracterizing what we are standing up here doing tonight. We are suggesting that tax cuts be paid for, and we would love to see spending reductions proposed to accommodate that. That is what we would like to see on this floor, and that is what we constantly and consistently do.

I would ask the gentleman, and I will yield to him for a brief answer to a question, will the gentleman bring from the Committee on Ways and Means a bill to the floor of the House before we adjourn for the elections to increase the debt ceiling for the United States of America to $8 trillion to accommodate the economic policy that the gentleman seems unwilling to make any changes in and believe is successful? Will the gentleman do that?

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Pennsylvania.

Mr. ENGLISH. Mr. Speaker, I am deeply flattered by the gentleman's kind words and his apparent elevation of me to the chairmanship of the Committee on Ways and Means. I am not in a position to make any promises about what the Committee on Ways and Means will do.

I am not in a position to make a commitment on behalf of the Committee on Ways and Means. I do not know the chairman's policy. I do know that the chairman is prepared to move forward with whatever legislation is necessary, recognizing that the national debt today is significantly smaller relative to the economy than when Republicans inherited that 10 years ago when I came in.

I cannot, obviously, commit the Committee on Ways and Means.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, I want to ask another question then. I would just refer to the gentleman as an individual Member, 1/435th of this body, does the gentleman believe we should have a clean up-or-down vote on increasing the debt ceiling for this country prior to going home to run for reelection?

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman from Texas has expired.

Mr. HILL. Mr. Speaker, how much is remaining?

The SPEAKER pro tempore. The gentleman from Indiana (Mr. HILL) has 15 minutes remaining and the gentleman from Pennsylvania (Mr. ENGLISH) has 19½ minutes remaining.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think what is coming through here is kind of an interesting contrast, and while I am here by myself tonight speaking on this point, I do not feel that I am particularly outnumbered, one man and the truth and all of that.

I think what we have before us, Republicans clearly want to prevent tax increases on middle-class families. I think from the debate tonight we have a legitimate question as to whether our friends on the other side are as firmly committed to doing that, unless they also get to raise taxes somewhere else.

I found reassuring some of the comments of my friend from Texas who suggested that he might be willing to consider cuts as well in spending. I think everyone here intuitively understands that there is adequate spending, low-priority spending, in the Federal Government, and that certainly that would be one way we can bring down the deficit. In fact, the Republican budget this year contemplates just that kind of fiscal restraint through the process.

H.R. 1308 maintains the successful tax policy that has clearly contributed to the economic recovery. The motion to instruct here creates a zero sum game. It extends tax relief with one hand, while potentially raising taxes with the other. If I understand our recent fiscal experience in America, I do not believe that this is a good time for us to be raising taxes on certain sectors. This is bad for the economy, and it is bad for families.

Republicans have provided significant tax relief for families since this administration took office resulting in higher after-tax incomes for Americans. Yet because of arcane Senate rules, Congress could not provide permanent tax relief for families.

The gentleman correctly pointed out that when we voted, what we voted for turned out to be a temporary expedient, but was a function, as he well knows, of the Senate and its rules.

□ 1900

House Republicans have voted to provide predictability in the Tax Code, and the Senate has not taken those steps. If Congress does not act, I think we all could agree, middle-class families will face a tax increase next year. For example, next year, the $1,000 tax credit, as my friend from Arizona noted, drops to $700 per child. The 10 percent tax bracket will apply to less of an individual's income, and the marriage penalty provision will provide significantly less relief for couples.

The House has voted overwhelmingly to make these tax cuts permanent and has done so without offsets. These votes show that the House does not want to increase taxes on middle-class American families.

Now, if we are serious about looking for a way of balancing this, if we are serious about addressing the deficit, first we need to stimulate the economy to bring down the deficit. We have done that, and it has succeeded. But second of all, if there is an argument here that we should be tying tax cuts to other reductions in spending, or closing some unsubstantial loopholes, then I think that the burden is on the other side as they lay out the instructions to tell us specifically how they think this could be done without pain or without a drag on the economy.

Mr. Speaker, I retain the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Members are reminded to refrain from improper references to the Senate.

Mr. HILL. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time.

Mr. Speaker, we talk so much in this institution about values; and, specifically, we talk about family values. Fiscal responsibility is a family value. It is a family value we should teach our children; it is a family value we should practice ourselves here in Congress as we do in our homes around the country.

When we stand up here, and I am here in support of the gentleman from Indiana's motion to instruct on H.R. 1308, what this would do is extend tax cuts, extend tax cuts, not raise taxes; so the debate tonight is partially mischaracterizing what this is all about. All we are saying, Mr. Speaker, is that when we extend these tax cuts, we want to employ what Chairman Greenspan recommended the House reinstitute and that is budget rules that say pay for these, find some way to offset these or pay for these tax cuts. That is all we want to do. We want to extend tax cuts, not raise taxes; but we want to do it in a fiscally responsible manner.

As my colleagues know, we have a $7.3 trillion debt, the highest in our Nation's history; we have a $422 billion deficit, the highest in our Nation's history. We are paying almost $1 billion a day in what I call the debt tax, which is the interest on our national debt. It is money that could be used for more tax cuts if we were not paying interest on this huge national debt.

We have got to get back to fiscal responsibility. We have to get back to fiscal sanity. We have to start living like American families do, within a budget. And this should not be about Democrats and Republicans. This should not be partisan. This should be about the future of our country and not placing a huge unsustainable, unpayable mortgage on the future of our children and grandchildren.

Mr. ENGLISH. Mr. Speaker, I retain the balance of my time.

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

I will say that when this side of the aisle at one time subscribed to spending caps and pay-as-you-go, now they have abandoned that idea for some reason; but when we did have them in place, we actually went into a surplus. Now that we have abandoned that discipline, we are looking at deficits as far as the eye can see. Mr. Greenspan, his name was evoked tonight, and it was evoked because he believes in pay-as-you-go and spending caps. We have to get real with our budget deficits.

Mr. Speaker, I yield 4 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I find this debate we are having this evening most amazing. I was eating breakfast Monday morning with a dear friend of mine. He is a farmer and lives on the bank of the St. Francis River in Clay County, Arkansas. He is full of wisdom. He knows that if you do not make a crop, you cannot pay the bank off. He understands that. We were sitting there eating breakfast just at daylight looking out across some beautiful cotton; and he said, MARION, those guys are not going to know they are broke until they have sold their last chicken. We have already sold our last chicken, and you guys want to just keep borrowing money and borrowing money and piling the debt on top of debt on top of debt on top of my grandchildren.

Like everyone that has grandchildren, I think they are the most special thing, and it breaks my heart to see what you all are doing to them and this country. I do not see how you can continue to deceive yourselves and try to deceive this great Nation by doing that. And you can talk about raising taxes and you can talk about whatever you want to. The bottom line is, you cannot hide from that debt. You got to pay it. You got to pay the interest on it. There is no place to go when it gets so high that nobody can afford it, and we are already there. Yet you want to keep playing these little games. There are lots of things you can say about this, but one thing is for sure: it is irresponsible.

I do not think anybody has children or grandchildren that they do not care a lot about and they love them deeply and they do not want to leave them in debt.

I remember so well when President Bush first came into office and the Blue Dogs reached out to him and said we know you want to cut taxes. We will work with you. We will help you. But let us not get back into that deficit ditch. He sent Vice President CHENEY to the Blue Dog meeting and it took him about 3 minutes to say we think you are pretty good folks, but we do not need you and we do not care whether you like it or not, we are going to do this, and they did. And they took a $5 trillion surplus and squandered it. It is gone. There is not a dime left in the trust funds of Medicare, Social Security. They are all gone. It has been spent. And we are deeper in debt today than we have ever been.

Then they sent this little fellow, Mitch Daniels, to explain to the poor, ignorant Blue Dogs that these tax cuts were going to create so much prosperity that our greatest danger in this country was going to be that we would not have any bonds to sell because we were going to be out of debt and we would not have to borrow any money. Not a more ridiculous idea has ever been presented in this building, and there have been some real dandies brought forth.

The fact is, the Nation is bankrupt, the $5 trillion surplus is squandered, the ability to deal with Medicare and Social Security is gravely threatened, and nobody wants to acknowledge it. It is like, oh, just say it does not matter. Just tell them anything. The American people are smarter than that.

Some day, you guys will figure that out. I hope I am still around when that happens, but I hope my children and grandchildren do not have to pay the bill for it.

Mr. FNGLISH. Mr. Speaker, I retain the balance of my time.

Mr. HILL. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time this evening to talk about a very important issue.

Thinking back, it is hard to believe that from 1997 through 2001, this country was running on a balanced budget. It is hard to believe, because in 2002, this country ran a $155 billion deficit. In 2003, it was $374 billion. In 2004, it is

$422 billion. Guess what? If you subtract out the money they are borrowing from the Social Security trust fund, it is actually a $574 billion deficit for fiscal year 2004. It is hard to believe that our Nation today is spending $900,000 more than it is taking in.

For years, ever since I was a small child I have heard the Republicans talk about how it is the Democrats that spend the money. This is the first time in 50 years that the Republicans have controlled the White House, the House, and the Senate; and for the second year in a row, they have given us the largest budget deficit ever in our Nation's history. The debt today is $7.3 trillion. By 2009 it will be $10 trillion, and by 2013, it will be $13 trillion. A trillion here, a trillion there, and before long we are talking about some real money.

Let me tell my colleagues this. This motion to instruct conferees simply says this: we support tax cuts for working families; we simply want them to be paid for. In other words, if you are going to cut taxes, cut spending. This Nation today is spending nearly $1 billion a day simply paying interest on the national debt. It is what I call the debt tax, D-E-B-T, and that is one tax that can never go away until we get fiscal responsibility and fiscal discipline restored to our Nation's government.

We could build 200 brand-new elementary schools every single day in America just with the interest we are paying on the national debt. These tax cuts may make for good politics for the wealthiest 2 percent of the people in the country. The 2003 tax cuts, 60 percent of the people that I represent received less than $2 a week. A tax cut for the wealthiest people in this country with borrowed money, and, I might add, every single dime of the tax cuts of 2003 were with borrowed money. The money came directly from the Social Security trust fund and what did not come from there came from the Bank of China. That is right. Seventy percent of our deficit in 2003 came from foreigners; 70 percent.

A tax cut for the wealthiest people in this country with borrowed money, money that is coming from Japan, Hong Kong, and the Bank of China and from the Social Security trust fund is nothing more than a tax increase on our children and grandchildren; and it is wrong, and that is why I am pleased to stand here tonight and rise in support of this motion to instruct.

Mr. HILL. Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I have only one more speaker, myself, to close; and I would like an understanding from the gentleman how many more speakers he might have.

Mr. HILL. Mr. Speaker, we have one more speaker, but that speaker will be making the closing remarks.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been with great interest that I have listened to the debate tonight. I guess my reaction, in listening to some of the rhetoric from the other side; is that I do not mind much if they steal our clothes when we go in bathing, if they want to look and sound like fiscal conservatives, look and sound like Republicans; that is an understandable thing in today's political climate.

□ 1915

Although I must say, if I were actually to go in swimming and they were to steal my clothes, they might need a little clever tailoring, and, in fact, I think the rhetoric suggests they may need a little clever tailoring if they are to pass themselves off.

I feel very strongly myself that under most circumstances the United States should have a balanced budget, but history tells us, whether Republicans were in charge or whether Democrats were in charge, there is no real example of the United States having maintained a balanced budget during a significant recession.

Second of all, there is no real example of the United States having run a balanced budget during wartime, and over the last few years, as the gentlemen undoubtedly are aware, we have not only been fighting a slowdown, which began during the Clinton administration, which cut into our revenues and began to create the deficit over a couple of years' time, but also, we engaged in the war on terror.

Now, I realize it is controversial on the other side. They are sometimes for the war in Iraq, sometimes against it, even sometimes having misgivings about Afghanistan, but the fact remains, we have made a major investment in our efforts not only to improve homeland security, but also to challenge our adversaries elsewhere in the world. In my view, that has been an investment worth making.

The fact that we have run a deficit does not alarm me as much as some of the rhetoric on the other side seems to suggest alarm. For example, when I came to Congress in 1994, we were approaching a point where our national debt, which was smaller in those days in absolute numbers, but larger relative to the economy, was approaching 44 percent of GDP. Even in that context, realizing that what we needed to do was stimulate the economy, we cut taxes, and we were able to trim spending, and over time the Republican Congress, grappling with a Democratic administration, winning some, losing some, we were able to get to a balanced budget, and we brought down the deficit in relative terms to the economy.

Today, in real terms, our national debt is lower than 40 percent of GDP. It has grown over the last year. Well, we might expect that under the circumstances, but also, the Republican budget has made a commitment to lower the deficit to one-half of what it is currently relative to the economy. That is a powerful commitment that gives us confidence to go forward and cut taxes, which is what we need to do to stimulate the economy and generate more revenues.

There will always be some who would prefer to raise taxes during a slowdown, and we remember the intellectual genesis of their philosophy. This was the argument being made by the Hoover administration. It is odd that we hear some conservative Democrats, or who are wanting to be conservative Democrats, tonight adopting some of the same rhetoric that the Hoover administration embraced during the Depression. Hoover Democrats I do not think is the solution tonight.

I do think what we need to do is continue to stimulate the economy and make permanent the President's tax program. It has been criticized tonight for allegedly giving most of the benefits to the wealthy. Yet the folks on the other side will have difficulty explaining that in the context of the studies which have shown that now the wealthy, since the tax cut, pay a higher proportion of the tax share.

We have increased the progressivity of the American Tax Code in the wake of the tax programs that have passed this House. That is something that is not grasped well on the other side, but it is one of those stubborn facts that takes the sting out of their rhetoric.

The fact is a little more of the share has gone to working families, and this is important. Some families, I realize, may be only $2 a day, but that means something to them, and I believe it is important that we continue to have that relief in place.

This is, I think, a very important debate. I think it is worth noting that there is fresh evidence that the way to get the deficit down is to grow the economy, because with new estimates, we have found that the deficit has actually shrunk by $75 billion, $75 billion over the past few months as we have begun to take into account the recovery of the economy and the growth in revenues.

These, I think, are facts which rebut the argument being made on the other side, but if they were serious about these arguments, I think we would hear some more specifics. We would hear some specifics about the tax shelters that the gentleman from Indiana alluded to, and I am hoping in his close he will perhaps give us some specifics of tax shelters that can be closed, real ones that can generate real revenue or reduce spending. Surely we can have some suggestions from the other side. If they do, contrary to my impression, want to cut spending, perhaps they will prove me wrong and identify some areas where we can save money.

But, at any rate, I want to congratulate the gentleman from Indiana tonight for raising this debate. It has been, from my standpoint, edifying. I have enjoyed it, and I believe also that the House has had an opportunity to see a clear difference here, and I believe as they examine it, they will have an opportunity to vote down this perhaps well-intentioned motion to instruct, but one that I think would be counterproductive at a time when we are trying to get our economy back on the growth path.

Mr. Speaker, I yield back the balance of my time.

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

This debate is about to close. In response to my friend from Pennsylvania's comments about the specifics, I would simply say that the Blue Dogs did offer a specific plan. I will not go into that specific plan now for the sake of time, but we put it on the line and asked the House to do it exactly like we have asked them to do it. So we would make the tough choices, and in our budget proposal we made those tough choices.

In many ways I am a little saddened by the debate tonight because I heard my good friend from Pennsylvania talk about the fact that he is not as concerned about the deficit. It did not used to be that way on the other side of the aisle. This side of the aisle used to be very concerned about the budget deficit. Now it seems like it is less concerned about the budget deficit.

All we are asking for here is to make sure that we pay for these tax cuts as we extend them. That is all we are asking. This side used to believe that. Now they do not. I think they ought to revisit their philosophy because it did produce budget surpluses.

Finally, I would say to the American people who might be listening tonight that I do not think anybody at their kitchen table would ask Congress to borrow the money for tax cuts, and that is what this motion to instruct prevents us from doing.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. STENHOLM), my good friend.

Mr. STENHOLM. Mr. Speaker. I thank the gentleman for yielding me the time, and my friend from Pennsylvania asked for the specifics.

The Blue Dog budget this year proposed to spend no more than President Bush recommended that the Congress spend, and we intend to stick with that. When my colleague talks about spending and he talks about revising history, in the 8 years prior to the last 3½, spending went up 3.4 percent per year on the average. In the last 3½ years, spending has gone up 10.4 percent.

The gentleman keeps asking for specifics from the minority side. Last time I checked, the minority does not even get recognized for amendments so that we can do some of things that we talked about doing. We were denied having even a vote on some of our budgets over the last 3½ years. The gentleman keeps talking about specifics and rhetoric. His rhetoric does not match the specifics.

We are going to prove unequivocally sometime in the next 2 or 3 months that the economic game plan we are under is not working because we are going to have to vote to increase the credit card limit of the United States of America for the third time in 3 years, this time through $8 trillion. Yes, the war is expensive and we must pay for the war, but this is the first war in the history of our country that is being fought at the same time we are asking to reduce the amount of money available to make sure the troops have the material that they need in order to fight the war.

If my colleague wants to make that argument, be my guest. All we are suggesting with this simple motion is go back to what worked in 1994, pay-as-you-go. It worked when we were bipartisan working on it. It worked in 1997 when we worked together as Democrats and Republicans. What has happened in the last 3½ years to suggest that, in a bipartisan way, we do not want to follow that which has worked?

That is the fundamental question for this body. I ask for a vote in favor of the gentleman from Indiana's motion. It is returning common sense, pay-as-you-go, making tough choices; does not raise taxes on anyone. It just says if we are going to increase spending for any worthwhile project, we have got to pay for it; if we are going to cut taxes and increase the deficit, we have got to cut the spending first, not rhetorically, after the next election. Do it now, and my colleagues will find there will be some Blue Dogs working with them.

The SPEAKER pro tempore (Mr. PEARCE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Indiana (Mr. HILL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HILL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on any motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

GARRETT LEE SMITH MEMORIAL ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2634) to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes, as amended.

The Clerk read as follows:

S. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Garrett Lee Smith Memorial Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More children and young adults die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke, and chronic lung disease combined.

(2) Over 4,000 children and young adults tragically take their lives every year, making suicide the third overall cause of death between the ages of 10 and 24. According to the Centers for Disease Control and Prevention, suicide is the third overall cause of death among college-age students.

(3) According to the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention, children and young adults accounted for 15 percent of all suicides completed in 2000.

(4) From 1952 to 1995, the rate of suicide in children and young adults tripled.

(5) From 1980 to 1997, the rate of suicide among young adults ages 15 to 19 increased 11 percent.

(6) From 1980 to 1997, the rate of suicide among children ages 10 to 14 increased 109 percent.

(7) According to the National Center of Health Statistics, suicide rates among Native Americans range from 1.5 to 3 times the national average for other groups, with young people ages 15 to 34 making up 64 percent of all suicides.

(8) Congress has recognized that youth suicide is a public health tragedy linked to underlying mental health problems and that youth suicide early intervention and prevention activities are national priorities.

(9) Youth suicide early intervention and prevention have been listed as urgent public health priorities by the President's New Freedom Commission in Mental Health (2002), the Institute of Medicine's Reducing Suicide: A National Imperative (2002), the National Strategy for Suicide Prevention: Goals and Objectives for Action (2001), and the Surgeon General's Call to Action To Prevent Suicide (1999).

(10) Many States have already developed comprehensive statewide youth suicide early intervention and prevention strategies that

seek to provide effective early intervention and prevention services.

(11) In a recent report, a startling 85 percent of college counseling centers revealed an increase in the number of students they see with psychological problems. Furthermore, the American College Health Association found that 61 percent of college students reported feeling hopeless, 45 percent said they felt so depressed they could barely function, and 9 percent felt suicidal.

(12) There is clear evidence of an increased incidence of depression among college students. According to a survey described in the Chronicle of Higher Education (February 1, 2002), depression among freshmen has nearly doubled (from 8.2 percent to 16.3 percent). Without treatment, researchers recently noted that "depressed adolescents are at risk for school failure, social isolation, promiscuity, self-medication with drugs and alcohol, and suicide—now the third leading cause of death among 10–24 year olds.".

(13) Researchers who conducted the study "Changes in Counseling Center Client Problems Across 13 Years" (1989–2001) at Kansas State University stated that "students are experiencing more stress, more anxiety, more depression than they were a decade ago." (The Chronicle of Higher Education, February 14, 2003).

(14) According to the 2001 National Household Survey on Drug Abuse, 20 percent of full-time undergraduate college students use illicit drugs.

(15) The 2001 National Household Survey on Drug Abuse also reported that 18.4 percent of adults aged 18 to 24 are dependent on or abusing illicit drugs or alcohol. In addition, the study found that "serious mental illness is highly correlated with substance dependence or abuse. Among adults with serious mental illness in 2001, 20.3 percent were dependent on or abused alcohol or illicit drugs, while the rate among adults without serious mental illness was only 6.3 percent.".

(16) A 2003 Gallagher's Survey of Counseling Center Directors found that 81 percent were concerned about the increasing number of students with more serious psychological problems, 67 percent reported a need for more psychiatric services, and 63 percent reported problems with growing demand for services without an appropriate increase in resources.

(17) The International Association of Counseling Services accreditation standards recommend 1 counselor per 1,000 to 1,500 students. According to the 2003 Gallagher's Survey of Counseling Center Directors, the ratio of counselors to students is as high as 1 counselor per 2,400 students at institutions of higher education with more than 15,000 students.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) YOUTH INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb–34) is amended—

(1) in subsection (a)—

(A) by striking "Health, shall award grants" and inserting "Health—

"(1) shall award grants";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) shall award a competitive grant to 1 additional research, training, and technical assistance center to carry out the activities described in subsection (d).";

(2) in subsection (c), in the matter preceding paragraph (1), by striking "grant or contract under subsection (a)" and inserting "grant or contract under subsection (a)(1)";

(3) in subsection (d)—

(A) by striking "APPROPRIATIONS.—For the purpose of carrying out this section" and inserting "APPROPRIATIONS.—

"(1) For the purpose of awarding grants or contracts under subsection (a)(1)"; and

(B) by adding at the end the following:

"(2) For the purpose of awarding a grant under subsection (a)(2), there are authorized to be appropriated $3,000,000 for fiscal year 2005, $4,000,000 for fiscal year 2006, and $5,000,000 for fiscal year 2007.";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) ADDITIONAL CENTER.—The additional research, training, and technical assistance center established under subsection (a)(2) shall provide appropriate information, training, and technical assistance to States, political subdivisions of a State, Federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations for—

"(1) the development or continuation of statewide or tribal youth suicide early intervention and prevention strategies;

"(2) ensuring the surveillance of youth suicide early intervention and prevention strategies;

"(3) studying the costs and effectiveness of statewide youth suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

"(4) further identifying and understanding causes and associated risk factors for youth suicide;

"(5) analyzing the efficacy of new and existing youth suicide early intervention techniques and technology;

"(6) ensuring the surveillance of suicidal behaviors and nonfatal suicidal attempts;

"(7) studying the effectiveness of State-sponsored statewide and tribal youth suicide early intervention and prevention strategies on the overall wellness and health promotion strategies related to suicide attempts;

"(8) promoting the sharing of data regarding youth suicide with Federal agencies involved with youth suicide early intervention and prevention, and State-sponsored statewide or tribal youth suicide early intervention and prevention strategies for the purpose of identifying previously unknown mental health causes and associated risk factors for suicide in youth;

"(9) evaluating and disseminating outcomes and best practices of mental and behavioral health services at institutions of higher education; and

"(10) other activities determined appropriate by the Secretary.".

(b) SUICIDE PREVENTION FOR YOUTH.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) in section 520E (42 U.S.C. 290bb–36)—

(A) in the section heading by striking "CHILDREN AND ADOLESCENTS" and inserting "YOUTH";

(B) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall award grants or cooperative agreements to public organizations, private nonprofit organizations, political subdivisions, consortia of political subdivisions, consortia of States, or Federally recognized Indian tribes or tribal organizations to design early intervention and prevention strategies that will complement the State-sponsored statewide or tribal youth suicide early intervention and prevention strategies developed pursuant to section 520E.";

(C) in subsection (b), by striking all after "coordinated" and inserting "with the relevant Department of Health and Human Services agencies and suicide working groups.";

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking "A State" and all that follows through "desiring" and inserting "A public organization, private nonprofit organization, political subdivision, consortium of political subdivisions, consortium of States, or federally recognized Indian tribe or tribal organization desiring";

(ii) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(iii) by inserting before paragraph (2) (as so redesignated) the following:

"(1)(A) comply with the State-sponsored statewide early intervention and prevention strategy as developed under section 520E; and

"(B) in the case of a consortium of States, receive the support of all States involved;";

(iv) in paragraph (2) (as so redesignated), by striking "children and adolescents" and inserting "youth";

(v) in paragraph (3) (as so redesignated), by striking "best evidence-based,";

(vi) in paragraph (4) (as so redesignated), by striking "primary" and all that follows and inserting "general, mental, and behavioral health services, and substance abuse services;";

(vii) in paragraph (5) (as so redesignated), by striking "children and" and all that follows and inserting "youth including the school systems, educational institutions, juvenile justice system, substance abuse programs, mental health programs, foster care systems, and community child and youth support organizations;";

(viii) by striking paragraph (8) (as so redesignated) and inserting the following:

"(8) offer access to services and care to youth with diverse linguistic and cultural backgrounds;"; and

(ix) by striking paragraph (9) (as so redesignated) and inserting the following:

"(9) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;";

(E) by striking subsection (d) and inserting the following:

"(d) USE OF FUNDS.—Amounts provided under a grant or cooperative agreement under this section shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this section. Applicants shall provide financial information to demonstrate compliance with this section.";

(F) in subsection (e)—

(i) by striking ", contract,"; and

(ii) by inserting after "Secretary that the" the following: "application complies with the State-sponsored statewide early intervention and prevention strategy as developed under section 520E and the";

(G) in subsection (f), by striking ", contracts,";

(H) in subsection (g)—

(i) by striking "A State" and all that follows through "organization receiving" and inserting "A public organization, private nonprofit organization, political subdivision, consortium of political subdivisions, consortium of States, or Federally recognized Indian tribe or tribal organization receiving"; and

(ii) by striking ", contract," each place such term appears;

(I) in subsection (h), by striking ", contracts,";

(J) in subsection (i)—

(i) by striking "A State" and all that follows through "organization receiving" and inserting "A public organization, private nonprofit organization, political subdivision, consortium of political subdivisions, consortium of States, or Federally recognized Indian tribe or tribal organization receiving"; and

(ii) by striking ", contract,";

(K) in subsection (k), by striking "5 years" and inserting "3 years";

(L) in subsection (l)—

(i) in paragraph (2), by striking "21" and inserting "24"; and

(ii) in paragraph (3), by striking "which might have been";

(M) in subsection (m)—

(i) by striking "APPROPRIATION.—" and all that follows through "For" in paragraph (1) and inserting "APPROPRIATION.—For"; and

(ii) by striking paragraph (2);

(N) by redesignating subsection (m) as subsection (n); and

(O) by inserting after subsection (l) the following:

"(m) DEFINITIONS.—In this section, the terms 'early intervention', 'educational institution', 'institution of higher education', 'prevention', 'school', and 'youth' have the meanings given to those terms in section 520E."; and

(2) by redesignating section 520E as section 520E–1.

(c) YOUTH SUICIDE AND EARLY INTERVENTION AND PREVENTION STRATEGIES.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting before section 520E–1 (as redesignated by subsection (b)) the following:

"SEC. 520E. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants or cooperative agreements to eligible entities to—

"(1) develop and implement State-sponsored statewide or tribal youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations;

"(2) support public organizations and private nonprofit organizations actively involved in State-sponsored statewide or tribal youth suicide early intervention and prevention strategies and in the development and continuation of State-sponsored statewide youth suicide early intervention and prevention strategies;

"(3) provide grants to institutions of higher education to coordinate the implementation of State-sponsored statewide or tribal youth suicide early intervention and prevention strategies;

"(4) collect and analyze data on State-sponsored statewide or tribal youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

"(5) assist eligible entities, through State-sponsored statewide or tribal youth suicide early intervention and prevention strategies, in achieving targets for youth suicide reductions under title V of the Social Security Act.

"(b) ELIGIBLE ENTITY.—

"(1) DEFINITION.—In this section, the term 'eligible entity' means—

"(A) a State;

"(B) a public organization or private nonprofit organization designated by a State to develop or direct the State-sponsored statewide youth suicide early intervention and prevention strategy; or

"(C) a Federally recognized Indian tribe or tribal organization (as defined in the Indian Self-Determination and Education Assistance Act) or an urban Indian organization (as defined in the Indian Health Care Improvement Act) that is actively involved in the development and continuation of a tribal youth suicide early intervention and prevention strategy.

"(2) LIMITATION.—In carrying out this section, the Secretary shall ensure that each State is awarded only 1 grant or cooperative agreement under this section. For purposes of the preceding sentence, a State shall be considered to have been awarded a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under paragraph (1)(B). Nothing in this paragraph shall be construed to apply to entities described in paragraph (1)(C).

"(c) PREFERENCE.—In providing assistance under a grant or cooperative agreement under this section, an eligible entity shall give preference to public organizations, private nonprofit organizations, political subdivisions, institutions of higher education, and tribal organizations actively involved with the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy that—

"(1) provide early intervention and assessment services, including screening programs, to youth who are at risk for mental or emotional disorders that may lead to a suicide attempt, and that are integrated with school systems, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations;

"(2) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

"(3) employ or include in their applications a commitment to evaluate youth suicide early intervention and prevention practices and strategies adapted to the local community;

"(4) provide timely referrals for appropriate community-based mental health care and treatment of youth who are at risk for suicide in child-serving settings and agencies;

"(5) provide immediate support and information resources to families of youth who are at risk for suicide;

"(6) offer access to services and care to youth with diverse linguistic and cultural backgrounds;

"(7) offer appropriate postsuicide intervention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

"(8) offer continuous and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public and highlight the risk factors associated with youth suicide and the life-saving help and care available from early intervention and prevention services;

"(9) ensure that information and awareness campaigns on youth suicide risk factors, and early intervention and prevention services, use effective communication mechanisms that are targeted to and reach youth, families, schools, educational institutions, and youth organizations;

"(10) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention strategies and that child-serving professionals and providers involved in early intervention and prevention services are properly trained in effectively identifying youth who are at risk for suicide;

"(11) provide continuous training activities for child care professionals and community care providers on the latest youth suicide early intervention and prevention services practices and strategies;

"(12) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;

"(13) provide services in areas or regions with rates of youth suicide that exceed the national average as determined by the Centers for Disease Control and Prevention; and

"(14) obtain informed written consent from a parent or legal guardian of an at-risk child before involving the child in a youth suicide early intervention and prevention program.

"(d) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of grant funds received under this section shall be used to provide direct services, of which not less than 5 percent shall be used for activities authorized under subsection (a)(3).

"(e) COORDINATION AND COLLABORATION.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall collaborate with relevant Federal agencies and suicide working groups responsible for early intervention and prevention services relating to youth suicide.

"(2) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

"(A) State and local agencies, including agencies responsible for early intervention and prevention services under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of the Social Security Act, and programs funded by grants under title V of the Social Security Act;

"(B) local and national organizations that serve youth at risk for suicide and their families;

"(C) relevant national medical and other health and education specialty organizations;

"(D) youth who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention services;

"(E) families and friends of youth who are at risk for suicide, who have survived suicide attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

"(F) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve youth at risk for suicide and their families; and

"(G) third-party payers, managed care organizations, and related commercial industries.

"(3) POLICY DEVELOPMENT.—In carrying out this section, the Secretary shall—

"(A) coordinate and collaborate on policy development at the Federal level with the relevant Department of Health and Human

Services agencies and suicide working groups; and

"(B) consult on policy development at the Federal level with the private sector, including consumer, medical, suicide prevention advocacy groups, and other health and education professional-based organizations, with respect to State-sponsored statewide or tribal youth suicide early intervention and prevention strategies.

"(f) RULE OF CONSTRUCTION; RELIGIOUS AND MORAL ACCOMMODATION.—Nothing in this section shall be construed to require suicide assessment, early intervention, or treatment services for youth whose parents or legal guardians object based on the parents' or legal guardians' religious beliefs or moral objections.

"(g) EVALUATIONS AND REPORT.—

"(1) EVALUATIONS BY ELIGIBLE ENTITIES.—Not later than 18 months after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

"(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

"(A) the evaluations conducted under paragraph (1); and

"(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants, collaborations, and consultations under this section.

"(h) RULE OF CONSTRUCTION; STUDENT MEDICATION.—Nothing in this section or section 520E–1 shall be construed to allow school personnel to require that a student obtain any medication as a condition of attending school or receiving services.

"(i) PROHIBITION.—Funds appropriated to carry out this section, section 520C, section 520E–1, or section 520E–2 shall not be used to pay for or refer for abortion.

"(j) PARENTAL CONSENT.—States and entities receiving funding under this section and section 520E–1 shall obtain prior written, informed consent from the child's parent or legal guardian for assessment services, school-sponsored programs, and treatment involving medication related to youth suicide conducted in elementary and secondary schools. The requirement of the preceding sentence does not apply in the following cases:

"(1) In an emergency, where it is necessary to protect the immediate health and safety of the student or other students.

"(2) Other instances, as defined by the State, where parental consent cannot reasonably be obtained.

"(k) RELATION TO EDUCATION PROVISIONS.—Nothing in this section or section 520E–1 shall be construed to supersede section 444 of the General Education Provisions Act, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this section or section 520E-1 shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001; Public Law 107–110).

"(l) DEFINITIONS.—In this section:

"(1) EARLY INTERVENTION.—The term 'early intervention' means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

"(2) EDUCATIONAL INSTITUTION; INSTITUTION OF HIGHER EDUCATION; SCHOOL.—The term—

"(A) 'educational institution' means a school or institution of higher education;

"(B) 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965; and

"(C) 'school' means an elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965).

"(3) PREVENTION.—The term 'prevention' means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

"(4) YOUTH.—The term 'youth' means individuals who are between 10 and 24 years of age.

"(m) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $7,000,000 for fiscal year 2005, $18,000,000 for fiscal year 2006, and $30,000,000 for fiscal year 2007.

"(2) PREFERENCE.—If less than $3,500,000 is appropriated for any fiscal year to carry out this section, in awarding grants and cooperative agreements under this section during the fiscal year, the Secretary shall give preference to States that have rates of suicide that significantly exceed the national average as determined by the Centers for Disease Control and Prevention.".

(d) MENTAL AND BEHAVIORAL HEALTH SERVICES ON CAMPUS.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 520E–1 (as redesignated by subsection (b)) the following:

"SEC. 520E–2. MENTAL AND BEHAVIORAL HEALTH SERVICES ON CAMPUS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, in consultation with the Secretary of Education, may award grants on a competitive basis to institutions of higher education to enhance services for students with mental and behavioral health problems that can lead to school failure, such as depression, substance abuse, and suicide attempts, so that students will successfully complete their studies.

"(b) USE OF FUNDS.—The Secretary may not make a grant to an institution of higher education under this section unless the institution agrees to use the grant only for—

"(1) educational seminars;

"(2) the operation of hot lines;

"(3) preparation of informational material;

"(4) preparation of educational materials for families of students to increase awareness of potential mental and behavioral health issues of students enrolled at the institution of higher education;

"(5) training programs for students and campus personnel to respond effectively to students with mental and behavioral health problems that can lead to school failure, such as depression, substance abuse, and suicide attempts; or

"(6) the creation of a networking infrastructure to link colleges and universities that do not have mental health services with health care providers who can treat mental and behavioral health problems.

"(c) ELIGIBLE GRANT RECIPIENTS.—Any institution of higher education receiving a grant under this section may carry out activities under the grant through—

"(1) college counseling centers;

"(2) college and university psychological service centers;

"(3) mental health centers;

"(4) psychology training clinics; or

"(5) institution of higher education supported, evidence-based, mental health and substance abuse programs.

"(d) APPLICATION.—An institution of higher education desiring a grant under this section shall prepare and submit an application to the Secretary at such time and in such manner as the Secretary may require. At a minimum, the application shall include the following:

"(1) A description of identified mental and behavioral health needs of students at the institution of higher education.

"(2) A description of Federal, State, local, private, and institutional resources currently available to address the needs described in paragraph (1) at the institution of higher education.

"(3) A description of the outreach strategies of the institution of higher education for promoting access to services, including a proposed plan for reaching those students most in need of mental health services.

"(4) A plan to evaluate program outcomes, including a description of the proposed use of funds, the program objectives, and how the objectives will be met.

"(5) An assurance that the institution will submit a report to the Secretary each fiscal year on the activities carried out with the grant and the results achieved through those activities.

"(e) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under this section to an institution of higher education only if the institution agrees to make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than $1 for each $1 of Federal funds provided in the grant, toward the costs of activities carried out with the grant (as described in subsection (b)) and other activities by the institution to reduce student mental and behavioral health problems.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(3) WAIVER.—The Secretary may waive the requirement established in paragraph (1) with respect to an institution of higher education if the Secretary determines that extraordinary need at the institution justifies the waiver.

"(f) REPORTS.—For each fiscal year that grants are awarded under this section, the Secretary shall conduct a study on the results of the grants and submit to the Congress a report on such results that includes the following:

"(1) An evaluation of the grant program outcomes, including a summary of activities carried out with the grant and the results achieved through those activities.

"(2) Recommendations on how to improve access to mental and behavioral health services at institutions of higher education, including efforts to reduce the incidence of suicide and substance abuse.

"(g) DEFINITION.—In this section, the term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated

$5,000,000 for fiscal year 2005, $5,000,000 for fiscal year 2006, and $5,000,000 for fiscal year 2007.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

For what purpose does the gentleman from New Jersey (Mr. GARRETT) rise? Do any of the gentlemen oppose this legislation?

Mr. BROWN of Ohio. Mr. Speaker, I support the legislation.

The SPEAKER pro tempore. Is the gentleman from Ohio opposed?

Mr. BROWN of Ohio. I do not oppose. I support.

The SPEAKER pro tempore. Under the rule, half the time will go to the gentleman from New Jersey (Mr. GARRETT).

The gentleman from Texas (Mr. BARTON) is recognized.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that of the 20 minutes that I control, the gentleman from Ohio (Mr. BROWN) have the right to control 10 minutes of that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2634, as amended. I am pleased that the House is considering this legislation which is authored with the intent to improve access to quality health care to individuals suffering from mental and behavioral health problems that can lead to suicide.

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Last year, over 4,000 young men and women in our great country resorted to the ultimate act of denial by committing suicide. Senator GORDON SMITH of the other body has been the lead advocate for this legislation, and the bill is named in his son's honor, who, unfortunately, committed suicide last year, I think on this date. So we are here under the leadership of Senator GORDON SMITH to try to do something legislatively to prevent future young Americans from resorting to suicide.

I have had a young staff member on my staff last spring also commit suicide; so while I have not had the sacrifice or the tragedy that Senator SMITH has had, I have been touched by suicide on my congressional staff down in Texas. I can tell you, as one would expect, that it is a very devastating experience. It is incredibly painful. It is a pain that is exacerbated when you see how your family and friends are burdened with grief because of an action like this. It is my sincere hope that the legislation the House is considering this evening, which the other body has already passed, will indeed help those who are troubled and are thinking about committing suicide in the future.

This bill is a 3-year authorization bill that provides educational and support programs for children at risk of suicide. These suicide programs would be administered through a grant program through the States. It reflects a balanced and reasonable compromise that allows parents to have a direct role in determining whether their children participate in these long-range programs. At the same time, when there is a young man or woman in our country who is actively contemplating suicide, the bill would allow that emergency intervention could be done without any consent so that we stabilize that individual and prevent them from actually committing the suicide act at the time they are contemplating it.

The compromise before us this evening does not modify in any way or affect any existing requirement under the No Child Left Behind Act. It is my hope that in the next Congress the House Committee on Energy and Commerce, which I have the privilege to chair, will systematically reauthorize many of the expired programs and even expired agencies at the Department of Health and Human Services.

One of those agencies that we intend to look at very closely is the Substance Abuse and Mental Health Services Administration, or SAMSHA, which has primary responsibility to improve mental health services across this country. I am strongly inclined to rework several of the mental health service programs currently in effect at SAMSHA so that we are sure that the funding programs actually produce measurable results and the kind of results we intend those programs to produce. Without a doubt, as a part of our review of the SAMSHA program, I will pay close attention to SAMSHA's work in the area of suicide prevention.

Mr. Speaker, I want to thank the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS); the ranking member of the full committee, the gentleman from Michigan (Mr. DINGELL); and the subcommittee ranking member, the gentleman from Ohio (Mr. BROWN), for their cooperation in this legislation. I would also like to commend the gentleman from Tennessee (Mr. GORDON) and the gentleman from Oregon (Mr. WALDEN) for their help on the House side in improving this legislation. And, finally, I would like to thank the Speaker of the House and the majority leader for their assistance in expediting this bill as it comes to the floor today.

Mr. Speaker, I would encourage my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

There is probably no more serious topic that we could be discussing this evening than we are right now when we are discussing suicide, especially when we are discussing suicide of young people. It is a serious topic, and it is an emotional topic.

Earlier today, Mr. Speaker, I heard someone say in the Chamber that this House, as we move along and make changes, we do not always make large changes or great changes at one time; we may only be making changes incrementally. And my response to that was I am all in favor of incrementally moving the agenda along, just so long as we are moving it in the right direction and not in the wrong direction, a harmful direction, or a hurtful direction. I want to be moving the agenda along in a direction that is guided by facts and thought and planning and not by emotion.

We just heard that this bill is moving along in an expedited fashion, and that is true. We are here tonight on a bill, on a piece of legislation, spending $82 million that would create two new Federal programs that never existed before, a new technical center that will deal with this issue as well; and yet there has never been an opportunity for input, discussion, a vote, or consideration in a committee. This bill has never gone in this House to a committee for a hearing, for a complete markup in a formal manner.

If you are a parent and you have thoughts on this topic, you are concerned about your children or other children in your community, you have not had the opportunity to have your say, to have your feelings, to have your thoughts heard in a committee on this subject. If you are an expert in this field, a psychologist, psychiatrist, mental health association or the like, and you have thoughts about what would be best for our children or what would be harmful to our children, you too have not had the opportunity to have your thoughts or your opinions heard in a formal committee manner.

So it is correct when we hear that this legislation is moving in an expedited format, without the committee process and already to the floor.

Now, before this bill came up, we were talking about another topic, and I heard a lot of talk about the deficit and what grave financial straits we are in. I hope they continue with those feelings when we consider a bill that is $82 million in the making for the first

3 years, and how much after that no one knows.

There was an article today in National Review that addresses this piece of legislation. It says, "Occasionally a bill hits Capitol Hill over which there is remarkably little debate. This bill is an extreme example of that. Actually, according to news reports, there is no debating the bill, which provides additional Federal funding for suicide prevention programs in U.S. schools." It goes on, "Well, of course if you are against suicide, you are for the bill; right?"

Well, we really do not know. I am certainly against suicide. Everyone in this House is against suicide. But are we all for the bill? Are parents all for the bill? Are the experts all for the bill? The article goes on to point out that, "No, the experts are not all for the bill." The Journal of the American Medical Association, the American Academy of Child and Adolescent Psychiatry have reported on this topic of suicide prevention programs, such as this bill addresses, and they reported, "Suicide awareness programs in schools have not been shown to be effective either in reducing suicidal behavior or in increasing help-seeking behavior. Most kids who take their own lives are mentally ill. They need help, help that a school suicide prevention program is not going to provide them."

"For some of the children, these new federally funded programs," as it says in the article, "would reach awareness, putting ideas in their already normally confused adolescent heads." Conclusion: "Such programs," as we are talking about tonight, "could actually be harmful."

Let me go back to the issue of family and the like. We have to ask: Is this yet again another encroachment on the family, on the parent-child relationship, one in which the Federal Government should at least ask for input and thought before we start creating new Federal programs on this level?

In the end, are these programs, we should be asking ourselves, more harmful than helpful? The experts seem to indicate more harmful. Another expert, David Shaffer, M.D., Columbia College of Physicians and Surgeons, talking on the subject and doing research at Columbia University supported by grants for the Centers for Disease Control, suggests that "case findings that involve giving lessons or lectures about suicide either to encourage suicidal students to identify themselves or to teach other students or teachers how to identify the suicidal teenager is not effective, and in some instances may undermine protective attitudes about suicide."

Furthermore, from Dr. Shaffer and others, "self-identified attempters were less likely to approve of these programs, and there was little evidence that the programs were successful in influencing their views. There was some evidence that previous attempters were more upset by the programs than nonattempters were."

Again, the experts are showing that these programs that we are now spending money on may be more harmful than good.

There was a case several years ago in Michigan where a second grade boy killed himself in the spring of the year, the day after watching a film in a suicide prevention class such as what we are talking about today. People who knew the young boy said that he was a happy child who had just been accepted into the school's gifted and talented program, and he was not depressed at all at the time of his death. Many think that he was merely mimicking what he saw in the movie in the suicide prevention program and had no intention to die. In the movie, the boy who tries to hang himself to commit suicide is rescued by his friends. In real life, that did not occur, and the 8-year-old boy, having attended a suicide prevention program, killed himself.

As a parent, one also has to ask, where does the time come to do all these things in our schools? We already ask of our teachers so much, to teach all the curriculum already. Now we are adding an additional burden on the schools as well. I have talked to parents who have had their kids in public schools and have taken them out and either put them into private schools, Catholic schools, parochial schools, or home schooling. When I ask them why they do it, they say, because they realize the public schools are no longer focused on what they are supposed to be focusing on, and that is educating their kids. Instead, they are involved in so much other social programming, such as this.

So we have to ask ourselves this question as well: Does this program address the needs of our schools as being able to fulfill their obligation to teach our kids?

Next, we have to ask the question: Is this enough money, $82 million? Now, to me, that sounds like a lot of money; but if we are talking across the entire country for a 3-year period of time, I hazard a guess that next year and the year after that that people will be coming back and saying this was just a drop in the bucket and that we will have to spend even more.

I figured it out just briefly in my head sitting over there earlier. This would provide my county in New Jersey maybe one new counselor, if it was spread evenly across the country. One counselor for my entire county. What about all the schools in that county? Will they not be looking for assistance as well, all the other services in the county? $82 million is not going to go that far.

Now, it is set up as a 3-year program. In actuality, the bill that I am looking at talks about how much money we spend for the first 3 years; but if we look at the fine print, it details $7 million one year, $16 million the next year, and $25 million the next year. That is 3 years. But thereafter it says "and such sums as may be necessary for each of the fiscal years 2008 and 2009." So, in reality, it is saying we know how much it is going to cost for the first 3 years, but after that it is anybody's question, as people come back asking for more.

In the end, suicide is an emotional topic. The legislation we are dealing with today is an emotional topic. It is one that deserves our thoughtful time, it is one that deserves input from parents and experts alike, and so, therefore, Mr. Speaker, I would recommend to vote against this bill, or, better yet, to allow this bill to go back to committee for further consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank my colleagues, the gentleman from Tennessee (Mr. GORDON), the gentleman from Texas (Mr. BARTON), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Michigan (Mr. DINGELL), for their dedication to this bill. I also want to commend Cheryl Jaeger and John Ford of the staff of the Committee on Energy and Commerce for their good work.

Youth suicide is an issue that strikes a deeply personal chord for all too many Americans. An intern in my office lost five classmates to suicide, the most in her school's history. This legislation recognizes that the causes of youth suicide are complex and individual; but every one of these tragedies is, in fact, preventable. It reflects the fact that preventing suicide requires an approach that is both comprehensive in its scope and targeted toward the populations most at risk.

We will continue to work with the Department of Health and Human Services and mental health advocates to address one outstanding issue concerning parental consent; however, it makes sense to move forward and ensure that the good ideas in this bill are implemented as soon as possible.

This legislation honors the courage of the families both within this Congress and across the country who have endured the tragedy of youth suicide and who seek to stop this crisis in its tracks. I am pleased to support this important legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

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Mr. WALDEN of Oregon. Mr. Speaker, I rise today in support of the Garrett Lee Smith Memorial Act. I extend sincere condolences to my colleague, friend, constituent and fellow Oregonian, Senator GORDON SMITH, sponsor of this act, and his family.

It was exactly 1 year ago today that the Smith family was changed forever when Garrett Lee Smith took his life. As the father of a son myself, my heart aches for GORDON and Sharon, and the Smith family remains in our prayers. After Garrett's death, the Smith family's selfless dedication to shining the public spotlight on the tragedy of youth suicide and saving other families from the devastation of suicide is truly inspiring.

Upon realizing that suicide is the third leading cause of death for 15- to 24-year-olds, Senator SMITH identified gaps in our public health infrastructure and crafted a bill to assist States, localities, tribal communities and college campuses in establishing youth suicide prevention programs. These programs will include prevention screening, early intervention, management and education activities.

Suicide is an unspeakable tragedy. However, the provisions of the Garrett Lee Smith Memorial Act encourage young people to speak up about suicide, importantly to seek assistance when they are feeling hopeless or depressed, and to make sure they have access to trained specialists to help them make sense of the emotions that are overwhelming them. It also provides families and friends of at-risk youth with information and resources to support these very fragile people.

There may be a misconception about this useful bill by some of my colleagues here in the House. Under no circumstances will this bill force parents to medicate their children as a condition of attending public school. In fact, it explicitly prohibits funds to be spent in such a way. Additionally, it does not allow schools to force children to attend school assemblies, undergo screenings for depression or receive treatment for depression without the written consent of a parent or guardian. It requires parental consent and involvement.

The bill requires that States and entities receiving funding under this grant program shall obtain prior written informed consent from the child's parent or legal guardian for assessment services, school-sponsored programs, and treatment involving medication related to the youth suicide conducted in elementary and secondary schools. So there is a very important provision for parents to be involved. Prior requirements do not apply if it is an emergency, as the chairman talked about.

This bill comes to the House floor as a result of delicate negotiation at the Member level and hard work at the staff level. I want to thank especially the gentleman from Texas (Chairman BARTON) and the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Ohio (Mr. BROWN) and others for facilitating this bill's swift movement to the floor. All of these gentlemen were gracious and worked closely with Senator SMITH to ensure that the Garrett Lee Smith Memorial Act would be considered by the House on this very day.

I encourage my colleagues to support the Garrett Lee Smith Memorial Act. In closing, I echo the words of Senator SMITH, my constituent. "Suicide and attempts do not simply leave an impression on the individual's life, it leaves a deep impact on everyone who knows the person or a family member of that person. No family should experience the pain we have suffered and no child should suffer the challenges of mental illness alone."

Mr. GARRETT of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I believe every life is a precious creation and that suicide is a tragic and terrible way to lose a family member or friend. One would automatically assume if you are against suicide, you will vote in favor of this bill; however, nothing could be further from the truth. We all want to stop suicide. Some of our most precious resources are our young people, and that resource must be preserved and promoted.

Our children and teenagers are too valuable to be used as guinea pigs on this issue. The gentleman from New Jersey spoke of the movie Nobody's Useless, and I will not reiterate that here now, but that will not be the only case across this country where exposure to suicide discussion has actually brought on suicide. While this legislation does not fund suicide education for children under the age of 10, it did start out younger than the age of 10. I do not think we need to take chances with our young people. Awareness could put ideas into the heads of children and teenagers that are already at an awkward time in their lives.

I would point out what happens when we do sex education and antidrug education. It is hard to find a program that resulted in less drug use or less sexual activity on the part of young people because they are made aware of something they may be afraid of. The more they talk about something, the more comfortable they get with it, the more likely they are to experiment.

Research at Columbia University has suggested that encouraging suicidal students to identify themselves or to teach other students or teachers how to identify the suicidal teenager is not effective and in some instances may even undermine protective attitudes about suicide. In other words, the creation of this program can actually be harmful to our youth.

In addition, we should also be asking ourselves is this really the role of the Federal Government. Federal money usually has strings attached to it. We do not know enough about how the grants will be distributed to know what these strings will be, but this legislation is just one more way that the government is encroaching on the lives and health care of private citizens and the parental role. Suicide prevention is best done through private counseling, faith-based groups, and within the nucleus of the family unit.

I know of no successful suicide prevention programs. We should be able to find at least one successful model program somewhere in this world before we invest $82 million in a new, untried program.

In conclusion, while I believe this bill is offered with good will and absolutely with the best intentions, and with broken hearts as well, we need to take a step back and realize that suicide is based on emotion, and it was from emotion that this bill was created.

My heart goes out to those who have lost loved ones to suicide, and for that reason I ask my colleagues to vote no on this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. GORDON), the sponsor of the bill, who has been a leader on this issue.

Mr. GORDON. Mr. Speaker, I thank the gentleman from Ohio for helping bring this bill forward.

Mr. Speaker, let me first follow up on the comments of the gentleman from Texas (Mr. BARTON) that this bill really originated from a tragedy in Senator GORDON SMITH's family. We all respect him for his courage in bringing this up, and our condolences go out to the Smith family on the first anniversary of that tragedy.

I also thank the gentleman from Texas (Chairman BARTON) for his hard work in expediting this bill. When this was taken to him earlier, he said he would do his best to bring it up. And as he always does, he not only did his best, he accomplished it, and I thank him for that.

Unfortunately, it is certainly no fault of the chairman that this Garrett Lee Smith Memorial Act which started out as a bipartisan agreement is now mired in political extremism and really bizarre anecdotes. Let me be clear. I support the Senate version of this bill. The bill passed that body unanimously with the support of the White House. I sponsored the companion bill in the House. Unfortunately, a small group in the House have insisted on inserting language that undermines the very programs we are seeking to encourage.

The language would require schools to treat suicide prevention programs differently from all other school-sponsored programs, requiring prior written parental permission for a child to even attend a suicide prevention and awareness event. This would make suicide-prevention programs the only type of school-sponsored program with such a requirement.

Suicide is a silent epidemic in this country. There are about 600,000 teen suicide attempts each year that require emergency room care and hundreds of thousands more that are never reported. It is the third leading cause of death for older teens and the fourth leading cause of death for ages 10 to 14. Making it harder for schools to sponsor suicide-prevention programs undermines the goals of this legislation, and it perpetuates the very stigma that we are trying to overcome, and that is it is not okay to talk about youth suicide.

Groups which have advised on this bill, including the National Mental Health Association, the Suicide Prevention Action Network, and the American Academy of Child and Adolescent Psychiatry, oppose this language. It puts passage in the Senate in question, and it puts hope of seeing this measure quickly reach the President in jeopardy.

Mr. Speaker, while in Congress I have witnessed some frustrating moments, and this one ranks right up there at the top. Regrettably, it is increasingly rare these days for Members of Congress to set aside partisan politics, but we tried to do so on this bill because it was in the best interest of our Nation.

However, in memory of our constituents and my colleagues' children who have lost their lives to suicide, I will reluctantly vote for this bill to keep this critically important legislation from dying in the House. I hope that this problematic language will be modified in the Senate.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE) who has been directly involved in these programs.

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from Texas for his help on this bill. I am going to suspend my otherwise prepared remarks and try to address some of the concerns that we have heard here this evening about this bill.

Mr. Speaker, 4,000 young people die per year from suicide, and I guess what we are being told here is we do not know of anything that will work, and this bill really may make things worse, and we may actually cause some people to take their lives. I would just like to mention what the bill is all about.

Part 1 provides grant funding to States for development of a youth suicide prevention and intervention strategy. That does not necessarily mean that you go in and show films to kids of other kids killing themselves. It does not mean that you go out and hire a bunch of counselors to go into schools and tell kids do not kill yourselves. It may mean that you work with coaches and teachers to identify the signs, because there are very, very few suicides which occur where there are not some indications. It may be a term paper, a theme, it may be a comment in the locker room. So we can build awareness with those people who work with young people, and that is important.

Some young people do not know that steroids are a leading cause of suicide. This is an education issue. Steroid precursors can be bought over the counter and cause untold number of suicides each year. People are not aware of that.

This bill provides for screening programs that can identify mental health and behavioral conditions. There are certain medical conditions out there that make people more subject to suicide. It may be a personal tragedy that has occurred; it may be a friend who has committed suicide. These people can be watched more closely. There may be things which could be done. You do not have to go tell them, do not kill yourself.

Lastly, the bill establishes the Federal Suicide Prevention Technical Assistance Center. People have said here, we do not know what works. That is what this center is for, to find out what strategies do work. That is the whole thing about it.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself 1 minute to respond.

Many times in this House we do things for symbolic purposes, and I am not suggesting that this legislation is being done for symbolic purposes, but I do have to raise the question, as I did earlier, as to just what extent this bill may be successful if everything goes right.

As I indicated before, we are spending at $82 million. That translates into around the addition of one new guidance counselor in every county in my State. So we have to question really are we providing any new services to the majority of kids, or are we just lifting up hopes and also the expectations of future calls for greater spending on these programs?

As to the aspect of additional harm that may come from this, that is the very nature of the question that I raise here. We have yet to hear of any testimony in this body as to what is the nature of the benefits of this, from academic institutions, parents or otherwise, how this may benefit the students. Anecdotally we may have some, but I would think before we get into such a critical area as dealing with the mental state of our kids that we would want to have that information on hand.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of S. 2634 and commend Senator GORDON SMITH and his family for helping to put the spotlight on this problem. I am happy to be the original sponsor, along with the gentleman from Nebraska (Mr. OSBORNE), for the second part of this legislation dealing with the mental and behavioral health of young people on our college campuses.

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I was pleased to have our bill, H.R. 3593, the Campus Care and Counseling Act, combined with the gentleman from Tennessee's suicide bill to produce the Garrett Lee Smith Memorial Act. According to a survey described in the Chronicle of Higher Education in 2002, depression among college freshmen has nearly doubled, from 8.2 percent to 16.3. Along with depression, the number of suicidal students tripled and the number of students seen after a sexual assault quadrupled. Without treatment, researchers noted that depressed adolescents are at risk for school failure, social isolation, promiscuity, self-medication with drugs and alcohol, and suicide.

I agree with the gentleman from Tennessee relative to some of the parental consent language. However, it is a good bill that leads us in the direction of dealing with a major health problem. Again I thank the gentleman from Ohio for yielding me this time.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Again I have to say it, the topic that we are dealing with is an extremely emotional one; and I take nothing away from what the sponsors are attempting to do with this legislation. And I take nothing away from the families that have suffered from the pains and arrows of going through this. All I say is that the best method of addressing this issue was perhaps, not perhaps, absolutely not followed in this procedure, that the parents in our communities have the right to have their say to make sure that we have the best system of taking care of their kids; that the experts, the doctors, the academies, have the right to have their say as to what are the best procedures as far as addressing the issue of suicide in schools. Finally, it ultimately falls upon our families and our parents to make sure that we are bringing our kids up in the correct manner.

This legislation does not address that at all. This legislation simply expands once again the size and the scope of the Federal Government into an area where we have not heard any testimony tonight and never had the opportunity to hear testimony in the past to say whether this system will do more harm than good.

Therefore, Mr. Speaker, I would suggest a "no" on this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BARTON).

The SPEAKER pro tempore (Mr. PEARCE). Without objection, the gentleman from Texas will control the balance of the time.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, could I ask since the distinguished gentleman from New Jersey has yielded to me the balance of his time, how much time that means I now have.

The SPEAKER pro tempore. The gentleman from Texas has 6½ minutes, and the gentleman from Ohio (Mr. BROWN) has 4 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon (Mr. BLUMENAUER).

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 4 minutes.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy, and I appreciate the way that we are reallocating time a little bit to permit serious discussion of a serious topic. I deeply appreciate the expeditious way that the Committee on Energy and Commerce has moved forward with this. As my friend and colleague from Oregon pointed out, we have sort of a special sense in our State, but I must take exception with our colleagues who are rising in opposition of the philosophy somehow if we do not talk about this with our young people, if we do not establish programs, that it is going to go away.

I would suggest that one of the reasons we have an epidemic of teenage suicide, especially among young men in this country, is because too few people do focus on the big picture, what it really means. Perhaps because it is so horrible, we do not really allow the reality to penetrate. But in a typical week in our State, there is more than one teenager who will take their life and about three in a typical day will be treated in an emergency room because of a failed attempt.

Somebody who has worked to bring this out of the shadows and to put a face on these serious tragedies, to spare other families, not to tuck it away and assume that everything is going to be all right but to see what we can do to craft a solution that will spare people is our friend and colleague Senator Gordon Smith. As has been noted on the floor, Gordon and his wife, Sharon, lost their son who is memorialized in this act. This is a tremendously positive response that has grown out of a personal family tragedy.

Frankly, I was disappointed in the changes that were added to this legislation, but I would take this for what it is, a positive start; and I appreciate what the committee has done. We are authorizing $82 million over the next 3 fiscal years. In our great country of almost 300 million people, this is truly a very small and modest beginning, but it is important.

I am pleased that it speaks to the establishment of a national center, so perhaps we will have more compelling evidence for people to step forward and join in this effort. I am pleased that it will provide resources for statewide programs and especially programs run by Native American tribes where that need is especially acute. It is encouraging that we would establish new grants for mental and behavioral health services at colleges and universities. This is an important start, to let these young people who sadly have wrestled with these demons, let them know that they are not alone, let them know that there are services, that people do care and for us to experiment in ways to do a better job.

In Oregon, we have a special interest not only in the courageous way that the Smith family has responded to trying to help other families but ours is a State with a suicide rate that is 40 percent higher than the national average. We all have an incentive to do our part. There is not a Member in this Chamber that has not either been touched directly in their family or by people close to them that they know and love. We have had cases on the floor of our colleagues just in the short time that I have been in Congress.

I am hopeful that we can seize on the opportunity to approve and then improve this legislation, build upon it and to share in carrying this message to Congress and through Congress back to our communities. By our action, we can join the Smith family to help spare others this pain in the future. I appreciate the work of my colleagues on the committee.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. OSBORNE), who has been involved in programs to prevent suicide in Nebraska for a number of years.

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding me this time. I am sorry I had to be rushed earlier, and I thank him for giving me this extra time.

In regard to the expeditious manner in which this bill has progressed, it actually started back in July. I know that there has been a tremendous amount of interplay and work over the last 6, 7, 8 weeks. There has been a lot of give-and-take and a lot of valuable discussion. The thing that I did not get to talk about that I wanted to mention is that from 1952 to 1995, we have three times the number, the rate of suicides, in this country as we did in 1952. This is a national epidemic. So to say that we really should not do anything or we should really go slow for some reason rubs me the wrong way.

The other aspect of the program that I wanted to mention today is the college mental health services. A survey regarding college students indicated that 60 percent of college students feel hopeless. More than 40 percent report being depressed. And 9 percent are suicidal. On the college campus, we have tremendous problems with this issue. You do not have to again go to these students and say, do not kill yourself. We do not have to show them films, but we do have to persuade them that it is not unmanly or it is not weak on the part of a woman to express your problems, to go to a mental health service, to talk things out, to be open with what is bothering you. These are the kinds of things that need to happen.

Part of this funding will simply go to enhance the mental health services on the college campus. This is not money that will be badly spent. This is something that is desperately needed. Again, Mr. Speaker, I thank the gentleman from Texas for his work.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

First of all, I want to comment on the procedural aspects of the consideration of this legislation. I think the gentleman from Tennessee (Mr. GORDON) pointed out a bill similar to this passed the other body 100 to zero. That is a phenomenal accomplishment considering that the other body this year many days has not even agreed on whether the Sun rises in the east or the west. But on this particular piece of legislation, they passed it 100 to zero.

The President of the United States, President Bush, and his legislative aides contacted my office immediately and asked us to expedite consideration of this legislation on the floor of the House. We took the bill that passed the other body, we looked at it and we felt like, as well-meaning as it was, that in many cases it was duplicative and it could be improved if we made some changes.

To his credit, when we called Senator SMITH, he agreed to work with us on that process. We attempted to bring the bill up the last day before we adjourned for the August work period. There were still some concerns that could not be worked out. That bill could only come up under unanimous consent. The minority leader, the gentlewoman from California, agreed to it, the majority leader the gentleman from Texas agreed to the unanimous consent, but there were some Members on the Republican side that still had concerns, so we pulled the bill that night. We spent the August work period working at the staff level to try to iron out the differences. I submit with no apology that the bill that is before us today as a result of those extra days and hours of consultation is a better bill.

It requires that 85 percent of the funds expended have to be spent on direct services. So this is not an overhead bill. This is a direct-services bill.

It requires that when grants are awarded to institutions that have existing programs, there be a dollar-for-dollar match, that the institution that already has a program has to match through services or in-kind contribution or direct dollars, dollar for dollar, the amount of the grant that they are receiving. There is a requirement in the legislation before us that there is an outcome-based assessment each year, so that as we begin to implement some of these programs, we actually go in and make sure that in future years we only award grants to programs that actually do have results in a positive way. I am very proud of that.

In terms of the parental consent section of the bill, which was the most difficult to find a compromise, we agreed that if there is an emergency situation where direct intervention needs to be conducted to prevent an individual from committing suicide, that that can be done immediately and to whatever extent is necessary so that we stabilize that individual and prevent him from taking his life. But once that occurs, before there is any entry into a long-term program, the parents have to be notified and they have to consent in writing that their child can be involved in that long-term program. I personally think that is a very, very reasonable compromise.

One can argue that the Federal Government should not be involved in early intervention and suicide prevention. That is a reasonable position to take. But given the fact that 4,000 of our young people killed themselves last year and that, as the gentleman from Nebraska has pointed out, suicide rates among our young people have tripled in the last 40 years, I think it is wise for the Federal Government to be involved. Every life that we save is a future productive citizen who is going to contribute to our society and to our country. I strongly agree that we should be involved with a Federal program that helps in that area.

I would point out that this bill is a 3-year authorization bill. It is not a permanent expansion of any program. It is a 3-year authorization. As I said earlier, as we go through each year, the programs that are granted have to be evaluated on an outcomes basis. I think Members on both sides of the aisle, whether they are conservatives or liberals or moderates, regardless of whatever region of the country they come from, can sincerely and enthusiastically support this bill tomorrow when it comes to a vote. It is a good bill. I am proud that we have helped Senator SMITH memorialize his son, the late Garrett Lee Smith; and I would hope that we get a unanimous vote tomorrow on this important piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 2634, the "Garrett Lee Smith Memorial Act." This bill contains a variety of programs aimed at youth suicide early intervention and prevention, including campus mental and behavioral health service centers.

Mr. Speaker, I urge my colleagues to read the findings in this bill. They contain alarming statistics on the incidence of youth suicide in this country. For example, according to the CDC, suicide is the third overall cause of death among college age students. More than 4,000 children and young adults take their life each year, and the rate of youth suicides in increasing. The American College Health Association reports that 9 percent of college students have felt suicidal.

While this bill contains many find provisions, it does contain language on parental consent that has drawn expressions of concern from a variety of mental health advocates. I hope that as this bill moves further along in the legislative process we can modify it further so that these concerns are reduced or eliminated. I also note that the bill before us contains an important rule of construction that makes clear that this legislation does not modify or affect current law on parental consent applicable to elementary and secondary education programs, including the law popularly known as No Child Left Behind.

Mr. Speaker, I want to compliment my colleagues for the fine work they have done on this bill and I want to take particular note of the outstanding work of my good friend, Representative BART GORDON and our Chairman, Representative BARTON.

Mr. WU. Mr. Speaker, I rise in strong support of the Garrett Lee Smith Memorial Act.

I wish this bill were not necessary. Unfortunately, it is. Youth suicide is a growing problem that knows no geographic, cultural, racial, or socioeconomic bounds. More children and young adults die each year from suicide than from cancer, heart disease, AIDS, birth defects, stroke and chronic lung disease combined.

More troubling, the rate of youth suicide has tripled in the last 50 years. A recent study by the American College Health Association found that 61 percent of college students report feeding hopeless, 45 percent said they feel so depressed they could barely function, and 9 percent felt they were suicidal.

The Garrett Lee Smith Memorial Act would provide critically important resources to help families, educators, and medical professionals better understand the warnings signs of a child in danger and foster better coordination and communication to come up with the best ways to prevent another painful loss.

Specifically, the bill would authorize $82 million over 3 years to support efforts at the community, state, and Federal levels to enhance early intervention and prevention services. Federal funds would provide mental health services (e.g., screening, assessment, mentoring, counseling etc.) to children and young adults in a variety of youth-oriented settings such as schools, juvenile justice systems, foster care, substantive abuse and mental programs. It would also help establish, and coordinate evaluation of the efficacy of early intervention and prevention programs specifically related to youth suicide.

Mr. Speaker, this bill is named in memory and in honor of Senator GORDON SMITH's son who tragically took his life after struggling with bipolar disorder. I admire Senator SMITH and his wife, Sharon, who returned their family tragedy into something that will benefit other families. By sharing their story with others, they are raising awareness of this growing problem that I know will help prevent other youth suicides.

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The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2634, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GARRETT of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to inform you that I am resigning my seat on the House Government Reform Committee effective august 10, 2004 to accept a seat on the House Permanent Select Committee on Intelligence.

Thank you for your time and consideration.

Sincerely,

JO ANN DAVIS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 9, 2004.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective immediately, I resign my seat on the House Permanent Select Committee on Intelligence.

Best Wishes,
DOUG BEREUTER,
Member of Congress.

The SPEAKER pro tempore. The Chair announces that on August 10, 2004, in consonance with the letter of resignation from the gentleman from Nebraska and pursuant to clause 11 of rule I, the Speaker appointed the gentlewoman from Virginia (Mrs. JO ANN DAVIS) to serve on the Permanent Select Committee on Intelligence, vice the gentleman from Nebraska (Mr. BEREUTER).

RESIGNATION AS CHAIRMAN AND APPOINTMENT OF CHAIRMAN TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as chairman of the Permanent Select Committee on Intelligence:

U.S. HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE ON
INTELLIGENCE,
Washington, DC, August 10, 2004.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As a result of the honor bestowed upon me by the President today, nominating me for the position of Director of Central Intelligence, I believe it is appropriate to relinquish my position as Chairman of the Permanent Select Committee on Intelligence during the pendency of the confirmation process of that nomination, effective immediately.

Therefore, I would ask that you appoint a Member to take the Chairmanship of the Committee on a temporary basis, effective immediately, until the Senate makes a final determination on the President's nomination.

I believe it continues to be appropriate for me to remain a Member of the Committee, however.

Thank you for your consideration of this request.

Very truly yours,
PORTER J. GOSS,
Chairman.

The SPEAKER pro tempore. The Chair announces that on August 25, 2004, in consonance with the letter of resignation from the gentleman from Florida and pursuant to clause 11 of rule I, the Speaker designated the gentleman from Michigan (Mr. HOEKSTRA) as chairman of the Permanent Select Committee on Intelligence, vice the gentleman from Florida (Mr. GOSS).

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. BENJAMIN L. CARDIN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Bailey E. Fine, District Director of the Honorable BENJAMIN L. CARDIN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2004.
Hon. J. DENNIS HASTERT,
Speaker, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States District Court for the District of Maryland, for documents and testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
BAILEY E. FINE,
District Director.

COMMUNICATION FROM STAFF ASSISTANT/CASEWORKER OF HON. BENJAMIN L. CARDIN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dina Johns, Staff Assistant/Caseworker of the Honorable BENJAMIN L. CARDIN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2004.
Hon. J. DENNIS HASTERT,
Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States District Court for the District of Maryland, for documents and testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
DINA JOHNS,
Staff Assistant/Caseworker.

COMMUNICATION FROM CHIEF OF STAFF OF HON. JOE BACA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Michael Townsend, Chief of Staff of the Honorable JOE BACA, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 2004.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for testimony issued by the Superior Court for Riverside County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House, and I have instructed the Office of the General Counsel to move to quash the subpoena.

Sincerely,
MICHAEL TOWNSEND,
Chief of Staff.

COMMUNICATION FROM THE HON. JIM RYUN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JIM RYUN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2004.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena, issued by the U.S. District Court for the Central District of California, for the production of documents.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoena that I have no responsive documents.

Sincerely,
JIM RYUN,
Member of Congress.

CHILD MEDICATION SAFETY ACT

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, yesterday, September 7, was ADD Awareness Day. Millions of Americans suffer from attention deficit disorder. Fortunately, when ADD is accurately diagnosed, it can be effectively treated. Unfortunately, when it is misdiagnosed, the treatment can be harmful.

Last year I introduced in this body the Child Medication Safety Act, H.R. 1170. It passed 425 to 1. Unfortunately, it has seen no action in the other body. It has been blocked by the objections of a single Member in spite of overwhelming congressional and public support.

This medication is not antimedication. This legislation is not antimedication. It is not antischool. It does not limit teacher or school involvement.

It is designed to protect children. It does provide for parents and medical professionals to determine if a child needs medication for ADD.

This legislation is simple. It prohibits schools from requiring children to take a stimulant such as Ritalin or Aderal or other drugs as a precondition for attending that school.

Mr. Speaker, I urge the other body to take immediate action. We must protect children from inappropriate medication, and we must allow parents and medical professionals to determine the medical treatments for their child.

THE PRESIDENT'S ECONOMIC POLICY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, President Bush has spent a lot of time in my State of Ohio in the last few weeks. He was in Brecksville in my district just this weekend. He comes to Ohio to try to argue for an economic policy that has seen one out of six manufacturing jobs in our State disappear. His answer to every bad piece of economic news is more tax cuts for the wealthy, a person making $1 million gets a $123,000 tax cut, and more trade agreements like NAFTA that continue to ship jobs overseas. Clearly his economic policies are not working in a State that has 220,000 fewer jobs than it did when George Bush took office.

Instead, as Senator KERRY suggests, we should extend unemployment benefits. We should reward those companies that manufacture domestically. We should penalize those companies that go offshore like Halliburton and continue to ship jobs overseas, that continue to take tax advantage of the American people and continue to lose jobs in our Nation.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday the 1,000th American soldier was killed in Iraq; 1,000 young men and women who will never again return to their homes and experience the warm embrace of their parents and others who love them.

Young men and young women have died for a war the United States entered not of necessity, but out of choice. An attack against a country that never possessed the illegal weapons it was accused of possessing, a war in a country that never once threatened the United States. And this war is not over.

Worst of all, of the 1,000 soldiers that have died in Iraq, over 850 of them were killed after President Bush declared the "end of major combat operations." He made his now-infamous speech aboard a Navy vessel displaying a banner that read "Mission Accomplished." That was 15 months ago yesterday.

Obviously the Bush administration has failed, failed dramatically in its postwar custodianship of Iraq.

The abuses at Abu Ghraib have emboldened our enemies and provided them with ammunition for the war of images waged on the front pages of newspapers worldwide. The moral support shared by countries around the world in the months after September 11, 2001, has long since evaporated.

When it comes to supporting our troops abroad, we have not done much better. A recent Pentagon study acknowledged that about one-third of all American casualties in Iraq could have been prevented if the military had outfitted every soldier with state-of-the-art body armor. Thirty thousand troops, most of them members of the Army Reserve and National Guard, did not have vital equipment for several months after facing battle situations in Iraq.

In addition to the 1,000 soldiers killed in the war in Iraq, this war has cost the lives of thousands of innocent Iraqi civilians, which some estimate to be as high as 15,000. And it is estimated that 7,000 of our troops and our civilian forces have died, or 20,000 have been evacuated out of Iraq for medical reasons.

This is a failure. This is a war that has failed. It has taken a huge economic toll in the form of a whopping $200 billion in congressional appropriations, money that should have been invested here at home and used to pay for the real war against terrorism, a war that never has included Iraq. The Bush administration's line is that the war in Iraq was essential in fighting the so-called war on terrorism. Bush Press Secretary Scott McClellan, commenting on the number of troops killed, claimed that "the best way to honor all those who lost their lives in the war on terrorism is to continue to wage a broad war and spread freedom throughout a dangerous part of the world." What a shameful thing that was to say.

It is clearly time for a new national security policy. I have introduced H. Con. Res. 392 to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. SMART security invests in the development of impoverished nations to prevent terrorism from taking root in the first place.

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SMART security is about preventing war, as opposed to preemptive war. It emphasizes brains over brawn. It is tough, but diplomatic; aggressive, but peaceful; pragmatic, but idealistic.

President Bush loves to think that those who support his efforts in Iraq are patriotic, and those that think there is a better way are unpatriotic, or, worse, un-American. But I can think of nothing more patriotic than pursuing a national security policy that protects America by relying on the noblest of American values: our capacity for global leadership, our compassion for the people of the world, our commitment to peace and freedom.

COURT RULING UPHOLDS BARBARIC AND BRUTAL PRACTICE OF PARTIAL-BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I come to the House floor tonight on a very sad occasion, a day that marks a third Federal district court ruling upholding the barbaric and brutal practice of partial-birth abortion. Once again, the ethics and morality of the American people and Congress have been trumped by an activist Federal judge. As a result of this judicial arrogance, more innocent children will be gruesomely and barbarically killed by partial-birth abortions.

The practice of inducing birth for the sole purpose of brutally murdering an innocent child has absolutely no place in civilized society, and it is an outrage to let a handful of lifetime-appointed judges overrule the will of the American people and essentially sentence these babies to death.

Today's court opinion especially drips with contempt for Congress and the people who elected their Representatives. Congress passed the partial-birth abortion ban with overwhelming support. These courts have displayed utter contempt for the factual findings of Congress, which proved that the legislation was constitutional. Congress decided, based on years of testimony by countless medical experts, that partial-birth abortion is never medically necessary. These three Federal district courts have now simply brushed aside this finding; those courts being in California, New York, and now today's ruling from Nebraska.

Both the California and Nebraska courts based their rulings on the idea that an expert witness must actually perform partial-birth abortions in order to be a credible expert. This is ludicrous. These witnesses, the good witnesses on our side, do not perform partial-birth abortions because, as they testified, they are never medically necessary, and the procedure endangers women. It would be malpractice for physicians to perform a procedure that they know to be unnecessary and injurious to their patients.

Both judges also said that those witnesses who supported the ban because they were prolife could not be objective about the procedures. These judges cannot seriously claim that the plaintiffs' trial experts for whom abortion is a business were not biased in favor of abortion.

Judge Kopf, the author of today's decision and also the decision in Stenberg v. Carhart, the infamous decision from Nebraska's State ban, did not even attempt to hide his support for the practice of abortion, and this is a quote from his opinion: "I do not use the term 'abortionist' pejoratively. So long as abortion is legal, doctors who perform abortions and who properly concentrate on the health of the female patients will be treated in this court with the same high degree of respect as fetal and maternal specialists who do not perform abortions and who properly divide their loyalties between the health of the fetus and the health of its mother."

That, Mr. Speaker, is a modern-day equivalent of the Nazi prison guard saying "I was just following orders." It was all legal in Nazi Germany at the time.

These three judges have overruled the will of the people, expressed through their elected representatives, by declaring the partial-birth abortion ban unconstitutional. They stepped outside the bounds of their judicial roles delineated by the Constitution and are vetoing legislation from the bench.

No cover provided by inferior courts will shield the Supreme Court from the ire of the public or this Congress if the Court rules against the will of the people and the highest standard of fact-finding conducted by Congress in passing this ban.

Our Founders assigned the legislative role to Congress because, among other reasons, we are accountable to the people. If Americans do not agree with the partial-birth abortion ban, they can vote against the elected officials who supported it. Unelected lifetime-appointed judges are not accountable to the people unless impeachment proceedings are brought in the House of Representatives. That is the only way. We must rein in the runaway judiciary, even if that means bringing impeachment procedures. We as Members of the constitutionally established legislative branch must stand up for our Constitution against judges who ignore it.

DEMOCRACY NOT PREVAILING WITH REGARD TO OVERTIME REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, here we are again debating overtime in the Labor, Health and Human Services bill.

I feel like it was just last year when we had this same debate, because we did. Last year I supported a Democratic overtime pay amendment which proposed to prohibit the Department of Labor from using funds to enforce any regulation that would cut overtime pay. When the amendment was voted on in the House, the Republican majority blocked its passage.

However, the Senate approved an amendment offered by Senator HARKIN to block the Bush administration from issuing the overtime changes, protecting people's overtime. The House then reversed course, against leadership's advice, and bipartisanly voted to instruct the negotiators to instruct the Harkin language, therefore preserving workers' overtime. Even though both the House and Senate voted to protect overtime, a few hand-picked Republicans on the conference committee, all doing the bidding of President Bush and the Republican leadership, removed those protections from the bill.

The Economic Policy Institute study calculates that under the revised Bush overtime rules, kindergarten and nursery school teachers, firefighters, police, nurses and hundreds of thousands of other workers would lose an average of $250 a week in overtime pay. Millions more lose future eligibility for it.

Under the Bush rules that cut back on overtime, we will see an explosion of executives in the United States workforce, companies redesignating regular workers to avoid paying overtime.

It will not be executives the way we think of executives in the traditional white-collar sense. Instead, it is workers who supervise only two coworkers, such as a shift manager in the toy department of Wal-Mart. That person could be classified as executive and then lose overtime eligibility.

Companies can exempt more than one executive for the same workers, as long as they maintain a 2-to-1 ratio of exempt to nonexempt employees. Supervising, therefore, does not have to include the right to hire and fire, as executives usually have, or even take up the majority of the executive's time under the new rules. A worker could spend all day serving customers, sweeping the floor, doing the same things coworkers do, be called a supervisor, and then be denied eligibility for overtime.

Similarly, the new rules create a broad new exemption called team leader that can exclude workers from overtime pay under the administrative classification. This is a huge loophole. Team leaders could have no supervisory authority at all, but still be prohibited from receiving overtime.

The new rules make it easier to exempt workers in financial services and in computer-related occupations, among dozens of other job categories.

Tonight the Labor-HHS bill was pulled off the floor and Members of Congress were sent home, that is why there are few here now, because Republican leadership lacked the votes to defeat this amendment on overtime.

The Department of Labor's mission statement describes it as the primary agency to promote the welfare of job seekers and wage earners. That is why the Department of Labor was created decades ago. It was established solely to represent the interests of the American workforce.

Now, under Secretary Chao, taking her orders from President Bush and especially from Vice President CHENEY, and especially from the Chamber of Commerce, and especially from the American National Association of Manufacturers, the Department of Labor now represents corporations at the expense of workers. That is why the assault on overtime pay coming from our government's Department of Labor against the workers it should be representing.

My colleague, the gentleman from Wisconsin (Mr. OBEY), wants to offer an amendment that prohibits the Department of Labor from implementing these new rules on overtime pay, which would protect American workers, if we could win our amendment, and protect American families from the rising cost of living. We have the votes to pass it, but Republican leadership, at President Bush's request, pulled the bill off the floor, and we are not going to vote on it. We have the votes to pass it, as I said.

In a democracy, you know, you vote on things. If you have enough votes, they pass; if you do not have enough votes, they fail. It is as simple as that.

But here tonight we saw something that cannot quite be considered democracy. We do not vote on something because the leadership on the other side of the aisle, taking huge campaign contributions from darn near every corporate interest in this country, we do not vote because leadership on the other side of the aisle simply does not want to lose. Their corporate contributors do not like that. The will of the American people has been stifled. A major appropriations bill has been held up. Also the Republicans do not lose a vote that their corporate backers want, that the majority of this House, the representatives of the American people, support. You can call that government, but it sure is not democracy.

IMPORTANT VICTORY FOR PEOPLE OF NEVADA REGARDING YUCCA MOUNTAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to mark an important victory for the people of Nevada in our 20-year struggle against becoming the Nation's nuclear waste dump.

Last week the U.S. Court of Appeals unanimously upheld its decision that radiation standards for the proposed nuclear waste repository at Yucca Mountain were not based on sound science and would not protect the health and safety of the American people. In ruling for Nevada, the court found that the Bush administration deliberately set radiation standards for Yucca Mountain that were not in keeping with the findings of the National Academy of Sciences as required by law.

The Academy reported to Congress in 1995 that waste stored at a repository would remain deadly for 300,000 years or more, and concluded that radiation standards for the Yucca Mountain project should reflect these scientific standards. Rather than incorporating the findings of the National Academy of Sciences when crafting safety guidelines, the Bush administration ignored the law, ignored the science, and knowingly ordered the EPA to draft a radiation standard not based on the science, but an arbitrary period of 10,000 years. The gap between the science and the EPA standard? A mere 290,000 years.

The court's ruling voids the radiation standard established by the Bush administration and is the latest in a series of setbacks that have clouded the future of Yucca Mountain. These include the lack of funding in Congress, a refusal by the Nuclear Regulatory Commission to certify an electronic database required for licensing the repository, and a lawsuit filed by the State of Nevada challenging a portion of the administration's transportation plans for Yucca Mountain because they do not meet necessary NEPA standards.

On their own, any one of these issues is significant enough to stop the Yucca Mountain project in its tracks. But the nuclear industry has friends in the White House and is in control of Congress, and they are gearing up for a fight.

The administration's only option for addressing the court's ruling is to have the EPA revise the radiation standards to reflect the danger identified by the National Academy of Sciences. Such a standard will require that the repository isolate waste for 300,000 years or more. Yucca Mountain cannot possibly meet this science-based standard. The nuclear industry also knows that this court ruling would doom plans to ship nuclear waste to Nevada.

They are already planning a push in Congress to waive the requirement that radiation standards for this repository conform with the science. Changing the rules in the middle of the game seems to be standard operating procedure for this Congress. Putting politics over the safety of those people I represent and denying Nevada the protection of our courts and our court system of checks and balances is something this House of Representatives has done before. It must stop.

Changing the law will allow the administration to continue to railroad Nevadans by allowing Congress, not the National Academy of Sciences, to determine radiation standards for Yucca Mountain. There is not one Member of this esteemed body who knows anything, not one thing, about radiation standards or how to store nuclear waste safely at Yucca Mountain, not for 3 minutes, much less 300,000 years. Will Congress choose a 10,000-year standard? 5,000? Maybe Congress in its infinite wisdom is going to opt for no radiation standard at all.

When it comes to Yucca Mountain, there is no limit to the hoops this administration and Republican leaders in this House will jump through or the lies and misrepresentations they will tell to move this project forward.

I say to my colleagues on both sides of the aisle, there will come a time in the near future when you will be asked to decide whether politics or science should prevail in establishing radiation standards for Yucca Mountain. I urge you to respect the role of the courts in its decision determining the EPA did not follow the law, and respect the right of those who live in Nevada to challenge the notion that Yucca Mountain is safe.

Science, not politics, should guide this Nation's policy on nuclear waste disposal. That is what George Bush promised when he first campaigned for President in the year 2000, and that is what he said when he came to Nevada just 3 weeks ago. He said he would respect any court ruling against Yucca Mountain.

The courts have spoken. Now it is time for the President to act on his promise as well. The second highest court in the Nation has spoken. Work on licensing Yucca Mountain cannot continue until a new radiation standard is crafted that incorporates the work of the National Academy of Sciences.

☐ 2045

The President ought to stop this folly and stop it now and demand that the EPA comply with the U.S. Court of Appeals decision.

As Members of Congress, we have a responsibility to make decisions that are in the best interests of our Nation. Waiving a science-based radiation standard to expedite this project means waiving the health and safety protection that we have promised all of Americans. The last time I checked, the great State of Nevada is in the United States and deserves the same protection as any other State.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EXPIRATION OF ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, next week, the assault weapon ban expires. This ban, enacted 10 years ago, on some models has been supported by past Presidents Ford, Reagan, Bush I, and President Clinton. It has been supported by police chiefs and officers across America, and the majority of the public. Even candidate Governor George Bush 4 years ago said he supported extending the assault weapons ban.

Today, we stand poised in 120 hours to see the assault weapons ban expire because of a lack of leadership on the part of President Bush and of the Republican leadership in Congress. It appears that there is no intention to stand up to the National Rifle Association and bring forward an opportunity for the men and women in this Chamber to be heard on this critical issue.

I suppose this should not come as a surprise when we saw the administration, President Bush, Attorney General Ashcroft cave in to the NRA when it came to eliminating within 24 hours the previous gun registration records that would have been available to this administration, to law enforcement authorities, to help in the fight against terrorism. Having the NRA trump this potentially important tool in the fight against terrorism in this country is unfathomable to most of the people I represent. But sadly, it makes sense in the upside-down way that we deal with politics and the politics of gun violence in this Chamber and in the American political system.

America has the worst record of gun violence of any developed country. There are a wide array of simple, commonsense provisions that would help deal with gun violence that would not in any way deny any legitimate hunter an opportunity to use their weapons to go out and hunt, to target shoot, legitimate collectors. There are, however, people who resist any effort at recordkeeping, at enforcement, at dealing with the most simple, direct, commonsense, and nonintrusive proposals.

Does anybody think in America that we are going to be safer if the assault weapon ban expires and there are more opportunities to have assault weapons in the United States? There are people ready now to market, if the ban expires, to market new gun lines. There are people that have kits to convert weapons to make them, previously illegal, that would be lawful if the ban expires, to have these kits so they can make the conversion.

I would find it disappointing on several levels if this tragedy occurs. First, we are not going to be safer. I hear repeatedly from the people I represent that sports people do not need assault weapons to hunt game in this country. There are lots of opportunities for target shooting, for sportsman activities. Assault weapons are designed to shoot with great firepower very quickly and to generate maximum carnage on people. We will not be safer.

It will be a blow to the credibility of the political process if candidate Bush can make a promise that President Bush is not going to deliver on.

Finally, it continues the chipping away at our ability to function here with real live legitimate problems. Gun violence is a legitimate problem. There are legitimate policy options, and we are taking them off the table.

I would hope that President Bush remembers what candidate Bush said 4 years ago and takes a small step to provide real leadership that he had promised in coming out in support of extending the assault weapon ban and calling upon the Republican leadership in Congress to follow through, allowing a vote to prevent that expiration. We have 120 hours left. I hope that the American people will avail themselves to dealing with these candidates who are out around the country to have that conversation with President Bush to follow through on his commitment.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Washington (Mr. McDERMOTT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SUICIDE BOMBINGS IN ISRAEL AND SYRIA'S HARBORING OF HAMAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my condolences to the families of the victims of the suicide bombings in Israel last week and to urge my colleagues to support Israel's continued construction of the security fence to protect their citizens from further terrorist attacks. I also ask my colleagues to join with me in calling on the Syrian Government to turn over the leaders of Hamas, the terrorist organization that has claimed responsibility for these and countless other attacks in Israel, currently operating in Damascus.

Mr. Speaker, last Tuesday, two buses were simultaneously bombed in Beersheba, a city in southern Israel, killing 16 passengers and injuring 97 others. It is no coincidence that the city chosen by Hamas for the attacks is in a region of Israel that is not yet protected by the security fence. Hamas terrorists were dissuaded by the fence and an Israeli military presence in other areas and opted for an easier and more vulnerable target in Beersheba. These attacks are further proof that continued construction of the security fence is necessary for the protection of Israeli citizens.

Mr. Speaker, the security fence is doing exactly what it was designed to do: save lives. Since the fence's construction, there has been a dramatic decline in the number of suicide attacks. This was the first suicide attack in Israel in 5 months. There have been only nine suicide attacks in Israel this year, down from 23 last year. While even one attack is clearly too many, the fence is clearly making a difference.

For those in the international community who questioned the route of the fence, the Israeli Government has stated that the fence is temporary and can be moved or rerouted contingent on future peace agreements. Furthermore, the Israeli Government has also proven its willingness to reroute the fence. When the Israeli Supreme Court declared early this year that a section of the fence impeded on the civil rights of Palestinians living in the area, the fence was, in fact, moved.

Mr. Speaker, I have spoken on several occasions here on the House floor of my visit to Israel last year and my opportunity to view the security fence firsthand. After my visit, I believe very strongly that we need to support Israel's right to protect their citizens. This fence provides a sense of security to border families and to outerlying cities like Beersheba that remain unprotected. The fence will help prevent continued attempts to derail the peace process through violence.

Mr. Speaker, another point that I want to mention that is related to the terrible attacks in Beersheba is the issue of Syria's decision to continue to turn a blind eye to Hamas and other terrorist organizations that operate within their borders. I ask my colleagues to join with me in calling on the Syrian Government to immediately turn over the leaders of Hamas to the Israeli Government for their responsibility in last week's attacks.

I fully support continued U.S. sanctions against Syria provided for under the Syria Accountability Act. If we are serious about achieving lasting peace in the region, we cannot allow Syria to continue to play host to Hamas, Hezbollah, and other terrorist groups.

LOCAL SCHOOL DISTRICTS NOT RECEIVING FEDERAL FUNDING

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, one of the constant comments and questions that I have had regarding our education policy on the Federal level is that local teachers have constantly said, we think that the No Child Left Behind provisions are underfunded; we think that it is an unfunded mandate. Our office has continually researched the problem, and we recognize that in the last 10 years, Federal funding has increased from $23 billion to $56 billion, a 132 percent increase. So, Mr. Speaker, the numbers never quite matched the explanations that were coming from our teachers in the district. Knowing that the teachers were, to their best knowledge, presenting the facts as they were told them, we began to dig even deeper.

In July, it began to come to our attention that many times the funds that we have allocated on the Federal level have not been made available from the States to their local school districts. I am not sure exactly why that has occurred, but it still is a fact that, for instance, in New Mexico, we have $78 million in unspent Federal funds. The situation is even so bad that $16.7 million has been allocated so long that now it is going to revert to the Federal Government on September 30.

So as I spent my time at home during the summer recess the last week of July and the 4 weeks of August, I began to talk to the teachers and the principals and explain to them that much of the money, much of the $78 million that is there and is available is actually in title I funding that is for the low-income programs. And then also, there is money for the Reading First programs. New Mexico needs both of those kinds of fundings in the extreme. The teachers and principals were somewhat shocked to find out that as they were telling me there was no funding for No Child Left Behind, that actually there were unspent funds, and then we began to understand that possibly the facts that were given to the teachers and to the principals were not the same as existed in reality.

In July, I had the opportunity to meet with three principals from my district who were here in Washington for a national conference. I began to bring my concerns to the attention of these three principals and gave them the facts about the unspent money in New Mexico. One of the principals took it on himself to share those facts with the leadership of this conference, with that national conference, and with the other principals in attendance in the meeting. Upon hearing the information, to their credit, the national leaders at the conference began to do their own research, and they found that almost every State has the same problem, that money has been allocated, but the State departments of education are not either making people aware of it, or maybe there are just no requirements for these monies; and no one is making application for the grants that could improve the education to our students in America. They have been funded already; and yet, sadly, the money is not being allocated.

The situation was so extreme that one State, on September 30, is losing $16.7 million because the time has elapsed in which it is possible for the State to make application. One State has the extreme circumstance of turning back on September 30 $90 million. And across the Nation, teachers are being told that No Child Left Behind is not funded, that it is an unfunded mandate. But, Mr. Speaker, the facts are exactly opposite, that the funds are there and they are available; it is just that the local schools and the principals are not made aware of it.

This national association felt so compelled that they stopped their intent. Their intent was to have a national education advertising program criticizing the unfunded mandate of No Child Left Behind; and this national organization decided, based on the facts that were provided by my staffer to them, that, in fact, they were not going to run this national ad, and they could no longer contend No Child Left Behind as an unfunded mandate.

□ 2100

Just some of the figures so that my colleagues would understand, Mr. Speaker, total dollars unspent on the Federal level, $13.4 billion. Under education for the disadvantaged, $5.2 billion is unspent. Special education, $3.9 billion is unspent. School improvement programs, $3.38 billion is unspent. English language acquisition, $231 million is unspent. Vocational adult education, $701 million is unspent, and yet the teachers unions nationwide are castigating anyone who supports No Child Left Behind for supporting an unfunded mandate, and I would respectfully make the observation that their facts appear to be in error.

Mr. Speaker, I just wanted to bring these facts to my colleagues' attention and possibly to the attention of other legislators.

REMEMBERING SEPTEMBER 11, 2001

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New York (Mr. NADLER) is recognized for 60 minutes as the designee of the minority leader.

Mr. NADLER. Mr. Speaker, on September 11, 2001, 3 years ago, I watched in horror as America, and part of my district specifically, was attacked and destroyed. The extreme sense of pain and loss I felt as a New Yorker and as an American, as someone who knew many of the victims, does not even begin to match the pain that the families of that attack must have felt.

This attack on the United States was an attack, a deliberate attack on civilians. It was a deliberate attempt to kill as many American civilians as possible for the simple and great crime of being Americans. This we will never forget, and we must never forgive.

We must not allow ourselves to forget how vulnerable we have become and how we must change that vulnerability. We know that we are not as safe as we should have been on September 11, 3 years ago, and we still mourn the thousands who died that day.

The 9/11 Commission charged with investigating the tragic events of September 11 released its unanimous report that should help us ensure that this type of attack does not happen again. Democrats are fighting to implement the Commission's recommendations, but the Republicans, by and large, who fought the creation of the Commission and tried prematurely to end its work, are still dragging their feet.

President Bush strongly opposed any independent inquiry into the 9/11 attacks. He argued that it would duplicate a probe conducted by Congress. In July 2002, his administration issued a statement of policy that read, "The administration would oppose an amendment that would create a new commission to conduct a similar review. Such an amendment is duplicative and would cause a further diversion of essential personnel from their duty fighting the war."

The House majority leader, the gentleman from Texas (Mr. DELAY), opposed the creation of the 9/11 Commission. I quote from a CNN interview on May 22nd, 2002, by the gentleman from Texas (Mr. DELAY): "We are at war, and when you are at war, you have to worry about making public a lot of things that should be kept private for you to fight the war. An independent commission by its very nature is very public. Frankly, it has only been asked for by people that are running for President."

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Who is he referring to when he indicated that only those that were running for President would support the creation of an independent commission?

Mr. NADLER. Well, I do not know because President Bush flip-flops. So maybe he is referring to President Bush after he decided to support it. The gentleman from Texas (Mr. DELAY) flip-flops, and maybe he is referring to himself. Maybe he is referring to the families of the 9/11 victims who were the leading proponents of an independent commission. He may have been referring to Democrats who were, in fact, running for President, or who a year later ran for President, such as Senator KERRY and Howard Dean and others who did support this. Most Democrats supported it, but the majority of the Americans supported it, and I do not think the majority of Americans ran for President.

Mr. DELAHUNT. Mr. Speaker, well, again, I am surprised that the Republican leader in this House made that statement, because, according to our information, upon our return, based on the 9/11 Commission's report, the majority leader has now announced that he hopes to have legislation before this House dealing with the concerns that were expressed by the 9/11 Commission. Am I confused?

Mr. NADLER. No, no, you are quite correct, and as I am going to show in recounting the history here in a few minutes, the gentleman from Texas (Mr. DELAY), bowing to Democratic pressure and to common sense, flip-flopped and did change his mind and is, or at least he says he is, supporting such legislation. We still wait to see the legislation to implement the Commission's report, after the Administration first did not want to do that.

Mr. DELAHUNT. Well, again, just to be clear in my mind, and I am sure that those who might be viewing our conversation this evening want clarity, what you are suggesting is that when the concept or the proposal of an independent commission looking into the events and the failures that led to our national tragedy on 9/11, it was President Bush and Vice President CHENEY that steadfastly refused to accept the creation of that Commission; is that correct?

Mr. NADLER. That is correct. It was President Bush, Vice President CHENEY and the Republican leadership in both Houses of Congress who steadfastly opposed the creation of that Commission and eventually bowed to pressure coming from Democratic leaders in Congress and Democrats in Congress, from the families of the victims, from the press and from the American people at large, and eventually they bowed to that pressure and they flipped-flopped, and they reluctantly allowed the Commission to be created.

Mr. DELAHUNT. If the gentleman will continue to yield, now they embrace, and I congratulate them with enthusiasm, the 9/11 independent Commission's report, and hopefully before we adjourn for this year, for this particular session, a review of their recommendations with appropriate legislation can be passed.

Mr. NADLER. Well, that is correct. Again, they sought to delay it. They sought to oppose it. They sought to appoint Henry Kissinger to chair it. That did not fly when the public screamed at that because Mr. Kissinger was hardly an objective leader, as Governor Kean and former Congressman Hamilton have proven to be. And even after the Commission issued its recommendations, the President said he was going to follow the recommendations and appoint an intelligence czar, but he also said that that intelligence czar would have no real power. But yesterday he flip-flopped on that and finally bowed to the pressure of the Commission, and the American people, and the families of the victims, and the Democrats who have been pushing to implement the recommendations of the Commission and give the intelligence director that would be created by this recommendation real power. The President flip-flopped on that yesterday and came to the right decision finally yesterday.

Mr. DELAHUNT. If the gentleman would yield once more, I believe it is important that the American people and our colleagues be reminded that this independent Commission that produced a document, again that has been widely praised and embraced, now by President Bush, by the Republican majority, by Democrats and others, and the American people, that this independent Commission was bipartisan in nature.

You and I are aware that the former ranking member on the House Committee on International Relations, Lee Hamilton, was the vice chair. Mr. Hamilton was a Democrat and continues to be a Democrat, and the former Governor of New Jersey, Tom Kean, is a Republican, continues to be a Republican.

Mr. NADLER. He was the Chairman.

Mr. DELAHUNT. And he was the Chairman, and that was a bipartisan Commission.

Mr. NADLER. Yes. This was a bipartisan Commission that was appointed by the President after the President and the Vice President and the Republican leadership in Congress continued to oppose its creation but eventually flip-flopped.

Now, in fact, the House Republicans bowed to White House pressure in resisting creation of this Commission, and I quote the gentleman from Florida (Mr. GOSS), who is now the President's nominee for Director of the CIA ironically. He stated, and he was quite honest, in the Baltimore Sun on June 14, 2002, "I am very much aware that we have a good working relationship with the White House. Access to information is working well, he said, and I do not want anything to interfere with that. The White House is not interested in this Commission; hence, I am not for bringing the subject up."

Then they bowed to pressure; they supported it. Finally in late 2002, after opposing it for a year, President Bush flip-flopped and finally agreed to support an independent investigation into the 9/11 attacks after the congressional committees that were looking into this unearthed more and more examples of intelligence lapses.

But then, having been forced to accept the creation of the Commission, a bipartisan Commission, five members of either party headed by former Governor Kean, a Republican, and former ranking member Hamilton, a Democrat, they tried to stop the Commission's work.

The Bush administration and Speaker HASTERT fought to close down the Commission prematurely, after delaying, after refusing to give them information so they could get their work started. Remember that, when the 9/11 Commission because of these delays needed to seek an extension of this deadline to complete the investigations from May, all the way to July, a 2-month extension, and I am quoting the New York Times of January 28 of this year, "White House and Republican congressional leaders have said they see no need to extend the congressionally-mandated deadline now set for May 27, and a spokesman for Speaker HASTERT said Tuesday that Mr. HASTERT would oppose any legislation to grant the extension."

Then, in early February of this year, the White House again flip-flopped and reversed course in support of an extension of the investigation into government failings surrounding the September 11 terrorist attacks. The Bush administration had opposed expanding the charter of the bipartisan 9/11 Commission beyond the May 27 expiration date, but bowed to demands from victims' families and Democrats and to the panel's request for more time. Speaker HASTERT was reluctant to support this extension, but he also flip-flopped. He bowed to pressure and agreed to support an extension in late February.

Then, when the Commission finally came in with its report in July, a few weeks ago, the Republicans in Congress sought to delay the review of the 9/11 Commission recommendations until after recess, until after, so that they would not have anything ready to go before Congress until after the November 2 elections.

Mr. DELAHUNT. Mr. Speaker, if I could interrupt, and if the gentleman would yield, my memory of the press conference conducted by Chairman Kean, the Republican from New Jersey, and by Lee Hamilton, the Democrat from the Indiana, with the unanimity of the bipartisan Commission, underscored and emphasized the need to move expeditiously to protect the United States from a recurrence of the kind of attack that occurred on 9/11. Is that an accurate statement?

Mr. NADLER. Yes, indeed. The Chairman, Governor Kean, and the vice chairman, former ranking member Hamilton, stressed that we are in a war; we are in a very serious war with terrorists, and speed is of the essence, and we should do this now. We should consider these recommendations now and enact them expeditiously and not wait till next year or until after the November elections.

Mr. DELAHUNT. Mr. Speaker, now here we are, heading towards an election, with obviously complex legislation to be drafted based upon those recommendations put forth by the Commission so that our homeland, the security of the United States, is enhanced, and yet, and maybe you can inform me and the American people who might be viewing us this evening, when was the concept, the idea of the 9/11 Commission first proposed in the aftermath of the attacks on our homeland on September 11?

□ 2115

Mr. NADLER. Well, I do not remember the exact date, but people were talking about this commission not long after 9/11. And, in fact, in early 2002 they were doing it. In July 2002, I quoted this before, the administration issued a statement of policy opposed to the creation of such a commission. In July of 2002, which meant in the spring of 2002, people were pushing it. So 2 years ago, or 2½ years ago.

Mr. DELAHUNT. Right, Mr. Speaker, better than 2½ years at this point in time this concept was introduced. We know from newspaper reports, from statements made by the leaders of the Republican Party in this House, as well as statements made by President Bush and others in the administration that there was a reluctance to cooperate with the 9/11 Commission.

Mr. NADLER. Well, there was a reluctance to have a 9/11 Commission, then there was a reluctance to cooperate with the 9/11 Commission, because, remember, they had to beg and threaten, threaten subpoenas to get information out of the administration. Then they had to threaten subpoenas to get witnesses before the commission. Then there had to be heavy political pressure because, with all these delays, they could not finish their work by the legislatively mandated time at the end of May; and so they sought a 2-month extension, and the administration and the Republican leadership of the House said no. So there had to be heavy pressure from the Democrats, from the public, from the families of the victims to get them the extension so they could finish their job.

Then, when they got the extension and they made their recommendations at the end of July, and they said, okay, now it is time to move on this, then the Republican leadership in the House said, we cannot move on this. We will not have time to do it before the election, maybe until next year. Then there was heavy pressure from the Democratic leadership, from Democrats and the families of the victims, and others, and, finally, finally, the Republicans have now said, only in the last couple of weeks, that they are now going to try to have legislation enacted before the election.

And I am glad the Republican leadership has flip-flopped once again on this, because at least I will say this, when they are pressured by the Democrats, when they are pressured by the families of the victims, when they are pressured by the American people, when they are pressured by the media, at least on this subject, they flipflop in the right direction, toward what they should have been doing earlier.

Mr. DELAHUNT. Well, Mr. Speaker, again, I guess my frustration, if the gentleman will continue to yield, is that in the aftermath of our national tragedy, if this proposal, and I presume it was put forward sometime from September of 2001, several months thereafter, if it had been acted on in good faith, with full cooperation from the White House, with the support of both parties in this House and in the Senate, we very well might have had the exact same report that we now have, that was presented to the American people just recently, months if not years ago so that we could have been in a position in the distant past to have acted in a responsible, thoughtful way to adopt those limitations that passed through the legislative process. Where would we have been?

Mr. NADLER. Mr. Speaker, reclaiming my time, I would agree with the gentleman. It is very clear that had we acted with dispatch, the commission could have been appointed at least a year or 16 months earlier than it was, and it could have had its report ready a year or 16 months earlier than it did, and we could have acted on that report a year or 16 months earlier than we will, and we could have started implementing these things.

This is part of a pattern. And the pattern is that despite these flipflops, despite this bowing to Democratic pressure to act, this administration, this House, the Senate still is not doing nearly enough to make this Nation safer. Osama bin Laden is still at large. We did not finish the job in Afghanistan. The Taliban has reemerged. The illegal drug trade is booming in Afghanistan. The warlord disarmament is behind schedule. Why? Because we took the resources away. In the fall of 2002, we started taking the resources, the troops who could have found Osama bin Laden, the Rangers who knew how to look, and we took them away to put them in Iraq.

Mr. Speaker, I want to read two paragraphs from an article in the current issue of the American Prospect about the war on terrorism. It says, "The President, as he revealed last week, doesn't think," and this is an article by Matthew Yglesias. The title is "Surrender Monkey in Chief."

"The President, as he revealed last week, doesn't think he can win the war on terrorism. That is a bit of an off-message remark for a man whose re-election campaign is predicated on the notion that only he can win the war on terrorism. Worse, the statement suggests the President has only a passing familiarity with the generally accepted meaning of the term 'war on terrorism.'

"Even stranger than this, however, is what the President said he thinks is possible. 'I think you can create conditions so that those who use terror as a tool are less acceptable in parts of the world.' Total victory may indeed be setting the bar too high, but is it so unreasonable to expect the President to promise that his policies will reduce the incidence of terrorism, mitigating the problem if not completely solving it? Apparently so.

"George Bush not only won't bring us total safety, he won't even make us safer. Instead he will make those who threaten us 'less acceptable.' He won't thwart their efforts to achieve their goals, the imposition of a neofundamentalist Caliphate on the Islamic world, followed by God knows what. He will simply discourage them from 'using terror as a tool' to advance that goal. It's a starkly pessimistic vision."

Now, that is the paragraph from this article by Matthew Yglesias in the American Prospect, but it is quite correct. The President, Mr. Speaker, will not even recognize the nature of this war. He keeps calling it a war against terrorism. But the fact is we are not fighting against terrorism as a technique, nor, are we, in fact, fighting against all people who use terrorism as a technique. We are not at war with the Irish Republican Army, who do not threaten the United States. We are not at war with the Basque terrorists who threaten Spain, but not the United States. We are not at war with the Tamil Nadu terrorists who want a separate Tamil state in Sri Lanka, and who use terrorism against the Sri Lankans but not against the United States.

We are at war against Islamic terrorists, against those in the Muslim world who think it their duty, who think it their religious mission to carry on a Jihad, to carry on a religious war using terrorist methods against the West in general and the United States in particular. That is who we are at war against. And if we do not admit who we are at war against, who have declared war on us, it is very difficult to define the war properly and the measures necessary to wage that war properly.

That is one of the reasons why the President badly mistakes and the Vice President badly mistakes, and most of the speakers at the Republican convention last week badly mistake when they conflate the war in Iraq with the war on terrorism. The war in Iraq is a different war. Iraq is not part of the terrorist threat.

Saddam Hussein was a standard fascist thug dictator, of whom there are, unfortunately, 40 or 50 in the world.

Mr. DELAHUNT. If the gentleman would yield on that, Mr. Speaker.

Mr. NADLER. I will yield.

Mr. DELAHUNT. I think we all agree, and there is not a single individual in this House that would disagree with the statement that Saddam Hussein represented the kind of a despot and the kind of thug and the kind of dictator that we all find reprehensible. But what I find ironic is that in our effort to undermine and to defeat Saddam Hussein, we have now allied ourselves with similar thugs, with similar despots, with similar reprehensible heads of state.

I find it fascinating that Secretary of Defense Rumsfeld visits Uzbekistan and praises the President of Uzbekistan, Ivan Karimov, who to call a thug is a disservice to the term thug. He is absolutely a replica of Saddam Hussein. There are some 6,000 political prisoners today in Uzbekistan. And what do we hear from the White House, what do we hear from the Department of State? Nothing. Nothing. Yet when we read the Department of State's report on human rights abuses in Uzbekistan, it is damning. It is damning.

What do we hear about the thug, the despot by the name of Turkman Bashi, who resides in Turkmenistan, who is also our new friend and ally, who by the way not only is a thug but is clearly a psychopath? Maybe the gentleman is unaware of this, but he changed the month of January, the name January, and named it after himself. But he has displayed a certain filial affection for his mother, because he then went forward and changed the name of the month of April and named it after his mother. And these are our new friends.

Mr. NADLER. Reclaiming my time, Mr. Speaker, I understand that that is the case. I also understand that that is part of the problem. We are engaged in a very serious war with the Islamic terrorists. We may have to ally ourselves, and I am not going to criticize the President on this point, we may have to ally ourselves, as we did in the Cold War, sometimes justifiably, sometimes not, with not-too-presentable allies against the people who really threaten us.

Winston Churchill, the great anti-Communist Winston Churchill, was a great anti-Communist for many years; and he also, of course, warned the world, and the British in particular, against the Nazis. And he went to war against the Nazis. Britain finally went to war against Germany. When Germany invaded Poland in 1939, Churchill became Prime Minister in 1940, and he rallied the British and rallied the Free World against the Nazis. And when the Nazis invaded the Soviet Union, who had been their allies and who Churchill hated, Churchill was asked, and he offered all aid to Stalin, who was another thug, Churchill was asked "how can you say something nice about Stalin?" Churchill said, "I expect that if Hitler invaded hell, I should find something nice to say about the Devil. So I am not going to criticize."

Mr. DELAHUNT. If the gentleman will yield just for a moment.

Mr. Speaker, I respect the gentleman's point. I guess what I am underscoring, though, is the repeated claim of a certain morality, a certain moralism, the distinction between good and evil. Yet the truth is we are allying ourselves, for convenience purposes, to individuals that are as evil as Saddam Hussein, who by the way we allied ourselves with back in the 1980s.

Mr. NADLER. The fact is, that is true. We are doing that. We did that in the 1980s and 1970s and 1960s, and there was lively debate in this country, and it is a pragmatic debate. Sometimes you have to ally with bad people because of the danger presented by other bad people. The question whether you should is sometimes a question of pragmatism, is it really necessary? Is it really necessary in order to advance the greater cause of survival, the survival of liberty or the physical survival of the United States?

Now here I want to get back to the main point I wanted to make. Iraq's Saddam Hussein is a fascist thug. Terrible. But there are 30 or 40 others just as terrible. We do not seek to go to war against all of them to change those regimes. The only justification for going to war against another country, with the possible exception if it is committing genocide, is self-protection: to protect the United States, to protect our own people, to protect our friends and allies against invasion, against attack.

□ 2130

But because we attacked Iraq which was not a threat to the United States, we diverted resources from the real war against the Islamic terrorists. We did not find Osama bin Laden in Afghanistan. Dick Clarke, the former National Security Director, testified we had specialized troops in Afghanistan that could have found him, but they were taken away and the job was given to Afghani warlords. Who knows who gave them the higher pay, us or Osama bin Laden? They did not do the job because our troops were taken to Iraq. Now we have shifted the resources back, so Dick Clarke says, "well, we will find Osama bin Laden," but in those 2 years, al Qaeda has morphed. It has become many different organizations. It has become Hydra-headed. So capturing Osama bin Laden will not give us the yield in increased safety that doing so 2.5 years ago might have done.

And why did we do that, to deal with a threat that we now know, and we should have known then, there were no weapons of mass destruction in Iraq? There were no nuclear weapons in Iraq. They had no operational connections with al Qaeda, to quote the 9/11 Commission findings, we had no real reason to go to war with them at all except the President now retroactively says they were nasty people. Sure, they were nasty people; but that does not justify going to war and having 1,000 American troops killed so far, and thousands of Iraqi citizens killed so far because we decided it would be nice to have a democratic regime there. Sure it would. I do not know if it is going to happen. The more likely result is a prolonged quagmire and civil war in Iraq.

The fact is that should not have been on the front burner. We should have finished the job in Afghanistan and finished the job in going after al Qaeda.

Equally to the point, we spent $200 billion in Iraq, a total waste of money, and between the $200 billion that we have spent in Iraq so far and the trillions of dollars of tax cuts to the wealthy this Administration and this country have passed, this Administration is not willing to spend the money on what they should spend the money on, to protect us. This administration does not take seriously enough the terrorist war being waged against us by the Islamic jihaadists.

From before 9/11, when the Bush administration ignored many warnings, to this day, this Administration refuses to spend the money necessary to protect the American people. Two months after 9/11, there were proposals in this House to spend $10 billion to protect our nuclear and chemical facilities and our transportation terminals against attacks which could kill or wound thousands of people. The administration opposed those proposals. Those proposals died. On ABC News tonight we saw pictures of trains going across tracks a few blocks from here, trains carrying chlorine gas and other lethal chemicals, unprotected: trains that, if attacked with a rocket-propelled grenade that pierced those cars, would loosen clouds of chlorine which could kill hundreds of thousands of people in Washington.

This administration refuses to spend the money to buy the weapons-grade plutonium and uranium in the former Soviet Union which could easily be smuggled out to make atomic weapons because they care more about tax cuts for the wealthy and this misbegotten quagmire in Iraq than about protecting the American people from the real threats.

When I saw in real-time, and I was watching on television, I saw the second plane go into the World Trade Center, I had two thoughts immediately. My first thought, my God, this is a terrorist attack. And my second thought was thank God they do not have access to nuclear weapons. Three thousand people were killed. If that had been a 10-kiloton nuclear bomb, which is a baby as they go these days, it would have been half a million people, and yet we are not doing what we should to make sure that that will not happen.

I just finished reading a rather terrifying book by Graham Allison, "Nuclear Terrorism," which predicts flatly if we do not change our policies and start showing some real urgency, that within 10 years there will be nuclear explosions in New York, Chicago, Los Angeles and Washington, and God knows where else. Millions of Americans will die, but this administration is dragging its feet.

The 9/11 Commission and leading nonproliferation experts say the administration has been too lax in securing nuclear weapons and materials in Russia and other parts of the former Soviet Union.

Mr. Speaker, the knowledge of how to make nuclear weapons is widespread. When President Bush said that if given weapons-grade material, weapons-grade plutonium and uranium, Iraq could build a nuclear bomb within a year, he was correct; but so could 20 other countries, if given the weapons-grade material, build a nuclear bomb within a year. So could al Qaeda, and so could a lot of sophisticated terrorist groups. The problem is getting that weapons-grade nuclear material. That is what countries spend billions of dollars to do. That is why we built Hanford and Oak Ridge in World War II. That is why Iran and Pakistan are trying to get lots of centrifuges, but you have to get hold of that material. Hundreds and hundreds of tons of it are lying around, enough to build thousands of bombs, in the former Soviet Union, guarded by colonels who may not have been paid lately, just waiting to be sold on the black market or smuggled to al Qaeda.

We have an agreement with the Russians under the Threat Reduction Initiative of Nunn-Lugar. Again, that is a bipartisan initiative. Senator Nunn is a conservative Democrat; Senator LUGAR, the Republican chairman of the Foreign Relations Committee. That bipartisan initiative was passed in 1991 to acquire that material. We have an agreement with the Russians to do it over a 30-year period.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, given what happened on September 11, 2001, it just makes common sense to accelerate the Nunn-Lugar efforts to reduce that 30 years to a significantly shorter period of time, make it months rather than 30 years, to protect not just the homeland, but to protect the world from a nuclear disaster.

Mr. NADLER. Mr. Speaker, I certainly agree with the gentleman. The 9/11 Commission in their final report said, "Outside experts are deeply worried about the U.S. Government's commitment and approach to securing the weapons and highly dangerous materials still scattered in Russia and other countries of the former Soviet Union."

Mr. DELAHUNT. Mr. Speaker, I wonder out loud whether that $200 billion that we have already expended of taxpayers' dollars in Iraq, if that had been diverted to deal with the real enemy, and I think the gentleman makes an excellent point, it is absolutely essential that we agree to identify the enemy that poses a threat to the United States. I am not referring again to nation states.

Mr. NADLER. The problem is that there seems to be an obsession in the Bush administration with nation states, Iraq being one of them. The real enemy here is not nation states right now. The real enemy are the Islamic terrorist groups, al Qaeda, Hamas, Hezbollah and various others. They keep morphing and having new names and groups. They work together. They have tremendous technical sophistication. They have a lot of people, and they have the ability to threaten us with nuclear weapons.

Let me say, to quote Daryl Kimball, the executive director of the Arms Control Association, "All of the experts I know recommend that the most urgent task to prevent terrorist networks from getting their hands on such materials is to secure the stockpiles of these materials where they exist, and the prime location is Russia and the former Soviet Union."

Before September 11, 2001, the Bush administration intended to eliminate funding for this program, eliminate it, but they did reverse course after the terrorist attacks. Most critics agree that the pace is too slow and the scope is too narrow.

Mr. DELAHUNT. Mr. Speaker, how much on a yearly basis is expended by this White House?

Mr. NADLER. We are now spending about $400 million a year.

Mr. DELAHUNT. Four hundred million dollars annually over a 30-year period, my math was never too good, but it clearly pales in comparison to the $200 billion that we have already expended in Iraq.

Mr. NADLER. Mr. Speaker, I agree with the gentleman. To quote Joseph Cirincione, the Director for Nonproliferation of the Carnegie Endowment for International Peace, the author of the book "Deadly Arsenals & Tracking Weapons of Mass Destruction," we should be aiming to do all of this in the next 4 years, and Senator KERRY must have read that book because his proposal is to do it in 4 years.

Mr. DELAHUNT. Mr. Speaker, I do not want to get into politics, but I think the gentleman makes an excellent point with clarity by identifying the issue, and the issue is it is important that we all understand what enemy are we describing and talking about when we talk about a threat to the United States.

The administration continues to suggest that somehow by invading Iraq, we will have deterred terrorism, but the reality is it is just the opposite. Attacks are on the rise throughout the world. An NBC News analysis that was viewed on September 2, just last week, showed that of the roughly 2,930 terrorism-related deaths since 9/11, 58 percent of them have occurred this year. That is in excess of 1,700. We just picked the paper up this past weekend and witnessed a horrific incident.

Mr. NADLER. Mr. Speaker, 3 years after 9/11, the number of terrorist incidents is going up. The number of recruits for these terrorist groups are increasing far faster than we can kill or decapitate them. They have morphed and decentralized so even if we capture the people around bin Laden, or even bin Laden, it will not matter as much as if we had done it 2.5 years ago because new leaders have arisen.

To finish, and this is the Director of the Carnegie Endowment for International Peace talking about securing all of the nuclear materials in the next 4 years, "What we should be doing is implementing a very aggressive program to go out and secure and eliminate all potential source of nuclear weapons and materials that terrorists might obtain, whether in the former Soviet Union, Afghanistan, Iran, or more than 40 countries that run research reactors." Would this be expensive? Yes. But we could do it annually for the price of 1 month of operations in Iraq, 3- to $4 billion a year for 4 years would do the trick, and yet President Bush has tried to cut this funding repeatedly.

What I find baffling is why the White House has insisted on attacking the most peripheral elements of the WMD threat, like Iraq, while ignoring, largely ignoring, the central threat, nuclear proliferation. The upshot, and this is a quote from a column in the New York Times by Nicholas Kristof a month ago, in fact a month ago and 2 days, "The upshot is that the risk that a nuclear explosion will devastate an American city is greater now than it was during the Cold War, and it is growing."

So the first thing we should be doing is spending our money, the money that we are now wasting on a tax cut for the rich, the money that we are wasting on the quagmire in Iraq. A far more important use of it is to control the production cycle for nuclear materials. That is how you shut off the risk of nuclear explosions.

The second thing, this administration inspects only 2 percent of the 6 million shipping containers that come into this country every year, any one of which could hide a chemical, biological, or nuclear weapon inside it.

I had an amendment on the floor of this House a year ago to insist that we inspect every container. When I say inspect every container, I do not mean that someone has to go through it by hand. That has to be done in some cases, but in most cases you set up a machine that operates through neutrons or mumasons, which is probably a better technology. It costs a couple of million dollars for the machine, and you set it up in Singapore or Hong Kong, and it is like a car wash. You take the container on a truck or train chassis through it, and it tells you what is in it.

□ 2145

It tells you the elements. It is spectroscopic. If you see uranium in it or plutonium, then maybe you look through it. And if you see a lot of nitrogen where it should not be, then you say maybe there are explosives in there and you look through it. You could do this again for a couple of billion dollars a year, inspect every container before it gets put on a ship in a foreign port bound for the United States.

When I brought this up on the floor of the House, the distinguished chairman of the appropriations subcommittee said, No, we don't need to do that. We will inspect the high-risk containers. I said, Mr. Chairman, the terrorists know that. They'll put the bombs in the low-risk containers. If you read the book "America the Vulnerable" by Steve Flynn who served under Presidents Bush and Clinton and Reagan, you see exactly how a very innocent container with innocent stuff in it from perfectly legitimate, reputable firms can have a bomb or a biological weapon or a radiological bomb, a dirty bomb placed in it in various ways while it is in transit.

We must inspect these. You can then, after inspecting them, put certain electronic things on it that communicates with a GPS satellite and tells you if it has been tampered with or opened or moved on board this ship before it comes into port here. Then you can hold that ship outside American territorial waters. Why we are not doing that is again beyond me.

The Bush administration, if there is a nuclear attack in this country, if there is a radiological bomb, a dirty bomb in this country and if it comes in by container, will have a lot to explain.

And another question. Why are we spending $100 billion on an antiballistic missile system? We are told, assuming it worked, which it does not yet, but eventually it will, we are told that the ABM is necessary in case some rogue state, North Korea, Iran, whoever, should get three or four atomic bombs and wished to attack the United States. But a rogue state that got three or four atomic bombs and wished to attack the United States would not put the atomic bomb on a missile.

Aside from the fact that it is harder to design an atomic bomb to put on a missile than in a shipping container, a missile has a return address. If, God forbid, a nuclear explosion occurred in an American city or cities, our radar would tell us where that missile came from and that regime would know, that dictator would know, that if they did that, they would cease to exist, their country would cease to exist and they would cease to exist half an hour later. It is called deterrence. It works against nation states who are rational.

What they would do would be to take that bomb, put it in a shipping container, the ship comes into the United States, New York or Los Angeles or wherever, explodes and we do not know who to retaliate against. That is the real danger. That is how the danger will occur to this country and that is what we are doing virtually nothing against, certainly not spending $100 billion.

Mr. DELAHUNT. Yet meanwhile, and these are very valid points that you are making, the United States is bogged down in Iraq. Reports from media outlets just this week, the Secretary of Defense, Mr. Rumsfeld, and the Chairman of the Joint Chiefs of Staff, General Myers, now admit that we have lost control of parts of Iraq. The number of cities not under U.S. or central government control is growing. Pause and think of that for a moment. First Fallujah, then Ramadi, Baqubah and Samarra, now Najaf and Karbala, perhaps soon part of Baghdad City itself, Sadr City. This is reported by the New York Times. The reality is that security is so bad that a U.S. general says it may be necessary to delay or skip over voting in violent areas in order to hold elections in January. But clearly what would that do to the legitimacy of the interim government? What would that do to the future of democracy in Iraq?

Mr. NADLER. Clearly, to answer your question, there will be no legitimacy. There is no legitimacy for that government there now. There will be no legitimacy for any government that is a result of elections in which large parts of the country do not participate, and I think it is probably illusory at this point to hope that there is going to be a democratic regime in Iraq any time soon.

But what this really points out, what these facts really point out is that this administration through very ill-advised policies, through not doing what Senator KERRY and others urged a year and a half ago, to internationalize it, to say to other countries, we will surrender to you the monopoly, we will share it with you, we will share with you the decision-making power, we will share with your companies the business contracts for reconstruction if you send in your troops to help reconstruct and if you help do this. They are not going to do it now. But if this had been done, then it might have been possible to have the Iraqi people see what is going on there as an international reconstruction of their country, rather than an American occupation, because an occupation will bring forth, as it now has, a nationalist insurgency resulting in a real quagmire. I do not know how to get out of it. The worst problem is we are now deeply engaged in a quagmire that no one has a good idea how to get out of at this point.

Mr. DELAHUNT. The gentleman's point is corroborated by an American military officer. Let me read what a U.S. officer in Sadr City, which is that restive part, a slum area, if you will, in Baghdad, what he said. He spoke on condition of anonymity, but this was reported in Jane's Weekly, a highly respected defense journal published in Britain. I am quoting him now:

"We're supposed to turn our zones over to the Iraqi National Guard by October. They are not ready for that. So unless it is coincidence, it seems politically driven bearing in mind the Presidential election in November. I know how it must have felt in Vietnam. Everything we do is driven by political considerations. We don't have enough forces to stay here. We move into Sadr City and then we leave and each time the Mahdi Army, that is the army of the Mullah Saddah, comes straight back in."

That is the reality of Iraq at this moment in time, and it is only worsening and it is underscored by what happened this week. Tragically, tragically, the 1,000th U.S. hero was killed in Iraq.

Mr. NADLER. And tragically that is going to continue. But Iraq is essentially, despite the fact that we are spending $200 billion so far, despite the fact that 1,000 Americans so far have been killed and 6 or 7,000 wounded, Iraq is a side show in the war of terrorism that is being waged against us by the Islamic jihadists and we are not directing our attention and our resources toward where they are really needed because we are diverted by Iraq.

As I said before, Saddam Hussein was not a real threat to this country. He had terrible will, he had terrible intentions; but we had him contained. He did not have the weapons. He did not have the capability. We had him contained with the no-fly zones, and we had him deterred.

The real threat to the United States in the Middle East is Iran, because Iran is not a fascist dictatorship. Iran is a religious fanatic dictatorship. Religious fanatics cannot be deterred. You cannot deter a suicide bomber. If Saddam Hussein had gotten nuclear weapons, which he was nowhere near getting, the CIA said 7 to 10 years, and we knew that before we attacked them. But had he gotten nuclear weapons, deterrence would have stopped him from using them, because he was a fascist dictator, not a religious fanatic, and he did not want to just kill himself and his whole country.

But the mullahs in charge, the ayatollahs in charge in Iran are religious fanatics and unless that regime is changed, and there is a lot of domestic opposition to it and maybe we will be saved by regime change, by domestic insurrection, but if that does not happen, they are trying to get nuclear weapons; and if Iran gets nuclear weapons, if a religious dictatorship, religious fanatic dictatorship gets nuclear weapons, they may very well use them. They say they would. You read the speeches of Mr. Rafsanjani, the former president, the current chairman of the council of expediency. He says they would use it. They say they want to destroy American civilization, and you have to take them at their word. We cannot permit this regime if it survives to have nuclear weapons, even if that should mean a few years down the road the necessity for military action because they might use those nuclear weapons simply for the greater glory of Allah. They say they would. You have to believe them. If it became necessary, if President Bush or President KERRY or their successor 5 years from now or 8 years from now came before this House and said, based on our intelligence, we know that the Iranians are about to get nuclear weapons, and we know that they would use them and we must stop them now, and therefore I ask authorization for action, who would believe that President?

We cried wolf in Iraq. Like the fabled shepherd boy who cried wolf, we have no credibility, not this administration certainly and even another administration will have a long way to go to regain the credibility of the United States and of our intelligence agencies. To deal with a nonexistent phantom threat in Iraq, we have made the problem of dealing with a very possibly real mortal threat in Iran in years to come 40 or 50 times more difficult because that is where the threat might really be.

Mr. DELAHUNT. I just want to read into the RECORD a quote by a former distinguished Member of this body that commanded respect on both sides of the aisle. I refer to a good Republican from Nebraska, Doug Bereuter, who was the vice chair of the Permanent Select Committee on Intelligence and, as you well know, one of the most respected Members of this House. In a farewell letter to his constituents, this is what he had to say:

"It was a mistake to launch the invasion of Iraq." And to underscore the point that the gentleman from New

York was making, "Our country's reputation around the world has never been lower and our alliances are weakened. Now we are immersed in a dangerous, costly mess and there is no easy and quick way to end our responsibilities in Iraq without creating bigger future problems in the region and in general in the Muslim world."

I daresay what he is saying is our credibility is at its lowest point probably in modern American history. That does present a threat to our national security as we go forward.

Mr. NADLER. I thank the gentleman and I thank Representative Bereuter for being honest and being right. Unfortunately, he is right. We are in a quagmire in Iraq. We must extricate ourselves. I do not know how, frankly. We must extricate ourselves, and we must get our priorities straight. We have a war being waged against us by the Muslim terrorists, not by all Muslims, but by the Muslim terrorists. There is a civil war going on in the Muslim world. We must have Radio Free Islam. We must try to help the moderates against the jihadists.

But we must also protect ourselves. We must fight the terrorists, but we must lead a worldwide civilized effort against the Islamic terrorists. To do that we have to have credibility around the world. We have to have alliances around the world. It is not wrong to have alliances. When Vice President CHENEY said, shamefully, that if Senator KERRY is elected President, our country would not be safe, I think it more accurately could be said the other way around, because this administration does not have its priorities straight. It is not protecting us against the threat of Islamic jihadists having nuclear weapons, as they will if we do not get control of those nuclear materials as fast as possible, if we do not spend $3 billion or $4 billion a year for the next 4 years and get them the heck out of Russia and Uzbekistan and Pakistan and the 40 countries around the world.

We are at risk if we do not protect our ports by having every container inspected electronically or by hand before it is put on a ship bound to the United States. We are at risk if we do not protect our nuclear facilities and our chemical facilities and our transportation facilities in this country, if we do not harden this country.

We have been talking about this, but we will not spend the money. This administration talks a great game about national security, but it will not spend the money. It will spend it in Iraq, it will spend it on an ABM system against a nonexistent threat, but against the real threats of nuclear terrorism, of nuclear explosions in this country, against the real threats of bombs coming in in a container, of the real threat of missiles, of shoulder-fired missiles being launched against American airliners, against the real threat of our nuclear facilities, our chemical facilities, our transportation facilities being targeted, we are not spending the money because they care about Iraq, they care about the ABM, they care about the tax cuts for the rich, but they do not seem to really care about the safety and security of the American people; or if they do care, they do not seem to understand where the real dangers are coming from.

□ 2200

We must secure the nuclear materials. We must protect the containers and other shipping facilities abroad. We must protect the ships coming here. We must harden our nuclear and chemical and transportation facilities, and this will cost a lot of money. And we must ally with other countries in a worldwide alliance against the Muslim terrorists so that when a cell is broken up in Hamburg by German intelligence, by German police work, that helps us. We must have a worldwide effort here, and we must spend the money on the real threats and not on these phantom threats that this administration is preoccupied with.

SOCIAL SECURITY AND THE BUDGET

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, those that have tuned into the previous presentation I think understand that there are many challenges facing the United States of America. There are many needs, whether it is health or education or welfare or more money for transportation or more money for national security. I think we need to pause for a moment sometime and ask ourselves how far and how much money should be spent by the Federal Government in solving an unlimited array of problems. National security certainly is important, and we have upped our stakes and upped our expenditures for national security.

I came to Congress 12 years ago; and when I came in, I said I was going to serve six terms. So this is my final term in Congress. Several priorities I set for myself that I thought were important for the Federal Government to deal with, and one was balancing the budget and the other was trying to change Social Security so it becomes solvent, so it stays viable for so many of our senior Americans that need that money to stay out of the poverty level.

I am going to talk for some minutes tonight about overspending, and predominantly I am going to concentrate on what I have been very interested in, and that is keeping the solvency of Social Security.

The overexpenditure of Federal funds this year is now $574 billion. We are spending $574 billion more than what is coming in in revenues to the Federal Government. Some people have bragged in the last several weeks that the new budget analysis says that we have lowered the deficit spending for 2004. The fact is that we have lowered it some. Some use the figures $422 billion, and I want to explain, Mr. Speaker, why that is misleading and technically untrue. 422 billion is the money that we are borrowing to pay for our overspending, not including what we borrow from Social Security. So if we, I think, were fair with the Social Security Administration and the trust fund and future generations, then the real amount that we are overspending this year is $574 billion. The estimated overexpenditure for next year again is over $500 billion. Last year it was over $500 billion. The year before that it was over $500 billion.

How do we put that money into perspective? Well, the Federal budget in 2004 is $2.4 trillion approximately. We are a country that is now 228 years old. It took the first 200 years to amass a debt of $500 billion. Now we are going deeper into debt $500 billion every year. What does that mean? I do not think it takes a genius economist to understand the implication that that has for future generations. Somebody is going to have to deal with that debt.

This is a pie chart. And one of the areas on the pie chart, just around the 3:30 to 5 o'clock area, the purple section on the pie chart, is interest which represents 14 percent of total Federal spending. Fourteen percent of total Federal spending is what we are paying in interest, and this is at a time when interest rates are relatively low; and it does not consider how much we are going deeper and deeper into debt every year. So the implication of what we are paying in interest, roughly $300 billion a year, becomes a responsibility of our kids and our grandkids. If we are a family, if we are a business, we do not simply continue to go deeper and deeper into debt without any plans of ever paying it back. And the Federal Government does not have any plans of paying it back.

What we found out politically is that if Members of Congress, Members of the House, Members of the Senate, the White House, promise more solutions to more of the problems that we have in this country, in this world, they are more apt to get reelected. So what we have been doing is in two areas putting a tremendous burden on our kids and our grandkids. One is the overspending that we just talked about. The other is overpromising and overpromising means that we are making promises that we do not have the money to pay for. And the economists with the green eyeshades call that unfunded liability.

Let me just briefly go around the pie chart of expenditures. Social Security is the largest expenditure of the Federal Government. Some people say why do we put Social Security as part of a Federal expenditure in the budget? It is a separate program. The reason is that the Supreme Court on two occasions now has said that Social Security taxes are simply another tax, benefits are simply another benefit program passed by the Congress and signed by the President. So 21 percent of the Federal budget is now spent for Social Security benefits, roughly $500 billion a year. Medicare is 12 percent, but it is growing rapidly with the addition of the prescription drug bill.

Medicare and Medicaid will overtake Social Security within the next 15 to 20 years. Other entitlements, 10 percent; domestic discretionary spending, 16 percent. We have 13 appropriation bills. We have now filed, by the way, the 12th appropriation bill. Hopefully we can complete the appropriation process before the election so the people of the country know what we are doing in terms of spending instead of coming back in a lame duck session, which I consider dangerous with the temptation of overspending. Twelve appropriation bills are represented by the 16 percent. One of the appropriation bills, defense, is 20 percent. We spend most of the year arguing about the 16 percent of the Federal budget that we spend in those 12 appropriation bills.

I want the Members to take a quick look at the overpromising that we mentioned. This is one of the trustees of Medicare and of Social Security. These are his estimates of unfunded liabilities, the amount that we have promised over and above the revenues coming in in a payroll tax, the FICA tax. The Social Security and Medicare trustees have calculated that we have $73.5 trillion in unfunded liabilities. Medicare part A, which is mostly the hospitals, 21.8 trillion; Medicare part B, 23.2 trillion; Medicare part D, the new drug program, $16.6 trillion. So the prescription drug program that we recently passed adds $16 trillion to unfunded liabilities that somehow, some way, sometime our kids or our grandkids or our great grandkids are going to have to figure out a way to come up with those revenues to pay the interest on this huge amount of borrowing.

Let me just mention what I consider another serious ramification of this overspending, that is, where we are getting the money. Whom do we borrow the money from when we overspend $574 billion this fiscal year 2004? Seventy percent of that net increase that we need in borrowing comes from foreign interests. So here are foreign countries, foreign individuals that are lending and buying our Treasury bills because they figure it is a fairly good investment for the time being.

What if some of these countries, such as China, which is amassing one of the largest, fastest-growing trade deficits that has extra U.S. dollars that is buying our Treasury bills, not to mention the equities in the United States that they are buying, what if they say some day, We think you are treating us unfairly in this trade agreement and we just might have to pull our money out of the United States? Economically it would be a disaster if this large amount of money that we depend on coming from foreign countries and foreign interests were pulled out of the United States. They are investing in the United States. That is a good sign. They are investing in the United States because they figure it is a good place to invest their money. What if someday, sometime that we continue to overspend to the extent that our economy is no longer the strongest, the best economy in the world, they decide to invest elsewhere?

I am just suggesting, Mr. Speaker, that not only is overspending bad, but it makes us more vulnerable as these Treasury bills are bought up by foreign interests.

Again, an unfunded liability is the amount of money that we would have to put in a bank account that is going to return, at least with inflation and the time value of money, to accommodate what we are going to owe for the next 75 years in these programs.

The next chart shows what we have to take out of the general fund, out of the money that we spend for health, welfare, transportation, military. This is the amount of money that we are going to have to take out of the general fund to accommodate the entitlement programs of Medicare, Medicaid, and Social Security over the next 75 years. And as we see, simply 16 years from now, it is going to be 28 percent of the general fund budget that is going to have to be contributed to accommodate the needs of these entitlement programs. That is probably not realistic.

So what are we going to do? We are either going to increase borrowing, where we have talked about the disadvantages of simply continuing to borrow more and more money, or we are going to have to dramatically increase taxes. One of these days we are going to have to increase taxes.

I will not go through the whole chart, but if we do not increase taxes and get additional revenues from someplace else, and already there is a suggestion by the trustees that we could increase the payroll tax now by 15 percent to accommodate our needs, and the fact is that most working Americans now pay more in the payroll tax than they do in the income tax. But by 2030 without an increase in tax, we are going to have over 50 percent of the general fund budget that is going to have to be contributed to these entitlement programs.

This is a quick birds-eye view of the Social Security problem. Surpluses coming in until about 2018, they diminish. The surpluses are coming in from Social Security simply because the Greenspan Commission in 1983 increased taxes and reduced benefits so much that there was extra surplus money coming in. And what of course has happened to that surplus is this Chamber and the Senate and the White House has spent all of that extra money coming in from Social Security for other government programs.

□ 2215

It is not there anymore. So the trustees are guessing that by 2018 there is going to be less revenues coming in from the payroll tax than can accommodate the promises for Social Security. Then a huge future of deficits, and nobody is guessing where the money should come from.

We are talking about a lot of things in this election, as you decide who your next Congressman is going to be, as you decide who your next President is going to be. What we are not talking enough about is what we are going to do about these huge challenges that are facing us in these programs, especially Social Security and Medicare.

Senator KERRY has said on his Web site, and let me quote that, that he will not raise taxes on Social Security, he will not raise the retirement age, he will not cut benefits for those that rely on Social Security, he will not in any way privatize the program. I really do not know what else Senator KERRY plans to do.

There are only a couple of ways to solve Social Security, or a combination. You either bring in more revenues, or you cut benefits, or it is a combination of both. It is not complicated. So why are people not talking about solutions for Social Security? Why have the Republicans not come up with a proposal for solving this tremendously important program for so many seniors? Why have the Democrats not?

I have introduced a Social Security bill every session since I have been in Congress. The attacks on me for my first Social Security bills were, "Do not vote to reelect NICK SMITH. He is trying to ruin Social Security and take your Social Security away." Social Security solutions have been demagogued to the extent that most Members of Congress, most politicians, are afraid to come out with a proposal to solve Social Security.

I was chairman of the Social Security Task Force. We held hearings for about a year. We ended up with both the Democrats and Republicans on that task force agreeing to the fact that Social Security was going broke, and that the longer we put off a solution to solve Social Security, the more drastic that solution would have to be. Of course, that has been my experience over the six Social Security bills that I have introduced that have been scored by the Social Security Administration to keep Social Security solvent.

My last Social Security bill that I introduced last year is much more drastic. It requires additional borrowing from the general fund that we pay back 60 years from now simply because of, if you remember the chart, the surpluses coming in from Social Security are diminishing, and those are going to run out. Then we are going to have to come up somehow with the money to pay back Social Security.

Social Security works this way: Benefits are highly progressive and based on earnings. That means that lower-income people, they get back 90 percent. If you are low-income, you get back 90 percent of the wages you were making on the average during those working years. If you are a high-income person, then you get back as low as about 15 percent of the income you were receiving from Social Security. So that is why it is highly progressive. The lower-income people get back a much higher percentage of their working years' benefits.

At retirement, all of a worker's wages up to the tax ceiling are indexed to present value using wage inflation. In other words, they do not average in what you were making 20 years ago or 30 years ago, they average in, in effect, what that job would be paying today. That is what they add up for your best 35 years to decide what your average earnings are, and therefore what your benefits are going to be.

Here is how benefits are calculated: Ninety percent of earnings up to $7,344 is going to be what the low-income earner gets back; 32 percent of the earnings between the $7,344 and $44,000; and then 15 percent you get back of your earnings above $44,286. Early retirees receive adjusted benefits. In fact, if you delay retirement over 65, then you get an increase in benefits for those years that you delay benefits.

I put this last blip in, because so many people complain about the abuses of the Supplemental Security Income that is administered by Social Security, but does not come out of the Social Security Trust Fund.

When we started Social Security in 1934, Franklin Roosevelt started it, people during the Great Depression were going to the poorhouse. His idea was if there can be some forced savings during your working years, you will have a program that gives you more social security in your retirement years. So in 1934, we started the Social Security program.

It was created not to be the sole income of retirees, but to be one of a three-legged stool. As I visited the Archives, in fact, they have the brochures back in those years of the three-legged stool; one being your pension benefits from work, one being what you save yourself, and the other Social Security programs. But now more and more people are depending on Social Security as their main source of retirement income.

Social Security was supposed to be one of the legs of the three-legged stool to support retirees. It was supposed to go hand-in-hand with personal savings and private pension plans.

Let me tell you something interesting in terms of the debate and arguments between the House and the Senate when we formed Social Security. The Senate actually passed a bill that it would be privately owned bank accounts by the individual workers, but that they could not take out that money until they retired. But it would be their money, and if they died before age 65, then it would be passed on to their heirs.

The House, on the other hand, passed legislation that said the government should take in all of this money, control it, and then promise a fixed benefit at retirement. So if a person died before age 65, they would not get anything.

It worked very well in those early years. But the compromise between the House and the Senate, with some of the concerns about the investments of the great stock market crash of the late 1920s and early 1930s, the compromise was that we have the Social Security plan that we have today, which means that government takes in all of the money, and if there is any extra, government spends it on something else and still continues to promise benefits.

What we have done, because it is politically popular, we have expanded the Social Security benefit program to include spouses and then to include early retirement. In 1965, we amended the Social Security Act to start the Medicare program that now is going to overtake the base Social Security program as a cost item.

The fact is that Social Security is a system stretched to its limits. Seventy-eight million baby-boomers begin retiring in 2008, Social Security spending exceeds tax revenues in 2017, and Social Security Trust Funds go broke in 2037.

The Social Security Trust Funds, however, there is going to be less money coming in from Social Security than we need to pay in benefits starting in 2017 and 2018, so where is the government going to come up with that money? I suspect the easy way will be borrowing more money. Of course, that means enticing more foreign investors to invest in our Treasury bills.

We are going to pay it back, but the fact is the $1.4 trillion the government now owes in Social Security does not accommodate the $12 trillion unfunded liability for Social Security. Again, let me repeat that we would have to put around $11.8 trillion in a savings account today drawing the interest that would reflect inflation and the time value of money to accommodate what is going to be needed over the next 75 years to keep our Social Security promises.

We know how many people there are and when they will retire. This is what the Social Security trustees do. We know that people will live longer in retirement. We know how much they will pay in and how much they will take out. Payroll taxes will not cover benefits starting in 2017, and the shortfalls will add up to $120 trillion between 2017 and 2075.

This is all sort of downer news. But the good news, Mr. Speaker, is more and more people are aware that Social Security is a huge problem. We are talking about it a little bit in some of the campaigns.

Alan Greenspan, Chairman Alan Greenspan on several occasions now has said, look, do not put it off any longer. You have got to do something to keep Social Security solvent. It is not fair to future retirees to simply let them go on thinking that they are going to receive these benefits, and then the money is not going to be there when they retire. So, hooray for Alan Greenspan.

But when Alan Greenspan, the Chairman of the Fed, said that in committee, both Republicans and Democrats jumped on him, saying, look, no way. We are going to protect our seniors. We are not going to reduce benefits, and we are not going to increase taxes.

Well, you cannot do it that way.

This is a quick picture of the demographic problems we are running into. People are living longer, and the birth rate is going down. Therefore, when you have a program that is pay-as-you-go, that depends on current workers to pay in their payroll tax that within 5 days goes out to pay benefits, if you do not have a growing working population, then you are in trouble. That is the problem with Social Security.

In 1940, we had 28 people working, dividing between them what is needed for each retiree. In the year 2000, it went down to three people working, dividing between those three one person's Social Security benefits. By 2025, in the United States there is going to be two people working paying in benefits for Social Security.

Here is the danger. Here is what I tell the business community, the National Association of Manufacturers, in encouraging them to be more aggressive in supporting Social Security reform: That if we do nothing, the danger is increasing the payroll tax. And what does that mean? That means we become less competitive in this country.

Look at France. Guess what the payroll tax is in France to accommodate their senior retired population? It is over 50 percent. So no wonder France is complaining and demonstrating and striking to try to get better returns on their wages, and no wonder their economy is tremendously challenged.

Germany just went over 40 percent of their payroll tax to accommodate their senior population. If we do not do anything and we simply keep putting off the problem, then we are destined to have the kind of tax increase that is going to make us less competitive in a world economy that is challenging us more and more every year, and that is a huge challenge.

I chair the Subcommittee on Research of the Committee on Science, and what we are looking at is a lot of our talent is moving overseas. As we become more and more restrictive on homeland security, for example, it means that it is tougher and tougher for foreign students to get into our universities to do their graduate work in math or physics or chemistry, in the sciences. That is what we have depended on. Half of our research in the United States that is government-funded, that is, most all of our basic research, has been done by foreign students. The other part of that problem is that our seniors in high school have scored very low on international tests in science and math.

So our challenges are huge, to do a better job in education; to do a better job in our homes, with parents encouraging their students; to do a better job to encourage more students to achieve in science and math if we are going to start holding some of these foreign students out of our country.

Some people have suggested, in fact I wrote a letter to the editor of the Wall Street Journal when there was an oped saying if our economy grows, that is going to fix Social Security. Here is why that is not true. Social Security benefits are indexed to wage growth.

□ 2230

In other words, if the economy grows and more people are working and wages go up, that means that your benefits are going to also go up eventually. When the economy grows, workers pay in more in taxes, but also will earn more in benefits when they retire. Growth makes the numbers look better now, but leaves the larger hole to fill later. The administration has used these short-term advantages for the last 16 years to say, well, maybe the economy will work us out of this problem.

I have incorporated in the bill that I introduced last year, I have incorporated some of President Clinton's ideas on how to deal with the Social Security problem. I have incorporated some of President Bush's ideas, and it has now been scored by the Social Security Administration that it will keep Social Security solvent. A lot of people, and I have given maybe 200 speeches around my district and the United States on Social Security, a lot of people say, well, if Congress would keep their hands off the surplus coming in from Social Security, everything would be okay. I wanted to show this chart to show what is needed versus what the trust fund is.

The trust fund now, with interest that has accrued every year, is $1.4 trillion. What is needed for the unfunded liability for Social Security is $12.2 trillion. So we are going to pay the trust fund back, but it is not even going to come close to accommodating the need of up until 2075, what is needed in Social Security. Shortfalls will add up to $120 trillion in future dollars, but that means right now the unfunded liability, $12 trillion, would have to go into a savings account, returning at least interest that accommodates inflation.

Social Security as a total unfunded liability of $12 trillion. The Social Security trust fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent.

Hang on, everybody. Hang on, Mr. Speaker. This is tough going. This is sort of a 35-minute tutorial on Social Security, and if everybody knows everything on these charts, they probably know more than most Members of the House and the Senate and many of the economists. But what is satisfying is that more and more people are talking about it. And I think it is good to ask the Members of Congress and the candidates for President what their plan is for saving Social Security and Medicare.

But on the other hand, a campaign year is probably not a good time to force a solution, simply because it is so easy to scare half of the retirees in this country that depend so much on Social Security. So you can understand how they can be swayed in their vote of who they vote for, and just the suggestion that the opposing candidate is going to take away their Social Security benefits. So I think our best chance is in the first year of a 4-year term of the President. So I am hoping, whether it is KERRY or Bush, that they will not dig a hole so tight that it limits real solutions to keep this program solvent for a long time, hopefully forever.

Social Security is not a good investment. That is what this chart shows. The real return of Social Security is less than 2 percent, and that compares to over 7 percent for the market, on average. So if you invested in equities and keep them at least 12 years, your average return is 7 percent.

This shows that minorities get less, a negative return from their investment in Social Security. That is because the average return, the average life span of a black male is 62 years old, and it is interesting that that was the average life span when we started Social Security. Up until about 1940, the average age of death was about 62; but even from the very beginning, the benefit entitlement did not start until age 65. So you can see Social Security worked very well in those early years, because most people did not live long enough to start collecting benefits.

The average return that the average Social Security recipient gets is just under 2 percent. This is what the market pays on average, 7 percent. However, the Wilshire 5,000 actually earned 11.86 percent, and that was over and above inflation, over the decade that ended January 31, 2004. So even in the slump years of equities, these 5,000 stocks of the Wilshire average still was over, almost 12 percent return on investment. Again, that compares to an average of 7 percent for the average retiree, for the money they pay in in Social Security.

This is how long you have to live after retirement to break even on the money that you and your employer sent in on Social Security. In 2005, you have to live 23 years after you retire; and as you see, it goes up to 26 years after 2015. That is because we keep increasing the amount that you pay in.

Here is the danger. Here is maybe the most important chart I think of why we need to do something with Social Security. And that is historically, every time we have had a problem with less money coming in than what we need to pay benefits, we have increased taxes and reduced benefits. Here is the history of tax increases. In 1940, it went up to 2 percent from the 1 percent, to $3,000. In 1960 we ran a little short of money, so we tripled the tax rate up to 6 percent, and we increased the base to $4,800. In 1980, we increased the tax rate to 10.16 percent, and increased the base to $25,900. In the year 2000, we increased the tax rate to 12.4 percent of the first $26,700. In 2004, we did not increase the tax; but the base has gone up to, it is now $89,000 base that you pay Social Security taxes on. I think I mentioned most all working Americans, 78 percent of families pay more in the payroll tax than they do the income tax.

So to increase taxes I think is a bad idea; it is a wrong idea. It is bad for the economy. Let us encourage the kind of changes in Social Security that are going to tend to help the economy by helping more money in investing.

I am going to briefly run through my Social Security bill. It is scored by the Social Security Administration actuaries to restore the long-term solvency of Social Security. There is no increase in the retirement age, no changes in the COLA, the cost of living annual payments, or, there is no changes in the benefits for any senior or near-term seniors. Solvency is achieved through higher returns from worker accounts and slowing the increase in benefits for the highest earning retirees.

So what I do is I add another ben point. Remember earlier when we talked about the high income gets 15 percent of their wages. I add another ben point that is 5 percent that results in slowing down the increase in benefits for high-income retirees. I mean, somehow it is going to take money. That is one of the benefits.

The Social Security trust fund continues. Voluntary accounts would start at 2.5 percent of income and would increase to 8 percent of income by 2075. And the personally owned worker savings account is voluntary, number one. And number two, we guarantee that they are going to have as much return and revenue and retirement benefits from that personally owned retirement account as they would from the traditional Social Security. So with that guarantee, we assume that everybody under 50 years old at least is going to have that kind of personally owned account where they own the money. If something happens to them before they reach retirement age, it is going to be passed on to their heirs instead of the Federal Government. Investments would be safe, widely diversified, and investment providers would be subject to government oversight. The government would supplement the account of workers earning less than $35,000 to ensure that they build up significant savings.

This is one of President Clinton's ideas. I think it was the USA account he called it, as I recall. It simply says, for those lower-income workers, so that they can experience the magic of compound interest, we will add a little bit to their personally owned savings account so that even modest workers can retire as much wealthier retirees.

All worker accounts would be owned by the worker and invested through pools supervised by the government, something like the Thrift Savings Plan that all Federal employees have now. Regulations would be instituted to prevent people from taking undue risk, and workers would have a choice of three safe index funds with more options after their balance reaches $2,500. And even then, it has to be an investment determined by the Secretary of the Treasury that is a safe investment.

And for my last three charts, accounts are voluntary and participants would receive benefits directly from the government, along with their accounts. Government benefits would be offset based on the money deposited into their accounts, not on the money earned; and workers could expect to earn more from their account than from traditional Social Security.

These are some things that have concerned me a little bit in terms of fairness. To be politically correct, maybe I should say fairness to spouses; but, in truth, it is fairness to women. So these are some provisions that I have included in the bill. For married couples, account contributions would be pooled and then divided equally between husband and wife. In other words, everything that the husband is allowed to invest in his private account would be added to the amount that the wife is allowed to invest in her private account. They would be added together and divided by two, so both the husband and the wife would have identical investments in their personally owned account. It would increase surviving spouse benefits to 110 percent of the higher earning spouse's benefit.

Right now, if the husband dies, the wife is entitled to 100 percent of the husband's benefit, and then she loses whatever benefit she was getting.

It is important that we look at ways to keep more and more people in their own homes, rather than going to nursing homes and going on Medicaid. So increasing this benefit 110 percent is estimated to keep a lot more people in their own homes rather than going to nursing homes. And the last change is stay-at-home mothers with kids under 5 would receive retirement credit in the way their Social Security benefits are calculated.

Here is some additional provisions in the bill, just briefly. Increased contribution limits for IRAs and 401(k)s and pension plans to increase more personal efforts at savings. A 33 percent tax credit for purchase of long-term care insurance up to $1,000, $2,000 per couple per year. Low-income seniors would be eligible for a $1,000 tax credit for expenses related to living in their own home, and households caring for dependent parents would also be eligible for a $1,000 credit for expenses.

Back to the beginning of my presentation. We are faced with a lot of challenges, a lot of problems. And what we have to face up to is how many problems should the Federal Government, through increased taxes or increased borrowing, solve. And somehow, people that go to the ballot box and elect Members of Congress and elect their President are going to have to make eventually that decision: How much do we want to go in debt in this country? How vulnerable do we want to be to the foreign investments that are now buying up more and more of our equities and our Treasury bills?

So I just plead with, Mr. Speaker, through you to all America, as we go through this election year in November, consider some of the ramifications of the huge challenges, in addition to national security. How much should we be spending in addition to the programs that we just debated earlier this evening that we are going to be voting on tomorrow, a program that it is hard to object to, but it is a new $80 million program that sets up a Federal Government fund in schools to try to reduce suicide rates.

□ 2245

To me, I am still debating how to vote on that bill because I am concerned about that increased borrowing and expanding government programs at a time when we are going so deep in debt and when the interest on that debt is eating up a larger and larger share of our Federal budget.

IRAQ WATCH

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for half the time remaining to midnight, approximately 37 minutes.

Mr. INSLEE. Mr. Speaker, we have come here tonight, my colleagues the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Ohio (Mr. STRICKLAND) and others who may join us, as a part of our continued obligation under the Iraq Watch to present a discussion and an honest critique of the administration's policy in Iraq. My colleagues and I have been engaged in this series of discussions now for several months, and we have done this for one simple purpose. We do not intend to allow the incredible commitment by our armed services that are now engaged in Iraq to be forgotten on the floor of the House of Representatives.

Too often, people are sent into combat and then forgotten, and what the Federal Government did or did not do in sending them into combat is given little discussion and little note, but tonight of all nights, we think it is appropriate and vital for this chamber to discuss what this Federal Government did and did not do to lead us into our current predicament in Iraq. It is most appropriate for us to do this because tonight we have the very sad duty to report, as now Americans know, that we have lost 1,000 American lives in Iraq, a war started by a President under the belief and statement that weapons of mass destruction threatened the security of the United States.

Based on that statement made by the President from the chamber standing behind me some time ago, over 1,000 Americans have lost their lives, and those 1,000 Americans are from 49 States and members of every political party. They are short and tall, rural and urban, and they all served under the flag of the United States and did their duty proudly.

We, on a bipartisan basis, honor them because, no matter what they thought of their commander-in-chief's decision to go to war, they gave their highest measure of devotion to their duty, and we honor it, everyone in this chamber.

I would like to also not forget the men and women who tonight are rebuilding their shattered bodies from injuries, over 7,000 people, many of whom suffered very, very difficult injuries who tonight are recovering in our hospitals across America, in the Mideast and in Europe. Anyone who has talked to those soldiers and seen the incredible courage in their eyes when they are sitting there with pins in their legs and arms and missing limbs, and you ask them how they are doing and they say I am doing fine, sir; and you ask them what their plans are, and they say I want to get back to my unit as fast as I can; anyone who has seen those young soldiers would be incredibly proud of our people in Iraq.

But this does not reduce or obligation to hold the Federal Government accountable for its numerous mistakes in Iraq. It heightens that obligation to blow the whistle on the repeated, continued misjudgments, misstatements, incompetence, negligence and carelessness that has led to this situation in Iraq, and tonight we are going to discuss them.

I would like to, if I can, start this discussion with five rosy projections that, unfortunately, we have suffered in Iraq as a result of this administration's rosy projections. I just want to list these quickly.

Rosy projection number 1: This administration, and in the persons of the President, flew out to an aircraft carrier with a jaunty looking flight suit, landed on the deck of the carrier, proclaimed mission accomplished with a giant banner on the superstructure of that carrier. Since the President told us mission accomplished, over 800 Americans have died in Iraq. The President's rosy projections were sadly wrong, and there is an emptiness in households and families across America as a result of that wrong rosy projection.

Number 2: The President told us that as soon as we could stand up a new government, this new government would be embraced with the warmth of the Iraqis, with rose petals not only at our feet but at the new government's feet, and that this bearing up of support for the Iraqis and their new flag would bring peace and milk and honey to Iraq. Since this new government has been "stood up," we have had an increase in the number of Americans killed in Iraq. Another rosy projection by this President that was flat wrong.

Number 3: The President told us by now we would have a secure Iraq, beginning to be capable of having elections. Well, what did we read in the newspapers yesterday? The fact is that huge swaths of Iraq under this administration's policies have been given over to the Taliban and their associates, the militias in Iraq. Fallujah, the place where these folks desecrated the body of four contractors, that our proud marines went in there to do battle, this administration has given up to a militia that essentially is in cahoots with the Taliban and a fundamentalist regime, and we have that now called a "no-go zone." Same in Ramadi, same in Najaf, same in parts of Sadr City. The fact of the matter is the President's policies have ceded huge parts of Iraq to what he says is the enemy. Rosy projection number 3, that we have essentially given up trying to disarm these militias and kicked the can down the road where eventually our military people are going to have to encounter these militias are now arming themselves and building themselves up in these "no-go zones." Rosy projection number 3 that our people are paying for.

Number 4: The President told us that Iraq would pay for this. You recall the projection by Mr. Wolfowitz who came here and said that Iraqi oil was going to pay for this. Sad joke on the American taxpayers. We are now over $200 billion into it with hundreds of billions of dollars to come, with no projection of how long it will be. Wildly optimistic, and in fact, we find out that the money we have appropriated cannot even be spent because of the lack of planning for the post-conventional war situation in Iraq. Because of this administration's lack of having a plan for the peace, only 2 percent of the money we have appropriated has actually been spent in Iraq of the $18 billion. They will get around to spending it, and U.S. taxpayers will pay through the nose for it, but the fact that this administration had such a rosy projection is going to cost us over hundreds of billions of dollars to the American taxpayer. Rosy projection that was wrong, number 4.

Number 5: The President implicitly told us that there would not be war profiteering and gouging in Iraq in these hundreds of billions of dollars of taxpayer money, but in fact, we found that Halliburton, this corporation with incredible ties to this administration, has already been subject to millions of dollars of cost overruns which they cannot account for, that the Pentagon is now trying to get our money back for. In fact, they have talked about withholding 15 percent of further payments to Halliburton as a result of this lack of credibility to American taxpayer dollars. Rosy projection number 5.

So we would like to say that this President's projections have been accurate, but the sad fact is we stand here tonight with 1,000 Americans who have given their lives in Iraq. We have a continued tale of failed administration policies in Iraq, and this Nation deserves accountability for the people who have made these decisions in Iraq, which have cost us so dearly in life and treasure.

In fact, when you look at this entire administration, which has bungled this operation so badly, you cannot find a person who has essentially been held accountable for their multiple failures. There has not been essentially a person who has lost a vacation day or had their little perks taken away or their corner office.

This administration has a response to the American people when they are criticized. They simply say you are not an American if you criticize this administration. We are here to say it is not only a duty to criticize, a right to criticize this administration, it is a duty, and we are fulfilling it.

Mr. STRICKLAND. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, I thank my friend from Washington State for yielding.

It is a sad fact that just yesterday we observed the 1,000th death of a soldier in Iraq, and that is a tragedy. When you think of what that means, not only to the individual lives that have been lost, but when you think of the pain and tragedy of the families who are left behind, the moms and dads, the children, the loved one's wives, husbands and so on, they will have to endure the rest of their lives without their loved one.

I sometimes talk to people about this war, and they seem sort of uninvolved. The war seems to be something that is distant to them. They know of no one who is currently serving in Iraq. They know of no one who has been lost or terribly injured over there, but I say to them, if you are a mother or a father and you have a child, a son or a daughter, especially a teenage son or a daughter, you had better be paying attention to what is happening in terms of this war.

Senator McCAIN has said publicly that it is possible this war will require our soldiers to be in Iraq for 10 or 20 years, and if the administration currently in power and the people who are advising this President remain in power and they continue the same kind of foreign policy that we currently have, I believe it is inevitable that we will have to impose a military draft. So every mom and dad who does not want to see their son or daughter sent to fight this war in Iraq ought to be paying attention.

□ 2300

I would just like to take a few moments to share with my colleagues here, the gentleman from Pennsylvania (Mr. HOEFFEL), and the gentleman from Washington State (Mr. INSLEE), and my friend, the gentleman from Massachusetts (Mr. DELAHUNT). We hear a lot of talk, and there have been a lot of political charges about the $87 billion supplemental bill. The President recently made the accusation, I believe at his speech in New York, implying that when Senator JOHN KERRY voted against the $87 billion, he was voting to deprive our troops of body armor, and so I would just like to share the truth about the body armor issue.

I would remind my friends that the war began in March of 2003. March of 2003. And at that time, long before there was ever a vote on the $87 billion, in fact 7 or 8 months before that vote occurred, this administration, this President, this Secretary of Defense sent our American soldiers into Iraq in that initial assault, an invasion of Iraq, without protective body armor.

The body armor that I am talking about is the interceptor vest, the body armor that was first available, I believe, in 1998. It is a high-tech piece of equipment. It is made of Kevlar, with ceramic plates. These ceramic plates have the ability to stop an AK-47 round. We knew, because they were used in the Afghanistan conflict, which was the war on terror, by the way, we knew that they were used in Afghanistan and that they protected American lives. The Pentagon has indicated that a number of American soldiers were probably saved because they had interceptor vests, this body armor.

When we sent our soldiers into Iraq in March of 2003, thousands of them went into that country without this protective body armor. And I repeat, this was months before the $87 billion vote on the supplemental request.

Now, last September, in September of 2003, I received a letter from a young soldier in Baghdad. He happened to be a West Point graduate, a gung-ho Army guy. He said to me in that letter, Congressman, I am so proud of what we are trying to do here, of the effort we are making to help these people. But he said to me in that letter, Congressman, the men that are serving with me are asking me why they do not have this body armor for protection, this interceptor vest.

That was in September of 2003. I wrote Secretary Rumsfeld a letter that September, and I asked him how many of our soldiers had been killed or unnecessarily wounded because they were not protected with body armor. I asked him to commit to us that he would not make this protection available to foreign troops until all of our American troops were protected, because there were reports in the press that we were making these interceptor vests available to some of the foreign troops before our troops were equipped. And I asked him if he could give me a date certain when all of our troops would have this protection.

Now, that letter I sent to Secretary Rumsfeld in September of 2003, long before the vote on the $87 billion supplemental.

I received a letter on October 27 from General Myers, the Chairman of the Joint Chiefs of Staff. He said that Secretary Rumsfeld had asked him to respond to my letter. And in his letter to me, General Myers said that they expected that our troops would be equipped with this body armor by December of 2003.

Lo and behold, the very next day, on October 28, I received a letter from Secretary Rumsfeld's chief of staff; and in his letter he said it would probably be November of 2003. So even Secretary Rumsfeld and General Myers were not able to agree on the issue.

In regard to my question about how many troops had been killed or wounded without this protection, I was told in the letter from Secretary Rumsfeld that they did not collect that information on the battlefield, so he could not answer that question for me. Well, at least, I thought, I can believe what Secretary Rumsfeld has said and General Myers, that our troops will be protected by November or December.

Lo and behold, before we left this city for the Christmas holidays, I am talking about last year, the Pentagon held a briefing; and in that briefing a high-level Pentagon spokesperson told us that our troops would probably not be equipped with this body armor until January of 2004.

Now, I emphasize the war started in March of 2003. Now they are saying it is going to be January of 2004 before they are equipped. So I wrote a second letter to Secretary Rumsfeld in mid-January of this year. I reminded him that he had failed to keep his word regarding having our troops protected with this body armor by November, and I asked him once again to please step up to the plate, accept responsibility, and provide this equipment to our troops.

Finally, in March of 2004, one entire year after the war started, the war started in March of 2003, finally in March of 2004 I get a letter from the Pentagon telling me that at that point all of our troops had been given this lifesaving protection.

It was not Senator KERRY that made the decision to send our troops into combat without this protection. The responsibility rests with George W. Bush, the President; with Secretary Rumsfeld, the Secretary of Defense. That is where the responsibility rests. And it troubles me that the President would stand before the American people and fail to accept responsibility.

The President talks a lot about accepting personal responsibility, and yet he is trying to shift the blame for our troops going without this vital equipment, when it was the President and the Secretary of Defense that sent our troops into battle. And for those who may listen to this discussion and question me, I would just urge all Americans to check with the soldiers that are or have been in Iraq. Ask them how long they went without this protection. Ask them how many of their friends were injured, some of them killed, unfortunately killed because they were not adequately protected.

That is the truth. I have the letters that I sent to Secretary Rumsfeld and the letters that I received from him, which I would be happy to make available to every Member of this Chamber to verify what I have shared with my colleagues this evening.

Mr. Speaker, I yield back to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I was just going to offer an answer on how long it was until they got body armor. It was too long. And it is unfortunate that the same people that made that mistake are still running the show in Iraq and not one of them has been held accountable for this foul-up, and we are demanding accountability.

Mr. Speaker, I will now yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding to me, and I just want to follow up on the point the gentleman from Ohio (Mr. STRICKLAND) has made, and I welcome my friend, the gentleman from Pennsylvania (Mr. HOEFFEL), as well.

I found it particularly offensive that the President of the United States stood up once more and misled the American people and did not accept responsibility. As the gentleman indicated, the body armor issue was well-known or should have been well-known to this administration prior to the invasion of Iraq. It was clear. It was something that we all again repeatedly encouraged, and with the leadership of the gentleman from Ohio (Mr. STRICKLAND) presumed the matter was being attended to, and it was represented to us that it was being attended to. It had nothing to do with the $87 billion supplemental budget.

Mr. STRICKLAND. If the gentleman will yield for one moment, Mr. Speaker.

Mr. DELAHUNT. Of course.

Mr. STRICKLAND. In the letters I received from Secretary Rumsfeld and General Myers, there was never a mention of a shortage of money. They said there was a shortage of materials, which means that there was a failure to plan ahead. We knew months before this war began that we would likely need this body armor, and yet the plans were not made.

The fact is that initially they were not even wanting to give the body armor to all the troops. In the letters that I received from General Myers, he said that the body armor was initially planned only for the troops that were on foot. If a soldier was in a Humvee or in some other mechanized vehicle, they were not even issued body armor, and there were no plans to issue body armor to these. Only those who were foot soldiers, basically, were to be provided with this protection.

Now, as my colleagues know, many of our soldiers that have been so terribly injured are injured as a result of being in vehicles and there are explosions and other kinds of artillery fire. This body armor could have protected many of them.

□ 2310

I am afraid some were wounded unnecessarily.

Mr. DELAHUNT. Mr. Speaker, it reminds me of the issue of weapons of mass destruction when the Polish Prime Minister at the request of the President of the United States made a commitment of Polish troops, obviously at some political risk to himself, and when it became clear that there were no weapons of mass destruction said publicly, "We were misled." What does that do to the credibility of the United States when the Prime Minister of Poland, an ally, someone who has made a contribution of men and women of his nation in terms of the effort in Iraq, the military invasion, makes that statement?

Again, we have the example of David Kay, appointed by this President, who took the charge of this White House, who went to Iraq, who led the efforts to determine whether there were weapons of mass destruction, who concluded that there were none, and then later and subsequently when this White House, this President and this Vice President refused to accept unequivocally the conclusion reached by their own appointee that there were no weapons of mass destruction, then finally David Kay, a hawk on the war, by the way, spoke to the Guardian, an English newspaper and said, "The administration's reluctance to make that admission was delaying essential reforms of U.S. intelligence agencies and further undermining its credibility at home and abroad."

Admit the mistake, Mr. Bush, come clean with the American people, accept responsibility rather than shift it because of an election-year gambit. That is what that is about.

Mr. INSLEE. Mr. Speaker, I want to note one other thing that the administration needs to take responsibility about. The President during his speech during the Republican convention, which was quite a show, and some of us found Zell Miller mildly entertaining, there was a lot of discussion about Franklin Delano Roosevelt, and there was one thing that I really respected about President Roosevelt, and that is on December 8, 1941, after the Japanese had bombed Pearl Harbor, President Roosevelt did not suggest we bomb China, he focused on the group that attacked and killed thousands of Americans, which was the Japanese.

This President has not followed Franklin Delano Roosevelt's pattern. Roosevelt said, let us attack the enemy that has attacked us, which in our case was al Qaeda, a fundamentalist Islamic movement that this President has spent the last 2 years trying to confuse the American people, with some success, in confusing al Qaeda with Iraq, and he has done the equivalent of invading China after September 11, and we have suffered accordingly.

It is very important for us not to allow the power of propaganda to overwhelm the power of reason, and we cannot allow, with 1,000 Americans dead in Iraq, America to forget that this President had tried to whitewash the situation by calling the war in Iraq as the war on terror when there is no credible evidence of connection of Iraq with September 11, and the President and Vice President know it, and they keep saying it anyway.

The independent 9/11 Commission reached that conclusion despite the fact that the President and Vice President did everything they could to thwart the creation of the 9/11 Commission and now accept its recommendations enthusiastically.

Mr. INSLEE. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. HOEFFEL) who has led the discussion on this subject.

Mr. HOEFFEL. Mr. Speaker, I concur with everything that my colleagues have said this evening. For almost a year and a half, those of us engaged in Iraq Watch have been coming here raising questions and posing alternatives for our failed national policy.

The bottom line is, as the gentleman just said, we have lost our national focus on the real threat, which has been and remains Osama bin Laden and al Qaeda. We have allowed the Bush administration with its obsession with Saddam Hussein to distract us from what has been the real threat and obviously remains the real threat today.

We know the sordid history of misstatements and failed policies and misleading comments by the President and his top advisors. They misled us about the weapons of mass destruction. As the gentleman from Washington (Mr. INSLEE) said, they misled us about a nonexistent connection about Saddam Hussein, al Qaeda and 9/11.

The President misled us about how he would use the military power that he asked for in the fall of 2002. He said he would not use it until he exhausted diplomatic options. He broke that promise. He said he would not use it until he put together an international coalition such as his father had done 13 years before. Broke that promise. And he gave us a number of commitments to allow the international inspectors once back in Iraq to conclude and complete their work, and he did not allow them to finish their work before using this power.

The reality is while it is a good thing for Iraq that Saddam Hussein is out of power because he certainly was a murderous tyrant, it has not made America safer. This has reduced our status in the world and has made the challenges and the risks of the war on terror more difficult for America, not easier.

What really gripes me tonight, in addition to all of the things that we have mentioned, is what now seems to be the use of our American military in Iraq to suit the dictates of Iraqi domestic politics. We have lost 150 brave American soldiers in defeating the Iraqi Army. It took us 19 days, and our soldiers did everything we asked them to do and fought bravely. We have lost 850 equally brave Americans in what has turned out to be the occupation of Iraq, and I think a big reason for that is the misuse of our troops.

Let me quickly quote from a Washington Post article dated August 24, 2004, with the title "In Najaf, Iraqi Politics Dictate U.S. Tactics." The point of this article published a few weeks ago is that Acting Prime Minister Allawi is deciding when American troops are used, when they are held back as suits his purposes for the domestic Iraqi political situation that he faces.

Mr. STRICKLAND. Mr. Speaker, if the gentleman would yield, the President frequently says, I will not allow our troops to be under the control of foreign commanders. Well, that may be technically correct, but what the gentleman has pointed out is the fact that our troops are serving at the behest of the Interim Iraqi Government. They are being told, you cannot go into this city, you can go into this city, you can go there, you cannot go there. It troubles me that young men and women from my district, from southern and southeastern Ohio, many of them have probably never traveled very far from home ever, are now in a foreign land, and they are basically serving the needs of the Iraqi Interim Government rather than looking out for the international interests of this Nation.

□ 2320

Mr. HOEFFEL. What enrages me is that the American politicians who whip themselves up into a foaming rage over the notion that someday, somehow, someway American troops might be under foreign generals' command in a U.N. peacekeeping force or something of the kind are completely silent when something much worse is happening here. Our troops today in Iraq are not under foreign generals' command, they are under the command of foreign politicians. It is outrageous. Let me read from this article and yield back. I do not want to monopolize this time. But in this Washington Post article, August 24, 2004, entitled "In Najaf, Iraqi Politics Dictate U.S. Tactics," at one part it says here in the article:

"If there is any doubt that the new Iraqi government is calling the shots in this country, the supporting evidence is mounting daily in Najaf. Here, on the order of interim Prime Minister Allawi, night raids bolt forward or are halted, bombs fall from the sky or remain snuggled beneath the wings of F-15s, howitzers roar or are silenced, and ambitious combined arms operations are meticulously planned and then shelved, only to be revived a day later when a shift in the political winds has been detected."

A quote from Captain Brian Ennesser, intelligence officer for the First Cavalry's First Battalion, Fifth

Regiment: "This mission is like Normandy. Only instead of the weather, we're waiting on the politics."

One more quote and I will yield back. Later in the article:

"Since the U.S.-led occupation authority transferred power to the Iraqis on June 28, the chain of command has kept its structure but changed personnel." A quote from Major General Peter Chiarelli, who commands the First Cavalry: "It's civilian control of the military. That's what our system's all about." But the article then says: "Except now the civilians are not Americans. They are Iraqis. And we are losing brave Americans because they are being put in the middle of disputes between Allawi and Sadr. They are being used to push forward domestic political agendas for this interim government that is interested in holding onto its power."

It is my view that we need to refocus on the war on terror and Osama bin Laden and redeploy troops that are bogged down there. We have got 170,000 troops in the Iraqi theater, 140,000 in Iraq, 30,000 in Kuwait, peacekeeping, border patrol, police work. We have got one-tenth of that number, 17,000, in Pakistan and Afghanistan doing everything we ask them to do, working bravely around the clock but clearly not enough of a focus to get bin Laden and destroy al Qaeda.

We have lost our focus. We need to get our troops out of the midst of this domestic strife in Iraq and get them back to bases. We cannot abandon Iraq, but we do not have to be in daily patrol between these warring factions trying to feather their own nests and pursue their own domestic agendas. We can make sure that the country does not fall without having our troops in daily combat because of the inability of this administration to focus on what is really challenging this country, which is the problem in Afghanistan and Pakistan posed by Osama bin Laden and al Qaeda.

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for the remainder of the hour, approximately 23 minutes.

Mr. INSLEE. The point the gentleman has made is the cost that we have suffered in addition to this horrendous loss of life is that the real war on terrorism has been injured by the war in Iraq, and I want to talk about some of the ways that has happened.

Symptom number one of a failed war on terrorism: you do not finish the job against the enemy that attacked you, and we have not finished the job in Afghanistan which is the source of the attack of September 11. September 11 came from a group trained in the camps of Afghanistan; and we appropriately, on a bipartisan basis, started a war in Afghanistan because it was necessary, but now it is, in a way, abandoned by this administration because this administration has not given what we need in Afghanistan to finish the job, to build up a meaningful stable government in Afghanistan. The very place that attacked us has been put on the back burner.

Senator GRAHAM the other day disclosed that a year before the Iraq war started, General Franks or one of the generals told him that they had started to move Predators that were being used in the hunt for Osama bin Laden to get ready for the attack on Iraq. So we took our resources against, if I can use the 1941 example, out of the war on Japan and attacked Beijing.

Mr. STRICKLAND. I just want to point out that the person who was responsible for the attack on this country was Osama bin Laden. He has taken credit for that. He has boasted to the international community, to the world, that he was responsible for the attack upon our country. The President stood right at that podium and he said, Osama bin Laden can run, but he cannot hide. Well, he ran and thus far he has hidden. Osama bin Laden is somewhere free on the face of this Earth tonight planning the next attack upon our country. So the person who was responsible for attacking us has gone free and we have diverted our resources to Iraq, costing 1,000 of our soldiers' lives, 6 or 7,000, I guess nearly 7,000 injured now. And Osama bin Laden is a free man tonight.

Mr. INSLEE. I would like to add, Osama bin Laden is not only free physically, he is free apparently from the interest of the President of the United States who has not mentioned his name, as far as I can tell, for about a year. The man that he promised us he would get dead or alive, this President does not even allow his name to pass his lips because it may distract some of the attention from Iraq. That is way too free for my tastes.

I want to mention one other thing about why we have not been as successful with al Qaeda as we should have been. Obviously, cutting off the money of al Qaeda is extremely important. If you can kill the money trail, you can dry up some of their attacks on us. We found out we have more inspectors and investigators with the Department of the Treasury tracking American tourists who go to Cuba than we do tracking the money going to al Qaeda. We are spending over $200 billion a year in Iraq, but we cannot fund enough people to find Osama bin Laden and really cut off his money. We are more interested in Cuba and Iraq. That is a distortion.

One other thing I want to mention. We have a tremendous threat in this country, and the President is right about one thing, that there is a real threat against this country. One of those threats is there are 20,000, in a sense, loose nuclear weapons from the former Soviet Union that are not in secure locations tonight, that some terrorists could get ahold of. But what have we done to try to increase our rate of locking up that fissionable material so al Qaeda cannot get ahold of it since September 11? What has this administration done? Essentially nothing to improve our efforts to try to lock up that fissionable material. They have not increased their appropriation, as far as I know, a dime to get rid of this material that al Qaeda, we know, is interested in using to attack us. Why not? They are spending $200 billion in Iraq to chase weapons of mass destruction that there were zero weapons of mass destruction, zero nuclear weapons in Iraq. We know there are 20,000 nuclear weapons that are running around the former Soviet Union, some of which were locked up in a chicken shed with a little lock on it you could break with bicycle lock busters, literally; and this administration will not put more money into that effort to lock up those loose nukes. This is a misprioritization.

Mr. DELAHUNT. I appreciate this conversation tonight. I think what is interesting is that while we speak about Osama bin Laden, we have to be very clear that because of the delay that has occurred and the diversion of effort and resources into securing Afghanistan and nurturing democratic institutions, not only has Osama bin Laden, who is obviously a symbol to those who share his world view but has encouraged new groups, al Qaeda has morphed into a number of groups, some of which have names, some of which do not have names, and that terrorism is spreading throughout the world as we speak today. If the President is suggesting that the invasion of Iraq somehow served as a deterrence to these terrorists, he is absolutely wrong.

It is interesting to read that in terms of the efficacy of Iraq, of the invasion of Iraq, an NBC news analysis that was reported September 2 of this year showed that of the roughly 2,900 terrorist-related deaths since the 9/11 attacks on our homeland, 58 percent of them, in excess of 1,700, have occurred this year.

□ 2330

This year. So terrorism is burgeoning. We identified the wrong enemy, and now we are playing catch-up, and the world is more dangerous.

And I would like to just to conclude with a quote from someone whom we all respect who has served this country well, a good Member of Congress, the Vice Chair of the Permanent Select Committee on Intelligence of this branch, a conservative Republican from Nebraska who retired recently to assume a new position of some stature in terms of foreign affairs, by the name of Doug Bereuter. He wrote a letter to his constituents because he recognized what we have been talking about, and this is what he said: "It was a mistake to launch" the invasion of Iraq. "Our country's reputation around the world has never been lower." In other words, our credibility is suffering. "And our alliances are weakened. Now we are immersed in a dangerous, costly mess, and there is no easy and quick way to end our responsibilities in Iraq without creating bigger future problems in the region and, in general, in the Muslim world."

That is from Doug Bereuter, a good Member, someone who made substantial contributions to the debate and discourse in this House, who is a Republican with excellent conservative credentials.

This is nonpartisan. It should not be a partisan issue. This is about identifying the right enemy and taking the necessary action to defeat those who would harm the United States.

Mr. HOEFFEL. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from Washington (Mr. INSLEE). It has always been clear that we need to internationalize the challenge in Iraq, and we need to "Iraqatize" the challenge in Iraq. We need international support from what is happening. I do not believe this President can do it. But from the first day we should have been returning to the United Nations to do the reconstruction. We should have turned to NATO and the Arab League nations for security. Those countries are a lot closer to Iraq than we are and have a much bigger stake than we do in a stable Iraq. But we have not done that. We have done the occupation of Iraq with 90 percent of the troops being American and 90 percent of the money being American, and we have not yet stabilized that country.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, our occupation in Iraq is being characterized by ineffectiveness, by incompetence. If one just reads the daily newspaper and sees comments and admissions by the Secretary of Defense Mr. Rumsfeld and the Chief of the Joint Chiefs of Staff General Myers, the number of cities in Iraq that are no longer under the control of the Interim Iraqi Government and American occupation forces grows on a daily basis. Fallujah, Ramadi, Baquba, Samarra, Najaf, Karbala, and perhaps soon a significant section of Baghdad are no longer under the control of the Interim Iraqi Government. The Baath Party is experiencing a resurgence, President Bush, except Saddam Hussein is no longer the head of it.

Mr. STRICKLAND. Mr. Speaker, if the gentleman from Washington (Mr. INSLEE) would yield, what we have here is a situation where we have lost 1,000 of our troops, nearly 7,000 injuries, $200 billion has been spent, and we are in effect giving over Iraq to the bad guys. The President is not willing to admit it, but when we have huge cities and large geographic areas in Iraq where American soldiers cannot even enter, it seems to me that we are capitulating, that we are giving in and giving over this country that we have shed blood to try to liberate.

I would just like to say something, though. I know our time is nearly coming to an end. We have talked about several things here. What we have talked about I think can be characterized as miscalculation. That is the word the President used. He said he miscalculated. He miscalculated, and 1,000 soldiers have died. He miscalculated, and almost 7,000 soldiers have been injured. He miscalculated: over $200 billion of the taxpayers' resources have been spent there.

But this is what I would like to just emphasize in my closing remarks. The only people sacrificing really for this war are the soldiers who are fighting and risking their lives and the families back here at home who love them and who worry about them. They are the only ones sacrificing. None of us here in this Chamber are sacrificing, or over in the Senate Chamber, or down there at the White House. We do not have sons and daughters fighting this war. I think there may be two Members out of the 535 Members of the House and Senate with a child that is an Active-Duty soldier, and I do not know how many at the White House. I doubt if there are many, if any at all. And yet it is easy, it is easy, under those circumstances to talk tough, to say we will pay any price.

We are not paying a price. We are not even paying for this war. The cost of this war is being passed on to the children and the grandchildren that will follow us. They are the ones being asked to pay the cost of this war. What did the President asked us to do to sacrifice for this war? He told us to go shopping. He told us to go shopping. Where is the sacrifice other than those who are at this very moment risking their lives for us, the moms and dads who are grieving and will grieve for the rest of their lives over the loss of their son or daughter, the husbands and the wives and the children who will live out the rest of their lives without their loved one because of the miscalculation of this administration and their unwillingness to even recognize what they have done?

That is what bothers me. We all should be sacrificing and sharing in the sacrifice, but we are not being asked to do so. Go out and live our life. Go shopping, go to the ballgames, spend money, do what we want to do, and let someone else's kid fight this war for the Iraqi Interim Government. That is totally unacceptable.

Mr. INSLEE. Mr. Speaker, I would point out since the Republicans wanted to show respect for Franklin Delano Roosevelt, Roosevelt in the throes of World War II did not say, let us all enjoy a tax cut. He said, let us tighten our belts, grow victory gardens, buy Liberty Bonds, and get this job done. But this President is not willing to ask Americans to make those sacrifices for reasons that we have to ask ourselves why, but he will not do it.

And when we talk about the people whose lives are on the line in Iraq, there is a draft already going on in that country. There is a silent draft, and that silent draft is if one was in military service at any time in the last 2 years or 20 years by the sum of what they count, they are potentially going to haul them back in and send them to Baghdad, and that is what they are doing. There is a silent draft going on right now, and it is unfair to the families who had their lives disrupted, who thought their military service was over. And thousands of Americans are getting dragged off of their jobs and away from their families this month because of the poor planning that went on.

□ 2340

I want to mention, just talking about the future if I can, as Laurel and Hardy said, you know, this is a fine mess that we are in. But the question is, what do we do now? Because we are in it, and we are in it together. Republicans are in it, Democrats are in it, urban and rural, we are all in this mess together, so what are we going to do?

Let me suggest that there are some things we need when it comes to a leader of America right now to find a way to solve the problem in Iraq. I would suggest there are three things we need in a leader right now, in a President right now.

Number one, we need a President who can have the respect and good working relationship with the rest of the world, to try to get the rest of the world to pitch in and help in Iraq. We need someone who has not burned his bridges with friends or potential allies, someone who has not offended the rest of the world, someone who has not ended up getting a 90 percent disapproval rating with some of our purported allies on our policy in Iraq, someone who can really lead a world alliance. We have to ask whether we have a President who is capable of that right now.

The second thing we need is we need a President who is willing to fire the boobs and incompetents who have made ridiculous decisions that have cost thousands of American lives and injuries. We need somebody who is willing to clear the decks of the individuals who ought to be held accountable for the lack of body armor, the lack of armor, the poor planning, the decision now to let these militias go out and breed where our people are going to suffer eventually when we have to face them. These people need to go. We need a President who is not great friends with these people and who will not fire them. I have to seriously question whether we have a leader right now in the White House who is capable of that.

The third thing we need is we need a President who is basically willing to take a fresh approach in Iraq. We need a new strategy in Iraq. We need someone who is truly willing to break with the past, try new approaches, talk to different people, hire different staff, get new intelligence and get new strategies in Iraq.

Unfortunately, this President has a quality of refusing to change, no matter what the evidence is. The evidence be darned, he is going to continue the route he chose.

That is not good enough right now for America. We need better and we need a fresh approach. This country needs to ask whether we have a leader in the White House who is capable of adopting a fresh approach in Iraq. That is a serious question Americans will be asking this November, and I hope it is something they chew on.

I yield to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I agree with the gentleman. Clearly we share the President's goals of creating a stable Iraq that can choose its own government. But the policies that he has chosen and the rigidity in which he has implemented those policies and the inability to change course when the policies are failing are clearly leading us to a disaster in Iraq, where our troops are in the middle of the domestic political striving of competing ethnic and religious interests, unable to stabilize the country because we are doing it alone, because we do not have the international support that we need, nor have we trained up the Iraqis that we fired from the Iraqi army and fired from the Iraqi border patrol. We have not trained up Iraqis to do the police work and the peacekeeping that they ought to be doing for themselves.

The President continues to act with arrogance, with a cowboy diplomacy and an unwillingness to admit error, compounded by the outrages expressed on the campaign trail, the intentional efforts to mislead Americans, trying to connect 9/11 with Hussein, which is a bogus connection, and with the Vice President saying the other day, outrageously, that if the voters make the wrong choice on November 2, that will lead to more acts of terror against this country.

I do not know that I have ever heard a more outrageous or reckless statement made by any leader of this country, unless it would be the President's statement himself in the summer of 2003 that they should "bring it on," and 800 Americans have died since the President said that.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield further, what the Vice President should do, he should reveal those statistics that I reported to you earlier about the increase in the incidents of terrorists' acts all over the world that are directly related to the failed policies of this administration.

To my left there is a photo of the President with an individual by the name of Ahmed Chalabi, who is the source of much of the faulty intelligence that the administration was looking for to base its case on for the American people.

Now we have the FBI investigating the Pentagon, the office of one Douglas Fife, to determine whether Mr. Chalabi received information that was passed on to Iran, to Iran, about our policy initiatives and considerations relative to Iran.

Here we have the President of the United States with an individual which reports indicate, I am not reaching a conclusion, but which reports indicate was a spy or a double agent for Iran. This same gentleman was in this Chamber during the State of the Union address by this President last January and sat up directly behind the First Lady.

Now, I have to tell you, to follow up on the gentleman from Washington's point, I would think that anyone who was involved or connected or listened to Mr. Chalabi, who, by the way, was a convicted felon in Jordan for embezzlement of some $300 million from a bank in Jordan and had to flee Jordan, anyone who listened to that individual should have been fired a long time ago. What an embarrassment to this administration, what an embarrassment to the United States.

Mr. STRICKLAND. If the gentleman will yield for a moment, I remember being in the Chamber that night of the State of the Union address and looking up there and seeing Mr. Chalabi. I believe Mr. Chalabi was fairly close to Vice President Dick Cheney.

Now, the accusations are, as the gentleman says, and they are credible accusations, yet to be proven but under investigation, that Mr. Chalabi got information from a member of this administration, from the Pentagon, took that information and shared it with Iran. Iran, this country that we all now recognize is developing nuclear weapons, probably a much greater threat to this country directly than Iraq ever was, and it is under investigation that this man took information and shared it with Iran. If that proves to be true, that is a terribly, terribly serious thing that has happened.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RYAN of Ohio (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. KIRK, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 9.

Mr. KING of Iowa, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, September 13. (The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 7, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 5005. Making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Thursday, September 9, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9416. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

9417. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting notification that the Group II Mission Computer Replacement Program (GrIIM RePr), manufactured by Northrop Grumman Space Technology (NGST), is a commercial item and, therefore, is excluded from core logistics capability requirements, as well as the justification for such a decision, pursuant to 10 U.S.C. 2464(c); to the Committee on Armed Services.

9418. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General John F. Sattler, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9419. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9420. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of June 30, 2004, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

9421. A letter from the Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9422. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during FY 2002, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9423. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report entitled "Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 2003," pursuant to 22 U.S.C. 2579; to the Committee on International Relations.

9424. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's quarterly financial statement, prepared by the U.S. General Services Administration; to the Committee on Government Reform.

9425. A letter from the Executive Director, Consumer Product Safety Commission, transmitting the Commission's inventories of Commercial and Inherently Governmental Activities for Year 2004 as pursuant to the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

9426. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9427. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9428. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9429. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9430. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Department's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9431. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9432. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9433. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9434. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9435. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9436. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Contract Awarded by the Water and Sewer Authority Was Poorly Monitored and Managed"; to the Committee on Government Reform.

9437. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenue and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for FY 2005"; to the Committee on Government Reform.

9438. A letter from the Secretary, Department of the Interior, transmitting the 2003 Annual Report for the Office of Surface Mining Reclamation and Enforcement (OSM), pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

9439. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a draft bill "To amend the Federal Land Transaction Facilitation Act of July 25, 2000 to remove the timeframe that limits the Secretary of the Interior's use of decisions in the Bureau of Land Management land use plans to dispose of lands, to reallocate funds for land acquisitions and other uses, to extend the sunset provision currently contained in the Act and for other purposes"; to the Committee on Resources.

9440. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter responding to the DNA Analysis Backlog Elimination Act of 2000's grant reporting requirement with respect to Fiscal Years 2002 and 2003 funds and conveys, for greater clarity of the DNA analysis backlog issue, the study to assess the number of untested rape examination kits that currently exist nationwide, as required by Pub. L. 107-273, the 21st Century Department of Justice Appropriations Authorization Act; to the Committee on the Judiciary.

9441. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended--Elimination of Crew List Visas [Public Notice: 4654] (RIN: 1400-AB49) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9442. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No. 03-1922 — Dieudonna Georcely v. John Ashcroft (July 12, 2004)); to the Committee on the Judiciary.

9443. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No.03-1922 — Dieudonna Georcely v. John Ashcroft (July 12, 2004)); to the Committee on the Judiciary.

9444. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; White River, Clarendon, Arkansas [CGD08-04-022] (RIN: 1625-AA09) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9445. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Rigolets Pass, New Orleans, LA. [CGD08-04-025] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9446. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-04-076] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9447. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Inner Harbor Navigation Canal, LA [CGD08-04-026] (RIN: 1625-AA09) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9448. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Jamaica Bay and connecting waterways, NY. [CGD01-04-080] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9449. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Raritan River, NJ. [CGD01-04-091] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9450. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; CSX Railroad, Manatee River Mile 4.5, Bradenton, FL. [CGD07-04-015] (RIN: 1625-AA09) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9451. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, MA [CGD01-04-030] (RIN: 1625-AA09) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9452. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; Elliot Bay and Lake Washington, WA [CGD-13-04-033] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9453. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas, Anchorage Grounds, Safety and Security Zones; Tall Ships Rhode Island 2004, Narragansett Bay, Rhode Island [CGD01-04088] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9454. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-04-116] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9455. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shelter Cove, Hilton Head Island, SC [COTP Savannah-04-066] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9456. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Time Warner Cable Fireworks — Boston, Massachusetts [CGD01-04-081] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9457. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Democratic Governors Association Fireworks Display — Boston, Massachusetts [CGD01-04-046] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9458. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bridge Demolition, Raritan River, Perth Amboy, NJ [CGD01-04-087] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9459. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Democratic National Convention, Boston, MA [CGD01-04-002] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9460. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Hampton Roads Zone, Hampton Roads, VA [CGD05-04-067] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9461. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 119.0 to 119.8, Natrium, WV [COTP Pittsburgh-03-030] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9462. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coronado Bay Bridge, San Diego, California [COTP San Diego 04-015] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9463. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Coast Guard Activities New York Fireworks Displays [CGD01-03-102] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9464. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Northeast Ohio [CGD09-03-202] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9465. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile Marker 778.0 to 781.0, Osceola, AR [COTP Memphis 04-001] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9466. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Intracoastal Waterway and Connecting Waters, Vicinity of Marine Corps Base Camp Lejeune, North Carolina [CGD05-03-167] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9467. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races [CGD13-04-034] (RIN: 1625-AA08) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9468. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-04-129] (RIN: 1625-AA08) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9469. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Enforcement of SOLAS Requirements [USCG-2004-17615] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9470. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Unauthorized entry in Cuban territorial waters [USCG-2004-17509] (RIN: 1625-AA86) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9471. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Mandatory Ballast Water Management Program for U.S. Waters [USCG-2003-14273] (RIN: 1625-AA52) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9472. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Carriage of Navigation Equipment for Ships on International Voyages [USCG-2002-13057] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9473. A letter from the Attorney, Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No. OST-2004-18560] (RIN: 2105-AD40) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9474. A communication from the President of the United States, transmitting notification of his intention to designate Iraq as a beneficiary developing country under the Generalized System of Preferences (GSP)any such designation, pursuant to Public Law 104—188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 108—211); to the Committee on Ways and Means and ordered to be printed.

9475. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report to Congress on the continued compliance of Armenia, Azerbaijan, Kazakhstan, Moldova, the

Russian Federation, Tajikistan, Ukraine, and Uzbekistan with the Trade Act's freedom of emigration provisions, as required under the Jackon-Vanik Amendment, pursuant to 19 U.S.C. 2432(c) and (d) 19 U.S.C. 2439(b); to the Committee on Ways and Means.

9476. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project Status Report to Congress FY 2003"; jointly to the Committees on Resources and Agriculture.

9477. A letter from the Deputy Assistant Secretary, Economic Development Administration, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2002, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4768. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, and for other purposes; with amendments (Rept. 108–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2960. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project (Rept. 108–664). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4027. A bill to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center; with an amendment (Rept. 108–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4617. A bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes; with amendments (Rept. 108–666, Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. S. 1003. An act to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River (Rept. 108–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4606. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; with an amendment (Rept. 108–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4508. A bill to amend the National Parks and Recreation Act of 1978 to require the Secretary to permit continued use and occupancy of certain privately owned cabins in the Mineral King Valley in the Sequoia National Park (Rept. 108–669). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4586. A bill to provide that making limited portions of audio or video content of motion pictures imperceptible by or for the owner or other lawful possessor of an authorized copy of that motion picture for private home viewing, and the use of technology therefor, is not an infringement of copyright or of any right under the Trademark Act of 1946; with an amendment (Rept. 108–670). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISTOOK: Committee on Appropriations. H.R. 5025. A bill making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–671). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 4617 referred to the Committee of the whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4341. A bill to reform the postal laws of the United States; referred to the Committee on the Judiciary for a period ending not later than September 28, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–672, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4617. Referral to the Committee on Agriculture extended for a period ending not later than September 8, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. PELOSI (for herself, Mr. Hoyer, Mr. Menendez, Mr. Clyburn, Mr. Spratt, Mr. George Miller of California, Ms. DeLauro, Mr. Matsui, Ms. Harman, Mr. Skelton, Mr. Turner of Texas, Mr. Lantos, Mr. Larson of Connecticut, Mr. Frank of Massachusetts, Mr. Conyers, Mr. Oberstar, Mr. Rangel, Mr. Evans, Mr. Rahall, Mr. Waxman, Mrs. Lowey, Mr. Gephardt, Mr. Thompson of California, Mr. Nadler, Mr. Schiff, Mr. McGovern, Mr. Markey, Mr. Bishop of Georgia, Mrs. Tauscher, Mr. Cooper, Mr. Baca, Mr. Tierney, Mr. Hoeffel, Mr. Kennedy of Rhode Island, Mr. Cardoza, Mr. Thompson of Mississippi, Mr. Abercrombie, Mr. Andrews, Mrs. Jones of Ohio, Mr. Ortiz, Ms. Eshoo, Mr. Holt, Ms. McCarthy of Missouri, Mr. Berry, Ms. Eddie Bernice Johnson of Texas, Mr. Israel, Mr. Reyes, Mr. Rodriguez, Ms. Loretta Sanchez of California, Mr. Hill, Mrs. Davis of California, Mr. Larsen of Washington, Mr. Marshall, Mr. Stupak, Mr. Delahunt, Mrs. McCarthy of New York, Ms. Watson, Mr. Weiner, Mr. Stark, Mr. Fattah, Mr. Pallone, Mr. Blumenauer, Mr. Cummings, Ms. Millender-McDonald, Mr. Olver, Mr. Emanuel, Ms. Jackson-Lee of Texas, Mr. Case, Mr. Hastings of Florida, Mr. Smith of Washington, Mr. Serrano, Mr. Lampson, Mr. Ackerman, Mr. Engel, Mr. Crowley, Mr. Hinchey, Mr. Langevin, Mrs. Christensen, Mr. Butterfield, Mr. Bishop of New York, Ms. Woolsey, Mr. Rothman, Mr. Payne, Ms. Bordallo, Mrs. Maloney, Mr. Meek of Florida, Mr. Meehan, Mr. Price of North Carolina, Mr. McIntyre, Mr. Udall of New Mexico, Mr. Neal of Massachusetts, Mr. Strickland, Ms. Baldwin, Mr. Becerra, Mr. Allen, Mr. Pascrell, Mr. Dooley of California, Ms. McCollum, Mr. McDermott, Mr. Farr, Mr. Lynch, Mr. Peterson of Minnesota, Mr. Ruppersberger, Mr. Davis of Florida, Mr. Baird, Mr. Acevedo-Vilá, Ms. Waters, Mr. Jackson of Illinois, Mr. Sherman, and Mr. Jefferson):

H.R. 5024. A bill to implement the recommendations of the National Commission on Terrorist Attacks on the United States by establishing the position of National Intelligence Director, by establishing a National Counterterrorism Center, by making other improvements to enhance the national security of the United States, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, Ways and Means, Financial Services, the Judiciary, Transportation and Infrastructure, Government Reform, Energy and Commerce, Science, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Ms. Pelosi, Mr. Hoyer, Mr. Rangel, Mr. Matsui, Mr. Menendez, Mr. Spratt, and Mr. Clyburn):

H.R. 5026. A bill to require the President to take certain actions to enforce the textiles and apparel safeguard with respect to imports from the People's Republic of China; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Foley, Mr. Boyd, Mr. Meek of Florida, Mr. Lincoln Diaz-Balart of Florida, Mr. Crenshaw, Mr. Hastings of Florida, Ms. Corrine Brown of Florida, Mr. Stearns, and Ms. Ros-Lehtinen):

H.R. 5027. A bill to designate the facility of the United States Postal Service located at 411 Midway Avenue in Mascotte, Florida, as the "Specialist Eric Ramirez Post Office"; to the Committee on Government Reform.

By Mrs. JONES of Ohio (for herself, Mr. LaTourette, Mr. Kucinich, Mr. Pascrell, and Mr. Strickland):

H.R. 5028. A bill to allow a waiver or exemption of certain requirements for restricted airspace if security is not reduced; to the Committee on Transportation and Infrastructure.

By Mr. LaTOURETTE (for himself and Mr. Kucinich):

H.R. 5029. A bill to allow a waiver or exemption of certain requirements for restricted airspace if security is not reduced; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD:

H.R. 5030. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance to the services sector and for communities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 5031. A bill to amend the Bank Holding Company Act of 1956 to clarify the application of the credit card bank exception to certain limited purpose credit card banks serving community banks, and for other purposes; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 5032. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences prior to any relicensing of that facility; to the Committee on Energy and Commerce.

By Mr. SHAYS:

H.R. 5033. A bill to suspend temporarily the duty on certain meatless frozen food products; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H.R. 5034. A bill to amend title II of the Social Security Act to require waiver of the 5-month waiting period for entitlement to benefits based on disability in the case of a terminally ill beneficiary; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 5035. A bill to require the Secretary of Homeland Security to provide the same screening of all passengers and property that will be carried aboard a passenger aircraft operated in the United States by a person other than an air carrier as is provided for all passengers and property that are carried aboard a passenger aircraft operated by an air carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MENENDEZ:

H. Res. 756. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. HYDE (for himself and Mr. Lantos):

H. Res. 757. A resolution expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001; to the Committee on International Relations, and in addition to the Committees on Armed Services, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. Gutknecht, Ms. DeLauro, Mr. Sanders, and Mr. Emanuel):

H. Res. 758. A resolution opposing the inclusion in future free trade agreements of provisions that would have the effect of restricting, undermining, or discouraging the enactment or implementation of legislation authorizing the importation of prescription drugs, and for other purposes; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H. Res. 759. A resolution commending the Festival of Children Foundation for its outstanding efforts on behalf of children and expressing the support of the House of Representatives for the designation of a "Child Awareness Month"; to the Committee on Education and the Workforce.

By Mr. ROYCE (for himself, Mr. Lantos, Mr. Hyde, Mr. Weldon of Pennsylvania, Mr. Hoyer, Mr. Saxton, Mr. Chabot, Mr. Pence, Mr. Berman, Mr. Bell, Mr. Gallegly, Mr. Stenholm, Mr. Engel, Mr. Chandler, Mr. Jones of North Carolina, Mr. Sherman, Mr. Burgess, Mr. King of Iowa, Mr. King of New York, Mr. Rogers of Alabama, Mr. Sullivan, Mr. Baird, Mrs. Jo Ann Davis of Virginia, Mrs. Myrick, Mr. Flake, Mr. Burton of Indiana, Mr. Wilson of South Carolina, Mr. Faleomavaega, Mr. Smith of New Jersey, Mr. Miller of Florida, Mr. Barrett of South Carolina, Mr. Pombo, Ms. McCollum, Mrs. Miller of Michigan, Mr. Boozman, Mr. Bartlett of Maryland, Mr. McCotter, Mr. Wolf, Mr. Bradley of New Hampshire, Mr. Calvert, Mr. Hoekstra, Mr. Souder, Mr. Pitts, Mr. Goode, Mr. Larsen of Washington, and Mr. Forbes):

H. Res. 760. A resolution condemning the series of terrorist attacks against the Russian Federation that occurred in late August and early September 2004; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BACA:

H.R. 5036. A bill to extend the patent numbered RE 38,014 (BIEBERSTEIN) for a period of 2 years; to the Committee on the Judiciary.

By Mr. WU:

H.R. 5037. A bill for the relief of Rogelio Gallegos-Herrera; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Ms. Herseth.

H.R. 117: Mr. McHugh.

H.R. 195: Mr. Taylor of North Carolina.

H.R. 434: Mr. Duncan and Mr. Goodlatte.

H.R. 476: Mr. Moran of Virginia and Mr. Bartlett of Maryland.

H.R. 573: Ms. Eshoo.

H.R. 643: Mr. Tierney.

H.R. 664: Mr. Andrews.

H.R. 677: Mr. Butterfield, Mr. Davis of Alabama, Mr. Lynch, Mr. Porter, and Mr. Scott of Georgia.

H.R. 785: Ms. Linda T. Sánchez of California.

H.R. 814: Mr. Lampson, Mr. Engel, Mr. Olver, and Mr. Clay.

H.R. 869: Ms. McCollum.

H.R. 880: Mr. Larsen of Washington.

H.R. 1124: Mr. Ryan of Ohio.

H.R. 1316: Mr. Kirk.

H.R. 1477: Mrs. Christensen, Mr. Wynn, Mr. Jefferson, and Mr. Towns.

H.R. 1532: Mr. McIntyre.

H.R. 1634: Mr. Smith of New Jersey and Mr. Ford.

H.R. 1673: Mrs. Davis of California.

H.R. 1726: Mr. Edwards.

H.R. 1749: Mr. Hastings of Washington and Mr. Taylor of North Carolina.

H.R. 1758: Ms. Harris and Mr. Ford.

H.R. 1793: Mr. Knollenberg.

H.R. 1868: Mr. Filner.

H.R. 1884: Mr. Price of North Carolina.

H.R. 1919: Ms. Watson and Mr. Kucinich.

H.R. 1993: Mr. Serrano.

H.R. 1994: Mr. Grijalva.

H.R. 1998: Mr. Burr.

H.R. 2011: Mr. Sherman.

H.R. 2060: Mr. Porter.

H.R. 2366: Mr. Fattah and Mr. Rangel.

H.R. 2387: Mr. Engel and Mr. Platts.

H.R. 2404: Mr. Holt.

H.R. 2426: Mr. Allen.

H.R. 2509: Mr. Hefley.

H.R. 2615: Ms. Jackson-Lee of Texas.

H.R. 2735: Mr. Green of Texas, Mr. Tierney, and Mr. Sullivan.

H.R. 2743: Mr. Bass and Mr. Cox.

H.R. 2916: Mr. McDermott.

H.R. 3014: Mr. Frank of Massachusetts and Mr. Filner.

H.R. 3058: Mr. Davis of Alabama.

H.R. 3092: Mr. Cramer.

H.R. 3111: Ms. Solis, Mrs. Jones of Ohio, Mr. Watt, Mr. Lincoln Diaz-Balart of Florida, Mr. Brown of Ohio, Mr. Reynolds, Mr. Meeks of New York, Mr. Engel, Mr. Sweeney, Mr. Visclosky, and Mr. Cunningham.

H.R. 3192: Mr. Olver and Mr. Green of Texas.

H.R. 3194: Mr. Gordon.

H.R. 3201: Mr. Chandler.

H.R. 3242: Mr. Simmons and Mr. Larson of Connecticut.

H.R. 3281: Mr. Duncan.

H.R. 3297: Mrs. Lowey.

H.R. 3309: Ms. Lee.

H.R. 3339: Mr. Hostettler.

H.R. 3355: Mr. Chandler.

H.R. 3384: Mr. Andrews and Mr. Pallone.

H.R. 3385: Mr. Fossella.

H.R. 3405: Mrs. Lowey.

H.R. 3438: Mr. Sanders, Mr. Platts, Mr. Schiff, and Mr. Serrano.

H.R. 3455: Mr. Rahall.

H.R. 3482: Mr. Boswell.

H.R. 3523: Ms. Baldwin and Mr. Moore.

H.R. 3558: Mr. Johnson of Illinois.

H.R. 3643: Mr. Chocola, Mr. Filner, Ms. DeLauro, and Mr. Gerlach.

H.R. 3676: Ms. Watson.

H.R. 3729: Ms. Jackson-Lee of Texas, Mr. Manzullo, Mr. Shimkus, Ms. Linda T. Sánchez of California, Mr. Baird, Mr. Radanovich, Mr. Stark, Mr. Pitts, Mr. Moran of Virginia, Mrs. Davis of California, Ms. Loretta Sanchez of California, Mr. Acevedo-Vilá, Mr. Bishop of Georgia, Ms. Corrine Brown of Florida, Mr. Meehan, Mr. Baca, Mr. Delahunt, Mr. Berman, Mr. Lampson, and Mr. Ruppersberger.

H.R. 3755: Mr. Langevin.

H.R. 3767: Mr. Ortiz.

H.R. 3777: Mr. Bass.

H.R. 3816: Mr. Andrews and Ms. Linda T. Sánchez of California.

H.R. 3834: Mr. Gary G. Miller of California.

H.R. 3881: Mr. Ryan of Ohio.

H.R. 3953: Mr. Herger and Mr. Platts.

H.R. 4016: Mrs. McCarthy of New York.

H.R. 4026: Mr. Hyde and Mr. Pallone.

H.R. 4067: Mr. Cummings, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island, Mr. Kucinich, Ms. Linda T. Sánchez of California, and Mrs. Tauscher.

H.R. 4082: Mr. McGovern and Mrs. Maloney.

H.R. 4101: Mrs. Lowey, Mr. Engel, Mr. Weiner, and Mr. Holt.

H.R. 4102: Mr. Acevedo-Vilá, Mr. Meeks of New York, Mr. McDermott, Ms. Bordallo, and Mr. Israel.

H.R. 4169: Mr. Terry and Ms. Granger.

H.R. 4182: Mr. Olver and Mr. Filner.

H.R. 4232: Ms. Jackson-Lee of Texas, Mr. Burgess, Mr. Lampson, and Ms. Granger.

H.R. 4233: Mr. Bass.

H.R. 4313: Mr. Crowley and Mr. Andrews.

H.R. 4325: Mr. Cummings.

H.R. 4338: Mr. Simpson.

H.R. 4367: Mrs. McCarthy of New York, Mr. Etheridge, Mr. Berry, Mr. Serrano, Mr. Deutsch, Mr. Blumenauer, Mrs. Davis of California, Mr. Brown of Ohio, Mr. Van Hollen, and Mr. Fattah.

H.R. 4374: Mrs. Capps and Mrs. McCarthy of New York.

H.R. 4391: Ms. Baldwin, Mr. Baca, Mr. Tom Davis of Virginia, Mr. Cunningham, and Mrs. Davis of California.

H.R. 4420: Mr. Herger, Mr. Blunt, Mr. Cunningham, Mr. Chabot, and Mr. Burton of Indiana.

H.R. 4431: Mrs. Wilson of New Mexico.

H.R. 4446: Mr. LaTourette.

H.R. 4449: Ms. McCarthy of Missouri, Mr. George Miller of California, Ms. Eddie Bernice Johnson of Texas, and Mr. Kucinich.

H.R. 4521: Mr. Hinojosa.

H.R. 4544: Mr. Weiner and Mr. Nadler.

H.R. 4571: Mr. Gary G. Miller of California, Mr. Chocola, Mrs. Blackburn, Mr. Hostettler, and Mrs. Myrick.

H.R. 4585: Ms. Woolsey.

H.R. 4595: Mr. Baca, Mr. Larsen of Washington, Mr. Nadler, Mr. Frost, Mr. Wynn, Mr. Souder, and Mrs. Davis of California.

H.R. 4603: Mr. McHugh.

H.R. 4616: Mr. Green of Wisconsin.

H.R. 4628: Ms. Solis, Mr. Abercrombie, Mr. Wexler, and Mr. Frank of Massachusetts.

H.R. 4634: Mr. Ehlers, Mr. Platts, Mr. Lucas of Oklahoma, Mr. Boehlert, Mr. McHugh, Mr. Leach, and Mr. Lincoln Diaz-Balart of Florida.

H.R. 4662: Mr. Rohrabacher.

H.R. 4670: Mr. Price of North Carolina.

H.R. 4673: Ms. Lee.

H.R. 4682: Mr. Pastor, Mr. Ackerman, Mr. Thompson of California, Mr. Conyers, Mr. Delahunt, Mr. Baca, Mr. Wynn, Ms. Majette, and Mrs. Bono.

H.R. 4693: Mr. Visclosky.

H.R. 4701: Mr. Crowley.

H.R. 4702: Mr. Bishop of Georgia, Mr. Green of Wisconsin, and Mr. English.

H.R. 4706: Ms. Lofgren, Mr. Berman, Mrs. Jones of Ohio, Mr. Stark, Mrs. Davis of California, Ms. Berkley, and Mrs. Lowey.

H.R. 4711: Mr. Marshall and Mr. Brown of South Carolina.

H.R. 4730: Mr. Ney.

H.R. 4773: Mr. Garrett of New Jersey.

H.R. 4776: Mr. Ramstad, Mr. Payne, Mr. Frank of Massachusetts, Mr. Holden, Mr. Simmons, Mr. Marshall, Mr. Gordon, Ms. DeLauro, and Mr. Osborne.

H.R. 4792: Mrs. Tauscher, Mr. Fattah, Mr. Evans, Mr. Abercrombie, and Mr. Filner.

H.R. 4793: Mr. Sanders, Ms. Millender-McDonald, Mr. Serrano, and Ms. Kilpatrick.

H.R. 4802: Mr. Frank of Massachusetts, Mrs. Jones of Ohio, Mr. LaTourette, Mr. Ruppersberger, Mr. Udall of Colorado, Mr. McGovern, and Mr. Kucinich.

H.R. 4826: Ms. McCarthy of Missouri and Mr. Ford.

H.R. 4843: Mr. Ney.

H.R. 4858: Mr. Case, Mr. Grijalva, Mr. Scott of Georgia, Mr. LaTourette, Mr. Marshall, and Ms. McCollum.

H.R. 4875: Mr. Meeks of New York, Mr. Turner of Texas, Mr. Doolittle, Mr. Feeney, and Mrs. Jo Ann Davis of Virginia.

H.R. 4892: Mr. Neugebauer and Mr. Rogers of Alabama.

H.R. 4897: Mrs. Lowey.

H.R. 4904: Mr. Ruppersberger.

H.R. 4956: Mr. Sanders, Mr. Case, and Mr. Udall of New Mexico.

H.J. Res. 62: Mr. Meehan.

H. Con. Res. 247: Mr. Davis of Illinois.

H. Con. Res. 366: Mrs. Miller of Michigan and Mr. Butterfield.

H. Con. Res. 390: Mrs. Lowey.

H. Con. Res. 391: Mr. Larsen of Washington.

H. Con. Res. 461: Mr. Ramstad and Mr. Ehlers.

H. Con. Res. 463: Mr. Moran of Virginia.

H. Con. Res. 486: Mr. Stenholm, Mr. McDermott, Mr. Grijalva, and Ms. McCarthy of Missouri.

H. Res. 466: Mr. Blumenauer.

H. Res. 570: Mr. Fattah, Mr. Israel, Mrs. Maloney, Mr. Gonzalez, and Mr. Clay.

H. Res. 586: Mr. Abercrombie.

H. Res. 641: Mr. Wilson of South Carolina and Mr. Smith of Washington.

H. Res. 716: Mr. Frank of Massachusetts.

H. Res. 744: Mr. Pitts and Mr. Blumenauer.

H. Res. 746: Mr. Filner.

H. Res. 747: Mr. Conyers, Ms. Kilpatrick, Mr. Meeks of New York, Mr. Payne, Mr. Towns, Mr. Rush, Mrs. Christensen, Mr. Owens, and Mr. Rangel.

H. Res. 751: Mr. King of New York, Ms. Harris, and Mr. Bell.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5006

Offered By: Mr. Hefley

Amendment No. 5: At the end of the bill (before the short title), insert the following:

Sec. ___. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $1,425,000,000.

H.R. 5006

Offered By: Mr. Hayworth

Amendment No. 6: At the end of the bill (before the short title), insert the following:

Sec. ___. None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

H.R. 5006

Offered By: Mrs. Johnson of Connecticut

Amendment No. 7: In title I, in the item relating to Occupational Health and Safety Administration, after the aggregate dollar amount insert the following: "(reduced by $25,000,000)".

In title II, in the item relating to Office of the Secretary, after the aggregate dollar amount insert the following: "(increased by $25,000,000)".

In title II, in the item relating to Office of the Secretary, after the fourth dollar amount, insert the following: "(increased by $25,000,000)".

H.R. 5006

Offered By: Mr. Green of Texas

Amendment No. 8: In title II, in the item relating to "Health Resources and Services Administration—Health Resources and Services", insert after the first undesignated paragraph the following undesignated paragraph:

In addition, for carrying out section 340 of the Public Health Service Act (relating to the healthy communities access program), $104,000,000.

H.R. 5006

Offered By: Mr. Allen

Amendment No. 9: At the end of title II (before the short title), insert the following:

Sec. ___. For research on outcomes of health care items and services (including the comparative clinical effectiveness of prescription drugs), as authorized by section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), $50,000,000.

H.R. 5006

Offered By: Mr. Allen

Amendment No. 10: At the end of the bill (before the short title), insert the following:

Sec. ___. None of the funds made available in this Act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316 et seq.), or to otherwise implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2005 is less than $20,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)).

H.R. 5006

Offered By: Mr. LoBiondo

Amendment No. 11: In title II, amend section 221 (page 65, line 19, through page 68, line 2) to read as follows:

Sec. 221. (a) Notwithstanding section 412.23(b)(2) of title 42 of the Code of Federal Regulations, none of the funds appropriated by this Act may be expended by the Secretary of Health and Human Services to treat a hospital or unit of a hospital that was certified by the Secretary as an inpatient rehabilitation facility on or before June 30, 2004, as a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) until, not later than 60 days after the date on which the report under subsection (b) is issued, the Secretary, taking into account the recommendations in such report—

(1) determines that the classification criteria of hospitals and units of hospitals as inpatient rehabilitation facilities under such section 412.23(b)(2) are not inconsistent with such recommendations; or

(2) promulgates a regulation providing for revised criteria under such section

412.23(b)(2), which regulation shall be effective and final immediately on an interim basis as of the date of publication of the regulation.

(b) The study referred to in subsection (a) is a study by the Comptroller General of the United States directed in the statement of managers accompanying the conference report on the bill H.R. 1 of the 108th Congress regarding clinically appropriate standards for defining inpatient rehabilitation services under such section 412.23(b)(2).

(c) The aggregate amount appropriated under title II for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by $3,500,000.

H.R. 5006

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 12: Page 23, after line 2, insert the following new section:

SEC.   . Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following new section:

"(k)(1) The Secretary of Labor shall not promulgate any rule under subsection (a)(1) that exempts from the overtime pay provisions of section 7 any employee who earns less than $23,660 per year.

"(2) The Secretary shall not promulgate any rule under subsection (a)(1) concerning the right to overtime pay that is not as protective, or more protective, of the overtime pay rights of employees in the occupations or job classifications described in paragraph (3) as the protections provided for such employees under the regulations in effect under such subsection on March 31, 2003.

"(3) The occupations or job classifications to which paragraph (2) applies are as follows:

"(A) Any worker paid on an hourly basis.

"(B) Blue collar workers.

"(C) Any worker provided overtime under a collective bargaining agreement.

"(D) Team leaders.

"(E) Computer programmers.

"(F) Registered nurses.

"(G) Licensed practical nurses.

"(H) Nurse midwives.

"(I) Nursery school teachers.

"(J) Oil and gas pipeline workers, field workers, and platform workers.

"(K) Refinery workers.

"(L) Steel workers.

"(M) Shipyard and ship scrapping workers.

"(N) Teachers.

"(O) Technicians.

"(P) Journalists.

"(Q) Chefs.

"(R) Cooks.

"(S) Police officers, including sergeants.

"(T) Firefighters, including sergeants.

"(U) Emergency medical technicians and paramedics.

"(V) Waste disposal workers.

"(W) Day care workers.

"(X) Maintenance employees.

"(Y) Production line employees.

"(Z) Construction employees.

"(AA) Carpenters, mechanics, and plumbers.

"(BB) Iron workers.

"(CC) Craftsmen.

"(DD) Operating engineers.

"(EE) Laborers.

"(FF) Painters.

"(GG) Cement masons and stone and brick masons.

"(HH) Sheet metal workers.

"(II) Utility workers.

"(JJ) Longshoremen.

"(KK) Stationary engineers.

"(LL) Welders.

"(MM) Boilermakers.

"(NN) Funeral directors.

"(OO) Athletic trainers.

"(PP) Outside sales employees and inside sales employees.

"(QQ) Grocery store managers.

"(RR) Financial services industry workers.

"(SS) Route drivers.

"(TT) Assistant retail managers.

"(4) Any portion of a rule promulgated under subsection (a)(1) after March 31, 2003, that modifies the overtime pay provisions of section 7 in a manner that is inconsistent with paragraphs (2) and (3) shall have no force or effect as it relates to the occupation or job classification involved.".

H.R. 5006

OFFERED BY: MR. STEARNS

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds appropriated by this Act may be expended by the Secretary of Health and Human Services to carry out the modification of coverage policy number 35-26 of the Medicare Coverage Issues Manual R125CM announced by the Secretary on July 15, 2004, in the press release entitled "HHS ANNOUNCES REVISED MEDICARE OBESITY COVERAGE POLICY-Policy Opens Doors to Coverage based on Evidence" until the date on which the Secretary submits to Congress a report containing the Secretary's estimate of the increased costs to the medicare program by reason of such modification of coverage policy.

EXTENSIONS OF REMARKS

CITY OF SOUTHLAKE RANKED IN TOP TEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize five communities within my district for being acknowledged as among the "Top Ten Suburbs of the Dallas-Fort Worth Area," by D Magazine, a regional monthly publication. Top honors went to Southlake, Colleyville, Highland Village, Flower Mound, and Coppell based on these communities' excellent schools, affordability, and low crime rates.

Every two years, the magazine ranks some fifty plus suburbs of the Dallas-Fort Worth region, the State of Texas' largest metropolitan area. Southlake was ranked number three on this year's top ten after receiving top marks as a community dedicated to its school's athletics and music. D Magazine also noted the city's efforts to encourage resident involvement through SPIN (Southlake Program for the Involvement of Neighborhoods), which "helps residents communicate with the city government." As a congressman, I appreciate Southlake's efforts to encourage civic engagement because constituent communication is essential to improving our communities.

I applaud Mayor Andy Wambsganss and the City Council of Southlake for building the City of Southlake into a distinguished community. I am proud to represent such a vibrant city.

CONGRATULATING AN EXCEPTIONAL GROUP OF NORTHWEST INDIANA RESIDENTS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I wish to congratulate an exceptional group of Northwest Indiana residents. The Lake County Chapter of the American Red Cross will be honoring several local heroes for their bravery and selfless acts of kindness during the "In Honor of Heroes" banquet on Thursday, September 9, 2004 at the Avalon Manor in Merrillville, Indiana. They will also be recognizing two fallen military heroes and two fallen police heroes.

The First Congressional District is proud to commend the following youth for their acts of bravery. Thomas Jones displayed courage when he dialed 9–1–1 while his mother was having a seizure. The 9–1–1 dispatcher, Debbie Kochis, kept 5-year-old Thomas calm and feeling secure while she dispatched help. Thomas bravely responded to Kochis's request for information needed to get help and followed her instructions to help save his mother. Five-year-old Bobby Bodnar's grandmother fell unconscious while on a shopping trip. Bobby freed himself from the car seat and tried to help her. The young hero stayed calm, showed an employee where his grandmother was, and gave valuable information to the police. While on his way to school, Mike Spurlock came upon an accident scene. Assisted by other heroic citizens, Mike broke out one of the automobile's windows and removed the badly injured victim from the car. After the incident, he continued on to school as usual to take his final exam.

The Red Cross is also recognizing the following Northwest Indiana residents for using their training in life saving techniques to assist victims in life threatening situations. Mr. Daniel Luczak, an EMT, administered care to an injured worker which reduced further injury to the victim's lumbar spine. Lt. Yvonne Hogan Foster used CPR to revive a 90-year-old female who was unconscious. The tragic outcome of this heroic attempt to save a life should not diminish the fact that Lt. Hogan-Foster reacted quickly to the situation and put her lifesaving training to use. Dave Mays and Kandis Pigg are lifeguards trained and certified by the YMCA. Dave Mays activated the YMCA's emergency procedure and safely rescued a young man in the water complaining of severe back pain. Ms. Kandis Pigg's training in delivering oxygen proved to be a lifesaving technique after she was able to remove a man from the water who complained of shortness of breath. This heroic rescue resulted in the man's full recovery. The members of the Courage Aktion Club feel that they are in good hands whenever James Harris is around. While having lunch, James noticed a woman choking and performed the Heimlich maneuver to dislodge the food. A week later, while riding the bus, James helped a passenger who was having a seizure. Without the courageous efforts of these individuals: Karl Samuel, Higinio Martinez, Hank Carmona, Brian Gregory, Paul Jacquez, Sam Rhoten, and Bill Curtis, a heart attack victim would not have survived. Their CPR/AED training revived the victim until the EMS arrived.

Carrie Clemens, Laura Layman, Stacey Gibbons, Sarah Udchitz, Stephen Kolodziej, Adam Wythe, and Matt Plassman were all working at a local Schoops restaurant when a tragic automobile accident occurred. The driver of a pickup truck suffered a fatal heart attack that resulted in the truck crashing into the restaurant. The heroic employees stepped right in to assist and aid the injured. Also being recognized are Randy Edmaiston and Martin Chelich, two courageous men that entered the home of a senior citizen while her home was on fire and evacuated the woman. Because of this selfless act, the woman's life was saved.

It takes dedication and hard work to make a blood drive a success. Hyles Anderson College and First Baptist Church work together to make blood drives successful. Due to the hard work of Kris Grafton, Karen Basham, Pastor Jack Schaap, and all the others involved, they have increased their blood collections by 40 percent and helped save 1,026 lives. Blood donors like Beth Groff truly give the gift of life. She has graciously donated 18 gallons of blood.

John D. Amos II and Luis A. Perez were two residents of Northwest Indiana who sacrificed their lives during Operation Iraqi Freedom, and their deaths come as a difficult setback to a community already shaken by the realities of war. These fallen soldiers will forever remain heroes in the eyes of this community, and this country.

I would like to also honor Trooper Scott A. Patrick and Detective William Rolniak, Jr. Trooper Patrick was the 40th Indiana State Police Officer to be killed in the line of duty. While stopping to aid a stranded motorist, he was shot by the motorist who had stolen the car. Detective William Rolniak, Jr, a 14-year police veteran, was killed in the line of duty when a suspect took him as a hostage and later killed him.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending and acknowledging these outstanding heroes of Northwest Indiana. Their bravery and selfless deeds to others are worthy of the highest honor and respect.

MARRIAGE PROTECTION ACT OF 2004

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MOORE. Mr. Speaker, I rise in opposition to H.R. 3313, which would bar federal courts, including the Supreme Court, from hearing cases related to provisions in the Defense of Marriage Act [P.L. 104–199]. Under that law, the definition of marriage as a union between a man and a woman extends to all aspects of federal law and prevents states from being forced to recognize same-sex marriages from other states. In addition to P.L. 104–199, 38 states—including Kansas—have adopted laws limiting marriage to a man and a woman. H.R. 3313 would not bar state courts from hearing cases related to same sex marriage.

While Congress has broad authority under Article III of our Constitution to regulate the jurisdiction, procedures and remedies available in state and federal courts, this power is generally not used as a means to affect substantive law. Over the years, various proposals have been made—but not enacted—to limit the jurisdiction of federal courts to hear

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cases regarding particular, controversial areas of constitutional law, such as school busing, abortion, prayer in school, and recitation of the Pledge of Allegiance. Congress' Article III authority is generally used to address broad issues of court efficiency and resource allocation, rather than to allocate judicial power in a way that affects or influences the result in cases concerning specific constitutional issues. Limiting the jurisdiction of any court for any particular class of cases raises questions regarding both the separation of powers doctrine and the Equal Protection Clause of our Constitution.

Additionally, it is not settled doctrine that Congress has the power to eliminate Supreme Court review of constitutional questions. As President Reagan's first attorney general, William French Smith, noted: "The integrity of our system of federal law depends upon a single court of last resort having a final say on the resolution of federal questions. The ultimate result of depriving the Supreme Court of jurisdiction over a class of cases would be that federal law would vary in its impact among the inferior courts. State courts could reach disparate conclusions on identical questions of law and the Supreme Court would not be able to resolve the inevitable conflicts."

For all of these reasons, Mr. Speaker, enactment of H.R. 3313 would be unwise and quite possibly unconstitutional. I agree with the late Senator Barry Goldwater who opposed similar "court stripping" bills during his Senate service, stating that "the frontal assault on the independence of the Federal courts is a dangerous blow to the foundations of a free society."

I noted with great interest a letter I recently received from former U.S. Representative Bob Barr, who authored the Defense of Marriage Act in 1996. In his correspondence to members of the House, dated July 19, 2004, former Congressman Barr urged the House to defeat H.R. 3313, stating that it will "needlessly set a dangerous precedent for future Congresses that might want to protect unconstitutional legislation from judicial review. . . . The fundamental protections afforded by the Constitution would be rendered meaningless if others follow the path set by H.R. 3313."

Former Congressman Barr also notes in his letter that, "where I differ with the supporters of H.R. 3313 is in my confidence that the Supreme Court will not invalidate DOMA [the Defense of Marriage Act]. During the lengthy consideration of DOMA, the House of Representatives heard detailed testimony on the constitutionality of DOMA. A parade of legal experts—including the Justice Department—determined that DOMA is fully constitutional. Although there are a few naysayers and wishful thinkers who opined that DOMA is unconstitutional, the overwhelming weight of authority was clear that DOMA is constitutional. Based on the exhaustive review of these opinions, Congress overwhelmingly passed DOMA and it was signed into law by President Clinton. DOMA remains good law. It is a sound and valid exercise of congressional authority, pursuant to the Full Faith and Credit Clause of the Constitution."

Further, former Congressman Barr comments in his letter that "because H.R. 3313 does not strip state courts of jurisdiction to hear challenges to the cross-state recognition section of DOMA, the result will be that each of the 50 state supreme courts will be the final authority on the constitutionality of a federal law. The chaotic result could be 50 different interpretations reached by state supreme courts, with no possibility of the U.S. Supreme Court reversing any incorrect interpretation of the federal DOMA. The potential for mischief by these courts is obvious. Ironically, I fear an increased likelihood of an adverse decision on DOMA's constitutionality if H.R. 3313 becomes law."

Mr. Speaker, for all of these reasons, H.R. 3313 is neither good law nor good policy. My personal belief is that marriage is a union between a man and a woman, but that the regulation of marriage should be left to the states. Amending the Constitution of the United States is a serious matter not to be taken lightly and neither is enactment of legislation that would alter the careful balance of power and responsibility that the founders of our nation apportioned between the three branches of the federal government. I oppose H.R. 3313.

HONORING LOUISIANA EMPLOYER BAKER OIL TOOLS—THE FIRST RECIPIENT OF THE MANUFACTURING EXTENSION PARTNERSHIP OF LOUISIANA'S ANNUAL PACE AWARD

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. JOHN. Mr. Speaker, our local employers are dedicated contributors to our local economies. Each day our local manufacturers not only produce valuable products in our communities, they employ the skills of area workers and resources to get the job done. Manufacturers like the one I am recognizing today are committed to success, and their success directly benefits our communities.

One such local manufacturer is Baker Oil Tools located in Lafayette, Louisiana. Baker Oil Tools is a leader in oilfield services and today they are being honored by the Manufacturing Extension Partnership of Louisiana (MEPoL) with the first-ever Platinum Award for Continued Excellence (PACE Award).

MEPoL—a non-profit business resource based at the University of Louisiana at Lafayette—has a distinguished history of providing business and technical assistance to manufacturing firms throughout the State of Louisiana. They have worked with over 550 Louisiana businesses—including Baker Oil Tools—since 1997 to increase the productivity and profitability of their clients.

MEPoL educated, encouraged and empowered Baker Oil Tools to embrace the principles of 'Lean Manufacturing,' a systematic approach to identifying and eliminating waste in the manufacturing process through continuous improvement. This efficient approach enabled the organizational advancements that led to the receipt of this prestigious award.

Thanks to a committed workforce and leadership dedicated to excellence, Baker Oil Tools has made significant advances in driving productivity, quality and technology throughout their organization. Baker Oil Tools is a local manufacturing leader and this award is an outstanding achievement.

Congratulations to Baker Oil Tools on receipt of MEPoL's first annual PACE award and to their long standing commitment to the people and prosperity of our community.

IN RECOGNITION OF NATIONAL ASSISTED LIVING WEEK

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise today to recognize September 12 to 18 as National Assisted Living Week. Created in 1995 by the National Center for Assisted Living, National Assisted Living Week is being celebrated this year for the first time in collaboration with the American Association of Homes and Services for the Aging and the Assisted Living Federation of America.

Along with good health and access to family and friends, nothing is more important to the senior citizens of our communities than their independence. National Assisted Living Week recognizes senior citizens who prize their independence and honors the professionals, volunteers, and investors who support the facilities and services that help them keep it.

The 2004 NALW theme, symbolized by a family tree and a heart, is "Caring for Our Heritage". The focus is on diverse cultural traditions that enrich our communities at all stages of life and are especially meaningful and comforting to residents of assisted living environments.

Mr. Speaker, I commend NCAL, AAHSA, and ALFA for working together to promote National Assisted Living Week, beginning this Grandparents' Day. We as a nation are grateful to the members of these three organizations for their mission and expertise in advocating and caring for and preserving the quality of life of our senior citizens.

CITY OF COPPELL RANKED IN TOP TEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize five communities within my district for being acknowledged as among the "Top Ten Suburbs of the Dallas-Fort Worth Area," by D Magazine, a regional monthly magazine. Top honors went to Southlake, Colleyville, Highland Village, Flower Mound, and Coppell based on these communities' excellent schools, affordability, and low crime rates.

Every two years, the magazine ranks some fifty plus suburbs of the Dallas-Fort Worth region, the State of Texas' largest metropolitan area. Coppell was ranked number nine on this year's top ten after receiving top marks for its diversity. D Magazine also noted the city's predominantly younger residents and made specific mention of the Coppell Community Garden. Started in 1998, the Coppell Community Garden seeks to promote community "cohesiveness" through volunteer gardening. The Community Garden operates in conjunction with Coppell's Share the Harvest program to provide fresh produce to local food pantries.

I applaud Mayor Doug Stover and the City Council of Coppell for building the City of Coppell into a distinguished community. I am proud to represent such a vibrant city.

HONORING MR. JOHN DANIEL ARTIS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. John Daniel Artis for being selected as the East Chicagoan of the Year. For fifteen years, the Twin City Community Services in East Chicago, Indiana, has awarded this title to prominent members of the community who have greatly contributed to the city and people of East Chicago. This year's festivities will take place Friday, August 20, at the Knights of Columbus Hall in East Chicago. During this prestigious event, John's friends and family will accompany him in a roast held in his honor.

Throughout his education and career, John D. Artis has accomplished many admirable goals. He graduated from Tennessee State University in Nashville, Tennessee, with a Bachelor of the Arts in political science and history and later received his masters in public administration from Indiana University Northwest's School of Public and Environmental Affairs.

After finishing his undergraduate education, John selflessly devoted two years to working as a caseworker for the Crippled Children Division of Gary's Department of Public Works. John then served as the Assistant Director of the Cooperative Area Manpower Planning Agency followed by a two year term as the Supervisor of Relocation for the Department of Redevelopment. As a hardworking, disciplined, and dedicated leader, John was promoted to Deputy Director of Redevelopment in 1975 and to Director of Housing and Redevelopment in 1978, a position he continues to hold. John has been an integral part of several programs that have bettered the lives of those in his community: he aided in designing The Project 10 Program for rehabilitating multi-family buildings and created the First Time Homeownership Program and the Planned United Development to expand public housing. Through these and other projects, John has been spotlighted as an accomplished citizen devoted to providing affordable housing to his fellow man.

Beyond his full and active career, John has also held several positions in an effort to further serve East Chicago. He serves on the Board of Directors of the Community Reinvestment Project, St. Catherine's Hospital, the Healthy East Chicago Board, and the Enterprise Development and Management Corporation. He is also a board member of the Northwest Indiana Urban League, the Quality of Life Council of Northwest Indiana, the Lake County Integrated Services Delivery Board, the Northwest Indiana Discovery Center, and the National City Community Development Foundation. Additionally, John is President of the Partners in Contracting Board of Directors, Treasurer of the Urban Enterprise Association, and a Member of the Gary, Hammond, East Chicago Empowerment Zone Oversight Committee. John's list of memberships continues and includes several other committees that strive to improve East Chicago, illustrating that John has dedicated his life, his time, and his energy to improving the housing, health care, and economic future of East Chicago.

The Knights of Columbus Hall will be filled Friday night with friends and family who have been blessed with the opportunity to know and work with John and who wish to celebrate with him as he receives his award. John's work, which has earned him East Chicagoan of the Year, has been improving his community and the lives of East Chicagoans for over thirty years. Though John is dedicated to his career and the community of East Chicago, he has never limited his time and love for his family. John and his wife, Karen, have been happily married for over thirty years and have one son, Christopher.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Mr. John Daniel Artis on being recognized as the East Chicagoan of the Year. It is my privilege to extend my personal thanks to Mr. Artis for his lifelong dedication to the citizens of the First Congressional District of Indiana. I confidently await Mr. Artis' future contributions to society and wish him continued personal and professional success.

TRIBUTE TO DANIEL J. WATKINS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. MOORE. Mr. Speaker, I rise to note the passing of Daniel J. Watkins, of Prairie Village, Kansas, who passed away peacefully at his home with his wife and children around him on Wednesday, July 21, 2004, the feast day of his patron, St. Daniel the Prophet.

Dan Watkins was born on December 18, 1923, the second of four children of Thomas J. and Theresa A. Watkins, and raised on the family farm near Albia, Iowa. He enlisted in the Navy in 1943 and was commissioned and assigned to the 37th Spec. Construction Battalion (Sea Bees) in the Pacific Theatre, where he was Asst. Company Commander on the island of Oahu, Hawaii, near Pearl Harbor. Following his service in the Navy, Dan completed his studies at Iowa State University, where he earned a degree in civil engineering. He was a member of the Phi Kappa fraternity and the track team. He was also inducted into the Tau Beta Pi, the Knights of St. Patrick and the Iowa Engineering honorary societies.

Dan married Barbara L. Van Cleve on September 9, 1946. They moved to Kansas City in 1947 when Dan accepted a position with the firm of Howard Needles Tammen and Bergendoff. His entire professional career was spent with HNTB, culminating as the chairman of the Executive Committee. He took great satisfaction in the many roads, bridges, airports and other projects that HNTB designed. In 1989, Dan was awarded the Marston Medal by his alma mater, Iowa State University for outstanding achievement in engineering. He was also the recipient of the Distinguished Service Award by the National Society of Professional Engineers and by the Missouri Society of Professional Engineers.

Dan was also very active in civic and charitable organizations serving the metropolitan area. Dan was a member of the Civic Council of Greater Kansas City, serving as a Director from 1985 to 1988. He was also Chairman of the Greater Kansas City Chamber of Commerce in 1982–1983, after serving on the Board for several years. Dan served two terms as Chairman of Carondelet Health Corporation, after serving on the Board from its inception from 1983 until 1989. He was on the Board of Directors of St. Joseph Hospital for six years. Dan and Barb also spent many years fundraising for the St. Martin of Tours League, which sponsors the annual Snow Ball benefiting Catholic Charities for the Archdiocese of Kansas City, Kansas. Dan was President of the League in 1985. In 1987, Dan was selected as the Catholic honoree of the Greater Kansas City Chapter of the National Conference of Christians and Jews. Dan served on the Rockhurst College Board of Regents, the Board of Trustees for the Midwest Research Institute and the Board of Directors of UMB South. He also served as a Prairie Village City Councilman for six years.

Above all else, Dan was a faithful servant of Christ, a loving husband, and devoted father. His greatest gift to us was his example, including his strong Catholic Faith and his devotion to the Rosary. Perhaps the greatest testament to Dan's trust in the Lord was his willingness, together with Barb, to welcome each of their fifteen children into the world and provide all of them with abundant love. Dan will be missed dearly by the family, and his passing is a loss for the entire community.

Dan was preceded in death by his parents, Thomas J. and Theresa A. Watkins, and one infant son, Paul, in whose name Dan sponsored a church built in Africa. Dan is survived by his loving and devoted wife of 57 years, Barbara, who continues to reside at the family home, and by his children and their families: Daniel and Phyllis Watkins, Lawrence, KS; Robert and Julie Watkins, Dallas, TX; Alice and Jim Scherzberg, Olathe, KS; John and Melissa Watkins, Lawrence, KS; Marianne and Paul Horvath, Prairie Village, KS; Jeanne and Gene Schinstock, Hutchinson, KS; Thomas and K. Watkins, Prairie Village; James and Ruth Watkins, Australia; Barbara Sack Hodges and Gene Hodges, Merriam, KS; William and Connie Watkins, Leawood, KS; Molly and Dan DiCarlo, Covington, GA; Frances Hunt, Prairie Village; David and Theresa Watkins, and Patrick and Shannon Watkins, Overland Park, KS; and by his forty grandchildren and ten great-grandchildren, and by his sisters, Mary

Mahoney and Charlene Coady, and his brother, Robert Watkins, of Iowa.

The Watkins family would like to acknowledge the kind, compassionate care of the Sisters, Servants of Mary at the end of Dan's life. I join with all of them, and with Dan and Barb's many friends and neighbors, in mourning the passing of this remarkable man, who gave so much to so many during his rich, full life.

IN HONOR OF MARINE DAVID PAUL BURRIDGE OF LAFAYETTE, LOUISIANA

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. JOHN. Mr. Speaker, I rise today to honor the memory of a fine American, a devoted son and a brave soldier who gave his life serving our Nation in Operation Iraqi Freedom.

David Paul Burridge served with the U.S. Marine's 1st Marine Expeditionary Force. On the afternoon of the 6th of September, was killed outside Fallujah, Iraq when a suicide bomber detonated a vehicle near a U.S. convoy.

David had been stationed in Iraq since April and most recently, his Marine unit was charged with securing the volatile western Anbar province.

David was one of seven brave Marine's killed outside Fallujah on Monday. While we here in the United States honored America's workers on Labor Day, David and his colleagues were hard at work defending our freedom. In the line of duty, David bravely gave his life to help make this world a better place for his fellow soldiers and indeed for us all.

A 2004 graduate of Lafayette High School, David's principal remembered him as "happy-go-lucky," saying "he was just the kind of kid that if I were a teacher, that's the kind of kid that you say, 'I'd take a whole class of them.'"

Mr. Speaker, please join David's friends, family and me as we honor his memory and thank him for his heroic service to our country.

IN RECOGNITION OF THE WELLNESS COMMUNITY OF THE SAN FRANCISCO EAST BAY AREA FOR ITS COMMITMENT TO INDIVIDUALS, FAMILIES, AND LOVED ONES AFFECTED BY CANCER

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise today to bring to your attention the accomplishments of the Wellness Community of the San Francisco East Bay area.

The Wellness Community provides support, education, and hope for people with cancer and their loved ones, serving more than 1,000 participants in the Bay Area annually.

Cancer affects three out of four families across our Nation, over 1.3 million Americans each year. Cancer does not discriminate, crossing all ethnic, racial, age, national origin, sexual orientation, and socio-economic lines. It is one of the most devastating diseases afflicting Americans today.

The Wellness Community of the San Francisco East Bay area provides services to improve the quality of life for cancer patients, their families, and loved ones. Services include weekly and monthly support groups, monthly educational programs, stress management and gentle movement programs, and a cancer resource library.

In addition to providing a close-knit, homelike atmosphere, the Wellness Community's programs also enable those with cancer to take an active stance in combating the disease by forming a support network for patients and their families.

The Wellness Community believes that hope is a valuable tool for combating cancer. Rather than identifying themselves as passive victims, the Wellness Community empowers patients to play an active role in improving their own lives by working directly with their healthcare teams to bring about the possibility of recovery.

Mr. Speaker, I rise today to recognize and commend the Wellness Community on over twenty years of dedicated service in improving the lives of individuals, families, and loved ones who are affected by cancer in the San Francisco Bay area.

I urge the House of Representatives to recognize their declaration of September 18, 2004 as "The Wellness Community Day of Celebration."

CITY OF COLLEYVILLE RANKED IN TOP TEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

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Every two years, the magazine ranks some fifty plus suburbs of the Dallas-Fort Worth region, the State of Texas' largest metropolitan area. Colleyville was ranked number five on this year's top ten after receiving top marks as a "laid back" community. D Magazine also noted the city's recognition for being a national "Kid Friendly City," "Tree City U.S.A." and "Texas' Safest City."

I applaud Mayor Joe Hocutt and the City Council of Colleyville for building the City of Colleyville into a distinguished community. I am proud to represent such a vibrant city.

COMMENDING DR. MILDRED C. HARRIS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the God First Ministries East Chicago, Indiana Chapter will be hosting a heavenly breakfast on Saturday, September 18, 2004, at the Dynasty Banquets Hall, in Hammond, Indiana.

This year's guest speaker, Dr. Mildred C. Harris, is one of the most caring, dedicated, and selfless citizens of Illinois. Dr. Harris graduated from DePaul University with a Bachelor of Arts degree in Human Development with an emphasis on Communication Science. She then obtained a Master of Arts degree from Governors State University, a Master of Arts degree in Pastoral Studies from Loyola University, and a Doctorate in Ministry from the International Bible Institute and Seminary. Dr. Harris also holds two honorary doctorate degrees.

Dr. Harris has demonstrated a sincere love for the community in which she lives. In addition to improving the lives of others through her professional career as a retired school teacher, Dr. Harris is an ordained minister. She is the President and CEO of God First Ministries in Chicago, Illinois, and she has also established other God First Chapters in the states of California, Georgia, Illinois, Indiana, and Ohio. Dr. Harris was selected as one of the 6 leading ministers from the City of Chicago to participate in the Chicago Remembers September 11th Observance in leading the Prayer of Hope for Chicago. She has also volunteered her time to champion many causes aimed at bringing comfort to those in need of assistance. Under her leadership, God First Ministries has fed thousands of people, given scholarships to graduating high school seniors, and hosted a clothing drive in which 21,000 clothing items were distributed to those in need.

Among her many contributions to the care of all people, Dr. Harris is a member of several boards and organizations, including: the Independent Assemblies of God, the National Religious Conference Management Association, the Administration Interacting with Ministers/Concerned Clergy for a Better Chicago, African American Religious Connection, the United Negro College Fund Advisory Board, Chicago Department on Aging Task Force, Women's Board of the Goodman Theatre, and the Local Government Advisory Board for the state of Illinois.

Although she dedicates her life to serving her community, Mildred never limits the time she gives to her loving family. She is the daughter of the late Dr. and Mrs. Jordan Clopton and she is married to Dr. Herbert C. Harris.

For all of her conscientious efforts, both professionally and voluntarily, Dr. Harris has been recognized by her peers by earning numerous awards for excellence. She has authored three books and was awarded the Popular Music

Award from the American Society of Composers. Dr. Harris was also featured on billboards and busses throughout Chicago promoting a citywide organ donation drive. In 2000, she was awarded the Woman of the Year Award from the American Biographical Institute. She was then honored with the Dominick's Fresh Spirit Award as one of Chicago's Leading Women Religious Leaders in 2001. Dr. Harris was also featured in the Religious Conference Management Association, Who's Who 2002–2003.

Mr. Speaker, throughout Dr. Harris's career in ministry she has touched the lives of many around the world. Her unselfish and lifelong dedication to those in need is worthy of the highest recommendation. I am proud to commend her for her lifetime of service and dedication.

TRIBUTE TO THE LATE RICHARD A. BLOCH

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. MOORE. Mr. Speaker, I rise today to note the passing of Richard A. Bloch, of Kansas City, Missouri, who was a co-founder of H&R Block, Inc., and a passionate crusader for cancer patients.

In 1955, Richard Bloch and his brother, Henry, relaunched a small family-owned bookkeeping service as H&R Block, focusing on income tax preparation. Richard Bloch was a primary force behind the company's rapid expansion in the two decades thereafter.

Diagnosed with terminal lung cancer and told he had 3 months to live in the late 1970s, he was declared cured after 2 years of aggressive therapy. After that, Richard Bloch dedicated the rest of his life to helping others fight cancer. He and his wife, Annette, founded the R.A. Bloch Cancer Management Center and the R.A. Bloch Cancer Support Center at the University of Missouri, Kansas City, which became models for more than 100 similar organizations nationwide. As he once said, "Our sole goal is to try to get people to fight. If they fight, they have a chance to win."

Another of his signature achievements was creating the Physicians Data Query, a computer program now used by the National Cancer Institute that provides treatment for all forms of cancer. To honor Bloch, the Federal Government named the Bethesda, Maryland, building that is housing the program as the R.A. Bloch International Cancer Information Center.

Born on February 15, 1926, in Kansas City, Missouri, he is survived by Annette, his wife of 58 years, their four children, and fourteen grandchildren. Earlier, I had introduced House Resolution 376, which expresses the sense of the House of Representatives with respect to the Bloch Cancer Foundation; its text aptly summarizes the many public contributions made by Richard Bloch, and I include it here:

Expressing the sense of the House of Representatives with respect to the Bloch Cancer Foundation.

Whereas Richard and Annette Bloch are founders of the Bloch Cancer Foundation, established in 1980;

Whereas Richard and Annette have gifted to the University of Missouri-Kansas City the Bloch Support Center, a center which reaches out to cancer-stricken patients, their supporters, and caregivers, through education, counseling, and research designed to achieve the highest quality of life while living with cancer, and, in addition, offers professional education opportunities for students to receive training and research skills that deal with the psychological aspects of cancer;

Whereas Richard Bloch, along with the National Cancer Institute, implemented a computer program called PDQ ('Physicians Data Query') that gathers information from every cancer center in the United States and 22 foreign countries and gives the state of the art treatment for every type and stage of cancer in addition to all available experimental therapies;

Whereas Richard and Annette Bloch authored three books: 'Cancer . . . There's Hope' about Richard's battle with his 'terminal' lung cancer; 'Fighting Cancer', a step-by-step guide showing cancer patients how to fight the disease; and 'Guide for Cancer Supporters', geared exclusively to supporters of cancer patients;

Whereas Cancer Survivor Parks have been established to help cancer survivors, to be a tribute to these survivors, and to be a celebration of life in Kansas City, Missouri; Houston, Texas; Dallas, Texas; Cleveland, Ohio; Columbus, Ohio; Indianapolis, Indiana; Rancho Mirage, California; New Orleans, Louisiana; Santa Rosa, California; Jacksonville, Florida; Bakersfield, California; Phoenix, Arizona; Baltimore, Maryland; Chicago, Illinois and Omaha, Nebraska;

Whereas Dick and Annette's foundation has gathered a wide variety of volunteers including doctors sharing their time, computer specialists creating informative and helpful web sites, home volunteers making calls to offer guidance and hope to new patients, and in-house volunteers answering phone calls, e-mails, and being there when called upon;

Whereas Richard and Annette Bloch in 1980 founded the Bloch Cancer Hot Line, an organization composed of more than 500 cancer survivors that has fielded over 125,000 calls in the last 20 years, which on June 4, 2003, celebrated its 23rd anniversary of giving hope, support, and information to those who call;

Whereas June 4, 2003, also marked the 18th anniversary of the first Cancer Survivor Day Rally, held originally in Kansas City, Missouri, and now held in over 700 communities throughout the United States; and

Whereas the Cancer Survivor Day Rally glorifies the attitude that cancer and death are not synonymous and that a cancer diagnosis does not represent a decrease in the quality of life: Now, therefore, be it

Resolved, That the House of Representatives commends Richard and Annette Bloch and the Bloch Cancer Foundation and their network of invaluable volunteers on behalf of 8,400,000 Americans living with cancer.

Additionally, Mr. Speaker, I include in the RECORD an article surveying Richard Bloch's life and accomplishments that appeared in today's Kansas City Star:

A SUCCESS IN BUSINESS—AND AT HELPING OTHERS

(By Gene Meyer)

Richard Bloch, a passionate crusader for cancer patients and co-founder of the world's largest tax preparation company, H&R Block Inc., died of heart failure Wednesday morning at his home.

He was 78.

Bloch and his brother, Henry, relaunched a small family bookkeeping service in 1955 as H&R Block, specializing in what then was the newly emerging field of income tax preparation.

Although Henry Bloch may be more widely associated with the company because of the advertising campaigns in which he appeared, Richard Bloch is credited as a driving force in the company's rapid expansion in the 1960s and later.

"Dick was a true entrepreneur, and his energy and talents helped create the path that makes H&R Block the professional and accessible company it is today," said Mark Ernst, the company's current chairman and chief executive.

"His personal integrity and commitment to helping people remain an important part of our company's culture," Ernst said.

In addition to his business accomplishments, Richard Bloch in his later years touched tens of thousands more lives through his courageous personal battles with cancer, and his tireless advocacy for cancer patients.

Bloch was diagnosed with terminal lung cancer in 1978, and was told he had three months to live. But he fought the disease and was declared cured after two years of aggressive therapy. He was diagnosed in 1989 with colon cancer, which he also fought aggressively and survived.

Bloch always attributed his successful fight to the support of his family, finding the right skilled medical help and keeping a positive attitude.

"Our sole goal is to try to get people to fight," he said in a story last year commemorating his 25 years of helping other cancer survivors. "If they fight, they have a chance to win."

Bloch returned briefly to Block as chairman after fighting his lung cancer, but sold his interest in the enterprise in 1982 to become a full-time crusader for cancer patients everywhere.

Henry Bloch could not be reached for comment Wednesday. A spokesman said he was occupied with funeral arrangements.

Richard Bloch and his wife, Annette, who survives him, founded one of the first cancer hot lines in the U.S. in 1980, which has since logged more than 125,000 calls from newly diagnosed cancer patients. The Blochs also founded the R.A. Bloch Cancer Foundation Inc., plus the R.A. Bloch Cancer Management Center and the R.A. Bloch Cancer Support Center at the University of Missouri-Kansas City.

The centers have become models for a national network of more than 100 similar organizations across the United States that provide medical, moral and other support for cancer patients and their families.

"He was always one of our best volunteers," said Vangie Rich, administrator of the cancer support center.

"He never hesitated to share his home phone number with anyone who wanted to talk about cancer," Rich said.

Bloch also conceived the Physician Data Query, a computer program at the National Cancer Institute that provides the latest treatment options for all types of cancers. He started an annual Fighting Cancer Rally now held in several U.S. cities on the second Sunday of each June. He financed the Richard and Annette Bloch Cancer Survivors' Park in Kansas City. And he wrote several books supporting cancer education, awareness and support for survivors.

He served on the advisory board of the National Cancer Institute and was a member of the Institute of Medicine and the President's Circle of the National Academy of Sciences. Late in life, he pushed for laws making second opinions mandatory for patients diagnosed with cancer.

"He definitely will be missed," said Anne Mueller of Mission, whose husband, David, has survived four kinds of cancer since 1978 and has worked with Bloch as a hot line volunteer.

"He's been an inspiration to David and many others," Anne Mueller said. "Now we look at it as cancer with a small c, not cancer with a big C."

Bloch was born Feb. 15, 1926, in Kansas City. He attended Bryant Elementary School, Southwest High School and the Wharton School of Finance at the University of Pennsylvania.

Funeral services are scheduled for 10:30 a.m. Friday at Louis Memorial Chapel, 6830 Troost Ave.

The R.A. Bloch Cancer Foundation, at 4400 Main St. in Kansas City, can be reached online at www.blochcancer.or or by calling 1-(800) 433-0464.

HONORING ARMY SPC. JOSEPH C. THIBODEAUX, III OF LAFAYETTE, LOUISIANA

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. JOHN. Mr. Speaker, I rise today to honor the memory of a fine American, a devoted son, brother and friend who gave his life serving our nation in Operation Iraqi Freedom.

Spc. Joseph C. "Joe" Thibodeaux, III served with the U.S. Army's 25th Infantry Unit stationed in Hawaii. On the 1st of September, while in a convoy on a mission in Iraq near Hawija, Joe was killed by enemy sniper fire.

Joe is survived by his parents Rebecca and Joseph, Sr. as well as a half-sister, Jennifer Karen Savoy; brothers Greg Thibodeaux, Army Maj. Maxwell Thibodeaux and Jerome Thibodeaux; and a younger sister, Brittany Thibodeaux.

He is also survived by his maternal grandmother, Thelma Istre of Egan, LA and his uncles Daniel Istre, Johnny Istre, O'Neil Istre, James Istre and John R. Thibodeaux, all of Lafayette, as well as many proud nieces and nephews.

An Army sharpshooter, Joe had just re-enlisted in the service and planned to teach at the Army sharpshooter school when he returned from Iraq. Family and friends describe him as a "kind-hearted soul" who loved what he did and took great pride in serving his country.

On September 1, Joe undoubtedly approached what would be his last assignment with that same pride and determination. He bravely gave his life to help make this world a better place for his fellow soldiers and indeed for us all.

His brother Jerome remarked that Joe "lived as if he were invincible, and now he'll be forever invincible." Joe's selfless bravery and commitment to country are an example to each of us.

Mr. Speaker, please join Joe's friends, family and me as we honor his memory and thank him for his heroic service to our country.

TOWN OF FLOWER MOUND RANKED IN TOP TEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize five communities within my district for being acknowledged as among the "Top Ten Suburbs of the Dallas-Fort Worth Area," by D Magazine, a regional monthly publication. Top honors went to Southlake, Colleyville, Highland Village, Flower Mound, and Coppell based on these communities' excellent schools, affordability, and low crime rates.

Every two years, the magazine ranks some 50 plus suburbs of the Dallas-Fort Worth region, the State of Texas' largest metropolitan area. The Town of Flower Mound received the number eight spot on the list and was recognized for its ability to "maintain a balance between city luxuries and country simplicities." With a population of 59,350 people and an annual growth rate of 20 percent, Flower Mound is the largest suburb to make the Top Ten.

Because of its astonishing growth rate in recent decades, the Town has implemented two highly effective programs seeking to enhance quality of life for its residents. Flower Mound's SMARTGrowth plan has successfully preserved the area's natural beauty without compromising growth. The Progressive Capital Improvements Program has been important in addressing the needs of residents from roads to recreation.

I am proud to say that I am a resident of Flower Mound, and I would like to offer my congratulations to the Town of Flower Mound and Mayor Jody Smith.

RECOGNIZING MR. ERNIE DILLON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate one of the most selfless and caring citizens of the First Congressional District of Indiana, Mr. Ernie Dillon. Ernie has dedicated his life to serving the people of Northwest Indiana. His career as a public servant has allowed him the opportunity to touch the lives of numerous people. In honor of his faithful service to his alma mater, Hammond Tech High School, Ernie will be recognized by the Hammond Tech Appreciation Society for his dedication to their mission at a recognition dinner on September 12, 2004 at Dynasty Banquets in Hammond, Indiana.

Ernie Dillon has held many offices and positions throughout his career as a public servant. He is currently the Director of the Lake County Department of Veterans Affairs Service Office and Chairman of the Hammond Port Authority. Prior to that, he was elected Councilman-at-Large for the City of Hammond. While on the Council, Ernie served as Vice-President and Chairman of the Finance Committee, overseeing a budget of $95 million. Ernie has also served the City of Hammond as Commissioner of the Board of Zoning Appeals.

Along with the countless hours of dedication that Ernie has provided to the people of Northwest Indiana, he has also been involved with many organizations in the community. Ernie has been a longtime member and past Commander of American Legion Victory Post #168, and he is currently serving a second term as Vice Chairman for the State of Indiana Veterans Homeless Committee. Ernie has also been a committed member of the Calumet College Alumni Association, the Hammond Central Lions Club, the Hammond Elks, the Hammond Jaycees, the Hammond Kiwanis Club, the Hammond Moose Club, and he has also been a member of the T.K.E. Fraternity.

I have known Ernie for many years and I can truly say that he is a dedicated, distinguished and committed citizen. Through his loyal service to his community, Ernie has been responsible for the development of numerous programs and activities, which have become sources of pride for the people he has served. As a dedicated member of the Lake County Convention and Visitors Bureau Board of Directors, Ernie was instrumental in designing and bringing the Indiana Welcome Center to Hammond, Indiana. Ernie's foresight also enabled him to found the City of Hammond's first city festival, Octoberfest, in 1979. This later became the Augustfest and is now known as the Festival of the Lakes. This festival continues to provide entertainment to residents and visitors of Hammond.

While Ernie has dedicated a considerable amount of time and energy to his community, he has never limited the time he gives to his most important interest, his family. Ernie and his wife Margie have four children, Steven, Lori, Elizabeth, and Kathleen. They are also the proud grandparents of Elija, Korey, and Faith.

Mr. Speaker, Ernie has given his time and efforts selflessly to the people of Lake County throughout his years of service. He has taught the true meaning of service to all members of the Northwest Indiana community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Ernie Dillon for his outstanding contributions to Indiana's First Congressional District. I am proud to commend him for his lifetime of service and dedication.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR S. 1576

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. POMBO. Mr. Speaker, I request that the attached cost estimate for S. 1576, the Harpers Ferry National Historical Park Boundary Revision Act of 2003, be submitted for the RECORD.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1576—Harpers Ferry National Historical Park Boundary Revision Act of 2003

As reported by the House Committee on Resources on July 14, 2004

S. 1576 would expand the boundary of the Harpers Ferry National Historical Park in West Virginia by about 1,240 acres. The act would authorize the National Park Service (NPS) to acquire the added acreage by purchase, donation, or exchange, except that lands that are already owned by the federal government would be acquired by transfer. Finally, the act would authorize the appropriation of whatever amounts are necessary for these purposes.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1576 would cost the federal government about $5 million over the next year or two. Of this amount, we estimate that $4 million would be used to purchase about 190 acres of private property, and $1 million would be used to develop that land. The remaining acreage that would be added to the park is either already owned by the federal government or would be donated by the nonprofit Civil War Preservation Trust. CBO estimates that additional costs to operate and maintain those additional lands would be less than $200,000 a year. This estimate is based on information provided by the NPS.

S. 1576 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

On March 25, 2004, CBO transmitted a cost estimate for S. 1576 as ordered reported by the Senate Committee on Energy and Natural Resources on March 9, 2004. The two versions of the legislation are identical, as are the estimated costs.

The CBO staff contact for this estimate is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CITY OF HIGHLAND VILLAGE RANKED IN TOP TEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize five communities within my district for being acknowledged as among the "Top Ten Suburbs of the Dallas-Fort Worth Area," by D Magazine, a regional monthly publication. Top honors went to Southlake, Colleyville, Highland Village, Flower Mound, and Coppell based on these communities' excellent schools, affordability, and low crime rates.

Every two years, the magazine ranks some 50 plus suburbs of the Dallas-Fort Worth region, the State of Texas' largest metropolitan area. Highland Village was ranked number seven on this year's top ten after receiving top marks for its prime location on Lake Lewisville. D Magazine also noted that the city was ranked by the FBI as North Texas' Safest City two years running. Highland Village residents enjoy spending time around the lake and walking around the 12 foot wide walking trail that traverses the community.

I applaud Mayor Bill Lawrence and the City Council of Highland Village for building the City of Highland Village into a distinguished community. I was a long-time resident of Highland Village, and I am proud to represent such a vibrant city.

RECOGNIZING MAJOR GENERAL TERRY E. JUSKOWIAK, COMMANDING GENERAL, UNITED STATES ARMY COMBINED ARMS SUPPORT COMMAND AND FORT LEE, VIRGINIA, FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. FORBES. Mr. Speaker, I rise today in recognition of Major General Terry E. Juskowiak, Commanding General of the United States Army Combined Arms Support Command and Fort Lee, for his loyal service to the United States and Virginia's Fourth District.

Major General Juskowiak's dedication and loyalty to the advancement of our district and the nation as a whole is to be commended.

Major General Juskowiak's devotion to duty has reflected the highest standards of the militarily profession through a number of command and staff positions. He served with the 82nd Airborne Division as a member of the division staff and participated in Operation Just Cause in Panama. He went on to command the 407th Supply and Transport Battalion (Airborne), 82nd Airborne Division during Operations Desert Shield and Desert Storm. He also served as Commander of the Division Support Command, 10th Mountain Division (Light Infantry) in Fort Drum, New York. He deployed to Haiti for Operation Uphold Democracy. He also participated in an eight-month rotation to the Bosnian Theater as the Assistant Division Commander for Support with the NATO Stabilizing Force for Operation Joint Endeavor/Guard. In 1998, Major General Juskowiak served as the Commanding General of CJTF-Kuwait during Operation Desert Fox. In 2000, he earned the position of Deputy Chief of Staff for Logistics at Headquarters, United States Army Forces Command. He then went on to additionally take on the responsibility of Commanding General of the Combined Arms Support Command and Fort Lee. His military education is extensive and includes the U.S. Army Command and General Staff College, and the Industrial College of the Armed Forces. Major General Juskowiak also holds a Bachelor of Arts degree from the Citadel and a Masters degree of Science in Contract and Acquisition Management from the Florida Institute of Technology.

Major General Juskowiak's awards and decorations include the Defense Superior Service Medal, the Legion of Merit with two Oak Leaf Clusters, the Defense Meritorious Service Medal with OLC, the Bronze Star Medal, the Meritorious Service Medal with Silver Leaf Cluster, the Army Commendation Medal with OLC, the Army Achievement Medal, Master Parachutist Wings, the Ranger tab, the Parachute Rigger Badge, the General Staff Identification Badge, the Australian, the Canadian, the Greek and the Israeli parachute badges.

Major General Juskowiak has shown tremendous commitment and devotion to his country. Today we recognize him for his unwavering patriotism and dedication to both his profession and the American people.

Mr. Speaker, please join me in honoring Major General Terry E. Juskowiak.

HONORING BELLEROSE MAYOR THOMAS VAN BUSKIRK

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to honor Thomas Van Buskirk, the Mayor of Bellerose Village and a person I am pleased to call a friend. After serving the village for almost 20 years, the last 11 as Mayor, he is taking a well deserved retirement. I thank him for his dedicated and loyal service.

Tom moved to Bellerose Village with his family, wife Roberta and their two sons Tom Jr. and Christian, in 1985 and immediately immersed himself into the town. He became a member of the fire department in 1986 and within six years was the Second Deputy Chief. In 1988, he was appointed to the Village's Board of Trustees as well as Recreation Commissioner. In 1991, in his election victory for the Board, Tom received more votes than any other candidate in the history of Bellerose Village.

By revitalizing the Recreation Commission, Tom was able to improve the community by providing residents with opportunities to enjoy leisure activities. He also installed the first children's play area in the recreation area. Maintaining his focus on energizing the community, Tom, along with Roberta, instituted the Annual Food Drive to help the less fortunate in the surrounding areas. They also started the Village Bellerose Summer Children's Program in 1989, which gives children and teenagers a place to participate in sports and arts and crafts for two summer weeks. One of Tom's major successes has been the revamping of Bellerose Village Day, one of the town's best attended functions, which culminates in a barbecue for over 400 people.

Elected as Mayor in 1993, Tom put his energy into moving the Village forward into the new millennium. He renovated Village Hall, upgraded the fire departments and first responders, repaired the drainage system, and on and on. As Mayor, Tom has always taken pride in his relationship with the residents of Bellerose. He has taken the time to quickly help resolve peoples' issues.

As for all Americans, particularly New Yorkers, 9/11 was, and is still a difficult day. Although he was hurting, Tom led the town through the difficult time by bringing everyone together and honoring those lost and supporting our country. On the first anniversary of 9/11, he orchestrated the development of a Memorial Garden to the victims of 9/11 and dedicated the garden and a monument to those lost.

In Tom's tenure as Mayor he has revitalized the infrastructure of the Village and the spirit of the residents. Through hard work, dedication and his love for his hometown, Tom has made Bellerose Village's slogan come to life, "Bellerose Village . . . an American Beauty." I am happy Tom and his family have no plans of leaving Bellerose because although he is no longer Mayor, I know he will be active in his community. Once again Tom, thank you.

CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

SPEECH OF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to voice my support for the conference report for H.R. 4613, the Department of Defense Appropriations FY05. At a time when our brave men and women in uniform are serving their country with great honor and distinction, this legislation will provide valuable funding for personnel, equipment, and so many other great needs our military faces. This money is critical to their continued success in their current missions. As long as our troops are in harms way, fighting the war on terrorism, we must continue to make sure they receive our full support.

The district I represent includes well over one hundred thousand soldiers at Fort Meade and the Aberdeen Proving Ground. This bill provides a 3.5 percent pay raise for our uniformed personnel—a critical step in the right direction. This bill also includes important funding for our Active Guard Personnel for their missions abroad and here at home.

This conference report includes the proper balance of tactical military and necessary diplomatic funding. For example, I am pleased to see money for many important projects like the Shadow 200 TUAV and the F/A 22 fighter as well as support for humanitarian initiatives. The Shadow 200 TUAV, which is a product of one of the vital military companies in the Maryland 2nd Congressional District, allows for secure surveillance operations to be performed with optimal safety for our military personnel. I am also pleased to see that the F/A–22 fighter program has received the full appropriation request. And I believe that the $95 million dollar appropriation to aid State Department efforts in Sudan and Chad represents an important part of our responsibility to ensure that stability and security are brought to this region of the world.

The strong fabric of our Nation is held together by those who are willing to put their lives on the line to defend our core values, and we need to support these brave men and women by putting the proper resources in place to allow them to most safely complete their mission. I am pleased with the results of this bill as it gives crucial assistance to our brave military service members.

UNITED STATES-MOROCCO FREE TRADE AGREEMENT IMPLEMENTATION ACT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. WAXMAN. Mr. Speaker, I deeply value the close relationship between the United States and Morocco and the effort to strengthen our economic ties. Morocco is one of our strongest partners in the war on terrorism. The Kingdom, under the leadership of King Hassan II and now his son King Mohammed VI, has long been a steadfast supporter and key player in the Middle East peace process. Its recent designation as a major non-NATO ally is an important step toward further enhancing coordination between our countries on security issues.

In many ways, this free trade agreement, or FTA, is a tribute to the significant economic and political reforms that Morocco has recently undertaken to stimulate growth and development. I strongly support the FTA's robust antipiracy standards to protect the transmission of digital, satellite, and other copyrighted material, as well as broad market access for a wide array of audio visual products and services. I regretfully rise in opposition to this agreement, however, because of a number of other troubling provisions that could have profound public health consequences for the Moroccan people.

At the crossroads between Africa and Europe, Morocco is actively engaged in the battle against the spread of the HIV/AIDS epidemic. With 19 percent of its people living in poverty, the country's healthcare system is stretched thin and heavily reliant on the availability of generic drugs. It is shocking to me that despite this reality, the Bush administration's trade negotiators demanded intellectual property restrictions that will severely curtail Morocco's generic market.

Most egregiously, the FTA requires Morocco to grant an automatic five-year monopoly to all new drugs introduced in the market, freeing them from competition with less expensive generic copies even if their patents have already expired. The Bush administration maintains that it negotiated the standard based on U.S. laws like Hatch-Waxman, which provides similar protections for new drugs introduced in the United States. But this is a distortion of the bill I co-authored. When Hatch-Waxman was devised in 1984, virtually no generic drugs were available in the United States. The law was passed to increase competition by easing the approval of low-cost generics while providing specified periods of exclusive marketing to help pharmaceutical companies recoup development costs. In sharp contrast, Morocco is a country with a robust generic market where the introduction of this measure will only reduce competition and cause drug prices to soar.

As a co-author of Hatch-Waxman, I cannot emphasize enough that this carefully balanced legislation represented a tailored solution to a specific regulatory problem in the United States. It is irresponsible for U.S. trade negotiators to apply the same policy in a developing country like Morocco whose generic drug market, health-care regulatory system, and public health needs look nothing like those in the United States.

Although the Bush administration has cited the inclusion of similar provisions in the Jordan FTA as a precedent, there is clear evidence that the restrictions on the availability of generics have already had a terrible impact there. First, as the Wall Street Journal recently reported from an interview with the Executive Director of the Global Fund to Fight AIDS, AIDS drugs purchased in Jordan with Global Fund money cost an average of $7,000 a year per patient, compared with the average $250 to $400 paid in other countries. Second, the U.S.-Jordan FTA was signed before the WTO's Doha Declaration on trade and health authorized developing countries like Jordan to resist such regulatory changes and preserve access to affordable drugs for life-threatening diseases.

Under this agreement, the Moroccan government could not import generic copies of drugs if domestic prices became too expensive because the FTA codifies U.S. and Moroccan laws that allow patent holders to block the importation of their product. Here in the United States this provision undermines the ongoing debate in Congress over the legalization of re-importation of low-cost drugs. In Morocco, however, it is much more damaging because it makes it impossible for Morocco to change its laws, as permitted by the Doha Declaration, to import drugs if a public health crisis arises.

In the event of a public health emergency, the only recourse Morocco would have is to strip a drug of its patent and issue a compulsory license for another company to produce a generic copy and distribute it at a lower cost. Even then, however, Morocco would be vulnerable to a trade challenge because the FTA's investment chapter allows companies to sue for the expropriation of intellectual property. Although the agreement specifies that a challenge could not be made over the use of the patent in order to produce the generic copy, it does permit challenges over the use of a company's undisclosed safety and efficacy testing data to approve its distribution.

The pharmaceutical industry has spoken openly about its efforts to raise drug prices and profit margins around the world. I do not think we should let drug companies use trade agreements to undermine the Doha Declaration and get health policy changes they could not otherwise achieve. Unfortunately, these provisions have become part of a cookie-cutter mold that also appears in the recently negotiated U.S. FTAs with middle and high-income countries like Chile, Singapore, Australia, and Bahrain, as well as poverty-stricken developing countries like Thailand, Southern Africa, and the countries in the Andean and Central American regions.

Another serious public health problem posed by the U.S.-Morocco FTA is its across the board cuts in agricultural tariffs that will eliminate Morocco's 25 percent tariffs on imported cigarettes. Although Morocco's 65 percent excise taxes on cigarettes will remain in place, I am disappointed that the FTA could increase cigarette consumption in a country where smoking is common among youth. In fact, in July 2002, I sent a letter asking the Centers for Disease Control a series of questions about the impact of tariff reductions in trade negotiations on cigarette consumption. After two years the letter has gone unanswered even as trade agreements with Morocco and Thailand have moved forward without regard to the crisis of tobacco addiction in these countries.

I believe in the benefits of free trade, but not at the expense of public health. While I strongly support our alliance with Morocco and want to support this trade agreement, I cannot do so in good conscience. I hope that future trade negotiations will work for more progressive and forward-looking agreements that both expand markets and advance positions more respectful of our trade partners' public health needs.

HONDA'S 25 YEARS OF MANUFACTURING IN OHIO

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Ms. PRYCE of Ohio. Mr. Speaker, September 10, 2004 marks a significant milestone for a major international motor vehicle company located in my congressional district. Twenty-five years ago, the first Elsinore motorcycle rolled off Honda's Marysville motorcycle plant assembly line with 64 associates, marking the beginning of Honda's manufacturing presence in Ohio.

From motorcycle production, Honda became the first Asian automaker to manufacture vehicles in the U.S., a 1983 Honda Accord produced on November 1, 1982. Engines and transmissions are among the other products Honda has added to the Ohio production list over the last 25 years. In 2003, Honda was the top manufacturer of motor vehicles in the state. The company's facilities produced 677,000 automobiles and 108,000 motorcycles and ATVs last year alone.

Today, that Ohio presence represents 16,000 jobs at Honda, investments of $6.1 billion in plants and equipment, as well as 154 Ohio supplier companies that employ more than 40,000 Ohio residents. Over this time period, Honda's Ohio manufacturing facilities have produced 10 million automobiles, 830,000 motorcycles and 1.2 million ATVs. In 25 years, Honda has never laid off one employee, a remarkable achievement.

A recent study of Honda's economic impact provides some further insight into the company's presence in Ohio and its positive impact on the state economy. Among the findings, in 2003, seven jobs were created for every individual directly employed by Honda. That results in 128,000 additional jobs and means $3.30 is generated for every $1 Honda pays in wages. Total statewide earnings were $4.85 billion in 2003. In addition, state and local taxes paid by Honda and its associates total $1 billion.

Across the U.S., Honda employs more than 25,000 associates. Their facilities include eight factories and ten research and development facilities. In the U.S., Honda's capital investment exceeds $7 billion with more than $12 billion in parts and materials purchased annually from 580 suppliers in 33 states.

Honda's philosophy of respect for the individual is the cornerstone of placing responsibility and accountability with each associate. That philosophy and accountability has allowed its U.S. workforce to produce the highest quality products at an affordable price and great reliability. Honda's involvement in the communities where its facilities are located has been another key to its success because it has treated state and local leaders as well as parts suppliers as equal partners. Honda is a great example of a company that has invested and reinvested significant financial and human resources in its plants, equipment and associates here in the U.S.

I want to offer my congratulations to Honda on the occasion of the 25th anniversary and look forward to another 25 years of growth and success in Ohio and throughout the U.S.

CONGRATULATING DIANA ROYCROFT ON WINNING FIRST PLACE IN THE JUNIOR HISTORICAL PAPER CATEGORY OF THE 2004 FLORIDA HISTORY FAIR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. MILLER of Florida. Mr. Speaker, it is my honor today to recognize Diana Roycroft and congratulate her on winning first place in the Junior Historical Paper category at the Florida History Fair and also for her participation at the National History Day competition.

Sponsored by the Museum of Florida History, the Florida History Fair is an annual statewide activity that enhances the teaching and learning of history at both the elementary and secondary levels. The first and second place winners in each category and division of the fair earn the right to represent the State of Florida at the National History Day competition. The 2003–2004 theme was "Exploration, Encounter, Exchange in History". Participating students analyzed and interpreted information they gathered from primary and secondary resources and expressed their findings in a paper, exhibit, performance, or documentary.

Diana Roycroft is a student at the PATS Center and Workman Middle School in Escambia County, Florida. Diana received first place in the category of Junior Historical Paper for her paper entitled "Heroes in the Bubble" at the Florida History Fair on May 9 in Tallahasse, Florida. Diana's paper detailed the courageous fight of the ball turret gunners in the B–17 and B–24 bomber planes during World War II. Those brave young men who served as gunners deserve great honor and respect for their service to this nation. Diana's first place award at the Florida History Fair earned Diana the distinct honor of representing the Sunshine State at the 2004 National History Day competition in College Park, Maryland, on June 13–16.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate and offer my sincere appreciation to Diana Roycroft and all the participants of the Florida History Fair and the National History Day competition. It is because of bright students like Diana Roycroft that America is a hopeful nation destined for a bright future.

HONORING MARK F. GRADY, DEAN OF GEORGE MASON UNIVERSITY SCHOOL OF LAW

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mark F. Grady for his years of dedicated service to the George Mason University School of Law.

Dean Grady has been a pivotal member of the George Mason community for 6 years, both as Dean and professor of law. Students enjoy his wisdom and expertise in the area of law.

As the dean of the School of Law, Mr. Grady has played an important role in the success of the school and its students. Through his guidance, George Mason has become the youngest law school ranked in U.S. News and World Report's top tier.

Under Dean Grady's direction, the School of Law has become a national leader not only of law but also economics and technology. In 1999, the National Center for Technology and Law was established. This center examines the causality of the existing legal structure and the society's evolving economy. Through this relationship, new fields of course work were created that allow the student to gain the necessary skills to succeed in both technology and communications.

George Mason School of Law is one of the most innovative schools in the country. Due to its emphasis on intellectual property, technology law and the legal application of economic methods, George Mason was also ranked in the top 10 in the Nation for an outstanding faculty in law and economics in University of Texas Professor Brian Lieter's Ranking of Law Faculty Quality for 2003.

Professor Grady should be honored and commended for his dedication to not only the School of Law but also the surrounding community. With his instruction and guidance, he has enabled Mason Law graduates to pursue careers in numerous fields and become successful attorneys who practice law with great distinction and honor.

Mr. Speaker, in closing, I would like to extend my heartfelt thanks to Dean Grady for his years of service and dedication to George Mason University. His contributions and efforts are noted and greatly appreciated. I wish him the best of luck in all future endeavors.

TRIBUTE TO MR. ERNEST J. GREGORY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, it has come to my attention that Mr. Ernest J. Gregory is retiring after 37 years of exemplary Federal service, initially with the United States Air Force and then as a career civil servant in the Department of Defense (DoD). Mr. Gregory is a gifted leader and manager, and has served his country with dignity, honor and integrity.

Ernest Gregory, a native of the Commonwealth of Pennsylvania, is a 1967 graduate of the University of Scranton in Scranton, Pennsylvania, and holds a Bachelor of Science in accounting from that institution. He began his service to the Nation in 1968, when he entered the U.S. Air Force as an aircraft maintenance officer at the Strategic Air Command, Loring Air Force Base, Maine.

Upon completing his military term in 1972, Mr. Gregory was hired as a staff auditor for the U.S. Army Audit Agency in Philadelphia. He proved to be quite skilled and soon was promoted to auditor-in-charge. Mr. Gregory continued his illustrious civilian career at the U.S. Army Security Center with various assignments, including: chief, internal review (1976–1979), financial systems analyst (1979–1980), deputy comptroller (1980–1981) and senior financial systems analyst (1981–1982). During his time at the Army Security Center, Mr. Gregory played a key role in developing and implementing financial management performance objectives. He simultaneously earned a Masters of Business Administration in 1979 from Syracuse University.

In 1982, Mr. Gregory was selected to join the Army secretariat staff as assistant comptroller for internal review, office of the comptroller of the Army. He was a relentless master in reviewing financial management systems and integrating measures to address shortcomings uncovered during the process. In recognition of his talent and dedication, Mr. Gregory was promoted in 1987 to director, internal review, office of the assistant secretary of the Army (financial operations). He again challenged the financial management community and was a model civil servant, embracing opportunities and creating new methodologies in an environment of continual development. Additionally, in 1988, he attended the Industrial College of the Armed Forces.

In January 1993, the Army acknowledged Mr. Gregory's abilities and leadership, elevating him to the Senior Executive Service and the position of deputy assistant secretary of the Army for financial operations. As deputy assistant secretary, he was responsible for all Army policy, programs, systems and procedures associated with the service's accounting and finance operations, financial systems and internal review and controls. He took charge of combating fraud, waste and abuse. He also was the primary ambassador on financial management issues to external stakeholders. Mr. Gregory's efforts to integrate financial requirements and responsiveness with emerging functional systems, such as the Single Stock Fund and the Defense Integrated Military Human Resource System, were successful and greatly improved Army financial management.

Mr. Gregory was again promoted in February 2002, when Ms. Sandra Pack, then assistant secretary of the Army (financial management and comptroller), chose him as her principal deputy. (When she departed the Army in December 2003, he succeeded Ms. Pack as acting assistant secretary and served in that role for eight months.) During his tenure as principal deputy, Mr. Gregory shared responsibility for the development, formulation and advocation of policies and programs to improve the efficiency and effectiveness of U.S. Army resource management. He took bold and decisive measures to improve business procedures, and tirelessly pursued financial system integration and streamlining of Army processes. For instance, Mr. Gregory led the Army-wide effort to eliminate the Installation Supply Buffer and associated annual maintenance costs, while integrating supply management and financial processes. These changes reduced processing cycle time from four days to one, improving the flow of spare parts to tactical units and saving taxpayers $9 million. Mr. Gregory also helped to steer the Army's transformational business initiatives program and the Army Business Initiative Council, through which the Army has gleaned more than $1 billion in monetary benefits. He administered implementation of Army Budget and Performance Initiatives, as well, including designing and deploying a training package and reviewing metrics for the fiscal year 2005 budget.

Mr. Speaker, in this final position Mr. Gregory also had a significant impact on the House Government Reform Committee. His forthright information and proactive attitude assisted our committee in addressing the financial management challenges of mobilized Army National Guard and U.S. Army Reserve soldiers. He identified the problem—processing limitations caused by separate pay and personnel systems—and played a significant role in crafting a solution. His commitment to solving pay issues for all soldiers, whether active or reserve component, exemplifies his devotion to our men and women in uniform.

On every day of his service to our country, Mr. Gregory demonstrated honor, integrity and personal courage. He projected the values and the broad perspective of the government, and provided the solid executive skills demanded by the American public. He helped to ensure that the Army was of the highest quality and was responsive to the needs, policies and goals of the Nation.

Mr. Gregory's leadership and attention to people were truly outstanding. He actively participated in the personal and professional development of both military and civilian subordinates and peers. He was a premier team builder within the office of the assistant secretary of the Army (financial management and comptroller) and a truly exemplary leader, empowering those with whom he worked and motivating them to achieve at higher levels than they thought possible.

Mr. Gregory's character and accomplishments have earned him numerous awards. He was the first civilian to be honored with the Finance Corps Regiment Award. He also has received two Meritorious Presidential Rank Awards, the Executive Excellence Award for Executive Achievement, the Special Act Award—Kuwait Reconstruction Program, the Leonard H. Kerman Memorial Award, the Meritorious Civilian Award, the Superior Civilian Service Award, multiple Outstanding Performance Awards and several Significant Accomplishment Awards.

Mr. Speaker, Mr. Ernest J. Gregory, a resident of the Commonwealth of Virginia, retires after 37 years of Federal service to the United States of America on the 2nd day of October, 2004. He, his lovely wife, Johanna, and their children, Maura, Ernie and Jason, deserve the thanks and praise of this grateful Nation, which he has faithfully served for so long. I know the members of the U.S. House of Representatives will join me in wishing him and his family all the best in the years ahead.

IN HONOR OF MISS NICOSIA YOUNG AND MISS HEATHER ADAMS

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Ms. KILPATRICK. Mr. Speaker, I rise today to honor the exemplary performance of two young women who have greatly contributed to my office through Congressional Black Caucus intern programs.

Heather Adams, after undergoing a rigorous selection process, came to my office in late May of this year as a Congressional Black Caucus Foundation intern. She has been a constant help to my staff and myself in the performance of the office operation. Though currently residing in Pickerington, Ohio, she originates from my district, Detroit, Michigan.

Heather earned her Bachelors Degree in Business Administration with an emphasis in Marketing at West Virginia State University. Moreover, she was a member of Omicron Delta Epsilon-International Honor Society in Economics as well as a consistent Dean's List honoree.

Heather has helped my legislative staff maintain correspondence with my constituents. She conducted research regarding constituent demographics, issues, and policies and organized and presented me with informative memos on key issues. As a participant in the Congressional Black Caucus Foundation's Summer Congressional Internship Program, Heather has expressed her interest in public policy and the political process. Heather aspires to one day to work on Capitol Hill focusing on domestic and international development issues.

I would also like to congratulate my Congressional Black Caucus Foundation, Eleanor Holmes Norton, High School intern, Nicosia Young. Nicosia is a rising senior at Cesar Chavez Public Charter high school for Public Policy in the District. Aside from providing exceptional support to my staff, Nicosia brings with her a positive spirit and infectious laugh everyday with her to work. Always understanding and eager to help, she expresses true determination to succeed and extraordinary work ethic.

Aside from her outstanding work ethic, Nicosia is also an outstanding student. While maintaining a 3.33 GPA, she has been awarded the honor of Student of the Month, and student ambassador from her high school. Her goal is to attend college following her senior year, and she aspires to become a doctor. She is a vibrant, intelligent, and unique young woman, and I am happy to have had the opportunity to get to know her, and have her in my office.

I am sure that both young women will succeed in whatever they put their minds to, just as they have succeeded within my office. Again, I would like to thank both Nicosia and Heather for being such outstanding interns, and I wish them both the best in future endeavors.

HONORING SERGEANT FIRST CLASS WILLIAM R. DWYER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. MORAN of Virginia. Mr. Speaker, during this time of war, our thoughts are constantly with our active duty military personnel overseas, and also with all of the men and women who have worn the uniform of the United States military through the years. I rise to honor an individual who retired last month following a long period of outstanding military service to this country. Sergeant First Class William R. Dwyer has served this nation with distinction and honor for the past twenty years, and I am pleased to have the opportunity to honor him today.

Sergeant First Class William R. Dwyer enlisted in the United States Army in February 1984. During his career, he served as a communications and intelligence specialist in a number of challenging assignments, including overseas tours in Germany, Panama, Korea, and England. Throughout his service, he has been a leader and always used his knowledge and extensive experience to better our defense and our community.

Throughout his successful and noteworthy career, Sergeant First Class Dwyer focused on his duties to our nation and the United States Army. He concludes his remarkable career as a Vietnam War analyst at the Department of Defense where he has pushed toward resolving the still open cases of Americans missing from the Vietnam War.

Sergeant First Class Dwyer is highly regarded by his peers as someone who has demonstrated by his example the values, respect for family and hard work that is so central to our Armed Forces, and which has been the cornerstone of our nation's democratic freedoms. I am certain for these reasons, among others, he will be greatly missed by his colleagues and others who have worked with him over his years of service.

I ask my colleagues to join me in thanking and congratulating Sergeant First Class William R. Dwyer for his dedicated and committed service to the United States. I wish him and his family the best as they look toward the future.

TRIBUTE TO CROFTON, MARYLAND

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the town of Crofton, Maryland, which is celebrating its 40th anniversary. Located near Annapolis, Baltimore, and Washington, Crofton has contributed to Maryland's cultural and economic life since 1964.

This celebration is designed to commemorate Crofton's growth from its beginnings as a small farm town to the large suburban community it is today. Crofton was established when Hamilton Crawford, a Louisiana developer, designed a community convenient to Washington and Baltimore that appealed to both residents and businesses.

In 1965, one year after its establishment, the town experienced major growth and development, becoming home to more than 500 residents in its first year. A civic center, recreational facilities, schools, stores, and restaurants quickly followed. This expansion continued during subsequent decades, and today Crofton is a thriving community with more than 30,000 residents.

Crofton prides itself on the fact that it has experienced economic growth while retaining its safe, family-oriented, and close-knit roots. Residents today still enjoy the amenities that originally attracted them—tree-lined streets, suburban environment and convenience to two major cities.

Crofton's 40th anniversary celebration features children's activities, concerts, athletic events, banquets, and parades. The events began in April and will continue through the end of November. Local businesses, sports teams, armed forces, and firemen are all participating in these events.

I hope my colleagues in the House of Representatives will join me in commemorating this milestone in Crofton history, as we celebrate 40 years of this dynamic Maryland community.

HONORING MR. JEFFERY J. DAAR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BERMAN. Mr. Speaker, I rise today to ask my colleagues to join in saluting Mr. Jeffery J. Daar, Chair of the Democratic Party of the San Fernando Valley, who is being honored on August 14 by the Sherman Oaks Democratic Club. Jeffery is a remarkable man with many accomplishments in both politics and law.

Since founding his own professional law firm 22 years ago, Jeffery has handled cases that are both highly complex and in the public interest. As a specialist in complex litigation, he represented California municipalities in 5 years of insurance insolvency court proceedings, resulting in a legislative amendment to the California Insurance Code. He has led important consumer class action cases that have reached the highest courts in California, and has authored several influential publications covering varied topics from the insurance industry to election law. He is a leader in his field.

Jeffery was born and raised in Los Angeles. He earned his Bachelor of Arts degree at Claremont Men's College and his Juris Doctorate in 1982 from University of California Davis. His strong interest in politics was first evident during his college years when he served as President of the Student Democratic Coalition, a statewide organization of more than 20 college Democratic Clubs.

Jeffery has taken an active part in his community's school system, serving as an elected member of the managing councils of both Dearborn Elementary School and Holmes Middle School. He also serves as a Member of the Board of Directors of The Zacaries Foundation, a nonprofit education foundation. In addition, he helps promote our community through his work as a Member of the Los Angeles Area Chamber of Commerce.

Jeffery is married and has four children.

Mr. Speaker and distinguished colleagues, I ask you to join me in saluting Jeffery J. Daar for his impressive career and dedication to the people of California and to congratulate him on earning the Democratic Volunteer of the Year Award.

A TRIBUTE TO BIG BROTHERS BIG SISTERS OF NORTH ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. CRAMER. Mr. Speaker, I rise today to honor an important group of individuals whose hard work and dedication has made a tremendous impact on the lives of numerous children throughout North Alabama.

For over twenty years, the Big Brothers Big Sisters of North Alabama has provided hundreds of children with a positive influence and a strong foundation to help guide them through adolescence. Every volunteer does a great deal to improve the quality of life of these children and to help them develop goals and aspirations of their own. For its hard work and continued commitment, Big Brothers Big Sisters of North Alabama is recognized nationally for its performance as one of the best agencies in the country.

Mr. Speaker, this year marks the 100th year of the national Big Brothers Big Sisters program, and on August 14th, a reunion and centennial picnic was held in Huntsville. This picnic was an opportunity for everyone involved with Big Brothers Big Sisters to come together, trade success stories, and relive the times each volunteer and child has had together.

Mr. Speaker, I've always believed that our children should have an opportunity to succeed and be an active participant in our communities. I'm pleased that there are a large number of individuals who are committed to helping less fortunate children in our area. I rise today to commend each and every person who is involved with Big Brothers Big Sisters and join in their centennial celebration.

SUPPORTING GOALS OF NATIONAL MARINA DAY

SPEECH OF

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. BURGESS. Mr. Speaker, I rise today in support of House Resolution 647, which expresses Congress's support of the goals of National Marina Day.

I would also like to recognize Mr. Marshall Funk of Marinas International for his work with Pier 121 Marina on Lake Lewisville, Scott's Landing Marina and Silver Lake Marina in Grapevine, and Twin Coves Marina in Flower Mound, located in my Congressional District.

National Marina Day will be celebrated this year on August 14. This annual celebration promotes the United States' marinas and recognizes the importance of marinas across the country. National Marina Day focuses on two central themes: the important role that marinas play as family-friendly and environmentally-friendly gateways to the water.

There are more than 12,000 marinas nationwide, which employ over 140,000 people. Marinas provide the public with a safe way to enjoy outdoor activities like sailing, cruising, and fishing.

I've spent many enjoyable hours boating with my family and, as a member of the Congressional Boating Caucus, I am glad to support House Resolution 647.

RECOGNIZING MR. BILL GARRETT OF EL CAJON, CA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. HUNTER. Mr. Speaker, I rise today to recognize Mr. Bill Garrett of El Cajon, CA and his commitment and accomplishments for his community, his family and his country. He began by preparing himself with the finest education by earning a Masters Degree in Public Administration with specialty in personnel and labor relations from California State University, Fullerton. He also earned a Masters in Science in Urban Planning from the University of Arizona and a Bachelors Degree in Political Science from the University of Washington.

Bill has a history of public service that began with his commitment to his country when he joined the United States Army. After his military commitment, Bill worked as an urban planning consultant in Arizona and California before becoming City Manager of the City of Corona. In 1996, Bill became the City Manager of El Cajon and brought a "can do" attitude to every department.

For the past eight years, Bill Garrett has played an integral role in the shaping of El Cajon and the surrounding communities. His efforts with the downtown corridor, the expansion of housing rehabilitation and his role in assisting first time home buyers are well-known. His strong belief that the employees of El Cajon are its greatest resource has caused the city to excel far beyond expectations. His obedience to the dictates of his council and the elected mayor has created a team effort second to none.

Bill Garrett is highly respected by his peers from around the nation but his greatest satisfaction comes from the accolade and respect from his fellow employees for the City of El Cajon. He has nurtured, trained, educated, and assisted his fellow employees through the good and tough times. He has also shared his insight and knowledge with the California City Management Foundation, the International City Management Association, the San Diego City-County Managers Association and the National Association of Housing and Redevelopment Officials.

In addition, Bill is a vital player as President of the Cuyamaca College Foundation Board, a member and past President of the El Cajon Rotary Club, Secretary of the Grossmont-Cuyamaca College District Auxiliary, founding member of El Cajon Sister Cities Committee and President of the El Cajon Historical Society.

Bill Garrett has allowed his experience to lead him into great service for his community, his country and his family. His great partner in life, Judy Garrett, is a great public servant in her own right and has many accomplishments to her credit. The couple live in Fletcher Hills in El Cajon. Bill has decided to retire and to spend his time with family traveling and doing those things retired people do. He has received great praise from every sector of the community for his unselfish commitment to his profession and the people he represents.

Mr. Speaker, I know my colleagues join me in thanking Bill for his public service and wishing him the very best future possible.

DAVE AND MARY COSTIGAN'S 50TH WEDDING ANNIVERSARY

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. EVANS. Mr. Speaker, I would like to take this opportunity to congratulate Dave and Mary Costigan on the occasion of their 50th wedding anniversary, which they celebrated on August 21, 2004. They have five children and nine grandchildren and have lived in Quincy, Illinois for most of their marriage.

Dave and Mary were both born and raised in Bloomington, Illinois. Mary Ensenberger graduated from Fontbonne College in St. Louis and majored in Physical Education. David Costigan graduated from Notre Dame University and received his Masters and PhD in History from Illinois State University. He served in the U.S. Army from 1953–1955 and was honorably discharged.

Since 1957 David Costigan has taught history at Quincy University. He has held the Aaron M. Pembleton Chair in History and is now Professor Emeritus at the University. After many years and many awards for outstanding teaching, Dave continues to lecture and teach particularly in his areas of interest which include local Quincy history, the Civil War, and U.S. foreign policy.

Throughout her life, Mary Costigan has been an extraordinary teacher in her own right. Upon graduation from college, she taught Physical Education at my alma mater, Alleman High School in Rock Island. For many years, she also served as a tennis instructor in the Quincy area. Mary won many area tennis titles in Quincy as well as throughout the tri-state area of Illinois, Iowa and Missouri during her years on the courts.

Both Mary and Dave have contributed their time and energy to a variety of community and civic projects during the past 50 years. They have been very active in their church and local schools and regularly attend church services at St. Francis Solanus Church. Through their church they helped sponsor a family from Laos, bringing a Laotian family to Quincy to escape war and poverty in Southeast Asia.

Mr. Speaker, please join me in honoring Mr. and Mrs. Costigan on this joyous occasion. I wish them all the best as they celebrate the life they have created and as they enjoy their many years to come.

IN REMEMBERANCE OF LORENZO CHAVEZ

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. UDALL of New Mexico. Mr. Speaker, last month my home state of New Mexico lost a great man. Lorenzo Armijo Chavez, who spent his entire life in the Land of Enchantment, died at the age of 90. Born and raised in Magdalena, Lorenzo rose from modest beginnings to become a celebrated attorney, state legislator, and father of Albuquerque Mayor Martin Chavez. He was a legend in his own time, and he leaves a long and unique legacy.

Afflicted with polio, Lorenzo received his Bachelor of Arts degree from the University of New Mexico in 1941. Attending Georgetown Law School as a full time student, Lorenzo earned his Juris Doctor degree while working 70 hours per week in charge of the Reading Room at the Library of Congress. He was a member of the Georgetown Law Journal Staff for 2 years and co-authored "Insurance-Rate Making," graduating third in his class.

Upon graduation, Lorenzo became a law clerk for Justice Ambrose O'Connell in the Court of Custom & Patent Appeals in Washington, D.C., followed by work for the Reconstruction Finance Corporation in the District of Columbia, in charge of War Risk Insurance. He then became a special assistant to the Attorney General of the U.S. in charge of land condemnation in New Mexico. In this position, he obtained for the Federal Government the land where Sandia Corporation is now located for $3.00 per acre.

In 1946, he started his law practice in Albuquerque. During these early years, he was elected to the House of Representatives in the New Mexico Legislature representing Socorro County where the press characterized him as one of the two most effective freshman legislators. Despite pressure from influential and other friends, he refused to run for any other public office; during ensuing years, he refused appointments as a judge in the various courts, preferring to represent the injured workmen whom he felt had been sorely neglected by the courts for years. He helped create new law protecting injured workers. Additionally, he tried the first Federal court case where a Native American served in the jury.

During the Johnson Administration, he served his country for $1.00 per year as a special advisor on Minority Enterprises to Howard Samuels, head of the Small Business Administration, where he encouraged and promoted loans to Spanish Americans and other minority businessmen throughout the United States. In the 1960s he was a member of Civilian Orientation Corps for the Defense Department.

In 1962, Lorenzo founded and became the first president of the American Savings and Loan Association in Albuquerque, NM. Also in the 1960s, he served on the Board of the prestigious International Academy of Trial Lawyers, of which he was a member for many years. After the death of U.S. Senator Dennis Chavez, he raised the funds necessary, contributing substantially himself, to have a statue of the Senator cast and placed in Statuary Hall in the Capitol in Washington, D.C. where it will remain for posterity. He made the presentation himself, along with Senator Hubert Humphrey, Vice President Lyndon Johnson, and other distinguished statesmen, to U.S. Congress.

Lorenzo's love and compassion for the poor and the underdog manifested itself in legal representation, despite lucrative offers from the insurance companies. He handled over 16,000 plaintiffs suits in every county of the state where there was a court, winning over 90 percent of them, and handling 68 cases in the Supreme Court of New Mexico, winning 99 percent of those cases. During his 52 years of law practice, he tried cases in every surrounding state as well as in California and Illinois. He handled some 12 cases in the Court of Appeals for the 10th Circuit and handled cases in the Court of Claims in association with eventual U.S. Supreme Court Justice Abe Fortas. He handled cases in the New Mexico Federal District Court. His pro-bono cases were numerous. These accomplishments led to him being the first New Mexican accepted into the International Academy of Trial Lawyers and he was regularly named in America's Best Lawyers.

Lorenzo served as a mentor to many up-and-coming Hispanic lawyers, including former Governor Toney Anaya. He was a founder of the G.I. Forum, a Hispanic veterans' political group. Former Governor David Cargo recalls Lorenzo approaching him in the 1960's and urging broader Hispanic representation on boards of regents throughout the state.

When taxpayers complained about the high income tax they paid, Lorenzo's favorite comment was that he was delighted to pay taxes, that he remembered only too well when he didn't make enough money to pay taxes at all. He had firm principles—and, I believe, right ones. He expounded them clearly, he acted upon them decisively.

Lorenzo is survived by his wife, Sara Chavez, three sons, Larry, Phil and Martin, 6 grandchildren and 3 great-grandchildren. When Martin was running for office and he was asked to name his heroes, his father was always the first person he named.

Mr. Speaker, Lorenzo Chavez lived a long, productive and admirable life. He was a kind and loving husband, father and grandfather and enjoyed his life with family and friends to the fullest extent. His life left an indelible mark in the most significant of ways. He never forgot the foundations of family values, love and concern for others, a good education, and a solid work ethic. A great man is no longer with us, but will always be remembered in the minds and hearts of everyone who knew him. I cannot think of a more honorable legacy than that.

HONORING LANCE CORPORAL MARK E. ENGEL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. TANCREDO. Mr. Speaker, it is with deep regret and heartfelt admiration that I rise today to honor a fallen Marine from my district, Lance Corporal Mark E. Engel. Lance Corporal Engel sadly succumbed to injuries he suffered during combat in the Al Anbar province of Iraq. He was on his second deployment.

During a routine patrol on July 6th, Lance Corporal Engel's light armored vehicle struck a roadside bomb. After a valiant fight that lasted the better part of a month, Lance Corporal Engel passed away with his family at his side, just one day before his 22nd birthday.

Mark was an active young man. He attended West Middle School, and later attended Cherry Creek High School, where he played varsity football as a fullback. By all accounts, Mark was an avid athlete, an outdoorsman, a neighbor and a friend. Mark was a bright star that will be dearly missed by his family, his friends, his fellow Marines, and our community.

Mr. Speaker, my deepest sympathy goes out to the family of Lance Corporal Mark Engel. Mark served his country with distinction, making the ultimate sacrifice for freedom and liberty in defense of a grateful nation. All of us owe him a great debt of gratitude.

His dedication and bravery will not be forgotten.

IN RECOGNITION OF GERTRUDE McDONALD ON THE OCCASION OF HER 88TH BIRTHDAY CELEBRATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Gertrude "Gert" McDonald, a lifelong New Yorker and dedicated public servant. On August 5, 2004, many of Mrs. McDonald's friends and colleagues will gather in her longtime neighborhood of Sunnyside, Queens to celebrate her 88th birthday. I am very pleased to offer my best wishes to Mrs. McDonald for a truly memorable and enjoyable evening.

Gertrude McDonald's decades of service to our community are truly worthy of celebration. Born in New York City, Gert moved to Sunnyside when she was seven years old. For more than sixty years, Gert has worked tirelessly to improve the well-being of her fellow New Yorkers. Gert has been a Democratic District Leader and a Downstate Representative of the Steering Committee of the Women's Political Caucus; additionally, she continues to serve as the President of the Queens of Angels Senior Center Club and the Corresponding Secretary of the 108th Precinct Community Council. Mrs. McDonald is a member of Community School Board 24, the United Forties Civic Association, the Borden Avenue Veterans Residence Advisory Board, the Queens Correctional Facility Advisory Board, the Mayor's Volunteer Task Force and, significantly, has been a loyal member of Queens Community Board Two for nearly thirty years.

Gert has also been a prominent figure in local politics for decades. At a time when women were usually relegated to a supporting role, Gert took the bold step of tossing her own hat into the ring. Her legacy as the first woman to run as a Democratic candidate for public office in Queens is truly inspirational. Although Gert did not prevail in her 1968 candidacy for the New York State Assembly, this bold act encouraged other women, including me, to run for public office.

With a quick wit and undeniable charm, Gert has a reputation for finding clever ways to make her point. When the mayor proposed cutting garbage pickup in Queens to once a week, while leaving Manhattan pickup at three times per week, Gert suggested that Queens residents should take their garbage to work.

I continue to be in awe not only of Gert's contributions to the public good, but also of the level of energy and enthusiasm she brings to her many activities. Mrs. McDonald's life and accomplishments are a reflection of the strength and vitality of New York City itself.

I would like to join Gert McDonald's friends and family in marking this special occasion; I trust that she will be surrounded by the warmth of happy memories, good cheer and loving friendships.

Mr. Speaker, I request that my colleagues join me in paying tribute to Gertrude McDonald, a mother, grandmother, great-grandmother and cherished friend of New York City. To Mrs. McDonald and her dedicated colleagues and friends at Queens Community Board Two, I offer my continuing admiration, respect and support.

HONORING MICHAEL PHELPS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. CARDIN. Mr. Speaker, I rise today to congratulate Michael Phelps for his performance representing the United States in Athens at the Games of the XXVIIIth Olympiad.

Michael Phelps, who was born in Baltimore and now lives in Towson, is a lifelong resident of Maryland's Third Congressional District.

So, we Marylanders have been following Michael's career long before these Olympic games. At age seven, he joined the North Baltimore aquatic club, and at age sixteen, he won his first world title at the 2001 world championships in Japan. This was only the beginning of many recordsetting victories.

This August, joined by the rest of the world, we watched with extraordinary pride as Michael earned eight medals.

Through seventeen races in eight days, Michael did much more than beat his competitors—he exemplified true sportsmanship.

After winning his fourth individual gold medal, Michael stunned the athletic world by giving up his spot in the men's 400 meter medley relay on July to team mate Ian Crocker. The relay team won a gold medal, setting a world record. Michael's words say it best, and show why for him "world-class champion" is an understatement.

When asked about his decision, Phelps responded, "Ian is one of the best relay swimmers in U.S. history . . . when we want to put the four fastest guys up there, we look at everything, all the past swims, and we make the best decision . . . we came into this meet as a team and we're going to leave as a team."

Those words demonstrate why Michael Phelps is recognized as an outstanding role model, not just for athletes, but for all of us, no matter what our life's work.

As Michael leaves our state this fall to pursue his studies at the University of Michigan, we offer him our hearty congratulations and best wishes for the future.

I urge all of my colleagues to join me today in thanking Michael Phelps for representing our country with such honor and grace.

TRIBUTE TO BILL LAMBERT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BERMAN. Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in saluting my very good friend and an all around great guy, Bill Lambert, who for 40 years has served the United Teachers of Los Angeles as their Political Director. His colleagues will honor him at the UTLA Leadership Conference this summer.

Bill has worked tirelessly for decades on behalf of the teachers and the students of Los Angeles. He has counseled me on the intricacies of many difficult education issues, provided special insights on many bills I've sponsored, and hounded me mercilessly to work harder for his schools, find more funding for his projects and solve more problems for his teachers. He has demonstrated a special commitment to improving vocational education for students who are not college bound.

When Bill began his involvement in Teachers' organizations in 1957, teachers in Los Angeles had no family health insurance plans and no added bonuses for teaching over 30 years. He was a founder and key member of advocacy groups including the Elementary Teachers Association of Los Angeles and the Los Angeles Teachers Association. An extremely successful negotiator, he has succeeded in winning both an excellent salary increase and improved benefits for Los Angeles' teachers.

Bill was born in the Bronx, but spent most of his life in Los Angeles. An alumnus of UCLA with a Masters Degree from Cal State Los Angeles, he began his long career in education in 1955 as a teacher at Montague Elementary School. He soon gained leadership positions among his fellow teachers and eventually became a legislative advocate on their behalf. He helped lobby along with United Teachers of Los Angeles for the revolutionary Rodda Act, which in 1975 became the first collective bargaining bill for teachers in California history.

Among his finest accomplishments is Bill's work for Children of the Dream, a program that puts children of diverse backgrounds—Israeli and Arab, Pakistani and Indian—together to help shatter stereotypes and create understanding. In 1997 he won the NEA Applegate Doros International Understanding Award.

Bill and his wonderful wife, Lenore, have four fine, successful children.

Please join me today in honoring my close friend, Bill Lambert, for his outstanding contributions to our community and for his steadfast commitment to the education of our children and to their teachers.

RECOGNIZING THE SERVICE OF VERONICA ZASADNI (RONNE) FROMAN, REAR ADMIRAL, U.S. NAVY, RETIRED

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. HUNTER. Mr. Speaker, I rise today to recognize the service of Veronica Zasadni (Ronne) Froman, Rear Admiral, U.S. Navy Retired.

Ronne Froman serves as Chief Executive Officer of the American Red Cross of San Diego and Imperial Counties. Froman joined the American Red Cross in 2003 and through her leadership quickly and decisively developed "The New American Red Cross" in San Diego by refocusing the organization on its core mission of disaster relief and emergency preparedness.

Admiral Froman comes to the American Red Cross from the San Diego Unified School District, where she served as Chief of Business Operations for one-and-a-half years. As the Chief Business Officer, she was responsible for the modernization and automation of the district's finance, technology and logistics support operations and infrastructure.

She is a retired Rear Admiral from the United States Navy and the former "Navy Mayor of San Diego." Admiral Froman brings a wealth of knowledge and experience to the American Red Cross of San Diego and Imperial Counties, with over 31 years of service as a Naval Officer leading similar reform efforts.

Her expertise is reorganizing, saving money and improving services. Froman is a no-nonsense "efficiency expert" and whether she's helping the military, education or human service organizations, Froman is always ready to meet any challenge head-on.

Admiral Froman has received the Department of Defense Distinguished Service Medal, and the United States Navy Distinguished Service Medal, as well as various service and unit awards.

In the civilian community she currently sits on the Board of Directors of 1st Pacific Bank of California, the Monarch School, and the San Diego Aircraft Carrier Museum. She was recognized by the San Diego Mediation Center with the Peacemaker of the Year Award (2004), and by San Diego Magazine as one of the "50 People to Watch in 2004." In 2003, she was honored to serve as the Chair of Fleet Week and received the Girl Scouts' Cool Woman Award. Other awards include: the "YMCA TWIN" Award, (2002), the San Diego Soroplimists" Woman of Accomplishment (1998), the National Association of Women Business Owners' Advocate of the Year (1998), the San Diego Press Club's Headliner Award (1998), and a San Diego Women Who Mean Business Award (1997).

With 20-years senior executive experience in complex, multi-functional, multimillion dollar organizations; with extensive experience in operations, facility management, marketing and human resources; being skilled in building teams through collaborative management; being a strategic planner and proven executor of the plans; being a designer and implementor of major organizational change; always being people and customer focused; and extremely comfortable handling community relations, I would like to take this opportunity to recognize Veronica Zasadni (Ronne) Froman and commend her accomplishments to my colleagues.

RECOGNIZING MARSHA COBB

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize Mrs. Marsha M. Cobb for her recent recognition by the Texas Council for the Social Studies as "Elementary Teacher of the Year" for 2004.

Mrs. Cobb is a second-grade teacher at Polser Elementary School in Lewisville, Texas, located in my Congressional District. She is now up for consideration as the national Social Studies Teacher of the Year award, given by the National Council for the Social Studies.

Mrs. Cobb has 16 years of experience in the classroom. Mrs. Cobb employs a "hands on" educational philosophy and strives to educate her students through experience rather than text books. If you were to walk in her classroom, you would most likely see her students roaming the room looking at various interactive displays rather than with their heads buried in textbooks.

Mrs. Cobb is not the only recognized distinguished teacher in the Lewisville School District. This is the third consecutive year a Lewisville teacher has won the Texas Council for Social Studies Elementary Teacher of the Year award. Last year, Linda Krause, a fifth-grade teacher at Wellington Elementary School in Flower Mound received the award. And in 2002, Janet Davis, a second-grade teacher at Heritage Elementary in Highland Village, earned the award.

I would like to commend Marsha Cobb, as well as Linda Krause and Janet Davis, for receiving this distinguished award.

A TRIBUTE TO HUNTSVILLE HIGH SCHOOL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. CRAMER. Mr. Speaker, on August 9th, students and teachers in North Alabama officially ended their summer break and headed back into the classroom for another year of study. It was also a special day for my high school alma mater, as the students and teachers of Huntsville High School began classes in a new state-of-the-art educational facility.

The original Huntsville High School, built in the 1950s, was no longer able to support its growing number of students. Mr. Speaker, the new school encompasses 280,000 square feet, has 65 classrooms, a small practice gym, a lecture hall of 140 seats, a large auditorium that can hold the entire student body, and a main gym that will seat 2,400.

I strongly believe that a firm academic foundation will help the young people of North Alabama achieve their goals and help raise the overall quality of life in our community. Having outstanding teachers with eager students in this wonderful new facility will be a successful combination for the future.

Mr. Speaker, I was unable to join the administrators and faculty, students, alumni, and friends at the official opening of the new Huntsville High School. However, I rise today to join in their celebration and welcome them into the new Huntsville High.

CONGRATULATING TODD HAMILTON

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. EVANS. Mr. Speaker, today I would like to congratulate Illinois native Todd Hamilton on his win at the 133rd British Open Championship on Sunday, July 18, 2004.

Born on October 18, 1965 in Galesburg, Illinois, Todd Hamilton was raised in the town of Oquawka. He practiced golf at Hend-Co Hills Golf Club in Biggsville and attended Biggsville's Union High School. At Union, he petitioned the school to create a golf club, and then went on to win the Illinois state high school golf championships during his junior and senior years. Next, Todd was an All-American golfer at the University of Oklahoma.

Todd Hamilton went pro in 1987, and then spent 11 years golfing in Asia between 1992 and 2003, where he won tournaments such as the Thailand Open, Singapore Masters, Korean Open, and the Japan Golf Tour's Acom International. However, the esteemed PGA Tour eluded him. He finally made the PGA Tour in December 2003 on his eighth attempt, tying for 16th in the qualifying tournament at the age of 38.

The four most important tournaments in golf are known as the "majors." They are the British Open, the U.S. Open, the Masters, and the USPGA championships, which make up the most important events in the golfing calendar. The British Open is golf's oldest national championship and the only one of the majors that is played outside the USA.

When Todd Hamilton was given the opportunity to compete in the Open Championship, as the British Open is known in the United Kingdom, he defeated some of golf's best and most wellknown players, including Tiger Woods and Phil Mickelson. Winning this competition has elevated Todd Hamilton to rank among the world's best golfers.

I am proud to represent the place where Todd Hamilton learned to play golf, and I think I speak for everyone in Oquawka and throughout Illinois when I say that we are so proud of Todd's remarkable achievement in the Open Championship. Todd Hamilton has demonstrated the tenacity, perseverance, and skill of a champion in his long journey to the top, and I wish him and his family the best of luck in this new chapter of his career.

40TH ANNIVERSARY OF WILDERNESS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. UDALL of New Mexico. Mr. Speaker, September 3rd marked the 40th anniversary of the Wilderness Act, which protects the Nation's enduring natural heritage as part of the National Wilderness Preservation System. Revered by scores of Americans and visitors each year and spanning two generations, the wilderness areas that can be found from the West to East Coasts are a tangible source of pride, progress, and potential for our Nation.

In 1924, at the insistence of forester and future "A Sand County Almanac" author Aldo Leopold, the Forest Service created the very first federally designated wilderness—the Gila Primitive Area. Located north of Silver City, the Gila Wilderness is a gigantic reserve whose boundaries were eventually made into the 558,000-acre wilderness it is today. Senator Clinton Anderson of New Mexico, chairman of what was then called the Committee on Interior and Insular Affairs, stated that his support of the wilderness system was the direct result of discussions he had held almost 40 years before with Mr. Leopold. The Wilderness Act made the Gila Primitive Area official 40 years later.

After passing Congress with bipartisan support, President Lyndon Johnson signed the Wilderness Act into law on September 3, 1964. By the stroke of President Johnson's pen, the Act created 9.2 million acres of wilderness across the country. Today the system includes 662 areas covering about 105.7 million acres in 44 states, about 4 percent of the United States.

For the first time in American history, the Federal Government protected land as it is and defined wilderness as a place that "in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a member of the natural community who visits but does not remain and whose travels leave only trails."

The Wilderness Act is a deeply personal law to me. The legislation that President Johnson signed was sponsored by Senator Anderson and was guided through Congress at the urging of my father, then Secretary of the Interior Stewart Udall. Serving as Interior Secretary for Presidents John F. Kennedy and Lyndon B. Johnson, Stewart Udall's accomplishments during his tenure are numerous: he created new national programs such as the Wild and Scenic Rivers Act and the Wilderness Act, which pushed the nation toward a deeper appreciation and protection of its remaining wild spaces. He helped create many new national parks and forests and the first national seashores. Perhaps most importantly, he established a bipartisan consensus on conservation issues that would endure for 20 years.

I visited with my father recently in Santa Fe about the Wilderness Act. He recalled that President Johnson awarded him 62 ceremonial bill signing pens throughout his service to the White House. As he signed the Wilderness Act into law, President Johnson spoke of Secretary Udall and his staff "going all over the country, looking for places to save." My father recalls the remark as one of the highest compliments he has ever received; this in a lifetime of distinguished service to his country.

With 2.1 percent of its land area protected as wilderness, New Mexico harbors 23 wilderness areas. I have introduced legislation which would designate the first wilderness approved in New Mexico since 1987—the 10,794-acre Ojito Wilderness Study Area. The Bureau of Land Management recommended wilderness status for the Ojito area in 1992. We have had hearings in both the House and Senate on this bipartisan proposal. The bill is strongly supported in New Mexico by a diverse coalition. It is my sincere hope we can pass this legislation before the 108th Congress adjourns. Ojito would remain a natural place, perfect for recreation and quiet contemplation.

My legislation would also provide for the sale of about 13,000 acres of adjacent Bureau of Land Management holdings to Zia Pueblo, land that holds much historic and religious significance to the pueblo. All of it would remain open to the public. As such, the pueblo would be able to unite two separate pieces of its reservation, and in total, 24,000 acres would be preserved and protected. Not only is this place incredibly beautiful, it also contains rich cultural and archeological values. Designating the Ojito as wilderness will ensure that this vast landscape remains as it is, in all its natural glory, for future generations to treasure.

Mr. Speaker, the 40th anniversary of the Wilderness Act is an opportunity to rekindle the public interest in safeguarding our Nation's unique natural heritage for future generations to enjoy. I urge my colleagues to join with me to ensure we leave a rich legacy of unspoiled wildlands for our families, for our future.

PAYING TRIBUTE TO ADAM AIRCRAFT

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. TANCREDO. Mr. Speaker, one of my greatest joys is to see businesses in my district flourish. Today, I am honored to recognize Adam Aircraft based out of Centennial Airport in Englewood, Colorado. Adam Aircraft designs and manufactures advanced aircraft for civil and government markets.

On August 17, 2004, the company marked the first anniversary of the A700's debut, which is undergoing initial flight testing. The A700 being the first personal aircraft with an installed interior featuring seven seats and an aft lavatory.

In addition to the A700, Adam Aircraft has also made a big showing at the EAA AirVenture 2004 with the A500. The A500 has accumulated three national and two world records for speed over a recognized course and is currently approaching FAA certification by the end of 2004.

Adam Aircraft is building a strong customer base and took a record nine orders for its two aircraft models at the EAA AirVenture 2004 show. Currently they have also taken over 60 orders for the A500 and they promise to be a strong employer for Colorado for the years to come.

Mr. Speaker, the back bone of any community is the businesses that operate there. It is my distinct pleasure to honor one of those businesses Adam Aircraft here today, and wish them all the best in her future endeavors.

CAPTAIN SCOTT SHIELDS, HIS GOLDEN RETRIEVER, BEAR, AND ALL OF THE BRAVE RESCUE DOGS WHO SERVED DURING THE 9/11 TRAGEDY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Captain Scott Shields, his golden retriever, Bear and the more than 300 dogs that served our country at the World Trade Center and the Pentagon after the September 11th terrorist attacks. On that fateful morning, Captain Shields and Bear answered the call for assistance at the World Trade Center and were one of the first search and rescue teams to enter the devastated area. Bear and other highly-trained rescue dogs spent the next few days searching in extremely dangerous conditions for those who lost their lives in the attacks.

Scott Shields raised Bear in Westport, Connecticut, where there were no leash laws. As a result, Bear quickly learned to be comfortable maneuvering and taking direction "off leash." In addition to his regular search training, Captain Shields also took Bear to parks, beaches and even obstacle courses to continue his instruction. This preparation proved remarkably useful on the morning of September 11. Trained in disaster management, Captain Shields felt compelled to respond to the disaster and he and Bear drove to what the world would soon recognize as Ground Zero. Captain Shields and Bear entered the disaster site shortly after the second Trade Center tower collapsed to search for those who might have been trapped in the wreckage. Later that day, Captain Shields organized harbor activities, directing boats to transport emergency workers to the Trade Center site.

Bear and his fellow rescue dogs worked in very harsh conditions without the benefits of protective clothing and gas masks. They climbed through piles of debris and squeezed through tunnels of steel and concrete in their attempts to find any signs of human life.

While working in these dangerous conditions, many dogs, including Bear, were injured. Captain Shields and Bear were walking along a steel beam when a piece of twisted metal gouged Bear's back. Although the gash was deep, Bear kept working. Several months later, however, Bear developed a form of skin cancer around the perimeter of the wound. A veterinarian successfully removed the infected tissue, but from then on, Bear's health declined. Bear passed away on September 23, 2002; the following month, hundreds of mourners gathered at his memorial service aboard the aircraft carrier USS *Intrepid.*

In Bear's memory, Captain Shields, along with the New York law firm Proskauer Rose, established the Bear Search and Rescue Foundation to ensure that all dogs who participated in search and rescue operations at the World Trade Center and the Pentagon receive appropriate health care. Additionally, the foundation works diligently to provide equipment and instruction to emergency response teams throughout the country.

Mr. Speaker, I request that my colleagues join me in honoring Bear, Scott Shields and the hundreds of search and rescue teams who served our nation so bravely on September 11th. To these heroes, I offer my continuing respect, admiration and support.

HONORING NANCY HABERLAND, OLYMPIC ATHLETE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. CARDIN. Mr. Speaker, I rise today to congratulate my constituent, Nancy Haberland, for her participation in the Games of the XXVIIIth Olympiad.

In her Olympic debut this August, Nancy Haberland was forward in the Yngling boat. Ms. Haberland, along with skipper Carol Cronin and middle Liz Filter made up Team Atkins. The yngling class was one of the most closely contested races at the U.S. Olympic trials. In a remarkable achievement, Team Atkins beat out a field that included a previous Yngling world champion, Betsy Alison, and past Olympians Jody Swanson and Cory Sertl. Ms. Haberland has also won numerous national titles in several classes.

Nancy Haberland grew up in Northbrook, Illinois and started sailing at the age of 13. In 1984, she graduated from Miami University in Ohio with a degree in dietetics and management, and she is a registered dietitian. She serves our country now as a sailing coach at the United States Naval Academy in Annapolis, and I am privileged to represent her in Congress.

It has been said that the trademarks of a champion are, "The will to prepare, the guts to risk, and the desire to be the best." Ms. Haberland certainly possesses all three, and I urge my colleagues to join me in congratulating her.

SALUTING AMBASSADOR YUVAL ROTEM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BERMAN. Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in saluting Ambassador Yuval Rotem, who served as consul general of Israel in Los Angeles from September 1999 to August 2004. Ambassador Rotem recently wrote an article for the Los Angeles Daily News on his experiences in Southern California that I would like to share with you today.

L.A.'S STORY ABOUT LIVING SIDE BY SIDE

(By Yuval Rotem)

Critics say Los Angeles is only image. The city, they claim, presents an illusion to the world much like the movies Hollywood projects on its big screens. The myth goes that it's a city of facades, with the favored tools being the editor's airbrush or the plastic surgeon's scalpel. There are no friendships here, only contacts and connections.

After five years on "extended vacation" in Southern California, I have found these statements far more superficial than the city they decry. As a permanent resident of the tormented Middle East, my time here has left me in awe of the wide variety of religions, colors, languages and life philosophies that intermingle in Los Angeles. To be a minority is to be in the majority in L.A., and despite its fragmented sprawl, coexistence is real, with each community adding to the flavor of the city.

That is not to say, however, there aren't absurd aspects about life in Los Angeles. There is, for example, the infatuation with cars and the impossibly tangled web of freeways. When we "bump into" people, it is likely in the most literal sense—a fender bender on the 405.

It is little wonder, then, that I learned one of L.A.'s more important lessons with the help of my car. Traveling on the 10 alone opened my eyes to the multitude of faces, languages, cuisines and cultures that run into each other here.

Starting in Venice, the stereotypical images of L.A.—beach bums soaking in the sun and fitness fanatics pumping iron at Muscle Beach—abound. Moving east, the Jewish neighborhood of the Pico corridor became a second home for me. On my way downtown, I stopped in Koreatown, historic West Adams district and eventually in East L.A.—making friends in each community: each group diverse, each group proud, each group American.

I traveled this freeway and others often during my tenure here—visiting a variety of communities along the way. What I have learned here has given me a Thomas Guide of sorts to maneuver and navigate through our differences to arrive ultimately at our similarities.

Dorothy Parker once described Los Angeles as "72 suburbs in search of a city," but I sometimes wonder how badly they really want to find it. The communities I passed on my drive down the 10 didn't seem to be looking for it; they already appeared to be perfectly at home and at peace as Angelenos. On July 4, for instance, people from all over this city simply don't appear interested to gather en masse at some civic center, but prefer neighborhood parades, local fireworks displays, and backyard barbecues.

Despite this geographic disconnection, the people of Los Angeles are nonetheless remarkably united. They share the same debates about Kobe vs. Shaq, the same frustrations with the traffic, the same concerns about schools and public safety, the same appreciation for the amazing beauty and vibrant cultural life that L.A. has to offer.

Most importantly, the diverse population of this city shares a truly laudable spirit of respect and tolerance for "the other." There have been, of course, many tough times. However, friendships and relationships that transcend ethnicity and religion are the norm here. By and large, people relate to each other as individuals—not as groups, not as categories, not as stereotypes.

As one who comes from the Middle East, where ethnic divisions have paralyzed us, I am in awe of the positive cross-cultural interaction between the people of Los Angeles.

From the inside, it is easy to see the problems—social and economic inequality, tensions that sometimes bubble to the surface, the challenge of educating 750,000 children who collectively speak more than 80 languages. It would be easy to focus on the chaotic events that have marked my time here: the energy crisis, wildfires, earthquakes and the recall election. Yet to me, an outsider, Los Angeles is something of a miracle.

At the end of the day, you see millions of people from every background imaginable living side by side, working together and forging a future under the bright California sun. In today's world, where terrorism, prejudice and hatred widen the already-existing gaps between peoples, this is an inspiration.

As I return to my own homeland, I carry with me the hope and promise that Los Angeles offers to the future—a fitting going-away present from the city of dreams.

TRIBUTE TO PETER VANDERKAAY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. KNOLLENBERG. Mr. Speaker, I would like to congratulate Peter Vanderkaay, a resident of Oakland Township, Michigan, on his Olympic gold medal he won at the XXVIII Olympic Games in Athens, Greece. He has made all of us from Oakland County and Michigan proud.

Peter won his gold medal on the men's 4 200 meter freestyle swimming relay team, swimming the third leg of the race. Peter and his teammates, Michael Phelps, Ryan Lochte, and Klete Keller, set a new American record on their way to beating Australia by 0.13 seconds. It is the first time an American Olympic team has won this race since 1996.

Peter was a standout in high school swimming for Rochester Adams High School where he earned four varsity letters. He is a Michigan State champion in the 200 yard freestyle and a two-time Michigan State champion in the 500 yard freestyle. He was also selected as the 2002 Oakland Press Scholar Athlete of the Year.

Peter will return to the University of Michigan this fall as a junior and will continue to swim for the school and Club Wolverine. His accomplishments are overwhelming and impressive, especially considering it has only taken him two years to reach these achievements. Peter is a seven-time NCAA All-American, was the 2004 Co-Big Ten Conference Swimmer of the Year, the 2003 Big Ten Conference Freshman of the Year, and a six-time Big Ten Champion.

Being a world-class swimmer takes dedication and resolve. It takes sacrifice and long hours of practice. It is not always immediately rewarding and there are many challenges before becoming a champion. I commend Peter on his determination.

I also realize raising a swimmer is not easy and that is why Peter's parents, Mark and Robin, deserve recognition for their hard work over the years. In fact, they have raised four swimmers; Peter's brothers Christian, Alex and Dane are accomplished swimmers in their own right.

Mr. Speaker, I congratulate Peter Vanderkaay on his Olympic success and wish him all the best in his future endeavors, both in and out of the pool.

HONORING RHADI FERGUSON

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. CARDIN. Mr. Speaker, I rise today to commend Rhadi Ferguson, a Maryland resident who proudly represented the United States as a member of its Judo Team in the games of the XXVIIIth Olympiad.

A three-time national Judo champion, Rhadi was born in Portland Oregon, and earned a football scholarship to Howard University where he also wrestled and ran track. Rhadi won the 2004 U.S. Judo Trials in June and a bronze medal at the 2004 Pan American Games.

Rhadi Ferguson is an academic champion as well, having earned a master's degree in teaching at Howard University with a perfect 4.0 grade-point average, and he is now pursuing his doctorate in education.

Although many consider judo to be very similar to wrestling, the sport has as its origins in the ancient Japanese art of jujutsu, a system of hand-to-hand combat that is more than 2,000 years old.

Dr. Jigoro Kano, the founder of modern Judo, introduced many of the current techniques used today, and he is largely credited with Judo's inclusion in the 1964 Olympic Games. Kano described the sport as "the way to the most effective use of both physical and spiritual strength. By training you in attacks and defenses, it refines your body and your soul and helps you make the spiritual essence of Judo a part of your very being. In this way you are able to perfect yourself and contribute something of value to the world. This is the final goal of Judo discipline."

I am proud that one of my constituents, Rhadi Ferguson, has achieved the status of national champion, and I urge my colleagues to join me in congratulating him on his participation in the 2004 Olympic Games.

CONGRATULATIONS TO WISCONSIN FIFTH DISTRICT OLYMPIC MEDAL WINNERS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. SENSENBRENNER. Mr. Speaker, it is with great pride that I take this opportunity to extend my congratulations to four Americans who went to Athens to compete in the 28th Olympic Games last month, and came back as Olympic medal winners. With ties to Wisconsin's Fifth District, they are: Chris Ahrens (Whitefish Bay), Paul Hamm and Morgan Hamm (Town of Waukesha), and Beezie Madden (Bayside).

Winner of the gold medal in the U.S. Men's Eight (rowing), Chris started rowing by going out with his dad to the Milwaukee Rowing Club at 6 years of age. After finishing fifth in the 2000 Olympics in the Men's Eight, Chris retired and took 3 years off. Fortunately for America, in 2003, he changed his mind and returned to the sport to represent his Nation with success.

In the sport of gymnastics, Wisconsin was represented by Olympic gold and silver medal winner Paul Hamm, and his twin brother, Morgan Hamm, a silver medalist. Growing up on a farm in Waukesha, the Hamm twins practiced on makeshift equipment—a pommel horse constructed out of a maple tree, and the upholstery of a car; rings hung up in the attic;

a trampoline set up in the barn, and parallel bars made from a stairway railing. This goes to show that you don't need state of the art equipment to create champions—you need heart.

In Athens, Beezie (Elizabeth) Madden was an integral part of the U.S. equestrian team that took the silver medal in Team Jumping. Nicknamed after her great-grandmother, Beezie took her first riding lesson at the age of 3. She got her first horse as a Christmas present when she was 4, and 2 years later, she competed in her first horse show.

Mr. Speaker, I would like to thank all four of these athletes for representing our country with such honor, and congratulate them on their success.

RECOGNIZING PURDUE PHARMA AND LIFETIME LEARNING SYSTEMS FOR THEIR OUTSTANDING WORK

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. SHAYS. Mr. Speaker, it gives me great pleasure to recognize the wonderful work of Purdue Pharma, L.P. and the Weekly Reader to educate America's youth on the dangers of prescription drug abuse.

Purdue has partnered with Lifetime Learning Systems, publisher of Weekly Reader, to distribute drug abuse awareness materials, entitled "Painfully Obvious," in selected schools and classrooms throughout the country. Nearly 13,000 middle schools will receive these materials, which include a student discussion guide and a teacher's instructional guide, for distribution to more than 4 million fifth- to eighth-graders. The distribution will cover students throughout the Northeast, South and Midwest.

An estimated 9 million people aged 12 and older used prescription drugs for non-medical reasons in 1999, according to the National Institute on Drug Abuse (NIDA). Also, according to the National Household Survey on Drug Abuse, the sharpest increases in new abusers of prescription drugs occur in 12–25 year olds. NIDA's 2003 Monitoring the Future survey, conducted amongst 8th, 10th and 12th grade high schoolers nationwide, found that Vicodin, a prescription drug, was the second most frequently reported drug used among 12th graders in high school, after marijuana. The same survey also found that 10.5 percent of 12th graders surveyed reported using Vicodin for non-medical reasons and 4.5 percent of 12th graders surveyed reported using OxyContin without a prescription. These statistics indicate a growing problem amongst the nation's teens. Individuals may also visit www.painfullyobvious.com to learn more about this important issue.

A critical first step in the prevention of prescription drug abuse by young people is to equip them with knowledge and information about its potentially devastating effects. America's youth will be in a better position to make the right choices because of this effort.

TRIBUTE TO JANET TRAUTWEIN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. ROGERS of Michigan. I rise today to pay tribute to Janet Trautwein for receiving the Gordon Memorial Award presented by the National Association of Health Underwriters. Since 1949, The National Association of Health Underwriters have been recognizing individuals that have generously and selflessly given their time and effort to the health insurance industry and the financial protection they provide to millions of Americans.

Janet Trautwein is well deserving of this award. She has served the association well as a staffer, but more notably in her years of uncompensated service as a former agent and active volunteer NAHU member in the state of Texas. Ms. Trautwein has exemplified the character of the Gordon Memorial Award by working hard to better the insurance industry without expecting anything in return.

Mr. Speaker, today, more than ever, volunteers are coveted members of our communities, selflessly giving their precious time and effort for the greater good. I ask my colleagues to join me in recognizing Janet Trautwein for her service and for receiving the Gordon Memorial Award from the National Association of Health Underwriters.

FORT KING

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. STEARNS. Mr. Speaker, on Monday, May 10, 2004 Fort King of Ocala, Florida was designated as a national historic landmark in front of 200 guests at the downtown square in Ocala, Florida. Many speakers were present and told of the underlying significance of Fort King, where Osceola fought against the United States, as a key fort in a chapter of American history, the Second Seminole War from 1835–1842. Henry Sheldon, an engineer of Gainesville, Florida, who is a member of the Seminole Wars Historic Foundation, was one of the speakers that evening. Below is his brief account of the historical significance of Fort King:

THE HISTORICAL SIGNIFICANCE OF FORT KING; FORT KING CEREMONY, MAY 10, 2004

(By Henry A. Sheldon)

Imagine standing at this spot in Florida two hundred years ago. Before you would be an immense forest, unbroken except by rivers, prairies, and lakes. It was said that if a squirrel could leap the rivers, it could walk on the tree tops from St. Augustine to Texas.

The sounds were those of the forest—the wind in the pines, the dying crash of a 500 year old mammoth oak, the cry of a hawk in the clouds, or the scream of a panther at the edge of the hammock.

For thousands of years native Americans passed by this spot in pursuit of deer and buffalo. Maybe a hunter sat right where you stand catching his breath as the pursuit continued. Maybe a town stood here. Maybe there were cook fires and children playing over there. The people were dressed in deerskins.

Then one day a different sound was heard in the forest. It was the sound of wagons, and horses and men shouting orders. "Pull up, veer to the left of that big pine, keep the wagons moving." They were soldiers, heading that way—East, toward the giant Silver Spring. They were dressed in blue and white and carried flintlock muskets similar to those used in the French and Indian War, the American Revolution, and the War of 1812. They had orders to build a fort.

They were looking for a hilltop, near water. They found such a spot 3 miles east of here on the first high ground west of the Silver Spring. Now the sound was of axes and the great pines on the hill began to fall to be used for the walls and blockhouses of the fort. The year was 1827.

The fort was similar to wilderness forts constructed by the French and the English during the 1600's and 1700's. It was the same type of picket fort constructed by George Washington at Fort Necessity in 1754. It was similar to the British Fort William Henry captured by the Marquis De Montcalm in the siege of 1757 and memorialized in James Fennimore Cooper's Last of the Mohicans.

Like Fort Leavenworth in Kansas, Fort Sill in Oklahoma, and Fort Laramie, in Wyoming, Fort King advanced the frontier. Many of these frontier forts became our cities. Fort Pontchartrain, became Detroit, Fort Dearborn became Chicago, Fort Pitt became Pittsburgh, Fort Brooke became Tampa, and Fort King became Ocala.

For 15 years (1827–42) Fort King was to be a main stage in the heroic and tragic saga of the advance of the American Frontier in Florida. It was constructed to administrate the Treaty of Moultrie Creek which relocated the Seminoles to central Florida. Fort King was to promote law and order in the wilderness by protecting the Seminoles from trespassing settlers and adventurers.

Initially, Fort King and the Indian Agency were viewed positively by the Seminoles. As Coahajo said to Gad Humphreys, the Indian Agent in Jan 1829, "This house was built for us, so that when we had any difficulty, we might come here and settle it." It represented the 'Great Father's' (i.e., the US President's) commitment to them for their safety and well being. Chief John Hicks said to Gad Humphreys "We know that the Great Father's power is great, and he can do with us as he chooses; but we hope that his justice is as great as his power." They trusted the Great Father and his Indian Agents. To the Seminoles, Fort King was a symbol of hope.

But the Great Father could not stop the overwhelming advance of the white settlers, the whisky peddlers, and the slave hunters. Two years after being constructed, Fort King was abandoned due to budget cuts from the recession of 1829. The Seminoles were left without the soldiers to protect them from marauding whites. Justice lapsed.

The government reduced their annuity. The Seminoles could not buy corn. They began to starve. Captain John Sprague wrote: "The Indian, exasperated by repeated wrongs, was reckless of the future—indeed, cared but little of results. Revenge, ever sweet to him, whatever may be the consequences, was all he sought."

Fort King stood empty for 3 years (1829–32), but the Seminoles did not disturb it. The Seminoles waited for the return of the soldiers to protect them under the terms of the Treaty of Moultrie Creek. However, in May

1832, the Great Father (Andrew Jackson) made them sign a new treaty at Paynes Landing on the Oklawaha River.

In June 1832, one month after the signing of the Treaty of Paynes Landing, the soldiers returned. Fort King was re-garrisoned. But now the Seminoles were told that they must leave Florida entirely and forever. Instead of a symbol of freedom, hope and justice, Fort King and its soldiers became a symbol of hate and oppression.

On to the stage came a new Seminole—His name was Osceola. His first appearance to the world was at Fort King in October 1834. Here, the defiant young war chief rejected the US orders to leave Florida and threatened war unless the Seminoles were left alone. There was no trust left.

Then came the fateful day of Dec 28, 1835. That morning 40 miles to the south along the Fort King Road, the Seminoles ambushed and annihilated two companies of US Army regulars in route to Fort King. That afternoon, Osceola shot and killed the Indian Agent Wiley Thompson outside the walls of Fort King. The Second Seminole War had begun.

During the seven year guerilla war that followed, every major general and every regiment of the US Army was stationed at or passed through Fort King. Here stood the Generals: Gaines, Scott, Clinch, Jesup, Taylor, and Armistead. Here stood the junior officers Worth, Johnson, Prince, Bragg, Meade, and Pemberton—men who would gain fame in the Mexican and Civil Wars. And here stood the enlisted men: Bemrose, Clarke, and hundreds of others who served in the Florida War.

Following the initial series of engagements, most of which the Seminoles won, US forces withdrew from the interior of Florida abandoning Fort King in May 1836. The Seminoles stood victorious. At this zenith of their success and hopes, the Seminoles burned the hated Fort King to the ground.

But it would be a short lived victory. The Army returned a year later and rebuilt Fort King. It would be garrisoned throughout the remaining 5 years of the war and from here the Army of the South would direct dragoon and infantry units in unrelenting search and destroy missions against the Seminoles.

When it ended in 1842, most of the Seminoles had been killed or captured and relocated to Indian Territory in Oklahoma. These native Americans constitute the Seminole Nation of today. An unconquered and defiant few withdrew to the vastness of the Florida Everglades and survived to the present as the Seminole Tribe of Florida.

In March 1843, Fort King was abandoned by the US Army for the last time and transferred to the people of Marion County. The Fort was used as the County's first courthouse and public building. In 1846, it was dismantled by the citizens of Marion County for its lumber. The great pines had done their job.

Hated and loved, Fort King was the stuff that dreams are made of. To the pioneers, it represented America in the wilderness. It was to these people—the Declaration of Independence, the Constitution of the United States, The Bill of Rights, and freedom and democracy as we knew it. To the Seminoles—this fort was first a symbol of justice and goodwill and then a symbol of arrogance, intolerance, and persecution. Hated and loved—In the end, Fort King is us.

The historical significance of Fort King is that it links us to our past and to our future. To stand on that hilltop puts us in the footsteps of Osceola and the native Americans who roamed and lived on this land for thousands of years before the Spanish, French, English, and Americans ruled it. It is a place in the modern city that links us to our wilderness past. It reminds us of the difficulties faced by our young republic in maintaining justice and peace on the Frontier. It is how we got here. Here is our story on the exact spot of land where it all happened.

The lesson learned from Fort King is our need to assimilate and accept people of other cultures who in the final analysis value being American as much as we. Can we become a better people? The fact that we stand here as friends with the Seminoles, the very people we oppressed at the start of our State, is a testament that we can. Fort King is a place of hope.

THE ANNIVERSARY OF 9/11

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. DAVIS of Illinois. Mr. Speaker, combating terrorism has emerged as one of the most important U.S. foreign policy and national security priorities. The number of terrorist groups is reportedly growing and the technology to inflict mass casualties is becoming more readily available. The United States and other cooperating nations are confronted with four major tasks, namely, (1) deterring and identifying terrorists and their sponsors and supporters (2) weakening terrorist financial ability and infrastructure (3) making potential targets extremely difficult to be accomplished, and (4) containing damage in the aftermath of terrorist attacks. Given these priorities Congress and the administration should accept the recommendations of the 9/11 Commission Report as a guidance document toward effectively combating terrorism without diminishing the people's civil liberties and rights.

Combating terrorism requires government activity designed to gather information on, and restrict the activities of individual terrorists and groups seeking to engage in direct or indirect terrorist activity. This is a challenge facing the Congress as to how—in a growing age of globalization, deregulation, democracy and individual freedom—to institute effective communication between various intelligence agencies, information sharing across Federal, State and local governments and private sectors and the method of implementing regulatory and monitoring systems which will help deter, identify, and track terrorists and stop their activities.

INTRODUCTION OF RESOLUTION HONORING THOSE VOLUNTEERS WHO HELP AMERICA'S MILITARY FAMILIES

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mrs. DAVIS of California. Mr. Speaker, I rise today to offer, along with my colleague and friend Representative JO ANN DAVIS from Virginia, a resolution honoring those who selflessly volunteer their time and energy to support America's brave military families.

Mr. Speaker, since the conflicts in Afghanistan and in Iraq began, the strain on our military families has been tremendous—with extended tours of duty and several activations and reactivations

During this time, our military families face unique and trying challenges. While their loved ones are deployed overseas or away for extended periods, these families must cope with the anxiety and a fear of a different kind than experienced in combat.

This anxiety can be just as intense. "Will my husband come home?" "Is my daughter's unit in the line of fire?" "How will I make ends meet while the kids' father is gone?" "How should I explain this to our kids?"

These are the questions that race through the minds of the spouses and the children of our brave servicemembers while they are courageously fighting overseas. These families and communities need the support of others who can relate to them and comfort them in this time of need.

Working without pay, not expecting recognition, and often using their own resources, military unit family support volunteers have been filling this need for decades. These generous men and women have taken it upon themselves to provide guidance, support, and advice to military families.

Each branch of the United States Armed Forces has organized its military unit family support volunteers into effective networks of support.

Generally, the spouse of a servicemember will serve as a military unit family support volunteer and will work hard to improve the lives of other spouses and their children.

In San Diego, I have had the opportunity to work closely with Navy Ombudsmen and Marine Key Volunteers on a regular basis.

It is an understatement to say that I have been amazed by their dedication. These volunteers spend hours and hours each week to help other military families. Working as a military unit family support volunteer is a full-time job.

They provide these services while at the same time, dealing with the hardships of military life in their own right. But without their efforts, military life for military families would be much more difficult—especially for those who are new to the service.

Next week on Tuesday, September 14, the Navy will honor its selfless volunteers on Ombudsmen Appreciation Day. Each year, the Navy recognizes its 6,000 Ombudsmen on this special day.

Mr. Speaker, I cannot think of a better occasion to recognize the fine efforts of all our military unit family support volunteers from each branch. It is my goal to let each volunteer know that this Congress stands firmly behind your efforts and recognizes the invaluable support you give to America's brave military families.

Today, I am introducing a concurrent resolution to officially recognize the efforts of the Air Force Spouses Together and Ready volunteers (STARs), the Army Family Readiness Volunteers, the Marine Key Volunteers (KVs), and the Navy Ombudsmen.

This Congress stands firmly behind your mission. Thank you very much for your efforts and your dedication.

COMMENDING ARMY RESERVE PRIVATE FIRST CLASS LUIS A. PEREZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and respect that I wish to commend Army Reserve Private First Class Luis A. Perez for his bravery in the field of battle and his willingness to fight for his country. Private Perez was assigned to the 223rd Transportation Company, United States Army Reserve, Norristown, Pennsylvania. Private First Class Perez lost his life on Thursday, August 26, 2004, in Fallujah, Iraq, when the fuel truck he was driving hit a land mine causing a deadly explosion. His sacrifice will be remembered by a community that has been struck hard by the devastating loss of one of its own.

A native of East Chicago, Indiana, Private Luis Perez attended Morton High School in Hammond for two years, but graduated from a high school in New York where he had gone to live with his father after his parents divorced. He enjoyed playing video games, basketball and he also liked to write poetry. All Private Perez ever wanted was to grow up and be a soldier like his father. After graduating from high school, he enlisted in the United States Army and two weeks later he was off for training.

It came as no surprise to those who knew Private Perez that he would serve his country. Growing up, he traveled with his parents and two younger sisters all over the world, living in Hawaii and Germany. A true patriot, his love for his country was evident from the time that he was a child. At a young age he told imaginative tales of what his life would be like, he said he wanted to be a green man and continue traveling the world. Relatives urged Private Perez to enroll in college, but he wanted to be a hero like his father, Sergeant Jose Perez, a 20-year veteran of the United States Army. Private Perez felt tremendous pride for his country, and he was willing to endanger his own life to protect the lives of his fellow citizens. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled. He gave his life so that the freedoms and values that he treasured could be enjoyed by those around the world.

Although he loved his unit and his country, Private Perez treasured his family above all else. He is survived by his wife, Theresa, his father, Sergeant Jose Perez, his mother, Lisa Perez, two sisters, and his grandmother, Clara Madrigal.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Reserve Private First Class Luis A Perez. He will forever remain a hero in the eyes of his family, his community, and his country. Let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

ON THE OCCASION OF THE 50TH ANNIVERSARY OF NIST'S BOULDER LABORATORIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. UDALL of Colorado. Mr. Speaker, a week from today, the Boulder laboratories of the National Institute of Standards and Technology will celebrate their 50th anniversary. I rise today to honor NIST and its employees on this important occasion.

It wasn't long ago that we celebrated the centennial of NIST's founding, which Congress marked with the passage of a resolution that Representative MORELLA and I sponsored.

The National Institute of Standards and Technology was chartered by Congress on March 3, 1901 as the federal government's first physical science research laboratory. Scientists, engineers, and industrialists first advocated the establishment of a standards laboratory, pointing to the new challenges facing the U.S. as a rapidly industrializing world power.

Today, I'd like to draw attention to the work of NIST's laboratories in Boulder, Colorado, in my district.

In 1950, to address the lack of laboratory space, NIST established a cryogenic engineering laboratory and radio facilities on land donated by citizens of Boulder. NIST's Boulder facilities were expanded in the mid 1960s, when NIST and the University of Colorado (CU) joined forces to create the Joint Institute for Laboratory Astrophysics (JILA), a cooperative effort that has gained widespread recognition in atomic physics and other fields.

The partnership between NIST and CU has led to some amazing discoveries. Beginning in the 1970s, the discipline of cooling and trapping atoms was established in part by experiments with electrically charged atoms by researchers at NIST's Boulder campus. This work inspired Dr. William Phillips and his team to demonstrate both the trapping and the cooling of atoms well below the temperature limits generally believed possible. Dr. Phillips was awarded the Nobel Prize in Physics in 1997 for this work.

In 1995, using these same techniques of laser cooling and trapping of atoms, scientists at JILA—NIST's Eric Cornell and CU's Carl Wieman—cooled rubidium atoms to less than 1 millionth of a degree above absolute zero. This was 300 times lower in temperature than ever achieved before and created a new state of matter predicted decades ago by Albert Einstein and Indian physicist Satyendra Nath Bose. The Bose-Einstein condensate is widely hailed as one of the century's major achievements in physics, and has been honored with several internationally prestigious awards.

All of this research has enabled the design and construction of one of the world's most accurate clocks, NIST F–1, which is used by NIST (in cooperation with the Naval Observatory) to maintain the nation's time standard. The NIST–F1 is so accurate that it will neither gain nor lose a second in 20 million years! It is approximately three times more accurate than NIST–7, the previous time piece for the nation. This precise time information is needed by such users as electric power companies, radio and television stations, telephone companies, air traffic control systems, the Global Positioning System, participants in space exploration, the Internet, and navigators of ships and planes—all of whom need to compare their own timing equipment to a reliable, internationally recognized standard, which NIST provides.

I'd also like to mention an interesting tale of "technology transfer" that has resulted from the time and frequency research in NIST's Boulder laboratories.

In the early 1970s, NIST developed a time distribution system that placed a hidden time code on an unused part of the TV signal. While the system was not implemented, this technology provided the basis for closed captioning. In the following years, several networks, working with NIST, took up the project and developed convenient encoding equipment and improvements to the captioning format. Then in 1980, NIST, the American Broadcasting Company, and the Public Broadcasting System received Emmys from the Academy of Television Arts and Sciences for this development. Today the Emmy is proudly displayed at NIST's Boulder laboratories and is a wonderful example of federal research that led to significant commercial spin-offs.

These are just some of the contributions NIST's Boulder laboratories have made to the nation in the half-century of their existence. NIST is poised to contribute to even greater advances in the 21st century. I will continue to call attention to the Boulder labs' contributions and the necessity of upgrading the facilities so that the Boulder scientists can continue to produce top-flight research.

As the attached article from the Daily Camera notes, Washington scientists who were reassigned to the new Boulder labs in 1954 weren't happy about moving to what they thought was a "scientific Siberia." It's remarkable what a difference fifty years can make. It turns out that NIST's arrival triggered a "scientific renaissance" that made Boulder the scientific hub it is today.

I am proud to represent the scientific hub of Boulder and all the talented and dedicated scientists and employees who work at NIST, which has rightly been called a "crown jewel of the U.S. government." I would like to express my congratulations again to NIST's Boulder labs for reaching this important half-century mark.

[From the Daily Camera, Aug. 29, 2004]

NIST AT 50

FEDERAL LABS HELPED TURN BOULDER INTO TECH CENTER

(By Todd Neff)

Half a century ago this Sept. 14, President Dwight D. Eisenhower stepped before a new $4 million structure south of Boulder and dedicated the U.S. Department of Commerce's Boulder Laboratories. It was a landmark day for the city, then with a population of 20,000, and not just because it was the first visit to Boulder by a sitting president. The 10,000 people who braved the beating sun that Monday could not have known the Boulder labs would, over the course of the next 50 years, bring billions of dollars and thousands of jobs to the area. Nor could those present have imagined the role the labs would play in turning Boulder into a technology center.

The lab's arrival in Boulder was a combination of good fortune and determined effort. Some of the good fortune was President Harry Truman's 1949 secret order to stop clustering major buildings in Washington, D.C., because of the threat of nuclear attack. Yet the National Bureau of Standards' Central Radio Propagation Laboratory needed room to grow. That laboratory, like other NBS labs, had a basic mission that hasn't changed: Establish the standards that form the basis of technological development. Without standards, radio stations would broadcast on one another's turf, manufacturers would have no means of assessing the quality of materials such as steel, and time synchronization critical to communications, navigation and information technology wouldn't be possible.

As a Daily Camera editorial on Sept. 10, 1954, put it "Of all the agencies of the government, the NBS is perhaps the greatest money-saving organization we have. Its huge cost of maintenance is offset many times by what it saves the government, business and the people in money, time and safety." With the Washington, D.C., area out of the question, NBS sought a small-town location with little radio noise, a university and a nearby transportation hub. Boulder, Charlottesville, Va., and Palo Alto, Calif., were the main contenders. Some of the key effort came from the Boulder Chamber of Commerce, led by Francis W. Reich. The chamber led a 1950 cash drive that raised $90,000—about $700,000 in today's dollars—in two weeks. They used $63,000 to buy 217 acres of pasture to donate to the federal government. Most of the rest bought the land east of Boulder that's now home to Ball Aerospace & Technologies Corp. The local money tipped the scales. Crews broke ground at the Boulder Labs in July 1952, finishing work in the spring of 1954.

It turned out to be a good investment. A 2002 University of Colorado study projected that the labs would bring $2 billion in economic benefit to the state between 2001 and 2005—and $340 million to the city of Boulder alone. About 450 scientists and support staff—some from Washington, other from local NBS field offices—had moved in by the time Eisenhower rode up the Boulder Turnpike from his summer White House at Denver's Lowry Air Force Base. Yet those scientists weren't the first at the site. The Atomic Energy Commission, in a rush to build hydrogen bombs after the Soviet Union's successful nuclear tests, wanted a remote location to produce liquid hydrogen for its Los Alamos labs. It tapped NBS's Washington, D.C.-based Heat and Power Division to build a plant to produce liquid hydrogen. The plant began churning out the super-cold liquid in 1952 that would go into the world's first hydrogen bomb. When a nuclear scientists decided atomic bombs didn't need mass volumes of liquid hydrogen, the operation became the NBS's Cryogenic Engineering Laboratory in Boulder.

By the Boulder NBS' 10-year anniversary in 1964, it employed 1,400 people in two major laboratories. One was the original Central Radio Propagation Laboratory, which tested radio-wave behavior and developed standards associated with all sorts of radio transmission and propagation, including weather radar. The second was the Cryogenics Engineering Laboratory.

The names have all changed, often in mind-bending ways. For example, NBS' Central Radio Propagation Laboratory moved to the U.S. Weather Bureau in 1965, then became the Environmental Science Services Administration and, in 1970, the National Oceanic and Atmospheric Administration, or NOAA, as it's known today. The same 1965 move created the Institute for Telecommunication Sciences, which did radio-spectrum work. Today, the Institute for Telecommunication Sciences labs make up the whole of the National Telecommunications and Information Administration's presence in Boulder. The Cyrogenics Engineering Laboratory and a host of additions remained with the NBS until 1988, when NBS became the National Institute of Standards and Technology, or NIST.

Then there were the two NIST joint laboratories with the University of Colorado at Boulder. The Joint Institute for Laboratory Astrophysics, or JILA was created in 1962. Its researchers work in everything from astrophysics to atomic physics. It was two JILA scientists, Eric Cornell of NIST and Carl Wieman of CU, who won the 2001 Nobel Prize in physics for their discovery of Bose-Einstein condensate, a new form of matter. The CU-NIST Cooperative Institute for Research in Environmental Sciences, or CIRES, was created in 1967 and focuses on atmospheric physics. NIST, NOAA and the smaller NTIA make up today's Boulder labs. Combined, they employ about 1,800 including full-time government researchers, visiting researchers and students. About 750 are associated with NIST, 1,000 with NOAA and 75 with NTIA. Research has evolved even faster than names.

Bob Kamper, 71 a physicist who started at the labs in 1963 and rose to serve as NIST's director in Boulder from 1982 until his retirement in 1994, described how work evolved in the Cryogenics Division, where he started.

First it was about liquid hydrogen for the U.S. nuclear-weapons program. But by the 1960s, superconductivity—in which certain materials have zero electrical resistance at extremely low temperatures—was a major research interest. Expertise in super-cold temperatures also led to work in metallurgy (metals become brittle when temperatures plummet), work that eventually became part of today's NIST Materials Reliability Division. Among its efforts, that division is investigating the causes of the World Trade Center collapse after the terrorist attacks of Sept. 11, 2001. Efforts to establish the behavior of fluids at ultra-low temperatures became part of the NIST Physical and Chemical Properties Division. Kamper said that division played an important role in figuring out characteristics for new refrigerants in the wake of chlorofluorocarbon bans, for example.

Superconductivity-bred expertise in magnetics led to more advanced superconductor work as well as broad research in computer-storage devices. NIST's $93 million 2004 budget includes $29 million from outside sources, such as other government agencies and technology companies. "You very much worked on what people would pay for, which is why I would say there is very little dead wood," Kamper said. He said he doesn't think the research ethos has changed. "We were pretty enthusiastic way back when, and talking to the youngsters now, I think they still are," Kamper said. "They're very much absorbed in their work."

John Richardson, 82, arrived in Boulder in 1952 to work in microwave physics. He moved into the new labs when they opened in 1954. Richardson said NBS's arrival in Boulder triggered a "scientific renaissance," strengthening the University of Colorado, luring the National Center for Atmospheric Research to the city and fueling technology companies such as IBM and Ball Aerospace & Technologies Corp.

Many Washington scientists reassigned to Boulder in the early 1950s were "very anxious about it, because they viewed Boulder as a scientific Siberia," Richardson said. Half the staff left rather than come to Boulder, said Alan Shapley, 85. Shapley came to Boulder on an NBS scouting mission in the late 1940s and worked at what became NOAA until his retirement in 1983. "There were very few who had ever heard of Boulder," Shapley said. But that changed quickly. Richardson said he and other Boulder labs researchers taught as adjunct professors at CU. The NBS presence attracted major scientific conferences to Boulder, as well, he said. "Visitors came, saw the climate, saw the quality of life, and I have no doubt that many were persuaded to locate here, either individually or in business," he said. He calls NIST a "crown jewel of the U.S. government." "All our measurements and all our scientific progress ultimately can be traced back to NIST," Richardson said. "If there were no NIST, it would have to be invented."

ON THE DEATH OF FORMER CONGRESSMAN ROBERT D. "BOB" PRICE OF TEXAS

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. THORNBERRY. Mr. Speaker, I regret to have to inform the House that our former colleague, Robert D. "Bob" Price, passed away August 24, 2004.

Congressman Bob Price's life was a shining example of a true American experience. Throughout his 76 years, Bob Price compiled an admirable record of service to his community, his state, and his country.

Bob Price was born September 7, 1927 in Reading, Kansas. He received a bachelor's degree in animal husbandry from Oklahoma State University in 1951, the same year he married his wife, Martha, or "Marty", in Oklahoma City.

Also in 1951, Mr. Price began a four-year stint in the United States Air Force. During the Korean Conflict, Mr. Price served as a fighter pilot, flying 27 combat missions and earning the Air Medal. After leaving the Air Force, Mr. Price owned and operated a ranch with his wife in Pampa, Texas for 50 years.

He was first elected to the U.S. House in 1966 and served here for eight years. Mr. Price served on the Armed Services Committee, the Agriculture Committee, and the Science and Astronautics Committee. During his time in Congress, Mr. Price was known as the only member who had flown Mach–3 in the SR–71 Blackbird, the F111–A and the F–4E Phantom. After leaving the U.S. House in 1975, he later served in the Texas State Senate from 1978 through 1980.

Mr. Price was also an active member of his community as a member of the First Baptist Church, the Pampa Masonic Lodge Number 966 AF & AM, the Pampa Shrine Club and the Downtown Kiwanis Club. He was also a member of the El Paso Scottish Rite Consistory and the Khiva Shrine Temple of Amarillo.

Bob Price is survived by his wife, Marty; a son, Carl Price, his wife, Kelly, and their children, Courtney, Grayson, Bridget, and

Daniella, all of Houston; a daughter, Janice Johnson, her husband, Marc, and their children, Nicholas, Miles, and Elise, all of Indianapolis, Indiana; and a brother, Ben Price Jr. of Reading, Kansas. Mr. Price was preceded in death by his infant son, David Wayne Price, and another son, Robert Grant Price, who died in 1987.

I ask all of my colleagues to join me in extending condolences to the family and friends of former Congressman Bob Price of Texas and in honoring his service and many contributions to our great Nation.

ROY CAMERON HARRINGTON MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Roy and Rhonda Harrington on the birth of their son, Mr. Roy Cameron Harrington. Roy was born on Thursday, July 1, 2004 and he weighed 7 pounds and 5 ounces. Faye joins me in wishing Roy and Rhonda great happiness during this very special time in their lives.

As a father of three, I know the immeasurable pride and rewarding challenge that children bring into your life. The birth of a child changes your perspective on life and opens the world to you in a fresh, new way. Their innocence keeps you young-at-heart. A little miracle, a new baby holds all the potential of what human beings can achieve.

With great happiness, I welcome young Roy into the world and wish Roy and Rhonda all the best as they raise him.

THE RETIREMENT OF DR. CARL G. ANDERSON

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. STENHOLM. Mr. Speaker, I would like to share with my colleagues a story that appeared in the August 30, 2004 edition of the Lubbock Avalanche Journal, regarding Dr. Carl G. Anderson and his retirement, both as the Cotton Marketing Specialist for the Texas Cooperative Extension Service and as a professor with Texas A&M University's Department of Agricultural Economics.

As a West Texas cotton farmer, I will sorely miss Dr. Anderson's expertise, especially the calm, rational manner with which he makes sense of the cotton market. I often had the task of following Dr. Anderson in speaking at many a lunch or dinner, so I can attest to the respect and admiration he has among cotton farmers. He was, and will remain, a tough act to follow. I know my fellow cotton farmers, as well as all others involved in the cotton industry in Texas feel the same way.

I should note that Carl's love of agriculture was passed on to his daughter, Caroline Anderson Rydell, who worked for one of our former colleagues and was a staff member of the House Committee on Agriculture. Caroline remains in Washington and is working on behalf of American farmers and ranchers at the American Farm Bureau Federation.

It is my understanding that Carl will continue to be play a role on a part-time basis for another year. Those of us involved in cotton production in Texas will have Carl's expertise for one more year before we have to get through a planting, harvesting, ginning and marketing season without him!

I would like to take this opportunity to thank him for his 22 years of service as the Cotton Marketing Specialist for the Texas Cooperative Extension Service, and I wish him well as he begins to enjoy a well-deserved retirement with his wonderful wife, Shirley.

AG EXPERT HAS COTTON IN HIS BLOOD

ANDERSON RETIRING BUT STAYING IN FIELD

(By Joe Gulick)

Carl Anderson's involvement in the cotton industry began as a boy. He recalls picking cotton, dragging a heavy cotton sack behind him, and repeatedly hoeing the stubborn and prolific Johnson grass that sprouted in the black Texas soil of the family farm outside Taylor, near Austin.

"We had never even dreamed of Round-Up in those days," he said with a laugh, referring to the modern herbicide.

The many hours of hard work in the hot sun established character and built within him the desire to work hard and do well, he said. They also encouraged him to approach agriculture from a different perspective—one in which he used his head and not his hands.

"It got me started on thinking," he said. "Thinking is a lot easier than running a gooseneck hoe and picking cotton."

The intellectual approach led to Anderson earning a doctorate from Texas A&M and becoming one of the top cotton marketing experts in the nation. His many awards and accolades attest to his success.

He will retire on Tuesday as professor and extension economist with A&M's Department of Agricultural Economics. But fortunately for the Texas cotton industry, he will continue to work part-time.

Roger Haldenby, vice president of operations of Plains Cotton Growers Inc., said Anderson is one of the leading cotton economists in the Cotton Belt—from California to the Carolinas—but is especially well known in Texas.

"Carl has been ahead of the curve on all of the market moves and has given sound and solid advice to cotton farmers on how they can market, hedge or keep their cotton from season to season," Haldenby said.

Dale Swinburn, who farms south of Tulia, called Anderson a great asset to the Texas cotton industry.

"He is a real educator and helps farmers understand the futures market. He is a great guy and is very approachable."

Anderson; who attended college on the GI Bill, worked as an economist for the Federal Reserve Bank in Dallas for about eight years after receiving his doctorate. He worked with agricultural lenders in the fledgling cattle feeding industry, primarily in the Texas Panhandle and Amarillo area.

In 1978, A&M created the position of cotton marketing specialist, and Anderson returned to his alma mater to take the job.

He recalls that he was surrounded by challenges, not the least of which was the fact that West Texas cotton quality was lacking at that time.

"The producers were very good at producing, but they did not think beyond the gin," he said. "At that point, the producer was pretty much at the mercy of the market—with the exception of a few co-ops."

Improving the quality of local cotton was a gradual process that was helped greatly by the change from hand evaluation of strength and quality of cotton fibers to machine evaluation. Cotton grown in West Texas today has higher fiber strength, longer fibers and better yields, he said.

Asked about the most rewarding part of his career, he replied, "Seeing farmers that have adapted to change, whether it was new systems of farming, new varieties or learning to price cotton when prices were most favorable."

He has seen tremendous changes in the cotton industry since his childhood, from machinery, herbicides and insect control to chemicals and developments in genetics.

"I remember my father plowing with mules," he said. "The first tractors were two-row tractors with steel wheels. Now they have four-wheel drive machines that do at least 12 rows at a time."

Anderson remembers spending the summer of 1949, after he graduated from high school, participating to a small degree in growing and harvesting the Texas cotton crop that still stands as a state record. As he retires, it appears the state will top that record this year.

"It is exciting to me that, with about half the acreage we had then, we can exceed the 6 million bales we had in 1949," he said.

The future of cotton in Texas will probably be on even fewer acres, he said. Some of the marginal acreage for cotton now will probably be used to grow other things, but the acres that remain will be higher-yielding ones.

And the United States will continue to be challenged by international competition, particularly from China, which Anderson said dominates the world in cotton production. One problem has been the shrinking of the U.S. textile industry and the strength of China's textiles, he said.

"The only way we can compete with them is to be the most efficient, from field to fabric," Anderson noted.

He is honored by a graduate assistant scholarship fund that has been established in his name at A&M. While he is looking forward to slowing down a bit, his remaining on part-time status after his retirement will be welcomed by those who have come to depend on him.

"I have heard people introduce him as the dean of cotton," said Billy Tiller, who farms west of Littlefield. "I take my hat off to him for serving us for all of these years. What would we do without him?"

IN MEMORY OF HANNAH H. HAGIN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. PORTMAN. Mr. Speaker, I rise today in tribute to a dear friend and constituent, Hannah H. Hagin, who passed away in Cincinnati on August 30, 2004.

There are special people in our lives, and Hannah was one of them. It is especially hard to lose them. She brought love, laughter, and happiness to everyone she met. She was funny and modest and giving. Hannah had an enormous number of devoted friends who adored her. People loved her because her kind of compassion, generosity and dignity is rare.

Hannah's real legacy is her wonderful and accomplished family. She took tremendous pride in them, and she has a special place in each one of their hearts. This is true of her husband of nearly fifty years, Joe; her two sons, Joe and Hunt; her daughter-in-law, Lauren; and her twin granddaughters, Lily and Kate. Hannah was a very proud grandmother, and loved nothing more than spending time with Lily and Kate.

Hannah grew up in Lexington, Kentucky, where she met Joe, whom she married during their junior year of high school. She later attended the University of Kentucky, where she majored in history.

Hannah was also active with gardening, knitting and needlepoint. She was a member of the Indian Hill Garden Club.

All of us in Cincinnati who knew Hannah are grateful to have had her in our lives. She made all of us better human beings.

JOE SERNA, JR.

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. CARDOZA. Mr. Speaker, I rise today, shortly following what would have been former Sacramento Mayor Joe Serna's 65th Birthday, to join with his friends and family in helping to honor Joe's lifelong commitment to bettering the lives of his fellow citizens through the dedication of the Joe Serna Jr. Amphitheater at Delta College.

The great labor leader, Cesar Chavez, once said, "You knock on twenty doors or so, and twenty guys tell you . . . that they haven't got time. But maybe at the fortieth or sixtieth house you find the one guy who is all you need."

Joe was one of those remarkable men Cesar Chavez was looking for. He was a much rarer breed than one in forty or one in sixty. Joe was, at the very least, one in a million.

He answered this call to service and action at an early age, losing his job at a manufacturing facility by endorsing a strike. He continued this fight on behalf of his fellow man for the remainder of his life. He was often called upon to lend assistance to his mentor, Cesar Chavez, and did not once turn down such a request.

His devotion to others was remarkable and unrelenting; whether as a worker in a trailer factory, as a labor leader, as a volunteer in the Peace Corps, as the civic leader of California's capital city, or as a husband, father and grandfather.

It is fitting that Delta College is naming a building for him. Once Joe had decided to answer Chavez's call and take the path of self-sacrifice and dedication to his community, Delta College was the first place he turned to hone the skills that would allow him to be the most effective advocate he could be.

We can only hope that future generations passing through the campus will have some measure of the integrity and dedication to his fellow man as Joe Serna Jr. displayed his entire life. We are all the better for his efforts and it is my honor to recognize and pay tribute once again to this fine American.

TRIBUTE TO THE REVEREND JESSE LANGSTON BOYD, JR.

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Ms. DEGETTE. Mr. Speaker, I rise to honor the exceptional accomplishments and extraordinary life of the Reverend Jesse Langston Boyd. This remarkable gentleman merits both our recognition and esteem as his impressive record of leadership and his invaluable service has done much to improve the lives of our people.

Reverend Boyd's standing within our community is rivaled by few others. He was a dynamic preacher whose counsel was infused with a spiritual fire that moved all of us to do what was right. He lived his life on the front lines of progress and proved to be a powerful champion of economic and social justice. His indomitable spirit carried him through many of life's challenges and molded a life of genuine accomplishment.

Jesse Boyd began his life in St. Louis, Missouri and settled in Los Angeles during the height of the civil rights movement. He joined the Reverend Jesse Jackson's Operation Breadbasket and organized the city's Operation PUSH. In the early 1970's, he spent two years as a missionary in Zambia building schools and houses. He later studied at the Center for the Study of Religions in Jerusalem and earned a degree in divinity from Harvard University.

Reverend Boyd came to our community in 1978 and was pastor of Shorter African Methodist Episcopal Church for over twenty-six years. As a spiritual leader, he advanced the social and educational development of our youth and burnished a reputation as a powerful advocate for civil liberties, inclusion and expanding opportunities for all people. Under Reverend Boyd's leadership, Shorter A.M.E. became a beacon of hope and remains a positive force in the spiritual and civic life of our community.

He served as President of the Black Ministerial Alliance and in the mid–1980's, he helped create People Against Racism at Coors after William Coors, board chairman, was quoted in the Rocky Mountain News as saying that blacks lacked "intellectual capacity." The newspaper later retracted the story and a suit filed by Coors against the newspaper was also retracted. His civic accomplishments included building a fifty-unit housing development and establishing a park near Shorter A.M.E. Church.

Reverend Boyd was no stranger to political and community activism. He served as director of the Southern Christian Leadership Conference and chaired the boards of directors of Denver Metro PUSH and the Rainbow Coalition. Former Governor Roy Romer appointed him to the Colorado Wildlife Commission and he co-chaired the state campaigns for the Reverend Jesse Jackson, Gary Hart and Michael Dukakis.

It comes as no surprise that the Muscular Dystrophy Association honored Reverend Boyd with the 2004 Personal Achievement Award for his extensive religious, social and political contributions. Recently, Mayor John Hickenlooper proclaimed June 24th, 2004, as "The Reverend Jesse Langston Boyd Day."

We are indeed grateful for the life of Reverend Boyd and for his inestimable contribution to the spiritual life of our community and to the causes that elevate the human condition. He was a fervent defender of the civil liberties which have deep roots in our republic and we are all diminished by the passing of the remarkable gentleman. His contemporaries, including the Reverend James Peters, the Reverend Paul Martin and the Reverend Gil Caldwell recently noted that Reverend Boyd "was a spiritual giant in our community" who "helped us blaze the trail" and "dared challenge America to become a land 'with liberty and justice for all'." I would simply add that I believe Reverend Boyd's message to us would be that we must be ever vigilant and continue to affirm the values of equality, inclusion and tolerance—the values which define us as Americans. Please join me in paying tribute to the life of Reverend Jesse Langston Boyd, a distinguished spiritual and civic leader. His service, accomplishments and leadership command our respect and serve to build a better future for all Americans.

REGARDING PRESENTATION OF THE MILITIA AWARD TO DEBRA WADA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. SKELTON. Mr. Speaker, as we return to session following a productive August among the people we represent, it is worth remembering that for the most part, the staff of the House has been here and working through the month.

I believe we do not recognize often enough those dedicated public servants, who get lumped into that antiseptic word "staff." Among the staff of the House are leading experts in their fields, prize winners, men and women noted in their own right for achievements both professional and prosaic. Many know far more in their fields of expertise than any Member of Congress ever will. And yet they bite their lips and say "Yes, sir," when we hear their counsel yet choose to go another way.

Perhaps the greatest tribute to the selflessness of the staff is the fact that almost any one of them could leave this place tomorrow for jobs with better pay, better recognition, and much better hours, yet their dedication to the common weal binds them to this House. And we Members all wind up looking the better for it.

Fortunately, while we may not say "thank you" often enough, others sometimes take up the slack. And so it is with Debra Wada, a member of the Armed Services Committee staff.

Debra handles matters concerning military personnel for the committee, and does so with zeal and knowledge and grace. She is always looking out for the common soldier. Millions of Americans in uniform owe the improvement of their pay and benefits to Debra and her foresight and dedication. I trust her guidance, and even more admire the energy with which she works and lives.

I am not alone in that sentiment. Not long ago, Debra was recognized by the National Guard Association of the United States, who presented her with their Militia Award. In their words, she was selected "for her exceptional dedication and effort to improve the status, welfare and professionalism of the enlisted members of the National Guard of the United States." That is indeed an honorable achievement, particularly at a time when military personnel are working so hard on our behalf.

While the Association did not formally recognize the effervescent personality that suffuses her work and brings joy to those around her, I have no doubt that those qualities played a role in her selection as well.

Debra has overcome a great obstacle to get where she is today; she was formerly employed in the other body of Congress. I compliment her on surmounting this challenge.

Mr. Speaker, people wonder how Members of Congress can vote one minute on education, the next on health, the next on defense, and understand so many issues in enough depth to make good decisions. The answer is that we are all fortunate to be surrounded by an ocean of talent. People like Debra Wada make our job possible. I salute her not only for her award, but for the unrecognized work that she and other staff professionals perform all year round.

AN APPRECIATION AND TRIBUTE TO NANCY WILSON

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. LEWIS of Georgia. Mr. Speaker, I join my fellow colleagues in the Congressional Black Caucus to salute and pay tribute to Nancy Wilson, a living American legend. When one thinks of Nancy Wilson, the word that immediately comes to mind is sophistication. She is one of the last in line of elegant entertainers who performed naturally onstage exuding refinement, poise and grace.

For years her style has blurred the lines between jazz, R&B and pop, redefining the essence of good music. With a career that has transformed, been translated, and ultimately survived over forty years in the music industry, Nancy Wilson has proven herself as more than merely an entertainer—she is a world-class interpreter of everything from blues and gospel to Broadway showtunes. She is just as at home in front of a full orchestra as she is in front of a jazz quartet. Her multifaceted stage presence has undoubtedly contributed to her staying power.

Born in Chillicothe, Ohio in 1937, Nancy Wilson came of age to the sounds of Nat "King" Cole, Louis Jordan, Dinah Washington, Jimmy Scott, Bull Moose Jackson, Ruth Brown, Billy Eckstein, and LaVern Baker. At age 15 she entered a voice contest with other high school students and so impressed the judges that she won her own television show, Skyline Melodies. Later in her career, Ms. Wilson was a popular guest of TV variety shows from Johnny Carson and Andy Williams to Flip Wilson and Arsenio Hall. Her series' appearances include I Spy, Room 222, Hawaii Five-O, The Cosby Show, New York Undercover, and the films The Big Score and Meteor Man. Noting Wilson's versatility as an artist, her acting talent should be no surprise. As she once said: "Each song is a little play; a little vignette." Her acting simply turned an outstanding career to a stellar one.

Since her beginnings, Nancy Wilson has given voice to those ineffable feelings of heartache, heartbreak, and those first soul-stirring moments when one falls in love. Songs like "Guess Who I Saw Today," "Save Your Love For Me" and "Like in Love" sung in that sultry signature tenor, have given the world a soundtrack for the love experience. Her songs have personified love; but more than that her songs have given us the assurance that someone else has experienced love deeply.

Nancy Wilson has without question served us all well from the stage and on the airwaves—her voice a soothing balm to life's multiple wounds. But her service extends beyond the entertainment realm. Over the years she has contributed her time and energy to causes such as the Martin Luther King Center for Social Change, the Cancer Society, and the National Heart Association. She has been the recipient of numerous awards from the United Negro College Fund, CORE, and the NAACP including the NAACP Image Award. She is an Essence Award winner and has been honored with the Paul Robeson Humanitarian Award. She has received honorary degrees from the Berkeley School of Music and Columbus Central State College.

As we honor this great entertainer, this great artist, and this great American, we give thanks for the inspiration future artists will find in her voice, her life, and in Nancy. Although we know no one will ever fill the shoes of Nancy Wilson, we already find traces of her—the voice of pure velvet, the self-assured performance, and the entrancing gaze—in the burgeoning songstresses of today. We only find traces—bits and pieces of her and never the whole because there will only ever be one Nancy Wilson.

TRIBUTE TO LUCIOUS WOOTEN, ROSIE BRAISHER, IRENE CHARLOTTE SMITH, ELSIE LOUISE LAROY AND BESSIE GILMORE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to five residents of the South Haven Nursing and Rehabilitation Community, in southwest Michigan who have achieved the great milestone of 100 years of life. This grand feat is especially important today, since these very special individuals have lived for a century or more and in two different millenniums.

The vast experiences and accomplishments of these five people is awe-inspiring. I can only imagine the wonder and amazement of watching our country progress and grow through two world wars, international flight, the Internet, cell-phones, and the many other advances that have occurred over the last century.

It is my fortunate honor to extend my very best wishes to Lucious Wooten who became 107 years old on February 6, 2004, Roxie Braisher who became 100 years old on February 22, 2004, Irene Charlotte Smith who became 100 years old on June 1, 2004, Elsie Louise LaRoy who became 100 years old on June 29, 2004, and Bessie Gilmore who became 102 years old on July 16, 2004.

Along with the entire Sixth District of Michigan, it gives me great pleasure to send wishes for much love, health, and happiness to each in the years ahead.

TRIBUTE TO YU-AI-KAI'S 30TH ANNIVERSARY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Ms. LOFGREN. Mr. Speaker, I rise to acknowledge and commend Yu-Ai-Kai, a Japanese American Community Senior Service, based in the San Jose enclave of Japantown on their 30th anniversary of providing services to the senior citizen community.

Yu-Ai-Kai's mission is to advance the health, education and well being of older adults in the community. Yu-Ai-Kai does this by developing cultural programs, providing educational resources about ailments affecting older adults, and making all of its services available in various languages. These services are open to all. No one is excluded.

The activities hosted by Yu-Ai-Kai are as varied and diverse as the community they serve. Activities such as their annual crab and spaghetti feed and springtime walk/run race help fund Yu-Ai-Kai's efforts to provide a healthy and supportive environment for senior citizens.

In addition, Yu-Ai-Kai's volunteers assist in outreach to homebound seniors and provide invaluable services such as transportation to doctor appointments, shopping, and regular visits just to make sure no one is too isolated.

My district office is located within a few blocks of Yu-Ai-Kai, and I can tell you from first-hand experience that I am proud of the leadership, volunteers and network of supporters whose dedication has built Yu-Ai-Kai into an integral part of the fabric of our local community.

SALUTING THE LAMAR LITTLE LEAGUE ALL-STARS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. DELAY. Mr. Speaker, I rise today to congratulate the Lamar National Little League All-Stars of Richmond, Texas, on their magnificent performance in the Little League World Series this year.

I want to thank Jim Michalek, the team's manager, not only for leading the Lamar All-Stars to Williamsport for the second straight year, but for doing it the right way—by teaching his players the fundamentals of baseball and of teamwork and sportsmanship.

If he keeps this up, I wouldn't be surprised to hear the Astros want him in their dugout next year.

Mr. Michalek and his coaches—Tommy Abraham and Bobby Murski—gave more than their time and energy to this team. They gave themselves to it, and the character the boys displayed during their tournament run showed the Houston community and our nation once again that there is no substitute in a boy's life for the strong influence of good men. I want to thank them for their dedication and example.

As for the players—Joey Scheurich, Dustin Moehlig, Chance Murski, Stephen Michalek, Tyler Ford, Steven Crawford, Cody Abraham, Ray Cervenka, Randal Grichuk, Christian DeLeon, Matt Daniels, and Daniel Homann—well, I'm certainly glad these young men are from my district. They did Richmond and Fort Bend County proud this year, and I'm honored to represent them and their families here in Washington.

It is often said that sports teach kids important lessons about life. Well, Mr. Speaker, I think the Lamar All-Stars taught us a thing or two this year.

Throughout their season, they modeled the virtues of hard work, perseverance, courage, and determination. Their amazing performance this summer is a testament to their talent, certainly, but most of all a testament to their character.

I offer every player, coach, parent, and friend who followed the Lamar All-Stars this year my congratulations for their success, but more importantly, my thanks for their example.

THE EUGENE O'NEILL FOUNDATION 30TH ANNIVERSARY RECOGNITION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. MILLER of California. Mr. Speaker, I rise today to recognize the 30th anniversary of The Eugene O'Neill Foundation, Tao House, in Danville (Contra Costa County), California, and the unrelenting work this organization has accomplished in realizing its mission of celebrating the life and works of the only American playwright to receive the Nobel Prize and four Pulitzer Prizes.

The all-volunteer foundation is headquartered at Tao House, which was the residence where O'Neill and his wife Carlotta lived from 1937 to 1944. It is here that O'Neill wrote his last six plays, including the classics "A Moon for the Misbegotten," "A Long Day's Journey into Night," and "The Iceman Cometh." O'Neill's works helped shape American theater as we enjoy and appreciate it today.

I am honored to have played a role three decades ago in helping the foundation realize its goal of preserving Tao House, which is on a 158-acre ranch bordering the Las Trampas open space in the rolling hills west of Danville, with a commanding view of the San Ramon Valley and Mt. Diablo. Our collective efforts resulted in the house and property achieving designation as a National Historic Site under management of the National Park Service. It has also become a valuable resource center that is shared and enjoyed by hundreds of scholars and visitors today and for future generations.

The foundation has brought worldwide attention to Contra Costa County and its cultural activities through development of Tao House into a center for literary, performing, and visual arts and a resource center for scholars studying O'Neill and the American theater, as well as historians and producers of film and television documentaries on O'Neill.

The library at Tao House houses a rare collection of O'Neill memorabilia that has been amassed through the efforts of individual board members and donations from close friends of Eugene and Carlotta Monterey O'Neill. The priceless collection includes photographs, letters, signed and annotated editions of O'Neill's plays, and personal clothing.

In 1991, the foundation established a program for encouraging creative expression in talented high school students. Through the program, students learn about O'Neill and are given an opportunity to spend time in the environment that O'Neill found so inspiring. Instruction in art, photography/video, writing and drama is provided by college professors and actors.

Five years later, the foundation initiated the Playwrights' Theatre in the Old Barn on the Tao House estate, where staged readings of plays are presented on Sunday afternoons. Prominent Bay Area directors and actors take part. The name of the series honors O'Neill's Playwrights' Theatre, formed in 1916 in New York City by the Provincetown Players who committed themselves to fostering American playwrights.

Each year, Bay Area artists are selected to create new works in the natural setting of the Tao House estate. Works are displayed during the O'Neill Festival in the Danville Fine Arts Gallery.

This month September 2004, the foundation will present its fifth annual Eugene O'Neill Festival, a community celebration that includes performances of O'Neill works, lectures and seminars by authorities on O'Neill, discussions with prominent actors, authors and O'Neill scholars, and exhibits.

While a tribute to the great literary genius O'Neill, the festival is also a fitting tribute to the Eugene O'Neill Foundation and its 30th anniversary. The foundation represents not only a significant resource and asset in the cultural life of America, but for actors, artists, authors, playwrights, scholars and visitors from throughout the world.

I invite my colleagues to join me in congratulating the foundation staff on its 30th anniversary.

THE JOSHUA FOUNDATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. TOWNS. Mr. Speaker, I rise this morning in recognition of the tireless work of the Joshua Foundation, operating out of our capital city of Albany, New York, to bring much needed life-saving medicines to the poor regions of Africa. I want to especially applaud the work of Mr. Lorenzo Hodges, founder of the Joshua Foundation, for his vision and determination in his efforts to help save the lives of adults and children in Africa by providing medicines to treat HIV/AIDS, malaria, diphtheria and other debilitating diseases.

Mr. Speaker, as I understand it, the Joshua Foundation has served to provide humanitarian aid in the form of medicines and clinical support facilities in Kenya and most recently in Tanzania to ensure that deprived areas in these countries receive the medical supplies they need. My further understanding is that the Joshua Foundation has plans underway for additional deliveries of medicines to Liberia, Mozambique and a second delivery to Tanzania. It is well known, Mr. Speaker, that while health care is often available to those who can afford it, the challenge is to provide these basic medicines to those who can't. To this end, the humanitarian efforts of Mr. Hodges and the Joshua Foundation must not go unrecognized.

Mr. Speaker, I urge my colleagues to join me in this expression of recognition and support for the continuing humanitarian work of the Joshua Foundation in Africa.

IN RECOGNITION OF AMELIA DODY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. BLUNT. Mr. Speaker, I rise today to pay tribute to a Southwest Missouri educator who each day stands before a class of fourth graders in a 110–year-old building to teach math, science, social studies and English. For Amelia "Mamie" Dody it has been a routine that began its 58th year on August 19.

Forty years earlier, Ms. Dody agreed to be a substitute teacher for two weeks and ended up staying to teach in the same classroom at Rocky Comfort, Missouri. "I only came for two weeks, to help out while they found somebody else. They haven't found anybody yet," she told me with a smile when I visited her classroom in Rocky Comfort on August 25th to wish Ms. Dody well and congratulate her on a lifetime of achievement.

Ms. Dody began her teaching career at age 16 to save enough money to buy her first car.

She told me, "My dad asked 'How are you going to buy gas?' so I kept teaching. I guess you could say I am still working to buy gas for the car."

"She lives to teach. She loves to teach," says Ms. Dody's daughter Donna Waters, who is a principal in the same McDonald County School District. Ms. Dody's teaching career began in 1946 at the one room school at Henneman in Barry County. She taught in Wheaton, North Kansas City, Fairview and Granby before landing at Rocky Comfort in 1966.

After 58 years of teaching, Ms. Dody is not only a role model to her students and their parents, but to other teachers. She spends her summers in workshops and seminars to improve her skills and better deliver information to those young minds she nourishes each day. In addition, Ms. Dody also works on her 275-acre cattle farm near Stark City. While she confesses to no longer brush hogging, her daughter says she still mends fences and works cattle.

Rocky Comfort Principal Shandra Stephens calls Ms. Dody "A neat lady. She is a person I can go to, because she is such a good sounding board. She has credibility and lastability."

Perhaps the greatest compliment to Ms. Dody's skills as a teacher are from parents and grandparents who want Ms. Dody to teach their children. Her career now spans three generations. Among the countless numbers of students who have passed through her classroom in Rocky Comfort are her two grandsons, her son-in-law, and two current members of the McDonald County School Board.

There had been rumors that Ms. Dody would quit teaching last year, but voters in McDonald County approved the construction of a new elementary school in nearby Longview that will replace the Rocky Comfort Elementary School. That was too much for Ms. Dody to pass up. She returned to the classroom this year and will move into her new classroom when the Longview Elementary opens in January. Now, she is telling her colleagues she will try to stay in the classroom for two more years to reach her 60th year of teaching.

Ms. Dody's spirit, dedication and love of teaching shows up every day in the classroom. She shares the joy of teaching with the children, fellow teachers and parents in her community.

America owes much to Ms. Dody and teachers like her who have given a lifetime to educating our elementary school students in American values.

CONGRATULATING ESPN ON ITS 25TH ANNIVERSARY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to congratulate ESPN on its 25th anniversary. At 7 p.m. on September 7, 1979, the Entertainment and Sports Programming Network began broadcasting SportsCenter from Bristol, CT in my district. Bill Rasmussen had the crazy idea that a 24-hour sports cable network might be a success. It started with a single building with no running water and a control truck on cinderblocks showing such odd sports as Australian rules football and darts. Twenty-five years later, he has proven to be right. That single building has grown into nine control rooms, 31 edit suites, more than 2,000 television monitors, and a library of over a million tapes.

ESPN is now one of the most widely known brand names in the world and more than 90 million people are exposed to ESPN each week. It has expanded its networks to include ESPN2, ESPN Classic, ESPNEWS, ESPN Deportes, ESPN Today, and ESPN Radio. ESPN.com receives over 2.3 million page views during peak hours with its instant score updates. Meanwhile, workers stuck in their cubicles from 9 to 5 can find a diversion for a few minutes reading Page 2, Page 3, and the Sports Guy's insight on what it means to be a Red Sox fan. ESPN the Magazine has reached a circulation of 1.7 million in just five years and won the National Magazine Award for General Excellence in 2003. ESPN Zone restaurants in eight cities serve as the ideal place to grab a bite and watch the game.

ESPN's signature program, SportsCenter, has developed a cult following and many viewers will admit to watching multiple episodes of the same sports report back-to-back-to-back. It has touched all corners of the globe with locally produced episodes in Canada and Brazil, a Spanish version for the rest of Latin America, China, India, and Taiwan. SportsCenter has not only helped create sports superstars, its personalities have become stars in their own right. Chris Berman, Keith Olbermann, Bob Ley, Greg Gumbel, Dan Patrick, Stuart Scott, and Craig Kilborn have become celebrities and their vernacular has become the language of the sports fan.

Not to be forgotten is the major role ESPN has played in the expansion of women's sports. Who would have thought in 1979 that the NCAA women's lacrosse national championship game would be shown in front of a national television audience? Or that the highest rated basketball telecast ever on ESPN would be the 2004 NCAA women's basketball championship, won by the University of Connecticut. That includes more than 6,000 men's and women's basketball games. Where else can young girls aspiring to become the next Mia Hamm watch their heroes?

Mr. Speaker, I ask my colleagues to join me today in congratulating Bill Rasmussen for his crazy idea and thanking ESPN President George Bodenheimer and all the folks at Bristol U. for their passion and dedication to bringing the wonderful world of sports into living rooms 24 hours a day, seven days a week. I am proud to say that ESPN is in the First Congressional District and I wish you 25 more years of success.

RIBS TO OUR TROOPS IN IRAQ—COURTESY OF THE HOLTVILLE ATHLETIC CLUB

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize the Holtville Athletic Club and the entire Holtville community for cooking 1,000 pounds of ribs and sending them to our troops in Iraq, in the "Ribs to Iraq Project." I also want to give special thanks to the Naval Air Facility in El Centro for assisting in the coordination and transportation of the smoked BBQ pork ribs.

The Holtville Athletic Club is a small, non-profit organization that is known in Imperial Valley for its Rib Cook-off Extravaganza that is enjoyed by visitors from all over the world each winter. The "Ribs to Iraq Project" started from a desire to thank our troops in Iraq for their commitment to our country. The project took about a year to implement. Twenty barbecues were built with the assistance of the Navy base. The ribs were completely pre-cooked, sauced and frozen by club members. Holtville citizens wrote letters to the soldiers that were included in the care package. The project ended up bringing an entire and grateful community together to participate in this project.

The BBQ-Ribs were packaged and frozen for transportation via the USS *Denver*, USS *Howard*, and the USS *Mobile Bay* to the Middle East arriving in July of this year. The Athletic Club attached its own special message to each case of ribs: "These specific ribs were prepared on barbecues built by the club with volunteer assistance of Navy specialists, who we welcome and embrace as a very special part of our community and heart. Please enjoy the enclosed ribs wherever they may find you."

I've seen my constituents show their appreciation to our troops in many ways. And this is just one example of a great community project that brings the residents together to accomplish an extraordinary goal.

Mr. Speaker, I thank the Holtville Athletic Club for bringing the community of Holtville together in the "Ribs to Iraq Project." I am sure the troops in Iraq were thankful for a little taste of homemade loving barbecue.

HONORING THE ST. MARY SCHOOL PAROCHIAL INVITATIONAL BASKETBALL TOURNAMENT ON THEIR 30TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the community in celebrating the 30th Anniversary of the St. Mary Parochial Invitational Basketball Tournament. This is a remarkable milestone and I am proud to extend my sincerest congratulations to all of those involved in making this annual event such a great success.

What first began as a two-day event with eight competing teams has grown into the longest running and largest parochial school basketball tournament in Connecticut. In this, its thirtieth year, sixty teams from across the state will participate in a two-week long tournament that will also include a cheerleading exhibition. Over seven hundred boys and girls in grades three through eight will participate—making this year's tournament a real landmark event.

Each of the teams which will compete in the St. Mary Invitational have already accomplished so much. Through their hard work and efforts they have already learned one of life's most important lessons—the value of team work. Basketball, like all sports, teaches us the value of sportsmanship, camaraderie, practice, and commitment to excellence. These are skills which will serve these young people well as they begin to make a difference in the world. I am proud to extend my sincere congratulations and very best wishes to them all as they begin the tournament.

I would be remiss if I did not extend a special note of thanks to the many volunteers who so generously donate their time and energy to making this event possible. Coaches, parents, faculty, administrators, and friends all play important roles in bringing the St. Mary Invitational to life. Without your dedication, commitment, and energies, we would not be able to share this very special event with our young people. The fact that many of the adults who today volunteer their time to the tournament were once players themselves is testament to the legacy of this special event.

In its thirty-year history, the St. Mary Invitational has touched the lives of over fifteen thousand young people across Connecticut. It is with my deepest thanks and sincerest appreciation that I rise today to join the many well-wishers in extending my heart-felt congratulations to the St. Mary School Parochial Invitational Basketball Tournament on their 30th Anniversary. You have made such a difference in the lives of so many and I know that you will continue to leave an indelible mark on our community.

LET FREEDOM RING

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MATSUI. Mr. Speaker, today my colleague from the 3rd district of California, the Honorable Doug Ose and I ask all our colleagues to join us in a special commemoration of the tragic events of September 11, 2001. On September 11, 2004, as part of the "Let Freedom Ring—Bells Across America" remembrance, participating churches across the nation will, beginning at noon, toll four bells at one-minute intervals to honor those who perished on the four hijacked commercial aircrafts on September 11, 2001. On the fifth minute, a chorus of bells will be played to recognize and pay tribute to the countless people whose lives were greatly affected by the events of 9/11. As the churches of the Sacramento Region join together to remember one of the most tragic days in our nation's history, we ask all our colleagues to join us in the "Let Freedom Ring—Bells Across America" remembrance.

The "Let Freedom Ring—Bells Across America" remembrance is the brainchild of Mr. Stu Varner, a resident of the Sacramento Region. Like millions of his fellow Americans, Mr. Varner was greatly affected by the catastrophic series of attacks that occurred at New York City, the Pentagon, and Shanksville, Pennsylvania. Mr. Varner held a deep conviction that those who lost their lives on 9/11 should never be forgotten, and that they should be properly recognized as heroes. Mr. Varner believed that September 11 should be a day of somber and serious reflection much like Memorial Day and Veterans Day. As a result, Mr. Varner developed the idea of the "Let Freedom Ring—Bells Across America" remembrance. Mr. Varner wishes that the synchronistic ringing of bells by churches across America will help create a wave of remembrance for the thousands who lost their lives and the many more whose lives were drastically affected as a result of 9/11.

Mr. Speaker, as the churches of the Sacramento Region participate in the "Let Freedom Ring—Bells Across America" remembrance, my colleague Mr. Doug Ose and I are honored to pay our respect and tribute to the innocent people whose lives were prematurely cut short or greatly altered by the 9/11 tragedy. We ask our colleagues to join us in remembering the tragic events of September 11, 2001 by participating in the "Let Freedom Ring—Bells Across America" remembrance.

TRIBUTE TO LAKE FENTON COMMUNITY SCHOOLS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to bring to your attention an event that took place in my district. On Saturday, August 21, 2004 the Lake Fenton Community School district gathered to mark the official ribbon cutting and formal dedication of their newly constructed Lake Fenton High School. The celebration concluded on Sunday, August 22, 2004 with a non-denominational service and community open house.

Lake Fenton High School was first dedicated on May 19, 1961. With increasing enrollment and changing educational needs. the Lake Fenton Board of Education and the Lake Fenton Schools Support Services/Facilities Committee implemented plans to build a new high school. Their hard work and dedication resulted in three elective bond activities, and the final product is the first newly built facility within the Lake Fenton School district and the only new high school constructed within Genesee County in over 30 years. This is indeed an accomplishment worth commending.

The new high school boasts state of the art technology, computer and science labs, a media center, auditorium, gymnasium, and an outdoor athletic facility. The labs will allow the school to fully support their new program entitled "Project Lead the Way". This program introduces students to the demanding field of Engineering and Digital Electronics. As stated by their Principal, Julie Clontz, Lake Fenton High School is trying to in every way possible to adjust their curriculum to meet the needs of the students and help prepare them for life after high school. The completion of this beautiful new facility and the implementation of these exciting educational programs is without a doubt a step in the right direction. Superintendent Ralph Coaster has provided excellent leadership in this endeavor.

Mr. Speaker, as a Member of Congress, I consider it both my duty and privilege to work to improve the quality of our public school system. I am glad that communities such as Lake Fenton share this sentiment. They continue to work diligently to ensure students have the tools necessary to compete and succeed. I ask my colleagues of the 108th Congress to please join me in congratulating this fine community and its school district and in wishing them the very best in future endeavors.

TRIBUTE TO ALAMEDA HIGH SCHOOL VALEDICTORIAN BEN HOFFMAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Alameda High School Valedictorian, Ben Hoffman. Ben, a resident of Alameda, California, did not use notes or index cards when he spoke with rhyme and rhythm to his fellow classmates during the graduation ceremonies for the Alameda High School Class of 2004. His remarks were met with a standing ovation.

Ben's Valedictory Address, entitled "Responsibility" is an outstanding commentary about the challenges and opportunities facing the youth of today. He shared with his graduating class, remembrances of the past four years, looked at the injustice and violence in today's world and urged his classmates to make the world a better place in the future.

RESPONSIBILITY

(By Benjamin Hoffman)

A lot of people look at graduation, and say that it will give us many new opportunities,
I think its more than that, I think it gives us many new responsibilities
We live in a world where people of different nations
Face starvation, extermination
Exploitation, or discrimination
Based solely on race, religion or sexual orientation
These are the problems that we are facing
Perpetuated by a lack of education
But here we are at our graduation.

For the past four years in this community
We've had a unique opportunity
To get a chance to truly see
The value of growing up in unity
And it'll just take a sec
If we take time to reflect
Bout the great affect
How we learned to connect
Protect and respect everyone we met

Without expecting to collect
And all of this in an atmosphere
That provided not a thing for us to fear
And I'm being sincere when I say I hold dear
The value and promise of these past four years
And now we have a responsibility
Because of our recent history
To promote an end to slavery
And poverty, and adversity
Wherever it may be
Until the world is free.
Free from the confines that define
The lives that so many people are resigned
To be living, without giving
Any hope that mankind is not blind
But much of mankind is blind to the suffering that exists
And our first obstacle is going to be to conquer ignorance.
But we got to start at home
Gotta conquer our own
Before our true potential can finally be shown
Its been so easy to get caught up in only thinking
About doing drugs or drinking,
Or tripping over how your grades are sinking,
Or that one girl you thought you saw winking.
But those days are in the past,
And although they may have been a blast,
This graduation that's come at last, will be marked by contrast.
We are stepping out into a world that's real
Where people feel that they have to steal
Without another way to deal
With the task of finding a meal
No longer is hiding in ignorance acceptable,
No longer can these lives be expendable
Its time for us to put aside the bull
And be commendable and be dependable.
The problems are complex, and have potential to perplex
So we must always continue learning, whatever happens next
And after teaching ourselves, we got to teach one another
We gotta treat the world as if it were our younger brother
Never stop learning from the cradle to the grave
To gain the strength to be brave
And fight for the enslaved
Cuz only through education can this world be saved
If we're not unaware, there is a chance we just don't care
And as we see others despair, we just say "life's not fair"
But this I can't conceive, cuz I know we all believe
That when we care for one another, there is nothing we can't achieve
Today's event will serve as a testament
To represent, the great extent of our discontent
As we lament
A grave injustice long ago
Today several Japanese graduates are recognized
For an opportunity that they were denied
Replaced by internment, and tear-filled eyes
And as we remember with regret, and stifled tears
At the same time we are given hope, that these are better years
Today, people from opposing sides
Of violent historical divides
With their hearts and minds open wide
Can be seen walking hand in hand.
This is what Alameda has been all about
But as we all go off on our own different routes
We'll encounter intolerant people day in and day out
But its important to recall
That these people weren't born with such gall
Its just how they were taught since before they could crawl
And that leaves us with hope, that there's a way off that slippery slope
And all these people need is for us to toss them a rope
To help them replace their ambivalence with tolerance
And begin to appreciate our every difference
As they find some sense, and stop acting so dense
So we've recognized the problem and want to participate
In ending hate, and yet the world awaits, with us trapped behind a gate
A gate created by fear
This Post-9/11, orange alert threat
White powder in the mail making you sweat
Insane with duct tape and cellophane
In this arcane campaign to abstain from pain
Every time we see the world getting scarier
Our first response can't be to build another barrier
We got to tear them down, and stop sounding the alarm
And instead open our hearts and open our arms
To embrace the world, and all those in need
From those who bleed, to those who can't read
In order for us to move ahead
We gotta get out from hiding under our beds
Instead of continuing to spread the fear that we've been fed
And once we're not afraid, we will refuse to fade
And answer those who've prayed
For someone to come
To their aide
But what I fear most
Is that with all the problems we host
You'll think the world's toast
And all that's left is a ghost, cold and morose
From coast to coast
And lose all hope, cuz we're not even close.
And as we see the depression
Caused by years of oppression
And violent aggression
We get the impression
That all the people in possession
Of such lost expressions
Have become resigned to the repression
As we ask ourselves the question
I'm only one person, what can I do?
Well to this, I remind you all, history is made by only a few.
Never let your apathy, impede your sympathy
To the point where you fail to see
That it is WE that hold the key
To unlock the chains and set the world free
Never underestimate
A small group willing to dedicate
Their lives to something great
With intellect, courage and humanitarian trait
And in the four years that I've gotten to know this class, I believe THAT is our fate.
Our lives will have meaning and we'll have stories to tell
Fighting to the end as the world goes to Hell
The journey won't be easy, and we may get beat
But at least we'll be right there, and have a front row seat.

HONORING FR. RICHARD G. HARTNETT, S.J.

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Fr. Richard G. Hartnett, S.J., who in his lifetime of service to Jesuit High School earned the respect and loyalty of students, colleagues and Jesuit alumni. Through his more than 60 years of involvement with Jesuit High School, Fr. Hartnett left an indelible mark on the school family.

In 1937, Fr. Hartnett, who had been a student at Jesuit, returned to the school after college to teach. In 1940, he left his Alma Mater to attend seminary, but after being ordained as a priest, he came home again to Jesuit High School to teach English, Latin and Religion from 1945 until 1980. Even after his career as a teacher had ended, Fr. Hartnett continued to serve Jesuit High School by working with the alumni department.

Throughout the years, Fr. Hartnett's imposing stature and stern disposition matched the high standards to which he held his students; yet he had a soft side that shone through as he shepherded students on to greater things. Many alumni also remember how he spearheaded the annual Penny Drive. Each year, students bring in their spare pennies to benefit Jesuit missions in South America.

In 1979, in honor of Fr. Hartnett's continued dedication to Jesuit, the Jesuit High School Alumni Association founded the Father Richard G. Hartnett Golf Classic to raise financial assistance for Jesuit students who cannot afford full tuition. This October marks the 26th anniversary of the fundraiser, which makes the tournament regarded as Tampa's longest running golf charity fundraiser. From now on, the tournament will be called the Fr. Richard G. Hartnett Memorial Golf Classic.

Fr. Richard G. Hartnett, S.J. challenged his students to be their very best, and thanks to his guidance, countless Jesuit students are honorably serving their community and our nation in a host of different ways. On behalf of the entire Tampa Bay community, I honor Fr. Richard G. Hartnett, S.J. for his contributions and extend my deepest sympathies to his many loved ones.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. GALLEGLY. Mr. Speaker, on Tuesday, September 7, I was unable to vote on H.R. 4381, the Harvey and Bernice Jones Post Office Building (rollcall 422) and H.R. 4556, the General William Cary Lee Post Office Building (rollcall 423). Had I been present, I would have voted "yea" on both measures.

IN MEMORY OF JUDGE H.A. KELSO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Judge H.A. Kelso of Nevada, Missouri. He was 92.

H.A. Kelso was born on September 6, 1911, in Alma, Nebraska, a son of John W. and Mariam Belle Hereford. He attended SMSU, then known as Springfield Teacher's College and the University of Colorado in Boulder. He received a Doctor of Jurisprudence Degree in 1937 from the University of Arkansas.

In 1938, he came to Nevada, Missouri, and was elected Prosecuting Attorney of Vernon County. During World War II, he served in the United States Army as Tech Sergeant with the Judge Advocate's Office.

In 1948, he was elected to the post of Probate/Magistrate Judge and Acting Juvenile Judge. Governor John Dalton appointed Judge Kelso to the bench as Judge of the 28th Judicial Circuit. He served in this position until his retirement in 1976. During his tenure, he also was an Honorary Colonel on Govenor John Dalton's staff.

Judge Kelso was a member of the United Methodist Chuch of Nevada and served there as a Sunday School teacher. Also, he was a member of Ducks Unlimited, Vernon County Bar Association and the Missouri Bar Association. Judge Kelso was a charter member of the Nevada Jaycees, served on the steering committee for the Nevada Centennial Celebration and was a leader in the Boy Scouts. He dedicated himself to conservation and was voted Farmer-Sportsman of the Year in 1966.

Mr. Speaker, Judge H.A. Kelso will be missed by all who knew him. I know the Members of the House will join me in extending heartfelt condolences to his family, his wife Doradee and his three daughters, Maridee Kelso Devore, Constance Kelso Beaver and Sylvia Kelso Tucker.

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LACK OF FUNDING FOR THE AIDS DRUG ASSISTANCE PROGRAM

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. HINCHEY. Mr. Speaker, I rise today to call attention to an emerging health problem. People living with HIV/AIDS are not able to afford the cost of the medications that improve their health and extend their lives. People who have traditionally been able to rely on the AIDS Drug Assistance Program (ADAP) under Title II of the Ryan White Care Act are not able to get the help that they need because we continue to underfund the program.

In my home state and many others, the number of clients served by ADAP is on the rise. If enrollment continues to increase at the current rate in New York, we will soon need to implement waiting lists as 11 other states have already been forced to do.

In the 2004 fiscal year, New York has a federal shortfall in ADAP funding in the tens of millions of dollars. New York bears about 20% of the national HIV/AIDS epidemic impact, as it has for over two decades. Yet this number extends far beyond just money; it equates to people, specifically, 3,137 people in New York who are HIV positive, with gross incomes of less than $44,000 a year, who cannot afford their AIDS drugs, which can cost as much as $1,000.00 a month, or more. These 3,137 people are obviously in need of ADAP, but are not receiving assistance. According to the federal poverty statistics, these people are impoverished, but they remain unserved by New York's ADAP.

Today we have more people living with HIV/AIDS as opposed to dying from HIV/AIDS than ever before. AIDS-related deaths have declined drastically since 1996, which can be attributed to the success of HIV/AIDS treatment regiments and ADAP. We can't continue to allow Americans to die of HIV/AIDS when we know how to save their lives.

Yet, as I stand here today, we are allowing Americans to die who cannot afford their treatment regiments because we are not fully funding the AIDS Drug Assistance Program. We cannot allow Americans to die on waiting lists as they have in Kentucky and West Virginia.

ADAP helps people like Annie Ball of New Hampshire, a former nurse who had become too sick to work due to her HIV status. Yet, because of a successful treatment regiment she was able to return to work. Annie relies on ADAP to afford the expensive prescriptions that have allowed her to become a productive member of society again. Yet, if the ADAP program is threatened, Annie will, in her words, "devastate me, my family and my loved ones, and my community, as I will not be able to work and contribute my talents."

President Bush just allocated an additional $20 million to help in the relief of the ADAP crisis, however we need a total of $122 million just to clear all of the waiting lists for ADAP and preserve existing drug access in line with federal standards of HIV care. We need to increase funding above that level to deal with expected demand for new enrollment, and for existing patients in the coming 24 months. The true need for ADAP in Fiscal Year 2005 is $217 million; the committee fell far short of that mark in the bill we are considering today. I urge that the conference report on this bill fully fund the program so that no American who qualifies for ADAP will suffer needlessly.

* * *

HONORING DANIEL R. PORTER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. PORTER. Mr. Speaker, I stand today to honor a great man who has dedicated his life to his country as a Citizen Soldier of the United States Army Reserve. After 10 years of service, Daniel Porter received the Meritorious Service Medal as a Master Sergeant in the United States Army Reserve. This medal was presented for service offered from June of 1986 until June of 1996 as Daniel dedicated his free time to serving our Nation and the great state of Nevada as a military reservist.

Mr. Speaker, it is with great honor that I stand today to honor this man. It is men and women such as Daniel Porter that continue to help our country remain safe and protected from the increasing dangers we see every day. I would hope that my colleagues would stand with me in honoring Daniel Porter, and the many other military reservists that protect our freedom and combat terror.

* * *

REGI PHELPS: SAN DIEGO LABOR COMMUNITY AWARD WINNER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FILNER. Mr. Speaker and colleagues, today I recognize Regi Phelps, as he is honored by the San Diego Labor Community with the 2004 Johns Fellowship Award at the Twenty-Second Annual John S. Lyons Memorial Banquet on September 11, 2004.

Regi was born and raised in San Diego, California, graduating from San Diego State University with a Bachelor of Arts Degree in Economics. He served in the United States Navy from 1970–1973 and completed overseas tours of duty in Vietnam and the Philippines.

His job with Bechtel began in 1976. He worked as a subcontracts administrator on the Hope Creek Nuclear Project in southern New Jersey. In 1978, he moved to Richmond, Virginia to work in labor relations for the Virginia Electric Power Company at the North Anna Nuclear Facility. In 1979, he rejoined Bechtel in labor relations in the early days of construction at the San Onofre Nuclear Project.

Regi has served at Bechtel as Labor Relations Representative, Area Labor Representative, Senior Labor Relations Representative, Labor Relations Supervisor, and Regional Manager. In 2004, he was named Vice-President and Manager/Labor Relations, with overall labor relations responsibility for Bechtel Worldwide.

He has been involved in developing the San Onofre Nuclear Project Labor Agreement—including the recently-renegotiated agreement in effect through 2010—between Southern California Edison (the owner), the San Diego Building Trades, and Bechtel. This labor agreement and project provides employment for thousands of Building Trades Craftspeople.

Regi also serves as a Director to the North American Contractors Association, and as Management Trustee to the Laborers' National Safety and Health Fund. He previously served as Vice-Chairman of the Boilermakers' Health and Welfare fund and as Trustee to numerous local union apprenticeship trusts throughout the western United States.

Regi's grandfather was a proud member of Laborers' Local 89. His father, Ray, retired from Bechtel in 1985, is a current member of IBEW Local 569, and was recently awarded his 45-year membership pin. Regi and his wife, Christine, have been married for 28 years and are currently living in San Francisco Bay area. They have two children: Kevin, who is a junior at the University of Southern California, and Lauren, who is a sophomore at Lafayette College in Pennsylvania.

The banquet at which Regi will be presented his award is named in recognition of the late John Lyons of the Teamsters who was very active in the San Diego community. He was a founder of the San Diego Chapter of the Leukemia Society of America. The friends of Mr. Lyons continue to support his cause, and proceeds from the yearly banquets are used to support bone marrow testing and local research grants. Since its inception, the John Lyons Memorial Banquet has raised over one million dollars.

Regi deserves our highest praise for his dedication to the labor movement and specifically to labor relations. My congratulations go to Regi Phelps as he receives this prestigious Johns 2004 Fellowship Award from his peers.

RECOGNIZING THE ACHIEVEMENTS OF OLYMPIAN PAUL HAMM

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. PRYCE of Ohio. Mr. Speaker, I would like to congratulate Paul Hamm for his historic 2004 Olympic gold medal in the individual All-Around exercise, for his silver medal on the high bar exercise, and for being a member of the silver medal-winning U.S. men's Olympic gymnastics team.

Paul showed to the entire world courage, fortitude, and the American spirit of determination in overcoming adversity during his all-around competition. After the fourth of six rotations, Paul was a distant 12th, but he did not give up. He willed his way through flawless executions on the parallel bars and the high bars to retake first, claim the gold medal, and make history.

However, this was not the first time that Paul has made history. Paul also became the first American man to win the individual all-around world title last year at the 2003 World Championships in Anaheim, California. Hamm completed a clutch performance on the difficult high bar routine during the final rotation to secure the title. He was only the second American to win a medal in the all-around world competition. Paul also secured a gold medal for the floor exercise, helping to lead his team to a silver medal.

In 2003, Paul was named by the International Gymnastics Federation as the Gymnast of the Year. Without question, gymnastics has no better representative.

Paul was born in Wisconsin, but chose to train for the Olympics at The Ohio State University. Paul is now a distinguished resident of Columbus, and his community is proud of all that he has accomplished.

Again, I congratulate Paul for the dedication and hard work he has demonstrated over the years, and for the incredible achievements that he has made both personally and with his team while representing our great nation on the world stage in Athens.

RECOGNIZING THE OAKLAND LITERACY COUNCIL

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. ROGERS of Michigan. Mr. Speaker, today in America, nearly 1 in 5 adult Americans functions at the lowest literacy level. I rise today to recognize an outstanding organization in Southeast Michigan that is making tremendous strides in the fight against adult illiteracy. The Oakland Literacy Council delivers quality individualized basic reading and English language instruction to Oakland County, Michigan adults, many of whom are English as a second language students.

Since its inception in 1984, the Oakland Literacy Council has contributed more than 527,000 hours of instruction to 7,000 adults. The Literacy Councils' free service has been valued at over $13.2 million. In 2003 alone, 400 volunteers donated 43,920 hours of their time to give 450 Oakland County residents the literacy skills necessary for a new job, a high school diploma, or just to read a bedtime story to their children.

Mr. Speaker, the Oakland Literacy Council showcases the very best of America's generosity. Besides the thousands of hours of donated time, the Literacy Council is entirely supported by public and private donations to offer free tutoring to all of its students. I ask my colleagues to join me in recognizing the outstanding service the Oakland Literacy Council, and its gracious donors and volunteers, have provided to Southeastern Michigan.

HONORING THE REVEREND ABRAHAM MARSACH ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family, friends, and community members who have gathered to celebrate the life and legacy of one of our most outstanding leaders, and my dear friend, Reverend Abraham Marsach, as he celebrates his retirement. However, I am quite sure that his retirement does not mean the end of his advocacy and activism.

As we have seen across the Nation, the Hispanic community in New Haven, has grown and flourished over the last several decades. As it has grown, so has its demands for strong, vocal advocates willing to stand and fight for the needs of its members. Reverend Marsach has been just this kind of advocate—a passionate, active leader who has made a real difference in the lives of many. It is not often that you find such dedicated individuals who commit themselves so fully to the betterment of their community.

As both a community and spiritual leader, Reverend Marsach has touched the lives of thousands in New Haven. In his role as President of the Asociacion Ministerial Evangelica Hispana de New Haven, he helped to unite religious leaders across the community and worked with municipal leaders to effect change in the community. The founder of Junta for Progressive Action, he created a social service agency which has helped thousands in New Haven's Hispanic community access the programs and services they need to improve their quality of life. Mentor, leader, advocate, and friend—Reverend Marsach is a true community treasure.

Reverend Marsach has been a fixture in our community for many years and we owe him a great debt of gratitude for the multitude of contributions he has made that have enriched all of our lives. As a spiritual guide at the Star of Jacob Christian Church in New Haven, he has nourished the souls of many, often providing much needed comfort in the hardest of personal trials. I would be remiss if I did not personally thank him for the wonderful tribute that he made to Maria Perez, a member of my staff who passed away just over two years ago. He shared a unique friendship with Maria and his words were of great comfort to her family and my staff during a most difficult time.

Through his hard work and unparalleled dedication, Reverend Marsach has left an indelible mark on the New Haven community and a legacy that will inspire generations to come. For his innumerable contributions and selfless dedication, I am proud to stand today to extend my deepest thanks and sincerest appreciation. It gives me great pleasure to join his wife, Margarita, his three daughters, family, friends, and the New Haven community in congratulating Reverend Abraham Marsach as he celebrates his retirement. My very best wishes for many more years of health and happiness.

TRIBUTE TO STEVE THOMPSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MATSUI. Mr. Speaker, today I rise in tribute to a man with a distinguished career in public service. Throughout the course of his illustrious career, my great friend, Steve Thompson, served his beloved people of California with great passion, integrity, and distinction. On August 17th, California lost its most influential advocate for healthcare policy when Steve passed away after a brief and courageous battle against cancer. As his family and friends gather to pay tribute and remember Steve's countless achievements and contributions to the people of California, I ask all my colleagues to join me in saluting one of the Capitol's most well-respected figures, and my dear friend, Steve Thompson.

Steve started his forty-year Capitol career in 1964 as an Assistant Economist for the Department of Water Resources. In 1966, Steve moved to the Legislative Analyst's Office and, a year later, to the Assembly Health Committee. In 1971, Steve took a job as Principal Consultant to then Assemblyman Willie Brown's Ways and Means Committee. At Ways and Means, Thompson was part of what is now considered an all-star team of staffers that included John Mockler, now a leader on education, Phil Isenberg, who eventually became the Mayor of Sacramento and served in the Legislature for fourteen years, Ray Sullivan, who became a fiscal policy leader, and Bob Connelly, who became the Assembly's Chief Administrative Officer. Steve's numerous gifts were apparent to his cohorts from early on in his career. "In politics, you have to have passion, knowledge and perspective to succeed and Steve had all three," said John Mockler, a friend since 1965.

During this early part of his legislative career, Steve drafted California's first bill on autism and helped create the Lanterman-Petris-Short Act, California's landmark reform on mental health services. Steve also played a big role in shaping legislation in the 1960s that created the system for caring for severely developmentally disabled people in smaller regional centers rather than in large state hospitals. Steve left the Legislature in 1974 and founded a public policy research firm. Seven years later, Steve returned to the Capitol as the Chief of Staff for the Speaker of the Assembly, Willie Brown. Willie Brown often referred to Steve as being "central" to his operation. In 1986, Steve took over as director of the Assembly Office of Research.

Throughout the Capitol, Steve was affectionately known as "the Health SMIC," short for "smartest man in California" on health care related issues. In 1992, Steve's mastery of health care related issues landed him the post of government affairs director and chief lobbyist for the California Medical Association. Steve used his influence to fight for the issue that he cared about the most: improving healthcare coverage for the medically uninsured. Just last year, Steve was the driving force behind legislation that requires employers to provide health care benefits to workers. Steve's passion to improve health care was so great that he was still testifying before legislative committees a week before his death.

While the loss of Steve Thompson to the state of California and the health care community is great, it is also of great personal loss to me. Steve and I attended grammar school together and were life long friends. I will always cherish my memories of Steve, he was a "good troublemaker" as one of our friends put it. Doris and I will dearly miss his friendship.

Steve is survived by his wife, Nancy; his sister, Dagmar, and his four children, Peter, Schuyler, Hallie, and Scott.

Mr. Speaker, as Steve Thompson's family members and friends gather to honor his legacy and many contributions, I am honored to pay tribute to one of my closest friends. His successes are unparalleled. I ask all my colleagues to join with me in paying my respect and acknowledging the deeds and life of an extraordinary man.

TRIBUTE TO EASTSIDE COMPASSIONATE MISSION, INC.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to acknowledge the 10th anniversary celebration of the Eastside Mission of Flint, Michigan, which took place on Friday, August 27, 2004, during their fourth annual back to school carnival.

Pastor Bill Burdine and his wife Barbara established Eastside Compassionate Mission Center, Inc. in 1994. The mission is an independent ministry of the Eastern Michigan District of the Nazarene Church. Over the 10 years in operation, the mission has served a quarter million meals, and distributed several tons of food from its food pantry to the needy. Currently the mission has 1,594 households on their rolls and 426 infants registered. The mission is blessed to have a volunteer medical team that visits regularly to provide free health screenings, answer questions, take blood pressure, and make referrals and appointments. The mission also has an optometrist and chiropractor that visit and provide services as needed, also free of charge.

The Eastside Mission is doing marvelous things in the name of our Lord. I commend Pastor and Mrs. Burdine for their leadership, hard work and unwavering dedication to sustain this ministry. Colossians 4: 14–15 reads; "And above all these things put on charity, which is the bond of perfectness." To that fact I also commend the volunteers who donate hours of their personal time and talent to assisting the less fortunate. The Burdines stated that they praise God for the victories however so few and they pray to God for a mighty harvest for their friends.

Mr. Speaker, as a former seminarian, I truly understand the important role the Church plays in our lives, and as such, I am honored to have people such as Pastor Bill and Barbara Burdine in my district. Self-evident is their lifelong commitment to enhancing the dignity and spirit of people, and our community is a better place thanks to their dedication to performing the Lord's work. I ask my colleagues in the 108th Congress to please join me in wishing them another decade of success.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF REVEREND MICHAEL YOSHII

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. STARK. Mr. Speaker, I rise today to honor Reverend Michael Yoshii, a clergyman in the city of Alameda, California. Reverend Yoshii has quickly become an integral part of Alameda's Asian community as a champion in the struggle for both human and civil rights. Reverend Yoshii will be honored for his outstanding contributions at a reception in his honor on Saturday, October 16, 2004.

A third-generation Japanese American, Reverend Yoshii has been a strong advocate and spokesperson for a number of important issues, such as housing for the poor, racial diversity, and civil liberties. Reverend Yoshii has also helped to initiate discussion forums among Alameda's citizens, in an effort to encourage those of different ethnic and cultural backgrounds to become better acquainted.

Reverend Yoshii has also been responsible for the creation of several school and community programs. In particular, he was instrumental in the establishment of the Alameda Multicultural Community Center. This center offers services to the Alameda community ranging from yoga classes to children's art classes. Reverend Yoshii has also contributed to the creation of several youth projects, including the Asian Pacific Youth Institute and the Asian Pacific Peer Counseling Project.

Several years ago, Reverend Yoshii worked alongside community members in lobbying the Alameda School District and the Alameda Board of Education to conduct a diversity audit. The diversity audit produced new hiring goals to increase diversity among the district's workforce. Reverend Yoshii has also helped reinvigorate programs like the Organization of Alameda Asians, which promotes voter registration for the Alameda community. He also was the convener for the Coalition of Alamedans for Racial Equality (CARE), a community response to racial controversy within the Alameda Police Department. Currently, CARE has evolved into a multicultural training program for students to address issues surrounding identity, culture, and racism.

I join in congratulating Reverend Yoshii for his commitment in creating new multicultural relationships in Alameda. I am confident Reverend Yoshii will continue to be an invaluable resource to the city and a tremendous asset.

HONORING ANN GRACE SMITH

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Ann Grace Smith, a Tampa Bay native who before losing her own battle with Lou Gehrig's Disease last month, helped countless other ALS patients through their own struggles with this disease.

Ann had been a University of Florida graduate, accountant, dedicated wife and mother of two before she was diagnosed with ALS. Then, at a time when she was facing her greatest personal challenge, she devoted her energy to helping others.

While struggling with ALS herself, Ann helped found the ALS Association Florida Chapter in Tampa. Throughout her 19 year illness, she served on the board of directors, helping to build up the chapter and its services to our community.

Always able to see the big picture, Ann recognized the need to support not only ALS patients, but also their caregivers. She worked to provide respite relief for caregivers to relieve the stress and burden on those providing constant care for loved ones.

On behalf of the entire Tampa Bay community, I honor Ann for her selfless dedication to serving others, and I extend my deepest sympathies to her loving husband David, her family and friends. Ann was a true inspiration.

TRIBUTE TO NATIONAL CHAMPION CONEJO VALLEY LITTLE LEAGUE TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the coaches and players of the Conejo Valley Little League team, who won 22 consecutive postseason games on their way to earning the title of U.S. Champions on August 30.

To emphasize the enormity of this accomplishment by a dozen 11- and 12-year-old ballplayers from my district, allow me to cite some stats. About 7,400 teams and more than 88,800 players started the post-season quest. It was a two-month odyssey that began on June 29. The boys from Thousand Oaks, California, outscored their opponents 165–29. They played their final games thousands of miles from home, in South Williamsport, Pennsylvania, before an international television audience and more than 30,000 people in the stands.

Talk about pressure.

They also lost their final game, and the world championship, to the Pabao Little League team of Willemstad, Curacao. But they turned that loss into a victory of respect when they circled the field with the Curacao players, tipped their hats to the Curacao fans and threw baseballs into the stands for souvenirs.

The Conejo Valley Little League team displayed class, talent, drive and true sportsmanship in a long string of wins on their way to becoming U.S. Champions, and during a single loss to Curacao.

As manager Tim Ginther told a reporter: "Now we're No. 2 in the world overall. That's not bad."

Political columnist and baseball fanatic George Will once observed that "sports serve society by providing vivid examples of excellence." The members of the Conejo Valley Little League team are vivid examples of excellence.

Mr. Speaker, I know my colleagues will join me in congratulating manager Tim Ginther; coaches Jim Barrett, Rick Brower and Frank Leon; the players, James Brady, Jordan Brower, Hayden Cronenbold, Derrick Francis, Timmy Ginther, Adam Justinlano, Tyler Karp, Danny Leon, John Lister, Sean McIntyre, Evan Ocello and Cody Thomson; and their families, for winning the U.S. championship with drive, talent and true sportsmanship.

IN MEMORY OF THE HONORABLE HARRY WIGGINS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of Representatives of the passing of my friend, The Honorable Harry Wiggins of Kansas City, Missouri. He was 71.

Harry, a son of Dr. John and Helen Murphy Wiggins, was born in Kansas City, Missouri, on August 1, 1932. He spent the entirety of his life in Kansas City, attending grade and high schools and then Rockhurst College. Harry achieved many honors while at Rockhurst. He was elected the president of the student body. He joined Alpha Delta Gamma fraternity and was president of his chapter and then national president three times. When he was a senior he was chosen to be a member and served as president of the university chapter of Alpha Sigma Nu, the National Jesuit honor society. He also was selected for Who's Who in American Colleges and Universities. After he graduated from Rockhurst College with an AB, he was awarded a three year scholarship to attend law school at St. Louis University.

From 1957 to 1959, Harry served in the United States Army as a legal advisor to the 2nd United States Army Missile Command at Fort Hood, Texas. Upon his discharge, he received a Certificate of Achievement for Distinguished Service.

After his discharge, he came back home to Kansas City and began to practice law. Soon he became a part of John F. Kennedy's 1960 presidential campaign, serving as Kansas City's chairman for the campaign. It was during this time that he met and became good friends with Robert F. Kennedy. Once John F. Kennedy became president, Robert Kennedy became United States Attorney General and then appointed Harry as the assistant U.S. Attorney for the Western District of Missouri. He held this position for over five years and during his tenure he handled cases involving federal grand jury probes into organized crime. During his tenure, he also prosecuted a group of liquor and prostitution cases. Then Governor Warren Hearnes appointed Harry as state supervisor of liquor control. After serving as state supervisor of liquor control from 1967 to 1970, he returned to Kansas City to run for western judge of Jackson County and won.

In 1973, Governor Kit Bond asked Harry to serve in his administration as general counsel for the Public Service Commission. After holding this post for a year, he came back to Kansas City in 1974 to run for the 10th District seat in the Missouri Senate against a two-term Republican incumbent. Harry won by 6,000 votes and would be elected six more times. After serving 28 years in the Missouri Senate, Harry retired in 2002. During his time in the Missouri Senate, he was Kansas City's first majority floor leader from 1980 to 1984. He never missed a roll call vote during his tenure—logging a total of more than 17,000 consecutive roll call votes.

Harry's legislative record is a testament to his commitment to public service. During his time in the Missouri Senate, he had many legislative accomplishments including the creation of 911 emergency calling, laws requiring DNA profiling of convicted felons, anti methamphetamine legislation that would become a national model, legislation to fund and protect the Truman Sports Complex, the establishment of the Parents as First Teachers Program, which would become a national model, and many others.

Mr. Speaker, Senator Harry Wiggins will be greatly missed by all who knew him. I know the Members of the House will join in extending heartfelt condolences to his family.

RICHARD McCLEES: LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FILNER. Mr. Speaker and colleagues, today I recognize Richard McClees as the 2004 Labor Leader of the Year. This award will be given by the San Diego Labor Community at the Twenty-Second Annual John S. Lyons Memorial Banquet on September 11, 2004.

Rich, as he is known, is currently Chief International Representative of the Sheet Metal Workers' International Association. He comes from a strong union background. His father, Charles McClees, now retired, was a 54-year member of Sheet Metal Workers' Local 206, and two of Rich's brothers, Mike and Chuck, are current members. His older brother, Dwight, recently retired as a San Diego City teacher/school principal with 34 years of membership in the teachers' union. His sister, Margaret, is employed by the San Diego Building and Construction Trades Council.

Rich began working on his father's tuna boat at the age of 12. Until he was 18, he spent each summer on the Pacific Ocean, from Mexico to Washington state, fishing for albacore tuna. Upon his graduation from high school in 1968, Rich joined Sheet Metal Workers' Local 206 and began working at California Neon Products. In 1970, he entered the apprenticeship program at Standard Sheet Metal Works. His work during this period included the sheet metal restoration of the historic 1880s Villa Montezuma at 15th and K Streets in San Diego.

Rich completed his apprenticeship in 1974, receiving the Apprentice of the Year Award from Mesa College, winning the Regional 10 Apprentice Contest for Sheet Metal Apprentices, and competing in the National Apprenticeship Contest in Minneapolis. In 1976, he began his eighteen years at the San Onofre Nuclear Power Plant, working for University Mechanical Engineering Contractors.

As early as 1979, Rich began teaching apprenticeship classes for Local 206. He also coached his daughter's and son's soccer teams and was an active participant in many other of their extracurricular activities. He was elected Business Representative of the Sheet Metal Workers' Local 206 in 1994. In 1996, he became the Apprenticeship Coordinator for

Local 206, in addition to his duties as Business Representative. He was also a member of the San Diego and California Apprenticeship Coordinators Association.

In 2000, Rich was elected Business Manager/Financial Secretary Treasurer of Local 206, while continuing his duties as Local 206 Apprenticeship Coordinator. He also served on the Executive Board of the Western States Council of Sheet Metal Workers, as a Trustee of the Sheet Metal Workers of Southern California, Arizona and Nevada Pension and Health Funds, as Vice-President of the National City Parks Apartments, as President of the San Diego Building and Construction Trades Council, and as an Executive Board Member of the San Diego and Imperial Counties Labor Council.

He is currently attending the George Meany National Labor College and will soon receive his Bachelor of Arts Degree. On April 1, 2004, Rich was appointed by Michael J. Sullivan, General President of the Sheet Metal Workers' International Association, as Chief International Representative/Director of Jurisdiction for the Washington, D.C. office, and he resides in Arlington, Virginia. His daughter and son and their families live in San Diego.

The banquet at which Rich will be presented with his award is named in recognition of the late John Lyons of the Teamsters who was very active in the San Diego community. He was a founder of the San Diego Chapter of the Leukemia Society of America. The friends of Mr. Lyons continue to support his cause, and proceeds from the yearly banquets are used to support bone marrow testing and local research grants. Since its inception, the John Lyons Memorial Banquet has raised over one million dollars.

Through his dedication and willingness to serve, Rich has done much to advance the cause of the labor movement, and my congratulations go to Rich McClees for his significant contributions. He is highly deserving of the 2004 Labor Leader of the Year Award.

RECOGNIZING THE ACHIEVEMENTS OF OLYMPIAN MORGAN HAMM

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. PRYCE of Ohio. Mr. Speaker, I would like to congratulate Morgan Hamm, member of the silver medal winning U.S. men's Olympic gymnastics team, for his contribution and leadership to this team's historic performance.

Along with his twin brother Paul, Morgan made the Olympic team for the Sydney games as its youngest member at the age of 17. After the Sydney Games, Morgan smashed a nerve casing in his left shoulder and struggled with this injury for two years. However, while only partially recovered, Morgan overcame adversity and showed his determination by winning the floor exercise title in the 2002 U.S. National competition. At the 2003 U.S. Nationals, he won another floor title, and later that year, helped the U.S. to a silver medal in the team competition at the World Championships.

As a two-time Olympian, Morgan has provided a strong leadership role to his team and helped the United States secure its first men's gymnastics medal in twenty years.

While Morgan was born in Wisconsin, he chose to train for the Olympics at The Ohio State University and is now a distinguished resident of Columbus. His community is proud of all that he has accomplished.

Again, I congratulate Morgan for the dedication and hard work he has demonstrated over the years, and for the memorable achievements that he has made both personally and with his team while representing our great nation on the world stage in Athens.

HONORING BRANDON MANTHEI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. PORTER. Mr. Speaker, I rise today to honor Brandon Manthei. Brandon recently won 1st place in the Nevada TAR WARS poster contest. TAR WARS is an anti-smoking campaign and tobacco-free education program for 5th graders that is sponsored by the American Academy of Family Physicians.

Brandon's winning poster features a surfer that says "Hang Tough, . . . Don't Puff." This creative and positive message helps to educate his peers and community. Currently, 2% of 5th graders smoke and that number jumps to 28% by the time students reach high school. The Tar Wars program is designed to target 5th graders at this early stage in the hopes of reducing the number of under-age smokers.

Mr. Speaker, it is my great privilege to stand here and honor Brandon Manthei with my deepest admiration for his contribution to the State of Nevada. I urge the entire House to join me in congratulating him on his accomplishment.

CELEBRATING THE 150TH ANNIVERSARY OF THE CITY OF POUGHKEEPSIE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. HINCHEY. Mr. Speaker, I rise today to honor the City of Poughkeepsie in Dutchess County, New York, which is part of the 22nd Congressional District that I proudly serve. This year marks the 150th Anniversary of the incorporation of the City of Poughkeepsie. I am pleased to recognize the City of Poughkeepsie and the important contributions it has made to Dutchess County and to the State of New York.

Located along the banks of the majestic Hudson River, the City of Poughkeepsie is situated in the heart of Dutchess County. European settlers chose the site because it was surrounded by unbroken and abundant waterways. These waterways provided the early settlers with the source of energy needed to power their water wheels and mills, beginning a long tradition of economic ingenuity that the City of Poughkeepsie continues to demonstrate today.

Poughkeepsie was the first seat of county government and, during the American Revolution, General George Clinton mobilized the Continental Army activities from the city. Spared from battle during the war, Poughkeepsie became the second capital city of New York State in 1777. In 1788 the Ratification Convention for New York State, including Alexander Hamilton and John Jay, assembled at the courthouse, debated, and ratified the New York version of the Bill of Rights to be included in the Constitution.

Poughkeepsie has been home to many milestones over time, including the publication of the first newspaper in New York State which, by 1791, became the Poughkeepsie Journal that is still being read today. Poughkeepsie was also home to the introduction of the magnetic telegraph in 1846. By the 1850's manufacturing had become the city's staple, providing employment at businesses such as the Poughkeepsie Glass Works, Poughkeepsie Iron Works, and J.O. Whitehouse Boot and Shoe Factory. Poughkeepsie was home to Governor George Clinton's recommendation that "an act for the encouragement of schools" be passed, leading to the idea of public funding of education in New York State. In subsequent years the city became known as a stanchion for the promotion of education, and was home to numerous learning institutions such as the Eastman Business College and Riverview Military Academy.

In 1854 Governor Myron Clark signed the papers making the incorporation of the City of Poughkeepsie official. Since the late nineteenth century, Poughkeepsie has grown by leaps and bounds. Manufacturing jobs at companies like Fiat Motors and Western Publishing have driven economic growth. The construction industry completed such notable projects as the Mid-Hudson Bridge, the Poughkeepsie Railroad Bridge and, under the direction of the Works Progress Administration, the U.S. Post Office. Cultural and social initiatives such as John Collingwood's Bardavon Opera House and Vassar Brother Hospital are still icons in the City of Poughkeepsie.

Cities like Poughkeepsie are an essential component of our nation's past, present, and future, and deserve to be honored and recognized for their numerous contributions to our states and country. Mr. Speaker, it gives me great pleasure to recognize the City of Poughkeepsie, New York as it celebrates the 150th Anniversary of its incorporation.

RECOGNIZING THE SELECTION OF STEPHEN WARNER TO THE UNITED STATES OLYMPIC TEAM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the accomplishment of Stephen Warner, a constituent of Michigan's eighth congressional district and a member of the United States Olympic Team. Stephen competed in the Men's Lightweight Four division for the United States rowing team in Athens. Prior to his first Olympics in Athens, Stephen won gold at the 2000 World Championships and a silver medal at the 2004 World Cup in Munich.

It gives me great pleasure to be able to stand here today and recognize the accomplishments of Stephen and all of our Olympic athletes. The Olympic games stand for more than athletic competition, they also showcase to the world that the similarities that unite us are far greater than the differences that divide us. Through sportsmanship and competition, the athletes of the XXVIII Olympiad are able to build bridges where politics and policy have faltered.

Mr. Speaker, I am honored to recognize Stephen Warner as an athlete and competitor but also as a good will ambassador to our great nation. I would like to ask my colleagues to join me in saluting their achievements in Athens and wish them all the best in future competition.

HONORING MICHELE MACAUDA FOR HER SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. DELAURO. Mr. Speaker, each year, the Connecticut Anti-Defamation League presents the prestigious Torch of Liberty Award to a leader in the community, in recognition of their commitment and dedication to strengthening diversity. It is with great pleasure that I stand today and join the Connecticut Anti-Defamation League as they honor Michele Macauda with the 2004 Greater New Haven Torch of Liberty Award.

Appointed as the President and CEO of SBC Connecticut, Ms. Macauda is the first woman to serve as the company's top executive. As a business leader in New Haven, she has worked diligently to ensure that the company continues in its commitment to the cities and towns which it serves. That commitment is more than simply delivering a service—it is about contributing to the health, vitality, and progress of the Greater New Haven area. A member of the Governor's Council on Economic Competitiveness and Technology in Connecticut, the executive committee of the Connecticut Science Center for Science and Exploration, as well as the Regional Leadership Council in New Haven; Ms. Macauda is actively involved in promoting the revitalization of both the region and the state.

Just this past year, I was honored to serve with Michele as co-chair of a very special event sponsored by Y–ME of Connecticut—the first annual "Woman of Today" Award. Y–ME is a non-profit organization dedicated to supporting women with breast cancer. Through the support of local leaders like Michele, Y–ME has become an invaluable resource to our community. In addition to her work with Y–ME, she is also actively involved in fundraising efforts for victims of domestic violence and volunteers her time with the Connecticut Special Olympics.

Through her professional and volunteer activities, Ms. Macauda has demonstrated her dedication to enriching our communities and the lives of Connecticut residents. I am honored to rise today to join family, friends, colleagues, and the Connecticut Anti-Defamation League in extending my sincere congratulations to Michele Macauda as she receives the 2004 Torch of Liberty Award.

TRIBUTE TO THE CENTER FOR YOUTH CITIZENSHIP FOR SERVING THE SACRAMENTO REGION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MATSUI. Mr. Speaker, I rise in tribute to an organization with a great record of service to the Sacramento Region. For the past two decades, the Center for Youth Citizenship has worked tirelessly and successfully to enhance the significance of citizenship and the importance of our laws and institutions to the young people of the local region. I ask all my colleagues to join me in saluting the Center for Youth Citizenship (CYC), one of Sacramento's most important and respected community organizations.

Founded in 1984, the Center for Youth Citizenship has sought to have young people respect one another, our institutions, and laws; have a working understanding of citizenship, its requirements and responsibilities; appreciate the foundation and privileges of democracy; and have the skills and character to be engaged and informed participants in everyday community matters. To achieve these goals, CYC has worked with a diverse group of school and community partners on award winning and recognized school and community programs such as the Gordon D. Schaber Mock trial & Moot Court Competition, Laws for Youth and Families, and California Conflict Resolution and Youth Meditation Project.

Through its partnerships with a broad-based group of government, business and education leaders, CYC has recently initiated the program, With Liberty and Justice for All, designed to connect the generations and groups in the local communities and recommit to the collective pursuit of equity, justice, and character.

In recognition of the 50th Anniversary of the Brown v. Board of Education decision, CYC, on April 22, 2004, in partnership with the California and Sacramento County Bar Association, the National Coalition of 100 Black Women, Inc., 100 Black Men of Sacramento and the Sacramento County Office of Education, along with various school districts and organizations, came together to commemorate the historic anniversary of the landmark Supreme Court decision by bringing students together with corporate, community, and education leaders to view the highlights of the Emmy Award winning film, Separate but Equal. This unique and important educational experience was made possible by CYC's program model, With Liberty & Justice for All and the hard work and dedication of the entire CYC staff.

CYC has worked diligently with Sacramento County of Education; San Juan Unified School District, California County Superintendents Educational Services Association, California Department of Education, California Teachers Association and various school districts and organizations to make local school board members, administrators and teachers aware of the Brown v. Board of Education 50th Anniversary. Through the great work of the CYC staff, many school board adopted resolutions and conducted student events to recognize the important Supreme Court decision.

Mr. Speaker, I am honored to pay tribute to the Center for Youth Citizenship. I would like to especially thank CYC's Executive Director, Dr. Joe Maloney, and his great staff for their commitment and hard work. I am confident that the Center for Youth Citizenship will continue to yield tremendous benefits for the people of Sacramento. I ask all my colleagues to join with me in wishing the Center for Youth Citizenship continued success in all its future endeavors.

TRIBUTE TO MILES CONRAD OWENS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the members of the United Auto Workers (UAW) International Union and UAW local 651 to pay tribute to Miles Conrad Owens who is retiring from the position of UAW International Union Staff Representative.

Miles Owens was born October 19, 1942 in Cairo, Illinois. He graduated with honors from Beecher High School in 1960. Upon graduation he enrolled at the General Motors Institute (GMI), located in Flint, Michigan. With his enrollment came employment within GM's Flint Assembly Plant. Miles studied at GMI until he transferred in 1962 to Mott Community College. He graduated from Mott College in 1967. While studying at Mott he acquired a position with A.C. Spark Plug as an experimental model-maker apprentice and journeyman.

Miles' career within the UAW began in 1962 as a member of UAW Local 651. As a member of the union he held positions as an alternate, district, and shop committeeman from 1968–1981. In 1981 he was elected President, and in 1983 he attained the appointed staff representative position with the UAW International Union, from which he will retire on July 31, 2004. Miles is a strong positive role model for his fellow members and the community. Throughout his career he has made significant, long-term contributions to improving the lives and working conditions of the men and women who build America's automobiles.

In addition to being a strong leader amongst the workforce, Miles is a member of several community boards and organizations. He serves with the Flushing Board of Education, United Way, American Heart Association, Boy Scouts of America, Insight, Greater Flint Health Coalition, and Hurley Hospital HHS

Board to just name a few. Miles has achieved much in his lifetime. Some of those milestones include, but not limited to, Explorer Scout, Representative of the Decade from 1960–1970 in the Decades of Education Ceremony for Beecher High School, recipient of the Walter Reuther Award, selected to hold the post of Worshipful Master of Flushing Masonic Lodge #225 in 1991, attained the title of 32nd Degree Mason, and is a member of the Shriners.

Miles is also a devoted husband to his loving wife Shirley Ann and supportive father to their wonderful son Miles.

Mr. Speaker, as a Member of Congress, I consider it my duty and my privilege to protect and defend human dignity and the quality of life for our citizens. I am extremely grateful to have a person like Miles Conrad Owens who shares these beliefs, and has made it his life's work to see this task achieved. I ask my colleagues in the 108th Congress to please join me in congratulating Miles, and wishing him the best in future endeavors.

HONORING THE 25TH ANNIVERSARY OF THE COMMUNITY RESOURCES FOR INDEPENDENT LIVING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Community Resources for Independent Living (CRIL) headquartered in Hayward, California. CRIL has been providing exemplary services to individuals with disabilities for the past 25 years.

This outstanding organization was inspired by a group of individuals' awareness of the diverse unmet need for services in their communities to assist the disabled. Through the work of such individuals as longtime Executive Director Johnnie Lacy, CRIL was able to establish itself by occupying and purchasing its own office building in Hayward, California in 1979. Since then, CRIL has expanded its presence by opening its Tri-Cities office In Fremont and its Tri-Valley office in Livermore.

In the years since its founding, CRIL has helped to represent the disabled community by advocating tirelessly for both their rights and needs. As a result, they have helped to eliminate societal barriers to participation, empowerment, and independent living. CRIL has also taken a central role in co-sponsoring the creation of housing for people with disabilities. In particular, CRIL is responsible for the creation of the Olive Tree Plaza and EC Magnolia Court Apartments in Hayward and the Redwood Lodge in Fremont.

For over two decades, CRIL has become a resource for thousands with disabilities. It is my honor to recognize their tireless commitment and hard work to the disabled community and I am confident CRIL will continue to make a positive difference in the lives of the disabled population for years to come.

I join the community in expressing my good wishes to CRIL on its 25th anniversary and sending best wishes for continued success.

HONORING STANLEY W. ROSENKRANZ

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Stanley W. Rosenkranz, a remarkably accomplished and generous citizen whose dedication to his profession, faith and family earned him the respect of the Tampa Bay community.

Stanley always strived for excellence. After becoming a CPA and serving in the Army, he went on to graduate Cum Laude from the University of Florida Law School and first in his class from the New York University's Masters in Law, LLM program. Stanley was extremely supportive of the University of Florida, and its football team, through all his years.

Stanley practiced law in Tampa for over 40 years and earned the high respect of his colleagues in the Bar. He was Of Counsel with Akerman, Senterfitt and a partner at Shear, Newman, Hahn & Rosenkranz, PA for 15 years, 10 of which he was president of the firm. Stanley was named to Best Lawyers in America for the 20 years of the publication's existence.

Teaching and mentoring were two other areas in which Stanley excelled. He formerly taught in the graduate LLM Tax program at the University of Florida. Stanley was currently an adjunct professor in Tax at the Stetson College of Law and also had taught Business Law and accounting at the University of Tampa.

However, Stanley always made time to serve others. Stanley was active in Tampa's Jewish community, serving as president of Congregation Schaarai Zedek, president of the Tampa Jewish Federation, president of the Southeast Region of the Union for Reform Judaism (URJ) and a member of the Executive Committee and Board of Directors of URJ. He also served on the boards of Florida Blood Services and the Children's Home and contributed as a leader of many other civic and charitable causes.

Stanley's family and friends will remember him for all of these things, his rare personal qualities and so much more. On behalf of the Tampa Bay community, I honor Stanley for his service and shining example to us all and send my deepest sympathies to his loved ones.

HONORING LAWRENCE DeNARDIS, PH.D. FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to one of our community's most outstanding leaders, and my good friend, Lawrence DeNardis, as he is honored by family, friends, and colleagues for his 13 years of service as President of the University of New Haven. Larry has dedicated a lifetime of service to the community and we are certainly fortunate to have been the beneficiary of his unparalleled compassion, generosity, and commitment.

For over a decade, Larry has been at the helm of the University of New Haven and under his leadership and direction the University has truly prospered. I have often spoke of our Nation's need for talented, creative educators, willing to help our young people learn and grow—Larry is just that kind of teacher. Larry has spent most of his professional career in higher education. For 16 years he served as Associate Professor and Chairman of Political Science at Albertus Magnus College, Visiting Professor of Government at Connecticut College, Guest Scholar at the Woodrow Wilson International Center for Scholars of the Smithsonian Institution, and seminar instructor at Yale University. His good work and diligent efforts to provide a quality education to his students has touched the lives of thousands of young people—going a long way in providing them with a strong foundation on which to build their futures.

Larry's outstanding record of contributions to education has been recognized both locally and nationally. Immediately prior to his appointment as President of the University of New Haven, Larry served as President and Chief Executive Officer of the Connecticut Policy and Economic Council and was appointed by former Governor Lowell Weicker as Chair of the Connecticut Board of Governors of Higher Education. Larry was also selected by former President George W. Bush for an appointment to the National Advisory Committee on Institutional Quality and Integrity, a group which oversees the accreditation of institutions and associations in higher education.

In addition to his distinguished career in education, Larry has also served in public life where he demonstrated a unique commitment to public service. He served five terms in the Connecticut State Senate as well as one term as the United States Representative for Connecticut's Third Congressional District. After his term in the United States House of Representatives, Larry went on to serve as the Acting Assistant Secretary for Legislation at the United States Department of Health and Human Services. He was also appointed by former President George W. Bush as a member of the Board of Regents of the National Library of Medicine—a position which he held for four years.

It is not often that you find an individual who so willingly dedicates himself to the betterment of his community. In addition to his professional contributions, Larry has worked with numerous local business and service organizations aimed at providing a better quality of life for the residents of the Greater New Haven area. Our communities would not be the same without people like Larry, who give their time and energy to make a difference in the lives of others.

Through his contributions, Larry has left an indelible mark on our community. For all of his good work, I am proud to rise today to join his wife, Mary Lou; his four children Larry, Jr., Gregory, Mark, and Lesley; family, friends, and colleagues in extending my thanks and appreciation to my friend Lawrence DeNardis.

My very best wishes for many more years of health and happiness.

TRIBUTE TO DOUGLAS ROBINSON GREER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MATSUI. Mr. Speaker, I rise in tribute to legendary civil rights attorney Douglas Robinson Greer. On July 15, 2004, California lost one of its most respected and accomplished advocates for civil rights when Douglas Greer passed away. As we remember and pay tribute to Douglas' many wonderful contributions to his friends, family, and fellow citizens, I ask all my colleagues to join me in saluting this exceptional man and my good friend, Douglas Robinson Greer.

A native of Los Angeles, Douglas was born on January 27, 1916 to Henry Douglas Greer and Leonie Robinson Greer. In 1920, the Douglas family relocated to Sacramento. Douglas was an accomplished student at William Land and Newton Booth Elementary Schools, and later, Stanford Jr. High and Sacramento Senior High School.

Douglas joined the U.S. Armed Services in 1942 and was stationed at Tuskegee Institute in Alabama. After two years of service, Douglas enrolled at the University of California at Berkeley. Douglas received a Bachelor's degree in 1948.

Disheartened by the racism that surrounded him, Douglas made up his mind that he was going to play an active role in improving the lives of minorities. Douglas earned a Juris Doctorate from the University of San Francisco in 1952. A year later, Douglas opened the office of Douglas Greer, Attorney at Law. In doing so, Douglas became only the second African American to establish a full-time law practice in Sacramento's history.

As a lawyer, Douglas was a trailblazer and an ardent defender of civil rights and civil liberties. Doug fought hard to challenge unfair housing and discriminatory hiring practices. Many of his early clients could only afford to pay meager fees, or often none at all. But, Douglas remained undaunted.

Douglas was once quoted as saying that he was anxious to "get into court and get fighting." In of his cases in the late 1950s, Douglas demonstrated his commitment to justice and equality when he took on a case involving an African American couple that was prevented from buying a house in Sacramento because of their skin color. Douglas filed a malicious interference suit. The suit was then and remains the first such suit filed on the basis of race in California.

Throughout his illustrious career, Douglas showed a deep commitment to stand for justice and take on established entities such as Harrah's Casino, the Greyhound Bus Lines and the Home Loan Bank Board. Douglas gave it his all to test public accommodation laws and other acts of discriminatory practices. In many of his cases, Douglas triumphed in successfully lowering barriers of discrimination and the unfair treatment of minorities.

In addition to his status as one of the area's most well respected attorneys, Douglas was also active in the community. From 1953 to 1957, Douglas served with great distinction as the President of the Sacramento Chapter of the NAACP. Douglas was an icon of hope for many minorities. Douglas often urged young lawyers to challenge "unjust laws and racist systems." Throughout his life, Douglas' quiet courage, fighting spirit and his unwavering pursuit of commitment served as an inspiration to many who looked to his leadership and example. The Observer Newspaper recently recognized Douglas for his countless achievements and contributions by naming him one of Sacramento's "African American Legends."

Douglas was preceded in death by his parents, Henry and Leonie Greer, and his sisters, Lucy Amerson and Portia Henderson. He is survived by a niece, Leonie Craddock, a nephew, Gilbert Craddock, three great nieces and a long list of professional associates, friends, and admirers.

Mr. Speaker, as Douglas Greer's family and friends gather to pay tribute to his wonderful life, I am honored to express my respect and gratitude to one of Sacramento's finest citizens. It was truly a privilege for me to count Douglas Greer as a friend. I ask all my colleagues to join me in honoring Douglas Greer's remarkable life.

TRIBUTE TO UAW LOCAL 599 REUTHER AWARD RECIPIENTS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to pay special tribute to 17 members of the United Auto Workers (UAW) local 599, who on September 18, 2004 will be presented with the Walter Reuther Distinguished Service award. The recipients of this prestigious award are Jesse W. Perry, Dave Carr, Michael S. Polovina, Gordon Harman, Matthew Yard, Dewayne A. Butterworth, Dan Emerton, Mark Fillmore, Andrew T. Puro Jr., Robert G. Singer, Michael C. Wright, Willie Duncan, John W. Bishop, Bill Gawne, Dave Rinker, James R. Ottaway, Donald P. Sorensen, and Earl W. Stephens.

The Walter Reuther Distinguished Service award is bestowed on union members who have authenticated 20 years of notable service. Walter Reuther believed in helping people. He also believed in human dignity and social justice for all. The awardees have committed themselves to these very ideas and principles. Their leadership and unwavering commitment to securing and keeping automotive manufacturing jobs in the Flint area is without a doubt commendable. They have constantly fought for decent wages, education and training as well as human and civil rights. Their efforts have greatly improved the quality of life for the UAW's membership. It is an honor to recognize these special individuals, for they have faithfully, without reservation served their union and community.

Mr. Speaker, many people have greatly benefited from the leadership and service of these awardees. They are individuals of moral character committed to improving the welfare and dignity of those employed in the automobile manufacturing industry. I ask my colleagues in the 108th Congress to please join me in congratulating these fine people for 20 years of impeccable service to their union and community.

TRIBUTE TO CHUCK MOSEY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. PENCE. Mr. Speaker, when Chuck Mosey of Richmond died unexpectedly last month, Richmond lost a leader and, like countless others who had the privilege to know him, I lost a friend. So much attention has rightly been paid to his role as a business leader, a son of Richmond who helped build Mosey Manufacturing into one of the largest employers in our city and rightly so. At a time when so many American business leaders seem willing to take the easy route to profits available to those willing to move jobs out of our community and country, Chuck Mosey traveled the world and proved that Hoosier companies and workers can compete on the world stage and win. Chuck was a fighter and Chuck fought for the jobs of the hundreds of Wayne County families that depended on his courage and vision every day. Chuck Mosey was from Richmond and he was determined to make his enterprise prosper in his hometown, and he succeeded.

And at a time when so many let work crowd out the most important people in their lives, Chuck Mosey applied the same commitment at home. His utter devotion to his Maxine, wife and mother to Scott and Christopher, was evident to anyone who knew him for more than five minutes. Every time I spoke to Chuck in the last year it was all about Maxine and his profound gratitude to those whose prayers and thoughtfulness had helped carry her through some recent difficult days. And Chuck loved his brothers and sisters but Steve and George were more than brothers, they were Chuck's best friends. As one of four boys myself, I know how challenging sibling relationships can be, but Chuck made it look easy. He did so by taking every opportunity to boast of his brothers, their accomplishments and integrity. I learned a lot about being a brother from Chuck Mosey.

Lastly, Chuck Mosey was a patriotic American who believed in the highest ideals of our Nation. His wit and insight once caused me to refer to him as the "Will Rogers of Eastern Indiana," and so he was. During a recent heated debate in Congress, I called Chuck for some advice. I was determined to take a stand for fiscal responsibility and I figured he was the right guy to call to get a good perspective from home, and I'll never forget what he said. When I explained the latest bloated government proposal being brought before the Congress, Chuck Mosey said, "Don't those people know how much money we don't have?" We both burst out laughing but I was so moved by the simple wisdom of the statement that I returned to the floor of the Congress and used his line in the debate.

A business leader, devoted husband, father, brother and, in my life, a friend was lost to us but gained to heaven last week. Goodbye, Chuck. We will miss you for a while. I can't wait to hear what you have to say about heaven. I'm sure it will be priceless.

USCG RESCUE IN ST. PETERSBURG

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. COLLINS. Mr. Speaker, on the 7th of August, a small Sea Pro fishing boat left Steinhatchee, Florida for a day of fishing. The four passengers, all from Monticello, Georgia were caught in a sudden squall which capsized the 23 foot craft. The next night, while they clung desperately to their overturned boat, the skipper's son, John Fish perished and drifted away from the group.

For three days the survivors clung to their wreckage, hoping against hope that they would be rescued.

The overdue boat was reported to the members of the U.S. Coast Guard St. Petersburg Group who immediately began a search of the vessel's last reported area, while Coast Guard searchers from Yankee Station in the North, worked their way down the coast.

During the day of Sunday the 8th, several helicopters and planes, from as far away as Mobile, Alabama, searched the sea to no avail. On Monday, they continued their search and a C–130 located a hat and an ice chest floating in the water. A short time later, the newly commissioned Coast Guard Cutter *Hawk* skippered by Lt. j.g. Richard O. Dunagan spotted three weary survivors bobbing in the water. The three men, Jake Fish, Keith Smith, and Michael Jackson, were found weak and dehydrated and medevaced to Shand's hospital in Gainesville, FL, by an HH–60 Jayhawk helicopter from Coast Guard Air Station Clearwater, FL. The fourth passenger, John Fish, tragically, was lost to the sea.

The U.S. Coast Guard is a valuable asset in our war on terror, the war on drugs, the navigation of our waterways, and the safety of every American who climbs into a boat. The men and women who volunteer to serve often face the same risks and dangers as our combat troops in the other branches of our military. They are called upon to perform a multitude of duties, and each day they risk their lives in service to our Nation. I am grateful for their service and bravery.

I would like to thank the brave men and women of the U.S. Coast Guard for their selfless dedication and commend them for their hard work and tireless efforts in rescuing these three men.

I would also like to extend my condolences to the family of John Fish who passed away during this tragic incident. Our prayers are with them as they mourn the loss of their loved one.

CONFERENCE OF MAYORS CALLS FOR ADDITIONAL SUPERFUND DOLLARS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, as the Representative of a district which contains a number of abandoned industrial sites, I have a particular interest in the Superfund program. Sadly, the priorities of the Congressional majority and the current administration do not include Superfund, and as a consequence, this important environmental cleanup program has been denied the resources needed to meet the promise we have made to many American communities.

In my own district there are three Superfund sites on which I have worked hard, and where we have made some progress, but where inadequate funding threatens to deny the people of the City of New Bedford and the Towns of Fairhaven and Norton the full environmental response to which they are entitled by federal law.

This is a problem of national scope, as evidenced by the fact that the United States Conference of Mayors, one of the leading voices for sensible public policies in our country, recently passed a resolution at its 72nd Annual Meeting in Boston calling for "increasing appropriation levels for Superfund." The resolution notes the slowdown in remediation that is taking place because of the preference for tax cuts for the wealthy over important public needs, and urges us to increase the Superfund appropriation by $300 million a year for the next five years.

This is a very well informed and important statement from a group of thoughtful public officials who share with us the responsibility for public policy in this country, and I ask that the Conference of Mayors' very cogent resolution be printed here.

JOSEPH L. NELLIS, FORMER CHIEF COUNSEL OF HOUSE COMMITTEE ON THE JUDICIARY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. CONYERS. Mr. Speaker, I rise to pay respect to Joseph L. Nellis, 87, former Chief Counsel of the House Judiciary Committee during the early 1980s, who passed away July 10 from congestive heart failure at his home in Northwest Washington, DC. He also served as Chief Counsel of the House Select Committee on Narcotics Abuse and Control, and Associate Counsel of the Kefauver Committee (the U.S. Senate Committee to Investigate Crime in Interstate Commerce). Joe was also a prominent local businessman, Democratic Party insider, and Washington area resident for more than 60 years. In addition to his public service on Capitol Hill, he argued a number of landmark cases before the Nation's highest courts, developed downtown properties, and founded the G.E.M. (Government Employees Mart) Department Stores.

Born in 1916 in Minsk in what is now Belarus, Joe grew up in Chicago and attended the University of Michigan, the University of Wisconsin, and Northwestern University's School of Law. He moved to the Washington area to work at the Office of Price Administration and Control in 1944.

His service as a Captain in the Army Air Corps during World War II was marked by several decorations, including one for work with the cryptology team that broke the Japanese Navy's secret code and led to the American victory at Midway.

Following a stint at the United Nations Relief and Rehabilitation Administration (UNRRA) guiding post-war relief efforts in Greece and Italy in the late 1940's, he returned to Washington to enter private practice. In late 1949, Senator Estes Kefauver (D-Tennessee) called him and asked, "Joe, I'm about to get the Senate to pass a resolution authorizing an investigation of organized crime. It's never been done before. Why don't you come up to the Hill and help me chase some gamblers?" Nellis became associate counsel and the youngest member of the first Senate investigation into the activities of organized crime in interstate commerce. He achieved instant recognition among audiences nationwide when the committee's New York hearings—featuring such legendary mob figures as Virginia Hill and mafia boss Frank Costello—became the first nationally televised congressional hearings. After conducting a 2:00 a.m. "secret" deposition of entertainer Frank Sinatra regarding his connection with then-exiled mob boss Lucky Luciano, Joe determined that calling Sinatra as a public witness would not further the mission of the committee and might only serve to damage Sinatra.

Joe was a prominent advisor to Presidential candidates, including former Illinois Governor Adlai Stevenson, and Senator Kefauver during both his 1952 and 1956 bids for the Democratic Party Presidential nomination. In 1968, he served as Deputy Director of Citizens for Humphrey-Muskie. For a number of years, Joe was also a friend and advisor to Eleanor Roosevelt and later served as general counsel for the Eleanor Roosevelt Memorial Foundation.

In private law practice, Nellis argued major civil and corporate cases. He challenged the constitutionality of the DC abortion statute in the first abortion rights case accepted for argument before the U.S. Supreme Court (United States v. Milan Vuitch, 1971). In a newspaper interview, Joe commented, "The key questions here are: does a woman have an absolute right to control the reproductive processes of her own body, . . . and does her physician have the freedom to prescribe medical treatment as he sees fit, without vague threats of prosecution for a felony?" He then played a role in the successful argument of Roe v. Wade by assisting the attorneys to prepare for their appearance before the Court.

Joe was also the author of numerous articles in professional and popular journals and coauthor of The Private Lives of Public Enemies (McKay, 1974 and Dell, 1974). Surviving family includes his wife, Muriel, sons David M. Nellis and Adam Pressman, daughters Barbara Nellis and Amy Pressman, and nine grandchildren. Because the House Judiciary Committee is a family of sorts, I would like to recognize Joe's extended family.

In conclusion, Mr. Speaker, we have lost a former Hill staffer who served the House and Senate for many years with distinction on critical issues to this country.

TRIBUTE TO CORPORAL MATTHEW BOISVERT OF TYNGSBORO, MASSACHUSETTS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to a brave Marine from my District, Corporal Matthew Boisvert of Tyngsboro, Massachusetts, for his patriotic service to our country. Matthew has twice been deployed to Iraq, where he performed courageously as a squad leader in Um-Qasar and the volatile town of Fallujah.

On August 17, tragedy struck when a roadside bomb tore through the humvee Matthew was patrolling in, leaving him critically wounded. But despite his injuries, Matthew's spirits have remained high and his faith strong. The first words out of his mouth to his mother were not those of anger or sadness, but rather concern for the well-being of his fellow Marines back in Iraq.

Matthew knew the risks of war when he enlisted in the Marine Corps the summer after high school. But he was willing to make the sacrifice necessary to defend his country and protect our democratic ideals. At the young age of 18, he left his friends and family behind to endure the harsh realities of a war-torn land. Our Nation, and the Commonwealth of Massachusetts, are humbled and grateful for his sacrifice.

Tonight, I plan to visit Matthew at Bethesda Naval Hospital to thank him for his honorable service. I am certain that all of our colleagues will join me in expressing our heartfelt gratitude for his courage and wishing him well as he begins to recover from his injuries. I will renew my commitment to him, and to all of our troops stationed overseas, to ensure that they have the equipment and the support they need to perform their duties. These brave Soldiers, Marines, and Airmen are on the front lines defending our national security. We owe it to them to provide the protection they deserve. And when these heroes return home, we must afford them the support, the respect, and the honor they have earned.

VERMONT RESIDENT WINS THE ROBERT PENN WARREN AWARD FOR POETRY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. SANDERS. Mr. Speaker, it is my pleasure today to commend a Vermont resident, Harriet McGraw, known to her friends as Hatsie, for winning the Robert Penn Warren Award for poetry. Her poem, "Neighbors in the North End," was selected as the best of 853 submissions in a competition which saw entrants from 252 poets from 42 states and foreign nations. The competition was sponsored by the New England Writers Conference.

Hatsie McGraw lives in Windsor and works in nearby Springfield, where she is the librarian at the Park Street School. She represents part of what is best about our state: an ongoing creativity that is the hallmark of much in Vermont, a creativity which brings forth not just poetry but handbuilt furniture, innovative small businesses, and popular music. As just one instance of that creativity let me cite her husband Tom, a painter whose works in mixed media were recently exhibited in a show of his work, "Elements of Diversion," at the New England Gallery.

We in Vermont are proud of Hatsie McGraw, and of the countless thousands like her who move ever onward in search of new things to do, new heights to scale, new skills to put to use.

HONORING PARKS CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. LEE. Mr. Speaker, I rise today to honor the Parks Chapel African Methodist Episcopal Church of Oakland, California for 85 years of ministry and invaluable service to the community.

Parks Chapel African Methodist Episcopal Church was organized in September 1919 as a mission in West Oakland by the late Reverend J.M. Brown. The church was named in honor of the late Bishop H.B. Parks of Oakland, and was granted a charter in May of 1920. The Congregation's membership has grown steadily over the years, leading it to relocate to larger worship sites twice before settling at its current location on Thirty-Fourth Street in Oakland under the spirited and inspired leadership of Reverend Donna E. Allen.

Since that time, the Parks Chapel African Methodist Episcopal Church has played an active role in initiating and expanding a wide range of charitable and community-building activities. In addition to ministering and counseling countless members of the ministry, the church regularly hosts a variety of community gospel events. Furthermore, Parks Chapel sponsors numerous outreach activities that serve to facilitate endeavors such as the education and development of local youth, and the social reintegration of former prison inmates.

On September 5, 2004, the Parks Chapel African Methodist Episcopal Church will be celebrating its eighty-five-year anniversary in Oakland, California. I would like to mark this occasion by commending the church for the exceptional service it has provided to the community not only in its capacity as an institution of faith and worship, but also as a leader in working to provide invaluable social and charitable services to the people of Oakland. By remaining committed to the areas of leadership and service throughout its eighty-five years of ministry, the Parks Chapel African Methodist Episcopal Church has contributed enormously not only to the Oakland community, but also to our shared goal of world peace.

TRIBUTE TO THE LIFE OF JOSEPH A. JABAILY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mrs. MUSGRAVE. Mr. Speaker, it is with a sadness that I rise today to remember and honor the life of Joe Jabaily, a thoughtful and dedicated community servant who will be greatly missed by his community of Loveland, Colorado. As his family and friends grieve for the passing of Joe Jabaily, I want to take a few moments to remember his service and commitment to the town and citizens of Loveland.

He began his work by opening the first neurology center in Loveland in 1983. However, the walls of Joe's neurology center could not contain his enthusiasm, love for people, and desire to make a difference for them and their community. In the 20 years that Joe lived in Loveland, he accomplished much.

Beginning in 1984 Joe served on the McKee Medical Center Continuing Education Committee, the McKee Medical Center Credentials Committee; he joined the Loveland Chamber of Commerce; and coached basketball for the Loveland Midget Athletic Association. Joe served as a Loveland Museum Commissioner as well as two terms on the Thompson School District Board of Education. He taught as a Clinical Assistant Professor of Neurology at the University of Colorado, and volunteered as a facilitator for People Offering People Support at Loveland High School. Joe served as Commissioner for the Loveland Open Space Commission. In 1997 the Jabailys were named the Volunteer Family of the Year. Joe's service continued as he volunteered for the United Way Campaign. Joe ran for the Colorado State House District 51 in 2002, and was running again for the same seat when he was involved in a tragic accident during a charity triathlon.

Joe Jabaily was known to always be there to listen, laugh, and contribute in a positive way. He enjoyed meeting people and hearing their concerns. He was known to occasionally cancel a patient's debt if they could not pay. Joe had courage, and did not hesitate to speak out for the citizens of the community. His premature death has affected the community of Loveland, Colorado, in a major way. He will be missed tremendously. I will always remember him as a man full of life, living it to the fullest.

Mr. Speaker, it is an honor to pay tribute to the life of this outstanding gentleman. I ask my fellow colleagues to join me in celebrating the life and legacy of Joe Jabaily. May God bless his family and many friends in this time of mourning.

REMEMBERING THE LIFE OF HELEN K. COPLEY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. ISSA. Mr. Speaker, I rise this evening to remember the life of Helen Copley. Mrs. Copley passed away August 25, 2004. Mrs. Copley had an amazing commitment to journalism and a distinguished record of service throughout her community and the Nation.

In 1953, Helen Copley answered an ad for a secretary position at the Union-Tribune Publishing Company. She was hired as a secretary to the chief executive officer, James Copley. Twelve years later, Helen and James married. After her husband's death in 1973, many expected Helen to remain in the background, but she was determined to keep the business in family hands.

Mrs. Copley published The San Diego Union-Tribune, the third-largest newspaper in California, for nearly 30 years. The Copley Press also owns nine daily newspapers and other publications. During Mrs. Copley's tenure as publisher, her newspapers won two Pulitzer Prizes.

Helen Copley was also a model of personal involvement. She was a member of numerous local organizations, including the board of the Scripps Clinic and Research Foundation and was one of eight trustees appointed in 1984 to oversee the Howard Hughes Medical Institute. Locally, Mrs. Copley was instrumental in securing a home for the San Diego Symphony and underwriting the library at the University of San Diego. She also helped launch the San Diego Council on Literacy in 1986.

Mr. Speaker, Helen Copley will be missed by the people of San Diego and her service to the community will not be forgotten. I also want to express my condolences to the Copley family and let them know that my thoughts and prayers are with them.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. OBERSTAR. Mr. Speaker, I participated in two important education meetings in my district yesterday, and missed two votes on legislation considered on the suspension calendar. As the new school year begins, I greatly appreciated the opportunity to visit with students, teachers and education administrators at the Nashwauk-Keewatin High School and the Crosby-Ironton High School concerning the implementation of the No Child Left Behind Act.

Had I been present, I would have voted "aye" on rollcall vote 422 to approve H.R. 4381, and I would have voted "aye" on rollcall vote 423 to approve H.R. 4556.

HONORING LIEUTENANT ROBERT DEL SOLDO

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Lieutenant Robert P. Del Soldo who is celebrating his retirement from the Horsham Township Police Department after 32 years of faithful and devoted service.

Lt. Del Soldo has served in many different capacities during his tenure on the Horsham Township force, working as Patrolman, Detective, Patrol Sergeant, and Sergeant of Detectives. Since 1995, he has been serving the department at the rank of Lieutenant.

His dedication to the community has never faltered, even during his toughest assignments. Lt. Del Soldo has received commendations for saving an individual from a burning vehicle and for apprehending armed bank robbery suspects. In addition to his commendations, Lt. Del Soldo has undergone professional training in order to better serve his community. He has trained under the Department of Justice, Federal Bureau of Investigation, Pennsylvania Chief of Police, Northwestern University and Penn State University.

In addition to his service to the Horsham Township community as a member of the Police Department, Lt. Del Soldo served his country honorably in the United States Air Force in Vietnam from 1965 to 1968. He and his wife Peggy are the proud parents of a son and daughter, Robert and Theresa Lynn.

Our community has been privileged to have such a devoted servant and it is my pleasure to congratulate Lieutenant Del Soldo on his retirement. I wish him all the best in the future.

RECOGNIZING COLONEL JOEL C. BRADSHAW III, UNITED STATES AIR FORCE, FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FORBES. Mr. Speaker, I rise today in recognition of Colonel Joel C. Bradshaw III, United States Air Force, for his loyal service to the United States and Virginia's Fourth District.

Colonel Joel C. Bradshaw's dedication and loyalty to the advancement of our district and the Nation as a whole, after 29 years of service in the Air Force, is to be commended.

Colonel Joel C. Bradshaw's devotion to duty has reflected the highest standards of the military profession through a number of command and staff positions. He has commanded a civil engineer squadron, and served in a range of civil engineering positions at base level, major command and the Air Staff. At the start of his career, he began as Project Officer and Test Director on the Air Force Weapons Laboratory in New Mexico. Later on in his career, he went on to become Deputy Director of Environment Programs at Headquarters Tactical Air Command, at Langley AFB, VA. He also served as Base Civil Engineer (Commander) at the Sembach Air Base in Germany. He returned to Langley to become Deputy Chief of Programs Division for the Civil Engineer Directorate, Headquarters Air Combat Command. In 1997, Colonel Bradshaw became Command Engineer of the Eleventh Air Force at Elmendorf AFB in Alaska. In 1999, he earned the position of Chief of Air Force Programs, Office of Deputy Under Secretary of Defense for Installations, The Pentagon. Deputy Chief of Staff for Logistics at Headquarters, United States Army Forces Command. He then went on to additionally take on the responsibility of Chief of Military Construction Programs, Office of Deputy Under Secretary of Defense (Installations and Environment), The Pentagon, Washington, D.C. Colonel Bradshaw also holds a Bachelor of Sciences degree from Virginia Tech in Civil Engineering, and a Masters degree of Science in Civil Engineering from Virginia Tech. Additionally, he has a Masters degree in Business Administration from New Mexico Highlands University.

Colonel Bradshaw's awards and decorations include the Defense Superior Service Medal, the Meritorious Service Medal with six oak leaf clusters, and the Air Force Commendation Medal.

Colonel Bradshaw has shown tremendous commitment and devotion to his country. Today we recognize him for his unwavering patriotism and dedication to both his profession and the American people.

Mr. Speaker, please join me in honoring Colonel Joel C. Bradshaw III, USAF.

THE PURPLE HEART

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. McCOLLUM. Mr. Speaker, the Purple Heart is a decoration symbolizing true sacrifice in defense of the United States. Since the days of Gen. George Washington, the Purple Heart has decorated the uniforms of hundreds of thousands of American heroes, including those who have given the ultimate sacrifice for America's freedom.

Last week in New York, at the national convention of our president's political party, the Purple Heart was mocked and disgraced in a tasteless display. Some delegates to this convention transformed the symbol of the Purple Heart into band-aids to minimize and diminish the wounds received in battle during the Vietnam War by their political opponent.

With American men and women fighting and taking casualties in Iraq and Afghanistan today, the Purple Heart is not a band-aid or a joke, but a true symbol of sacrifice. My support for America's military's men and women and the veterans who have served this nation, given their blood and their lives for our freedom, is absolute. These heroes and the Purple Hearts which honor their sacrifice deserve our respect, never abuse or cynical displays of ridicule.

HONORING BLAINE WILSON

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. TIBERI. Mr. Speaker, I would like to congratulate Blaine Wilson, member of the silver medal winning U.S. men's Olympic gymnastics team. During the Athens Olympics, Blaine, the most experienced member of the team, provided a strong leadership role to the team and helped the United States to its first men's gymnastics medal in 20 years. Blaine received the highest score on the still rings, his favorite event, to push the team from bronze to silver after falling to third for a short time.

Blaine has been a U.S. all-around champion five times and Athens was the third Olympics in which he participated. Despite his familiarity with the Olympic games and competing under pressure, Blaine had an added setback to overcome. In February of 2004 during the American Cup competition, Blaine tore his biceps muscle while competing on the still rings. His determination and skill are highlighted in the struggle he met to compete and medal in Athens.

Blaine was born and raised in Columbus, Ohio. He attended Columbus Gymnastics Academy, DeSales High School, and the Ohio State University, where he plans to complete his degree in Psychology after retiring from gymnastics.

Again, I congratulate Blaine for all of his dedication and hard work and the achievements he has met both personally and with his team while representing our country on the world stage in Athens.

A TRIBUTE TO NANCY KRAUS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. LANTOS. Mr. Speaker, it is with great honor and pride that I rise today to pay tribute to Mrs. Nancy Kraus who is retiring after 22 years of dedicated service to the San Mateo Union High School District.

The students, teachers, parents, administrators, and members of the community who had the honor of working with her, first at Capuchino High School, then at the San Mateo Union High School District Office, offer their highest praise and appreciation for her years of service. She exemplifies the highest ideals of loyalty, professionalism, and devotion to duty.

During 8 years at Capuchino High School, as Administrative Assistant to two Principals, Mrs. Kraus was able to involve parents in their children's education like no one had before. She designed and wrote a newspaper for parents, and created a weekly column that praised the accomplishments of students and informed the community of initiatives at the school. She developed activities for the annual Capuchino Open House that celebrated both the high school and the community and resulted in the largest parent participation ever at that event. In addition, she was the recipient of the Martin Luther King Award for Outstanding Leadership, presented by the Capuchino Black Student Union, as well as the Woman of the Year Award from the student government of the school.

At the District Office, Mrs. Kraus served as Executive Assistant to two Superintendents where her immense skills and deep commitment to education earned her the highest esteem and trust by all whose lives she touched. Mr. Speaker, Nancy Kraus was the consummate problem solver tackling issues both large and small with persistence. In recent years, she gave primary and critical leadership during four major bond campaigns that provided $137.8 million in necessary resources so that the San Mateo Union High School District could renovate and reconstruct its six comprehensive high schools to meet the demands of a 21st century education.

Mr. Speaker, Nancy's involvement went far beyond the duties of the offices in which she worked. She was a founding member of the San Bruno Community Theater and conducted all of its public relations for several years. She encouraged students to participate in the annual Millbrae Lions Club essay contest. She was a co-advisor to student government. She shared her love of opera by offering students voluntary education in opera appreciation which she taught during the lunch hour and then took full busloads on special field trips to performances of the San Francisco Opera.

Mr. Speaker, at the start of the coming school year, Nancy Kraus will be immensely missed. However, her brilliant leadership, the thoughtful, caring and constructive guidance she provided, the complex and difficult problems she helped to solve, and the skills she brought to her work all helped to make the San Mateo Union High School District the excellent educational institution that I am proud to represent. I know she deserves every extra moment that she will get to spend with her husband, daughter and two grandchildren. I urge all of my colleagues to join me in paying tribute to Nancy Kraus, whose contributions to students, staff, and community will not be forgotten.

JUNK FAX PREVENTION ACT OF 2004

SPEECH OF

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. DAVIS of Alabama. Mr. Speaker, I rise in support of H.R. 4600, the Junk Fax Prevention Act of 2004. This Bill codifies the reinstatement of an established business relationship exception permitting businesses, associations and charities to send commercial faxes without receiving written permission from the recipient. Additionally, H.R. 4600 crafts reporting requirements granting Congress the authority to regulate the FCC's enforcement activities, and includes an "opt-out provision" that gives the recipient the opportunity to avoid further faxes.

In 1991, Congress passed the Telecommunications Consumer Protection Act (TCPA), which protected consumers from unsolicited commercial faxes and permitted legitimate businesses and organizations to fax fundraising requests, advertisements, dues renewal notices, and other pertinent information to individuals with an established business relationship. For the past ten years the Commission has continued to follow its 1991 interpretation deeming such publications invited or permitted devoid of any discernable measure of complaints from the general public.

In 2003, the FCC revisited the issue of unsolicited commercial faxes and determined that an "express invitation or permission" must be in writing and include the recipient's signature. Compliance with the FCC's 2003 decision requires every business, association, and charity to obtain written permission from anyone receiving commercial faxes.

Starting on January 1, 2005 the FCC's ruling goes into effect. A majority of the businesses and organizations would be forced to shoulder considerable financial and logistical burdens. Consequently, the Commission's 2003 decision would require everyday customers, requesting specific information such as vacation packages from travel agents or menus from local restaurants, to submit a written, signed statement consenting to the receipt of such publications. Obviously, many small businesses, charities, and associations are concerned with the FCC's recent interpretation and its impact on their lives.

In practice the FCC's 2003 decision would be devastating to a myriad of small businesses that rely heavily on fax publications and advertisements. It has been estimated that two-thirds of small business owners will be required to obtain consent forms from greater than 100 separate fax numbers in the first year alone. Research indicates that if enacted, the "FCC's new rules would cost small business owners at least $5,000 in the first year and $3,000 per year in compliance. In addition, the FCC's decision would require greater than 27 staff hours in order to obtain customers' initial consent and 20 hours each year thereafter.

Mr. Speaker, H.R. 4600 seeks to reverse the FCC's overly burdensome, expensive and unnecessary interpretation. The current measure is necessary to strike a proper balance between an individual's right to protection and privacy from unsolicited and invasive faxes with a business's need for communication and right to free enterprise. I encourage all my colleagues to support this bill.

TRIBUTE TO MR. STEVEN R. HEAPE

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. ROYCE. Mr. Speaker, I rise to pay tribute to Mr. Steven R. Heape, a proud member of the Cherokee Nation. He was born in Long Beach, California on March 25, 1951. His family eventually moved to Fullerton, where Steven graduated from Fullerton Union High

School. Steven also attended Fullerton Junior College as a Business Administration Major, while working as a Major Account Representative for Armor Food Company.

His interest in motion picture production eventually led him to produce the film titled, "Location to Recovery," one of the first education docudramas to be released from 16mm film to VHS videotape.

In 1994, Mr. Heape and business partner Chip Ritchie formed Rich-Heape Films, Inc., certified by the Cherokee Nation to focus on the history and preservation of the American Indian culture. Today, Rich-Heape Films is an internationally recognized firm with several award-winning films to its credit. The American Indian Chamber of Commerce awarded it the 2003 American Indian Business of the Year.

In August, Mr. Heape was one of five Native American filmmakers invited to participate in the strategic film and video content planning for the new Smithsonian's National Museum of the American Indian in Washington, D.C. In March 2004, Mr. Heape began the most challenging project of his career, producing a two-hour PBS documentary on the Indian Removal Act of 1830, better known as the Cherokee Trail of Tears scheduled for release in 2005.

On September 12, Mr. Heape is being recognized by the Little Eagle Free Foundation for his contribution and philanthropy in preserving the languages, history and cultures of Native Americans.

It is only fitting that Mr. Heape is to be commended for his extraordinary efforts to document and preserve Native American culture and the part played in American History.

CONGRATULATING MAGNOLIA PARK UNITED METHODIST CHURCH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Magnolia Park United Methodist Church for 75 years of ministry in the City of Burbank.

Magnolia Park United Methodist Church is located in the middle of Burbank's film and television studios as well as its famed Media District. Since 1929, it has been serving the community on the corner of Magnolia and Catalina. It is a welcoming, diverse, and inclusive congregation. The church actively sponsors youth groups such as the Boy and Girl Scouts, Brownies, and Cub Scouts. It strongly supports the Burbank Temporary Aid Center with financial services and food items. The church is also a proud member of the Burbank Chamber of Commerce, and gives several essential community agencies like Kedren Headstart, and Kids of Rock Theater a home.

Magnolia Park United Methodist Church encourages meaningful service in the local community as well as the international community through world missions. The church is not only locally supportive of the Walter Hoving Home, it also partners in missionary work in Nigeria. The church reinforces the importance of unity, charity, dedication, and family.

I ask all Members of Congress to join me today in celebrating Magnolia Park United Methodist Church's 75 years of exemplary service and ministry, and for its immense commitment to its parishioners in and beyond the City of Burbank.

RECOGNITION OF CPL. CHRISTOPHER BELCHIK

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Cpl. Christopher Belchik, who was recently killed in the Iraq Province of Anbar.

Cpl. Belchik was a 30 year old native of the Godfrey-Alton area in southern Illinois. He was killed on August 22nd in what is believed to be an ambush that resulted in a mortar detonation killing him and two other soldiers.

Cpl. Belchik was a 1992 graduate of Alton High School, in Alton Illinois. Not enough can be said about the great sacrifice this man made for his country, he made the ultimate sacrifice. He is survived by his wife, Mary Belchik; his mother, Lynn Lenker of Godfrey; his father, Stephen Belchik of Staunton; his brother Brian Belchik of Alton and his sister, Julie Prats of Chicopee, Massachusetts. My thoughts and prayers go out to his families and loved ones.

Cpl. Belchik gave his life in an effort to improve the lives of others. This sacrifice should never be forgotten. Cpl. Belchik, along with so many other brave men and women, put their lives on the line day in and day out. My sincere thanks goes out to them all. God bless them, and may God continue to bless America.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. BRADY of Texas. Mr. Speaker, I regret that I missed roll call votes 422 and 423 on September 7, 2004 and rollcall vote 424 on September 8, 2004. Had I been present, I would have voted "yes" on all three votes—rollcall vote 422, H.R. 4381, the Harvey and Bernice Jones Post Office Building Designation Act; roll call vote 423, H.R. 4556, the General William Carey Lee Post Office Building Designation Act; and roll call 424, on ordering the previous question for H. Res. 754, providing for consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Additionally, I would like to voice my support for H.R. 5005, making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance. The House of Representatives passed this important legislation last night. Without this action, FEMA would have run out of money and not been able to help those in need.

Mr. Speaker, all of our thoughts and prayers go out to the families in Florida and elsewhere along the East Coast as they recover from Hurricanes Charley, Frances and Gaston and Tropical Storm Bonnie. H.R. 5005 will provide FEMA with an additional $2 billion to ensure that they can continue providing without interruption the much needed support and assistance to the victims of these storms.

IN RECOGNITION OF THE 150TH ANNIVERSARY OF FIRST BAPTIST CHURCH IN LOWELL, MICHIGAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. EHLERS. Mr. Speaker, I rise today to honor the congregation of the First Baptist Church in Lowell, Michigan, which celebrates the 150th anniversary of its formation on Sunday, September 19, 2004.

The First Baptist Church was started on Sept. 18, 1854, meeting for worship originally in the Lowell Schoolhouse under the leadership of their first pastor, the Rev. A.C. Powell. In 1860, the congregation moved into its own building, which was erected by the congregation members themselves. By 1866, the congregation boasted 74 active members.

In 1898, the nearly 40-year-old building was moved approximately 20 feet and expanded to hold about 400 people. The congregation flourished in the community and sent many young men out for church mission work throughout the country. However, by the late 1930s, the church saw major declines in its membership and it temporarily closed its doors. In the early 1940s, the church reopened as a struggling mission church under the Rev. Mel Stadt.

In 1949, the Rev. M.K. McIver took the pulpit, and the church saw such resurgent growth that the old building soon was deemed outdated and inadequate. By 1967, a new church building was dedicated and continues to serve as the church's home today. In 1983, a new auditorium was added and, through the years, staff continued to change and new positions were added.

In the past decade, the church has undergone a three-phase renovation that has added space for programs and staff, while hosting five new missionaries since 1999. Today, the church continues to thrive under the leadership of Pastor of Ministries Rev. W. Lee Taylor and Youth Pastor Wayne Haines.

Mr. Speaker, I'm sure that you and all of my colleagues will join me in congratulating Rev. Taylor, Pastor Haines and the members of First Baptist Church for their 150 years of service and worship in Lowell, Michigan. They have been blessed in their ministry, and their community has been blessed by their presence.

150TH ANNIVERSARY OF COLCHESTER (CT) VOLUNTEER FIRE DEPARTMENT

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. SIMMONS. Mr. Speaker, our Nation's firefighters stand ready to protect lives and property 24 hours a day, 7 days a week. Firefighters have no holiday because the types of disasters they face can happen anytime.

In Connecticut's Second District, which I am proud to represent, the Board of Selectmen for the Town of Colchester has issued a proclamation recognizing the Colchester Hayward Volunteer Fire Company's 150 years of service. I come to the floor of the House of Representatives to add my voice to thanking all the members, past and present, of this wonderful Fire Company.

The Colchester Hayward Volunteer Fire Department was established in February 1854, by Nathaniel Hayward. Mr. Hayward donated 200 feet of hose to the fire department, providing the Borough of Colchester agreed to buy the first fire engine. In October of that year the first hand pumper was purchased.

The company grew over the years. In 1913, the first gasoline water pump was purchased. In 1934 the fire station expanded to two engine bays, and by the 1960s the station had four bays. In 1974 the first paid firefighter was hired, and in 1989 the dedication of a new fire station, on Old Hartford Road, took place. In 1993 the fire department began handling emergency medical services, and in 2004 the town of Colchester appointed the first paid fire chief, Walter Cox, who leads more than 125 volunteers.

But despite these changes, one thing has remained constant. Today, as in the past, those who wear the uniform of the Colchester Hayward Volunteer Fire Department have only one goal—to protect the people of their community.

I once saw a bumper sticker that said: "On the eighth day God created firefighters." That's not much of an exaggeration. How many of us would go into a burning building to save a total stranger? How many of us would run towards danger while others are running the other way?

It takes a special person to be a firefighter. For 150 years the dedicated professionals of the Colchester Hayward Volunteer Fire Department have provided quality service. Through their selfless efforts they make their community a better place in which to live, work and raise a family. I urge this Congress to join me in honor of 150 years of the Colchester Hayward Volunteer Fire Department.

CONGRATULATING THE COLLEGE OF NEW JERSEY ON ITS SESQUICENTENNIAL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. HOLT. Mr. Speaker, today I rise to congratulate The College of New Jersey on its Sesquicentennial. The College of New Jersey's academic tradition reaches back to 1855 when it was established by the state legislature as the New Jersey State Normal School. It was the first teacher training school in the state and the ninth in the nation. Governor Rodman Price, sometimes called the founder of the New Jersey Normal School, promoted the idea of a training institute for New Jersey's teachers and mobilized support among influential state leaders.

Originally located on Clinton Avenue in Trenton, the Normal School flourished in the latter 1800s, expanding both its academic offerings and physical facilities. In 1925, the first four-year baccalaureate degree program was established. This change marked the beginning of The College of New Jersey's transition from a normal school to a teachers' college and was accompanied by a change in physical surroundings. In 1928, a beautiful 210–acre tract of land in Ewing Township was purchased as a new site for The College.

Today, education—and higher education in particular—is more important than ever to solving the most pressing problems of our communities and the country. Access to an affordable, quality education is inseparable from our economic prosperity, national security, and civic health.

I believe that The College of New Jersey is part of the solution to our pressing problems. In a world where other nations are investing far more of their resources in education and research, and are producing graduates who rival our own in many areas of manufacturing and development, a high quality education is essential to our future success.

But higher education is more than just the means to achieve higher earning potential or to raise revenue; it is also a life-enriching experience. A key component of the university mission is to foster the academic and personal development of students civic engagement and community service, where students learn how to be active participants in democracy, as well as team athletics and student government, where students gain valuable leadership experience.

The policies that we craft to enhance and advance education must close the achievement gap between the rich and the poor, and minority and non-minority students. They must help to recruit and retain top young college graduates into teaching, nursing, and other high priority fields to meet the country's needs. Our policies must also make a quality college education accessible and affordable for all Americans, and harness the power of higher education to move this country forward.

The College of New Jersey is leading the way in accessibility and affordability. The College of New Jersey emphasizes the undergraduate experience. Academic programs are designed to provide students with an undergraduate education of exceptional quality. More than fifty liberal arts and professional programs are now offered through The College's seven schools; Art, Music and Media; Business; Culture and Society; Education; Engineering, Nursing; and Science.

Today, The College provides academically prepared student with a challenging undergraduate education and a rewarding residential experience, small classes, and a prestigious faculty. Once again, I congratulate The College of New Jersey on its Sesquicentennial and I look forward to another one hundred and fifty years.

PERMITTING LIBRARIAN OF CONGRESS TO HIRE LIBRARY OF CONGRESS POLICE EMPLOYEES

SPEECH OF

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Mr. KINGSTON. Madam Speaker, I rise today in support of this resolution that will restore the Librarian's authority to hire Library of Congress police employees. And I would like to thank my distinguished colleague for bringing this important resolution to the floor.

Madam Speaker, for the past ten months, the Librarian has been without the authority to hire police officers. The result of which has been a significant deficit in the Library's ability to meet its security mission to protect the Library's vast collection and ensure the safety of Members, staff, and visitors in the Library. His authority was repealed in a provision inserted in the last year's conference report by the other body, which also mandated our own United States Capitol Police to detail their officers to the Library, even though the Capitol Police currently lack the jurisdictional authority to police the Library's buildings. This was done in an effort to circumvent the jurisdiction of the appropriate oversight committees who have been engaged in evaluating the merits of merging the two agencies and force the beginnings of a merger of the Library's police force and the U.S. Capitol Police.

The Chairman's committee has been performing his appropriate oversight by reviewing several draft memorandums between the Capitol Police and the Library outlining the detail of officers to the Library. During this process, a multitude of questions have risen to the surface regarding not only how to merge the agencies, but really whether the security of the Capitol complex would be improved if they did merge. I do not believe that there will be any measurable improvement in the overall security. I believe that it is merely a way for the Capitol Police to expand their jurisdiction. I do not support Capitol Police officers being detailed to the Library in what can only be interpreted as a pilot program for a merger. And I certainly do not support the current effort of the other body to merge the Library of Congress police with the Capitol Police.

Additionally, the time and attention being paid to fix the current situation that the Library and the Capitol Police have been put in is putting unnecessary strain on the agencies and distracting them from their primary missions during a crucial time.

Madam Speaker I agree with the Chairman Ney's comments that this growing need for officers at the Library is the Congress' own creation and we need to fix it. Madam Speaker it is vitally important to the security of the Capitol complex that we restore the Librarian's authority to hire police officers. And I will work to ensure that they have the necessary funds to train and pay the officers that will be hired to fill the current manpower gap. I urge my colleagues to join me in supporting this resolution.

TRIBUTE TO DONALD R. ENGLAND

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. EVANS. Mr. Speaker, I rise today to pay tribute to the service and sacrifice of Donald R. England. "Don," as his friends called him, had a distinguished career with the U.S. Department of Veterans Affairs, serving our nation's disabled veterans and their families. Don died from cancer July 2, 2004, in Carbon Cliff, Illinois, at the age of 57. He was buried July 6 in East Moline, Illinois.

Don was born August 18, 1946, in Moline, the son of Robert and Margaret "Jane" (Simpson) England. He was a graduate of United Township High School, Class of 1964, and Northern Illinois University, Class of 1968, where he earned his Degree in Music. He served in the U.S. Army from 1968–1971, where he was stationed in Washington D.C., and played in the U.S. Army Band.

In 1974, while living in Bogota, Colombia, Don played in the Bogota Symphony. In 1976, Don began his career with the Department of Veterans Affairs in the Chicago Regional Office. He held several positions of increasing authority in the Chicago office before coming to VA Central Office as a consultant for Compensation and Pension Service in 1988.

In 1990, Don was promoted to Chief of the Regulations Staff of the Compensation and Pension Service, a position he held until he retired earlier this year due to illness. In that position, he supervised the writing and maintenance of all the VA rules providing compensation and pension benefits for disabled veterans and their families. Don was considered one of the most knowledgeable people in VA regarding those benefit programs. In addition, he was loved and respected by his colleagues for his hard work and compassion to others.

I urge my colleagues to join me in paying tribute to Donald R. England and in offering our condolences to his family for their loss.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2004

SPEECH OF

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 7, 2004

Ms. HERSETH. Mr. Speaker, I rise today in support of the emergency supplemental appropriation that will provide financial relief to the residents of Florida that have suffered from the devastation of Hurricanes Charley and Frances. Tragically, this disaster has cost several lives. It also has cost the State of Florida billions of dollars and threatened the livelihood of countless Floridians. I am pleased to voice my support for this legislation.

I am particularly pleased to support this bill because of my perspective as a South Dakotan. We have never suffered a hurricane in my home State—it is one of the many blessings of living in South Dakota. We do, however, suffer from our own brand of weather-related disaster that can be just as economically devastating as a hurricane and be spread over an even wider geographic area. This weather phenomenon is known as a drought.

Over the past several years, many counties in my home State have suffered from severe drought. In fact, the U.S. Secretary of Agriculture has declared 30 counties as drought disaster areas this year alone. Right now, USDA estimates that more than 53 percent of my State is either short—or critically short—of topsoil moisture.

Droughts have ramifications across the entire economic spectrum and social fabric of the State. South Dakota is extremely reliant on the ability of our farmers and ranchers to harvest the bounty of the land and turn that into a profit. Without rain, grass does not grow and watering holes go dry. This forces ranchers to liquidate assets—their cattle herds. Without rain, corn, wheat, and other grains do not grow and farmers have no crop to market at the end of the year.

A successful harvest turns into new clothes, college tuition, home improvements, and farm equipment. The profit that farmers and ranchers receive from the land circulates up and down the main streets of South Dakota's small towns. It pays the mortgages and salaries of thousands of small merchants and service providers. A drought can devastate an economy in exactly the same way that a hurricane can.

I urge my colleagues to support the well-deserved relief that this bill will provide for the victims of these hurricanes. It is the right thing to do. In doing so however, I also request that, if you hear about those suffering quietly from the effects of a drought, you are aware of how devastating this can be and will support relief for this type of weather disaster as well.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. GUTIERREZ. Mr. Speaker, on September 7, 2004, I was unavoidably absent from this chamber. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 422 and 423.

PILOT POINT SELECTED AS A PRESERVE AMERICA COMMUNITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. BURGESS. Mr. Speaker, it is my great honor to rise today to recognize the Town of Pilot Point, Texas as a Preserve America Community. Pilot Point, located in my North Texas District, was one of 26 Texas cities to receive this prestigious designation.

The Preserve America Community program recognizes communities for their dedication to protecting and celebrating America's cultural heritage; for using their historic assets for increased economic growth and community revitalization; and for promoting history education and historical tourism.

The Preserve America Community program is part of the White House's Preserve America Initiative. This initiative is dedicated to preserving our country's heritage, increasing awareness of what as well as who we are as a nation, and keeping our legacy enhanced, and intact, for future generations. Since the formation of the program, First Lady Laura Bush has recognized more than 100 communities with the Preserve America honor.

Other components of the program include a History Teacher of the Year Award, educational outreach, and grants to assist communities in preserving their cultural and natural resources.

I would like to commend Mayor Jerry Alford and the City Council, as well as all those who participated in the Main Street project, for this distinction.

JAMES J. STUKEL

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. JOHNSON of Illinois. Mr. Speaker, on February 1, 2005, James J. Stukel, will be retiring after 10 years of service as President of the University of Illinois. From his days as a teaching assistant in 1961 to his appointment as President in 1995, in his 43 years of service James Stukel has strived to make the University better. Without question, he has succeeded.

As University President, James Stukel has remained steadfast in his commitment to enrich undergraduate education. Under his guidance, the University expanded access to thousands of students through the creation of the

University of Illinois—Online system. In addition, the creation of the University of Illinois at Springfield has provided access for an additional 4,500 students.

President Stukel was also tremendously successful in securing increased funding for academic purposes for the University. Under his leadership, the University of Illinois has established itself as one of the world's leading research institutions, meriting a national ranking as high as 5th and no lower than 7th in terms of federal research and development dollars received by any institution. On his watch, federal support for the University of Illinois has doubled.

President Stukel has strengthened the bonds between the University and the citizens of Illinois by logging over 200,000 miles and conducting 50 daylong community visits throughout the State. This unprecedented effort exemplifies why President Stukel is known as "the people's president".

Thus, it is truly impossible to quantify the number of people who have benefited under President James J. Stukel's guidance of the University of Illinois. However, as one of those positively affected and as an alumnus of the University, I would like to send a heartfelt thank you to President James J. Stukel. He will be truly missed.

CONGRATULATIONS TO REVEREND P. H. LEWIS, SR., ON THE OCCASION OF THE 50TH ANNIVERSARY OF HIS MINISTRY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to pay tribute to Reverend P. H. Lewis, Sr., on the celebration of his 50th anniversary in active ministry.

A native of Wilcox County, Alabama, Reverend Lewis has for the past 34 years served as pastor of Bethel African Methodist Episcopal (A.M.E.) Church in Mobile, Alabama. Reverend Lewis graduated from Camden Academy in Camden, Alabama, and later from the Daniel Payne College and Payne Theological Seminary of Birmingham, Alabama. Following his graduation, he shared his gifts and skill as a pastor with several churches and congregations throughout Alabama: Miles Memorial A.M.E. Church in Birmingham, Gaines Chapel in Birmingham, Black Buff Circuit in Wilcox County, St. Mark A.M.E. Church in Tuscaloosa, and Brown Chapel A.M.E. Church in Selma.

Reverend Lewis is also recognized as one of the leaders of the Civil Rights Movement of the 1960s. As the pastor of Brown Chapel A.M.E. Church, he was the only minister in the City of Selma to act against a prohibition on gatherings focused on the discussion of race issues and open his church for such meetings. Many of the early civil rights rallies of the 1960s were held at his church, and he and members of his congregation hosted the now-famous march from Selma to Montgomery that was led by Dr. Martin Luther King, Jr. Reverend Lewis marched side-by-side with Dr. King on this difficult march and endured the same arrests, harassment, and abuse that so many of the hundreds of men, women, and children did on that day in March 1965.

He has throughout his life been a strong supporter of public education in Alabama and was the first African-American to serve on the Selma Public School Board. Reverend Lewis has also been extremely active in the life of the Mobile community. He is a member of the City of Mobile's Board of Adjustment, the Interdenominational Alliance of Mobile, the A.M.E. Ministerial Alliance of Mobile, Phi Beta Sigma Fraternity, the Mobile Chapter of the Southern Christian Leadership Conference, and the Board of Directors of Drug Free Mobile. During his life he has received numerous awards and citations for his religious, civic, and community involvement. In addition, he has during his career authored three well-respected books: Illustrations, Life is a Symbol of a Baseball Game, and Selma: The Other Side of 1965.

Mr. Speaker, I ask my colleagues to join me today in recognizing Reverend P. H. Lewis, Sr., for his many significant contributions to his friends, his congregation, his community, and to the citizens of Alabama. He has indeed been a genuine asset and friend to everyone with whom he has come into contact and shared his gifts, and I wish him and his family—his wife, Alice Grady Lewis, his three sons, and his four grandchildren—much happiness and success in the time ahead.

HONORING AND RECOGNIZING THE YOUTHNETWORK CRISIS SHELTER

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize the YouthNetwork Crisis Shelter. On October 21st, 2004 the YouthNetwork Crisis Shelter will be celebrating their thirtieth birthday. I have known Dave Hoppe, Executive Director of YouthNetwork, and Kyle Boyles, Senior Development Officer and the staff for many years. They have been and will continue to be an integral part of the Charlotte, NC community.

The YouthNetwork Crisis Shelter was founded in 1974 by members of Dilworth United Methodist Church in Charlotte. Originally know as The Relatives, the shelter was established due to the rising concern about the growing number of homeless youths in the center city. Since its founding, it has served thousands of teens and their families over the past 30 years. The shelter continues to be one of Charlotte's most successful charitable causes.

Located on East Boulevard in Charlotte, the Crisis Shelter serves the community as a coed, 9-bed emergency shelter for runaway, homeless and other youth in crisis. The Shelter is one of the Alexander Youth Network's numerous programs for positive growth and improvement of youth. Staff provides 24-hour supervision, individual and family conferences, recreational activities, and community referrals.

I greatly appreciate all their efforts and dedication to the Charlotte community.

RECOGNIZING ARLINGTON COUNTY FIRE CHIEF EDWARD PLAUGHER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MORAN of Virginia. Mr. Speaker, I rise today to congratulate Chief Edward Plaugher who has recently been named Career Fire Chief of the Year for 2004 by Fire Chief magazine. Chief Plaugher retired as Chief of the Arlington County Fire Department in June and was instrumental in the response at the Pentagon on September 11th.

In recognition of his service in Virginia Fire Departments over the last three decades, the Virginia State Fire Chiefs Association nominated Chief Plaugher for this prestigious award. For 24 years he served with the Fairfax County Fire Department, and in 1993 was named Chief of the Arlington County Fire Department. Throughout his tenure he has been known as a leader throughout the firefighting community. Because of his leadership his fire department was aware and prepared for the threat that terrorism could pose to Arlington County, Virginia, and the United States.

This awareness first began in 1995 after the sarin gas attacks in the Tokyo subway system. Chief Plaugher recognized that something similar could happen in Arlington County and the metropolitan area and began preparing his department and the region for this possibility. One of his top accomplishments was the creation of the first locally staffed terrorism response team in the United States.

It was through this foresight that the Arlington County Fire Department was able to so effectively deal with the terrorist attack on the Pentagon. Chief Plaugher and his firefighters were commended for their quick and organized response to the tragedy. Without the leadership of Chief Plaugher and the dedication of the men and women of the Arlington County Fire Department and other Northern Virginia fire departments more lives would have been lost on that tragic day.

I would like to thank Chief Plaugher for his distinguished service to Arlington and Fairfax Counties. His leadership and vision have helped create some of the premier fire departments in the nation. He is highly deserving of this honor. I wish Chief Plaugher and his family the best as he begins his much deserved retirement.

PAYING TRIBUTE TO MRS. ALMA MURR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise to mourn the life of a remarkable lady from New Castle, Colorado. Alma Murr passed away at the age of ninety-seven this past May. She left a strong impression on all those whom she met, and her life is an example of the constant change and growth that our great country made in the past century. I am honored to stand here with my colleagues before this body and this nation to recognize her life.

Alma was born in 1906 in Madison County, Nebraska, and at a young age began to deal with big changes and responsibilities when the family moved to Lander, Wyoming. When Alma was ten years old, her father died of pneumonia, which put her in charge of raising her younger brothers and sisters while her mother worked as a cook at the Shoshone and Bannock Indian reservations. In 1917, the family moved in a covered wagon to Meeker, Colorado, where Alma attended and graduated from high school. At twenty-one, Alma married Orel Murr and the couple farmed on Beaver Creek, and Rifle before finding their true home near New Castle on Colorado's Western Slope.

Alma and Orel had a working fruit orchard with apples, plums, nectarines, apricots, peaches and all sorts of berries. They sold their produce at their family-run Peach Valley Market, or at a second family-run market in the Fort Collins area, and to wholesale markets in nearby states. When they had to close the fruit market, the couple turned to raising hay. With their hard, painstaking work, Alma and Orel raised three children on the eighteen-acre Peach Valley Homestead where Alma has lived for sixty-nine years.

Alma was a caring person who leaves behind a large family that loved her for her spirit, and kindness—she was the type of person with whom it was easy to become friends. She is survived by her sons Robert and Richard, her daughter Phyllis, her sister Evelyn, fourteen grand children, eighteen great grand children, and one great great grandchild.

Mr. Speaker, Alma Murr was a kind and generous soul who touched the lives of many of the people who met her. She was a strong woman that led by example and helped to nourish the members of her Colorado community with great devotion and satisfaction in her work. I am honored to recognize her life before this body of Congress and this nation. My thoughts and prayers go out to Alma's family and friends at this difficult time of bereavement.

IN HONOR OF DAVID MEYERS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FARR. Mr. Speaker, I rise today to honor David Meyers, a dedicated member of the Monterey community. David will be retiring from his current position of General Manager of the Monterey Waste Management District, where he has worked diligently for twenty-five years overseeing the burying and recycling of the peninsula's waste.

During his years of service, David has gone above and beyond his normal duties by playing a leading role in turning the Marina Dump into an innovative recycling and waste management center. While Meyers was working there, the center was one of the first to siphon methane and carbon dioxide gases for electrical uses in 1983. Then, in 1989, when the state passed legislation requiring cities and counties to divert 50 percent of their solid waste from landfills by 2000, David spurred the waste management center into action. Under his leadership the district grew from 10 employees who buried trash to 130 employees whose duties range in a wide variety of recycling tasks.

David's innovation did not stop there. He created a thrift store on the site called the Last Shop Mercantile that sells items that would otherwise have been thrown away. It brings in $400,000 annually and pays for itself.

Under his stewardship, the Monterey County Waste Management District has been honored with the first ever "Best Solid Waste System in North America" award by the Solid Waste Association of North America. Meyers himself has been given two awards by the Solid Waste Association of North America: the Planning and Management Technical Division's Distinguished Achievement Award and the Robert L. Lawrence Distinguished Service Award.

Mr. Speaker, I wish to congratulate David on his much deserved retirement and thank him for his contribution to our community. David has continually gone above and beyond the roles bestowed asked of him and his innovation has lead to a cleaner, healthier community. I wish him all the best in his retirement.

TRIBUTE TO CLIFF McDUFFIE OF ZEPHYRHILLS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Mr. Cliff McDuffie of Zephyrhills in my 5th Congressional District.

Mr. McDuffie is an amazing gentleman who through his years of dedication to public service has continually helped make the city of Zephyrhills a better place. I had the pleasure of honoring him at his retirement on August 27, 2004, in Zephyrhills, FL.

Cliff's tenure as a public servant began at the Greater Tampa Chamber of Commerce. There, he ran the small-business and personnel divisions and was operations manager. Cliff took over in Zephyrhills as the Executive Director of the city's Chamber of Commerce in 1997 after more than 20 years with the Tampa Chamber of Commerce. Despite his retirement, McDuffie will remain active and visible in the Zephyrhills community as the city's mayor.

Cliff McDuffie is a shining example of what a public servant should aspire to become. I join the rest of Florida's Fifth Congressional District in thanking Mr. McDuffie for his years of service and wish him the best of luck with his retirement. I am proud to call him my constituent.

PAYING TRIBUTE TO PALISADE, COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MCINNIS. Mr. Speaker, it is an honor to recognize the 100th anniversary of the incorporation of Palisade, Colorado. This year marks the celebration of its first centennial, a rare and distinguished achievement. The story of Palisade is one of success, a farming town that thrived around the mouth of a river. As they celebrate their one hundred year anniversary, I would like to join my colleagues here today, before this body of Congress and this nation, in recognizing the town of Palisade, Colorado.

Settlers first started establishing homesteads on the land in the early 1880s. The land that would become the town of Palisade was desirable because it was located close to the mouth of Rapid Creek, making irrigation easier for the fruit farming that would soon thrive. The town of Palisade began to prosper, and with sufficient growth, Palisade became an incorporated town in 1904.

Over the last hundred years, Palisade has seen many of the same changes and attributes of growth characteristic of similar American communities. With the advent of the industrial revolution in America at the turn of the twentieth century, the town saw a boom in its coal mining industry. However, Palisade is primarily known for its fruit orchards. During prohibition, the grape farmers and wine makers suffered hardships, but found success once again when prohibition was lifted. The community infrastructure has grown strong over the years as new friendships were established through common threads by the formation of many social organizations.

Mr. Speaker, after one hundred years, Palisade, Colorado continues to experience success as a tight-knit community. The social institutions and economic infrastructure account for the many years of existence. Our nation was built upon the strong foundation of small communities like Palisade. I congratulate the city of Palisade, Colorado for this important anniversary and wish the community the best in the future.

IN HONOR OF DAVID PENNISI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FARR. Mr. Speaker, I rise today to honor David "Rowdy" Pennisi, who disappeared at sea on June 22, 2004. Commercial fishing was not only his profession, but also his passion in life. He will be lovingly remembered by family and friends for his generous and kindhearted nature.

David Pennisi was raised on a ranch near Hollister, and was an active member with Future Farmers of America. He moved to Monterey when he was fourteen and quickly adapted to his new life on the wharf. Fisherman's Wharf has long been the center of a vibrant fishing and canning industry, made famous in Steinbeck's Cannery Row. David eagerly continued this tradition when he became a commercial fisherman himself.

While David was respected around Monterey for his abilities as a fisherman, he was better known for the kindness and love he showed to all who knew him. In a profession dominated by stereotypes of loud, brash men, David, like his father, was regarded as a gentleman. A good friend of the family, Pat Flanagan, spoke about David at his memorial service, "He died in a dying industry, with dignity and respect."

Mr. Speaker, David Pennisi was dedicated to a profession that is neither easy nor safe, but he loved it nonetheless. Not many people choose to become fishermen in this day and age, but David will continue to provide a shining example for generations to come. He has made a lasting impact on our community and the people with whom he worked. I join the communities of the Monterey Bay, his friends and his family in honoring this truly commendable man and all of his lifelong achievements.

TRIBUTE TO THE DADE CITY SENIOR LITTLE LEAGUE ALL-STAR TEAM

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Dade City Senior Little League All-Star Team.

The Dade City All-Stars gave a stunning performance in the World Series Games this year. After capturing the Southeastern Regional U.S. championship, the team ended the season with a batting average of .370 and only six strike-outs. The dedication the players have shown to their team members has made them one of the most successful teams in years.

I commend Manager Dale Maggard, who has worked with some of these young men for almost a decade. I also congratulate our Dade City Senior Little League All-Star Team, for representing our community in Bangor, Maine with an unparalleled level of professionalism and maturity.

The outstanding young men who comprise the first and only All-Stars team from Pasco County to compete in the Senior League World Series and its coaches are as follows: Dominic Brown, Rashaun Capehart, Jamie Cruz, Julian Juarez, Gerald Mathis, Lance Roberts, Hunter Hedman, Zachary Maggard, Will Pullin, Steven Roe, Robbie Shields, Matt Wells, Coach Raul Cruz, Coach Dale Maggard, Coach Tony Karpee, and Coach John Shields.

PAYING TRIBUTE TO ANN GORSUCH BURFORD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to mourn the death of Ann Gorsuch Buford, who recently passed away at the age of sixty-two after a long bout with cancer. She possessed a strong intellect that she utilized to become an eloquent and passionate environmental advocate. President Ronald Reagan appointed her as the Administrator of the Environmental Protection Agency where she brought economic and fiscal discipline to the agency. I am honored to stand before this body of Congress and this Nation to recognize her many accomplishments.

Ann was born in Casper, Wyoming, but spent most of her life growing up in Denver, Colorado. She earned both her masters and law degrees from the University of Colorado by the time she was twenty-one, and went on to study in India for a year on a Fulbright Scholarship. After completing her studies, Ann served as an assistant district attorney in Denver and Jefferson counties before being elected to the Colorado state House of Representatives in 1976. She spent 4 years leading the initiative to cut the grocery sales tax and stiffen criminal sentences, and was named outstanding freshman legislator. In 1980, when Reagan was elected president, Ann was selected to be the Administrator of the Environmental Protection Agency (EPA), making her the second highest-ranking woman in the Reagan Administration.

At the EPA, Ann was able to efficiently cut-down on government waste inside the executive agency while enforcing environmental regulations. When she left Washington, Ann returned to a Denver law practice working primarily on children's advocacy. She is survived by her mother, Dorothy O'Grady McGill, her children, Neil, Stephanie, and J.J. Gorsuch, five grandchildren, her brother, Joe McGill, and her sisters, Mary Edwards, Theresa Peace, Dorothy McGill, Veronica Urban, and Rosie Binge.

Mr. Speaker, Ann Gorsuch Burford was a diligent public servant of this Nation, who worked to improve the quality of our air and water in Colorado and the Nation. I am honored to recognize her before this body of Congress today. My thoughts and prayers go out to her friends and family at this difficult time of bereavement.

IN HONOR OF DR. RAY CLIFFORD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Dr. Ray Clifford, a long-time Salinas resident and Chancellor of the Defense Language Institute. Dr. Clifford is retiring from the Defense Language Institute after 24 years of dedicated service, leadership and mentorship to his students and country.

During his years of service, Dr. Clifford honorably fulfilled the Institute's mission to educate, sustain, evaluate and support foreign language specialists, ensuring that our military forces are prepared to meet ever-changing global foreign language requirements. As the academic leader of the world's largest language school, he has represented the Institute in national, international and professional forums including regular briefings to members of Congress and senior leaders in the Department of Defense.

Under his leadership, the Defense Language Institute has been continually regarded as one of the finest schools for foreign language instruction in the world. Specifically, Dr. Clifford has improved the language performance results four-fold in over 80 percent of major programs, created and implemented the first standardized language proficiency testing program for the Department of Defense and spearheaded the Institute's response to terrorism with the addition of new instructional and testing programs for military personnel.

In addition to his commitment to the Defense Language Institute, Dr. Clifford served in the United States Army, worked for the Bureau of Land Management and the Central Intelligence Agency. His dedication to national service is embodied in his overall belief in community service and education. He has published many papers and articles on teacher development, language proficiency assessment, curriculum design and educational program administration.

Mr. Speaker, I wish to congratulate Dr. Clifford on his retirement and thank him for his contributions to our community and country. Dr. Clifford has dedicated his life to public service and his contributions to the Defense Language Institute have been instrumental in the Institute's recognition as a world renowned language instruction institute. I wish him the best in his retirement.

EXTENDING THE BAN ON MILITARY STYLE ASSAULT WEAPONS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. McCOLLUM. Mr. Speaker, Congress has three legislative days to vote before the ban on military assault weapons expires and weapons of terror, like the AK–47, will be legal in America. The Republican leadership won't even allow the 136 bipartisan supporters of the ban a vote on the House floor.

Just last night, Congress could have voted to extend the ban, but instead Republican leaders decided it was more important to name four post offices. While I support the post office bills, I oppose the Republican's misdirected priorities. As a result, I chose to vote present on these post office bills.

On September 14th, either the ban will be extended and our communities will remain safe or the weapons used by terrorists around the world will be legal on America's streets.

President Bush and Republican leaders have a choice: allow Congress to vote an opportunity to extend the ban or do nothing and allow assault weapons to be used to terrorize police officers and our families.

PAYING TRIBUTE TO GUS' GANG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to an impressive group of community leaders from Pueblo, Colorado. These men, driven by a desire to serve their community and promote economic development in the city of Pueblo, began meeting every week for lunch to discuss problems, and solutions, for issues facing their community. As a result, Gus' Gang has been meeting now for over thirty-five years and although the membership has changed over the years. Their service and loyalty to the community remains a constant.

Gus' Gang is a group of local businessmen, lawyers, bankers, realtors, and public officials that meet every Friday afternoon to encourage companies to consider Pueblo when establishing, expanding, or relocating their business. The group invites corporate executives to lunch and encourages them to locate their companies in Pueblo by welcoming and introducing them to leaders in the community. Many achievements in Pueblo have been born out of Gus' Gang meetings such as the creation of the Pueblo Economic Development Corporation, and the idea and approval to locate the Colorado Lottery Office in Pueblo.

The unusual but highly effective meeting venue, Gus', has been recognized in several publications and media outlets such as The Rocky Mountain News, The Denver Post, The National Geographic and Ripley's Believe It or Not, for its western atmosphere and good hometown spirits. Some of the founding members of Gus' Gang include: Tommy Thompson, Director of the Southeastern Water Conservancy District; Bob Ellis, the Vice President of First National Bank; Jade McGuire, the President of the Pueblo Chamber of Commerce; and Walt Bassett, President and CEO of Bassett Construction.

Mr. Speaker, Gus' Gang is a staple of the Pueblo community, and their persistent efforts to attract businesses and corporations to Pueblo has helped strengthen their community and the Colorado economy. Gus' Gang is a terrific group of dedicated, innovative individuals. It is my privileged and honor to recognize their accomplishments and service before Congress and this Nation. I thank the members of Gus' Gang for all their hard work and commitment, and wish them all the best in their future endeavors.

IN MEMORY OF JESS OJEDA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Jess Ojeda, an extremely gifted police officer who dedicated much of his life to the Watsonville Community and the California Bureau of Narcotics Enforcement. Mr. Ojeda, who was born in Chihuahua, Mexico in 1912 and moved to Watsonville, California in 1922, passed away of natural causes on August 9th, 2004. He was 91. Mr. Ojeda's wife, Lillian Martha Ojeda, passed away in 1999. He is survived by three children, Kelley, Martha, and Shane, seven grandchildren and six great-grandchildren.

The son of Jesus Antonio and Rosa Luisa Ojeda, Mr. Ojeda worked hard upon his arrival to America. Before becoming a police officer, his jobs included working in a butcher shop, starting up a courier business, deputy civil engineer, and tomato farming. After assisting in the construction of Fort Ord, one of the largest training bases in the U.S., Mr. Ojeda became a police officer with the Watsonville Police Department in 1949. He was known for his true concern for the people of Watsonville and the compassion with which he performed his job.

Mr. Ojeda worked for the Watsonville Police Department until 1957 when he earned a spot as an undercover agent with the state's Bureau of Narcotic Enforcement in San Francisco. During his time as an undercover agent, Mr. Ojeda faced great danger in order to successfully arrest the criminals whose extensive drug operations he was determined to bring down. During his long career, he made over 5,000 arrests and had a 95 percent conviction rate.

Mr. Ojeda never lost sight of his true goal, which was to protect the people of his community who suffered at the hands of drug kingpins and dealers. His main objective was to reduce the number of addicts, not through punitive means, but through legislation focused on treatment, counseling, and support programs.

Mr. Speaker, I wish to express my condolences to the Ojeda family during these difficult times. His legacy as a devoted police officer and community leader will have a longlasting effect in both the Pajaro Valley and all of California. I join the Watsonville community, friends and family in honoring this truly admirable man for all his lifelong achievements.

RECOGNIZING THE LOS ANGELES CITY CHICANO EMPLOYEES ASSOCIATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the Los Angeles City Chicano Employees Association (LACECA) for its thirty-three years of service to the city of Los Angeles and its Latino employees. Since its inception on March 10, 1971, LACECA has been dedicated to the educational, economic, and social welfare of hard working Americans in the workplace and the promotional advancement of Latinos serving our nation's second largest city.

LACECA provides critical leadership and a progressive vision that has successfully fought for passage of the City's Bilingual Skills Ordinance, formation of the City's Advisory Affirmative Action Committee (AAAC), and employee payroll deductions for LACECA membership. LACECA understands the importance of community development and outreach and devotes significant time, energy, and resources in support of many local activities, such as the City's Latino Heritage Month, voter education and registration drives, scholarships to Latinos seeking higher education, and an annual donation drive to support organizations which seek to improve the status of Latinos.

As LACECA celebrates its thirty-third year of service, I am proud to recognize its executive board and members who have distinguished themselves as exceptional leaders in the Los Angeles community. I look forward to continuing to work with LACECA as it promotes the advancement of Latinos serving the city of Los Angeles.

PAYING TRIBUTE TO PALMER FRANKLIN SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise today to mourn the passing of Palmer Smith of Alamosa, Colorado. Palmer recently died unexpectedly of a suspected pulmonary embolism. He was a lifelong learner and dedicated activist in his community who shared his knowledge with countless students. I am honored to stand before this body of Congress and this nation to recognize his life and accomplishments.

Palmer was born in 1932 in Los Angeles, California. He attended the California Institute of Technology where he studied chemistry under five Nobel Prize winners before enlisting in the Air Force. At Lowry Air Force Base in Denver, he taught the top secret 1009th Special Weapons Project. In 1956, Palmer continued his education at the University of Colorado at Boulder in a mathematics masters degree program, despite his lack of a bachelor's degree. Palmer also taught in the applied mathematics program at CU for five years as he worked on a doctorate before he went on to teach at Nichols State College.

In 1962, Palmer returned to Colorado to teach and chair the mathematics department at Adams State College where he received emeritus status after retiring in 1987. After teaching, Palmer became involved in buying and selling real estate, and ran for Alamosa County treasurer. He continued to take courses in law, taxes, and bonds and investments from the local college. Palmer was a renaissance man with a wide variety of interests that ranged from archaeology and history to stamp collecting. He was a concert pianist, an avid reader, and a writer.

Palmer is survived by his wife, Erin Macgillivray Smith, his daughter, Laura Suzanne Smith, his son, Brian Smith, his granddaughter Sara Powell and two great grandchildren, Zachary and Allison Powell.

Mr. Speaker, Palmer Franklin Smith was a dedicated student and educator that made learning a passion in his life. He was a committed patron of the arts and active member of his Alamosa community. I am honored to recognize the life of such a devoted community servant before this body of Congress and this nation. My thoughts and prayers go out to Palmer's family and friends during this time of bereavement.

IN HONOR OF THE NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. FARR. Mr. Speaker, I rise today in commemoration of the first ever "National Attention Deficit Disorder Awareness Day." This day, made official by Senate Resolution 370, will serve as an important tool in furthering the national education campaign about Attention Deficit Hyperactivity Disorder, also known as AD/HD.

Although AD/HD can affect people across racial, ethnic, and socioeconomic lines, poor and minority communities have been especially underserved by the available resources. The disorder can interfere with school and workplace activities, lead to antisocial behavior, and even substance abuse and problems with the justice system. It is only recently that AD/HD has received national attention, so there are still many children and adults who remain undiagnosed and suffering from the stigma associated with this disorder.

Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD), a national non-profit organization, was founded in 1987 to increase awareness and offer resources and encouragement to those suffering from the disorder and their family members. Recently CHADD has expanded into Santa Cruz County with the creation of Chapter #605, and I would like to take this opportunity to welcome them to our community. Only through education and understanding can we, as a nation, begin to address the effects of this disorder and seek ways to treat it.

It is important to realize the effect AD/HD can have on individuals and communities, and I would like to commend the efforts of CHADD Chapter #605 in their goal of expanding understanding of this disorder. Through combining grassroots campaigns with the new "National Attention Deficit Disorder Awareness Day" we can begin to address this problem on both a local and national level.

DUDLEY DeZONIA—30TH ANNIVERSARY PRESIDENT OF ROYAL TRUCK BODY

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, let us celebrate the entrepreneurial spirit in America by recognizing a deserving and generous member of the community—Mr. Dudley DeZonia, who has successfully been at the helm for 30 years as President of Royal Truck Body.

Businesses like Royal Truck Body are the backbone of this country and they are an enduring symbol of the American Dream. The approximately 23 million businesses of the size and scale of companies like ROYAL in the United States employ more than half of the country's private work force, create three of every four new jobs, and generate most of America's innovations.

For example, 30 years ago in my district, Mr. DeZonia had a dream to lead a truck body business in the City of Paramount. California. His long-term vision for Royal Truck Body was and still is to deliver top-quality products at competitive prices, which has enabled the "ROYAL" trademark to become the recognized leader and largest service body company in the Western United States.

Royal Truck Body has a 5,000-square-foot design studio and 145,000 square feet of manufacturing and warehousing space. ROYAL pushes this space even further with an additional 40,000 sq. ft. at its satellite locations in Phoenix, Arizona; Dallas, Texas; and Sacramento, California.

Royal Truck Body has had a continuing pattern of growth since its inception, and its growth recently has been at an ever-accelerating pace. In 1995, ROYAL became a bailment pool company for Chevrolet; in 1997, it became a converter pool company for both Ford and GMC; and in 2000, it added Dodge. ROYAL has also been a member of the National Truck Equipment Association since 1978.

Royal Truck Body has grown from producing four truck bodies per day to more than 35 bodies per day. ROYAL earned its ISO 9001 certification in 1999, which made it the first body manufacturer in the United States to achieve this goal. From 2001 to 2003, ROYAL was awarded General Motors Specialty Vehicle Sales Leader Award in the United States. Also, in 2002, Ford presented ROYAL with the Top Volume Pool Account Award and the Ford's Directors Award for top volume of F-Series chassis cabs.

Mr. DeZonia is a business success story, and he continues to make many contributions to the local community. He consistently donates to the local Paramount Education Partnership and to seniors at Paramount High School for college scholarships. ROYAL prides itself in its employees' successes because its employees are its family.

Today, let us honor Mr. Dudley DeZonia. By celebrating Mr. Dudley DeZonia's successes, we celebrate American enterprise. Mr. DeZonia is keeping the American Dream alive and well for future generations.

PAYING TRIBUTE TO KENDALL EVANS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise before this body of Congress and this nation to recognize the dedication of Kendall Evans of Aspen, Colorado for his hard work and dedication in educating our youth. After serving nine years as the principal for Aspen High School, Kendall announced his retirement after the completion of the 2004–2005 academic year. As Kendall prepares for retirement, let it be known that I, along with the Aspen community am grateful for the commitment he has shown to educating our next generation of leaders.

Kendall started his career in education as a high school teacher thirty-one years ago. After spending much of his career positively influencing students in the classroom, he had the opportunity to have a different impact working in administration. Nine years ago, Kendall accepted the job as the principal at Aspen High School. During his tenure as principal, Kendall has led the charge to improve the quality of and access to education in the area. Following his lead, the school added accelerated classes as part of the International Baccalaureate program. His most significant achievement was to complete the forty-one million dollar renovation and expansion of the high school.

Mr. Speaker, Kendall Evans has done a remarkable job during his career at Aspen High School. As principal, he has provided tremendous leadership for the faculty, and as a teacher, he has provided insight for his students. I thank him for his commitment to education, and wish him all the best in his last year at Aspen High School.

HONORING JUDGE JIMMY MATTHEWS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, as Congress debates issues of vital importance to our Nation's education and defense, I would like to take a few minutes to say thank you to a well respected individual in the 4th District of Tennessee.

After spending over thirty plus years on the bench, as a General Sessions Part I Judge, Judge Jimmy Matthews decided to retire due to deteriorating health. Judge Matthews, a lifelong resident of Maury County, Tennessee, will be sorely missed for his wisdom, courage, and determination to effectively serve the law and all it protects.

Matthews was Maury County's first lay judge and will be its last (a lay judge does not hold a law degree). State law now requires all new judges to hold law degrees. To hold the position of judge without a law degree, while not unheard of is admirable and further demonstrates Matthews understanding and knowledge of the law.

It has been estimated that Judge Matthews along with his counterpart have overseen as many as 20,000 cases a year. His court has the responsibility of clearing these cases in a timely and efficient manner. Not an easy task, but Judge Matthew seemed to do it time and again.

Maury County and the American judicial system will never fail to notice the work of

Judge Matthews. May God Bless Judge Matthews on his new journey.

PAYING TRIBUTE TO DOUG ADEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Doug Aden, a dedicated banker from my hometown of Grand Junction, Colorado. After thirty-four years of service to the Grand Junction community as a regional vice president for the western slope division of U.S. Bank, Doug will be retiring from a longtime career of aiding customers. I am honored to stand before this body of Congress and this nation today to recognize his accomplishments.

In 1970, just one week after his college graduation. Doug began his banking career in Billings, Montana. He spent his entire life working with various companies that are part of U.S. Bancorp, a parent company to U.S. Bank. Doug worked for the Grand Junction branch since 1990. Throughout the course of his service, Doug saw rebirth and growth of the economy across the Western Slope. In addition to his many years at the bank, Doug has served on the Colorado Transportation Commission and the Mesa County Public Library District Board of Directors, and he actively works with his church's capital campaign.

Mr. Speaker, Doug Aden is a tremendous member of the Grand Junction business community who has made customer service in his banking industry a priority. I am honored to rise before this body and recognize his many contributions to the State of Colorado. Good luck with your retirement, Doug, and I wish you all the best in your future endeavors.

IN RECOGNITION OF SERVICE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. KIRK. Mr. Speaker, on September 11, 2001, fifty police officers lost their lives in the line of duty, serving our nation with honor, courage, and a selfless commitment. Today, as we approach the third anniversary of the September 11 attacks, we still see the same noble qualities from law enforcement officers on a daily basis. Officers Jeremy Gaughan, Michael Mann, and Kevin Schreiner of the Gurnee, Illinois Police Department are three examples of such courage.

On January 27, 2003, three neighborhoods in my district fell victim to a string of crimes all carried out by the same assailant. After murdering a night school student, fleeing from a hit and run scene, and attempting to carjack a young woman's vehicle, the assailant was cornered by Gurnee Police Officer Kevin Schreiner. Officer Schreiner responded to the shots fired call, located the suspect's vehicle and attempted to pull it over.

The suspect attempted to flee behind a private residence, where he began to fire upon Officer Schreiner. Officer Schreiner could not take cover before being shot in the left arm, with the bullet exiting his left shoulder. Despite being seriously wounded, Officer Schreiner radioed for assistance and remained on the scene until Officers Michael Mann and Jeremy Gaughan could arrive. As Officers Schreiner and Mann continued to draw repeated fire from the suspect, Officer Gaughan was able to move into position, fired once, and killed the suspect.

If not for the heroic and decisive actions of these three officers, there is little doubt that this assailant would have attacked more people in my Congressional district. Their selfless commitment and courage under fire are the same qualities found in the law enforcement officers who gave their lives on September 11. I am grateful for the actions of these three men, and am pleased to announce that they will be honored at the 11th annual TOP COPS Awards ceremony here in Washington, DC on September 11.

Mr. Speaker, I urge my colleagues to join me in recognizing the bravery of these men and every law enforcement officer for their noble service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 9, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Christopher J. LaFleur, of New York, to be Ambassador to Malaysia, and B. Lynn Pascoe, of Virginia, to be Ambassador to Indonesia.

SD–419

SEPTEMBER 13

9:30 a.m.

Governmental Affairs

To hold hearings to examine ensuring the U.S. intelligence community supports homeland defense and military operations.

SH–216

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine the Tools to Fight Terrorism Act.

SD–226

SEPTEMBER 14

9:30 a.m.

Foreign Relations

To hold hearings to examine the foreign policy recommendations of the 9/11 Commission and intelligence requirements for American diplomacy.

SD–419

Commerce, Science, and Transportation

Oceans, Fisheries and Coast Guard Subcommittee

To hold hearings to examine Magnuson/Stevens Act.

SR–253

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine and discuss legislative and administrative options to address the personnel recommendations of the National Commission on Terrorist Attacks Upon the United States, focusing on improving the presidential appointments process for national security positions, establishing a single agency that conducts security clearance background investigations for U.S. personnel, and providing some additional personnel flexibilities to the Federal Bureau of Investigation to reflect its increased counterterrorism and intelligence responsibilities.

SD–342

10 a.m.

Aging

To hold hearings to examine mandatory retirements.

SD–628

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine maintaining innovation and cost savings relating to hospital group purchasing.

SD–226

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, S. 2723, to designate certain land in the State of Oregon as wilderness, and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain.

SD–366

SEPTEMBER 15

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine impacts of climate change.

SR–253

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the 9/11 Commission and efforts to identify and combat terrorist financing.
SD-538

Indian Affairs
Business meeting to consider pending calendar business.
SR-485

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

SEPTEMBER 22

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by an oversight hearing on the contributions of Native American code talkers in American military history.
SR-485

SEPTEMBER 23

10 a.m.
Energy and Natural Resources
To hold hearings to examine the current status of the Hard Rock Mining Industry in America, focusing on a status and trend analysis, a review of domestic mineral reserves, a summary on exploration investments and current production as well as permitting and reclamation issues.
SD-366

SEPTEMBER 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by an oversight hearing on lobbying practices involving Indian tribes.
SH-216

HOUSE OF REPRESENTATIVES—*Thursday, September 9, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 9, 2004.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend David O. Jones, Headmaster, Heritage Covenant Schools, Franklin, Tennessee, offered the following prayer:

Lord God Almighty, we rejoice in You, that Your word is truth, that You are faithful in all Your works, that You love righteousness and justice.

By Your word the heavens and the Earth were created. You formed man out of the dust and set him, both male and female, to carry Your image. You have fashioned our hearts individually, and You look upon the inhabitants of the Earth and You have blessed us.

But, Lord, in our rebellion we insist on trusting in our own purposes and works. Father, forgive us. We do not realize the gravity of our sin or the destruction wrought by our pride.

As we are confronted with the anniversary of the horrors of the 11th of September, 2001, give us an assurance of Your grace and mercy. Allow us the ability to know the presence of Your Holy Spirit. And for every victim of terrorism, both civilian and military, and their families, grant healing and peace.

With the Psalmist we pray, Lord, be our strength, our defense, our refuge in the day of trouble.

In the name of our Lord and Saviour Jesus Christ, grant us the ability to think and act in truth, with justice and mercy. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado (Mr. BEAUPREZ) come forward and lead the House in the Pledge of Allegiance.

Mr. BEAUPREZ led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DAVID O. JONES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, today I want to thank the Reverend David O. Jones of Franklin, Tennessee, for joining us to deliver the opening prayer for this day of session in the U.S. House of Representatives.

As we near the third anniversary of the September 11 attacks on America, it is more important than ever that we continue to seek the guidance of our creator.

Reverend Jones has a long and distinguished history of dedication to his faith and to his community. He is a pioneer in the home-school movement who has made a real difference in the lives of thousands of Tennessee children and their families, and has worked to ensure that we protect the sanctity of life as an example to each and every one of us.

We begin each day of legislative session with a prayer, and I am thankful that on this day Reverend Jones could join us as we begin our work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to ten 1-minute speeches on each side.

SALUTING THE LAMAR LITTLE LEAGUE ALL-STARS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, I rise today to congratulate the Lamar National League All-Stars of Richmond, Texas. I congratulate them on their magnificent performance in the Little League World Series this year.

I want to thank Jim Michalek, the team's manager, not only for leading the Lamar All-Stars to Williamsport for the second straight year, but for doing it the right way, by teaching his players the fundamentals of baseball and of teamwork and sportsmanship. If he keeps this up, I would not be surprised to hear the Astros want him in their dugout next year.

Mr. Michalek and his coaches, Tommy Abraham and Bobby Murski, gave more than their time and energy to this team. They gave themselves to it, and the character the boys displayed during their tournament run showed the Houston community and our Nation once again that there is no substitute in a boy's life for the strong influence of good men.

I want to thank them for their dedication and example.

As for the players, Joey Scheurich, Dustin Moehlig, Chance Murski, Stephen Michalek, Tyler Ford, Steven Crawford, Cody Abraham, Ray Cervenka, Randal Grichuk, Christian DeLeon, Matt Daniels and Daniel Homann, well, I am certainly glad these young men are from my district. They did Richmond and Fort Bend County proud this year, and I am honored to represent them and their families in Washington.

It is often said that sports teach kids important lessons about life. Well, Madam Speaker, I think the Lamar All-Stars taught us a thing or two this year. Throughout their season, they modeled the virtues of hard work, persistence, courage and determination. Their amazing performance this summer is a testament to their talent, certainly, but, most of all, a testament to their character.

I offer every player, coach, parent and friend who followed the Lamar All-Stars this year my congratulations for their success, and, more importantly, my thanks for their example.

RISE IN MEDICARE PREMIUMS CATASTROPHIC EVENT FOR SENIORS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Madam Speaker, I remember in 1995 when the leadership on the other side of the aisle stood before this House and talked about how they wanted to see Medicare and Social Security wither on the vine. It is a matter of public record. It is not speculation; it is not putting words in someone's mouth. Now they have been in power long enough to begin to accomplish that goal.

Part B Medicare premiums have gone up 17 percent, from $66.60 to $78.20. We have raised $10 a year the deductible for part B services, and the story goes on and on. This is a catastrophic event for senior citizens, particularly in rural America, where they get charged four times as much for their prescription medicine as anyone else in the world.

This administration has been working on this issue for 4 years. It gets worse and worse and worse. It is time to make a change.

EXPRESSING OUTRAGE AT INCREASE IN MEDICARE PREMIUMS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I also rise, like the previous speaker, to express my outrage at the recent announcement that Medicare premiums will go up by 17 percent in 2005. This will eat up half of a senior's Social Security cost-of-living adjustment. At the same time, Medicare itself is shoveling an additional $46 billion to managed-care companies so that they can push seniors into HMOs.

This is just another example of how the Bush administration puts the interests of the drug and insurance companies over our seniors' interests. They passed a bill, written by the drug companies, that prevented Medicare from negotiating lower drug prices for seniors and blocking reimportation from Canada. The bill pushes seniors out of traditional Medicare and puts them at the tender mercies of the HMOs.

To sum up this President's Medicare policy: seniors pay higher premiums and higher drug costs so Medicare can give more money to HMOs and the drug companies.

REMEMBERING SEPTEMBER 11

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, on September 11, 2001, some 3,000 innocent men, women and children were killed in an act of war, including 30 from my home State of Pennsylvania. This weekend we will honor the memory and redevote ourselves to defeating the evil that killed them.

We should never forget why they died, for no other reason but that they were Americans, because the agents of evil believe that they can bully us and change our policies by murdering innocent people. And they continue to believe this. We saw it in Russia last week; we saw it in Spain this summer.

Madam Speaker, it is our duty to use every element of national power to defeat them and the conditions under which they thrive. Three years after 9/11 we have made progress. I am proud of the way our country has responded. I am proud of our troops. I am proud of our Commander in Chief, who has led us in the war on terror with a steady hand. Most of all, I am proud of the American people, who have joined together to renew our commitment to what makes America great.

Let us keep praying that the world will be rid of terrorism.

EXTEND THE ASSAULT WEAPONS BAN

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Madam Speaker, I rise today to call on the House Republican leadership to allow us to vote on H.R. 2038 and H.R. 3831, which would allow us to decide whether we should let the assault weapons ban stay in effect or disappear from America.

This Monday, September 13, the assault weapons ban will expire, unless the House Republican leadership allows us to vote on whether to keep it in effect or let it expire.

Madam Speaker, the second amendment to the United States Constitution allows individuals to own firearms. The question is, where do we draw the line? Should people be allowed to have shoulder-fired rocket launchers that down airplanes? Of course not. Well, you do not need a 20-round-a-minute assault weapon to take down a deer.

Madam Speaker, I ask the House Republican leadership to allow this Congress to allow us to vote on whether we should extend the assault weapons ban or should we just, because they will not let us vote, have it expire. The assault weapons ban works. Since it went into effect, these crimes have gone down 66 percent.

GUARANTEEING A BRIGHTER FUTURE BY PREVAILING IN THE WAR ON TERROR

(Mr. BEAUPREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEAUPREZ. Madam Speaker, on September 11, 2001, America rallied around the Stars and Stripes as we have never before seen. From downtown Manhattan to the streets of my hometown in Colorado, Americans shared their pain and support by raising the flag. And in our flag we found our strength and resolve.

Today, America is safer than ever before, in large part because we did not yield to those terrorists who lacked humanity and virtue.

Our selfless soldiers continue to fight and prevail in a war on terror all over the world. These young men and women engage in battle, so that their children and grandchildren will not have to.

As terrorist organizations are dismantled, we guarantee our young ones a brighter future. With every dictator we put away, we help ensure that our sons and daughters and their families will never have to carry a loved one out of rubble.

Madam Speaker, our Nation has always been an extraordinary Nation, but today we rise up once again for those phenomenal firefighters, police officers, doctors and, yes, today's soldiers, who by their actions say we will not give in.

God bless them, and God bless America.

REMEMBERING 9/11

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, I rise today to join my colleagues in remembering the victims of September 11, 2001. There are still no words that any of us can speak that will truly ease the pain and the profound sense of loss that families of victims feel, so many in my own district.

I continue to marvel at the courage and determination of the surviving families, a courage and determination that made the 9/11 Commission possible, overcoming opposition here and across town.

We have an obligation to keep faith with those who perished and with the families they left behind. The best way we can do that is to take the 9/11 Commission recommendations seriously and act on them with dispatch.

☐ 1015

For a new generation of Americans, the phrase "Remember Pearl Harbor" has been replaced by "Remember 9/11."

Madam Speaker, let us honor those that we lost and the loved ones they left behind by acting expeditiously and in a bipartisan fashion to bring the 9/11 Commission recommendations to reality.

INTRODUCING H.R. 5038, THE AMERICAN HEROES ACT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, we will soon double the size of this Capitol, adding a new Visitors Center. As the first thing visitors see, this space must reflect the values of our Nation and the way it inspires young Americans to public service.

Today I am leading a bipartisan group of Members to introduce the

American Heroes Act, H.R. 5038. The act authorizes a statue honoring the people of United Flight 93 who fought the first battle in the war on terror over the skies of Pennsylvania. But for their sacrifice, the Capitol might have been destroyed.

We also authorize each State to add one new hero after essay contests in America's high schools. In this way, the new entrance to our temple of democracy will have new heroes adding to the pantheon in the Capitol.

As we approach the third anniversary of September 11, let us honor the heroes of Flight 93 who gave their lives to protect Washington, and let us also make sure that when this Capitol expands, it is filled with men and women who inspire us, especially young Americans, to public service.

MISSING CLASSMATES

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Madam Speaker, as children across the country begin a new school year, some do so with missing classmates. The problem with child abduction goes on.

Seven months ago Monday, Carlie Brucia's remains were found after a stranger took her at a gas station. Now the seventh-graders at McIntosh Middle School in Florida are missing their classmate.

Three weeks ago, 7-year-old Patricia Miles was found suffocated after going on a bike ride in Arkansas. Children at Turrell Elementary School are also missing a classmate today.

Missing children from every walk of life, in many circumstances: stranger abduction, parental abduction, international abduction, all need our attention. Next Friday I will host a child safety forum for southeast Texans, and I call on members of the caucus and on all of my colleagues to hold similar events across the country. We must empower Carlie and Patricia's classmates and all children to know and use safety rules.

ASSAULT WEAPONS BAN SHOULD NOT BE ALLOWED TO EXPIRE

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Madam Speaker, I rise this morning to express urgency and remind the House that the existing ban on semiautomatic assault weapons will expire in only a few days, this coming Monday, September 13.

Reports continue to show that 70 percent of Americans believe that the ban should be maintained. In fact, the law enforcement community, the health care community, and the administration all agree that this ban should be allowed to continue to protect our communities from our increased vulnerability associated with allowing semiautomatic weapons back on our streets.

Some say that we do not have the votes to extend this ban, but Americans deserve a full debate and a House vote before we allow the expiration date to pass.

There is no reason not to go forward at this point; we have only 5 days left.

Do people need an assault weapon to protect their home? No. Do people need an assault weapon to hunt? No. Do people need an assault weapon to target shoot? No. But criminals use assault weapons to kill.

The ban should not be allowed to expire. I implore leadership to let us vote on continuing the ban.

RISING HEALTH CARE COSTS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Madam Speaker, I rise today to address the rising health care costs facing our seniors.

This last week the administration announced that American seniors will face the largest premium increase in Medicare's history. Instead of roughly $67, now it is going to go up to $78 a month for their Medicare Part B premiums.

The difference amounts to a huge increase, far exceeding inflation or any potential cost-of-living adjustment that our seniors receive under Social Security. This adds to the Government Accounting Office just last week asking for part of the salary back from the person who withheld information from this Congress when we passed the Medicare reform bill last year.

We should not force our seniors to bear the brunt of the increased cost of Medicare. The administration's actions will force them to come up with an extra $132 a year just to cover the increased premium. For the average senior receiving Social Security, this represents 10 percent of their monthly budget. Unfortunately, if precedent is any indicator, seniors will continue to see double-digit Medicare premium increases under a second Bush administration.

It is downright shameful to saddle our seniors with the cost of the administration's failed health policies. America's seniors deserve better.

MISCONCEPTIONS ABOUT IRAQ

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Madam Speaker, the war in Iraq is one that we all understand is not easily won. The enemy does not play by our rules of engagement. They have no conscience, they have no decency, they have no moral compass.

Yet the same anger, arrogance, and ignorance that fuels these terrorists who have lashed out at citizens across the globe is now, according to JOHN KERRY, a sign of the Iraqi people's "frustration" with the Bush administration.

Yes, there are pockets of resistance within Iraq, but KERRY'S assertion that the Iraqis are acting out in political dissension with the Bush administration's military strategy is ludicrous.

Madam Speaker, Iraqis are not lashing out through political activism, they are shooting American soldiers. They are killing the very same people who have come to help them. Mr. KERRY should be more focused on reality and less on political rhetoric. Our soldiers have risked it all to liberate Iraq and the Iraqi people.

SO-CALLED ECONOMIC RECOVERY

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, I rise today to discuss our so-called "economic recovery."

Last week I visited a woman in my district named Carol Jones. Nine months ago Carol had a job at an investment firm, a steady income, a health care plan, and a pension. But she had something more. She had security.

Then, like so many others struggling to get by, Carol was laid off, went on for months on end without a job, supporting herself on unemployment benefits and, when those ran out, her savings, which are now all but depleted.

The good news for Carol is that after 9 months of unemployment, she will at last be going back to work at her new job at Target. But Carol will be earning significantly less than she made at her last job, and because the job is part-time, Carol will have no benefits for the next 6 months, and this is what the Bush administration calls "turning the corner on the economy."

Madam Speaker, 8 million people out of work, and 82 million people facing monthly premiums for health insurance that have increased by nearly 14 percent this year alone. The Carol Joneses of the world deserve better than this, much better. They deserve a real plan to jump-start the economy, a plan that lowers health care costs, that creates good-paying jobs, and gets workers back their dignity. That is what the American people want, and that is what this majority should be working on.

9/11 COMMISSION RECOMMENDATIONS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, 3 years ago this Saturday, at precisely this hour, I found myself standing in the sunlight of a September morning in this city near the elm tree on the Capitol grounds. Like so many of my colleagues, I experienced September 11 in Washington, D.C., and not just the smoke-filled skies and pandemonium that followed those moments, but I experienced the lack of deliberation that followed those times.

It is in that spirit that I rise, as I did the day the 9/11 Commission report was produced, to say that this Congress should proceed with deliberation, but as one of my Democrat colleagues said, with dispatch, in considering and enacting many, if not all, of the recommendations of the 9/11 Commission.

The people of this country believe that they have sent us here, men and women in Congress, to consider the changes that are necessary to advance the security and liberty of the American people; not to write a blank check to independent commissions, but to deliberate, because, God forbid, should a day strike America like that day in September again, or like the days that have struck the people of Russia or of Spain in recent days, there will be a lack of deliberation, and the opportunity to thoughtfully consider these proposals will have gone by.

BUSH ECONOMIC POLICIES ARE BAD FOR AVERAGE AMERICANS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, the Republicans have performed a hat trick. They have control of the House, the White House, and the Senate, and now they are trying to pull a rabbit out of a hat.

They need money, piles and piles of it.

The President's tax giveaway to the very rich soaked average Americans and drained the U.S. Treasury. The President's Iraq war is bleeding the U.S. economy and ballooning the Federal deficit.

It will only get worse.

Administration surrogates now openly talk about remaining in Iraq for decades. The Pentagon's annual budget is already close to the entire Federal deficit. To feed the President's war, every domestic program, from Medicare to veterans' health, to low-income housing, is on the table. Make no mistake. Domestic programs are going to be squeezed hard, just like the middle class. This is the lemon that we have in the White House.

It is the Republican way. Why be fair when you can govern by fear?

Think about it. The 2nd of November, it is coming.

EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

Mr. HYDE. Madam Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 757) expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mrs. BIGGERT). The Clerk will report the title of the resolution.

The Clerk read the title of the resolution.

The text of House Resolution 757 is as follows:

H. RES. 757

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives;

Whereas three years later the country continues to, and shall forever, mourn the tragic loss of life at the hands of terrorist attackers;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

Whereas three years after September 11, 2001, the United States is fighting a Global War on Terrorism to protect America and her friends and allies;

Whereas since the United States was attacked, it has led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq while using diplomacy and sanctions in cooperation with Great Britain and the international community to lead a third terrorist regime in Libya away from its weapons of mass destruction;

Whereas the United States is reorganizing itself in order to more effectively wage the Global War on Terrorism by transforming the Department of Defense, sharpening the Federal Bureau of Investigation's counterterrorism focus, strengthening the authority of the Director of Central Intelligence to coordinate national intelligence activities, and creating a Department of Homeland Security;

Whereas of the senior al-Qaida leaders, operational managers, and key facilitators that the United States Government has been tracking, nearly two-thirds of such individuals have been taken into custody or killed;

Whereas just as significant, with the help of its allies, the United States has disrupted individuals and organizations that facilitate terrorism—movers of money, people, messages, and supplies—who have acted as the glue binding the global al-Qaida network together;

Whereas Pakistan has taken into custody more than 500 members of al-Qaida and the Taliban regime, including Khalid Sheik Mohammed and Ramzi bin al Shibh, conspirators in the September 11, 2001, attacks, and Kahallad Ba'Attash, an individual involved in the planning of the attack on the USS COLE in 2000;

Whereas Jordan continues its strong counterterrorism efforts, arresting two individuals with links to al-Qaida who admitted responsibility for the October 2002 murder in Amman, Jordan, of Lawrence Foley, a United States Agency for International Development Foreign Service Officer;

Whereas in June 2002, Morocco took into custody al-Qaida operatives plotting to attack United States Navy ships and ships of other member nations of the North Atlantic Treaty Organization in the Strait of Gibraltar;

Whereas the United States and its allies in Southeast Asia have made significant advances against the regional terrorist organization Jemaah Islamiyah, which was responsible for the attack in Bali, Indonesia, in October 2003 that killed more than 200 people;

Whereas Singapore, Indonesia, the Philippines, Thailand, and other countries in Southeast Asia have taken into custody leaders and operatives of local al-Qaida-affiliated terrorist organizations and members of al-Qaida traveling through such countries;

Whereas the United Kingdom, France, Germany, Italy, Spain, and other countries have disrupted cells of the al-Qaida terrorist organization and are vigorously pursuing other leads relating to terrorist activity;

Whereas following the attacks of September 11, 2001, the United States Government initiated innovative programs, such as the Customs-Trade Partnership Against Terrorism program and the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry;

Whereas the Department of Homeland Security implemented the US-VISIT border security screening system in December 2003 at all air and sea ports of entry, requiring that nonimmigrant visa holders entering the United States be fingerprinted and screened through various criminal and terrorist databases before entry into the United States, and this system will be expanded to land ports of entry in accordance with congressional deadlines;

Whereas since September 11, 2001, the Coast Guard has conducted more than 124,000 port security patrols, 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter the United States illegally, and created and maintained more than 90 Maritime Security Zones;

Whereas following the attacks of September 11, 2001, the Terrorist Threat Integration Center was established, which now fuses, for the first time in United States history, terrorist-related information, foreign and domestic, available to the United States Government for systematic analysis and dissemination to prevent or disrupt terrorist attacks on the United States;

Whereas following the attacks of September 11, 2001, the Terrorist Screening Center, a multi-agency partnership, was established to integrate the dozens of separate terrorist databases that existed before September 11th into a single terrorist watch list for use by Federal, State, and local law enforcement, intelligence, and border security personnel;

Whereas following the attacks of September 11, 2001, the United States Government has ensured the hardening of cockpit doors on airplanes and greatly expanded the use of armed Federal air marshals to prevent and deter future hijackings that could turn commercial planes into weapons of mass destruction;

Whereas having recognized the need to prevent terrorist organizations from using their resources, the Federal Bureau of Investigation has worked closely with the Department of the Treasury to target 62 terrorist organizations and freeze $125,000,000 in assets of such organizations worldwide used to fund terrorist activities;

Whereas to date United States Armed Forces and Coalition forces have killed or captured 43 of the 55 most wanted criminals of the Saddam Hussein regime in Iraq, including Saddam Hussein himself;

Whereas the al-Zarqawi terror network used Baghdad as a base of operations to coordinate the movement of people, money, and supplies; and

Whereas thousands of families have lost loved ones in the defense of freedom and liberty against the tyranny of terror: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(2) honors the heroic actions and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(5) discourages, in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith;

(6) reaffirms its commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely;

(7) vows that it will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities; and

(8) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

Mr. HYDE. Madam Speaker, on this important resolution, I ask unanimous consent that the text of the resolution be read by the Clerk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the text of the resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 8, 2004, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois. (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Madam Speaker, I yield myself such time as I may consume.

Today we gather in the House of Representatives to consider a resolution commemorating the anniversary of the terrorist acts launched against the United States on September 11, 2001. September 11 was a brilliant, sunlit, late summer morning in New York and Washington. Suddenly, death came raining down from the skies. Three thousand died because of the wicked acts of evil men who callously used innocent American citizens as their weapons.

The war against terrorism, which is the war for civilization itself, has come home to America.

□ 1030

Now, 3 years after the fact, all thoughts are drawn to that day. Time may not be an invincible healer, but it does soften and mercifully distance us from many of our sharpest pains and fears; and by transforming private remembrance into a more quiet and interior experience, it gives the public forms of remembrance greater depth and meaning, elevating these above mere ritual. I am certain that all Americans alive that infamous day will give reverance to this anniversary for as long as they shall live.

We remember today those fellow citizens and the innocents of all Nations who died September 11. We mourn with their families and extend to them once again our profound sympathy.

We remember with awe and gratitude the passengers of the fourth plane, the plane intended for the White House or the Capitol, who sacrificed their own lives to prevent the terrorists from achieving their evil goal.

We remember with profound respect the police, the firefighters and other emergency workers who charged into burning buildings, often at the cost of their own lives, in acts of selflessness and bravery before which we can only bow our heads.

We honor today the men and women of our Armed Forces who have taken the war against terrorism to the fever swamps where terrorism is bred, and who in doing so have given a new birth of freedom to long-oppressed peoples.

We remember in sorrow and prayer those brave men and women who have made the ultimate sacrifice in the service of our country. Their names will not be forgotten. The just cause for which they paid the final price will not fail.

Freedom and decency will, with God's grace, prevail over wickedness and wanton killing.

Today, a day for remembrance is a day for prayer. In silence, let us commend to the merciful hands of God those innocents whose lives were stolen from them 3 years ago Saturday and those men and women of our Armed Forces and those of our allies who go into harm's way and risk their lives for freedom's sake.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me first pay tribute to my distinguished friend and colleague from Illinois for the leadership he has provided to our committee and to this House on international matters in the last 3 years.

Madam Speaker, I also want to identify myself with the tribute of the gentleman from Illinois (Chairman HYDE) to members of our Armed Forces, first responders and their families. So much has been said about September 11 and the subsequent battle against global terrorism that the legislation before us allotted an hour of discussion can only be viewed as a symbolic gesture.

But once the solemn commemorations are done, the only meaningful memorial that we in Congress can create is to seriously continue our commitment to carry on the global war against terrorism.

We need to understand that this is indeed a global war, and our hearts go out to the mothers and fathers of the children in southern Russia who just a few days ago were senselessly slaughtered in another act of global terrorism.

We have commitments to keep, Madam Speaker. We need to put into effect the recommendations made by the bipartisan commission investigating the 9/11 attacks. We must find innovative ways to carry out this global struggle against terrorism so that it becomes not a war in the conventional sense but a united worldwide effort to eliminate the conditions that give rise to terrorism, a global effort to sustain peace in all its many aspects.

Where will this effort take us next? We may differ about specific tactics, but I think all Americans agree on at least one broad goal: the United States must do all it can to prevent state sponsors of terrorism from acquiring weapons of mass destruction, particularly nuclear weapons.

Fortunately, Madam Speaker, we have already established at least one model for how to reach that goal peacefully. I refer, of course, to the new situation in Libya, a case study of the effectiveness of multilateral sanctions and diplomacy, sustained over decades by both Republican and Democratic administrations.

Under U.S. and British leadership, the international community, acting through the United Nations, enforced wide-ranging sanctions against Libya that created pressure on its leadership. Eventually, Libyan leader Muammar Qaddafi recognized reality and relented. This year he has taken the unprecedented steps to relinquish his country's nuclear weapons materials and programs, yielding valuable information about the extent of trade in these dangerous substances and among those who seek to harm the United States.

Qaddafi has rejected weapons of mass destruction once and for all, and he will reap the benefits in improved political, economic, educational, and cultural ties with the United States and the West. None of us would have guessed this development just a year ago.

We must waste no time, Madam Speaker, in applying similar measures to Iran, which has shown it will stop at nothing in order to become a nuclear power. The United States has long had sanctions in place on Iran; but now that Iran's nuclear intentions are clear and transparent, we must lead a campaign for full-scale international sanctions on Iran's fanatic regime.

Experts predict that Iran will have a nuclear bomb within 2 years; and with its development of long-range missiles, Iran will threaten our friends and allies across the globe. In order to avoid that nightmarish scenario, the international community must act decisively and quickly, starting with the meeting next week of the board of the International Atomic Energy Agency.

Madam Speaker, I call on that board to refer the issue of Iran's violations of its agreements to the United Nations Security Council for the purpose of imposing multilateral sanctions on Iran until it ends its nuclear program once and for all. With its vast reserves of oil and gas, Iran has no need for what it falsely insists are peaceful uses of nuclear energy.

Madam Speaker, in 1996, this body passed the Iran-Libya Sanctions Act, known as ILSA; and it renewed that act 3 years ago in 2001. Our actions mark a deeper truth. At the time, Iran and Libya were both energy-rich states, sponsors of terrorism, viciously anti-Western and both committed to the development of weapons of mass destruction. Now their paths have diverged dramatically.

Three weeks ago, I made my second trip to Libya and had my second meeting with leader Qaddafi. He told me of an encounter he had sometime ago with an Arab leader who wanted Libya to supply him with nuclear weapons. Qaddafi said he told that Arab leader that if he gave him such weapons, he could not use them, because the retaliation would be so awesome; and when he said this, he said, I also realized that devoting billions of our resources to developing weapons of mass destruction is pointless, and I am giving you all my weapons of mass destruction.

With this story, Colonel Qaddafi laid out the rationale for his decision last December to give up Libya's programs of weapons of mass destruction. As a consequence, U.S. commercial sanctions no longer apply to Libya. The Iran-Libya Sanctions Act is now the Iran Sanctions Act.

Iran has not yet adopted Libya's wise course. Its single-minded pursuit of nuclear weapons calls for an equally determined response from the international community. The IAEA meeting next week will be a test of both international will and the skill of our leadership.

In the post-9/11 age, letting fundamentalist extremists acquire nuclear arms makes no sense whatsoever. We should be no more relaxed about a nuclear armed Iran than we would about a nuclear armed Hezbollah or al Qaeda.

Mr. Speaker, as Aristotle observed, we make war that we may live in peace. But the effort that so many have called the war on terrorism must involve warfare only as the very last resort.

The case of Libya demonstrates that skillful, multilateral diplomacy can avoid the horror of war and can point us in a direction which is peaceful and constructive for the United States and for the rest of the world.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me time.

Mr. Speaker, most Americans can tell you precisely where they were and what they were doing 3 years ago when the grim news broke that the terrorists had crashed commercial jet liners into both towers of the World Trade Center, the Pentagon, and in a field in Pennsylvania. Sadly, approximately 3,000 innocent people were savagely murdered, including 697 from my own State of New Jersey, with 60 families in my congressional district feeling the pain directly.

The extraordinary courage of the victims like Todd Beamer and Captain Chip Burlingame and so many others who sacrificed their lives in an attempt to thwart the terrorists' plots and plans, as well as the first responders who bravely ran into burning buildings, deserve the highest honor and respect a Nation can bestow. Sadly, some 374 first responders died going into skyscrapers as they were engulfed in flames. They died trying to save those who were victimized by the 9/11 attackers.

Last week, President Bush very eloquently summed up America's heart and spirit when reflecting on 9/11. President Bush said, "I have seen the character of a great Nation, decent and idealistic and strong." President Bush went on to say, "The world saw that spirit 3 miles from here," he was speaking at the Garden, "when the people of this city faced peril together and lifted a flag over the ruins and defied the enemy with their courage. My fellow Americans, for as long as our country stands, people will look to the resurrection of New York City and they will say here buildings fell and here a Nation rose."

9/11, Mr. Speaker, was America's wake-up call that transnational terrorism, especially from the likes of al Qaeda, is willing and able and determined to murder us in a massive way. Much, however, has been done by the President and by the Congress to mitigate that threat in the 3 years since 9/11.

We now know that the President, working with our coalition partners, has captured and destroyed many of the al Qaeda operatives, and the Taliban has been crushed, and we have now entered into a close collaboration with partners like Pakistan and the United Kingdom.

□ 1405

Much has been done to assist the victims' families, but no assistance, as we all know, can ever remotely replace their staggering loss. Still, when all is said and done, the victims' compensation fund, while not perfect, will have provided close to $7 billion to the surviving families. We also know that the Federal government has provided about $26.7 billion thus far, which has been awarded to enhance the abilities of State and local governments and first responders to prevent, prepare for, and respond to acts of terrorism and other emergencies.

Much has been done to reform our defenses, including the creation of the Department of Homeland Security, no small feat, particularly in this town, to do such a massive reorganization. And the Terrorist Threat Integration Center now has the left hand talking with the right hand so that intelligence is properly shared. We are all on the same page.

For its part, the 9/11 Commission, a commission created by the families of 9/11, declared that "we are safer," but they also pointed out that we are "not safe". Over the course of the August district work period, some 26 hearings were held to respond to and to try to figure out what a new comprehensive reform bill should look like, and I want to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, for the two outstanding full committee hearings he put together. We are now poised to act on those recommendations, and in some cases, we may opt to exceed the 9/11 blueprint.

Finally, let us all remember, if this is an extremely difficult week for us, the sense of collective violation pales compared to the pain of the families who lost their loved ones, their wives and husbands, their children, their brothers, their sisters. For them, this is the toughest week and September 11th—the saddest day. This is a day of remembrance, a week of remembrance, and our prayers and our hearts go out to the victims' families and friends, because they have lost so much and have stood up so bravely in the years since.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my dear friend and distinguished colleague, the gentlewoman from New York (Mrs. MALONEY), and it is so appropriate that our next speaker be a Representative from New York.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time and for his leadership on this and so many other issues. I rise in strong support of this resolution.

As we remember the third anniversary of the terrorist attacks of September 11, we must not forget the heroes and heroines who selflessly gave of themselves responding to Ground Zero, but who now need our help.

Yesterday the Subcommittee on National Security of the Committee on Government Reform held a hearing on the persistent health effects of 9/11. We heard about the 380 firefighters who have had to end their careers due to illnesses and injuries, as well as the persistent respiratory problems among many other responders.

Mr. Speaker, there is a new medical condition as a result of 9/11 known as the World Trade Center cough. We learned from the GAO that 3 years after 9/11 basic questions still have not been answered. We know that thousands are sick, but we do not know the exact number. There are at least six different monitoring or health tracking programs, but there is no coordination among them, and not a single Federal program provides health care to those who responded and who need it now. There is a clear need for leadership, but we learned that not a single person in the Federal Government is in charge.

Quite simply, the heroes of 9/11 deserve better. This was an act of war. Our heroes and responders should be treated like veterans. At the very least, they should be provided with adequate health care as a result of their injuries. This is the reason why I have introduced H.R. 4059, the Remember 9/11 Health Act. This legislation provides for treatment, coordination, research, and long-term monitoring.

As we remember 9/11, let us not forget that there are heroes out there that still need our help. Our first responders were there for us. We need to be there for them with the very least in providing adequate health benefits to those who need it.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), along with ranking member, the gentleman from California (Mr. LANTOS), for introducing this bipartisan resolution as we approach the third anniversary of September 11.

Every American remembers where they were that fateful morning of September 11, 2001. That day, we realized that the world had fundamentally changed. We were introduced to a faceless enemy that wants to destroy our very way of life.

Today we have the solemn privilege of honoring and remembering not only those innocent Americans who lost their lives in these horrific acts, but also those whose loved ones were so violently taken from them.

Since that tragic day, America has responded with determination. Al Qaeda is on the run. Two-thirds of its known leaders have been killed or captured, and a brutal dictator with terrorist ties and a proven appetite for weapons of mass destruction sits in an Iraqi jail. We have worked in cooperation with our allies to take the fight to the terrorists. We have worked aggressively to make our homeland more secure. But we must do more.

On this third observance of the September 11 terrorist attacks, let us keep in mind that the freedom that we as Americans have come to enjoy is a precious thing that can never be taken for granted. The world is a dangerous place, with dark forces that are actively seeking to deny us our cherished liberty.

We take heart in the noble and courageous example that has been set by the men and women of our Armed Forces fighting terrorists and the dictators that harbor them around the globe so we do not have to fight them on our streets and in our cities.

As we go about our daily lives, let us never forget those innocent Americans who were killed that September morning and those who sacrificed their lives in the hopes of saving others.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the chairman for introducing this resolution. I stand in strong support of it.

On Friday, September 6, 2002, we had a special session of Congress in Federal Hall in New York City, and the poet laureate of the United States, Billy Collins, read this moving poem, entitled "The Names."

Yesterday, I lay awake in the palm of the night. A soft rain stole in, unhelped by any breeze, and when I saw the silver glaze on the windows, I started with A, with Ackerman, as it happened. Then Baxter and Calabro, Davis and Eberling, names falling into place as droplets fell through the dark. Names printed on the ceiling of the night. Names slipping around a watery bend. Twenty-six willows on the banks of a stream. In the morning, I walked out barefoot among thousands of flowers heavy with dew like the eyes of tears, and each had a name, Fiori inscribed on a yellow petal, then Gonzalez and Han, Ishikawa and Jenkins. Names written in the air and stitched into the cloth of the day. A name under a photograph taped to a mailbox. Monogram on a torn shirt, I see you spelled out on storefront windows and on the bright unfurled awnings of this city. I say the syllables as I turn a corner, Kelly and Lee, Medina, Nardella, and O'Connor. When I peer into the woods, I see a thick tangle where letters are hidden as in a puzzle concocted for children. Parker and Quigley in the twigs of an ash, Rizzo, Schubert, Torres, and Upton, secrets in the boughs of an ancient maple. Names written in the pale sky. Names rising in the updraft amid buildings. Names silent in stone or cried out behind a door. Names blown over the earth and out to sea. In the evening, weakening light, the last swallows. A boy on a lake lifts his oars. A woman by a window puts a match to a candle, and the names are outlined on the rose clouds, Vanacore and Wallace, let X stand, if it can, for the ones unfound. Then Young and Ziminsky, the final jolt of Z. Names etched on the head of a pin. One name spanning a bridge, another undergoing a tunnel. A blue name needled into the skin. Names of citizens, workers, mothers and fathers, the bright-eyed daughter, the quick son. Alphabet of names in a green field. Names in the small tracks of birds. Names lifted from a hat or balanced on the tip of the tongue. Names wheeled into the dim warehouse of memory. So many names, there is barely room on the walls of the heart.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my good friend and distinguished colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to thank both my distinguished colleagues, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for giving us the opportunity to be able to rise today and to salute those ever brave, ever courageous and ever prayerful. It is wonderful that we live in a Nation that even in tragedy we can still pray and still commemorate and celebrate, albeit the tragedy of 9/11, the strength and the valor of 9/11 as well.

My deepest sympathy to those who lost loved ones and had loved ones maimed and are still tending to their pain and their loss. Might I pay a special tribute to the families of the 9/11 victims. I salute you for your persistence in directing this Nation to the truth in the final results of the 9/11 Commission report. I ask and beg this Congress to act immediately upon those recommendations. But if it had not been for those valiant families, in their pain, who decided not do go away but to stand strong, we would not be the country we are today.

Might I add my appreciation, of course, for the young men and women on the front lines and say that when it was time to defend this Nation's honor, I stood and supported the war on terror. But let my vote not stand today, as I vote unanimously or enthusiastically for this resolution, that I connect any idea of the war on terror to the war in Iraq. And although I stood against it, I stand solidly with those men and women, National Guardsmen, reservists, and other enlisted men and women in the United States military, who are now fighting for us.

Why do we come to the floor to honor and to recognize this day and acknowledge those who lost their lives? Because I do stand with this Nation in our resolve to fight terror, and we will stand united to do so. In fact, I would ask that we unite singularly on the war on terror as we promote the civil liberties and civil rights of this Nation, and, yes, as we work collaboratively with our allies.

I also rise to thank our friends, Pakistan, who has risen to support us and stand alongside of us; our own longstanding friend, the Democratic State of India, who has continued to fight with us in the war on terror; our friends in Africa and the Mideast and South and Central America, who stand with us against the war on terror.

So I would say that it is time for America, in its honoring of its dead, to respect them for their loss, the tragic loss, to salute those families who remain in pain, and to salute those families who have lost their loved ones in Iraq and Afghanistan. They will be forever in our prayers, and we will be indebted to them, for they gave the ultimate sacrifice. And that means today, as we stand united voting on this resolution, we are standing to pay tribute to them for being ever brave, ever courageous and ever prayerful.

We also acknowledge that we come to this resolution with differing opinions. Although we may not have supported a war in Iraq, we support all of those who stood for our freedom.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from New York (Mr. FOSSELLA).

□ 1100

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support and commend both the chairman and the ranking member for bringing this resolution to the floor. I think all Americans, indeed all free-loving people, come together again on the third anniversary of that dreadful day, forever to be known as 9/11, or September 11, to pay tribute to the victims who died, so many heroically, and all of them innocently, on that fateful day.

I cannot help but think that on September 11 people around the world will take a moment to remember what that day was all about, and I cannot help but think about what was happening 3 years ago today. Three years ago today, a bunch of individuals who were barbaric in nature put together the plan, the final touches that would lead ultimately to the death of almost 3,000 innocent people and how they scurried about the country, here, the United States of America, once thought to be not possible. In fact when they built the World Trade Center, no one ever contemplated an attack on our own soil; but that is what happened.

These barbarians, after reaping the fruits of what America had to offer, decided to take those planes and use those planes as missiles and kill innocent people just going about their lives, too many of whom I had the privilege to represent in Staten Island and Brooklyn. Chances are they were getting up to send their kids to school, got on the bus, took the Staten Island ferry, and walked up to the Trade Center, never to return. As we join today, there are still many families who have not recovered from that day, and perhaps some never will; but our hearts and prayers hope that they find the strength to move on.

We can never erase the lives of the likes of guys like Marty Egan who was not working in Manhattan that day but jumped on a fire engine and ran into the Trade Center to try to help. His wife, Diane, and kids live in Great Hills in Staten Island, and they try to go on; but I know it will never be the same.

There were people like Stephen Siller, a fireman who was supposed to meet his brothers to play golf, said there is an emergency, I have to go into Manhattan, and ran through the Brooklyn Battery Tunnel to help his fellow firefighters and try to save innocent people. Stephen never saw his brothers again, not to mention the hundreds, if not thousands, of others who went about their lives as they should have that day. All this while those barbarians contrived and plotted, as terrorist barbarians do, to take the life of innocent people. Let us not forget what these terrorist barbarians are apt to do. Just last week look at what happened in Russia where the ultimate acts of barbary took place and innocent children were blown up. That is what we are up against.

As we honor those who lost their lives on September 11 and give thanks to the families who have suffered every day since, let us not forget what we are up against. Let us not forget that freedom is under attack still. Let us not forget there are individuals around this globe who still want to see the destruction of the United States of America.

I commend the 9/11 report to every American to read so they can get some insight into what these individuals, these terrorists have coming, that is, they do not want to see us be free. They would rather take innocent life after innocent life after innocent life until they get their way.

I hope and pray that Republicans and Democrats long ago understood that we need to unite in a vigilant and a constant and a steadfast way to root out those evil ones wherever they may be. They may be here, they may be in the caves in Afghanistan, they may be in spots around the globe; and we do not even know the names of the towns or cities or villages they are in. If we can stay together and leave the ridiculous rhetoric aside and join with our young men and women who wear our Nation's uniform to support our Commander in Chief when he makes that claim that we are under attack, if we can somehow put our partisan differences aside and unite and stay fast for our great country, and if anything, to remember those victims who perished on September 11, 2001.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I want to once again thank our distinguished chairman, the gentleman from Illinois (Mr. HYDE), for his leadership not only on this debate today but over the last several years as we have all come together to fight this war against international terrorism. I also want to thank the very distinguished gentleman from California (Mr. LANTOS). Having served on the Committee on International Relations for the last 10 years, I have had an opportunity to observe firsthand the gentleman from California (Mr. LANTOS). Although we do not agree on everything, hearing him speak in the committee is like attending a seminar because of the insight and knowledge he has.

Even though this institution sometimes people would say reeks with partisanship, that particular committee under the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) is an example of true bipartisanship and doing what is right for the country. I thank these gentlemen for their hard work on the Committee on International Relations.

We are here as Members of Congress to honor those who lost their lives on that terrible day and the families that have had to suffer through this terrible tragedy. There were so many heroes in New York and also here in Washington, D.C. because the Pentagon as well was struck and many lives were taken there, but also in that field in Pennsylvania where the fourth plane went down and those passengers on that plane had the opportunity to talk with their loved ones because they had cell phones.

Prior to this incident, whenever there had been a hijacking in this country, and thank God we have not had one for many years in this country, but when there was one, most people assumed they would want to have prisoners released in some other community or something of that nature. No one really anticipated that planes would be flown into buildings, but they talked to their loved ones and they found out what was happening and what happened with the first three planes, so they were determined that would not happen again. Because they were willing to give up their lives in trying to take back that plane, this building that we are in today, the United States Capitol Building, or the building down the street, the White House, stands, whereas they might well have been destroyed and many lives been taken had they not been willing to sacrifice their lives.

But I have always felt those passengers, those innocent passengers on those other three planes would have done the same thing had they been aware of what was happening, but no one could have known. We want to continue to acknowledge the heroes that went into those twin towers on that fateful morning and tried to save other people's lives. There are so many Americans that showed what this country is all about; and we know that we are, after all, the target of these terrorist groups because of what we stand for.

We are that city on the hill that Ronald Reagan referred to, and we must always remember that we must be in this battle against international terrorism for the long term because they ultimately attack us for what we stand for, and that is freedom. Not only freedom for Americans in this country, but freedom for people all around the world who do not at this time live in freedom; but when we prevail in this war against international terrorism, there are many people around the globe that will have the same freedoms that we have in this country.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for giving me the opportunity to speak on this resolution.

I know that most, if not all, Members who have spoken on the resolution have spoken in a positive way; but I feel it is necessary to point out some aspects of the whereas clauses in this resolution that do not stand up to scrutiny and in fact are false.

The resolution says that the war in Iraq is a responsible and necessary response to the attack on our country of September 11. I think that this resolution in saying that, which is blatantly false, does a disservice to our country, and does a disservice particularly to all of the victims of the attack of September 11. The war in Iraq had nothing to do with the attack of September 11. We know that from our own study of this issue.

Anyone in this body who has read the Senate Intelligence Committee report, 511 pages, knows very well that that report debunks the notion that the war in Iraq is a necessary response to the attack of September 11. The Senate Intelligence Committee report makes it clear that Iraq had nothing to do with the attack of September 11; and that in addition, Iraq had no weapons of mass destruction. There was no connection between Iraq and al Qaeda, no connection between Osama bin Laden and Saddam Hussein. The Senate Intelligence Committee report says so precisely and clearly.

Furthermore, the independent commission known as the 9/11 Commission which studied this issue also very closely and very carefully in a bipartisan way came to precisely the same conclusion, that there was no connection between the attack of September 11 and the war in Iraq, and that the President has taken us to war in Iraq without any foundation whatsoever.

So this resolution in its whereas clauses presents information as if they were facts, but they are clearly not facts. They are wrong; they are misstatements of the facts.

The resolution goes on to say, for example, that the international military coalition is very active here and engaged in this activity, but the fact of the matter is that this international coalition is falling apart. Six nations have already withdrawn. Honduras, the Dominican Republic, Spain, the Philippines, Norway and Nicaragua have already left a coalition that in the first place was not very large. Poland, the Netherlands, and New Zealand are planning to withdraw.

So the statement in this resolution, particularly in the whereas clauses, and I wish I had more time because there is a whole host of things that need to be addressed here, the whereas clauses stipulate things which are blatantly untrue. This resolution is unfortunate.

Mr. Speaker, this resolution would have been much better if the people who put it on the floor here had not decided to bring us a political document. We ought to be commemorating the event of September 11, 2001. We ought to be thinking of it in a solemn, honest, and sincere way. We ought to have uppermost in our minds the people who were killed in that attack, more than 3,000 of them; but we ought to do it in a way that does honor to their sacrifice, not in a way that dissembles, not in a way that presents information that is not factual, not in a way that is dishonest in our presentation.

☐ 1115

Unfortunately, that is what this resolution does in its whereas clauses. The resolved clauses I think is fine, but in the whereas clauses it stipulates things that are false and untrue.

Why do we have a political document like this on the floor? Why do we have a document that is not clear, not honest, not sincere, not in keeping with the sacrifice made by those people? That is what we ought to have, but unfortunately we do not have.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I will only briefly comment on the remarks made by the last speaker. He can tell the newly free inhabitants of Afghanistan, of Iraq and of Libya that this has not been a worthwhile effort. There is a direct connection between the war in Iraq and the bombing of September 11. Our response to that bombing of September 11 was Iraq based on the best information available.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I would like to thank Chairman HYDE and Ranking Member LANTOS for submitting this resolution and bringing it forward. I would like to thank both of them for their leadership on foreign policy issues, particularly as it relates to our response to September 11, 2001. While some here would choose to politicize what I think is an appropriate and somber resolution expressing sorrow for the loss of September 11 and expressing appreciation for all those who responded, our police and firefighters and other first responders, our brave men and women in our Armed Forces and our leadership in the White House, in the Congress and in the administrative branch of our country to address one of the most serious threats we have ever had, I for one commend the vast majority of Members of this body who will not attempt to try to politicize what I think is a very finely drawn resolution both in the whereas clauses and in the resolved clauses.

I have just returned from New York City from a great convention. I have been to New York several times since

September 11. Each time I see that great city rising further and further from the devastation that so many of its citizens suffered and the city itself suffered on September 11, 2001. I was so proud to see the police officers and the firefighters and other first responders taking such great pride in their city as they made all of us who were visitors feel so secure during that important convention. And so I think this resolution is so appropriate for that reason alone, to say thank you to those in New York who rose to the occasion on September 11, 2001 and have been rising ever since.

I also know that my own State of Virginia suffered grievous loss with the attack on the Pentagon. Each week as I drive home to my congressional district, I drive by the Pentagon and I think of that attack. I think of the brave men and women who were killed that day and the many, many more who have so bravely risen to the occasion of leading our country in response, in Afghanistan; yes, in Iraq and elsewhere around the world to make Americans more secure and safer than they were on that fateful day 3 years ago.

This loss was tragic, but America has shown a resolve and a resilience and a courage that is remarkable for any nation on Earth, but it is the hallmark of this country that we have done time and time again for generations, standing up for freedom, standing up for hope for the future.

I thank the leadership, and I thank the gentleman from Illinois and the gentleman from California for their leadership on this resolution which I urge my colleagues to adopt.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my good neighbor and distinguished colleague, the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding me this time and for his leadership on the Committee on International Relations in working on so many issues in a bipartisan fashion. I just want to also say thank you to our chairman, the gentleman from Illinois, and rise today to respectfully disagree with this resolution in terms of the content of it and talk a little bit about for a minute the intent.

First, I think we should during this period remember the victims and the families and all of those who died during the horrific attack of 9/11. We express our sorrow for these families, for New York, for Virginia, for those on Flight 93. My former chief of staff, his cousin was on Flight 93. These individuals were heroes, and they saved many lives. So today we must remember them, and we must talk also and remember the fact that we need to fully fund our first responders and those who came to the rescue of so many. We need to provide the funding for homeland security, and we need to move forward to address a real war on terror.

I might remind this body that the 9/11 Commission, bipartisan Commission, the 9/11 Commission, reported that there was no connection between 9/11 and Iraq. This resolution really puts all that together and forces a vote for Members of Congress who believe in the 9/11 Commission that there was no connection. This resolution says that there was a connection between 9/11 and Iraq. There was no connection, as the 9/11 Commission mentioned, between al Qaeda, Osama bin Laden and Saddam Hussein.

Again, why are we putting forth a resolution that convolutes the issue? We know that the war on terror has been botched. We know that in Iraq over 1,000 of our young men and women have died, and we know that al Qaeda is still strong, and we know that America is not any safer.

And so, Mr. Speaker, I think today we need to be honest with the American people, and we need to remember those who gave their lives, who were so viciously killed, in a resolution that does just that. This resolution does not do that. This resolution promotes a policy of connecting the war on terror with the war against Iraq, a perspective and a distortion of fact that the 9/11 Commission indicated was not real, and I think we do a real disservice to the people of our country and to the world community by not being truthful during this very somber moment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, on 9/11, thousands of American citizens were slaughtered before our eyes. It was the worst case of an attack on Americans, people say, since Pearl Harbor. No, this was far worse than Pearl Harbor because all of these Americans who were slaughtered, and it was a slaughter, all of them were noncombatants. This was not only the worst case of an attack on the United States of America, it was the worst terrorist attack, I believe, in history, at least in modern history. It is something we can never forget. If we do, we will do so at our peril.

I believe perhaps some of the things that brought on this attack were the fact that we had forgotten some of the lessons of the past. I think it has been admirable since 9/11 that we have had the bipartisan commitment to standing strong in the face of this what I consider to be a barbaric challenge to civilization.

We call this the war on terror. I do not call it the war on terror. I call it the war on those people who made war on us that began on 9/11, and that war is a war on those people who believe in radical Islam, not Muslims in general, but those people who believe in radical Islam, and I will define that radical Islam as being a belief that people have a right because of their faith in God to murder innocent people and commit acts of violence on people of other faiths.

Today we need to stand united with all those people in the world, including those moderate Muslims throughout the world who disassociate themselves from this type of brutality and this type of philosophy that leads to the 9/11s and the slaughter of innocent people. Today more than ever as this resolution does, it proclaims that we will stand together as Americans, and we will stand together with all people of the world who believe in these decent values that I talk about today.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to another distinguished colleague from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend and distinguished colleague for yielding time to me, and I rise in strong support of the resolution. Being a New Yorker, no one feels the pain of September 11 more than we do. I happen to have been in New York on that fateful day, and my life will never be the same, and I know the life of so many millions of Americans will never be the same.

I think this is a time for Congress to come together and to commemorate the struggle, to talk about September 11, to talk about what it means in all of our lives and to really bring the country together. September 11 was an incident that will forever remain in our lives. For me, it showed that the war on terrorism is a war that needs the participation of all Americans. It does not matter whether you are a Democrat or a Republican or an Independent, or black or white or brown, or from the North or the South or the East or the West. We are all Americans, and this is quite appropriate for Congress to come together.

There may be people who may disagree on a sentence or two here and there in this resolution, but basically I believe that we all ought to stick together and talk about September 11 and expressing the sense of the House of Representatives on the anniversary of the terrorist attacks.

I just want to say as a New Yorker, every time I look at Manhattan, it even chokes me up to begin to talk about it and look at the skyline of New York and see that the Twin Towers are no longer there. It leaves a hole in my heart, and that, of course, only pales by the fact that 3,000 people lost their lives, and countless others were injured. We can see based on what is happening in Russia and every other place, in Israel and every other place in the world, that terrorism is everybody's fight. It is our fight as Americans. It is the fight of all decent people. We have to stand together.

I rise in strong support of this resolution and ask my colleagues to vote for it so that we as a Congress can be united in the fight against terror.

Mr. LANTOS. Mr. Speaker, before yielding back my time, let me just say that while in this election season there is a cacophony of voices which might give the impression of deep divisions, in fact the American people are united in their determination not only to wage a war on terrorism, but to win that war on global terrorism wherever it appears.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself 2 minutes.

I just want to respond to a couple of the previous speakers who have injected the honesty of this resolution into question. You can disagree with somebody's point of view, as we often do, but questioning their honesty or their work product as dishonest I do not think has a place in this House. When it comes to the war in Iraq, you can say that by mentioning it in the resolution, and all it says is, whereas, since the U.S. was attacked, it led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq. I do not know what is dishonest about that, but you can think it is if you wish. The fact is the war in Iraq was a response to the 9/11 assault, kamikaze, suicide bombers that killed over 3,000 people.

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There had been a surfeit of U.N. resolutions, I think 14 or 15. It was the considered opinion of every single government in the West that had an intelligence service that Saddam Hussein had weapons of mass destruction. He had them before, he had the programs, and he used them. Therefore, having been assaulted, having been blind-sided by the aircraft, al Qaeda ran into the World Trade Center, we were not going to sit there and let it happen again. And based on the best intelligence, we responded to the sucker punch, blindsiding atrocities in the World Trade Center by moving into Iraq after getting another resolution demanding that he open up to inspection his weapons programs.

One can call that dishonest if they want. I call it leadership. And I am sorry that issue got into this resolution because we are commemorating heroines and heroes in one of the great tragedies in all of history, namely what happened September 11.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me this time. I appreciate his comments and his leadership in bringing this resolution to the floor, and I appreciate the bipartisan way he has done it, and appreciate the support of the gentleman from California (Mr. LANTOS).

And I really want to associate myself with the gentleman from California's (Mr. LANTOS) final remarks that no matter what we hear on this floor, Americans are united in this war and are united in how we approach the national security of this Nation. But I also want to say especially to those soldiers on the ground in harm's way, those young men and women that are fighting all over the world, most particularly in Iraq and Afghanistan, and to the families of those that have sacrificed their loved ones that the remarks made by those opposed to this resolution reflect a very small, tiny, tiny minority in this country. We are united in this country in support of those troops, and, most importantly, they need to understand that what they are doing is right, what they are dying for is right, and we greatly appreciate their sacrifice.

Mr. Speaker, by the way, the vote on this resolution will prove me right, that they are a very tiny minority.

Mr. Speaker, 3 years on, it is hard to believe so much time has passed, for September 11, 2001, still resonates in our hearts and minds as if it were yesterday. Yet at the same time, the panging memories of that day call out to us across the ages: 8:47 a.m. when the first plane hit; 10:05 a.m. when the South Tower collapsed; the look on the President's face when he heard the news; the image of firefighters carrying the lifeless body of their chaplain; Mayor Giuliani, mask in hand, covered in ashy debris; the blood and the rubble; the attack on the Pentagon; the rumors, the panic, the fear, the desperate search for survivors; the defiant raising of the flag at Ground Zero; Flight 93, Todd Beamer, "Let's roll."

"Roll" we have, Mr. Speaker, from that day to this on land, on sea, and in the air. Our enemies have been named and their sponsors warned, and America has risen. The cause of human freedom has stood anew athwart the forces of oppression and cruelty and violence.

History and Providence have called out again for the free people of Earth to stand against evil, and the citizens of this Republic have kept their charge.

On September 11, 2001, America stared evil in the face, and though our eyes filled with tears, we did not blink. We did not fear "though the Earth be shaken and mountains quake to the depths of the seas, though its waters rage and foam and mountains totter at its surging." We did not fear because we knew, even as the fires smoldered beneath the rubble, that we would stand, that we would fight, and that we would be heard.

We mourned that day the deaths of 3,000 of our countrymen at the hands of terror, and we mourn today more than 1,000 more whose lives have been taken by the same. We honor their courage, and we honor their sacrifice, and we give thanks and praise to our Creator that such men and women lived.

Three years on the recovery continues. The Pentagon has been repaired. The fields of Pennsylvania have been cleared, and Ground Zero has begun its resurrection. Unforgotten names have been read and reread, flags flown, and wounds reopened and healed once again. Memorials great and small have been planned and dedicated.

But, Mr. Speaker, monuments to freedom are never made of marble, but of action. Heroes like the 9/11 Lost, the firefighters and passengers, the cops and rescue workers, the moms and dads, are truly honored not by words, but by deeds.

The resolution before us today, Mr. Speaker, enumerates those deeds and the progress of the global struggle they have served. Three years on and the world has changed. Terrorist networks across the globe have been disrupted, and two-thirds of al Qaeda's leaders, managers, and facilitators have been arrested or killed. Terrorist regimes have been ended in Afghanistan and Iraq, ended by the finest coalition of states and soldiers ever assembled. The threat of that coalition led another terrorist regime in Libya to end its pursuit of weapons of mass destruction. Terrorists the world over are on the run, unable to organize, plan, or reconstitute their pre-9/11 training and operations. The war against terrorism, which was waged since at least the first World Trade Center bombing in 1993 and probably long before, was joined on September 11, 2001, and in the 3 years since, the tide of that conflict has turned.

The United States has committed itself to the proposition that the security of our Nation and the ultimate survival of civilization depend on the aggressive prosecution of this war everywhere at all times until this war is won. There will be no negotiated settlement in this conflict, no signatures on a piece of parchment. Drums will continue to beat, and blood, much as we may not wish it, will continue to be shed. But, Mr. Speaker, struggle is the only honorable course before us.

The murderers of 9/11 are the enemies of all that is good and true in this world. And even through our tears this week, we still see clearly the justice and necessity of our cause. The ideology of our enemies, a violent corruption of their religion, and the cult of death that they worship have no place in civilized society, whether of the East or West, and it is now the policy of our Nation and our allies to repel this evil so that generations hence may be free from days like those that we live now.

It is said that 9/11 was "our Pearl Harbor." It was also said that "Pearl Harbor" was "our parents' Alamo" and that the Alamo was "Texas's Valley Forge." We fight today, Mr. Speaker, so that our children and our grandchildren decades from now need not come to the well of this House and remember a horrible day of their own as "our 9/11."

Three years on, Mr. Speaker, and we fight everywhere and anywhere we must. For the soldiers in Baghdad, their faces marred with sand and sweat and blood, they are fighting the same evil and upholding the same virtues as the Special Forces in Tora Bora and the guards at Guantanamo, fighting the same evil and upholding the same virtues as the men aboard Flight 93 and the firefighters in the South Tower and the rescue workers at the Pentagon. It is one and the same conflict. It is one and the same conflict, in which one and the same courage will purchase for this Nation one and the same victory.

Support this resolution before us, my colleagues, and reaffirm our commitment to remember those that we lost and those that they left behind, those who protected us and those who died trying, those who remember and those that we cannot forget, who it was that started this war and who it will be that wins it, so that every September 11 from now until the end of the age, free men of the world can look to this Nation, the last, best hope on Earth, and know that when evil struck and the earth trembled beneath us, here America rose, here freedom stood.

Mr. HASTERT. Mr. Speaker, almost 3 years ago, President Bush came to this Chamber and promised the American people that he would lead America in a war against the terrorists who attacked us on September 11th.

We did not choose this war. But now that we are in it, we have no choice but to win it.

Later today, we will pay our respects to those who lost their lives in those deadly attacks in New York, Virginia and Pennsylvania.

And as we pay our respects to those who died on that fateful day, we will also pay tribute to those who have died defending freedom in Iraq and Afghanistan.

This war is not over, but we are winning. And our soldiers have not died in vain. The Taliban has been crushed. Saddam Hussein is in jail. And Osama Bin Laden is on the run.

Last week, the brutal murder of innocent children in Russia served as a grim reminder about the nature of this enemy.

The terrorists will not play by the rules of basic decency. And we have no choice but to stop them before they strike again.

My deepest condolences go out to the Russian people. The American people understand your grief and feel your deep sense of loss.

And as we remember our own losses in this global war in terror, we share your resolve to bring the terrorists to justice.

Mr. MENENDEZ. Mr. Speaker, I rise in support of this resolution, though I wish it did not contain several of the so-called "findings".

On Saturday, we face the third anniversary of the 9/11 attacks. In my district alone, we lost 122 people on that tragic day. I can't tell you how many memorial services I attended for people in my own district, nor describe in words the sympathy and sorrow I felt for family members who lost loved ones from all over the country.

So, I will support this resolution as an expression of my deepest sympathies to families and friends of the thousands of victims of that fateful day.

I will support it as an expression of our Nation's gratitude and pride in our men and women in uniform who have performed with brilliance and valor in the war on terror and Operation Iraqi Freedom. To date, 1,005 Americans have made the ultimate sacrifice in support of our country in Iraq, while many others have done so around the world in the fight against terror.

This should be a time to bring together, to consult, to be unanimous. Instead, my colleagues on the other side of the aisle have chosen to use this resolution to speak about the handling of the war in Iraq. The resolution glosses over the intelligence failures and serious misstatements and flip-flops by the Bush Administration concerning the reason for going to war in Iraq.

One of the findings in the resolution states ". . . it has led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq . . ." Mr. Speaker, it appears the Republicans are trying to provide cover for one of the Bush Administration's main justifications for the war in Iraq. How many times has Vice President CHENEY and other top administration officials asserted that there were extensive ties between Hussein's government and Osama bin Laden's terrorist network? In fact, earlier this year, the Vice President said evidence of a link was "overwhelming."

However, the September 11 Commission found in its report that there is no "collaborative relationship" between Iraq and al Qaeda.

The resolution also lists some changes that have been made since the horrible attacks against our Nation on 9/11. While these initial steps have been taken, the September 11 Commission Report has provided 41 specific recommendations that radically reshape our Nation's intelligence community. The Commission made it perfectly clear these changes must occur immediately to protect our Nation and our citizens now and in the future from any further attack.

It is shameful that the Republicans are using a crucial resolution that could express our collective sentiment as we did after September 11, and instead seek partisan gain out of what should be a national embrace.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, 3 years ago, cowardly terrorists attacked America. Today, in the building that symbolizes America's freedom, we remember those who died on that fateful day. The memory of their loss will forever guide our mission to protect America from terror.

Terrorism continues to plague our world, but it can not and it will not deter us from our mission to spread liberty and defend freedom.

I commend President Bush for his unwavering commitment to the security of the United States. The sacrifices that our brave men and women in uniform have made in pursuit of the security of our Nation will never be forgotten. And it is because of their dedication that two formerly oppressed nations are free and that our homeland is more secure.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to mark the third anniversary of the September 11, 2001 terrorist attacks and to remember those who lose their lives that day, especially the residents of Connecticut and of my district.

We should take time on each anniversary of September 11, 2001 to honor the dead, their families and those who continue to serve as the nation's first lines of defense against acts of terrorism and disasters. We will not forget the selfless firefighters, police officers and emergency medical workers who confronted chaos and terror that day and lost their lives as they gave everything to save others. We owe a debt of gratitude that can never be fully repaid to the first responders and members of our military who continue to work each day protecting our communities and our nation. No matter how many years pass, our memories and our grief will not fade, nor will our determination to defeat terror throughout the world and attack its root causes. We must focus the incredible resources of this nation on capturing Osama bin Laden and destroying his al Qaeda network that are responsible for the events of that day. We would also be well served by implementing the recommendation made by the September 11th Commission to help prevent future attacks.

The nation will remain defiant in the face of terror and threats and must never waiver from the things that make us great: our freedom, our liberty and our democracy. To curtail the freedoms of Americans in the name of fighting our enemies would be a disservice to the memory of September 11 and every American who has given their life or put themselves in harm's way to defend this Nation and its people.

The profound outrage and indescribable sadness all Americans felt that day is now part of the soul of the Nation. Nothing can change what happened in New York, Pennsylvania or at the Pentagon, but we owe it to those who died to be the good citizens and to build a stronger Nation in their memory.

Mr. BACA. Mr. Speaker, this Saturday marks 3 years since the terrorist attacks of September 11, 2004.

Three years ago terrorists launched an attack on the United States in the most cowardly manner. They attempted to break American resolve and to stifle our Nation's spirit. They did not succeed. The terrorist attacks sparked a renewed patriotism in Americans. Three years later we resolve never to let another attack like September 11th happen again.

The anniversary of 9/11 is a solemn reminder that we must do all that we can as members of Congress to prevent another terrorist attack on American soil, or anywhere else in the world. We must act immediately to implement the recommendations of the 9/11 commission. We must focus our efforts on disbanding Al Qaeda and other terrorist groups. We must always remember the lives lost on September 11, 2001, and in honor of those lives do everything in our power to prevent terrorists from striking America again.

Ms. LEE. Mr. Speaker, I rise to honor the victims and remember the families of those who were killed in the horrible tragedy that occurred 3 years ago this coming Saturday, September 11th. We will always mourn the tragic loss of life and never forget the sacrifices made that day. Likewise, we will always support our troops and their well being.

Unfortunately, the resolution before us today goes far beyond paying tribute to the victims of 9/11. The resolution falsely reaffirms a connection between the attacks of 9/11 and the war in Iraq. These connections simply never existed and repeating this falsehood again and again will never make it true. The President's own 9/11 bipartisan commission has reported that there was no connection between Iraq and the 9/11 attacks. This resolution does a disservice to the American people.

The administration's preemptive, virtually unilateral war in Iraq has made us and indeed the world a less secure place. I cannot ignore the fact that over 1,000 American lives have been lost. Nor, can I disregard the significance of the 7,000 members of our Armed Forces that have been wounded including the untold thousands of Iraqi lives and the lives of other international non-combatants.

For these reasons, I am unable to support this resolution.

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay respect to the memory of those who lost their lives 3 years ago this September 11th.

Our country has still not recovered from this terrible tragedy, and people in the World Trade Center Buildings and the Pentagon, those aboard United Flight 93 in Pennsylvania, and the brave men and women who lost their lives in the line of duty that day will forever be remembered for their bravery and sacrifice.

It was 3 years ago that these terrible attacks occurred and awakened this Nation to the hatred these terrorists have for the principles of freedom and for our great country.

Three years and two wars later, however, there is still much to be done to protect the people of this Nation and ensure something like the 9/11 attacks never takes place again.

It is still too easy for terrorists to cross our borders; our homeland security professional lack vital information they need to protect us; and our Nation's first responders still lack the training and equipment they need to prepare for, or respond to, a terrorist attack.

My hometown and the district I represent in Houston, is one of the most at-risk areas in the Nation.

Of all the possible targets in our area, including Houston's large metropolitan population, NASA's Johnson Space Center, and the Texas Medical Center, the Port of Houston and Houston's petrochemical complex remain one of the most susceptible due primarily to lack of Federal funding for our protection.

Based on Coast Guard estimates, port owners and operators are still short by over $400 million to implement port security plan upgrades, such as surveillance cameras.

The U.S. is home to more than 66,000 chemical production and storage facilities spread out amount our cities, towns, and rural areas.

According to the EPA, 7,000 of these facilities pose a risk to 10,000 or more people, however, the Department of Homeland Security has visited fewer than 100 facilities.

These facilities and surrounding communities deserve Federal support if we must increase their protection for national security.

These are necessary and vital steps we must take to protect our homeland, yet so many of these have gone unfunded while we have spent over $200 billion in Iraq despite no clear connection between the former Iraqi government and the terrorists that target America.

Three years after we were forced into this war on terror, we must assess what we have done and what we must do to protect our Nation.

We must go after the terrorists where they live and train, with all countries that share our values and our desire to root out terrorism.

Mr. Speaker, on a day when we are remembering those that lost their lives in the 9/11 attacks, we must make every effort to protect the people of this country so that we never have to mourn another attack on U.S. soil.

Ms. SOLIS. Mr. Speaker, I rise today to mourn the victims of the attacks on American on September 11, 2001, and to celebrate the way Americans worked together to rise up from the ashes of the wreckage. In the 3 years since our soil was attacked, the service of America's Armed Forces, the scores of volunteers and first responders who have helped the victims and their families, and the many ordinary people who help out in times of tragedy and grief proved through their actions the true greatness of America.

There is a new reality in our world. America continues to strengthen its ability to defend itself against all types of enemies. But while we strengthen our defenses we must not forget that which makes America great and allows her to flourish—our civil liberties.

The United States must be both a leader and a partner in the world in order to stop senseless acts of violence. Diplomatic words and peaceful actions show an alternative to the use of force; I hope that both can ultimately lead to a world free from terror.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today on behalf of the people of the 4th Congressional District to remember the thousands of American lives lost on September 11, 2001.

Although 3 years has passed, I continue to remember all the people in the towers, at the Pentagon, and on United Flight 93. I would especially like to recognize the people from Long Island who were killed. Also in my thoughts are the families who live everyday with the terrible loss of their loved ones.

I commend all of the firefighters, police, and health care workers who were helping on the front lines. I would also like to thank the thousands of Long Islanders who mobilized to do what they could to help. Finally, as a representative from New York, my constituents and I appreciate the generosity extended to us by the rest of the country during a time of such terrible grief.

While September 11 was a shocking day for all Americans, the Nation united in an extraordinary fashion to take action against the tragedy inflicted upon us. Today we must unite once more to implement the suggestions made by the 9/11 Commission Report, which I fully endorse. I believe that the 9/11 Commission should be extended so that it can fully support and monitor the bipartisan enacting of its recommendations until most have been made into law. I will continue to work to ensure that the commission's report is implemented quickly and with proper congressional oversight. We owe it to the thousands of victims' families to respond quickly and effectively to this terrible disaster.

We now know we were not as safe as we could have been on September 11. We need to find Osama bin Laden and finish the job we began in Afghanistan. We need to make sweeping changes to the Department of Homeland Security and ensure funding is increased for law enforcement agencies to handle new security threats. We must realize that state and local budgets are already stretched too thin and allocate federal funding to tighten security.

In keeping with the tremendous spirit of the Nation during the weeks following 9/11, I encourage everyone to do something this September 11 that shows the world what it means to be an American. You can donate blood, write a letter to someone in the military, or volunteer at a women's shelter. Make the anniversary about more than just remembering those we lost.

Mr. WEXLER. Mr. Speaker, while I strongly believe Congress should pay tribute to the victims of 9/11 and honor our brave troops and first-responders for their valiant service to America, this resolution unequivocally exploits the victims of 9/11 for narrow political purposes and perpetuates erroneous claims connecting 9/11 to the war in Iraq.

The bi-partisan 9/11 Commission declared—in no uncertain terms—that there was no connection between 9/11, al Qaeda and Iraq. For those who support this resolution, I must ask—is Congress disputing the findings of the 9/11 Commission? Does Congress believe al Qaeda operated in Iraq prior to the U.S. invasion? And is Congress pleased with the insufficient coalition assembled by President Bush that has led America to carry an overwhelming economic and military burden in Iraq? The facts show that these claims are distortions at best, blatant lies and manipulations at worst, and the American people deserve the truth.

The truth is that America took its eye off the ball in Afghanistan, allowing terrorists such as Osama bin Laden to reconstitute their forces and operate freely. By transferring our military resources from Afghanistan to Iraq—when Iraq posed no imminent threat and had no weapons of mass destruction—this Administration failed the American people and weakened our efforts in the war against terror.

The truth is that al Qaeda was not operating in Iraq prior to the U.S. invasion, and they have created an increasingly dangerous network in this war-torn country since. Despite the Bush Administration's claims of successfully combating terror in Iraq, the reality on the ground stands in stark contradiction. We have withdrawn our forces from four cities in Iraq in which terror has flourished. And despite White House claims, officials in the U.S. military have announced that it cannot eliminate these sanctuaries of terror. As we mark the loss of over 1,000 innocent lives in Iraq, Congress should not be celebrating our alleged success in Iraq; we should instead examine our failures.

This resolution is transparent, empty political propaganda at its worst, and is unconscionable that the drafters of this resolution would egregiously politicize the memory of 9/11.

Mr. CRENSHAW. Mr. Speaker, on this third year since the tragic terrorist attacks of September 11, 2001, I think it is appropriate for Americans to reflect on what we have learned since that fateful day, what we have done to make our homeland safer, and what we as a nation should do to secure our safety in the future.

Our Nation, and indeed the world, has learned that terrorism is a global epidemic that crosses all political lines and moral boundaries. Most recently, the terror attacks in Beslan, Russia prove that no country and no person is immune from the cowardice and tragedy of terrorism.

In these 3 years we have learned that U.S. leadership is necessary and working to stifle terrorists bent on killing, disrupting, and destroying our way of life. Afghanistan was the home base of Osama bin Laden's al Qaeda terrorist network, but now the terror camps are closed, democracy is rising, and the American people are safer. Pakistan was a safe transit point for terrorists on missions of murder. Now their government is working with the United States to find terrorists in remote regions of Pakistan. Saudi Arabia is tracking down terrorists operating there. Libya has given up its nuclear-processing equipment.

Before America took action, Saddam Hussein's Iraq was a threat—he was a threat to us; he was a threat to the free world; he was a threat to the Middle East; and he was a threat to his own people. He is no longer a threat, and the American people are safer. We removed a declared enemy of America who had the capability of producing weapons of mass destruction. Saddam Hussein had that capability, and he could have passed that capability to terrorists bent on acquiring them. After September 11, that is a risk we cannot afford to take. America must confront threats before they fully materialize—before it's too late.

These international actions have made our domestic borders more secure.

The United States has also used the 3 years since 9/11 to better equip our Nation's first responders. Police, firefighters, emergency medical technicians, and local government officials now have the tools, knowledge, and training to prevent or react to a terrorist attack. Congress created the Homeland Security Department to coordinate efforts to secure our borders, our air, and our seaports. The department monitors for potential threats coming from nontraditional sources aimed at our cities and our national infrastructure.

These three years of accomplishments include something especially important to my hometown of Jacksonville. As one of the busiest seaports on the east coast, port security is critical to securing the homeland from foreign-bred tools of terror. Recognizing that cargo containers could bring dangerous items of an explosive, biological, or even nuclear danger, the Container Security Initiative is an initiative to protect the global trading system and the trade lanes between international ports and the United States. Under this program, a team of Customs and Border Protection officers is deployed to work with host nation counterparts to target all containers that pose a potential threat to our Nation.

It is clear a lot of progress has been made in the global war against terrorism. It is equally clear we have more to do.

In addition to building on the lessons of 9/11, improving our homeland security, and eradicating terrorist organizations, I believe America's charge going forward is to continue to lead by example. Our Nation must welcome with open arms our allies who join this fight. Our Nation must continue to export democracy to any burgeoning nation willing to embrace its principles. We ought to let our policies and principles of life, liberty, and the pursuit of happiness shine brightly over the grim allure of the hollow creeds of terrorists.

Looking forward, threats to this country in terms of terrorism are not going to come from rival global powers. They are going to come from the smaller emerging countries, smaller failing countries. Those are countries where they lack education, they lack the rule of law, they lack personal freedom; and those are countries where terrorism can flourish, where terrorism can fester, where terrorists can find sanctuary. If we want to deal with those kinds of threats, it seems to me we can prevent that from happening by encouraging policies like the rule of law, human rights, and civil liberties. We can encourage countries through targeted and goal-based foreign aid that will prevent terrorists from taking root in unstable countries.

This September 11, I know many Americans will pay tribute to those lost 3 years ago. I add my voice to that tribute and say that I am proud of America, I am proud of Americans, I am proud of our troops here and abroad, and I am proud of our Commander in Chief. This day let us pray for those still hurting from the tragic losses of September 11, 2001, and let us as a nation continue working toward those goals that will prevent this tragedy from ever visiting us again.

Mr. MEEKS of New York. Mr. Speaker, this weekend we pause to remember the third anniversary of the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon. We pause to recollect the full meaning of the lives lost—nearly 3,000 Americans and foreign nationals. Our compatriots were not just casualty figures. They were mothers and fathers, sisters and brothers, sons and daughters. They were best friends and good neighborhoods. They were lovers and loved ones. They were employers and employees. Their best contributions were still ahead of them.

We pause to recall the first responders who rescued thousands from the twin towers. We recall with amazement their bravery as they went into the towering infernos. And we recall that had it not been for heroic action of passengers abroad Flight 93, al Qaeda's terrorists might have crashed that airliner into the White House or the Capitol Building instead of a field in rural Pennsylvania.

On this third anniversary of 9/11, we also pause to reaffirm our determination to triumph over fear. We reaffirm our determination to foster tolerance in our land and in the world, to build respect for all faiths, and to promote the collaborative action of people and governments across the globe, to mobilize for mutual development rather the civilizational destruction advocated by Osama bin Laden, al Qaeda, and other adherents of radical Islamist fundamentalism.

On this day and this occasion, our thoughts turn to the survivors of 9/11 and the families of the victims of the 9/11 attacks. It is impossible to calculate their enduring pain. Yet, we are inspired by how these families have turned their tragedy into effective action. Their dedication to the memory of loves ones lost led to the creation of the 9/11 commission, which in turn led to a set of recommendations for intelligence and homeland security reform that if implemented could better protect our nation, make us for secure, and positioned to share peace and prosperity with the world.

As a country, we must be as determined as the 9/11 families. We must be as determined now as we were on 9/11 to bring to justice the perpetrators of this colossal assault on human decency. But, mindful of all that has transpired since then—on the one hand a just but unfinished war in Afghanistan, on the other hand a disastrous diversion and unparalleled miscalculation in Iraq—we must proceed in meeting the al Qaeda challenge with wise leadership, with patience and persistence, with global allies, with sound plans, with focused effort.

Most of all, we must proceed together as Americans. We must reclaim the unity of purpose that gripped all of us on 9/11. I remember well utter destruction that took place on that beautiful September morning. But, I remember even better how every New Yorker, every American—Democrats, Republicans, Independents, Blacks, Whites, Hispanics, Asians, and Arabs, Jews, gentiles, and Muslims, rich and poor—came together as one.

We must reclaim that spirit and that purpose. We must overcome those among us who have distracted us by using our suffering as a nation for narrow and selfish political gain or have diverted resources, personnel, time, and energy from the struggle against Osama bin Laden and al Qaeda. We must regain the momentum and solidarity befitting a great people and a great nation focused on accomplishing great deeds of remembrance for the victims of 9/11.

Mr. STUPAK. Mr. Speaker, H. Res. 757, is a resolution to mark the anniversary of the terrorist attacks of September 11. Although I voted in support of this resolution, I do have some reservations about the statements it contains.

Specifically, the resolution and the Bush administration's assertion that Iraq is the "central front" in the war on terror—while previously wrong—has become a self-fulfilling prophecy.

What have the administration's tactics amounted to? We now see terrorists in Baghdad—where none were before. We now see Iraq is a symbol for terrorist recruitment—where no symbol existed before.

Congress and the American people trusted the President when he said we needed to go to war in Iraq. It is clear that trust was misplaced.

As a result, what we have to show from trusting President Bush and his administration is 1,000 American lives lost, close to 7,000 of our men and women wounded. We have a military stretched so thin it is practically to its breaking point. We are spending billions of taxpayer dollars each month that we could be using to fix critical gaping homeland security vulnerabilities here at home or for counterterrorism operations in Afghanistan and elsewhere. And this Administration has destroyed our international credibility—even with many of our closest allies.

We know the President's justifications for going to war in Iraq have proven to be false—even experts within the administration have stated that Saddam Hussein did not possess weapons of mass destruction. The independent, bipartisan 9/11 Commission unequivocally found that Iraq had no ties to the 9/11 attacks and there was no collaborative relationship between Hussein's regime and al Qaeda.

The American people deserve the truth. The truth is not that we entered into war in Iraq because Saddam Hussein possessed weapons of mass destruction or on the basis of terrorism. The truth is that this administration used September 11 as an excuse to enter into a war in Iraq to oust Saddam Hussein—and has, in the process, created a rallying cry and call to arms for terrorists around the world as a result.

Mr. WOLF. Mr. Speaker, I rise today to support H. Res. 757, marking the third anniversary of the terrorist attacks against the United States.

Three years after this attack, our Nation continues to honor and remember all of those who died that day, and the families and loved ones who they left behind. On that September day, the lives of innocent Americans were lost. But on that day, and nearly everyday since then, our Nation has gained something extraordinary out of that loss: a new and deeper appreciation of the countless acts of courage, sacrifice, and patriotism that resulted from September 11.

These acts began right after the terrorists struck our Nation. First responders in New York City, and at the Pentagon and in Pennsylvania risked their lives to try and aid those who were injured. They worked for days to help those who needed medical attention, as police officers and firefighters did their work to extinguish the flames and provide a sense of order. In the years after September 11, first responders and other members of our law enforcement community—including the Capitol Police—have had a great burden placed on them as America remains on alert for terrorist acts. These acts of sacrifice on September 11 in helping to keep our Nation safe in the wake of that day's attacks have earned the admiration and thanks of all of our citizens.

Thirty people from my district died on September 11. We grieve for their loss, and we grieve still because, as Queen Elizabeth explained after September 11, "grief is the price we pay for love." Out of this grief, though, our neighborhoods, the communities of my district, and communities throughout the Nation have drawn closer together, united in a sense of remembrance for those who left us on September 11, and determined that those who seek to harm us in our own land will not triumph.

It is these communities who have sent their sons and daughters to give their lives in Afghanistan and Iraq, and wherever in the world terrorists uneasily rest their heads. My district knows first hand the cost of this sacrifice. Johnny Micheal Spann—a CIA officer and the first American killed in Afghanistan—was from my district. And while we grieve for this loss, we take inspiration from the sacrifices made by Mr. Spann, and the many other acts of sacrifice made by those like him who are serving our country in and out of uniform, overseas and at home.

This resolution marks a dark day in our Nation's history. Out of this darkness came a thousand points of light in the many personal acts of heroism and bravery that our fellow countrymen and women have engaged in since September 11. As we continue to remember the terrorist attacks on September 11, we also are inspired by those who sacrifice day after day to keep us safe, some in ways that are well known, other in ways that we will never know about.

Our Nation continues to make progress in the war against those who harmed us and seek to harm us again. And while we do, a grateful country remembers its dead, and celebrates the lives of those who toil to keep us free.

Ms. MCCARTHY of Missouri. Mr. Speaker, our thoughts and prayers are with the families and friends of the nearly 3,000 heroic Americans who perished on September 11, 2001. We can honor their memory by ensuring every effort is taken to prevent such atrocities from occurring again on our soil.

Since September 11, 2001, we have learned much, and Congress has much to do to defend our democratic way of life and protect our homeland. We have committed our military might to combat terrorism in our world: More than 1,000 of our troops have now given their lives in Iraq for this cause.

In the days immediately following the 9/11 attacks, Congress put partisan politics aside and came together to find answers and implement change. In an event reminiscent of the first Congress, the House and Senate convened in New York's Federal Hall for a Special Session of Congress one year after the terrorist attacks, sending a strong message to the world that as Americans we stand together in our fight against terrorism. That bipartisan spirit carried on through the extraordinary work of the bipartisan 9/11 Commission. The commissioners submitted to the American people a comprehensive assessment of what went wrong leading up to September 11, and what we can do to prevent future terrorist attacks on our homeland. Now that the 9/11 Commission has done its work, we in Congress must do ours. I support the Commission's recommendations, and am a cosponsor of the bipartisan "9/11 Commission Report Implementation Act," H.R. 5040.

I have listened and learned from meetings with first responders in Missouri's Fifth District, and have worked on the Homeland Security Committee in Congress to secure the resources they need to do their jobs. Our everyday heroes, our police, fire, ambulance and medical personnel must have the training, supplies, materials and equipment necessary to protect our communities. They are the main line of defense against terrorism at home. Because of their commitment we are more secure and better prepared than we were 3 years ago.

I urge my colleagues to maintain our bipartisan spirit and embrace the recommendations of the 9/11 Commission. The 9/11 Commission Report is an excellent roadmap for implementing these changes—we must act and pass H.R. 5040. In the words of President Kennedy, "There are risks and costs to a program of action. But they are far less than the long range risks and costs of inaction."

Mr. PAUL. Mr. Speaker, I am forced to rise in opposition to this legislation, I do so despite my desire to commemorate the horrific attacks on September 11, 2001 and again express my sympathy to the families of the victims. But don't be fooled by the label. This legislation is no mere commemoration of the events of September 11, 2001. Rather, it is page after page of Congressional self-congratulation. It is page after page of praise for policies that have made us no safer from terrorist attack, but that have certainly made us much less free at home. Does it not strike anyone else as a bit unseemly for Congress to be congratulating itself on this solemn occasion?

This legislation is an endorsement of the policy of restricting freedoms at home that I have consistently opposed, including praise for the creation of the bloated and impotent Department of Homeland Security, the liberty-killing PATRIOT Act, and many other futile measures. It praises the notoriously ineffective air marshal program while avoiding altogether one of the most important lessons of the September 11, 2001 tragedy; The entire disaster could have been avoided with just one gun in the hands of each of the pilots. Four guns could have prevented September 11, 2001, but we are no closer to arming pilots than we were on September 10, 2001. Shortly after the attacks, I introduced a bill to allow pilots to be armed. Eventually, a version of that bill was passed, but pilots are still not armed. I also introduced several other bills to deal with the attacks of 9/11, protect us against future attacks, and do so without sacrificing our liberty.

What this legislation does not do is address some of the real causes of the hatred that lead others to wish to harm us. Why should we bother to understand the motivations of madmen and murderers? It is not to sympathize with them or their cause. It is to ensure our self-preservation. Those who oppose us and who have attacked us have made it very clear: They oppose our foreign policy of interventionism and meddling, and they oppose our one-sided approach to the Middle East. Therefore, mitigating the anger against us could be as simple as returning to the foreign policy recommended by our forefathers. We should not be stationing hundreds of thousands of our troops in more than 100 foreign countries, guarding their borders while our own remain open to terrorist infiltration. We should not be meddling in the internal affairs of foreign countries, nor should we be involving ourselves in foreign conflicts that have nothing to do with the United States: We should not be sending hundreds of billions of taxpayer dollars overseas to "build nations" and "export democracy" at the barrel of a gun.

Many of my colleagues like to repeat the mantra that "freedom is under attack" in the United States. Well, they are right. Freedom is under attack in the United States, but not only from foreign terrorists. Freedom is under attack from a government that rushes to pass legislation like the PATRIOT Act, that guts civil liberties in the United States. Freedom is under attack from those who are rushing to create a national biometric identification card and internal check-points, which will force innocent Americans to prove to government authorities that they are not terrorists. Freedom is under attack from a government that is spending itself into bankruptcy at an unprecedented pace. Freedom is under attack from a foreign policy that generates millions of enemies across the globe.

This legislation praises the number of Coast Guard boardings as one example of success, but we should not take a false sense of security from boardings. Rather, we should claim victories only if we have stopped another planned attack. Both shippers and recreational users of the gulf ports I represent have expressed concern about our new Federal policies and practices.

If we fail to heed the real lessons of September 11, 2001, we may well be condemned to see such tragedies repeated again in our land. It unfortunately seems that this is exactly what we are doing.

Mr. CASTLE. Mr. Speaker, as we approach the 3-year anniversary of the brutal terrorist attacks on our Nation, it is important that we remember those who lost their lives and the loved ones they left behind to face a world that is forever changed.

The senseless acts of violence that awoke us 3 years ago, have gripped our thoughts and have given us a new appreciation for the freedoms we cherish. This weekend, as we mourn the loss of those who perished in the attacks, we should also celebrate their lives and look back on how each symbolized, in their own unique way, the unrelenting American spirit which binds us all to that clear September day.

Like the rest of our Nation, my home State of Delaware experienced a great deal of tragedy on September 11, 2001. Bobby Fangman, Matthew Flocco, Jon Grabowski, Robert Jordan, John Murray, Davis "Deeg" Sezna Jr., and Rich Stewart, all fellow Delawareans, were taken during the attacks on the World Trade Center and the Pentagon. In addition, Val Silver Ellis, Peter Frank, Michael San Phillip, Lincoln Quappe, Kevin Smith, Bill Tieste, Rodney Wotton and many others left loved ones behind in our State.

As a Nation, we have experienced the unthinkable and emerged again with determination and purpose. Yet, as we reflect on the past 3 years, there remains an enormous amount left to be done. Now is the time for us to come together in the heroic spirit of the citizens, firefighters, police officers, and emergency personnel who stood tall in the face of destruction. Congress must keep the memories of all the September 11th victims in mind as we do everything in our power to prevent something like this from ever happening again.

As we struggle to make progress in this momentous task, it is imperative that we remain focused and work together to reform our intelligence community and shore up the security of our homeland to protect all Americans. We have the power in Congress to implement change, but we must ensure that change is both meaningful and effective. One of the most important lessons that the victims of this tragedy can teach us is that every life is precious and that every action we take to improve our security could save lives in places like Delaware and across America.

Mr. Speaker, it is our duty to honor those who were lost by making sure their loved ones remain safe from fear and intimidation. We must keep their memories with us as we fight to protect our freedoms.

Mr. EVERETT. Mr. Speaker, 3 years have passed since terrorists declared war on the United States by launching 4 horrific attacks on our homeland, murdering nearly 3,000 persons. Our Nation, under the leadership of a determined President and a united Congress, quickly summoned the courage to not only bring the terrorists to justice, but to make it tougher for them to attack us again.

The collective national loss we felt on September 11, 2001 is no less painful today. How can any American alive and old enough to grasp the tragedy as it unfolded 3 years ago ever forget the rapid fall of the World Trade Center towers, the smoke billowing out of the Pentagon, or the 4 civilian jetliners that were deliberately brought to their destruction?

In that solemn hour, our President rightly resolved to take the fight to the terrorists and not to stop until justice prevailed. Here we are, 3 years later and still very much in the war on terror. What is remarkable to me is not that America is still waging the battle to keep our communities safe from future terrorist attack, but that some politicians actually question our motives and even appear willing to lower our guard if given the chance. Such shortsightedness on their part is not only naive, but downright dangerous.

9/11 was not only an attack on America, but upon the free people of the world. In the months that followed, President Bush declared that terrorists and the countries that sponsored them would be considered our enemies and we would take military action against them if necessary. After the brutal Taliban regime of Afghanistan refused to turn over their Al Qaeda guests and close their training camps, the United States forced them from power and made Afghanistan an ally against terrorism.

Iraq's Saddam Hussein did not believe the United States was serious about holding his government accountable for its weapons deception and support of terrorism. He was wrong. He was also swept from power and his nation's capability to aid terrorism has been halted. Pakistan and Libya are also cooperating with the United States in ending the risk of weapons of mass destruction falling into terrorist hands.

Today, American troops remain in Afghanistan and Iraq where there is still work to be done before the new governments of these nations can assume total control of their own security. We are also on guard here at home, tightening security to reduce the likelihood that terrorists can again attack innocent civilians. For sure, terrorists have tried to conduct more attacks since 9/11, only to be stopped by measures already in place. More can and will be done to improve our homeland security.

The terrible events of 9/11 changed our world. Despite some politicians' refusal to accept it, these acts of terrorism were a declaration of war against our society by those who fear nothing but brute force. If we want our children to enjoy a safer life, we must be committed to stand up to terrorists and stop them before they can attack us. If we do otherwise, we will surely invite future 9/11s.

Mr. KIND. Mr. Speaker, I rise today in support of House Resolution 757, "expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001."

The terrorist attacks on New York and Washington on September 11th were monstrous and cowardly acts that will be forever etched in our national memory. In remembrance of that tragic day, I wish to express my condolences, and the condolences of a mournful Nation, to all those who suffered losses. Today, America again honors the courage and bravery of those who willingly risked their lives to save others, and recognizes those dedicated men and women in service now, defending worldwide peace and security.

In the 3 years since the terrible acts of September 11th, the United States has taken various steps toward preventing another attack on our country. Immediately following September 11th, our country began fighting a global war on terrorism to protect America and our friends and allies. In addition, Congress has created a Department of Homeland Security and reorganized several intelligence departments. All of these steps were taken to make America safer.

As a member of Congress, one of my top priorities is protecting the citizens I represent, and if there is any issue that should lead to crossing party lines, it is protecting our Nation.

Recently, the bipartisan September 11th Commission finalized its report with 41 recommendations that they feel would not only make America safer, but would make the world safer. I am proud to be an original cosponsor of the bipartisan 9/11 Commission Report Implementation Act. This bill would enact into law the 9/11 Commission's 41 recommendations.

On this solemn day, I again stand up to recognize our brave men and women that tragically lost their lives on that fateful day in September of 2001. I wish to show my deepest appreciation to our military men and women fighting terrorism around the world. The opportunity is upon us to make serious and thoughtful change and to ensure that another tragedy does not befall our Nation.

Ms. LOFGREN. Mr. Speaker, today I extend my "deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones."

There is no doubt that I honor "the heroic actions and the sacrifice of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism."

"I [honor] the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health."

I express "thanks and gratitude to the foreign leaders and citizens of all Nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks."

There is no question that I "[discourage], in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith."

Today I reaffirm our "commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely."

As we all have done in this Congress over the last 3 years, I also "vow that we will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities."

And, today I also "reaffirm that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorists."

Yes, I strongly agree with these provisions of the 9/11 resolution passed by this House today. However, I do not agree with other provisions that distort the facts and, in some cases, are simply false. Therefore, I cannot vote for this resolution.

The Bush Administration has not "[strengthened] the authority of the Director of Central Intelligence to coordinate national intelligence activities." In fact, Congress is currently embroiled in that debate prompted by the 9/11 Commission Report, not by the Bush Administration.

Yes, the Administration has finally "initiated . . . the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry." However, initiation of a program is a far cry from fully administering the program and contributing to our homeland security. The Container Security Initiative is, so far, a failure.

The resolution gives us the false impression that the US–VISIT border security screening system is fully operational and ensuring our homeland security. Yet, the Administration has not even connected US–VISIT port of entry systems to a central database that can handle immediate screenings upon entry.

Yes, as the 9/11 resolution states, "a multiagency partnership, was established to integrate the dozens of separate terrorist databases" after 9/11. However, 3 years later, we still have multiple watch lists. The FBI's Terrorist Screening Center (TSC)—designed to be the central repository for terrorist-related watch list information—is still not complete and linked electronically to all law enforcement agencies. The DHS's Homeland Security Information Network (HSIN) competes with at least 2 other Federal networks that are designed to share homeland security information between Federal, State and local officials. State and local officials still lack basic Federal security clearances needed to do their jobs. What has the Administration been doing for 3 years?

9/11 is truly a day of solace, a day to remember the victims of 9/11, a day to give thanks to those who have sacrificed so much to keep this country safe, and a day to reaffirm our commitment to the war on terror. This is also a time to honor those we lost on that terrible day and those we have lost in the fight against terrorism since.

The real way to honor those we lost would have been to do a competent job of preventing terrorism from succeeding again. But saying we have taken action is not the same thing as actually taking action. The representations about our successes in this resolution are mostly false. We should not lie to the American people about this.

The last thing this day should represent is praise for what really are failures of the Bush Administration to secure our homeland.

Mr. STARK. Mr. Speaker, I rise to honor the memory of the victims of September 11th and their families. We remember these Americans today and commend the bravery and courage of all those who came to their aid that day—many of whom selflessly gave their lives. We will never forget their sacrifice and heroism. As a Nation, we are unified in our commitment to each other.

We ought to stand together now just as we stood together on September 11, 2001, and the days after in solemn remembrance. That is why I am disappointed to see Republicans politicizing this horrific day with this partisan resolution, which I cannot in good conscience support.

I fully support our troops. I am committed to defending our Nation against terrorism. I will not, however, endorse the Administration's foreign policy, which I strongly oppose. The effort to use the attacks of September 11th to legitimize the war against Iraq or the future, indiscriminate use of military force at any cost is wrong.

We must see September 11th as a reminder of what our Nation stands for—as was eloquently demonstrated by so many Americans on that horrible day. We must rededicate our Nation to compassionately fulfilling our ideals while recognizing our responsibility to lead the world by example, rather than by force.

It is from this dark day that America must resolve to pursue peace, cooperation and understanding throughout the world. We must be committed to upholding democracy and human rights while working to improve the material conditions of people around the globe. Working for a safer, more humane world is our best defense against terrorists and our best hope for a more secure America.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong and solemn support of this resolution, which marks the anniversary of the most deadly terrorist attack in history. September 11, 2001 is a day none of us will ever forget.

We continue to mourn, along with the loved ones of the departed, the loss of nearly 3,000 innocent lives. We celebrate the spirit of selflessness that led so many brave firefighters, police officers and other emergency personnel to risk—and in some cases, lose—their lives trying to save others. And we remain in awe of the passengers of Flight 193, who took the defense of our homeland into their own hands and sacrificed their own lives in the process.

The tragic events of that day have spurred this Nation to a new sense of purpose, a recognition of the need to fight terrorism head-on and to lead an international coalition to spread the powerful ideals of freedom and democracy to corners of the world that have for too long struggled in the shadows of totalitarianism.

We have turned the darkness of terrorism into the light of opportunity—our greatest challenge has become our greatest strength. I urge passage of H. Res. 757.

Mr. SMITH of Michigan. Mr. Speaker, I submit for the RECORD my friend Grandmaster Jhoon Rhee's Open Letter of September 10, 2004 to the Honorable George W. Bush, President of the United States.

President George H.W. Bush named Jhoon Rhee the 721st "Point of Light" for his voluntary work to help others and served as a member of the White House Commission on Asian Americans and Pacific Islanders until June 2004.

His letter is as follows:

Dear President Bush:

On the tragic event of September 11, 2001, I wish to thank you for your efforts to defend our Nation and our freedom. All Americans should join in prayer for you as you certainly have one of the most challenging jobs in the world.

God bless the Forces of Might for Right, the soldiers, sailors, airmen, Marines, and National Guard who serve in harm's way, far away from their loved ones, to safeguard and defend us. God bless the policemen, firemen, border patrol officers, emergency first responders, and all those who work here at home to safeguard and protect our Nation.

The martial arts community joins you in thanking all of those who serve and protect us as a Nation and a people. The terrorists assaulted our country on 9/11, but they didn't destroy our spirit.

Mr. President, your seal of office shows an eagle grasping both the arrows of war and the olive branch of peace. We in the martial arts have always taught these twin precepts. We believe, and practice, that it is best to be prepared and capable to defend yourself, while seeking the path of peace and love.

In remembrance of the terrible tragedies surrounding the date of 9/11, the martial arts community is taking action on the philosophies of peace and respect. Our plan is to both help heal our old wounds and turn around the ongoing battle to maintain the positive spirit of America. Beginning today, as every day is a new beginning, American martial artists have declared 9/11 to be "Acts of Kindness Day," and will go forth doing Acts of Kindness on 9/11—and year-round—to demonstrate to the world the American spiritual tradition. This year's goal among America's martial artists is to perform one million acts of kindness between September 11 and October 11, 2004.

More on our "Acts of Kindness" initiative, launched by martial arts teachers Tom Callos, Fariborz Azhakh, Ken Carlson and myself, can be found at www.911aok.com.

We would like to ask you sir, as President of the United States, to declare 9/11 to be an annual Acts of Kindness Day, urging all Americans to perform unselfish acts to help others, to answer hatred and terror with kindness and love. That is the American spiritual tradition we are proud of and, we think, the ultimate way to offer tribute to the men, women, and children who perished that day. We ask you to help us carry this message from the martial arts community to all Americans and to the world. Thank you. God bless you.

Mr. MATHESON. Mr. Speaker, events on September 11, 2001, changed America forever. Nearly 3,000 Americans lost their lives, including 366 police and fire fighters who rushed into the burning Twin Towers.

In the aftermath of those terrible hours and days, we emerged from our shock and grief with the knowledge that life in our country would never be the same. The heroes of 9–11—the passengers aboard United Flight 93, first-responders, doctors, nurses, search and rescue teams—inspired us and gave us hope. Images of bravery soon replaced those of brutality.

The terrorist threat is ongoing. The risk that we will be attacked again here at home is real. Our men and women in uniform are putting their lives on the line in the most dangerous parts of the world. More than 1,000 have paid the ultimate price. We honor their sacrifice and their commitment to duty.

We have made progress in the fight against this insidious enemy. But we still have much to do. We must employ technology to protect our ports, our energy infrastructure, and our food supply. We must reform our intelligence-gathering program. We must continue to improve our ability to respond to an emergency. We must do it all without trampling on the civil liberties of our citizens, because we treasure our free and open society that terrorists seek to destroy.

We pause today in solemn remembrance of that defining day and in honor of this great Nation.

Mr. DOGGETT. Mr. Speaker, there is no doubt that I and all of my colleagues in the House of Representatives share a profound sorrow and outrage about the tragedy of September 11th and extend our deepest sympathies to the families of the victims and our greatest gratitude for the heroism of the first-responders who risked their lives to save the lives of others. We all honor the sacrifice of those serving in uniform and the sacrifice of their families. I regret, though, that we do not have the opportunity today to a vote on a resolution that would express such worthy sentiments without advancing a partisan agenda.

I join in supporting this resolution although I have serious reservations about certain provisions. I am particularly disappointed to see that the misguided invasion of Iraq is linked to the attacks of September 11th. The Administration's mismanagement of the Iraq war continues to divert attention and resources away from our efforts to capture Osama bin Laden, who launched the terrorist attacks of September 11th. It is particularly ironic that this language is offered the very week we mark the tragic loss of over 1,000 brave men and women in Iraq.

I would also like to note my strong reservations about the reference to the US–VISIT program in this resolution. Although the Department of Homeland Security has described US–VISIT as "an important new element in the global war against terrorism," a Senate Judiciary report concluded that "implementing an automated entry/exit control system [such as US–VISIT] has absolutely nothing to do with . . . halting the entry of terrorists into the United States. An automated entry/exit control system will at best provide information only on those who have overstayed their visas."

US–VISIT is hurting businesses and families in McAllen, Pharr, and La Jolla and other communities along the U.S.-Mexico border by disrupting international trade. Under current DHS policies, Canadian visitors may stay up to 6 months and travel anywhere in the United States without obtaining any visa or enduring any immigration paperwork. In contrast, visitors from Mexico must go through an extensive process to obtain a B1/B2 laser visa (also known as a Border Crossing Card), which only allows a 30-day stay within a restricted zone close to the Mexican border. These restrictions make little national security sense given that the only known entries of terrorist across our land border have been from Canada, not Mexico.

Unfortunately, given the disparity in treatment of visitors from our 2 closest neighbors, Mexico and Canada, US–VISIT is more about stopping migration from Mexico than it is about national security.

I am also concerned that the resolution does not express the importance of balancing the protection of our country from future terrorist attacks with the need to protect the civil liberties of our citizens. We must not sacrifice our democracy in a misguided attempt to save it.

Those who lost loved ones on September 11th, those who came to their aid, and those who serve our country in uniform deserve our recognition and support in a resolution unencumbered by a partisan agenda.

Mr. LINDER. Mr. Speaker, I rise in strong support of H. Res. 757. Three years have passed since a beautiful September day was shattered by terrorists who despised the thought of a Nation that allows its people the freedom to live and worship as they choose. I agree with President George W. Bush that "the terrorists are offended not merely by our policies—they are offended by our existence as free Nations."

I looked back on some of the things we said in the days following the attacks of September 11, 2001. We said that these were acts of war. We said that we would get serious and win this war. And we said to those who commit these kinds of acts that we will find you and destroy you. And we vowed to remember what happened—always.

America quickly got serious about fighting terrorism. While the enemies of freedom brought war to our shores 3 years ago, the American people and the American military are making progress in meeting this challenge. This war is being fought on multiple fronts: diplomatic, financial, investigative, homeland security, humanitarian, and militarily. We must continue to fight the war on terrorism because the terrorists will continue with their efforts. Their aim is to change the way of life of countries that love freedom, and their goals include the destruction of the civilized world and an end to American efforts to encourage democracy abroad.

And while we continue to make great strides in the war on terror, we must never forget what happened. It's been 3 years, but the tragedy, the courage, and the determination we saw that day must serve as a reminder of our calling from that day forward. On Saturday morning, please take a moment to remember those who lost their lives that day, and remember those who continue to mourn loved ones who did not return home on September 11, 2001.

May God continue to bless the United States of America.

Mr. FRELINGHUYSEN. Mr. Speaker, on this day, 3 years ago, our Nation utterly changed as tragedy struck in the streets of Lower Manhattan, the fields of Pennsylvania, and here in our Nation's capital.

On this day, we also saw good rise in the face of evil and heroes rise in the face of danger.

In Lower Manhattan, many of our brave first responders knew the risks they were taking, but were determined to do their job. Police officers and EMS officials calmly escorted workers out of burning buildings as firefighters raced up stairwells of these same buildings to rescue those trapped high above.

When the day was over, and as we learned more about the tragic attacks, and loss of nearly 3,000 Americans, including 700 New Jerseyans, we witnessed neighbors and friends consoling one another and watched as Americans from all walks of life stood united—side-by-side, waving the stars and stripes, and lighting candles to honor those missing or lost.

As America rebounded and recovered, our Nation—displaying the resiliency of its people—responded to these acts of terrorism with the might of our military.

The war we continue to fight today began September 11, 2001. It began without provocation and without warning. It was not a war of our choosing but rather was made our priority. And we are fighting this war in Afaghanistan and Iraq today so that what happened on September 11 does not happen in America again.

So many of our heroes currently fighting terrorism across the globe put their lives on hold after 9/11 to join the National Guard, serve our country, and defend our freedom.

We see the character and resolve of America in these brave young men and women. And especially in this post 9/11 era, we are grateful for their service and sacrifice.

May God Bless those who continue to fight for and defend our freedom, and may God continue to bless America.

The SPEAKER pro tempore (Mr. FOSSELLA). All time for debate has expired.

Pursuant to the order of the House of Wednesday, September 9, 2004, the resolution is considered read for amendment, and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 757 will be followed by a moment of silence and, without objection, 5-minute votes on the motion to instruct on H.R. 1308 and the motion to suspend the rules and pass Senate 2634, as amended.

There was no objection.

The vote was taken by electronic device, and there were—yeas 406, nays 16, not voting 12, as follows:

[Roll No. 431]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen

Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—16

Conyers
Frank (MA)
Hastings (FL)
Hinchey
Honda
Jackson (IL)
Kucinich
Lee
Lofgren
Markey
McDermott
Paul
Schakowsky
Stark
Waters
Woolsey

NOT VOTING—12

Ballenger
Cannon
Goss
Greenwood
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Toomey
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1208

Mr. MARKEY and Mr. CONYERS changed their vote from "yea" to "nay."

Messrs. JEFFERSON, NEAL of Massachusetts, GEORGE MILLER of California, and MORAN of Virginia, and Ms. CORRINE BROWN of Florida changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE COMMEMORATING THE 9/11 ATTACKS

The SPEAKER. The Chair would ask the House to stand in tribute to the victims of the September 11, 2001, terrorist attacks that rocked this Nation. We would like to observe a moment of silence in their memory.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Indiana (Mr. HILL) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 203, nays 216, not voting 14, as follows:

[Roll No. 432]

YEAS—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson

Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
  Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—14

Ballenger
Cannon
Goss
Greenwood
Majette
Mollohan
Nethercutt
Ryan (OH)
Schrock
Slaughter
Tauzin
Toomey
Wexler
Young (AK)

□ 1220

Mr. TAYLOR of North Carolina and Mr. RADANOVICH changed their vote from "yea" to "nay."

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GARRETT LEE SMITH MEMORIAL ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2634, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2634, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 64, not voting 17, as follows:

[Roll No. 433]

YEAS—352

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Burgess
Burns
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee
  (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-
  McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Sabo
Sánchez, Linda
  T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—64

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Bonilla
Bonner
Burton (IN)
Cantor
Carter
Coble
Collins
Cox
Crane
Cubin
Culberson
Deal (GA)
Doolittle
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Hyde
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Ose
Otter
Paul
Pence
Peterson (PA)
Pombo
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Sherwood
Smith (MI)
Sullivan
Tancredo
Thornberry
Weldon (FL)

NOT VOTING—17

Ballenger
Burr
Cannon
Cummings
Goss
Greenwood
Majette
Meek (FL)
Mollohan
Nethercutt
Payne
Ryan (OH)
Schrock
Tauzin
Toomey
Wexler
Young (AK)

☐ 1232

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.".

A motion to reconsider was laid on the table.

☐ 1230

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material, and that I may include tabular material on the same, during the further consideration of H.R. 5006, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

☐ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. TERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 8, 2004, the amendment offered by the gentleman from California (Mr. GEORGE MILLER) had been disposed of and the bill was open for amendment from page 104 line 1 through page 105 line 16.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. OBEY

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds provided in this Act may be used by the Department of Labor to implement or administer any change to regulations regarding overtime compensation (contained in part 541 of title 29, Code of Federal Regulations) in effect on July 14, 2004, except those changes in the Department of Labor's final regulation published in the Federal Register on April 23, 2004 at section 541.600 of such title 29.

Mr. BOEHNER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved, and the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, we now have 8 million people out of work. There are 3 million people that have been out of work so long that they have lost their unemployment benefits, and the majority party in this Congress has steadfastly refused to allow us to do something about that by providing extended unemployment benefits for those workers.

At the same time, for people who are working and people who are not, we have a resurrection of inflation. Inflation is running at twice the rate this year that it ran last year. That means it cost families more to pay for gas, more to pay for health care, more to pay for college costs, and it will continue to rise.

Working families need every dollar in their take-home pay that they can possibly get, and yet the administration has chosen this time to institute new regulations which for the first time in 50 years scaled back workers' entitlement to overtime pay for overtime worked.

Mr. Chairman, this amendment attempts to do two things. It is a very simple amendment. It simply precludes the agency from using any funds in this bill to implement those limiting regulations. We make one exception. We allow the expansion of overtime rights made available under the new rule for workers making between $8,000 and $23,660 to stand as is. But we effectively block enforcement of the other portions of the rule.

It just seems to me that the Labor Department, the White House, and the Congress should not be complicit in the effort of employers to chisel on workers' overtime pay. If this amendment does not pass, more than 900,000 employees without a college or graduate degree will be exempt from overtime pay because of definitions of professional employees. Thirty thousand nursery school and Head Start teachers will lose their right to overtime pay. Nearly 90,000 computer employees, funeral directors and licensed embalmers will become exempt and lose their right to pay under the Labor Department rule, and there are many other workers as well who will lose their overtime rights.

Mr. Chairman, this is a very simple amendment. Everyone understands it. This House has already voted on a motion to instruct to adopt precisely the same language we are offering today, and the Senate has already adopted the same proposal in the form of the Harkin amendment.

Despite that fact, the Republican leadership arbitrarily stripped that language out from the conference report last year. This time around we mean business. We mean to see this through. We will not be dissuaded by blackmail threats on the part of the White House that they will veto the bill if this provision which we are offering today is included.

It is very simple. If you are on the side of a worker's right to get overtime pay for overtime worked, you vote for this amendment. If you are not on their side, then you vote against this amendment, or you vote for some other mugwump fig leaf that will serve not to cover workers, but simply to cover the fannies of Members who will be voting this afternoon.

POINT OF ORDER

Mr. BOEHNER. Mr. Chairman, I make a point of order against the amendment. The gentleman's amendment violates House rule XXI, clause 2 and legislates on an appropriation bill.

Mr. Chairman, I have a question for the author of the amendment. The gentleman's amendment restricts the Secretary of Labor from implementing certain overtime protections in current regulations. As of August 23, Mr. Chairman, the old regulations are no longer on the books.

So my question for the gentleman from Wisconsin is: Would your amendment, as a matter of law, require the Secretary of Labor to return to the regulations as in effect on July 14, 2004?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Ohio cannot engage in a colloquy, but the Chair may hear argument and rejoinder from each Member individually. The gentleman from Ohio may not yield directly for an answer, as in a colloquy.

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Mr. Chairman, parliamentary inquiry. Are you suggesting to me that I cannot ask the author of the amendment to explain the intent of his amendment?

The CHAIRMAN pro tempore. The Chair will hear from the gentleman from Wisconsin separately. When the gentleman from Ohio has concluded his debate, the Chair will hear from the gentleman from Wisconsin separately.

Mr. BOEHNER. Mr. Chairman, the gentleman's amendment, as a matter of law, would restrict the Secretary from proceeding on the new regulations and, in effect, require the Secretary to enforce the old regulations that had not been updated for 50 years. In fact, this is legislating on an appropriation bill, and I insist on my point of order.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin desire to be heard on this point of order?

Mr. OBEY. Mr. Chairman, I do.

Mr. Chairman, this amendment does what it says. This amendment is a straightforward limitation which prohibits the Department of Labor from using funds in the act to implement any change to overtime regulations that were in effect on July 14, 2004, with one exception. It imposes no additional duties on the Secretary of Labor, nor does it change existing law since the language merely says that funds may not be used to change overtime regulations in place on July 14, 2004.

Moreover, the amendment allows, but does not require, the Department to implement or administer section 541.6 of the overtime regulation published in the Federal Register on April 23, 2004.

The Department has a duty to know its own regulations; and, therefore, the amendment imposes no new duties. The limitation applies only to the appropriation under consideration in this bill and is operable only for the fiscal year for which the appropriations apply. I, therefore, ask the Chair not to sustain the point of order.

The CHAIRMAN pro tempore. Does the gentleman from Ohio wish to be heard further?

Mr. BOEHNER. I do, Mr. Chairman.

Based on the gentleman's explanation of his amendment, Mr. Chairman, prohibiting the Secretary from enforcing the new regulations, we have, in effect, if the gentleman's amendment were to pass, no regulations protecting the overtime rights of American workers. No regulations. That is the law that is being created here.

I am trying to understand from the gentleman his true intent in his amendment and if, in fact, he is not trying to have the Secretary enforce the old regulations.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin desire to be heard again?

Mr. OBEY. Mr. Chairman, I stand on my statement and ask that the Chair not sustain the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order? If not, the Chair is prepared to rule.

The gentleman from Ohio (Mr. BOEHNER) makes a point of order that the amendment offered by the gentleman from Wisconsin (Mr. OBEY) is subject to a point of order under clause 2 of rule XXI. The gentleman from Ohio argues that the amendment legislates on an appropriation bill by requiring the Department of Labor to make certain changes in overtime regulation. However, the text of the amendment seeks only to defund the implementation of changes to certain overtime regulations in effect on a particular day with certain exceptions. The amendment neither addresses what the regulatory situation might be after its adoption, nor directs the Department to act in any particular fashion.

Under the precedent carried at chapter 28, section 64.29 of Deschler's Precedents, it is in order in a general appropriation bill to deny the use of funds therein for agency proceedings relating to changes in regulations. In the opinion of the Chair, that is analogous to what this amendment does. The Chair overrules the point of order.

Does any other Member desire to be heard on the amendment?

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment by my friend, the gentleman from Wisconsin (Mr. OBEY). Seventy-six years ago, the Congress passed and the President signed a law which says that if you work more than 40 hours a week, that you get time and a half for that additional time. With some carefully reasoned and well-thought-out exceptions since then, it has been the law for every American worker under every circumstance.

We have before us today the question of whether we should continue that very important principle. We should, and Members on both sides should vote in favor of the Obey amendment.

□ 1245

As the gentleman from Wisconsin (Mr. OBEY) said a few minutes ago, there are officially 8 million Americans out of work as we meet this afternoon. Three million of those Americans have been out of work so long they have exhausted their unemployment benefits. The price of health care has increased by 50 percent in the last 3½ years. This administration will be the first administration since that of Herbert Hoover that has lost more jobs than it has created.

Mr. Chairman, 2.45 million workers in manufacturing plants around the country have seen their jobs go overseas or south of the border, probably lost forever. The price of heating your home, driving your car, and educating your children rises, and the squeeze on the middle class intensifies.

So what issue does this Congress and this administration confront? The issue we confront is taking income away from 6 million people. These are not 6 million people who are at the high end of the American labor force.

In the debate on these regulations, we have heard this is about highly skilled, highly compensated people. Not the case. The Congressional Research Service, a nonpartisan objective arm of this institution, did an analysis of the people who will be affected by these overtime regulations. Nearly 70 percent of the workers who will be affected by these regulations make less than $1,000 a week. Nearly 70 percent of the people affected by these rules are making less than $50,000 a year. This is the middle class we are talking about. It is the working middle class. It is nursery school teachers, short-order cooks, people who work in the shoe department of a retail store. Their biggest problem, with all due respect, is not that they are getting too much income; it is that they are not getting enough, and they are not getting enough to pay the bills that their family needs to pay.

These overtime rules will adversely affect 6 million American workers. If there are going to be changes to the overtime rules, they should be debated here. They should be voted on by the people's representatives, not by the appointed people who work in the Department of Labor.

The Obey amendment will suspend these rules. It will protect the overtime rights of more than 6 million American workers. It will leave in place the existing overtime rules as it affects those workers, and it is the right thing to do.

Mr. Chairman, with all due respect to the authors of this overtime policy change, overtime is not a gift from America's employers; overtime is the right of America's workers. In order to protect that right and to do what is right, I would urge my friends, both Republican and Democrat, to vote "yes" on the Obey amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with its proposed overtime rules, the administration continues its assault on working Americans. Do not be fooled when some of my colleagues on the other side of the aisle say this will give overtime to more workers; they are using fuzzy math. This will give an inflation adjustment to low-income workers which is much needed and much deserved.

But a July 2004 study by the Economic Policy Institute shows that new regulations will cut the pay and lengthen the hours for at least 6 million workers making as little as $23,000 a year. Basically, what the regulations do is permit employers to reclassify people making between $23,000 and $100,000 so they are exempt from overtime pay.

One of the reasons for enacting the Fair Labor Standards Act back in 1938 was to give incentive to employers to create more jobs. This ensures that employers will not overwork their employees by making them do the work of two or more people.

Since 2001, we all know that millions of jobs have been lost, including 285,000 in New York. These final regulations will enable employers to cut overtime for employees who presently do get overtime. This means longer hours for the same pay. It also means that employers will have no incentive to hire new people even though we have an unemployed workforce of over 600,000 in New York alone.

It boggles the mind that this is what the administration focuses on since it has the worst job-creation record since the time of the Great Depression. And after the final regulations were announced in April 2004, we held only one single hearing in the Committee on Education and the Workforce.

In May 2004, I voted for amendments on the House floor which would have stalled the Department of Labor's regulations, but unfortunately none of the amendments passed. If Congress had acted, we could have prevented the new regulations from going into effect.

The new regs would have included up to half a million of our Nation's heroic first responders such as police, firefighters, EMTs, and nurses who are directly engaged in homeland security efforts. Losing overtime is not much of an incentive to people in these fields, and we desperately need to keep them safe and healthy.

Another bad effect the regulations will have is to cause confusion in the legal system. Right now, although the system is not perfect, there are plenty of laws on the books developed over many years that guide overtime cases. The new regs will simply result in new fighting about how to implement these rules and will waste time.

I oppose taking overtime pay away from millions of workers and urge my colleagues to support the Obey amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Obey amendment, joined by the gentleman from California (Mr. GEORGE MILLER) and my colleagues. I want to remind my friends in the House of the obligation and responsibility that they have dealing with the crucial responsibilities of serving the American people. Let me just simply remind Members of people who make this country, and it is working men and women. Those working men and women deserve our respect and as well our duty to ensure that their workplace and their compensation meets the work that they do every single day.

I had the pleasure just a month ago to take my son to his first year of college, spending time not as a Member of Congress but as a parent listening and discussing with other parents both the excitement and joy of taking a young person to college, but also the struggle of bringing a young person to college. Many of those Americans who I stood alongside as a beaming parent work two and three jobs, and overtime was very much a part not of the excess of their income but of the necessity of their income.

I wonder if my colleagues think about what overtime really is. It is helping families all over America make ends meet. Do they realize that the very same people that protect us here in the United States Congress, our U.S. Capitol Police, the people who protect the visitors who come and protect those who come to this place to exercise their rights as Americans, they receive overtime.

With the administrative rules that are being passed by the Department of Labor, we will eliminate the overtime of the very people who protect us, first responders, firefighters and police officers, nurses, people who simply want an opportunity.

This amendment prohibits the Department of Labor from implementing new rules on overtime pay. Of course they have tried to hang out a carrot for us and suggest that they are protecting the low-income workers.

Mr. Chairman, I stand here because I do not want to have divisive politics. I do not want to divide workers and to suggest who is low income and who needs overtime and who does not. This is the middle-class squeeze. Losing 3 million jobs, not yet reaching the place where we have replenished those jobs, Americans required to work two and three jobs, overtime is a necessity; it is not a luxury.

I cannot imagine my Republican friends going home to their elections and to suggest we would stand today against American workers. Overtime is survival for those who every day have to make ends meet. I am looking at Americans who are now trying to refinance homes, not only to send children to school for the first time, but to buy cars, cars to take them to work to be sure that they are able to get the basic necessities.

Just a few hours ago, I stood with my colleagues about the amending of the Tax Code to allow sales tax to be deducted for States that do not have income tax. Why, because in States like Texas and Tennessee, sales tax has become onerous and burdensome for hard-working Americans who have no outlet and basically are paying very high sales tax because there is no income tax, and yet are not able to deduct it.

We should be finding ways to put income back into Americans' pockets the right way, not with 1 percent tax cuts that give to the wealthiest of Americans, but allowing overtime pay, allowing middle-class Americans not to be squeezed in a very ugly way.

I hope that this amendment is passed enthusiastically. In fact, I would be delighted if it was a bipartisan vote. These regulations are ill-considered and misdirected. They hurt the working person in America, they disrespect work, and they do not acknowledge the fact that all people want in America is an opportunity to pursue their happiness and an enhanced, positive way of life. I ask my colleagues to support this amendment unanimously.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope all of my colleagues heard the short debate over the intent of this regulation. The fact of the matter is if the Obey amendment passes, no American worker who makes over $23,600 will be entitled to overtime pay. This will be no enforcement of the regulations that the gentleman seeks to try to protect.

Under the Obey amendment, the Secretary of Labor is prohibited from protecting workers' overtime as required by her current regulations, and she will be forced to start the regulatory process over in order to develop new regulations to ensure those protections.

Under the Obey amendment, by the gentleman's own admission, the Department would have no test to administer the rules except for the salary level at $23,600. This means the Department would be prevented from looking at workers' duties to determine whether they were eligible for overtime pay. His amendment would prevent the Department from enforcing the rule with respect to any worker, even blue collar workers, who earn less than $23,600 a year. That means firefighters, teachers and nurses who make over $23,600 would have no ability to have the Department protect their overtime pay. And the enforcement for anyone earning more than $23,600 would have to be done in private lawsuits and be the biggest gift to trial lawyers that the House has considered in some time.

So the fact is that in an attempt to legislate on an appropriation bill, the gentleman's amendment would in fact eliminate the Department's ability to enforce any rules or regulations on overtime pay for anyone who makes over $23,600 per year. I do not think that the House wants to be on record in support of that.

Now, on the bigger issue under consideration here, we need to understand that for some 56 years we have had the wage-and-hour law and for the last 50 years there have been no changes to the job classifications. So American workers have no idea under the old regulations whether they were entitled to overtime pay or not, employers had a very difficult time determining whether workers were entitled to overtime pay or not, and the most serious part of the old regulations was that the Department of Labor could not determine who was entitled to overtime pay and who was not.

In 1977, the Carter administration recognized this problem and attempted to bring clarity to the wage-and-hour laws with regard to overtime pay. What happened. Congress stepped in their way. So since 1977 the picture has only gotten muddier. With job classifications and job titles changing, especially with what has happened over the last 20 years, it is time for the Department to do their work, and the Department did their work. They put out a regulation, an initial draft of a regulation, they took comments from the public, and they got 82,000 comments.

They came back some 18 months later and made serious revisions to their draft policy and put it into effect on August 23 of this year.

□ 1300

It not only guarantees those who make under $23,600 a year they have a right to overtime pay regardless of their job classification; 1.3 million workers will be covered under that part of the section. The gentleman does not touch that. But it also guarantees overtime rights for teachers, first responders, fire, police, and many other job classifications to bring real clarity to the law so both employers and employees know what their rights are under the law today.

But, unfortunately, that is not what this amendment is really about today. The gentleman's amendment, if you read it and if you look at it, would eliminate all the overtime enforcement protections from the Department of Labor for anyone who makes over $23,600 a year. I do not think the House wants to go on record in supporting the elimination of those protections from the Department of Labor, so I would ask my colleagues, as they consider this vote today, consider that these overtime protections that are in the law are there to help American workers. If you are on the side of American workers, and especially those who are entitled to overtime pay, we ought to vote against the Obey amendment and protect those rights and the enforcement of those rights by the Department of Labor.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentlewoman for yielding. I never fully appreciated until this moment the immense talent of the gentleman from Ohio, but listening to what he said, I must take my hat off to him because he certainly qualifies for the Nobel Prize for fiction. That is an amazing accomplishment in this House, given the competition for that award.

I simply want to say that if you take a look at the Congressional Research Service analysis of this amendment, they make quite clear, quote, " A review of applicable principles of administrative procedure and pertinent judicial precedents indicates that the Department of Labor would have the authority to immediately reimplement overtime compensation regulations in effect prior to August 23, 2004, upon passage of the proposed Obey-Miller rider."

That means that they can on their own volition reinstitute those rules within 1 day. To suggest that they would not do so suggests that they are patently irresponsible.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey-Miller overtime amendment, and I support it because it blocks the administration from gutting the income of working men and women, some earning as little as $23,000 a year.

My Republican colleagues continue to proclaim, and we have heard it already this morning, that they are friends to working America. However, they and this administration are, I believe, the working Americans' greatest enemy. They say one thing. They do another. They are changing overtime policies to cheat millions of workers out of overtime pay. What they ought to be doing is investing in our Nation's infrastructure, creating jobs that pay a livable wage, strengthening job opportunities here at home, stopping the incentives for outsourcing the high-paid jobs in the United States of America. But, no, they continue their attacks on American workers.

That is why we are considering a bill today that has failed to address the $265 million backlog of the Job Corps. Their facility renovations are essential to placing disadvantaged young adults into jobs.

That is why the bill before us today cuts the employment service program which is the foundation for the Nation's one-stop employment and training service delivery system.

That is why there is no increase for adult training programs or the title V community service employment program to aid low-income older workers.

One hundred million dollars is being cut for the H-1B technical skills training program, which specifically was designed to reduce the Nation's reliance on foreign workers.

Millions of dollars have been cut for activities to promote international labor standards, enhanced worker rights and combat exploitive child labor.

This President, the administration that is asking us to cut unemployment and overtime coverage for American workers, this President has lost 2.7 million manufacturing jobs since he took office. It is one thing to go to Pennsylvania and Ohio and talk about job training, but President Bush's budget, this initiative we are talking about today and this bill in particular does not support his talk.

Americans need quality jobs. They need effective job training in order for us to remain competitive in the global economy. The Bush-Cheney antiworker pattern continues with policies such as the Family Flexibility Act, which would further strip worker overtime rights. Let us not kid ourselves. This policy proposal is not about flextime for workers. It is about more flexibility for employers.

Bush also signed legislation overturning workplace safety rules to prevent ergonomic standards. The President has advocated budget cuts for job safety agencies such as OSHA and NIOSH. President Bush even went further, suspending 23 important job safety regulations. The list goes on and on. These are the people that are asking us to vote today to cut overtime pay for most of the neediest workers in this country.

Mr. Chairman, it is clear this administration values corporate profit over workers' safety. It is time that we support our workers. Vote "yes" for the Obey-Miller substitute.

Mr. BISHOP of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this past weekend we joined with our families at barbecues and picnics to celebrate Labor Day, a day where we honor the contributions of the American workforce. There was a dark cloud over this Labor Day, however, because the administration decided to celebrate workers' accomplishments by rewarding hard-working Americans with one of the largest middle-class pay cuts in history. The decision to undermine overtime pay and enact what could turn out to be the largest middle-class pay cut in history is just the latest in a relentless effort under way in Washington to disregard the economic security of millions of middle-class families.

The regulations that went into effect on August 23 suggest that there are those in Washington who believe that overtime pay is nothing more than a luxury for American workers. The truth is plain and simple. Overtime pay is not a luxury for millions of families. It is a necessity. The changes to overtime pay could seriously reduce the paychecks of over 6 million workers making between $23,600 and $100,000 annually.

For many people, overtime is the difference that pays the rent and buys the groceries. I stand in this Chamber today as a product of overtime. My father worked 80 to 90 hours a week, week in and week out, month in and month out, year in and year out, because he had five children that he wanted to send off to have an opportunity that he never had, the opportunity to go to private college. He and my mother accomplished that, and they accomplished that because of overtime. There are countless families who rely on this kind of additional compensation to meet the needs of their own families.

Some people may say that we should be comforted by the fact that these regulations will not impact workers protected by a collective bargaining agreement. I say that this reasoning is anything but comforting, and workers covered by a union contract will ultimately suffer a reduction in pay. Union contracts will need to be renegotiated, and the regulation changes will make it increasingly more difficult to negotiate fair contracts in the future as workers will now be forced to bargain for overtime protections that were once guaranteed by law.

Previously the law was clear: Those eligible for overtime got time and a half for every hour you worked over 40 hours in a single week. Now that rule has changed, and it will lower the bar for everyone. The amendment we offer today will preserve the protections for the new low-income workers who become eligible for overtime under the new rule. Our amendment will rescind the rule that takes away overtime from 6 million workers so that workers who were eligible before August 23 will once again be eligible.

Let us stop this assault on the economic well-being of middle-class families. I urge my colleagues to vote yes on the Obey-Miller amendment.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have got a great statement, but I do not have a lot of time, so I will submit it for the RECORD and just make a few observations.

First and foremost, I would ask my colleagues in the nicest possible way, we really should reject this amendment, and we should do so, frankly, in a bipartisan way. There are a number of things that are going on here, but primarily over the last few years, particularly with a lot of work by our committee, the Committee on Education and the Workforce, and the Secretary of Labor, we have tried very hard to see if we could not bring the wage and hour laws into the 21st century and especially the overtime rules which are not clear, are not simple. Generally they are rules that fatten the wallets, frankly, of our trial lawyers because so many problems have to be solved by judges and courts. That is not what labor law really ought to be about, and we worked hard on this language that is in the gentleman from Ohio's bill, which is good language, and we need to leave it alone.

I just would make four quick points about it. Not nearly enough is said in this body by people who would oppose any changes in the labor laws that 1.3 million new people will be eligible for overtime. That may not be important to anybody in here, but I guarantee you that is pretty important to the 1.3 million people out there who indeed will for the first time ever have this opportunity like so many other people in the workforce.

The second point I would make on this is that people you say that would through this language lose their overtime frankly do not get overtime now, and the reason they do not, they are eligible, but they do not get it because their employers frankly do not let them work overtime because of the time-and-a-half rule. The bottom line here, Mr. Chairman, for those people is not, frankly, whether they can get overtime or not, it is how much money they can earn. And so many more of them who, yes, maybe they cannot get overtime now, but they can make more money. The bottom line is greater for them because so many of them are working on commissions, so many of them are in a position that if they need more and want to work 48 hours, they can make a lot more in these particular kinds of jobs by being allowed to work 48 hours rather than 40.

Thirdly, our outdated laws are confusing. There is no question to anybody, and there are a lot of lawyers in here who absolutely understand that better than I do, but as many cases that have to go to court, clearly they are outdated, they are dying of old age, they are not ready for the 21st century, and we simply need to do more than we are doing now, but at least this is a step in the right direction.

Lastly, I would say that over the years, Mr. Chairman, the loudest people who have been against making any of these changes, interestingly enough to me, I have observed, are people that this really does not affect directly. The labor bosses in this Nation represent 10 percent of the workforce, but there are a lot of people in America, in fact 90 percent of working Americans, that are not in labor unions, do not wish to be in labor unions, and wish to have this law changed. Yet the labor unions, that is who is opposing this, that and the trial lawyers, and the labor unions simply will not explain, I guess, to the American people this really does not so much affect their members, it affects everybody else that is working out there. And I am pretty concerned about that. Labor law should not be written by those people who represent 10 percent of the workforce, and that is what they try to do.

I do not even know for sure if they would be against these changes. Since so many new people get overtime, so many more people will actually make more money. I think it is probably all about, well, you can't possibly have a labor law that we didn't write, and since we didn't write this one, nobody else can have a good idea, let's be against it. That is probably in as simple a form as I can put it what is going on here.

I encourage my colleagues to vote down this amendment, which I feel pretty comfortable that they will. We need to move forward and allow the workforce of this country to be able to benefit from the changes that we are going to make. I know we are in an election year, and I know we have got to do all that, but at the end of the day, this needs to go forward, and you can use your election year politics and let us get this bill out of here and pass it.

Mr. Chairman, I cannot recall how many times I have been forced to rise in opposition to this amendment, or other amendment like it that will prevent the Secretary of Labor from implementing and administrating commonsense regulations that will provide additional overtime protection to millions of this country's lower income workers. After all this time, I have just simply lost count.

But one thing is for certain, Mr. Chairman, I rise today with the same emphatic opposition to this politically motivated, short-sighted and dangerous amendment as the day it first appeared before the House a little less than 1 year ago this day.

Mr. Chairman, the final overtime regulation that this shameful amendment seeks to overturn will guarantee overtime security for 6.7 million working Americans, including 1.3 million new workers. For the first time, any worker making less than $23,660 per year is entitled to overtime.

The final rule also strengthens overtime protections for police officers, fire fighters, paramedics, EMTs, first responders, and licensed practical nurses. And importantly, the final rule makes if perfectly clear that no blue-collar or union worker will lose his overtime protection.

These, Mr. Chairman, are the facts.

But sadly, I fear that by pursuing this gimmicky legislative roadblock to an important reform, my colleagues on the other side of the aisle are not really interested in the facts. Instead, as November rapidly approaches and the campaign season looms, I once again smell the foul odor of trial lawyer cronies and big labor bosses who seek another dime in the pocket and another union member on the rolls.

Mr. Chairman, we all know that there are simply no legitimate arguments that substantially support the goals of this amendment. In fact, when you peel through the onion of trumped up charges and "sky-is-falling" rhetoric, all you are left with are unsubstantiated talking points written by big labor bosses and their trial lawyer buddies that do not benefit workers.

Mr. Chairman, I support these regulations, as I have for the past 2 years, and believe that Secretary Elaine Chao should be commended for responding to the needs of the 21st century worker. After all, how can a largely unaltered regulatory act written in post-Depression America possibly represent the best interests of a rapidly evolving and technologically advanced workforce?

Mr. Chairman, I want to tell you, my fellow colleagues and the American people that it simply cannot.

I said it last year and I will say it once again: This amendment will only worsen the confusion of current wage and hour laws by attempting to "freeze" in place the old complicated and outdated system.

Worse still, Mr. Chairman, it will reverse the progress we have already made. Since August 23 alone, when the regulations finally went into effect, American businesses have begun to implement the final rules directed by the Secretary by expanding overtime security to thousands of new workers. Now is not the time to slow this progress down. Instead, Mr. Chairman, it is time to move on and allow the administration's final rule to be fully implemented for the benefit of the American worker.

I urge all of my colleagues, no matter what side of the aisle you sit on, to say "yes" to the American worker and "no" to the big labor bosses and trial lawyers. I urge you to vote against the Obey amendment.

□ 1315

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the American public would find it highly unbelievable that if, in fact, the rules proposed by the administration did all the things that are purported, that the advocates for working people and the advocates for families would oppose it. In fact, it is a rule that does not do the things that are professed here; and that is why advocates for families, for working people oppose them in such a loud and clear way.

The first rule ought to be do no harm when we are talking about amending rules. And the amendment that the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. GEORGE MILLER) have here sticks to that creed. The administration's rules, on the other hand, are so ambiguous that the Department of Labor and potentially aggrieved workers will at best be involved in litigation from now to the end of time. At worst they are going to be interpreted to prevent possibly 6 million people from becoming eligible for overtime that are currently eligible under the existing rules.

The administration has had every opportunity to work into a rule that would be agreeable and understandable by everyone. The proper way to do that, of course, would have been to work with both Democrats and Republicans in the House, to go through the committee hearing process, to have a debate and deliberation, and to vote and to clarify those rules. That has not been the effort that has been taken here. Continually, the administration throws out their rules, gets feedback, and then tries to throw them out again, and this time, despite the numerous people that have objected to these rules, saying that the interpretations are inappropriate, are trying to plow this thing through. We can see that not only Democrats are objecting but a number of Republicans are; otherwise we would not have had to postpone last night's session until today so that some arms could be twisted on this measure.

What are Americans to believe of this administration other than it desires to deprive workers of overtime and allow employers to demand and get longer hours without more pay for workers and to work employees more instead of hiring additional workers? This, as our economy is being decimated by economic policies for rich millionaires, that are doing little, if anything, for the middle class and people that aspire to enter the middle class; 1.8 million jobs fewer today than we had in 2000; wages from last August to this August rising only 1.9 percent while the cost of living is up over 3.2 percent.

It is a squeeze. Essentially, wages are flat but tuition bills continue to rise, and our colleagues on the Republican side and the administration will not increase Pell grants, will not increase work study funds, are cutting Perkins loans funds so families are getting no help there. Health care premiums are rising. Employers are insisting that more and more employees pay a higher percentage of the premiums, more copays, and more deductibles. Gas prices are up. Food and milk and other prices are up.

All of this, while in my State, Mr. Chairman, in Massachusetts 86 percent of the taxpayers in 2006 will get less than $100 from the 2003 Bush tax cuts. So they are not getting any help from the tax cuts, and they are getting the squeeze from rising prices, and wages are stagnant. And now the administration proposes a plan, which, at best, is ambiguous and leaves people in confusion and in a state of litigation and, at worst, deprives almost 6 million people of overtime. The 40-hour rule is so that families can spend some time together and, when they cannot, that at least they get compensated so that they can pay some of the families' obligations and bills.

Some low-income workers will actually become eligible for overtime pay under the new rule, and that is a good thing and that is why the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California's (Mr. GEORGE MILLER) amendment does not affect that. It allows that to go into place. And we want those people to become eligible, and we would do that.

The other factor is that for years it has been pretty easy and pretty clear to determine who was eligible for overtime pay and who was not. If one was eligible, they got paid time and a half for every hour they worked more than 40 hours a week. People should know that workers who stand to lose their overtime pay because of these new rules include foremen, assistant managers, registered nurses, workers who perform relatively small amounts of supervisory or administrative work, salespeople who perform some amount of work outside the office, chefs, nursery school teachers, workers in the financial services industry, insurance claims adjusters, journalists, funeral directors and embalmers, law enforcement officers, athletic trainers, and others from all different parts of the workforce.

I have listened to the gentleman from Ohio. I wish he were still in the room here. And the fact is that what he says about there being no law going into effect, I think, has been soundly defeated by the comments from the Congressional Research Service and the gentleman from Wisconsin (Mr. OBEY). The fact of the matter is that if they had the facts, they would argue the facts, and they do not. If they had the law, they would argue the law, and they do not. So obfuscation is the rule of the day, and that attempt has now been put to rest. The people that the new rule would help, this amendment allows it to help. The people that it would harm and the confusion there is, is set aside by this amendment. So the only true course and the fair course to take at this point in time is to bring us all back to the House to set a good set of rules that protect the American worker and try to help out in this economy when things are so difficult and people are experiencing a squeeze.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Obey-Miller amendment. For 70 years, overtime pay has meant time and a half in this country. It has allowed the employee some flexibility to make some extra cash to put a roof over their family's heads, to buy groceries, to pay their medical bills. And without overtime, countless Americans, including some police officers, firefighters, nurses, EMTs, would be forced to take a second job to make up for the lost earnings, meaning more time away from their families and higher child care costs.

Absent this amendment, 6 million workers, some earning as little as $23,660, will lose their right to overtime pay. I might just add at this moment this is pretty much in keeping with what this administration is about when they have denied the child tax credit to those families that make from $10,500 to $26,500. So they are in keeping with trying to continually put people who are making these wages in a very difficult economic position. The rule changes that we are talking about here that went into effect in August are designed to give companies the authority to withhold rightfully earned pay by their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

This paves the way for mandatory overtime, this at a time when we have more than 8 million Americans out of work, when income is declining, poverty is increasing, and 45 million Americans are without health insurance. This is an administration who says, with 8 million people out of work that they will not extend unemployment benefits. Historically, on a bipartisan basis when we have experienced significant unemployment in the United States, we have extended those benefits. But in talking some to folks at the Department of Labor, they have said that the reason why they will not extend those benefits is because if we do it, these workers will not go out and look for a job. It gives us some idea of what kind of an opinion and view that this administration has for those who work for a living. Would that they would walk in the shoes of working men and women in this great country of ours.

To those who would argue that these rules expand overtime protections, I point them to a report by three of the highest-ranking career Department of Labor officials in the Reagan, Bush, and Clinton administrations, which found that all but one of these changes to the overtime rules take away workers' overtime rights.

Mr. Chairman, this is a matter of values, of our country's longstanding contract with working people that says hard work deserves to be rewarded. That is bedrock, that is what this Nation is built on, and yet this is an administration that will reward wealth but not work. That is what the Bush economy is all about. And these hard workers need to be rewarded especially when that work is above and beyond the call of duty after normal working hours.

That contract must be honored, and I urge my colleagues to support the Obey-Miller amendment.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for over half a century, the rules governing overtime pay eligibility have been pretty clear, and eligible employees are paid time and a half for every hour of work more than 40 hours in a single week. This, in fact, is a landmark in modern economic history.

I ask my colleagues to support the Obey amendment to stop the rollback of these rules, to stop these rules that would hurt American workers and their families. Make no mistake about it, this anti-overtime rule is a major step backward in the fight to reward work. I consider it an attack on the middle class that will lead to greater economic inequality.

Families all across America in all sorts of job categories depend on overtime pay to make ends meet. The families that will lose overtime protection will find that they have to work longer hours for significantly less money. Overtime pay accounts for approximately a quarter of the income, more than $8,000 a year for families who earned overtime in 2000. As the pool of workers who are exempt from overtime is expanded, those workers who are not directly affected by the regulation will lose income as their opportunity to work overtime is diminished. This is consistent with what the majority has been doing in so many other areas, pushing compensatory time instead of pay, refusing to implement a living wage, and failing to extend unemployment benefits. They will say they are being compassionate, that, by their way of thinking, paying the workers less will make it easier for the employers to hire more workers and therefore more people will be paid.

This is bogus economics. This was debunked a century ago when it was shown that Henry Ford, by paying his workers more, he actually raised the economic activity. Claiming that lowering wages will somehow help working families ignores a century of economic understanding. It is a shame that at the same time the majority leadership is proposing to eliminate overtime pay for millions of workers, they are enacting huge tax breaks for the wealthiest 1% of Americans. Both proposals hurt hard-working middle class families.

Let me tell my colleagues, if we take away this overtime pay, these families will again be given the short shrift.

I urge my colleagues to support the Obey amendment.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I found it very interesting that one of my colleagues earlier from the Republican side said this is about election-year politics and that is why we are doing it. Okay. Let us talk about election-year politics. In an election year, the American people get to evaluate what the current administration, the Bush administration, has been doing and ask the fundamental question: Are you better off today than you were 4 years ago? For millions of Americans, the answer is clearly no.

Under the Bush administration's leadership, our country has lost 1.7 million jobs. Wages have not kept pace with inflation. The new jobs that are being created, and there are only a few of those, do not pay as much as the jobs that are being lost to outsourcing, and the number of jobs being created does not even keep pace with the number of people who are entering the workforce.

The Census Bureau reported that the median household income has dropped over $1,500 in real terms since President Bush took office, while the number of persons living in poverty and without health insurance increased for the third straight year to 45 million people. So, yes, this is an election year, and certainly this is a time to talk about the economy in terms of the lives of the American citizens.

This administration, to add insult to injury, now brings before us a proposal which would cut 6 million people from earning overtime. I think that is offensive. They will say that it will add more people. That is fine, and Democrats are happy to support any addition to the people who are eligible to earn overtime, but the question before us today, the question that is at the heart of the Obey-Miller amendment, is whether or not we ought to keep in place language from this administration that would cut 6 million people off the overtime list, keep them from earning critical overtime.

□ 1330

Let us see who we are talking about in this election year. Workers who are likely to see their pay cut by virtue of not being able to earn overtime include 2.3 million team leaders; almost 2 million low-level supervisors; hundreds of thousands of loan officers and other financial service employees; more than 1 million employees who lack college or graduate degrees or who may now be considered artistic professionals; 90,000 computer employees, film directors and embalmers; and more than 30,000 nursery school and Head Start teachers across the country.

In other words, this administration and my Republican colleagues through this measure to cut overtime are basically striking at the heart of the American middle class, and that is simply not right.

We are saying with the Obey-Miller amendment that, yes, we want to add people, and that part of your bill is fine, but, no, we do not want to take people off the overtime rolls; we want them still to be able to earn overtime and still be part of the middle class.

In fact, a quarter of the income earned by people who earned overtime last year was from that very overtime. In other words, it is overtime that is keeping a lot of Americans in the middle class. So when you cut overtime, you are cutting people out of the middle class; you are cutting people out of the American dream. We can and should do better. I urge support for the Obey-Miller amendment to restore overtime eligibility to 6 million hardworking Americans in the American middle class.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join my colleagues today who have expressed outrage at the fact that these overtime regulations have been changed such that workers in this country who work overtime are not compensated for that time that they are working.

Millions of American workers count on this overtime pay as part of their basic income. They do not simply make it in this country based upon the 40 hour week and the money that they make then. They make ends meet because they are able to add the time and a half that comes from them having to work overtime.

Now, let us take this in this context. I often hear friends tell me, it could not be. No one would do that, not anybody that wants to grow this economy.

Well, I have to say to them, in fact, it is true. The Republican majority is taking away overtime pay from working Americans while they are giving the richest of Americans huge, huge tax breaks; tax breaks on capital gains, on estate taxes and dividend taxes. Well, how could this be? The idea is maybe if we give people with $1 million or more of income a year, we are giving them $100,000 in tax cuts, that will grow our economy.

What I find so interesting is when Republicans talk about tax cuts, they never seem to mention that the sales taxes are going up, they never seem to mention that the property taxes are going up, they never seem to talk about cutting taxes on income for those on unemployment insurance.

Yes, Mr. Chairman, unemployment insurance is taxed, but you never hear about Republicans cutting those taxes, do you?

Mr. Chairman, I have found this a very interesting few years that I have been in the Congress. I have seen proposals to make Medicaid a block grant, so that entitlements are written at the State level, not the national level, so that people's health care will be determined on where they live in this country, not based upon whether they are in need.

I have seen all kinds of proposals on labor law, just as there is in this case, where workers are being punished for joining unions. I have seen where there are bills like the TEAM Act, which essentially decides what the manager is doing when they choose who they are going to negotiate with. That is their idea of TEAM Act: workers will be without a voice.

Then I see other bills, like OSHA reform, another "sounds good" reform, except you find out that really it is a voluntary program. No one will even know whether an employer will comply with it or not; and, hence, we have something that takes away from the protection and safety of workers on the job.

And in just this last budget, Mr. Chairman, we saw the President of the United States cut, cut the money for inspection of child labor. Get that. This Republican budget cut the inspection for companies around the world that may be using children in the course of their labor.

So it is interesting, because many people think we have left those days well behind us when there was child labor. Maybe we left those days long behind us where workers did not have a pension. Maybe we left those days behind us where workers could not have a 40-hour workweek and work overtime and be compensated time and a half. Maybe they think all of these things are back in the thirties or forties or maybe fifties.

What I am here to say is my experience being in a Republican-led Congress the last 10 years that I have been in the House of Representatives has led me to believe that the same battles for economic justice that people were fighting for over a generation ago are the same battles that we are having to fight all over again in the 2004.

This is what we are dealing with, my friends; and this, my friends, is the reason why we need to make a choice in this next campaign as to who we want leading our country. This is a perfect example of the fact that elections have consequences. If you vote for Republicans, you are voting to eliminate time and a half for workers who work more than 40 hours a week. If you vote for Republicans, you are voting to eliminate the entitlement for Medicaid. If you vote for Republicans, you are voting to roll back in this country all of the progressive legislation that has been put forth that protects our workers in this country.

Let us support the Obey-Miller substitute.

Mr. McKEON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong opposition to the Obey amendment because it will preclude anyone making over $20,000 a year from overtime.

I rise today in strong support for the Department of Labor's new 541 "white collar" overtime regulations. These updated rules, which have not been touched in over 50 years, will allow millions of American workers, who previously did not receive overtime, to obtain the overtime wages they deserve.

Under the former outdated rules, an individual earning as little as $8,060 a year could be classified as a "white collar" employee, therefore being exempt from overtime pay.

The final rule guarantees that any worker making less than $23,660 per year is entitled to overtime, which should provide an additional 1.3 million more Americans with overtime pay and strengthen existing protections for another 5.4 million salaried workers.

The final rule explicitly grants overtime protections for police officers, fire fighters, paramedics, EMTs, first responders and licensed practical nurses. These people put their lives on the line every day and should be properly compensated for making our lives and our country a safer and better place.

But the final rule does not stop there. It also clarifies that a veteran's status will not affect overtime pay and removes the reference to "training in the armed forces" that had been proposed in the earlier regulations and improperly exempted some veterans.

To close, I would like to extend my appreciation to Secretary Chao and the Department staff for their tireless efforts on behalf of America's workforce to ensure that all workers receive the overtime pay they have rightfully earned.

I urge my colleagues to vote "no" on the Obey Amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. McKEON. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Members should understand that the new rules that went into effect on August 23, in my opinion, will guarantee more overtime for more American workers than the rules that were in effect prior to that. It is because we guarantee anyone making up to $23,660 overtime regardless of what their position is, where it was only $8,060 before that. I think the clarity that comes with these new rules will help better protect the American workers.

I just received a letter from the U.S. Department of Labor, the Solicitor's Office. Let me quote in part:

"The Department of Labor has carefully reviewed this proposed amendment and analyzed its legal and practical effect. The proposed funding amendment will not repeal the new regulation that went into effect on August 23, 2004—employers will continue to determine an employee's eligibility for overtime according to the new tests. Rather, as we explain below, the amendment will essentially serve only to prevent the Department from using its enforcement resources to protect the overtime rights of any employee who earnings $455 or more per week."

Going on further in the letter they say: "Although we have not been able to obtain a copy, we understand that the Congressional Research Service provided an opinion in August that the funding rider would 'require' DOL to 'immediately rescind' the final rule. This claim is contrary to settled case law, the APA, and, most importantly, the plain language of the proposed amendment. The proposed amendment only restricts the Department's ability to spend funds to enforce the new, stronger overtime protections, but does not affect the validity of the rule and has no impact on private enforcement of the new regulations under section 16(b) of the Fair Labor Standards Act. Simply put, the amendment would not require the Department to take any action to repeal the new rules, and the Department will not repeal the final rule—because to do so would deprive workers of the new, stronger overtime protections."

Continuing: "Because the amendment essentially restricts the use of funds to implement or administer the new regulations, the proposed amendment would prevent the Department from conducting investigations or enforcing any of the provisions of the new regulations except those at 29 C.F.R.

541.600. The proposed funding restrictions will also preclude the Department of Labor from providing any information or assistance to employees or employers as to the new overtime rules. As an example, we will be powerless to bring an enforcement action on behalf of a licensed practical nurse making $460 a week who claims that he or she was not paid for substantial amounts of overtime worked after August 23, 2004.

"Even if the Department were prohibited from enforcing the new regulations, the Department would still have no legal authority to enforce the old rules because the old regulations were superseded as of August 23, and, thus, are no longer in effect."

The point here is that the last two times this amendment has been on the floor, existing regulations were in place, but when the new rules went in place the old regulations went out of existence, and if the Obey amendment were in fact to pass today, we would essentially strip the Department of Labor's ability to enforce the new regulations and to protect the overtime rights of American men and women. I do not think that is what we want to do.

So I would urge my colleagues to vote "no" on the Obey amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have just seen the last desperate attempt by the Department of Labor to hold on to its outrageous regulations to take away overtime from 6 million hard-working Americans; 6 million Americans that use overtime to maintain their status in the middle class; 6 million Americans that use overtime to pay for their children's education, to qualify for their home, to make their car payments; 6 million Americans that hate overtime on Thursday and Friday night and over the weekend, but they love it at the end of the year when it is in their W-2 form.

It makes up a considerable amount of their yearly income. For those who receive overtime, it is as high as 20 to 25 percent of their income throughout the year. This is how they maintain their standard of living, by working overtime.

And what is overtime? It is the premium time you get paid because you were asked to work beyond your 40 hours. You get a premium because you have to go out and rearrange your child care arrangements, you have to change your doctor appointments, you have to limit your ability to see your children and participate in their school events or sporting activities. Because it imposes a burden on the worker and it gives a benefit to the employer, that is why it is premium time.

What does the Department of Labor do, what does the Bush administration do, and what is this Republican Congress trying to do? They are saying to the American worker, you are going to work the hours; you are just not going to get the pay.

This is the largest government-imposed pay cut in the history of this country, the largest government-imposed pay cut in the history of this country, when American workers are threatened by the outsourcing of their jobs, instability in the workplace, a struggling economy, their pensions are under assault, their companies are threatening to go to bankruptcy court to get rid of their health care, to get rid of their pensions, to undermine their wages, to take away their union contract, if they have one. And what is the Bush administration's response to this? To cut their overtime.

What is it that the middle class in America did that so enraged the Bush administration that they have an all-out attack on middle-class families, hard-working families in this country? What is it that the middle class did to anger them that they would undermine their pensions? What is it that the middle class did to anger them that they would try to take away their ability to control their workplace and the hours they work, to take away their overtime pay, to try to get rid of their ability to organize?

□ 1345

It is the middle class that built this country. They built the great institutions of this country. They built the great structures of this country. They built our cities. They built our colleges. They built our universities. It is the middle class that we hold up to the rest of the world and say, if you have a large middle class, you can have a great democracy, if people truly believe that they are getting the chance to participate and to better the future of their children and to better their lot in life.

Now, all of a sudden, along comes the Bush administration, and they think the middle class is the enemy. They have been waging a campaign for 4 years against the middle class Americans and their standard of living. They have dramatically increased the debt that they are going to have to pay back to the government. They have dramatically underfunded the capabilities of Medicare and Social Security that the middle class is going to rely on for health care and for retirement. But I guess maybe the Bush administration, with their trust funds and their money and their oil companies, they do not understand that. They have never shared those burdens of the middle class.

So what we just saw here was the last attempt by the Solicitor in the Department of Labor, who has had to rewrite these regulations several times because they have never been able to get them right, because they have uncovered so many people they said were not uncovered, and they did not cover people they said were covered; but now that same Solicitor comes out and tries to tell us that if the Congress tampers with this, somehow it will undermine the rights of working people to get overtime.

Well, that is a Republican Solicitor working for the Republican Department of Labor, who is working for the Republican Secretary of Labor, who is working for the Republican President. But if you go to CRS, which is nonpartisan, they simply say, we all understand this, we have seen these riders before. This tells you to go back to the regulations and reimplement the regulations that were in effect on July 14, 2004. That is the plain reading of this act, and Congress has done this many times.

So if you vote for this, what you will be doing is saving millions of people their right to overtime for the work that they provide. Millions of people who, if you do not vote for this, working foremen, working supervisors, assistant managers, team leaders, registered nurses, workers who perform a relatively small amount of supervisory amount of administrative work, they are going to take away your overtime if you tell somebody to stand over there or move or there.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, they are going to take away your overtime if you are a chef or a nursery school teacher. No matter how low your pay, they are going to take away your overtime. Workers in the financial services industries, the insurance claims adjusters, journalists; hello, journalists, you are about to lose your overtime.

What is it you guys have against these hard-working Americans that you are going to rip them off this pay that they are entitled to?

Well, let us understand. Let us understand what it is about. Let us understand that these are people who work hard and rely on this, and this Congress, this Congress should not be the handmaiden of this activity. And if this amendment prevails, if the Obey-Miller amendment prevails, these workers will have another chance at holding onto that pay for their work that is so terribly important to them.

I would hope that we would reject all of the scare tactics, we would reject the Solicitor that has not gotten it right yet, and we would reject the Department of Labor.

Remember the Department of Labor when they issued these regulations, they said none of these people are affected? Then Senator JUDD GREGG ran around and created an amendment and entered 50 categories of people that he wanted to exempt from the people that the Department of Labor said were not impacted. That is what the Republicans' response was in the Senate. They immediately exempted 50 professions because they were terrified that the regulations were wrong, and the regulations, in fact, turned out to be wrong. They said they did not cover fire and policemen, and then they had to cut a side deal with firemen and policemen because they were wrong.

So let us not trust the Solicitor of the Department of Labor. Let us go with what CRS says. This is what the Congress has done, and we do this every appropriations season on riders. This is a rider to protect the American wage-earner in this country, and I hope that we will pass it.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, well, we are getting down to a close on this, and I think the fact that most of our speakers have been from the Committee on Education and Workforce illustrates the fact that this is a legislative issue that ought to be debated and dealt with there, but, in reality, it is before us.

But I want to just simply point out a few facts, and I hope that those of our colleagues who are listening will keep this in mind. That is that in the opinion of the Solicitor from the Department of Labor, if we pass this amendment, it will preclude the Department of Labor from enforcing regulations. That means that every employee that wants to get overtime will have to do it on their own. It would be a bonanza for the legal profession, because they would be filing lawsuit after lawsuit to claim their overtime, alleged overtime, rights. So that is fact number 1.

Fact number 2, the allegation is that we would go back to the old regulations, but the truth of the matter is, they are gone. Therefore, the Obey amendment covers those people under $23,600. But anyone over that amount, which is about 34 million workers, would have no coverage. Now, they can say, oh, yes, the old regulations would be put in place, and even if the Secretary of Labor were to attempt to do that, it would be subject to the rulemaking requirements, the rulemaking process, because the law requires that. And it took 2 years to do the new regulations, and, therefore, it would take at least 2 years to put back in place the old regulations.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say, I understand the gentleman is trying to make a point, but the fact is, as the sponsor of the amendment, I will state categorically that legally the administration has the authority to reimpose those regulations within 1 day. And to suggest that they would not and leave the case that the gentleman is talking about is to suggest that they are even more irresponsible than I think they are.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think that is an opinion that would be subject to legal action. But I think, in my judgment, as I understand this, once the new regulations were put in place, the old ones are gone, and, therefore, to put the old ones back in place will require a new round of the rulemaking process. So you have employees over $23,600 who are without coverage for a period of 2 years. They would have to try to enforce whatever might be perceived as overtime.

Would the gentleman from Wisconsin admit that he precludes the Department of Labor from enforcing these regulations, but that does not mean that they will, and they may do nothing, if the Obey amendment passes?

Mr. OBEY. Mr. Chairman, if the gentleman will yield, the CRS memo states that the general rule requiring publication of a final rule not less than 30 days before its effective date may likewise be voided "as otherwise provided by the agency for good cause found and published with the rule."

That means that they can reinstitute those rules on their own volition in 1 day.

I thank the gentleman.

Mr. REGULA. That is the CRS's opinion, and we would have to clarify that.

I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I think it is pretty clear in the Solicitor's letter from the Department of Labor that they do not share the opinion of the Congressional Research Service. The fact of the matter is that even if they did, the gentleman's amendment, the Obey amendment, would preclude, would preclude the Department of Labor from advising employees, advising employers, and enforcing the law for anyone who makes over $23,660 per year. It would preclude that action and that help for 1 year, under the gentleman's amendment.

I do not think we want to eliminate these protections and the enforcement of these protections by the Department of Labor.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think the gentleman makes the point very clear.

I would say to my colleagues, when you vote on this, keep in mind that you are putting 34 million workers at risk who may end up with no coverage for as much as 2 years under the requirement of the rulemaking process to put anything back in place for these rules.

I want to make one other point, and that is that it has been raised that we had a motion to instruct. Keep in mind that when the motion to instruct, when many Members voted for it was when the old rules were still in place, and the motion to instruct would have allowed, had it actually been consummated, would have allowed the old rules to be enforced, but they are gone. They are gone. Therefore, there would not be anything out there if we take away the Department's authority, which is being proposed by this amendment.

So I have to reiterate that we are running a great risk that in passing this amendment, if it were to become law, that 34 million workers will be on their own.

Let me make a couple of other points, and that is, under the proposal of the Department of Labor, contracts can cover any matters of overtime rules. They can be put into union contracts, and it would supersede any departmental regulations. So any way we look at it, we are not doing people a favor by voting for this. I think, in fact, we are putting their overtime very much in jeopardy, and I hope my colleagues will consider that as they vote on this issue and on this proposed amendment.

Mr. GREEN of Texas. Mr. Chairman and Members, I'd like to thank my colleague, Mr. OBEY for offering this amendment.

The Department of Labor has implemented new overtime regulations that my colleagues on the other side of the aisle claim will bring 1.3 million new people into overtime eligibility. However, other independent studies such as the one by The Economic Policy Institute report that at least 6 million will lose their overtime rights under this rule. Also, this analysis projects that only 400,000 low-income workers will now qualify for overtime pay. Not the 1.3 million claimed by the Administration.

Yesterday, leadership refused to debate this amendment because several of their colleagues would have voted for this amendment. This only indicates that both Republicans and Democrats know that passing this amendment is the right thing to do.

My home state of Texas has an unemployment rate higher than the national average and that's true for the City of Houston as well. Many of my constituents rely on what they make in overtime pay to keep the lights on in their homes. I think it's time we start thinking about our most important resource in this country: the American Worker, and vote "yes" to this amendment.

Mr. OWENS. Mr. Chairman, I rise in strong support of this amendment to restore overtime pay to millions of hard-working Americans, as proposed by my distinguished colleague from Wisconsin. I ask that my entire statement be printed in the RECORD and request permission to revise and extend my remarks.

Just 3 days ago this Nation celebrated Labor Day, honoring the millions of hard-working Americans we all depend upon to build and repair our homes, fix our cars, install neighborhood street lights, stock supermarket shelves, teach our preschoolers, care for elderly relatives, provide nursing care when we need it, prepare restaurant meals, report the local news, and patrol the streets to keep communities safe. By taking on such jobs, these workers keep America running. Yet these are they very same workers that the Bush Administration has now stripped of any right to overtime pay.

When the Department of Labor's final rule on overtime went into effect on August 23rd, some 6,000,000 American workers lost a right that had been guaranteed for more than 65 years under the Fair Labor Standards Act. That right is simple and straightforward. It guarantees that workers required to work overtime will get paid for those extra hours of work.

This simple right used to ensure that policemen and women, registered nurses, chefs, team leaders on construction sites, assistant managers in fast food restaurants, nursery school teachers, grocery clerks, car mechanics at the local dealership, and countless others were treated fairly. When their employers required them to work overtime, they were paid for that work. That is only fair and fairness used to be the American way.

But the Bush Administration and the Republican leadership in Congress have decided that fairness doesn't apply any more to these American workers. They have come up with a new scheme, which meets Webster's Dictionary definition of servitude. Under Republican management, employers can require these same employees to work as many hours over a standard 40 hour work week as they say, without paying the workers an extra dime.

What makes this Bush and Republican-backed scheme even worse is that it has no expiration date. Under seventeenth and eighteenth century indentured servitude, there was an end in sight. Once you paid off your indentureship, you were free and clear. Under the Bush Administration's final overtime regulations, if you fit the category your employer can continue to require you to work overtime without pay for as far into the future as anyone can see. This kind of exploitation is blatantly un-American.

The amendment of my colleague from Wisconsin would overturn this un-American servitude scheme by rescinding the Bush Administration's harmful changes in overtime eligibility. At the same time, this amendment would require enforcement of the one noncontroversial provision in the final rule. This minor salary adjustment would ensure immediate expansion of overtime coverage.

Again, I strongly support this amendment to restore workers' overtime rights and return us to the 21st century norms of American fairness.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McKEON) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5006, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. REGULA. Mr. Speaker, in the interests of expediting the rest of the afternoon and getting people out at a reasonable time, I ask unanimous consent that during further consideration of H.R. 5006 in the Committee of the Whole, pursuant to House Resolution 754, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 2;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER regarding NIMH gants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

An amendment by Mrs. WILSON of New Mexico regarding Head Start;

An amendment by Mr. KING of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act;

An amendment by Mr. JOHN regarding mosquito control;

An amendment by Mr. KILDEE regarding education funding, which shall be debatable for 20 minutes; and

An amendment by Ms. BORDALLO regarding Medicaid funding.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

□ 1400

The SPEAKER pro tempore (Mr. McKEON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1400

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) had been postponed and the bill was open from page 104, line 1, through page 105, line 16.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 3;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER, regarding NIMH grants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;.

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

An amendment by Mrs. WILSON of New Mexico regarding Head Start;

An amendment by Mr. KING of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act;

An amendment by Mr. JOHN regarding mosquito control;

An amendment by Mr. KILDEE regarding education funding, which shall be debatable for 20 minutes; and

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Each amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

AMENDMENT NO. 6 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HAYWORTH:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment, and I would ask the gentleman from Ohio if he intends to claim the time in opposition to the amendment. If he does not, then I would like to claim the time.

Mr. REGULA. No, I am not. I am going to support the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order.

The gentleman from Arizona (Mr. HAYWORTH) is recognized for 15 minutes on his amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in May of 2004, the National Labor Relations Board overturned 30 years of its own precedent and ruled that it has jurisdiction over tribal government enterprises located on tribes' own sovereign lands. Where tribal law has governed relations between tribes and their employees, the National Labor Relations Board seeks to replace that law with its regulatory authority in this area. This decision by the NLRB is a frontal assault on tribal sovereign rights.

The National Labor Relations Act expressly exempts States, cities, and local governments from its coverage; and the NLRB has ruled that territorial governments, such as Puerto Rico and Guam, are also exempt from its jurisdiction. But the National Labor Relations Board incorrectly decided that it should exercise its own jurisdiction over tribal governments on their own lands. If this unfair decision stands, the only governments that will be subject to NLRB jurisdiction will be tribal governments.

There is a basic misunderstanding here, Mr. Chairman. The NLRB misunderstands that tribal governments, like State governments, rely upon government-owned enterprises to generate revenue to support governmental purposes, such as reservation law enforcement and fire services, and programs for the health, education and welfare benefit of tribal members. Consistent with the policy behind the NLRA exemptions for governments, private parties such as labor unions should not be able to hold government-owned enterprises hostage where disagreements arise.

Ironically, the NLRB specifically ruled against the San Manuel Band of Mission Indians, a tribe based in Southern California, that has enacted into its tribal law a tribal labor relations ordinance with greater, let me repeat this, with greater labor union rights than the National Labor Relations Act. In fact, the tribe has a collective bargaining agreement with the Communication Workers of America. The heavy-handed, activist NLRB overlaid an incompatible legal regime where a tribal one, agreed to on a government-to-government basis with the State of California, was in place and was, in fact, working. Now, San Manuel and other tribes have conflicting laws and great uncertainty about which law applies.

I strongly support the tribes in their efforts to protect their sovereign rights. Congress should reaffirm these rights and make clear that tribes are exempt from the NLRA, which was the view of the National Labor Relations Board until this misguided decision was promulgated.

There are certainly sound policy reasons for such a fix. Tribes are sovereign governments that exercise jurisdiction over their own territory. Although some Federal laws compel tribes to deal with other sovereigns, such as States, on a government-to-government basis, this NLRB decision would force tribes to deal with private entities, labor unions, for the first time, contrary to long-established Federal Indian policy.

But until Congress can consider a permanent solution to this problem, this amendment, Mr. Chairman, would have the effect of calling a temporary time out to allow this body to more thoroughly consider a more substantive solution, to avoid additional confusion among the tribes and to limit unnecessary conflict between tribes and labor unions.

Mr. Chairman, this amendment enjoys broad-based support from across the width and breadth of Indian Country. The National Congress of American Indians, the oldest and largest intertribal organization in the United States, and the National Indian Gaming Association strongly support this amendment. The San Manuel Band of Mission Indians, along with many other tribes, also have weighed in with strong support for this amendment.

Mr. Chairman, this is a question of sovereignty. We dare not equivocate nor abdicate the role of Congress in dealing with government-to-government relationships and the sovereignty that tribes enjoy. Accordingly, Mr. Chairman, I would urge all to vote in favor of this amendment because it is a vote that supports sovereignty for Indian nations and a vote for the fundamental rights of the first Americans to maintain their status of sovereignty and their rights as sovereign governments.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) seek to control the time in opposition?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 15 minutes.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. KILDEE).

ranking member on the subcommittee with jurisdiction.

Mr. KILDEE. Mr. Chairman, as a Member with a lifelong and established record of being an advocate for protecting the sovereign rights of Indian tribes, I rise in opposition to this amendment.

Since first becoming aware of the unfavorable administrative ruling of the National Labor Relations Board that determined it has jurisdiction to regulate the labor practices of on-reservation tribal enterprises under the National Labor Relations Act, I, along with my Democratic colleagues, the gentlewoman from California (Minority Leader PELOSI), the gentleman from California (Mr. GEORGE MILLER), the gentleman from West Virginia (Mr. RAHALL), and others have been participating in ongoing, sincere discussions between tribal representatives and representatives of labor.

The purpose of these discussions is to work out a permanent legislative solution that honors the principles of tribal sovereignty and Labor's traditional role of collective bargaining.

The amendment offered today by my dear friend, the gentleman from Arizona (Mr. HAYWORTH), undermines the ongoing discussions we have had, because this temporary fix would harm the amicable relationship between the parties involved and would possibly destroy our efforts to seek a permanent legislative solution that is mutually satisfactory to all parties.

I have met with the various parties in my own office. They are in an active discussion trying to seek a permanent solution. I am convinced that this temporary solution will interfere with those negotiations to reach that which the gentleman from Arizona (Mr. HAYWORTH) and I share in common, some solution and some balance to this very important principle embodied in our Constitution of retained sovereignty and collective bargaining.

I am convinced, or I would not be standing here, that we will get a solution satisfactory to both sides on this issue.

Mr. HAYWORTH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have a great deal of respect for my colleague from Michigan, and it is an honor to cochair with my colleague the Native American Caucus in this body, and listening to his rationale in response, quite candidly, is a bit confusing because on more than one occasion we have stood united on this basic point, that sovereignty is nonnegotiable. Yet the foundation of his argument is that an amicable relationship exists between some in this House and some in organized labor and some in the tribes; and if they only have the time, they can work this out. Mr. Chairman, I find that rationale one that just does not pass muster.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), my friend.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague for the time and let me congratulate him on his amendment. I think his amendment is a reasonable solution to a growing problem and deserves our support.

Simply put, it reverses a jurisdictional land grab by the National Labor Relations Board that would reverse 30 years of policy and precedent which held that jobs on reservations are not subject to the Federal labor board's jurisdiction because tribes are sovereign nations.

Until recently, the NLRB held that the National Labor Relations Act did not extend jurisdiction over tribal activities that were located on Native American lands, consistently holding for years that tribes are units of government and exempt from Federal labor law. If tribal activities occurred off Native American lands, the NLRB had discretionary jurisdiction under the National Labor Relations Act, which it would assert if it was appropriate. Yet, earlier this year, the NLRB took the unusual step of ruling that it had the authority to settle a labor dispute on Native American land.

In this case, the NLRB held that it has discretionary jurisdiction over all tribal activities whether located on or off Native American land, which it would now assert on a case-by-case basis. Now, this is a critical blow to tribal sovereignty, and I believe that the effect of the gentleman's amendment would be to stay this decision by the NLRB. Those conversations that are under way can continue to see if there is some way to come to some agreement on this; but to let this decision stand I think is a mistake, and I think the gentleman's amendment has an awful lot of merit.

□ 1415

The Federal Government has passed numerous laws to enhance tribal self-determination and give Native Americans the ability to govern themselves from intrusive Federal interference. It is simply irrational for Congress to declare that tribes should govern themselves and then take away their ability to do so. Restoring this fundamental right, I think, is the right thing to do.

The amendment before us simply reverses the erroneous NLRB decision and restores tribal sovereignty, and I urge my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I wish to thank my colleague from Wisconsin (Mr. OBEY) for yielding me this time.

I find it very interesting that we hear a lot from the other side today about sovereignty, and they are all very excited about it, as if they have just discovered it. It is interesting to hear about sovereignty from the other side, because where were they when we were trying to get sovereignty included in homeland security? Where were they when we were trying to get sovereignty included into all of the other issues, like the environment? Where were they when we tried to get sovereignty into the welfare reform bill, and tribes had to go through States rather than have that money disbursed to them directly, as they should under the trust responsibility?

There have been many votes that have been cast on this floor, and I would venture to say most of these votes, because they are brought up by the majority, I think give the true explanation as to what this debate is all about. We have seen more votes that are antisovereignty votes on this floor in the last several years than the gentleman from Michigan (Mr. KILDEE), who has been here for over 20 years, has ever recalled.

So when some of my friends on the other side call into question the commitment of the gentleman from Michigan (Mr. KILDEE), when it was that gentleman who was the author of the IGRA legislation that provided for sovereignty, I find that suspect. When people talk about, oh, it is sovereignty, and yet where were they when it came to the meetings that took place so that we could get a resolution of this issue?

My colleagues, I do not think this is so much about sovereignty as it is election-year politics. That is what this is about, make no mistake about it. If there was a true interest in getting this issue resolved, this issue could be resolved.

Mr. HAYWORTH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee.

Mr. REGULA. Mr. Chairman, I just want to rise in support of the amendment. The decision on sovereignty will not be made today, it was made a couple hundred years ago when our forefathers decided they wanted to take these lands, and in the process they granted the Indian tribes sovereignty.

Sovereignty is the issue, and the gentleman's amendment does respect the sovereignty of the tribes that they received in the early years of this Nation.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, I just want to inform the House of something that I think is very important. Over the last year, Mr. Chairman, we have watched the horrors of Darfur unfold before our very eyes. President Bush and Secretary

Powell, the Congressional Black Caucus, and Members on both sides have focused on this issue and using every tool possible to save life.

Today the United States took the historic step of calling what is occurring in Darfur, Sudan, genocide. In his testimony this morning before the Senate Foreign Relations Committee, Secretary of State Colin Powell stated: "We concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility, and genocide may still be occurring. We believe, in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obligated under the Convention to prevent and punish acts of genocide. To us, at this time, it appears Sudan has failed to do so." And then he went on to say what the position is.

I want to thank President Bush, and I want to thank Secretary Powell, and I want to thank the people in the State Department for calling this genocide and to doing everything they can to stop the genocide that is taking place in Sudan.

Remember Rwanda? Nobody would say anything about Rwanda. This administration has said it is genocide, and I say, God bless President Bush and God bless Secretary Powell.

Mr. Chairman, I submit for the CONGRESSIONAL RECORD the full remarks of Secretary Powell before the Senate Foreign Relations Committee:

THE CRISIS IN DARFUR

(By Secretary Colin L. Powell)

Mr. Chairman, members of the committee, thank you for the opportunity to testify on the situation in Darfur. Let me start by reviewing a little history.

The violence in Darfur has complex roots in traditional conflicts between Arab nomadic herders and African farmers. The violence intensified during 2003 when two groups—the Sudan Liberation Movement and the Justice and Equality Movement—declared open rebellion against the Government of Sudan because they feared being on the outside of the power and wealth-sharing agreements in the north-south negotiations. Khartoum reacted aggressively, intensifying support for Arab militias, the so-called jinjaweid. The Government of Sudan supported the jinjaweid, directly and indirectly, as they carried out a scorched-earth policy towards the rebels and the African civilian population.

Mr. Chairman, the United States exerted strong leadership to focus international attention on this unfolding tragedy. We first took the issue of Sudan to the United Nations (UN) Security Council last fall. President Bush was the first head of state to condemn publicly the Government of Sudan and to urge the international community to intensify efforts to end the violence. In April of this year, the United States brokered a ceasefire between the Government of Sudan and the rebels, and then took the lead to get the African Union (AU) to monitor that ceasefire.

As some of you are aware, I traveled to the Sudan in midsummer and made a point of visiting Darfur. It was about the same time that Congressman Wolf and Senator Brownback were here, as well as Secretary General Kofi Annan. In fact, the Secretary General and I were able to meet and exchange notes. We made sure that our message to the Sudanese government was consistent.

Senator Brownback can back me up when I say that all of us saw the suffering that the people of Darfur are having to endure. And Senator Corzine was just in Darfur and can vouch for the fact that atrocities are still occurring. All of us met with people who had been driven from their homes—indeed many having seen their homes and all their worldly possessions destroyed or confiscated before their eyes—by the terrible violence that is occurring in Darfur.

During my visit, humanitarian workers from my own Agency—USAID—and from other Non-Governmental Organizations (NGOs), told me how they are struggling to bring food, shelter, and medicines to those so desperately in need—a population of well over one million.

In my midsummer meetings with the Government of Sudan, we presented them with the stark facts of what we knew about what is happening in Darfur from the destruction of villages, to the raping and the killing, to the obstacles that impeded relief efforts. Secretary General Annan and I obtained from the Government of Sudan what they said would be firm commitments to take steps, and to take steps immediately, that would remove these obstacles, help bring the violence to an end, and do it in a way that we could monitor their performance.

There have been some positive developments since my visit, and since the visit of Senator Brownback, Congressman Wolf, and the Secretary General.

The Sudanese have met some our benchmarks such as engaging in political talks with the rebels and supporting the deployment of observers and troops from the AU to monitor the ceasefire between Khartoum and the rebels. Some improvements in humanitarian access have also occurred through the government continues to throw obstacles in the way of the fullest provision of assistance.

The AU Ceasefire Commission has also been set up and is working to monitor more effectively what is actually happening in Darfur. The general who is in charge of that mission, a Nigerian general by the name of Okonkwo, is somebody that we know well. He is the same Nigerian general who went into Liberia last year and helped stabilize the situation there.

The AU's mission will help to restore sufficient security so that these dislocated, starving, hounded people can at least avail themselves of the humanitarian assistance that is available. But what is really needed is enough security so that they can go home. And what is really needed is for the jinjaweid militias to cease and desist their murderous raids against these people—and for the Government in Khartoum to stop being complicit in such raids. Khartoum has made no meaningful progress in substantially improving the overall security environment by disarming the jinjaweid militias or arresting its leaders.

So we are continuing to press that Government and we continue to monitor them. We continue to make sure that we are not just left with promises instead of actual action and performance on the ground. Because it is absolutely clear that as we approach the end of the rainy season, the situation on the ground must change, and it must change quickly. There are too many tens upon tens of thousands of human beings who are at risk. Some of them have already been consigned to death because of the circumstances they are living in now. They will not make it through the end of the year. Poor security, inadequate capacity, and heavy rains (which will not diminish until late September) continue to hamper the relief effort.

The UN estimates there are 1,227,000 Internally Displaced Persons (IDPs) in Darfur. In July, almost 950,000 IDPs received some form of food assistance. About 200,000 Sudanese refugees are being assisted by UNHCR and partner organizations in Chad. The World Food Program (WFP) expects two million IDPs will need food aid by October.

U.S. Government provision of aid to the Darfur crisis in Sudan and Chad totaled $211.3 million as of September 2, 2004. This includes $112.9 million in food assistance, $50.2 million in non-food assistance, and $36.4 million for refugees in Chad, $5 million for refugee programs in Darfur, and $6.8 million for the African Union mission.

The. U.S. also strongly supports the work of the AU monitoring mission in Darfur. In fact, 23 initiated the Mission through base camp set-up and logistics support by a private contractor. The Mission is staffed with 125 AU monitors now deployed in the field and has completed approximately 20 investigations of cease-fire violations. The AU monitoring staff is supported by a protection force of 305, made up of a Rwandan contingent of 155 (they arrived on August 15) and a Nigerian contingent of 150 (they arrived on August 30). Recognizing the security problems in Darfur, the UN and the U.S. have begun calling for an expanded AU mission in Darfur through the provision of additional observers and protection forces. Khartoum appears to have signaled a willingness to consider an expanded mission.

I am pleased to announce, Mr. Chairman, that the State Department has identified $20.5 million in FY04 funds for initial support of this expanded mission. We look forward to consulting with the Congress on meeting additional needs.

As you know, as we watched through the month of July, we felt more pressure was required. So we went to the UN and asked for a resolution. We got it on July 30.

Resolution 1556 demands that the Government of Sudan take action to disarm the jinjaweid militia and bring jinjaweid leaders to justice. It warns Khartoum that the Security Council will take further actions and measures—UN-speak for sanctions—if Sudan fails to comply. It urges the warring parties to conclude a political agreement without delay and it commits all states to target sanctions against the jinjaweid militias and those who aid and abet them as well as others who may share responsibility for this tragic situation. Too many lives have already been lost. We cannot lose any more time. We in the international community must intensify our efforts to help those imperiled by violence, starvation and disease in Darfur.

But the Government of Sudan bears the greatest responsibility to face up to this catastrophe, rein in those who are committing these atrocities, and save the lives of its own citizens. At the same time, however, the rebels have not fully respected the ceasefire. We are disturbed at reports of rebel kidnappings of relief workers. We have emphasized to the rebels that they must allow unrestricted access of humanitarian relief workers and supplies and cooperate fully, including with the AU monitoring mission.

We are pleased that the Government of Sudan and the rebels are currently engaged in talks in Abuja, hosted by the AU. These talks are aimed at bringing about a political settlement in Darfur. The two sides have agreed on a protocol to facilitate delivery of much-needed humanitarian assistance to rebel-held areas, and are now engaged in discussions of a protocol on security issues. We are urging both sides to intensify negotiations in order to reach a political settlement.

At midsummer, I told President Bashir, Vice President Taha, Foreign Minister Ismail, the Minister of Interior and others, that the United States wants to see a united, prosperous, democratic Sudan. I told them that to that end we are fully prepared to work with them. I reminded them that we had reached an historic agreement on June 5—an agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM). That agreement covered all the outstanding issues in the north-south process.

Since then, the parties have been engaged in final negotiations on remaining details. However, the parties are stuck on the specifics of a formal ceasefire agreement and have not yet begun the final round of implementation modalities. Special Envoy Sumbeiywo met recently with the parties, but could not resolve the remaining ceasefire-related issues. Khartoum appears unwilling to resume talks at the most senior level, claiming it must focus on Darfur. That would be fine if its focus were the right focus. But it is not. The SPLM is more forward leaning, but still focused on negotiating details. We believe that a comprehensive agreement would bolster efforts to resolve the crisis in Darfur by providing a legal basis for a political solution (decentralization) and by opening up the political process in Khartoum.

President Bashir has repeatedly pledged to work for peace, and he pledged that again when we met in midsummer. But President Bush, this Congress, Secretary General Annan and the international community want more than promises. We want to see dramatic improvements on the ground right now. Indeed, we wanted to see them yesterday.

In the meantime, we are doing all that we can. We are working with the international community to make sure that all of those nations who have made pledges of financial assistance meet those pledges. In fact, the estimated needs have grown and the donor community needs to dig deeper. America has been in the forefront of providing assistance to the suffering people of Darfur and will remain in the forefront. But it is time for the entire international community to increase their assistance. The U.S. has pledged $299 million in humanitarian aid through FY05, and $11.8 million to the AU mission, and we are well on the way to exceeding these pledges.

SYG Annan's August 30 report called for an expanded AU mission in Darfur to monitor commitments of the parties more effectively, thereby enhancing security and facilitating the delivery of humanitarian assistance. The report also highlighted Khartoum's failure to rein in and disarm the jinjaweid militia, and noted that the Sudanese military continued to take part in attacks on civilians, including aerial bombardment and helicopter strikes.

We have begun consultation in New York on a new resolution that calls for Khartoum to cooperate fully with an expanded AU force and for cessation of Sudanese military flights over the Darfur region. It also provides for international overflights to monitor the situation in Darfur and requires the Security Council to review the record of Khartoum's compliance to determine if sanctions, including on the Sudanese petroleum sector, should be imposed. The resolution also urges the Government of Sudan and the SPLM to conclude negotiations on a comprehensive peace accord.

And finally there is the matter of whether or not what is happening in Darfur is genocide.

Since the U.S. became aware of atrocities occurring in Sudan, we have been reviewing the Genocide Convention and the obligations it places on the Government of Sudan.

In July, we launched a limited investigation by sending a team to refugee camps in Chad. They worked closely with the American Bar Association and the Coalition for International Justice and were able to interview 1,136 of the 2.2 million people the UN estimates have been affected by this horrible violence. Those interviews indicated:

A consistent and widespread pattern of atrocities (killings, rapes, burning of villages) committed by jinjaweid and government forces against non-Arab villagers;

Three-fourths (74%) of those interviewed reported that the Sudanese military forces were involved in the attacks;

Villages often experienced multiple attacks over a prolonged period before they were destroyed by burning, shelling or bombing, making it impossible for villagers to return.

When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility—and genocide may still be occurring. Mr. Chairman, we are making copies of the evidence our team compiled available to this committee today.

We believe in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obliged under the Convention to prevent and to punish acts of genocide. To us, at this time, it appears that Sudan has failed to do so.

Article VIII of the Genocide Convention provides that Contracting Parties "may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

Today, the U.S. is calling on the UN to initiate a full investigation. To this end, the U.S. will propose that the next UN Security Council Resolution on Sudan request a UN investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability.

Mr. Chairman, as I said the evidence leads us to the conclusion that genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy "a group in whole or in part". This intent may be inferred from their deliberate conduct. We believe other elements of the convention have been met as well.

Under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which both the United States and Sudan are parties, genocide occurs when the following three criteria are met:

Specified acts are committed: (a) killing; (b) causing serious bodily or mental harm; (c) deliberately inflicting conditions of life calculated to bring about physical destruction of a group in whole or in part; (d) imposing measures to prevent births; or (e) forcibly transferring children to another group;

These acts are committed against members of a national, ethnic, racial or religious group; and

They are committed "with intent to destroy, in whole or in part, [the group] as such".

The totality of the evidence from the interviews we conducted in July and August, and from the other sources available to us, shows that:

The jinjaweid and Sudanese military forces have committed large-scale acts of violence, including murders, rape and physical assaults on non-Arab individuals;

The jinjaweid and Sudanese military forces destroyed villages, foodstuffs, and other means of survival;

The Sudan Government and its military forces obstructed food, water, medicine, and other humanitarian aid from reaching affected populations, thereby leading to further deaths and suffering; and

Despite having been put on notice multiple times, Khartoum has failed to stop the violence.

Mr. Chairman, some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese government to act responsibly. So let us not be preoccupied with this designation of genocide. These people are in desperate need and we must help them. Call it a civil war. Call it ethnic cleansing. Call it genocide. Call it "none of the above." The reality is the same: there are people in Darfur who desperately need our help.

I expect that the government in Khartoum will reject our conclusion of genocide anyway. Moreover, at this point genocide is our judgment and not the judgment of the International Community. Before the Government of Sudan is taken to the bar of international justice, let me point out that there is a simply way for Khartoum to avoid such wholesale condemnation. That way is to take action.

The government in Khartoum should end the attacks, ensure its people—all of its people—are secure, hold to account those who are responsible for past atrocities, and ensure that current negotiations are successfully concluded. That is the only way to peace and prosperity for this war-ravaged land.

Specifically, Mr. Chairman, the most practical contribution we can make to the security of Darfur in the short-term is to increase the number of African Union monitors. That will require the cooperation of the Government of Sudan.

In the intermediate and long term, the security of Darfur can be best advanced by a political settlement at Abuja and by the successful conclusion of the peace negotiations between the SPLM and the Government of Sudan.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Hayworth amendment. I think it is unfortunate, as the gentleman from Michigan (Mr. KILDEE) pointed out, that this amendment is offered here. This amendment will not stop the impact of the NLRB ruling, it will simply stop the enforcement of that act, so those who want to seek to organize under the act will go forward, and we will find out about penalties for noncompliance or the results of the actions much later, some years from now, if this amendment passes.

But I think it is also important to note the gentleman sort of belittled the efforts of the gentleman from Michigan (Mr. KILDEE), myself, the leaders of the tribes, the leaders of the AFL–CIO sitting down together to work this out. And yet he cites that the California arrangement was basically the subject of negotiations where, in fact, the tribes, the labor unions, and Governor Schwarzenegger came up with an arrangement that some say is stronger than the current National Labor Relations Act.

The point is these are good-faith negotiations. We have had several meetings. Many people were surprised that either of those organizations would walk into the same room to sit down and discuss this, but they recognized the problem here. The problem, unlike State governments, is that you have tens of thousands of workers and potentially many tens of thousands of workers working in Indian gaming facilities, who, if they are not properly treated, if they are mistreated, not saying they will be, they are not enrolled members of the tribe, and they really have no recourse. They have no recourse to that activity. They cannot vote against the mayor, they cannot recall the city council, they cannot organize their fellow citizens because they are not members of that tribe.

As my colleague knows, in many of these instances, the size of the tribe may be a couple hundred people. Obviously, they cannot run a casino because the workforce there is several thousand of those individuals. So I do not think it is a matter of national policy. And the Indians have recognized this in our discussions, that you would leave people without some recourse to an ability to organize. That is why they have recognized, at least in these discussions, that we should go forward and try to see whether or not we can develop a system that honors sovereignty and is a parallel system to provide for the protection and the recognition of these workers.

That is, in effect, what we are doing now. And I did not quite understand the previous exchange, because the suggestion is somehow that this is make-work. I hope not, because I, obviously, and many of the people in that room are very prominent people and very busy people. I hope we are not wasting our time.

Now, what has happened since this amendment appeared, those meetings have all been canceled. So I think it has been destructive to that process.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank my friend for yielding, and this would make the point. In terms of the negotiations in California, were they not, in fact, conducted on a government-to-government basis?

The CHAIRMAN pro tempore (Mr. THORNBERRY). Time of the gentleman from California (Mr. GEORGE MILLER) has expired.

Mr. HAYWORTH. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I am sorry, but I will have to ask him to repeat the question.

Mr. HAYWORTH. Mr. Chairman, if the gentleman will yield to me for that purpose.

The gentleman talked about the California situation and the negotiations that went on in the gentleman's home State. I would just simply ask: Were not those negotiations conducted with sovereign tribal entities negotiating with the State of California on a government-to-government basis?

Mr. GEORGE MILLER of California. Reclaiming my time, which the gentleman yielded to me, Mr. Chairman, I would respond that, actually the chairman of the San Manuel Tribe will say no; that that was not the case. But I would tend to agree with the gentleman. Exactly.

That is what we are trying to do here as representatives of the Federal Government, recognizing the doctrine of sovereignty and protecting that with the tribes.

Mr. HAYWORTH. Which is exactly my point.

Mr. Chairman, I yield myself 1 minute, and I would simply make the point in response that what we are dealing with here today, contrary to the comments of my friend from Rhode Island, sovereignty was not created in the wake of IGRA. Indeed, a part of the Indian Gaming Regulatory Act was a government-to-government negotiation between sovereign tribes and the respective States.

Now, with reference to what has gone on and what has been described as productive negotiations, yes, indeed, tribes met with several union officials in attempts to negotiate. Our understanding is essentially the negotiations went nowhere. And, Mr. Chairman, the tribes are in no position to negotiate because of this NLRB ruling. This amendment is an immediate solution for now, and it will fix this problem, offering a time out, until a final solution can be crafted.

Sovereignty is not conditional. We cannot accept it in some instances, but then, when it somehow is politically inconvenient, ignore it in others. That is why this amendment should be passed, and I ask my colleagues to join me in this.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) continue to reserve his point of order on this amendment?

Mr. OBEY. Mr. Chairman, I withdraw my reservation.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend, the gentleman from Wisconsin, for yielding me this time.

For the first time, under the San Manuel decision, workers at Indian casinos, Indians and non-Indians alike, enjoy the full protection of the NLRA's right to organize and right to engage in collective bargaining. The right to organize and collectively bargain, those rights are internationally recognized ILO human rights.

Many tribes have established tribal labor ordinances pursuant to State gaming compacts. Basic labor rights, including the right to free association, the right to collective bargaining, and labor rights that are reflected in both the NLRA and many tribal labor ordinances, are the rights that we insist on in international trading with our international trading partners, including underdeveloped nations.

We insist that labor rights be enforced in international trade agreements. We include provisions in trade agreements to protect those rights. We debate those rights on the House floor. We insist upon that, yet this amendment denies those rights to workers in the United States.

This amendment leaves workers with no enforceable right to organize or to engage in collective bargaining. So we are saying to other countries, do it there, but in our own country we are not preserving and protecting those labor rights, the rights to organize and the rights to bargain collectively.

Rather than pass this amendment, Mr. Chairman, we should be working with both tribal and labor representatives to discuss solutions to the potential conflict between workers' rights and tribal sovereignty. The Hayworth amendment pits workers' rights against tribal rights. Ultimately, it damages both.

I urge my colleagues to oppose the amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself 1 minute.

It is interesting to listen to my friend, the gentleman from Ohio (Mr. BROWN), try to characterize this amendment, when I think more accurately we would characterize this as a choice. And this is the choice to make in this Chamber, and, Mr. Chairman, especially for those who say time and again they are friends of sovereignty.

Are we, in fact, going to respect the provisions in Article I, section 8 of our Constitution that grants sovereign rights and sovereign immunity to Indian tribes in that document of limited and specified powers, or are we going to make a change for political convenience, for political alliances?

And I understand it may be very uncomfortable for some in this Chamber, but are we basically going to say, Mr. Chairman, that the rights of union negotiations supersede the rights of sovereignty?

Make no mistake, Mr. Chairman, in this Chamber, at this time, this decision will be made. And I would offer for all to note that we should never suborn sovereignty for political convenience. We dare not make that mistake. Support this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in opposition to the Hayworth amendment. Tribal nations have established commercial gaming enterprises because of the economic prospects and to improve the living conditions of their tribal members. Before gaming, many of these tribes had little or no economic development and next to nothing on their lands to provide a foundation of commerce.

If you had come to Las Vegas when my family came to Las Vegas over 4 decades ago, you would have found similar circumstances. A remote place in the Nevada desert with virtually no economic activity. My community looked to gaming, and now Las Vegas has one of the most vibrant economies in the United States. The key to Las Vegas' success is a strong relationship between labor and management. As a result, our casino workers have good-paying jobs, good benefits, good working conditions. Workers at tribal gaming facilities deserve the same.

The National Labor Relations Board ruled it has jurisdiction at casinos operated by American Indian tribes. This decision ensures that the rights of all workers in this country, including those working on tribal lands, are protected. Las Vegas is a shining example of why such an atmosphere of respect between employees and employers strengthens the entire community.

I urge my colleagues to vote against this amendment which is one-sided and jeopardizes ongoing discussions between those parties impacted by the ruling. Rather than resolving the situation, this amendment may only cause deterioration in efforts to come to mutually beneficial solutions. The NLRB has ruled and this Congress should not overturn that ruling.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, there is a little bit of having it both ways. The gentleman from Arizona says he respects the California compacting process; yet in the 106th and 107th Congress, we debated this amendment when he wanted to prohibit the State of California or any entity negotiating a compact with the Indians from even discussing labor rights. I am a little bit confused here about what it is.

The gentleman does not like the negotiations that were going on because he likes what California is doing, but now we see in fact this amendment is not just about what happened with the National Labor Relations Act, because he has been trying to prevent the tribes or States from engaging in any discussion on terms and conditions of employees. This was long before.

The gentleman does not come here with some pure heart. The gentleman is subsuming what those compacts could be about; and this Congress, recognizing sovereignty, passed legislation to allow for that compacting to take place. That is what the law is, that those arrangements take place between the governors and the tribes.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, while I respect my colleague from Arizona, I do not think this is the right time or right vehicle to consider this issue. As we have seen time and time again, the Native American Caucus has been unified on amendments and bills that benefit Indian Country. Today that is not the situation.

Mr. Chairman, as Members know, I have been a long supporter of both tribal sovereignty and workers rights, as have many in this body. But the amendment we are considering now could have far-reaching implications on these issues and should not be acted upon in a hasty fashion.

Several States, such as California and New York, have previously worked out agreements with Native American tribes on this very issue. Currently, similar negotiations are underway to find a more permanent solution for all of Indian Country.

Even if the Hayworth amendment is passed today and becomes law, it is not a permanent fix. We will be back here again next year debating the same issue. We should be looking for a permanent solution, and we should allow all parties to continue to work out an agreement and not move this amendment today.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining, the gentleman from Arizona (Mr. HAYWORTH) has 1 minute remaining, and the gentleman from Wisconsin (Mr. OBEY) has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield myself the balance of my time.

It is very simple at the end of day. I listened with interest to the gentleman from California (Mr. GEORGE MILLER), who would not let me answer a question. It had nothing to do with my advocacy of any policy, simply the notion that negotiations take place on a government-to-government basis.

Now, much has been made of the National Labor Relations Act and the National Labor Relations Board; but many in this Chamber, friends who unfortunately line up on the other side of this issue today, often cite the document that trumps all of these organizations, the United States Constitution, article 1, section 8, that Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

Sovereignty is not situational. The Constitution of the United States trumps the National Labor Relations Act. It trumps any treaty, and tribes, as sovereign governments, should have the freedom to determine if this should go forward. Support this amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, a few years ago I endured efforts to recall me because I steadfastly supported the principle of tribal sovereignty, and I do not regret that. I think I took the right position. But I am opposed to this amendment because of something that happened in Wisconsin several years ago. One of the tribes in my district contracted out for the operation of a casino to a private operator. That private operator had some very strange rules. One of the rules when women were hired was very blunt: Put out or get out. It was an outrageous way to deal with female employees, but we had no way to reach into that situation and protect those women workers because the State compacts did not provide protection under such circumstances.

I do not ever want that to happen again to any woman working anywhere in my State or any other State in the Union. That is why I believe that the correct vote on this amendment is to vote against this amendment because the last time I looked, the United States Constitution guarantees equal protection under the law to every citizen; and I am not about to suggest that in cases of casinos, for instance, on or off reservation, that the people who work for those casinos are not going to be entitled to the protection which they need in order to experience decent working conditions.

I think a Congress that cannot protect women in those circumstances is a

Congress that is impotent, and I do not believe Congress ought to be impotent in those situations, so I urge a "no" vote on the amendment.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KILDEE:

At the end of the bill (before the short title) insert the following new section:

SEC. ___. None of the funds appropriated under this Act may be used by the Secretary of Education to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) pursuant to the provisions of section 682.302(e)(2) of the regulations of the Department of Education (34 CFR 682.302(e)(2)).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Mississippi (Mr. WICKER) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple. At a time when students and families are struggling with skyrocketing tuition, we are squandering an opportunity to generate more student aid. This fiscal year alone, nearly $1 billion in special student loan subsidies will be paid by the Federal Government to lenders rather than used for financial aid for students. This subsidy results from an obscure provision in the Higher Education Act and its regulations which provide lenders a 9.5 percent rate of return on certain student loans.

This rate of return is excessive when we consider that lenders are guaranteed approximately a 3.5 percent rate on other student loans. The 9.5 percent guarantee was established in the high interest rate year of 1980. Congress intended for it to be phased out of existence beginning in 1993; but through a regulatory loophole, the guarantee has continued. Both the New York Times and the L.A. Times have reported on this loophole. The Government Accountability Office will soon issue a report which calls for the Department of Education to correct its regulations on this matter.

This special subsidy has caused a loss of financial opportunity for students. Students are bearing the brunt of rising college costs and shrinking grant aid. Today we have an opportunity to correct this problem. Despite this issue being addressed in the last Presidential budget, no action has taken place. Since this subsidy has not been eliminated, it has now tripled in the past 3 years.

It has been publicly announced in our hearings in the Committee on Education and the Workforce and in the press that we will not authorize the Higher Education Act this year. This essentially prevents Congress from addressing this issue in the normal fashion. This amendment is the only recourse left to us today. The amendment ends the special subsidy for new loans which are funded with proceeds from bonds which have been refunded or transferred.

Today, Mr. Chairman, we have an opportunity to curtail the biggest use of this provision to date. I urge Members join me in supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WICKER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I rise in support of the Kildee amendment.

In February of this year, President Bush called on Congress to end the 9.5 percent floor interest rate subsidy paid to some lenders in the student loan program. The 9.5 percent floor was supposed to be phased out beginning in 1993, but through a bureaucratic move by the Clinton administration Department of Education, the practice has continued.

We followed the President's lead earlier this year when we introduced the College Access and Opportunity Act and called for the elimination of these 9.5 percent loans, which in my view and the administration's view and the view of the gentleman from Michigan (Mr. KILDEE) are being abused by some lenders in order to get an extra subsidy on the student loans that they process.

I would welcome the gentleman from Michigan (Mr. KILDEE) to the efforts we have put forward throughout this year to eliminate the 9.5 percent floor, and urge my colleagues to support the gentleman's amendment.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN), a cosponsor of the amendment.

Mr. VAN HOLLEN. Mr. Chairman, I thank the gentleman from Michigan (Mr. KILDEE) for his leadership on this issue. I am very pleased to hear that this amendment is going to be accepted, because I think it is a bipartisan amendment. Its goal is to save the taxpayer money, money that could be better spent both towards reducing the deficit and investing in education programs like Pell grants and other programs which will help provide greater student loans to many needy students out there.

As Members have heard, this 9.5 percent loan scheme has been in place for some time, but only recently have we seen many people taking advantage of it and really abusing it. According to GAO's preliminary findings, it will cost the taxpayer $1 billion this year. If we do not close it now, it will cost the taxpayer even more down the road. These are dollars that could be invested in other forms of support in the area of education.

□ 1445

I do want to note that the budget submitted by the Bush administration this year, the fiscal year 2005 budget, assumed that we as a Congress would address this issue. So I very much hope that as this appropriation bill goes to the Senate, that we stick with this provision and this position, because if we do not and this is removed from the bill, it will end up costing the taxpayers billions of dollars going forward.

I am very pleased to hear that this has been accepted, but I do want to underline the importance of addressing this right now, because as a result of our action to close these loopholes, those that have been taking advantage of it may be encouraged to try and take even greater advantage of it until it is actually shut down. So if we do not shut it down in the next few months, we are going to see a further run on the taxpayer and further loss of valuable resources that we could spend and invest in other very important education initiatives.

Mr. KILDEE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WICKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. KILDEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. KILDEE) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple and straightforward. It would essentially prevent the implementation of section 1011 of the prescription drug bill passed by Congress earlier this year. That section, as the Members may recall, is a controversial provision of the law that provides $1 billion to cover the health care costs of illegal aliens in the country.

Let me quickly add that what this amendment does not do, because oftentimes we submit an amendment of this nature and there are all kinds of claims made about what dire things would happen if it were to pass. This amendment restricts health care to no one. It has nothing to do with provision of health care. Health care will still, of course, be provided to people because of EMTALA, because of the requirement of the Federal Government.

Right now we spend upwards of $61 billion a year, Federal dollars, going to hospitals for Medicaid reimbursement. That, by the way, does not cover Medicare payments, but just in Medicaid alone, $61.2 billion. The provisions of EMTALA said that if you accept Federal dollars, you must provide service to people on any basis if they need it. They cannot be refused medical attention for emergency care.

This does not change that in any way, shape or form. The services will still be provided. But recently promulgated rules designed to implement the section fall short of establishing any meaningful accountability measures for the money, and, more importantly, they do not require information-sharing with homeland security officials to ensure that illegal aliens are deported after their condition stabilizes. As a result, the same illegal aliens could conceivably receive medical care at taxpayers' expense over and over and over again.

It is also important to note that many of the States incurring the heaviest costs for treating illegal aliens have helped create their own problems. In many cases they have taken steps to make themselves magnets for illegal immigrants, whose health care costs they are now burdened with, by permitting them to obtain driver's licenses, enroll in higher education at instate rates, obtain public services through the use of consular ID cards. All of these things, of course, attract more people to come who are, in fact, in the country illegally, and then their health care costs become a burden to the taxpayer.

The sad irony is that many of the Americans who are being asked to cough up the $1 billion to fund health care for these illegal aliens do not have health insurance themselves. This giveaway is bad for taxpayers, sends the wrong message to illegal aliens and Americans alike, and comes at far too high a price. It was wrong when we passed it. It is wrong today.

Mr. Chairman, we have more pressing needs in this country than providing a patients' bill of rights for illegal aliens. I hope Members will support my amendment and save American taxpayers $1 billion.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would forbid the use of CMS funds to administer the undocumented alien program funded in last year's Medicare Modernization bill. I am reluctant to get into this debate because it is the jurisdiction of the Committee on Energy and Commerce, and last year's Medicare bill included funding for this new program intended to provide relief to hospitals in jurisdictions with large numbers of undocumented aliens.

I think the goal here might be to prevent these undocumented aliens from having health care, but the truth of the matter is the hospitals are going to pay the price. They are not going to turn anybody away that comes to the door that needs medical treatment. And if they cannot get reimbursed from CMS, they are going to have to eat it. The hospitals have to do a lot of this as it is with charity patients and so on, and I do not think it is fair to use an amendment like this to put an additional burden on hospitals. While it may seem to preclude undocumented aliens from getting health care, the truth is they are going to get it, and instead of being reimbursed, the hospitals are going to have to eat it and, in effect, pass it on to the rest of their clients.

This was defeated as a proposal to overturn the program by 331–88 last May on H.R. 3722. I understand the feelings of the gentleman from Colorado, but the truth of the matter is I do not think it is a burden we want to shove off on hospitals, and they already have enough outlays for charity patients, for charity work, and let us not add one more set of problems to them.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

I agree with the gentleman when he says that this will not prevent anyone from obtaining services, and it is not my intent to prevent anyone from obtaining services. That is really not the purpose of this. Hospitals, yes, they will provide the services. They must under EMTALA. It is absolutely accurate to say that the burden falls somewhere, taxpayers, somewhere along the line, he is right.

To me it is just peculiar, to say the least, that we actually take part of the law and identify a program for $1 billion for services for people who have broken the law. That is the peculiar aspect of this. If we had to add $1 billion to the $34.6 billion that we give hospitals in order to care for the poor, if that is the place to do it, that is the place to do it. It is this odd identifying in law a provision for services for people who have broken the law, other than incarceration services.

It is also odd, I would say, that there are really only two groups of people in this country that can obtain free medical health care, health services, at any time they want, and that is people who are incarcerated and people who are here illegally. What a strange situation.

I just believe that the $1 billion should be reallocated. There are better uses, or at least better placement of it, than in this bill. That is my only purpose.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding this time, and I come to rise in opposition to the amendment offered by the gentleman from Colorado.

Once again, what we are looking at here is something that tries to deal with the symptoms of illegal immigration. It does not actually deal with the problem that we have of illegal immigration. But in this case we are really not talking about going after illegal immigrants at all. We are going after hospitals. We are going after health care providers. We are going after the people that are providing the health care, that are providing emergency services for these people, and we are saying we are going to punish those particular people.

This is an antihospital amendment. There is no other way to describe it. It is just an antihospital amendment. If this amendment passes, we are punishing the overburdened and undercompensated hospitals, which I happen to have a lot of them in my district because we have a lot of the illegal immigration in Arizona. And so the costs in Arizona are tremendous. This is targeted directly against the hospitals in places like Arizona and along the border there.

If the Federal Government mandates that hospitals treat those that are brought to their doors, and they do, then the problem is you need to reform that law, EMTALA as it is called. If you want to deal with the problem, reform that. Otherwise the Federal Government needs to be responsible for the mandate that it has created by saying that hospitals must serve anybody who shows up in their emergency room, must serve them. That is the way it probably should be, in my opinion. I do not think we want hospitals saying, we are going to turn you away, and we are going to deal with this other person. But if you want to reform it, that is where you need to reform it.

We have hospitals in my district that are going bankrupt. They cannot offer medical services because they are not being reimbursed. One of our two major hospitals in Tucson has closed their trauma one center largely because the other hospital is overburdened with trauma one care right now, and it is largely because of this problem, and this, of course, would put an even greater burden on them and hurt them even more. They are disappearing through no fault of their own. They are complying with the law. They are dealing with the care for people that need this care.

This is the wrong approach. I urge rejection of this amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

I would just conclude by saying that I certainly agree with the last gentleman and his reference to the fact that this does not solve any illegal immigration problem. It is not designed to do that. That is not the purpose. It is designed to correct what I believe to be a terrible flaw in the law. We should never, ever put in law that we are, in fact, taking taxpayer money and providing services for people who have broken the law. That is a bad precedent. If you want to add the money, put it into the already $61 billion that we give hospitals for the purpose of treating folks who are in need. That is all I am saying. It has got nothing to do with immigration.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Congressman THOMAS G. TANCREDO's amendment to the Labor-HHS-Education Appropriations bill, H.R. 5006. This amendment would prohibit the use of funds to pay the salaries and expenses of personnel to carry out the section of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, that deals with federal reimbursement for emergency health services furnished to undocumented aliens.

The effect of this amendment would be to require physicians and other health care providers to become part-time border patrol agents. According to the American Medical Association (AMA), withholding necessary care on the basis of a person's immigration status would violate the Hippocratic Oath. The AMA also has expressed concern over the fact that discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, could have very negative effects on existing public health efforts.

I share the concerns of the AMA. The fear of deportation inevitably would prevent some undocumented immigrants from seeking care for communicable diseases until they are extremely ill, at which point they might have already exposed many people to their diseases.

Today's health care delivery system is very fast-paced, and, in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect immigration data would divert time and attention from caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency room.

It also would divert funds that could be used to provide health care services for some of America's estimated 44 million uninsured patients. A substantial portion of these funds would have to be used to establish and implement an expensive new immigration enforcement program for our already underfunded, overburdened community hospitals.

This legislation would weaken federal Emergency Medical Treatment and Active Labor Act (EMTALA) obligations by redefining the circumstances under which hospitals are required to treat patients who are undocumented immigrants. Such a policy would create a dangerous situation for all patients because physicians would be required to impose differing standards of care based on whether they determine a patient to be in the country legally or not. By necessity, emergency department professionals must be afforded the latitude necessary to provide treatment based solely on which treatment is medically appropriate for the patient and without regard to immigration status.

It is in the best interests of all patients, documented and undocumented alike, that medical staff be permitted to focus their attention on caring for patients and providing necessary medical treatment rather than on assisting the federal government in enforcing the immigration laws of this country. I urge you therefore to vote against this amendment.

Mr. REGULA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STARK:

Page 105, after line 16, insert the following new section:

SEC. 519. The amount otherwise provided by this Act for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Office of the Secretary—General Departmental Management" is hereby reduced by $84,500.

The CHAIRMAN pro tempore. Pursuant to the order of the House of earlier today, the gentleman from California (Mr. STARK) and the gentleman from Ohio (Mr. REGULA) each will control 10 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio reserves a point of order on the amendment.

The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is probably the lowest-priced amendment to be offered to this bill, but what it does basically is takes away $84,500 from the Secretary of HHS's management budget. The purpose of the amendment is to establish firmly the rights of Congress in regard to getting information from the administration.

Very quickly, during the course of drafting and debating the Medicare bill that dealt with prescription drugs, the head of CMS Mr. Scully threatened improperly the actuary for CMS and caused this actuary to withhold information from the House of Representatives which would have indicated that the drug bill would not cost $400 billion, but more like $530 or $540 billion. That is a $140 billion difference. It may very well have affected the way many of us might have voted on that bill. It was substantial information. This information was not classified, and it comes under a bill that started back in 1912 when then Senator LaFollette indicated that we should have this information in the normal course of our proceedings available to us. According to GAO, who has recently suggested that the point of this legislation be enacted, never in the history of that legislation since 1912 has anybody violated this law until now. And it was GAO who said that the recourse for violating the law, for preventing a member of the administration from giving us information relative to our business, should be that the salary of the Administrator of CMS was improperly paid during the time from the point he gagged his subordinate until the end of his term when he resigned in December.

□ 1500

So quite simply said once again, it is uncontrovertable that the law was broken by Mr. Scully, that the remedy is that he should not have the salary that he was paid during the period in which the information was withheld from us, and it indeed runs to the prerogative of this House to receive the information that is necessary for us to do our business in the normal course of legislating. And the Secretary can get the

$84,500 back if he wants to go after Mr. Scully for it, and it is highly symbolic, but I think it is imperative that we establish our rights to receive information, either side of the aisle, or from any administration in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I continue to reserve a point of order, and I yield myself such time as I may consume.

Mr. Chairman, I am not sure I understand the objective of this amendment, reducing the Office of the Secretary by $84,500 in general departmental management. Here we are talking about a Department with a $60 billion, $60 billion, budget, and to manage that Department efficiently and effectively, we gave a reasonable amount in the bill. And I think it would be a great mistake because the programs that are part of Health and Human Services are very important to people, and if we start debilitating the ability of the Office of the Secretary to manage these agencies well and these programs well, we are not hurting the head of the agency, we are hurting the people who would be benefiting from the programs.

And for this reason I think it is a big mistake, because already, in constructing a bill and because of the constraints, we had a limited amount of additional funding under the Budget Act, and it would be a serious mistake to constrain them even more. And to penalize the Department for a mistake by Tom Scully, and he is no longer there, is not right. It is penalizing the people, tens of thousands of people, that benefit tremendously from the Health and Human Services programs, and to in any way erode the ability to manage these programs on behalf of people I think is a big mistake. And I would, therefore, be strongly in opposition to this proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from California (Mr. STARK) for yielding me this time.

I rise in support of the Stark amendment. This whole Tom Scully issue is a sorry page in a sordid chapter in congressional history. Think about this whole process of the Medicare bill passing this Congress if this new law that seniors, most seniors I know, think was foisted on them, this bill written by the drug industry and the insurance industry.

The vote to pass Medicare was taken in the middle of the night. The debate started at midnight. The vote was taken at 3 o'clock. The roll call, unprecedented in congressional history, was kept open for 2 hours and 55 minutes until Republican leadership could twist arms all over this House floor back in the cloakroom; waking up the President in the middle of the night; trying to change Republican votes; trying to literally bribe at least one Republican Member of Congress, who talked about it on radio the next day; the millions of dollars in campaign contributions that were used to pass this Medicare bill. Tens of millions of dollars went to President Bush's reelection from the drug industry and the insurance. Tens of millions of dollars went into Republican leadership campaign coffers from the drug industry and insurance industry. And then to top off this sordid chapter in congressional history, Mr. Scully, the gentleman, a good public servant, but the gentleman that was negotiating on behalf of seniors, on behalf of taxpayers, was negotiating this bill, and he was lining himself up for a job soon after the bill was signed by President Bush, a job representing and lobbying for drug companies and for insurance companies. What is wrong with this?

This amendment needs to be passed to at least undo part of this very sordid chapter in congressional history.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I would feel a lot better about this issue if the Republican leadership in the Congress decided to do something when they first heard that Tom Scully, who was the Administrator of the agency, Center for Medicare and Medicaid Services, threatened to fire the actuary if he gave Congress the accurate information about how much the Medicare bill would cost. We were told in the Congress that it was going to cost $400 billion. It turned out it was $600 billion. And the actuary knew about it, and Mr. Scully said to him if he told the Congress, he was going to fire him.

I hear no sense of outrage from the Republican leadership of the Congress, of the House. I hear no sense of outrage from Republican Members who voted for this bill because they thought it would only be $400 billion and would have voted against it if they had known the true facts.

The Government Accountability Office has issued its findings to the investigation in this matter, and they said what Mr. Scully did was improper, and he should not be paid. So under the amendment offered by the gentleman from California (Mr. STARK), we would take out $84,500 from the appropriations bill in order to make the point of protest as to what happened. That is not a lot of money given the scope of this appropriations bill, but I would feel more comfortable in deferring to the chairman of the subcommittee if he and other leaders on the Republican side of the aisle had at least expressed some outrage on behalf of this institution that we were treated the way we were.

So I support the Stark amendment at least to do something about this issue.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I have one more speaker, but I did want to repeat that, as far as this gentleman is concerned, the issue here, I know the dollars are not significant, but I rather suspect that the laws that were violated were written by the Republican Party when it was in the minority, and I do not think it is an issue that is partisan. I really believe this is an issue that does not deal with anything other than the very most basic facts which we need to carry out our duties here. And, yes, the $84,500 is symbolic, but it is the only recourse that we have under the law. The law was clearly broken. It seems to me that we should demand that it be taken and leave it to the Secretary to collect the $84,500 in any manner that he sees fit.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I think this amendment is very important and should be supported.

There has to be some consequence of the Medicare Administrator giving the wrong information to Congress about such an important bill and knowing full well that he was giving that wrong information to Congress. I mean, keep in mind that Mr. Scully was told by Mr. Foster what the actual cost would be, and knowing full well that information, and knowing that if that accurate information had been given to this body, we would never have passed the bill, but he still refused to give it and actually sought to even penalize Mr. Foster, or threatened him, if the accurate information was given to us.

The Department has said that they are not going to ask Mr. Scully for the money back for his salary. Mr. Scully has said that he has no intention of returning it to the government. So there is simply no penalty for giving inaccurate, false information to this body that they know to be false. That is a terrible thing, no consequences. How can we operate as a body when the actuary's information is not given to us, and there is no consequence for that even though the GAO says it is wrong?

Mr. DINGELL. Mr. Chairman, the Stark Amendment takes direct aim at part of the Bush Administration's pattern of cover ups, clandestine policy making, and concealment of critical information from the Congress. I urge all my colleagues to support it.

We had DICK CHENEY's secret energy task force. We've seen military records concealed. We had no-bid contracts for Halliburton. We've seen government reports doctored—like the one on minority health disparities. And we've seen more games played with numbers during this Administration than you'd get from an Enron accountant. Tax cuts—they're free! (Yet we've got the largest deficits on record.) Employment—it's up! (Yet, we still have 1.2 million fewer jobs now than when the recession started and more workers than ever looking for work.) The uninsured—we're covering them! (Yet, 5.2 million Americans have been added to the ranks of the uninsured under President Bush's watch.)

The recent HHS Inspector General and the GAO reports on the unsavory activities of Mr. Tom Scully, the Administrator of the Centers for Medicare and Medicaid Services (CMS), during the Medicare debate give us one more example of the Administration's deception of Congress and the American people.

The Administration, through former CMS Administrator Scully, covered up important cost information, particularly the fact that the bill would cost more than 500 billion dollars, that Congress should have seen prior to voting on the Medicare bill. Mr. Scully threatened the Chief Actuary with adverse consequences if he provided requested estimates to Congress, and had his underling threaten the Chief Actuary as well. All the while making sure that the White House had the real information.

Just this week, GAO issued a legal opinion stating that Mr. Scully's actions violated federal law, and is recommending that the money from the Medicare Administrator's salary which he received during these improper activities—$84,500—be returned to the Treasury. This amendment does that.

Accountability has been lacking throughout the four years of this Bush Presidency. We need to bring accountability back to the government. And we should start right here with this Amendment offered by my colleague Representative STARK.

Mr. STARK. Mr. Chairman, I would, as a matter of prerogative of the House, encourage us all to support this modest amendment, and I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY).

The question is on the amendment offered by the gentleman from California (Mr. STARK).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. STARK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. STARK) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used to create or implement any new universal mental health screening program.

The CHAIRMAN pro tempore. Pursuant to the order of the House earlier today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, my amendment says that no funds in this bill will be permitted to be used to institute system of universal mental health screening. The New Freedoms Commission on Mental Health, a commission established in 2002, has recommended universal mental health screening for all our children in our public schools as well as adults who work in these schools. As a medical doctor, as a civil libertarian, and a strict constitutionist, I strongly reject this notion, this plan, as dangerous and nonproductive.

This type of screening would surely lead to a lot more treatment of hyperactive kids. We already have an epidemic in our schools today that are overtreated. Too often under these conditions, children are coerced into taking medicine. It has been known that parents who have denied medication for their children have been accused of child abuse. There is already tremendous pressure on parents to allow public school officials to put children on medication like Ritalin.

This amendment would not deny, in the routine course of events, medical treatment for those who are suffering from mental disease. What my concern is for a universal screening test of all children for mental illness.

Diagnosis in psychiatry is mostly subjective. It is very difficult to come up with objective criteria. If we wanted psychiatrists to perform the test to make it more objective, it would be impossible. We are talking about an unbelievable number of psychiatrists that are not available, so nonpsychiatrists would be doing this testing.

One of the worst downsides from a program like this would be for a child to be put on a list as having some type of mental disorder.

□ 1515

An unruly child is going to be the first one to be determined as mentally disturbed. It is happening all the time. Those are the individuals that are hyperactive even in a normal sense and end up on Ritalin.

But can you imagine a list of this sort? They claim it will be private, but can you imagine if there is a list that has identified an individual as a possible candidate for violence? And what if he were to be hired by an important industry? What if the post office was to hire this individual and he was on this list and we did not make this information available to the hiring authorities? That means there would be tremendous pressure to make public officials use this list for reasons that I think would be very, very negative.

The whole notion of testing children to me represents a principle even more intrusive than a mandatory blood test. It would make more sense medically to have a blood test for, say, AIDS, if you thought it was the responsibility of the Federal Government to take this job upon themselves. But, no, if we tried to do this in the area of mental diseases, believe me, the criteria would be way too arbitrary. A diagnosis will be too difficult to determine with a set of objective standards.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Does any Member rise in opposition to the amendment?

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a little baffled by this, because there is nothing in this bill to establish the universal mental health screening. I do not know what the need for the amendment is. I understand what the concern of the gentleman is if this were the case, but we do not have it. There is no requirement, there is no money, there is no action.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, that is correct, there is no money specified for this. But on previous legislation, the authority exists for us to be involved in mental health. The particular bill's mental health services, it is on the books. The legislative authority is there. It could be done by regulation.

I am just saying you are correct, it is not on there, so there should be no objection, is my interpretation. It is just a protection, a statement by the House that we do not like this idea because this is a recommendation from a commission set up by the administration, and I would like to cut it off before it gets very far.

Mr. REGULA. Mr. Chairman, reclaiming my time, I guess you might call this preventive medicine.

Mr. PAUL. I hope the gentleman will join me in this effort for preventive medicine.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is a little inflammatory. You do have a lot of people who for, one reason or another, maybe family members, maybe in their own case, they do have problems. I think, in a way, to pass an amendment of this type is sort of putting our thumb in their eye or sort of saying, hey, we do not want any part of this.

What the commission did in their report is say this is a problem we need to be thinking about, that we need to address. But I think it is premature, and it is unfair in a way to identify a segment of the population and say under no circumstances are you going to get any help.

For this reason, I would have to oppose the amendment.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the amendment was misconstrued by the previous speaker, because it would not deny medical care. What it does is it denies the authority to the administration to have universal screening of all children in public school. It does not deny care to any individual that may qualify.

Already the SAT tests have now been changed to incorporate having the students write a paragraph about personal beliefs and their world view. Can you not see the connection? If one has a strange world view or a strange personal belief, if you have a prejudice or whatever one may be deemed mentally ill.

This is a dangerous idea and a notion that has been used by totalitarian societies throughout the ages. Just think of the extreme of this if this is not nipped in the bud, as happened in the Soviet system. People were not always convicted of crimes; but they were put in psychiatric hospitals to be retrained, to be conditioned to think differently and politically correct.

When we see a monopoly school system, a universal school system, talking about standardizing what they think is sound mental health, believe me, we are treading on dangerous ground.

I would like to restate once again, this amendment does not deny treatment to any individual that is pointed out to have medical needs. This goes along with the principles of reasonable cause. They cannot go in and search our houses, or at least they are not supposed to, without a reasonable cause. We should not go into these kids' minds without reasonable cause and sort out this kind of information.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out that this is the President's new Freedom Commission on Mental Health, and it is titled, "Achieving the Promise. Transforming Mental Health Care in America." But nowhere in this report does it propose universal mental health screening.

So this amendment is totally unnecessary, and I think it is almost a slap in the face to people that have some difficult problems. Therefore, I would be strongly in opposition to it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. I certainly agree with the gentleman's comments. I have great respect and affection for the gentleman from Texas. I know that he believes what he believes deeply, and I respect that. But I just would have to say that I wish we were at the stage in this country in terms of our recognition of mental illness, I wish we were at the stage in this country where we could provide every child with the opportunity to be screened, so that we can catch ahead of time developing problems and help families who otherwise have nowhere to turn.

I join with the gentleman from Ohio (Mr. REGULA) in opposition to the amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY), a member of our subcommittee.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think we have before us a choice between science and stigma. Stigma is the biggest barrier to us making sure millions of Americans gain access to what is fundamentally a physical illness. You do not need to take my word for it. You have every Nobel Laureate, the Surgeon Generals of the United States, all saying this is a physiologically, biologically based illness. So the notion that we are going to shut kids out from being screened so that we can intervene and make a difference in their lives, I do not understand.

I would add one more thing: our colleagues have learned the hard way. Three of our colleagues have lost their children in the last couple of years alone as a result of suicide. We voted on one of those bills on suicide prevention on Senator SMITH's son, who died a year ago yesterday as a result of suicide. We know of many others whose tragedies we do not want to go into.

But to think that suicide and mental illness are not scientifically based is to look back and think we are still living in the Stone Age.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available by this Act may be used for administrative costs for the collection of monthly premiums under part B of the medicare program for months in a year at monthly premium rates that exceed the monthly premium rates for months in the previous year.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio reserves a point of order.

The gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes on his amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last week, the Bush administration on Friday afternoon when no one was paying attention, right after he made a speech at the convention assuring seniors that Medicare would be strong and prosper, and right as Labor Day weekend began and no one was paying attention, the President announced a dramatic increase, a historically high increase in Medicare part B premiums paid by seniors and the disabled, a 17 percent increase, the single biggest premium hike in Medicare history.

Most seniors rely on the Social Security cost-of-living adjustments, COLAs, to offset Medicare premium increases. Though the administration has not published it yet, the Social Security COLA will be about 3 percent, making the Medicare increase almost six times what the COLA increase for Social Security will be.

Usually they are announced at the same time. This year, because of the election, presumably, the President thought he could sort of quietly do this right before Labor Day. He did not really want to announce them at the same time, presumably because the premium increase for Medicare was five to six times what the COLA increase would be.

Why are those premiums rising so dramatically? The Bush administration spokesman says it is because seniors are going to receive enhanced benefits. He did not acknowledge that the premium increase will help cover enhanced benefits for HMOs, $12 billion worth.

So we have a $130 increase for seniors' premiums, and we have $12 billion more going into HMO pockets. HMO profits already are soaring; they increased 50 percent last year. Yet the Bush administration is tapping the Medicare trust fund and making seniors pay more out of pocket to finance a $12 billion HMO slush fund. That is just the beginning. The total HMO payment changes in last year's law will cost taxpayers $46 billion.

So even as it is emptying the Medicare trust fund, the Bush administration has the audacity to ask the American seniors to pay more. The change would require each of 40 million senior and disabled Americans to pay $139 more next year for Medicare coverage. My amendment would stop the premium increase.

Unfortunately, my friend, the gentleman from Ohio (Mr. REGULA), is using his discretion to object to the amendment on procedural grounds. I urge my friend, the gentleman from Ohio (Mr. REGULA), to reconsider because we need to look at this bigger picture: how much money are we paying the insurance companies; how much are we telling seniors they have to reach into their pockets.

There is no justification for pouring billions into the pockets of already very profitable HMOs and asking seniors on fixed incomes to absorb a 17 percent increase just to appease a President bent on privatizing Medicare.

Asking seniors to finance the President's privatization agenda is not just unjustifiable; it is, frankly, shameful. If this amendment does not pass, seniors will see their premiums rise sharply while HMOs take billions more in so-called bonus payments.

The chairman can and should permit a vote on this amendment so we can begin to restore the trust of seniors and the fiscal integrity of Medicare.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out that the gentleman that just spoke is a member of the authorizing committee with jurisdiction, and, therefore, this ought to be handled there.

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the amendment offered by Mr. BROWN, my good friend and the ranking member of the Energy and Commerce Health Subcommittee.

Last week the Bush administration announced a 17-percent increase in premiums for Medicare Part B benefits. This is the highest increase in Medicare's long history.

In fact, since the Bush administration came to town, Medicare premiums have increased twice as much as they did during all 8 years of the Clinton administration combined.

On every account, it is wrong for our seniors on fixed incomes to face double digit increases in their Medicare premiums.

But to make matters worse, our seniors are left footing the bill as a result of this administration's failed health care policies.

If this administration wants to increase access to health care, it should ensure that Medicare—as a safety net program—is truly affordable to America's senior citizens.

Instead, this administration is charging our seniors an extra $5.5 billion next year, all the while diverting $12 billion from the Medicare Trust Fund to help HMOs lure Medicare beneficiaries away from traditional Medicare.

Instead of siphoning money from the Medicare Trust Fund to the HMOs' pockets, the administration should focus on the fiscal realities facing the Medicare program.

By stopping the Medicare Part B premium increase, the Brown amendment will force them to do just that.

I urge my colleagues to do right by America's seniors and support this amendment.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it is a violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2005 on July 22, 2004, House Report 108–633. This amendment would provide new budget authority in excess of the suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Ohio (Mr. BROWN) wish to be heard on the point of order?

Mr. BROWN of Ohio. Mr. Chairman, I have one additional speaker. Is it possible that he can speak before that?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has made a point of order on the amendment. The Chair must at this point entertain only argument related to the point of order.

Mr. BROWN of Ohio. Mr. Chairman, I would like to speak respecting the opinion and statement of the gentleman from Ohio (Mr. REGULA) on the point of order.

Mr. Chairman, this is a question of, by and large, moving money from the Medicare trust fund, the money that Congress has decided should go to insurance companies, and, as a result, costing Medicare beneficiaries an additional payment out of their pockets.

It is basically a zero-sum game. Are we in this body going to say insurance companies are going to get the money, or are we going to say we are going to charge beneficiaries for that money? I would appeal based on that.

The CHAIRMAN pro tempore. The Chair is prepared to rule on the point of order.

The Chair is authoratively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Ohio would increase the level of new discretionary budget authority in the bill.

□ 1530

As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAMSTAD:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for "EMPLOYMENT AND TRAINING ADMINISTRATION-TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCISSION)", by reducing the amount made available for "EMPLOYMENT STANDARDS ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "MINE SAFETY AND HEALTH ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "BUREAU OF LABOR STATISTICS-SALARIES AND EXPENSES", by reducing the amount made available for "DEPARTMENTAL MANAGEMENT-SALARIES AND EXPENSES", by reducing the amount made available in title I for "OFFICE OF INSPECTOR GENERAL", by reducing the amount made available for "HEALTH RESOURCES AND SERVICES ADMINISTRATION-HEALTH RESOURCES AND SERVICES", by reducing the amount made available for "CHILDREN AND FAMILIES SERVICES PROGRAMS", by reducing the amount made available for "ADMINISTRATION ON AGING-AGING SERVICES PROGRAMS", by reducing the amount made available for "OFFICE OF THE SECRETARY-GENERAL DEPARTMENTAL MANAGEMENT", and by increasing the amount made available for "SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION-SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES", by $18,978,00, $10,802,00, $10,967,000, $7,280,000, $15,022,000, $5,000,000, $4,386,000, $11,042,000, $12,312,000, $1,158,000, $5,234,000, and $100,000,000, respectively.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. RAMSTAD) and a Member opposed each will control 5 minutes on the amendment.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) reserves a point of order.

The gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

This amendment would fully fund the President's request for the Access to Recovery grant program, which helps people who need chemical dependency treatment get the help they need from the treatment provider of their choice.

Mr. Chairman, it is time for Congress to get serious about the problem of alcohol and other drug addiction and treat it like the number 1 public health crisis it is. Nearly 1 in 10 Americans today is suffering the ravages of chemical addiction. Twenty-six million

Americans are addicted to drugs and/or alcohol, and 156,000 Americans died last year from this fatal disease.

The public costs of untreated addiction are also staggering. A Brandeis University study found that addiction costs the American economy $400 billion a year. That is billion with a B, Mr. Chairman. These criminal justice costs, health care costs, lost productivity in the workplace, and so on are a huge drain on our economy, and there are countless other human costs we cannot even begin to quantify.

At the same time, Mr. Chairman, there is real hope for Americans struggling with the disease, hope through treatment and recovery. We have all the empirical evidence in the world to show that treatment works, and expanding access to treatment, as the President wants us to do, is not only the right thing to do, but it is also the cost-effective thing to do.

The National Institute on Drug Abuse did an exhaustive study and found that every dollar spent on treatment saves $7 in criminal justice costs alone. If savings in health care are factored in, we save $12 for each dollar spent on treatment. A California study found that statewide emergency room admissions dropped by one-third after treatment, and crime declined by two-thirds following treatment.

So the question, Mr. Chairman, is not whether we can afford to provide treatment; the question is whether we can afford not to provide treatment.

Mr. Chairman, I stand here today as a grateful recovering alcoholic of 23 years, 1 month, and 9 days, and I am alive today only because I had access to the treatment that I needed. If fully funded, the Access to Recovery program could extend the same lifeline to 100,000 other Americans who desperately need help, who desperately need treatment.

President Bush proposed the Access to Recovery program last year, and we funded just half of his $200 million request. As a result, 45 States applied for funding; because of the lack of funds, only 14 States and 1 tribal government received any grants. It is clear, Mr. Chairman, the demand far outstrips the supply of these critical funds. The bill before us, once again, contains only one-half the funding that the President requested.

Mr. Chairman, this is a life-or-death issue, and we cannot afford to be half-hearted about it. This amendment would fully fund the President's request by adding $100 million to the Access to Recovery program. It is fully offset with cost-savings for administrative accounts.

Mr. Chairman, President Nixon, when he first declared the war on drugs in the 1970s, directed 60 percent of funding, of Federal funding, to treatment. Today we are down to 18 percent, 18 percent. That is why over half the treatment beds available just 10 years ago are gone. That is why 3.5 million Americans were denied treatment last year alone.

This program, the Access to Recovery program, will not only enable addicted Americans to receive treatment, it will also help increase the number of providers, and the rigorous peer review process at SAMHSA for obtaining the grants and its strong program evaluation requirements will lead us to better performance-based treatment in this country.

I urge my colleagues to support this critical program and provide hope to thousands of Americans who need treatment for the fatal disease of alcohol and other addiction, alcohol and other drug addiction.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. REGULA. Mr. Chairman, I commend the gentleman for his concern. We have the same concern in the subcommittee. We have put lots of money in the State grants. We have put $100 million in this program. I think it is important that we prove the efficacy of it, give the agency a chance to demonstrate that it will work.

But in the meantime, we are constrained by parliamentary rules, and under the parliamentary requirements, this does require some additional expenditure.

Therefore, Mr. Chairman, I make a point of order against the amendment, because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of Rule XXI. Clause 2 of Rule XXI states in pertinent part: "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of Rule XXI, and I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota (Mr. RAMSTAD) wish to be heard on the point of order?

Mr. RAMSTAD. I do, Mr. Chairman.

Mr. Chairman, I understand this amendment is subject to a point of order because it seeks to add funding to an account administered by SAMHSA. Unfortunately, the authorization for SAMHSA did expire at the end of last year.

At the very least, Mr. Chairman, this should be a wake-up call for Congress to reauthorize SAMHSA without further delay. SAMHSA is a critical source of treatment funding for the 45 million Americans suffering from mental illness and the 26 million Americans suffering from chemical addiction.

It is unfortunate this amendment will most likely be ruled out of order because Congress has not acted to reauthorize SAMHSA. However, I look forward to working with the gentleman from Ohio (Chairman REGULA) and my other colleagues on the critical mission of expanding access to treatment for people suffering the ravages of chemical addition.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island (Mr. KENNEDY) wish to be heard on the point of order?

Mr. KENNEDY of Rhode Island. Yes, Mr. Chairman, I would like to be heard on the point of order.

I believe that this is an important point that the gentleman from Minnesota (Mr. RAMSTAD) brought up. I thought it was brought up very poignantly because of the importance of this issue, and I wanted to join him in addressing this issue and to ask my colleagues to acknowledge the real champion on these issues with alcoholism and substance abuse that the gentleman from Minnesota (Mr. RAMSTAD) speaks so eloquently about and is such a leader on.

The CHAIRMAN pro tempore. The Chair is prepared to rule on the point of order.

The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of Rule XXI.

The amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees "from that agency" at any single conference occurring outside the United States.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Over the last few days, I have heard colleagues from both sides of the aisle address the financial situation that our government finds itself in with regard to the budget deficits and our level of spending. Mr. Chairman, while people may disagree on each side of the aisle on exactly how we got to this point, how we got here, I think most Members will agree that we are, in fact, spending too much money.

That is why I am proposing today a very simple amendment, a commonsense approach, I think, to help limit the amount of money that the government spends of our constituents' hard-earned tax dollars.

My amendment will simply do this: It will limit the number of Federal employees that are sent to international conferences funded under this bill to 50. Recently there has been a trend, unfortunately, by various government agencies to send far in excess of this number of staff to international conferences, costing taxpayers millions upon millions of dollars. Like all of my colleagues, I understand the importance of staff, both on a personal level and on an agency level, but I think we have an obligation to our citizens back at home to do all we can to rein things in.

Let me just take a moment to cite one example. Back in 2002, a U.S. agency sent 236 people to an international AIDS conference in Barcelona, Spain. These employees were sent at a cost of $3.6 million of taxpayers' funds. Someone pointed out after I raised this point earlier how much treatment and how many individuals could have been treated with that $3.6 million had we not sent so many people.

Due to my limited time here right now, I am not going to go into other examples of excesses as far as employees and staff being sent to these conferences; I am just going to urge my colleagues on both sides of the aisle to support this amendment, to support the limited number to 50, a number that we have done on voice vote on a previous bill, on the foreign ops bill, a number that was also concurred with by the Secretary of HHS as well as in his own directive to his employees. So I encourage my colleagues on both sides of the aisle to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

I understand my colleague's concern about international travel. I think that Secretary Thompson has done a good job of trying to get guidelines established in the agency. William Steiger, who is the son of one of our former highly respected House colleagues, is a point person in the agency. They are reviewing their travel requirements.

I am not going to object to the amendment, but I think that Secretary Thompson is very much aware of this problem, and I think he will address it certainly in the way in which he administers the Department. He has done a superb job in handling a very difficult agency in HHS. There may be special occasions when it requires more than 50, particularly when many of these meetings are in Canada.

But in any event, we will address this as we go along, and we are not going to object to it today.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEUGEBAUER:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. . None of the funds made available in this Act for the National Institute of Mental Health may be used to fund grant number MH054142 & MH064527.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas. (Mr. NEUGEBAUER).

(Mr. NEUGEBAUER asked and was given permission to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

My amendment would prohibit the National Institute of Mental Health from further funding a grant studying the decorations of dorm rooms and college students' Web pages. It also would prohibit NIMH from further funding a grant studying what makes for a meaningful day.

This would not cut out any funding for NIMH; it would simply focus research funding that is provided toward serious mental health issues and not interior decoration.

I have personally read this grant application and found that each participant was allowed to receive $100 for decorating his dorm room and, additionally, three $1,000 prizes were given away in a lottery to the study participants.

The second application states that "for many students, attending college may be a source of meaning itself, as a stepping stone to future goals or as a means of occupying a meaningful social role." Now, I do not think we need to spend $1 million for college students to determine what is a meaningful day in their life.

Each of us meet with constituents on a daily basis with serious mental health issues threatening not only themselves, but their families. Right now, when Americans are facing these unbearable losses, taxpayer dollars should be focused on serious mental health issues like bipolar disorders and Alzheimer's.

Research areas under the NIMH include Alzheimer's, schizophrenia, bipolar disorder, and suicide prevention. Grants to questionable studies like dorm room wall decorations cloud many of the good things that the National Institute of Mental Health does and can do.

According to a recent study published by the Treatment Advocacy Center and Public Citizen, "Individuals with serious mental illnesses account for 58 percent of our direct costs for all mental illness. However, only 5.8 percent of the NIMH budget funds 'clinically relevant' studies."

I have no doubt that those receiving those NIH funds will conclude that their research is valid, but when I talk to Americans with mental health issues and mental illnesses, I want to be able to tell them that we are committing NIH funds to studying serious mental health issues.

□ 1545

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time, and I thank the gentleman for bringing this important amendment forward. Every once in a while you just have to stand back and say, hey, you have gone too far here, and studying dorm room walls to see if the paintings or the decorations on them say something about the health of the student or whatnot is just going too far.

I can look back at college and I can tell my colleagues my dorm room walls were pretty bare. It said one thing about me, that I was broke, and that is what most students are worried about in college, just getting through. To tell them that they are paying taxes and some of their taxes are going to study what they have put on their dorm room walls, as to what that tells about them, is simply absurd.

So I think every once in a while you have to step back and say we will have none of this; you have gone too far, the taxpayers deserve better.

I thank the gentleman for bringing it forward, and I urge support for the amendment.

Mr. NEUGEBAUER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Texas has 1½ minutes remaining.

Does the gentleman from Ohio (Mr. REGULA) seek the time in opposition?

Mr. REGULA. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to commend the gentleman from Texas for working with me. I would like to commend the gentleman and thank the gentleman for the advance notice seeking to rescind funding for a competitive grant that has been awarded to a constituent of mine. I would like to, but I cannot because he did not have the common courtesy to advise me of that in advance.

Certainly, the gentleman portrays the amendment in a simplistic way, and I know that is certainly great fodder for an election-year press release, but I would say to the gentleman that the grant itself does have substance.

First about the scientist. Dr. Laura King, who is a constituent of mine at Columbia, Missouri, I would like to put her curriculum vitae into the RECORD, Mr. Chairman, at this point.

LAURA A. KING, PH.D.

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Date of Birth: January 4, 1964, Dover, Ohio

Academic Record & Honors

Ph.D.—1991 University of California, Davis, Psychology, with distinction

M.A.—1990 University of California, Davis, Psychology

M.A.—1989 Michigan State University, Psychology, Phi Kappa Phi

A.B.—1986 Kenyon College, English Literature with High Honors & Distinction; Psychology with Distinction; summa cum laude, ranked 2nd in class; Phi Beta Kappa; Semi-finalist for the Mellon Fellowship in the Humanities, 1986; Awards for Outstanding Junior English Major (1985) and Outstanding Senior Psychology Major (1986)

Research Grants Awarded

NIMH/FIRST Award MH54142 $475,728.00, 1995–2000 "Goals, Identity, and Meaning in Life"

NIMH 2R01MH054142–06A2 (same grant, different name) "Goals, Memory, and Self-Regulation", 2002–2005; $450,000

Templeton Prize in Positive Psychology, $50,000 (including $35,000 unrestricted research grant)

Awards

Chancellor's Award for Outstanding Research and Creative Activity in the area of Social and Behavioral Sciences, 2004, University of Missouri

Named a H.O.P.E. Professor for excellence in teaching, SMU, 2000

Maguire Teaching Fellow (for Teaching Ethics), SMU, 2000

The "M" Award presented by SMU for "sustained excellence," 1999

Mortar Board Senior Honor Society Faculty Appreciation Award, 1998

Rotunda Outstanding Faculty Teaching Award, SMU, 1996

Faculty Member of the Month Award, SMU Student Association, April, 1995

Professional Experience

2003–present—Professor, University of Missouri, Columbia

2001–2003—Associate Professor, University of Missouri, Columbia

1997–2001—Associate Professor, Southern Methodist University

1991–1997—Associate Professor, Southern Methodist University

1988–1991—Teaching Assistant and Instructor, University of California, Davis

1988—Graduate Assistant, Murray Lectures Committee, M.S.U.

1986–1988—Teaching Assistant, Michigan State University

1984–1986—Writing Clinic Tutor, English Department, Kenyon College

Professional Affiliations

Society for Personology (Elected for membership, 2004); Association for Research in Personality—elected Member At Large, 2002; American Psychological Association; APA Division 8; American Psychological Society; Midwestern Psychological Association; Society of Experimental Social Psychology; International Society for Self and Identity

Editorial Activities

Associate Editor, Journal of Personality and Social Psychology 1999–2003

Associate Editor, Personality and Social Psychology Bulletin 1998–1999

Guest Co-editor, with Kennon Sheldon American Psychologist: Special Section on Positive Psychology, 2001; Guest Editor, Journal of Personality: Special Section: Personality Development and Personal Growth, 2002; Editorial Board, Journal of Personality, 1996–2003; Journal of Personality and Social Psychology, 1997–1999; Ad hoc Reviewer, Psychological Bulletin, Psychological Review, Personality and Social Psychology Bulletin Journal of Abnormal Psychology, Social Cognition, Journal of Research in Personality, Basic and Applied Social Psychology, Journal of Social and Personal Relationships, Psychological Science

Grant Review Panels

National Institutes of Health Panel RPHG–4, 1999–2003 SPIP, 2003–present; Special emphasis panels, 3/2000, 7/2000

PUBLICATIONS

Articles

Scollon, C.N., & King, L.A. (2004). Is the good life the easy life? Social Indicators Research 68, 127–162.

Twenge, J.M., & King, L.A. (in press). A good life is a personal life: Relationship fulfillment and work fulfillment in judgments of life quality. Journal of Research in Personality.

King, L.A., & Raspin, C. (2004). Lost and found possible selves, well-being and ego development in divorced women. Journal of Personality, 72, 603–631.

Burton, C.M., & King, L.A. (2004). The health benefits of writing about peak experiences. Journal of Research in Personality, 38, 150–163.

King, L.A., & Smith, S.N. (2004). Happy, mature, and gay: Intimacy, power, and difficult times in coming out stories. Journal of Research in Personality, in press.

King, L.A., & Smith, N.G. (2004). Gay and straight possible selves: Goals, identity, subjective well-being, and personality development. Journal of Personality, 72, 967–994.

King, L.A. (2003). The Mysterious and Audacious World of Melanie Klein. Contemporary Psychology, 48.

King, L.A. (2003). Money really doesn't buy happiness. Analyses of Social Issues and Public Policy.

King, L.A. (2003). Some truths behind the trombones? Psychological Inquiry, 128–131. Invited commentary on Lazarus.

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King, L.A., & Pennebaker, J.W. (1998). What's so great about feeling good? Psychological Inquiry, 9, 53–56. (Invited commentary on Ryff & Singer).

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King, L.A. (1995). Wishes, motives, goals, and personal memories: Relations and correlates of measures of human motivation. Journal of Personality, 63, 985–1007.

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Chapters

King, L.A., Eells, J.E., & Burton, C.M. (2004). The good life, broadly defined. In A. Linley, & S. Joseph, (Eds.), Positive Psychology In Practice. (pp. 35–52). New Jersey: John Wiley and Sons.

King, L.A. (2003). Measures and meanings: The use of qualitative data in social and personality psychology. In C. Sansone, C. Morf, & A. Panter, Handbook of Methods in Social Psychology, (pp. 173–194). NY: Sage.

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King, L.A. (2002). Gain Without Pain: Expressive Writing and Self Regulation. In S.J. Lepore & J. Smythe (Eds.), The Writing Cure, Washington, D.C.: American Psychological Association.

King, L.A. (1998). Personal goals and personal agency: Linking everyday goals to future images of the self. In M. Kofta, G. Weary, and G. Sedek (Eds.), Personal Control in Action: Cognitive and Motivational Mechanisms (pp. 109–128). New York City, NY: Plenum.

King, L.A., & Emmons, R.A. (2000). The assessment of motivation. In A.E. Kazdin (Ed.), Encyclopedia of Psychology, Vol. 5. (pp. 320–324). New York: American Psychological Association and Oxford University Press.

King, L.A., & Napa, C. (1999). Ambivalence. In D. Levinson, J. Ponzetti, & P. F. Jorgensen (Eds.), The Encyclopedia of Human Emotions, New York, NY: MacMillan Reference.

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Emmons, R.A., King, L.A., & Sheldon, K. (1992). Goal Conflict and the Self-Regulation of Action. In D.M. Wegner and J.W. Pennebaker (Eds). Handbook of Mental Control (pp. 528–551). Englewood Cliffs, NJ: Prentice Hall.

Emmons, R.A., & King, L.A. (1992). Thematic analysis, experience sampling, and personal goals. In C.P. Smith (Ed.), Thematic content analysis for motivation and personality research (pp. 73–86). New York: Cambridge University Press.

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Manuscrips Under Review

King, L.A. Happy endings.

King, L.A., Hicks, J.A., Baker, A.K., & Krull, J. Positive affect and the experience of meaning

King, L.A. & Eells, J.E. Older but wiser, and happier and nicer: Folk concepts of maturity.

Lyubomirsky, S., King, L.A., & Diener, E. The benefits of positive emotion.

King, L.A., Baker, A.K., & Burton, C.M. The relocation of joy: Rediscovering happiness after a life transition.

Manuscripts In Preparation

King, L.A., Hicks, J., & Burton, C. Self disclosure vs. self construction: Reconsidering the healing power of writing

King, L.A., & Williams, T. Enacting a life dream: Implications for daily experience, and psychological and physical well-being.

King, L.A., & Kennedy, T.D. What they did for love; Generativity, subjective well-being and the career narratives of professional dancers.

King, L.A., & Marquis, J. Making a contribution: Changing life goals, generativity, and subjective well-being in infertile individuals.

King, L.A. The consequences and correlates of the pursuit of happiness.

Williams, T., King, L.A., & Eels, J. Are important goals difficult? Person X Appraisal Interactions in Personal Goals.

Drigotas, S.M., & King, L.A. Intuition, emotional intelligence, and social functioning.

PRESENTATIONS

Invited Colloquia and Talks

King, L.A. (2004, May). Who I am and who I was: Stories of the discovery and construction of meaning in life transitions. Presented in Symposium entitled "Second Changes in Life: Transformative Stories of Self and Society. Dan McAdams, Chair. Foley Center for the Study of Lives, Northwestern University.

King, L.A. (2004, April). Happiness and the Meaningful Life. Keynote Speaker Address. Michigan Undergraduate Research Conference. Kalamazoo College.

King, L.A. (2004, April). Stories of Life Transition: Implications for Happiness and Personality Development. Kenyon College, Gambier, OH.

King, L.A. (2004, April). Writing for Our Lives: Implications for psychological and physical health. Kenyon College, Gambier, OH.

King, L.A. (2003, May). A Meaningful Life: The positive psychology approach to the Life Story. Psi Chi Distinguished Speaker Presentation. Midwestern Psychological Association Convention. Chicago, IL.

King, L.A. (2002, October). In favor of happy endings. Presented at the International Positive Psychology Summit, Washington, D.C.

King, L.A. (August, 2002). All that ends well really is well. Invited address, presented at a Presidential Symposium. American Psychological Association, Chicago, IL. Martin Seligman, Chair.

King, L.A. (2002, February). The relative weight of work and family in judgments of life quality. University of Maryland, College Park, MD.

King, L.A. (2001, December). The Articulated Self: Writing, revising and reinventing the life story. University of Pennsylvania, Philadelphia, PA.

Twenge, J., & King, L.A. (2001, October). A good life is a good personal life. University of Illinois, Urbana-Champaign.

King, L.A. (2001, February). Goals, stories, and the meaning of life. University of Missouri, Columbia, MO.

King, L.A. (2001, February). Healthy Pleasures. Two talks, plus discussion presented as part of SMU's Godbey Lecture Series, Looking on the Bright Side of Life, with Mike McCullough.

King, L.A. (2000, April). Trivial Pursuits and Magnificent Obsessions: The Role of Life Goals in Happiness, Health, and Maturity. University of North Carolina, Chapel Hill, NC.

King, L.A. (2000, Spring). The Psychology of the Good Life. Godbey Lecture Series, Southern Methodist University. A series of four lectures, plus discussion, presented in Dallas, TX.

King, L.A. (2000, February). Are only bad things good for us? University of Texas at Austin.

King, L.A. (2000, February). Lost and found possible selves: The role of what might have been in subjective well-being and personality development. Presented at the First Annual Personality Preconference, The Society for Personality and Social Psychology Conference. Nashville, TN.

King, L.A. (1999, October) Reconstructing the future: Personal growth, subjective well-being, and physical health in response to life changing events. Iowa Psychological Association Convention, Pella, IA.

King, L.A. (1999, November). Lost and Found Possible Selves: Implications for Well-being and Maturity. Feminist Reading Group, Southern Methodist University. Dallas, TX.

King, L.A. (1999, April). What the stories we tell say about us: Subjective well-being and personal growth. University of Texas at Dallas.

King, L.A. (1998, February). A psychology of Goya's Los Caprichos. Meadows Museum of Art. Southern Methodist University, Dallas, TX.

King, L.A., & Napa, C. (1997, April). What makes life worth living? Presented at the Midwestern Psychological Association Convention, Chicago, IL.

King, L.A. (1996, October). Emotional disclosure: Basic mechanisms and re-writing the life story, Universidad Autonomous de Mexico (UNAM), Mexico City.

King, L.A. (1996, March). Personal goals and personal development: Becoming the people we want to be. Southern Methodist University, Dallas, TX.

King, L.A. (1996, February). Daily goals and best possible selves: Implications for Subjective well-being. University of Michigan, Ann Arbor, MI.

King, L.A. (1996, April). Personal strivings, possible selves and the meaning of life. Invited paper presented at the Southwestern Psychological Association Convention, San Antonio, TX.

King, L.A. (1995, December). Goals, wishes, and ultimate life dreams: Explorations in personality and motivation. The University of Houston, Houston, TX.

King, L.A. (1994, September). Goal conflict, ambivalence and psychological well-being. Department of Psychiatry, Universitat Ulm and the Psychiatric Hospital at Weissenau, Germany.

King, L.A. (1994, September). Linking current goals to future images of the self: Implications for well-being and goal progress. Presented at an invited conference entitled "Issues in Personal Agency." The University of Warsaw, Poland. M. Kofta, G. Weary, and G. Sedek, Organizers.

King, L.A. (1994, December). Personal strivings and the imagined future self: Implications for subjective well-being. The University of Texas-El Paso, El Paso, TX.

King, L.A. (1993, November). Ambivalence over emotional expression and the interpretation of emotional stimuli, Texas A&M University, Bryan-College Station, TX.

Symposia Organized

King, L.A. Chair (2000, October). Happiness, Optimism, Hope and Maturity: A social psychology of human strengths. Society of Experimental Social Psychology. Contributors: Ed Diener & Carol Nickerson, Sonja Lyubomirsky, C. R. Snyder, and Laura King.

Selected Conference Papers

King, L.A., Baker, A. K., Velasquez, L., & Burton, C. M. (2004). Changes, happiness, and maturity, APA.

King, L.A. & Baker, A. K. (2003). The Relocation of Joy: American Psychological Association Convention.

King, L.A. (2002, April). Writing and revising your way to health and happiness. Presented at the SPAM Meeting, Columbia, MO.

King, L.A. (2002, February). The self looks upon itself transformed: Narrative explorations in self change. Society for Personality and Social Psychology, in a symposium entitled "Self Perception." Savannah, GA.

King, L.A. (1999, January). If it's positive, it must be an illusion. Presented at the First Annual Invited Conference of Positive Psychology, Akumal, Mexico.

King, L.A. (1998, June). Stories of life transitions: Happy endings and subjective well-being. Presented at the Nags Head Conference on Personality and Social Behavior.

King, L.A. (1997, August). Doesn't everybody just want to be happy? Presented in a symposium entitled, "Looking on the Bright Side" C. Langston, Chair. 105th Annual Convention of the American Psychological Association. Chicago.

King, L.A. (1997, July). Finding meaning in traumatic events: Implications for physical well-being. Presented in a symposium entitled "Trauma: Social, Clinical, and Personality Perspectives" Luc Vandenberg, Chair. 4th annual European Congress of Psychology, Dublin, Ireland.

King, L.A. (1995, June), Linking current goals to future images of the self: The case of Pre-med students. Presented at the Nags Head Conference on Personality and social Behavior, Highland Beach, FL.

King, L.A. (1994, August), Implicit and Self-Attributed Motives: Relations to Private Wishes, Worst Fears, and Awareness. Paper presented in a symposium entitled, "Implicit and Explicit Motivation." W. Fleeson, Chair. 102nd Annual Convention of the American Psychological Association. Los Angeles, CA.

King, L.A. (1994, August). Personal strivings and ultimate life goals: Linking the present with the future. Presented in a symposium entitled, "Goals Units in Personality: Development and Change of Personal Goals." C. Langston, Chair. 102nd Annual Convention of the American Psychological Association. Los Angeles, CA.

King, L.A. (1994, June). Personal goals and personal development: Development as a deliberate process. Presented at the Nags Head Conference on Personality and Social Behavior, Highland Beach, FL.

King, L.A. & Whitmore, J. (1993, April). Ambivalence over Emotional Expression and Interpretation of Emotional Stimuli. Paper presented at the 65th Annual Convention of the Midwestern Psychological Association. Chicago, IL.

King, L.A. (1992, August). Intrapsychic Conflict and Self-destructive Behavior: A Vicious Circle. Presented at Symposium entitled "Self-Destructive Behavior: Clinical, Social and Personality Perspectives" R. A. Emmons, Chair. American Psychological Association Convention, Washington, D.C.

King, L.A. (1992, May). Autonomic Correlates of Writing about Emotion. Presented at the Nags Head Conference on Affect and Cognition, Highland Beach, FL.

King, L.A. (1992, May). Goals and Motives to Achieve: Motivational Contributions to Performance. Paper presented at the Midwestern Psychological Association. Chicago, IL.

Selected Recent Poster presentations

King, L.A., Scollon, C. K., & Eells, J. (2001, February). Counting our blessings: Gratitude, mood and well-being. Presented at the Society for Personality and Social Psychology. San Antonio, TX.

King, L.A., Patterson, C., Smith, S.N., & Ruff, K. (2000, August). Reclaiming agency: Motivational themes in the autobiographical memories of divorced women. Presented at the American Psychological Association Convention, Washington, D.C.

King, L.A., Patterson, C., Smith, S.N., & Ruff, K. (2000, August). Mature, happy and gay: Exploring healthy adulthood via coming out stories. Presented at the American Psychological Association Convention, Washington, D.C.

Patterson, C., & King, L.A. (1999, August). the lost and found possible selves of parents of children with Down Syndrome: Implications for psychological well-being. Presented at the American Psychological Association Convention, Washington, D.C.

Meier, J. A., & King, L.A. (1999, May). Emotional writing in infertile women: Psychological distress and conception. Paper presented at the Midwestern Psychological Association Convention, Chicago, IL.

Napa, C. K., & King, L.A. (1999, May). Is the good life the easy life? Presented at the Midwestern Psychological Association Convention, Chicago, IL.

Scollon, T. B., & King, L.A. (1998, August). Psychological responses to life goal change. Presented at the 106th Annual APA Convention. San Francisco, CA.

Napa, C. K., & King, L.A. (1998, May). Admirable Lives. Midwestern Psychological Association Convention. Chicago, IL.

Fisk, L., & King, L.A. (1998, May). Best and lost possible selves: Psychological well-being in injured athletes. Midwestern Psychological Association Convention. Chicago, IL.

Miner, K., & King, L.A. (1996, August). Writing about traumatic events and recovery: Implications for psychological and physical well-being. Presented at the 104th Annual Convention of the American Psychological Association. Toronto, Canada.

King, L.A. (1995, August). Ambivalence over emotional expression in survivors of sexual trauma. Presented at the 103rd Annual Convention of the American Psychological Association. Los Angeles, CA.

Counseling Experience & Community Service

2002—PRISM Board Member (Columbia, MO Gay-Straight Teen Alliance)

1993–1995—Literacy Volunteers of America (LVA), literacy tutor in Dallas County

1993-present—Certified to train literacy tutors

1993—LVA Dallas Curricular Review Board Member

1989 to 1991—Certified HIV test counselor Davis, CA, Davis Community Clinic

Teaching Interests

Undergraduate courses taught: Personality Psychology; Introductory Psychology; Social Psychology; Personality and Social Development; The Person in Psychology and Literature (in the SMU in Oxford program); The Psychology of Sexual Behavior; Research Design; Graduate courses taught: The Psychology of Character (awarded the Maguire Teaching Fellowship for courses in Ethics); Research Design; Quantitative methods II: Multivariate Statistics; Contemporary Approaches to Social Psychology; Additional interests: Health Psychology, The Psychology of Emotion; Contemporary Issues in Personality; The Storied Self; Graduate Seminar in Personality; Undergraduate Statistics for Psychology; Honors Introduction to Psychology.

In addition, of course, to the many awards, she was most recently awarded the University of Missouri's Chancellor's Award for outstanding research and creativity activity in the area of social and behavioral sciences, not to mention the fact that the scientific field has recognized her because of this important work with the American Psychological Association, Templeton Positive Psychology Prize.

In addition, as the curriculum vitae will indicate, Dr. King has had 30 separate presentations. She is preparing seven manuscripts in preparation, five manuscripts under review, 11 chapters and manuscripts already published, and 34 published articles; but particularly as it relates to the substance of the study, this study has relevance to the prevention of mental disorders, just as the gentleman says that he professes that he supports.

Giving patients tools to alleviate depression could minimize the development of other chronic health conditions that flow from depression. Specifically, I would say that studies have shown prevalence of depression and severe psychological problems among college students is growing. Sixty-one percent have reported feeling hopeless; 45 percent felt so depressed they could barely function; 9 percent felt suicidal.

Perhaps that is not of relevance or significance to my colleague, but I certainly would say to him that the average age of diagnosis for bipolar disorder is 21, and 27 years for unipolar depression, and 5 percent of college students drop out of college due to psychiatric disorders.

So, again, I recognize that the gentleman wants to talk about being fiscally responsible, and certainly Congress has a prerogative to exercise congressional oversight, but I would just say to the gentleman, as it relates specifically to the funding and the study specifically, that that is a legitimately peer-reviewed award by the National Institutes of Health, a grant was competitively sought, that was, in fact, awarded to a very distinguished scientist in this particular field, and I would urge a "no" vote on the gentleman's amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, first of all, I would like to thank the gentleman from Ohio (Chairman REGULA) for yielding me time.

Mr. Chairman, I would also like to say very rarely, if ever, have I ever disagreed with my friend from Texas (Mr. NEUGEBAUER) before, but I do oppose this amendment today.

The intent of this amendment is to ensure that the National Institutes of Health is prudent about which grants are funded through their peer-review process. While I agree with this intent, I do not think the amendment accomplishes that goal.

For instance, the University of Texas grant currently under discussion has already been funded and completed in previous fiscal years. Furthermore, any discussions about follow-up funding do not pertain to the Labor-HHS appropriations bill currently under consideration.

This project has received funding for a second study, but it was awarded by the National Science Foundation in the VA–HUD appropriations bill, which has not yet been brought to the House floor for consideration.

Mr. Chairman, I encourage my colleagues to vote against this amendment and instead focus our efforts on reforming the National Institutes of Health grant selection process.

Mr. NEUGEBAUER. Mr. Chairman, can I inquire how much time I have left.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. NEUGEBAUER) has 1½ minutes remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining, and the gentleman from Ohio has the right to close.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in strong support of the Neugebauer amendment as a commonsense statement about what I think the American people would have us do in this majority, and that is, after allowing our distinguished appropriators to do their level best in producing legislation that the gentleman from Ohio (Chairman REGULA) has produced is to come to this floor and in the absence of a Presidential line item veto to try and do that ourselves.

The amendment in particular of the gentleman from Texas (Mr. NEUGEBAUER) in focusing, as it does, on funding that would in one case explore the value and merit of dormitory decorations is precisely that which, I believe if the President had a line item veto, would be struck from legislation again and again.

The gentleman from Texas (Mr. NEUGEBAUER) is new to this institution, but he is demonstrating a courage and a conviction and, more to the point, a common sense that I think is a great value to this institution. I rise with great respect to the members of the committee who have produced this important and meritorious legislation to strongly support the Neugebauer amendment.

Bring common sense back to the spending process. Pass the Neugebauer amendment today.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. NEUGEBAUER) has 30 seconds remaining.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself the remaining time.

Well, first of all, I want to thank the distinguished chairman for his hard work in bringing this bill forward. It is a good bill.

I believe that we do have to bring some common sense to this process, and we have to be good stewards of the American taxpayers' money, and there are some serious mental health issues that need to be addressed in this country. Our charge as Members of this Congress is to prioritize how we spend that money and make sure that we are putting it into areas where there are serious mental health issues at risk.

Certainly, I think that this amendment is very positive and would encourage Members to vote in support of this amendment.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I am not going to oppose this in a vote because the grants are over. They have been completed. The amendment does not have any impact, in essence; but I think the gentleman is trying to make a point that they ought to be cautious about what type of grants they fund.

I would point out that NIH funds almost 40,000 grants annually; and, obviously, when you look at 40,000, you can find a couple that you might have some question about the efficacy of those particular grants, but on the other hand, I would not want to get our committee or this body in the position of trying to monitor or to be in the decision-making process on what grants are funded.

We have very capable people at NIH. It is peer-reviewed by physicians, by people who are very knowledgeable on the subject; and the objective of many of these grants is ultimately in good faith to, in some way, improve the health conditions. But given the fact that they are over with, I am not going to object to the amendment.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment by Mr. OBEY of Wisconsin; amendment No. 6 by Mr. HAYWORTH of Arizona; amendment by Mr. KILDEE of Michigan; amendment by Mr. STARK of California; amendment No. 3 by Mr. PAUL of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 193, not voting 18, as follows:

[Roll No. 434]

AYES—223

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle

Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—193

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—18

Ballenger
Cannon
Clyburn
Goss
Greenwood
Johnson, Sam
Kanjorski
Lucas (OK)
Majette
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tauzin
Toomey
Waters
Young (AK)

□ 1621

Mrs. CUBIN changed her vote from "aye" to "no."

Ms. HARMAN and Mr. MURPHY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MAJETTE. Mr. Chairman, I was unavoidably detained during the vote on the Obey amendment to the Labor, HHS, Education Appropriations bill for FY 2005. Had I been present for the vote on the Obey amendment to protect overtime I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to clause 6 of rule XVII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. HAYWORTH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 227, not voting 21, as follows:

[Roll No. 435]

AYES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Matheson
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Pickering
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Souder
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Vitter
Walden (OR)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—227

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gibbons
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner

Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—21

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Istook
Kanjorski
Kleczka
Lucas (OK)
Moran (KS)
Nethercutt
Quinn
Ros-Lehtinen
Ryan (OH)
Schrock
Shuster
Tauzin
Terry
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1630

Ms. DUNN changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KILDEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. KILDEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 3, not voting 17, as follows:

[Roll No. 436]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—3

Blunt
Istook
Kingston

NOT VOTING—17

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Kanjorski
Lucas (OK)
Moran (KS)
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1638

Mr. SHIMKUS changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STARK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. STARK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 216, not voting 22, as follows:

[Roll No. 437]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)

Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutknecht
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—22

Ballenger
Cannon
Delahunt
Ford
Gephardt
Goss
Greenwood
Gutierrez
John
Kanjorski
Lucas (OK)
Moore
Moran (KS)
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that there are 2 minutes remaining to vote.

☐ 1646

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 95, noes 315, not voting 23, as follows:

[Roll No. 438]

AYES—95

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Camp
Cantor
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Johnson (IL)
Jones (NC)
Kennedy (MN)
King (IA)
Kingston
Linder
Manzullo
McCotter
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Ose
Otter
Paul
Pence
Petri
Pitts
Pombo
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Upton
Vitter
Whitfield

NOES—315

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burr
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver

Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—23

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Istook
Kanjorski
Langevin
Lucas (OK)
McInnis
McNulty
Moran (KS)
Nethercutt
Quinn
Rush
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded 2 minutes remain to record their vote.

☐ 1654

Mrs. MILLER of Michigan changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. BORDALLO:

At the end of bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to enforce the limitations under section 1108 of the Social Security Act on the amount certified for fiscal year 2005 with respect to title XIX of such Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, but only insofar as such amount provided by this Act does not exceed $9,190,000 for Guam, $9,420,000 for the Virgin Islands, $5,950,000 for American Samoa, and $3,380,000 for the Northern Mariana Islands, and the amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by $8,000,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. BARTON) each will control 5 minutes.

The Chair recognizes the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) for allowing me the opportunity to offer this amendment. I come before the House today to address the chronic health care disparities in the Insular Areas.

This amendment temporarily brings the Insular Areas into parity with the funding of other States. While States receive between 50 to 75 percent in Federal matching funds for their Medicaid costs, Guam and the Insular Areas' matching funds are arbitrarily reduced to 25 percent at the most. The gap in funding must therefore be borne by the local governments. This financial burden has crippled the health care system in Guam.

Chronic illnesses such as cancer and heart disease are abnormally prevalent in the Insular Areas. Diabetes is a leading cause of death on Guam. Contagious diseases like tuberculosis are a constant threat to the health of our children. Patients needing emergency care in Guam are often medvaced to Hawaii for treatment, largely at their own expense. Guam's only cancer clinic has recently closed. The Guam Memorial Hospital Authority is on the verge of bankruptcy with constant safety concerns.

The gentleman from Indiana (Chairman BURTON), the gentleman from California (Mr. HONDA), the gentleman from American Samoa (Mr. FALEOMAVAEGA), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) have each advocated forcefully that Congress address this issue. And now is the time to do it.

We have had a hearing on the dangerous health care disparities in the Insular Areas. The GAO is currently conducting a study to further document these problems. The amendment before us has been scored by CBO and is fully offset.

Listen to the plea for medical assistance coming from the Insular Areas. America's most disadvantaged citizens truly need our help, and this is the first step in the right direction; and I urge the Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to this amendment. Obviously I am not opposed to providing additional dialysis and health care for the residents of the Virgin Islands and Guam and the Northern Mariana Islands. However, having said that, the way this amendment is structured, if we were to support the amendment, if it were to pass, it would change the Medicaid funding formula, which, as we all know, is a very sensitive issue and is something that in the next Congress I intend to make a major effort to do a fair reform of that formula.

If this amendment were to pass, it is my understanding that the people that are covered by the amendment, 2 million out of the 3 million covered are qualified for Medicaid, and there could be, I am not saying there would be, but could be as much as $28 million in expenditures, additional expenditures. Since I have the committee of jurisdiction and we had not even been approached on this until either yesterday or today, I would hope that the gentlewoman and the gentleman from Indiana would withdraw the amendment and we could work with them to find a way to get some funding this year in some additional bill that is going to come before the floor.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I had an opportunity to speak with the gentleman from Texas (Chairman BARTON) about this issue; and as I understand it, he is pretty much committed to helping get these funds this year through another source to help the people in this area.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman is correct. I am not opposed to the underlying substance of the amendment. My objection is to the procedure, and the way in which it has come forward in order to implement it in its current configuration would cause a major problem down the road in Medicaid-matched rates with other States.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman would continue to yield, the limitations that are placed on American citizens in that part of the world as far as Medicaid is concerned are quite low. Is it my understanding that he is going to try to change that in the next Congress so that there is a more equitable distribution?

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman is correct. My father was a diabetic. I respect the fact that the gentleman has been out and had, if not a formal hearing, at least some meetings in the Territories in which this was discussed. I understand the gentlewoman's concern and her requirement that she has to represent her constituents. This is not a policy objection. This is a fact that when we deal with Medicaid, we have got a carefully crafted formula that involves all the States and the Territories and this amendment would upset that formula.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I further yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I know the gentleman from Texas (Chairman BARTON). He is a man of his word. And if he says that he will help us get the funds for the people who are suffering over in that part of the world who are American citizens, I am sure he will do that; and he has also said he will address the distribution formula or the limitations that are placed on the Marianas, Guam, and Saipan and others. In any event, he has made a commitment to do that. I think it would probably be wise to consider withdrawing the amendment because I know he is a man of his word and he will help us get this problem solved. But I will leave it up to them.

☐ 1700

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from Indiana (Mr. BURTON) for his kind words and support.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise in favor of the amendment, but it sounds like there is a work afoot to be able to support the desire for the gentlewoman from Guam (Mr. BORDALLO) to work further in the next session. Is that what I am hearing?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Texas.

Mr. BARTON of Texas. It would certainly be in the next session. I am not opposed to trying to do something in the next 4 or 5 weeks in this session, if we can find the right vehicle.

Mr. HONDA. Mr. Chairman, reclaiming my time, that would be great. As Chair of the Congressional Asian Pacific Islander Caucus, I support that effort and would work with both the chairman and the gentlewoman from Guam in the furtherance of this amendment. I thank the gentleman for his cooperation.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Texas (Chairman BARTON), and I appreciate the challenge that diabetes faces in the United States.

I will insert in the RECORD a letter, and I had considered an amendment, but actually it fits really well with this. As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, we have been trying for about 2 years to get from the Department of HHS a listing of the studies on adult stem cell research, embryonic stem cell research, and others.

Finally, yesterday, after a full 23 months, the Department gave us a listing of all the studies that have been done on stem cell research as it relates to diabetes, as it relates to Parkinson's disease and others. I will insert the correspondence that we have had back and forth for the RECORD, as well as the list of studies and their conclusions about the effectiveness of adult stem cell research and the fact that they do not have any successful clinical studies on embryonic stem cell research.

Mr. Chairman, one of the most exciting and controversial areas of clinical research in recent years has involved stem cells.

The Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I chair, has held a series of hearings on stem cell research. We have learned dramatic advances in medicine have been made utilizing stem cells obtained from adult tissues and cord blood.

Yet proponents of human cloning and destructive embryonic stem cell research continue to promise ailing patients and their families and friends and members of Congress that stem cells from these controversial sources will yield even greater medical breakthroughs.

When the subcommittee held its hearings, we located a number of patients successfully treated with stem cells derived from cord blood and adult tissues. Yet we were unable to find a single patient or a single disease that has ever been successfully treated with embryonic stem cells or through cloning human embryos.

In October 2002, nearly 2 years ago, Congressman CHRIS SMITH and I sent a letter to the director of the National Institutes of Health, NIH, requesting that the agency prepare a comprehensive report of all medical therapies for humans that currently exist and ongoing clinical trials which utilize (1) adult stem cells, (2) cord blood stem cells, (3) embryonic stem cells, (4) fetal (germ) cells or (5) stem cells from cloned embryos.

We believe that this information is vitally important for patients, scientists and lawmakers so we can turn our attention away from media hype and focus our attention and resources on real medical breakthroughs that are offering the best hope and promise for real people.

Knowing the high profile stem cell research has had in recent years, we expected that NIH, with a budget of nearly $30 billion, would be quick to respond to Congress to demonstrate that taxpayer-funded research on stem cells—including embryonic stem cells—was indeed living up to the promises.

After repeated inquiries by my staff on the status on this report over a year and a half, on June 17, 2004, Chairman TOM DAVIS and I sent a written ultimatum inquiring about the status of the report.

The following day, the subcommittee received a response signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force.

The letter we received, however, did not fully answer the questions we had posed and was clearly inadequate.

Subcommittee staff, in fact, identified five NIH-sponsored clinical trials in which human patients are being treated with adult stem cell therapies, which, astonishingly, were not included in the NIH response.

At a meeting on July 2 between subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested.

Since that meeting just 2 months ago, researchers in Germany have successfully utilized adult stem cells to reconstruct a man's jawbone and researchers at the Northwestern University in Chicago successfully cured a woman with severe rheumatoid arthritis by transplanting adult stem cells from her sister.

Still there have been no cures, treatments, clinical trials or published studies reported utilizing stem cells derived from human embryos or clones.

Just yesterday—a full 23 months after sending our initial request to the agency and following another written inquiry—NIH finally delivered a 79-page report on stem cell therapies. The NIH report finds that over 100 health disorders and conditions are currently treatable with non-embryonic stem cells. Yet, not a single condition has been treated with embryonic stem cells.

Based on the available medical data provided by the Nation's premier scientific institute, adult stem cell research clearly continues to live up to its promise by yielding real results while embryonic stem cell and cloning research remains unproven.

These findings underscore the need to continue to prioritize adult stem cell research that has actually yielded the most practical results for patients rather than siphoning resources away to gamble on purely speculative research.

I would like to submit for the RECORD the cover letter from NIH's report, a list of conditions currently being treated with adult stem cells and a letter sent to Health and Human Services Secretary Tommy Thompson in July regarding our request as well as a letter to the Director of the NIH sent last week.

SEPTEMBER 8, 2004.

Hon. MARK SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN SOUDER: Dr. Elias Zerhouni, Director of the National Institutes of Health (NIH), asked me to provide additional materials to respond to your questions for the NIH and Department of Health and Human Services (DHHS) regarding the current status of medical therapies and clinical research using stem cells.

In your recent letter of July 9, 2004 to HHS Secretary Tommy Thompson, you reiterated four areas for which you are requesting information:

1. A comprehensive listing of all medical therapies which utilize various types of stem cells,

2. A listing of all ongoing clinical trials or experiments involving human subjects using these same categories of stem cells,

3. The findings of any studies that utilized stem cells or tissues from embryos or fetuses to treat human patients from Parkinson's disease and juvenile diabetes, and

4. A listing of alternatives to stem cells from embryos and fetuses that have shown promise in human subjects for treating juvenile diabetes, Alzheimer's, and Parkinson's disease.

To develop responses to these questions, my staff reviewed over 18,000 published biomedical journal articles for the past 10 years (1994–June 2004) using the database PubMed. PubMed was developed at the NIH/National Library of Medicine (NLM) and provides access to citations and abstracts from the biomedical journal literature. In developing the response it was decided to limit the literature search to publications within the past 10 years due to the overwhelming volume of articles on bone marrow treatments prior to 1995. The terms for the search strategy and a glossary of medical terms are included in the accompanying notebook under Tabs 1 and 2. Our review did not include any results published or added to PubMed after June 2004, since NIH had to proceed with the analysis on a fixed set of data. Since June 2004, it is estimated there are over 300 published articles that meet our search criteria. Any specific biomedical journal articles that you may be aware of that were published after June 2004 are listed through PubMed at *http://www.nlm.nih.gov.*

As a result of the analysis, my staff compiled a listing of medical therapies which utilize various types of stem cells as published in the scientific literature over the past 10 years. This listing is provided as Tab 3.

In addition, my staff conducted a search of current clinical trials that involve stem cells as a part of the treatment protocol. The clinical trials database used in this search is available from the NIH/NLM at *http://clinicaltrials.gov.* The database provides regularly updated information about clinical research in human volunteers. The clinical trials database currently contains approximately 11,400 clinical studies sponsored by the NIH, other federal agencies, and some privately funded trials. The listing of ongoing clinical trials is provided under Tab 4. The search terms used were "stem cell transplantation or stem cells" and retrieved 563 studies of trial records as of August 24, 2004. For access to the full clinical trial records, search *http://clinicaltrials.gov/.* I would like to underscore that while there have been claims in the popular press and elsewhere of people who have been helped or cured by stem cell therapies, the NIH cannot attest to their veracity as proven therapies until such time as scientific clinical trials have been conducted and the results of those trials have been published in the scientific peer-reviewed literature.

I am also providing information from our analysis on any findings of studies that use stem cells or tissues from human embryos or fetuses to treat Parkinson's disease or juvenile diabetes. There are currently no studies using stem cells or tissues from embryos or fetuses to treat type 1 diabetes. With regards to Parkinson's disease, we found that scientists have tried two approaches utilizing tissues from embryos or fetuses to treat human patients with Parkinson's disease. The first study showed that human embryonic dopamine-neuron tissue transplants survive in patients with severe Parkinson's disease and result in some clinical benefit in younger but not in older patients. In addition, dystonia and dyskinesias recurred in 15 percent of the patients who received transplants, even after reduction or discontinuation of the dose of dopaminergic medications, like levodopa. In a follow-up article looking at the same patients, scientists measured cognitive performance at 1 year after transplantation. Performance was not significantly different between the two patient groups (transplanted and no transplant). The second study showed that, as with embryonic tissue transplanted PD patients, younger PD patients with fetal tissue transplants do show motor improvement. However, the underlying disease process does not slow down after fetal transplantation, and Parkinson symptoms ultimately recur. Moreover, fifty-six percent of transplanted patients developed dyskinesia that persisted after overnight withdrawal of dopaminergic medication. A further discussion of these results is contained in Tab 5.

Under the second question in Tab 5, we describe a potential tissue-based alternative to stem cells from embryos and fetuses that has shown promise for treating juvenile diabetes. In addition, NIH funds significant research in focusing on other possible therapies for each of these diseases, and would be glad to provide further information on these upon request.

Finally, in order to better manage the results of the PubMed journal literature that were used in our analysis, my staff developed a database of the 18,349 records, which can be searched by keywords, author, and other searchable limits. The database URL and passwords will be sent to you under separate cover. An example of the user interface with descriptions of search field capabilities is appended in Tab 1.

I hope you find this information satisfactory in responding to your questions on stem cell treatment.

Sincerely,

JAMES F. BATTEY, Jr.,
M.D., PhD. Director, National Institute on Deafness and Other Communication Disorders, Chair, NIH Stem Cell Task Force.

DISORDERS AND CONDITIONS TREATED WITH NON-EMBRYONIC STEM CELLS

Note: Not all of these treatments are considered "standard' treatments—many are experimental

Source: Compiled from NIH's database search and the National Marrow Donor Program

Acute Leukemias: Acute Lymphoblastic Leukemia (ALL); Acute Myelogenous Leukemia (AML); Acute Biphenotypic Leukemia; Acute Undifferentiated Leukemia; Philadelphia chromosome positive acute lymphoblastic leukemia.

Chronic Leukemias: Chronic Myelogenous Leukemia; Chronic Lymphocytic Leukemia; Juvenile Chronic Myelogenous Leukemia; Juvenile Myelomonocytic Leukemia.

Myelodysplastic Syndromes: Chronic Myelomonocytic Leukemia; Refractory Anemia.

Stem Cell Disorders: Aplastic Anemia; Fanconi's Anemia; Paroxysmal Nocturnal Hemoglobinuria (PNH); Pure Red Cell Aplasia.

Myeloproliferative Disorders: Acute Myelofibrosis; Agnogenic Myeloid Metaplasia (myelofibrosis); Essential Thrombocythemia; Polcythemia Vera.

Lymphoproliferative Disorders: Non-Hodgkin's Lymphomia; Hodgkin's Disease.

Phagocyte Disorders: Chediak-Higashi Syndrome; Chronic Granulomatous Disease; Neutrophil Actin Deficiency; Reticular Dysgenesis.

Inherited Metabolic Disorders: Adrenoleukodystrophy; Gaucher's Disease; Hunter's Syndrome (MPS–II); Hurler's Syndrome (MPS–IH); Krabbe Disease; Lysosomal Storage Disorders; Maroteaux-Lamy Syndrome (MPS–VI); Metachromactic Leukodystrophy; Morquio Syndrome (MPS–IV); Mucolopidosis II (I-cell Disease); Mucopolysaccharidoses (MPS); Niemann-Pick Disease; Peroxisomal Disorders; Sanfilippo Syndrome (MPS–III); Scheie Syndrome (MPS–IS); Sly Syndrome, Beta-Glucuronidase Deficiency (MPS–VII); Wolman Disease.

Histiocytic Disorders; Familial Erythrophagocytic Lymphohistiocytosis; Hemophagocytosis; Histiocytosis-X; Langerhans cell histiocytosis.

Inherited Erythrocyte Abnormalities: Cooley's Anemia; Diamond Blackfan Anemia; Fanconi's Anemia; Sickle Cell Disease; Thalessemias.

Inherited Immune System Disorders: Ataxia-Telangiectasia; Bare Lymphocyte Syndrome; DiGeorge Syndrome; Kostmann Syndrome; Leukocyte Adhesion Deficiency; Omenn's Sydrome; Severe Combned Immunodeficiency (SCID); SCID with Adenosine Deaminase Deficiency; SCID with Absence of T & B Cells; SCID with Absence of T Cells, Normal B Cell Common Variable Immunodeficiency; Wiskott-Aldrich Syndrome; X-Linked Lymphoproliferative Disorder.

Other Inherited Disorders: Lesch-Nyhan Syndrome; Cartilage-Hair Hypoplasia; Glanzmann Thrombasthenia; Leukodystrophy; Osteogenesis Imperfecta; Osteopetrosis.

Inherited Platelet Abnormalities: Amegakaryocytosis; Congenital Thrombocytopenia.

Plasma Cell Disorders: Multiple Myeloma; Plasma Cell Leukemia; Waldenstrom's Macroglobulinemia.

Other Malignancies: Brain cancer; Breast cancer; Ewing's Sarcoma/Ewing's family of tumors; Gastrointestinal cancers; Lung cancers; Malignant Thyoma; Meningeal cancer; Musculoskeletal cancers; Neuroblastoma; Renal cell carcinoma; Reproductive cancers (ovary, testes, stem cells cancer); Retinoblastoma; Sarcoma; Skin cancer/melanoma; Urinary cancer.

Autoimmune Disorders: Autoimmune Lymphoproliferative Syndrome (ALPS); Crohn's Disease; Juvenile arthritis; Multiple sclerosis; Rheumatoid arthritis; Systemic lupus erythematosus.

Other Diseases/Conditions: AIDS; Alzheimer's Disease; Amyotrophic lateral sclerosis (ALS, Lou Gehrig's Disease); Chronic myeloproliferative disorders; Coronary (Heart) Disease; Cytomegalovirus Infection; Graft versus Host Disease (GVHD); Nervous system repair; Ocular/Corneal Damage; Parkinson's disease; Skeletal and cartilage repair; Stroke.

JULY 9, 2004.

Hon. TOMMY G. THOMPSON,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR MR. SECRETARY: As Chairman Davis and I indicated in our letter dated June 17, 2004, over the past two years the Subcommittee on Criminal Justice, Drug Policy, and Human Resources and the office of Chairman Chris Smith have been in correspondence with the NIH regarding the current status of medical therapies and clinical research using adult and embryonic stem cells.

How the Department has allowed this matter to drag on for nearly two years defies excuse or explanation.

On October 8, 2002, Chairman Smith and I sent a letter to Dr. Elias Zerhouni, Director of the National Institutes of Health (NIH), requesting "a detailed report" providing comprehensive information about the medical applications of adult and embryonic stem cells as well as stem cells from cloned embryos and aborted fetuses.

After almost a year had passed, Subcommittee records indicate that on August 4, 2003, Subcommittee staff inquired into the status of the requested report and were told that the letter had been in the office of the Assistant Secretary for Legislation (ASL) "for some months" and would be out "in a few weeks."

On October 14, 2003, Subcommittee staff again inquired into the status of the report and were assured that although ". . . the letter is in final draft and is going through the clearance process now."

The written inquiries on the status of this report are recorded below. There were also numerous telephone conversations that are unrecorded here. The dates of correspondence from the Subcommittee to HHS regarding our October 8, 2002, letter are as follows:

August 4, 2003; October 14, 2003; October 27, 2003; November 19, 2003; February 10, 2004; March 25, 2004; April 20, 2004; June 17, 2004.

After repeated inquiries about the status of the report by email, I sent a formal, written letter to you, Mr. Secretary, on April 20, 2004.

Remarkably, there was no answer to the April 20 letter.

After waiting several weeks for acknowledgement, on June 17, 2004, Chairman Tom Davis of the House Government Reform Committee and I sent another letter communicating our concern about a number of outstanding correspondence and document requests.

On June 18, 2004, the Subcommittee received a letter signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force, responding to our request for information regarding stem cell therapies.

However, the letter we received did not respond to the plain meaning of our request on October 8, 2002. Instead of a thorough response, it represented only a sampling of the information we requested. Through subsequent phone and email conversations within hours of receiving the response, Subcommittee staff communicated disappointment regarding the quality and depth of the letter we received and asked that the response be revised and completed by June 30, 2004.

In lieu of sending a revised document, at the close of the day on June 30, an HHS Deputy Assistant Secretary requested a meeting with members of the Subcommittee staff to "discuss the response on adult stem cells and how [NIH] may be able to better respond to your inquiries here."

At this meeting on July 2, Subcommittee staff communicated our frustration about the delay in receiving a response from the Department as well as our disappointment regarding the quality of the letter. In order to assist the Department in responding to the Subcommittee's inquiry, I have included a summary of the meeting that took place, along with an outline of our agreement about the nature of a forthcoming, revised report in response to our October 8, 2002 written request.

The original letter, dated October 8, 2002 requested (italics added):

"a *comprehensive* listing of *all* medical therapies" which utilize various types of stem cells,

"a listing of *all* ongoing clinical trials or experiments involving human subjects using these same categories of stem cells,

"the findings of any studies that utilized stem cells or tissues from embryos or fetuses to treat human patients from Parkinson's disease and juvenile diabetes," and

"a listing of alternatives to stem cells from embryos and fetuses that have shown promise in human subjects for treating juvenile diabetes, Alzheimer's, and Parkinson's disease."

In response to our letter, the NIH stated that there are no treatments or ongoing clinical trials utilizing embryonic stem cells or stem cells from cloned embryos or aborted fetuses. The NIH letter also reported the adverse effects resulting from the two known clinical trials using fetal tissue transplantation to treat Parkinson's disease.

However, instead of a comprehensive listing of all medical therapies and a listing of all ongoing clinical trials in which human patients were being treated with adult stem cell therapies, NIH included a sampling of the work ongoing at some NIH Institutes and a listing of NIH-funded clinical trials.

That is not what was requested.

The Subcommittee identified several obvious omissions in Dr. Battey's letter.

(1) From the NIH website www.clinicaltrials.gov, in the NIH National Library of Medicine Medline database, and in the popular press, Subcommittee staff identified extramurally funded clinical trials and clinical research involving human patients which were not included in the NIH letter, including some that began as early as 1999 and should have been available to Dr. Battey prior to his submission of the letter to the ASL office in November 2002. A selection of extramurally funded clinical trials not included in the NIH letter are listed below:

Sponsor: Baylor College of Medicine; Stem Cell Transplant to Treat Patients with Systemic Sclerosis; Phase I H7157; Study start date: June 1999; Date last reviewed: March 2004.

Sponsor: Texas Heart Institute, Houston, Texas; Transendocardial, Autologous Bone Marrow Cell Transplantation for Severe, Chronic Ischemic Heart Failure, announced in media April 16, 2004; www.genomenewnetwork.org/articles/2004/04/16/stem cell trial.php; Circulation. 2003 May 13;107(18):2294–302.

Sponsor: Caritas St. Elizabeth's Medical Center of Boston; Stem Cell Study for Patients with Heart Disease 00165; Study start date: January 2004; Date last reviewed: April 2004.

Sponsor: Bioheart, Inc.; Autologous Cultured Myoblasts (BioWhittaker) Transplanted via Myocardial Injection; Phase I BMI-US-01-001; Study start date: June 2003; Date last reviewed: December 2003.

Sponsor: Bioheart, Inc.; MYOHEART™ (Myogenesis Heart Efficiency and Regeneration Trial); Phase I BMI-US-01-002; Study start date: February 2003; Date last reviewed: December 2003.

In response, Dr. Battey maintained that the intent of NIH was to provide a comprehensive listing of work funded by NIH, but not by universities or pharmaceutical companies, citing the difficulty of enforcing compliance with a law (PL105-115, signed November, 1997) mandating that privately funded trials also be listed on the www.clinicaltrials.gov website.

Nonetheless, Subcommittee staff were also able to identify several intramurally funded clinical trials at www.clinicaltrials.gov, in which human patients are being treated with adult stem cell therapies, which, astonishingly, were not included in the NIH response:

NIAMS (National Institute of Arthritis and Musculoskeletal and Skin Diseases); Autologous Stem Cell Transplant for Systemic Sclerosis; Phase I N01 AR-9-2239; Study start date: July 2002; Date last reviewed: March 2004.

NINDS (National Institute of Neurological Disorders and Stroke); Investigating Endothelial Precursor Cells 03-N-0269; Study start date: August 1, 2003; Date last reviewed: August 1, 2003.

NHLBI (National Heart, Lung, and Blood Institute); The Effect of Exercise on Stem Cell Mobilization and Heart Function in Patients Undergoing Cardiac Rehabilitation 03-H-0086; Study start date: January 28, 2003; Date last reviewed: December 5, 2003.

Stem Cell Mobilization to Treat Chest Pain and Shortness of Breath in Patients with Coronary Artery Disease 02-H-0264; Study start date: August 6, 2002; Date last reviewed: July 17, 2003.

NIDCR (National Institute of Dental and Craniofacial Research); Bone Regeneration Using Stromal Cells 94-D-0188; Study start date: August 3, 1994; Date last reviewed: June 4, 2003.

(2) The Subcommittee also identified several reports of clinical research not yet in clinical trials that were also missing from the report. Some of these studies, reported in peer-reviewed journals and in the public media are listed below:

- Preliminary clinical research using adult skeletal myoblasts to repair injured heart muscle:

Pagani, et al, 2003. Autologous skeletal myoblasts transplanted to ischemia-damaged myocardium in humans. Histological analysis of cell survival and differentiation. J Am Coll Cardiol. Mar 5; 41(5):879–88.

Hagege, et al, 2003. Viability and differentiation of autologus skeletal myoblast grafts in ischaemic cardiomyopathy. Lancet. Feb 8; 361(1956):491–2.

Menasche, et al, 2003. Autologous skeletal myoblast transplantation for severe postinfarction left ventricular dysfunction. J Am Coll Cardiol. Apr 2; 41(7):1078–83.

- Autologous bone marrow or blood cells transplanted into human heart:

Dr. Cindy Grines at Beaumont Hospital, Royal Oak, Michigan: http://www.cnn.com/2003/HEALTH/conditions/03/06/teen.heart.ap/ http://www.sctline.com/info/english/viewarticle.asp?id=1966.

Assmus et al, 2002. Transplantation of Progenitor Cells and Regeneration Enhancement in Acute Myocardial Infarction (TOPCARE-AMI). Circulation. 2002 Dec 10; 106(24):3009–17.

Dobert et al, 2004. Transplantation of progenitor cells after reperfused acute myocardial infarction: evaluation of perfusion and myocardial viability with FDG-PET and thallium SPECT. Eur J. Nucl Med Mol Imaging. 2004 Apr 3 [Epub ahead of print]

(3) Included in the response from NIH was an enclosure from the National Bone Marrow Donor Program entitled "Diseases Treatable by Stem Cell Transplantation," dated 2002. However, this list contained only blood disorders, autoimmune diseases, and related cancers treatable with hematopoietic stem cells. The letter did not include a more updated, comprehensive listing of additional diseases treated with hematopoietic or other adult stem cell types.

When questioned about these omissions, Dr. Battey conceded that the report was not comprehensive. The wide range of information missing from the NIH response to our

October 8, 2002 letter demonstrates the need for NIH to review responses to ensure that Congress receives accurate and thorough information in response to its requests.

Dr. Battey also indicated that he had made a decision when responding to the letter to include only NIH information that would be difficult for Congress to obtain through publicly accessible sources.

However, Subcommittee staff reiterated to HHS staff at the meeting that our request for a comprehensive document remained unchanged and unfulfilled.

In response to Subcommittee documentation of the inadequacy and omissions of the NIH response, Dr. Battey apologized.

Dr. Battey agreed he and his colleagues would assemble a comprehensive report as requested on October 8, 2002. Subcommittee staff agreed to give a time extension to the $27 billion agency.

Dr. Battey and Subcommittee staff agreed that the revised report would:

(1) be comprehensive in scope as originally requested, including both NIH funded research as well as privately funded research in the public domain, including studies abroad,

(2) be in a format that is easily accessible and searchable,

(3) include anecdotal reports of clinical research when these reports appear substantive and likely to lead to future clinical research and/or clinical trials, and

(4) include only minimal analysis necessary for translating the factual components of the report into lay terms.

The Subcommittee staff and the Department also agreed that an iterative response would be provided to Senator Brownback in advance of his July 14, 2004, hearing on adult stem cell research.

Subcommittee staff emphasized that this report will be an invaluable resource as Congress seeks to make policy decisions and educate the public based on accurate and in-depth scientific data rather than the often-misleading information that is readily available from the news media and lobbying groups.

I appreciate your attention to this matter and your assurances that the Department will be more responsive to matters of Congressional oversight. This, as you know, is not a peripheral issue of concern only to a small number of people. I would think, on an issue of this magnitude, that HHS would have wanted to have this report available in response not only to Congress but for the President and others to whom such information might be important.

It is my hope that as members of Congress and their staff continue to face critical and complex science policy issues they will be able to draw on accurate, thorough, timely, and up-to-date information from the Department of Health and Human Services.

Sincerely,
MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

AUGUST 31, 2004.

Hon. ELIAS A. ZERHOUNI, M.D.,
Director, National Institutes of Health, Bethesda, MD.

DEAR DR. ZERHOUNI: Chairman Bill Young of the House Appropriations Committee and Chairman Ralph Regula of the Labor, HHS, Education Subcommittee have urged members of the House of Representatives to contact you with questions regarding specific research projects funded by the National Institutes of Health (NIH).

On October 8, 2002, Congressman Chris Smith and I requested "a detailed report" providing comprehensive information about the medical applications of adult and embryonic stem cells as well as stem cells from cloned embryos and aborted fetuses.

On June 17, 2004, Chairman Tom Davis and I sent another letter inquiring about the status of the report. The following day, the Subcommittee received a response signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force.

The letter we received, however, did not fully answer the questions we had posed. At a meeting on July 2 between Subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested. The Subcommittee sent a letter to Secretary of Health and Human Services Tommy Thompson re-iterating this commitment on July 9, 2004.

Since our meeting, researchers in Germany have successfully utilized adult stem cells to reconstruct a man's jawbone. The case, reported in The Lancet, involved a 56-year-old man who lost a substantial portion of his jawbone, also called the mandible, during cancer surgery. After nine years of eating only soft food and soup, the patient is now able to enjoy his first dinner in nearly a decade. Our understanding is that Dr. Pamela Gehron Robey is doing similar research at the National Institute of Dental and Craniofacial Research.

Another study conducted at the Northwestern University in Chicago reported in the journal Arthritis & Rheumatism found that transplanting adult stem cells from a healthy woman to her sister with severe rheumatoid arthritis apparently cured the disease, researchers report.

Still there have been no cure, treatments, clinical trials or published studies reported utilizing stem cells derived from human embryos or clones.

I look forward to a response regarding the status of this stem cell report prior to consideration of the Labor/HHS/Education appropriations for fiscal year 2005 by the House of Representatives.

Sincerely,
MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to thank the gentleman from Texas (Chairman BARTON), the gentleman from Ohio (Mr. REGULA), the gentleman from Wisconsin (Mr. OBEY) and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their willingness to work with the Delegates to address the disparities contributed to by the Medicaid caps on our territories.

I also want to thank the gentleman from California (Mr. HONDA) for his support and all of the others in Congress who have talked to me about supporting this issue. I think it is very important to me and all of the other Delegates from the Territories that these gentlemen have made a commitment to work with us in the future. I certainly am very willing to sit down and work with them.

Mr. Chairman, this has been an issue with the Territories for the last 20 years. We have been bringing it before Congress, all to no avail. I am sure, with the assistance of all these fine gentleman, we will be able to work out some solutions.

I also want to thank the gentleman from California (Chairman POMBO) for signing off on this amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Guam?

There was no objection.

AMENDMENT OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAYWORTH:

At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I recognize the broad scope of this bill and how difficult it is to meet the challenges of funding on all the important programs. Let me take time to commend the chairman of the subcommittee and his expert and able staff.

Mr. Chairman, I rise today to offer an amendment regarding the Social Security totalization agreement signed on June 29 by the Social Security Commissioner and her Mexican counterpart. Totalization agreements are bilateral agreements between the United States and another country to coordinate Social Security programs. Essentially, a totalization agreement eliminates the need to pay Social Security taxes in both countries when U.S. companies send workers to the other country and vice versa and it protects benefit eligibilities for workers who divide their careers between the two countries.

In a general concept, totalization agreements are desirable, but I would ask my colleagues to carefully review what is at stake in this recent decision and agreement involving Mexico.

By every account, Mr. Chairman, unfortunately, the Social Security Administration tried to slip Mexico totalization under the radar without coming to Congress, as the Social Security Administration had promised. This is a problem; and, therefore, it requires a response from this House.

I personally met with Social Security Commissioner Barnhart. I believe she is very capable and, on balance, has done a fine job. But following our discussions, I continue to believe that serious problems remain with this totalization agreement with Mexico.

The principal problem with the agreement is that our Social Security Administration assumes that only 50,000, only 50,000, Mexican workers will apply for Social Security benefits. But with estimates of over 4 million Mexican workers here illegally, I think the number in fact will be significantly higher.

To be clear, Mr. Chairman, this is not an immigration issue. This is a Social Security solvency issue; and if a mere 25 percent above that estimate of 50,000 apply, and I will do the math for you, that would mean 60,000 people actually take up benefits, the GAO has found it will be a financially significant drain on the trust fund.

Now, for purposes of full disclosure, obviously not every Mexican national working here illegally will suddenly qualify for Social Security. We passed and the President signed into law H.R. 743, the Social Security Protection Act, which keeps many illegal workers from assessing benefits. But, Mr. Chairman, a significant new population, perhaps hundreds of thousands, would have access to Social Security under this Mexico totalization agreement.

Specifically, it would be three groups: number one, workers who were illegal at one time, such as those with temporary work visas, who have fallen into illegal worker status by overstaying their visas; number two, the dependents of these once legal workers; and, number three, these Mexican workers who have worked more than six quarters in the United States and less than 40.

The 50,000 estimate that Social Security assumes will take advantage of these benefits are Mexicans working legally in the United States, and it does not account for these three groups I have detailed.

Now, to give an idea of how large a group are unaccounted for here, according to Citizenship and Immigration Services' most recent data in 2002, 166,000 Mexicans changed their status to permanent resident from a variety of other classifications, for example, visitor, temporary worker, no status, et cetera. Again, Mr. Chairman, that is 166,000 in 1 year.

The Social Security Administration assumes only 50,000 are here, when three times that received permanent resident status in 2002 alone; and that 50,000 will only grow at the rate of general population growth when hundreds of thousands more will move in and out of legal status each and every year. To assume that hundreds of thousands of these workers would pass up benefits is unrealistic.

Mr. Chairman, let me make this very clear. If only fully legal workers were to collect benefits under this totalization plan, I would not oppose it. But, Mr. Chairman, I have serious doubts that this would be the case.

The Social Security trust fund will begin spending more than it receives in the year 2018. In 2042, the trust fund will have spent up the surpluses it has built up. It will be totally bankrupt. Opening the floodgates to hundreds of thousands of illegal workers can only hasten the coming funding crisis facing Social Security.

I urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAW. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. SHAW) is recognized for 15 minutes in opposition to the amendment.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Social Security so-called totalization agreements permit the United States and another country to coordinate their Social Security programs. The Social Security Administration has totalization agreements in force with 20 countries, including Canada, Australia, and most of Western Europe.

Totalization agreements help American workers and American business. These agreements prevent the Americans working overseas for United States companies from having to pay two Social Security systems. As a result, American workers and their companies save approximately $800 million annually in foreign Social Security taxes. Totalization agreements also protect benefits for workers who divide their careers between two countries.

In June, the Commissioner of Social Security and Director General of the Mexican Social Security Institute signed a totalization agreement. Now, what does that mean? This agreement has not been approved. The signing of the agreement is the first step in the approval process. The State Department and the White House must review the agreement in order to determine whether the agreement should be sent to Congress for approval. We have no idea at this time whether it will even be sent to us for approval.

Congress has the final say. Should the President send a proposed totalization agreement with Mexico to Congress for approval, Congress has 60 legislative days during which either the House or the Senate are in session to consider the agreement and to disapprove it, if necessary.

It is imperative that we follow through with the vetting process established in the law, not circumvent it through appropriation legislation. Why? Because there is much concern, confusion, and misinformation about a United States Mexican totalization agreement. We need to hear all the facts. We do not need to rush to judgment. We need regular order.

For example, there are a number of advantages in a totalization agreement with Mexico. First, an agreement would save about 3,000 United States workers and their employers about $140 million in Mexican Social Security taxes over the next 5 years. Second, Mexico is the second largest trading partner, and a totalization agreement with Mexico would be consistent with one of the goals of the North American Free Trade Agreement, to strengthen cooperation and friendship. Lastly, Social Security's official scorekeepers estimate a U.S.-Mexican agreement would have a negligible impact on Social Security long-term financing. The 5-year cost to the U.S. Social Security system has now been estimated at about $525 million. That is over a 5-year period.

Contrary to what many believe, a totalization agreement would not change current law prohibiting payment to persons living illegally in the United States. Also a totalization agreement would not create a substantial enticement for Mexican citizens to work illegally in the United States. That is because the recently enacted Social Security Protection Act of 2004 strengthened the law to prevent those who only worked illegally from receiving benefits.

While there are potential advantages to a totalization agreement with Mexico, there are also concerns, and we concede that. For example, Social Security official scorekeepers have stated there is considerable uncertainty involved in their estimates. It could be higher; it could be lower. In addition, there are concerns about the potential for fraudulent receipt of benefits and the integrity of the Mexican records.

There are also some issues relating to a potential United States-Mexican totalization agreement that raise serious questions about the impact of the agreement on Social Security financials and drives the need for a full and fair vetting through public hearings held by the committee of jurisdiction, the Committee on Ways and Means Subcommittee on Social Security, which I chair.

□ 1715

Only if we allow the vetting process to continue as designated rather than obstructed will the Congress and the American people be assured whether a totalization agreement with Mexico is in the best interests of our Nation's workers and those who depend upon those benefits.

For this reason I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

I listened with interest to the comments of my subcommittee Chair, and I think it is worth noting in this debate, if there could be guarantees that a resolution of disapproval would be allowed to come to the floor, and one of my friends, the gentleman from Georgia (Mr. COLLINS) has drafted it, there would be no need for this amendment, and we could withdraw it. We have made that clear. But that guarantee has not been forthcoming. Therefore, the appropriations process is our opportunity for a floor vote.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I chaired the bipartisan Social Security Task Force, and we talked about this so-called totalization, which is pretty much a reciprocal effort between countries to earn and get payments for retirement benefits, for three reasons. One is the oversight of Congress would result in maybe 60 days delay, but not a real opportunity to turn this around. I support the amendment, but because I think we need sort of a cooling off period of at least a year to look at the consequences, a couple of consequences.

One is the solvency of Social Security. So as we look at the potential cost to Social Security, the actuaries are already estimating that Social Security is going to be insolvent by 2018, this provision lowers the date of insolvency because of the cost. Let me just quote what the Social Security Administration estimates. Number 1, it is going to cost approximately $105 million per year over the first 5 years, like the chairman suggested; but, further, the GAO found that a lack of consideration to the estimated millions of current and former unauthorized workers and family members from Mexico who are already residing in the United States who could qualify under various amnesty and guest worker proposals make the cost of such an agreement highly uncertain and could have a measurable impact on the long-range actuarial balance of the trust fund. This is what the GAO said.

So the potential benefits are to 3,000 workers in Mexico, American workers, and what we are looking at is potentially millions of Mexican workers in the United States.

Now, there is a huge difference in the totalization agreements that we have with Europe. The differences, I think, are substantial in two ways. Number 1, in addition to the vastly greater number of new beneficiaries claiming claims to this entitlement from under the Mexican agreement, the other nations, mostly in Europe, that we have these reciprocal agreements with involve a relatively small or few number of people, and there is closer economic parity. So because of the wage differences between Mexico and the United States, it could be very costly to the Social Security system.

I just suggest to my colleagues that as Social Security looks at a $12 trillion unfunded liability, to add these potential large costs to Social Security without thoroughly examining the consequences of what it is going to do to our solvency of our system in the United States, without the kind of changes that we need in Social Security, should be put off for a year.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a valuable member of the Committee on Ways and Means.

Mr. WELLER. Mr. Chairman, I rise in support of the position taken by the chairman of the Subcommittee on Social Security, the gentleman from Florida (Mr. SHAW), in opposition to an amendment offered by my longtime friend and respected seatmate of 10 years, who I disagree with on his amendment, in a respectful way.

Let me ask, I think, three important questions. One, why are we having this vote, which is essentially putting the cart before the horse? Why are we singling out Mexico, our next-door neighbor, number 2 trading partner, and friend? And, three, why is there an effort to essentially vent our frustration over illegal immigration on a potential agreement with our friend, Mexico?

That is why I think it is important for us to be very careful on this amendment, because we have Social Security totalization agreements with 7 out of 10 of our biggest trading partners. Mexico is our second largest trading partner. We have thousands of American workers working in Mexico who right now are in a situation where they are forced to pay two sets of Social Security taxes. A totalization agreement would be of great benefit to American workers working in Mexico, as well as their American employers who may be employing them. In fact, they say they could save up to $140 million in additional taxes that workers and American companies would suffer unless we have a totalization agreement.

Now, the issue of putting the cart before the horse. Under the procedure for a totalization agreement, the totalization agreement, when it is finalized, because it is not yet finalized; it still has to be signed off on by the State Department and the White House before it would be considered a final agreement, and then it would have to come to Congress where we could have an up-or-down vote on whether or not to accept it. That is where Congress comes in with our role. Again, this vote here today is putting the cart before the horse, and Congress does truly have the final say.

Mr. Chairman, I pointed out earlier that Mexico is our second largest trading partner. It is a longtime friend, a fellow democracy, and I do not believe it should be singled out when our other friends, Canada, Australia, most of Western Europe, have concluded totalization agreements that have been in place now for, in many cases, two decades, protecting American workers from double taxation.

I would also, when it comes to the issue of illegal immigration, because we realize that is an issue that is hanging over this vote today, and this should not be a vehicle to vent that frustration, it should not be a vehicle, because this actually helps American citizens.

A totalization agreement would not change current law prohibiting payment of benefits to persons living illegally in the United States. I think it is important to note that. Let me say that one more time. A totalization agreement would not change current law prohibiting payment of benefits to persons living illegally in the United States. Second, a totalization agreement would not create an enticement for Mexican illegal immigrants to come here.

The bottom line is just vote no on this amendment, let us move on, consider it next year when it is brought up to us through regular order.

Mr. HAYWORTH. Mr. Chairman, I would note again for my friend from Illinois this is not an immigration issue, it is a solvency of Social Security issue.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I salute the gentleman from Arizona for having the courage to address this issue.

Totalization with Mexico will harm the Social Security Trust Fund. It will be a major drain on this fund. They talk about 20 countries that we have a totalization agreement with. None of them have 5 million illegal workers in the country like Mexico does.

We are better off to stop this snake here and now, cut off its head. Some say wait, let it get bigger. Let it bite us again. I say no. Cut off its head today by stopping the funding.

If we grant an amnesty, and there are plenty of amnesty bills floating around, those illegals will be legal, and we will have a huge drain on the Social Security fund.

I want to stand with the seniors in this country. I want to protect Social Security for United States citizens, and I want to preserve it for future generations, not drain it by allowing Mexico and illegals to get in it and suck a big truckload of money out of it.

Stand up for Social Security and vote yes with the gentleman from Arizona (Mr. HAYWORTH).

Mr. SHAW. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA), a very valued member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Chairman, I thank the chairman for yielding me time on this measure.

Mr. Chairman, the gentleman from Arizona has offered an amendment that bars funding for an agreement that Congress has yet to consider, much less be approved.

This summer, the United States and Mexico signed a totalization agreement, an agreement that would coordinate retirement coverage for at least 3,000 American workers who divide their careers between America and Mexico. But this agreement is far from final. It must be approved by the State Department, then the White House, and then sent to Congress where the committee of jurisdiction, the Subcommittee on Social Security, which is part of the full Committee on Ways and Means, will carefully review it.

This amendment is premature and tramples upon the deliberative process at the heart of our committee system. So I oppose this amendment on jurisdictional grounds, but I would also like to speak for a minute on some of the other statements that are being made by those who support this amendment.

First, the United States is currently a partner in 20 totalization agreements, with countries ranging from Canada to South Korea. Totalization is not a new concept. In fact, currently we are saving American workers and their employees about $800 million from double taxation that would otherwise occur. An agreement with Mexico will mean that the U.S. has totalization agreements with 8 of our top 10 trading partners.

Secondly, totalization agreements have no impact on immigration law. Today it is illegal for Social Security to pay benefits to undocumented immigrants. Totalization will not change that.

Finally, totalization will not bankrupt the Social Security Trust Funds. In the long term, Social Security estimates that the impact to the trust funds will be negligible. In the short term, costs will approximate $105 million per year for the first 5 years. In comparison, in the last year with Canada, that totalization agreement with Canada cost $197 million.

Whatever your beliefs are on the merits of such an agreement, we need to debate the facts, not the rhetoric. Another reason why is our first consideration of this issue should be before the Committee on Ways and Means, not as an amendment to an appropriations bill.

I urge Members to vote no on the Hayworth amendment.

Mr. HAYWORTH. Mr. Chairman, to further demonstrate that this issue transcends normal partisanship, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), my friend from the other side of the aisle.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time. I rise here in support of the Social Security system and concerns about its looming revenue shortfalls.

We heard from the esteemed chairman that this would only cost $500 million over 5 years. Now, the GAO says that that is not at all an accurate estimate. In fact, they said, the actions the Bush administration "took to assess the integrity and compatibility of Mexico's Social Security system were limited and neither transparent nor well-documented. The administration provided no information showing it assessed the reliability of Mexican earnings data and the internal controls used to ensure the integrity of information that the Social Security Administration will rely on to pay Social Security benefits."

In other words, the agreement could be setting the stage for massive fraud.

Mr. Chairman, $500 million is a lot of money around here. We have pitched battles over tens of thousands, hundreds of thousands, a few million, and to just dismiss this and say, well, $500 million. And then the point that, well, the House has to approve it. Well, if this was going to come to the House for an up-or-down vote for certain, and if we had to approve it before it became binding for all time on the people of the United States and our Social Security system, that would be one thing. This is under an upside down, backwards procedure that says, we can only vote if we are allowed to vote on a resolution of disapproval. There is no guarantee that such a resolution will be brought forward and no way to guarantee that.

So the question becomes will we take something the GAO has assessed as being on faulty data, poorly negotiated, with low-ball estimates on the cost, and just hope that we get to vote on it before it becomes binding, before it costs Social Security perhaps $1 billion over 5 years? We do not really know what it will cost. But with the looming shortfalls with Social Security, I do not believe we can take that risk.

We should go back to the drawing board. This should be done in a transparent manner. It should be done with good data. And then it should be brought forward with an assurance that we will get to vote up or down.

□ 1730

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

I would like to remind the previous speaker that when we are talking about a shortfall of $500 million over 5 years in the Social Security, we are saving American workers and American companies $800 million a year.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the gentleman from Michigan (Mr. SMITH) a few moments ago said that the Social Security system would go insolvent in 2018. This is simply wrong. In 2018, the Social Security system will have to begin to pay benefits from the interest accumulated on the trust fund. Sometime in the later 2020s, the Social Security system will have to begin to dip into the principal of the trust fund. That will not be exhausted until at least 2042, according to the trustees, and according to the Congressional Research Service, 2050. There is no Social Security problem until at least 2042 or 2050.

Now, we are told that we have to start paying back the bonds. Social Security lent the money to the General Treasury; that is true, it did. That is how you invest money. You invest in U.S. bonds. That is not a problem with the Social Security system. It may be a problem for the budget, but the fact is the system is solvent. Those are legal due-and-owing obligations, exactly as legally binding as a U.S. savings bonds is to pay to my colleagues or me if we own a savings bond.

In 1983, Chairman Greenspan chaired a commission which recommended increasing Social Security taxes, which we did in 1986, to precisely generate the surplus which we will start dipping into when the baby boomers start retiring, and that is a surplus which we will start dipping into in 2018. To say that produces a crisis is to say that we lied to an entire generation of people when we increased the taxes in order to produce that surplus to dip into later. We will dip into that.

Mr. Greenspan, of course, says it was fine to reduce taxes on the rich; and because we did that, we have a budget deficit. We cannot repay the bonds; and therefore we should reduce benefits starting in 2018. That is simply thievery.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Arizona (Mr. HAYWORTH) has 3 minutes remaining. The gentleman from Florida (Mr. SHAW) has 2½ minutes remaining. The gentleman from Florida has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment, and we need to take some time to take a look at what this totalization agreement is all about, and we need to make sure that the democratic process is brought to play when this becomes law or does not become law.

The fact is the totalization agreement that we are talking about would, most likely, include illegal immigrants in our Social Security system. Let us make sure what that status is. If we have 5 million people from Mexico who come here and have been working illegally in our system, do we want to pay out Social Security to those illegal immigrants? We need to know the answers to that before we move forward.

Those who are against this amendment would put us in a situation where we might wake up 6 months down the road and this totalization agreement would be law and we would never have had a chance to vote on it. Social Security is too important for the American people, and the idea of making illegal immigrants eligible for Social Security is too important for us to let it just go by and possibly have this come into law without even a vote on the floor.

The American people ought to notice what is going on here today. We have seen health care in California go to hell. We have seen the school and education programs going to hell in California. We have seen our criminal justice going to hell, and now we want to take a risk with Social Security? People in California know that those illegal immigrants who are here, oh, yes, even if they are paying Social Security, they are taking that job away from an American citizen.

Our senior citizens do not believe that Social Security should be provided to illegal immigrants. It will cost the Social Security billions and billions of dollars when this folly is done, and it will bankrupt the system.

We need time to talk about it. We need time to get the calculations right. We know that in the past we have been given all sorts of statistics that have been wrong. Let us not gamble with Social Security. Let us watch out for our own people instead of illegal immigrants.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

I would say to the previous speaker that this in no way provides for Social Security payments to illegal workers.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment of my friend from Arizona.

We have these totalization agreements with about 20 countries: Australia, Austria, Belgium, Canada, Ireland, Netherlands, Norway, Sweden, Switzerland, United Kingdom. But even though this agreement is not yet approved by the Congress, it will, under regular order, be considered by the Congress.

We are to then, under this amendment, outright reject by defunding an agreement with our neighbors to the south and Mexico, our largest trading partner? Why? I think it is incorrect; and I think that's unfortunate, perhaps unintentional, signals are being sent out by this amendment that we must be very wary of; and so it is important to focus on the facts, as the gentleman from Florida (Mr. SHAW) has said.

The law is not changed by this totalization agreement. Social Security benefit accounts will not be paid to undocumented workers. That is the fact. That is the law. I oppose this amendment, with respect to my friend from Arizona.

Mr. HAYWORTH. Mr. Chairman, to close out advocacy on this amendment, I yield the remaining minute to my friend, the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise today in support of the Hayworth amendment.

As chairman of the Subcommittee on Immigration, Border Security, and Claims, I convened a hearing on this issue of totalization with Mexico on September 11, 2003.

As a result of the troubling testimony received at that hearing, I asked the GAO to conduct a study on the possible effects of such an agreement. I wanted to make sure that any totalization agreement with Mexico does not drain tens or hundreds of billions of dollars out of the Social Security trust fund by paying benefits to aliens who are illegally present and working in the United States while at the same time we are fighting to keep the fund solvent to ensure benefits for American workers.

Unfortunately, we know now that the Social Security Administration did not use an accurate actuarial basis for the proposed totalization agreement with Mexico. They did not account for the estimated millions of illegal aliens residing in this country, nor did they account for reported widespread fraud by these illegal workers using Social Security numbers belonging to others and "not for employment" numbers.

The system cannot tolerate the burden of paying out to possibly millions of illegal workers. Protect the Social Security system and vote for the Hayworth amendment.

Mr. SHAW. Mr. Chairman, I yield myself the remaining time.

There has been a lot said, and it is mostly about illegal immigrants, which has not a darn thing to do with the issue that is in front of us this evening.

It would be a mistake for anybody to come down here to the floor and vote for this amendment, thinking that there is some way that without doing this that this is going to support illegal immigration. It does not have anything to do with this.

This is a good deal for American workers. It is a good deal for American companies, and it is a good deal that the Congress oppose this particular legislation. Let the committee have a look at it. The committee is going to vet this thing. There is no question about it.

The gentleman from Michigan who spoke earlier in the debate talked about how, if the Congress changes this and that, that then all of the sudden they are going to open the floodgates. I am sorry, we cannot pass legislation or pass amendments based upon what we think the Congress might do. I am talking about what the law is, and this has a negligible effect upon the trust fund, and the Congress should look at it.

This issue is not before the Congress now. The timing is all wrong. The administration has to send this to the State Department and to the White House for approval, and then we have 60 legislative days in which to kill it, if that is what the Congress wants to; but we should look at it, and we should do it in regular order. We should not be doing it by trying to tie the hands of the government from enforcing something that has not even happened yet. That is just plain malarkey.

Vote "no" on this amendment, and let the regular process go forward. It has nothing to do with illegal workers receiving Social Security benefits.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise in support of the Hayworth Amendment.

I want to prevent the Social Security totalization agreement with Mexico from moving forward because it is a bad deal for Americans who rely on Social Security now and in the future.

Since rumors first circulated that this agreement might be in the works, I have told the negotiators that it is a bad idea.

Despite having met with me privately on this issue and heard my concerns, Social Security Commissioner Barnhart signed this agreement anyway.

This agreement with Mexico is completely different in scope from our other totalization agreements. Primarily, we have an illegal immigration problem with Mexico that we don't have with the other 19 countries. Coupled with the ill-considered immigration proposal from the Administration, this totalization agreement would wreck havoc on our already troubled Social Security system and is a recipe for disaster.

There is hardly another issue that unites my constituents more than in opposition to this totalization agreement with Mexico. I urge my colleagues to join me in supporting this amendment to prevent the agreement from moving forward.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBERSTAR:

At the end of the bill (before the short title), insert the following:

TITLE ADDITIONAL GENERAL PROVISIONS

DEPARTMENT OF HEALTH AND HUMAN SERVICES PROGRAMS FOR PATIENTS WITH FATAL CHRONIC ILLNESSES

(a) ESTABLISHMENT OF PROGRAMS—The Secretary of Health and Human Services shall carry out research, demonstration, and education programs with respect to fatal chronic illness through the Public Health Service.

(b) STUDIES ON END-OF-LIFE CARE—The Secretary shall conduct studies on end-of-life care through all relevant agencies and through the Assistant Secretary for Planning and Evaluation. Such studies shall include an examination of the development of practice parameters applicable to such care as well as research regarding such care. Such studies shall also include an annual report from the Secretary to the appropriate committees for oversight in Congress and to the Special Committee on Aging in the Senate on service delivery and quality of life for persons living through fatal chronic illness and their families and professional caregivers.

(c) HEALTH RESOURCES AND SERVICES ADMINISTRATION—

(1) IN GENERAL—In carrying out subsection (a), the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall carry out research, demonstration, and education programs toward improving the delivery of appropriate health and support services for patients with fatal chronic illnesses.

(2) HEALTH CENTERS—As determined appropriate by the Secretary, paragraph (1) may be carried out through the program under section 330 of the Public Health Service Act (relating to community and migrant health centers and health centers regarding homeless individuals and residents of public housing), including by designating individuals with fatal chronic illnesses as medically underserved populations.

(3) CAREGIVERS—Programs under paragraph (1) shall include activities regarding appropriate support services for caregivers for patients with fatal chronic illnesses, including respite care.

(4) HEALTH PROFESSIONS TRAINING—Programs under paragraph (1) shall include making awards of grants or contracts to pubic and nonprofit private entities for the purpose of training health professionals, including students attending health processions schools, in the care of patients with fatal chronic illnesses. Such training shall include training in the provision of appropriate palliative care and appropriate referral to hospices, and training provided as continuing education.

(5) INITIATIVE—Programs under paragraph (1) shall include an initiative to coordinate innovation, evaluation, and service delivery relating to fatal chronic illnesses.

(d) AGENCY FOR HEALTHCARE RESEARCH AND QUALITY—

(1) IN GENERAL—In carrying out section 912(c) of the Pubic Health Service Act, the Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall, with respect to patients with fatal chronic illnesses—

(A) identify the causes of preventable health care errors and patient injury in health care delivery, including errors of inadequate mobilization of services to the home, inadequate continuity of caregivers, inadequate symptom prevention, management, and relief, or inadequate advance care planning;

(B) develop, demonstrate, and evaluate strategies for reliable performance of the care system, including reducing errors and improving patient safety and health outcomes; and

(C) disseminate such effective strategies throughout the health care industry.

(2) GRANTS—in carrying out paragraph (1)(A), the Secretary shall make grants for the purpose of developing reliable and current data and insight as to the merits and efficiencies of various strategies for providing health care, including palliative and hospice care, and social services for patients with fatal chronic illnesses.

(e) CENTERS FOR DISEASE CONTROL AND PREVENTION—The Director of the Centers for Disease Control and Prevention shall expand activities with respect to epidemiology and public health in fatal chronic illness. Such activities may include contracting with the Institute of Medicine or another national interest non-profit organization to provide a review of the status of care for the end of life, which review shall be included by the Secretary in the annual reports to Congress under subsection (h).

(f) NATIONAL INSTITUTES OF HEALTH—

(1) EXPANSION OF ACTIVITIES—The Director of the National Institutes of Health (in this subsection referred to as the Director) shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on fatal chronic illness. Such activities shall include programs, requests for proposals, study section membership, advisory council membership, and training programs to support rapid and substantial improvements in understanding—

(A) mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to end of life; and

(B) human resource, service delivery arrangements, technology, and financing that would be most useful in ensuring comfort and dignity for individuals with fatal chronic illness, and in relieving the burden for family and professional caregivers.

(2) ADMINISTRATION—the Director shall carry out this subsection acting through the Directors of every Institute within the National Institutes of Health that has at least one fatal chronic illness in its purview.

(3) COLLABORATION—In carrying out this subsection, the Director of the National Institutes of Health shall collaborate with the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and any other agency that the Director determines appropriate. The Secretary of Veterans Affairs and the Director of the Agency for Healthcare Research and Quality shall assist in such collaboration.

(4) RESPONSIBILITIES OF INSTITUTES—Each Institute with the National Institutes of Health that has fatal chronic illness in its purview shall establish a plan for improving understanding of the mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to end of life.

Since most Americans now die of chronic heart or lung failure, cancer, stroke, dementia, or multifactorial frailty, each such institute shall develop and implement a strategic plan and a set of projects that aim primarily to ensure that affected patients and their families can live through advanced illness and death comfortably and meaningfully.

(5) CENTERS OF EXCELLENCE—

(A) IN GENERAL—In carrying out paragraph (1), the Director shall make awards of grants and contracts to public or nonprofit private entities for the establishment and operation of centers of excellence to carry out research, demonstration, and education programs regarding fatal chronic illness, including programs regarding palliative care.

(B) DESIGNATION—In carrying out this subsection, the Director shall designate at least 2 Claude D. Pepper Older Americans Independence Centers (supported by the National Institute on Aging), 2 program projects of the National, Heart, Lung, and Blood Institute, and 2 comprehensive cancer centers (supported by the National Cancer Institute) to provide education and information support and research data and methods leadership for substantial and rapid improvements in the understanding of the mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to the end of life.

(C) RESEARCH—Each center established or operated under subparagraph (A) or designated under subparagraph (B) shall conduct basic and clinical research into fatal chronic illness.

(D) CERTAIN ACTIVITIES—The Secretary shall ensure that, with respect to the geographic area in which a center of excellence under subparagraph (A) is located, the activities of the center include—

(i) providing information and education regarding fatal chronic illness to health professionals and the public;

(ii) serving as a resource through which health professionals, and patients and their caregivers, can plan and coordinate the provision of health and support services regarding fatal chronic illness; and

(iii) providing training and support of implementation of quality improvement.

(g) MEDICARE PILOT PROGRAMS FOR TREATMENT OF FATAL CHRONIC ILLNESSES—

(1) ESTABLISHMENT—The Secretary, in all relevant parts of the Department of Health and Human Services, including the Centers for Medicare & Medicaid Services and the Office of the Assistant Secretary for Planning and Evaluation, shall provide for pilot programs under this subsection. The pilot programs shall be developed under a coordinated national effort in order to demonstrate innovative, effective means of delivering care to Medicare beneficiaries with fatal chronic illnesses under the Medicare program. The pilot programs shall be completed within 5 years after the date that funds are first appropriated under this subsection.

(2) DESIGN—The pilot programs under this subsection shall be designed to learn how—

(A) to effectively and efficiently deliver quality care to the fatally chronically ill;

(B) to provide and maintain continuity of care for the fatally chronically ill;

(C) to provide advance care planning to the fatally chronically ill;

(D) to determine what rate and strategies for payment are most appropriate;

(E) to deliver emergency care for the fatally chronically ill;

(F) to facilitate access to hospice care when the Medicare beneficiary becomes eligible for such care;

(G) to develop and estimate the effect of potential alternative severity criteria for eligibility of specially tailored programs;

(H) to test the effectiveness and costs of new strategies for family caregivers support;

(I) to implement a clinical services and payment program that uses thresholds of severity to define the onset of the need for comprehensive end-of-life services;

(J) to test the merits of using severity criteria (relating to fatal chronic illness) in determining eligibility for the Medicare hospice program, but only when use of such criteria expands access to hospice care to individuals who are not yet terminally ill (as that term is defined at section 1861(dd)(3)(A) of the Social Security Act); and

(K) to arrange financial incentives so that substantially diminished payments arise when care providers fail to ensure timely advance care planning, symptom prevention, management, and relief, or continuity of care across time and settings.

(3) CONDUCT OF PILOT PROGRAMS—The Secretary shall conduct pilot programs in at least 6 sites and in at least 3 States.

(4) REPORT TO CONGRESS—the Secretary shall submit to Congress a report on the pilot programs under this subsection. Such report shall include recommendations regarding whether the pilot programs should become a permanent part of the Medicare program.

(h) ANNUAL REPORTS—The Secretary, in consultation with the Secretary of Veterans Affairs and other appropriate Federal agencies, shall submit an annual report to Congress on end-of-life care an on the research, demonstration, and education programs and studies conducted under this section. The Centers for Disease Control and Prevention shall be the lead agency for integrating and preparing the annual reports under this subsection unless the Secretary designates otherwise.

(i) DEFINITIONS—For purposes of this section:

(1) The term 'fatal chronic illness' means a disease (or diseases), condition (or conditions), or disorder (or disorders) that ordinarily worsens and causes death and that causes a physical or mental disability or periodic episodes of significant loss of functional capacity.

(2) The term 'Secretary' means the Secretary of Health and Human Services.

(j) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated—

(1) such sums as may be necessary to carry out subsections (a), (b), (c), and (f);

(2) $50,000,000 for the 5-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (c), excluding paragraph (5) of that subsection;

(3) $100,000,000 for the 3-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (c)(5);

(4) $20,000,000 for the 5-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (d);

(5) to carry out subsection (g) for each of fiscal years 2003 through 2007—

(A) $50,000,000 for the purposes of conducting evaluations of pilot programs; and

(B) $50,000,000 for the purpose of providing clinical services under pilot programs; and

(6) $500,000 for each fiscal year during the 5-fiscal-year period beginning with fiscal year 2004 to carry out subsection (h).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes on the amendment.

Mr. REGULA. Mr. Chairman, I just want to reserve a point of order. I understand that the plan is to withdraw the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) reserves a point of order on the amendment.

The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA). I acknowledge that the point of order would lie against the amendment. I appreciate the opportunity to discuss my amendment and then subsequently to withdraw that amendment.

The purpose of this amendment is to address an issue that few of us want to talk about, but which all of us are going to face in some way or another, and that is, end-of-life care. We are all getting there, and this amendment would do five things. It is derived from a bill I introduced last year that would do five things.

It would provide grants through NIH to train health care professionals in the care of patients with fatal, chronic illness. It would direct the NIH to expand and to intensify research on fatal, chronic illnesses. Three, it would establish pilot programs under Medicare to improve delivery of care and continuity of care for end-of-life considerations. Four, it would provide funds for advanced care planning; and, five, facilitate access to hospice care when that becomes necessary at the end-of-the-life decision.

Why is this an important issue? Well, frankly, it is an issue that my wife, Jean, and I have discussed around the dinner table. We have both lost spouses who succumbed at a very unusually and unanticipated age to cancer. We both attended to frail and disabled parents. We all have friends who have been in the same position. As the baby boom generation reaches older age, the number of people facing serious illness and death is going to double over the next 25 years.

Second, 28 percent of Medicare's budget over the last few years has been spent caring for the last few years, in many cases the last few months of life. Who are there to provide these services? These are family members. The value of the services that family caregivers provide in a sense for free is estimated in excess of $250 billion a year.

Third, there are a number of professionals in the health care field who do not get training in the course of their medical education in palliative care, in end-of-life decision-making with families.

We need to do a better job of training our health care professionals. We need to do a better job of preparing families for end-of-life care decision-making.

We have to acknowledge that Americans are living longer. The fastest growing age group in our society is people over age 85. Half of them need some help with personal care. We should be doing a better job with our NIH resources to help families, to help health care professionals, to help patients themselves to deal with fatal, chronic illness, the end-of-life care decisions.

That is simply what this amendment would do, provide those resources. I take this opportunity to discuss the issue in this detail so that next year when we come back into session again, this bill will be reintroduced and will have an opportunity for a broader discussion and legislative action, to bring to the floor legislation that will be meaningful, implement these recommendations and then be eligible for the funding that I requested and set forth in the legislation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1745

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (but before the short title), insert the following new section:

SEC.   . None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today to enforce existing Federal law that requires any State providing illegal aliens instate tuition discounts to provide these discounts to all students, regardless of State of residence. In other words, all legal students get no less tuition discount than illegal students.

That is existing law. But my amendment would not allow any Department of Education funds to be spent in violation of existing Federal law; namely, section 505 of the Illegal Immigration Reform and Responsibility Act of 1996. It simply seeks to enforce existing law.

There are approximately 12 States that have adopted a policy that they would give instate tuition breaks to illegal aliens as students, and yet students that might live within sight of the State border and not be residents of that State, would pay out-of-State tuition costs. That would then necessarily entail that citizens of the United States, people who lived in the neighborhood and in the region, would pay out-of-State tuition while illegal aliens would get instate tuition breaks. That would be in violation of this section of the 1996 Immigration Act, and I seek to tighten that up with this simple amendment that is consistent with current law.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition, although I will not oppose the amendment.

It is my understanding this is a State issue, but that we are prepared to accept it because the Department of Education is in compliance. They are not doing anything to violate the section 505.

I do not think it is necessary we have this. It really is something the States deal with in the funding of their higher education programs. So under those circumstances, we are prepared to accept the amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman, the chairman, for his cooperation on this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Congressman STEVE KING's amendment to the Labor-HHS-Education Appropriations bill, H.R. 5006. This amendment would prohibit any funds from being spent by the Department of Education in violation of Section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623)(IIRIRA). Section 505 of IIRIRA prohibits states from giving in-state tuition unless they provide in-state rates to all U.S. citizens under the same conditions.

The States have responded by offering in-state tuition based not on residency but on having attended school in the state and graduated from high school there. These states are thus in compliance with section 505. Congressman KING's amendment would not stop that practice, but it would make it more difficult for children in other states to afford a college education. This is a serious barrier for undocumented students, as they are also ineligible for any publicly-funded financial aid.

The real issue is whether children who have lived in the United States and been educated here should be able to afford a college education even if they were brought here illegally by their parents. Even though they had no say in the decision, our laws force them to suffer the consequences of their parents' actions.

The consequence of this policy is that our country will punish innocent children and foster an increase in the unskilled, undereducated workforce, which will be accompanied by increased spending on social service programs, higher rates of crime, and decreased opportunities for a higher quality of life. Who benefits from such a policy?

We all suffer when good students in our communities are prevented from completing their education and reaching their full potential. We suffer because we are deprived of future contributors and leaders who could help stimulate economic growth and social richness. We suffer because children who might have been scientists, nurses, teachers, or engineers are forced, instead, to exist in a legal limbo.

I urge you to vote against this amendment.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JOHN

Mr. JOHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JOHN:

Page 105, after line 16, insert the following section:

SEC. . Of the amount made available in title II for the account "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", $100,000,000 is transferred and made available under the account in such title "CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING" for carrying out the program under section 317S of the Public Health Service Act (as added by Public Law 108–75).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JOHN) and a Member opposed each will control 5 minutes on this amendment.

The Chair recognizes the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume, although I will not take all 5 minutes. But I did think it was important for me to come here and talk about this amendment to this legislation.

I am offering this amendment, and I have worked with the ranking member, the gentleman from Wisconsin (Mr. OBEY), and also the chairman, the gentleman from Ohio (Mr. REGULA), about trying to work through this in conference, but I thought it was very important that we talk just a little bit about this piece of legislation.

The amendment that I have at the desk is an amendment today to fully fund a piece of legislation that was passed out of this body last year and that was signed by the President of the United States. It is called the Mosquito Abatement for Safety and Health Act, the MASH Act. The MASH Act has the support of the gentleman from Louisiana (Mr. TAUZIN) and also Senator GREGG, who have joined together to support this piece of legislation along with the National Association of Counties.

This amendment offers protection for our constituents from mosquito-borne diseases like the West Nile virus. This year alone, Mr. Chairman, over 1,100 human cases of the West Nile virus have popped up, and over 30 deaths have been reported in all but three States and the District of Columbia. Last year alone, this country faced over 9,800 human cases and 264 deaths from the West Nile virus which is spreading across our country.

Of course, countless Americans, mainly our young and our elderly, are very susceptible to the West Nile virus, but it can be kept under control.

I guess many of us outside of the deep South consider that Labor Day has passed and that summer is over, so the mosquitoes go away. But I can tell my colleagues that the infected mosquitoes are continuing to spread well into the months of November and even into some of December.

What this piece of legislation does is establish a one-time matching grant through the CDC, Center for Disease Control, to enable counties to begin to improve their mosquito abatement programs. Funds can be used for laboratory equipment, purchase of equipment, conduct outreach, educational programs, the kinds of things we need to do to protect our constituents from mosquitoes and this bad disease.

Currently the CDC offers some educational programs, but they do not have real assistance to our counties and to our parishes to make sure that we have the proper funds. Abatement programs are handled through the local government in many instances. So the Federal Government, I believe, because of the West Nile virus and it being spread throughout the whole continental United States, needs to get involved in this to protect our constituents.

I certainly would ask both the chairman and the ranking member to work through this in conference committee, because I feel that this is not just a Louisiana problem, it is certainly a national problem. And I am prepared to withdraw the amendment at the proper time.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, I understand the gentleman's concern. We have the same concern, and we will do as much as we can in conference. This is a serious problem, and we have put $42 million in CDC to combat West Nile virus, which is an increase over last year, but more needs to be done.

I commend the gentleman for bringing this issue to our attention. And as I understand, the gentleman is going to withdraw his amendment, but we will be sensitive to it.

Mr. Chairman, I might say for the benefit of Members that are watching, I believe this is the last amendment, so we should be able to wrap up here pretty fast, for those who have planes or whatever.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to assure the gentleman of my agreement with his comments. I think that we have become incredibly arrogant in assuming that we have conquered these virus-borne diseases and other communicable diseases. In fact, we are learning that we are going to be facing a whole new generation of threats to public health, and I think even with this additional money in the bill, there needs to be much, much more.

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume to thank both the ranking member and also the chairman for working on this with me. This is a new disease, and we do not know much about it. This can go a long way in understanding and gaining some information and education about it and also in stopping the spread of this disease.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to explain to the House why there will not be a recommittal motion.

Mr. Chairman, I voted to report this bill from subcommittee and full committee to the House in order to give the House an opportunity to make some hard choices, but I had frankly expected to vote against the bill for all of the reasons listed in the minority views in the committee report beginning on page 281, and I submit for the RECORD at this point the minority views signed onto by the Democratic members of the subcommittee which outline in some detail what we consider to be the shortcomings of this bill.

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD

While this bill is a modest improvement over the President's budget request, it fails to meet America's needs in education, health care, medical research, and human services. The bill's inadequacies, however, are not the fault of the Committee or Chairman Regula. This bill's shortcomings are the direct and foreseeable result of the Majority's reckless FY 2005 budget resolution which, as with each of the budgets the Majority produced over the past three years, abandons fiscal discipline, mortgages our nation's future, and makes impossible critical investments that benefit all Americans. It is the product of the skewed priorities of the Majority, who value super-sized tax cuts for our wealthiest and most privileged citizens over honoring our commitments and protecting our most vulnerable citizens.

Even when provided with an opportunity to change course, the Majority held rigidly to its failed budget blueprint. Earlier this year, the Majority rejected a Democratic alternative to the FY 2005 budget that was fiscally responsible and allowed a greater investment in education, health care, and many other critical priorities. Then, on June 24, the Majority defeated a Democratic resolution to revise the budget resolution that would have made a greater investment in education, training, and health by modestly scaling back tax cuts for those with annual incomes of $1 million or more.

Given the Majority Party's misguided budgetary choices, shortfalls in appropriations are inevitable. In fact, the Labor-HHS-Education Subcommittee received a relatively good share of an inadequate total, allowing an increase of about $3 billion above the current year. That increase was largely allocated to a few areas: providing $1 billion increases for two high-priority education programs, keeping up with rising costs in the Pell Grant program, partially covering increased research costs at NIH, and funding the administrative expenses of the Social Security Administration.

After doing these things, the subcommittee had more than exhausted the additional funds it was allocated above the FY 2004 level. Consequently, other priorities in the bill had to be cut.

EDUCATION—NOT AT THE TOP OF THE CLASS

Next year, K–12 and higher education enrollments will again reach record levels. Nearly 55 million students will attend the nation's elementary and secondary schools—4 million more students than in 1995. Full-time college enrollment will reach 16.7 million students—14 percent more than a decade ago.

At the same time that schools are serving more students, the stakes are raised higher by the mandates of the No Child Left Behind Act (NCLB). During the 2005 school year, schools must actually test each student in grades 3–8 in reading and math or face federal sanctions. Student achievement must improve. And, every teacher of a core academic subject must become "highly qualified."

Against the backdrop of record school enrollments, unprecedented Federal education accountability requirements, and rising demand for college assistance, the Committee bill fails to match these growing demands with sufficient resources. The bill provides a $2.0 billion (3.6 percent) increase over FY 2004 for the Department of Education's discretionary programs, continuing a downward slide in new discretionary education investments under the Bush Administration.

No Child Left Behind

While all 50 states and 15,500 school districts are striving to address NCLB's worthy goals, money remains short in many schools. Nonetheless, the Committee bill actually *cuts* NCLB funding $120 million below the Administration's request, while providing only $328 million (1.3 percent) more than FY 2004. In total, the bill provides $9.5 billion less than the funding promised in NCLB.

Fully funding Title 1—which serves low-income children in schools with the greatest educational challenges—is the centerpiece of federal education reform efforts. Title 1 grants to school districts receive a $1 billion (8.1 percent) increase in the Committee bill, the same amount as the President's request. Despite this needed increase, Title 1 appropriations in FY 2005 would still fall $7.2 billion short of the NCLB funding promise—accounting for most of the total $9.5 billion NCLB shortfall in the Committee bill.

A key concept in NCLB is that students who are falling behind are able to receive tutoring and a broad array of enrichment services in school and community-based after school centers. Yet the Committee bill freezes funding for 21st Century Community Learning Centers at $999 million—only half of the $2.0 billion authorized by NCLB. At the $2.0 billion level, an additional 1.3 million children could be served in such communities as Davenport, Iowa, Columbus, Ohio, Greenville, South Carolina, and Salt Lake City, Utah, all of which are struggling to keep existing after school centers open to serve children in working families.

The Committee bill freezes funding at last year's levels for several programs that are important to the success of NCLB. For example, English language learning assistance for more than 5 million children who must learn to read and speak English is frozen at $681 million, the second year in a row—even while these children must meet the same rigorous academic standards as all other children. About 6,500 rural school districts will see their Rural Educational Achievement Program grants level funded at $168 million, in the aggregate; despite the difficulty they face in recruiting and retaining teachers. In addition, investments in school violence prevention, substance abuse prevention and school safety activities are frozen at $595 million, nearly 10 percent less than the safe and drug-free schools funding level three years ago.

The Committee bill makes only modest investments in a few areas. For example, it provides a $63 million net increase for teacher training in math and science instruction (after accounting for an offsetting reduction in NSF support). It provides 1,300 school districts located on or near military bases and other federal facilities a $21 million (1.7 percent) increase under the Impact Aid program. Further, it rejects the Administration's proposal to cut vocational and career education by $316 million and, instead, provides an increase to offset inflation.

These modest increases, however, are offset by deep reductions in other education initiatives, including the outright elimination of 22 programs. For example, the Committee bill wipes out the Title VI education block grant, although the Administration proposed to continue its flexible funding of nearly $300 million to help the nation's school districts pay for locally identified needs, such as up-to-date instructional materials, counseling services, and parental involvement activities. Moreover, arts education, teacher training to improve American history instruction, drop out prevention, K–12 foreign language assistance, and community technology centers to bridge the digital divide in low-income communities—all priority activities reauthorized in NCLB—are terminated. Because of budget constraints, the bill even denies over $100 million in education initiatives requested by the President.

Special education

President Bush's Commission on Excellence in Special Education concluded, "children with disabilities remain those most at risk of being left behind." The Committee bill makes progress in fulfilling federal commitments in special education by providing a $1 billion (9.9 percent) increase over FY 2004 for IDEA Part B State Grants, the same amount as the President's request. Under the Committee bill, the federal contribution toward special education costs incurred by the nation's schools will increase from 18.7 percent in FY 2004 to 19.8 percent in FY 2005. Nonetheless, the Committee bill falls $2.5 billion short of the $13.6 billion promised last year by the Majority party when it passed H.R. 1350, the IDEA reauthorization bill.

College assistance

In today's increasingly technological society, a college education is essential for a good-paying job. For low- and moderate-income families, however, the task of sending a child to college—which has never been easy—is now a daunting challenge, given an average 26 percent tuition increase in the last two years at 4-year public colleges and universities.

The Committee bill, however, makes little progress in making college more affordable for disadvantaged students. The bill freezes the maximum Pell Grant for low-income college students at $4,050 for the second year in a row, freezes College Work Study assistance, and cuts Perkins Loans by $99 million below last year's level.

College students will receive help with dramatically rising tuition bills only through a $24 million (3.1 percent) increase for Supplemental Educational Opportunity Grants (SEOGs), and a restoration of the $66 million LEAP grants for state need-based student financial assistance programs, which the Administration sought to eliminate.

INVESTING LESS IN AMERICA'S LABOR FORCE

For the Department of Labor's employment and training assistance programs for unemployed Americans, the Committee bill invests $236 million *less* than the Administration's request and $40 million *less* than last year, despite a loss of 1.8 million private sector jobs since President Bush took office.

While the Committee bill provides a $25 million (1.7 percent) increase over FY 2004 to assist dislocated workers affected by mass layoffs, it denies 80 percent of the Administration's $250 million request for the Community College technical training initiative and eliminates the $90 million prisoner reentry initiative due to budget constraints. The bill shaves the Administration's proposed 2.8 percent increase for salaries and other operating costs for Job Corps, the highly successful initiative that helps hardcore disadvantaged and unemployed youth, to a 1.8 percent increase over FY 2004.

Unemployment remains unacceptably high with 8.0 million Americans out of work; however, the Committee bill actually cuts assistance for individuals seeking jobs through the Employment Service, a building block for the nation's one-stop employment services delivery system. State Employment Service funding is cut to $696 million, a 10 percent reduction below FY 2004 and the lowest level in more than 10 years. The Committee bill also rescinds $100 million in prior funding, as requested by the Administration, for the H–1B training grants that help train Americans in high-skill, high-wage jobs and reduce the nation's reliance on foreign workers.

Further, funding to promote international labor standards and combat abusive child labor will be eviscerated with a 68 percent cut in the Committee bill, which adds only $5 million to the Administration's request. The $35.5 million provided in the bill includes only $16 million for child labor projects compared with the $82 million allocated in FY 2004.

FALLING SHORT OF THE PROMISE OF A SAFE AND HEALTHY NATION

For the health-related programs of the Department of HHS, the Committee's bill falls short of what is needed to maintain the health care safety net, protect the public health, and advance medical research.

The measure does substantially increase funding for Community Health Centers, expand a Global Disease Detection initiative at CDC, and provide modest increases for AIDS drug assistance and chronic disease prevention programs. In some respects it is an improvement over the President's budget—it rejects the Administration's proposal to cut bio-terrorism preparedness assistance to health departments and hospitals, and reduces the President's proposed cuts in rural health and health professions programs.

However, a number of health programs are still cut below the current-year level by the Committee bill. Examples include the Healthy Communities Access Program, several rural health programs, some health professions training programs (especially those related to primary care and public health), and block grants for public health services. A large number of other programs have their funding frozen, often for the second or third year in a row. These freezes, while health care costs and the number of people needing assistance are continuing to increase, mean real erosion in the health care safety net and public health protection.

- The Committee bill terminates the Healthy Communities Access Program (HCAP), which makes grants to local consortia of hospitals, health centers, and other providers to build better integrated systems of care for the uninsured. This means that roughly 70 communities will lose their existing three-year grants and about 35 new grants will not be made.
- Rural Health Outreach Grants—which support primary health care, dental health, mental health, and telemedicine projects—are cut by 24 percent. Grants to improve small rural hospitals are cut in half, funding to help rural communities acquire the defibrillators that can save the lives of heart attack victims are cut by more than half, and a small new program to help improve emergency medical services in rural areas is eliminated.
- Apart from grants to Health Centers, the bill continues to slow erosion of most other health care programs. The Maternal and Child Health Block Grant is funded slightly *below* its level of three years earlier, with no increase for rising health care costs, population or anything else. These grants help support prenatal care and health and dental services for low-income children, and assist children with disabilities and other special health care needs. The National Health Service Corps—which helps bring doctors and dentists into under-served areas—receives a bit less than in FY 2003. The Ryan White AIDS Care programs (other than drug assistance) is also slightly under its FY 2003 level (while the number of AIDS patients has been rising by about 7 percent per year), and the Title X family planning program is just 1.8 percent above FY 2003.
- Support for training in primary care medicine and dentisty—which is targeted to increasing the number of doctors and dentists in rural and other underserved areas—is cut 22 percent below the current year by the bill. Support for training in public health and preventive medicine is cut 24 percent, despite the difficulties that public health departments are having recruiting and retaining qualified professionals.
- The Committee bill does include a small, $5 million (3.5 percent) increase for nurse education and training programs. While a step in the right direction, it pales in comparison to the national commitment envisioned under the Nurse Reinvestment Act, which was aimed at stemming the looming nursing shortage.
- CDC's childhood immunization program receives a small but welcome $11 million increase in the Committee bill. However, the bill's FY 2005 level is just 3.4 percent above FY 2002 while the cost to immunize a child with all recommended vaccines will have increased 18.5 percent.
- Also in CDC, although the bill roughly doubles an important Global Disease Detection initiative, funding for ongoing domestic activities to control and respond to infectious diseases like West Nile Virus, SARS and the flu are increased by just 1.1 percent.
- The Committee bill makes a 17.5 percent cut in basic support to state and local health departments through the Preventive Health and Health Services Block Grant. This funding is used for a range of priorities, from health screening to immunization to control of chronic diseases like diabetes and asthma to basic epidemiological investigations and public health laboratory operations.

For the National Institutes of Health, the Committee bill is identical to the Administration's budget request. It provides an increase of 2.6 percent—which is the smallest in 19 years and significantly less than the 3.5 percent needed to cover estimated inflation in biomedical research costs. Although the Administration says that its budget (and hence the Committee bill) would produce a small increase in the number of new and recompeting research project grants—reversing a decrease that is occurring in FY 2004—it achieves that result only by assuming unusually tight limits on the average size of research grants, including cuts to ongoing research projects below previously committed levels. If grant amounts were instead allowed to increase at normal rates, the number of new grants would decrease for the second year in a row. Many Members have been circulating letters to the Committee urging additional funding to accelerate research into diseases like Parkinson's or Alzheimer's or cancer. Many of the Members of Congress who have signed such letters in fact voted for the Republican budget resolution which has made it impossible for the committee to provide funding levels requested in such letters. At the funding level in the Committee bill, such increases simply are not possible.

HELPING AMERICA'S MOST VULNERABLE CITIZENS

For the human services side of the Department of HHS, the Committee bill includes increases for Low-Income Home Energy Assistance (LIHEAP), Refugee Assistance, Head Start, Abstinence-only Sex Education, and some programs of the Administration on Aging. It also rejects most (but not all) of the cut in the Community Services Block Grant proposed by the President. On the whole, however, the bill's human services appropriations fall short of what is needed.

For LIHEAP, the Committee added $111 million above FY 2004, as proposed by the President. However, this barely does more than reverse a decrease that occurred last year. Sharply higher energy prices combined with cold winters have increased the need for LIHEAP. These same conditions have also led to growing need for the Energy Department's Weatherization Assistance Program (which was recently transferred to the Labor-HHS bill). However, the bill includes no increase at all for Weatherization, rejecting the $64 million addition proposed by the President.

The Child Care Block Grant has its funding essentially frozen for the third year in a row under the Committee's bill, meaning a real reduction in help for working families. Appropriations for Head Start are $45 million less than the amount proposed by the President. Overall funding for the Administration on Aging is up by 2.2 percent. However, this follows two years of even smaller increases, leaving the FY 2005 figure just 4.0 percent above its level three years earlier.

THE DEMOCRATIC ALTERNATIVE

The demands of the war on terrorism, the conflict in Iraq, homeland security needs, and a sluggish economy require a pragmatic and responsible approach to America's budget. Yet, even with all these competing needs and challenges, this bill's shortcomings were not fated.

The budget alternatives that Democrats offered earlier this year—including the package of budget resolution revisions that the House considered on June 24—would have allowed this Committee to make a greater investment in education, health care, medical research, and other pressing needs. Our budget alternatives were also fiscally responsible; they would have provided for these national needs and reduced the deficit by modestly reducing tax cuts for those with annual incomes above $1 million.

When this bill was considered by subcommittee and by the full Appropriations Committee, amendments were offered mirroring the Labor-HHS-Education portion of the Democratic budget proposal. These amendments would have added $7.4 billion to the bill, paid for by 30 percent reduction in the 2005 tax cuts for people with incomes over $1 million. Instead of tax cuts averaging about $127,000, this top-income group would have their tax cuts reduced to an average of $89,000. Regrettably, these amendments were defeated on party line votes. Had they been adopted, we could:

- Invest $1.5 billion more in Title I instruction to help an additional 500,000 low-income and minority children in the poorest communities succeed in school;
- Invest $200 million more in after school centers so that an additional 267,000 children, who are responsible for taking care of themselves after school each day, have a safe and nurturing place to go after school;
- Invest $1.2 billion more to subsidize the high costs of educating 6.9 million children with disabilities;
- Provide a $450 increase in the maximum Pell Grant for students with the greatest financial need, and begin to restore its purchasing power for more than 5 million low-income students;
- Assist an additional 51,000 teachers improve their instructional skills to become highly qualified under NCLB; and
- Ensure that 2,500 low-performing schools receive the assistance they were promised to implement effective, comprehensive reforms to raise their academic performance.

In the area of workforce training, the Democratic amendment would have provided an additional $200 million to support training and job placement services for more jobless Americans. And, it would have fully restored funding to combat child labor and promote workers' rights around the world, which in turn would have helped workers here at home.

On the health and human services side, the Democratic amendment would have allowed us to provide more help to the 45 million people without health care, maintain momentum in biomedical research, and restore some of the lost purchasing power in key human services programs. For example, the amendment would do the following:

- Maintain the Healthy Communities Access Program, rather than terminating it as under the Committee bill, and add some funds to make up for lost ground in programs like the Maternal and Child Health Block Grant, Family Planning, and Community Mental Health Block Grant.
- Avoid any cuts in health professions training programs, add $20 million to the National Health Service Corps to get more doctors and dentists into underserved rural and inner city areas, and add $35 million to Nurse Reinvestment Act programs to help stem the nursing shortage by providing more scholarships for nursing students and more support for nursing schools.
- Eliminate the proposed cuts in rural health programs, and add an additional $19 million to better support rural health clinics, hospitals and emergency services.
- Provide $50 million to help meet some of the most urgent unmet needs for dental care, through grants for rural dental clinics, scholarships and student loan repayment arrangements for dentists who locate in underserved areas, and grants and low-interest loans to help dentists who agree to participate in Medicaid establish and expand practices in areas with dental shortages.
- Add $500 million to the budget of the National Institutes of Health—enough to provide a full inflation adjustment, renew all ongoing research grants, and restore the number of new grants to the FY 2003 level. This would help maintain momentum in research to find better treatments for diseases like cancer, Parkinson's disease, and Alzheimer's.
- Provide $50 million more for child immunization, to help catch up with rising vaccine costs, and also add $50 million to other infectious disease control efforts at CDC (including those aimed at HIV/AIDS, tuberculosis, and sexually transmitted diseases).
- Add $200 million to the Low-Income Home Energy Assistance Program to help keep up with rising needs. Between the 2002 and 2004 winter heating seasons, average home heating costs rose 50 percent for natural gas users and 54 percent for users of fuel oil. As energy prices rise and the economy remains weak, the number of households seeking assistance is rising, but the program still serves only about 14 percent of the eligible population.

Provide an additional $70 million for senior citizens' programs of the Administration on Aging, including Meals on Wheels and other nutrition programs.

Budgets are as much about America's values are they are about dollars and cents. By prioritizing massive tax cuts for the wealthiest among us, House Republicans have once again rejected traditional American values of shared sacrifice in difficult times and equal opportunity for all Americans. The Majority's priorities will mean less opportunity through education and job training, decreased access to health care in rural and other underserved areas, and a nation that is less caring toward its most vulnerable children, families, and senior citizens.

The decisions that have led to this unhappy situation have, in fact, already been made by the Republican majority members who have voted for the Republican budget resolution and against our efforts to modify it. This bill is the inevitable unhappy result of those decisions. The only way to achieve a more favorable final outcome is for this bill to move to conference with the Senate and be greatly altered to produce a more responsible result.

David Obey.
Steny Hoyer.
Nita Lowey.
Rosa L. DeLauro.
Jesse L. Jackson, Jr.
Patrick J. Kennedy.
Lucille Roybal-Allard.

Democratic Amendment to FY 2005 Labor-HHS-Education Appropriations

	Increase Above Committee Bill *Dollars in millions*
Education	
Providing Title 1 reading and math instruction to 500,000 additional low-income children	1,500
Helping 267,000 additional children in working families to benefit from after-school learning opportunities	200
Increasing assistance to local communities for special education	1,200
Helping to put a highly qualified teacher in every classroom	225
Increasing the maximum Pell Grant by $450 to $4,500 to begin to restore the lost purchasing power of Pell Grants	2,200
Supporting effective school improvement through comprehensive school reforms at an additional 2,500 schools	228
Total, Department of Education	*$5,553*
Employment and Training	
Investing in training and job placement assistance for unemployed Americans	126
Promoting international labor standards and workers' rights	74
Total, Department of Labor	*$200*
Health and Human Services	
Keeping up with costs of childhood immunization, and improving control of infectious diseases (including TB, STDs & AIDS)	100

	Increase Above Committee Bill *Dollars in millions*
Preserving critical investments in medical research at NIH	500
Maintaining core health care "safety net" programs, especially for children and rural residents (including Community Access Program, Family Planning, etc).	333
Improving critical dental services for children and others lacking access to care	50
Helping to alleviate the shortage of nurses	35
Training doctors, dentists and other health professionals, especially for rural and underserved areas	25
Improving public health preparedness for bio-terrorism & epidemics	56
Helping low-income families with energy costs through LIHEAP	200
Maintaining access to child care and Head Start	180
Improving economic opportunity and community services (CSBG)	30
Assisting communities with refugee resettlement	32
Meals-on Wheels, Senior Centers, Family Caregiver Assistance and other help for older Americans	70
Total, Department of HHS	*$1,611*
TOTAL	**$7,364**

Offset

The cost of these additions would be offset through a 30 percent reduction in the tax cuts received by people with annual incomes above $1 million as a result of the 2001 and 2003 tax legislation. Instead of annual tax cuts averaging $127,000, this group would receive tax cuts averaging $89,000.

DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS

Program Level, $ in millions

	FY 2004	FY 2005	FY 2005	FY 2005	Democratic Amendment Compared To:			
					Committee		FY 2004	
	Comparable	Request	Committee	Democrats	Dollars	Percent	Dollars	Percent
Education Investments								
Title 1 Grants to School Districts	$12,342	$13,342	$13,342	$14,842	$1,500	11.2%	$2,500	20.3%
21st Century After School Centers	$999	$999	$999	$1,199	$200	20.0%	$200	20.0%
IDEA Part B State Grants	$10,068	$11,068	$11,068	$12,268	$1,200	10.8%	$2,200	21.9%
Federal Contribution	*18.6%*	*19.7%*	*19.7%*	*22.0%*	*$0*	*11.7%*	*$0*	*18.3%*
Teacher Quality State Grants	$2,930	$2,930	$2,950	$3,175	$225	7.6%	$245	8.4%
Pell Grants	$12,007	$12,830	$12,830	$15,030	$2,200	17.1%	$3,023	25.2%
Maximum Award	*$4,050*	*$4,050*	*$4,050*	*$4,500*	*$450*	*11.1%*	*$450*	*11.1%*
Comprehensive School Reform	$308	$0	$80	$308	$228	284.6%	$0	0.0%
Subtotal, Department of Education					$5,553		$8.168	
Employment and Training Investments								
Dislocated Worker Assistance	$1,454	$1,383	$1,479	$1,517	$38	2.6%	$63	4.3%
Formula	*$1,178*	*$1,100*	*$1,178*	*$1,216*	*$38*	*3.2%*	*$38*	*3.2%*
National Reserve	*$276*	*$283*	*$301*	*$301*	*$0*	*0.0%*	*$25*	*9.1%*
Employment Service	$851	$763	$763	$851	$88	11.5%	$0	0.0%
International Labor Affairs	$110	$31	$36	$110	$74	209.1%	$0	0.0%
Subtotal, Department of Labor					$200		$63	
Health & Human Services Investments								
Centers for Disease Control:								
HIV/AIDS, STD and TB Control	$1,142	$1,143	$1,149	$1,184	$35	3.0%	$43	3.7%
Immunization	$643	$644	$654	$704	$50	7.6%	$61	9.4%
Infectious Disease Control	$369	$401	$401	$416	$15	3.7%	$47	12.6%
National Institutes of Health	$27,808	$28,541	$28,541	$29,041	$500	1.8%	$1,233	4.4%
Community Health Centers	$1,617	$1,836	$1,836	$1,867	$31	1.7%	$250	15.5%
National Health Service Corps	$170	$205	$170	$190	$20	11.8%	$20	11.8%
Community Access Program	$104	$10	$0	$104	$104	n.a.	$0	0.0%
Maternal and Child Health Block Grant	$730	$730	$730	$770	$40	5.5%	$40	5.5%
Healthy Start	$98	$98	$98	$108	$10	10.2%	$10	10.2%
Family Planning	$278	$278	$278	$295	$17	6.1%	$17	6.1%
Ryan White AIDS CARE Act	$2,065	$2,080	$2,100	$2,130	$30	1.4%	$65	3.1%

DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS

Program Level, $ in millions

	FY 2004	FY 2005	FY 2005	FY 2005	Democratic Amendment Compared To: Committee		FY 2004	
	Comparable	Request	Committee	Democrats	Dollars	Percent	Dollars	Percent
Rural Health and Telemedicine	$111	$34	$88	$129	$41	47.2%	$19	16.8%
(Above line restores all programs to FY 2004 level, plus $10 million for Rural Health Outreach, $5 million for Telemedicine, and $4 million for Rural EMS).								
Substance Abuse and Mental Health Services	$3,351	$3,550	$3,392	$3,432	$40	1.2%	$81	2.4%
Dental Care Initiative				$50	$50	n.a.	$50	n.a.
(Above line adds $10 million to National Health Service Corps, $10 million to Rural Health Outreach and $6 million to Health Professions, all for dental care, plus $24 million for Dental Shortage Area Grants under PHSA sec. 340G)								
Nurse Education	$142	$147	$147	$182	$35	23.8%	$40	28.2%
(Above line adds $15 million to scholarship & loan repayments, $5 million each to advanced education nursing and diversity, $4 million each to education-practice-retention and faculty loan repayments, and $3 millon to geriatric nursing.)								
Health Professions Education	$294	$11	$269	$294	$25	9.2%	$0	0.0%
Public Health Emergency Fund	$2,164	$2,225	$2,369	$2,425	$56	2.4%	$261	12.1%
Low-Income Home Energy Assistance	$1,889	$2,001	$2,000	$2,200	$200	10.0%	$311	16.5%
Child Care Development Block Grant	$2,087	$2,100	$2,100	$2,200	$100	4.8%	$113	5.4%
Head Start	$6,783	$6,944	$6,899	$6,979	$80	1.2%	$195	2.9%
Community Services Block Grant	$642	$495	$628	$650	$23	3.6%	$8	1.3%
Community Services discretionary programs	$89	$57	$83	$90	$7	8.8%	$0	0.5%
Refugee & Entrant Assistance	$448	$473	$491	$523	$32	6.5%	$76	16.9%
Older Americans Act programs	$1,374	$1,377	$1,403	$1,473	$70	5.0%	$100	7.2%
(Above line adds $20 million to Supportive Services, $25 million to Nutrition, $10 million to Family Caregivers and $2 million to Native American Caregivers, $4 million each to Native Americans and Protection of Vulnerable Older Americans and $5 million to Alzheimer's Disease grants.)								
Subtotal, Department of Health and Human Services					$1,611		$3,039	
Total					**$7,364**		**$11,269**	

SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest $000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
Alabama	+$25,610,000	+$2,927,000	+$19,470,000	+$3,700,000	+$41,736,000	+$93,443,000
Alaska	+$4,027,000	+$980,000	+$3,631,000	+$1,108,000	+$1,716,000	+$11,462,000
Arizona	+$27,864,000	+$3,619,000	+$18,163,000	+$4,647,000	+$44,464,000	+$98,757,000
Arkansas	+$18,102,000	+$1,823,000	+$12,075,000	+$2,324,000	+$23,051,000	+$57,375,000
California	+$187,447,000	+$27,678,000	+$133,993,000	+$30,073,000	+$197,728,000	+$576,919,000
Colorado	+$15,473,000	+$1,762,000	+$15,382,000	+$2,639,000	+$24,202,000	+$59,458,000
Connecticut	+$13,794,000	+$1,617,000	+$13,699,000	+$1,853,000	+$11,572,000	+$42,535,000
Delaware	+$4,117,000	+$980,000	+$3,327,000	+$1,108,000	+$3,299,000	+$12,831,000
District of Columbia	+$5,235,000	+$980,000	+$1,673,000	+$1,108,000	+$5,906,000	+$14,902,000
Florida	+$62,613,000	+$9,152,000	+$68,360,000	+$11,462,000	+$108,565,000	+$260,152,000
Georgia	+$48,534,000	+$5,986,000	+$31,929,000	+$6,688,000	+$51,107,000	+$144,244,000
Hawaii	+$5,339,000	+$980,000	+$4,197,000	+$1,108,000	+$5,472,000	+$17,096,000
Idaho	+$5,361,000	+$980,000	+$5,712,000	+$1,108,000	+$11,559,000	+$24,720,000
Illinois	+$50,377,000	+$8,197,000	+$53,266,000	+$8,541,000	+$76,262,000	+$196,643,000
Indiana	+$27,895,000	+$2,542,000	+$26,842,000	+$3,601,000	+$35,923,000	+$96,803,000
Iowa	+$11,507,000	+$980,000	+$12,287,000	+$1,513,000	+$21,923,000	+$48,210,000
Kansas	+$13,770,000	+$1,235,000	+$11,500,000	+$1,583,000	+$18,402,000	+$46,490,000
Kentucky	+$25,154,000	+$2,642,000	+$15,714,000	+$3,078,000	+$30,709,000	+$77,297,000
Louisiana	+$33,963,000	+$4,237,000	+$19,525,000	+$4,588,000	+$40,562,000	+$102,875,000
Maine	+$5,862,000	+$980,000	+$5,507,000	+$1,108,000	+$7,067,000	+$20,524,000
Maryland	+$19,042,000	+$2,602,000	+$21,014,000	+$3,003,000	+$25,430,000	+$71,091,000
Massachusetts	+$26,580,000	+$3,304,000	+$28,570,000	+$3,489,000	+$29,523,000	+$91,466,000
Michigan	+$54,136,000	+$6,220,000	+$43,983,000	+$6,478,000	+$57,125,000	+$167,942,000
Minnesota	+$14,893,000	+$1,488,000	+$20,008,000	+$2,444,000	+$27,174,000	+$66,007,000
Mississippi	+$20,970,000	+$2,461,000	+$13,145,000	+$2,962,000	+$32,644,000	+$72,182,000
Missouri	+$24,977,000	+$2,814,000	+$22,863,000	+$3,700,000	+$35,980,000	+$90,334,000
Montana	+$5,039,000	+$980,000	+$4,000,000	+$1,108,000	+$7,819,000	+$18,946,000
Nebraska	+$7,456,000	+$980,000	+$7,516,000	+$1,108,000	+$10,990,000	+$28,050,000
Nevada	+$6,610,000	+$1,027,000	+$6,830,000	+$1,438,000	+$6,997,000	+$22,902,000
New Hampshire	+$4,234,000	+$980,000	+$4,776,000	+$1,108,000	+$4,913,000	+$16,011,000

SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS
DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest $000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
New Jersey	+$38,083,000	+$4,012,000	+$36,380,000	+$4,676,000	+$39,909,000	+$123,060,000
New Mexico	+$15,676,000	+$1,836,000	+$9,600,000	+$2,011,000	+$16,075,000	+$45,198,000
New York	+$109,210,000	+$19,493,000	+$77,511,000	+$15,198,000	+$149,927,000	+$371,339,000
North Carolina	+$36,827,000	+$4,264,000	+$33,389,000	+$5,754,000	+$51,779,000	+$132,013,000
North Dakota	+$3,986,000	+$980,000	+$2,702,000	+$1,108,000	+$6,214,000	+$14,990,000
Ohio	+$58,614,000	+$6,240,000	+$50,213,000	+$7,074,000	+$68,552,000	+$190,693,000
Oklahoma	+$19,662,000	+$2,184,000	+$16,170,000	+$2,804,000	+$29,482,000	+$70,302,000
Oregon	+$21,693,000	+$2,077,000	+$14,341,000	+$2,297,000	+$22,828,000	+$63,236,000
Pennsylvania	+$59,457,000	+$6,595,000	+$47,480,000	+$7,052,000	+$70,915,000	+$191,499,000
Puerto Rico	+$58,352,000	+$7,240,000	+$11,102,000	+$8,446,000	+$80,026,000	+$165,166,000
Rhode Island	+$6,640,000	+$980,000	+$4,402,000	+$1,108,000	+$7,982,000	+$21,112,000
South Carolina	+$24,387,000	+$2,606,000	+$18,338,000	+$3,068,000	+$27,780,000	+$76,179,000
South Dakota	+$4,589,000	+$980,000	+$3,219,000	+$1,108,000	+$6,674,000	+$16,570,000
Tennessee	+$27,048,000	+$3,164,000	+$24,995,000	+$4,127,000	+$37,513,000	+$96,847,000
Texas	+$126,201,000	+$17,610,000	+$99,459,000	+$20,053,000	+$139,937,000	+$403,260,000
Utah	+$8,060,000	+$980,000	+$12,058,000	+$1,477,000	+$21,598,000	+$44,173,000
Vermont	+$3,763,000	+$980,000	+$2,605,000	+$1,108,000	+$3,452,000	+$11,908,000
Virginia	+$26,950,000	+$3,065,000	+$29,659,000	+$4,192,000	+$36,975,000	+$100,841,000
Washington	+$25,650,000	+$2,656,000	+$25,032,000	+$3,681,000	+$32,436,000	+$89,455,000
West Virginia	+$14,604,000	+$1,470,000	+$7,644,000	+$1,408,000	+$15,180,000	+$40,306,000
Wisconsin	+$25,618,000	+$2,477,000	+$22,012,000	+$3,001,000	+$24,620,000	+$77,728,000
Wyoming	+$3,847,000	+$980,000	+$2,734,000	+$1,108,000	+$3,361,000	+$12,030,000
TOTAL APPROPRIATION	+$1,500,000,000	+$200,000,000	+$1,200,000,000	+$225,000,000	+$2,200,000,000	+$5,325,000,000

Note: Title 1, After School, IDEA Part B, and Teacher Quality estimates from the Congressional Research Service based on data provided by the U.S. Department of Education. Pell Grant estimates from American Council on Education based on data provided by the U.S. Department of Education.

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DeLAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD ON THE ADMINISTRATION'S OVERTIME REGULATION

The Administration is poised—in a few short weeks—to implement the most sweeping, anti-worker revision of the Fair Labor Standards Act (FLSA) since its inception in 1938. The overtime pay requirements of the FLSA, which guarantee for most workers "time and a half" pay for hours worked beyond a standard 40-hour work week, are one of the nation's bedrock worker protections. The FLSA's overtime provisions cover approximately 115 million workers—about 85 percent of the nation's workforce.

On August 23rd, 2004, the Department of Labor's final overtime regulations (redefining who is considered a professional, administrative, or executive employee and thereby exempt from overtime pay) are slated to go into effect, giving employers a huge windfall taken right out of employees' paychecks. On the eve of Labor Day, more than 6 million Americans soon will be getting less pay for their labors courtesy of the Bush Administration.

This anti-worker regulation is just the latest attack on America's workers by this Administration. Since President Bush entered office, 1.8 million private sector jobs have been lost. Despite modest job creation in the last few months, some 8.2 million Americans remain unemployed—2.3 million (38 percent) more than when President Bush entered office. Further, more unemployed individuals are out of work for longer periods of time. In June 2004, 1.7 million individuals had been unemployed for over 6 months—nearly triple the number of long-term unemployed at the start of the Administration.

For families who received overtime pay in 2000, overtime earnings accounted for about 25 percent of their income or about $8,400 a year. Overtime compensation is essential to their ability to pay mortgages, medical bills, and make ends meet. Yet, despite the urgent need to halt the Administration's assault on these workers, the House Appropriations Committee rejected, by a party line vote of 29 to 31, a Democratic amendment that would have prevented the Administration from rolling back the 40-hour workweek.

Last year, both the House and the Senate voted to stop the Administration from taking away workers' rights to overtime when the Department of Labor issued its initial proposal to strip overtime protections away from 8 million workers. The Senate twice adopted amendments offered by Senator TOM HARKIN to prohibit the Administration from taking away overtime pay. Last October, the House voted to adopt the Obey-Miller Motion to Instruct by a vote of 221 to 203.

Both the Harkin Amendment and the Obey-Miller Motion to Instruct would have restricted the Administration's ability to disqualify anyone from overtime protection, while retaining virtually the only positive change in the initial regulation—a long overdue and non-controversial increase in the protective salary threshold to guarantee overtime rights for low-income workers. Democrats support extending overtime protections to more low-income workers, even though the Administration's proposal fails to provide a true inflationary adjustment to the salary threshold. (Moreover, we now know that that far fewer workers would actually benefit from this change than claimed by the Department of Labor.)

Yet, despite passage of these measures in the Senate and the House—in opposition to all the traditions of the Congress—the Republican leadership stripped the Harkin language from the final fiscal year 2004 omnibus appropriations bill, allowing the Department of Labor to proceed with its anti-worker regulation.

On July 14, the Committee on Appropriations had an opportunity to preserve the hard-earned overtime rights for working Americans by adopting the Democratic amendment. The Democratic amendment was identical, in effect, to the earlier measures approved by both the House and the Senate. It would have prohibited the Department of Labor from implementing the final rule to disqualify workers from overtime coverage. At the same time, it would have allowed the expansion of overtime rights for low-income workers earning up to $23,660 a year, precisely as proposed by the Department of Labor in its final regulation.

The Democratic amendment would protect more than 6 million workers in a broad range of occupations now at risk of losing their overtime rights according to estimates made by the Economic Policy Institute (EPI). Indeed, an even larger number of workers are likely to be harmed by the Administration rule because EPI examined only 10 of the hundreds of occupational categories covered by the Bush anti-worker regulation.

The Democratic amendment would protect:

● *2.3 million workers who lead teams of other employees assigned to major projects—even if these team leaders have no direct supervisory responsibilities for other employees on the team.* About 40 percent of employers with 50 or more employees routinely use work teams. Under the Department of Labor's final regulation, however, we can expect even more employers to take advantage of this new exemption with enormous negative consequences for employees;

● *Nearly 2 million low-level working supervisors in fast food restaurants, lodging and retail stores.* Under the Department of Labor's final regulation, these employees could lose 100 percent of their overtime eligibility even though only a small percentage of their time is spent on managerial work. For example, low-paid Burger King assistant manager who spends nearly all of his or her time cooking hamburgers and serving customers, with no authority to hire or fire subordinates, could lose all of his or her overtime pay. Moreover, it will not be easier for employers to evade the rules by converting hourly employees to exempt salaried employees;

● *More than 1 million employees without a college or graduate degree.* These employees will now be exempt from overtime pay as professional employees because employers will be able to substitute work experience for a degree under the Department of Labor's final regulation.

Moreover, the Department of Labor has not resolved the question of whether training in the military can be considered substitute work experience. Thus, despite Labor Department denials, many veterans employed in engineering, accounting, and technical occupations could lose overtime pay. For example, the Boeing corporation observed, "* * * many of its most skilled technical workers received a significant portion of their knowledge and training outside of the university classroom, typically in a branch of the military service * * *";

● *30,000 nursery school and Head Start teachers.* These already low-paid employees, who currently receive overtime pay because their jobs do not require them to exercise sufficient discretion and judgment to be considered professional employees, will lose the right to extra pay under the Department of Labor's final regulation;

● *160,000 mortgage loan officers and hundreds of thousands of additional workers in the financial services industry.* These employees will lose their overtime rights because of a blanket industry exemption in the Department of Labor final regulation for financial service employees who work at such duties as collecting customer financial information, providing information and advice about financial products, or marketing financial products;

● *Nearly 90,000 computer employees, funeral directors and licensed embalmers.* These employees will become exempt and lose their right to pay under the Department of Labor's final regulation; and

● *Nearly 400,000 workers earning more than $100,000 annually.* Under the Department of Labor final regulation, these highly compensated employees will lose overtime pay under a new blanket exemption if they perform only a single exempt task "customarily or regularly", such as suggesting discipline, promotion or assignment of other employees perhaps as infrequently as twice a year. Over time, as incomes grow, the number of employees bumped into this new exclusion from overtime pay will increase.

The Department of Labor failed to hold a single public hearing on one of the most controversial regulations in the history of the Department, despite receiving 75,280 comments on its proposals. Indeed, the Department of Labor even provided information to employers in its initial regulation on how to escape overtime pay requirements as part of a concerted campaign to give employers dozens of new ways—both obvious and subtle—to reclassify workers to cut costs.

Affected employers would have four choices concerning potential payroll costs: (1) Adhering to a 40 hour work week; (2) paying statutory overtime premiums for affected workers' hours worked beyond 40 per week; (3) raising employees' salaries to levels required for exempt status by the proposed rule; or (4) converting salaried employees' basis of pay to an hourly rate (no less than the federal minimum wage) that results in virtually no (or only a minimal) changes to the total compensation paid to those workers. Employers could also change the duties of currently exempt and nonexempt workers to comply with the proposed rule.

The Administration claims that its overtime regulation will strengthen and expand overtime protections. The facts say different. Even the Republican-led Senate voted 99 to 0 in favor of the amendment offered by Senator Judd Gregg to protect overtime rights in 55 job classifications—including blue-collar workers, registered nurses, police officers, and firefighters—because they had no confidence in the Administration's claims.

The Administration claims that its overtime regulation will reduce costly and lengthy litigation. However, three experts who formerly administered the FLSA in the Department of Labor during both Republican and Democratic administration reached exactly the opposite conclusion.

Further, in our view, the Department has written rules that are vague and internally inconsistent, and that will likely result in a profusion of confusion and court litigation—outcomes that the Department explicitly sought to avoid.

For example, the former Department of Labor officials observed that, The team leader provision in new Sec. 541.203(3) is an entirely new regulatory concept that is also fraught with ambiguity. This provision is not based on case law, but is purportedly an attempt to reflect modern workplace practices. . . . Furthermore, the regulations do not address the very real possibility that team leaders may be working on a number of different short- or long-term projects, simultaneously or in succession, some of which would be major and directly related to the performance of management or general business operations and some of which would not. Evaluating the team leader's primary duty in that instance will be very difficult at best. Would the employee, for example, move in and out of exempt status from one week to the next? How this provision will operate in practice can only be imagined, but one can surmise that employers will seek to apply this provision to large numbers of employees to whom the exemption was never intended to apply.

Rather than providing more clarity to protect more workers, the Administration's overtime regulation constituents an open invitation to dispute. The Department of Labor deliberately has replaced long-standing, objective criteria by which employers and employees could clearly understand who qualifies for overtime pay and who does not with ambiguous concepts and criteria. These changes will require subjective judgments by employers that no doubt will be made based on the employers' economic interests to the detriment of workers. Practically the only instances in which the Labor Department "clarified" the rules are by declaring virtually entire classes of workers—for example, financial services workers, insurance claims adjusters, athletic trainers, funeral directors and embalmers, and employees earning more than $100,000—ineligible for overtime pay.

At a time when millions of families feel lucky just to have a job, this Committee should have rejected the Administration's proposed pay cut for 6 million American families. By failing to adopt the Democratic amendment, the Committee failed to uphold the values of working and middle class Americans who simply want a fair day's pay for a hard day's work.

DAVID OBEY.
STENY HOYER.
NITA LOWEY.
ROSA L. DELAURO.
JESSE L. JACKSON, Jr.
PATRICK J. KENNEDY.
LUCILLE ROYBAL-ALLARD.

Mr. Chairman, the fact is that the only chance we have to improve this bill is to send it to conference with the Senate, because without going to conference, we cannot correct the shortcomings produced by the subcommittee.

In spite of that, I intended to vote against the bill until the House today adopted the Obey-Miller amendment. With the adoption of that amendment, which is an attempt to restore overtime rights to some 5 million workers, this bill becomes at this point the only vehicle by which we have a shot at restoring those overtime rights. So I will most reluctantly vote to move this bill on to conference.

But I want to make clear to the majority that if the conference report comes back with this provision stripped, and if the conference report comes back without correcting some of the deficiencies that we have laid out in the minority views, and we do not expect them all to be corrected, but we certainly expect some to be corrected in a legitimate give-and-take process, but if this overtime provision winds up being stripped out of the bill, and if some of these shortcomings are not corrected, then I want to make quite clear to the majority not to expect me to vote for it when it comes back from conference, because I will not do so.

This bill falls far short of where it needs to be to protect the long-term interests of our children and our workers, and especially those people without health care. And I would urge Members of the other body to make enough changes when they consider the bill so that we have a reasonable prospect in conference of actually producing a decent bill.

I appreciate the support that we got today from every Member on this side of the aisle and 22 Members on that side of the aisle on the overtime provisions. I hope that Members will insist, now that they voted that way, I hope that they will insist that that provision stays nailed in the bill, unlike last year when the provision was removed by the leadership.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to thank the gentleman for his cooperation. It really has been a team effort in many ways, and I think this bill does reflect, maybe not in total numbers of dollars, but certainly in terms of what we had available, I think we have reflected the Members' priorities pretty well across the board, both sides of the aisle, and we have tried to reflect the needs of the American people.

I think the bill is very fair. It is very well balanced. We have had the support of the minority in the subcommittee and the full committee that reflects that. Obviously, many would like to have more money, but we have to work with what we have. And given what was available, I think we worked together to produce a very responsible bill, so I would urge all of our Members to support this bill on final passage.

I think the membership can point to it with satisfaction; maybe not with complete agreement, but satisfaction that it reflects as well as possible the aspirations and priorities of Members given the amount of money that was available to us through the budget process.

□ 1800

AMENDMENT OFFERED BY MR. HAYWORTH

The CHAIRMAN pro tempore (Mr. THORNBERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 225, not voting 30, as follows:

[Roll No. 439]

AYES—178

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Edwards
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Isakson
Israel
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Kolbe
LaHood
Lampson
LaTourette
Lewis (KY)
LoBiondo
Manzullo
Marshall
Matheson
McCotter
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Pombo
Putnam
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wolf
Wu

NOES—225

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonilla
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cantor
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crane
Crenshaw
Crowley

Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hoyer
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Knollenberg
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Regula
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wynn
Young (FL)

NOT VOTING—30

Ballenger
Cannon
Cardoza
Delahunt
Gephardt
Goss
Greenwood
Kanjorski
Langevin
Lipinski
Lucas (OK)
McInnis
Meehan
Moran (KS)
Nethercutt
Peterson (PA)
Quinn
Radanovich
Rangel
Reyes
Ros-Lehtinen
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Towns
Turner (TX)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1827

Messrs. FATTAH, PEARCE and GUTIERREZ, Ms. KAPTUR, and Messrs. TIAHRT, McCRERY, STRICKLAND and ISSA changed their vote from "aye" to "no."

Messrs. BOEHLERT, ROGERS of Michigan, FROST, WELDON of Florida, FOSSELLA, SANDLIN, JOHN and LAMPSON, Ms. HOOLEY of Oregon, and Messrs. BURGESS, MOORE, HILL, WU, TOM DAVIS of Virginia and WELDON of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005".

Mr. THOMAS. Mr. Chairman, the LoBiondo amendment to Section 221 of H.R. 5006, the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005," would make a change to Medicare Part A payment policy, and thus falls within the sole jurisdiction of the Committee on Ways and Means. Legislating on an appropriation bill is a violation of House Rules XXI, and the Committee opposes attempts to legislate on appropriation bills. However, in this case, I have worked with Representatives LOBIONDO, LOWEY and WAMP to draft the amendment being offered today to ensure that the Committee's position is addressed. The Committee on Ways and Means has long been involved in this issue and is interested in ensuring that any rule relating to the classification of inpatient rehabilitation hospitals is properly implemented and enforced. The amendment is being offered with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Mr. OWENS. Mr. Chairman, I wish to express grave concern over a clause in this bill that would seriously erode worker protections against tuberculosis, TB, and bioterrorism. This provision prohibits the Occupational Safety and Health Administration, OSHA, from fully enforcing its respirator standard for workers at risk of exposure to TB and other deadly infections. At a time when the Bush administration is invoking daily, color-coded terrorist alerts, it makes absolutely no sense to weaken the only standard we have to protect health care workers against air-borne pathogens or airborne "weapons of mass destruction." By prohibiting OSHA from enforcing the annual fit test for workers' respirators or masks, that is exactly what is possible.

According to Dr. Margaret Hamburg, Vice President for Biological Programs at the Nuclear Threat Initiative, biological agents that might be used as biological weapons include small pox, pneumonic plague, and drug-resistant TB. To undercut the only protection that front-line health care workers would have to such agents—namely, their respirators—is absolutely unconscionable.

Mr. Speaker, I ask unanimous consent that a letter on this critical issue from the Director of Occupational Health and Safety at the Service Employees International Union (SEIU) be included in the RECORD at this point. I trust and hope my colleagues in the Senate will see the wisdom of opposing any such effort to weaken workers' protections against TB and bioterrorism.

AN OPEN LETTER TO APIC MEMBERS

Dear APIC member:

I ran across your e-mail thread from my colleagues in the occupational health and safety community. As I am not an APIC member (yet), I hope that you are not offended by my taking this liberty to communicate directly with you about a manner of upmost importance to all of us who are concerned about health care worker occupational health and safety.

The APIC leadership (with AHA) have been on a crusade to undermine adequate TB and respiratory legal protections for health care workers for some time now. They are proud of their singular role in working with Congressman Roger Wicker (R–MS), whose state coincidentally is surrounded by states with some of the highest rates of TB, to kill the OSHA TB rule late last year.

Not satisfied with that "accomplishment", APIC leadership is now determined to gut the application of the OSHA respirator standard that has been on the books for all other chemical, biological and infectious disease agents, except TB since 1998. The reason that the respirator standard didn't apply to TB until now is because the separate OSHA TB standard (that APIC had killed) would have covered respiratory protection within the framework of a comprehensive TB rule.

As someone trained as a microbiologist and industrial hygienist working in the healthcare sector for the past 24 years, I must tell you that your APIC leadership is dead wrong to oppose annual fit testing against TB and other airborne biological hazards. I am not alone. Every labor organization that represents health care workers also supports annual fit testing, as does the Bush Administration, the American Nurses Association, American Industrial Hygiene Association and the 50,000 member American Public Health Association.

Let's look at the facts:

(1) Last year TB rates had their smallest decline in years; rates increased in twenty states.

(2) Without annual fit testing, respirator face seals will erode over time, respirators will leak, and more healthcare workers will experience TB conversions. Respirator manufacturers recommend annual fit testing for their products to work properly.

(3) The APIC leadership is misleading you when they say that the Wicker amendment is supported by CDC. This is not true. The official CDC position has never differed from OSHA's position either verbally or in writing.

(4) The official position of the Bush Administration in supporting annual fit testing, was articulated in the December 30, 2003 Federal Register OSHA notice, stating that fit testing is crucial to a proper face seal, and that over time that 5% to 50% of all workers will lose a proper face seal each year if annual fit testing is not performed.

(5) As far as the argument that there is "no difference" between a surgical mask vs. a properly fitted N95 respirator, a study conducted by Nelson Laboratories in Salt Lake City last year found that a surgical mask filtered out 61.9%–62.3% of particles in the respirable 0.3 micron range vs. 97.9%–99.7% for a properly fitted N95 respirator.

Many of you may recall the clamor of opposition against the bloodborne pathogens standard in the late 1980s. Many dentists claimed that if they wore gloves, that patients wouldn't see them. Today the opposite is the case, while the CDC reports that since the standard took effect, that hepatitis B cases among health care workers have plummeted from 17,000 a year to 400.

Today, as a result of the requirements under the bloodborne pathogens standard, many infection control professionals have more resources to do their job. The same could be the case if we work together to protect health care workers from airborne exposures to TB through annual fit testing; also conferring protections against SARS, avian flue and airborne weapons of mass destruction.

SEIU represents 1.7 million workers, with over half employed in health care, including over 100,000 nurses and 20,000 physicians. Many of our members are APIC members who vehemently disagree with the position of the current APIC leadership. I know that many other APIC members believe that their current leadership is not acting in the best interest of their membership when they work so zealously in opposition to these basic worker protections.

I respectfully suggest that APIC members learn the facts, and work to support an APIC leadership that shares our joint interests in protecting both workers and patients.

Sincerely:

BILL BORWEGEN, MPH,
Director, Occupational Health and Safety Service Employees International Union.

Mr. SHAYS. Mr. Chairman, I support the fiscal year 2005 Labor, Health and Human Services, and Education Appropriations Bill, but I would like to state my opposition to the Weldon refusal clause provision.

The Weldon provision would exempt health care companies from any federal, state or local government law that ensures women have access to reproductive health services, including information about abortion.

If passed, this provision would have many negative effects.

It would override federal Title X guidelines that ensure women receive full medical information. A fundamental principle of Title X, the national family planning program, ensures pregnant women who request information about all their medical options, including abortion, be given that information, including a referral upon patient request.

I am also concerned this bill does not include an increase in funding for Title X. Each year approximately 4.5 million low-income women and men receive basic health care through 4,600 clinics nation wide that receive Title X funds. This program reduces unintended pregnancies and makes abortion less necessary. Had funding for Title X kept pace with inflation since 1980, with no additional increases, it would be funded today at double its current budget.

While Title X is receiving flat funding from last year, H.R. 5006 gives abstinence-only programs an increase of $35 million. Unlike Title X, abstinence-only programs do not provide clinical health services.

Additionally, research shows comprehensive sex-education programs, which teach both abstinence and contraception, are the most effective. There is no federal program that earmarks dollars for comprehensive sex education.

I support a woman's right to choose whether to terminate a pregnancy subject to Roe v. Wade.

Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. It is vital for every woman to have access to as much information as she needs in order to make this decision.

While I support the bill, I oppose these provisions and amendments.

Mr. ISRAEL. Mr. Chairman, I rise today with concern for our public education system. As a new school year begins on Long Island, many parents are eager to find out if their children's schools will be labeled failing or in need of improvement, assessments mandated by the federal No Child Left Behind Act. I believe this is also an ideal time for the administration and Congress to assess federal efforts to support our nation's public schools.

The Individuals with Disabilities Education Act (IDEA) and No Child Left Behind Act were landmark federal policies to ensure quality education for children with disabilities and improve learning results. Unfortunately, these well meaning efforts have been met with great controversy on the local level due to immense funding inadequacies.

The monumental No Child Left Behind Act passed Congress in 2001. It made a deal with America's public schools: in exchange for new standards of excellence, the legislation promised new federal funding. Unfortunately, the federal government has not held up its end of the bargain. The FY05 Labor, Health and Human Service and Education Appropriations Act alone shortchanges No Child Left Behind programs by whopping $9.5 billion, making it increasingly difficult for schools to meet new, higher standards.

In 1975, the federal government committed to pay 40 percent of the cost of educating children with disabilities. Not once have they come close to honoring this commitment. The FY05 Labor, Health and Human Service and Education Appropriations Act, which closely follows the President's funding request, provides $2.5 billion less than what was promised for special education just last year. This keeps the federal government's share at less than 20 percent. This is shameful because fully funding IDEA would benefit every child in every classroom by providing fiscal breathing room to school districts and local tax relief to families.

The administration's support of our public schools is failing and the legislation we are debating today is in clear need of improvement. The Fiscal Year 2005 Labor, Health and Human Services and Education Act will likely pass this chamber today. It is my hope that a House/Senate conference committee will make substantial improvements in fulfilling our promise to local schools by increasing funding.

Mrs. SHAYS. Mr. Chairman, I support the fiscal year 2005 Labor, Health and Human Services, and Education Appropriations Bill, but I would like to state my concern about the funding cuts for two important programs, the Community Service Block Grant and the Social Services Block Grant.

The Community Service Block Grant funds the anti-poverty Community Action Agencies and family self-sufficiency efforts of a nationwide network of 1,100 community agencies. These organizations create, coordinate and deliver comprehensive programs and services to those living in poverty.

The Community Service Block Grant is a unique and essential resource. It provides the necessary tools for employment and training, education, housing, senior services, energy assistance, community development, health, nutrition, Head Start and other programs to help families escape and remain out of poverty.

Unfortunately, funding for this vital program has decreased since it was funded at $650 million in 2002. This Labor, Health and Human Services, and Education Appropriations bill would fund the Community Service Block Grant at $627.5 million. I encourage my colleagues to support restoring this program's funding in conference.

Funding for the Social Services Block Grant has also declined over the past few years.

Created in 1981, the Social Services Block Grant contributes federal funds to states for providing social services.

States have broad discretion over the funds, which are directed at increasing self-sufficiency, preventing or remedying neglect and abuse of children and adults and preserving families. The funds are used both by local governments and nonprofit organizations to meet the specific and unique needs of the local population.

In the 1996 welfare reform law, states agreed to a reduction of the Social Services Block Grant authorization from its FY 95 high of $2.8 billion to $2.38 billion through FY 03. In exchange, Congress allowed each state to transfer up to 10 percent of its Temporary Assistance for Needy Families (TANF) funds into Social Services Block Grants.

In 1998, the maximum funding amount for the Social Services Block Grant was further reduced to $1.7 billion, effective in FY 01. Today's legislation appropriates the same amount, $1.7 billion, for FY 05.

I believe it is imperative to restore funding to the Social Services Block Grant because it is essential we preserve and strengthen the critical safety net it provides. With that being said, I appreciate Chairman REGULA's good work with limited resources and support passage of the bill.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services, and Education Appropriations Act. While this bill contains many flaws, it is an unfortunate reality that we must attempt to fund important government functions within the budgetary constraints that the Administration's policies have created.

Among the many cuts, there are a few welcome funding increases in this bill. First, this bill contains an increase of $125 million in LIHEAP funds, which is desperately needed to help my constituents keep their homes warm during the upcoming winter. As energy costs rise and the economy remains weak, more and more households need assistance to survive the harsh Northern winter. I hope more funds for this successful program are included in conference.

In addition, this legislation contains an increase of $219 million for Community Health Centers, which provide primary and preventive health care services in medically-underserved areas throughout the country, including the Providence Community Health Centers in my district. Without these facilities, numerous Americans would not have access to vital health care.

H.R. 5006 increases the national Institutes of Health budget by $727 million to search for cures for spinal cord injuries, cancer, Parkinson's disease, Alzheimer's disease, and numerous other ailments. These funds bring us closer to treating deadly and painful diseases affecting nearly every American family. I support an additional $500 million, as proposed in the Obey amendment, to keep pace with inflation and fund this important research.

Unfortunately, the restrictive rule did not allow an opportunity for the House to vote on the Obey amendment. This alternative would correct many of the funding shortfalls for national priorities by fully funding No Child Left Behind, Pell Grants, Perkins Loans, the Community Access Program, and numerous other health, education, and job training programs facing cuts under this bill. The Obey amendment would have been fully offset by slightly reducing the tax break for those who earn more than $1 million per year, a small sacrifice to improve the lives of so many Americans.

I am delighted, however, that the Obey-Miller Overtime Amendment was passed by the House. This amendment would overturn the Administration's misguided overtime regulations that took effect on August 23rd, ending guaranteed overtime pay for up to 6 million workers. This regulation is an unprecedented assault on American workers and discourages businesses to hire new workers. The Obey-Miller Amendment would guarantee that supervisory and administrative employees, including registered nurses, working foremen, salespersons, law enforcement officers, and nursery school teachers, keep the overtime pay they depend on. I hope that the conference agreement on this appropriations bill will retain this important provision to prevent the further erosion of workers' rights.

Despite the bill's shortcomings, I will be voting in favor of H.R. 5006. I commend the Ranking Member and Chairman, and the rest of the Appropriations Committee, for their work within difficult constraints. The funding level in this bill is a direct result of the fiscally irresponsible policies of the Administration, which will result in a projected record $422 billion deficit for fiscal year 2004. I expect next year's deficit will be even higher. Deficits will continue to increase until this Administration and this Congress realize that cutting taxes for the wealthy during a time of extraordinary security demands only exacerbates the budgetary crisis. Without discipline, future generations will be saddled with the debt we are creating today. Although the bill is not perfect, I urge my colleagues to join me in a call for fiscal responsibility and support H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services, and Education Appropriations Act.

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to increased funding for 'abstinence-only' programs under the Labor-HHS-Education Appropriations bill.

Ideology, not science, has been driving America's response to the devastating problem of teen pregnancy and STD/HIV infection. Funding for restrictive abstinence-only programs are dramatically increasing. All told, abstinence-only programs have received over half a billion dollars in federal funds since 1997, and the Bush administration requested an unprecedented increase to $273 million in fiscal year 2005.

This huge investment of taxpayer funds in abstinence-only programs conflict with scientific and medical research: abstinence-only programs have never been proven effective and may result in riskier behavior by teenagers. Responsible sex education programs, on the other hand, have demonstrated positive results such as delayed initiation of sex, reduced frequency of sex, and increased contraceptive use.

Ideologically driven groups, not scientific or public health organizations, have pushed the proliferation of abstinence-only programs. In fact, current scientific research fails to show that abstinence-only programs are effective.

In 2001, the National Campaign to Prevent Teen Pregnancy found no credible studies of abstinence-only programs showing any significant impact on participants' initiation of or frequency of sex.

By denying adolescents complete information and by censoring teachers, abstinence-only programs endanger our youth.

Abstinence-only programs can harm teens by putting them at risk of pregnancy and STDs. Abstinence-only programs fail to provide information about contraception beyond failure rates, and, in some cases, provide misinformation. Without complete and accurate information, some teens therefore may forgo contraceptive use, jeopardizing their reproductive health.

The lack of responsible sex education puts teens at risk of pregnancy and STDs, including HIV. One study that compared an abstinence-only program with a more comprehensive "safer-sex" program found that "only the safer-sex intervention significantly reduced unprotected sexual intercourse."

The recent explosion of federal funds for abstinence-only programs has negatively influenced schools. Almost one-third of secondary school principals surveyed reported that the federal abstinence-only funding influenced their school's sex education curriculum.

Current research indicates that more comprehensive sex education programs that discuss both abstinence and contraception have positive effects.

In 2001, the National Campaign to Prevent Teen Pregnancy concluded that sex and HIV education programs that discuss both abstinence and contraception delay the onset of sex, reduce the frequency of sex, and increase contraceptive use.

Moreover, their review of studies dispelled many of the myths attached to responsible sex education programs. In particular, the study showed that sexuality and HIV education programs that include discussion of condoms and contraception: do not hasten the onset of sexual intercourse; do not increase the frequency of sexual intercourse; and do not increase the number of sexual partners.

The National Academy of Sciences' Institute of Medicine concluded that sex education and condom availability programs in schools do not increase sexual activity among teenagers.

Teaching our children about abstinence is a critical part of a well-rounded and effective sex education program. But abstinence by itself is not sufficient. Young people deserve complete and accurate information about their reproductive health, including abstinence, pregnancy prevention, and STD/HIV prevention. Only when teens have reliable information about their reproductive health can they make informed and appropriate decisions.

Given the high stakes facing teens, the fact that almost half of all teens aged 15 to 19 years old in the United States have had sex, and the absence of research showing that abstinence-only programs are effective, "Just Say No" efforts are misleading at best, and dangerous at worst. Congress should enact policies that effectively and responsibly address the current crisis in adolescent reproductive health. Federal funds should be directed at responsible sex education programs that provide teen with the information and skills they need to protect themselves and that have demonstrated positive results.

Mr. Chairman, I rise to reiterate my opposition to increased funding for 'abstinence-only' programs under the Labor-HHS-Education Appropriations bill and the blatant assault on a woman's right to choose.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant support of the Labor-HHS–Education Appropriations bill for Fiscal Year 2005.

I say reluctant, because while there are some good things in the bill, it is lacking due to the fact that the House Republican leadership has failed to reach a budget agreement with the Senate Republican leadership. As a result, the bill before us has an inadequate budget allocation for the important health and human services programs it funds.

While Democrats have reluctantly supported appropriations bills this year in order to move the process forward, we all recognize they are woefully inadequate based on the needs of the country. Nevertheless, my support of this bill is based on the fact that Chairman RALPH REGULA and Chairman BILL YOUNG are to be commended for the work they have done with the unrealistic budget limits they have been given, and the fact that I appreciate Chairman REGULA including in the bill and report several important items I highlighted during our subcommittee hearings.

First, the bill contains an increase for the national folic acid education program. Representative JO ANN EMERSON and I were the authors of this program that was established by the Children's Health Act of 2000. Severe brain and spinal defects have dropped 27 percent in the U.S. since the government, in 1998, began requiring makers of cereal, pasta, bread and flour to fortify their foods with folic acid. However, a national public and health professions education campaign designed to increase the number of women taking folic acid daily is still imperative to eliminate these birth defects.

Second, language was included commending the Secretary of Health and Human Services for establishing an interagency committee on underage drinking and moving forward with a national media campaign, to be conducted by the Ad Council, to combat underage drinking. I feel certain that the final bill will include funding for the second year of this important national media campaign. These significant accomplishments by the department and by the Substance Abuse and Mental Health Services Administration acting as the lead agency, stem from a bipartisan effort that

I have been proud to lead with Representatives FRANK WOLF, ROSA DELAURO, ZACH WAMP, and TOM OSBORNE and supported by Senators MIKE DEWINE and CHRIS DODD.

Also, a number of other issues have been addressed in our report, including the migrant and seasonal head start program, farmworker housing programs, a pending regulation in the Department of Labor regarding personal protective equipment for employees, and newborn screening initiatives. I ask the various departments to pay close attention to the committee's directives on these important subjects and the issues they raise based on the experiences of the many affected constituent groups and the input from the administration during budget oversight hearings.

In the end, however, this bill will be evaluated on the resources it provides to the many deserving programs within our subcommittee's jurisdiction. And unfortunately, due to the budget constraints I have already mentioned, the bill in front of us shortchanges some of the very programs and the very needs that so many witnesses told us about in their testimony.

For example, Congress and the President made a commitment to our nation's children though the No Child Left Behind legislation passed with so much fanfare two years ago. Unfortunately, against the backdrop of record school enrollments, unprecedented federal education accountability requirements, and rising demand for college assistance, the bill provides only a 3.6 percent increase for the Department of Education's discretionary programs. No Child Left Behind is actually cut $120 million below the Administration's request, and the bill provides $9.5 billion less than the funding promised by the No Child Left Behind authorization. While 4-year public colleges and universities have experienced an average 26 percent tuition increase in the last two years, the bill freezes the maximum Pell Grant for low-income college students at $4,050.

Training America's work force is the key to competing in a global economy, and training is also essential to prevent the loss of American jobs to competitors overseas. Despite a loss of 1.8 million private sector jobs since President Bush took office, the bill provides $40 million less than last year for employment and training assistance programs administered by the Department of Labor.

Health programs point out the real dilemma in our bill. Although the bill does substantially increase funding for community health centers, global disease detection, AIDS drug assistance, and chronic disease prevention, a number of other programs are cut including rural health outreach grants, health training programs in primary care medicine and dentistry, the Maternal and Child Health Block Grant, and the Preventive Health and Health Services Block Grant. Funding for the National Institutes of Health is increased, but the 2.6 percent increase is the smallest in 19 years and less than the 3.5 percent increase estimated to cover inflation costs for biomedical research.

Democrats don't just criticize, however. We offered revisions to the budget resolution that would have allowed this bill to make a greater investment in education, health care, and medical research. When the bill was considered by the subcommittee and the full Appropriations Committee, we again offered amendments to add $7.4 billion to the bill by reducing by 30 percent the 2005 tax cuts for people with incomes over $1 million. In fact, polls consistently show that the American public is far more interested in preserving important education and health priorities than in tax cuts that benefit primarily the rich.

I agree with the common-sense approach to this problem that has been consistently laid out by Ranking Member DAVID OBEY. Let's simply reduce—not eliminate, but reduce—the tax break we give to millionaires—those with adjusted incomes greater than $1 million. By doing so we can increase Title I, add funding for No Child Left Behind programs, maintain college affordability by raising Pell grants, shore up our health safety net programs, rebuild our public health system to respond to disease outbreaks and possible terrorist attacks.

But these fiscally responsible efforts by Mr. OBEY and other Democrats have been defeated by the Republican majority at each turn, resulting in the bill we are considering today.

The bill before the House is governed by a rule that prevents us from having these choices because the Republican leadership knows that given the opportunity this House would vote overwhelmingly to adequately fund this bill.

The Labor-HHS-Education bill, which is one of the most important bills that comes out this House, contains the most deserving programs administered by the federal government in support of the well-being of our people. These programs are also cost-effective in providing worker training and protection, helping to educate our children from Head Start to Pell grants, and in contributing to a healthy populace through our public health system and health safety net programs.

The bill in front of the House today is the best that can be done under the circumstances. But it does not reflect the aspirations of American society. I believe we can do more for America's children, America's workers, and America's future. Although I will support this bill today, I will continue to work with my colleagues on the Appropriations Committee and in the House to look for opportunities before we complete our work this year so that the future of America's children and America's families will be bright.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 5006, the Labor/HHS Appropriations Bill for FY 2005, and to inform members that this bill is in compliance with the budget resolution for FY 2005 as applied to the House by H. Res. 649.

H.R. 5006 provides $142.5 billion in new budget authority and $141.1 billion in new outlays for programs within the Departments of Labor, Health and Human Services, Education, and related agencies. This funding level represents an increase of $2.8 billion in BA and $3.9 billion in outlays over last year. That is a 2 percent increase over FY 2004 levels. This reflects the need to restrain the rate of increase for non-defense, non-homeland security domestic discretionary programs which provided the overall policy framework for this year's budget resolution.

H.R. 5006 complies with the budget act because the spending levels it contains do not exceed the subcommittee's 302(b) suballocation of new budget authority. Additionally, the bill is in compliance with requirements that it not exceed aggregate spending levels established in the budget resolution. Finally, the bill also complies with restrictions on advance appropriations.

Regarding this last point, the Budget Resolution for FY 2005 places a total limit for advance appropriations in FY 2006 at $23.2 billion. The bill before us today will consume the vast majority of those funds, since it provides for $19.275 billion in FY 2006 advance appropriations. All of the accounts for which advance appropriations are made in this bill are listed as eligible within the budget resolution. Since no advance appropriations have as yet been enacted, the bill does not cause a breach of this limit. However, the House should be aware that only $4 billion will remain available for advance appropriations should this bill be enacted.

I commend the Committee on Appropriations for bringing us a bill that funds many priority programs which Members care about while living within our means in an era requiring tougher fiscal discipline. The bill increases Department of Education funding by $2 billion over last year, and includes a billion dollar increase for Special Education, bringing funding for IDEA to its highest level in history. This is over three times more funding than Special Education received in 1995, and this is an accomplishment that we in the Budget Committee have helped to bring about through past budget resolutions which assumed substantial increases for special education.

Additionally, the bill continues the commitment that the House has made to the National Institutes for Health, providing $727 million more than last year. Worker retraining and dislocated worker assistance programs are also restored and augmented, which should help us continue to expand employment and ensure that Americans who want to work will be able to find good jobs. This is a responsible bill which fulfills our commitments to the public while living within the constraints of difficult fiscal times.

The CHAIRMAN pro tempore. If there are no further amendments, under the rule the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 754, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 388, nays 13, not voting 32, as follows:

[Roll No. 440]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—13

Bartlett (MD)
Flake
Franks (AZ)
Hefley
Hensarling
Hostettler
Jones (NC)
Miller (FL)
Paul
Rohrabacher
Royce
Tancredo
Wilson (NM)

NOT VOTING—32

Ballenger
Brown (OH)
Cannon
Cardoza
Cox
Delahunt
Diaz-Balart, L.
Everett
Gephardt
Greenwood
Kanjorski
Langevin
Lipinski
Lucas (OK)
McInnis
Meehan
Moran (KS)
Nethercutt
Peterson (PA)
Quinn
Radanovich
Reyes
Ros-Lehtinen
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Towns
Turner (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1844

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROWN of Ohio. Mr. Speaker, on rollcall No. 440, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Speaker, I was unavoidably detained due to a prior obligation and missed the following votes. Had I been present I would have voted "yea" on Rollcall Vote No. 422 on agreeing to the motion to suspend the rules and pass H.R. 4381; "yea" on Rollcall Vote No. 423 on agreeing to the motion to suspend the rules and pass H.R. 4556; "yea" on Rollcall Vote No. 424 on ordering the previous question on H. Res. 754; "nay" on Rollcall Vote No. 425 on agreeing to the Jackson-Lee amendment to H.R. 5006; "nay" on Rollcall Vote No. 426 on agreeing to the Jackson-Lee amendment to H.R. 5006; "yea" on Rollcall Vote No. 427 on agreeing to the Sanders amendment to H.R. 5006; "nay" on Rollcall Vote No. 428 on agreeing to the Hefley amendment to H.R. 5006; "yea" on Rollcall Vote No. 429 on agreeing to the George Miller amendment to H.R. 5006; "yea" on Rollcall Vote No. 430 on the motion that the Committee rise; "yea" on Rollcall Vote No. 431 on agreeing to H. Res. 757; "nay" on Rollcall Vote 432 on the motion to instruct conferees; "yea" on Rollcall Vote No. 433 on the motion to suspend the rules and pass S. 2634; "yea" on Rollcall Vote No. 435 on agreeing to the Hayworth amendment to H.R. 5006; "yea" on Rollcall Vote No. 436 on agreeing to the Kildee amendment to H.R. 5006; "nay" on Rollcall Vote No. 437 on agreeing to the Stark amendment to H.R. 5006; "nay" on Rollcall Vote No. 438 on agreeing to the Paul amendment to H.R. 5006; "nay" on Rollcall Vote No. 439 on agreeing to the Hayworth amendment to H.R. 5006; and "yea" on Rollcall Vote No. 440 on passage of H.R. 5006.

REPORT ON H.R. 5041, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. WALSH, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–674) on the bill (H.R. 5041) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ELECTION OF MEMBER TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. DREIER. Mr. Speaker, I offer a resolution (H. Res. 762), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 762

Resolved, That the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Alexander.

Committee on Transportation and Infrastructure: Mr. Alexander.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I understand the leader had to leave early to catch a plane. So for the purpose of inquiring of the chairman of the Committee on Rules the schedule for the coming week, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, let me say the House has completed its work for today and the week and will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and Wednesday, we expect to consider additional legislation under suspension of the rules. We also plan to consider two bills under a rule: H.R. 5025, the fiscal year 2005 Transportation, Treasury, and independent agencies appropriations bill; and H.R. 4571, the Lawsuit Abuse Reduction Act.

In addition, Mr. Speaker, we will consider several other litigation reform bills: H.R. 3369, the Nonprofit Athletic Organization Protection Act; H.R. 1787, the Good Samaritan Volunteer Firefighter Assistance Act; and H.R. 1084, the Volunteer Pilot Organization Protection Act.

□ 1845

Finally, I would like to remind Members that the Jewish High Holiday of Rosh Hashanah occurs at the end of next week. We will not have votes on either Thursday or Friday. We expect to finish voting on Wednesday in the early afternoon.

Mr. Speaker, I thank my friend for yielding. I am happy to respond to any questions he might have.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I might ask, and I know it will be the leader and the leader's office, but part of the leader's distinguished staff is on the floor, so he will hear us. I know my friend from California will be appreciative of this.

As I understand it, one of the planes to California is at 2:55, or late, just before 3. This says "early afternoon." The request on our side has been that if we could try to conclude by 1:30 so they could get from here to Dulles in time to catch that plane, so, of course, they could get home by sunset, if we could try to do that?

Mr. DREIER. If the gentleman will yield further, obviously there is a great desire to ensure that Members who will be marking the holiday have the opportunity to do that, so we will do everything that we can to see that Members are able to get the earliest flights possible.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman.

With today's vote, the House and the Senate have now both gone on record in a bipartisan fashion in overruling the overtime regulations which were perceived obviously by a majority of the House and a majority of the other body as putting at risk millions of Americans losing their overtime.

In light of the fact that the House has passed that and the Senate has also passed it, not in the same bill, can we expect, does the gentleman think, that the conference report will reflect the views of both Houses? We are very hopeful, of course, that that will be honored by the conference committee.

I would be glad to yield further.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. Let me say it is obviously impossible to determine exactly what a joint House-Senate conference will do on any issue, but it is clear that the votes cast in both Houses will be taken into the mix as the conference would proceed with its work.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's observation. Our concerns, of course, as the gentleman can well imagine, are based upon the fact that, for instance, in the air traffic controller situation, both Houses of the Congress overwhelmingly, almost unanimously, directed that they not be outsourced or privatized. Notwithstanding that, that was dropped from the conference report.

So we would just, on behalf of the minority, strongly request that the majority vote, bipartisan vote, in the House, be supported by our conferees. That is not a motion to instruct. It was a very strong vote, almost 40 of the majority, of the Republicans, and an overwhelming majority of Democrats. I hope that would be honored.

I yield further to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding further. Let me say obviously that vote did not go unnoticed, and the gentleman's request clearly will be taken into the mix. But, again, it is impossible to determine exactly what a conference would do. This House will have an opportunity to vote on that conference report, if that is in fact what we do end up with.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's remarks.

Next week, the gentleman indicated, and we knew this was going to be on the schedule, the Transportation-Treasury appropriations bill will be on the floor. That is the 12th of 13 appropriations bills to be considered by the House, leaving only the VA–HUD bill to be the last to be brought to the floor.

The first question, and this may be unfair because this does not fall within your expertise, but perhaps you can be advised. When do you expect the VA-HUD bill, if there is an indication of when that might be on the floor?

Mr. DREIER. We right now are in the process of outlining the plan for next week, and, as I know my friend just observed, the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) just filed the VA-HUD bill; and we will obviously be considering it just as quickly as we possibly can.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation. I will tell the gentleman that the joint leadership, the Speaker, the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the leader, the gentlewoman from California (Ms. PELOSI), and myself were at the White House earlier this week, as the gentleman probably knows, and met with the President. But the chairman of the Committee on Appropriations in the other body observed that we may hold over 11 of the appropriation bills until next year. Now, that is a process that we have followed in the last 2 years because we have obviously passed the majority of appropriations bills in the year after the fiscal year began, in January and February, as the gentleman recalls.

I am wondering, can the gentleman tell me, if we have some 3 weeks left, are we contemplating the passage of the 13 appropriations bills prior to adjournment, or are we planning on a continuing resolution or an omnibus appropriation bill of some type?

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, and I thank the gentleman for yielding, let me say obviously we are going to do everything that we possibly can to work in a bipartisan way to ensure that we complete this very important appropriations work just as quickly as possible. It is too early to make a determination as to whether or not we would possibly have an omnibus bill or a continuing resolution, but we feel very strongly about the need to get the work done this calendar year, within the operations of the 108th Congress, and not proceed into next year with this work. So we are going to strive to meet that, and I think that the gentleman will want to work closely with us as we pursue that goal.

Mr. HOYER. Reclaiming my time, the gentleman is correct, we will want to work closely with you to accomplish that goal.

Let me ask you an additional question raised by your response. Would there be in the realm of contemplation on the majority side a lame duck session? When you refer to this calendar year, as I said, we have 3 weeks, maybe 4, I am not sure how long the majority intends to go prior to recessing or adjourning for the election, but does the majority, if the gentleman knows, contemplate the possibility of a lame duck session?

Mr. DREIER. Let me say that we obviously have heard a great deal of speculation about that from a wide range of sources; and while it is a possibility, I think that everyone would like to have the work of the 108th Congress completed before we adjourn for the election. But at this juncture, we have to see what will take place in the next few weeks to make that final decision as to whether or not we would come back in a lame duck session.

I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman. Reclaiming my time, I would simply request that, realizing the vagaries of the legislative process make it difficult to determine, but just as obviously Members will be making up schedules for the post-election period, either to take time off after the election or for other family-related matters or district matters that they might have. The sooner we might give them notice of that, obviously the more helpful on both sides of the aisle that would be.

Mr. DREIER. If the gentleman would yield on that, I would simply say that it is the intention for the organization for the 109th Congress to take place beginning the week of November 15th. That would be a time when Members would be here in Washington as we begin our preparation for the next Congress.

I am not going to say anything further on that, other than to throw out that is the date for the organization for the Democratic Caucus and the Republican Conference.

Mr. HOYER. I thank the gentleman for that response.

This week, after a long August recess, bipartisan bills were introduced to implement the recommendations of the 9/11 Commission with regard to reorganizing the intelligence operations of our country in order to better protect our people and our country. Earlier this week we met, as I said to the gentleman, with the President, who asked us to send him legislation quickly.

The reason for my question is, the Democratic leader, after requesting participation by your side of the aisle and a determination was made not to participate, introduced legislation drafted to incorporate the recommendations of the 9/11 Commission. In addition to that, Mr. McCAIN and Mr. LIEBERMAN have introduced legislation in the Senate. Mirror legislation has been introduced by a Member on your side and a Member on our side as well.

The President, as you know, changed his position on the budget authority for the National Intelligence Director and apparently now supports that, so there may well be good bipartisan White House-congressional agreement.

Clearly the American public are very concerned about this, we are very concerned about it, and I know the gentleman is very concerned about it. We want to put our intelligence community in the best possible posture, as the 9/11 Commission recommended, to respond to the terrorist threat to this country.

My question is, therefore, sir, can we expect, do you think, to perhaps take the bipartisan bills that have been introduced in both the Senate and the House, mirror images of one another, and work on those bills and pass them prior to the time that we either recess or adjourn prior to the election?

Mr. DREIER. Mr. Speaker, if the gentleman will yield, and I thank the gentleman for yielding, let me say we were all very impressed in a bipartisan way when the report of the 9/11 Commission came forward. We know that President Bush has already, through executive order, implemented many aspects of the 9/11 Commission report.

The gentleman also is aware of the fact that immediately upon release of that report, the Speaker of the House called on the chairmen and ranking minority members of numerous committees here in the House, over a half dozen committees, called on them to hold hearings. There were 25 hearings held in the House of Representatives during the August district work period, and I believe that some very important information came forward.

One of the goals that the Speaker has set forth is to ensure that we do proceed with legislation. He very much wants to, before we adjourn in October, see the passage of legislation. Exactly what shape that will take is, of course, up to the legislative process that we have here. We are very well aware of the fact that we have seen the introduction of the 9/11 Commission report, and we know that a lot of people are thinking about that.

I will say that I am particularly honored, as I know the gentleman is, that a Member of this body, the former chairman of the Permanent Select Committee on Intelligence and vice chairman of the House Committee on Rules, has been nominated to be the director of Central Intelligence. He has obviously spent a great deal of time on this, and many of our colleagues have expertise on this.

So we will in the coming weeks I hope be able to fashion legislation so that the goal that the Speaker has set forth of passage of legislation before we adjourn in October will come to fruition.

I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman for those comments. We are hopeful that we can in fact work together in a bipartisan fashion, as seems to be started by the Senate and in this House as well, to accomplish the objective of the early passage of a reorganization to make us better to respond to the terrorist threat to this country. We hope that that will happen.

Mr. Speaker, I thank the gentleman for his comments.

ADJOURNMENT TO MONDAY, SEPTEMBER 13, 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RESTORING FREEDOM OF SPEECH TO AMERICA'S HOUSES OF WORSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor today, as I was prior to the August break, to talk about freedom of speech in our churches and synagogues and mosques of this country.

Many people do not realize that from the beginning of this great Nation, until 1954, there was never any restriction of what a minister or a priest or a rabbi might say regarding policy issues, political issues, and actually making reference to the teachings in the Bible and the Torah. But what has happened over the last few years is that there is an element in this country, usually it is the Americans for Separation of Church and State, which is a metaphor, that seem to want to monitor what is being said in our churches and synagogues. This year it seems to be worse than ever before.

I want to start my brief remarks about Bishop Smith, a Catholic bishop in New Jersey. On March 27 at St. James Church, Bishop Smith asked why, in our presumably democratic country, Catholic churches fear that the Internal Revenue Service will punish them if they speak out on a politician's positions on issues. I further quote Bishop Smith: "The first amendment protects the free exercise of religion. Separation of church and state does not mean that the church and its members should not voice or advocate for their positions."

I say that, Mr. Speaker, because there is a real problem in this country.

About 2 months ago, Bishop Sheridan, the Catholic bishop of Colorado Springs, sent a pastoral letter to the 120,000 Catholics in his diocese, and it was a pastoral letter. He mentioned in the letter that the Catholic Church stands for protecting the unborn, opposed to euthanasia, opposed to stem cell research, and believes that marriage should be between one man and one woman. In this pastoral letter he said nothing about Mr. KERRY or Mr. Bush, but because he did use the word prolife, Mr. Lynn, Barry Lynn, director of the Americans For Separation of Church and State, wrote a letter and complained to the Internal Revenue Service that the bishop and the church should lose its tax-free status.

Well, let me explain very quickly. I have done 4 years of research on this issue, and this is my fourth year of putting a bill in to return the freedom of speech to our churches and synagogues. What I found out was that in 1934 when the Congress decided that the churches could qualify for the 501(c)(3) status, they had no restriction of speech, absolutely none, zero. But what happened is in 1954, Lyndon Baines Johnson had the H.L. Hunt family opposed to his reelection to the Senate, and the H.L. Hunt family had 2 501(c)3s; not-churches, but think tanks. And Senator Johnson put in an amendment on a revenue bill going through the Senate in 1954 that was never debated, no hearings, that basically had unintended consequence for our churches and synagogues. I share that just to give a little bit of the history.

Let me give two more examples before I close. In Kansas, the American Center for Separation of Church and State has a subgroup called the Main Street Coalition based in Johnson County, Kansas. It is sending recruits into area churches to see if IRS guidelines, which come from the Johnson amendment, are being followed. The group, which bills itself as a committee for the separation of church and state, is concerned that local clergymen might be violating their tax-exempt status by endorsing candidates for elected office.

What prompted the campaign was a public meeting where an evangelical minister spoke out against homosexual marriage. They were Protestant churches, by the way. Catholic League president William Donohue is wary of the group's tactics and released the following statement. "To conduct a covert operation in houses of worship for the purpose of monitoring homilies or sermons is not the kind of operation conducted by friends of the first amendment." I am not reading the complete statement, but part of the statement.

Let me go further with one more example, and then I will conclude my remarks.

In the Baptist Church in Arkansas, Pastor Ronnie Floyd did not have a sermon, but actually at the end of church had a little flyer that he handed out, and there was a picture of George Bush and JOHN KERRY, and he just mentioned not who to vote for, but just two issues, one being the marriage between man and woman, the other about partial-birth abortion, and because the photograph was a little bit larger of President Bush, he filed a complaint with the IRS.

Mr. Speaker, I see my time is about up, and I want to close this way. This Nation's greatness is due to the fact that we have men and women overseas now fighting and dying for freedom for the American people. If this country is going to remain morally strong, then we must, we must return the first amendment right to our houses of worship, both Catholic, Protestant, Muslim and also Jewish.

SMART SECURITY AND THE GLOBAL WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this week, when Vice President CHENEY was talking about terrorism, he told the audience something that I consider to be absolutely appalling. He said, "It is absolutely essential on November 2nd that Americans make the right choice, because if we make the wrong choice, then the danger is that we'll get hit again."

The White House would like the American people to believe that President Bush is the only person capable of confronting terrorism, even though his record has proven otherwise. They employ fear as a campaign tactic, claiming that a vote for JOHN KERRY and JOHN EDWARDS is a vote for the terrorists. This misleading connection, besides insulting the intelligence of the American people, raises a very important question: If Presidents are singularly responsible for terrorist attacks that happen on their watch, was President Bush responsible for the attacks on September 11?

While I believe that President Bush was not responsible for the events of 9/11, he is responsible for the failure to truly secure America after 9/11.

Three years ago, after the worst attacks on American soil in our Nation's history, the United States had the support of nearly all other countries in our fight against terrorism. With the anniversary of the September 11 attacks approaching, now is a good time to consider whether we have made progress in the global war on terror over the last 3 years.

Last week in Russia, Chechen terrorists shocked the world when they took 1,200 hostages at a school and killed over 300 of them, most of them children. I ask you, what is humanity becoming? We have to stop this. What a terrible tragedy. Surely there must be a better way. There must be a smarter way.

In Sudan, thousands of Sudanese Africans have been subjected to a horrific campaign of rape, looting, and ethnic cleansing driven by a militia that has the tacit support of the Sudanese Government. More than 30,000 people have needlessly been killed as a result of this campaign of genocide terror. Much more needs to be done, and despite almost unanimous passage of a House resolution calling upon the Secretary of State, the U.S. Agency for International Development, and the U.N. to immediately address this issue, it is still not being completed.

There has to be a better way, a smarter way, a smarter course of action dictated not by what is politically pragmatic, but by what is good and by what is right. And there is such a course of action.

I have introduced H. Con. Res. 392 to create a SMART security platform for the 21st century. SMART stands for

Sensible, Multilateral American Response to Terrorism.

SMART security fights terrorism with stronger intelligence and multilateral partnerships than the Bush administration, and it does so without endangering our alliances around the world. It treats war as an absolute last resort.

SMART security controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. It invests in the development of impoverished nations to prevent the kind of terrorism occurring in Sudan and Chechnya from ever taking root in the first place.

President Bush thinks the best way to fight terrorism is to confront it head on by possessing bigger weapons and being stronger than the terrorists. But that only addresses the symptoms of the disease and certainly does not ensure a 100 percent success rate.

In order to truly defeat terrorism, we need to confront its root causes: poverty, despair, and unfair allocation of resources in so many underdeveloped nations around the world. SMART security will protect America and the world by addressing not just acts of terrorism, but also the reasons why terrorism exists. In the end, SMART security is smart, and it will keep America safe.

HONORING MS. MARTHA WYLLIE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, before I start my remarks, which will be a great pleasure to do, I would like to bring to the attention of my colleagues that just less than 5 minutes ago, the gentleman from North Carolina (Mr. JONES) took the floor, and I would just like to associate myself with his eloquent remarks and just absolutely, totally agree with him, that the first amendment should absolutely take effect in all of our churches around this country. So I congratulate the gentleman from North Carolina (Mr. JONES) and hope we can do something about it this year.

I rise today for one of those very nice things we get to do, and that is to talk about somebody really special and really nice. I want to recognize the outstanding dedication and the compassion and the achievements on this floor of Ms. Martha Wyllie. Taking an active role in our community while greatly enriching the lives of those who come in contact with her describes how we in Georgia regard Martha Wyllie.

Interestingly enough, Martha was born in Bangor, Maine, and lived in a private orphanage until she was adopted at 9 months of age. Her next home was in Massachusetts where she went through her schooling and college work, graduating from Lesley Teaching College in Cambridge, Massachusetts.

Her interests and talents began to show up at the age of 4 when she sat down at the piano and played a song for her mother that she had just heard on the radio. Music lessons then, of course, began at age 5, which were taught by her mother until she advanced to the Conservatory of Music Teachings and traveled to numerous States playing with their symphony orchestras from age 10 to 17.

Throughout these formative years, she was also involved in school sports and a member of the Brownies and the Girl Scouts. It was while she was a Girl Scout at the age of 12 that she became involved in activities with the local Sunshine Camp for the Blind. From there she began teaching songs to the blind, piano to younger children, and became a summer camp counselor and taught horseback riding lessons.

Martha married right out of college, and she and her husband recently celebrated their 44th wedding anniversary. They have two married children and three grandchildren. Moving to Georgia in 1975, as the children grew, she became so very involved in our community.

□ 1915

She has been involved with the Athens Area Association for Retarded Citizens, the Oconee Lions Club, Athens Evening Kiwanis Club, Oconee Optimist Club, the Oconee Pilot Club, and was a Special Olympics coach for over 12 years.

She has served on the board of directors for Sandy Creek Nature Center, First Night Athens, and Project R.E.A.C.H. She has also served Oconee County on the Citizens Advisory Committee on Cultural and Recreational Affairs.

Along with her fine husband, Peter, they have been major benefactors for numerous organizations, projects, and community groups such as the Athens Symphony and the Oconee County Public Library.

In 2003, the Oconee Rotary Club awarded Martha with the Jean Harris Award, given each year to a non-Rotarian woman in recognition of significant contributions given to the community over and above the call of duty.

Although these accomplishments and involvements are numerous and impressive, perhaps the most important contribution was the founding of Extra Special People, known as ESP. Martha Wyllie has put her energy, her love, and her financial resources into this program since its founding in 1986. For over 18 years, ESP has been providing a summer camp for youth and young adults ages 5 to 17 with different abilities. ESP camp provides a normal camping atmosphere for these young people.

Martha and her staff realize that these children wish to participate in the normal experiences of growing, and the ESP philosophy allows them to take part in regular camping activities while still meeting their individual needs.

Ms. Martha Wyllie, a tireless advocate who is the true definition of a good public servant, spends most of her waking hours helping everyone she touches to understand and to lend a hand to these very extra special people; and, Mr. Speaker, I wanted to share this woman with our colleagues.

THOSE WHO HAVE BORNE THE BATTLE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, 2 days ago the United States military announced that 1,000 military personnel have been killed in Iraq. For every American this is a time to contemplate the totality of the sacrifice of these brave Americans.

I recently returned from my second visit to our forces in Iraq and Afghanistan. I was awed by the courage, determination, and dedication of our troops who are fighting a brutal enemy thousands of miles from home.

Our soldiers, Marines, sailors, airmen, and coast guard are doing their job magnificently; but as we continue to battle a stubborn and pernicious insurgency in Iraq, Congress must take stock of the needs of our troops in battle and the challenges they will face when they come home.

We owe it to the more than 1,000 Americans who have died in Iraq and to their comrades serving there still to ensure that we put Iraq on the road to democracy and that we assist the Iraqi Government in building the security forces, army and police, that it needs to defend itself.

Since I was first in Iraq, the political transition has made important strides, but the security situation has worsened considerably; and our troops are shouldering an incredible load for the rest of us.

A year ago, the insurgency appeared confined to a few hundred Baathists, Saddam Fedeyeen, a small contingent of foreign fighters, and criminals released by Hussein before the war. Regrettably, the insurgency has spread, fueled by a much more substantial influx of foreign fighters and made more complex by Shiite uprisings in what had been more tranquil parts of the country.

The insurgents have embraced the tactics of foreign fighters. Suicide bombings and kidnappings have become much more sophisticated. Improvised explosive devices, IEDs, which take a daily toll on our troops, used to be easily visible to American personnel as they drove through the country. Now, they are buried, with only a slender wire of an antenna protruding above the ground and detonated remotely. Clearly our forces face a determined foe.

There is no question that the burden of this war has fallen exclusively on the shoulders of our men and women in uniform. While the military may always bear a disproportionate share of the burden in wartime, it is especially acute now. Even as our Guard and Reserve are constantly being called up and our active duty forces are stretched thin, the general population has been asked to make no sacrifice for a war effort that we are financing through debt.

Our troops are paying doubly for this war, first on the battlefield and then in the form of crushing deficits that have fundamentally weakened our economy. Some only barely out of their teens, our troops will be paying for this war for the rest of their lives, even if they return home uninjured. They will pay for it in the form of higher mortgages on their first home, on credit card debt, and in taxes to repay the national debt.

Even as we speak, the families of our troops are struggling, losing jobs, businesses and piling up debt. I met a young Marine from my district in Pasadena who had been serving in Iraq since February and was due to return in the fall, return home. He had just learned that his wife had been called up and that she will be deployed to Iraq in the fall. Their planes may literally pass each other in the night.

We must not forget the nearly 7,000 Americans who have been wounded, more than 1,000 in the last month alone. Many of these wounds are grievous and many others might have been prevented had our troops been better equipped from the start of the war. Our troops now have the body armor they need and are driving armored Humvees, but they should never have gone into battle without these life-saving protections.

In an American military hospital in Baghdad, I spoke with several Marines hit with IEDs. Two Marines, who lay side by side in adjoining hospital beds, were riding in the same armored Humvee when they were struck. While these two Marines had shrapnel embedded in their legs and faces, a third Marine in the same Humvee was lucky and walked away unharmed. A fourth Marine they told me had not been so lucky. He died on the operating table the night before.

These young men and women and nearly 7,000 other wounded are returning to a Congress that seems to have forgotten Abraham Lincoln's admonition "to care for him who has borne the battle." We provide insufficient medical care for our veterans, and VA centers around the country are closing their doors, even as they are needed more than ever.

In our towns, cities and counties, thousands .of individual Americans have pitched in to help our returning soldiers, but our Federal Government has lagged far behind. Until recently, our wounded were charged for the food they ate while recovering at Walter Reed Army Hospital.

I realize that time is short in this Congress, but I hope when we consider the VA-HUD appropriations bill later this month and in our work on defense and veterans issues in the 109th Congress that we consider the extraordinary price that we as a Nation have asked of the men and women of our Armed Forces and that we match our words with deeds.

INCREASE IN THE MONTHLY MEDICARE PART B PREMIUM

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, tonight I would like to speak on the issue of the 17 percent increase in the Medicare monthly premium for the part B of Medicare. This is an increase of $11.60 on the monthly part B premium, which places it from $66.60 up to $78.20 a month.

The reason, Mr. Speaker, this was necessary is under a formula, by law, the part B premium has to cover at least 25 percent of the cost of medical providers, and in fact, with medical inflation and with an increase in reimbursement to medical providers that we gave last year in the Medicare Modernization Act, this increase in premium was necessary. It reflects medical inflation; and more importantly, it reflects that slight provider increase that was included in the act.

There is no question that this increase is significant for some beneficiaries. Mr. Speaker, I have done probably 60 town halls in my district in the 18 or 20 months I have been in Congress; and, yes, when I go into my district, people will complain about the cost of the prescription drugs and point out to me the difficulties they have in meeting the obligation of paying for their prescriptions. But what I heard at virtually every town hall, without exception, was seniors who had turned 65 and asked me, how come when I now turn 65, I lose my doctor. The reason they lose their doctor is because doctors are dropping out of providing for the Medicare program because they cannot keep up with the costs that are required to keep their offices open, and as a consequence, we gave a very small increase in Medicare provider fees during the Medicare Modernization Act.

If those same patients who now see a slight fee increase in the Medicare part B premium, if the increase had not happened, in all likelihood there would have been fewer and fewer providers for them to actually see.

The fact of the matter is, Mr. Speaker, some of my colleagues quickly forget that the medical profession was facing another significant cut when we passed the Medicare Modernization Act last December, and how quickly they forget that it was necessary to ensure that seniors have access, timely access, to doctors and other Medicare providers.

The problem is that taking this out of context, the opponents of the Medicare Modernization Act, and there are many, they are only seeking to inflame the passions of people who are perhaps uneasy about their medical care anyway. But, really, what do these changes mean for seniors? What do they represent?

They represent a secured access to a provider network by providing a 2-year 1½ percent reimbursement rate increase. That is a 1½ percent rate increase for providers, not a significant amount when we consider the overall cost-of-living increases and the fact that medical inflation itself has gone up by 2.5 percent over the past 6 months.

Seniors also get preventive screenings to begin in 2005 for new beneficiaries; and in fact, these screenings will save the patients themselves and the Medicare program at large thousands of dollars.

New diabetes screenings will begin that will save beneficiaries thousands of dollars; and to top it all off, in 2006 a prescription drug benefit does begin that will save seniors money and improve their quality of life.

But I must point out, the rate increase that was announced last week, in no way is the prescription drug benefit responsible for that rate increase. That was purely to cover the 25 percent cost that, by law, our part B premium has to cover of the provider reimbursement.

It is important for us in this body to be honest about the changes in the Medicare Modernization Act and not use instances like the premium increase to scare seniors away from Medicare; and, Mr. Speaker, I will even go a little bit further. It is also important to bear in mind that, once again, we have not done liability reform, which is one of the things that I really looked forward to when we began this session of Congress in January of 2003.

The embedded cost of defensive medicine in our Medicare system, from a Stanford University study done in 1996, so these are 1996 dollars, $50 billion a year is spent on defensive medicine in this country because of the unfairness of the medical justice system. We have had an opportunity to fix that. In fact, we passed that twice in the House of

Representatives with caps on noneconomic damages. It still awaits activity over 400 yards on the other side of the Capitol. I would like to think we could get that done this year. It does not seem that it will happen. It is of critical importance that we tackle that and get that done next year.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2005 (S. Con. Res. 95), which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 649. This status report is current through September 6, 2004.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by S. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2005 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2006 of accounts identified for advance appropriations under section 401 of S. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) Not identified in the statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 6, 2004

[On-budget amounts, in millions of dollars]

	Fiscal year 2005	Fiscal years 2005 – 2009
Appropriate Level:		
Budget Authority	2,012,726	(1)
Outlays	2,010,964	(1)
Revenues	1,454,637	8,638,287
Current Level:		
Budget Authority	1,556,621	(1)
Outlays	1,755,708	(1)
Revenues	1,482,757	8,687,835
Current Level over (+) / under (−) Appropriate Level:		
Budget Authority	−456,105	(1)
Outlays	−255,256	(1)
Revenues	28,120	49,548

[1] Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of $456,105,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by S. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 in excess of $255,256,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by S. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2005 in excess of $28,120,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by S. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $49,548,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION, COMPLETED AS OF SEPTEMBER 6, 2004

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	68	56	236	230
Current Level	66	57	234	226
Difference	−2	1	−2	−4
Energy and Commerce:				
Allocation	576	483	4,350	3,381
Current Level	0	0	0	0
Difference	−576	−483	−4,350	−3,381
Financial Services:				
Allocation	1	1	17	17
Current Level	−6	−6	−5	−5
Difference	−7	−7	−22	−22
Government Reform:				
Allocation	1	1	19	19
Current Level	1	1	19	19
Difference	0	0	0	0
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION, COMPLETED AS OF SEPTEMBER 6, 2004—Continued

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	15	15	35	35
Current Level	0	0	0	0
Difference	−15	−15	−35	−35
Resources:				
Allocation	2	2	10	10
Current Level	0	0	0	0
Difference	−2	−2	−10	−10
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	1,737	4	22,070	12
Current Level	2	−9	10	−8
Difference	−1,735	−13	−22,060	−20
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	1,368	804	3,470	3,244
Current Level	115	131	83	124
Difference	−1,253	−673	−3,387	−3,120
Reconciliation	0	0	4,600	4,600
Current Level	0	0	0	0
Difference	0	0	−4,600	−4,600

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

(In millions of dollars)

Appropriations Subcommittee	302(b) suballocations as of July 22, 2004 (H. Rpt. 108–633)		Current level reflecting action completed as of September 6, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	16,841	18,113	14	5,351	−16,827	−12,762
Commerce, Justice, State	39,815	40,463	0	11,825	−39,815	−28,638
National Defense	390,931	415,987	390,931	415,772	0	−215
District of Columbia	560	554	0	60	−560	−494
Energy & Water Development	27,993	27,973	0	9,558	−27,993	−18,415
Foreign Operations	19,386	26,735	0	19,813	−19,386	−6,922
Homeland Security	32,000	29,873	2,528	12,126	−29,472	−17,747
Interior	20,039	20,214	36	6,364	−20,003	−13,850
Labor, HHS & Education	142,526	141,117	19,151	96,225	−123,375	−44,892
Legislative Branch	3,575	3,696	0	708	−3,575	−2,988
Military Construction	10,003	10,015	0	7,557	−10,003	−2,458
Transportation-Treasury	25,320	68,993	37	38,224	−25,283	−30,769
VA–HUD–Independent Agencies	92,930	101,732	2,198	48,957	−90,732	−52,775
Unassigned	0	283	0	0	0	−283
Total (Section 302(a) Allocation)	821,919	905,748	414,895	672,540	−407,024	−233,208

Statement of FY2006 advance appropriations under section 401 of S. Con. Res. 95 reflecting action completed as of September 6, 2004

[In millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Interior Subcommittee: Elk Hills	0
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Transportation and Treasury Subcommittee: Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee:	
Section 8 Renewals	0
Total	0
Current Level over (+) / under (−) Appropriate Level	−23,158

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 2004.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR JIM: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through September 6, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for wildland fire suppression and for technical reasons. These revisions are authorized by sections 312 and 313 of S. Con. Res. 95.

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2004 (Public Law 108–280);

The United States-Australia Free Trade Implementation Act (Public Law 108–286);

The Department of Defense Appropriations Act, 2005 (Public Law 108–287);

The John Marshall Commemorative Coin Act (Public Law 108–290);

The Marine Corps 230th Anniversary Commemorative Coin Act (Public Law 108–291);

The Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293);

The SUTA Dumping Prevention Act of 2004 (Public Law 108–295); and

The Morocco Free Trade Agreement (Public Law 108–302).

The effects of these actions are detailed in the accompanying table.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 6, 2004
(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,482,831
Permanents and other spending legislation	1,179,653	1,133,168	n.a.
Appropriation legislation [1]	0	391,841	n.a.
Offsetting receipts	−398,008	−398,008	n.a.
Totals, enacted in previous sessions	781,645	1,127,001	1,482,831
Enacted this session:			
Authorizing Legislation:			
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	122	138	0
Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (P.L. 108–264	−1	−1	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	66	57	0
GAO Human Capital Reform Act of 2004 (P.L. 108–271)	1	1	0
An act to renew import restrictions on Burma (P.L. 108–272)	0	0	−10
AGOA Acceleration Act of 2004 (P.L. 108–274)	0	0	−30
Surface Transportation Extension Act of 2004 (P.L. 108–280)	0	−11	0
United States-Australia Free Trade Implementation Act (P.L. 108–286)	0	0	−29
John Marshall Commemorative Coin Act (P.L. 108–290)	−2	−2	0
Marine Corps 230th Anniversary Commemorative Coin Act (P.L. 108–291)	−3	−3	0
Coast Guard and Maritime Transportation Act (P.L. 108–293)	2	2	0
SUTA Dumping Prevention Act of 2004 (P.L. 108–295)	−7	−7	0
Morocco Free Trade Agreement (P.L. 108–302)	0	0	−5
Total, authorizing legislation	178	174	−74
Appropriations Acts:			
Department of Defense Appropriations Act, 2005 (P.L. 108–287)	391,153	266,777	0
Total, enacted this session	391,331	266,951	−74
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	383,645	361,756	n.a.
Total Current Level [1,2]	1,556,621	1,755,708	1,482,757
Total Budget Resolution	2,012,726	2,010,964	1,454,637
Current Level Over Budget Resolution	n.a.	n.a.	28,120
Current Level Under Budget Resolution	456,105	255,256	n.a.
Memorandum:			
Revenues, 2005–2009:			
House Current Level	n.a.	n.a.	8,687,835
House Budget Resolution	n.a.	n.a.	8,638,287
Current Level Over Budget Resolution	n.a.	n.a.	49,548

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses, which are off-budget. As a result, the current level excludes these items.

[2] Per section 402 of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, current level excludes outlays of $19,902 from 2004 budget authority provided in the Defense Appropriations Act, 2005 (P.L. 108–287).

Notes.—n.a. = not applicable; P.L. = Public Law. Numbers may not sum to total because of rounding.

Source: Congressional Budget Office.

REMEMBERING SEPTEMBER 11, 2001

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, I am happy to be here tonight speaking on what is very close to the anniversary date of 9/11, and joining me tonight would be the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from New York (Mrs. KELLY). I would like to at this time recognize the gentlewoman from New York to discuss the events and the things that we should be mindful of on this anniversary date.

Mrs. KELLY. Mr. Speaker, I rise today to pay tribute to the heroes of September 11, to offer my sincerest condolences to the family and friends of those who were taken from us on that awful morning, and to offer my prayers to the men and women of our Armed Forces who continue the fight spawned by those attacks.

Much has been said about the firefighters and police officers who ran into those burning buildings, never to run out. I feel that we can never say enough about such unparalleled bravery. In the face of an unprecedented attack, they displayed unprecedented courage in fighting through smoke and flames to save people they had never even met.

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They made the ultimate sacrifice for their country, and their selfless action helped thousands of people escape the burning towers.

The people I represent lost a number of their friends, their coworkers, and their family members, but because of the heroics of the ones who ran in, many mothers, fathers, sisters, brothers, sons, and daughters did make it home to embrace their families, and we pay tribute to the heroic firefighters and police officers who helped save lives on the anniversary of this attack on America.

We yet mourn the 3,000 fellow citizens who lost their lives that day. These were men, women, and children who did nothing wrong; who had no enemies; no foreign policy. They were killed for merely living as free Americans.

As we speak, tens of thousands of young men and women carry the stars and stripes on their sleeves working in hostile regions around the globe to protect the security and freedom many of us took for granted 3 years ago. Though they may be physically detached from their families and their loved ones, we hold a special place for them in our hearts. The sacrifices that they make can never be fully repaid, but we in this House and this Nation must remain committed to see that we try. And we must try to do so by providing our men and women in uniform the wages, benefits and respect that they deserve and that the American people expect.

Mr. Speaker, following the attack on Pearl Harbor, President Franklin Roosevelt told a shocked and angry America, we will always remember the character of the onslaught upon us. I do not think a person in this House or in this country will ever forget the disbelief they felt on September 11. We must never forget the way we felt that day watching our friends and neighbors die before our eyes in an act of war. Our world was changed forever that day, as our Nation's otherwise passive course was suddenly and forcibly altered.

We need to continue the lessons learned from September 11 and continue our steadfast and resolute fight to rid the world of this radical form of terror. We must never forget.

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman from North Carolina for those stirring comments, and I would now like to yield to the gentlewoman from Texas (Ms. GRANGER) for any comments that she may have.

Ms. GRANGER. Mr. Speaker, the memory of September 11 and our reaction to it will be forever with us. Most of us experienced first shock, then disbelief, confusion, yes, great concern, certainly, but, above all, horror when we fully realized what had been done to us. Each of us remembers just where we were, what we were doing and how we felt.

When I am asked where I was, I am always met with surprise when I explain that I was at the Pentagon that morning. I was there with a handful of other Members at a breakfast meeting with Secretary of Defense Donald Rumsfeld. He had asked us there to discuss the future of the military and what changes, transformation was the word used, what transformation had to occur for us to meet the challenges of the 21st century and the dangers of our time.

It was a thoughtful and serious discussion, of course, as we all considered what would be needed to meet the dangers we thought we understood. And then, in a matter of seconds, as that meeting broke up, we learned of that first dreadful deed. As we made our way back to the Capitol, our worst fears were realized when the second plane hit the second tower. Now it is 3 years later, and I often return to that meeting in my mind, thinking how prophetic it was to be looking into the future trying to see and prepare for what was to come.

The question being asked daily during this election period is: Are we safer today than we were on September 11? I sit on both the House Homeland Security Committee, and the Subcommittee on Homeland Security of the Committee on Appropriations, and I can answer that question. Yes, we are safer today.

We have torn down walls that kept our agencies from talking to each other and sharing information. We have locked the doors that were open that allowed those terrorists to use our airlines and our airports so easily. We have enabled local communities and States to plan for proper responses to attacks. We have undertaken one of the most massive government reorganizations in our history by creating the Department of Homeland Security. We have funded new technology to protect our borders and our ports. We have provided funding to develop agents to treat bioattacks of anthrax and smallpox. Most importantly, Mr. Speaker, led by President George W. Bush, we have declared a global war on terror and showed the courage to fight that war and not stand down.

We are leading that war, but we are not alone, for the world is beginning to fully realize that none are safe from the hate and evil of terrorism. That came home to all of us as we learned of the tragedy in Russia, where hundreds were killed and injured in a school, and where parents were made to choose among their children as to who could be saved and who would be sacrificed.

We have broken the back of the Taliban, and we have taken Saddam Hussein out of hiding and put him forever behind bars. And in court the families of those hundreds of thousands of his subjects who were executed and dumped in mass graves can tell their stories and have some justice in their losses.

We are fighting there so we do not have to fight here, and that fight is worth it. We are in praise to our troops for what they are doing for us.

Mr. Speaker, the war of terror is a war we must win, and September 11 is a day we must not forget.

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman from Texas for her comments. In just a brief reflection, the differences between the two parties, Mr. Speaker, I think become evident as we contemplate responses to such events as 9/11. I do not doubt that my colleagues who believe differently feel as sincerely as I do about the possible courses of action that they suggest. But, Mr. Speaker, we do come to different conclusions.

We heard just a moment ago from one of our friends on the other side of the aisle who wanted to choose a smarter way to fight terrorism, to choose a good way, a way that is right, and suggesting that stronger intelligence is going to be the key to that. Mr. Speaker, I would point out that in the very period of time when we were needing more intelligence, the previous administration chose to bring in all of the operatives out of our intelligence systems and only use electronic means. And it so blindfolded us, it blindfolded us to the heart and the passion of the people in these cells.

I have heard estimates that it could take as long as 20 years, Mr. Speaker, to return us to the level of information-gathering that we were prior to withdrawing all of our agents out of the field under the previous administration.

My friend also pointed out that we should treat war as a last resort. Mr. Speaker, war is a last resort. We have tolerated one attack after another after another, beginning with the Olympics in the 1970s, when the Israeli Olympic team was brutally murdered at those events. We have tolerated as a world continuing attacks from these people who would kill innocent civilians for no reason and with no explanation. With no notice they would come in and do the horrific crimes that they have committed.

War is a last resort, and this President has said we have gone far enough. When we lost the people, those innocent civilians on 9/11, almost 3,000 people in just moments, when we lost those, the President of the United States, George Bush, said it is time to respond, and he has responded with steadfastness, with intent, and with clear direction.

I remember perfectly when he said, just after 9/11, if you harbor a terrorist, you are a terrorist; if you are a terrorist, we are going to come see you very soon. And he has been good for that promise.

But President Bush also laid out three fundamental things in the fight on terror. We must first uproot the Taliban so they cannot continue the training of new terrorists. The Taliban was operating in Afghanistan with basic training camps of terrorism, bringing people in to train them in the techniques of terror, the techniques of explosions, the techniques of murder. President Bush said, we are going to uproot you and take you out of those training camps, and he did that.

The second thing President Bush said was that we were going to begin to choke off their funding worldwide, and we have steadfastly worked toward that target, even to the point that within the last 90 days, our friends in Saudi Arabia, for the first time, have admitted they have a problem with terror in their own country, and they have a problem with funding mechanisms in their own country funding terrorists. For the first time the Saudi Arabians began to help us dismantle those funding streams for terrorists that originate inside the borders of our friends, the Saudi Arabians.

So, first of all, we are going to uproot the Taliban. We are going to uproot al Qaeda out of the training camps from Afghanistan. We are going to choke off the funding, and we have to do that and continue to do that. And, thirdly, the President said we are going to take the fight to the terrorists.

Now, some may agree or disagree, but I will tell you that when I was in Iraq, the Iraqi police forces that were guarding the border said about 50 percent of the people coming across the border were al Qaeda members. These are people from Iraq, from that northern region in Kirkuk, who would know. They were compelling in saying that we must continue the fight on terror.

They had two requests: Do not leave before you catch Saddam Hussein, and please do not take your troops home before the job is done. President Bush is firmly committed to that course of action, and I would say that we are making great progress toward the goal of eliminating terrorism worldwide.

It is going to be a very, very long fight. It will not probably be accomplished in our lifetimes. But I will say that the United States, and my children and my colleagues' children, and my grandchildren and my colleagues' grandchildren, Mr. Speaker, are safer today with Saddam Hussein in jail than they were previous to the removal of his regime.

Mr. Speaker, a comment was made that we need to confront the root cause of terrorism: poverty. I am sorry, but I disagree with that fundamentally. The cause of terrorism is not poverty. To say that terrorism is created by poverty is to say that poor people have no standards. It is to say that poor people do not have discretion; that poor people cannot understand right from wrong.

Mr. Speaker, having grown up in a desperately poor family of six, with a father who worked in the very basic lowest level of the oil field economy of Hobbs, New Mexico, I can say that our family understood right from wrong, no matter our income status.

Mr. Speaker, I often wonder how the people who say that poverty causes crime and poverty causes terrorism justify that. If that is true, then the opposite would also be true. The corollary would be true, Mr. Speaker; that if poverty causes crime, then, as my colleague Dennis Prager says, affluence causes kindness.

I think that each one of us would recognize that that certainly is not the case. If poverty causes crimes, then those people who raise themselves up out of poverty by selling drugs into our high schools would certainly become more kind and more noble and more generous. But instead we find exactly the opposite is true. It is simply a false statement to continue to say that poverty causes crime, because affluence certainly does not cause kindness.

Mr. Speaker, the root cause of this terrible scourge of humanity, this terrorism that is being inflicted on the world right now, is not poverty, it is caused by a radical fundamentalist religious group who want to take power at any cost. At any cost. What else would explain a group who would go in and kill innocent children in a school in Chechnya?

I was in the district, Mr. Speaker, during this last August period, and I confronted questions that really were wrestling. There were people of noble intent wrestling with what is causing terror, and they had read the things on Web pages that were declaring it is the United States' policies.

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My answer to them and my answer to them before the Chechnyan event is if it is the United States policy, then what on Earth is going on with the terrorists who are in Chechnya, a place that does not have troops in Afghanistan, a place that did not side with the United States in its current war? Russia was completely hands off, and yet they are being attacked the same as anybody else.

We know of the French resistance to our positions in the war; and yet the fundamentalists, the radicals, have taken two French reporters as hostages. The cause of terrorism is not poverty, the cause of terrorism is a desire to gain power at any cost with no public vote. The desire of the terrorist is to destabilize world economies, individual countries' economies; and by destabilizing them economically, they have the potential to destabilize them politically.

Mr. Speaker, this question goes far beyond whether or not countries are democratic or non-democratic. It has to do with stability and stability on the world stage. We find that in many ways we might not agree with the Mainland Chinese; but make no doubt about it, when they stand side by side with us, and when they ask for North Korea to quiet down the rhetoric, North Korea knows that they ought to quiet down the rhetoric.

Mr. Speaker, we are going to find that we have allies of unusual sorts in this battle against terrorism. We are going to find that sometimes our friends are there and sometimes they are not, because we are going to find unusual circumstances in their nation which cause them to move in and out based on the resolve.

Prime Minister Tony Blair was in this body, in this Chamber, and spoke to a combined group of the House and Senate. He asked one of the most compelling questions rhetorically. He said you as Americans must be wondering why us, why us? Why should we be the ones to lead this international war on terror? He said history has placed you in the position to where you can lead it. You have the resources, the financial resources, the young men and women who will fight for freedom. You have the standing military. He said history has placed you in the position to where you can respond, and it is your duty to respond.

I remember that comment to this day, and I use that answer when my constituents ask me why, why is it us? I will tell Members that no deeper disappointment has been felt by this Nation than the response of some of our friends. It is understood now with the Oil-for-Food scandal where nations were taking payoffs underneath the table, where nations were taking that oil for food money and enriching themselves; and it is understood now that probably even the vote in the Security Council, especially by our friends, the French, was probably a vote that reflected the payoffs that they were getting, the fact that they were getting oil at below world prices, the fact that they were taking payoffs.

I have asked in this Chamber if Kofi Annan can continue in his position because his son is somewhat implicated in the scandal and can he objectively look at what the U.N.'s response is. When my constituents ask should the U.N. be more involved, I answer that I think we must have the best response to terrorism possible. We must ensure that our troops have the equipment that they need, that the money that we intend for rebuilding Iraq and Iraq's economy is used for those purposes.

Mr. Speaker, I personally do not want to trust friends who just recently have been taking payoffs under the table and pulling money, almost $10 billion, one-seventh. Almost $10 billion of the $70 billion in the Oil-for-Food program was scammed out of it by all estimates. Mr. Speaker, that is not the sort of results that I would like to trust the safety of our young men and young women to.

As we think about the war on terror, we must understand that our young men and young women are simply the last wedge between tyranny and freedom in the world, that if we are not willing to stand up, if our young men and women are not compelled to fight for this fight that benefits much of the world, and not so much their own homeland at this moment, if they stand up to fight, they are the last wedge between tyranny and freedom.

Mr. Speaker, we owe them a debt of gratitude. We owe them the thanks of a grateful Nation. We owe their families the thanks. And for those who have paid the ultimate sacrifice, we owe an undying respect for the sacrifice that they have made to make this battle, to make this war, to make this struggle to ensure that freedom survives and sustains itself in this world. To honor the memory of those who have given the ultimate sacrifice, we must give respect into the system and that war to ensure that that loss has not been in vain.

Mr. Speaker, as I contemplate the accomplishments that we can point to in this particular war on terror, I have to understand that under the leadership of President Bush and the 30 or so nations who are working with us, significant things have been accomplished in this war on terror. As far as al Qaeda, nearly two-thirds of the senior al Qaeda leaders have been taken into custody or killed. That includes Khalid Shaykh Muhammad, the mastermind of 9/11; and Muhammad Atef, Osama bin Laden's second-in-command.

In Afghanistan 3 years ago, the nation of Afghanistan was the home of al Qaeda, a country ruled by the Taliban, one of the most backward and brutal regimes of modern history. Today in Afghanistan, a presidential election is scheduled for this fall. The terror camps are closed, and the Afghan government is helping us to hunt the Taliban terrorists in remote regions.

Mr. Speaker, this Chamber has hosted the current President of the Afghanistan Republic. Mr. Karzai came into this Chamber speaking to both House and Senate Members, and the strength of his comments reflected the change in that society. These are changes that are generations coming, not just a few years, but thousands of years. He was pointing out for the first time that women in Afghanistan are going to have the right to serve in public office: and if my memory is correct, the Constitution is reserving 25 percent of the elected offices for women. This is in a nation where women did not previously have the right to vote.

Today more than 15 million Afghan citizens have been freed from the brutal zealotry of the Taliban. Women are experiencing freedom for the first time and thousands of Afghan girls are going to school. Simply going to school was an act which was illegal under the Taliban regime.

Because we acted to liberate Afghanistan, a threat has been removed, and in this Nation we are safer because the threat has been removed in that country. It has become obvious that we are going to fight this war on terror. The only question is are we going to fight it here or are we going to fight it in Baghdad or Kabul.

My vote has always been to protect our children and grandchildren. My vote has always been to take the fight to the terrorists so our moms and dads can continue their lives in this country without threat of another 9/11. I know it has been just 3 short years since the 9/11 attacks, but that is 3 years without another significant attack inside this country, and I think we should pay respect to the thousands of homeland security officers and those first responders who daily look at what they can do to interdict the potential terrorists coming into this Nation.

Mr. Speaker, other accomplishments that we have in prosecuting the war on terror include many things in liberating Iraq. We have 25 million people in that country who were liberated from the brutal Saddam Hussein regime. The vast majority of Hussein's regime have been captured or killed, including the dictator himself. This sent a powerful message to the Iraqi people that the tyranny of that regime will not come back. Saddam Hussein currently sits in a jail cell awaiting trial by his own people. This gives more reassurance than any of us in this country will know.

The press has done a very, very skimpy job of reporting on the 400,000 mass graves that have been uncovered already, and we have members from the Iraqi civilian population who tell us that the numbers will be far greater than that.

Mr. Speaker, just before we went home for the August break, many in this Congress were treated and privileged to hear eight Iraqi women who came to speak to Members of Congress. When one particular Republican asked should we be in your country, and the obvious intention of the question was to find out if the Iraqi people felt like we had a right to be there, there were two comments that I was made aware of that seemed to sum it up. The first person that spoke said, let me tell you about my son. He simply spoke up and when he spoke up against Saddam Hussein, they arrested him and they cut out his tongue and then they put him on the phone trying to explain to me after they had cut out his tongue what had happened, and then they cut off his hand. She said these were the sorts of things we were used to under Saddam Hussein.

Another woman raised her hand and said, one person of my family spoke up, and 52 members of my family were gathered up, some summarily executed, some were tortured horribly and then executed. The 52 members of my family are dead, she said, because one person spoke up, and she said, and your question is, Should you be here? She said that is the wrong question. She said the more compelling question is what took the world so long to come here.

Mr. Speaker, sometimes I think we have grown accustomed in this Nation to such debates that are so removed from actual fact that we think in some corners of this country that this war on terror is an intramural contest, one in which after all of the flags are pulled out and we take our positions on the sidelines, we will get to come back out and start a new game.

Mr. Speaker, these women who came here to talk to us understood that terrorism is a game for keeps. They understood that what we are fighting is for freedom and for life itself.

Mr. Speaker, we have also handed sovereignty over in the interim to the Interim Iraqi Government. The new government is leading reconstruction of the country. In early 2005, we are going to have an election there. When we look at the effects that the new regime is having, we find that they can take instances that we could not. Some of our Middle Eastern partners were very disillusioned and angry about some of our stances; and yet when the new interim regime took strong stances, the Middle Eastern partners in that region began to get quiet and support them.

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Mr. Speaker, the changeover from the coalition forces who are governing the Iraqi region into the interim government have resulted in much more stability, much more ability to fight vigorously the terrorists that live inside the population there in Iraq. I think that we are going to see continued attacks that may even escalate up until the time of our election, but, Mr. Speaker, we are making progress in the war on terror as we capture or kill the terrorists. There are simply fewer of them who have been through the training camps.

The other advances that we have made in the Middle East, Mr. Speaker, cannot be overlooked. Libya was a country which had weapons of mass destruction. They had nuclear weapons components. They voluntarily offered to give those up, but it was not out of the gracious heart of Muammar Qaddafi that they gave them up. The President has told me personally that they received the first call in the White House the day after we put the first Tomahawk missile through the restaurant where Saddam Hussein had been sitting 3 hours before. Mr. Qaddafi knew that Saddam Hussein had moved for years, close to 30 years. He had had a regimen where he would physically move every 3 to 4 hours. So we missed him on that day, where we started the war a couple of days early, but Muammar Qaddafi understood that we had information that placed him in the building a couple of hours earlier. He knew that he did not have the same strong discipline, and so when we stuck the Tomahawk missile through that window in the restaurant where Mr. Hussein had been sitting, Mr. Qaddafi suddenly realized, I don't think I want to play the game. He called the White House within 24 hours, negotiations took 9 months, but he voluntarily gave up those weapons of mass destruction that he had, asking for someone to please come and take these things out of the backyard.

Mr. Speaker, he did that not because of a doctrine of appeasement on the part of the world community. He did that in the face of the strength of the response on the part of the world community. And so my friends across the aisle who say that there should be a kinder and gentler way simply do not understand the thought processes of terrorism. You cannot appease terrorists. You cannot negotiate with them. Their intent is to get political power with as few people as possible. Even in their own nations they cannot win elections, so they depend on terrorism.

I have heard and understood that there are approximately 31 conflicts going on in the world today, and that the great majority, approximately 29 of those, involve radical Islamic states. Mr. Speaker, these people who would like to end freedom in the world as we know it insist that their standards of behavior, their standards of treatment of women and their standards of treatment of other people is the standard that we should have. They fear the freedom that exists in this country. They fear the freedom that might begin to cause people to choose a different system than what they currently live in, and, Mr. Speaker, they are willing to kill, they are willing to maim, they are willing to torture, they are willing to destabilize the entire world to make sure that their value system holds.

I think, Mr. Speaker, that we are in very much a civil war in the world. I think that it is very similar to the United States prior to the Civil War. We as a Nation were beginning to wrestle with such different value sets that we as a Nation understood that we could not have both slave and free States in the same Nation, and we fought a civil war to eliminate the slave-holding properties of this Nation.

Worldwide at this point, Mr. Speaker, I think what is happening is that the world is realizing we cannot live with both tyranny and freedom; that the Internet, that satellite TV, that quick, fast communications are eliminating the potential for terrorists to keep their people completely isolated from the current world. And I think what we have going on is a struggle between the two value sets, and this war on terror in essence is simply a civil war fought among the world's countries to determine exactly what values we as a world will hold.

We sometimes think that we in America are removed, but 9/11 has changed everything. 9/11 brought to our understanding for the first time that we can no longer hide. Many nations around the world had experienced terrorist acts firsthand in their own nations prior to us experiencing them, but now then we also understand that we will fight the war on terror, that we will fight the war on terror here, or we will fight it there.

Mr. Speaker, there have been tremendous changes in many parts of the world. Pakistan for the first time is beginning to fight with us against these radical fundamentalists. Saudi Arabia has begun to work inside their own borders. Iran, although they are not exactly where we would have them, has begun to have discussions about the different programs they have that would create mass hysteria or create mass casualties.

Mr. Speaker, these are the ways that the war on terror is working right now in the world, changing literally thousands of years of history. No one of us could have expected 4 or 5 years ago that we would be where we are today in Afghanistan and Iraq, that we would be where we are today in Pakistan and Saudi Arabia. The worst thing we can do is lose our resolve, change our commitment, become less steadfast.

Many of the things that we find today in our discussions politically do not help the situation. They do not help ensure the safety and the security of our homeland. Many of the things in the discussion today would have been absolutely outlawed in World War II. I am not sure exactly why our friends on the other side of the aisle are making some of the comments that they do regarding our war on terror, because every time they make comments that indicate that they would pursue it differently, the terrorists simply say, We've got to wait out to the next election and maybe there will be a change, and we'll be emboldened more.

Mr. Speaker, we are doing our young men and women no favors by some of the comments that are being made in the Presidential debates on how this war should be handled. I know that there can be differences, and I do not think that the Republicans have every single answer, but in this particular regard I think that we do ourselves great harm and great danger by some of the ways that the debate is being handled.

Mr. Speaker, as we look at strengthening homeland security, we have spent billions of dollars that were unanticipated prior to September 11, 2001, but now we recognize the need to protect our skies, our borders, our ports and the critical infrastructure, as well as support intelligence-gathering capabilities.

President Bush and Congress created the Department of Homeland Security in 2002. We began to pull the agencies together and to insist that they communicate the problems that each one saw at the border, communicate them back and forth. Previously that was not accomplished. So far we have conducted more than 124,000 port security patrols and 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter the United States illegally, created and maintained more than 90 maritime security forces. We have hired, trained and deployed over 45,000 Federal security screeners to America's airports to inspect all people and baggage to keep our skies safe. We established the Terrorist Screening Center to consolidate terrorist watch lists and ensure that government investigators, screeners and agents use the same unified, comprehensive set of antiterrorist information.

The majority party, the Republicans, have also enhanced America's ability to prevent, prepare for and respond to acts of terrorism by providing nearly $27 billion for our first responders since 2001. Congress has also approved Project Bioshield, which will provide incentives for America's brightest scientists, physicians and researchers to develop lifesaving vaccines and medications to fight chemical and biological weapons in the event of an attack.

Under the present administration, under the Bush administration and under this Congress, the majority of which are Republicans, we have begun to reverse years of underinvestment in both our intelligence-gathering community and also in our military. We have increased the number of CIA operations officers. We have begun to reverse the crippling effects of the adverse attitude toward human intelligence-gathering, and currently in Iraq we are finding that the human intelligence-gathering has increased tremendously.

Mr. Speaker, as we look at ways to protect our troops, today I visited with a company from my district who are here, they have currently 11 prototypes in Iraq right now of an antenna that transmits a signal to make sure that the IEDs do not explode. They are in the process of making another 850 of these, these devices which will help protect our troops. Mr. Speaker, I know that everything is being done by this administration and this Congress which we can do to ensure the safety of our young men and women who are fighting the war on terror.

Mr. Speaker, it would be appropriate at this point to review some of the conclusions which were reached by the U.S. Senate Select Committee on Intelligence as listed in their report on the U.S. Intelligence Community's prewar intelligence assessments on Iraq. Conclusion number 1 of this U.S. Senate select committee was that the intelligence reporting did show that Iraq was procuring dual-use equipment that had potential nuclear applications. Conclusion number 1 went on to say that the intelligence reporting did support the conclusion that chemical and biological weapons were within Iraq's technological capability, that Iraq was trying to procure dual-use materials that could have been used to produce these weapons, and that uncertainties existed about whether Iraq had fully destroyed its pre-Gulf War stock of weapons and precursors.

Conclusion number 91 told us that the Central Intelligence Agency's assessment that Iraq had maintained ties to several secular Palestinian terrorist groups and with the Mujahidin e-Khalq was supported by the intelligence. The CIA was also reasonable in judging that Iraq appeared to have been reaching out to more effective terrorist groups such as Hezbollah and Hamas and might have intended to employ such surrogates in the event of war.

Conclusion number 92 was that the Central Intelligence Agency's examination of contacts, training, safe haven and operational cooperation as indicators of a possible Iraq-al Qaeda relationship was a reasonable and objective approach to the question.

Conclusion number 93 was that the Central Intelligence Agency reasonably assessed that there were likely several instances of contact between Iraq and al Qaeda through the 1990s.

Conclusion 94 was that the Central Intelligence Agency reasonably and objectively assessed in "Iraqi Support for Terrorism" that the most problematic area of contact between Iraq and al

Qaeda were the reports of training in the use of nonconventional weapons, specifically chemical and biological weapons.

Conclusion number 95 was that the Central Intelligence Agency's assessment on safe haven, that al Qaeda or their associated operatives were present in Baghdad and in northeastern Iraq in an area under Kurdish control, was a reasonable conclusion.

Mr. Speaker, the 9/11 Commission also reiterated the substance of our prewar conclusions. First of all, the Chairman of the Commission, Thomas Kean, on the News Hour with Jim Lehrer, June 16, 2004, said, "Yes, there were contacts between Iraq and al Qaeda, a number of them, some of them a little shadowy. They were definitely there."

Vice Chairman Lee Hamilton on that same date said, "I don't think there's any doubt that there were contacts between Saddam Hussein's government and al Qaeda, Osama bin Laden's people."

Lee Hamilton is a former Democratic Congressman from Indiana who served for 34 years in this U.S. House of Representatives.

The 9/11 Commission staff statement number 15 said that bin Laden also explored possible cooperation with Iraq during his time in Sudan, despite his opposition to Hussein's secular regime. A senior Iraqi intelligence officer reportedly made three visits to Sudan, finally meeting bin Laden in 1994. Bin Laden is said to have requested space to establish training camps as well as assistance in procuring weapons, but Iraq apparently never responded. There have been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan.

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The 9/11 Commission continues to discuss the reasonableness of the assessment that Iraq was involved in terrorist activities. "The Butler Report on British Intelligence," chaired by Lord Butler of the British House of Commons, declares that "we have reached the conclusion that prior to the war, of the Iraqi regime," number one, "had the strategic intention of resuming the pursuit of prohibited weapons programs, including, if possible, its nuclear weapons program, when the United Nations inspections regimes were relaxed and sanctions were eroded or lifted."

Secondly, they concluded that in support of that goal, Iraq was carrying out illicit research and development and procurement activities to seek to sustain its indigenous capabilities. And, thirdly, they commented that Iraq was developing ballistic missiles with a range longer than that permitted under relevant United Nations Security Council Resolutions.

They continue in the report: "We conclude that, on the basis of the intelligence assessments at the time, covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the government's dossier, and by the Prime Minister in the House of Commons, were well-founded. By extension, we also conclude that the statement in President Bush's State of the Union Address of 28 January, 2003, that: 'The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa was' in fact 'well founded.'"

They continued later, paragraph 449, conclusion 21: "We have found no evidence of deliberate distortion or of culpable negligence." In paragraph 450 they comment that "we found no evidence that the Joint Intelligence Committee's assessments and the judgments inside them being pulled in any particular direction to meet policy concerns for senior officials on the JIC."

So report after report indicates that we have good reason and we had good reason to expect that the Iraqis were involved deeply in terrorist activities and that our operations there have certainly made the world more safe.

Mr. Speaker, all of us wish that 9/11 had not occurred. All of us wish that we were not having to fight this war on terror. All of us wish that we were not losing American troops in this effort. But I will tell the Members that the young men and women who I talked to in Iraq have declared that they feel like their efforts are worthwhile, that their efforts are resulting in definite changes in Iraq, and they feel like their efforts are noble.

Mr. Speaker, we should keep in our prayers the families who lost loved ones on 9/11 and the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from New York (Mrs. KELLY) made very compelling comments about that. I would reiterate their comments that we could keep those families in our prayers, the families of 9/11, but also the families who lost loved ones in this war on Iraq.

The men and women who had done nothing wrong on 9/11, the families who have suffered so much loss deserve our continued memory and our continued remembrance. We must rid this world of the radicals who would kill innocent men, women and children. The event in Chechnya, the event in that schoolhouse, was not an isolated incident. It reflects the heinous attitude that some in the world terror community have toward other human life, even the most innocent, our children. In order to keep my grandchildren and my children safe and your grandchildren and your children safe, I would hope that we would all maintain our resolve to make sure that we all fight this war on terror in another land and not fight it here.

I would like to associate my comments with the gentleman from North Carolina, who commented that here we are fighting for freedom and the rest of the world and ministers in this country do not even have freedom of speech.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 8, 2004, AT PAGE H6850

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice of describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANGEVIN (at the request of Ms. PELOSI) for today after 4:30 p.m. on account of a family emergency.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of official business in the district.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for today after 4:00 p.m. on account of family commitments.

Mr. CANNON (at the request of Mr. DELAY) for the week of September 7 on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, September 15.

Mr. BURGESS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, September 13, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9478. A letter from the Principal Deputy Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2002, through September 30, 2003, pursuant to 37 U.S.C. 402(a) Public Law 106-398, section 604(a); to the Committee on Armed Services.

9479. A letter from the Actuary, Department of Defense, transmitting an updated copy, current as of September 30, 2003, of a tabulation showing the distribution of DoD military retirees and survivors by State and Congressional districts as well as tabulations showing Congressional district ranking by number of retirees and monthly annuity payments from DoD; to the Committee on Armed Services.

9480. A letter from the Director, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Programs and Other Related Issues [Regulation H and Y; Docket No. R-1162] Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-19] (RIN: 1557-AC76); Federal Deposit Insurance Corporation (RIN: 3064-AC75); Department of the Treasury, Office of Thrift Supervision [No. 2004-36] (RIN: 1550- AB79) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9481. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2003, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

9482. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7446] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9483. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9484. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Mortgages on Hawaiian Home Lands Insured Under Section 247 [Docket No. FR-4779-I-01] (RIN: 2502-AH92) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9485. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Single Family Mortgage Insurance; Lender Accountability for Appraisals [Docket No. FR-4722-F-02] (RIN: 2502-AH78) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9486. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold, Conforming Amendments and Corrections [Docket No. FR-3482-C-10] (RIN: 2501-AB57) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9487. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Covered Securities Pursuant to Section 18 of the Securities Act of 1933 [Release No. 33-8442; File No. S7-17-04] (RIN: 3235-AJ03) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9488. A letter from the Assistant Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commisison's final rule — Disclosure Regarding Portfolio Managers of Registered Management Investment Companies [Release Nos. 33-8458; 34-50227; IC-26533; File No. S7-12-04] (RIN: 3235-AJ16) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9489. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2003, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

9490. A letter from the Secretary, Department of Commerce, transmitting the sixth and final annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Energy and Commerce.

9491. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the United Kingdom (Transmittal No. 04-04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9492. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Sweden (Transmittal No. DDTC 054-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9493. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2003 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

9494. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export and Reexport Controls for Iraq [Docket No. 040302078-4078-01] (RIN: 0694-AC84) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9495. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9496. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9497. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9498. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vancancies Reform Act of 1998; to the Committee on Government Reform.

9499. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9500. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9501. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Commission's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9502. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9503. A letter from the Executive Director, Advisory Council on Historic Preservation, transmitting the Council's final rule — Protection of Historic Properties (RIN: 3010-AA06) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9504. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Joint Counterpart Endangered Species Act Section 7 Consultation Regulations (RIN: 1018-AI95) received

July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9505. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California Tiger Salamander; and Special Rule Exemption for Existing Routine Ranching Activities (RIN: 1018-AI68) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9506. A letter from the Assist. Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arabis perstellata (Braun's Rock-cress) (RIN: 1018-AI74) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9507. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2004-05 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AJ25) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9508. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Three Threatened Mussels and Eight Endangered Mussels in the Mobile River Basin (RIN: 1018-AI73) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9509. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of Federal Protection Status from Two Manatee Protection Areas in Florida (RIN: 1018-AJ23) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9510. A letter from the Director, Office of Sustainabale Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 071604B] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9511. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 071604A] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9512. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Measure for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2004 [Docket No. 040326103-4198; I.D. 031504A] (RIN: 0648-AQ82) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9513. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 071604C] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9514. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 072004C] receivedJuly 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9515. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); Pelagic Longline Fishery [Docket No. 040202035-4197-02; I.D. 112403A] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9516. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank [Docket No. 021017237-4194-02; I.D. 090302F] (RIN: 0648-AQ51) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9517. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments [Docket No. 031216314-3314-01; I.D. 040104B] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9518. A letter from the Executive Director & CEO, American Chemical Society, transmitting the Society's annual report for the calendar year 2003 and the comprehensive report to the Board of Directors of the American Chemical Society on the examination of their books and records for the year ending December 31, 2003, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

9519. A letter from the Attorney General, Department of Justice, transmitting the FY 2003 Performance and Accountability Report for the Department of Justice; to the Committee on the Judiciary.

9520. A letter from the Staff Director, United States Sentencing Commission, transmitting the Annual Report and Sourcebook of Federal Sentencing Statistics covering FY 2002, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

9521. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs; HUBzone Program (RIN: 3245-AE66) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9522. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Governement Contracting Programs (RIN: 3245-AF16) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9523. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals (RIN: 3245-AE92) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9524. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Environmental Review of the United States-Morocco Free Trade Agreement; the United States Employment Impact Review of the United-States Morocco Free Trade Agreement; and the Morocco Labor Rights Report; to the Committee on Ways and Means.

9525. A letter from the United States Trade Representative, Executive Office of the Presient, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Bahrain Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1151. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes (Rept. 108–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee on Appropriations. H.R. 5041. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–674). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIRK (for himself, Mr. YOUNG of Florida, Mr. GRIJALVA, Mr. BEAUPREZ, Mr. DUNCAN, Mr. PETRI, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Ms. HART, Mr. CULBERSON, Mr. GARRETT of New Jersey, Mr. PLATTS, Mr. KINGSTON, and Mr. RAMSTAD):

H.R. 5038. A bill to permit each State to provide a statue of an individual representing that State to be displayed in the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. BUTTERFIELD (for himself, Mr. Etheridge, Mr. Jones of North Carolina, Mr. Price of North Carolina, Mr. Burr, Mr. Coble, Mr. McIntyre, Mr. Hayes, Mrs. Myrick, Mr. Ballenger, Mr. Taylor of North Carolina, Mr. Watt, and Mr. Miller of North Carolina):

H.R. 5039. A bill to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the "Eva Holtzman Post Office"; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Mrs. Maloney, Mr. Moore, Mr. Simmons, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. Ferguson, Mr. Pascrell, Mr. Weiner, Mr. Ramstad, Mr. Price of North Carolina, Mr. Case, Mr. Peterson of Minnesota, Mr. Pence, Mr. Stenholm, Mr. Hoeffel, Mr. Ruppersberger, Mr. Castle, Mr. Kind, Ms. Harman, Mr. Gilchrest, Mr. Sandlin, Mr. Dooley of California, Mrs. Tauscher, Mr. Kennedy of Rhode Island, Mr. Chandler, Mr. Weldon of Pennsylvania, Mr. Turner of Texas, Mr. Duncan, Ms. Pelosi, Mr. Hoyer, Mr. Walsh, and Mr. Frelinghuysen):

H.R. 5040. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, Government Reform, the Judiciary, Rules, Transportation and Infrastructure, Energy and Commerce, Ways and Means, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILÁ:

H.R. 5042. A bill to amend the Department of Agriculture Organic Act of 1944 to ensure that the dependents of employees of the Forest Service stationed in Puerto Rico receive a high-quality elementary and secondary education; to the Committee on Agriculture.

By Mr. BELL (for himself and Mr. Neal of Massachusetts):

H.R. 5043. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURNS (for himself and Mr. Norwood):

H.R. 5044. A bill to provide for a study of the potential for increasing hydroelectric power production at existing Federal facilities, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON:

H.R. 5045. A bill to restore State sovereignty; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. Moran of Virginia, Mr. Wolf, Mr. Boucher, Mr. Cantor, Mr. Scott of Virginia, Mr. Goode, Mr. Goodlatte, Mr. Schrock, and Mrs. Jo Ann Davis of Virginia):

H.R. 5046. A bill to require the Secretary of the Treasury to mint coins in commemoration of the tragic loss of lives at the Pentagon on September 11, 2001, and to support construction of the Pentagon 9/11 Memorial in Arlington, Virginia; to the Committee on Financial Services.

By Mr. EDWARDS (for himself and Mr. Emanuel):

H.R. 5047. A bill to amend title 38, United States Code, to increase the maximum coverage under the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance programs from $250,000 to $500,000; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 5048. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of annual screening pap smear and screening pelvic exams; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. Larsen of Washington, Ms. Berkley, and Mr. Honda):

H.R. 5049. A bill to require the Federal Energy Regulatory Commission to revoke the authority granted to Enron to sell electricity at market rates and to prohibit Enron from enforcing certain contract provisions, and for other purposes; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 5050. A bill to establish the Director of National Intelligence as a cabinet level position in the Executive Office of the President to oversee budget, operations, and personnel of the entire intelligence community of the Federal Government; to the Committee on Intelligence (Permanent Select).

By Mr. McINNIS (for himself, Mr. Hefley, Mr. Tancredo, Ms. DeGette, Mrs. Musgrave, Mr. Udall of Colorado, and Mr. Beauprez):

H.R. 5051. A bill to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the "Leonard C. Burch Post Office Building"; to the Committee on Government Reform.

By Mr. McINNIS (for himself, Mr. Hefley, Mr. Tancredo, Ms. DeGette, Mrs. Musgrave, Mr. Udall of Colorado, and Mr. Beauprez):

H.R. 5052. A bill to designate the facility of the United States Postal Service located at 222 West 8th Street in Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building"; to the Committee on Government Reform.

By Mr. McNULTY:

H.R. 5053. A bill to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the "Lieutenant John F. Finn Post Office"; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD:

H.R. 5054. A bill to direct the Secretary of Homeland Security to carry out a pilot program to evaluate the use of hardened containers for cargo and luggage on passenger aircraft; to the Committee on Transportation and Infrastructure.

By Mr. MOORE (for himself, Mr. Bachus, Mr. Hill, Mr. Ramstad, Mr. Udall of Colorado, Mr. Simmons, Mr. Berry, Ms. Ros-Lehtinen, Mr. Israel, Mr. Osborne, Mr. Tom Davis of Virginia, Mr. Ford, Mr. Kanjorski, Mr. Murtha, Mr. Lampson, Ms. Solis, Ms. Carson of Indiana, Mr. Price of North Carolina, Mr. Stupak, Ms. Pelosi, Mr. Linder, Mrs. Tauscher, Mr. Dingell, Mr. Dooley of California, Mr. Crowley, Mr. Shays, Mr. Pascrell, Mrs. Bono, Mr. Foley, Mr. Brown of South Carolina, Mr. Gordon, Mr. Larsen of Washington, Mr. Rangel, Mr. Schiff, Mr. Etheridge, Mr. Udall of New Mexico, Mr. Clay, Mrs. Jones of Ohio, Ms. Waters, Mr. Payne, Mr. Jones of North Carolina, Ms. Berkley, Mr. Cooper, Mr. Tanner, Mrs. Lowey, Mr. Bishop of New York, Mr. Ackerman, Mrs. Capps, Mr. Pastor, Mr. Andrews, Mr. Hefley, Mr. Brown of Ohio, Mr. Strickland, Ms. Lofgren, Mr. Kennedy of Rhode Island, Mr. Doggett, Mr. Frost, Mr. Boswell, and Mr. Bonner):

H.R. 5055. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $50,000; to the Committee on Armed Services.

By Mr. REHBERG:

H.R. 5056. A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana; to the Committee on Resources.

By Mr. RUPPERSBERGER (for himself, Mr. Hoyer, and Mr. Jones of North Carolina):

H.R. 5057. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

By Mr. SHAW:

H.R. 5058. A bill to amend the Immigration and Nationality Act to permit alien children receiving medical treatment in the United States to be classified as immediate relatives to avoid extreme hardship to themselves or their immediate relative alien parents; to the Committee on the Judiciary.

By Mr. SHERMAN (for himself, Mr. Case, and Mr. Etheridge):

H.R. 5059. A bill to amend title 18, United States Code, with respect to stored electronic communications; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself and Mr. Duncan):

H.R. 5060. A bill to amend the Consumer Credit Protection Act to prevent credit card issuers from taking unfair advantage of full-time, traditional-aged, college students, to protect parents of traditional college student credit card holders, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO (for himself, Mr. Pitts, Mr. Franks of Arizona, Mr. Lantos, and Mr. Payne):

H.R. 5061. A bill to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan; to the Committee on International Relations.

By Mr. FLAKE (for himself, Ms. Bordallo, and Mr. Faleomavaega):

H.J. Res. 102. A joint resolution recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there; to the Committee on Resources.

By Mr. EHLERS (for himself, Mr. Young of Florida, Mr. Boehlert, Mr. Gordon, Mr. Udall of Colorado, Mr.

SHAW, Mr. FOLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mr. BOYD, Ms. HARRIS, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. PUTNAM, Mr. FEENEY, Mr. WEXLER, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. GOSS, Mr. WELDON of Florida, Mrs. BIGGERT, Mr. DEUTSCH, and Mr. DAVIS of Florida):

H. Con. Res. 488. Concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances; to the Committee on Science.

By Mr. COX (for himself and Ms. HARMAN):

H. Con. Res. 489. Concurrent resolution supporting the goals and ideals of National Preparedness Month; to the Committee on Government Reform.

By Mr. DOGGETT (for himself, Mr. TOM DAVIS of Virginia, Mr. BLUMENAUER, Mrs. MYRICK, Mr. OBERSTAR, Mr. FROST, Mr. CARTER, Mr. SMITH of Texas, Mr. RODRIGUEZ, Mr. BRADY of Texas, Mr. LAMPSON, Mrs. BONO, Mr. STENHOLM, Mr. MCDERMOTT, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mr. TURNER of Texas, Ms. BALDWIN, Mr. HINOJOSA, Mr. FARR, Mr. BASS, Mr. EDWARDS, Mr. HONDA, Mr. SAM JOHNSON of Texas, Ms. CARSON of Indiana, Ms. LEE, Mr. LANGEVIN, Mr. UDALL of New Mexico, Mr. COOPER, Mr. INSLEE, Mr. SHIMKUS, Mr. CAPUANO, Mr. REYES, and Ms. BERKLEY):

H. Res. 761. A resolution congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France; to the Committee on Government Reform.

By Mr. DREIER:

H. Res. 762. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. HASTINGS of Florida:

H. Res. 763. A resolution condemning the terrorist attack at Middle School No. 1 in Beslan, Russia, that occurred in early September 2004; to the Committee on International Relations.

By Mr. TANCREDO:

H. Res. 764. A resolution condemning the terrorist attack in Beslan, Russia, that occurred beginning on September 1, 2004, expressing condolences to the families of the individuals murdered in the terrorist attack, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

424. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Joint Resolution 04R366 (04-S3015) memorializing the Congress of the United States to amend certain provisions of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SHAW introduced A bill (H.R. 5062) for the relief of Helene Jensen; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Mr. HASTINGS of Florida.

H.R. 296: Ms. BERKLEY.

H.R. 490: Mr. SHERMAN.

H.R. 548: Mr. BOEHLERT.

H.R. 713: Mr. CAMP.

H.R. 792: Mr. CRAMER, Mr. MURTHA, Mrs. CAPITO, and Mr. RAHALL.

H.R. 953: Mr. BROWN of South Carolina.

H.R. 1102: Mr. BUTTERFIELD.

H.R. 1117: Mr. BRADLEY of New Hampshire.

H.R. 1120: Mr. SANDLIN.

H.R. 1157: Mr. ANDREWS.

H.R. 1179: Mr. HASTINGS of Washington and Mr. ANDREWS.

H.R. 1241: Mr. FILNER.

H.R. 1247: Mr. SANDLIN.

H.R. 1336: Mr. TAYLOR of North Carolina.

H.R. 1615: Mrs. JOHNSON of Connecticut and Mr. MEEHAN.

H.R. 1746: Mr. PASCRELL.

H.R. 1755: Mr. NEUGEBAUER.

H.R. 1787: Mr. LATHAM and Mrs. CAPITO.

H.R. 1811: Mr. FERGUSON.

H.R. 2045: Mr. NEUGEBAUER.

H.R. 2239: Mr. FORD and Mr. HOLDEN.

H.R. 2490: Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. WAMP.

H.R. 2536: Mr. MCINTYRE, Mr. SERRANO, and Mr. ENGEL.

H.R. 2640: Mr. FILNER.

H.R. 2671: Mr. NEUGEBAUER.

H.R. 2724: Mr. CUMMINGS, Ms. CARSON of Indiana, Mr. LIPINSKI, Ms. JACKSON-LEE of Texas, and Mr. BELL.

H.R. 2727: Mr. PALLONE.

H.R. 2807: Mr. SANDLIN.

H.R. 2823: Mr. TURNER of Texas and Mr. SCOTT of Georgia.

H.R. 2824: Mr. ANDREWS.

H.R. 2871: Mr. BELL, Mr. KUCINICH, and Mr. ENGLISH.

H.R. 2933: Mr. FLAKE.

H.R. 2945: Mr. WEINER.

H.R. 2971: Ms. KAPTUR, Mr. HASTINGS of Washington, and Mr. MILLER of Florida.

H.R. 3069: Mr. NEUGEBAUER.

H.R. 3125: Mr. NEUGEBAUER.

H.R. 3142: Mr. BISHOP of New York, and Ms. ESHOO.

H.R. 3308: Mr. WALDEN of Oregon.

H.R. 3356: Mr. BURGESS.

H.R. 3441: Mr. MOORE.

H.R. 3476: Mr. PASCRELL, Mr. LAMPSON, Mr. MARSHALL, and Mr. PLATTS.

H.R. 3484: Mrs. CAPPS.

H.R. 3672: Mr. ISRAEL.

H.R. 3674: Mr. BRADLEY of New Hampshire.

H.R. 3745: Ms. WOOLSEY.

H.R. 3799: Mr. WILSON of South Carolina.

H.R. 3805: Mr. GEORGE MILLER of California.

H.R. 3831: Mr. SMITH of New Jersey.

H.R. 3834: Mr. RENZI.

H.R. 3859: Mr. KENNEDY of Rhode Island, Mr. RUPPERSBERGER, Ms. NORTON, Mr. RANGEL, Mr. CAPUANO, Mr. ISRAEL, Mr. ENGEL, Mr. MARKEY, and Ms. WATSON.

H.R. 3927: Mr. SHIMKUS.

H.R. 4035: Mr. FILNER, Mr. GUTIERREZ, Ms. MCCOLLUM, Mr. CROWLEY, Ms. WOOLSEY, and Mr. PALLONE.

H.R. 4067: Ms. BERKLEY and Mr. LEACH.

H.R. 4102: Mr. GORDON and Mr. NEAL of Massachusetts.

H.R. 4107: Mr. BISHOP of Georgia and Mr. OLVER.

H.R. 4124: Ms. HERSETH.

H.R. 4130: Mr. LARSEN of Washington.

H.R. 4149: Mr. CAPUANO and Mr. SMITH of Washington.

H.R. 4225: Mr. BEAUPREZ.

H.R. 4230: Mr. SESSIONS.

H.R. 4232: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4249: Mr. VAN HOLLEN, Mr. INSLEE, Mr. HASTINGS of Florida, and Ms. BALDWIN.

H.R. 4254: Mr. LATHAM.

H.R. 4256: Mr. DOGGETT.

H.R. 4263: Mr. OBERSTAR and Mr. GRIJALVA.

H.R. 4264: Ms. JACKSON-LEE of Texas and Ms. BALDWIN.

H.R. 4284: Mr. GOODE, Mr. NORWOOD, Mr. GORDON, Mr. PLATTS, and Mr. WHITFIELD.

H.R. 4306: Mr. FORBES.

H.R. 4334: Mr. BRADLEY of New Hampshire.

H.R. 4351: Mr. MCGOVERN.

H.R. 4433: Mr. BURTON of Indiana, Mr. BAIRD, Ms. PRYCE of Ohio, and Ms. MCCARTHY of Missouri.

H.R. 4468: Mr. BERRY.

H.R. 4480: Ms. GRANGER and Mrs. MYRICK.

H.R. 4502: Mr. NETHERCUTT and Mr. FROST.

H.R. 4578: Ms. BALDWIN, Mr. VAN HOLLEN, Mr. JOHN, and Mrs. LOWEY.

H.R. 4585: Mr. KIND and Mr. FILNER.

H.R. 4620: Mr. PETERSON of Minnesota.

H.R. 4626: Mr. INSLEE and Mr. BUYER.

H.R. 4638: Mr. MCHUGH.

H.R. 4662: Mr. COLE.

H.R. 4674: Ms. WOOLSEY, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. PASTOR, Mr. SANDERS, Mr. KUCINICH, and Mr. FILNER.

H.R. 4676: Mr. OSBORNE, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. RAHALL, and Mr. EHLERS.

H.R. 4678: Mr. SANDERS, Mr. LEWIS of Georgia, and Mr. EVANS.

H.R. 4685: Mr. JOHN and Mr. HAYES.

H.R. 4694: Mr. COSTELLO and Mr. PRICE of North Carolina.

H.R. 4705: Mr. PETERSON of Minnesota.

H.R. 4786: Mr. GRIJALVA and Ms. BORDALLO.

H.R. 4799: Mr. PLATTS and Mr. WU.

H.R. 4809: Mr. PENCE.

H.R. 4812: Mr. BOUCHER.

H.R. 4853: Mr. HOEFFEL, Mr. BURR, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. WELDON of Pennsylvania, Mr. GREEN of Wisconsin, and Mr. COOPER.

H.R. 4863: Mr. REYES, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Mr. WELLER, Mr. PASTOR, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, and Mr. MOORE.

H.R. 4887: Mr. CLYBURN.

H.R. 4896: Ms. NORTON, Mr. WEINER, Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. OLVER, and Mr. MCGOVERN.

H.R. 4897: Mr. KENNEDY of Rhode Island, Mr. WEINER, and Ms. DELAURO.

H.R. 4901: Mr. BURR.

H.R. 4906: Mr. COLE.

H.R. 4927: Mr. DOGGETT and Mr. GREEN of Texas.

H.R. 4965: Mr. FALEOMAVAEGA, Mr. CHABOT, and Mr. CROWLEY.

H.R. 4976: Mr. SABO.

H.R. 4984: Mr. STENHOLM.

H.R. 5011: Mr. BACHUS, Mr. CARTER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5024: Mr. STENHOLM, Ms. LEE, Mr. DOGGETT, Mr. CLAY, Mr. CHANDLER, Mr. FILNER, Mr. DEUTSCH, and Ms. MAJETTE.

H.R. 5026: Mr. GEORGE MILLER of California.

H.R. 5027: Mr. MARIO DIAZ-BALART of Florida, Ms. HARRIS, Mr. MICA, Mr. SHAW, Mr. FEENEY, Mr. PUTNAM, Mr. MILLER of Florida, Mr. BILIRAKIS, Mr. KELLER, Mr. WEXLER, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. WELDON of Florida, and Mr. GOSS.

H. Con. Res. 330: Mrs. LOWEY.

H. Con. Res. 431: Mr. CALVERT.

H. Con. Res. 486: Mr. DICKS, Ms. ROS-LEHTINEN, Mr. KILDEE, Mr. SCHIFF, Mr. GILCHREST, and Mr. ACEVEDO-VILÁ.

H. Con. Res. 487: Mr. GREEN of Texas, Mr. TURNER of Texas, and Mr. THORNBERRY.

H. Res. 28: Mr. SWEENEY.

H. Res. 567: Mr. SMITH of New Jersey.

H. Res. 737: Mr. ABERCROMBIE, Mr. ACEVEDO-VILÁ, Mr. BELL, Mr. BERMAN, Mr. BURTON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FLAKE, Mr. GILCHREST, Mr. GRIJALVA, Mr. HONDA, Mr. HOSTETTLER, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. MORAN of Virginia, Ms. NORTON, Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCHIFF, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WALSH.

H. Res. 747: Ms. CARSON of Indiana.

H. Res. 757: Mr. DELAY, Ms. MCCARTHY of Missouri, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Ms. JACKSON-LEE of Texas, Mr. GOODLATTE, Mr. THORNBERRY, Mr. ISAKSON, Mr. ROHRABACHER, Mr. LINDER, Mr. VITTER, Mr. BOEHLERT, Mr. HAYWORTH, and Mr. KING of New York.

H. Res. 760: Mr. TANCREDO, Mr. HEFLEY, Ms. HARRIS, Mr. LINDER, Mr. MCHUGH, Mr. DEUTSCH, Mr. HOEFFEL, and Mr. CARDIN.

PETITIONS, ETC.

Under clause 3 of rule XII,

104. The SPEAKER presented a petition of the Kentucky Interim Joint Committee on Agriculture and Natural Resources, relative to a resolution petitioning the President and Congress of the United States to support and enact legislation establishing a tobacco buyout program; which was referred to the Committee on Agriculture.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: David Vitter.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5006

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 14: At the end of the bill (but before the short title), insert the following new section:

SEC. ____. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

SENATE—*Thursday, September 9, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Solomon Schiff of the Greater Miami Jewish Federation, Miami, FL.

PRAYER

The guest Chaplain offered the following prayer:

Heavenly Creator, bestow Thy blessings upon those assembled here who have accepted the sacred responsibility to legislate within these hallowed halls of the United States Senate to preserve and to foster the noble ideals of our sanctified democracy.

Grant that these deliberations will be ruled by wisdom, purpose, and dedication. Thou, O Lord, have taught us through the words of the prophet Malachai: "Have we not all one Father? Hath not one G-d created us all? Why do we deal treacherously, every man against his brother?" Grant us the resolve to serve as Thy partners to eradicate anger, hunger, and bigotry from our human family. Imbue us with commitment to sow the seeds that will turn selfishness into civility, hatred into harmony, loathing into love, and bigotry into blessing. Help us always to work for the lost, the least, the last, and the lonely. May we remain committed to work with renewed energy to elevate the status and dignity of all of Thy children so that all can enjoy the blessings and benefits of our bountiful society. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning following my remarks, which will be brief, and any comments from the Democratic leader, we will have a 60-minute period for morning business, with the first 30 minutes under the control of the majority, and the last 30 minutes under the control of the Democratic side.

At the conclusion of morning business, we will resume consideration of the Homeland Security appropriations bill. Last night, we were able to reach an agreement which limits amendments to the bill, and although the list is much longer than we would like, I am hopeful many of the listed amendments will not be offered. As we continue discussion among ourselves and between both sides of the aisle, hopefully many of those amendments can be either addressed in another way or will not be offered at this point in time.

It is imperative for us in this body to stay focused on the safety and security of the American people, and this bill demonstrates that. We have worked very well together thus far.

I want to share with my colleagues the importance of staying focused on this bill. Let's move on with the amendments—we are on the amendments—and debate them in an expeditious way so we can finish this bill.

I previously stated we should finish the bill this week. Given the list of amendments which have appeared, we will, in all likelihood, go over into next week. We absolutely must have as our goal and make it reality of finishing the bill in the early part of next week or prior to the Rosh Hashanah holiday. I know Members' schedules are fluid, especially at this time of year when people have so many demands back in their home States, as well as here. The schedules are challenging, but I ask everybody to work with the Democratic leader and myself in terms of the scheduling so we can have real movement on these bills and bring them to completion in as expeditious a way as possible.

On Fridays and Mondays, we will be in discussion to let people know exactly what the voting schedules will be. In large part, it depends on how much participation we get during the course of the day today and tonight and a day like yesterday. If everybody can help us, I think we will be able to complete this bill in an expeditious way with respect to everybody's schedules.

We will have a full day today and this evening, I would suspect, as we continue to make progress on the bill.

REFORM OF THE INTELLIGENCE COMMUNITY

Mr. FRIST. Mr. President, I very briefly want to speak to a meeting that the leadership, not just elected leadership but leadership and interested parties, both Democrats and Republicans, had yesterday with the President of the United States, with the Senate and House represented. It was a very good meeting.

The focus of that meeting was to discuss the President's views, his plans to reform the intelligence community. The focus of this body for a long time, but very specifically since the 9/11 Commission report recommendations were made, has been on the safety and security of the American people as it is reflected in the 9/11 Commission report and our study of that report.

Between the House and the Senate, over 20 different hearings were held during August. I thank our colleagues for working very hard in collecting information and assessing people's ideas and thoughts from experts from around the world—from around the country and around the world—on the recommendations that were made by the 9/11 Commission.

Our meeting yesterday was another step at the committee level and on the floor of the Senate, as we are on the Homeland Security bill and as we address other bills, and in meetings such as at the White House. There is a real bipartisan commitment to making progress, not a knee-jerk reaction but progress on intelligence reform.

The President discussed with us his plan to complete the reorganization of the executive branch, consistent with those recommendations of the 9/11 Commission. He asked for our support. He says he does expect legislation, recognizing that once we leave in October, we will have November and January when we are not in session, and it is important for this reorganization to take place.

I think there was clear support for what the President presented yesterday, a general consensus that we need to continue to move forward.

As I outlined on Tuesday, and as the Democratic leader and I outlined prior to the recess, immediately after the 9/11 Commission report, we have two arms in this body addressing the recommendations. First, in no particular order, but to look outside this body, what is going on in the executive branch, and that has been delegated to the appropriate committee of jurisdiction, the Governmental Affairs Committee, under the very able leadership of Senator COLLINS and Senator

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

LIEBERMAN. They worked through August diligently collecting information on this assignment.

There are many committees of jurisdiction, and those committees have participated with the Governmental Affairs Committee. They will likely mark up specific legislation the week of September 20, and then that bill will be brought to the floor the following week.

The only reason I am that specific about days is to share with our colleagues the sense of urgency and the sense that we do not have that many legislative days.

What is in that bill specifically and how far it goes is really up to that committee, taking the very best from all of the committees and all of our colleagues in the Senate, as well as the advice of outside experts. That is one arm.

The other arm addresses the internal reform that really applies to two very important of the 41 recommendations by the 9/11 Commission, and that the Democratic leader and I have delegated to a task force that has been appointed to collect information and to discuss that information and to advise us how best to proceed.

Our majority and minority whips, Senator MCCONNELL and Senator REID, are representing the chairs of that task force; that is, to look at the best way the Senate should be organized in this newly transformed world, internal organization, committees, new committees, changing jurisdiction. It is a tough issue because in each case it involves a change where somebody has to give up something or, in their mind, they are giving up something.

The good thing about it is it is going to be bipartisan, working together. We are talking about the safety and security of the American people, and when people say this sort of task cannot be done in a highly charged political environment with Presidential races and races in this body, when it comes down to the safety and security of the American people and the appropriate oversight of the intelligence upon which that safety and security is protected, partisanship gets put aside.

We are on a very tight schedule. There is a lot to be discussed, a lot to be debated. I am confident that with the focus and with the bipartisan effort we will get this done.

Quickly, and it has been covered a little bit in the press today, the President's plan calls for a number of substantial changes. First and foremost is the appointment of the national intelligence director—people are now getting comfortable with this—the "NID," which is the national intelligence director.

As the President described, the post would be as follows: The new director would be appointed by and report to the President, to be confirmed by the Senate. He or she will act as the principal adviser to the President. He or she would not be located in the Executive Office of the President or serve as a member of the President's Cabinet.

The real news, if one looks at the headlines and the interpretation of what the President says, is this full budget authority by the national intelligence director. That director would be responsible for developing objectives and guidance for the intelligence community to ensure the timely and effective collection, analysis, processing, and dissemination of national intelligence for the country; of determining and establishing requirements and priorities for intelligence collection; of establishing intelligence analysis and production priorities for the intelligence community, and directing the national counterterrorism center.

The NID would have full budget authority over the national foreign intelligence program appropriation and would have the necessary authority to carry out reforms we agree are so crucial to our Nation's security.

There are a lot more details and these details will be coming forward over the next several days, but this short description gives a general outline of the direction the President has requested that we move.

The purpose of creating this new post is to improve how we collect data, analyze data, and how we act upon intelligence data across agencies in order to strengthen America's defenses and stop terrorism before it ever hits. This will make us safer abroad and I believe it will clearly make us safer and more secure at home.

I commend the President for his decisive leadership in this regard. He is committed to protecting the American people. As the President pointed out yesterday, many of the reforms suggested by the 9/11 Commission report had been and were being addressed by the administration. Mention was made yesterday that the administration had addressed 36 of the Commission's 41 recommendations.

I look forward to working with leaders on both sides of the aisle and with both Chambers of Congress. It is going to take a lot of coordination working in the House, the Senate, and the administration. We do not have very much time. We have 22 legislative days remaining in this body, but I know there is bipartisan agreement on the security of the United States and that agreement means we cannot wait and push this off until sometime in the future.

How much is addressed and what the specifics are has not yet been determined, and that is what is being worked on at the committee level and at the task force level right now. Protecting our fellow Americans from attack is the Government's highest duty. From the Oval Office to the Capitol steps, we are working hard to move America forward and to win this war on terror. That will very much be the focus of the Senate for the next 22 days, the security and safety of the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

RESPONSE TO THE 9/11 COMMISSION'S RECOMMENDATIONS

Mr. DASCHLE. Mr. President, I compliment the majority leader on his comments regarding the response to the 9/11 Commission. He and I have worked very closely together, and I share his view that it has been a laudable bipartisan effort.

As he has noted, our purpose is to address the recommendations made by the 9/11 Commission on two levels: the executive branch, which is largely the responsibility of the Governmental Affairs Committee, and the legislative branch, which is going to be the responsibility of our task force. Both groups are doing the work that we would hope they would. They have invested a good deal of time already. I share his view that there is an urgency to this important effort, and I hope we can continue to work in the manner with which all Members so far have demonstrated: that is, a commitment to a real bipartisan approach to resolving the many challenges that we face.

TED KENNEDY'S HISTORIC MILESTONE IN SENATE

Mr. DASCHLE. Mr. President, this is an interesting, important, and somewhat historic day. This is the day when Senator KENNEDY actually becomes the third most senior Member in the Senate's history, and I think it ought to be noted. He just surpassed the time of seniority by the distinguished Senator from Arizona, Carl Hayden. So he now ranks as the third most senior person in all of Senate history. I commend and congratulate him, and I know I join colleagues on both sides of the aisle in calling attention to this remarkable new addition to his already impressive and extensive résumé.

HOMELAND SECURITY APPROPRIATIONS

Mr. DASCHLE. Mr. President, I will comment on a matter that the majority leader raised with regard to the current legislation. The Homeland Security appropriations bill is critical legislation. I have admonished Members on our side of the aisle to recognize how critical it is we finish this work before we leave for the Rosh Hashanah holiday next week. It is very important that this work be done. As I understand it, we have 28 Senators—on both sides of the aisle—who have amendments. We will work with them. Senator REID has noted that he has begun to call each Senator to express the hope that we could winnow down the list.

I noticed as the finite list was established last night that many of these amendments are simply listed as relevant. I hope that many of these so-called placeholders could be eliminated and we could get on with the important work.

There is a need to work under time limits for each amendment and hopefully we can work as late in the evening each day to accomplish what is going to be an aggressive schedule as we try to finish this bill—I should say, as we finish this bill. We are going to do more than try. We will complete it no later than next Wednesday morning, and hopefully sooner than that.

CONCERNS IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, each year, I travel through South Dakota, talking to people where they live and work, in the cafes where they meet, the schools where they send their children, the ranches and sale barns where they hope that this year will bring better prices than the last, the farms where they raise their crops—anywhere people gather to discuss what matters to them.

Every year, I get to all 66 counties, and every year, I marvel at the incredible range of opinions and perspectives I encounter along the way.

But there is another thing that was striking to me this year—and that is the fact that wherever I was, I heard from different people from different backgrounds a lot of the same hopes, and a lot of the same concerns.

People have a sense of uncertainty. They are uncertain about the progress in the war on terror and the war in Iraq, and they are anxious about the economy—not just about their own jobs, and their own health care, but also about whether their communities and their way of life are going to survive.

In the past few years, whenever I have traveled home, I have sensed the strength of those feelings. And for many of the people I have met, those feelings are growing stronger.

South Dakotans are intensely proud of the valor of our troops serving in Iraq and Afghanistan—and I share that pride. But ours is a small State, and when South Dakotans talk about "the troops," they are not talking about some abstract concept. They are talking about friends and loved ones. They are talking about a person who is not there behind the counter when they go to work, or a side of the bed that lies empty.

South Dakota is contributing more troops to our war effort than all but seven other countries.

And so, while South Dakotans support our troops, they also know better than most that support in words is not enough.

While I was home last month, I met a young man named Tyler Neuharth, who was on leave from Iraq and was just a week away from being sent back. He was proud to serve. But he was also looking forward to returning to college, and he wanted some sense of how long he would be deployed so he could plan for his education and his future.

I spoke to a woman whose husband has been in Iraq for over a year-and-a-half, and she and her young son just learned that the earliest they can hope to see him home is the end of this year.

And I met Lloyd Dejung, who talked about how his unit in Iraq was building bridges in flak jackets that, in his words, you could poke a hole through with a knife.

Our Guard and Reserve troops deserve the same state-of-the-art equipment as active duty personnel. They should get honest answers about when they're coming home. And while they are fighting for their country, they should not have to worry about whether they will have to fight for their jobs, or for health care, or for their education once they return home.

That is why, tomorrow, I will be introducing a National Guard and Reserve Bill of Rights—to say to all our soldiers: You have met your duty to your country, and your country will meet its duty to you.

South Dakotans are fiercely proud, and fiercely independent. When you talk to them, they will tell you what you can do to help a neighbor or a friend, but it takes a little while to get people talking about their own concerns. But when they do, there are a couple of things you hear over and over. They are worried about their jobs, they are worried about their health and their health care, and they are worried that as jobs become more scarce and health care becomes ever less affordable and less available, they are going to lose something else, too. They are worried that the strain these things place on the fabric of their communities will become just too much, and that their communities and their way of life just won't be able to survive.

These are concerns I heard everywhere I went, and they are concerns that we here in Washington have the power to do something about.

More than any time in my memory, people were telling me they needed two and three jobs—not to get ahead, not to save for a house or their child's education, but simply to make their monthly bills. Many good manufacturing jobs have left the State, and it is getting more difficult to find a full-time job that pays a wage good enough to raise a family.

I visited the town of Elk Point. A lot of the folks in Elk Point work about 20 minutes down the road in North Sioux City, where there is a Gateway plant. That plant has been cutting jobs, sending them to India. That plant is now down to 2,000 employees from a high of 6,000.

The people I met simply can not understand how this administration's top economic adviser and its Secretary of Labor can both say that outsourcing of jobs is good for the economy.

In Yankton, 10 percent of the work force is in manufacturing. I spoke to the owner of a company that makes road construction equipment. He said that he has had to cut jobs because we have not passed a highway bill.

The Senate version of the highway bill would create 6,500 jobs in South Dakota and over 1.7 million new jobs nationwide. Our infrastructure, our economy, and our communities need this bill.

Closely tied to concerns about jobs are concerns about health care.

In Huron, a woman came up to me at a meeting. She told me that her husband had been laid off from his job in February. They went on COBRA for a while, but it was expensive, and this month it ran out anyway. They both have health concerns, and they don't know what they are going to do.

Just a couple of nights ago, another woman approached me. She told me about her brother, who has diabetes.

He is 60 years old. He works 40 hours a week. He also took a paper route to earn some more money. But neither of his two jobs offers health insurance, so he doesn't have any. He has begun losing feeling in his legs, but he has not seen a doctor because he does not think he can afford to. A 60-year old man, working full-time and then some, can not afford to go see a doctor. In this country, in this century, that is a disgrace.

Everywhere I go, people are worried that their health care costs are rising. If they have health care through their jobs, they are afraid they might lose it. If they are paying for it themselves, they are afraid they can not afford it any longer. I think every American should have access to the same affordable health care options that members of Congress have.

At the very least, there are a number of steps we can take immediately. We should be providing health coverage to uninsured parents who have children eligible for Medicaid and the State Children's Health Insurance Program, and I think we should let States have the option of covering pregnant women and children until the age of 20.

We should create a tax credit to help small business owners provide health care coverage for their employees. Most employers I talked to want to provide health insurance; they are just having an increasingly difficult time affording it.

This is a crisis, and we need to confront it. The ideas are there. We need the leadership.

Out in our small towns and farming and ranching communities, those concerns add up to one that is even greater—that a way of life is being lost. I have been visiting these communities for more than 25 years. There is nothing more gratifying to me than to see a family farmer or rancher raise their children up, teach them how to farm, and then pass their land down to them. But it is happening less frequently these days.

More often, children are forced to leave the communities they know and the families they love to find work in other places. They do not want to leave. But they can not find work good enough to allow them to raise a family. And so the way of life their families have enjoyed for generations is being lost.

But there is something else shared by the people I saw, and the places I visited: determination.

They are determined to make tomorrow better than today. You put them on a job, and they will work harder, and longer, and better than any worker in the world. You give our farmers and ranchers a fair price for what they produce and they will feed the world. You respect the service and protect the rights of our Guard and Reserve, and they will always step up to serve.

That is why I ask that in the time we have left in this session of Congress, we hear these concerns and act on them.

Yes, I saw anxiety and uncertainty. But I also saw pride and determination. I saw people willing to work together to make life better for their families, and strengthen their communities. That is what South Dakotans have always done.

If we adopt the same sense of patriotism and common purpose I saw across South Dakota, I have no doubt that we can make the short time we have left this year a time of accomplishment for the people we serve, to help them meet the challenges they face.

FETAL ALCOHOL SPECTRUM DISORDERS

There is one other serious public health challenge I want to mention this morning. It is a challenge I first learned about years ago during visits to Indian reservations in South Dakota. It is called Fetal Alcohol Spectrum Disorders—FASD, for short.

FASD is an umbrella term that describes a range of physical and mental birth defects that can occur in a fetus when a pregnant woman drinks alcohol. It is a leading cause of mental retardation in America. It is also 100 percent preventable when women abstain from alcohol during pregnancy.

Every year in America, an estimated 40,000 babies are born with FASD, costing Americans more than $3 billion each year in direct health care costs, and many times that amount in lost human potential. You can find FASD in every community in America. Native, non-native, rich, poor it doesn't discriminate.

Today is an important day in America's fight against this devastating disorder. It is America's first National Fetal Alcohol Spectrum Disorders Day.

I thank Senator MURKOWSKI for sponsoring this resolution establishing national FASD day. I was proud to be a cosponsor.

Fifteen years ago, my wife Linda and I and a group of friends founded an organization that we called NOFAS, the National Organization of Fetal Alcohol Syndrome. Back then when we met in the living room of a very dear friend, Terry Lierman, there were not many of us to talk about these issues. And scientists and doctors understood very little about FAS. But we have learned an extraordinary amount since then. National FASD day will help us get the knowledge we have learned out to the people who need it the most.

We can save so many children and save families so much heartache simply by increasing people's awareness of what FASD is and how we can prevent it.

But we can't stop there. We need to continue to research and do more to help people who are living with FASD make the most of their God-given talents and abilities.

In 1998, I was proud to be the lead sponsor of legislation that created an FASD prevention and services program and a national task force on FAS and fetal alcohol effect.

Two months ago, I introduced a bill called the Advancing FASD Research, Prevention, and Services Act. My bill would identify areas for additional research by the National Institutes of Health.

It would improve coordination among Federal agencies involved in FASD treatment and research, and establish statewide FASD systems and local community partnerships—like a model partnership that is already up and running in South Dakota and other Midwestern States.

It would improve support services for families who are living with FASD. And it would strengthen educational outreach efforts to doctors, teachers, judges and others whose work puts them in contact with people with FASD, or with women who might be at risk of drinking during pregnancy.

Forty-thousand American children a year are born with FASD. We cannot leave these children behind, either. Whatever investments we make in FASD prevention, research and treatment will pay for themselves many times over in reduced health care costs and increased human potential.

Over the last 15 years, we have unlocked many of the mysteries surrounding FASD—and many more answers are just inches beyond our reach. As we observe this first National Fetal Alcohol Spectrum Disorders Day, I ask my colleagues to take the next necessary steps in the fight against this devastating but completely preventable disorder. Before this Congress ends, let us pass the Advancing FASD Research, Prevention, and Services Act.

I yield the floor.

Mr. REID. Mr. President, before the distinguished leader leaves the floor, I knew the minority leader was going to speak on fetal alcohol syndrome. But I ask the distinguished Senator from South Dakota—I have in my library a book that he recommended written by someone from South Dakota on this subject, a book on this terrible problem that affects a lot of different people, especially in Indian country. I have never forgotten that book. It was something I had never heard of until I read that book. Does the Senator remember that book?

Mr. DASCHLE. I do so well. I have shared it with many people. I thank the Senator from Nevada, my dear friend and colleague, for sharing that observation. Michael Dorris is the author's name. The name of the book is "The Broken Cord." Michael introduced me to this whole issue. He tells the story in his book about two children in South Dakota who had fetal alcohol syndrome. Both have passed away. Both struggled mightily for years. And, of course, the extraordinary problems that the family had to confront are all accounted for in that book. Unfortunately, we lost Michael a few years ago, a powerful advocate for a national advocacy for addressing this issue. But I only hope more people will read that book. I appreciate the fact that my friend called it to the attention of our colleagues this morning.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the second 30 minutes under the control of the Democratic leader or his designee.

Mr. REID. Mr. President, under the control of time of the Democrats, I yield 20 minutes to the Senator from New Jersey, Mr. LAUTENBERG, and 10 minutes to the Senator from Arkansas, Mr. PRYOR.

The PRESIDING OFFICER. The Senator from Alaska.

FETAL ALCOHOL SPECTRUM DISORDER AWARENESS DAY

Ms. MURKOWSKI. Mr. President, as the distinguished minority leader and distinguished Senator from Nevada have spoken to this morning, today is Fetal Alcohol Spectrum Disorders Awareness Day in the United States.

The ninth hour of the ninth day in the ninth month having arrived, I ask unanimous consent that the Senate observe a moment of reflection to remind women who are pregnant and those women who may become pregnant that no amount of alcohol, none at all, is safe during the 9 months of pregnancy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The Senate observed a moment of reflection.)

Ms. MURKOWSKI. Thank you, Mr. President.

Mr. President, by raising awareness one moment at a time, we can attempt to minimize the damaging effects of drinking during pregnancy.

In late February of 1999, there was a small group of parents who were raising children afflicted with fetal alcohol spectrum disorders, and this small group of parents essentially set out to change the world. The leaders of this group were Bonnie Buxton and Brian Philcox of Toronto and Teresa Kellerman of Tucson.

They were frustrated, frustrated about the lack of public awareness about fetal alcohol spectrum disorders by both the public and the professionals. These parents wondered aloud. They were communicating with one another on an online Internet support group called F-A-S link. They wondered, What if on the ninth minute of the ninth day of the ninth month we asked the world to remember that during the 9 months of pregnancy a woman should remain alcohol free. And what if we also asked the world to remember those millions of people who will never fulfill their potential because of prenatal alcohol exposure.

And at this moment, they asked: Could we begin to change the world? Can we begin to change the path that so many children have been faced with as they set out in the world burdened with the affliction they were born with, fetal alcohol disorders?

So this year, for the sixth consecutive year, communities across the world are pausing during the ninth hour to acknowledge International Fetal Alcohol Spectrum Disorders Awareness Day. FAS Day will be observed extensively in my home State of Alaska with ceremonies being observed across the State.

I appreciated the comments from the minority leader about the devastating effects in his home State of South Dakota. In Alaska, we, too, are faced with incredible statistics as they relate to those who are born with fetal alcohol spectrum disorders.

In many parts of my State, particularly in the rural parts of the State, we have villages where the amount of children born with FASD is four times the national average. The statistics are absolutely horrific.

I was in a very small community of about several hundred people during the August recess. I was approached by a woman who was a teacher. She had been out in this community for several years. Her greatest concern as a teacher was what I was going to do in my capacity in the Senate to make women aware of the consequences of drinking while pregnant. She was dealing with students coming to her classroom who were not only not able to learn but quite possibly will never be able to learn because they were born with Fetal Alcohol Spectrum Disorders.

I am grateful the Senate is recognizing International Fetal Alcohol Spectrum Disorders Awareness Day and has paused to join in this worldwide moment of reflection. For this, I thank my colleagues, especially the distinguished minority leader, the Senator from South Dakota, who has joined with me in offering Senate Resolution 390 creating the first National Fetal Alcohol Spectrum Disorders Awareness Day earlier this year. I hope we will continue to pause in the ninth hour of the ninth day each September until fetal alcohol spectrum disorders are eradicated.

The eradication of fetal alcohol spectrum disorders is by no means an impossible dream. This is achievable. The simple truth about fetal alcohol spectrum disorders is they can be eradicated, they can be stopped, they can be wiped out if women resolve to consume no alcohol during the term of their pregnancy.

This simple prescription—no alcohol—may seem extreme, it may seem absolute, it may even seem harsh to some, but there is no gentler way to put it.

The term "fetal alcohol spectrum disorders" describes a range of conditions that can befall a child whose mother consumed alcohol during pregnancy. I will not list the technical names of each of those conditions because that is not important. What is important is that if women consume alcohol during pregnancy, they expose their unborn child to the risk of suffering one or more of the fetal alcohol spectrum disorders.

It is vitally important for all women to know that fetal alcohol spectrum disorders are the No. 1 preventable cause of mental retardation and birth defects. An individual with fetal alcohol spectrum disorders can incur a lifetime health cost of over $800,000. Children do not outgrow fetal alcohol disorders; the physical and behavioral problems can last a lifetime. When a pregnant woman consumes alcohol, it passes through her bloodstream to the unborn child. It can cause damage to the brain. It can result in low birth weight. The child, when he or she is born, may have trouble sleeping, may have trouble eating. As the child matures, he or she can have problems learning, paying attention. Some even need lifelong medical care.

It should be stressed that there is no woman who is genetically immune from the consequences of consuming alcohol during pregnancy. The message is very clear, it is very simple: In pregnancy, no amount of alcohol, no matter how small, is safe. There is no safe time. There is no safe drink. There is no safe amount. The message is, if you are pregnant, do not drink. If you drink, do not get pregnant.

Yesterday afternoon, the President of the United States wrote a message to all of those observing National Fetal Alcohol Spectrum Disorders Awareness Day. I ask unanimous consent the text of the President's message be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 8, 2004.

I send greetings to those observing National Fetal Alcohol Spectrum Disorders Awareness Day on September 9, 2004.

Children are a precious gift and a source of great hope for our future. To preserve their dreams and their health, we must continue to work together to increase awareness about the dangers of alcohol consumption by expectant mothers. This observance helps to educate the public about Fetal Alcohol Syndrome and its effects, such as learning disabilities and mental illness, and promote healthier communities.

I applaud all those involved for your compassion and your dedication to improving the health and well-being of our children and their parents. Your efforts bring comfort to countless families and help make America a better place.

Laura joins me in sending our best wishes.

GEORGE W. BUSH.

Ms. MURKOWSKI. Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Ohio.

Mr. DEWINE. Madam President, let me first commend my colleague from Alaska as well as my colleague from South Dakota for their very excellent statements about a problem that I understand affects their States but certainly affects every State in the Union. I hope their comments today will be of help. I know their efforts will certainly help. It is, as my colleague from Alaska has so eloquently said, very preventable. It is something that we who have the opportunity to use this bully pulpit of the Senate, as Theodore Roosevelt would say, can talk about to educate and inform people about the problem and that it is, in fact, preventable.

HONORING OUR ARMED FORCES

SPECIALIST CHARLES E. ODUMS II

Mr. DEWINE. Madam President, I come to the Senate today to pay tribute to Army SPC Charles Odums, II, who lost his life in the service of our country in Iraq. At times like this, I am reminded of a speech President Ronald Reagan gave on Veterans Day many years ago. He said:

> It is, in a way, an odd thing to honor those who died in defense of our country, in defense of us, in wars far away. The imagination plays a trick. We see these soldiers in our mind as old and wise . . . . But most of them were boys when they died.

SPC Charles Odums was 22 years old when he died after an improvised explosive device detonated near his patrol in Baghdad, Iraq. Today, I rise to remember this brave young man, who was taken from us much too soon.

Charles, or "Chuck" as he was known by family and friends, was an ambitious kid who always tried to do the right thing. Friends lovingly remembered him as the "sweet and quiet boy who would do anything that was asked of him." He came from a close-knit family and developed an especially strong bond with his younger brother, Robert. The two loved to ride their motorcycles and talk of their big plans for the future. They were going to be millionaires.

Chuck went to Sandusky High School and graduated in 1999. While there, he played football and participated in track. He was the likable guy everyone wanted to be around. Chuck's coach, Brett Fuqua, remembered him as a hardworking young man who would run a marathon if asked. Chuck was always willing to do whatever needed to be done.

After high school, Chuck enrolled at the University of Toledo. While there, he met the love of his life, Melanie, and the two married in December 2001. Chuck remained in college for more than one year, but found that it wasn't for him. After much consideration and much time talking it out with his parents, he decided to enlist in the Army.

Though this would be a difficult decision for anyone to make, Chuck knew it was the right one for him. Brett Fuqua described Chuck's reasons for enlisting this way:

> He didn't do it because it was glamorous. He didn't do it because he would be a hero. He did it because he believed it was his duty to defend the freedoms that define America: the freedom to worship, to speak freely, to be safe.

Chuck was assigned to the 1st Battalion, 8th Cavalry Regiment, 1st Cavalry Division, where he worked as a medic and driver. His comrades called him "Odie" or "Doc," and they knew they could trust him with their lives. In fact, during his time in Iraq, Chuck was credited with saving three lives and helping countless others. His commanding officer recalled that Chuck would steer his Humvee in such a way that suspicious bumps in the road would pass under the driver's side—his side—putting Chuck in danger rather than his passengers.

While overseas, Chuck made sure to keep in touch with his family by phone or e-mail, and his parents made sure they held on to everything he sent them. In the binder that they now cherish, Annie and Charles Odums have pictures of their son serving in Iraq. In one, Chuck, in full gear, is waiting on a helicopter landing pad for his transport to arrive. In another, he stands guarding an Iraqi man while other soldiers search for a weapons cache. Chuck's e-mail read: "Well, I'm doing good out here."

While Chuck was in Iraq, he was careful of what he told his mother. He knew she would worry. Chuck missed his parents, his brother and sisters, but especially his wife Melanie. Melanie and Chuck were already planning what they would do when Chuck's enlistment ended. They both wanted to start a family. Chuck had dreams of becoming a police officer. No matter what they decided to do, Chuck and Melanie were looking forward to being together.

After Chuck was killed, in his hometown of Sandusky, OH, thousands of people gathered to show their support for the Odums family and to honor Chuck. They lined the street for the funeral procession and placed flags in their yards. One woman held a sign that read: "Thank you, Charles, God bless America." Veterans groups saluted the fallen comrade and many held their hands over their hearts.

One Sandusky native, Debra Churchwell, took her grandchildren, nieces, and nephews to watch the funeral procession. When asked why she brought her family, she replied: "I want them to see a part of history because they'll never see this again. I pray to God they never see this again." No one wants to see this again.

I know Chuck will live on in the hearts of his many friends and his family, especially his wife Melanie, his mother Annie, father Charles, brother Robert, and sisters Janel, Sophia, Candie, and Tashica. Chuck is an American hero who will live on in all our hearts.

Madam President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I would like to inquire about the time remaining and how it is divided.

The PRESIDING OFFICER. There is 7 minutes remaining on the Republican side and 30 minutes remaining on the Democratic side.

Mr. LOTT. Madam President, I do not want to use all that time if others have a need to come and make comments, but I do have a couple issues I would like to speak on briefly this morning.

TRIBUTE TO SUSAN WOOTEN WELLS

Mr. LOTT. Madam President, I rise to pay tribute this morning to Susan Wooten Wells, a native of Jackson, MS, who today is marking her 30th year on my staff.

Many of you knew Susan when she worked with me in the leader's office. She started off as a scheduler but over the years worked up to be executive assistant and then was administrative assistant in the majority leader's office. Today she serves as the majority staff director of the Senate Rules and Administration Committee, and she has overseen a lot of the moves and renovations and has worked with Senators and their staffs on a number of issues over the past year and a half, and has done a wonderful job.

I first met her in 1974, when she was starting out, teaching eighth grade English in my hometown of Pascagoula, MS.

Despite the fact she is an alumnus of the other university in my State, Mississippi State University, and I am a graduate of the University of Mississippi—she is very proud of that institution, and she points out that comedian Jerry Clower and thriller author John Grisham and Washington Redskin Fred Smoot are also graduates of that university, so over the years we have had fun picking at each other about our alma maters—she came to Washington and worked with me for what was supposed to be 1 year, helping me out in a crunch to get my staff filled and to do the scheduling.

Well, here she is 30 years later. She has had a tremendous influence on my office operations, on my life, and I believe on this institution. I am very proud of the fact she went from being an English teacher—and helping me with my English along the way—to being a real leader on my staff for these many years.

In fact, I refer to her as my Mikey, from the old television commercial. I used to call Paul Coverdell, the great Senator from Georgia, Mikey because if we had a task nobody else wanted or would not do, Mikey would do it. Well, that has been Susan on my staff. If there needed to be something done and we wanted it done right, Susan would handle the job.

When I decided years ago to bring 150 Mississippians to annual events here in the city for a day-long seminar, she made it happen. When I decided to bring in entire communities from Hancock County to cook gumbo for the congressional community once a year, she got the assignment, and she made it happen. It turned out to be a tremendous event. A lot of people enjoyed it and everybody benefited from it. In the process, she did go from being one of the staff members to being a real leader in the majority leader's office.

She helped expedite the construction of the Capitol Visitor Center. I believe history will look back on it, when it is completed, as one of the wisest things we have done in maybe 100 years in terms of this Capitol and the security of our constituents, their convenience and safety and education as they see this building and all it stands for. She oversaw a lot of the Capitol restoration, including changes in this Chamber. She helped me with the Leader's Lecture Series which turned out to be an acclaimed program of oral history lectures by former Senate leaders and Vice Presidents.

Parts of our public and private lives over this time obviously have been intertwined. We have shared three decades of America's triumphs and three decades of accomplishments for our beloved State of Mississippi. Together we have also endured tragedies that have befallen our country and our families. In fact, last month the love of her life, Milton Wells, passed away, and I shared her grief at that moment and continue to work with her as she comes through this difficult period.

Throughout this time she has been loyal, she has been respectful. She has been very helpful to many people. I could not let this day pass without making a public record of my appreciation for Susan Wooten Wells and her service to this institution.

So many times we forget to say thank you to the people who are on our staffs, who work day in and day out for us, the people in this Chamber, the people who make this place function, who serve us and help us in so many ways. We should not forget to say a small word of thanks.

HIGHWAY LEGISLATION

Mr. LOTT. Madam President, I was pleased to see the majority leader say yesterday he was still holding out hope we could get a highway bill completed before we go out for the election. To me this should not be about the election, but it should be a major focus of what we are doing. Another week is about to go by without any real apparent movement on the highway bill. Why? Why isn't the conference getting this job done? It would mean jobs instantly from Alaska to Mississippi and from Maryland to California, because the projects are ready to go, but the money and the new authorizations and new formulas are not in place.

Some suggestion was made yesterday, perhaps we could get together with the House and Senate, the President, and do a 1-year extension. Why? Why would we want to extend the current program? It needs to be bigger and better. It needs to be updated. We haven't done this now in 4 or 5 years. It is time to have a highway bill.

It is not only about highways. It is about highways and bridges and abutments and public transportation and innovative programs that take advantage of modern technology. We need to upgrade this law.

One other thing. Every day that passes, every week that passes, people are being killed on highways because they are not modern and are not safe. That is what drives me the most. I know too many cases of people who have died on narrow, hilly, inadequate roads in my State and I am sure all over the country.

I am not going to let up on this. As long as we are in session, I am going to keep asking the question: Why aren't we doing a highway bill? There is plenty of blame to go around. But there is no need to get into that. I want to give credit. I want to praise the chairman of the committee and the ranking member, Senate and House, and the leadership for getting the job done. But I don't think that is happening. I don't quite understand why.

Is there some decision that has been made, some silent conspiracy to extend it, do it another day? Maybe we could get more money next year. Maybe we could raise taxes next year and get it even bigger.

Of all of those, if that is the thought, that is wrong. We need to get a bill that is at a level we can defend as being one that is going to be paid for by gasoline taxes, how we use the trust fund, maybe some changes in how that is handled, but we need to find a way to get it done now. We should find a bill the House can pass, the Senate can pass, and the President can sign. Let's do it and let's do it now.

We could complete this bill within a week. Why don't we do it?

The PRESIDING OFFICER. All time has expired on the majority side.

The Senator from Nevada.

Mr. REID. Madam President, I will take 2 minutes from our side. I have already allocated that.

Let me simply say, I appreciate my friend from Mississippi trying to be a leader of the Senate, being chairman of a committee, doing all those things he is very capable of doing.

The fact is, there is blame to go around on the highway bill. I hope we can pass a bill. I hope we can finish the conference. But let's understand why we are in the predicament we are in today.

The Senate passed a bill of $318 billion—not a Cadillac version, probably a low level Chevrolet or Ford, barely enough to keep the functions of our transit highway systems together. That bill, passed with four or five dissenting votes, did not increase the deficit 2 cents, not 1 cent. It did not increase the deficit. Suddenly, out of nowhere, the President said he will veto the bill. You figure that one out. No one else can.

As a result, the President has locked in a number. He was at 256. Now they have a number that is 289. They say it is 299, but it probably isn't. It doesn't allow the highway and transit functions to go on.

We are trying. I spent time with Senator INHOFE on Tuesday and Wednesday. Hopefully something can be arrived at. But at that number, it is very difficult, if not impossible, to do.

The Senator from Oklahoma and I have an agreement. That agreement is, if I don't like the bill, he is not going to support it. If he doesn't like the bill, I am not going to support it. That is one of the arrangements we made to go to conference.

I am doing everything within my abilities. I have been chairman of the full committee on two separate occasions. I am speaking for the chairman of the committee, Senator JEFFORDS. I am doing everything within my power to come up with an arrangement so we can have a highway bill. But unless it is good for the country, I am not going to approve it. That is the arrangement Senator INHOFE and I made. If people don't like it, that is part of what goes on around here. We have to work with each other on different issues.

Let me finally say: I have the greatest respect for my friend from Mississippi. But he has not been in on all the arrangements we have made on this bill. It has been very difficult. It was hard to complete the bill at $318 billion. As we were doing the $318 billion legislation—this is a 6-year bill—the House was talking about $375 billion. I was not able to hear all of the comments of the Senator from Mississippi. I was with Senator DOMENICI working on the energy and water bill. But I do not apologize to anyone for what the Senate did on a $318 billion highway transit bill that was approved by this Senate overwhelmingly because it was a good bill.

I am sorry. For reasons I dare anybody to determine why, a bill that doesn't increase the deficit at all, the President says it is too much money. I will not get into some of the reasons I believe he did this other than to say I am going to continue to work to see if we can come up with a bill. I will do everything I can. But I am laying out as much as I can the position we find ourselves in today.

How much time did I consume?

The PRESIDING OFFICER. The Senator consumed 3½ minutes.

Mr. REID. The Senator from New Jersey then would have 18 minutes. The Senator from Arkansas will have 8½ minutes. I think that works out right.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

FLIP-FLOPPING

Mr. LAUTENBERG. Madam President, this morning I rise to talk about something that we heard quite a bit about these days. The subject is flip-flopping.

Flip-flopping is kind of an easy thing to identify. During a recent convention, we heard an irate Senator make an angry speech declaring that it is not what you say but, rather, what you do that counts. You flip-flop when you make promises and fail to fulfill them.

In my 20 years in Washington, there has not been more flip-flopping in a President's office than we have seen in that of President George W. Bush. He calls others flip-floppers, but President Bush needs to look in the mirror, because on issue after issue he has given a new meaning to flip-flop. The President essentially says: Forget what I said the first time, I may change that very soon.

Let's start with one of the earliest and cruelest flip-flops: education. It is cruel because the victims of the President's broken promises are our Nation's children.

The flip was a bold promise of an education bill called No Child Left Behind, with the expectation that the program would produce more money for kids who deserve a quality education.

In July 2001, I quote President Bush when he said he was dedicated to "increasing funding for public schools." Then came a whopper of a flop when he refused to provide the funding promised in the No Child Left Behind Act. President Bush's 2005 budget underfunds education by $9.5 billion.

The next flip was in March of 2001, when President Bush promised our Nation's seniors not to touch the Social Security surplus. In March 2001, President Bush said:

> We're going to keep the promise of Social Security and keep the Government from raiding the Social Security surplus.

Flop: He broke that promise and proposed diverting billions in Social Security surpluses to other programs in the budget.

Flip: He promised to create more jobs for our Nation, but he flopped and has done nothing to create jobs. We are now seeing the first President to have actually lost jobs during the course of his administration since the dark days of Herbert Hoover. His administration ran from 1929 to 1933.

Flip: President Bush has repeatedly promised to pressure OPEC to lower gasoline prices. When he was running for President, Governor George W. Bush said:

> What I think the President ought to do is he ought to get on the phone with the OPEC cartel and say we expect you to open your spigots. . . . And the President of the United States must jawbone OPEC members to lower the price.

Flop: Over the course of this administration, the average cost of a gallon of gasoline has skyrocketed from $1.47 a gallon to $1.87 a gallon. President Bush's failure to keep prices down is costing families hundreds of extra dollars per year.

Flip: President Bush pledged to push to renew the ban on deadly assault weapons. In April of 2003, White House spokesman Scott McClellan said:

> The President supports the current law, and he supports the reauthorization of the current ban.

So the flip was that President Bush pushed to pledge to renew the ban on the deadly assault weapons. In April 2003, we heard what Scott McClellan said.

Flop: The ban on assault weapons is set to expire in a few days, and President George W. Bush has not lifted a finger to get Republican leaders to pass the bill in Congress. We know that one in five police officers killed in the line of duty are killed with an assault weapon.

We see the promises here on this chart. On this side are the flips, and we see the flops on this side. It is not just domestic issues that the President has flip-flopped on. When it comes to foreign affairs, the defense of our Nation, our Nation's veterans, President Bush has flip-flopped more than he has stayed the course.

One flip was the Department of Homeland Security. That was designed to protect us at home while we sent our troops abroad to protect us from terrorist activities overseas. President Bush strongly opposed creating the Department of Homeland Security in March of 2002. His spokesman said that a Homeland Security Department "doesn't solve anything."

Flop: Three months later, the President said he wants a Homeland Security Department, saying it is critical to protecting the American people.

Of course, those of us who follow this game know the President flip-flopped on this issue and it is part of a political scenario.

Flip: President George W. Bush opposed the creation of the 9/11 Commission. That is right, he opposed it. In April of 2002, President Bush said he was against the creation of the 9/11 Commission.

Flop: After increased political pressure, the President said he supported creating the 9/11 Commission in September of the same year.

The President even flip-flopped on catching the man who murdered 3,000 Americans, Osama bin Laden. In September of 2001, George Bush said he wanted Osama bin Laden "dead or alive." He said, "I want justice. There is an old poster out West, I recall, that says 'wanted dead or alive,' " when he was talking in September of 2001. But in March of 2002 he said, "I don't know where he is. You know, I just don't spend that much time on him. . . . I truly am not that concerned about him."

I can tell you that the families of the 700 people from the State of New Jersey who lost their lives thought about Osama bin Laden, and they think about him every day and night—the children who have no father, the spouse who has no mate. That is an outrageous comment.

Of course, then there was the major flip, known as "mission accomplished." If I can interpret that, he said: Rest easy Americans, there will be no more deaths and casualties, no more injuries that will last a lifetime.

The President announced that major combat operations in Iraq were over during a political appearance on an aircraft carrier.

Reality flopped him there—a tragic reality. Since declaring "mission accomplished" on May 1, 2003, we have lost 864 people in Iraq. Tell those families that the mission is accomplished. Tell them they have nothing to worry about. What they have is an empty home and an empty heart. Tell those families that the danger is over.

On the war on terror, President Bush flip-flopped again. One day in the same week he said he doesn't think we can win the war on terror. I believe that was a Monday. A day or two later, he flopped and said: Oh, no, we can win the war on terror.

What is it, Mr. President? Can we win or can we not win? Don't disrupt the morale of the people serving over there by discouraging comments such as we cannot win and then boldly say, heck, why did I say that?

He flip-flops on veterans issues as well. Just this month, he told the American Legion:

> All our Nation's veterans have made serving America the highest priority of their lives, and serving our veterans is one of the highest priorities of my administration.

But what has the President quietly done? His plan for 2006, which is out there already—the budget year—is to cut veterans health care by $910 million after the election. None of this came out publicly before. You have to search to find it. The evidence is in an OMB memo that reveals the President's budget plan for 2006. President Bush has also doubled copays for prescription drugs for many veterans.

I served in a war a long time ago, and I say to my fellow veterans across the country: President Bush is talking the talk, but he doesn't walk the walk. Just as he failed to answer the call to combat during Vietnam, he is failing our veterans as President.

Behind the scenes here in Washington, President Bush is undermining veterans health care, and one thing that particularly enraged me was when I tried to make flag-draped coffins available to be photographed by the news media for those who gave the ultimate sacrifice on the battlefields of Iraq, who deserve a last tribute from their country, a flag on their casket to tell their families they died honorably, President Bush would not allow it. He refuses to allow the public to see the flag-draped coffins arrive on our shores, such as in Dover, DE. That is where the bodies are brought back home.

I will never forget President Reagan's funeral, the deliberate care the honor guard took when they folded the flag crease by crease, and finally the last person in the line put it into a triangle and walked stiffly over to Nancy Reagan and gave her the flag. She was beaming.

I was at Arlington National Cemetery, where a young soldier was being buried. I joined his family. It was the same way: The honor guard folded the flag crease by crease, and finally gave the triangular-folded flag to the young man's mother. Although she was crying, she was beaming with pride that this last tribute was given to her son. But the White House is saying: No, we do not want the American people to see those flag-draped coffins because it tells the truth about the cost of this war. The administration wants those images hidden because it is not good for reelection.

President Bush uses a lot of broad language and imagery when he speaks. It makes him sound determined and decisive, but when you get behind that facade and look at the actions, you see flip-flop. Make no mistake about it, George W. Bush knows exactly what flip-flopping is. It takes one to know one.

I close with the comment about an election that took place a few years ago in Georgia when a beloved comrade of ours—no legs, one arm left after his tour of duty in Vietnam—lost an election because he was declared to be soft on defense. The words almost were unpatriotic, and he lost an election because he was soft on defense—three limbs left behind in Vietnam, an American tragedy of the worst order.

Now the same thing is happening with our colleague, Senator JOHN KERRY, in trying to paint him as soft on defense, unwilling to support the soldiers, unwilling to buy the material that is needed to protect themselves. It is an insult not just to those veterans but to every American. Those are the actions of a chicken hawk. I had a drawing of a chicken hawk here. A chicken hawk is someone who makes wars for other people to serve.

We know President Bush's record is very hard to come by. It is all obscured with was he there or wasn't he there. We know one thing, he wasn't there more than he was there.

Vice President CHENEY had five deferments and said, during that war when Americans across our country were being called on to fight to perhaps sacrifice limb or life, he had other priorities. It is a bad game, but I hope the American people will be aware of what is taking place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There are 9 minutes 20 seconds remaining.

The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the submission of S. Res. 420 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

SALES TAX

Mr. FRIST. Mr. President, this morning with my opening statement, I noted that most of the next 22 days on the floor of the Senate will focus on the safety and security of the American people. In addition, at the conference level, there are a number of other issues being discussed—like the FSC/ETI JOBS bills and the transportation bill for example. I want to speak to the FSC/ETI JOBS bill very briefly.

There is a provision in that bill that is very important to families and workers all across Tennessee. It has to do with the deductibility of sales tax. Senator HUTCHISON, Congressman BRADY and Congresswoman BLACKBURN have all worked tirelessly on this issue. The majority leader in the House, Congressman DELAY, has as well. I thank them all for their continued leadership. And I appreciate all they have done to see that State sales tax deductibility was included in the House version of the JOBS bill.

I have heard from countless Tennesseans about their adamant desire to be able to deduct sales tax from their Federal income tax. Again and again it comes back to a matter of equity and fairness. Mr. Henry Branch from Goodlettsville, TN wrote to me, Senator ALEXANDER and Congressman JIM COOPER with his one request.

His words:

> I hold that sales tax deductibility should be very seriously considered since continuation of the current status penalizes citizens of all states not having a broad-based income tax. I simply ask that all of you work together to remove the inequity.

A matter of equity.

Mr. James Griggs from Nashville writes:

> I cannot conceive of a single reason why states that use a different type of tax system should be punished for it. It seems to me to be a clever ploy to force states into using income taxes instead, a position I strongly stand against. In my opinion, citizens should be able to deduct any kind of tax they pay.

A matter of fairness.

Mr. Robert McCulloch from Knoxville writes:

> Having just completed my Federal income tax return for 2003, I am once again reminded how unfairly treated are the good citizens of Tennessee.

As all of these fine Tennesseans point out, enactment of this provision will restore a measure of fairness to the Tax Code that existed up until 1986, but was lost at that point in time. The current Federal Tax Code unfairly encourages States to impose an income tax because part of that cost is borne by the national Treasury. This is wrong. The Federal Government should be neutral on how States decide to raise revenue. States should be able to decide for themselves without the intrusion of Federal tax policy. We must restore equity and fairness to the system.

It also is consistent with the principles of fairness to all taxpayers. Deductibility for State sales taxes was eliminated in 1986, but deductibility for State income taxes was retained. It is long past time to fix this fundamentally unfair and counterproductive result.

If someone at any time wants to debate whether the Federal Tax Code should allow a deduction for any State and local taxes, whether it is a sales tax or an income tax, be that as it may, that debate could take place. But there is no principled reason why sales taxes should be denied a deduction that is applicable to income taxes.

Equally important, including the deductibility of sales tax will also provide a direct boost to consumers and to our economy. For example, in Tennessee alone, almost one-quarter of all taxpayers would receive an average benefit of $470 each. Citizens in States such as Texas, South Dakota and Tennessee could use that money to buy school supplies, to invest in their businesses, to make a downpayment for a car, to pay off some of those credit card bills.

This provision takes relatively little from the Federal Treasury but monumentally changes the lives and livelihoods of the 54 million Americans living in States that have chosen not to impose an income tax.

FSC/ETI JOBS CONFERENCE

Mr. FRIST. I am hopeful that the House will appoint its conferees to the FSC/ETI JOBS conference so we can start producing this important conference report which affects manufacturing jobs throughout America. I am optimistic that when the conference report is finished, it will include this very important provision on State sales tax deductibility.

I yield the floor.

SALES TAX DEDUCTIBILITY

Mr. DASCHLE. Mr. President, I rise to talk about a matter of simple tax fairness for the citizens of my State.

South Dakota, like several other States, has no State income tax. Our State relies on sales tax to pay for schools, police departments, and other critical needs.

While people in other States can deduct their State income taxes from their Federal taxes, people in States without income taxes do not get a corresponding deduction for the State sales tax that they pay. Those people are losing out on a deduction they deserve.

I strongly support fixing this unfairness, and last year I and a number of my colleagues introduced a bill to do that. I also agree with the bipartisan group of my colleagues—including Senators FRIST, HUTCHISON, CANTWELL, MURRAY, and ENZI—who point out that we can fix this problem now in the FSC/ETI bill. The sales tax fix will be part of that conference.

We in the Senate have appointed conferees and are ready to roll up our sleeves and get to work on the conference. However, the House has yet to appoint conferees so our work can begin.

I do not understand what the House is waiting for because this is important legislation, and I urge them to act quickly so that we can address both the broader bill and the State sales tax issue very soon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENSIGN). Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I thank all Senators for their cooperation in the handling of the bill yesterday. We made progress in disposing of several amendments. We also achieved a very important milestone in the handling of the bill. We have an agreed list of amendments that are in order to the bill. This will limit the offering of amendments to only those on the list. We appreciate very much Senators permitting us to enter that order last evening.

The bill provides total new budget authority for fiscal year 2005 of $33.1 billion to fund the Department. In addition, an estimated $2.9 billion in collections from offsetting collections from user-financed services, Customs duties, and trust funds will be available to finance activities of the Department for fiscal year 2005.

Excluding mandatory appropriations for retired pay of the United States Coast Guard, the bill provides $32 billion in discretionary spending, consistent with the amount allocated by the full committee for this bill. This is $896 million more than the President's fiscal year 2005 discretionary spending request; and $2.8 billion more than the fiscal year 2004 appropriations level, excluding emergency supplemental appropriations and including a $1.6 billion increase in the availability of advance appropriations for biodefense countermeasures.

The additional amount above the President's request level is used to increase funding to assist State and local first responders, to enhance aviation security, to harden critical infrastructures that are potential targets to terrorists, and to better secure our ports and waterways.

The bill also attempts to address the most critical outstanding need, that of rail and transit security. This proposal includes $150 million for rail and transit security grants; $34 million for high explosives countermeasures, including $24 million for commuter and passenger rail environments; $194 million for protective actions, including protective measures for rail; and $15 million for rail inspectors and canine explosives detection teams.

The bill recommends $632 million for management and operations of the Department, including $65 million requested by the President to continue to consolidate the Department's headquarters operations at the Nebraska Avenue Complex.

To secure our Nation's borders and enforce and investigate customs and immigration laws, the bill recommends total appropriations of $8.7 billion, including $5 billion for the Bureau of Customs and Border Protection and $3.4 billion for the Bureau of Immigration and Customs Enforcement. This includes an increase of $50 million more than the request level for the Federal air marshals.

An increase of $64 million is provided for the container security initiative. This initiative seeks to enhance the security of an indispensable, but vulnerable, link in the chain of global trade: the oceangoing shipping container. Proactively screening containers before they reach the United States will significantly contribute to efforts to secure the borders against dangers that might be introduced through commercial trade. A more secure maritime trade infrastructure will ensure the continued smooth flow of merchandise through seaports.

The illegal alien population of the United States has risen to record levels. According to the Department, the undocumented alien population has grown from approximately 3 million in 1990 to an estimated 9 million today. This bill provides $107 million in additional resources for detaining and removing such individuals from this country.

The bill also provides $478 million for the Federal Protective Service, which is the same as the President's budget request, to ensure a safe and secure workplace for Federal employees.

Also included is $340 million for U.S. VISIT, the new system to identify and track foreign visitors and students and to screen for possible terrorist or criminal involvement.

In new budget authority $140 million is provided for Citizenship and Immigration Services in addition to the $1.5 billion estimated in collections available for these operations.

For the Transportation Security Administration, TSA, responsible for ensuring security across the U.S. transportation system, including aviation, railways, highways, and ports, the bill provides total funding of $5.2 billion, $184 million more than the President's budget request, and $648 million more than the fiscal year 2004 level. In addition, it assumes $400 million less than the President's request in offsetting aviation security fee collections. While the bill does not contain the President's requested legislative proposal to mandate the level of fees, it does require the General Accounting Office to initiate review activities necessary to resolve the appropriate level of fee collections based on calendar year 2000 airline security costs.

Over 53 percent of the funds made available for TSA are provided for Federal screeners at our Nation's commercial airports. This includes $2.8 billion for aviation security personnel compensation and benefits, and training of passenger and baggage screeners. Also provided for aviation security is $161 million for passenger checkpoint support and $210 million for the purchase of baggage explosive detection systems.

For airport security direction and enforcement, $872 million is provided, including $293 million for airport information technology support, $25 million for Federal flight deck officer training, and $43 million for air cargo security and enforcement.

For maritime and surface transportation security activities, the bill provides $55 million for transportation worker identification credentials; $15 million for rail security efforts; $17 million for hazardous materials driver license endorsement program; and $24 million for maritime and land security staffing, operational oversight, and administration of maritime and land grant functions.

To further improve transportation security, $181 million is provided for research and development of the latest technologies to detect and deter terrorist attacks, including $57 million for research and development of next generation explosive detection systems, and $75 million for research and development of new technologies to screen air cargo.

This bill provides nearly $7.5 billion for the United States Coast Guard, including $5.2 billion for military pay and operation of bases and $1.1 billion for upgrading and replacing the Coast Guard's cutters, helicopters and planes.

Currently, the Coast Guard is deployed in support of operations in Iraq, is conducting its new homeland security mission, and is maintaining its traditional missions such as marine resource protection and drug interdiction.

The Coast Guard's deepwater recapitalization program is funded at $776 million, $98 million more than the President's request level.

For the United States Secret Service, the President's budget request of $1.2 billion is fully funded to support the Service's protective and investigative missions.

For the Federal Law Enforcement Training Center, $224 million is included to provide preeminent law enforcement training to more than 20,000 Federal law enforcement professionals in the coming fiscal year.

To further strengthen the capacity of the Nation's first responders, a total of $3.7 billion is provided for the new Office of State and Local Government Coordination and Preparedness, created by the Secretary of Homeland Security through the use of his reorganization authority. The Department's grant programs have been consolidated under this new office. Included in the amount recommended is $1.37 billion for State and local basic formula grants, including law enforcement terrorism prevention grants; and $1.2 billion for urban area security initiative discretionary grants.

Within the urban area security initiative, specific funds have been provided, $150 million for port security grants, $150 million for rail and transit security grants, $15 million for trucking security grants, and $10 million for intercity bus security grants.

The bill also provides $700 million for firefighter assistance grants and $180 million for emergency management performance grants. Both of these programs are continued under the consolidated office as stand-alone programs.

The bill provides over $5.6 billion for programs and activities of the Directorate for Emergency Preparedness and Response which was created with the transfer of the Federal Emergency Management Agency, FEMA, to the new Department of Homeland Security. This appropriation includes over $231.499 million for preparedness, mitigation, response and recovery activities, including $30 million for 28 strategically located urban search and rescue teams.

Disaster assistance is funded at $2.151 billion, as requested in the President's budget. The President's request of $2.15 billion is based on the historical yearly average of $2.9 billion, and relies on an anticipated carryover balance from the previous year to meet the needs of disaster victims.

Previously appropriated funds of $2.528 billion, will be available for fiscal year 2005 for Project BioShield to spur the development of biodefense countermeasures.

In addition, the bill assumes the transfer of the Strategic National Stockpile to the Department of Health and Human Services, as proposed in the President's budget.

For the Department's information analysis and infrastructure protection activities, the bill recommends $876 million to identify and assess current threats to the homeland, map threat information against current vulnerabilities, issue timely warnings, and take preventive and protective action.

A critical component of IAIP is the development and implementation of protective actions for the Nation's critical infrastructures. The bill provides $193 million to carry out activities including the buffer zone and site security program for protection of chemical facilities, nuclear power plants, nuclear spent fuel storage facilities, water treatment facilities, bridges, subways, tunnels, and other critical infrastructures.

To identify these critical infrastructures and their vulnerabilities, to assess identified risks, and to deploy a database of critical infrastructures, the bill provides $65 million.

The bill provides $92 million to allow for the Department to share data with infrastructure owners and operators regarding vulnerabilities and for the hosting of departmental applications, network connectivity, and critical data storage.

As part of the effort by IAIP to better secure not only physical assets but also cyber assets, the bill includes $67 million to monitor, predict, and prevent cyber attacks, to minimize the damage from and to efficiently recover from attacks.

For science and technology, total appropriations of $1.1 billion are recommended to support homeland security through basic and applied research; to develop prototypes; and to procure technologies to detect, destroy, dispose, and mitigate the effects of weapons of mass destruction.

Of this amount, the bill provides $346 million for biological countermeasures to deter, detect, and mitigate acts of biological terrorism against the United States.

The bill also provides $128 million for nuclear and radiological countermeasures for use in operational environments; $52 million for the development of technologies to defend against attacks by chemical warfare agents or toxic industrial chemicals; and $34 million for high explosives countermeasures, including $24 million for rail security high explosives countermeasures.

A total of $75 million is made available for the rapid development and prototyping of new technologies in support of homeland security.

The bill also continues funding of $69 million for the establishment of a university-based system to enhance and strengthen the efforts of homeland security on our Nation's campuses.

Funding of $61 million is provided for research, development, testing, and evaluation of an anti-missile system for commercial aircraft.

Mr. President, I know other Senators wish to speak on the bill, and some want to make opening statements. I think particularly the distinguished Senator from West Virginia has a statement to make on the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3597

Mr. BYRD. Mr. President, on behalf of myself and Mr. LEAHY, Mr. REID of Nevada and Mrs. CLINTON, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself, Mr. LEAHY, Mr. REID, and Mrs. CLINTON, proposes an amendment numbered 3597.

Mr. BYRD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Fulfilling Homeland Security Promises)

At the appropriate place in the bill insert the following:

TITLE VI—ADDRESSING KNOWN VULNERABILITIES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Customs and Border Protection, Salaries and Expenses", $100,000,000, to remain available until September 30, 2006, of which not less than $50,000,000 shall be for purchase and deployment of radiation portal monitors, and not less than $50,000,000 shall be for staffing at the northern border in fulfillment of the USA PATRIOT Act and the Enhanced Border Security Act.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Immigration and Customs Enforcement, Salaries and

Expenses," $11,000,000, to remain available until expended, for detentions and removals.

FEDERAL AIR MARSHALS

For an additional amount for the Federal Air Marshals, $50,000,000.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $100,000,000, to remain available until expended, for activities related to screening passengers and carry-on baggage for explosives.

TRANSPORTATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $4,000,000, for hazardous materials security grants.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements," $324,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for "State and Local Programs," $665,000,000: Provided, That of the amounts made available under this heading: $440,000,000 shall be for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security; $125,000,000 shall be for port security grants; and $100,000,000 shall be for grants for interoperable communications equipment.

SECURITY ENHANCEMENTS FOR HIGH-RISK NON-PROFIT ORGANIZATIONS

For discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high risk of international terrorist attack, $50,000,000.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses related to mass transit, freight and passenger rail security grants, including security grants for AMTRAK, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, $350,000,000.

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants," $46,000,000, to remain available until September 30, 2006.

EMERGENCY PREPAREDNESS AND RESPONSE

FIREFIGHTER HIRING GRANTS

For activities authorized by section 34 of The Fire Prevention and Control Act of 1974 (15 U.S.C. 2001 et seq.), $100,000,000, to remain available until expended.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

ASSESSMENTS AND EVALUATIONS

For an additional amount for "Assessments and Evaluations", $200,000,000, to remain available until September 30, 2006, of which $100,000,000 shall be available for chemical facility security improvements; of which $100,000,000 shall be available for grants to States, municipalities, or intermunicipal or interstate agencies for security improvements to address known vulnerabilities to water systems.

Mr. BYRD. Mr. President, the President of the United States has been out on the campaign trail asking the question, is America safer? That is a good question. Is America safer? That is a good question. President Bush concludes that America is safer. He pats himself on the back, wraps himself in the flag, and tells Americans that he is a war President and that we should trust him.

The President is asking himself the wrong question. He asserts that America is safer. Well, safer than what? Safer than we were on September 11, 2001?

In August of 2001, while in Crawford, TX, the President read an intelligence report providing clear warnings that al-Qaida was preparing to attack the United States. Yet, tragically, on September 11, 2001, Americans were not safe. Therefore, telling Americans that we are safer than we were on September 11 is not much of an accomplishment. Making America safe is not that simple.

The President should be asking himself, in the 3 years since the terrorist attacks of 9/11 have we been taking the prudent steps necessary to address the clear and present dangers that we face right now and that we know of right now? Last week President Bush said:

> This election will also determine how America responds to the continuing danger of terrorism—and you know where I stand. Three days after September 11 I stood where Americans died in the ruins of the twin towers. Workers in hard hats were shouting to me, "whatever it takes."

The President said:

> Since that day I wake up every morning thinking about how to better protect our country. I will never relent in defending America, whatever it takes.

Rhetoric is easy. Rhetoric is cheap. But the followup is hard. If the President meant what he said last week he would not be satisfied with a bill that cuts funds for first responders. He would not be satisfied with a bill that leaves first responders unable to communicate. He would not be satisfied with a bill that leaves airline passengers worrying about explosives on board, or that fails to adequately invest in securing our ports, our chemical facilities, and our trains. We have to match talk with action and I hope the people will remember that, insist on it, and hold us responsible if we don't do it. And that goes for the President as well.

In response to authorization bills signed by the President but not funded, in response to 9/11 Commission recommendations, and in order to address well known vulnerabilities not funded in the committee bill, I have offered an amendment today that totals $2 billion and includes $586 million to equip and train our first responders and to address the interoperability radio communications problem. Consistent with the 9/11 Commission recommendation, all of these first responder funds will be allocated based on threat.

Moreover, I am adding $350 million to help secure our rail and mass transit system. Also included is $324 million to expedite the modernization of Coast Guard ships, planes and helicopters, bringing funding for the Deepwater program to the level recently authorized by Congress and signed by the President. Also included is $150 million for improved air security for purchasing equipment for screening passengers and carry-on baggage for explosives, consistent with 9/11 Commission recommendations.

How many people realize that we do not have the equipment that checks airline passengers for explosives? People may think that we do have it. We do not. We have equipment that checks passengers' carry-on for guns, metal objects, but not explosives. Now, remember that. Keep that in mind. So, included in my amendment is $150 million for improved air security for purchasing equipment for screening passengers and carry-on baggage for explosives.

Also, there is $125 million for port security grants, $111 million for border security for additional radiation detectors, additional border patrol personnel and for improved detention and removal, $100 million for hiring additional fire personnel, $100 million for securing our drinking water systems, $100 million for securing chemical facilities. In the Kanawha Valley in south central West Virginia there are chemical facilities. There is a great complex of chemical facilities, as great as any other in the Western Hemisphere, I would say.

Also included in this amendment is $50 million for grants to secure nonprofit organizations such as hospitals, colleges, churches and synagogues, and $4 million for hazardous materials and grants.

This amendment meets critical needs. It addresses vulnerabilities that we all know exist. And let there be no doubt. If we know that these gaps exist, so do the terrorists know these gaps exist.

It has been more than 2½ years since Richard Reed, the so-called "shoe bomber," tried to blow up a Miami-bound aircraft over the Atlantic Ocean with explosives that he carried onto the aircraft. Only last month, two Russian airplanes simultaneously were blown out of the sky most probably by Chechnyan terrorists who carried the explosives on board the aircraft. The 9/11 Commission report states clearly and succinctly that the threat posed to passenger aircraft by explosives being carried onto the plane is real. Yet the President has not responded, so the Senate must respond.

The additional $100 million in this amendment will significantly expand the effort to screen air travelers for explosives and chemical weapons. We know that newly developed passenger portals can detect whether passengers are carrying explosives. These systems have been tested, and these systems have been proven to work. We need the money to deploy these systems at our Nation's airports. Lives depend on it. Those of you who travel on aircraft, your lives depend on it.

Following the March 11 Madrid railroad bombing, the administration issued security bulletins to law enforcement officials and transit authorities warning of the danger of similar attacks here at home.

So that is what we did. We issued security bulletins.

Crowded trains are inviting targets for terrorists. Busy transit stations allow for easy access, anonymity, and quick escape. Yet the administration requested no new funding to secure mass transit facilities.

Your lives depend on it.

We cannot continue to deceive the American people. The American people believe they are being made safe. They undoubtedly believe the passengers are being examined, tested, and checked for carry-on explosives.

Under Secretary Asa Hutchinson said "millions of Americans travel by rail every day and recent world events highlight the need to ensure they are kept safe from acts of terror." Yet this White House proposed no new funds, just an unfunded mandate. Paper directives and press releases will not—will not—stop terrorists bombs.

On May 6, 2004, the Senate Banking Committee on a bipartisan basis approved S. 2453 which authorizes $5.2 billion for transit security. On May 21, 2004, the Senate Commerce Committee, also on a bipartisan basis, approved S. 2273 which authorizes $1.2 billion for additional rail security activities.

On a broad bipartisan basis, these committees have recognized the overwhelming need for this Congress and this administration to step up to the plate and robustly address the security threat facing our rail and transit systems. The President has not responded. The Senate absolutely must respond. So my amendment includes $350 million for transit security grants.

Three years now after 9/11, despite hundreds of firemen losing their lives in the World Trade Center because they could not receive emergency radio messages to evacuate, the Federal Government has contributed little to the efforts to solve the interoperability communications problem. In fact, the President proposes to terminate the Justice Department's Interoperable and Communication Grants Program and proposes no funding for fire departments and other first responders through the Department of Homeland Security.

What in the name of Heaven is the President waiting on?

This amendment provides $100 million for interoperable communications equipment. The Senate Commerce-Justice-State bill is expected to include $100 million for the COPS Program to improve interoperable communications for police departments. Why not make sure that police, fire, and emergency medical personnel can communicate with one another? The $100 million contained in my amendment meets only a fraction of the need. But it is a critical start.

While States can use their first responder grants to solve the interoperability problem, many States have not chosen to use first responder dollars to address this problem because of the complexity of multijurisdiction and multiagency purchases, and because of competing demands on first responder funds. In 2003, according to the Alliance in Support of America's First Responders, only 3 percent of the funding was dedicated for interoperable communications equipment. A separate funding source is required to overcome these hurdles. My amendment accomplishes that goal.

The 9/11 Commission recommends allocating first responder funds based on threat rather than on population. My amendment adds $440 million to the $875 million currently provided in the Senate bill for urban areas security initiative grants. These grants are targeted to cities that are determined to be at greatest risk of a terrorist attack, that have the highest number of critical assets such as tunnels, bridges, and chemical plants, and have population density. We need to get funds to places that are most at risk.

On August 1, the Department had such specific threat information that it moved northern New Jersey, Washington, DC, and New York City from Code Yellow to Code Orange. We must back up such targeted warnings with funds, and the Urban Area Security Initiative Program allows the Secretary to send funds where they are needed most—not based on formula but based on facts.

The Council on Foreign Relations report, authored by former Senator Warren Rudman, found that America will fall approximately $98.4 billion short of meeting critical emergency responder needs in the next 5 years. Cities are spending an additional $70 million per week on personnel costs alone. Funding urban area security initiative grants is the only way to ensure that the Department of Homeland Security can get moneys to the cities that are most likely at risk.

My amendment also provides an additional $46 million for the Fire Grant Program to restore the program to current levels and avoid an ill-advised funding cut. In the current threat environment, why in the world would one slash fire grant funding?

This year, the Fire Administration received 20,366 applications totaling $2.6 billion from local fire departments. The bill provides $700 million for the program. As one the pillars of the first responder community, it is essential that our firefighters have the best equipment and the best training possible, but because of shortsighted administration budgets, too many fire departments are being left high and dry.

What about our borders? What about our national borders? The U.S. Customs and Border Protection Agency, CBP, has a 5-year plan for deploying radiation portal monitors at our ports. The plan calls for deployment of approximately 2,000 of these monitors at locations around the country based on assessment of the nuclear smuggling threat, focusing on nuclear weapons, nuclear weapons material, radiation dispersal devices, and other illegal or illicit radioactive material. Why should we wait for a 5-year plan? The additional $50 million in this amendment will allow CBP to deploy radiation portal monitors to screen 100 percent of the inbound containerized cargo at 30 additional seaport terminals, thus completing the deployment of these monitors at America's top 22 seaports and several Southwest border land crossings. Let's start now.

My amendment also addresses the need for more personnel on our borders. The USA PATRIOT Act, passed in the immediate aftermath of the September 11, 2001, attacks, calls for a tripling of the number of border patrol agents as well as Customs Service and Immigration and Naturalization Service inspectors on the northern border. While the border patrol has met the PATRIOT Act requirements to increase the number of agents on the northern border, the number of Customs and Border Protection—CBP—officers remains woefully inadequate. In May of this year, the CBP was 1,428 officers short of the goal. I repeat, in May of 2004, the CBP—Customs and Border Protection—was 1,428 officers short of the goal. Yet, incredibly, the agency has been stuck in a hiring freeze ordered by the administration in March. The $50 million provided in this amendment will add 439 new CBP officers, getting us almost a third of the way toward meeting the PATRIOT Act requirement.

My amendment also includes $324 million for the Coast Guard Deepwater Program. Prior to September 11, 2001, the Coast Guard began to modernize its fleet of assets. The program, named Deepwater, called for the modernization or replacement of some 100 cutters and 200 aircraft over a 20-year period.

Since the attacks on September 11, the Coast Guard's responsibilities have grown substantially. As a result, assets vital to homeland security are being used more today than ever in the Coast Guard history. The Government Accountability Office recently reported that "resource usage—as measured by the number of hours the Coast Guard's cutters, boats and aircraft are used to perform its mission—was up almost 40 percent from pre-September 11 baseline."

The Coast Guard Commandant, in testimony before the Senate Appropriations Subcommittee on Homeland Security, testified that the current condition of the aging fleet threatens Coast Guard mission performance. He testified that Coast Guard assets are in a "declining readiness spiral." Yet the President does not respond. What happened to "whatever it takes"? The President's budget for the Deepwater Program will take 22 years to complete. This is 2 years slower than the Capital Improvement Program envisioned when Deepwater was conceived prior to the tragic events of September 11.

My amendment provides $324 million above the amount provided in the committee bill, the full amount authorized by the Congress and the President just 1 month ago. This funding will address the Coast Guard's "declining readiness spiral." The funding would go to accelerate the Coast Guard's highest priorities, which are to enhance safety and reliability on the HH–65 helicopter, accelerate the design of the fast-response cutter for near-shore missions, and complete design of the offshore response cutter for the high-endurance missions of the Coast Guard. The funding will accelerate the Deepwater Program, finishing it in 15 years instead of the administration's 22-year plan.

We must do more to protect our seaports. The top 50 U.S. ports account for 90 percent of all cargo container tonnage entering the United States. A 1-month closure of a major port would cost our national economy at least $60 billion, but because of the tremendous volume of containerized cargo, customs officials are inspecting only 5 percent of the 9 million containers that come into our ports on vessels each year.

The Coast Guard has estimated that $1.125 billion will be needed in the first year, and $5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act which was signed into law by President Bush with great fanfare in November of 2002. However, until this year's budget submission, President Bush had requested no funds—none—for port security. Last year, Congress provided $125 million for port security grants. Yet, despite telling the people that security is his top priority, President Bush proposes to cut port security funding by 62 percent. Promises are broken once again.

Upon adoption of the Levin-Collins amendment last March, the Senate version of the resolution assumed that $275 million would be appropriated for port security grants in fiscal year 2005. The bill before the Senate today provides $150 million. The additional $125 million in this amendment keeps the port security grant promise that was made in the Senate budget resolution.

The amendment also includes $100 million to secure our Nation's drinking water systems. The Nation's water infrastructure includes 75,000 dams and reservoirs, 168,000 public drinking water facilities, 16,000 publicly owned wastewater treatment facilities, and thousands of miles of pipes, aqueducts, water distribution and sewer lines. We have a sense of the vulnerability. Why not protect this piece of critical infrastructure?

The amendment also includes $100 million for chemical security grants. In March 2003, Homeland Security Secretary Ridge said, "There is no question that when we take a look at a chemical facility, the possibility that terrorists could use that economic asset and turn it into a weapon is something that we need to be concerned about and are concerned about."

Apparently that concern has vanished. Since September 11, the Department of Homeland Security has done little to enhance security at the 66,000 chemical plants across this country. This is frightening, when security experts such as Michael O'Hanlon of the Brookings institution called the threat to chemical plants a "ticking time-bomb."

When Secretary Ridge testified last year he said that the chemical industry was better suited to assess vulnerability and take appropriate security measures than the Federal Government. But earlier this year the Government Accountability Office submitted testimony to Congress saying that "Despite the industry's voluntary efforts, the extent of security preparedness at United States chemical facilities is unknown."

When Information Analysis and Infrastructure Protection Under Secretary Frank Libutti testified in March before the subcommittee, he said the key in working with the chemical industry was "partnership" between the Federal Government and the private sector. Yet almost in the next sentence, he said industry needs to "belly-up" when it comes to paying for improved security. What kind of partnership is that? We should be taking action now instead of rolling the dice hoping that an attack against a chemical plant does not happen.

My amendment also includes $50 million for hiring additional Federal air marshals. The administration has failed to meet its goal for hiring air marshals. In fact, the administration has allowed the number of air marshals to drop by 9 percent this year. With numerous terrorist threats against our airlines and a 6-percent increase in the number of flights, why allow the number of critical flights covered by Federal air marshals to drop?

Since 9/11, the administration has increased the threat level risk to Code Orange six times. On September 1, Secretary Ridge spoke before the American Legion's national convention and said:

> Terrorists in the 21st century represent a daunting enemy. They represent no country, no cause, no flag, no people—yet they have access to a steady supply of technologies, and funds, and willing recruits. They are undeniably methodical and maniacal in both their weaponry and will. They seek to use chemical, biological and nuclear weapons . . . and before them lays a map of the world.

Mr. President, according to the New York Times, on September 7, Vice President CHENEY said:

> It's absolutely essential eight weeks from today, on November 2, we make the right choice, because if we make the wrong choice then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States.

What an irresponsible, what an utterly irresponsible statement for a Vice President of the United States, or for any public officer, to make. Think of that.

Let's read that again. According to the New York Times, on September 7, Vice President CHENEY said:

> It's absolutely essential eight weeks from today, on November 2, we make the right choice, because if we make the wrong choice then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States.

How utterly irresponsible. What an irresponsible statement for a public officer to make. If the Vice President were all that interested in homeland security, rather than political posturing, he would be urging his Republican colleagues to support this amendment.

The President has said he would do "whatever it takes" to defend America. If the President was being straight with the American people when he said that, he would be supporting—he would be supporting—this amendment. He would support it. It provides $2 billion for a targeted set of programs. It implements several 9/11 Commission recommendations. The amendment funds programs that have been authorized by the Congress but not funded by the President.

We cannot make America safer with empty promises. We cannot make America safer with duct tape. My amendment funds the bricks and mortar of a strong homeland defense. It could save countless lives and it offers real security, not just empty rhetoric. What could be wrong with spending a little more to protect the American people? What could be wrong with keeping a promise? What could be wrong with actually doing "whatever it takes"?

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator yields the floor, I, during the break—and I called the Senator at his home and told him that I read his book, which at the time I read it was No. 2 on the New York Times Bestseller List. And I told the Senator that I used this book as a text for several townhall meetings I held.

The Senator wrote this book. I will direct the attention of the body to page 112 of the book, "Losing America." I say to the Senator, through the Chair, in this book you have one, two, three—about four pages of detail of times you personally have tried to increase the funding for homeland security. I refer to page 112, where you say:

> On November 14, 2001, the White House opposed the inclusion of $15 billion for homeland security in an economic security package, including $4 billion for bioterrorism and food safety, $4.6 billion for emergency first responders and computer improvements at the federal level, $3.3 billion for transportation security for airports and ports, $1.1 billion for border security, $2 billion for security at nuclear power, water, and other facilities and mail screening, warning that such spending "will only expand the size of government." All Senate Republicans voted to block the funding. . . .

Does the Senator recall that?

Mr. BYRD. I recall it.

Mr. REID. I refer to this same page:

> On December 4, 2001, the Senate Appropriations Committee unanimously sent the fiscal year 2002 defense appropriations bill to the Senate floor for action. The bill included $13.1 billion for homeland security.

There was a parliamentary point of order raised by the Republicans that reduced the funding.

Is the Senator aware of that?

Mr. BYRD. Yes, I am aware of it.

Mr. REID. Continuing to quote:

> On June 6, 2002, the Senate passed by a vote of 71 to 22 a supplemental money bill that contained $8.3 billion for homeland security. . . . On June 17, the president's senior advisor recommended a veto of that bill because it contained "excessive" homeland security spending.

Does the Senator recall writing that?

Mr. BYRD. Yes.

Mr. REID. I say through the Chair to the distinguished Senator from West Virginia, I will continue to quote:

> In August 2002, the president failed to make an emergency designation for $2.5 billion for homeland security to specifically address shortcomings identified by the Rudman/Hart Report on terrorism vulnerabilities. . . . Bush said at the time, "I made my opposition clear. We were pretty plain-spoken. . . . We'll spend none of it."

Does the Senator recall that?

Mr. BYRD. Yes.

Mr. REID. I will not list all of these, but suffice it to say, again, on January 16, as reported in your book, there was a vote on an amendment you had offered to add $5 billion. By a party-line vote that was defeated. It had $5 billion. You reduced it to $2 billion. That was defeated by a party-line vote.

On April 2 and April 3, you had amendments which provided $4.8 billion more than the President requested. All of the amendments were defeated.

On July 24, 2003, I say to Senator BYRD, you—quoting from your book—"offered an amendment to the homeland security bill that would have provided $292 million for activities such as port security grants, grants to train firefighters to respond to a terrorist attack, funds to help the Coast Guard provide security at our ports, funds for locating terrorism vulnerabilities at chemical plants" and the amendment was defeated on a party-line vote.

Finally, on September 17, 2003, shortly before we recessed:

> . . . in the House-Senate conference on the same homeland security appropriations bill, [the Senator from West Virginia] again tried to add homeland security money, $1.25 billion for port, aviation, Coast Guard, customs, first responders, and chemical facility programs, and [his] amendment failed on a party-line vote.

Continuing to quote from "Losing America," the Senator from West Virginia wrote:

> Nobody can convince me that this White House is serious about homeland security.

The Senator, of course, recalls that. Does the Senator still believe that it appears the administration is not serious about homeland security when time after time they refuse to fund these programs that are essential to the State of Nevada and the rest of the country? Does the Senator agree that they haven't shown any seriousness about this?

Mr. BYRD. There is no question about it. Time after time, as the Senator says, they have turned down amendments of this Senate to enhance the security of our people, our facilities, our properties. Time after time after time. Our pleas have fallen upon deaf ears. And in the nearly 3 years since the tragic events of 9/11, I myself have pressed the Senate to provide additional resources for homeland security. The administration, the President, including the great Vice President we have, consistently opposed these efforts. The President went so far as to threaten to veto bills if they included what the administration characterized as "wasteful spending."

There are many examples—let me give a few—of funding contained in these amendments that certainly would have helped to make America safer. In November of 2001, Senate Democrats supported my amendment to include $15 billion for homeland security in an economic stimulus package, including $4 billion for bioterrorism and food safety; $4.6 billion for State and local law enforcement and fire training and equipment and Federal computer improvements; $3.3 billion for transportation security, including airport and port security; $1.1 billion for border security; $2.0 billion for security at nuclear power, water, and other critical infrastructure facilities, and for mail screening. The White House opposed the effort, warning of "permanent spending on other projects that have nothing to do with stimulus and that will only expand the size of government."

I could go on with example after example. But I shall simply ask unanimous consent that there be printed in the RECORD a litany of these projects.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BYRD AMENDMENT

Provides an additional $2 billion for the following Homeland Security functions:

$665 million for the Office of State and Local Government Coordination and Preparedness ($440 million for discretionary grants for use in high-threat, high density urban areas; $125 million for port security grants; and $100 million for grants for interoperable communications equipment);

$350 million for Mass Transit and Rail Security;

$324 million for the Integrated Deepwater Systems program of the Coast Guard;

$100 million for screening passengers and carry-on baggage for explosives by Transportation Security Administration Aviation Security;

$100 million for Custom and Border Protection Salaries ($50 million for purchase and deployment of radiation portal monitors and $50 million for staffing at the northern border);

$11 million for detentions and removals by Immigration and Customs Enforcement;

$50 million for Federal Air Marshalls;

$4 million for hazardous materials security grants of the Transportation Security Administration;

$50 million to secure high risk non-profit organizations;

$46 million for Firefighter Assistance Grants;

$100 million for Firefighter Hiring Grants; and

$200 million for Information Analysis and Infrastructure Protection.

Mr. BYRD. The President has tried to convince the American people that they are safer because he created a new Department of Homeland Security. Well, reorganizing the deck chairs of our bureaucracy does not make us safer. It takes money. Money.

I have offered this amendment in the hopes the Senate will accept it and that we might take it to conference. This is an opportunity to do what we should do in order to save our people and their homes.

I thank my distinguished friend from Nevada for his contribution to this debate. I thank my friend from Mississippi, the distinguished chairman of the subcommittee on which I serve, the subcommittee making appropriations for homeland security. I thank that Senator. He does the best he can do and has done the best he can do, but he is limited in what he can do. I thank him for his cooperation, for his manner of holding the hearings. He has always been very fair. I thank him. I thank other members of the subcommittee.

But we need to do more. My amendment is an opportunity for the Senate to do more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the distinguished Senator from West Virginia has offered an amendment that would increase the Homeland Security appropriations bill, according to the CBO, by $2 billion.

A variety of accounts are included in the amendment for increases. The Customs and Border Protection account, for example, would be increased under the Senator's amendment by $50 million for northern border staffing and $50 million for radiation detectors at ports of entry.

The bill we have before us already includes a $50 million increase for radiation detectors. The Department has met the goal already of tripling the number of border patrol agents on the northern border. Funds were provided last year in the Homeland Security appropriations bill to ensure that more border patrol agents would be deployed on the northern border. We have provided significant increases for inspector staffing since September 11, 2001. We have included funds, for example, for radiation detection equipment and other detection systems along the northern border.

Last year, Congress provided funding for the permanent establishment of the first northern border air wing to be located in Bellingham, WA. Resources are being made available for a second northern border air wing in New York. We expect further funds will be requested to continue the expansion of coverage of the northern border in future years. It is a challenging undertaking. That border covers over 5,000 miles. It is a daunting task. We cannot accomplish in 1 year or with one amendment all of the goals we have to enhance and improve the protection of our homeland by more sophisticated, more modern deployments along the northern border, but we are making and have made important strides. We cannot achieve every goal immediately. It is going to take time.

My suggestion in opposing this amendment is that we are appropriately identifying the priorities and making the funds available to achieve the goals in a thoughtful, coherent, and successful fashion. The administration is proposing increases in these accounts. We have accommodated those proposals. We have added to many of the proposals over and above what the administration has requested.

Another example in this amendment offered by my friend proposes a $50 million increase in the Federal Air Marshal program. The Department has worked to supplement resources for these activities by using transfer authority to increase resources. The Department has used other Federal law enforcement officers to provide additional flight coverage on commercial airliners as needed. The committee recognizes in this bill the needs of this organization, and we have provided an additional $50 million in this bill for this next fiscal year for Federal Air Marshals out of additional funds provided to this Committee.

Another account is Immigration and Customs Enforcement. The Senator's amendment would add an additional $11 million for the Immigration and Customs Enforcement, Alternatives to Detention program. The bill already provides $14.2 million—an increase of $11 million—providing funding for 30 new positions, as requested by the President, to expand the Alternatives to Detention program. This amendment, if we agree to it, would expand the program 12-fold in a single year.

Another account, Transportation Security Administration. The Senator's amendment proposes a $104 million increase for the Transportation Security Administration for enhanced passenger checkpoint screening and hazardous material security grants. Last year, our committee proposed and Congress approved $153.2 million for these activities. In this bill for next year, we have included $344.3 million for passenger and baggage screener training of all newly hired screeners and for recurrent and advanced technical training for the entire screener workforce to meet proficiency and qualification standards. In addition to the training of screeners, funding is included for an annual proficiency evaluation of all screeners and supervisors to ensure that the screener workforce meets all of the qualifications and standards required to perform their duties as required by the Aviation Transportation Security Act.

For this fiscal year, 2004, $33 million was made available for airport passenger security checkpoint support. For this next fiscal year, in this bill we provide $161 million—$128 million more than last year's level and $75 million more than the President's request. This bill is meeting the challenge. We are providing the funds that will enable the Department of Homeland Security to have well-trained, well-qualified personnel doing these jobs in our airports, that will meet the requirements of the law and also meet the expectations we all have to use the airlines for qualified, capable, and dependable workforce participants.

The additional funding we have provided above the President's request is available also to deploy explosive trace detection portals, taking advantage of new technologies that are being developed which help ensure that we do the best possible job, the most thorough job of making sure people are not getting on the airplanes with explosive materials. This is something the distinguished Senator from West Virginia has made a point of in our hearings and in statements on the Senate floor—the challenge that is provided by these dangers. We are doing what ought to be done by providing the funds to take advantage of new technology, to encourage development of new technology to help us meet these goals.

The Senator's amendment also proposes a $324 million increase in the Coast Guard's Deepwater capitalization budget. I am excited about the Deepwater Program and the plans the Coast Guard has for modernizing and improving its fleet. This needs to be done. In testimony in our hearings, we learned that some of our Coast Guard cutters have hulls that are rusting away. Some are dangerous to operate. They are a threat in some cases to the men and women who serve in the Coast Guard. We cannot tolerate that. So it is time for us to make new investments in refurbishing and building new ships and boats for the Coast Guard, and other equipment, such as helicopters. The whole point is the bill we presented to the Senate, though, funds each asset requested in the budget within the Coast Guard's acquisition, construction, and improvement account. It has requested funds it can reasonably and efficiently use in the next fiscal year, and our committee has recognized and agreed with this need to address the top priorities of the Coast Guard sooner rather than later.

So we have increased the funding for reengineering the HH-65 helicopter and have moved forward the plan design of the offshore patrol cutter.

You cannot build a ship, though, before it is designed. You cannot modernize before you have the preliminary work done. So what we are doing is providing the funds that can be used by the Coast Guard to advance the construction program and to modernize their fleet.

The bill before us has already increased the Deepwater account $98 million above the President's request. We are bordering on overdoing it already, but I am satisfied these additions are necessary and they are justified. Going to the level proposed in this amendment is overdoing it.

In the Office of State and Local Government Coordination and Preparedness, the distinguished Senator's amendment would add over $700 million to the First Responder Grant Programs.

Some Senators have suggested that we carefully review the Hart-Rudman report, which I did when I was asked to serve as chairman of this subcommittee and talked with my good friend, the former Senator from New Hampshire, who helped write that report to get his thoughts and to find out all I could about their suggestions.

What they suggested was there was a $98 billion unfunded need for first responders, but the report says this: The budget estimates are preliminary and the estimates they make in their report are preliminary. It depends upon other factors. And the report "cannot be more precise in the absence of systematic national requirements methodology and that the development of such a methodology is badly needed."

Rather than bank on a number that was reached up and brought out of thin air, the administration has gone to a more authoritative Commission that was given the responsibility of doing what they said, and that is to develop a methodology.

That has been done and suggested by the Commission, the Gilmore Commission. It is an advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.

The Gilmore Commission's final report, which was issued in December of 2003, includes the following statement:

> Prognostication about the amount of funding that the Federal Government should provide in the near future is premature at best. Recent calls for the funding upward of $100 billion is, in our view, not the wisest approach. Federal funds have started to flow. Absent a more clear articulation of an end state and the levels of preparedness sought to be achieved with some reasonable way to measure our efforts, any attempts to establish an overall price tag is mere speculation and could be politically unwise.

I agree with that. We have carefully reviewed at our hearings the testimony of experts, those who are in the administration as well who have responsibilities for administering these programs. We have questioned them. We have cross-examined them to find out what the facts are, what are the needs.

There is adequate funding in the pipeline, I suggest, now for first responder grants. A pipeline is only so big. You can stuff it full of money and you stop the flow. We do not want to do that. So I think we have to be careful about how much we direct the administration to spend and make sure it can be efficiently used, effectively used, and will achieve the goals we all share.

I am hopeful the Senate will agree that we should not overdo it. We do not need to overspend, and overspending is not going to make us a safer or more secure Nation. Throwing money at complex, technical problems will not produce the results we need for a safer and more secure homeland.

Having said those things in an effort to put in context the proposal that is before the Senate from the distinguished Senator from West Virginia, and my views, at least, of why we should support the committee's recommendation, additionally, I am constrained to observe that because of the Congressional Budget Office assessment that this amendment would call for spending $1.889 billion in additional funds, over and above the $32 billion that is already included in this bill, it is beyond the allocation of the committee, as agreed to by the Senate Committee on Appropriations yesterday. And because it exceeds that allocation, I am constrained to make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I had the good fortune, when I was home this past break, to meet all the sheriffs of Nevada. They have a lot of problems with the unfunded mandate because of the homeland security——

Mr. COCHRAN. Mr. President, haven't I made a point of order? Doesn't that require a ruling of the Chair?

The PRESIDING OFFICER. A point of order has been made against the pending amendment.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I did not hear the point of order as it was being made, but I understand it has been made.

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays. But I also ask unanimous consent, Mr. President, that there may be a few minutes for debate of the point of order and/or the motion to waive.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I have no objection to there being some opportunity for debate for those who may want to debate it. I hope we can move to a vote on the motion to waive, and it should not be delayed. I understand the Democrats have a luncheon they are looking to attend some time around quarter of 1. I hope we can vote before then.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be time for debate on the motion to waive.

Is there a sufficient second on the yeas and nays?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will be brief. I met with the chief law enforcement officers of the counties of Nevada. Without any hesitation, they said they are having tremendous difficulties meeting their responsibilities because of the unfunded mandates that have been required as a result of this homeland security problem that faces all America.

As an example, I say to the two managers of the bill, one big problem we have is inoperability. They cannot communicate with each other through their radio, not only police, but they cannot speak to the fire officials. That is something that needs to be done. That is not covered in this bill.

With the additional funding that is requested by the Senator from West Virginia, we could start that program, something that is so important and needs to be done, and the sheriffs and law enforcement officers of Nevada need that very badly. Inoperability of communications is important. With regard to the gates and the screening, one reason we have these tremendously long lines all over America is we do not have enough people to do the work.

We need to hire some more people. I appreciate what the Senator from Mississippi said, that we are doing more training. We need to accelerate this significantly.

I say to my friends, the managers of this bill, we, of course, are faced with the problem—the Senator from Mississippi says, well, the committee is funding what the administration requests. That is the whole problem. They are not requesting enough. The fact that they are meeting what the administration has suggested is not appropriate. There is a lot more that needs to be done and I again refer to "Losing America: Confronting a Reckless and Arrogant Presidency," which shows in script, beginning on page 98, but specifically this morning I referred to pages 112 through 115, where we have tried time and again to see if we could get funding for problems that are so important to this country, programs that deal with seaports, airports, border security, nuclear facilities, first responders, and we have been turned down every time.

Last year, when we approved funding for Iraq early in the year of $69 billion, later in the year of $87 billion in supplemental funding, could we not spend $2 billion rather than in Iraq and use it at home and take care of the law enforcement officers in Nevada, take care of all the other requests we have to make our homeland more secure?

I ask unanimous consent that I be added as a cosponsor to Byrd amendment No. 3597 and extend my appreciation to the Senator for offering this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. How much time do we have remaining?

The PRESIDING OFFICER. No specific debate time was allocated.

Mr. BYRD. Very well. Mr. President, I commend the chairman for the work he has done. Nothing I have said is in any way any criticism of his work. I commend him for producing a balanced bill. Given the constraints under which we are being forced to operate, he has done his best. I have no criticism of him whatsoever, but I would argue that $2 billion is not that large for the very short list of programs in this amendment that address vulnerabilities that are well known. Indeed, most of these programs have been authorized by the Congress and the President and this amendment tries to provide the authorized funding.

Regarding the Deepwater Program, the Coast Guard authorization bill Public Law 108-293 authorizes $1.1 billion for the Coast Guard's Deepwater Acquisition Program. My amendment provides an additional $324 million to meet the authorization level for this critical activity.

It was the USA PATRIOT Act, Public Law 107-56, which authorized a tripling of the number of border patrol agents and legacy immigration and Customs agents on the northern border. That law was passed nearly 3 years ago and this administration has failed to provide the funds to meet the authorization. My amendment adds $50 million so we can get nearly one-third of the way toward meeting the requirements of the law.

The Maritime Transportation Security Act, Public Law 107-295, created the Port Security Grant Program. It called upon the Coast Guard to provide estimates of the costs for that program. The Coast Guard has estimated that $1.125 billion will be needed in the first year and $5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act which was signed into law by President Bush with great fanfare in November 2002.

Despite the President's paucity of funding requests to implement the law, the Congress has stepped up to the plate and has appropriated a total of $493 million towards these grants.

The Senate version of the budget resolution assumed that $275 million will be appropriated for port security grants in fiscal year 2005. The bill before us today provides $150 million. By adopting this amendment, the Congress still will have provided over 4 years only $768 million of the Coast Guard's first-year cost estimate of $1.125 billion for port security grants, but the additional $125 million in this amendment will meet the assumption for port security grants made in the Senate budget resolution.

On May 6, 2004, the Senate Banking Committee, on a bipartisan basis, reported S. 2453 which authorizes $5.2 billion over the period of fiscal year 2005–2007 for transit security activities under its jurisdiction. On May 21, 2004, the Senate Commerce Committee, also on a bipartisan basis, reported S. 2273 which authorizes more than $1 billion for rail security activities under its jurisdiction over the period of fiscal year 2005–2009. My amendment provides $350 million in security grants to rail and transit systems. Combined with the funds provided in the committee-reported bill, we still fall more than halfway short in meeting the requirements of these bills. The authorization bills and the laws written and passed by this Congress by overwhelming margins and signed into law by the President clearly demonstrate a far greater funding need than that contained in my amendment. My amendment, which would implement several 9/11 Commission recommendations, is but a small step in meeting the homeland security requirements authorized already by the Congress.

The President has said he would do whatever it takes. However, his budget takes a hike when it comes to actually funding homeland security.

I note that, and I agree with Chairman COCHRAN, we must operate within limits on spending, but the limits must be set at a level that allows the Congress to fund homeland security programs that address clear dangers. We are debating an amendment that provides $2 billion for securing our homeland. In the last 3 years, the President has signed three tax cuts. These tax cuts increased our Federal deficit for fiscal year 2005 by $232 billion. Where were the limits? Where were the limits on the tax cuts? Where are those voices who say we are overdoing it in this amendment? Where were they when it came to the tax cuts? Did we overdo the tax cuts?

The President increased our deficits for fiscal year 2005 by $232 billion in tax cuts, but we cannot afford $2 billion today for securing our rail systems, for securing our chemical plants, or making sure a terrorist does not blow another plane out of the sky.

In summary, in the nearly 3 years since the tragic events of 9/11, I have pressed the Senate to provide additional resources for homeland security and the President consistently opposed those efforts. He went so far as to threaten to veto bills if they included what the administration characterized as wasteful spending. Let me give a few examples of funding contained in those amendments that certainly would have helped make America safer.

In November of 2001, Senate Democrats supported my amendment to include $15 billion for homeland security in an economic stimulus package, including $4 billion for bioterrorism and food safety, $4.6 billion for State and local law enforcement and fire training and equipment and Federal computer improvements, $3.3 billion for transportation security, including airport and port security, $1.1 billion for border security, $2.0 billion for security at nuclear power, water, and other critical infrastructure facilities, and for mail screening. The White House opposed the effort, warning of "permanent spending on other projects that have nothing to do with stimulus and that will only expand the size of Government."

On November 28, 2001, Office of Homeland Security Director Tom Ridge wrote to me and said, ". . . no additional resources to protect the homeland beyond what the President has already requested are needed at this time."

Senate Republicans, under pressure from the White House, objected to the "emergency designation" for the homeland security funding and voted to block the funding.

On December 4, 2001, the Senate Appropriations Committee reported, by a vote of 29–0, the fiscal year 2002 Defense appropriations bill. This bill included $13.1 billion for homeland security programs, $8.7 billion above the President's request. In a meeting with congressional leaders, President Bush threatened to veto the Defense appropriations bill that contained the additional homeland security funding.

On December 6, 2001, Senate Republicans, voted against the "emergency designation" for the homeland security funding. As a result, homeland security funding was reduced by $4.6 billion, from $13.1 billion to $8.5 billion.

Under further pressure from the White House, conferees further reduced homeland defense funding from $8.5 billion to $8.3 billion, a level that was still $3.9 billion above the President's request. In reducing the funding from $13.1 billion to $8.3 billion, funding was reduced for bioterrorism and food safety, border security, airport security, port security, nuclear facility security, and postal security.

In June of 2002, by a bipartisan vote of 71–22, the Senate passed a supplemental appropriations bill that included $8.3 billion for homeland security. The funding was allocated based on a series of five bipartisan hearings held by the Senate Appropriations Committee when the committee heard testimony from Governors, mayors, police, fire fighters, emergency medical and other first responders, port security specialists and other experts in the field of counterterrorism, seven cabinet officers and the Director of the Federal Emergency Management Agency.

On June 17, 2002, the President's senior advisors recommended a veto of the Senate version of the supplemental bill because it included what they asserted was excessive homeland security spending.

Under pressure from the White House, the conferees agreed to reduce homeland defense funding from $8.3 billion to $6.7 billion. Funding was reduced for food safety, for cyber security, for solving the first responder radio interoperability problem, for nuclear security, for increased lab capacity to determine whether biological or chemical weapons have been used in a potential attack, for airport security, port security, and water security.

Then, in August of 2002, the President refused to spend $2.5 billion that Congress had approved for homeland security. The President chose not to make the emergency designation, asserting that the contingency emergency fund contained wasteful spending.

In making that decision, the President blocked funding for homeland defense programs that would have specifically addressed known shortcomings including: firefighting grants; security improvements at our nuclear plants and labs; grants to make police and fire communications equipment interoperable in response to weaknesses identified on September 11; port security grants; airport security funding, including funds for more Federal air marshals; Coast Guard funding; law enforcement resources for State and local governments for police equipment and training; FBI funding for counter terrorism and information technology enhancements; urban search and rescue teams; cyber security improvements to protect our economy; food and water security, including funds for addressing the threat of mad cow disease; border security; dam and reservoir security; and Customs Service funds to increase the number and quality of the inspections of the six million cargo containers that come into this country each year.

President Bush announced at his economic forum in Texas that he was rejecting the $2.5 billion bipartisan homeland security funding package. President Bush said, "I made my opposition clear. We were pretty plain-spoken . . . I understand Congress's position, and today, they're going to learn mine. We'll spend none of it."

In connection with the fiscal year 2003 omnibus appropriations legislation, the White House said, "the administration strongly opposes amendments to add new extraneous spending to the package." On January 16, 2003, Senate Republicans fell in line behind the President and voted 45–51 to defeat an amendment that I offered to add $5 billion for homeland security activities for port security, airport security, border security, nuclear security, and for implementing the President's smallpox vaccine plan.

My amendment included $300 million for mass transit security. Perhaps if that amendment had been adopted, we would be better prepared today to prevent a terrorist attack on our subways, buses and trains.

On January 29, 2003, the President, in his State of the Union message to the Congress said, "Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people."

Three months later, on April 2 and 3, 2003, the White House opposed all five amendments that I prepared for consideration on the fiscal year 2003 emergency Iraq/Afghanistan war supplemental to increase funding for homeland security programs. In total, the amendments would have provided $9 billion, $4.8 billion more than the President requested. All of the amendments were defeated on virtual party-line votes. Funding was rejected for radiation and portal monitors, for grants to public transit agencies for security of transit facilities against chemical, biological, and other terrorist threats, for grants to improve communications within and among first responders, for funds for the Coast Guard to implement the Automated Identification System and other tracking systems to actively track and monitor vessels operating in United States waters, for port security, and for the FBI.

Then, in July of 2003, I offered an amendment to the fiscal year 2004 Homeland Security appropriations bill to add $1.75 billion for homeland security programs. The amendment was defeated 43–50. The amendment included funds to implement several authorization laws that the President had signed shortly after 9/11, but then failed to either adequately fund or fund at all, including the Maritime Transportation Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Aviation and Transportation Security Act, and the USA PATRIOT Act. Once again, funding was rejected for mass-transit security, for securing the northern border, for air-cargo security, for port security and for first responders.

In the September 2003 conference on the fiscal year 2004 Homeland Security appropriations bill, I tried again to add $1.25 billion to the bill, and the effort was defeated on party-line vote of the conferees of 8–9. The amendment would have added $375 million for port security grants, $400 million for aviation security, $66 million for implementation of port security enhancements required by the Maritime Transportation Security Act, $34 million for the Coast Guard Deepwater Program, $125 million for 1,300 additional Customs inspectors at the borders, $200 million for first responder grants, and $50 million to enhance security at chemical facilities.

I urge that the Senate waive the point of order.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the distinguished Senator from Nevada made a couple of points that I think require response. One was that no funds are available in this bill for local law enforcement and other first responders for interoperable communications and other new technologies. The Senator is correct, we are not directly funding local law enforcement officials interoperable communications needs, but they are eligible for funds provided to States in this bill by the Office of State and Local Government Coordination and Preparedness to help improve technologies, communications equipment, training, and other activities that are important to enhance the capabilities of the first responders, whether they are fire departments, law enforcement officials, or the like.

We are providing funds in broad grant programs to States and localities in order for them to have the ability to make the decisions at a local level in determining what their greatest needs may be.

In addition, the National Sheriffs Association, for example, has developed a nationwide program for other sheriffs' departments—the Pegasus Program—I know some sheriffs in my State are actively involved in helping convince others they ought to take advantage of that program. I know another program in my State that has gotten Federal funds from the Justice Department and is available on the Mississippi Gulf Coast now, a new interoperable communications system, computer based, where laptop computer capability will be available in patrol cars, other vehicles, and in police stations, in sheriffs' departments along the Mississippi Gulf Coast so they can keep up with what each jurisdiction is doing. They will know if an arrest has been made of someone who may have escaped from a jail in one of the adjoining counties.

All of these law enforcement officials along the coast will be able to have access to that information immediately because of this new system.

So opportunities are available to local jurisdictions to take advantage of new programs that are being developed and made available to help achieve the goals that my friend talks about. We all share those goals.

One other point on that subject. The committee provides in this bill, $30 million "for direct technical assistance to State and local governments." And, of this amount, $20 million, it says in the report on page 57, "is for the Interoperable Communication Technical Assistance program to enhance interoperability of public safety communications." So technical assistance is available directly from funds that are in this bill to achieve the goals to which the Senator from Nevada has alluded.

We are encouraging the Department to consider designating a lead organization within the Department to provide technical assistance for interoperable communications. I think we are meeting our challenge in this area under the restraints that we have to impose. We can't fund everything directly. We don't want to get in the business of choosing one communications system over another, and I haven't meant to do that by pointing out two in my State that I happen to know about. We are letting local jurisdictions make those decisions. We do not have to make those decisions as Members of the Senate. We are not competent to make those decisions. So I don't want to start writing into our bill a specific communication system and then funding it and trying to make it available to all of the jurisdictions throughout the United States. We would run out of money quickly if we tried to do that.

But I think we are meeting the challenge, and I hope Senators will agree and will support the point of order and vote against the motion to waive the point of order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Mississippi knows how much I care about him and respect him. But $20 million for interoperability is so short of what is needed. The 9/11 Commission Report states, among other things:

> . . . high risk urban areas such as New York City and Washington, D.C., should establish signal corps units to ensure communications connectivity between and among civil authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress.

The city of New York alone is more than $20 million. The State of Nevada is around $6 or $7 million. So $20 million is a literal drop in the bucket. I repeat, if we can, through supplemental funding, provide $69 billion, $87 billion in 1 year in supplemental funding for Iraq, couldn't we spend a few dollars for America to be safer? It appears this administration does not believe we should.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor and to speak in support of the amendment offered today by my colleague from West Virginia, Senator BYRD. As Members of Congress, our most sacred duty is protecting our fellow Americans. We do this in several ways, of course, by supporting our troops at home and abroad, by our oversight of the intelligence community, and now, with the creation of the Department of Homeland Security, with an annual appropriation to fund the security activities of the various agencies that make up DHS, and to fund grant programs to States, localities, and private industry to make certain that citizens of the United States are protected from terrorist attacks, life-threatening accidents, and acts of God.

In the last 3 years I have sat down with hundreds of first responders around my State of West Virginia, as well as local elected officials and experts from my State's core industries, to discuss what they were doing to protect West Virginians, and to hear from them directly where they needed help from the Federal Government. I am sure that each of my colleagues has had similar meetings. While I would not presume to know specifically what was said at these meetings, I would be willing to wager that no member of Congress heard anything other than "We have huge unmet security needs and we need Federal resources to make our country safer."

When we created the Department of Homeland Security, and when we authorized many billions of dollars in additional funding to protect this Nation, I am sure we convinced some people that we had learned the harsh lessons of September 11. In fact, I think we have done well making increased safety and security priority issues for the Federal Government and for all Americans. Unfortunately, we have fallen short on addressing these needs, and the Byrd amendment is a very good step in the right direction. This amendment would not do everything that needs to be done for Congress to be able to say we are delivering the goods to our first responders, State and local officials, and to the industries that make up our critical infrastructure, but it would be a much-needed boost for all those trying to make America safer.

I commend Senator BYRD for making his usual strong, principled stand on this matter. Let me be clear, too, that I do not believe the funding levels in the underlying bill reflect any lack of understanding of the scope of the problem on the part of our colleagues on the other side of the aisle. The chairman of the Homeland Security Subcommittee, my friend, Senator COCHRAN, has done very well with the amount he was given to distribute. The problem is, quite simply, that the administration's past policy choices—and the need to adequately support our troops in Iraq and Afghanistan—have left Senator COCHRAN and his fellow appropriators with too little to do this all-important job.

It is not a question, let me reiterate, of our Republican colleagues or the President not wanting to see our Nation adequately protected. I do question, I am sad to say, the idea that it is vitally important to make unaffordable tax cuts permanent, but it is not more immediately important to secure our chemical facilities, our railroads, our electricity grid, or provide training and technical assistance to our firefighters and emergency medical personnel.

I hope that my colleagues will see just how important this is. It would be a tragedy beyond measure if we failed to do the right thing when we had the chance, and only provided funding, for instance, to fix the problem of interoperable radios after another tragedy where first responders were at risk because they could not talk to each other.

Mr. DORGAN. Mr. President, I support the Byrd amendment because I think that it includes important investments in our homeland security. For example, the amendment includes over $500 million for interoperability for our first responders. It includes $125 million for port security grants so that we can increase our surveillance of the thousands of containers that enter our country. And it includes $111 million for border security. Overall, the amendment provides $2 billion in 11 key areas that desperately need increased funding.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today—and I hope that it will be—I intend to work with the conferees to offset these increases by reducing funds that have been earmarked for Iraqi reconstruction. I believe this expenditure should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate $18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than $1 billion has been actually expended and only about $7 billion has been obligated.

Therefore, I support Senator BYRD's amendment and I will vote for it today. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset the needed security investments that have been identified by Senator BYRD.

Mr. BURNS. Mr. President, I ask unanimous consent that the vote on the motion to waive with respect to the Byrd amendment occur at 2 p.m. this afternoon; provided further that the amendment be temporarily set aside in order for Senator DODD to offer the next amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, what is contemplated—we think it will work out—is we will have two votes at 2 o'clock. The majority has not had an opportunity to look at the amendment of the

Senator from Connecticut and the Senator from Michigan, Mr. DODD and Ms. STABENOW. But as soon as they do, I think we will be able to vote at 2 o'clock. In the meantime, until that happens, we agree to the unanimous consent of the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3604

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, and Ms. STABENOW, proposes an amendment numbered 3604.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount provided for first responder programs, and to provide offsets)

On page 19, line 17, strike "$2,845,081,000" and insert "$11,552,000,000.

On page 21, strike lines 14 through 20 and insert the following:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a), to remain available until September 30, 2006, $4,000,000,000, of which $3,000,000,000 shall be available for necessary expenses for programs authorized by section 33 of such Act and $1,000,000,000 shall be available for necessary expenses for programs authorized by section 34 of such Act: *Provided*, That not to exceed 5 percent of the amount provided for the programs under each such section shall be available for program administration.

On page 22, line 3, strike "$180,000,000" and insert "$660,000,000".

On page 28, line 21, strike "$181,440,000" and insert "$690,994,000".

On page 39, between lines 5 and 6, insert the following:

SEC. 515. The total amount appropriated by title III for the Office of the Under Secretary for Emergency Preparedness and Response under the headings "PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY", "ADMINISTRATIVE AND REGIONAL OPERATIONS", and "PUBLIC HEALTH PROGRAMS" is hereby increased by $2,845,766,000.

SEC. 516. The Secretary of the Treasury shall take such action as is necessary to reduce benefits provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 to individuals with an adjusted gross income of $1,000,000 or more that will result in an increase in revenue sufficient to offset the increased funding provided for the first responder and other programs by this amendment.

Mr. DODD. Mr. President, on behalf of myself and my good friend from Michigan, Senator STABENOW, we are once again offering an amendment which deals with the underlying issue of this debate, and that is the adequacy of our resources to the homeland security effort.

In recent days we have heard the Vice President of the United States suggesting that we ought not enter the mindset of a pre-9/11. I couldn't agree more. It is a dangerous thing for this country to forget what our Nation went through 3 years ago come Monday. Certainly, what we are suggesting with this amendment we are offering—Senator STABENOW, myself, and Senator KENNEDY—is to put some real resources, a real effort behind the homeland security effort.

We have put this amendment together not based on our conclusions individually of what ought to be a part of the Homeland Security Appropriations Act. Rather, we draw upon the tremendous work done by a former colleague of ours, Senator Warren Rudman, and his report that was produced by experts in conjunction with the Council on Foreign Relations. A significant amount of time was spent to assess the adequacy of our first responders and whether we have in place across this country 3 years after the brutal attacks of 9/11 the resources, the personnel, the equipment, and the training necessary to provide the protections this country needs if, Lord forbid, we are attacked again by terrorists.

That report concludes that we are woefully inadequate to meet those challenges with which we are confronted. It lays out in detail suggestions as to what needs to be done in order to make us better prepared to respond to those situations. So we are offering this amendment in the same spirit in which our colleague from West Virginia offered his amendment. It is out of a deep concern we are not doing enough to protect our Nation from the risk of a terrorist attack.

Last June, former Senator Warren Rudman, with a very distinguished panel of experts, produced a report sponsored by the Council on Foreign Relations. Their report concluded that we must spend at least $98 billion over the next 5 years in order to provide a reasonable degree of security here at home.

The Council on Foreign Relations report was not just another study thrown together over a few days; it was authored by a friend and former colleague from New Hampshire, Warren Rudman. He assembled a very distinguished group of Americans to serve on a task force which wrote the July 2003 report. The task force members included Richard Clarke, a former counterterrorism adviser for three Presidents. It also included Admiral William Crowe, former Chairman of the Joint Chiefs of Staff under President Reagan; George Shultz, President Reagan's Secretary of State; Harold Varmus, former Director of the National Institutes of Health under President Clinton; William Webster, who served both as the Director of the CIA and the FBI in the 1980s and 1990s, among many others.

Regrettably, 1 year later, the urgent recommendations of this very distinguished panel—a very comprehensive study—have been almost totally ignored by the leadership of the Congress and the executive branch. According to the Rudman report:

> Estimated combined federal, state and local expenditures . . . would need to be as much as tripled over the next five years to address the unmanned need. Covering this funding shortfall using federal funds alone would require a five-fold increase from the current levels.

So, depending upon the level of State and local funding available, the Federal Government should be committing between $15 and $25 billion per year according to the Council on Foreign Relations. If $15 billion to $25 billion a year is what it takes to get the job done, that is what we ought to be providing. Unfortunately, the bill before the Senate only commits about $3.4 billion a year, which is a fifth of what is really needed to support our first responders.

The amendment Senator STABENOW and I are offering would commit a full $20 billion necessary in fiscal year 2005 and would set us on the path toward meeting the Council on Foreign Relations' recommendations for first responder investments over the next 5 years. I realize $20 billion a year is a lot of money. I would like to put that number into context, if I may.

First, I don't believe that any of my colleagues who served with Warren Rudman or know Warren Rudman would call him free spending. In fact, when one hears the words "deficit hawk," you often think immediately of Warren Rudman. He led the Concord Coalition in the mid 1990s with another friend and former colleague, the late Paul Tsongas of Massachusetts. He fought tirelessly for deficit reduction and balanced budgets while serving in the Senate. He also lent his name to the landmark 1985 Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act, of which I was honored to be a cosponsor at the time. So when Warren Rudman says we need to be spending $20 billion a year for our Nation's first responders, I think we need to take his advise very seriously.

When George Shultz, when Mr. Webster, when Admiral Crowe and others make these recommendations, we are not talking about people who do not know what they are talking about. We are talking about some of the most serious public servants of the last two or three decades, people who have taken a serious look at our needs, a serious look at the threats facing us, in a bipartisan way, and have urged this Congress to do a better job in seeing to it that the American public is protected from the dangers of a terrorist attack by insisting that our first responders receive the necessary tools they ought to have in order to respond.

We should also keep in mind that the current Department of Defense budget is about $400 billion per year—that is more than a billion a day we are investing on our military security. If we would allocate an additional $20 billion a year for first responders, as the Rudman report recommends, our amendment would provide only 5 percent of the total defense budget. Isn't 5 percent of that budget worth it in order to provide more protection to the American citizens at home?

By the way, that $400 million does not necessarily include the money we are spending in Afghanistan and Iraq. Iraq alone is $200 billion we have already spent in that particular conflict.

We are also spending billions of dollars, as I mentioned, to sustain our efforts in Afghanistan and Iraq. I believe that $20 billion a year is a good investment to ensure our urgent homeland security needs are going to be met. Again, focusing $20 billion on domestic security would represent only a fraction of 1 year's military budget. If we committed the entire amount identified in the Warren Rudman report—$98 billion—it would only be 90 days' worth of military spending in any given year.

If we as a nation can find the resources we need to ensure our military security, and I believe we should, then we must make a similar commitment to find the resources we need to ensure that the domestic defenders of our Nation are also equipped to provide domestic security. We do not send our military personnel into battle without the equipment they need to do their jobs, and we should not send our law enforcement personnel, our firefighters, our emergency medical technicians, out into a field without equipping them with what they need. We do not send our military into battle without the training to succeed. We should not send our domestic defenders into the field without proper training, either. We do not send our military to battle without sufficient human resources, and we should not send our firefighters into dangerous situations without the backup they need in order to ensure their safety.

In the 3 years since September 11, we have made progress. But we also know categorically that we are not doing enough and we need to do more. If the choice is between tax cuts that we cannot afford and securing the public against the now known threats of terrorism, I believe the choice is simple. We must act responsibly to protect the public we serve. To not do so and then be attacked, then to not look back and wonder why we did not take the necessary steps, would be an indictment against this Congress and the people who are unwilling to step up and provide the resources we need at the local and State level.

September 11 was one of the darkest days in our history. We all know that. We have heard about it. We all feel it very painfully. The simultaneous attacks on the World Trade Center and the Pentagon as well as the battle in the airspace over Pennsylvania was the deadliest foreign attack ever launched against the citizenry of this great country of ours.

September 11 drew our attention to a fact that experts had known for years—namely, that the United States is vulnerable to terrorist attacks. Certainly we had experienced acts of terrorism before. Indeed, the World Trade Center itself had been attacked by terrorists in 1993. We had experienced the horrific attacks in Oklahoma City. We knew terrorism was possible anywhere, even in our schools. But it took the attacks of September 11 to focus our attention on the magnitude of the dangers we face and the people we are up against and what they are willing to do in order to do great damage to our country.

Since September 11, the Federal Government has taken steps to improve our Nation's security. I applaud that. The fact we are even debating the Homeland Security appropriations bill is a reflection of the Federal Government's efforts to meet the challenges posed by the threats of terrorism. Yet there is still more that we must do. We can heed the recommendations of the Rudman report, which tells us we have not done nearly enough to protect the public we serve. That would be a major step in the right direction. It tells us that despite the risks this Nation faces, despite the real and present dangers, even the real likelihood of future terrorist attacks, that we are failing to take the steps necessary to protect the American people.

The Rudman report also tells us that the Federal Government has not made a sufficient commitment to help ensure that our first responders—our firefighters, our police, and our emergency medical personnel—have the training, the equipment, and staffing levels they need to effectively respond to what seemed unthinkable but that we now know can happen anywhere at any time.

After talking to State and local emergency management professionals—fire chiefs, police chiefs, the authors of the Rudman report—I have concluded we need to do much more than we have been doing. Local authorities asking for Federal assistance are told: We are sorry, but this is the best the Federal Government can do right now. Is this really the best we can do? I don't think so. I think we can do better.

In addition, Vice President CHENEY has been attacking the Democratic candidate on homeland security and warning about the risks of returning to a pre-September 11 mindset. I am almost quoting him. But who is really in a pre-September 11 mindset? This homeland security has not even begun to reflect the post-September risks that have been clearly, painstakingly detailed by our former colleague, Warren Rudman, and the distinguished panel that compiled this report.

Three years ago, President Bush asked for and Congress agreed to large tax cuts. The rationale at the time was we had a huge surplus and could afford a tax cut. However, this year things have changed and record surpluses have become record deficits, staggering deficits, the largest in our Nation's history on an annual basis, and a national debt that is mounting. By the end of this fiscal year, the total Federal deficit will be nearly $422 billion. That will be the largest deficit in our Nation's history.

This deficit is being racked up at a time when we have to address clear and immediate threats that are before us. However, instead of marshaling our resources in a comprehensive, responsible way, the administration did something that, in my view, will be recorded in history as irresponsible. It committed even more resources for the purpose of giving more tax benefits to the most affluent of our citizens.

That was the choice they made—a clear choice to give tax benefits to the privileged few rather than taking the steps to make the commitment to protect all of us. Our enormous budget deficit has been coupled with a huge security deficit. There is now an enormous gap between what we are committing to homeland security and what we should be providing to State and local first responders.

We have an opportunity with this amendment to set our priorities straight. We can, and we should, reestablish that the priority of this Nation is to protect all Americans and not to lavish scarce public resources on the privileged few.

The amendment Senator STABENOW and I are offering would adhere to the recommendations of the task force sponsored by the Council on Foreign Relations and establish a more responsible and realistic baseline for supporting our first responders—our firefighters, our police, and our emergency medical personnel.

To those who say we cannot afford to commit the resources to protect our people, I ask: Can we really afford not to do so? It seems to me if we can afford trillions of dollars in tax cuts that benefit the most affluent, then we ought to be able to afford $20 billion this year, next year, and the 3 years following to ensure, or to do a better job of ensuring, our security.

According to a recent report by the Congressional Budget Office released last month, the tax cuts approved in the last 3 years exacerbate income inequality by boosting the after-tax income of high-income households far more than that of middle- or low-income households. Based on the Congressional Budget Office data, the top 1 percent of households whose annual incomes average $1.2 million a year will receive an average tax cut of approximately $40,000 in the year 2004. This tax break is more than 40 times—40 times!—the average tax break for those in the middle fifth of income distribution.

With the amendment we are offering today, millionaires are going to be asked to take a smaller tax cut than they are already receiving under the 2001 and 2003 tax cuts. With our amendment, these individuals would still be able to benefit from significant tax cuts. But by simply reducing the 2003 tax breaks for those earning in excess of $1 million a year—one-tenth of 1 percent of all taxpayers; which is what our amendment does—we would be able to live up to our commitment, our obligation, to our Nation's first responders and to the people of this country by providing them with the resources to see to it they can respond if, God forbid, we are confronted with another terrorist attack.

So we have an offset. I suspect it will be challenged as a violation of the Budget Act. But here we are paying for an amendment by reducing the tax cut for the most affluent, to see to it that the general public can have the kind of protections they need, in order to see to it that we are protected against terrorist attacks that may come at a future date.

With that, Madam President, I will yield to my colleague from Michigan, who is a cosponsor of this amendment. And she was there the last time we offered this amendment. She is a great advocate of these efforts to improve our homeland security picture. I am honored to join with her in this effort once again this year.

I yield to my colleague from Michigan.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Michigan.

Ms. STABENOW. Madam President, I, first, thank my friend and colleague from Connecticut for his eloquence and leadership on this issue. He proposed this amendment last year, and I was very proud to join him in this effort. If we had done this amendment last year, we would be having a very different discussion, I believe, right now. So I thank the very distinguished Senator from Connecticut for his leadership.

I think it is important we recognize the fact that we have been told by the Department of Homeland Security that this is National Preparedness Month, which has just been announced. We are told there are hundreds of activities planned. The Department is encouraging us to encourage families we represent to be prepared individually.

In the spirit of National Preparedness Month, I think we have a responsibility to do exactly the same. That is why I rise to urge my colleagues to support the Dodd-Stabenow amendment that will provide America's first responders with the equipment and the training they need to protect the people of our country.

As the President often says, we are at war. The threat level has been raised to High or Orange six times since it was created. Americans are repeatedly warned the terrorists will strike again, that we should be vigilant and prepared. The experts and our leaders are certain that we remain under the threat of terrorist attack, and certain that we must be ready to prevent, hopefully, and, if not prevent, be able to respond to an attack.

However, what remains uncertain is our ability to prepare for and defend against potential terrorist threats. That is where our Government up until now has failed. We have the opportunity to correct that on this bill.

The experts I speak of, and Senator DODD spoke of, are a blue-ribbon panel of Nobel laureates, U.S. military leaders, former high-level Government officials, and other senior experts, brought together by the Council on Foreign Relations, led by former Senator Warren B. Rudman, and advised by former White House terrorism and cybersecurity chief, Richard A. Clarke.

During the spring of last year, this Independent Task Force on Emergency Responders conducted meetings across the Nation with first responders and national organizations seeking the answer to one simple question: What do you need to keep us safe? What do you need as first responders to keep us safe? The answer Senator Rudman received was daunting. Unbudgeted needs totaled about $98.4 billion, and these funds would only establish a minimum effective response, according to the report.

I would like to detail some of the deficiencies in our preparedness that the Rudman report outlined.

On average, our fire departments have only half the number of radios needed on a shift and only enough breathing apparatus for one-third of their firefighters. Now, imagine that. I know in Michigan people assume firefighters and police officers, emergency responders, have communications equipment, that they can talk to each other. I have met with police departments where they have said they cannot talk to the fire department, and they are in the same town or in the next town. This report said, on average, fire departments have only half the number of radios needed on a shift.

They also found police departments across America do not have the protective gear to respond to weapons of mass destruction attacks. They do not have basic protective gear.

Why have we ignored this panel's recommendations?

When the 9/11 Commission recently offered its recommendations—and I commend them for their thoughtfulness—Senators of both parties immediately took action. In fact, there is now a bipartisan bill that incorporates all 41 of the Commission's recommendations, and the majority leader has pledged to take up this legislation in the next month. I support that. In other words, approximately 2 months after we received the recommendations of the 9/11 Commission we are acting.

Unfortunately, the Rudman report is a year and a half old, and I would argue, even though there have been some changes in funding, we have basically done nothing to fundamentally respond to the seriousness of this report. In fact, what we have seen, in some cases, in order to fund homeland security and first responders, other programs have been cut. The COPS Program or other programs have been cut to move dollars over. And the local police department—it does not matter which pot it comes from—what they are looking at is the bottom line: Can they afford to add another police officer? Can they afford protective equipment? And way too many of the law enforcement leaders in Michigan are saying, no, they cannot.

During a series of 11 meetings I held across Michigan, I met face to face with many people I consider to be experts—first responders, community leaders in Michigan. They have told me in no uncertain terms that they are woefully underfunded and underequipped. Month after month they continue to remind me of the fact that they still don't have the dollars they need, even though some dollars have trickled down from Washington.

The situation in Michigan is of particular importance to me, of course, but this is not only about Michigan. This is a problem and a challenge for all of us. This is not a partisan issue. This is about how to keep Americans safe all over the country. We have ignored this report for too long.

I thank the Senators from Mississippi and West Virginia, the distinguished members who have worked hard on this bill. I know they find themselves in a difficult position confronting new threats and correcting countless vulnerabilities that were exposed on September 11. The legislation before us is a step forward. Unfortunately, I believe it is a very small step. We can do better, and we must do better.

The Dodd-Stabenow amendment will provide $690 million for the Federal Law Enforcement Training Center; $11.5 billion for the Office of Domestic Preparedness State and Local Programs; $3 billion for firefighter assistance grants; $660 million for the emergency management performance grants; $3.3 billion for the Emergency Preparedness and Response directorate; and $1 billion for the staffing for adequate firefighter and emergency response grants. In total, the amendment would provide an additional $15 billion in assistance for our Nation's front-line first responders.

Perhaps we should elevate the capabilities of our first responders above the reconstruction of Iraq. Over the past 2 years, Congress has provided $24 billion in American dollars for the reconstruction of Iraq. In late June, the Government Accountability Office told us that only $3 billion had been spent, leaving $21 billion in a fund for reconstruction, substantially more than what we are talking about here. I assure my colleagues that if we had had these funds and they had been given to our first responders, they would have done more and done more quickly, and that would have provided greater safety and the capability to deal with terrorist attacks. Those dollars would have been used here to keep us safe.

I am not suggesting we don't need to be supportive in Iraq, but this truly is a question of urgency and priorities for the American people. I have supported the request by the Department of Defense in support of our Troops. I cannot imagine why we are not giving that same sense of urgency to the total request to keep us safe here at home.

Again, the legislation we are now considering is a good step, but much more needs to be done. Senator Rudman's efforts have made it clear that the safety of the American people requires we do more. We can't be doing this around the edges. We have to do what is necessary, as we need to do what is necessary for defending ourselves abroad in terms of dollars needed for equipment and troops and so on. The very same thing should apply here. We should do what is necessary to keep us safe, period.

This Saturday is the third anniversary of 9/11. We know thousands of Americans lost their lives on that day. We owe it to their families and to all Americans to do everything in our power to defend our country, our families from another terrorist attack.

The Dodd-Stabenow amendment will begin to provide our police officers, firefighters, and emergency medical workers with the equipment and training they need to do one of the hardest jobs in this country—protect their communities and their citizens' lives.

When it comes to providing funding for our military men and women in Iraq and Afghanistan, we have provided money for what they need. I support that and will continue to. The President has requested numerous supplemental appropriations for Iraq and Afghanistan. We have promptly approved those funds. In most cases, Congress provided money in excess of what was actually needed at the time. Unfortunately, we have not done the same when it comes to homeland security. We would never want our troops to fight without the best guns and tanks, but we are willing to let our police and firefighters use outdated and inferior communications and bomb detection equipment. It makes no sense.

God forbid we have another terrorist attack in our country. Despite numerous Code Orange alerts, we have avoided another tragedy. I commend all of those involved in that effort. However, we do know there are likely terrorists already in this country and many trying to gain entry. We know they want to kill innocent citizens. Therefore, we must strengthen our resolve and do whatever it takes to keep us safe. When it comes to protecting our children, we should not be penny wise and pound foolish.

We have seen the pictures of the recent horrific terrorist attacks in Russia. Our hearts and prayers go out to all who are grieving. Who would have thought terrorists would go to such extremes that they would kill innocent children in a school? It demonstrates we can be attacked anywhere at any time.

Again, God forbid such a tragedy would happen in our own country, but if it did, could we look those grieving parents in the eye and tell them we did everything we could to protect their children? Could we tell them we did everything we could at the border to keep the terrorists out? Could we tell them we had the best bomb detection equipment possible? Could we tell them we had the best trained and equipped first responders who could act quickly and communicate with each other to prevent loss of life?

I remind my colleagues, when people call 9–1–1, they don't get somebody in the Homeland Security Department in Washington, DC. They get their local police or fire department. Local police and firefighters are ready and waiting respond to a terrorist attack and save lives, if it happens.

I honestly believe if we don't pass this amendment, based on this report, we are not doing everything we can do to keep Americans safe. That is, frankly, a risk I am not willing to take.

I urge my colleagues, before they vote on the amendment, to ask themselves: Are we doing enough at home to keep us safe? Are we doing everything we need to do as quickly as we can? Currently the answer is no, with any objective analysis. With the adoption of this amendment, the answer can be yes.

I urge my colleagues to come together with a sense of urgency, as they would if their own families were immediately threatened, because I believe they are.

I urge adoption of the Dodd-Stabenow amendment.

Mr. COCHRAN. Madam President, I appreciate very much the comments being made by the proponents of the amendment. But the fact is, it increases funding in this bill by over $15 billion, and there is no offset for it.

There is a provision in the amendment suggesting that taxes be increased to pay for the amendment. I don't think it is consistent with the Budget Act in terms of offsetting spending. We are confronted with an allocation of a limited amount of money to appropriate for all of the programs under the jurisdiction of this subcommittee. We are at the level of our allocation. So if we approve an amendment that exceeds that allocation, we have to reduce other accounts in this bill to pay for that amendment.

This amendment is subject to a budget point of order. It is the intention of the manager of the bill to make that point of order and to suggest that the Chair sustain that point of order.

Having said that, let me make a couple of other points about the comments that have been made about the fact that we are not doing enough. That is easy to say. We all know there is a lot to be done. The budget process of the Congress is restricted under its terms because we do have constraints on how much we can spend. If we overdo it, for whatever the reason, and go beyond the limitations we have imposed on ourselves to help ensure guaranteed opportunities for economic growth, expansion of the economy and the private sector, and all of the rest, we are not doing our job with respect to the integrity of the budget process. Any good-sounding program will be met with enthusiastic applause if you say: Let's increase that. It would be good for the country. Well, of course. But we have to have limits. Those limits have been imposed by ourselves, on ourselves, and now some Senators come to the Senate floor and say that is not enough for this program because it is so important.

These are important programs. The firefighter assistant grant program is very important. That is why we put $700 million in this bill for that program. The domestic preparedness grants program is a very important program. It contributes to making our country safer and more secure. That is why we put $2.8 billion in this bill for those grants. They will go to State and local governments. State and local governments will decide how they use those funds, consistent with plans that have been developed at the State and local level under the guidelines of the Department of Homeland Security.

Emergency management performance grants are involved here. These are first responders who work as emergency responders for medical care centers, hospitals, and the rest. We have included $180 million for those grant programs.

This amendment goes beyond some of the grant programs. It even increases funding for the base program of the Federal Law Enforcement Center by $500 million—just $500 million more than has already been appropriated for the base program for this center to use.

Well, my point is, because the amendment asks for spending $15 billion that we don't have in our allocation, we are constrained to make a point of order. I do think we need to recognize that important progress is being made. I know in my State the State government officials and the local mayors, local board of aldermen, the city council persons have done a very important job of identifying their own needs, how they can better improve the facilities, the infrastructure, the training of personnel, equipping of personnel at the local level, and then applying for the grants made available through the new Federal programs for homeland security. We are seeing improvements made. I am very happy we are making progress in that area.

My good friend from Connecticut suggests the Hart-Rudman report of that task force should be considered, and we have considered that. I think one of the first calls I made after I realized I was going to serve as chairman of this Appropriations Committee subcommittee was to Warren Rudman, my friend from New Hampshire, a former colleague whom I respect a great deal. His advice has been very helpful to me.

That Warren Rudman report was written several years ago, as we probably realize. Of course, they wrote a recent paper for the Council for Foreign Relations that got a lot of attention. I read an article that was published in the Council on Foreign Relations magazine as a result of that task force report. That is all helpful to us. We are carefully considering suggestions from people with ideas of how we can more effectively reorganize our agencies and provide funding for different programs that are important, and I think we have made great progress. We are definitely wiser, safer, and more secure as a result of the efforts by this administration, local and State government leaders, with the support of this Congress, in providing generous new appropriations for activities that previously were not funded at the levels they should have been funded in the Federal budget.

We are going to continue to make progress—I am optimistic—with the further support of this Congress and a strong record of accomplishment that will be continued by this administration. We will definitely see the results pay off for safer and more secure American citizens.

Madam President, I am advised that we have the time set for a vote at 2 o'clock for the Byrd amendment, or a motion to waive the Budget Act for the Byrd amendment. It would be my hope that we could set a time for voting on the Dodd amendment—or if the point of order that I make is sustained after the motion to waive is made—and that we could set that vote to occur after the vote on the Byrd amendment. That would be my intention.

I say that to give all Senators notice of the intention of the manager of the bill to have that vote occur at 2 o'clock. We hope that will be possible.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I say to the chairman, we will be happy to try to work that out. I don't know if other colleagues want to be heard. I will find out. If not, I will certainly not oppose the idea of having a vote. We will make a motion to waive if the point of order is raised. We will work that out.

If I can, let me, first of all, say that the chairman of the subcommittee has been a wonderful friend of mine. I have great respect for him. He has a thankless job, in many ways, in trying to deal with budget constraints. I am not sure that history is going to judge us well if, in fact, we are confronted with one of these dreadful attacks and the argument is we were prohibited because the Budget Act would not allow us to respond. We had an emergency supplemental adopted to deal with the situation in Iraq. Certainly, this Chamber and the other responded to it. The American public responded to it.

Certainly, nothing could be more important. The first and most significant obligation that all of us at a Federal level assume when we take the oath of office is to protect the citizenry of this country. Nothing is more fundamental to our jobs. We all understand that and respect it. This is not a request we are making for some social spending or education or health, and I argue that there is a good case to be made for those. We are talking about fulfilling the most basic obligation we have; that is, to protect and defend the people of this country. We have been given more than adequate warnings of what those who would do us great harm intend to do given the opportunity.

My colleague from Michigan rightfully points out the tragedy that occurred halfway around the globe in Russia only a few days ago. We are dealing with similar people. You need only look at your local newspaper and reports of how hostages—innocents doing humanitarian work in Iraq—are being treated by terrorists who apprehend them and threaten their lives. Let there be no doubt of the intentions of those who would do us great harm.

To argue that because there is restraint in the Budget Act that prohibits us from coming up with an offset—and again, I know it takes a little work to get it done, but I argue strenuously that history will look back and say: Why didn't you provide these resources when we knew we needed them. We are not making this up out of whole cloth. It is not as if the Senator from Michigan and I sat around and decided what ought to be done. We are relying on a very significant group of people who made some very serious recommendations.

Once again, I share with my colleagues the members of this panel. These are very distinguished people. This report was done a year ago, in July of 2003. It is not ancient history.

I mentioned already, of course, the chairman of this task force, Warren Rudman, our former colleague, the author of the Gramm-Rudman-Hollings deficit reduction package, a fiscal hawk during his tenure in the Senate, certainly not one who is known as a profligate spender.

I already mentioned Admiral Crowe, former Chairman of the Joint Chiefs of Staff. Margaret Hamburg, vice president for Biological Weapons at the Nuclear Threat Initiative. Before coming to NTI, she was Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services.

Joshua Lederberg, a Nobel laureate, and who currently serves as president emeritus and Sackler Foundation Scholar, Rockefeller University.

Donald Marron, chairman of UBS America, as well as Light-Year Capital. Previously, he served as chairman and chief executive officer of Paine Webber. Certainly no wild spender when we start talking about people who looked at these issues.

I believe I mentioned Norm Ornstein, resident scholar at the American Enterprise Institute.

George Shultz, former Secretary of State, Secretary of the Treasury, Secretary of Labor, Director of the Office of Management and Budget, who is certainly not a wild spender, and who sat and unanimously adopted the recommendations my colleague from Michigan and I are suggesting.

Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University. Prior to her appointment at Princeton, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law at Harvard Law School.

Harold Varmus, president and chief executive officer of Memorial Sloan-Kettering Cancer Center. Previously, he served as the Director of the National Institutes of Health.

John Vessey has served as chairman of the Joint Chiefs of Staff as well as Vice Chief of Staff of the U.S. Army.

I mentioned Bill Webster as well. He served as Director of the Central Intelligence Agency, as well as the Director of the FBI.

Steven Weinberg is director of the Theory Group of the University of Texas. He is a Nobel laureate in physics and a recipient of the National Medal of Science.

The list goes on. These are highly competent people who sat down under the leadership of Warren Rudman and said this is what we think we need to do. The Senator from Michigan and I know it is a lot of money. It is a lot of money—$20 billion a year over the next 5 years, an additional $15 billion, included with what is in this budget. But if something happens tomorrow, next week, next month, and we are not prepared to respond to it, people will ask: What did you do? You have been given an opportunity to get ready, to be responsible, to take the necessary steps so we would be prepared to respond. And we were told we could not because of the Budget Act.

Imagine if we offered this amendment without offset. We would be accused of spending money without coming up with resources to offset the obligation. Is it too much to say to one-tenth of 1 percent of our population, not to eliminate your tax cut, but reduce it for 1 year in order to pay for this? That is the choice.

We are all confronted with difficult choices. I do not think this one is terribly difficult, and I suspect if you asked that one-tenth of 1 percent of the most affluent of our citizenry whether they are willing to give up a tax cut for 1 year in order to enhance the homeland security of this Republic, I suspect an overwhelming majority of them would say: Do it; do it.

These are patriots. These are people who understand difficult choices need to be made. We are going to be given the chance in the next few minutes to waive the Budget Act to make it possible for us to come up with the resources to do this. This is the choice with which we are going to be confronted, and I do not think history is going to accept the argument that the Budget Act somehow could not be waived because we could not come up with the resources to do it, because somehow a regulation or some provision of law made it difficult for us to do so.

I think that answer is pathetic. It is inadequate. It is not going to be accepted by history or the American public. Yet that is the choice I think we ought to be making today.

Senator BYRD, our colleague from West Virginia, has offered a modest increase. My colleague from Michigan and I are offering something that is larger. We know that. It may be asking a lot, but I think to do anything less is to place our Nation at risk.

We are once again asking our colleagues to put aside the technical arguments that could be raised and do what is right for our country. Let's waive the Budget Act. There is a resource to offset this cost. We need not add to the deficit of the country to do what needs to be done. The people who made these recommendations are distinguished Americans. They come from all political walks of life, all parties. They are involved in science, national security, and the domestic security of our Republic. They have come to the conclusion that this is what we ought to do. We ought to listen to them, and we ought to respond to them by adopting this amendment and waiving the point of order when it is made.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank the distinguished Senator from Connecticut one more time for his eloquence on this point. I was thinking, as my colleague was speaking in terms of the choices we have to make and whether someone with great means in this country would be willing to defer a small portion of a tax cut in order to keep us safe, that it does not matter how much your income, you are still vulnerable to terrorist attack in this country. And I cannot imagine anybody who would not say: Do what you need to do to keep my family safe. Do what you need to do to keep my children safe on the way to school or at school or after school or at their college or my husband and wife at work or me driving down the street. These are serious choices.

I am constantly amazed at the times we use bureaucracy and budget arguments versus the times we ignore them. I very much understand the constraints of the appropriations process and the difficulty the subcommittee chairman has in operating within the amounts that have been allocated. I understand that and appreciate the hard work that takes. But I remember also, as a member of the Budget Committee, raising questions about why we could be appropriating $87 billion and before that $150 billion—over $200 billion—to Iraq that has never been in the budget at all, has never been anywhere in the budget. Instead of offsetting that in some way, we added it to the deficit, the largest deficit in the history of the country.

We could eliminate everything except the Department of Defense in terms of annual spending and equal what this debt is this year. It is huge. But when we were focused on Iraq, somehow it was "whatever it takes," not only for the troops but in addition to whatever folks felt was necessary to rebuild Iraq—to rebuild their roads, their schools, and give them a health care system, and all these other items. It did not matter whether there was any money appropriated or if there was any way to pay for it.

Monday night, we responded quickly—and I supported so responding—to Florida with $2 billion. That was not in the budget. We responded because of an emergency.

We are talking about, in relative terms to the huge allocation in defense and the hundreds of billions of dollars now in Iraq, a relatively small amount. It is less than 3 months' spending in Iraq to keep us safe at home.

I cannot imagine anybody from any part of this country, any political persuasion would not look at this and say: This should pass overwhelmingly with a voice vote. Why are we struggling with the question of doing everything possible as quickly as possible?

I know there have been improvements made, but we are not doing everything that needs to be done as quickly as possible.

I also know that when I talk at home to folks who are on the front lines and they tell me, You are taking money out of this pocket and putting it in this one, it is not new money. Or that they received small amounts, but they are not large increases that have been coming to local communities. When we take an officer whose salary is paid by the COPS Program and we cut it and then we restore the funding through homeland security, it is still only one officer. That is what is happening in too many places.

Again, I agree with my friend from Connecticut that there needs to be a sense of urgency about this matter. I understand budget constraints, and I understand the limits that have been placed on this particular budget. But I suggest it is our responsibility to challenge that and together stand up and say the rules do not fit for this situation. That is what we are expected to do. We make the rules.

It is pretty hard for us to say we cannot change them when they do not make sense, and particularly when we change them all the time. We change them. Depending on whatever the majority folks want to do, we change them. Why in the world would we not want to make sure we are doing everything possible?

I remember a week before we left for the August recess and we were sitting in 407, all of us together hearing about the new sense of urgency and the very specific threats that were present. We watched at both conventions the armed fortresses around not only the conventions but our hotel. It was amazing. Certainly there were resources those communities needed to have to deal with that, but we were told in no uncertain terms that it is very likely something could happen between now and November 2.

Then I go home and speak with the sheriffs, the police chiefs, the firefighters, the emergency preparedness folks, the folks at the emergency rooms at the hospital, and they look at me and say, what are you doing? We do not have the resources to do this ourselves.

I know there are those who believe local communities should bear the brunt of this funding. I would argue that when New York and Washington, DC, were attacked, they were attacking the country. Regardless of where we are attacked in the country, it is our responsibility, the Federal Government, to be a serious partner with local communities to make sure the resources are there.

Again, if we are saying we are conducting military actions abroad because of the threat and we are being told that there are the threats here and they are real, why would we not provide the same approach in saying we will do whatever is necessary? That does not mean indiscriminately throwing dollars at a situation. It means in a thoughtful way using the complete report the Senator from Connecticut has spelled out as a basis for why would we not respond. That is all this amendment does. It allows us to respond to a thoughtful report, just as we are responding to the 9/11 report. I argue very strongly we should think long and hard, while this budget is in front of us, about whether we can honestly say to the people we represent, as well as our own families, that we are doing everything possible, as quickly as possible, to keep us safe.

Mr. DODD. I ask unanimous consent that the Senator from Michigan, Mr. LEVIN, be also added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I am prepared to go into a quorum call at this point to chat with our friend from Mississippi as to how he wants to proceed on points of order and waivers. I would also like to at least give the respective leaders an opportunity to inquire as to whether any Members would like to be heard on the amendment before we end the time. I assume it will not be much and I would be happy to agree on a time certain. I would be happy to make it around the time for the vote on the Byrd amendment to accommodate Members' interests.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, I make a point of order against the Dodd amendment on the grounds that it violates the Budget Act, section 302(b) of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask that the relevant points of the Budget Act be waived and ask for the yeas and nays on that. Also, Madam President, I ask that the vote on this follow the completion of the vote on the Byrd amendment.

The PRESIDING OFFICER. First, is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there an objection to the request of the Senator?

Without objection, it is so ordered.

Mr. REID. Through the Chair to the distinguished manager of the bill, would the manager of the bill object to 2 minutes, evenly divided, prior to the vote on the Dodd amendment?

Mr. COCHRAN. Yes, I would. We have thoroughly debated that.

Mr. REID. It doesn't hurt to ask.

Madam President, we have 1 minute to go. I ask consent that the vote start now rather than at 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, Senator DOLE has asked me to advise that she is absent from this afternoon's votes due to an emergency visit to her home State of North Carolina. As you know, the remnants of Hurricane Frances devastated a large portion of western North Carolina this week, and Senator DOLE felt it was imperative that she make an immediate trip to the State to assess the damages and offer assistance in whatever manner possible.

I ask unanimous consent that the RECORD show that had she been present, Senator DOLE would have voted against the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mrs. DOLE) would vote "no".

Mr. REID. I annouce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—43

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Akaka
Clinton
Dole
Edwards
Kerry
Specter

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3604

Mr. DODD. Mr. President, I ask unanimous consent there be 2 minutes equally divided to speak on the amendment.

Mr. COCHRAN. How about 30 seconds each?

Mr. DODD. How about a minute each?

Mr. COCHRAN. A minute, and I will not use my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Mississippi.

Very briefly, I know Members were at the various luncheons during the debate on the amendment we are about to vote on. This is the Warren Rudman report prepared in July of 2003. It laid out in a very detailed way what needs to be done in order to provide the necessary resources for first responders. This was a task force that included Admiral Crowe and George Shultz, William Webster, who served as Director of both the FBI and CIA, and many others, who said we need to be doing a lot more to see to it that our first responders have the necessary resources to do the job, Lord forbid we are attacked by terrorists again.

Now we have included an offset that makes this subject to a point of order. But I believe we have to come up with some choices. One choice is whether one-tenth of 1 percent of the American taxpayers for 1 year could do without a tax cut to pay for the $15 billion to make our country more secure. That is what this amendment does.

I urge my colleagues to waive the point of order.

Mr. COCHRAN. Mr. President, regular order.

The PRESIDING OFFICER. The Senator has used 1 minute.

Time is yielded back.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 53, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—41

Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Akaka
Clinton
Dole
Edwards
Kerry
Specter

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, if I could involve my friend in a brief dialog, I have come to the floor on many occasions and talked about the need for our leadership to cut off these votes. If we are going to finish this bill by next Tuesday, we cannot spend an hour on two votes. We cannot get the bill done.

I hope there will be some degree of understanding that this is unfair. Republicans do it and Democrats do it. I am not picking on one side. We should not have to wait on votes. People have the idea that when a vote is called, they will come when they get around to it and that we will hold the vote for them, and we do, which is wrong. That is my personal opinion.

If we are going to try to finish this bill by next Tuesday night as the leaders want, we are going to have to start cutting off these votes at a reasonable time; otherwise, there is no possibility while we are standing around here looking at each other while other people are in their offices completing phone calls or whatever else they do. It is unfair to the Senate, and I think it is unfair to the country.

Mr. COCHRAN. Mr. President, the point of the Senator is well taken. I hope the Senate will consider his remarks very carefully. We need to move ahead with dispatch. There is no reason why we should consider delaying the consideration of this bill even further.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3596

Mrs. MURRAY. Mr. President, I call up amendment No. 3596 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3596.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount available for port security grants by $300,000,000)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. The total amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "STATE AND LOCAL PROGRAMS" is hereby increased by $300,000,000. Of such total amount, as so increased, $1,500,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security, of which $450,000,000 shall be available for port security grants.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this afternoon to offer an amendment that would help make our communities and our Nation's ports safer and more secure.

I ask unanimous consent to add the following Senators as cosponsors to my amendment: Senators BILL NELSON, CLINTON, SCHUMER, MIKULSKI, KENNEDY, BOXER, CANTWELL, GRAHAM, and LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I appreciate that funding for homeland security is significantly higher in this bill than in the President's budget request. It should be noted that under the leadership of Chairman COCHRAN and Senator BYRD, we have made progress since the Rudman report suggested that we are "dangerously unprepared and underfunded for a catastrophic terrorist attack."

However, I am still very concerned that the priorities established in this bill are not sufficient to meet the challenges we face in confronting the terrorists who want to do us harm or the homeland security needs throughout the country. It is our duty to protect our Nation, and in order to do that we need to make the right investments.

These decisions are critical to ensuring that the American people, the communities they live in, our economy, and our country are safe and secure.

The debate we are having could not be more critical to the defense of our country. The bottom line, though, is we have to do more to confront terrorists abroad and defend ourselves at home. Nowhere is this more true than in the areas of port security and securing our trade lanes. This is not only one Senator's opinion; it is the opinion of experts in the field and those brave men and women who defend our Nation.

In a recent interview, the commander of NorthCom said:

> It's just a matter of time before terrorists would attempt a sea-borne . . . a maritime attack on the U.S.

The 9/11 Commission report stated:

While commercial aviation remains a possible target, terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime or surface transportation.

Steven Flynn, perhaps the most preeminent expert in the field, says this about our Nation's efforts to better secure our ports: "This is an extremely soft target for America's enemies to exploit" and that a "two-week shutdown of U.S. ports would collapse the global trade system. That's what we're talking about."

Despite this clear evidence, time after time the White House and the rest of the administration have taken the position of limiting investments in many of the policies and security initiatives that would make our Nation safer.

I do not say this to criticize Chairman COCHRAN or his staff, and Senator BYRD has been a true champion every single step of the way in fighting to improve the security of our Nation. Without their efforts, we would be even worse off. But I raise this issue this afternoon to reiterate my strong belief that we have a great responsibility to better secure our country, and it is my own belief we are not doing enough to protect the communities we have been sent here to represent.

Specifically, we need to do more to identify and address the threats to our country before they leave foreign shores. That means better intelligence and more personnel dedicated to finding and stopping terrorists. And those are the issues this Senate is currently debating. But we also need to give the people engaged in antiterrorist activities the tools they need to succeed.

We also need to harden our port facilities, support the Coast Guard in fulfilling the missions they have been tasked to perform, and facilitate better coordination among Federal agencies, States, and local first responders.

In the last several years, we have made steady but slow progress in better securing our port facilities and our trade lanes, and we have learned some important lessons through innovative programs such as Operation Safe Commerce, the Container Security Initiative, and the Customs-Trade Partnership Against Terrorism.

Soon the lessons we have learned should be applied in a way to better protect our Nation, and with the support of Chairman COCHRAN and Senator BYRD, the report accompanying this bill directs the administration to create a national standard for cargo security.

By February, the Department of Homeland Security is directed to take the data, analysis, and lessons learned from these cargo security programs and create a plan that will ensure that the cargo headed for our shores is safe to bring into our ports.

As the author of Operation Safe Commerce, I am particularly proud to report that despite early reluctance by the administration, we are seeing real results through the implementation of this security program.

After more than a year of preparation, we launched Operation Safe Commerce. It is a new era of port and cargo security that uses smart technology and the best supply chain systems to protect our ports from those who would do us harm.

Only last week, I had the opportunity to visit the port of Tacoma to see how Operation Safe Commerce, our three largest container load centers, and the private sector partners had answered our call.

Over the past 5 months, shipments have been tracked from their origination point, whether that was in an overseas factory floor or an agricultural field, to their final destination. The cargo traveled by truck, train, and ship along its journey, and we watched it every step of the way. The security was monitored and analyzed at the origination point, every subsequent transfer point, and on each mode of transportation until it reached the customer.

When vulnerabilities were found in the supply chain, solutions were developed to ensure the integrity of the shipments. In many cases, it was discovered that the origination point lacked access, control, and general security.

So now we know that cameras, biometric identification technology, and third party inspection are necessary to ensure the product's integrity before it is loaded into a container.

In other cases we found that the integrity of container seals was not verified at each point in the supply chain. If the seal had been compromised when it arrived here, it is too late. So several technologies were recommended to ensure that we know if a seal has been broken or a container has been opened.

It was learned that the identity used by drivers to transfer the containers between supply chain points was not always easily verified. So the final Operation Safe Commerce report will make recommendations to address that as well.

When the 9/11 Commission published its report, it noted that initiatives such as Operation Safe Commerce had just begun to secure shipping containers but that an integrated strategic plan had not been developed. These early findings prove that Operation Safe Commerce is a model for how our Nation can improve port security by identifying dangers before they leave foreign shores and helping to ensure that cargo is safe when it arrives in the United States.

This innovative program is an excellent example of industry coming together to share experiences and best practices, and I could not be more proud that my home ports of Seattle and Tacoma, along with Los Angeles, Long Beach, New York, and New Jersey are leading the way to a new standard to secure cargo bound for U.S. ports.

While the hard work of these partners has begun to answer the call in defending our Nation and responding to the 9/11 Commission, there is still much more that we need to do. As a few of us in Congress, the 9/11 Commission and experts in the field have called for, we must continue working together to develop a cargo security system as a national and ultimately international standard. We must provide the funding necessary to harden and protect our port facilities and the people who live and work near them.

I am reminded of the challenge we face to secure these critical assets every time I come home to Washington State. My office in Seattle is located in the Jackson Federal Building. From my office window, I can see the third largest container load center in the country, the largest passenger ferry system in the continental United States, carrying 26 million passengers annually. I can see an ever-increasing number of cruise ships that call on Seattle. I can see active commerce and thousands of people engaged in trade on a daily basis. I can see two professional sports stadiums that hold tens of thousands of people and literally thousands of residences and homes of people who live near our port facilities.

Again, this is all in close proximity to the port of Seattle. This view is not much different than the view of other ports in my State and, frankly, all around the country, and that is why I want to make sure all of America's ports are safe.

I know every Senator agrees there is nothing more important than protecting our country, and over the next few days I hope we can all work together to do a better job for our Nation, for our States, and the individual communities we all represent. I know unless we make the right decisions in Washington, DC, our security, our economy, and our communities will be threatened. That is why today I am offering the Murray amendment to triple the level of port security grant funding in the underlying bill.

While the amount contained in the bill for port security grants is greater than that included in the House bill, I remain concerned that the amount is simply not enough to help our ports with their security needs. The Commandant of the Coast Guard has testified that it will take more than $7 billion, including $1.5 billion this year, to implement the port security plans which were mandated by the Maritime Transportation Security Act.

In the last fiscal year, the Department of Homeland Security received nearly $1 billion in requests for port security grants. Since that time, Congress has only provided $275 million in port security grants, $150 million last year and $125 million this year.

According to the Coast Guard, that leaves us over $1 billion short of our commitment to these vulnerable assets, and according to the American Association of Ports Authorities, a minimum of $400 million is necessary to safeguard the most critical ports in the country.

While I have always known the need for extra port security funding, the urgency was recently highlighted for me at home in Washington State. We have had the terror level raised to Orange six times in the past 3 years, and soon ferry systems across the country will be required to increase their threat posture due to suspicious activity on ferries and at terminals nationwide. While this suspicious activity is not necessarily attributable to the action of potential terrorists, the steps we are taking are a necessary precaution.

Protecting our country comes with a price. This means increased vehicle inspections, and for the Washington State ferry system that means each month an estimated 21,000 additional vehicles will need to be inspected before they board our ferries. The ferry system, State patrol, and Coast Guard will incur tremendous additional costs to secure what is essentially an extension of our highway system that are not budgeted for and costs that, frankly, could have been avoided.

We could have avoided these extra costs with enough funding to secure those terminals. It seems penny-wise and pound-foolish to scrimp on the port and terminal security so many experts have called for. The Murray amendment would provide a $300 million increase in port security funding for a total of $450 million in fiscal year 2005. This amendment would help put the safeguards in place to ensure that local communities are not forced to pick up the tab for a federally mandated security measure. This increase is necessary to make an honest attempt to cover the Federal share of securing some of the greatest economic engines of our economy and the communities that surround them.

I urge my colleagues to support this amendment and ask for its consideration.

Mr. GRAHAM of Florida. Mr. President, I rise today to voice my support for Senator MURRAY's amendment to the Homeland Security appropriations bill.

Our Nation's seaports are now the gateway for 95 percent of our international trade, and as such they play a vital role in our national economy. The volume of domestic and international trade is expected to double over the next two decades, as globalization continues to increase linkages between the people of different countries.

Seaports' essential role in our economy makes them a natural target for terrorist groups or other entities seeking to inflict harm on the United States of America. We know that al-Qaida and other international terrorist groups have shown a preference for targets of economic importance, and we have seen the economic impact of port closures causes by strikes or weather emergencies. We can conclude from this that terrorist groups could consider American ports to be viable targets, and there are a variety of ways that terrorists could attack a port to disrupt activity, cause damage, and kill American citizens.

It is therefore vital that we take adequate steps to ensure that our Nation's ports are appropriately defended. Congress has addressed seaport security concerns over the last several years, and we have passed several bills that have sought to modify and improve the security of American seaports.

In 1997, I had the opportunity to spend a day working as a customs inspector at Port Manatee, FL, where I was able to learn about these security challenges firsthand. Several of my Senate colleagues and I convinced President Clinton to appoint an interagency commission addressing seaport security. This commission's recommendation were taken seriously by members of Congress, and we began working on legislation.

In the fall of 2002, we passed the Maritime Transportation Safety Act, which raised security standards at American ports. This legislation authorized the appropriation of whatever funds were necessary to meet the new security requirements. The Coast Guard has estimated that meeting these new requirements will cost approximately $7.2 billion over the next decade, and that first-year start up costs will total roughly $1.4 billion.

America's port authorities seem to agree with the Coast Guard's assessment, since they have requested nearly one billion dollars in port security grants. So far only a fraction of this need has been met by federal funding. This means that we have essentially handed our local port authorities a very large unfunded mandate. If we are going to follow through on our commitment to protect our Nation's seaports, we must ensure that port authorities have the resources they need to meet the security requirements we have established.

Increasing funding for port security grants will help ensure that our seaports are able to prepare for a possible terrorist attack. While this amendment does not provide port authorities with the nearly $1 billion they need, it certainly brings us much closer to that goal.

Mr. DORGAN. Mr. President, I support the Murray amendment because I think that it includes important investments in port security. The amendment includes $300 million for port security grants so that we can increase our surveillance of the thousands of containers that enter our country.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today, and I hope that it will be, I intend to work with the conferees to offset these increases by reducing funding that have been earmarked for Iraqi reconstruction. I believe these expenditures should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate $18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than $1 billion has been actually expended and only about $7 billion has been obligated.

Therefore, I support Senator MURRAY'S amendment and I will vote for it today. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset these needed security investments.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment is offered to increase funding for port security grants. Specifically, it would increase the authority for spending in the bill by $300 million. Senators should know the bill already contains funding for port security grants in the amount of $150 million, and since fiscal year 2002 we have provided funding for this program of almost $500 million, specifically for port security grants.

A lot of progress has been made to upgrade the quality of our detection processes. We have seen money going for training and equipping of port security officials. We are making important and constructive changes in procedures to help ensure that we can identify suspicious activity around the ports of the country. The Coast Guard is involved, of course. As we have talked about earlier today, we are providing for modernizing the fleet of the Coast Guard and doing other things that help assure that across our country we are going to be able to enjoy a safer and more secure environment.

On Friday, September 10, all of the funds that were appropriated for 2004, the current fiscal year, $50 million in grants, were awarded. So the administration is working expeditiously to carry out the directives of the Congress in awarding these funds.

I may point out that the President's request for this particular grant program for this next fiscal year was only $46 million.

So we have already tripled the amount of money that will be going out to State and local officials, security officials, for this program.

We have one other problem with the amendment as well and that is that there is no offset provided as required by the Budget Act. To simply add money for a program is not going to be permitted unless an offset is provided. So under section 302(f) of the Congressional Budget Act, a point of order would lie against the amendment.

Mr. President, at this time I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. I ask unanimous consent that Senator DODD be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If there is no further debate, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from North Carolina (Ms. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 49, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—45

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Akaka
Clinton
Dole
Edwards
Kerry
Specter

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3607

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3607.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the American Red Cross)

On page 25, lines 6 and 7, strike "$2,151,000,000, to remain available until expended" and insert "$2,221,000,000 to remain available until expended, of which $70,000,000 is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th Cong.) and shall be made available for a grant to the American Red Cross for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances".

Mr. NELSON of Florida. Mr. President, this is an amendment to the Homeland Security bill to provide $70 million to the American Red Cross for the purposes of their relief efforts as a result of Tropical Storm Bonnie and Hurricane Charley, which hit us 4 weeks ago, and Hurricane Frances, which hit us this past week.

The American Red Cross is out of money. Their coffers have run dry. They have people all over Florida right now. In order to pay expenses, in doing what the American Red Cross does so well, they have had to go out and borrow $10 million.

I just got off of the phone with the national president of the American Red Cross.

I want to show you what else is lurking out there. I did not have time to blow this illustration up for everybody, but this is the third hurricane, in the last 5 weeks, that is headed to Florida. This hurricane, at 11 o'clock this morning, was down here in relation to the southeast of Jamaica. Its track will take it right over Jamaica and across western Cuba, on a track that is eerily reminiscent of Hurricane Charley which hit us 4 weeks ago, and going right out into the warm waters of the Straits of Florida, across the Keys. On the track that is showing the center line, it would take it right to the southwest coast of Florida.

Now, you can imagine a hurricane of this magnitude. It has 160-mile-per-hour sustained winds, with gusts to 190 miles per hour. It came across Grenada, and 90 percent of all the homes in Grenada are destroyed. Let's hope the Good Lord will spare us in our State from having a third hurricane hit in a row, as two have already hit, the last one of which was so massive that it covered up the entire State of Florida with severe winds and just a deluge of rain.

This amendment is offered, albeit the majority leader, now talking to the assistant minority leader, has assured me next week we are going to have another emergency supplemental that will take care of FEMA expenses and the Department of Agriculture, the Department of Transportation, the Army Corps of Engineers—all of those. We are going to be looking at a minimum of an additional $2.5 billion—minimum—because the $2 billion we just passed the night before last is not even going to cover the first hurricane.

So instead of taking the chance that next week's emergency supplemental, which will originate in the House, will come to us at the last minute in a take-it-or-leave-it situation—I do not want to take that chance because of all of those Red Cross volunteers who are down there who are so essential to our recovery efforts right now, trying to recover from a second hurricane, and not the least of which we will need them desperately if we get hit with Hurricane Ivan, now scheduled to be in the Florida Keys Monday morning at 8 o'clock.

Mr. President, I have stated my case. I yield the floor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, has an amendment been reported?

The PRESIDING OFFICER. An amendment has been.

At the moment there does not appear to be a sufficient second.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have not had an opportunity to check on the legal authority for appropriations being made directly to the American Red Cross, but I have asked my staff to check to see under what authority the Senate would be authorized to appropriate funds for a private or a charitable organization.

The American Red Cross, I do not think, is an agency of the Federal Government. There has been no request submitted to the Congress from the administration to fund volunteer charitable organizations under this bill or under any other bill, as far as I know. They, of course, render very valuable and very important services not only here but around the world. We are all familiar with the good work they do.

So I am hopeful we can check to see what the authorities are and can provide the Senate information on which to base a judgment as to what we should do with respect to this amendment.

It requests, as I understand it—I do not have a copy of the amendment. That is why I asked if it had been sent to the desk.

Mr. NELSON of Florida. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend from Florida.

Mr. NELSON of Florida. Mr. President, if I might answer some of those questions.

This Senator personally gave the chairman of the committee a copy of the amendment about 45 minutes ago. It is my understanding there are provisions in this Department of Homeland Security bill for appropriations for private entities such as the American Red Cross. That is the part of the bill we are amending, to provide $70 million of relief money, specifically for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances.

Mr. COCHRAN. I would be glad to consider the amendment and review it carefully. I wonder if there is an offset in the amendment that would provide some source for making up the funds. We are limited in our allocation of funding under the Budget Act, and we are at the limit. Any amendment that adds spending to the bill without offsetting it against some other account is subject to a point of order under the Budget Act. That was the next part of the process of analyzing this amendment. I hadn't gotten any satisfaction on the answer to that question. Maybe the Senator knows the answer.

Mr. NELSON of Florida. If the Senator will work with me, I will find an offset. If this is the chairman's pleasure, if we can hold this in abeyance, we will come back to him with an offset.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the American Red Cross dated September 9, 2004.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN RED CROSS,
Washington, DC, September 9, 2004.

Hon. BILL NELSON,
U.S. Senate, 716 Hart Senate Office Building, Washington, DC.

DEAR SENATOR NELSON: It is very likely that the response by the American Red Cross to back-to-back hurricanes Charley and Frances will be the largest and costliest natural disaster humanitarian effort in the 123-year history of the American Red Cross. In order for the American Red Cross to carry out the duties delegated to it by the federal government under its Congressional Charter, I am respectfully requesting your help in securing $70 million for the American Red Cross Disaster Relief Fund within the Fiscal Year 2005 Department of Homeland Security Appropriations Bill (S. 2537).

Because the needs of Florida residents who have suffered as a result of the two hurricanes is so immediate, Congress quickly provided FEMA with an additional $2 billion. It is critical that further assistance also be provided expeditiously. Because the Homeland Security appropriations bill is expected to reach the President's desk prior to the second emergency supplemental bill, we are asking that funding for the American Red Cross Disaster Relief Fund be included in it. However, if the second supplemental bill appears to be moving first, then we would ask that all disaster relief funds be stripped from the Homeland Security bill and added to the supplemental bill. The bottom line is that we get the money to the victims and those helping them as quickly as possible—whatever the vehicle. In times of extraordinary need, such as that in Florida today, the Red Cross Disaster Relief Fund requires federal assistance in addition to charitable donations to meet the responsibilities delegated to it by the federal government.

The response by the American Red Cross to Hurricanes Charley and Frances marks the largest mobilization of Red Cross resources since Hurricane Andrew. It encompasses a geographic area that exceeds all other past disasters, including the 1993 Midwest floods. To date, we have served over four million meals and sheltered close to 300,000 people in response to these back-to-back disasters. We are continuing our expanded efforts to raise money from the American public, who are always willing to aid their neighbors at times like these, but the unprecedented need in Florida clearly requires additional and immediate assistance from the federal government.

I thank you for your consideration of this request, and the volunteers of the American Red Cross and I look forward to continuing to work with you and your colleagues to ensure that we meet the needs of every disaster victim.

Sincerely,
Rear Adm. MARSHA J. EVANS, USN (Ret.),
President and Chief Executive Officer.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have a lot of Senators who have indicated they want to offer an amendment. We have worked through the list, and we have a number of people who are going to offer amendments. Senator HARKIN is going to come over at 5 o'clock or thereabouts. We are running into the thing we run into a lot around here. People say: We have amendments, but we are not ready yet.

The two leaders have said they are going to end this bill Tuesday night. There are different ways of fulfilling the wishes of the two leaders. One way would be to work hard and try to work our way through the amendments. It is my understanding, speaking to the two leaders, that we are going to be here tomorrow morning and have a couple votes. I guess what I am saying is: Staff of the Senators, if they would also listen, if there are not going to be amendments offered, let us know.

It would be in everybody's interest to come over and start offering these amendments. I am sorry we don't have it set up so people can come over immediately and not have to wait 2 or 3 minutes or even 20 minutes, but sometimes it works that way. I hope those within the sound of my voice will do whatever they can to come and offer their amendments. It is 4 o'clock. We don't have anybody here to offer amendments.

Monday is going to be a short day, as it always is, and Tuesday is going to be a long day. I believe there is a pretty good sense from the two leaders that they are going to do everything they can to finish Tuesday night because the Jewish holiday starts on Wednesday. If we go even until noon on Wednesday, that means people who have to travel to the west coast for religious observance on Wednesday cannot get there unless they leave earlier than that. You cannot automatically go to the airport and hope a plane is there. The latest plane going to California, for people who have to leave this body, is about 10:30 in the morning.

I hope that Senators will come over and we can have two or three in line here. Senator COCHRAN has the theory—and I am confident that he is probably right—that as soon as somebody offers the amendment and it is debated, we can vote on it. So I hope we have some people show up.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I had an opportunity to review the amendment offered by the distinguished Senator from Florida and to consult with representatives of the administration and my staff who have helped me analyze this. This amendment, as proposed, would provide $70 million to the Red Cross to reimburse them for expenses and enable them to provide disaster assistance to hurricane victims and for other purposes under their authorization, under their jurisdiction.

We passed yesterday a $2 billion appropriation supplemental for the Federal Emergency Management Agency General Disaster Relief Fund. These funds are to be used for the emergencies that exist in the State of Florida and elsewhere, where the funds in this account had been depleted.

We are told by administration officials, in consultation now, that they are considering whether an additional amount may be needed in a supplemental that could be submitted to Congress as early as Monday.

Officials are discussing this with the Red Cross. They are discussing this with the Office of Management and Budget, the Federal Emergency Management Agency. So we do not know right now exactly how much the Red Cross is going to need and whether additional funds need to be added to that $2 billion account we have already approved and, if so, how much.

What I am hoping is we can withhold action on the Senator's amendment tonight and continue to stay in touch with officials in the administration and with the Senator from Florida and others who are interested in this and make sure the funds that are needed, that the Red Cross is entitled to, are in some bill. It may be the next supplemental is the appropriate bill rather than this annual appropriations bill we are considering now.

I want to cooperate with the Senator and help make sure the disaster victims get the help they need and that the State of Florida gets the help it needs to recover from this very serious situation.

Those are my findings and those are my assurances. I hope the Senator will understand and not urge we take action on his amendment tonight.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. NELSON of Florida. Mr. President, I thank the Senator for yielding. With the assurances of the chairman and the committee that the supplemental that has been promised by the majority leader will be coming, with the assurances that the Red Cross would be included within such supplemental, then that solves this Senator's concerns. The supplemental will have many other items, and by Monday, we will find out whether that supplemental is going to have to include the effects of this third hurricane that is headed our direction or whether we are still looking at the two hurricanes that have already hit us.

The supplemental we passed two nights ago was merely an emergency supplemental to get cash into FEMA. FEMA's well had run dry. They were flat broke. They had no more money to pay for the ongoing relief efforts. The $2 billion is not enough, and everybody acknowledges that, for the first hurricane, much less all of the additional expenses for the first hurricane plus the second hurricane. I wanted to protect the American Red Cross, which is so vital to the interests of the recovery ongoing right now, since their well had run dry as well.

So with the assurances of the Senator from Mississippi that this new supplemental, whenever it comes—and it originates in the House and it is usually in a posture of "take it or leave it" at the last moment for the Senate—that we are not in the situation where we are going to be lacking for funds, this Senator is willing to set aside his amendment, holding it pending on those assurances from the Senator.

I thank the Senator for his kind comments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for his willingness to set his amendment aside. It will be held at the desk, and we will consider it in due course if we do not resolve it in the supplemental as I expect it to be resolved.

I assure the Senator that he is correct in the notion that we are going to work with him, cooperate with him, and with the people of his State and others who benefit from these Red Cross activities.

I thank the Senator for his cooperation.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3608

Mr. ALEXANDER. Mr. President, I send an amendment to the desk, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, and Mr. ALLEN, proposes an amendment numbered 3608.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds from being used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Mr. ALEXANDER. Mr. President, I thank the manager and the assistant Democratic leader for this opportunity, which will take only a moment. This amendment is very simple and straightforward. The idea behind this amendment has the support of 34 Members of this body, with the principal Democratic sponsor being Senator SCHUMER in the authorization process.

In this appropriation process, the amendment simply says:

> None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act.

Said more simply, it assures the oath of allegiance will not be changed at any time during the next fiscal year without congressional action. The language in this amendment is already in the House version of the bill.

The oath of allegiance is a fundamental statement of what it means to be an American. Much of the language in the oath dates back to the 1790s when Congress first required new American citizens to swear an oath of allegiance to the United States.

Today all new U.S. citizens—and many years there are nearly a million such new citizens—take this oath when they are naturalized. One of the most inspiring events of my life has been to attend those citizenship days in Federal courthouses that take place all over America, usually once a month.

Typically, in the Nashville courthouse or in some other courthouse, one might see 75 or 100 men and women and their families who come from all over the world. They spent 5 years waiting, learned the English language, and learned about U.S. history. They have conducted themselves well and they have decided to become citizens of the United States. There has been a lot of discussion in this body about the importance, especially in these times, of encouraging more focus on citizenship and what it means to be an American. The assistant Democratic leader and I proposed legislation last year, which passed the Senate unanimously, to create summer academies for outstanding students and teachers in U.S. history.

The Senator from Massachusetts, Mr. KENNEDY, and I have introduced legislation that would allow our Nation's report card to test eighth graders and high school seniors on U.S. history on a State-by-State basis because at this time in our history, unfortunately, the lowest scores in any subject among seniors in high school in the United States is in U.S. history.

So taking the oath of allegiance and treating it with respect, not changing it except by act of the Congress, is an important part of a series of steps that we need to take to underscore the importance of helping all citizens, and especially new citizens, understand our common culture and what it means to be an American.

If my colleagues will indulge me, I would like to read the oath:

> I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

That is an oath with strength and decorum. It sounds like something that might have been written by a group of rowdy patriots in Williamsburg a long time ago.

Since the late 1990s, under the Clinton administration and it continues today, there has been some movement to amend the oath. Under current law, the Bureau of Citizenship and Immigration Services, now housed in the Department of Homeland Security, has the authority to unilaterally change the oath. That is not right. Congress, this Congress, not a Federal agency, has designated the wording of the Pledge of Allegiance, of the National Anthem, of the national motto, and the content of our national flag. The oath, some of which predates all of those other national symbols, ought to be treated with the same respect.

I have a bill pending in the Judiciary Committee, and I am joined in that bill by Senator SCHUMER and many others, including the distinguished Senator from Mississippi, who is the manager of this bill, which will do just that. While the Senate works its will on that bill, this amendment will ensure the oath is not changed unilaterally by an agency in the meantime. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me congratulate the distinguished Senator from Tennessee for this amendment. I think what this achieves, if it is agreed to by the Senate, is that it prevents this oath being changed by regulation or fiat by some administration official. If the oath is going to be changed, it will have to be changed by law because it was established by law, as he points out, in section 337 of the Immigration and Nationality Act.

I am glad to be reminded that I am a cosponsor of his corresponding bill, and so are other Senators. I am told that an effort is being made to clear the amendment on the other side of the aisle, and we are awaiting the advice of the distinguished leader. I am going to ask if the Senator will permit us to go into a quorum until we can get a response from the other side.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment of the Senator from Tennessee, Mr. ALEXANDER, be temporarily laid aside to permit the Senator from California to offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

AMENDMENT NO. 3609

Mrs. BOXER. Mr. President, I send an amendment to the desk on behalf of myself, Senator FEINSTEIN and Senator HARRY REID, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from California (Mrs. BOXER) for herself, Mrs. FEINSTEIN and Mr. REID, proposes an amendment numbered 3609.

Mrs. BOXER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To appropriate $70,000,000 for grants to States, local governments, and first responders to purchase or improve communication systems to allow for real-time interoperable communication between State and local first responders and to offset this appropriation with a corresponding reduction from the Human Resources Account of the Office of the Under Secretary of Management)
>
> On page 19, line 17, strike "$2,845,081,000" and all that follows through line 22, and insert the following: "$2,915,081,000, which shall be allocated as follows:
>
> "(1) $970,000,000 for formula-based grants and $470,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which $70,000,000 shall be used by States, units of local government, local law enforcement agencies, and local fire departments to purchase or improve communication systems to allow for real-time, interoperable communication between State and local first responders: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by $70,000,000: *Provided further*, That".

Mrs. BOXER. Mr. President, I thank Senators COCHRAN and REID for giving me this opportunity to send my amendment to the desk. I understand I may be interrupted for a unanimous consent request. At any time, that is fine. But this is a very important amendment.

I say to my Republican colleagues who seem to be voting against all of our amendments to increase funding for homeland defense, we pay for this amendment. We do something very important in this amendment, and we pay for it by cutting out a frill that happens to be included in this particular legislation. Let me explain what we do. My amendment will increase Federal support for local efforts to improve homeland security by providing $70 million to State and local agencies for interoperable communications. What does that mean, interoperable communications? That is so our various first responders can talk to each other, can communicate with each other across jurisdictional lines as they respond to a tragedy, to an emergency. As I said, we fully pay for this amendment, so all we need is a majority vote and we will be able to get this help to the police who need it so badly, and to the firefighters—the first responders.

One of the most painful parts of the September 11 attacks in New York was the loss of more than 300 firefighters and other law enforcement personnel who died inside the collapsing Twin Towers, trying to save so many beautiful, innocent lives that also wound up being lost. So many of our finest were killed—police officers, firefighters, other public servants—because they couldn't communicate with one another on the equipment they had. Imagine, they could not communicate in this crisis with one another because of the bad equipment that they had.

This was not a new problem. As the 9/11 commission report points out:

> The New York Fire Department's radios performed poorly during the 1993 World Trade Center bombing, for two reasons. First, the radio signals often did not succeed in penetrating the numerous steel and concrete floors that separated companies attempting to communicate; and second, so many different companies were attempting to communicate on the same point-to-point channel that communications became unintelligible.

We have known this from the 1993 World Trade Center bombing. The inability for our first responders to communicate with one another hampered them way back then. We have a repeat of those two problems 8 long years later, on September 11, 2001.

There is a lot of talk in Washington about the fact that we are going to get hit again. We were called up to a secret room up there and we were told that. Then 5 minutes later Secretary Ridge told the whole country—so I am not saying anything out of school here—that we were going to be hit in this country before the election. Under this administration—forget about any new administration, whether there will be a new one or the same one—we were told by this administration that we were going to be hit this year. This is an important bill on which my colleagues are working so hard.

I commend both sides of the aisle for their work on this bill. This bill is deficient and we are trying to make it better. One of the ways we can make it better for a relatively small amount of dollars—and I will tell you how I pay for this in a moment—is to make sure our first responders across our country get help so that they have the funds to be able to communicate with one another.

We have not fixed the problem after the World Trade Center. We have not fixed the problem after the Twin Towers calamity and the Pentagon calamity, and it is unacceptable. That is the bad news. The good news is we can do something about it today. Thank goodness this bill is before us so we can let the American people know their security and protecting them is not so many words; it is reality. We are doing something. But in the area of interoperability, what is in this bill is so small and it doesn't even call for a grant to actually purchase equipment. Can you imagine? It doesn't even call for grants to purchase the equipment. Our local responders know what they need, and we should be helping them purchase the equipment they need.

Our emergency public safety personnel must be able to speak to one another in real time. I am on the first floor of the building and I have gotten a report that something is wrong on the fourth floor of the building and communicate that to all of the emergency personnel so they know something is happening on the fourth floor of the building, and they can act because time is life in that world. Time is life in that world.

Almost every community in California I visited over this break—I spent my entire July and August at home. I visited small cities and big cities and small counties and big counties and rural counties and suburban counties and urban counties. Let me tell you, they all told me they need interoperable communication, that they need our help in funding it and they need it as soon as possible.

Let me go on the record stating that we have been warned. If, God forbid, there is another tragedy and the first responders can't talk to one another, it is our fault because we have the resources to do it. We have to do it. Lots of secret meetings don't do us any good to find out we are going to be attacked if we don't act.

Senator BYRD said the emperor has no clothes. That is one way of putting it. Today is a chance to put some clothes on the emperor. It is also a chance to have a real defense—not a Wizard of Oz defense that has a lot of bells and whistles, and color codes and orange lights and red lights and duct tape and all the other things—to put some equipment into the hands of our first responders and have a real defense so they can catch something before it happens, and if they catch it when it happens they can make sure people's lives are saved.

Developing a single radio system will make a real difference in public safety, but paying for it is a huge burden on our local people. We need to give them the funding they need to purchase the technology that makes interoperability possible. Our first responders must be able to communicate with one another in that real time. They should not have to rely on their cell phones in a time of emergency. We need to do our job so they can do their job.

The administration's budget contains nothing for interoperable communication. The appropriations bill we are now considering only has $31 million for research and technical assistance. Our first responders' first priority is not research, it is equipment. They know what they need. They are smart. This is their life. This is what they do every day. They are ready to make the purchases they need. So what are we doing? We have technical assistance from Uncle Sam. That is not what they need. They need to be able to have the hard dollars to go do what they have to do from the ingenious American technology sectors of our great country and put those units to work so they can talk to each other and they can rely on those communications.

My amendment goes a long way to addressing this issue. It would provide an additional $70 million to help State and local agencies improve existing communications systems or purchase new systems. This funding would help our local agencies purchase equipment for real time, interoperable communications between first responders. This $70 million would be above the $30 million in the bill I talked about for research and technical assistance. The funding in my amendment is offset.

Let me repeat that. We are paying for this. I am going to ask the American people to judge along with the Senators how that $70 million should be spent.

There is $70 million in the bill from the human resources account. The Office of the Under Secretary of Management wants to design and deploy a new human resources system—a human resources system—and they are going outside the Federal Government to do it, hire high-paid consultants to do it instead of keeping the money where it belongs, in the hands of the first responders. We are going to have a new human resources system, another layer of bureaucracy brought to you by outside consultants who are going to probably go to lunch at the fancy places in Washington and send us the bill. I would rather give the money to my firemen and my policemen and policewomen any day of the week. That is the case you have. You can keep the money in there for this human resources account and spend this money on outside fancy consultants who are going to tell us how to deal with our human resources or we can get that $70 million and give it to the first responders.

That is what we say we are for. We say we are for defending the homeland. Let us prove we are for defending the homeland.

I propose shifting the funds from the luxury and the frills while our emergency responders can't even talk to one another in a burning building. There is time for frills, my friends, and there is time for real decisions to be made. This is not the time for frills. This is a time to make a decision that our first responders are more important than some consulting firm that is going to make millions off the taxpayers for no reason whatsoever.

If our people do not know how to handle human resources, then get new people who know how to handle human resources. I thought that is why we paid management. That is what I think you should do. I have been in the private world, and the bottom line in the private world is you hire people to handle management. If you are going to take the money out of the business and go outside to hire high-paid consultants, then fire the people you have. If you want to do that, fire the people you have. If you have no trust in their management capability, fire them and then take care of that and put it into first responder funding.

After 9/11 we all asked what could we have done better? How could we have been better prepared? And the answer came back to me. I represent the largest State in the Union. We have high targets in our State, beautiful bridges and buildings. We have very famous landmarks in my State. We worry about terrorist attacks. My people are no-nonsense people. They know frills when they see it. And they know. I have talked to them. They know that one of the most important things our fire people and our police people need is to be able to talk to one another in an emergency in real time. If there is a terrorist attack on a railroad track, they have to get that word out up and down that rail line.

If there is an attack on a high building, on a high floor, the people coming in the building need to know something has collapsed up there. They need to know not to run up there and face the chaos of hell. They need to talk to one another. It is fairly basic.

The choice is clear. This amendment is an important step in fulfilling our responsibility to protect the homeland and to do it in a fiscally responsible way.

I am pleased Senator REID is a sponsor of this amendment, and I am very proud that Senator FEINSTEIN is. I hope we can get some Republican support. This is paid for by a frill that we do not need.

The first responders in our States are the heroes. We say it every day. There is not one Member who does not say it every day. If they are the heroes and they are telling us they need this, then let's do it.

I ask unanimous consent to add Senator CLINTON as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I have some articles, including this one from the PR Newswire Association. It says:

> Almost three years after the 9/11 terrorist attacks, thousands of police and fire divisions in cities and counties across the USA still do not have coordinated communications capabilities. This unresolved national crisis—referred to as a lack of "interoperability"—is prompting the First Response Coalition to reach out directly to more than 43,000 local police and fire officials to solicit their help to get Congress to. . . .

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the PR Newswire Association, Inc., August 25, 2004]

Nearly 45,000 U.S. Police, Fire Officials Urged To Push Congress To Solve First Responder Interoperability Crisis; Hundreds of Rank-and-File First Responders Expected To Oppose Giveaway to Nextel

Amost three years after the 9/11 terrorist attacks, thousands of police and fire divisions in cities and counties across the United States still do not have coordinated communications capabilities. This unresolved national crisis—referred to as a lack of "interoperability"—is prompting the First Response Coalition to reach out directly to more than 43,000 local police and fire. officials to solicit their help to get Congress to overturn the Nextel spectrum grab in favor of a plan that deals both with the interference problem and the interoperability crisis.

Gene Stilp, who is the First Response Coalition coordinator and a volunteer firefighter, EMT and vice president of the Dauphin-Middle Paxton Fire Company 1, in Dauphin, Pennsylvania, said that, "the FCC plan is wrong for police officers and firefighters. It only take on part of the interference issue and doesn't do a thing about interoperability. The FCC plan is short-sighted, and, if we don't act together, we'll miss the opportunity to get Congress to step in and solve both the interference issue and the significantly larger interoperability problem."

The letters to a total of 42,463 police and fire officials in all 50 states started going out earlier this month and responses are just now starting to come in. The outreach program is getting a very favorable grassroots response including over 17 fire chiefs who have joined the ranks of the First Response Coalition in opposing the FCC's current plan for the taxpayer-owned spectrum.

In the letter, the First Response Coalition proposes a plan to "auction off the spectrum that the FCC plans to give away and dedicate the $5–10 billion that would be raised for communication system upgrades. (The plan) also would accelerate regional deployment to ensure that a majority of systems nationwide are upgraded by 2006."

"Nearly three years after the tragedy of 9/11 was made worse because first responders could not adequately communicate with one another, almost nothing has been done to address the interoperability crisis," said Bill Fox, a New York Metropolitan Fire commissioner and a member of the First Response Coalition.

During August, the Coalition is underscoring its call to action with key Capitol Hill meetings, including sessions with U.S. House of Representatives members serving on Energy and Commerce, Government Reform and the Select Committee on Homeland Security. The coalition also has met with the U.S. Senate Governmental Affairs and Commerce committees.

ABOUT THE COALITION

The First Response Coalition (*http://www.FirstResponseCoalition.org*) consists of citizens, individual first responders, and advocacy groups who are particularly concerned about first responders having the best possible communications capabilities. The First Response Coalition believes interoperability issues must be addressed by the FCC or Congress in any plan that reorganizes spectrum and, as a result, will disrupt public safety communications systems across the country. The First Response Coalition has developed a white paper, "It's Time to Talk: Achieving Interoperable Communications for America's First Responders," which is available online at *http://www.FirstResponseCoalition.org*.

Since its launch in June 2004, the First Response Coalition has grown to include the National Black Police Association, the American Legislative Exchange Council and the California Seniors Coalition. In addition to Stilp and Fox, a number of other individual first responders—including fire chiefs from around the nation—have joined the Coalition's initial members.

Mrs. BOXER. I ask unanimous consent to have an article from the Desert Sun, Palm Springs, CA, printed in the RECORD. In this particular area of my State, the Republicans are in most of the elected offices. They say every single day they are all on a different radio frequency and they don't have the ability to communicate. It is amazing, because it is 2004.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Desert Sun (Palm Springs, CA), July 4, 2004]

First Responders Homeland Defense Act

(By Lois Gormley)

Homeland defense could get $300 million a year in federal money under legislation sponsored by Sen. Barbara Boxer to develop a communication system that would allow first responders to talk to each other.

"If we expect our first responders to do their jobs, we need to help them," Boxer, D-Calif., said Saturday.

Boxer discussed the First Responders Homeland Defense Act she introduced in March during a visit to the Coachella Valley.

"Every single agency in this valley—really the state—we're all on a different radio frequency," said Capt. Sandra Houston, commander of the Indio area California Highway Patrol.

The inability of different agencies to communicate with one another during an emergency is a major obstacle to working together and being able to relay information immediately.

"We don't have that ability and it's amazing because it's 2004," she said.

The problem, usually caused by incompatible equipment, can sometimes translate into loss of lives, as it did during the Sept. 11 terrorist attacks, Houston said.

Boxer's bill, if passed, would provide $50 million a year in grants to nonprofit organizations to conduct training and $300 million a year in grants for communication systems.

The act also would provide a hotline to help first responders navigate the often confusing and time-consuming task of finding and obtaining federal grant money.

"There are so many different strings of funding coming from so many different places, it's a full-time job to keep track of it all," Boxer said.

She discussed the key points of her bill after meeting with local police, sheriffs, and highway patrol officials at the Palm Springs Police Department's Training Center.

The inability to communicate with one another has long been a point of concern for valley law enforcement officials.

Desert Hot Springs Police Chief Roy Hill said he, Palm Springs Chief Gary Jeandron and other valley police chiefs have been looking into federal funding options for an inter-operable radio system for about six months and recently submitted a request for grant funding.

Riverside County has also been exploring the costs and benefits of developing a regional system that would bring all of the county's 54 public safety agencies onto shared frequencies.

Boxer's legislation could provide the money needed to solve what is a statewide problem.

"They need to speak to each other in real time but very few communication systems in California have that ability," Boxer said.

Her bill, SB 2239, is now in the Senate Committee on Governmental Affairs.

In a closed-door meeting with local law enforcement officials, Boxer talked about their efforts to improve homeland security.

She also brought them up to date on federal funding and proposed cuts by the president, and the survival of older law enforcement grant programs that help keep police and sheriff's departments well-staffed, equipped and trained.

Hill said the grants are particularly important to smaller departments.

Mrs. BOXER. And from the Contra Costa Times, "Gaps in Communication":

> We have a patchwork of communication systems out there, and we do what we must to make it work. . . . But there are times where we're only one step above tin cans and string.

Further in the article:

> We can literally be rolling side by side with a unit from another city and not be

able to talk to them. It's not too difficult to imagine how crazy things could get with several agencies converging for one incident.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Contra Costa Times (Walnut Creek, CA), September 5, 2004]

GAPS IN COMMUNICATION

(By Guy Ashley)

If the airliner hijackings of Sept. 11, 2001, drove a dagger into the nation's heart, the news that followed was a splash of salt on its wound.

Soon after thousands of people died in the World Trade Center, investigators unearthed evidence that as many as 100 firefighters killed when the two towers crumbled might have survived had their emergency radios worked.

To most of us, the fatal shortcomings of basic equipment seem unimaginable.

But to those who keep up with such things, including the first responders on the front lines of emergencies throughout the East Bay, the radio breakdowns of Sept. 11, 2001, not only rang familiar, they hinted at the disastrous potential of communications failures that persist to this day.

"We have a patchwork of communications systems out there, and we do what we must to make it work," said Robert Maginnis, an assistant Alameda County sheriff. "But there are times where we're only one step above tin cans and string."

The Sept. 11 attacks were far from the first glaring example of a public safety communications breakdown amid large-scale disaster.

Nightmares still flare about the 1991 firestorm that swallowed neighborhoods in the Oakland and Berkeley hills. Firefighters from surrounding communities converged swiftly on the chaotic scene that October day, but were left to watch the inferno rage because they could not communicate with officials coordinating the response.

In the rubble wrought by the 1995 Oklahoma City bombing, radio breakdowns forced emergency workers to ferry handwritten notes to and from the ravaged Alfred T. Murrah Federal Building.

But those headline-grabbing ordeals are outnumbered by the all-too-ordinary instances where a quick-thinking East Bay police officer or firefighter must work around transmission blockages that leave them feeling that their safety, and their ability to protect the public, hangs by a thread.

"Knock on wood, it's never created a life-or-death situation," said Lt. Steve Pricco of the San Leandro police, whose officers cannot communicate directly with police in two adjacent cities because of incompatible radio systems.

"It's something all of us have had to work around for years . . . and it's just a fact that it slows down our ability to coordinate a response" with neighboring police, Pricco said.

Surely, in the era of Homeland Security czars and their multicolored alert systems, of special commissions and congressional hearings, a fix must be at hand.

But a Times survey found otherwise. Interviews and a review of other evidence showed that emergency radio problems caused by incompatible technologies and overcrowded frequencies abound across the East Bay.

"We can literally be rolling side by side with a unit from another city and not be able to talk to them," said Livermore police Lt. Scott Trudeau. "It's not too difficult to imagine how crazy things could get with several agencies converging for one incident."

Experts pin the blame on a longstanding public-sector mindset that local needs take precedent over regional, and on radio manufacturers who routinely design their equipment with proprietary parts and software, so that incompatibility with systems designed by rival companies is commonplace.

Throughout the East Bay, the resulting incompatibilities make for illogical communication gulfs and a few strange bedfellows:

Richmond police can't radio sheriff's deputies in their own county but can talk with Oakland and BART police via radio with little effort.

Oakland police cannot speak directly on their radios with officers from their two biggest neighbors—Berkeley and San Leandro, Berkeley police, meanwhile, can't speak directly with officers who operate within their city on the University of California campus.

Nobody uses the same band of radio frequencies as the California Highway Patrol. Nobody, that is, except the East Bay Regional Park District.

Walnut Creek, Pleasant Hill, Concord, Clayton, Pittsburg and Martinez police cannot radio firefighters in their cities. Neither can Pinole or Hercules police.

BART police cannot radio city police departments anywhere along the Pittsburg-Bay Point line: Lamorinda, Walnut Creek, Pleasant Hill, Concord or Pittsburg.

Oakland police and Alameda County sheriff's deputies mingle among rowdy fans while splitting security duties at Oakland Raiders games, but if the fun turns to mayhem, the two agencies cannot speak to each other on their portable radios.

Ambulances cannot communicate directly with fire crews in Richmond. To receive updated information at the scene of an emergency, ambulances must instead talk through a dispatcher in a remote location.

Workers caught in the confusing web of incompatible communications systems have talked for years about a logical solution, an "interoperable" regional radio system that could be easily accessed by all of the East Bay's public safety and emergency services agencies.

Lately, there have been signs that the years of talk are finally being converted into action.

A new "working group" of Alameda and Contra Costa officials formed this year to address first responder communications problems. The group has hashed out a rough plan to pool Homeland Security funds due the East Bay for a down payment on a regional system, which could cost as much as $75 million.

But such a system is at best several years away, thanks to a shortage of funds available to financially challenged local governments and the need for consensus among all agencies likely to participate.

Meanwhile, concerns persist about what police, firefighters and other first responders are working with today.

Public safety agencies, the backbone of any emergency response, are forced to work around plugs in the regional web of communications systems as officers chase vehicles fleeing into neighboring cities, or firefighters are called on to provide backup on a fast-moving fire.

The same problems hinder electronic links to ambulances. They hover with menacing potential over radio links to National Guard units that routinely are called upon to keep order in large-scale emergencies, as well as public works and water agencies whose contributions could prove pivotal in a fast-moving crisis.

"Having the communications linked is not a strength here," said Leslie Mueller, operations director for American Medical Response, the private ambulance company that serves Contra Costa and the majority of other California counties.

Clashing communications equipment forces stopgap measures that can be confusing. East Bay firefighters, for instance, frequently ride with multiple sets of radios in hope that one will serve them during a regional incident.

Communities stockpile portable radios to pass out to outside responders in case of a large-scale emergency, a sensible solution as long as everyone knows where to go to get one.

In a large-scale incident, Trudeau said, "You have to literally grab a representative from another agency and pair up with them so the two agencies can talk."

Other area police officers note that when the California Highway Patrol helicopter is dispatched to an East Bay search-and-rescue incident, it often must land first and pick up a representative from a local police department.

That can be the only way crews on the ground can communicate with the helicopter, whose CHP radio is incompatible with that of most police agencies.

The most common way police and other first responders communicate when their radios don't mesh is through dispatchers: An officer in the street radios a request to a dispatcher, who feeds the message to a counterpart in another city, who radios the message to officers in that city.

The system sounds complicated on paper, but it is performed with impressive coordination on routine calls day to day.

But first responders are dogged by a nagging fear that the system could break down in a large-scale disaster as dispatchers are besieged by radio calls from first responders in the field and 911 calls from residents seeking help.

The most obvious solution now available to dispatchers is to direct first responders to turn their radios on to "tactical" channels available to most radio systems.

But because only a handful of tactical channels are available to local responders, they easily can become overwhelmed with chatter during a large-scale incident—precisely what happened during the Oakland hills firestorm.

Agencies in Alameda and Contra Costa are taking another step to improve the systems they have. Both counties are installing new equipment that will "patch" signals from disparate radio systems together in emergencies.

The equipment, known as "black boxes," holds great potential in providing East Bay responders with a level of interagency communications capacity not previously available.

Again, though, the equipment has limitations.

Even with the "black boxes," one agency's radio equipment is only as good as the infrastructure that supports it, especially the transmission towers and "repeaters" required to transmit the messages of responders in the field.

If, for instance, an Oakland police officer is sent to Lawrence Livermore Laboratory to help in a large-scale incident, the officer's radio may not work, even with the "black boxes," because the radio will be so far away from the equipment that supports its signal.

> Communications breakdowns that plagued first responders Sept. 11 have fueled the drive toward interoperability nationally and across the East Bay.
>
> Experts have testified that the deaths of more than 100 firefighters who died in the south tower of the World Trade Center can be blamed in large part on incompatible radios, problems that the 9/11 Commission said "will likely recur in any emergency of similar scale."
>
> The bite of past natural disasters, and the East Bay's possible appeal as a terrorist target in the future, offer reasons enough for the region to find a solution to its decades-long problems with incompatible communications systems, officials said.
>
> "The mistakes that were made on Sept. 11, we can prevent them now,'" said Assistant Chief Chris Suter of the San Ramon Valley Fire District. "We should be working together."
>
> Such solutions will pay dividends day to day, as well as when the Big One hits.
>
> Just ask the law enforcement officers who were on duty when an Oakland police officer was killed July 22 in a traffic accident in Castro Valley.
>
> Officer William Seuis, 39, of Pleasanton died when the motorcycle he was riding was struck by a truck on Interstate 238.
>
> Witnesses to the afternoon accident called 911 to report that the truck did not stop and continued onto eastbound Highway 580. The call went to the California Highway Patrol, whose officers eventually stopped the truck described by witnesses in Dublin, about 12 miles away.
>
> Alameda County sheriff's officials say the truck probably would have been stopped a lot sooner if two deputies traveling on I-580 just in front of the truck had known about the downed officer.
>
> But they never heard about it. The CHP broadcast did not transmit on their radios.
>
> "We don't need the 9/11 Commission report to tell us interoperability is a major concern," Robert Maginnis said.

Mrs. BOXER. Mr. President, I hope and pray the vote on this amendment is bipartisan. This amendment is paid for. It does not add to the deficit. It makes a choice between a frill of outside consultants coming in to tell management how to run the show.

If the administration is not happy with who is running the show, fire those people and get somebody else. But do not spend 70 million bucks of the hard-earned taxpayer money, when these working men and women who are our first responders, who are our heroes, who we rely on, are telling us they are one step above tin cans and a string to communicate.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. I yield the floor.

Mr. REID. Mr. President, I appreciate very much the Senator from California offering her amendment.

I want the Senator from California to recognize that Senator BYRD and I talked a little bit today about interoperability radios. At that time, I indicated I had met with all the sheriffs and law enforcement officers of the 17 counties of the State of Nevada. Every one of them lamented the fact—whether it is the fire departments in Clark County, the most populous city, Las Vegas, sheriff's department, or in Henderson, the second largest city in Nevada—departments cannot talk to each other.

I said this morning I think it costs approximately $6 million or $7 million to take care of that, but that was from memory and I was wrong. My staff heard me say that and, of course, got the correct figures.

In the city of Las Vegas alone, it will cost $40 million to take care of their problem; for the city of New York, $400 million. We have in this bill $20 million to take care of radio interoperability. It is important we increase that to $70 million plus the $20 million.

Mrs. BOXER. It is $30 million in the bill and we increase it by $70 million for $100 million.

Mr. REID. So we have $100 million. That would do a lot. A lot that needs to be done is simply planning and designing how we will do that.

My point is, these are problems that are very difficult to take care of but they have to be done because you cannot have a situation such as we had in New York City where the people were dying in those towers because they could not talk to each other.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mrs. BOXER. Wouldn't my friend agree that we are now saying to our first responders all across the country, regardless of where they are, whether they are in Oregon, whether they are in Mississippi, whether they are in Nevada, whether they are in New Hampshire or whether they are in California, are we not saying to them that they, in essence, have to respond to an attack on our homeland that is, in fact, part of the war on terror? Are we not telling them when 9-1-1 is called at a local level, regardless of the crisis, if it is attached to terrorism, it is, in fact, a national attack?

Mr. REID. The Senator from California is absolutely correct. It is a national attack.

In the Senate I have something called a BlackBerry. My staff in Las Vegas can contact me on this. Whether it is Carson City, Reno, my staff up here in the Capitol, my staff in the Hart Building, they can contact me on this. There is a low vibration, I pick it up, read what they have to say, and I can communicate back with them—yes, no, let's do it later or a longer message.

We have the ability to communicate in the Senate.

It is important for us to be able to communicate. As the Senator knows, we came together as Members of Congress quite a few years ago. Back then faxes did not work very well. But now we have so many different ways to communicate with each other. It seems to me if we can communicate the way we do, our first responders should be able to communicate.

The Senator has made a small step toward a big problem, an important step but it is not one to break the bank.

Mrs. BOXER. We pay for it.

Mr. REID. We sent to Iraq last year—and I also mentioned this to Senator BYRD earlier—in supplemental appropriations—meaning appropriations over and above the normal appropriations we do, last year we sent a first supplemental of $69 billion and the second was $87 billion. Couldn't we spend $70 million on my State in Nevada and California?

Mrs. BOXER. I say to my colleague, in an attempt to get some votes from the other side of the aisle, we actually found an offset. We are not adding; we are cutting out a part of this bill that deals with an outside consulting contract to bring people in on human resources development.

As I said to my friend, if this administration does not think they have the right management in place that can handle their human resources, then they should get rid of them and get new people. But the fact is, they are spending in this bill $70 million on fancy-dressed outside consultants who eat in the best restaurants in town, while the least we could do is put that off and let the management do their job there and use this funding to help our people on the ground.

Does my friend agree this is a time when we cannot really afford frills, that we need to spend the money where it is most needed, in the hands of our first responders?

Mr. REID. The Senator is absolutely right. We will have, as soon as this vote is called, a simple majority vote. That is all it will take now.

Mrs. BOXER. That is right.

Mr. REID. Today, we have had supermajority votes because there have been points of order because there have not been offsets. I, of course, would vote for this amendment whether it had an offset or not because it is so important. I appreciate this amendment.

When we send our people to battle in Iraq and Afghanistan and other places, they have the ability to communicate with each other. That is modern warfare. But with modern firefighting, police work, as with other first responders, they do not have that same benefit. That is certainly something they should have.

I hope this amendment is adopted. I hope our friends on the other side of the aisle will recognize how important this is. It is just the evidence we need to do more. As I say to my friend from California, this is a step in the right direction. We need to do a lot more. I certainly hope this amendment is adopted. I hope it is by an overwhelming margin.

Mr. JEFFORDS. Mr. President, I express my strong support for the amendment offered by Senator BOXER to provide $70 million to our Nation's first responders for interoperability.

In the days following 9/11, interoperability became one of my chief concerns. I was appalled that our first responders did not have the tools they need to communicate with each other. I know that some progress has been made in distributing funds to States and localities to develop interoperable communications plans and to purchase interoperable equipment. However, I continue to be dissatisfied with the levels of commitment and funding dedicated to this critical need by this administration. It is clear that the Congress needs to take a leadership role to ensure that our first responders are adequately equipped to deal with future disasters, whether caused by terrorism or natural weather events. I urge my colleagues to support additional funding for interoperability.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the distinguished Senator from California——

Mr. REID. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

AMENDMENT NO. 3608

Mr. REID. Mr. President, we have gotten approval from the Judiciary Committee on the very fine amendment offered by the Senator from Tennessee.

Mr. COCHRAN. Mr. President, I am happy to have that information from the distinguished leader. Previously the Senator from Tennessee offered an amendment. We had set that amendment aside to see if it could be cleared on both sides. We are glad it has been cleared on both sides.

Mr. President, I ask unanimous consent that we call up the Alexander amendment.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3608) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3609

Mr. COCHRAN. Mr. President, I now ask unanimous consent that we return to the Boxer amendment.

The PRESIDING OFFICER. The Boxer amendment is pending.

Mr. COCHRAN. Mr. President, as I understand the amendment of the distinguished Senator from California, she proposes to add $70 million to a grant program account that provides funds for State and local governments for a variety of purposes. The purposes include a strategy for dealing with homeland security issues, including training and exercises, equipment, including interoperable communications equipment and technical assistance, and may not be used for construction activities. The amount of money in that account in the bill is $2,845,081,000. Her amendment would add $70 million to that amount and earmark that $70 million for interoperable equipment only.

Now, just looking at what this does to one State—let's just pick out California, coincidentally—funds have been made available to the State of California under this grant program for State and local governments in excess of $680 million since fiscal year 2002. The State of California can use that money for interoperable communications. They can use it for other things. I do not know exactly what they are using the money for, but I assume they are using some of it for interoperable communications, as they are authorized to do, as they are permitted to do.

But what is a concern is to shut down a new management system that is being developed by the Department to make the Department more efficient, to make it operate more effectively, to take all that money, prohibit the use of any of that money, and add it to this other account. It seems to me it is second-guessing the decision made by the full Committee on Appropriations, and our subcommittee in particular.

When we analyzed the request from the Department of Homeland Security, there was a request for $102.5 million for a program to develop a new pay system, performance management, managerial training, to modernize the human resource system of the Department of Homeland Security.

Our staff conferred closely with the Department, asked questions about what this would do, how important was it, and went through the drill. We also had an opportunity to review our staff's assessment of it. The committee decided to approve $70 million of that $102 million request. The work is now underway. The work is to develop and put this in place. It would be a big mistake at this point to take that $70 million and shift it to another program, where we already provide a substantial amount of money, as I said, $2.8 billion, for these grants to State and local governments, and then to earmark some parts of that just for interoperable communications equipment. The point was to leave these judgments up to State and local entities, not to, as a U.S. Congress person or a Senator, make these decisions for the States.

California has plenty of money in this account to buy a lot of interoperable communications equipment if they want it, if they need it. But to make a judgment as to how they should use the money now and earmark certain parts for specific functions is beyond our ability to really make the decisions and make them in a correct way that serves the final goal, the objective of an improved national homeland security program.

So we are strongly opposed to the adoption of this amendment. We think it would be a mistake. It may sound good to some, but it does not make any sense to this Senator. The subcommittee has worked closely with the Department to understand the need for the human resources system. It has helped determine the level of spending to allow the Department to move forward with this system. We concluded the funding included in the bill is necessary for the Department to be able to move forward with a pay-for-performance system.

I do not have anything else to say about the amendment. It is offset. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 45, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—46

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—45

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux

Brownback
Byrd
Cantwell
Carper
Conrad
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—9

Akaka
Campbell
Clinton
Corzine
Dole
Edwards
Kerry
Nickles
Smith

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I understand we may have an amendment to be offered by the Senator from Iowa at this time.

Mr. REID. Senator HARKIN is in the building and he should be here momentarily.

Mr. COCHRAN. There are Senators who have indicated an intention to offer other amendments. We are reviewing some at this time. We hope to be able to accept some of these amendments. We appreciate the cooperation of all Senators today. We have made excellent progress on the bill. We have taken up a number of amendments and voted on them and we hope to be able to complete action on this bill on Tuesday evening. We hope it is not late Tuesday evening. So we are making every effort to organize our effort and encourage those who do have amendments to please let the committee know about the amendments. We have an identified list that is in order, and for those who intend to offer amendments, the sooner they can get us copies of those amendments, the sooner we may be able to let them know whether we can accept them or suggest modifications that could be acceptable.

We would like to cooperate with all Senators in moving the bill along with dispatch. We do not see any need to delay the Senate and to cause us to be in late tonight or tomorrow. We know some Senators have plans for travel and we are hoping we can take up another amendment or two tonight and then be able to work on other parts of the bill tomorrow as well. I thank my colleagues for their cooperation with the committee.

I understand the Senator from Iowa is on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3612

Mr. HARKIN. Mr. President, I ask that my amendment, which is at the desk, be called up on behalf of myself and Senator BIDEN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself and Mr. BIDEN, proposes an amendment numbered 3612.

Mr. HARKIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore the maximum percentage of hazard mitigation contributions that may be made for a major disaster)

At the appropriate place, insert the following:

SEC. . HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking "7.5 percent" and inserting "15 percent".

Mr. HARKIN. Mr. President, I thank the chairman for giving me this time to lay my amendment down and discuss it for a few minutes. It is a very simple amendment. It has to do with FEMA, the Federal Emergency Management Agency's postdisaster Hazard Mitigation Grant Program. For colleagues who may not be familiar with the postdisaster Hazard Mitigation Grant Program, this is money that is sent by FEMA to the States following disasters such as floods, tornadoes, or hurricanes that have affected so many of our constituents this year. The assistance follows, and it is in addition to the immediate disaster assistance for cleanup and reconstruction. This money is for hazard mitigation. It is used to reduce the likely devastation of future disasters by buying out flood-prone property or by flood-proofing, stabilizing buildings or other structures, building hurricane shelters, seismic retrofits for earthquake or shock absorption, and for drainage improvements.

This money helps to reduce what it is going to cost us in the future for other disasters, so it saves lives and it saves money in the long run. These moneys are in addition to the moneys that go out for immediate reconstruction.

In 1993, I and some other Senators led an effort here to ensure that the grants would provide an additional 15 percent in FEMA money for whatever was provided for both in public and individual assistance. So it has been at 15 percent since 1993. In 2003, that percentage was cut in half, to 7.5 percent. The bill before us today leaves that lower funding level in place. This is totally inadequate. Let me give some examples.

Following the Midwest floods of 1993, it became apparent that the then-level of mitigation disaster assistance, which was at 10 percent, which was in the original Federal law, was not enough. Again, as I said, I and other Senators worked to increase this from 10 percent to 15 percent. Keep in mind, that 10 percent was in the original law.

In 2003, that percentage was reduced to 7.5 percent. Since we increased that to 15 percent, there has been tremendous success in reducing disaster risk in many communities all over the Nation. Many communities in the Midwest that suffered flood damage in 1993 saw a major reduction in applications for emergency aid for damage due to subsequent floods, thanks to these hazard mitigation grants.

One example I have, and I have many, is in Louisa County, IA. They have a floodwall that was designed to protect against a 500-year flood. But when this levee is damp for an extended period of time, the water seeps through and damages property. In the flood of 1993, 275 homes were damaged; 200 residents were evacuated. It was not feasible just to go in and demolish all these houses. They have a lack of affordable housing in that area. But luckily, with these mitigation funds, a local entity stepped in, used the hazard mitigation funding to move and refurbish the salvageable houses, and to protect them from future flooding.

This repeated itself in 2001, but because we had used the hazard mitigation funds we avoided more than $1.2 million in losses that would otherwise have occurred. How do we know that? Because that is what occurred almost 10 years earlier in the flood of 1993. That is what we were just talking about in terms of money. But I remind my colleagues that these savings do not include the noneconomic heartbreak, stress, and trauma that goes along with losing your home, family pictures, all you have worked for, overnight. That is why I was so dismayed to see the 15-percent level reduced to 7.5 percent in the 2003 VA-HUD appropriations bill.

Some colleagues may have concern about amending the Stafford Disaster Relief Act on an appropriations bill that we have before us. I assure you, this amendment only restores a cut that was made in a previous appropriations bill.

Also, for my colleagues who may not be here but may be watching this on their sets in their office, I also want to note that the House has already passed this restoration. The House of Representatives has already restored the hazard mitigation funds from 7.5 percent to 15 percent. So, again, as we have seen what has happened, especially the devastation we have had in Florida, we really do need to make sure we have not only the funds to respond but to mitigate in the future.

I hope Florida is spared another hurricane, but we know that hurricanes will hit Florida sometime in the future. That is just where the hurricane track goes.

I want to read a quote from the Wall Street Journal on August 16 of this year from Frank Reddish, the Dade County emergency management coordinator, referring to Hurricane Charley:

> Anyone looking at this can clearly see that Charley was a pretty good terrorist. He did a much better job than al-Qaida ever could.

I am all for doing everything I can to protect our country against terrorism. But we also must protect against future floods, hurricanes, tornadoes, earthquakes. One of the best ways we do that is through hazard mitigation; to do things that will prevent the kind of damage that will occur in these future catastrophes. So think about it as combating terrorism. We don't wait until the terrorists strike. We do things beforehand. That is what hazard mitigation is for, to protect us beforehand. Don't just wait until the event occurs but let's go ahead and invest in making sure our houses, our facilities, our public utilities and others are, to the best extent possible—after they have been damaged in a catastrophe—to make sure they have the funds necessary so if such a catastrophe strikes again, they will not be subject to such terrible losses.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as I understand the amendment proposed by the distinguished Senator from Iowa, it would change the percentage by which mitigation funds are calculated to be due from the Federal Emergency Management Agency. The Disaster Relief Fund, which we replenished with a supplemental appropriations bill just yesterday with the approval of $2 billion of new money, is an example of the stress that has been placed on this fund because of recent disasters in Florida and elsewhere. To refresh the memory of Senators, the program involves a disaster relief and mitigation funding program. The Disaster Relief Fund provides individual assistance to those who have been displaced from their homes in disasters.

It helps pay for food, shelter, and other emergency needs. FEMA—the Federal Emergency Management Agency—administers this program after a disaster. As I understand, approval of the amendment would increase the funds FEMA has to pay out of the Disaster Assistance Fund. I am, frankly, not clear in my own mind exactly how this works, but I am advised this is going to have the net effect of more than doubling the Federal obligation in disaster assistance. Every State that is declared by the President to be eligible for disaster assistance has its damages assessed and becomes eligible for mitigation money. I am told the fund that pays for mitigation benefits is like buying out homes which are in flood-prone areas or building retaining walls to help in the event of the next disaster. These are important efforts to undertake so future disasters will not result in the same kind of damage and will be mitigated or lessened, reduced. The Federal Emergency Management Agency calculates that 7½ percent over and above the amount of Federal disaster assistance it has provided and gives that money to States.

In the past 2 years and in this year's Homeland Security appropriations bill, there is another form of mitigation funding which is available to States called the Pre-Disaster Mitigation Fund administered by FEMA, to which States can submit competitive applications to receive mitigation funding before a disaster strikes. Any State, regardless of it having been designated a Presidential disaster, can submit a request and have it judged on its merits.

We have attempted to balance the various kinds of disaster assistance available to victims and available to States in this bill. We support the President's effort to offer assistance to communities before and after disaster strikes. It allows communities to raise risk awareness to help reduce the Nation's disaster losses through better mitigation planning, and the implementation of plan and cost-effective measures. We think at this point it is not the responsible course of action to double the formula and increase the amount States are going to be permitted and can claim from FEMA and not increasing the amount of money that is available to FEMA to pay out the money. This is language change. It is actually bill language. It is authorizing language on an appropriations bill. It doesn't belong on this bill. It should be considered first by the Environment and Public Works Committee, the committee that has legislative jurisdiction of these programs. I understand that committee has a bill that has been sent over to the House that deals with this issue. We should await the advice and counsel and action of the authorizing committee before we act on this proposal.

Because of those reasons, I urge the Senate to reject this amendment. I think it is clearly authorizing language, and it will be my intention—I don't want to cut off the right of any Senator to speak—to move to table the Harkin amendment and ask for the yeas and nays. But I will refrain from doing so until I am assured that Senators who want to speak on the amendment have a right to do so.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the managers of the bill for the way this bill is proceeding. But I want to make a plea to the Senate. We have been informed that the FBI, the Customs Service, the Immigration Service, and other portions of the Homeland Security Department are running short of money, as so many agencies are concerned with the problems of homeland security now. I consider this bill to be the second most important bill before our Appropriations Committee. We finished the Department of Defense bill which is the first bill. It was the bill to fund those who are serving in uniform abroad when we have forces involved in wartime circumstances. We did act on the Defense bill before the last recess. We are going to be in a period next week which is a very confusing period. It is a period justifiably recognizing a Jewish holiday that is coming up, but it is a situation I think that requires us to consider the time factor on this bill.

I am rising tonight to tell the Senate that it is my hope we will finish this bill by next Tuesday. If we get this bill passed by the Senate next Tuesday night, we can get it to the House and we can get conferees appointed and the various conference staff who are not involved with the holiday we are going to observe will be able to work on the bill. I hope we can get this bill to the President before the end of this month. September 30 is the end of this fiscal year. These agencies need this money. The agencies of the Homeland Security Department need this money by October 1.

I plead with the Senate to recognize the time factor and cooperate with the managers of the bill. It is entirely possible for us to finish this bill by next Tuesday as far as I can see.

I again congratulate particularly my good friend, the chairman of the subcommittee, for the way this bill is being handled.

But please consider the effect of not getting this bill passed in time for the money being available on October 1. A continuing resolution will have to be before us sometime next week, but it will continue the Department of Homeland Security at the existing level. This bill represents an increase in money for various agencies in the Department of Homeland Security, and that money is necessary by October 1. It is a security matter now. It is not a matter of adopting a resolution for departments that can operate for at least a month or so on the continuing resolution. This committee cannot and should not operate on a continuing resolution. I urge the Senate to help us get this bill passed by next Tuesday night.

I thank the Senator for yielding the time.

Mr. COCHRAN. Mr. President, I thank the chairman of the full committee, my friend from Alaska, Senator STEVENS, for his kind comments about managing this bill. I appreciate his urging also that this bill be completed on Tuesday. We think that can be done. We think with the cooperation of the Senate it will be done.

I am now advised the amendment of the Senator from Iowa does contain general legislation, and because of that a point of order might be sustained under rule XVI. Therefore, I raise a point of order under rule XVI that the amendment constitutes general legislation on an appropriations measure and is not in order.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

Mr. COCHRAN. Mr. President, the Senator from Virginia has an amendment. This may be a good time for him to offer that.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, at the direction of the Senator from Mississippi, Senator COCHRAN, I ask unanimous consent to call up amendment 3610.

The PRESIDING OFFICER. Is there objection to the Senator calling up his amendment? Without objection, it is so ordered.

AMENDMENT NO. 3610

Mr. COCHRAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself and Mr. WARNER, proposes an amendment numbered 3610.

Mr. ALLEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Director of the Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage from floods and other natural disasters)

At the appropriate place, insert the following:

SEC. . INVESTIGATION OF SHOCKOE CREEK DRAIN FIELD, RICHMOND, VIRGINIA.

As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

Mr. ALLEN. Mr. President, I offer this amendment on behalf of myself and also my colleague, Senator WARNER from Virginia.

This amendment has to do with directing the Director of Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond in order to prevent future damage from floods and other natural disasters. This amendment does not call for any additional spending.

Many Members may not be aware that, less than a week ago, remnants of Tropical Storm Gaston pounded the Richmond area with rain and flooded many areas, leaving eight people dead. This storm dumped more than a foot of rain on the Shockoe Bottom area of Richmond, the oldest historic part of Richmond. The flood waters rose about 8 feet in 15 to 20 minutes, finally leaving about 20 blocks of the low lying bottom swamped in up to 10 feet of muddy runoff.

In this area of very old brick buildings, most thought they were protected from the James River flooding by a flood wall. What actually happened was the rising waters came from the land side down Church Street, as opposed from the river side and flooded this whole Shockoe Valley watershed.

I was there Monday and saw these business owners who were trying to shovel and take out buckets of mud and disinfecting their shops. It is a lot of work. At least 150 families had to leave homes that were declared uninhabitable. The floods destroyed over 35 various small businesses that had invested and renovated a lot of the old historic structures. There were 25 restaurants out of business that are going to have to clean up and disinfect and will need health certificates to reopen. Dozens and dozens of businesses are condemned, most of them condemned because of wrecked electrical systems. Actually, several buildings were even demolished. It will take a great deal of work, a great deal of patience, and a great deal of risk-taking for this wonderful historical area that had been recently renovated and rejuvenated to actually come back to life again.

Most of the people, all but one, did not have flood insurance because the insurance folks and the lenders all figured with a flood wall you do not have to worry. One in particular, Sosie Hublitz, owner of the Kitchen Table, had to shut down because of the terrible flooding at her restaurant. All her life savings went into opening the business, plus $200,000 in loans. She still owes half of that and is worried about getting deeper in debt. Hublitz didn't have flood insurance.

So there will be added costs. I am sure the insurers and the lenders will have added concerns before future investments can be made.

The most encouraging aspect was the spirit of the people in this painstaking process, as tedious and tough as it is to be cleaning all that mud out, worrying about the mold and the bacteria, yet they still have a great spirit.

These folks were concerned about such an act occurring again, with so much rain falling that quickly. This Shockoe area has a drainage system designed to prevent this problem. In the 1920s, a 27-foot culvert was put in underground to replace Shockoe Creek. Obviously that did not do the job in 2004.

The point of all of this is to help out these folks in this natural basin, this historical basin, for one of the oldest cities in the United States, to see if this is an adequate drainage system in the likelihood that such rainfall would occur again. Sometimes when there are floods—and we see this same thing in the mountain areas—after there is a flood, the river beds end up being so filled with rocks and debris that it takes less rain the next time for those rivers or those creeks to leave their banks.

One of the things we really must do, and it makes a great deal of sense to me, is to determine whether this 27-foot culvert that conducts the water from the Shockoe Valley into the James River a few hundred yards to the south actually is sufficiently adequate for that area. It does serve as a stormwater drain. It has worked well since the 1920s. Clearly, attention should be focused on this culvert and the basin drainage system.

The people have amazing spirit. They will keep fighting. But it is important not only to help them—and the Small Business Administration is doing a great job, as is FEMA and all the folks at the local and State level—but beyond making sure they clean up and disinfect and get back on their feet and get their businesses back running, we think it is very important that we direct steps toward preventing any future tragedies or disasters. I'm sure the Corps of Engineers will undoubtedly be involved when FEMA coordinates this effort.

We have introduced this amendment, Senator WARNER and myself, directing FEMA to conduct an investigation in the Shockoe drain field to prevent future damage from flood and natural disasters. This is a very logical, appropriate way to plan for the future and prevent such damage and all the costs of repair.

I thank my colleagues for listening. I thank my colleagues for also passing the supplemental for FEMA earlier this week which will also help the Small Business Administration take care of those not only in Florida but also Virginia and others who have been harmed by these disastrous floods and storms.

I urge my colleagues to support this amendment. The people of Virginia will appreciate it. I know the folks at FEMA will also do the right job in the analysis of the Shockoe Valley.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, I commend the distinguished Senator for his explanation of his bill and for his initiative in calling attention to the needs of the area of his State in need of special attention from Federal agencies, particularly designing some way to help make sure this kind of disaster does not occur—if it is possible to do that—with engineering changes or other mitigation efforts, particularly in the Richmond area which was so seriously devastated and damaged recently by flooding.

We think the Senator has a good suggestion and we are willing to recommend the Senate adopt this amendment on a voice vote.

The PRESIDING OFFICER. The Senator from Virginia had requested the yeas and nays; does he wish to withdraw that request?

Mr. ALLEN. I am happy for it to be passed on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, I have been advised that the other side wants to look at the amendment. I am happy for anyone who wants to look at the amendment to look at it. It was very coherently explained by the Senator from Virginia.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, I have been advised that the other side wants to look at the amendment. I am happy for anyone who wants to look at the amendment to look at it. It was very coherently explained by the Senator from Virginia.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAGEDY AND ATROCITIES THAT OCCURRED IN BESLAN, RUSSIA

Mr. TALENT. Mr. President, I believe it is safe to say that later on in the evening the Senate will consider and I am certain approve a resolution of support and solidarity with the Russian people over their recent tragedy and atrocities that have occurred in Beslan. I am privileged to have the opportunity to cosponsor that resolution, and I congratulate the leaders on both sides of the aisle because I believe it will be cleared.

I know it is not the desire of the chairman that we have a lengthy debate on it, and I certainly understand that.

All of our hearts break at what happened, and although we have seen terrorists at low points before, to hold hundreds of children hostage for days, to deprive them of food and water, to terrorize them, to ignore their pleas for mercy, to shoot them in the back when they are trying to escape when it can achieve no possible end, is a level of depravity I do not believe I ever witnessed in my lifetime.

Like all who watched the horrific coverage of the school hostage situation in Russia last week, I was shocked by the images of frightened children and their parents inside the gymnasium of School Number One, surrounded by several hooded hostage-takers and plastic explosives hanging from basketball hoops. On September 1, more than 1,100 parents, students, and teachers who had gathered for the first day of school were taken hostage by approximately 30 terrorists who had rigged the school with explosives. On September 3, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded collapsing the roof of the school, the terrorists began killing the hostages, and massive loss of life ensured. This horrendous terrorist action left at least 335 people dead, many of them children, as well as hundreds more severely wounded and over 200 unaccounted for, who are most likely dead.

I join my colleagues, Senators DASCHLE, FRIST and SANTORUM, in condemning this despicable terrorist act and in expressing our condolences to the Russian people and in particular to those families who lost their loved ones in the Beslan school tragedy. We commend the continuing efforts of the U.S. Government in providing humanitarian and medical assistance to the people of the Russian Federation.

The terror last week at the school in Beslan is the same face of evil we saw in the U.S. on September 11. The terrorists held children, parents and teachers hostage for more than 2 days without food, water or medicine. Without conscience or mercy, the terrorists shot children in their backs as they fled for safety. These killers seek to terrorize the entire civilized world. They have no regard for human life, even the lives of children. Today, America stands together with the Russian people more resolved than ever to win the war against terrorism.

I know the Senate will vote unanimously for the resolution. I am confident that because of incidents such as this in Beslan and around the world, Americans and civilized people everywhere will draw increased resolution to lead and win the war against terrorism that has really become a war of civilization against barbarians, like those who committed these atrocities.

I thank the Senate for giving me a moment to give my remarks.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent that the Allen amendment be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3615

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mrs. CLINTON, and Mr. CORZINE, proposes an amendment numbered 3615.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses)

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, $100,000,000.

On page 2, line 17, strike $245,579,000 and insert "$175,579,000".

Mr. SCHUMER. Mr. President, this amendment, which I am told, for my colleagues' benefit, will not be voted on tonight but will be voted on at some point late Monday afternoon, is a very important amendment. It deals with truck security.

As we go forward in the war on terrorism, we learn more and more. One of the things we have learned only in the last 6 months is that the preferred method of destruction of al-Qaida is truck bombs. They have used these bombs in the past, but we were given a new sense of urgency about al-Qaida's use of truck bombs from intelligence that has been picked up in the last 6 months and subsequently made public.

Truck bombs, unfortunately, can create tremendous destruction. We saw that in Oklahoma City. At the same time they are very easy to put together. Ammonium nitrate, which can easily be made into an explosive device, is readily available. Then all you need is a truck filled with ammonium nitrate or some other kind of hazardous material and that truck can cause huge amounts of destruction.

In our brave new post-9/11 world, we have to guard against all forms of terrorism. It is not sufficient to say because on 9/11 the terrorists struck through the air that we can ignore other ways they might seek to hurt us. That means we have to tighten security at the ports and on the rails. It also means we have to look at truck security. Unfortunately, probably of all the areas where terrorists might hurt us, we are doing the least in terms of truck security. We pay some lipservice to it, but I am not aware of very much the Department of Homeland Security is doing at all in terms of defending us against truck security.

One may ask: What can be done? For one thing, we can put some limitation on how ammonium nitrate, especially in large amounts, is distributed. That is not the purpose of this amendment. I might be introducing further legislation in that regard. But second, we can be much more careful about trucks, particularly trucks that carry hazardous materials.

Let me say that right now we do virtually nothing. Only a few months ago, a truck with hazardous material was found missing in Pennsauken, NJ, neighboring the State of New York. They still haven't found the truck. Perhaps the truck was lost. Perhaps more likely it was stolen. But God forbid someone who might be part of a terrorist organization took that truck and is lying in wait to do something that would be terrible and despicable.

Of course, we know a truck bomb struck the people in Oklahoma. It was used by McVeigh. This is not something we are unaware of. Truck bombs have been used by al-Qaida in other parts of the world. Again, I underscore the fact that trucks are sort of the preferred method of terrorism for al-Qaida.

We have lots of these trucks available in America. According to the 1997 Census of Interstate Commerce, 740,000 hazardous material shipments travel each day by truck in America. In the United States, 50,000 trips are made each day by gasoline tankers, many of which hold as much fuel as a Boeing 757. They often end with a late-night delivery to a deserted gas station. Experts say that trucks carrying chemicals such as ammonium nitrate, chlorine, or cyanide form even a more deadly risk. Imagine if al-Qaida or another terrorist organization took 10 of these trucks, parked them near a large, tall building in 10 of our largest cities and exploded them all at once, something that would hardly be inconceivable right now. The amount of lives lost might even, God forbid, exceed those lost on 9/11, and fear would descend across this country.

We have to be doing more. In December of 2002, almost 2 years or more than a year and a half ago, I called on Federal officials to rectify this problem. The first thing that I asked be done is that background checks for truck drivers certified to carry hazardous materials be undertaken. The TSA announced it would do so on May 2, 2003, 5 months later. But despite this progress, much more work needs to be done. There are two particular areas that we think greatly need improvement. Those are the things we are asking for tonight.

The first is tracking technology for trucks. It is very easy. You can buy a car and pay a couple hundred bucks more and have a GPS system which tells exactly where the vehicle is. Wouldn't it make sense that every truck carrying hazardous material was required to have such a GPS system? That would mean if the truck were stolen, if the truck were taken to a far different location than where it should be and the company wished to find out where it was, we could find it in a minute.

Ironically, a country far less developed than ours requires this for all its trucks—Brazil. There is a GPS system on every one of its trucks. In fact, the companies that do it there do it not to combat terrorism but, rather, to deal with theft. They actually make money. The point is this is feasible. It works. It is simple. It is hardly pie in the sky. It probably costs about $200 to install in each truck. I would be happy, if once TSA started implementing this for individual truck drivers who might feel that $200 is too much, even though a rig costs much more than 100 times that, to have the Federal Government pay, although we don't provide that in our legislation. We do require that any truck carrying hazardous material have a GPS system installed. There are many companies that want to put this in place but are waiting until Government rules are in place. Thus far there are no Government rules.

Second, there ought to be a HAZMAT database. Just as we plot the path of thousands of planes in general aviation and commercial aviation and where they go and we know that if they are off course, something is awry and our air traffic control system deals with that, we should do the same for hazardous materials.

The bottom line is, any truck with a hazardous material would simply file a little plan as to where it was going and what deliveries it was making. And then again, if the truck was stolen or went off course, we would know. In Brazil they have a system when the truck goes too far off course, the truck stalls and can't be driven.

We could actually do that here and the money that we are providing would be within the ambit of the Homeland Security Department to do just that. But with this database, if a truck carrying hazardous material would be off course, we would know, and there would be a much greater chance that some kind of action could be taken before the truck was used for terrorism.

As for the background checks of those certified to carry hazardous materials, again, I have been pushing the TSA to do this. They have said they are going to do it. They have delayed it several times, and they have not completed doing it yet. But we urge them to do that as well.

The hour is late. I don't want to hold up you or the President of the Senate or other colleagues. People will have the weekend to read this legislation. Again, it is a rather small amount of money, $100 million. We do offset it. We take money from the human resources account—the same $100 million—so this doesn't increase costs. The bottom line is very simple: On truck security, a lot more must be done.

The amendment I have will help move us in that direction. This is a danger that we face in this country, which we have done virtually nothing about, and we could be moving, for a rather small amount of money, toward making ourselves far more secure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. We appreciate the Senator from New York bringing this to the attention of the Senate. We know there is a tracking system in effect—but we are not sure it is as inclusive as he suggests we need it to be—for trucks that carry hazardous material. They try to keep up with that. They have a system in place. We are glad to have the chance to review this suggestion, and we will do that and hope the Senate will withhold action on this amendment tonight, and we can call it up tomorrow, or later, whatever the leaders end up deciding we will do in terms of further action on this bill.

We are at a point where I think we are close to winding up the action on this bill today. We have had a full day of activity. A number of amendments have been presented and voted on. We appreciate the cooperation of all Senators in letting us know the identity of the amendments that were to be offered. We are going to continue to work hard to get this bill finished by sometime on Tuesday of next week. That is our goal, and I think we will be able to achieve that goal.

One item we hope to be able to clear has been presented to the Senate by the Senator from Virginia, Mr. ALLEN, related to a survey in the State of Virginia on a mitigation issue surrounding flooding in the Richmond area. It is my hope that we will be able to get that passed, if we can, by a voice vote tonight, and then maybe go out if there is no further business.

I yield to my friend from Nevada.

AMENDMENT NO. 3610

Mr. REID. Mr. President, it is my understanding that the leadership wants the Schumer amendment to be one of the votes we are going to have Monday evening. Also, it is my understanding, having spoken to the manager of the bill and his staff, that the Federal Emergency Management Agency and the Office of Management and Budget have reviewed amendment No. 3610, offered by the Senator from Virginia, and they have both said that the Federal Emergency Management Agency would be in a position to conduct an investigation of this creek drainfield in Richmond, VA; and this has been signed off on by FEMA, as I have indicated, and also by the OMB.

That being the case, even though on our side maybe there are people who think this is not something that is normally done, if FEMA and OMB signed off on it, which they have, we would be wasting the Senate's time by having a vote on it. That having been said, I say there is no further debate on this side.

Mr. COCHRAN. Mr. President, I ask that we agree to the Allen amendment on a voice vote.

The PRESIDING OFFICER. Without objection, the amendment will be made pending.

Without objection, the amendment is agreed to.

The amendment (No. 3610) was agreed to.

Mr. ALLEN. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. COCHRAN. I am happy to do that.

Mr. SCHUMER. Can we agree that my amendment will be voted on on Monday afternoon when we resume voting?

Mr. COCHRAN. I think that is the understanding.

Mr. REID. Through the Chair to the Senator from New York, as I indicated, members of the leadership are lining up votes for Monday and, in all likelihood, the Senator's would be the first vote. We don't have a unanimous consent agreement to that effect but——

Mr. COCHRAN. That is consistent with my understanding of the schedule as well.

Mr. SCHUMER. Thank you.

Mr. REID. Mr. President, we have done about all we can do tonight. That is my understanding. I say to the manager of the bill that tomorrow, it is my understanding, there is an amendment to be offered by the majority. I cannot remember by what Senator, but someone told me about it.

Mr. COCHRAN. Mr. President, the distinguished majority leader, Senator FRIST, intends to offer an amendment tomorrow morning. So we will have that before the Senate.

Mr. REID. On this side, Senator CORZINE is willing to offer an amendment, Senator LAUTENBERG is willing to offer one, and maybe the distinguished Democratic leader will be ready to offer one. Whenever we come in, there will be opportunities to offer these amendments. It is my understanding that the Senate is not going to stay until a late hour. If those amendments are offered, we will have plenty to do Monday night, unless there is some agreement on amendments.

Mr. COCHRAN. Mr. President, I think this is a good plan. The Senate has done good work today. I think the outline the Senator from Nevada has given us is a thoughtful way to handle the bill. We will be here tomorrow morning and continue to make progress on the bill. We will be ready to cooperate with all Senators to the fullest extent possible.

Mr. SCHUMER. Will the minority whip yield for a question?

Mr. REID. Yes, I am happy to yield.

Mr. SCHUMER. I didn't hear exactly what has been said about the plan. There was another amendment Senator CLINTON and I were going to offer. I was going to cover it this evening, but she could not be here because of the illness of her husband.

Mr. REID. I say to the Senator, there will be an opportunity to offer other amendments next week. He is on the list.

Mr. SCHUMER. Thank you, Mr. President.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for morning business for debate only, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GARRETT LEE SMITH MEMORIAL ACT

Mr. SMITH. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House measure to accompany S. 2634, the Garrett Lee Smith Memorial Act.

There being no objection, the Presiding Officer (Mr. CHAMBLISS) laid before the Senate the following message from the House of Representatives:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask whether there be objection to proceeding to the measure at this time.

The PRESIDING OFFICER. The message is before the Senate.

Mr. SMITH. I ask, then, unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, this is a much happier day for me than it was 1 year ago. A year ago yesterday, my son, Garrett Lee Smith, took his life. Today it is his birthday, and today my heart is not filled with sadness but with joy because the Congress of the United States has acted with near unanimity, an overwhelming vote in the House of Representatives, Republicans and Democrats alike, and for a second time now the Senate, without objection, 100 strong, Republican and Democrat alike, has acted not as partisans but as Americans on an issue that afflicts families all over our land, the issue of mental health, of depression among our youth that often, too often, even at epidemic levels, can lead to suicide.

This has been for me a very long and difficult year. I am grateful for the support of family and friends and, especially here now, my colleagues. I had many thoughts in mind when this occurred because I was raised to believe that no success can compensate for failure in one's home. And when my son took his life, I felt the ultimate failure. Yet I have come to learn from colleagues, some of them, like the leader, medical experts, others like MIKE DEWINE, who has suffered much in his family through the loss of a daughter; PETE DOMENICI, who has helped me to understand the lethal nature of mental illnesses, and so many more.

I have been buoyed up and strengthened sufficient to carry on my public responsibility and try to find from the loss of my son some new meaning in his life. Today the Congress has acted on his birthday. My wife Sharon and I are profoundly thankful to all of you. What we have done today is to pass a bill that will enable the States, encourage the States, incentivize the States to have youth suicide prevention programs to, with parental permission, give testing to identify, under the strictest of privacy, those children who may have a predisposition toward depression and suicide.

We have given the incentive to the States to set up college backstops, counseling, intervention measures, to help where this epidemic is most acutely felt, and that is on American college campuses. We are setting up a national repository of information through SAMSHA, where the best ideas from the 50 laboratories that are the 50 United States can be brought together and shared so intervention can be more effectively made to save more of America's sons and daughters.

When this bill left the Senate, I thought it was in perfect form. But I learned something about a bicameral legislature in working with my colleagues in the House. They made it better. They had many good suggestions. And I feel it appropriate to say that while some I am entirely in agreement with and others I would have preferred not be there, I support the bill as it has come from the House of Representatives.

I owe a great deal of thanks to some specific individuals. If you will bear with me, Mr. President, I would like to thank some of them and also note for those colleagues who may be concerned about parental notification precedence that the House was willing to put in there provisions that this tougher parental notification is applicable just to this bill and in no way affects No Child Left Behind legislation.

I need to say thank you to some very significant people without whom this bill would not have passed. First, I want to thank Chairman JOE BARTON, the Congressman from Texas, who chairs the House Commerce Committee. I say to all the world, and particularly his constituents, he is a man of his word. He had tremendous pressure on him not to proceed with this, but he gave me his word. He is good for it. He worked with me. He demanded much of me. We gave much. But under considerable pressure he stood up against it and made this to pass.

To Speaker HASTERT and Leader DELAY, thank you for your permission, thank you for making this happen, allowing it to happen, and also being good to the commitments that were made to me and other colleagues and to the White House.

I thank my House sponsors, Congressman BART GORDON of Tennessee, Coach TOM OSBORNE of Nebraska. Coach OSBORNE knows something of young people and their struggles. He was wonderful to work with. DANNY DAVIS, of Illinois, spoke eloquently about this bill on the Senate floor last evening. My own Congressman, GREG WALDEN, who helped to shuttle this through the House, I am profoundly thankful to him. I also note EARL BLUMENAUER and PATRICK KENNEDY of Rhode Island were particularly helpful to me in passing this legislation. I am grateful to them.

Senator SANTORUM—they call him a Pope over there—is regarded in very exalted terms and a term of affection. He was unusually helpful in helping me to make my way through the House membership and to get this passed.

Leader FRIST, this would not happen without you. At every turn you have been there for me and helped me to get through this year. JUDD GREGG, the chairman of our committee, with jurisdiction, was wonderful to make this possible and happen in the Senate. MITCH MCCONNELL, your staff, Leader FRIST's staff, were very helpful. They went the extra mile back and forth from the House to Senate Chambers time and again for me. I thank the staffs of all of these people who worked so hard.

Senator DODD and Senator KENNEDY have been unusual champions of this issue, and issues of mental health. They have been wonderful guides. Senator JACK REED of Rhode Island helped to author a major provision.

HARRY REID, the Democratic whip, has been a stalwart and counseled me to take this and do that. I say to him, thank you, sir, for your help and your understanding of the issue of suicide.

I thank Leader DASCHLE as well because without his understanding that this was not partisan this would not have happened. I am grateful to Leader DASCHLE.

I mentioned MIKE DEWINE. MIKE is behind me and will speak to this issue. If you could package goodness in human form, it would look like MIKE DEWINE.

I think most significantly for me has been the woman who sits to my right, Catherine Finley, who is a person of talent, tenacity, and temperament sufficient to take a stand-alone bill, in a very short period of time, pass it through the Senate, the House, and back through the Senate again. I am eternally in her debt. And my wife joins me in those sentiments.

Finally, I thank George W. Bush, the President of the United States, and his staff at the White House, who have been with me from the beginning and who have urged me on time and again to get this done and to get it to him. He has understood that this issue is part and parcel about being compassionate and being conservative. I thank the President of the United States.

In closing, Mr. President, I would like to read a letter that I think says more eloquently than I can why this legislation is so necessary and why it has the prospect of doing so much good. I received this letter from a student at George Washington University in Washington, DC. She urged passage of this bill. Her name is Miss Meredith Jessup of Sturgis, MI. She wrote this:

> This past year I arrived in Washington, DC with a new educational landscape set before me, convinced that I was equipped with the essential skills I would need to survive college. But I was in no way prepared when my close friend and neighbor committed suicide by jumping to his death from his dorm window.
>
> The story that unfolded was his personal narrative of his fight with depression and his constant feelings of worthlessness. He openly wrote about how he had planned his own suicide and about the frightened ideas of acting out his plans. This young, brilliant person, never seen without a smile on his face, had been secretly battling severe depression for a year. None of his friends had had a clue and he had never shared this with his family.
>
> He was depressed and confused and I was scared and utterly unprepared to know how to keep my friend alive. I was never sure why he had chosen to confide this to me, but he made me promise to keep his confidence. In the following days I convinced him to accompany me to the university counseling service.
>
> Two weeks later I received another desperate call from him, he was contemplating death at the dorm. I convinced him to begin walking to meet me and we went to the hospital emergency room. As I sat in the hospital waiting room, tears streaming down my face, I prayed that the hospital would admit my shattered friend for emergency counseling and intervention. I was not a professional; friendship was the only tool I could use to try to help him and as I sat at his bedside I grabbed his hand and told him how I was proud of his courage.
>
> On Sunday, April 18, 2004, a week after his discharge from the hospital, he called my cell phone once again. This time his voice was barely recognizable, laden with sadness. He called from his dorm room, four doors down from mine. "I don't want anyone to worry about me," he said. "When you wake up tomorrow, I want you to forget about anything that happened today." As he kept repeating these lines over and over again, it hit me like a load of bricks. He was going to commit suicide. "Good-bye . . . " rang in my ears as he hung up his phone.
>
> I repeatedly tried to call his phone and pounded on his door. Then the sound of emergency sirens flooded in from open windows, and a harsh reality set in. He had jumped from the balcony of his fourth floor window. My friend was dead at 19 and I hadn't been able to save him.
>
> Perhaps his condition was beyond anyone's help—friend, family or trained professional. Perhaps there was more that could have been done. In his case, however, we will never know. The only thing for us to do after a tragedy like this is to work to ensure others who are struggling do not face the seemingly hopeless situation he had found.
>
> On this, the three-month anniversary of my friend's death, I am writing to thank you for championing the issue of youth suicide prevention. I am writing to thank you for your courageous efforts to help people struggling like my friend. I applaud the courage it took for you to stand before your Senate colleagues and reopen the emotional wounds that are just below the surface from the suicide of your own son.
>
> These wounds are all too familiar to me in the death of my friend. He was one of five students of The George Washington University to die this last school year in suicides or preventable acts. Perhaps the Garrett Lee Smith Memorial Act is a way that I can help others who are struggling on my campus. This piece of legislation and the opportunities it presents provide a way to create something good out of so many tragedies. What I could not do for my friend perhaps can be accomplished in an educational outreach and counseling protocol program I plan to propose for GW, seeking funding through your legislation.
>
> I would like to personally thank you and other members of the United States Senate for taking up this initiative to help prevent suicide among America's youth. I would also like to encourage members of the House of Representatives to pass the Garrett Lee Smith Memorial Act. By instituting the grant program for America's universities, I hope to be a part of alleviating the nation's third leading cause of death among young people. It's the least I can do to honor the memory of my friend. Our country cannot afford to lose to depression the character and

the substantial talents of young people like him.

With that, I thank my colleagues for supporting this historic act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me congratulate but mostly thank my friend and colleague from Oregon. We would not be here tonight without him. It is true many people worked on this bill, but he is the one who got us here. No one but my friend knows how many people he talked to and what he had to go through to get us to this point. I think everyone on this floor knows it could not have been done without our colleague. He did it. He did something that no one else could have done.

Our friend, my friend, suffered the worst tragedy—he and his wife Sharon—that any couple, any family can suffer; that is, to lose a child. They took that tragedy and resolved that they would do something so other families would not suffer as they have suffered.

I say to my friend that neither he nor anyone else in this Chamber will ever know what families will be spared because of the action taken by the House and Senate and because of his hard work.

But the one thing we do know is, there will be many families who will be spared what he and Sharon fought through. For that, we all should say thank you. There will be many children out there who will not lose their lives, many families who will not suffer.

This bill is a wonderful, living tribute to their son Garrett Smith. If we do our job, not only this year, not only this moment, but in the years ahead in properly funding this, it will remain year after year after year a wonderful living tribute to him. It will remain also a living tribute to all the young children who have lost their lives over the years.

I thank my colleague. On behalf of all the people and families who will be spared and all the children whose lives will be saved—and we will never know who they are—he has done something that is very wonderful. He has taken his sorrow and grief, taken the position God has given him and the people of his State have given him and has made something wonderful out of it. It is, in fact, a wonderful tribute to his son, a tribute to the love he has for his son.

I yield the floor.

Mr. KENNEDY. Mr. President, I am proud to join my colleagues Senators GORDON SMITH, CHRIS DODD, MIKE DEWINE and JACK REED in support of the Garrett Lee Smith Memorial Act. I thank them all for their tireless efforts to see this legislation enacted.

I especially thank Senator SMITH for his courage in helping us understand this rising problem that for so long has been misunderstood. The legislation we are passing today is an important first step we must take—we know we must take—to help our troubled young people contemplating suicide.

Youth suicide affects us all. And while we also understand that no words can heal the deep pain or replace the great loss of an anguished child we love, we know we can do better. We can work to prevent the kind of debilitating despair that leads young persons to end their lives and to let them know that there are other options. There are people out there who care. You are not alone.

Make no mistake, we are truly in the middle of an epidemic of teen suicide. Suicide is now the third leading cause of death among adolescents. And while the years of lost potential and productive living are never really captured in the statistics, we know the death of a young person has a devastating and long-lasting effect on family, friends, and the whole community.

To the youth of America this bill has a simple message—help is on the way. We have heard your pleas for help and we are acting. And it is particularly important at a time when cash-strapped States are cutting funds for many vital services.

This legislation will give grants to States to develop youth suicide prevention programs in settings ranging from schools to foster care homes to juvenile justice settings, to substance abuse and mental health treatment and prevention centers. It gives States the flexibility to target resources and set goals. It gives priority to funding entities with experience delivering these kinds of services and ensures that 85 percent of every dollar spent goes toward direct prevention efforts—toward saving lives.

It is appropriate that we are passing this legislation just as millions of our young people are headed off to college for another semester. We know that college is a place where young people can expand their horizons and learn so much about themselves and the world around them. It is a time of great opportunity, but also a time of great challenge for many young people. Away from home for the first time, with new and enormous pressures to succeed, many struggle with feelings of depression, which in the most extreme cases lead to thoughts of suicide.

Thanks to the efforts of Senator DODD, this legislation will increase the presence of counseling programs on college campuses across the country. It will allow colleges to conduct education seminars, operate life-saving hotlines, train other students to recognize and counsel their struggling peers, and link colleges and universities that do not have mental health services with health care providers that can help.

The program authorized under this bill recognizes that colleges and universities have a role to play in funding prevention efforts, and so does the Federal Government. For every dollar a school contributes to the health and well-being of their students, we contribute the same. It is the right thing to do, and it will save lives at campuses across the country.

This legislation will also create a new national center to monitor, coordinate and assist our national suicide prevention efforts. This national coordinating mechanism is long overdue and it will make a world of difference.

This bill will not solve the issue of youth suicide, but it represents real progress. We still have so much more to do to see that no child falls through the cracks, and that mental illnesses receive the same insurance coverage and quality of care as physical illnesses.

But today we move forward with the Garrett Lee Smith Act, knowing that we will have made a brighter tomorrow for many of our young people.

Mrs. DODD. Mr. President, I believe that the legislation before us tonight—the Garrett Lee Smith Memorial Act—represents a positive step towards finding concrete, comprehensive and effective remedies to the epidemic of suicide in our Nation's young people. I intend to support this legislation, and I would like to thank my friend and colleague, GORDON SMITH, for all his tireless work and commitment in seeing this legislation through.

By authorizing $82 million over 3 years, this bill seeks further to support the good work being done on the community level, the State level, and the Federal level with regards to youth suicide early intervention and prevention in four principal ways.

First, it establishes a new grant initiative for the further development and expansion of youth suicide early intervention and prevention strategies and the community-based services they seek to coordinate in schools, mental health programs, substance abuse programs, foster care systems, juvenile justice systems, and other youth support organizations.

Second, it authorizes a dedicated technical assistance center to assist States, localities, tribes, and community service providers with the planning, implementation, and evaluation of these strategies and services.

Third, it establishes a new grant initiative to enhance and improve early intervention and prevention services specifically designed for college-aged students.

And fourth, it creates a new interagency collaboration to focus on policy development and the dissemination of data specifically pertaining to youth suicide.

In July, the Senate took up this important bill and showed its commitment to reduce the public and mental health tragedy of youth suicide by passing it unanimously. I hoped at that time that the House would see this strong example of bipartisanship and follow suit.

Regrettably, the House sent back the legislation containing a controversial provision authored by a small group of House Members with rather extreme views that has the potential actually to harm, rather than help, suicide prevention and suicide awareness efforts.

Simply put, this provision sets a new precedent by erecting and mandating broad and ambiguous parental consent measures across all "school-based programs" and non-medical services in our nation's schools—the very places where most children who are prone to suicidal tendencies first seek help. These measures are stigmatizing, untried, unproven, and arguably most importantly—undefined.

I am afraid that because of the ambiguity of this provision, we cannot know what "prior written, informed consent" really means, what "school-based programs" will require this consent, or what emotional state a child must be in to be considered for "emergency" care.

I am also afraid that because of this provision, we may not be able to guarantee that the services this bill funds will be made available to all children who need them. We may not be able to guarantee that a child who is being abused by parents or guardians—an unfortunate occurrence that's unacceptably common in our country—will be able to obtain the appropriate mental health services he or she might desperately need without the consent of that very same parent or guardian.

Nevertheless, the strengths of this bill outweigh its weaknesses. The Garrett Lee Smith Memorial Act is an important first step towards recognizing the causes of this public and mental health tragedy and supporting innovative and effective public and mental health initiatives that reach every child and young adult in this country—compassionate initiatives that given them encouragement, hope, and above all, life.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in this body, occasionally we have such moments we share as colleagues, and they are probably more rare than any of us would like. The rarity is really centering around what we have heard, and that is a juxtaposition, a coming together of probably the deepest pain and sorrow and sadness with a real celebration, manifested in part by the birthday of Garrett Lee Smith, but also the celebration and accomplishment that can only be accomplished on the floor of the Senate, working with the House, working with the President of the United States, where a piece of legislation is passed and you know it is going to affect scores of lives, hundreds of lives, and directly and indirectly thousands of lives of people we will never see, faces we will never see, but who will be touched in a way that is most powerful, and that is allowing them to lead fulfilling lives and not be captured by tragedy which, without this legislation, unfortunately today, where we are, would occur.

It is that oneness of humanity, of the ups and the downs, but the goodness that comes out of it that this bill represents. The comments by both Senator SMITH and Senator DEWINE reflect it so well.

Senator SMITH thanked so many of the people. I think it is very useful to do because it allows them to be thanked, but more importantly for others to see how hard it is, even with legislation that we know will save lives and do good, to pass legislation in this body and in the House. It takes a lot of people working together, unselfishly, to produce a beautiful product such as has been passed minutes ago.

The act itself reaches out to a population we know is going through the most dynamic changes at any stage in life, as the population travels through adolescence, meeting changes and challenges, leaving certain securities and insecurities of their past and being struck day in and day out. And up until passage of this bill, there was simply not help there, or it was not there when somebody reached out. The wonderful thing this bill does, through referral networks, through programs to raise awareness of teen suicide and youth suicide, until we have a program that trains faculty and others to respond when a student does reach out, things will simply not change. That is what this bill does.

I want to in particular say thank you to our colleague Senator GORDON SMITH. This is painful. This is a real triumph, which is the celebratory part, but it is a difficult moment for him, for Sharon, for his family. As he mentioned, it has been a year and a day ago since the death of his son Garrett. But since that time, working through the grief and the sorrow and the sadness and the loss that can't even be described in words, he and Sharon have consistently and eloquently and passionately spoken about not their own needs but the needs for others, others who they don't know but who they know exist, both today and tomorrow, those who suffer in some shape or form from some type of mental illness. No one can bring back a life that has been lost, but as those of us who have worked with our colleague Senator SMITH and who have watched and who have observed, he has helped teach us that through this process lives can be saved.

It touches home to many of us. This particular bill addresses this sort of youth suicide, teen suicide. And those of us who have kids that age—my three boys are 18, 19, and 21 years of age—as Senator SMITH mentioned, in that age group, suicide is the third leading cause of death. Thirty thousand people die each year as a result of suicide. That is one person every 17 minutes. Suicide has touched Senator SMITH and his family personally, other Members of this body. You don't realize how many people it touches, as we have discussed before, until something tragic like this happens. But it touches people throughout this body, indeed throughout the country.

This legislation helps turn those tragedies into direct assistance to the benefit of others. This bill addresses suicide when it occurs at the most tragic time of one's life. That is in those years where one is leaving, going through the teen years and adolescence and moving on to those years of the prime of their life. We know, though, that with help and response, prevention occurs and lives are saved. There are early detection, early prevention strategies, all of which this bill allows for the first time in legislation to come alive. That is what the legislation is all about. It is about helping those who are at risk, who may or may not show symptoms or signs, but it helps bring those to the surface with an appropriate response that will change the course that has been so tragic in so many people's lives.

In closing, the Garrett Lee Smith Memorial Act is a fitting tribute to Garrett Smith and the love his family has for him. Senator SMITH has fought for its passage not only as a Senator but as a caring father. It has passed this body unanimously, exactly as it should have.

I yield the floor, celebrating and in closing saying, happy birthday, Garrett Lee Smith.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I say to my friend and colleague from Oregon, congratulations on turning a tragedy into a triumph. Garrett would have been indeed proud of his father.

I yield the floor.

Mr. REID. Mr. President, this is a kind of celebration. I congratulate Senator SMITH for his devotion to a cause. I also want Senator SMITH to know how much Landra and I—and I say this without reservation—benefited from the funeral of their son. It is something Landra and I talked about because GORDON and Sharon, from the very beginning, didn't hide the fact their son had taken his own life. I have been to funerals where there have been suicides involved and that is something you don't talk about. They did it openly. Every speaker there talked about Garrett, what a fine young man he was, and what a shame it was he took his own life. Our going to that funeral has benefited us in so many different ways, because we grew spiritually as a result of going to that funeral. There is nothing else we could have done that day that was more important.

Let me say to my friend GORDON SMITH, this is a time for celebration. But I say that we have to continue to work on this issue. This is an authorization bill. We need the appropriators to feel as we do and put money into this project. As good as this is—and we could never appropriate money unless we authorize it—this will be relatively meaningless unless we can get the appropriators to put money into this program, so there can be grants and moneys to work for this dread disease.

So, Mr. President, I ask that the Senate here assembled have a moment of silence, not only for Garrett Smith, which is the purpose of our being here tonight, but for the 31,000 people who during the last 12 months in America have taken their own lives. Garrett is the person who is a focal point of this calamity that is facing our country today. But because of the work of GORDON SMITH, we are going to be able to move beyond this. Hopefully, in the years to come, this will be a number that won't be increasing but decreasing.

I ask unanimous consent that the Senate take a moment of silence at this time on behalf of Garrett Smith and the thousands of people who have died as a result of the taking of their own lives.

The PRESIDING OFFICER. The Senate will observe a moment of silence.

[Moment of silence.]

Mr. REID. Thank you, Mr. President. I yield the floor.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF NEVADA "TOP COPS"

Mr. REID. Mr. President, I rise today to express my congratulations to Officers Gary Casper, Clint Malburg, and Jim Mitchell and Sergeant Rick Servoss on their selection for the National Association of Police Organizations' Top Cops Awards.

The State of Nevada owes a great debt of gratitude to these brave police officers, and to all other law enforcement officers who keep our communities safe.

On August 19, 2003, a sudden storm caused dangerous flash flooding in the Las Vegas Valley. Sergeant Servoss and Officers Casper, Malburg and Mitchell, all members of the Las Vegas Metropolitan Police Department Search and Rescue team, were deployed to help residents escape the flood waters.

Seven people were trapped in life-threatening situations, stranded on top of their vehicles. Battling 60 mph winds and power lines, Sergeant Servoss and Officer Casper maneuvered the team's helicopter only feet above the roaring water. Suspended by a cable and winch operated by Officer Mitchell, Officer Malburg retrieved the trapped individuals. The team even saved four Las Vegas firefighters when rushing waters overtook their fire engine.

I recently had the opportunity to meet with Officers Casper and Mitchell. That meeting reminded me how important it is to express our appreciation to police officers and other first responders. These people put their lives on the line every day to protect our homes and communities. They will tell you that they are just doing their—jobs but we must never forget that they are heroes.

When I attended law school, I worked as a U.S. Capitol Police officer to support my family. Today I still feel a bond with those who protect our communities. I am so grateful for the dedication and heroism of these brave men. Please join me in thanking them for their courageous efforts.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On March 19, 1999 in San Francisco, CA, three men were charged with suspicion of aggravated assault after they allegedly yelled anti-gay epithets and assaulted a man.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WAR ON PROLIFERATION

Mr. KYL. Mr. President, I ask unanimous consent that the column "An All-Out War on Proliferation" by Undersecretary of State John Bolton, which appeared in Tuesday's Financial Times of London, be printed in the RECORD. This piece clearly articulates the Bush administration's aggressive approach to stopping the proliferation of weapons of mass destruction. The success of U.S.-led nonproliferation and counterproliferation efforts over the last 4 years shows strong U.S. leadership on a global scale. It is also an illustration of just what we are able to accomplish through U.S.-led multilateral, concrete action, rather than through inefficient bureaucracies and toothless treaties.

I congratulate Undersecretary Bolton for his outstanding piece, and I strongly recommend it to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Financial Times, Sept. 7, 2004]

AN ALL-OUT WAR ON PROLIFERATION

(By John Bolton)

Some supporters of "multi-lateralism" prefer to talk about its glories in the abstract rather than take action in the here and now. The Bush administration's non-proliferation policies fall into the latter category. Rather than rely on cumbersome treaty-based bureaucracies, this administration has launched initiatives that involve co-operative action with other sovereign states to deny rogue nations and terrorists access to the materials and knowhow needed to develop weapons of mass destruction (WMD). Our policies show that robust use of the sovereign authorities we and our allies possess can produce real results.

The Bush administration is reinventing the non-proliferation regime it inherited, crafting policies to fill gaping holes, reinforcing earlier patchwork fixes, assembling allies, creating precedents and changing perceived realities and stilted legal thinking. The frontlines in our non-proliferation strategy must extend beyond the well-known rogue states to the trade routes and entities engaged in supplying proliferant countries. This can properly be described not as "non-proliferation", but as "counter-proliferation". To accomplish this, we are making more robust use of existing authorities, including sanctions, interdiction and credible export controls. Most importantly, we have taken significant steps to improve co-ordination between sovereign states to act against proliferators.

As we learned from the unravelling of the clandestine nuclear weapons network run by A.Q. Khan and from the Libyan WMD programme, proliferators employ increasingly sophisticated and aggressive measures to obtain WMD or missile-related materials. They rely heavily on front companies and illicit brokers in their quest for arms, equipment, sensitive technology and dual-use goods.

In his September 2003 speech to the United Nations General Assembly, George W. Bush proposed that the Security Council pass a resolution calling on member states to criminalise WMD proliferation, enact export controls and secure sensitive materials within their borders. The resulting Security Council Resolution 1540, unanimously adopted, achieved the president's goals. Rather than requiring years negotiating treaties and creating elaborate institutions, Resolution 1540 rests on the notion that sovereign states are responsible for writing and implementing laws closing the loopholes exploited by black market WMD networks.

Among the most prominent of this administration's counter-proliferation innovations is the Proliferation Security Initiative (PSI). We say that PSI is "an activity, not an organization," in this case an activity designed to halt trafficking in WMD, their delivery systems and related materials. In developing

PSI, our main goal has been a simple one: to enable practical cooperation among states to help navigate this increasingly challenging arena. The initiative focuses on enhancing states' operational capabilities in the intelligence, military and law enforcement arenas. More than 60 countries gathered in Poland just over a month ago to mark PSI's one-year anniversary—and some notable successes. The interception, in cooperation with the UK, Germany and Italy, of the BBC China, a vessel loaded with nuclear-related components, helped convince Libya that the days of undisturbed accumulation of WMD were over, and helped unravel A.Q. Khan's network.

Another important administration initiative is the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, launched by the Group of Eight at its June 2002 summit. Here again, this effort relies on the commitments of sovereign states acting separately and in concert to secure sensitive materials. Like PSI, the Global Partnership is an activity, not an organisation. The G8 Leaders and 13 additional partners have pledged to raise up to Dollars 20bn (Pounds 11.3bn) over 10 years for projects to prevent dangerous weapons and materials from falling into the wrong hands.

The US already has non-proliferation projects under way not only in Russia but in Ukraine, Kazakhstan, Uzbekistan, Georgia and other former Soviet states, as do other Global Partnership countries. We recently began assistance in Iraq and Libya and are encouraging our partners to undertake their own projects in such states. At Sea Island this year, the G8 agreed to use the Global Partnership to coordinate activities in these areas.

This administration is working to make up for decades of stillborn plans, wishful thinking and irresponsible passivity. We're already late, but we are no longer bystanders wringing our hands and hoping that somehow we will find shelter from gathering threats. We are no longer lost in endless international negotiations whose point seems to be negotiation rather than decision, and no longer waiting beneath the empty protection of a reluctant international body while seeking grudging permission to take measures to protect ourselves.

Mr. Bush has begun laying the foundation for a comprehensive, root-and-branch approach to the mortal danger of the proliferation of instruments intended for our destruction. We are determined to use every resource at our disposal—using diplomacy regularly, economic pressure when it makes a difference, active law enforcement when appropriate and military force when we must.

We are just at the beginning, but it is an extraordinary beginning. Not only are we meeting this ultimate of threats on the field, we are advancing on it, battling not only aggressively, but successfully. And so we must, for the outcome of this battle may hold nothing less than the chance to survive.

BACK TO SCHOOL AND THE NO CHILD LEFT BEHIND ACT

Mr. FEINGOLD. Mr. President, as the Senate returns from its August recess this week, students, teachers, and school personnel across Wisconsin and around the country are settling in for a new school year.

Each new school year brings with it the promise of things to come. Students will embark on new educational paths, with new subjects and teachers and, in some instances, new classmates. Some students are entering school for the first time, while others are beginning their middle or high school careers. And some are embarking on their senior years in high school and are preparing to make the transition into the next phase of their lives. All of these students, and their parents, are facing new challenges and new opportunities. We owe it to them to provide the resources promised by the Federal Government to support our States and local school districts.

Throughout our Nation's history, the education of our children has been viewed as a largely local and State responsibility, and the Federal Government has wisely left decisions affecting our children's day-to-day classroom experiences up to the schools, districts, school boards, and State education agencies that bear the responsibility for—and most of the cost of—educating our children. Historically, when the Federal Government has stepped in, it has been to ensure that children receive an equal opportunity for a good education by protecting the rights of all children and by providing additional resources for schools and for such related activities as teacher training.

Impact Aid, which was enacted in 1950 and is one of the oldest Federal education programs, helps local school districts to defray the costs of educating "federally connected" students, such as those who live on Federal land, which is not included in the local property tax base that funds elementary and secondary education. The National Defense Education Act of 1958, which was enacted in response to the Soviet launch of the Sputnik satellite, provided funding to improve math, science, and foreign language instruction in our elementary and secondary schools.

The landmark Elementary and Secondary Education Act of 1965, of which the No Child Left Behind Act is the most recent reauthorization, provided funding to support the education of disadvantaged students. That same year, Congress enacted the Higher Education Act, which has helped to provide millions of Americans with the assistance they need to pursue post-secondary education.

Also in 1965, the Office of Economic Opportunity created "Project Head Start," the predecessor of the current Head Start program, which is administered by the Department of Health and Human Services. Since its inception, Head Start has improved opportunities for low-income preschool children and their families by providing a comprehensive approach to addressing the educational, nutritional, psychological, and other needs of these children and their families.

The Individuals with Disabilities Education Act of 1975 mandates that a free appropriate public education be provided to all children and promises that the Federal Government will pay 40 percent of the cost of educating children with special needs. Our public schools' efforts to serve students with disabilities are a hallmark of our national commitment to a free public education for all children. Since IDEA was enacted, public schools have helped students with disabilities to become more self-sufficient, to prepare for employment, and to learn the skills they will need to lead productive lives. America's public schools have led the way toward the full integration of individuals with disabilities into our national life.

The Federal Government has a long history of supporting local and State governments in their effort to provide a high quality public education for each child. I support these efforts, which rightly respect the importance of maintaining local control of education. For that reason, I opposed the No Child Left Behind Act, NCLB, which the President touts as one of his top domestic achievements.

While I think we all agree that schools should be held accountable for results, I and many Wisconsinites oppose the testing-centered mandates in the NCLB. I support some aspects of this law, such as funding for reading education and after-school programs. I opposed this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local school districts and states and mandates that students be tested in reading and math in grades 3–8 beginning with the 2005–2006 school year. This top-down, one-size-fits-all approach to testing is not good for Wisconsin students or schools. Washington does not know best when it comes to making decisions such as this. And it is troubling that the results of these tests are central to determining whether a school, district, or State is considered to be "in need of improvement" or "failing" academically.

It is also troubling that the corresponding Federal sanctions for schools deemed to be "in need of improvement" or "failing" will actually take badly needed money from those very schools. And these sanctions are being imposed despite the fact that the Federal Government has not provided the resources to help these school succeed that were promised by the No Child Left Behind Act.

The President has called the No Child Left Behind Act "the most important Federal education reform in history." I respectfully disagree with the President's assessment of this law, the effects of which are beginning to reverberate throughout Wisconsin and throughout the country. As I travel around Wisconsin each year to host listening sessions in each of our 72 counties, I hear time and again from frustrated teachers, administrators, parents, and others about the negative effect that NCLB is having on education in Wisconsin.

I began to hear such comments more than three years ago when the President first proposed his education initiative, and this drumbeat of concern has increased as my constituents continue to learn first-hand what this new law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are concerned about the focus on testing that is the centerpiece of the President's approach.

In response to these concerns, I introduced with Senator JEFFORDS and others the Student Testing Flexibility Act, which would allow States and school districts that are meeting their adequate yearly progress, AYP, goals to waive the additional layer of testing required by NCLB, thus allowing them to maintain their existing testing programs. In addition, this bill would allow States to keep the Federal money allocated for developing and administering these new tests and to use that money to help those schools and districts that are not meeting their AYP goals. I am pleased that this legislation is supported by a wide range of Wisconsin and national education groups.

In addition, earlier this year I sent with some of my colleagues a letter to the chairman and ranking member of the Health, Education, Labor, and Pensions Committee requesting that the committee have a series of hearings on how the ongoing implementation of the NCLB is affecting schools and districts. We asked that these hearings focus on issues that are being raised by our constituents, including: the unique circumstances of rural and smaller school districts; the long-term effects that meeting the one-size-fits-all AYP provisions will have on students, schools, and school districts; the concern and likelihood that nearly all public schools may not be able to meet the goal of 100 percent proficient scores on reading and math tests by the 2013–2014 school year, even if those schools show a steady increase in student achievement each year; the NCLB sanctions structure; the effect that Federal funding that is well below the agreed-upon authorization levels for crucial programs such as Title I and special education is having on schools' ability to meet NCLB and State standards; the need for additional Federal funding for professional development, recruitment and retention, and for additional training for paraprofessionals, so that States and school districts can comply with requirements for having highly qualified teachers and paraprofessionals; the toll that preparation for the new federally mandated tests is having on, and will have on, the ability of teachers to spend time on innovative and exciting approaches to instruction and assessment, the instruction time available for non-tested subjects, such as social studies, art, music, and physical education, the strength of State academic standards, and the morale of students and educators; the ongoing efforts to align the NCLB and IDEA; the unique challenges that the accountability provisions pose for students with limited English proficiency; and the implementation of the supplemental services provisions, including implications for Federal civil rights law.

It is critically important that we understand the practical effect of the NCLB on the everyday classroom experiences of students and teachers. I have heard from many educators who are already seeing a narrowing of curricula and increased teaching to the test in preparation for the federally mandated tests in reading and math. One of the purposes of public education is to ensure that students have a well-rounded curriculum that gives them the skills that they need to succeed in life. I remain concerned that the approach encapsulated in the NCLB will produce a generation of students who know how to take tests, but who don't have the skills necessary to become successful adults. Test-taking has a place in public education, but it should not be the role of the Federal Government to tell schools how and when to require tests.

As an editorial that appeared earlier this week in the Appleton Post-Crescent so correctly points out, "the more testing schools must do, the more time is taken from education that doesn't involve passing a test. And the more testing schools have to do—in the name of no child being left behind—the greater the chance that your child could be left with a less complete education."

And, I am particularly disturbed that this appears to be only the tip of the testing iceberg. The President has said that he plans to propose even more federally mandated testing if he is reelected. Specifically, the President said, "[a]s we make progress, we will require a rigorous exam before graduation." If this proposal were to be enacted, it would mean that students would be taking federally mandated tests in 8 of their 13 years of their elementary and secondary years.

And that's not just 8 tests. Beginning next year, students in grades 3–8 will take annual reading and math exams, which totals 12 tests over a student's career. In addition, the Federal Government requires that students be tested in reading and math in one high school grade, which is two more tests, for a total of 14. Beginning in the 2007–2008 school year, NCLB also requires that students be tested in science three times during their school careers (once in each of grades 3–5, 6–9, and 10–12). That's three more tests, for a new total of 17 federally mandated tests. And if the President's new plan for a mandatory high school exit exam is enacted, you can add one more test, bringing the total to 18 federally mandated tests over 13 years of school.

And this total does not include testing programs already in place at the State level, many of which have been thrown into disarray as States struggle to amend their existing tests to comply with the new NCLB requirements. Wisconsin currently tests students in reading in grade three through the Wisconsin Reading Comprehension Test, and in reading/language arts, math, science, and social studies in grades four, eight, and ten with the Wisconsin Knowledge and Concepts Examinations. And this is in addition to regular classroom tests and quizzes and tests given at the district level by many of the 426 school districts in my state. And then, for those students hoping to go to college, there is the pre-SAT, the SAT, the ACT, and on and on.

The Wisconsin Legislature enacted a requirement for a high school graduation test in 1997. But that test, which was to be required of all students beginning with those in the graduating class of 2003, was delayed for one year due to State budget constraints, and was subsequently delayed for an additional 2 years for that same reason, pushing the requirement from the class of 2003 to the class of 2006.

Last year, as part of the State's 2004–2005 budget, the Wisconsin Legislature repealed the State graduation test, which many parents and educators in my State opposed and vigorously fought against for many years. Now it appears that the President wants to reinstate this requirement on the students of my State—and to impose it on the other 24 States that don't currently have such a test—over the will of the Wisconsin Legislature. And with States still unsure of the actual cost of the NCLB-mandated testing and little in the way of Federal funds to develop and implement it, another Federal testing requirement could bend the already dire budget situations in many States and school districts to the breaking point.

According to a new report from the Center on Education Policy, CEP, 20 States now require high school exit exams, and another five will require such tests by 2009. I support the right of State legislatures and local school districts to determine the frequency with which students are tested, including whether to require a high school exit exam. When I was a member of the Wisconsin legislature, I supported legislation that created statewide tests for the students of my State. But I opposed the extra layer of federally mandated tests piled onto students and teachers with the enactment of the No Child Left Behind Act, and I will oppose any proposal for a federally mandated high school exit exam.

Students, teachers, and schools are more than a test score, and education should be a well-rounded experience that is not narrowly focused on students passing a test to help their schools avoid being sanctioned by the Federal Government. Standardized tests measure where a particular student is at a particular day and time. These tests do not make allowances for outside factors such as test anxiety, illness, worry about a troubled home situation, or the fact that the child taking the test may not have eaten that day. To measure the performance of a school and its teachers and students on two test scores per grade does a disservice to these same students, teachers, and schools.

I will continue to monitor the effect of the No Child Left Behind Act on Wisconsin students, and I hope that the debate on this law, both in my State and nationally, will result in meaningful changes to this deeply flawed law that will ensure that each child is given the opportunity to succeed and that each school has the resources necessary to give these students that opportunity.

I ask unanimous consent to print the above-referenced editorial in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Appleton Post-Crescent, Sept. 8, 2004]

TOO MANY TESTS MEAN DIMINISHED EDUCATION

A quarter-million kids in Wisconsin will spend part of this school year studying for and taking standardized tests.

In the next school year, that number will nearly double, as tests mandated by state government—pushed by the federal No Child Left Behind Act—expand to include more grade levels and more subjects.

There will be more time needed to take tests, and to prepare students to take the tests. And it's all being done to test . . . the schools.

Sure, the kids are the ones taking the tests, but ultimately it's the schools' performance that's being graded. No school wants to be deficient in its test results because, under No Child Left Behind, there may be consequences.

But with more testing on the way—and more classroom time devoted to the tests—what's going to happen to our kids' education? What won't our kids be learning because they'll be studying for more tests?

This year, third-graders have reading tests and fourth-, eighth- and 10th-graders have reading, language arts, math, science and social studies tests. Next year, those tests will remain, but third-graders will add a math test and fifth-, sixth- and seventh-graders will have reading and math tests.

It can be argued that standardized tests show our children are learning. But what are they learning? How to pass one particular test, which tests one particular subject and is geared toward one particular style of learning?

It also can be argued that schools must be accountable and standardized tests are the best way—if flawed—to ensure accountability. But, the more testing schools must do, the more time is taken from education that doesn't involve passing a test.

And the more testing schools have to do—in the name of no child being left behind—the greater the chance that your child could be left with a less complete education.

RANDY JENSEN: NATIONAL SECONDARY PRINCIPAL OF THE YEAR

Mr. CRAPO. Mr. President, I am pleased by the education received by children in my home State of Idaho. Our teachers are caring, administrators are dedicated, and our schools are effective. The preparation for life and for further learning that I received in Idaho classrooms during my youth has served me well throughout the years

Today, I am especially pleased to honor Randy Jensen, the Principal of William Thomas Middle School in American Falls, ID, who has been selected as the National Secondary Principal of the Year. For nearly 20 years, Mr. Jensen has worked to make William Thomas a welcoming and supportive environment for students and staff. His commitment to communication, teamwork and proactive problem solving is well recognized by parents and members of the community, and has now been recognized by his colleagues at the national level.

Mr. Jensen correctly states that middle school is "a tumultuous time in the lives of young people, so those of us who know and love them must be their advocates." Mr. Jensen has been just that: an effective advocate for Idaho students. It is altogether fitting that he should be recognized and honored. So today, I offer my congratulations and best wishes to Randy Jensen, National Secondary Principal of the Year.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

GLOBAL HEALTH AND PROTECTION AGAINST BIOTERROR ATTACKS

• Mr. AKAKA. Mr. President, I rise today to express my concern that we need to do much more and do it much sooner to address the threat posed by Avian influenza and other infectious diseases.

The Avian influenza outbreaks that occurred in late June 2004 indicate that the virus is becoming more pathogenic and more widespread according to World Health Organization, WHO, officials. In addition, this virus has crossed the species barrier, moving from infected chickens or ducks directly into humans in three documented outbreaks since 1997.

I am most troubled, however, by a warning from WHO officials that the virus may acquire the ability to spread easily from human to human, and thus, trigger a global influenza pandemic. According to the Centers for Disease Control and Prevention, CDC, an influenza pandemic could cause an estimated 89,000 to 207,000 deaths, 314,000 to 733,000 hospitalizations, and cost from $71–$167 billion in the United States alone. We cannot afford to take this threat lightly.

The so-called bird flu is deadly to humans. It killed 24 out of 35 people who contracted it from chickens in Thailand and Vietnam earlier this year. In July an additional three were killed in Vietnam. This fatality rate is in the same range as the Ebola virus which is considered one of the most virulent viral diseases known to man.

Lack of effective treatment options for Avian flu contribute to its lethality. Creating an effective vaccine for the Avian influenza virus is extremely difficult. The virus is so deadly that a vaccine cannot easily be grown in eggs, the usual method of production. Other vaccine production methods are being studied, but the required extensive safety tests for a new vaccine mean that large scale vaccine distribution is not feasible in the near term.

Equally disturbing is that only one drug is currently believed effective to treat Avian flu, an antiviral medicine called Tamiflu which helps only if taken within one to two days of developing symptoms of the disease.

The WHO recently decided Tamiflu should be included in regional stockpiles to be distributed at the first sign of a new influenza virus spreading among humans. Unfortunately, if a pandemic of Avian flu were to occur now, the manufacturer of Tamiflu could not produce enough of the drug to meet the huge demand that would occur, and there is no generic substitute.

In light of these very limited treatment options, we should heed the WHO's warning and take aggressive steps to prevent a pandemic from occurring while at the same time increasing our preparedness to respond to all public health emergencies by developing a global defense system against the outbreak of diseases, including those resulting from terrorist attacks.

On July 31, 2003, I introduced S. Res. 208 to address this concern. The resolution seeks to improve American defenses against the spread of infectious diseases by calling for improvements in global disease surveillance capabilities because the early warning of a disease outbreak is key to its identification, the quick application of countermeasures, and the development a cure.

The recent Presidential Directive 10, "Biodefense for the 21st Century," observes that many bioterror attacks could initially mimic naturally occurring diseases and potentially delay recognition of an attack. This is another important reason why I believe that the United States must strengthen its ability to detect diseases before they cross our borders. To pursue this initiative, I along with Senators BINGAMAN, DODD, DURBIN, FEINSTEIN, INOUYE, LEAHY, LEVIN, LIEBERMAN, MURRAY, and SARBANES sent a letter to President Bush urging his support for global health issues at the 2004 Group of Eight, G–8, Summit. Our letter underscored the need for better disease surveillance and reporting systems which are inclusive of all public health emergencies of international concern.

I am pleased that the G–8 committed to take steps to expand and initiate new biosurveillance capabilities to detect bioterror against humans, animals, and crops; improve bioterrorism prevention and response capabilities; increase protection of the global food supply; and respond to, investigate, and mitigate the effects of alleged uses of biological weapons or suspicious outbreaks of disease.

The administration followed the G–8 summit with the August release an updated draft of the 1978 Pandemic Influenza Response and Preparedness Plan for 60 days of public comment. This plan outlines the administration's proposed national strategy for preparing and responding to an influenza pandemic. Developing a strategy is good and the administration is to be commended for its concern, but far better would be committing more resources now to programs that have already been identified as critical to our preparedness.

For example, the administration's fiscal year 2005 budget request, which cuts public health preparedness for State and local governments by more than $105 million and hospital preparedness funding at the Health Resources and Services Administration by $39 million, seriously calls into question the administration's commitment to ensuring that U.S. citizens are protected from bioterrorist events and other public health emergencies.

I commend the President and the G–8 for expressing support for global health issues, but words and plans are not enough. We need action and we need action now. We must act together to reduce the grave threat that biological weapons and naturally occurring infectious diseases pose to the safety and security of the world.

Adoption of S. 427, the Agriculture Security Assistance Act, and S. 430, the Agriculture Security Preparedness Act, which I introduced in 2003 to help protect our Nation from an agroterror attack, would be a good first step for the United States as we strive to live up to the promises made to our G–8 partners. S. 427 would assist states and communities in responding to threats to the agriculture industry by providing funding for biosecurity grants to farmers and community planning activities. S. 430 would enable better interagency coordination within the federal government as it works to plan and respond to a threat to American agriculture.

We should also ensure that the National Security Council, and the Departments of State, Homeland Security, and Health and Human Services have the funding and support they need to fully implement the commitments made at the 2004 G–8 summit. CDC's fiscal year 2005 budget request for global disease detection shows an increase of $27.5 million over the fiscal year 2004 budget. However, this funding increase comes at the expense of other important public health initiatives. We should not be robbing Peter to pay Paul when it comes to the health and safety of our Nation.

We must take action to increase WHO's global disease surveillance capability, including supporting their effort to revise the International Health Regulations by expanding the scope of required disease reporting to include all public health emergencies of international concern. An April 2004 Government Accountability Office, GAO, report on emerging infectious diseases, "Asian SARS Outbreak Challenged International and National Responses," GAO–04–564, noted that the response by governments in SARS-affected countries was hindered by inadequate disease surveillance systems, poor communication, ineffective leadership, insufficient public health capacity, and limited resources.

While the International Health Regulations provide the legal framework for global infectious disease control, WHO's Global Outbreak Alert and Response Network, GOARN, is the primary mechanism by which WHO mobilizes technical resources for the investigation of and response to disease outbreaks of international importance. The SARS outbreak was the first time that the GOARN network was activated on such a large scale for an international outbreak of an unknown emerging infectious disease. During the SARS outbreak, GOARN's human resources were stretched to capacity. GOARN experienced difficulty in sustaining the response to SARS over time and getting the appropriate experts out into the field.

These difficulties in responding to and containing the SARS outbreak demonstrate the urgent need to strengthen our ability to respond to global health emergencies. For example, the CDC reported that if the United States had experienced many SARS cases during the global outbreak, CDC might not have been able to make as many of their staff available to assist GOARN. In light of this, the implications of a bioterror event or an influenza pandemic are chilling. The SARS outbreak sickened 8,089 people causing 774 deaths in 2003, and an influenza pandemic is estimated by CDC to affect 10 times as many people.

CDC's fiscal year 2005 budget request for global disease detection is $50 million. This figure is not adequate when one considers that the SARS outbreak alone cost Asian economies $11 billion to $18 billion and resulted in losses of 0.5 percent to 2 percent of total output. If we multiply that by 10 for an influenza pandemic, the numbers are staggering. If we act now to increase funding for these programs, we have a chance to help prevent such a tragic situation from happening. By helping the world cope with infectious disease outbreaks we not only increase global public health, but help ensure the health and safety of the American people as well.●

ADDITIONAL STATEMENTS

CONGRATULATIONS TO BUDDY BUTLER AND NIKKI HENSLEY

● Mr. BUNNING. Mr. President, I wanted to take this opportunity to congratulate a Kentucky couple, Buddy Butler and Nikki Hensley. They were recently picked to receive a "Destination Wedding" by viewers of NBC's Today Show. They competed for the free wedding package against three other couples, and were selected to receive a celebrity wedding, which will be broadcast on television.

The couple met in June of 2003, however, soon after Buddy was shipped off for a six-month tour to Iraq. Buddy joined the U.S. Army after the tragic events of 9/11 determined to help his country. He was just back from Korea when he met Nikki at a cousin's wedding. The couple remained faithful to each other during Buddy's deployment and decided to marry upon his return from Iraq.

Couples such as Buddy and Nikki are the basis for good family values in our country. I wish them luck with their celebrity wedding in November and hope for them a strong marriage in the future. Kentucky is proud of them and will be watching their big day.●

DR. CECIL L. "CHIP" MURRAY

● Mrs. BOXER. Mr. President, today I wish to honor the Rev. Dr. Cecil L. "Chip" Murray, who is retiring after 27 years of distinguished service with the First African Methodist Episcopal Church of Los Angeles.

Dr. Murray is a man of great passion and vision who has inspired his congregation to go "beyond the walls" of the church to help the broader community. Under his leadership, volunteers from First AME Los Angeles have changed thousands of lives for the better.

When Dr. Murray was first assigned to First AME in 1977, his new church family had 300 active members. Today the congregation has more than 18,000 members. Led by Dr. Murray, the church ministry fills the sanctuary with an awe-inspiring spiritual worship service that draws people of all faiths from far and wide.

While tending to his congregation's spiritual needs, Dr. Murray has also led them to look beyond the walls of the church at those less fortunate than themselves. Each member of the congregation is asked to join one of 40 task forces addressing community needs such as health, homelessness, substance abuse, emergency food and clothing, general and specialized housing, tutoring, employment services, and entrepreneurial training.

As he heads into a well-deserved retirement, Dr. Murray will receive accolades and appreciation from a grateful congregation and community. I wish to join them in expressing my deep appreciation for his great life's work and my very best wishes for the future. I am sure that even in retirement, Dr. Murray will continue to work wonders and inspire others for many years to come.•

NATIONAL ASSISTED LIVING WEEK

• Mr. WYDEN. Mr. President, next week, September 12 through 18, is the tenth annual National Assisted Living Week. The theme this year is "Caring for Our Heritage," and encourages residents, families, staff and the community to share their heritage as a means of understanding the diverse backgrounds that form a community and our Nation.

Beginning annually on Grandparents' Day, this honorary week spotlights the role played by assisted living professionals in caring for the nearly one million of our Nation's elderly and disabled. Assisted living provides a homelike environment in which individuals who do not need the level of care provided by nursing homes receive help in order to continue to live independently. The need for this approach will only grow as our Nation ages. I am pleased that my State of Oregon has been a leader in developing the assisted living concept. Caregivers in assisted living are central to this evolution in care and are key to assuring its success by providing support to both residents and families.

National Assisted Living Week was created in 1995 by the National Center for Assisted Living. This year, for the first time, it is being celebrated in conjunction with the American Association of Homes and Services for the Aging and the Assisted Living Federation of America. National Assisted Living Week emphasizes the importance of this service which has grown 50 percent nationally in the last 5 years.•

HONORING RICHARD E. "DICK" KIPPER

• Mr. HARKIN. Mr. President, I wish to pay tribute to Richard E. "Dick" Kipper, an extraordinary leader in the fight against Alzheimer's disease. In November, Dick will complete his term as National Board Chair of the Alzheimer's Association, a position he has held for two years and which caps nearly a decade of commitment to the cause of creating a world without Alzheimer's disease.

Like so many others, Dick joined the fight against Alzheimer's after the disease touched his family. Dick lost his beloved father to Alzheimer's. But because of his efforts, future generations will be better off.

Dick has played a vital part in helping the Alzheimer's Association achieve its strategic goals of advancing research, enhancing care and support and raising public awareness. He has logged thousands of miles traveling across the country and devoted countless hours on behalf of the Alzheimer's Association. Here are just a few of his accomplishments.

Dick Kipper first joined the Alzheimer's Association's National Board in 1996 and quickly rose through the ranks to assume significant leadership positions. He chaired the National Board's Development Committee, was elected vice-chair of the National board, and served on the board's Diversity and Inclusion, Finance and Chapter Committees. He also spearheaded the effort to mobilize the board and chapters in support of the Association's "billion dollar research goal."

Under Dick's guidance, the Alzheimer's Association has led the fight for increased research funding and launched a new campaign to change the way people think about Alzheimer's disease. Last year, the Association dedicated nearly $16 million to its peer-reviewed research grants program and initiated a "Research Roundtable" partnership with pharmaceutical companies to develop strategies for generating and sharing new information designed to accelerate progress in research. In July of this year, the Alzheimer's Association sponsored the 9th International Conference on Alzheimer's Disease and Related Disorders, the largest gathering of Alzheimer researchers in history. More than 4,200 scientists from around the world shared findings from 2,000 studies showcasing the newest treatment advances in Alzheimer's disease and steps toward prevention. Dick's advocacy for increased research funding has also brought him to Washington each spring for the last three years to lobby Congress to increase federal funding for Alzheimer's research to $1 billion.

Helping caregivers and family members understand that they are not alone in the fight against Alzheimer's disease and that there is hope on the horizon are other signature accomplishments of the Alzheimer's Association under Dick's leadership. In February, the Alzheimer's Association revealed a new brand identity, a redesigned website and its "Maintain Your Brain" campaign to educate Americans about Alzheimer's disease. The Association also established a new advisory council to address critical issues related to prevention, diagnosis and imaging, disease progression, and improved treatments. Dick's leadership was instrumental in guiding the Alzheimer's Association through these projects.

In addition to being an outstanding leader in the Alzheimer community, Dick is also an accomplished businessman. In 1967 he co-founded AFSA Data Corporation, a student loan servicing company. After Fleet Financial Group acquired AFSA in 1986, Dick served as chairman of the board and chief executive officer. At his retirement in 1990, the company employed more than 1,000 people and had annual revenues that exceeded $65 million. He also was co-owner, president and CEO of Major Legal Services, a multimillion-dollar document acquisition, process server and court reporting service company headquartered in San Francisco. And, he is a board member of The Guggenheim Group, L.L.C., a venture capital and financial management firm.

I salute Dick Kipper for his tireless efforts to help those with Alzheimer's and to create a brighter future without this disease.•

GREEN MOUNTAIN AUDUBON NATURE CENTER

• Mr. LEAHY. Mr. President, this Saturday, the Green Mountain Audubon Nature Center in Huntington, VT will celebrate its 40th anniversary.

In 1964, Mrs. Christine Hires of Philadelphia, offered the 150-acre Vermont farm she had owned since 1940, to the newly formed Green Mountain Audubon Society. Mrs. Hires' dream was to keep the land open to visitors and in its natural condition. An open house was held on September 19 and 20 of that year. The Green Mountain Audubon Nature Center was established.

Since 1964, the center has grown to 255 acres of varied habitat including hardwood forest, cedar swamp, beaver pond, meadows, pristine stream and river edge. The original farmhouse and barn are currently used as office and program space for Audubon Vermont. The center also includes a sugar house, the "Clubhouse" for summer camps and programs and a full-scale replica of an Abenaki longhouse.

Annually, nearly 15,000 visitors enjoy the nature trails, bird and other wildlife watching as well as a variety of environmental education programs the center is known for. Some 4,500 children and adults take part in educational programs led by Audubon teacher-naturalists each year.

I want to congratulate Green Mountain Audubon on 40 years of bringing people closer to nature through environmental education, natural resources stewardship, its citizen science efforts and, of course, sound conservation advocacy. This weekend's celebration will honor the oldest operating nature center in Vermont and the many individuals who have contributed to its success. Well done.•

GEORGIA'S 116TH AIR CONTROL WING

• Mr. MILLER. Mr. President, today I rise to honor Georgia's 116th Air Control Wing (ACW) based at Robins Air Force Base. This week, the wing will be awarded the Spaatz Trophy, which recognizes the Nation's most outstanding Air National Guard unit.

For those of you who do not know, the Spaatz Trophy is named for General Carl Spaatz, the first chief of staff of the independent Air Force and is presented annually to the overall outstanding Air National Guard flying unit. Selection of the winner is based on unit combat readiness during the reporting year and the unit's performance with respect to all other Air Guard flying units. More than 90 flying units from across the Nation are eligible to compete.

I would like to point out that this year's winner is no ordinary Air Force wing. The 116th ACW made history 2 years ago when it became the first blended unit ever in the Air Force—kicking off an historic transformation of our fighting force. The wing is comprised of both Air National Guardsmen members of the Active Duty Air Force, and is commanded by a member of the Georgia Air Guard—General Tom Lynn.

Further, the 116th ACW is the only Air Force unit operating the E-8C Joint Surveillance Target Attack Radar System, Joint STARS, which is the most advanced airborne ground surveillance and battle management system in the world.

During 2003, the year for which this award is presented, the 116th ACW completed the largest deployment in its history as it supported Operations Iraqi Freedom and Enduring Freedom and flew more than 5,000 combat hours. This outstanding achievement occurred just months after the wing's historic transformation.

It is a great honor to win the Spaatz Trophy, and this award further illustrates the hard work taking place by the extremely talented members of the 116th ACW. I would like to extend my heartfelt congratulations to General Tom Lynn and all the members of the 116th Air Control Wing.•

MESSAGE FROM THE HOUSE

At 2:12 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, with an amendment:

S. 2634. An act to amend the Public Health Services Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8953. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Strategic Plan for Fiscal Years 2004–2009; to the Committee on Environment and Public Works.

EC–8954. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Lit of Approved Spent Fuel Storage Casks: NAC–MPC Revision" (RIN3150–AH50) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8955. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Minnesota; Sulfur Dioxide; United Defense" (FRL#7794–5) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8956. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Connecticut; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plans" (FRL#7801–2) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8957. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Utah; Revisions to New Source Review Rules" (FRL#7791–7) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8958. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isodecyl Alcohol Ethocyxlated (2–8 Moles) Polymer with Choromethly Oxirane: Tolerance Exemption" (FRL#7368–3) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8959. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wyoming Restructuring and Renumbering of Wyoming Air Quality Standards and Regulations" (FRL#7784–8) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8960. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Illinois" (FRL#7784–6) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8961. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Alaska; Fairbanks Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes" (FRL#7792–3) received on August 18, 2004; to the Committee on Environment and Public Works .

EC–8962. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL#7790–6) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8963. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL#7788–5) received on August 18, 2004; to the Committee on Environment and Public Works.

EC–8964. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and designation acting officer for the position of Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC–8965. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Chief Financial Officer, Environmental Protection Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC–8966. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of General Counsel, Environmental Protection Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC–8967. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Three Shot Types—Tugnsten-Bronze, Tungsten-Iron, and Tungsten-Tin-Bismuth—as Nontoxic for Hunting Waterfowl and Coots" (RIN1018–AT32) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8968. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Emission Statement Program" (FRL#7788–6) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8969. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Lamar and Steamboat Springs” (FRL#7784–9) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8970. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plans; Washington; Central Puget Sound Carbon Monoxide and Ozone Second 10-Year Maintenance Plans” (FRL#7792–5) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8971. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants: Printing, Coating, Dyeing of Fabrics and Other Textiles” (FRL#7797–6) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8972. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Propamocarb Hydrochloride; Pesticide Tolerance” (FRL#7368–8) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8973. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Propanoic Acid; Pesticide Tolerance” (FRL#7358–4) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8974. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Propiconazole; Time-Limited Pesticide Tolerances” (FRL#7352–1) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8975. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Joint Counterpart Endangered Species Act Section 7 Consultation Regulation” (RIN0648–AQ69) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–8976. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–8977. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled “Superfund Five-Year Review Report to Congress-FY2003”; to the Committee on Environment and Public Works.

EC–8978. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Interim Enforcement Policy Regarding the Use of Alternate Dispute Resolution” received on August 11, 2004; to the Committee on Environment and Public Works.

EC–8979. A communication from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting, pursuant to law, a report on the results of the assessment of the general conditions of confirmed disposal facilities in the Great Lakes; to the Committee on Environment and Public Works.

EC–8980. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Revised Medical Criteria for Evaluating Skin Disorders” (RIN0969–AF29) received on August 6, 2004; to the Committee on Finance.

EC–8981. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Statutory Options” (RIN1545–BA75) received on July 23, 2004; to the Committee on Finance.

EC–8982. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Reduced Maximum Exclusion of Gain from Sale or Exchange of Principal Residence” (RIN1545–BB02) received on July 23, 2004; to the Committee on Finance.

EC–8983. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Appeals Settlement Guidelines: Telecommunications—Taxation of Universal Service Fees” (UIL:61.40–01) received on July 23, 2004; to the Committee on Finance.

EC–8984. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Bureau of Labor Statistics Price Indexes for Department Stores—June 2004” (Rev. Rul. 2004–91) received on July 23, 2004; to the Committee on Finance.

EC–8985. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Remedial Action for Tax-Exempt Bonds” (TD 9150) received on July 23, 2004; to the Committee on Finance.

EC–8986. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Model 457 Plan Provisions” (Rev. Proc. 2004–56) received on July 23, 2004; to the Committee on Finance.

EC–8987. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Clarification of Definitions” (RIN1545–BD43) received on July 23, 2004; to the Committee on Finance.

EC–8988. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Bureau of Labor Statistics Price Indexes for Department Stores—May 2004” (Rev. Rul. 2004–81) received on July 23, 2004; to the Committee on Finance.

EC–8989. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Notice: Request for Comments on Tax Treatment of Credit Default Swaps” (Notice 2004–52) received on July 23, 2004; to the Committee on Finance.

EC–8990. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Like-Kind Exchanges Using Qualified Exchange Accommodation Arrangements” (Rev. Proc. 2004–51) received on July 23, 2004; to the Committee on Finance.

EC–8991. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Health Savings Account—Additional Q and A's” (Notice 2004–50) received on July 23, 2004; to the Committee on Finance.

EC–8992. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Allocation and Apportionment of Deductions for Charitable Contributions” (TD9143) received on July 23, 2004; to the Committee on Finance.

EC–8993. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Section 43 Inflation Adjustment” (Notice 2004–49) received on July 23, 2004; to the Committee on Finance.

EC–8994. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Marginal Production Rates” (Notice 2004–48) received on July 23, 2004; to the Committee on Finance.

EC–8995. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “TD Entry of Taxable Fuel” (RIN1545–BD29) received on July 23, 2004; to the Committee on Finance.

EC–8996. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “TD Entry of Taxable Fuel” (RIN1545–BD29) received on July 23, 2004; to the Committee on Finance.

EC–8997. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004” (Notice 2004–56) received on July 23, 2004; to the Committee on Finance.

EC–8998. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “TD9146: Section 179 Elections” (RIN1545–BD35) received on July 23, 2004; to the Committee on Finance.

EC–8999. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Deemed Corporate Election for Electing S Corporations” (TD9139) received on July 23, 2004; to the Committee on Finance.

EC–9000. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Domestic Asset/Liability and Domestic Investment Yield Percentages for 2003” (Rev. Proc. 2004–55) received on July 23, 2004; to the Committee on Finance.

EC–9001. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Time and Manner of Making Section

163(d)(4)(b) Election to Treat Qualified Dividend Income as Investment Income" (TD9147) received on July 23, 2004; to the Committee on Finance.

EC-9002. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Port Limits of Chicago, Illinois" (CBP Dec. 04-24) received on August 11, 2004; to the Committee on Finance.

EC-9003. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Time Limit of Admission of Certain Mexican Nationals" (RIN1651-AA60) received on August 11, 2004; to the Committee on Finance.

EC-9004. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act" (RIN0960-AF39) received on August 6, 2004; to the Committee on Finance.

EC-9005. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old Age, Survivors and Disability Insurance; Coverage of Residents in the Commonwealth of the Northern Mariana Islands (CNMI); Coverage of Ministers, Members of the Clergy and Christian Science Practitioners" (RIN0960-AG01) received on August 6, 2004; to the Committee on Finance.

EC-9006. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture abroad of significant military equipment in Canada and Australia; to the Committee on Foreign Relations.

EC-9007. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-9008. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-9009. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-9010. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-9011. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC-9012. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed sale of defense articles or defense services in the amount of $100,000,000 or more to Hungary; to the Committee on Foreign Relations.

EC-9013. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles or defense services in the amount of $50,000,000 or more to France and Brazil; to the Committee on Foreign Relations.

EC-9014. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment valued at $14,000,000 or more to Thailand; to the Committee on Foreign Relations.

EC-9015. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment consisting of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC-9016. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-9017. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-9018. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to the export of armored personnel carriers (APCs); to the Committee on Foreign Relations.

EC-9019. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to a review of programs and projects of the International Atomic Energy Agency (IAEA); to the Committee on Foreign Relations.

EC-9020. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to various conditions in Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC-9021. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to efforts made by certain international organizations to employ an adequate number of Americans during 2003; to the Committee on Foreign Relations.

EC-9022. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9023. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9024. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report that the export to Iraq of flashbang distraction, smoke and riot control grenades, and infrared laser sights for exclusive use by Iraqi authorities for internal security operations is in the national interest of the United States; to the Committee on Foreign Relations.

EC-9025. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report that the export to Iraq of certain surveillance equipment is in the national interest of the United States; to the Committee on Foreign Relations.

EC-9026. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Iran Nuclear Proliferation Prevention Act of 2002; to the Committee on Foreign Relations.

EC-9027. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 2nd Quarter of Fiscal Year 2004"; to the Committee on Governmental Affairs.

EC-9028. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2004 Revenue Estimate in Support of the Insurance of $280 Million in Revenue Bonds"; to the Committee on Governmental Affairs.

EC-9029. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Contract Awarded by the Water and Sewer Authority was Poorly Monitored and Managed"; to the Committee on Governmental Affairs.

EC-9030. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenue and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2005"; to the Committee on Governmental Affairs.

EC-9031. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Board's inventory of inherently governmental and commercial activities; to the Committee on Governmental Affairs.

EC-9032. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC-9033. A communication from the Acting Assistant Secretary for Policy, Planning, and Preparedness, Department of Veterans' Affairs, transmitting, pursuant to law, a report of the inventory of commercial activities, which are currently being performed by

Federal employees for calendar year 2003; to the Committee on Governmental Affairs.

EC-9034. A communication from the Executive Associate Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's report of competitive sourcing efforts for fiscal year 2003; to the Committee on Governmental Affairs.

EC-9035. A communication from the Acting Secretary, Commission of Fine Arts, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing competitions in FY 2003; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. TALENT Mr. BIDEN, Mr. FRIST Mr. ALEXANDER, Mr. HAGEL, Mr. LEAHY, Mr. DEWINE, and Mr. COLEMAN):

S. 2781. A bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mr. SUNUNU:

S. 2782. A bill to reform social security by establishing a Personal Social Security Savings Program; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2783. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mrs. DOLE, and Mr. SESSIONS):

S. 2784. A bill to promote freedom and democracy in Vietnam; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2785. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read; and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. Res. 420. A resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. TALENT, Mr. BIDEN, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, and Mr. LOTT):

S. Res. 421. A resolution expressing outrage at the recent terrorist atrocities in Beslan, Russian Federation, and condolences to the families of the victims; considered and agreed to.

ADDITIONAL COSPONSORS

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 1368

At the request of Mr. REED, his name was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1368, supra.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1902

At the request of Mr. REED, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 2190

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2190, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 2203

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2203, a bill to provide assistance to combat HIV/AIDS in India, and for other purposes.

S. 2302

At the request of Mr. CONRAD, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2395

At the request of Mr. CONRAD, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2466

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2466, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2491

At the request of Ms. CANTWELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2491, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 2520

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2520, a bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

S. 2526

At the request of Mr. BOND, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2592

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2592, a bill to provide crop and livestock disaster assistance.

S. 2602

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2657

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2671

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2731

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2731, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2741

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 2741, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2754

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2754, a bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA).

S. 2756

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2756, a bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming.

S. 2761

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2761, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers, ranchers, and fishermen, and for other purposes.

S. CON. RES. 127

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. RES. 271

At the request of Mr. COLEMAN, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 271, a resolution urging the President of the United States diplomatic corps to dissuade member states of the United Nations from supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 387

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

S. RES. 392

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 392, a resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

AMENDMENT NO. 3578

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Mr. DORGAN), the Senator from North Dakota (Mr. CONRAD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3578 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3590

At the request of Mr. FITZGERALD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3590 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3593

At the request of Mr. FITZGERALD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3593 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. ALEXANDER, Mr. HAGEL, Mr. LEAHY, Mr. DEWINE, and Mr. COLEMAN):

S. 2781. A bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Peace in Sudan Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) JEM.—The term "JEM" means the Justice and Equality Movement.

(3) SLA.—The term "SLA" means the Sudanese Liberation Army.

(4) SPLM.—The term "SPLM" means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in grave jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and dislocating targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing and Arabization that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final countrywide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) It was not until the international community expressed its outrage, through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 of July 30, 2004, that the Government of Sudan agreed to engage in talks to bring peace to the Darfur region.

(6) According to the Government of the United States and United Nations officials,

the Government of Sudan has engaged in an orchestrated campaign, with the assistance of its Arab Sudanese proxy militia, the Janjaweed, to remove a significant part of the ethnically African population from North Darfur, West Darfur, and South Darfur, Sudan.

(7) The United Nations High Commissioner for Human Rights identified "massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which may constitute war crimes and/or crimes against humanity".

(8) Evidence collected by international observers in the Darfur region between January 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(9) As a result of this coordinated campaign, which Congress has declared to be genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of thousands of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(10) According to the United Nations High Commissioner for Refugees, 1,400,000 people have been displaced in the Darfur region of Sudan, of whom over 200,000 have been forced to flee to Chad as refugees.

(11) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(12) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers' access to the Darfur area, primarily through bureaucratic and administrative obstruction in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(13) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region—

(A) is estimated to be causing 500 deaths each day; and

(B) is projected to escalate to 2,400 deaths each day by December 2004, so that even a best-case scenario will likely result in the death of more than 320,000 people between April 1, 2004 and December 31, 2004.

(14) The Government of Chad served an important role in facilitating the Darfur humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(15) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees even though such assistance has adversely affected their own means of livelihood.

(16) The cooperation and inclusion of all Sudanese is essential to the establishment of peace and security throughout all of Sudan.

(17) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in Darfur, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(18) Despite the threat of international action expressed through United Nations Security Council Resolution 1556 of July 30, 2004, the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over Darfur.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the principles of the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that Agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity to develop a more accurate portrayal of the situation on the ground and to better inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should—

(A) provide all necessary means to assist in the immediate deployment of a contingent of 4,200 African Union forces as recommended by the United Nations and to sustain such forces; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(7) the President should use all means to facilitate a comprehensive solution to the conflict in Sudan, including by directing the United States Permanent Representative to the United Nations to pursue a resolution of the United Nations Security Council that—

(A) condemns the actions of the Government of Sudan in engaging in an orchestrated campaign of ethnic cleansing in Darfur;

(B) calls on the Government of Sudan to cease support of ethnic cleansing and the killing of innocent civilians, disarm the Janjaweed militias, prevent such militias from harassing and killing civilians, and ensure immediate access for all humanitarian assistance to all areas of Darfur;

(C) calls on all parties to the conflict in the Darfur region to permit unimpeded delivery of humanitarian assistance directly to Darfur, in particular to allow such assistance to cross directly from countries that border Sudan;

(D) calls on the Government of Sudan to provide all assistance possible, including release of its strategic food reserves, to respond to the Darfur crisis;

(E) calls on the international community, particularly those countries with strong economic ties to Sudan, to expedite the provision of humanitarian assistance to Darfur;

(F) authorizes the African Union Mission in Sudan (AUMIS) now deploying to the Darfur region of Sudan, and calls for the expansion of such force, and extension of the force's mandate to include protection of civilians;

(G) establishes an international commission of inquiry to examine the actions and accountability of those responsible for war crimes and crimes against humanity in the Darfur region; and

(H) confirms the right of all displaced Sudanese to return to their villages under safe and secure conditions;

(8) an international commission of inquiry should be established to conduct an investigation of atrocities in the Darfur region and to preserve evidence of atrocities for use in the prosecution of those responsible for war crimes and crimes against humanity;

(9) sanctions should be imposed on the assets and activities of those Sudanese Government officials and other individuals that are involved in carrying out the policy of ethnic cleansing in the Darfur region;

(10) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including Darfur; and

(11) Presidential Proclamation 6958 issued November 22, 1996, which suspends entry into the United States of members of the Government of Sudan, officials of that Government, and members of the Sudanese Armed Forces, should continue to remain in effect and be strictly enforced.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) HUMANITARIAN ASSISTANCE.—There is authorized to be appropriated to the President for assistance to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad, pursuant to the authority in section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), $200,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

"(2) ADDITIONAL ASSISTANCE.—Subject to subsections (b) and (c), there is authorized to be appropriated to the President, for assistance for Sudan upon the conclusion of a North-South peace agreement, $100,000,000 for fiscal year 2005 in addition to any other funds otherwise available for such purpose.

"(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or (2) are authorized to remain available until expended, notwithstanding any other provision of law other than the provisions in this section.

"(b) REQUIREMENT FOR CERTIFICATION.—The assistance authorized under subsection (a)(2) may be provided to the Government of Sudan only if the President submits the certification described in subsection (c).

"(c) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—The certification referred to in subsection (b) is a certification submitted by the President to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

"(1) ensure that the armed forces of Sudan and any associated militias are not attacking civilians or obstructing human rights monitors or the provision of humanitarian assistance;

"(2) demobilize and disarm militias supported or created by the Government of Sudan;

"(3) allow full and unfettered access for the provision of humanitarian assistance to all regions of Sudan, including Darfur; and

"(4) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan.

"(d) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits the certification described in subsection (c), the President determines that the Government of Sudan—

"(1) has ceased taking the actions described in such subsection, the President shall immediately suspend the provision of any assistance to such Government until the date on which the President certifies that the Government of Sudan has resumed taking such actions; or

"(2) has not shown good faith in working to establish sustainable peace in all parts of Sudan, including but not limited to the Darfur region, the President may suspend all assistance until such time as these expectations are met.".

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking "Sudan." and inserting "Sudan, including the conflict in the Darfur region.".

SEC. 6. OTHER RESTRICTIONS.

(a) BLOCKING OF ASSETS.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108–199; 118 Stat. 143) shall remain in place until the President makes the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5.

SEC. 7. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of the planned United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur; and

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by striking "Organization of African Unity" and inserting "African Union".

Mr. BIDEN. Mr. President, today Senator LUGAR and I, along with several other colleagues, introduce a bill that is designed to increase pressure on the government of Sudan to stop its campaign of genocide in Darfur.

There is now—at least in the U.S. Government—no dispute that genocide has occurred in Darfur. The Congress so stated by resolution in July. Today, in testimony to the Committee on Foreign Relations, the Secretary of State affirmed that "genocide has been committed in Darfur" and that the Government of Sudan and the janjaweed militia bear responsibility for it.

The situation in Darfur is dire. As many as 50,000 black Africans have been killed. Sexual violence is routinely used as a weapon by the Sudanese-sponsored janjaweed militia. Over a million people are displaced from their homes. And, because the Sudanese government refused to allow unrestricted access to war-affected populations at the onset of this crisis—a crisis of the government's making—hundreds of thousands of people are likely to die by the end of the year.

Unless we act quickly and decisively to stop the violence in Darfur, history is going to judge us harshly for our lack of action. It may already be too late to avoid the condemnation of future generations.

On July 30, following UN Secretary General Kofi Annan's visit to Sudan, the United Nations Security Council passed resolution 1556. The resolution was, in my view, inadequate. It provided an arms embargo and travel ban against the janjaweed, but did little to pressure the very government sponsoring the militia. The resolution provided only a vague threat to apply the sanctions to the government of Sudan if it failed to take certain steps, including ending all restrictions on humanitarian workers, investigating and punishing human rights abuses, immediately beginning disarmament of the janjaweed, and resuming talks with the rebels. Sudan was given 30 days to comply.

Sudan has not satisfied the conditions for the resolution. On September 2, the Secretary General's Special Representative to Sudan reported to the Security Council that the government of Sudan has not taken any steps to disarm the janjaweed or improve security of internally displaced persons.

The administration's response was to propose a new draft UN resolution yesterday. Unfortunately, this resolution only delays a decision about whether or not to impose sanctions for another 30 days. It does not label what is happening in Khartoum as genocide, although it does call upon the Secretary General to establish a commission of inquiry into violations of international humanitarian law and human rights. It does not call for a chapter 7 peacekeeping mission in Darfur, and it does not call for an expansion of the mandate of the African Union Mission in Sudan.

I believe the Congress must do its part to pressure the government of Sudan, and to provide additional tools to the Administration.

On July 21, Senator DEWINE and I introduced S. 2705, which was aimed at pressuring the government of Sudan to fulfill commitments it made to the UN. On July 22, the chairman of the Committee on Foreign Relations, Senator LUGAR, also introduced a bill on Sudan, S. 2720. It had the same objective, though its provisions were different from the Biden-DeWine bill in several respects.

Over the recess, the chairman and I worked together to develop a joint bill. I believe it is important that the committee speak with one voice on the genocide in Darfur. I also recognize that this late in the congressional session, most legislation will require unanimous consent to pass. So I hope our joint effort will prove successful.

The bill we introduce today authorizes $200 million in humanitarian assistance for Darfur. It holds out the promise of $100 million in assistance for Sudan in connection with a peace agreement between the government and rebels in the south, but only if the President certifies that Khartoum takes demonstrable steps that it has stopped attacking civilians, disarmed the janjaweed and allowed unfettered access to Darfur for humanitarian workers. If the President cannot make this certification within 120 days, the bill requires that the President block the assets of senior members of the government of Khartoum.

The bill does not go as far as I would have liked. The Biden-DeWine bill provided additional resources to implement a north-south peace agreement as an incentive to the Khartoum government, and it provided for additional sanctions, including those sanctions already set forth in the Sudan Peace Act. But I have agreed to join with the chairman to take this intermediate action.

I want to make clear that this bill should only be considered a first step.

If the tragedy in Darfur continues, and if Khartoum continues to ignore the demands of the international community that it cease the violence in Darfur, I intend to introduce stronger legislation next year.

Today the Secretary of State spoke clearly, for all the world to hear—genocide has occurred in western Sudan. Hundreds of thousands of lives are on the line. We cannot say we were not warned. We cannot say we did not know. We cannot say that we lacked the means to respond. We are obligated, by the Genocide Convention and our collective conscience, to act to assist the people suffering and to prevent further violence. Immediate support for the African Union is necessary, but not sufficient to respond to the situation in Darfur. In addition, we need to press for a UN resolution that authorizes a multilateral force with a mandate to protect civilians. We also should look outside Africa for military and logistical assistance, rather than relying solely on the African Union.

What is occurring in Darfur is a travesty. Our response has not been commensurate with the suffering there. It is imperative that the United States and the international community increase assistance to the displaced, and increase pressure on the government of Sudan to take action.

By Mr. FEINGOLD:

S. 2783. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased to introduce the Computer Trespass Clarification Act of 2004, which would amend and clarify section 217 of the USA-PATRIOT Act. Section 217 addresses the interception of computer trespass communications. This bill would modify existing law to more accurately reflect the intent of the provision, and also protect against invasions of privacy.

Section 217 was designed to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. The original Department of Justice draft of the bill that later became the PATRIOT Act included this provision. A section-by-section analysis provided by the Department on September 19, 2001, stated the following:

> Current law may not allow victims of computer trespassing to request law enforcement assistance in monitoring unauthorized attacks as they occur. Because service providers often lack the expertise, equipment, or financial resources required to monitor attacks themselves as permitted under current law, they often have no way to exercise their rights to protect themselves from unauthorized attackers. Moreover, such attackers can target critical infrastructures and engage in cyberterrorism. To correct this problem, and help to protect national security, the proposed amendments to the wiretap statute would allow victims of computer attacks to authorize persons "acting under color of law" to monitor trespassers on their computer systems in a narrow class of cases.

I strongly supported the goal of giving computer system owners the ability to call in law enforcement to help defend themselves against hacking. Including such a provision in the PATRIOT Act made a lot of sense. Unfortunately, the drafters of the provision made it much broader than necessary, and refused to amend it at the time we debated the bill in 2001. As a result, the law now gives the government the authority to intercept communications by people using computers owned by others as long as they have allegedly engaged in some unauthorized activity on the computer, and the owner gives permission for the computer to be monitored.

Only people who have a "contractual relationship" with the owner allowing the use of a computer are exempt from the definition of a computer trespasser under section 217 of the PATRIOT Act. Many people—for example, college students, patrons of libraries, Internet cafes or airport business lounges, and guests at hotels—use computers owned by others with permission, but without a contractual relationship. They could end up being the subject of government snooping if the owner of the computer gives permission to law enforcement.

My bill would clarify that someone who has been given permission to use a computer by the owner or operator of that computer is not a computer trespasser. It would bring the existing computer trespass provision in line with the purpose of section 217 as expressed in the Department of Justice's initial explanation of the provision. Section 217 was intended to target only a narrow class of people: unauthorized cyberhackers. It was not intended to give the government the opportunity to engage in widespread surveillance of computer users without a warrant.

We don't know, of course, whether such surveillance is taking place. Unless criminal charges are brought against someone as a result of such surveillance, there would never be any notice at all that the surveillance has taken place. The computer owner authorizes the surveillance, and the FBI carries it out. There is no warrant, no court proceeding, no opportunity even for the subject of the surveillance to challenge the assertion of the computer owner that some unauthorized use of the computer has occurred.

The Computer Trespass Clarification Act would modify the computer trespass provision to protect against abuse, while still maintaining its usefulness in cases of denial of service attacks and other forms of hacking.

First, it would require that the owner or operator of the protected computer authorizing the interception has been subject to "communications activity that threatens the integrity or operation of such computer." In other words, the owner has to be the target of some kind of hacking.

Second, the bill would clarify that to be excluded from the definition of computer trespasser, a person who has permission to use a computer does not need to have a contractual relationship granting that permission.

Third, the bill limits the length of warrant-less surveillance to 96 hours. This is twice as long as is allowed for an emergency wiretap. With four days of surveillance, it should not be difficult for the government to gather sufficient evidence of wrongdoing to obtain a warrant if continued surveillance is necessary.

In addition, the bill would require the Attorney General to annually report on the use of Section 217 to the Senate and House Judiciary Committees. Section 217 is one of the provisions that is subject to the sunset provision in the PATRIOT Act and will expire at the end of 2005. We in the Congress need to do more oversight of the use of this and other provisions of the PATRIOT Act in order to evaluate their effectiveness.

The computer trespass provision now in the law as a result of section 217 of the PATRIOT Act leaves open the possibility for significant and unnecessary invasions of privacy. The reasonable and modest changes to the provision contained in this bill preserve the usefulness of the provision for investigations of cyberhacking, but reduce the possibility of abuse. We must continually seek to balance the need for effective tools to fight crime and terrorism and the civil liberties of our citizens. The Computer Trespass Clarification Act strikes the right balance and I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Trespass Clarification Act of 2004".

SEC. 2. AMENDMENTS TO TITLE 18.

(a) DEFINITIONS.—Section 2510(21)(B) of title 18, United States Code, is amended by—

(1) inserting "or other" after "contractual"; and

(2) striking for "for access" and inserting "permitting access".

(b) INTERCEPTION AND DISCLOSURE.—Section 2511(2)(i) of title 18, United States Code, is amended—

(1) in clause (I), by inserting after "the owner or operator of the protected computer" the following: "is attempting to respond to communications activity that threatens the integrity or operation of such computer and requests assistance to protect

rights and property of the owner or operator, and''; and

(2) in clause (IV), by inserting after ''interception'' the following: ''ceases as soon as the communications sought are obtained or after 96 hours, whichever is earlier, unless an interception order is obtained under this chapter, and''.

(c) REPORT.—The Attorney General shall annually report to the Committees on the Judiciary of the Senate and the House of Representatives on the use of section 2511 of title 18, United States Code, relating to computer trespass provisions as amended by subsection (b).

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2785. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on Finance.

Mr. DODD. Mr. President, I am pleased to rise today, together with my colleague Senator LIEBERMAN, to introduce The Telecommuter Tax Fairness Act of 2004.

The Telecommuter Tax Fairness Act of 2004 will put an end to an outdated legal doctrine that unfairly penalizes thousands of workers in Connecticut and in other States throughout the country whose only offense is that they sometimes work from home.

Technology has changed the way business is conducted in America. With the use of cell phones, lap-top computers, email, the Internet, mobile networking, and many other telecommunication advancements of the 21st century, Americans have a greater flexibility in where they can work without compromising productivity. Many citizens now choose to work from home or alternative offices when their physical presence is not necessary at their primary place of work.

Telecommuting provides enormous benefits for businesses, families, and communities. It helps businesses lower costs and raise worker productivity. It reduces congestion on our roads and rails, and in so doing it lowers pollution. It helps workers better manage the demands of work and family. And last but not least, it can mean lower income taxes.

Yet, the many benefits to workers of telecommuting are today placed in jeopardy because of current law in New York. Today, New York State requires that workers pay income tax on income even if it is not earned in the State through their ''convenience of the employer'' rule. While there are several States that have the ''convenience of the employer'' rule, no other State applies it with the same rigor as New York.

New York's ''convenience of the employer'' rule requires that by working for a New York employer, all income earned from that employer must be declared in New York so long as the worker ''could'' perform his or her duties in New York. A worker for a New York employer who works part-time from home in Connecticut or another State is still subject to taxation by New York on 100 percent of his or her income. At the same time, the work done by that worker in a State outside New York is subject to taxation by that State.

This unfairly subjects many workers who telecommute from their homes or from satellite offices outside of New York to a double tax on that part of the income earned from home. According to Connecticut's Attorney General, thousands of Connecticut residents alone are affected by this unfair double taxation.

This potential for double taxation is not only unfair, but it is an incentive for workers not to telecommute, when what we should be doing is providing an incentive to encourage telecommuting.

Legislation is needed to protect these honest workers who deserve fair and equitable treatment under the law. The Telecommuter Tax Fairness Act of 2004 does this specifically by preventing a state from engaging in the current fiction of deeming a nonresident to be in the taxing State when the nonresident is actually working in another State. In doing so, it will eliminate the possibility that citizens will be double-taxed when telecommuting.

Establishing a ''physical presence'' test—as this legislation would do—is the most logical basis for determining tax status. If a worker is in a State, and taking advantage of that State's infrastructure, the worker should pay taxes in that State.

Some suggest that the double-taxation quandary can easily be fixed by having other States provide a tax credit to those telecommuters. However, why should Connecticut, or any other State, be required to allow a credit on income actually earned in the State? If a worker is working in Connecticut, he or she is benefiting from a range of services paid for and maintained by Connecticut including roads, water, police, fire protection, and communications services. It's only fair that Connecticut ask that worker to help support the services that he or she uses.

This is not just an issue which deals with a small group of citizens from one small State. Rather, this is an issue which affects workers all over the country. It will only grow more pressing as people and businesses continue to seek to take advantage of new technologies that affect the way we live and work.

I hope our colleagues will favorably consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telecommuter Tax Fairness Act of 2004''.

SEC. 2. PROHIBITION ON DOUBLE TAXATION OF TELECOMMUTERS.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following new section:

''§ 127. Prohibition on double taxation of telecommuters and others who work at home

''(a) PHYSICAL PRESENCE REQUIRED.—

''(1) IN GENERAL.—In applying its income tax laws to the salary of a nonresident individual, a State may only deem such nonresident individual to be present in or working in such State for any period of time if such nonresident individual is physically present in such State for such period and such State may not impose nonresident income taxes on such salary with respect to any period of time when such nonresident individual is physically present in another State.

''(2) DETERMINATION OF PHYSICAL PRESENCE.—For purposes of determining physical presence, no State may deem a nonresident individual to be present in or working in such State on the grounds that such nonresident individual is present at or working at home for the nonresident individual's convenience.

''(b) DEFINITIONS.—As used in this section—

''(1) STATE.—The term 'State' includes any political subdivision of a State, the District of Columbia, and the possessions of the United States.

''(2) INCOME TAX.—The term 'income tax' has the meaning given such term by section 110(c).

''(3) INCOME TAX LAWS.—The term 'income tax laws' includes any statutes, regulations, administrative practices, administrative interpretations, and judicial decisions.

''(4) NONRESIDENT INDIVIDUAL.—The term 'nonresident individual' means an individual who is not a resident of the State applying its income tax laws to such individual.

''(5) SALARY.—The term 'salary' means the compensation, wages, or other remuneration earned by an individual for personal services performed as an employee or as an independent contractor.

''(c) NO INFERENCE.—Nothing in this section shall be construed as bearing on—

''(1) any tax laws other than income tax laws,

''(2) the taxation of corporations, partnerships, trusts, estates, limited liability companies, or other entities, organizations, or persons other than nonresident individuals in their capacities as employees or independent contractors,

''(3) the taxation of individuals in their capacities as shareholders, partners, trust and estate beneficiaries, members or managers of limited liability companies, or in any similar capacities, and

''(4) the income taxation of dividends, interest, annuities, rents, royalties, or other forms of unearned income.''.

(b) CLERICAL AMENDMENT.—The table of sections of such chapter 4 is amended by adding at the end the following new item:

''127. Prohibition on double taxation of telecommuters and others who work at home.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 420—RECOMMENDING EXPENDITURES FOR AN APPROPRIATE VISITORS CENTER AT LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE TO COMMEMORATE THE DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 420

Whereas the United States recognizes that in September 1957, 9 young students changed the course of American history by claiming the right to receive an equal education;

Whereas Ernest Green, Elizabeth Eckford, Jefferson Thomas, Terrence Roberts, Carlotta Walls, Minnijean Brown, Gloria Ray, Thelma Mothershed, and Melba Pattillo, known as the "Little Rock Nine", and their parents had the courage necessary to break the bonds of prejudice and desegregation and venture onto the world stage, with full knowledge of the perils and complexities inherent in their endeavor;

Whereas despite their effort to enroll at Little Rock Central High School and receive an education, the Little Rock Nine were met with severe adversity;

Whereas Little Rock Central High School became not only a crucial battleground in the struggle for civil rights, but symbolic of the United States Government's commitment to eliminating separate systems of education for African-Americans and Caucasians;

Whereas the enrollment of the Little Rock Nine was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that he attended the graduation of the first African-American from Little Rock Central High School;

Whereas the sacrificial accomplishments that were made in September 1957 have continuing benefits for the United States today;

Whereas the United States will always revere the accomplishments that 9 young high school students made by showing the Nation and the world that "all men are created equal" and the rule of law is paramount in the democracy of the United States;

Whereas the Little Rock Nine were forced to obtain the blessings of liberty that are inherent in the United States Constitution through the intervention of the judicial branch and executive branch of the United States Government;

Whereas existing visitor facilities at Little Rock Central High School are inadequate, resulting in limited opportunities for citizens to learn about civil rights and our Nation's heritage; and

Whereas the legislative branch of the United States Government has the opportunity to appropriately commemorate the legacy that these heroic individuals left by fully funding the design and construction of an informative memorial: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the courage displayed by the Little Rock Nine should be commemorated as an example of American sacrifice through extreme adversity;

(2) Congress should fully fund the design and construction of a visitor center at Little Rock Central High School National Historic Site; and

(3) the new facilities should open by September 2007 in order to commemorate the 50th anniversary of the historic events that occurred at Little Rock Central High School.

Mr. PRYOR. Mr. President, this year marks the 50th anniversary of Brown v. The Board of Education of Topeka, Kansas, easily one of the most significant legal decisions in American history. But today I want to talk about another anniversary that is rapidly approaching, and that is an anniversary that flows directly from the Brown decision. I am speaking of the Little Rock Central High desegregation crisis which occurred in 1957. The 50th anniversary will be here in a couple of years, 2½ years, in 2007.

I come to the floor today to speak on behalf of the so-called Little Rock Nine and to share their story of determination and opportunity. I come to the floor also to urge my colleagues to join me in this effort to help fully support the planned Little Rock Central High Museum and Visitors Center and get it back on track so it will be up and running to host the 50th anniversary of the Little Rock Central High crisis.

Let me remind my colleagues that it is just as important today that we spend time understanding the civil rights struggle and the civil rights movement in this country as it was in 1957. I am thrilled to have the support, the encouragement, and the assistance of the Congressional Black Caucus chairman, Elijah Cummings.

As you know, Brown did not erase the hatred and the prejudice that Black families face in this country. One of the most dramatic examples of that occurred on September 24, 1957, when President Dwight Eisenhower ordered Federal troops to Little Rock, AR, to allow nine Black children to attend the all-White Little Rock Central High School.

In fact, if one looks back on 1957, the two largest world news stories that year were Sputnik and the events surrounding Central High School in Little Rock. The Little Rock Nine changed the course of American history by claiming their right to receive an equal education.

These students were Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls Lanier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair, and Melba Pattillo Beals.

Of her experience, Melba Pattillo Beals recalls:

> I had to become a warrior. I had to learn not how to dress the best, but how to get from that door to the end of the hall without dying.

These are very serious times. Another one of the Little Rock Nine, Ernest Green, explains why the Little Rock Nine sacrificed their innocence for a chance at a better education. He said:

> We wanted to widen options for ourselves and later for our children.

Well, Mr. Green went on to become the first black student to graduate from Arkansas Central High. He later served as Assistant Secretary of Housing and Urban Affairs under President Jimmy Carter and as vice president of Lehman Brothers.

Without his courage and determination and those of the Little Rock Nine in 1957, those opportunities would never have been available to him.

Turning opportunity into achievement is what civil rights pioneer Daisy Bates had in mind for the Little Rock Nine when she encouraged them to do the unthinkable. As a story, Little Rock Central High has all the elements of a great story, starting with the premise in the Declaration of Independence where it says all men are created equal.

Those words, penned by Thomas Jefferson, resonate throughout American history, but in 1954 the U.S. Supreme Court came down with the Brown decision where it said that separate but equal is not constitutional, and we need to change our American educational system "with all deliberate speed."

There was a Governor in my State who was committed to States rights, and he was determined to stop any changes at Little Rock Central. There was a President who was seeing his duty as one of having to enforce Federal law even against a State's will. There was a nation torn apart by race and searching for a new and sound public policy and public philosophy for civil rights for all Americans. There was a city, a State, and a region that got caught up in the events, and the emotions ofttimes, and there were dozens of local leaders who were working at odds and at cross-purposes, many with their own personal and political agendas, some trying to build and some trying to destroy.

Then, of course, in the center of the hurricane there were the nine black children, showing superhuman courage, facing incalculable odds but striking a severe blow at one of the worst injustices in American history.

I recommend to my colleagues that if they want to read more about this crisis, they can read Harry Ashmore's history of Arkansas, or Roy Reed's "Faubus.", Both give an excellent coverage.

Little Rock Central High School today is a symbol. It at the same time symbolizes the best and the worst in American history. It simultaneously stands as a living monument to our dark past and to our bright future. It also stands for progress because Little Rock Central High School has been a remarkable school since 1957. It is consistently acknowledged as one of the best American high schools that we have in this country today.

In fact, I had the privilege in the late 1970s of attending Little Rock Central High School. I think I am the only Member of Congress who actually went to that school. I am very proud of being there and proud of all of the things that school stands for.

Little Rock Central High was designated as a unit of the National Park Service in 1998. In fact, in 2002 more than 24,000 people visited this historic site. They expect probably 60,000 by the year 2007. Unfortunately, the interim visitors center is only 500 square feet. One can slice it or dice it however they want to say it, but it is simply too small to house the significant history there and tell all the stories. In fact, if it was jam packed, it would only have room for about 35 people.

I was there for the 40th anniversary of the Central High crisis when President Bill Clinton and Governor Mike Huckabee symbolically opened the door for the Little Rock Nine. We are going to have another commemoration in 2007, the 50th anniversary of the crisis. I want to invite my colleagues to help join me in making sure we get the extra $5.8 million necessary to make this museum and visitors center a reality.

The last thing I would like to say is it took nine young high school students to prove to our Nation that all men are created equal and that the rule of law is paramount in democracy of the United States. Today, children all over America have the right to learn because of the courage and sacrifice the Little Rock Nine made, and I am here today asking for my colleagues to help us all recognize what the Little Rock Nine did and acknowledge them by allowing this visitors center to be built.

I am submitting a resolution as we speak, and I ask my colleagues to sign on if they would like to. Also, I ask unanimous consent that Senator Lincoln be added as the first original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 421—EXPRESSING OUTRAGE AT THE RECENT TERRORIST ATROCITIES IN BESLAN, RUSSIAN FEDERATION, AND CONDOLENCES TO THE FAMILIES OF THE FAMILIES

Mr. DASCHLE (for himself, Mr. Biden, Mr. Santorum, Mr. McConnell, and Mr. Lott) submitted the following resolution; which was considered and agreed to:

Whereas on Wednesday, September 1, 2004, a group of approximately 30 terrorists took control of School No. 1, located in Beslan, North Ossetia, Russian Federation, and held approximately 1,200 Russians hostage;

Whereas the terrorists reportedly infiltrated the school and stockpiled weapons and explosives during the ongoing renovation of the school;

Whereas the terrorists held the captives for more than 50 hours, and denied the captives, including the children, access to food, water, and medicine;

Whereas the terrorists rigged the school with explosives, including a large bomb in the center of the gymnasium where the hostages were being held, and strapped suicide bombs to themselves;

Whereas children, parents, and teachers who attempted to flee, or to assist the hostages that attempted to escape, were shot by the terrorists;

Whereas on September 3, 2004, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded that collapsed the roof of the school, the terrorists began killing the hostages, and massive loss of life ensued;

Whereas this horrendous terrorist action left more than 300 people dead, many of them children, as well as hundreds more who are severely wounded or unaccounted for;

Whereas the Russian people, as a result of this and other attacks in recent weeks, have experienced incredible loss and are experiencing immense grief as they begin the process of burying their loved ones killed by the actions of these terrorists; and

Whereas the United States has sent medical supplies and has offered its moral support to the Russian people in response to the terrorist attack at School No. 1: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms this despicable act;

(2) expresses its condolences to the Russian people and in particular to those families who lost loved ones in the Beslan school tragedy; and

(3) commends the efforts of the United States Government to provide humanitarian and medical assistance to the people of the Russian Federation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3594. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3595. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3596. Mrs. MURRAY (for herself, Mr. Nelson, of Florida, Mrs. Clinton, Mr. Schumer, Ms. Mikulski, Mr. Kennedy, Mrs. Boxer, Ms. Cantwell, Mr. Graham, of Florida, Ms. Landrieu, Mr. Dodd, and Mr. Lieberman) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3597. Mr. BYRD (for himself, Mr. Leahy, Mr. Reid, Mrs. Clinton, Mr. Rockefeller, Mr. Daschle, Mr. Lieberman, Mr. Kennedy, and Mr. Corzine) proposed an amendment to the bill H.R. 4567, supra.

SA 3598. Mr. ENSIGN (for himself, Mr. Bond, Mr. Reid, Mr. Kyl, Mr. Cornyn, Mrs. Hutchison, Mr. Corzine, Mr. Nelson, of Florida, Mr. Chambliss, Mr. Miller, Mr. Graham, of Florida, Mr. Burns, Mr. Roberts, Mrs. Feinstein, Mrs. Boxer, Mrs. Clinton, Mr. Warner, Mr. Durbin, Ms. Landrieu, Mr. Campbell, and Mr. Allen) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3599. Mr. ALEXANDER (for himself and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3600. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3601. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3602. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3603. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3604. Mr. DODD (for himself, Ms. Stabenow, Mr. Kennedy, Mr. Levin, Mr. Daschle, and Mr. Corzine) proposed an amendment to the bill H.R. 4567, supra.

SA 3605. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3606. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3607. Mr. NELSON, of Florida (for himself and Mr. Graham, of Florida) proposed an amendment to the bill H.R. 4567, supra.

SA 3608. Mr. ALEXANDER (for himself, Mr. Coleman, Mr. Ensign, Mr. Enzi, Mr. Allen, Mr. Bunning, Mr. Schumer, and Ms. Landrieu) proposed an amendment to the bill H.R. 4567, supra.

SA 3609. Mrs. BOXER (for herself, Mrs. Feinstein, Mr. Reid, Mr. Levin, Mrs. Clinton, Mr. Rockefeller, and Mr. Corzine) proposed an amendment to the bill H.R. 4567, supra.

SA 3610. Mr. ALLEN (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3611. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3612. Mr. HARKIN (for himself and Mr. Biden) proposed an amendment to the bill H.R. 4567, supra.

SA 3613. Mr. VOINOVICH (for himself, Ms. Snowe, Mr. Harkin, Mr. DeWine, Mr. Feingold, and Mr. Jeffords) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3614. Ms. COLLINS (for herself and Mr. Pryor) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3615. Mr. SCHUMER (for himself, Mrs. Clinton, and Mr. Corzine) proposed an amendment to the bill H.R. 4567, supra.

TEXT OF AMENDMENTS

SA 3594. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 7, strike "not to exceed 10 percent of".

SA 3595. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", $5,000,000 shall be available for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

SA 3596. Mrs. MURRAY (for herself, Mr. Nelson of Florida, Mrs. Clinton, Mr. Schumer, Ms. Mikulski, Mr. Kennedy, Mrs. Boxer, Ms. Cantwell, Mr. Graham of Florida, Ms. Landrieu, Mr. Dodd, and Mr. Lieberman) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. The total amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "STATE AND LOCAL PROGRAMS" is hereby increased by $300,000,000. Of such total amount, as so increased, $1,500,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security, of which $450,000,000 shall be available for port security grants.

SA 3597. Mr. BYRD (for himself, Mr. Leahy, Mr. Reid, Mrs. Clinton, Mr. Rockefeller, Mr. Daschle, Mr. Lieberman, Mr. Kennedy, and Mr. Corzine) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

TITLE VI—ADDRESSING KNOWN VULNERABILITIES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

For an additional amount for "Customs and Border Protection, Salaries and Expenses", $100,000,000, to remain available until September 30, 2006, of which not less than $50,000,000 shall be for purchase and deployment of radiation portal monitors, and not less than $50,000,000 shall be for staffing at the northern border in fulfillment of the USA PATRIOT Act and the Enhanced Border Security Act.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For an additional amount for "Immigration and Customs Enforcement, Salaries and Expenses," $11,000,000, to remain available until expended, for detentions and removals.

FEDERAL AIR MARSHALS

For an additional amount for the Federal Air Marshals, $50,000,000.

TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $100,000,000, to remain available until expended, for activities related to screening passengers and carry-on baggage for explosives.

TRANSPORTATION SECURITY ADMINISTRATION MARITIME AND LAND SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $4,000,000, for hazardous materials security grants.

UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements," $324,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for "State and Local Programs," $665,000,000: *Provided*, That of the amounts made available under this heading: $440,000,000 shall be for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security; $125,000,000 shall be for port security grants; and $100,000,000 shall be for grants for interoperable communications equipment.

SECURITY ENHANCEMENTS FOR HIGH-RISK NON-PROFIT ORGANIZATIONS

For discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high-risk of international terrorist attack, $50,000,000.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses related to mass transit, freight and passenger rail security grants, including security grants for AMTRAK, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, $350,000,000.

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants," $46,000,000, to remain available until September 30, 2006.

EMERGENCY PREPAREDNESS AND RESPONSE

FIREFIGHTER HIRING GRANTS

For activities authorized by section 34 of The Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $100,000,000, to remain available until expended.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

ASSESSMENTS AND EVALUATIONS

For an additional amount for "Assessments and Evaluations", $200,000,000, to remain available until September 30, 2006, of which $100,000,000 shall be available for chemical facility security improvements; of which $100,000,000 shall be available for grants to States, municipalities, or intermunicipal or interstate agencies for security improvements to address known vulnerabilities to water systems.

SA 3598. Mr. ENSIGN (for himself, Mr. Bond, Mr. Reid, Mr. Kyl, Mr. Cornyn, Mrs. Hutchison, Mr. Corzine, Mr. Nelson of Florida, Mr. Chambliss, Mr. Miller, Mr. Graham of Florida, Mr. Burns, Mr. Roberts, Mrs. Feinstein, Mrs. Boxer, Mrs. Clinton, Mr. Warner, Mr. Durbin, Ms. Landrieu, Mr. Campbell, and Mr. Allen) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 10, line 25, strike "$1,437,460,000" and all that follows through "presence" on page 11, line 3, and insert the following: "$1,512,460,000 shall be for baggage screening activities, of which $210,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $796,890,000 shall be for airport security direction and enforcement presence, of which $217,890,000 shall be available for airport information technology".

SA 3599. Mr. ALEXANDER (for himself and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SA 3600. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. (a) The Secretary of Homeland Security, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United

States Citizenship Foundation, an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship for the Bureau of Citizenship and Immigration Services described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).

(b) The United States Citizenship Foundation is authorized to solicit, accept, and make gifts of money and other property and to apply for status as an organization described in section 501(c)(3) of the Internal Revenue code of 1986 and exempt from taxation under section 501(a) of such Code.

(c) The Chief of the Office of Citizenship for the Bureau of Citizenship and Immigration Services, or such other official of the Department of Homeland Security as the Secretary of Homeland Security may direct, shall serve as a nonvoting member of the board of directors of the United States Citizenship Foundation and as the primary liaison between the Department of Homeland Security and the Foundation.

(d) For necessary expenses for the establishment of the United States Citizen Foundation, $100,000, to remain available until September 30, 2006.

SA 3601. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 4, insert "*Provided further*, That each State, upon determining how grant funds provided under this heading will be allocated among units of local government within the State, shall notify each United States Senator and Member of Congress representing that State of such determination before making any public announcement of such grant allocations to units of local government:" after "Homeland Security:".

SA 3602. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, between lines 13 and 14, insert the following:

SEC. 101. (a) Not later than 180 days after the end of fiscal year 2005, the Secretary of Homeland Security shall submit a report to Congress that describes the articles, materials, and supplies acquired by the Department of Homeland Security during fiscal year 2005 that were manufactured outside of the United States.

(b) The report submitted under subsection (a) shall separately indicate—

(1) the dollar value of each of the articles, materials, and supplies acquired by the Department of Homeland Security that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total funds spent by the Department of Homeland Security on goods manufactured within the United States compared with funds spent by the Department of Homeland Security on goods manufactured outside of the United States.

(c) The Secretary of Homeland Security shall make the report submitted under this section publicly available to the maximum extent practicable.

SA 3603. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Congress finds that (1) there is a disproportionate number of complaints against the Transportation Security Administration for alleged violations of equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, and (2) there is a significant backlog of those complaints remaining unresolved.

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the personnel policies of the Department of Homeland Security that apply to the employment of airport screeners in the Transportation Security Administration, particularly with regard to compliance with equal employment opportunity and veterans' preference laws.

(2) The report under this subsection shall include an assessment of the extent of compliance of the Transportation Security Administration with equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, a discussion of any systemic problems that could have caused the circumstances giving rise to the disproportionate number of complaints described in subsection (a), and the efforts of the Secretary of Homeland Security and the Under Secretary for Border and Transportation Security to eliminate the backlog of unresolved complaints and to correct any systemic problems identified in the report.

(3) In conducting the review necessary for preparing the report, the Comptroller General shall examine the experience regarding the airport screener positions at particular airports in various regions, including the Louis Armstrong New Orleans International Airport.

SA 3604. Mr. DODD (for himself, Ms. STABENOW, Mr. KENNEDY, Mr. LEVIN, Mr. DASCHLE, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike "$2,845,081,000" and insert "$11,552,000,000".

On page 21, strike lines 14 through 20 and insert the following:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a), to remain available until September 30, 2006, $4,000,000,000, of which $3,000,000,000 shall be available for necessary expenses for programs authorized by section 33 of such Act and $1,000,000,000 shall be available for necessary expenses for programs authorized by section 34 of such Act: *Provided*, That not to exceed 5 percent of the amount provided for the programs under each such section shall be available for program administration.

On page 22, line 3, strike "$180,000,000" and insert "$660,000,000".

On page 28, line 21, strike "$181,440,000" and insert "$690,994,000".

On page 39, between lines 5 and 6, insert the following:

SEC. 515. The total amount appropriated by title III for the Office of the Under Secretary for Emergency Preparedness and Response under the headings "PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY", "ADMINISTRATIVE AND REGIONAL OPERATIONS", and "PUBLIC HEALTH PROGRAMS" is hereby increased by $2,845,766,000.

SEC. 516. The Secretary of the Treasury shall take such action as is necessary to reduce benefits provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 to individuals with an adjusted gross income of $1,000,000 or more that will result in an increase in revenue sufficient to offset the increased funding provided for the first responder and other programs by this amendment.

SA 3605. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 15, strike the period and insert the following: "*Provided further*, That before a Federal agency approves a liquefied natural gas marine terminal, the Protective Security Division of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security shall conduct a field assessment of the vulnerability of the proposed terminal site and devise a buffer zone protection plan for the proposed terminal and associated coastal waterways.".

SA 3606. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 2, strike the period and insert ": *Provided further*, That of the total amount provided, not less than $4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).".

On page 8, line 18, strike the period and insert ": *Provided further*, That of the total amount provided for, not less than $4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).".

SA 3607. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) proposed an amendment to the bill

H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 25, lines 6 and 7, strike "$2,151,000,000, to remain available until expended" and insert "$2,221,000,000 to remain available until expended, of which $70,000,000 is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th Cong.) and shall be made available for a grant to the American Red Cross for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances".

SA 3608. Mr. ALEXANDER (for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. ALLEN, Mr. BUNNING, Mr. SCHUMER, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SA 3609. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mrs. CLINTON, Mr. ROCKEFELLER, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike "$2.845,081,000" and all that follows through line 22, and insert the following: "$2,915,081,000, which shall be allocated as follows:

"(1) $970,000,000 for formula-based grants and $470,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which $70,000,000 shall be used by States, units of local government, local law enforcement agencies, and local fire departments to purchase or improve communication systems to allow for real-time, interoperable communication between State and local first responders: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by $70,000,000: *Provided further*, That".

SA 3610. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . INVESTIGATION OF SHOCKOE CREEK DRAIN FIELD, RICHMOND, VIRGINIA.

As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

SA 3611. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Notwithstanding any other provision of law, the fiscal year 2004 aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000 and the total amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES" is hereby reduced by $1,000,000.

SA 3612. Mr. HARKIN (for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking "7.5 percent" and inserting "15 percent".

SA 3613. Mr. VOINOVICH (for himself, Ms. SNOWE, Mr. HARKIN, Mr. DEWINE, Mr. FEINGOLD, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 17, strike "$245,579,000" and insert "$221,579,000".

On page 13, line 18, strike "$534,852,000" and insert "$508,852,000".

On page 19, line 12, strike "$25,000,000" and insert "19,000,000".

On page 22, line 3, strike "$180,000,000" and insert "$236,000,000".

SA 3614. Ms. COLLINS (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 22, strike the colon and insert the following: ", of which $50,000,000 shall be used for grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies:"

SA 3615. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

Purpose: To appropriate $100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses.

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, $100,000,000.On page 2, line 17, strike $245,579,000 and insert "$175,579.000".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 15, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 21st, 2004 at 10 a.m. in Room SD 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Karen Alderman Harbert, to be an Assistant Secretary of Energy for International Affairs and Domestic Policy and John S. Shaw, to be an Assistant Secretary of Energy for Environment, Safety and Health.

For further information, please contact Judy Pensabene or Colin Hayes of the Committee staff at (202) 224–4971.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 22, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Contributions of Native American Code Talkers in American Military History.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 9, 2004, at 9:30 a.m., in open session to receive testimony on the Investigation of the 205th Military Intelligence Brigade at Abu Ghraib Prison, Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 9, 2004, at 2:30 p.m., in open session to receive testimony on the report of the independent panel to review Department of Defense Detention Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 9, 2004, at 2 p.m. to conduct a hearing on "Examining the Impact of the Sarbanes-Oxley Act and Developments Concerning International Convergence."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 9, 2004 at 9:30 a.m. to hold a hearing on Sudan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Thursday, September 9, 2004 at 10:00 a.m. in Dirksen Senate Office Building, Room 226. The agenda is attached.

Agenda

I. Nominations:

Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa, to be Chair of the United States Sentencing Commission; Michael O'Neill, to be a Member of the United States Sentencing Commission; Ruben Castillo, to be a Member of the United States Sentencing Commission; William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice.

II. Legislation:

S. 1635, L-1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss;

S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards;

S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer;

H.R. 1417, To amend title 117, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith-TX, Berman-CA, Conyers-MI;

S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein;

S. 1860, A bill to reauthorize the Office of National Drug Control Policy Act of 2003, Hatch, Biden, Grassley;

S. _____ Department of Justice reauthorization bill;

S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein;

S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Cheri Rolfes of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING OUTRAGE AT THE TERRORIST ATROCITIES IN BESLAN, RUSSIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 421, which was submitted earlier today by Senators DASCHLE, TALENT, FRIST, BIDEN, SANTORUM, MCCONNELL, and LOTT.

The PRESIDING OFFICER. The clerk will state the resolution by title.

A resolution (S. Res. 421) expressing outrage at the recent terrorist atrocities in Beslan, Russian Federation, and condolences to the families of the victims.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas on Wednesday, September 1, 2004, a group of approximately 30 terrorists took control of School No. 1, located in Beslan, North Ossetia, Russian Federation, and held approximately 1,200 Russians hostage;

Whereas the terrorists reportedly infiltrated the school and stockpiled weapons and explosives during the ongoing renovation of the school;

Whereas the terrorists held the captives for more than 50 hours, and denied the captives, including the children, access to food, water, and medicine;

Whereas the terrorists rigged the school with explosives, including a large bomb in the center of the gymnasium where the hostages were being held, and strapped suicide bombs to themselves;

Whereas children, parents, and teachers who attempted to flee, or to assist the hostages that attempted to escape, were shot by the terrorists;

Whereas on September 3, 2004, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded that collapsed the roof of the school, the terrorists began killing the hostages, and massive loss of life ensued;

Whereas this horrendous terrorist action left more than 300 people dead, many of them children, as well as hundreds more who are severely wounded or unaccounted for;

Whereas the Russian people, as a result of this and other attacks in recent weeks, have experienced incredible loss and are experiencing immense grief as they begin the process of burying their loved ones killed by the actions of these terrorists; and

Whereas the United States has sent medical supplies and has offered its moral support to the Russian people in response to the terrorist attack at School No. 1: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms this despicable act;

(2) expresses its condolences to the Russian people and in particular to those families who lost loved ones in the Beslan school tragedy; and

(3) commends the efforts of the United States Government to provide humanitarian and medical assistance to the people of the Russian Federation.

Mr. REID. Mr. President, if I may take a moment at this late hour, I reflect back on the relations between the Soviet Union and United States. One day—I don't remember the exact day—they had a book out there, and there was someone from the Russian Embassy here, and Senators walked out there and wrote their heartfelt feelings about what had taken place in Russia. I was so moved by that. The man who was there from the Embassy was speaking very broken English, but he was so glad we were there. I was so glad to be able to write in that book, recognizing the tremendous progress that has been made between the United States and Russia.

I applaud the leader for submitting this resolution. We have come such a long way. We stand in this war on terror with former enemies who are now our friends. Again, I applaud and commend the leaders for bringing this forth. This will be sent to the Russian Government so they will know the Senate's sentiments representing the United States, and that we speak for all Americans. We send our condolences for the brutal acts of these evil men in taking the lives of children and many other innocent people.

Mr. FRIST. I very much appreciate the comments made by the assistant Democratic leader, especially in light of the real tragedy that played out before our eyes not too long ago, several days ago.

The resolution we passed is a resolution that addresses the brutal terrorist attacks that occurred in Beslan, Russia. We all, through this resolution, offer our condolences to the families who have lost loved ones, and the people of Russia who continue to mourn beside them.

It was only last week we all watched as terrorists took control of that School No. 1 in Beslan, Russia, a small southern town near the Chechen border, and the horror, the slaughter that went on, as 1,200 students, teachers, and parents—because it was the first day of school—were held hostage and were denied food and medicine and water. In the horrific video, we saw individuals trying desperately to escape and they were simply shot. During the final massacre itself—and it was a massacre—we saw the fear and desperation in people's faces. It captured this war on terror that we talk about a lot; it captured the face of terrorism.

The Beslan massacre stands as the most monstrous, most despicable act of terrorism since the catastrophic events of 9/11. More than 300 people, many of whom were children, were murdered, and, as we know, hundreds more were critically wounded and missing. If there was any doubt, there is no doubt any more. Our enemy is willing to commit any barbarity to achieve its twisted aims. Our enemy is capable of shooting toddlers and destroying a schoolhouse, lacing it with bombs. As we saw on 9/11, our enemy rejoiced in the murder of innocent people.

The purpose of the resolution is to express the ache in our hearts for the Russian people, for those dark days they must endure, and it also reflects the importance of us renewing our commitment to resolve to defeat these forces of terror and to strengthen our determination to crush those who would bring calamity upon the civilized world.

I want to commend President Bush for his compassion and steadfastness as he reaches out to President Putin and the Russian people in their hour of need, providing appropriate assistance and moral support from all of us, from the American people, as the Russian people bury their dead and search for meaning amid what is incomprehensible horror. We stand by them as reflected in the resolution. America is with the Russian people, and together we will eventually defeat terrorism.

AUTHORIZING PRESIDENT TO AWARD GOLD MEDAL TO MARTIN LUTHER KING, JR. AND WIDOW CORETTA SCOTT KING

Mr. FRIST. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1368 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1368) to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that my name be added as a cosponsor to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1368) was read the third time and passed, as follows:

S. 1368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Reverend Doctor Martin Luther King, Jr. and his widow Coretta Scott King, as the first family of the civil rights movement, have distinguished records of public service to the American people and the international community;

(2) Dr. King preached a doctrine of nonviolent civil disobedience to combat segregation, discrimination, and racial injustice;

(3) Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama;

(4) in 1963, Dr. King led the march on Washington, D.C., that was followed by his famous address, the "I Have a Dream" speech;

(5) through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964, and the Voting Rights Act of 1965;

(6) despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place;

(7) Dr. King was assassinated for his beliefs on April 4, 1968, in Memphis, Tennessee;

(8) Mrs. King stepped into the civil rights movement in 1955 during the Montgomery bus boycott, and played an important role as a leading participant in the American civil rights movement;

(9) while raising 4 children, Mrs. King devoted herself to working alongside her husband for nonviolent social change and full civil rights for African Americans;

(10) with a strong educational background in music, Mrs. King established and performed several Freedom Concerts, which were well received, and which combined prose and poetry narration with musical selections to increase awareness and understanding of the Southern Christian Leadership Conference (of which Dr. King served as the first president);

(11) Mrs. King demonstrated composure in deep sorrow, as she led the Nation in mourning her husband after his brutal assassination;

(12) after the assassination, Mrs. King devoted all of her time and energy to developing and building the Atlanta-based Martin Luther King Jr. Center for Nonviolent Social Change (hereafter referred to as the "Center") as an enduring memorial to her husband's life and his dream of nonviolent social change and full civil rights for all Americans;

(13) under Mrs. King's guidance and direction, the Center has flourished;

(14) the Center was the first institution built in honor of an African American leader;

(15) the Center provides local, national, and international programs that have trained tens of thousands of people in Dr. King's philosophy and methods, and claims the largest archive of the civil rights movement; and

(16) Mrs. King led the massive campaign to establish Dr. King's birthday as a national holiday, and the holiday is now celebrated in more than 100 countries.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King, in recognition of their service to the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentations referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary of the Treasury shall strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the costs of the duplicate medals and the gold medal (including labor, materials, dies, use of machinery, and overhead expenses).

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint

Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

SPORTS AGENT RESPONSIBILITY AND TRUST ACT

Mr. FRIST. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 361 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 361) to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has agreed by unanimous consent to pass H.R. 361, the Sports Agent Responsibility and Trust Act, SPARTA. The bill would help to protect amateur athletes from exploitation by sports agents. I commend Congressman TOM OSBORNE for his tireless work on this legislation and his ongoing commitment to ensuring that amateur athletes are treated with fairness and dignity.

This legislation is needed because State and Federal penalties for agents who engage in dishonest practices to lure athletes to sign contracts are seen by many groups as weak. For example, misconduct such as secret payments to amateur athletes, undisclosed payments to family or friends of athletes, unrealistic promises, pressure placed on the athletes, and even blackmail often go unpunished despite the severe damage that their practices cause to our country's amateur athletes.

Under SPARTA, sports agents would be prohibited from providing false or misleading information, making false promises, or providing anything of value to amateur athletes or their families. Each violation of SPARTA would be deemed an unfair or deceptive act or practice under the Federal Trade Commission Act, FTCA. SPARTA would authorize civil actions by the Federal Trade Commission, State attorneys general, and educational institutions against violators.

In addition, SPARTA would serve as a Federal backstop for an ongoing effort by the National Collegiate Athletic Association, NCAA, college coaches, university presidents, and athletic directors to promote at the State-level legislation developed by the National Conference of Commissioners on Uniform State Laws to regulate the business practices of sports agents. The legislation, titled the Uniform Athlete's Agent Act, UAAA, would require that sports agents be registered with the States in which they operate, and provide uniform State laws addressing their conduct and practices. To date, the legislatures of 29 States and two territories have passed the UAAA, but no similar Federal standard exists.

We must protect our youth from the predatory practices of those who do not share their best interests. This bill represents a positive step toward protecting amateur athletes and I thank my colleagues for their support in its passage.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 361) was read the third time and passed.

ORDERS FOR FRIDAY, SEPTEMBER 10, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, September 10. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then resume consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MOMENT OF SILENCE

Mr. FRIST. For the information of all Senators, tomorrow before we proceed to our regular business the Senate will observe a moment of silence in further remembrance of the events of September 11, 2001. The anniversary of those tragic events is not tomorrow, but on Saturday when the Senate will be out of session. Therefore, we will remember the anniversary during tomorrow's session. I therefore ask unanimous consent that immediately following the prayer and the pledge tomorrow, the Senate then observe a moment of silence to further remember the events of September 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Following those remarks, the Senate will resume consideration of the Homeland Security appropriations bill. There will be no rollcall votes tomorrow; however, a number of Senators will be here to offer and debate their amendments. I do encourage all Senators who wish to offer amendments tomorrow to contact the bill managers as soon as possible. It is our intention to complete action on this bill early next week, and rollcall votes will occur on Monday afternoon. We will have more to say about next week's schedule tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:15 p.m., adjourned until Friday, September 10, 2004, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING THE 40TH ANNIVERSARY OF THE REDWOODS COMMUNITY COLLEGE DISTRICT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 40th anniversary of the founding of the Redwoods Community College District in Humboldt County, California.

On January 14, 1964 citizens of Humboldt County gathered, with strong community support, to establish the Redwoods Community College District. College of the Redwoods enabled residents of the North Coast of California to begin their academic journey with an outstanding curriculum which prepared them to meet their educational goals.

On June 11, 1966, College of the Redwoods graduated its first class. Today the college serves students in Humboldt, Trinity, coastal Mendocino and Del Norte Counties providing 107 degree and certificate programs.

College of the Redwoods meets the needs of students for transfer preparation and career training. It provides skilled workers for local businesses and assists in regional economic development efforts. College of the Redwoods serves over 10,000 individuals each year and is a valued asset to the community.

The Redwoods Community College District is committed to maximizing the success of each student with an exceptional faculty and a diversity of courses so that each student can achieve appropriate educational outcomes and develop an appreciation for life-long learning. In partnership with other local agencies, the college provides enrichment to the community and enhances the economic vitality of the Redwood Coast of California.

College of the Redwoods is ably served by the dedication of its faculty and staff, President, Dr. Casey Crabill, and by its Board of Directors.

Mr. Speaker, it is appropriate at this time that we recognize the Redwoods Community College District on the occasion of its 40th anniversary.

A SALUTE TO JAMES MOODY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert, which occurs during our Foundation's Annual Legislative Conference, I rise today to salute the lifetime achievements of one of the most distinguished artists in American music history, James Moody. Just a few years ago, in 1998, James Moody received the prestigious Jazz Masters Award from the National Endowment of the Arts. The following biography, found on Moody's own web page, chronicles a career of accomplishment deserving of such high recognition, and of this body's thoughtful attention and respect:

For nearly four decades, saxophone master James Moody has serenaded lovers with his signature song Moody's Mood for Love; an improvisation on the chord progressions of I'm in the Mood for Love.

Born in Savannah, Georgia on March 26, 1925, and raised in Newark, New Jersey, James Moody took up the alto sax, a gift from his uncle, at the age of 16. Within a few years he fell under the spell of the deeper more full-bodied tenor saxophone after hearing Buddy Tate and Don Byas perform with the Count Basie Band at the Adams Theater in Newark, New Jersey.

In 1946, following service in the United States Air Force, Moody joined the seminal bebop big band of Dizzy Gillespie, beginning an association that—on stage and record, in orchestras and small combos—afforded a young Moody worldwide exposure and ample opportunity to shape his improvisational genius. Upon joining Gillespie, Moody was at first awed, he now admits, by the orchestra's incredible array of talent, which included Milt Jackson, Kenny Clark, Ray Brown and Thelonius Monk. The encouragement of the legendary trumpeter-leader, made its mark on the young saxophonist. His now legendary 16–bar solo on Gillespie's Emanon alerted jazz fans to an emerging world-class soloist.

During his initial stay with Gillespie, Moody also recorded with Milt Jackson for Dial Records in 1947. One year later he made his recording debut as a leader on James Moody and His Bop Men for Blue Note.

In 1949 Moody moved to Europe where in Sweden he recorded the masterpiece of improvisation for which he is renowned, Moody's Mood for Love.

Returning to the States in 1952 with a huge "hit" on his hands, Moody employed vocalist Eddie Jefferson. Also, working with him during that period were Dinah Washington and Brook Benton.

In 1963 he rejoined Gillespie and performed off and on in the trumpeter's quintet for the remainder of the decade.

Moody moved to Las Vegas in 1973 and had a seven year stint in the Las Vegas Hilton Orchestra, doing shows for Bill Cosby, Ann-Margaret, John Davidson, Glen Campbell, Liberace, Elvis Presley, The Osmonds, Milton Berle, Redd Foxx, Charlie Rich, and Lou Rawls to name a few.

Moody returned to the East Coast and put together his own band again—much to the delight of his dedicated fans. In 1985, Moody received a Grammy Award Nomination for Best Jazz Instrumental Performance for his playing on Manhattan Transfer's Vocalese album thus setting the stage for his re-emergence as a major recording artist.

Moody's 1986 RCA/NOVUS debut Something Special ended a decade-long major label recording hiatus for the versatile reedman. His follow-up recording, Moving Forward showcased his hearty vocals on What Do You Do and his interpretive woodwind wizardry on such tunes as Giant Steps and Autumn Leaves.

Music is more than a livelihood to Moody, so much so that portions of Sweet and Lovely, dedicated to his wife, Linda, figured prominently in the saxophonist's wedding ceremony on April 3, 1989. As well as being on the album, Gillespie was best man at the wedding for his longtime friend. The bride and groom walked down the aisle to Gillespie's solo on Con Alma then everyone exited the church to the vamp on Melancholy Baby. As their first act of marriage Linda and James Moody took communion accompanied by the groom's recording of Sweet and Lovely. In 1990, Moody and Gillespie received a Grammy Award Nomination for their rendition of Gillespie's Get the Booty, which showcases scatting at its best. Moody returns the soprano sax to his woodwind arsenal on Honey, his nickname for his wife, Linda, and Moody's last recording for RCA/NOVUS.

On March 26th, 1995 Moody got the surprise of his life with a birthday party in New York. It was an evening of historical significance for Jazz with many guest stars and Bill Cosby as the emcee. It can be heard on Telarc's recording, Moody's Party—James Moody's 70th, Birthday Celebration, Live at the Blue Note.

In 1995 Moody's Warner Bros. release of Young at Heart, was a tribute to songs that are associated with Frank Sinatra. With an orchestra and strings, many people feel this is among the most beautiful of all James Moody recordings.

Moody's follow-up recording for Warner Bros., was called Moody Plays Mancini. It showcased Moody on all of his horns and flute.

Moody's most recent recording Homage (for Savoy Records) features music especially composed for him by Herbie Hancock, Chick Corea and Joe Zawinul, among others.

Whether Moody is playing the soprano, alto, tenor, or flute, he does so with deep resonance and wit. Moody has a healthy respect for tradition, but takes great delight in discovering new musical paths, which makes him one of the most consistently expressive and enduring figures in modern jazz today. To quote Peter Watrous of the New York Times, "As a musical explorer, performer, collaborator and composer he has made an indelible contribution to the rise of American music as the dominant musical force of the twentieth century."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ON THE JULY 29, 2004, OPENING CEREMONY OF THE INTERNATIONAL CHILDREN'S GAMES AT THE SLOVENIAN CULTURAL GARDEN AND HONORING SLOVENIAN PROFESSOR METOD KLEMENC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. KUCINICH. Mr. Speaker, I rise in commemoration of the International Children's Games being held in Cleveland this year. I also recognize the Games' founder, Professor Metod Klemenc of Celje Slovenia, who will be honored at the Slovenian Cultural Gardens in a ceremony to open up this year's Games.

I cannot think of a more appropriate person to honor in conjunction with the Games than Professor Klemenc, nor a better place to recognize the International Children's Games and Professor Klemenc than at the Slovenian Cultural Garden in Cleveland.

Metod Klemenc organized the first International Children's Games on June 5, 1968, in Celje. Born in Ljubljana, Slovakia, 70 years ago, Professor Klemenc is the spiritual father of these Games whose simple goal was bringing school age children from different nations to better understand one another. A Slovenian sports instructor, Professor Klemenc explained: "My childhood suffered from the 2nd World War. It destroyed my family. Since I—within my possibilities—wanted to create a better world based on friendship, sports seemed to be one of the best means to bring together young people from different countries. Therefore you need willpower and friends who are enthusiastic about sports, and who are willing to give up their spare time."

The Cleveland Cultural Gardens consist of 23 individual gardens, including the Slovenian Garden. The Gardens are an important part of the Cleveland's history, reflecting the ethnicities and cultures that were instrumental in the city's development. The symbolic meaning of the gardens is that people of diverse backgrounds, lifestyles, traditions, and religions can exist side by side in peace and harmony with the freedom to exercise their beliefs and cultures. Built in the 1920s and 1930s, these gardens stood for the unity among all people of all nations, and to this day remain a unique embodiment of that purpose.

Mr. Speaker and colleagues, it is appropriate to open up the International Children's Games in Cleveland at a place in Cleveland that stands for international brotherhood and peace. And among these gardens, it is my pleasure to recognize the role Slovenians have played in building Cleveland, the Cleveland Cultural Gardens, and the International Children's Games. I ask you to join me in honoring Professor Klemenc, the founder of the International Children's Games.

IN HONOR OF THE CHRISTIAN CHILDREN'S PARADE AND MULTICULTURAL FESTIVAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Christian Children's Parade and Multicultural Festival, which celebrated its 26 annual parade on Saturday, August 14, 2004, in Jersey City, New Jersey.

The Christian Children's Parade and Multicultural Festival is a wonderful opportunity to unite the community. For 26 years, the event has brought together family and friends to celebrate and encourage the spiritual development of Jersey City's youth.

This year's event was dedicated to remembering those lost during the September 11, 2001 attacks. The Jersey City community lost 37 residents on that tragic day. The parade and festival were a fitting tribute to the victims, which honored their memory and acknowledged not only the strength of the community, but also the surviving families and friends.

I would like to extend a special recognition to the Reverend Jose C. Lopez, the president of I.C.A.P., Inc., and his staff for all of their hard work and dedication in organizing this worthwhile event and making it a reality. Additionally, I extend my appreciation to the Jersey City Department of Cultural Affairs for sponsoring the festival and parade.

Today, I ask my colleagues to join me in honoring the Christian Children's Parade and Multicultural Festival for its years of service and contribution to the youth of Jersey City, New Jersey.

ON THE PASSING OF FORMER RAMSEY COUNTY COMMISSIONER HAL NORGARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today to honor a dear friend of mine, former Ramsey County Commissioner Hal Norgard.

Hal Norgard passed away on the morning of August 8th while I was traveling with a congressional delegation in Iraq.

Hal was a wonderful man and friend. He was a man of boundless energy and a great heart. Most of all, I remember him as a person who loved his community like it was his family—because it was for him.

Hal's work on the Ramsey County Board helped so many people, most of whom will never know how this very special man worked so hard to provide them with the opportunities they needed to improve their lives.

Hal was a friend, leader, volunteer, director, developer, teacher, and coach. Everyone who knew him loved him. I have many fond memories of him. We all have our own Hal story.

Hal, I will always remember you for your selfless service.

Hal, I will miss you.

CELEBRATING 25TH ANNIVERSARY OF "A TASTE OF POLONIA"

HON. RAHM EMANUEL

OF ILLILNOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. EMANUEL. Mr. Speaker, I am honored to rise on behalf of more than 111,000 of my constituents who are of Polish descent in the Fifth Congressional District of Illinois on Chicago's northwest side. It is my privilege to recognize the 25th anniversary of one of the most celebrated cultural events and the pride of the Polish-American community in Chicago—A Taste of Polonia.

This year's anniversary event was held over Labor Day Weekend and featured hundreds of Polish handicrafts and artistic exhibitions, musical performances and other cultural displays. An abundant variety of Polish cuisine, including some of my personal favorites—kielbasa and pierogi—were enjoyed by tens of thousands of Chicagoans, including many who don't have Polish-American background but nonetheless wanted to join in the celebration and appreciate such an extraordinary assortment of food, music and art unique to "A Taste of Polonia".

Mr. Speaker, I also salute the Copernicus Foundation, a leading advocate for Polish-Americans in Chicago and throughout the country. The Foundation is a shining example of dedication to promoting our city's ethnic pride. It has hosted a variety of cultural, educational and civic programs, town meetings, political debates, live theater performances, concerts and films. It has been home to the Polish Film Festival in America since 1987. The Foundation has proven time and again its commitment to showcasing the many cultural and civic achievements of Polish-Americans and ensuring that they continue to flourish as demonstrated by its sponsorship of "A Taste of Polonia".

Today, it is especially important to reaffirm our appreciation and respect for Polish culture, particularly as the United States and Poland broaden a mutual partnership in the global economy and in fighting the global war against terror. Our special relationship with Poland exemplifies our mutual commitment to democratic ideals of liberty and human rights.

Mr. Speaker, "A Taste of Polonia" is a source of great pride for Polish-American citizens living in Chicago and indeed across the State of Illinois. I invite my colleagues to attend this celebration in the future and again congratulate all those who contributed toward another successful and joyous celebration of our city's Polish heritage.

JOHN MILLER, AMBASSADOR-AT-LARGE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. WOLF. Mr. Speaker, I submit for the RECORD the speech made on September 7 by John Miller, Ambassador-at-Large for the Office to Monitor and Combat Trafficking in Persons. I hope that you find it compelling.

Thank you, Mr. Secretary. Thank you so much for your kind words, and even more for your inspiring words on modern-day slavery. I believe you are the first Secretary of State to call trafficking in persons by its true name: modern-day slavery. Without your leadership, and the leadership of President Bush, we would never have made the progress we celebrate today.

And thank you, Under Secretary Paula Dobriansky. You first raised my name for this position and gave me the opportunity to work on one of the premier human rights issues of the 21st century.

I see some colleagues and former colleagues from the Congress here today. They have come even though Congress does not start the fall session until later today. Congressman Frank Wolf, whose counsel led me to take this position. Senator Sam Brownback and Congressman Chris Smith. But for their work and the work of Paul Wellstone and Sam Gedjenson there would not be the Trafficking Victims Protection Act and the office I head. Senator Chuck Schumer, who is taking a leadership role on this issue. Congressman Diane Watson, who flew from California to be here, and Congressman Barney Frank. And my former colleagues Barbara Kennelly and Linda Smith.

And thanks also to the many senators and congressmen who sent personal representatives: Senators Lugar, Durbin, Clinton, and Cantwell, Majority Leader DeLay, House Committee on International Relations Chairman Hyde, and Congressmen Barton, Gallegly and Sherman, Kolbe and Coble, Pitts and Saxton, Dunn and Pryce, Lantos and Sherman.

My thanks also to the many in the executive branch who have come—the large contingent from the White House and National Security Council, including my friends Elliot Abrams and Michael Gerson. And my thanks to the many colleagues from so many agencies who have worked together on the Senior Policy Operating Group on human trafficking at the direction of the President. And, of course, my thanks to all those who have come from the various parts of the State Department, including my own office.

Marking the growing importance of modern-day slavery around the world I also want to recognize and show appreciation for the attendance of the ambassadors from countries such as Sweden, Benin, Kazakhstan, Cambodia, Nigeria, Indonesia and the Philippines, and diplomats from other nations such as Bangladesh, Mexico and Ukraine.

And, last but not least, I want to thank my son, Rip, for coming all the way from Seattle.

When I came back here to Washington 18 months ago I knew little about modern-day slavery. I am indebted to many citizens, public servants and NGOs who worked on the issue long before me and took the time to tutor and encourage me. To all of you, I say thanks.

What is this issue we call modern-day slavery? Last week I gave a keynote speech at the new National Underground Railroad Freedom Center in Cincinnati. We discussed the differences between slavery in the 19th century and the 21st century. Today, we do not have government-sanctioned slavery based on color; today, more often we have slavery based on gender and age. Today, the slavery is not just on plantations and in homes; it is in factories and armies as well, and especially in brothels. But the slave masters use the same tools today as the earlier slave masters: kidnapping, fraud, threats and beatings, all aimed at forcing women, children, and men into labor and sex exploitation. And slavery once again reaches into every country in the world. We had a grim reminder of this in our own country today with a Washington Post story on convictions of two kidnappers who put women into forced prostitution.

Who are these victims that bring us here today? Who are the individuals whose bodies and souls have suffered?

I picture the victims I have met in my travels. Tina, a teenage Indonesian farm girl lured and forced into domestic servitude in Malaysia. Lord, a Laotian youngster, beaten, tortured and forced to work in an embroidery factory in Thailand. Katya, a Czech teenager lured to Amsterdam with a promise of a restaurant job, her passport seized, her 2-year-old daughter threatened so she would service 10 and 15 men a day in a brothel. And so many more. . . .

These are the individuals who make up the millions held in slavery within countries or trafficked across international borders.

These are the individuals used by organized crime to make billions of dollars every year so we now, incredibly, speak of the drug trade, the arms trade—and the people trade.

But today is not about bleakness and despair in the human rights, health and public stability challenges we face. Today is about progress and hope. What a group we have here today. Yes, President Bush and Secretary Powell have taken the lead, but in this election season of conflict it is a tribute to the power of this issue that we have here today a coalition of Democrats and Republicans, a coalition ranging from feminists to evangelical Christians, all of us committed to ending this scourge. The NGOs in this room have done so much to pass laws, to jail the traffickers and to heal the afflicted.

You have inspired the public servants here, particularly the staff of the Trafficking in Persons Office. We are a small office in a big department, but what an office! Spurring programs and news media coverage around the world, putting out this report that has helped spur almost 3,000 convictions of traffickers across the globe last year, spur scores of anti-trafficking in persons laws, and spur debates leading to law enforcement and victim protection actions from Guyana to Bangladesh to Japan. To every person who works in the Trafficking in Persons Office, thanks.

But all that is prologue. What can all of us working together do in the future?

First, let's start with language. Back in the time of the Underground Railroad, owners talked about "field hands," but they were describing slaves. Today, words like "laborers" and "sex workers" are often used to describe modern-day slaves. We must try to stop that.

Second, we can continue focusing on the source countries that supply slaves. We can do this by increasing education efforts that warn potential victims. We can support economic alternatives for victims. We can set up more shelters to help the victims. And we can help stamp out corruption and throw the traffickers in jail. Just as faith-based groups were the leaders in setting up the Underground Railroad, we now heed faith-based, feminists, and community groups to take the lead.

Third, we must focus more on the demand for slaves. The slave victims may start out in poorer countries, but they often end up in wealthy destination countries in Europe, Asia and North America. That's where the market is. The slavery in earlier centuries existed because of the demand of sugar plantations in Brazil and the Caribbean, the demand of tobacco and cotton farms in the American south. The Secretary of State said at the President's Interagency Task Force on Human Trafficking that we cannot ignore demand today. That means smashing the forces of organized crime in destination as well as source countries; it means education directed at those who create and make up the market.

And when we talk about demand, we must also talk, as President Bush did at the U.N. last fall, about child sex tourism, a major force behind child sex slavery. Yes, child sex tourism may go on in distant lands, but the pedophiles come from wealthy countries. More countries need to pass laws such as the Protect Act passed on a bipartisan basis by the Congress and signed by President Bush in April 2003. That law strengthened law enforcement's ability to prosecute and put in jail predators back home, no matter where in the world they commit this repulsive crime.

Fourth, we must continue to highlight the issue by putting out reports such as the Justice Department's Assessment of U.S. Government Activities to Combat Trafficking in Persons and the Secretary of State's annual Trafficking in Persons Report.

Fifth, we can urge that law enforcement anywhere not just prosecute the victims but go after the perpetrators and exploiters.

Sixth, we must insist on abolition. As Hugh Thomas documents in his History of the Atlantic Slave Trade, in the 19th and earlier centuries, many well-meaning citizens said, "We can't end the slave trade; let's get better ventilation on the slave ships; let's get better mats and wooden beds and more rations and improve the health of the slaves." The Dutch government back then even boasted how clean and neat and well managed their slave ships were. When English critics visited the English slave ships, the slave masters had the slaves sing and dance to convince the visitors to go back and tell Queen Elizabeth that the slaves were happy and there of their own consent. And the slave trade went on.

Today victims, often fearful, tell visitors they are fine and happy. Well-meaning people say, "We can't end slavery, so let's get better ventilation in slave factories; let's get condoms into the brothels." These measures are good and will help the victims, but they won't end the victims' slavery. We cannot lose sight of that goal.

Last, we can encourage the news media to report on modern-day slavery and praise them when they do. Increased public awareness can lead to many good things.

We all know this struggle will be a long one.

But so was the struggle in the early 19th century led by William Wilberforce in the British Parliament. And long was the struggle of the American abolitionists like Frederick Douglass and Harriet Beecher Stowe and Levi Coffin that took decades. We need their dedication and energy and patience.

This is a struggle that goes back to the book of Exodus that I took the oath on where the Lord told Moses to tell pharaoh to, "Let my people go so they can serve me."

This is a struggle that goes back to the Declaration of Independence with its call for the "inalienable rights of life, liberty and the pursuit of happiness."

In some ways our struggle is easier than the one facing the 19th century abolitionists. We do not have to violate laws to help the victims as the early abolitionists did.

When Wilberforce first raised the slavery issue, another member of Parliament asked, "What right do you have to impose British values on the world?" Well, today, while some governments may look the other way, no government officially supports slavery and almost all have signed international covenants recognizing that freedom must prevail.

I remember visiting Eastern Europe after the fall of the Iron Curtain and receiving the thanks of so many. In the decades ahead I want America to earn and merit the thanks of those who languish in slavery today. I believe America is great when she is good. We are called on—again—to move towards the abolition of slavery in every country, including our own.

There is so much for all of us to do today. Yes, this is a struggle. But as the great Frederick Douglass said, "If there is no struggle, there is no progress." We can all be part of the 21st-century abolitionist movement. And like our forbearers, we will be victorious!

God bless all of you for your friendship and support in this struggle. Thank you.

IN HONOR OF MAJOR DAVID L. BAYLOR

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Major David L. Baylor, upon his retirement from the Delaware State Police after 22 years of public service. His dedication to safety and to the security of all Delawareans is to be commended.

A native of Wilmington, Delaware, Major Baylor graduated from St. Mark's High School in 1978 and went into the United States Navy, before graduating from the Delaware State Police Training Academy in 1982. In later years, he earned his Bachelor's degree in Criminal Justice from Wilmington College and his Master's degree in Business Administration/Technology Management from the University of Phoenix. He is also a graduate of the FBI National Academy and the Pennsylvania State University Police Executive Management Course.

During his distinguished career, Major Baylor held several positions within the police force, and was a member of the Executive Protection Unit, where he helped to protect me when I was Governor. In fact, it was during this time that I realized just how popular Major Baylor is in the local community. Whenever we were in the car together, it was not uncommon for people to wave and honk their horns. For a while I thought they were greeting me, but eventually Major Baylor assured me that, in fact, he knew them and they were actually acknowledging him.

In addition to his impressive service in the Delaware State Police, Major Baylor has spent countless volunteer hours as a member on the Board of Directors of several organizations in Delaware. Such groups as the Bear/Glasgow Boys and Girls Club and the Delaware Mentor Program have benefitted greatly from his efforts.

Mr. Speaker, as one who has worked closely with Major David Baylor, I am confident that he has served our State well over his distinguished career. He is a fine representative of the First State and I look forward to hearing more about his future accomplishments.

TEXTILES AND APPAREL CHINA SAFEGUARD ACT H.R. 5026

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. LEVIN. Mr. Speaker, yesterday, several colleagues and I introduced legislation that would create a comprehensive plan to address the impending crisis in the U.S. textiles and apparel industry. An explanation of this bill for the RECORD follows.

SUMMARY

H.R. 5026, the Textiles and Apparel China Safeguard Act, creates a comprehensive program to respond to the WTO-mandated expiration of textiles and apparel quotas at the end of 2004. Foreseeing within the expanded trade resulting from China's WTO accession the potential negative impact on the U.S. and world markets from quota expiration, the Clinton Administration negotiated the right for the United States to use a special safeguard against imports of textiles and apparel products from China. Despite 345,000 U.S. jobs lost in the textiles and apparel industry since 2001, and estimates of hundreds of thousands more after quotas expire, the Bush Administration has failed to actively implement the special safeguard or to create a comprehensive approach to the issue.

The Textiles and Apparel China Safeguard Act is critical for the U.S. textiles and apparel industry and the 700,000 U.S. jobs it supports. The Act ensures active enforcement of the special safeguard against imports from China and creates a comprehensive approach to the impending crisis. The Act has three key elements. Specifically, it would:

(1) direct the President to make two changes to the overly restrictive rules issued by the Bush Administration to implement the China safeguard so that the safeguard will be meaningful for the U.S. textiles and apparel industry;

(2) direct the President to use the special China safeguard to negotiate a comprehensive agreement by immediately entering into formal consultations with China over textiles and apparel imports that threaten to disrupt the American market; and

(3) enforce aggressively U.S. rights under the special China safeguard by imposing restraints on imports if China does not agree on a mutually acceptable solution.

BACKGROUND AND EXPLANATION

On January 1, 2005, quotas on textiles and apparel products are scheduled to expire for WTO Members. Textiles and apparel industry analysts predict that China will dominate global textiles and apparel production when that happens. In the United States, some analysts expect China to capture over two-thirds of the U.S. market and, according to the World Bank, capture as much as 50 percent of total global production—a dramatic increase from its current 17 percent share.

China's dominance in the U.S. market will have serious direct adverse consequences domestically. It will also be devastating for many poorer developing countries that will lose their U.S. market share to China, including U.S. preference partners in Central America and sub-Saharan Africa. The impact on these countries will be another blow to the U.S. industry because many of the U.S. preference partners are heavily integrated with the U.S. industry, including use of significant amounts of U.S. textiles in the apparel they export.

The textiles and apparel industry is among the largest U.S. manufacturing industry (in terms of employment, with a total of around 700,0000 workers), yet to date the Bush Administration has failed to take any significant steps to address this major trade event.

As part of China's WTO accession package, the Clinton Administration created a special safeguard applicable to imports of textiles and apparel products from China. This special China safeguard gives the United States the right (1) to enter into consultations with China to create a more stable market, (2) to negotiate restraints on textiles and apparel imports with China, and (3) to impose restraints on an annual basis if China does not agree and the imports are causing or threatening market disruption.

CHANGING OVERLY RESTRICTIVE REGULATIONS

The Bush Administration issued regulations in May 2003 implementing the special safeguard. Those rules, however, are overly restrictive, severely constraining the safeguard and making it effectively unavailable for large segments of the U.S. industry and its workers. First, the regulations do not clearly provide the right to bring a "threat" case. In other words, the U.S. industry and its workers will have to wait until after imports from China have already caused injury—often irreparable injury—before they can bring a successful case. Second, the regulations are written in a way that significantly constrains the U.S. right to respond to market disruption from China. In many cases, Chinese imports cause market disruption not by competing directly with U.S. production, but because they supplant production that would have used inputs made by U.S. industry. In both cases, the injury to the U.S. industry and its workers is the same—lost orders and lost jobs—yet the current regulations do not provide clearly a right to use the safeguard to prevent the second kind of market disruption.

The Textiles and Apparel China Safeguard Act directs the President to rescind the restrictive interpretation of the textiles and apparel safeguard implementing regulations and replace them with regulations that:

(A) make clear that the U.S. industry and workers will not have to wait until after Chinese textiles and apparel imports have caused injury, but may use a threat case to preempt injury; and

(B) make clear that a safeguard may be imposed for market disruption that harms the U.S. industry and workers when Chinese imports displace production that uses inputs made by the U.S. industry.

In this way, the Textiles and Apparel China Safeguard Act will allow the United States to take full advantage of its rights under the special China textiles safeguard and make this safeguard a more useful tool for the U.S. industry and its 700,000 workers.

CREATING A COMPREHENSIVE APPROACH FOR IMPORT-SENSITIVE PRODUCTS

Given the significant adverse impact expected on the U.S. textiles and apparel industry and its workers from immediate and wholesale elimination of textiles and apparel quotas—some estimates predict hundreds of thousands of U.S. jobs will be lost if nothing is done—a more comprehensive approach is needed. The Textiles and Apparel China Safeguard Act provides this comprehensive approach.

The Act directs the President, in effect, to negotiate a comprehensive bilateral textiles and apparel agreement with China, as allowed under the terms of China's WTO accession agreement. The special China safeguard allows China and any WTO Member to negotiate bilaterally ways to address market disruption caused by Chinese textiles and apparel. Significantly, the accession agreement does not place any limitations on the content of such settlements. The open-ended nature of the settlement provision in the safeguard provides the basis of negotiating a comprehensive textiles and apparel agreement with China. The Textiles and Apparel China Safeguard Act directs the President to negotiate such a comprehensive agreement on all products still subject to quotas.

If China is not willing to come to terms on a comprehensive agreement, the Act directs the President to invoke the import restraints provided for under the safeguard across the board for all products eligible for the safeguard, as the United States has the right to do under the terms of China's WTO accession agreement.

GARRETT LEE SMITH MEMORIAL ACT

SPEECH OF

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. DOOLITTLE. Mr. Speaker, I rise today to explain why I voted against S. 2634, the Garrett Lee Smith Memorial Act, which authorizes $82 million over three years for federally funded suicide intervention, prevention and treatment programs in public schools.

I most certainly empathize with those who have lost a loved one as a result of suicide. Many of us have been affected by this particularly painful form of tragedy, whether directly or indirectly. We need to do whatever it takes to reduce the number of suicides occurring each year in our Nation, and help the suffering realize that taking their own life is never the right answer. However, "whatever it takes" does not mean we take the role of suicide prevention out of the hands of friends and family and local health care providers and into the hands of the poorly-suited federal bureaucracy. Those contemplating suicide do not need help from the government—they need help from those who know them by name.

Mr. Speaker, no one can argue that this bill came before the House with anything other than good intention. Unfortunately, good intention doesn't always translate into good legislation. This bill costs taxpayers $82 million over 3 years and creates two new Federal programs and a new technical assistance center, with virtually no mechanism to measure effectiveness or actual benefit of new services. Don't our loved ones deserve better, more direct care than that?

I think absolutely they do, and so do the experts:

In a December 2001 study published by the Journal of the American Medical Association (JAMA) entitled "Suicide in Teenagers" researchers concluded that "Suicide awareness programs in schools . . . have not been shown to be effective either in reducing suicidal behavior or in increasing help seeking behavior." Additionally, Dr. David Shaffer, an expert in the field of suicide prevention states: "My research at Columbia University, supported by grants from the Centers for Disease Control, suggests that case finding that involves giving lessons or lectures about suicide, either to encourage suicidal students to identify themselves or to teach other students or teachers how to identify the suicidal teacher is not effective and in some instances may even undermine protective attitudes about suicide."

Mr. Speaker, I voted against this well-intentioned but misguided bill out of compassion for those contemplating suicide who deserve love, support and treatment. Those who know them best and want the very best for them are the ones living with them, not inside the beltway.

TRIBUTE TO WIGGSY SIVERTSEN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. LOFGREN. Mr. Speaker, today (Mr. HONDA, Ms. ESHOO and I) rise to recognize the achievements of Wiggsy Sivertsen, Director of Counseling for San Jose State University and co-founder of Bay Area Municipal Elections Committee (BAYMEC), a four county Lesbian, Gay, Bisexual and Transgender (LGBT) political action group celebrating 20 years of civil rights advocacy. Wiggsy is retiring from BAYMEC this year.

Wiggsy is currently the Director of Counseling Services and a visiting Professor in the Sociology Department at San Jose State University where she has been employed for the past 36 years. She is a graduate of Stephens College, San Jose State University and received her Master's degree from Tulane University in Social Work.

Wiggsy became involved in addressing the problems of discrimination against gays and lesbians when she was fired from a position when the organization found out about her lesbianism. She has dedicated her entire professional life educating the public about the LGBT communities and fighting for their rights and the rights of all "at risk" communities.

BAYMEC was founded to educate and inform, and has raised its concerns with countless elected officials; lobbied Sacramento and the state on AIDS and LGBT civil rights; and worked with police, fire department, governmental, organizational, and a variety of community groups to further equality for LGBTs. BAYMEC continues to lobby for hate crime legislation, transgender issues, domestic partnership rights and civil unions, and to bring LGBT sensitivity to the forefront in the domestic violence field.

Wiggsy has founded two other advocacy organizations: Advocates for Lesbian, Gay & Bisexual Youth, which provides legal representation for gay, lesbian and bisexual youth who are discriminated against in the school system, and Open Mind Network, Inc. (OMNI), which is dedicated to educating organizations about lesbian, gay and bisexual people.

Wiggsy has received the American Civil Liberties Union "Don Edwards Defender of Constitutional Liberty Award." She has also been named to the "The Millennium 100, Pillars of their Communities" by the San Jose Mercury News, and received the California State Special Recognition Award For Service to the Lesbian and Gay Community.

We wish to thank Wiggsy Sivertsen for her tireless and loyal service to the cause of civil rights, and particularly the LGBT community. Though we will all miss her leadership in BAYMEC, the work of BAYMEC will move forward. Until all people are treated with dignity and respect, none of us can truly be free.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall votes 422 and 423. I was regrettably absent from the chamber on September 7th during the rollcall votes. Had I been present, I would have voted "yea" on rollcall 422 and "yea" on rollcall 423.

50TH ANNIVERSARY OF BERT'S BURGER BOWL

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. UDALL of New Mexico. Mr. Speaker, it is with great pleasure that I rise today to celebrate the 50th anniversary of a true Santa Fe landmark: Bert's Burger Bowl. Last month I joined with thousands of New Mexicans to celebrate this milestone as well as their claim to fame—the invention and commercial serving of one of New Mexico's famous foods, the green chile cheeseburger.

Staff t-shirts at Bert's boast, "Since 1954: One Location Worldwide." To stay in business that long, Bert's is doing something right. This is the home of the greatest green chile cheeseburger in the world—a claim that is not easily contested—perhaps best known for allowing their customers to have a burger their way or not at all.

The current owners of Bert's Burger, Fernando and Debra Olea, decided to change their prices on August 17 to 1950s prices as a way to thank their loyal customers. By the time the day was done, thousands of New Mexicans had lined up for 35-cent green chile burgers, 19-cent crinkle cut fries and 10-cent soft drinks. Incredibly, between 10:30 a.m. and 2:45 p.m., Bert's served 2,000 burgers with only eight people working.

Bert's Burger Bowl, one of the last independently owned drive-in restaurants, was founded in 1954 by Bert Burtram, a World War II veteran, who operated the business 11 years before selling it to Fred and Barbara DeCastro. The Oleas bought Bert's in 1991 on the condition nothing be changed.

The most popular item on the menu has been and will remain No. 6—a chile/cheese burger. The eatery also serves burritos, Frito pies, fried chicken, chicken gizzards and chicken livers. Bert's is also known for its freshly made lemonade and limeade, as well as the cherry-lime drink and French Coke made with a dash of vanilla. Loyal customers, who dine under umbrellas on a sun-drenched patio overlooking Guadalupe Street, have kept Bert's in business all these years.

For the last half century, Bert's Burger Bowl has held a special place in the hearts of northern New Mexico residents and tourists. During the recent celebration, I met scores of people who told me their first job was at Bert's. Santa Fe Mayor Larry Delgado and his lovely wife Angie recalled how their very first date was at Bert's. Another customer reminded me that the establishment served as a backdrop for the 1971 movie "Two Lane Blacktop." For 50 years, Bert's has meant so much to so many.

As the only member of the New Mexico congressional delegation to serve on the House Small Business Committee, I know the important contribution enterprises like Bert's make to our economy. I salute Fernando and Debra and their employees for their hard work and dedication. It was truly my honor to join with them on this milestone. My best wishes for another 50 years of success.

IN HONOR OF JOEL "FRANK" TOLLER OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFONRIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my good friend Frank Toller, an extraordinary citizen from my hometown of St. Helena, California, who has devoted his life to public service. He is being honored today for his contributions to the community.

In 1997 Frank was elected to serve as mayor of St. Helena, California. In that same year he co-founded the law firm of Toller & Novak LLP. He served as mayor until 1999, when he then moved to the position of Vice Mayor. He served as Vice Mayor until 2003.

Frank has been involved in other community activities as well, including spending 15 years as a Little League coach. Between 1980–1991 he was a St. Helena Unified School District Trustee, serving twice as board chair. He is also a member of the Community Foundation of the Napa Valley and a Rotary Foundation board member. In June 2004, he organized the Maria project which provides financial assistance to a deserving female Hispanic student who wishes to attend the Engineering program at UC Davis.

A highly regarded member of the Napa Valley community, Frank Toller was born in Waseca, Minnesota. Frank Toller received his B.A. in Political Science from the University of San Francisco in 1961. In 1968 he graduated from USF law school. He is a loving father to two children, Joel and Chelsea. He is an outdoor enthusiast who loves fishing and hiking.

The St. Helena Chamber of Commerce is recognizing Frank Toller for his outstanding contributions to the community, at the 2004 Citizen of the Year dinner on Saturday, August 21, 2004.

Mr. Speaker and colleagues, Frank Toller is a dedicated public servant who has made many great contributions to our community. It is appropriate that we honor him today.

A SALUTE TO ANDY BEY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert, which occurs during our Foundation's Annual Legislative Conference, I rise today to salute the lifetime achievements of one of the most distinguished artists in American music history, Andy Bey. Earlier this year, Bey was named the Jazz Journalist Association's 2004 Male Vocalist of the year.

The following biography, found on Bey's own web page, chronicles a career of accomplishment deserving of such high recognition, and of this body's thoughtful attention and respect:

> Born in 1939, the Newark, NJ native was a genuine child prodigy as a pianist and singer, garnering appearances at the famed Apollo Theater and on television's Spotlight On Harlem and The Star Time Kids, sharing stages with the likes of Louis Jordan, Sarah Vaughan and Dinah Washington, before he turned 18. He then formed a vocal trio alongside his sisters Salome and Geraldine and embarked for Europe; Andy & The Bey Sisters were celebrated regulars at The Blue Note in Paris and other venues in Europe from the late 1950s into the early 1960s, when they returned to the U.S. and continued to perform and record (for RCA and Prestige) until the trio disbanded in 1966.
>
> For the two decades thereafter, Bey recorded and performed with such notables as McCoy Tyner, Lonnie Liston Smith, Thad Jones/Mel Lewis, Eddie Harris and others. He was featured vocalist on Gary Bartz's acclaimed Harlem Bush Music projects and for an extended period with Horace Silver, including Silver's The United States of Mind album sequence. In 1991, Bey returned to Europe to teach vocal instruction in Austria; he remained there until 1993, when he returned to the States to record his "comeback album," accompanied only by his own piano, called Ballads, Blues & Bey.
>
> One of the great unsung heroes of jazz singing, Andy Bey is a commanding interpreter of lyrics who has a wide vocal range and a big, rich, full voice. Bey enjoys a following that swears by him; nonetheless, he isn't nearly as well known as he should be.
>
> The release of Ballads, Blues & Bey in 1996, and his subsequent Shades of Bey, recorded with Bartz, Victor Lewis, Peter Washington and other jazz notables and released in 1998, heralded Bey's "renaissance" in the business he's been in for nearly five decades. Which leaves Bey somewhat bemused: "I never went away, actually. I don't know about this renaissance. " It's . . . well, it's new in a sense, but it's not like I left the business."
>
> Bey has continued to make his presence felt in the jazz arena with the release of Tuesday's in Chinatown in 2001, and his latest outing earlier this year on Savoy entitled American Song.

IN HONOR OF AGNES FRONCKOWIAK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Agnes Fronckowiak of Slavic Village, as she gathers with family and friends to commemorate her September 4th birthday, 90 years young, and as lively as ever.

With family central to her life, Mrs. Fronckowiak and her late husband, Casimir, raised 4 children, and taught them the significance of family, faith and giving back to the community. Today, these close family ties continue on with each new generation, as Mrs. Fronckowiak is blessed with grandchildren and great-grandchildren.

Beyond caring for her family, Mrs. Fronckowiak has been an involved member of the community, and continues to dedicate her time and talents in service to others, efforts which are reflected throughout Slavic Village. She was a long-time member of the Immaculate Heart of Mary Parent Teacher Union and held the position of President of the St. Stan's Golden Agers for nearly 25 years. As an active member of the Golden Agers, Mrs. Fronckowiak plans and organizes senior trips and events. Her energy, agility and joy for living serve as a significant example that life's possibilities and joys abound for each of us, regardless of our age.

Mr. Speaker and Colleagues, please join me in honor of Mrs. Agnes Fronckowiak, as we gather together to celebrate her 90th birthday. Mrs. Fronckowiak continues to be an inspiration to everyone in her life—especially to her family and friends. Her loyalty, friendship, convictions, boundless energy, and good works are invaluable gifts that she gives freely, and her dedication has uplifted the neighborhoods, churches and schools of Slavic Village. We wish her many blessings of continued health and happiness today, and all days to follow.

IN HONOR OF EDWARD B. PULVER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the memory of Mr. Edward B. Pulver for his outstanding and tireless commitment to the people of Hudson County and his dedication to the trade unions. Mr. Pulver will be memorialized on Thursday, September 9, 2004 by the City of Jersey City, New Jersey as they unveil 'Edward B. Pulver Way' in a ceremony at the corner of Washington and Dudley Streets in Jersey City, New Jersey.

A native of Jersey City, who lived in Bayonne for 35 years, Mr. Pulver was a voice for working men and women for more than five decades. He began sailing on railroad tugs in the New York/New Jersey harbor in the late 1940s, and became active in the Seafarers International Union (SIU) when the fleet he helped to organize chose to affiliate with the organization's Inland Boatman's Union. In 1990, Mr. Pulver became the vice president of the Seafarers International Union of North America, while simultaneously heading the SIU's office in Jersey City. Additionally, Mr. Pulver was the president and a founding member of the Hudson County Central Labor Council, and served on the state AFL–CIO executive board as Secretary-Treasurer.

Mr. Pulver founded many organizations and belonged to numerous community and civic groups, including the National Executive Board of the Labor Council for Latin American Advancement and the Hudson County (N.J.) Economic Development Corporation. He served as president of the Hudson County Society for the Prevention of Cruelty to Animals for 16 years. Additionally, he served on the board of directors for the Hudson County School of Technology, as well as for Saint Francis Hospital and Christ Hospital.

Considered a godfather to the Filipino community, Mr. Pulver was a member of the Order of the Knights of Rizal, raised funds for several Filipino organizations, and brought thousands of Filipino-Americans to an annual three-day conference in Piney Point, Maryland at his personal expense for almost a decade. He also served as executive vice president of the Filipino and Americans As One organization, was the cofounder of the Philippine American Friendship Committee (PAFCOM), and was instrumental in organizing the first Philippine American Friendship parade. He also served as the first Grand Marshall of PAFCOM.

A member of America's greatest generation, Mr. Pulver was a U.S. Army veteran who served our great nation in Germany during World War II.

Mr. Pulver is survived by five daughters, two brothers, 10 grandchildren and seven great grandchildren.

Today, I ask my colleagues to join me in honoring Edward B. Pulver: a seaman, labor rights organizer, philanthropist, community activist, father, grandfather, great-grandfather and friend. Mr. Pulver, we will miss your kindness, but your memory will live on in the hearts and minds of everyone you have touched with your generosity and friendship.

HONORING THE 367TH ENGINEER BATTALION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. MCCOLLUM. Mr. Speaker, almost every Member of Congress has constituents who are honorably serving overseas in Afghanistan or Iraq. Many are regular military personnel, while others are serving in the National Guard or Reserves. They are all to be commended and thanked for their dedicated service to our nation.

Today I would like to recognize the service of one particular group of Minnesota soldiers in the 367th Engineer Battalion. The 367th Battalion is currently serving in Afghanistan where they are helping to clear Afghanistan's minefields of the millions of explosive devices left over from decades of conflict. Donning body armor, protective boots and face shields, the men and women of the 367th canvass the countryside looking for unexploded ordnance and other remnants of past battles in Afghanistan. Their work is dangerous and difficult, but they are doing a tremendous job.

All too often, the hard work of our military personnel in Afghanistan is overlooked and unknown to the American public. Unfortunately, many remarkable stories, like the story of the 367th Battalion, are never told.

I am pleased that a local paper in Minnesota has highlighted the work of the 367th and put the article on the front page. I mailed this article to the soldiers of the 367th in Afghanistan, so they are reminded that the families they protect back home in Minnesota are thinking of them and are thankful for their service. I would like to include this article ("A delicate and dangerous job"—July 7, 2004) in the RECORD following my remarks.

The reconstruction of Afghanistan will take many years and require a sustained U.S. commitment. Much more work needs to be done before the Afghan people can truly begin rebuilding their lives and providing for their children and families. I am proud that men and women from all across Minnesota—including those of the 367th Battalion—are playing an important role in this process.

[From the Star Tribune, July 6, 2004]

A DELICATE AND DANGEROUS JOB

(By Sharon Schmickle)

BAGRAM AIR BASE, AFGHANISTAN.—Inviting the danger that Afghans dread every day, Sgt. Gary Feldewerd manipulated a control panel inside his armored cab and started slapping the ground with chains in search of land mines and other unexploded weapons.

As the resulting dust plume drifted, Feldewerd, from New Munich, Minn., saw that the flail had uncovered a mortar shell and a battered explosives box.

The work that Feldewerd and other Army reservists in Minnesota's 367th Engineer Battalion are doing to help clear Afghanistan's minefields came too late to save Parwana Meer's right leg and Gulmarjan's life.

Gulmarjan, 13, was herding goats near his village, Lalander, in May. One goat strayed off the path. The boy ran to fetch it. And suddenly, his lower body exploded in a cloud of red vapor, his cousin said. A pile of stones marks where his family buried what was left of his remains.

Meer, also 13, was cooking rice in her family's mud and stone house near Bagram when an explosion shattered one of her legs below the knee and severely burned the other.

Sitting by her bed at a U.S. Army field hospital in June, her brother told a story that is all too familiar in this war-ravaged land where weapons continue to kill and maim long after the clashing armies have left.

Meer and her family returned this year to the village they had fled when it became a battleground between the Taliban and rival northern tribes, Naseer Meer said. What the villagers didn't know is that the retreating Taliban forces had booby trapped their houses—in the Meers' case, planting a mine under the kitchen's dirt floor.

Such tragedies are everyday occurrences in Afghanistan, one of the world's most heavily mined nations. Blasts from land mines and other ordnance kill or maim dozens of people every month.

No one knows how much unexploded military junk remains strewn around Afghanistan. By any estimate, there are more than 10 million explosive devices in a space the size of Texas, said Maj. Paul Mason of the Australian Army. He coordinates the Minnesota battalion's mine-clearing projects under the United Nations' larger effort in Afghanistan involving work by military and civilian groups from many nations.

CHILDREN VULNERABLE

In Afghanistan, where women have been secluded, three out of four victims are male. The blasts have been most deadly for children, however, because their vital organs are closer to the explosions. And children are more likely than adults to pick up strange objects. Especially tempting were toy-like "butterfly mines" the Soviets dropped from aircraft.

Most of the mines uncovered in Afghanistan were laid by Soviet forces and their supporters from 1979 to 1992, according to Human Rights Watch. But the United States provided mines to anti-Soviet mujahedeen fighters in the 1980s.

The United States is not known to have used anti-personnel land mines since the Gulf War in 1991. Still, it is sharply criticized by groups working to rid the world of land mines because it hasn't signed a mine ban treaty, ratified by 142 other nations, including Afghanistan.

Beyond mines, cluster bombs are a major concern because they scatter explosives that often lie in wait rather than going off on impact. Many remnants of the bombs the U.S.-led forces dropped during 2001 and 2002 were designed to deactivate after a set period, Human Rights Watch said, but critics aren't satisfied that the feature works.

The United States has paid for a good share of the land mine removal in Afghanistan, along with European nations, Japan and Canada.

Despite the global cooperation, no one expects Afghanistan to be mine-free anytime soon.

To understand why, join the Minnesota teams as they clear a patch of land near Bagram Air Base. The area is to be used for military operations now and eventually turned over to the Afghan people.

THE HYDREMA

Climbing into the Hydrema, the mine-clearing vehicle, is like getting into the cab of a construction crane, except instead of a long arm, this beast has a turntable holding a steel blast shield and a 72-chain flail. The cab's windshield is pocked and battered by blasts. The last battalion to use these machines set off an anti-tank mine. It blew out an engine and rear axle, but the soldier inside the armored cab survived.

There will be no stepping out of the cab, Feldewerd orders. Sometimes, he'll scramble over the top of the Hydrema to handle a problem. Feldewerd is operating one of three Hydremas working together to clear a lane just over 3 yards wide.

Bounce, Jolt. Slap. Slap. Slap.

Each of the 30-inch chains is spun into the ground with a force of 2,000 pounds per square inch. The dust is so blinding that Feldewerd has no idea what's being unearthed. The other two Hydrema operators spot for him. As the dust clears, they see an artillery casing from a tank round and a lot of other debris that may or may not blow up.

Whenever possible, the soldiers try to spot explosives without detonating them. When Feldewerd saw the mortar shell, he fixed its location with a global positioning device and reported it to explosives teams for disposal.

Since beginning work in late April, the Minnesota battalion and a private contractor working with the troops at Bagram and another airfield near Kandahar have uncovered hundreds of bombs, a dozen anti tank mines and more than 200 anti-personnel mines. They also have unearthed a well-fortified Soviet fighting position with a steel roof that was covered by dirt.

Scary stuff? Maybe. But Feldewerd is a study in cool control.

"I like the minefields," he said. "Mostly because there isn't anybody out here bothering you."

Indeed.

Once the heavy equipment operators have flailed a safe lane through a minefield, they hand off to a team that works the ground much like archeologists on a dig, probing and sifting dirt cupful by cupful. Except, of course, relics here are more volatile than dinosaur bones. This is slow, dusty work, much of it done while crawling or lying belly down.

Sgt. Steven Tyler from Sleepy Eye, Minn., is training others to use a device that resembles a beachcomber's metal detector. Only this gadget also has ground-penetrating radar capable of sizing up objects as deep as 8 inches.

Because this ground is littered with metal shrapnel and trash as banal as old sardine tins from Soviet mess kits, a metal detector alone would give so many false positives that the job would never get done, Tyler said. Further, some mines are mostly plastic and give only a weak hum on the metal detector.

"Ground-penetrating radar is a lifesaver out here," said Tyler, who learned to clear mines in Korea in 1988 and took extra training at Fort Leonard Wood in Missouri before deploying to Afghanistan. More than 100 troops are getting their first hands-on intensive training here in the minefields.

Donning body armor, protective boots and face shields, they work in pairs to clear branches off the safe lane. First the soldiers check a patch of soil for visible debris, then scan it with the metal detector/radar gizmo, marking suspicious spots. Finally, they get down on the ground and gingerly dig around the marked spots with a probe and garden trowel.

The hard-packed dirt is not helpful. A little heft behind the probe is needed to break the soil. Push too hard, though, and there's a danger of setting off a blast. The point is not to blow anything up but to mark the hot stuff for explosives teams.

Inching forward hour-by-hour, the manual detection teams clear criss-crossing lanes through the field, leaving large patches in between.

NEXT STEP: CANINES

Now come the dogs, pacing each uncleared patch, nose to the ground. They belong to RONCO Consulting Corp., a Virginia-based contractor working with the Minnesota battalion. The military also owns dogs the troops will use after the teams are trained.

The dogs are trained to smell explosives, plastics and metals, said Joel Murray, RONCO's program manager, and to signal a find by sitting in a certain way and looking at a handler. Trust between dog and handler must be unshakable, Murray said, and it takes months of training to develop.

"You have to trust the dog because you have to walk through the areas the dog has proofed," Murray said.

Even so, the soldiers use a two-dog test before they trust a patch of land. And they're careful to work under conditions that are ideal for the dogs—never when the wind is behind the dogs or when the dogs are tired.

When a dog makes a hit, the manual detection team follows through to size up and carefully uncover the find.

Mine-clearing has become one of Afghanistan's largest industries since the United Nations began coordinating the effort in 1990. The work has been paced by fits and starts because Afghanistan has been so politically volatile.

During the 1990s, the Taliban and other warring factions raided de-mining project offices, seizing equipment and assaulting staff members. Operations were sharply curtailed in 2001 as it became clear the United States would attack Taliban and Al-Qaida forces in response to the Sept. 11, 2001, attacks.

Since then, insurgents have plagued mine-removal teams. Last year, the United Nations suspended operations in eight provinces because of threats against workers. Assailants who ambushed their vehicle, shot and killed four U.N. de-miners in Farar Province in February, the Associated Press reported.

MANY CASUALTIES

Despite the attacks, there is little doubt that most Afghans are deeply thankful for the effort. Almost every family has suffered the casualties seen at an orthopedic clinic in Kabul run by the International Committee for the Red Cross. Nine in 10 of the workers and most of the patients are mine victims, said the director, Najmuddin, who like many Afghans goes by a single name.

He lost both of his legs 22 years ago while hauling sand from a riverbed near Kabul. His truck hit a land mine, knocking him unconscious for five days. When he woke, his life seemed to be over at age 18. After five empty years at home, he found the Red Cross clinic and a new life.

"I got prosthetics and they pushed me to walk," he said.

Deeply grateful, Najmuddin volunteered to work for the clinic for free. Instead, the clinic hired him and educated him as a physical therapist. In the 16 years since then, Najmuddin has seen a heartbreaking parade of mine victims: "I have seen many who lost one leg to a mine, then hit another and lost the second leg. I have seen one man who survived a third encounter. His wheelchair hit a mine, and he lost a hand and an eye."

For land mine victims, this clinic offers physical rehabilitation—new feet, legs and hands, along with lessons in using them. It also provides social rehabilitation, from processing the emotional horror of the blast to learning work skills.

Like Najmuddin, everyone has a story. Paranaz Spandyar, a 12-year-old wisp of a girl with haunting eyes, believed the pasture where she was herding goats had been cleared of mines. It wasn't. She lost her left leg below the knee in April.

Abjalal Hormat was a soldier when he lost a leg 12 years ago.

Fahim, 15, was walking near an abandoned Soviet checkpoint last year when a blast took one leg and severely burned the other, damaging his nerves. He dropped out of school after fifth grade.

Nasir, also 15, took one step off a well-worn walking path in his village in Parwan Province and lost one leg above the knee.

These are the lucky ones, Najmuddin said. They survived.

Any rewards the Minnesota troops gain from mine-clearing come from a sense of duty and humanitarianism. They get hazard pay for being in Afghanistan, a war zone, but nothing extra for hunting mines. Many of them will leave Afghanistan with skills they don't expect to use in the mine-free Midwest.

Specialist Douglas McLellan from Carlton, Minn., joked that the proof of his expertise will be going home in one piece: "Ten fingers and 10 toes, that's my résumé." Seriously, McLellan said, the mines are "all the proof I need that the work we're doing here is important."

HONORING VICTORY GARDENS THEATER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Victory Gardens Theater of Chicago for their twenty-eight memorable seasons of excellence and artistic achievement on the occasion of the world premiere of The Family Gold by Annie Reiner.

Since 1974 Victory Gardens Theater has flourished in its mission to support some of Chicago's most talented playwrights. In only a few years time, the theater became a major staple of the Illinois performing arts community, producing such successes as Stacy Myatt's The Velvet Rose.

In 1977, Dennis Zacek was recruited as the theater's new Artistic Director. Nationally renowned for his 150 productions, Zacek quickly moved the theater in many new innovative and creative directions, meriting the prestigious 1997 Sidney R. Yates Arts Advocacy Award.

Over the years, the Victory Gardens Theater has allied with several established production companies, most notably the Body Politic Theatre, as well as emerging groups including MPAACT, Roadworks Productions and Remy-Bumppo. These collaborations have brought to Chicago the finest and most imaginative onstage productions available. Featured playwrights have included Steve Carter, whose drama Pecong went on to productions in London, Newark, Minneapolis and San Francisco, and James Sherman, whose Beau Jest went on to become the longest-running show in the history of the Lambs Theatre in New York and has subsequently been translated into four different languages and performed in eight countries.

In 2001, the Victory Gardens Theater was globally honored with the Tony Award for its continuous level of artistic achievement in the development of playwrights and their work.

Mr. Speaker, I am proud of the high level of creative writing and acting consistently produced by the Victory Gardens Theater. I join with the people of Chicago in congratulating Victory Gardens Theater on their numerous achievements both on and off the stage, and wish them continued success with The Family Gold and all of their future productions.

HONORING MARGRIT BIEVER MONDAVI

HON. MIKE THOMPSON

CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor my good friend Margrit Biever Mondavi, a woman whose name is synonymous with good food, fine wine and great art the world over.

Mr. Speaker, we in the Napa Valley know that wine and food, like music and art, are sensory experiences meant to be savored. When these elements are combined, the result can be a masterpiece. We owe much of our appreciation to Ms. Mondavi's pioneering efforts in uniting these elements and in sharing her vision with us.

She joined the Robert Mondavi Winery in 1967 and created a showplace for artists, musicians, great chefs and winemakers. She also paired cooking classes with fine wine in the Great Chefs of France and the Great Chefs of American series at the winery. This internationally respected culinary series is now simply known as Great Chefs at Robert Mondavi Winery.

In 2003 she and her daughter Annie Roberts, the Executive Chef at Robert Mondavi Winery, earned the "Best in the World" distinction at the Gourmand World Cookbook awards for their collection of recipes and stories, "Annie & Margrit: Recipes and Stories from the Robert Mondavi Kitchen."

With her husband Robert Mondavi, whom she married in 1980, Margrit realized another dream with the opening in 2001 of COPIA, the American Center for Wine, Food and the Arts in downtown Napa. This was followed the same year with a gift to the University of California at Davis to seed the Robert Mondavi Institute for Wine and Food Science and the Robert and Margrit Mondavi Center for the Performing Arts.

Ms. Mondavi was also instrumental in rebuilding the original 18th Century Opera House in Napa and helped raise funds to restore this community treasure.

As a working artist herself, Margrit Biever Mondavi has created a line of home accessories for the Mondavi Winery. She is also an accomplished linguist and often translates her husband's speeches when they travel the world together promoting wine, food and the arts.

Mr. Speaker, Margrit Biever Mondavi is one of a kind, a pioneer and a visionary who has taught us all to love life a little bit more and to embrace the richness of our culture. Napa County is honoring our First Lady of wine, food and the arts for her many accomplishments and it is appropriate that we also recognize her here today.

DOCUMENTING THE ATROCITIES IN DARFUR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. WOLF. Mr. Speaker, the State Department also released today a report titled, "Documenting Atrocities in Darfur." The report documents over 1,100 interviews with refugees in Chad.

The report says that in over ¾ of the attacks, the Government of Sudan was directly involved and that the attacks were systematic and widespread.

I submit for the RECORD a copy of this report.

The evidence of the atrocities which have been committed is now clear. It is now time for the international community to act. There is now the chance to stop genocide in its tracks. We must keep pressure on Khartoum. The people living in the camps have little time left. Many are already gone.

The international community must come together to save lives. We must not fail the people of Darfur.

Again, I commend the administration for documenting the horrific evidence of genocide. The U.S. has spoken the truth. The international community must now do the same. There is little time to waste.

Documenting Atrocities in Darfur

[State Publication 11182, Released by the Bureau of Democracy, Human Rights, and Labor and the Bureau of Intelligence and Research September 2004]

SUMMARY

The conflict between the Government of Sudan (GOS), and two rebel groups that began in 2003 has precipitated the worst humanitarian and human rights crisis in the world today. The primary cleavage is ethnic: Arabs (GOS and militia forces) vs. non-Arab villagers belonging primarily to the Zaghawa, Massalit, and Fur ethnic groups. Both groups are predominantly Muslim.

A U.S. Government project to conduct systematic interviews of Sudanese refugees in Chad reveals a consistent and widespread pattern of atrocities committed against non-Arab villagers in the Darfur region of western Sudan. This assessment is based on semi-structured interviews with 1,136 randomly selected refugees in 19 locations in eastern Chad. Most respondents said government forces militia fighters, or a combination of both had completely destroyed their villages. Sixty-one percent of the respondents witnessed the killing of a family member, 16 percent said they had been raped or had heard about a rape from a victim. About one-third of the refugees heard racial epithets while under attack. Four-fifths said their livestock was stolen; nearly half asserted their personal property was looted. This assessment highlights incidents and atrocities that have led to the displacement of large portions of Darfur's non-Arabs.

An Atrocities Documentation Team, assembled at the initiative of the US Department of State's Bureau of Democracy, Human Rights and Labor (DRL), conducted interviews in Chad in July and August. The team was primarily composed of independent experts recruited by the Coalition for International Justice (CIJ), and also included experts from the American Bar Association (ABA), DRL, and the State Department's Bureau of Intelligence and Research (INR) as well as the US Agency for International Development (USAID). INR was responsible for compiling the survey data and producing the final report. USAID met the costs of the CIJ and ABA.

HUMANITARIAN CRISIS

As of August 2004, based on available information, more than 405 villages in Darfur had been completely destroyed, with an additional 123 substantially damaged, since February 2003. Approximately 200,000 persons had sought refuge in eastern Chad as of August, according to the UN High Commissioner for Refugees (UNHCR); the UN Office for the Coordination of Humanitarian Affairs reports another 1.2 million internally displaced persons (IDPs) remain in western Sudan. The total population of Darfur is 6 million. The lack of security in the region continues to threaten displaced persons. Insecurity and heavy rains continue to disrupt humanitarian assistance. The UN World Food Program provided food to nearly 940,000 people in Darfur in July. Nonetheless, since the beginning of the Darfur food program, a total of 82 out of 154 concentrations of IDPs have received food, leaving 72 locations unassisted. Relief and health experts warn that malnutrition and mortality are likely to increase as forcibly displaced and isolated villagers suffer from hunger and infectious diseases that will spread quickly among densely populated and malnourished populations. The health situation for the 200,000 refugees in Chad is ominous. The U.S. Centers for Disease Control and Prevention estimate that one in three children in the refugee settlements in Chad is suffering from acute malnutrition and that crude mortality rates are already well above emergency threshold levels (one per 10,000 per day).

HUMAN RIGHTS CRISIS

The non-Arab population of Darfur continues to suffer from crimes against humanity. A review of 1,136 interviews shows a consistent pattern of atrocities, suggesting close coordination between GOS forces and Arab militia elements, commonly known as the Jingaweit (Janjaweed). ("Jingaweit" is an Arabic term meaning "horse and gun.")

Despite the current cease-fire and UN Security Council Resolution 1556, Jingaweit violence against civilians has continued (cease-fire violations by both the Jingaweit and the rebels have continued as well). Media reports on August 10, 16, and 19 chronicled GOS–Jingaweit attacks in Western Darfur. In addition to their work on the survey, the interviewers had the opportunity to speak with newly arrived refugees who provided accounts that tended to confirm press reports of continuing GOS participation in recent attacks. Refugees who fled the violence on August 6 and 8 spoke with the team, providing accounts consistent with media reports: joint GOS military and Jingaweit attacks; strafing by helicopter gunships followed by ground attacks by the GOS military in vehicles and Jingaweit on horseback; males being shot or knifed; and women being abducted or raped. Respondents reported these attacks destroyed five villages. Multiple respondents also reported attacks on the IDP camp of Arja.

The UN estimates the violence has affected 2.2 million of Darfur's 6 million residents. The GOS claims it has been unable to prevent Jingaweit atrocities and that the international community has exaggerated the extent and nature of the crisis. The GOS has improved international relief access to IDPs in Darfur since July, but problems, including lack of security and seasonal rains, have hampered relief programs. Survey results indicate that most Sudanese refugees state that Jingaweit militias and GOS military forces collaborate in carrying out systematic attacks against non-Arab villages in Darfur.

ETHNOGRAPHIC BACKGROUND

Darfur covers about one-fifth of Sudan's vast territory and is home to one-seventh of its population. It includes a mixture of Arab and non-Arab ethnic groups, both of which are predominantly Muslim (see map, p. 6). The Fur ethnic group (Darfur means "homeland of the Fur") is the largest non-Arab ethnic group in the region. Northern Darfur State is home to the nomadic non-Arab Zaghawa but also includes a significant number of Arabs, such as the Meidab. Sedentary non-Arabs from the Fur, Massalit, Daju, and other ethnic groups live in Western Darfur State. The arid climate and the competition for scarce resources over the years have contributed to recurring conflict between nomadic Arab herders and non-Arab farmers, particularly over land and grazing rights. Various ethnic groups have fought over access to water, grazing rights, and prized agricultural land as desertification has driven herders farther south.

POLITICAL AND MILITARY CONFLICT

Ethnic violence affected the Darfur region in the 1980s. In 1986, Prime Minister Sadiq al-Mahdi armed the ethnic-Arab tribes to fight John Garang's Sudanese People's Liberation Army (SPLA). After helping the GOS beat back an SPLA attack in Darfur in 1991, one of these Arab tribes sought to resolve ancient disputes over land and water rights by attacking the Zaghawa, Fur, and Massalit peoples. Arab groups launched a campaign in Southern Darfur State that resulted in the destruction of some 600 non-Arab villages and the deaths of about 3,000 people. The GOS itself encouraged the formation of an "Arab Alliance" in Darfur to keep non-Arab ethnic groups in check. Weapons flowed into Darfur and the conflict spread. After President Bashir seized power in 1989, the new government disarmed non-Arab ethnic groups but allowed politically loyal Arab allies to keep their weapons.

In February 2003, rebels calling themselves the Darfur Liberation Front (DLF) attacked GOS military installations and the provincial capital of A Fashir. The DLF complained of economic marginalization and demanded a power sharing arrangement with the GOS. In March 2003, the DLF changed its name to the Sudan Liberation Movement/Army (SLMIA), intensified its military operations, unveiled a political program for a "united democratic Sudan," and bolstered its strength to some 4,000 rebels. The Justice and Equality Movement, with fewer than 1,000 rebels, was established in 2002 but has since joined the SLM/A in several campaigns against GOS forces.

The GOS has provided support to Arab militiamen attacking non-Arab civilians, according to press and NGO reports. Refugee accounts corroborated by US and other independent reporting suggest that Khartoum has continued to provide direct support for advancing Jingaweit. Aerial bombardment and attacks on civilians reportedly have occurred widely throughout the region; respondents named more than 100 locations that experienced such bombardment (see map, p. 8). The extent to which insurgent base camps were co-located with villages and civilians is unknown. The number of casualties caused by aerial bombardment cannot be determined, but large numbers of Darfurians have been forced to flee their villages. According to press and NGO reports, the GOS has given Jingaweit recruits salaries, communication equipment, arms, and identity cards.

CURRENT INTERNATIONAL RESPONSE

On July 30, 2004, the UN Security Council adopted Resolution 1556, which demanded that the GOS fulfill commitments it made to disarm the Jingaweit militias and apprehend and bring to justice Jingaweit leaders and their associates; it also called on the GOS to allow humanitarian access to Darfur, among other things. The UN placed an embargo on the sale or supply of materiel and training to non-governmental entities and individuals in Darfur. The resolution endorsed the African Union deployment of monitors and a protection force to Darfur. It requested the Secretary-General to report on GOS progress in 30 days and held out the possibility of further actions, including sanctions, against the GOS in the event of non-compliance.

The Security Council has expressed its deep concern over reports of large-scale violations of human rights and international humanitarian law in Darfur. The main protection concerns identified by the UN and corroborated by the Atrocities Documentation Team include threats to life and freedom of movement, forced relocation, forced return, sexual violence, and restricted access to humanitarian assistance, social services, sources of livelihood, and basic services. Food security has been precarious and will probably worsen as the rainy season continues. Many displaced households no longer can feed themselves because of the loss of livestock and the razing of food stores.

Relief agencies' access to areas outside the state capitals of Al Junaynah, Al Fashir, and Nyala was limited until late May. Visits by UN Secretary-General Annan and Secretary of State Powell in June 2004 brought heightened attention to the growing humanitarian crisis. As a result, the GOS lifted travel restrictions and announced measures to facilitate humanitarian access. Nonetheless, serious problems remain, specifically capacity, logistics, and security for relief efforts. USAID's Disaster Assistance Response Team and other agencies have deployed additional staff to increase emergency response capacity.

REFUGEE INTERVIEWS—SURVEY RESULTS

The Atrocities Documentation Team conducted a random-sample survey of Darfurian refugees in eastern Chad in July and August 2004. The team interviewed 1,136 refugees, many of whom had endured harsh journeys across the desolate Chad-Sudan border.

A plurality of the respondents were ethnic Zaghawa (46 percent), with smaller numbers belonging to the Fur (8 percent) and Massalit (30 percent) ethnic groups. Slightly more than half the respondents (56 percent) were women. (See map, p. 6, showing ethnicity of respondent refugees.)

Analysis of the refugee interviews points to a pattern of abuse against members of Darfur's non-Arab communities, including murder, rape, beatings, ethnic humiliation, and destruction of property and basic necessities. Many of the reports detailing attacks on villages refer to government and militia forces, preceded by aerial bombardment, acting together to commit atrocities. Respondents said government and militia forces wore khaki or brown military uniforms. Roughly one-half of the respondents noted GOS forces had joined Jingaweit irregulars in attacking their villages. Approximately one-quarter of the respondents said GOS forces had acted alone; another 14 percent said the Jingaweit had acted alone. Two-thirds of the respondents reported aerial bombings against their villages; four-fifths said they had witnessed the complete destruction of their villages. Sixty-one percent reported witnessing the killing of a family member. About one-third of the respondents reported hearing racial epithets while under attack; one-quarter witnessed beatings. Large numbers reported the looting of personal property (47 percent) and the theft of livestock (80 percent).

Most reports followed a similar pattern:

(1) GOS aircraft or helicopters bomb villages.

(2) GOS soldiers arrive in trucks, followed closely by Jingaweit militia riding horses or camels.

(3) GOS soldiers and militia surround and then enter villages, under cover of gunfire.

(4) Fleeing villagers are targets in aerial bombing.

(5) The Jingaweit and GOS soldiers loot the village after most citizens have fled, often using trucks to remove belongings.

(6) Villages often experience multiple attacks over a prolonged period before they are destroyed by burning or bombing.

When describing attacks, refugees often referred to GOS soldiers and Jingaweit militias as a unified group; as one refugee stated, "The soldiers and Jingaweit, always they are together." The primary victims have been non-Arab residents of Darfur. Numerous credible reports corroborate the use of racial and ethnic epithets by both the Jingaweit and GOS military personnel; "Kill the slaves; Kill the slaves!" and "We have orders to kill all the blacks" are common. One refugee reported a militia member stating, "We kill all blacks and even kill our cattle when they have black calves." Numerous refugee accounts point to mass abductions, including persons driven away in GOS vehicles, but respondents usually do not know the abductoes' fate. A few respondents indicated personal knowledge of mass executions and gravesites.

A subset of 400 respondents were asked about rebel activity in or near their villages. Nearly nine in 10 said there was no rebel activity before the attack. Nine percent noted rebels were in the vicinity; 2 percent said the rebels were present in their villages. The overwhelming majority (91 percent) said their village was not defended at all against the attack. One percent asserted their village had been successfully defended and another 8 percent cited an unsuccessful defense.

Respondents reported ethnic tensions in the region had risen over the past few years. For example, markets in which non-Arabs and Arabs had previously interacted have become segregated, and almost all villages are now said to be ethnically homogenous. According to many of the interviewees, GOS soldiers and Jingaweit attacked villages because of their non-Arab populations; men of fighting age have been abducted, executed, or both; and women and girls have been abducted and raped.

REFUGEE INTERVIEWS—SURVEY METHODOLOGY

This report is based on results from personal interviews conducted by three teams between July 12 and August 18, 2004. DRL, USAID, and the Coalition for International Justice jointly designed the questionnaire in conjunction with other NGOs. INR provided technical assistance on questionnaire design and survey methodology. The teams used a semi-structured interviewing approach that permitted the refugees to give the broadest possible accounts of the events they had experienced. The interviews were conducted in 19 locations in eastern Chad, including UNHCR camps and informal settlements.

Refugees were selected using a systematic, random sampling approach designed to meet the conditions in Chad. Interviewers randomly selected a sector within a refugee camp and then, from a fixed point within the sector, chose every 10th dwelling unit for interviewing. All adults were listed within the dwelling unit, and one adult was randomly selected. This methodology ensures the results are as representative as possible in light of refugee conditions. Interviews took place in private, with only the refugee, a translator, and the interviewer present.

Several characteristics of the survey must be underscored. First, accounts of atrocities may be dated, depending on when the individual refugee fled his or her village. Second, the data may actually undercount the extent of atrocities because mass attacks often leave few survivors. Third, most respondents come from villages within 50 miles of the border in Western Darfur and Northern Darfur States. Fourth, it is very likely that rapes are underreported because of the social stigma attached to acknowledging such violations of female members of one's family.

The results are broadly representative of Darfurian refugees in Chad but may not be representative of internally displaced persons still in Darfur because they were not included in the sample. A margin of error for this sample cannot be calculated because of the lack of accurate demographic information about the refugee camps and settlements. The methodology was designed to achieve as broadly representative a sample as was feasible under the prevailing conditions. Dates of events reported by refugees frequently utilized the Islamic calendar; these dates were then converted to dates on the Gregorian calendar. (See map, p. 6, showing interview locations.)

The field data for the 1,136 interviews were compiled using a standardized data entry process that involved the collection and coding of detailed information from each refugee respondent's set of answers. The researchers then used a statistical program to aggregate the data and analyze the results.

IN HONOR OF PETER OAKLEY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to recognize the achievements of Peter Oakley upon his success at the Senior British Open in Northern Ireland. A six-time Delaware Open champion, he finished one-stroke ahead of Tom Kite and Eduardo Romero to secure victory and become the first qualifier to win the Senior British Open in its 18-year history. Mr. Oakley was one of 112 golfers competing for one of the 26 slots available for qualifiers.

A resident of Delaware, Mr. Oakley is both an accomplished area professional golfer, as well as director at "The Rookery," a public golf course which he helped create near Milton, Delaware. Before the Senior British Open, he had competed in seventeen major golf championships, including six Professional Golf Association Championships and three U.S. Opens. Just this year, Mr. Oakley qualified to join his brother David on the European Senior Tour.

In Delaware, Mr. Oakley is one of three six-time Delaware Open champions, with his most recent victory occurring in 2000. His biggest victory, prior to the Senior British Open, was in 1999 when he won the PGA Senior Club Professional Championship. With his victory at the Senior British Open, Mr. Oakley earns a twelve-month exemption which allows him to compete in every event on the Champions Tour.

Mr. Speaker, I commend and congratulate Peter Oakley upon his victory at the Senior British Open. His hard work and love for the game of golf is evident, and I am very proud that he is a Delawarean.

TRIBUTE TO DR. JAMES D. EDOFF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. LEVIN. Mr. Speaker, I rise to honor a distinguished member of the Michigan education community, Dr. James D. Edoff, upon his retirement as Superintendent from the Fitzgerald Public Schools in the City of Warren. He has served in this capacity for twelve of the thirty-five years he has been associated with the district.

Dr. Edoff's exceptional career in education spans a broad range of positions, including teacher in the disciplines of science and mathematics at the elementary, middle and high school levels, high school debate coach, adult education instructor, computer coordinator, Director of Curriculum and Instruction, Assistant Superintendent, and Superintendent.

Dr. Edoff's international experiences include studying, teaching and participating in seminars and symposiums in Wales, the Netherlands, Peoples Republic of China, Germany, Japan, England and Austria. His work has been recognized both locally by the City of Warren in the "Exceptional Service to the Community" award and internationally through the Fulbright Memorial Award to study the Japanese educational school system in Japan as a guest of the government of Japan, and the Netherlands Study Fellowship.

His leadership involvement in the community has been extensive and is exemplified by his chairmanship of Creating a Healthier Macomb, an organization dedicated to the medical, economic and spiritual improvement of the community. His interest in career training for students within four public school districts is shown in the position he holds as Chairperson of the South Macomb Technical Education Consortium.

Jim Edoff has been a forceful, persuasive advocate for an equal public education for all students. He has been instrumental in endeavors to meet that goal in a school district that does not possess the fiscal resources that make it easy to achieve. I have been pleased to join him at the numerous noteworthy events including the dedication of the Automotive and Pre-Engineering Technology Institute and the Communication Arts Wing of the High School. His achievements, as well as his leadership approach, have been an inspiration to parents and students, and to me personally.

Mr. Speaker, I ask my colleagues to join me in recognizing this fine individual and thanking him for his dedication to our public education system. He has made a difference in the lives of numerous children and families, and we will miss his regular involvement in our local education community. I wish him good health and happiness in his retirement and much success as he sets out on his next path which I am confident will build on the good deeds of the one which draws to a close at Fitzgerald.

RECOGNIZING THE JAVITS-WAGNER-O'DAY PROGRAM AND PRIDE INDUSTRIES

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. DOOLITTLE. Mr. Speaker, I rise today to recognize a small federal program that is often overlooked as a way to provide employment opportunities for people with disabilities. The Javits-Wagner-O'Day Program, often referred to as JWOD, provides job opportunities to more than 38,000 Americans who have severe disabilities or who are blind. Under the JWOD Program, these Americans are able to secure jobs and job training necessary to receive good wages and benefits and gain greater independence, self-esteem, and quality of life. These individuals enjoy full participation in their community and are able to market the skills they have learned through their work with the JWOD Program into other public and private sector jobs.

The JWOD Program empowers people with disabilities who traditionally face an unemployment rate of 70 percent and rely heavily on social support programs such as welfare and SSI.

In my Fourth Congressional District of California and throughout the nation, PRIDE Industries, through its excellent federal-private sector partnership with NISH, is able to utilize the JWOD Program to create and sustain employment opportunities for people with severe disabilities.

On behalf of the many people with disabilities who provide important services, I salute the important contributions of the JWOD Program and PRIDE Industries headquartered in Roseville, California, and hereby commend all persons who are committed to and work towards enhancing employment opportunities for people with disabilities.

TRIBUTE ON THE 5TH ANNIVERSARY OF MEXICAN HERITAGE PLAZA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. LOFGREN. Mr. Speaker, I rise to acknowledge and commend the Mexican Heritage Plaza/Centro Cultural de San José on its 5th anniversary.

The Mexican Heritage Corporation opened its Mexican Heritage Plaza (MHP) in September 1999 to nurture pride and promote appreciation, interest and awareness of California's Latino cultural heritage.

The Mexican Heritage Plaza/Centro Cultural de San José is in the heart of San José's oldest and largest Mexican-American community. The Plaza's goals are to capture the spirit of the Mexican-American community, to complement neighboring schools by providing educational opportunities, to establish a "landmark" gathering place and to provide a center for learning about history and culture. The

Mexican Cultural Heritage Gardens and Plaza have become a destination for everyone who lives in or visits the Bay Area.

The complex includes a 500-seat state-of-the-art theater, classrooms, three distinct thematic gardens, a centralized plaza and and La Galeria, a 4,000-square foot exhibition space with two art galleries celebrating the Latino legacy. La Galeria is one of only ten affiliates of the Smithsonian Institution in California.

MHP has launched the annual San José International Mariachi Festival and Conference, a successful education and concern program. Every July, they teach hundreds of children and adults the music and dance that originated in western Mexico. The public is invited to Mariachi Concerts featuring world-renowned musicians, a splendid Mariachi Mass, a procession on Sunday and an outdoor Mariachi Festival at the Plaza.

I can tell you from first-hand experience that I am proud of the leadership, volunteers and network of supporters whose dedication has built the Mexican Heritage Plaza/Centro Cultural de San José into an integral part of the fabric of our local community.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on roll call votes 424, 425, 426, and 427. I was regrettably absent from the chamber on September 8th during the roll call votes. Had I been present, I would have voted "aye on roll call 424, and "no" on roll calls 425, 426 and 427.

80TH BURNING OF ZOZOBRA

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. UDALL of New Mexico. Mr. Speaker, a 50-foot man stuffed with shredded documents will go up in flames tonight at Fort Marcy Park in Santa Fe. Each year the Kiwanis Club of Santa Fe stages the burning of Zozobra, kicking off the annual Fiestas de Santa Fe on the following Labor Day. Zozobra centers around the ritual burning in effigy of Old Man Gloom, or Zozobra, to dispel the hardships and travails of the past year. Over 30,000 people are expected to attend the 80th anniversary of this celebrated tradition tonight.

Zozobra is the invention of Santa Fe painter Will Shuster, who had the first burning of a 3-foot-high effigy in his back yard back in 1924. His inspiration for Zozobra came from the Holy Week celebrations of the Yaqui Indians of Mexico; an effigy of Judas, filled with firecrackers, was led around the village on a donkey and later burned. A newspaper editor and friend of Schuster's came up with the name Zozobra, which is Spanish for "the gloomy one."

The Fiestas celebration began in 1712 to celebrate an expedition by Don Diego de Vargas, who reconquered the territory of New Mexico. Zozobra became part of the Fiestas in 1926, and the Kiwanis club began sponsoring the burning in 1963 as its major fundraiser.

The effigy is a giant animated wooden puppet that waves its arms and growls ominously at the approach of its fate. A major highlight of the pageant is the fire spirit dancer, dressed in a flowing red costume, who appears at the top of the stage to drive away the white-sheeted "glooms" from the base of the giant Zozobra. The fire dance was created by Jacques Cartier, a former New York ballet dancer and local dance teacher, who performed the role for 37 years. His dance student, James Lilienthal took over the fire spirit role in 1970 and has continued it for 30 years.

Mr. Shuster constructed the figure of Zozobra until 1964, when he gave his detailed model to the Kiwanis Club to continue the tradition. Over the years the effigy has grown larger, reaching a height of 51 feet. Zozobra is a well crafted framework of preplanned and pre-cut sticks, covered with chicken wire and yards of muslin. It is stuffed with bushels of shredded paper, which traditionally includes obsolete police reports, paid off mortgage papers, and even personal divorce papers.

The festival is so popular that children arrive in the park in the morning to watch Zozobra's assembly. Spectators, who have paid a nominal fee to watch the event, continuously roar, "Burn him," until Zozobra is destroyed. Since 1952, the show has raised over $300,000, which the Kiwanis has used to provide college scholarships and camp fees for physically challenged children.

Mr. Speaker, Zozobra is an annual event families and friends in the community look forward to and a meaningful tradition to northern New Mexico. I ask that my colleagues join with me in honoring the 80th anniversary of Zozobra.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE FORD HOUSE VISITOR CENTER AND MUSEUM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the Ford House Visitor Center and Museum as it celebrates its 150th Anniversary.

In 1851 Jerome Bursley Ford arrived on the Mendocino Coast and discovered the lumber resources he needed to help build the City of San Francisco. He returned to Mendocino with the equipment and men needed to establish the first sawmill in the area. The town of Mendocino, a quaint New England style village, grew up around the Mendocino Lumber Company. In 1854, Mr. Ford made plans to build a new home from the locally milled lumber for his new bride, Martha Hayes. The newlyweds arrived following their East coast wedding to inhabit the house on July 4, 1854.

The Ford House remained a company home until the lumber company closed in 1938. In the early 1970's, a local artist, Emmy Lou Packard, initiated a community effort to save the coastal headlands on which the house is located, from commercial development. This successful citizen action resulted in the California Department of Parks and Recreation purchasing the house in 1972 and eventually restoring it to its 1870 décor.

In 1984 it opened its doors as the Ford House Visitor Center and Museum. The Museum houses artifacts related to the important historical contribution of the lumber industry to Mendocino. Artist Len Peterson handcrafted a scale model of the village as it was in 1890 and a scale wooden loading chute to illustrate how lumber was loaded onto schooners. There is a room of early logging history including photos and tools. Seasonal exhibits of natural history are also on display.

Mendocino Area Parks Association, a not for profit organization, provides oversight and raises funds for the Ford House. The Center is staffed by volunteers who share their knowledge and enthusiasm with over 22,000 visitors each year.

Mr. Speaker, it is appropriate that we recognize Mendocino Ford House Visitor Center and Museum on the occasion of its 150th anniversary.

A SALUTE TO RON CARTER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert, which occurs during our Foundation's Annual Legislative Conference, I rise today to salute the lifetime achievements of one of the most distinguished artists in American music history, Ron Carter. Just a few years ago, in 1998, Ron Carter received the prestigious Jazz Masters Award from the National Endowment of the Arts. The following biography, found on Carter's own web page, chronicles a career of accomplishment deserving of such high recognition, and of this body's thoughtful attention and respect:

Ron Carter is among the most original, prolific, and influential bassists in jazz. With more than 2,500 albums to his credit, he has recorded with many of music's greats: Tommy Flanagan, Gil Evans, Lena Horne, Bill Evans, B.B. King, the Kronos Quartet, Dexter Gordon, Wes Montgomery, and Bobby Timmons. In the early 1960s he performed throughout the United States in concert halls and nightclubs with Jaki Byard and Eric Dolphy. He later toured Europe with Cannonball Adderley. From 1963 to 1968, he was a member of the classic and acclaimed Miles Davis Quintet.

Ron Carter was named Outstanding Bassist of the Decade by the Detroit News, Jazz Bassist of the Year by Downbeat magazine, and Most Valuable Player by the National Academy of Recording Arts and Sciences. In 1993 Carter earned a Grammy award for Best Jazz Instrumental Group, the Miles Davis Tribute Band, and another in 1998 for Call 'Sheet Blues, an instrumental composition from the film Round Midnight. In addition to scoring and arranging music for many films, including some projects for the Public Broadcasting System, Carter has composed music for A Gathering of Old Men, starring Lou Gosset Jr., The Passion of Beatrice directed by Bertrand Tavernier, and Blind Faith starring Courtney B. Vance. Carter also shares his expertise in the series of books he authored, among which are Building Jazz Bass Lines and The Music of Ron Carter; the latter contains 130 of his published and recorded compositions.

Carter earned a bachelor of music degree from the Eastman School in Rochester and a master's degree in double bass from the Manhattan School of Music in New York City. He has also received two honorary doctorates, from the New England Conservatory of Music and the Manhattan School of Music, and was the 2002 recipient of the prestigious Hutchinson Award from the Eastman School at the University of Rochester. Carter has lectured, conducted, and performed at clinics and master classes, instructing jazz ensembles and teaching the business of music at numerous universities. He was Artistic Director of the Thelonious Monk Institute of Jazz Studies while it was located in Boston and, after 18 years on the faculty of the Music Department of The City College of New York, he is now Distinguished Professor Emeritus although, as a performer, he remains as active as ever.

Bass Frontiers, in one of the many statements of acclaim reflected on Carter's web page sums it up and says it all: "[Carter] has proven through many years of performing and recording why he is a true jazz legend."

Ron Carter's most recent recording in 2003 was The Golden Striker (Blue Note Records), featuring Mulgrew Miller and Russell Malone. Earlier that same year he released Eight Plus (Dreyfus Records).

IN HONOR AND RECOGNITION OF THE 2004 INTERNATIONAL CHILDREN'S GAMES IN CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. KUCINICH. Mr. Speaker, I rise in honor and recognition of the 2004 International Children's Games, being held for the first time in the United States, in Cleveland, Ohio. I also honor and recognize the Games' founder, Professor Metod Klemenc of Celje Slovenia, who organized the first Children's Games on June 5, 1968.

Professor Klemenc, a peacemaker and visionary, has created a haven of international exchange for the children of the world—a bridge of unity, spanning oceans and mountains, that offers safe passage to children of distant places and distant cultures. His dream springs into motion every year, inspired by competition, sport and games. The International Children's Games gives these child athletes a deeper understanding of children and cultures from faraway lands, and illuminates a simple truth: that our singular hope, humanity, and dreams as children, and as nations, live within all of us.

The International Children's Games, endorsed by the International Olympic Committee, is the only worldwide, athletic event for youth that connects sports with cultural exchanges, educational programs and economic development. Three thousand young athletes will unite with teammates and coaches from across the globe, representing their cities as ambassadors of cultural exchange and good will. I am honored to welcome all the participants, volunteers and organizers of the International Children's Games to Cleveland, Ohio. The blend of cultures that has enriched the City of Cleveland mirrors the diversity of the athletes that have journeyed here to learn, play, and carry these wonderful memories back to their communities across the seas.

Mr. Speaker and colleagues, please join me to honor, acknowledge and welcome everyone associated with the International Children's Games, especially the young athletes. Embracing the hope and vision of the Games' founder, Professor Metod Klemenc, these Games exist to promote the spirit of friendly competition, teamwork, dialogue and interaction between children all over the world. Let the day begin—let the games start.

IN HONOR OF DANIEL R. MONEZ, NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Daniel R. Monez, who is retiring as Chief of Police of the City of Napa, in California's 1st District. Chief Monez's outstanding contributions and dedication to our community are truly appreciated.

Dan began his career in law enforcement as a part time Police Trainee for the Berkeley Police Department. He fell in love with the profession and in 1971 he was sworn in as a Berkeley Police Officer. He then went on to work in the Solano County Sheriff's Department. In 1987 Dan was hired as Chief of Police for the City of Napa.

During his time as Chief of Police the Department underwent many changes. In 1987 there were only a few computers at the station, now every office has a computer and dispatch is completely automated. Squad cars have been improved and today every patrol car is equipped with mobile data computers. During his tenure the department began the G.R.E.A.T. program, D.A.R.E. program as well as the School Resources Officer program.

Dan has made many contributions to the community outside his official duties in the police department. He was a member of the Greater Napa Kiwanis Club, the Napa County Hispanic Network and was a founding member of the Napa County Safe Schools Foundation and the "If Given A Chance" scholarship program. He is also a Board Member for Aldea Children's Services and the Family Support Network. The Board of Supervisors appointed him to the Juvenile Justice Advisory Committee and the Family Violence Prevention Committee.

Dan and his wife Diana have two children, Robert and Mindy. In 2002 Dan and Diane were named the Napa County Volunteers of the Year. Dan has taught criminal justice courses at surrounding colleges and is currently an adjunct faculty member at Napa Valley College. Dan is passionate about acting and has appeared in 11 stage plays.

Mr. Speaker and colleagues, Daniel R. Monez set the standard of dependability, bravery and hard work that should be followed in all communities. His commitment to our community has been shown time and time again. For these reasons and countless others, it is most appropriate that we honor him at the time of his retirement and extend our best wishes to him.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. PORTMAN. Mr. Speaker, yesterday, I was absent attending a previously scheduled commitment and missed the recorded vote on rollcall No. 428, on the amendment offered by Representative HEFLEY to H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services and Education Appropriations Act.

Had I been present, I would have voted "no" on rollcall No. 428.

INTRODUCTION OF A RESOLUTION COMMENDING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND ITS EMPLOYEES FOR ITS DEDICATION AND HARD WORK DURING HURRICANES CHARLEY AND FRANCES

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. EHLERS. Mr. Speaker, today I rise to introduce H. Con Res. 488, a resolution recognizing the hard work and dedication of the employees of the National Oceanic and Atmospheric Administration (better known as NOAA) who provide hurricane forecast and warnings to our citizens. In the past month, the state of Florida was hit by back-to-back hurricanes, a tragedy which has not occurred since 1964. The employees of NOAA worked tirelessly to provide timely and accurate warnings to residents of the affected areas. They remain hard at work even at this moment as another tropical storm, Hurricane Ivan, is heading towards the U.S. coast.

Let me name the various offices in NOAA that contributed to accurate forecasts of Hurricanes Charley and Frances: The National Hurricane Center; The Southern and Eastern Region Weather Forecast offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile and Morristown; The National Ocean Service, which provided help with storm surge prediction; The National Environmental Satellite Data and Information

Service, which provided the satellite images we all saw on television; The NOAA Marine and Aviation Operation Hurricane Hunters, who fly planes into the hurricanes to gather data; and The Southeast River Forecast Center, which provided flood predictions

And I would be remiss without acknowledging the additional hurricane reconnaissance missions flown by the Air Force Reserve out of Keesler Air Force Base in Biloxi, Mississippi. Also, I want to acknowledge the work of the local and national media in disseminating NOAA's hurricane forecasts and warnings.

The dedicated employees at these offices worked round the clock, spending days at a time in their offices away from their families and homes that were often directly affected by the hurricanes. I commend these government employees for their service to provide life-saving warnings and information to the people in the hurricane's path and support them as they continue to provide us with critical information during this (and every) hurricane season.

HONORING REVEREND LEE M. SEWARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dedicated and righteous South Carolinian on the occasion of his retirement from the ministry after 60 years of distinguished service. Reverend Lee M. Seward will leave his position as the Presiding Elder of the Lancaster District, Columbia Conference of the Seventh Episcopal District of the African Methodist Episcopal Church on September 17, 2004, and he will be sorely missed.

Lee Seward was born one of ten children to Mr. and Mrs. William Seward of Andrews, South Carolina. He grew up in this large family that treasured education and faith, and these virtues shaped his future path.

Reverend Sewards love of learning led him to earn a Bachelor's degree from Allen University in Columbia, South Carolina and a Master's from South Carolina State University in Orangeburg, South Carolina. He pursued further study at the University of South Carolina in Columbia.

In 1967, Reverend Seward was awarded a National Defense Education Act (N.D.E.A.) Fellowship to study Linguistics at Emory University in Atlanta, Georgia. He did his theological training at Dickerson Theological Seminary at Allen University.

In addition to his education, Reverend Seward also learned many of life's lessons during his service in World War II. His commitment to serve his country further manifested itself in his lifelong dedication to education and to his church.

Reverend Seward embarked on a duel career teaching English for 13 years at Roberts High School in Holly Hill, and a combined 12 years teaching at Sanders Middle School and Alcorn Middle School in Columbia, while also serving in the ministry. Eventually the ministry became his primary focus, and he pastored at churches throughout the Midlands and in Charleston.

During his distinguished career, Reverend Seward served as the Presiding Elder of the Columbia District, Kingstree District, Spartanburg District, Georgetown District and Lancaster District for the AME Church in South Carolina. The extensive scope of his ministry is evidence of his extraordinary talent and dedication to his calling.

Reverend Seward, a community activist, is a lifetime Member of the N.A.A.C.P. and has been active in numerous religious and political organizations as well. I number him among my most valued friends and mentors.

He was married to the late Lula Pressley Seward, who was also a good friend and mentor to me.

The two of them had seven children, six boys and one girl. They have three granddaughters, three grandsons, and one great grandson.

Mr. Speaker, I ask you and our colleagues to join me in congratulating Reverend Seward on his tremendous contributions to the ministry. As a teacher and a minister, he has set a very high standard that I hope future generations will seek to emulate.

CONGRATULATING WHEATLAND TUBE COMPANY FOR THEIR EXCEPTIONAL RECORD IN THE EMPLOYMENT OF VETERANS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to congratulate and acknowledge the Wheatland Tube Company, headquartered in Collingswood, New Jersey, as a recipient of the National Outstanding Employer of Veterans Award from the American Legion and the Disabled Veterans of America. This award was presented on September 1, 2004 at the American Legion's 86th National Convention in Nashville, Tennessee.

The award, given to a select number of firms each year by the 2.7 million member American Legion, is designed to recognize "an exceptional record in the employment of veterans," and committed efforts to give veterans consideration in employment and job training opportunities. Over the past several years, Wheatland has demonstrated considerable dedication to this cause, working closely with the Mercer County, Pennsylvania Career Link program to provide an accessible system through which veterans have access to employment, education and training resources.

No one is more deserving of assistance in securing employment than those brave men and women who give of themselves for the defense of our country. Their training, discipline, and resourcefulness serve as invaluable assets for companies across the country, and I am proud to recognize one such company in my district who has made special and notable efforts in the field. I congratulate the Wheatland Tube Company again and wish them best of luck in their future endeavors in this area and beyond.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall votes No. 422 and 423. If present I would have voted "yea."

ASSAULT WEAPONS BAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. MORAN of Virginia. Mr. Speaker, I rise today to draw attention to an issue that has languished here in the House and in the other body.

Ten years ago, Congress, at the urging of then-President Clinton, enacted sweeping reforms in an effort to crack down on crime. 100,000 officers were added to the law enforcement ranks. Background checks and waiting periods to purchase firearms were made mandatory. And perhaps one of the most important pieces in this omnibus anti-crime initiative, the Assault Weapons Ban (AWB), was brought into effect.

These reforms have worked. In the ten years since enactment, crime in the U.S. has gone down dramatically. Firearm deaths have decreased by 25 percent. The use of semi-automatic guns in crimes has lowered by nearly 50 percent.

But on Monday, September 13th, one of the key policies that has made the past decade an anti-crime success story will be dismantled. Despite campaign promises in 2000 that the law would be reauthorized, President Bush has not lifted a finger to save the Assault Weapons Ban. At the same time, the House and Senate Majority Leadership have consistently opposed efforts to bring the bill up for a vote.

Despite this unwillingness to act, the sad fact remains that the banned assault weapons and copycat versions that gun manufacturers issued to legally circumvent the law lead to gun deaths. Assault weapons are being used in one out of every five killings of law enforcement officers in the U.S. These guns have no use for hunters and very limited use for sport shooting. To most people, this is a common sense public safety issue. Polls have consistently shown that nearly three-fourths of the public support extending the AWB.

On Monday, if we lose the assault ban, which appears to be the case barring a legislative miracle, then we will have lost both a symbolic and practical tool in the fight against gun violence in America. Our streets will once again be less safe. Police officers will have a greater reason to worry about their safety, and gangs, terrorists, drug dealers, and criminals of every description will have greater access to weapons enabling their activities and putting the safety of all Americans at risk.

Mr. Speaker, I call on this body to listen to the American public and do its duty to protect the safety of our citizens. The Assault Weapons Ban should be brought up for a vote immediately.

CONDEMNING THE TERRORIST ATTACK IN THE CITY OF BESLAN, RUSSIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. HASTINGS of Florida. Mr. Speaker, the American people were struck with dismay upon hearing that on September 1st, 2004, terrorists seized School No. 1 in the city of Beslan, North Ossetia, Russia and held over 1,000 children, teachers, parents, and school employees hostage.

After 53 hours of unspeakable horror, we saw on TV when the hostage-takers began firing on hostages who were attempting to flee and set off explosions in the compound, and when Russian security forces stormed the school compound.

Tragically, as of September 7, 2004, the official death toll stood at 394, plus the 30 terrorists: 186 children are missing. The North Ossetian health ministry said 156 of the dead were children. More than 700 people needed medical help after the crisis. The regional health ministry said 411 remained hospitalized, 214 of them children.

There is absolutely no justification for such acts, which do not represent the will of the average Chechen, who wants the carnage in the Caucasus to cease.

Mr. Speaker, it is the nature of terrorism that every time one thinks there is a limit to the depths to which terrorists can sink, they contrive even more inhumane atrocities. I am particularly repulsed at the use of children as hostages and the subsequent death of many of them.

Mr. Speaker, I condemn, in the strongest terms, this and previous terrorist attacks on innocent citizens of the Russian Federation, and stand in solidarity with the government and people of Russia in combating the forces of international terrorism.

As memorial services are underway in the city of Beslan and elsewhere in Russia, the people of the United States stand with the people of Russia, and send them their prayers. Also, on behalf of the United States House of Representatives, allow me to offer our sincerest condolences to the victims of the attack and to their relatives.

SENATE—*Friday, September 10, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Infinite Spirit, You made heaven and Earth, the sea and all that is in them. Thank You for Your gracious righteousness that is the same yesterday, today, and forever. Help us to find rest and peace in You. Loose us from the chains of addictions that prevent us from doing Your will. Remind us of the foolishness of seeking security apart from You. Make us a righteous Nation so that You will be our shelter and shield. Bless the Members of this body. Help them in the making of laws to execute justice for the oppressed and to set the captives free. Protect them in their work and keep them from those things that lead to ruin.

Today we pause to remember the victims of September 11. Comfort their families and friends and continue to be the shield of protection for America; for You are our rock and our Redeemer. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMEMBRANCE OF SEPTEMBER 11, 2001

The PRESIDENT pro tempore. Under the previous order, the Senate will observe a moment of silence in remembrance of the events of September 11, 2001.

(Moment of silence.)

LEADER TIME

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the use of leader time. The majority leader is recognized.

REFLECTING ON SEPTEMBER 11, 2001

Mr. FRIST. Mr. President, this morning we in the Senate honor the memory of the victims of the September 11 attacks. Tomorrow, all Americans will take time from the regular course of their weekend to do the same—to reflect in their own personal way on the terrible events of 3 years ago.

The essence of the tragedy of September 11, 2001, remains self-evident: The victims were innocent. They were simply going about their daily lives, working at their desks, answering emergency calls, traveling on business or vacation.

All had families who loved them and still love them to this day. I think of Brenda Vandever of Farragut, TN. She lost her brother, Tony Karnes, in the attack on the World Trade Center Towers. Brenda recently said:

> I got over the car crash that my other brother died in, and I dealt with it when my mom and dad died. But Tony went to work that day thinking just like we do, that nothing is going to happen. You just don't get over that.

We all feel a profound sadness for those who lost loved ones on that fateful day. There is little we can say or do to fill the immense void in their hearts. But we can hope and we can pray that one day the wounds of those who still hurt may heal.

September 11 impressed upon us that life is a precious gift. Every life has a purpose. And I think we all have a duty to devote at least a small portion of our daily lives to ensuring that neither America nor the world ever forgets September 11.

Something that Karyn and I did was to take our three boys, our three sons, to New York City to visit Ground Zero soon after the attacks. We wanted to sear in their minds a lasting and vivid memory of the worst that evil can do in the world but at the same time the best that we can do in America.

Our Nation will, of course, always remember the courage of the emergency workers who rushed to Ground Zero on that fateful day; who rushed to help in Shanksville, PA; who rushed to the Pentagon just a mile from here. These heroes risked their lives, and many lost their lives, so that others may live—or at the very least their families could live—in peace.

Within 24 hours of when terrorists crashed flight 77 into the Pentagon, 76 members of the Tennessee Task Force 1 were on the scene and were hard at work. They were dispatched to rescue but soon discovered that their work would be recovery.

Ken Reeves, a Memphis Fire Department battalion chief, recalled:

> I think everybody in the country was of the mindset, "Just let me have something to do," and we had something to do.

Well, they sure did. Tennessee Task Force 1 toiled 16 hours a day for 9 straight days. They slept on cots in a warehouse not too far from here, without air-conditioning. They often lost track of time, devoting every second of the day, every ounce of energy and attention, to a task that was as difficult and as gruesome as it was grueling.

September 11, 2001, drastically altered the future course of our Nation. It also profoundly changed our individual lives. We will forever be touched by the outpouring of compassion, the outpouring of charity, and the kindness of millions of our citizens and people all around the world.

Brenda Vandever said of what she hopes for this and future anniversaries: "I just don't want [Tony] to be forgotten."

To Brenda and to all of the families who lost their loved ones on that morning of September 11, 2001, I say this morning: Your loved ones will not be forgotten. We will remember them, we will honor them, and we will cherish them on this day, every year, for as long as God wills this Nation to endure.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

REMEMBERING SEPTEMBER 11, 2001

Mr. DASCHLE. Tomorrow, in New York, at the Pentagon, in Shanksville, PA, and in communities all across our Nation, Americans will pause to remember the horror and the extraordinary heroism of September 11. Commemoration ceremonies will be held in firehouses, VFW halls, parks, churches, synagogues, mosques, libraries, and countless other places.

Surely one of the most poignant remembrance events is an exhibit that is being held through Sunday at a small art gallery in New York City, not far from where the twin towers once stood. It is an exhibit of artwork by children who lost family members—mostly parents—when the towers came crashing down.

We all lost so much, so quickly, on that terrible day. But few lost more than the children of September 11. Three thousand children lost a parent in the terrorist attacks on America. Nearly two dozen of those children never met their fathers; they were born after September 11.

Many thousands more children lost someone close to them: a grandparent, a brother or sister, an aunt or uncle.

Over the last 3 years, 400 of the children of September 11 have sought comfort, strength, and answers in therapy programs offered by the WorldTrade Center Family Center at South Nassau Communities Hospital on Long Island. The exhibit this weekend showcases art these children have created during their therapy sessions.

With the permission of the children and their families, I would like to show you some of their work.

This was painted by a 9-year-old son of a New York City firefighter who died in the collapse of the towers. This is a baseball diamond. In the outfield are two huge crosses. The little boy who painted this picture said it is a picture of the moment he first realized how much he missed his dad. He had just hit a home run; he was rounding the bases and looked up to search for his father's face in the stands.

Angels are a recurring image in the children's art. This angel looks like the Statue of Liberty. She is delivering a message to heaven.

A month after the attacks, the children were asked to try to imagine how they might feel about their loss over time. This series of paintings is a collective effort by about 40 of the children of September 11 to answer that question. It is called "Seasons of Grief." It shows four trees. The trees start out separate and alone. By the last panel, they are leaning toward each other, almost as if they are helping to hold each other up.

Even in the depths of unspeakable grief, the children of September 11 understood instinctively that there are sorrows we cannot bear alone, but there is nothing we cannot get through together. That is a lesson we all understood—immediately and instinctively—on that terrible day.

Three years later, what we remember about September 11 is not only the shock, and horror, and grief. We also remember the stunning heroism of the firefighters climbing the stairs—the passengers and crew members of Flight 93 defying their hijackers and the rescue workers toiling day and night.

We remember, too, how differently, and clearly, we seemed to see things after the attacks. We saw beyond the old labels. We were not black, white, red, brown, yellow, rich or poor, Republicans or Democrats. We were one people, indivisible—broken-hearted but not broken apart. Our recognition of our common bonds was our comfort, and our strength.

Three years later, we remember the great kindness and generosity with which people treated each other—even total strangers, even thousands of miles from the attack sites.

Don and Adele Hight own a family ranch in Murdo, SD. On September 11, they had already struggled through 2 years of drought. They sold 100 calves and donated the proceeds—more than $40,000—to help victims of the attacks. The manager of the local Livestock Association called their donation "an act of kindness, generosity and true Americanism."

The Smith Equipment Company in Watertown, SD, makes heavy duty torches. In the days after the attacks, their cutting supplies were in high demand. So 175 employees at Smith Equipment volunteered to work around the clock to produce tons of equipment and rush it to Ground Zero.

A week after the Twin Towers fell, two men from Sioux Falls loaded up a pickup truck with $20,000 worth of donated steel-toed boots, tube socks, and work gloves, drove to New York, distributed the protective gear to rescue workers at Ground Zero, and then got back in their truck and drove straight home.

All across South Dakota, school children, Scout troops, church organizations, employees and customers of small businesses, and countless others donated money for victims relief funds. At least one couple donated their tax-refund checks. People stood in line to donate blood. Some enlisted, or re-enlisted, in the military. People sacrificed. And they prayed for those who died, and the families they left, for the surviving victims, the rescue workers, and for our wounded nation.

Part of the sadness many of use feel as we approach this third anniversary of September 11 has to do with how divided our Nation sometimes feels now.

We cannot reclaim those we lost on September 11. But we can reclaim the sense of unity and generosity that their sacrifice inspired in us. It is still there. It is still within us.

The families of September 11 have endorsed a project called "One Day's Pay." It encourages people to observe the anniversary of September 11 by donating one day's pay, or one day's labor, to a community organization—to channel our sadness and anger for constructive purposes.

Those of us who have the privilege of serving our Nation in elected offices have another job to do as well. We can—and we must—work together, in good faith, to make America safer—without sacrificing the freedoms that make America great. We do not have the luxury of delay.

The terrorists who attacked us struck at the symbols of our financial and military might because they thought those symbols were America's greatest strengths. They were wrong. The real measure of America's greatness is not in glass and steel. It is in our people. It is in our shared commitment to freedom and democracy—and to each other. As the children of September 11 understood instinctively, we need each other.

Wherever we find ourselves tomorrow morning, let us remember not only the horror of September 11, but also the unity and the kindness we witnessed that day. And let us vow to honor those we lost by keeping the spirit of September 11 alive in our hearts. If we do, then, in a real way, those we lost will live on forever.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The remainder of the leader time will be reserved.

The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will resume consideration of the Homeland Security appropriations bill directly. As I indicated last night, the chairman and ranking member have made substantial progress on the bill. We will continue that progress over the course of today. As we announced yesterday, there will be no rollcall votes during today's session. We do expect amendments to be offered. That will begin shortly—during consideration of the bill this morning. I understand we have some cleared amendments that we may dispose of shortly. I will defer to the chairman for an update. We can begin that process shortly.

Any votes that may be ordered on the pending amendments will be ordered to occur on Monday. Senators should expect more than one rollcall vote during Monday's session. We will say more about the timing of these votes before we close later today.

Again, our goal is to complete this bill on Tuesday or early Wednesday morning. This will require the cooperation of all Senators as we move toward completion of this important legislation. We have made real progress and we will continue to make real progress over the course of the day.

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I reiterate what the majority leader has just announced and articulated. We have made progress. I appreciate the cooperation we are getting on both sides. We have gotten to the point where there is absolutely no reason why we cannot finish this bill prior to the time we adjourn for Rosh Hashanah next week.

We will continue to work as we have this week to winnow down the amendments, to have time limits on what amendments need to be offered, and we will work with the majority leader to ensure we can reach that goal. I am confident we can and we will continue to work at it throughout the day and on Monday.

Mr. FRIST. Mr. President, thank you. I think the progress has been made, and I will also state while the Democratic leader is here, we are making real progress on intelligence reform, both recommendations in terms of the relationship with the executive branch as well as internal organization and reorganization and potential reform there.

A lot of people do not see that much is going on, but we are working throughout the day, each and every day, on what we both have mentioned this morning is very important business that we need to act on before we complete the session.

At this juncture I think we will turn to the chairman.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4567) making appropriations for the Department of Homeland Security for fiscal year ending September 30, 2005, and for other purposes.

Pending:

Nelson of Florida amendment No. 3607, to provide funds for the American Red Cross.

Schumer amendment No. 3615, to appropriate $100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses.

The PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 6 minutes as in morning business.

Mr. REID. Mr. President, we have no objection as long as Senator DURBIN is recognized for a like amount of time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee is recognized for up to 6 minutes and the Senator from Illinois is recognized for up to 6 minutes.

ON THE ANNIVERSARY OF 9/11

Mr. ALEXANDER. I thank the chairman for the time and the leadership.

I simply wish to join our leaders today in remembrance of the tragic events of September 11. As I remember those events, I remember more how clearly our country pulled together in response. September 11 is one of our worst days but it brought out the best in us. It unified us as a country and showed our charitable instincts and reminded us of what we stood for and stand for. It showed that we had the resolve to fight against terrorism. We put partisanship aside in our Government offices. We began to proudly say to the rest of the world, we know what it means to be an American.

The best way we can remember September 11 is to remember why this is an exceptional country. We are the only country in the world that has taken people from so many different backgrounds, which is a great achievement by itself, but an even greater achievement is that we have turned all of that variety and diversity into unity. That unity depends upon a few principles in which we believe: liberty, equal opportunity, individualism.

President Bush has eloquently spoken of the American character since September 11. But we in the Senate have a role to play, too. That is why, with the support of many other Senators on both sides of the aisle, I have been working hard to harness that spirit to help us remember for generations to come what it means to be an American. That means teaching it to our children and to those who become new citizens of our country.

One of the great tragedies of education in this country today is that high school seniors perform worse in American history than in any other subject for which they are nationally tested. That is not right. The assistant Democratic leader, Senator REID, and I proposed legislation last year which passed the Senate without a dissenting vote to create summer academies for outstanding students and teachers in U.S. history. The House still needs to act on this bill.

The Senator from Massachusetts, Mr. KENNEDY, and I have introduced legislation that would allow our Nation's report card to test eighth graders and high school seniors on U.S. history, on a pilot State-by-State basis. This will help us know where it is being taught well and where it is not so improvements can be made. Shining the spotlight on these results also encourages school districts to work harder to teach American history and civics as well.

The Senator from New York, Mr. SCHUMER, and I have introduced legislation to preserve the oath of allegiance in its present form, so that oath—to which all new citizens swear on naturalization—is given the same respect as we give to the Pledge of Allegiance, to the national anthem, and to the American flag.

While that legislation is pending in committee, with the support of the chairman, the Senator from Mississippi, the Senate unanimously passed yesterday an amendment to the Homeland Security appropriations bill to prevent the oath from being changed during the next fiscal year while the Senate works its will on the legislation proposed by the Senator from New York and me.

I am also working on a second amendment to that legislation to establish a new foundation that will work with the Office of Citizenship to promote the teaching of English, history, and civics to the soon-to-be new citizens of our country and to other new citizens. We are a nation of immigrants. We are proud of that. We should do our best to help those who are new to our country become thriving members of our society so they can learn our history, learn about citizenship, speak our common language. That will help them on the path to the American dream.

The Senate has been hard at work over the last 2 years to help enshrine the values and history that bind us together as Americans. Nothing could be more important as we remember September 11, as we mourn those we lost, but take pride in what was found, our national unity. The best way to remember September 11 is to remember what it means to be an American.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Illinois may speak for up to 6 minutes.

AMERICA HAS CHANGED

Mr. DURBIN. Mr. President, this week we mark two significant dates. Tomorrow, September 11, the third anniversary of our attack which will truly live in infamy as the attack on Pearl Harbor. It is a moment when we reflect on what has happened to America since that time.

A member of the diplomatic corps once asked me: Did Osama bin Laden win that battle? The answer, clearly, is no. But did he change America? The answer, clearly, is yes.

We are debating in the Senate a bill for billions of dollars to be spent in defense of America, which we might not have even considered 3 years ago. Now it is reality.

In a few moments I will leave to go to National Airport. Before I board my flight back to Illinois, I will take off my shoes and my belt and my watch and I will hold my arms out to be "wanded," to make certain that I am safe enough to go on the airplane. America has truly changed.

But our values have not changed. Ted Sorensen may be one of the greatest speech writers in the history of our Nation. On May 21 he delivered a commencement address at the New School University of New York where a friend and former colleague, Bob Kerrey, is president.

I ask unanimous consent that Mr. Sorensen's commencement address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS OF THEODORE C. SORENSEN UPON RECEIVING AN HONORARY DOCTOR OF LAWS DEGREE FROM NEW SCHOOL UNIVERSITY

A TIME TO WEEP

As a Nebraska émigré, I am proud to be made an Honorary Doctor of Laws by another Nebraska émigré, President Kerrey . . . at an institution founded by still another, Alvin Johnson.

Considering the unhealthy state of our laws today, they probably could use another doctor.

My reciprocal obligation is to make a speech.

This is not a speech. Two weeks ago I set aside the speech I prepared. This is a cry from the heart, a lamentation for the loss of this country's goodness and therefore its greatness.

Future historians studying the decline and fall of America will mark this as the time the tide began to turn—toward a mean-spirited mediocrity in place of a noble beacon.

For me the final blow was American guards laughing over the naked, helpless bodies of abused prisoners in Iraq. "There is a time to laugh," the Bible tells us, "and a time to weep." Today I weep for the country I love, the country I proudly served, the country to which my four grandparents sailed over a century ago with hopes for a new land of peace and freedom. I cannot remain silent when that country is in the deepest trouble of my lifetime.

I am not talking only about the prison abuse scandal—that stench will someday subside. Nor am I referring only to the Iraq war—that too will pass—nor to any one political leader or party. This is no time for politics as usual, in which no one responsible admits responsibility, no one genuinely apologizes, no one resigns and everyone else is blamed.

The damage done to this country by its own misconduct in the last few months and years, to its very heart and soul, is far greater and longer lasting than any damage that any terrorist could possibly inflict upon us.

The stain on our credibility, our reputation for decency and integrity, will not quickly wash away.

Last week, a family friend of an accused American guard in Iraq recited the atrocities inflicted by our enemies on Americans, and asked: "Must we be held to a different standard?" My answer is YES. Not only because others expect it. WE must hold ourselves to a different standard. Not only because God demands it, but because it serves our security.

Our greatest strength has long been not merely our military might but our moral authority. Our surest protection against assault from abroad has been not all our guards, gates and guns or even our two oceans, but our essential goodness as a people. Our richest asset has been not our material wealth but our values.

We were world leaders once—helping found the United Nations, the Marshall Plan, NATO, and programs like Food for Peace, international human rights and international environmental standards. The world admired not only the bravery of our Marine Corps but also the idealism of our Peace Corps.

Our word was as good as our gold. At the start of the Cuban Missile Crisis, former Secretary of State Dean Acheson, President Kennedy's special envoy to brief French President de Gaulle, offered to document our case by having the actual pictures of Soviet nuclear missiles in Cuba brought in. 'No," shrugged the usually difficult de Gaulle: "The word of the President of the United States is good enough for me."

Eight months later, President Kennedy could say at American University: "The world knows that America will never start a war. This generation of Americans has had enough of war and hate . . . we want to build a world of peace where the weak are secure and the strong are just."

Our founding fathers believed this country could be a beacon of light to the world, a model of democratic and humanitarian progress. We were. We prevailed in the Cold War because we inspired millions struggling for freedom in far corners of the Soviet empire. I have been in countries where children and avenues were named for Lincoln, Jefferson, Franklin Roosevelt and John F. Kennedy. We were respected, not reviled, because we respected man's aspirations for peace and justice. This was the country to which foreign leaders sent not only their goods to be sold but their sons and daughters to be educated. In the 1930s, when Jewish and other scholars were driven out of Europe, their preferred destination—even for those on the far left—was not the Communist citadel in Moscow but the New School here in New York.

What has happened to our country? We have been in wars before, without resorting to sexual humiliation as torture, without blocking the Red Cross, without insulting and deceiving our allies and the U.N., without betraying our traditional values, without imitating our adversaries, without blackening our name around the world.

Last year when asked on short notice to speak to a European audience, and inquiring what topic I should address, the Chairman said: "Tell us about the good America, the America when Kennedy was in the White House." "It is still a good America," I replied. "The American people still believe in peace, human rights and justice; they are still a generous, fair-minded, open-minded people."

Today some political figures argue that merely to report, much less to protest, the crimes against humanity committed by a few of our own inadequately trained forces in the fog of war, is to aid the enemy or excuse its atrocities. But Americans know that such self-censorship does not enhance our security. Attempts to justify or defend our illegal acts as nothing more than pranks or no worse than the crimes of our enemies, only further muddies our moral image. 30 years ago, America's war in Vietnam became a hopeless military quagmire; today our war in Iraq has become a senseless moral swamp.

No military victory can endure unless the victor occupies the high moral ground. Surely America, the land of the free, could not lose the high moral ground invading Iraq, a country ruled by terror, torture and tyranny—but we did.

Instead of isolating Saddam Hussein—politically, economically, diplomatically, much as we succeeded in isolating Khadafy, Marcos, Mobutu and a host of other dictators over the years, we have isolated ourselves. We are increasingly alone in a dangerous world in which millions who once respected us now hate us.

Not only Muslims. Every international survey shows our global standing at an all-time low. Even our transatlantic alliance has not yet recovered from its worst crisis in history. Our friends in Western Europe were willing to accept Uncle Sam as class president, but not as class bully, once he forgot JFK's advice that "Civility is not a sign of weakness."

All this is rationalized as part of the war on terror. But abusing prisoners in Iraq, denying detainees their legal rights in Guantanamo, even American citizens, misleading the world at large about Saddam's ready stockpiles of mass destruction and involvement with al Qaeda at 9/11, did not advance by one millimeter our efforts to end the threat of another terrorist attack upon us. On the contrary, our conduct invites and incites new attacks and new recruits to attack us.

The decline in our reputation adds to the decline in our security. We keep losing old friends and making new enemies—not a formula for success. We have not yet rounded up Osama bin Laden or most of the al Qaeda and Taliban leaders or the anthrax mailer. "The world is large," wrote John Boyle O'Reilly, in one of President Kennedy's favorite poems, "when its weary leagues two loving hearts divide, but the world is small when your enemy is loose on the other side." Today our enemies are still loose on the other side of the world, and we are still vulnerable to attack.

True, we have not lost either war we chose or lost too much of our wealth. But we have lost something worse—our good name for truth and justice. To paraphrase Shakespeare: "He who steals our nation's purse, steals trash. 'Twas ours, 'tis his, and has been slave to thousands. But he that filches our good name . . . makes us poor indeed."

No American wants us to lose a war. Among our enemies are those who, if they could, would fundamentally change our way of life, restricting our freedom of religion by exalting one faith over others, ignoring international law and the opinions of mankind; and trampling on the rights of those who are different, deprived or disliked. To the extent that our nation voluntarily trods those same paths in the name of security, the terrorists win and we are the losers.

We are no longer the world's leaders on matters of international law and peace. After we stopped listening to others, they stopped listening to us. A nation without credibility and moral authority cannot lead, because no one will follow.

Paradoxically, the charges against us in the court of world opinion are contradictory. We are deemed by many to be dangerously aggressive, a threat to world peace. You may regard that as ridiculously unwarranted, no matter how often international surveys show that attitude to be spreading. But remember the old axiom: "No matter how good you feel, if four friends tell you you're drunk, you better lie down."

Yet we are also charged not so much with intervention as indifference—indifference toward the suffering of millions of our fellow inhabitants of this planet who do not enjoy the freedom, the opportunity, the health and wealth and security that we enjoy; indifference to the countless deaths of children and other civilians in unnecessary wars, countless because we usually do not bother to count them; indifference to the centuries of humiliation endured previously in silence by the Arab and Islamic worlds.

The good news, to relieve all this gloom, is that a democracy is inherently self-correcting. Here, the people are sovereign. Inept political leaders can be replaced. Foolish policies can be changed. Disastrous mistakes can be reversed.

When, in 1941, the Japanese Air Force was able to inflict widespread death and destruction on our naval and air forces in Hawaii because they were not on alert, those military officials most responsible for ignoring advance intelligence were summarily dismissed.

When, in the late 1940s, we faced a global Cold War against another system of ideological fanatics certain that their authoritarian values would eventually rule the world, we prevailed in time. We prevailed because we exercised patience as well as vigilance, self-restraint as well as self-defense, and reached out to moderates and modernists, to democrats and dissidents, within that closed system. We can do that again. We can reach out to moderates and modernists in Islam, proud of its long traditions of dialogue, learning, charity and peace.

Some among us scoff that the war on Jihadist terror is a war between civilization and chaos. But they forget that there were Islamic universities and observatories long before we had railroads.

> So do not despair. In this country, the people are sovereign. If we can but tear the blindfold of self-deception from our eyes and loosen the gag of self-denial from our voices, we can restore our country to greatness. In particular, you—the Class of 2004—have the wisdom and energy to do it. Start soon.
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> In the words of the ancient Hebrews:
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> The day is short, and the work is great, and the laborers are sluggish, but the reward is much, and the Master is urgent.

Mr. DURBIN. Mr. President, Mr. Sorensen said at one point in his speech something we should reflect on as we think about September 11. He said of America:

> Our greatest strength has long been not merely our military might but our moral authority. Our surest protection against assault from abroad has been not all our guards, gates and guns or even our two oceans, but our essential goodness as a people. Our richest asset has been not our material wealth but our values.
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> We were world leaders once—helping found the United Nations, the Marshall Plan, NATO, and programs like Food for Peace, international human rights and international environmental standards. The world admired not only the bravery of our Marine Corps but also the idealism of our Peace Corps.

Mr. Sorensen's words are a reminder that if we are to win this war against those who wish us ill, those terrorists and those who use terrorism as a tactic, we need not only a strong national defense, we need strong homeland security, but we also need to project the values of America in a positive way, not just with the forming of troops in formation but also with the forming of values in countries desperate to have a future that emulates the freedoms of the United States.

THE SACRIFICE OF OUR SOLDIERS

Mr. DURBIN. Mr. President, the second noteworthy event this week was, of course, the acknowledgement that we have lost over 1,000 soldiers in Iraq. It has touched my State of Illinois. Some 50 people from my State have been killed in the war in Iraq, hundreds seriously wounded.

I ask unanimous consent that an article from the Chicago Tribune dated September 9, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Sept. 9, 2004]

DOWNSTATE TOWN STUNG BY DEATHS; 2 SOLDIERS DEAD, 15 HURT IN IRAQ

(By Deborah Horan and H. Gregory Meyer)

PARIS, IL.—The worst attack yet on Illinois Army National Guardsmen serving in Iraq left two soldiers dead and 15 wounded, and it left the Downstate town where their unit is based stung by the news and fearful for the safety of survivors.

Mortar rounds pounded the 1544th Transportation Company southwest of Baghdad late Sunday afternoon, killing Sgt. Shawna Morrison, 26, of Paris and Spec. Charles Lamb, 23, of Martinsville, said Lt. Col. Alicia Tate-Nadeau, a Guard spokeswoman. Three of the 15 wounded were seriously injured, she said.

In Paris a radio station has put patriotic songs on heavy rotation while locals drive cars tied with yellow ribbons saying "Pray for our troops." Morrison was the unit's first female fatality, and the first soldier from Paris to die in Iraq.

"This is the first one to hit our community," said Jim Cooper, the father of a 20-year-old guardsman who is stationed at the base that came under attack. "It has really brought this home. It opens up a lot of people's eyes. They say, 'Hey, I know so-and-so. He may be next.'"

The deaths brought the unit's total fatalities to four as the nation's total military deaths in Iraq since last year's invasion edged past 1,000.

The 1544th, headquartered in a brick armory in this town of 9,000, contains about 260 soldiers from four states, Tate-Nadeau said.

Shirley Furry had posted a message under the price board outside her Citgo station in Paris reading "In memory of Shawna." The young woman worked there several years ago, Furry said. Morrison's mother called Furry Sunday night.

"I said, 'Oh, no,'" Furry recalled. "She said, 'Yeah, she's gone.'"

Morrison attended the University of Illinois at Urbana-Champaign and worked two jobs, one as a waitress and the other as a bartender, to put herself through school.

"She's always been very independent," said her father, Rick Morrison. "She never asked us for a dime from day one when she moved out."

Morrison was called up in November, sent to Kuwait in December and arrived in Iraq by February where she worked in communications, her father said. And while she was nervous before the deployment, she was most worried about rumors of spiders the size of paper plates that could jump 6 feet.

"We spent many hours looking for spider spray," her father said. "And she never saw one."

Sgt. Scott Johnson, a member of the 1544th who was wounded in Iraq in May, said Morrison and Lamb had contrasting notions of comfort on base. "Shawna, she was really looking to settle in. She rounded up a couple of the nicer mattresses to make sure she slept well at night," he said. "Charles, he would rough it. He was kind of an outdoorsman. He didn't mind getting dirty."

Lamb, who grew up in a rural area near Martinsville, about 25 miles southwest of Paris, was a "farm boy," said Mark Harris, his agriculture education teacher at Casey-Westfield High School, where he graduated in 1999.

A live wire as a student, Lamb was active in the FFA, formerly known as Future Farmers of America, and trained for forestry, livestock and dairy competitions. A trip to Kansas City for an FFA convention was a big deal to him.

"I think one of the reasons he signed up for the service was to help other people out, make a better life and see the country," Harris said.

Before he was called up for active duty, he had worked as a mechanic in Martinsville and had recently married, said a former employer.

"He was planning on coming back," said a shop co-owner, Shirley Goodwin. In Iraq he also worked as a mechanic.

Cooper leads a support group for families of soldiers from the 1544th. He said that when attacks take place, he's the one who calls families whose sons and daughters weren't hurt.

"I can tell them they're OK, but I can't give them any guarantees," he said. "The unit is still running out there. It makes it scary."

His son is also based at Logistical Base Seitz, the camp outside Baghdad where Morrison and Lamb were killed, but he was uninjured in Sunday's mortar shelling.

"Everybody's upset," he added. "It is hard to walk into a store without somebody recognizing me and saying, 'How's your son?'"

Mr. DURBIN. Mr. President, this article speaks of one National Guard unit, the 1544th Transportation Company from Paris, IL. This unit of the Illinois National Guard has sustained almost half of the deaths and more than half of the injuries that our National Guard in Illinois has sustained, and just this last week two soldiers were killed and 15 wounded after another attack in Iraq.

It is a grim reminder that we are in a situation in Iraq with no end in sight. With 140,000 of our best and bravest in the field offering their lives every day for America, the fact that we would invade this nation of Iraq without a plan to deal with its reconstruction and pacification is the strongest condemnation of any government, and yet that is where we are today.

This morning it was reported on the news that if there is an election in Iraq—and I pray there will be—some sections of that country will not even be able to vote because they are under the control of terrorists and guerrillas. That is an indication of how far we still have to travel before the day arrives when our troops can come safely home from Iraq, realizing that in reality their mission has been accomplished.

As we reflect on 9/11, we reflect on our values. As we reflect on the heroes of America and think of those on 9/11, remember, too, the thousands still serving our Nation overseas from towns such as Paris, IL, and many just like them who offer their lives every day in defense of the values of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I assume we are now on the Homeland Security appropriations bill for fiscal year 2005?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. Mr. President, first of all, I thank the leadership for making available time in the schedule for the handling of this bill and giving us a chance to consider amendments that are proposed by other Senators to the bill as reported by the Senate Appropriations Committee. It is important to note that yesterday's action and the action of the full committee so far have set the tone for the consideration of this bill.

First of all, to remind Senators, the bill contains funding at a level of $33.1 billion. Mr. President, $32 billion is for discretionary spending; the remainder is for mandatory programs or the allocation of funds that are collected under other provisions of law. This represents an almost 10-percent increase in funding for the next fiscal year as compared with the funding that is appropriated for this fiscal year, 2004.

The fiscal year begins on October 1, as everyone knows. Substantial increases are included in this legislation for the activities of the Coast Guard as well as the Transportation Security Administration. The bill fully funds the President's requested activity for Project BioShield, which is a very important new endeavor to further enhance the security of our country against bioterrorism. The bill also provides funding for a new program that is designed to enhance security for our country by using new technologies to identify and verify visitors coming into the country using visas. This program is called United States Visitor and Immigration Status Indicator Technology. Of course, it has its own acronym, US VISIT, so it is easy for us to remember.

One other feature of this year's appropriations bill is the limitation that we are provided as a result of a provision included in the defense appropriations conference report that limits, in effect, the discretionary spending of all appropriations bills for fiscal year 2005. The limitation is at a level of $821.9 billion. That is enforced through a mechanism of the Budget Act which permits points of order to be made on amendments that would seek to increase the bill's funding beyond the level of its allocation, which was established by the Appropriations Committee.

We are pleased that the Senate has recognized the validity of that limitation. Yesterday we were able to exercise that point of order successfully to defeat amendments that would have increased spending beyond that allocated level of funding. We are at the limit of the allocation that is available to our subcommittee. The $32 billion in discretionary funding is the limitation that is provided to the Homeland Security Appropriations Subcommittee.

Today we are pleased to consider any other amendments Senators may wish to offer. We are ready to debate and dispose of amendments. We can agree to some, I hope, and we are happy to work with Senators throughout the remainder of this session. We are happy the leader has indicated that any votes that may be ordered will go over to next week. There will not be any recorded votes on this bill today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are now on the Homeland Security appropriations bill?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3578

Mr. REID. Mr. President, on behalf of Senator BAUCUS, I send an amendment to the desk. It is amendment No. 3578. I think it is already at the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAUCUS, for himself, Ms. CANTWELL, Mrs. CLINTON, Mr. CONRAD, Mr. DORGAN, Mr. LEVIN, Mrs. MURRAY, Mr. SCHUMER, Ms. STABENOW, and Mr. BURNS, proposes an amendment numbered 3578.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available to the Under Secretary for Border and Transportation Security $200,000,000 to establish and operate air bases in the States of Michigan, Montana, New York, North Dakota, and Washington and to permit fees for certain customs services to be collected until June 1, 2005)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. (a) The total amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT" is hereby increased by $200,000,000. Of such total amount, as so increased, $200,000,000 shall be available for the establishment and operation of air bases in the States of Michigan, Montana, New York, North Dakota, and Washington.

(b) Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "March 1, 2005" and inserting "June 1, 2005".

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is quite an important amendment for our Nation's security. I think it will help strengthen a key component of our national security strategy. We all know our Nation's security begins here at home, by securing our land borders, our airspace, and also our maritime ports. As we work to get the latest explosive screening technology in our airports, or to inspect more containers arriving in our Nation's ports, we should not forget the critical role of our vast northern border.

Contrary to what some people may think, out on the northern border we are no strangers to illegal crossings. The topography in my State of Montana makes it very difficult to protect our border. Customs and Border Patrol are doing a great job with the resources they have, but Immigration and Customs enforcement investigators are just a little bit undermanned. They share valuable information they collect on illegal entries with numerous agencies.

But when it comes to tracking and intercepting unauthorized aircraft, our military planes fly much too high and too fast to provide proper service along our northern border. As we beef up our security on other borders, especially in the South and on the coasts, the northern border has become the Nation's backdoor that we cannot afford to leave unlocked.

While I am pleased the Department of Homeland Security has just established the first of five planned airbases along the northern border that Congress authorized nearly 2 years ago, I am also quite concerned. Why? Because the pace is so slow in standing up these bases. One of the sites the Department of Homeland Security has chosen is in Great Falls, MT. Between Malmstrom Air Force Base, the Air Force National Guard at Great Falls International Airport, and the community that supports these assets, we are ready to take on this new mission. We are ready. We are set. We are happy. We are glad. We want to do it. The mission is to help secure the northern border, not just for our State of Montana but for all Americans.

However, we are told we will have to wait. We will have to wait for more than 3 years to get the planned airbase up and running in Great Falls. With all due respect, I do not think as a nation we can wait. We cannot afford to wait.

There are too many problems with the current funding schedule for the northern border air wing. First, the schedule is stretched out over far too long a period of several years. Once the first base in Bellingham, WA, is really up and running, what is going to happen? It is pretty obvious. Drug runners and other would-be terrorists and malcontents will simply move eastward toward Montana's northern border, and still further east over other parts of our northern border.

Under the current funding schedule, they are going to enjoy a full 3 years of exploiting the gaps in our Air Wing coverage before all five bases along the northern border—that is, the States of Washington, Montana, North Dakota, Michigan, and New York—have been established.

There is a second problem. What is that? It is that the budget allows just enough money to buy each base its requisite planes: two helicopters and a fixed-wing aircraft. But once each base opens its doors, it won't even be able to operate 5 days a week for 8 hours a day. The dollars just are not there for the operation. So I say, when it comes to securing our Nation, obviously, this is not good enough. We have to get up and running right away.

Two months ago, when a plane deviated from its course over Washington, DC—we all remember it—the Air and Marine Operations Command and Control at March Air Force Base in Riverside, CA, was watching—way out in California. Local aircraft were dispatched, and the Capitol complex was emptied. Luckily, it was just the Governor of Kentucky. I should not say "just." It was the eminent Governor of Kentucky. But the system worked because a local plane was available and staffed to respond. The folks in Riverside are responsible for detecting unauthorized aircraft flying at low altitudes anywhere in the United States, but so far they have just one plane, staffed barely 40 hours a week, in Washington State, to dispatch if they get a hit anywhere on the 3,000-plus-mile-long northern border.

So let's be clear. Congress has already authorized the establishment of a northern border air wing with five airbases that will be responsible for tracking, identifying, and intercepting any unauthorized aircraft that attempts to cross the northern border into U.S. airspace. But if we are going to take securing the northern border seriously, then we must take funding seriously. So my amendment makes sure the funding is there to get all five airbases operational 7 days a week this next year.

I thank very much the chairman of the subcommittee, Senator COCHRAN, and thank Senator BYRD, and many others, for helping to work to get this crucial amendment in order so it will be adopted and, more importantly, to make America safer.

I yield the floor.

Mr. BYRD. Mr. President, I commend the Senator from Montana for his amendment and Senator FRIST and Senator COCHRAN for their cooperation in working on this amendment. This amendment provides $170 million for four homeland security programs, in addition to the $200 million provided for security on the Northern border.

First, $50 million is included for the fire grant program. With this amendment, the total in the bill for equipping and training fire personnel is $750 million, an increase of $4 million over fiscal year 2004. Last year, the Department received over $2.6 billion of applications from 20,366 applicants. Clearly, there is a real need for this additional funding.

Second, the amendment provides $50 million for the Federal air marshals program. Last year, despite the continuing terrorist threat to our airlines and despite the fact that the number of flights grew by 6 percent last year, the number of Federal air marshals fell by 9 percent. This amendment will reverse that trend and allow the Department to move toward the staffing goal that was established after 9/11.

Third, $50 million is provided for grants to nonprofit organizations, to help secure their at-risk facilities. Numerous reports from the Department of Homeland Security and the FBI indicate that al-Qaida has turned its focus to so-called soft targets such as hospitals, universities and houses of worship.

Finally, the amendment provides $20 million for the Emergency Management Performance Grants program. This valuable program provides resources to States to prepare for all types of emergencies. The program's all-hazards planning approach ensures that States prepare, not just for terrorist attacks, but also for hurricanes, floods, earthquakes and other types of disasters.

Again, I thank the Senators for their cooperation and I urge adoption of the amendment.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 3616 TO AMENDMENT NO. 3578

Mr. FRIST. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for himself, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Ms. MURKOWSKI, Mr. VOINOVICH, Mr. DEWINE, Mr. BURNS, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, and Mr. KENNEDY, proposes an amendment numbered 3616 to amendment No. 3578.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 5 insert:

"(b) The total amount appropriated under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT, FEDERAL AIR MARSHALS" is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for the continued operations of the Federal Air Marshals program.

"(c) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS" is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined by the Secretary of Homeland Security to be at high-risk of international terrorist attacks.

"(d) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, FIREFIGHTER ASSISTANCE GRANTS" is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for the program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

"(e) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS" is hereby increased by $20,000,000. Of such total amount, as so increased, $20,000,000 is for emergency management performance grants.".

On page 2, line 5 strike "(b)" and insert "(f)".

Mr. FRIST. Mr. President, this is an amendment worked out in a bipartisan manner with the chairman and the ranking member of the Homeland Security Appropriations Subcommittee and the ranking member of the Finance Committee. I thank Senators Cochran, Byrd, and Baucus for their cooperation. This is an amendment that is cosponsored by Senators BYRD, COCHRAN, SPECTER, MURKOWSKI, VOINOVICH, DEWINE, BURNS, CLINTON, MIKULSKI, and MURRAY. It is a very simple amendment but an important amendment to provide a small amount of additional resources for some critical areas in our war against terrorism here at home.

The Baucus amendment extends custom user fees that will expire next March. He extends the fee for 3 months. This extension increases the offsetting receipts in the Federal budget by $370 million during that period of time. Senator BAUCUS uses these additional resources to increase funds for a northern border protection program. Senator BURNS is also a cosponsor of that amendment. However, the Baucus-Burns amendment allocates $200 million of resources for this activity, leaving approximately $170 million in additional resources to fund other homeland security programs.

Working with Senators on both sides of the aisle, Senator BYRD and I have crafted a second-degree amendment that further targets this additional $170 million in funds as follows: An additional $50 million for firefighters—Senator MURKOWSKI and other Senators have been supporters of finding additional funds for our dedicated firefighters; an additional $50 million for Federal air marshals; $50 million for 501(c) nonprofit organizations that the Secretary of Homeland Security determines to be at risk of terrorist attacks—I, along with Senators SPECTER, BYRD, and MIKULSKI, have focused on the need to provide assistance to these soft targets as churches, synagogues, mosques, and various nongovernmental organizations that can fall prey to terrorists are at risk—and an additional $20 million to emergency management performance grants. This is a program strongly supported on both sides of the aisle—on our side, championed by Senator VOINOVICH—to meet the needs of our State and local governments.

I believe the amendment has been cleared on both sides. I appreciate once again the cooperation of all involved in finding a way to provide additional resources to this important bill without violating the Budget Act or adding to the Federal deficit. Again, these amendments have been worked out on both sides of the aisle, and I urge their adoption.

Mr. SPECTER. Mr. President, I have sought recognition to discuss an amendment which I have been working on since the Subcommittee on Homeland Security marked up the bill in July which would provide much-needed resources to address the security needs of high-risk nonprofits. I am pleased that we have worked out a compromise where this language will be included as part of Senator BAUCUS's amendment on custom user fees. This language will appropriate $50 million for a program at the Department of Homeland Security, DHS, to provide security enhancements and training to nonprofit organizations determined to be at high risk of international terrorist attacks. Funds would be distributed by DHS based on risk assessments, in consultation with State and local authorities.

The $50 million figure is firm, and there is no doubt that there will be a need for more than $50 million. This is a start. This is a start on the protection of 501(c)(3)s, and the discretion of the Secretary of Homeland Security is limited to establishing the priority for the use of the $50 million. The assistance is intended for basic security enhancements to protect American citizens from car bombs and other lethal terrorist attacks. It is intended to be used for installation of equipment such as concrete barriers, blast-proof doors, mylar window coatings, and hardened parking lot gates, as well as associated training.

The Director of Central Intelligence has stated that al-Qaida has turned its attention to "soft targets." Al-Qaida's willingness to attack soft targets of all types has been made readily apparent with attacks in the United States, England, Canada, Spain, Germany, Iraq, Tunisia, Kenya, Morocco, and Turkey, including an international Red Cross building, synagogues, train stations, hotels, airports, restaurants, night clubs, and cultural and community centers.

Many of these soft targets are nonprofit organizations which provide vital health, social, community, educational, and other services to millions of Americans every day. If nonprofit organizations are forced to divert funds to cover the entire cost of security measures, those funds will deplete resources for vital human services, including capacity to respond to disasters.

I have been encourage to support this language by a wide cross section of America's nonprofits. Supporters of this measure include: American Association of Homes and Services for the Aging; American Jewish Committee; American Jewish Congress; American Red Cross; American Society of Association Executives; Association of Art Museum Directors; Association of Jewish Aging Services of North America; Independent Sector, National Assembly of Health and Human Service Organizations; National Association of Independent Colleges and Universities; Theater Communications Group; Union of Orthodox Jewish Congregations; United Jewish Communities, representing 155 Jewish Federations; United Synagogue of Conservative Judaism; United Way of America; and YMCA of the USA.

The assistance would be delivered pursuant to pending authorizing legislation which Senator MIKULSKI and I have introduced as S. 2275 which was ordered reported by the Governmental Affairs Committee. I thank the chairman and other Senators involved in moving this important amendment forward, and I urge my colleagues to support this effort through the conference committee and to the President's desk.

Ms. MIKULSKI. Mr. President, today I rise to support and cosponsor Senator FRIST's second-degree amendment to provide much-needed funding for homeland security. This amendment provides increased funding in three vital areas, Federal air marshals, fire grants and emergency management grants, and for the first time, it would give assistance to nonprofit institutions that are at high risk of terrorist attack.

Insuring that the brave men and women who are our first responders have the resources they need is one of my highest priorities. We must do our best to protect the protectors and they protect us everyday. These are the people who risk their lives to keep us safe. The bill before us today actually cuts funding and the step we take today to increase funding by $50 million for the fire grant program is a step in the right direction. But it is a first step.

Our Nation's firefighters need more resources. They need to replace aging fire engines and rescue vehicles, and they need self-contained breathing masks. Additional money for the Fire Grant Program is not just about new equipment—it is about saving lives. It is about making sure that our firefighters and rescue workers are well prepared, whether it is a terrorist attack or a hurricane. These brave men and women will be the first on the scene and we need to make sure that they have the tools they need to protect against threats to American lives.

It is my hope that as we proceed with this bill in the coming days, we will be able to add additional funding to provide the resources that fire departments across the Nation so desperately need. That is why I applaud my colleagues for taking this first step—the next step is to ensure that we include additional funding to bring this model program up to the full funding level of $900 million. On Monday, I will offer an amendment to take that final step and make sure that our firefighters have all the resources that they need. I hope that my colleagues will join me then as we have all joined Senator FRIST today, in supporting those much needed increases in fire grant funding.

This amendment also takes a great first step in helping nonprofit organizations who are at risk for terrorist attack. As the majority leader knows, I have worked closely with my colleague from Pennsylvania, Senator SPECTER on legislation to create a program to help nonprofits who serve communities throughout the Nation but who are threatened daily by the risk terrorist attack. Today, I am proud to provide funding to make our communities stronger and safer by protecting these "soft targets" of terrorism all over the United States.

We are all aware of recent terrorist attacks in the United States, Spain, Germany, Iraq, Tunisia, Kenya, Morocco, and Turkey. These attacks by al-Qaida on an international Red Cross building, synagogues, train stations, hotels, airports, restaurants, night clubs, and cultural centers, show its willingness to attack "soft targets" of all types in order to conduct its campaign of terror.

I want to make sure that our communities are safe and the buildings where citizens live, learn, and work are strong and secure to safeguard American lives in the vent of a terrorist attack. Local communities are on the front lines in our war against terrorism. This Congress must do its share to make sure that they do not have to bear the full cost of this war. We can do that by helping to provide funds for security enhancements in buildings that Americans visit everyday.

In this amendment we simply provide an additional $50 million to enhance the security and safety of high-risk nonprofits. This funding will jumpstart the effort to make security improvements to these "soft targets" of terrorism. These nonprofits are worried now, they are under threat now, and then need our help now. This Congress must act now to make these nonprofits and the communities that they serve safer and stronger.

As a Nation, our priority in fighting the war on terror is to be safer, stronger, and smarter so that we are able to better detect, prevent and respond to acts of terrorism. This bill gets us one step closer to meeting those goals by making vulnerable targets smarter in detecting and preventing terrorist attacks and by making sure that if terror strikes one of these facilities, security and safety measures are in place to protect the lives of those inside and around these buildings.

Nothing the Senate does is more important than providing America security and Americans safety. I urge my colleagues to support this amendment because it does exactly that. In the battle to protect our Nation from terrorist attacks, we must be sure to provide assistance to first responders and to these high-risk nonprofit organizations that provide vital health, social, cultural, and educational services to the American people.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3616.

The amendment (No. 3616) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3578, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3578, as amended.

The amendment (No. 3578) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, earlier this morning, Chairman COCHRAN offered on my behalf a bipartisan amendment that was adopted. Combined with the second degree bipartisan amendment I offered to Senator Baucus's amendment, we have provided almost $700 million in additional funds in this bill to enhance programs for our domestic security.

We did this without increasing the Federal deficit, because the increased spending was offset with the extension until September 2005 an expiring custom user fee. That extension raised nearly $700 million.

Let me be the first to acknowledge that this offset is included in other legislation that is in various conferences such as the FSC bill and the highway bill. But until legislation is enacted to truly extend this provision, it remains a real offset.

Final legislation will sort out the use of this offset before it becomes law.

The amendment I offered and cosponsored by Senator COCHRAN, BYRD and VOINOVICH provided increased resources for critical areas of homeland security:

An additional $120 million for Customs and Border Protection, Salaries and Expenses. Some of these funds will be used to provide for radiation detection devices, additional border inspectors and border patrol agents;

an additional $80 million for Immigration and Customs Enforcement to provide additional investigation personnel and additional detention facilities;

an additional $81 million for rail and transit security grants;

and an additional $36 million for State and Local Governments' emergency management performance grants.

Again I thank all of my colleagues who worked on this amendment and appreciate the cooperation of Senator BYRD in finding a responsible approach to increased homeland security funding while not adding to the Federal deficit this next year.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, although I will be speaking on intelligence matters and other matters relating to the CR, I ask unanimous consent that my statement not be considered a violation of the Pastore rule and I be able to speak on general matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROBLEMS WITH A CONTINUING RESOLUTION

Mr. STEVENS. Mr. President, a lot of people are talking about a continuing resolution for appropriations this year. This is not a normal year. This is the end of Congress. This Congress goes out of being. We will come back next year and have to deal with new bills. I want to talk a little bit about the problem of a continuing resolution for a series of bills.

For instance, my State had over 5 million acres of timberland burned this year. Forest fires were just enormous. We have provided in the Interior bill moneys for hazardous fuels reduction to try to reduce the fires, really, on some of the wildlands of the United States. If we had that money we could probably prevent what we call follow-on fires. Where lightning fires strike, the next year they strike almost in the same place. The next year they strike almost in the same place. But as they do in years following a fire, they are hitting timber that has been dried out, burned, dried out, and it is just like kindling. It just causes the whole area to burn more and then more and then more. The way to stop that is to do the hazardous fire reduction program, go into the area that burned and take that timber out—try to plant new trees, but at least do something to prevent a follow-on fire the following year. If the Interior bill doesn't pass, there will not be that money available.

We have additional money for the Indian Health Service this year. We have had substantial problems in health areas in the Indian community. That money wouldn't be available under a CR.

Many people don't know what a CR is. It is a continuing resolution which continues the moneys that were appropriated in 2003 to be spent in 2004; now that same amount of money is going to be spent in 2005. Judgments of 2003 of what should be happening in 2004 are not valid in 2005. We need each of these bills this year more than we ever have before.

Take, for instance, the hurricanes that just happened. We have in the budget request what is called the beach renourishment policy. It is a one-time funded program to try to replace some of these beaches that have been lost in the hurricane season. There are approximately 43 projects already outlined that have to be funded this year in order to undertake this new concept. It is sort of like the fires concept. If we move in and repair these beaches now, a subsequent follow-on hurricane will not aggravate the damage and leave even further destruction in the area. Again, unless we get the Energy and Water bill, it will not be done. There will be no dredging of the low-use waterway and harbors that have had extensive damage. These hurricanes change the bottom of the sea in the areas adjacent to the shore of where the hurricanes come ashore. We need new money to deal with that. The only way to get it is to get an Energy and Water appropriations bill passed.

If you look at the Department of Energy, we have a whole series of items requested by the President and approved by the Appropriations Committee on energy and water. The budget this year requests $1.16 billion more than was enacted for this fiscal year of 2004. A continuing resolution will carry the figures for 2004 forward as long as the continuing resolution continues until Congress passes a bill next year.

But meanwhile, the money that is needed for security and the safeguard problems of our national weapons labs, the President asked for $706 million to make those laboratories more safe and more secure.

He asked for $6.9 billion in energy environmental management activities. That is an increase over 2004. This is expected to have a specific effect on the environmental cleanup activities in Tennessee, Washington, Idaho, and South Carolina.

In terms of energy supply, we have money this year for energy research, including renewable resources such as hydrogen, solar, wind, and biomass. The President's request this year is $835 million, a 13-percent increase over 2004.

I will come back later. I don't want to monopolize the time. I keep reminding the Senate that we cannot operate under a CR for 2005. It is not possible.

Take the Department of Agriculture: The 2005 bill is not passed and the medical device user fee authority expires at the end of this fiscal year because we did not provide the required level of funding authority. This bill takes care of that. If the bill does not pass, there won't be funding to maintain the participation rates for the WIC Program. The budget request is underestimated by over $300 million. That would be required to continue the program in 2005.

That would not be available under 2004 money.

This Homeland Security bill is an example. If it does not pass, the counterterrorism food safety money for FDA will not be available.

There are a whole series of things. I am sure the chairman, my distinguished friend from Mississippi, has described that in more detail.

But the real problem with our thinking about a continuing resolution is money would not be available to other Departments to meet emergency situations—some caused by natural events such as hurricanes and fires and others caused by changes in the security requirements of the departments of the Government which have security requirements. They are conducting their business differently now after the Department of Homeland Security examined how they handled buildings and security of employees. Each one of them now has a mandate to change the way they do business. We have provided the money for those new directions in the 2005 bills. That money for the security of the Federal buildings will not be available under the 2004 program without substantial reprogramming, which couldn't be done until well into next year.

I am trying to make the case for the Members of the Senate to think about getting all of these bills done this year. Don't think about a continuing resolution. A continuing resolution will not work for the appropriations process this year.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendments be set aside for purposes of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3617

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LAUTENBERG, proposes an amendment numbered 3617.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that the Coast Guard has sufficient resources for its traditional core missions)

On page 14, line 2, strike "$5,153,220,000, of which $1,090,000,000 shall be for defense-related activities;" and insert "5,253,220,000 of which $1,090,000,000 shall be for defense-related activities; and of which, $100,000,000 shall be for non-homeland security missions defined by Sec. 888(a)(1) of Public Law 107-296.".

Mr. REID. Mr. President, this amendment calls for $100 million for the U.S. Coast Guard. Senator LAUTENBERG at a subsequent time will come and debate this matter. It is my understanding that the leadership wishes to have this as one of the votes that would occur on Monday evening.

AMENDMENT NO. 3618

Mr. COCHRAN. Mr. President, on behalf of myself and Senators FRIST, BYRD, and VOINOVICH, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. FRIST, for himself, Mr. COCHRAN, Mr. BYRD, and Mr. VOINOVICH, proposes an amendment numbered 3618.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available to the Department of Homeland Security additional funds)

On page 39, between lines 5 and 6, insert the following new section:

"SEC. . (a) The total amount appropriated under the heading "CUSTOMS AND BORDER PROTECTION, SALARIES AND EXPENSES" is hereby increased by $120,000,000. Of such total amount, as so increased, $40,000,000 is provided for radiation detection devices, $40,000,000 is provided for additional border inspectors, and $40,000,000 is provided for additional border patrol agents.

"(b) The total amount appropriated under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES AND EXPENSES" is hereby increased by $80,000,000. Of such total amount, as so increased, $40,000,000 is provided for additional investigator personnel, and $40,000,000 is provided for detention and removal bedspace and removal operations.

"(c) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS" is hereby increased by $81,000,000. The total amount provided in the aforementioned heading for discretionary grants is increased by $81,000,000. Of that total amount, as so increased, the amount for rail and transit security grants is increased by $81,000,000.

"(d) The total amount appropriated under heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS" is hereby increased by $36,000,000. Of such total amount, as so increased, $36,000,000 is provided for emergency management performance grants.

"(e) In Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended by this bill, strike "June 1, 2005" and insert "September 30, 2005."

Mr. COCHRAN. Mr. President, this amendment increases funding for the Department of Homeland Security fiscal year 2005 appropriations bill. It is fully offset by an extension of customs user fees to September 30, 2005.

Specifically, this amendment will add funds for the following programs:

$40 million for additional radiation detection devices,

$40 million for additional border inspectors,

$40 million for additional border patrol agents,

$40 million for additional investigators,

$40 million for detention and removals of illegal aliens,

$81 million for additional rail and transit security grants, and

$36 million for additional emergency management performance grants.

Mr. REID. Mr. President, as indicated by the cosponsor of this amendment, it is totally supported on this side. We appreciate the chairman of the committee moving forward on this most important amendment to increase funding for these agencies as set forth therein.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, this question is on agreeing to the amendment.

The amendment (No. 3618) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

Mr. DOMENICI. Madam President, parliamentary inquiry: Is it appropriate now in morning business for the Senator from New Mexico to speak?

The PRESIDING OFFICER. We are not in morning business.

Mr. DOMENICI. I ask unanimous consent I be permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

DEMAND FOR OIL

Mr. DOMENICI. Madam President, I want to share some highlights from this week's news about oil and its effect on our economy. Yesterday's Washington Post quoted Dr. Alan Greenspan's testimony before the House Budget Committee.

> The economy is doing reasonably well. If it weren't for the oil spike, I would be very optimistic where the economy is going.

Chairman Greenspan said the spring surge in energy prices weakened the economy more than analysts expected. He suggested that uncertainty about oil prices continues to cloud the economic outlook.

Financial analysts have also lowered the forecast expectations for our American economy growth over the next year. For example, an economist with Global Insight said:

> Persistent high prices of oil remain a shadow over the recovery.

On Wednesday, the President of OPEC stated that high oil prices would undermine the economies of the United States and Europe by 2 percent. These high prices exist primarily because of soaring demand for oil in tightly stretched markets.

In its weekly report, the Energy Information Administration reported that spare capacity to pump more oil is near the lowest in decades. EIA said global oil production is running around 99 percent of estimated capacity. Just yesterday, the EIA stated in its short-time market outlook that it expected oil prices to average $40 until mid-2005 despite OPEC efforts to increase oil production. Low surplus capacity is obviously with us. Similarly, the Paris-based International Energy Agency acknowledged the same. Given the limited spare capacity, some people are worried about whether there will be sufficient oil to meet demand. We all know what that will do if it continues.

Yesterday in the Wall Street Journal there was an article entitled, "Demand for Oil Could Outstrip Supply." In the article, the Washington-based oil-forecasting group, PFC Energy, warned that the energy industry may be without the capacity to produce sufficient oil to meet the needs. In their study, the PFC maintains the world will not be able to produce more than 100 million barrels a day, only 20 percent more than the current global supply of 82 million barrels a day.

Oil analysts who believe we are running out of oil or that we have peaked are still in the minority, but the numbers are getting more and more ominous. We should heed these warnings.

PFC concluded that the limits of global oil production will mean the demand for oil will have to be curbed and alternative sources of energy will have to be found.

Herman Franssen, the President of PFC and a former chief economist for the International Energy Agency, said the PFC's conclusion tells policymakers that they have a decade to put our house in order. For instance, it takes that long to retool the car industry to use another fuel. We must begin working on that, and we are. Well, we do not have a decade to put our house in order. We cannot afford to wait until the house crashes in around us taking our economy, our energy security, and our future well-being down with it.

We need to act now before this session of Congress ends. We must show the American people that our economy and our energy security matter, that they are important.

We must show the American people we are willing to take steps to lessen our oil dependency by producing alternative sources of fuel that sends a signal to the world we are going to have more natural gas because we take steps, with far more renewables, that we are going to clean up coal so we can use it. Yes, we may even provide some incentives so we might produce a few nuclear powerplants to add to this fast pace. We need to correct the shortcomings of our electricity supply so we do not have any blackouts anymore.

Well, guess where these things and more are found. They are not running around in the sky. They are not here in the rhetoric. They are in a bill. They are in an energy bill. We produced it and we lost it by two votes. Those who said they did not like it on the Democrat side said it was because of an additive clause regarding MTBE. It is a Government-approved additive. There was something in the bill that said we are going to protect those who manufacture it because they are not to blame for what happens downstream. However, we were led to believe that was enough to kill the bill. We took it out.

Madam President, up there at the desk, ready to be called up, ready to become our energy policy—because the House will accept it with some modification of MTBE that will not be the hold-harmless provision, but yet we do not get anything from the other side that indicates they would let us have a bill, they would let us pass a bill.

I think the American people—because we have not called the bill up and let them kill it like they did one time, two times—are wondering. But I do not want them to wonder anymore. We have a very good energy bill. We have it ready to get passed. If the question is, Why haven't you done it, it is not on this side. It is not on this chairman who worked 18 months to get a bill, with a lot of help from all sides, and ultimately the House. It is the Democrats who will not let us get this bill, plain and simple.

If anybody on that side in a position of authority—the leader on that side, Senator BINGAMAN on that side—would say, well, we need an energy bill, we are part of the problem in America, we want to solve it—if they just say that, Americans, we would have a bill in 24 hours. I urge that we try to do that.

I am very concerned we are short of oil, but we are not sending any signals that we are going to have a major policy shift that will permit us to have alternatives and not become dependent on the world for natural gas. Can you imagine that with the chief new energy source—natural gas—we are moving in the direction, without this energy bill, where soon we will say: What happened? We are in the same muddle on natural gas as oil. We will become dependent on foreign countries.

Pretty soon we will say, well, we use natural gas to fuel our powerplants because it is clean. We are using it in our homes and businesses because it is great. But what do you think about that? We are dependent on foreign countries again.

We are leaving offshore natural gas, which can be drilled for, we are leaving it there because we need to change some rules or they cannot do it. We are leaving natural gas in Alaska that can be used—not the argument over crude oil in the wilderness area; that should be done for America, but that is not the issue in this bill. In this bill it is natural gas, in large quantities, delivered to Chicago for dispersion in America. Why don't we do that? Well, we cannot do it if we cannot pass a bill.

So I do not need the whole 10 minutes. Perhaps I made my point. I hope so. I have been here twice this week. I guarantee you, if we do not make some movement soon, some people on the other side are going to get tired of seeing me down here, but I will be here.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I ask unanimous consent to lay aside the pending amendments so I can propose an amendment to the current Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3619

Mr. CORZINE. Madam President, I send an amendment to the desk on behalf of myself and Senators Lautenberg, Schumer, and Boxer, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Jersey [Mr. CORZINE], for himself, Mr. LAUTENBERG, Mr. SCHUMER, and Mrs. BOXER, proposes an amendment numbered 3619.

Mr. CORZINE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate an additional $100,000,000 to enhance the security of chemical plants)

On page 19, line 17, strike "$2,845,081,000" and all that follows through "grants" on page 20, line 11, and insert the following: "$2,945,081,000, which shall be allocated as follows:

"(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT Act (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

"(2) $1,300,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided*, That $150,000,000 shall be for port security grants; $15,000,000 shall be for trucking industry security grants; $10,000,000 shall be for intercity bus security grants; $150,000,000 shall be for rail and transit security grants; $100,000,000 shall be for enhancing the security of chemical plants".

Mr. CORZINE. Madam President, this amendment addresses one of the most serious security threats facing our Nation: the threat of a terrorist attack on a chemical facility. As in my State, the great State of North Carolina has had some accidents with regard to chemical plants recently, and many people believe it is one of the greatest vulnerabilities in our infrastructure.

I have discussed this issue many times, as it is vital to my State, which has a heavy concentration of chemical plant facilities. There are thousands of these facilities across the Nation that can release and expose tens of thousands of Americans to highly toxic gases—some fatal, some leading to great illness. It should not be lost on the American public that we will be remembering the 20th anniversary of Bhopal this year where as many as 7,000 people have ultimately passed from a chemical plant explosion. It was tragic at the time.

There are many other instances, and there is a great risk associated with these plants. The reality is that many of them were built at an earlier time in our economy where now there are surrounding densely populated areas. That is why this has been a great concern to people who think about homeland security right in our neighborhoods. It is the reason we need to make sure that what could be attractive targets for terrorists are properly addressed in the Homeland Security appropriations process.

Unfortunately, there are currently no Federal standards for chemical facilities. The private sector has been left to do whatever it chooses completely on a voluntary basis. I believe there are many chemical facilities where people have done a good job. It is in their self-interest to protect their employees, themselves, their proprietary interests, and they have done a good job. But that does not mean that all facilities have. Quite frankly, since there are no standards and no accountability requirements, we don't know. We are vulnerable, at least according to all of the experts who review homeland security. We are putting at risk literally millions of Americans. It is an unacceptable risk, from my standpoint.

According to EPA, there are 123 facilities in 24 States where a chemical release could expose more than 1 million people to highly toxic chemicals. We have a chart showing where about 100,000 Americans are at risk. But there are 123, 8 of which are in my State, where 1 million people could be exposed to toxic chemicals. There are about 750 facilities in 39 States where a chemical release could expose more than 100,000 people, and there are nearly 3,000 facilities spread across 49 States where a chemical release could expose more than 10,000 people to toxic chemicals.

It is a broad problem around the Nation. It is acknowledged. I have discussed many times this issue in the Senate Chamber, on the Environment and Public Works Committee. It needs to be addressed. I don't think we ought to be discussing this after there is a problem; we ought to be talking about it and correcting the issue ahead of time. There are no standards. The numbers are pretty staggering.

There are others who might define exposure somewhat differently. I noticed recently the Department of Homeland Security, instead of looking at a 360-degree circumference around a chemical plant, has tried to talk about the prevailing wind patterns in an area and lower the numbers. But we are still talking about literally millions of Americans being exposed to the possibility of toxic air masses coming out of one of these plants. It is time to act. It is not enough to just use words and talk about voluntary standards. Frankly, there is ongoing work in the EPW Committee to come up with a compromise proposal. I am supportive of the idea that we want to move forward.

This security issue is real and present and needs to be dealt with. In fact, the Department of Justice, a year and a half before September 11, issued a report on April 16, 2000, about chemical plants. That was mentioned in the Hart-Rudman report. In almost every situation that someone speaks to homeland security, chemical plants show up in the discussion. But the Justice Department writes in the April 18, 2000, report:

> We have concluded the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible . . . Increasingly, terrorists engineer their attacks to cause mass casualties to the populace and/or large-scale damage to property. Terrorists or other criminals are likely to view the potential of a chemical release from an industrial facility as a relatively attractive means of achieving these goals.

It couldn't be stated more clearly. And that was before September 11. If we thought there were risks then, we have to believe there are risks now. That report should have awakened us.

We have comments after September 11 from people who are importantly involved in our homeland security efforts. For example, in congressional testimony, Governor Ridge said:

> The fact is, we have a very diversified economy and our enemies look at some of our economic assets as targets. And clearly, the chemical facilities are one of them. We know that there have been reports validated about security deficiencies at dozens and dozens of [plants].

Let me tell you about some of the reports to which Governor Ridge may have been referring. The Pittsburgh Tribune-Review conducted a major investigation about chemical plant security across the country—Pennsylvania, Houston, Chicago, New Jersey, elsewhere. They found that intruders had unfettered access to some of the Nation's deadliest stockpiles of toxins and explosives. Security was so lax that in broad daylight a reporter could easily walk up to tanks, pipes, and control rooms. If there is any intellectual integrity in these reports, this is absolute proof that we have inconsistency, at best, with regard to implementation of security requirements or security arrangements at a lot of our chemical plants.

I am not just relying on press reports. In fact, I have visited chemical facilities myself, seen lax security, some in my own State. The fact is, we have to move on this. I visited one plant in New Jersey that had gaping holes in the security fence. Along with a reporter from CBS 60 Minutes, I walked right onto a plant. This is one that was a member of the society that is espousing voluntary standards. While it was not all that much fun moving into one of these plants, it was easy to have accomplished. Had we been terrorists with just a small explosive device, we could have easily caused a tragic and truly catastrophic release of toxic chemicals.

It is uncertain about what the loss of life would be, but it happened to be another plant in New Jersey that is located right under a freeway, with no guards or anything to keep somebody from pulling up, faking a flat tire, and tossing a hand grenade over the side wall of an overpass into a chemical plant facility. It is actually one of the largest exposures of the various plants in America. And, again, it was a plant that was a member of the Chemical Society, which talks about standards.

This is something which I think we need to recognize, that it is not always the highest common denominator we have to work with. We have to worry about the exposures at the lowest common denominator. It is a real threat and problem. We need to address that.

Let me add that I have not come down to bash the chemical industry, because I don't believe this is representative of everyone in the industry. Many are doing everything the standards ask and call for. We need to assure the American people we are doing that everywhere. We would not accept that we have OK security at one nuclear powerplant but not at another. We have standards and accountability applying to those situations because it is a risk to the people in and around those communities. We demand 100-

percent attention to detail. These plants can be as deadly and as negative for the communities they are in as anywhere else.

We need to make sure everyone is acting in good faith—not only the good actors but everyone. That is why I feel so strongly that we need to move the kind of legislation Chairman INHOFE is working on in the EPW Committee. We all need to get together and get away from purely voluntary standards and into something that is actually more important for all of us to do in order to make sure all facilities are addressed.

That is why, 3 years ago, I first introduced the Chemical Security Act. My bill would have required chemical facilities to assess their vulnerabilities, establish priorities in the Nation, develop plans to improve security, and use inherently safer technologies. We have had to move away from that to get something done. But I think we still need those plans and we need accountability to make sure the plans are in place. I would like to see us work with safer technologies that are available. I think we can help some of the companies transition financially if that were necessary. But I do think we need to move forward.

So far, we have not been able to get legislation passed and the exposure continues at least with some subset of the facilities around. I think it is time for us to move. I thought my approach was common sense, fairly simple, and it actually gave a lot of flexibility. It has been frustrating not to see this legislation dealt with. When it was first introduced, it got a 22–0 supporting vote in the EPW Committee, until the process of lobbying and other considerations came into play and a lot of folks backed away from it.

I am hopeful people will wake up to the reality that there is real exposure in our communities. It is time to act. Hot air and lots of words by people doing television shows, "60 Minutes," and writing newspaper articles is not enough. We need to have accountability and real standards to protect the American people. I know I feel that way about our folks in New Jersey, and I am going to feel as if I have not done my job if one of our plants is attacked and people lose lives because we have not done what we need to do to make sure they are safe. This is a place that recognizes the problem—by the way, every time we send out a Code Orange, we cite plant facilities as one of the areas that needs to be attended to by State and local law enforcement. That is where my amendment comes in today. I am not actually talking about this particular bill at this point in time. It actually hasn't come through another process.

In this particular amendment, the appropriations bill, I think there is the opportunity to make a modest first step by appropriating money to support State and local efforts to enhance chemical plant security. As I said, when we raise the code levels, we are asking State and local folks to go out and provide extra security around these plants. By the way, you may wonder why the public is doing the work in providing the security; but since it is happening, I think we ought to provide resources to make that happen.

The amendment I am introducing would provide $100 million for that purpose. Funds could be used, for example, to strengthen law enforcement's presence around chemical plants, prepare officials for responding to a terrorist attack in a chemical facility—a complicated issue, not exactly like fighting fire; it is somewhat different. It will provide assistance to plant managers and other steps State and local officials might take to protect their communities.

This is a straightforward amendment. We need to put money and resources into this potentially deadly concern in our homeland security. Not unlike port and rail security, I think this is an area where there is general recognition that there is exposure and we need to move forward.

As I have said, there are literally millions of people who have exposure. We have a legacy of these chemical plants being located in densely populated areas, not everywhere. We should prioritize. We ought to have a different standard for ammonia plants in South Dakota than when you are in Carney, NJ, in the midst of 12 million people in the metropolitan area of New Jersey and New York. There is a difference. But we need to make sure we have security plans that people are held accountable to, both industry and the local communities. So I am hopeful we will be able to positively consider this $100 million first step—a small step—and I will ask for a positive conclusion.

Assuming that a point of order is raised against this amendment—I don't see anybody on the floor, but maybe the Chair will do it. It may not happen. I will leave that for another time. I hope we can have a positive consideration of this amendment to protect chemical plants.

Madam President, I see the Senator from Massachusetts rising. I certainly don't want to stand in the way of his accessing the floor. I was going to speak as in morning business on the economy. I intended it to be for 10 to 15 minutes.

Mr. KENNEDY. I am glad to wait. We look forward to hearing the Senator's assessment of the state of our economy today, as one of those who has critical insight and opinions regarding the economy. I know the Senate will benefit from his comments.

Mr. CORZINE. I appreciate that courtesy from the Senator from Massachusetts.

Madam President, I ask unanimous consent for up to 15 minutes to speak as in morning business with respect to the economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. CORZINE. Madam President, over the summer, I came to the floor and gave a series of various discussions on something I care deeply about, at least from my background, and have some reason to have opinions about, and that is the state of our economy.

It is absolutely vital for all of us in the Senate to try to get economic policies that put people to work and make sure the economy is growing in a way that everybody shares the benefits of America's bounty. I think there is a tremendous responsibility on all of our parts to be serious about examining policies that lead to long-term economic growth that can put us in a position where Americans are at work, they have access to health care, and they have access to a very constructive quality of life as we go forward.

Quite obviously, I think we can do better. In fact, I am one who believes the 1990s was one of the greatest periods of economic well-being our Nation has seen throughout its history. We can go through the litany of 22 million new jobs, incredibly solid productivity growth, went from huge budget deficits to a balanced budget.

As one who came from the private sector, I saw incredible entrepreneurial energy in the 1990s. It maybe got a little too energetic at the close of the decade, but the fact was that we were moving ahead. Real wages were moving ahead. We were reducing poverty. There were lots of good indicators going on. We were actually beginning to edge away a little bit at even the health insurance problem in this country.

Things have changed in the last 3½ years, for lots of reasons. We have suffered a very severe set of economic setbacks, in my view. One does not have to be a rocket scientist or analyst to understand that we have lost jobs, on balance, over the 3½ years. It may be growing at the moment, but the composite picture is we have lost jobs. We have not gained 22½ million; we have lost jobs. We have outsourced a lot of our high-quality jobs. We have lost whole industries to the exporting of jobs overseas.

A lot of our manufacturing jobs—in New Jersey, we are down to one auto manufacturing plant that is going to close in another 18 months. It used to be the heart and soul of our business. We had a great textile industry, just like I am sure was the case in North Carolina. It is gone. Many of those jobs have gone overseas. The quality of jobs that have replaced them has often been lacking, certainly, in economic well-being, absolute status of those jobs, and benefits that accompany them.

While we have had a recovery of sorts with regard to our stock market, we are still way off the top of where stock values were in the 1990s, and certainly for the last year we have been bouncing along. There has been no direction and it is not one that I think anybody would say is a strong economic boon for those who are interested in equity values.

Maybe more importantly, we have mortgaged our future. We have a budget deficit that exploded. We actually have another deficit, the trade deficit, the current account deficit, which are really long-run indicators of the eroding health of our economy. They may not bite us tomorrow or a month from now, but one cannot continue to have to borrow more money overseas to finance both personal debt and Federal Government debt—which is what we are doing right now with the kind of current account deficit—without having our dollar erode and the underlying values in America lost over a long period of time. It is coming. It is not whether, it is when.

We have a zero savings rate in this country. That is not the way to build productive capacity as we go forward.

There is a huge difference between the 1990s and where we are now. I think, though, when one puts all of this together, maybe the most significant problem facing our country gets down to the human level. It is the issue that is on the minds of individual Americans, and that is the continuing and dreadful squeeze that we see on the middle class.

The vast majority of Americans who go to work every day, who drive this economy—two-thirds of our economy is driven by consumer expenditures, and that is the middle class. Those folks are suffering right now from what truly is a squeeze. Real income has declined. It is not debatable. It is real. The last 3½ years we have seen real income for the Americans who are in the lower 60 percent or the 60 percent from the bottom up diminish even more than the top. But every American on average has lost real income in the last 3½ years. They have been forced to pay higher prices that have outstripped income.

By the way, for the most vital elements of a family's budget, it is worse, it really is. Even though the Consumer Price Index might register one way, when one is talking about things that are absolutely vital to a family's well-being: health care, access to higher education, college tuition costs, energy prices to fuel the car and heat the home and keep the air-conditioner running, or property taxes, we may have cut taxes in Washington, but what is going on at the State and local level—in New Jersey, they are up about 10 percent each year over the last 3 years cumulative, and we have seen the real cost of living for individuals, apart from these questions of CPI and PPI and all the indexes, the things that really bite at an individual, the middle class family's pocketbook, has gone up.

I think there is a real problem. Between 2000 and 2003, family income fell by $1,535 or 3 percent. In fact, it has declined every year under the current administration, and the declines have been even steeper for those who are not lucky. I talked about the 60 percent of families, building up from the lowest level income in the country, and there it has declined by 4.6 percent. So it is a real deal. This is not something that can be denied. These are factual numbers. It is something that we seem to turn our backs on.

Contrast that with the record in the 1990s and during President Clinton's tenure in office. The typical family income increased $7,200 compared to a $1,500 decline. I think that is a pretty decent standard to measure whether things are working for middle class Americans and for Americans in general.

Let us look at what happened at the cost of living: gasoline prices up 19 percent over the last 3½ years, college tuition costs up 28 percent, family health care premiums up 45 percent. I did not put out the figures on property taxes but, as I said, they have gone up 10 percent each year in my home State. I know it is different in other places.

Another cost that has gone up under President Bush, an indicator of the current state of our economy, is the cost of Medicare. Just 1 week ago today, mysteriously the Friday before Labor Day, we had an announcement that there has been a 17-percent increase in Medicare premium costs. It kind of gets lost in the shuffle, although I do not think this one is going to get lost because people are going to find out that they are paying a heck of a lot more for their Medicare premiums. We tried to slip through this 17-percent increase, which by the way is reflective of a 72-percent increase in Medicare premiums in the last 3½ years.

By the way, from 1996 to 2000, it was 7 percent. Again, we are talking about the 1990s versus what we now see. Let us compare that with that little bit under 3-percent increase in Social Security benefits that has gone on over the same period of time. We are spending everything that comes out, or close to—actually it is about 60 percent of what we have had in increases in Social Security premiums right into Medicare premium increases that are being charged now.

This is a problem. Given these dramatic price increases and the decline of family income, there is no wonder that families feel squeezed. They have to. We are moving in the wrong direction on way too many of these indicators, and I think it is time that we take a look at the policies that are leading to this.

Under President Bush, moving on to another perspective, we have lost 1.6 million private sector jobs. Mysteriously we have actually created a lot of jobs in the Government sector. That reduces that job loss down to about a million. We are growing the Government, but we are not growing our private sector. I thought it was supposed to be the other way around. It is unprecedented in modern times that we are actually losing jobs.

Remember, the population is growing and productivity is going up. And we are losing jobs? We may have had a growth spurt of sorts—it has actually been pretty anemic by any historical standards because we need almost 200,000 jobs a month just to stay up with population growth. But the fact is, we have had the first administration since the 1930s—it is not that we have a Hoover-level economy, but it is the first President since Herbert Hoover that we have actually seen job losses in this economy.

It is hard to believe. That is a pretty tough standard. Americans want to work. They want to build a better world for their kids and their grandkids. Creating jobs is how we do that, and that is not happening. It is certainly not happening with quality jobs.

We have all heard when you lose a job and then you get a job, afterwards there is a big deterioration in the economic well-being associated with that job. On average it is $9,000 less. In those industries that are contracting versus where people are hired, going from $33,000 down to $24,000, that is not the way to drive a healthy economy, particularly one that is so consumer-driven. I believe people will spend a little less money if they were making $33,000 and now they are making $24,000. You can talk about it in terms of arithmetic or you can talk about it in terms of well-being of the family and ability to pay, this is a problem in terms of quality of jobs, numbers of jobs, and the ability of people to have real income.

I believe it is reflective of the poor policies to truly stimulate job growth in this country. We are putting all our eggs in a very narrow segment of people who are already doing well, whether it is through tax cuts or the advantages we have in this society. This is not a complaint about people doing well. That is great. But we need to have the resources to invest in other things that will make a difference in people's lives. We need to have tax breaks that get our American companies to produce jobs here at home, not outsource them. We need to have the resources to help corporate America and small business do something about health care. We need to share that burden so they are not cutting jobs because the cost of benefits is too high. We need to do something about that now, and we need the resources to do it without blowing up the budget deficit way beyond where it is when we have an entitlement problem just around the corner on Social Security and other elements.

We talked earlier about 19 percent fewer people have health care now. The reason is, it is so costly. A lot of individuals just avoid it because they can't stick with those costs. Companies are cutting their health care benefits because it has turned into the biggest expense they have, certainly the biggest growing expense. We need some policies that actually address that and are making an effort on that. We have not heard anything on that in the last 4 years.

There is a real plan on the table, talking about catastrophic health insurance, making sure every child is insured, making sure we have tax credits for small business and offering Federal employees health benefits to small business so we have bigger pools. There are a lot of things to do. We are not doing it, and it is undermining the basic health and well-being of our economic society. And that is outside the context of realizing that 5 million people are without health insurance.

There is a lot to be done here. There has been a lot lost. All of this is in the context of where we have gone from budget surpluses—a couple of hundred billion on an annual basis—to what was announced this week of a $422 billion deficit, the largest ever, and there is not much of a prospect we are going to get that under control in the next few years. This is from the bipartisan Congressional Budget Office. I think we are talking about $2.3 trillion over the next couple of years, with a whole bunch of things missing. It is a difficult, severe economic circumstance that I believe our current set of policies allowed to be.

It is time for a change. I think our colleague Senator KERRY has great plans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CORZINE. I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. There is so much to do—on health care, job creation, and job training. We need the resources to be able to do it. We need to have sound policies to be able to underwrite rational Medicare policy, health care policy. We have put ourselves into a position where we have no money to invest in that, not in a serious way.

There is a lot of work to do. The American people understand there is a difference between the economic success we have had because we had the discipline and the foresight to do the things that make a difference, to create those 22 million jobs, to create real income growth, and what we have had in the last 3½ years, which has done just the opposite and particularly has been heavyhanded and harsh on middle-class America. I hope when we get to elections we will make the economic choices that will relieve that economic squeeze and make a difference in people's lives because it is truly important if we are going to have a longrun, sustained economic well-being for the Nation in the years and decades ahead.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I ask unanimous consent to set aside the pending business, and I call up amendment No. 3617, which is currently at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is laid aside.

AMENDMENT NO. 3617

Mr. LAUTENBERG. Madam President, I rise to address an amendment that will ensure the Coast Guard will have adequate funding to complete its homeland security missions without sacrificing its traditional duties. In this appropriations bill, the one that is before us, the Senate would provide $5.15 billion in operating expenses for the Coast Guard. That is $250 million less than the amount authorized and $20 million less than the President's request.

This amount is supposed to cover operations for all Coast Guard missions, both nonsecurity and security related. But the General Accountability Office has found that in times of elevated security levels, the Coast Guard has had to delve into the budget for traditional missions that are currently performed by the Coast Guard. This amendment will cover the shortfall by adding $100 million for work on nonhomeland-security-related missions.

We have even appropriated money for the Iraqi Coastal Defense Force. With $260 million in the emergency supplemental last year for border enforcement in Iraq, we have gone out and purchased Chinese-built patrol boats shipped by a German company to Iraq, where we are training their crews to perform antismuggling operations, harbor and coastline defense, search and rescue operations, and various other operations in Iraq. If we can find money for the Iraqi Coastal Defense Force, surely we can fully fund our own Coast Guard.

One month ago we enacted the Coast Guard and Marine Transportation Act of 2004 which reauthorizes the Coast Guard for fiscal years 2005 and 2006. Due to the leadership of Chairman MCCAIN, Ranking Member HOLLINGS, as well as subcommittee leaders, Chairman SNOWE and Ranking Member JOHN KERRY, this important legislation was enacted. This law authorizes some very important work and gives even more responsibility to the Coast Guard, which the occupant of the chair knows, coming from a coastal State like North Carolina. The Coast Guard is always being given more work, more demands, performing with less resources, fewer people, and still doing an outstanding job. But there is a point at which they just can't do that anymore. The work they do, we forget, includes work on oil pollution, marine safety, improved fisheries enforcement, and work finding alternatives to double-hull vessel designs. This authorizes adequate funding. This authorization provided for the additional $100 million in my amendment to ensure that the budgets for traditional missions are not raided. The President signed this act into law 1 month and 1 day ago, so there is an established need for this amendment.

I want to be clear. My amendment does not add back the entire $251 million that was authorized but was left out here. Rather, it recaptures only $100 million out of that. The amendment would not affect the homeland security budget of the Coast Guard.

Last year my staff heard from a New Jersey constituent who is in the Coast Guard. We have Coast Guard training facilities in the State of New Jersey.

He told my staff that due to budget cuts, his unit was forced to share personal equipment like specialized suits and other gear intended to be worn by one individual.

He said that this made it difficult to do his job, but he and his colleagues were making do.

Nonetheless, I find this disturbing.

Because of inadequate budgeting, even the Coast Guard Commandant, Admiral Collins, has been forced to do what I like to call the "OMB Dance."

This is the "Dance" where agency heads come before Congress and squirm while they tell us that they can "made do" with a clearly inadequate budget.

They don't volunteer details about how these funding shortfalls threaten their ability to carry out their missions effectively.

Some of the traditional missions of the Coast Guard include search-and-rescue, marine safety, drug interdiction, aids to navigation, ice breaking operations, living marine resources, migrant interdiction, marine environmental protection, and other law enforcement activities.

In their report, the GAO discovered that "resource hours" for many of traditional functions are still well below pre-9/11 levels. For instance, search-and-rescue is down 22 percent. Foreign fishing enforcement is down 16 percent, permitting further abuse of the available supply of fish life. And interdiction of illegal drugs is down 44 percent.

When we send Coast Guard cutters to the Middle East, it affects us at home.

The administration will tell you, and I am sure you will hear during debate, that based on "performance factors," these areas have not been hurt—that they are doing their job more efficiently now, with better intelligence.

Once again, you can only squeeze so far.

But how do you measure how many drug shipments were not seized?

How do you measure how many illegal aliens where not intercepted?

Or how many foreign fishing vessels violated international treaties and fished in U.S. waters without getting caught?

Under this bill, some of these functions are now considered "defense-related," but not all of them.

We must provide adequate resources for the Coast Guard to complete all of their missions.

If we continue to treat their non-homeland budget as a security slush fund, we will end up paying for it in other ways.

I urge my colleagues to support this amendment.

We have an understanding that there will be a vote on this amendment on Monday afternoon.

I yield the floor.

The PRESIDING OFFICER (Mr. Smith). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend from Florida who has urgent business. I ask unanimous consent to be recognized after he concludes his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE REFORM

Mr. GRAHAM of Florida. Mr. President, I thank my colleague and good friend, Senator Kennedy, for his courtesy in allowing me to make these remarks at this time.

Mr. President, this is a propitious moment.

At exactly 8:46 tomorrow—Saturday—morning, we will observe the third anniversary of the crash of American Airlines Flight 11 into the North Tower of the World Trade Center.

That moment changed our Nation and our world forever—and in the hours and days that followed the terrorist attacks of September 11, 2001, we in public office undertook an important obligation.

We vowed, in the memory of the nearly 3,000 innocent people who died that day, to take action to prevent attacks of that magnitude from ever happening again within our homeland.

In his speech delivered before a joint session of Congress on September 20, 2001, President Bush put it this way:

> Americans are asking, How will we fight and win this war?
>
> We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and to the defeat of the global terror network.

Unfortunately, one day before the third anniversary of 9/11, we have not met that commitment.

We have failed to adequately focus on what it will take to fight this new threat, one that calls for new thinking and new governmental infrastructure.

The No. 1 requirement for meaningful reform is strong and consistent Presidential leadership.

We have seen leadership lacking at several crucial turning points in recent history, both before September 11, 2001 and since.

I have believed for many months—since well before the final report of the independent 9/11 Commission was released in July—that the problems in our intelligence community are not a mystery, they are known weaknesses that simply have yet to be fixed.

I commend the 9/11 Commission for its fine work, especially chairman and former Governor of New Jersey Tom Kean and vice chairman and former Congressman from Indiana Lee Hamilton.

And I am optimistic that their report has shaken our nation's leaders out of their lethargy and caused them to focus on the need for reform of our intelligence gathering and analysis.

But the record is clear. The 9/11 Commission's work built on a series of commissions and studies that offered recommendations for reform of the intelligence community going back nearly a decade.

But those recommendations were—tragically—all but ignored.

Just to mention the reports that were before the Congress and before the President, I would date these efforts to 1995, when Congress created the Commission on the Roles and Capabilities of the United States Intelligence Community, also known as the Aspin-Brown Commission.

Its final report was issued on March 1, 1996.

Since then, there have been the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, also known as the Gilmore Committee, which issued the first of its five reports in December 1999, the National Commission on Terrorism, also known as the Bremer Commission, which issued its report in June 2000, and the National Commission on National Security in the 21st century, also known as the Hart-Rudman Commission, which issued its final report in January of 2001.

I ask unanimous consent to have printed in the Record the membership of each of these commissions, which demonstrates the quality of the individuals who studied these problems and made recommendations.

There being no objection, the material was ordered to be printed in the Record, as follows:

Members of independent commissions that have reviewed the Intelligence Community:

Hart-Rudman Commission (2001): Gary Hart (co-chair), Warren Bruce Rudman (co-chair), Anne Armstrong, Norm R. Augustine, John Dancy, John R. Galvin, Leslie H. Gelb, Newt Gingrich, Lee H. Hamilton, Lionel H. Olmer, Donald B. Rice, James R. Schlesinger, Harry D. Train, Andrew Jackson Young, Jr.

Bremer Commission (2000): L. Paul Bremer (chairman), Maurice Sonnenberg (vice chairman), Richard K. Betts, Wayne A. Downing, Jane Harman, Fred C. Ikle, Juliette N. Kayyem, John F. Lewish, Jr., Gardner Peckham, R. James Woolsey.

Gilmore Commission (1999): James S. Gilmore, George Foresman, L. Paul Bremer, Michael Freeman, William Garrison, Ellen M. Gordon, James Greenleaf, William Jenaway, William Dallas Jones, Paul M. Maniscalco, John O. Marsh, Kathleen O'Brien, M. Patricia Quinlisk, Patrick Ralston, William Reno, Kenneth Shine, Alan D. Vickery, Hubert Williams. Non-voting participants: John Hathaway, John Lombardi, Michael A. Wermuth, Jennifer Brower.

Aspin-Brown Commission (1996): Appointed by Pres. Clinton: Les Aspin, Warren B. Rudman, Lew Allen, Zoe Baird, Ann Caracristi, Stephen Friedman, Anthony S. Harrington, Robert J. Hermann, Paul D. Wolfowitz. Appointed by Congress: Hon. Tony Coelho, David H. Dewhurst, Rep. Norman D. Dicks, Sen. J. James Exon, Hon. Wyche Fowler, Rep. Porter Goss, Lt. Gen. Robert E. Pursley, Sen. John Warner.

Mr. GRAHAM of Florida. Mr. President, finally, there is the report of our own House-Senate Joint Inquiry into the intelligence failures that surrounded 9/11, which I had the honor of co-chairing with Representative Porter Goss.

The Joint Inquiry file our report with its 19 recommendations in December 2002.

I ask unanimous consent to have printed in the Record the names of the members of the House and Senate Intelligence Committees in the 107th Congress who served on the Joint Inquiry.

There being no objection, the material was ordered to be printed in the Record, as follows:

House Permanent Select Committee on Intelligence, 107th Congress Membership

Porter J. Goss, R—Florida, Chairman
Nancy Pelosi, D—California, Ranking Democrat

REPUBLICANS

Doug Bereuter, Nebraska
Michael N. Castle, Delaware
Sherwood L. Boehlert, New York
Jim Gibbons, Nevada
Ray LaHood, Illinois
Randy "Duke" Cunningham, California
Peter Hoekstra, Michigan
Richard Burr, North Carolina
Saxby Chambliss, Georgia
Terry Everett, Alabama

DEMOCRATS

Sanford D. Bishop, Georgia
Jane Harman, California
Gary A. Condit, California
Tim Roemer, Indiana
Silvestre Reyes, Texas
Leonard L. Boswell, Iowa
Collin C. Peterson, Minnesota
Bud Cramer, Alabama

Timothy R. Sample, Staff Director
Michael W. Sheehy, Democratic Counsel

Mr. GRAHAM of Florida. The declassified version was released to the public on July 24, 2003.

I filed legislation, S. 1520, September 11, the Memorial Intelligence Reform Act, to implement those recommendations 1 week later on July 31, 2003. Each of these panels, in common, concluded major changes were needed to better protect the American people, including such steps as much longer human intelligence capabilities. Yet we did not see the leadership that was needed to fully implement any of those recommendations. Rather, when it comes to reforming our intelligence community, our Nation's leaders can be described as lethargic, at best, negligent, at worst.

Let me be clear, my condemnation is not directed only at the current administration but previous administrations, as well. For instance, in my judgment, the Clinton administration was guilty of two principal failures. One, it did not seriously consider or initiate the changes necessary to move our intelligence agencies into the 21st century; second, it did not take adequate steps to wipe out the al-Qaida training camps in Afghanistan, camps which produced thousands of extremists trained in the effective skills of terrorism.

The blame is not totally at the White House. This Congress deserves blame for its failure to move with a greater sense of urgency. I will discuss those failures in a future date.

Now we have the 9/11 Commission report. We are likely to see passage of an intelligence reform package before the election. I am convinced the American people will recognize that valuable time has been lost in the 3 years since September 11, 2001, and should we suffer another terrorist strike on our land before these reforms are fully implemented, we will not be able to dodge tough questions about why we failed to respond sooner.

It is abundantly clear that had we heeded the lessons to be learned from September 11, we might have avoided the embarrassing failures of intelligence on weapons of mass destruction that led us into the war in Iraq. President Bush should have exercised his full powers as Commander in Chief in the hours immediately after September 11 by calling together the leadership of the agencies whose failures contributed to that tragedy. The President should, in the bluntest of terms, have demanded a full review and a report and steps to correct these deficiencies to be submitted to the Oval Office within no longer than 100 days.

The No. 1 lesson of September 11 is obvious: Our intelligence on the terrorist threat was unreliable. It was subject to major gaps of necessary information and analysis. Had we applied exactly those same lessons learned as we prepared for the war in Iraq, the President would have had less confidence in the intelligence he was being given on issues such as weapons of mass destruction and the conditions that our military men and women would face during and after the initial assault.

Ponder this: What a difference that would have made as we learn from the Senate Intelligence Committee report on the problems of pre-Iraqi war intelligence. If we do not now take action to remedy those weaknesses, we will not be able to avoid accountability for our failure to detect and deter the next attack.

As has been demonstrated over the past decade, the fundamental opponent of intelligence reform is inertia and the natural tendency to maintain the status quo. Before we can get people to reject the status quo, there has to be, first, an agreement as to what are the problems to which the status quo has contributed.

I have found that the medical model of first diagnosing a problem and then prescribing a remedy to be a useful prescription with social problems. Today, I want to give the diagnosis of our intelligence community that a careful physician might offer. Next week, I will come to the Senate to offer my prescription.

This is what I consider to be five major problems and challenges facing American intelligence. One, the failure to adapt to a changing adversary and a changing global threat environment. Just as it was difficult 40 years earlier for the intelligence community to make the transition from the practices of the OSS against Germany and Japan, today's intelligence community has found it even more difficult to shift from the cold war to the war on terror.

Our new enemy is distinctly different than we are. It is a non-nation state, asymmetrical in the extreme. It is motivated by a religious belief that denies the legitimacy of governments which intrude on the direct relationship which should exist between all law and man. We are almost deaf to the numerous, frequently arcane languages that our new adversaries speak. As a people and as a nation, the United States has limited expertise in their cultures. By the failure to make the transition to this new world we inhabit and the new threats we face, American intelligence is rendering itself less and less capable of bringing the security which our citizens need and deserve.

A second failure is the repeated instances in which the intelligence community did not provide effective, strategic intelligence. In the summer of 2001, intelligence was reporting to American decisionmakers that, yes, al-Qaida was something of a threat to U.S. interests, but outside the country, not inside the homeland of the United States. So while we spent hundreds of millions of dollars to fortify our embassies abroad, we did virtually nothing to increase the safety of domestic commercial aviation.

As the planning for the war was intensifying in the winter and spring of 2003, Secretary of Defense Rumsfeld and Deputy Secretary of Defense Wolfowitz reached two conclusions which were validated by intelligence, much of which came from the intelligence agencies within the Department of Defense. They claimed that after the war the U.S. troops would be received as liberators and that the Iraqi people would shower our troops with flowers, as the American soldiers had been welcomed in Paris in 1944. They went on to say that the Iraqis would turn on the faucets of that nation's oil riches and pay for the occupation and rebuilding of their nation. Sadly, of course, neither of these projections has come true.

The third failure is the failure to establish within the intelligence community broad priorities and then to deploy the resources of the intelligence community behind those priorities. In December of 1998, former CIA Director George Tenet declared terrorism was the intelligence community's primary target, that America was at war with al-Qaida.

The problem is that within the CIA and the other intelligence agencies few heard the battle cry and even fewer responded.

Rather than set up intelligence systems to validate convenient political notions, we need a system that pursues mutually agreed-upon priorities

Fourth, the intelligence community has not implemented the policies necessary to recruit, train, reward or sanction, maintain the talents or diversify its human intelligence capabilities.

The U.S. human intelligence at the end of the cold war has been described as very deep in our knowledge of the Soviet target, almost ignorant about everything else.

In the places where we most need human intelligence, such as in the Middle East and Central Asia, we are woefully deficient.

The intelligence community's current recruitment and training regimes, which rely heavily on college campus career days, has been inadequate to overcome this handicap.

We are confronting terrorists with a band of men and women who are enthusiastic to perform the challenging intellectual work of an analyst or the dangerous undertaking of an operative, but often lack the necessary skills to be effective.

In my opinion, we need to rethink our system of intelligence recruitment, training, and performance evaluation.

The fifth failure is the failure to realize that many of the most important decisions made by the intelligence community that were previously described as tactical have now become strategic.

Unfortunately, the level and perspective of those tasking the gathering of that intelligence has not changed, often with highly adverse consequences.

One of the reasons that congressional oversight of the intelligence community exists is because in 1960, in the days before a planned summit between President Eisenhower and Soviet leader Nikita Krushvchev, the Soviet Union downed an American U-2 spy plane.

The tension surrounding the plane's mission and its downing aborted the summit, and that enraged Senator Mike Mansfield. This is what Senator Mansfield said:

> Not a single member of the Cabinet nor the President exercised any direct control whatsoever over the ill-fated U-2 flight at the critical moment at which it was launched.

He continued that the decision to undertake the flight:

> owes its origin more to bureaucratic inertia, lack of coordination and control and insensitivity to its potential cost than it does to any conscious decision of politically responsible leadership.

In other words, a tactical blunder had set back a strategic goal.

Today, even more than in 1960, tactical intelligence gathering operations need to show an appreciation—a greater appreciation than is true today—for their strategic implications.

Mr. President, it has been 3 years since we suffered the horror of September 11. The time to act is long since past.

In future days, I will discuss recommendations to address what I think are the major challenges we face, and to urge the courage and commitment, will and urgency, to protect the American people in the way that we failed to do on September 11, 2001.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

FAILURES IN IRAQ

Mr. KENNEDY. Yesterday, the Senate Armed Services Committee held two hearings to consider the reports by General Fay and General Jones and the report by former Defense Secretary Schlesinger about the Abu Ghraib prison debacle.

The abuses at Abu Ghraib are just one part of a much larger failure, for which our soldiers have been paying a high price since day one. Because of the Bush administration's arrogant ideological incompetence and its bizarre "mission accomplished" mentality, our troops and our intelligence officers and our diplomats had neither the resources nor the guidance needed to deal with the worsening conditions that steadily began to overwhelm them and continue to do so.

On issue after issue in Iraq, the administration has failed the basic test of competence.

Before the war, the administration mishandled the intelligence, causing great damage to U.S. respect in the world, making the war on terrorism far harder to win. It is preposterous for the administration to pretend that the war in Iraq has made America safer. No President in America's history has done more damage to our country and our security than President Bush.

The American people know where the buck stops.

The administration bungled prewar diplomacy on Iraq, leaving us isolated and unable to obtain real allied support.

The administration failed to consider the possibility that the liberation of Iraq might not be the cakewalk they predicted. They failed to consider the possibility that their preoccupation with Iraq could undo much of our achievement in Afghanistan and give the al-Qaida terrorists time to regroup and plan murderous new assaults.

Far too many of our soldiers were not adequately trained for their mission in Iraq and they did not have adequate equipment for their missions either.

The administration failed to send enough troops to do the job of keeping the peace. They disbanded the Iraqi army, and they are struggling now to recreate it.

The administration's failures have also put a huge strain on the Army and our Reserve Forces and imposed great hardships on the families of our soldiers.

The number of insurgents in Iraq has gone up. The number of brutal attacks has gone up, and so have the casualties.

When President Bush recklessly declared "mission accomplished," the civilian leaders in the Department of Defense took him seriously and left our Armed Forces in Iraq underprepared, understaffed, and underled for the mission that was only just beginning.

President Bush has stated that the war in Iraq was a catastrophic success. He is half right—the war has been a catastrophe.

The war has been a catastrophe for our soldiers, who were foolishly sent to war with no plan—no plan—to win the peace.

The war has been a catastrophe for their loved ones.

The war has been a catastrophe for our Nation's standing in the world and for the war on terror. As I have said, it has distracted us from the real threat of al-Qaida in Afghanistan and elsewhere, made the war against terrorism far harder to win, and made America more hated in the world than at any other time in our history.

Nothing I have said detracts from the extraordinary heroism of our soldiers. They have responded to their mission in Iraq with immense courage and dedication. But their outstanding service does not and cannot excuse the incompetence of their civilian leaders.

That incompetence was on vivid display again yesterday, in the Armed Services Committee, where we heard testimony on the report by General Jones and General Fay about Iraq. Their findings were chilling.

Their report states point blank that the Pentagon expected our troops, under General Sanchez, to provide stability and support for the Coalition Provisional Authority "in a relatively nonhostile environment" in Iraq. Those are the exact words of the report—"a relatively nonhostile environment."

That description is no surprise. The administration had been doing its best to convince the American people that the war would be easy.

In February 2003, Secretary Rumsfeld told troops that the war "could last, you know, 6 days, 6 weeks, I doubt 6 months." As Secretary Rumsfeld well knows, it has now been three times as long as that, with no end in sight.

In March 2003, Vice President CHENEY said we would "be greeted as liberators" and dismissed out of hand any suggestion that we would be viewed as conquerors in a long, bloody occupation.

Before the war, the Pentagon flagrantly ignored the postwar planning carried out by the State Department in its "Future of Iraq" project. The civilian leaders at the Defense Department were dismissive of any opposing view. They were convinced that the war would be easy, cheap, and fast.

They ridiculed General Shinseki, then Chief of Staff of the Army, and Larry Lindsey, formerly President Bush's top economic advisor, who said that a successful war in Iraq would require hundreds of thousands of soldiers, and hundreds of billions of dollars.

They put their own ideology above practical military planning, and we continue to see the catastrophic results today.

Simply put, the civilians at the Pentagon did not anticipate or prepare for the insurgent fighting that occurred, despite the prewar warnings from military leaders.

Even after the shameful failure at Abu Ghraib came to light, the administration continued to pour out statements that were completely at odds with the facts.

On May 7 this year, Secretary Rumsfeld testified before the Armed Services Committees of both Houses of Congress. He told Senators that "a small number of the U.S. military" had perpetuated the abuses. He told the House that "a few members of the U.S. military were responsible." A week later, President Bush tried to minimize the scandal by saying it involved "disgraceful conduct by a few American troops."

But as we now know, it wasn't just a few bad apples at Abu Ghraib.

The Fay Report found 54 military intelligence, military police, medics, and civilian contractors who had "some degree of responsibility or complicity in the abuses that occurred at Abu Ghraib. Leaders in key positions failed to properly supervise the interrogation operations at the prison."

The Fay Report identified not just individual failures but systemic failures, including: "inadequate interrogation doctrine and training, an acute shortage of MP and MI soldiers, the lack of clear lines of responsibility between the MP and MI chains of command, the lack of clear interrogation policy for the Iraq Campaign."

The Schlesinger Report found that military leaders in and out of Iraq and civilian leaders in the Department of Defense "failed in their duties and that such failures contributed directly or indirectly to detainee abuse." The report faults the Secretary of Defense and the Chairman of the Joint Chiefs of Staff for failing to "set in motion the development of a more effective alternative course of action." Plainly, senior leaders did not do what was necessary to prevent these abuses.

Secretary Rumsfeld told the Armed Services committee that the abuses were brought to light by Specialist Joseph Darby in January 2004, and the military chain of command "acted promptly on learning of those abuses."

This claim, too, is false. Senior leaders had ample warning that these abuses were occurring long before January 2004.

General Jones' report found that indications and warnings had surfaced at General Sanchez's level "that additional oversight and corrective actions were needed in the handling of detainees," including at Abu Ghraib.

The report pointed to many specific warnings from within the Army about clear problems that were ignored by the Pentagon's civilian leadership. It cited an incident in which a detainee was abused at Camp Cropper after a prison riot. It cited investigations by the Army's Criminal Investigative Division into incidents of abuse and disciplining soldiers. It cited the death of a CIA detainee at Abu Ghraib. It cited the totally inadequate filing system for tracking detainees, which consisted of a hodge-podge of computers and filing boxes.

The civilian leaders at the Pentagon also had ample warnings from outside the Army, which they also ignored. The International Committee of the Red Cross reported on abuses in the prisons as early as May 2003, soon after the fall of Baghdad. During a visit to Abu Ghraib 5 months later, in October 2003, Red Cross inspectors were so upset by what they found that they halted their visit and demanded an immediate explanation from U.S. military authorities. Yet the worst abuses at the prison occurred over the next 3 months, from October to December of that year.

Clearly, Secretary Rumsfeld misled the Congress and the American people when he said that the leadership had acted swiftly to address the abuses, when in fact, they allowed abuses to continue and allowed the situation to fester. They acted only when the public disclosure of the abuses in the press made it impossible for their cover-up to continue.

The administration then attempted to minimize the abuses at Abu Ghraib as part of its overall strategy to bury any bad new from Iraq and hide its incompetence, or worse, from the American people. But as these reports show, the catastrophe is far too great to be wished away with political spin.

The Jones-Fay report states very clearly that "the military police and military intelligence units at Abu Ghraib were severely underresourced."

The report says that a failure to distinguish between Iraq and other theaters of operation led to "confusion" about which particular interrogation techniques were authorized in Iraq.

It says, "The intelligence structure was under-manned, underequipped, and inappropriately organized for counterinsurgency operations."

What the report is saying, put in plain language, is that the operation was botched—totally botched.

We know from General Taguba's report that few, if any, of the military police assigned to Abu Ghraib were trained on how to run a prison, or even on the basic requirements of the Geneva Conventions.

Yesterday, the generals told us that additional missions had overwhelmed General Sanchez's headquarters, leaving them unable to manage the growing crises at Abu Ghraib and unable to respond to the many warning signs from the Red Cross.

We heard over and over again about the impossible strains imposed on General Sanchez and his headquarters, because he was suddenly forced to take on two huge missions in Iraq—supporting the Coalition Provisional Authority and beginning the reconstruction—in addition to fighting a growing insurgency.

The Jones-Fay report says that General Sanchez was missing two-thirds of the personnel needed for his own command in Iraq. It says "of the 1,400 personnel required, the [Fifth] Corps staff transitioned to only 495, or roughly a third, of the manning requirements." This was barely enough to fight the war, and far too few to rebuild a country or supervise the detention system.

The obvious basic questions are who put our military forces in this untenable position? Who decided that the war would be short, cheap, and easy? Who decided that the war was over and that we needed to start rebuilding Iraq? Who decided to play "Mission Accomplished?"

The problems at Abu Ghraib are just symptoms of these larger failures. We sent our troops into battle without enough life-saving body armor and armor for their humvees on patrol. Those shortages were allowed to last for over a year, while our casualties continued to mount.

We had far too few troops in place to prevent the looting of Baghdad and many other parts of the country.

Huge ammunition depots went unguarded, and insurgents kept getting materials and bombs to use against our troops.

We disbanded the Iraqi military, at one time the fourth largest military in the world, only to begin training a new one from scratch when the blunder was finally admitted.

In his report, General Jones gave us a definition of a leadership failure: where "leaders did not take charge, failed to provide appropriate guidance", "failed to accept responsibility or apply good judgment". By this standard, and on this record, President Bush and his administration are clearly guilty of leadership failure.

Despite these colossal failures of leadership and this gross incompetence, no one has been held accountable.

The military holds its soldiers accountable for leadership failures. A few weeks ago, the Navy fired the captain of the USS *John F. Kennedy* aircraft carrier for running over a small boat in the Persian Gulf. The Navy didn't hide incompetence and gloss it over. It responded decisively and plainly stated that it had "lost confidence" in the captain's ability to operate the carrier safely. He was the eleventh commanding officer of the Navy to be fired this year alone. The Navy fired 14 commanding officers in 2003.

In February 2004, the Commanding Officer of the frigate USS *Samuel B Roberts* was fired for a "loss of confidence," after he spent a night off the ship during a port visit to Ecuador.

In October 2003, the Commanding Officer of an EA-6B Prowler Aircraft Squadron lost his job after one of his jets skidded off a runway. The Navy cited a "loss of confidence" when they made the decision to dismiss him.

In December 2003 and January 2004, Commanding Officers of the submarine, *Jimmy Carter* and the frigate USS *Gary* were fired, both for "loss of confidence."

For military officers in the Navy, the message is clear—if you fail, you're fired. The message to the civilian leadership in this administration is equally clear—if you fail there will be no consequences and no accountability, even if 1,000 American lives are lost.

It is time for the Department of Defense run a tighter ship at all levels of command, including the civilian leadership. The civilian leaders at the Pentagon should be held at least to the same standard of accountability that military officers in the Navy are held to.

Obviously, it is different to place overall blame on our military leaders when their only fault may well be that they couldn't talk their arrogant civilian leaders out of a flawed plan for Iraq.

But someone must be held accountable for the massive failures in Iraq. The buck has to stop somewhere!

Civilian control of the military is one of the great cornerstones of our democracy. But what if the civilian leaders don't know what they're doing, and mindlessly order our troops into battle unprepared?

Alfred Lord Tennyson said it well in those lines in his famous poem, "Charge of the Light Brigade":

Not tho' the soldiers knew
Someone had blundered.
Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die.

This is what the administration has done to our troops in Iraq, and if Tennyson were writing today, he might well call his poem, "The Charge of the Bush Brigade."

Clearly, there must be accountability for this breathtaking incompetence, which has resulted in the death of over a thousand American soldiers so far, put more in daily danger, and weakened America's national security.

Yesterday, at the Armed Services Committee, former Defense Secretary Harold Brown described the key to accountability:

> At each level, the question is loss of confidence. And in the Navy, the loss of confidence goes with grounding your ship. At a higher level the loss of confidence has to be determined on a basis that's somewhat broader, the full performance. And I think that applies at the highest military levels. And it applies at the level of the Secretary of Defense and his staff. . . . And the electorate has to decide on the basis of its confidence at election time.

This administration has had its chance—and it failed the basic test of competence. If failed to deploy adequate forces in Iraq to win the peace. It failed at Abu Ghraib. It failed in granting sweetheart deals to Halliburton. It has failed the loss of confidence test, the basic test of Presidential leadership.

The President seeks re-election based on his ability to fight the war on terror.

The administration has lost confidence of the so-called "coalition of the willing." Country after country is withdrawing troops, leaving America responsible for 90 percent of all the troops on the ground and 90 percent of all casualties.

On November 2d, the American people will decide, whether a majority of the country have lost confidence in the President's leadership because of his failures in Iraq and his failures on a wide range of immense important domestic issues as well. There can only be one answer—America needs new leadership. As I have said before, the only thing America has to fear is 4 more years of George Bush.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that there be a period of morning business for debate only, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THIRD ANNIVERSARY OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS

Mr. ALLEN. Mr. President, I rise this afternoon to offer my thoughts on the eve of the third anniversary of the September 11, 2001, terrorist attacks. Rather than show divisiveness and criticism, or talk about politics, I think it is important to reflect on how much that tragedy has changed our lives and challenged all of us—not just Republicans, not just Democrats, but all Americans—to do all that we can to protect all that is good and wholesome about America.

Tomorrow, Saturday, American families will be doing what they have done for generations in the early fall. In Charlottesville, the University of Virginia will be hosting the Tar Heels from North Carolina; in Columbia, SC, the University of Georgia football team will be playing the Gamecocks of South Carolina; in Richmond, Saturday night, there will be more than 100,000 fans there for the big NASCAR race; at the wonderful and traditional Wrigley Field in Chicago, the Cubs will be playing the Florida Marlins; and families, in the afternoon, will be having cookouts in their backyards; others will be gathered as a family at their dinner tables.

During all of these wonderful, truly American events, we will all pause to remember a day when such innocence was shattered by the vile, hate-filled attacks on our homeland that manifested themselves so viciously in New York City, at the Pentagon in Arlington, VA, and in Somerset County, PA. We will remember the loss of 3,000 Americans that day, and we will pray for their souls and certainly pray for their families. We will remember friends and we will remember neighbors lost on that day.

At all of those sporting events, when the National Anthem is sung, I venture to guess that song will be sung with greater vigor, more loudly, and with greater patriotism than one would normally hear. When they conclude those final lines talking about how we are the "land of the free," and because we are the "home of the brave," we will be thinking of our troops who are serving and protecting us in precarious positions in Afghanistan, Iraq, and prosecuting the war on terrorism.

In some ways, September 11, 2001, seems a long time ago. Yet we have done so much in only a few years, and we will continue to do so in the future, to prevent such attacks on America.

Our focus in Government and our private lives has obviously profoundly changed. We see it with our fortified airports, greater protection in our public buildings, our shipping ports, and even cyberspace.

We have strengthened and updated law enforcement capabilities and intelligence, and our work on the Senate floor in the next few weeks will further enhance those efforts with meaningful improvements and the use of innovations of technology to better gather and analyze counterterrorism information.

We have been more vigilant in watching enemies and threats at home and abroad. We have intercepted financial assistance to terrorists.

Yes, through it all, the fabric of our Nation has become stronger and more appreciated as we face these unprecedented challenges. Our resolve and our focus is more clear. Our determination to protect freedoms here and around the world is greater than ever before.

We are so appreciative of the men and women in uniform who are protecting us, whether in Afghanistan or Iraq or on ships around the world. For our security, they are taking the offensive to the terrorists overseas. We are grateful for those who are active or maybe in the Guard or in the Reserves, or their employers here at home. Of course, we are so grateful to their families who have sent their sons and daughters, their loved ones and their friends overseas to protect us.

Our economic ingenuity, our competitiveness, our strength is being rekindled and reignited by free people and free enterprise. In many ways, those who brought us harm on September 11 surely miscalculated the character of the American people. We are a Nation of bravery and heroism.

I will never forget the stories about the first responders in New York City going into the Trade Centers, breathing their last breaths of life trying to save a few more innocent victims. The same with the Pentagon. The responders came in not only from Arlington but all over northern Virginia, from Maryland, and even some from the District of Columbia, rushing into acrid, toxic air, trying to save those who had been hit, whether on the plane, but mostly those who were the surviving or people working at the Pentagon. These people ignored their personal safety. They rushed into harm's way to help their fellow Americans on that day.

Yesterday, I was at the Pentagon. In fact, I went in through the side of the Pentagon where American Airlines Flight 77 crashed into it. It is all rebuilt. It is strong, in fact stronger than ever. The reason I was at the Pentagon is the Secretary of the Navy, Secretary England, decided to name two new marine landing ships. They are named the USS *Arlington*, because that is where the Pentagon is and was hit, and Somerset after Somerset County, PA, to honor the victims of 9/11 who died in Pennsylvania and Virginia. These two ships will be a tangible demonstration of our shared resolve in this country. For our friends, neighbors, and loved ones who lost their lives, they will be fitting reminders of their sacrifice.

One of those who lost their lives was a captain of American Airlines Flight 77, Captain Chic Burlingame. He had with him a wonderful poem. It is a poem his brother and sister gave to me. We were making sure he was properly buried at Arlington Cemetery, and I have kept it in my pocket until the Phoenix Project had the rebuilding of the Pentagon. Where I get my neckties and get dressed every morning, I have this picture they gave me. The picture is important, but also what is important is what is on the back of it, and that is a poem Captain Burlingame had on him when they crashed into the Pentagon. It is entitled "I Did Not Die."

I will share the poem with my colleagues.

> Do not stand at my grave and weep.
> I am not there, I do not sleep.
> I am a thousand winds that blow,
> I am the diamond glints on snow.
> I am the sunlight on ripened grain.
> I am the autumn's gentle rain.
> When you waken in the morning's hush,
> I am the swift uplifting rush
> Of quiet birds in circled flight.
> I am the soft stars that shine at night.
> Do not stand at my grave and cry.
> I am not there, I did not die.

Tomorrow, we will be coming together, as is our tradition, to be cheering teams, grilling hamburgers and hot dogs, gathering around tables with those we love and those whom we cherish even more and, yes, indeed, we will pause. We will remember. We will never forget.

Three years after that terrible day that changed our lives, America has come back strong. Everything that makes us good is more appreciated than ever. We are resolved more than ever to stand strong for freedom. I am confident that with the wholesome character of our American people, justice will prevail and liberty will endure.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. HARKIN. Mr. President, while Congress was in recess, the news media have reported several important studies in the field of wellness and disease prevention. Collectively, these studies are another loud wake-up call. It is time for fundamental change in our approach to health care in the United States.

I have been saying for years that currently we have a sick care system, not a health care system. We have a system that, if you get sick, you get care. But there is precious little support, incentives or otherwise, to keep you healthy in the first place. We are paying very dearly for this foolish choice of having a sick care system rather than a health care system.

The latest evidence comes from a new study by health economist Kenneth Thorpe. Mr. Thorpe found it cost $200 billion more in 2000 to treat diseases and conditions in this country than it did in 1987. Just 15 health conditions accounted for a whopping 56 percent of the growth in spending between 1987 and 2000. Indeed, a closer look shows that just five conditions accounted for one-third of the $200 billion increase: heart disease, pulmonary conditions, mental disorders, cancer, and hypertension. What do all these conditions have in common? In many if not most cases, these conditions are preventable. The Thorpe study also confirmed that chronic conditions, which are responsible for more than 75 percent of all health care expenditures, cost tens of billions of dollars more than just two decades ago.

Diabetes is one of those chronic conditions responsible for the explosion in health care costs. Yet experts agree that the impact of diabetes can be dramatically reduced by encouraging treatment guidelines on diet, exercise, and other preventive measures. The same is true for other chronic conditions. By emphasizing prevention and by following best practices guidelines, we can dramatically reduce health spending.

It is alarming to me that many health experts now predict that the generation of kids growing up today will be the first that does not live longer than their parents' generation. Let me repeat that. Health experts now predict that the generation of kids growing up today will be the first generation that does not live longer than their parents' generation.

As many children return to school this month, there is fresh evidence that we are failing them in terms of wellness and disease prevention. Consider a study released this week by the National Institute for Health Care Research and Educational Foundation. The study found that only 16 percent of kindergarten programs meet recommendations of the Centers for Disease Control and Prevention for daily physical education. Instead, about 60 percent of kindergarten programs offer physical education less than twice a week; 13 percent offer physical education less than once a week. On average, grade school kids spend less than an hour a week in PE classes.

As many of my colleagues know, because of the No Child Left Behind Act and its obsession with testing and preparing for tests, many schools are eliminating recess in the elementary years and further neglecting PE in the middle and senior high school years. Some new elementary schools are being built without playgrounds. Make no mistake; this neglect of physical education has severe consequences. Obesity has nearly tripled since 1970, and about 16 percent of children are now overweight. However, the study I just mentioned suggested that adding 1 hour of physical education per week could decrease the occurrence of overweight by as much as 10 percent. The study also found that schools with low-income or minority students have a greater likelihood than their peers to have no physical education in kindergarten. This is deeply troubling as these groups are especially at risk for obesity.

On a related note, we received further evidence last month about the potential risk of diabetes and obesity associated with soft drink consumption. A study published in the Journal of the American Medical Association shows that women who drink at least one serving of nondiet soda or fruit punch per day have a greater risk of gaining weight and developing type 2 diabetes than women who do not. Women who consume one or more sweetened drinks per day are 83 percent more likely to develop diabetes than those who drink less than one serving per month. During the period of the study, women who drank at least one serving of sweetened drinks per day gained an average of 17 pounds, compared with an increase of only 6 pounds for women who drank less than one serving per month.

So why in the world are we allowing the proliferation of vending machines filled with unhealthy foods and soft drinks in our schools? We are sending all the wrong signals to our kids. We put in all these vending machines with soft drinks up and down the hallways in our schools. It is saying to our kids, not only is that allowable, it is acceptable, it is encouraged that you have a soft drink during the day.

How many parents know—how many people know? Not even parents, how many young people know that one 20-ounce soft drink, sweetened soft drink, Coke, Pepsi, RC, whatever, one 20-ounce drink—that is what you get out of the vending machines now—contains the equivalent of 16 teaspoons of sugar?

I asked someone, you get a 20-ounce Coke or Pepsi—I don't mean to pick on one or the other, but when you get a 20-ounce Coke, you think nothing about drinking it. What if someone measured out 16 teaspoons of sugar into a cup and said: Here, eat this. You would think they were crazy. But they will drink a 20-ounce soft drink that has the same thing in it. And you wonder why people are getting diabetes.

The good news this month is that an additional four States will be offering the Free Fruit and Vegetable Program I started in the farm bill in order to encourage healthier eating habits at the earliest possible age. The bad news is that thousands of schools are continuing to make room for vending machines selling candy, soda pop, and other junk food on school grounds.

We are missing a prime opportunity to reduce the health risks facing our children by not emphasizing prevention, healthy lifestyles. A new study published in the Pediatric Journal found that 10 percent of pediatric patients were obese; however, only half of those patients were noted by the physician to be obese. What this means is we are missing a critical opportunity to diagnose obesity and intervene at the earliest stage—during childhood—when lifestyle changes can be easier to make.

We also have new information from the American Cancer Society. More than a dozen cancers are linked with obesity, and the American Cancer Society estimates that of the 563,000 cancer deaths each year, excess weight is a factor in more than 16 percent of the cases. While overall cancer death rates have decreased over the last few years, we know now that obese men and women are at a major increased risk for colorectal cancer. A postmenopausal woman's risk of breast cancer increases by 30 percent if she is overweight and by 50 percent if she is obese.

We also have new information about high blood pressure, which is a major contributor to heart disease and stroke.

It has skyrocketed over the past decade with almost one-third of adults suffering from hypertension. From 1988 to 1994, there was a 30-percent increase in the incidence of high blood pressure. We know that much of this increase is due to the rise in obesity.

On a variety of fronts, August was not a month of progress for those of us who care about wellness and disease prevention. The various studies I have cited tell us that we are still heading in the wrong direction. Much work needs to be done to transform America's sick care system into a true health care system—a system that keeps us out of the hospital in the first place.

As I have said, again and again, it is time for a new paradigm in American health care, a prevention paradigm. Again, we have a sick care system in this country and we need a genuine health care system focused on wellness and prevention and keeping people out of the hospital in the first place.

To that end, I have introduced legislation, the Help America Act, also known as the Healthier Lifestyles and Prevention Act, S. 2158. And today the Labor, Health and Human Services Appropriations Subcommittee has reported our bill for fiscal year 2005. This year's bill has especially strong emphasis on wellness and prevention programs.

For example, we will be providing $440 million for research at the National Institutes of Health into the causes and cures of obesity. That is a 10-percent increase over last year.

We have included more than $50 million in grants to States to fund programs that address nutrition, physical activity, and obesity.

We will provide more than $114 million for tobacco prevention and cessation activities at the Centers for Disease Control and Prevention. Tobacco use is the single most preventable cause of death and disease in our society today.

Our committee allocated $35 million for public health research at CDC. This year we are encouraging the Centers for Disease Control and Prevention to pay particular attention to research on business-based wellness programs for employees. We want to identify and disseminate the best practices in this area, and we have asked the CDC to develop a model wellness program for businesses.

Our appropriations bill also includes $75 million for the Carol White Physical Education for Progress Program, otherwise known as the PEP Program. This provides grants to school districts to expand physical education opportunities for K-to-12 students. Again, bear in mind, as I said, the average public school student gets less than 1 hour of physical education per week, and many get none at all.

Our appropriations bill funds a new School Mental Health Services Program. This will train public school personnel to recognize early warning signs of mental illness, and it will expand student activity to high-quality mental health services.

I would like to add that the bill provides $2 million to support implementation of the YMCA's new Activate America initiative, which is encouraging cities to develop communitywide approaches to wellness and disease prevention. I am most grateful to the National YMCA for their great leadership in disease prevention, wellness, and health promotion. I am also pleased that our capital city of Des Moines, IA was selected as one of the first cities to participate in this program.

I also want to compliment and commend my chairman, Senator ARLEN SPECTER of Pennsylvania, for his great leadership in getting our bill together and getting it through our subcommittee. All of the items I have mentioned that we are providing for wellness and prevention we have worked on together in a true bipartisan fashion. I thank Senator SPECTER for his leadership and for working to make sure we fund these programs for wellness and prevention.

To sum it up, we are making some progress in advancing a broad, comprehensive wellness agenda here in Congress. With all of the political bickering here on Capitol Hill people sometimes wonder if we are accomplishing anything. The Labor, Health and Human Services appropriations bill takes real, concrete steps to address problems such as obesity and chronic disease—problems that people care deeply about.

Again, I salute the hard work and leadership of Chairman SPECTER. He too cares passionately about issues of wellness and disease prevention. He too realizes that our current sick care system which gives short shrift to prevention is leading us off a cliff.

I am optimistic. I know we will not get everything done this year. But hopefully we will make progress and we will make more progress next year. What I sense is growing support from both sides of the aisle for a new emphasis on wellness and prevention. I am more and more confident about the prospects for passing the Help America Act in the next Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent for permission to speak in morning business for such time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered. We are in morning business.

Mr. ALEXANDER. Thank you, Mr. President.

TAXATION OF HIGH-SPEED INTERNET ACCESS

Mr. ALEXANDER. Mr. President, the purpose of my remarks today is to suggest a way to come to a solution in the debate we have been having as to what extent Congress should interfere with State and local regulations and taxation of high-speed Internet access.

In April, after a good many months of discussion, the Senate came to a good temporary compromise on the issue. Our legislation, the Senate legislation, allows States already collecting taxes on Internet access to continue to do so for 2 or 4 years, depending on the type of access tax. It makes clear that State and local governments can continue to collect taxes on telephone services, including telephone calls made over the Internet. Our work here in the Senate modified legislation that came over from the House of Representatives that would have permanently taken away from State and local governments authority to include high-speed Internet access in its taxation plans and would put at risk literally billions of dollars in revenues that States and cities and towns now depend on to pay for police, for schools, for parks, and for other essential local services.

Both sides in this debate have legitimate points to make. We see here a conflict of the principles of federalism in free markets, and I believe it is a debate about whether there is any justification for giving additional government subsidies to the high-speed Internet access industry, which, so far as I can tell, must already be the most heavily subsidized new technology in our country today.

For now, I would respectfully suggest the logical course would be for the House of Representatives to adopt the Senate modification. This would provide temporary certainty in this policy area. But it is an unsatisfactory long-term solution. For the long term, here is my suggestion. I propose that representatives of States, of cities, of counties, and of the telecommunications industry meet together between now and the opening of the 109th Congress in January and develop a framework to assist Congress with how to approach this highly technical but very important set of issues.

In developing this framework, I suggest the parties ought to abide by the following principles. No. 1, separate the issues of taxation and regulation. This fall, in some preliminary work on legislation proposed by Senator SUNUNU from New Hampshire, the Senate Commerce Committee did just that. They produced a bill regarding the regulation of Internet telephony, but also preserving the right of State and local governments to make their own decisions about how to tax the industry.

Put in its simplest terms, I agree that it makes sense to have a different, simpler kind of regulation of this new technology which we call broadband. But I want to achieve this in a way that does no harm to State and local government revenue bases.

Second, when making decisions about regulation, the principle to honor should be simplicity, so that the new technology can continue to flourish. Voice over the Internet technology is not the same as plain old telephone service. Our regulatory structures need to recognize that.

Finally, when these representatives of industry and State local governments get together, as I hope they will, in determining tax policy, the principles to consider should be simplicity, certainty, and doing no harm to State and local governments.

There are more than 11,000 State and local tax jurisdictions in the United States of America. Obviously, it would be burdensome for a small Internet telephone company who offers services in most or all of these districts to file that many or even more returns. On the other hand, there is no justification whatever that I can see for depriving a State or local government of 5 or 10 percent of its existing revenues simply to exempt an already heavily subsidized industry from paying its fair share of taxes.

The idea of inviting those who will be most affected by our decisions about taxation and regulation to suggest a policy to us is not a new idea. For example, in February of this year, something called the Voice on the Net Coalition announced that a number of VOIP providers would work together to establish voluntary agreements on how to integrate E 9-1-1, access to the disabled, and Government wiretapping, into this next generation of telephone technology.

They might well also consider universal service in this discussion—how we would continue to provide telephone service to people in rural areas with this new kind of technology.

In another example of groups working outside the Congress to make it easier for us here, for the last several years something called the Streamline Sales and Use Tax Project has been going on. States have been building the technical and legal foundations for a system in which online sellers or merchants would be required to collect taxes on sales over the Internet and forward the money to the State where the buyer lives. This will make it much easier for Congress to then enact legislation authorizing such collections.

So in the same way I believe industry representatives working with State and local representatives could quickly suggest a framework that would make our work here in Congress simpler and speedier. If this does not happen, I believe we are in for a long debate with a likelihood of a poor result or even no result. This would serve no one's purpose.

The telecommunication companies and high-speed Internet access industry would benefit from certainty and simplicity. Governors, legislators, and mayors at the same time need to know where revenues are coming from. They want certainty, too.

There are other, bigger fish to fry in the telecommunications area. The Telecommunications Act of 1996 needs a fresh look in some fundamental ways. When Congress enacted it, maybe no one in the Senate or the House knew very much about high-speed Internet access. State and local governments would like to move ahead with their streamline tax project. Neither is likely to happen until the Internet access tax issue is resolved.

Let me say a final word about the technology we are discussing, high-speed Internet access or, as we sometimes call it, broadband. Last year, during our debate, there were dire predictions that if States were allowed to continue to tax this access, it would become a terrible burden for the industry and restrict its growth and put the United States in some kind of technological backwater. Nothing could be further from the truth. Almost every day in my mailbox comes a new offer from someone to sell me high-speed Internet access. From my phone company, from my long distance company, from my satellite TV company—even electric companies are selling high speed-Internet access. Next thing you know I expect the milkman to show up offering to provide me with high-speed Internet access.

And the prices, as usually happens with a new technology and competition, are going down. Most of the offers I receive in my mailbox are in the range of $20 a month, and in many states and communities—Texas is an example—these costs to the consumers are further reduced by government subsidy.

Here are some of the facts. Market data from the research firm Nielsen/NetRatings shows in July of 2003 38 percent of home-based Internet users had a broadband connection. One year later, in July 2004, that number had jumped to 51 percent. The same report shows that the number of broadband connections altogether in July 2004 rose 47 percent from a year ago.

Meanwhile, investment in broadband over powerlines, as I mentioned earlier, is gaining steam. According to the Chartwell research firm, the percentage of utility companies planning or considering broadband deployment rose from 6 percent in 2000 to 20 percent in 2003. This means if you have an electric line coming into your house, you have access to high-speed Internet access.

Internet telephones, called VOIP, are experiencing the same kind of rapid growth. According to the telecommunications industry, by the end of this year, in only 4 months, there will be 6 million VOIP access lines. They expect that figure to rise to more than 19 million by 2007.

Cablevision Systems began offering VOIP service in November of 2003 and in 2 months had 29,000 customers and was signing up new customers at the rate of 2,500 a week.

The VOIP explosion has hit traditional telephone service providers. In August, the Washington Post reported both MCI and AT&T traditional long-distance services are suffering, in part from the increase in telephone calls made over the Internet with VOIP service. As a result, even these companies have moved into the VOIP market. AT&T has introduced its CallVantage VOIP service and now has it available in 39 states as well as the District of Columbia. Sprint has teamed with Time Warner Cable to begin offering VOIP services to 11 million customers and is forging new relationships with other cable providers to expand its services availability.

Finally, one of the pioneers of the VOIP industry, Vonage, announced in August that investors had sunk another $105 million in venture capital into the company, the largest venture capital deal to date this year.

So the bottom line is this: Broadband, or high-speed Internet access, continues to be adopted at a tremendously rapid rate. It is being adopted at a faster rate than CD players, than cell phones, than color TVs and VCRs were being adopted during the same periods in their development.

As the Congressional Budget Office has specifically told Congress, there is absolutely no justification whatever for additional Government subsidy for this industry. High-speed Internet access is a fine, remarkable, admirable, new technology. But so was television, so was radio, so was electricity, so was the internal combustion engine. It is not the American way to subsidize such new inventions. It is the American way to let these inventions earn their way forward in the marketplace. Americans never got a tax break to buy a television set and TV manufacturers never got a subsidy, so far as I know, to build them. Yet 30 years after they were introduced to the market, almost 90 percent of Americans owned a television set. That is the American way.

Telephone companies, in the same way, introduced cell phones without any prompting from the U.S. Government. In less than 15 years, more than 40 percent of all households now own cell phones.

Of course, what is especially galling to me is that Congress would even consider creating this big tax break or tax subsidy for Internet access companies and then send the bill for that tax break to State and local governments who are already struggling with additional costs because of our failure to create a rational health care policy and our failure to create a national immigration policy and our bad habit of enacting expensive ideas in Washington, DC, taking credit for them in press conferences, and then sending the bill for the ideas to mayors and Governors and legislators and city council men and women.

It is my hope that the telecommunications industry representatives, Governors, and mayors will spend some time with one another during the next 3 or 4 months and figure out a framework for resolving how Congress should approach these issues in the most sensible way. I would be glad to be a part of such discussions if I could be helpful. I am sure other Members of Congress would as well. The Federal Communications Commission could provide technical advice.

May I say one word to Governors and mayors. And perhaps I can do this more appropriately because I once was a Governor. I know Governors are busy, and they have staffs to help them do their work. But this matter will not be resolved by a few phone calls from Governors or by staff members to staff members on Capitol Hill. If Governors and mayors want the Internet tax issues resolved in a way that does no harm to State and local governments, in a way that does not threaten 5 to 10 percent of their base, in a way that does not cost them billions of dollars, then Governors and mayors are going to need to become personally involved in helping to resolve this issue, meeting with the telecommunications industry representatives, and coming up with a rational way to provide certainty and simplicity for this new technology and, at the same time, do no harm to State and local governments.

Mr. President, I believe this will be the speediest, most sensible way to resolve the conflict we have between principles of federalism and free markets and to clear the way for Congress to move beyond the issues of taxing and regulating high-speed Internet access to other larger, more important telecommunications policy issues.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SEPTEMBER 11, 2001

Mr. FRIST. Mr. President, in the 3 years since 19 terrorists hijacked 4 planes and changed the course of American history, we have learned much about our vulnerabilities, our strengths, and the steps we must take to protect ourselves.

Tomorrow, America will remember the images of the Twin Towers collapsing, of terrified office workers jumping to their deaths, of brave New York City firefighters rushing into those burning buildings to save people trapped inside, of soot-covered men and women streaming out into the streets dazed and overcome. We will remember the shock of learning that a third plane had smashed into the Pentagon, and a fourth was possibly headed to the White House or the Capitol.

We will remember our sense of helplessness, our horror, and our utter disbelief as the terrible events occurred that bright morning, a morning not too dissimilar to today. In our grief on our day of national mourning, let us also recall our unity and those words of Todd Beamer to his fellow passengers on flight 93: Let's roll.

The highest priority of the Senate is to protect the safety and security of the American people. But as the 9/11 Commission report outlines, before 9/11 we were not attuned to the growing threat of Islamic terror. There had been attacks, and the attacks were growing bolder, but our attention was "sporadic and splintered across several committees."

Mr. President, 9/11 changed everything, and the Senate is committed to reforming its oversight functions so that it can, in the words of the Commission report, provide "strong, stable, and capable congressional committee structure to give America's national intelligence agencies oversight, support, and leadership."

Senator McCONNELL and Senator REID are leading a leadership-appointed task force which is meeting to hammer out a legislative framework. We plan to consider that legislation no later than October 1. As has been discussed this week, the Senate Governmental Affairs Committee is leading the reorganization of the executive branch. Under the superb leadership of Senator COLLINS and Senator LIEBERMAN, the committee is working diligently to address the Commission's recommendations. They started hearings immediately after those 9/11 recommendations were made to this body and to the country and continued those hearings through August, and now that we are back in session, over the course of this week.

On Wednesday, the Governmental Affairs Committee had another hearing to discuss options. Those hearings will continue. Senator COLLINS and Senator LIEBERMAN will likely mark up legislation on the week of September 20, and the bill will then be brought to the floor the following week.

These dual efforts—one, the Governmental Affairs Committee dealing with the relationships and the definition and the legislation surrounding the executive branch, and the other led by Senators McCONNELL and REID, overseeing the reorganization within this body—will present recommendations and that legislation to the U.S. Congress with the goal of strengthening our national security and safeguarding us, the American people, against future acts of terrorism.

The President and his administration, meanwhile, have already begun to address 36 of the remaining 39 recommendations, the last three currently being under study. Two days ago, we had the opportunity to meet with the President, Republican and Democratic leadership from both sides of the aisle in this body meeting with leadership and Members from both sides of the aisle in the House of Representatives, listening to his plans, his vision of intelligence reform.

On the Senate floor yesterday I spoke a little bit about the President's plan to establish a national intelligence director, the NID, to oversee these 15 intelligence agencies that we have. This afternoon, briefly, I would like to highlight the President's action to create a national counterterrorism center. We know that the intelligence community generates massive amounts of information. In the aftermath of 9/11, this point became tragically clear. There had been clues. There had been arrests, analysis, and warnings. But because these pieces of information were scattered across agencies and not properly shared, they became missed opportunities.

In the words of the 9/11 report:

> The system of "need to know" should be replaced by a system of "need to share."

The national counterterrorism center President Bush has created by Executive order will act as a central knowledge bank, a clearinghouse where intelligence can be shared across agencies, can be prioritized, analyzed, and used in the field to thwart terrorist attacks. In other words, the left hand will learn what the right hand is doing.

I commend the President on his consistent leadership and his commitment to reforming our intelligence community. He is already transforming the FBI. He has led the most extensive reorganization of the Federal Government in 50 years in the creation of the Homeland Security Department. He recognized immediately that terrorism was not merely a law enforcement issue but a grave threat to America, world peace, instability. It required mobilization of all of our resources.

I look forward to working with my colleagues as we continue to advance America's national security and improve our intelligence functions. The 9/11 Commission report was bipartisan and unanimous. Likewise, I am gratified by my colleagues' sense of unity and shared vision in making America safer sooner rather than later, before "if" becomes "when."

THE THIRD ANNIVERSARY OF SEPTEMBER 11, 2001

Mr. McCONNELL. Mr. President, 3 years ago this September 11, al-Qaida terrorists launched a brutal attack on American soil. Every American remembers that clear Tuesday morning when two planes smashed into the two World Trade Center towers in New York and brought them crumbling to the ground. A third plane crashed into the Pentagon outside Washington, DC. A fourth plane may have been destined for this very Capitol were it not for the heroic passengers on that flight who put their country ahead of their lives.

Today and every day we honor the innocent victims who died that day while conducting America's business. We also honor the heroic first responders—police officers, firefighters, and emergency medical personnel—who rushed in to save others. We honor the volunteers of that day and every day forward who lined up to help their fellow Americans. Millions donated money, time, efforts, and blood.

And we honor the soldiers, sailors, airmen and marines who have risked their lives so Americans don't have to live in fear of being attacked again. Some have paid the ultimate sacrifice. Our all-volunteer military is the best in the world, and as full of courage as the military heroes from our Greatest Generation.

It is worth looking at what we have accomplished in the last 3 years. President Bush has led America in a global war on terror to destroy those who would attack us again. We have made incredible progress.

We have led an international military coalition to eradicate two of the vilest terrorist regimes on Earth—the Taliban in Afghanistan, and Saddam Hussein in Iraq. We have liberated over 50 million people. Over 10 million have registered to vote in this fall's election in Afghanistan. And Iraq has national elections scheduled for early next year.

Using diplomacy and sanctions, and with the help of the international community, we have pressured a third terrorist regime in Libya to abandon its path to weapons of mass destruction, that could have been given to terrorists. The lesson of Saddam Hussein surely served as an example here, and should continue to serve as such to despots around the globe who would do us harm.

Of the senior al-Qaida leaders, operational managers, and key facilitators that our government has been tracking, nearly two-thirds have been brought to justice or had justice brought to them. And with the help of our allies, we have severely disrupted the networks and organizations that flow money, supplies, people, and information to the terrorists.

Here at home, the defense and intelligence capabilities of the Federal Government have been reorganized more sweepingly than at any point since the 1940s, to prepare them for this, the first war of the 21st century. We have created a Department of Homeland Security and are currently weighing how best to strengthen our intelligence services to deal with today's threats.

Finally, America has reaffirmed her commitment to liberty across the world. Despite the negative words of a few naysayers in high places, most people around the globe draw strength from America's commitment to lead the global war on terror. Over 30 nations joined us to liberate Afghanistan and Iraq. We have never wavered in our pledge to root out the terrorists and punish the states that may harbor them. The world has been reminded that America lives up to its word.

We have made great progress in 3 years, and will continue to make great progress. The president has told us that this will be a long struggle lasting years, perhaps decades. We cannot be sure when the war may be won. But we can be sure that it will.

For nearly 50 years, America grappled with another seemingly entrenched enemy—the Soviet Union and the spread of communism throughout the world. For much of the cold war, the struggle seemed to be without end. Some said it couldn't be won. Some said coexistence was the best America could hope for. Some even morally equated American freedom with Soviet tyranny, and refused to take sides.

But today, schoolchildren learn that the Soviet Union collapsed, rotten from the inside, as an inevitable fact. We take our victory in the Cold War for granted today, but it took decades of resolve, perseverance, and faith that our way of life was superior to totalitarianism. Well, the American way of freedom—freedom to worship, freedom to speak, freedom to vote—is still the best way of life on Earth.

Today's generation must maintain that same faith. We cannot lose on the battlefield. We cannot lose the war of ideals. As long as we maintain our will to win, we will prevail.

ANNIVERSARY OF SEPTEMBER 11, 2001

Mr. FEINGOLD. Mr. President, I cannot let September 11 pass without reflecting on this painful anniversary, and heralding the strength of our Nation in the three years that have passed since that terrible day.

Three years ago, a global network of terrorists attacked our country, taking the lives of nearly three thousand innocent men, women, and children. Today, we are still angered by the cruelty of these attacks. We are still awed by the courage of our first responders, and of the everyday Americans who were heroes on that day, whose acts of bravery and kindness were a source of solace for the Nation in the days after the attacks. Their strength became our strength, and with each passing day, and each passing year, our resolve to stop the forces of terror has only deepened.

This month, as the Senate moves forward to address the critically important recommendations made by the 9/11 Commission, we mark the third year that has passed since the attacks. But this anniversary is not simply about the events of a single day. It is about our continued sadness and grief, and our overwhelming pride in the way our Nation responded to the tragic events of that day. It is also about the abiding strength of our convictions; our deep and profound commitment to fighting the forces of terror, to making our families safer, and to preserving the freedoms at the heart of our national character.

We remember September 11 every day. On this anniversary, we simply share in that remembrance—both with other Americans, and with people around the world who stand with us in the fight against terrorism. Today I pay tribute to the lives we lost, and I honor the men and women across this country who give this Nation its greatest source of strength: our faith in our country, in our communities, and in each other.

HONORING OUR ARMED FORCES

STAFF SERGEANT BRUCE J. POLLEMA

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to SSG Bruce J. Pollema, a fellow Iowan originally from Hull, IA. The Iowa National Guard regretfully announced the death of Staff Sergeant Pollema when he was killed on August 27, 2004 along with fellow soldier, Spc. Dustin S. Colby, when their military motor vehicle rolled over into a ditch near Camp Dodge. Staff Sergeant Pollema was a heavy vehicle operator with the 2168th Transportation Company, based in Sheldon, IA. Staff Sergeant Pollema is survived by his wife, Teri Winter, father and mother, Wilmar and Betty Pollema, his older brother, Waylon, and his twin brother, Brandon. This brave soldier was thirty years old.

The family of Bruce Pollema issued the following statement in response to the news of their son's death: "Our hearts, minds, spirits and prayers are with the rest of the Troops and we wish them God speed. We will be there for them when they come back."

It is fitting that we should honor Staff Sergeant Pollema today for his service to our country. My deepest sympathy goes out to his family and friends. I know his memory will live on in the hearts of everyone he knew.

TIME IS RUNNING SHORT

Mr. LEVIN. Mr. President, in less than one week, the 1994 assault weapons ban will expire and our Nation will once again be vulnerable to guns known to most in the law enforcement community as "the weapons of choice for criminals." If the ban is allowed to expire on September 13, potential criminals, including terrorists, could have access to 19 of the highest powered and most lethal firearms capable of being produced. These guns have no sporting purpose and no place on our streets.

In addition to banning 19 specific weapons, the current ban also includes prohibitions on semiautomatic weapons that incorporate a detachable magazine and two or more specific military features. These features include folding/telescoping stocks, protruding pistol grips, bayonet mounts, threaded muzzles or flash suppressors, barrel shrouds, or grenade launchers. Common sense should tell us that there is no reason for civilians to have easy access to guns with these features.

Los Angeles Chief of Police Bill Bratton has said the following about these weapons: "Since the Assault Weapons Ban was passed in 1994, we have seen a 66% decline in the frequency of assault weapon use in crime. Violent criminals love these weapons because they give them far more firepower than conventional weapons that greatly increases their capacity to kill. We cannot allow these weapons to get back into their hands."

It is important to listen to Chief Bratton and other law enforcement officials who support an extension of the assault weapons ban. The ban is important for the safety of all Americans but is especially important for the safety of our police officers.

In 1994, I voted for the assault weapons ban and in March of this year I joined a bipartisan majority of the Senate in voting to extend the ban for 10 years. Unfortunately, despite Senate passage of the amendment, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reauthorizing the law and President Bush, though he has said he supports it, has done little to keep the law alive.

Time is running short. We should support our law enforcement officers and reauthorize this common sense ban on assault weapons. Congress needs to act immediately to reauthorize the ban. I ask unanimous consent that a list of some of the organizations supporting this legislation be printed in the RECORD.

There being no objection, the following material was ordered to be printed in the RECORD, as follows:

International Association of Chiefs of Police
Major Cities Chiefs Association
Police Foundation
Police Executive Research Forum
International Brotherhood of Police Officers
National Association of School Resource Officers
National Fraternal Order of Police
National Organization of Black Law Enforcement Executives
Hispanic American Police Command Officers Association
National Black Police Association
National League of Cities
US Conference of Mayors
National Association of Counties
US Conference of Catholic Bishops
National Education Association
American Bar Association
NAACP
Americans for Gun Safety
Brady Campaign to Prevent Gun Violence United with the Million Mom March
Church Women United
Episcopal Church, USA
American Academy of Family Physicians
American Public Health Association
Family Violence Prevention Fund
National Coalition Against Domestic Violence
National Network to End Domestic Violence
National Association of Public Hospitals and Health Systems
National Association of Social Workers
Physicians for a Violence Free Society
American Association of Suicidology
Mothers Against Violence in America
Child Welfare League of America
Alliance for Justice

PHARMACEUTICAL MARKET ACCESS AND DRUG SAFETY ACT OF 2004

Mr. DODD. Mr. President, I rise today in support of S. 2328, the Pharmaceutical Market Access and Drug Safety Act of 2004, and to explain my reasons for becoming a cosponsor of this bipartisan legislation, which was introduced by Senators DORGAN and SNOWE earlier this year. My decision to cosponsor this bill has come after serious and careful deliberation. I know that there are many who oppose the importation of prescription drugs, and I have carefully considered their arguments.

However, I have come to the conclusion that this bill can be helpful to ensuring that Americans have access to the drugs they need, with the peace of mind that the medications they are taking—or giving to a family member—are safe.

Mr. President, all of us are aware of the unfortunate news released over the last several weeks about the state of health care in our country. In many respects, we have the greatest health system in the world, but far too many Americans are unable to take advantage of this system. According to data released by the Census Bureau in August, 45 million Americans were without health insurance in 2003—an increase of 1.4 million over 2002. The primary reason for the continued increase in the number of uninsured is that employers are dropping their health coverage. That's right Mr. President, most of the newly-uninsured are working Americans.

Employers are not dropping health coverage out of malice they are doing so because they can no longer afford to provide this benefit. Year after year, health care costs increase by double digit percentages. The cost of employer-sponsored coverage increased by 14 percent in 2003. And year after year, the increase in the cost of prescription drugs stands out as a driver of the overall cost increase. Over the last three years, drug costs have increased by over 50 percent.

Mr. President, I do not subscribe to or participate in the attacks on our prescription drug industry. The American drug industry is an extraordinary success story. As a result of the innovations that this industry has spawned, millions of lives have been improved and saved in our country and around the globe. Because of the importance of these medicines to our health and well-being, I have consistently supported sound public policies to help the industry to succeed.

These policies include authoring a successful statute to ensure that drug manufacturers receive appropriate incentives for ensuring that their products are safe and effective for children. I have also co-authored legislation to make sure that new drugs can more swiftly move through the approval pipeline and move quickly into the hands of the patients who need them. I have worked to create a fair balance between the need to protect drug patents for their full patent life, and the need to ensure that generic pharmaceuticals are able to come to market when that patent life has expired. I have always encouraged pharmaceutical research and development. I have also supported trade agreements to help open international markets for American pharmaceuticals. The American pharmaceutical industry is the best in the world, and it has succeeded, and will continue to succeed, in a competitive global environment.

Prescription drugs are an absolutely integral part of our health care system. I am proud that many of these medicines are made in my home state of Connecticut. But Mr. President, I am saddened that such a basic and necessary part of modern health care is becoming unaffordable for the average American—including many thousands of men, women, and children in Connecticut. Americans should not be put in the position of choosing whether to purchase groceries or medicine. And yet I have talked to far too many of my constituents who are faced with that choice every day.

We have an obligation to seek opportunities to lower drug costs. I was disappointed that such an opportunity was missed during our consideration of the Medicare Modernization Act. That law now prohibits the Federal government from using its purchasing power to bargain for lower drug prices. Such a measure is inconsistent with the economic principle of competition that is fundamental to our economy.

We are now faced with another opportunity to control prescription drug costs by allowing the importation of FDA-approved prescription drugs from Canada and other industrialized nations. I have long taken the position that drug importation should only be allowed if we can ensure that it is safe. I do not want affordable medicines to come at the cost of quality and safety for American consumers. I have looked at every importation proposal with these priorities in mind.

Mr. President, Senate bill 2328, while not perfect, is a sensible approach to the issue of drug importation. I believe that it addresses the safety concerns that have been raised in the past, and in my discussions with opponents of this bill, I have yet to hear an argument that makes me believe that the medicines imported under this bill would be unsafe. In fact, I believe that it has the potential to be significantly safer for American consumers than the status quo. Currently, an American can easily go on the Internet and order drugs from another country. But there is no guarantee that these drugs are safe, and no way to prevent these drugs from entering the country. We are being flooded with counterfeit and compromised medicines, and people are being hurt.

Under the Dorgan-Snowe bill, the Food and Drug Administration (FDA) would be given the authority and resources necessary to make drug importation a safe proposition. Importers would be required to register with the FDA, so Americans can know where it is safe to purchase imported medicines.

Mr. President, with the issue of safety addressed, this really becomes an issue about what is best and what is fair for American consumers. At the moment, Americans pay significantly more for prescription drugs than those in other industrialized nations. Based on that fact, it is my belief that we should work toward a more open global market for prescription drugs, just as we do for countless other products that we trade internationally.

As I mentioned earlier, I am confident that the American drug industry can compete with that of any other nation. I am committed to ensuring that this continues to be true. We should, in my view, take steps to bring about fairer trade, freer trade, and safer trade for prescription medicines. This legislation represents one such step.

I intend to continue to talk to all interested parties about this bill. If safety concerns should arise in the future that have not been previously considered, I will do everything in my power to address them with the sponsors of this legislation. But it is past time for us to do something about the skyrocketing cost of prescription drugs, and I support this bill as a step in the right direction.

GARRETT LEE SMITH MEMORIAL ACT

Mr. REED. Mr. President, I would like to take this opportunity to express my sincere condolences to Senator SMITH and his family, as yesterday marked the 1-year anniversary of Garrett's passing and today would have been his 23rd birthday. The Smith family has endured a terrible tragedy, but has taken their loss and their pain and committed themselves to raising public awareness about youth suicide and the need for appropriate mental health services.

Senator SMITH has also worked tirelessly these past few months to move the Garrett Lee Smith Memorial Act. During a time of partisanship and divisiveness, a majority of members in the House and Senate have been able to set aside those differences to help expeditiously move this important legislation.

I have had the honor and pleasure of working with my colleague from Oregon on this very personal tribute since the beginning. As my colleagues may recall, this legislation is comprised of two separate legislative initiatives that were introduced earlier this year, the Youth Suicide Early Intervention and Prevention Expansion Act, sponsored by Senators DODD and DEWINE and the Campus Care and Counseling Act, which I introduced along with Senator DEWINE.

The legislation takes a comprehensive approach to the increasing problem of suicide among our youth as well as providing additional resources to our Nation's colleges and universities as they struggle to offer the kinds of support students need to grow and achieve academically as well as personally. Information, outreach and access to mental and behavioral health services is becoming an increasingly important part of that equation.

The Garrett Lee Smith Memorial Act contains many important provisions that I hope will help to stem the growing numbers of youth suicides in this country. According to the Centers for Disease Control and Prevention, suicide and self-inflicted injuries remain a pressing public health concern. We hope this legislation will help to change this by enabling States, local communities and institutions of higher education to implement effective youth suicide prevention and intervention strategies.

Two months ago, a unanimous Senate passed the Garrett Lee Smith Memorial Act. Since that time, the bill has undergone what I would consider to be considerable changes to address concerns raised by Energy and Commerce Chairman Barton and others.

I have always been willing to entertain and accommodate issues that have been raised that have related to the substance of this bill. I am deeply concerned, however, by the insistence of some in the other body to inject partisan ideology in this bill.

Just prior to the August recess, a few members of the other body scuttled movement on the bill when they insisted on adding language that would create a new parental consent standard, layered onto one that has been in law, under the General Education Provisions Act, GEPA, which was recently updated as part of the No Child Left Behind Act.

While the majority has made it clear they will not abide changes in other parts of the No Child Left Behind Act, even common sense fixes that school administrators, principals, teachers, and parents have been called for, they insisted on language—which could prevent the very young people we are trying to help from accessing the mental health services they need.

We worked in good faith over the past month to come up with a compromise, and while the language has improved from the version initially proposed, it still raises some fundamental concerns.

I am appreciative of the efforts of Senator SMITH to add a clarification that the language has no impact on the No Child Left Behind Act. Unfortunately, the language does not include a similar assurance on the standards for parental notice and consent included under sections 444 and 445 of the General Education Provisions Act.

As a result, we have created a different standard for assessments, programs, and services in elementary and secondary schools relating to youth suicide, as compared to other health and mental health assessments, programs, and services that occur in our schools. Not only does this language set a new precedent, we are adding a confusing and burdensome layer of requirements on school personnel at a time when they are struggling to meet the goals of the No Child Left Behind Act and trying to do the best they can to help our young people.

However, in recognizing how important the overall bill is to our Nation's young people and college students, and the commitment of the Senator from Oregon to address this language in the future. I support passage of the Garrett Lee Smith Memorial Act. I praise my colleagues in both Chambers for their continued diligence on this bill and appreciate the willingness of the majority and minority leaders to set aside time so that this important piece of legislation can finally move to the President's desk.

ADDITIONAL STATEMENTS

IN RECOGNITION OF SUMMIT ELEMENTARY SCHOOL, ASHLAND, KY

• Mr. BUNNING. Mr. President, I rise today with great pride to ask my colleagues to join me in paying tribute to one of Kentucky's fine elementary schools, Summit Elementary of Ashland, KY. On June 22, 2004, the Schools of Distinction Awards program gave Summit Elementary an Award of Distinction for their dedication to excellence in education.

The Schools of Distinction Awards program was created by Intel Corporation, Scholastic Inc., and the Blue Ribbon Schools of Excellence Foundation, to recognize the finest K through 12 schools in the United States. Winners of the program's awards are selected based on their implementation of creative programs that foster improvement in education.

Summit Elementary School received the award for its practice of involving the parents of schoolchildren in the educational process. As the father of nine children, I am aware of the great importance of parental involvement in education. It can't be overestimated. It is a motivator to the children, a guidance to the teachers and a helping hand to all involved. I believe that any school which recognizes the need for parental involvement is on the right track and certainly deserves a School of Distinction Award.

In closing, I thank, not only Summit Elementary, but the parents, teachers, and students of this fine institution. The effort they have all put into ensuring that the future of America is bright is a blessing on us all.•

COMMEMORATING LUTHERAN SOCIAL SERVICES OF MICHIGAN FOR 70 YEARS OF SERVICE TO THE PEOPLE OF MICHIGAN

• Mr. LEVIN. Mr. President, it is with great pleasure that I, along with my esteemed colleague Senator STABENOW, congratulate Lutheran Social Services of Michigan, LSSM, on its 70th anniversary. We are delighted to recognize LSSM's impressive history of compassion and good will in Michigan. We would also like to recognize and honor LSSM's staff and volunteers for their tireless efforts and outstanding commitment to helping those in need.

LSSM's legacy of service dates back to the early years of the 20th century when the Lutheran churches in Detroit formed the Missionsbund, a society dedicated to providing humanitarian assistance in Detroit. The Lutheran Inner Mission League of Greater Detroit grew out of this effort and was soon thereafter called the Lutheran Charities and formally incorporated in 1934. Under the leadership of its first executive director, the Rev. Carl E. Schaffnit, its efforts included child welfare work, a settlement house, and services to the elderly. By 1959 Lutheran Charities gained a new name, the Lutheran Social Services of Michigan, and has since expanded its mission to serve others in the name of faith with 80 programs in 44 cities throughout Michigan's lower peninsula.

Over 20,000 people from diverse backgrounds feel the warm embrace of LSSM on an annual basis by utilizing the many services it has to offer. LSSM's excellence can be seen by the success of its programs in the realm of foster care, adoption, childcare, subsidized housing, nursing homes, community centers, and services to the homeless, refugees, and persons with developmental disabilities. Its efforts to preserve and enhance human dignity across Michigan have created hope for so many. We share this organization's vision for a community that upholds human dignity, decries complacency and affirms equality and justice. We are sure that our Senate colleagues will join us in offering our heartfelt congratulations for this long and outstanding record of achievement.•

IN HONOR OF THE 20TH ANNIVERSARY OF THE CENTER, FOR PROCESS ANALYTICAL CHEMISTRY

• Ms. CANTWELL. Mr. President, I rise today to say a few words in honor of the 20th anniversary of the Center for Process Analytical Chemistry, located on the University of Washington campus. The center has made numerous contributions to the world of manufacturing, the University of Washington, and the progress of its students that I wish to recognize today.

In 1984, CPAC was initiated by the National Science Foundation as an Industry/University Cooperative Research Center with the specific mission of supporting the restoration and continuous improvement of U.S. industry by enhancing globally competitive manufacturing.

Through the discovery and development of new analytical technologies for use in the manufacturing process, CPAC research has developed new measurement tools to provide continuous real-time measurement needed for industrial and environmental processes. The information gathered with these tools is used to implement process optimization and control, thus enabling product and process quality management, environmental protection, pollution prevention, crisis alerting, and worker safety.

For 20 years, award-winning faculty, research scientists, postdoctoral associates, visiting scientists, and graduate students have gathered at CPAC to collaborate on research projects. As a result, over 100 graduate students have been granted their Ph.D.s while working with CPAC, making immediate contributions to their employers because of their exposure to the challenges of industry.

Through partnership with leaders in industry, and the sharing of research funding between the University of Washington,, leading global corporations such as the Boeing Company and Systematix Controls, several national laboratories, and the National Institute of Standards & Technology, CPAC has produced more than 20 patented inventions, meeting the demand for advanced technology in the aerospace, petroleum, chemical manufacturing, pharmaceutical and food industries.

Streamlining the manufacturing process is critical to meeting the ever-changing demands of the world's economy. Long-term economic trends—including technological advances and increasing globalization—will continue to increase the demand for greater efficiencies, and improved processes. The fact that the majority of original industry partners continue to work with the CPAC to improve their products is a testament to the relevancy and quality of the work conducted at the center. I congratulate the Center for Process Analytical Chemistry on their 20th anniversary.•

JACK VALENTI

• Mrs. BOXER. Mr. President, I am pleased and honored to salute my good friend Jack Valenti, who retired last week after 38 years as president and CEO of the Motion Picture Association of America, MPAA, and its international counterpart, the Motion Picture Association, MPA.

Jack came to MPAA in 1966 directly from the White House, where he had served with distinction as special assistant to President Lyndon Johnson. His Government background prepared him to become an effective ambassador for the motion picture industry both at home and abroad. During his long and productive tenure at MPAA, he worked with eight Presidents of the United States and established an international "diplomatic corps" with offices around the world to promote the movie industry and protect its intellectual property rights.

When Jack Valenti took the helm at MPAA, its member companies were focused on domestic production and distribution, with little thought about international markets. Today American films, TV programs, and home entertainment are shown in more than 150 countries worldwide, with international revenues of more than $16.5 billion a year.

Along with his work in the global arena, Jack will be remembered as the pioneer of the film industry's voluntary movie rating system. In developing the system, Jack reached out to film studios, independent producers, writers, directors, theater owners, the religious community, and children's advocacy groups. The resulting system helps families to make informed decisions about the movies they see.

Under Jack Valenti's leadership, the U.S. film industry has thrived and remained a vibrant source of entertainment, creativity, jobs, and economic growth. Along with moviegoers across America and round the world, I thank him for his brilliant work and wish him all the best in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5006. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9036. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Office's Audit Report register for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–9037. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 1st Quarter of Fiscal Year 2004"; to the Committee on Governmental Affairs.

EC–9038. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing activities; to the Committee on Governmental Affairs.

EC–9039. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, the report of a nomination confirmed, change in previously submitted reported information and discontinuation of service in acting role for the position of Special Counsel, Office of Special Counsel, received on August 6, 2004; to the Committee on Governmental Affairs.

EC–9040. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the first half of fiscal year 2004; to the Committee on Governmental Affairs.

EC–9041. A communication from the Director, Publications Management Group, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Posting Regulations" (RIN3206–AK34) received on August 6, 2004; to the Committee on Governmental Affairs.

EC–9042. A communication from the Director, Publications Management Group, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Extended Assignment Incentives" (RIN3206–AK01) received on August 6, 2004; to the Committee on Governmental Affairs.

EC–9043. A communication from the Vice Chair, Election Assistance Commission, transmitting, pursuant to law, the report of a rule entitled "Statement of Policy Regarding National Mail Voter Registration Form" received on August 18, 2004; to the Committee on Rules and Administration.

EC–9044. A communication from the Chairman, Advisory Council on Historic Preservation, transmitting, pursuant to law, a violation of the Antideficiency Act in the amount of $161,400; to the Committee on Appropriations.

EC–9045. A communication from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Law and Order on Indian Reservations" received on August 18, 2004; to the Committee on Indian Affairs.

EC–9046. A communication from the Deputy General Counsel, Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Regulations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals" (RIN3245–AE92) received on August 18, 2004; to the Committee on Small Business and Entrepreneurship.

EC–9047. A communication from the Deputy General Counsel, Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Government Contracting Programs: Service-Disabled Veteran-Owned Small Business Concerns" (RIN3245–AF16) received on August 18, 2004; to the Committee on Small Business and Entrepreneurship.

EC–9048. A communication from the Deputy General Counsel, Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Regulations; Government Contracting Programs; HUBZone Program" (RIN3245–AE66) received on August 18, 2004; to the Committee on Small Business and Entrepreneurship.

EC–9049. A communication from the Deputy General Counsel, Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Regulations: Rules of Procedure Governing Cases Before the Office of Hearings and Appeals" (RIN3245–AE92) received on August 18, 2004; to the Committee on Small Business and Entrepreneurship.

EC–9050. A communication from the Director, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Exceptions to Definition of Date of Receipt Based on Natural or Man-made Disruption of Normal Business Practices" (RIN2900–AL12) received on August 6, 2004; to the Committee on Veterans' Affairs.

EC–9051. A communication from the Director, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program" (RIN2900–AK77) received on August 6, 2004; to the Committee on Veterans' Affairs.

EC–9052. A communication from the Director, Regulations Management, Veterans'

Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Compensation for Certain Cases of Bilateral Deafness" (RIN2900–AL59) received on August 6, 2004; to the Committee on Veterans' Affairs.

EC–9053. A communication from the Director, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Eligibility for Burial in a National Cemetery for Surviving Spouses Who Remarry and New Philippine Scouts" (RIN2900–AM00) received on August 6, 2004; to the Committee on Veterans' Affairs.

EC–9054. A communication from the Director, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Copayments for Extended Care Services" (RIN2900–AL49) received on August 6, 2004; to the Committee on Veterans' Affairs.

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—PM 93

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the Federal Register the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2004, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2004.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH:

S. 2786. A bill to strengthen United States trade enforcement laws; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 2787. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRAPO (for himself and Mr. STEVENS):

S. 2788. A bill to reauthorize appropriations for the Pacific coast salmon recovery fund and include the state of Idaho in the salmon recovery program; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself and Mr. SANTORUM):

S. 2789. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2790. A bill to provide the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land; to the Committee on Indian Affairs.

By Mr. DASCHLE (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEAHY, Mrs. LINCOLN, Mr. CORZINE, Mr. AKAKA, Mr. DORGAN, Mr. PRYOR, Mr. JOHNSON, and Mr. REID):

S. 2791. A bill to enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extend active duty, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM of South Carolina (for himself, Mr. LOTT, Mr. LUGAR, Mr. BROWNBACK, Mr. BIDEN, Mrs. DOLE, Mr. SESSIONS, Mr. TALENT, Mrs. HUTCHISON, Mr. VOINOVICH, Mr. COCHRAN, Mr. MILLER, Ms. MIKULSKI, Ms. STABENOW, Mr. SANTORUM, Mr. DURBIN, Mr. SCHUMER, Mr. BUNNING, Mr. ALLEN, Mr. ALEXANDER, and Mr. SPECTER):

S. Res. 422. A resolution expressing the sense of the Senate that the President should designate the week beginning September 12, 2004, as "National Historically Black Colleges and Universities Week"; to the Committee on the Judiciary.

By Mr. INHOFE:

S. Res. 423. A resolution commending Inez Sitter for her service to the United States; to the Committee on Indian Affairs.

ADDITIONAL COSPONSORS

S. 486

At the request of Mr. DOMENICI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 1716

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1716, a bill to amend the Federal Water Pollution Control Act to authorize the use of funds made available for nonpoint source management programs for projects and activities relating to the development and implementation of phase II of the storm water program of the Environmental Protection Agency.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S . 2295, a bill to authorize appropriations for the Homeland Security Department's Directorate of Science and Technology, establish a program for the use of advanced technology to meet homeland security needs, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2658

At the request of Mr. DOMENICI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2658, a bill to establish a Department of Energy National Laboratories water technology research and development program, and for other purposes.

S. CON. RES. 127

At the request of Mr. GREGG, his name was added as a cosponsor of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Con. Res. 127, supra.

S. RES. 387

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

AMENDMENT NO. 3578

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 3578 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3579

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3579 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 2787. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I join with Senator BIDEN today to introduce legislation reauthorizing the Tropical Forest Conservation Act of 1998 (TFCA) through fiscal year 2007. Since its creation, the TFCA has helped conserve 40 million acres of tropical forests in the world.

The current TFCA authorization, P.L. 107-26, expires at the end of fiscal year 2004. The House of Representatives has already voted in favor of H.R. 4654, which is identical to the legislation we introduce today. We hope the Senate will be able to take speedy action on this important program.

Senator BIDEN and I proposed TFCA in 1998 based on the 1991 Enterprise for Americas Initiative (EAI) that allows the President to restructure debt in exchange for conservation efforts in Latin America. The TFCA expanded on the EAI and allows protection of threatened tropical forests worldwide through "debt-for-nature" mechanisms.

With TFCA, the State Department has reached agreements generating $70.4 million in long-term commitments for tropical forest conservation. In addition, private donors, including the Nature Conservancy, the World Wildlife Fund, the Wildlife Conservation Society and Conservation International, have contributed more than $5 million to TFCA swaps, leveraging U.S. Government funds.

Seven TFCA agreements have been concluded to date in Bangladesh, El Salvador, Belize, Peru, the Philippines, Panama and Colombia. With the reauthorization of TFCA, the State Department will be able to complete negotiations with Jamaica and Sri Lanka, and pursue agreement with Guatemala, Ecuador, Paraguay, St. Vincent, Botswana, Costa Rica, the Dominican Republic, India, Indonesia, Brazil and Kenya.

This legislation authorizes appropriations for debt reduction for eligible countries through fiscal year 2007 at $20,000,000 in fiscal year 2005 (as the President requested); $25,000,000 in fiscal year 2006; and $30,000,000 in fiscal year 2007.

A new section authorizes that funds can be used for audits and evaluations of the program. In addition, an amendment allows for TFCA debt reduction agreements to redirect reduced principal payments for forest conservation activities. Current law allows only the redirection of reduced interest payments into forest conservation funds.

The debt-for-nature mechanisms in the TFCA have proven to be an effective, market-oriented tool to leverage scarce funds available to international conservation. The host country places an amount in its tropical forest fund that typically exceeds the cost to the U.S. Government of the debt reduction agreement.

In addition to forest conservation and debt relief, TFCA strengthens civil society in participating countries by creating local foundations to support small grants to nongovernmental organizations and local communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION OF DEBT UNDER THE FOREIGN ASSISTANCE ACT OF 1961 AND TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

Section 806(d) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amended by adding at the end the following new paragraphs:

"(4) $20,000,000 for fiscal year 2005.

"(5) $25,000,000 for fiscal year 2006.

"(6) $30,000,000 for fiscal year 2007.".

SEC. 2. USE OF FUNDS TO CONDUCT PROGRAM AUDITS AND EVALUATIONS.

Section 806 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d) is amended by adding at the end the following new subsection:

"(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS AND EVALUATIONS.—Of the amounts made available to carry out this part for a fiscal year, $200,000 is authorized to be made available to carry out audits and evaluations of programs under this part, including personnel costs associated with such audits and evaluations.".

SEC. 3. AUTHORITY TO ALLOW FOR PAYMENTS OF INTEREST AND PRINCIPAL IN LOCAL CURRENCIES.

(a) AUTHORITY UNDER THE FOREIGN ASSISTANCE ACT OF 1961.—Section 806(c) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "The following" and inserting "(1) The following";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) In addition to the application of the provisions relating to repayment of principal under section 705 of this Act to the reduction of debt under subsection (a)(1) (in accordance with paragraph (1)(A) of this subsection), repayment of principal on a new obligation established under subsection (b) may be made in the local currency of the beneficiary country and deposited in the Tropical Forest Fund of the country in the same manner as the provisions relating to payment of interest on new obligations under section 706 of this Act.".

(b) AUTHORITY UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.—Section 807(c) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431e(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "The following" and inserting "(1) The following";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) In addition to the application of the provisions relating to repayment of principal under section 605 of the Agricultural Trade Development and Assistance Act of 1954 to the reduction of debt under subsection (a)(1) (in accordance with paragraph (1)(A) of this subsection), repayment of principal on a new obligation established under subsection (b) may be made in the local currency of the beneficiary country and deposited in the Tropical Forest Fund of the country in the same manner as the provisions relating to payment of interest on new obligations under section 606 of such Act.".

(c) CONFORMING AMENDMENT.—Section 810(a) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431h(a)) is amended by inserting "and principal" after "interest".

By Mr. BROWNBACK (for himself and Mr. SANTORUM):

S. 2789. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I am pleased to join with Senator SANTORUM today and introduce a bill that will have a dramatic and positive effect in the lives of individuals re-entering society after incarceration. The Second Chance Act: Community Safety Through Recidivism Prevention is a bill that will not only protect our Nation's citizens but will more importantly help to reduce recidivism in our Nation.

A hallmark of any just society lies in its ability to protect the interest of all its citizens, and I am proud that the United States is a leader in this regard. Yet, while we continue to strive toward this lofty goal, we must realize that there are areas in which we, as a society and as government, must do more to improve. Nowhere is that more apparent than in our Nation's prison system.

Today, we have challenges within the prison system that range from high recidivism rates to budgetary and safety concerns. With this bill, we will be able to address this pressing problem within our society. Already we have seen innovative and model programs within the States and the faith community, and I am proud to say that Kansas is a leader in this regard. However, we must stimulate innovation in this area on a national level, and that is what this bill will accomplish. It is paramount that we ensure the safety of our communities and ensure that those incarcerated have the tools necessary to succeed after they rejoin society.

With this bill, we will be able to combat the extremely high recidivism rates plaguing the prison system, currently as high as 70 percent, as well as address the financial burdens that hinder many of our State penitentiaries. We will also be able to help those incarcerated make positive changes within their lives so that when they do rejoin society, they will be able to do so with the confidence of knowing that they can contribute to society in a positive manner.

Specifically, this bill facilitates change within our current correctional system, and promotes coordination with the Federal government to better assist those returning to our communities after incarceration and their children. The bill reauthorizes the Re-Entry Demonstration Project with an enhanced focus on jobs, housing, substance-abuse treatment, mental health, and the children and families of those incarcerated. The bill authorizes $160 million over a period of two years to fund these demonstration program and creates performance outcome standards and deliverables. It will also encourage States to enhance their re-entry services and systems with grants to fund the creation or enhancement of State re-entry councils for strategic planning and review the State barriers and resources that exist.

Additionally, the bill creates a Federal interagency taskforce to facilitate collaboration and identify innovative programs and initiatives. The taskforce will review and report to Congress on the Federal barriers that exist to successful re-entry.

Finally, the bill will create a $45 million two-year mentoring program geared toward reducing recidivism and the societal costs of recidivism. This mentoring program will help ex-offenders re-integrate into their communities. This initiative will specifically harness the resources and experience of community-based organizations in helping returning ex-offenders.

We have an incredible opportunity to re-shape the way in which this Nation's prison systems operate. Much like welfare reform in the mid 1990s, we have a chance to make real and effective change in an area where change is sorely needed. I look forward to pushing this legislation forward.

By Mr. DOMENICI:

S. 2790. A bill to provide the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I am pleased today to be introducing the Bisti PRLA Dispute Resolution Act, which will resolve a conflict regarding coal mining leases in New Mexico and which will confirm the completion of all Navajo Nation land selections in New Mexico under the Navajo-Hopi Settlement Act. Arch Coal Company and the Navajo Nation have been deadlocked within the Department of Interior appeals process regarding certain preference right lease applications (PRLAs) in the Bisti region of northwestern New Mexico. When enacted, this legislation will resolve a complex set of issues arising from legal rights the Arch Coal Company acquired in Federal lands, which are now situated among lands which constitute tribal property and the allotments of members of the Navajo Nation. Both Arch Coal and the Navajo Nation support this legislation to resolve the situation in a manner that is mutually beneficial. In addition, this legislation will serve to mandate the completion of a long-standing set of land selections the Navajo Nation made under the Navajo-Hopi Settlement Act. In 1984 Amendments to that Act, Congress provided the Navajo Nation with its final opportunity, within 18 months of passage of the Amendments, to select lands in New Mexico as provided in Section 11 of the Navajo-Hopi Settlement Act. The Navajo Nation exercised its rights under the 1984 Amendments, but since has sought to review, revise, and seek to select other lands to the potential detriment of mineral lessees holding leases on Federal public lands near the Navajo Reservation. This legislation would clarify Congress' intent that the Nation no longer has land selection rights available to it in New Mexico under the Navajo-Hope Settlement Act.

There are many reasons the solution embodied in this bill achieves broad benefits to the interested parties and the public. It will resolve a long-standing conflict between the Navajo Nation and Arch Coal and allow the Navajo Nation to complete the land selections in New Mexico that were made in the 1980s to promote tribal member resettlement following the partition of lands in Arizona to the Hopi Tribe. Specifically, Section 4(a)(1) will clarify and confirm that the Navajo Nation already has selected the lands to which it is entitled under the Navajo-Hopi Settlement Act and has no further rights under that Act to select lands in New Mexico other than those already selected by the Navajo Nation in the 1980s.

The bill also guarantees that Arch Coal, Inc. will be compensated for the economic value of its coal reserves. An independent panel will make recommendations to the Secretary of Interior regarding the fair market value of the coal reserves, gives the company bidding rights, protects a State's financial interest in its share of federal Mineral Leasing Act payments, and allows the Navajo Nation beneficial ownership in their lands.

The Secretary of Interior will issue a certificate of bidding rights to Arch Coal upon relinquishment of its interests in the PRLAs. The amount of that certificate will equal the fair market value of the coal reserves as defined by the Department of Interior's regulations. A panel consisting of representatives of the Department of Interior, Arch Coal, and the Governors of Wyoming and New Mexico will help determine fair market value. While the Interior Department is authorized to exchange PRLAs for bidding rights, the Department has not done so, largely because of the difficulty it perceives in determining the fair market value of the coal reserves. The panel method in this legislation will promote the objectivity of that process.

Upon the relinquishment of the PRLAs and the issuance of a certificate of bidding rights, the Department of Interior will execute patents to the Navajo Nation of the lands encompassed by the PRLAs. This is a win-win situation for all parties involved; is endorsed by the affected parties, and is a fair resolution to this on-going problem.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bisti PRLA Dispute Resolution Act".

SEC. 2. WITHDRAWAL OF COAL PREFERENCE RIGHT LEASE APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, if any of the coal preference right lease applications captioned NMNM 3752, NMNM 3753, NMNM 3754, NMNM 3755, NMNM 3835, NMNM 3837, NMNM 3918, NMNM 3919, NMNM 6802, NMNM 7235 and NMNM 8745 are withdrawn by the holder or holders of the applications, the Secretary of the Interior, acting through the Bureau of Land Management (referred to in this Act as the "Secretary"), shall issue under section 4(a)(2) to each such holder or holders a certificate of bidding rights (in such form and manner as provided for under regulations promulgated by the Secretary under the Mineral Leasing Act (30 U.S.C. 181 et seq.)) that constitutes the combined fair market value, as determined under section 3, of the coal reserves for each coal preference right lease application withdrawn by the holder.

(b) RELINQUISHMENT.—The relinquishment of all rights associated with the coal preference lease applications withdrawn shall be effective on the date of the issuance of the certificate of bidding rights under section 4(a)(2).

(c) NO ADJUDICATION.—The withdrawals and issuances required under subsection (a) shall occur without any further adjudication of coal preference right lease applications by the Secretary.

SEC. 3. METHOD FOR DETERMINING FAIR MARKET VALUE.

(a) IN GENERAL.—Notwithstanding any other provision of law, this section shall apply to the issuance of a certificate of bidding rights under section 4(a)(2).

(b) VALUE OF COAL RESERVES.—

(1) IN GENERAL.—The fair market value of the coal reserves of any coal preference right lease application withdrawn under section 2(a) shall be determined by the panel established under paragraph (2).

(2) PANEL.—

(A) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a panel to determine the fair market value of the coal reserves of any coal preference right lease applications withdrawn under section 2(a).

(B) MEMBERSHIP.—The panel shall be composed of 3 representatives, of whom—

(i) 1 representative shall be appointed by the Secretary;

(ii) 1 representative shall be appointed by the holder of the preference right lease application; and

(iii) 1 representative shall be appointed by the Governor of the State of New Mexico.

(3) MINERAL APPRAISER.—The Secretary shall contract with a qualified coal reserve appraiser to assist the panel established under paragraph (2)(A) in determining the fair market value of a coal reserve.

(4) SUPPLEMENTAL INFORMATION.—In determining the fair market value of a coal reserve, the panel may supplement any information provided to the panel, as the panel determines to be appropriate.

(5) DETERMINATION.—Not later than 75 days after the date on which the panel is established under paragraph (2)(A), the panel shall submit to the Secretary the determination of the panel with respect to the fair market value of a coal reserve of any coal preference right lease application withdrawn by the holder.

SEC. 4. ISSUANCE OF PATENTS TO RELINQUISHED PREFERENCE RIGHT LEASE APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 120 days after the withdrawal of a coal preference right lease application, the Secretary shall—

(1) issue to the Navajo Nation patents to the land, including the mineral estate, subject to the coal preference right lease application withdrawn—

(A) in full and final satisfaction of the right of the Navajo Nation to select land in New Mexico under section 11 of the Navajo-Hopi Land Settlement Act of 1974 (25 U.S.C. 640d–10); and

(B) to facilitate land consolidation and facilitate mineral development in northwest New Mexico; and

(2) issue a certificate of bidding rights in the amount of the fair market value determined under section 3.

(b) ENFORCEMENT.—The duties of the Secretary under this section shall be considered nondiscretionary and enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

SEC. 5. USE OF EXCHANGE BIDDING RIGHTS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a certificate of bidding rights issued under section 4(a)(2) shall—

(A) be subject to such procedures as the Secretary may establish pertaining to notice of transfer and accountings of holders and their balances;

(B) be transferable by the holder or holders of the certificate of bidding rights in whole or in part; and

(C) constitute a monetary credit that, subject to paragraph (2), may be applied, at the election of the holder or holders of the certificate of bidding rights, against—

(i) rentals, advance royalties, or production royalties payable to the Secretary under Federal coal leases; and

(ii) bonus payments payable to the Secretary in the issuance of a Federal coal lease or Federal coal lease modification under the coal leasing provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(2) in a case in which a certificate of bidding rights issued under section 4(a)(2) is applied by the holder or holders of the certificate of bidding rights as a monetary credit against a payment obligation under a Federal coal lease, the holder or holders—

(A) may apply the bidding rights only against 50 percent of the amount payable under the lease; and

(B) shall pay the remaining 50 percent as provided for under the lease in cash or cash equivalent.

(b) PAYMENT UNDER LEASE OBLIGATIONS.—Any payment of a Federal coal lease obligation by the holder or holders of a certificate of bidding rights issued under section 4(a)(2)—

(1) shall be treated as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191); but

(2) shall be credited and redistributed by the Secretary only as follows:

(A) 50 percent of the amount paid in cash or its equivalent shall be—

(i) distributed to the State in which the lease is located; and

(ii) treated as a redistribution under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(B) 50 percent of the amount paid through a crediting of the bidding rights involved shall be treated as a payment that is subject to redistribution under that section to the Reclamation and Miscellaneous Receipts accounts in the Treasury.

By Mr. DASCHLE (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEAHY, Mrs. LINCOLN, Mr. CORZINE, Mr. AKAKA, Mr. DORGAN, Mr. PRYOR, Mr. JOHNSON, and Mr. REID):

S. 2791. A bill to enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extend active duty, and for other purposes; to the Committee on Armed Services.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard and Reserve Bill of Rights Act of 2004".

SEC. 2. PERIODS OF DEPLOYMENTS OF RESERVES OVERSEAS.

(a) UNITED STATES CENTRAL COMMAND DEPLOYMENTS.—

(1) LIMITATION.—During a period when there is in effect a policy of assigning units or members of one or more of the active components of the Armed Forces to duty in the area of responsibility of the United States Central Command for a specified period of time of not less than one year, the Secretary of Defense shall provide that the length of such an assignment in the case of members of the reserve components of the Armed Forces may not exceed the length of such period for the corresponding active component reduced by the period of time between the date of entry of the reserve component members onto active duty and the date of the deployment of such members for such assignment.

(2) TRANSITION.—Paragraph (1) applies to members of reserve components assigned to duty in the area of responsibility of the United States Central Command on or after the date of the enactment of this Act and to such members assigned to such duty before such date who as of the date of the enactment of this Act have more than 90 days remaining in such assignment.

(b) COMMUNICATION OF LENGTHS OF DEPLOYMENT PERIODS TO RESERVES IN OPERATION IRAQI FREEDOM.—

(1) FINDINGS.—Congress makes the following findings:

(A) Members of all components of the Armed Forces, active and reserve, exhibit a remarkable commitment and willingness to serve their country in Iraq and Afghanistan, and other United States military efforts around the world and, in doing so, frequently face grave risks and difficulties.

(B) While the members of the Armed Forces have clearly and consistently demonstrated their dedication to duty, much uncertainty has arisen among them about the lengths of their deployments and when they will be returned to their loved ones. This confusion impairs our troops' morale and places undue strain on their families and their civilian employers.

(C) Fairness to the men and women of the Armed Forces deployed overseas requires that the Department of Defense—

(i) have clear policies regarding lengths of deployment periods; and

(ii) communicate these policies and other deployment-related information to them and their families.

(D) While many military units were deployed months before Operation Iraqi Freedom was launched on March 19, 2003, the Department of Defense did not announce a policy about the length of deployments until August 2003.

(E) Even after the Department of Defense issued its so-called "one year boots-on-the-ground" policy regarding lengths of deployment periods, many of the members of units deployed overseas in Operation Iraqi Freedom learned shortly before their scheduled return dates that their deployments would be extended for months beyond the one-year period provided under that policy.

(2) REPORT.—

(A) REQUIREMENT FOR REPORT.—Not later than March 1, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on Department of Defense policies governing the length of deployment periods applicable to members of reserve components of the Armed Forces in connection with Operation Iraqi Freedom, and on the communication between the Department of Defense and reserve component personnel and their families regarding the length of the deployment periods.

(B) Consultation requirement.—In preparing the report under this section the Secretary shall consult with the Chairman and other members of the Joint Chiefs of Staff and with such other officials as the Secretary considers appropriate.

(C) Content.—The report under this paragraph shall contain a discussion of the matters described in subparagraph (A), including the following matters:

(i) The process by which the Department of Defense determined its policy regarding the length of deployment periods.

(ii) The reason that no such policy was in place before Operation Iraqi Freedom began.

(iii) A comparison of the policy during Operation Iraqi Freedom with Department of Defense deployment policies that applied to previous contingency operations.

(iv) The timeliness of the process for notifying reserve component units for activation.

(v) The process for communicating with activated reserve component members and their families about demobilization schedules.

(vi) The family support programs provided by the National Guard and other reserve components for families of activated Reserves.

(vii) An assessment of lessons learned about how the increased operations tempo of the National Guard and other reserve components can be expected to affect readiness, recruitment and retention, civilian employers of Reserves, and equipment and supply resources of the National Guard and the other reserve components.

(D) Matters for Particular Emphasis.—In the discussion of the matters included in the report under this subsection, the Secretary of Defense shall place particular emphasis on—

(i) lessons learned, including deficiencies identified; and

(ii) near-term and long-term corrective actions to address the identified deficiencies.

(E) Form of report.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 3. MILITARY PAY.

(a) Correction of Pay Problems for Activated Reserve Component Personnel.—

(1) Requirement for senior level action.—The Secretary of the Army shall designate a senior level official of the Department of the Army to implement—

(A) the recommendations for executive action set forth in the report of the Comptroller General of the United States entitled "Military Pay, Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems", dated November 2003; and

(B) the recommendations for executive action set forth in the report of the Comptroller General of the United States entitled "Military Pay, Army Reserve Soldiers Mobilized to Active Duty Experienced Significant Pay Problems", dated August 2004.

(2) Supervision by comptroller of department of defense.—The official designated under paragraph (1) shall report directly to, and be subject to the direction of, the Under Secretary of Defense (Comptroller) regarding performance of the duties that the official is designated to carry out under such paragraph.

(3) Termination of requirement.—The designation under paragraph (1) shall terminate upon the certification of the Under Secretary of Defense (Comptroller) to Congress that all recommendations referred to in such paragraph have been implemented.

(b) Reenlistment Bonus for Selected Reserve.—

(1) Expanded eligibility.—Subsection (a)(1) of section 308b of title 37, United States Code, is amended by striking "14 years" and inserting "17 years".

(2) Increased maximum amount.—Subsection (b) of such section is amended by striking "(b) Bonus Amount; Payment.—(1) The amount of a bonus under this section may not exceed—" and all that follows through the end of paragraph (1) and inserting the following:

"(b) Bonus Amount.—The amount of a bonus under this section may not exceed $10,000.".

(3) Option to receive lump-sum payment.—Section 308b of title 37, United States Code, is further amended—

(A) by striking paragraphs (1) and (2) of subsection (c); and

(B) in paragraph (2) of subsection (b)—

(i) by striking "(2) Any bonus payable under this section" and inserting the following:

"(c) Payment in Lump Sum or Installments.—(1) A bonus payable to a member under this section shall be paid, upon the election of the member, in one lump sum or in partial payments under paragraph (2).

"(2) Any bonus payable in partial payments under this section".

(4) Redesignation of provisions.—Such section is further amended—

(A) by redesignating subsections (d), (e), and (f), as subsections (e), (f), and (g), respectively; and

(B) in subsection (c)(3)—

(i) by striking "(3) In the case of" and inserting "(d) Personnel in Certain Contingency Operations.—In the case of"; and

(ii) by striking "paragraph (1)(B) or".

SEC. 4. TRICARE FOR RESERVE COMPONENT PERSONNEL.

(a) Expanded Eligibility of Ready Reserve Members Under TRICARE Program.—

(1) Unconditional eligibility.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking "is eligible, subject to subsection (h), to enroll in TRICARE" and all that follows through "an employer-sponsored health benefits plan" and inserting ", except for a member who is enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)".

(2) Permanent authority.—Subsection (l) of such section is repealed.

(3) Conforming repeal of obsolete provisions.—Such section is further amended—

(A) by striking subsections (i) and (j); and

(B) by redesignating subsection (k) as subsection (i).

(b) Continuation of Non-TRICARE Health Benefits Plan Coverage for Certain Reserves Called or Ordered to Active Duty and Their Dependents.—

(1) Required continuation.—

(A) Requirement.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

"§ 1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

"(a) Payment of Premiums.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

"(b) Eligible Member; Family Members.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

"(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

"(c) Qualified Health Benefits Plan Coverage.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

"(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

"(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

"(3) the coverage has not lapsed.

"(d) Applicable Premium.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

"(e) Maximum Amount.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

"(1) the sum of one plus the number of the family members covered by the health benefits plan, by

"(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

"(f) Benefits Coverage Continuation Period.—The benefits coverage continuation period under this section for qualified health benefits plan coverage for the family members of an eligible reserve component member called or ordered to active duty is the period that—

"(1) begins on the date of the call or order; and

"(2) ends on the earlier of—

"(A) the date on which the reserve component member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section; or

"(B) the date on which the reserve component member elects to terminate the continued qualified health benefits plan coverage of the member's family members.

"(g) Extension of Period of COBRA Coverage.—Notwithstanding any other provision of law—

"(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for an eligible reserve component member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

“(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

“(h) NONDUPLICATION OF BENEFITS.—A member of the family of a reserve component member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of the reserve component member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

“(i) REVOCABILITY OF ELECTION.—A reserve component member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's family members shall become eligible for benefits under the TRICARE program as provided for under this chapter.

“(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

“1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty.”.

(2) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by paragraph (1)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

SEC. 5. CHILD CARE FOR CHILDREN OF MEMBERS OF ARMED FORCES ON ACTIVE DUTY FOR OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) CHILD CARE FOR CHILDREN WITHOUT ACCESS TO MILITARY CHILD CARE.—

(1) AUTHORITY.—In any case where the children of a covered member of the Armed Forces are geographically dispersed and do not have practical access to a military child development center, the Secretary of Defense may, to the extent funds are available for such purpose, provide such funds as are necessary permit the member's family to secure access for such children to State licensed child care and development programs and activities in the private sector that are similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law.

(2) PROCEDURES.—Funds may be provided under paragraph (1) in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(3) PRIORITIES.—The Secretary shall prescribe in regulations priorities for the allocation of funds for the provision of access to child care under paragraph (1) in circumstances where funds are inadequate to provide all children described in that paragraph with access to child care as described in that paragraph.

(b) PRESERVATION OF SERVICES AND PROGRAMS.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under subsection (a) in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(c) FUNDING.—Amounts otherwise available to the Department of Defense and the military departments under this Act may be available for purposes of providing access to child care under subsection (a).

(d) DEFINITIONS.—In this section:

(1) COVERED MEMBERS OF THE ARMED FORCES.—The term “covered members of the Armed Forces” means members of the Armed Forces on active duty, including members of the Reserves who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) MILITARY CHILD DEVELOPMENT CENTER.—The term “military child development center” has the meaning given such term in section 1800(1) of title 10, United States Code.

SEC. 6. RIGHTS AND DUTIES UNDER USERRA.

(a) REQUIREMENT FOR EMPLOYERS TO PROVIDE NOTICE OF RIGHTS AND DUTIES UNDER USERRA.—

(1) NOTICE.—

(A) REQUIREMENT FOR NOTICE.—Chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 4334. Notice of rights and duties

“(a) REQUIREMENT TO PROVIDE NOTICE.—Each employer shall provide to persons entitled to rights and benefits under this chapter a notice of the rights, benefits, and obligations of such persons and such employers under this chapter. The requirement for the provision of notice under this section may be met by the posting of the notice where employers customarily place notices for employees.

“(b) CONTENT OF NOTICE.—The Secretary shall provide to employers the text of the notice to be provided under this section.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4334. Notice of rights and duties.”.

(2) IMPLEMENTATION.—

(A) REQUIREMENT.—Not later than the date that is 90 days after the date of the enactment of this Act, the Secretary of Labor shall make available to employers the notice required under section 4334 of title 38, United States Code, as added by paragraph (1).

(B) APPLICABILITY.—The amendments made by this subsection shall apply to employers under chapter 43 of such title on and after the first date referred to in subparagraph (A).

(b) DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.—

(1) ESTABLISHMENT OF PROJECT.—The Secretary of Labor and the Office of Special Counsel shall carry out a demonstration project under which certain claims against Federal executive agencies under the Uniformed Services Employment and Reemployment Rights Act under chapter 43 of title 38, United States Code, are referred to, or otherwise received by, the Office of Special Counsel for assistance, including investigation and resolution of the claim as well as enforcement of rights with respect to the claim.

(2) REFERRAL OF ALL PROHIBITED PERSONNEL ACTION CLAIMS TO THE OFFICE OF SPECIAL.—

(A) COVERED CLAIMS.—Under the demonstration project, the Office of Special Counsel shall receive and investigate all claims under the Uniformed Services Employment and Reemployment Rights Act with respect to Federal executive agencies in cases where the Office of Special Counsel has jurisdiction over related claims pursuant to section 1212 of title 5, United States Code.

(B) RELATED CLAIMS.—For purposes of subparagraph (A), a related claim is a claim involving the same Federal executive agency and the same or similar factual allegations or legal issues as those being pursued under a claim under the Uniformed Services Employment and Reemployment Rights Act.

(3) REFERRAL OF OTHER CLAIMS AGAINST FEDERAL EXECUTIVE.—

(A) OTHER CLAIMS.—Under the demonstration project, the Secretary—

(i) shall refer to the Office of Special Counsel all claims described in subparagraph (B) made during the period of the demonstration project; and

(ii) may refer any claim described in subparagraph (B) filed before the demonstration project that is pending before the Secretary at the beginning of the demonstration project.

(B) COVERED CLAIMS.—A claim referred to in subparagraph (A) is a claim under chapter 43 of title 38, United States Code, against a Federal executive agency by a claimant with a social security account number with an odd number as its terminal digit, or, in the case of a claim that does not contain a social security account number, a case number assigned to the claim with an odd number as its terminal digit.

(4) ADMINISTRATION OF DEMONSTRATION.—

(A) OFFICE OF SPECIAL COUNSEL.—The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(B) LAW ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.—In the case of any claim referred, or otherwise received by, to the Office of Special Counsel under the demonstration project, any reference to the “Secretary” in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed a reference to the “Office of Special Counsel”.

(C) RETENTION OF JURISDICTION OVER REFERRED CLAIMS.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(5) PERIOD OF PROJECT.—The demonstration project shall be carried out during the period beginning on the date that is 60 days after the date of the enactment of this Act, and ending on September 30, 2007.

(6) PERIODIC EVALUATIONS.—The Comptroller General of the United States shall conduct periodic evaluations of the demonstration project under this subsection.

(7) REPORT ON EVALUATIONS.—Not later than April 1, 2007, the Comptroller General shall submit to Congress a report on the evaluations conducted under paragraph (6). The report shall include the following information and recommendations:

(A) A description of the operation and results of the demonstration program, including—

(i) the number of claims described in paragraph (3) referred to, or otherwise received by, the Office of Special Counsel and the number of such claims referred to the Secretary of Labor; and

(ii) for each Federal executive agency, the number of claims resolved, the type of corrective action obtained, the period of time for final resolution of the claim, and the results obtained.

(B) An assessment of whether referral to the Office of Special Counsel of claims under the demonstration project—

(i) improved services to servicemembers and veterans; or

(ii) significantly reduced or eliminated duplication of effort and unintended delays in resolving meritorious claims of those servicemembers and veterans.

(C) An assessment of the feasibility and advisability of referring all claims under chapter 43 of title 38, United States Code, against Federal executive agencies to the Office of Special Counsel for investigation and resolution.

(D) Such other recommendations for administrative action or legislation as the Comptroller General determines appropriate.

(8) DEFINITIONS.—In this subsection:

(A) OFFICE OF SPECIAL COUNSEL.—The term "Office of Special Counsel" means the Office of Special Counsel established by section 1211 of title 5, United States Code.

(B) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(C) FEDERAL EXECUTIVE AGENCY.—The term "Federal executive agency" has the meaning given that term in section 4303(5) of title 38, United States Code.

(c) USERRA IMPLEMENTING REGULATIONS.—

(1) REQUIREMENT FOR REGULATIONS.—Subsections (a) and (b)(1) of section 4331 of title 38, United States Code, are amended by striking "may prescribe" and inserting "shall prescribe".

(2) CLARIFICATION OF RIGHT TO MERIT PAY INCREASES.—The regulations prescribed for the implementation of chapter 43 of title 38, United States Code, under section 4331 of such title shall include regulations that clarify that the entitlement of persons returning to employment under such chapter to receive pay increases under merit pay systems of employers may not be denied on the basis of lack of work performance evaluations for periods of absence for active duty in the uniformed services.

SEC. 7. IMPROVED EDUCATIONAL ASSISTANCE BENEFITS FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Section 16131(b) of title 10, United States Code, is amended to read as follows:

"(b) Except as provided in subsections (d) through (f), each educational assistance program established under subsection (a) shall provide for payment by the Secretary concerned, through the Secretary of Veterans Affairs, to each person entitled to educational assistance under this chapter who is pursuing a program of education of an educational assistance allowance at the following monthly rates:

"(1) For such a program of education pursued on a full-time basis, at the monthly rate equal to the applicable percentage (as defined in paragraph (3)) of the rate that applies for the month under section 3015(a)(1) of title 38.

"(2)(A) Subject to subparagraph (B), for such a program of education pursued on a less than a full-time basis, at an appropriately reduced rate, as determined under regulations which the Secretaries concerned shall prescribe.

"(B) No payment may be made to a person for less than half-time pursuit of such a program of education if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

"(3) In this subsection, the term 'applicable percentage' means, with respect to months occurring during—

"(A) fiscal year 2005, 33 percent;

"(B) fiscal year 2006, 37 percent;

"(C) fiscal year 2007, 41 percent;

"(D) fiscal year 2008, 45 percent; and

"(E) fiscal year 2009, and each subsequent fiscal year, 50 percent.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2004, and shall apply with respect to educational assistance allowances under section 16131(b) of such title paid for months after September 2004.

(b) EXPANSION OF ELIGIBILITY REQUIREMENTS FOR MEMBERS OF THE SELECTED RESERVE HAVING SERVED ON ACTIVE DUTY FOR A PERIOD OF 24 NON-CONSECUTIVE MONTHS UNDER CHAPTER 30 OF TITLE 38, UNITED STATES CODE.—

(1) CREDIT FOR 24 MONTHS OF ACTIVE DUTY SERVICE OVER A PERIOD OF 5 YEARS.—Subsection 3012(a) of title 38, United States Code, is amended in paragraphs (1)(A)(i), (1)(B)(i), and (1)(C)(iii)(I) by striking "two years of continuous active duty" each place it appears and inserting "a cumulative period of 24 months during any 5-year period".

(2) CONFORMING AMENDMENT.—Subsection (b) of section 3012 of such title is amended in paragraph (1) by striking "during such two years" and inserting "at any time during such 5-year period".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on or after October 1, 2005.

SEC. 8. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking "at least 60 years of age" and inserting "at least 55 years of age".

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

SEC. 9. DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (RESERVE AFFAIRS).

(a) ESTABLISHMENT OF POSITION.—

(1) POSITION AND DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 136a the following new section:

"§ 136b. Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs)

"(a) There is a Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs), appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs) shall have as his principal duty the overall supervision of reserve component affairs of the Department of Defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136a the following new item:

"136b. Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).".

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after "Deputy Under Secretary of Defense for Personnel and Readiness." the following:

"Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).".

(c) ELIMINATION OF POSITION OF ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS.—

(1) REPEAL OF REQUIREMENT FOR POSITION.—Subsection (b) of section 138 of title 10, United States Code, is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(2) REDUCTION IN TOTAL NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—

(A) AUTHORIZED NUMBER.—Subsection (a) of such section is amended by striking "nine" and inserting "eight".

(B) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "(9)" after "Assistant Secretaries of Defense" and inserting "(8)".

(d) EFFECTIVE DATE.—The amendments made by subsection (c) shall take effect on the date on which a person is first appointed as Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 422—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING SEPTEMBER 12, 2004, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. GRAHAM of South Carolina (for himself, Mr. LOTT, Mr. LUGAR, Mr. BROWNBACK, Mr. BIDEN, Mrs. DOLE, Mr. SESSIONS, Mr. TALENT, Mrs. HUTCHISON, Mr. VOINOVICH, Mr. COCHRAN, Mr. MILLER, Ms. MIKULSKI, Ms. STABENOW, Mr. SANTORUM, Mr. DURBIN, Mr. SCHUMER, Mr. BUNNING, Mr. ALLEN, Mr. ALEXANDER, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 422

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

(a) Sense of the Senate.—It is the sense of the Senate that the President should designate the week beginning September 12, 2004, as "National Historically Black Colleges and Universities Week".

(b) Proclamation.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning September 12, 2004, as "National Historically Black Colleges and Universities Week"; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 423—COMMENDING INEZ SITTER FOR HER SERVICE TO THE UNITED STATES

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. Res. 423

Whereas the United States, and subsequently the Choctaw Nation of Oklahoma, have operated a school at Hartshorne, Oklahoma, called the Jones Academy for more than 100 years, a facility that, since 1952, has provided residential services to predominately at-risk children from more than 20 Indian tribes throughout the United States who attend local, public school academic classes;

Whereas for approximately half that time, Mrs. Inez Sitter has been a vital part of that school and its efforts to educate American Indian children;

Whereas Mrs. Sitter came to the school in an administrative post in March of 1944 and progressed through various administrative capacities to be the Administrative Assistant at the school;

Whereas Mrs. Sitter formally retired from the Bureau of Indian Affairs in 1983, after 39 years of service;

Whereas Mrs. Sitter immediately thereafter assumed the position as the Study Hall/Tutorial Coordinator for Jones Academy, the Library Services Coordinator, and the Director of the critically important Foster Grandparents program at the school, positions she has held to this day;

Whereas Mrs. Sitter, who is a member of many civic organizations, including the Hartshorne Edgewood United Methodist Church, the Daughters of the American Revolution, and the American Legion Auxiliary, is known throughout the community for her extra work with students, including mentoring, tutoring, and preparation of homework and term assignments;

Whereas for such work she gained a position of advocate for the children of Jones Academy and the de facto position of liaison with the local public school in Hartshorne;

Whereas Mrs. Sitter, who resided with her family on campus, became a surrogate parent for hundreds of Jones Academy children;

Whereas Mrs. Sitter has been described by a colleague as "87 years young, and only 95 pounds, but with 60 years of service to the children of Jones Academy and the people of Hartshorne, the State of Oklahoma, and these United States"; and

Whereas the Bureau of Indian Affairs, recognizing her selfless and outstanding contributions, awarded Mrs. Sitter its Lifetime Achievement Award, presented by Assistant Secretary Dave Anderson on August 3, 2004: Now, therefore, be it

Resolved, That the Senate commends Mrs. Inez Sitter for her outstanding service to the Choctaw Nation of Oklahoma, the State of Oklahoma, and the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3616. Mr. FRIST (for himself, Mr. Byrd, Mr. Cochran, Mr. Specter, Ms. Murkowski, Mr. Voinovich, Mr. DeWine, Mr. Burns, Mrs. Clinton, Ms. Mikulski, Mrs. Murray, and Mr. Kennedy) submitted an amendment intended to be proposed to amendment SA 3578 proposed by Mr. Baucus (for himself, Mr. Levin, Ms. Stabenow, Mrs. Murray, and Mrs. Clinton) to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

SA 3617. Mr. REID (for Mr. Lautenberg) proposed an amendment to the bill H.R. 4567, supra.

SA 3618. Mr. COCHRAN (for Mr. Frist (for himself, Mr. Cochran, Mr. Byrd, and Mr. Voinovich)) proposed an amendment to the bill H.R. 4567, supra.

SA 3619. Mr. CORZINE (for himself, Mr. Lautenberg, Mr. Schumer, Mrs. Boxer, and Mrs. Clinton) proposed an amendment to the bill H.R. 4567, supra.

SA 3620. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3616. Mr. FRIST (for himself, Mr. Byrd, Mr. Cochran, Mr. Specter, Ms. Murkowski, Mr. Voinovich, Mr. DeWine, Mr. Burns, Mrs. Clinton, Ms. Mikulski, Mrs. Murray, and Mr. Kennedy) submitted an amendment intended to be proposed to amendment SA 3578 proposed by Mr. Baucus (for himself, Mr. Levin, Ms. Stabenow, Mrs. Murray, and Mrs. Clinton) to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for othe purposes; as follows:

On page 2, line 5 insert:

"(b) The total amount appropriated under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT, FEDERAL AIR MARSHALS" is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for the continued operations of the Federal Air Marshals program.

"(c) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS" is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined by the Secretary of Homeland Security to be at high-risk of international terrorist attacks.

"(d) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, FIREFIGHTER ASSISTANCE GRANTS" is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for the program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

"(e) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS" is hereby increased by $20,000,000. Of such total amount, as so increased, $20,000,000 is for emergency management performance grants.".

On page 2, line 5 strike "(b)" and insert "(f)".

SA 3617. Mr. REID (for Mr. Lautenberg) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 14, line 2, strike "$5,153,220,000, of which $1,090,000,000 shall be for defense-related activities;" and insert "5,253,220,000 of which $1,090,000,000 shall be for defense-related activities; and of which, $100,000,000 shall be for non-homeland security missions defined by Sec. 888(a)(1) of Public Law 107-296.".

SA 3618. Mr. COCHRAN (for Mr. Frist (for himself, Mr. Cochran, Mr. Byrd, and Mr. Voinvich)) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

"Sec.———. (a) The total amount appropriated under the heading "CUSTOMS AND BORDER PROTECTION, SALARAIES AND EXPENSES" is hereby increased by $120,000,000. Of such total amount, as so increased, $40,000,000 is provided for radiation detection devices, $40,000,000 is provided for additional border inspectors, and $40,000,000 is provided for additional border patrol agents.

"(b) The total amount appropriated under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES AND EXPENSES" is hereby increased by $80,000,000. Of such total amount, as so increased, $40,000,000 is provided for additional investigator personnel, and $40,000,000 is provided for detention and removal bedspace and removal operations.

"(c) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS" is hereby increased by $81,000,000. The total amount provided int he aforementioned heading for discretionary grants is increased by $81,000,000. Of that total amount, as so increased, the amount for rail and transit security grants is increased by $81,000,000.

"(d) The total amount appropriated under heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS" is hereby increased by $36,000,000. Of such total amount, as so increased, $36,000,000 is provided for emergency management performance grants.

"(e) In Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended by this bill, strike "June 1, 2005" and insert "September 30, 2005."

SA 3619. Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike "$2,845,081,000" and all that follows through "grants" on page 20, line 11, and insert the following: "$2,945,081,000, which shall be allocated as follows:

"(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT Act (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

"(2) $1,300,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided*, That $150,000,000 shall be for port security grants; $15,000,000 shall be for trucking industry security grants; $10,000,000 shall be for intercity bus security grants; $150,000,000 shall be for rail and transit security grants; $100,000,000 shall be for enhancing the security of chemical plants".

SA 3620. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period ", or any subsidiary of such an entity";

(2) in subsection (b)(1), by inserting "before, on, or" after the "completes";

(3) in subsection (c)(1)(B), by striking "which is after the date of enactment of this Act and"; and

(4) in subsection (d), by striking "homeland" and inserting "national".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 10, 2004, at 9:30 a.m. to hold a Nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Sonja Loges of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that John Grant of my staff be allowed to be on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

GARRETT LEE SMITH MEMORIAL ACT

On Thursday, September 9, 2004, upon receipt from the House, the Senate passed S. 2634, as amended, as follows:

Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Garrett Lee Smith Memorial Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More children and young adults die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke, and chronic lung disease combined.

(2) Over 4,000 children and young adults tragically take their lives every year, making suicide the third overall cause of death between the ages of 10 and 24. According to the Centers for Disease Control and Prevention, suicide is the third overall cause of death among college-age students.

(3) According to the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention, children and young adults accounted for 15 percent of all suicides completed in 2000.

(4) From 1952 to 1995, the rate of suicide in children and young adults tripled.

(5) From 1980 to 1997, the rate of suicide among young adults ages 15 to 19 increased 11 percent.

(6) From 1980 to 1997, the rate of suicide among children ages 10 to 14 increased 109 percent.

(7) According to the National Center of Health Statistics, suicide rates among Native Americans range from 1.5 to 3 times the national average for other groups, with young people ages 15 to 34 making up 64 percent of all suicides.

(8) Congress has recognized that youth suicide is a public health tragedy linked to underlying mental health problems and that youth suicide early intervention and prevention activities are national priorities.

(9) Youth suicide early intervention and prevention have been listed as urgent public health priorities by the President's New Freedom Commission in Mental Health (2002), the Institute of Medicine's Reducing Suicide: A National Imperative (2002), the National Strategy for Suicide Prevention: Goals and Objectives for Action (2001), and the Surgeon General's Call to Action To Prevent Suicide (1999).

(10) Many States have already developed comprehensive statewide youth suicide early intervention and prevention strategies that seek to provide effective early intervention and prevention services.

(11) In a recent report, a startling 85 percent of college counseling centers revealed an increase in the number of students they see with psychological problems. Furthermore, the American College Health Association found that 61 percent of college students reported feeling hopeless, 45 percent said they felt so depressed they could barely function, and 9 percent felt suicidal.

(12) There is clear evidence of an increased incidence of depression among college students. According to a survey described in the Chronicle of Higher Education (February 1, 2002), depression among freshmen has nearly doubled (from 8.2 percent to 16.3 percent). Without treatment, researchers recently noted that "depressed adolescents are at risk for school failure, social isolation, promiscuity, self-medication with drugs and alcohol, and suicide—now the third leading cause of death among 10–24 year olds.".

(13) Researchers who conducted the study "Changes in Counseling Center Client Problems Across 13 Years" (1989–2001) at Kansas State University stated that "students are experiencing more stress, more anxiety, more depression than they were a decade ago." (The Chronicle of Higher Education, February 14, 2003).

(14) According to the 2001 National Household Survey on Drug Abuse, 20 percent of full-time undergraduate college students use illicit drugs.

(15) The 2001 National Household Survey on Drug Abuse also reported that 18.4 percent of adults aged 18 to 24 are dependent on or abusing illicit drugs or alcohol. In addition, the study found that "serious mental illness is highly correlated with substance dependence or abuse. Among adults with serious mental illness in 2001, 20.3 percent were dependent on or abused alcohol or illicit drugs, while the rate among adults without serious mental illness was only 6.3 percent.".

(16) A 2003 Gallagher's Survey of Counseling Center Directors found that 81 percent were concerned about the increasing number of students with more serious psychological problems, 67 percent reported a need for more psychiatric services, and 63 percent reported problems with growing demand for services without an appropriate increase in resources.

(17) The International Association of Counseling Services accreditation standards recommend 1 counselor per 1,000 to 1,500 students. According to the 2003 Gallagher's Survey of Counseling Center Directors, the ratio of counselors to students is as high as 1 counselor per 2,400 students at institutions of higher education with more than 15,000 students.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) YOUTH INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb–34) is amended—

(1) in subsection (a)—

(A) by striking "Health, shall award grants" and inserting "Health—

"(1) shall award grants";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) shall award a competitive grant to 1 additional research, training, and technical assistance center to carry out the activities described in subsection (d).";

(2) in subsection (c), in the matter preceding paragraph (1), by striking "grant or contract under subsection (a)" and inserting "grant or contract under subsection (a)(1)";

(3) in subsection (d)—

(A) by striking "APPROPRIATIONS.—For the purpose of carrying out this section" and inserting "APPROPRIATIONS.—

"(1) For the purpose of awarding grants or contracts under subsection (a)(1)"; and

(B) by adding at the end the following:

"(2) For the purpose of awarding a grant under subsection (a)(2), there are authorized to be appropriated $3,000,000 for fiscal year 2005, $4,000,000 for fiscal year 2006, and $5,000,000 for fiscal year 2007.";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) ADDITIONAL CENTER.—The additional research, training, and technical assistance center established under subsection (a)(2) shall provide appropriate information, training, and technical assistance to States, political subdivisions of a State, Federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations for—

"(1) the development or continuation of statewide or tribal youth suicide early intervention and prevention strategies;

"(2) ensuring the surveillance of youth suicide early intervention and prevention strategies;

"(3) studying the costs and effectiveness of statewide youth suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

"(4) further identifying and understanding causes and associated risk factors for youth suicide;

"(5) analyzing the efficacy of new and existing youth suicide early intervention techniques and technology;

"(6) ensuring the surveillance of suicidal behaviors and nonfatal suicidal attempts;

"(7) studying the effectiveness of State-sponsored statewide and tribal youth suicide early intervention and prevention strategies on the overall wellness and health promotion strategies related to suicide attempts;

"(8) promoting the sharing of data regarding youth suicide with Federal agencies involved with youth suicide early intervention and prevention, and State-sponsored statewide or tribal youth suicide early intervention and prevention strategies for the purpose of identifying previously unknown mental health causes and associated risk factors for suicide in youth;

"(9) evaluating and disseminating outcomes and best practices of mental and behavioral health services at institutions of higher education; and

"(10) other activities determined appropriate by the Secretary.".

(b) SUICIDE PREVENTION FOR YOUTH.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) in section 520E (42 U.S.C. 290bb–36)—

(A) in the section heading by striking "CHILDREN AND ADOLESCENTS" and inserting "YOUTH";

(B) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall award grants or cooperative agreements to public organizations, private nonprofit organizations, political subdivisions, consortia of political subdivisions, consortia of States, or Federally recognized Indian tribes or tribal organizations to design early intervention and prevention strategies that will complement the State-sponsored statewide or tribal youth suicide early intervention and prevention strategies developed pursuant to section 520E.";

(C) in subsection (b), by striking all after "coordinated" and inserting "with the relevant Department of Health and Human Services agencies and suicide working groups.";

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking "A State" and all that follows through "desiring" and inserting "A public organization, private nonprofit organization, political subdivision, consortium of political subdivisions, consortium of States, or federally recognized Indian tribe or tribal organization desiring";

(ii) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(iii) by inserting before paragraph (2) (as so redesignated) the following:

"(1)(A) comply with the State-sponsored statewide early intervention and prevention strategy as developed under section 520E; and

"(B) in the case of a consortium of States, receive the support of all States involved;";

(iv) in paragraph (2) (as so redesignated), by striking "children and adolescents" and inserting "youth";

(v) in paragraph (3) (as so redesignated), by striking "best evidence-based,";

(vi) in paragraph (4) (as so redesignated), by striking "primary" and all that follows and inserting "general, mental, and behavioral health services, and substance abuse services;";

(vii) in paragraph (5) (as so redesignated), by striking "children and" and all that follows and inserting "youth including the school systems, educational institutions, juvenile justice system, substance abuse programs, mental health programs, foster care systems, and community child and youth support organizations;";

(viii) by striking paragraph (8) (as so redesignated) and inserting the following:

"(8) offer access to services and care to youth with diverse linguistic and cultural backgrounds;"; and

(ix) by striking paragraph (9) (as so redesignated) and inserting the following:

"(9) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;";

(E) by striking subsection (d) and inserting the following:

"(d) USE OF FUNDS.—Amounts provided under a grant or cooperative agreement under this section shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this section. Applicants shall provide financial information to demonstrate compliance with this section.";

(F) in subsection (e)—

(i) by striking ", contract,"; and

(ii) by inserting after "Secretary that the" the following: "application complies with the State-sponsored statewide early intervention and prevention strategy as developed under section 520E and the";

(G) in subsection (f), by striking ", contracts,";

(H) in subsection (g)—

(i) by striking "A State" and all that follows through "organization receiving" and inserting "A public organization, private nonprofit organization, political subdivision, consortium of political subdivisions, consortium of States, or Federally recognized Indian tribe or tribal organization receiving"; and

(ii) by striking ", contract," each place such term appears;

(I) in subsection (h), by striking ", contracts,";

(J) in subsection (i)—

(i) by striking "A State" and all that follows through "organization receiving" and inserting "A public organization, private nonprofit organization, political subdivision, consortium of political subdivisions, consortium of States, or Federally recognized Indian tribe or tribal organization receiving"; and

(ii) by striking ", contract,";

(K) in subsection (k), by striking "5 years" and inserting "3 years";

(L) in subsection (l)—

(i) in paragraph (2), by striking "21" and inserting "24"; and

(ii) in paragraph (3), by striking "which might have been";

(M) in subsection (m)—

(i) by striking "APPROPRIATION.—" and all that follows through "For" in paragraph (1) and inserting "APPROPRIATION.—For"; and

(ii) by striking paragraph (2);

(N) by redesignating subsection (m) as subsection (n); and

(O) by inserting after subsection (l) the following:

"(m) DEFINITIONS.—In this section, the terms 'early intervention', 'educational institution', 'institution of higher education', 'prevention', 'school', and 'youth' have the meanings given to those terms in section 520E."; and

(2) by redesignating section 520E as section 520E–1.

(c) YOUTH SUICIDE AND EARLY INTERVENTION AND PREVENTION STRATEGIES.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting before section 520E–1 (as redesignated by subsection (b)) the following:

"SEC. 520E. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants or cooperative agreements to eligible entities to—

"(1) develop and implement State-sponsored statewide or tribal youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations;

"(2) support public organizations and private nonprofit organizations actively involved in State-sponsored statewide or tribal youth suicide early intervention and prevention strategies and in the development and continuation of State-sponsored statewide youth suicide early intervention and prevention strategies;

"(3) provide grants to institutions of higher education to coordinate the implementation of State-sponsored statewide or tribal youth suicide early intervention and prevention strategies;

"(4) collect and analyze data on State-sponsored statewide or tribal youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

"(5) assist eligible entities, through State-sponsored statewide or tribal youth suicide early intervention and prevention strategies, in achieving targets for youth suicide reductions under title V of the Social Security Act.

"(b) ELIGIBLE ENTITY.—

"(1) DEFINITION.—In this section, the term 'eligible entity' means—

"(A) a State;

“(B) a public organization or private nonprofit organization designated by a State to develop or direct the State-sponsored statewide youth suicide early intervention and prevention strategy; or

“(C) a Federally recognized Indian tribe or tribal organization (as defined in the Indian Self-Determination and Education Assistance Act) or an urban Indian organization (as defined in the Indian Health Care Improvement Act) that is actively involved in the development and continuation of a tribal youth suicide early intervention and prevention strategy.

“(2) LIMITATION.—In carrying out this section, the Secretary shall ensure that each State is awarded only 1 grant or cooperative agreement under this section. For purposes of the preceding sentence, a State shall be considered to have been awarded a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under paragraph (1)(B). Nothing in this paragraph shall be construed to apply to entities described in paragraph (1)(C).

“(c) PREFERENCE.—In providing assistance under a grant or cooperative agreement under this section, an eligible entity shall give preference to public organizations, private nonprofit organizations, political subdivisions, institutions of higher education, and tribal organizations actively involved with the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy that—

“(1) provide early intervention and assessment services, including screening programs, to youth who are at risk for mental or emotional disorders that may lead to a suicide attempt, and that are integrated with school systems, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations;

“(2) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

“(3) employ or include in their applications a commitment to evaluate youth suicide early intervention and prevention practices and strategies adapted to the local community;

“(4) provide timely referrals for appropriate community-based mental health care and treatment of youth who are at risk for suicide in child-serving settings and agencies;

“(5) provide immediate support and information resources to families of youth who are at risk for suicide;

“(6) offer access to services and care to youth with diverse linguistic and cultural backgrounds;

“(7) offer appropriate postsuicide intervention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

“(8) offer continuous and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public and highlight the risk factors associated with youth suicide and the life-saving help and care available from early intervention and prevention services;

“(9) ensure that information and awareness campaigns on youth suicide risk factors, and early intervention and prevention services, use effective communication mechanisms that are targeted to and reach youth, families, schools, educational institutions, and youth organizations;

“(10) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention strategies and that child-serving professionals and providers involved in early intervention and prevention services are properly trained in effectively identifying youth who are at risk for suicide;

“(11) provide continuous training activities for child care professionals and community care providers on the latest youth suicide early intervention and prevention services practices and strategies;

“(12) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;

“(13) provide services in areas or regions with rates of youth suicide that exceed the national average as determined by the Centers for Disease Control and Prevention; and

“(14) obtain informed written consent from a parent or legal guardian of an at-risk child before involving the child in a youth suicide early intervention and prevention program.

“(d) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of grant funds received under this section shall be used to provide direct services, of which not less than 5 percent shall be used for activities authorized under subsection (a)(3).

“(e) COORDINATION AND COLLABORATION.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall collaborate with relevant Federal agencies and suicide working groups responsible for early intervention and prevention services relating to youth suicide.

“(2) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

“(A) State and local agencies, including agencies responsible for early intervention and prevention services under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of the Social Security Act, and programs funded by grants under title V of the Social Security Act;

“(B) local and national organizations that serve youth at risk for suicide and their families;

“(C) relevant national medical and other health and education specialty organizations;

“(D) youth who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention services;

“(E) families and friends of youth who are at risk for suicide, who have survived suicide attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

“(F) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve youth at risk for suicide and their families; and

“(G) third-party payers, managed care organizations, and related commercial industries.

“(3) POLICY DEVELOPMENT.—In carrying out this section, the Secretary shall—

“(A) coordinate and collaborate on policy development at the Federal level with the relevant Department of Health and Human Services agencies and suicide working groups; and

“(B) consult on policy development at the Federal level with the private sector, including consumer, medical, suicide prevention advocacy groups, and other health and education professional-based organizations, with respect to State-sponsored statewide or tribal youth suicide early intervention and prevention strategies.

“(f) RULE OF CONSTRUCTION; RELIGIOUS AND MORAL ACCOMMODATION.—Nothing in this section shall be construed to require suicide assessment, early intervention, or treatment services for youth whose parents or legal guardians object based on the parents' or legal guardians' religious beliefs or moral objections.

“(g) EVALUATIONS AND REPORT.—

“(1) EVALUATIONS BY ELIGIBLE ENTITIES.—Not later than 18 months after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

“(A) the evaluations conducted under paragraph (1); and

“(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants, collaborations, and consultations under this section.

“(h) RULE OF CONSTRUCTION; STUDENT MEDICATION.—Nothing in this section or section 520E-1 shall be construed to allow school personnel to require that a student obtain any medication as a condition of attending school or receiving services.

“(i) PROHIBITION.—Funds appropriated to carry out this section, section 520C, section 520E-1, or section 520E-2 shall not be used to pay for or refer for abortion.

“(j) PARENTAL CONSENT.—States and entities receiving funding under this section and section 520E-1 shall obtain prior written, informed consent from the child's parent or legal guardian for assessment services, school-sponsored programs, and treatment involving medication related to youth suicide conducted in elementary and secondary schools. The requirement of the preceding sentence does not apply in the following cases:

“(1) In an emergency, where it is necessary to protect the immediate health and safety of the student or other students.

“(2) Other instances, as defined by the State, where parental consent cannot reasonably be obtained.

“(k) RELATION TO EDUCATION PROVISIONS.—Nothing in this section or section 520E-1 shall be construed to supersede section 444 of the General Education Provisions Act, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this section or section 520E-1 shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001; Public Law 107-110).

“(l) DEFINITIONS.—In this section:

“(1) EARLY INTERVENTION.—The term ‘early intervention’ means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

“(2) EDUCATIONAL INSTITUTION; INSTITUTION OF HIGHER EDUCATION; SCHOOL.—The term—

“(A) ‘educational institution’ means a school or institution of higher education;

“(B) ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965; and

“(C) ‘school’ means an elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965).

“(3) PREVENTION.—The term ‘prevention’ means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

“(4) YOUTH.—The term ‘youth’ means individuals who are between 10 and 24 years of age.

“(m) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $7,000,000 for fiscal year 2005, $18,000,000 for fiscal year 2006, and $30,000,000 for fiscal year 2007.

“(2) PREFERENCE.—If less than $3,500,000 is appropriated for any fiscal year to carry out this section, in awarding grants and cooperative agreements under this section during the fiscal year, the Secretary shall give preference to States that have rates of suicide that significantly exceed the national average as determined by the Centers for Disease Control and Prevention.”.

(d) MENTAL AND BEHAVIORAL HEALTH SERVICES ON CAMPUS.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 520E–1 (as redesignated by subsection (b)) the following:

“SEC. 520E–2. MENTAL AND BEHAVIORAL HEALTH SERVICES ON CAMPUS.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, in consultation with the Secretary of Education, may award grants on a competitive basis to institutions of higher education to enhance services for students with mental and behavioral health problems that can lead to school failure, such as depression, substance abuse, and suicide attempts, so that students will successfully complete their studies.

“(b) USE OF FUNDS.—The Secretary may not make a grant to an institution of higher education under this section unless the institution agrees to use the grant only for—

“(1) educational seminars;

“(2) the operation of hot lines;

“(3) preparation of informational material;

“(4) preparation of educational materials for families of students to increase awareness of potential mental and behavioral health issues of students enrolled at the institution of higher education;

“(5) training programs for students and campus personnel to respond effectively to students with mental and behavioral health problems that can lead to school failure, such as depression, substance abuse, and suicide attempts; or

“(6) the creation of a networking infrastructure to link colleges and universities that do not have mental health services with health care providers who can treat mental and behavioral health problems.

“(c) ELIGIBLE GRANT RECIPIENTS.—Any institution of higher education receiving a grant under this section may carry out activities under the grant through—

“(1) college counseling centers;

“(2) college and university psychological service centers;

“(3) mental health centers;

“(4) psychology training clinics; or

“(5) institution of higher education supported, evidence-based, mental health and substance abuse programs.

“(d) APPLICATION.—An institution of higher education desiring a grant under this section shall prepare and submit an application to the Secretary at such time and in such manner as the Secretary may require. At a minimum, the application shall include the following:

“(1) A description of identified mental and behavioral health needs of students at the institution of higher education.

“(2) A description of Federal, State, local, private, and institutional resources currently available to address the needs described in paragraph (1) at the institution of higher education.

“(3) A description of the outreach strategies of the institution of higher education for promoting access to services, including a proposed plan for reaching those students most in need of mental health services.

“(4) A plan to evaluate program outcomes, including a description of the proposed use of funds, the program objectives, and how the objectives will be met.

“(5) An assurance that the institution will submit a report to the Secretary each fiscal year on the activities carried out with the grant and the results achieved through those activities.

“(e) REQUIREMENT OF MATCHING FUNDS.—

“(1) IN GENERAL.—The Secretary may make a grant under this section to an institution of higher education only if the institution agrees to make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than $1 for each $1 of Federal funds provided in the grant, toward the costs of activities carried out with the grant (as described in subsection (b)) and other activities by the institution to reduce student mental and behavioral health problems.

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(3) WAIVER.—The Secretary may waive the requirement established in paragraph (1) with respect to an institution of higher education if the Secretary determines that extraordinary need at the institution justifies the waiver.

“(f) REPORTS.—For each fiscal year that grants are awarded under this section, the Secretary shall conduct a study on the results of the grants and submit to the Congress a report on such results that includes the following:

“(1) An evaluation of the grant program outcomes, including a summary of activities carried out with the grant and the results achieved through those activities.

“(2) Recommendations on how to improve access to mental and behavioral health services at institutions of higher education, including efforts to reduce the incidence of suicide and substance abuse.

“(g) DEFINITION.—In this section, the term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2005, $5,000,000 for fiscal year 2006, and $5,000,000 for fiscal year 2007.”.

Amend the title so as to read: “A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.”.

DESIGNATING SEPTEMBER 11 AS A NATIONAL DAY OF VOLUNTARY SERVICE, CHARITY, AND COMPASSION

Mr. COCHRAN. Mr. President, there are two unanimous consent requests that have been cleared.

I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Con. Res. 127, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 127) expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The resolution (S. Con. Res. 127) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 127

Whereas across the United States and around the world, people of all ages and walks of life collectively witnessed an event of immense tragedy on September 11, 2001;

Whereas the events of that day instantly transformed many lives, some through personal loss and many others through an unfamiliar sense of individual and national vulnerability;

Whereas an unprecedented, historic bonding of the people of the United States arose from the collective shock, unifying the United States in a sustained outpouring of national spirit, pride, selflessness, generosity, courage, and service;

Whereas on that day and the immediate days that followed, many brave people heroically, tirelessly, and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in many cases voluntarily putting their own well-being at risk;

Whereas September 11 will never and should never be just another day in the hearts and minds of all people of the United States;

Whereas the creation of memorials and monuments honoring the lives lost on September 11, 2001, as well as the efforts of those who participated in rescue and recovery and voluntary service efforts, are necessary, proper, and fitting, but alone cannot fully capture the desire of the United States to pay tribute in a meaningful way;

Whereas it is fitting and essential to establish a lasting, meaningful, and positive legacy of service for future generations as a tribute to those heroes of September 11, 2001;

Whereas many citizens wish to memorialize September 11 by engaging in personal and individual acts of community service or other giving activities as part of a national day of recognition and tribute; and

Whereas to lose this opportunity to bring people together for such an important endeavor would be a tragedy unto itself: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that the President should designate September 11 as an annually recognized day of voluntary service, charity, and compassion; and

(2) Congress urges the President to issue a proclamation calling upon the people of the United States to observe this day with appropriate and personal expressions of service, charity, and compassion toward others.

CONVEYANCE OF THE REAL PROPERTY LOCATED AT 1081 WEST MAIN STREET IN RAVENNA, OHIO

Mr. COCHRAN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 3908, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 3908) to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the bill be read the third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3908) was read the third time and passed.

ORDERS FOR MONDAY, SEPTEMBER 13, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 13. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for debate only until 3:30, with Senators to speak for up to 10 minutes; provided further that the Senate then resume consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill. I further ask unanimous consent that at 5:30 p.m., the Senate proceed to a vote in relation to Schumer amendment No. 3615, as modified, with no amendments to the amendment in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, on Monday, following morning business, the Senate will resume consideration of the Homeland Security appropriations bill. The chairman and ranking member will be here on Monday to work through the remaining amendments. There are currently four amendments pending. Additional amendments will be offered on Monday.

Under the previous order, we will vote in relation to the Schumer HAZMAT truck amendment at 5:30 p.m. Any other votes ordered during Monday's session will be stacked to occur immediately after the vote in relation to the Schumer amendment. Therefore, Senators should expect more than one vote on Monday afternoon.

Again, I remind my colleagues that next week the Rosh Hashanah holiday begins Wednesday. It is imperative that we finish the bill prior to that time. Senators should expect busy days during next week with numerous rollcall votes.

Finally, I thank every one for their hard work this week. Earlier this week we were able to expedite and pass an emergency supplemental appropriations bill to help fund FEMA's efforts in Florida. Last night we passed S. 1368 relating to awarding a Congressional Gold Medal to the Reverend Dr. Martin Luther King, Jr., and Coretta Scott King. Chairman McCAIN secured passage of H.R. 361, the Sports Agent Responsibility and Trust Act.

Yesterday the Senate passed S. Res. 421, which condemned the terrorist attack in Beslan, Russia, and sent condolences, on behalf of the leaders and the U.S. Senate, to the families of those victims.

Earlier this week we confirmed three additional district judges, and I hope we will continue that pattern of considering judicial nominations before we conclude our work this year.

Finally, on a personal note, our colleague, Senator SMITH of Oregon, who is occupying the chair now, was on the floor of the Senate last night to ensure that the Senate passed S. 2634, the Garrett Lee Smith Memorial Act, which the Democratic leader, our leadership, and both sides of the aisle joined together to unanimously support.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator DASCHLE and Senator BYRD for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, will the majority leader clarify something? It was my understanding that we were going to get an agreement that all amendments would have to be filed by 4 o'clock on Monday. I apologize; I came to the floor late and Senator REID wasn't here and I just don't know. I have not had the opportunity to ask anybody about this. Would the Senator enlighten me as to the status of that?

Mr. FRIST. Yes. It is something we have been working on back and forth for the last 24 hours, and that is the intention. We will try to get that early on Monday; we still have that goal for amendments to be filed. That is the intention. Because of various schedules today and the managers leaving at certain times, we didn't have everybody here to agree upon that, but that is the intention. When we come in early Monday, hopefully we can get that consent. I think both sides of the aisle agree that is the objective.

Mr. DASCHLE. I thank the leader. And I, too, congratulate the Senator from Oregon for his leadership on an important piece of legislation. I hope we can get it to the President on time.

GUARD AND RESERVIST BILL OF RIGHTS

Mr. DASCHLE. Mr. President, this year marks the 60th anniversary of the GI bill of rights.

That law, debated and passed in the same week Allied Forces invaded Europe, not only demonstrated America's enormous gratitude to the men and women who fought for its freedom, it creates the foundations of the extraordinary prosperity that followed the end of the war.

The bill encapsulated all that was best in America. Those who defended the American dream were offered a share of the American dream.

Harry Colmery, a Republican from Pennsylvania who served as the National Commander of the American Legion at the time, wrote that "it [was] the duty, the responsibility, and the desire of our grateful people to see to it that those who served actively in the armed services . . . not only should not be penalized as a result of their war service, but also that upon their return, they should be aided in reaching the position which they might normally have expected had the war not interrupted their careers."

Our military has changed a great deal in the past 60 years.

Increasingly, our national security is defended by members of our National Guard and Reserve forces—men and women who volunteer to put aside their jobs, and leave their families and communities any time our Nation is threatened.

Forty percent of the troops fighting in Iraq are members of the National Guard or Reserve. One-hundred-sixty have given their lives.

Just as Congress thanked the men who liberated Europe and Asia and preserved democracy 60 years ago, the time has now come for Congress to repay our debt to the reservists fighting the war on terror around the world and struggling to bring peace and security to the people of Iraq.

The time has come for America to show a commitment to them that matches their dedication and service to us.

Many of the current benefits, policies, and support systems for reservists have been in place for decades and their value has eroded over time.

Moreover, the experience of reservists in Kosovo, Afghanistan, and Iraq has demonstrated serious gaps in the benefits we offer them.

Moreover, even as we place a heavier burden on reservists, commanders warn that lower recruitment numbers and higher rates of retirement pose a threat to the continued readiness of our Reserve forces.

We cannot afford to close our eyes and hope this problem solves itself.

We have only a handful of weeks before the 108th Congress adjourns.

National security should sit alone at the top of our agenda, and there are few things more important than ensuring our Reserve forces have the tools they need to achieve the missions we assign them.

Therefore, in the spirit of the GI bill, in gratitude for their valor and sacrifice, and in recognition of our growing reliance on a powerful and effective Reserve force, I am introducing the National Guard and Reserve bill of rights.

This bill codifies a set of rights the men and women serving in our National Guard and Reserve have earned with their service to our Nation.

First, every reservist has the right to straight answers about their deployments. In the last few years, the Department of Defense has often failed to communicate to citizen soldiers and their families when they can expect to be reunited.

South Dakota's 740th Transportation Company, for example, was first told in February 2004 that their work in Iraq was over and that they would be heading home.

In the final days before their departure, they received word that they would remain in Iraq until April, 1 year after they had first reached Iraq.

As this date approached, their deployment was extended for an additional 90 days. These soldiers ultimately returned home in July, nearly 18 months after their activation date.

This kind of situation undermines troop morale and places an unfair burden on their families, businesses, and communities that rely on Guard and Reserve troops. I believe we owe our soldiers honest answers.

My bill would require the Pentagon to treat Active Duty and Reserve forces equally. If active duty forces are deployed abroad for 1 year, reservists would also be activated for 1 year.

It would also require the Department of Defense to conduct a "lessons learned" review of Reserve forces' deployments in Iraq and Afghanistan, so that the miscommunications and mistakes reservists have experienced recently will not be repeated in the future.

Second, every reservist has the right to the best equipment the Nation has to offer. Reservists are serving on the front lines alongside full-time soldiers. They are facing the same bullets. They deserve state-of-the-art equipment. However, since the beginning of the Iraq war, we have heard disturbing reports from many Guard and Reserve families in South Dakota, and from national media, that reservists have experienced severe shortages of body armor, night-vision goggles, rifles, and other critical equipment.

I am calling on the GAO to conduct a study about equipment reconstitution in the Guard and Reserve following Operations Iraqi Freedom and Enduring Freedom to assess their equipment needs for future contingencies.

Third, every reservist has the right to adequate, timely, and problem-free compensation.

The GAO has issued two reports in the last several months that call attention to deep-rooted problems in the automated pay system for reservists.

Their most recent report found that as many as 95 percent of reservists have experienced pay problems during their deployments in Iraq and Afghanistan.

My bill will create a position within the Defense Department whose primary responsibility will be to implement the GAO's recommendations and fix the problems with the pay system once and for all.

I also believe that reservists should be compensated for their increased commitment for the last few years. My bill will double the value of re-enlistment bonuses and extend them to career reservists who serve longer than 14 years.

Fourth, every reservist has the right to quality, affordable health care.

For 2 years, Senator LINDSEY GRAHAM and I have been working across the aisle to provide access for all reservists to the military's TRICARE health care system.

This initiative is critical to maintaining readiness among Guard and Reserve units, and will serve as an important recruiting and retention tool as well.

My bill would permanently provide all reservists with access to the military's TRICARE health care system, ensuring that Guard and Reserve personnel are fit to answer duty's call whenever it comes.

Fifth, every reservist has the right to child care during his or her deployment. When members of the Guard and Reserve are deployed for duty, many leave behind families with small children.

For many, Reserve duty makes child care become both more necessary and less affordable. No reservist should have to sacrifice care for his or her children in order to serve their country.

That is why my bill, following on the good work of my colleague Senator MURRAY, would increase funding for child care for families with parents deployed away from home.

Sixth, every reservist has the right to employment when he or she returns from active duty. We cannot ask reservists to fight for their country and then force them to fight for their job once they come home.

Unfortunately, the number of complaints filed by reservists who experience problems with returning to their jobs after a deployment has risen by 50 percent since the war on terrorism began, and there may be hundreds or even thousands of other reservists who have had problems but have not filed complaints.

My bill will strengthen the protections USERRA offers and ensure that reservists know their rights.

Seventh, every reservist has the right to education benefits. The Montgomery GI bill, passed in 1984, set reservists' educational benefits at 47 percent of the benefits offered to Active Duty soldiers.

Twenty years later, that proportion has fallen to only 27 percent. This erosion is even greater considering the high increases in the cost of higher education.

My bill would raise reservists' education benefits to the level set by the Montgomery GI bill at the time of its passage, and would ensure that the value of these benefits rise at the same pace as the cost of higher education.

Eighth, every reservist has the right to a fair retirement plan. As deployments grow longer, citizen soldiers are being prevented from contributing to their civilian retirement plans.

Service to one's country should not come at the expense of a secure retirement.

My colleague, Senator CORZINE, has led the fight to improve the Guard and Reserve retirement plan, which has not changed in over 50 years.

Like Senator CORZINE's bill, my legislation would reduce reservist retirement age from 60 to 55, a proposal that is endorsed by several leading advocates for National Guard and Reserve personnel.

This proposal is especially critical for States like South Dakota, where many reservists have jobs on farms or with other small businesses that have no civilian retirement plans.

Finally, every reservist has the right to representation at the highest levels of the Department of Defense. Our military force—Active and Reserve—is undergoing a transformation to make it better suited to confront the security challenges of the 21st century. We must ensure that the needs and concerns of National Guard and Reserve personnel continue to be heard at the highest levels of the Defense Department during this transformation.

My bill will create a new Deputy Undersecretary for Reserve Affairs who will participate in all decisions involving reservists and carry reservists' concerns to the most senior Pentagon leaders.

These nine rights should be guaranteed every member of our Reserve forces. Serving in the Guard or Reserves is no longer a one-weekend-a-month commitment.

Reservists are serving on the front lines, facing the same bullets as full-time soldiers. Battlefield commanders are relying on them to serve with courage and skill, and reservists are meeting the challenge.

The sacrifices we ask of reservists are many. But as the authors of the GI bill realized 60 years ago, America owes a debt to the men and women who defend its freedom. We should not compound their sacrifices through neglect or indifference. The brave men and women of the Guard and Reserve have earned the benefits and improvements I am proposing.

The time has come for the Government to recognize this new role and redouble our support for these courageous Americans.

I ask my colleagues on both sides of the aisle to join with me in support of the National Guard and Reserve bill of rights, and to move swiftly to pass it into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

HOLLOW TRIBUTE TO THE VICTIMS OF SEPTEMBER 11, 2001

Mr. BYRD. Mr. President, I begin my words today by reading from the 33rd verse of the 18th chapter of the Second Book of Samuel, the King James version of the Holy Bible.

> And the king was much moved, and went up to the chamber over the gate, and wept: and as he went, thus he said, O my son, Absalom, my son, my son Absalom! Would God I had died for thee, O Absalom, my son, my son!

Mr. President, tomorrow will be a day of painful remembrance for our Nation. The passage of time has done little to numb the anguish of that September morning 3 years ago—how we do remember—when 19 ruthless terrorists commandeered four commercial aircraft and transformed them into the stuff of nightmares. The memories are still too raw, the images are still to vivid, the toll of human misery is still too overwhelming.

And so we remember, and in our remembrance we pay homage to the victims and the heroes of 9/11. But we owe more. We owe more to those who perished on September 11, 2001, than merely remembrance. And we owe more to the American people than merely paying lipservice to their safety.

That is the primary reason that we are here today, debating the Homeland Security funding bill. We are here because of the rescue workers who moved so quickly, so valiantly, to save lives, only to sacrifice their own. We are here because of those thousands of men and women who, on that crystal clear morning of September 11, 3 years ago, were sitting at their desks, walking through the halls, doing their jobs, only to have such brutality abruptly end their lives. We are here, Senators, because we can never forget—never forget—that day, and because we never want to repeat that day of horrors.

Congress has passed a blitz of legislation and appropriated billions of dollars over the past 3 years in response to the 9/11 attacks on America. Congress overcame the objections of the President and created a new Cabinet-level Department of Homeland Security. With great fanfare and acclaim, we passed legislation to strengthen both port and border security. We have tightened airport security, turned our most prominent public buildings into barricaded fortresses, and acquiesced in the suspension of basic rights to privacy in the name of security.

And frankly, to little avail—to little avail, I say. Today, 3 years out from the 9/11 attacks, we are living under the yoke of an "imminent" threat of future attacks. Sectors of New York, New Jersey, and Washington are functioning under a heightened "orange alert" threat level while the rest of the Nation perches uneasily under the umbrella of a yellow, or elevated, threat. Security at virtually any major public event—from the political conventions to the Olympics—is oppressive. We quake, we tremble, at the notion that the November elections might spark another devastating terrorist attack on these United States.

We can talk until we are blue in the face about all the steps we have taken to enhance security since 9/11, but the bottom line is this: Does anybody really feel safer and more secure than they did 3 years ago?

Much of the legislation that Congress has passed since 9/11 was envisioned as a legacy to those 3,000 men and women who lost their lives on that day 3 years ago. Yet, I fear it is becoming a hollow legacy. Congress has been thwarted at every turn by a White House that spends lavishly on rhetoric yet demonstrates a pinch-purse mentality when it comes to delivering on its promises. The Department of Homeland Security that we took such pains to create has been hamstrung from the outset by inadequate funding from the White House. Our port and border security initiatives, so essential to fighting terrorism, are languishing for lack of money. The people hear that their safety, their security, are the paramount priority of this White House. Have you heard that? Yes. Time and again, the people have heard that their security is the paramount priority of this White House down at the other end of the avenue, but then see the very same administration play shell games with security funds.

Surely this is not the legacy we want to leave to the victims of 9/11.

The President crisscrosses the country claiming that he has made America safer. Don't believe it. He has signed legislation intended to protect our airplanes from hijackers. He has signed legislation designed to close the porous borders in our north and south. He has signed bills to stop terrorists from slipping through our seaports. But what he hasn't signed is the check.

The President tells the country that we are safer because of him, but he has forced dangerous cuts to the Federal Air Marshal program.

The President tells Americans that they can rest easy because of him, but he has refused to approve funds that would help to prevent Madrid-style bombings at our train stations.

The President campaigns on an image of being tough on terrorists—the two-gun slinger, the man at high noon, as it were. But he has rejected effort after effort to invest critical dollars in police officers and firefighters. It is as if the President wants our emergency responders to pay for homeland security with bake sales and bingo nights. When it comes to protecting this Nation, there should be no distinction between providing necessary resources for troops in Iraq and for first responders at home in America.

To continue this homeland security hoax pays little tribute. To tell the American people that they are safe, when, in fact, they are not, honors few memories of those victims of 9/11. This White House has made an absolute sham of homeland security.

And yet there is more. This President has staked his credibility and, to a large extent his Presidency, on the assertion that the war in Iraq is an extension of the war on terror—do not believe it—despite the fact that no Iraqis were among the 9/11 hijackers and despite the fact that no credible evidence of a link between Saddam Hussein and Osama bin Laden has ever been documented.

Oh, the President loves to tell us over and over again that America is safer because Saddam Hussein is no longer in power in Iraq, but the President fails to mention that post-war Iraq has become the foremost breeding ground of anti-American terrorism on the globe. The President likes to talk to the troops, and he likes to talk with the background of troops standing behind him. But he doesn't like to talk about the steadily mounting death toll in Iraq.

Why are the people mute about the death toll in Iraq? Despite the President's rose-colored view of Iraq, the number and recently the rate of American and Iraqi deaths and injuries are continuing to rise. Yes, Iraq may be free of the yoke of Saddam Hussein, but it is not free of the yoke of violence. As of this very week, the death toll of American military personnel in Iraq has exceeded 1,000.

I can hear the cries at night of the fathers and the mothers of those soldiers, marines, and military personnel who have laid down their lives in the hot sands of Iraq. I hear again, as though it were the king, crying:

> O my son, Absalom, my son, my son, Absalom! Would God I had died for thee, O Absalom, my son, my son!

Unlike the mass casualties of September 11, American military personnel in Iraq have died in relatively tiny clusters over the course of the past 18 months, one or two here or five there or seven at a time. In spite of the transfer of sovereignty in Iraq more than 2 months ago, fighting continues to rage on in that crippled country, and American casualties continue to mount.

> My son, my son, O Absalom, my son, my son!

The death toll of American military personnel in Iraq may not yet approach the death toll of civilians on September 11, but it is no less significant and no less heartbreaking.

The September 11 terrorist attacks on America may or may not have been preventable. The missed intelligence cues, the missed communications, the "what ifs," will haunt us forever. But the returns are already in on the war in Iraq. This President, President Bush, took this country to war in Iraq for the wrong reasons, based on faulty assumptions, with unanticipated and deadly results for untold numbers of Americans.

As we pause to remember the moment when the airplanes struck the World Trade Centers, the Pentagon, and the Pennsylvania field, we will remember the sacrifice of the mothers and the fathers, the husbands and the wives, the brothers and sisters and the children, the firefighters, the police officers, the ambulance drivers. We will remember all of those who lost their lives in that tragic time and those tragic moments, and we will remember those who have been sent to battle in their name against the terrorist forces of al-Qaida and the Taliban in Afghanistan.

That was the war in which America was attacked. America was invaded by an invader in the form of hijackers in the cockpits of airplanes used as deadly missiles. Tragically, this has become an enemy of our own making, through our own invasion, through our own attack, through our own pernicious doctrine of preemption, an enemy of our own making in Iraq. And the sorrow of those who have given their sons and daughters in that unprovoked war, the sorrows will not end at election day. The sorrows will not end this year or next or next or the next, but the sorrows will continue as long as there are memories of those who once sat in those vacant chairs around the kitchen tables of America. Those mothers and fathers will continue to weep. The tears will continue to fall. Those loved ones will cry out, as did the king, King David, cry out for their sons as David cried out for his.

> And the king was much moved, and went up to the chamber over the gate and wept: and as he wept, thus he said, O my son, Absalom, my son, my son, Absalom! Would God I had died for thee, oh Absalom, my son, my son.

I yield the floor and I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 2 P.M., MONDAY, SEPTEMBER 13, 2004

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned until 2 p.m. Monday, September 13, 2004.

Thereupon, the Senate, at 2:27 p.m., adjourned until Monday, September 13, 2004, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 2004:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CARIN M. BARTH, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE ANGELA ANTONELLI, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF COMMERCE

ALBERT A. FRINK, JR., OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE LINDA MYSLIWY CONLIN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL TRADE COMMISSION

JON D. LEIBOWITZ, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2003, VICE MOZELLE WILLMONT THOMPSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEBORAH P. MAJORAS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2001, VICE TIMOTHY J. MURIS, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

AMTRAK

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE LINWOOD HOLTON, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SCOTT KEVIN WALKER, OF WISCONSIN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE ANTHONY S. EARL, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF ENERGY

SUSAN JOHNSON GRANT, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY, VICE BRUCE MARSHALL CARNES, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA J. FISHER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

GARY LEE VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE ISADORE ROSENTHAL, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF THE TREASURY

PAUL JONES, OF COLORADO, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE CHARLES L. KOLBE, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

ALDONA WOS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CHARLES GRAVES UNTERMEYER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JOHN D. ROOD, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTER-AMERICAN FOUNDATION

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE FRANK D. YTURRIA, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE PATRICIA HILL WILLIAMS, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008, VICE FRED P. DUVAL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE WENDY JEAN CHAMBERLIN, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL INSTITUTE FOR LITERACY

RICHARD KENNETH WAGNER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006, VICE ROBIN MORRIS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THE JUDICIARY

SEAN F. COX, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE LAWRENCE P. ZATKOFF, RETIRED.

DEPARTMENT OF COMMERCE

JONATHAN W. DUDAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE, VICE JAMES EDWARD ROGAN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES SENTENCING COMMISSION

RICARDO H. HINOJOSA, OF TEXAS, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION, VICE DIANA E. MURPHY, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING NAMES OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be captain

JOHN B. MCDERMOTT, 0312

To be lieutenant commander

MICHAEL J. CORL, 6350
GREGORY J. HALL, 7758
DAVID C. CLIPPINGER, 9789

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

To be lieutenant

KAREN W. QUIACHON, 3927

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

MICHAEL H ANDERSON, 3849
MICHAEL J ANDRES, 6844
BRUCE D BAFFER, 6213
KARL R BALDESSARI, 9914
PETER J BERGERON, 0462
JOHN R BINGAMAN, 8704
PATRICK W BRENNAN, 6389
ERIC P BROWN, 4690
JOHN E CAMERON, 6698
MARK S CARMEL, 3556
ERIC A CHAMBERLIN, 7992
EUGENE F CUNNINGHAM, 5214
GERALD D DEAN, 2196
ROBERT M DEAN, 6705
MICHAEL D EMERSON, 6540
SUZANNE E ENGLEBERT, 5359
ANNE T EWALT, 7888
JOHN M FELKER, 1731
SCOTT J FERGUSON, 1754
ALFRED C FOLSOM, 6488
PATRICK G GERRITY, 6697
MICHAEL A GIGLIO, 3131
PAUL M GUGG, 8555
THOMAS R HALE, 1645
CHRISTOPHER J HALL, 0047
STEVEN M HANEWICH, 6103
STEVEN L HUDSON, 3792
BRUCE C JONES, 4875
THOMAS W JONES, 0393
BRIAN M JUDGE, 3009
JEFFREY S LEE, 2677
THOMAS P MARIAN, 9707
BRIAN J MERRILL, 2841
CHARLES D MICHEL, 8242
EDWARD P NAGLE, 3215
SAM M NEILL, 7083
JONATHAN H NICKERSON, 4362
JEFFREY E OGDEN, 9971
RAYMOND J PERRY, 6273
JOHN P PHILBIN, 2487
MARK L PORVAZNIK, 1877
STEVEN D POULIN, 2002
ROBERT M PYLE, 9891
PAUL S RATTE, 2229
SCOTT W ROBERT, 2538
PAUL J RODEN, 6254
DANIEL A RONAN, 5339
DONALD J ROSE, 7290
PETER S SIMONS, 5818
MATTHEW J SISSON, 4873
THOMAS M SPARKS, 6918
EDWIN M STANTON, 8358
GEORGE J STEPHANOS, 2999
CHARLES V STRANGFELD, 4885
MARK A SWANSON, 3018
DAVID J SWATLAND, 6561
CARI B THOMAS, 3038
LORNE W THOMAS, 4700
DONALD R TRINER, 4873
CARL J UCHYTIL, 6695
THOMAS J VITULLO, 0166
GORDON K WEEKS, 7906

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. R. STEVEN WHITCOMB, 7058

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID D. MCKIERNAN, 8864

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. LEWIS W. CRANSHAW JR., 4960

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be colonel

FRANK A. POSEY, 0293

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

TRACEY R.* ROCKENBACH, 7026

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

SHANNON D.* HAILES, 5271
MICHAEL F. LAMB, 9464

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

TOMMY D.* BOUIE, 2810
ANDREW P. BURKE, 3368
DEIDRA E.* HEFFINGTON, 3548
JENNIFER L.* LUCE, 4938

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL J. BLACHURA, 6442
LOUIS FAZEKAS, 6216
JAMES A. HOYER, 3413
BERNARD P. LISWELL, 0615
SHELLEY L. MAHOOD, 3749
JAMES C. MCKAY, 2021
KENNETH C. MCNEILL, 3349
KENNETH D. NEWLIN, 7895
RONALD P. WELCH, 4358

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

SCOTT A. AYRES, 1605
DOUGLAS J. CURELL, 9656
ROBERT T. HERBERT, 2846
TIMOTHY E. ORR, 4797
DAVID E. RICKFORD, 8290
GERALD I. WALTER, 6279

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK A. COSGROVE, 5523
VALDEMAR GARCIA, 1969
ROBERT H. JONES, 6355
JOHN E. SMITH, 0829
ROGER L. SOLDANO, 2287
RONNIE J. WESTMAN, 2334

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

STEVEN H. BULLOCK, 6553
MYRNA C. CALLISON, 0091
SONYA J. CORUM, 1454
STEPHANIE E. DAUGHERTY, 6574
DANNY B. JAGHAB, 6117
JOHN E. KENT, 6976
BETTY J. QUITT, 3793
JOANNA J. REAGAN, 6012
DANIEL G.* RENDEIRO, 1420
LESLEE F. SANDERS, 2147
JOHN M. STANG, 1640

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MICHAEL N. ALBERTSON, 9228
NATHANAEL L. ALLEN, 0154
JOAN M. ALLISON, 3188
ROBERT J. ANDERSON, 6924
MICHAEL R. BARNARD, 0950
KIRKLIN J. BATEMAN, 4655
JOHN D. BECK, 2497
JONATHAN D.* BERRY, 1428
RICHARD K. BOND, 7644
MARK W. BRANTLEY, 2207
THOMAS M. BRENNAN, 4319
WILLIAM C. BUNTING, 0453
DAVID M. CANNON, 0863
JAY D. CARLSON, 4216
PAUL A. CHAMBERLAIN, 5473
KATHLEEN T. CHANDLER, 1469
CAESAR D. COBB, 3684
EDWARD F. COLE JR., 0991
JOHN A. COOPER, 5384
CHRISTOPHER G. CROSS JR., 2468
ANNIE K. DEAR, 6778
JOHN C. DEJARNETTE III, 6508
SEAN T. DELLER, 0507
RICK A. DIGGS, 6084
GEORGE E. DILLON JR., 5321
JOEL C. DOTTERER, 0560
GRANT R. DOTY, 8137
BRADLEY K.* DREYER, 4444
THEODORE D. DUGONE, 7365
MARGARET L. DUNN, 6659
DUANE P. EASTER, 6861
SCOTT D. FABIAN, 2231
MARK T. FETTER, 0955
THEODORE J. FOX, 0145
JUSTIN C. GAGE, 1646
BRADLEY T. GERICKE, 0846
GREGORY H. GRAVES, 4717
CRAIG M. GREENE, 4482
JOHN F. GRITTMAN, 5146
RODNEY T. HAGGINS, 6256
MICHAEL W. HAMM, 1042
JOHN P. HARTKE, 3422
JOHN M. HARWIG, 0337
CLARK H. HEIDELBAUGH, 1836
JOSEPH G. HENRY, 5032
DAVID K. HINKES, 7773
ARTHUR J. HOFFMANN JR., 0568
JEFFREY L. HUISINGH, 5963
PAUL J. HURLEY JR., 4014
LYNN S. JACKSON, 9347
EVERETT C. JOHNSON, 1292
HARVEY W. JOHNSON, 2257
PEGGY M. KAMMEN, 1631
ROBERT H. KEWLEY JR., 6686
DAVID A. KNOWLTON, 6487
GERALD C. KOBYLSKI, 8485
KARL M. KRAUS, 6174
DAVID A. LAGRAFFE, 1159
MARC A. LEE, 6528
KENNETH A. LENIG, 0901
MATTHEW C. LEWIS, 6490
DIANA E. LIZOTTE, 5201
GREGORY D. LOUDEN, 0362
ROBERT R. MACKEY, 4138
CHRISTINE U. MARTINSON, 3354
SHAWN G. MCCURRY, 1741
CHRISTOPHER H. MCMANUS, 6445
JOHN W. MILLER, 2771
KENNETH G. MORENO, 8635
MICHAEL N. NAHAS, 0053
WILLIAM W. NASE, 8306
MICHAEL P. NAUGHTON, 6238
JILL M. NEWMAN, 9670
THOMAS J. NIGRO, 6016
LARRY K. NODINE, 0851
KEITH E. OLSON, 8577
MACE J. OSWALD, 5174
WILLIAM E. OWEN, 3905
GENE M. PISKATOR, 2690
JEFFREY C. POWELL, 6170
EDWARD T. POWERS, 4030
LEVEN R. PRESSLEYSANDERS, 0559
BRENTLY L. RAMSEY, 3699
CARLA Y. REED, 5442
JEFFREY F. ROBINSON, 4885
STEVEN M. ROESLER, 4380
KAREN R. ROSSER, 6824
MARK H. SALAS, 7352
JOHN E. SCHOTZKO, 8562
DAVID A. SHUGART, 4954
JON L. SHUPENUS, 7521
DAVID L. SILVERNAIL, 9088
JOEL J. SLAGLE, 1652
KYLE G. SMITH, 2880
WALTER W. SPANGLER, 5755
BRIAN K. SPERLING, 4239
RALPH T. STANDBROOK, 8208
JEFFREY A. STERLING, 4708
DAVID J. STEVENS, 5672
BRYAN A. STEWART, 9833
GREGORY K. STINSON, 4139
STEVEN A. STODDARD, 3950
WILLIAM R. STOWMAN, 0174
JOHN A. STYER, 2536
VESEN L. THOMPSON, 1814
JOHN L. THURMAN, 4371
DAVID M. TOCZEK, 9946
ANTHONY W. VASSALO, 3766
TIMOTHY C. WALL, 6827
TERRANCE D. WALLACE, 1291
ROBERT E. WARING, 2589
WILLIAM S. WARNER, 9332
BENJAMIN E. WEBB, 2324
JEFFREY R. WILEY, 6906
DAVID A. WILLIAMS, 1574
BLANE C. WILSON, 0683
DENNIS M. WINCE, 2341
PETER B. WITH, 1070
WILLIAM S. WOESSNER, 6640

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE NDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

JOHN W. AMBERG II, 8140
DARRAN T. ANDERSON, 9291

PRENTISS O. BAKER, 8157
CHRISTOPHER L. BALLARD, 3910
WILLIAM G. BEAVERS, 1249
SIGMUND B. BELISCH JR., 5077
CHARLES H. BENSON III, 4211
SCOTT R. * BLEICHWEHL, 1283
GREGORY T. BRIERLY, 6243
DARIN L. BROCKINGTON, 3618
MICHAEL I. BROWNFIELD, 2167
DENNIS W. BROZEK, 8024
LOU L. BURTON III, 6362
KENT P. CASSELLA, 4680
GAIL C. CLARKE, 1897
JAMES L. COLLINS, 2844
AARON D. COMBS, 8000
CHARLES K. COOK, 5703
ERIC A. DAVIS, 5138
KATHERINE S. DAVIS, 2617
EUGENE J. * DEVINE III, 5527
HARBAUGH D. * DICICCIO, 3912
CHARLES A. DICKENS, 2270
JAMES J. DONLON, 8394
MICHAEL O. DONNELLY, 3110
FREDERICK B. DUGAN, 4153
BRIAN H. EDHOLM, 7122
JOHN M. ERWIN, 5574
ROBERT L. FANELLI JR., 3492
RONNIE E. FORD, 7272
STEVAN J. FRENCH, 2050
KENNETH H. FRITZSCHE, 6360
CRISLER A. FUCCI, 3880
DARRELL R. GREGG JR., 7752
GLENN E. HERRIN, 3622
MITCHEL L. HUDSON, 3405
STEVEN P. IOOSS, 0318
THOMAS L. JAMES, 3382
JOHN T. JANISZEWSKI, 8325
JOEL J. JEFFSON, 7123
MICHAEL J. KEITH, 3078
GWENDOLYN L. * KING, 7765
ROBERT E. KLINGSEISEN, 5639
KEITH A. LARSON, 6993
PAMMELLA J. LASZLO, 2197
JAMES C. LAUGHREY, 3130
BRUCE B. LAVELL, 5996
CHARLES H. LEACH II, 9605
FAVIO L. LOPEZ, 0932
BRIAN MAKA, 8354
NANCY A. MAKOWSKI, 1172
CHRISTOPHER G. MARSHALL, 5594
MICHELLE L. MARTINHING, 5718
JEFFREY A. MAY, 3765
RICHARD J. MCKINSTRY, 6199
ROBERT J. MCTASNEY, 3703
STEVEN P. MEIHAUS, 8430
MICHAEL L. MILLS, 3743
JEFFREY P. MUHLENKAMP, 0204
MARVIN E. MURPHY, 7382
ANDRES ORTEGON, 3589
LEE M. PACKNETT, 6633
RICHARD A. PAQUETTE, 4460
ALAN G. PERSONIUS, 9015
HOWARD K. PHELAN, 6219
GREGORY E. PRITZL, 4860
JAMES D. PRUNESKI, 9754
GORDON R. QUICK JR., 3055
JEFFREY S. RANSBOTTOM, 3257
ROBERT A. RASCH JR., 6459
STANLEY E. REEDY, 8493
FREDERICK L. RICE, 2030
BRIAN D. RUSSO, 6752
CLAY S. SCHERER, 2863
RICHARD M. SCHULTZ, 5608
MARK S. SHAABER, 2816
BRYAN N. SPARLING, 2730
RANDI J. STEFFY, 2376
MICHAEL F. STERRETT, 0529
ROBERT S. SWARTWOOD, 0952
GARY C. TALLMAN, 6050
GLEN A. TEASLEY, 2061
LEMUEL A. THOMAS JR., 1193
MICHAEL A. VANPUTTE, 1850
NORMAN M. WADE, 4122
ANDREW J. WEATE, 5893
ROBERT A. WHETSTONE, 8244
RODNEY G. WILLIAMS, 0183
SAUNDRA R. YANNA, 7020
JOHN E. ZABEL, 6525
RICHARD G. ZOLLER, 4774

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

GILBERT ADAMS, 4925
BROOK E. ALLEN, 9151
DUANE E. AMSLER JR., 5345
MATTHEW D. ANDERSON, 7999
SCOTT C. ARMSTRONG, 4376
ROBERT E. BACKMAN, 8758
JOHN S. BALDA, 2923
ROBERT S. BARKER, 5996
EUGENE BARRETT, 4532
DEAN R. BATCHELDER, 9817
TIMOTHY R. BAXTER, 1772
CARLOS G. BERRIOS, 0751
JOSEPH J. BOVY JR., 7837
JAMES B. BRASHEAR, 6347
DAVID E. BRIGHAM, 5386
PAUL C. BROTZEN, 4449
ANTHONY T. BROWN, 4186
SCOTT F. BRUNER, 3219
WALTER J. BRUNING, 2983
KERRY P. BRUNSON, 7398
JOSEPH A. CAPOBIANCO, 2198
WILLIAM F. CARBERRY, 0595
CHARLES A. CARTER, 8937
ROCKY L. CARTER, 8789
DAVID K. * CHAPMAN, 8226
DAVID P. CHAPMAN, 1700
ANDREW T. CLEMENTS, 4760
JAY R. CONNORS, 9481
JOHN M. COURTNEY, 1933
CHARLES B. COX, 3042
GREGORY S. CREECH, 7550
BENJAMIN D. CROCKETT, 9328
DANIEL J. CUNNINGHAM, 9866
TODD A. CYRIL, 6806
JOHN S. DAILEY, 3241
CHARLES E. DAVIS, 2764
PAUL L. DECECCO, 0113
DAVID W. DETATA, 1287
KEITH A. DETWILER, 6805
RONALD C. DODGE JR., 2718
SHARLENE J. DONOVAN, 6369
PATRICK O. DOYLE, 8543
GREGORY R. EBNER, 2026
WILLIAM T. ENGLISH, 2303
JOSE A. ESPINOSA, 5100
ANTHONY O. EVANS, 8745
PHILLIP J. FAIETA, 0619
JEFFREY D. FROM, 0827
WILLIAM A. GARLAND, 1281
RICHARD T. GIBBONS, 7654
DONALD P. GILLILAND, 0068
CATHERINE E. GILLUND, 2827
STEPHEN J. GRANSBACK, 3749
SHAWN P. GRESHAM, 3888
ROBERT B. GRIER JR., 7897
CHRISTIAN B. GRINSELL, 8176
RICHARD K. GUFFEY, 7774
DANIEL J. GUILFORD, 8173
JEFFREY E. HAGER, 8365
ROBERT E. HAMILTON, 5707
ROBERT J. HANNAH, 5077
JOHN P. HANNON, 6053
ROBERT D. HARPER, 6545
ERIC M. HARTMAN, 2082
KEITH D. HARVEY, 7211
MICHAEL T. HAWN, 9620
BRIAN K. HEDRICK, 3209
ANDREW R. HEPPELMANN, 3355
CARL B. HIGGS, 2208
KEVIN J. HILLMAN, 5883
MICHAEL A. HUFF, 2343
PHILLIP D. JANZEN, 8380
MARK E. JEFFRIS, 0386
ANDREW W. JENKINS, 3651
LEWIS A. JOHNSON JR., 4325
MICHAEL E. KAFFKA, 3292
WINFIELD R. KELLER, 3448
JOSEPH B. KING, 2838
JEFFREY T. KNIGHT, 3710
RANDALL L. KOEHLMOOS, 3531
KAZIMIERZ Z. KOTLOW, 6759
ROBERT L. LARSON, 3088
RANDY H. LAWRENCE, 4117
JOHN W. LEWIS, 5161
DOUGLAS D. LILLY, 2830
DARRYL L. * LONG, 4675
JOSEPH W. LONTOS JR., 5455
DAVID M. LOVEJOY, 1673
CHARLES D. MARTINO, 4401
EDWARD E. MASON, 2978
WILLIAM J. MAXCY, 0424
TAMMY L. MCNAMARA, 1318
BRIAN S. MCNAUGHTON, 2723
ROBERT G. MCVAY, 0895
RODNEY A. MENTZER, 8897
MEL M. METTS, 2651
MICHAEL G. MILLER, 4965
SCOTT A. MILLER, 7855
JOSEPH S. MINUS JR., 8678
MARK A. MISKOVIC, 4568
TIMOTHY D. MITCHELL JR., 5072
JAMES A. MOFFATT, 9379
ERIC V. MOHNEY, 8071
MICHAEL J. MONIS, 1646
JEFFREY J. MURPHY, 5663
WAYNE MURPHY, 4375
ROBERT W. MYLES JR., 8044
JOSEPH R. NAGEL, 9174
MICHELLE NASSAR, 5598
SCOTT NELSON, 6392
STEVEN M. NOE, 6001
AARON K. OGLESBEE, 0448
MICHAEL K. OHARA, 3262
ROBERT F. OLSEN, 7948
JEFFREY T. OPPENHEIM, 0437
JOHN M. OREGAN, 2056
PAUL H. PARDEW, 5816
KENDALL T. PARKS, 3335
LUIS A. PEROZO, 3175
MARTIN A. PERRYMAN, 7645
WOLFGANG A. PETERMANN, 3286
PAUL M. PHILLIPS, 1105
ROBIN N. PHILLIPS, 1961
JEFFREY C. PREDMORE, 0329
JAMES M. PROCTOR JR., 5412
STANLEY H. PUSTARFI, 3562
JAMES J. RAFTERY JR., 7921
JOSEPH W. RANK, 5988
QUENTON T. RASHID, 7604
CLYDE E. RICHARDS JR., 6478
MATTHEW RIORDAN, 1166
JAMES O. ROBINSON JR., 4478
JOHN M. RODDY, 4784
DARRIN H. RODESCHIN, 0200
STUART K. ROGERS, 2294
JAMES K. ROSE, 3107
GARY F. SARGENT, 8125
SANDE J. SCHLESINGER, 7124
MATTHEW C. SCHNAIDT, 2832
DAVID E. SCHOOLCRAFT, 8702
CHRISTOPHER R. SEACORD, 0456
JOHN E. SHANKLIN, 9492
JAMES C. SHARKEY, 9396
WILLIAM H. SHEEHY, 3262
RANDY J. SMITH, 5430
ALAN T. STATHAM, 6319
EDWARD J. STAWOWCZYK, 2009
GARY D. STEPHENS, 1050
TIMOTHY J. STRANGE, 0687
ADAM N. STROUP, 2076
EDWARD J. SWANSON, 6371
WALTER S. SWEETSER, 6871
DAVID G. TATMAN, 9767
REGINALD TERRY, 1602
DEBORA L. THEALL, 0547
THOMAS H. TODD III, 7229
BRUCE J. TUFTIE, 1766
PHILIP L. TURNER III, 7003
WILLIAM T. UTROSKA, 9777
ERIK VALENTZAS, 6560
MICHAEL J. VASSALOTTI, 1567
NORBERT E. VERGEZ, 9880
JONAS VOGELHUT, 0839
NICHOLAS J. VOZZO, 6710
CLINTON J. WALLINGTON III, 8392
SHAWN C. * WALTERS, 8132
GAIL L. WASHINGTON, 2363
TIMOTHY L. WATKINS, 1238
ROBERT W. WEBSTER, 9840
ARIC S. WHATLEY, 2107
VERONICA A. * WILSON, 3675
DAVID D. WISYANSKI, 0039
DAVID M. WITTEVEEN, 9798
ALBERT G. ZAKAIB, 0788
JAMES F. ZINK, 4957
SCOTT W. ZURSCHMIT, 8837

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

CELETHIA M. ABNER, 5627
EDWIN M. ALBERTO, 0336
HOLLY S. * BAKER, 5762
RISA D. BATOR, 3382
CASSANDRA E. BLAKLEY, 7341
CHRISTINE J. BRIDWELL, 3076
KRISTINE M. BRISTOW, 4760
WILLIAM A. * BROCK, 5833
EDYTHE A. BROWNE, 5654
PRICE V. BULLOCK, 1071
WENDY R. CAMPBELL, 4437
MARY K. CARSON, 5271
LEE A. CEBULA, 8085
SATURNINO CHAVEZ, 4051
PLACIDIA M. CLARK, 1246
MARY C. CLARKE, 2359
DEBRA L. CLISE, 9081
RUTH G. CRAMPTON, 1229
TRACI E. CRAWFORD, 2133
BEVERLY A. CROSBY, 1579
MARGARET A. DIXON, 3985
REBECCA L. DOUGLAS, 6044
EDWARD W. * DROST, 3822
RICHARD L. EVANS JR., 3224
PAMELA S. FERGUSON, 6832
LINDA W. FISHER, 0998
GRETEL FOSTERBOATWRIGHT, 0503
KEVIN T. GALLOWAY, 0507
PETRINA E. GAVRILIS, 3465
PETER * GEREPKA, 0788
JANICE D. GRADY, 3128
CHRISTOPHER D. GRAHAM, 9318
JOHN T. GROVES, 6557
SHARON E. HEALY, 9785
PAUL A. HIRD, 7238
JOHN P. * HLAVNICKA, 6754
THOMASINE S. HOWARD, 4366
RICHARDSON D. JAMES, 5108
DAVID C. JOSS, 6974
LORRAINE M. KNIGHT, 3855
ERIC R. KOCH, 7769
PATRICK A. KUNTZ, 3282
TAMARA J. LAFRANCOIS, 4632
GARY M. LANG, 6905
GLENDA J. LOCK, 5385
STACEY C. MANGANA, 6839
CATHY M. MARTIN, 2249
MADELYN S. MCKENNAN, 4745
ERIN C. MCLAUGHLIN, 8805
MICHAEL A. * MCMAHON, 1698
WILLIAM J. MORAN JR., 7722
JOHN A. * NERGES, 7352
JAMES B. NIX, 9809
STOKES M. PAYNE, 6767
JENNIFER L. PETERSEN, 7075

MARIE H. * PRICE. 2163
SHELLEY A. RICE. 5634
SUZANNE K. RICHARDSON. 9284
ENRIQUE RIVERA JR., 0079
ETHEL L. * ROBERSON. 5489
JEFFREY S. ROOS. 3753
BARBARA A. RYAN. 6503
NANCY B. SANCHEZ. 4514
CHARLOTTE W. SCOTT. 2907
PATRICK G. SHANNON. 3151
THOMAS SIMPKINS. 6511
SARA T. SPROAT. 6729
PALACESTINE G. TABSON. 5285
SONDRA S. THOMPSON. 8047
ORTIZ S. TILLMAN. 8242
BARRY A. VANCE. 2013
DONALD L. * VANDAM. 6093
NEVA J. * WESTHOFF. 9507
STEPHANIE C. WILCHER. 3266
CHERUB I. * WILLIAMSON. 5202

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10. U.S.C., SECTIONS 624 AND 3064:

To be major

STANLEY P. ALLEN. 4123
STEPHEN R. ALSLEBEN. 2109
NANA E. BASSAW. 6142
ALVA R. BENNETT JR., 1940
JAMES W. BLOUNT. 7763
MITCHELL A. BUTTERWORTH. 7264
SAUL E. CARDONA. 0380
BRIAN P. CRANE. 8068
DEAN A. DARROUX. 4539
LOUIS A. DELTUFO. 9175
DAVID J. DEPPMEIER. 1387
LUCY M. DERGARABEDIAN. 9414
WIESLAW A. DYNEK. 5204
PETER O. FERRIS. 8073
RICHARD D. GARVEY. 9965
KENNETH A. GESCH. 0413
JAMES R. GRIFFIN. 1978
ROBERT H. HART JR., 8506
JEFFREY A. HORSMAN. 0184
TERRY E. JARVIS. 4385
JOSEPH R. JEFFRIES. 4508
MICHAEL J. KING. 0076
DAVID R. KIRK. 7648
JONATHAN K. LANDON. 8784
HENRY A. LEONARD. 9340
JOHN C. LIM. 4124
LONNIE L. LOCKE III. 0271
BRIAN L. MEAD. 0332
ROY M. MYERS. 6249
DANIEL S. OH. 1430
JOSHUA L. PAIR. 9934
GARY G. PAYNE. 5097
ROBIN W. PIZANTI. 3888
CLARK E. RABE. 6731
PAUL D. RAMSEY. 0982
TIMOTHY L. RIETKERK. 2617
RANDAL H. ROBISON. 8374
JULIE M. ROWAN. 6926
LUIS A. RUIZ. 6145
FELIX SERMON JR., 9702
SCOTT R. SHERRETZ. 2598
JAMES E. SMITH JR., 1919
TIMOTHY D. SMITH. 1885
BLAN M. STOUT JR., 6104
JACK J. STUMME. 2560
GREGORY S. THOGMARTIN. 4682
ROBERT F. WILLIAMS. 1297
CHARLES D. WOOD. 1694
HENRY J. YOUNG. 7450

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10. U.S.C., SECTIONS 624. 531, AND 3064:

To be major

THOMAS L. * ADAMS JR., 5402
JOHN S. * AITA. 7307
PHILIP A. ALBANEZE. 6330
JESSELLE E. * ALBERT. 1481
MORALES S. * ALFORD. 5922
SYED O. * ALI. 2119
MARK I. * ANDERSON. 0905
MIKE L. ANDERSON. 9623
ALLAN H. * ANDREWS. 7811
JAMES M. * ANDREWS. 4728
GERARD M. * ANTOINE. 5599
HAYS L. * ARNOLD. 1651
HILLARY * ARNOLDHURTADO. 6215
CHAD A. * ASPLUND. 7760
MARIAPAZ S. * BABCOCK. 0380
BRYAN L. * BACON. 0550
KEITH * BARTON. 3777
MICHAEL J. * BATTAGLIA. 4697
ANDREW P. * BATTIATA. 9149
BRIAN J. * BAUMGARTNER. 2960
KIMBERLY * BECK. 4228
MICHAEL D. * BECKER. 5485
SHERYL A. * BEDNO. 3769
DAVID G. * BELL. 6075
DELANO R. * BENJAMIN. 3136
MARK J. * BERKOWITZ. 0702
TAMARA L. BIEGA. 5452
TIMOTHY J. BIEGA. 8360
THOMAS P. * BIRK. 2017
IAN H. * BLACK. 8459
KIRSTEN A. * BLOMBERG. 0377
SUDIP K. * BOSE. 3916
DUSTIN L. BOYER. 7255
TIMOTHY C. * BRAND. 9829
JOSEPH P. * BROOKS. 5463
JENNIFER A. * BROWN. 0450
MILLARD D. * BROWN III. 2422
GLORIA Y. * BROWNE. 4857
MICHAEL * BRYWKA III. 2707
LISABETH A. * BUSH. 5339
JAY S. * CAMPBELL. 6006
WILLIAM H. * CANN. 6843
DIMITRI C. * CASSIMATIS. 0464
EL T. * CASTRO JR., 7971
ROBERT W. * CHALMERS. 3877
JOHN R. * CHEWNING. 0467
MICKEY S. CHO. 9084
MARY * CHOI. 3050
KEVIN K. * CHUNG. 1836
DAVID W. COFFIN. 8579
PATRICK B. COOPER. 9230
MARK S. CRAGO. 2617
NAOMI B. * CREEL. 8758
PERCIVAL L. CUETO. 9448
HOWARD L. * CURLIN. 4377
HEATHER M. CURRIER. 8322
RICHARD V. * DANIELS III. 6789
DAVID M. * DANIELSON. 9088
DANIEL R. * DAVIS. 3977
THOMAS C. * DAVIS. 3554
JAMES S. * DEMER. 7492
MARK A. * DENNY. 6582
DEBORAH J. * DEOSSMAKSOUD. 6773
LAURENCE M. * DESHIELDS. 0910
PATRICK J. * DEVINE. 6173
KIMBERLY M. * DEVORE. 3508
AMAN * DHAWAN. 0165
MEGAN J. * DIFURIO. 8464
JOSHUA E. * DITTMER. 0184
CHARLES T. * DODSON II. 2241
BRENDAN T. * DOHERTY. 3068
ANDREW M. * DOOLITTLE. 8395
SEAN C. * DOYLE. 5557
ROGER H. * DUDA. 9133
GARY W. * DUFRESNE. 9277
SCOTT A. * EADER. 2721
LARRY L. * ELLIS JR., 4248
MICHELLE K. ERVIN. 1848
ANTHONY J. * FADELL. 2730
DANIEL B. * FAGBUYI. 4065
ERIC P. FILLMAN. 2168
JOSEPH F. * FISCHER. 6989
BRYAN A. * FISK. 0032
PAUL W. * FLEENOR. 9305
BRIAN T. * FOGARTY. 6667
ANDREW J. FOSTER. 4940
KECIA L. * FOXWORTH. 1887
JENNIFER E. * FRANK. 7972
ELIZABETH * GARCIA. 8954
BEAU GARDNER. 9879
STEVEN J. * GAYDOS. 2252
GREGG G. * GERASIMON. 0985
DENNIS J. GEYER. 3573
LOUIS M. *GIANGIULIO. 6518
CHRISTINA M. *GILLESPIE. 9161
DANIEL P. *GILLIGAN. 2946
BRUCE A. *GLEASON. 5140
BRIAN S. *GOSSER. 2375
DARIN E. *GOULD. 9369
CARROL E. *GRANT. 9575
JILL A. *GRANT. 0632
BRUCE A. *GREENBERG. 2953
EILEEN B. *GREENWALD. 0956
JANE *GROSS. 5631
JOHN P. *GUERREIRO. 9194
SEAN T. *GUNNING. 5747
JENNIFER M. *GURNEY. 8156
JAIME J. *HALVERSON. 8165
JOHN A. *HAMEL. 8717
JAMIE R. *HANSON. 9186
JAMES G. *HARDIGAN. 5419
JILL C. HASLING. 2167
THOMAS C. *HATTAN. 5801
ERIC L. HAWKINS. 1548
JOSHUA S. *HAWLEY. 0578
JAMES R. HEMPEL. 4514
ROBERTO *HENNESSY. 0858
SANDRA L. *HERNANDEZ. 7996
ROBERT D. *HEROS. 7714
LAURENCE B. *HERZOG. 6784
KIMBERLY W. HICKEY. 5812
PATRICK W. HICKEY. 6287
JASON M. HILES. 4064
JARREL K. *HOLMES. 1823
CHRISTOPHER H. *HOYT. 6113
KERMIT D. *HUEBNER. 3666
LINDA L. *HUFFER. 4362
DAVID M. *HUFNAGEL. 4228
PAMELA *HUGHES. 5585
MARC A. *HULTQUIST. 2363
TIMOTHY R. *HURTADO. 5281
STEPHEN P. *HYLAND. 9659
DEREK F. *IPSEN. 7696
MATTHEW J. *ISOM. 9851
SHARI A. *JACKSON. 5985
TRENTON L. *JAMES. 1835
TRENTON A. *JANDA. 5197
ABEL D. *JARELL. 2118
DAVID J. *JENSEN. 3711
MATTHEW R. JEZIOR. 4595
ERIC K. *JOHNSON. 6915
JOSEPH *JOHNSON. 0088
PATRICIA A. KEEFE. 9409
GLENN J. KERR. 4017
THOMAS J. *KIM. 0781
CATHERINE A. KIMBALLEAYRS. 4551
SOO H. *KIMDELIO. 5011
MATTHEW T. *KLEESE. 3420
THOMAS F. *KNISELY. 9551
JOHN T. *KOLISNYK. 4336
KENNETH W. *KOOSER. 8054
KENNETH M. *KUDELKO. 6902
KENNETH D. KUHN. 4949
LORINE *LAGATTA. 1035
MATTHEW C. *LAMBIASE. 7767
KEVIN J. LEARY. 5565
JAMES J. *LEE. 2030
JOSEPH C. *LEE. 1287
ALAN E. *LEIFESTE. 4792
KEITH M. *LEMMON. 6716
RANDLE L. *LIKES. 1457
WILLIAM S. *LIM. 3110
DAVID *LIN. 0505
DEREK R. LINKLATER. 3128
PHILIP D. LITTLEFIELD. 1148
RICHARD C. LIU. 3508
JOSE A. *LOPEZ. 8584
ELIZABETH H. *LUCAL. 9163
HUY Q. LUU. 0318
JAMES H. *LYNCH IV. 0842
TRACEY F. LYON. 4241
ROBERT L. MABRY. 8420
LOUIS R. *MACAREO. 6459
CRAIG *MADDOX. 8325
MICHAEL B. *MADKINS. 4433
PAMELA M. MALLARI. 6627
SALIM B. *MATHEW. 6936
DAVID L. *MATHIAS. 5021
LISA M. MAXWELL. 1324
MATTHEW M. *MAYFIELD. 7731
BRUCE M. *MCCLENATHAN. 8878
JOHN J. *MCGUIGAN JR., 5363
REBECCA M. *MCGUIGAN. 3547
PATRICIA A. MCKAY. 2401
ROBERT MEADOWS. 0510
CHRISTIAN J. *MEKO. 5626
NORMA L. *MERCED. 4976
JON H. *MEYERLE. 4699
MARK W. *MEYERMANN. 2272
JEFFREY A. MIKITA. 7624
JOEL T. *MONCUR. 4748
CHARLES M. *MOON. 1035
CHRISTOPHER H. MOON. 7941
TANYA M. *MORGAN. 0348
ANTHONY J. *MORTON. 1053
ELAINE M. MUNITZ. 0535
ANDY T. *NGUYEN. 5272
DAVID T. *NGUYEN. 2104
HANG T. *NGUYEN. 0875
VIET N. *NGUYEN. 0956
JOSEPH J. *NOVACK III. 0334
JAMES C. *NUNLEY. 0856
CHRISTOPHER M. *NYSTUEN. 3400
OLUYOMI O. *OLUSANYA. 6075
MARK W. *OSBORN. 1611
SHANE E. *OTTMANN. 8993
WILLIAM C. *OTTO. 3866
RAUL G. *PALACIOS. 4578
JASON A. PATES. 2220
AMY Y. * PAUL. 6782
TIMOTHY * PELLINI. 6563
BRANDON C. * PELTIER. 8747
KAREN * PENKO. 2901
ANDREW D. * PLUMMER. 5940
PATRICK J. POLLOCK. 7841
DE L. * PONCE. 8277
GORDON * PRAIRIE. 8829
ANTHONY D. * PUOPOLO II. 5634
CHARLES R. * RADMER. 0900
LOUIS M. * RADNOTHY. 8214
DONALD A. * RAVASIO. 0802
MARYDONNA M. * RAVASIO. 5434
BRIGHAM B. * REDD. 7757
BRANDON M. * RHINEHART. 3383
JOHN L. * RITTER. 8656
MARYLYNN * RITTER. 9798
CHRISTOPHER J. * ROACH. 3183
LYNETTE C. * ROBBINS. 6927
BRIAN D. ROBERTSON. 1316
BARRETO C. * RODRIGUEZ. 5532
EVELYN I. * RODRIGUEZ. 1570
CHARLES P. * ROGERS. 5723
MICHAEL L. * ROLLI. 1658
ANNE B. * ROSSIGNOL. 9765
MARC N. * ROY. 2133
SAMARA A. RUTBERG. 0707
PAUL M. * RYAN. 6631
AARON A. * SAGUIL. 7947
RUBEN SALINAS JR., 8872
ELIZABETH M. SAWYER. 3339
JODI L. * SCHULZ. 3486
CHARLES L. * SCOTT. 4457
SHAWNA E. * SCULLY. 9389
CRAIG S. * SEE. 3723
ROBERT J. * SEILER. 4852
MARK F. SEWELL. 4164
JOEL L. * SHAW. 3403
JOHN H. * SHERNER III. 5941
GREGORY M. * SHIPKEY. 2179
SEAN M. * SILER. 1542
MICHAEL * SIMPSON. 4932
EUGENE K. SOH. 6364

NOAH M. * SOLOMON, 5288
BRYONY W. SOLTIS, 3595
CHRISTINE E. STAHL, 9508
BETH A. * STEINBERGER, 5911
ERIK D. * STICKNEY, 6316
JASON R. * STOKES, 8031
TERRANCE H. * STONE, 9582
DOMINIC L. * STORTO, 1501
MATTHEW A. * STUDER, 3705
THOMAS L. * SUTTON, 9467
ALLEN C. * SWAN, 3694
THOMAS B. * TALBOT, 8338
JONATHAN C. * TAYLOR, 7324
DARIN B. * THOMPSON, 7197
LUZMIRA A. * TORRES, 5092
ROBERT B. * TRUAX, 0824
JEAN S. * TYNER, 0783
RICHARD L. * URBON JR., 3573
SARO * VERGHESE, 4358
EDUARDO M. * VIDAL, 4997
TODD C. * VILLINES, 2178
CHRISTINA M. * VOKT, 7248
ANNICA E. * WAALKES, 4908
MELVIN E. WAGNER, 8883
EUGENE * WALLACE JR., 4545
MICHAEL K. * WALSH, 5657
DAVID E. * WARD, 5038
CAROLYNN M. * WARNER, 4848
ROBERT L. * WARNER, 2426
DANIEL S. WASHBURN, 2029
THOMAS J. * WEBER, 7744
WILLIAM B. WEISS, 1253
DANIEL M. * WENZELL, 0105
ERIC H. * WEPPLER, 7249
JOHN L. WESTHOFF II, 7704
SUNNY K. WHITEMAN, 7867
CHIN S. * YI, 6198
BRADLEY N. YOUNGGREN, 8648
OMAYA H. YOUSSEF, 0601
KATHRYN M. * ZAMBONICUTTER, 9131

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ARTHUR B. SHORT, 9976

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SCOTT DRAYTON, 6314

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CIPRIANO PINEDA JR., 6914

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL P. AMSTUTZ JR., 3961
THOMAS D. BALL, 6824
REX D. BURKETT, 8226
PAUL L. CHOATE, 0826
JON C. CRUZ, 6603
THOMAS M. DALL, 6195
RODNEY O. DAVIS, 6419
JACQUELINE M. ETHERIDGE, 5995
BRIAN K. GENTON, 2232
LISA G. GREEN, 5891
ROBERT C. GUSTAFSON, 2711
MICAH B HARLEY, 6963
ANGELA M JONES, 1111
DARREN T JONES, 3927
ANTHONY S KELLY, 1103
KELLY T LAVEDI, 4232
DEMICHAEL T MORGAN, 6972
ROBERT Y PALMORE, 5484
CORY G ROSENBERGER, 2738
CHRISTOPHER M SACCO, 9878
EDWIN SANTANA, 9409
TERRI A SCHLOTTERBECK, 0466
MARCELLE P SHILLITO, 1124
DOUGLAS R SULLIVAN, 7310
JAMES J WOJTOWICZ, 4581

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JERRY L ALEXANDER, 1811
SHELLEY ANDERSON, 9495
WILLIAM ARIAS, 0708
DOUGLAS L BARNARD, 1352
DAVID P BOURQUE, 6763
DANIEL S BRADLEY, 3070
MONICA R BRASWELL, 5056
DEACQUANITA R BROWN, 9104
DEXTER A BURLEW, 2788
TANYA N COOK, 0713
ALPHONSO M DOSS, 7413
THAVEEPHO DOUANGAPHAIVONG, 4675
MICHAEL G GALLANT, 8501
KATHERINE J GOOD, 1219
JOHN M GRAF, 2781
JENNIFER A GREELEY, 3009
LEON A HIGGINS, 8459
DAVID W HILL, 0759
JOHN D HUDSON, 1837
JULIE A KEEGAN, 6224
JAMES A LONG, 8614
STORMI J LOONEY, 1646
DARRELL L NEELEY, 9446
DAVID W NIKODYM, 8449
CHARLES J PUGLIA, 3534
CYNTHIA A RAMSEY, 8786
DAVID A READ, 0794
KATHERINE A SCHNEIRLA, 6017
AARON J WAGNER, 6194
CLINT WEST, 6073
LORI C WORKS, 5221

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PATRICK L BENNETT, 2063
LAURA H BOLLOCK, 1544
AGUSTIN E CAREY, 7585
PATRICK A CROLEY, 1070
CHARLES W EHNES, 1129
BALDOMERO GARCIA JR., 5705
DAVID W GAST, 4986
DANIELLE N GEORGE, 6862
LESLIE E GLOSBY, 2862
MICHAEL A GLOVA, 8021
GLYNN M HARDEN, 2624
DAVID T HART, 6228
JOHN B HUGHES, 0435
MARK E JOHNSON, 0856
DAVID S KUHN, 8565
JOSHUA J LAPENNA, 4257
JEREMY T LEGHORN, 9501
TOBIAS J LEMERANDE, 4015
ERIC K LIND, 1240
ASSUNTA M C LOPEZ, 9787
WILLIAM S LUNT, 5385
THOMAS D MCKAY, 6294
JAMES H MILLER JR., 5931
SETH A MILLER, 8071
DAVID A MONTI, 7823
ERIK A NESTERUK, 5964
STEVEN J PERCHALSKI, 1554
JOSHUA S PRICE, 1930
SHELLY L PRICE, 8612
ETHAN R PROPER, 7589
JUAN C RODARTE, 2595
NATHAN A SCHNEIDER, 8927
WILLIAM A SCHULTZ, 0729
ROBERT D SCOTT, 1081
VICTOR E SMITH, 6094
MICHAEL SNELLING, 6434
RICARDO VIGIL, 2024
DWIGHT S WARNOCK, 2726
GODFREY D WEEKES, 3354
DIANNA WOLFSON, 9684
ERNEST C WOODWARD JR., 1332

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CLAUDE W ARNOLD JR., 9447
RICHARD R BARBER, 4922
DANIEL P BETHEL, 3061
HARRY C BRADLEY, 0589
DARRIN BRANSON, 5186
JOAQUIN S CORREIA, 0091
ROBERT C FANNON, 3380
JAMES B GATEAU, 7481
BOBBY L HAND JR., 4752
RUSSELL R HERRELL, 1764
GARY W HOPEWELL JR., 0139
DARRELL NEALY, 0383
TRAVIS M RAUCH, 9327
VINCENT J STEPHENS, 6710
HAROLD E STOCKTON, 1341
KEVIN D SULLIVAN, 3612
MICHAEL K SUTORUS, 5330
VINCENT S TIONQUIAO, 0750
STEVEN M WENDELIN, 8179

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTOPHER L BOWEN, 7291
GREG A BRAATEN, 7143
CURTIS W BRUCE JR., 7463
DEREK E COLE, 2569
KEITH D COLLINS, 1696
DANIEL B COPELAND, 3066
OSWALDO CORNEJO, 0236
RICHARD T DAVIES, 6599
STEPHEN D DONALD, 5819
JOHN R DROTAR, 3770
MICHAEL C ELLIOT, 8959
KIMBERLY A GRAHAM, 7212
JENNA K HAUSVIK, 0964
JAMES H HENDERSONCOFFEY, 9447
RACHEL J V LIND, 4078
FRED L LINDY, 8027
CLEODIS MAY, 3787
DALE D MCGEHEE, 4847
PATRICK D MEAD, 1509
COLLEEN M ONEILL, 3536
DAN E PALMER, 3766
KEMAL O PISKIN, 7168
BRIAN T PREVO, 5409
AMBER R RYAN, 9503
LOUIS J SHEARER, 2299
DAVE SNELL, 4251
VICTOR L SPEARS III, 2372
LUCIANA SUNG, 0033
HENRY M VEGTER, 9488
CHRISTOPHER J WISE, 3385
WILLIAM L WOOD, 5058

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JULIE M ALFIERI, 9097
WILLIAM J ANDREWS, 0754
STEVEN A ATTENWEILER, 1549
RORY V BERKE, 9259
CHARLES E BRICE JR., 1956
ANTHONY V BROCK, 5913
ARTA L BUSHAW, 2437
JOHN P COLLINS, 8277
KWAME O COOKE, 1869
SCOTT M CORRIGAN, 8929
TUNG S DANG, 1346
JOSEPH P DIEMER, 5847
DAVID B DOLBIER, 5876
JOSEPH A ERNST, 4192
TRENT W FINGERSON, 5049
ROBERT T FLICKINGER, 1279
JAMES P FORD, 8717
DON S FURUKAWA, 3086
WILLIAM D GALLAWAY, 7464
MICHAEL N GOAD, 8579
HEIDI M GREENTREE, 8430
STACY L HANNA, 4797
NEIL A HARMON, 2873
RANDOLPH S HARRILL, 3364
CHRISTOPHER M HERRON, 2206
KIMBERLY A HIMMER, 8174
CHRISTOPHER A HOFFMAN, 8484
SEAN R HOYT, 6169
JOSEPH M KASPERSKI, 8478
RAYMOND E KENDALL, 0096
JEFFREY J KRUPKA, 6907
KYLE L LEESE, 7151
JOHN B MARKLEY, 6526
FRANCISCO J MARTINEZ, 1579
JEFFREY G MAYBERRY, 8112
WILLIAM D MCCORMICK II, 3750
KEVIN J MCHALE JR., 1327
SUZANNE R MEYER, 6952
PETER J MORTON, 0785
ERIC C MOSTOLLER, 7068
CARLOS E MUNOZ, 4448
JOHN C MYERS, 5936
KEVIN E NELSON, 1826
DENNIS S OGRADY, 6332
GERALD P OLIVER, 5889
CHARLES ONEAL JR., 3075
SWAPAN M PATEL, 3839
BRYAN A PETTIGREW, 7146
CARLOS A PLAZAS JR., 0810
JAMES G REESE JR., 5337
JAMES R SANDERS, 4561
THOMAS P SCARRY, 2269
WILLIAM B SCHNEIDER, 6213
MARCUS D STARKS, 3057
JAMES J STEVENS, 6716
JAMES R STOBIE, 0128
TIMOTHY M SULLIVAN, 4272
MICHAEL M THOMAS, 1976
HERBERT R THOMPSON, 1323
JONATHAN S VANLARE, 7600
ALFRED D WALTERS II, 4952
BRETT A WISE, 9782
DONNA I YACOVONI, 5108

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MARIANIE O BALOLONG, 9222
DAVID G BLENCOE, 1851
ANNA C BRYANT, 0680
MICHAEL J COOPER, 5408
MICHAEL CORNELIUS, 8805
ROBERT F CROFOOT, 7568
TRACEY L DELK, 4852
DENNIS T DERLEY, 9947
JOEL W FELDMEIER, 0333
BRAD G. HARRIS, 2036
CORY W. HUYSSOON, 0677
JEREL R. JOHNSON, 4404
RICHARD A. KENNEDY JR., 8339
DAVID R. KUEHN, 5032
THOMAS A. MONEYMAKER II, 1410
IVO J. PRIKASKY, 7395
ERIC D. REHBERG, 1987
BRIAN J. RIVENBARK, 0664
WILLIAM A. SWICK, 1692
JONATHAN J. VORRATH, 2132
KAREN M. WINGEART, 3886

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THOMAS G. ALFORD, 3768
WILLIAM P. ALLEN, 3462
KEVIN L. ANDERSEN, 6136
ERIC H. ANDREWS, 1363
JAMES D. ANDREWS, 7534
FLORENCIO C. ARCEO, 3668
FRANK V. ARENA, 2328
PETER T. AVRAM, 3533
GREGORY O. AYDELOTTE, 0917
RICHARD H. BAILEY JR., 1407
TOMMY L. BAILEY JR., 4233
GUY A. BAKER, 9487
SCOTT M. BANNACH, 8111
CELESTE D. BATEY, 4504
KEVIN K. BAUER, 7118
JAMES A. BEAVERS, 4448
PERRY G. BECKMAN, 7503
TERRY W. BENNETT, 7736
RONALD J. BENT, 4540
GREGORY L. BENTON, 3094
JAY T. BILADEAU, 3315
MICHAEL C. BOBINGER, 1329
WESLEY E. BOMYEA, 6403
JAMES L. BOOTH, 2113
RANDALL L. BOUGHTON, 3890
ALAN R. BRADLEY, 7248
MARK E. BRANHAM, 6103
REGINALD S. BRIGGS, 6234
DANIEL A. BRINSON, 4238
PHILLIP K. BRIZZEE, 2218
GERARD T. BROSNAN, 3363
BARRY J. BROWN, 5962
CARL R. BROWN, 4819
MARK H. BROWN, 6017
STEVEN E. BURKE, 6689
BRIAN S. BURNS, 2619
COY B. BYINGTON, 3718
TENA L. BYRD, 6227
BRADLEY J. CARDWELL, 5021
JEAN S. CARRILLO, 4085
THOMAS G. CARTER, 9382
TIMOTHY A. CARTER, 5918
WALTER C. CHANEY IV, 1822
DANIEL J. CHECHE, 5382
CARRICK B. CHENEY, 5131
MARTIN G. CLAEYS, 1939
JASON CLOTFELTER, 6291
DAVID D. COMER, 3805
TED J. COOPER, 2269
ANTHONY L. CRAIGHEAD, 9198
RICHARD L. CRANE, 4968
TIMOTHY D. CRONK, 5140
JAMES W. CROOKHAM, 4145
ERNEST D. CULBREATH, 8342
JEFFERY S. CURRIER, 2324
TROY J. CZEMERYS, 9890
ELIZABETH K. DALTON, 4753
FREDDIE L. DAVIS, 3223
FRANK S. DEVENUTO, 2926
MAC W. DIEHL, 2577
DIANNE M. DORRIS, 5950
PAUL A. DOSEN, 6842
JOHN J. DRENNEN JR., 2091
BRYAN K. DUFFEY, 8996
DALYN E. DUNN, 9768
ROBERT J. DUPREE, 6040
EUGENE F. EARHART, 9620
RODGER N. ELKINS, 0703
NORRIS L. ELLIS, 4000
WILLIAM D. ERWIN, 2863
FELIX J. ESTRADA, 4770
HENRY FAMULARO, 1615
ANDRE S. FELDMAN, 4778
SEAN I. FISCHER, 1495
DANIEL FONCELLO, 7066
STEPHEN J. FORREST, 1980
MICHAEL S. FOWLER, 0465
GARY B. FROST, 0222
BRADLEY H. FUDGE, 5519
ROBBY D. FUENTES, 8848
BRIAN H. GAINES, 5783
WAYNE T. GALBRAITH, 3607
CARMEN P. GASTON, 8886
THOMAS L. GIBBONS, 6265
SCOTT A. GOBAR, 0639
DAMIEN D. GOMEZ, 2255
MAXINE GOODRIDGE, 8514
THOMAS M. GOREY III, 1207
LAWRENCE P. GRABIEL, 6070
MARTIN M. GROOVER, 3544
HOWARD D. GUBBS, 5490
JAMES B. HADLEY, 7217
JEFFREY L. HAIRE, 8547
EDSEL R. HAISLIP, 9501
AMOS HARDY, 5704
JEFFREY R. HARMON, 4217
WILBUR L. HARMON JR., 6081
JAMES L. HARRELL JR., 8860
ANTHONY L. HARRIS, 2227
RANDELL R. HARRIS, 2142
CHARLES E HARRISON, 2832
CAROLYN Y HARTLEY, 7485
ARTHUR E HARVEY, 1816
STEPHEN M HARVEY, 4195
PAUL B HASLEY, 1476
HARRY A HAVERKAMP, 6683
CAROL D HAYNES, 0627
DONALD R HENDREN JR, 9581
DONALD C HENDRIX JR, 9932
MICHAEL R HERKENHOFF, 5784
SCOTT A HIGGINS, 5285
MARK R HILDEBRANDT, 8303
RIKI M HILTON, 1595
DAVID G HIRLINGER, 4780
PAUL M HLOUSEK, 9047
DOUGLAS D HOFFMAN, 0747
LESTER L HOOD JR, 1528
DAVID C HOWARD, 0526
EDWARD E HUNTER, 5825
SCOTT G HUNTER, 9685
ROBERT J HYDE, 9560
KENAN D JARRETT, 0519
BERTRAM L JENNINGS, 7356
BARRY D JONES, 0943
JIMMIE L JONES, 7634
ROBIN L JONES, 7524
MICHAEL A JULCH, 6607
WILLIAM J KAELBER, 3237
KENNETH A KASZA, 2391
BRIAN T KENNEY, 4674
ALFRED J,LAICER JR, 5562
HERVE M LARA, 7990
PAUL J LAWRENCE, 9063
TIMOTHY M LEDBETTER, 4229
CLIFFTON J LINES, 4533
WILLIAM O LOCK III, 5430
MILTON J LOCKLEY, 9460
GREGORY C LUDWIG, 9651
KENNETH C LYNCH JR, 8405
BRADLEY S MAKI, 0357
SCOTT A MANN, 2604
MICHAEL D MARKUS, 1161
HERBERT MARSHALL JR, 7224
RENATO D MARTINEZ, 3930
STEVEN D MAXWELL, 1593
JOSEPH B MAYERS, 2768
MICHAEL J MCGINN JR, 7071
TINA M MCHARGUE, 9731
ROY W MCKAY, 7330
THOMAS P MCKEAN, 8541
ANDREW J MCMENAMIN, 9172
NICHOLAS P MILANO, 5072
JOHN D MILTENBERGER, 4762
EUGENE H MINCEY, 5779
GREGORY D MOCK, 3140
HALLOCK N MOHLER, 7471
DENNIS R MOHR, 0364
EDUARDO E MORALES, 9523
JAMES R MOSS, 9858
HOWARD W MUNIZ, 2967
BARBARA A MYERS, 0688
WILLIAM S NICOL, 7935
PAUL NIX JR, 4789
ALVIN OGLETREE, 8207
DANIEL A OLVERA, 7509
SANTIAGO ORTIZ JR, 7069
ALLEN D OVERSTREET, 3984
STEVE PADRON, 2818
BRIAN K PATTERSON, 3065
CARL R PATTERSON, 3293
JIMMY A PAYNE JR, 4863
STEPHEN J PAYSEUR, 3625
WILLIAM D PEACH, 8032
ANDREW W PFLTON, 6115
CATHERINE E PETERSON, 4782
KEVIN M PETTIT, 6054
JON R PHILLIPS, 8379
FREDERICK POLANEC JR, 0629
ROBERT R POWELL, 8532
KARI A PREMUS, 1411
WARREN L RABERN, 2871
EDUARDO RAMIREZ, 0885
SCOTT A RAYBURN, 4935
KEVIN S RAYMER, 3760
DENNIS L REYNOLDS, 3611
HEARTSILLE REYNOLDS, 6273
VICTOR M RIVERAS JR, 1229
RAUL RODRIGUEZ, 6948
RALPH E ROE JR, 9956
ANTHONY D ROPER, 0909
THOMAS W ROSE, 4420
ALONZA J ROSS, 9588
BRIAN K ROTTNEK, 2115
KEVIN W RUBEL, 7769
JULIAN E SALLAS, 6938
APRIL T SARMENTO, 0382
ROBERT A SAWVELL, 9304
DAVID W SCHMIDT, 1676
LORRINDA D SEIBERLING, 5181
DARREN S SHAND, 8170
DAVID B SHANER, 9960
ESSIX SHANNON II, 7246
RICHARD A SHEPHERD, 7914
JEFF A SHIELDS, 3932
KEVIN S SKINNER, 5589
CHRISTOPHER S SLAGLE, 0346
MATTHEW P SMALL, 9013
KEVIN L SMITH, 9631
VINCENT E SMITH, 4394
WAYNE A SMITH, 5467
KEVIN R SONCRANT, 5753
BYRON J SPEARMAN, 9035
RAYMOND C SPEARS, 3026
AARON W STACY, 3035
GREGORY W STARKEY, 6244
FRED T STAUBS JR, 4208
JOHN W STEFAN, 5369
ARRON R STERLING, 8258
WILLIAM J SUMMERER, 3524
GARNAR A SUTTON, 4805
MICHAEL SWANSON, 8855
PHILLIP F SZUBA, 0172
BIENVENIDO G TAPANG, 6253
SANFORD T THORNTON, 5039
MARC W TROSIEN, 5623
JOHN F TROYANOS, 9656
EDGAR S TWINING II, 4773
JERIT L VANAUKER JR., 8078
BRIAN O WALDEN, 6422
TERRILL T WATKINS, 5530
VINCENT U WEBSTER, 0464
MATT A WELLS, 4153
MARK D WESTBROOK, 1012
ROBERT A WESTHEAD, 0979
MAX J WILDERMUTH, 6505
PAUL W WILKES, 3246
CHRISTOPHER WLASCHIN, 6867
JULIAN C WYATT, 9538
KENDAL T ZAMZOW, 8689

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RYAN D AARON, 8729
CHARLES S ABBOT, 5662
ALAN C ABER, 4033
PAUL V ACQUAVELLA, 6485
CHRISTOPHER W ADAMS, 0259
DANIEL C ADAMS II, 3619
DAVID C ADAMS, 0413
ALLEN D ADKINS, 2416
DOUGLAS J ADKISSON, 6110
RAYMOND J I ALBARADO, 4280
JOSEPH W ALDEN, 4019
JOHN D ALLISON, 4889
LUIS A ALVAREZ, 7394
DAMON K AMARAL, 8132
ALYSA L AMBROSE, 8877
MICHAEL J AMIS, 5635
BRIAN P ANDERSON, 6070
JON M ANDERSON, 8746
BRIAN S ANDERTON, 1858
CORY R APPLEBEE, 1712
DERICK S ARMSTRONG, 4500
RONNY W ARMSTRONG, 5960
MATTHEW J ARNOLD, 6227
BRAD L ARTHUR, 0858
EDMOND A ARUFFO, 7154
DEREK J ATKINSON, 1023
SCOTT A AVERY, 5899
CHARLES F BABB, 1157
DAVID N BACK, 7419
CHRISTOPHER G BAILEY, 8427
SHAWN T BAILEY, 8148
JACOB A BAILEYDAYSTAR, 0299
LEE G BAIRD, 9657
ERIK R BAKER, 3185
GREGORY E BAKER, 1117
JOHN F BAKER, 1054
MICHAEL L BAKER, 9525
ROCKNE T BAKER, 7303
STEPHEN D BALKA, 6533
ROBERT C BANDY, 6690
WILLIAM B BANGERT, 0313
WILLIAM J BARD, 1241
ANTHONY C BARNES, 6217
JOHN J BARNETT, 1154
RAUL BARRAGAN, 9014
JON A BARTEE, 4555
SEAN L BARTLETT, 0736
DAVID H BASSETT, 3043
WILLIAM B BASSETT, 5684
JAMES S BATES II, 3031
TERRY L BAUER, 2680
BRIAN J BAUMHOVER, 9842
MICHAEL J BEANE, 8756
BRIAN L BECK, 3896
JOSEPH R BECKER, 4693
CLAYBORNE H BEERS, 1179
GLENN A BEISERT, 3469
STEVEN J BELLACK, 8834
CARL D BENDIXEN, 0213
JERRIS L BENNETT, 5432
ANDREE E BERGMANN, 9528
JOEL P BERNARD, 0822
WILLIAM G BERRY III, 1047
MARCUS J BESLIN, 4327
ANTHONY BESSONE, 0072
RICHARD A BESTGEN, 0141
LAMONTE B BETHEA, 1263
ANDREW M BIEHN, 8163
MICHAEL A BISBEE, 8047
BRIAN A BISHOP, 0948
MICHAEL E BISSELL, 6499
CORY J BLASER, 1170
GREGORY D BLYDEN, 5955
MATTHEW D BOKMEYER, 3291
JAMES S BOND, 7684
MATT L BOREN, 4784
MOLLY J BORON, 5813
MATTHEW J BOWEN, 7026
KYLE D BRADY, 5112
FRANK E BRANDON, 4447
JASON K BRANDT, 4501
MICHAEL C BRATLEY, 8660
JOHN A BRATTAIN, 9706
ERIC D BRAY, 4378
BRADLEY E BREWER, 5362
WALTER D BREWER, 1440

DAVID W BRICKEY, 2875
MICHAEL W BRIGGS, 8322
WESLEY P BRINGHAM, 9636
KERTRECK V BROOKS, 4895
TIMOTHY M BROSNAN, 5753
ANDRE D BROWN, 1544
DARRYL BROWN, 7695
ERIC P BROWN, 9221
JAMES A BROWNLEE, 3159
ROBERT M BRUCE, 4602
MARK R BRZEZINSKI, 4753
JOHN L BUB, 8283
WILLIAM H BUCEY III, 4098
ROBERT B BUCHANAN, 8186
ARIC W BUCKLES, 3755
ARON F BUCKLES, 3740
DANIEL A BUHR, 8211
ROBERT M BULLOCK, 0228
MARK L BUNN, 6984
DAVID E BURKE, 6102
JERRY L BURNS, 6603
WILLIAM A BURNS, 3993
BRADLEY W BUSCH, 4631
DAVID V BUSH, 7933
RICHARD D BUTLER, 9405
KEITH A BUZALSKY, 6146
JOHN E CAGE, 0896
ERROL A CAMPBELL JR., 9095
GARRETT I CAMPBELL, 1558
JOHN E CAMPBELL JR., 1122
DARYLE D CARDONE, 2999
KEVIN L CAREY, 0332
SCOTT W CARGILL, 7368
SCOTT A CARROLL, 2460
JOSEPH A CASCIO, 7373
GARY B CASON, 9599
MATTHEW J CASSADY, 1127
ARTHUR D CASTILLO JR., 9630
ROGER C CASTRO, 0716
ANDREW M CAWLFIELD, 4655
YONG K CHA, 5286
MICHAEL C CHESTERMAN, 3749
ANDREW G CHICOINE, 0465
BRIANMICHAEL A CHILES, 2714
JEFFERY E CHISM, 1365
KYUJIN J CHOI, 4252
BRANDON CHRISTENSEN, 9509
TODD F CIMICATA, 8479
DAVID A CISNEROS, 3582
BRIAN J CLARK, 6601
FRANKIE J CLARK, 8915
RICHARD A CLARK, 9664
MICHAEL J CLARY, 2498
PONCE D CLAY, 4261
ELLIOTT I I CLEMENCE, 3980
ADAM H CLEVENGER, 0338
ELIZABETH A CLIFTON, 4096
RICHARD T COCHRANE, 4466
DIEGO E CODOSEA, 8755
JOSEPH W COLEMAN, 5229
WILLIAM E COLEMAN JR., 6271
MATTHEW K CONLIFFE, 5579
MATTHEW CONNER, 9744
ROBERT A CONNORS, 4477
ROBERT F COOGAN, 2551
CHRISTIAN E COOK, 5760
CHRISTOPHER J COOK, 3205
DONALD E COOPER, 0925
SHANE D COOPER, 3788
WESLEY W COOPER, 9835
JAMES A CORLETT, 2853
RUSSELL J CORPRON, 3504
JENNIFER S COUTURE, 4807
JOHN C COWAN, 1565
CARL D COX, 9756
CHRISTOPHER A COX, 8654
BRIAN T COXSON, 2803
WILLIAM M CRANE, 2308
JAMES W CRATE, 3188
PARIS E CRENSHAW, 5122
MICHAEL H CROKER, 3283
THOMAS E CRONLEY, 8409
JOHN R CUTTITTA, 8377
JASON A DARISH, 1517
MICHAEL B DAVIES, 6164
MICHAEL F DAVIS, 6188
JOSHUA H DECARO, 1356
DAVID D DECKER, 8801
PHILIP M DECKER, 9679
WILLIAM F DEGIROLAMO, 4734
CONSTANTINO F DELACRUZ, 0842
BRIAN E DELANEY, 1034
THOMAS C DELARGE, 0859
CHRISTOPHER D DELINSKI, 6021
LARRY D DELONG JR., 9084
BRIAN E DELUTIO, 8257
CHRISTOPHER J R DEMCHAK, 7788
ANDREW P DEMONTE, 9945
WILLIAM F DENTON, 6241
MICHAEL A DEPALMA, 3621
CHRISTOPHER R DESENA, 6935
JAMES D DETWILER, 8029
KENNETH P DEUEL, 8154
JERROD E DEVINE, 5136
MICHAEL B DEVORE, 2361
EDWARD A DEWINTER, 2443
STEPHEN R DICKERSON, 2477
THOMAS J DICKINSON, 9062
BRIAN J DIEBOLD, 9432
JAMES W DILLON, 2113
ROBERT L DINUNZIO, 6220
JASON T DOMZAL, 9628
KEVIN T DONEY, 7863
KATHERINE T DOOLEY, 4606
LAMAR B DOUBERLY, 1330
JOHN E DOUGHERTY IV, 8711
JOHN J DOWD, 7206
KEITH B DOWLING, 9226
MATTHEW J DRAG, 3095
JAY W DRISKELL, 0505
DAVID G DUFF, 2490
DAVID S DULL, 7960
RAYMOND N DUMONT, 1556
THERESA L EDWARDS, 7666
MARK R EHLERMANN, 2915
JOSHUA B ELKINS, 2920
CHRISTIAN C ENTENZA, 2959
HEATH E EPALOOSE, 7153
BRIAN C ERICKSON, 9349
MICHEAL S ERICKSON, 6460
RICARDO M ESCANDON, 0875
VICTOR ESPINOZA, 8640
TREVOR B ESTES, 6609
MICHAEL D EYMAN, 5021
JAMES J FABISZAK, 5150
DAVID J FAEHNLE, 3063
SCOTT D FAIRBANK, 5112
BRIAN S FARLEY, 0985
DENNIS L FARRELL, 1415
STEFAN C FARRINGTON, 4123
JAMES R FEELEY, 1306
MARK R FEGLEY, 1151
GREGORY E FENNELL, 6956
VIRGIL W FENTERS JR., 3693
PAUL S FERMO, 8433
PETER R FEY, 2131
CHRISTOPHER L FIELD, 2392
HOWARD D FIELDEN, 1489
PATSY FIELDEN, 6906
DAVID B FIELDS, 5493
LONNIE L FIELDS, 5568
RONALD L FINCH JR., 0766
GERALD P FINN III, 8881
KURT E FISCHL, 5713
BRIAN T FITTING, 1379
JAMES M FITZGERALD, 4125
THOMAS J FITZGERALD, 3520
BRIAN M FITZPATRICK, 2967
DEREK A FLECK, 2451
CHRISTOPHER D FLIS, 8146
MICHAEL A FLYNN, 9863
CHRISTOPHER G FOLLIN, 0469
DONALD M FOSS JR., 7048
THOMAS F FOSTER JR., 1661
DARREN A FOUTS, 4454
BRODY L FRAILEY, 7321
WILLIAM D FRASER, 5269
NORMAN D FREEMAN II, 0659
MATTHEW M FRICK, 7056
JOHN P FRIEDMAN, 9917
CHAD R FROELICH, 6034
SEAN D FUJIMOTO, 0711
JOSEPH A GAGLIANO, 6022
DONALD L GAINES II, 4390
BRENT S GALLOWAY, 0216
CHARLES L GALLOWAY JR., 3396
DON D GALYON II, 3273
ROGER C GARATE, 9104
DANIEL G GARCIA, 3398
JORGE F GARCIA, 9031
NICKOLAS G GARCIA, 0647
THOMAS J GARCIA, 2828
VINCENT D GARCIA, 8491
VINCENT S GARCIA, 8631
DAVID M GARDELLA, 2996
KIRK J GARDNER, 3963
CHRISTOPHER J GARNER, 2449
JOSEPH L GEARY, 8939
RONALD A GIBSON, 8925
JOSEPH C GIRARD, 0257
ALBERT M GIRIMONTE, 8571
CLARENCE A GIVENS, 3638
TODD S GLASSER, 3750
ANDREW P GNAU, 8494
ADAM N GOETZ, 5177
JON P GOGGIN, 4938
ANTHONY R GONZALEZ, 0406
JONATHAN T GOOD, 8785
TRAVIS N GOOD, 9153
JOE A GOODMAN II, 5804
WILLIAM B GOSS, 4119
HENRY L GOURDINE, 7136
STEVEN M GRANT, 7363
MARK R GRASMICK, 7728
JOHN A GREENE, 4448
ROBERT E GREENE, 7209
TIMOTHY M GROHMAN, 6996
KENNETH W GRZYMALSKI, 8525
GREGORY L GUIDRY, 4679
CRAIG M GUMMER, 2511
STEVEN R GUNTHER, 9010
JON R GUSTAFSON, 6078
CHARLES N HACKARD JR., 9493
PETER A HAGGE, 7647
ROBERT S HALDEMAN, 9115
ANDREW S HALY, 7211
PATRICK D HANEY, 4513
KENNETH L HANSEN, 3913
KEITH R HANSON, 6909
BRIAN K HARBISON, 8706
MICHAEL A HARBISON, 8449
ISRAEL M HARDEN, 6978
SCOTT A HARDY, 5871
BENJAMIN W HARRIS, 4113
KEVIN S HARRIS, 9730
MICHAEL J HARRIS, 5431
GARRY A HARSANYI, 4726
DIRK J HART, 0299
JAMES F HARTMAN, 5398
JEREMY J HAWKS, 6591
ROBERT E HAWTHORNE III, 7513
DION C HAYLE, 1899
DAVID R HAZELTON, 0671
STEVEN D HEADRICK, 1512
DANIEL C HEDRICK, 9317
ROGER D HEINKEN JR., 5930
LEONARD W I HENNESSY, 7732
JOSHUA J HENRY, 6929
JAVIER HERNANDEZ, 9124
CHRISTOPHER H HERR, 5286
BRETT C HERSHMAN, 8094
JOHN W HEWITT, 9592
CHRISTOPHER S HEWLETT, 8782
JEFFREY M HIBBARD, 1369
TROY C HICKS, 6801
RANDY L HIGH, 4221
JOSHUA J HILBY, 1086
JOHN L HILDEBRANDT IV, 3290
MATTHEW P HILL, 6227
RICHARD B HILL, 4903
SEAN O HIXSON, 3281
SCOTT D HOCHWALD, 3236
PAUL A HOCKRAN, 8239
NEIL J HOFFMAN, 7588
STEPHEN T HOFFMAN, 7128
BRENT A HOLBECK, 1677
WARREN L HOLBERT JR., 2916
TRAVIS M HOLLAR, 0584
JEFFREY P HOLZER, 2890
MICHAEL L HORN, 0070
TAVIS C HOWERY, 7559
MICHAEL G HRITZ, 0987
CHARLES T HUBBARD, 5629
SHAWN W HUEY, 4931
JESSIE D HUGHES JR., 3569
RICARDO F HUGHES, 4839
KIRK R HUMMEL, 2236
CHRISTOPHER H INSKEEP, 7557
DENNIS J JACKO, 3404
WILLIAM G JACKSON, 7798
DONALD R JAMIOLA JR., 4423
SCOTT P JANIK, 7845
KURT E JANKE, 3824
PATRICK E JANKOWSKI, 7308
MATTHEW J JERBI, 0648
JOHN W JETTON, 3148
ROBERT B JOHNS, 6628
JOHN C JOHNSON JR., 2556
FRANCIS M JONES JR., 4767
SCOTT A JONES, 5241
MATTHEW K JORDAN, 7262
JEREMY P JURKOIC, 2751
DANIEL S JURTA, 9925
MARK S KAHLER, 6290
JOSEPH E KAIN III, 6993
NICHOLAS S KAKARAS, 8488
STEPHEN C KARPI, 2845
MATTHEW D KASLIK, 2450
MATTHEW J KAWAS, 9612
DENNIS P KECK, 0217
STUART I KEINER, 3808
GARY F KEITH, 1835
BLAIR A KEITHLEY, 9892
EDWARD J KELLEY III, 1141
KREG L KELLY, 7594
BENJAMIN S., VII KELSEY, 0487
STEVEN G KELSEY, 5340
CHAD J KENNEDY, 6460
SHAWN M KERN, 5799
GEORGE A KESSLER JR., 6838
JAN E KETCHUM, 9688
RYAN T KEYS, 2387
THOMAS H KIERSTEAD IV, 6965
CHRISTOPHER A KIJEK, 2772
JONG M KIM, 8724
EDWARD J KINSELLA, 2953
VAN J KIZER, 3811
AARON E KLEINMAN, 1659
MARK S KLOSTER, 9618
RICHARD P KNAPP, 2234
BRIAN S KNOWLES, 4874
KURT A KOCHENDARFER, 5915
MICHAEL T KOERNER, 6683
STEPHEN E KOFFLER, 6880
KARL E KOHLER, 9016
JEFFREY A KOLARS, 9535
NEIL A KOPROWSKI, 2414
FRANK J KORFIAS, 8360
DIONISIOS KORKOS, 1413
RICHARD S KRAMARIK, 7279
LEOPOLD D KREISEL, 7831
SEAN J KRISPIN, 9058
ERIK S KRISTENSEN, 4104
JASON A KRUEGER, 5130
CHAD F KRUG, 6820
JUSTIN A KUBU, 7937
STEVEN J KULIKOWSKI, 8515
BRIAN C KURZEJA, 3895
KURT A KYLE, 7763
IVAN L LACROIX, 1671
RAMON I LAMAS, 4758
DUANE E LAMBERT, 9065
KEVIN A LANE, 8368
CLAYTON J LANG, 7395
LANCE C LANTIER, 2608
MICHAEL C LAPAGLIA, 8287

KEVIN V LAPROCINA, 0958
GILBERT E LARA, 4158
CURTIS G LARSON, 7649
MARY K LAUNDON, 2262
COREY P LAZARE, 2604
JASON R LEACH, 0051
JOHN C LEFEVRE, 4474
YOSH A LEHMAN, 9254
GREGORY J LELAND, 1111
SCOTT A LEMAY, 5482
GREGORY J LENNOX, 3282
RAYMOND C LEUNG, 7392
STEPHEN L LEWIS, 3790
TODD A LIBBY, 6841
ALLEN G LINN, 8785
ABDEL I LOPEZ, 7266
MARCUS LOPEZ, 1570
SCOTT C LUERS, 4270
CARLISLE F LUSTENBERGER, 0070
FREDERICK R LYDA, 7946
JERRY F LYNCH, 1290
GEOFFREY J MAASBERG, 3603
MICHELE L MAASBERG, 3551
PHILLIP A MACIAS, 8864
KEITH A MACK, 8432
LAWRENCE A MACLIN, 3161
CHRISTOPHER D MACMILLAN, 6129
PAUL A MADDOX, 6052
TRACY A MAESTAS, 7528
JOHN B MAITREJEAN, 2454
KEITH L MAJOR, 9231
DANIEL P MALATESTA, 0758
STEPHEN F MANN, 4213
CHARLES T MANSFIELD, 0093
BOGOLJUB MARKOVICH JR., 7091
GREGORY A MARKS, 8237
MALCOLM W MARTIN, 5810
MICHAEL E MARTIN, 1226
ANTONIO MARTINEZ, 8826
RICHARD M MASICA, 9397
WILLIAM E MASKE, 3603
CLAYTON E MASON, 2443
JOE L MASON, 5631
BENJAMIN B MASSIGLIA, 6147
CRAIG T MATTINGLY, 7389
MARK W MATTOX, 4253
RUSSELL A MAYNARD, 7449
SCOTT M MAZANKOWSKI, 5525
JOSEPH C MCALEXANDER, 8452
CORRINE L MCCLELLAND, 9268
SCOTT C MCCLELLAND, 7943
EARL L MCDOWELL, 9645
JEFFRY D MCGRATH, 0271
CHRISTINE D MCMANUS, 4350
JOSEPH J MCMONIGLE JR., 4720
JAMES A MCMULLIN III, 3005
ROBERT F MEDVE, 5064
TODD B MENCKE, 5285
CHRISTOPHER K MERCER, 4079
MICHAEL W MEREDITH, 1705
ERIC D METOYER, 6568
GREGORY A MEYER, 8317
TRACY L MICHAUD, 1901
ELVIS T MIKEL, 8350
STACIE L MILARK, 8997
STEVEN E MILEWSKI, 9940
GARRICK J MILLER, 4261
MATTHEW A MILLER, 0059
SCOTT T MILLER, 0168
LEONARD H J MILLIKEN, 4047
JAMES T MILLS, 1109
TAVONYA S MINER, 9141
JOSHUA W MINYARD, 7046
PETER T MIRISOLA, 7800
PAUL J MITCHELL, 0747
PATRICK L MODLIN, 4434
ENRIQUE G MOLINA, 5325
JOHN M MONTAGNET, 3677
OSCAR MONTES, 2737
ALVIN D MONTGOMERY, 8448
JOHN T MONTONYE, 5214
DANIEL D MOORE, 9456
TODD D MOORE, 4333
BRIAN C MORGAN, 1156
GEORGE E MORRILL IV, 8809
DANIEL I MORRIS, 5014
GLENN K MORRIS, 8245
KENNETH A MORRIS, 1211
MURZBAN F MORRIS, 0033
EVAN L MORRISON, 5040
RICHARD B MORRISON, 0508
SHANE MORTON, 0681
PAUL L MUCKENTHALER, 4810
MATTHEW J MULCAHY, 7584
NICHOLAS A MUNGAS, 8435
DOUGLAS J MUNZ, 7434
MICHAEL D MURNANE, 9722
CHRISTOPHER T MURPHY, 7386
MATTHEW W MURPHY, 0156
MICHAEL W MURPHY JR., 6498
SEAN M MUTH, 9256
BRIAN T MUTTY, 6241
CHRISTIAN W MYRAH, 8123
BENJAMIN G NELSON II, 2305
DEREK A NELSON, 5965
IAN S NEVILLENEIL, 7722
EDWARD F NEWBY, 1687
JOHN L NGUYEN, 8693
MATTHEW D NORRIS, 8852
DANIEL A NOWICKI, 9586
FRANK G OBRIEN, 6168
JOHN P OCONNOR, 8166
MITCHELL K OCONNOR, 6507
DAVID M ODEN, 2549
CHRISTOPHER B OGNEK, 8393
MICHAEL P OHARA, 7190
LON M OLIVER, 8013
PATRICK N OLSEN, 0312
ERIC C OLSON, 3114
DANIEL ORCHARDHAYS, 7326
JASON W ORENDER, 9235
JUSTIN P ORLICH, 7008
DAVID A ORLOSKY, 8822
ANTON D ORR, 1074
MICHAEL J ORR, 1716
ERIN P OSBORNE, 4896
MEGAN C OSBORNE, 1952
WILLIAM J OSSENFORT, 2991
GREGORY J OSTDIEK, 7258
JUSTIN M OTTO, 7592
ALBERT D OUTCALT, 9849
NOMER R OYTAS, 5431
DANIEL R PARILLA, 8878
CAMILLE G PARRA, 4490
WILLIAM A PATTERSON, 6742
KEITH E PATTON, 3260
CHRISTOPHER A PEABODY, 3687
MATTHEW S PEDERSON, 4909
ANDREW M PENCE, 9794
STEVEN A PENLEY, 4672
SAMUEL E PENNINGTON, 3824
MICHAEL M PEREIRA, 3522
CHARLES L PERRY, 6014
CHRISTOPHER M PERRY, 5284
ESLY A PETERS, 5886
JOHN M PETHEL, 6437
SHAWN D PETRE, 0611
TRAVIS M PETZOLDT, 0023
HARRY T PHELPS, 5856
MATTHEW F PHELPS, 0614
TIMOTHY J PHELPS, 6004
JOHN P PIENKOWSKI, 1031
HENRY P PIERCE, 3840
RAYMOND V PIERIE, 1134
ROBERT F PIERONI, 7636
BRADLEY J PILSL, 5097
MATTHEW D PIORKOWSKI, 9396
ROSS H PIPER III, 7964
JOHN T PITTA, 9153
ERIK G PITTMAN, 2427
JOSE D PLANAS, 3988
ANDREW M PLUMMER, 1614
JAMES R POLAND, 3090
SEAN P POLETE, 9510
MICHELE A POOLE, 0159
HARTLEY A POSTLETHWAITE, 9527
WILLIAM R POTTS, 7763
NORMAN N PRESECAN, 3637
RICHARD L PRESTON, 5826
WESLEY A PRICE, 6534
SCOTT L PROPST, 8201
ANDY C PULLEY, 2005
DJAMAL PULLOM, 3611
GLEN B QUAST, 4844
KEVIN S QUEEN, 1946
ADRIAN D RAGLAND, 6475
RUBEN RAMOS, 5506
BRYAN K RAMSEY, 6939
BARTLEY A RANDALL, 2055
NATESH A RAO, 1061
MICHAEL E RAY, 3598
THOMAS N RAY, 9287
WILLIAM E REAGAN, 0509
CHRISTOPHER A REAGHARD, 6931
CHRISTOPHER D REARDON, 4184
WILLIAM R REED, 6458
VIRGLE D REEVES, 4235
LINCOLN M REIFSTECK, 2864
JAMES R REINAUER JR., 3978
JOHN R REINERTSON, 6269
GEORGE A RENTERIA, 7143
JOSE L RETA, 4533
FRANK A RHODES IV, 9478
JOHN D RHODES, 6054
EYRAN E RICHARDS, 7066
SCOTT A RICHARDS, 3106
DAVID K RICHARDSON, 3379
SCOTT N RICHARDSON, 4962
BERNIE W RIDGEWAY, 9485
PAUL H RIEHLE, 8298
WILLIAM G RIELS, 9982
PETER N RIES, 4504
JASON E RIMMER, 7592
ERNESTO A RIVERA, 3865
ROBERT A RIVERA, 0935
GREGORY G ROBERTS, 7720
JAMES A ROBINSON, 7986
EDWARD J ROBLEDO, 8452
PAUL M ROCHE JR., 3444
DAVID A RODRIGUEZ, 6543
JESUS A RODRIGUEZ, 7474
RICHARD Y RODRIGUEZ, 6608
KENNETH D ROGERS, 9256
BRADLEY N ROSEN, 3230
JAMES B ROSS, 3587
JOHN E ROTTER, 8285
PETER R ROWELL, 9007
JUSTIN N RUBINO, 2598
SEAN X RUSH, 4963
JOSEPH A SAEGERT, 9982
JOSHUA A SAGER, 0724
MARIO SALINAS, 5239
TROY D SALLEE, 1119
DEREK O SANDERS, 6412
THOMAS M SANDOVAL, 3105
GERALDJAMES M SANTIAGO, 8800
JOSEPH E SANTOS, 3991
SARA L SANTOSKI, 1598
HEATH H SARVIS, 1904
CHRISTOPHER D SAUFLEY, 2529
DAVID R SAUVE, 4094
CHRISTOPHER M SCHMIDT, 7028
NANCY E SCHMIDT, 2953
JAMES W SCHMITT, 0482
KENNETH W SCHNEIDER, 3239
CHRISTIAN D SCHOMAKER, 2149
JERROD M SCHRECK, 8588
BRUCE G SCHUETTE, 0621
EDWARD J SCHWEIGHARDT, 4322
HENRY D SCHWERDTFEGER, 0115
MARK A SCORGIE, 8883
ADAM T SCOTT, 1226
JOHN M SEIP, 9174
JULIE L SELLERBERG, 9549
KURT M SELLERBERG, 1917
JAMES M SHANE, 1752
STEPHEN F SHEDD, 4900
RICHARD Z SHEDLOCK, 6773
MICHAEL E SHEEDY, 8797
AARON D SHELTON, 3760
JAMES A SHOMOCK, 9971
THOMAS H SHUGART III, 9528
BENJAMIN A SHUPP, 7469
MARK D SIBON, 0273
GLEN E SIDARAS, 5416
ROBERT A SILVA, 6948
STEPHEN E SIMMS, 2690
ROBERT V SIMONE, 5210
STEVEN A SIRINEK, 7328
JOHN W SKARIN, 4492
BRYON T SMITH, 3770
CHARLES W SMITH, 2995
CLINTON T SMITH, 4329
DAVID E SMITH, 8119
EDWARD S SMITH, 4386
J. W SMITH, 3340
JEFFREY S SMITH, 6647
JEROME F SMITH III, 2978
ROY E SMITH, 9668
SCOTT P SMITH, 8913
ANDREW R SMOLENACK, 1415
DAVID T SNEE, 7108
JEFFREY L SNYDER, 1365
JOHN H SNYDER JR., 1531
KURT R SNYDER, 9557
JAMES R SPOSATO, 3017
LOUIS J SPRINGER, 6946
CHARLES H STAHL IV, 2410
JOHN P STALLCOP, 9474
DAVID W STALLWORTH, 1260
VERNON H STANFIELD, 2967
ZACHARY H STAPLES, 6847
ROBERT H STARK JR., 2909
SYLVESTER L STEELE, 8890
THEODORE J STEELMAN, 2784
JAMES S STEPHENS, 1975
KENNETH B STERBENZ, 2262
ROB W STEVENSON, 8599
CHARLES M STICKNEY, 6097
MICHAEL J STINSON, 0190
JOHN D STONER JR., 1158
ROBERT W STOVER, 6904
ERIC J ST PETER, 9116
FRANK S STRAZZULLA, 7716
SCOTT A STRINGER, 1281
BRENT M STRONG, 2716
RANDY L STUDT, 3830
MATTHEW J SULLENS, 3257
WILLIAM R SUTTON, 9142
GRETCHEN M SWANSON, 9958
SHAUN A SWARTZ, 9977
STEVEN R SWEENEY, 2747
JONATHAN D SWEETEN, 7229
WILLIAM R TAFF JR., 2232
CHRISTOPHER J TARSA, 3295
JOSEPH K TAYLOR JR., 6394
MARK W TERRELL, 9396
DAVID C TERRY, 8068
WILLIAM B THAMES, 3815
PATRICK C THIEN, 4526
SCOTT P THOMAS, 6508
ANTHONY S THOMPSON, 5142
JOHN M THOMPSON, 2771
STEVEN R THOMPSON, 7694
JAMES M THORNTON, 1184
GREGORY S THOROMAN, 1459
ERIK M THORS, 0302
MATTHEW J THRASHER, 0986
JAMES E TIDWELL, 2359
MICHAEL E TIEFENBACH, 8688
TIMOTHY D TIPPETT, 8292
OSCAR J TOLEDO, 8291
BRENT K TORNGA, 1173
BRIAN L TOTHERO, 9272
JONATHAN R TOWNSEND, 4291
THEODORE M TREVINO, 1494
JOHN M TULLY, 3101
COREY J TURNER, 9141
MATTHEW D TURNER, 5209
KEVIN M UNDERWOOD, 9715
TIMOTHY T URBAN, 6790
DANIEL W VALASCHO, 6040
BRIAN K VANBRUNT, 5952
JOSEPH W VANDELAC, 1811
JONATHAN K VANDERVELDE, 9079
RANDY J VANROSSUM, 3669

GABRIEL A VARELA, 1846
JACKSON W VAUGHN, 4927
MICHAEL VECERKAUSKAS, 7428
JUSTIN M VERVILLE, 7756
JEFFREY M VICARIO, 6499
GEOFFREY K VICKERS, 7756
DENNIS J VIGEANT, 1250
THEODORE A VOLTZ, 3391
MATTHEW J WAESCHE, 0971
PAUL F WAKEFIELD, 2511
RONALD L WALKER, 2718
MONIKA L WASHINGTON, 8330
MICHAEL J WEAVER, 9255
JERRY P WEBB, 6504
MATTHEW I WEBER, 3161
MICHAEL L WEELDREYER, 9940
WINCESLAS S WEEMS, 9577
RICHARD H WEITZEL, 4525
VAN T WENNEN, 9271
ERIC C WEVER, 8568
BRYAN D WHITE, 4422
ALEX C WIBE, 7656
ERIC WIDMAN, 2397
JAMES A WIEST, 6108
CARLOS R WILLIAMS, 9256
JEFFREY A WILLIAMS, 6698
KELLY S WILLIAMS, 0423
ROBERT R WILLIAMS, 6503
ULRIC A WILLIAMS, 6993
BENJAMIN J WILLIAMSON, 4056
ARTHUR E WILLS, 9587
CLAY R WILSON, 3626
TIMOTHY A WILSON, 1918
PAUL H WINGEART, 1823
MICHAEL L WITHERSPOON, 9015
CHAD A WORTHLEY, 0987
GERALD D WRIGHT, 9258
WILLIAM A WRIGHT, 0645
WILLIAM D WRIGHT, 6197
HSINFU WU, 2040
PAUL L WYNNS, 5842
JOHN M YAKUBISIN, 0228
THOMAS E YARDLEY, 3260
MARK D YEHL, 6999
MICHAEL B J YESUNAS, 4225
RYAN M YOST, 5546
MICHAEL T YOUNG, 7055
TIMOTHY H YOUNG, 2193
CHHEM K YOUNGPEN, 8532
GLENN M ZEIGLER, 2665
DAVID G ZOOK, 5855

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. NEY. Mr. Speaker, on September 8, 2004, I was unable to be present for rollcall vote No. 428, on agreeing to the Rep. Joel Hefley Amendment to H.R. 5006, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005; for rollcall vote No. 429, on agreeing to the Rep. George Miller Amendment to H.R. 5006, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005; and, for rollcall vote No. 430, on the Motion that the Committee Rise. Had I been present I would have voted "no" on rollcall vote No. 428, "yes" on rollcall vote No. 429, and "yes" on rollcall vote No. 430.

IN HONOR OF THE OPENING OF TEXANS CAN! AT PAUL QUINN COLLEGE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to pay tribute to the opening of Texans Can! at Paul Quinn College on September 17, 2004. I am very delighted to join my fellow colleagues in highlighting the tremendous public service that this organization has provided to the local community and praise its current expansion.

In almost 20 years of service, Texans *Can*! have provided educational opportunities to more than thirty thousand academically at-risk students who may have never finished high school. Texans Can! currently operates three campus locations in the greater Dallas community, and the new location at Paul Quinn College will provide additional capacity to enroll more students that otherwise might not receive a quality educational experience.

The new campus at Paul Quinn College will serve as an outreach to students from neighborhoods in Duncanville, DeSoto, Grand Prairie, Lancaster and other surrounding communities. I congratulate the first year's class of students at this new location, as they christen the new school and help pave the way for all of the students that will follow them in the future.

I wish Texans Can! continued success in their service to the future of our community, and I thank Mr. Grant East the founder of Texans Can!, the teachers, administrators, and staff of Texans Can! for their unswerving commitment to education.

HONORING KERN COUNTY, CALIFORNIA'S OLYMPIC MEDALISTS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. THOMAS. Mr. Speaker, I wish to commend four Olympic medalists from Kern County, California, which I am privileged to represent, on their outstanding performances at the 2004 Olympic Games in Athens, Greece. I am proud to recognize and praise these athletes for their dedication, resolve, and extraordinary talent that so perfectly epitomize the American spirit.

Joey Hansen of Bakersfield helped power the eight-man rowing crew to a gold medal—the first victory in 40 years for the United States in that event. In the kayak slalom, Rebecca Giddens, demonstrating expert skills honed in relentless practice on the Kern River, came from behind to win the silver medal. Swimmer Larsen Jensen, also of Bakersfield, shattered his own American record by eleven seconds in the 1,500 meter freestyle. Finally, Bakersfield's Gabe Woodward also made Kern County proud when he helped guide the 4x 100-meter freestyle relay team to a bronze medal.

Each of these four champions reflects the spirit of hard work and perseverance that is cherished in Kern County, and each resident of Kern County takes great pride in their achievements in Athens. We congratulate Joey, Rebecca, Larsen, and Gabe for making us proud. While I want to especially salute Kern County's Olympians, I also want to laud the achievements of each of the men and women who admirably and honorably represented the United States at the Olympics this summer. They made an entire Nation proud.

HONORING DAVID CREQUE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. LEE. Mr. Speaker, I rise today to honor the life and achievements of an extraordinary man, David Creque of Oakland, California. David was an instrumental figure in East Bay politics and government for over three decades, and will be missed greatly by those who knew him, as well as by those whose lives have been touched by his work. David passed away on July 15, 2004, and is survived by his wife Sandy and their two children, as well as six grandchildren and several nieces and nephews.

David was born in Hayward, California on September 20, 1932. After growing up and attending school in Oakland, he went on to serve in the Korean War and obtain his Masters Degree from the University of Oregon. Upon the completion of his education, David returned to Oakland and began teaching high school biology. Active in local government affairs, David would not only become the longest serving member of the Alameda Civil Service Commission, serving from 1977 until 2003, but would also serve extensively as foreman of the Alameda County Grand Jury during the late 1970s, and on the Oakland Port Commission from 1979 until 1983.

In addition, David was an active and dedicated member of the local labor movement for several decades. As a teacher, he was a member of his local union, and was later elected president of AFT Local 771. He would go on to become a member of the Executive Committee of the Central Labor Council of Alameda County, where he served with dedication until 1999, after which he remained a Council Delegate.

On September 11, 2004, David's friends and family will gather to honor his extraordinary life, and the impact that his tireless efforts to better the Oakland and East Bay communities had on the lives of those around him. David was a unique and distinguished individual not only because of his outstanding accomplishments, but also because of his generous spirit and commitment to helping others. He will be greatly missed by his family, his friends, and the people of the 9th Congressional District.

MOURNING THE PASSAGE OF THE LATE JAMES ELLIOTT WEEKS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. PORTER. Mr. Speaker, I rise today to mourn the passage of James Elliott Weeks. Mr. Weeks passed away on September 8, 2004.

James Weeks was born in March 1917 in Claude, Texas. James served as a Captain in the Army during World War II. He then served as an Assistant Attorney General of Texas, and was elected County Attorney of Lubbock, Texas. He was later elected to the Abilene School Board and the Texas Board of Education. Captajn Weeks was a member of the Texas and Supreme Court bar.

James Weeks is survived by his wife Inez, three sons, and eight grandchildren. I urge the House to join me in mourning his passing and remembering him for his life of public service.

CELEBRATING THE VIENNA CHAPTER OF THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES (NARFE)

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 35th anniversary of Chapter 1116 of the National Association of Retired Federal Employees (NARFE), located in Vienna, Virginia.

Founded in 1921, NARFE is a multi-tiered, political, nonpartisan organization dedicated to preserving the earned retirement benefits of all federal civilians. Membership eligibility includes current, former, and retired federal civilians, as well as their spouses and survivor annuitants. Chapter 1116 is one of over 1600 NARFE chapters nationwide.

The Vienna chapter hosts speeches from state and local officials as well as those running for specific offices. NARFE officers from state and national organizations address issues of interest to those retired as well as the general public. Musical programs, talks and discussions about home and garden maintenance as well as historical and cultural issues add variety to the meetings.

Currently, the Vienna chapter has 668 members under the leadership of president Ginger King and first vice-president "Van" Van Huizen. The chapter prides itself on approaching all issues in a realistic and humanitarian manner. Its members have worked tirelessly for the benefits of federal retirees and all elderly, cooperating with local, state, and federal agencies to do so. Members assist shut-in seniors and provide convenience items and comfort to those in retirement homes. On a national level, NARFE contributes to Alzheimer's research and sponsors a college scholarship program.

Mr. Speaker, in closing, I would like to congratulate NARFE Chapter 1116 on 35 years of success. They have become a strong organization committed to serving the interests of their members and their community. I call upon my colleagues to join me in applauding the chapter members' past accomplishments and in wishing Chapter 1116 the best of luck in the many years to come.

TRIBUTE TO JEREMY WARINER

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. FROST. Mr. Speaker, I rise today to congratulate and celebrate Jeremy Wariner, of Grand Prairie, Texas, in his success in these past Olympic Games in Athens, Greece. Jeremy won the Gold in the Men's 400 meter run with a time of 44.00, the fastest time in the world this year. He also captured a gold medal in the 4x400 relay competition. At the 2004 NCAA Indoor Championships, Wariner, a junior at Baylor University, won the 400m with a time of 45.39 seconds and won an NCAA title with the 4x400m relay team. His remarkable performance brought tremendous accolade to America, and we thank him.

Jeremy exemplifies the spirit of an Olympic champion, and I am so proud to recognize him here today, as a Texan, an American and a gold medal champion.

GARRETT LEE SMITH MEMORIAL ACT

SPEECH OF

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. SMITH of Michigan. Mr. Speaker, today I will vote against legislation that would create federally funded youth suicide early intervention, prevention, and treatment programs authorized at $82 million over three years.

At a time when we have the largest deficit spending in history, I'm reluctant to start yet another federal program. Additionally, the states that are having problems, rather than the federal government, should be making the decisions of how much help and what kind of help should be initiated to reduce the problem of youth suicide.

FREEDOM FOR FÉLIX NAVARRO RODRÍGUEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Félix Navarro Rodríguez, a political prisoner in totalitarian Cuba.

Mr. Navarro Rodríguez is a member of the Democratic Solidarity Party and an independent journalist. He was also a school headmaster before he was fired by the totalitarian regime that mandates propaganda in place of truth. As a teacher who was trained to mold young minds, Mr. Navarro Rodríguez could no longer abide the practice of teaching lies and spreading deceit. After being fired for his beliefs, Mr. Navarro Rodríguez became a peaceful pro-democracy activist, focusing his energies on writing and reporting on the true nature of the totalitarian dictatorship.

According to Amnesty International, Mr. Navarro Rodríguez has been subjected to harassment and detention for his pro-democracy activities since at least 1992. In November 1996 he was questioned by regime thugs for allegedly not paying union dues and having a copy of the newspaper "El Nuevo Herald" at his work. It has also been reported that he was detained in November 1999 and September 2001 for participating in a commemoration for two political prisoners who perished in Castro's gulag.

In March 2003, as part of the tyrant's crackdown on peaceful pro-democracy activists, Mr. Navarro Rodríguez was arrested. In a sham trial, he was convicted on activities that included, "among other things, leaflets and literature; the latter was proved by the confiscation of aggressive and corrosive writings and printed material from his house." This sham trial resulted in Mr. Navarro Rodríguez being sentenced to 25 years in the abhorrent totalitarian gulag.

Just a few weeks ago, Mr. Navarro Rodríguez was able to send a message of strong support for President Bush's Cuba policy initiatives from his cell in the totalitarian gulag. In that cell, Félix Navarro Rodríguez personifies the heroism and perseverance of the Cuban people and their admirable commitment to see freedom reign in Cuba.

Let me be clear, Mr. Navarro Rodríguez is locked in sub-human conditions for writing and owning printed materials that contain facts and truth. Simply because he does not subscribe to the lies and propaganda forced upon the nation of Cuba by the communist tyrant, he is locked in a dank dungeon.

Mr. Speaker, Mr. Navarro Rodríguez is languishing in the repulsive squalor of the tyrant's gulag because he believes in truth and freedom. It is detestable that at the dawn of the 21st century, and a mere 90 miles from our shore, honorable men and women are imprisoned in repugnant gulags for believing that all men have an inherent right to live in freedom. My Colleagues, we must demand the immediate release of Félix Navarro Rodríguez and every prisoner of conscience in totalitarian Cuba.

IN RECOGNITION OF ALEXANDER CITY ALL-STARS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay special tribute to a group of young people in my Congressional district from Alexander City, Alabama.

On July 19, 2004, the Alexander City All-Stars traveled to Atmore and won their second straight state baseball championship. I am particularly proud of these talented young people for their accomplishments, and especially proud to note the team's unique accomplishment of winning back-to-back state titles.

The names of the youths who earned this achievement are as follows: Trey Bennett, Griff Gordon, Dylan Johnson, Larry Kemp, Douglas Kimbrough, Thomas Lutz, Elliot Mahan, Clay Phillips, Timothy Phurrough, Luke Smith, Gage Whiteard, and Levi Wilson. Their coach is Marlin Smith.

As the House goes about its business today, let us remember these gifted young people for their accomplishments, and congratulate them on this remarkable and memorable occasion. They are indeed All Stars for our community, and I am proud to acknowledge them in the House today.

IN REMEMBRANCE OF JOHN WALKER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. LAMPSON. Mr. Speaker, I want to take a moment to express my sorrow for the passing of a dear personal friend and pillar of the community in southeast Texas and Gulf Coast, Mr. John Walker. John passed away suddenly this past weekend, leaving many of us stunned and saddened at the loss of such a wonderful individual.

John was a loving husband and family man, and a friend to many in the Galveston community. John, or "Johnny" as those close to him knew him, served as President of Ducks Unlimited's national organization, was on the board of Galveston College, and was a strong supporter of the School of Nursing at the University of Texas Medical Branch. He participated with these organizations because he knew the importance of core, fundamental values that aid us all not only locally, but nationally. In addition, John's grandfather was former Congressman Clark W. Thompson, who served proudly in this very chamber, and who was a great friend and mentor of mine as well.

I express my deepest condolences and sympathy to John's wife Susan, and the rest of his family and loved ones, and know that he is now at peace with the Lord.

GARRETT LEE SMITH MEMORIAL ACT

SPEECH OF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of S. 2634—A Youth Suicide Prevention Bill.

Suicide knows no boundaries. It affects children of every race, ethnicity, religion, and economic background and takes the lives of 3,000 young people every year. Suicide is the third leading cause of death for children and young adults between the ages of 10 and 24.

My neighbors and close personal friends, Doug and Sharon Strouse, tragically lost their daughter, Kristin, to suicide shortly after the September 11th Terrorist Attacks in New York. Kristen was a gifted student at the Parson's School of Design in New York at the time of her passing and had a promising future in the design field.

In Kristin's memory, the Strouses used their grief to help other young people who may be depressed or considering suicide. Kristin's sister, Kim, established a non-profit organization that runs art workshops to provide suicide prevention education and crisis intervention. The Strouses also support suicide awareness through a moving videotape that helps young people and their parents identify the signs of depression while offering solutions to help them address the issue.

I believe S. 2634 also known as the Garrett Lee Smith Memorial Act of 2004 will help the Strouses and other families further these important programs. The bill will also improve nationwide access to prevention and intervention techniques for youth.

The bill authorizes $82 million over three years for mental health services, including screening, assessment, mentoring, and counseling, on the local, state, and federal level. These services will be offered in a variety of settings including schools, juvenile justice systems, foster care establishments, and substance abuse programs.

The legislation will also help establish a comprehensive federal strategy to share data, disseminate research, and coordinate the evaluation of early intervention and prevention programs for youth.

I believe S. 2634 will help fund some very important work to help families like the Strouses avoid the pain of losing a loved one.

GARRETT LEE SMITH MEMORIAL ACT

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 2004

Mr. PITTS. Mr. Speaker, S. 2634, the Garrett Lee Smith Memorial Act, contains some very important language that I would like to point out to my colleagues. The bill requires written, informed parental consent before a child may participate in the programs funded under this bill. The bill provides an exception for this in cases where there is an emergency and the safety of the child or other students is at risk and in cases where parental consent cannot reasonably be obtained.

Mr. Speaker, this language is very important. The topic of suicide and death is very sensitive, especially for younger children who are very impressionable. I believe that parents, not schools, should be the first line of defense for educating against and preventing their children from considering suicide. Studies have shown that in some cases, suicide education has actually led to suicides. Parents should have the option of keeping their child out of such classes. In addition, if parents are aware that their child is in such a class or program at school, they will be able to look for any warning signs that their child is considering suicide.

The exceptions included in the parental consent requirement are intended to be very narrow—emergency situations and cases where parental consent cannot reasonably be obtained. Emergency situations will be obvious—this would be a situation where a student is threatening his life or the life of someone else. Obviously, in such a case, the counselor or teacher should immediately counsel the student to stop the threatened activity.

Some may wonder what is meant by cases where parental consent cannot be "reasonably" obtained. This is intended to mean situations where the parent, despite the best efforts of the school or other organization operating a suicide intervention program, cannot personally give consent. One such situation would be where a single parent in the military has gone overseas for duty and the child is temporarily staying with grandparents. But let me be clear—this is not a loophole for those who find obtaining parental consent to be inconvenient or time-consuming. It is for those rare and very limited situations in which a parent simply is not able to provide consent.

I would like to thank Chairman BARTON for working so diligently on this important language.

HONORING THE MARRIAGE OF BETHANY ANNE KORCZYNSKI AND DOMINIC A. ZUCCHERO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. LIPINSKI. Mr. Speaker, I rise in honor and recognition of Bethany Korczynski and Dominic Zucchero as they celebrate their devotion to each other and to their future together.

It seems that we face a challenging time regarding one of the "lode stones" of our society: the family unit. It may seem that the moral fiber of America is being tested. During these times of changing attitudes, I believe that we can encourage the traditional values that have made our country strong. Those values that are best learned and practiced within the family unit based on the holy, loving union of a man and a woman.

The union of these two individuals from the Chicagoland region, Bethany Anne Korczynski, daughter of Edwin J., pilot and Chief Airport Operations Supervisor and Diane M., teacher of special education, and of Dominic A. Zucchero, son of Theodore J. and Andrea L. of the Chicagoland area, will be on October 9, 2004. The wedding will take place at the landmark Catholic Church of Notre Dame De Chicago established in 1864 by the first settlers who were of French descent. The church is located at 1334 West Flourndy Street in Chicago.

It is with great excitement and anticipation that both the Zuccheros and Korczynskis share in the happiness of this union. The commitment of this couple is both impressive and deserving of special recognition and honor.

I ask all my colleagues to join me in wishing this great couple many years of health and happiness.

PROPOSED CHANGES IN FINANCIAL DISCLOSURE LAW FOR 527 POLITICAL ORGANIZATIONS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. LARSON of Connecticut. Mr. Speaker, today I rise to draw my colleagues' attention to a bill I have introduced to address concerns that have been expressed about political organizations referred to as "527's". This bill, H.R.

5013, would give the Department of the Treasury, the Federal Election Commission, and the American people a better understanding of 527 organizations by attempting to subject them to the same type of reporting requirements as PAC's and other political organizations.

This bill would make 527's, which is the section of the Internal Revenue Code under which they are registered, more transparent through the four main components of this bill.

First, any political organization that meets defined minimum financial requirements must disclose this information to the Department of the Treasury. Second, political organizations that raise, spend or intend to raise and spend over $25,000 in an election year will have to file disclosure reports with the IRS monthly. Previously, organizations in this category were only required to file quarterly. Third, organizations that have less than $25,000 in receipts must file quarterly. Fourth, the Department of the Treasury and the Federal Election Commission must work together to improve the database disclosure system.

This bill will provide the American people with more information about who is donating to the political process and how that money is being spent. If we want to inspire and encourage more Americans to participate in the political process, we must make all aspects of the process accessible to them.

The guidelines in my bill will expose political organizations' donors and demonstrate they have nothing to hide. Moreover, this information will help Americans to make more informed choices.

I believe that efforts to restrict 527 organizations could raise First Amendment concerns and may merely result in their reconstitution as 501(c)4, 501(c)5 and 501(c)6 organizations, which have virtually no public disclosure requirements. I believe that it would be more beneficial to our political process to mandate greater transparency of 527's rather than attempting to shut them down or otherwise curtail their participation in the political process. Therefore, Mr. Speaker, I urge my colleagues to support this bill.

HONORING MARTIN FUNERAL HOME

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to acknowledge the 75th anniversary of the Martin Funeral Home, of Mt. Morris, MI. On Saturday, September 11, 2004, the funeral home along with the community will commemorate this milestone with a full day of festivities that will include the sealing of a time capsule, a replica of President Lincoln's coffin, and free workshops on grief management.

Mr. Miles B. Martin established the Martin Funeral Home in November of 1929. Miles received his mortuary license from Worsham School of Anatomy in Chicago on June 28, 1928. He married Mildred C. Doyle and of this wonderful union were born three sons, Patrick J., Michael A. and Miles T. "Tom". Mrs. Martin worked alongside her husband as a licensed funeral director to build one of the largest family owned funeral businesses in Genesee County. Of the three sons, Miles T. "Tom" Martin took on the interest of mortuary science. He received his degree in Mortuary Science from Wayne State University. His desire to assist his father in the business was delayed by the call to serve his country in the U.S. Army as a combat medic in Vietnam. On January 1, 1972, Miles T. acquired the family business from his father. On October 21, 1988 Miles B. Martin passed away and Mildred C. Martin on August 30, 1993.

Miles T., in his commitment to honor his father's mission of providing affordable and caring funeral service for Genesee County, has expanded the operation by opening homes in Vassar and Fairgrove. The process of bereavement can be overwhelming. The community has come to know they can depend on the Martin family to help them through this difficult process. I commend the Martins for taking on, and being committed to this delicate task.

Mr. Speaker, as a member of Congress, I ask my colleagues in the 108th Congress to please join me in honoring the Martin Family and their Funeral home for 75 years of unwavering support and guidance to those who have lost loved ones.

SALUTING MONTGOMERY COUNTY, MARYLAND STUDENTS, TEACHERS, PRINCIPALS, SCHOOL PERSONNEL AND PARENTS FOR OUTSTANDING SAT SCORES

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise to share with my colleagues the news that the highest systemwide average SAT score (1102) ever achieved by the Montgomery County Public Schools (MCPS) was produced by the graduating class of 2004, marking the first time the average score has exceeded 1100. The average included the highest ever average mathematics score (561) and the highest average verbal score in 12 years (541), the first increase in the average verbal score in five years. The improvements were achieved with a student participation rate of 80.2 percent, representing the largest group (7,263 students) ever to take the test in the school district.

The higher SAT scores mark the achievements of the first graduating class of students taking the SAT who were exposed to the full range of the ongoing high school reforms in Montgomery County. The reforms began when the students were ninth graders in the 2000–2001 school year and have expanded greatly the opportunities for more rigorous coursework in preparation for college.

In addition, the improvement included a significant gain in the system's "average highest score," the same number used by colleges to identify the best performance among students on the SAT. The system's average highest score increased to 1115 last year, the best result ever and an increase of eight points over the year before.

Overall, there were numerous achievements in the 2004 SAT results for which MCPS should be proud:

Highest ever average SAT score of 1102, a gain of eight points;

Best ever "average highest SAT score" of 1115, a gain of eight points;

Highest ever average math score (561);

Largest number of students ever taking the SAT (7,263 students);

Highest average score for white students (1163), a gain of 10 points;

Highest average score for Asian American students (1160), a gain of 33 points;

Most high schools (four) with average scores above 1200;

Most high schools (11) with average scores above 1100; and

Average score of students receiving special education services increased by 26 points to 924.

The average scores for African American and Hispanic students receiving Federal meal assistance also increased significantly—up 17 points among African American students (854) and six points among Hispanic students (837). This is an important point because the percentage of both groups of students participating in the Free and Reduced-price Meal System (FARMS) is increasing, lowering the overall average score for each group even as the specific subgroup scores increase.

According to Dr. Jerry D. Weast, Superintendent of the Montgomery County Public Schools, all of this has occurred during a significant demographic change in student enrollment, characterized by greater cultural and racial/ethnic diversity, a rise in students from low-income families, an increase in the number of students for whom English is a second language, and more students with disabilities.

I want to commend Dr. Weast, the Members of the Montgomery County Board of Education, and all teachers, principals and staff for implementing school improvements including strengthened curriculum, improved assessments, greater coordination among and within schools, and increased staff training and professional development. The improvements also included increased student enrollment in expanded Advanced Placement (AP) and honors courses.

Mr. Speaker, public schools are truly the backbone of our community. Young people across America face ever-changing social and economic challenges. We have an obligation to prepare them for the challenges that lie ahead, and I applaud the great work of the teachers, principals and other education personnel in Montgomery County who offer so much support to our families.

HONORING THE ACCOMPLISHMENTS OF GAYLE RUDOFSKY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. ISRAEL. Mr. Speaker, I rise today to honor Gayle Rudofsky, a Half Hollow Hills

High School East student who has been named a 2003–04 High School All American in Diving.

Ms. Rudofsky has a long history of diving accolades, including being named one of the Top 40 High School Divers in the United States, winning the 2003 New York State Public High School Women's Diving Championship and winning the Lester J. Schloen Jr. Memorial Award for Most Promising First Year Diver. She recently broke her own Suffolk County 11–dive meet record and also set a new Suffolk County 6–dive meet scoring record. In addition to these record-breaking performances, the National Interscholastic Swim Coaches Association ranked Ms. Rudofsky the third best high school diver in 11–dive competitions and the fourth best diver in 6–dive meets. She is also a member of Long Island Divers, a U.S. Diving Team, and is qualified to represent the Long Island region in the 2004 Empire State Games.

Not only has Ms. Rudofsky accomplished much on the diving board, she is also gifted in the classroom. She has managed to balance an outstanding athletic career with equally impressive academics. Ms. Rudofsky has been named an Academic All American, New York State Public High School Athletic Association Women's Swim-Dive Scholar-Athlete of the Year and Half Hollow Hills High School East Female Scholar-Athlete of the Class of 2004. She has also received the Citibank/News 12 Scholar-Athlete Award and the 2004 Scholar-Athlete Milk Moustache of the Year Award.

This fall, Ms. Rudofsky will attend Princeton University, where she will be a member of the diving team. I congratulate her on her many achievements and am confident that she will have continued success in the future.

CONGRATULATING JUSTIN GATLIN ON WINNING A GOLD MEDAL IN THE ATHENS OLYMPICS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. MILLER of Florida. Mr. Speaker, it is my honor today to recognize one of the finest U.S. sprinters, Justin Gatlin, a 2004 Olympic gold medalist from Pensacola, Florida. As the youngest track and field champion in 36 years, twenty-two year old Gatlin won the gold medal in the men's 100 meters at the 2004 Olympic games in Athens, making him the "Fastest Man in the World."

As soon as the gun went off, he surged immediately to the lead. Never relinquishing his advantage, he finished in a personal-best, world-leading time of 9.85 seconds. After winning the gold he said, "It was going to be the most exciting race in the world, and it was. This is what I train for, that's why I shoveled the snow off North Carolina tracks. That's why I'm here. I'm here to win the gold medal."

Not only did he leave with a gold medal, but also took home a silver and a bronze in the men's relay and 200 meters, respectively.

Returning home as an Olympic medalist, it is Gatlin's self-composure and attitude that set him apart from the rest. "I want to show that nice guys can finish first. I feel that I'm likable. I feel that I'm honest. I go out there and give a good race for the crowd." Gatlin did more than just give a good race. He gave a superb race and is a shining example for all to follow in not only the first district of Florida, but around the world.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate Justin Gatlin on his Olympic victories and thank him for representing Pensacola to the world in such a first-class manner.

TRIBUTE TO CHEVRONTEXACO AND THEIR EMPLOYEES LOCATED IN CALIFORNIA'S 11TH CONGRESSIONAL DISTRICT

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. POMBO. Mr. Speaker, I would like to rise to honor and congratulate ChevronTexaco and their employees located in California's 11th Congressional district on ChevronTexaco's 125th Anniversary.

Tomorrow marks the 125th anniversary of the merger of California Star Oil Works and Pacific Coast Oil Co., which formed ChevronTexaco's oldest predecessor. ChevronTexaco's history is a story of great progress and innovation spread over dozens of companies that have come together over the last 125 years to become the ChevronTexaco family.

Over 100 years ago, a converted farmhouse and 80 employees in a rural area not far from San Francisco started handling 10,000 barrels of oil a day. Today, with bustling metropolitan communities surrounding the refinery, 1,300 employees move 240,000 barrels of oil per day.

ChevronTexaco is one of the world's largest integrated energy companies. They are involved in every aspect of the energy industry, from oil and gas exploration and production to transportation, refining and retail marketing, as well as chemical manufacturing and sales and power production.

Active in more than 180 countries, ChevronTexaco employs more than 50,000 people worldwide and about 9,000 in California alone. Over 4,000 of those employees are in San Ramon, the world headquarters for the company.

ChevronTexaco's vision—to be the global energy company most admired for its people, partnership and performance—runs throughout the combined history of all the great companies that today form ChevronTexaco.

The work undertaken by the many generations of ChevronTexaco has made a tremendous and positive impact on the lives of people around the world. I commend and congratulate ChevronTexaco on this very important milestone.

TRIBUTE TO MARY GRACE RAMEY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. DUNCAN. Mr. Speaker, on July 23, 2004, McMinn County, Tennessee lost one of its sports legends. Mary Grace Ramey served as a teacher and cheerleading coach for McMinn Central High School since it opened in 1966. She was 73 years old.

Mrs. Ramey touched the lives of hundreds of cheerleaders and thousands of students who passed through the halls of McMinn Central High School. Her colleagues said she was always positive and cared deeply about her students.

Mrs. Ramey, a mother of one and grandmother of three, will be missed by all those who knew her.

I would like to call this Daily Post-Athenian article from July 26, 2004, on Mary Ramey to the attention of my colleagues and other readers of the RECORD.

[From the Daily Post-Athenian, July 26, 2004]

RAMEY LOSS LEAVES HOLE IN THE CENTRAL FAMILY FABRIC

(By Jack Slayton)

She never hit a home run, sank a clutch basket, or scored a touchdown, but McMinn County was stunned by the loss of a sports legend in her own right this past Friday.

Teacher and cheerleading sponsor Mary Grace Ramey passed away at Chattanooga's Erlanger Medical Center on Friday.

Ramey, who taught Family and Consumer Sciences, was discovered behind the school on Friday, July 16, by two students where she had either accidentally fallen or suffered a seizure and struck her head, suffering a concussion.

Ramey (age 73) had shown some improvement and had been moved from the intensive care unit to a private room before her sudden passing Friday.

"Mary Grace," as I had known her over the past 30 years, had been a teacher for more than half a century and the cheerleadering sponsor at Central High School since the doors opened in the 1996–97 school year.

"It's a sad day at Central High School," said Principal Roger Freeman of the last remaining member of the original staff at the school. "She was a legend—an icon of what everybody should aspire to be as both a person and a teacher. She was dedicated to her profession and students, always prepared and way ahead of the game."

Ramey touched the lives of hundreds of cheerleaders and countless thousands of students who passed through her classroom over the past 51 years.

"I don't know of anyone who didn't like Mary Grace—she was always so positive and cared deeply about her students," Freeman said. "It will be difficult, no impossible, to replace her. People like Mary Grace are rare."

Rare, indeed. In a day and time where most people can't wait to call it quits, Mary Grace never discussed retirement, despite being well beyond the required age and with her lengthy years of service.

She had returned earlier in the week from a stay in Knoxville where her latest batch of cheerleaders had attended a camp at the University of Tennessee.

She loved what she did and continued to serve the students of Central with a level of excellence and commitment equally rare today.

I would more often as not run into Mary Grace and husband, Jack, who recently celebrated their 50th wedding anniversary, going into games at Central or on the road—it seemed we always arrived at about the same time.

She always had a smile and chipper attitude as we exchanged pleasantries walking into the gym or stadium together.

I recall one time several years ago at a basketball game, with the skies threatening, Mary Grace asked me if I thought it was going to snow.

"Not a chance," I said.

Of course, it did and we faced a slippery ride home that night. She never let me forget it.

From that time on, regardless of the conditions, Mary Grace would look at me with that wry smile of hers and asked me if I thought it was going to snow.

The family will receive friends from 5–8 p.m. tonight and funeral services will follow with Bordwine Funeral Home in charge of arrangements (see Page 2 for complete obituary information).

Friends and family will gather at Sunrise Cemetery in Englewood at 11 a.m. Tuesday for the burial service.

And no, Mary Grace, I don't think it will snow.

HONORING OCEAN MIST FARMS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. FARR. Mr. Speaker, it is with great honor and pleasure that I am able to rise to recognize Ocean Mist Farms, the premier grower and shipper of artichokes in the United States. Based in Monterey County, California of my congressional district, Ocean Mist Farms produces over a dozen other vegetables in addition to artichokes on its farms which are located throughout California. On Saturday, August 28, 2004, the people of Ocean Mist Farms celebrated their company's 80th anniversary.

In 1924, Castroville area farmers Daniel Pieri, Amerigo and Angelo Del Chiaro, Alfred Tottino and Louis Bellone combined formed a company to grow, ship, and market artichokes. Their little company persevered through the Great Depression and WWII to transform artichokes from an obscure ethnic specialty to a national delicacy. It took genius and hard work to accomplish this, and these characteristics have assured their success through today. Under the current leadership of the Boutonnet and Bengard families, Ocean Mist Farms employs more than 60 people in sales and administrative positions, more than 160 workers in its packing, shipping and cooling facilities, and nearly 600 individuals in related harvesting and production operations, as well as operating several affiliate operations throughout California and Arizona. It is a company that has helped make the Central Coast of California the most productive agricultural region in the world and it continues to give back to the local communities of the Salinas Valley.

Ocean Mist Farms is also an environmental leader in our region. It has remained in the forefront of innovations in farming methods designed to protect the environment. Using advanced techniques of irrigation and integrated pest and soil management, Ocean Mist Farms has proved itself to be truly invested in the preservation of the beauty and natural resources offered by Monterey County. It also took the lead in developing the world's largest reclaimed wastewater irrigation project.

Mr. Speaker, I wish to congratulate Ocean Mist Farms on its 80th anniversary. Monterey County has benefited immensely from their commitment to growing outstanding produce and I wish the company and all who work for Ocean Mist Farms the very best in the future.

TRIBUTE TO MR. VERNON CUNNINGHAM AND MR. JAMES SHEPARD

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's most distinguished citizens, Mr. Vernon Cunningham and Mr. James Shepard of Portage, Indiana. On Saturday, September 11, 2004, they will be honored for their exemplary and dedicated service to the community.

Mr. Vernon Cunningham will be awarded the Portage Township Citizen of the year. Vernon's qualities include a dedication to community causes. Vernon has been a resident of Portage, Indiana for over fifty years. Those who know him best describe Vernon as a kind, fun-loving person, who always wants to help others. His outstanding service and donation of time and money to Gabriel Horn's homeless shelter represents the epitome of what a dedicated public servant should be. South Haven American Legion Post 502 will be filled Saturday night with friends and family who have been blessed with the opportunity to know and work with Vernon and who wish to celebrate with him as he receives his award. Vernon's work, which has earned him Portage Township Citizen of the Year, has been improving his community and the lives of Porter County residents for many years. Although Vernon has dedicated his time serving the community, he has never neglected to provide support and love to his family. Vernon and his late wife Peggy have three children Scott, Gail, and James.

Mr. James Shepard is being honored as the Portage Township Fireman of the Year. Mr. Shepard was voted by peers as Fireman of the Year for his outstanding service and dedication to the South Haven Volunteer Fire Department. James is a third generation fireman; his father was a volunteer fireman for South Haven and his grandfather was also a fireman. James graduated from the Georgia Fire Academy, the National Fire Academy, and he is also a Certified Fire Instructor. His career as a firefighter began in 1988 when he worked as a firefighter near Savanna, Georgia. In 1993, James became a Certified Emergency Medical Technician. He then moved to Porter County Indiana and has been a full-time fire fighter for the City of Valparaiso for the last eleven years. For the past ten years, he has also served as a volunteer fireman for the South Haven Fire Department. While James has dedicated considerable time and energy to his work and protecting the lives of others, he has never limited the time he gives to his most important interest, his family. He and his wife Stacy have two children, James and Samantha.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Vernon Cunningham and James Shepard for their outstanding contributions to Indiana's First Congressional District. Their commitment to improving the quality of life of the people of Northwest Indiana is truly inspirational and should be recognized and commended.

PAYING TRIBUTE TO MARJORIE STEIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise today to honor the life and memory of Marjorie Stein of Aspen, Colorado. Marjorie recently passed away at the age of ninety-four, and leaves behind a legacy as an active and generous member of her community. I am honored to join my colleagues in remembering Marjorie's life before this body of Congress and Nation.

Marjorie grew up in Chicago, Illinois and went on to attend Connecticut College where she studied abroad in Paris, France. Marjorie and her husband Henry first fell in love with Aspen in the late 1940's, when they purchased a second home in the small, developing town. Their time spent there inspired them to make Aspen their permanent residence, and for the next half century they made their home on the Mill Iron Ranch.

Marjorie took great pride in her good works for the community. Her great passion for music and entertainment inspired her to get involved with the Aspen Music Festival in the 1950s. She also had a desire to help people that led to her co-founding of the 'Blue Ladies', a group of volunteers at Aspen Valley Hospital in 1960. The 'Blue Ladies' of Aspen Valley Hospital took their name from a Red Cross group with the same name that Marjorie worked with during World War II. Both groups performed similar duties, providing their services to the hospital wherever it was needed. Outside her volunteering efforts, she also enjoyed tennis and skiing Colorado's slopes.

Mr. Speaker, Marjorie Stein was a selfless contributor to the Aspen, Colorado community. She passionately pursued her interests, and in doing so made Aspen a better place. In this difficult time of bereavement, I wish to offer Marjorie's family and friends my heartfelt condolences.

HONORING BRIG. GEN. DONALD POLK, M.D.

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mrs. BLACKBURN. Mr. Speaker, today I want to take a moment and thank a leader who has served not only his community in Tennessee, but also our Nation. After a lifetime of service as an officer in the United States military and as a physician, Brig. Gen. Donald H. Polk, M.D. is retiring.

In 1976, my friend Dr. Polk began working with the Tennessee Army National Guard. As Deputy Commander, State Area Command, Tennessee Army National Guard, General Polk has been responsible for supervising and training 3,000 combat service support soldiers of the Tennessee Army National Guard. Over the years Tennesseans have come to know and respect his leadership abilities.

And as a family physician in Wayne County, Dr. Polk has cared for thousands of people across our community. Again, his leadership abilities shone through as Medical Director of Emergency Service at Wayne Medical Center.

We are grateful for Dr. Polk's dedication and today I am pleased to honor and recognize his many years of service.

RECOGNIZING THE LIFE OF DR. HUGH LANGDON ELSBREE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. NEY. Mr. Speaker, I rise today to pay tribute to Dr. Hugh Langdon Elsbree, who died on August 30, 2004. Dr. Elsbree served as the Director of the Legislative Reference Service (LRS), now the Congressional Research Service, from 1958 to 1966. He was a noted political scientist, academician, and dedicated public servant who led the Legislative Reference Service (LRS) in providing research to the Congress.

Dr. Elsbree joined LRS as a research counsel in 1945 and became a Senior Specialist in American Government and Public Administration in 1946. From 1954–55 he served temporarily as the Deputy Director of the Commission on Inter-Governmental Relations and then served as LRS's Deputy Director from October 1955 until March 1957 when he left LRS to become chairman of the Political Science Department at Wayne State University. He returned to LRS in September 1958 as the Director and served in that capacity until his retirement in 1966.

Dr. Elsbree received A.B., M.A., and Ph.D. degrees from Harvard University in 1925, 1927, and 1930, respectively. In 1927–28 he was a Sheldon Traveling Fellow in Paris and Geneva, then began his teaching career at Harvard as an instructor in government from 1928–1933. He then served as assistant professor (1933–37) and professor (1937–43) of political science and as chairman of the Department of Political Science (1937–41) at Dartmouth College. For a brief period in 1934 he worked as a research specialist for the Federal Power Commission. In 1943 he joined the Office of Price Administration as principal business economist then the Bureau of the Budget (1945) as administrative analyst. For several years, Elsbree served as the book review editor and member of the editorial board of the American Political Science Review and from 1952–56 as its managing editor.

Upon his retirement, L. Quincy Mumford, Librarian of Congress, presented Dr. Elsbree with a Distinguished Service Award. In the accompanying letter, Mumford noted ". . . your ability to discover, attract, and develop talent, your personal integrity, your standards of excellence, your sound judgment, your profound understanding of the requirements of the Congress, your skill in public administration, and your fine qualities as a human being have not only maintained an admirable esprit de corps but have enabled the Legislative Reference Service to fulfill its highest duty—to be responsive to the needs of the Congress."

Dr. Elsbree's leadership of the Legislative Reference Service contributed significantly to Congress' action in 1970 to expand the scope of the Legislative Reference Service and create the Congressional Research Service. His intimate knowledge of political science provided insight into how Congress' research needs were changing and how the Service could adjust to meet those needs.

To his son, Hugh L. Elsbree, Jr. and his family, friends, and former colleagues, I extend our deepest sympathies.

PAYING TRIBUTE TO SAM MAYNES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. McINNIS. Mr. Speaker, I rise today with a heavy heart to mourn the passing of my close friend Sam Maynes of Durango, Colorado. Sam passed away recently at the age of 70 after a courageous battle with lung cancer. He was a humorous, kind-hearted man who was a bastion of goodwill and stability for his friends, family and community. Sam dedicated his life to the betterment of those less fortunate than himself, and I am honored today to stand before this body of Congress and this nation to recognize his many contributions to the State of Colorado.

Sam was born in Silverton, Colorado in 1933. After moving with his family to California during World War II, he came back to a Colorado setting in the city of Durango. He worked his way through high school and went on to Colorado College on a football scholarship before going on to study law at the University of Colorado in Boulder. It was there that he met Jacqueline Stahl, his beautiful wife of 45 years, who passed away last February.

Throughout his life, Sam was an engaged, bright individual with a brilliant sense of humor. His acumen and passion for the legal profession served him well throughout his tremendous legal career. At 26, Sam became the youngest lawyer in the Larry McDaniel and Byron Bradford firm in Durango. He soon became one of Colorado's foremost experts in water law. However, Sam's motivation was not money; he spent most of his career working to empower those in need, including the Southern Ute Indian Tribe.

Sam was a beloved husband, and father. He is survived by his mother Louise Maynes and his four remarkable children; Michele Hurley, Melinda Higgins, Sam W. Maynes and Mark Maynes. He also leaves behind eight beautiful grandchildren whom he loved dearly.

Mr. Speaker, I am honored to call attention of this body of Congress to the life of Sam Maynes. His industrious, strong-willed nature made him a resilient force in the Durango community and the State of Colorado is a better place as the result of his many contributions. Sam dedicated his life to helping others, and I am truly honored to have been his friend.

HONORING AUSTIN CUNNINGHAM OF ORANGEBURG, SOUTH CAROLINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow I will join with many other South Carolinians to celebrate the 90th birthday of a Palmetto State legend, Mr. Austin Cunningham. In 1998, my predecessor Congressman Floyd Spence made the following remarks before Congress describing the life of Austin Cunningham:

> As a young man, Austin Cunningham, went to work to help support his family when his father died. He worked during the day and went to both high school and college at night, earning a law degree from the University of Virginia in 1940. During his business career, Mr. Cunningham has been the president of five companies and he has owned two manufacturing plants in South Carolina. President Reagan recognized Mr. Cunningham for his work with the Jobs Tax Credit Program and he has been involved with the administrations of former Governor Carroll Campbell and Governor David Beasley in improving race relations in our State. He has also contributed his time and efforts in the Orangeburg area on behalf of: Crime Watch, Crime Stoppers, the People's Assault on Drugs (PAD), as well as the collaboration between South Carolina State University and the South Carolina Philharmonic, which has resulted in an annual three concert satellite series.

As Congressman Spence rightfully pointed out, Austin Cunningham has been active in public service and community leadership throughout his life. He continues to make a large impact on South Carolina through his regular newspaper columns that are featured in newspapers such as the Orangeburg Times & Democrat and The State.

I am honored to have been able to call Austin a close friend for many years, and I have learned so much from him. I ask all of my colleagues to join me in wishing Mr. Austin Cunningham a happy 90th birthday, and thank him for his years of service to others.

HONORING ROGER PALOMINO

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. DOOLEY of California. Mr. Speaker, I rise today to acknowledge Roger Palomino's distinguished career in public service to California's San Joaquin Valley. Through a lifetime of dedication he has led a remarkable career advocating for and empowering low-income families to achieve self-sufficiency in this economically challenged region.

A native of Fresno, California, Mr. Palomino earned a bachelor's degree in Criminology from California State University-Fresno in 1964 and quickly began a 30-year career in the juvenile justice system. During this time he served in almost every capacity of the juvenile justice system including as administrative director of both juvenile institutions and probation services. An expert in the field of juvenile corrections, Mr. Palomino has lent his expertise to countless local, state and federal juvenile justice agencies and task forces dedicated to eradicating juvenile violence and crime.

It was his understanding of the root causes of juvenile delinquency that led Mr. Palomino to join the Fresno County Economic Opportunities Commission, where he has spent the last 10 years working as Executive Director. The Fresno County EOC is one of the largest community action agencies in the United States, providing social services and promoting economic development through a variety of programs. Under his leadership and innovation Fresno County EOC has experienced both growth and programmatic expansion. With a current annual operating budget of more than $100 million and 1,400 employees, Fresno County EOC continues to function as a critical lifeline for many struggling families in California's Central Valley. The agency provides such critical needs as pre-school, vocational education, preventive health care, and job placement services. Mr. Palomino and the Fresno County EOC have truly undertaken a comprehensive approach to improving the lives of Central Valley families.

Mr. Palomino's distinguished career has made him a highly respected community leader both in Fresno and the entire San Joaquin Valley. His dedication is evident in the number of local community organizations in which he participates in an effort to improve the local economy and create jobs. He is a gifted administrator and a tireless advocate for positive social change and the underserved. Throughout my years in Congress, I have come to respect Mr. Palomino for his passion in helping low-income Valley families.

Mr. Speaker, I ask my colleagues to join me in recognizing Roger Palomino in celebration of his years in public service and contribution to the community. I wish him continued success.

PAYING TRIBUTE TO ETHAL JORDAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Ethal Jordan, a dedicated weather observer from Hamilton; Colorado. Ethal was recently honored with the 2004 John Campanius Holm Award for outstanding service in the Cooperative Weather Observer Program by the National Oceanic and Atmospheric Administration. Her observations have helped our government accurately describe the climate of our country, and I am honored to stand here today with my colleagues before this body of Congress and this nation and recognize her accomplishments.

The National Weather Service Cooperative Weather Observer Program has provided scientists and researchers continuous data on temperature, precipitation, and other weather factors such as river levels and soil temperature. Once a month observers mail their records to the National Climatic Data Center. These weather records retain importance over time as they provide an accurate picture of a locale's normal weather and give scientists a basis to predict future trends. Through these predictions scientists are able to enhance economic security and provide for the national safety of Americans.

Ethal has served for over 47 years as a cooperative observer. The award that she received this year is one of the agency's most prestigious awards and she is one of only twenty-six that received the honor this year. She established the Hamilton station in 1957, where she began reporting daily precipitation data to the National Weather Service. With her hard work these records have helped establish climatology parameters for northwest Colorado and the central Yampa River Basin.

Mr. Speaker, Ethal Jordan is a devoted weather observer whose data have been an important source of information for scientists to make accurate weather forecasts and predictions in the United States. She has provided a great service to her country for over 47 years, and I am honored to recognize her efforts before this body of Congress. Congratulations on your award, Ethal, and I wish you all the best in your future endeavors.

CONGRATULATING JANESVILLE PERFORMING ARTS CENTER

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to congratulate the Janesville Performing Arts Center on its grand opening and spotlight this exciting new addition to Janesville, Wisconsin.

Today the Janesville Performing Arts Center opens its doors—and opens a new chapter of the life of historic Janesville High School on Main Street. The center will give our area's performers a wonderful new stage for their creative energies and serve as a resource for people of all ages throughout our community. Besides providing a terrific venue for local arts groups to showcase their talent and skill, the Janesville Performing Arts Center will bring new opportunities for entertainment to everyone in our region.

The grand opening of Janesville's first community performing arts center is a cause for celebration throughout our area and especially for those who have worked so hard to make this center a reality.

RECOGNIZING THE CHARACTER COUNTS YOUTH FLAG RALLY IN LISLE, ILLINOIS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize a group of young constituents in my district whose efforts to recognize September 11 brought a local community together in collective pride for the United States.

Three years ago, when our Nation was overcome by fear and dismay, Katie and Carrie Straub came together with other young people to make a difference during the aftermath of our Nation's greatest tragedy. They planned a local flag rally to bring youths together to share in their grief and honor America's heroes.

The first rally was an impromptu response to the profound sadness and patriotism expressed in the days after September 11, and it caught the eyes and ears of a community and its local leaders. Now, with the help of many other youths in the community and local businesses, the annual rally has grown to incorporate charity fundraising events and has become an uplifting day, focused on staying positive and helping others in the wake of tragedy.

The girls sought out and received official approval for the annual rally, and this year, September 11, 2004, has been declared Character Counts Youth Flag Rally Day in the village of Lisle, Illinois.

Mr. Speaker, I am so proud of these young constituents. They heard the call of the President to stand up in support of our nation in the days after September 11, and their dedication and spirited efforts have proven once again that teens can make a difference.

PAYING TRIBUTE TO SCOTT TIPTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Scott Tipton, a dedicated businessman and friend from Cortez, Colorado. Scott is a prominent member of the Cortez business community, selling pottery for over a quarter of a century from his establishment, Mesa Verde Pottery. He is a tremendous servant of the community, and I am honored to stand with my colleagues today before this body of Congress and this nation to recognize his accomplishments.

Scott passed up an opportunity for a successful law career to open a seven hundred square foot pottery shop on East Main Street in 1979. Twenty-five years later that business is thriving in a building twenty times its original size. The pottery is sold in all fifty states and six foreign countries. The heaviest concentration of his business is concentrated in the Rocky Mountain region and the Southwest, but also stretches to specialty stores and gift shops throughout the nation.

Mesa Verde Pottery employs eight salespeople and fourteen full-time American Indian artists and production workers. These artists paint designs on geometrically carved white and red-earth objects evolving Navajo monument and silhouetted mountains into intricate patterns. Scott takes pride in the unparalleled craftsmanship and employee spirit that results in better products. Scott has also taken many opportunities to give back to the community, donating twelve thousand dollars worth of goods, services, and financial contributions to local non-profits and charities in addition to pottery awards for the Indian Summer Run contestants.

Mr. Speaker, Scott Tipton is an outstanding member of the Cortez community. He has followed his dream and inspired his fellow Coloradans to do the same. The pottery created at Mesa Verde Pottery celebrates an important part of America's history, and I am honored to stand here before this body and this nation and recognize his service to his community and the nation. Congratulations on your twenty-five years of successful business, Scott, and I wish you all the best in your future endeavors.

HONORING METROPOLITAN COMMUNITY COLLEGES, DEDICATION OF THE BLUE RIVER COMMUNITY COLLEGE CAMPUS CENTER BUILDING

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize a new addition to Metropolitan Community Colleges. On Friday September 10, 2004, the Metropolitan Community Colleges will officially open the Campus Center Building at Blue River Community College. The new two story Campus Center Building is adjacent to the Education Center and the Western Missouri Public Safety Training Institute. The addition houses a lecture hall, student activities offices, food services along with the Academic Resource Center that includes library and tutoring facilities. The second floor features hi tech classrooms, laboratories and faculty offices.

Since 1969, the Kansas City Metropolitan Community Colleges have been governed by an elected Board of Trustees. The six member Board serves for six years with jurisdiction over four community colleges and the Business and Technology Center encompassing the county of Jackson and parts of Cass, Clay and Platte County. In 1997 the Board of Trustees deemed that Blue River would be designated a Community College with locations in Blue Springs and Independence, Missouri.

I have been a strong supporter of the Metropolitan Community Colleges and the educational opportunities they provide. As Ranking Member of the Intelligence Subcommittee for the Homeland Security Committee, I previously secured $400,000 in federal funding for first responder training at the Western Missouri Regional Police Academy at Blue River Community College. Since 9/11 we have become cognizant of the importance of well trained first responders for natural disasters and threats of terror.

Mr. Speaker, please join me in congratulating the Metropolitan Community Colleges for their continued growth with the addition of the Campus Center Building at Blue River Community College. The college provides a resource that impacts economic growth by educating a work force equipped to solve future problems.

HONORING DETECTIVE SERGEANT BRAUN AND DETECTIVE BALDWIN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. HOLT. Mr. Speaker, I would like to recognize the bravery of two law enforcement officers from my district whose heroic acts will be honored by The National Association of Police Organizations at their annual TOP COPS Awards on Saturday September 11th.

While all of our nation's law enforcement officers deserve recognition for their invaluable and often unnoticed service, the TOP COPS Awards pay tribute to those outstanding individuals who performed actions that went beyond the call of duty to protect the citizens of their community. All of the award recipients displayed extraordinary courage and resolve in bringing dangerous criminals to justice.

I am pleased to recognize and share the story of two individuals from my district that have received a TOP COPS honorable mention. In October 2003, the Somerset Medical Center contacted the county prosecutor's office concerning several unexplained deaths of their patients. Detective Sergeant Braun, son of a detective lieutenant and a law enforcement officer for 24 years, and Detective Baldwin, a law enforcement officer for 12 years, began to investigate the case and quickly identified 43 year old registered nurse Charles Cullen as a suspect. Cullen had worked at more than nine medical facilities for brief periods of time in the New Jersey and Pennsylvania area, all of which had recorded an inordinate number of unexplained deaths, many occurring during Cullen's shift.

Based on the evidence these skilled investigators compiled, an arrest warrant for Cullen was issued in December 2003. The innovative, unique and ethical interrogation techniques used by these veteran law enforcement officers, resulted in Cullen's confession. He admitted to taking the lives of more than 40 of his patients, 15 at the Somerset Medical Center alone, over a 16-year span.

Thanks to these two outstanding individuals, a killer targeting the most vulnerable of victims at our area medical facilities will be brought to justice. Their efforts in this case have forced health care facilities nationwide to re-examine the hiring practices for their nurses.

I commend the dedication and commitment of Detective Sergeant Braun and Detective Baldwin to solve this most tragic and heinous crime and extend my heartfelt gratitude to law enforcement officers across the country for their service to our communities.

PAYING TRIBUTE TO KEVIN SHAEFFER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. MCINNIS. Mr. Speaker, I rise to pay tribute to an individual of remarkable courage who serves as an inspiration to many Americans. Kevin Shaeffer was the only survivor of his section at the Pentagon's Navy Command Center that was destroyed in the attacks on September 11, 2001. Kevin was severely wounded in the attack; and he has overcome many challenges on the long road to recovery. Kevin is a brave and dedicated patriot, and despite his wounds, has continued his service to his nation. I am honored to tell his story before this body of Congress today.

Kevin had been working for the Navy's Command Center for almost thirteen months as a junior action officer in the branch that dealt with naval strategy and concepts. Specifically Kevin was working on the final phases of a new service strategy for the Navy in the twenty-first century. At 9:43 a.m., Kevin's world was dramatically altered when the command center exploded in flames, blowing Kevin to the ground. He quickly rolled to douse the flames, and with the help of Sergeant First Class Steve Workman, made his way over flames and debris toward the daylight that came from the gaping hole that Flight 77 left in the Pentagon.

Kevin was placed in an ambulance and sent to Walter Reed Army Hospital to be treated for seared lungs and burns that covered forty-two percent of his body. On his path to recovery, Kevin was forced to endure intolerable pain, several skin graft operations, two heart attacks and multiple infections. He received the Purple Heart from the Navy for the wounds he sustained in the attack.

Kevin was discharged from the Navy while in the hospital, but vowed to continue in the service of this country. He found an opportunity to keep that promise by seeking an appointment to the 9/11 commission, charged with investigating the 9/11 attacks. Kevin has faithfully devoted his time and energies to the commission, and worked alongside the panel's members to develop a number of strategies for the government to consider to prevent such a terrible disaster from reoccurring.

Mr. Speaker, Kevin is a phenomenal individual who has prevailed in the course of disaster and tragedy. His tremendous courage and continued dedication to our nation certainly deserves the attention of this body and nation. I am honored to recognize his service. Thank you for all your hard work Kevin, and I wish you, your wife Blanca and your daughter Sophia all the best in your future endeavors.

MEMORIALIZING DR. CLIFFORD I. UYEDA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. HONDA. Mr. Speaker, I rise today to celebrate the achievements and the life of Clifford I. Uyeda, M.D., a dedicated human rights activist, pediatrician and a loving family man. Dr. Uyeda passed away of cancer on July 30, 2004 in San Francisco. He will be fondly remembered for his contributions to human rights and social justice issues, and for his service to the Japanese American community. Dr. Uyeda is survived by his wife, Betty Uyeda.

Clifford Iwao Uyeda was born in Olympia, Washington on January 14, 1917 to Matsutaro and Kimiyo Uyeda. He attended the University of Wisconsin and Tulane University medical school. During the Korean War, Dr. Uyeda served as an Army doctor and as a captain in the United States Air Force.

In 1953, Dr. Uveda moved to San Francisco. where be worked as a pediatrician at Kaiser Permanente for more than twenty years. In addition to touching the lives of countless children and their families, Dr. Uyeda was committed to human rights, social justice and service. He was active in many medical and community organizations and served as editor of Nikkei Heritage, a quarterly journal.

After retiring from medicine in 1975, Dr. Uyeda turned to full-time activism. In an era when the United States government did not recognize the grievances of its Japanese American population, who had been disenfranchised during the Second World War, Dr. Uyeda was instrumental in fighting for their rights.

During his tenure as president of the national Japanese American Citizen's League, Dr. Uyeda helped push for a federal Commission on Wartime Relocation and Internment of Citizens, which eventually led to a formal apology and monetary compensation for surviving internees. He was also part of the successful "Tokyo Rose" campaign to clear the name and reinstate the citizenship of Iva Toguri, an American who had been falsely accused of treason during World War II.

Dr. Uyeda was a proud advocate of Japanese American rights but, foremost, he was dedicated to social and historical justice. In 1998, he helped establish the Rape of Nanking Redress Committee to raise awareness about Japanese military atrocities committed during World War II. As president and member of the National Japanese American Historical Society, he was determined to seek and disseminate the truth, even if it was painful or incriminating.

Mr. Speaker, I rise today to mourn the loss of Dr. Clifford Uyeda. His commitment to human rights and social justice has left an indelible mark on the countless individuals he helped over his distinguished lifetime. He will be fondly remembered by his family, friends and members of the local and national communities he worked so passionately and unselfishly to serve.

PAYING TRIBUTE TO MILTON DIAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Milton Dial, a talented and dedicated Deputy Associate Director of the Department of the Interior's Minerals Management Service whose service will be missed upon his retirement. In this capacity, Milton has been responsible for the oversight of natural resources transactions between the Federal Government and the industry. Milton has been a faithful servant of the Department of the Interior and steward of our public lands for 32 years, and I am honored to recognize his accomplishments before this body of Congress and this Nation.

Milton received both his bachelor of science and masters degree in business administration from Arizona State University, and immediately began working as a supervisor auditor for the Inspector General's office from 1971 to 1979. He later moved over to the mineral management division where he has served in numerous positions such as deputy conservation manager for offshore royalty with the U.S. Geological Survey, senior technical advisor to the associate director, chief of the Royalty Compliance and the Valuation and Standards divisions, and manager of the royalty in-kind program at Minerals Management Service.

Mr. Speaker, Milton Dial is an industrious public servant who has always gone the extra mile to make sure that the job is done quickly and appropriately. I, along with my fellow Americans am indebted to him for his dedicated service to the management of our public lands. It is a privilege to recognize his efforts before this body of Congress and this Nation. Thank you for all your hard work, Milton, and I wish you all the best in your future endeavors.

DISABLED VETERANS TRANSITION ASSISTANCE ACT OF 2004

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. RUPPERSBERGER. Mr. Speaker, Mr. HOYER, Mr. JONES of North Carolina, and I are honored to introduce this bipartisan legislation to help our severely wounded soldiers returning home from the field of battle.

With the number of U.S. military deaths in Iraq moving past 1,000 this week and over 7,000 servicemen and women wounded in combat, we believe Congress must act now—before we leave in October—to help these heroes and heroines. Many of these surviving men and women now face the daunting task of rebuilding their lives with severe disabilities—soldiers who have lost a limb, been blinded or lost an eye, suffered a disabling brain injury, or disfiguring burns or wounds. They have served their country without question honorably and bravely, and they deserve our help now to transition back to civilian life as they work to put their lives back together.

This simple and straightforward bill would work quickly and appropriately to address the needs of our wounded troops. First, it honors all servicemembers in each of the U.S. Forces with deeds as well as words by helping them when they need us most. Second, it honors the Army and Department of Defense for recognizing this critical need and initiating the Disabled Soldier Support System (DS3) program in April 2004. The current program provides the Army's severely disabled soldiers and their families with a system of advocacy to assist them as they transition from military service back to civilian life. DS3 has been able to step in to advocate for soldiers and their families by working with government agencies to resolve pay, benefits, entitlements, and care issues. We applaud these efforts and believe with adequate resources they can continue to help more wounded servicemembers.

Third and most important, this bill expresses congressional support for the DS3 program and extends the same assistance to all wounded Soldiers, Marines, Sailors, Airmen, Coast Guardsmen, Guardsmen and Reservists. We believe that the Congress must adequately fund the DS3 program and expand it to include all branches of the service since all branches have served this Nation in harm's way.

While both the Department of Defense and Veterans Affairs have voiced their support for this program, DS3 is currently staffed by only 10 people and has a budget of only $1 million dollars. This bill would give the Secretary of Defense the authority to correct that by providing the reprogramming authority necessary for adequate staffing to assist the number of wounded servicemembers returning from overseas. This bill would also designate an executive agent within the DoD with the authority and responsibility to carry out the program in coordination with the Secretary of Homeland Security for all U.S. servicemembers with severe disabilities.

What these soldiers and their families must face as they return home is unimaginable to most Americans including many of us in Congress. We are a grateful Nation for all our brave men and women in uniform do to protect the very freedoms we enjoy each and every day. How we treat these new veterans as they return home will be a great test to this generation, and we believe this is a small program that can make a huge difference.

This bill has been endorsed by the National Association for Uniformed Services (NAUS), the PAV, DAV, VFW, AMVETS, and the Military Officers Association of America (MOAA), and has the support of over 40 other military and veteran organizations. We urge the leadership in both Houses on both sides of the aisle to bring this bill to the floor quickly for passage and send it to the President to be signed into law in the next few weeks. With so many severely wounded in the system now, we cannot wait for a new Congress. We urge our colleagues to act now.

CONFERENCE OF MAYORS CALLS FOR ADDITIONAL SUPERFUND DOLLARS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, th04

Mr. FRANK of Massachusetts. Mr. Speaker, as the representative of a district which contains a number of abandoned industrial sites, I have a particular interest in the Superfund program. Sadly, the priorities of the congressional majority and the current administration do not include Superfund, and as a consequence, this important environmental cleanup program has been denied the resources needed to meet the promise we have made to many American communities.

In my own district there are three Superfund sites on which I have worked hard, and where we have made some progress, but where inadequate funding threatens to deny the people of the city of New Bedford and the towns of Fairhaven and Norton the full environmental response to which they are entitled by federal law.

This is a problem of national scope, as evidenced by the fact that the United States Conference of Mayors, one of the leading voices for sensible public policies in our country, recently passed a resolution at its 72nd annual meeting in Boston calling for "increasing appropriation levels for Superfund." The resolution notes the slowdown in remediation that is taking place because of the preference for tax cuts for the wealthy over important public needs, and urges us to increase the Superfund appropriation by $300 million a year for the next 5 years.

This is a very well informed and important statement from a group of thoughtful public officials who share with us the responsibility for public policy in this country, and I ask that tne Conference of Mayors' very cogent resolution be printed here.

INCREASING APPROPRIATION LEVELS FOR SUPERFUND

Whereas, the Environmental Protection Agency has developed plans, designs, and records of decision for the remediation of large hazardous waste sites, many of them located in or near urban areas; and

Whereas, such plans, designs, and records of decision were developed at great cost and over many years, in close consultation with local and state governments; and

Whereas, EPA and its state and local partners have fielded teams capable of remediating such sites; and

Whereas, because of inadequate funding, actual performance of the agreed upon remedies has been put on hold, or slowed down; and

Whereas, because of inadequate funding some large sites, such as New Bedford Harbor, in New Bedford, MA, have been put on a 26 year cleanup schedule; and

Whereas, such a stretched out remediation is likely to greatly increase the ultimate cost of cleanup to the federal and state governments; and

Whereas, such a stretched out or delayed cleanup schedule is likely to undermine the feasibility of selected remedies, necessitating a new and expensive planning and design process in the future; and

Whereas, such delays perpetuate the public health and environmental threat posed by such sites; and

Whereas, delays in cleanup impose severe obstacles to economic development in many cities; and

Whereas, the money needs of many of the largest sites, which have been in the system for many years, have created a blockage in the system, interfering with EPA's ability to list new sites or to perform remedies at smaller sites; and

Whereas, the problems presented by large sites that are ready for construction can be resolved through an increase in appropriations for Superfund of $300 million a year for the next five years; and

Whereas, such an increase would actually reduce the cost of the Superfund program over time, and confer significant public health, environmental and economic benefits on many American cities.

Now, Therefore, be it resolved that The U.S. Conference of Mayors urges Congress to increase the appropriation for Superfund by $300 million a year for the next five years, and to dedicate such increase to financing actual cleanup at ready to go sites.

TRIBUTE TO KEN YEAGER AT THE BAY AREA MUNICIPAL ELECTIONS COMMITTEE'S 20TH ANNIVERSARY CELEBRATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. ESHOO. Mr. Speaker, I'm joined by Representatives LOFGREN and HONDA in rising today to recognize the achievements of Ken Yeager, District Six City Councilman for the City of San José and co-founder of the Bay Area Municipal Elections Committee, a four county Lesbian, Gay, Bisexual and Transgender political action group celebrating 20 years of civil rights advocacy.

Ken represents the neighborhoods of Willow Glen, Rose Garden, Shasta/Hanchett, Sherman Oaks, Cory, Canoas Gardens, Hamann Park and Buena Vista on the San José City Council. He is a graduate of San José State where he interned with former City Councilmember Susie Wilson. He then worked for Congressman Don Edwards, leaving to earn a Ph.D. from Stanford in 1991.

Ken was the first openly gay man to be elected to office in Silicon Valley when he was elected to the San José Community College Board. He has dedicated much of his impressive career to educating the community about LGBT issues and fighting for their rights throughout the Silicon Valley.

BAYMEC was founded to educate and inform, and it has raised its concerns with countless elected officials. It lobbied Sacramento on AIDS and LGBT civil rights and worked with police, fire departments, governmental, organizational, and a variety of community groups to further equality for LGBTs. BAYMEC continues to lobby for the passage of hate-crime legislation, transgender issues, domestic partnership rights and civil unions, as well as bringing LGBT sensitivity to the forefront in the domestic violence field.

During LGBT Pride weekend, Ken spearheaded the campaign to fly the rainbow freedom flag over City Hall. He worked hard to make sure that the Billy DeFrank LGBT Community Center was completed on time and chaired the fundraising committee to improve the center. Ken has also led the drive to pass a Gender Non-Discrimination Ordinance for the City and he supports providing full benefits for all married City employees, regardless of sexual orientation.

Mr. Speaker, we ask our colleagues to join us in thanking Ken Yeager for his steadfast and tireless service to his constituents and to the LGBT community. We look forward to working with him to further the causes important to BAYMEC, because until all people are treated with dignity and respect, none of us can truly be free.

PAYING TRIBUTE TO BRUCE ROCKWELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise today to mourn the passing of Bruce Rockwell of Denver, Colorado. Bruce dedicated his life to improving his community, and the entire City of Denver is indebted to him for his service. His enthusiasm for serving others resonates throughout Colorado, and I would like to join my colleagues here today in recognizing Bruce for his tremendous service to the City of Denver before this body of Congress and this nation.

Bruce grew up on Marion Street in Denver and came from a strong family that made community service a vital part of their daily lives. Bruce's father ran a small real estate and insurance business and was a respected ornithologist. His family was of modest means but constantly thought of those less fortunate than themselves, often feeding the unemployed from their own kitchen. Bruce put himself through Yale University on various military scholarships.

Bruce was devoted to the development of downtown Denver, spearheading the creation of Downtown Denver, Inc. and playing a crucial role in the development of the Sixteenth Street Mall. From 1954 to 1968, he chaired the Denver Urban Renewal Authority and aided the preservation of Larimer Square. At the same time, while serving as the CEO of Colorado National Bank, Bruce loaned talented developers the money to buy and restore numerous historic buildings.

Mr. Speaker, Bruce Rockwell set a new standard for community service and his deeds have touched nearly every community institution in Denver. His model of leadership and service will be hard to replace. I am honored to recognize the efforts of such a devoted public servant before this body of Congress. My thoughts and prayers go out to Bruce's friends and family during this time of bereavement.

HONORING THE SCHUYLKILL CHAPTER 0413 OF THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES ON ITS 50TH ANNIVERSARY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. HOLDEN. Mr. Speaker, I rise today to honor the Schuylkill Chapter 0413 of the National Association of Retired Federal Employees as it celebrates fifty years of distinguished service to Federal retirees, employees and their families in Schuylkill County, Pennsylvania.

Originally chartered as Pottsville Chapter 413 in 1954, the Chapter made recruiting and retention a top priority. By way of free luncheons, speaker series, outdoor summer picnics, catered dinner meetings, and a recruiting booth at the Schuylkill County Fair, membership spread to many towns in the county. Area-wide recruiting success was achieved when the National Association of Retired Federal Employees authorized the Chapter's name change to Schuylkill Chapter 0413, allowing them to serve a greater number of citizens.

An association such as Schuylkill Chapter 0413 achieved success through the continued hard work of dedicated members and officers. Since its first meeting, the Chapter has stood as an integral facet of the community, working to meet the needs and concerns of the community in which it serves. As a member of Schuylkill Chapter 0413, I share the profound pride felt by my fellow members as our organization reaches this milestone.

Mr. Speaker, it is a privilege to be able to recognize an organization that has been sustained for fifty years on its commitment to the people of my district and all of central Pennsylvania. I ask you and my other distinguished colleagues to join me in congratulating Schuylkill Chapter 0413 of the National Association of Retired Federal Employees on fifty years of devoted service and thank them for the many contributions they have made toward the well being of the citizens of this great Nation.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. KOLBE. Mr. Speaker, yesterday and this morning, I was in my Congressional district for the primary election and missed the vote on the following measures:

(1) On agreeing to H.R. 4381, the Harvey and Bernice Jones Post Office Building Designation Act (No. 422). I intended to vote "aye."

(2) On agreeing to H.R. 4556, the General William Carey Lee Post Office Building Designation Act (No. 423). I intended to vote "aye."

(3) On agreeing to H. Res. 754, On ordering the previous question providing for consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (No. 424). I intended to vote "aye."

BOARD OF EDUCATION, NIXA, MISSOURI, PEGGY TAYLOR, PRESIDENT

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. BLUNT. Mr. Speaker, I rise today to recognize the outstanding leaders dedicated to the education of our youth in southwest Missouri. At a time when many school systems are struggling to provide a quality education, these civil servants have settled for nothing less than excellence in preparing our students in southwest Missouri for the future.

The Missouri School Boards' Association has selected the Nixa R–II Board of Education as the State of Missouri's Outstanding Board of Education for 2004. This decision was made by a committee of school board members from among 524 districts. It is the second time that Nixa's school board has received this honor, demonstrating their unwavering commitment to education in our community.

The Nixa School Board, chaired by Peggy Taylor, has successfully lobbied local, state, and federal officials for continuing support of educational goals. Their leadership contributed to the lives of Nixa students in five general areas of significance: school district accreditation, community engagement, improved student achievement, success with school district goals and local board initiatives. Through their dedication and relentless pursuit of the goals placed before them, this school board has called attention to the strength of the education system in the Seventh Congressional District of Missouri.

Additionally, the school board has built overall trust and encouraged effective communication between the Nixa RII School Administration and the community. The District Superintendent, Steven Kleinsmith, attributes much of the school district's success to the high expectation that the Board of Education placed on itself and sought from others. Success, such as a perfect score on Missouri's Annual Performance Review conducted by the Department of Elementary and Secondary Education and earning the State of Missouri's highest accreditation possible, "Accredited with Distinction for Performance," demonstrate a demand for superior education and represents the quality of our public schools in southwest Missouri.

Today is a great day for the city of Nixa, the Nixa RII School System, and its Board of Education. I am proud to salute their leadership as an example for us all.

PAYING TRIBUTE TO DAVID THOMSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. McINNIS. Mr. Speaker, I rise today to mourn the loss of David Thomson, a lifelong Boy Scout, dedicated patriot and beloved community activist who recently passed away at the age of 87. David died at his home in Redstone, Colorado after a lifetime of service to Colorado and the nation. I am honored to stand before this body of Congress and this nation and recognize his service and accomplishments.

David was born in Glen Ridge, New Jersey in 1917, and attended his first Boy Scout Jamboree in 1937. After he attained his Eagle Scout and Silver Beaver status with the Boy Scouts he met Shirley in 1940 and married her two years later. Together with their three children John, Janet, and JoAnn they lived in North Carolina, Virginia, and Texas where David served in the Marine Corps as an aircraft mechanic instructor during World War II. After the war, the family spent fourteen months in Lima, Peru while David was an inspector for Pan American. When his stint in Peru was completed, the family settled in Golden where David took swing shifts at the Gates Rubber Plant as he finished his coursework to complete his college degree.

In 1952, David completed his degree and applied to the Boy Scouts' Western Colorado Council to serve as a district executive in Grand Junction. After 20 years of long hours on nights and weekends, David retired to Redstone. There he served as a substitute teacher for the Roaring Fork School District and operated a small library that was used to give story hours on Saturday mornings. David and his wife Shirley were very active in their local church, which prompted the pastor to name them true "visionaries". Despite his busy career, David always maintained his service with the Boy Scouts, acting as a mentor and fundraiser for the Western Colorado Council.

Mr. Speaker, David Thomson was an honorable, kind, and genuine soul who lived a long and full life doing what he loved. He touched the lives of many who have been fortunate enough to cross his path, and I am privileged to recognize the life of such a tremendous public servant. My thoughts and prayers go out to David's family and friends during this difficult time of bereavement.

THE INTRODUCTION OF THE AIR CARGO HARDENED CONTAINER PILOT PROGRAM

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to ask for unanimous consent to address the House for as much time as I may consume.

I want to bring to the attention of this Congress, legislation that I have introduced today——The Hardened Containers for Air Cargo Security Act of 2004.

This legislation is in direct response to the 9/11 Commission Report's recommendation that a blast proof container should be on every commercial airplane that handles cargo. This legislation is a proactive step that puts this much needed and much delayed technology to immediate use.

To successfully implement the hardened container program, a win-win partnership needs to be formed between the government, the air carriers and the flying public.

This legislation puts these partners together.

Specifically, this legislation creates a pilot program that does the following:

Creates an incentive program that provides assistance to air carriers to test the use of hardened containers.

Develops guidelines that determine the type of cargo that will be placed in hardened containers on a passenger aircraft.

The pilot program will test the function and interaction of the hardened containers with other components of the aviation security system. It will validate estimates of the quantity of hardened containers required in the air carriers' operations, and identify issues in logistics and control.

The pilot program will ultimately validate training and maintenance requirements required for integrating hardened containers into a carrier's fleet.

The total investment in this pilot program is $1.7 million.

As the 9/11 Commission Report has outlined, our nation must have a layered approach to aviation security. Hardened containers and the subsequent program this legislation creates, I firmly believe, must be a staple in aviation passenger security in the near future.

Hardened containers, or blast proof containers as they are sometimes called, are the last line of defense if an explosive device eludes active security measures.

We cannot rely on one technology or one security measure to protect our citizens, our aviation infrastructure and our aircrafts.

Integrating a hardened container program will compliment technology and security measure that are already in place such as Explosive Detection Systems (EDS), on ground screeners, air marshals and of course our brave flight attendants.

Since the catastrophic bombing of Pan Am 103 in December 1988, industry, the Federal Aviation Administration and the Transportation Security Administration, have developed hardened containers that safely contain the detonation of bombs that otherwise would destroy airliners in flight.

We have made the investment in this technology, now is the time to integrate it into our aviation system. The hardened containers are effective now in preventing damage to airliners by bombs considerably larger than the one that destroyed Pan Am 103.

I ask my colleagues to strongly support the "The Hardened Containers for Air Cargo Security Act of 2004" and to comply with the 9/11 Commission Report's recommendation on this very important issue.

PAYING TRIBUTE TO DAVE NORMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Dave Norman, a dedicated Colorado native who has committed himself to 30 years of service on behalf of senior citizens in Garfield, Mesa, Moffat, Rio Blanco, and Routt counties. Dave is a compassionate individual whose devotion has aided over 8,800 seniors in Colorado. He is a valuable member of his community, and it is an honor to recognize his service before this body of Congress and this Nation.

Dave received his bachelors degree from Colorado State University, and his masters degree in Social Work from the University of Denver. He has been the Director of the Northwest Colorado Area Agency on Aging for the past 30 years, which assists more than a quarter of the senior citizens in the Western Colorado region. The agency provides seniors with adult day care, home delivered meals, legal services, caregiver information, nutrition education, respite care, congregate meals and basic transportation.

Throughout his extensive career of service, Dave has found time to serve as the Director for the Northwest Colorado Council on Aging, a volunteer group that serves as an advisory board on senior needs and programs. He also served as a member and past chairman of the Colorado Aging Policy Advisory Committee for which he received an Outstanding Performance Award from the Colorado Division of Aging and Adult Services. Dave lent his expertise to several senior task forces and committees, such as the Meeker and Craig Assisted Living taskforce, the Fruita and Parachute Community Center Committee, and the Advisory Committee to the Colorado Senior Lobby Organization.

Mr. Speaker, Dave Norman is a dedicated public servant who goes above and beyond the call of duty to serve his community and his Nation. I am proud to acknowledge the achievements of a person who encourages his fellow Americans to aide our Nation's senior citizens. It is the efforts of people like Dave that help build strong and caring communities. Thank you for your service, Dave, and I wish you all the best in your future endeavors.

A TRIBUTE TO ARTHUR RIKLIN, CITIZEN EXTRAORDINAIRE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. RODRIGUEZ. Mr. Speaker, it gives me great honor to recognize today a friend and mentor who has distinguished himself brilliantly in business, politics and community. I speak of Arthur Riklin, who has lived his entire life—outside of college and military service—in my hometown of San Antonio, Texas. This Sunday, September 12, 2004, the American-Israel Public Affairs Committee, commonly known as AIPAC, is honoring Arthur for his service to the community and his steadfast support of a strong U.S.-Israel relationship.

Arthur is a leader in every sense of the word. He inspires others and leads by example. He currently serves as chairman of the San Antonio Friends of Israel Committee, a group he has nurtured and encouraged the past few years with great success. When you speak with Arthur, you can feel his passion, his commitment, and his dedication. He is an advocate who speaks from the heart about the common values and mutual interests shared by the United States and Israel.

A few years ago, Arthur spoke at Temple Beth-El in San Antonio about the impact of Judaism in his life. He spoke of his early experiences with anti-Semitism growing up in San Antonio, planting within him the seeds of political activism. He ended his talk by urging his friends to be involved in the political process to fight injustice and promote issues of importance. He explained that it meant not only voting, but also getting to know elected officials personally, to share viewpoints, and thereby be in a position to make a difference.

Arthur has done just that—he has made a difference to me and to countless others. A successful businessman whose family had little when he was a child, Arthur has given back to his community. He served five years as an officer in the United States Air Force, followed by seven years in the Reserves. He has raised money for charitable causes and given of his time generously. Arthur has served in senior leadership positions with numerous organizations, including the USO Council of San Antonio, the Rotary Club, and the National Conference of Christians and Jews. He helped establish the Judeo-Christian Studies Committee of St. Mary's University and is a lifetime member of the NAACP, both part of his lifelong effort to bring diverse people together in ways that increase understanding and break down barriers. It is no wonder that he has received the Lyndon Baines Johnson Humanitarian Award, the NCCJ's National Brotherhood Humanitarian Award or Hadassah's Myrtle Wreath Award.

Above all else, Arthur is a gentleman, a loving husband, father and grandfather. He is married to Helene Katz, also of San Antonio, and they have three children and five grandchildren. Of all his awards and honors, I know he values them the most.

Mr. Speaker, those in this House who know Art Riklin, and many of us on both sides of the aisle know him, appreciate his quiet, yet persistent voice, and we value his counsel and advice. Arthur Riklin is a gentleman and a citizen extraordinaire. May he go from strength to strength.

SENATE—*Monday, September 13, 2004*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God of all, we have heard glorious things about Your goodness. Let Your glory be over all the Earth. Our hearts make melody to You because of Your exceeding greatness. Thank You for Your faithfulness that endures forever. Today, give us steadfast hearts that we may honor You with our lives.

Be near to our Senators, giving them a powerful awareness of Your presence. Empower them in their labors to heal broken hearts and to bind the wounds of the oppressed. Remind them of the importance of reverential awe, for You take pleasure in those who delight in doing Your will.

We lift to You again our Nation's military, asking that You will use it as an instrument of peace in our world. Lord, grant us wisdom and courage for the living of these days. We pray this in the Name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we have a period of morning business until 3:30 this afternoon. At 3:30, the Senate will resume consideration of the Homeland Security appropriations bill. It is my understanding that several Members will be here to offer amendments to the legislation; therefore, we hope to make good progress on the bill over the course of the day.

Under the order from Friday, at 5:30 today, the Senate will vote in relation to the Schumer amendment related to HAZMAT trucks. It would be my hope that we would have an additional amendment ready to be voted on immediately after the 5:30 vote. Therefore, Senators should expect two votes beginning at 5:30 today.

I remind my colleagues that we need to finish this legislation either tomorrow evening or early Wednesday morning so that Senators may observe the Rosh Hashanah holiday, which begins Wednesday. Given that time constraint, I encourage Members to show restraint during the amendment process. We will need to have a full day and possibly a late evening tomorrow in order to complete the Homeland Security appropriations bill. I know my colleagues concur that this is an important piece of legislation that we should not, will not, delay.

I also inform Senators we are working on agreements with respect to other appropriations measures, and I will continue to consult with Democratic leadership in an effort to expedite those bills as well.

I thank everyone for their attention as we begin these busy days of the session.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for debate only until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Who seeks recognition?

The Senator from Texas is recognized.

MEDICAL LIABILITY REFORM

Mr. CORNYN. Mr. President, it was 1 year ago today that the voters in my home State of Texas passed proposition 12, a referendum that paves the way for substantive medical liability reform and provides hope that quality health care will win out over the interests of a handful of politically powerful personal injury lawyers.

The people of Texas spoke, and the doctors across the State are reopening their doors. In fact, two obstetricians in the small town of Fredericksburg, TX, announced their return with an advertisement in the local newspaper that proclaimed: "We're Back!"

One of these obstetricians, Dr. David Cantu, had been working for more than 10 years as an obstetrician with no claims, but he and his partner had to quit practicing obstetrics because of the cost of insurance. Dr. Cantu's overhead was hitting 100 percent, and he had a 3-month stretch with no pay.

As soon as they stopped delivering babies, the practice saw an immediate decrease in insurance costs, but their patients were forced to travel elsewhere to have their babies delivered. This was doubly difficult for them considering the fact that 70 percent of Dr. Cantu's patients are Medicaid patients, and 40 percent were Spanish speaking.

But with proposition 12, Dr. Cantu and his partner are now able to deliver babies again. Proposition 12 has placed a $250,000 cap on noneconomic damages in medical liability cases. When Dr. Cantu was asked, How has that helped you and your patients, he said:

> Because now I come out ahead instead of paying to be an Obstetrician. Prop. 12 made the practice of Obstetrics affordable.

When it comes to health care, I strongly believe the proper role of Government is to protect the freedom of all of us to improve our own health and to deal with our own health care needs. We must ensure that decisions about a patient's health are not made by the Government but by individuals and families; that is, between the patient and his or her doctor.

Patients and their doctors—not lawyers, not bureaucrats—should be trusted to decide what treatment is best for them. I strongly believe when people have good choices in health care, it ultimately translates into higher quality and better care.

Dr. Cantu's story shows us that our current medical liability system is the biggest challenge we face in this regard. Our current system is wasteful and dangerous, and it too often serves the interests of greed, not justice and common sense. The overall results of our current system are sky-high costs for liability insurance, costs that have created a crisis of enormous proportions—a crisis that is threatening quality of care, diminishing access to care, and exploding the cost of care.

But there is hope. Evidence is mounting that reforms such as proposition 12 in the State of Texas are working. We can see that in real terms and not just because of advertisements of doors to doctors' offices reopening. Even though these reforms have been in place for only 1 year in Texas, early results are encouraging.

After a decrease in Texas insurance carriers from 17 to 4—that is the number of medical liability insurance companies that would actually insure a physician or a health care provider against medical liability claims—proposition 12 has created an environment where 10 different carriers have now sought reentry into the Texas market to write physician policies. The largest insurer in the State, Texas Medical Liability Trust, reduced its premiums by 12 percent. A Texas hospital association survey shows, for hospitals in our State, a 17-percent reduction across the board.

Why this response? Lawsuits against hospitals are down 70 percent from last summer's race to the courthouse, when Texas courts were flooded by personal injury lawyers with more than 10,000 medical malpractice lawsuits, shortly before voters approved proposition 12.

Let me repeat that because it is important for everyone to understand. Knowing that proposition 12 was likely to pass, personal injury trial lawyers filed more than 10,000 medical liability lawsuits shortly before the reform was to take effect in order to beat the people's mandate that health care should be more widely available and, certainly, medical liability insurance available more readily to more physicians. Why? To help doctors, to help hospitals and the corporations that own those hospitals?

Everybody knows that corporations don't practice medicine, and the only way you can get your baby treated or yourself treated is to have a doctor who will see you. So what we are talking about is not a benefit directly to doctors or the hospitals; what we are talking about is a benefit to patients—in other words, to all of us—as a result of this commonsense reform.

The best news is that doctors such as David Cantu are responding. In Austin, 16 new obstetricians have started their practice in the last year, reversing a trend over the previous 2½ years when Austin lost 16 obstetricians due to the medical liability crisis. Driscoll Children's Hospital is recruiting close to a dozen new pediatric specialists, three neonatologists, two cardiologists, a hematologist, a general surgeon, and four other specialists, something they could not do under the earlier environment.

These successes are not limited to just the State of Texas. A recent study by the Rand Institute found that California's 1975 medical liability reform, known as MICRA, reduced defendants' liabilities by 30 percent and plaintiffs' attorneys fees by 60 percent. That was a means to an end because the result in California has been that insurance rates have actually risen at a rate of about two-thirds of what the rate has been in the rest of the Nation. These are signs that reforms such as proposition 12, or California's MICRA, have worked. Yet still we find that in the U.S. Senate today, we are unable to get a solution for families all across the Nation in States that have no such reforms in place. This is a national problem and it calls for a national solution.

I want to say a few words about our Nation's need for serious medical liability reform and the U.S. Senate's appalling refusal to address that problem with real solutions. Unfortunately, special interests continue to win out over mainstream America, and our health care system continues to bear the burden of costly and frivolous lawsuits. We see that medical care and medical liability insurance rates continue to grow unabated.

I couldn't help but notice this quote from Senator KERRY at the Democratic National Convention in his acceptance speech. He noted specifically:

> Since 2000, four million people have lost their health insurance. Millions more are struggling to afford it. You know what's happening. Your premiums, your co-payments, your deductibles have all gone through the roof.

I am actually very pleased to hear this acknowledgment by the Senator from Massachusetts, recognizing the seriousness of our situation. He is right about one thing: These are real problems, and they deserve real and immediate solutions.

With all due respect, he and some of our colleagues in the Senate continue to avoid the most obvious and primary cause of escalating health care costs and the decrease in availability of medical liability insurance and the consequential lack of access to real health care—that is, runaway lawsuits.

Three times in the 108th Congress alone Republican leadership has brought meaningful medical liability reform to the Senate which, if passed, President Bush would readily sign into law. This chart shows three different bills that have been brought to the Senate floor by the majority leader: S. 11, the Patients First Act of 2003; S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act; and S. 2207, the Pregnancy and Trauma Care Access Protection Act.

Over a year ago, the majority leader brought forth a comprehensive reform proposal known as S. 11. Earlier we brought forth two additional proposals which dealt more with specialty practices such as obstetricians who deliver babies and emergency room physicians, hoping that even if we were not able to get broad medical liability reform, we might be able to achieve it for those specialties that are most acutely affected and where access to health care hits the hardest.

I do not begin to claim that the legislative proposals we have advanced were the only solution to the problems. Indeed, I applaud other reforms. But it is clear, as this chart indicates, that each time we have tried to come up with a solution, we have been denied an opportunity to go forward with the debate and to have amendments, if any Senator wished to offer amendments, and to try to get good, commonsense medical liability reform that would increase access to health care.

I don't believe medical liability reform is the only problem that confronts our health care system today. I applaud many other reforms that have been proposed by the President and others, including the innovation of health savings accounts, which were part of the Medicare bill we passed about a year ago, and the use of new technology to make the practice of medicine more efficient and to reduce the likelihood of medical errors. These and other reforms do represent commonsense proposals that hold great promise, not only for improved health care but to make sure the cost of health care remains affordable and thus more available to more people.

Above all, it is clear that any of these bills would offer much-needed relief to the health care system brought to a state of crisis by politically powerful personal injury lawyers in as many as 23 States across the country. I find it sad that any special interest group—and the Senators voting according to the wishes of those groups and not the American people, a list that includes the Democratic nominees for President and Vice President—has denied us the opportunity on each of these three occasions to begin the debate, begin the legislative process, and hopefully accomplish meaningful reform and improve access to health care. But we were denied even the chance to debate and vote on the issue, even when a bipartisan majority of this body agrees that we need reform and we have the tools to effect that reform within our reach. Their choice to deny us that opportunity was not ours; it was theirs. To this day, those who obstruct meaningful medical liability reform leave the American people with the sad reality of the status quo, a broken civil justice system and little hope for a national solution.

While the problem persists in all aspects of our health care system, the crisis is particularly acute among specialty doctors—for example, neurosurgeons, brain and spinal surgeons, emergency room physicians, and, notably, obstetricians and gynecologists, the doctors who actually care for women who are pregnant and who deliver their babies. A handful of powerfully connected personal injury lawyers is seriously jeopardizing patient care for women and their newborns. I and others find that completely unacceptable.

Across the country liability insurance for obstetrician/gynecologists has become prohibitively expensive. Premiums have tripled and quadrupled, leaving OB/GYNs without the ability to get liability insurance at all as insurance companies fold or stop insuring doctors.

This last week, the Washington Post wrote an article on a malpractice insurer, known as NCRIC, right here in the District of Columbia, which is "feeling the squeeze," losing over $4 million in 2003 alone.

This chart shows that 23 States are on red alert—in a medical liability crisis—while just 3, including Texas, are in crisis pending effect of reform. Others noted by the hash marks on the chart are those where the crisis is still brewing.

These skyrocketing medical malpractice premiums literally are driving physicians out of business and leaving Americans without access to quality health care. Between 2002 and 2003, rates rose as much as 40 percent in some States, with the impact hitting specialty doctors such as obstetricians/gynecologists the hardest.

When an OB/GYN cannot find or afford medical liability insurance, they are forced to stop delivering babies, forced to curtail surgical services, or close their doors altogether. Now more than one in seven across the Nation is simply leaving the profession and walking away.

For example, in my home State of Texas, the entire obstetrics unit at Spring Branch Medical Center in Houston was forced to close just prior to an expected 2003 increase of 67 percent in the hospital's medical liability premiums.

Today, because the effects of proposition 12 have not been fully realized, out of 254 counties in Texas—one of the States in crisis pending effect of the reforms—more than half of the counties in Texas simply do not have available a single doctor who specializes in delivering babies. In many cases, doctors simply chose to stop serving certain patients to avoid costly litigation; or even if they were not involved in litigation, they were still forced to pay ultra-high medical liability premiums, making it simply impossible to make ends meet.

One rural obstetrics/gynecologist who serves mostly Medicaid, or poor patients, was forced to stop seeing high-risk patients altogether because his insurance premiums had increased 300 percent.

The effects are felt almost entirely by the poorer members of our society who depend, of course, on Medicaid to help them with their health care premiums.

Perhaps most disconcerting of all, however, is the trend of doctors engaging in defensive medical practice. When we ask why is the cost of health care going up so dramatically and why are health care premiums paid by employers or by self-employed persons going up so dramatically, it is in part because of the effect of defensive medicine—physicians who provide tests and services, not because they think it is medically indicated but because they simply want to defend themselves against a potential lawsuit.

According to the Department of Health and Human Services, a majority of doctors say they recommend invasive procedures and painful tests they consider unnecessary in medical terms in hopes of avoiding litigation. That is the point we have reached.

The most basic principles of justice require that we embrace national reform as soon as possible, striving to protect access both to the courts and to our hospitals and to physicians. As a matter of principle, those who are wrongly injured deserve their day in court; there is no question about that. We all agree. If a doctor is responsible or negligent, he or she should be held fully accountable. But the sad fact is that the current system does not foster accountability. Instead, it has nearly destroyed any hope for quality and affordable health care in America. The time for that to change is now and we must change it.

It is time for Congress to act and to provide a national solution so all Americans can benefit from medical liability reform, so all Americans can open their newspapers and see an advertisement from their neighborhood doctor, who may have once been forced out of his practice now happily, proclaiming: We are back.

I yield the floor.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. Mr. President, I wish to make some comments on intelligence reform, an issue that is a real focus for the Senate, with activities both on the floor as well as off the floor and most of it in committee and task forces right now.

Before doing so, I thank my colleague from Texas, who so carefully and deliberately and comprehensively laid out a huge problem that, as he said, affects access to health care now. As he described it, obstetricians and gynecologists are leaving the practice of delivering babies and getting out of taking care of women who need it because they simply cannot afford it any longer. Trauma surgeons and centers are stopping doing surgery, not because they want to, but they cannot afford to and still provide for their family.

The driver for those OB/GYNs, the trauma centers, neurosurgeons, and orthopedic surgeons is the liability system that is out of control. It used to be that people would talk about it and it didn't have much traction with the American people because they would say those doctors make so much money and they can take care of it. But when you have neurosurgeons paying $400,000 a year just for liability insurance, you simply cannot keep delivering care. If it is $100,000 or $200,000, you can pass it on to the patients. But remember, the skyrocketing premiums are costing the American people—you, the people listening to me, who are having to pay more for health care—because it drives the cost up.

I very much appreciate him coming to the floor and addressing that issue. Health care costs right now are increasing each and every year. We all know that and it is our obligation to address that. It is about 15 percent of our gross domestic product right now. Whether that is too much or too little, the point is, it is going up, and one of the big drivers of that is the medical liability cost.

Americans deserve affordable health care, reliable health care, accessible health care, and good quality health care. We are getting to a point where we simply cannot afford it; thus, as we look to the future, and whether it is in individual Senate races or the Presidential race, I encourage the American people to ask these questions: Who is addressing the root causes of these escalating costs in health care? Is it Democrats or Republicans? Is it the nominee or the incumbent? Is it President Bush or nominee Kerry? Who is addressing the root causes of driving these costs sky high and out of everybody's control, when ultimately the American taxpayer pays it, and your premium is going to go up, whether or not you are involved in a lawsuit, because that cost is passed on to you.

As my colleague pointed out on the floor, on three occasions, we have addressed the root cause—these frivolous lawsuits, the personal injury lawyers, who are putting money in their pockets instead of the pockets of the victims who may have been hurt; or the predatory personal injury lawyers—not all of them but the ones filing frivolous lawsuits, in order to hit that litigation lottery and line their pocketbooks. We have tried to do this three times unsuccessfully basically because of the Democrats—not all because one voted with us. They said they were not going to discuss it on the floor of the Senate. So I think it is an issue that we must address, and I appreciate our distinguished colleague bringing it to the floor. It is an important issue that we have to address on this floor and I think will play out in races across the country. Who is for reasonable, commonsense medical liability reform which allows obstetricians to keep delivering babies, trauma centers to stay open, and allows doctors to do what they want to do, and that is to practice medicine and take care of patients, instead of driving them away. It is as simple as that.

We are going to try to get it before the Senate, probably not in the next 18 days we have left in our legislative session, but we will bring it back again and again until we are successful.

I should mention as an aside as well, in the Presidential race, it is important, as we look at who is addressing the root causes in terms of a vision for health care, we do need to take a look at the health care plans.

The American Enterprise Institute released today a very good paper—I am sure there will be other papers—that looked at the Kerry health care plan and said it is going to cost $1.5 trillion. That is twice what the Kerry campaign has said.

Mr. President, $1.5 trillion is huge. The only way it can be paid for, obviously, is by increasing taxes on everybody—everybody. I encourage people to look at that document.

INTELLIGENCE REFORM

Mr. FRIST. Mr. President, I do want to bring people up to date—and I will be brief—on where we are with the Senate intelligence reform initiatives in light of the 9/11 Commission. Over the next several days, we will have a very busy week. It is cut a little bit short by the Jewish holidays. I believe our central focus in this body, given the fact we have so few legislative days, must be on the security of the American people, and that means the bill that is currently on the floor that we are turning to and will be voting on one of the amendments at 5:30 p.m. today, the Homeland Security appropriations bill.

It says "Homeland Security" appropriations. We have had good debate. We all hope to pass that bill late tomorrow night or Wednesday morning for sure.

Second, we need to focus on reforming our intelligence community, something people do understand—broadly the American people understand—that is reflected in the 9/11 Commission recommendations, the update of that report, the discussion of that report, and we have responded aggressively in terms of hearings, recognizing that reform should be done now, not knee-jerk but deliberate reform, and begin it in a way that will have an impact to make our intelligence better, to make our intelligence sharing among our various entities better, that makes our oversight better.

Last week, the leadership on both sides of the aisle, on both sides of the Capitol, met with the President of the United States, who presented his plan for reorganizing the intelligence community. It was a good meeting. It was a productive meeting. There was a good discussion by the participants. The general consensus was we need to respond quickly but also very responsibly, and that really is our charge.

We are responding to the reform we all know needs to occur, but it was spelled out by the 9/11 Commission. It does not mean we should take every recommendation and do exactly what they said, but it means we need to look at those recommendations, study them, get new information, make them even more current, and then act on many of those recommendations.

The President mentioned that they in the administration have addressed 36 of the recommendations. There are really two recommendations that apply to reorganization of this body, 39 to the executive branch, and the administration has addressed 36 of those 39 recommendations.

Before we recessed in July, Senator DASCHLE and I announced that the Governmental Affairs Committee would be the vehicle, that they would have the responsibility for leading the reorganization of the executive branch, the branch outside the legislative branch.

For our internal reorganization, we announced a task force that is led by the leadership, represented by the majority whip, Senator MCCONNELL, and the minority whip, Senator REID, that would address the recommendations of Senate oversight.

The McConnell-Reid task force is meeting to discuss the whole range of options that have been put on the table, several of which were put on the table by the 9/11 Commission. Indeed, there are a lot more options that are available to be discussed and debated, and then to make a proposal as to what, based on all of this input, would be most appropriate, most responsible for this body to do, to accomplish that Senate oversight of intelligence and homeland security.

It is a bipartisan effort. When we talk about safety and security of the American people, politics falls aside pretty quickly. Senator DASCHLE and the Democratic leadership and the leadership on our side are working closely together to address the challenges before us. We have tapped into the expertise of the Congressional Research Service and other outside experts in a search for additional or other ways and means to improve Senate oversight.

The McConnell-Reid task force will meet several more times over the coming weeks. They will be assessing the 9/11 Commission's proposals, as well as other proposals. Our goal is to get a resolution to the floor before the Senate adjourns on October 8.

Meanwhile, the arm that I mentioned, the Governmental Affairs Committee arm, led by Senators COLLINS and LIEBERMAN, continues to make steady progress. Last week, the Governmental Affairs Committee held a briefing with Robert Mueller, who is Director of the FBI, and John McLaughlin, who is Acting Director of the CIA. This morning they held another hearing with Secretary of State Colin Powell and Secretary of Homeland Security Tom Ridge.

I mention all these hearings so my colleagues and the American people know we are aggressively addressing these issues. We can expect more hearings to be held this week and in the weeks ahead, culminating in a draft bill that will be marked up that week of September 20. The bill will address the 9/11 Commission's key recommendations dealing with the establishment of a national intelligence director—we are using that little acronym NID—as well as the creation of the National Counterterrorism Center, as well as the proposals of the reorganization of the executive branch.

The committee's bill will reflect the views and the input of a number of Senate committees and Members of Congress, as well as proposals that are put forth by the President and the White House.

I am confident that the Governmental Affairs Committee product will serve as a strong, comprehensive, and serious bill that will be the baseline for our deliberations on the floor of the Senate on September 27. There will be a continuation of hearings. The main action on the Senate floor will begin soon.

I do want to show my colleagues and the American people that the Senate is moving deliberately, quickly, and in this bipartisan manner to address these national security needs.

As I said at the outset, our highest responsibility is to the safety, the security of the American people. We are working hard to meet that responsibility to move America forward, and I am confident we will get that job done. Over the course of this week, we will continue with the appropriations bills and, as I mentioned in my opening statement a few minutes ago, we are working out an agreement to address the next appropriations bill. Hopefully, we will be able to announce that either later today or tomorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Florida.

EMERGENCY ASSISTANCE FOR FEMA

Mr. NELSON of Florida. Mr. President, before the majority leader leaves, I spoke with the chairman of the Appropriations Committee as he was leaving the floor and inquired as to what he is anticipating. He told me that he is anticipating there will be a House bill that would be sent sometime today on emergency assistance for FEMA and, I assume, other agencies as well.

If that is the case, then that is new information, and we can proceed on that basis. That, in large part, is the commentary I am wanting to make, having just come back from Florida, visiting a number of the devastated areas. We will await the latest information on handling that information tonight.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I thank our distinguished colleague from Florida for his leadership. We were on the floor talking last Tuesday and Wednesday and will continue talking every day about the real tragedy that has gone on with the people of Florida and that whole part of the world as a result of the assault by Mother Nature again and again.

I pledge to him we will continue this dialog. He understands our commitment from the leadership—Democrats and Republicans—to address the issue of the flow of funds and that the resources necessary to respond in a responsible and quick way are first and foremost and that we will be right there and will continue to work over the course of today and will update each other as to the best, quickest, and most responsible way to address the issue.

Mr. NELSON of Florida. It does not look as though we are going to be spared the third one because the latest track, as of 11 this morning, now has it moving back east, hitting the Florida coast somewhere around Destin and Fort Walton, whereas this morning's track had it going into some place like Pensacola. The only good news is it is not coming back to that part of Florida where the two other hurricanes crisscrossed and hit the same area of central Florida. Of course, the last storm was so massive that it virtually covered up the entire State, not only with the deluge of rain but with whipping winds, so that its winds, albeit not a category 4 like Charley was, nevertheless did a great deal of damage.

As the majority leader exits, I am going to tick off a number of those particular estimates. It is rather extraordinary. I thank the majority leader for working with me on behalf of the people of Florida.

Mr. President, I have returned from Florida and I will tell my colleagues about some of the devastation I have seen over the course of this past weekend. Our folks are hurting and a number of their needs are unmet. As of this morning, some 8 to 9 days after the last hurricane, Frances—and, remember, we have been hit twice in a row, first with Charley and then with Frances—there are still about 350,000 people in Florida without power.

Now, if one is a young person, such as a lot of our pages, they can make do. But if one is a senior citizen and has special needs, particularly with lifesaving equipment, and does not have any electricity in the house, it is very difficult to be able to exist. Thus, we have to take special-needs folks and put them in shelters and then, if a shelter does not have electricity, provide by generators the electricity in order to run the particular machines that are lifesaving machines.

Of course, this is beginning to wear thin on a lot of our folks in Florida and yet they have such an optimistic, can-do spirit. They are going about the process of rehabilitating themselves and repairing all of the damage and cleaning up from all of the destruction, but they are looking forward to what the Federal Government does, one of its charter reasons for existing, and that is protecting its people in times of disaster.

My colleagues heard my exchange with the majority leader on the necessity for us to pass this special legislation because last week FEMA ran out of money. We had to pass a special $2 billion appropriation, but all of us knew that was not even going to take care of the expenses for FEMA for the first hurricane, which was Charley. So now we have to have an additional package of at least $2.5 billion that includes not only FEMA but also a host of other agencies, such as the Department of Agriculture; the Small Business Administration, which offers low-interest loans to businesses and individuals; the Department of Agriculture because we have extraordinary crop losses in Florida as a result of these two hurricanes, the Department of Transportation for the damage that has been done particularly to airports in Florida; for the military, the damage that was done to Patrick Air Force Base, and NASA at the Kennedy Space Center, as well as the American Red Cross, and economic development funding.

There are news accounts going around right now about the President sending a disaster package requesting $2.5 billion, and that it may include FEMA, the Small Business Administration, and NASA. But what about all the other agencies? Conspicuously absent is the Department of Agriculture. That is why I sent a letter to the President on Friday and pointed out the Florida Department of Agriculture has estimated that Florida agriculture itself suffered to the tune of $2 billion in losses due to those two hurricanes.

For example, most people do not realize we have a huge nursery industry in Florida. We have one of the biggest fern industries in the world. Nurseries have suffered a half a billion dollars in damages. Citrus growers, a half a billion dollars in damages; sod producers, $300 million from the standing water.

You will have to excuse my raspy throat because, in and out of all of the elements, the gremlins grabbed hold of my throat. But I am going to croak it through so that people understand we really have some losses. Cattlemen, $100 million; dairy producers, about $12 million; timber, $150 million. The need is great. It is in an industry, agriculture, that is huge in Florida. It is a $62 billion-a-year industry in Florida.

I mentioned the Federal Aviation Administration under the Department of Transportation. It estimates $64 million in losses, and that includes about $50 million in losses to the Orlando International Airport. There is $12 million in losses, almost total, to the little Charlotte County Municipal Airport where it was ground zero and where the Charlotte County Emergency Operations Center had the roof ripped off when Charley hit with 145-mile-an-hour winds.

Last week, I participated in a hearing with the NASA Administrator. The highest winds, interestingly, were recorded in a gust at the Kennedy Space Center, 120 miles an hour. This is from Frances, the second storm. They are estimating $100 million in damage. That took 900 panels off the big vehicle assembly building. Those panels are huge, 10 feet high and about 4 feet wide. They are out, and there are 900 open windows now into the vehicle assembly building where we assemble the stack of the space shuttle vertically. So that is another $100 million.

If you look back to Hurricane Andrew, its supplemental—which ended up costing over $6 billion for the Federal Government, and that was 12 years ago; that was the monster hurricane—that even included $75 million for the Economic Development Administration, which had a lot of projects, including dislocation caused by the hurricane and replacement of such things as sewer and water treatment facilities and the construction of a drainage system to deal with the flooding.

I mentioned Patrick Air Force Base, the military. It suffered. Also the National Guard, the Navy, the Air Force, the Coast Guard—they all report funding needs into the millions because of those storms.

I wanted to lay the predicate for this request when it comes over. When the White House sends their request, if it is $2.5 billion, it is not going to start to cover all the things that are needed. If that is what comes to us with the House originating this legislation tonight, then this Senator is not going to have any choice but to accept this so we can go ahead and get something over to the White House to be signed into law because of the many needs we have. Yet there is going to be more to come in the future, and we will have to identify those. I want to make sure, in these requests that are made by the White House and then in whatever the House passes tonight, that we do not forget these additional needs such as Florida agriculture where the damage has been so significant.

That is my story. I am going to continue to tell this story like a broken record. As I go home and I come back and I go home and I come back, I will continue to help out these folks who are suffering, these folks who are so courageous in the midst of the utter devastation around them.

If two storms were not enough, we have another one coming. I was thinking over the course of the last 24 hours that we might be spared this, that it might inch on out there in its track to the west. It is now, as we speak, starting to round the western end of Cuba, between the west end of Cuba and the Yucatan Peninsula of Mexico. But now the track, instead of sending it further west out of Florida, has it coming back.

I see my colleague from Florida, my distinguished senior Senator, is here. Just to share with him the latest 11 o'clock advisory from this morning, instead of coming in at Pensacola, it has now moved back east in the area of Destin, WaterColor, San Destin, that area. It doesn't look like we are going to get spared the third hurricane.

My family has been in Florida 175 years. I know there have been times in that span of time where we have had back-to-back hurricanes, but not hurricanes of the magnitude of a category 4 and then a category 2, a category 2 that had gusts up to 120 miles an hour, which is category 3. But never have I heard where we have had three major hurricanes in a row all hitting the same State. Mind you, as Hurricane Ivan is rounding the tip of western Cuba tonight, it is a category 5, and as it comes around Cuba, what does it hit? It hits the warm waters of the Gulf of Mexico. Unless there is some shearing action at the top of the hurricane, it is even going to intensify more from the 160-mile-an-hour winds it has right now. No State should have to suffer three big ones in a row, yet this is what we are facing.

I ask, I implore, I plead with my colleagues, don't hesitate a moment to help our people in Florida.

ASSAULT WEAPONS BAN

Mr. NELSON of Florida. Mr. President, before I get into this hurricane discussion, my eye caught an Associated Press newswire out early this morning. A Miami-Dade County police officer was shot several times after a driver she stopped fired nearly two dozen bullets at her with an AK-47 assault rifle.

The assault rifle ban has been in effect for over a decade. According to the Department of Justice, it expired this past weekend and now AK-47s are allowed to be purchased under U.S. law.

My family has been in Florida 175 years. I grew up in the country. I grew up on a ranch. I have hunted all my life. I have a son who is an avid hunter. We enjoy the outdoors, but we do not hunt with AK-47s. AK-47s and assault rifles are for killing, not for hunting.

Why is it that law enforcement, at every level of government—Federal, State and local—is against terminating this law that prohibited the sale of assault rifles? Why is law enforcement opposed to the termination of this law? For exactly this reason: A Miami-Dade County police officer was shot two dozen times by an AK-47. I rest my case, and I think it is a sad day that we could not reenact an extension of the law on the abolition of assault weapons, primarily for the sake of law enforcement.

I am a defender of the constitutional right to bear arms. I am a defender of the right to have guns of all kinds except when getting to the common sense that it is not worth it in our society to be able to purchase AK-47s.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, as he leaves, I would like to commend Senator NELSON, my good friend and colleague, who has given an enormous amount of attention to two disastrous hurricanes that have already hit our State, both before and in the aftermath. He is now continuing that as we face yet another hurricane in our State.

I extend my appreciation, admiration, and, as a Floridian, my thanks.

INTELLIGENCE REFORM, III

Mr. GRAHAM of Florida. Mr. President, on Saturday the Nation paused to observe the third anniversary of the horrible tragedy of September 11, 2001. In the first hours and weeks after the attack on the World Trade Center and the Pentagon, the Nation was shocked by what had been the unthinkable—a terrorist plot carried out on the soil of the United States of America.

We have seen grisly images of terrorism on our television screens from the Middle East, from Africa, from the Baltics, even from Great Britain. But now we have been hit here at home seemingly without warning, without the chance to have prevented the loss of over 3,000 innocent lives.

We now know that the terrorist attack of September 11 was the result of a sophisticated plot, a plot that developed over many months, a plot that required the coordination among a number of individuals and we know that had our national intelligence agencies been better organized and more focused on the problem of international terrorism this tragedy would have been avoided.

Incredibly, it is now more than 3 years after that tragic event and the basic problems in our national intelligence community that contributed to our vulnerability on September 11, 2001, are now for the first time being seriously considered. Let me be clear.

These problems were not a mystery before September 11. Before September 11, there had been a series of reviews of our national intelligence, reviews of our national intelligence in the context of terrorism and a series of very similar conforming recommendations. These weaknesses that contributed to September 11 were well known. They were well known by the administration and a majority in this Congress. What had occurred is that they had been essentially dismissed.

I am delighted that the good work of the 9/11 Commission has finally shaken the administration and my colleagues out of their lethargy.

In my last statement I identified five major problems and challenges of the U.S. intelligence community. Today I would like to suggest the direction the reforms should take in response to each of these problems and challenges.

First, the failure to adapt to a changing adversary and a changing global environment.

In the final report of the congressional joint inquiry, we optimistically stated:

> The cataclysmic events of September 11, 2001 provided a unique and compelling mandate for strong leadership and constructive changes throughout the intelligence community.

However, the record is that since September 11 the intelligence community has been slow to accept the concept that a non-nation state can challenge the United States of America. We are all familiar with those scenes immediately after September 11 when the finger of responsibility was pointed not at al-Qaida, not at the Taliban, not at the place in which the terrorist plot had emerged but, rather, to Iraq because only a nation state could carry out a plot as complex and as devastating as September 11. We have taken only first steps to understand the real enemy, international terror.

Satellites will not give us the understanding, the capability, nor the intentions of Osama bin Laden. Yet the allocation of our intelligence resources continues to be dominated by the maintenance of the cold war satellite architecture and the development of yet a new generation of satellite technology. The recruitment and training of human intelligence agents has accelerated but remains inadequate. A sense of urgency is required to dramatically increase the number of men and women in the intelligence agencies with the command of the languages and the cultures of the Middle East, Central Asia, and China. In none of our intelligence agencies is this failure to transition to new threats and to new demand more evident than in the Federal Bureau of Investigation.

The FBI is, first and foremost, a law enforcement agency and it deserves its reputation as the best in the world. In that important responsibility, the priorities and professional rewards are for investigating a crime after it has occurred, arresting the culprit, providing the court admissible evidence to secure a conviction, and sending the criminal to jail. That is not the orientation of an intelligence agency. There the objective is to understand the threat before the act has occurred so the plot can be interdicted.

So what should we do? The United States can begin by learning a lesson from our foe.

Since our unfinished war in Afghanistan, al-Qaida has regrouped and decentralized. It has established alliances with terrorist groups in over 60 countries. This may seem counterintuitive, but in public administration there is an admonition that in order to decentralize, an organization must first centralize.

Since their inception, the intelligence agencies have focused on their specific assignments, such as the collection of communications or the analysis of visual images.

As an example, the National Reconnaissance Office is paid to think about the capabilities of the next generation of satellites, not whether the relative importance of satellites in relation to human intelligence is declining. The larger realities—such as the changed nature of our enemies—go underattended. That is why the joint inquiry recommended that we centralize greater control over the intelligence agencies in a director of national intelligence to "make certain the entire U.S. intelligence community operates as a coherent whole."

Once the agencies are retrieved into a coherent whole, I would then recommend that they, as the combined military commands of Goldwater-Nichols, be then decentralized around specific missions such as countering global proliferation of weapons of mass destruction and terror.

This new architecture would itself be subject to constant change as old threats decline and go away and new ones emerge to replace them. Such a structure would require constant attention to these questions: Who is the enemy today? Who is the enemy likely to be tomorrow? And what do we need to know in order to successfully confront this enemy?

A second reform designed to keep the intelligence community focused on both today and tomorrow is to increase the linkages between the intelligence communities and other sources of information and analysis. There have been some successful attempts to reach out to, for instance, academic programs and private sector think tanks. These initiatives should be expanded and integrated as a permanent component of the intelligence agency rather than an occasional effort.

I also believe the intelligence communities need to reach out to the consumer. Just as in a commercial venture, where the needs and desires of the consumer drive the success of the provider, the intelligence community should do likewise. What a difference it might have made if before September 11 someone had worked with the administrators of our most vulnerable systems—airlines, seaports, power, and industrial plants—to understand their vulnerabilities and assess whether current intelligence would indicate the need for change in their traditional means of operation in order to harden them from terrorist attacks.

It was no mystery that terrorists were considering using commercial airlines as weapons of mass destruction. That had been discussed for the better part of a decade. The problem was we did not connect that information with those who had a responsibility for the safety of commercial airlines.

Finally, if we are to recentralize our intelligence agency so we can then decentralize based on specific tasks, we need to change the position of the Director of Central Intelligence. Since 1947, when the intelligence community of the United States was first established, the Director of Central Intelligence has also been the head of the CIA. Given the divergent responsibilities of both jobs, that needs to be changed.

To give an analogy, we do not ask the Secretary of Defense to also be the Secretary of the Army. Each job has its own special perspectives and responsibilities. Yet that is essentially what we are doing with a merger of one of the intelligence operative agencies—the CIA—with the head of the individual who is supposed to have a view across the entire intelligence community. The head of the central intelligence function is designed to be one who can make strategic decisions regardless of how they affect the CIA or any other specific functional agency. It is time, today, to apply the same rule we have applied since immediately after World War II to our military, to our intelligence community.

A second failure of intelligence is the repeated instances in which the intelligence community has failed to provide strategic intelligence. Our late colleague, Pat Moynihan, as the Presiding Officer knows, used to have his seat in the back row, middle section of the Chamber of the Senate. From there he often complained that while the United States intelligence services can provide us with information on how many telephones there were in the Kremlin and information on how many sailors man the latest class of Soviet warships, the intelligence community had not been able to figure out that the Soviet Union was on the verge of collapse due to its weakening economy. Sometimes that kind of information gleaned both from publicly available sources and a knowledge of the country, rather than wiretaps and satellites, is the most important information there is.

Senator Moynihan had a solution. He wanted to abolish the American intelligence agency. I believe the need to collect, analyze, integrate, and disseminate intelligence is too great. Instead, rather than abolition, we need a series of reforms designed to enhance the gathering of strategic intelligence. For starters, the President should direct the next Director of Central Intelligence, whatever title he or she might have, to expand the number and orientation of voices that contribute to the intelligence process. The Bush administration has been accused—correctly, in my opinion—of practicing incestuous amplification.

In other words, the only people who were at the table are people who have the same point of view. Their views are then vetted through people who again share the same beliefs. As a result, the original conclusion is not only validated, it is amplified. After the attacks of September 11, the intelligence community was accused of failing to connect the dots. Incestuous amplification is unlikely to either connect the dots or expand the number of dots which are visible.

Two places to start this report would be the State Department and openly available sources of information. Unfortunately, the State Department has been the orphan of this administration. This is a particular shame, given the fact that the State Department has gotten it right more often than any other security agency.

From the beginning, the Secretary of State was skeptical of the stories coming out of Africa and Damascus about the status of Saddam Hussein's restoration of his nuclear capabilities. Using information from our own sources as well as European allies, the State Department had the best assessment of conditions in postwar Iraq. The intelligence community needs to be more amenable to the use of open source information.

The percentage of information which we contributed to a wise ultimate judgment derived from open sources—such as journalists, regional television and the Internet—is increasing. The duty of reading and assessing the significance of events reported openly in a foreign post is too often assigned to the newest, the least experienced intelligence officer or Foreign Service officer. There are indicators, for example, that press and television reports in the Middle East should have raised concerns before September 11 that a tragedy in the homeland of the United States was in the making.

It is for that reason that the joint inquiry recommended that "Congress and the administration should ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counter terrorism analysis and facilitate the timely dissemination of relevant intelligence information both within and beyond the boundaries of the Intelligence Community."

I wish to pause to give particular credit to those words and that wise policy to our colleague, Senator RICHARD SHELBY. He served for an extended period of time as both chairman and vice chairman of the Intelligence Committee and throughout that period was particularly adamant in his support for integrating intelligence collection sources so that all could be taken into account with the wisest analysis and use of intelligence.

This idea—the fusion center—was signed into law within the Department of Homeland Security. But what has happened since? What has happened since is this very good idea has languished. The goal of the fusion center was not only to perform analysis that would fill the gap between foreign and domestic intelligence, but it also was to share information with State and local law enforcement and to access their capability. This is not happening.

The third failure is the failure to establish within the intelligence community priorities and then deploy behind them. Rather than set up intelligence systems to validate convenient political notions, we need a system that pursues mutually agreed upon intelligence priorities. To that end, the President must assure that clear, consistent, and current policies are established and enforced through the intelligence agency. The President needs to charge the National Security Council with the preparation of a government-wide strategy for combating terrorism at home and abroad. It is an outrage that we are now more than 3 years from September 11 and we do not have a clear national strategy of how we are going to eradicate international terrorists.

The restructuring of the intelligence community suggested above can significantly contribute to a more coherent set of intelligence initiatives, but without leadership and commitment from the President, little progress will be made.

Fourth, the intelligence community has not implemented the policies necessary to recruit, train, reward or sanction, maintain the talents, or diversify its human intelligence capabilities. The intelligence community's current recruitment and training regime has been inadequate to overcome this handicap.

Of particular concern to me is the difficulty of receiving a security clearance for a first-generation American of Arabic ancestry. These young Americans, who have a heritage in the countries of the Middle East and Central Asia, are most likely to have absorbed colloquial Arabic, Farsi or Pashtun, at home, and could have the personal skills that will increase their value as a case agent. Of course, they are likely to have something else; that is, they are likely to have a family.

An intelligence security background check—an important part of assuring the patriotism of our intelligence community—includes interviews with family members. And if those family members live in Syria, for example, it may be difficult or impossible to get a clearance. If one of the family members, even a distant one, has been in the service of that foreign government, the recruit is likely to be rejected, even though he or she may meet every standard of being a patriotic American. By failing to find ways to overcome this bias, we are denying ourselves the benefit of one of our Nation's greatest assets, our diversity.

Another frequently cited reason for difficulty of recruitment of intelligence officers is the mid-1950s culture of the intelligence community. While most other aspects of our society have become accustomed to frequent turnover in careers—in fact, the average American can anticipate working at seven or more distinctly different jobs or places of employment throughout his or her worklife—intelligence agencies continue to seek to employ people who are prepared to make a lifetime commitment.

Our Joint Inquiry recommended a series of reforms to bring the human talent in the community, which is in line with the current challenges, to the intelligence community. Those included a focus on bringing midcareer professionals into the intelligence community, allowing for more time-limited service for college graduates, finding ways to bring more native language speakers into the intelligence agencies, and other efforts at diversification.

At this point, I commend the former Director of Central Intelligence, Mr. George Tenet, for the work he has done to initiate these policies. I am pleased that the recently enacted Defense appropriations bill for fiscal year 2005 includes seed money for the development of a reserve officers training corps style program for the intelligence community at several universities, a recruitment and training program which will provide financial aid in exchange for a commitment of service within the intelligence community.

This could be a significant response to the need for proficiency in some of the world's most difficult languages and least known cultures and histories. Having these students under supervision during their college careers would also facilitate the clearance of first-generation Americans of Arab background into the intelligence services. And it would have, as does the military reserve officers training corps, the further attribute of facilitating jointness; that is, the willingness of people to see the mission rather than stop their vision at the particular agency at which they serve. Once these young people enter their respective intelligence agencies, many of them will have known each other during their shared preparatory experience and, therefore, will be more likely to work effectively together.

The fifth failure is the failure to realize that many of the most important decisions made by the intelligence community that were previously described as tactical have now become strategic.

There have been too many instances, most of which we cannot talk about in open session, when mid-level bureaucrats in the intelligence community have made decisions at a tactical level without a more strategic view as to the implications of those decisions. These can be seemingly as simple as the rotation of surveillance aircraft or other means of surveillance which, when discovered, set off a diplomatic firestorm with one of our friends or with one of our enemies.

The leadership of the intelligence community has a special responsibility to determine if there is a full understanding of the implications, rewards, and risks of an action. Review and ultimate judgment on tactical measures must be made by someone with the requisite strategic vision and authority.

For that reason, and because of the significant confusion that the FISA process—the process by which a warrant was obtained to either place a wiretap or review the effects of a foreign person—caused for the FBI in seeking to investigate suspects prior to 9/11, it is important we reform the way the Foreign Intelligence Surveillance Act is now taught and applied.

For example, the officials of our Government who are charged with making the ultimate decision on these warrants, the Attorney General and the Secretary of State or their delegates, must place the individual application of such a warrant into the context of U.S. strategic global interests.

There are areas where the Congress, through oversight, can and must play a significant role. In a subsequent statement, I will review in more detail the role of Congress in the oversight and direction of the intelligence community and some of the reforms that I suggest should be made in order to more effectively carry out that responsibility.

America lost more than 3,000 of our people on September 11. But we lost something else. We lost our innocence. We can never bring back those people we lost, nor will we ever restore America's innocence. What we can do is honor their memories. What we can do is learn from their loss by embarking on the road from innocence to wisdom.

Government must lead when the people hesitate. And the people must lead when our Government, as it has under our current President, falters. Our safety and our future are too important to be left to change. Luck may spare us. It will never protect us.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that notwithstanding the previous order I be allowed up to 10 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAILED POLICY IN IRAQ

Mr. DAYTON. Mr. President, 3 days ago, a picture appeared in the Minneapolis-based Star Tribune newspaper, accompanying a Los Angeles Times article whose headline read: "U.S. Makes Show of Strength in Fallujah."

Mr. President, I ask unanimous consent that the article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DAYTON. The picture, for the record, showed about 30 Iraqi civilians standing amidst the rubble of bombed buildings in the Iraqi town of Fallujah. In the forefront of the picture were five Iraqi children, and the caption beneath the picture read:

> An Iraqi boy weeps, as people survey the destruction in a neighborhood, following a U.S. airstrike overnight. Twelve Iraqis were killed, including several women and children. . . .

President Bush makes a show of strength, and an Iraqi boy weeps. I say "President Bush" because this is not the U.S. military. They are carrying out the orders of their Commander in Chief. This is not the American people because the American people do not kill innocent women and children in another country. This is the result of and the responsibility of a failed policy in Iraq by the President and his administration.

There were at least two other aerial bombings that day in two other Iraqi cities, according to that one story—more destruction, more civilian casualties, more children weeping; children who lost brothers, sisters, mothers, fathers, grandparents, and friends; children who will have the United States of America, for the rest of their lives, seared into their memories; children who will, horribly, possibly cheer if terrorists can cause that kind of terrible destruction to Americans in American cities; children who might even be willing to do something like that themselves in revenge.

President Bush, Vice President CHENEY, and other apologists for this continuing war in Iraq claim that they are fighting terrorists there so we won't have to fight them here. By these actions, I maintain they are creating terrorists in Iraq whom we will have to fight here, whom we will have to defend against, fend off, and protect ourselves from for years, even decades to come. How would we feel if our children or our friends or our parents or wives or husbands were buried beneath the rubble that used to be our homes, our stores, and our neighborhoods?

I do not fault the courageous Americans in our Armed Forces who have borne the brunt of this administration's failed policy. To the contrary, I salute them for their heroism and their patriotism. It has been over a year and a half since they won the initial military victory in Iraq. They went from the Iraqi border to Baghdad in 3 weeks. They routed Saddam Hussein's army. They toppled his evil regime. And since then, they have stood guard until someone began to run that country.

They are still standing guard, 138,000 brave Americans. They are fighting, they are bleeding, and they are dying because this administration and their Iraqi allies have not figured out how to run that country.

We need a policy, a plan, and a timetable to get out of Iraq—not to lose Iraq but to leave Iraq, not tomorrow or next week, unfortunately—because the Bush administration has failed. They have failed to prepare for that. But not in 10 or 20 years, as my colleague, the senior Senator from Arizona, Mr. McCAIN, has predicted. He is not recommending that course of action; he is just telling us and the American people the truth. Thank goodness someone is telling us the truth, the truth about what the Bush administration has gotten us into and where their present policies will leave us.

What he can't tell us, because no one can, is how many more Americans will die in Iraq during those 10 or 20 years; how many more Americans will die elsewhere around the world or, God forbid, right in this very country because of the failures of those policies today.

Today I am asking the esteemed chairman of the Senate Armed Services Committee to hold oversight hearings this week on the current policy in Iraq, on the military situation there, on the plans of this administration, on the timetable for our continuing involvement there, and on the costs in dollars and lives and international esteem to the United States of America, because the American people deserve the truth. This Congress deserves the facts. Our soldiers, our 138,000 courageous Americans serving in Iraq today, deserve to come home with their military victory secured.

And I say to those who want to support our troops, if you want to support our troops, bring them home alive, bring them home alive now or as soon as possible hereafter, but not in 4 years or 10 years or 20 years. Make the administration in Iraq and the people of Iraq responsible for their own country. That is what democracy is about. It is about self-determination and self-responsibility. It is time the people of Iraq become responsible for Iraq. It is time the 206,000 militia and military that we claim to have trained in Iraq become responsible for Fallujah and Baghdad and everywhere else in Iraq.

The article I referred to earlier states: U.S. and Iraqi authorities lost control of Fallujah last April after they turned the city over to a U.S.-sanctioned force, the Fallujah brigade, which has now all but disappeared.

Where did they disappear to? I supported that action back then. I thought that was the right course of action, that we make Iraqis responsible for the defense of their own country, for the security of their own cities. Now I learn, not through this administration's disclosures but through an article appearing in an investigative story—thank goodness for the free and vigilant press because we wouldn't learn those things here in Congress if we were waiting to be told—that the Fallujah brigade has "all but disappeared."

That is a fundamental failure of this administration and the Iraqi administration to train, equip, and motivate the Iraqi forces in Iraq to stand up for and defend their own country from whomever it is over there—insurgents, terrorists, and citizens who want an end to the violence, understandably so, in their own homes and neighborhoods.

It is time to put Iraq in charge of Iraq, make them stand up and fight for their own country, for their own cities, for their own security, and stop forcing Americans on the ground or in the air to cause this kind of destruction that that picture capsulizes which is going to wreak future destruction on our own cities and our own people.

This is a failed policy. It is a disastrous policy. It is one for which this administration should take responsibility.

Again, I call upon the Armed Services Committee of the Senate to hold oversight hearings and tell the American people the truth about what is going on there and what the future holds—in the near future, not the future future.

EXHIBIT 1

[From the Los Angeles Times, Sept. 10, 2004]

U.S. MAKES SHOW OF STRENGTH IN FALLUJAH

(By Patrick J. McDonnell)

BAGHDAD.—U.S. forces rolled into the rebel bastion of Samarra on Thursday and sought to reestablish Iraqi government control as aircraft pounded suspected guerrilla positions in two other insurgent strongholds: the flashpoint city of Fallujah in the west and the trouble spot of Tal Afar in the north.

The show of strength—along with the stated U.S. resolve to crush a Shiite Muslim militia in Baghdad—underscored the military's determination to exert control over the country in the months leading up to elections scheduled for January.

The U.S. move against the three insurgent centers came after a spike in attacks this week that pushed American military fatalities from all causes to more than 1,000. The actions appeared designed to dispel the perception that swaths of Iraq had become a "no-go" zone for U.S. troops.

American warplanes struck Fallujah, the third attack in as many days against suspected insurgent positions in the city 30 miles west of Baghdad. U.S. and Iraqi authorities lost control of Fallujah after U.S. Marines ended a three-week siege last April and turned the city over to a U.S.-sanctioned force, the Fallujah Brigade, which has now all but disappeared.

Nine people, including two children, were reported killed in a Fallujah house that the U.S. command suspected of being used by allies of the Jordanian-born terror mastermind Abu Musab al-Zarqawi.

FOREIGN FIGHTERS

On Thursday evening, a U.S. spokesman, Maj. Jay Antonelli, revised the earlier description of events in Fallujah. "In spite of the great care taken to spare the lives of noncombatants, an unknown number of Iraqi civilians were unfortunately among those killed and wounded in the strike," Antonelli said in an e-mail statement.

"The foreign fighters who hide among the people of Fallujah place them at significant risk," Antonelli said.

He added: "Foreign fighters will not enjoy safe haven anywhere in the city."

In a separate statement, the U.S. command said military operations around Tal Afar were designed to rid the city of "a large terrorist element that has displaced local Iraqi security forces throughout the recent weeks."

The U.S. military said 57 insurgents were killed in the attack on Tal Afar, a northern city near the border with Syria that lies on smuggling routes for weapons and foreign fighters. The provincial health director, Dr. Rabie Yassin, said 27 civilians were killed and 70 wounded. It was unclear whether those reported by the Iraqis as civilians were counted as insurgents by the Americans.

Meanwhile, relative calm held in much of the Shiite Muslim heartland after an agreement negotiated last month by Iraq's leading Shiite cleric, Grand Ayatollah Ali al-Husseini al-Sistani. The agreement brought an end to weeks of fighting between U.S. troops and Shiite militiamen loyal to radical cleric Muqtada al-Sadr.

Scattered clashes continued between Al-Sadr's loyalists and American forces in the radical cleric's Baghdad stronghold, Sadr City.

Iraqi officials want to prevent Al-Sadr from rebuilding his forces in Najaf. Toward that end, dozens of Iraqi soldiers and police raided Al-Sadr's Najaf office to search for weapons. Al-Sadr was not there at the time, and no weapons were found, although Iraqi officials said ammunition and mortars were confiscated from nearby houses.

U.S. and Iraqi government troops are not in full control of several cities and areas in Iraq, including Samarra in the north, Fallujah and Ramadi in the west, and the largely Shiite neighborhood known as Sadr City in eastern Baghdad, where a militia holds sway. Other cities and towns, such as Tal, have become guerrilla bastions where the U.S.-backed Iraqi government exerts only limited control.

In Samarra, U.S. commanders said their forces, accompanied by members of the Iraqi police and by national guard soldiers, drove into the city Thursday morning after gaining assurances from local Iraqi leaders that they would not be fired on. The local leaders said they sensed divisions within the insurgents' ranks between those who favored some accommodation with the Americans and those who rejected it, and felt secure enough to issue the temporary guarantee.

U.S. soldiers and the Iraqi police then convened a meeting of the U.S.-backed council, which chose a new mayor and police chief. After a few uneventful hours, the U.S. soldiers and the Iraqi police left.

However, commanders acknowledge that as many as 500 insurgents remain in Samarra. The guerrillas' preference is to strike at smaller U.S. or Iraqi units. In classic guerrilla style, they tend to hide their arms and blend in among city residents when faced with larger forces.

The U.S. troops pulled out at the end of the day for lack of a secure base to spend the night.

Maj. Neal O'Brien of the 1st Infantry Division, which patrols four provinces north of Baghdad that includes Samarra, said, "We will never give up our right to maneuver in any of our areas."

The U.S. approach in Samarra since spring had been to allow local leaders to work out a way to disarm or otherwise neutralize a stubborn insurgent force that had disrupted government and police activities in the ancient city of 200,000.

The largely Sunni Muslim population has long posed a major challenge for U.S. forces. The city was the site of a large-scale U.S. offensive last winter designed to flush out a guerrilla force thought to be composed of religious militants, anti-American nationalists and loyalists of Saddam Hussein's former Baath Party. During that offensive, a U.S. force of more than 3,000 soldiers also met little resistance as the guerrillas apparently melted into the populace.

But in recent months, residents say, Samarra had fallen back under insurgent control.

Mr. DAYTON. I yield the floor.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the time having arrived, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

Pending:

Nelson (FL) Amendment No. 3607, to provide funds for the American Red Cross.

Schumer Amendment No. 3615, to appropriate $100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses.

Reid (for Lautenberg) Amendment No. 3617, to ensure that the Coast guard has sufficient resources for its traditional core missions.

Corzine Amendment No. 3619, to appropriate an additional $100,000,000 to enhance the security of chemical plants.

AMENDMENT NO. 3624

(Purpose: To increase the amount appropriated for firefighter assistance grants.)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER, proposes an amendment numbered 3624.

On page 39, after line 5, insert the following:

SEC. 515. The amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "FIREFIGHTER ASSISTANCE GRANTS" is hereby increased to $900,000,000.

Ms. MIKULSKI. Mr. President, I am going to speak about the compelling needs that our local fire departments have.

All of us, over the weekend, went to events commemorating September 11, 2001. We all spoke about how much we admired those men and women who stood up to defend the Nation, including those very brave first responders at the World Trade Center who dashed up over 75 floors in burning buildings to try to rescue people. They put themselves on the line, and many of them, as we know, perished on that horrible day.

Here in the Washington, DC area, as we know, the Pentagon was hit. We in Maryland had 60 Marylanders die that day. We had some die at the World Trade Center, but the majority were at the Pentagon. Some died on the airplanes. We had people die on those airlines, including a flight attendant who gave her life and was one of the people who tried to deal with the situation. We had others who died on those planes, such as a family who was leaving on a sabbatical—a husband and wife who were academics, with their two children. Again, we had people die at the Pentagon, such as one young man from Baltimore who was a financial analyst over at the Pentagon. Of those from Maryland who died at the Pentagon, 24 came from one county, Prince George's County. They were primarily African-Americans who worked in this financial services area of the Pentagon. Imagine, 24 people, such as Odessa Morris who had just celebrated her 25th anniversary; or Max Bielke, who had been in the military and when he retired, he went back to work as a civilian employee because he loved it. He was the last man to leave Vietnam. He stamped all the papers at our embassy there. He was the last soldier out of Vietnam. So we mourn that day.

At the same time, we were proud of the Maryland response. I was particularly proud of the Chevy Chase rescue team. This is a volunteer fire department in Montgomery County that dashed across the Potomac under the doctrine of mutual aid to provide firefighting assistance on that horrible day, joining with our local fire departments from Northern Virginia and Rescue One from Chevy Chase, and stayed on the scene in order to be able to quell the fires that continued to burn. They were part of a FEMA search and rescue unit and they provided help. They were the ones who brought in the dogs to look for survivors. They were there night and day for several days and weeks.

I was very proud of the Chevy Chase fire fighters and of all our fire departments in Maryland who went up to the World Trade Center to dig in the wreckage to see if they could find any survivors. We know the story about what happened at the World Trade Center. Again, the Chevy Chase Fire Department is a volunteer fire department. They serve their community and country on their own time and their own dime. It cost the Chevy Chase Fire Department over $300,000 to be able to be on the job. They did it willingly, unstintingly. Yet at the same time, we know those local fire departments cannot continue to function when we go on

Orange Alert, and they continue on their own time and on their own dime.

One of the great things we created was the Fire Grant Program. The Fire Grant Program was an invention before 9/11 of Senator KIT BOND and me as part of a FEMA reform package, along with Congressmen HOYER and WELDON in the House. We did it in a bipartisan effort to make sure our fire departments—particularly our volunteer fire departments—had the right equipment they needed to protect the protector, and also the updated technology to be able to protect us.

When we created that program as part of FEMA, well before September 11, 2001, it was authorized at $300 million. At the same time, what we know is that when we did that—after 9/11, the need was so compelling, working, again, on a bipartisan, bicameral basis, we authorized a fire grant program at $900 million. What else do we know? We know there is compelling need. We know the fire administration, just in 2003, received almost 20,000 applications totaling $2.5 billion in funding requests for local fire departments.

Imagine that. The fire administration received requests for $2.5 billion. Yet because of funding at around the $700 million level, they could only fund 8,900 of those 20,000 requests. So we know the need is in the billions. We know we are authorized at the $900 million level.

What my amendment will do, when I have the opportunity to offer it, is raise funding for fire grants to the authorized level of $900 million. Why do we want to do that? We are facing new threats every day. Just over a month ago, when the administration raised the terror alert to Orange for the communities of Washington, New York, and New Jersey, we knew what the needs really were.

The bill we are considering today actually has funding at $700 million. I know on Friday an amendment offered by the Republican leader, the majority leader, Senator FRIST, actually increased it by $50 million. I will be offering an amendment at an appropriate time to raise it $150 million so that we can bring it up to the authorized level of $900 million.

What would this additional $150 million mean? It would mean protective gear for 150,000 firefighters. It means local fire departments could buy 500 new fire trucks. It means they could buy 300 new rescue vehicles. But this is not about protective gear and fire trucks; it is about the tools our firefighters need.

First of all, they need the equipment to protect themselves, such as breathing equipment and fire retardation gear. We need to protect the protectors so they can protect us. Then, at the same time, they need other technology. What we also know is that this program gives us double value. If our first responders have the right equipment, they are ready to respond against not only a terrorist attack, but anything else that may happen to a community.

During those hurricanes that have been whipping Florida, we have had our first responders there, and they have the right equipment, as well as the radio equipment, to respond.

It also means the kind of equipment that we need not only when the Chevy Chase Fire and Rescue Department dashes across the Potomac but what they need if something happens on the beltway.

We in Baltimore had a terrible tanker explosion on I–95. Because our firefighters were prepared, they could deal with the hazmat situation. I could give a number of examples.

This is not just BARBARA MIKULSKI speaking. The Council on Foreign Relations, chaired by our former colleague, Senator Rudman—and we know the independence he has—issued an independent report last year. We also know he was the author of many balanced budget amendments. So we know he approaches it with Yankee common sense and the frugality for which he is very well known. So we have Senator Rudman, an independent personality, one who has always been frugal from a budget standpoint, and yet he is recommending more money.

What did the report show? That the United States remains ill prepared for a catastrophic attack; that fire departments across the country have only enough radios to equip half the firefighters on a shift; breathing apparatus for just one-third of our firefighters; and that only 10 percent of fire departments have the equipment to respond to a building collapse. That is the Rudman report.

Then Federal Emergency Management Agency and the National Fire Protection Association also did a study called "A Needs Assessment of the U.S. Fire Service." They found that 57,000 firefighters lacked the protective clothing they needed to protect themselves to protect us.

In Maryland alone, it would take $52 million to replace protective gear for all of our firefighters. This is what we are talking about.

We do not want to just throw money at problems. We believe the fire grant is a model program because we refuse to earmark the grants. They are subject to peer review, so they are given on the basis of priority and merit. We know what our shortcomings are, and these various reports document them.

We talked about how last year there were 20,000 applicants and $2.5 billion worth of requests. That speaks for itself. We have double value for this spending, not only for response to terrorist attacks but against all hazards, whether it is hurricanes, tornadoes, or the wildfires that hit the West. We need to be able to protect the local fire departments.

Mr. President, you know how expensive this equipment can be. You cannot do this on bingos and fish fries. They need the U.S. Government to stand behind them to do that.

There are over a million firefighters in the United States, of which there are 750,000 volunteers. Isn't that terrific? They really do save lives; they save homes; they save communities. We need to save them and to help them. They do not know what they are going to face when they enter a house to save a child trapped on the second floor. They may put out the flames in a factory that contains toxic chemicals. They are the first on the scene at any disaster. Firefighters are our protectors. Many are volunteers who work three shifts: one on a regular job, one with their families, and then another shift at the fire department. As I said, they cannot also then be expected to raise the money through charity, tip jars, and bingo. Of course they can do that because we always want local community support, but the equipment and gear they need is very expensive. A new fire engine costs $300,000. A new rescue vehicle costs $500,000. Self-contained breathing apparatus costs $6,000.

Mr. President, you know how expensive it is. The Fire Grant Program is working. In my own community, the Forestville fire department, located in Prince George's County, was awarded funds for a new hydrant tanker. Why is that so important? The last one contained just a couple of hundred gallons, where this one is over 2,500. This is right next door to Andrews Air Force Base. Any attack on the United States would mean they would have to respond under doctrine of mutual aid.

It is the same with the Kensington volunteer fire department in Montgomery County. We replaced a pumper truck that is dated to 1979. I could go all around the State of Maryland.

The amendment speaks for itself. Senator COCHRAN still is not here. I am sure the Senator is tied up. We have worked together on many occasions.

First, I really have enjoyed working with him on appropriations, on national security issues. As the chairman of the Subcommittee on Homeland Security, it has been a delight to work with him.

My amendment is very straightforward. What it does is raise the Fire Grant program to its fully authorized level of $900 million.

As I have stated, the amendment speaks for itself. It increases the money to $900 million, the authorized level. We believe the amendment is warranted because, as I have said, the Fire Administration received requests totaling $2.5 billion, and since we cannot fund it at $2.5 billion, I believe we need to take this important step and fund it at the $900 million level.

The amendment speaks for itself. I now turn to the Democratic whip and ask him how should we proceed? I would like to offer my amendment. I would like to get a vote on my amendment. Should I ask for the yeas and nays now?

Mr. REID. Mr. President, through the Chair to the distinguished Senator from Maryland, we have a number of votes we are going to try to get lined up for later this evening. It is my suggestion that the Senator ask for the yeas and nays, and then at a subsequent time, we will figure out when we are going to vote on it.

Ms. MIKULSKI. Mr. President, I say to the Presiding Officer, to Senator COCHRAN, and to the whip, I would like to work with them in a way that would create the orderly disposition of my amendment.

I will withhold any rights to seek the yeas and nays. Is that an appropriate request?

Mr. REID. That is appropriate

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. REID. Mr. President, through the Chair to the Senator from Massachusetts, I am wondering if the Senator from Massachusetts would withhold his recognition, following a very brief statement by the Senator from Nebraska who wishes to offer an amendment and then speak. It should take just a few minutes.

I ask unanimous consent that following the statement of the Senator from Nebraska, the Senator from Massachusetts regain the floor.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The Senator from Nebraska.

AMENDMENT NO. 3625

Mr. NELSON of Nebraska. I send an amendment to the desk.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 3625.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To maintain the State Homeland Security Grant Program at the fiscal year 2004 funding level)

On page 19, line 17, strike "$2,845,081,000" and all that follows through line 22, and insert the following: "$3,605,081,000, which shall be allocated as follows:

"(1) $1,700,000,000 for formula-based grants, $400,000,000 for law enforcement terrorism prevention grants, and $30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That".

Mr. NELSON of Nebraska. I thank the minority assistant leader and my friend from Massachusetts for this courtesy to have this opportunity to speak for a few minutes about the first responder issue, as it relates to legislation before us today.

Since September 11, States and communities of all sizes have made great strides in preparing for another possible terrorist attack. Based on the National Strategy for Homeland Security's principle of shared responsibility, Federal, State, and local governments, together with the private sector and the American people, have worked in partnership to ensure that our first responders are well equipped and well trained. States and local governments are responsible for preparing and implementing multi-year plans to ensure our Nation's first responders receive the equipment and training they require so that we are not only securing our homeland, but we are actually secure in each of our hometowns.

The Senate's Homeland Security appropriations bill, S. 2537, slashes the primary first responder program by 45 percent, or $760 million. My amendment would restore this funding back to the fiscal year 2004 total of $1.7 billion. Called the State Homeland Security Grant Program, this is the primary source of coordinated funding for first responders. SHSGP, as it is referred to, allows States and local governments to build and maintain a base capacity by funding essential prevention, preparedness, response, and recovery capabilities within the State and across regional boundaries. Eligible uses include equipment, training, and exercises necessary to ensure our first responders are prepared and that both urban and rural critical infrastructure is protected, something I am sure the Presiding Officer is interested in, coming from the neighboring State of Wyoming.

At least 80 percent of SHSGP is passed through to those who protect our hometowns: firefighters, police, EMTs, and other local emergency managers across the country. Nearly every State, even those that get additional money from the Urban Areas Security Initiative, UASI, will suffer a net loss in fiscal year 2004 under the Senate bill. Nearly half of all those States will see their efforts cut almost in half.

Funding cuts of this magnitude will mean that private/public partnerships will have to be dismantled, and countless hours of planning, training, and exercise will have to be retooled. Regional alliances will fall dormant. Training classes and exercises will be cancelled, and equipment purchases will be put on hold. In short, hometown security will suffer immeasurably.

The citizens of America expect that everything possible is being done to prevent another terrorist attack, and they expect that if another tragedy were to occur, the response and recovery will be immediate, well coordinated, and well trained. This vital work takes dedicated professionals executing well-rehearsed plans.

I have watched the vote counts on other amendments to this bill, and unfortunately it is clear that this amendment will not pass. This is extremely disappointing. It is disappointing to me and should be to all rural areas. Because I realize this will fall short of the required 60 votes, for the sake of time I will not force a vote on my amendment, but I do hope that as debate on funding for this important program proceeds, that everyone will come to the same conclusion I have: These funding cuts will undermine regional efforts and harm every State's ability to protect both its urban and rural critical infrastructure. Whether it is the protection of an urban shopping mall or the prevention of a rural bioterrorism incident that affects our food and water supply, critical infrastructures in every State must be protected.

If our goal is to make sure our homeland and hometown security is as strong as the weakest link, we must ensure that every link is strong and that there is no weak link in our protection. That includes food and local areas, as well as urban and populated areas. All must be protected.

I will make one further point on this subject. It is my understanding that an amendment may be offered that affects the funding formula for the State homeland security grant program. Currently, 38 percent of SHSGP funds are dispersed based upon a minimum funding formula, and the remaining 62 percent are dispersed to states based upon population. As I understand it, the amendment that may be offered would require the Department of Homeland Security to change the 62 percent portion of the funds from a population based formula into a high threat and population density formula.

As someone who comes from a rural State, I plan to oppose this amendment and hope that my colleagues from smaller States and rural areas will do the same.

The proposed funding formula would have the effect of shifting a lot of the current funding from the smaller states and sending it to our largest States that meet loosely defined criteria such as threat, vulnerability, and the presence of critical infrastructure.

I wholeheartedly support funding for the first responder efforts in our major metropolitan areas, which is why I strongly support the current Urban Area Security Initiative program, which sends extra funding to these large areas. But I do not support paying for these programs by shifting funds away from our rural, less-populated states.

Nebraska would lose $8 million under this proposed formula. I can't tell you how critical that is to a state like Nebraska and to all the communities in

Nebraska that are trying to follow through on the preparedness plans the Department of Homeland Security asked them to implement. And a shift in formula like this one would pull the rug out from under them.

One needs to only look at the most recent terrorist attack in Russia and see that this attack was in a school in a rural area, and it is easy to understand that we must not be lulled into thinking that the rural areas are not going to be affected by any kind of terrorist activity.

Our country is only as safe as our weakest vulnerability. The State Homeland Security Grant Program has already been cut by 45 percent in this bill. Shifting funds away from our less populated states will further exacerbate the problem. We need to make sure every part of the country is prepared, regardless of location.

I thank my friend from Massachusetts for his courtesy, and I yield the floor.

AMENDMENT NO. 3625, WITHDRAWN

I ask unanimous consent to withdraw the amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3626

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask that it be counted under the agreement toward one of Senator MURRAY's amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3626.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the President to provide to Congress a copy of the Scowcroft Commission report on improving the capabilities of the United States intelligence community)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Not later than 15 days after the date of the enactment of this Act, the President shall submit a copy of the Scowcroft Commission report to Congress.

(b) The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) In this section, the term "Scowcroft Commission report" means the report on improving the capabilities of the United States intelligence community that was prepared by the presidential commission appointed pursuant to National Security Presidential Directive 5 (May 9, 2001) and chaired by General Brent Scowcroft and that was submitted to the President in or around December 2001.

Mr. KENNEDY. Mr. President, I acknowledge and thank the leadership of the other side for their cooperation in working through this particular situation.

This amendment will require the President to give Congress a copy of the December 2001 Scowcroft Commission report on intelligence reform. A classified annex could be provided is necessary, although some of those who have seen the report say that it contains very little that would be harmful to National security. What is harmful to our security is the continuing refusal by the Bush administration to make the report public.

As my colleagues know, General Brent Scowcroft had a distinguished military career and served as the National Security Adviser to the first President Bush. Because of his broad experience with intelligence and his widely respected intellect and insights, the current President Bush appointed him as chairman of the President's Foreign Intelligence Advisory Board.

In National Security Presidential Directive 5, in May 2001, President Bush ordered a review of U.S. intelligence to ensure that U.S. intelligence capabilities are well designed to deal with that wide range of critical challenges facing the Nation. General Scowcroft was named to lead a commission to provide recommendations on intelligence reform as a result of that directive.

However, the report of the Scowcroft Commission, which was submitted 3 months after 9/11, continues to be classified, despite repeated requests from the Congress to release it.

On July 21 this year an article by Shaun Waterman of United Press International, discussing the Scowcroft recommendations was published. As the article stated:

> Scowcroft's report, which remains classified, proposed giving the existing CIA Director budget, administrative and hire/fire control over the three largest and most expensive agencies, according to former Office of Management and Budget National Security Chief Richard Stubbings. The National Security Agency, which intercepts phone calls, faxes, emails and the like; the National Reconnaissance Office, which designs, builds and maintains spy satellites; and the National Geo-Spatial Intelligence Agency, which analyzes spy satellite photos, would all be taken out of the Pentagon's control and transferred—along with parts of the FBI—to the control of a modified director post.

That is the end of that report.

Obviously these reformed submitted in December 2001, are very similar to the reforms proposed by the 9/11 Commission in the summer of 2004. In fact, similar proposals on intelligence reform have been made for almost 50 years.

In 1955, a commission led by Herbert Hoover recommended splitting off CIA management duties so that the Director of Central Intelligence could focus on coordinating the entire intelligence community.

In 1976, the Senate Select Committee on Intelligence led by Frank Church recommended giving the Director control over intelligence budgets and relieving him of day-to-day CIA management responsibilities.

in 1976, former Secretary of Defense Clark Clifford recommended establishing a National intelligence director.

In 1985, Admiral Stansfield Turner recommended establishing a National intelligence director to oversee the entire intelligence community, with the CIA Director managing only the CIA.

Despite these and other recommendations, needed intelligence reforms were never enacted.

The 9/11 Commissioners were given a copy of the Scowcroft recommendations as background for their work, and the final report from the Commission drew significantly from his recommendations.

Governor Thomas Kean, Chairman of the 9/11 Commission, made this point clearly at a Senate Select Intelligence Committee hearing last Tuesday. He said:

> And a number of the recommendations we've made have synthesized things from people like Scowcroft and a number of others who have made similar recommendations. And those recommendations have not been implemented.

Clearly, before we act on intelligence reform later this month, Congress should have benefit of General Scowcroft's recommendations as well. Congress faces a major task in reorganizing the intelligence community, at this time when the threats against our Nation are new and different. We must have the best information, advice and wisdom on this challenge, including a copy of the Scowcroft Commission report.

General Scowcroft, I am told, will be talking to Members of the Senate Intelligence Committee this week in closed session about the report. But the meeting is for committee members only, is classified, and is off-the-record. I understand that none of the committee members will be permitted to read the report.

Frankly, that is ridiculous. Every Member of Congress has an interest in being well-informed before voting on intelligence reform. Every American has an interest too. The 9/11 Commission's report and its 41 recommendations are not classified, and General Scowcroft's should not be classified either.

Congress should not be forced to rely on sketchy press reports for information on an issue with such important consequences for our National security and our ability too fight the al-Qaida terrorists. It is irresponsible for the administration to keep Congress in the dark.

We hope to complete action on legislation to implement the 9/11 Commission recommendations before we adjourn. Given the enormous stakes for our Nation, it is unconscionable that the President has not already made an unclassified copy of the Scowcroft report available to us.

There is bipartisan support for release of the Scowcroft Commission report and recommendations. In July, the Democratic leader asked the President to declassify the report. During an August 16 Senate Armed Services Committees hearing on the 9/11 Commission recommendations, Senator WARNER, our distinguished Chairman, indicated that the Congress should have the report. He said:

> For the record, the Scowcroft Commission report has not been released by the White House. So there has been some public discussion of its major points, so we're going to look into seeing whether or not we can have greater access to it.

Senator ROBERTS, the Chairman of the Intelligence Committee, also seeks the Scowcroft Commission report. At the same hearing, he said:

> I just had a talk with Brent Scowcroft last Thursday, and even at my age, I begged him on hands and knee to release the report to the Intelligence Committee and to the Armed Services Committee.

At our August 17 hearing, Senator ROBERTS said he agreed that "it would be very helpful" if the Scowcroft recommendations were released.

Secretary of Defense Donald Rumsfeld has also indicated that he can't see any reason why the Scowcroft Report should not be declassified. When he testified in the Senate Armed Services Committee last month, he said:

> I've been briefed on the Scowcroft Commission report. I don't see any reason why there shouldn't be a process going through and see what portion of it can be declassified. I don't know who classified it in the first place. It wasn't the Department of Defense, to my knowledge. . . .

Why does the administration refuse to declassify the report and make it available to Congress? Why would the administration knowingly put the Congress in the position of acting on an intelligence reform proposal with enormous consequences for our National security, without having an unclassified copy of this crucial report?

The obvious reason is that the administration is desperate to avoid embarrassment about the President's mishandling of intelligence reform.

The Scowcroft report and recommendations are nearly 3 years old. They were submitted to President Bush in December 2001—just 3 months after the devastating attacks on September 11. Now, finally, we are about to enact long-overdue reforms to enable our intelligence community to deal more effectively with terrorist threats and other threats to our security.

The President needs to come clean. He should release a declassified copy of the report to the Congress so we can act responsibly on intelligence reform. The American people can decide for themselves whether the President has dragged his feet on intelligence reform for nearly 3 years, despite his current rhetoric about the need for change.

I urge the President to declassify the Scowcroft Commission report immediately, and that is what my amendment would do.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate very much the Senator's amendment and discussion of the Scowcroft Commission report and whether the contents of that report should be declassified. That is, as I understand it, the purpose of the amendment, to make that information public.

What I hope we can do in the consideration of this appropriations bill is to keep our attention focused on the funding of the Department of Homeland Security activities. That is the purpose of this appropriations bill. We have worked very hard with colleagues on the Appropriations Committee to identify priorities. We fully considered the President's budget request on issues surrounding funding levels. We know we do not have unlimited budget authority. We are limited by an allocation from the full Committee on Appropriations in the Senate.

I hope we defer this issue to the consideration of the authorizing committee. The Intelligence Committee has this issue under review. As a matter of fact, this issue has already been raised, as I understand it, in hearings that are being held in consideration of the so-called 9/11 Commission recommendations. We have had that report before the Senate. There are a number of other committees looking into these issues.

But the Appropriations Committee is trying to get funds approved by the Congress to fund the Department of Homeland Security needs for this next fiscal year beginning October 1.

I don't know whether the Senator wants a vote on his amendment, or maybe at the appropriate time after other Senators have had an opportunity to discuss their views, if they so choose, we could move to table the amendment. That would be my suggestion, that we remove that amendment from this bill and let it be handled by some other committee.

I am sympathetic with the concerns the Senator has expressed, but I really do not think we ought to convert the consideration of an appropriations bill into consideration of whether to declassify or not the Scowcroft Commission report. That is my reaction to the amendment. I hope the Senate will consider our views.

Mr. KENNEDY. Mr. President, will the Senator allow me to respond?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. KENNEDY. Mr. President, I think the Senator is quite correct in terms of understanding that with an appropriations bill there are rules about whether we have legislation, et cetera, on appropriations, and that is done for good reason. The Senator has outlined some thoughts. The authorization, as the Senator knows, has already been passed and is now in conference.

Let me mention this point, because we looked very carefully at this issue.

The Scowcroft Commission deals with the amendment. There is the requirement that all amendments be related to the text of homeland security. The Scowcroft Commission report deals with collection, analysis, and dissemination of intelligence. The Department of Homeland Security plays an important role in these matters, and the Office of the Under Secretary for Information, Analysis and Infrastructure Protection is funded in this bill. On page 74, it says it is responsible for collecting and disseminating terrorist threat information, fusing and integrating data with foreign intelligence to produce a comprehensive picture of threat, and developing and implementing an action plan to mitigate terrorist threats and national vulnerabilities. The Scowcroft report addresses issues that would have a substantial impact on the way this office and all intelligence officials at the Department of Homeland Security conduct their work, and the quality of intelligence to a large extent determines whether the Department of Homeland Security is able to perform its mission and protect the public from future terrorists.

On page 29 of the bill, $157 million is provided for intelligence functions in the Office of Director of Information, Analysis and Infrastructure in the Department of Homeland Security.

Then section 504 of the bill specifically provides funds made available by this act for intelligence activities are determined to be specifically authorized by the Congress.

This is legislative language authorizing the operation of a portion of the intelligence community.

I want to say to the Senator that we thought long and hard about the appropriateness of this amendment. Reading through the legislation itself, it appeared these matters were directly in line with a number of at least some portions of the Scowcroft Commission report. Particularly since we have such a sense of urgency in ensuring that we are going to try to get it right with the recommendations of the 9/11 Commission and the Scowcroft report, given the fact, as I mentioned earlier, that Secretary Rumsfeld, Chairman WARNER, Chairman ROBERTS all indicated they thought it would be of use and value, it seemed to me this could be something we can all get behind and support.

I thank the Chair.

Mr. COCHRAN. Mr. President, I thank the Senator for his further comments to the Senate.

I also at this time would like to propound a unanimous consent request which I understand has been cleared on both sides of the aisle. The distinguished leader from Nevada is here on the floor.

I ask unanimous consent that immediately following the vote in relation to the Schumer amendment this evening, the Senate proceed to a vote in relation to the Lautenberg amendment No. 3617; provided further that no amendment be in order to the amendment prior to the vote. Finally, I ask unanimous consent that there be 2 minutes equally divided for debate prior to each vote.

Mr. REID. Reserving the right to object, it is my understanding the first vote will occur at 5:30 or 5:15.

The PRESIDING OFFICER. At 5:30.

Mr. REID. And it is my further understanding there has been consent entered that Senator SCHUMER could modify his amendment; is that true?

The PRESIDING OFFICER. The Senator may modify his amendment.

AMENDMENT NO. 3615, AS MODIFIED

Mr. REID. That modification is at the desk and I ask it be brought forward in compliance with the unanimous consent request made by the Senator from Mississippi.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3615), as modified, is as follows:

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, $70,000,000.

On page 2, line 17, strike $245,579,000 and insert "$175,579,000".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, thank you.

(The remarks of Mr. CONRAD pertaining to the submission of S. Con. Res. 136 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. REID. Mr. President, I have been here with Senator BYRD and Senator COCHRAN trying to move this most important bill along. We learned over the weekend that developments had occurred and that we would not even ask for a filing deadline for tonight. That was the original plan. Senators who wished to offer amendments would have had to file, say, at 5 o'clock tonight. That being the case, we would have probably had maybe a dozen amendments, and we could finish those tomorrow. It may have taken a while, but we could have finished them with a good hard day's work tomorrow.

We have been told now we have another supplemental for Florida coming along, and some people on the majority side want to include that in this bill. I think that is a real mistake. I want to do everything that I can to help the people of Florida; they have been through a lot. That has not ended yet, as you know, with Hurricane Ivan approaching, which may hit Florida again.

We can finish this Homeland Security appropriations bill. I think that would be a real important thing to do before we leave for the Jewish holiday. I think if we try to include the supplemental appropriations bill as part of this, it is going to make it difficult, if not impossible, to finish because we have been told by Senator NELSON of Florida and by other Senators who are interested in what is going on in the farm country around the United States that on the next bill that comes, there is going to be an amendment on that, and there will be significant amendments that will require debate and a lot of money.

I am not a visionary, by any means, but having been on the Senate floor a lot, I believe it will be difficult, if not impossible, to finish the bill—certainly not tomorrow night. It will spill over into Wednesday. We will not finish by 11 o'clock, or whatever time the leader wants to finish to allow people to go west for the holiday.

So I ask respectfully that the majority take another look at this, and let's have a filing deadline quickly and finish this bill tomorrow. I know the majority wants to get as much work done as possible, and I respect that. We have been really good on these bills. We have been sticking to what we believe is the important work of the country, this Homeland Security bill. We entered into an agreement that we would only offer related amendments, and we stuck by that. We have so little time to do so much.

I think if we went ahead and did this emergency supplemental, it would be much easier to do that as a standalone vehicle, not tie it into this because it will wind up hurting both vehicles. That is a real mistake. I am willing to work with the body to determine what is best for the country, but I suggest it is not going to be a different country to have this Homeland Security appropriations bill not completed.

Senators COCHRAN and BYRD are two of the most experienced and wise people we have in the entire Senate. I think it complicates their job significantly to try to change the context of this bill from a homeland security bill to one that deals with a hurricane that occurred in Florida, and another hurricane that occurred in Florida, and maybe another one that will occur in Florida. I don't think the two matters are related. Again, I respectfully suggest that the majority take another look at this and see what we can do to separate the issues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3615, AS FURTHER MODIFIED

Mr. SCHUMER. Mr. President, I ask unanimous consent that the amendment I have at the desk be modified by language that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to support efforts for identification and tracking for shipments of hazardous materials and continue and expand upon the background check system for commercial driver licenses with a HAZMAT endorsement, $70,000,000: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by $70,000,000.

Mr. SCHUMER. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, at 5:30, we are going to be voting in the Senate on a motion to table the Schumer amendment. The Senator described his amendment recently and talked about the fact that the Department of Homeland Security has not done anything, essentially, to protect against the explosives or other dangers occurring when trucks with hazardous material are driven throughout the country, and that an additional $70 million, I think, is the total amount of new money to be added to this bill for this purpose.

It is described in the Senator's amendment as a tracking system for hazardous material trucks, hazmat trucks, and a background check system for commercial drivers' licenses.

I am suggesting to the Senate that this is an additional $70 million that cannot be efficiently used for this purpose in 1 fiscal year, and I am going to tell you why.

The Appropriations Committee has already provided funding for a number of different programs designed to accomplish the goals that the Senator has described in his comments about and his description of his amendment when he previously offered it.

Last year, in fiscal year 2004, Congress appropriated $9.4 million for an effort to develop a high-explosive countermeasure system in the Science and Technology Directorate. Research is being undertaken and a program that will follow on is funded at $33.590 million to provide technologies and programs that would interdict explosive attacks against buildings from all modes of transportation, including trucking. It is also designed to protect critical infrastructure and the Nation's civilian population. This is an increase of $23.89 million from the budget request submitted by the administration.

We have tried to communicate with the Transportation Security Administration and other agencies of the Department of Homeland Security to see what funds could be utilized to help make this the most sophisticated and effective system available to the American public in protecting buildings, protecting civilian populations, protecting the trucking systems and the infrastructure of our country against problems of vehicle bombs, problems of hazardous materials being confiscated and converted into explosives to damage infrastructure: highways, tunnels, bridges, buildings, and the like.

So the Homeland Security Advanced Research Project Agency is issuing a broad agency announcement for systems for vehicle bomb detection using optical and nuclear thermal neutron analysis. The Science and Technology Directorate is piloting several sites using different means for detecting vehicle bombs at checkpoints. There are other initiatives to deny terrorists the use of commercial explosives and materials for making such bombs.

So across the board, what I am saying, there is a broad indepth, comprehensive effort underway and using a variety of technologies and programs that seek to achieve, and will achieve, the goal suggested by the Senator from New York.

We do not need to adopt this amendment to accomplish the goal he talks about that we need to pursue. We are doing what the Senator has suggested should be done.

There is a Hazardous Material Shipper Training Program in place for drivers and others who are involved as employees in that industry, providing information about security requirements and responsibilities of those engaged in the trucking industry. It is promoting security awareness for each mode of transportation, not just truckers but other shippers as well.

Funds have been provided in the 2004 appropriations bill to test certain technologies, new technologies to track high-risk trucks on the Nation's highways. The Senator said there is no program such as that in place. Programs are being tested to be implemented. We want to be sure the Transportation Security Administration has the ability to track vehicles throughout the entire country, in Alaska and Hawaii as well, to identify the best practices and the standards and regulations that ought to be implemented and enforced by Federal, State, local, and industry stakeholders as well.

Congress has provided over $42 million for the Highway Watch Program to promote security awareness among all segments of the commercial motor carrier industry and the transportation community at large. For this fiscal year, in this bill that is before the Senate, $15 million is provided for this program.

For the previous 2 fiscal years, $12 million has been provided for the Transportation Security Administration and the Federal Motor Carrier Safety Administration to test and evaluate a variety of technologies, such as global positioning systems, wireless communications, use of global positioning satellites, alarm systems, biometric identification, and radio frequency identification devices to ensure that dangerous or potentially dangerous vehicles are identified.

Field testing has just been completed, and the evaluation phase in this program has begun. These are steps toward the goal that we all share, and that is identified by the Senator from New York as a very imminent and urgent need. It is an urgent need, and we are treating it as such over the prior appropriations bill's approval and provisions, as well as this year's appropriations bill.

There was a mandate in the PATRIOT Act that the Transportation Security Administration has implemented, in partnership with the departments in the State motor vehicle area, to ensure that all drivers who are licensed to transport hazardous materials are subjected to Federal background checks to be sure the people who are operating these vehicles ought to be operating them; that they are not high-risk people; that they do not have something in their background that raises alarms about their dependability.

The Transportation Security Administration has undertaken background checks on 2.7 million drivers who have hazardous materials endorsements on their commercial driver's licenses. These background checks have identified approximately 36 individuals who are no longer allowed to transport hazardous materials. TSA will complete this background check, and when it is completed they will have conducted name-based background checks on all 3.5 million drivers this year. There will be an FBI fingerprint-based criminal history check undertaken as well.

The offset would affect the Office of Under Secretary of Management's Human Resources Division.

In terms of research, what I am suggesting is that every effort possible is being made, through grants provided by the Department of Homeland Security, technology development, and deployment in the department, to develop a more efficient system for identifying drivers to be sure they are trustworthy and are not threats to the Nation's security through the operation of vehicles carrying hazardous materials, the confiscation of vehicles that are carrying hazardous materials or that could be converted into bombmaking vehicles. All of this is being done in an aggressive and comprehensive way by the Department of Homeland Security, in cooperation with State and local authorities throughout the country.

Private sector groups, shippers who are undertaking to safeguard the content of packages that go into vehicles, are also very actively involved in helping ensure that the public is not going to be put in danger through the use of our transportation system in this way.

We think the provisions of the bill are adequate. To provide funding that the Senator is suggesting is needed will be wasteful and cannot be efficiently used for the purposes he seeks. The goals are notable and laudable. We share them and we are doing everything we can to ensure that we have in place the programs, training, research, and technologies that we need to protect ourselves from these kinds of attacks and attacks against the Nation's critical infrastructure and population centers.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Mississippi for his graciousness in allowing this amendment to be modified. I agree with him that we have the same goals, but our analysis of how well we are progressing toward those goals is woefully inadequate.

I want to make clear what the amendment seeks to do because there have been some concerns raised by the American Trucking Association and some truck firms. To address those concerns, which I did not think were real, I modified the amendment to make that clear. Here is what the amendment does not do: It does not require that members of the trucking industry purchase GPS systems for their truck fleets. It does not require trucking companies to present plans to TSA of current truck routes throughout the country.

My amendment simply provides the TSA with the resources to begin looking into how we go about monitoring what has been shown to us as a vulnerability within our existing plan to secure our country from terrorist threats. I know the ATA, which has resisted any regulation of the trucking industry, has raised some concerns, but their concerns are either incorrect or shortsighted.

My amendment provides the TSA with flexibility and much needed funds to address truck security and has none of the mandates or high costs that have been talked about. Both the TSA and DOT, I will agree with my friend from Mississippi, are currently working on improving and expanding truck-tracking systems and background checks for commercial driver's licenses with the HAZMAT endorsement. But let me suggest something. Here is the plan. First, they were doing nothing, and a year, a year and a half ago, I prodded and prodded. So now the plan is that any new application for a HAZMAT license will be checked out, a background check will be given. The problem is, all existing licenses will not be checked until they are renewed.

Since most States have 5-year renewal periods, we are not going to check many of these licenses until 2007, 2008, 2009, even 2010.

When one asks the TSA why they are not doing it more quickly, they say one word: Money. We do not have the money.

It is hardly believable that $10 million here or $9.4 million there, which is spread across a whole lot of programs and research, will be enough. So the bottom line is, we agree that we have to do this, but I would rather err on the side of making sure we get it done quickly, given that the terrorists have said—at least with al-Qaida—that truck bombs are a preferred weapon. Every one of us knows what has happened. We have not provided the money we need in homeland security, whether it is truck security or anything else. We slow-walk these programs.

To say that somebody could have a hazardous material license and be on a terrorist watch list and we will not catch up to them until 2010 makes no sense. When TSA says they have not done this or not done it quickly because they do not have the money, what we do is provide them the money. There is an offset, an offset from a pot of money that simply says let us outsource some structural personnel reorganizing.

It amazes me that we could spend $70 million for that but only $15 million for the whole program of truck security.

As for the GPS system, it is needed. We do not mandate it because we, like our friend from Mississippi, are not sure exactly the best way to go. But we sure want TSA to come up with a plan quickly and figure out how to do it and not impose the costs on the trucking industry if need be.

Here in America, a lot of companies put in a GPS system on their own, not to deal with terrorism but to deal with stolen trucks.

I remind my colleagues that a truck carrying hazardous material is missing, gone, from Pennsauken, NJ, not far from my city, and we still do not know where it is. We do not know what has been done with it. In all likelihood, it was stolen for mercenary purposes. But can we afford the risk that the next truck is stolen for terrorist purposes?

Simply training with the ATA program, which trains truck drivers on safety in terms of terrorism, does not deal with the fact that a terrorist might wish to steal a truck, hijack a truck, use a truck. All the training programs of good drivers, legitimate drivers in the world will not deal with that, and that is why we believe these other steps are so needed.

The bottom line is this is not a whole lot of money. This is a serious threat. It is offset. There are no mandates. Again, I say to my colleagues, we do not wish to wake up one morning and say: What if—God forbid there was a terrible incident—we had done more and allocated the money needed?

I yield the floor.

The PRESIDING OFFICER. The hour of 5:30 having arrived, there will be 2 minutes equally divided.

Mr. COCHRAN. Mr. President, I move to table the Schumer amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COCHRAN. Mr. President, I thought there were 2 minutes remaining.

The PRESIDING OFFICER. The Senator would have to withhold his motion to table.

Mr. REID. I ask unanimous consent that in spite of the motion by the Senator from Mississippi, there be 2 minutes equally divided on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, the American Trucking Association has delivered a letter to me. It is signed by 34 organizations or industries that are concerned that the passage of the Schumer amendment would result in an enormous burden on our national economic recovery, that it would impose enormous costs on many industries, that it would force haulers to undertake expensive new activities that have not been approved or suggested by the Transportation Security Administration as necessary or as improvements to the security systems now in place. This is a three-page letter. Rather than have it read into the RECORD, I ask unanimous consent the letter, dated September 13, addressed to me, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN TRUCKING ASSOCIATIONS,
Washington, DC, September 13, 2004.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: We urge you to vote no on the Schumer Amendment to the Department of Homeland Security Appropriations for FY 2005.

The Schumer Amendment would (1) mandate background checks for drivers transporting hazardous materials; (2) require trucks transporting hazardous materials to be equipped with global positioning satellite (GPS) tracking devices; and (3) require written route plans to be prepared and filed with the Department prior to transporting hazardous materials. For the reasons set forth below, these initiatives are not necessary, will not ensure the secure transportation of hazardous materials, and will cause most trucking companies to embargo these vital commodities.

BACKGROIUND CHECKS

Pursuant to the mandate contained in the USA PATRIOT Act, the Transportation Security Administration (TSA) has implemented a program to ensure that all drivers licensed to transport hazardous materials are subjected to a federal background check. to date, TSA has run background checks on the 2.7 million drivers that have hazardous materials endorsements to their commercial drivers' licenses. These background checks have identified approximately three dozen individuals who may no longer be able to transport hazardous materials. Background checks are continuing under this TSA program and this portion of the amendment mandating background checks is duplicative and not necessary.

HAZARDOUS MATERIALS ARE CRITICAL TO THE U.S. ECONOMY

There are more than 800,000 shipments of hazardous materials each day. Regulated hazardous materials include such items as pharmaceuticals, paint, hairspray, pesticides, airbags, cigarette lighters and other consumer commodities. In fact, the vast majority of hazardous materials transported do not pose a plausible risk of use in a terrorist attack. Nevertheless, the amendment would require transporters to equip literally hundreds of thousands of trucks with expensive tracking technology. The prenotification of route plans referenced by the Senator in his floor statement would frustrate the ability of hospitals to provide prompt or immediate medical treatments to their patients, hamper agricultural distributors' ability to provide farmers with the fertilizers and pesticides they depend upon and greatly increase the cost of many consumer commodities, such as home heating oil.

GLOBAL POSITIONING SATELLITE MANDATE

The pending amendment would require any truck carrying hazardous materials to be equipped with GPS technology that would enable the government to determine its location at all times. GPS systems, however, are easily defeated by cutting power to the transponder, otherwise disabling the transponder, shielding the transponder, parking the truck in an area that does not have "line of sight" to the satellite, offloading the cargo to another truck or simply decoupling the trailer and hooking it up to an alternative power unit leaving the original power unit with its transponder on the side of the road.

Moreover, GPS systems are expensive. Senator Schumer's estimate of $200 for the cost of GPS is not accurate in the context of real-time 2-way communication GPS technology. The purchase and installation of "hardened" GPS transponders costs more than $1,500 per vehicle. In addition, the annual communication costs may exceed $1,000 per vehicle depending upon how often the truck is "pinged" by the satellite. Because hazardous materials comprise only a small percentage of the freight transported by the trucking industry, the trucking industry does not dedicate specific trucks to transport hazardous materials. As a result, the pending amendment would require the industry to equip virtually the entire fleet. Faced with these enormous costs most companies would simply refuse to haul hazardous materials, which could cripple the U.S. manufacturing industries and deal a severe blow to our economic recovery.

WRITTEN ROUTE PLAN REQUIREMENT

The pending amendment would require motor carriers to file written route plans with the government for purposes of route verification. This proposal could actually comprise security as a terrorist could exploit the carrier's or government's communication systems used to transmit route plans, which would provide the terrorist with a virtual shopping list of certain desirable hazardous materials.

This proposal would require the expenditure of enormous administrative resources necessary to devise, transmit and verify the route plans. Moreover, written route plans are not practicable to implement in many trucking operations. While written route plans may be implemented in a truckload environment where a carrier picks up a load of materials at one location and delivers it to its final destination, a significant amount of freight is moved in the less-than-truckload or package & delivery environment, where written route plans are not feasible because the freight may be transloaded several times before delivery. For these carriers, the costs associated with providing this service would far outweigh the revenue opportunities from such low volume freight. As a result, many of the safest and most responsible carriers will no longer carry hazardous materials. The removal of competitive forces from this segment of the hazardous materials transportation market will result in significant price increases in the cost of transporting this freight. Moreover, the administrative burden to the federal, state and local governments of real time tracking of several hundred thousand daily shipments is enormous. Finally, the transportation of radioactive materials and certain explosives are already subject to additional stringent safety and security requirements of the Department of Transportation.

FMCSA STUDY PENDING

(THE AMENDMENT IS PREMATURE)

In his floor statement introducing his amendment, Senator Schumer argued for the implementation of "global positioning satellite (GPS)" technology to track all truck shipments of hazardous materials. Respectfully, the Senator's proposal is premature and may frustrate the development of more effective and less costly alternatives.

It is important that the Senator be aware of a current research project, which began almost a year ago, under the auspices of the Department of Transportation's Federal Motor Carrier Safety Administration. That project, referred to as the "Field Operations Test" (FOT), involves the testing and evaluation of a variety of technologies including GPS, wireless communications, global positioning satellites, "panic buttons and alarms", "geo-fencing", biometric identification and radio frequency identification devices.

The field testing has just been completed, and, the evaluation phase has already begun. Already, SAIC and Batelle have produced a multi-volume draft report which has been circulated (on a limited basis) to security specialists within both government and industry.

The Senate should pause until the evaluation and reports are complete, and final recommendations have been submitted to both the Department of Transportation and the Department of Homeland Security.

We urge you to defeat the Schumer amendment.

Respectfully submitted,

Agricultural Retailers Association
American Chemistry Council
American Farm Bureau Federation
American Petroleum Institute
American Pyrotechnics Association
American Trucking Associations
Chlorine Chemistry Council
Commercial Vehicle Safety Alliance
Compressed Gas Association
Council on Safe Transportation of Hazardous Articles
The Chlorine Institute
Dangerous Goods Advisory Council
The Fertilizer Institute
Institute of Makers of Explosives
Industrial Packaging Alliance of North America
International Vessel Operators Hazardous Materials Association
International Warehouse Logistics Association
National Association of Chemical Distributors
National Association of Convenience Stores
National Association of Manufacturers
National Association of Truck Stop Operators
National Paint & Coatings Association
National Private Truck Council
National Propane Gas Association
National Tank Truck Carriers
Nuclear Energy Institute
Petroleum Marketers Association of America
Radiopharmaceuticals Shippers & Carriers Conference
Reusable Industrial Packaging Association
Steel Shipping Container Institute
Society of Independent Gasoline Marketers of America
Truckload Carriers Association
U.S. Chamber of Commerce
Utility Solid Waste Activities Group.

Mr. COCHRAN. Mr. President, I think the Senate has heard as much discussion as they probably need to form an opinion about this amendment. We urge Senators to vote yes on the motion to table and permit the committee to continue to work with the Department and industries that are involved to bring the best possible technologies into play to protect the security of our country and the transportation industries.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, let me make a couple of quick points.

First, the ATA letter says there are mandates. It was written before we modified the amendment. If there were any, there was no intention to have mandates, but now the amendment as modified makes it clear, so I think their letter is outdated.

Of course, no industry wants any regulation. We are in a brave new world. The airline industry didn't want anything done after 9/11 unless the Federal Government paid for the whole thing. We are not outlining what ought to be done and what mandates should be, but we ought to move forward and find out how to make our trucks, particularly the trucks carrying hazardous materials, safer.

It is a small amount of money. It says take $70 million out of a pot of money to outsource, to make TSA more efficient, and put it into truck security to do two things: First, to check on who can get a driver's license for hazardous materials, to avoid a situation like the one when hijackers were able to go fly planes, and, second, to study how to set up a GPS system so we can track trucks in case they are stolen.

I urge support of the amendment. I think we would be foolhardy not to do so.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. McCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Colorado (Mr. CAMPBELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. KYL), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote "yea."

The result was announced—yeas 55, nays 34, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—55

Alexander
Allard
Allen
Baucus
Bayh
Bennett

Bond
Breaux
Bunning
Burns
Carper
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Jeffords
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Warner

NAYS—34

Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Dayton
Dodd
Durbin
Ensign
Feingold
Feinstein
Graham (FL)
Hollings
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NOT VOTING—11

Akaka
Brownback
Campbell
Chafee
Corzine
Edwards
Gregg
Kerry
Kyl
Reed
Voinovich

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3617

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, there will now be 2 minutes of debate equally divided on the Lautenberg amendment.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this amendment is cosponsored by Senator CORZINE and me. The amendment simply adds $100 million to ensure that the Coast Guard is going to have adequate funding for its nonhomeland security measures.

It is interesting; we fund Iraq's coast guard, and now the Iraqi Coastal Defense Force is receiving U.S. tax dollars for Chinese-built boats and crew training. If we can find money for Iraq's coast guard, then surely we can adequately fund our own Coast Guard. They perform services that are essential.

We need to add this funding because GAO found that the Coast Guard has to dip into its nonhomeland budget during times of elevated security alert. That means missions such as search and rescue, protecting our fisheries, ice-breaking operations, marine pollution, migrants, drug interdiction, and other law enforcement issues as well.

The amendment is still $150 million less than the amount authorized in the Coast Guard bill signed into law just last month by the President. I urge my colleagues to look at their coastline and decide whether they ought to support the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment offers to add a substantial amount of money to the operational budget of the U.S. Coast Guard. I remind Senators that the Coast Guard's total appropriation in this next fiscal year is $705 million above last year's appropriation. It is about $134 million above the President's request for overall U.S. Coast Guard activity. We urge the Senate to vote no against the Lautenberg amendment.

I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. LAUTENBERG. Mr. President, I move to waive the applicable sections of the Congressional Budget Act.

The PRESIDING OFFICER. Does the Senator seek the yeas and nays?

Mr. LAUTENBERG. Yes.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Colorado (Mr. CAMPBELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. KYL), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Montana (Mr. BURNS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

The yeas and nays resulted—yeas 38, nays 50, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—38

Baucus
Biden
Boxer
Breaux
Byrd
Cantwell
Clinton
Collins
Daschle
Dayton
Dodd
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Bunning
Carper
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Warner

NOT VOTING—12

Akaka
Brownback
Burns
Campbell
Chafee
Corzine
Edwards
Gregg
Kerry
Kyl
Reed
Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3621

Mrs. MURRAY. Mr. President, I call up amendment No. 3621 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3621.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside an amount for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", $5,000,000 may be used for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

Mrs. MURRAY. Mr. President, the amendment I just called up has been agreed to on both sides. It simply allows our northern Air Guard to be able to communicate with those on the ground and use available funds.

I have talked with the managers on both sides, and I believe the amendment is agreed to. I urge its adoption.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we reviewed the amendment offered by the Senator from Washington. We agree to support it, and we ask the Senate to adopt it.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3621) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are at a point in the deliberations that I think we can be pleased with the progress we have made so far last week as well as today. We hope to be able to push ahead and complete action on this bill tomorrow evening. That is the expectation of the leadership. But I know we have a number of amendments that Senators are preparing to offer tomorrow. There are also four amendments that we have had discussion on which have not yet been disposed of. But in view of the fact we have made such good progress and there are other activities that are important to Senators off the floor at this point in the evening, it is my hope that we will go into morning business and let the leadership decide how long that will be.

I thank my friend from Nevada, who has been very helpful in handling the bill on the floor, along with our other leaders on our side of the aisle as well, particularly Senator FRIST, the majority leader.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have tonight a couple of amendments, maybe even three, that people could offer. I talked with Senator DAYTON, and he said he wants to offer one which will take 5 minutes. It is up to the manager whether he wants to do that tonight or tomorrow. We also have two Feingold amendments that should be accepted, we understand, and a Levin amendment. It is up to the manager.

Mr. COCHRAN. Mr. President, we are happy to stay here as long as there is business to be transacted.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, since I last spoke on the Senate floor about how we should proceed on this bill, or made suggestions, I have learned that the House leadership has said they are going to spend all week looking at the next supplemental dealing with Florida.

Whether that is the case or not, I do not know. All I know is that is what they have said. I again ask the majority to take a close look at what we are doing. Let us finish Homeland Security appropriations and worry about Florida—and I realize it takes a lot of worrying because they have had calamities that are untoward in our history, but let us get rid of this Homeland Security bill. I say that in a positive sense.

We have made good progress. I think the amendments have been listed. We can get rid of these, and again I hate to use a term like that—we can dispose of these amendments. We can adopt and accept some of them. I think we could do it even maybe tomorrow evening. But if we are going to complicate this matter with the supplemental appropriations, it is going to make things real tough to finish this bill.

I am here only to serve the body and do whatever I can to move things along. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3629

Mr. DAYTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 3629.

Mr. DAYTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the continuation of benefits for certain individuals providing security services for Federal buildings)

At the appropriate place, insert the following:

SEC.   . Amounts appropriated under this Act for expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service shall not be made available unless the Service implements procedures to ensure that, with respect to contracts (including subcontracts) entered into on or after May 30, 2004 with private security firms to provide protective services for federally owned or leased buildings, the terms of such contracts are not modified in a manner that results in a change in benefits for the employees involved unless the employees involved consent to such changes.

Mr. DAYTON. I thank the manager of this bill for the opportunity to present my amendment tonight.

Unfortunately, this amendment is unfortunately necessary to protect the security of the men and women who protect our security day and night in States such as Minnesota. As my colleagues will recall, when the Department of Homeland Security was created in 2002, the Congress granted the Secretary of the new Department of Homeland Security the unprecedented power to override longstanding employee contracts. He or she was given the power to hire, fire, promote, demote, or do anything to the employees of that new agency.

Some of us opposed that unprecedented, unwarranted, and unnecessary power. A couple of my colleagues were vilified, demonized, and defeated for opposing that unilateral power. The majority in this body, at the insistence of the Bush administration, voted for it. Well, they got it.

So of the security guards in the Federal building where I have my office in Minnesota and elsewhere, I am told a private contractor took over their contract this July, and without consultation, without negotiation, or without consent altered their health benefit payments. It saves this big company taxes.

Of course, they could underbid the existing contractor and take that out of the benefits of those security guards in Minnesota to the detriment of them and their families.

The result has been that since July 1, 15 to 20 percent of that local guard force has had to quit, look for a new job, or take a second job. Others have not been able to meet their house and car payments. They are having a harder time concentrating on work, their work being to protect the people who work in my office, my constituents.

One guard had a heart problem and had to be taken from work to the hospital in an ambulance because of the stress that was imposed. He received medical services that now, as a result of this contract change, he does not have the money to pay for.

It takes 70 to 80 hours to train a new security guard. For a full-timer, that is about 10 full-time days. For part-timers, that can take up to a month depending on their part-time schedule. So this is not saving the taxpayers money. This is saving the private contractor money. It is providing greater profits for that company at the expense of the health and economic security of the people who are providing that security day and night in Minnesota and other States because their protections were stripped out and eliminated when this new Department of Homeland Security was created.

I say, respectfully, to the chairman of the Appropriations Committee, as well as to the chairman of the subcommittee and the distinguished ranking member, I know they have expressed in the past their reluctance to adopt policy changes in appropriations measures, but the health, security and protections of the people in Minnesota, unfortunately, cannot wait for some other measure to come forward. So I believe it is essential that I bring forward this amendment, and I ask my colleagues to consider it.

It very simply says—and I would be quite happy to go back further in time, but for the sake of this particular situation and others like it—for contracts that have been taken over through lowball bidding since May 30, 2004, alterations in health protection and health coverage have to be negotiated with the employees or with their bargaining unit. To me, this is the minimal measure of protection that should be granted to every employee in the Federal Government, in this agency, or any other.

At 5:25 p.m., I received stated objections from someone at the Federal Protective Service purporting to represent the official response of the Department of Homeland Security. Once again, the existing Federal agency at the last minute has objections to the legislation that could have been presented to me today, last week, whenever. My staff has been in discussion with the majority and the minority staff on the committee for the last few days. Less than 2 hours ago, to receive from the agency involved their stated objections that they will use, I assume to try to defeat this amendment, I find to be offensive.

They, once again, presume that because they have this authorizing legislation that grants the Secretary unilateral, complete, absolute power to make these changes in people's contracts that affect their lives, that affect their families, they do not even need to bother to respond to proposed legislation, which is exactly the reason this should not have been passed to begin with; exactly the reason employees should have due process; exactly the reason this ought to be in contract bargaining procedures so that those changes that are going to be made have to go through a negotiation or discussion with the elected representatives of those affected employees.

We have gone too far in creating this department and giving that unilateral authority to any single individual. This is a step back in the proper direction that is not in any way going to affect the national security of this country. In fact, I take that back. It will only enhance the national security of this country, of the Federal employees in the Federal buildings such as in Minnesota and the citizens who go to those buildings to meet with their elected representatives because they will be better qualified, better trained, more capable people, including those who now hold those jobs, except for those who have been forced to leave those jobs. So there will be better national security at a lower cost to the taxpayer when the retraining and other ancillary costs are included.

The only one that will be adversely affected by this will be the private employer who is underbid and is trying to extract additional profits out of the economic security of those employees and the public security of those they protect.

I urge my colleagues to support this amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the Senator for his suggestion of this change. As I understand the amendment, it would limit the appropriation provided in this bill by restricting the opportunities for the Federal Protective Service to enter into certain contracts. It imposes conditions under which they can engage in contract activities for protective services at Federal building sites.

I am advised by the Federal Protective Service, which is under the Department of Homeland Security, that this is an amendment not supported by the administration. There are those who are involved in helping to safeguard the security of Federal buildings and other facilities. They have limited resources which they say would be significantly diverted from the primary mission of providing the professional, qualified, and capable security guard service according to contracts and the needs of individual locations. The restrictive language of the amendment is counterproductive to the progress the Federal Protective Service has made.

So the argument that I have to make and that I am happy to make is that this amendment should not be included in this legislation, and we would be forced to resist it. I will urge my colleagues to vote against it at the appropriate time.

The leadership has indicated, I think, either formally or informally, that there will be no further rollcall votes this evening, so this is an issue that would have to go over until tomorrow, and we will be happy to discuss the details more fully tomorrow so that all Senators are aware of the impact this amendment would have on the Federal Protective Service and its ability to do its job.

Mr. President, I ask unanimous consent that this amendment be set aside so that other matters may be brought up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, there is a matter I can bring to the attention of the Senate, a modification of an amendment that has already been adopted.

AMENDMENT NO. 3618, AS MODIFIED

On behalf of Senator BYRD and myself, I offer a modification to amendment No. 3618 which was adopted by voice vote on Friday, September 10, 2004.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 3618), as modified, is as follows:

On page 39, between lines 5 and 6, insert the following new section:

"SEC. . (a) The total amount appropriated under the heading "CUSTOMS AND BORDER PROTECTION, SALARIES AND EXPENSES" is hereby increased by $150,000,000. Of such total amount, as so increased, $50,000,000 is provided for radiation detection devices, $50,000,000 is provided for additional border inspectors, and $50,000,000 is provided for additional border patrol agents.

"(b) The total amount appropriated under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES AND EXPENSES" is hereby increased by $100,000,000. Of such total amount, as so increased, $50,000,000 is provided for additional investigator personnel, and $50,000,000 is provided for detention and removal bedspace and removal operations.

"(c) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS" is hereby increased by $128,000,000. The total amount provided in the aforementioned heading for discretionary grants is increased by $128,000,000. Of that total amount as so increased, the amount for rail and transit security grants is increased by $128,000,000.

"(d) The total amount appropriated under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS" is hereby increased by $36,000,000. Of such total amount, as so increased, $36,000,000 is provided for emergency management performance grants.

"(e) Section 13031(j)(3) of the Consolidated Omnibus Budget Reconcillation Act of 1985 as amended by this bill, strike "June 1, 2005" and insert "September 30, 2005."

AMENDMENTS NOS. 3585, 3602 AND 3620, EN BLOC

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. First of all, I move to set aside any pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed en bloc to the consideration of amendments Nos. 3585, 3602, and 3620, the first two offered by Senator FEINGOLD, the third by Senator LEVIN. It is my understanding they have been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. There is no objection to consideration of the amendments. They have been cleared on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments were considered and agreed to en bloc, as follows:

AMENDMENT NO. 3585

(Purpose: To require the development of a transportation security plan, and for other purposes)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall—

(1) develop and maintain an integrated strategic transportation security plan; and

(2) base future budget requests on the plan.

(b) The integrated strategic transportation security plan shall—

(1) identify and evaluate the United States transportation assets that need to be protected;

(2) set risk-based priorities for defending the assets identified;

(3) select the most practical and cost-effective ways of defending the assets identified; and

(4) assign transportation security roles and missions to the relevant Federal, State, regional, and local authorities and to the private sector.

(c) The Secretary of Homeland Security shall submit the integrated strategic transportation security plan to Congress not later than February 1, 2005 and shall submit updated plans, including assessments of the progress made on implementation of the plan, on the first day of February each year thereafter. Any part of the plan that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

AMENDMENT NO. 3602

(Purpose: To require the Secretary of Homeland Security to report to Congress on goods purchased by the Department of Homeland Security that were manufactured outside of the United States)

On page 3, between lines 13 and 14, insert the following:

SEC. 101. (a) Not later than 180 days after the end of fiscal year 2005, the Secretary of Homeland Security shall submit a report to Congress that describes the articles, materials, and supplies acquired by the Department of Homeland Security during fiscal year 2005 that were manufactured outside of the United States.

(b) The report submitted under subsection (a) shall separately indicate—

(1) the dollar value of each of the articles, materials, and supplies acquired by the Department of Homeland Security that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total funds spent by the Department of Homeland Security on goods manufactured within the United States compared with funds spent by the Department of Homeland Security on goods manufactured outside of the United States.

(c) The Secretary of Homeland Security shall make the report submitted under this section publicly available to the maximum extent practicable.

AMENDMENT NO. 3620

(Purpose: To clarify the prohibition on contracting with foreign incorporated entities)

At the appropriate place, insert the following:

SEC.   . Section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period ", or any subsidiary of such an entity";

(2) in subsection (b)(1), by inserting "before, on, or" after the "completes";

(3) in subsection (c)(1)(B), by striking "which is after the date of enactment of this Act and"; and

(4) in subsection (d), by striking "homeland" and inserting "national".

AMENDMENT NO. 3602

Mr. FEINGOLD. Mr. President, the amendment that I am offering today would require the Secretary of Homeland Security to submit to Congress a report on the amount of goods acquired by the Department during fiscal year 2005 that were made overseas.

I want to thank the chairman and the ranking member of the subcommittee for working with me to include this important provision in the bill.

My amendment would extend for another year with respect to the Department of Homeland Security a provision that was enacted as part of the fiscal year 2004 omnibus spending bill requiring all Federal departments and agencies to submit to Congress a report about goods that they purchase that are made outside of the United States. These reports will improve the disclosure of the amount of foreign-made goods purchased by the federal government.

My amendment, like current law, requires that this report include the following information: (a) the dollar value of any articles, materials, or supplies purchased that are manufactured outside of the United States; (b) an itemized list of all waivers of the Buy American Act granted with respect to such articles, materials, or supplies, and (c) a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

The amendment also requires that the report be made publicly available to the maximum extent practicable.

Prior to the enactment earlier this year of the Government-wide Buy American reporting requirement that I authored, only the Department of Defense was required to report annually on its use of waivers of domestic procurement laws. Last year, I introduced legislation to strengthen the Buy American Act of 1933, the statute that governs procurement by the Federal Government. The name of the Act accurately and succinctly describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods. One part of my bill would require that all Federal departments and agencies submit annual reports on their purchases. The amendment that I am offering today is based on that provision in my bill.

The Buy American Act requires that the Federal Government support domestic businesses and domestic workers by buying American-made goods. I am pleased to note that the underlying bill includes language that states that none of the funds appropriated to the Department of Homeland Security may be used in contravention of the applicable provisions of the Buy American Act.

It only makes sense that Federal departments and agencies be required to report to Congress on their compliance with Federal law and with congressional intent regarding this important matter.

The American people deserve to know how their tax dollars are being spent, and to what extent these dollars are being used to support foreign jobs. I look forward to reviewing the fiscal year 2004 versions of these reports, and I am pleased that the managers have worked with me to extend the requirement for the Department of Homeland Security for fiscal year 2005. I will continue my efforts to ensure that this simple reporting requirement is made permanent for all Federal departments and agencies.

Again, I thank the chairman and ranking member of the subcommittee for agreeing to accept my amendment, and I yield the floor.

AMENDMENT NO. 3620

CONTRACTS

Mr. ALLEN. Mr. President, I ask the Senator, does the amendment apply to any existing contract at the Department of Homeland Security?

Mr. LEVIN. No, the amendment would only apply to new contracts signed after the date of enactment.

Mr. ALLEN. I thank the Senator. Does that mean that the Senator's amendment will not prohibit any task order, change order or extension issued in connection with an existing contract awarded prior to the ate of enactment?

Mr. LEVIN. The Senator is correct. The intent of the amendment is to only capture new contracts.

Mr. ALLEN. I thank the Senator. So this amendment will not impact task orders issued under the US VISIT contract awarded to Accenture and the Smart Border Alliance?

Mr. LEVIN. The Senator is correct, the amendment is not intended to impact that contract or any task orders issued under the US VISIT contract.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum, unless the manager has more.

Mr. COCHRAN. Mr. President, I do not know of any other Senator who is planning to speak or offer an amendment at this time, so I think it is appropriate to put in a quorum call, unless we go to morning business.

MORNING BUSINESS

Mr. REID. I ask unanimous consent we go now to morning business.

Mr. COCHRAN. We have no objection to going into morning business.

The PRESIDING OFFICER. Without objection, the Senate will now proceed to a period for morning business.

JOHN KERRY'S HEALTH CARE PLAN

Mr. KENNEDY. Mr. President, I would like to speak briefly on another matter. It came to my attention that the President, today, spoke in Muskegon, MI, about health care. The President derided JOHN KERRY's plan for reforming health care as a bureaucratic nightmare and contended it would cost $1.5 trillion.

I want to mention for the record, when this President became President we were spending $1.3 trillion on health care. Now we are spending $1.8 trillion on health care. Do you hear me? That is a half a trillion dollars. That is a half-trillion-dollar increase that Americans are now spending on health care. What do we have to show for results? We have to show, as a result, that an average family would have to pay $10,000 for a family policy for comprehensive health care.

The results will show we have had the greatest decline in coverage of insurance for American workers during the last 3 years in the history of our health insurance debate. Drug prices are skyrocketing right up through the roof. Ask any senior citizen about the cost increase in prescription drugs. At the same time, you will find some of the greatest profits in the history of the drug companies and the HMOs.

I suggest that the tactics of fear and smear no longer be used when it comes to health care debates. Let us get rid of fear and smear. The facts do not add up to the recommendations and the suggestions we heard this afternoon. We know health insurance coverage is a crisis in this country in terms of cost and the increased numbers of uninsured and that prices are going up through the roof. Yet this administration absolutely opposed any opportunity for negotiated prices in terms of prescription drugs in the Medicare legislation last year.

Distortion and misrepresentation is a great concern to me. We have seen this administration distort and misrepresent intelligence about getting us into Iraq. We have seen them distort and misrepresent intelligence when they talk about our economy. It has been true with regard to education and leaving 4.5 million children out of the No Child Left Behind Program.

As I have said at other times, when this Nation made a commitment that we were going to cover Medicare, we covered all of our seniors. When we said we were going to cover voting rights, we covered all of our Americans who should have been eligible for voting rights. When we said we were going to cover all children in this country—and 4.5 million of them being left out and behind—I compared it to the fact that when President Kennedy said we were going to the Moon, Congress gave us half the money to get us up to $150 million and not do anything else but get our astronauts to the Moon and not bring them home. Those are the facts.

That is why these representations and debate in terms of health care, in terms of education, in terms of our economy, and in terms of Iraq—this is an administration that has failed in terms of its responsibilities. It is misleading the American people on issue after issue. That is what this debate is about. We will have a chance to see its outcome on election day.

I yield the floor.

HONORING DR. CATHERINE SNELSON

Mr. REID. Mr. President, I today congratulate Dr. Catherine Snelson, assistant professor of geoscience at the University of Nevada, Las Vegas, for receiving the 2003 Presidential Early Career Award for Scientists and Engineers, PECASE.

This award is the highest honor bestowed by the U.S. Government on young scientists at the outset of their careers. In addition, Cathy has also received the Early Career Scientist and Engineer Award from the National Nuclear Security Administration's Office of Defense Programs.

I commend Dr. Snelson for her hard work and commitment to academic excellence in the public interest.

Dr. Snelson received her B.S. from California State University at Hayward in 1995, and her M.S. and her Ph.D. in geophysics from the University of Texas at El Paso. While completing these degrees, she performed fieldwork in the western United States, Ireland, and central Europe.

Since joining the faculty of UNLV as an assistant professor in January 2002, Dr. Snelson has continued to do important research that will protect the people of Nevada. Specifically she has identified areas that would be most affected by seismic events occurring in and around the Las Vegas Valley, and she has been involved in setting up motion recording stations to monitor earthquakes throughout the valley.

Please join me in congratulating Dr. Catherine Snelson for her academic excellence, and in wishing her well in her promising career as a geoscientist.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Baltimore, MD, in 1999, a group of six people went on a crime spree that included over a dozen armed robberies and four car-jackings. While most of the victims were threatened at gunpoint and otherwise not injured, one man was hit in the head with a baseball bat and Tacy Ranta, a prominent transgender activist, was fatally shot in the chest. When one of the assailants asked the shooter why he had shot "that lady," the shooter replied "that was no lady—that was a faggot." Some transgender activists believe that since Ranta was the only one killed, the murder was a hate crime based on her status as a transsexual.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

10TH ANNIVERSARY OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. BIDEN. Mr. President, today marks the 10-year anniversary of the Violent Crime Control and Law Enforcement Act of 1994. The bill, which was the product of bi-partisan compromise, took a balanced position to criminal justice policy, strengthening many Federal penalties, providing funding to build prisons and promoting truth-in-sentencing. Most importantly, the act made important investments in programs designed to prevent crime in the first place, including putting 100,000 community policing officers on the street and reducing violence against women and children.

To ensure this bill's passage, I worked harder than I ever had in the U.S. Senate. Prior to the final vote, in August of 1994, I stated that "I will vote for this bill, because, as much as anything I have ever voted on in 22 years in the U.S. Senate, I truly believe that passage of this legislation will make a difference in the lives of the American people. I believe with every fiber in my being that if this bill passes, fewer people will be murdered, fewer people will be victims, fewer women will be senselessly beaten, fewer people will continue on the drug path, and fewer children will become criminals."

Fortunately, this turned out to be right. With the passage of the Biden crime bill we were able to form a partnership amongst Federal, State, and local law enforcement and create programs that helped drive down crime rates for 8 consecutive years. In 1994 we had historically high rates of violent crimes, such as murders, forcible rapes, and aggravated assaults. We were able to reduce these to the lowest levels in a generation. We reduced the murder rate by 37.8 percent; we reduced forcible rapes by 19.1 percent; and we reduced aggravated assaults by 25.5 percent. Property crimes, including auto thefts, also were reduced from historical highs to the lowest levels in decades.

How were we able to achieve such great results? Well, we all know it was a combination of factors, but most law enforcement officials credit the Office of Community Oriented Policing with a pivotal role. Indeed, in the words of Attorney General Ashcroft, the Community Oriented Policing program has been "a miraculous success." COPS has funded over 118,000 local officers to patrol our neighborhoods and towns and help drive down crime rates. Because of COPS, the concept of community policing has spread to cities and towns across the country.

A testament to the success of the program is the fact that it has been endorsed by every major law enforcement group in the country, including the International Association of Chiefs of Police (IACP), the National Association of Police Organizations, the National Sheriff's Association, the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials, the International Union of Police Associations, the Fraternal Order of Police, and others.

Completely disregarding the overwhelming success of COPS, the Bush administration and Republican leadership have set their sights on eliminating this program. President Bush has proposed cuts each year he has been in office, and while we have fought to maintain funding for COPS, we are fighting an uphill battle. Funding for 5 State and local law enforcement programs run out of the Department of Justice is down 75.6 percent since fiscal year 2002. To me, this approach is inexplicable, particularly because the need for Federal assistance remains pressing.

Recent articles from USA Today and the New York Times highlighted the fact that many cities are being forced to eliminate officers because of their woeful local budgets. In fact, New York City has lot 3,000 officers in the last few years. Other cities, such as Cleveland, OH, Milwaukee, MN, and Houston, TX, are facing similar shortages. As a result, local police chiefs are reluctantly pulling officers from the proactive policing activities that were so successful in the nineties. This has not been a choice taken lightly. Police chiefs understand the value of proactive policing; however, they simply don't have the manpower to do it all. Basically, we have been asking them to do more with less, and responding to emergency calls must take precedence over proactive programs. However, I fear that we are starting to see the results. Local chiefs are reporting increased gang activity. Murder rates and auto thefts—two very accurate indicators of crime trends—have gone up for 3 consecutive years.

The Bush administration's response to these criticisms is that funding for first responders is way up. Undoubtedly, these are critical, necessary expenditures, and I believe that the administration has not invested enough for our first responders. However, this argument misses the point entirely. We have an obligation to do both. We must fund our first responders and invest in the programs that help reduce traditional crime and prevent terrorism. As the President has stated on many occasions, it is the solemn duty of the Federal Government to keep Americans safe. We simply can't achieve this goal without investing in our State and local law enforcement partners. The COPS office has been a critical lynchpin in the Federal, State, and local partnership that has been effective since the passage of the 1994 Biden crime bill, and I hope that the Bush administration and this Congress will reverse its current course and provide critical funding for this program.

Another component of the 1994 Biden crime bill was the Violence Against Women Act. With the passage of the Violence Against Women Act we started talking about that dirty little secret that no one wanted to say out loud, and as a result women and children have become safer. Instead of suffering alone, a rape victim or battered wife can now turn to a trained police officer, an emergency room nurse, or a 1-800 telephone operator. We've transformed so-called "family matters" into public crimes that hold the offender accountable and provide the victim with meaningful services.

Since fiscal year 1995, nearly $3.8 billion has been appropriated for the programs created by the Violence Against Women Act. In Delaware alone, the Office on Violence Against Women has overseen 21 grant awards totaling $9.5 million. These investments have paid off. Domestic violence has dropped nearly 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down 22 percent. Today, more than half of all rape victims are stepping forward to report the crime, and over a million women have found justice in our courtrooms and obtained domestic violence protection orders.

Of course, we need to do more. As more and more brave women step forward to report a rape or seek a restraining order, more demands are placed on women's shelters, State prosecutors, victim advocates, and other resources. As we encourage victim reporting and swift responses by our criminal justice system, we must continue to create and support services for families in distress. We cannot let the Violence Against Women Act become a victim of its own success.

To ensure that VAWA is passed on to the next generation, we have begun working on the next version of the act. This is a collaborative effort. We are listening closely to those on the front lines—police, trial judges, emergency room nurses and many others—and making targeted improvements to existing grant programs and tightening up criminal laws. We are learning about the new challenges and the persistent problems of old. Frankly, there are still far too many women and their children vulnerable to cowardly abusers. As such, the new act may include heightened penalties for repeat Federal domestic violence offenders, and update the Federal stalking statute to incorporate new technologies that can terrorize women.

This past spring, I was in my home State at an event honoring the winners of our high school poster contest. To enter this first-ever "Teens Against Sexual Assault" contest, any Delaware high school student could submit a poster that somehow visually depicted the message "no means no." The two young winners were quite shy, but they both joined me at the podium in front of 200 people. They stunned the audience, admitting that they both had been victims of rape and hoped that through their efforts they could help other young women find the courage to report their attacker and seek help. As I listened to these courageous young women, I was reminded of the essential purpose of the Violence Against Women Act. We simply can't stop now.

Prior to the enactment of the 1994 crime bill, many doubted that the Federal Government could have a measurable impact on crime in the United States. Programs such as COPS and VAWA proved the critics wrong. COPS and VAWA have made Americans safer and changed fundamental societal attitudes about domestic violence and sexual assault.

In this new age of terrorism, we simply cannot lose site of traditional crimes in our neighborhoods and homes. While the threat of terrorism is very real, the likelihood of becoming a victim of a "traditional" crime is exponentially far greater than becoming a victim of a terrorist attack. Last year, there were over one million incidents of violent crime and over 16,000 murders reported to the police. If we are going to continue to progress and make this country safer, we must continue to invest in the programs that have proven successful, and during the last few weeks of this legislative session, I hope Congress and President Bush will do just that.

HONORING OUR ARMED FORCES

SPECIALIST DUSTIN S. COLBY

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to SP Dustin S. Colby, a fellow Iowan from the Mason City/Clear Lake area. The Iowa National Guard regretfully announced the death of Specialist Colby when he was killed on August 27, 2004, along with fellow soldier SSG Bruce J. Pollema, when their military motor vehicle rolled over, into a ditch near Camp Dodge. Specialist Dustin Colby was a member of the 2168th Transportation Company based in Sheldon, IA. SP Colby is survived by his mother, Misty L. Thoe, and his father, Jerry L. Colby, as well as numerous siblings. This brave young soldier was only 20 years old.

The family of Dustin Colby issued the following statement in response to the news of their son's death:

Dustin was a dedicated son, grandson, brother, cousin, nephew, boyfriend, friend and Soldier. He loved life, his family, and being a soldier.

My deepest sympathy goes out to his family and friends. Specialist Colby brought happiness to many people, and his memory will never die because of the impact he had on the people he knew. It is fitting that we pay tribute to his life and his service to his country.

SGT. JAMES DANIEL FAULKNER

Mr. BAYH. Mr. President, with a heavy heart and deep sense of gratitude I honor the life of a brave young man who grew up in Clarksville, IN. Sgt. James Daniel Faulkner, 23 years old, died on September 8 when the armored personnel carrier he was driving at the head of a convoy was struck by enemy fire in Baghdad. With his entire life before him, James chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

James graduated from Clarksville High School in 1999. He attended Indiana University Southeast for 1 year before deciding that he wanted to seek different opportunities. Shortly thereafter James, along with a longtime friend from high school, joined the Army in November of 2000. James was a combat engineer who served his country with pride. He was assigned to the 1st Cavalry's 20th Engineer Battalion, based in Fort Hood, TX. Just a few weeks ago, James visited with his family for the last time while on leave before returning to Iraq to fulfill his tour of duty, which started in March of this year.

James was the 34th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his fiancée, Lisa Moreno, whom he was set to marry in July; his mother, Pam Gilkey; his father, James Faulkner; his stepfather; his three sisters; and his two brothers.

Today, I join James' family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over this tremendous loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of James, a memory that will burn brightly during these continuing days of conflict and grief.

According to Clarksville High School's director of counseling Pat Hunt, James had enjoyed athletics and was a strong student. James starred on the track and cross-country teams and was a member of the National Honor Society. He was known by all for his dedicated spirit and his love of country. His mother, Pam, recounted a conversation she had with her son to the Louisville Courier-Journal, remembering when she questioned her son's reasons for his recent re-enlistment. She said James replied by simply saying he was "proud to serve his country."

As I search for words to do justice in honoring James' sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of James' actions will live on far longer than any record of these words.

It is my sad duty to enter the name of James Daniel Faulkner in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like James' can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with James.

OUT OF TIME

Mr. LEVIN. Mr. President, in a matter of hours, the assault weapons ban will expire. That moment will mark a turning point—to the wrong direction—in our effort to reduce gun violence. Criminals, and potentially terrorists, will once again have easy access to 19 of the highest powered and most lethal firearms produced. I am disappointed that, despite broad bipartisan support for the ban, the Republican congressional leadership opposes it and President Bush has done little or nothing to support this important legislation.

At midnight tonight, 19 currently banned assault weapons will become legal once again, as well as firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher. Common sense tells us that there is no reason for civilians to have easy access to guns with these features.

Over the past year, I have repeatedly urged the Congress to act. I believe that allowing gun manufacturers to restart production of these dangerous weapons will increase their number and availability on our streets and lead to a rise in gun crimes committed with assault weapons.

Many in the law enforcement community have called the currently banned assault weapons "the weapons of choice for criminals." This is what the Michigan Association of Chiefs of Police has said about the expiration of the assault weapons ban:

> We are disappointed in the lack of political will to extend a ban that has apparently worked. In the ten years of the ban's life, there has been a 66% reduction in assault weapons traced to crime.

The MACP has informed me that 14 police officers have been killed in the U.S. by assault weapons already this year. Unfortunately, that the number will likely rise as the assault weapons ban is allowed to expire.

Last week, Police Chief Ervin Portis of Jackson, MI, came to Washington, DC in support of reauthorizing the assault weapons ban. Accompanying him on this trip was David Harvey, retired chief of police of Garden City, MI. Chief Harvey was chief of police on December 31, 2002, when an armed assailant set out to execute a police officer from Garden City. His intended victim was Officer Rodney Donald. Officer Donald was shot 7 times with a semiautomatic rifle that contained a magazine with a capacity of 100 rounds. Officer Donald is now permanently disabled and unable to perform duties as a police officer. The clip used in this attack is currently banned, but, like many of the assault weapons it was designed for, the clip will again become legal at midnight.

As many of my colleagues know, law enforcement support for the assault weapons ban is broad. Supporters include the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association.

On the other side are lobbyists of the National Rifle Association and their allies in Congress and the White House. The NRA has said that the ban is ineffective and unnecessary. But this assertion is not supported by the facts. According to statistics reported by the Brady Campaign to Prevent Gun Violence, from 1990 to 1994, assault weapons named in the ban constituted 4.82 percent of guns traced in criminal investigations. However, since the ban's enactment, these assault weapons have made up only 1.61 percent of the crime-related guns traced. It is disturbing that the President has sat back rather than standing up with our Nation's law enforcement community in support of this critical piece of gun safety legislation.

The Senate majority leader was quoted in a New York Times article on September 9 as saying, "I think the will of the American people is consistent with letting it expire, so it will expire." I am aware of no facts to support that statement. In fact, numerous polls have found that large majorities of adults support a reauthorization of the ban. In the very same New York Times article, the House majority leader is quoted referring to the Assault weapons ban as "a feel-good piece of legislation."

On March 2 of this year, I joined with the majority of my colleagues in passing an amendment to reauthorize the assault weapons ban for another 10 years. The bill to which it was attached, however, was later derailed.

Despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, bipartisan support in the Senate, and the pleas of Americans who have already lost loved ones to assault weapons tragedies, it appears the ban will expire at midnight tonight, as neither the President nor the Republican congressional leadership is willing to act. Unfortunately, tomorrow morning Americans will wake up less secure than they are today.

I ask unanimous consent that the New York Times article titled "Effort to Renew Weapons Ban Falters on Hill" be printed in the RECORD.

There being no objection, the following material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 9, 2004]

EFFORT TO RENEW WEAPONS BAN FALTERS ON HILL

(By Sheryl Gay Stolberg)

WASHINGTON, Sept. 8—Despite widespread popular support, the federal law banning the sale of 19 kinds of semiautomatic assault weapons is almost certain to expire on Monday, the result of intense lobbying by the National Rifle Association and the complicated election-year politics of Washington.

While President Bush has expressed support for legislation extending the ban and has said he would sign it into law, he has not pressured lawmakers to act, leading critics to accuse him of trying to have it both ways.

Efforts to renew the ban, which polls show is supported by at least two-thirds of Americans, have faltered this year on Capitol Hill. Democrats are well aware that they lost control of the House of Representatives in 1994, the year President Bill Clinton signed the original legislation, and have shied away from the issue of gun control, while Republican leaders have opposed the ban.

"I think the will of the American people is consistent with letting it expire, so it will expire," Senator Bill Frist of Tennessee, the majority leader, said on Wednesday.

The House majority leader, Representative Tom DeLay of Texas, dismissed the ban as "a feel-good piece of legislation" and said flatly that it would expire Monday, even if Mr. Bush made an effort to renew it.

"If the president asked me, it would still be no," Mr. DeLay said. "He knows, because we don't have the votes to pass the assault weapons ban. It will expire Monday, and that's that."

Democrats decried the influence of the rifle association and said the ban could be renewed if the president wanted it to.

"If you support something, you have a responsibility to advocate for it," said Senator Dianne Feinstein, the California Democrat and chief sponsor of the ban's renewal. Senator Charles E. Schumer, Democrat of New York, who was a lead sponsor of the ban 10 years ago when he was in the House, blamed "a dysfunction of our politics" for what he called "this Alice in Wonderland situation of repealing a law that everyone agrees has been overwhelmingly successful."

The act prohibits, by name, the sale of 19 specific weapons that have the features of guns used by the military, and also outlaws magazines that can hold more than 10 rounds of ammunition. While backers acknowledge that the law is riddled with loopholes, they cite federal statistics showing crimes traceable to assault weapons have declined by two-thirds since the law went into effect.

But the N.R.A., which has made overturning the ban its top legislative priority, says the law bans only "cosmetic accessories" on guns, and does little other than place a burden on gun manufacturers. "We felt from the very start it was bogus legislation," Wayne LaPierre, the association's chief executive, said.

On Wednesday, in a last-ditch effort to persuade lawmakers to renew the law, supporters of the ban—including police chiefs from around the country and victims of gun violence and their relatives—converged on Washington for a news conference.

Tom Mauser, whose 15-year-old son, Daniel, was killed in the 1999 massacre at Columbine High School in Colorado, arrived wearing his son's sneakers and took them off while addressing reporters, a pointed physical reminder of his loss.

James S. Brady, the former White House press secretary who suffered brain damage after being shot in the head by a handgun during the 1981 assassination attempt on President Ronald Reagan, sat, mostly silent, in a wheelchair.

"The assault weapons are coming, they're coming next week," warned Mr. Brady's wife, Sarah, who has been a vocal advocate for restrictions on gun ownership for the past two decades.

Noting that Mr. Reagan had supported the weapons ban in 1994, Mrs. Brady said she felt deserted by the party she and her husband had worked so hard for. "I am angry," she said. "I am angry at our president. I'm so disappointed."

The White House press secretary, Scott McClellan, repeated on Wednesday that "the president supports the reauthorization of the current law." But when asked by reporters what, if anything, Mr. Bush was doing to make that happen, Mr. McClellan replied: "The president doesn't set the Congressional timetable. Congress sets the timetable. And the president's views are very clear."

Democrats hit hard at Mr. Bush. "We cry out for leadership," said Senator Schumer, adding that, "The president talks about flip-flops. Well, flip: I'm for it. Flop: House, don't do anything, don't pass it."

The Democratic presidential nominee, Senator John Kerry of Massachusetts, supports renewing the ban, and took a break from campaigning earlier this year to return to the Senate when it came up for a vote as part of a broader piece of gun legislation. Fifty-two senators voted in favor of renewing the ban, but the underlying measure was defeated.

On Wednesday, a senior adviser to Mr. Kerry, Joe Lockhart, signaled that the ban would become a campaign issue. He said that Mr. Kerry planned to discuss the ban Monday, at an event timed to coincide with its expiration. Mr. Kerry, he said, "believes the cynical deal between the president and the House Republican leadership, hiding behind procedure, is completely unacceptable."

A poll released this week by the Annenberg Public Policy Center of the University of Pennsylvania found that 68 percent of Americans—and 32 percent of N.R.A. members—support renewing the ban. The findings, drawn from interviews with 4,959 adults, had a margin of sampling error of plus or minus one percentage point.

A separate national survey, conducted by Doug Schoen, a Democratic pollster, on behalf of the Brady Campaign to Prevent Gun Violence, found that 74 percent of voters support renewing the ban, but that support is highest—79 percent—among independent voters who are being courted by President Bush and Mr. Kerry. That survey of 800 voters had a margin of error of three percentage points.

Mr. Schoen, who is not advising the Kerry campaign, also surveyed voters in the swing states of Ohio, Florida and Pennsylvania and concluded that support for the ban was high enough to make it a significant issue. "If Kerry wants to distinguish his position from Bush, this provides a very convenient vehicle," he said.

But over all, Democrats have not talked much about the weapons ban. Senator Patty Murray, the Washington Democrat who is in a tough re-election fight, said voters, unaware that the ban was set to expire, had not made it an issue, and that neither had she.

"There are so many issues, education and health care and jobs and the economy in my state right now," Ms. Murray said. "People are really focused on that."

And over the years the ban has been a losing issue for Democrats. After Republicans took control of the House in 1994, President Clinton remarked that the ban might have cost Democrats 20 seats. Some believe that former Vice President Al Gore lost crucial states, including his home state, Tennessee, in the 2000 election because he came out too strongly for gun control.

Even the ban's chief Democratic backers in Congress, Senator Feinstein and Representative Carolyn McCarthy of New York, acknowledged that Democrats were afraid to be too vocal in their support. "In the small states in particular, and the rural states, the control of the N.R.A. is much greater," said Ms. Feinstein, adding, They will specifically target a member, including a House member, and go after them."

The N.R.A. has also said it will not endorse a candidate for president until after Congress recesses for the fall election, a pronouncement that the ban's backers say is tantamount to a threat not to endorse Mr. Bush until the ban expires. Mr. LaPierre said the claim was "100 percent untrue." But he blamed Democrats for the bill's undoing, saying they had tried, unwisely, to use it to gain political advantage when Mr. Clinton was president.

"I guess you could say politics is what enacted it in the first place," he said. "Politics is going to be the undoing of it."

On Wednesday, as the police chiefs and victims' relatives fanned out across Capitol Hill to lobby lawmakers, a chief target was the

House speaker, Representative J. Dennis Hastert of Illinois. In recent weeks, advocates for the ban have been approaching Mr. Hastert at bookstores around the country, where he has been signing copies of his new autobiography, "Speaker."

Several, including Mr. Mauser, said that Mr. Hastert seemed supportive. "He said yes, I support that," said Penny Okamoto, who said she saw Mr. Hastert on Aug. 16 at a Barnes & Noble store in Beaverton, Ore. "I was so surprised, I actually asked him twice."

But on Wednesday, the speaker was noncommittal, saying that if the Senate was to adopt the bill, "then we'll take a look at it."

Mr. Mauser said he was not satisfied with that, and would knock on Mr. Hastert's door on Thursday. He said that he had already spoken with an aide to his own congressman, Representative Tom Tancredo, a Republican who opposes the ban, and that the meeting did not go well.

"It ended on a pretty bad note," Mr. Mauser said. "Not even a shake of the hand."

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2004 budget through September 8, 2004. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 concurrent resolution on the budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by $8.0 billion in budget authority and by $31 million in outlays in 2004. Current level for revenues is $3.1 billion above the budget resolution in 2004.

Since my last report dated July 12, 2004, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, or revenues for 2004: the Surface Transportation Extension Act of 2004, Part IV (P.L. 108-280); the Department of Defense Appropriations Act, 2005 (P.L. 108-287); and, the Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (P.L. 108-303).

I ask unanimous consent that the report and accompanying letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 2004.

Hon. DON NICKLES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2004 budget and are current through September 8, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted. Pursuant to section 502 of H. Con. Res. 95, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes budget authority of $2 billion from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2004 (Public Law 108-303).

Since my last letter, dated July 12, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays, or revenues for 2004:

The Surface Transportation Extension Act of 2004, Part IV (Public Law 108-280);

The Department of Defense Appropriations Act, 2005 (Public Law 108-287); and

The Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (Public Law 108-303).

The effects of these actions are detailed in Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 8, 2004

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under (-) resolution
On-budget:			
Budget authority	1,873.5	1,881.4	8.0
Outlays	1,897.0	1,897.0	*
Revenues	1,331.0	1,334.1	3.1
Off-budget:			
Social Security outlays	380.4	380.4	0
Social Security revenues	557.8	557.8	*

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note.—* = less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 8, 2004

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,330,756
Permanents and other spending legislation[1]	1,117,131	1,077,938	n.a.
Appropriation legislation	1,148,942	1,179,843	n.a.
Offsetting receipts	−365,798	−365,798	n.a.
Total, enacted in previous sessions:	1,900,275	1,891,983	1,330,756
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108–202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108–203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108–210)	107	58	0
Act act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108–211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108–218)	0	0	3,363
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (P.L. 108–220)	13	7	0
Surface Transportation Extension Act of 2004, Part II (P.L. 108–224)	482	0	0
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	80	35	0
Surface Transportation Extension Act of 2004, Part III (P.L. 108–263)	422	0	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	7	6	0
Act act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 108–272)	0	0	−2
Surface Transportation Extension Act of 2004, Part IV (P.L. 108–280)	−646	−7	0
AGOA Acceleration Act of 2004 (H.R. 4103)	0	0	−2
Department of Defense Appropriations Act, 2005 (P.L. 108–287)	0	10	0
Total, enacted this session:	2,484	800	3,359
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−21,334	4,221	n.a.
Total Current Level[1, 2]	1,881,425	1,897,004	1,334,115
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	7,966	31	3,115
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $82,460 million in budget authority and $36,644 million in outlays from previously enacted bills. From the current session, the current level excludes $27,656 million in budget authority and $154 million in outlays from the Department of Defense Appropriations Act, 2005 (P.L. 108–287) and $2,000 million in budget authority from the Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (P.L. 108–303). In addition, pursuant to section 312(c)(3)(A) of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, up to $500 million in budget authority and $330 million in outlays for wildland fire suppression accounts are exempt from the enforcement of the budget resolution for the current fiscal year. In this current level report, these amounts are excluded from the total for the Department of Defense Appropriations Act, 2005 (P.L. 108–287).

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

NURSE-MANAGED CLINICS VITAL TO VA

Mr. GRAHAM of Florida. Mr. President, nurses are an invaluable resource for the VA health care system, as well as for health care systems the world over. As such, VA has established nurse-managed primary care clinics at many of its medical centers. These clinics are run by nurse practitioners who serve as independent practitioners with prescriptive authority and a focus on delivering cost-effective, efficient, high quality care. I am pleased to say that on July 6, 2004, the Senate Committee on Veterans' Affairs, of which I am ranking member, received VA's favorable report on these clinics, entitled, "Nurse-Managed Primary Care Clinics Evaluation."

To complete this report, VA identified three clinics in three VISNs: Fergus Falls, MN; Denver, CO; and Madison, WI. VA then evaluated patient satisfaction, access to care, provider experiences, functional status of patients receiving care, cost of care, and waiting times. Overall, the report concluded that veterans seem immensely satisfied with the care they receive at the clinics and that the costs associated with them are reasonable. I am very proud of the success of these clinics, though not at all surprised by the quality of care provided by VA's nurse practitioners.

The patients surveyed at the three clinics stated that they were highly satisfied with the services received there, especially in terms of length of time spent waiting at the office, time spent with the veteran, explanation of what was done for the patient, technical skills and personal manner of staff, as well as the overall visit. In addition, 67 percent of the veterans served by these clinics rated them good on wait times, convenience of the office location, and the ability to get through to the office by telephone.

The Nurse-Managed Primary Care Clinics Evaluation resulted from a June 14, 2001, hearing conducted by the Senate Committee on Veterans' Affairs. At this hearing, in-depth discussion about innovations at a nurse-managed clinic took place. Subsequently, nurse recruitment and retention provisions were included in Public Law 107-135, which included an evaluation of nurse-managed health care clinics in VA. I am pleased that the committee was able to effect the survey that resulted in this extremely encouraging report.

Currently, VA employs 36,000 registered nurses, approximately 6 percent of which are nurse practitioners. Nurses have long been recognized by VA, as well as those of us who oversee it, as indispensable to the delivery of health care. In fact, according to a 1999 article by M.O. Mundinger in Nursing Economics, nurse practitioners are able to effectively provide 90 percent of the services primary care physicians do. In recognizing the great value nurses hold, VA has done all it can to foster and fully utilize these essential members of the health care community. Its nurse-managed primary care clinics are one important, and successful, facet of this effort.

* * *

NAMING OF THE USS "SOMERSET"

Mr. SANTORUM. Mr. President, I speak today on the naming of the USS *Somerset*. On Thursday, September 9, 2004, the United States Navy named the ninth ship of the San Antonio-class of amphibious transport dock ships as Somerset.

The naming of the USS *Somerset* honors Somerset County, the county in Pennsylvania where United Airlines Flight 93 crashed after fearless passengers stormed the cockpit preventing the airplane from hitting its intended target. The USS *Somerset* stands as a reminder of the 40 passengers and crew who exhibited courage and sacrifice in the most dangerous of situations.

The USS *Somerset* also symbolizes the renewed hope, compassion, and cooperation that citizens across our country have shared with one another since that horrific day. September 11, 2001, the day that changed our history and our lives was intended to unravel America's strength, but it has only made us stronger.

When I returned from my first visit to the crash site in Shanksville, PA, I was inspired by the strength of the Flight 93 family members who, being able to keep a better world in sight, now carry the torch of their loves ones. As the USS *Somerset* carries out its mission by providing transport to Marines embarking on expeditionary warfare missions and special operations, let us not forget the compassion of those who provided aid and support to the family and friends of those who lost their lives on September 11, 2001, as well as the courage and responsibility displayed by the heroes aboard Flight 93.

As we reflect on the passing of the third anniversary of the September 11, 2001 terrorist attacks, let us not forget the resolve our Nation faced in light of our tragedy. By honoring the memories of all those lost to the terrorist attacks, through the naming of the USS *Somerset*, we are reminded of what the American spirit is capable of. I will never forget the bravery and sacrifice witnessed on that tragic day 3 years ago. May God continue to bless our country as each of us continues to find our own way to exhibit this renewed American spirit.

ADDITIONAL STATEMENTS

IN RECOGNITION OF MARIE SWAJESKI, FOUNDER OF THE DELAWARE CHILDREN'S THEATRE

• Mr. CARPER. Mr. President, I wish to rise today to recognize Marie Swajeski, founder of the Children's Repertory Theatre, now known as the Delaware Children's Theatre. Marie has dedicated her life to children and the theater. She literally has touched the lives of thousands.

Marie was born in Philadelphia, PA to the late David and Helen Mondillo. Growing up in Philadelphia, she met her husband John at a dance hall shortly before World War II. They married a few years later in 1949. The couple moved to Delaware in 1951 when John took a job at Dupont.

Marie's passion for the theater and to make people happy began at an early age. She carried this kindred spirit through adulthood and began direction of theatrical productions in the 1960s for the Ardensingers Candlelight Dinner Theatre and the Catholic Youth Organization. She became involved in both adult and children's activities, and in 1969 became chairwoman of the opera society's Junior Division, today known as the Family Opera Theatre. Marie's community theater experience involvement spans a wide variety of activities, including actor, director, choreographer, producer, and theater arts instructor.

But Marie had a dream and a desire to do more. She wanted to leave a legacy for generations to come. In 1973, she founded and became the artistic director of the Children's Repertory Theatre, now known as the Delaware Children's Theatre, DCT. Rehearsing in various basements and garages, a touring company of children and adults was formed to bring professional quality theater to schools, parks, retirement and nursing homes, hospitals, and colleges throughout Delaware.

Marie set her goals and standards high. At the time, many people thought that there would be little interest in children's theater. Marie proved them wrong. She was a true pioneer. Her strong belief that children would benefit from watching and participating in live theater carried her through this challenging period of time.

She assembled an army of enthusiasts and volunteers who shared her vision. For the next 10 years, they conducted educational workshops for children. DCT received grant money from the Delaware Arts Council in the early years to perform and tour schools throughout the State. In its first decade, DCT presented to critical acclaim over 700 performances to more than 90,000 children.

Over the years, the demand for more children's theater began to grow. The

Delaware Children's Theatre needed a home. In 1984, the DCT bought the New Century Club Building on Delaware Avenue in Wilmington. It became more than just a theater to house productions; it has become a magical second home to thousands of children.

DCT has served others as well since its inception. In the early years, the DCT offered free summer workshops for underprivileged children. DCT's outreach group, The Rainbow Players, often performs at the Ronald McDonald House, River Fest—benefiting The Boys & Girls Club—Ministry of Caring, and nursing homes.

It is through Marie's hard work and perseverance that the lives of hundreds of thousands of children have been changed. She has helped shape and enrich the lives of thousands on the stage of the theater, and in the hearts of those who have been lucky enough to call her their friend. I rise today to honor and thank Marie for her selfless dedication to the betterment of others. She truly is a remarkable woman and a testament to the community she represents.•

IN MEMORIUM OF THE REVEREND DR. BROOKS E. REYNOLDS, SR.

• Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of a remarkable Delawarean, Rev. Dr. Brooks Reynolds, upon his passing at the age of 88. Dr. Reynolds was among the most remarkable men I have been privileged to know in all of the years I have lived in Delaware. Throughout his life, he demonstrated tremendous courage and integrity. He was a man with a kind heart, great abilities, and boundless energy. Unlike most people who are looking for ways to slow down when they turn 80 years old, Brooks Reynolds kept picking up the pace. In the way he lived his own life, Dr. Reynolds reminded each of us how good we can be.

The Rev. Dr. Brooks E. Reynolds, Sr., was born in Shortly, DE, on November 2, 1915, to the late John and Lida Rickards Reynolds. Upon completing high school in Georgetown in 1933, he attended Goldey College, now known as Goldey Beacom College, in Wilmington and Washington College in Chestertown, MD, before earning a bachelor's degree in education and a master's degree in sacred theology from Temple University in Philadelphia, PA. His doctorate of divinity degree was earned at Howard University in Washington, DC.

Dr. Reynolds was lucky enough to have found love twice in his life. He married Grace Collins Reynolds in 1939 and together they served a number of churches beginning in Hooper's Island, MD, in 1938, a part of the former Wilmington Conference of the Methodist Church. Grace passed away in 1993.

His dear friend, Beatrice Simonds, was an important part of his latest ministries and they spent many happy years together before his passing. She describes him as having "personality plus." In Bea's words, "If there ever was a God on earth, he was."

In 1945, Dr. Reynolds was called to start a new church in Wilmington Manor just south of Wilmington, DE. Beginning with meetings in a private home, the church grew through two building programs and the renaming to Asbury United Methodist Church. It had a membership of 2300 when Dr. Reynolds was reassigned to Bethesda United Methodist Church in Salisbury, MD, in 1974.

Dr. Reynolds first retired in 1986 but returned to active ministry to serve three additional pastorates, most recently Christ United Methodist Church in Laurel from 1999 to 2001, where I was once privileged to speak as a lay person while Governor of Delaware. In 1954, he became the first chaplain of the Delaware State Police and in 2003 was awarded the first Delaware State Police emeritus status with promotion to major. Dr. Reynolds also served as the chaplain for the Delaware State Hospital.

Other significant past affiliations included the chaplaincy of Governor Bacon Health Center in Delaware City, secretary of the board of evangelism and president of the board of trustees of the Peninsula Conference Board of Hospital and Homes, and president of the trustees of the Manor House in Seaford. He was a 32nd degree Mason and Past Grand Chaplain of the Masonic Lodge of Delaware.

Dr. Reynolds will always be remembered by me and by the tens of thousands of people whose lives he touched and enriched as a kind and compassionate man who loved all people. He saw no distinction between color, gender, race, or creed. He was a visionary in every sense of the word. Life was about growth, and he was always trying to find new ways to reach out to people. When the church had no money, Dr. Reynolds bought a bus to transport people to church who otherwise had no way of coming to church. The bus transported parishioners, children to Sunday school, and to day care. Some 300 children rode his buses. The church's fleet of buses expanded to include 27 buses.

Dr. Reynolds had a great sense of humor and was known for telling fabulous stories. One of my favorite all-time quotations came from him, too. "The main thing is to keep the main thing the main thing." He often injected humor into his sermons and had a quick wit. He was a genuine person, and was not just comfortable to be around; he was a joy to be around.

Dr. Reynolds is survived by his sons, Brooks E. Reynolds, Jr., of Topeka, KS, and State Representative Bruce C. Reynolds and his wife, Kathleen, of Bear, DE, as well as by seven grandchildren, Ty, Lyda, Blair, Bret and Chad Reynolds, Mary Bock, and Brian Seals, and one great-granddaughter, Tara Leek.

I rise today to commemorate Dr. Reynolds, to celebrate his life, and to offer his family my support. Dr. Reynolds embodied the best of Delaware, and he will be sorely missed by us all.•

IN HONOR OF DONALD R. DOSER ON THE OCCASION OF HIS RETIREMENT FROM OPERATING ENGINEERS, LOCAL 3

• Mrs. BOXER. Mr. President, I rise today to recognize Donald R. Doser, Business Manager Emeritus of Operating Engineers, Local 3, as he prepares to retire.

Donald Doser has been a man committed to excellence. He has been a major force in the construction trades since 1958. A graduate of Harvard University's trade union school, he dedicated his career to improving the lives of working men and women in the construction trades. Donald has served as Local 3's District Representative and business manager. He also served as General Vice President for the International Union of Operating Engineers.

During his tenure with Operating Engineers Local 3, Donald organized, trained staff and diligently worked to keep business operations on a sound financial footing. The list of his achievements and accomplishments during his leadership over the years is long. He increased the membership of Local 3 and focused on organizing new workers, creating equalized health benefits for members and improved vision-care coverage.

Donald Doser, in addition to his more obvious accomplishments, established and maintained a higher standard of integrity in his organization. He undertook his many tasks with great determination and dedication. I am pleased to congratulate and pay tribute to him, and I encourage my colleagues to join me in wishing Donald Doser and his family the very best as he embarks on the next chapter in his life.•

SOLDIERS AND NASCAR

• Mr. SESSIONS. Mr. President, I will make a few remarks concerning NASCAR and our soldiers at Walter Reed.

On June 3, I attended a Memorial Day dinner at the Walter Reed Army Hospital honoring our country's wounded soldiers. I occasionally visit the hospital to pay my respects to our country's wounded heroes. On this occasion, however, I had the opportunity to meet two of NASCAR's greatest drivers, Rusty Wallace and Jimmie Johnson, who were also participating in this event. Many of the soldiers at the hospital follow NASCAR, and the racers' appearance at the hospital lifted the spirits of both wounded soldiers and dedicated hospital staff members. I am sure Rusty and Jimmie would agree with me when I say that nothing is more humbling or gratifying than meeting these real-life heroes, the men and women who have served our country in such a noble manner. I want to personally thank Rusty Wallace and Jimmie Johnson for taking the time to share in this rewarding experience. They too are great patriots giving of their time to recognize these heroes.

Walter Reed Army Hospital is an amazing place. I have seen firsthand why it is the Nation's most effective military health care facility. Our soldiers and those who represent all the other military services are the reason that America is the paramount military force in the world today.

The caregivers at Walter Reed, Bethesda and military hospitals overseas are some of America's great unsung heroes. They are the doctors and nurses who are responsible for helping our soldiers get well and back to their families or in uniform as soon as possible. Their needs and concerns are equally important to me and my colleagues. With the help of these doctors and nurses, our military services are improving the quality of care provided to soldiers, their family members, our veterans and retirees. Most of these soldiers were doing well although most had received serious wounds. Their loyalty to their brothers at arms and to America is inspiring. We sent them there in our place so we would be safer at home. And they have performed superbly. Jimmie and Rusty understand that all of us, whether racer, politician, critic, or protestor, enjoy the good life in this country because of the courage of the soldier, their willingness to serve for us.

NASCAR and its fans love America. Their skills and their cars reflect our freedom and the technological skills that make us world leaders. It was a great thing, that these super stars found time in their hectic and intense schedule to provide comfort, sympathy, and inspiration to these who have sacrificed for us. I thank them for it.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-9055. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Unmanufactured Wood Articles From Mexico" (Doc. No. 98-054-3) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9056. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Missouri" (Doc. No. 01-015-2) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9057. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Forchlorfenuron; N-(2-chloro-4-pyridinyl)-N'-phenylurea; Time-Limited Pesticide Tolerance" (FRL#7362-1) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9058. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the 2003 Status Report to Congress for the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9059. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyrimethanil Pesticide Tolerances" (FRL#7371-2) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9060. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions" (RIN0563-AB76) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9061. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations: Apple Crop Insurance Provisions" (RIN0563-AB92) received on September 6, 2004; to the Committee on Agriculture; Nutrition, and Forestry.

EC-9062. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Pecan Crop Insurance Provisions" (RIN0563-AB91) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9063. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack and Container Requirements" (Doc. No. FV04-920-1) received on September 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9064. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Increased Assessment Rate" (Doc. No. FV04-924-1) received on September 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9065. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, 14 quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2004; to the Committee on Armed Services.

EC-9066. A communication from the Deputy Chief of Naval Operations for Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, the notification of a decision to implement performance by the Most Efficient Organization (MEO) for Retail Supply Mid-Atlantic and Retail Supply, Installation, and Bulk Liquid Storage in Tidewater, VA; to the Committee on Armed Services.

EC-9067. A communication from the Deputy Chief of Naval Operations for Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, the notification of a decision to implement performance by the Most Efficient Organization (MEO) for the Public Works Center in Great Lakes, IL; to the Committee on Armed Services.

EC-9068. A communication from the Employee Benefits Program Manager, Human Resources Support Branch, Department of the Navy, transmitting, pursuant to law, the annual report for 2004 of the Retirement Plan for Civilian Employees of the United States Marine Corps; to the Committee on Armed Services.

EC-9069. A communication from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting, pursuant to law, the annual report on the Pentagon Renovation Program; to the Committee on Armed Services.

EC-9070. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the consolidation of the storage of National Defense Stockpile (NDS) mercury; to the Committee on Armed Services.

EC-9071. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 15c3-3 Reserve Requirements for Margin Related to Security Futures Products" (RIN3235-AI61) received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9072. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary for Enforcement, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9073. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Terrorist Financing, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9074. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Tax Policy, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9075. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Assistant Secretary for Financial Markets, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9076. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Treasurer of the United States, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9077. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Member, IRS Oversight Board, Department of the Treasury, received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9078. A communication from the Chairman and President, Export Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–9079. A communication from the Chairman and President, Export Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–9080. A communication from the Chairman and President, Export Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Romania; to the Committee on Banking, Housing, and Urban Affairs.

EC–9081. A communication from the Acting General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. Parts 721 and 724—Health Savings Accounts" received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9082. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the State of New Jersey as a result of September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–9083. A communication from the Assistant Secretary, Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Prohibition on the Use of Brokerage Commissions to Finance Distribution" (RIN3235–AJ07) received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9084. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 47780" (Doc. No. FEMA–P–7636) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9085. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 47786" (44 CFR 65) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9086. A communication from the Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the receipt of mortgage insurance by federally qualified health centers; to the Committee on Banking, Housing, and Urban Affairs.

EC–9087. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Assistance to Private Sector Insurers" (RIN1660–AA28) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9088. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination; 69 FR 46436" (44 CFR Part 67) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9089. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 69 FR 46435" (Doc. No. FEMA–7839) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9090. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination; 69 FR 46437" (44 CFR Part 67) received on September 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9091. A communication from the Chief Counsel, Bureau of the Public Debt, Treasury Department, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Treasury Bills, Notes, and Bonds: Six–Decimal Pricing, Negative–Yield Bidding, Zero–Filing, and Noncompetitive Bidding and Award Limit Increase" received on September 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9092. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency blocking property of persons undermining the democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–9093. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk–Based Capital Guidelines; Consolidation of Asset Backed Commercial Paper Programs and Other Related Issues" (RIn3064–AC75) received on September 9, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9094. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Government Performance and Results Act Strategic Plan for 2004–2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–9095. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report relative to the premerger notification program; to the Committee on Commerce, Science, and Transportation.

EC–9096. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9097. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Effectiveness of Collection of Information Requirements" (RIN0648–AQ98) received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9098. A communication from the Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting; Routine Management Measure; Closure Authority" (RIN0648–AS48) received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9099. A communication from the Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Final 2004 Specifications for the Atlantic Bluefish Fishery" (RIN0648–AQ85) received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9100. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing 'Other Flatfish' in the BSAI" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9101. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Rock Sole in the BSAI" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9102. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-Based Sector and the Resumption of Trip Limits" (ID811041) received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9103. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notification of the Vessel Assignments for the B Season Atka Mackerel Fishery in the Harvest Limit Area 542 and/or 543 in the Aleutian Islands Subarea of the BSAI" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9104. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Yellowtail Flounder Landing Limit for Western and Eastern U.S./Canada Areas" received on September 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9105. A communication from the Under Secretary and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Fees for Fiscal Year 2005" (RIN0651–AB70) received on September 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9106. A communication from the Under Secretary and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes in the Requirements for Amendment and Correction of Trademark Registrations" (RIN0561–AB67) received on September 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9107. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Within the Territory and Airspace of Iraq; Approval Process for Requests for Authorization to Operate in Airspace; Doc. No. FAA–2003–14766" (RIN2120–ZZ51) received on July 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9108. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Telecommunications Development Report; to the Committee on Commerce, Science, and Transportation.

EC–9109. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Dishwasher Ranges)" (RIN3084–AA74) received on September 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9110. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Contact Lens Rule" (RIN3084–AA95) received on September 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9111. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Fees" (RIN3084–AA86) received on September 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9112. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting, pursuant to law, a report relative to federal agency use of voluntary consensus standards and conformity assessment; to the Committee on Commerce, Science, and Transportation.

EC–9113. A communication from the Director, Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of the designation of acting officer and nomination for the position of Assistant Secretary for Environment, Safety, and Health, Department of Energy, received on September 6, 2004; to the Committee on Energy and Natural Resources.

EC–9114. A communication from the Office of the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to the impacts of the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

EC–9115. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018–AT93) received on September 6, 2004; to the Committee on Energy and Natural Resources.

EC–9116. A communication from the Acting Assistant for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018–AT53) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9117. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated By Reference" (FRL#7791–9) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9118. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Approval of Revisions to the State Implementation Plan; Correction" (FRL#7798–7) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9119. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina: Source Testing" (FRL#7799–5) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9120. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Major Stationary Source Applicability for Reasonably Available Control Technology in the Northern Virginia Ozone Nonattainment Area" (FRL#7798–6) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9121. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution and Response; Non-Transportation-Related Onshore and Offshore Facilities" (FRL#7800–2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9122. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Attain and Reclassification to Serious Nonattainment; Imperial Valley Planning Area; California; Particulate Matter of 10 Microns or Less" (FRL#7800–5) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9123. A communication from the Chairman, Nuclear Regulatory Commission, a report relative to the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–9124. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District" (FRL#7804–2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9125. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Colorado Springs Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions" (FRL#7809–2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9126. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference" (FRL#7808–8) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9127. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for California-San Joaquin Valley PM–10" (FRL#7807–2) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9128. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Source Review; State of Nevada, Clark County Department of Air Quality and Environmental Management" (FRL#7808–7) received on September 9, 2004; to the Committee on Environment and Public Works.

EC–9129. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production" (FRL#7808–2) received on September 9, 2004; to the Gommittee on Environment and Public Works.

EC–9130. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Worker Protection Standard; Glove Liners, and Chemical-Resistant Glove Requirements for Agricultural Pilots" (FRL#7352–3) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9131. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Changing the Ozone Monitoring Season in Idaho from April Through October to May Through September" (FRL#7801-6) received on September 9, 2004 ; to the Committee on Environment and Public Works.

EC-9132. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Federally Enforceable State Operating Permit Program for Allegheny County" (FRL#7807-3) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9133. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Washington" (FRL#7807-1) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9134. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Transportation Conformity Budgets" (FRL#7807-6) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9135. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production" (FRL#7808-4) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9136. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Mojave Desert Air Quality Management District" (FRL#7804-1) received on September 9, 2004; to the Committee on Environment and Public Works.

EC-9137. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-9138. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2004-05 Early Season" (RIN1018-AT53) received on September 8, 2004; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 2792. A bill to permit athletes to receive nonimmigrant status under certain conditions, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 2793. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 2794. A bill to improve elementary and secondary education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. ALEXANDER, Mrs. DOLE, and Mr. LIEBERMAN):

S. 2795. A bill to provide for higher education affordability, access, and opportunity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. DURBIN):

S. 2796. A bill to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD (for himself and Mr. JEFFORDS):

S. Con. Res. 136. A concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 352

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 352, a bill to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Montana (Mr. BURNS), the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 2313

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2426

At the request of Mr. NELSON of Nebraska, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2426, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 2431

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2431, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the medicare program.

S. 2526

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2539

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2539, a bill to amend the Tribally Controlled Colleges or University Assistance Act and the Higher Education Act to improve Tribal Colleges and Universities, and for other purposes.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2587

At the request of Ms. STABENOW, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2587, a bill to amend title XVIII of the Social Security Act to adjust the amount of payment under the physician fee schedule for drug administration services furnished to medicare beneficiaries.

S. 2613

At the request of Mr. HAGEL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2613, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies.

S. 2659

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2659, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 2671

At the request of Mr. ROCKEFELLER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2718

At the request of Mr. DEWINE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2718, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 2734

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2734, a bill to implement the recommendations of the Inspector General of the Department of the Interior regarding Indian Tribal detention facilities.

S. 2741

At the request of Mr. DASCHLE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2741, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2754

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2754, a bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA).

S. 2759

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2762

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2762, a bill to encourage the use of indigenous feedstock from the Caribbean Basin region with respect to ethyl alcohol for fuel use.

S. 2780

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2780, a bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium.

S. 2781

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2781, a bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. CON. RES. 111

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate polio.

S. RES. 419

At the request of Mr. CORNYN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 419, a resolution expressing the sense of the Senate with respect to the continuity of Government and the smooth transition of executive power.

S. RES. 422

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 422, a resolution expressing the sense of the Senate that the President should designate the week beginning September 12, 2004, as "National Historically Black Colleges and Universities Week".

AMENDMENT NO. 3615

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 3615 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3617

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 3617 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 2792. A bill to permit athletes to receive nonimmigrant status under certain conditions, and for other purposes; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise today to introduce legislation to address the inability of promising, talented young athletes from other countries to play for sports teams in the United States, such as the MAINEiacs, a junior league hockey team in Lewiston, ME. This year's shortage of H–2B nonimmigrant visas for temporary or seasonal nonagricultural foreign workers is a matter of great concern to me and to many in my home State of Maine. In early March, the U.S. Citizenship and Immigration Services announced that the congressionally mandated cap of 66,000 H–2B visas would soon be met. It immediately stopped accepting applications for these visas. This meant that thousands of employers in Maine and across the United States who rely on the H–2B program have been in a very difficult position this summer.

For example, Maine's tourism and hospitality industry, as well as its forest products industry, have been particularly hard-pressed to find enough American workers to keep their businesses running at normal levels during what is their busiest time of year. What many people do not know, however, is that the H–2B visa shortage has also meant that hundreds of promising athletes have been unable to come to the United States to play for minor league and amateur sports teams across the Nation.

Those affected by the H–2B problem are not confined to just one industry or one State. That is why I cosponsored two pieces of legislation that would immediately address this problem: S. 2252, the Save the Summer Act, introduced by Senator KENNEDY, and S. 2258, the Summer Operations and Services (SOS) Relief and Reform Act, introduced by Senators HATCH and CHAMBLISS. The former would increase the H–2B visa cap by 40,000 this fiscal year, while the latter would exclude from the cap returning foreign workers who were counted against the cap within the past 2 years. It has become clear, however, that until this legislation comes before the full Senate for a vote, we must continue to actively seek alternative solutions to this problem.

One issue we must address is the problem facing the many minor league professional teams, as well as junior league hockey teams, that rely on H–2B visas. Without these visas, sports teams in Maine and across the Nation have been unable to bring some of their most talented prospects to the United States. Major League sports have also lost a traditional source of talent for their teams.

In my home State of Maine, for example, the Lewiston MAINEiacs, a Canadian junior hockey league team, has been unable to obtain the H–2b visas necessary for the majority of its players to remain in the United States to play in the team's first home games this September. Although these players range in age from 16 to 20, the majority of them are between 16 and 18 years old and are required during the hockey season to balance the demands of athletics and academics. These scholar-athletes are among Canada's most talented junior players, but due to the shortage of H–2B visas, they are in danger of missing out on a tremendous opportunity to improve their skills and, possibly, graduate to a career in professional hockey. In addition, for each home game that the team must cancel or reschedule, the economic impact on the city of Lewiston, and nearby Auburn, in terms of lost hotel and restaurant revenue will be considerable.

The Portland Sea Dogs, a Double-A level baseball team affiliated with the Boston Red Sox, also relies on H–2B visas to bring several of its most skilled players to the United States. Thousands of fans come out each year to see this team, and others like it across the country, play what is arguably one of America's favorite sports. This year, however, approximately 300 talented young, foreign baseball players have been prevented from coming to the U.S. to play for minor league teams, a proving ground for athletes hoping to make it to the Major Leagues.

The P–1 nonimmigrant visa is used by athletes who are deemed by the U.S. Citizenship and Immigration Services as performing at an "internationally recognized level of performance." Unfortunately, USCIS has interpreted this visa category to exclude these talented minor and amateur league athletes. This visa is typically reserved for only those athletes who have already been promoted to Major League sports. However, none of these promising athletes is likely to earn a Major League contract if the players are not first permitted to hone their skills, and to prove themselves, in the minor leagues. This problem can easily be solved by expanding the P–1 visa category to include minor league athletes, as well as those amateur-level athletes, like the Lewiston MAINEiacs, who have demonstrated a significant likelihood of graduating to the major leagues.

I have received a letter from officials from Major League Baseball, which strongly supports the expansion of the P–1 visa category to include professional minor league baseball players. I ask unanimous consent to print this letter in the RECORD. As the League points out, by making P–1 visas available to this group of athletes, teams would be able to make player development decisions based on the talent of its players, without being constrained by visa quotas. The P–1 category, the League argues, is appropriate for minor league players because these are the players that the Major League Clubs have selected as some of the best baseball prospects in the world.

There is no question that Americans are passionate about sports. We have high expectations for our teams, and demand only the best from our athletes. By expanding the P–1 visa category, we will make it possible for athletes to be selected based on talent and skill, rather than nationality. I ask that we act quickly to amend the law to make this possible.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAJOR LEAGUE BASEBALL,
OFFICE OF THE COMMISSIONER,
July 22, 2004.

Re Legislation for Nonimmigrant Alien Status for Certain Athletes.

Hon. SUSAN M. COLLINS,
U.S. Senator from Maine, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: I write to express Major League Baseball's support for your efforts on behalf of Minor League professional baseball players. We understand that you are considering sponsoring legislation that will enable Minor League players to obtain P–1 work visas to perform in the United States.

Currently, foreign players under Minor League contracts are required to obtain H–2B (temporary worker) work visas to perform in the United States. The United States Citizenship and Immigration Services stopped accepting H–2B visa applications in March this year, citing the nationwide cap in the number of such visas that can be issued. That action has prevented approximately 300 young baseball players from performing in the Minor Leagues in the United States this season and developing their skills in the hopes of becoming Major League players.

Minor League experience is crucial in developing the best possible Major League players. Unlike other professional athletes, baseball players almost invariably cannot go directly from high school or college to the Major Leagues. Almost all need substantial experience in the Minor Leagues to develop their talents and skills to Major League quality. To get that necessary experience, young players are signed by Major League Clubs and assigned to play for Minor League affiliates throughout the United States, such as the Eastern League's Portland Sea Dogs in your state.

The Major League Clubs are currently able to use only 81% of the H–2B visas the Department of Labor allowed them for this season, because current laws prevented them from making decisions in the late spring and throughout the summer to promote foreign prospects to United States affiliates. Major League Clubs sign players from the Dominican Republic and Venezuela and assign them at first to affiliates in those countries, then seek to promote them to affiliates in the United States as players' skills progress. Typically, a Club would seek to promote 3–5 players per season to Minor League affiliates in the United States, but the visa restrictions this year have made those promotions impossible. We have learned that at least several Clubs shied away from drafting foreign (mostly Canadian) players whom they otherwise might have selected in the annual First-Year Player Draft in June, because those Clubs knew there would be no opportunity for those players to begin their professional careers in the United States this season. For the Canadian players who were drafted this past June, signings have declined 80% from 2003. These results of the current visa laws have deprived Minor League fans across America from seeing the best young players possible perform for affiliates of the Major League Baseball Clubs and have affected the quality and attractiveness of those affiliates.

Under your leadership, congressional legislation could, by sensibly making available P–1 visas to professional Minor League athletes, ensure that the best baseball prospects from around the world will get the opportunity to develop here in the United States, without the constraint that the H–2B visa cap imposes. The National Association of Professional Baseball Leagues, Inc., also known as Minor League Baseball, shares our support of your legislation. The Major League Baseball Players Association also supports allowing the best young players to develop here in the United States.

Major League Baseball hopes that your Senate colleagues will follow your leadership and pursue a legislative remedy to a problem that is threatening to weaken Baseball's Minor League system.

Sincerely,

RICHARD L. ALDERSON,
Executive Vice President,
Baseball Operations.

By Mr. SANTORUM:

S. 2793. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I rise today to introduce the "Good Samaritan Volunteer Firefighter Assistance Act of 2004." On September 11, 2001, the Nation witnessed the tragic loss of hundreds of heroic firefighters. Amazingly, every year quality firefighting equipment worth millions of dollars is wasted. In order to avoid civil liability lawsuits, heavy industry and wealthier fire departments destroy surplus equipment, including hoses, fire trucks, protective gear and breathing apparatus, instead of donating it to volunteer fire departments.

The basic purpose of this legislation is to induce donations of surplus firefighting equipment by reducing the threat of civil liability for organizations, most commonly heavy industry, and individuals who wish to make these donations. The bill eliminates civil liability barriers to donations of surplus firefighting equipment by raising the liability standard for donors from "negligence" to "gross negligence."

The "Good Samaritan Volunteer Firefighter Assistance Act of 2004" is modeled after a bill passed by the Texas State legislature in 1997 and signed into law by then-Governor George W. Bush which has resulted in more than $6 million in additional equipment donations from companies and other fire departments for volunteer departments which may not be as well equipped. Now companies in Texas can donate surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments that are in need. The donated equipment must meet all original specifications before it can be sent to volunteer departments. Arizona, Missouri, Indiana, and South Carolina have passed similar legislation at the state level.

The legislation saves taxpayer dollars by encouraging donations, thereby reducing the taxpayers' burden of purchasing expensive equipment for volunteer fire departments. in the 107th Congress, Representative CASTLE introduced the Good Samaritan Volunteer Firefighter Assistance Act which had 104 bipartisan cosponsors in the House of Representatives. It is also supported by the National Volunteer Fire Council, the Firemen's Association of the State of New York, and a former director of the Federal Emergency Management Agency (FEMA), James Lee Witt. The bill has been reintroduced as H.R. 1787 in the 108th Congress.

This bill does not cost taxpayer dollars nor does it create additional bureaucracies to inspect equipment. The bill eliminates unnecessary inspection bureaucracies. This is for three reasons. First, bureaucracies are not necessary for inspections because the fire chiefs make the inspections themselves. Second, some of the State bureaucracies control who gets the equipment. These donations are private property transactions, not a good that is donated to the State, allowing the State to pick who will get the equipment. Third, there is no desire to create the temptation for waste, fraud, and abuse in a State bureaucracy in charge of picking winners and losers.

The bill reflects the purpose of the Texas State law. Federally, precedent for similar measures includes the Bill Emerson Good Samaritan Food Act (Public Law 104–210), named for the late Representative Bill Emerson, which encourages restaurants, hotels and businesses to donate millions of dollars worth of food. The Volunteer Protection Act of 1997 (Public Law 105–101) also immunizes individuals who do volunteer work for non-profit organizations or governmental entities from liability for ordinary negligence in the course of their volunteer work. I have also previously introduced three Good Samaritan measures in the 106th Congress, S. 843, S. 844 and S. 845. These provisions were also included in a broader charitable package in S. 997, the Charity Empowerment Act, to provide additional incentives for corporate in-kind charitable contributions for motor vehicle, aircraft, and facility use. The same provision passed the House of Representatives in the 107th Congress as part of H.R. 7, the Community Solutions Act, in July of 2001, but was not signed into law.

Volunteers comprise approximately 73 percent of firefighters in the United States. Of the total estimated 1,078,300 firefighters across the country, 784,700 are volunteer. Of the more than 30,000 fire departments in the country, approximately 22,600 are all volunteer; 4,800 are mostly volunteer; 1,600 are mostly career; and 2,000 are all career. In 2000, 58 of the 103 firefighters who died in the line of duty were volunteers.

This legislation provides a commonsense incentive for additional contributions to volunteer fire departments around the country and would make it more attractive for corporations to give equipment to fire departments in other states. All of America has witnessed the heroic acts of selflessness and sacrifice of firefighters in New York City and in the Washington, D.C. area. I urge my colleagues to join me in supporting this incentive for the provision of additional safety equipment for volunteer firefighters who put their lives on the line every day throughout this great nation.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, AND Mrs. CLINTON):

S. 2794. A bill to improve elementary and secondary education; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I'm pleased to join my colleagues to introduce the No Child Left Behind Improvement Act. Our goal is to chart a better course for bringing the reforms under the law to all students across the country.

I was proud to stand with President Bush in January 2002 as he signed the No Child Left Behind Act into law. At that time, Republicans and Democrats came together to recognize the need to create a strong education system where every child attends a good school with a good teacher. Together, we recognized the importance of achieving that goal for the future of our democracy, economy, and national defense.

In drafting the No Child Left Behind Act in a bipartisan manner, we made great progress from the days when Democrats and Republicans were light years apart on school reform, with some trying to abolish the U.S. Department of Education and privatize our public schools.

No Child Left Behind made improving our public schools a national priority. It laid the cornerstone for a solid accountability system in every State. It called for high academic standards in reading, math, and science, and high-quality tests to measure progress toward those standards. For the first time, it placed our low-income children, children with disabilities, minority children, and English language learners at the top of the school reform agenda. No longer would their needs be hidden, overlooked, or ignored.

It also provided the building blocks for quality in all schools. A fully-qualified teacher in every classroom and better teacher training to make it happen. More after-school tutoring and supplemental services to help students with the greatest needs. Special programs for English language learners. Expanded support for reading in early grades. School report cards to provide information to parents and motivate them to be part of their children's education.

No Child Left Behind promised a great deal to our students and to their families. It's still the right promise. But it hasn't been kept.

Since the law passed, the country has seen the promise of funding No Child Left Behind flagrantly broken by the Bush administration, time and time again. President Bush proposed to cut funding for the law by $90 million just 1 month after signing the bill. His next education budget cut funding by far more—$1.2 billion.

Today, he's leaving 4.6 million children behind, and he's underfunding the law by $9.4 billion. At the same time, President Bush proposes to give tax breaks for the top 1 percent of Americans that total five times the funds promised but never delivered under the No Child Left Behind Act.

Despite these broken promises, our schools are trying to do their part. They've been asked to help all students reach proficiency, and they are responding. Teachers and other school professionals are beginning the hard work of tackling disparities in student achievement, and putting into place the curriculum needed to turn-around thousands of schools that have been identified as needing improvement.

School leaders are struggling to respond to the challenges of providing more highly qualified teachers, supplemental services, and after-school programs in school districts. They're laboring hard in their work to implement the No Child Left Behind Act and bring the promise of true reform to more children and their parents.

The work of school reform is not easy, and schools are struggling to succeed under No Child Left Behind. But on top of the broken promise to provide schools the resources they need to get the job done right, the administration has undermined the efforts of schools to comply with the law, and crippled reforms through its ineffective implementation effort.

Since No Child Left Behind passed, the Department of Education's track record in issuing basic guidance under the law been mired in delay. Final accountability guidelines for children with special needs and limited English proficient children were announced 2 years after the law was enacted, and long after the law's accountability requirements were already in place for schools.

The administration has abandoned requirements to measure adequately the progress of English language learners in a valid and reliable way. They've suggested to States that they don't have to bother to develop native language assessments, and they've done nothing to help improve assessments for children with disabilities.

They've ignored standards for supplemental service providers, and failed to enforce the civil rights protections that are so essential to providing all children fair access to such services. Families are relying on tutoring and extra support to help their children. But the administration's guidance actually prohibits States from requiring high standards for that supplemental support. A highly qualified teacher in every classroom is good policy. Why shouldn't the same apply for supplemental services?

The administration's ham-handed implementation of public school choice has ignored questions of capacity in school districts with overcrowded classrooms.

And their weakened regulations undermine protections against high dropout rates—especially for low-income and minority students. Without information and reporting of those rates for each subgroup of children, the public won't have a complete picture of how children are succeeding.

It's time for the administration to correct these problems and do their part to improve implementation of the No Child Left Behind Act.

The bill that I'm introducing today gets these reforms on track. It will help keep the promise of public school choice, promote quality and access in supplemental services, provide for better assessments for children, and ensure better reporting by schools and states of graduation and dropout rates so that children don't fall through the cracks.

It's important to acknowledge what this bill does not do. It does not make fundamental changes to the requirements under No Child Left Behind. Those reforms are essential to improving our public schools. Every child deserves a chance to learn in a good school, and that chance depends on whether we succeed in implementing the law.

The No Child Left Behind Improvement Act will ensure that school districts consider health and safety codes as they draw up their plans for providing public school choice to students, consistent with the law. In order to ensure that public school choice actually helps children succeed educationally, we must provide an environment that is safe and conducive to their learning—not overcrowded.

It will provide better access to quality supplemental services for eligible students, and ensure full enforcement of civil rights protections under those provisions. The administration's policy of relaxed enforcement in this area allows some private providers off-the-hook from serving children that need the most help. That's wrong.

All students should have a fair chance to choose a supplemental service provider that meets their needs. Limited English proficient children and children with disabilities are often those students that need the most extra help and assistance in our public schools, and this bill would ensure that each State select some providers with the skills to serve those populations.

This bill will also better enable teachers and para-professionals to meet the required standards for teacher quality under the law. A highly qualified teacher is the single most important factor in improving student achievement, and the No Child Left Behind Act requires that every classroom have a qualified teacher by 2006.

We must provide for a system that ensures all teachers have the opportunity to meet that goal. The No Child Left Behind Act includes an alternate standard for veteran teachers to demonstrate their competence and be counted as highly qualified in the subject matter that they teach. This bill ensures that every State develop and implement that standard under the law, and that every state provide para-professionals with the opportunities provided under No Child Left Behind to demonstrate their competence.

Fifteen States have not yet developed or applied standards for veteran teachers. We must do better especially for the 67 percent of all public school teachers that have been teaching for more than 5 years.

And finally, for No Child Left Behind's accountability provisions to be useful, they must be accurate. We need accurate determinations of whether schools are making progress.

The Department's delay in issuing adequate accountability rules for counting children with disabilities and limited English proficient children has created unnecessary confusion, caused a potential mislabeling of schools, and misdirected resources from the schools and students who actually need them. The Department should apply those regulations retroactively, so that schools may be judged on the same standards for the past year as they will be in the future, not by different criteria for different years. In June, I introduced a bill—The No Child Left Behind Fairness Act—to accomplish that goal. The bill that I'm introducing today also includes those requirements.

We're at an important crossroads in reforming our public schools. Schools are hurting, crippled by shrinking budgets and a broken promise of funding under the law. The ineffective track record of this administration in implementing No Child Left Behind largely has contributed to their problems and frustrations.

We must do better. Turning our back on the reforms in the No Child Left Behind Act is no solution. Neither is turning our back on public education. I urge my colleagues to act to ensure that the promise of the essential reforms under No Child Left Behind are realized. Our students and families deserve no less.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Child Left Behind Improvement Act of 2004".

TITLE I—PUBLIC SCHOOL CHOICE, SUPPLEMENTAL EDUCATIONAL SERVICES, AND TEACHER QUALITY

SEC. 101. PUBLIC SCHOOL CHOICE CAPACITY.

(a) SCHOOL CAPACITY.—Section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) is amended—

(1) in clause (i), by striking "In the case" and inserting "Subject to clauses (ii) and (iii), in the case";

(2) by redesignating clause (ii) as clause (iii);

(3) by inserting after clause (i) the following:

"(ii) SCHOOL CAPACITY.—The obligation of a local educational agency to provide the option to transfer to students under clause (i) is subject to all applicable State and local health and safety code requirements regarding facility capacity."; and

(4) in clause (iii) (as redesignated by paragraph (2)), by inserting "and subject to clause (ii)," after "public school,".

(b) GRANTS FOR SCHOOL CONSTRUCTION AND RENOVATION.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. GRANTS FOR SCHOOL CONSTRUCTION AND RENOVATION.

"(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (g), the Secretary is authorized to award grants to local educational agencies experiencing overcrowding in the schools served by the local educational agencies, for the construction and renovation of safe, healthy, high-performance school buildings.

"(b) APPLICATION.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies—

"(1) who have documented difficulties in meeting the public school choice requirements of paragraph (1)(E), (5)(A), (7)(C)(i), or (8)(A)(i) of section 1116(b), or section 1116(c)(10)(C)(vii); and

"(2) with the highest number of schools at or above capacity.

"(d) AWARD BASIS.—From funds remaining after awarding grants under subsection (c), the Secretary shall award grants to local educational agencies that are experiencing overcrowding in the schools served by the local educational agencies.

"(e) PREVAILING WAGES.—Any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction funded by a grant awarded under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

"(f) DEFINITIONS.—In this section:

"(1) AT OR ABOVE CAPACITY.—The term 'at or above capacity', in reference to a school, means a school in which 1 additional student would increase the average class size of the school above the average class size of all schools in the State in which the school is located.

"(2) HEALTHY, HIGH-PERFORMANCE SCHOOL BUILDING.—The term 'healthy, high-performance school building' has the meaning given such term in section 5586.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 2 succeeding fiscal years.".

SEC. 102. SUPPLEMENTAL EDUCATIONAL SERVICES.

Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (B), by striking the semicolon and inserting ", including criteria that—

"(i) ensure that personnel delivering supplemental educational services to students have adequate qualifications; and

"(ii) may, at the State's discretion, ensure that personnel delivering supplemental educational services to students are teachers that are highly qualified, as such term is defined in section 9101;";

(B) in subparagraph (D), by striking "and" after the semicolon;

(C) in subparagraph (E), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(F) ensure that the list of approved providers of supplemental educational services described in subparagraph (C) includes a choice of providers that have sufficient capacity to provide effective services for children who are limited English proficient and children with disabilities.";

(2) in paragraph (5)(C)—

(A) by striking "applicable"; and

(B) by inserting before the period ", and acknowledge in writing that, as an approved provider in the relevant State educational agency program of providing supplemental educational services, the provider is deemed to be a recipient of Federal financial assistance";

(3) by redesignating paragraphs (6), (7), (8), (9), (10), (11), and (12) as paragraphs (7), (8), (9), (10), (11), (12), and (13), respectively;

(4) by inserting after paragraph (5) the following:

"(6) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency from being considered by a State educational agency as a potential provider of supplemental educational services under this subsection, if such local educational agency meets the criteria adopted by the State educational agency in accordance with paragraph (5).";

(5) in paragraph (13) (as redesignated by paragraph (3))—

(A) in subparagraph (B)—

(i) in clause (ii), by striking "and" after the semicolon;

(ii) in clause (iii), by striking "and" after the semicolon; and

(iii) by adding at the end the following:

"(iv) may employ teachers who are highly qualified as such term is defined in section 9101; and

"(v) pursuant to its inclusion on the relevant State educational agency's list described in paragraph (4)(C), is deemed to be a recipient of Federal financial assistance; and"; and

(B) in subparagraph (C)—

(i) in the matter preceding subclause (i), by striking "are";

(ii) in subclause (i)—

(I) by inserting "are" before "in addition"; and

(II) by striking "and" after the semicolon;

(iii) in subclause (ii), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(iii) if provided by providers that are included on the relevant State educational agency's list described in paragraph (4)(C), shall be deemed to be programs or activities of the relevant State educational agency."; and

(6) by adding at the end the following:

"(14) CIVIL RIGHTS.—In providing supplemental educational services under this subsection, no State educational agency or local educational agency may, directly or through contractual, licensing, or other arrangements with a provider of supplemental educational services, engage in any form of discrimination prohibited by—

"(A) title VI of the Civil Rights Act of 1964;

"(B) title IX of the Education Amendments of 1972;

"(C) section 504 of the Rehabilitation Act of 1973;

"(D) titles II and III of the Americans with Disabilities Act;

"(E) the Age Discrimination Act of 1975;

"(F) regulations promulgated under the authority of the laws listed in subparagraphs (A) through (E); or

"(G) other Federal civil rights laws.".

SEC. 103. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

(a) HIGH OBJECTIVE UNIFORM STATE STANDARD OF EVALUATION.—Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting as appropriate;

(B) by striking "(2) STATE PLAN.—As part" and inserting the following:

"(2) STATE PLAN.—

"(A) IN GENERAL.—As part"; and

(C) by adding at the end the following:

"(B) AVAILABILITY OF STATE STANDARDS.—Each State educational agency shall make available to teachers in the State the high objective uniform State standard of evaluation, as described in section 9101(23)(C)(ii), for the purpose of meeting the teacher qualification requirements established under this section.";

(2) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), and (l) as subsections (f), (g), (h), (i), (j), (k), (l), and (m), respectively;

(3) by inserting after subsection (d) the following:

"(e) STATE RESPONSIBILITIES.—Each State educational agency shall ensure that local educational agencies in the State make available all options described in subparagraphs (A) through (C) of subsection (c)(1) to each new or existing paraprofessional for the purpose of demonstrating the qualifications of the paraprofessional, consistent with the requirements of this section."; and

(4) in subsection (l) (as redesignated in paragraph (2)), by striking "subsection (l)" and inserting "subsection (m)".

(b) DEFINITION OF HIGHLY QUALIFIED TEACHERS.—Section 9101(23)(B)(ii) is amended—

(1) in subclause (I), by striking "or" after the semicolon;

(2) in subclause (II), by striking "and" after the semicolon; and

(3) by adding at the end the following:

"(III) in the case of a middle school teacher, passing a State-approved middle school generalist exam when the teacher receives a license to teach middle school in the State;

"(IV) obtaining a State middle school or secondary school social studies certificate that qualifies the teacher to teach history, geography, economics, civics, and government in middle schools or in secondary schools, respectively, in the State; or

"(V) obtaining a State middle school or secondary school science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle schools or secondary schools, respectively, in the State; and".

TITLE II—ADEQUATE YEARLY PROGRESS DETERMINATIONS

SEC. 201. REVIEW OF ADEQUATE YEARLY PROGRESS DETERMINATIONS FOR SCHOOLS FOR THE 2002-2003 SCHOOL YEAR.

(a) IN GENERAL.—The Secretary shall require each local educational agency to provide each school served by the agency with an opportunity to request a review of a determination by the agency that the school did not make adequate yearly progress for the 2002-2003 school year.

(b) FINAL DETERMINATION.—Not later than 30 days after receipt of a request by a school for a review under this section, a local educational agency shall issue and make publicly available a final determination on whether the school made adequate yearly progress for the 2002-2003 school year.

(c) EVIDENCE.—In conducting a review under this section, a local educational agency shall—

(1) allow the principal of the school involved to submit evidence on whether the school made adequate yearly progress for the 2002-2003 school year; and

(2) consider that evidence before making a final determination under subsection (b).

(d) STANDARD OF REVIEW.—In conducting a review under this section, a local educational agency shall revise, consistent with the applicable State plan under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), the local educational agency's original determination that a school did not make adequate yearly progress for the 2002-2003 school year if the agency finds that the school made such progress, taking into consideration—

(1) the amendments made to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698) (relating to accountability for the academic achievement of students with the most significant cognitive disabilities); or

(2) any regulation or guidance that, subsequent to the date of such original determination, was issued by the Secretary relating to—

(A) the assessment of limited English proficient children;

(B) the inclusion of limited English proficient children as part of the subgroup described in section 1111(b)(2)(C)(v)(II)(dd) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)(dd)) after such children have obtained English proficiency; or

(C) any requirement under section 1111(b)(2)(I)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(I)(ii)).

(e) EFFECT OF REVISED DETERMINATION.—

(1) IN GENERAL.—If pursuant to a review under this section a local educational agency determines that a school made adequate yearly progress for the 2002–2003 school year, upon such determination—

(A) any action by the Secretary, the State educational agency, or the local educational agency that was taken because of a prior determination that the school did not make such progress shall be terminated; and

(B) any obligations or actions required of the local educational agency or the school because of the prior determination shall cease to be required.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), a determination under this section shall not affect any obligation or action required of a local educational agency or school under the following:

(A) Section 1116(b)(13) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(13)) (requiring a local educational agency to continue to permit a child who transferred to another school under such section to remain in that school until completion of the highest grade in the school).

(B) Section 1116(e)(9) of the Elementary and Secondary Education Act of 1965 (as redesignated by section 102(3)) (20 U.S.C. 6316(e)(9)) (requiring a local educational agency to continue to provide supplemental educational services under such section until the end of the school year).

(3) SUBSEQUENT DETERMINATIONS.—In determining whether a school is subject to school improvement, corrective action, or restructuring as a result of not making adequate yearly progress, the Secretary, a State educational agency, or a local educational agency may not take into account a determination that the school did not make adequate yearly progress for the 2002–2003 school year if such determination was revised under this section and the school received a final determination of having made adequate yearly progress for the 2002–2003 school year.

(f) NOTIFICATION.—The Secretary—

(1) shall require each State educational agency to notify each school served by the agency of the school's ability to request a review under this section; and

(2) not later than 30 days after the date of the enactment of this section, shall notify the public by means of the Department of Education's website of the review process established under this section.

SEC. 202. REVIEW OF ADEQUATE YEARLY PROGRESS DETERMINATIONS FOR LOCAL EDUCATIONAL AGENCIES FOR THE 2002–2003 SCHOOL YEAR.

(a) IN GENERAL.—The Secretary shall require each State educational agency to provide each local educational agency in the State with an opportunity to request a review of a determination by the State educational agency that the local educational agency did not make adequate yearly progress for the 2002–2003 school year.

(b) APPLICATION OF CERTAIN PROVISIONS.—Except as inconsistent with, or inapplicable to, this section, the provisions of section 201 shall apply to review by a State educational agency of a determination described in subsection (a) in the same manner and to the same extent as such provisions apply to review by a local educational agency of a determination described in section 201(a).

SEC. 203. DEFINITIONS.

In this title:

(1) The term "adequate yearly progress" has the meaning given to that term in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)).

(2) The term "local educational agency" means a local educational agency (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) receiving funds under part A of title I of such Act (20 U.S.C. 6311 et seq.).

(3) The term "Secretary" means the Secretary of Education.

(4) The term "school" means an elementary school or a secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) served under part A of title I of such Act (20 U.S.C. 6311 et seq.).

(5) The term "State educational agency" means a State educational agency (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) receiving funds under part A of title I of such Act (20 U.S.C. 6311 et seq.).

TITLE III—IMPROVING ASSESSMENT AND ACCOUNTABILITY

SEC. 301. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF ASSESSMENT AND ACCOUNTABILITY.

(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (g) for a fiscal year, the Secretary may award grants, on a competitive basis, to State educational agencies—

(1) to enable the State educational agencies to develop or increase the capacity of data systems for assessment and accountability purposes, including the collection of graduation rates; and

(2) to award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage longitudinal data systems for the purpose of measuring student academic progress and achievement.

(b) STATE APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) STATE USE OF FUNDS.—Each State educational agency that receives a grant under this section shall use—

(1) not more than 20 percent of the grant funds for the purpose of—

(A) increasing the capacity of, or creating, State databases to collect, disaggregate, and report information related to student achievement, enrollment, and graduation rates for assessment and accountability purposes; and

(B) reporting, on an annual basis, for the elementary schools and secondary schools within the State, on—

(i) the enrollment data from the beginning of the academic year;

(ii) the enrollment data from the end of the academic year; and

(iii) the twelfth grade graduation rates; and

(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (e).

(d) LOCAL APPLICATION.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put a longitudinal data system in place.

(e) LOCAL AUTHORIZED ACTIVITIES.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agency to upgrade or manage longitudinal data systems consistent with the uses in subsection (c)(1), by—

(1) purchasing database software or hardware;

(2) hiring additional staff for the purpose of managing such data;

(3) providing professional development or additional training for such staff; and

(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement and graduation rates.

(f) DEFINITIONS.—In this section:

(1) The term "graduation rate" means the percentage that—

(A) the total number of students who—

(i) graduate from a secondary school with a regular diploma (which shall not include the recognized equivalent of a secondary school diploma or an alternative degree) in an academic year; and

(ii) graduated on time by progressing 1 grade per academic year; represents of

(B) the total number of students who entered the secondary school in the entry level academic year applicable to the graduating students.

(2) The terms "State educational agency" and "local educational agency" have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term "Secretary" means the Secretary of Education.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 2 succeeding fiscal years.

SEC. 302. GRANTS FOR ASSESSMENT OF CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.

Part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

"SEC. 1505. GRANTS FOR ASSESSMENT OF CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.

"(a) GRANTS AUTHORIZED.—From amounts authorized under subsection (e) for a fiscal year, the Secretary shall award grants, on a competitive basis, to State educational agencies, or to consortia of State educational agencies, to enable the State educational agencies or consortia to collaborate with institutions of higher education, research institutions, or other organizations—

"(1) to design and improve State academic assessments for students who are limited English proficient and students with disabilities; and

"(2) to ensure the most accurate, valid, and reliable means to assess academic content standards and student academic achievement standards for students who are limited English proficient and students with disabilities.

"(b) AUTHORIZED ACTIVITIES.—A State educational agency or consortium that receives a grant under this section shall use the grant funds to carry out 1 or more of the following activities:

"(1) Developing alternate assessments for students with disabilities, consistent with section 1111 and the amendments made on December 9, 2003, to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698) (relating to accountability for the academic achievement of students with the most significant cognitive disabilities), including—

"(A) the alignment of such assessments, as appropriate and consistent with such amendments, with—

"(i) State academic achievement standards and State academic content standards for all students; or

"(ii) alternate State academic achievement standards that reflect the intended instructional construct for students with disabilities;

"(B) activities to ensure that such assessments do not reflect the disabilities, or associated characteristics, of the students that are extraneous to the intent of the measurement;

"(C) the development of an implementation plan for pilot tests for such assessments, in order to determine the level of appropriateness and feasibility of full-scale administration; and

"(D) activities that provide for the retention of all feasible standardized features in the alternate assessments.

"(2) Developing alternate assessments that meet the requirements of section 1111 for students who are limited English proficient, including—

"(A) the alignment of such assessments with State academic achievement standards and State academic content standards for all students;

"(B) the development of parallel native language assessments or linguistically modified assessments for limited English proficient students that meet the requirements of section 1111(b)(3)(C)(ix)(III);

"(C) the development of an implementation plan for pilot tests for such assessments, in order to determine the level of appropriateness and feasibility of full-scale administration; and

"(D) activities that provide for the retention of all feasible standardized features in the alternate assessments.

"(3) Developing, modifying, or revising State policies and criteria for appropriate accommodations to ensure the full participation of students who are limited English proficient and students with disabilities in State academic assessments, including—

"(A) developing a plan to ensure that assessments provided with accommodations are fully included and integrated into the accountability system, for the purpose of making the determinations of adequate yearly progress required under section 1116;

"(B) ensuring the validity, reliability, and appropriateness of such accommodations, such as—

"(i) a modification to the presentation or format of the assessment;

"(ii) the use of assistive devices;

"(iii) an extension of the time allowed for testing;

"(iv) an alteration of the test setting or procedures;

"(v) the administration of portions of the test in a method appropriate for the level of language proficiency of the test taker;

"(vi) the use of a glossary or dictionary; and

"(vii) the use of a linguistically modified assessment;

"(C) ensuring that State policies and criteria for appropriate accommodations take into account the form or program of instruction provided to students, including the level of difficulty, reliability, cultural difference, and content equivalence of such form or program;

"(D) ensuring that such policies are consistent with the standards prepared by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education; and

"(E) developing a plan for providing training on the use of accommodations to school instructional staff, families, students, and other appropriate parties.

"(4) Developing universally designed assessments that can be accessible to all students, including—

"(A) examining test item or test performance for students with disabilities and students who are limited English proficient, to determine the extent to which the test item or test is universally designed;

"(B) using think aloud and cognitive laboratory procedures, as well as item statistics, to identify test items that may pose particular problems for students with disabilities or students who are limited English proficient;

"(C) developing and implementing a plan to ensure that developers and reviewers of test items are trained in the principles of universal design; and

"(D) developing computer-based applications of universal design principles.

"(c) Application.—Each State educational agency, or consortium of State educational agencies, desiring to apply for a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) information regarding the institutions of higher education, research institutions, or other organizations that are collaborating with the State educational agency or consortium, in accordance with subsection (a);

"(2) in the case of a consortium of State educational agencies, the designation of 1 State educational agency as the fiscal agent for the receipt of grant funds;

"(3) a description of the process and criteria by which the State educational agency will identify students that are unable to participate in general State content assessments and are eligible to take alternate assessments, consistent with the amendments made to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698);

"(4) in the case of a State educational agency or consortium carrying out the activity described in subsection (b)(1)(A), a description of how the State educational agency plans to fulfill the requirement of subsection (b)(1)(A);

"(5) in the case of a State educational agency or consortium carrying out the activities described in paragraphs (1), (2), and (4) of subsection (b), information regarding the proposed techniques for the development of alternate assessments, including a description of the technical adequacy of, technical aspects of, and scoring for, such assessments;

"(6) a plan for providing training for school instructional staff, families, students, and other appropriate parties on the use of alternate assessments; and

"(7) information on how the scores of students participating in alternate assessments will be reported to the public and to parents.

"(d) Evaluation and Reporting Requirements.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing the activities carried out under the grant and the result of such activities, including—

"(1) details on the effectiveness of the activities supported under this section in helping students with disabilities, or students who are limited English proficient, better participate in State assessment programs; and

"(2) information on the change in achievement, if any, of students with disabilities and students who are limited English proficient, as a result of a more accurate assessment of such students.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 2 succeeding fiscal years.".

SEC. 303. REPORTS ON STUDENT ENROLLMENT AND GRADUATION RATES.

Part E of title I of the Elementary and Secondary Education Act of 1965 (as amended by section 302) (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

"SEC. 1506. REPORTS ON STUDENT ENROLLMENT AND GRADUATION RATES.

"(a) In General.—The Secretary of Education shall collect from each State educational agency, local educational agency, and school, on an annual basis, the following data:

"(1) The number of students enrolled in each of grades 7 through 12 at the beginning of the most recent school year.

"(2) The number of students enrolled in each of grades 7 through 12 at the end of the most recent school year.

"(3) The graduation rate for the most recent school year.

"(4) The data described in paragraphs (1) through (3), disaggregated by the groups of students described in section 1111(b)(2)(C)(v)(II).

"(b) Annual Report.—The Secretary shall report the information collected under subsection (a) on an annual basis.".

TITLE IV—CIVIL RIGHTS

SEC. 401. CIVIL RIGHTS.

Section 9534 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7914) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

"(a) Prohibition of Discrimination.—Discrimination on the basis of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, or disability in any program funded under this Act is prohibited.".

TITLE V—TECHNICAL ASSISTANCE

SEC. 501. TECHNICAL ASSISTANCE.

Part F of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7941) is amended—

(1) in the part heading, by inserting "**AND TECHNICAL ASSISTANCE**" after "**EVALUATIONS**"; and

(2) by adding at the end the following:

"SEC. 9602. TECHNICAL ASSISTANCE.

"The Secretary shall ensure that the technical assistance provided by, and the research developed and disseminated through, the Institute of Education Sciences and other offices or agencies of the Department provide educators and parents with the needed information and support for identifying and using educational strategies, programs, and practices, including strategies, programs, and practices available through the clearinghouses supported under the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) and other Federally-supported clearinghouses, that have been successful in improving educational opportunities and achievement for all students.".

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. ALEXANDER, Mrs. DOLE, and Mr. LIEBERMAN):

S. 2795. A bill to provide for higher education affordability, access, and opportunity; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce the Higher Education Affordability, Access and Opportunity Act of 2004 with my colleagues Senators BAUCUS, ALEXANDER, DOLE and LIEBERMAN.

We are introducing this bipartisan legislation because we are aware that the American workforce is in the midst of its most significant changes since the 1940s. In the past year, this economy has created nearly 1.7 million new jobs, yet the complaint from employers continues to be that they cannot find skilled workers to fill the jobs that are being created. Our educational systems must recognize this changing reality and be ready to provide the support for a new group of students that represents a workforce revolution.

This skills gap promises to get worse unless Congress acts now to provide the assistance necessary to train a generation of workers that will fill the jobs of tomorrow. The Department of Labor has estimated that as many as 80 percent of the jobs being created over the next 10 years will require some postsecondary education. This will include many adult learners who will return to college for additional training. This also includes new students attending college for the first time later in life to obtain new skills or to improve their current skills.

Congress needs to ensure that we have a comprehensive system of workforce education and training established, one that includes the Workforce Investment Act, the Higher Education Act, and career and technical education, as well as elementary and secondary education. The needs of the new workforce will require a lifelong commitment to learning, where workers are able to return to school and reenter the workforce seamlessly.

Many workers in my home State are leaving to find better jobs elsewhere. To create the kind of good jobs with good futures that will keep people in Wyoming, we need workers with the skills that the new, global economy demands. Whether a company decides to open a plant in Casper or China, they depend on a qualified local workforce.

This legislation would help meet the needs of businesses today and into the future. It would help postsecondary institutions develop and implement curriculum related to high skilled or high-wage occupations. It would also provide support for institutions to increase their capacity to serve adult learners and students pursuing high-growth occupations.

This legislation would provide additional assistance for first-time college students who are attending school to receive advanced skill training or are looking to improve their skill set to enter high-wage or high-skilled occupations.

This legislation also provides support for small business owners, operators, and their employees to receive skill training at institutions of higher education so our small businesses can continue to lead the economic growth of our Nation.

This legislation also provides support for rural communities to recruit and retrain elementary and secondary education, so these areas can prepare their students for college and entry into the workforce with the skills they need to succeed, not only in postsecondary education, but in life.

This legislation also helps students better understand the cost of attending college by making the information collected by the Department of Education more accessible. Helping prospective students understand how to obtain aid and help pay for college is just as important as making sure students have access to the financial aid to support them through college.

I look forward to working with Chairman GREGG to advance these ideas to ensure that the American workforce is prepared with the skills necessary to successfully compete in the global economy.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Affordability, Access, and Opportunity Act of 2004".

SEC. 2. IMPROVEMENTS IN MARKET INFORMATION AND PUBLIC ACCOUNTABILITY.

(a) DATA DISSEMINATION.—Section 131(b) of the Higher Education Act of 1965 (20 U.S.C. 1015(b)) is amended to read as follows:

"(b) COMPARATIVE DATA.—

"(1) IN GENERAL.—Each year the Secretary shall make available to the public the information described in paragraph (2), disaggregated by institution of higher education, in a form that enables the public to compare the information among institutions.

"(2) INFORMATION.—The information referred to in paragraph (1) is the following:

"(A) Tuition and fees for a full-time undergraduate student.

"(B) Cost of attendance for a full-time undergraduate student.

"(C) The average annual cost of attendance for a full-time undergraduate student for the 10 preceding academic years, or if data are not available for the 10 preceding academic years, data for as many of the 10 preceding academic years as is available.

"(D) The percentage of full-time undergraduate students receiving financial assistance, including—

"(i) Federal grants;

"(ii) State and local grants;

"(iii) institutional grants; and

"(iv) loans to students.

"(E) The average percentage of credit hours accepted from students transferring to an institution of higher education from another institution of higher education, and the policy of the accepting institution of higher education for the transfer of credit.

"(F) The percentage of students who have completed an undergraduate program who are placed in unsubsidized employment not later than 12 months after the date of completion of the program.

"(G) A ranking of the dollar and percentage increases in tuition for all institutions of higher education for which data are available, disaggregated by quartile.

"(3) STANDARD DEFINITIONS.—In carrying out this section, the Secretary shall use the standard definitions developed under subsection (a)(3).".

(b) STUDY AND ANNUAL REPORT.—Section 131(c) of the Higher Education Act of 1965 (20 U.S.C. 1015(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "and costs" after "expenditures";

(B) in subparagraph (F), by striking "and" after the semicolon;

(C) in subparagraph (G), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(H) the information and costs described in subparagraphs (D) through (G) of paragraph (2).";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(D) national trends in the cost of attending an institution of higher education;

"(E) the mean cost of attending an institution of higher education, disaggregated by type of institution of higher education;

"(F) the mean annual cost of attending an institution of higher education for the 10 preceding academic years (if available), disaggregated by type of institution of higher education; and

"(G) the assistance provided to institutions of higher education by each State, which information the Secretary shall make available to the public."; and

(3) in paragraph (3)—

(A) in the subsection heading, by striking "FINAL" and inserting "ANNUAL";

(B) by striking "a report" and inserting "an annual report";

(C) by inserting "and the evaluation required by paragraph (2)" after "paragraph (1)"; and

(D) by striking "not later than September 30, 2002".

SEC. 3. TEACHER QUALITY ENHANCEMENT GRANTS.

(a) DEFINITION OF HIGH NEED LOCAL EDUCATIONAL AGENCY.—Section 201(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1021(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "that serves an elementary

school or secondary school located in an area in which there is";

(2) in each of subparagraphs (A), (B), and (C), by inserting "that serves an elementary school or secondary school located in an area in which there is" before "a high";

(3) in subparagraph (B) (as so amended), by striking "or" after the semicolon;

(4) in subparagraph (C) (as so amended), by striking the period and inserting "; or"; and

(5) by adding at the end the following:

"(D) with a total of less than 600 students in average daily attendance at the schools that are served by the local educational agency and all of those schools are designated with a school locale code of 7 or 8, as determined by the Secretary.".

(b) DEFINITION OF ELIGIBLE PARTNERSHIPS.—Section 203(b)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1023(b)(1)(B)) is amended by inserting "educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)," after "State educational agency,".

SEC. 4. GRANTS FOR JOB SKILL TRAINING.

Title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

"PART F—JOB SKILL TRAINING

"Subpart 1—Job Skill Training in High-Growth Occupations or Industries

"SEC. 371. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

"(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

"(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

"(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

"(A) is independent, as defined in section 480(d);

"(B) attends an institution of higher education—

"(i) on less than a full-time basis;

"(ii) via evening, weekend, modular, or compressed courses; or

"(iii) via distance learning methods; or

"(C) has delayed enrollment at an institution of higher education.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

"(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

"(B) local high-growth occupations or industries; and

"(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

"(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

"(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

"(2) take into consideration the capability of the institution of higher education—

"(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

"(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

"(C) to assist students in obtaining loans under section 428L, if appropriate, or other forms of student financial assistance;

"(D) to serve nontraditional or low-income students, or adult or displaced workers; and

"(E) to serve students from rural or remote communities.

"(e) USE OF FUNDS.—Grant funds provided under this section may be used—

"(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

"(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

"(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

"(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

"(5) to build partnerships with local businesses in high-growth occupations or industries; and

"(6) for other uses that the Secretary determines to be consistent with the intent of this section.

"(f) REQUIREMENTS.—

"(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

"(2) DURATION.—The Secretary shall award grants under this section for a 1-year period.

"(3) AVAILABILITY OF GRANT FUNDS.—Grant funds awarded under this section shall be available for not more than 18 months unless, at the Secretary's discretion, the Secretary extends the availability of the grant funds.

"(4) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

"Subpart 2—Small Business Innovation Partnership Grants

"SEC. 375. SMALL BUSINESS INNOVATION PARTNERSHIP GRANTS.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to eligible partnerships to enable the eligible partnerships to provide training and relevant job skills to small business owners or operators for the purpose of facilitating small business development in the communities served by the eligible partnerships.

"(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section the term 'eligible partnership' means a partnership between or among an institution of higher education and 1 or more entities that the Secretary, in consultation with the Administrator of the Small Business Administration, identifies as facilitating small business development, which may include—

"(1) a community development financial institution;

"(2) a small business development center; or

"(3) a microenterprise lending institution.

"(c) AWARD BASIS.—The Secretary shall award grants under this section on the basis of—

"(1) the ability of an eligible partnership to facilitate small business development; and

"(2)(A) the ability of an eligible partnership to serve a rural community;

"(B) the ability of an eligible partnership to serve a low-income population; or

"(C) other criteria developed by the Secretary in consultation with the Administrator of the Small Business Administration.

"(d) LIMITATION.—Of the funds appropriated under section 378 for this part for a fiscal year, the Secretary is authorized to use not more than $15,000,000 of such funds to carry out this section.

"Subpart 3—Administrative Provisions

"SEC. 378. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $65,000,000 for fiscal year 2005 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 5. LEAP APPLICATIONS.

Section 415C of the Higher Education Act of 1965 (20 U.S.C. 1070c–2) is amended—

(1) in subsection (a), by inserting after the first sentence the following: "A State agency may submit an application under this section in partnership with a philanthropic organization within the State, a public or private degree granting institution of higher education within the State, or a combination of such organizations or institutions."; and

(2) in subsection (b)(10), by inserting ", from philanthropic, institutional, or private funds, or from a combination of such sources" before the period.

SEC. 6. WORKFORCE DEVELOPMENT LOAN PROGRAM.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

"SEC. 428L. HIGH-GROWTH OCCUPATION OR INDUSTRY WORKFORCE DEVELOPMENT STUDENT LOANS.

"(a) LOAN PROGRAM AUTHORIZED.—The Secretary shall carry out a loan program under which eligible students may receive a loan of not more than $2,000 for each of the first 2 years of the eligible students' undergraduate program of study in the same manner as the eligible students receive loans under this part and part D.

"(b) DEFINITIONS.—

"(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term 'eligible institution of higher education' means an institution of higher education that offers undergraduate academic programs or undergraduate programs of training in a subject identified under subsection (d)(1) by the State board of the State where the institution of higher education is located.

“(2) Eligible student.—The term ‘eligible student’ means an undergraduate student who—

“(A) is otherwise eligible for a loan under this part or part D;

“(B) enters into an agreement with the eligible institution of higher education where the student is or will be in attendance, under which the student agrees to pursue an undergraduate academic program or undergraduate program of training that trains the student for employment in a high-growth occupation or industry identified under subsection (d)(1);

“(C) is age 18 or older; and

“(D) has an expected family contribution (calculated under part F) equal to or less than zero.

“(3) State board; local board.—The terms ‘State board’ and ‘local board’ have the meanings given such terms in section 101 of the Workforce Investment Act of 1998.

“(c) Limits on Loan Amounts.—

“(1) Annual loan limits.—The total aggregate amount of loans made to an eligible student under this part (including this section) and part D for each of the first and second years of the eligible student's program of study at an eligible institution of higher education, or their equivalent (as determined by the Secretary), that may be covered by Federal loan insurance may not exceed $4,625 for each such year, notwithstanding sections 425 and 428.

“(2) Aggregate limits.—The Secretary shall include the amount of any loans received by an eligible student under this section in calculating the eligible student's aggregate loan limits under sections 425(a)(2) and 428(b)(1)(B).

“(3) Availability of other funds.—An eligible student who receives the maximum loan amount allowed under this section remains eligible for any other program for which the eligible student qualifies under this Act.

“(d) Identification of High-Growth Occupations or Industries.—

“(1) In general.—The State board, in consultation with the local boards and the State entity or agency responsible for licensing institutions of higher education, shall identify high growth occupations or industries in accordance with paragraph (2).

“(2) Timing.—The State board shall review and update the identification required under paragraph (1) each time the State board is required to submit or resubmit a State plan under section 112 of the Workforce Investment Act of 1998.

“(3) Special rule.—A student who has completed 1 year of a 2-year undergraduate academic program or undergraduate program of training in a subject which was previously identified as preparation for a high-growth occupation or industry but, after the review under paragraph (2), is no longer so identified, shall be eligible to receive a loan under this section for the student's second year of such program of study if the student—

“(A) qualified as an eligible student, as defined in subsection (b)(2), and received a loan under this section, for the first year of such program of study; and

“(B) meets the qualifications of subparagraphs (A), (C), and (D) of subsection (b)(2).

“(e) Funds for Administration.—

“(1) In general.—From funds appropriated under subsection (f), the Secretary shall make available to each eligible institution of higher education serving an eligible student with a loan made under this section not more than the amount determined under paragraph (2).

“(2) Amount.—The amount referred to in paragraph (1) for each eligible institution of higher education serving an eligible student with a loan made under this section is 2 percent of the total amount of all loans made under this section to eligible students at the eligible institution of higher education, or $100,000, whichever is less.

“(3) Uses.—The funds made available under paragraph (1) may be used for the following purposes:

“(A) Office.—To create an office of business and workforce partnerships at the eligible institution of higher education to provide staff support for building relationships between the eligible institution of higher education and local businesses.

“(B) Annual report.—To provide an annual report to the Secretary regarding the number of eligible students receiving loans made under this section who—

“(i) remain in their academic program or program of training;

“(ii) graduate from their academic program or program of training;

“(iii) transfer to another institution of higher education; or

“(iv) are placed in unsubsidized employment not later than 12 months after graduation.

“(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005 and each of the 4 succeeding fiscal years.”.

SEC. 7. REQUIREMENT RELATING TO CREDIT TRANSFER.

(a) Program Participation Agreements.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

“(24) The institution will not exclude the transfer of credits earned by a student completing courses or programs at other eligible institutions of higher education solely on the basis of the agency or association that accredited such other eligible institution if that agency or association is recognized by the Secretary pursuant to section 496 to be a reliable authority as to the quality of the education or training offered and is currently listed by the Secretary pursuant to section 101(c).”.

(b) Accrediting Agency and Association Requirements.—Section 496(a) (20 U.S.C. 1099b(a)) is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following:

“(9) such agency or association not adopt or apply standards, policies, or practices that restrict or deny the transfer of credits earned by a student completing courses or programs at other eligible institutions of higher education solely on the basis of the agency or association that accredited such other eligible institution if that agency or association is recognized by the Secretary pursuant to this section to be a reliable authority as to the quality of the education or training offered and is currently listed by the Secretary pursuant to section 101(c).”.

(c) Accrediting Agency Standards.—Section 496(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(5)) is amended—

(1) by striking “and” at the end of subparagraph (I);

(2) by inserting “and” after the semicolon at the end of subparagraph (J); and

(3) by inserting after subparagraph (J) the following new subparagraph:

“(K) policies for the transfer of credit and the notification of the public of such policies;”.

Mr. ALEXANDER. Mr. President, it is my pleasure to co-sponsor, the Higher Education Access, Affordability and Opportunity Act being introduced today by Senator Enzi. This legislation is an issue of great concern to Senators and our constituents: job loss. There is really nothing new about job loss in America. Our strength as an economy is not measured by how many jobs we lose; it is measured by how many good new jobs we create to replace those jobs and how well we train those people to fill those jobs. We don't want to lose any jobs. We want to recognize the pain that goes with moving from one job to another. But, the best thing we can do about job loss is to create an environment in which good new jobs can grow and to offer the training resources necessary to hold those jobs.

Senator Enzi believes, as do I, that a comprehensive approach to creating jobs and training workers is necessary to adapt to the changing demands of the modern economy. The Higher Education Act was enacted to give more students a change to attend college. It was not intended to be a job training bill, nor should it become one. There is, however, a need to create a stronger partnership between institutions of higher education and the 21st century workforce. The goal of access to higher education and the goal of training a highly skilled workforce are not mutually exclusive.

Community colleges are our secret weapons in workforce development. This bill used our secret weapon to create a competitive grant program to help community colleges develop academic programs focusing on areas of high-growth employment. Among other things, it provides additional subsidized loans for high-growth job sector training programs such as technology and health care.

In higher education we focus really on two principles: The first is autonomy and the second is choice. We allow generous amounts of government money to follow students to the schools of their choice. These principles provide students with flexibility to choose among fast moving institutions, and facilitate contracts with businesses. These competitive grants and additional subsidized loans will give local governments both the resources necessary and autonomy to work with their local community colleges to develop programs that will train workers for the jobs that are available within their communities.

I will continue to work with Senator Enzi on these important legislative initiatives and make them a part of the reauthorization of the Higher Education Act.

By Mr. CRAIG (for himself and Mr. Durbin):

S. 2796. A bill to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, today Senator DURBIN and I are introducing legislation strengthening current law concerning certification marks, collective marks, and service marks.

While some of our colleagues may not recognize these terms, I doubt there is any Senator who has not come into contact with one of these marks. For example, if you bought the best baking potatoes in the world, you are familiar with the "Grown in Idaho®" or "Idaho Potatoes®" certification mark. Perhaps you know the certification mark "UL," which stands for Underwriters Laboratory and signifies that an electrical product meets certain safety standards. If you watch network television and have seen the CBS "eye," you have seen a service mark. The union labels on many products are collective marks.

To explain the differences among these marks: service marks are words, names, symbols, or characters that distinguish the mark holder's services, while trademarks distinguish the mark holder's goods. Collective marks are trademarks that are used by organization or association to identify goods or services produced by members of a group. The certification mark is a trade or service mark used to certify characteristics about a product or service; it may indicate that the product or service originates in a specific geographic region, or meets certain standards of quality or mode of manufacture, or the work that went into it was performed by members of an organization.

While they are somewhat different, these marks all serve the same purpose—that is, they enable the public to distinguish among products and services and prevent consumers from being deceived by similar brands. Congress determined that marks would serve the public interest by enhancing product quality and safety, and provided legal protection to these marks under the Lanham Act. The federal law protects all four kinds of marks equally; specifically, 15 U.S.C. §1503 and 15 U.S.C. §1504 provide that service marks, collective marks, and certification marks "shall be entitled to the protection provided" to trademarks, except where Congress provides otherwise by statute.

The principle of equal treatment also applies to "no challenge" provisions in license agreements for the use of a trademark, service mark, collective mark, or certification mark. It is common for such agreements to include provisions under which licensees acknowledge the validity of and agree not to challenge the marks. By protecting the validity of the marks, these provisions reduce potential litigation costs for mark owners and protect the investment made by licensees. A long line of cases has upheld "no challenge" provisions in trademark licenses and dismissed validity challenges.

Unfortunately, the clarity of the Lanham Act on these points has been confused by a recent decision of the Second Circuit Court of Appeals in the case of Idaho Potato Commission v. M&M Produce Farm and Sales. That decision interpreted the Lanham Act as requiring that certification marks should be treated differently from trademarks with respect to "no challenge" provisions. The court mistakenly likened the public policy considerations surrounding certification marks to those surrounding patents.

This decision has raised great consternation among the holders of certification marks and their licenses throughout the United States—more than two dozen of whom joined in an amicus brief challenging the court's reasoning. Congress should be equally concerned, because this decision has the potential to undermine the Lanham Act and the certification mark system itself.

The legislation we are introducing today would not change current law, but would only underscore the policy that Congress clearly intended in the first place. We propose to add the words "rights an privileges" to the two sections of the law that I quoted above, which would clarify that registered service marks, collective marks, and certification marks are "entitled to the protections, rights, and privileges" provided to trademarks. While I have learned never to call legislation "simple," I would stress that at least our intention is simple: to reinstate the original intent of Congress and indicate our support of the view that these marks are to be given equal legal treatment.

I invite all my colleagues to review this legislation and consider the important public policy interests it would protect. It is not only the mark holders and licensees in your State, but all consumers across the nation who have a stake in this bill. and I hope the Senate will act swiftly to approve it.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTIONS, RIGHTS, AND PRIVILEGES OF SERVICE MARKS, COLLECTIVE MARKS, AND CERTIFICATION MARKS.

The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (commonly referred to as the Trademark Act of 1946) is amended—

(1) in section 3 (15 U.S.C. 1053) in the first sentence, by striking "protection" and inserting "protections, rights, and privileges"; and

(2) in section 4 (15 U.S.C. 1054) in the first sentence, by striking "protection" and inserting "protections, rights, and privileges".

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 136—HONORING AND MEMORIALIZING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93

Mr. CONRAD (for himself and Mr. JEFFORDS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 136

Whereas on September 11, 2001, acts of war involving the hijacking of commercial airplanes were committed against the United States, killing and injuring thousands of innocent people;

Whereas 1 of the hijacked planes, United Airlines Flight 93, crashed in a field in Pennsylvania;

Whereas while Flight 93 was still in the air, the passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used to attack the United States;

Whereas during those phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over Flight 93;

Whereas Congress established the National Commission on Terrorist Attacks Upon the United States (commonly referred to as "the 9-11 Commission") to study the September 11, 2001, attacks and how they occurred;

Whereas the 9-11 Commission concluded that "the nation owes a debt to the passengers of Flight 93. Their actions saved the lives of countless others, and may have saved either the U.S. Capitol or the White House from destruction."; and

Whereas the crash of Flight 93 resulted in the death of everyone on board: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the United States owes the passengers and crew of United Airlines Flight 93 deep respect and gratitude for their decisive actions and efforts of bravery;

(2) the United States extends its condolences to the families and friends of the passengers and crew of Flight 93;

(3) not later than January 1, 2006, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall determine a location in the United States Capitol Building (including the Capitol Visitor Center) that shall be named in honor of the passengers and crew of Flight 93, who saved the United States Capitol Building from destruction; and

(4) a memorial plaque shall be placed at the site of the determined location that states the purpose of the honor and the names of the passengers and crew of Flight 93 on whom the honor is bestowed.

Mr. CONRAD. Mr. President, I rise today to submit a concurrent resolution to honor the memory of the passengers on flight 93. This past weekend marked the third anniversary of the vicious and merciless attacks that took place on American soil on September 11, 2001.

As we reflect on those events and mourn the great loss we suffered, we remember the innocent who perished and we are reminded of the valiant efforts of those who saved lives, including the passengers and crew of flight 93. Those brave people gave up their lives in order to save others that fateful day.

In the last several months, the 9/11 Commission released its report about the series of events that took place on September 11, 2001. The Senate has subsequently undertaken an evaluation of the Commission's findings through a series of hearings. As the story continues to unfold, it becomes more clear how important the actions of the passengers and crew of flight 93 were. We now know that flight 93 was almost certainly headed to the U.S. Capitol or the White House. We also know the passengers of flight 93 learned through a series of phone calls to loved ones that hijackers on three other flights had turned airplanes into flying bombs that morning, crashing them into the World Trade Center and the Pentagon.

Armed only with that knowledge and their own courage and resolve, those brave passengers attacked the hijackers and forced them to crash flight 93 into rural Pennsylvania far short of its intended target.

The 9/11 Commission concluded that the Nation owes a debt to the passengers of flight 93. Their actions saved the lives of countless others and may have saved either the U.S. Capitol or the White House from destruction.

Those of us who work here in the Capitol owe a special debt of gratitude to those heroes. Their actions saved one of the greatest symbols of our democracy. Had flight 93 reached its intended target, the dreadful day might have been even worse.

Today I am submitting a resolution honoring and memorializing the passengers and crew of United Airline flight 93. This legislation expresses our deepest respect and gratitude to them, as well as condolences to their families and friends. This bill also calls for a location in the Capitol to be named in their memory and a commemorative plaque to be placed at that location.

Today I bow my head in memory of those who died at the World Trade Center and the Pentagon. I also pay respect to our first responders, volunteers, and average citizens who risked their lives to save others on that day.

Finally, I pay homage to the passengers and crew of flight 93 for taking on those who wished to harm our country and Nation's Capital. I believe it is appropriate at this time to acknowledge the actions of the passengers of flight 93 for showing such remarkable heroism and to commemorate them in the very walls that might have crumbled had they not made that ultimate sacrifice. We are forever indebted to them and should never forget their bravery or their sacrifice or that of their loved ones.

I hope my colleagues will join me in sponsoring this resolution. I have it at the desk and I am submitting it now. I hope on a broad bipartisan basis we are able to recognize those brave passengers and crew of flight 93 for what they did on that remarkable day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3621. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

SA 3622. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 3623. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3624. Ms. MIKULSKI (for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, supra.

SA 3625. Mr. NELSON, of Nebraska proposed an amendment to the bill H.R. 4567, supra.

SA 3626. Mr. KENNEDY proposed an amendment to the bill H.R. 4567, supra.

SA 3627. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3628. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3629. Mr. DAYTON proposed an amendment to the bill H.R. 4567, supra.

TEXT OF AMENDMENTS

SA 3621. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", $5,000,000 may be used for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

SA 3622. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes; which was referred to the Committee on Energy and Natural Resources; as follows:

At the end, add the following:

SEC. 6. BISCUIT FIRE RECOVERY PROJECT.

(a) JUDICIAL REVIEW.—The final environmental impact statement issued by the Forest Service and the Bureau of Land Management concerning the Biscuit Fire Recovery Project on the Rogue River-Siskiyou National Forest and the Grants Pass Resource Area (including the records of decision accompanying the final environmental impact statement) and any Federal action brought under the final environmental impact statement shall not be subject to judicial review by any court of the United States.

(b) TIMING.—Notwithstanding any other provision of law, including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the activities authorized by the final environmental impact statement described in subsection (a) shall proceed immediately and to completion.

(c) EXEMPTION FROM APPLICABLE LAW.—The activities authorized by the final environmental impact statement described in subsection (a) shall not be subject to—

(1) the notice, comment, and appeal requirements of section 322 of Public Law No. 102–381 (16 U.S.C. 1612 note);

(2) administrative remedies under title 43, Code of Federal Regulations; or

(3) judicial review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act").

(d) ATTORNEY'S COSTS, FEES, AND EXPENSES.—No costs, fees, or expenses of an attorney may be recovered in any civil action relating to the Biscuit Fire Recovery Project.

SEC. 7. KALMIOPSIS WILDERNESS ADDITION.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map dated September ___, 2004, and entitled "Proposed Kalmiopsis Wilderness Addition-Rogue River-Siskiyou National Forest".

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 64,000 acres of land in the Rogue River-Siskiyou National Forest in the State of Oregon, as generally depicted on the map, is—

(1) designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Kalmiopsis Wilderness Addition"; and

(2) incorporated into, and to be managed as part of, the Kalmiopsis Wilderness.

(c) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the Kalmiopsis Wilderness Addition; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the

Committee on Resources of the House of Representatives the map and boundary description.

(2) PUBLIC AVAILABILITY.—The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(3) FORCE OF LAW.—The map and boundary description shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the map and the boundary description.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights in existence on the date of enactment of this Act, the Secretary shall administer the Kalmiopsis Wilderness Addition in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Kalmiopsis Wilderness Addition, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

SA 3623. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 4, before the period at the end, insert the following: ": *Provided, further*, That the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, shall include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN–235 aircraft beyond the three aircraft already funded in previous fiscal years".

SA 3624. Ms. MIKULSKI (for herself, Mrs. BOXER, Mrs. CLINTON, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LEVIN, Mr. SARBANES, and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

SEC. 515. The amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "FIREFIGHTER ASSISTANCE GRANTS" is hereby increased to $900,000,000.

SA 3625. Mr. NELSON of Nebraska proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike "$2,845,081,000" and all that follows through line 22, and insert the following: "$3,605,081,000, which shall be allocated as follows:

"(1) $1,700,000,000 for formula-based grants, $400,000,000 for law enforcement terrorism prevention grants, and $30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That".

SA 3626. Mr. KENNEDY proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Not later than 15 days after the date of the enactment of this Act, the President shall submit a copy of the Scowcroft Commission report to Congress.

(b) The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) In this section, the term "Scowcroft Commission report" means the report on improving the capabilities of the United States intelligence community that was prepared by the presidential commission appointed pursuant to National Security Presidential Directive 5 (May 9, 2001) and chaired by General Brent Scowcroft and that was submitted to the President in or around December 2001.

SA 3627. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

MARITIME TRANSPORTATION SECURITY FUNDING

For the purposes described in section 70121(b) of title 46, United States Code, an amount equal to the amounts credited to the Maritime Transportation Security Fund under section 70121(c) of that title, but not in excess of $500,000,000: *Provided* that chapter 701 of title 46, United States Code, is amended by adding at the end the following:

"§ 70120. Security service fees

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—For fiscal years 2005 through 2008, the Secretary of Homeland Security shall impose a maritime security user fee on entities that benefit directly from a secure system of international maritime transportation to assist in the payment of the costs of providing international maritime security services for shipments of cargo and to provide to shippers the benefit of a secure system of international maritime trade. The Secretary shall impose the fee for each unit of measure of cargo imported into or exported from the United States on a vessel when entering or leaving the United States as follows:

Cargo Group	Unit of Measure	Fee
Container (non-HAZMAT).	TEU	$20.00
Container (HAZMAT).	TEU	$50.00

"(2) INTERNATIONAL TRANSSHIPMENT SECURITY FEE.—The Secretary shall impose an international maritime transshipment security user fee for providing security services for shipments of cargo entering the United States as part of an international transportation movement by water through Canadian or Mexican ports at the same rates as the fee imposed under paragraph (1). The fee authorized by this paragraph shall not be assessed or collected on transshipments from—

"(A) Canada after the date on which the Secretary determines that an agreement between the United States and Canada has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and Canada for transshipments between the countries; or

"(B) Mexico after the date on which the Secretary determines that an agreement between the United States and Mexico has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and Mexico for transshipments between the countries.

"(b) IMPOSITION OF FEES.—

"(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Secretary shall impose the fees under subsection (a) through the publication of notice of such fee in the Federal Register. A fee shall be imposed on each cargo shipment when imported into or exported from the United States on a vessel. No fee shall be assessed more than once per voyage.

"(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

"(3) SUBSEQUENT MODIFICATION OF FEES.—After imposing a fee under subsection (a), the Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both. The Secretary shall evaluate the fee annually to determine whether it is necessary and appropriate to pay the cost of activities and services, and shall adjust the amount of the fee accordingly.

"(c) ADMINISTRATION OF FEES.—

"(1) FEES PAYABLE TO SECRETARY.—All fees imposed and amounts collected under this section are payable to the Secretary.

"(2) INFORMATION.—The Secretary may require the provision of such information as the Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

"(e) REFUNDS.—The Secretary may refund any fee paid by mistake or any amount paid in excess of that required.

"§ 70121. MARITIME TRANSPORTATION SECURITY FUND.

"(a) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Maritime Transportation Security Fund.

"(b) PURPOSE.—Amounts in the Fund shall be available to the Secretary to pay or reimburse the costs of implementation and compliance with the requirements of this chapter, including—

"(1) the maritime transportation security grant program authorized by section 70107(a);

"(2) the national maritime transportation security plan under section 70103(a) and the area maritime transportation security plans under section 70103(b);

"(3) implementation of the automatic identification systems required by section 70114;

"(4) the costs of developing standards and curricula for the training and certification of maritime security professionals and providing training and certification courses; and

"(5) reimbursement of port authorities, waterfront facility operators, and State, local, and regional authorities for the costs of addressing extraordinary or high priority Coast Guard identified vulnerabilities in security and ensuring compliance with the national maritime transportation security plan and applicable area maritime transportation security plans.

"(c) FUNDING.—For each of fiscal years 2005, 2006, 2007, and 2008 there shall be credited to the Fund the sum of the amounts collected from the user fees imposed by the secretary under section 70120(a), to the extent that such sum does not exceed $500,000,000 per fiscal year.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Fund for each fiscal years 2005, 2006, 2007, and 2008 not more than $500,000,000. Any amounts appropriated pursuant to this section shall remain available until expended.": *Provided further*, that the chapter analysis for chapter 701 of title 46, United States Code, is amended by adding at the end the following:

"70120. Security service fees
"70121. Maritime transportation security fund".

SA 3628. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 17, strike "$2,845,081,000" and all that follows through line 22, and insert the following: "$3,605,081,000, which shall be allocated as follows:

"(1) $1,700,000,000 for formula-based grants, $400,000,000 for law enforcement terrorism prevention grants, and $30,000,000 for Citizen Corps grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That".

SA 3629. Mr. DAYTON proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Amounts appropriated under this Act for expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service shall not be made available unless the Service implements procedures to ensure that, with respect to contracts (including subcontracts) entered into on or after May 30, 2004 with private security firms to provide protective services for federally owned or leased buildings, the terms of such contracts are not modified in a manner that results in a change in benefits for the employees involved unless the employees involved consent to such changes.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 29, 2004, at 9:30 a.m. in room 216 of the Hart Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on lobbying practices involving Indian tribes regarding allegation of misconduct associated with lobbying and related activities.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 21, 2004, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 784 and H.R. 1630, to revise the boundary of Petrified Forest National Park in the State of Arizona, and for other purposes; S. 2656, to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon; S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; S. 1311, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; and H.R. 2055, to amend P.L. 899-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD-364. Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, September 13, 2004, at 9:30 a.m., for a hearing titled "The Importance of Real-Time, Actionable Intelligence: Ensuring the U.S. Intelligence Community Supports Homeland Defense and Departmental Needs."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "A Review of the Tools to Fight Terrorism" on Monday, September 13, 2004, at 9:30 a.m., in Dirksen 226. The witness list will be sent later today.

Witness List

Panel I: Hon. Daniel J. Bryant, Assistant Attorney General, Department of Justice, Washington, DC; and Barry Sabin, Esq., Chief, Counterterrorism Section of the Criminal Division, Department of Justice, Washington, DC.

Panel II: Professor Jonathan Turley, George Washington University Law School, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that Lore Aguayo, a fellow in Senator TALENT's office, be granted the privileges of the floor during consideration of the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, appoints the following individual to the United States Commission on International Religious Freedom: Preeta D. Bansal of Nebraska, for a term of two years (May 15, 2004-May 14, 2006).

REMOVAL OF INJUNCTION OF SECRECY—2ND PROTOCOL AMENDING TAX CONVENTION WITH BARBADOS (TREATY DOC. 108-26)

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 13, 2004 by the President of the United States: 2nd protocol amending tax convention with Barbados (Treaty Doc. 108-26).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit the Second Protocol

Amending the Convention Between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income Signed on December 31, 1984, signed at Washington on July 14, 2004. Also enclosed for the Senate's information is an exchange of notes with attached Understandings, which provide clarification with respect to the application of the Convention, as amended, in specified cases. Also transmitted for information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol updates the existing Convention to bring it into close conformity with current U.S. tax treaty policy and to ensure that the Convention cannot be used inappropriately to secure tax reductions in circumstances where there is no risk of double taxation. The Protocol would modernize the Convention's anti-treaty-shopping provision. The Protocol also updates the Convention to take account of a 1996 change in the Internal Revenue Code relating to the tax treatment of certain former long-term residents of the United States. The exchange of notes with attached Understandings provides guidance to taxpayers and each government regarding the intended interpretation of certain provisions of the Convention, as amended.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 13, 2004.*

ORDERS FOR TUESDAY, SEPTEMBER 14, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. tomorrow, Tuesday, September 14. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business with debate only for up to 60 minutes; that the first 30 minutes be under the control of the Democratic leader or his designee and the final 30 minutes be under the control of the majority leader or his designee; provided further that the Senate then resume consideration of Calendar No. 488, H.R. 4567, the Homeland Security appropriations bill.

I further ask unanimous consent that the Senate recess from 12:30 until 2:15 for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow following morning business the Senate will resume consideration of the Homeland Security appropriations bill. It is imperative that we finish the Homeland Security bill prior to the observance of Rosh Hashanah on Wednesday. The chairman and ranking member will be here in the morning to begin working through the final amendments. Senators should expect a long day with numerous rollcall votes. Senators should make themselves available throughout the day tomorrow as we move forward to complete this bill.

Mr. REID. Mr. President, if the Senator will allow me a few words before we finish, as I have stated on the floor, I believe we can finish the Homeland Security appropriations bill tomorrow. I think we can do that. Senator DASCHLE has stated that he believes that is the case also. There is a complicating factor, and that is the reason we didn't have a cutoff time this evening for filing amendments. There is some interest in tying this together with supplemental appropriations for the catastrophes—I say that in the plural—that have hit Florida. The last one is not yet there. We understand the importance of that.

I say as sincerely as I can to my friend, who is my counterpart on the majority side, don't connect these two bills. We are aware and concerned about the problems in Florida and we will work to help. We have two Democratic Senators from Florida. We know how important that is. But to tie these two together is only making our work more difficult. We can finish this bill tomorrow. If the leadership on the Republican side decides they want to go to another supplemental even before, let us do that separately. We are going to do everything we can to take care of the people of Florida. But this is so important.

I will not guarantee anything, but I think if the supplemental is tied to Homeland Security, we are not going to finish this tomorrow, and I think we will be lucky to finish it Wednesday morning.

That is my observation. I am doing everything I can to work on this matter. I am making that suggestion.

Mr. MCCONNELL. Mr. President, I appreciate the suggestions of my good friend from Nevada. We both share a desire to help the people of Florida who have certainly been lambasted by two horrendous hurricanes and are about to be hit by one that may be even bigger. We will work with the other side of the aisle to see the best way to accommodate the needs of our folks down in Florida.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Tuesday, September 14, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2004:

DEPARTMENT OF DEFENSE

RICHARD GRECO, JR., OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE DIONEL M. AVILES.

DEPARTMENT OF STATE

PATRICK J. LEAHY, OF VERMONT, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOHN E. SUNUNU, OF NEW HAMPSHIRE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

To be career ambassador

RYAN C. CROCKER, OF WASHINGTON
MARC ISAIAH GROSSMAN, OF VIRGINIA
A. ELIZABETH JONES, OF MARYLAND
ALAN PHILIP LARSON, OF IOWA
JOHNNY YOUNG, OF MARYLAND

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

SCOTT B. BEESON, 6685
ROSLYN D. BURBANK, 7375
JAMES K. GILLESPIE, 9162
WILLIAM J. HERBERT, 6001
JOHN J. MARKS, 3293
DAVID J. MARTIN, 8309
MICHAEL M. MILKOVICH, 6814
CARL M. NAGATA, 1127
WILLIAM J. NASH, 4804
KIMBERLY J. PICKENS, 7519
PETER J. SAMMIS, 9820
MAUREEN M. STEINHOUSE, 1637
NEEDHAM E. WARD, 4217

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

NOEL D. MONTGOMERY, 1417
KATHERINE S. REARDEN, 9138
ALEXANDER V.* SERVINO, 5495

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be colonel

RAYMOND L. NAWOROL, 2399

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be colonel

KEITH A. GEORGE, 9959

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CURTIS L. BECK, 9775

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be lieutenant colonel

REX A. HARRISON, 2631

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be lieutenant colonel

KEVIN HAMMOND, 8944
MICHAEL KNIPPEL, 7973

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

JAIME B. * ANDERSON, 2979
CHESSLEY R. * ATCHISON, 6250
KENNETH L. * BATEY, 6545
CAROL A. * BOSSONE, 8800
ANTHONY C. * BOSTICK, 3504
BRIAN J. * GENTILE, 4432
CHRIS E. * HANSON, 4131
ANNETTE K. * HILDABRAND, 3196
SUZANNE C. * JARDINE, 3363
KELLY A. * MANN, 3992
JAMES T. * SHEETS, 4162
ROBERT R. THOMPSON, 7020
STEVEN W. * TOBIAS, 4137
JOSEPH G. * WILLIAMSON, 3565

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

JAMES R. ANDREWS, 5880
IAN R. ASHCROFT, 8313
THOMAS P. AXTMAN, 5244
CONSTANCE A. * BELL, 9197
PAUL D. * BLIESE, 7580
KARL C. BOLTON, 8196
JOHN D. BUTLER, 6688
NOEL J. CARDENAS, 4722
WILLIAM E. CARTER, 8223
GREGORY Q. CHEEK, 2186
GRANT J. COBBS, 4323
MARIE T. COCHRAN, 7388
THOMAS C. DELK, 9919
RICK G. DICKINSON, 8432
RAYMOND S. DINGLE, 1861
WILLIAM S. DRENNON, 4201
JOSEPH G. ECKERT, 6593
DAWN B. ERCKENBRACK, 6458
ALLESA J. EWELL, 2446
MYRON L. FAY, 6581
EMERY B. * FEHL, 9481
MICHAEL D. FRAVELL, 0941
JONATHAN C. FRISTOE, 4757
JOHN M. GARRITY JR., 1110
DAVID M. GILES, 5010
TAMI L. GLASCOCK, 9333
WILLIAM T. GOFORTH, 5801
DONOVAN G. GREEN, 9079
LINDA L. GUTHRIE, 9775
WENDY L. * HARTER, 4436
RONALD B. HENRY, 6952
MARK R. HICKMAN, 7702
TONI D. JACKMAN, 2447
EVELYN JACKSON, 4577
BRETT J. KELLY, 8284
TIMOTHY L. KNICKERBOCKER, 6968
ANGELA A. KOELSCH, 7729
GIOVANNI T. KOTORIY, 0698
RONALD L. KROGH, 4670
WILLIAM P. LACHANCE, 5349
GREGORY T. LAFRANCOIS, 6966
JOSEPH E. LAUNDREE, 8244
MICHAEL J. LOPATKA, 4764
ALEJANDRO LOPEZDUKE, 1983
TIMOTHY P. * LYONS, 4386
PETER V. MARKS JR., 5036
DOUGLAS M. MARR, 7674
MATTHEW E. MATTNER, 0071
JAMES D. MCLAIN, 3102
JOHN F. MERKLE, 4156
STEVEN P. MIDDLECAMP, 8797
STEVEN G. MILLWARD, 1899
MARK E. MORGAN, 9487
SEAN T. MORGAN, 3101
FINK C. MOSER, 9308
LUIS A. * MUNIZ, 2342
TIMOTHY L. NAPORA, 5089
ALEX G. ORNSTEIN, 0484
SHARON J. * PACCHIANA, 9898
JOHN C. PASTINO, 4628
THOMAS E. PAUL, 4215
FRANCISCO C. PAULINO JR., 0802
RICHARD D. PAZ, 6176
ROBERT K. PELL JR., 2196
DEXEL V. * PETERS, 6799
REBECCA I. * PORTER, 0401
BRADLEY G. PREDMORE, 5291
KAREN M. PRICE, 5153
DAVID T. * REIBER, 3170
DAVID G. RICHARDSON, 2217
DANYLO O. RUDAKEVYCH, 2695
CAROL Z. * RYMER, 3457
LEE H. SCHILLER JR., 5255
GARY A. SEAL, 2699
KENNETH S. * SHAW, 3369
DAVID V. SHEAFFER, 4230
JAMES K. SJOVALL, 1866
PETER H. SMART, 5322
JOHN A. SMITH, 0342
IVAN D. SPEIGHTS SR., 6372
ANGELO J. ST III, 2545
ANDREA M. STAHL, 1662
ELIZABETH J. * STEAD, 3991
KEVIN J. STEVENS, 2276
RANDY STORY, 7688
WILLIAM M. STUBBS, 5033
JOHN E. SUTTON, 8939
TARRA L. TAYLOR, 7712
JERRY S. THOMAS, 9725
WILLIAM B. TILSON, 1646
STEVEN A. TOFT, 1985
GARY W. * TRYNISZEWSKI, 5038
JAMES B. UPTON, 2531
JOSEPH J. VANCOSKY JR., 2412
TERSCH R. * VON, 2438
ROBERT M. WALKER JR., 0383
SCOTT L. WARNER, 8491
MARK R. WHITE, 9600
ERIN V. * WILKINSON, 2052
KARL O. WILSON, 9539
ALEX P. ZOTOMAYOR, 2177
SHANDA M. ZUGNER, 0780

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10 U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MICHAEL C. AARON, 4116
KENNETH P. ADGIE, 6648
BRIAN E. ALBERT, 8377
DANIEL S. ALBERT, 6027
MANLEY R. ALFORD, 2842
WILLIAM E. ALLEN, 8961
STEPHANIE D. ALLENMOFFETT, 6686
HOLTORF R. * ALONSO, 2946
CATHERINE E. ALTHERR, 1588
JOHN M. ALTMAN, 9414
MARICELA ALVARADO, 0288
MICHAEL W. ANASTASIA, 6402
CAROL L. ANDERSON, 7998
DELMAR G. ANDERSON, 3732
MATTHEW R. ANDERSON, 7281
RICHARD J. ANDERSON, 8455
STEVEN P. ANDERSON, 7225
CHRIS L. * ANDREWS, 7424
ERIC J. ANGELI, 9146
JOSE E. ARANES, 1505
HOWARD E. AREY IV, 1793
REGINALD D. ARMSTRONG, 9277
TODD A. ARMSWORTH, 4221
ANTHONY E. ARTHUR, 6648
TERRI L. ASHLEY, 7724
DAVID W. ASTIN, 7385
CHARLES L. ATKINS, 7116
DOUGLAS R. BABB, 8529
GLENN C. BACA, 9029
PETER K. BACON, 0231
SCOTT D. BAER, 9036
DOUGLAS G. BAGDASARIAN, 0888
GWEN E. BAKER, 1022
JEFFERY S. BAKER, 0175
STEVEN A. BAKER, 4215
ROBERT M. BALCAVAGE JR., 8681
BRADLY S. BALDWIN, 6641
DANE A. BARKSDALE, 2920
BRENT E. BARNES, 2997
DANIEL R. BARNETT, 6741
JAMES E. BARREN, 5340
MARIA B. BARRETT, 8525
JAMES L. BARTON JR., 1535
RONALD J. BASHISTA, 1949
RENA M. BATTS, 8820
FRANCIS M. BEAUDETTE, 9015
CURTIS L. BECK, 8174
CHRISTOPHER H. BECKERT, 3006
FRANK D. BEESLEY, 5968
JOSELYN L. BELL JR., 5521
LOUIS J. BELLO, 0710
JOHN N. BENDER, 2310
BRIAN D. BENNETT, 0636
CHRISTOPHER R. BENOIT, 9230
WAYNE P. BERGERON, 6717
CARLOS J. BETANCOURT JR., 9182
PAUL BEZZEK, 2509
ALDO P. BIAGIOTTI, 1990
ELLEN A. BIRCH, 4610
THOMAS M. * BISCHOF, 7201
SCOTT J. BISCIOTTI, 2682
PAUL A. BISHOP, 6850
MARK R. BLACKBURN, 0997
MICHAEL BLAHOVEC, 2773
MAURICE T. BLAND, 6173
MURRAY K. BLANDING SR., 6434
BRYAN H. BLUE, 3273
MICHAEL A. BODEN, 5698
RUSSELL E. * BODINE, 6803
ADRIAN T. * BOGART III, 9812
WILLIAM E. BOHMAN, 8907
GILLIAN S. BOICE, 9223
WILLIAM L. BOICE, 5624
BRENT T. BOLANDER, 0305
SCOTT D. BOLSTAD, 1803
JACK W. BONE, 2974
CHRISTOPHER J. BONHEIM, 9295
BRETT L. BONNELL, 9553
JAMES E. BONNER, 9702
PAUL BONTRAGER, 8377
KARL D. BOPP, 2087
REGINALD BOSTICK, 9755
ROLAND J. BOSTICK, 3592
MICHAEL E. * BOWNAS, 9199
JEFFREY A. BOYER, 4329
JAMES H. BRADLEY JR., 2699
JOHN M. BRADSHER, 7530
MICHAEL E. BRANDT, 7160
LIANA L. BRATLAND, 2995
KENNETH A. BREITEN, 5933
DONALD E. BRIDGERS, 4772
TIMOTHY P. BROOKS, 4959
SCOTT E. BROWER, 2411
ANTHONY BROWN, 6273
DUANE E. BROWN, 2584
JAMES C. BROWN, 3018
JENIFER L. BROWN, 3865
KERK B. BROWN, 4780
LESLIE F. BROWN, 3069
RANDALL K. BROWN, 0075
RENE BROWN, 0129
TITUS BROWN, 5159
ERIC B. BRUNS, 7680
SHEILA A. BRYANT, 3301
GEOFFREY P. BUHLIG, 6119
STEVEN R. BUNCH, 9987
ROBERT J. BUNGARDEN, 4090
MARK A. BURGE, 6126
CHRISTOPHER T. BURGESS, 4651
STEPHEN A. BURK, 1540
EMMETT E. BURKE, 6422
DAVID W. BURWELL, 9564
TROY D. BUSBY, 1657
RICHARD S. BUSKO, 9197
ALFONZO * BUTLER, 1545
HAROLD B. BYRNE, 0654
LEO F. CABALLERO, 2751
STEVEN G. CADE, 6765
JOSEPH E. CALISTO, 0913
DAVID C. CALLAHAN, 0097
PAUL T. CALVERT, 2579
TERESA L. CAMPBELL, 8628
MATTHEW M. CANFIELD, 7237
DOUGLAS C. CARDINALE, 5189
SARAH A. CAREY, 0546
TORI R. CARLILE, 0241
MICHAEL A. CARLINO, 6279
JAMES D. CARPENTER, 2228
KEITH A. CARROLL, 9866
MARTIN V. CARROLL, 8957
RICHARD C. CARROLL, 6132
ROBIN P. CARROW, 2989
ROGER D. * CARSTENS, 3492
JOY W. CARTER, 2101
WALTER L. CARTER JR., 2570
MICHAEL J. CASHNER, 0788
PETER A. CATANESE, 5234
BRIAN M. CAVANAUGH, 8461
RUSSELL D. CAVIN, 2224
JOHN P. CHADBOURNE, 9435
ZANE D. CHAMBERS, 7664
DAVID W. CHASE, 6321
MARTY P. CHAVERS, 8013
JOHN R. CHAVEZ, 4437
WAYNE G. CHERRY JR., 1132
EDWARD J. CHESNEY, 3815
KEMP L. CHESTER, 6404
BRYCE R. CHRISTENSEN II, 6748
ERIK K. CHRISTENSEN, 4368
GEORGE N. CHRISTENSEN III, 2322
KEVIN J. CHRISTENSEN, 3891
KAREN M. CHRISTRUP, 7045
JORDAN S. CHROMAN, 4127
NICHOLAS P. CHRONIS, 7346
JASON A. CHUNG, 5867
KIM T. CINCOTTI, 1179
ALICIA A. CLARK, 3774
CHADWICK W. CLARK, 9550
WILLIAM J. CLARK, 6939
CHARLES H. CLEVELAND, 4649
DAVID R. CLONTS, 3156
THOMAS J. CLOSS, 4965
JOHN R. COBB JR., 4587
KENNETH G. COCKERHAM II, 2698
ROD A. COFFEY, 6246
MICHAEL J. COLARUSSO, 3180
RUSSELL E. COLE, 9726
MATTHEW B. COLEMAN, 2643
CHRISTOPHER M. COLOMBO, 6403
KEVIN C. COLYER, 0636
DARREN R. COMPTON, 1019
CHARLES T. CONNETT, 9692
TODD Z. CONYERS, 0396
STEVEN A. COOK, 0075
THOMAS R. COOPER, 9101
MICHAEL D. COPENHAVER, 5455
LYLE T. CORDER, 3032
DANIEL R. COREY, 4474
ROBERT M. CORNEJO, 0173
BEVERLY F. CORNELIUS, 6470
KERRILYNN A. * CORRIGAN, 1234
SEAN J. CORRIGAN, 3148
MICHAEL E. CORSON, 4069
STEPHEN M. COSTABLE, 8960
CARL W. COWEN, 9504
CHRISTOPHER E. CRATE, 1731
PETER D. CREAN, 8347
RICHARD D. CREED JR., 8480
JAMES R. CRIDER, 9130

ORLANDO D. CRITZER, 6176
CHRISTOPHER D. CROFT, 1330
MICHAEL E. CROWELL, 3406
HARRY L. CUNNINGHAM, 5064
KENNETH D. CURTIS, 9999
SCOTT D. CUSTER, 4293
GREGORY A. DADDIS, 9153
WILLIAM E. DAHLBERG, 3725
STEVEN DAKNIS, 0930
TIMOTHY J. DAUGHERTY, 9899
DAVID S. DAVIDSON, 9199
FRANCIS J. * DAVIDSON, 5950
ROSS E. DAVIDSON, 2213
JAMES B. DAVIS, 4339
LANCE E. DAVIS, 2679
STEVEN G. DEAN, 9390
PATRICK C. DEDHAM, 6885
EDWIN J. DEEDRICK JR., 5429
ROBERT J. DEHAAN, 6505
DOUGLAS J. DELANCEY, 2342
EUGENE * DELOACH SR., 9077
WILLIAM L. DEMALADE, 1062
JAMES R. DEMOSS, 0748
SHEILA C. DENHAM, 1879
MICHAEL P. DERADDO, 1682
JAMES M. DESJARDIN, 5848
THOMAS E. DETRICK, 5233
MARGARET S. DEVEREUX, 8774
KAILON G. DICKENS, 9906
SERGIO M. DICKERSON, 4477
CRAIG M. DICKINSON, 5241
JAMES E. DIGGS, 1012
JOHN D. DILL, 5534
HEINZ P. DINTER JR., 9558
GERALD R. DIOTTE JR., 6711
DAVID J. DLUZYN, 8035
JAMES E. DODSON, 8786
DANIEL R. DOLWICK, 3634
JAMES A. DONNELLY, 7189
MICHAEL P. DONOVAN, 6306
GERALD O. DORROH JR., 3014
CALVIN D. DOWNEY, 8069
KEVIN P. DRAGNETT, 7370
SHAWN T. DRISCOLL, 2392
FREDERIC A. DRUMMOND JR., 2937
DARRELL DUCKWORTH, 5640
ROBERT E. * DUKE, 5299
KENNETH J. DUXBURY, 6675
MICHAEL J. DVORACEK, 8701
FRED R. EASTWOOD III, 7329
DARWIN D. EBELING, 1483
JEFFREY A. ECK, 1858
VANCE A. EDWARDS, 8695
RICHARD F. ELLIS, 1039
RICKY N. EMERSON, 0352
KIMBERLY A. ENDERLE, 7566
SVEN C. ERICHSEN, 2266
NILS J. ERICKSON, 7121
FREDERICK J. ERST, 3885
ALLEN S. ESTES, 5785
BRUCE A. ESTOK, 1078
JOHN R. EVANS JR., 1750
CARL S. EY, 3722
DONALD G. FALLIN, 4220
ADRIAN R. FARRALL, 0295
ANTHONY P. FARRIS, 2938
ROBERT G. FAUSTI, 3836
DUSAN L. FENNER, 7612
MICHAEL R. FENZEL, 4892
BRIAN R. FESER, 7595
EDWARD G. FILLER, 4689
JAMES C. FISCHER, 4561
STEVEN T. FISCHER, 5181
WILLIAM O. FISHER, 7685
DAVID P. FITCHITT, 4202
DWAINE FLANNAGAN, 4246
ANTONIO M. FLETCHER, 0933
CHARLES D. FLETCHER, 6150
JEFFREY FLETCHER, 9784
RODNEY D. FOGG, 6838
CHRISTOPHER S. FORBES, 4736
MICHAEL L. FRANCK, 7779
GEORGE H. FRANCO, 2444
PATRICK D. FRANK, 3251
BRENTON K. FRASER, 3931
HARRY M. FRIBERG, 3704
GARLAND M. * FROST, 3527
MATTHEW T. FUHRER, 2745
GREGORY D. GADSON, 2736
JAMES J. GALLAGHER JR., 3065
ANTONIO GARCIA, 6994
JEFFERY GARLAND, 7256
GEORGE T. GARRELL, 2090
JAMES E. GARRISON, 7846
BRIAN K. GATES, 0603
BRADLEY D. GAVLE, 9479
HEIDI L. GEBHARDT, 4643
MICHAEL A. GETCHELL, 2391
WILLIAM M. GIAMMARESE, 0305
RICHARD D. GILLEM JR., 6867
KIMBERLY S. GLASSFORD, 3021
DANIEL P. GOLDTHORPE, 5550
FRANK J. GONZALES, 9868
IVAN R. GONZALEZ, 6666
WILLIAM J. GOODRICH, 1932
GERALD M. GORDNER II, 7799
JOHN K. GORDON, 8329
FREDERICK C. GOTTSCHALK, 8204
BARRY F. GRAHAM, 1491
BRADLEY W. GRAUL, 2631
TODD W. GUSTAFSON, 6469
CARL G. GREBE, 0559
SHARON D. GREEN, 3571
IAN N. GREENE, 5126
JOHN H. GREENMYER III, 0031
JAMES D. GREGORY, 0391
WARREN C. GRIGGS, 4700
HEIDI L. GRIMM, 7149
MARIE C. GRIMMER, 3613
DAVID L. GROSSO, 2769
LEON M. GRUBE, 8371
CARL D. GRUNOW, 8553
WILLIAM W. GUM, 0127
JOHN S. GUMPF, 9878
MARSHALL A. GUTIERREZ, 7224
ANTHONY E. HAAGER, 8883
CRAIG T. HAAS, 9393
BARRY V. HADLEY, 7283
VICTOR S. HAGAN, 0961
MACK D. HAGIN, 1452
ERIC D. HAIDER, 8475
MECHELLE B. HALE, 8182
CHRISTOPHER G. HALL, 2493
JAMES H. HALL, 3567
JIMMY L. HALL JR., 6910
DANIEL J. HALSE, 5709
CHARLES R. HAMILTON, 2628
DAVID M. HAMILTON, 6082
JOHN D. HAMILTON, 2484
JOHN S. HAMILTON, 4337
RUTH L. HAMILTON, 2636
PATRICK R. HAMPTON, 1949
ROBERT E. HARBISON, 0127
ROBERT J. HARDBARGER, 5089
THOMAS A. HARRAGHY, 1530
HUGHIE B. HARRIS, 3696
KEVIN J. HARRIS, 6118
WELDON B. HARRIS, 8443
STEVEN D. HART, 2890
JEFFRY W. HARTMAN, 1985
THURINTON W. HARVELL, 8316
GREGORY M. HAUG, 2934
MICHAEL T. HAUSER, 0926
JOHN T. HAYNES III, 0046
CHARLES E. HAYWOOD JR., 4410
MICHAEL L. HEDEGAARD, 0736
MARVIN A. HEDSTROM JR., 3540
MICHAEL A. HELM, 7936
DARIEN P. HELMLINGER, 3379
KRISTI L. HELTON, 3820
CHARLES T. HENSLEY, 9081
JEFFREY HENSLEY, 5292
ROBERT B. HERNDON, 6207
NEIL S. HERSEY, 3943
TODD A. HEUSSNER, 4188
PAUL D. HEYING, 7605
LONNIE G. HIBBARD, 6833
WILLIAM D. HIBNER, 9975
RALPH G. * HIGGINS III, 6048
DAVID C. HILL, 1312
JOSEPH B. HINES, 4702
MIGUEL B. HOBBS, 5015
KELLEY A. HODGE, 8599
HORACE C. HODGES, 2603
ANTHONY J. HOFMANN, 0094
TIMOTHY C. HOLLOWAY, 2384
VERNON D. HOLMES, 1603
MARK D. HOLMQUIST, 4994
RUSSELL A. HOLSCHER, 5849
MATTHEW J. HOLT, 3046
DANIEL A. HOPE, 6907
MICHAEL S. HOPKINS, 1554
YVETTE C. * HOPKINS, 0214
CLIFFORD M. * HOPPMAN, 1995
JASON R. HORNE, 8307
ROBERT C. HORNECK, 7970
JODI L. HORTON, 4629
ERIC J. HOWARD, 4798
TODD M. HUDERLE, 4206
KEVIN L. HUDIE, 9652
ARLIS D. HUMMEL, 8422
HOWARD M. HUNT, 2881
KENNETH A. HUNT, 8445
WILLIAM M. HUNTHROP, 6740
ANN M. HUNTINGTON, 2318
ROBERT F. HUNTLY, 2353
CHRISTOPHER R. HUPP, 1007
JOHN S. HURLEY, 7623
JEANNE E. HUTCHISON, 8434
JOHN L. HUTTO JR., 7776
BASHEER ILYAS, 1095
CHARLES W. INNOCENTI, 6037
ERNEST L. IRICK JR., 5248
ROBERT L. IRICK, 4209
CRAIG R. IRLAND, 8839
THOMAS H. ISOM, 4791
HARRY A. IVARIE, 5648
JOYCE J. JACOBS, 9885
FRANK JAMES JR., 7346
GLENN A. JAMES, 1629
STEVEN P. JAMES, 1212
JAYNE V. JANSEN, 5096
CLAY C. JANSSEN, 3934
LINDA C. JANTZEN, 4498
JOSEPH F. JARRARD, 0252
DAVID E. JENKINS, 7041
LOGAN JENKINS JR., 3722
JEFFREY E. JENNINGS, 0723
HEIDI E. JENSEN, 4501
DAVID O. JERNIGAN, 8575
RENE JEWETT, 5928
JOHNNIE L. JOHNSON, 0084
JONATHAN A. JOHNSON, 2057
MITCHELL R. JOHNSON, 0082
SCOTT C. JOHNSON, 2085
CLIFTON R. JOHNSTON, 7962
JOSHUA T. JONES JR., 8370
CHRISTOPHER I. JOSE, 7291
TIMOTHY F. JUERGENS, 0460
ERIC G. KAIL, 1130
MARK A. KARASZ, 4454
MICHAEL C. KASALES, 1658
MARK J. KAZMIERCZAK, 3901
KENNETH R. KEIM, 8390
MARK S. KEITH, 8823
JULIE A. KELLER, 9278
JOHN A. KELLY, 2423
KYLE W. KELLY, 8589
SCOTT T. KENDRICK, 2905
DAVID R. KENNEDY, 4820
JAMES L. KENNEDY JR., 8907
KRIS L. KENNER, 1234
CHRISTOPHER M. KENNEY, 4257
PAT L. KERBUSKI JR., 5862
CRAIG W. KILEY, 6688
JOHN M. KILGALLON, 6076
RICHARD C. KIM, 3541
JEFFREY S. KING, 4532
ROBERT L. KING, 4684
RODNEY L. KING, 2398
SCOTT D. KING, 6629
ROBERT D. KIRBY, 3516
AIMEE L. KLIMOWICZ, 2556
CHARLES H. KLINGE JR., 2546
EVERETT D. KNAPP JR., 2112
DARRIN S. KNELLER, 6226
MARK S. KNERAM, 9928
ANDY F. KNIGHTS, 5772
DEAN R. KNOX, 9214
KURT J. KO, 6961
NAM Y. KO, 1924
JOHN S. KOLASHESKI, 7694
GREGORY W. KOLLER, 8419
DALE A. KORNUTA, 7998
TINA S. * KRACKE, 9655
DAVID M. KRALL, 4573
ANN K. KRAMARICH, 9082
WILLIAM R. LAGRONE, 6841
STEVEN R. LAHR, 8533
DANIEL F. LARKE, 9848
DANIEL S. LARSEN, 3859
DARREL G. LARSON, 1187
CHARLES D. LASSITTER, 8875
RODNEY F. LASZLO, 8257
MATTHEW M. LAVER, 0444
KELLY J. LAWLER, 9663
BRIAN A. * LAWLESS, 6773
GLENN S. LAWSON, 2475
JAMES O. LECHNER, 6437
MARK A. LEE, 0594
PETER A. LEE, 9748
ROBERT E. LEE JR., 2002
SHANE E. LEE, 7353
WILLIAM E. LEE, 8333
LYNNE P. LEGLOAHEC, 1369
GUY A. LEMIRE, 1265
MARTY M. LENERS, 1561
LUKE T. * LEONARD, 6364
ROBERT S. LEVIS IV, 3917
DAVID F. LEWIS, 7465
SEAN P. LEWIS, 6784
JOHN F. LIGHTNER, 8136
REYNOLDS J. LILLIBRIDGE, 3585
JOHN J. LINDSAY, 8217
GARY W. LINHART, 6618
ANDREW J. LIPPERT, 7391
THORSTEN A. LITTAU, 4003
RICHARD M. LIVINGSTON, 0063
DAVID L. LLOYD, 0154
MICHAEL C. LOPEZ, 3969
ROSS W. LOVELACE, 2639
ADAM A. LOVELESS, 4922
ROBERT E. LOWE, 9976
BRYAN K. LUKE, 9228
JAMES R. MACKLIN JR., 6687
WILLIAM B. MADDOX, 1857
LIONEL W. MAGEE JR., 1476
MICHAEL F. MAHONY, 7120
BRIAN K. MAIJALA, 1629
MARCUS D. MAJURE, 4428
GEOFFREY S. MANGELSDORF, 7182
JERRY K. MANLEY, 6094
LONNIE W. MANSELL, 2445
JOHN E. MARAIA, 9560
STEPHEN J. MARANIAN, 2481
BRYAN K. MARKET, 2667
PAUL V. MARNON, 4676
JOHN J. MARR, 2949
ROBERT W. MARSHALL, 7186
DONNA W. * MARTIN, 2655
LARRY E. MARTIN JR., 8791
TONY M. MARTIN, 9930
GREGORY A. MASON, 1939
TWALA D. MATHIS, 1424
THOMAS S. MATSEL, 0234
MICHAEL R. MATTHEWS, 9663
LEONARD H. MATZ JR., 2581
JANICE Y. MAXWELL, 9838
ROGER K. MAYER, 4616
CARSON H. MAYO, 9126
GREGORY S. MCAFEE, 1038
ROBERT J. MCALEER, 2466
TIMOTHY J. MCATEER, 6381
DOUGLAS M. MCBRIDE, 2352
MICHAEL R. MCCAFFERY, 9126
OWEN P. MCCAULEY, 8999

CHARLES M. MCCLUNG, 2967
JEFFREY H. MCCLURE, 7026
DENNIS J. MCCORMACK, 8414
ROGER L. MCCREERY, 0336
BERRIEN T. MCCUTCHEN JR., 8528
SCOTT L. MCDEED, 2405
MARK E. MCDERMOTT, 8030
KEVIN L. MCDONALD, 3198
REGAN P. MCDONALD, 8840
WILLIAM R. MCDONOUGH, 2290
DARRYL D. MCDOWELL, 4263
DANIEL J. MCFARLAND, 7310
WILLIAM D. MCGARRITY, 6291
LEO R. MCGONAGLE, 8302
OTIS W. MCGREGOR III, 3983
RANDALL A. MCINTIRE, 2517
DENNIS S. MCKEAN, 7136
MATTHEW F. MCKENNA, 9192
TAMMY S. MCKENNA, 7975
THOMAS W. MCKEVITT SR., 9968
WILLIAM D. MCMICKLE, 6666
DENNIS J. MCNULTY, 2235
MARY A. MCPEAK, 6797
STUART J. MCRAE, 4798
JEFFREY L. MEEKER, 8988
ROBERT M. * MEGINNIS, 3156
DONALD E. MEISLER, 8574
MANUEL C. MENO JR., 6954
ROBERT C. MERKEL JR., 5908
JAMES L. MERLO, 3873
PETER P. MERRILL III, 9655
LEANNE L. MEYER, 9982
STEPHEN L. MICHAEL, 6020
MATTHEW T. MICHAELSON, 6647
JEFFREY L. MILHORN, 8162
CHRISTOPHER C. MILLER, 6325
DANIEL C. MILLER, 6445
MICHAEL C. MILLER, 0283
RANDALL E. MILLERS, 6237
ROCCO M. MINICUCCI, 3549
RONALD E. MISAK, 2475
CHERYL L. MOMAN, 3916
RICHARD D. MONTIETH II, 1963
ALVIN K. MOORE, 4085
LESTER C. MOORE, 8231
DREW MOORES, 4182
CARLOS MORALES, 7807
EDGBERT L. MORTON, 6332
GERALD M. MUHL JR., 8184
RONALD A. MULKEY, 1528
JAMES H. MULLEN, 5074
THOMAS W. MUNDELL, 4700
ADAM J. MUNN, 0140
WADE L. MURDOCK, 7764
THERESA G. MURPHY, 6374
JOHN A. NAGL, 9508
ALFREDO NAJERA, 9603
MICHAEL P. NEAVERTH, 7634
JONATHAN J. NEGIN, 3079
WILLIAM C. NEWMAN, 6100
DONALD R. NITTI, 9793
PAUL N. NOBBE JR., 4908
JULIE S. NORMAN, 8105
STEVEN M. NORTH, 3630
PAUL R. NORWOOD, 6614
BONNIE A. NOYES, 1158
FREDERICK I. NUTTER, 9822
FREIDA M. OAKLEY, 4650
CARTER A. OATES, 2931
WILLIAM K. * OCONNOR, 0698
RONALD J. OCKER, 3453
DAN S. OLEXIO, 5563
MICHAEL D. OLIVER, 1413
RODNEY L. OLSON, 3944
THOMAS V. OLSZOWY, 3143
JOSEPH M. ORECCHIO, 9989
DOUGLAS J. ORSI, 1590
DAN R. ORTEGA, 6417
ROSS T. OSBORNE, 8753
WILLIAM B. OSTLUND, 9204
PAUL A. OTT, 9127
BRIAN A. OWEN, 8184
DALE E. OWEN, 3292
THOMAS C. OWENS, 8883
RONALD E. PACHECO JR., 2064
DAVID A. PAINE, 3650
RODNEY M. PALMER, 2483
MICHAEL F. PAPPAL, 7487
MARK L. PARENT, 8571
KEITH J. PARKER, 0755
ROSS A. PARKER, 1147
ALLEN E. PATTY, 7363
DAVID L. PEDERSEN JR., 5538
STEVEN C. *PEDERSEN, 5796
SAMUEL N. PEFFERS, 8247
CARLOS PEREZ JR., 9101
MICHAEL PEREZRIVERA, 4041
TROY D. PERRY, 2224
ANDREW C. PETERS, 3557
GEORGE PETERS III, 3369
IHOR PETRENKO, 6526
TAMMIE J. PETTIT, 2806
PAUL R. PFAHLER, 4660
ALANA S. PHILLIPS, 0041
RAMONA D. PLEMMONS, 1267
RICHARD P. PLETTE, 1229
WESLEY B. PLYBON, 0682
MARK J. PONTIUS, 0841
JAMES A. PORTER II, 8134
BETH A. PORTERFIELD, 1218
LAURA A. POTTER, 4362
COLICE D. POWELL, 6801
RANDY E. POWELL, 6972
MICHAEL J. PRICE, 8089
DWAYNE E. PTASCHEK, 4536
TODD A. PUHRMANN, 8840
LEO G. PULLAR, 2639
THOMAS G. QUINN JR., 1374
ALFREDO R. QUIROS, 1638
MARK J. RADTKE, 4785
BRIAN RAHN, 9266
BRUCE W. RAHN, 9252
AQUILES C. RAMIREZ, 5483
MARSHALL N. RAMSEY, 3799
WILLIAM C. RAMSEY, 9779
CARL D. RANDAL, 0951
FRANK Y. RANGEL JR., 7926
MARK R. RASINS, 8472
ABE R. RATLIFF JR., 2586
RICHARD E. RATLIFF, 3675
MICHAEL W. RAUHUT, 2006
JAMES H. RAYMER, 9137
JON S. RAYNAL, 5208
WILLIE J. REDDICK, 8982
CAROL A. REDFIELD, 3842
BRIAN J. REED, 5328
SHAWN E. REED, 3253
FRANCES V. REESE, 1625
JAMES P REESE, 9125
BLAIN A. REEVES, 9295
ROBERT A. REEVES, 9374
TOIMU A. REEVES II, 8309
MYRON J. REINEKE, 0143
MARLIN L. REMIGIO, 1507
TIMOTHY W. RENSHAW, 1892
DAVID B. RESLER, 4772
JAMES R. *REYNOLDS, 1755
JULIE K. RHEN, 2112
PHILIP D. RICE, 5125
CHRISTOPHER A. RICHARDSON, 8467
MICHAEL W. RICHARDSON, 3460
WILLIAM L. RICHARDSON, 4860
DARRIN C. RICKETTS, 5546
MARK L. RIDLEY, 3819
EDWARD C. RIEHLE, 1002
DALE S. RINGLER, 0326
ANDREW J. RISKO II, 5119
THOMAS A. RIVARD, 2672
BRYAN K. ROBBINS, 7541
JOHN P. ROBERTS, 2520
PAUL J. ROBERTS, 2519
REID A. ROBERTSON, 3256
BRIAN M. ROGERS, 3828
THOMAS J. ROGERS, 8184
STEVEN L. ROHLENA, 0993
FREDRIC W. ROHM JR., 6512
JAMES D. ROLAND, 2937
JOHN G. ROMERO, 1310
PETER L. ROOKS, 0748
RICHARD D. ROOT, 2707
CHRISTOPHER J. ROSCOE, 0592
ANDREW L. ROSE, 9591
JOSE ROSS, 8022
LUZ B. ROSS, 5592
DEREK R. ROUNTREE, 2783
STACY L. RUBLE, 3348
MICHEL M. RUSSELL SR., 8565
RHETT C. RUSSELL, 7943
ROBERT R. RUSSELL JR., 4207
LEO J. RUTH II, 4986
DIANE M. RYAN, 8491
JAMES R. RYAN, 4536
NESTOR A. SADLER, 8394
THOMAS A. SALO, 1433
DAVID E. SALTER, 3252
CHARLES P. SAMARIS, 9348
ROBERTA K. SAMUELS, 1885
ERIC L. SANCHEZ, 8662
SHERARD D. SANDERS, 4217
LE T. SANFORD, 1031
PAUL S. SARAT JR., 0317
FLOSSIE J. SATCHER, 8007
RALPH E. SAUNDERS, 6137
WINFRIED E. SCHEEL, 3340
MARCEL A. SCHNEIDER, 3029
ANDREW R. SCHOTT, 6943
DENNIS L. SCHRECENGAST, 1227
SCOTT A. SCHRINER, 7009
CARMEN X. SCHROCK, 7257
DANA L. SCHUBERT, 4818
JAY R. SCHUNEMAN, 4619
STEVEN R. SCHWAIGER, 5056
ARTICE * SCOTT, 6582
THOMAS A. SEAGRIST, 5061
JOHN J. SEBASTYN, 3620
JOSEPH W. SECINO, 0889
JON K. SEGARS, 5646
DAVID T. SEIGEL, 8842
PATRICIA A. SELLERS, 9664
THEODORE SELLERS JR., 9625
JOHN E. SENA JR., 9327
ROY C. * SEVALIA, 9811
WILLIAM R. SEVER, 1535
JOHN M. SEXTON, 8602
MARK E. SHANKLE, 8229
CHRISTOPHER J. SHARPSTEN, 6765
JOHN B. SHATTUCK JR., 4089
JAMES P. SHAVER, 1112
KRISADA J. SHAW, 1549
RICHARD A. SHAW, 4535
JOHN M. SHECKLER, 0466
CLAYTON O. SHEFFIELD, 5683
MICHAEL J. SHINNERS, 3082
TIMOTHY D. SHOWERS, 4832
RONALD J. SHUN, 1964
JAMES K. SICKINGER, 8710
MICHAEL E. SILVERMAN, 8045
KELLY J. SIROTA, 8283
ERNESTO L. SIRVAS, 8882
JAMES A. SKELTON, 8370
TIMOTHY P. SMALL, 7224
BARNEY I. SMITH III, 3669
GARY M. SMITH, 2551
MARK N. SMITH, 6950
MCCOY C. SMITH, 4499
RAYMOND C. SMITH, 3868
STEPHEN G. SMITH, 1916
STEPHEN T. SMITH, 8015
DAVID A. SMOOT, 1741
NICHOLAS R. SNELSON, 4440
DAVE F. SNIDER, 1758
DEBORAH L. SNYDER, 2192
MICHAEL C. SNYDER, 3093
GREGORY P. SOLEM, 3787
MARK W. SOLOMON, 6387
MARKHAM R. SOROKA, 7274
JAYSON M. SPADE, 1512
ELMER SPEIGHTS JR., 8233
DAVID L. SPENCER, 2052
THOMAS E. STACKPOLE, 9032
ALBERT C. STAHL, 0429
JAMES R. STALEY, 3210
ROBERT W. STEIGERWALD JR., 8256
ROBERT T. STEIN, 1366
BRUCE A. STEPHENS, 0787
JERRY D. STEPHENS, 0076
RANDY G. STEVENS, 7399
MARK L. STOCK, 6473
PATRICIA L. STOLZ, 9813
JAMES R. STONE, 2823
PAUL E. STOTE, 9267
JOHN T. STROMBERG, 5903
JOHN J. * STRYCULA, 7582
CHARLES R. STUART JR., 6053
LINDA H. STUART, 4700
ROBIN L. STUART, 7463
JOEL T. SUENKEL, 0034
DENNIS S. SULLIVAN, 9797
KEVIN T. SULLIVAN, 7133
TIMOTHY M. SULLIVAN, 2437
ZEYAD M. SUQI, 6486
JONATHAN E. SWEET, 0938
BRADLY S. TAYLOR, 3079
WILLIAM J. TAYLOR, 4647
RICHARD A. TEOLIS, 5038
GERARD P. TERTYCHNY, 8324
MICHAEL T. TETU, 8667
BOBBY R. THOMAS JR., 3971
DONNIE L. THOMAS, 7181
GEORGE K. THOMAS, 0556
WALTER THOMAS II, 2836
ANDREA L. THOMPSON, 3612
JOHN W. THOMPSON, 2617
SANDRA M. THOMPSON, 2819
JASON H. THORNTON, 1060
ROBERT L. THROWER, 2287
CLIFFORD V. THURMAN, 0344
ERIC D. TILLEY, 5308
JACQUELINE L. TILLOTSON, 7086
MICHAEL W. * TINGSTROM, 6500
PETER M. TOFANI, 5518
JEFFERY K. TOOMER, 7045
JOSE A. TORRES, 6389
DAVID G. TOUZINSKY, 0974
JAMES H. TRONE, 1910
MORRIS A. TURNER, 4570
MICHAEL R. TUTTLE, 8892
JOEL K. TYLER, 0495
ANDREAS S. ULRICH, 0640
LISIANE M. VALENTINE, 8940
BRET A. VANCAMP, 6368
TERRY D. VANSKY, 4892
KEVIN VEREEN, 8261
WILLIAM M. VERTREES, 8730
KENNETH E. VIALL, 6390
JASON R. VICK, 5542
JOHN A. VIGNA, 3038
SHURMAN L. VINES, 8709
VAN J. VOORHEES, 0871
DAVID D. WALDEN, 0993
PAUL R. WALTER, 8729
JOHN L. WARD, 0394
RICHARD C. WARD, 6935
KEVIN C. WARREN, 1046
PAUL S. WARREN, 3724
TARN D. WARREN, 2665
JOHN W. WASHBURN, 3693
STACEY S. WASHINGTON, 1204
NATHAN K. WATANABE, 0196
CHARLES J. WATSON, 9876
KIRBY E. WATSON, 1065
ROBERT W. WEAVER, 8500
SHAWN C. WEED, 6455
MARK J. WEINERTH, 3095
MARK E. WEIR, 0718
FREDERICK P. * WELLMAN, 8433
THOMAS R. WETHERINGTON, 8939
CLIFFORD E. WHEELER JR., 3851
JOSEPH F. WHELAN, 3432
BILLY J. WHELCHEL, 5862
INES N. WHITE, 7625
JERRY A. WHITE II, 3362
DANIEL W. WHITNEY, 9747
RYAN J. * WHITTINGTON, 5926
JOSEPH E. * WICKER, 1868
CLAYTON C. WIENECKE, 6013

KENNETH S. WILDER, 6158
PAUL J. WILLE, 7872
MAURICE L. WILLIAMS, 3663
MONTY L. WILLOUGHBY, 1188
TIMOTHY D. WILSEY, 6420
DARRELL T. WILSON, 4787
RICHARD A. WILSON, 8214
TRACY L. WINBORNE, 2518
ANTHONY A. WIRTH, 9938
ERIC L. WITHERSPOON, 0956
CHRISTOPHER F. WOLFE, 3904
DAVID J. WOODS, 7281
MONTE L. YODER, 7796
ROBERT J. YOST, 6824
JAMES R. YOUNG II, 7307
RIC F. ZELLARS, 7891
RONALD E. ZIMMERMAN JR., 8582
X612
X4130

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

CHRISTOPHER W. * ABBOTT, 9229
PETER M. ABBRUZZESE, 3668
ZAID I. * ABDULRAHMAAN, 4071
ALFRED A. ACENAS, 4364
LUIS E. * ACEVEDOGUIVAS, 8138
JOSE C. * ACOSTAJAVIERRE, 0480
JAMES E. ADAMS, 8972
JOHN E. * ADAMS, 4065
STEVEN J. ADAMS, 2255
THOMAS J. ADDYMAN JR., 1973
GENE A. * AGUSTIN, 4180
JAMES M. * AHEARN, 3137
ADEJUWON N. * AKINDAYOMI, 7877
TAMMY R. ALATORRE, 2247
JAMES R. ALCOCK, 3746
TEREK B. * ALI, 0628
DANIEL M. * ALLEN, 6997
DAVID J. * ALLEN, 3735
DAVID S. * ALLEN, 7439
JAMES C. ALLEN, 1211
WHITNEY P. * ALLEN JR., 5758
WILLIAM C. * ALLEN III, 5730
DAVID K. * ALMQUIST, 7755
JON W. ALTHOFF, 6309
ROGER S. * ALVAREZ, 2720
KENDALL M. * AMAZAKI JR., 8863
SAMUEL H. AMBER, 0580
DAVID T. AMBROSE, 4936
JEFFREY S. * AMOS, 7837
SAMUEL S. * ANCIRA JR., 7784
BRENDEN C. * ANDERSON, 4135
EDWARD G. ANDERSON IV, 4640
HENRY L. ANDERSON, 4367
JOSEPH L. * ANDERSON, 4195
DOUGLAS W. ANDRESEN, 6756
AARON A. * ANDREWS, 7250
TACILDAYUS ANDREWS, 0473
MICHAEL J. ANLAGE, 0338
MIGUEL A. * APONTERODRIGUEZ, 6325
KIRK A. * APPLETOFT, 9906
PHILIP R. * ARCHER, 8495
GREGORY M. * ARNDT, 7610
RANDALL J. * ARVAY, 4324
THOMAS D. * ASBERY, 3439
EDWARD P. ASH, 0769
PATRICK C. ASPLAND, 1703
ELIZABETH A. ATHERTON, 4294
ERIC S. * ATHERTON, 0569
JOHN R. * ATHEY, 6348
CHARLES W. * ATKINSON, 5448
ADAM J. AUGUSTOWSKI, 9621
THOMAS E. * AUSTIN, 4353
JEFFREY T. * AVOLIO, 8578
ALEJANDRO AYALA, 9658
JAWHAR * AZIZ, 1772
AMANDA I. * AZUBUIKE, 7653
JOEL D. * BABBITT, 7294
MAYCROS I. * BAEZ, 6225
BRIAN P. BAILEY, 2138
DAVID B. * BAILEY, 6959
TOMMY D. BAILEY, 6969
HARPREET S. * BAINS, 4394
CHRISTOPHER M. BAKER, 5281
JOHN K. BAKER, 1125
JOHN T. BAKER JR., 4769
ROBERT F. * BALDWIN, 4030
JAY F. * BALL, 6244
RICHARD J. * BALL, 1610
ROBERT S. * BALLAGH III, 5573
DIRK P. BARBER, 2793
JACKQUILINE M. BARNES, 8953
HOLLIE J. BARRETT, 3515
JONATHAN M. BARROW, 1949
JAMES B. BARTHOLOMEES, 3589
BRAUM P. BARTON, 1196
ROBERT B. * BASHEIN, 7541
JOHN T. BATSON JR., 6423
ISAAC T. * BATTLE, 6038
KYLE W. * BAYLESS, 2060
DEREK G. * BEAN, 3335
CHAD A. BEASINGER, 5428
JONATHAN R. * BEASLEY, 0766
OWEN J. BEAUDOIN, 2699
SLADE H. BEAUDOIN, 4707
STEVEN D. BEAUMONT, 5933
GUILLAUME N. BEAURPERE, 5822
BRADLEY E. * BECHEN, 1169
JEFFREY A. BECKER, 4001
BRIAN T. * BECKNO, 0820
BRYANT J. * BEEBE, 6063
LESLIE D. BEGLEY, 3118
BETH A. BEHN, 6667
JOHN C. * BELANGER JR., 2488
JAIME L. BELL, 0179
PAUL N. BELL, 8017
TIMOTHY M. BENINATO, 0129
DANIEL T. BENNETT, 3727
KIMBERLY A. * BENNETT, 7447
GARRICK B. * BENSON, 1762
TYRONE C. * BENTINCK, 3652
ERIK M. BERDY, 2682
ROBERT E. * BERG, 5142
CARL L. * BERGMANN, 0374
CEASAR P. * BERGONIA, 8195
BARRETT M. * BERNARD, 7869
PAUL T. BERQUIST, 7804
ROBERT D. * BETTWY, 8594
DAVID A. BEVACQUA, 0548
JEFFREY P. * BEVINGTON, 1095
MICHAEL A. * BIANCHI, 3422
MARK R. BIEHL, 8429
MICHELLE L. BIENIAS, 9984
JONATHAN D. BIGGERT, 0802
DAVID D. * BIGGINS, 0572
CHRISTOPHER J. BIRCHARD, 1483
NATALEE M. * BIRDSELL, 9408
MICHAEL J. BIRMINGHAM, 0172
FREDERICK H. BLACK JR., 7725
RONALD C. BLACK, 3953
TIMOTHY G. BLACKWELL, 4203
JONATHAN A. * BLAKE, 4913
JOSEPH D. BLANDING, 5594
JOHN F. BLANKENHORN, 7138
IRIZARRY H. BLAS, 4805
DARIN J. BLATT, 2876
ANDREW J. * BLISS, 9027
MATTHEW A. BOAL, 8410
MEGAN A. * BOGLEY, 7567
ROD L. BOLES, 2337
MICHAEL S. * BOLSHAZY, 6880
NATHAN M. * BOND, 5537
WILLIAM * BONILLA JR., 4760
PETER A. * BOOKER, 2674
ROBERT S. * BOONE III, 6885
BA K. * BOOZE, 5500
TIMOTHY B. BORGERDING, 4583
RALPH T. BORJA, 0367
PHILLIP A. * BORNEFELD, 1955
JAMES T. * BOROVILOS, 4938
KEVIN T. * BOSCH, 6252
CLARENCE O. * BOSWELL JR., 1304
JEFFERY G. * BOUMA, 7710
ROBERT J. * BOWEN, 6299
JENNIFER I. * BOWER, 5881
STEVEN T. BOWER, 4735
CHARLES J. * BOWIE, 3838
JOSEPH A. BOWMAN, 0234
CHARLES W. BOWSER, 3223
DARRIN M. BOWSER, 8462
JOHN C. BOYARSKI, 3041
ADAM J. BOYD, 7043
GREGORY L. BOYLAN, 8977
BARBARA D. * BRACY, 4436
DAVID E. * BRADLEY JR., 3897
ERIC L. * BRADLEY, 8351
TANYA J. * BRADSHER, 4239
ANDREW S. * BRAGG, 7361
MATTHEW W. BRAMAN, 7102
JEFFREY G. BRAMLETT, 3512
STEPHON M. * BRANNON, 4394
CHARLES E. * BRANSON, 6445
CLAY A. * BRASHEAR, 9198
DAVID M. BRESSER, 4503
BLAKE F. BREWER, 7009
FRANK D. * BRIDGES, 3973
JASON T. * BRIDGES, 8820
KAREN L. * BRIGGMAN, 0829
RODNEY O. * BRIGGMAN, 7301
JAMES D. * BRINSON, 2771
JEFFREY J. * BRITTON, 2849
JASON M. BRIZEK, 5233
ADRIAN G. BROCKINGTON, 7673
ROBERT E. BROOKS, 9386
ANDREW R. BROWN, 3039
DARRYL B. * BROWN, 5880
DERWIN A. * BROWN, 7485
KEVIN D. * BROWN, 1947
MYRTITH A. * BROWN JR., 2549
THELMA C. BROWN, 7453
CHARLES D. * BROWNING, 8182
MICHAEL C. BRUENS, 0470
COREY L. BRUMSEY, 2451
JASON A. BRYAN, 9114
CRAIG D. * BRYANT, 5012
DEMETRIS T. * BRYANT, 1831
DOUGLAS P. BRYANT, 2761
CHRISTOPHER L. * BUDIHAS, 2679
JOEL M. BUENAFLOR, 5412
ALFRED T. BUFFINGTON, 2361
JONATHAN D. BULSECO, 0024
DOUGLAS W. BURBEY, 7020
KEVIN P. BURKE, 1669
THOMAS E. * BURKE, 0130
TODD A. BURKHARDT, 8326
WILLIAM G. * BURNETT, 5617
BARRETT A. BURNS, 4278
MATTHEW L. * BURR, 1775
STEPHEN J. * BURR, 6917
LARRY Q. BURRIS JR., 3094
DOUGLAS T. * BURRUSS, 4057
JAMES T. * BUSHONG, 8672
KEVIN J. BUTLER, 2232
JONATHAN C. BYROM, 3175
TONYA S. * BYRON, 7947
JEFFREY L. * CALDWELL, 0358
TRUDY L. CALDWELL, 1616
LUKE T. * CALHOUN, 0731
MATTHEW K. * CALHOUN, 9462
PAUL R. * CALLAHAN, 6761
BRANN G. CALVETTI, 7799
ROBERT L. * CANNADAY JR., 7960
CAROLYN A. * CANNON, 1307
ROMAN J. * CANTU, 6709
JOHN F. * CANTWELL, 4988
JANEL M. * CARBONE, 3261
THOMAS E. * CARLSON, 7152
THOMAS G. * CARONA, 2239
STEVEN N. * CAROZZA, 6350
FRANCIS J. CARR JR., 3542
WILLIAM J. CARR, 4968
HELENE A. * CARRAS, 9445
JON L. * CARRICO JR., 1716
MARION C. * CARRINGTON, 9902
CHAD G. CARROLL, 2910
JOHN S. * CARTER, 5672
ERIC A. * CARVER, 1715
RICHARD K. * CASSEM II, 5549
JAMES P. CASTELLI, 7529
FRAZARIEL I. CASTRO, 0117
BASIL J. * CATANZARO, 2058
DONALD C. * CAUGHEY, 1711
ANNETTE R. * CAULKINS, 2858
STEVEN * CELESTE, 2910
RAY M. CERALDE, 9390
JAY H. * CHA, 0161
NEIL T. * CHAFFEE, 4133
CHARLES B. CHALFONT, 3841
STEVEN B. * CHAMBERS, 2575
WILLIAM L. * CHANADY III, 9288
CHARLES K. CHANG, 1332
DARREN L. * CHARTIER, 4755
CHAD E. * CHASTEEN, 6456
DAVID R. * CHENEY II, 8784
DAVID C. CHIARENZA, 3192
TORRANCE D. * CHISM, 7460
SAMUEL * CHISOLM JR., 8082
STEVEN N. CHO, 3131
JESUS C. CHONG, 7782
STEVE C. CHONG, 1807
CHAD Q. CHRISTMAN, 9191
JOHN S. CHU, 1074
NICOLE K. * CHUPAS, 1181
JOSEPH J. * CIESLO, 5277
JORGE L. * CINTRONOLIVIERI, 4658
JAMES M. * CLARK, 1183
JOSEPH D. * CLARK JR., 5369
KENT A. * CLARK, 1854
ROBERT J. * CLARK, 8522
STEVEN M. * CLARK, 6360
THOMAS D. CLARK, 7461
JAMES C. CLARKE JR., 6377
RICHARD R. CLAYTON, 4355
ANTHONY T. CLEMENTE, 0860
KERRY G. * CLEMENTS, 5661
GEORGE G. * CLEVELAND II, 3883
JAMES S. CLIFFORD, 1263
RONNIE W. * CLIFTON, 2324
NATHAN S. * CLINE, 4992
KEVIN S. * COCHIE, 8802
CLYDE S. * COCHRANE III, 0721
JOHN L. * COCKERHAM JR., 9481
JOHN P. COGBILL, 2886
JASON M. COLBERT, 2178
ROLANDA D. COLBERT, 1763
CHARLES F. * COLE III, 1361
FAREN R. COLE, 7145
GREGORY J. COLE, 4897
JOHN E. * COLE, 3934
KENNETH C. COLE, 8262
CRAIG N. * COLLET, 7652
RAHHSHAHUN * COLLEY, 4116
LEVORN S. COLLINS, 0985
SCOT A. * COLVER, 7208
ANTHONY C. COMELLO, 3272
GRAHAM J. COMPTON, 4535
JAMES L. * CONATSER, 9558
JAMES R. CONNALLY, 9664
JAMES L. * CONNER, 1408
DAWN E. CONNIFF, 2186
JADA D. * CONNOR, 8933
MICHAEL * CONSIGLIO, 5071
THOMAS A. * CONSTABLE, 0819
MARY J. * CONSTANTINO, 0604
CLINTON J. CONZEMIUS, 0930
DENISE L. * COOK, 8813
JAMES M. * COOK, 2546
DORIAN A. COOPER, 2284
WILLIAM W. * COPPERNOLL, 2371
MICHAEL R. * CORBISIERO, 4860
SEAN M. * COREY, 6554
CHRISTOPHER D. * CORIZZO, 1111
CARLOS A. * CORREIA, 4887
RICHARD S. * CORREZ, 1486
KEVIN K. * CORRICA, 0417
JEFFREY J. CORTON, 5796
ROBERT F. * COSGROVE, 6539
ENRIQUE L. * COSTASOLIVERA, 5173
ALBERT M. COSTELLO, 8676
KEITH L. * COSTELLO, 8046

DOUGLAS J. * COTE, 5245
KEVIN L. COTMAN, 5450
JAMES R. * COTTER JR., 5079
WILLIAM D. * COTTY, 1754
KEVIN E. * COUNTS, 1115
KIMBERLY A. * COX, 9146
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GEOFFREY D. KUHLMANN, 7895
JOSEPH M. * KUSHNER, 4169
ROBERT B. * KUTH, 6568
WILLIAM C. KUTTLER JR., 7334
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ALBERT M. LABELLA, 4667
ELDEN D. * LACER, 5032
MARC A. LAGO, 5230
JOHNNY M. LAIRSEY JR., 3022
ADRIEL C. * LAM, 3886
SON K. * LAM, 5209
CARL A. LAMAR, 8734
STEVEN F. * LAMB, 2277
DAVID J. * LAMBRECHT, 1917
PATRICK M. LANGE, 0672
ROBERT C. LAPREZE, 4607
HAROLD L. LAROCK II, 0738
JONATHAN S. LARONDE, 9468
JAMES C. * LASLIE III, 5753
DUANE S. LAUCHENGCO, 4182
DANIEL P. * LAURELLI, 2962
DAVINA LAUSEN, 8305
ANDREW M. * LAWFIELD, 9370
ARNETTA L. LAWRENCE, 2833
GAVIN A. LAWRENCE, 0792
JOHN D. * LAWRENCE, 2970
KENNETH L. LAWRENCE, 9812
RYAN C. * LAWRENCE, 0847
GARY R. * LAYNE II, 0661
RICHARD D. * LAZIK, 7377
STEPHEN W. * LEDBETTER, 7853
ANTHONY Q. * LEE, 9435
MICHAEL C. * LEE, 3265
TARA R. * LEE, 4835
HARRIETT M. * LEENEWMAN, 0952
MICHAEL J. * LEGLER, 8625
BRADEN G. * LEMASTER, 0369
RICHARD H. * LEMAY, 5080
CHARLES R. LENOIR JR., 7290
SCOTT M. * LENZMEIER, 7338
KEEGAN S. * LEONARD, 7776
PETER E. * LEONE, 6656
GARY C. * LEROUX, 7216
KENNETH W. * LETCHER, 4682
SETH D. * LEVINE, 5342
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JAMES M. LEWIS III, 1872
JERRY M. * LEWIS, 9636
TROY D. LEWIS, 8829
AARON B. LILLEY, 1876
CLOYD D. LILLEY, 8390
DARRYL T. * LILLIAN, 1281
ALAN T. LINDLEY, 3754
DAVID A. * LINDOW JR., 4793
ROBERT H. LINDSEY JR., 3141
BRIAN P. * LIONBERGER, 5396
JOHN F. * LITVIN, 0667
MICHAEL R. * LIVERPOOL, 0598
WALTER * LLAMAS, 3959
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JOHN P. LLOYD, 4148
JAMES L. * LOCK, 7086
GRACIELA LOERA, 8661
DAMEION L. * LOGAN, 7499
BRITTON T. * LONDON, 2277
DOUGLAS T. * LONDON, 2548
DAVID F. * LONGBINE, 8506
CARLOS G. * LOPEZVEGA, 7970

FREDERICK E. LORA, 7565
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RALPH A. * LOUNSBROUGH, 2284
ERIK W. * LOWE, 3535
LANGDON J. LUCAS, 5044
NICOLE M. LUCAS, 0948
SAMANTHA LUCAS, 4152
SHANNON M. LUCAS, 6422
KIRK A. * LUEDEKE, 3896
THOMAS B. * LUFT, 2374
JOYCE M. * LUGRAIN, 7798
CAREY G. * LUSE, 7521
ROBERT * LUTZ, 5897
DAVID S. LYLE, 2078
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OCTAVE V. * MACDONALD, 0158
ROCKY C. * MACK, 0649
JASON C. * MACKAY, 5914
RONALD A. MACKAY, 5678
DANIEL W. MACKLE, 7123
JOHN C. * MACMURRAY, 9067
MATTHEW D. * MACNEILLY, 7199
CECIL R. MACPHERSON, 5826
GABRIELLE M. MADDALONI, 8584
MARIANNE * MADRID, 7696
AARON P. * MAGAN, 4330
ROBERT E. MAGEE, 1084
JOEL S. * MAGSIG, 6504
NEIL R. * MAHABIR, 3900
JENNIFER R. MAHONY, 8808
PATRICK A. * MAHONY, 0035
LUCIO E. * MALDONADO JR., 9908
DALE W. * MALLORY, 6147
ANTONE * MALONE, 1414
DANIEL M. * MALONEY, 4616
WILLIAM R. * MANER, 7520
RENEE L. MANN, 0924
ROBERT P. * MANN, 8419
LOUIS R. MANNING, 7496
GREGORY A. * MANNS, 1506
HOWARD A. * MARBUT, 1334
VICTOR R. * MARKELL, 4330
TEWANNA K. MARKS, 9087
KYLE R. * MAROLF, 2172
STEPHEN C. MARR, 6607
ADRIAN A. MARSH, 1591
ROBERT W. * MARSHALL, 6577
MICHAEL P. MARTEL, 1710
BRET N. MARTIN, 9474
JAY C. MARTIN, 2736
PHILIP D. * MARTIN, 4033
WENDY D. MARTIN, 4146
ANTHONY A. MARTINEZ, 2038
HECTOR I. * MARTINEZPINEIRO, 3676
FRED M. MARTY, 1343
THERESA F. MASENGALE, 6825
BARBARA J. MASON, 6859
ROBERT A. * MASON, 9135
KEITH E. * MATISKELLA, 7267
MARK W. * MATTEI, 1089
JOSEPH G. MATTHEWS, 8591
CHRISTOPHER MATTHIE, 6587
JAMES A. MATTOX, 0534
JAMES R. MAULDIN, 9700
SHERYL M. * MAXWELL, 2251
ZABRINA D. * MAYNARD, 2025
KEVIN A. MCANINCH, 4776
KEVIN D. MCCARLEY, 9778
ROBERT E. MCCLINTOCK JR., 2474
CHRISTOPHER M. * MCCLUNG, 7380
MICHAEL W. * MCCOLLOUGH, 2457
ROBERT G. * MCCOMMONS, 5224
CHRISTINA L. MCCORMICK, 3692
SHON A. MCCORMICK, 2696
JEFFREY D. MCCOY, 3913
DANIEL A. * MCCRAY, 9969
LOUIS P. * MCCRUTCHEN, 3304
DAVID E. * MCCULLEY, 3969
KERRY D. MCCULLUM, 5527
MICHAEL J. MCCURTY, 3437
TIMOTHY R. * MCDONALD, 8920
JESSE L. * MCFARLAND JR., 4382
DANIEL L. * MCGEE, 8253
SCOTT T. * MCGLEISH, 3900
JOSEPH J. MCGRAW, 3719
TERRENCE J. MCGRAW, 7775
MICHAEL D. * MCGREGOR, 6193
JASON J. MCGUIRE, 8977
JEREMY P. * MCGUIRE, 3550
DAVID G. MCGURK, 7256
STEPHEN R. MCHALE, 3516
SEAN K. MCKEAGUE, 5740
MARVIN T. * MCKENZIE, 2698
MARC W. MCKINLEY, 3794
JIMMIE J. * MCKINNEY, 4106
MITCHELL J. * MCKINNEY, 8751
FRANK D. * MCKINNIS, 1268
VALERIE N. MCKNELLY, 6660
BRIAN W. * MCLAUGHLIN, 7920
INGO * MCLEAN, 5299
TIMOTHY L. * MCLEAN, 0312
GARY S. * MCLEOD, 4540
CLYDE M. * MCNALLY, 1799
THOMAS C. * MCNEW, 7657
KENNETH D. * MCRAE, 7894
RODNEY S. MCWHORTER, 1856
JOSEPH W. * MEANS, 2591
KRISTIN A. MEANS, 3790
AMY M. MEEKS, 6234
STEPHEN T. MEFFORD, 3949
JOSE E. MELENDEZ, 0992
JORGE * MELENDEZRAMOS, 1975
BRIAN E. MEMOLI, 4099
WILLIAM H. MENGEL JR., 9379
ISRAEL * MERCADO JR., 6960
ROBERT * MERCERON, 9270
ANGEL C. * MESA, 5829
THOMAS B. MESSERVEY, 4012
JOSEPH A. * METAYER, 0060
DANIEL S. * METTLING, 8915
CHRISTOPHER E. * METZ, 0180
DAVID A. * MEYER, 3079
DARLENE M. MIDDLETON, 3112
IRA E. MIKESELL, 0944
MARK D. MILES, 4917
AUSTIN J. MILLER, 7149
JASON L. MILLER, 4645
JOEL M. MILLER, 7245
MARK A. MILLER, 2161
ROLAND N. * MIRACO JR., 6098
STEVEN T. * MISCZENSKI JR., 1404
JASON A. MISELI, 0284
CHAD T. * MITCHELL, 4016
ROBB C. MITCHELL, 1302
SAMUEL T. MITCHELL II, 4032
SUSAN M. MITCHELL, 3591
VINCENT * MITCHELL, 0995
JAMES E. * MIXSON III, 6662
DOUGLAS A. MOHLER, 6057
RICHARD A. * MOHR, 5251
MARK A. * MOLITOR, 8618
JAMES * MOMON JR., 1026
JOSHUA L. MOON, 5549
STEWART W. MOON JR., 4058
BRADLEY S. * MOORE, 9944
CATHRYN L. * MOORE, 0622
DAVID C. * MOORE, 7116
JEREMY B. * MOORE, 9810
JESSE F. MOORE, 2159
SCOTT M. * MOORE, 0968
THEO K. * MOORE, 2014
VIRGINIA A. * MOORECATLETT, 0817
MICHAEL E. MORA, 3299
LOUIS W. MORALES, 6287
THOMAS P. MORAN, 2256
GARY J. MOREA, 5162
DANIEL S. * MORGAN, 8551
JOHN L. MORGAN, 6796
SAMUEL W. * MORGAN, 7450
MICHAEL R. MORIN, 9669
DANIEL Y. MORRIS, 5117
ERWIN C. * MORRIS III, 9910
JEFFREY E. * MORRISON, 8613
JAMES C. * MOSES, 4848
GLENN R. * MOSHER, 8442
DAVID A. * MOTES, 1230
GREGORY L. MOTES, 4779
VINCENT A. * MOTLEY, 2622
JOSEPH M. * MOUER, 2125
JOHN C. MOUNTCASTLE, 5462
JOHN B. MOUNTFORD, 3318
KARL B. MUEGO, 1443
SCOTT W. MUELLER, 5243
JONATHAN C. MUENCHOW, 6553
DAVID E. MUGG, 4325
CHRISTOPHER W. MULLER, 2840
JAMES D. * MULLINAX, 9624
MICHAELLE M. * MUNGER, 3331
BRIAN C. * MURPHY, 2660
BRUCE A. MURPHY, 7192
JEFFREY B. MURPHY, 9348
JOHN P. MURPHY JR., 0986
STEPHEN M. * MURPHY, 7503
FELECIA D. * MURRAY, 3091
MICHELLE M. * MURRAY, 1907
SHAWN R. * MURRAY, 6960
JASON R. MUSTEEN, 3993
BRUCE W. * MYERS, 8317
FREDERICK W. * MYERS III, 3243
DAVID M. MYRDA, 2129
JOHN C. * NALLS, 0708
PATRICIA * NANCE, 7250
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KARL D. * NEAL, 5853
ROBERT E. * NEAVE JR., 8111
KEITH L. * NELSON, 6449
THOMAS F. * NELSON, 3552
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DANTE S. * NETHERY, 2281
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MARK T. * NEUMANN, 6900
BERTON R. * NEWBILL, 0434
JENNIFER L. * NEWLON, 7258
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RICHARD * NG, 7981
THONG H. NGUYEN, 3080
CONSTANTIN E. NICOLET, 8002
JEFFREY S. * NIEMI, 4579
RAFAEL E. NIGAGLIONIBEAMUD, 7275
TERRY M. NIHART, 2649
JASON M. * NORTON, 2486
STEVEN J. * NOSBISCH, 8142
JOSEPH A. NOTCH, 9088
BRENT E. NOVAK, 2180
ALEXANDER G. * NYGAARD, 1810
STEVEN L. * OATMAN, 9750
TIMOTHY F. * OBRIEN, 0494
CHRISTOPHER M. OCONNOR, 8975
RYAN P. * OCONNOR, 6588
HENRY S. * OFECIAR, 0454
ROSS M. * OHARAHULETT, 0890
RONALD C. * OLDANI, 9398
MARK P. OLIN, 6792
MICHAEL R. OLIVE, 8907
JOHN A. OLIVER JR., 8175
APRIL N. * OLSEN, 6349
ROGER L. OLSON, 5103
DENNIS P. ONEIL, 0757
OKAL A. * ONYUNDO, 8133
ROBERT J. * ORSI, 4187
LUIS A. * ORTIZ, 3262
DAVID D. ORTON, 9887
BRIAN K. ORWIG, 5931
JEFFREY M. OSADNICK, 9965
JOHN C. * OSBOURN, 0249
HECTOR E. OSEGUERA, 1299
EDWARD J. * OSPITAL, 8161
ROGER D. * OSTEEN JR., 0920
BRADLEY D. * OSTERMAN, 5727
LARS B. * OSTERVOLD JR., 7925
JAMES A. OSUNA, 5844
CHRISTOPHER L. OTT, 4114
DAVID G. * OTT, 9861
JONATHAN A. * OTTO, 6756
DARCY L. * OVERBEY, 6320
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JIN H. PAK, 2194
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ALBERT J. PAQUIN, 4850
FRANCIS J. PARK, 7065
STEVE J. PARK, 3605
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STEPHEN L. * PARKER, 4806
JAMES C. PARRACK, 1830
CHRISTOPHER A. * PARRINELLO, 9997
CARL L. * PARSONS, 6330
ANGELITO G. * PASION JR., 6275
THOMAS PATRINICOLA, 8317
CRAIG R. * PATTERSON, 4158
MARIE T. PAULEY, 6231
JOSEPH H. PAULIN, 1800
GLENN J. * PAULINO, 9336
MARK L. PAULUS, 9999
JOSEPH A. * PAVONE JR., 2984
RANDY L. PAXTON, 5696
DEREK P. * PAYNE, 5025
MICHAEL A. * PAYNE, 2575
ANTONIO M. * PAZ, 3878
OSSIE L. * PEACOCK JR., 7141
MATTHEW K. PEAKS, 2757
AUSTIN T. * PEARSON, 9365
DARLENE E. * PEARSON, 5594
GUENTHER * PEARSON, 4613
MATTHEW D. PEDERSON, 3154
CHARLIE L. * PELHAM, 9079
JUAN J. PENA, 3882
OSA D. * PENNY III, 6527
RODNEY G. * PENNY, 1778
GERRY A. * PEPPMULLER, 6527
STEVEN R. PERKINS, 1124
EDDIE L. PERRY, 6082
KEYE E. PERRY JR., 2250
DWIGHT J. PETERS JR., 2332
ROBERT M. * PETERS, 9261
SCOTT A. * PETTIGREW, 5363
THOMAS C. * PETTY, 4455
STEPHEN C. PETZOLD, 4130
ANDREW M. PHALAN, 0630
ALEX V. PHAM, 4522
CONWAY S. * PHELPS, 3902
DAVID C. PHILLIPS, 9844
SHELIA Y. * PHILLIPSHICKS, 4196
PHILIP T. * PIAGET III, 3690
SEAN M. * PICCIANO, 3336
MARK A. * PICCONE, 6447
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JOSEPH I. PIERCE, 0553
MICHAEL D. * PIERCE, 6494
STEVEN M. PIERCE, 0418
JOHN L. PILGRIM, 0080
WESLEY M. PIRKLE, 0624
ESLI T. * PITTS, 3143
JOSEPH N. * PLESH, 3502
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JOHN POCHINSKI, 1199
JOSE L. POLANCO, 2947
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JOHN T. * POPE, 5637
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ROSS C. * POPPENBERGER, 3440
JOHN J. * PORAMBO, 7801
LARRY E. * PORTER JR., 0578
DONALD S. POTOCZNY, 4302
JEFFREY H. POWELL II, 5937
MICHAEL T. * POWELL, 1253
PAUL * POWELL, 6354
STEVEN M. POWELL, 0644
LEWIS J. POWERS, 8871
MARK L. * PRALAT SR., 1660
EDDIE L. * PRESSLEY, 4698
RONNIE H. PRESTON JR., 7008
DONALD L. * PRIOLEAU, 6814
PATRICK E. PROCTOR, 3893
JAMES R. PUGH, 1552
ERIC S. * PULS, 9722
MARK T. PURDY, 0970
MARK C. QUANDER, 9593
CHRISTOPHER R. * QUICK, 8997
RICHARD A. QUINBY, 4540

JOHN W. * QUINENE, 8855
ANTHONY U. * QUINN, 6989
JUAN D. QUINTERO, 4069
GINO * QUINTILIANI, 5221
MICHAEL A. * QUITANIA, 5122
PAUL W. * RADTKE, 5088
LESLIE A. * RAFFERTY, 0392
VANESSA K. RAGSDALE, 5995
KENNETH A. * RAIFORD, 5523
ROBERT L. * RALSTON, 5092
CHARLES R. * RAMBO, 4386
RICHARD T. * RAMSEY II, 6515
KEVIN J. RANTS, 0752
FRANKIE A. RAS, 5845
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MATTHEW D. * RAUSCHER, 1491
KEITH R. * RAUTTER, 6222
JOSEPH F. * RAWLINGS, 8185
JOHN C. * RAYBURN, 2720
ANDREW M. * REARDON, 3691
DON S. * REDD JR., 9238
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HEATHER L. REED, 9399
JAMES W. REED IV, 4430
JOHN P. * REED, 5550
DWAYNE D. * REEVES, 1621
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KEVIN P. * RESZKA, 9420
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MICHAEL E. * REZABEK, 4559
MARY M. * REZENDES, 4942
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CYNTHIA L. RHODES, 2211
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SCOTT W. * RILEY, 1923
JOHN D. RING, 8110
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ROBERT A. * RISDON, 9291
MICHAEL A. * RITCHART, 9704
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JOSE M. * RIVERA, 1216
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VINCENT W. * ROACH, 7056
JAMES R. * ROBBINS, 5458
JARED D. * ROBBINS, 8040
RYAN N. ROBERSON, 0761
GEORGE H. * ROBERTS III, 8442
JOSEPH ROBERTS, 7371
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RODNEY C. * ROBERTS, 7536
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THOMAS J. * ROBINSON JR., 2105
TERRY J. * RODESKY, 0368
ADRIAN L. RODRIGUEZ, 3981
CHRISTOPHER * RODRIGUEZ, 3897
JOSE L. RODRIGUEZ, 6338
PATRICK C. ROGERS, 5039
WILLIAM G. * ROGERS JR., 6045
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WILLIAM G. ROM, 5818
MATTHEW A. * ROMAGNUOLO, 6905
MONTE L. RONE, 2564
LUIS A. ROSADOFELICIANO, 6377
PATRICK A. * ROSE, 0165
TIMOTHY S. ROSE, 6442
BRINTON H. * ROSENBERRY, 4167
MARCO V. ROSITO, 9048
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JEFFREY A. * ROTHERMEL, 8667
JOHN P. * ROTIER, 5964
ROBERT D. * ROUSE, 0292
PAUL U. ROYLE, 6402
JEFFREY N. * RUCH, 7948
JAN L. * RUESCHHOFF, 2509
LETA M. * RUFFIN, 2911
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DAVID M. * RUIZ, 8978
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DANIEL L. RUNYON, 4637
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ROBERT T. * RUSTAD, 7628
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BRYAN W. * RYDER, 3364
JEFFREY A. SAELI, 4145
AARON W. SAGER, 5677
THOMAS J. * SAGER, 8902
RAMIRO R. * SALAZAR, 1648
STEVEN M. * SALLOT, 1756
PAUL J. SALMON, 0928
THOMAS I. SALTYSIAK, 0760
WELLINGTON W. * SAMOUCE, 9609
ALISHA A. * SANDERS, 8427
LARRY G. * SANDERS, 0653
SHELLEY E. * SANDERS, 9920
SARGIS * SANGARI, 4651
ROBERT C. SANTAMARIA, 8884
ARIZMENDI E. SANTIAGO, 4359
RODRIGUEZ G. * SANTIAGO, 4356
JUSTIN W. * SAPP, 4502
BYRON L. * SARCHET, 0755
WILLIAM C. SAUNDERS, 4393
MICHAEL E. SAXON, 3565
PATRICIA K. SAYLES, 8594
CURBY * SCARBOROUGH, 2721
BRIAN R. * SCHAAP, 4256
KURT A. * SCHADEWALD, 7965
HERMANN W. * SCHLORTT, 0865
TERESA A. * SCHLOSSER, 3148
GEOFFREY M. * SCHMALZ, 5458
GLENN C. * SCHMICK, 4154
ERIC A. * SCHMIDT, 3948
CHRISTOPHER D. SCHNEIDER, 8396
MARIA D. * SCHNEIDER, 5301
CHAD C. * SCHOOLS, 8123
JONATHAN E. * SCHRADER, 4903
MATTHEW F. * SCHRAMM, 6727
PATRICK X. SCHREIBER, 1950
JAMES H. * SCHREINER, 3707
CURTIS M. SCHROEDER, 6913
JEFFREY M. * SCHROEDER, 5748
JEREMY J. SCHROEDER, 6552
SCOTT J. SCHROEDER, 9122
TODD E. * SCHROEDER, 0786
DANIELLE J. * SCHUG, 6250
JAMES C. SCHUG, 0047
CRAIG L. * SCHUH, 6518
SHAWN C. * SCHULDT, 3256
ROBERT W. * SCHULTZ, 9152
JAMES M. SCHULTZE, 7056
RICHARD T. * SCHUTE JR., 3744
DOMINIC M. SCOLA, 2828
JAMES J. SCOTT, 6231
JEFFREY A. * SCOTT, 0210
RICHARD M. SCOTT, 9753
CARMELIA J. * SCOTTSKILLERN, 9226
JERRY R. * SCRIVEN JR., 7033
JOSEPH E. SCROCCA, 6397
RODNEY H. * SEALE, 6124
AUGUST C. * SEEBER, 6363
PATRICK R. * SEIBER, 1528
ARTHUR W. SELLERS, 4316
LAWRENCE M. SEWARD, 2364
JON T. * SEXTON, 2583
SHERRI L. SHADROCK, 1521
DAVID E. SHANK, 9375
SALEM L. * SHARP, 6449
MERRILL P. * SHARPTON, 1574
MARK A. * SHEEHAN, 0169
RICHARD D. SHEMENSKI, 2988
TALMADGE C. SHEPPARD, 7481
MAKALENA Y. SHIBATA, 3410
WILLIAM J. * SHINN JR., 6210
STEPHEN T. SHORE, 8672
THOMAS A. * SHULTZ, 5253
ERIC P. * SHWEDO, 5600
CHARLENE P. SIBAJA, 0792
ROSIHER A. * SIBAJA, 4302
MICHAEL B. SIEGL, 8725
MICHAEL R. * SIERAKOWSKI, 6745
STEVEN B. * SIGLOCH JR., 3669
TERRY D. SIMMS, 9491
MICHAEL J. * SIMPSON, 2419
SAMUEL K. SIMPSON II, 1695
KEITH L. * SINGLETON, 6005
DAVID R. SIRY, 0758
GREGORY T. * SISSON, 5011
RICKY L. SKEEN, 6024
SAMUEL H. SKINNER, 3965
SHANNON M. SLACK, 9437
MICHAEL L. SLUSSER, 8393
THOMAS L. SMALL, 5110
KENNETH B. * SMEDLEY, 9048
DAVID A. * SMITH, 4374
DONALD E. SMITH, 4972
EDWARD L. * SMITH, 2963
ERIC T. * SMITH, 9894
GRANVILLE R. * SMITH, 4629
GREGORY K. SMITH, 7635
GREGORY S. * SMITH, 9434
HANK E. * SMITH, 0488
IRA L. * SMITH, 0195
JAMES F. SMITH, 4000
JAMES P. * SMITH, 0295
JAMES R. * SMITH, 5719
JASON S. * SMITH, 6318
JOEY R. * SMITH JR., 6035
MATTHEW P. SMITH, 7173
PATRICK M. * SMITH, 9522
QUENTIN L. SMITH, 2132
ROBERT C. * SMITH JR., 8364
ROBERT L. SMITH, 1335
RONALD W. SMITH, 1373
SHARON G. * SMITH, 4629
TAMARA L. * SMITH, 9175
TONG I. * SMITH, 6317
MICHAEL K. * SNEDDEN, 3997
KENT M. * SNYDER, 2122
MIKE SOLIS, 7141
DEAN R. * SOMERS, 5871
RUTH J. SONAK, 5679
SCOTT E. SONSALLA, 2058
JON K. SOWARDS, 7009
RICHARD J. * SPANARD, 8906
JOHN P. * SPANOGLE, 1730
ANTHONY D. * SPAULDING, 3910
JEFFREY S. SPEAR, 1125
JONATHAN E. SPEARS, 8199
RICHARD C. SPENCER JR., 6168
VANCE R. SPERRY, 7488
JAMES G. SPIVEY, 6770
SCOTT A. * SPRADLIN, 9844
CHARLES E. * STCLAIR, 4084
MATTHEW N. STADER, 5174
CHARLONE E. * STALLWORTH, 2761
RICHARD E. STANFIELD II, 1539
PAUL R. * STANFILL, 7385
NAOMI R. * STANKOWMERCER, 7794
DWAYNE T. STANTON, 4249
PAUL T. STANTON, 0270
TERESA L. STARKS, 6026
ADAM C. STEELHAMMER, 9576
JENNIFER M. * STEPHENS, 5217
JAMES M. STEPIEN, 3879
ROBERT P. * STERBUTZEL, 1823
LLOYD C. * STERLING, 8736
JAMES L. * STEVENSON, 9617
JAMES M. * STEVISON, 5857
GLENDA M. STEWARD, 3111
ALLISON L. * STEWART, 0488
LAUNDETTE A. * STEWART, 9192
LAWRENCE I. *STEWART, 8900
RYAN T. STEWART, 2035
RICHARD G. *STINSON, 2695
ROGERS L. *STINSON JR., 1082
CARY G. STOLARCEK, 3752
JONATHAN M. *STONE, 7853
LESLIE E. *STONEHOCKER, 9488
ALAN W. *STOUT, 9360
STEVEN D. *STOWELL, 4491
MICHAEL E. *STUBER, 8853
BRIAN L. *STUCKERT, 0172
RODRIDGUEZ L. STUCKEY, 4787
BRIAN P. SULLIVAN, 5568
JOHN F. SULLIVAN III, 5679
MICHAEL C. *SULLIVAN, 2652
MICHAEL D. SULLIVAN, 5748
MICHAEL P. *SULLIVAN, 0281
SHANE M. SULLIVAN, 2778
STEPHEN K. *SULLIVAN, 0858
RAYMOND V. *SUMNER, 9093
TIMOTHY J. *SWANNER, 2713
ERICK W. * SWEET II, 5218
MATTHEW J. *TACKETT, 1836
STEPHEN P. TALBOTT, 2516
ADAM S. *TALKINGTON, 2267
TERRY P. *TANNER, 1479
PAUL W. *TAPPEN, 6961
MICHAEL S. TARQUINTO, 7957
DAVID F. TASHEA, 6639
CHRISTOPHER J. TATKA, 8756
ANNE V. *TAYLOR, 3991
CHARLES A. *TAYLOR, 4522
HORACE D. TAYLOR, 1551
JOSEPH R. *TAYLOR III, 8705
KEITH L. *TAYLOR, 8302
MICHAEL R. *TAYLOR, 5137
PATRICK E. *TAYLOR, 0774
RANDY L. *TAYLOR, 7790
RICHARD I. *TAYLOR IV, 9979
DANIEL L. TEETER, 4636
COREY M. *TEJCHMA, 4683
DIANNA N. TERPIN, 8538
BRUCE W. TERRY, 2234
KIRKPATRICK F. *TERRY, 7944
TONY L. *THACKER, 6385
SAKURA S. THERRIEN, 3954
ALLAN R. THOMAS JR., 6025
CALVIN C. *THOMAS, 5597
DAVID A. THOMAS, 6263
GLENN R. THOMAS, 6617
JERRY J. *THOMAS, 7307
JOSEPH J. *THOMAS JR., 6367
KIM M. *THOMAS, 4477
LENARD E. THOMAS II, 6253
STEVEN L. *THOMAS, 2434
CHRISTOPHER M. *THOMPSON, 6417
DAVID G. *THOMPSON, 8782
MARK A. *THOMPSON, 6428
ANTHONY M. THORNTON, 4180
DOUGLAS E. *THORNTON, 9728
TIMOTHY N. TIMMONS, 0682
PETER B. TINGSTROM, 8144
BRADLEY F. *TISCHLER, 7159
ROY L. *TISDALE, 9237
MICHAEL A. *TODD, 7311
VICTOR E. *TODD, 9726
WALTER R. *TODD JR., 6105
LLOYD L. *TOGISALA, 3801
VINCENT J. *TOLBERT, 4746
ERIC S. TOLLEFSON, 0398
BOYD J. *TOMASETTI, 9668
WILLIAM P. *TOMLIN, 8977
GREGORY A. TOROK, 3168
EDWIN R. *TORRES, 2768
MARIO TORRES, 1556
AADAM B. *TRASK, 4552
REBECA R. *TRAYLOR, 8020
STEPHEN R. TREANOR, 6019
PATRICK W. *TRIPLETT, 0349
EARLE C. *TROTT, 0886
DAVID S. *TROUTMAN, 9174
MICHAEL A. TRUE, 9984
ANDRE V. *TUCKER, 6641
JOHN D. TUCKER, 9035
AARON D. TUEMLER, 5476
LINDA F. *TURK, 9867

PAUL W. *TURNBULL JR., 4039
FRANK L. TURNER II, 0863
GREGORY S. *TURNER, 0832
JOHN W. TURNER, 7706
MATTHEW J. TURPIN, 7007
KEVIN C. *TYLER, 5651
JEFFREY G. *URBAN, 2082
JOSE A. *VALENTIN JR., 5413
JAMES T. *VALENTINE, 9935
JEFFREY VANCLEAVE, 9937
JEFFERY P. *VANCUREN, 0921
CHRISTINE A. *VANLOOK, 2660
WILLIAM D. *VANNESS, 5995
JOSEPH W. *VARNEY, 0564
VICTOR C. *VASQUEZ, 9179
GRANT A. VAUGHAN, 7049
JOEY L. VAUGHT, 1798
EDWARD M. *VEDDER, 3205
MICHAEL A. *VEGA, 9626
DANIEL L. VELAZQUEZ, 0586
WILLIAM J. *VELAZQUEZRIVERA, 1180
KIMBERLY J. *VENABLE, 9719
MARTIN W. *VERBOOM, 3104
TODD J. VERRILL, 6725
GARRETT J. VERSER, 0118
SCOTT D. *VERVISCH, 3591
MICHAEL VICK, 5175
PETER B. *VIEN, 7267
BRIAN D. VILE, 8702
NOAH *VILLANUEVA, 9154
CHRISTOPHER C. VINE, 3986
DANIEL J. * VINSAND, 2963
THOMAS P. VOGEL, 1509
TIMOTHY J. VOLKMANN, 8702
JASON R. VRANES, 0065
CLIFFORD L. * VROONLAND, 8788
PETER J. * VUTERA, 8097
JENNIFER J. WABALS, 8663
DAVID A. WALDRON, 0903
GARY A. WALENDA, 2245
ANTHONY T. * WALKER, 8993
BRITTIAN A. * WALKER, 6815
FRANK E. * WALKER, 0029
JAMES E. * WALKER, 9651
JAMES H. WALKER II, 2403
MARC A. WALKER, 7678
MARION * WALKER JR., 5568
MICHAEL A. * WALKER, 6797
RHETT D. * WALKER, 8198
ROY E. * WALKER, 2518
ANDREW D. WALMSLEY, 8894
BRIAN E. * WALSH, 8952
JAMES P. WALSH, 1771
JOSHUA F. * WALSH, 6265
KIMBERLY A. WALTER, 7813
FLETCHER D. WALTERS, 0063
ADAM Z. * WALTON, 7739
DINA S. * WANDLER, 1346
HENRY H. * WANG, 7096
KENNETH M. WANLESS JR., 1336
CHAD E. * WARD, 9390
DERWIN E. * WARD, 7549
JASON C. WARD, 2091
RICHARD I. WARD, 7699
JOEL E. * WARHURST, 5743
WILLIAM L. * WARNER, 4592
GREGORY L. WARREN, 5200
MONICA P. WASHINGTON, 6981
ROBERT E. * WATTS, 8775
CAMERON W. * WEATHERS, 4560
JONATHAN K. WEAVER, 7152
WARREN S. * WEAVER, 2953
KELLY L. WEBSTER, 4642
JOHN L. WEDGES III, 9557
FREDERICK D. * WEIS, 5709
PAUL I. * WEIZER, 4595
SAMUEL J. * WELCH, 9576
JASON A. * WENDELL, 9957
CHRISTOPHER W. WENDLAND, 3110
ROBERT B. * WENGER, 0049
JASON A. WESBROCK, 4168
DOUGLAS R. WESNER, 8836
MICHAEL J. WEST II, 7231
GUY E. * WETZEL, 2494
JOHN N. WHILDEN, 9914
EDDIE L. * WHITE JR., 2593
JEANINE M. * WHITE, 0944
LAWRENCE B. * WHITE, 5366
SCOTT A. WHITE, 4994
GENE P. WHITESIDES, 1169
YWAIN A. * WHITFIELD, 9114
WARREN J. * WHITMIRE, 9875
LISA D. WHITTAKER, 1886
RICHARD * WHITTINGSLOW, 9761
JOHN P. WHYTE III, 2361
KENNETH W. WICAL, 6878
FRANCES E. * WIDDICOMBE, 5577
LON R. * WIDDICOMBE, 3912
JAMES G. WIDEMAN, 0146
JOHN S. WIEMAN, 2439
MICHAEL B. * WILBER, 1328
SHANE * WILDE, 5265
SCOTT D. WILKINSON, 5314
BRADLEY A. * WILLIAMS, 2829
BRIAN L. * WILLIAMS, 3969
DESMOND R. WILLIAMS, 6490
HENRY T. * WILLIAMS III, 5402
KENNETH K. WILLIAMS, 0487
MATTHEW D. WILLIAMS, 2611
SEAN C. WILLIAMS, 8255
THOMAS R. * WILLIAMS, 0191
TENNIE L. WILLIAMSHARRIS, 6346
DANIEL J. WILLIAMSON, 4906
SAMUEL J. WILLMON, 5805
MARK E. WILSON, 9937
SEAN P. * WILSON, 0556
EDWARD B. * WILTCHER, 2219
DIEDRE L. WINDSOR, 2224
DAVID G. WINGET, 8246
BRIAN D. WINNINGHAM, 0959
DAVID WISE, 8844
DAVID O. * WISEMAN, 9834
EVAN H. * WOLLEN, 8309
JASON A. WOLTER, 9571
ERNEST Y. WONG, 4373
CAMILLA A. * WOOD, 7945
CHRISTOPHER D. WOOD, 2287
MARC D. WOOD, 1301
THOMAS E. * WOOD, 3132
CLEO J. * WOODBURY, 8539
HARVEY L. * WOODBURY JR., 7748
CECIL H. * WOODE, 5970
SCOTT C. * WOODWARD, 1077
FORREST A. WOOLLEY, 8024
COLIN H. WOOTEN, 4652
JAMES P. WORK, 5522
BREN K. * WORKMAN, 0712
JOSEPH E. * WORLEY JR., 3785
ONINTZA R. WREN, 8712
GARVEY A. * WRIGHT, 3961
JAMES W. WRIGHT, 9369
PATRICIA K. * WRIGHT, 7157
STEVEN C. * WRIGHT, 7319
SUSAN L. * WRIGHT, 7494
WESLEY H. * WRIGHT, 3672
RICHARD M. WRONA JR., 9130
STEVEN G. * YAMASHITA, 4644
MICHAEL F. YANKOVICH, 9610
BRIAN J. * YARBROUGH, 7858
MANU L. * YASUDA, 6468
RENE * YBARRA, 7324
SAMUEL YBARRA, 2830
CURTIS D. * YOUNG, 1084
JAMES C. * YOUNG, 5679
MARC D. * YOUNG, 6425
MARCUS R. YOUNG, 1256
ROBERT E. YOUNG, 9562
STEVEN L. YOUNGBLOOD, 5159
VICTOR Y. YU, 7002
CHRISTOPHER J. YUSKAITIS, 5991
DAVID * ZACCHEUS, 9544
DOUGLAS E. ZADOW, 8189
MATTHEW A. * ZAHN, 7034
RICHARD H. ZAMPELLI, 2041
JOHN J. ZAVAGE, 7639
JUAN C. * ZAVALA, 2312
ERIC P. * ZENK, 7237
MICHAEL T. * ZERNICKOW, 5766
DANIEL N. * ZEYTOONIAN, 3381
CODY L. * ZILHAVER, 5473
LELAND H. * ZIMMERMAN JR., 5883
DAVID J. ZINN, 1452
JERZY S. * ZUBR, 6852
RICHARD M. * ZYGADLO, 9652
X2386
X3645
X3181

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GLENN A. JETT, 1764
DANNY W. KING, 7068
FAITH E. STRAUSBAUGH, 7579
ROBERT W. VEIT, 0565
MATTHEW WILLIAMS, 6055

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RICHARD S. ADCOOK, 2757
ANDREW J. AVILLO, 1736
RAUL L. BARRIENTOS, 5463
JOHN E. BISSELL, 0465
BRYAN BLANKENSHIP, 7229
CARLEN P. BLUME, 5418
PRESTON C. BRIGGS, 9090
DERRICK B. CASTRO, 1780
BRETT M. CHUNG, 4863
BRENT J. CRUMPTON, 3172
JEREMY B. DAVIDSON, 9601
MARY A. DIETRICH, 3545
VINH D. DOAN, 4780
ERIC S. EVANS, 8352
BRIDGET M. FERGUSON, 0159
JONATHAN G. FRANKMANN, 2076
BENJAMIN J. FRAVEL, 3523
LENNY FUTERMAN, 6801
ELIZABETH B. GOHL, 4665
DANIEL E. GROSSMAN, 1138
HATIM A. HAMAD, 0676
JERALD B. HAWK, 1230
JASON C. HOLLIER, 5886
RACHEL A. HOLY, 3134
WEI HUANG, 0146
ANDREW S. HUTTULA, 4956
JOSEPH C. JOYCE, 8997
MOHAMMAD KAMIL, 0591
ANGELINE A. KUZNIA, 3487
BRETT T. LAGGAN, 9520
JEFFERY S. LEE, 2773
JOHN R. LUNDSTROM, 0918
JOHN D. MCLAUGHLIN, 0197
SAMIRA MEYMAND, 6866
JEFFREY P. MILES, 5130
ANN B. MONASKY, 4829
ENRIQUE M. MORALES, 8844
KEVIN D. MORSE, 6705
RACHEL MYAINGMISFELDT, 0436
SHANNON D. NALLY, 2609
CHRISTOPHER G. PACE, 0733
ORBITO I. PATANGAN, 2938
YAOHSIEN PENG, 1175
DONALD M. PHILLIPS JR., 0940
ROBERT T. RADEL, 5950
JOHN M. RAY, 9929
MATHEW J. ROYAL, 2130
MELISSA L. RUFF, 8438
NANCY S. SALISBURY, 2765
GLYNN S. SPENCER JR., 9961
JENNIFER T. STATLER, 9302
GREGORY L. STINE, 3905
KAREN M. STOKES, 6593
STEVEN M. STOKES, 0236
HELENE S. STRAZZA, 7752
MICHAEL M. TARIGHATI, 4002
ANDREW P. TAYLOR, 1306
HIEN T. TRINH, 1190
BRENDAN W. TULLY, 6990
DEBRA M. VAZQUEZ, 3545
MICHAEL B. VENER, 1060
YEN H. WAGNER, 7960
JOHN H. WILSON, 2065
EMME H. WONG, 4357
JEFFREY G. ZELLER, 5199

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT AS A PERMANENT LIMITED DUTY OFFICER IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

DANIEL C. RITENBURG, 4022

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 13, 2004, withdrawing from further Senate consideration the following nomination:

ROBERT JEPSON, OF GEORGIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, WHICH WAS SENT TO THE SENATE ON DECEMBER 9, 2003.

HOUSE OF REPRESENTATIVES—*Monday, September 13, 2004*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. COLE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 13, 2004.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

MISSION ACCOMPLISHED FOR REPUBLICANS AND THEIR SPECIAL INTERESTS

Mr. PALLONE. Mr. Speaker, over the past couple of weeks, President Bush has attempted to turn attention away from his dismal domestic record by scaring Americans into believing his administration is the only administration that can keep them safe and by proposing a litany of new domestic programs without any specifics on what they entail and how he would pay for them.

The President hopes Americans forgot 9/11 happened on his watch, that he and his administration refused to listen to his own terrorism expert, Richard Clarke, who warned that the possibility of a terrorist attack needed to be taken seriously. President Bush also hopes Americans forgot that it took him several months to back the Department of Homeland Security, time that could have been better used securing our ports and borders. And now, after more than a month of saying he would not support giving complete budgetary authority to a newly created intelligence director, the President is now moving closer to that 9/11 Commission recommendation. But closer is not good enough. Time is of the essence and the President continues to sidestep these critical homeland security issues. His latest proposal only gives the new director control over 70 percent of our Nation's intelligence budget.

Of course, the Republican leadership here in Congress ignores the urgent need to act on the 9/11 Commission recommendations. Last week, Majority Leader TOM DELAY told reporters that he thought it was, and I quote, highly inappropriate to call for immediate passage of the 9/11 Commission recommendations. I guess the majority leader would prefer we continue to delay. It has been 3 years. How much longer would the majority leader like us to wait?

Mr. Speaker, Republicans also would like the American people to forget that they have been doing the work of America's corporate and special interests for the last 4 years to the detriment of the best interests of the middle class.

Senator KERRY and congressional Democrats will take our country in a new direction and put the middle class first. Despite what President Bush and congressional Republicans promise over the next few months, they will continue to put the narrow interests of the few ahead of the middle class. Let us just look at their record over the last 4 years. Republicans have accomplished many of the goals corporate interests have set forth with no concern over how these goals impact middle class Americans.

The Republican mission has been accomplished for companies seeking tax breaks for shipping jobs overseas, but not for workers. We have lost more than one million jobs. This administration still says outsourcing American jobs is a good thing, and they still insist on giving companies tax breaks that ship American jobs overseas. But profits are record high at Halliburton. If only Bush and congressional Republicans fought half as hard for the middle class as they have for Halliburton's no-bid contracts, maybe middle class families would not be hurting so badly.

The Republican mission has been accomplished for drug companies but not for our seniors. Seniors are still splitting their pills in half because prescription drug prices have soared so high. The Republican mission has been accomplished for insurance companies but not for families struggling with high health care costs. While premiums skyrocket, insurance companies continue to rake in record profits.

The Republican mission has been accomplished for big oil companies, not for middle class families struggling with the record high cost of gas. Average families are paying $580 more in gas prices while oil profits rise and the Saudi royal family profits. Bush has made America more dependent on foreign oil and failed to invest in alternative technologies and conservation.

Mr. Speaker, in looking at this record, why should Americans believe President Bush and congressional Republicans would change their emphasis away from the special interests to the middle class in the future? Republican policies have squeezed middle class families. While earnings for middle class families have fallen over the last 4 years, health care costs have increased by more than $2,000, education costs are up more than $1,200, and energy costs are up 40 percent. Despite the Republican rhetoric, their actual record is clear. Why should Americans expect anything different from them in the future?

THE WAR ON TERROR, CONTINUED

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. I would say to my colleague that the misery index, inflation and unemployment, when added together is the lowest it has been in the last series of Presidents, even going back to Jimmy Carter. So I think the Bush administration is doing a good job.

But this morning, Mr. Speaker, I am observing the third anniversary of 9/11. This is the third year since Islamic terrorists hijacked four passenger planes and killed 3,000 innocent Americans. We all know that. We will never forget those who perished on that day and our prayers are forever with them and their families. In the 3 years since September 11, we have overthrown terrorist-friendly regimes in Afghanistan and Iraq, we have killed thousands of terrorists, frozen their assets, dismantled potential weapons of mass destruction and coordinated a worldwide war on terror. We will never forget the sacrifices made by our military men and women and their families in this war on terror.

Yet despite our successes, Mr. Speaker, we still face a mortal danger. The

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

world was reminded of the threat posed by Islamic terrorists when 90 people were killed in two simultaneous plane crashes that are suspected to have been blown up by Chechen bombers. And just a week after these planes crashed, Chechen thugs took over a Russian school and killed over 300 Russians. Nearly half of the 340 dead were children. These terrorists kept hundreds of children, along with parents who were bringing them in for their first day of school, in a sweltering gymnasium where the heat was unbearable. To make matters worse, these terrorists refused to allow deliveries of food and water. For 3 days they did not let these innocent people use the bathroom. For 3 days they threatened them constantly with death. Mr. Speaker, they made good on their promise.

We must ask ourselves, what kind of depraved animal attacks innocent women and children, holds them hostage and treats them with complete contempt as human beings? We learned 3 years ago that these terrorists are perfectly willing to kill women and children.

A recent article in Atlantic Monthly revealed that certain Muslim clerics and al Qaeda justify the murder of defenseless women and children in their worldwide jihad. The same article also reported that al Qaeda wants to kill 4 million Americans. This is what we are dealing with, a ruthless, remorseless force that will stop at nothing to accomplish their final end, the death of the West. This is yet another example of these Muslim terrorists using bloodshed to influence elections.

A survivor of the Russian terror told a newspaper that she asked the militants why the captives were taken. They replied, "Because you vote for your Putin." Another freed hostage said a terrorist told her, "If Putin doesn't withdraw forces from Chechnya and doesn't free our arrested brothers, we'll blow everything up."

A few months ago, al Qaeda bombed a Spanish train in the hopes of overthrowing the pro-American government. They accomplished their goal. Somehow I doubt the Russian people will react in the same way. They are in mourning, but all indications are that they will rise to fight this terror with resolve and determination. President Putin admitted to the Russian people that he has been weak against the threat of terror. Russia has been dealing with Chechen terrorism for nearly a decade. Yet the recent school murders may have finally served as a wakeup call.

President Bush extended his deepest sympathy to the Russian people and we do as well. Now we welcome the Russian government to our international fight against these terrorists.

Mr. Speaker, a couple of months ago, President Putin revealed that Russian intelligence services learned that Saddam Hussein while he was in power was planning attacks on American interests abroad and on America itself. This information still did not persuade the Russian leadership to fully support our international war on terror, but now President Putin and the Russian people understand what is finally at stake.

Some nations and politicians have been reluctant to join us in our war on terror, but no one is safe from these terrorists. Their faith is uncompromising and their violence is unreasoning. They proudly proclaim that they love death. Mr. Speaker, if we have learned anything from the lessons of September 11 and 3 years of our war on terror, it is this, we must kill them where they are before they reach our shores. And if they are so willing to die for their twisted cause, then we must be willing to accommodate them.

NEW OVERTIME RULES THREATEN PAY CUT TO MIDDLE CLASS FAMILIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to draw attention to an impending pay cut to middle class families. As my colleagues here in the Congress know, the House voted last week on a bipartisan basis to stop a new policy that President Bush has put in place to change the definition of who qualifies for overtime pay.

For years it has been clear that in certain types of work you would earn time and a half pay for every additional hour you work if it is more than 40 hours in 1 week.

Overtime pay is not a minor thing to these families. It often accounts for more than 25 percent of middle class families' paychecks.

It helps foremen, assistant managers, journalists, registered nurses, and workers who perform relatively small amounts of supervisory or administrative work. It helps salespeople who perform some amount of work outside the office, chefs, nursery school teachers, workers in the financial services industry, insurance claim adjusters, funeral directors and embalmers, law enforcement officers, athletic trainers and many others from all different parts of the workforce.

But the Bush administration has changed all of that and 6 million middle class families are now at risk of losing their overtime pay.

Democrats in Congress have been leading the fight to stop the President and to stop the pay cut, but the leaders in Congress and the White House are doing everything in their power to see that we do not win.

The whole issue is a very curious thing.

The President looked out at our economy, at the mounting job losses, at the declining real wages and the rising costs of health care and college tuition, and he saw trouble. He believed that the threat to the middle classes was that they were earning too much overtime pay, and he ordered the Department of Labor to devise a scheme that would allow employers to force their employees to work the overtime hours but not receive the overtime pay.

It was not a popular plan. The Department of Labor received tens of thousands of comments from the public opposing it. Lawmakers received calls and letters and e-mails from our constituents opposing the plan. In fact, the department had to revise its proposed changes to try and, quote, make it fairer. Their first plan would have taken overtime pay away from 8 million families. This plan takes it away from 6 million. It still is not fair and it is not the answer to what ails our economy.

But even though the plan was unpopular, the President knew he could count on his friends in Congress to withstand the public opposition.

Late last year, the Senate, in a bipartisan vote, voted to stop the President's plan, and the House cast a procedural vote to support the Senate's provision. But when the final bill made it out of Congress and went to the President, the Republican leadership in the House and the Senate had stripped the bill of the amendment that would have blocked the President's overtime pay cut.

That is where we are again.

Last week, on a bipartisan basis, the House voted to stop the President's overtime pay cut, which went into effect on August 23. It was a pretty big vote for a controversial issue: 223 voted against the President, including 22 Republicans, and 193 voted for the President's plan, all Republicans. Now the Senate is going to take up the issue.

But already aides to House leaders like Majority Leader TOM DELAY have indicated publicly that they will not let this amendment stay in the final bill that goes to the President for signature. Even though the majority of the House voted to stop the President's overtime pay cut, the President's allies are here to prevent the majority will of the House from prevailing.

Mr. Speaker, what is wrong with the current leadership in this Congress? They do not respect the will of the majority.

You know, sometimes it works just the other way. Take the vote on Medicare last year, one of the most controversial pieces of legislation to come before this body. The President's plan was crafted and designed for the drug companies and the insurance companies, even though it was supposed to be for seniors to help them pay for the high cost of valuable prescription drugs. But the Medicare bill does nothing to slow the rising prices of prescription drugs for seniors.

When the bill was brought to the House floor in November last year, those of us who opposed the bill were winning. When the clock ran out and the time was up for the vote to be ended, we were winning. The Medicare bill was going to be defeated. But the Republicans had another idea.

☐ 1245

They refused to bring the vote to a close. Twenty minutes went by, a normal time for a vote. We were winning. An hour went by; we were winning. Two hours went by; we were still winning. By this time, early in the morning, the President had been woken up to make phone calls, to help in the feverish effort to twist congressional arms. One Congressman said afterwards that he had been offered a bribe by a congressional leader for his vote, a matter that is still under investigation by the FBI and the House Committee on Standards of Official Conduct.

Finally, after nearly 3 hours, one of the longest votes to be held in the history of Congress, the President's allies turned enough votes; and they proceeded to pass the drug companies' Medicare bill by a slim majority. And that bill is now law.

Whether it is protecting overtime pay of the middle class or protecting seniors from the drug companies' Medicare law, or countless other issues, the current leaders in Congress do not respect or honor the majority here in the Congress who support these measures. They will not respect the will of the majority of Americans who are represented by those Members of Congress, over half of the country expressing their view that they do not want that law to go into effect, whether it is to cut overtime pay or whether it is the phony prescription drug bill that does not provide the benefits that our seniors need and have come to expect.

This is one of the many things that is wrong with the way the House of Representatives is being run under the current leadership, and it is one of the things that must change come this November.

The House and Senate should respect the will of the majority of its Members on these issues of overtime pay and middle-class prescription drug benefits.

RECESS

The SPEAKER pro tempore (Mr. COLE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the SPEAKER pro tempore (Mr. ADERHOLT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Glorious things are said of You, Lord God, before the nations!"

This weekend from the pulpits, choirs and cantors across this Nation rang out the freedom of worship enjoyed by the American people.

Now, as the work of the 108th Congress ensues this week, may freedom of speech be modeled in the House of Representatives.

May respect for parliamentary law, civil debate and good order be strengthened in the legislative branch of government here and in other democratic countries around the world.

In modeling such behavior, we give You glory, Lord, and become a sign of Your glory to other nations.

Guide the work of Your people, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1368. An act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. Con. Res. 127. Concurrent resolution representing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 10, 2004 at 9:25 a.m.:

That the Senate passed without amendment H.R. 361.

That the Senate agreed to House amendments S. 2634.

Appointments:

Helping to Enhance the Livelihood of People (HELP).

Around the Globe Commission.

Ticket to Work and Work Incentives Advisory Panel.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 10, 2004 at 11:55 a.m.:

That the Senate passed without amendment H.R. 3908.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 10, 2004 at 1 p.m. and said to contain a message from the President whereby he transmits a copy of a notice extending the emergency as a result of the September 11, 2001, terrorist attacks.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–212)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the Federal Register the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2004, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2004.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

SALUTING THE LIFE AND COURAGE OF THE LATE COMMANDER LLOYD "PETE" BUCHER

Mr. AKIN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 407) saluting the life and courage of the late Commander Lloyd "Pete" Bucher, United States Navy (retired), who commanded the U.S.S. *Pueblo* (AGER–2) at the time of its capture by North Korea on January 23, 1968.

The Clerk read as follows:

H. CON. RES. 407

Whereas on January 28, 2004, Commander Lloyd "Pete" Bucher, United States Navy (retired), died and was subsequently buried with honors at Fort Rosecrans National Cemetery in Point Loma, San Diego, California;

Whereas Lloyd Bucher was appointed as a commissioned officer in the Navy in June 1953 and in May 1967 was assigned command of the U.S.S. Pueblo (AGER–2), an auxiliary light cargo ship designated as an environmental research vessel;

Whereas the U.S.S. Pueblo, while under the command of Commander Bucher and in international waters conducting an intelligence mission off the coast of North Korea, was attacked by three North Korean torpedo boats and a North Korean sub chaser on January 23, 1968;

Whereas the U.S.S. Pueblo was armed only with two .50-caliber machine guns, and the attack resulted in the death of one Navy sailor and the capture of Commander Bucher, his crew, and the U.S.S. Pueblo;

Whereas Commander Bucher and his crew were starved and tortured for 11 months, and were repeatedly beaten, burned on steam radiators, and otherwise brutally treated by their North Korean captors;

Whereas Commander Bucher bore the brunt of the wrath of the North Koreans;

Whereas crewman James Kell said, "We were all beaten, we all were tortured. But [Commander Bucher] had it double, triple, quadruple what we got.";

Whereas crewman Stu Russell said, "[Commander Bucher] was a giant. No matter who did what, he was always punished. I simply don't know where he got the strength and courage to go through what he did.";

Whereas on December 23, 1968, the crew of the U.S.S. Pueblo was released, some of whom were crippled or nearly blind because of the brutality and malnourishment they endured;

Whereas Commander Bucher retired from the Navy in 1973; and

Whereas Commander Bucher is survived by his wife, Rose, their two sons, and several grandchildren: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) salutes the life and courage of the late Commander Lloyd "Pete" Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER–2) at the time of its capture by North Korea on January 23, 1968, and who passed away on January 28, 2004;

(2) praises Commander Bucher for his exemplary bravery and sacrifice, which were an inspiration to his crew and the United States, while he and his crew were held in captivity for 11 months in North Korea;

(3) praises the bravery of the crew of the U.S.S. Pueblo; and

(4) expresses its heartfelt sympathy to the family and friends of Commander Bucher.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. AKIN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. AKIN).

GENERAL LEAVE

Mr. AKIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. AKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some observers have argued that the United States won the Cold War without firing a shot. While we may have secured our victory without a large-scale military conflict with the former Soviet Union, there are many Americans whose lives were indelibly marked by this not-so-Cold War. One of those Americans was Commander Pete Bucher. I rise today to honor this American patriot and the men who served under his command on the USS *Pueblo.*

On January 23, 1968, the USS *Pueblo* was commanded by Pete Bucher and was monitoring Communist ship movements and intercepting messages in international waters near the North Korean coast when it was attacked by North Korean naval forces. As a result of the attack, one Navy sailor, Fireman Duane Hodges, was killed and the remaining crew members were captured. Their incarceration marked the beginning of a nearly yearlong ordeal for Commander Bucher and the crew of the USS *Pueblo.*

Held in concrete cells for 11 months, Commander Bucher and the *Pueblo* crew were starved and tortured by the North Koreans. Mostly fed turnips, many of the malnourished crew members began to lose their sight. They were repeatedly beaten and burned. According to Crewman Bob Chicca, the North Koreans would use "rifle butts or pieces of wood, whatever they had handy, to beat us."

By all accounts, Pete Bucher bore the brunt of the North Koreans' wrath. According to crewman Stu Russell, Bucher "was a giant." As commanding officer, Bucher was the focus of the North Korean efforts. Russell recalled that "he took the brunt of everything. No matter who did what, he was always punished. I simply don't know where he got the strength and courage to go through what he did." Eventually Bucher, when he was wounded when the *Pueblo* was shelled, was beaten and tortured into signing a "confession," an act he also felt would save the lives of his crew.

During her husband's captivity, Rose Bucher, a native of my home State of Missouri, worked hard to make sure Americans did not forget the men of the *Pueblo.* Rose handed out bumper stickers reminding the public to "Remember the *Pueblo.*" Finally, 2 days before Christmas 1968, Commander Bucher and the crew of the *Pueblo* were released one by one across the "Bridge of No Return" from North to South Korea. At the time Bucher stated, "It was like coming out of the grave."

On 28 January 2004, this courageous warrior passed from this world into the next. He was subsequently buried with honors at Fort Rosecrans National Cemetery in Point Loma, San Diego, California. Three men who served under Pete Bucher on the *Pueblo* carried the flag-draped coffin to its final resting place overlooking San Diego Bay.

Today, I am pleased to be joined by 26 of my House colleagues, both Republican and Democrat, in offering this resolution to honor Commander Lloyd "Pete" Bucher and the crew of the USS *Pueblo*. Pete Bucher and his crew sacrificed that each of us may enjoy the liberty for which so many others have given the ultimate sacrifice. In passing this resolution, we continue to remember the *Pueblo*.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 407 introduced by my colleague, the gentleman from Missouri (Mr. AKIN). I would like to recognize the gentleman for his leadership and work in bringing forward this resolution to salute the service and extreme bravery of Commander Lloyd Mark Bucher and the crew of the USS *Pueblo*.

Sadly, Lloyd Bucher, who went by the name of "Pete," passed away earlier this year. With his passing, the tragic event of the capture of the USS *Pueblo* in 1968 by North Korea once again brings light upon this exceptional individual. Commander Bucher did not just have the unfortunate privilege of being the commander of the USS *Pueblo* when it was attacked by the North Koreans on January 23, 1968. It was his bravery, loyalty and steadfastness to his men that distinguished him as an extraordinary leader during a dark and very challenging time.

Pete Bucher's life is an American story. He was born in 1927. His parents died when he was an infant. He was adopted, but tragically, his adoptive parents also died during his childhood.

After seeing the film "Boys Town," he wrote to Father Flanagan asking if he could live there. According to a Boys Town account, Father Flanagan sent him a train ticket, and Pete Bucher finally found a permanent home in Omaha, Nebraska.

At 17 years of age, Pete Bucher enlisted in the Navy. He went on to college at the University of Nebraska, and after graduating he became a naval officer and served for 27 years before retiring in 1973.

He might have lived an ordinary naval life if not for the terrible events that unfolded on January 23, 1968. As commander of the USS *Pueblo*, an intelligence gathering ship, Commander Bucher was ordered to cruise off the eastern coast of North Korea to intercept communications and gather intelligence. While on their maiden voyage and in international waters, the *Pueblo* armed only with two .50 caliber machine guns was attacked by three North Korean torpedo boats and a North Korean sub chaser.

The attack ended with one American crewman killed and a number of crew wounded, including Commander Bucher.

☐ 1415

Despite radio calls seeking air support, no help ever arrived. Instead, the crew and its captain were taken as prisoners. Beaten, tortured, and starved nearly to death, the crew endured this brutality for nearly a year. Pete Bucher, as the leader of the crew, took the brunt of these punishments.

According to James Kell, a *Pueblo* survivor, many more sailors would have died without Bucher's sense of bravery and leadership. He bore the worst of the tortures and inspired his men to hang on. It was his concern for saving the life of his crew that made him a sailor's sailor, a sign of respect and admiration from his crew. On December 23, 1968, 11 months after their capture, the crew and the captain of the USS *Pueblo* were released. Many were crippled or nearly blind because of malnourishment they endured.

Yet Commander Pete Bucher would not receive the support and recognition that he deserved from his commanding officers. Instead, he faced an official court of inquiry that criticized him for surrendering his ship and recommended a court-martial. But Bucher was never charged. He continued to serve in the Navy and retired in 1973.

Today, we remember the *Pueblo*, and we salute the life and the courage of this exceptional individual and recognize the bravery of all those who served with him aboard the USS *Pueblo*. Mr. Speaker, I urge my colleagues to support this resolution.

Mr. REYES. Mr. Speaker, I rise today in support of H. Con. Res. 407, of which I am an original co-sponsor, saluting the life and courage of the late Commander Lloyd "Pete" Bucher, United States Navy (retired) and the crew of the USS *Pueblo*.

Mr. Speaker, I am proud to say that two of the USS *Pueblo* crew members, First Class Petty Officer Donald R. Peppard and Seaman Ramon Rosales, hail from my Congressional district of El Paso, Texas. Both were among the gallant men who served their country honorably in the face of much hardship. As you know, the members of the USS *Pueblo*, under the leadership of Commander Bucher, endured 11 months of excruciating captivity at the hands of the North Koreans without knowing if they would return to their loved ones.

Mr. Speaker, this is merely a small recognition paying tribute to the late Commander Bucher and the crew of the USS *Pueblo*, for this country owes much more to them than we could ever reciprocate. I strongly urge my colleagues to join me in honoring the brave men of the USS *Pueblo* by supporting the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. AKIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Missouri (Mr. AKIN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 407.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING CONTINUING GROSS VIOLATIONS OF HUMAN RIGHTS AND CIVIL LIBERTIES OF SYRIAN PEOPLE BY GOVERNMENT OF SYRIAN ARAB REPUBLIC

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 363) expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic, as amended.

The Clerk read as follows:

H. CON. RES. 363

Whereas the Syrian Arab Republic is governed by an authoritarian regime which continues to commit serious human rights abuses, including the use of torture and arbitrary arrest and detention;

Whereas the Department of State's Country Reports on Human Rights Practices for 2003 states that Syria "significantly restricts freedom of speech and of the press", that "freedom of assembly does not exist under the law", and that "the Government restricted freedom of association";

Whereas Article 19 of the Universal Declaration of Human Rights states "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.";

Whereas Article 20 of the Universal Declaration of Human Rights states "Everyone has the right to freedom of peaceful assembly and association.";

Whereas Syria's September 2001 press law permits the government to arbitrarily deny or revoke publishing licenses for vague reasons and compels media to submit all material to government censors;

Whereas Syrian authorities have arrested, or, in the case of foreigners, expelled two journalists for writing critically about Syria's policies;

Whereas Human Rights Watch and Amnesty International have reported that the security forces of Syria are targeting emerging Syrian human rights organizations, as well as their attorneys, in an apparent attempt to intimidate those organizations;

Whereas on March 8, 2004, Syrian security forces arrested more than 30 human rights dissidents and civilians at a sit-in in front of the parliament;

Whereas a United States diplomat who was watching the peaceful demonstrations was also arrested and held for an hour in what the United States Government called an unacceptable violation of diplomatic practice and which the United States protested "in the strongest terms";

Whereas Article 7 of the Universal Declaration of Human Rights states "All are equal before the law and are entitled without any discrimination to equal protection of the law.";

Whereas the criminal law of Syria provides for reduced sentences in cases of "honor" killings, and spousal rape is not illegal;

Whereas the infringement by Syria on human rights and civil liberties extends into the Lebanese Republic, which it continues to occupy in violation of United Nations Security Council resolutions;

Whereas Human Rights Watch, in its 2003 World Report, stated that "political activists in Lebanon continued to demand the withdrawal of all Syrian forces from the country and organized demonstrations throughout the year, many of which the internal security forces dispersed forcibly";

Whereas hundreds of Lebanese civilians are believed to have been killed or "disappeared" by Syrian occupation forces or its secret police;

Whereas hundreds of Kurdish civilians were injured or killed in clashes with the Syrian authorities that began on March 12, 2004, in Qamishli, a city in northeastern Syria and, according to Syrian Kurdish sources, security forces used live ammunition against unarmed civilians; and

Whereas human rights and democracy groups in Syria have sponsored a petition urging greater freedoms and the release of all political prisoners, which has garnered more than 6,000 signatures: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the consistent pattern of gross violations of internationally recognized human rights by the Government of the Syrian Arab Republic;

(2) calls on the international community to adopt a resolution at the upcoming session of the United Nations General Assembly which details the dismal human rights record of Syria;

(3) expresses its support for the people of Syria in their daily struggle for freedom, respect for human rights and civil liberties, democratic self-governance, and the establishment of the rule of law;

(4) encourages the President and the Secretary of State to reach out to dissidents, human rights activists, and the nonviolent democratic opposition in Syria, and to assist them in their efforts; and

(5) urges the adoption and pursuit of these and other policies to seek a democratic government in Syria that will—

(A) bring freedom and democracy to the people of Syria;

(B) cease the illegal occupation by Syria of the Lebanese Republic;

(C) abandon support for terrorism by Syria;

(D) not pursue research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, will provide credible assurances that such behavior will not be undertaken in the future, and will agree to allow United Nations and other international observers to verify such assurances; and

(E) live in peace and security with the international community.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 363, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume. I want to thank the leadership and the chairman and the ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), for bringing House Concurrent Resolution 363 to the floor today. This important resolution expresses the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties by the Syrian dictatorship.

The Syrian regime is one that not only supports and facilitates terrorist attacks against innocent civilians throughout the world, but also engages in a widespread campaign of terror against its own people. Throughout this year, Syria's tyrannical regime has intensified its crackdown against Syrian Kurds and pro-democracy forces inside the country. The arrest and the detention in the last few months of Syrian peaceful demonstrators clamoring for the right to exercise their fundamental liberties is but the latest example of the brutal regime of the dictatorship in Damascus.

International human rights organizations, such as Human Rights Watch, Amnesty International, and others, have reported that the security forces of Syria are targeting emerging Syrian human rights organizations, as well as their attorneys, in an apparent attempt to intimidate those organizations into submission and silence.

Unfortunately, the gross violations of human rights are not limited to Syria's immediate borders. The repressive apparatus also extends into neighboring Lebanon, which Syria continues to occupy, making Lebanon a captive nation.

This fact was recently acknowledged by the international community through the adoption of United Nations Security Council Resolution 1559, calling on all foreign troops to withdraw without delay from Lebanon and to stop meddling in the country's November elections. Hundreds of Lebanese civilians are believed to have been killed or disappeared by Syrian occupation forces or its secret police.

House Concurrent Resolution 363 details and condemns the persistent repression of our Syrian and Lebanese brothers and sisters at the hands of the terrorist regime in Syria. It articulates our support for Syria's human rights and pro-democracy activists and calls on free and democratic nations to take a unified stance and condemn the deplorable and heinous human rights record of the Syrian dictatorship. It expresses congressional support for the people of Syria in their daily struggle for freedom, for respect for human rights and civil liberties, for democratic self-governance, and for the establishment of the rule of law.

House Concurrent Resolution 363 further encourages the President and the Secretary of State to reach out to dissidents and to the nonviolent democratic opposition in Syria. It calls for the United States to assist them in their efforts to help bring freedom to Syria so that they can achieve the ultimate goal of a democratic form of government in Syria that is truly responsive to the needs of its people and has permanently abandoned any support for terrorism and the development of deadly unconventional weapons.

The people of Syria and the dissidents, such as the chairman of the Committees For the Defense of Democratic Liberties and Human Rights in Syria, need our support. Upon being temporarily released from jail last month, this human rights activist said: "I will persist. I will never retreat. And I will continue to exert more pressure for democratic initiatives."

My colleagues, we cannot stand idly by and allow the Syrian regime to continue these deplorable practices. We too must maintain the pressure on this pariah state. And so, accordingly, I ask my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I stand in strong support of this resolution.

This important resolution supports the people of Syria, who live under a violent, repressive regime. And I am delighted to commend my good friend and distinguished colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for bringing this resolution before the Congress.

It was just 3 weeks ago, Mr. Speaker, that I was in Damascus, Syria, for a series of discussions and meetings with the government of Syria, specifically the foreign minister, our ambassador, and a number of people in Syrian academic and media life.

Last fall, the Syrian Accountability Act was approved overwhelmingly on a vote of 398 to 4. That bill addressed Syria's behavior in the Middle East, including its sponsorship of terrorist groups and its continuing occupation of Lebanon and its willingness to allow terrorist groups to filter into Iraq. Since the passage of that act, Syria has continued to make only token efforts to prevent the infiltration of foreign terrorists into Iraq. It continues to host terrorist headquarters in Damascus, it maintains 17,000 Syrian troops in Lebanon, it supports the terrorist organization Hezbollah, it transfers Iranian arms to Hezbollah, and it continues its vicious anti-American propaganda on all government-controlled media.

When I met with President Assad in Damascus last year, I urged him to change his government's behavior, both at home and abroad, so that Syria at long last could rejoin the ranks of the civilized world. I repeated that message to Foreign Minister Shaara in a press conference last month in Damascus. Perhaps not surprisingly, while my press conference received considerable attention from the media throughout the region, the Syrian press was prohibited from covering the event. In fact, the Syrians let it be known before my trip that they would be displeased if I were even to hold a press conference. I nevertheless, of course, did so, fully aware that I was delivering a message with which most Syrians agreed but none could utter in public without the severest consequences.

The resolution before us is one result of Syria's failure to heed the advice that I and many others, including our Secretary of State Colin Powell, have given. Another result was an all-too-rare slap from the international community in the form of U.N. Security Council Resolution 1559, passed earlier this month and long overdue, which calls for an end to Syrian interference in and control of Lebanese affairs, the withdrawal of Syrian forces from Lebanon, the disbanding of all militias in Lebanon, including Syria's Hezbollah terrorist movement.

The resolution before us today focuses on Syria's brutal suppression of dissent and human rights at home within Syria, for which Damascus must be held accountable. After all, nobody has suffered more from the brutality of the Syrian government than the Syrian people themselves.

Syria continues to commit egregious human rights abuses, including torture, arbitrary detentions of political prisoners without trial, imprisonment of parliamentarians who dare to deviate from the Baath party line, censorship and harassment of journalists, and the lightest of sentences for so-called honor killings.

According to Amnesty International, Syria is engaged in a campaign to harass and intimidate human rights organizations until their members leave the country. We cannot credibly say we favor political reform in the Middle East if we ignore Syria's crimes against its own citizens.

In 2003, the United Nations Commission on Human Rights classified Syria as one of the world's most repressive regimes. It is very important that Congress be on record not merely to criticize the Syrian government for its actions abroad but, just as importantly, to express our support for the Syrian people in their struggle to achieve the kind of government they should have.

Mr. Speaker, a Syria that is accountable to world standards and norms, a Syria that respects its own citizens and no longer occupies Lebanon or hosts and supports terrorists must be a central goal of our essential project of reforming the Middle East.

□ 1430

In the long run, a Middle East in which people are stakeholders in public life offers the greatest hope for peace and safety in the region and beyond. I urge all of my colleagues to support this carefully crafted resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in strong support of this important resolution, and I thank both of my colleagues, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS), for introducing this important resolution.

Despite recent sanctions put on Syria pursuant to the Syria Accountability Act by our government and warnings that the sanctions will continue until Syria ends their support for terrorism, Syria continues to play host to terrorist groups like Hamas and Hezbollah. We know Hamas took responsibility for the suicide bombings in Israel a couple of weeks ago, and yet Syria continues to harbor Hamas leaders. Despite claims that Syria is not an occupying force in Lebanon, recent reports indicate that Syria forced the Lebanese government to keep their hand-picked president in office for another term, basically violating the Constitution of Lebanon. So the fact of the matter is that Syria continues to interfere in Lebanese affairs and is, in fact, an occupying force.

Syria has committed a laundry list of human rights abuses not only in Lebanon but also against its own people. It has imprisoned hundreds of political prisoners without charges, including two journalists from Lebanon who wrote editorials against Syria's occupation.

Mr. Speaker, I have spoken on several occasions regarding Syria's systematic oppression of the Syrian Jewish community. Those Jews who remain in Syria, and there are very few, they nonetheless face constant terror and intimidation from Syria's secret police, nightly curfews and have been forced to carry special identification cards.

Mr. Speaker, I urge my colleagues to join with me in supporting this resolution. Syria has proven to be a destabilizing force in the Middle East, and it is critical that we urge the international community to take a stand on Syria's abysmal human rights record.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a long-time supporter of human rights in the Middle East and throughout the world. Clearly, I am in support of human rights in Syria. Every human being deserves to be treated with respect and without the fear of persecution and death. I stand firmly against the use of torture, arbitrary arrest and detention. I cannot deny that Syria has a long way to go to meet the human rights standards that we have established. However, I do not believe complete condemnation of the nation of Syria will yield the results we seek. We must continue to push for freedom of the press and greater freedom for women, but I feel that we must engage Syria in a dialogue instead of turning a cold shoulder to them.

I also feel that it is worth reviewing the relationship between Syria and Lebanon. I do not believe we should condemn Syria for their relationship with Lebanon, but we must engage in an examination to determine if the relationship between Syria and Lebanon can be improved. We must seek to build relationships in the Middle East as opposed to tearing them down. Our goal is to establish greater stability and a more free society in the Middle East; to accomplish these lofty goals we must press forward with new initiatives as opposed to complete condemnations.

Mr. FARR. Mr. Speaker, I support and applaud the authors of H. Con. Res. 363 for urging Syria to live in peace and security with the international community and for condemning Syrian human rights violations. The U.S. Congress is an appropriate venue for highlighting human rights abuses and forum for urging other nations to abide by the Universal Declaration of Human Rights.

Every year Congress passes dozens of resolutions condemning human rights violations throughout the world. Unfortunately, while there are a plethora of countries that demand censure, the House of Representatives tends to focus more frequently on a few specific countries like the People's Republic of China, Iran and Syria; all countries that we must prod to do better. Many of the statements regarding human rights violations in H. Con. Res. 363 apply to numerous other countries in the world.

If we condemn one country and turn a blind eye to the very same abuses in another country, the magnitude and moral legitimacy of our censure is greatly diminished. For example, H. Con. Res. 363 condemns: "The family law of Syria as applied to Muslim women is governed by Sharia law and is discriminatory in marriage, divorce, and inheritance matters." But Sharia family law is also practiced in numerous other Arab countries, including Saudi Arabia.

Syria needs to understand that by passage of H. Con. Res. 363, the United States Congress expects Syria to improve its human rights record and adhere to the rule of law. Approval of H. Con. Res. 363 should also signal to other countries that the United States will continue to express its disapproval of violators of basic human rights and disregard of the dignities of its citizens.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 363, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SUPPORT FOR FREEDOM IN HONG KONG

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 667) expressing support for freedom in Hong Kong.

The Clerk read as follows:

H. RES. 667

Whereas according to the April 1, 2004, report by the Department of State entitled U.S.-Hong Kong Policy Act Report, "The United States has strong interests in the protection of human rights and the promotion of democratic institutions throughout the world. The Hong Kong people share many values and interests with Americans and have worked to make Hong Kong a model of what can be achieved in a society based on the rule of law and respect for civil liberties";

Whereas according to section 103(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(3)), "The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory which is fully autonomous from the People's Republic of China with respect to economic and trade matters.";

Whereas the People's Republic of China has frustrated the gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as envisioned by the Basic Law of the Hong Kong SAR; and

Whereas on April 6, 2004, the Standing Committee of the National People's Congress of the People's Republic of China declared itself, as opposed to the people of Hong Kong, the final arbiter of democratic reform and, on April 26, 2004, declared that universal suffrage would not apply to the election of the third Chief Executive in 2007 or to the election of all members of the fourth Legislative Council in 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares that the people of Hong Kong should be free to determine the pace and scope of constitutional developments; and

(2) calls upon the President of the United States to—

(A) call upon the People's Republic of China, the National People's Congress, and any groups appointed by the Government of the People's Republic of China to guarantee that all revisions of Hong Kong law reflect the wishes of the people of Hong Kong as expressed through a fully democratically elected legislature and chief executive;

(B) declare that the continued lack of a fully democratically elected legislature in Hong Kong is contrary to the vision of democracy set forth in the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984 (the Sino-British Joint Declaration of 1984); and

(C) call upon the Government of the People's Republic of China to honor its treaty obligations under the Sino-British Joint Declaration of 1984.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Resolution 667 expressing support for freedom in Hong Kong. This resolution comes to the floor at an important time. Yesterday, the people of Hong Kong went to the polls to elect the members of their Legislative Council, and for the first time in Hong Kong's history, half of the seats in the Legislative Council were directly elected through universal suffrage.

Unfortunately, the remaining seats are still distributed among a cadre of narrow constituencies that receive disproportionate power over Hong Kong's governance. The people of Hong Kong, along with all other human beings, deserve universal suffrage and full, complete democracy. There is no city in the world that is better equipped to make the transition to self-governance.

Renowned for its open economy, transparency, and excellent rule of law, Hong Kong is widely regarded as the freest economy in the world. Hong Kong is also celebrated for its tradition of respect for civil liberties, including freedom of speech, freedom of assembly, and freedom of religion.

However, despite a rich tradition of democratic values, the people of Hong Kong still lack the most basic of freedoms, the freedom to elect their own government. This year's massive pro-democracy march on July 1 attracted half a million of Hong Kong's residents. It was powerful evidence that the people of Hong Kong are interested in far more than just economic prosperity. The record voter turnout in yesterday's legislative elections was further proof that the people of Hong Kong want to participate in the political process.

The people of Hong Kong have already been promised universal suffrage in their mini-constitution, known as the "Basic Law," but the document fails to outline a timetable for full democracy.

Last April, Hong Kong's legislature was robbed of its tremendous opportunity to implement complete democracy when the People's Republic of China abused its authority to reinterpret Hong Kong's "Basic Law." The National People's Congress in Beijing made the decision that Hong Kong could not have universal suffrage in the election of the chief executive in 2007 and in the election of the legislature in the year 2008. This outrageous decision unacceptably interfered in Hong Kong's internal affairs, it halted the city's orderly progress toward universal suffrage and crushed the democratic aspirations of the people of Hong Kong. Beijing proved yet again that it cannot be trusted to keep its commitments.

Last summer, the Chinese Communist Party tried to exert more authority over Hong Kong by pushing through anti-sedition legislation that could be used to target groups such as the Falun Gong. Thankfully, a people's power movement in Hong Kong stopped this legislation from going forward.

Last winter, the Chinese news media launched vicious attacks against pro-democracy legislators in Hong Kong, using vitriolic rhetoric that harkened back to the days of China's cultural revolution. In the spring, freedom of the press in Hong Kong was compromised when three prominent radio talk show hosts resigned from their talk shows due to intimidation and threats relating to their participation in the democracy movement.

Over the past year, there have been numerous reports of vandalism against pro-democracy legislators. Even yesterday's election was marred by accounts of voter intimidation, as is documented in a recent report published by Human Rights Watch. Such tactics show that the Chinese Communist Party continues to distort the truth, relies on intimidation to control the people, and rules by coercion. While Beijing may not have directly precipitated all of these events, they have certainly fomented the sentiment behind them.

It is my hope that the people of Hong Kong will soon realize their hope for democracy. We congratulate them on the completion of yesterday's election and call on the PRC to respect the "one country, two systems" model and allow the people of Hong Kong to come up with a timetable for democratic reform.

Mr. Speaker, I hope that my colleagues will join me in supporting the people of Hong Kong as they work to realize their hope of real democracy.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this important resolution and urge all of my colleagues to do so as well, and I would first like to commend the gentleman from California (Mr. COX) for introducing this important and timely resolution. The gentleman from California (Mr. COX) is a fighter for human rights and democracy in Asia and throughout the world, and I am delighted to support this resolution.

Mr. Speaker, when Hong Kong reverted to Chinese control in 1997, some of us who cared deeply about the future of Hong Kong went to witness that event. We feared that the Chinese government would not be true to its word that the people of Hong Kong would be able to maintain their free and open way of life and that they would be free of interference from the Mainland government. My worst fears about China's intentions have now materialized.

On the surface, much about Hong Kong remains the same. The people of Hong Kong continue to play a role in the running of their economy. Just this past weekend, elections were held for half of the seats of the Legislative Council. Opposition is strong and growing in the Hong Kong legislature, and the local press often criticizes those who govern Hong Kong. But, Mr. Speaker, there are very troubling signs that the Chinese government has lost its patience with Hong Kong's independent way of life and is moving steadily to bring the people of Hong Kong under the firm grip of Beijing.

Last year, hundreds of thousands of Hong Kong citizens turned out on the streets after the Hong Kong government at the Mainland's demand attempted to erode civil liberties in the name of protecting national security. Three prominent members of the press who often criticize the Chinese government recently resigned their positions after threats were made to the safety of their families.

And, Mr. Speaker, the Chinese government recently declared that universal suffrage would not apply to the election of the chief executive in 2007 or to the election of members of the Legislative Council in 2008. Despite the solemn promise of the Sino-British Joint Declaration that democratic reform would continue in Hong Kong towards universal suffrage, the Chinese government has clearly had enough of Hong Kong's independent voices.

The Chinese leadership fights full democracy in Hong Kong for a very simple reason: they fully understand that Hong Kong would thrive and prosper under a fully democratic government. Such democratic success would make it impossible to tell the rapidly growing middle class in Shanghai, Beijing, and other cities throughout China that the Chinese people are not ready for open and free elections and that chaos would ensue should such elections occur.

Yesterday's election results from Hong Kong demonstrate clearly the need for fundamentally changing Hong Kong's electoral system. Even though Hong Kong democrats made gains in the elections, they can never win a majority in the Legislative Council because half the seats are chosen by pro-Beijing committees, not the people of Hong Kong. This situation is unacceptable.

Our resolution makes clear that the United States is deeply dissatisfied with these negative trends in Hong Kong, particularly the Chinese government's refusal to ensure that all elected officials in Hong Kong are elected by popular vote. It also calls upon the Chinese government to honor its treaty obligations under the Sino-British Joint Declaration.

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Mr. Speaker, it remains my modest hope that the Chinese government will recognize the error of its current approach to Hong Kong and give the people of Hong Kong the full democracy they so richly deserve. I support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from California (Mr. COX), the principal sponsor and the author of this resolution.

Mr. COX. Mr. Speaker, I thank the gentlewoman from Florida for yielding me this time. I thank the gentleman from California (Mr. LANTOS) for his kind words but mostly for his strong efforts in behalf of not only democracy in Hong Kong but around the world. I rise in support of H. Res. 667, which expresses the sense of this House in support of freedom and democracy and self-determination for the people of Hong Kong.

Nearly 2 million of Hong Kong's 7 million people voted yesterday and pro-democracy advocates won 25 out of the 30 seats that they were eligible to compete for. But the other half of the 60 seats in the LegCo were not elected through universal suffrage because those seats were decided by so-called functional constituencies, effectively controlled by Beijing. Many observers have compared the functional constituencies to Britain's "rotten boroughs," where a handful of malleable voters held all the power.

Genuine democracy should be allowed under Beijing's oft repeated slogan of "one country, two systems." It ought to be allowed because it is what the people of Hong Kong want. But at present neither Hong Kong's chief executive nor most of its lawmakers are democratically elected. Hong Kong Chief Executive Tung Chee Hwa, shortly after taking power in 1997, assured this Congressman and the United States Congress that, quote, further democratic evolution will depend on the wish of the Hong Kong people. Seven years later, the People's Republic of China has not made good on that promise.

We have been here before.

Last year, the House passed H. Res. 277, responding to a direct threat against freedom in Hong Kong, a Communist-backed law designed to restrict free speech and civil liberties in the guise of punishing subversion. Just days later, more than a half million people in Hong Kong demonstrated against the proposed law. In combination with American and international outrage, this courageous demonstration of people power resulted in a tactical victory for freedom. The law so far remains shelved.

But this year Beijing has returned with a new tactic. Since it is easier simply to prevent democratic elections than it is to completely crush free speech, the Communist regime simply ruled out any possibility of democratic elections for chief executive in 2007 and for the legislature in 2008. They did this on April 6 of this year without even consulting the people of Hong Kong as is required by the basic law. This new interpretation of the basic law bars the legislature of Hong Kong from any actions towards electoral reform until Beijing has granted its blessings. Beijing then sought to ensure that what little democracy the people of Hong Kong were allowed to exercise would be severely manipulated.

These intentions became clear on May 5 of this year. On that day, just a few months ago, the People's Republic of China sailed eight PLA warships down Victoria Harbor in Hong Kong. This overt show of military force, which was the first time that this has happened since the handover in 1997, included four frigates, two submarines, two destroyers, and all the sailors standing at attention atop their vessels. The display left little doubt as to how seriously the Communist regime viewed the question of fully democratic elections and their intention not to have them.

At the same time, the People's Republic of China began a campaign of harassment and intimidation against Hong Kong's pro-democracy activists. As my colleague from Florida (Ms. ROS-LEHTINEN) has described, in early May of this year Albert Cheung, a well-known radio host and columnist, was forced to flee Hong Kong after receiving threats against his life from PRC officials. Mr. Cheung left behind an audio recording. It detailed threats of violence made against him and his family. Shortly thereafter, his replacement on the show, Allen Lee, was also forced to quit broadcasting, citing the need to protect his family. He received a late-night threat by telephone from a PRC official who referred pointedly to his wife and his daughter. Media outlets in Hong Kong have been silenced through commercial pressure for supporting or even just reporting on democratic views. Chinese property developers, for instance, boycotted advertising in the Chinese language Apple Daily newspaper for daring to report on the July 1 pro-democracy demonstrations. This industry has always been the largest ad buyer for the paper. Pro-democracy legislative candidate Alex Ho was detained under suspicious circumstances on a business trip to the mainland in early August. He was accused of consorting with a prostitute and sentenced to 6 months without a trial. According to Asian media outlets, Hong Kong media moguls who steered their outlets towards Beijing's wishes in the run-up to yesterday's elections have been rewarded with political titles and easier mainland China market access.

In mid May, numerous Hong Kong voters called in to local radio shows to report that they were pressured to vote for Beijing's preferred candidates. Several callers reported being contacted by relatives on the mainland and told that if they did not vote for pro-Beijing candidates, their relatives on the mainland would face severe consequences. Human Rights Watch has recounted in a 42-page report on September 9 that one caller reported, quote, a senior staff member of my company asked me to vote for pro-Beijing candidates instead of pro-democracy candidates. To make sure I have done that, he told me to take pictures of my completed ballot with my mobile phone camera.

As the PRC learned to counter potential freedom through the Internet, so has it learned to twist the freedom of wireless communication into just another tool of oppression. On May 19, the office of legislator Leung Yiu-chung was defaced with excrement. This vandalism closely followed Leung's support in the legislature for a pro-democracy resolution. In June, vandals set fire to election posters in the office of pro-democracy legislator Emily Lau and wrote, quote, Chinese traitors must die on the wall outside.

In July, Hong Kong's Independent Commission Against Corruption, an anticorruption body admired worldwide, became just another blunt instrument of Communist rule, raiding the offices of local newspapers, including the South China Morning Post, Apple Daily, Oriental Daily News, the Sun, and Sing Tao. Even the ostensibly pro-Communist Ta Kung Pao newspaper was not spared. Some investigators remained on the scene for up to 10 hours. Journalists' homes were searched and many were not so cordially invited for further questioning. Since the commission is answerable to Hong Kong's unelected chief executive, C.H. Tung, it is unlikely that orders came anywhere but from the top.

All these examples constitute a strange melding of criminal elements. The director of the Hong Kong Human Rights Monitor, Law Yuk-kai, has said, quote, we believe the Ministry of State Security and Hong Kong triads are collaborating in this political violence and intimidation. Yet this campaign of intimidation and harassment had a goal more important than simply winning yesterday's elections. It was about the PRC making Hong Kong voters understand that supporting democratic forces carries a heavy price. Despite the very real threats from the Communist regime, the people of Hong Kong still went to the polls in record numbers and they returned a near totality of the democratically elected seats in the LegCo. The people of Hong Kong have shown that they will not be intimidated or silenced.

Stephen Vines wrote in the Hong Kong Standard on August 4, 2004, "Those of us who work in the media have been accused of crying wolf far too often, but maybe we have not cried wolf often enough." According to Vines, the way to prevent such erosions of freedom is not to wait for dramatic events like editors being murdered in Russia or newspapers being forcibly closed in mainland China. "If we need to wait for the worst before speaking out," he said, "we will have waited too long."

More than 400 academics declared in an advertisement in the Apple Daily newspaper on May 27 that, quote, in the face of autocratic and political pressure, we will not be silent. The people of Hong Kong know that they must defend their democracy and their way of life against Communist oppression. Now it is up to us to remind them that the American people stand with them.

This House demands that Beijing guarantee all revisions of Hong Kong law reflect the wishes of the people of Hong Kong as expressed through a fully democratically elected legislature and chief executive. A high degree of autonomy is what was promised to the people of Hong Kong in the 1984 Sino-British Joint Declaration. Hong Kong's Basic Law stipulates that Beijing has authority over defense and foreign affairs but that Hong Kong itself should have autonomy for most domestic affairs, driven by an independent electoral democracy. Beijing's attempts this year, as in the past, constitute a blatant violation of the rights of the people of Hong Kong, of the Basic Law and of the People's Republic of China's treaty obligations.

An act of this Congress, the U.S.-Hong Kong Policy Act, directly ties our commercial interests in Hong Kong to the freedom of Hong Kong's people. The President of the United States has the authority under the act to suspend many of the special treatments we extend to the territory in areas including export controls, customs, air service and cultural and educational exchange because Beijing's ham-fisted violation of the Hong Kong autonomy violates that act. The Communists were caught off guard by the massive popular demonstrations in July, both this year and last. For ages, Beijing has maintained the belief that any complaints about autonomy and democracy were really veiled economic frustrations, that the people of Hong Kong could be satisfied with some economic sweeteners. Now perhaps the Communist regime may begin to understand. Business interests can be purchased and bureaucratic machinery can be controlled, but the hearts and minds of the people of Hong Kong are not for sale.

Mr. Speaker, yesterday's elections were part of a broader fight for the soul of Hong Kong and ultimately the future of China. We believe that Communist China must follow Hong Kong's example of freedom, not the other way around. Hong Kong's 7 million people remain the best hope for freedom and democracy for billions of other people in China and throughout Asia.

Mr. STEARNS. Mr. Speaker, I rise today in strong support of H. Res. 667. H. Res. 667 comes to us today after an unprecedented turnout in Hong Kong's election, which were held on Sunday, September 12, 2004. Democracy-oriented candidates benefited from a record voter turnout in an election viewed widely as a symbolic clash between the differing value systems of communist China and Hong Kong. This turnout is an important next step for the citizens of Hong Kong and their ability to choose their leaders in future elections. H. Res. 667 seeks to continue toward the path of a democratic elected legislature and calls upon the People's Republic of China to honor their obligations to Hong Kong. I urge my colleagues to support this resolution and support the people of Hong Kong in their quest toward freedom from the captivity of the People's Republic of China.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate the gentleman from California (Mr. COX) for his resolution.

Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 667.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONDEMNING TERRORIST ATTACKS AGAINST RUSSIAN FEDERATION

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 760) condemning the series of terrorist attacks against the Russian Federation that occurred in late August and early September 2004.

The Clerk read as follows:

H. RES. 760

Whereas on August 24, 2004, 2 Russian passenger airliners, Sibir Airlines Flight 1047 and Volga-Avia Express Flight 1303, exploded nearly simultaneously from bombs believed to have been carried aboard by passengers, killing 90 people;

Whereas on August 31, 2004, a suicide bomber attacked the Rizhskaya subway station in Moscow, killing 10 people and injuring 51;

Whereas on September 1, 2004, a group of approximately 30 terrorists seized Middle School No. 1 in Beslan, Russia, on the first day of school;

Whereas more than 1,180 parents, teachers, and children were held hostage for 52 hours with no food or water;

Whereas this act of terrorism resulted in more than 335 dead, including 156 children, hundreds wounded and 190 still unaccounted for;

Whereas terrorist actions during the standoff were grotesque and cruel;

Whereas this attack parallels tactics used by terrorist groups around the world, including extensive preparations, the simultaneity of attacks requiring coordination, and the use of suicide bombers;

Whereas the terrorists possessed sophisticated weapons and training, including camouflage, gas masks, trained dogs, specialized sniper cartridges, and grenade launchers;

Whereas the attacks were reportedly planned by Shamil Basayev, a Chechen rebel commander, and financed by Abu Omar as-Seyf, a radical Islamic Wahabite, believed to be associated with al-Qaeda;

Whereas these 3 attacks represent an unparalleled level of barbarity against the Russian Federation;

Whereas the United States has provided medical supplies, medicine, and other equipment to help doctors cope with the injured in these attacks;

Whereas terrorism in the 21st century flows across national borders; and

Whereas the school children and people of Beslan, Russia have now joined the people of New York City, Moscow, Karachi, Jerusalem, Madrid, Bali, and many other places around the globe as victims of international terrorism: Now, therefore, be it—

Resolved, That the House of Representatives—

(1) deplores the series of terrorist attacks against the Russian Federation that occurred in late August and early September 2004;

(2) expresses its heartfelt condolences to the families of the individuals murdered in the terrorist attacks, expresses its sympathies to the individuals injured in the attacks, and conveys its hope for the rapid and complete recovery of all such injured individuals; and

(3) stands in solidarity with the Russian people in efforts to combat terrorism throughout the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on this resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. I would like to begin by thanking the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their support of this resolution.

Mr. Speaker, in recent weeks, the Russian people have suffered greatly from terrorism.

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They have seen two airplanes blown out of the sky, killing all on board. They have seen bombs explode in subway tunnels, killing people who were just going home or just going to work. And then they saw the tragedy in a town called Beslan, in southern Russia.

And in Russia the first day of school is known there as "the day of knowledge." For Middle School No. 1 in Beslan, it turned into a day of terror. As students and teachers and parents gathered for that first day, 30 terrorists stormed the school, and they took 1,180 occupants as hostage. They herded the group of children and teachers and parents into the school gymnasium, and they rigged it with explosives. And those who did not obey orders on the spot were executed on that site. And there they sat the hostages in the sweltering gymnasium for 52 hours with no food, with no water. Hostages stripped off their clothes from relief of the heat and did what they could to save themselves and try to stay hydrated.

These attacks were planned in meticulous detail with a cache of weapons and other equipment hidden underneath the school's library wooden floor for weeks before the attack. The terrorists were well trained. They were very well equipped. They possessed gas masks and hand-held radios and specialized weaponry. They even possessed two sentry dogs as expertly trained as the attackers themselves. This attack reflects the tactics used by Islamist terrorist groups around the world, including extensive preparation, simultaneous attacks requiring coordination, and the use of suicide bombers in the attack itself. It was no amateur operation.

The end of the seizure resulted in more than 330 dead, half of them children. Hundreds were wounded, and still more were unaccounted for after the bomb blasts. Children were shot in the back as they tried to escape.

The bombed-out school leaves an unimaginable scene, desks littered with bullet holes, bloody handprints on tiles, body parts of suicide bombers litter the floor and the ceiling of the classroom, and on the chalkboard one can see in the film that the teacher had prepared an arithmetic lesson four plus two equals six.

In Beslan last week, caskets, many of them child-sized, were carried one by one for burial. A patch of land about the size of a football field had to be prepared for more graves because the town's cemetery was not big enough to hold all the bodies.

Mr. Speaker, September 1 is Russia's 9/11. The world has expressed its sympathy for the people of Beslan. At the Russian Embassy here in Washington, D.C., hundreds have lined up to sign condolence books, including Secretary Powell and President Bush. Secretary Powell wrote: "As a parent, my heart and my prayers go out to those who lost children. The United States stands firmly and with solidarity with Russia in fighting all forms of terrorism. This tragedy will serve to energize our efforts."

As Americans are now sending their children back to school across the country, this calamity has moved many Americans. Many have commented on the Russian government's response to this war and to its policies in Chechnya and its anti-democratic actions in Chechnya. This deserves debate in appropriate forums. However, one thing is clear: nothing can justify this deliberate targeting of innocent children. The use of children as targets by these trained terrorists is reprehensible. These are children, again, that were specifically targeted. This resolution rightly condemns this establishment.

Mr. Speaker, the unfortunate reality is that today's terrorism knows no borders. This killing has spread and apparently will continue to spread. The children and people of Beslan, Russia, have now joined the people of New York and Bali and Moscow and Karachi and Jerusalem and Madrid and many other places around the globe as victims of international terrorism.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. First I want to express my appreciation to the distinguished gentleman from California (Mr. ROYCE), my good friend, for introducing this most important resolution and to the gentleman from Illinois (Chairman HYDE) for facilitating its expeditious consideration on the floor.

Mr. Speaker, September 1 is usually a very happy day for Russian families. It is the traditional first day of the school year, when parents accompany their children to school. And at School No. 1 in the town of Beslan in southern Russia, September 1, 2004, began in a joyous and celebratory manner. Children were dressed in their best clothes, busily catching up with their young friends and with their teachers after the summer break. Festive music played for this important and happy occasion in the lives of these carefree children and their parents.

Suddenly dozens of masked, armed terrorists stormed the school, causing mass chaos and fright, and forcing hundreds of students and parents into the gymnasium of the school. It sickens all of us to read the eyewitness accounts of the school seizure or to watch the video which was shot by the terrorists documenting their bloody and barbaric actions.

Mr. Speaker, there is no need to relive today the violent and despicable acts which followed. The entire world has seen them on television in all too graphic detail. But we now know that for the town of Beslan, and indeed for all of Russia, September 1, 2004, will hereafter be remembered as a day of horrible tragedy and unspeakable crime.

September 1, 2004, Mr. Speaker, will be remembered in Russia as we in the United States remember September 11, the day when we recognized our vulnerability to the brutality of Islamic terrorism and committed ourselves to a global battle against those who perpetrate these dastardly acts.

The Beslan attack was not Russia's first encounter with Islamic terrorists. Just days before, these same people brought down two commercial airliners in Russia, killing nearly a hundred civilians; and the suicide bombers struck in Moscow at a subway station, causing grief and suffering to families across Russia. Our hearts go out to the families of those who died or were injured in these tragic disasters.

Confronting, resisting, and defeating Islamic terrorism must be a global effort. The most meaningful contribution that we in Congress can make is to continue our commitment to carry on this battle until final victory. Today, as we remember the innocent victims of Beslan, the passengers of Sibir Airlines Flight 1047 and Volga-Avia Express 1303 and commuters and bystanders at the Rizhskaya subway station in Moscow, I want to offer the most heartfelt condolences of the American people to the Russian people and especially to the relatives and friends of the victims of Islamic terrorism.

I strongly support this resolution, and I urge all of my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, first of all, let me thank and commend the gentleman from California (Chairman ROYCE) for his authorship of this very important and necessary resolution, and I am very pleased to join as a co-sponsor of H. Res. 760; and I join in the chorus of the Americans who stand in solidarity with the Russian people in their grief for those who have been murdered by terrorist actions. No words can adequately express the shock and sorrow that we feel at the events in Beslan. Our hearts go out to the people of Beslan as they bury their children and their neighbors. They have our deepest sympathy, and they have our prayers. Our hearts go out to the wounded and disabled, especially the young, who will bear the scars of terrorism for the rest of their lives.

This resolution properly deplores the terrorist attacks against Russia and expresses condolences to the families of the victims. Their grief is our grief. Their anger is our anger. Their loss is our loss.

Mr. Speaker, there is ample reason to criticize Russia's military operations in Chechnya. I continue to believe that Moscow's strategy in that tortured region has been brutal, ill-advised, and self-defeating. As chairman of the Helsinki Commission, I have met numerous times with Russian leaders to protest their policy in Chechnya and have held a number of hearings, including with people like Elena Bonner, to protest what is going on there.

But let me make it very clear that there is no justification, no justification whatsoever, for the bloody violence that was perpetrated by cowardly terrorists who use innocent children to achieve political ends. If the terrorists thought they were helping the people of Chechnya by killing innocent people in North Ossetia, they were tragically in error. The people of Chechnya seek a respite from war. They and many in Russia want a just peace, not more carnage. Slaughtering children and traumatizing many more betrays the cause of peace.

Mr. Speaker, I trust this resolution reflects not only the sentiments of this House but also of millions of Americans that we represent. We mourn the tragic loss, the wanton loss of innocent lives.

And again I want to commend my colleagues, especially the gentleman from California (Mr. ROYCE); the gentleman from Illinois (Chairman HYDE); and the gentleman from California (Mr. LANTOS), ranking member, for their leadership on this important resolution.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON), who will soon travel to Beslan, Russia.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague and friend for yielding me this time and for his leadership on this issue. I thank the gentleman from California for his leadership.

I rise as a co-author and co-sponsor of this important resolution to send a clear, unequivocal statement to the people and leaders of Russia that we are with them, that we are one in their fight against terrorism.

Mr. Speaker, later on this week I will make my 38th or 39th trip to Moscow. This will be the most solemn trip that I will have made in my career as I extend the sympathy and the concern and the personal feelings of all of our colleagues on both sides of the aisle to our friends in Russia.

Mr. Speaker, it is outrageous that we have witnessed the kinds of actions not just in the school in Beslan but as has been described here today, the terrorist attacks on airlines, the terrorist attacks in hotels where many of us have stayed. In fact, many of us have stayed at the National Hotel in downtown Moscow right across from the Duma headquarters.

□ 1515

That was bombed earlier this year.

The people of Russia have suffered much. Now is not the time for us to criticize, although all of us have differences of opinion with the Russian leadership on various aspects of our bilateral relations. Now is the time to come together unequivocally standing one-on-one with the Russian people as they did with us on September 11.

I would remind our colleagues, Mr. Speaker, that it was Vladimir Putin who was the first foreign leader to telephone President Bush after 9/11. It was not the leader of Great Britain or Canada or Australia; it was President Putin, who expressed his solidarity with the people of America during our darkest hour.

There were scores of Russian Duma deputies, many friends of people in this body and the other body, who were contacted personally as they expressed to us their outrage and their feelings of horror and shock and grief as America came under attack on September 11.

In fact, Mr. Speaker, I was in Moscow shortly after the attack and had a chance to ride by our embassy in downtown Moscow. You could not see the front gate of the American embassy in Moscow for the literally thousands and thousands of flowers and personal notes that literally thousands of Russian ordinary citizens had come to place by our embassy in Moscow expressing their grief and concern with what happened to us.

So it is appropriate that we take this time to stand up and let the world know that today we are standing shoulder to shoulder with the people of Russia. We are supporting their efforts to rid their country of terrorism, and we stand with them to fully investigate the details of the outrageous act that occurred at the school in Beslan, as well as the other terrorist activities that have taken place in that nation.

Mr. Speaker, we have come a long way in the last 12 and 13 years since Russia threw off communism. It has been a rough road. There are those who say that perhaps Russia has not done enough, there are those that say we have not done enough. But now is not the time for us to debate differences, now is the time for us to stand together, shoulder-to-shoulder, and let the people of the world know that in the fight against terrorism we are one and the same.

Mr. Speaker, I want to thank our colleagues for their leadership. It was just 4 short years ago that I hosted the current Speaker of the Duma, my friend Boris Gryzlov, at the Republican National Convention for 6 days. He stayed with me. At the time he was the First Deputy Speaker of the Duma. He went on to become the Minister of Interior. He is one of President Putin's best friends. In fact, he ran President Putin's reelection campaign.

Boris Gryzlov reached out to me as soon as that attack occurred. In words that I can only describe as overtly emotional, he said Congressman WELDON, all of us in Russia share the grief that is being shared by the people of your Nation.

So to our friend Boris Gryzlov, who stands today as the Speaker of the Russian Duma, a close adviser to President Putin, and to President Putin himself, representing all of the people of Russia, America stands ready to pass this resolution, I hope with overwhelming support of both parties, because leadership comes from the most distinguished leaders on foreign affairs issues of this body, that we rise up and let the people of Russia know that they are truly our brothers and sisters.

We pray for those victims, we pray for those families, we pray for those young children. As a teacher myself, I cannot believe on the first day of school, which is a great day in Russia, as my friend and chairman outlined in his opening statement, that they would attack young Russian children, the most vulnerable of their society.

So, Mr. Speaker, I thank our colleagues, I look forward to working to pass this resolution, and, more importantly, I look forward to delivering this message in person when I arrive in Moscow before the end this week.

Mr. LANTOS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this tragedy brings the world's attention to a region of the globe that has been perhaps overlooked for too long, but it has also spurred debate about the next steps in an escalating conflict that transcends borders.

It should also galvanize debate about the threat that the world faces. As the bipartisan 9/11 Commission states, "The catastrophic threat at this moment in history is the threat posed by Islamic terrorism, especially the al Qaeda network and its affiliates and its ideology."

I believe this is what we are seeing in southern Russia. These are not criminals united by happenstance, but by militant Islam, united by ideology, doctrine and practice, its adherence drawn from Africa to Southeast Asia, from the Middle East to the Caucasus.

Al Qaeda's interest in the Caucasus is undisputed. Chechnya's lawless period of independence produced the conditions ripe for fomenting global jihad. Fighters, weapons, cash and ideology, much of it Saudi Wahabism, poured in from abroad.

Like al Qaeda, Chechen fighters have used front charities to secure funds. Benevolence International Foundation, whose assets were blocked by the U.S. Government for supporting al Qaeda, has also been found to support jihadists in Chechnya. In fact, evidence seized from Benevolence International indicates that it spent over 40 percent of its budget on Chechnya.

The bipartisan 9/11 Commission exposes other links, noting that several of the 9/11 hijackers, including Mohammed Atta, were headed to Chechnya to fight against the Russians. Only a chance meeting on that train in Germany with another terrorist caused the group to make the decision to travel to Afghanistan instead.

Several Chechens, including Shamil Basayev, believed to be the master mind of this school attack, received training in Afghan terror camps. Perhaps most telling, Afghanistan's Taliban was the only regime in the world to recognize Chechnya's independence in January of 2000 and to pledge it help in its fight against Russia.

Mr. Speaker, I could go on, but it is important to recognize these facts. It is important to recognize that this is the enemy that faces Russia, that faces the United States and that faces the world.

As I said earlier, many have commented on the Russian government's response to this war, to its policies in Chechnya and its anti-democratic actions. This is a debate we should have, but we should have this debate with a clear understanding of what the Russian people and what we are up against.

I urge the passage of this resolution.

Mr. SAXTON. Mr. Speaker, I rise in strong support of this resolution and would like to thank my friend from California for introducing it. Just over a week ago, the civilized world agonized over the massacre of more than 300 Russian school children who were returning to school after summer vacation when Islamic terrorists took them hostage and ultimately, took their lives. This cowardly and inhumane act occurred just days after two other vile acts of terror—the bombing of two Russian airliners, which killed 89 innocent men, women, and children, and the Moscow subway bombing that killed nine.

Mr. Speaker, there is no denying that the situation in Chechnya is a complicated one. Despite the mutually destructive history of Russian-Chechen relations, the acts of terror that have been unleashed upon the Russian people are inexcusable, inhumane, and are representative of the evil that we face today in the War on Terror. The fact that those who carried out these brutal acts purposely picked children as their primary targets further illuminates their utter disregard for the rules of law and the norms of human conduct.

Today, as we express our solidarity with the Russian people, let us take time to remember the fact that the War on Terror is a transnational conflict that requires strong alliances among nations both large and small. The people of Russia have a friend in the United States of America. It is my strong belief, that the murderers who took the lives of children in Beslan share ties with others who seek to wreak havoc within our own borders. Let those who wish us ill know that the United States, Russia and our allies will stop at nothing to destroy the global network of Islamic fundamentalism and all other forms of terrorism.

As the United States House of Representatives expresses its solidarity with the Russian people, I would like to remind my colleagues of the other victims of terrorism that the world has lost in recent years. People have mourned the losses of loved ones in Bali, Jerusalem, Madrid, Jakarta, New York, Washington, Baghdad, Kabul and various other places. May their memories and those of the children of Beslan, the passengers on the two aircraft and the people on the subway be the rallying cry for our ongoing struggle against terrorism.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 760.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION EFFICIENCY ACT OF 2004

Mr. PUTNAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3478) to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration, as amended.

The Clerk read as follows:

H.R. 3478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Archives and Records Administration Efficiency Act of 2004".

SEC. 2. EXTENSION OF RECORDS RETENTION PERIODS.

(a) EXTENSION OF RECORDS RETENTION PERIODS BY REGULATION.—Section 2909 of title 44, United States Code, is amended—

(1) by striking ", upon the submission of evidence of need,";

(2) by striking "; and, in accordance with regulations promulgated by him," and inserting ", and"; and

(3) by adding at the end the following: "The Archivist shall promulgate regulations in accordance with section 2104(a) of this title to implement this section.".

(b) CONFORMING AMENDMENT.—Subsection (d) of section 3303a of title 44, United States Code, is amended by striking the second sentence.

SEC. 3. AUTHORITY FOR RECORDS CENTER REVOLVING FUND TO BE USED FOR THE PURCHASE AND CARE OF UNIFORMS FOR RECORDS CENTERS EMPLOYEES.

Subsection (a) under the heading "RECORDS CENTER REVOLVING FUND" in title IV of the Independent Agencies Appropriations Act, 2000 (Public Law 106–58; 113 Stat. 460; 44 U.S.C. 2901 note), is amended by inserting after "expenses" in the first sentence the following: "(including expenses for uniforms or allowances for uniforms as authorized by subchapter I of chapter 59 of title 5)".

SEC. 4. AUTHORITY TO CHARGE FEES FOR PUBLIC USE OF FACILITIES OF NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

(a) PRESIDENTIAL ARCHIVAL DEPOSITORIES.—Subsection (e) of section 2112 of title 44, United States Code, is amended by striking "space" and inserting "space, or for the occasional, non-official use of rooms and spaces (and services related to such use),".

(b) NATIONAL ARCHIVES BUILDING AND OTHER BUILDINGS USED FOR RECORD STORAGE.—Section 2903 of title 44, United States Code, is amended—

(1) by inserting "(a)" before "The Archivist"; and

(2) by adding at the end the following new subsection:

"(b) When the Archivist considers it to be in the public interest, the Archivist may charge and collect reasonable fees from the public for the occasional, non-official use of rooms and spaces, and services related to such use, in the buildings subject to this section. Fees collected under this subsection shall be paid into an account in the National Archives Trust Fund and shall be held, administered, and expended for the benefit and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including educational and public program purposes.".

SEC. 5. AUTHORITY TO USE COOPERATIVE AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS, EDUCATIONAL INSTITUTIONS, AND OTHER PUBLIC AND NONPROFIT ORGANIZATIONS TO FURTHER NARA PROGRAMS.

(a) AUTHORITY.—Chapter 21 of title 44, United States Code, is amended by adding at the end the following new section:

"§ 2119. Cooperative agreements

"(a) AUTHORITY.—The Archivist may enter into cooperative agreements pursuant to section 6305 of title 31 that involve the transfer of funds from the National Archives and Records Administration to State and local governments, other public entities, educational institutions, or private nonprofit organizations (including foundations or institutes organized to support the National Archives and Records Administration or the Presidential archival depositories operated by it) for the public purpose of carrying out programs of the National Archives and Records Administration.

"(b) LIMITATIONS.—Not more than $25,000 may be transferred under a cooperative agreement entered into as authorized by subsection (a). Not more than a total of $75,000 may be transferred under such agreements in any fiscal year.

"(c) REPORT.—Not later than December 31st of each year, the Archivist shall submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report on the provisions, amount, and duration of each cooperative agreement entered into as authorized by subsection (a) during the preceding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2119. Cooperative agreements.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS THROUGH FISCAL YEAR 2009 FOR NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

Section 2504(f)(1) of title 44, United States Code, is amended—

(1) in subparagraph (N), by striking "and";

(2) in subparagraph (O), by striking the period and inserting a semicolon; and

(3) by adding at the end of the following new subparagraphs:

"(P) $10,000,000 for fiscal year 2006;

"(Q) $10,000,000 for fiscal year 2007;

"(R) $10,000,000 for fiscal year 2008; and

"(S) $10,000,000 for fiscal year 2009.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. PUTNAM).

GENERAL LEAVE

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3478, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have witnessed over the last several weeks in Florida just how quickly lives and property and years of work can be taken from us. Many are left with only memories in the wake of these storms, and I would like to thank President Bush and the Members of this House for the outpouring of assistance that we have received.

Our memories and the collective memory of our national life is what in part inspire us to move ahead and to rebuild in the face of tragedy. The custodian of our collective national memory is the National Archives, and I rise today to offer an amendment in the form of a substitute to H.R. 3478 to reauthorize an important part of that agency.

This legislation will reauthorize appropriations through fiscal year 2009 for the National Historic Publications to Records Commission, the eighth passage of this legislation since 1964. The NHPRC's mandate is to look outward, to provide assistance to non-Federal agencies, institutions and individuals committed to the preservation and use of American documentary resources.

The NHPRC remains today the only grant making organization, public or private, in the Nation whose only focus is the preservation of and increased access to American historical documentation in its myriad forms and formats, be it the quill pen or the computer.

Through its competitive grants, the NHPRC provides a kind of venture capital for the historical world, through which solutions to electronic records questions can be discovered and begin to be tested, and new initiatives and new projects in State and local government records, private archival institutions and documentary editions, can be launched and given vital support.

American history did not all happen in Washington. It has unfolded in every State and every locality, through private actions as well as those of the government, and unless we safeguard historical records wisely, there will be gaping holes in our Nation's history.

Records created and maintained within each State are important to individuals and institutions in a democracy, not just national institutions, but government institutions at every level, as well as organizations in the private sector that have a great impact on American life.

The NHPRC safeguards holdings of the State and local archives, the university archival and manuscript collections and the documentary collections of libraries, historical societies and other cultural repositories, private and public.

They have revolutionized the study of American history. One of the Nation's leading historians has called this work the most important and lasting work of the 20th century, the most important work in the American history of the 20th century.

The NHPRC exists to stimulate the care and use of records that are beyond the NARA's jurisdiction. It does that by encouraging documentary work outside the Federal Government, with small grants to archival, historical and cultural organizations throughout our country. It is the only national funding agency that is directly addressing the challenges posed for recordkeeping and records preservation.

Among the types of grants that the commission makes are those designed to assist State and local governments with disaster preparedness to protect the vital records that document the rights and privileges of citizenship. We can attest to the need for that type of readiness in Florida.

Through grants, through working with State advisory boards and through contributing to funding partnerships, the NHPRC plays a critical role in promoting work to ensure that records of many kinds in many parts of the country will be safe and accessible for the scholars who need them.

As chairman of the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, which has jurisdiction over the National Archives, and as a citizen concerned about rights, accountability and history, I request that NHPRC be reauthorized to carry on its important work.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3478. This bill makes several changes to Title 44 of the U.S. Code that will improve the efficiency of the National Archives and Record Administration. My colleague, the gentleman from Florida (Mr. PUTNAM), has done a terrific job of detailing those changes.

In addition, this bill reauthorizes the National Historic Publications and Records Commission, NHPRC, for 4 years at the current level of $10 million.

I strongly support the reauthorization of the NHPRC. However, I am disappointed that we did not increase the authorization for this program. It is even more tragic that the administration has not fully funded the commission for 2005. The failure to fund this commission will result in the loss of important parts of the history of every State and local government in our country. Much of the good work funded by the commission will have to be put on hold because the administration cut $7 million from the NHPRC budget.

My colleague on the other side of the aisle detailed how we need to preserve the documents in Florida even when we have catastrophes and hurricanes, and so forth. Let me describe just a few of the programs that have been supported by NHPRC in New York over the past several years.

The New York State archives in Albany was given assistance by the NHPRC to organize and make available materials of the effect of the World Trade Center disaster on the lives of New Yorkers. Channel 13, the local education station, was given funds to preserve shows of particular historical significance from the 1970s onward.

□ 1530

The American Foundation For the Blind was provided funds to archive the records of Helen Keller. Hunter College received funds to arrange 15 collections of materials documenting the history and culture of Puerto Ricans.

In addition, NHPRC had provided funds to assist in preserving the papers of Alexander Hamilton; Aaron Burr; Samuel Gompers; John Jay; the slave diary of Elizabeth Drinker; Florence Kelley, the letters of this great settlement leader; and the writer and activist Harriet Jacobs, just to name a few. The list goes on and on.

NHPRC has also been at the forefront of research on preserving electronic documents. Long before most agencies knew they even had a problem, NHPRC was funding research on this important issue.

Electronic records present historical organizations with two quite distinct problems. First, the technological issues of preserving our electronic documents across time are extremely complex. The methods for creating these documents multiply yearly, as does the way in which these documents are stored. However, very little has been done to assure these documents can be read 10 years later. Secondly, electronic records have resulted in increasing both the volume of records created and the volume of records that historians want to keep.

Electronic records confront State and local archives and historical societies with the very same challenges as they do the Federal Government. The National Archives has spent millions of dollars on the Electronic Records Initiative, and real progress has been made in developing a system for preserving the electronic records of the Federal Government. NHPRC has been one of the few places these State and local organizations could go to get help confronting this complex technological and historical problem. It should also be noted that NHPRC was one of the first Federal organizations to recognize the need for research on preserving electronic documents.

Mr. Speaker, absolutely every day in Washington, D.C., as we go about our business, we are reminded of our Nation's history. Buildings and documents are preserved and displayed for all to see. Every citizen deserves that opportunity, not just when they visit their Nation's Capital, but as they walk about the towns in which they live. NHPRC makes it possible for State and local governments to develop the tools and expertise to maintain their own history.

Even if NHPRC was fully funded at $10 million, that would only be about $200,000 per State. That does not go very far. As I have said at the outset, Mr. Speaker, I strongly support the passage of this bill, and I hope that the chairman of the subcommittee will work with me and the gentleman from Florida (Chairman PUTNAM) to raise awareness of the many valuable programs sponsored by NHPRC so that we can increase the authorization level the next time that it comes around.

Mr. Speaker, I would like to conclude by saying that if we do not learn from our past, we may repeat the mistakes of those who went before us. If we do not preserve our past, we cannot learn from it, and each locality has their own unique circumstances and their own unique history. Maintaining our time capsule of government words and deeds is a fundamental responsibility of our government. This legislation is committed to that responsibility, and I urge my colleagues to join me and the chairman in supporting this.

Mr. Speaker, I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the support of the distinguished gentlewoman from New York (Mrs. MALONEY) and the hard work that the ranking member of this subcommittee, the gentleman from Missouri (Mr. CLAY), has put into this legislation; and I urge its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and pass the bill, H.R. 3478, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission.".

A motion to reconsider was laid on the table.

ARCHIE SPIGNER POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4632) to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building".

The Clerk read as follows:

H.R. 4632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARCHIE SPIGNER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, shall be known and designated as the "Archie Spigner Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Archie Spigner Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 4632, a post office designation act sponsored by the gentleman from New York (Mr. MEEKS). The legislation before us honors Archie Spigner, a man who has been a political institution in Queens and indeed all of New York City for more than a quarter of a century.

Archie Spigner served a respected tenure on the New York City Council from 1974 until 2001. Mr. Spigner ultimately became the second highest ranking member of the council as he rose to the post of deputy majority leader. In addition, he served on the advisory board of the National League of Cities, an urban advocacy organization.

Mr. Speaker, I know the gentleman from New York considers Mr. Spigner a close friend and political ally. That is why I am pleased to join with him today in urging passage of H.R. 4632. The post office in the legislation is appropriately located within Archie Spigner's former district at Linden Boulevard and 196th Street in Queens.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4632, legislation designating the United States postal facility in St. Albans, New York, after Archie Spigner. This measure, which was unanimously reported by our committee on July 21, 2004, was introduced by the gentleman from New York (Mr. MEEKS) on July 21, 2004. H.R. 4632 enjoys the support and cosponsorship of the entire New York delegation.

A native New Yorker, Archie Spigner was born and educated in New York. He was called early on into the world of politics and community activism.

In 1974, Mr. Spigner began his first term as a city councilman from Southeast Queens. As a member of the New York City Council, Mr. Spigner chaired the committees on Housing and Building, Economic Development, and the Legislative Office of Budget Review.

As a result of his legislative prowess, he was able to assume the post of deputy majority leader, the second highest position in the New York City Council.

Mr. Spigner served on the advisory board of the National League of Cities, the City Council Budget Negotiating Team, and liaison for the Queens delegation. As district leader and executive member of the Guy R. Brewer United Democratic Club, Mr. Spigner was instrumental in electing the first African American Supreme Court Justice, Assembly member, State Senator, and Congress member in the Borough of Queens.

He was also instrumental in the campaigns for the Honorable David Dinkins, former mayor of the City of New York; the Honorable Percy Sutton, former Manhattan borough president, the Honorable Carl McCall, former state comptroller; former Congressman Floyd H. Flake; and my friend and colleague, the gentleman from New York (Mr. MEEKS).

Archie Spigner retired from the New York City Council in 2001; and although retired, Mr. Spigner is still involved in politics and community affairs.

Mr. Speaker, I commend my colleague, the gentleman from New York (Mr. MEEKS), for seeking to honor this political legacy of City Council Member Archie Spigner in this manner. I urge swift passage of H.R. 4632.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I join my colleagues in honoring former Council Member Archie Spigner. I had the great honor of serving with him as a member of the Housing and Buildings and Economic Development Committee of the New York City Council, a committee which he chaired for many years with great distinction, with great judgment, honesty, and fairness. In a city that has a terrific need, a deep need for affordable housing, he was one of the truly outstanding leaders in our city in the area of working to build more housing that is affordable, and truly as a leader in our city, serving for many years as the deputy majority leader.

He was also active on a national level, with the League of Cities. He dedicated, really, his life to the problems of cities; and he used to say that one of the great challenges of the next century would be who pays for the cities, with their ailing infrastructure and their many, many needs for housing and other areas.

He not only was active in the National League of Cities. He was on the Finance Committee and the City Committee on the Budget, and I had the honor of serving with him on the Committee on the Budget where he was a great bridge-builder. He would often negotiate compromises that would enable us to move a budget to the floor for a vote. He is an outstanding person, kind and wonderful. He is very active politically also and played a major role in the election of one of my good friends and colleagues, the gentleman from New York (Mr. MEEKS), along with many other important leaders in New York City and State.

Even though Archie retired from the City Council in 2001, he has continued to be an important leader and adviser on both the city and local level. He is a terrific person. To know him is to love him.

I am delighted to join my colleagues today in naming this important building after him and in really applauding his lifetime of service to the communities in Queens and the City and the State of New York.

Mr. RANGEL. Mr. Speaker, I rise to join my colleague and fellow New Yorker, Mr. MEEKS in supporting this bill, H.R. 4632, to name the post office in St. Albans, Queens, New York after my old and close friend, Archie Spigner.

Archie Spigner and I go back a long time in the political life of New York; myself in Harlem and Archie in St. Albans. He has been providing leadership in his community for nearly four decades. He has provided the shoulders for many of our current successful leaders. It is unfortunate that term limits have deprived his community of his representation. Archie held his seat from 1974 until term limits ended his service in the New York City Council in 2001.

As District Leader and Executive Member of the Guy R. Brewer United Democratic Club, he was instrumental in electing the first African-American Supreme Court Justice, Assembly Member, State Senator and Congress Member in the Borough of Queens. He was a leader in the campaigns of the Hon. David Dinkins, Hon. Percy Sutton, Hon. Carl McCall, our former colleague Congressman Floyd H. Flake and the sponsor of this bill, the current member from St. Albans, our distinguished colleague GREG MEEKS. He and I have been allies on countless battles in the effort to provide equality, opportunity, and justice for our constituents, for New Yorkers and Americans.

Having a public building in this historic African American community named after as an esteemed member of the community as Archie Spigner is quite fitting.

Mr. MEEKS of New York. Mr. Speaker, I come before you today to honor a man that has given much to my district and asked for very little.

Former City Council Member Archie Spigner is considered the Godfather of African American politics in my district in southeast Queens. A mentor to many of our current successful leaders, Archie held his seat from 1974 until term limits ended his service in the New York City Council in 2001.

As a member of the City Council, Archie rose to the post of Deputy Majority Leader—the second highest position in the Council. His legislative responsibilities included Chairmanships of the Committees on Housing and Buildings, Economic Development and the Legislative Office of Budget Review. He also served on the Council's Budget Negotiating Team and acted as liaison for the Council's 14 member Queens delegation. He was elected to and served on the advisory board of the National League of Cities, an advocacy group for our Nation's urban areas.

As District Leader and Executive Member of the Guy R. Brewer United Democratic Club, he was instrumental in electing Queens' first African-American Supreme Court Justice, the first African-American Assembly Member, the first African-American State Senator, and the first African-American Member of Congress. He played a pivotal role the mayoral campaigns of David N. Dinkins and Percy Sutton, as well as the gubernatorial campaign of H. Carl McCall. Archie helped elect my precedessor to Congress, and of course, provided indispensable support and counsel when I sought this office.

A post office facility bearing Archie's name, located a few blocks from the headquarters from which Archie's political organizing emanated will be a reminder to the community he served long and well of the gratitude they owe to this man who made a difference in their everyday lives and effectively represented them in the corridors of New York City government.

Please join me in designating the Saint Albans postal facility the Archie Spigner Post Office Building, in honor of this accomplished gentleman.

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. TURNER of Ohio. Mr. Speaker, I urge passage of H.R. 4632, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 4632.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING FORMER PRESIDENT WILLIAM JEFFERSON CLINTON ON THE OCCASION OF HIS 58TH BIRTHDAY

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 717) honoring former President William Jefferson Clinton on the occasion of his 58th birthday.

The Clerk read as follows:

H. RES. 717

Whereas former President William Jefferson Clinton was born in Hope, Arkansas, on August 19, 1946;

Whereas William Jefferson Clinton attended Georgetown University as an undergraduate and received a Rhodes Scholarship in 1968;

Whereas William Jefferson Clinton received a law degree from Yale University in 1973;

Whereas William Jefferson Clinton established a record of public service as Attorney General of Arkansas, Governor of Arkansas, and Chairman of the National Governors Association;

Whereas William Jefferson Clinton campaigned for and won the Democratic nomination for President in 1992;

Whereas William Jefferson Clinton was elected the 42d President of the United States in 1992 and was reelected for a second term in 1996;

Whereas during William Jefferson Clinton's time in office the United States experienced 8 years of economic expansion, job growth and the transformation of a budget deficit into a budget surplus;

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords;

Whereas William Jefferson Clinton played a major role in the Good Friday Peace Accords which finally brought peace to war-torn Northern Ireland; and

Whereas, in the words of President George W. Bush, William Jefferson Clinton "showed a deep and far-ranging knowledge of public policy, a great compassion for people in need, and the forward-looking spirit the Americans like in a President": Now, therefore, be it

Resolved, That the House of Representatives honors former President William Jefferson Clinton on the occasion of his 58th birthday on August 19, 2004, and extends best wishes to him and his family.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House of Representatives, I gladly wish former President Bill Clinton a happy belated birthday. Last month, on August 19, President Clinton turned 58, and House Resolution 717 salutes our Nation's 42nd President on that occasion.

Mr. Speaker, our well-known honoree today was born in the small town of Hope, Arkansas, as William Jefferson Blyth, IV in 1946, 3 months after the death of his father. After his mother remarried a few years later, the future President took the name of his stepfather, Clinton, as a teenager. He came to college here in Washington at Georgetown University and later earned a law degree at Yale. He entered politics and went on to become Attorney General and then Governor of the State of Arkansas.

Then, Bill Clinton, the little-known chief executive of Arkansas, shocked the world when he sought and was elected to the Presidency in 1992. Four years later, he became the first Democrat since Franklin Delano Roosevelt to win a second term. His depth of policy knowledge and poignant speaking ability served him very well while he presided over the Nation for 8 years.

A key event of Clinton's Presidency was the brokerage of peace in the Balkans. The Dayton Peace Accords, which ended the war in the Balkans, were negotiated at Wright-Patterson Air Force Base in Dayton, Ohio, located in my district. Today, the Dayton Peace Accords remains a significant foreign policy achievement of the Clinton administration.

Mr. Speaker, today it is especially gratifying to wish a happy birthday to President Clinton because of all that he has gone through in recent days. As we all know, the former President underwent a 4-hour quadruple coronary artery bypass operation in New York City a week ago today.

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Fortunately, we understand President Clinton is doing well and should make a full recovery over the next few weeks. Without question, the thoughts and the prayers of the House of Representatives are with President Clinton.

Mr. Speaker, it is an honor to wish President Clinton a happy birthday at a time when he has been on the minds of so many Americans.

I thank my colleague in the Committee on Government Reform, the gentlewoman from New York (Mrs. MALONEY), for introducing this House resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

On August 19, William Jefferson Clinton, our 42nd President, celebrated his 58th birthday. Today, we honor him not just for serving as our Nation's 42nd President, but for the legacy that President Bush recently described as "a deep and far-ranging knowledge of public policy, a great compassion for people in need, and the forward-looking spirit Americans like in a President."

We honor President Clinton for presiding over our Nation's longest ever economic expansion, largest ever budget surplus, and the growth of 22 million jobs during his Presidency. We honor President Clinton for projecting American power on the world stage, to further the cause of international peace and understanding, without antagonizing our historic allies, and we honor him for helping to broker the Good Friday Accords for Northern Ireland, engaging in Middle East peace talks, and bringing an end to ethnic cleansing in the Balkans. We honor President Clinton for encouraging Americans to care for their fellow men and women, creating AmeriCorps, which engages more than 50,000 Americans each year in community service.

At this moment, President Clinton is recovering from an unexpected but perhaps life-saving surgery in New York City. We in Congress are thankful for President Clinton's improved health and send forth our thoughts and prayers to him and his family, especially Senator HILLARY RODHAM CLINTON and his daughter Chelsea. We wish him a complete and speedy recovery.

Mr. Speaker, I would like to thank the gentleman from Virginia (Chairman TOM DAVIS) for moving this resolution through his committee in a speedy manner and to the House leadership for bringing it to the floor for this consideration today.

Mr. Speaker, from his birth in a town called Hope in the State of Arkansas through his education at Georgetown University, Oxford and Yale Law School, to his service in Arkansas as Attorney General, Governor and Chairman of the National Governors' Association, to his two terms as President of the United States, to now as a private citizen, still engaged and thoughtful on our Nation's public policy, we honor President Clinton. President Clinton, happy birthday, and we hope you get well soon.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, as one who grew up, went to school, still have strong family ties, social ties in the State of Arkansas, on the occasion of President William Jefferson Clinton's 58th birthday, it is with great pride that I stand to celebrate and to honor the life of the man who epitomizes the American dream and makes the Horatio Alger story become real.

Born in the tiny town of Hope, Arkansas, on August 19, 1946, President Clinton demonstrated from an early age the determination and vision that would ultimately take him to the White House and lead our country to a period of economic prosperity that has been unrivaled by any period in American history.

As a man who always fought for those who could not always fight for themselves, Bill Clinton after graduating from Yale Law School spurned private practice and began a career in public service.

President Clinton began his political career after being elected Attorney General in 1976. He went on to serve as the Governor of Arkansas, and by the time Governor Clinton left Arkansas for the White House the State of Arkansas had been transformed from a State that faced large deficits and polarizing issues into a shining example of what government can do for its citizens when those in government put aside partisan differences in the best interest of what is right.

As America's 42nd President, Bill Clinton faced an even more daunting task, and in 1992, the American people were fed up with government. The economy was in bad shape. Unemployment was at a record high, and it was a time when many American parents struggled with basic financial decisions such as what holiday presents they could afford to buy their children.

By the time President Clinton left office 8 years later, he had led our country out of this darkness and into one of the brightest eras in American history, the lowest unemployment rate in modern times, the lowest inflation rate in 30 years, the highest home ownership in the United States history, and dropping crime rates in many American cities. Contrary to the bogus stereotype thrown at Democrats, he proposed the first balanced budget in decades, balanced the budget, and then went on to produce a surplus.

Since leaving office, President Clinton has continued his lifelong odyssey of working for those in need. Working from his office in Harlem, President Clinton has remained engaged on many social issues. Just last year, he brokered an historic agreement with four generic drug companies to provide low-cost AIDS drugs in developing countries. The world is a better place today because of the 58 years President Clinton has given us so far, and we look forward to many more.

We are pleased to hear that President Clinton is expected to make a full recovery from his bypass surgery. We certainly wish him and his family the best, and take this opportunity to say thank you, Mr. President, and happy birthday.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

I came to Congress with President Clinton in 1992. It was called the Year of the Woman, where many people voted for women candidates, not as a slogan, but as a force to be reckoned with, and we came to Washington and we worked together, not only for women, children and families, but during this time we doubled the funding for breast cancer research, banned assault weapons, put more police on the streets and more teachers in the classroom. We narrowed the gap between those in poverty and those that are affluent, which is a good trend for this country, an important trend.

During his 8 years, we had really I could say the best economy in my lifetime, the first balanced budget. He came to Washington with a $250 billion deficit, and when he left, it was a huge, huge surplus.

I remember very much his hard work on his initiative to reinvent government and to make government more accountable to the people that we serve.

Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for yielding me the time.

Mr. Speaker, one of my favorite passages is that all good and perfect gifts come from on high, and we are here today to renew a celebration of a President on the occasion of his 58th birthday, William Jefferson Clinton, 42nd President of the United States.

What I admire most about President Clinton, he was an extraordinary individual who related very well to ordinary people, and the ordinary people of this world loved Bill Clinton.

He was born on August 19, 1946, in Hope, Arkansas, and began a record of stellar public service to the country and humanity as a very young man.

President Clinton's administration would be noted for the creation of 22 million jobs, the rallying of international support to stop the ethnic cleansing in the Balkans, and reaffirming U.S. recognition of Africa as a continent of the birthplace of humanity with many countries, cultures and vast potentials.

I had the privilege of going to Africa with Mr. Clinton and saw his concern and compassion for the women and children and men who were battling AIDS and saw how he has made the battle against AIDS and HIV a focal point of his foundation's activities, which does not surprise me.

I want to say to the President, in the event that he receives this video message of his colleagues in the United States House of Representatives, I wish you a rapid recovery. You, unlike me, knew what you were going into as an open heart surgery recipient. I did not know it and was not fast enough to have it explained to me. I just got it, and I want to wish you well. I am so happy it turned out for you as well as it did, and God bless.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

President Clinton's leadership was instrumental in expanding freedom and democracy around the world and really uniting a divided world. He was a uniter, and he worked to bring people together, and he was very, very loved. People felt very comfortable about Bill Clinton and everybody liked him.

Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I, along with my constituents and all of the American people, want to extend a happy birthday to William Jefferson Clinton. His leadership in so many areas is sorely missed, in particular as today on the assault rifles that without his leadership we would not have passed. Many Members gave up their seats in the House of Representatives because they felt it was the right and honorable thing to do to protect the American people from these assault rifles.

We had leadership in President Clinton in so many areas. He had the foresight to appoint Jesse Brown as the Secretary of Veterans Affairs, who fought for the veterans. His contributions as far as economic development, housing, laying the foundation for a program that is being gutted under this last administration, it just goes on and on.

So I would like to put my comments in the RECORD and let President Clinton know that I dearly love him and the people dearly miss him.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

I want to express the admiration and support of the New York delegation, many of whom are in New York City now at 9/11 events and will be joining me in this Congress in tributes in writing later.

Let me just end by saying that Bill Clinton is loved and admired by millions of Americans and by countless others around the world, and we want him to know that he, as he is recovering, is in the thoughts and prayers of this Congress and the country. We are with him in his courageous battle to heal himself so that he can return to his good works and helping other people.

So happy birthday, Mr. President, and get well soon.

Mr. Speaker, seeing no other speakers, I yield back the balance of my time.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

It was during the Clinton administration when Congress was controlled by Republicans that the Federal deficit started to shrink. It was not until the fiscal year 1995 that the Republican budget was in place that deficits turned into surpluses.

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Mr. Speaker, I urge all Members to support the adoption of House Resolution 717 that honors former President William Jefferson Clinton.

Mr. CUMMINGS. Mr. Speaker, I rise today in enthusiastic support of H. Res. 717, honoring former President William Jefferson Clinton on the occasion of his 58th birthday. I wish him happiness—and health—in his 58th year.

The outlines of President Clinton's story have become familiar to us. Born in the small town of Hope, Arkansas, the young Bill Clinton began cultivating the values—compassion, perseverance and commitment to social justice—that would guide him throughout his Presidency.

He benefitted from the love and will of his mother—Virginia Clinton—a widow and survivor of domestic violence who worked tirelessly to support her children. He was a dutiful son, a protective brother, and a gifted student. In college, Clinton juggled coursework with an internship for Senator Fulbright, relishing his introduction to politics. Awarded the prestigious Rhodes Scholarship, Clinton went on to Oxford University and Yale Law School. There he met his match and wife-to-be in the form of a driven Hillary Rodham.

Mr. Speaker, it was as President that Mr. Clinton captured the hearts, the imagination, the hope, of so many Americans. A post-Cold War President, Bill Clinton believed we must become a domestic as well as a military superpower. He knew our strength came from more than just our military might, but from our commitment to the ordinary men and women of this country. He nurtured our country's strength through economic growth, support for the middle class and a ladder for the poor.

Bill Clinton forged a Third Way, a new path to bipartisanship that remains a model for lawmakers and citizens alike. He made our streets safer with the Brady bill, he made our working families stronger with the Earned Income Tax Credit, and he made our economy soar by balancing the budget and erasing the deficit. He protected our environment, he created jobs, he strengthened alliances across the world and he labored for peace.

Mr. Speaker, President Clinton continues to be a devoted public servant, crusading against the global AIDS pandemic. His foundation has succeeded in lowering the cost of HIV/AIDS tests and treatment for millions of people in developing countries across the world.

I am fortunate to call Bill Clinton a friend. I have seen him light up a crowded room, and I have seen him connect with struggling individuals in a way that only he can. A music-lower and a musician, he is a Blues man with soul. He knows the sorrow of life's harsh realities, and he knows the joy that comes from striving towards our collective potential. Most of all, Bill Clinton is a man of heart. I wish him—and his heart—continued health. I thank Congresswoman MALONEY for sponsoring this resolution and I urge my colleagues to support its passage.

Mr. PAYNE. Mr. Speaker, I rise today to add to the overwhelming support of this House for this resolution honoring former President Bill Clinton as he celebrates his 58th birthday.

President Clinton is a gifted and charismatic leader who has devoted his professional life to public service.

His administration was marked with great economic success, transforming quadrupled budget deficits into a budget surplus. He achieved the lowest unemployment rate in 28 years, the lowest percentage of Americans on welfare 29 years, and the lowest inflation rate in 33 years.

During his presidency, the economy expanded by 50 percent in real terms, and when he left office, the U.S. had a gross national product of $10 trillion—one-quarter of the entire world economic output.

During his administration, 15 million jobs were created and average wages rose. Home ownership rates were the highest in history. Funding public education, saving Social Security, and ensuring health care for all Americans were priorities.

Our economic success was a sign of stability that sparked growth in domestic and international markets.

He was a great supporter of human rights and promoting peace through humanitarian relief efforts, refugee assistance, and aiding in peace process negotiations.

I was honored to accompany President Clinton on historic trips to Northern Ireland and Africa. We went as ambassadors of peace and reconciliation, and it was heartening to see how well received we were by our international hosts. The people of this country were welcomed and well respected abroad.

I have great respect and admiration for him personally and for his outstanding leadership of our great country, and I believe his legacy will long enjoy the approval of a grateful nation.

I extend to him my best wishes for a happy birthday, and I offer my wholehearted support for this resolution.

Mr. TURNER of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and agree to the resolution, House Resolution 717, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

THOMAS E. CREEK DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4836) to name the Department of Veterans Affairs medical center in Amarillo, Texas, as the "Thomas E. Creek Department of Veterans Affairs Medical Center."

The Clerk read as follows:

H.R. 4836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN AMARILLO, TEXAS.

The Department of Veterans Affairs medical center in Amarillo, Texas, shall after the date of the enactment of this Act be known and designated as the "Thomas E. Creek Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Thomas E. Creek Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4836 would name the VA Medical Center in the City of Amarillo, Texas, for Lance Corporal Thomas E. Creek. This heroic Marine gave his life on February 13, 1969, to save fellow Marines by falling on a grenade near Cam Lo, Vietnam. He was awarded our Nation's highest military declaration, the Congressional Medal of Honor.

Lance Corporal Creek was only 18 years old when he went above and beyond the call of duty while serving as rifleman with Company I, 3rd Battalion, 9th Marines. He was one of three Medal of Honor recipients who served with the 9th Marines during the Vietnam War.

I commend my distinguished colleague, the gentleman from Texas (Mr. THORNBERRY), for introducing H.R. 4836 to honor one of our Nation's heroes, and I will momentarily yield to him.

The VA medical center in Amarillo, Texas, Mr. Speaker, opened in 1940 and played an important role during and after World War II in caring for and rehabilitating U.S. servicemembers. The medical center today provides general medical and surgical treatment and alcohol rehabilitation and vocational rehab services for veterans. Expansion and renovation projects have kept the facility modern, and it currently has some 69 inpatient beds and 120 nursing care beds. I think it is entirely fitting and appropriate to remember the ultimate sacrifice of this young brave Marine by naming the Amarillo VA Medical Center for him.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY), the prime author of this bill.

Mr. THORNBERRY. Mr. Speaker, I want to thank the chairman, the gentleman from New Jersey (Mr. SMITH); and the ranking member, the gentleman from Illinois (Mr. EVANS); the subcommittee chairman, the gentleman from Connecticut (Mr. SIMMONS); and all the members of the Committee on Veterans' Affairs, including John Bradley of the staff, for their assistance and support with this measure.

I also want to thank all my Texas colleagues. Each of them is a cosponsor of this bill, as is the gentleman from Kansas (Mr. MORAN), and the gentleman from New Mexico (Mr. UDALL), to whom I am also grateful.

I want to acknowledge my staff members who have worked on this issue, especially Sylvia Nugent and Bryan Whitworth.

I also want to recognize Larry Milam, Selden Hale, Pat Cunningham, Marvin Graham, and the other veterans of the Texas panhandle region who initiated this effort, as well as the veterans organizations which have lent their enthusiastic support, including the American Legion, Disabled American Veterans, Vietnam Veterans of America, Veterans of Foreign Wars, Paralyzed Veterans of America, and AMVETS.

I want to acknowledge as well the excellent work in exploring Thomas Creek's story done by the Amarillo Globe News and High Plains Public Radio. And, finally, I want to thank the Creek family for their patience and understanding and dignity with which they have approached this matter.

Mr. Speaker, in the late 1960s, Thomas E. Creek was in many ways a typical young man from the Texas panhandle. He had worked in a variety of jobs since he was 11 or 12 years old. He was a fan of Elvis Presley. He enjoyed being with his friends, and one remembered that he liked being in the middle of things. His brother, Ross, has been quoted as saying that "he didn't think Tom was afraid of anything. That's what gets me," he said to the Amarillo Globe News. "If he was afraid of anything, he kept it inside."

Tom Creek left school early and joined the Marine Corps. On the 4th of July, 1968, he stepped foot in Vietnam. In letters home, he called it hell. But on February 13, 1969, Marine Lance Corporal Thomas E. Creek was a rifleman with Company I, 3rd Battalion, 9th Marines, 3rd Marine Division. His unit was part of a resupply convoy that was ambushed by enemy forces using mortars, mines, fragmentation grenades, and small arms.

According to the documents recommending him for the Medal of Honor, the fierce combat found the men firing at point-blank range. Corporal Creek was struck in the neck by a bullet. Blood was seen flowing from the wound. But then he noticed a fragmentation grenade land between him and the rest of the squad. Though wounded, he threw his body on top of the grenade. One of the Marines with him recalled seeing him run towards the grenade and yell, "I've got it, Mac." His body absorbed the full impact of the grenade, saving the lives of at least five Marines nearby. His act inspired the rest of the squad to defeat the enemy and complete its mission to resupply the forward combat base. Eleven others were wounded, but only Tom Creek was killed.

Lance Corporal Thomas E. Creek was awarded the Medal of Honor, the highest honor our Nation can bestow. This bill, as the chairman mentioned, will rename the Department of Veterans Affairs Medical Center in Amarillo, Texas, the Thomas E. Creek Department of Veterans Affairs Medical Center.

Dr. Craig Barnes has said that as he read the book "The Greatest Generation," he was struck by the fact that each of those described was a regular person. No one was born a hero. But when pushed, they found something heroic inside themselves. Heroes are ordinary people who refuse to be governed by fear when times are hard, he said.

Tom Creek was a regular person. He was also a hero. He reached down within himself and made a decision in a split second, a decision to sacrifice his life in order to save the lives of others. It is the same kind of sacrifice which men and women have made throughout our history, from the Revolutionary War to the streets of Iraq and the mountains of Afghanistan, sacrifice for others while serving and defending the Nation.

I believe that naming this veterans medical center for this 18-year-old who sacrificed everything he had is a fitting tribute to his incredible heroism and sacrifice; that it will enhance the honor that rightfully belongs to those who have served our Nation and will be treated in this facility; and I hope that it will remind the rest of us that we too can refuse to be governed by fear and find something heroic inside ourselves as our duties demand.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation to honor Lance Corporal Thomas E. Creek by renaming the Amarillo VA Medical Center for him. As we are once again forced to confront on an almost daily basis the sacrifice of the young men and women who are serving our Nation, it is fitting and appropriate that we continue to honor the uncommon bravery of those soldiers who came before them.

Thomas Creek embodied such bravery, when in February of 1969 he selflessly gave his own life to save the lives of fellow Marines in Vietnam.

Mr. Speaker, by all accounts, Thomas Creek was a young man who deserves this honor which we can bestow upon him today, and I am proud to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4836.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 4836.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THOMAS P. NOONAN, JR., DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1318) to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the "Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic."

The Clerk read as follows:

H.R. 1318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, QUEENS, NEW YORK.

The Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, shall be known and designated as the "Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic". Any reference to such clinic in any law, map, regulation, document, paper, or other record of the United States shall be considered to be a reference to the "Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1318 would name the Department of Veterans Affairs outpatient clinic in the City of Sunnyside, Queens, New York, for Lance Corporal Thomas P. Noonan, Jr., a Marine, who on February 5, 1969, was killed in action in Quang Tri Province, Vietnam.

Lance Corporal Noonan was 25 years old on that fateful morning in Vietnam when serving as a fire team leader he was mortally wounded while valiantly trying to drag a wounded Marine to safety. For his heroic actions, he was awarded the Congressional Medal of Honor, our Nation's highest military decoration.

I want to commend my distinguished colleague on the other side of the aisle, the gentleman from New York (Mr. CROWLEY), for introducing H.R. 1318. This is the second naming bill the Committee on Veterans' Affairs has brought to the floor today to honor servicemembers who gave their lives in Vietnam. These are bipartisan measures which pay homage to our fallen heroes. I am pleased to bring these bills before the House for its consideration.

I hope that these stories of bravery and sacrifice are an inspiration to the new generation of soldiers, sailors, Marines, and airmen who are so ably serving our country in the war against terrorism. By naming these facilities to honor Lance Corporals Noonan and Creek, we also signify our intent to continue providing health care to veterans of our Armed Forces now and into the future.

Again, I am grateful to my friend and colleague on the other side of the aisle for introducing it.

Mr. Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the bill introduced by my colleague, the gentleman from New York (Mr. CROWLEY), to rename the Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, after Lance Corporal Thomas P. Noonan, Jr.

Lance Corporal Noonan was mortally wounded in combat in Vietnam. For his actions under fire, he received the Congressional Medal of Honor and the Purple Heart. Mr. Speaker, I support this bill and thank my colleague for consideration in honoring a valiant veteran who gave his life defending the principles that America stands for.

Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman from Florida (Ms. CORRINE BROWN) for yielding me this time and for her leadership on this important committee.

Mr. Speaker, as a proud New Yorker and a representative of the people of Queens, New York, I am very pleased and honored to rise in strong support of H.R. 1318, a bill authored by my good friend and colleague, the gentleman from New York (Mr. CROWLEY).

This bill would designate the Federal Veterans Administration outpatient clinic located at 4103 Queens Boulevard in Sunnyside, Queens, as the Lance Corporal Thomas P. Noonan, Jr. Veterans Outpatient Clinic.

Thomas P. Noonan, the son of Thomas Patrick Noonan, Sr., and Florence, was a life-long resident of Woodside, Queens, New York. He attended school at St. Theresa's parish and graduated from Hunter College with a bachelor's degree in physical education in 1966.

On December 26, 1967, he enlisted in the U.S. Marine Corps Reserve; and in July 1968 he was sent to the Republic of Vietnam, where he served as a mortar man with his battalion and later as a rifleman in the 3rd Marine Division. He was promoted to Lance Corporal on New Year's Day 1969.

On February 5, 1969, his company was ordered to change the position they had been holding near the Vandergrift Combat Base in A Sahau Valley. This change was made especially difficult by recent heavy rains. Descent down the steep hillside proved treacherous, and four leading men in the company were wounded by North Vietnamese soldiers concealed in the area.

The other members of the company were unable to rescue the four wounded Marines in the midst of heavy enemy fire. Noonan left his position of relative safety and descended through the hazardous terrain. Protected by rocky outcropping, Noonan shouted words of encouragement to his fellow friends who were wounded.

Bracing himself, Noonan then made a dash towards the injured men and had started to drag the most seriously wounded one to safety when he himself was hit by enemy fire. Noonan picked himself up and continued to drag the other soldier, his friend, away but was mortally wounded himself before he could carry his comrade to safety.

His heroic actions in the face of great danger so roused his fellow Marines that they launched an assault on the enemy position that forced the North Vietnamese soldiers to withdraw.

Noonan was awarded the Congressional Medal of Honor by President Nixon, as well as the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal, with two Bronze Stars, and the Republic of Vietnam Campaign Medal.

Lance Corporal Noonan's courage, inspiring initiative, and selfless devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

In 1996, to commemorate his life, his spirit, and his heroic acts, the City of New York dedicated a public park in his honor in Queens. Now this Congress is taking the appropriate step to name the VA outpatient clinic in Sunnyside, Queens, after Lance Corporal Noonan. This tribute enjoys the support of every major veterans service organization in New York State, and many local veterans posts throughout Queens, including but not limited to the Queens County American Legion; Queens County Catholic War Veterans; the Vietnam Veterans of America, Queens Chapter; and the John V. Daniels VFW Post.

□ 1615

On behalf of my colleagues in New York and especially my Queens neighbor, the gentleman from New York (Mr. CROWLEY), I urge support of my colleagues for this fitting tribute to an American hero.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the bill H.R. 1318. This bill, which I have introduced, will designate the Federal Veterans Administration Outpatient Clinic located at 41–03 Queens Boulevard in Sunnyside, Queens as the "Lance Corporal Thomas P. Noonan, Jr. Veterans Outpatient Clinic."

On October 30, 2000, I presided at the opening of the Sunnyside Veterans Outpatient Clinic—something I had been championing on behalf of the veterans of northwestern Queens County. After the ribbon cutting ceremony, I was invited across the street for a drink with a few of the people who would most benefit from this clinic—the veterans of the John V. Daniels Veterans of Foreign Wars post.

That day, I sat down with the late Adolph Seifert, Post Adjutant and Ray Murray, Commander of the Post. And they told me about Lance Corporal Thomas Noonan.

Thomas P. Noonan was born November 18, 1943, in Brooklyn, NY, the son of Thomas Patrick Noonan, Sr., and Florence. He was a lifelong resident of Woodside, Queens; attended St. Theresa's Parish, Grover Cleveland High School in Ridgewood, and later graduated from Hunter College with a bachelor's degree in physical education in 1966.

On December 26, 1967, Thomas Noonan enlisted in the U.S. Marine Corps Reserve and was subsequently discharged to enlist in the Regular Marine Corps on 31 January 1968. Private Noonan completed recruit training with the 3d Recruit Training Battalion, Marine Corps Recruit Depot, Parris Island, SC, in April 1968, and was promoted to private first class, 1 April 1968. Transferred to the Marine Corps Base, Camp Lejeune, NC, he underwent individual combat training with the 1st Battalion, 1st Infantry Training Regiment.

Ordered to the Republic of Vietnam in July 1968, he was assigned duty as mortar man with H&S Company, 2d Battalion, 27th Marines, 1st Marine Division (Rein), FMF. In August, he was reassigned to the 3d Marine Division where he saw combat as a rifleman, M–79 man with Company G, 2d Battalion, 9th Marines. He was promoted to Lance Corporal on January 1, 1969.

On February 5, 1969, his company was ordered to change the position they had been holding near the Vandergrift Combat Base in Ashau Valley. This change made especially difficult by recent heavy rains; descent down the steep hillside provided treacherous and four leading men in the company were wounded by North Vietnamese soldiers concealed in the area. The other members of the company were unable to rescue the four wounded marines in the midst of heavy enemy fire. Noonan left his position of relative safety and descended the hazardous terrain. Protected by a rocky outcropping, Noonan shouted words of encouragement to the wounded men. Bracing himself, Noonan then made a dash toward the injured men and had started to drag the most seriously wounded one to safety when he himself was hit by enemy fire. Noonan picked himself up and continued to drag the soldier away, but was mortally wounded himself before he could carry his comrade to safety.

His heroic actions in the face of harrowing danger so roused his fellow marines that they launched an assault on the enemy position that forced the North Vietnamese soldiers to withdraw. Noonan was awarded the Congressional Medal of Honor posthumously as well as the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal with two bronze stars and the Republic of Vietnam Campaign Medal.

Lance Corporal Noonan was survived by his parents, three sisters and one brother.

I was taken by his bravery and loyalty. After the request from Adolph Seifert to name the VA clinic in honor of Thomas P. Noonan, I got to work and put together legislation to enact this change.

It is an honor to be here today seeing this tribute pass the House of Representatives. This tribute today goes to his memory. But we would not be here today without the support of the late Adolph Seifert, or Ray Murray and Regis Quirin—all of the Daniels VFW Post.

But this legislation enjoyed the strong support of veterans all over Queens County and the State of New York. On a State level, this legislation enjoys the support of the American Legion, AMVETS, the Vietnam Veterans of America—which is currently headed by another Queens resident John Rowan—the Disabled American Veterans, the Veterans of Foreign Wars, the Marine Corps League, the Military Order of the Purple Heart, the Blinded Veterans Association, the Eastern Paralyzed Veterans Association—based in my Congressional District in Queens—and the New York State Counsel of Veterans Organizations. Their help was invaluable in this process.

But I especially would like to note the help from local Queens County veterans chapters, starting with the Daniels VFW Post—the inspiration behind this tribute—as well as John Severa and the Queens County American Legion; William Roach and the Catholic War Veterans of Queens County; Donald Haber and the Jewish War Veterans Queens County Chapter; Thomas Lakeman and the Frank Kowalinski Post representing the Polish War Veterans of Queens County; Donald McBride and the Sgt Edward R. Miller VFW Post in Glendale, Queens. I want to thank them all.

I also want to pay tribute to Florence Noonan, the mother of Lance Corporal Thomas P. Noonan. While we pay tribute to a hero, she mourns the loss of a son. Lance Corporal Noonan's indomitable courage, inspiring initiative and selfless devotion to duty upheld the highest traditions of the U.S. Marine Corps. He gallantly gave his life for his country.

In 1996, to commemorate his life, his spirit and his heroism, the city of New York dedicated a public park in his honor in Queens. Now children can play and recreate in a safe community park dedicated to an American hero, who himself majored in physical education at Hunter College. Now, this Congress is taking the appropriate step to name the VA outpatient clinic in Sunnyside, Queens, after Lance Corporal Noonan.

On behalf of all of my New York State colleagues—Democrat and Republican, upstate and from the city—who were all cosponsors and supporters of this legislation, I am pleased that the House is debating this legislation and I look forward to its passage and enactment into law.

This is a fitting tribute to an American hero.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1318.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1318.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CASTILLO DE SAN MARCOS NATIONAL MONUMENT PRESERVATION AND EDUCATION ACT

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2457) to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CASTILLO DE SAN MARCOS NATIONAL MONUMENT PRESERVATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Castillo de San Marcos National Monument Preservation and Education Act".

SEC. 102. VISITOR CENTER.

(a) AUTHORIZATION.—Subject to the availability of appropriations and the project being prioritized in the National Park Services 5-year, line-item construction program, the Secretary of the Interior (referred to in this section as the "Secretary") may design and construct a Visitor Center for the Castillo de San Marcos National Monument (referred to in this section as the "Monument").

(b) PREFERRED ALTERNATIVE.—The Visitor Center authorized in subsection (a) shall be located and constructed in accordance with the

Preferred Alternative identified in the Record of Decision for the General Management Plan for the Monument, expected to be signed in 2005.

SEC. 103. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the City of St. Augustine, Florida, the Colonial St. Augustine Preservation Foundation, other Federal, State, and local departments or agencies, academic institutions, and non-profit entities for the planning and design, construction, management, and operation of the Visitor Center.

SEC. 104. BOUNDARY EXPANSION.

(a) PROPERTY ACQUISITION.—If the Preferred Alternative for the Visitor Center authorized by section 102 is located outside the boundary of the Monument, the Secretary is authorized to acquire the site for the Visitor Center, from willing sellers, by donation, purchase with donated or appropriated funds, or by exchange.

(b) ADMINISTRATION OF NEWLY ACQUIRED LAND.—Land added to the Monument pursuant to subsection (a) shall be administered by the Secretary in accordance with applicable laws and regulations.

(c) BOUNDARY MODIFICATION.—The boundary of the Monument shall be modified to reflect the acquisition of land authorized in subsection (a) after completion of the acquisition.

SEC. 105. PROJECT APPROVAL.

Prior to initiating any planning, design, or construction on the Visitor Center authorized by section 102, the project must be reviewed and approved by the National Park Service consistent with partnership construction guidelines established by that agency.

TITLE II—CASTILLO DE SAN MARCOS NATIONAL MONUMENT BOUNDARY MODIFICATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Castillo de San Marcos National Monument Boundary Adjustment Act of 2004".

SEC. 202. FINDINGS.

Congress finds the following:

(1) The early defense lines for Fort Marion, Florida, today known as the Castillo de San Marcos National Monument, included defenses extending in a line due west to the Sebastian River, a distance of about one half mile.

(2) In the 1830's, during the Seminole Wars in Florida, these defensive lines were maintained, but as Florida became more settled they fell into disrepair and/or became obsolete.

(3) In 1908 the War Department deeded much of the property running west to the Sebastian River to the St. Johns County Board of Public Instruction. The portion of this property remaining in federal ownership today is occupied by Orange Street, a City of St. Augustine, Florida street.

(4) For nearly a century, the City of St. Augustine has maintained and managed Orange Street, a modern city street, and associated utilities in the Orange Street corridor.

(5) Any archeological remains that are still present on the property overlaid by Orange Street are adequately protected by the City's archeological ordinances, and by the City having an archeologist on staff.

(6) Although the city currently operates Orange Street under a right-of-way from the National Park Service, from a management perspective it is appropriate for the City of St. Augustine to own Orange Street.

SEC. 203. BOUNDARY ADJUSTMENT.

(a) CONVEYANCE OF LAND.—The Secretary of the Interior shall convey, without consideration, to the City of St. Augustine, Florida, all right, title, and interest of the United States in and to the lands known as Orange Street, a portion of the Castillo de San Marcos National Monument (Monument), consisting of approximately 3.1 acres, as shown on the map entitled Castillo de San Marcos National Monument Boundary Adjustment and Correction, numbered 343/80060, and dated April 2003. Upon completion of the conveyance, the Secretary shall revise the boundary of the Monument to exclude the land conveyed.

(b) BOUNDARY REVISION.—Effective on the date of the enactment of this Act, the boundary of the Monument is revised to include an area of approximately 0.45 acres, as shown on the map identified in subsection (a). The Secretary shall administer the lands included in the boundary as part of the national monument in accordance with applicable laws and regulations.

The SPEAKER pro tempore (Mrs. BLACKBURN). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Mr. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Madam Speaker, I rise in support of H.R. 2457, the Castillo de San Marcos National Monument Preservation and Education Act. It is also entitled the Castillo de San Marcos National Monument Boundary Adjustment Act of 2004. I thank the gentleman for taking me out of order at the beginning as sponsor of this legislation to explain it for a second and speak in support.

The Castillo de San Marcos National Monument is the oldest existing permanent seacoast fortification in the continental United States. This is not only a unique national park, but also a national treasure. This 16th century fortress is the most complete and historic fortification in the United States. The star-shaped fort, surrounding moat, and earthworks were constructed between 1672 and 1756 to protect Spanish territory in Florida and the shipping routes along the coast.

This National Monument was the site of a British garrison during the American Revolution and was last employed for defense purposes in 1898 during the Spanish-American War.

Madam Speaker, more than 1.5 million tourists visit this National Monument each year. This 16th century fortress, while it has never been conquered in battle, is straining under the modern-day requirements to accommodate its growing visitors' population.

I have been working with the Colonial St. Augustine Preservation Foundation, the City of St. Augustine and the National Park Service to improve and expand educational resources and public accommodations at this national park site.

As Members can imagine, adapting a four-century old structure with adequate public facilities, meeting handicap and disability standards and visitor educational facility requirements is not an easy task. This bill authorizes funding for both the museum, education and visitor center facilities to compliment and serve this important 16th century structure.

For the first time, this legislation appropriately authorizes the use of Federal funds to construct this visitor center and educational resource center for the Castillo de San Marcos National Monument. Not only will this new visitor center assist the fort in maintaining its historical integrity, but it will also accommodate visitors' needs and provide a great educational experience.

The Park Service is expected to complete a general management plan in the following months which will include design, planning and construction options at the facility. This legislation will properly authorize a major infrastructure improvement for our National Park Service.

Finally, this bill will preserve for future generations this historic site, and will add to the enjoyment and education for both visitors and local citizens.

Madam Speaker, I thank the gentleman from California (Mr. RADANOVICH), the gentleman from California (Chairman POMBO), and others on both sides of the aisle for their help in pushing this legislation forward and urge its adoption.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, a new general management plan which will guide this National Monument called the Castillo de San Marcos National Monument for the next 10 to 15 years is currently being developed. As with the development of any new GMP, this is an extensive process which relies heavy on input from local communities as well as interested parties from around our country. Clearly, one of the most important issues to be resolved in this new GMP is the need for a visitor facility at the monument.

As introduced, we were concerned that H.R. 2457 effectively prejudged the issue of a visitor facility by mandating that one of the options on the table would be selected before the GMP process identified a preferred alternative. However, working with the sponsor of the legislation and the National Park Service, the bill before us today has been amended to simply provide the NPS with the funding and authorization necessary to implement whatever the GMP identifies as the best option.

Madam Speaker, we appreciate the cooperation of everyone involved, and urge our colleagues to support H.R. 2457.

Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2457, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AVAILABILITY OF NOAA REAL PROPERTY ON VIRGINIA KEY, FLORIDA

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4027) to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Sciences Center, as amended.

The Clerk read as follows:

H.R. 4027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF NOAA REAL PROPERTY ON VIRGINIA KEY, FLORIDA.

(a) In General.—The Secretary of Commerce may make available to the University of Miami real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for development by the University of a Marine Life Science Center.

(b) Manner of Availability.—The Secretary may make property available under this section by easement, lease, license, or long-term agreement with the University.

(c) Authorized Uses by University.—

(1) In general.—Property made available under this section may be used by the University (subject to paragraph (2)) to develop and operate facilities for multidisciplinary environmental and fisheries research, assessment, management, and educational activities.

(2) Agreement.—Property made available under this section may not be used by the University (including any affiliate of the University) except in accordance with an agreement with the Secretary that—

(A) specifies—

(i) the conditions for non-Federal use of the property; and

(ii) the retained Federal interests in the property, including interests in access to and egress from the property by Federal personnel and preservation of existing rights-of-way;

(B) establishes conditions for joint occupancy of buildings and other facilities on the property by the University and Federal agencies; and

(C) includes provisions that ensure—

(i) that there is no diminishment of existing National Oceanic and Atmospheric Administration programs and services at Virginia Key; and

(ii) the availability of the property for planning, development, and construction of future Federal buildings and facilities.

(3) Termination of availability.—The availability of property under this section shall terminate immediately upon use of the property by the University—

(A) for any purpose other than as described in paragraph (1); or

(B) in violation of the agreement under paragraph (2).

(d) Use of Facilities by Secretary.—The Secretary may—

(1) subject to the availability of funding, enter into an agreement to occupy facilities constructed by the University on property made available under this section; and

(2) participate with the University in collaborative research at, or administered through, such facilities.

(e) No Conveyance of Title.—This section shall not be construed to convey or authorize conveyance of any interest of the United States in title to property made available under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Speaker, I rise in support of H.R. 4027. This is an important bill to my constituents, indeed to the people of all of south Florida.

Madam Speaker, this bill makes available to the property on Virginia Key, Florida, under the jurisdiction of NOAA for use by the University of Miami for a marine life science center. This property may be made available to the University via easement, lease, license or long-term agreement.

Madam Speaker, Virginia Key, Florida, which is located just a few miles from downtown Miami, is the site of the National Oceanic and Atmospheric's National Marine Fisheries Service Southeast Fisheries Science Center. It is also the home for NOAA's Office of Atmospheric Research Atlantic Oceanographic and Meteorological Laboratory, as well as the University of Miami's Rosenstiel School of Marine and Atmospheric Sciences.

Due to their proximity and because they overlap in research interest, NOAA and the Rosenstiel School have had a close working relationship for many years. This legislation is designed to maintain and strengthen that relationship.

Located on a 16-acre campus on Virginia Key in Miami, the Rosenstiel School is the only subtropical applied and basic marine and atmospheric research institute of its kind in the continental United States. Rosenstiel's research interests include satellite oceanography, with particular emphasis on remote sensing and satellite imagery, as well as experimental fish hatchery. It also leads in the field of global marine and atmospheric chemistry program, comprehensive oceanic and atmospheric numerical modeling activities, sedimentary geology and marine geophysics groups with considerable expertise in seismic methods, and has an innovative ocean acoustics program.

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In short, Madam Speaker, the Rosenstiel School is a proud and indispensable establishment for all of us in south Florida, in the State of Florida and indeed throughout the Nation.

The genesis of a new University of Miami and NOAA marine science complex will bring together expertise in environmental and fisheries research, assessment and management, and facilitate the intellectual exchange of ideas and results. H.R. 4027 is a critical first step in reaching the goal of establishing a new marine science complex.

Madam Speaker, I am proud to have introduced this important legislation and am most appreciative of the consideration and focus of this vital project in my congressional district.

Mr. RADANOVICH. Madam Speaker, I urge an "aye" vote on H.R. 4027. I compliment the gentlewoman from Florida for her leadership on behalf of her constituents and want to thank the Committee on Science for their assistance in moving this important legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4027 is noncontroversial legislation that would encourage cooperative use of Federal land at Virginia Key, Florida under the administrative jurisdiction of the National Oceanic and Atmospheric Administration between the Federal agency and the University of Miami. The existing long-term relationship between the two NOAA laboratories at Virginia Key and their neighbor, the University's Rosenstiel School of Marine and Atmospheric Science, has produced an enviable record of scientific achievement.

While this legislation, Madam Speaker, will not authorize the conveyance of any Federal land, it is expected to provide helpful guidance for future collaboration among the institutions as they look to upgrade their respective research facilities at Virginia Key. I urge Members to support this legislation to enhance ocean and coastal scientific research.

Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BLACKBURN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 4027, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WILSON'S CREEK NATIONAL BATTLEFIELD BOUNDARY ADJUSTMENT ACT OF 2004

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4481) to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wilson's Creek National Battlefield Boundary Adjustment Act of 2004".

SEC. 2. EXPANSION OF BOUNDARIES, WILSON'S CREEK NATIONAL BATTLEFIELD, MISSOURI.

(a) BOUNDARY EXPANSION; PRIVATE PROPERTY PROTECTIONS.—The first section of Public Law 86-434 (16 U.S.C. 430kk) is amended—

(1) by striking "That the Secretary" and inserting the following:

"SECTION 1. WILSON'S CREEK NATIONAL BATTLEFIELD: ESTABLISHMENT AND ACQUISITION OF LANDS.

"(a) ESTABLISHMENT, INITIAL BOUNDARIES.—The Secretary"; and

(2) by adding at the end the following new subsections:

"(b) EXPANSION OF BOUNDARIES.—(1) The boundaries of the Wilson's Creek National Battlefield are revised to include lands and interests therein consisting of six parcels totaling 615 acres and identified as parcels '1, 2, 3, 4, 5, and 6' on the map entitled 'Wilson's Creek National Battlefield Proposed Boundary', numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(2) The Secretary is authorized to acquire the lands referred to in paragraph (1) by donation, by purchase from willing sellers with donated or appropriated funds, or by exchange. The Secretary may acquire by the same methods personal property associated with, and appropriate for, interpretation of the park.

"(c) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to—

"(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

"(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

"(d) LIABILITY.—The revision of the boundaries of the Wilson's Creek National Battlefield by subsection (b) shall not be considered to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.

"(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

"(f) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Wilson's Creek National Battlefield to participate in, or be associated with, the National Battlefield.

"(g) EFFECT OF EXPANSION.—The boundaries of the Wilson's Creek National Battlefield, as revised by subsection (b), represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The boundary revision shall not be construed to provide any nonexisting regulatory authority on land use within the National Battlefield or its viewshed by the Secretary or the National Park Service.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of such Act (16 U.S.C. 430mm) is amended by adding at the end the following new sentence: "There are authorized to be appropriated such sums as may be necessary to carry out section 1(b).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may be given 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the majority whip.

Mr. BLUNT. I thank the gentleman for yielding me this time.

Madam Speaker, I rise today in support of this legislation. H.R. 4481, the Wilson's Creek National Battlefield Boundary Adjustment Act of 2004, will expand the park boundaries at the site of one of our Nation's most significant Civil War battles. H.R. 4481 has garnered the bipartisan support of the entire Missouri delegation and has received the bipartisan support of the entire House Resources Committee.

On August 10, 1861, just 20 days after the first battle of Bull Run, about 20,000 Union and Confederate soldiers met just west of Springfield, Missouri on the banks of Wilson's Creek. The fight that ensued became the second major engagement of the Civil War, the first major battle west of the Mississippi River, and the first battle where a Union general was killed. Most importantly, however, the battle of Wilson's Creek dealt a decisive blow to the secessionist movement in Missouri and preserved Union control of the State.

When the National Park Service set aside 1,750 acres for the Wilson's Creek National Battlefield in 1960, not all of the land upon which the battle occurred was included nor was all the land that the Park Service recommended to be included put within the boundaries of the park. In fact, only about two-thirds of the battle site currently falls within the park's boundaries. At the time, the land surrounding the park had changed little since the battle took place and still has not had significant development around the park. Today, however, this land is becoming more attractive to developers. The southern portion of the park is located in the fastest growing county in Missouri and pressure to further develop the area will only increase.

With this bill, we have the opportunity to protect an additional 615 acres of this important battle site by authorizing the National Park Service to acquire specific parcels of land surrounding Wilson's Creek through donation, through purchase or exchange with willing landowners. With the acquisition of these parcels, the Wilson's Creek National Battlefield will contain 99 percent of the battle site.

H.R. 4481 will allow the National Park Service also to obtain one of the most valuable and distinctive Civil War collections ever assembled. General Sweeney's Museum of Civil War History, which is located on one of the parcels identified for acquisition, is a privately owned collection of artifacts related to the Civil War in Missouri and Arkansas, and the owners have indicated their eagerness to sell. By the way, those owners have been big supporters of the park in every way for a long time. This collection currently houses approximately 15,000 pieces, including Civil War documents, photographs, letters and diaries. The National Park Service's chief curator, the museum curator at Gettysburg National Park and the staff curator at Harper's Ferry Center have all visited the Sweeney museum. These experts have praised the nature of the collection and confirmed its historical significance. The acquisition of the Sweeney museum, along with the John K. and Ruth Hulston Civil War Research Library, which was established at the park in 1985, will truly make Wilson's Creek National Battlefield an essential spot for historians and others.

H.R. 4481 will add priceless new assets to the Wilson's Creek National Battlefield, preserve the battle site and allow future generations to experience the park just as Americans would have seen it more than 140 years ago. Madam Speaker, on behalf of our delegation and with appreciation to the Committee on Resources, I certainly ask the House to support this important legislation to protect the Wilson's Creek Battlefield and authorize the early addition of this property to the park.

Mr. RADANOVICH. I thank the gentleman from Missouri and I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the majority has already explained the purpose of H.R. 4481. The battle at Wilson's Creek was the first major engagement of the Civil War west of the Mississippi and was important in keeping Missouri in the Union. The National Park Service supports the acquisitions authorized by the bill. The expansion of the national battlefield also has the support of the local community and Civil War historians.

The bill was amended to make several changes that while unnecessary do not undermine the overall purpose of the legislation. As such, we do not object to passage of H.R. 4481 by the House today.

Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 4481, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLARIFYING BOUNDARIES OF JOHN H. CHAFEE COAST BARRIER RESOURCES SYSTEM

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3056) to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P, as amended.

The Clerk read as follows:

H.R. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—Of the 2 maps subtitled "P25/P25P" that relate to the John H. Chafee Coastal Barrier Resources System unit designated as Coastal Barrier Resources System Cedar Keys Unit P25/P25P and are included in the set of maps entitled "Coastal Barrier Resources System" referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), the map depicting the northernmost area of that unit is hereby replaced by another map relating to that unit entitled "John H. Chafee Coastal Barrier Resources System Cedar Keys Unit P25/P25P" and dated February 9, 2004.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may be given 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to speak in favor of H.R. 3056.

In 1992, Congress made changes to the Coastal Barrier Resources System that have effectively protected environmentally sensitive communities and have deterred residents from building or buying lands that are prone to natural disasters, such as flooding and erosion. Under the Coastal Barrier Resources Act, also known as COBRA, residents may build within the system but if they do, they will not qualify for Federal assistance. In order to qualify for Federal assistance, the most important being Federal flood insurance, residents must live in an excluded area.

The maps used to depict the Coastal Barrier Resources System were created over 10 years ago using the technology that was available at that time. Basically they were paper maps with longitude and latitude markings and hand-drawn boundaries and land masses. Today we have digital technology available to more accurately depict where Congress intended the COBRA boundaries to actually lie. Unfortunately, this new technology has found a number of incorrect determinations. Areas that were meant to be excluded from the system were inadvertently included in the act.

Three such cases exist in my district in Cedar Key. Prior to purchasing their properties, all three families were told by the U.S. Fish and Wildlife Service that the areas were in the "excluded area." The families purchased their properties, paid the premiums for the flood insurance required by the mortgage lender, but then last year they were told by the Fish and Wildlife Service that an error had been made and that in fact they were within the Coastal Barrier Resource System. Thus, they do not qualify for Federal flood insurance.

Can any of us imagine the anguish and heartache that they are feeling today? They paid premiums for flood insurance for years, only to be hit by back-to-back hurricanes Charley and Frances, and possibly the impending Ivan, and then they are told that because of an incorrect determination they have no coverage. We still do not know how many billions of dollars these disasters are going to cost the residents of the State of Florida. The assistance residents may receive from FEMA will only cover a fraction of the cost of damages in my area of Cedar Key. Moreover, flood insurance is virtually unavailable in the private market and can cost six times that of a federally insured flood policy. What is even worse is one of these families was in the process of selling their home last year and upon receiving the new determination from Fish and Wildlife, their home depreciated actually on the real estate market by over 50 percent.

My bill clarifies the boundaries of Unit P25 and the Otherwise Protected Area P25P of the Coastal Barrier Resources System where my constituents live. This bill uses digital technology to redraw the boundaries to better reflect the intent of Congress in 1992 and it excludes those families from the system. H.R. 3056 does not seek to add any areas to the excluded portion of the system. It merely clarifies the mistakes the outdated technology made in these instances. I believe it is imperative that our citizens receive the assistance that they are entitled to receive. It is imperative that Congress correct the flaws in this good law to ensure that more residents in the area are not adversely affected.

I would certainly like to thank the gentleman from California (Mr. POMBO), the chairman, and the gentleman from Maryland (Mr. GILCHREST), the subcommittee chairman, for all their assistance with this bill. I urge the Members' favorable support of the bill.

Mr. RADANOVICH. I thank the gentlewoman from Florida.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the brief summary of the bill provided by the previous speaker. As noted, H.R. 3056 is noncontroversial legislation to correct a legitimate mapping error for a John H. Chafee Coastal Barrier Resource System unit in the State of Florida.

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Recent hurricanes in Florida have dramatically shown that building on low-lying coastal barriers is inherently risky and costly both in lives and property. I might add, Madam Speaker, that if anyone is familiar with coastal areas and storms and the damage that occurs after such a storm, it would be a resident from Guam, where we have had three major typhoons in a year and a half.

Upholding the integrity of the Coastal Barrier Resources System is essential if we hope to protect the Federal taxpayer from the folly of subsidizing future foolhardy private development along these undeveloped high-risk areas.

I commend the gentleman from Maryland (Mr. GILCHREST), chairman of the Fisheries Conservation, Wildlife and Oceans Subcommittee, and the gentleman from New Jersey (Mr. PALLONE), the subcommittee's ranking Democrat member, for their diligent evaluation to ensure that the new maps adopted through the legislation are accurate and consistent entirely with the purposes of the Coastal Barrier Resources Act. I urge Members to support this noncontroversial legislation.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BLACKBURN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3056, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HARPERS FERRY NATIONAL HISTORICAL PARK BOUNDARY REVISION ACT OF 2004

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1576) to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

The Clerk read as follows:

S. 1576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harpers Ferry National Historical Park Boundary Revision Act of 2004".

SEC. 2. HARPERS FERRY NATIONAL HISTORICAL PARK.

The first section of the Act of June 30, 1944 (58 Stat. 645, chapter 328; 16 U.S.C. 450bb), is amended to read as follows:

"SECTION 1. HARPERS FERRY NATIONAL HISTORICAL PARK.

"(a) IN GENERAL.—To carry out the purposes of this Act, the Secretary of the Interior (referred to in this Act as the 'Secretary') is authorized to acquire, by purchase from a willing seller with donated or appropriated funds, by donation, or by exchange, land or an interest in land within the boundaries as generally depicted on the map entitled 'Boundary Map, Harpers Ferry National Historical Park', numbered 385–80,021A, and dated April 1979.

"(b) BRADLEY AND RUTH NASH ADDITION.—The Secretary is authorized to acquire, by donation only, approximately 27 acres of land or interests in land that are outside the boundary of the Harpers Ferry National Historical Park and generally depicted on the map entitled 'Proposed Bradley and Ruth Nash Addition—Harpers Ferry National Historical Park', numbered 385–80056, and dated April 1, 1989.

"(c) BOUNDARY EXPANSION.—

"(1) IN GENERAL.—The Secretary is authorized to acquire, by purchase from a willing seller with donated or appropriated funds, by donation, or by exchange, land or an interest in land within the area depicted as 'Private Lands' on the map entitled 'Harpers Ferry National Historical Park Proposed Boundary Expansion,' numbered 385/80,126, and dated July 14, 2003.

"(2) ADMINISTRATION.—The Secretary shall—

"(A) transfer to the National Park Service for inclusion in the Harpers Ferry National Historical Park (referred to in this Act as the 'Park') the land depicted on the map referred to in paragraph (1) as 'U.S. Fish and Wildlife Service Lands' and revise the boundary of the Park accordingly; and

"(B) revise the boundary of the Park to include the land depicted on the map referred to in paragraph (1) as 'Appalachian NST' and exclude that land from the boundary of the Appalachian National Scenic Trail.

"(d) MAXIMUM NUMBER OF ACRES.—The number of acres of the Park shall not exceed 3,745.

"(e) MAPS.—The maps referred to in this section shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(f) ACQUIRED LAND.—Land or an interest in land acquired under this section shall become a part of the Park, subject to the laws (including regulations) applicable to the Park.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 3. CONFORMING AMENDMENTS.

Sections 2 and 3 of the Act of June 30, 1944 (58 Stat. 646, chapter 328; 16 U.S.C. 450bb–1, 450bb–2), are amended by striking "Secretary of the Interior" each place it appears and inserting "Secretary".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO), the author of the bill.

Mrs. CAPITO. Madam Speaker, I rise today in support of S. 1576, the Harpers Ferry National Historical Park Boundary Revision Act of 2004. Harpers Ferry is at the eastern-most portion of my congressional district and borders on Virginia and Maryland and has a very historic significance in our Nation's history.

This legislation represents cooperative efforts among local civic groups and the National Park Service to preserve an additional 1,240 acres of West Virginia's historic and pristine wilderness from development.

In addition, expanding the park will help make a significant investment in the local tourist economy by attracting an estimated 25,000 additional visitors to the eastern panhandle of West Virginia each year. New visitors mean more revenues for area businesses, and that keeps the local economy moving forward.

Expanding the park represents a reasonable and necessary investment in the future of this national treasure. This portion of West Virginia is undergoing tremendous growth; and placing these additional 1,200 acres under the governance of the National Park Service will preserve this area of West Virginia from further economic development, but more historic development.

Last summer I walked the Murphy Farm, an area in the proposed expansion. I was able to see a part of America rich in Civil War and civil rights history as well as breathtaking beauty. The passage of this legislation will allow the local community, the National Park Service, and various nonprofit organizations to work together in partnership to preserve a historic part of our country's heritage, a section of America which is now West Virginia that Thomas Jefferson once remarked was "worth a trip across the Atlantic."

Madam Speaker, I can assure all of my colleagues that this legislation is worth their support, and I urge them to make a trip across Maryland to Harpers Ferry where they can visit a beautiful parcel of West Virginia, Harpers Ferry National Park.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1576 is supported by the majority and the minority of the Committee on Resources and the administration. I urge adoption of this bill.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at the outset I would note that the gentleman from West Virginia (Mr. RAHALL), Committee on Resources ranking member, had hoped to be here to manage this extremely important legislation, but has been delayed in returning from his congressional district. However, he joins with me in saluting Senator ROBERT C. BYRD for his tireless efforts on this vital legislation that will serve to enhance both the scenic beauty and historic resources of Harpers Ferry in the State of West Virginia. Madam Speaker, we have a statement from the gentleman from West Virginia (Mr. RAHALL) which will be included in the RECORD.

Just as important as the substance of the bill is the process through which this proposal was developed. The sponsor of this legislation, Senator ROBERT C. BYRD, understood that units of the National Park Service work best when the local community feels connected to the park and is included in the decision-making process regarding the park's management. To accomplish this goal, Senator BYRD directed the National Park Service to conduct extensive public outreach to provide the local community information regarding the needs of the park and the impacts of any potential expansion. As a result, S. 1576 has near-universal support in the local communities near the park.

We commend Senator BYRD for his tireless efforts on behalf of Harpers Ferry, and we urge our colleagues to support S. 1576. And, Madam Speaker, I would be remiss if I did not mention, and I would like to commend her as well, the gentlewoman from West Virginia (Mrs. CAPITO) for her efforts on this legislation.

Mr. RAHALL. Madam Speaker, few places possess both the scenic beauty and historical significance of Harpers Ferry. Enactment of this legislation is critical because it will enhance both the scenic and historic resources of this unique place.

Like my home State of West Virginia itself, the pivotal location of Harpers Ferry has allowed it to serve as the backdrop for many of the most significant events in American History. As a result, some of the icons of American freedom and discovery—George Washington, Thomas Jefferson, Merriweather Lewis, John Brown, "Stonewall" Jackson, Abraham Lincoln and Frederick Douglas—have walked the ground that now makes up this Park.

From the earliest settlement of this great Nation, through the founding of the railroad, John Brown's raid, the Civil War, reconstruction, the industrial revolution and integration, Harpers Ferry has been the stage on which many of the most significant chapters in American history have unfolded.

As for the scenic beauty of the place, none could describe it better than a visitor did in 1783 when he wrote that, "The passage of the Potomac through the Blue Ridge is perhaps one of the most stupendous scenes in nature." That awestruck visitor was, of course, Thomas Jefferson.

And during his distinguished career in the United States Senate, Harpers Ferry National Historical Park has had no better friend, no better protector, than Senator ROBERT C. BYRD. Back in 2000, Senator BYRD recognized the need for this Park expansion but was also well aware that units of the National Park System work best when the local community feels a sense of ownership and pride in the Park.

Senator BYRD directed the National Park Service to conduct extensive public outreach to provide the local community information regarding the needs of the Park and the impacts of any potential expansion. Once that process was complete, Senator BYRD had accomplished the near-impossible: Surveys show that 94 percent of the respondents support this legislation.

I share Senator BYRD's great love of history—West Virginia's history in particular. Harpers Ferry is an incredibly powerful tool for telling the great story of our State, our People and our Nation. These proposed additions will allow the Park to tell those stories even more powerfully and more completely.

I salute Senator BYRD for his tireless efforts on behalf of Harpers Ferry and West Virginia and urge my colleagues to support S. 1576.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1576.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE ORGANIC ACT OF GUAM

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2400) to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

The Clerk read as follows:

H.R. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL STRUCTURE OF GUAM.

(a) JUDICIAL AUTHORITY; COURTS.—Section 22(a) of the Organic Act of Guam (48 U.S.C. 1424(a)) is amended to read as follows:

"(a)(1) The judicial authority of Guam shall be vested in a court established by Congress designated as the 'District Court of Guam', and a judicial branch of Guam which branch shall constitute a unified judicial system and include an appellate court designated as the 'Supreme Court of Guam', a trial court designated as the 'Superior Court of Guam', and such other lower local courts as may have been or shall hereafter be established by the laws of Guam.

"(2) The Supreme Court of Guam may, by rules of such court, create divisions of the Superior Court of Guam and other local courts of Guam.

"(3) The courts of record for Guam shall be the District Court of Guam, the Supreme Court of Guam, the Superior Court of Guam (except the Traffic and Small Claims divisions of the Superior Court of Guam) and any other local courts or divisions of local courts that the Supreme Court of Guam shall designate.".

(b) JURISDICTION AND POWERS OF LOCAL COURTS.—Section 22A of the Organic Act of Guam (48 U.S.C. 1424–1) is amended to read as follows:

"SEC. 22A. (a) The Supreme Court of Guam shall be the highest court of the judicial branch of Guam (excluding the District Court of Guam) and shall—

"(1) have original jurisdiction over proceedings necessary to protect its appellate jurisdiction and supervisory authority and such other original jurisdiction as the laws of Guam may provide;

"(2) have jurisdiction to hear appeals over any cause in Guam decided by the Superior Court of Guam or other courts established under the laws of Guam;

"(3) have jurisdiction to issue all orders and writs in aid of its appellate, supervisory, and original jurisdiction, including those orders necessary for the supervision of the judicial branch of Guam;

"(4) have supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam;

"(5) hear and determine appeals by a panel of three of the justices of the Supreme Court of Guam and a concurrence of two such justices shall be necessary to a decision of the Supreme Court of Guam on the merits of an appeal;

"(6) make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam, including procedures for the determination of an appeal en banc; and

"(7) govern attorney and judicial ethics and the practice of law in Guam, including admission to practice law and the conduct and discipline of persons admitted to practice law.

"(b) The Chief Justice of the Supreme Court of Guam—

"(1) shall preside over the Supreme Court unless disqualified or unable to act;

"(2) shall be the administrative head of, and have general supervisory power over, all departments, divisions, and other instrumentalities of the judicial branch of Guam; and

"(3) may issue such administrative orders on behalf of the Supreme Court of Guam as necessary for the efficient administration of the judicial branch of Guam.

"(c) The Chief Justice of the Supreme Court of Guam, or a justice sitting in place of such Chief Justice, may make any appropriate order with respect to—

"(1) an appeal prior to the hearing and determination of that appeal on the merits; or

"(2) dismissal of an appeal for lack of jurisdiction or failure to take or prosecute the appeal in accordance with applicable laws or rules of procedure.

"(d) Except as granted to the Supreme Court of Guam or otherwise provided by this Act or any other Act of Congress, the Superior Court of Guam and all other local courts established by the laws of Guam shall have such original and appellate jurisdiction over all causes in Guam as the laws of Guam provide, except that such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam under section 22 of this Act.

"(e) The qualifications and duties of the justices and judges of the Supreme Court of Guam, the Superior Court of Guam, and all other local courts established by the laws of Guam shall be governed by the laws of Guam and the rules of such courts.".

(c) TECHNICAL AMENDMENTS.—(1) Section 22C(a) of the Organic Act of Guam (48 U.S.C. 1424–3(a)) is amended by inserting "which is known as the Supreme Court of Guam," after "appellate court authorized by section 22A(a) of this Act,".

(2) Section 22C(d) of the Organic Act of Guam (48 U.S.C. 1424–3(d)) is amended—

(A) by inserting ", which is known as the Supreme Court of Guam," after "appellate court provided for in section 22A(a) of this Act"; and

(B) by striking "taken to the appellate court" and inserting "taken to such appellate court".

SEC. 2. APPEALS TO UNITED STATES SUPREME COURT.

Section 22B of the Organic Act of Guam (48 U.S.C. 1424–2) is amended by striking ": *Provided*, That" and all that follows through the end and inserting a period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding me this time.

I am pleased that this bill that I introduced with the gentlewoman from Guam (Ms. BORDALLO) is being considered on the floor today.

Madam Speaker, in what currently poses a potential threat to self-governance in the territory of Guam, the Guam legislature and the Guam executive branch currently have the power to abolish the Supreme Court of Guam, thus infringing on the judiciary's independence. This unintentional unequal balance of power was created by the 1984 Omnibus Territories Act, which authorized the creation of an appellate court on Guam. Unfortunately, this statute left the newly created court subordinate to the powers of the legislature and the executive.

The possibility of removing judges if rulings are unpopular or abolishing the court and replacing it with one elected by the legislature would directly threaten the people of Guam's faith in their own courts and the democratic process. It is an unacceptable situation.

This legislation remedies the potential constitutional crisis by making the Supreme Court of Guam a court equal in stature with the other branches of government and providing the Guam judiciary the same protection as the other two branches have in their status under the Organic Act of Guam.

I had the unique opportunity to hear first hand many of Guam's political leaders express support for this legislation during our CODEL to the Pacific Islands earlier this year. I also have a constituent right around the corner from me who spends time on Guam, and he has educated me over the past couple of years to the potential problem here with this, and I am glad that we are moving through on it.

I want to thank the leadership of the gentleman from California (Chairman POMBO) for moving this ahead and for his leadership on all other areas and concerns of our territories. And I want to thank the gentlewoman from Guam also for working hard on this.

I urge adoption of this important legislation.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

The gentlewoman from Guam (Ms. BORDALLO) has introduced legislation that seeks to resolve issues of uncertainty surrounding the judicial branch and its powers in Guam. Her legislation, H.R. 2400, will amend the territory's Organic Act to clarify the structure of Guam's judicial branch. At this point I will allow the author to explain the bill.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we are considering legislation to amend the Organic Act of Guam to establish the Guam judiciary as the third co-equal and independent branch of the government of Guam. Passing H.R. 2400 is an important and necessary step in the exercising of Congress's plenary authority over the territories as granted in article IV of the United States Constitution. The bill is relatively straightforward and has the full support of all Guam's leaders.

I introduced H.R. 2400 last year at the request of the chief justice of the Supreme Court of Guam and the chairman of the 27th Guam legislature's Committee on the Judiciary. The bill would empower Guam's judiciary by clarifying the territory's local judicial structure. In essence, H.R. 2400 would amend the Organic Act of Guam to vest the Supreme Court of Guam with authority over all inferior courts in the Guam judiciary, including the Superior Court of Guam and any such other lower courts as may be established by the laws of Guam.

A quick understanding of the history and evolution of the local judiciary in Guam reveals the need for this legislation. Guam's Organic Act, passed in August of 1950, provided for the organization of the territorial government. Therein, the judicial branch of the Government of Guam was created, which consisted of a district court of Guam having the jurisdiction of a district court of the United States and designated as Guam's appellate court to hear appeals from the local court.

In 1973, Guam's leaders made their first attempt at creating a Supreme Court of Guam, but that court's existence was short lived. The establishment of the first Supreme Court of Guam was ruled inorganic by the United States Supreme Court in the Territory of Guam v. Olsen. In rendering this decision, the United States Supreme Court held the Organic Act of Guam did not authorize the transfer of appellate jurisdiction from the Ninth Circuit Court of Appeals to a locally established appellate court.

In 1984, in response to the United States Supreme Court decision, Congress amended the Organic Act of Guam through the passage of an Omnibus Territories Act, Public Law 98–454, and granted the Guam legislature the authority to establish a local appellate court. In 1993, the Guam legislature exercised its authority and created the Supreme Court of Guam through passage of local law.

However, in authorizing the creation of a Supreme Court of Guam, the Congress left the newly created court subordinate to Guam's other two branches of government. Guam's executive and legislative branches are established in the Organic Act of Guam, which in lieu of an adopted constitution serves to provide the framework and powers for the territory's executive and legislative branches.

□ 1700

As the current judicial structure is established in Guam law, it can be subject to manipulations based upon shifts in control of Guam's executive and legislative branches. Currently, the Guam legislature and the Guam executive branch have the power to abolish the Supreme Court of Guam, and, as such, may infringe upon the judiciary's independence.

H.R. 2400 would remedy this situation by making the Supreme Court of Guam an "Organic" court equal in stature to the other branches of government and providing the Guam judiciary the same protection as the other branches have in their status under the Organic Act of Guam. Just as the Governor cannot disband the legislature and the legislature cannot abolish the executive, so too should the judiciary be free from the threat of abolishment by the legislative or executive branches if their judicial decisions are found to be unpopular at any given point in time.

Madam Speaker, judicial independence cannot and should not be taken for granted. As Guam's self-governance continues to advance, the legal rights of the people of Guam should not be left to the discretion of the political branches. As Alexander Hamilton wrote in The Federalist No. 78, "There is no liberty if the power of judging be not separated from the legislative and the executive powers."

An independent judiciary is in its purest form accountable only to the rule of law, not other political actors. H.R. 2400 seeks to solidify such an independent judicial structure for the government of Guam in the Organic Act in the highest traditions of American federalism.

The version of the legislation we are considering today, Madam Speaker, is in the same form as reported out by the Committee on Resources in the 107th Congress. This bill has evolved since it was first introduced in the 105th Congress by my predecessor, former Congressman Robert Underwood, as the Guam Judicial Empowerment Act, and in its current form reflects improvements suggested by the U.S. District Court of Guam and the Committee on Resources.

I urge my colleagues to support this bill to amend the Organic Act of Guam in recognition of the importance of having a strong judiciary and in furtherance of Guam's efforts to achieve the greatest amount of self-governance possible.

Madam Speaker, I include for the RECORD a letter from the Governor of Guam, the Honorable Felix P. Camacho, in support of establishing Guam's judicial branch in the Organic Act of Guam; a resolution from the 27th Guam Legislature urging passage of H.R. 2400; and a resolution in support of the bill from the Judicial Council of Guam.

OFFICE OF THE GOVERNOR OF GUAM,
Hagåtña, Guam, May 7, 2004.

Hon. MADELEINE Z. BORDALLO,
Congresswoman, House of Representatives,
Washington, DC.

DEAR MADELEINE: This letter is written in reference to H.R. 2400, a bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

I stated in previous testimony in reference to a similar bill introduced by your predecessor in the 107th Congress, "I certainly support the independence of all branches of government, inclusive of the judicial branch of Guam." As the Chief Executive of our Territory, I certainly appreciate our tri-partite form of government which was crafted by the founders of our great nation and unanimously adopted by the states of our union. I fully recognize that the effectiveness of our system of government, both on the federal and local level, rests in checks and balances. To this end, I recognize that the judicial branch of our Territory, like our executive and legislative branches, must be "constitutionally" established or in our case, have an "Organic" existence with similar powers to govern, reorganize, manage and account for its branch with judicial independence founded under our U.S. Constitution. To the extent H.R. 2400 furthers this principle, I am supportive of your efforts and the assistance of your colleagues.

My personal preference is for our tripartite structure of government to be established in a Guam Constitution. Further, the specifics of the internal operation of our judicial branch should be established locally. However, I am cognizant that since I submitted my previous testimony to Congress on this issue, local law affecting the Guam judiciary has changed. In addition, until Guam adopts its own constitution, the Organic Act functions as Guam's de facto constitution. For these reasons, I support your efforts to establish Guam's judicial branch in our Organic Act.

With Warm Personal Regards,
FELIX P. CAMACHO,
Governor of Guam.

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN

2004 (SECOND) Regular Session—Resolution No. 139 (LS)

As amended on the Floor.

Introduced by: v.c. pangelinan; F.R. Cunliffe; R. Klitzkie; T.R. Muña Barnes; F.B. Aguon, Jr.; J.M.S. Brown; C. Fernandez; Mark Forbes; L.F. Kasperbauer; L.A. Leon Guerrero; J.A. Lujan; J.M. Quinata; R.J. Respicio; Toni Sanford; Ray Tenorio.

Relative to amending the Organic Act of Guam for the purpose of clarifying the local judicial structure of Guam.

Be it resolved by I Mina'Bente Siete na Liheslaturan Guåhan:

Whereas, in our island's quest to achieve greater self-governance, the United States Congress amended the Organic Act of Guam in 1984 authorizing the Guam Legislature to reorganize the island Judiciary and establish an appellate court for island residents; and

Whereas, from 1984 to 1992, bi-partisan legislators, executive and judicial branch officials, legal practitioners and the community-at-large contributed to preparing draft legislation which culminated in the passage of Public Law 21-147, the "Frank G. Lujan Memorial Act" that reorganized the island's Judicial Branch, creating the Supreme Court of Guam as the island's highest appellate court and establishing it as the administrative head of the island Judiciary; and

Whereas, since 1996 when the Supreme Court of Guam was first empanelled in accordance with the provisions of Federal and local law, the island's high court and the Judiciary has been subjected to frequent legislative changes eroding the independence of the Guam Judiciary; and

Whereas, in reaffirming the original intent of local and Federal lawmakers who sought to create a supreme Court of Guam with the Supreme Court as the head of the island Judiciary, the Twenty-Seventh Guam Legislature, I Mina Bente Siete Na Liheslaturan Guåhan, passed Public Law 27-31, "An Act to Reorganize the Judiciary as the Third Co-Equal and Independent Branch of the Government of Guam . . ." in October 2003; and

Whereas, Public Law 27-31 and similar local legislation can be amended or repealed at any time, thus further threatening the independence of the Guam Judiciary; and

Whereas, local legislators, officials, and resident alike believe that absent a Guam Constitution, an amendment to the Organic Act is needed to firmly establish the Judicial Branch of Guam, with the Supreme Court of Guam at its head, as a separate, co-equal and independent branch within the government of Guam; and

Whereas, H.R. 521 was introduced in the 107th Congress, heard by the House Committee on Resources and favorably reported and recommended to the House of Representatives by unanimous consent; and

Whereas, the 107th Congress soon thereafter expired with no further action on the measure; and

Whereas, H.R. 2400, the successor bill to H.R. 521 was introduced by Guam's Congresswoman Madeleine Z. Bordallo; and

Whereas, H.R. 2400 seeks to ensure through an amendment to the Organic Act, the independence of the Guam judiciary and to maintain the judicial branch as a separate and co-equal branch of government, now, therefore, be it

Resolved, That I Mina Bente Siete Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the United States Congress to expeditiously and favorably pass H.R. 2400 to amend the Organic Act recognizing the Supreme Court of Guam as the highest court of Guam and to firmly establish the Judicial Branch as a separate, co-equal branch within the government of Guam; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attest to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Madeleine Z. Bordallo, Member of Congress, U.S. House of Representatives; to the Honorable Richard Pombo, Chairman, House Resources Committee; to the Honorable Pete Domenici, Chairman, Senate Energy and Natural Resources Committee; to Attorney Joaquin C. Arriola, Jr., President of the Guam Bar Association; to the Honorable F. Philip Carbullido, Chief Justice, Supreme Court of Guam; and to the Honorable Felix P. Camacho, I Magálahen Guåhan.

Duiy and regularly adopted by I Mina'bente Siete na Liheslaturan Guåhan on the 23rd day of April, 2004.

vincente (ben) c. pangelinan, Speaker.

TINA ROSE MUNA BARNES, Senator and Legislative Secretary.

JUDICIAL COUNCIL RESOLUTION NO. JC04-008

RELATIVE TO SUPPORTING AN AMENDMENT TO THE ORGANIC ACT OF GUAM TO CLARIFY THE LOCAL JUDICIAL STRUCTURE OF GUAM

Whereas, the Organic Act of Guam as it was originally drafted, did not authorize the establishment of a local appellate court;

Whereas, in 1977 the Guam Legislature's first attempt to create a Supreme Court of Guam was struck down by the United States Supreme Court because the Organic Act did not so authorize the Legislature;

Whereas, in 1984, the United States Congress amended the Organic Act of Guam to authorize the Guam Legislature to create a local appellate court;

Whereas, bi-partisan legislators, executive and judicial branch officials, legal practitioners and the community-at-large worked together to create Public Law 21-147, the Frank G. Lujan Memorial Court Reorganization Act of 1992, which re-organized the Judiciary, created the Supreme Court of Guam as the island's highest appellate court and established it as the administrative head of the Judicial Branch;

Whereas, in 1996 the Supreme Court of Guam was empaneled in accordance with the provisions of the Frank G. Lujan Memorial Act;

Whereas, the Supreme Court of Guam has since been subjected to frequent legislative changes, stripping it of administrative authority over the Judicial Branch thereby eroding the independence of the Guam Judiciary and compromising the traditional tripartite democratic system of government;

Whereas, in reaffirming the original intent of local and federal lawmakers who sought to create a Supreme Court of Guam with the Supreme Court as the head of the island Judiciary, the Twenty-Seventh Guam Legislature passed Public Law 27-31 "An Act to Reorganize the Judiciary as the Third Co-Equal and Independent Branch of the Government of Guam . . ." in October 2003;

Whereas, since November of 2003, the Supreme Court of Guam has taken its rightful role as the head of the Judicial Branch;

Whereas, since November of 2003, the newly composed Judicial Council has aggressively striven to unify the judiciary and improve the administration of justice in Guam;

Whereas, Public Law 27-31 and similar local legislation can be amended or repealed at any time, thus further threatening the independence of the Guam Judiciary;

Whereas, local legislators, officials and residents alike believe that, absent a Guam constitution, an amendment to the Organic Act is needed to firmly establish the Judicial Branch of Guam, with the Supreme Court of Guam at its head, as a separate, co-equal and independent branch within the Government of Guam;

Whereas, on April 23, 2004 the Twenty-Seventh Guam Legislature, with near unanimous bi-partisan support, passed a resolution supporting and requesting the United States Congress to amend the Organic Act of Guam to establish the Supreme Court as the highest court of Guam and establish the judiciary as a separate and co-equal branch of government;

Whereas, H.R. 2400, amending the Organic Act of Guam to establish the Supreme Court as the highest court in Guam to protect the independence of the Guam judiciary and to maintain the Judicial Branch as a separate and co-equal branch of government, was introduced by Congresswoman Madeleine Z. Bordallo.

Now, therefore be it resolved, that the Judicial Council of Guam hereby respectfully requests the United States Congress to expeditiously and favorably pass H.R. 2400 to amend the Organic Act recognizing the Supreme Court of Guam as the highest court of Guam and to firmly establish the Judicial Branch as a separate, co-equal branch within the government of Guam; and

Be it further resolved, that the Judicial Council of Guam hereby respectfully requests the support of the Governor and the continued support of the Legislature for the passage of H.R. 2400; and

Be it further resolved, that copies of this Resolution be provided to the Honorable Madeleine Z. Bordallo, member of the U.S. House of Representatives, the Honorable Richard Pombo, Chairman, House Resources Committee, the Honorable Pete Domenici, Chairman, Senate Energy and Natural Resources Committee, Mr. Joaquin C. Arriola, Jr., President of the Guam Bar Association, the Honorable Felix P. Camacho, the Governor of Guam and the Honorable Vicente C. Pangelinan, Speaker of the Guam Legislature

Duly adopted this 30th day of April, 2004 at a duly noticed meeting of the Judicial Council of Guam.

Chief Justice F. Philip Carbullido, Charman, Date: May 6, 2004.

Attest:

Julie M. Lujan-Torres, Secretary, Date: May 6, 2004.

In closing, Madam Speaker, I want to thank my colleagues who have cosponsored this legislation to establish an independent and coequal judiciary in Guam, including my good friend, the gentleman from Arizona (Mr. FLAKE), who has taken an active interest in this legislation and has traveled to Guam; the gentleman from Montana (Mr. REHBERG); the gentleman from California (Mr. GALLEGLY), the former chairman of the Subcommittee on Insular Affairs; the gentleman from Hawaii (Mr. ABERCROMBIE); the gentleman from American Samoa (Mr. FALEOMAVAEGA); the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN); and the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

I appreciate their support in this effort, as well as the support of the gentleman from California (Chairman POMBO), the chairman of the Committee on Resources, who has done a great deal to see that this legislation was put forward, and the gentleman from West Virginia (Mr. RAHALL), our ranking member. Their leadership in shepherding H.R. 2400 to this point in the process is also appreciated, and I thank them for their support as well.

Madam Speaker, I yield I urge unanimous passage of this bill.

Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BLACKBURN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2400.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR TEMPORARY EXTENSION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5008) to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

The Clerk read as follows:

H.R. 5008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958.

The authorization for any program, authority, or provision, including any pilot program, that was extended through June 4, 2004, by section 1 of Public Law 108-217 is further extended through September 30, 2004, under the same terms and conditions.

SEC. 2. TECHNICAL AMENDMENT.

Section 2 of Public Law 108-205 is amended by striking "October 1, 2003" and inserting "March 15, 2004". The amendment made by the preceding sentence shall take effect as if included in the enactment of the section to which it relates.

SEC. 3. COMPENSATION OF AGENTS.

Section 5 of the Small Business Act (15 U.S.C. 634) is amended—

(1) in subsection (g)(4), by adding at the end the following:

"(C) The Administration may contract with an agent to carry out, on behalf of the Administration, the assessment and collection of the annual fee established under section 7(a)(23). The agent may receive, as compensation for services, any interest earned on the fee while in the control of the agent before the time at which the agent is contractually required to remit the fee to the Administration."; and

(2) in subsection (h)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) The agent described in paragraph (1)(B) may be compensated through any of the fees assessed under this section and any interest earned on any funds collected by the agent while such funds are in the control of the agent and before the time at which the agent is contractually required to transfer such funds to the Administration or to the holders of the trust certificates, as appropriate.".

The SPEAKER pro tempore (Mr. FLAKE). Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5008.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill extends until September 30 the programs of the Small Business Administration not covered by an appropriation, including the Preferred Surety Bond Program, SBA's Private Sector Cosponsorship Authority, the Small Disadvantaged Business Procurement Assistance Program, the Small Business Development Center Drug-Free Workplace Assistance Grants Program and the Very Small Business Concerns Program.

Last June, the House acted responsibly by passing H.R. 4478 to extend the programs of the SBA, but the other body failed to act. These programs have been in limbo since June 4, and it is important that they are extended while we continue to work on an SBA reauthorization bill.

In addition, H.R. 5008 would help many existing Women's Business Centers keep their doors open. Passage of H.R. 5008 would free up the remaining $4 million already appropriated for the program this year to provide at a minimum approximately $70,000 to each Women's Business Center and sustainability status.

Finally, H.R. 5008 corrects a legal problem regarding how the SBA pays fiscal transfer agents, who provide a vital role in the secondary market. For nearly 10 years, the SBA's fiscal transfer agent has been paid by a float on interest on the pools of securitized 7(a) guaranteed loans. Recently there has been some confusion as to whether or not this practice violates the Anti-Deficiency Act. The SBA has proposed a fix to this problem, and that solution is incorporated in section 3 of H.R. 5008, which essentially codifies the existing practice.

Passage of this legislation is needed in order to prevent the crippling of the SBA's 7(a) loan program, because without the liquidity of a secondary market banks will not make as many 7(a) loans as in the past.

This bipartisan bill has the support of the ranking minority member, the gentlewoman from New York (Ms. VELÁZQUEZ), and it has the support of the Bush administration. I urge my colleagues to support H.R. 5008.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today because Congress has failed to complete its work. Over 1 year ago, the Committee on Small Business unanimously reported out a bipartisan reauthorization bill. As a result of the failure to move this legislation, the authorization for the SBA expired last year and we are now forced to pass our fourth extension. Shamefully, the agency has been operating for 3 months without any authorization.

It is clear that the Nation's job creators, small businesses, are struggling. The United States has lost 1.7 million jobs since 2001, and we are continuing to see growth rates that only keep up with inflation. American manufacturers are being hit hardest, with 2.7 million jobs lost during that period and 11,000 lost in June alone. This is clearly not the picture of an economy that is getting back on its feet.

Last week, the House Committee on Small Business Democrats released a quarterly small business index showing that business conditions are at 7-year lows. Skyrocketing health care and energy costs and exploding Federal budget deficits are but a few of the barriers small firms face in achieving the growth our economy needs so badly.

At a time when we should be providing our Nation's entrepreneurs a leg up, this administration and the Republican Congress has continuously failed to provide the assistance they need by blocking passage of the SBA reauthorization.

The bipartisan reauthorization bill will provide the most comprehensive overhaul of the SBA in over a decade. It will broaden or modernize the SBA loan programs so firms can access the capital they need. At a time when the Federal Government failed to meet the small business contracting goals for the fourth consecutive year, the Republican leadership is blocking this bill that will expand procurement opportunities for small companies.

The legislation ensures small firms are given a fair chance to break into the Federal marketplace. By doing so, we provide the Federal Government a quality service at a good price. This is not just good for small businesses, it is good for the American taxpayer. Additionally, the likelihood of success for small business is nearly doubled when they have access to technical assistance.

Passage of the reauthorization bill will offer the greatest expansion of entrepreneurial assistance programs in decades.

Even more concerning is the possibility that our failure to act will actually worsen the business environment for small businesses. Small businesses are faced with a possible doubling of fees on SBA loans at the end of this month. Without immediate action, the current structure will lapse, leaving banks and entrepreneurs in a worse situation than when the program was shut down last year.

Although the gentleman from Illinois (Chairman MANZULLO), who cannot be here today, has tried repeatedly to bring this bill up for consideration, the Republican House leadership and the administration have blocked it.

In today's economic climate, small businesses are more important than ever. We need to ensure that they have all the tools for success, as they are facing numerous obstacles. It is unfortunate that we are here today passing an extension, rather than celebrating the passage of an SBA reauthorization.

These issues should not be subject to partisan politics. When our small businesses need us the most, our committee was able to work in a bipartisan manner to produce this legislation. We now ask the Republican leadership to recognize these efforts and pass the reauthorization bill that will get small businesses back creating jobs.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 5008, and I would like to take this time to thank the chairman of the Committee on Small Business, the gentleman from Illinois (Chairman MANZULLO), and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their continued leadership in crafting a long-term reauthorization of the Small Business Administration.

As you know, Mr. Speaker, H.R. 5008 will provide temporary reauthorization of the Small Business Administration. While I support H.R. 5008, I do share the ranking member's frustration that we still have not had the opportunity to vote to pass a permanent reauthorization of the Small Business Administration, and consequently this raises concerns about the future of the 7(a) loan guarantee program, which is often the only source of long-term financing on reasonable terms for small businesses, particularly those in poor, rural and underserved areas.

While H.R. 5008 will maintain the current authority for the 7(a) program, small business owners will see a doubling of administration fees.

As you know, Mr. Speaker, the Committee on Small Business approved on a unanimous, bipartisan basis a permanent Small Business Administration reauthorization, H.R. 2802. The committee marked up this bill on July 21, 2003. H.R. 2802 would revise the 7(a) fee calculation for small businesses, avoiding the increase that they will otherwise face under the current authority.

□ 1715

These small firms represent the future of our economy, Mr. Speaker, as they account for 75 percent of all new jobs created in the United States.

Therefore, I hope that we can work together to resolve any outstanding issues with respect to this bill and move this important legislation to the floor before we recess. In the meantime, I respectfully urge my colleagues to vote today in favor of the temporary reauthorization.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

While reauthorization is extremely important, I think it would behoove us at this time to really think about all of the things that have been done and are in the process of being done for small businesses here and across America.

Twenty-five million small business owners will receive tax relief, totaling $75 billion. That is real savings. The rate reductions in the tax benefit plan is more than 90 percent small business. We also have raised the small business expensing limit from $25,000 to $100,000, and I can tell my colleagues in my home State of West Virginia, small businesses are beginning to do and beginning to feel the growth effects of being able to hire another person, being able to buy that extra piece of equipment as a result of the tax incentives.

Regulation, which is another burdensome thing on small business, this administration has slowed the growth of burdensome new rules by 75 percent. Also, small businesses saved $7 billion last year in regulatory costs, and that is significant.

We have worked a lot to try to incent and grow our small businesses, and there is always more, much more, that can be done. But in terms of government procurement, for the first time in many years, the Federal Government exceeded its small business goal by providing a record $65.5 billion in prime contracts to small businesses. That is a significant increase over past years.

So, in conclusion, I would like to say that reauthorization of SBA is exceedingly important to small business, and what we are doing here today in extending the authorization is extremely important. But much has been done and much needs to still continue to be done to help small business, which is the backbone of our American economy.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

I would like to set the record straight regarding the tax cut that the President submitted to Congress and that Congress passed.

The tax cuts are not helping small businesses. The President's tax cuts have provided little relief for small businesses. In fact, under the latest tax cut, over half of small businesses receive less than $500, despite a cost of $350 billion. And, while the President talks about how the top tax rate cut helps small businesses, only 1 percent of small business owners benefit from the reduction in the top tax rate. In fact, out of the 28 million small businesses, only 180,000 benefited from the top tax rate, according to the figures presented to us by the Department of the Treasury. Those are your own numbers. Less than 5 percent of the latest 2003 Jobs and Growth package was in the form of targeted tax relief for small businesses.

Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Although I would rather be here to support the SBA reauthorization, I rise today in support of H.R. 5008, which would simply, once again, extend the important programs under the Small Business Act and the Small Business Investment Act.

Mr. Speaker, H.R. 5008 marks the fourth extension of the SBA programs. The House Committee on Small Business passed the extension on the SBA programs with bipartisan support a year ago. I want to take this opportunity to commend the leadership of our ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), and our chairman for their strong leadership and their bipartisanship in working on that reauthorization.

Yet, the House leadership has failed to bring this bill to the floor for a vote. Why?

The leadership in this and the other body give a lot of lip service to small business. We constantly tout them as the backbone and the engines of our economy. Yet, on legislation as critical to their and, thus, our Nation's well-being as the reauthorization of programs on which they depend, this Congress has, once again, failed to act.

It is getting late in the year. Our small businesses cannot wait. They need security now. They need the assurance that the programs they will need to continue will be there now. They need to know what to expect, and we need to stop these stop-gap measures and give them that security and that assurance.

I am particularly concerned because I have heard Members ask, Why should we continue to fund agencies and programs that have not been reauthorized?

Mr. Speaker, actions speak louder than words. Failure to act on this legislation is sending the message that our Nation's small businesses are not a priority for this administration. But they are very important to both the Democrats and the Republicans on the committee.

It is also of great concern that this bill fails to address the current problem of high fees associated with the 7(a) program, the flagship lending program for the Small Business Administration. If the leadership fails to bring the reauthorization to a vote by the end of this month, the 7(a) lending program will once again be in jeopardy.

It is a good thing that, in our districts, the agencies charged with supporting small businesses are doing what they need to do. On that positive note, I would like to take this opportunity to recognize and congratulate the University of the Virgin Islands Small Business Development Center, the university president, Dr. Laverne Ragster, and the SBDC director, Mr. Warren Bush, for successfully hosting its Small Business Innovation Research Program and Small Business Technology Transfer Program Orientation Conference last week.

Finally, on a bill previously before this body today, I want to take this opportunity to also join my colleagues in supporting House Resolution 717 and belatedly extend, on behalf of all of my constituents in the U.S. Virgin Islands, our best wishes to President Bill Clinton on his 58th birthday, as well as to wish him a continued speedy recovery, many, many more birthdays and good health and happiness, and God's richest blessings on him and his family.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from New York, both for yielding me this time and for bringing this matter to the floor today.

It is obviously essential that we finally take some action on this legislation. We need to extend critical funding to women's business centers across the United States. In particular, the Center for Women and Enterprise in Boston serves many of the constituents in my district and throughout the State of Massachusetts. It has been long overdue, and many of these centers have already suffered because of Congress's inaction.

It is a bit disturbing to know that it has been 10 months since the Small Business Administration authorization bill has expired. And it continues to linger, and we need the majority to come forward and the White House to come forward at this point in time and bring it and put it on the agenda. Everybody has great rhetoric about how important small businesses are to our country, to our districts and to the economy. But now it is time to put that rhetoric into action and make sure we move on this bill.

We do not have to tell people or remind them about how this economy is suffering: almost 2 million jobs lost in the last several years and still not anywhere near back to where we were in January of 2001.

We know what a generator of jobs, what a booster of the economy small businesses can be, and we also know how important the Small Business Administration is in providing capital for these businesses. So if we could do the bill that is before us today but also bring forward the Small Business Administration reauthorization, we could deal with that issue of capital.

At a time when the economy is suffering as much as it is, many businesses are starting to fail. They need that capital so that they can retool. Some need it to grow. And we need some new businesses to fill in where others have left. That cannot happen without this bill coming forward.

The so-called 7(a) loans are by far the most critical capital vehicles that we have for small businesses: $11 billion in loans to small businesses every year. That aspect has to be assured to businesses. If we do nothing by the end of this month, fees for that will double, freezing out many businesses from the opportunity to get access to this money so that they can expand or they can start up.

Time after time, we hear on the floor and we hear in people's individual districts how much they feel for small business and how certain they are that small businesses add to the benefit of our country.

Mr. Speaker, we need to put our money where our mouth is. We need this measure to be brought forward. I support today's bill because it does a good thing, particularly with respect to the women's business centers across the country, but realize that we have to do more and move the Small Business Administration reauthorization forward.

Mrs. CAPITO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no disagreement that we should pass this extension. It is, though, embarrassing that it has come to this. We expect small businesses to meet their taxes, comply with Federal regulations and pay their employees on time. But when it comes to Congress, we are not held accountable for our failure to meet their needs.

At a time when our economy is struggling, at a time when small businesses are struggling, Congress should be holding up its end of the deal. Passing the Small Business Administration Reauthorization Act must be a priority.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentlewoman from New York (Ms. VELÁZQUEZ) for not only her advocacy for this bill before us today, but for her advocacy for small business. She is one of the staunchest cheerleaders for small businesses across this Nation, and I appreciate her service and her ability to get things done.

I thank our chairman, the gentleman from Illinois (Chairman MANZULLO), who is not with us today, to thank him also for his small business advocacy. It is good to know that we have a bipartisan opinion on this bill. I look forward to its passage, and I look forward to all of us working together to see that small business not only grows but thrives under this bill and also under further legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FLAKE). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5008.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 5 o'clock and 27 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WALDEN of Oregon) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 363, by the yeas and nays;

House Resolution 667, by the yeas and nays; and

House Resolution 760, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second and third vote in this series will be 5-minute votes.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING CONTINUING GROSS VIOLATIONS OF HUMAN RIGHTS AND CIVIL LIBERTIES OF SYRIAN PEOPLE BY GOVERNMENT OF SYRIAN ARAB REPUBLIC

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 363, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 363, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 342, nays 0, answered "present" 1, not voting 90, as follows:

[Roll No. 441]

YEAS—342

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman

Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Waters

NOT VOTING—90

Ackerman
Baker
Ballenger
Beauprez
Biggert
Bishop (UT)
Boehlert
Boozman
Brown (OH)
Burr
Cannon
Capuano
Carson (OK)
Carter
Clay
Conyers
Crowley
DeMint
Emerson
Engel
English
Evans
Everett
Frost
Gephardt
Gerlach
Goss
Grijalva
Gutierrez
Hastings (FL)
Herger
Hinchey
Hoeffel
Hoekstra
Houghton
Inslee
Isakson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kleczka
Kucinich
Langevin
LaTourette
Lipinski
Lucas (KY)
Lynch
Majette
Markey
Matsui
McGovern
McInnis
McKeon
Murtha
Neal (MA)
Nethercutt
Owens
Pascrell
Paul
Peterson (PA)
Pryce (OH)
Quinn
Rangel
Regula
Rogers (KY)
Rogers (MI)
Sabo
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Serrano
Simpson
Slaughter
Smith (MI)
Smith (WA)
Stark
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Towns
Turner (TX)
Udall (NM)
Vitter
Waxman
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1857

Mr. TIERNEY changed his vote from "nay" to "yea."

So (two-thirds of those present having voted in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, and notwithstanding intervening debate, the next two electronic votes will be conducted as 5-minute votes.

There was no objection.

IN HONOR OF WILLIAM D. FORD

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise with great sadness this evening to announce the death of our dear friend and former colleague, Congressman William D. Ford. He died on August 14.

Congressman Ford spent 3 decades serving the Nation in this institution. He was a great champion for the causes that concerned so many Americans, from ensuring that each child had a quality education to become successful citizens, to making sure that our workplaces were safer.

His father's death in a factory accident lead to a lifelong commitment to protect the health and safety of employees in the workplace. Congressman Ford worked every day in his life to be the champion of the working poor and the middle class.

Bill Ford was a member of the House from 1965 to 1995, representing Michigan's 15th and 13th congressional districts. During his 30-year-and-more tenure, he served as chairman of the House Committee on the Post Office and Civil Service, as well as the chairman of the Committee on Education and Labor.

He was the oldest son of immigrant Spanish parents and the first member of his family to attend college. He served his Nation in the United States Navy. He attended the University of Denver on the GI Bill.

He was the author of many important pieces of legislation to benefit ordinary, working Americans.

Prior to serving in the Congress, he was a delegate to the Michigan Constitutional Convention and a member of the Michigan State Senate. He served as city attorney in a number of communities in Michigan.

He is survived by his three children, William D. Ford, Jr.; Margaret Van Fleet Ford; and John Ford; three grandchildren; a sister, Janet Ford; and a brother, Robert Ford.

Our Nation is a better place because of his work and dedication. His life left a mark on this Nation. His death is a tremendous loss, and those of my colleagues who knew him understand the sorrow that I feel tonight, as I am sure they feel their own.

A memorial service will be held tomorrow in Washington.

EXPRESSING SUPPORT FOR FREEDOM IN HONG KONG

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 667.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 667, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 345, nays 0, answered "present" 1, not voting 87, as follows:

[Roll No. 442]

YEAS—345

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney
Manzullo

Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Waters

NOT VOTING—87

Ackerman
Baker
Ballenger
Beauprez
Biggert
Bishop (UT)
Boehlert
Boozman
Brown (OH)
Burr
Cannon
Capuano
Carson (OK)
Carter
Clay
Conyers
Crowley
DeMint
Emerson
Engel
English
Evans
Everett
Frost
Gephardt
Gerlach
Goss
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Herger
Hinchey
Hoeffel
Hoekstra
Houghton
Inslee
Isakson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kleczka
Kucinich
Langevin
LaTourette
Lipinski
Lucas (KY)
Lynch
Majette
Markey
Matsui
McGovern
McInnis
Murtha
Neal (MA)
Nethercutt
Owens
Pascrell
Paul
Peterson (PA)
Pryce (OH)
Quinn
Rogers (KY)
Rogers (MI)
Sabo
Sandlin
Saxton
Schakowsky
Schrock
Serrano
Slaughter
Smith (MI)
Smith (WA)
Stark
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Towns
Turner (TX)
Udall (NM)
Vitter
Waxman
Weiner
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1908

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 442 I was inadvertently detained. Had I been present, I would have voted "yea."

CONDEMNING TERRORIST ATTACKS AGAINST RUSSIAN FEDERATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 760.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 760, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 0, not voting 86, as follows:

[Roll No. 443]

YEAS—347

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

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Ackerman
Baker
Ballenger
Beauprez
Biggert
Bishop (UT)
Boehlert
Boozman
Brown (OH)
Burr
Cannon
Capuano
Carson (OK)
Carter
Clay
Conyers
Crowley
DeMint
Emerson
Engel
English
Evans
Everett
Frost
Gephardt
Gerlach
Goss
Grijalva
Gutierrez
Hastings (FL)
Herger
Hinchey
Hoeffel
Hoekstra
Houghton
Inslee
Isakson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kleczka
Kucinich
Langevin
Lipinski
Lucas (KY)
Lynch
Majette
Markey
Matsui
McGovern
McInnis
Miller, George
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Nethercutt
Owens
Pascrell
Paul
Peterson (PA)
Pryce (OH)
Quinn
Rogers (KY)
Rogers (MI)
Sabo
Sandlin
Saxton
Schakowsky
Schrock
Serrano

Slaughter
Smith (MI)
Smith (WA)
Stark
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Towns
Turner (TX)
Udall (NM)
Vitter
Waxman
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1916

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Speaker, on rollcall No. 441, 442, and 443, I was in the Cleveland airport awaiting a flight which was delayed. Had I been present, I would have voted "yes" on 441, "yes" on 442, and "yes" on 443.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on September 13, 2004, I was unavoidably absent due to an important meeting and missed Rollcall votes numbered 441 through 443.

Had I not been unavoidably detained earlier this afternoon, I would have voted "yea" on Rollcall votes No. 441, 442 and 443.

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, I was not present to vote on September 13th due to the death of a close family friend.

I intended to vote "nay" on the motion to suspend the rules and agree to H. Con. Res. 363, condemning the human rights violations in Syria. While I am strongly opposed to the human rights abuses being perpetrated by the Syrian government, I am troubled by some of the language in the resolution. Specifically, the resolution states: "Whereas the family law of Syria as applied to Muslim women is governed by Sharia (Islamic) law and is discriminatory in marriage, divorce and inheritance matters." While I fundamentally disagree with this law, I feel that this statement unnecessarily denigrates the religious-based laws of a sovereign nation.

In addition, I would have voted "aye" on H. Con. Res. 667 and "aye" on H. Res. 760.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for Rollcall votes 441, 442, and 443. Had I been present, I would have voted "yea" on rollcall votes 441, 442, and 443.

PERSONAL EXPLANATION

Mr. KANJORSKI. Mr. Speaker, on September 9, 2004, I was away from Washington on official business in my district and unable to vote on several matters.

Had I been present, on rollcall 434 I would have voted "yea." On rollcall 435, I would have voted "nay." On rollcall 436, I would have voted "yea." On rollcall 437, I would have voted "yea." On rollcall 438, I would have noted "nay." On rollcall 439, I would have voted "yea." And on rollcall 440, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

EXPRESSING GRATITUDE TO CITIES OF BOSTON, MASSACHUSETTS, AND NEW YORK CITY, NEW YORK, FOR HOSTING 2004 NATIONAL POLITICAL CONVENTIONS

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 765) expressing gratitude to the cities of Boston, Massachusetts, and New York City, New York, for their extraordinary hospitality and successful planning and hosting of the 2004 national political conventions.

The Clerk read as follows:

H. RES. 765

Whereas the Democratic National Convention was held from July 26 through July 29, 2004, in Boston, Massachusetts;

Whereas the Republican National Convention was held from August 30 through September 2, 2004, in New York City, New York;

Whereas Mayor Thomas M. Menino, the Boston 2004 Host Committee, and the people of Boston, including a large number of dedicated volunteers, were extremely gracious in their hospitality;

Whereas Mayor Michael R. Bloomberg, the New York City Host Committee 2004, and the people of New York City, including a large number of dedicated volunteers, were extremely gracious in their hospitality;

Whereas Police Commissioner Kathleen M. O'Toole and the entire Boston Police Department went to extraordinary lengths to keep Boston safe throughout the duration of the Democratic Convention;

Whereas Police Commissioner Raymond W. Kelly and the entire New York City Police Department went to extraordinary lengths to keep New York safe throughout the duration of the Republican Convention;

Whereas countless city, State, regional, and nationwide agencies cooperated to ensure the safety of each Convention, including the United States Capitol Police, which assisted the local jurisdictions, and the United States Secret Service, which coordinated Federal anti-terrorism and counter-terrorism assets for each of the Conventions as National Security Special Events;

Whereas Members of Congress, delegates from across the Nation, and other interested parties participated in the Conventions and benefited from the secure environments; and

Whereas millions of Americans watched, heard, or read about the Conventions and thereby participated in our national political process: Now, therefore, be it

Resolved, That the House of Representatives thanks, pays tribute to, and expresses gratitude to all of those who assisted in the significant hospitality, logistical, and security efforts to successfully execute the 2004 national political conventions in Boston, Massachusetts, and New York City, New York.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 765, and I am joined on the floor by our ranking member, the gentleman from Connecticut (Mr. LARSON); and it is good to be here to express the gratitude of the House of Representatives to the cities of Boston, Massachusetts, and New York, New York, for their extraordinary hospitality and successful planning and hosting of the 2004 national political conventions.

Mr. Speaker, I think I speak for everyone in the House in thanking the people of the cities of Boston and New York, their cities' host committees, and the countless volunteers for making both cities open and welcoming to the many Members of the Congress, delegates from across the Nation, and all other interested parties who participated in our great conventions.

Special recognition needs to go to the Boston Police Department and the New York City Police Department, whose professionalism and constant vigilance guaranteed not only the safety of the residents they routinely protect on a day-by-day basis but the many visitors who attended the conventions.

In addition, we have to thank the countless city, State, regional and nationwide agencies who cooperated to ensure the safety of everyone involved with both conventions. I would also like to recognize the exceptional efforts of the hundreds of United States Capitol Police Officers who provided around-the-clock security for all Members during the convention and who coordinated, of course, with the Secret Service, the FBI and, again, the New York City Police Department. And we cannot forget the firefighters in both New York and Boston that were on hand.

So I am here on a bipartisan basis, though I would note, Mr. Speaker, for the record, I did not see my colleague, the gentleman from Connecticut (Mr. LARSON), at the New York convention. But I am glad to be with him here tonight to thank both cities and everyone involved in both conventions.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Ohio (Mr. NEY), my brilliant cochair. And I also did not see him at the Boston convention; but, nonetheless, he would have been welcome, as was everybody there.

This is indeed a moment for us to celebrate the outstanding job that was done both in Boston and New York, led by Mayors Thomas Menino and Michael Bloomberg, respectively. Their tireless efforts to make the 2004 major-party conventions such successful events are deeply appreciated.

Mr. Speaker, I commend the two police commissioners, Kathleen O'Toole of Boston and Raymond Kelly of New York, now there is diversity for you, for making it possible for the delegates to nominate their candidates, which of course is the purpose of the convention.

I also want to thank the thousands of other public employees who helped to make this possible, not only the Boston and New York municipal governments but also at all levels, Federal, State, and local; and of course as the chairman has already pointed out, the outstanding job that was done by our Capitol Police and all the security that went into these two wonderful events.

I would especially like to thank the Massachusetts delegation for the hospitality that they provided for each and every one of us, and of course their two great Senators, Senator KENNEDY, for which this was a homecoming, and Senator KERRY as well, who was featured prominently in Boston as well, and our outstanding House delegation here from Boston as well. So I thank the chairman and join him in these remarks.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume to say that I am sure the minority leader, the gentlewoman from California (Ms. PELOSI), did a wonderful job at the convention in Boston; and as far as our convention in New York, I want to thank the Speaker and also Scott Palmer, Ted Van Der Meid, and Bill Pitts, who did the rules and carried out the process at the convention and service to the Members.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I rise today to thank the cities and residents of Boston and New York City for their tremendous efforts in hosting this year's national political conventions. With two of the Nation's most historic and vibrant cities as their backdrops, the Democrat and Republican conventions were both great successes.

Boston and New York have long been known as centers of culture, education, and heritage. After this summer's conventions, it is apparent why they are also recognized for their hospitality, charm, and warm spirit. As tens of thousands of delegates, elected officials, volunteers, and tourists converged on these great cities, countless others worked behind the scenes and on the front lines to make sure programs ran smoothly and safely. These individuals labored tirelessly, not just during the conventions but for several weeks prior, crossing every "T" and dotting every "I."

These events would not have been possible without the efforts of everyone involved. A special thanks to those at the city, State, and regional, as well as national, levels who coordinated and secured the safety of Boston and New York. This includes, of course, the city police and fire departments, the United States Secret Service, the United States Capitol Police, and numerous other agencies that coordinated protective services for both convention-goers and city residents alike.

As the first political conventions held in the post-9/11 world, our police, firefighters, and first responders faced security risks never before envisioned. True to their great reputations, the respective agencies of New York and Boston exhibited consummate professionalism and ensured the safety and security of all those attending and visiting these greats cities.

Those accolades extend as well to our Capitol Police and those Federal agencies that worked side by side with their brethren in New York and Boston to ensure a seamless coordination.

Mr. Speaker, the cities of Boston and New York have long represented the freedoms and liberty that nurtured democracy in this country. Today, several hundred years later, one of the best enduring examples of these fundamental rights is the ability to participate in the political process. National political conventions provide a forum for this participation like no other.

To all those who helped make the conventions possible, and to the gracious residents of Boston and New York, I wish to extend a heartfelt thanks on behalf of the House for helping to foster greater political participation.

Mr. Speaker, I urge my colleagues to support this resolution and join me in expressing gratitude to the cities of Boston and New York.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, House Resolution 765.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of House Resolution 765, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ONCOLOGISTS GIVE CONGRESS BAD NEWS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, oncology services are critical for Texans. The American Cancer Society expected 83,400 new cancer patients for Texas in 2003.

Cancer sufferers need access to care near where they live, and they need stability of care. An accessible, caring oncology clinic is welcome news for people who have heard some very bad news from their diagnosis. Congress gave some very bad news to oncologists in the passage of the Medicare bill this past session.

The American Society of Clinical Oncology came out on September 8 with their take on the effects of this bill. Their analysis finds that half of practices expect that they will pay more than they are reimbursed for specific drugs for anemia or lung, colon, or pancreas cancers; that they expect a loss of funds for community-based cancer care in the range of 43 to 54 percent; and that one-fourth of the drugs used for cancer treatment will cost the typical oncology practice more than what is covered by Medicare.

I urge my colleagues to press for restoring oncologists' ability to give cancer patients the ability and stability in treatment they need to fight their illnesses. Congress should not deny the drugs necessary to those who need them in this life or death struggle.

U.S. ECONOMY IS IN A MESS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, every time I hear the administration announce that the economy is going very well, I wish they could ride home on a United Airlines flight with me. On the way back today, four out of the six flight attendants raised the same question with me: Is there money in the pension guarantee fund for our pensions?

Mr. Speaker, we know that this country is in a mess. USAir declared bankruptcy this morning. There go the pension for those folks. And Delta Airlines over the weekend, they are talking about it. They are saying if the pilots take those pensions, they will bankrupt the company; it will be gone. United is in the same position. All those people who were out there with Enron, Enron went down; and what did they have left? All they had left was Social Security. Nothing, if this administration had its way.

We have an administration that has to be changed. We have lost 1.4 million people's health insurance, 1.5 million people's jobs, and countless numbers of pensions. The regime change ought to come in 49 days.

HONORING CALIFORNIA'S 2004 OLYMPIANS

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, I rise to honor the participants of the 2004 Summer Olympics from California. Last month, 537 American athletes traveled to Athens to compete for what is arguably the most esteemed prize in the sporting world, an Olympic medal. Among them, were 143 athletes from my own home State of California, and I was able to witness their success.

Our California Olympians made their country proud, winning 78 medals: 31 were gold, 17 silver, and 30 bronze. As representative of the 33rd Congressional District, I would like to honor these California Olympians and their contributions to the Golden State's tradition of individual and collective human achievement.

In particular, I wish to enter into the RECORD the names of those Californians who brought home Olympic gold from Athens:

Lindsay Benko, Women's Swimming, 4x200 Meter Freestyle Relay; Laura Berg, Women's Softball; Shannon Boxx, Women's Soccer; Crystl Bustos, Women's Softball; Brandi Chastain, Women's Soccer; Natalie Coughlin, Women's Swimming, 100 Meter; Backstroke, 4x200 Meter Freestyle Relay; Matthew Deakin, Men's Rowing.

Joy Fawcett, Women's Soccer; Lisa Fernandez, Women's Softball; Jennie Finch, Women's Softball; Tairia Flowers, Women's Softball; Julie Foudy, Women's Soccer; Amanda Freed, Women's Softball; Yolanda Griffith, Women's Basketball; Joanna Hayes, Women's 100 Meter Hurdles.

Monique Henderson, Women's 4x400 Meter Relay; Lovieanne Jung, Women's Softball; Lenny Krayzelburg, Men's Swimming, 4x100 Meter Medley Relay; Lisa Leslie, Women's Basketball; Jason Lezak, Men's Swimming, 4x100 Meter Medley Relay; Misty May, Women's Beach Volleyball; Jessica Mendoza, Women's Softball.

Stacey Nuveman, Women's Softball; Leah O'Brien-Amico, Women's Softball; Kimberly Rhode, Women's Double Trap Shooting; Diana Taurasi, Women's Basketball; Jenny Topping, Women's Softball; Alyson Wagner, Women's Soccer; Kerri Walsh, Women's Volleyball; Andre Ward, Men's Light Heavyweight Boxing; Natasha Renee Watley, Women's Softball.

The talent, dedication and sportsmanship of our California Olympians serves to inspire all of us to strive for success, no matter what our goals. I am proud to stand here to pay tribute to these California Olympic heros, and to all of America's Olympic athletes. I thank them all for using their gifts to inspire us all to greatness.

IRAQ AND DOMESTIC VIOLENCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, violence is rampant both at home and abroad. At least 80 civilians died in Iraqi violence. As the Washington Post reports, "Car bombings, mortar attacks, and clashes between insurgents and the U.S.-Iraqi security forces killed at least 80 civilians across the country Sunday."

□ 1930

In Baghdad, the scene of some of the most intense fighting in months: 27 people died, and 107 were wounded. The green zone no longer exists. There is no exit strategy with honor in Iraq.

Mr. Speaker, it is time for the American people to hear from this administration and this Congress how we are going to address the valiant work of our young men and women on the front lines every day and their safety being jeopardized and threatened or killed because we have no foreign policy plan. It is time for an after-plan for Iraq. The reason we are in this catastrophe is because we went into an ill-directed war with no plan.

Today, of course, we bring shame on the House of Representatives for not extending the assault weapons ban. The ATF said assault weapons were designed for rapid-fire and close-quarter shooting, not for Olympics or the duck line.

Mr. Speaker, we need to reauthorize the assault weapons ban to stem the violence at home and the violence abroad.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent to proceed with my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

ASSAULT WEAPONS BAN EXPIRES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise to express my outrage at the decision of the President and the leadership of this House to allow the assault weapons ban to expire. This law has been a critical part of our Nation's successful effort to dramatically bring down the violent crime rate. Since the ban went into effect in 1994, annual firearm deaths have decreased by 25 percent.

According to a study published by the Brady Center, the number of cases in which the ATF traced an assault weapon to a crime has dropped by 66 percent since the enactment of the ban. And the ATF has data showing, the longer the ban is in effect, the fewer assault weapons have been available for use by a criminal. The effect is to dry up the source.

This ban has broad public support. Most importantly, key law enforcement officers and agencies support it. They know these weapons have no place in our communities. The ATF description of these weapons in their "Assault Weapons Profile" clearly shows us why. It says, "Assault weapons were designed for rapid-fire, close-quarter shooting at human beings. That is why they were put together the way they were. You will not find these guns in a duck blind or at the Olympics. They are mass-produced mayhem."

The Department of Treasury has reported these weapons are not suitable for sport and are more attractive to criminals. The ATF goes on to say that, "Access to them shifts the balance of power to the lawless." In essence, these are not weapons to be used by sportsmen or kept at home. They are weapons designed to kill people, lots of them.

Assault weapons have been at the center of many of the worst mass murders in the United States. In 1984, 21 people were killed and 19 people injured by a man with an Uzi in a McDonald's in California.

In January of 1989, another man used a semiautomatic version of an AK-47 to kill five children at an elementary school, and 29 other children and their teacher were wounded in the same incident. This man fired 106 rounds in 2 minutes.

In 1993, Mir Aimal Kasi killed two CIA employees and wounded three others outside Langley using a Chinese-made semiautomatic AK-47 he bought in a gun store in Virginia.

And in July of 1993, eight people were killed and six people were wounded in a

San Francisco law office. The man responsible used two TEC-DC9 assault pistols with 50-round magazines.

These weapons are a serious threat to the men and women who serve our communities as law enforcement officers. Allowing access to these weapons means our law enforcement officers have to carry heavier firepower that they do not want to use.

In 1994, every major national law enforcement organization worked hard to pass the assault weapons ban, and now, this President and our congressional leadership have abandoned these peace officers by letting the ban expire. This is particularly stunning given the world we live in after September 11, 2001. Yet they have now made it easier for terrorists to arm themselves in our country.

Mr. Speaker, this is unacceptable. We do not need these weapons in our communities. They are an invitation to death and destruction and a threat to our freedom. This Congress needs to restore the ban immediately to protect our constituents and our children.

I urge the Speaker to schedule a vote as soon as possible and ensure that assault weapons do not come flooding back into the United States.

THANKING SYLVIA NUGENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. THORNBERRY) is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Speaker, there are many ways to serve our country. We are most mindful of the men and women serving on the front lines of the war on terrorism, who risk or even lose their lives for our freedom and security.

But as Ken Towery, a remarkable man who has been a POW in World War II, a Pulitzer Prize winner and Presidential appointee reminds us, "Not all men are called upon to respond to battlefield conditions. But all men and women will face many, many situations where courage and duty and responsibility are required and where the true measure of their worth is how well they respond to those challenges."

One way to serve our Nation is by working on the staff of a Member of Congress. It is the Members themselves who receive most of the attention, positive and negative. It is our names on the ballot and in the newspapers. We are the ones who cast the votes on legislation and are ultimately responsible for all that is done in our name or on our behalf.

But as each Member knows, everything we do is assisted by and made possible by the men and women who serve on our staffs.

I am extremely fortunate, for I have had and have today a group of exceptional individuals who have worked with me as I have tried to represent the people of the 13th Congressional District of Texas. At the center of everything I have tried to do for my constituents and for our Nation has been my chief of staff, Sylvia Nugent.

Sylvia comes from a heritage of service to the country. Her father, Vernon Herrington, is a retired FBI agent, having served in the Bureau for more than 25 years. Sylvia grew up learning a sense of patriotic duty as her family moved around the country in her father's various stations.

Sylvia has been married to Dr. Rod Nugent for more than 36 years. And first, she raised her family and volunteered in her community, contributing much. As her children matured, however, she became more involved in politics, becoming active in several campaigns in Texas.

In 1994, to my good fortune, she became the campaign manager for my first race for Congress. Then she served as chief of staff for my office until August 31, 2004. Sylvia is now a grandmother, and she and Dr. Nugent are preparing for the next phase of their lives.

In some ways, Sylvia has not been a typical congressional chief of staff. She was a bit older than most when they entered government service. She has been based in the district; whereas, most chiefs of staff work out of Washington. Yet, the exceptional qualities of patriotism and commitment to service which she exemplifies do represent the best of the people and the work which goes on in the legislative branch of government.

Sylvia is exceptionally gifted. Her intelligence and knowledge help her to get to the root of a problem quickly. Her emotional intelligence and perceptiveness, her people skills, are even more impressive. She is someone to whom a person on an airplane flight will pour out their problems and leave rejuvenated after hearing her counsel. Underlying all of her talents and abilities is a caring heart that wants to help and serve.

She made sure that, in all of the work which my staff and I undertook, we remembered that we work for the people of the 13th Congressional District of Texas, that our efforts are funded by the taxpayers, and that our mission is to help people and serve our Nation. Whether it was locating a lost Social Security check or obtaining military medals earned by a veteran 60 years ago, she was committed to helping the people of the 13th Congressional District. Whether it was cosponsoring a rural health care bill or passing the bill to create the Department of Homeland Security, she was committed to doing what was right for the country.

As she supervised all of the constituent service, communication and legislative work in my office, she also helped advise and guide staff members and interns on their careers and lives, leaving her mark for years to come. Having raised four outstanding children of her own, she brought those nurturing abilities to all with whom she came in contact.

Most importantly, everything she did was motivated by a love of country and a desire to serve and improve. Sylvia has responded to challenges and to opportunities with courage and duty and a sense of responsibility beyond what was required. In a way, her commitment and dedication have been extraordinary, but in another sense, it is the same kind of commitment and dedication that has made America great and continues to ensure that Americans do their duty in whatever circumstances they are placed.

Mr. Speaker, I know that I have been tremendously blessed. And my family and I will continue to be blessed to count Sylvia and Rod Nugent among our dearest friends. But the Congress, Texas, and the Nation have also been fortunate to have had the service of this extraordinary lady.

CONGRESS COMMITS SHAMEFUL ACT OF OMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today, this Congress committed a shameful act of omission. When today's congressional session ended, so too ended the assault weapons ban that has helped to keep our streets safe for the past decade.

In 1994, President Clinton bravely ushered the assault weapons ban through Congress. This act took its political toll on not only President Clinton but also the Democratic Party, but he stuck to his guns, so to speak, and strongly supported passage of this important legislation.

As a result, the use of military-style automatic weapons in crimes dropped from 4 percent in 1995, before the ban had taken effect, to 1 percent in the year 2002. In fact, according to the Department of Justice, the proportion of banned assault weapons traced to crimes has dropped by 66 percent since 1995.

The refusal by the House Republican leadership to bring up an extension of the assault weapons ban and the failure of President Bush to push for its renewal is about much more than gun control. This issue is about nothing less than the very security of our Nation.

Today's failure to extend this important law will make Americans less safe. In fact, al Qaeda, in their training manuals that were recovered from Afghanistan, specifically cited the ease of obtaining automatic rifles and machine guns in the United States. To many terrorists around the world, America is known as the great gun bazaar.

Let us break down the facts: First, al Qaeda, our worst enemy, has specifically instructed terrorists on how to exploit America's gun laws to obtain the weapons they intend to use to kill Americans.

Next, the United States had a proven and effective law on the books that made it difficult to purchase these deadly weapons, and this law needed to be renewed.

Finally, President Bush, who claims to be a huge homeland security supporter, stayed silent. Why did he remain silent? Why did the President not act? I believe the answer is really pretty simple.

□ 1945

The National Rifle Association, the NRA, refused to support President Bush's reelection bid until after the renewal date for the assault weapons ban came and went, that was today, came and went untouched by the White House. This President has been cowed by the NRA. The sad irony is that last week Vice President DICK CHENEY made the outrageous claim that it is absolutely essential on November 2 that Americans make the right choice because if we make the wrong choice, then the danger is that we will get hit again. I quote that from the Vice President's remarks.

This misleading connection in addition to insulting the intelligence of the American people wrongly asserts that a vote for JOHN KERRY and JOHN EDWARDS is a vote for terrorism. Instead, al Qaeda will be poised to hit us again because in large part on September 13, 2004, today, the Republican leadership has allowed Islamic militants and others to once again purchase American machine guns, all for the reelection of the President. How very, very shameful that is. If we truly want to secure our homeland, we need to pursue policies that are smarter than those that would decriminalize deadly weapons to elect someone to office. By the way, virtually every major law enforcement organization in the United States of America supports extending the ban.

That is why I have introduced a new SMART security platform for the 21st century. H. Con. Res. 392 is legislation to create a sensible, multilateral, American response to terrorism. SMART security is stronger on national security than President Bush claims to be. SMART security will stop the sale of weapons to oppressive regimes and regimes involved in human rights abuses. SMART security will pursue enhanced inspection regimes and regional security arrangements to ensure that state sponsors of terrorism do not get ahold of more light weaponry, or even deadlier chemical or biological weapons.

Let us talk for a moment about presidential flip-flops. When it comes to keeping assault weapons out of the hands of terrorists, George Bush speaks out of both sides of his mouth.

FACTS SPEAK FOR THEMSELVES ON MEDICARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the President spent some time recently taking, and I concede this, well-deserved credit for last year's Medicare bill, for foisting last year's 678-page, $534 billion Medicare law on seniors and the rest of the American public. The fact that he is proud of this law, a law that hands HMOs $12 billion in bonus payments, HMO insurance companies get $12 billion in bonus payments while raising seniors' premiums by 17 percent, a record amount, raises a larger issue: How have seniors fared under the last 3½ years of the Bush administration? It is not a difficult question to answer. The facts speak for themselves.

We remember several months ago the President actively lobbied for the Medicare overhaul that would treat seniors without drug coverage like second-class citizens, forcing them out of traditional Medicare and into private insurance company HMOs.

Members will remember that vote. It took place in the middle of the night. It was a 3-hour vote, the longest in congressional history. There was more campaign payoff money on that vote from insurance companies and drug companies to Republican Members of the Congress. We all remember that. The President put his weight behind that new Medicare law that lines the pockets of HMOs to the tune of $12 billion, that lines the pockets of drug companies to the tune of $182 billion, and explicitly blocks seniors from access to competitively priced prescription drugs. The insurance companies, as I said, got a payment of $12 billion. The drug companies' profits went up $182 billion and Republican leadership and the President did very well in this campaign year with contributions from the drug companies and the insurance companies. They could certainly afford it after legislation that will create and bring to them those huge profits.

After that, the President spends millions of dollars of our money, of taxpayer money, of dollars that could have gone to a prescription drug plan, could have gone to seniors to reduce the cost of seniors' drugs, but the President spends millions of dollars of our money on ads touting the new Medicare bill with the slogan "same Medicare, better benefits," even though the President and his advisers knew his handiwork would be directly responsible for the largest premium increase in Medicare history, 17 percent, the largest premium increase in Medicare's 38-year history, not to mention deductibles that will for the first time that seniors have to pay increase year after year after year.

Do not believe anyone that tells you the Bush administration is not responsible, in spite of the ads the President is running, is not responsible for the 17 percent premium increase just because he says premiums are calculated by a formula. Yes, they are calculated by a formula written in the bill that the drug and insurance companies wrote that the President pushed through. That is like pouring gasoline on a campfire, then blaming someone else when the forest burns down.

The President's Medicare law, inflated by a $12 billion HMO slush fund and an outright prohibition on bulk rate prices, bringing the price down, swelled the overall cost of Medicare which in turn increased the premium that seniors pay. America's seniors know it. You and I know it. Everyone in this Chamber knows that is why premiums went up, because of the deal the President made with the drug companies and the insurance companies.

In his budget proposal this year, the President recommends cutting $60 billion from the Medicaid program, $60 billion, even though Medicaid covers 70 percent of the nursing home care provided in this country. Without Medicaid, two-thirds of America's seniors in nursing homes would have to find some other source of care. For many of those seniors, there is no other source of care. For others, families have to patch together the care any way they can, even if it means they become impoverished.

Medicaid provides health care, nursing home care and home health care to nearly 5 million seniors living below the poverty line, 149,000 people in my State of Ohio alone. The recession and massive job losses have left States struggling to finance their full financial obligations to Medicaid. If the Federal Government does not do its part, the Medicaid program is in jeopardy. The Bush administration is simply not doing its part because of its budget cuts to Medicaid and because of the tax cuts which have gone overwhelmingly to the 1 percent wealthiest Americans.

The President's hand-picked Social Security Commission came up with a privatized plan to drain $1.8 trillion from the Social Security Trust Fund over the next 5 years. Privatizing Social Security, privatizing Medicare, cutting Medicaid is no benefit to seniors. It is the wrong direction for our country.

SPLIT PERSONALITY

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, my colleague from Ohio has shown one of the hallmarks of this administration, its ability to spin a tale. Say it often enough and the American people may actually begin to believe it. In fact, they are so good at it they may have begun to believe their own press releases.

The other day, Secretary of War Rumsfeld delivered a major speech at the National Press Club. Along the way, terror got a new name, Osama Hussein. Or was it Saddam bin Laden? In English, the rule is I before E except after C but in this administration I equals A. Iraq equals al Qaeda because they say so, not because there is a shred of evidence. There is not.

Mr. Rumsfeld appeared to link Osama bin Laden and Saddam Hussein in the same breath. He has got them all confused in his head now. He has said the story so many different times and they still are trying to connect the al Qaeda with what happened on 9/11. Or maybe it was just a stumble compounded later in his appearance by another gaffe. Or was it reading too many spin memos that your head begins to turn and spin and spin and you do not know where you are. At the very least, this shows the effect of a PR campaign that began well before the invasion of Iraq. The separation between the rhetoric and the reality has blurred into one and the same. Over and over again, the administration has exaggerated the tie between Iraq and al Qaeda. When questions from the Congress and the American people outstripped the rhetoric, the administration's rhetoric got louder, a lot louder. Today it is so loud that it is hard to hear the quiet truth. But it is there.

It has been over a year and a half since the President ordered the beginning of hostile action against Iraq. It has been over a year since the President declared "mission accomplished." Absolutely no one on the planet believes that the mission has either been accomplished or will be anytime soon. Even some Republicans are now talking about a presence in Iraq over the next two decades. Is that the plan for winning the peace? Is that the plan or the consequence of going to war in Iraq?

Today, U.S. military commanders are using more air strikes in Iraq. If that helps save American lives or keep soldiers safe, out of harm's way, I am all for it. If this is a new military strategy, then it raises the question, why can we not get a lot of American soldiers out of Iraq and get them out of harm's way? It has been almost 3 months since the so-called handover. In those 90 days, 150 soldiers have died and 900 have been wounded. We cannot ask what we are going to do to win the peace because U.S. soldiers are still fighting and dying in a war. This is not the time to ask how the administration plans to win the peace, because there is no peace in Iraq today.

Colin Powell came out yesterday and said we have a secret plan that sometime soon we will roll out so we can get stability at the time of the election. What is he waiting for? The election? Or the fact that he does not know what he is doing? U.S. forces managed a weekend without a military death but the death count of innocent Iraqi citizens is up dramatically over the last 48 hours. In another day of war, there can be no peace.

Today, the American people have a fog of war, reality obscured by an administration which would prefer that we merely accept their version of reality or versions when the story needs to change. While it may have been a slip of the tongue the other day at the National Press Club, one wonders whether Secretary Rumsfeld inadvertently expressed publicly what he thinks privately. Are bin Laden and Hussein two different faces of evil, or are they some kind of split personality? Spin the rhetoric around enough and it gets hard to separate it from the reality on the ground, here or there.

The administration has wrapped itself in the mantle of fighting the war on terror. Just today this administration could have struck a major blow against terrorism simply by extending the ban on assault weapons. These are bona fide weapons of mass destruction. We know where they are and we know how to keep them out of the hands of the bad guys. The President said he favored the ban, but then he did absolutely nothing to make it happen. You think he could not get the leadership in the House of Representatives to act on this if he meant business? He never meant anything close to that.

The administration did not need weapons inspectors from the U.N. or air strikes from the military to find and isolate weapons of mass destruction that will threaten police officers and our security officers and our homeland security. All the President needed to do was tell his surrogates in this body and the other body to extend the ban. That did not happen, despite overwhelming support from the American people, despite overwhelming support from law enforcement officers. Instead, the administration used empty rhetoric to disarm a true weapon in the war on terror.

The regime is coming to an end, Mr. Speaker, in 49 days.

FLORIDA WEATHERS THE STORMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, in a few minutes, my other colleagues from Florida will be speaking on the horrible disasters that have befallen our State. I am proud to stand with my Florida colleagues in a bipartisan manner to congratulate and thank all of the men and women who have helped to make our fellow citizens be better able to cope with this crisis.

I want to express my condolences for the victims of Hurricanes Frances and Charley and the victims of Hurricane Ivan in the Caribbean. These storms have caused a great loss of life and property, but it would have been far worse had it not been for the sound planning and the quick response from Governor Jeb Bush and President George W. Bush. Governor Bush organized an effective plan and ensured that the National Guard would mobilize in the areas that were hardest hit.

I also would like to commend President Bush for his quick declaration of an emergency and his handling of the disasters. Thanks to President Bush, Floridians were able to quickly receive the essentials that they needed. President Bush traveled to Florida to inspect the disaster and was handing out water and ice to those affected and he spoke to Floridians who had lost everything in this disaster.

Here in Congress, we acted last week to pass an emergency supplemental appropriations bill to help FEMA pay for the disaster relief of Hurricane Charley. Soon our colleagues in Congress are once again rising to the same challenges as we prepare to pass another supplemental appropriations bill for Hurricane Frances.

□ 2000

I am proud to represent both Miami-Dade County and Monroe County. Miami-Dade experienced the loss of electricity in many areas as well as a shortage of fuel, and the Florida Keys have been evacuated twice, leading to a huge economic loss to that area. Today for the third time in a month, another part of Florida braces for a disastrous storm. All of south Florida prays for the safety of those in the path of Hurricane Ivan, and I am confident that if it were to strike our State, Governor Bush and President Bush and all of the emergency workers will once again be ready to quickly respond.

Mr. Speaker, I would also like to bring to the attention of this Chamber the economic losses which the Florida Keys have suffered as a result of the two mandatory evacuations imposed in less than a month. Tourists had to leave, which meant a huge economic loss for the area. The Florida Keys badly depends on the thousands and thousands of tourists who come to enjoy south Florida. My good friend, the colorful commissioner of Key West, Tom Oosterhoudt, will be manning the emergency operations center tonight from 10 to midnight when the winds of Hurricane Ivan will be whipping by Key West.

The Florida Keys, as all of us know, are the southern-most point of Florida. Their abundance of nature and beaches, fishing, and coral make them one of the largest destinations for tourists, and they come from every corner of the globe to bask in the year-round beach weather. Conservationists and nature lovers come to enjoy the many birds and plant species that are found in no other place.

However, because of these three hurricanes that have threatened to strike, the Florida Keys have been evacuated at various times in these weeks. And for an economy that is heavily dependent on tourism, these hurricanes have been economically devastating.

My district office staff helped out today at Florida International University, the shelter for the Monroe County residents who had to evacuate their lovely keys. This week alone Key West lost 20 to $30 million in lost sales tax revenues. This is just in 1 week.

So I call on all Americans to plan a visit once again to the Florida Keys now that the hurricanes have almost passed. I invite them to discover the beauty and the wonder that Hemingway and President Truman fell in love with and which encouraged them to make the Florida Keys one of their homes. Come to our beaches, swim in our coral reef, fish in our waters, enjoy the sun; and while there, of course, a mandatory visit to a bar in Key West; swim in Sombrero Beach in Marathon, and ride a jet ski in Key Largo.

As the Florida Keys representative in Congress, I welcome people to come and visit the Florida Keys and all of south Florida once again, and they will see why I am so proud to represent such a beautiful and diverse place.

H. RES. 717, RECOGNIZING 58TH BIRTHDAY OF WILLIAM JEFFERSON CLINTON

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in support of the resolution to honor the 58th birthday of the 42nd President of the United States, William Jefferson Clinton.

I came to Washington the same year that the President did. We both were elected in 1992 and took office in 1993. Those 8 years were the best anyone could imagine. Under his leadership, the United States ran a budget surplus for the first time since Lyndon Baines Johnson's administration. The economy had its highest productivity level in decades, and nothing has been seen recently that even remotely compares to this.

This President had the leadership to push through Congress an assault weapons ban that stopped dangerous and unnecessary automatic and semiautomatic guns from our neighborhoods. Rather than leaving important policy decisions to others, he took the lead in some unpopular positions to place this country in a position to lead the world. Under the Presidency of Mr. Clinton, our country achieved new heights of respect.

I wish former President Clinton my best wishes on a speedy and successful recovery.

Once again I want to wish a happy birthday to William Jefferson Clinton. I speak for my constituents and many millions of Americans in expressing my gratitude. We thank him once again for his leadership of service, and this country truly misses him.

HONORING LU PALMER AS A FORCE IN COMMUNITY LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I rise today to honor the memory of Mr. Lutrell "Lu" Palmer, a noted and respected Chicago leader and national leader. I am saddened to announce that Lu Palmer has been called to glory by our God in Heaven. He made his transition early Sunday morning at his home.

Lu Palmer's life was a life of courage, commitment, and compassion. His extraordinary sacrifices made on behalf of the voiceless, the disinherited, and the disadvantaged are legendary. Lu Palmer sacrificed a successful career as a columnist for the Chicago Sun Times because he would not compromise his principles and write what the editors wanted. He resigned rather than cave in to those who tried to silence and censor his voice.

Mr. Palmer's radio commentaries on WVON entitled "Lu's Notebook" were heard on radio each and every day. And again, although his commentaries were very popular and eagerly anticipated by thousands of listeners, his sponsors tried to again silence his voice by withdrawing their sponsorship, thereby removing his "Lu's Notebook" from the radio waves. Lu Palmer remained steadfast. Lu Palmer still would not be silenced.

Mr. Palmer's community activism created a campaign which ultimately elected Harold Washington as the first black mayor of the city of Chicago. His "We shall see in '83" motivated a movement the likes of which were and still are unprecedented.

Mr. Speaker, it is exceedingly difficult, if not impossible, to capture Lu Palmer's life in the brief time that I have. The impact that Lu Palmer has made on the local and national arena will require much more than what is encapsulated here. All over the country, Lu Palmer has conducted seminars and has participated in workshops where his expertise and his messages have been that of imparting valuable information and providing direction for untold masses of people from Boston to Marquette University, to Carlton and St. Olaf's College, to Valparaiso, to Missouri and Colorado and Mississippi and Georgia, and to countless other States and college campuses and meeting halls. He transmitted a powerful image to and for the enrichment and uplifting of African Americans.

In Chicago, alone, Lu Palmer led such fights as the removal of asbestos from Chicago public schools and the fight against the wrongful draft of African Americans in the armed services. Behind the scenes, he helped in the mobilization to unseat the notorious Edward Hanrahan as Cook County state's attorney after the murders of Fred Hampton and Mark Clark of the Illinois chapter of the Black Panther Party, and he also provided assistance in the mobilization against police brutality in the 1970s.

Lu Palmer also provided vital research to the groups that fought overcrowding of schools in African American neighborhoods and did the same for groups that coalesced to have the first African American selected as the superintendent of the Chicago School Board. This group ultimately became CBUC, Chicago Black United Communities.

In 1981, the organization launched a historical march toward a black mayor, and it was very successful. It was Lu Palmer who solidified Kwanzaa as an African American observance. On his above-mentioned radio program, he presented the 12 principles of Nguzo Saba on a daily basis, to the extent that listeners began to understand, absorb, and seek more clarity and participation in the African-based cultural rhythms.

Thousands and thousands read Lu Palmer's articles and columns in mass media newspapers, but even more heard his insightful and incisive commentaries on "Lu's Notebook."

Mr. Speaker, Lu Palmer made his transition. We have lost a giant. And, Mr. Speaker, my condolences and the condolences of my family are extended to Georgia Palmer and to her entire family. We mourn the loss of Lutrell "Lu" Palmer. We will miss him.

Carry on, brother. God bless.

THE ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in 1994 Congress passed the Federal Assault Weapons Ban as part of the Violent Crime Control and Law Enforcement Act of 1994. The law banned the sale to civilians of 19 types of semiautomatic weapons, but many manufacturers have been able to skirt the prohibition by offering knock-off models. Domestic gun manufacturers were required to stop production of semi-automatic assault weapons and ammunition clips that hold more than 10 rounds, except for military or police use.

The assault weapons ban will expire or "sunset" today unless Congress passes legislation to renew the law. President Bush has stated his support for the assault weapons ban. Unfortunately, the House refuses to act until the President calls on Republican congressional leadership to do so.

The Assault Weapons Ban is supported by virtually every Federal, State and local law enforcement agency, including the Fraternal Order of Police, the National Sheriff's Association, the International Association of Chiefs of Police, the Major City Chiefs Association, and the International Brotherhood of Police Officers. The ban was supported by Presidents Reagan, Ford, Carter, and Clinton, and by Republicans Tom Ridge and Rudy Giuliani.

Prior to the ban, ATF found criminals prefer assault weapons over law-abiding citizens eight to one. In the 5 years before the ban, assault weapons made up almost 5 percent of ATF crime gun traces. Since the ban, assault weapons have made up only 1.5 percent of these traces—a drop of 66 percent from the preban rate.

As recently as December 2003, an NBC News/Wall Street Journal poll found that 78 percent of adults nationwide support renewal of the ban. Additionally, 57 percent of people with a gun in their household support the assault weapons ban. The ban does not include hunting rifles and shotguns, which is probably why a majority of hunters support extending the ban today. The greater the availability of assault weapons, the cheaper their price, and the more wind up on the streets.

We need to take action immediately, and I urge my colleagues in Congress to step up and do the right thing by extending this ban.

Congresswoman Jackson Lee Urges House GOP Leadership to Schedule Immediate Vote To Renew Assault Weapons Ban that Expires Today

WASHINGTON, D.C.—Today, September 13, 2004, the ten-year federal ban on assault weapons is set to expire unless Congress takes immediate action to extend it. Congresswoman Sheila Jackson Lee has continued to urge the House Republican leadership to schedule an immediate vote to renew the ban. The Congresswoman has received many calls in support of an extension by local enforcement officers and gun control advocates who have been lobbying for congressional action on the ban. Extension of the ban is supported by more than three-quarters of Americans nationwide. The Senate approved a renewal of the ban earlier this year, but the House has not voted on the matter because the House Republican leadership refuses to allow a vote.

"For ten years, the assault weapons ban has helped keep semi-automatic assault weapons off the market, off our street, and out of the hands of gangs, terrorists, drug dealers, and most importantly our children," Congresswoman Jackson Lee said. "It is imperative that the House Republican leadership schedule an immediate vote to renew and strengthen the assault weapons ban so that these deadly weapons are not allowed on our streets again. These are not the weapons people use for hunting deer or wild game. These assault weapons are designed to kill as many people as quickly as possible."

The ban, which was approved in 1994, prohibits the domestic manufacture, import, and sale of 19 types of semi-automatic assault weapons such as AK–47s, TEC–9s, and Uzis, as well as dozens of other weapons, which are designed to kill quickly and violently. Unlike weapons firing single rounds, assault weapons are designed to spray many bullets into a single area, as opposed to a single target, increasing the chances of hitting innocent bystanders who are in the crossfire.

According to the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), there has been a 66 percent reduction in the number of traced crimes committed with assault weapons since the ban went into effect. A study of FBI data by the Violence Policy Center reveals that one in five law enforcement officers slain in the line of duty between January 1, 1998 and December 31, 2001 were killed with assault weapons. " This serves as further proof that the assault weapons ban not only needs to be renewed, but intensified," Congresswoman Sheila Jackson Lee stated, "I am a cosponsor of a bill to renew the ban for another ten years as well as another bill to strengthen the ban by adding weapons to the prohibited list and making it permanent."

Congresswoman Jackson Lee continued, "The Second Amendment to the United States Constitution allows people to 'keep and bear' firearms. The important question is where we should draw the line. People should not be allowed to have shoulder-fired rocket launchers, nor do they need a semiautomatic weapon that can fire off 30 shots in a matter of seconds for recreational hunting. We need to renew and strengthen the federal ban on assault weapons."

The assault weapons ban is supported by virtually every federal, state, and local law enforcement agency, as well as organizations including the Fraternal Order of Police, the National Sheriff's Association, the International Association of Chiefs of Police, the Major City Chiefs Association, and the International Brotherhood of Police Officers.

THE REPUBLICANS' COZY RELATIONSHIP WITH CORPORATE INTERESTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I want to remind the American people about the Republican Party's cozy relationship with our Nation's corporate interests. This relationship has been extremely beneficial to America's corporate elite, but has been extremely harmful to America's middle class. It is necessary for me to remind the American people of this relationship because Republicans are now doing everything they can to run away from the relationship.

Republicans are hoping the American people forgot that Vice President CHENEY worked behind closed doors with corporate executives from the oil and gas companies to write an energy bill that benefited them with billions of dollars while doing virtually nothing to help middle-class Americans with rising prices at the gas pump.

Republicans are hoping the American people will forget President Bush misled the American people into supporting the war in Iraq and rushed to war with absolutely no plan to win the peace. Last month the President finally admitted that he miscalculated in Iraq, but now Republicans would like the American people to forget such comments.

They would also people to forget that the war in Iraq has now cost the American taxpayer $200 billion in which billions of dollars have gone to another corporate friend of the Bush administration, Vice President CHENEY's old company, Halliburton.

Mr. Speaker, Republicans are hoping the American people forgot that while their own Medicare director was negotiating a final Medicare prescription drug bill, he was interviewing for jobs with the very pharmaceutical companies that benefit from the new Republican Medicare law. This same director, Tom Scully, illegally kept critical information about the costs of the Medicare bill from Congress, which most likely would have killed the controversial bill before it became law. But Republicans would like the American people, particularly the 40 million seniors who depend on Medicare and who deserve a real prescription drug benefit, to forget that the new law benefits the pharmaceutical companies and only provides a minuscule benefit to senior citizens.

Republicans also would like the American people to forget that they have been doing the work of America's corporate and special interests for the last 4 years to the detriment of the best interests of America's middle class.

Mr. Speaker, Senator KERRY and congressional Democrats will take our country in a new direction and put the middle class first. Despite what President Bush and congressional Republicans promise over the next few months before the election, they will continue to put the narrow interests of the few ahead of the middle class.

Let me talk about some of these special interests this evening, Mr. Speaker, if I can. Let us just look at the record of the Republicans over the last 4 years. Republicans have accomplished many of the goals that corporate interests have set forth with no concern about how these goals would impact middle-class America. I want to just talk about the economy first, and then I will maybe yield to the gentlewoman from Florida, who I see has come down here to join me.

On the economy, the Republican mission has been accomplished for companies seeking tax breaks for shipping jobs overseas, but not for America's workers. The Bush administration needs to create more than 900,000 jobs in 2 months, over the next 2 months, in order to actually create its first net job.

□ 2015

Now, one would think that the administration would be doing everything possible, looking at every creative solution, to get Americans back to work; but, instead, what we see is the Bush administration taking the side of the corporate interests. They are not worried over the fact that in the next 2 months they are not going to be able to create almost 1 million jobs to show a net job gain.

The Bush administration would like the American people to forget that the centerpiece of its supposed economic stimulus plan was a provision to eliminate the amount of taxes paid by individuals on stock dividends. Economists concluded that this handout to the President's corporate friends would not create high-paying jobs to the middle class. Three years later, after this tax cut was put in place, it now turns out that the economists were right. Instead of creating jobs for the middle class, President Bush hit them with a $364 billion deficit, something our children will be forced to pay off in the future. All this not to create one single job; remember, we have a net loss right now of almost 1 million jobs, not to create one single job but, instead, to help inflate the wallets of President Bush's corporate friends.

Now, one would think that the administration would be against companies moving jobs overseas. We have heard about the outsourcing, Mr. Speaker, many times over the last year. But earlier this year, we learned that the Bush administration views the movement of American factory jobs and white collar work to other countries as a positive transformation that will, in the end, enrich our economy. How many of the administration's economists said that outsourcing was a good thing?

The administration stated exactly that in the President's economic report for 2004. This was the President's own economic report for this year. Now, no wonder President Bush thinks that our Nation's economic forecast is rosy. He is not concerned about creating jobs here in the United States. As long as the economy continues to grow and the President's corporate interests continue to make record profits, that is fine with him. President Bush cannot be too concerned about his dismal job creation record since he refuses to discontinue his administration's policy of giving tax breaks that shift American jobs overseas.

Now, by contrast, if I could, Mr. Speaker, Senator KERRY and congressional Democrats want to help middle-class Americans by ending special tax breaks for companies that outsource jobs and creating tax incentives for companies that keep jobs here in America. Those are the companies that we should be rewarding, those that will keep the jobs here, not send them overseas.

Congressional Democrats have also long supported a transportation bill that would stimulate the economy by creating millions of jobs all over the Nation and provide much-needed transportation modernization funding. That transportation bill is stalled because the administration refuses to support the necessary funding that is also supported by some Republicans in this Chamber.

Now, I know the gentlewoman from Florida would like to have some time. I just wanted to say, one of the things, before I yield to her, one of the things that I cannot forget when I look back over the 4 years of the Bush administration is that 4 years ago, in January, when the President first took office, and by March, he took office in January, and by March of that year it was looking like the economy was starting to falter, and the congressional Democrats met in a caucus. We had a special caucus meeting, and we came up with an economic stimulus package, because our feeling was that if we were able to provide an economic stimulus, transportation projects, infrastructure, sewer plants, money than went back to the States for all kinds of activities, school construction, hospital construction, that that would make it possible for the economy to keep moving along and not fall into a recession.

But the congressional Republicans and the President, President Bush, absolutely refused. Their answer was, we are not interested in that kind of economic stimulus that creates jobs, that provides infrastructure; we just want tax cuts. And then by, I guess, the spring or the summer of that year, they had implemented the first round of their many tax cuts.

The bottom line is it is 4 years later, all the rhetoric about how the tax cuts were going to turn the economy around has simply proven to be false, and the only thing that would have made a difference then, and I think still would make a difference now, if there was some sort of economic stimulus package that dealt with infrastructure, particularly as I mentioned the transportation bill; but I really believe that at the time, if we had worked on a bipartisan basis and not implemented these tax cuts, but rather implemented an economic stimulus package, we would not be in the situation we are now where there is a net loss of almost 1 million jobs since President Bush took office.

Mr. Speaker, I thank the gentlewoman from Florida for joining me tonight, and I yield to her.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have a question for the gentleman from New Jersey before he leaves. I know that he heard about the back-door announcement made by the administration on the Friday afternoon before Labor Day: the cost of Medicare for seniors is rising by 17.5 percent to $78.20 per month. This is something that I know my grandmother and all of our grandparents cannot afford.

The blame for this increase has been put on the rising medical costs. However, it is this administration with its close ties to health care lobbyists that has failed to do something about spending. In fact, that bill that we passed, the Republican Party will finally do what they have been trying to do for 35 years to the program: destroy the program with these inflated costs. Can the gentleman address this?

I come from Florida where Claude Pepper, my mentor on health care issues, the most well-known advocate for seniors, a man who fought for years and years to strengthen Medicare and Social Security, would be rolling in his grave if he were here today.

This is a life and death issue for many of our senior citizens. The bill that was passed that prohibits the Secretary from negotiating the prices of the drugs, the bill that was passed in the House in conference, not one single Democrat was permitted to be in the room, the people's House, not one. And in the Senate, for the first time ever, the Senate leader was not able to pick who was going to be in the room.

Can the gentleman from New Jersey explain to me and to the people who are listening today about this increase and what can we do to repeal this hideous Republican bill that was pushed through by this President?

Mr. PALLONE. Well, first of all, let me thank the gentlewoman so much for not only coming here, but also for what the gentlewoman is asking. I am not leaving; I am here with you. I like to go back and forth, and I certainly have a lot more to say tonight.

Let me also say, before I start getting into the issue, I am so glad the gentlewoman mentioned Claude Pepper. I was elected the year he left, and I remember because it was a Presidential year. I think it was the year that the first President Bush was elected, and I got to meet him at the convention.

Sometimes, when we talk about procedure, people fall asleep because they figure we are going into procedure, so what does it all matter. But one of the things that I was so determined to do when I got here in 1988, because of Claude Pepper, is that I wanted to be on the Select Committee on Aging, which he had chaired for many years.

And when that committee met, they did incredible oversight. They would have hearings on a regular basis, looking into the Medicare program. I would tell the gentlewoman right now, if that committee still existed today, we would never have had the problems that the gentlewoman is talking about and this misrepresenting by the Republican administration about what is going on with the Medicare program.

One of the biggest criticisms I had was that in 1994 when Republicans took the majority and Gingrich became Speaker, was that they got rid of the select committees, including the aging committee which I served on. Because even though Claude Pepper had not been there, and I think it was the father of the gentlewoman from California (Ms. ROYBAL-ALLARD) who was the chairman, we did such a good job in terms of oversight. And once that committee was gone, the oversight function of the programs for the seniors just disappeared, and I blame the Republicans for that, frankly.

I know that is not what the gentlewoman is talking about, though.

Ms. CORRINE BROWN of Florida. Mr. Speaker, if the gentleman will yield, when the Republicans took over in 1994, I will never forget that they tried to take his picture down out of the room, someone who served this institution, this country, and dearly beloved. I participated in a march to that room to make sure that we reinstated Claude Pepper's position, because he deserved to have his picture in that Committee on Rules room.

I have to tell the gentleman, I remember him at the conventions and his liveliness and how he fought so hard for seniors in this country. And now this administration, with their lies and misleading people about this Medicare bill, this bill that prohibits the Secretary from negotiating the price of the drugs. We on the Committee on Veterans' Affairs, along with the Department of Defense, insist, insist that they negotiate the price of the drugs so we can keep the costs down for our veterans, for our people, military families. No one can explain it. There is no discussion. When we raise that issue, they give us a blank stare, because the pharmaceuticals wrote those provisions.

What has happened here, the fox has moved into the House of Representatives, into the people's House. We see it with this Medicare bill. We see it on environmental issues. We see it over and over again. If this administration, and I do want to talk about Medicare, but if this administration that totally runs this House of Representatives, totally controls the agenda of the House of Representatives wanted an assault ban, it would have been on the floor and it would have been passed. They control. We cannot have a hearing.

We talk about homeland security. We cannot even have a hearing on railroad safety because the administration will not sanction it. I have never seen anything like it. I have been elected to the House of Representatives for 12 years. I have been an elected official for 23 years, and I have never seen such disrespect for the House of Representatives, for the people's House. I take it very seriously, because I was one of the first African Americans elected to Congress from Florida in 129 years. I take my job very seriously. And it is just, it saddens me to no end to see how the administration, which is a separate branch of government, runs the people's House, the House of Representatives. It is a disgrace.

Now, would the gentleman please tell me about the Medicare and what can we do so that my grandmother, who does not have an additional $78, $80. I know to these big-timers, that is nothing. But the seniors who are living on a fixed income, that is deciding whether to buy their medicine or buy food. They are going to raise the costs, and where is the money going? It is going to the HMOs and the pharmaceuticals. It is criminal.

Mr. PALLONE. Exactly.

Ms. CORRINE BROWN of Florida. We can play politics on some things, but in an area like this, it should not be any politics played.

Mr. PALLONE. Mr. Speaker, the gentlewoman is absolutely right. The premium increase is very significant. It is the largest one we have had in the history of the Medicare program: 17 percent.

Ms. CORRINE BROWN of Florida. They want to kill the program.

Mr. PALLONE. Mr. Speaker, it has gone from basically $66 to $78, about an $11 increase, the biggest we have ever had. President Bush says it is because of the high costs of health care. That is simply not the case. The bottom line is there are two major reasons why this increase is so high. One is what the gentlewoman mentioned, when they passed the so-called, and I call it "so-called" because it really is not a Medicare bill, it is a privatization bill. When they passed their so-called Medicare prescription drug bill, they increased the amount of money that would go to the HMOs, the insurers in general, but particularly the HMOs, in order to entice them to cover senior citizens. And the result is that a significant amount of this increase, and this increased premium is going to go to pay those HMOs and those insurers to entice them to get into the Medicare program which, as the gentlewoman knows, most of them do not want to get into any; and no matter how much money you give them, they are probably not going to get into it.

□ 2030

The second thing is they have been raiding the trust fund. Just like Greenspan was saying a couple of weeks ago during the break, he got up and talked about how the Social Security Trust Fund was running dry, same thing with the Medicare Trust Fund. Why? Because the Republicans are borrowing the money to pay for their tax cut. There is a huge deficit. Where is the money borrowed from? The Social Security and Medicare Trust Fund.

Now, these funds in the last year of the Clinton administration were starting to build up the money that they had so that they would not be bankrupt at all. I mean frankly if we had not had those tax cuts I would predict within 5 or 10 years the trust fund would be so solvent for both Medicare and Social Security that we would not even have a problem for the next generation or two, but no, they could not do that because they wanted to give back those tax cuts.

If we read that, that increased premium, another significant part of it, goes into the trust fund to replenish the trust fund. So what are we talking about here? This is Republican, Bush administration policy that has caused this big increase.

As my colleague said because you are giving the money to insurers, the HMOs primarily, and also to replenish the trust fund because they borrowed from it to pay for the deficit, which has been generated by their tax cuts and all this for a Medicare prescription drug program bill which as you went on and described is practically worthless. In fact, I would say it is a detriment to the program.

It is not bad enough, as my colleague says, that there is a specific prohibition on negotiating prices. I mean, if they did not put a specific prohibition, the Medicare administrator would have been able to do that because as my colleague knows, right now with the VA, with the veterans, with the military, the DOD and the Veterans Affairs are allowed to go in and negotiate price reductions because they have the power now of all these veterans and military. That is just a natural thing that you would do in a capitalist society. I mean, we are all about negotiation and bargain. That is what capitalism is all about, right?

But, no, because the drug companies did not want that to happen, they specifically put in a prohibition on negotiating prices so the government and Medicare administrator could not negotiate the prices.

When I hear my colleagues say, well, we had to do that because somehow it would be un-American for the Medicare administrator and others to negotiate prices, we are already doing it with the VA and the military. What is un-American about going out and trying to get a bargain? I thought that is what capitalism was all about. It is unbelievable to me.

I yield back to the gentlewoman.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I just want to say that the Republican Party, with the direction, because he definitely gives direction to this House, they do not do anything without his direction, he has done more to destroy Medicare. What the Republicans have been trying to do for 35 years, that is just where we are now. They want to bloat the bill so that next they cannot afford it, and next on the agenda will be Social Security. Coming from Florida, next will be Social Security, and he wants to gamble with Social Security. This administration wants to kill the New Deal. Let us just face it. They want to kill public education with all of their gimmicks.

I said they practice what I call reverse Robin Hood. When I was growing up, I loved that program, Robin Hood. This administration practices what I call reverse Robin Hood. Robbing from the poor and working people, poor and working people, to give tax breaks to the rich, to the top 2 percent, and it just amazes me how they say one thing and do another.

I must go to the assault weapons. The President said, I understand, and it is amazing they were able to pin him down that he said anything, but he said during 1999, because during the debates he never answered one question. I am hoping that the media insists that he answer some questions during the debate because he never answered any. They said he looked comfortable and looked like he could prop his feet up but never did he answer a question. So to say that he actually committed one thing that he would support the assault weapons ban, to continue the ban, well, then he says, well, if it is put on his desk. I guess you say that and then someone said whatever you do, do not pass that bill, do not even bring it up for a vote on the House of Representatives floor, not even in the people's House, when the majority of the American people support it. Why can we not have a vote on this floor to send a message where we stand as elected officials on this particular bill? But if the President wants it, I can rest assured and you can rest assured that the American people, we would have that ban.

Mr. PALLONE. Mr. Speaker, let me tell my colleague, when it comes to the procedures around here, I mean we could talk on. You are absolutely right. Everything is orchestrated from the White House, and any notion that any legislation that the President wants would not come up for a vote or that the President does not want, it is all orchestrated and you gave an example before of where we were talking about the Medicare bill.

One of the things that was so amazing to me was how that vote was orchestrated. One of the criticisms that I mentioned when I started out this evening is how the Medicare administrator Tom Scully orchestrated this whole vote in the House, and when his own actuary Foster said to him that the cost of this bill was going to be significantly more than what the Bush administration had told the Congress and what the congressional Republicans had suggested, the administrator told the actuary that if he revealed that information to Congress he would be fired. As a consequence, the Congress never got the information about the actual cost of the Medicare bill.

My colleague knows that there were many on the Republican side of the aisle that did not want to vote on that bill because they thought it was going to be too costly, and they did not like, for whatever reason, the cost, and now we know the GAO came out with a report last week that said that Scully's action was illegal, it was illegal for him to deny that information to Congress. He was told by the GAO that he had to refund his salary from the day he threatened to fire the actuary who had the truth about the cost. My colleague talks about procedure, I mean they are literally not giving Congress information in an illegal fashion. How can we even vote on anything around here if we cannot get the true facts about what the costs are?

Now that we know that it was illegal, well, the Department of Health and Human Services says we are not going to go after him for the money, he does not have to give back the money, and he said he is not giving back the money. Where did he go? He went to work for a law firm that represents all the drug companies that benefited from the bill. You talk about the procedure. I will never see the disgrace that we had that night of the vote.

You know we had 218 votes on that board against the bill. There is absolutely no question that the will of this House of Representatives was to defeat that Medicare prescription drug bill because almost all the Democrats and a significant number of the Republicans knew it was a bad bill, it was not going to accomplish anything and probably suspected it was going to cost a lot more than that was represented by the administration.

I looked on that board. I have never in my life seen a situation where the majority have voted against the bill and there was not anybody left who was going to make a difference who had not voted, and we sit here for 3 hours in the middle of the night until the President gets on the phone and calls enough Republicans. He invites Vice President CHENEY to change the votes.

You try to tell me that they are not directing what goes on the floor of the House of Representatives? What kind of a democratic process is that where the House has voted and 218 people have voted and said this is a lousy bill and I do not want to vote for it and we sit here for 3 hours while the White House twists arms and who knows what they promised people. One guy, they told him what, was SMITH, I guess, from Michigan.

Ms. CORRINE BROWN of Florida. His son.

Mr. PALLONE. They told him they were going to deny his son the nomination to replace him if he did not change his vote. I mean, this is the kind of thing that was going on. When you talk about procedure, I totally agree with you. They control the process from the White House. Do not let anybody tell you they do not.

Ms. CORINNE BROWN of Florida. My comment that night was a snake is a snake, no matter what color it is, and the AARP are getting in bed with a snake, the Republican Party, on this issue. I said it and I stand by it. Now I understand that the AARP is asking for some changes. My constituents constantly call me about AARP and I tell them my position. I have always supported them because they were an advocate for the seniors, but on this issue they really deserted the seniors.

Mr. PALLONE. Mr. Speaker, if I am not mistaken, and I do not know, I do not have the information in front of me, but there was a strong suspicion that AARP was looking to sell this Medicare prescription drug policy, and again it is an example of corporate interests holding sway around here because somebody is trying to make a buck.

I yield back to the gentlewoman.

Ms. CORINNE BROWN of Florida. Mr. Speaker, I want to raise another issue with my colleague, and it is pertaining to the Vice President CHENEY and the package he received when he decided to run for Vice President.

My understanding, and I want to be correct on this, but I understand he got a $34 million retirement package when he retired, but also I am trying to find the exact amount that he gets every month.

What was very disturbing to me is that his company Halliburton got a sole source contract before the first shot was fired. I have worked really hard trying to help minority and female businesses get a part of government opportunities, government business, but this is an example of sole source, no competition, no nothing, billions of dollars to your company and then say, well, you know, I had nothing to do with it. Well, who believes that? But let us go on.

I received calls from soldiers. Let us say Halliburton was supposed to provide 25,000 meals a day, twice a day. They were charging the American taxpayer for 100,000 a day. That is criminal, but yet there is nothing and we are still doing business with them, and you know it is just nothing. It is just amazing about how they are running this war.

We gave them, I want to be correct, $89 billion for the first 6 months. Six months later, they came back and asked for another $87 billion. Everybody talked about the second $87 billion. No one talks about the first $89 billion. There is no accountability. They will not even tell Congress what they did with the first. They certainly did not provide the military with the flak suits and the armor and what they need to protect the Humvees. What happened? What happened to the first $89 billion? There is no accounting, no telling the people, that is our job of oversight, what happened to it, and then 6 months later, they came with another $87 billion. I did not vote for it and I support the troops 100 percent, even though I know that they were sent to a war based on lies from the beginning.

I went to all of the briefings. I went to all of the discussions, and they did not show me not one single thing that they did not know in 1991.

So people said, well, why did some Democrats vote for it and others did not? Well, I come from Florida and I know they stole the election in Florida, and my grandmother always told me if you lie, you steal, and it goes on and on. So I had no trust in this administration.

Certainly, they were telling Members, please give the President the authority to go to war, he is going to use it as a hammer. I mean, I guess some people really trusted him, and I guess the American people still trust him, but I go with the facts. I knew that this administration started out based on lies.

What happened in the 2000 election was criminal and what have we gotten from that? We have a war in Iraq. Now we are taking the Medicare prescriptions, pollution, and Leave No Child Behind is just a slogan, because we have cut funds for after school programs, Head Start programs, day care programs. A wonderful slogan, Leave No Child Behind, stolen from the children defense armor, should I say, adopted by this administration.

So there is a lot of anger in me because this administration constantly misleads the Congress and the American people.

□ 2045

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman again. She made a comment before about who represents the majority, and not that I am looking to take away from the electoral college, because I know that is the way we elect the President under our Constitution, and I am not going to get into the specifics about what happened in Florida, because the gentlewoman knows much more than I do about what happened. But the bottom line is, there is no one who can contest the fact that President Bush lost the majority. He lost the election in terms of the majority, in terms of the actual number of people who voted, by half a million people. Half a million less voted for him than for his opponent.

So I often wonder, when I come down here and hear some of the things he says, it is not difficult to figure out that he is not representing the majority, because, clearly, the majority did not elect him. Nobody on either side of the aisle is contesting that, the fact that the man lost the popular vote by almost a half million people, which is a huge amount.

Beyond that, I want to say to the gentlewoman that I did not vote for any of those appropriations, nor did I vote for the war either. We know now that the war has already cost over $200 billion. These figures that come up about 80, or 80 here or there; it is well over $200 billion already. And one of the biggest things that worry me beyond the actual cost of the war is this money that is being spent to rehabilitate or redevelop or whatever the term is in Iraq.

We talked earlier about infrastructure here in the United States and how, over the last 4 years, as Democrats, we wanted an economic stimulus package, whether it was new school construction or new highways or new hospitals. Well, that is what is going on in Iraq. Millions and millions of that money is being spent for reconstruction in Iraq. And I am not talking about damage that was done as a result of the war; I am talking about new buildings.

I will never forget, they did not do it this year in September, but last September, in 2003, there were a couple of my Republican colleagues who, with glee, came to the floor and brought bookbags. They had just come back from Iraq, and they had these bags loaded down with bookbags and books and pencils and paper and everything, the American eagle on the front of it. And they proudly displayed them here in the well and said, Look, every schoolchild in Iraq today got one of these bookbags with these books and papers and pencils.

And I looked at it, and I even got on the floor, I believe, at the time and said, You know, I have schools in my district, and I am not one of the poorest in the State, believe me, where nobody has anything like that. Not only does the school not issue it, but the kids cannot even afford to come to school with the pencils or the paper.

Now, I am not trying to begrudge anybody anything, but, to me, it is an outrage that we are spending all this money in Iraq, and we are not spending it here in the United States. It is just outrageous.

Ms. CORRINE BROWN of Florida. Mr. Speaker, if the gentleman will, on just that point.

Mr. PALLONE. I yield to the gentlewoman.

Ms. CORRINE BROWN of Florida. The President indicated from the beginning that they would be able to pay for the expenses. They have one of the largest oil reserves in the world.

But then the President says, Well, we do not want to burden their people down with debt. But it is okay for the American people, our children and grandchildren, to pay this debt.

And then they cut Social Security and Medicare and Housing and Veterans' Affairs. This administration has already put out a memo that, If reelected, we will cut all domestic programs, all domestic budgets.

So it is okay for the American people to carry this burden, but yet, why are we saving the oil reserves? Why is it that part of it, a portion of it, cannot be a loan to these people? It is just amazing to me.

Mr. Speaker, when the gentleman talks about teachers, when I go to the Dollar Store, they are in there buying supplies themselves, the teachers, because the schools cannot afford it, particularly with this new provision of Leave No Child Behind. It is a real crunch to the school systems throughout. I know, Florida, in talking to the superintendents, where we put in these additional standards, standards are wonderful, but once we find out that a kid has a deficiency, what are they going to do about it? We did not put the money there to follow the standards.

In other words, it is what they call an unfunded mandate. Does the gentleman know about unfunded mandates?

Mr. PALLONE. Oh, absolutely. I remember, years ago, and it may be before the gentlewoman was here, that the Republicans, when we were in the majority, because I was here from 1988 to 1994 when the Republicans took the majority, and we would get procedural motions on a regular basis from the Republicans about unfunded mandates, how the Democrats were passing legislation and not providing the money to back it up.

Clearly, No Child Left Behind is the biggest unfunded mandate that ever existed around this place. The gentlewoman is absolutely right.

We do not hear anything about that now because they just want to talk about how wonderful the program is. But there is no money for it, not anywhere near what there was supposed to be to fund it.

I wanted to go back, and maybe the gentlewoman does not want to stress this Halliburton thing so much.

Ms. CORRINE BROWN of Florida. No, no, I want to stress the Halliburton thing.

Mr. PALLONE. Well, I have to just talk a little about it, because I have some of the statistics. The gentlewoman had asked about some of the statistics concerning the money.

Ms. CORRINE BROWN of Florida. Does the gentleman know how much a month Mr. CHENEY gets?

Mr. PALLONE. Well, this is what I have. This is a Congressional Research Service report that was issued several weeks after he made that statement on, I guess it was on Meet the Press, and CHENEY made a statement that he severed the ties with the company, got rid of all his financial interests, has had no financial interest in Halliburton of any kind, has not had now for over 3 years.

Despite those claims, the Congressional Research Service issued a report several weeks after that Meet the Press interview, and they concluded that, because he receives a deferred salary and continues to hold stock interests, he still has a significant financial interest in Halliburton. And they said, basically, he has $433,000 in stock options. Basically, his deferred salary is about $200,000 a year. That is what he gets deferred, because of these stock options, about $200,000 a year that he gets from Halliburton.

This notion that somehow he does not have a financial interest anymore is just nonsense.

Ms. CORRINE BROWN of Florida. Well, Mr. Speaker, my records indicate that the deferred compensation account was valued at between $500,000 and $1 million.

Mr. PALLONE. That is correct, if you take the whole value of it. I think it gives him about $200,000 a year for the rest of his life. But if you take the whole value of it, that would be right.

The other thing I wanted to say is that, when we talk about Halliburton and what they have done in Iraq and the illegal activities, we are not making this up. I just wanted to give some facts. First of all, Halliburton has acknowledged, so this is not myself or the gentlewoman making this up, they have acknowledged, and I quote, "They accepted up to $6 million in kickbacks for their contract work in Iraq." They admitted that.

Second, they are now being investigated by the Pentagon for overcharging the American Government for its work in Iraq. They face criminal charges in a $180 million international bribery scandal during the time that CHENEY was the CEO. They have repeatedly been warned by the Pentagon that the food they were serving 110,000 U.S. troops in Iraq was dirty. And a Pentagon audit found blood all over the floor of the kitchens that Halliburton supplies all over in Iraq.

And, finally, Halliburton is getting around an American law that forbids doing business with rogue nations. Thanks to a giant loophole, Halliburton is able to do business with Iran, of all nations, through one of its subsidiaries in the Caymen Islands.

So here we go. In World War II, they called these war profiteers. If you were a war profiteer in World War II, it was like you were the worst person on earth. People would not even talk to you. They would not have anything to do with the company. Here, they are profiting off the war in this fashion, and we do not hear anybody from the administration talking about it in terms of their wanting to sever their ties or they do not want them to continue doing their work. They continue to get all these no-bid contracts as we speak. It is just unbelievable.

So I do not know if the gentlewoman wanted to say anything else, but the other thing I wanted to mention tonight when we talk about these special interests, because it still has not been resolved, is this whole issue of this energy task force. When he first became Vice President, one of the first things CHENEY did was establish this task force that was supposed to come up with a new energy policy.

Groups like the Sierra Club and a few other groups that wanted to find out who was on this task force and who was behind this task force, because this was a secret task force, they had to go all the way to the Supreme Court because CHENEY and Bush refused to give out the information about who sat on this task force.

Now, the gentlewoman and I can speculate, but, obviously, they were trying to hide something, probably some oil and gas CEOs that were involved in this thing. And to this day, they do not reveal the names of the members and what this task force was about. And when they finally came up with the legislation from this task force, all it did was help the oil and gas companies.

As the gentlewoman and I mentioned, one of the biggest problems the average American faces right now is the rising cost of gas. I do not know what is going to happen this year with home heating oil again. These guys, both CHENEY and President Bush, were from the oil industry, and they continue to hide who was involved in this energy task force in coming up with this energy policy.

Fortunately, that bill, which passed here, has not passed over in the other body, so it has not become law. And I hope it does not between now and the end of the year. But this is just another example of playing right into the corporate interests. It just never ceases.

If the gentlewoman does not want to add anything else, I will conclude this evening, Mr. Speaker. But I just wanted to say, once again, that, if we look at the record of President Bush and the congressional Republicans, there is absolutely no indication that they are shifting in any way their emphasis away from the special interests to the middle class. They have squeezed the middle class families.

When I was home during our August break, I had open houses. I had hundreds of people showing up at my offices, and they all had the same problem: I lost my job; my job went overseas; I tried to get money for retraining, and the money was not there. The public is just being squeezed.

Ms. CORRINE BROWN of Florida. Just one thing, if the gentleman will continue to yield.

We constantly try to bring up an extension on the unemployment. This is money that people have actually paid into it. But this administration and the House refuses. Because of what reason? Because I am not quite sure. They do not want the public to know how many people are unemployed? What is it?

Mr. PALLONE. Well, I do not understand the whole phenomena. Somehow, in some Republican minds, and I am not saying all of them, because I know there are some that do not agree, but certainly the majority and the leadership seem to think that somehow unemployment compensation is somehow welfare or some sort of giveaway.

They refuse to acknowledge, I think, that people have paid into it while they worked, and they just seem to think somehow it is some sort of giveaway to people who do not want to work.

These are people that have tried to look for a job and have not been able to find one. You have to show that in order to get the benefits.

Ms. CORRINE BROWN of Florida. Well, Mr. Speaker, this whole question of outsourcing and then this administration talking about the jobs they have created, they are low-paying service jobs. And most people are happy to have a job, but we have lost the best jobs. And this administration refuses to do training programs, or they cut those programs, educational programs.

The 9/11 Commission was talking about the recommendations, and I was listening to them. And they were talking about the young people in Iraq, and they did not have jobs or training. And I said to myself, We have that same problem right here in the United States.

We have that same problem right here in the United States. And so while we are addressing other areas, other countries, Iraq, their training and education, we need to be doing the same thing here with the people that are paying the bills. It is amazing.

Mr. PALLONE. Mr. Speaker, let me give the gentlewoman an example, and I have used this example before, but I will use it again.

I mentioned all the people that came into my office for the open houses. The one thing that very much stuck in my mind was a gentleman came, and I will not mention his name, who had worked for the Frigidaire plant in Edison, my largest town. The plant closed, and 1,500 jobs went to China. Everybody lost their jobs, good jobs, union jobs, health benefits, good pension, the whole thing.

Under one of the bills that was passed here, in the event that you lose your job because it goes overseas, and I have not favored these trade bills, but regardless, it provided that there was going to be, absolutely, retraining programs for these people if a plant closed and so many jobs went to China or some other place overseas.

This guy comes into my office, and he had actually found another job. I do not think it paid as much or was as good, but it was still a good job.

□ 2100

It required retraining. He went to the Federal office or maybe it was a State office with Federal dollars to do the retraining to qualify for the job. They told him we do not have any more money. Federal dollars had been cut back, and there was no money. This was something that was authorized and required under the law. There was no money from the Federal Government to do it, he was not able to get the job. He is sitting home not working.

It is unbelievable. As the gentlewoman says the promises, if you lose your job overseas, we are going to retrain you, we are going to give you a Medicare prescription drug benefit, and it is absolutely not true. When I go home, that is all I hear. I call it the middle class squeeze: Rising prices, health care, higher education costs, and gas prices. At the same time if you have a job and are not keeping up, even those people who have a job, they are getting less real dollars and the prices keep going up, and nobody in the Bush administration seems to think anything is wrong. That is reason enough why we have to have a change in November.

Mr. Speaker, I thank the gentlewoman from Florida (Ms. CORRINE BROWN) for joining us this evening.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. PALLONE) for his leadership day in and day out speaking to the American people. I hope this is a wake-up call because God knows, we need one. This administration talks the talk, but they do not walk the walk. As the veterans say, they do not rule the world. They talk about how much they care about veterans as they cut programs. There will be a cut in all programs under another 4 years of this administration.

These people on the other side of the aisle really do believe in giving the moneys to their corporate friends, what I call reverse Robin Hood, robbing from the poor and working people, to give tax breaks to the rich. That is their agenda, and they push it through over and over again. I really hope the American people will give us some help in the next election.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4571, LAWSUIT ABUSE REDUCTION ACT OF 2004

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–684) on the resolution (H. Res. 766) providing for consideration of the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HURRICANE SEASON

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 60 minutes as the designee of the majority leader.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, since the early weeks of August, Florida and its residents have endured the unrelenting and unsympathetic wrath of Mother Nature. Through the harsh design of fate, Florida was dealt the unfortunate circumstances of bearing the brunt of not one but two hurricanes, and it appears more dark clouds are poised to visit the Sunshine State.

This map very carefully tracks the two hurricanes that hit Florida. The first one in orange is Hurricane Charley. It was upgraded to a tropical storm at 5 on August 10, continued raising havoc in Jamaica, and in Jamaica it became a hurricane on the 11th, and it hit Punta Gorda, Florida on the 13th, exactly one month ago today, at 4:30 p.m.

Frances became a category 4 on the 28th of August. On the 2nd, it was in the Bahamas, and Frances made landfall in Stewart, Florida, at 1 on September 5. So Florida has been hit twice and based on the latest weather forecast, it appears that the Panhandle will be hit again with Hurricane Ivan.

It is not the first time that Florida has been devastated by three hurricanes all at once. The State has experienced such occurrences before. Actually in 1964, three storms hit Florida within an 8-week period. The hurricanes were named Cleo, Dora and Isabel. Regardless of what we name them, it does not make living in a State with so many hurricanes a lot of fun. Those hurricanes slammed the State. Thus, Floridians are not bewildered by the sheer numbers of hurricanes that threaten to trounce the State.

With regard to the power and force of these menacing natural disasters, well, before Hurricane Charley came ashore the people of Florida have understood and respected the potential power that a hurricane wields. I recall in 1992 when Hurricane Andrew hit the State, and it hit the Homestead, Florida, area and had a devastating effect there.

We have a few photos of some of the examples of the kind of destruction that a hurricane can do. Obviously this house as a result of the hurricane was damaged and would have to be completely torn down. Again, we have more destruction. This is an area that certainly as we look at the picture we say, how could people go back and say I want to rebuild. But wanting to rebuild and having the courage and the strength that so many Floridians do to face the hurricane and the destruction that goes along with the hurricane and yet have the spirit, the human spirit that says we are going to stay, we are going to rebuild and make the community even stronger.

Mr. Speaker, I yield to the gentleman from Florida (Mr. KELLER) from the Orlando area.

Mr. KELLER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I have just returned from Florida where I took a helicopter tour of the greater Orlando area and saw firsthand the extensive damage which has literally turned upside down the lives of several hundred Central Floridians. I have empathy for those who have suffered such severe damage because my own mom, Laura Keller, completely lost her home in Hurricane Charley.

Despite these temporary heartaches, I am optimistic about central Florida's future. Last Tuesday, we passed legislation in Congress to immediately provide $2 billion to FEMA to help our citizens in Florida recover from Hurricanes Charley and Frances. The very next day, President Bush signed this legislation into law. Together we acted with near-lightning speed to provide immediate relief. This $2 billion will be able to help Central Florida families with things like temporary lodging, food, water supplies, medical care, and will allow roofs to be repaired. I know that I speak for all central Floridians when I say to my congressional colleagues all across the country, thank you for being there and voting for this important relief package.

But after taking this helicopter tour, I can tell Members this $2 billion we have already provided is only a down payment, and I say that regretfully because I know how tight money is around here these days. Fortunately, President Bush agrees more money is needed. Earlier today the White House requested that Congress provide an additional $2.5 billion in hurricane relief for Florida. I will strongly support this much-needed appropriation.

Mr. Speaker, our citizens have suffered enormous out-of-pocket costs which should be taken into account by FEMA. For example, imagine that a person has a $300,000 home and he has suffered $30,000 in property damage as a result of these two hurricanes. Now some people outside of Florida may mistakenly think no problem, you have insurance, insurance will pay for it.

Actually, it is a big problem and here is why. Since many of these Florida insurance policies have 5 percent deductibles and these two hurricanes are viewed by insurance companies as two separate and distinct events, it is entirely possible that the individual will have to pay the entire $30,000 bill himself, 100 percent out of pocket. I believe in this type of circumstance, if the person is not eligible for a FEMA grant, he should at least get a zero percent loan from FEMA to cover the out-of-pocket cost. It is patently unreasonable for us to assume that the average citizen has $30,000 lying around in his checking account just in case he unexpectedly gets blind-sided by two hurricanes.

Mr. Speaker, these people need help, and it is up to those of us in Congress to try to help them. Rest assured that Congress, especially those from Florida, will continue to work very closely with President Bush and Governor Jeb Bush over the next few weeks to help rebuild Florida as quickly as possible and in a way that makes Florida stronger than ever before.

I urge all of my colleagues in Congress to support this $2.5 billion hurricane relief package. It is the right thing to do and now is the right time to do it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, earlier I mentioned Hurricane Andrew, and Hurricane Andrew came around the fall of 1992 when I was just elected to the Florida Senate. I served at the time with the very distinguished gentleman now in Congress with me, the gentleman from the Palm Beach, Florida, area (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for organizing this opportunity for us to come to the floor and let the rest of the country know what Florida has been living through.

I came to Florida from Massachusetts at the age of 3, and I remember waking up early one morning in 1960 to a storm that we had never known in Massachusetts, and that was Hurricane Donna. We went about putting masking tape on our jalousie windows. That is what we were told to do for safety. My, how things have changed.

The people of Florida are storm weary and they are fatigued. Their resilient nature and strong character have been tested over the last few weeks. But as we have done before, Floridians are banding together, helping their neighbor and slowly rebuilding their homes, their businesses and their communities.

Never in our Nation's history have two storms brought this much destruction back to back to one State. Unfortunately, the people of the 16th District have weathered the worst. Hurricane Charley reached landfall on August 13, 2004, and blasted its way through southwest Florida with winds of upwards of 145 miles an hour and 10-foot storm surges.

This is Hurricane Charley as it originated off the African coast. It was upgraded along the way, became a very, very distinguished storm in intensity. We heard it would probably go to Tampa. I can remember watching that storm at 3 in the afternoon in West Palm Beach, my home, and watched as that storm made almost a right-hand turn into Punta Gorda and increased in velocity and intensity.

That was a Friday afternoon at 4:30. At 7 a.m., Governor Bush and FEMA Director Mike Brown and I hit the tarmac at Fort Myers airport to begin a very telling and shocking look, an aerial observation of death and destruction. It is hard for anyone to quantify the feeling you have when you watch somebody who is about 80 years old walking out of a totally destroyed mobile home park with nothing more than a pair of white dress shoes. That was all she could find. I watched that repeated home after home in beautiful Punta Gorda, Florida, never before known to many, now known to all. The names Punta Gorda and Port Charlotte have been replayed on every national news broadcast as the scene of just total and complete devastation.

□ 2115

Hurricane Frances reached landfall 3 weeks later on September 4, 2004, and battered Florida's East Coast and central region with 105-mile-per-hour winds and up to 17 inches of rain. Again another storm, I must tell you, coming from a similar track and a similar trajectory, coming towards us at quite a bit of speed. Fortunately it started to slow as it approached the Bahama chain and clearly then stalled off of West Palm. I remember watching from the emergency operations center at West Palm as that storm seemed to set there for an incredible amount of time. It finally made landfall again in the 16th District in Sewells Point, Florida, which is located in Martin County close to the city of Stuart, and proceeded to do damage and destruction as it virtually made an X across Orlando. The gentleman from Florida (Mr. FEENEY) will be talking a little bit about how it impacted his district, which has Brevard and I believe Osceolo and Orange Counties, but he will tell you how it basically made an X over Orlando as if they were charted and plotted to take that trajectory.

Twenty-seven people lost their lives from the wrath of Hurricane Charley to date. Eighteen people lost their lives from the devastation caused by Frances. Insured property losses for Charley are climbing in excess of $7 billion. Hurricane Frances damages are estimated up to $4 billion. More than 20,000 farms were in the path of Hurricane Frances and damage estimated to Florida's agricultural community exceeds more than $2 billion. The travel and tourism industry faces millions of dollars in lost revenue. Power outages have affected more than 6 million people and, boy, have we heard it. At times I felt like I was the service representative for the power company, we had so many calls coming to our office. Believe me, I understand your aggravation because I too was without power for a significant part of last week.

Florida's Governor Jeb Bush took immediate action to declare a major disaster for the entire State of Florida and deployed necessary resources to deal with the crisis. The Federal Emergency Management Agency, FEMA, has more than 2,700 agency workers helping with the recovery effort. The National Guard was quick to mobilize more than 4,100 troops to help in the relief efforts, both to provide security for people in the region as well as provide humanitarian relief for those impacted. $2 billion has been requested and granted thanks to the hard work of the Florida delegation, including its chairman, Mr. BILL YOUNG, chairman of the Appropriations Committee, Chairman CLAY SHAW of the entire delegation, and $2.5 billion of emergency moneys is now being forwarded to this Chamber by the White House.

Some reforms are in the process. We filed a bill that would allow one-time penalty free withdrawals from IRA accounts for people living in natural disaster areas. We have asked for the potential halting of cement tariffs so we can quickly rebuild our communities. We have asked to consider the insurance disaster relief reserve accounts that we think would stabilize and make insurance companies more financially sound to weather these storms and the burdens they place on those companies' reserves, regional emergency energy reserves to look at the coordination between Federal-State agencies bringing fuel supplies to regions most impacted to run the diesels, the power, the waste treatment plants, and, of course, to review our energy repair efforts after a disaster.

And now Ivan is somewhere stirring in the coast and we are praying. I have prayed more in the last 4 days than I did in 10 years of Catholic school, hoping that Ivan would not do the destruction that was contemplated just several days ago. We pray for all those in the Panhandle. Our colleague JEFF MILLER and I were speaking today and worried about its potential impact on the Panhandle, of course, New Orleans, any of those areas. We just hope maybe the storm loses its steam and subsides. But you see now why Florida and even areas in Virginia were hit by hurricanes.

But I just want to thank again my colleague from Florida for providing this opportunity to kind of let people know how difficult it has been the last 5 weeks in Florida but how strong the people have been and how I know with the help of the Federal Government and our colleagues in this Chamber that we will do our best to remedy. We will not be able to right every wrong or every problem people have suffered, but we are certainly going to work on trying to make their lives at least better as we prepare to deal with these back-to-back tragedies.

Ms. GINNY BROWN-WAITE of Florida. We both had experiences both with Hurricane Andrew and these hurricanes that we have had this year. I have noticed a marked improvement in FEMA and with the coordination of FEMA and the State agencies. Having been involved and had people who suffered through both of those hurricanes, I see a much more rapid response on the part of FEMA this time. I know that is exactly what is happening in the Tampa Bay area and I am sure it is happening in your area. If you would like to take just a moment to address that, I would appreciate it.

Mr. FOLEY. It is interesting you mention that, because last night I saw Joe Allbaugh, who was the former FEMA Director under President Bush, the first FEMA Director under this administration. He told me how President Bush during his term as Governor had suffered 14 hurricanes in Texas over the course of those 3 years. One of the things they talked about is the plan that they put in place to rapidly position rescue efforts, relief efforts, water, ice and other things in staging areas so that we would not repeat the tragedies of years past, Andrew being one of them, where it was a week before even then Governor Chiles asked for even Federal help.

So it is interesting as we watched particularly in Charley, if I can take you for a minute to that day, Saturday, when we were aerial above the community. Hundreds of trucks moving in on the highways. Very little other traffic. But these relief trucks were already there. The winds had only stopped blowing a few hours before and they were making their way into Florida to try and remedy the damage. I know we have not got everything right. There are still some kinks, but the difference in the way they have approached restoration of basic utilities, of water, of the basic provisions, including two visits by President Bush to Florida, helping hand out supplies himself. We are all touched by these storms and we cannot work miracles, but I can tell you and I thank you for bringing that to the attention of our colleagues, because FEMA and its response through its lead agent, Mike Brown, has been tireless, relentless and has been thorough. I salute them because they are under a lot of pressure, as you can well imagine. Constituents are upset, mad, aggravated, tired, hot. Every emotion you could possibly have has been felt in Florida. But FEMA really has stepped up to the plate.

The other person is Governor Bush. You have got to give him credit. I have known Jeb probably since 1982, when he was a Secretary of Commerce, a young real estate lad in Florida and now obviously our esteemed Governor. I do not think he has taken his eye off the ball once in the last 5 weeks. It has been an incredibly focused effort, hourly updates. You cannot imagine what I Blackberry him about. I am wondering when I am going to get the Blackberry back fully. Take a nap. But he responds. He is getting the problem solved. It has been a very, very wonderful thing to watch. And he does not have an election before him. He is in his second term. He cannot run for reelection. The kind of effort he is putting through, I have heard a few people say, oh, it's all politics. He is not running for anything. He is finished. He has done his two terms. He is working hard on behalf of the people because he feels their pain. And he was in Andrew. He was in Miami at the time. He remembers the lack of response and he is not going to let that be repeated to the citizens of this great State.

Ms. GINNY BROWN-WAITE of Florida. Without a doubt, there has been rapid response. Part of the redesign of FEMA is that they have so many people on standby, whether it is a retired nurse or a doctor who will take time off to go exactly where they are needed. We must always remember, too, that the National Guard has been of great assistance. I know they have been in several of the counties that I represent. As I went around the counties, people are saying it is much better organized. If I could wave a magic wand, just as you have said this, too, wave a magic wand and have everybody's power put on, but we do not want to have those power companies out there endangering the lives of their crew either. This is difficult sometimes for people to realize. Nobody likes to be in the dark sitting there by candlelight but overall between FEMA and all of the mutual assistance that came in from the other States from utility companies, it was a much more rapid response, much better coordinated.

I agree with you that our Governor has done a wonderful job. He is there at the emergency operations center up there in Tallahassee, he has toured around the State. I know we have been in touch with him about some snafus. Between FEMA and Governor Bush, the problems get resolved very quickly.

Mr. FOLEY. Let me expand on one thing, if I could. You mentioned the persons that are part-timers. That is a very significant new part of FEMA. From around this great country of ours, there are people standing ready in reserve, that have other jobs, other lives. They may be firefighters, nurses. You mentioned those trades. They are ready to receive the call at a moment's notice. A bag is already packed in their home. They get the call. I met several of them in Punta Gorda. They are coming from Oregon, Washington State, Texas, you name it. These are people that give up 2 weeks of their own lives to come help, aid and assist, not as a volunteer, they are paid for their 2 weeks, but they leave their own homes to come provide the relief, which means the Federal Government does not have to have all these full-time employees.

That was one of the most incredible things I had seen. They had set up a MASH unit in the parking lot because we lost all three hospitals in Punta Gorda. Those people were in there that were medical doctors, surgeons that came from their communities to give their 2 weeks. It is just one of those things that you realize we are not in this world alone no matter what problems we face. This country rises to the challenge and the people that are part of this great Nation are up to the challenge of remedying whatever is thrown in our way.

I want to thank the gentlewoman for the chance to discuss, and I know our good colleague from Florida (Mr. FEENEY) is here. I thank the gentlewoman for the opportunity to be part of the special order tonight.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for being here. I yield to the distinguished gentleman from Orlando (Mr. FEENEY).

Mr. FEENEY. I thank the gentlewoman for organizing this hour and our colleague from Florida (Mr. FOLEY) whose district really took the brunt of both the one-two punch from hurricanes one and two. My district fortunately is a little bit more inland for the most part although I represent from Kennedy Space Center up to Daytona Beach on the beach. We also got hit with a one-two punch. By the time the storm hit us, it was significantly diluted from, say, where the first storm hit Punta Gorda but it was still significant. We got hurt bad. We had people without power for a week. We had an enormous amount of damage done, trees and debris all over, kids lost a week of school. But what is remarkable as you live through the awesome fury of Mother Nature is how resilient the people of Florida and their leaders have been in this response to these two disasters that have really hurt us very badly.

I want to share an experience. One of the things that I did after the first hurricane is to take a little tour with our sheriff of Orange County, Sheriff Kevin Beary. Senator BILL NELSON joined us on that tour with some other local public officials. I will never forget going to a mobile home area that had been mandatorily evacuated, but there was a gentleman that decided to send his family out. He was going to ride out the storm. Within the first 5 minutes of 130, 120-mile-an-hour winds, the entire roof of his mobile home blew off. Within the next 5 minutes, most of the walls had blown off. He only survived the storm because he was able to take all of the food out of his refrigerator and pull the door shut. I guarantee you by the time Frances came around, that same gentleman had evacuated what was left of his mobile home.

One of the lessons that we have learned is that if people will listen to their leaders as a disaster comes through, we are getting much better at predicting the path of hurricanes. Obviously they change their minds at the last minute and you can never know for sure, but it is an enormous amount of help in a State like Florida. We have got only a couple of major arteries, transportation arteries and interstates that people can evacuate on. If everybody from Palm Beach, Broward and Dade County decided to leave within the same 2 hours, we would have nothing but a parking lot for a week on I–95, for example. What we have learned to do is evacuate in stages as our intelligence becomes better and because of that, we are talking about tens of billions of dollars lost, but thankfully we are not talking about thousands or even hundreds of lives lost in large part because of our great Governor Jeb Bush and the leadership he has shown. We can eventually clean up the streets, the debris, we can rebuild the buildings and we can replace most of the property that has been lost over time.

We will rebuild a healthy, thriving, economic Florida, although it will take time but obviously if you make a decision that costs you your life, that is a decision you can never recover from. The casualties given the awesome fury that these storms have invoked on Florida so far have been thankfully, and we thank the Lord for this, have been thankfully relatively minor, especially considering some of the storms in the past.

One of the great things that we have learned to do at the National Hurricane Center is to do a much better job in long-term forecasts, meaning 4- or 5-day forecasts in terms of where these hurricanes are going. It is the reason that we can plan, it is the reason we can evacuate, it is the reason we can board up the proper pieces of property. It is the reason that we can get people into safety. It is the reason that we can get supplies in before the storm hits rather than waiting for weeks afterwards. It has obviously saved not only a lot of lives, but it has done a great job in reducing the property destruction and it has stopped aggravating an already frustrated group of Floridians throughout the State in virtually every county that has been touched one way or another by this incredible storm.

□ 2130

The 5-day forecast is run out of the Naval Operations Center in Norfolk, and they have done a terrific job in making sure that we can define as narrowly as possible which areas are most likely to be hit by the storm. And as Craig Fugate, the Director of the Florida Division of Emergency Management, observed, "All Floridians should welcome the increased awareness that the 5-day forecast has provided." We are grateful for that.

The other thing that I did immediately after the storm was to call the sheriffs in our area. I happened to be at the Emergency Operations Center in Tallahassee on 9/11, the day the terrorists attacked. I spent that day as the Speaker of the House of Florida with Governor Jeb Bush and other leaders as we made decisions about how to respond to attacks that we did not know when they would end. We did not know whether Florida might be a target as well that morning on 9/11.

But what I learned there that day is, all of the private agencies, from Red Cross and other charitable organizations, from the Federal agencies, including FEMA, from all of our departments at the State level, transportation, health, we have learned remarkably to respond in a regional and Statewide way to disasters that heretofore, before Andrew, were really thought to be a local problem by and large.

And it is the remarkable coordination by all levels of Government and agencies within the Government that not only hopefully will help us with these nature-ordained disasters but will help us deter and respond, if we ever should need to, to manmade attacks, namely terrorism.

I want to tell the Members that FEMA has done a much better job, as the gentlewoman was just saying with the gentleman from Florida (Mr. FOLEY). In the aftermath of Andrew, we had literally weeks where we did not have certain equipment, certain supplies, certain emergency necessities.

In this situation, that has not been the case, with the exception of power. In some cases, we have had people down for a week or two without power. That is an enormously challenging, frustrating, maddening experience. I can tell my colleagues when it is 110 degrees outside, and the kids are hot, and they do not have the ability to go anywhere, to relax, to take a cool shower, it is very difficult to function.

But with the exception of power, we have had, within a day or two for the most part, gas supplies back up and running. We have been able to get the debris cleared up in the roads so people could get to and from their shopping centers to buy fresh food, to replenish supplies. So the response in Central Florida has really been amazing.

Already FEMA assistance in Florida has reached more than $162 million as of today. Approximately $100 million of that is in emergency housing, people that literally would not have any shelter if it was not for the work of FEMA. Everywhere I went, my sherifs, my local law enforcement, my local fire chiefs, my local mayors and county commissioners all remarked that FEMA was giving them everything that was humanly possible to provide in a fairly organized and reasonable manner, and they were very grateful.

One of the issues that has already been touched on by the gentleman from Florida (Mr. KELLER) when he was first here was, in the aftermath of Andrew, we had really had a crisis. We had 11 property and casualty, i.e. homeowners' insurance, go bankrupt. Even State Farm in Florida literally went belly up. And only because of the good graces of the other 49 State Farms in the various States decided to bail out the State Farm program were they able to pay claims and stay in business.

If, in Florida, we lost all of our property and casualty market, that is, if insurers no longer wanted to write homeowners' insurance policies, Americans everywhere need to be aware of what the effect would be on Florida's economy and ultimately on the United States' economy.

The truth of the matter is that real estate is one of our key economic drivers in Florida. We do not have a big manufacturing base like many States in the Midwest, for example. But we have an awful lot of thriving commercial and homeownership in the real estate area, and it is one of the things that drives not just the Florida economy but ripples and has a positive effect on the entire U.S. economy.

If we do not have the ability to have insurance, lenders will not lend to buy property. Not only will the lenders and the mortgage brokers and mortgage bankers go out of business, but the people that work for title companies will go out of business. People that build houses, subcontractors, people that build pools, people that sell lumber, people that survey property, we would literally have dozens of industries wiped out potentially for a significant period of time.

As a consequence, we did a couple of things that were very important. It is the reason, after two horrible storms, the Florida insurance property and casualty market is still relatively healthy. It would not have been true if we had not done some of these reforms.

One is, we provided a catastrophic policy that all companies are obligated to pay into to prepare for an event like this. That catastrophic insurance has only used about half of its reserves at the last count, which means that we are still able to function and hopefully the insurance market will still stay relatively healthy.

We upgraded all of our building codes. A building permit to build a new home, especially in coastal areas, means that one has to have a seriously upgraded plan in civil engineering that will protect their property from most winds below 100 or 110 miles an hour. Mobile homes, before the Andrew event, often were put together in a very cheap and slipshod manner, and they literally were just standing like a house of cards on a concrete floor.

We now tie down those buildings. We now make sure that they are much better produced and manufactured and secured in a way that most of the mobile homes that were built after Hurricane Andrew, in 1993, survived the storm in relatively good shape. So we are very grateful for that.

The last thing that I wanted to mention before I turn it back to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is that all of us have some unique damages here. I have a lot of ferneries and nurseries as part of the key agricultural businesses in Congressional District 24. Under the Department of Agriculture's emergency plan to help farmers and agricultural leaders through a disaster like this, if they have a product that is consumed, they are eligible for some relief.

We are trying, with the good work of the gentleman from Florida (Mr. PUTNAM); of the gentleman from Florida (Mr. FOLEY); of the gentleman from Florida (Mr. YOUNG), the Committee on Appropriations chairman, to see to it that we cannot get some relief for folks that produce the ferneries and the nurseries because they are just as severely impacted by the potential loss of all of their income.

The last thing that I wanted to mention is that, right before I came up here, this Saturday, I spent the better part of the mid morning with Jim Kennedy, the Center Director at Kennedy Space Center. I will tell the Members that we believe that Kennedy has had about $120 to $140 million worth of damages at this point. There are some 14,000 workers that have been off work that started back to work today. They are enthusiastic. They are determined that we are going to continue the leading manned space flight in the history of the world.

Fortunately, the three shuttle orbiters that were all there at the Center at the time were safely preserved in their buildings. All Kennedy Space Center personnel are safe and sound. But there have been a couple buildings seriously damaged, including the famous Vehicle Assembly Building.

Until a few years ago, the largest indoor-contained building in the world, this is where the Space Shuttle components are assembled and then moved to eventually the launch pad. By the way, the launch pads, gratefully, are also preserved intact. But over an acre of the south wall, 4-foot-by-16-foot aluminum panels have blown off, including part that make up the beautiful American flag, which is probably about the size of two or three football fields. So this is going to need to be repaired. It is going to take some significant time.

The Thermal Protection System Facility lost half of its roof. It is the place where the outside tiles and the thermal blankets inside protect the Shuttle crew from the intense heat, and literally the top of the building was peeled off like a can opener.

The Florida Space Authority was asked immediately after the storm whether it had any room to possibly continue the production of these very critical tiles for return to flight on a timely schedule and the blankets, and thanks to Winston Scott, the Executive Director of the Florida Space Authority, within seconds, he told Jim Kennedy that absolutely they were going to be able to use the facility that the Florida Space Authority had.

Within 3 or 4 hours, components of the tile and the blanket manufacturing and processing team was moving into this new facility. So we had very little interruption in what could have been a very significant challenge.

Finally, the diligence of the men and women in the Kennedy Space Center team, including NASA and the private contractors, has made this such that, like a lot of us, we are going to have some damages to repair. We are going to have some streets to clean. We are going to have some buildings to put back in place. But, fortunately, in my district, the Kennedy Space Center came through with the type of harm that could be fixed, fixed very rapidly, and we are anxious to get back to work and get back to normal in Florida.

The last thing I will say is, I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for her leadership here, but we know, having been through two of these now just in the last month, that our thoughts and our prayers are with the folks in the Panhandle of Florida, the folks in Alabama, the folks in New Orleans. We are thinking about them.

And if there is anything good that comes out of these horrible events, it is the way we bond together as communities and as families. I do not think I will ever forget teaching my two small boys, Tommy, who is 12, and Sean, who is 6, as we literally pulled out mattresses from some of the other bedrooms. We pulled them into Mom and my room. We were there with our blankets and pillows. We had our transistor radios. The power was, of course, out. We had a cooler, and we had everything that we needed as a family there during about an hour and a half of real horror during Charley.

But families bond. Communities bond. States bond, and we are grateful to the people of America for thinking about and helping Floridians

Ms. GINNY BROWN-WAITE of Florida. Without a doubt, Mr. Speaker.

Reclaiming my time, the gentleman was in the State legislature, and he had mentioned this, the change in the State building code. And it was very difficult to pass because it did raise the cost of home building in Florida. And I remember that, at the time, and I am sure his constituents complained also, it was causing the cost of home construction to go up, and the builders were very upset, too.

As he looks around his district, I am sure he can differentiate the homes that were built to the newer, higher wind codes as opposed to the older homes, where the wind actually came in and did the substantial amount of damage. And in retrospect, I am sure that all those people who had to pay a couple hundred dollars more, and it did end up being a couple of hundred dollars more, are very glad that Florida did impose stricter building codes.

And it was a tough sell at the time, as I remember, but it truly was as a result of Hurricane Andrew, but also it was because, when a hurricane comes, Florida is usually the first place that it hits.

Mr. FEENEY Mr. Speaker, if the gentlewoman will yield.

I have a friend who is a civil engineer, and his primary job is to certify each and every set of plans, which is now required since the 1993 changes. I remember asking him at one point, because he designs dozens or hundreds of homes, Why would he have to certify each set of new plans for each new home? Why could he not just certify a model? Would that not be a lot less expensive, cheaper? And his answer was that every location and every building is a little bit different and that, absent this, some day we may regret that we did not require the diligence that the gentlewoman is talking about. That is in the design stage.

Obviously, we required more substantial materials in places. We required storm shutters in certain areas. We have allowed those people to take discounts from their insurance if they would go out and purchase storm shutters. All of that investment was some of the best money ever spent by individual home buyers and home builders in Florida, and I think we are all grateful that we changed, and we were adaptable, we were flexible after Andrew.

There will be lessons learned from Charley and Frances and Ivan, but thanks to her leadership and the policymakers that are forward thinking in Florida, I think we will be in even better shape the next time we face one of these horrible events

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the other thing that I wanted to share with the gentleman is, just before I came down to the floor, I was handed a list of agricultural losses, and these were compiled obviously from the very hardworking members of the agricultural industry.

And the loss for the fern industry, which I know is very large in the gentleman's area, was anywhere from 65 to 75 million. So, as we proceed with a supplemental bill to assist those who were devastated by the storm, certainly, we are hopeful that we will be able to help out not only the nursery industry, the ferns, but I have a large dairy industry in my area. And so we want to make sure that we are able to help so many of the very hardworking members of the agriculture and aquaculture industry, too.

Mr. FEENEY. Right, Mr. Speaker.

And again, we appreciate her leadership on that. As I took the helicopter ride, we deliberately went over some of the nurseries and ferneries, and they have a lot of glass and plastic buildings that they use to soak up the sun and provide the right amount of water. They do a terrific job, but they have been devastated in many respects. And they are sort of caught in the middle. If they are a typical business, they are eligible for a very low-interest Small Business Administration loan if they are subject to a disaster attack. If one is an agricultural farmer that grows products for consumption, they are covered by emergency processes in the Department of Agriculture's contingency budget.

□ 2145

But if you grow ferns or other nursery products because your product cannot be consumed, you are at this point considered eligible for neither business assistance nor for agriculture assistance. So it is one of those things that we will work with the administration on to try to fix as rapidly as possible.

I yield back to the gentlewoman.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, when we remember Hurricane Frances, we have to remember that it was so large that at one point it obstructed nearly the entire State of Florida on satellite views. The hurricane actually was estimated to measure twice the size of Texas.

As I went around my district, and my district goes from the coast, from the west coast to just bordering on the gentleman from Florida's district in the Orlando area, as I went around my district after the hurricane struck, I would see homes and stop and talk to the owners. It is amazing, as I mentioned to him, the difference between the older homes and the newer homes. The newer homes did not sustain as much damage because they were built to better safety codes; they were better designed, higher wind loads for the roof. All of those facets made those homes sustain the storm a whole lot better.

While Frances may have ripped roofs off stores and homes, flattened gas station canopies and slammed moored boats against each other, it did not dampen the spirits of the people of Florida. I had a mother come up to me and say, you know, it has always been difficult to turn off the TV, to get the kids to turn off the TV. She said, I never thought I would say this, but we were able to have the television off, and we actually played some board games. She found this to be a great time to get closer to her children. She now has her power restored, and I am sure that television is back on. But overall, people found this a time of great reflection and a time to pray that their friends and neighbors and that their own family members would remain safe.

Mr. Speaker, there is still a lot of repairing that needs to be done. I know, as I was driving Saturday evening around my district, there were piles of debris along the road. And right now, there are still some 213,000 Floridians still without power. When we put that into perspective, there are some people who do not have a home anymore. They do not have the family heirlooms; they do not even have photographs, because all of those were destroyed in the storm. So people can put this lack of electricity into perspective, because in Florida it gets hot and very, very muggy; but at least they still have their homes. A woman pointed that out to me because she had a friend in another part of the State who lost everything, absolutely everything.

Mr. Speaker, Floridians have hope because they know that we as public servants will not forget them. They know that we will work to the fullest of our abilities to see that they receive the relief that they so desperately need.

I would like to take a moment to certainly applaud FEMA, the SBA, the Red Cross, the Salvation Army, and so many other organizations that have coordinated relief efforts in our State. There is a wonderful group in my district that is called the Christian Contractors of America, and these are very dedicated, skilled workmen who go out and assist people. I had one constituent who had a tree land on her house and somebody misinformed her that FEMA would take care of the tree. Well, FEMA does not go around cutting down trees. But this great group of Christian contractors we were able to call and, without a doubt, they are there to help. They were there long before the storm, helping people, helping people living in substandard housing. I can think of another example where they helped a battered spouse who had all the windows knocked in.

Organizations such as this, certainly the Salvation Army, the Red Cross, all of the church groups that opened up their doors if they had power and they provided food and they provided air-conditioning and they provided shelter and respite, and a place to come where the community could all come together.

Mr. Speaker, we must answer the needs of Florida and other States. It is not just Florida that gets hit by hurricanes, as Alabama is about to find out, as North Carolina found out last year. I joke with my sister; she lived in North Carolina in Morehead City and she was tired of all the hurricanes hitting there, so she decided to move down to the panhandle of Florida. Well, guess what? She is about ready to be hit by another hurricane.

All of the members of the Florida delegation, regardless of which party we belong to, do not forget our commitment to our constituents. Florida must be helped, and I am sure that Congress will take action.

IRAQ WATCH

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 60 minutes.

FLOODING IN OHIO

Mr. STRICKLAND. Mr. Speaker, I was sitting here listening to my colleagues from Florida talking about the disaster that Florida has experienced, and I thought about my own experience in Ohio over the last 2 or 3 days. Ohio is a long way from Florida, but Ohio has been affected, seriously affected by the results of the hurricane, the flooding that has occurred in a number of Ohio counties, which has absolutely been devastating.

In Columbiana County, where I was earlier today, one small township, it is estimated that they have public damages of between $400,000 and $500,000. Many roads have been completely washed out. The day before yesterday, I was in another county in my district, Belmont County, a little town called Ness, and in that community there were homes that were completely destroyed and demolished, homes where people will never be able to return to live because they were so terribly damaged. And the damage was caused, in large part, by rain that occurred as a result of the hurricanes that had come in and through Florida.

So it is true that we are very sympathetic with the good people of Florida who have suffered so deeply. We are happy that help and hope is on the way for them. But just this day, I faxed a letter to the White House asking the President to act expeditiously on a request for a Federal declaration which has been sent to him by Ohio's Governor, Bob Taft, asking that these communities in Ohio which have been so terribly, terribly affected be also declared a Federal disaster area, so that appropriate Federal resources can be made available to them.

We need FEMA to come in, to provide temporary housing. I spoke just the day before yesterday with a lady nearly 80 years old who lived by herself, whose total monthly income was $655 a month. She also was receiving, I think, $70 per month in food stamps. But her home had been literally destroyed. Her medicine costs were very high, and she was asking what kind of help would be available. And I told her that as soon as the offices opened this morning, Monday morning, that I would be on the phone to the office of FEMA here in D.C. When I contacted them this morning and asked about the request that Governor Taft had submitted for one of the counties, for Columbiana County in Ohio, we were told that the request was under consideration.

But the fact is that we can wait no longer. There are people who are living in cars. There are children who are being kept in fold-out campers. People are without water. We are concerned about the spread of disease. The bottom line is people are suffering terribly in Ohio. I call upon the administration, the President, to recognize what people are going through there.

The geographic area is much smaller than that which was affected in Florida, obviously; but I would contend that there is no one in Florida that has suffered any more than some of the people that I represent. Because when you have lost all that you have, all of your material possessions, when you have no clothing, no personal items, no furniture, when your home has been destroyed and you are with nothing, you are in desperate circumstances; and those are the circumstances that exist across part of Ohio tonight. I am hopeful that by tomorrow I will get a positive response from the President and the White House, and my hope is the help from the Federal level will be flowing into Ohio just as it is flowing into Florida.

I would also like to note, Mr. Speaker, that even the Red Cross has diverted so much of their personnel and their equipment and their resources to Florida that I am afraid that many of my constituents will fall between the cracks, so to speak, and that their terrible plight will not be expeditiously and properly recognized by our Federal Government.

IRAQ

Having said that, Mr. Speaker, I rise tonight, and I will be joined later by some of my colleagues, to talk about Iraq and what is happening in Iraq. This is an effort that we began literally several months ago, myself and some of my colleagues, coming here to the floor to talk about the policies that we are pursuing in Iraq and trying to point out some of the concerns that we have.

I would just begin our Iraq Watch tonight by sharing an editorial from the Columbus Dispatch, which is the capital city newspaper in Ohio. The Columbus Dispatch has been publishing since 1871. They ran an editorial this past Saturday in observance of the anniversary of September 11. I see my friend, the gentleman from Massachusetts (Mr. DELAHUNT), has joined me. Before I yield to him, I would just like to share some thoughts from the Columbus Dispatch because I think they are very relevant to our discussions here regarding Iraq.

The editorial is entitled, "Remember Everything." It begins this way: "Three years ago, 3,000 people were murdered in coordinated terrorist attacks in New York City, Washington, D.C., and Pennsylvania. Yet, the man who orchestrated those atrocities remains free. For what he did, Osama bin Laden should be dead or in U.S. custody. No evidence suggests that he is dead, and he is not in custody. Because he remains free, extraordinary security precautions surround today's Ohio State football game." And, as I said, this is an editorial that appeared last Saturday when Ohio State was playing Marshall University.

So the editorial says: "These security precautions will surround today's Ohio State football game, considered a terrorist target because 100,000 spectators will be gathered in the heart of a State that is key to the Presidential election."

The editorial continues: "Because bin Laden is at liberty, election and law enforcement officials nationwide are busy planning extra security at polling places on November 2. Because bin Laden has not been captured, the Nation's Capital and national monuments, including the Statue of Liberty, have been militarized and fortified. The Bush administration can claim that bin Laden and his cohorts are on the run, but bin Laden and his cohorts plausibly can claim the opposite. All bin Laden has to do is point to the armed men and surveillance helicopters around Ohio Stadium."

□ 2200

How did the destruction of bin Laden slip so far down the Nation's to-do list, the Columbus Dispatch asks? Why are the bulk of U.S. military and intelligence assets tied up in Iraq, which pose only a hypothetical threat, while pursuit of the man who slaughtered thousands of Americans on their own soil is on the back burner? Where is the anger, asks the Columbus Dispatch? Where is the anger?

The September 11 victims were not killed by a natural disaster, such as a hurricane, which cannot be brought to justice and against which rage is futile. They were killed by a man. A man can be made to pay a price. Why has he not paid?

The Columbus Dispatch continues in their editorial. This is the question that President Bush should be answering today and tomorrow and every day until November 2. And the Columbus Dispatch asks, where is Senator JOHN KERRY, who loudly proclaims his determination to strike back at any attack on the United States? The attack has occurred. Where is his pledge to make apprehension of bin Laden dead or alive job number one?

The Dispatch continues. Would bin Laden's death eliminate terrorism? Well, of course not. Quick victory over this kind of nihilism and barbarism is impossible, but every day that bin Laden remains free is a defeat for justice and for civilization. His continued existence, his ability to poison a seemingly impotent world, incites and encourages his followers and imitators.

Now, this is what we have heard from the heartland of America, from Columbus, Ohio, from the Columbus Dispatch newspaper, and I would just point out that the President told us, Mr. Speaker, at one time soon after the September 11 attacks, when bin Laden had been identified as the person responsible for attacking our country, the President told us he can run but he cannot hide. But the fact is that he ran, and thus far he has hidden successfully, and somewhere on God's Earth tonight bin Laden is planning the next attack upon our country.

Tonight, now, I ask my colleagues in this Chamber, why did we divert our attention from Afghanistan and from Osama bin Laden and focus on Iraq? At the Republican National Convention in New York, they talked a lot about September 11. The President gave a 63-minute speech and never once did he mention Osama bin Laden. Never once did the President mention the man who is responsible for attacking our country and who today, tonight, is free planning the next attack. I think the American people deserve an answer to that.

Why, after all of the resources that we have spent, some $200 billion, the over 1,000 lives that have been lost, the nearly 7,000 soldiers that have been wounded, why do we not know where bin Laden is and why have we not captured him and why have we diverted our attention from the effort to find this man? He is the enemy of America. He is the one who attacked us, and yet, somehow, his name is not uttered by our President anymore, and there seems to be no real attention directed toward bringing him to justice.

Now, the fact is we heard a lot about Saddam Hussein.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield.

Mr. STRICKLAND. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. If I can, because the reality is that long before September 11, this White House, this President, this Vice President, whose picture was on the November 2003 edition of Newsweek, had an obsession with Iraq, and I would submit that the best evidence of that obsession is revealed in a book by a noted journalist by the name of Ron Suskind, who sat down with the former Secretary of Treasury, Paul O'Neill, and did, if you will, an overview of Secretary O'Neill's experience in the Bush-Cheney White House.

As Secretary O'Neill indicated, he was taken aback by the first National Security Council meeting, and he attended those in his capacity as the Secretary of Treasury, that was held one week after the President was inaugurated, and it quickly turned to the issue of Iraq. There were no threats emanating from Iraq. There were no statements emanating from the brutal regime of Saddam Hussein relative to an attack on the United States or any of our allies. In fact, if you remember, the Secretary of State himself, Colin Powell, later on some time in February described the Iraqi military in terms that turned out to be absolutely accurate, they were forthright, they had been significantly degraded, but one week after the President was sworn in the dominating subject of the first National Security Council meeting was Iraq.

Then subsequently, on February 27, Secretary of the Treasury Paul O'Neill relates at another National Security Council meeting that the Vice President, this gentleman here, DICK CHENEY, had a map spread across a conference table where there were discussions about the divvying up of oil fields and concessions among private corporations and Nations, presumably our allies. That was February 27 of 2001. So right from the beginning it was this obsession about Iraq.

Now I do not know and I am not going to suggest what the motivations were, but it was about Iraq from the beginning. I have posed this question to individuals in the administration. No one has ever denied the accuracy of those anecdotes that were related by the former Secretary of Treasury, a person whose integrity is beyond reproach, who stated it clearly and unequivocally. So we had this proclivity, this propensity, this obsession with Iraq.

Then, of course, 9/11 came, and the terrorism czar at that time, Richard Clarke, made the statement that after listening to the Secretary of Defense Rumsfeld and Under Secretary Wolfowitz he was aghast because he interpreted their immediate response as an opportunity to intervene militarily in Iraq, as opposed to really deal with those who not only had visited probably the most horrific act in our lifetime upon the United States, and clearly, what we have seen is a diversion of attention from those who were the proximate cause of a national tragedy that occurred on September 11 of 2001. We diverted all of our attention, most of our resources to Iraq, rather than dealing with the genuine, accurate war on terror.

Mr. STRICKLAND. It is almost incomprehensible that the person who was responsible for attacking our country, who has claimed responsibility, who has boasted in claiming that responsibility is a person who is free tonight. He ran and he hid, and the President does not even utter his name. It is as though we have forgotten that the real enemy, the real architect of the attack upon our country was Osama bin Laden. He has been referred to as Osama bin Forgotten, and it is quite sad to me that we have not been able to bring to justice the leading terrorist in this world.

As we contemplate a possible terror attack on this country, there has been discussions that it may happen before the election, that it may happen around the inauguration of the next President. We are not afraid that that attack is going to be directed and masterminded by Saddam Hussein. He is in jail. We are concerned about al Qaeda. We are concerned about the terror network that was established by Osama bin Laden. We are concerned about Osama bin Laden and his effect.

Just this week we heard from our military leaders in Afghanistan that they believe Osama bin Laden is actively calling the shots, even today, and yet, as I repeat, during the Republican Convention in New York, with all of the discussion of September 11, it was as if the person responsible for September 11 was unknown. The President did not utter his name during a 63-minute speech.

This is the man that we should be going after. He is the one responsible for killing nearly 3,000 of our citizens. He is the one that is heading up the al Qaeda terror network. He is free tonight somewhere on this Earth. We do not know for sure, but I want to tell my colleague I think we would have had this man in custody if we had not diverted attention and resources and our intelligence apparatus away from the hunting of Osama bin Laden to Iraq.

Mr. DELAHUNT. Mr. Speaker, unfortunately, when we can focus on Osama bin Laden and al Qaeda, but as the President has done, to suggest that the world is safer because of our intervention in Iraq is absolutely, to quote a very prominent Republican conservative pundit, absurd. It is just simply absurd.

Mr. STRICKLAND. Every day, sadly, tragically, we are losing soldiers in Iraq. It is almost as if it is no longer news when we lose one or two or three or seven at a time. It is almost as if we have become numb to that reality. We are up to well over 1,000 now. Senator MCCAIN has indicated that he thinks we could be in Iraq for 10 to 20 years.

Mr. DELAHUNT. Again, and that is a very dangerous scenario, not just the observation by Senator MCCAIN but the fact that as time moves on, it becomes part of the regular order. Yeah, we lost seven Marines just recently in Fallujah. It is on the front page. Over an extended period of time it will end up on page 2 and then page 5 and page 7, and because not many of us are sharing in the sacrifice tragically we become immune to the real costs of this debacle in Iraq.

It is simply not just costing us hundreds of billions of dollars, but it is costing us thousands of American lives and the impact on American families. I know that my colleague and I, as we visit our districts, meet constituents that have lost loved ones in Iraq, and that on a personal level is most painful, but the danger is that we as a people collectively put it in another place in our minds, in our experience.

□ 2215

You know, our policy in Iraq can only be described as a failure. We failed. We went to Iraq based on false claims. We failed to find weapons of mass destruction. We clearly demonstrated that there was no evidence of any operational relationship between al Qaeda and Saddam Hussein. That was confirmed by the 9/11 independent commission. The administration failed to create broad international support for the effort.

The truth is we are there alone now. Yes, the British are there, even though a majority of the British people are opposed to the policy and opposed to the war. But other than the British, yes, there are token forces there, but we are carrying the brunt.

Mr. STRICKLAND. If I can speak to that issue.

Mr. DELAHUNT. Of course.

Mr. STRICKLAND. The President frequently says we have this coalition; and it is true that there are a number of countries, for one reason or another, some of them maybe with very noble reasons, who support us in our policy there. But the fact is that we have somewhere around 135,000, 135,000 American troops there. The next country with the largest number of troops is Great Britain; and they have, I believe, less than 6,500. Most of the other countries have a few hundred troops.

It is the American troops that is the target. We are losing the lives. We are paying the bill. About $200 billion thus far.

Mr. DELAHUNT. By the way, Mr. Speaker, if the gentleman will continue to yield, I find it very interesting that the President and DICK CHENEY, who according to this headline in Newsweek sold the war to the President and within the administration, keep referring to the vote on the $87 billion as somehow demonstrating a lack of support by Senator KERRY for our troops.

Does the gentleman remember during the course of that debate that the President of the United States threatened to veto the $87 billion?

Mr. STRICKLAND. If we paid for it.

Mr. DELAHUNT. No, if we insisted that at some time in the future the

Iraqi government paid back to the United States taxpayer a portion, a portion of that $87 billion. The White House insisted on a gift, a giveaway, if you will, of American tax dollars, never to be repaid to the American people.

Mr. STRICKLAND. If I could reclaim my time, Mr. Speaker, during that debate on the $87 billion, the vast majority of the people in this country, according to public opinion polls, felt that we should provide assistance in the form of a grant, a grant that would be paid back to our citizens once Iraq was stabilized. And the gentleman is right, the President said that if we did that that he would veto the bill.

Mr. DELAHUNT. The President did not want to make a loan; he wanted to make a gift.

Mr. STRICKLAND. That is right.

Mr. DELAHUNT. And the rest of the world, in terms of their dollars representing their taxpayers, insisted on a loan. It is only the United States of America that provided a gift, not a loan, but a gift, to the interim Iraqi government to begin the process of reconstruction.

Now, again, I think we all share the view that there is a responsibility on the part of the United States to assist. But why a gift? Why a giveaway? And the President said that if we made it a loan, he would veto it. So, clearly, the Republican majority here managed to secure enough votes, both here and in the Senate, to make a gift rather than insist on collateral.

Remember the Under Secretary of Defense, Paul Wolfowitz, when he promised the American people that the cost of the reconstruction of Iraq would be paid for with Iraqi resources based on their huge oil reserves? Does the gentleman remember that?

Mr. STRICKLAND. Oh, absolutely.

Mr. DELAHUNT. Yet, when the time came, that was a promise that this Vice President and this President reneged on.

It is the American people that are building roads in Iraq, it is the American people that are building affordable housing in Iraq, it is the American people that are building hospitals in Iraq, it is the American people that are building brand-new ports in Iraq, it is the American people that are providing practically universal health care coverage in Iraq, it is the American people that are funding jobs in Iraq; and they are never going to get paid back.

How about doing that for the American people, President Bush and Vice President CHENEY?

Mr. STRICKLAND. Well, as someone said, it does not make sense for us to be opening firehouses in Iraq while we are closing firehouses and laying off firefighters in this country.

But the fact is this $87 billion vote is being used in the most political way, and there have been accusations that somehow when Senator KERRY opposed that, that he was opposing body armor for our troops. I would just like to point out something that I have shared with my friends here in this Chamber before. The war started in March of 2003. We did not have that vote on the $87 billion until months after the war started. Our troops were initially sent into battle without body armor. And that was a decision made by Secretary Rumsfeld and ultimately the responsibility of the President as the Commander in Chief. We sent our troops into battle without body armor.

Now, that is a fact that cannot be disputed. And it took the Pentagon one full year, from March of 2003 to March of 2004, to provide me with a letter stating that finally, after a full year, our troops had been equipped with body armor.

I questioned how many of our troops were unnecessarily injured or wounded or how many lost their lives simply because this administration sent them into combat without body armor. That was not a money problem; it was a planning problem. And the letters that I received from Secretary Rumsfeld and Chairman of the Joint Chiefs of Staff, General Myers, verified that it was a supply problem. They did not order that equipment in a timely manner. Months passed leading up to this war when those orders could have been placed. That body armor could have been available at the time the war started, but it took 12 full months for this administration to make sure that our troops were fully protected with body armor.

And even tonight, now, Mr. Speaker, we have troops in Iraq driving around in Humvees that are not armored in a way that will provide them at least some protection from these roadside bombs that are maiming and killing so many of our soldiers on a daily basis.

Mr. DELAHUNT. It is interesting, and I think it is important that we remind ourselves and others that, yes, we are members of the minority party. We are Democrats. But this is, in many respects, and it is our concerns I am referring to, they are bipartisan in nature.

I read something just recently where, again going back to the cost of the war, that $87 billion that the President keeps referring to that he insisted on being a giveaway as opposed to a loan, Bob Barr, who served in this House and who was probably one of the most conservative Members in this institution, in this branch during his service here, observed that in the midst of the war on terror and a $500 billion deficit, Bush proposes sending space ships to Mars.

This really underscores also the folly of what we are doing in terms of driving up our own deficits that will burden generations of Americans and that are structural in nature, which means that something catastrophic is waiting for us unless we address them. And, clearly, we have not seen any response from this White House about addressing them.

But in addition to that, a recent September 10, 2004, article by Doug Bandow, who is a senior Fellow at the Cato Institute and served as a special assistant to President Reagan and was a visiting Fellow at the Heritage Foundation, had this to say: "Bush's foreign policy record is as bad as his domestic scorecard. The administration correctly targeted the Taliban in Afghanistan, but quickly neglected that nation, which is in danger of falling into chaos. The Taliban is resurgent, violence has flared, drug production has burgeoned, and elections have been postponed.

"Iraq, already in chaos, is no conservative triumph. The endeavor in social engineering on a grand scale, a war of choice launched on erroneous grounds, has turned into a disastrously expensive neocolonial burden. Saddam Hussein had no weapons of mass destruction, contrary to administration claims, and no operational relationship with al Qaeda, contrary to administration insinuations. U.S. officials bungled the operation, misjudging everything from the financial cost to the troop requirement. Sadly, the Iraq debacle has undercut the fight against terrorism."

Let me repeat that: "Sadly, the Iraq debacle has undercut the fight against terrorism."

Just recently, by the way, the Institute for Strategic Studies, again a conservative think tank, in a recent study warned that the Iraq operation has spurred recruiting by smaller terrorist groups around the world.

Now, we talked earlier about Osama bin Laden and al Qaeda. Well, the reality is that it is like the parable in the New Testament about the fishes and the loaves: they are everywhere. The incidence of terrorism in this world has increased dramatically. We saw what happened recently and again tragically in Russia.

Mr. STRICKLAND. If the gentleman will allow me to reclaim my time, it seems, and I think this is verified by the September 11 Commission, that al Qaeda has gone from being an identifiable group to becoming a philosophy and an idea and a movement. And the fact is our policies have spread terror around the world. We now have Taliban/al Qaeda operatives in Iraq. There is no evidence that they were there before we invaded that country.

There are now huge cities in Iraq referred to as "no-go zones," where our troops cannot enter those cities. They are under the control of al Qaeda and Taliban operatives. Huge geographic areas of Iraq that we liberated, supposedly, are now under the control of terrorists, terrorists that prior to our invasion of Iraq were not in that country. We have created a breeding ground for those who hate us.

□ 2230

We may be there 10 years, 20 years, no one knows. How many more deaths are going to result from these failed policies? We have already had over a thousand. Ohio lost two soldiers last week, a 19-year-old man and a 36-year-old man. How many more?

Now we stand here and talk about this. Some may wonder why go over history, why talk about past failings and past circumstances.

Mr. DELAHUNT. To learn from them.

Mr. STRICKLAND. Because the same people who have brought us to where we are tonight, who have created this debacle that we face in Iraq, the same people who have made the decisions which have led to this terrible tragedy and loss of life and horrible injuries, these same people want to remain in charge of the decisionmaking apparatus of this government. I think it is fair to ask: What will they do next? They have acted in the most naive manner. The Vice President and others indicated that we would be welcomed into Iraq.

Just yesterday we had helicopters that fired on a group of Iraqis that were celebrating around a dysfunctional piece of U.S. military equipment. Many of those people laughing and dancing around were children. They were children. You could see their pictures, they could not have been more than 10 or 12 years of age. What are we doing in Iraq, we are creating hatred toward our government. That hatred is spreading around the world. That does not make us safer.

I believe the President has an obligation to stand up and admit mistakes, but there is a difference between an irrational pursuit of an ideology that is failing. What we need are mature leaders that will act upon a rational basis to secure friends around this world and help us extricate ourselves from these terrible circumstances.

Mr. DELAHUNT. Mr. Speaker, we have been joined by the gentleman from Hawaii (Mr. ABERCROMBIE), and welcome back to Iraq watch. We noted the gentleman's absence last week. And I see the gentleman from Washington (Mr. INSLEE) has also joined us, but I want to get back to what I think is important, and that is the bipartisan nature of the criticism of this administration. It would be misleading to those watching us tonight to think this is a partisan diatribe. It is not that. It is a genuine concern about the direction of this country.

And it is echoed by others. Let me give three quotes. Crossfire host Tucker Carlson said recently, and I think many Americans have observed him on PBS and Crossfire. He said, "I think it is a total nightmare and disaster. I am ashamed that I went against my own instincts in supporting it."

William Buckley, an icon within the conservative movement said, "With the benefit of minute hindsight, Saddam Hussein was not the kind of extraterritorial menace that was assumed by the administration 1 year ago. If I knew then what I know now about what kind of situation we would be in, I would have opposed the war."

I think it is important, too, to quote what I thought was a very courageous statement by a friend of ours, a former colleague who is highly regarded on both sides of the aisle. He was the vice chairman of the House Permanent Select Committee on Intelligence and was a leading member of the House Committee on International Relations, and we know him well, is Doug Bereuter.

He sent a letter to his constituents announcing his retirement from Congress. He began by saying, it was a mistake to launch the invasion of Iraq. He said, "As a result, our country's reputation around the world has never been lower and our alliances are weakened. Now we are immersed in a dangerous, costly mess, and there is no easy and quick way to end our responsibilities in Iraq without creating bigger future problems in the region and in general in the Islamic world."

I respect that. More and more we know that our colleagues on both sides of the aisle are expressing their concern.

Mr. ABERCROMBIE. Mr. Speaker, one observes today the discussions taking place in the press by members of the Armed Services with respect to whether or not political considerations are involved in whether we can attack or not attack, whether we retreat or do not retreat, whether we engage in collaborative activity with insurgents with regard to the possible upcoming elections, or whether we regard them as criminals to be taken and prosecuted, perhaps even shot and killed.

Those issues do not know a Democratic or a Republican origin. Those young soldiers, and some not so young soldiers from the Guard and Reserve, are not making distinctions between Republican oratory and Democratic accusations with respect to this election. This issue has to be decided on November 2. The people of this Nation have to come to a conclusion electorally as to whether or not they want the present direction to go on or whether they want to move in a new direction.

I contend and I tell Members this as a member of the Committee on Armed Services, a committee on which we do our level best to subsumed and submerge our partisan differences, yes, they come forward, I am not going to pretend otherwise or be so naive to think that can always happen, but the plain fact of the matter is when it comes to our votes, we try to figure out what is in the best interests of this Nation and what is in the best interests of the Armed Services. The question arises publicly now as to whether or not our armed forces have to pay first allegiance to political considerations.

Whether one is a Democrat or a Republican, Democrats and Republicans voted for the resolution that constantly comes up with respect to whether one supports the war or does not support the war. That is no longer an issue. The issue is the direction it has taken since the war commenced, and that is where I feel we have to make a break. This is what has to be decided November 2. We have to make a fundamental decision as to whether we are going to let the chaos and the destruction taking place today continue, the brunt of that chaos and destruction having to be borne by members of the Armed Services.

Mr. DELAHUNT. Mr. Speaker, what the gentleman said was summed up just recently by a senior American diplomat in Baghdad. Obviously he insisted on anonymity but this is what he said about actually what is happening in Baghdad and Iraq today. "This idea of a functioning democracy here is crazy. We thought there would be a reprieve after sovereignty, but all hell is breaking loose." This is without doubt a debacle. This is the chaos the gentleman referred to. And the sad part of it is despite opposition to the invasion of Iraq, if there had been a coordinated plan, if there had been a relationship between the Department of State and Pentagon rather than just simply the domination of those within the Department of Defense and excluding those that had experience similarly elsewhere in the world, maybe we would not have this problem. But we had Wolfowitz, we had Doug Feith, we had Secretary Rumsfeld who, according to Richard Clarke and others, pushed out the Department of State, would not allow them in at the table to discuss the post major combat phase.

Mr. STRICKLAND. Mr. Speaker, I wanted to yield to the gentleman from Washington (Mr. INSLEE) but before I do, I would like to say the gentleman from Hawaii (Mr. ABERCROMBIE) absolutely spoke the truth when he said this Nation will make a decision on November 2 regarding whether or not they want to tolerate the continuation of our current policy or whether or not they think we should change course.

The President says we either have to stay the course or cut and run. Well, I think there is a third possibility and that is to change course. The fact is if there are mothers and dads listening to us tonight who may feel disconnected from this war, who may feel they have no part of it, they do not know anyone who is participating in it, they do not know anyone who has lost a life or been seriously injured, but if they have a child, they should listen because if this administration continues its current foreign policy, I believe it will be mandatory that we impose a military draft. We cannot maintain our personnel numbers with this current foreign policy without imposing a draft. We can no longer continue forever to keep our reservists and our national guardsmen on active status. We cannot withdraw soldiers from all over this world simply because of what is happening in Iraq. So every American should be engaged in the same kind of discussion we are having tonight.

Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I would like to talk tonight about three types of amnesia that I am afraid are infecting the executive branch's policy, and those three symptoms of amnesia are makings us less safe.

This weekend I went to the VFW Post in Redmond, Washington, where a group was holding a car wash to raise money to send incidentals, CDs and telephones and suntan lotion and the like, to our service personnel in Iraq. The thing that was interesting is the people who were there, including the wives and sisters and fathers of the people who are serving in Iraq, and one woman who lost her son in Iraq who came out to the car wash to help her fallen son's former colleagues in Iraq, and what was amazing to me, while these people are pulling together, there is this kind of amnesia developing to forget the loss and casualties we are suffering in Iraq. It is slipping from page 1 to page 3 to page 12 to outside of our consciousness. Frankly, I think the President could do a better job of reminding us of the loss we are suffering in Iraq rather than trying to belittle it or say it is a minimal thing.

I have heard people argue that a thousand people lost in America is not that many. I just challenge for them to say that if they had been to the car wash and talked to the mother that I did. One person who did not have to die in combat is too many.

Mr. STRICKLAND. Mr. Speaker, the first death was too many, and every death that has followed has been too many because for that individual and that individual's loved ones, it will absolutely be the most devastating experience they will ever endure.

□ 2245

I do not think we should develop that type of amnesia.

The second amnesia that I think is very dangerous to us is to some degree the executive branch is developing amnesia about who actually attacked us, which was al Qaeda. You have talked about this earlier, I believe. But we cannot have the Commander in Chief leading us in this war to preserve our security and not identify who the enemy was that actually attacked us and go a year now without identifying the name of the person who is Osama bin Laden that the President refuses to even say. That lack of leadership has infected to some degree our efforts to track down and cut off al Qaeda.

Let me give you an example in the real world how that is. I found out a week ago that we have more employees in the Department of Treasury tracking down American tourists who go to Cuba than we do Treasury officials trying to cut off the money going to Osama bin Laden. What kind of prioritization is that? Why have we developed amnesia about how deadly al Qaeda is?

Another piece of amnesia. We have loose nukes all over the former Soviet Union, all this fissionable material that we know al Qaeda wants to get. But we cannot get the cooperation of the executive branch to put money into the system we have for vacuuming up those loose nukes and keeping them out of the hands of al Qaeda.

Why has this amnesia happened? It is pretty clear. The executive branch took their eye off the ball of Osama bin Laden and put it on Iraq. And this amnesia is a more dangerous situation rather than a less dangerous one.

Let me just suggest why I think the President has been successful to some degree in conflating Iraq with what happened on September 11. That is, that we have all sort of, I think, gone down a little primrose path calling this the war on terror. I am not sure that is the right nomenclature for us to use for this reason. It is really important to realize who your enemy is. Our enemy is a person and a group, not a tactic. Terror is a tactic. It is not a country, it is not a group, it is not an individual. It is a tactic. Calling this a war on terror frankly is a little bit like calling our response to Pearl Harbor a war on torpedo planes. Torpedo planes were a tactic. They were not the enemy. We need to call this what it is, a war on al Qaeda and a war on some fundamentalist Islamic movements that are way out of the mainstream of Islamic belief in this world and have perverted that faith and taken advantage of it for their nihilistic ends, and that is an enemy we need to keep in our sights.

Mr. DELAHUNT. See, this Vice President has to link the war on terror and the war in Iraq. Even though there is no linkage. That has been confirmed not by partisans here on the floor but by the independent September 11 Commission. Because, if you cannot link the war on terror to the invasion of Iraq, then why did we go into Iraq? For political purposes, you have to create, you have to morph what occurs and what is occurring in Iraq into the overall war on terror, because this is the premise that was used by DICK CHENEY when he sold the war.

Mr. ABERCROMBIE. That is the issue that I raised with respect to November 2. Let us face it. No matter who you are in this country, a vote is going to take place on November 2. That man has to answer and his boss, the President of the United States, has to answer for why in Afghanistan today there is no governmental entity at all other than that which exists under the direct protection of what amounts to a praetorian guard of the United States in Kabul. The rest of the country is under the sway of warlords and the Taliban is resurging, the Taliban is resurging and more opium is being grown, more dope is being sold, more financing for the Taliban is taking place than ever before.

Mr. DELAHUNT. But he is probably one of the most skillful political minds in the country and just recently he made the statement, if you vote for the other candidate you will die. That is basically what he said. A vote for KERRY is a vote for terrorists. Nobody accepts that. But that is the need to make the link, because he was wrong, he cannot admit he was wrong. Do you remember David Kay, who they sent out to learn and to find out where the weapons of mass destruction were, came in front of a Senate committee and said, we were all wrong. This individual, this Vice President, must have blanched because it did not suit his world view, his political agenda.

Mr. INSLEE. There was a very startling occurrence that happened yesterday in this regard. Secretary of State Powell said there was no link to 9/11 to Saddam Hussein. Yet the Vice President continues in this effort.

Mr. STRICKLAND. Mr. Speaker, I want to thank my friends for joining me for another hour of Iraq Watch. I look forward to continuing this next week.

THE FACE OF THE TERRORIST FOE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, there are, of course, a wide variety of views and opinions on the situation that we now face in Iraq and around the world. I am compelled to come to the floor tonight to talk about one aspect of this, I suppose, not necessarily to take sides in this debate that has been going on for the last hour but to look into the nature of the foe that both we face and much of the civilized world faces. When you look into the face of the foe, of the enemy, what you see is pure, unadulterated evil. That evil manifested itself just a short time ago in a faraway place, in Russia, more specifically in a small community and even more specifically in a school in that community, where people devoted to a cause, to a set of ideas, decided that one way to advance that cause would be to enter this small town in Russia and to take hostage the children and the parents and the teachers in this small school. Because it was the first day of school and as is the custom in this area, parents and even grandparents will accompany their children to school for the first day of opening festivities. So they knew they would have a large congregation of people, all there to enjoy the day, parents there to encourage their children, children looking back at their parents and grandparents for that encouragement. Something that goes on, of course, an event, an activity that goes on throughout the world in many different countries and in many different ways but essentially that same expression of support and hope and love that we see throughout the world.

These people, acting under the guise of ideology, decided to go in and take these folks hostage, because it would be an act of terror almost unparalleled. In fact, I will say unparalleled in the annals of human history. They did so and hundreds of people died, most of them children. The most innocent among us died horrible deaths because terrorists decided to take an action that they believed would advance their cause. It has not advanced their cause. We know that. The civilized world has reacted in horror and disdain and has in every way imaginable sent the message to those who perpetrated this crime that your cause is not advanced. We see you for what you are. You are, in fact, evil incarnate. Evil does exist on this planet. It prowls. It looks. It strikes. It struck in Russia and hundreds of people today, thousands of people there, millions of people around the world, are in mourning and in grief for what happened.

There will be people who will try to suggest that even though this was a horrible event, the people who perpetrated this had just cause, that they had been ill treated in the past by the government of Russia going back to the czars. Certainly it may be true that there were injustices and that in fact horrible things have happened in the past. But nothing, Mr. Speaker, nothing, nothing that I can conceive of or I think for the most part anyone in the civilized world can conceive of could justify the acts that were taken in Beslan by these terrorists. Nothing can justify that. No amount of rationalization, no amount of historical injustice, nothing can justify the taking of the most innocent lives, not just the taking of their lives but the torture of these innocent human beings for days before the lives were taken. Nothing can justify the horror that was inflicted upon the community in Beslan. Nothing.

My community, the place in which I live, is Littleton, Colorado. Several years ago, we experienced an event of unimaginable horror in our little community. I know what that did when two individuals went into a school, Columbine High School, and killed their fellow students and teachers. I know what happened. I know the kind of trauma that existed and that everyone had to deal with, not just even the parents of the children involved but the entire community. I know how long it lasted. I know that to this day we have not found a salve that could, in fact, heal those wounds, even to this day. We still gather in April to pay our respects and to remember the dead and to express our condolences to the parents and families of those who survived.

So I know a little bit about the pain that I know exists in this community of Beslan and, of course, in surrounding areas. I know that there are no words, that no one, not Presidents or Premiers or no one can ever, ever, ever state what would be necessary in order to salve all the wounds that now exist. But we try, because we have nothing else. We have no other way. Today in my district, in Littleton, Colorado, in the Columbine school area, children are signing posters, preparing notes of sympathy that I will collect from them on Thursday and then I will take with me to Russia the next day. We hope to be visiting Beslan and we hope to be able to express the sympathy of the people in my district and they, of course, represent the bulk of the world who are heartsick at the events in Beslan. We need to talk about it more, although it is very difficult to do. It is extremely painful to even discuss these things, I know. But it is important for us to do so. It is important for us to try to think about what motivates people to do what they did, what the terrorists did there and what the rest of the world must do in response to it in order to not fall victim to the same kind of barbarism. It is an incredibly difficult challenge we all face, the world faces. How it is that we can respond? What do we do in the face of such evil?

□ 2300

What defenses do we prepare? What armies do we send into the field and where? What are the things that we tell the people in our own country that can make them feel more at ease and safer as they tuck their children into bed at night? Because these things we face, this evil that we face, really, is powerful. It feeds upon a number of emotions that are difficult to deal with.

Yet we must do so. We must think about what kind of defenses we can erect, how we can defend ourselves, what do we do around the world, and what do we do even in our own country. What are the principles and ideas that we live by that we can extol? How can we convince the rest of the world that there are ways to live in peace with each other regardless of the faith that one ascribes to? How can we exist on a planet if there are hundreds of millions of people who believe that if one does not believe in their God, if one does not accept their principles of religious ideology, that they do not deserve to exist and that they are, in fact, some sort of threat to them?

These ideas have to be fought with ideas. We have to talk about who we are in the United States and in Western Civilization. We have to talk about what principles we believe in and espouse. We cannot just be against others. We have to talk about who we are and what is at stake. Everyone in the world, certainly Americans, when this happened, they felt some degree of angst and certainly horror, but also some fear, some basic kind of internalized fear about the possibility that it could happen there, here, in our community, in our school, with our children.

And it develops a sort of paranoia about the world, and people do not know what they can do about this. And I suggest that there are answers to this question, and I do not believe for a moment that I am the person that can give all of the answers to all of the questions, but I do feel it is incumbent upon us to talk about some of the things that are important and some of the things that could and should be done in order to both defend ourselves and advance the cause of liberty and freedom throughout the world.

We must talk about the value of Western Civilization and the principles embodied therein. We must begin to explore them in a way that perhaps has not happened in a century or more in this country or certainly even around the world, in the Western world anyway. Because, after all, if we are just simply people who exist in a particular place on the planet, that is all, we are just residents of an area with no particular philosophy, set of ideas or ideals that are worth our allegiance, then the opponents of Western Civilization, the terrorists who seek to kill us because we do not see the world in the same way they do, they will have an advantage because they know exactly who they are, Mr. Speaker. They know the world in which they exist and the world that they represent. They have been thoroughly indoctrinated and are convinced of the righteousness of their ways.

It is not just enough to simply juxtapose our civilization against theirs. We have to, again, as I say, talk about in America and the rest of the Western world, what it is that makes us different and why we deserve to defend ourselves, what is it about our society that is worth defending. Are there principles? Are there ideas and ideals that we should hold on to and defend at all costs?

I certainly think so. I certainly think the ideas of individual liberty, the rule of law, the concepts embodied in both the Declaration of Independence, the Constitution of the United States and even going back to the Magna Carta, I think these things are worthy of our allegiance. I wonder how many children in our schools learn them, know about them. I certainly do not want our schools to turn into madrasas where children are indoctrinated day in and day out with the propaganda of their civilization. I want our schools to be true places of learning where children are confronted with a series of ideas and facts and then asked to incorporate them into what they believe and think, to analyze them, become objective observers, and to come to a conclusion, which I think would be inescapable that what we have and what we have put forward on this Earth in terms of a method of living, a system of living together, regardless if we are Muslims or Christians or Jews or Buddhists or nothing at all in terms of a religious persuasion; but the fact that we can create a society in which all these people can live is, I think, a good thing. It is worthy of our talking about. It is worthy of our allegiance. That is talking about who we are and what we believe in and why it is worthy, and it is a good thing and we need to do that.

We need to do other things that encourage Islam to look internally and to reform itself. There are many people, I read comments by leaders in the Islamic faith, Muslim leaders, that suggested that they too had come to the conclusion that something was very, very wrong inside their religion. Some even called it a corrupted religion. They lamented the fact that in recent history, although terrorists had different kinds of nationalities and ethnicities, they had one thing in common: they were Muslims. And they lamented that fact, and they said there is something wrong with this religion. There is something wrong with a religion that, in fact, promotes a cult of death. So there is hope that reform can come to Islam.

The third thing we must do and to hope for is to construct a defense of our own civilization and of our own country against terrorist activities. And, believe me, this is a tough one. This gets us into, I guess, a little bit of the battle that went on there or at least the discussion that went on here the hour preceding this one about why are we in Iraq, was it the right thing to do, was the President motivated by all the right reasons or all the wrong reasons? Was Iraq the proper thing for us to do, the logical extension of our war against terror? Specifically, was it the right thing to do in our war against fundamentalist Islam? Because that is really what we are at war with.

I agree with some of the comments made earlier by some of the folks over here that said that terror is not the thing with which we are at war. It is simply a tactic. I have said this on this floor many times and now for several years, and I am glad to hear it being repeated by others because, of course, it is important for us to understand who the enemy really is.

□ 2310

I think our friends on the other side did not go as far as they needed to go to actually describe them. It is fundamentalist Islam with which we are at war, make no mistake about it. And whether that fervor, that Islamic fervor leads you to do things like press for a separation from Russia because you want to create an Islamic republic, it is still fundamentalist Islam with which the world is at war. Or whether it manifests itself as it did here by planes crashing into buildings and into the Pentagon and into fields in Pennsylvania, it is fundamentalist Islam with which we are at war. Around the world, incidents occur. There are motivating factors that combine to create them, but when you sort of get to the bottom line, what is the common element? It is fundamentalist Islam.

We are not used to saying things like that here in this body; we are certainly not used to saying things like that on the political stump, because this is America, and we do not talk about people's religion, certainly not in disparaging ways. Among other things, it will probably cost us votes. But seriously, it is uncomfortable and it is just not done. But we have to do it. It is uncomfortable. I certainly do not like having to say these things, but I see absolutely no alternative to saying them, because I believe these things are true, and I believe most of the world knows them to be true.

So we have to talk about who we are. We have to hope for reform of Islam, and we have to defend ourselves. I do not know of another set of alternatives. I do not know of another strategy that we can employ.

I do not know whether or not the President of the United States was thinking about one or all of these things when he led us into the war in Iraq. I hope that, in fact, it was part of his strategy. I hope with all of my heart that what we are doing in Iraq will advance our cause, will weaken our enemy, will somehow force that reformation, or at least a movement toward that reformation, and certainly I hope that it helps defend us against further attacks.

I hope the President is right when he says we are fighting them there because we do not want to be fighting them here. I hope he is right when he suggests that planting the seeds of a democracy in an area of the world in which it has never existed will bear fruit. I hope he is right. We have set a course. We have taken a vote in this House. We have sent men and women off to war. So I hope we were right.

There was an interesting thing today, my chief of staff called me and said, we have this questionnaire from one of the local papers in our community and it has to go in today and we want you to answer these things. I had not seen it before, so we had to go through them. One question I think toward the end was, would I have voted differently knowing what I know now. Would I have voted differently about going to war in Iraq.

This was a very interesting question, one that has certainly been in my mind many times since embarking upon the course of action that we have taken. And I finally, after a lot of discussion, and we had the staff come in and we talked about this, and we had sort of, it was really kind of an interesting and neat discussion about this, everybody sort of venting their feelings and attitudes and ideas. Finally I said, the reality is it is too early to tell, because we just do not know yet. I mean, I want to believe that what we are doing is the right thing to do. I think it is too early to determine whether or not the course of action upon which we have set ourselves will lead to all of the things that we hope. I believe that it is certainly a noble endeavor. I believe that if the goals are accomplished; if, in fact, we can change the world because we changed the political environment in the Middle East, and there is some hope that that is exactly what has happened. I mean, after all, Libya did a complete about-face after we went into Iraq. It admitted to a nuclear program leading to nuclear weaponry being developed and said, we are not going to do that anymore. Although there may have been other reasons for them to do that, the fact is that Qadhafi did it and I think, to a large extent, it was as a result of what we did in Iraq and what he saw happening in his neighbor's land.

It does not mean that all the dominoes will fall. It certainly does not mean that in a month or 2 or a year or 2, we will be able to say the troops can come home, but there is that hope out there. It is a challenge to us all.

I wish I could say with an absolute and unequivocal sort of mindset that yes, it was the right vote to cast. I cast the vote because I believed what I was told: that we faced clear and present danger in the existence of Saddam Hussein and his regime. There is certainly a great deal of evidence to suggest that it is true; there is also evidence to suggest that perhaps it is not, it was not as great a threat to our immediate survival as we had anticipated or had been told or thought.

So, Mr. Speaker, it is not clear-cut. There is no easy way out of this. There is no absolute way in which we can, or at least I can make a decision here, except to say it is too early to tell. We hope and we pray that we have made the right decision. We make these decisions, certainly I know I and I am sure almost all of my colleagues here made the decision in how to vote after thought, a great deal of thought and, for most of us, a great deal of prayer, asking for guidance, looking at all of the information available, and then doing what we are asked to do here and what we are elected to do: cast a vote.

Now, I hope and I pray that this country will begin to do what I suggested earlier needs to be done in terms of extolling the virtues of the American creed, of western civilization, and why we all should be proud to be part of it. I hope and I pray that Islam will begin to reform itself, look internally, and see that the path it is on, if it is allowed to be dragged into this quagmire of extremist violence, terrorist activities, murdering women and children; if the religion is allowed to be dragged into that quagmire, it can never, ever survive in the long run. It can create a great deal of damage, but it could never survive in the long run, and I hope it will begin to look internally.

Finally, I hope that we will defend ourselves in every way necessary, including the defense of our own borders.

□ 2320

This is something that, of course, I have taken issue with in terms of our own administration and, of course, with the position of the other party. Because up to this point in time, neither of these two parties and neither of the two candidates for the presidency of the United States have indicated a willingness to defend the borders.

Today's Time magazine comes out with a story that is absolutely incredible. I really commend it to anyone and everyone who has an interest, and everyone should have an interest. It is called, Who Left the Door Open? It starts off talking about the fact that we all go through, and today I went through the process, of course, as millions of other Americans did, of getting on an airplane, going through the security screening system, putting all the luggage through, taking off my shoes, going through the system, having my belt checked to make sure I was not carrying anything, all the people behind me doing the same thing, in front of me doing the same thing, everybody being significantly inconvenienced because we want to be safe. We want to try to make sure that no one's going to get on a plane and do something really horrible, and so we all put up with this frustrating sort of experience and annoying, time-consuming process because we believe that it is making us more safe.

In fact, of course, while we are doing all of these things here and while at ports of entry throughout the United States people are lined up in cars, while we are doing a little better at trying to determine who they really are that are coming into this country, we are trying to figure out whether the documents are any better. We are providing technology to the ports of entry to allow them to do a better job at making sure of the people who are coming into the country, as to who they are, who they say they are.

Time magazine, Mr. Speaker, as my colleagues know, is certainly no conservative icon. Even Time magazine has now come to the conclusion that we have got a big problem with porous borders and with an immigration policy that is dangerous, to say the least, in a variety of different ways.

It is a lengthy article. I am astounded, as a matter of fact, at some of the things they say, again because it is Time magazine, because one just does not expect this kind of a thing from Time magazine.

U.S. borders, rather than becoming more secure since 9/11, have grown even more porous, they say, and the trend has accelerated in the past year. It is fair to estimate, based on a Time investigation, not Tom Tancredo's point of view here, based on a Time magazine investigation, that the number of illegal aliens flooding into the United States this year will total 3 million. That is enough to fill 22,000 Boeing 737-700 airliners or 60 flights every day for a year.

Washington's failure to control the Nation's borders has a painful impact on workers at the bottom of the ladder and increasingly those farther up the income scale. The system holds down the pay of American workers and rewards the illegals and the businesses that hire them. It breeds anger and resentment among citizens who cannot understand why illegal aliens often receive government-funded health care, education benefits and subsidized housing. In border communities, the masses of incoming illegals lay waste to the landscape, create a costly burden for agencies trying to keep public order. Moreover, the system makes a mockery of the U.S. tradition of encouraging legal immigration.

It is so true. Today, Mr. Speaker, I had a call from a member of the press in Colorado Springs, Colorado, Gazette Telegraph, and she said she was working with an individual who was trying to get to stay in the United States but was having a very difficult time and had spent a lot of money. I said, well, do you mean this person is here illegally? Well, it turns out, of course, she is. Of course, yes, that her daughter now needs medical treatment and she is afraid if she is returned home and this kid is sent to Mexico, she would not be able to get the medical treatment, but that the task of getting the papers she needs is now very time-consuming and expensive.

I suggested to her that, of course, the mistake that was made originally was coming into the country illegally and that that can only be rectified by going home to the country of origin and starting the process of coming into this country through the normal channels. The reporter for the Gazette Telegraph said to me, well, it is really too cumbersome, it is time-consuming, it costs a lot of money. I said, yes, of course, it does, that is absolutely true. It is hard to get in. It is hard to do it the right way.

Every Wednesday there is a service for the folks who are being sworn in as new citizens, and I tell them every time I go, I say, look, I have come to tell you two things: Welcome to the United States, number 1; number 2, thank you for doing it the right way because, in fact, millions of people choose not to do it this way. Every time we give them all the benefits that you now are going to get because you have done it the right way. It is a mockery of this process. It is an insult to everyone who has spent the time and the energy to actually become a citizen of this country.

So when we tell people, whether it is the President of the United States, or JOHN KERRY, who tell people that do not worry if you are here illegally, we will, in fact, allow you to stay and give you amnesty, you are, in fact, spitting in the eye of every single person who has done it the right way and of the millions of the people around this world who are attempting to do it the right way.

So I want us to defend our borders, which is part of the defense of the Nation, a significant part of that defense. Of the 3 million people a year that even Time magazine says come in here illegally, we know that a significant percentage, perhaps 300,000 of the 3 million, come here from countries other than Mexico. Of the 300,000 who get in illegally from other countries, perhaps 100,000 are from countries that are identified, by the way, as countries of interest.

Thousands and thousands more are coming across those borders every single year from countries that we identify as being supporters of terrorism. They are coming in illegally. Some of them are paying huge, huge fees to come into this country illegally. Upwards of $50,000 is being paid by people who desire to come into this country under the radar, without our knowledge. People from the Middle East and from Asia are paying that much money, and you have to ask yourself, why would anybody do that? And where would they get the money if they do not have it themselves, who would be paying to get them in here? Some pretty frightening thoughts come to mind, because I do not think anybody is going to pay $50,000 to come into this country to work at the 7-Eleven down the street or to pick grapes. I think they have other reasons for coming in, and if somebody else pays for them to come in, what are the reasons anyone would have to put up such large sums of money to sneak people into this country?

Our borders are porous, and they are porous because we do not have the political will to close them. Neither party, neither candidate for President, will suggest this for fear of the political retribution that would come from interest groups inside their own party.

But I suggest that either candidate for President would be doing not just his country a favor and the right thing but would be doing his own candidacy and his own party a favor by talking about the need to secure our borders and by actually doing it, which we can do by the way. We absolutely can do.

☐ 2330

We have the technology to do it tomorrow. We do not have the political will. It is amazing.

So one part of that three-legged stool they put out there is dependent upon our willingness to make hard, hard choices. Well, actually, I am sure in every way, to the extent that we have any ability to make decisions about any one of those three things, they are all tough choices. But in the area of our own national defense, this is not a hard choice. This is not a difficult sort of academic question to answer.

What would be the ramifications of closing the border to those people coming through without our permission? The ramifications would be we would shut down the flow of cheap labor. Hence, we would be confronted by a lot of interest groups that would raise hell about it. We would be confronted by the Democratic party infrastructure that would say, look, these people coming in would eventually become our voters. We cannot close down those borders.

But both of the reasons that are given by individual parties and individual candidates, even if they do not express them openly, those are the reasons why we do not do it, and those reasons pale in significance to the fact that we are ever more vulnerable to an attack because of our borders being porous.

Again, great article. I cannot believe that I am up here talking about a truly honest and definitive look at the issue of immigration coming out of TIME Magazine, but here it is. "Who Left the Door Open?" Great, great article. I suggest that everyone get a copy of it. And I suggest certainly that our colleagues in this Congress get a copy, read it, and take it to heart. Because although there are pressure groups that will attack us if we actually do something about immigration, the fact is that the citizens of this country, John Q. Citizen, and our own children and grandchildren will thank us, because it is the right thing to do.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERMAN (at the request of Ms. PELOSI) for June 18 through June 25, 2004 on account of official business.

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for the week of September 13 on account of official duties in the district.

Mr. GERLACH (at the request of Mr. DELAY) for today on account of a family commitment.

Ms. PRYCE of Ohio (at the request of Mr. DELAY) for today on account of a family emergency.

Mr. BOOZMAN (at the request of Mr. DELAY) for today on account of attending the funeral of a friend.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. THORNBERRY) to revise and extend their remarks and include extraneous material:)

Mr. THORNBERRY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 14 and 15.

Mr. SHUSTER, for 5 minutes, today and September 14.

Mr. JONES of North Carolina, for 5 minutes, September 15.

Ms. ROS-LEHTINEN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1368. An act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Financial Services.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 14, 2004, at 9 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2003 and the second quarter of 2004, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. ELIZABETH USSERY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 11 AND JULY 13, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elizabeth Ussery	7/11	7/13	Canada	718.08	544.00	[3] 132.00	100.00			850.08	644.00
							323.37				323.37
Committee total					544.00		423.37				967.37

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Cabs, parking.

ELIZABETH USSERY, July 20, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CHILE, ARGENTINA AND PERU, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 9 AND DEC. 14, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Roy Blunt	12/9	12/11	Chile		8,768		1,406.10		7,807.53		17,981.63
Hon. Dave Camp	12/11	12/12	Argentina		5,120		265.37		2,795		8,180.37
Hon. Eric Cantor	12/12	12/14	Peru		8,498.17		7,019.48		9,274.06		24,791.71
Hon. Lincoln Diaz-Balart											
Hon. Mario Diaz-Balart											
Hon. Katherine Harris											
Hon. Mike McIntyre											
Brian Diffell											
Richard Eddings											
Amy Field											
David Hebert											
Steven Stombres											
Susan Burson Taylor											
Scott Palmer											
John Ebold											
Hon. Deborah Pryce											
Commitee total					22,386.17		8,690.95		19,876.59		50,953.71

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROY BLUNT, Jan. 13, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY MEETING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND JUNE 2, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	6/2	Slovakia		2,700.00		2,282.97				6,369.97
Hon. Michael Bilirakis	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	5/30	Slovakia		1,800.00		(3)				
	5/31	6/1	Ireland		327.00		(3)				3,514.00
Hon. Joel Hefley	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	5/30	Slovakia		1,800.00		(3)				
	5/31	6/1	Ireland		327.00		(3)				3,514.00
Hon. Paul Gillmor	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	5/30	Slovakia		1,800.00		(3)				
	5/31	6/1	Ireland		327.00		(3)				3,514.00
Hon. John Tanner	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	5/30	Slovakia		1,800		(3)				
	5/31	6/1	Ireland		327.00		(3)				3,514.00
Hon. John Boozman	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	5/30	Slovakia		1,800		(3)				
	5/31	6/1	Ireland		327.00		(3)				3,514.00
Hon. Tom Udall	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	5/30	Slovakia		1,800		(3)				
	5/31	6/1	Ireland		327.00		(3)				5,514.00
Hon. Dennis Moore	5/27	5/30	Slovakia		1,800		3,283.39				
	5/31	6/1	Ireland		327.00		(3)				3,410.39
Hon. Ellen Tauscher	5/27	5/30	Slovakia		1,800		3,121.89				
	5/31	6/1	Ireland		327.00		(3)				5,248.89
Michael Ennis	5/22	5/23	France		460.00						
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	6/1	Slovakia		2,700.00		2,417.97				6,504.97
Hon. Kay King	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	6/2	Slovakia		2,700.00		2,417.97				6,504.97
John Lis	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	6/2	Slovakia		2,700.00		2,417.97				6,504.97
Susan Olson	5/22	5/23	France		460.00		(3)				
	5/24	5/26	Ukraine		927.00		(3)				
	5/27	6/2	Slovakia		2,700.00		2,282.97				6,369.97
Vincent Morelli	5/24	5/26	Ukraine		927.00		(3)				
	5/27	6/2	Slovakia		2,700.00		5,684.45				9,311.45
Carol Lawrence	5/27	6/2	Slovakia		2,700.00		5,418.46				8,118.46
Paul Gallis	5/27	6/2	Slovakia		2,250.00		5,406.14				7,656.14
Mark Wellman	5/28	6/2	Slovakia		2,250.00		5,406.14				7,656.14
L. Kathleen Becker	5/28	5/30	Slovakia		1,350.00		2,703.07				
	5/31	6/1	Ireland		327.00		(3)				4,380.07
Marilyn Owen	5/28	5/30	Slovakia		1,350.00		2,703.07				
	5/31	6/1	Ireland		327.00		(3)				4,380.07
Delegation expenses:											
Representational functions									7,646.52		7,646.52
Miscellaneous									533.38		533.38
Committee total					59,954.00		45,546.46		8,179.90		113,680.36

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

DOUG BEREUTER, July 27, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND AND NORTHERN IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 26 AND JULY 2, 2004.

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James T. Walsh	6/26	6/30	Dublin		716.00						
	6/28	6/29	Belfast		176.00						
	7/1	7/2	Cork		168.00						1,060.00
Hon. Jerry Costello	6/26	6/30	Dublin		716.00						
	6/28	6/29	Belfast		176.00						
	7/1	7/2	Cork		168.00						1,060.00
Hon. John Duncan	6/26	6/30	Dublin		716.00						
	6/28	6/29	Belfast		176.00						
	7/1	7/2	Cork		168.00						1,060.00
Hon. Elliot Engel	6/26	6/30	Dublin		716.00						
	6/28	6/29	Belfast		176.00						
	7/1	7/2	Cork		168.00						
	7/2	7/2	Ennis		1,365.00						2,425.00
Hon. Tim Holden	6/26	6/30	Dublin		716.00						
	6/28	6/29	Belfast		176.00						
	7/1	7/2	Cork		168.00						1,060.00
Kristin Calabrese	6/26	6/30	Dublin		716.00						
	6/28	6/29	Belfast		176.00						
	7/1	7/2	Cork		168.00						1,060.00
John Feehery	6/26	6/30	Dublin		716.00						
	6/28	6/29	Belfast		176.00						
	7/1	7/2	Cork		168.00						1,060.00
William Tranghese	6/26	6/30	Dublin		716.00						
	6/28	6/29	Belfast		176.00						
	7/1	7/2	Cork		168.00						1,060.00
Committee total											9,845.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES T. WALSH, Aug. 9, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HON. Cal Dooley	5/7	5/9	El Salvador		639.00		(3)				639.00
Committee total					639.00						639.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BOB GOODLATTE, Chairman, July 15, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Harold Rogers	4/11	4/13	Spain		465.00						465.00
	4/14	4/16	Italy		462.00						462.00
	4/17	4/19	Croatia		435.00						435.00
	4/19	4/20	Ireland		157.00						157.00
							(3)				
Hon. Bud Cramer	4/11	4/13	Spain		465.00						465.00
	4/14	4/16	Italy		462.00						462.00
	4/17	4/19	Croatia		290.00						290.00
Part commercial airfare							4,103.31				4,103.31
Michelle Mrdeza	4/11	4/13	Spain		465.00						465.00
	4/14	4/16	Italy		462.00						462.00
	4/17	4/19	Croatia		435.00						435.00
	4/19	4/20	Ireland		157.00						157.00
							(3)				
Tom McLemore	4/11	4/13	Spain		465.00						465.00
	4/14	4/16	Italy		462.00						462.00
	4/17	4/19	Croatia		435.00						435.00
	4/19	4/20	Ireland		157.00						157.00
							(3)				
Stephanie Gupta	4/11	4/13	Spain		465.00						465.00
	4/14	4/16	Italy		462.00						462.00
Commercial airfare							3,246.63				3,246.63
Hon. David L. Hobson		4/3	USA		237.00						237.00
	4/4	4/11	People's Republic of China		1,949.00						1,949.00
	4/11	4/12	USA		237.00						237.00
Chinese departure tax							280.50				280.50
							(3)				
Hon. Michael K. Simpson		4/3	USA		237.00						237.00
	4/4	4/11	People's Republic of China		1,949.00						1,949.00
	4/11	4/12	USA		237.00						237.00
Chinese departure tax							280.50				280.50
							(3)				
Hon. Ed Pastor		4/3	USA		237.00						237.00
	4/4	4/11	People's Republic of China		1,949.00						1,949.00
	4/11	4/12	USA		237.00						237.00
Chinese departure tax							280.50				280.50
							(3)				
Kevin Cook		4/2	USA								
	4/4	4/11	People's Republic of China		1,949.00						1,949.00
Chinese departure tax							280.50				280.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							8,140.79				8,140.79
Dixon Butler		4/2	USA								
	4/4	4/11	People's Republic of China		1,949.00						1,949.00
Chinese departure tax							280.50				280.50
Commercial airfare							8,140.79				8,140.79
Richard E. Efford	4/10	4/15	Spain		1,612.00						1,612.00
Commercial airfare							6,842.54				6,842.54
Leigha Shaw	4/10	4/15	Spain		1,612.00						1,612.00
Commercial airfare							6,842.54				6,842.54
John Blazey	4/12	4/18	Spain		2,510.00						2,510.00
Commercial airfare							7,200.52				7,200.52
Mike Malone	4/11	4/15	Spain		1,612.00						1,612.00
Commercial airfare							6,915.00				6,915.00
Hon. Jim Moran	4/11	4/14	Jordan		714.00						714.00
	4/14	4/16	Israel		724.00						724.00
Commercial airfare							5,812.15				5,812.15
Hon. John Murtha	4/12	4/13	Austria		310.00						310.00
	4/13	4/13	Kosovo								
	4/13	4/14	Bosnia								
	4/14	4/14	Austria		310.00						310.00
	4/14	4/14	Belgium								
							(3)				
David Morrison	4/12	4/13	Austria		310.00						310.00
	4/13	4/13	Kosovo								
	4/13	4/14	Bosnia								
	4/14	4/14	Austria		310.00						310.00
	4/14	4/14	Belgium								
							(3)				
James W. Dyer	4/17	4/18	Jordan		238.00						238.00
	4/18	4/19	Iraq/Kuwait		204.00						204.00
	4/19	4/20	Bahrain/Qatar		321.00						321.00
	4/20	4/21	UAE/Saudi Arabia		258.00						258.00
	4/21	4/22	Germany		364.00						364.00
							(3)				
Hon. Joseph K. Knollenberg	5/26	5/31	Italy		696.38						696.38
							(3)				
Hon. Sam Farr	5/26	5/31	Italy		696.38						696.38
							(3)				
Carol Murphy	5/26	5/31	Italy		696.38						696.38
							(3)				
Walter Hearne	5/26	5/31	Italy		696.38						696.38
							(3)				
James W. Dyer	5/7	5/10	Italy		933.00						933.00
Commercial airfare							6,865.14				6,865.14
Therese McAuliffe	5/7	5/10	Italy		933.00						933.00
Commercial airfare							6,865.14				6,865.14
John Blazey	5/7	5/10	Italy		933.00						933.00
Commercial airfare							6,865.14				6,865.14
Susan Firth	5/20	5/25	Costa Rica		350.00						350.00
Commercial airfare							537.00				537.00
Hon. C.W. Bill Young	6/3	6/8	France		672.00						672.00
Misc. embassy costs									830.45		830.45
							(3)				
Misc. transportation costs									877.77		877.77
Hon. Jo Ann Emerson	6/3	6/8	France		672.00						672.00
Misc. embassy costs									830.45		830.45
							(3)				
Misc. transportation costs									877.77		877.77
Hon. Jack Kingston	6/3	6/8	France		558.00						558.00
Misc. embassy costs									830.45		830.45
							(3)				
Misc. transportation costs									877.77		877.77
Hon. Rodney Frelinghuysen	6/3	6/8	France		672.00						672.00
Misc. embassy costs									830.45		830.45
							(3)				
Misc. transportation costs									877.77		877.77
John Blazey	6/3	6/8	France		672.00						672.00
Misc. embassy costs									830.45		830.45
							(3)				
Misc. transportation costs									877.77		877.77
David Jolly	6/3	6/8	France		672.00						672.00
Misc. embassy costs									830.45		830.45
							(3)				
Misc. transportation costs									877.77		877.77
Douglas Gregory	6/3	6/8	France		672.00						672.00
Misc. embassy costs									830.45		830.45
							(3)				
Misc. transportation costs									877.77		877.77
Committee total					39,801.52		79,779.19		11,957.54		131,538.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL YOUNG, Chairman, July 20, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Qatar, Iraq, Jordan and Hungary with Codel M. Rogers, Apr. 3–9, 2004:											
Hon. Joe Wilson	4/3	4/4	Qatar		244.15						244.15
	4/4	4/5	Iraq (day trips)								
	4/4	4/7	Jordan		714.00						714.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/7	4/9	Hungary		508.00						508.00
Visit to Haiti, Apr. 13 and 15, 2004:											
Hon. Kendrick B. Meek	4/13	4/13	Haiti								
	4/15	4/15	Haiti								
Commercial airfare							456.00				456.00
Mark R. Lewis	4/13	4/13	Haiti								
	4/15	4/15	Haiti								
Commercial airfare							804.20				804.20
Visit to Russia and Azerbaijan May 23–27, 2004:											
Hon. Curt Weldon	5/23	5/26	Russia		1,092.00						1,092.00
	5/26	5/27	Azerbaijan		378.00						378.00
Commercial airfare							5,750.28				5,750.28
William C. Ostendorff	5/23	5/26	Russia		1,092.00						1,092.00
	5/26	5/27	Azerbaijan		378.00						378.00
Commercial airfare							5,913.82				5,913.82
Jeremiah J. Gertler	5/23	5/26	Russia		1,092.00						1,092.00
	5/26	5/27	Azerbaijan		378.00						378.00
Commercial airfare							5,913.82				5,913.82
Delegation expenses							2,742.00				2,742.00
Visit to Uzbekistan, Qatar and Germany with Codel Ney, May 23–28, 2004:											
Hon. Joe Wilson	5/23	5/25	Ubekistan		456.00						456.00
	5/26	5/27	Qatar		327.00						327.00
	5/27	5/28	Germany		253.00						253.00
Visit to Korea, May 26–28, 2004:											
Hon. Loretta Sanchez	5/26	5/28	Korea		658.00						658.00
Commercial airfare							2,578.37				2,578.37
Mark R. Lewis	5/26	5/28	Korea		658.00						658.00
Commercial airfare							2,654.37				2,654.37
Visit to Cuba, May 25, 2004:											
Hon. Phil Gingrey	5/25	5/25	Cuba								
Hon. Kendrick B. Meek	5/25	5/25	Cuba								
Justin P. Bernier	5/25	5/25	Cuba		3.30						3.30
Hugh P. Brady	5/25	5/25	Cuba		3.30						3.30
Visit to Italy with Codel Knollenberg, May 26–31, 2004:											
Hon. Robin Hayes	5/26	5/31	Italy		3,336.00						3,336.00
Visit to France and Germany with Codel Young, June 4–8, 2004:											
Hon. Neil Abercrombie	6/4	6/6	France		1,892.37						1,892.37
	6/6	6/8	Germany		614.49						614.49
Visit to France, June 5–8, 2004:											
Hon. Joe Wilson	6/5	6/8	France		1,924.92						1,924.92
Commercial transportation							5,968.74				5,968.74
Hon. Tom Cole	6/5	6/8	France		1,924.92						1,924.92
Commercial transportation							5,968.74				5,968.74
Visit to Kuwait, Iraq and Germany, June 11–13, 2004:											
Hon. Jo Ann Davis	6/11	6/12	Kuwait		394.00						394.00
	6/11	6/11	Iraq (day trip)								
	6/12	6/13	Germany		195.00						195.00
Hon. Adam Smith	6/11	6/12	Kuwait		394.00						394.00
	6/11	6/11	Iraq (day trip)								
	6/12	6/13	Germany		195.00						195.00
Hon. Madeleine Z. Bordallo	6/11	6/12	Kuwait		394.00						394.00
	6/11	6/11	Iraq (day trip)								
	6/12	6/13	Germany		195.00						195.00
Justin P. Bernier	6/11	6/12	Kuwait		394.00						394.00
	6/11	6/11	Iraq (day trip)								
	6/12	6/13	Germany		195.00						195.00
Loren L. Dealy	6/11	6/12	Kuwait		394.00						394.00
	6/11	6/11	Iraq (day trip)								
	6/12	6/13	Germany		195.00						195.00
Visit to Jordan and Iraq with Codel Hoekstra, June 19–21, 2004:											
Hon. Joe Wilson	6/19	6/21	Kuwait		476.00						476.00
	6/20	6/21	Iraq (day trips)								
Visit to Kuwait, Iraq and Germany, June 27–30, 2004:											
Hon. Duncan Hunter	6/27	6/29	Kuwait		688.00						688.00
	6/27	6/28	Iraq (day trips)								
	6/29	6/30	Germany		303.00						303.00
Hon. Ken Calvert	6/27	6/29	Kuwait		688.00						688.00
	6/27	6/28	Iraq (day trips)								
	6/29	6/30	Germany		303.00						303.00
Hon. Silvestre Reyes	6/27	6/29	Kuwait		688.00						688.00
	6/27	6/28	Iraq (day trips)								
	6/29	6/30	Germany		303.00						303.00
Robert L. Simmons	6/27	6/29	Kuwait		688.00						688.00
	6/27	6/28	Iraq (day trips)								
	6/29	6/30	Germany		303.00						303.00
Erin C. Conaton	6/27	6/29	Kuwait		688.00						688.00
	6/27	6/28	Iraq (day trips)								
	6/29	6/30	Germany		303.00						303.00
Committee total				26,303.45		38,750.34					65,053.79

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, July 31, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, July 13, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Chris Bell	4/3	4/6	Ireland		1,377.00		(3)				1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Hon. Rubén Hinojosa	4/10	4/13	Italy		1,738.00		(3)				1,738.00
	4/13	4/15	Malta		652.00		(3)				652.00
	4/15	4/16	Greece		349.00		(3)				349.00
	4/16	4/18	Ireland		928.00		(3)				928.00
Hon. Maxine Waters	4/26	4/29	South Africa		577.00		3,512.00				4,089.00
Committee total					6,383.00		3,512.000				9,895.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

———, July 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Tom Davis	4/11	4/14	Jordan		714.00		5,811.50				
	4/14	4/16	Israel		724.00						
John Cuaderes	4/11	4/14	Jordan		714.00		5,811.50				
	4/14	4/16	Israel		724.00						
Ashley Victoria Proctor	4/11	4/14	Jordan		714.00		5,811.50				
	4/14	4/16	Israel		724.00						
Candice Miller	4/3	4/6	Ireland		1,377.00						
	4/6	4/9	Hungary		762.00						
Christopher Shays	4/14	4/19	Jordan		970.00		5,169.05				
R.N. Palarino	4/14	4/19	Jordan		970.00		5,169.05				
Christopher Shays	5/15	5/17	Jordan		714.00		4,332.38				
Paul Kanjorski	5/24	5/25	Uzbekistan		456.00						
	5/26	5/27	Qatar		327.00						
	5/27	5/28	Germany		253.00						
Ron Lewis	5/26	5/30	Italy		696.38						
Adam Putnam	6/19	6/21	Jordan		476.00						
Lawrence Halloran	6/5	6/8	Bosnia		477.00		4,194.52				
Michael Turner	6/5	6/8	Bosnia		477.00		4,194.52				
Tom Costa	6/5	6/9	Bosnia		836.00		4,533.45				
	6/9	6/11	Croatia		540.00						
	6/11	6/13	Macedonia		130.00						
Marsha Blackburn	6/5	6/8	Paris		430.00		5,968.74				
Committee total					14,205.38		50,996.21				65,201.59

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

TOM DAVIS, Chairman, July 30, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bob Ney	5/23	5/25	Uzbekistan		456.00						456.00
	5/26	5/27	Qatar		327.00						327.00
	5/27	5/28	Germany		253.00						253.00
	6/3	6/5	United Kingdom		181.00						181.00
	6/5	6/8	France		784.00						784.00
William Heaton	5/23	5/25	Uzbekistan		456.00						456.00
	5/26	5/27	Qatar		327.00						327.00
	5/27	5/28	Germany		253.00						253.00
Chris Otillio	5/23	5/25	Uzbekistan		456.00						456.00
	5/26	5/27	Qatar		327.00						327.00
	5/27	5/28	Germany		253.00						253.00
Committee total					4,073.00						4,073.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, Aug. 4, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Douglas Anderson	5/18	5/21	Taiwan		923.00						923.00
	5/21	5/22	Philippines		244.00						244.00
	5/22	5/24	Malaysia		358.00						358.00
	5/24	5/26	Indonesia		169.00						169.00
	5/26	5/27	Singapore		261.00						261.00
	5/18	5/27					[4] 6,216.42				6,216.42
Renee Austell	4/4	4/8	Switzerland		1,801.15		5,743.12				7,544.27
	5/24	5/28	France		1,768.00		5,968.30				7,736.30
Hon. Cass Ballenger	4/12	4/13	Honduras		137.00						137.00
	4/13	4/14	El Salvador		23.00						23.00
	4/14	4/16	Nicaragua		182.00						182.00
	4/12	4/16					[4] 2,670.00				2,670.00
Hon. Howard Berman	6/18	6/22	Israel		1,349.00						1,349.00
	6/22	6/25	Egypt		651.00						651.00
	6/18	6/22					6,167.00				6,167.00
Patrick Brennan	4/12	4/13	Honduras		137.00						137.00
	4/13	4/14	El Salvador		78.00						78.00
	4/14	4/16	Nicaragua		447.75						447.75
	4/12	4/16					[4] 2,006.50				2,006.50
	6/10	6/12	Dominican Republic		341.00		1,500.00				1,841.00
Hon. Steve Chabot	5/26	5/28	Taiwan		394.39		4,200.43				4,594.82
Malik Chaka	4/4	4/9	Tanzania		1,130.00						1,130.00
	4/9	4/13	Malawai		276.00						276.00
	4/13	4/17	Botswana		693.00						693.00
	4/4	4/17					[4] 10,649.43				10,649.43
Joan Condon	5/23	5/23	United Kingdom		135.00						135.00
	5/24	5/25	Uganda		188.60						188.60
	5/25	5/26	Sudan		216.80						216.80
	5/26	5/31	Uganda		809.60						809.60
	5/23	5/31					[4] 7,902.28				7,902.28
Hon. Joseph Crowley	4/3	4/6	Ireland		1,377.00		(3)				1,377.00
Hon. Jo Ann Davis	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Jim Farr	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Daniel Freeman	4/6	4/12	Thailand		1,092.00		5,885.50				6,977.50
Kirsti Garlock	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Dennis Halpin	4/4	4/8	Switzerland		1,416.00		5,743.12				7,159.12
Hon. Henry Hyde	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Jonathan Katz	4/28	4/29	Germany		331.30		6,493.28				6,824.58
	5/24	5/31	France		2,598.96		5,964.30				8,563.26
	6/9	6/11	Turkey		634.00		6,234.94				6,868.94
David Killion	4/4	4/9	Switzerland		1,770.00		5,762.96				7,532.96
	5/21	5/24	Jordan		564.00						564.00
	5/24	5/27	United Kingdom		1,371.00						1,371.00
	5/21	5/27					[4] 6,387.76				6,387.76
Kay King	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/12	Hungary		1,524.00		(3)				1,524.00
	4/12	4/15	Russia		537.00						537.00
	4/15	4/17	Czech Republic		303.00						303.00
	4/12	4/17					[4] 5,201.48				5,201.48
Robert King	4/3	4/6	Ireland		413.00						413.00
	4/6	4/12	Hungary		1,524.00						1,524.00
	4/12	4/15	Russia		1,092.00						1,092.00
	4/15	4/17	Czech Republic		636.00						636.00
	4/12	4/17					[4] 5,201.48				5,201.48
	5/22	5/25	Israel		1,086.00		[4] 5,201.48				1,086.00
	5/25	5/28	Latvia		783.00						783.00
	5/21	5/28					[4] 7,591.20				7,591.20
Sheila Klein	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Hon. Thomas Lantos	4/3	4/6	Hungary		1,377.00						1,377.00
	4/12	4/15	Russia		1,092.00						1,092.00
	4/15	4/16	Hungary		254.00						254.00
	4/3	4/16					[4] 5,830.04				5,830.04
	5/22	5/25	Israel		1,086.00						1,086.00
	5/25	5/28	Latvia		783.00						783.00
	5/22	5/28					[4] 8,294.67				8,294.67
Hon. James Leach	5/21	5/22	Philippines		194.00						194.00
	5/22	5/24	Malaysia		258.00						258.00
	5/24	5/26	Indonesia		168.00						168.00
	5/26	5/27	Singapore		261.00						261.00
	5/21	5/27					[4] 4,415.72				4,415.72
Jessica Lewis	6/10	6/12	Dominican Republic		326.00		1,500.40				1,826.40
James McCormick	5/18	5/21	Taiwan		905.00						905.00
	5/21	5/22	Philippines		194.00						194.00
	5/22	5/24	Malaysia		258.00						258.00
	5/24	5/26	Indonesia		168.00						168.00
	5/26	5/27	Singapore		261.00						261.00
	5/18	5/27					[4] 6,216.42				6,216.42
Hon. Thaddeus McCotter	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Caleb McCarry	5/7	5/9	El Salvador		219.00		(3)				219.00
John Mackey	3/30	4/7	Ireland		3,345.00		5,093.54				8,438.54
	5/23	5/29	Colombia		1,575.00		1,700.50				3,275.50
Alan Makovsky	5/21	5/26	Israel		1,086.00						1,086.00
	5/26	5/28	Cyprus		927.00						927.00
	5/26	5/28					[4] 5,391.43				5,391.43
	6/11	6/13	United Kingdom		400.00		7,216.26				7,616.26
Pearl-Alice Marsh	4/4	4/9	Tanzania		1,130.00						1,130.00
	4/9	4/13	Malawi		276.00						276.00
	4/13	4/17	Botswana		693.00						693.00
	4/4	4/17					[4] 9,927.67				9,927.67
Thomas Mooney	3/29	4/8	Ireland		3,804.00						3,804.00
Hon. Grace Napolitano	4/3	4/4	Italy		136.00						136.00
	4/4	4/5	Uzbekistan		456.00						456.00
	4/5	4/6	Pakistan		113.00						113.00
	4/6	4/10	India		868.00						868.00
	4/10	4/12	Sri Lanka		388.00						388.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/12	4/14	Greece		289.00		(3)				289.00
Paul Oostburg-Sanz	5/26	5/30	Venezuela		587.00		2,557.54				3,144.54
	6/10	6/12	Dominican Republic		356.00		1,500.40				1,856.40
Brenda Ortman	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Yleem Poblete	4/4	4/9	Switzerland		1,770.00		6,267.04				8,037.04
Frank Record	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
	5/21	5/24	Jordan		414.00						414.00
	5/24	5/27	United Kingdom		1,221.00						1,221.00
	5/21	5/27					[4] 6,388.00				6,388.00
Gregg Rickman	5/21	5/24	Jordan		564.00						564.00
	5/24	5/27	United Kingdom		1,371.00						1,371.00
	5/21	5/27					[4] 6,387.76				6,387.76
Walker Roberts	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Laura Rush	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Jonathan Scharfen	5/21	5/24	Jordan		564.00						564.00
	5/24	5/27	United Kingdom		1,371.00						1,371.00
	5/21	5/27				[4] 6,387.76					6,387.76
Sue Schiesser	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Sam Stratman	4/3	4/6	Ireland		1,307.00						1,307.00
	4/6	4/9	Hungary		712.00		(3)				712.00
	5/23	5/29	Colombia		1,575.00		1,840.50				3,415.50
Sarah Tillemann	4/8	4/10	Singapore		422.00						422.00
Lynne Weil	5/22	5/25	Israel		1,086.00						1,086.00
	5/25	5/28	Latvia		783.00						783.00
	5/21	5/28					[4] 8,877.60				8,877.60
Hillel Weinberg	4/3	4/6	Ireland		1,227.00						1,227.00
	4/6	4/9	Hungary		612.00		(3)				612.00
	4/9	4/13	Saudi Arabia		414.00						414.00
	4/13	4/17	Israel		1,710.00						1,710.00
	4/18	4/20	United Kingdom		914.00						914.00
	4/9	4/20					[4] 6,603.31				6,603.31
Hon. Gerald Weller	5/7	5/9	El Salvador		269.00		(3)				269.00
Hon. Robert Wexler	4/28	4/29	Germany		331.30		[4] 6,493.28				6,824.58
	5/24	5/31	France		2,598.96		5,964.30				8,563.26
	6/9	6/11	Turkey		634.00		6,234.94				6,868.94
Judy Wolverton	4/3	4/6	Ireland		1,377.00						1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Committee total					104,913.81		234,578.58				339,492.39

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Round trip airfare.

HENRY HYDE, Chairman, July 28, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Brian Zimmer	5/22	5/26	Belgium		1,777.30						1,777.30
	5/27	5/30	France		420.00		5,398.87				5,818.87
Bobby Vassar	5/22	5/26	Belgium		1,777.30						1,777.30
	5/27	5/30	France		420.00		5,398.87				5,818.87
Hon. Steve King	6/10	6/13	Iraq		650.00		(3)				650.00
Committee total					5,044.60		10,797.74				15,842.34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

F. JAMES SENSENBRENNER, Jr., Chairman, July 21, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Todd Willens	3/26	4/2	South Africa		1,368.00		7,538.35		40.00		8,946.35
Kurt Christensen	6/26	7/4	China		1,250.00		5,562.07				6,812.07
Frank Vitello	6/28	7/4	China		900.00		6,023.50				6,923.50
Committee total					3,518.00		19,123.92		40.00		22,681.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD POMBO, Chairman, July 28, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	4/2	4/14					(3)		6,719.85		6,719.85
	4/3	4/4	Italy		136.00		(3)				136.00
	4/4	4/5	Uzbekistan		456.00		(3)				456.00
	4/5	4/6	Pakistan		113.00		(3)				113.00
	4/6	4/8	India				(3)				
	4/8	4/10	Nepal		476.00		(3)				476.00
	4/10	4/12	Sri Lanka		388.00		(3)				388.00
	4/12	4/14	Greece		698.00		(3)				698.00
Hon. Grace Napolitano	4/3	4/4	Italy		136.00		(3)				136.00
	4/4	4/5	Uzbekistan		456.00		(3)				456.00
	4/5	4/6	Pakistan		113.00		(3)				113.00
	4/6	4/8	India				(3)				
	4/8	4/10	Nepal		476.00		(3)				476.00
	4/10	4/12	Sri Lanka		388.00		(3)				388.00
	4/12	4/14	Greece		698.00		(3)				698.00
Hon. Karen McCarthy	4/3	4/4	Italy		136.00		(3)				136.00
	4/4	4/5	Uzbekistan		456.00		(3)				456.00
	4/5	4/6	Pakistan		113.00		(3)				113.00
	4/6	4/8	India				(3)				
	4/8	4/10	Nepal		476.00		(3)				476.00
	4/10	4/12	Sri Lanka		388.00		(3)				388.00
	4/12	4/14	Greece		698.00		(3)				698.00
Brad Smith	4/3	4/4	Italy		136.00		(3)				136.00
	4/4	4/5	Uzbekistan		456.00		(3)				456.00
	4/5	4/6	Pakistan		113.00		(3)				113.00
	4/6	4/8	India		392.00		(3)				392.00
	4/8	4/10	Nepal		476.00		(3)				476.00
	4/10	4/12	Sri Lanka		388.00		(3)				388.00
	4/12	4/14	Greece		698.00		(3)				698.00
William Pitts	4/3	4/4	Italy		136.00		(3)				136.00
	4/4	4/5	Uzbekistan		456.00		(3)				456.00
	4/5	4/6	Pakistan		113.00		(3)				113.00
	4/6	4/8	India		392.00		(3)				392.00
	4/8	4/10	Nepal		476.00		(3)				476.00
	4/10	4/12	Sri Lanka		388.00		(3)				388.00
	4/12	4/14	Greece		698.00		(3)				698.00
Hon. Alcee Hastings	4/17	4/30	England		1,371.00		3,475.00		135.60		4,981.60
Hon. Lincoln Diaz-Balart	4/12	4/14	Columbia		450.00		1,236.00				1,686.00
Stephen Vermillion	4/12	4/14	Columbia		450.00		1,236.00				1,686.00
Committee total					14,390.00		5,947.00		6,855.45		27,192.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, July 27, 2004

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD BOEHLERT, Chairman, July 6, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, July 12, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Mica	4/3	4/6	Ireland		1,377.00		(3)				1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Hon. James Oberstar	4/3	4/9	China		1,662.00		6,471.50				8,133.50
Adam Tsao	4/3	4/9	China		1,662.00		7,088.50				8,750.50
Anastasia Soumbeniotis	4/3	4/9	China		1,662.00		7,088.50				8,750.50
Hon. John Duncan	4/10	4/13	Spain		465.00		(3)				465.00
	4/13	4/16	Italy		462.00		(3)				462.00
	4/16	4/19	Croatia		435.00		(3)				435.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/19	4/20	Ireland		157.00		(3)				157.00
Hon. Corrine Brown	5/23	5/26	Russia		1,092.00		6,929.80				8,021.80
	5/26	5/27	Azerbaijan		378.00		(4)				378.00
Hon. Eddie Bernice Johnson	5/23	5/26	Russia		1,092.00		7,080.82				8,172.82
	5/26	5/27	Azerbaijan		378.00		(4)				378.00
Hon. Dennis Rehberg	5/25	5/27	Ireland		654.00		(3)				654.00
	5/27	5/30	Kazakhstan		875.00		(3)				875.00
	5/30	5/31	Ireland		327.00		(3)				327.00
Hon. Lincoln Davis	6/5	6/8	France		1,924.92		5,968.74				7,893.66
Committee total					15,364.92		40,627.86				55,992.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Included in above.

DON YOUNG, Chairman, July 22, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND MAY 9, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Phil English	4/3	4/6	Ireland		1,377.00		(3)				1,377.00
	4/6	4/9	Hungary		762.00		(3)				762.00
Hon. Wally Herger	4/10	4/13	Spain		1,203.00		(3)				1,203.00
	4/13	4/16	Italy		1,326.00		(3)				1,326.00
	4/16	4/19	Croatia		810.00		(3)				810.00
	4/19	4/20	Ireland		247.00		(3)				247.00
Hon. Sander Levin	5/7	5/9	El Salvador		269.00		[3] 416.39				685.39
Hon. Xavier Becerra	5/7	5/9	El Salvador		269.00		[3] 316.95				585.95
Committee total					6,263.00		733.34				6,996.34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, July 27, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. James A. Gibbons	4/3	4/4	Africa								
	4/4	4/5	Africa		185.00						
	4/5	4/6	Africa		474.00						
	4/6	4/8	Africa		432.00						
	4/8	4/10	Africa		464.00						
							[4] 3,173.48				
Brant Bassett	4/3	4/4	Africa								
	4/4	4/5	Africa		185.00						
	4/5	4/6	Africa		474.00						
	4/6	4/8	Africa		432.00						
	4/8	4/10	Africa		464.00						
							[4] 3,173.48				
Hon. Porter Goss	4/10	4/13	Europe		1,738.00						
	4/13	4/15	Europe		652.00						
	4/15	4/16	Europe		2,791.98						
	4/16	4/18	Europe		928.00						
							(3)				
Hon. Ray LaHood	4/10	4/13	Europe		1,738.00						
	4/13	4/15	Europe		652.00						
	4/15	4/16	Europe		2,791.98						
	4/16	4/18	Europe		928.00						
							(3)				
Patrick Kelly	4/10	4/13	Europe		1,738.00						
	4/13	4/15	Europe		652.00						
	4/15	4/16	Europe		2,791.98						
	4/16	4/18	Europe		928.00						
							(3)				
Joseph Jakub	4/10	4/13	Europe		1,738.00						
	4/13	4/15	Europe		652.00						
	4/15	4/16	Europe		2,791.98						
	4/16	4/18	Europe		928.00						
Commercial airfare							5,774.93				
Delores Jackson	4/10	4/13	Europe		1,738.00						
	4/13	4/15	Europe		652.00						
	4/15	4/16	Europe		2,791.98						
	4/16	4/18	Europe		928.00						
Commercial airfare							5,774.93				
Abigail Sullivan	4/10	4/13	Europe		1,738.00						
	4/13	4/15	Europe		652.00						
	4/15	4/16	Europe		2,791.98						
	4/16	4/18	Europe		928.00						
Commercial airfare							5,774.93				
Joseph Jakub	5/21	5/23	Europe		624.00						
	5/23	5/25	Europe		786.00						
	5/25	5/27	Europe		808.00						
Commercial airfare							6,564.00				
Brant Bassett	5/24	5/28	South America		900.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							1,860.50				
Kevin Schmidt	5/24	5/28	South America		900.00						
Commercial airfare							1,860.50				
Hon. Peter Hoekstra	6/12	6/13	South America		225.00						
Commercial airfare							538.24				
John Stopher	6/12	6/13	South America		225.00						
Commercial airfare							538.24				
Hon. Peter Hoekstra	6/18	6/21	Middle East		476.00						
							(3)				
Michael Kostiw	6/18	6/21	Middle East		476.00						
							(3)				
John Stopher	6/18	6/21	Middle East		476.00						
							(3)				
Kathleen Reilly	6/18	6/21	Middle East		476.00						
							(3)				
Michael Kostiw	4/22	4/28	Europe		1,696.00						
Commercial airfare							2,140.12				
Michael Kostiw	4/4	4/8	Europe		1,420.00						
Commercial airfare							4,142.61				
Robert Myhill	4/4	4/8	Europe		1,420.00						
Commercial airfare							4,142.61				
Barbara Bennett	4/12	4/15	Europe		690.00						
Commercial airfare							5,349.03				
Robert Myhill	4/12	4/15	Europe		690.00						
Commercial airfare							5,349.03				
David Barth	4/4	4/19	Europe		2,198.00						
Commercial airfare							5,561.81				
Committee total											115,974.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Part military air transportation and part commercial airfare.

PORTER GOSS, Chairman, Aug. 3, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ben Chandler	6/4	6/8	France		$430.92		$5,968.74				$6,399.66
Hon. Bob Etheridge	6/4	6/8	France		430.92		5,968.74				6,399.66
	4/3	4/4	Qatar		654.00		(3)				654.00
	4/4	4/6	Jordan		714.00		(3)				714.00
	4/7	4/9	Hungary		762.00		(3)				762.00
Sue Ramanthon	5/21	5/29	France		2,400.00		6,269.55				8,669.55
Patricia DeMarco	5/21	5/29	France		2,400.00		6,269.55				8,669.55
Committee total					7,791.84		24,476.58				32,268.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRIS COX, Chairman, Aug. 4, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON PRINTING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, Aug. 2, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHUCK GRASSLEY, July 12, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Christopher Smith		4/4	USA				6,417.00				6,417.00
	4/5	4/7	Switzerland		1,416.00						1,416.00
Janice Helwig		4/11	USA				4,537.00				4,537.00
	4/12	6/30	Austria		21,109.00						21,109.00
Hon. Christopher Smith		4/23	USA				8,088.00				8,088.00
	4/24	4/27	Ireland		900.00						900.00
	4/27	4/29	Germany		686.00						686.00
Hon. Benjamin Cardin		4/22	USA				5,982.00				5,982.00
	4/23	4/24	Denmark		288.00						288.00
	4/24	4/26	Poland		502.00						502.00
	4/26	4/29	Germany		1,029.00						1,029.00
Hon. Alcee Hastings		4/21	England								
	4/21	4/25	Denmark		1,352.00						1,352.00
	4/25	4/27	Lithuania		370.00						370.00
	4/27	4/30	Germany		1,029.00						1,029.00
Dorothy Taft		4/24	USA				6,527.00				6,527.00
	4/25	4/27	Lithuania		389.00						389.00
	4/27	4/30	Germany		712.00						712.00
Knox Thames		4/24	USA				5,357.00				5,357.00
	4/25	4/26	Poland		239.00						239.00
	4/26	4/30	Germany		1,101.00						1,101.00
Maureen Kaufmann		4/20	USA				6,553.00				6,553.00
	4/21	4/24	Denmark		1,071.00						1,071.00
	4/24	4/25	Poland		266.00						266.00
Ronald McNamara		4/23	USA				5,626.00				5,626.00
	4/24	4/27	Ireland		815.00						815.00
Janice Helwig		4/26	Austria				786.00				786.00
	4/26	4/30	Germany		1,048.00						1,048.00
Hon. Alcee Hastings		5/23	USA				5,811.00				5,811.00
	5/24	5/26	Austria		744.00						744.00
Marlene Kaufmann		5/29	USA				4,648.00				4,648.00
	5/30	6/5	Czech Republic		1,550.00						1,550.00
Erika Schlager		6/13	USA				5,981.00				5,981.00
	6/14	6/18	France		1,623.00						1,623.00
Janice Helwig		6/15	Austria				1,192.00				1,192.00
	6/15	6/18	France		927.00						927.00
Elizabeth Pryor		6/21	USA				4,595.00				4,595.00
	6/22	6/26	Austria		1,006.00						1,006.00
Committee total					40,172		72,100				112,272

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, Chairman, July 29, 2004.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9526. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Exempt Commercial Markets — received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9527. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Unmanufactured Wood Articles From Mexico [Docket No. 98-054-3] (RIN: 0579-AB02) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9528. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Cattle; State and Area Classifications; Missouri [Docket No. 01-015-2] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9529. A letter from the Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket No. 04-17] (RIN: 1557-AC86); Federal Reserve System [Regulation BB; Docket No. R-1205]; Federal Deposit Insurance Corporation (RIN: 3064-AC82); Department of the Treasury, Office of Thrift Supervision [No. 2004-28] (RIN: 1550-AB91) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9530. A letter from the Senior Paralegal, Regulations, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Assessments and Fees [No. 2004-29] (RIN: 1550-AB47) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9531. A letter from the Assist. General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Safe Schools/Healthy Students (RIN: 1865-ZA02) received August 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9532. A letter from the Assist. General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Office of Safe and Drug-Free Schools; Notice of Final Priority and Other Application Requirements [CFDA 84.184E] received August 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9533. A letter from the Assist. General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Office of Safe and Drug-Free Schools — Mentoring Programs (RIN: 1865-ZA00) received August 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9534. A letter from the Assistant General Counsel for Regulatory Services, Office of the CFO, Department of Education, transmitting the Department's final rule — Direct Grant Programs (RIN: 1890-AA09) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9535. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Direct Grant Programs (RIN: 1890-AA09) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9536. A letter from the Deputy Assistant Secretary for Policy, Department of Labor, transmitting the Department's final rule — Electronic Registration Requirements for Investment Advisers To Be Investment Managers Under Title I of ERISA (RIN: 1210-AA94) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9537. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's final rule — Revision for the Department of Labor Acquisition Regulations (RIN: 1291-AA34) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9538. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Emloyer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9539. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation; Fuel Systems [DOT Docket No. FMCSA-02-13589] (RIN: 2126-AA80) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9540. A letter from the Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Conference On Accounting Issues [WC Docket No. 02-269]; 2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase II [CC Docket No. 00-199]; Jurisdictional Separations Reform and Referral to the Federal-State Joint Board [CC Docket No. 80-286]; Local Competition and Broadband Reporting [CC Docket No. 99-301] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9541. A letter from the Assistant Administrator for Procurement, National Aeronautical and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook—Property Reporting (RIN: 2700-AC79) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9542. A communication from the President of the United States, transmitting notification to terminate the national emergency with respect to Iraq in Executive Order 12722 of August 2, 1990, modified in Executive Order 13290 of March 20, 2003, Executive Order 13303 of May 22, 2003, and Executive Order 13315 of August 28, 2003, pursuant to 50 U.S.C. 1622(a); (H. Doc. No. 108—213); to the Committee on International Relations and ordered to be printed.

9543. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations — received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9544. A letter from the Assistant Secretary for Export Administration, Bureau of Industy and Security, Department of Commerce, transmitting the Department's final rule — Clarification of Export Controls on Military Vehicles and Parts [Docket No. 040810235-4235-01] (RIN: 0694-AC91) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9545. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates; Proposed Rule (RIN: 1400-AB94) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9546. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's "Major" final rule — Voluntary Early Retirement Under the Homeland Security Act of 2002 (RIN: 3206-AJ82) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9547. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule — Organization of the Government For Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection For Temporary and Term Appointments Outside the Register, Examining System, and Training (RIN: 3206-AJ99) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9548. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's "Major" final rule — Voluntary Early Retirement Under the Homeland Security Act of 2002 (RIN: 3206-AJ82) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9549. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule — Organization of the Government For Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection For Temporary and Term Appointments Outisde the Register, Examining System, and Training (RIN: 3206-AJ99) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9550. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes in the Requirements for Amendment and Correction of Trademark Registrations [Docket No. 2003-T-023] (RIN: 0651-AB67) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9551. A letter from the Director, Regulations and Forms Services, Bureau of Citizenship and Immigration Services, Department of Homeland Security, transmitting the Department's final rule — Employment Authorization Documents [BCIS No. 2152-01] (RIN: 1615-AA63) Recieved July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9552. A letter from the Acting Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule — Procedures for Implementation of the National Construction Safety Team Act [Docket No. 030421094-4155-02] (RIN: 0693-AB53) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9553. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Subchapter F (RIN: 2700-AC86) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9554. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans transmitting the Department's final rule — Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehaiblitation Services, or Compensated Work Therapy Program (RIN: 2900-AK77) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9555. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Extended Care Services (RIN: 2900-AL49) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9556. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, National Cemetery Administration, Department of Veterans transmitting the Department's final rule — Eligibility for Burial in a National Cemetery for Surviving Spouses Who Remarry and New Philippine Scouts (RIN: 2900-AM00) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 784. A bill to amend the Federal Water Pollution Control Act to Authorize appropriations for sewer overflow control grants; with an amendment (Rept. 108–675). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4470. A bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010 (Rept. 108–676). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure, H.R 4688. A bill to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program (Rept. 108–677). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure, H.R 4731. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program (Rept. 108–678). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R 1084. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations: with an amendment (Rept. 108–679). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3369. A bill to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices (Rept. 108–681). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4571. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; with an amendment (Rept. 108–682). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4658. A bill to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act; with amendments (Rept. 108–683). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 766. Resolution providing for consideration of the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes (Rept. 108-684). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself and Mr. Andrews):

H.R. 5063. A bill to amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Minnesota:

H.R. 5064. A bill to prohibit the giving or acceptance of payment for the placement of a child, or obtaining consent to adoption; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 5065. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Resources.

By Mr. SESSIONS:

H.R. 5066. A bill to strengthen and enhance the prevention and prosecution of crimes using weapons of mass destruction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS:

H.R. 5067. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on the Judiciary.

By Mr. THORNBERRY (for himself and Ms. Lofgren):

H.R. 5068. A bill to amend the Homeland Security Act of 2002 to enhance cybersecurity, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself and Ms. Lofgren):

H.R. 5069. A bill to enhance homeland security science and technology, and for other purposes; to the Committee on Science, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER:

H. Con. Res. 490. Concurrent resolution wishing William Jefferson Clinton a speedy recovery and acknowledging the importance of further research, funding, programs, and public education regarding heart disease; to the Committee on Energy and Commerce.

By Mr. REYNOLDS (for himself, Mr. Matsui, Mr. Hastert, Mr. DeLay, Ms. Pelosi, Mr. Blunt, Mr. Hoyer, Ms. Pryce of Ohio, Mr. Menendez, Mr. Markey, Mr. Frank of Massachusetts, Mr. Neal of Massachusetts, Mr. Olver, Mr. Meehan, Mr. Delahunt, Mr. McGovern, Mr. Tierney, Mr. Capuano, Mr. Lynch, Mr. Rangel, Mr. Boehlert, Mr. Owens, Mr. Towns, Mr. Ackerman, Mr. Houghton, Ms. Slaughter, Mr. Engel, Mrs. Lowey, Mr. McNulty, Mr. Walsh, Mr. Serrano, Mr. Nadler, Mr. Hinchey, Mr. King of New York, Mrs. Maloney, Mr. McHugh, Mr. Quinn, Ms. Velázquez, Mrs. Kelly, Mrs. McCarthy of New York, Mr. Fossella, Mr. Meeks of New York, Mr. Crowley, Mr. Sweeney, Mr. Weiner, Mr. Israel, and Mr. Bishop of New York):

H. Res. 765. A resolution expressing gratitude to the cities of Boston, Massachusetts, and New York City, New York, for their extraordinary hospitality and successful planning and hosting of the 2004 national political conventions; to the Committee on House Administration. considered and agreed to.

By Mr. BURTON of Indiana (for himself and Mr. Wexler):

H. Res. 767. A resolution condemning the terrorist attack in Jakarta, Indonesia, that occurred on September 9, 2004; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. Lantos, Mr. Pitts, Mr. Rohrabacher, Mr. Crowley, Mr. Souder, Mr. Brown of Ohio, Mr. Pence, Mr. Smith of New Jersey, Mr. Wolf, Ms. Ros-Lehtinen, Mr. Wexler, Mr. Sherman, Mr. Tancredo, Mr. Faleomavaega, and Mr. Green of Wisconsin):

H. Res. 768. A resolution calling on the United Nations Security Council to immediately consider and take appropriate action to respond to the growing threat that the ruling State Peace and Development Council in Burma poses to the Southeast Asia region and to the people of Burma; to the Committee on International Relations.

By Mr. MEEHAN:

H. Res. 769. A resolution providing for the consideration of the bill (H.R. 2038) to reauthorize the assault weapons ban, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. McKEON introduced a bill (H.R. 5070) for the relief of Ana Maria Moncayo-Gigax; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 175: Mr. Cox.

H.R. 645: Mr. Smith of Washington.

H.R. 792: Mr. Weller.

H.R. 918: Mr. Cramer, Mr. Filner, Mr. McHugh, Mr. Andrews, Mr. Reyes, Mr. Michaud, Ms. Berkley, Ms. McCarthy of Missouri, Mr. Towns, Mr. Cummings, Mrs. Kelly, Mr. Bell, Mr. Platts, Mr. Allen, and Mr. Kennedy of Rhode Island.

H.R. 1084: Mr. Coble.

H.R. 1089: Mr. Frost, Mr. Owens, Ms. Lee, Mr. Grijalva, and Mr. Sanders.

H.R. 1160: Mr. Hulshof and Mr. Burgess.

H.R. 1322: Ms. Eshoo.

H.R. 1534: Mr. McIntyre.

H.R. 1873: Mr. Feeney.

H.R. 2028: Mr. Neugebauer.

H.R. 2333: Mr. Radanovich.

H.R. 2627: Mr. Terry.

H.R. 2628: Mr. McIntyre.

H.R. 2724: Ms. Schakowsky.

H.R. 2868: Mr. Burr.

H.R. 3063: Mr. Delahunt.

H.R. 3242: Mr. Holden and Ms. Eshoo.

H.R. 3352: Mr. Smith of Washington.

H.R. 3436: Mr. Moore.

H.R. 3455: Mr. Andrews and Mr. Reyes.

H.R. 3484: Mr. Schiff.

H.R. 3579: Mr. Rohrabacher and Mr. Burton of Indiana.

H.R. 3767: Mr. Payne and Mr. Spratt.

H.R. 3802: Mr. LoBiondo.

H.R. 3805: Mr. Stark.

H.R. 4035: Mr. Hoeffel.

H.R. 4052: Mr. Meehan.

H.R. 4110: Mr. Waxman and Ms. Eshoo.

H.R. 4111: Mr. Larsen of Washington and Mr. Cummings.

H.R. 4214: Mr. Weiner.

H.R. 4232: Mr. Thornberry.

H.R. 4256: Mr. Cardin.

H.R. 4306: Mr. Boucher.

H.R. 4325: Mr. Rahall.

H.R. 4343: Mr. Gillmor.

H.R. 4354: Mrs. Christensen.

H.R. 4366: Ms. Schakowsky.

H.R. 4571: Mr. Shays and Mr. Brown of South Carolina.

H.R. 4597: Mr. Allen.

H.R. 4610: Mr. Israel and Mr. Gilchrest.

H.R. 4634: Mr. Bonner and Ms. Harris.

H.R. 4658: Mr. Filner, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Ryan of Ohio, Ms. Herseth, and Ms. Bordallo.

H.R. 4701: Mr. Andrews.

H.R. 4772: Mr. Levin, Mr. Blumenauer, Mr. Menendez, Mr. Etheridge, and Mr. Van Hollen.

H.R. 4849: Mr. Paul and Mr. Cantor.

H.R. 4875: Mr. Scott of Georgia and Mr. McIntyre.

H.R. 4881: Mr. Lewis of Georgia and Ms. Lee.

H.R. 4902: Mr. Marshall, Mr. Goode, and Mr. John.

H.R. 4944: Mr. Rehberg.

H.R. 4956: Mr. Gutierrez, Mr. Jefferson, and Mr. Brady of Pennsylvania.

H.R. 4961: Mr. McHugh.

H.R. 4978: Mr. McGovern.

H.R. 5024: Mr. Scott of Georgia.

H.R. 5027: Mr. Deutsch.

H.R. 5040: Ms. Jackson-Lee of Texas.

H.R. 5061: Mr. Pence.

H.J. Res. 98: Ms. Eshoo.

H. Con. Res. 213: Mr. Kennedy of Rhode Island.

H. Con. Res. 306: Ms. Carson of Indiana.

H. Con. Res. 321: Mr. King of New York.

H. Con. Res. 392: Mr. Blumenauer.

H. Con. Res. 402: Mr. Sensenbrenner.

H. Con. Res. 473: Mr. Gilchrest and Mr. Wolf.

H. Res. 103: Ms. DeLauro.

H. Res. 174: Mr. Kennedy of Rhode Island.

H. Res. 556: Mr. Lewis of California.

H. Res. 690: Mr. Farr, Mr. Dicks and Ms. Linda T. Sánchez of California.

H. Res. 717: Ms. Carson of Indiana.

H. Res. 744: Mr. McDermott.

H. Res. 755: Mr. Frost.

H. Res. 760: Mr. Wexler.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5025

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 5025

OFFERED BY: MR. DAVIS OF FLORIDA

AMENDMENT NO. 2: At the end of the bill, before the short title, insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

H.R. 5025

OFFERED BY: MR. OXLEY

AMENDMENT NO. 3: Strike section 216 (relating to identification accepted by financial institutions).

H.R. 5025

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 4: Page 33, line 24, insert after the dollar amount the following: "(reduced by $300,000,000)".

Page 89, line 24, insert after the dollar amount the following: "(increased by $300,000,000)".

H.R. 5025

OFFERED BY: MR. SANDERS

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99-829-GPM).

H.R. 5025

OFFERED BY: MR. SANDERS

AMENDMENT NO. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds appropriated by this Act may be used to assert or argue in a judicial proceeding that a particular defined benefit pension plan does not violate section 411(b)(1)(H)(i) or section 411(d)(6) of the Internal Revenue Code of 1986, section 204(b)(1)(G) or 204(b)(1)(H)(i) of the Employee Retirement Income Security Act of 1974, or section 4(i)(1)(A) of the Age Discrimination in Employment Act of 1967.

H.R. 5025

OFFERED BY: MR. SANDERS

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds appropriated by this Act may be used to assist in overturning any judicial ruling on section 411(b)(1)(H)(i) or section 411(d)(6) of the Internal Revenue Code of 1986, section 204(b)(1)(G) or 204(b)(1)(H)(i) of the Employee Retirement Income Security Act of 1974, or section 4(i)(1)(A) of the Age Discrimination in Employment Act of 1967.

EXTENSIONS OF REMARKS

RECOGNIZING LEONARDO AGRICOLA BISCARI FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Leonardo Agricola Biscari of Independence, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 865, and in earning the most prestigious award of Eagle Scout. Leonardo will receive the Eagle Scout Award at an Eagle Scout Court of Honor on September 12, 2004, at St. Mark's Catholic Church in Independence, MO.

Leonardo has been very active with his troop, participating in many Scout activities. Over the many years Leonardo has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Leonardo Agricola Biscari for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HISPANIC RECOGNITION AWARDS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, on September 16, the Hispanic Recognitions Awards Committee Incorporated in the City of New Bedford, Massachusetts will have its annual ceremony, giving awards to a number of individuals and organizations. The recipients of these awards, to be presented at 5 p.m. at New Bedford High School on September 16, have distinguished themselves by their dedication and energy on behalf of the Hispanic community in our area, and on behalf of the community as a whole. I congratulate Emilio E. Cruz for the work he has done in making this possible, and I wish to join Mr. Cruz and others in recognizing the important community service performed by these recipients.

The list of awards and those receiving them is as follows: Community Organization Award 2004—Catholic Social Services; Cultural Achievement Award 2004—Johnny Arellano; Youth Award 2004—Chayrel Adams; Health Awards 2004—Marta Gonzalez; Education Award 2004—Sara Rodriguez; Public Safety Award 2004—Jose A. Perez; Latino Organization Award 2004—Association Maya Kiche USA, Inc.; Community Service/Leadership Award 2004—Reverend Abraham Torres; The Rising Star Award 2004—Marilyn Vega.

RECOGNIZING JEREMIAH COOMES FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jeremiah Coomes of Smithville, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and in earning the most prestigious award of Eagle Scout. Jeremiah will receive the Eagle Scout Award at an Eagle Scout Court of Honor on September 19, 2004 at River of Life Church in Kansas City, MO.

Jeremiah has been very active with his troop, participating in many scout activities. Over the many years Jeremiah has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Jeremiah Coomes for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, three years since the terrorist attacks of September 11, 2001, we solemnly remember those who risked their lives, those whose lives were lost and those they left behind.

America changed forever that day. Some called 9–11 America's wake up call.

The actions of first responders and everyday citizens give true meaning to the word hero. I applaud the resolution in the House today for honoring their service and the memories of those no longer with us.

But sadly, Mr. Speaker, I must tell you that this resolution is flawed. While it rightfully honors the victims and heroes of September 11, it misleadingly connects the invasion of Iraq with the war on terrorism. Iraq did not start the U.S global war on terrorism—Osama bin Laden did.

Despite that fact, after only four months of hunting for bin Laden, the U.S. began redirecting military and intelligence personnel from his pursuit in Afghanistan to preparing for war with Iraq.

The President then declared in a press conference that, "I don't know where [bin Laden] is. You know, I just don't spend that much time on him . . . I truly am not that concerned about him."

The President was clearly at odds with his terrorism advisers.

The FBI was concerned about him. It said that al-Qaeda remained the "number one concern."

Homeland Security Secretary Tom Ridge was concerned about him. He said America was still bin Laden's number 1 target.

Despite all this, what did the President do? He shortchanged homeland security needs like port, rail and border security. He reduced law enforcement funding by over 30 percent. And he became less concerned with the man who started the war on terrorism and more concerned with Saddam Hussein—a man the 9–11 Commission determined had no operational connection to al Qaeda and who played no role in the terrorist attacks of September 11, 2001.

Did this make America any safer? If so, redirecting resources from hunting the world's number one terrorist in order to invade Iraq might have made sense. But the fact is, the invasion in Iraq has made us less, not more, secure.

And because of that fact, we do ourselves as a country and the memories of those who were lost on September 11, 2001 a great disservice by misrepresenting the facts.

The invasion of Iraq did not deny terrorists a safe haven from which to operate, but rather it created one. In fact, because of poor planning and inadequate troop levels, U.S. forces in Iraq have withdrawn from unstable areas like Falluja, Ramadi and Samarra allowing them to become foreign terrorist safehavens. The low troop level has also prevented the U.S. from sealing off the borders and allowed foreign terrorists to enter Iraq at will.

More American Service members have been killed since the President announced that all major combat operations had ended than before that time. All told, over 1,000 soldiers have been killed, 7,000 wounded, and the rate at which American soldiers are being killed is rapidly increasing.

With all that said, the President still speaks of "taking the fight to the enemy" so that we don't have to fight him at home. But the Department of Homeland Security had to raise the terrorist alert level four times since the invasion of Iraq. And Homeland Security Secretary Tom Ridge has said, "[al Qaeda] is still determined to strike."

The Bush Administration would still lead us to believe that al Qaeda is no longer a threat because two thirds of its senior leadership have been captured or killed. But Secretary of Defense Rumsfeld says "it's almost impossible to have metrics" that determine whether Al

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Qaeda and other terrorist groups are being drained of support around the world. In fact some experts still put al Qaeda's end strength at close to 18,000.

Secretary Rumsfeld went on to say that the War on Terrorism is not "a military problem alone." In fact the overreliance on military means to address the threat of terrorism might have done more to help al Qaeda recruit new members than it did to shrink the organization.

So what lessons have we learned three years later?

Iraq had nothing to do with 9–11; our invasion of Iraq made us more, not less vulnerable to terrorist attack; despite capturing and killing al Qaeda leaders, the organization remains operational; we shortchanged homeland security; and the President's attempt to make America safer by taking the fight to the enemy and invading Iraq has done nothing to deter bin Laden's desire to attack the U.S. again.

The administration has failed to adequately address the worldwide threat of terror. It has alienated much of the international community and failed to assemble an effective coalition. We honor the fallen today, but we must also refocus America's foreign and security policy.

EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. McCOLLUM. Mr. Speaker, we will never forget the events of September 11, 2001—where we were, how we felt and how the America people came together as one Nation, undivided.

On the third anniversary of this tragedy, we again stand together to honor the victims and their loved ones, and to pay tribute to the women and men who continue to protect and defend our Nation at home and around the world.

As the American people move forward, we also know our lives have forever been changed. We understand the threat of terrorism is a reality that must be confronted and prevented. Yet, the spirit of this strong, proud Nation will overcome this threat and prevail against adversaries who attempt to harm us.

As we look to the future, we must not forget the past. We must understand how and why the events of 9/11 happened and we must remain determined to keep our homeland and our families safe and secure. And, forever, we must remember the 3,000 men and women who lost their lives on this tragic day—they are forever enshrined in the memory of our nation.

RECOGNIZING EXCELSIOR SPRINGS FOOTBALL AND THE OFFICIAL OPENING OF TIGER STADIUM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the Excelsior Springs Football Tigers, a team steeped in history with a promising future, thanks in part to the new Tiger Stadium, which is officially opening tonight, September 10, 2004.

Excelsior Springs football was first played about 1910 on "Old Lady Reed's Field" near Superior Street. In 1920, games were moved to Association Park, a location that later became the site of the old high school football field that officially became Roosevelt Field in 1938. The stone wall surrounding the field was built during the FDR era as a WPA project to provide area jobs after the Great Depression. In 1984, major renovations brought the field and track up to state regulations and new lighting was installed. In the '90s, however, the location started to become a problem: the field was plagued by repeated flooding from Fishing River, the field was now across town from the high school, and parking was more inadequate with each passing year. Early in the 2000s, the community passed a bond issue to build a Performing Arts Center, which opened in fall 2003, a new Career Center building, which will open in January 2005, and this Tiger Stadium, officially opening tonight September 10, 2004.

Mr. Speaker, I proudly ask you to join me in congratulating the people of Excelsior Springs on their new Tiger Stadium, and wishing the Tigers the best of luck in their new home.

EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. DELAURO. Mr. Speaker, on Saturday our nation will stop and reflect on the terrible events that occurred three years ago on that day. Each of us will remember in vivid detail where we were and what we were doing when we realized that America had come under murderous attack by cowardly terrorists. We will remember the way that firemen and policemen rushed into burning buildings to save lives. We will remember the heroism of the passengers and crew of Flight 93. We will remember the 3,000 friends, family and loved ones who died that day, and we will pay a debt of thanks to the men and women of our military who continue the fight against terrorism in far off places.

And I, for one, Mr. Speaker, will recall the spirit of bipartisanship that pervaded Washington in the days that followed—how Members of Congress stood together on the steps of the Capitol, singing "God Bless America" in one strong voice. As we consider the events of that day, I urge my colleagues to recapture that spirit and move quickly to adopt the reforms of the September 11th Commission. By doing so, we will improve our intelligence gathering capabilities, improve coordination between government agencies and strengthen Congressional oversight of the intelligence community.

As Americans stop to consider how much the world has changed in these three years, it is imperative that the Congress do all that it can to ensure that our government changes with the world. Every day that goes by without action to embrace the reforms of the Commission is a day that our ability to prevent another 9/11 is limited.

RECOGNIZING WILLIAM M. RAINE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize William M. Raine of Parkville, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout. William will receive his Eagle Scout Award on September 12, 2004, at the Theodore Naish Scout Reservation in Bonner Springs, Kansas.

William has been very active with his troop, participating in many Scout activities. Over the many years William has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, i proudly ask you to join me in commending William M. Raine for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING CORY HOGAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Cory Hogan of Kansas City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Cory has been very active with his troop, participating in many Scout activities. Over the many years Cory has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Cory Hogan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. DEFAZIO. Mr. Speaker, I rise today to discuss H. Res. 757, legislation commemorating the third anniversary of the September 11, 2001, terrorist attacks against our country.

I remember September 11, 2001, vividly. The weather in our Nation's capital was warm and sunny. I was giving a speech on the House floor. Soon after I finished, the Capitol building was evacuated. I did not know until I got back to my office that planes had hit the World Trade Center buildings in New York and that a third plane that may have been headed toward the Capitol building was taken down in a field in Pennsylvania. I am profoundly grateful that the passengers aboard United Airlines Flight 93 bravely fought back, thinking of the safety of others, not of their own well-being. Their actions saved the lives of untold numbers of us who were in Washington, D.C. that day.

The resolution on the floor today appropriately honors those who lost their lives due to these heinous attacks. Thousands of husbands, fathers, mothers, wives, daughters, brothers, children, grandparents and others were lost on that day. We must never forget those individuals and their families.

The resolution also honors the heroic actions and sacrifices of our men and women in the U.S. military and their families. I have had the privilege of visiting with dozens of our men and women in uniform, both here at home and in a war zone. I am continually awed by the professionalism, determination, and commitment of our troops.

I am also pleased that H. Res. 757 acknowledges the service and sacrifice of the first responders—emergency personnel, fire fighters, police officers, and others—who aided the innocent victims of the terrorist attacks. While these individuals humbly say they were merely doing their jobs that day, their selfless actions embody some of the best qualities of the American people.

Finally, the resolution congratulates the Congress and the President for various steps taken to improve the security of the American people in the wake of September 11th.

While Congress has adopted some piecemeal improvements on the security front, al-Qaeda will not wait for us to make gradual improvements. Security must be improved today, not after the next attack.

Congress and the Bush administration must stop the finger pointing, turf protection, and minor tweaking that have been the primary features of the Federal government's response to 9/11. It is time for bolder action.

Aviation security is not what it should be. Security screeners need the same upgraded equipment used in congressional office buildings and the White House. We need to deploy technology to detect plastic explosives carried on board planes. We must screen employees and vendors who work on the runways and have access to planes, but who are not currently screened at all. All cargo carried on passenger planes must be tested for explosives. We need effective countermeasures and international agreements to reduce the threat of shoulder-fired missiles. The arbitrary cap on the number of security screeners should be lifted.

A fully unified terrorist watch list that is electronically accessible to necessary Federal and State officials for real-time searches must be put in place now.

Border security is still notably lacking, three years after 9/11. The Federal government should hire 3,000 additional border inspectors and border patrol agents to secure our borders with Canada and Mexico. Existing technologies, like remote sensors, long-range cameras, and unmanned aerial vehicles, should monitor all 7,000 miles of our border 24 hours a day, seven days a week.

Astonishingly, on the 3rd anniversary of the attacks, America's police, firefighters, and emergency response personnel still lack the fundamental ability to communicate with each other by radio. Congress must increase funding to help States and local governments purchase essential equipment.

Our Nation has 95,000 miles of coastline and 361 ports. Yet, the Federal government will spend only $46 million on port security grants this year while spending $10 billion to develop a missile defense system that is irrelevant to the threat posed by al-Qaeda. Congress should increase funding for radiation detection equipment to screen every cargo container, beef up the presence of U.S. inspectors at foreign ports to inspect cargo destined for the U.S., and enhance the Coast Guard fleet.

Five times as many Americans travel on trains and transit each day as on planes, but less than two percent of the transportation security budget goes to non-aviation programs. Congress and the Administration should increase funding for passenger rail and transit security. A baseline level of security for the transit systems in the 50 largest metropolitan areas would cost $2 billion.

Most of the 20 tons of nuclear material at 130 facilities in 40 countries has no more security than a night watchman and a chain link fence. In 2001, a bipartisan commission recommended tripling funding to $3 billion a year for programs to help secure nuclear materials around the world from terrorists.

Finally, I want to say that I am disappointed that H. Res. 757 contains several whereas clauses implying a link between al-Qaeda and Iraq, and Iraq and the September 11th attacks. A variety of experts, including the 9/11 Commission and the Senate Intelligence Committee, have concluded there was no cooperation between Iraq and al-Qaeda on the September 11, 2001, attacks or anything else. It is also inappropriate to link Iraq to the global war against al-Qaeda. Iraq did not pose an urgent threat to our national security. Iraq did not have ties to al-Qaeda. Iraq had not attacked the United States, nor is there any evidence Iraq planned to attack us. Iraq did not have weapons of mass destruction, nor any delivery system capable of attacking us.

I supported the war against the Taliban and al-Qaeda in Afghanistan, and I continue to support military action against al-Qaeda. But, to use a resolution commemorating the anniversary of 9/11 to peddle discredited theories about Iraq in order to cover for the failures of the Bush administration in Iraq and justify the diversion of resources from the war against our real national security threat—al-Qaeda—does a disservice to the American people.

I will vote in favor of H. Res. 757 because I want to honor those I mentioned at the outset of my statement—those who lost their lives in the attacks, those who tried valiantly to save lives on that day, and our men and women in uniform. But, I want to state for the record that I disagree with some of the rhetoric in the resolution.

RECOGNIZING MATTHEW EMERY ECKARD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Emery Eckard, an outstanding young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 444, and by earning the most prestigious award of Eagle Scout.

Matthew has been active with his troop by participating in many Scout activities. Over the 14 years Matt has been involved with Scouting, he has earned 29 merit badges. Matt set the goal in 2001 to be the youngest Eagle Scout in Kansas City. I am proud of him for achieving this goal and becoming the fifth youngest Eagle Scout in the whole United States. He was a 3-year camper at H. Roe Bartle Scout Reservation, and is a Brotherhood member in the Order of the Arrow.

For his Eagle Scout project, Matt repainted and surveyed the only Corp of Engineers flood gauge on Line Creek beneath Vivion Road in Riverside, Missouri. This gauge is the official marker used to measure the creek in the flood of 1993.

Mr. Speaker, I proudly ask you to join me in commending Matthew Emery Eckard for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CENTENARY OF ST. MICHAEL'S COLLEGE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. SANDERS. Mr. Speaker, this is a time for celebration of higher education in the

Green Mountain State: One hundred years ago Saint Michael's College was founded in Winooski, Vermont.

In the past century the college has seen its enrollment burgeon from 34 students to 1,900 students. It has grown from very modest beginnings into a major institution of higher education, widely known as one of the finest liberal arts colleges in the Northeast, and one of the premier Catholic colleges in America. With the diversity of its student body, and its long history as one of the first schools to offer education in teaching English as a second language, its reputation for academic excellence is not just national but international.

Priests of the Society of St. Edmund emigrated to North America, fleeing religious persecution in France in the late nineteenth century. They settled in Vermont, and changed forever the shape of education in their adopted state.

As an order dedicated to education, the Edmundites founded Saint Michael's College in 1904. With an initial investment of $5,000 they began the college on the Kelly Farm in Winooski Park. Their initial effort was modest, just under three dozen students ranging in age from 10 to 22. Few, except the visionary founders, would have believed that from such small beginnings would emerge the thriving institution which, a century later, is widely known for both its rigorous academic program and its deep commitment to service.

The founders themselves probably did not foresee that the college, originally open only to men, would go co-educational in 1970, or that its commitment to excellence in every pursuit—in developing the ethical as well as the intellectual and spiritual side of human existence, in improving the body as well as the mind—would lead to the Ice Knights winning the NCAA Division II hockey championship. (Nor have the women far behind: in 2000 the St. Michael's field hockey team advanced to the NCAA Division II Final Four.) The founders knew they were sowing the seeds for building character and giving a base for achievement in the secular world, but even they could not have foreseen that graduates of St. Michael's would serve in the United States Senate, and head some of America's largest and most important corporations, or win the Pulitzer Prize. Many graduates serve their fellow men and women, here and abroad, with great dedication, though that they could have foreseen, for commitment to the welfare of the underprivileged and dispossessed has always been central to the Edmundite mission.

Today, the 1,900 full-time undergraduate students at St. Michael's reside in an environment in which learning takes place both in and out of the classroom. In addition to its undergraduates, a multitude of graduate and international students experience its commitment to moral and ethical development, a commitment inspired by the strong Edmundite tradition of service. Although it is now run by a secular Board of Trustees, and no longer are the majority of its teachers Edmundite priests, St. Michael's still is guided by the spirit of its founding order, the recognition that service and education are inextricably linked, and intellectual growth must proceed in concert with spiritual and ethical deepening.

St. Michael's was one of the first colleges to institute an Alternative Spring Break, enabling students to work in inner cities and rural areas to rebuild communities and provide needed services. Today, the college lives out its commitment to service in many ways at home and abroad. In the past few years, student programs have gone to Calcutta, Tanzania, Haiti and elsewhere to learn and do good work. St. Michael's remains dedicated to teaching biology and literature, history and philosophy—but is also enduringly dedicated to working with the impoverished, the homeless, and the victims of AIDS.

It is a particular mark of St. Michael's excellence that it was recently invited to join the elite ranks of colleges and universities hosting Phi Beta Kappa chapters on campus.

And Saint Michael's continues to grow ever stronger academically. For fourteen consecutive years it has been highly rated in rankings of colleges by US News and World Report, and in 2003 it was identified by Newsweek magazine as one of thirty "hidden treasure" colleges that deserve wider national recognition.

Under the able leadership of President Marc vanderHeyden, a dedicated and excellent faculty teaches courses which are at the cutting edge of knowledge, while still rooted in the great traditions of learning. The staff at the college are as committed to excellence and the growth of students as are the faculty. The alumni, those prior generations of St. Michael's students, have gone on to do significant work in the world, serving as models for the engaged students of today, and contribute as generous benefactors to the fiscal well-being of the college.

I have spoken at St. Michael's, met with classes there, and had its students serve as interns in my office. So I say with confidence that its students are remarkable young people, for they embody that dedication to conjoining learning with service which is the hallmark of the college.

As St. Michael's College moves into its second century, the people of Vermont salute its past achievement and its present accomplishment. Situated above the Winooski River, overlooking the splendors of Mount Mansfield, it is my firm expectation that St. Michael's College and its campus community will continue to sparkle, a bright jewel in the Green Mountain State.

RECOGNIZING DANIEL BRYAN DUDDY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Daniel Bryan Duddy, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 444, and by earning the most prestigious award of Eagle Scout.

Bryan has been very active with his troop, participating in many Scout activities. Over the 10 years Bryan has been involved with Scouting, he has earned numerous merit badges and held several leadership positions. Bryan served as both Patrol and Senior Patrol Leader, was a 2-year camper at H. Roe Bartle Scout Reservation, and is a Firebuilder in the Tribe of Mic-O-Say. Bryan is also a current Brotherhood member in the Order of the Arrow.

For his Eagle Scout project, Bryan constructed several permanent seating benches around the campfire rings at Tall Oaks Christian camp.

Mr. Speaker, I proudly ask you to join me in commending Daniel Bryan Duddy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

2004 TEXAS HONOR SCHOOL BOARD FOR LEWISVILLE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. BURGESS. Mr. Speaker, today I would like to congratulate one of my hometown school districts for its outstanding achievements and recently being named a 2004 Texas Honor School Board by the Texas Association of School Administrators.

Among the factors that resulted in the recognition of the Lewisville School Board were its vision, commitment, and leadership as policy makers; commitment to the improvement of student performance and evidence of academic achievement; evidence of strong community support for the district; cooperation among board members and the superintendent; and evidence of successful school-business partnerships.

Congratulations to the following members of the Lewisville district school board: Mark Shaw, Fred Placke, Carol Kyer, Anita Nelson, Tom Kim, Mike McDaniel, and Tom Ferguson for the honor.

I am delighted that your award-winning performance has garnered you this recognition. Your work is greatly appreciated.

The Lewisville school district has a history of outstanding distinction throughout the State of Texas and continues to pursue educational excellence. Every member is vital to the overall goal and performance of the board.

HONORING STEPHEN C. ROBERTS FOR HIS 30 YEARS OF SERVICE TO THE UNITED STATES DEPARTMENT OF AGRICULTURE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Stephen C. Roberts, Senior Auditor for the United States Department of Agriculture Great Plains Region. Mr. Roberts has exemplified the finest qualities of leadership and service and is being honored for his 30 year commitment to Federal service.

Mr. Roberts began his career with the Office of the Inspector General in 1978, as an auditor in Marlboro, Massachusetts, and transferred to the Beltsville, Maryland, office later that year. In 1982, Mr. Roberts moved to our Kansas City office. Mr. Roberts rapidly progressed with the Office of the Inspector General to Supervisory Auditor in 1985 where he has served until his August 21, 2004 retirement.

During his illustrious career with the USDA, Mr. Roberts was recognized for directing complex audits of management and security of information technology, as well as serving on Quality Assessment Review teams in Chicago, Illinois, and San Francisco, California.

He also received awards for audits of food service management companies and vendors performed at school districts located in seven States and Puerto Rico. Mr. Roberts was also one of the original instructors at the Office of the Inspector General Audit Academy started in 1988 and he also developed an Audit Survey Techniques training course for the agency. In 1984 and 1985, Mr. Roberts was detailed to the North Atlantic Region to act as a Supervisory Auditor over work being conducted in Puerto Rico. Mr. Roberts has had a diverse and exemplary career with a consistently high level of accomplishments in his many years of Federal service for the U.S. Department of Agriculture.

Mr. Speaker, I proudly ask you to join me in commending the career of Stephen C. Roberts, who exemplifies the qualities of dedication and service to the United States Department of Agriculture Great Plains Region and the people of the United States of America.

CONGRATULATING CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 97th Anniversary and Golden Member banquet on Sunday, October 3, 2004.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees that have attained fifty years of membership include: Mary Badovinac, Betty Balanoff, Mary Lou Brown, Matthew Guglielmetti, George Kepcher, Margaret Knack, Anastasia Kresich, Charles Lacko, Beverly Perko, Mary Plesha, Theresa Anne Young, and Mary Ann Zorich.

These loyal and dedicated individuals share this prestigious honor with approximately 429 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The festivities will be culturally enriched by the performance of several Croatian musical groups. The Croatian Glee Club, "Preradovic," and the Hoosier Hrvarti Adult Tamburitza Orchestra, will both perform at this gala event. The Croatian Strings Tamburitzans and Junior Dancers directed by Dennis Barunica will provide additional entertainment for those in attendance. A formal dinner banquet at 3:30 in the afternoon will end the day's festivities.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge president Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

RECOGNIZING FORD MOTOR COMPANY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly rise to recognize the introduction of the 2005 Ford Escape Hybrid, expected to roll off the assembly lines at the Ford Claycomo Plant in Claycomo, Missouri, beginning in August.

The Escape Hybrid is the first vehicle of its kind to combine hybrid technology with SUV capability. The Escape Hybrid can be powered solely by the gasoline engine, solely by the electric motor, or by using both working together. The hybrid system automatically switches between pure electric, pure gasoline, or combined operation to maximize fuel efficiency and performance, and the Escape Hybrid is projected to surpass 35 miles-per-gallon in city driving. Additionally, exhaust emissions will be lower than many vehicles currently on the market.

The technology that makes the Escape Hybrid possible is revolutionary, and the fact that Ford has produced a hybrid SUV demonstrates Ford's continued leadership in the automobile industry. I am proud that the Ford Claycomo Plant, located in Missouri's Sixth District, will assemble the Escape Hybrid. It is a testament to the employees at Claycomo, especially since the plant already produces Ford F-series models and the Escape and the Mazda Tribute.

Mr. Speaker, please join me in recognizing Ford Motor Company and the Ford Claycomo Plant as they begin production of the Ford Escape Hybrid.

HONORING LOWELL C. KRUSE FOR HIS 20 YEARS OF SERVICE AS PRESIDENT AND CEO OF HEARTLAND HEALTH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lowell C. Kruse, President and CEO of Heartland Health, an employer of 2,600 located in St. Joseph, Missouri. Mr. Kruse has exemplified the finest qualities of leadership and service and is being honored for his 20 year commitment to Heartland Health and the people of northwest Missouri.

Mr. Kruse was born in Lake City, Iowa, just about four hours north of St. Joseph where he currently lives with his wife of 40 years, Leslie Marsden-Kruse. Together, Lowell and Leslie have three adult sons. Mr. Kruse began his career in 1967 as the Assistant Administrator of St. Barnabas Hospital in Minneapolis, Minnesota. For the next ten years, Mr. Kruse held leadership positions in a variety of health facilities in the Minneapolis area, before moving to New York in 1977 to become President and CEO of Park Ridge Hospital and Nursing Home in Rochester. Two years later, he became President and CEO of Update Health System, Inc. in Rochester. In 1984, Mr. Kruse came to St. Joseph as President and CEO of Heartland Health, and he hasn't looked back since. During Mr. Kruse's tenure as President and CEO, Heartland has been the recipient of the Missouri Quality Award, the Distinguished Hospital Award for Clinical Excellence, and in 2000 was named one of the top 100 hospitals in the country for orthopedics and cardiovascular care. Mr. Kruse has been the recipient of the Justin Ford Kimball Innovators Award from the American Hospital Association, and the Visionary Leadership Award and the Distinguished Service Award from the Missouri Hospital Association. In addition to his work at Heartland, Mr. Kruse currently serves on the Boards of Directors for Premier, Inc., the Excellence in Missouri Foundation, and the Missouri State Coordinating Board for Higher Education.

Mr. Speaker, I proudly ask you to join me in commending the career of Lowell C. Kruse, who exemplifies the qualities of dedication and service to Heartland Health and the people of northwest Missouri.

IN HONOR AND REMEMBRANCE OF ZACHARY VIRGIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Zachary Virgin, an angel of light and love, whose brief journey here brought joy and love to his mother and father, Shane and Joseph, and to everyone who held him, loved him, and gazed upon him.

Forever perfect and innocent baby Zachary's message of giving and grace brought light and warmth into our world. He will live forever within the hearts and memories of his parents, and his song will be heard for all time.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Zachary Virgin, whose beautiful, brief life has become a miracle of life for others. We honor and recognize the love and courage of Shane and Joseph Virgin, loving parents of baby Zachary. We extend our condolences to you both, and to your extended family and friends, and we wish you strength and peace within your deep sorrow.

An angel of heaven, baby Zachary will forever soar with a song of life and message of hope for other babies: A baby breathes with his breath; a baby sees with his eyes; a baby lives with his life. Baby Zachary is their guardian angel, he lives on through all of them, and he will never be forgotten. May his life, love, and memory forever bring you strength, comfort and peace.

TRIBUTE HONORING THE 60TH WEDDING ANNIVERSARY OF MR. AND MRS. ALBERT JOHNSON, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to congratulate Mr. and Mrs. Albert Johnson, Sr. on their 60th wedding anniversary. A celebration in their honor is being hosted by their children at the Galloping Hill Caterers in Union, New Jersey on Friday, August 27, 2004.

Albert Johnson, Sr. and the former Loretta Cobb were married in Newark, New Jersey on August 24, 1944. This blessed union produced six children, fourteen grandchildren and fifteen great-grandchildren. The Johnsons made their home in Newark before moving to Hillside, New Jersey in the late sixties. Mr. Johnson retired from the United States Post office after working there for many years. Mrs. Johnson was a homemaker and childcare provider. She delighted in providing a warm and nurturing environment for her young charges.

Mr. and Mrs. Johnson are deeply religious and they celebrate their faith at the Emanuel Missionary Baptist Church in Newark. Mr. Johnson is a deacon there and Mrs. Johnson is a deaconess as well as a church mother. This couple embodies the spirit of matrimony and faith as they travel together to visit the sick. They also hold weekly prayer service at a facility for senior citizens. Mr. and Mrs. Johnson inspire others with their words of encouragement and their harmonious demeanors.

Mr. Speaker, I know my colleagues join me in letting Mr. and Mrs. Albert Johnson, Sr.'s family, friends and congregation know that their 60th anniversary is indeed a cause for celebration.

HONORING ASIAN COMMUNITY MENTAL HEALTH SERVICES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Ms. LEE. Mr. Speaker, I rise today to honor Asian Community Mental Health Services of Oakland, California for 30 years of invaluable service to the community.

Asian Community Mental Health Services (ACMHS) was founded in 1974 with the objective of providing community based mental health services to the East Bay's Asian Pacific Islander Community. The services provided by ACMHS are unique in that they are designed not only to provide care that is comprehensive, but that is structured in accordance with the cultural background of the patients it serves. ACMHS services are available in twelve languages and dialects, and aim to serve Oakland's Asian Pacific children, adolescents, adults, and their families.

The role played by ACMHS in Oakland's Asian Pacific Islander community is truly vital due not only to the caliber of health service it provides, but also because of its continuous involvement in community life through the working relationships it has cultivated with virtually every major social service provider in the East Bay. ACMHS is able to maintain and broaden the scope of its services not only by coordinating with these organizations in order to deliver high quality health care to its patients, but also by sponsoring and participating in a variety of community-building programs and events such as the ACMHS Annual Multi-Ethnic Conference, and the recent establishment of the ACMHS Neighborhood Learning Center in Oakland.

On October 7, 2004, Asian Community Mental Health Services will be celebrating its 30th anniversary in Oakland, California. I would like to mark this occasion by commending this organization for the exceptional service it has provided to the community not only in its capacity as a health service provider, but also as a leader in working to strengthen cultural and community ties among the people of Oakland. By remaining committed to the areas of health and multicultural awareness throughout its thirty years of service, ACMHS has contributed enormously not only to the East Bay's Asian Pacific Islander community, but also to the 9th Congressional District as a whole. I salute and congratulate Asian Community Mental Health Services for 30 remarkable years of service.

IN HONOR OF THE JEWISH HIGH HOLY DAYS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Ms. PELOSI. Mr. Speaker, in the Jewish community, this time of year is marked by reflection, thanksgiving, consecration, and celebration. It is a time to reflect on the events of the past year and be thankful for family and friends whose love and support guide and inspire us each day. And it is a time to rededicate ourselves to our commitment to tikkun olam, repairing our world, both at home and abroad.

It is also a time to remember our commitment to our democratic ally and friend, the state of Israel. Israel stands as a symbol of Jewish prosperity and survival that dates back more than 5,000 years. This strong tradition is why we must continue to work and pray for peace.

Over the past year we have again witnessed continued violence in the Middle East, but steps have also been taken to reinvigorate a peace process between Israelis and Palestinians. We must continue to support these efforts and remain optimistic that they will result in a lasting peace for all in the region. It is time for all parties to the Roadmap to use the opportunities presented by the Sharon plan to bring an end to the violence and achieve lasting peace in the Middle East.

As we begin the year 5765, we are also celebrating 350 Years of Jewish Life in America and American Jewish History Month. Last year, the Congress recognized and marked this anniversary by passing a resolution noting the important contributions of the American Jewish community to our nation's civic, social, economic, and cultural life. Indeed, as my colleagues observed, the American Jewish community has "sought to actualize the broad principles of liberty and justice that are enshrined in the Constitution of the United States."

In Congress, my Democratic colleagues and I are fighting to bring prosperity, opportunity and security to every corner of America. We are committed to growing the economy; to expanding access to quality affordable health care; to keeping our promise to our children for safe schools with well-paid teachers; to honoring our historic commitment to seniors so they can retire with security and dignity; to sustaining a healthy environment; to upholding the separation of church and state; to protecting civil rights; and to fighting discrimination in all forms.

I pray that we all experience peace, prosperity, opportunity, and security in the New Year. L'Shana Tova Tikatevu.

HONORING POW/MIA RECOGNITION DAY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. QUINN. Mr. Speaker, tomorrow is National POW/MIA recognition day. This annual day of recognition honors those brave soldiers who served valiantly to protect our liberties but remain unaccounted for. America remains vigilant in its effort to see that each one of these nearly 93,000 brave soldiers are identified, accounted for, and returned to their families. Recently, I met with representatives from the Department of Defense Prisoner of War—Missing Personnel office and was pleased to learn of the Department's steadfast dedication to see to it that each one of these POW/MIA cases is resolved.

America owes an enormous debt of gratitude to those who have answered the call to defend our freedoms and there is no better way to honor that debt than to remain committed to bringing closure to the suffering for each of their families. We will never forget the sacrifices that thousands of American Soldiers have made throughout the world in the name of liberty and freedom, and we must do everything we can to help bring the POW/MIA soldiers home.

To date, the Department of Defense lists 1,854 Americans as missing and unaccounted for from the Vietnam War. There are 1,415 in Vietnam, 377 in Laos, 55 in Cambodia and 7 in PRC (People's Republic of China) territorial waters.

I display the POW/MIA flag outside my office as a constant reminder to those who visit, that there are heroes who have not yet made it home. I encourage my colleagues to join me tomorrow in honoring these brave soldiers by renewing our resolve to close these cases and end the suffering caused by the uncertainty of their fate.

IN HONOR AND REMEMBRANCE OF SHERMAN HENDRICKS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Sherman Hendricks, United States veteran, beloved family member, friend and mentor to many.

Mr. Hendricks was committed to family, faith, community and country. He proudly and honorably served our country as a member of the United States Army, and was a veteran of the Korean War. Following his honorable discharge, Mr. Hendricks brought the integrity and strong work ethic that was reflected in his service to our country to his work and community service.

Back in Cleveland, Mr. Hendricks worked diligently at Anchor Industries and RBW Company. He loved his work and developed long-lasting friendships with colleagues. He was always known as a giving, caring person who would go the extra mile for anyone in need. His concern for others branched out into the community, where he was active in the Cuyahoga County Republican Party as a Precinct Committee Person, a position he held for nearly forty-two years. Additionally, Mr. Hendricks continually inspired others within his church community. He served as a Senior Trustee at the Antioch Chapel Baptist Church of Cleveland, and read Scripture every morning at 7:00 am without fail.

Mr. Speaker and colleagues, please join me in honor and remembrance of Sherman Hendricks, an outstanding American citizen whose integrity, warmth, and concern for others has left an indelible mark upon on our Cleveland community. I extend my deepest condolences to Mr. Hendricks' beloved sisters and brothers, Celestine Maudlin, Isabelle Hendricks, Napolean Hendricks, Spencer Hendricks and William Hendricks; to his many nieces and nephews and to his extended family members and many friends. Although he will be deeply missed, the wonderful life and legacy of Sherman Hendricks will be remembered always by all whom he loved and inspired—especially his family and closest friends—today, and for generations to come.

TRIBUTE TO MS. BARBARA KUKLA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize Ms. Barbara Kukla, an outstanding member of my community who has been the lifeblood of the community spirit and cultural vitality of my hometown of Newark.

She is a writer, a journalist, a historian, a mentor, and was the award-winning Star-Ledger Editor of "Newark This Week," a 4-page weekly section that highlighted events important to original Newarkers, helping to make local events more successful and creating a community meeting place for all our citizens. Barbara's thorough and sustaining coverage of Newark news generated public interest in local events, contributing greatly to the growth and development of our city.

Her love for Newark is not only limited to current events, but includes its rich past. She shared a great friendship with Miss Rhapsody, a legendary Newark jazz singer, who introduced her to many local musicians and piqued her interest in the thriving music scene. Barbara's involvement led to countless hours of research and writing, establishing her as the preeminent historian on Newark's prominence from the 1920s to the present, and inspiring her first book, Swing City. Her second book, Defying the Odds, follows the lives of eight of Newark's most distinguished women, and includes the biographies of 180 others.

Among her many honors, Barbara has received a Recognition Award from the Newark Preservation & Landmarks Committee, the Newark Community Development Network's Charles E. Cummings Award, the Newark Do Something's Lifetime Award for Community Leadership, the Metropolitan Baptist Church of Newark's Living Legend Award, and the John Cotton Dana Distinguished Lecturer Award, named after the founder of the Newark Museum and Library.

In support of the Barbara Kukla Scholarship Fund, Barbara will be hosting Newark Stars on Parade for Newark Students, a star-studded event which will feature a wide-ranging array of music by artists who were either born in Newark or have long-time ties to our city. Stars such as Gloria Gaynor, Melba Moore, the Monotones, Drinkard Singers II, Yvette Glover, the South Side High School Madrigals, Robert Banks, Carrie Smith; Kevin Maynor, Don Williams and Lady CiCi, Gwen Moten, BJ Plus Forty, Pam Purvis and Bob Ackerman, Carrie Jackson, and Gil "Bebop" Benson will all be on hand to showcase their musical talent in support of our students. The proceeds from this extravaganza will be used to provide college scholarships for Newark high school graduates and to aid others who are struggling to stay in school.

Mr. Speaker, please join me in extending my thanks to my neighbor, Ms. Barbara Kukla, for her contributions to the civic and cultural life of our community, and I invite my colleagues to join me in sending our congratulations for her outstanding achievements which celebrate what is best and brightest about our city, and have brought such positive recognition to the city of Newark.

TRIBUTE TO THE PINELANDS CULTURAL SOCIETY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to the Pinelands Cultural Society as it celebrates its 30th year of incorporation with a special celebration concert at Albert Music Hall on November 20, 2004.

The Pinelands Cultural and Historical Preservation Society is a grass roots, non-profit, all-volunteer organization that has been operating in southern New Jersey for the past three decades to preserve the cultural heritage of the New Jersey Pinelands region.

The Society's goals include preservation and stimulation of interest in South Jersey's musical and cultural heritage. Running a live show 50 Saturday nights each year, plus special occasion Sunday shows, the proceeds, along with individual donations of time, talents and money have culminated in the creation of the present 35-seat concert hall building called "Albert Music Hall" which serves as a "living history" venue for the presentation of live acoustic music concerts in the decades-old tradition of people indigenous to the Pinelands area. It also serves as a repository for extensive historic archives including audiotape and videotape recordings, documentation and photographs reflecting life in the New Jersey Pines from the early 1900s.

Albert Music Hall has been inducted into the American Folklore Center, Local Legacies Collection Archive at the Library of Congress, and is also registered in the Library of Congress' Moving Image Collections Archive Database.

Thus, I am pleased to recognize the efforts of an expert staff of volunteers for their efforts in bringing New Jersey's history to life. I congratulate them, and wish them many more decades of success.

ASSAULT WEAPONS BAN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. McDERMOTT. Mr. Speaker, in the one minute it will take to read these remarks, an Uzi can fire off 1,700 rounds.

Uzis and similar assault weapons are about to be legal again, as if we don't have enough to worry about in America.

For the past ten years, the assault weapons ban has protected Americans from these lethal, military-designed guns.

These weapons are not used for hunting animals. They are used to kill human beings.

The assault weapons ban has bipartisan support, both in Congress and across the nation.

Seventy-five percent of Americans want to see the ban extended. Even two-thirds of gun owners favor renewing the ban.

Yet the Republican leadership has refused to take action. Now, these killing machines will be back in circulation.

Good and decent people won't buy them. Those who hate us will, and we have just made it easier.

The President says he favors the ban, but he made no effort to get his Republican leadership, which controls both the House and Senate, to bring the issue up for a vote.

IN HONOR OF THE 20TH ANNIVERSARY OF LA PROVIDENCIA FAMILY CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Catholic Charities' La Providencia Family Center, a Hispanic Senior Center that exists to provide support, programs and services for Cleveland's westside elderly Hispanic citizens.

In 1984 several community leaders and residents within the Cleveland Hispanic community came together to address the issue of Cleveland's vulnerable and increasing elderly Hispanic population. The facility, programs and services that were developed twenty years ago have evolved over the years, but the vision, assistance and compassion has remained a constant source of comfort and hope for countless seniors and their families.

Along with providing vital services such as transportation, health screenings, home visits, social activities and events, the bi-lingual and bi-cultural Center staff and volunteers consistently understand and focus on the cultural and linguistic needs of those whom they serve. All services provided at La Providencia are offered without regard to race, religion, gender, disability or ability to pay.

Mr. Speaker and Colleagues, please join me in honor and celebration of the 20th Anniversary of the La Providencia Family Center—Cleveland's Westside Hispanic Senior Center. For two decades, the Center has existed as a vital lifeline to our elderly Hispanic citizens, providing hope, health and a true understanding and connection to the homeland of every senior who visits there.

TRIBUTE TO THE NEW JERSEY BUILDING AND CONSTRUCTION TRADES COUNCIL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize a landmark achievement of the hardworking men and women of New Jersey. This month, the New Jersey Building and Construction Trades Council will be holding its 100th convention at Caesar's Resort and Casino in Atlantic City, NJ.

The skilled craftsmen and women of the building trades have formed the backbone of New Jersey's labor movement for more than two centuries. It was the building trades, in particular the carpenters at the Hibernia Iron Works in 1774, who were the first to band together and strike for better working conditions. It was the building trades unions who consistently provided for the city and county trade federations that formed in the mid-19th century, for New Jersey's Knights of Labor assemblies, and especially for the New Jersey State Federation of Labor that grew into New Jersey's AFL–CIO.

The New Jersey Building and Construction Trades Council and its unions led the fight for the 8-hour day, better and safer working conditions, strong pension and health benefits, and a living wage.

The NJBCTC and its unions built the modern State of New Jersey, from the New Jersey Turnpike and the Garden State Parkway, to Newark Airport and the Meadowlands. They built the high-rise casinos that light up Atlantic City's skyline, the new skyscrapers rising up on Jersey City's Gold Coast, the hospitals in which we care for our sick, and the schools in which we educate our children.

Mr. Speaker, the men and women of the New Jersey Building and Construction Trades Council and its unions deserve our gratitude, and I would like to offer my congratulations to President William Mullen and his vice presidents, representing each of the construction trades. I also invite my colleagues to join me in recognizing their predecessors who built the NJBCTC into what it is today, and to the tens of thousands of building trades craft unionists of generations past and present, who have built strong unions and a strong New Jersey.

CRS LETTER ADMITTING ITS ERRONEOUS STATEMENT IN A MEMO ISSUED DURING DEBATE ON H.R. 3313, THE MARRIAGE PROTECTION ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. SENSENBRENNER. Mr. Speaker, on July 22, 2004, the House debated and passed H.R. 3313, the Marriage Protection Act, a bill that would prevent Federal courts from striking down the protection we granted to States in the Defense of Marriage Act. That protection allows states to refuse to recognize same-sex marriage licenses issued in other States if they so choose.

In the midst of floor debate on H.R. 3313, the Congressional Research Service issued a memorandum to the minority staff of the House Judiciary Committee, which stated: "We are not aware of any precedent for a law that would deny the inferior Federal courts original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress." Those on the other side of the aisle made much of this statement, and the statement was widely reported in the press.

I would like to set the record straight. The statement that Congress has never passed a law that would deny Federal courts jurisdiction to hear a constitutional claim is false, and the most cursory review of American history shows that. The very first Judiciary Act of 1789 denied the inferior Federal courts original jurisdiction and the Supreme Court appellate jurisdiction to review the constitutionality of literally thousands of Federal statutes under a jurisdictional regime that governed for roughly a century.

The Judiciary Committee majority staff pointed out these precedents to the Congressional Research Service in a letter sent on August 4, 2004, asking CRS if its position continued to be that "there is not 'any precedent for a law that would deny the inferior federal courts original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress.'"

On August 16, the Congressional Research Service responded in a letter that states: "*our earlier memorandum was incorrect*." (Emphasis added). Let me repeat that. CRS admitted that: "our earlier memorandum was incorrect." CRS goes on to note that it recognizes "the fact that as written and construed [the Judiciary Act of 1789] did operate to preclude any federal court from deciding the validity of a federal statute from 1789 to 1875."

I would like to submit for the RECORD, in addition to my statement, the original erroneous memorandum sent by the Congressional Research Service, the letter to CRS from the majority staff of the committee requesting a clarification of CRS's views, and the response from CRS admitting its error.

So let the record be clear. H.R. 3313, the Marriage Protection Act, has ample precedent in American history, and the Congressional Research Service agrees.

CONGRESSIONAL RESEARCH SERVICE

MEMORANDUM

To: House Committee on the Judiciary, Attention: Perry Apelbaum.

From: Johnny H. Killian, Senior Specialist, American Constitutional Law, American Law Division.

Subject: Precedent for Congressional Bill.

This memorandum is in response to your query, respecting H.R. 3313, now pending before the House of Representatives, as to whether there is any precedent for enacted legislation that would deny judicial review in any federal court of the constitutionality of a law that Congress has enacted, whether a law containing the jurisdictional provision or an earlier, separate law. We are not aware of any precedent for a law that would deny the inferior federal courts original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress.

[Letter sent to the Congressional Research Service from the Committee on the Judiciary]

AUGUST 4, 2004.

Mr. JOHNNY KILLIAN,
Madison Building, Library of Congress,
Washington, DC.

DEAR JOHNNY: In an undated Memorandum from yourself to Perry Apelbaum, the minority chief counsel of the House Judiciary

Committee, you stated "We are not aware of any precedent for a law that would deny the inferior federal courts original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress." This Memorandum was made known to us in the midst of House floor debate on H.R. 3313, the Marriage Protection Act, on July 22, 2004.

In the Judiciary Act of 1789, (Footnote Text: Judiciary Act of 1789, 1 Stat. 85 (1789)) Congress provided no general federal question jurisdiction in the federal courts below the Supreme Court. (Footnote Text: See Richard H. Fallon, Daniel J. Meltzer, and David L. Shapiro, Hart & Wechsler's The Federal Courts and the Federal System (4th ed. 1996) at 33 (stating that in the Judiciary Act of 1789, "Congress provided no general federal question jurisdiction in the lower federal courts")). The federal circuit courts were vested with jurisdiction according to the nature of the parties rather than the nature of the dispute. The Judiciary Act of 1789 provided "the circuit courts shall have original cognizance . . . of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds . . . the sum . . . of five hundred dollars, and the United States are plaintiffs, or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State." (Footnote Text: Judiciary Act of 1789, 1 Stat. 73, §11 (1789))

Further, and of relevance here, Section 25 of the Judiciary Act of 1789 restricted the Supreme Court's appellate jurisdiction over state court decisions to cases where the validity of a treaty, statute, or authority of the United States was drawn into question and the state court's decision was against their validity (Footnote Text: Judiciary Act of 1789, 1 Stat. 73, §25 (1789)) or where a state court construed a United States constitution, treaty, statute, or commission and decided against a title, right, privilege, or exemption under any of them. (Footnote Text: Judiciary Act of 1789, 1 Stat. 73, §25 (1789))

Consequently, under the Judiciary Act of 1789, if the highest state courts upheld a federal law as constitutional and decided in favor of a right under such federal statute (and there was no coincidental federal diversity jurisdiction), no appeal claiming such federal law was unconstitutional was allowed to any federal court, including the Supreme Court. The Judiciary Act of 1789, therefore, denied the inferior federal courts original jurisdiction and the Supreme Court appellate jurisdiction to review the constitutionality of literally thousands of laws of Congress in the many and various circumstances meeting the criteria just mentioned.

Congress did not grant a more general federal question authority to the lower federal courts until after the Civil War, (Footnote Text: See Act of Mar. 3, 1875, ch. 137, 18 Stat. 470 (1875)) and Congress did not grant the Supreme Court the authority to review state court rulings upholding a claim of federal right until 1914. (Footnote Text: See Judiciary Act of 1914, Act of Dec. 23, 1914, ch. 2, 38 Stat. 790 (1914)) Until 1914, then, a situation existed in which the constitutionality of literally thousands of federal laws could not be reviewed in either the inferior federal courts, or the Supreme Court, or both.

We are not aware of any doubt about these facts among scholars of federal court jurisdiction.

The Judiciary Act of 1789, of course, went far beyond what H.R. 3313 would do regarding federal court jurisdiction. While the Judiciary Act of 1789 precluded all federal court review of constitutional issues when state courts upheld any law of Congress (expressing a policy distinctly in favor of the validity of federal law), H.R. 3313 simply provides that challenges brought against one section of the Defense of Marriage Act, codified at 28 U.S.C. §1738C, (Footnote Text: 28 U.S.C. §1738C states "No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.") be brought in federal court, and in no way favors any particular outcome.

Therefore, I am writing to ask you whether you continue to believe the statement that there is not "any precedent for a law that would deny the inferior federal courts original jurisdiction or the Supreme Court of appellate jurisdiction to review the constitutionality of a law of Congress" is correct.

We would appreciate your answer as soon as possible, but no later than August 16, 2004.

Sincerely,
PHIL KIKO,
Chief of Staff/General Counsel.

[Letter in response to the letter dated August 4, 2004 from the Congressional Research Service to the Committee on the Judiciary]

CONGRESSIONAL RESEARCH SERVICE,
August 16, 2004

MEMORANDUM

To: House Committee on the Judiciary, Attention: Philip C. Kiko.
From: Johnny H. Killian, Senior Specialist, American Constitutional Law, American Law Division.
Subject: Congressional Control of Jurisdiction of Federal Courts.

This memorandum responds to your request that we reassess an earlier memorandum of ours that was prepared for Congress in light of construction of an early congressional enactment.

In brief, during consideration of H.R. 3313, the Marriage Protection Act, in the House of Representatives, we were asked whether we were aware of any precedent for the provisions of the bill that would deny all federal courts, the Supreme Court under its appellate jurisdiction and the inferior courts under their original jurisdiction, of authority to review any questions pertaining to the interpretation of, or the validity under the Constitution of, 28 U.S.C. §1738C. That statute provides that no State, or other relevant jurisdiction, is required to give full faith and credit to any public act, record, or judicial proceeding that recognizes marriage between two persons of the same sex. We responded, first orally and then by a brief memorandum, that we were not aware of any precedent for a law that would deny to all federal courts the power to review the constitutionality of a law of Congress.

You have called our attention to provisions of the Judiciary Act of 1789, 1 Stat. 85, specifically §§11, 25, which you contend contradict our memorandum and do deny all federal courts jurisdiction to review the constitutionality of acts of Congress. We do acknowledge that the cited provisions of the first Judiciary Act do in some respects prevent federal judicial review of the constitutionality of some acts of Congress, with, however, some qualifications that we set out below. Nonetheless, there were, indeed, some circumstances under which federal court jurisdiction was denied or not provided, so that our memorandum was not entirely accurate.

Our response requires some analysis. As you point out and as it is the consensus of the scholarly community, the first Judiciary Act did not confer on the federal courts, both the inferior federal courts and the Supreme Court, all the jurisdiction that might have been conferred under Article III of the Constitution. (Footnote Text: See R. Fallon, D. Melzer, & D. Shapiro, Hart & Wechsler's The Federal Courts and the Federal System (4th ed., 1996), 29–33; W. Casto, The First Congress's Understanding of Its Authority Over the Federal Courts' Jurisdiction, 26 B.C. L. Rev. 1101, 1116–17(1985)). Thus, §11 of the Judiciary Act generally conferred diversity jurisdiction, with some limits, on the inferior federal courts, and a few other grants, but it did not confer federal question jurisdiction, that is, jurisdiction arising under the Constitution, laws, and treaties of the United States. So, absent the ability of litigants to obtain original jurisdiction in the inferior federal courts under some other head of jurisdiction, the constitutionality of federal statutes could not be attacked in those inferior federal courts. Some few instances of federal question jurisdiction appeared in the historical record, but it was not until 1875 when Congress conferred general federal question jurisdiction on the inferior federal courts, subject to a jurisdictional amount limitation. 18 Stat. 470.

However, such actions could be brought in the state courts, and the Supreme Court had limited appellate jurisdiction to review the state court decisions. This presents the focal point of the issue before us. Congress did not confer complete appellate jurisdiction over such questions decided by state courts. There were three categories of jurisdiction (Footnote Text: Casto, cited in fn. 1, 1118–20). That is, the Supreme Court enjoyed appellate jurisdiction:

1. Where the validity of a treaty, statute, or authority of the United States is drawn into question and the state court's decision is against their validity.

2. Where the validity of a state statute or authority is challenged on the basis of federal law and the state court's decision is in favor of their validity.

3. Where a state court construes a United States constitution, treaty, statute, or commission and decides against a title, privilege, or exemption under any of them.

Thus, the Supreme Court's appellate jurisdiction in these cases depended upon the particular results reached by the state courts. The first grant clearly recognized the federal interest in having one national, uniform resolution of the question of the validity of a federal law or a treaty, so that if a state court decision invalidated either under the U.S. Constitution the Supreme Court could review it. Only if the state court upheld the federal law or treaty did the Supreme Court lack jurisdiction. Obviously, Congress had in mind the federal interest involved in this situation, but it is nonetheless true that one challenging the validity of a federal law could not take that challenge to the Supreme Court if he lost in the state court.

Similarly, if a litigant challenged a state law as being invalid under a federal law and the state court upheld the validity of the state law, the litigant could appeal to the U.S. Supreme Court and obtain an answer. But if a litigant was defending in state court a claim under a state law, including a contention the federal law was invalid, and that court held the state law invalid under federal law, the litigant could not appeal that decision to the U.S. Supreme Court. So the way that §25 was worded did have the effect, at least in some instances, of insulating a federal law from a federal constitutional attack (Footnote Text: The law, incidentally, was not changed until 1914, 38 Stat. 790, as a result of the decision in Ives v. South Buffalo Ry., 201 N.Y. 271, 94 N.E. 431 (1911), invalidating a regulatory measure under a Lochner-like application of the Fourteenth Amendment's due process clause. One may wonder how often this kind of thing happened if the law was not changed for 85 years).

Now, one can imagine that federal laws were not forever protected from constitutional challenge, that a challenge might only often be postponed. Just consider, the instance might arise in which a state court invalidated a state law as in conflict with a federal law, and the losing party in the state court could not appeal that decision. But in a Nation of many States, thirteen when the Judiciary Act was passed in 1789, as compared to some 40 or so by 1875, when the inferior federal courts were invested with federal question jurisdiction, how many times is it likely that in only one State a federal law of general applicability that could be interpreted as invalidating a state law would be challenged. No principle of res judicata or collateral estoppel would prevent a challenge to such state laws being brought in many States and surely state courts would be divided. Eventually, the issue would come to the U.S. Supreme Court.

That the effect of §25 might only infrequently result in the constitutionality of a federal statute being insulated from review does not alter the fact that as written and construed the section did operate to preclude any federal court from deciding the validity of a federal statute from 1789 to 1875. Accordingly, our earlier memorandum was incorrect.

EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Ms. ESHOO. Mr. Speaker, I rise today to commemorate and observe the solemn anniversary of the unspeakable attacks of September 11, 2001, and in particular to express my deepest sympathies to the families of two American heroes, Naomi Solomon who died in the World Trade Center and Andy Garcia who lost his life aboard Flight 93.

Few events in U.S. history have been so jarring to our collective security and so unifying. The sorrow we all felt that day was surpassed only by our commitment to do everything possible to ensure that never again would we be so vulnerable and so unprepared.

Today, on the third anniversary of that fate-filled day, we must reconnect ourselves to the task of actually doing what has not yet been completed to make America safe.

While we've made progress, we cannot rest. Whether on land, sea, or air, critical security gaps continue to exist 3 years after the attacks of September 11. We have before us concrete steps, recommended by the 9/11 Commission, to address our vulnerabilities and to strengthen our defenses. Congress must reform the intelligence community by doing the following:

Create a strong National Intelligence Director;

Improve Congressional oversight;

Ensure an integrated terrorist watch list;

Strengthen the FBI's ability to collect and analyze domestic intelligence;

Create an integrated strategic plan for aviation and transportation security;

Improve airline passenger and baggage screening;

Improve coordination between FAA and military authorities;

Provide for the increased assignment of radio spectrum for safety purposes; and

Make the Select Committee on Homeland Security permanent.

In the aftermath of our Nation's tragedy, the American people wanted to know how we could help the families of the victims. Their response was to seek independent investigation of what led up to the attack on our country. We owe it to them and to our entire Nation to implement the unanimous recommendations of the bipartisan Commission to protect the American people and our national security. We can do nothing less.

GOOD LUCK TO NATIONAL FEDERATION OF COFFEE GROWERS OF COLOMBIA WITH JUAN VALDEZ COFFEE SHOPS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. FARR. Mr. Speaker, during the 1960s, I lived and worked in Colombia as a Peace Corps Volunteer. I was able to see first hand the resilience, business savvy and general gumption of the Colombian people. One of the sectors in Colombia that exemplifies the strength of Colombians is the Colombian cafeteros, or coffee farmers. Despite the roller coaster that is the world market of coffee prices, Colombian cafeteros have managed to excel and continue to produce the best coffee beans in the world. Decades ago, Colombian farmers joined together and formed the National Federation of Coffee Growers of Colombia—a farmer owned and controlled organization that has worked tirelessly to improve the livelihoods of Colombian cafeteros.

In the 1980s the Federation recognized the importance of marketing and created, what is now a pop icon, the Juan Valdez logo. Today, I would like to applaud the Colombian Coffee Federation for reinvigorating the Juan Valdez logo by opening up the first Washington, DC branch of Juan Valdez coffee shop, located in the Washington headquarters of the Organization of American States building. Selling directly to consumers will help the Colombian farmers earn more for the quality beans that they produce and help increase the standard of living of the cafeteros. Again, I would like to send a special "felicidades" to the Federation for their work on behalf of Colombian cafeteros and wish them the best of luck with the Juan Valdez coffee shops.

IN HONOR OF ANDY MONTANEZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and welcome of Andy Montanez, premier singer from the beautiful island of Puerto Rico. For nearly 40 years, the salsa sound of Mr. Montanez has garnered countless fans in Cleveland, Ohio and around the world.

His love for music and exceptional voice was the driving force behind the immensely successful band, El Gran Combo. During the 15 years they played together, El Gran Combo recorded 37 LPs that included several hit singles. Mr. Montanez retired from El Gran Combo to pursue an international career. He joined the Venezuelan band, La Dimension Latina, one of the most popular orchestra's in Venezuala. His collaboration with La Dimension also produced several LPs and hit songs.

Today, Mr. Montanez continues to compose, play, record and tour with some of the finest Latin musicians around, including his grown children. His talent and enthusiasm continues to inspire and entertain fans located across the globe, yet connected through the universal language of music.

Mr. Speaker and colleagues, please join me in honor of salsa legend and premier Latin singer, Andy Montanez. His rich and powerful voice continues to uplift our spirits and nourish our souls—here in Cleveland, throughout Puerto Rico and around the world. Let the song begin!

A CELEBRATION OF YOUTH IN HONOR OF MADISON AINSLEY KNAPP

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of the birth and life of Madison Ainsley Knapp, born born September 10, 2004. She weighed 7.6 pounds and is 18¾ inches. Madison was born to my Legislative Director Alan Knapp and his wife Jennifer Knapp. Madison was also welcomed into this world by grandparents Larry and Carol Knapp of St. Joseph, Michigan and Virginia McNees of Benton Harbor, Michigan.

Madison is fortunate to be born to such a great family. We welcome Madison to the world with open arms and congratulate her parents and grandparents on the occasion of her birth.

IN CELEBRATION OF THE 40TH ANNIVERSARY OF LEISURE WORLD—LAGUNA WOODS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. COX. Mr. Speaker, I rise today to commemorate the 40th Anniversary of Leisure World in Laguna Woods, California. It was on September 10, 1964 that the first residents moved into Leisure World, a private community designed especially for active, retired seniors. Within a mere three years, the community had grown to a population of 10,000, making it one of our country's earliest and largest age restricted developments.

Today, Leisure World is home to nearly 18,000 residents who enjoy a variety of housing options and social services, an abundance of recreational activities and organizations, and an exceptionally warm and welcoming community. Nestled in the rolling hills of South Orange County, Leisure World existed as an unincorporated part of the county for more than three decades. In 1999, the community made history when its residents voted for cityhood and the area officially became part of Laguna Woods, America's first and only age-restricted city.

I had the pleasure of getting to know the residents of Leisure World when I was first running for Congress in 1988. And, for the past sixteen years, it has been a true honor to represent this unique and thriving community. In my experience, Leisure World residents are among the most politically aware and active of my constituency. Local political clubs have included me in hundreds of roundtable discussions, candidate debates, and "Get-Out-The-Vote" events. Leisure World TV has interviewed me on numerous occasions for its local cable show, and the community newsletter has welcomed my columns.

Most importantly, individual residents are always willing to share their informed opinions and suggestions on nearly any issue. Because of their insight, I have authored laws to reduce death taxes for seniors living in communities such as Leisure World, and to ease federal regulations that sought to outlaw age-restricted communities. I truly value my relationship with Leisure World, and I appreciate the opportunity to carry legislation on behalf of this community.

Mr. Speaker, it is my sincere honor to ask the Congress of the United States of America to join me in congratulating Leisure World-Laguna Woods on the occasion of its 40th Anniversary.

REMEMBERING FIRST LIEUTENANT RONALD WINCHESTER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I rise on behalf of the 4th Congressional district of New York in remembrance of First Lieutenant Ronald Winchester, from Rockville Center, of the United States Marine Corps. I would like to extend my heartfelt sympathy and condolences to Robert's friends and family, especially his parents Ronald and Marianna. Lt. Winchester was killed in the line of duty while heroically serving his country during Operation Iraqi freedom.

Ronald graduated from Chaminade High School in Mineola where he was a star on the football team. That did not change upon his arrival at the Naval Academy in Annapolis, Md. He was a star offensive lineman during the 1999 and 2000 seasons when he had some memorable games against Army and his friend Doug Larsen.

Ronald had a profound love and dedication for his family and country. People could see this and were drawn to Ronald's outgoing nature. Ronald had an infectious personality and was a natural leader. It was easy for his peers, whether on the football field or the battlefield, to respect and admire him.

It is always sad when a person, such as Ronald, is taken from us. He will be missed but not forgotten. I ask people to remember Ronald and all of the other men and women we have lost. We must also pray for those still fighting for the ideals, rights and freedoms Ronald held deeply.

EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the anniversary of perhaps the worst day in U.S. history, September 11, 2001.

No one will ever forget where he or she was on that tragic morning. No one will ever forget the selfless and hardworking members of our firefighters, police officers, paramedics, and emergency response workers when the two towers of the World Trade Center collapsed and when the Pentagon was hit by a hijacked plane. No one will ever forget the gallant acts of heroism that occurred on United Airlines flight 93, as the actions of several individuals saved the lives of thousands.

September 11th unified America and reawakened a spirit of patriotism and unity because it was on that day we were reminded that freedom is not free—that there is a price. With time to reflect on the terrible losses suffered that day and the threat of terrorism still present throughout the world, we realize now more than ever the debt of gratitude that we owe to those who place themselves in harm's way to protect our country and our people.

As I stand here before you today, we mourn for those we lost. Our prayers are dedicated to the heroic firefighters, police officers and emergency first responders, our military men and women and other ordinary Americans who have answered the call for freedom.

Again, as our country mourns and continues to heal, I know my colleagues join me in expressing our deepest sympathies to the families of our heroes. America continues to be tested but we are strong and will persevere!

HONORING SENATOR HIRAM FONG

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. WU. Mr. Speaker, I rise to honor our friend and colleague, Senator Hiram Fong. Even though I did not serve with Mr. Fong, I admired his leadership in the Asian American community.

Senator Fong was born in Honolulu, Hawaii on October 15, 1906. He was one of 11 children born to Chinese parents. His work ethic was a good example to all that aspire to be successful. At the age of 4, Hiram caught and sold fish to contribute to his family. He worked hard as a shoeshine boy and sold newspapers when he was 7. Hiram attended Honolulu's public schools and went on to continue his education at the University of Hawaii and Harvard Law School.

Mr. Fong had a full public service career before he entered the United States Senate. He was a member of the Territorial House of Representatives where he would eventually gain many leadership roles. This helped him gain support for statehood of Hawaii among his many colleagues. He also served in the Army Air Corp when he took a short break from the Territorial House of Representatives. He eventually retired honorably as a colonel.

The Senator is remembered for the many great things he did in Congress. He secured funding for the H–1 freeway which runs through Hawaii, established and nourished relationships between the United States and Asian and Pacific countries, and promoting civil rights by requiring auditors at polling sights to ensure minority voting rights.

He was also known for working in a bi-partisan nature to obtain progress and policy for the citizens of our country. Hiram set an example for all who hold public office. Working with both sides of the aisle earned him a successful Senate record that many admire today.

Hiram Fong was a hard working man that gave a great amount of public service to the great state of Hawaii and our country. He provided big shoes to fill, being the first Asian Pacific American to join the United States Senate. I admired his courage and willingness when he defended the civil rights of the APA community and worked on the Immigration Reform Act of 1965. His true leadership contributed to eliminating the immigration quotas for the Asian and Pacific countries.

Senator Fong is survived by his high school sweetheart and wife Ellyn Lo. They had four children Hiram Jr., Rodney, Marvin, and Merie-Ellen.

My deepest sympathies go out to his family during this time of remembrance. Senator Fong will be greatly missed and his service will never be forgotten.

THE EXPIRATION OF THE ASSAULT WEAPONS BAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. FARR. Mr. Speaker, today I come to the floor to protest the Republican leadership's refusal to renew the assault weapons ban. I have heard from law enforcement agencies across the country and citizens from my district urging Congress to take action and renew the assault weapons ban. It is unconscionable that this ban has been allowed to lapse and that we may again see assault style weapons on our street corners.

The assault weapons ban did not have to expire. There are several bills in both the House and Senate that would have extended the assault weapons ban and continued to protect our law enforcement officers from these dangerous weapons. I am a cosponsor of H.R. 2038, the Assault Weapons Ban and Law Enforcement Protection Act of 2003, and H.R. 3831, Assault Weapons Ban Reauthorization Act of 2003. Either of these bills would have successfully and seamlessly continued the protection established by the original assault weapons ban in 1994.

The Assault Weapons Ban has proven remarkably effective in reducing the use of assault weapons in crime. Since 1994, the proportion of assault weapons traced to crimes has fallen by a dramatic 66 percent. In addition, opinion polls show that 75 percent of the public supports the renewal of the assault weapons ban. This legislation takes a commonsense approach that successfully protects the rights of those who collect or hunt and use weapons for legitimate recreational purposes, while also guarding the safety of our law enforcement officers.

On this issue, the Congressional Republican leadership has ignored the will of the public, the professional opinion of law enforcement agencies across the country, and even the views of President Bush who publicly stated his willingness to sign an extension of the assault weapons ban into law. I am saddened by this failure and I will continue working to reinstate the assault weapons ban and to provide our law enforcement officers with the greatest protection possible.

HONORING SENIOR AIRMAN KURT MARUNICK ON HIS SELECTION AS ONE OF TWELVE OUTSTANDING AIRMEN OF THE YEAR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. DINGELL. Mr. Speaker, I rise today to recognize a man who has given himself wholly to his country and his community. Senior Airman Kurt Marunick, from Dundee, Michigan, has been selected as one of the twelve Outstanding Airmen of the Year. He represents the standard of excellence in service for today's men and women in the armed forces of this country.

As part of this award, Senior Airman Marunick will be honored at the Air Force Association National Convention in Washington, D.C. In addition, he will serve as a member of the Air Force Association's enlisted advisory council for the next year.

Senior Airman Marunick is assigned to the 347th Maintenance Squadron of Moody Air Force Base of Valdosta, Georgia. He was recently deployed to Iraq from February to April of 2004, where he received the Air Force Achievement Medal for "outstanding achievement" for his service. His service is known to have saved many lives and contributed greatly to the success of numerous missions.

In 2003, he was named Airman of the Year for Air Force Special Operations Command. The two awards show a true dedication to his work and fellow Airmen. His efforts are truly commendable; he is a role model who serves in an exemplary manner.

Senior Airman Marunick is a life-long resident of Michigan, graduating from Dundee High School and Eastern Michigan University. Not only does he serve as an example for all who wear a United States uniform, but he also serves as a role model for his friends and neighbors outside of the Air Force. He volunteers for many different charitable organizations, tutors at local high schools, and founded the Moody chapter of Airmen Against Drunk Driving.

Mr. Speaker, I ask that my colleagues rise and join me in recognizing Senior Airman Kurt Marunick for all of his accomplishments. Our country is certainly a better place because of his efforts.

HONORING AND RECOGNIZING DOROTHY SCOTT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. ISRAEL. Mr. Speaker, on November 7, 2003, I came to the House floor to honor and recognize servicewomen who served as Women Airforce Service Pilots (WASP) during the Second World War.

It is not an exaggeration that we owe a big part of the freedom we enjoy today to these women pilots. Their love of country and love of flying is something for which we will always be grateful.

Unfortunately, when I gave thanks to the thirty-eight WASPs who gave their lives in service to their country, I unintentionally failed to include the name of Dorothy Scott. Like the others, her courage is an inspiration for all Americans.

The complete list should read as follows: Jane Champlin, Susan Clark, Margie L. Davis, Katherine Dussaq, Marjorie D. Edwards, Elizabeth Erickson. Cornelia Fort, Frances Grimes, Mary Hartson, Mary H. Howson, Edith Keene, Kathryn B. Lawrence, Hazel Ying Lee, Paula Loop, Alice Lovejoy, Lea Ola McDonald, Peggy Martin, Marie N. Michell, Virginia Moffatt, Beverly Moses, Dorothy Nichols, Jeanne L. Norbeck, Margaret Oldenburg, Mabel Rawlinson, Gleanna Roberts, Betty Scott, Dorothy Scott, Margaret J. Seip, Helen J. Severson, Marie Sharon, Evelyn Sharp, Betty P. Stine, Marion Toevs, Gertrude Tompkins, Mary Trebing, Bonnie Jean Welz, Betty T. Wood, and Mary L. Webster.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes:

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in support of the Bordallo-Faleomavaega-Christiansen amendment to the Labor-HHS-Education Appropriations Act and I commend my colleagues, including Chairman DAN BURTON of the Government Reform Committee, for their support.

While I am sure my colleagues will address specific issues related to their constituencies, I would like to share with you my concerns about American Samoa's treatment under the Medicaid program. During the 108th Congress, I introduced H.R. 1188, a bill to amend the Social Security Act to provide for American Samoa treatment under the Medicaid Program similar to that provided to States.

I introduced this legislation for two reasons. One, each year American Samoa's expenditures exceed its federal fiscal ceiling. Two, American Samoa, like every other insular area, pays a higher federal match than 40 other states.

Each of these points deserves discussion and I would like to begin by addressing the issue of federal fiscal ceilings. In fiscal year 2003, more than 36,200 individuals in American Samoa were Medicaid eligible and American Samoa received $3.7 million in Medicaid reimbursement.

However, in FY2003, American Samoa's Medicaid program cost $12.2 million and if American Samoa were treated like a State, the federal government would have been responsible for $6.1 million (or half of the costs) and the American Samoa Government (ASG) would have been responsible for the other half, also $6.1 million.

As it is, a federal ceiling is in place. For FY 2003, the federal ceiling for American Samoa was $3.7 million, meaning that the federal government only paid out $3.7 million of the $6.1 million to which we would have been entitled if we were treated like a State, leaving a difference of $2.4 million for American Samoa to pay for in addition to its own share of $6.1 million. In other words, American Samoa paid the $2.4 million which was over the federal ceiling plus its local share of $6.1 million for a total of $8.5 million in FY2003 Medicaid costs. The federal government paid $3.7 million.

For FY2004, and as a result of our efforts to include provisions for the insular areas in the Tax Act of 2003, American Samoa will receive about a 5.9% increase or about $460,000 in Medicaid payments. But an increase of a half a million dollars is not enough. It is not enough for American Samoa and it is not enough for the other insular areas. Like American Samoa, all other insular areas including Guam, CNMI, the Virgin Islands, and Puerto Rico have federal ceilings in place that cap the amount of federal assistance they can receive under the Medicaid program. Although I have introduced legislation to specifically address American Samoa's needs, and although the other Territories have also asked Congress to intervene in their behalf, Congress has hesitated to assist us because of Puerto Rico's population.

Puerto Rico has a population of almost 4 million. American Samoa, Guam, CNMI and the U.S. Virgin Islands have populations which range from 60,000 to 150,000. Federal costs to reduce the match and increase the Medicaid ceiling for Pacific Island Territories and the U.S. Virgin Islands would be minimal. However, to assist Puerto Rico, Congress would have to shell out millions of dollars per year in Medicaid reimbursements and this has been the problem.

Time and time again, Congress has hesitated to assist the Pacific Island Territories and the U.S. Virgin Islands for fear this might open the door for increased Medicaid benefits to Puerto Rico. Quite frankly, I think we should all be treated fairly, including Puerto Rico, and I will continue to bring this matter to the attention of Congress until the matter is fairly resolved.

With a per capita income of about $4,500 per year, more than 56 percent of American Samoa's population lives below the poverty level and all on-island health care is provided by the LBJ Tropical Medical Center. The LBJ Tropical Medical Center is a semi-autonomous agency of the American Samoa Government.

Construction of the LBJ Tropical Medical Center was completed in 1967. The in-patient wards have not been renovated since this time. The patient wards have no air conditioning and many do not meet fire safety codes and ADA standards and requirements.

While I am not asking for millions of dollars to address the inequity that currently exists in the way we provide for the healthcare needs of American Samoa, I am asking that the federal Medicaid ceiling be raised and the calculations used to determine the federal match for the States be applied to American Samoa.

Until this matter can be fully resolved by Congress, I am hopeful that my colleagues, both Republican and Democrat, will support this amendment which minimally increases the Medicaid cap for American Samoa, Guam, the U.S. Virgin Islands and CNMI.

Again, I thank my colleagues for their consideration of this amendment and I look forward to working with each of you to find a fair and reasonable approach to resolving health care disparities in the United States Pacific Island Territories.

THE HONORABLE CHARLES L. LEWIS III

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mrs. DAVIS of California. Mr. Speaker, I rise today to pay tribute to and honor the life of Charles L. Lewis III.

Charles Lewis was a leader in the San Diego community, the city that I am so proud to represent in the Congress. During his 37 years of life, Charles contributed so much to the citizens of San Diego. With his passing on August 8, 2004, our city has lost one of its great heroes.

Charles's life is that classic story of one of the kids that made good. He grew up in the neighborhoods of Skyline and Paradise Hills in San Diego, where he was known by his friends as Chucky. At the time, these were tough, working class neighborhoods that were often forgotten by the officials elected to represent them.

Through hard work, talent, and grace, Chucky grew into a strong young man. He graduated from Morse High School and went on to receive a bachelor's degree from San Diego State University.

It was at this time, Mr. Speaker, that Chucky came to be known as Charles, and he came to serve this body. He spent his senior year of college interning for then Congressman Jim Bates and began what would be a lifetime of service to San Diego.

Recognizing his intelligence and dedication, Charles was hired by Councilman George Stevens to serve his constituents in the City's Fourth Council District, the very neighborhoods Charles grew up in. Over the next 12 years, Charles spent every day of his life serving the Fourth District. Remembering where he came from, he resolved to never let his neighborhoods be forgotten by City Hall again.

While working for Councilman Stevens, Charles developed many innovative programs that empowered and inspired the people of the Fourth District. He helped create 23 Neighborhood Councils that gave residents a voice to take back their neighborhoods from crime and blight. He implemented graffiti control and tree replacement programs that helped beautify his communities. As a result of his accomplishments, he was promoted up the chain until he became the Councilman's Chief of Staff.

In 2002, after 10 years of effective leadership as a civil servant, Charles was chosen by his community to represent them on the San Diego City Council. His campaign platform was called the Three Rs: Reputation, Relationships, and Results.

On the Council, Charles made a name for himself as a strong advocate for neighborhoods and he built a reputation of being tough on crime. His efforts helped San Diego achieve the lowest crime rate among the 10 largest cities in America in 2003. This was a statistic that I know made Charles very proud.

While on the Council, Charles was known for his quiet strength. He was often reserved in public meetings, only to become vocal and outspoken when issues related to his neighborhoods were brought forward. He was a fighter.

He also wasn't afraid to take unpopular positions. Although an elected representative of the City of San Diego, Charles remained an avid Oakland Raiders fan—to the dismay of many San Diego Charger supporters.

Mr. Speaker, because of his deep roots in the community; because of his strength of character; because he never forgot where he came from or who elected him to serve; and because of his strong faith in God, Charles was beloved in the Fourth District and throughout San Diego.

Sadly, Charles Lewis died suddenly last month at the age of 37. He is survived by his wife Carlette, his mother Rosemary Pope, his father Charles Lewis II, and his sister Charis. And he is also survived by the over 160,000 San Diegans that called Charles their Councilman.

I am sad that I will no longer see Charles when I return to my district. That we won't run into one another at annual Juneteenth celebrations, community fish-frys and traditional groundbreaking and ribbon-cutting ceremonies. And I regret that San Diego will not have his leadership to guide us in the years ahead.

But, I am certain that Charles' memory will live on through his contributions to the community. Today, the Neighborhood Councils he helped create still meet. The trees he helped plant continue to grow. The lives he touched go on. And the neighborhoods he helped revitalize flourish.

We will all miss Charles L. Lewis III.

STATEMENT REGARDING THE WOMEN'S EDUCATIONAL EQUITY ACT AMENDMENT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. HONDA. Mr. Speaker, Title IX established the principle of equal opportunity for all students and athletes, breaking down the institutional barriers to education that had beset women for decades. Its affirmed goal was to eliminate "discrimination based on sex." It quickly became clear that this milestone could not be achieved by decree alone, and 2 years after the passage of the Title IX, late Congresswoman Patsy Mink of Hawaii introduced the Women's Educational Equity Act (WEEA) as one of the means to implement and establish those principles embodied in the language of Title IX.

The Women's Educational Equity Act addresses the social and cultural structures surrounding gender inequality. For 20 years, WEEA has provided Federal dollars for projects that promote educational equity for young women through competitive grants to public agencies, private non-profit organizations, and individuals. Most of the funds are directed to local implementation of gender equity policies in the academic curriculum and research and development projects.

In its 20 year history, WEEA has funded a variety of projects from the Women in Science and Environment (WISE) program in Boston which provides hands-on experiences in science and environmental industries for more than 300 students each year to the Stepping Stones Across the Digital Divide, a project in my state of California, which targets Hispanic females in grades 3 to 6. The goal of this project is to increase academic performance through developing computer and emerging information technologies. Collectively, these programs have made great strides in providing equity in education opportunity for women.

Republicans in Congress have steadily eroded the money appropriated to this program from its peak of $10 million in 1980 to less than $3 million last year. This year, for inexplicable reasons, Republicans have stripped this successful program of all of its funding, effectively eliminating it.

It is clear that WEEA has succeeded in creating unprecedented educational opportunities for women in all areas of academia. Since WEEA was enacted, 63 percent of female high school graduates enroll in college, up from 43 percent in 1973. Furthermore, the number of women earning a bachelor's degree from college jumped from 18 percent to over 30 percent. These dramatic academic accomplishments, pale in comparison to the strides made at the graduate level. In the ten years since WEEA was adopted, the number of women receiving medical, law, and doctoral degrees has spiked from 9 percent to 38 percent, 7 percent to 43 percent, and 25 percent to 44 percent, respectively.

The Women's Educational Equity Act embodies the ideals of equal opportunity embraced by all Americans. It provides an environment where women are given the opportunity to overcome the institutional barriers to education that have existed for many years. WEEA's principles and programs talented young women's skills and interests in whatever discipline they choose. Most importantly, it is a program whose proof lies in the achievements of the women who have thrived in the years since its inception. Patsy Mink had the foresight to introduce this program and positively affect the lives of thousands of young women. In honor of the late Congresswoman Patsy Mink, let us carry out her vision of the implementation of Title IX and support this amendment and the thousands of women who can benefit from such programs in the future.

HURRICANES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my deep sorrow and incredible admiration for the people of the State of Florida, who have had to endure the damage and destruction of Tropical Storm Bonnie and Hurricanes Charley and Frances and who are preparing for the landfall of Hurricane Ivan. Not many natural disasters target an entire state, and I am comforted to know that even in the toughest of times, Floridians can work together and persevere.

These past few weeks have been very hard for the people of Florida. As our families were returning from late summer vacations and our children were settling into the new school year, the official hurricane season snuck up on us. While Florida's unique location between the Atlantic Ocean and the Gulf of Mexico makes it the most hurricane prone state in the Nation, no one would have imagined the loud roar that greeted us in the middle of August. We have been challenged by this abrupt and alarming hurricane season and one thing is for sure: the people of Florida are strong-willed and resilient.

We have had to board up our homes and businesses, pack our belongings, and pray. We have had to return to our homes and watch our neighbors pick up what belongings remain. We have had to wait in long lines to receive food, water, and gas. And we have had to do this while trying to maintain a normal life.

Florida's tourism industry suffered greatly because of the fear of these storms and the ensuing closure of many of Florida's greatest attractions, and the agriculture industry also has suffered deeply. The State of Florida has a wide range of crops and livestock grown and raised in her backyard. Our farmers and ranchers will be affected for years after the devastating effects these high winds have had on their crops. The total loss in Florida's agricultural production from Hurricanes Charley and Frances alone could cost more than $2 billion.

Before this year, the State of Florida had fallen victim to seven major hurricanes and one devastating tropical storm in the past century, which makes this year's active hurricane season so unique. While much research has been conducted to help the National Weather Service detect hurricanes before landfall, the need still remains for an exact method to predict the paths of hurricanes and tropical storms.

The U.S. Congress recognizes the need to further research the impact hurricanes and other windstorms have on communities. As we have experienced these past few weeks, hurricanes can hit land with wind speeds in excess of 155 mph and destroy all that is in their path. The Nation's most expensive hurricane, Hurricane Andrew, made landfall near Miami in 1992 with wind speeds exceeding 175 mph and caused more than $25 billion in damage. It is still too early to measure the monetary impact of Hurricanes Charley, Frances and possibly Ivan, and there are still six weeks remaining in the official hurricane season.

The House of Representatives approved the National Windstorm Impact Reduction Act on July 8, 2004. This bill establishes a multi agency National Windstorm Hazard Reduction Program which will improve the understanding of windstorms, windstorm impact assessment, and windstorm impact reduction. The bill authorizes much needed funds for research and development projects that will improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines. Through this research, the goal is to ensure the safety of buildings and homes from the destructive effects of hurricanes. Although approving this legislation will reduce the impact of hurricanes and improve the prediction of these storms, this bill will not help the victims of this year's hurricanes. Additional research is needed to protect our citizens in the future.

The road to recovery can not be accomplished without all of the help and outpouring of support that the State of Florida has received in the past few weeks. Thousands of volunteers have come from all over our great Nation to restore our electricity, cook us hot meals, provide temporary shelter and clothing for those who are now homeless, and help us pick up what remains of our communities. I am grateful for all of those volunteers and for all of the government agencies that are quickly and efficiently working to help the citizens of Florida stand up on their feet. We are indebted to your service and will not forget your help during these hard times.

IN SUPPORT OF H. RES. 2038: REAUTHORIZATION OF THE ASSAULT WEAPONS BAN, AND FOR OTHER PURPOSES

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. CUMMINGS. Mr. Speaker, I rise in support of H. Res. 2038, a resolution to reauthorize the assault weapons ban, sponsored by Representative CAROLYN MCCARTHY, member of the committee on Homeland Security. I thank you for your tireless leadership on this issue.

September 13, 2004, marks the day that we take a step back. Today marks the day that some Members will ignore the outcries of millions of Americans to extend this legislation, whose communities have been protected for a decade under the Assault Weapons Ban. On this day, the Republican leadership in Congress and the Administration have failed the citizens of this country by allowing this ban to expire. While some Members of these two chambers and the administration are content to play this game of "cat and mouse," the expiration of this progressive legislation unleashes unimaginable threats upon our society.

Mr. Speaker, we need not look too far in the recent past to know the terrifying effects of military-style weapons on our society. In 2002 John Lee Muhammad and Lee Boyd Malvo terrorized the Washington Metropolitan area for several weeks. While some Members of this body and the Administration may have forgotten, I can assure you that the D.C. sniper shootings left an indelible mark on the 12 families who suffered at their hands and many Americans. Just last year, in 2003, our society was plagued again by sniper shootings in Ohio. There have been 12 shootings linked to this Ohio sniper, who allegedly used a semiautomatic pistol in his shooting spree. Of course let us not forget Columbine and the more recent Randallstown shooting in Baltimore County—evidence that no one, in no place even our innocent children are safe from gun violence. It is impossible to ignore the impact of gun violence in our society.

Mr. Speaker, today we witness a political conundrum—we have an administration that believes that the War on Terror is a continuous battle, but then seeks to potentially arm the people who threaten our homeland, our security, and our safety in this country. By allowing the ban to expire, it demonstrates a lack of leadership, and undermines the very system we are currently trying to strengthen here in Congress. The administration's failure to push Congress to hear this debate, while at the same time announcing its willingness to sign the ban if extended, sends mixed signals. If the administration will not fight to protect millions of lives in the U.S. who inevitably stand in harm's way when the ban is lifted, how can it propose to effectively lead our country as we combat foreign enemies?

The importance of this ban is evident. Since its enactment, our Nation has witnessed a sharp decline of assault weapons used in crimes. The Bureau of Alcohol, Tobacco, Firearms, and Explosives notes that since the ban's enactment in 1994 that usage of assault weapons in a crime has declined by 66 percent, and the Bureau has recovered more than 1.4 million guns in our country. These weapons, which were illegally possessed, were either used in a crime or linked to a crime. With staggering statistics such as these, Mr. Speaker, it is hard to ignore the effectiveness of this ban. In my home State of Maryland, there has been an overwhelming decline of assault pistols used in crimes since the Maryland Assault Pistol Ban in 1994. The Baltimore City Police Department concluded that since the ban's enactment that 55 percent fewer assault pistols were used in crimes. Once again Mr. Speaker, with statistics such as these, we cannot ignore that this ban saves lives.

Furthermore, the administration has proposed deep cuts in the Community Oriented Policing Services program (COPS), which provides grants to State and local law enforcement agencies to hire police officers, by cutting funding from 482 million to 97 million dollars. These cuts coupled with the expiration of the ban render our Nation's State and local law enforcement agencies practically unable to defend and protect citizens.

Mr. Speaker, I would like to conclude with these final words—the failure to pass this extension signals to millions of Americans that the leadership in Congress once again has not heard their pleas. This failure to extend the ban is only symptomatic of the failure of this current leadership and administration to hear the voices of this nation pleading for better healthcare, better schools, and safer communities.

How can we let this ban lapse when it has saved so many lives?

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes:

Mr. RUSH. Mr. Chairman, last Thursday, during the House's consideration of H.R. 5006, the Fiscal Year 2005 Appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, I inadvertently voted for the Hayworth/Boehner amendment. I would like the record to reflect that I am opposed to the Hayworth/Boehner amendment and should have voted against it.

The Hayworth amendment would have exempted more than 400,000 workers employed by tribally-owned casinos from coverage under the National Labor Relations Act (NLRA). While I strongly support sovereignty for tribal governments, I do not believe that Native American sovereignty was meant to deny the right to freely associate or collectively bargain to casino employees. A recent NLRB decision held—in fact—that Indian tribal enterprises are subject to the NLRB. In light of that decision, this House took the appropriate action in turning back the Hayworth/Boehner amendment, and passing H.R. 5006 without it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 14, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Foreign Relations

To hold hearings to examine accelerating U.S. assistance to Iraq.

SD–419

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine impacts of climate change.

SR–253

Finance

Business meeting to consider a substitute to S. 333, to promote elder justice, and the nomination of J. Russell George, of Virginia, to be Inspector General for Tax Administration, Department of the Treasury.

SD–215

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

Commission on Security and Cooperation in Europe

To hold hearings to examine how the U.S. can best utilize the Organization for Security and Cooperation in Europe to advance its political, security and humanitarian interests.

334 CHOB

10:30 a.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, proposed legislation making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005.

SH–216

SEPTEMBER 20

2 p.m.

Aging

To hold hearings to examine a new generation of older Americans redefining the new rules of the workplace.

SD–628

SEPTEMBER 21

10 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Karen Alderman Harbert, of the District of Columbia, to be an Assistant Secretary of Energy for International Affairs and Domestic Policy, and John S. Shaw, of the District of Columbia, to be an Assistant Secretary of Energy for Environment, Safety and Health.

SD–366

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 784 and H.R. 1630, bills to revise the boundary of the Petrified Forest National Park in the State of Arizona, S. 2656, to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon, S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, S. 1311, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and H.R. 2055, to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

SD–366

SEPTEMBER 22

9:30 a.m.

Indian Affairs

To hold a business meeting to consider pending calendar business; to be followed by an oversight hearing on the contributions of Native American code talkers in American military history.

SR-485

10 a.m.

Joint Economic Committee

To hold hearings to examine expanding consumer choice and addressing "adverse selection" concerns in health insurance.

SD-628

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and a Member of the Board of Directors of the African Development Foundation.

SD-419

SEPTEMBER 23

10 a.m.

Energy and Natural Resources

To hold hearings to examine the current status of the Hard Rock Mining Industry in America, focusing on a status and trend analysis, a review of domestic mineral reserves, a summary on exploration investments and current production as well as permitting and reclamation issues.

SD-366

SEPTEMBER 29

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by an oversight hearing on lobbying practices involving Indian tribes.

SH-216

POSTPONEMENTS

SEPTEMBER 15

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the 9/11 Commission and efforts to identify and combat terrorist financing.

SD-538

SENATE—*Tuesday, September 14, 2004*

The Senate met at 9:45 a.m. and was called to order by the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our rock, hear our praise today, for Your faithfulness endures to all generations. You hear our prayers. Surround us with Your mercy. You are our strength and our shield. Listen to the melody of our gratitude, for You are the center of our joy. Thank You for illuminating our paths with Your precepts, dispelling the darkness of doubt and fear.

Today, guide our lawmakers. Be their shepherd in these dangerous times. Help them to not trust solely in human wisdom but to follow Your revelation. Lead them beside still waters and reward their faithfulness. May they find their refuge in You.

Lord, You are our song. Thank You for the gift of this day. Empower us to be doers of Your will and not simply hearers. Deliver us from evil as we keep our eyes on You.

We pray with grateful hearts. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 14, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we have a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee.

Following morning business, the Senate will resume consideration of the Homeland Security appropriations bill. As I understand, there are approximately five pending amendments the chairman will review to determine when we will be disposing of them. Therefore, Senators should expect numerous rollcall votes over the course of the day as we move toward completion of that bill.

We do have our recess between 12:30 and 2:15 for the weekly party luncheons.

While I mentioned we will have numerous rollcall votes, and I see the assistant Democratic leader, one thing we must do over the course of today and tomorrow is limit the amount of time for Senators to vote in the specified time. We have Senators who straggle in. Everyone has an excuse. We have been too liberal in allowing people to come in late. In order to finish the bill, especially as we want to pay appropriate respect to the Jewish holiday tomorrow, I plead with our colleagues that they come as soon as they are notified there will be a vote. We give everyone a heads-up when there will be a vote. Come and vote and leave and efficiently use that time.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield for a question.

Mr. REID. Mr. President, I am so gratified to hear the leader speaking on this topic.

Yesterday, we had a vote that took 45 minutes. I suggested to the floor staff maybe we should do away with the 15-minute limitation and wait until the last person shows up. It is unfair to this body. I don't think the leader should plead with people to come. They would come very quickly if we start cutting off the votes. It is unfair to this body to wait around here while somebody is finishing a phone call or a workout in the gym while the rest of us are waiting to get work done.

Also, if I could, through the Chair, we want to finish this Homeland Security appropriations bill. We have been working through these numerous amendments. We are at a point where I believe we could finalize this bill.

Finally, as the leader knows, we wanted to have a cutoff on this. I understand the leader decided yesterday to take a look at it to see if there is something we could do to help the situation in Florida through this bill. I said yesterday—and still say this—let's finish this bill. We want to help Florida as much as we can, but I think, by trying to tie these two things together, it is not going to work very well.

I respectfully submit to the leader, let's try to push forward and have a timeline when we can finish this bill. It is an important piece of legislation. We understand that. But it would set such a good tone if we could finish that prior to the holiday beginning tomorrow.

Mr. FRIST. I thank the Senator.

Mr. President, I do again restate and reemphasize the importance of finishing this legislation, either this evening or early Wednesday morning, so Senators can observe the Rosh Hashanah holiday appropriately. We want to allow people to have travel time tomorrow as well. But we must finish this bill. Again, the plea for efficiency, for amendments to be brought forward, and that we vote on time is all to restate the importance of dealing with this very important bill and completing this bill in a timely way.

We may well have, in addition to a busy session today, a busy session tonight in order to complete the bill. I know the Members continue to make inquiries as to whether we will finish tonight or in the morning. All I can say is we have to finish the bill. The holiday starts tomorrow, late afternoon, but it means, to give people appropriate travel time, we need to finish it, and we have time to finish it tonight or tomorrow. But I think how things go today and tonight will determine the schedule over the course of the day, tonight, and tomorrow. I will have further updates on that as we progress on the bill.

PORTRAIT PRESENTATIONS

Mr. FRIST. Mr. President, I do wish to alert colleagues to a special event being sponsored by the U.S. Senate Commission on Art today. At 2:30 today, after the policy luncheons, in the Senate Reception Room, just adjacent to where we are now, the portraits of Senators Arthur Vandenberg of Michigan and Robert Wagner of New York will be presented.

Members of the Vandenberg and Wagner families have traveled to Washington for this special event. Senator DASCHLE and I both will be on hand and will be making very brief comments.

I encourage our colleagues to take a few moments to come by and help commemorate these two real giants of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

20th century. It is an opportunity for us to express our appreciation for two distinguished statesmen and their contributions. It is also a time for us to honor this great institution.

We have the opportunity of being part of a very unique family, the Senate family, and today's presentation of portraits in the Reception Room is a reminder of the trust that is placed in us by our fellow citizens and, indeed, as we look to the past, by history.

As a sidenote, I have to say I am very proud that the portrait of Senator Vandenberg was painted by a Tennessean, Michael Shane Neal.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. FRIST. Mr. President, if I could get through everything, I would be happy to yield the floor.

Mr. DORGAN. Thank you. Not yield the floor. I am asking if the Senator would yield for a question when he is finished.

Mr. FRIST. Yes, when I finish. Let me try to get through the announcements, the statements. Let me go through the material, and then I will be happy to yield for a quick question.

ROSH HASHANAH AND ANTI-SEMITISM

Mr. FRIST. Mr. President, tomorrow is the Jewish holiday Rosh Hashanah, and it is also called the Jewish New Year. It is one of the holiest days of the year in the Jewish faith for the Jewish people. Rosh Hashanah marks the anniversary of the creation of the world. It is a day for contemplation and prayer, to look forward to the year ahead, to reflect on past deeds, and to ask for God's forgiveness.

As our friends prepare to celebrate their holiday, I think it is appropriate for us to take time to reflect on our own deeds and the state of tolerance or, as I am pained to say, the rise of intolerance toward the Jewish people. A number of Senators will be speaking on the topic this morning, and I do urge my colleagues to listen and follow the issue closely. A sampling of anti-Semitic incidents just this summer really does paint a disturbing picture.

In Paris, anti-Semitic inscriptions were found stamped into a dozen books in the main library. The perpetrators stamped the edge of the books with the words "Against the Jewish Mafia and Jewish Racism" and then gave the Web addresses of anti-Semitic sites.

Anti-Semitic graffiti, including a sign saying "death to Jews" and a swastika, was found scrawled on a wall on the grounds of Notre Dame Cathedral.

Sixty gravestones were desecrated with swastikas in a Jewish cemetery in Lyon.

France was not alone. Last month, in Germany, thugs vandalized a Jewish monument.

In Belgium, four Jewish teenagers were assaulted. One of the Jewish students was stabbed in the back and his lung was punctured.

In New Zealand, a Jewish chapel was burned down and up to 90 Jewish headstones were pulled out of the ground and smashed.

In Canada, a synagogue was vandalized with graffiti, swastikas, and anti-Semitic slogans.

These are just a few of the incidents that have occurred in recent months. Leaders in the Jewish community are understandably concerned.

I urge my colleagues and my fellow Americans to share their concern.

We know the history. We know where anti-Semitism can lead. It is our duty to stand firm against bigotry and intolerance. We cannot allow history to repeat itself.

Again, I make these statements in part because of the Jewish holiday tomorrow. A number of people have come forward to express their sentiments to us in leadership. I know further remarks will be made on the floor in morning business on that issue.

Mr. President, at this juncture, I am happy to yield for a question.

Mr. DORGAN. Mr. President, I thank the majority leader for yielding for a question.

REIMPORTATION OF PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, this morning, again in a Congress Journal, it says: "Frist Decision to Delay Reimportation." This is the issue of the reimportation of prescription drugs, in order to put downward pressure on drug prices, as I mentioned to the majority leader last week on the floor of the Senate.

I harken back to about midnight, March 11, in the Senate, on the floor of the Senate, when we were in session very late, to a statement put in the Senate RECORD by the majority leader saying "the Senate will begin a process for developing proposals that would allow for the safe reimportation of FDA-approved prescription drugs."

I say to the majority leader, I hope very much that his decision on what the remaining schedule will be for this Senate will include an opportunity for us to, on the floor of the Senate, consider legislation dealing with the reimportation of prescription drugs.

We have bipartisan legislation in the Senate. We also have a House-passed bill that is on the calendar. As I indicated to the Senator from Tennessee last week, it is my intent, and the intent of others—Republicans and Democrats—to push this issue to the floor. But I hope we would not have to push it in light of the statement by the majority leader on March 11, 2004.

I ask the Senator to respond.

Mr. FRIST. Mr. President, I would be happy to respond. Really, we need to clarify because I know a lot of statements have been made to the press that I made a commitment to the distinguished Senator to have a vote on the floor. I think we need to go to the statement he just read and see what was actually both said and the commitment that was made.

Let me read the statement again. He just read it. The statement was—and this statement made by me—"the Senate will begin a process for developing proposals that would allow for the safe reimportation of FDA-approved prescription drugs." So I do not think it is right for Senators on the other side of the aisle to characterize that statement as a commitment to bring it to the floor, have a vote on the floor of the U.S. Senate. So that is No. 1.

No. 2, since that statement was made—and I think it was March 11—it was with the understanding to do exactly what was said; that is, to begin a process that is deliberate, that is thoughtful, that is inclusive, that captures the ideas of a whole range of U.S. Senators, with experts coming in to testify, to talk, to discuss, in committees, outside of committees.

Since March 11, a tremendous amount has been done. Again, I will come back to this whole concept of the safe importation of FDA-approved drugs.

Again, I was looking—because I knew it was going to come up again over the course of today—and vigorous process has begun in the Senate. If we just look since March 11, the Senate HELP Committee, the Senate Judiciary Committee, and the Subcommittee on Investigations of the Senate Governmental Affairs Committee have all held hearings—and continue to hold hearings—on this matter since that statement on March 11.

The HELP Committee, the Health, Education, Labor, and Pensions Committee, the committee of jurisdiction, has not yet developed a consensus on any approach because they are struggling with this issue of putting safety first.

We know there is broad appeal for people who say: Let's bring in cheaper drugs from Canada, maybe from Malaysia, Thailand, India, Brazil, because people want less expensive drugs. I am sure all the polls and surveys say: Bring in those drugs; that means I can get cheaper drugs.

In good conscience, as someone who recognizes that a few bad pills—think back to a Tylenol situation where we had five pills, back in the 1980s, that paralyzed our system, a few counterfeit drugs. The FDA tells us right now they cannot guarantee that 60 billion pills coming to this country every year can be safe, given the structures we have today.

I say that because it is very difficult. That is the reason I don't think we ought to just bring it to the floor without that careful consideration which is underway today, working through the committee of jurisdiction. It is a popular issue. When people say "politically driven," that throws it into partisanship, which I don't want it to be. I know that is not the intention of the authors. We have people on both sides of the aisle supporting specific legislation.

Before bringing it to the floor, I want to make absolutely sure, in this time where we only have 17 days left, when we have an appropriations bill we are presently struggling to finish tonight that talks about the safety and security of the American people, where we have the issue of intelligence reform, where we know we have to look at it internally and reorganize this body, the huge task to make sure we handle intelligence matters appropriately here, where we have a call from the President of the United States over the next 17 days to totally reorganize 15 intelligence agencies in the executive branch, focusing on the safety and security of the American people as it applies to intelligence, I just don't think by bringing this vote up to the floor, because it will be sort of the popularly driven vote without sufficient attention to safety first, that that is the right thing to do, given these 17 days.

We all want to lower the cost of prescription drugs. They are way too high. They are going up too fast. We want to use appropriate tools to do that. Reimportation, if it can be safe, may be one of those tools. Can it be done safely? That has to be the fundamental question. I know both sides of the aisle want the drugs to be safe. They don't want drugs coming in cheaply just so we satisfy the demand for cheaper drugs. The question is, How do we do that. We don't have the consensus yet, I believe, to bring it to the floor and have people voting up or down. And then we really don't have time on the floor as we look at safety and security, the issues of intelligence, intelligence reform, 12 appropriations bills, all due in the next 17 days.

Mr. DORGAN. If the Senator would allow me the courtesy of a reply in leader time, the Senator has taken a lengthy period of time to describe why this may not happen. Let me make a couple of observations.

The Senator knows what we discussed at midnight on the floor on about six or seven occasions prior to midnight on March 17. There were plenty of days left in the session at that point to consider a bipartisan bill on the reimportation of prescription drugs. We agreed there would be a process for developing proposals that would allow for the safe reimportation of prescription drugs, with the understanding that it was going to happen this year.

In the HELP Committee, which the majority leader referenced, there have been three markups scheduled and three markups cancelled. That is not a process that leads to allowing the reimportation of prescription drugs.

I have great respect for my colleague from Tennessee, but there is no safety issue here. Europe does this every day routinely in something called parallel trading. The question for this country will be, Will we decide to put downward pressure on prescription drugs by allowing reimportation or won't we? I believe earlier this year the representation was given to the Senate that we would be allowed the opportunity on the floor of the Senate to deal with this issue.

It is my determination, as with others in the Republican and Democratic caucuses, to push this issue. We need to make time for this in the coming days because this Congress is going to have to consider it. I believe we were given a commitment that it was going to be considered. Three markup sessions that were scheduled and then canceled is not the development of a process that would allow for reimportation. If those of us who have developed our bill on a bipartisan basis don't push it, we will end this session with no opportunity for reimportation of prescription drugs and no opportunity to put downward pressure on prescription drug prices.

This is not a partisan issue for me. It is not a political issue. It is about some poor soul out there this morning who is trying to buy prescription drugs and using his or her grocery money to do it because they are paying double, triple, quadruple, 10 times the price they pay when they go north of the border to buy the same drug put in the same bottle and made by the same company. It is unfair. We ought to do something about it. We have waited far too long.

I respect the majority leader. I simply wanted to point out there has to be time to consider this in the coming 17 days. There was in March, and there needs to be now.

I thank the Senator from Tennessee for his courtesy.

Mr. FRIST. Mr. President, I don't want things to be misrepresented. I want everybody to have a full understanding. The challenges in the HELP Committee do reflect the difficulty. When you are talking about safety, not just of cheaper drugs, if you give somebody a counterfeit drug that doesn't thin their blood and they have a stroke and they die, we have done a disservice. I don't want that to happen. I am not saying reimportation will cause that to happen, but I will say it is our responsibility to put safety No. 1.

I promise you, I will do that. It is an important issue. We agreed on March 11 to put a process in place. Three attempts by the HELP Committee were mentioned that were canceled or postponed. Let me just say, on Thursday July 22, the Subcommittee on Investigations of the Senate Committee on Governmental Affairs held a second hearing on purchasing prescription drugs. On July 21, the HELP Committee had planned to do the markup. It had to be postponed. That is correct.

On July 14, the Senate Judiciary Committee held a hearing on the implications—that is, safety. They also talked about intellectual property trade. But they specifically focused on the drug importation legislation.

On June 23, the Senate GOP HELP Committee had a briefing to help educate us broadly. It was not a markup but a briefing to educate us broadly to discuss, specifically, importation.

On June 17, the Subcommittee on Investigations of the Senate Committee on Governmental Affairs held a hearing where GAO released two new studies that documented how American consumes are able to readily obtain prescription drugs, including controlled substances, over the Internet without a prescription. In that hearing they talked about erroneous dispensing labels, suspicious packaging.

On May 20, the HELP Committee held a drug importation hearing to examine the challenges of developing and implementing drug importation legislation.

The administration has a specific task force on drug importation that was set up as a product of the Medicare bill that we passed on this floor. They have not yet issued their final report. The report will incorporate testimony—this is what the administration is doing—by consumer groups, by professionals, by safety experts, by the FDA, by leading representatives from health care purchasers, from academic scholars. The task force has not yet released their report to us or to the American people. We await that. It is a very important initiative by the administration that we mandated to them. Off the Hill, a number of forums have been held since March.

I mention all of this because I don't want the impression left that this issue, which is important to the American people—and we want less expensive drugs, but we want them to be safe drugs—is not being addressed by this body or other people concerned. I will continue to work with the other side. I know there will be a huge push in these next 17 days to get this up for a vote. I just don't think with the issue of safety and the amount of attention it is going to require on the floor of the Senate, when we are talking about the safety of those seniors and others who depend on these lifesaving drugs, I don't think we can address it adequately in the next 17 days.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Democratic leader is recognized.

ESCALATING COSTS OF MEDICARE

Mr. DASCHLE. Mr. President, I ask unanimous consent that a USA Today story entitled "Medical costs eat at Social Security" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Sept. 14, 2004]

MEDICAL COSTS EAT AT SOCIAL SECURITY

(By William M. Welch)

WASHINGTON.—With a new Medicare drug benefit set to begin in 2006, Americans 65 and older can expect to spend a large and growing share of their Social Security checks on Medicare premiums and expenses, previously undisclosed federal data show.

Information the Bush administration excluded from its 2004 report on the Medicare program shows that a typical 65-year-old can expect to spend 37% of his or her Social Security income on Medicare premiums, copayments and out-of-pocket expenses in 2006. That share is projected to grow to almost 40% in 2011 and nearly 50% by 2021.

Unless Congress does something to hold down costs confronting seniors, the official projections suggest that health spending will consume virtually the entire amount of Social Security benefits when children born today reach retirement age.

The table was provided by the Department of Health and Human Services at the request of Rep. Pete Stark, D–Calif. Stark, who opposed the drug benefit enacted last year at President Bush's urging, sought the data after noticing that a chart included in previous annual reports was not in the 2004 version.

Stark charged that the administration threw out the chart because it shows future Medicare costs under the new law will erode Social Security checks.

"It doesn't look good to lie to grandma, so the Bush administration has withheld information and come up with other creative ways to mask the damage they have done to Medicare," Stark said.

Richard Foster, Medicare's chief actuary, said the program's trustees—administration officials and appointees—replaced the chart with a graph that lacks specific numbers in an effort to show that the increased costs come with a new benefit.

"The table makes it look like beneficiaries are worse off than ever, and that's not the case," Foster said.

Bill Pierce, a spokesman for Health and Human Services Secretary Tommy Thompson, said the administration wasn't trying to hide anything. "We have a new program, and it's got to be reflected with new information," he said.

The drug benefit is voluntary. It requires a premium, estimated at $420 a year initially, and substantial copayments. The administration estimates participants will save about 50% on their drug bills.

Critics of the law say the new figures show it does little to restrain drug costs. The law prohibits the government from negotiating lower drug prices.

The data "ironically are the clearest proof of the new Medicare law's failures and the resulting squeeze on seniors' pocketbooks," said Ron Pollack, head of Families USA, a health advocacy group.

The disclosure comes just days after the administration announced Medicare premiums will rise by 17% next year due to rising health costs.

Foster is at the center of another dispute over missing data. He says he withheld from Congress higher cost estimates for the Medicare law last year, at the direction of a Bush appointee who headed the Centers for Medicare and Medicaid Services. Congress approved the law based on a 10-year, $400 billion estimated price tag. Foster's estimate was $540 billion.

Mr. DASCHLE. Mr. President, I appreciate the opportunity to listen to the colloquy both Senators DORGAN and FRIST have engaged in. Coincidentally, I had intended to come to the floor to talk about the new report that was released on the front page of USA Today citing the dramatic increase in Medicare costs and the impact these costs will have on seniors' Social Security benefits.

In 2005, 19 percent of Social Security benefits are going to go to Medicare expenses. But according to the USA Today article:

> a typical 65 year old can expect to spend 37% of his or her Social Security income on Medicare premiums, co-payments, and out-of-pocket expenses in 2006. That share is projected to grow to almost 40% in 2011 and nearly 50% in 2021.

According to the article, by 2026, over half of a senior's Social Security benefits will be consumed by cost increases under Medicare, including cost increases associated with the new part D drug benefit.

Think about that: we are on pace to see nearly half of the benefit seniors depend on under Social Security consumed by cost increases under Medicare.

Unfortunately, I think the Senate and the country took a step backward when the Senate made the decision last year to pass the legislation it did. Part of the reason for these increases is that the new law will do almost nothing to bring down the cost of prescription drugs. Another reason is that the law and this Administration is overpaying HMOs.

There are ways we can address the dramatic cost increase this chart represents, ways to protect seniors' Social Security and lower drug prices. The first is to do what Senator DORGAN has suggested, and that has bipartisan support: allow reimportation of drugs from Canada.

Canada has exactly the same drug, the same corporation, the same everything, and yet the drugs available there are oftentimes 50 to 60 percent cheaper than they are in this country. If a senior citizen can go to another country to acquire those drugs, why in heaven's name would we prevent them from doing so?

I have heard the distinguished majority leader say that safety is a factor and that we ought to consider safety as we consider providing access to these drugs. Well, I would say cost is a safety issue as well. I have talked to countless seniors in South Dakota who are rationing their own medication because they cannot afford it. If, based on cost, our seniors are not able to take the drugs they need, no one can tell me that is safe. When one rations drugs, when one does not take them all, when one splits pills, when one makes a choice between nutrition and medicine, how safe is that? That is exactly what is going on today.

We've already made the decisions to ensure these drugs will be safe. We should not have to worry about another report or another bureaucratic response. Our seniors are not prepared to wait any longer. We have debated this long enough. Reimportation ought to be the law of the land today. That is one way, perhaps the easiest, simplest, and most compelling way, to deal with the cost issue immediately.

There is a second way to address rising costs. A second way is to do for seniors what we already do for veterans and for our military. What do we do for them? The Government negotiates with the drug companies to bring down prices.

In most cases, drug prices for veterans are at least 60 percent lower than they are for seniors. The only reason they are that much lower is because the Government has the authority to negotiate these lower prices.

Why in heaven's name would people object to extending this concept to seniors as well? On that issue, the drug companies won; we lost. There is a specific prohibition against Medicare negotiating lower prices for seniors, and I think that is an outrage. We ought to pass legislation to allow Medicare to negotiate lower drug prices.

The third thing we can do is to pass legislation that has at least two forms today—and there may be other ideas. Senators STABENOW and KENNEDY have offered a very good bill that would say we cannot increase Medicare premiums beyond the cost of living next year, hold it at that. I have a bill that would do something similar. It says premiums for Part B and Part D of Medicare cannot exceed 25 percent of the cost-of-living allowance provided to Social Security beneficiaries. Both of these bills would help keep costs down for seniors.

So we do not lack ways in which to address the cost issue. What we lack is will, a commitment, a determination to bring the issue to the floor.

We all lament the dramatic increase in the cost of health care, but we are not going to solve it unless we are willing to take some action. We can go through more hearings, we can go through a lot more reports, but reports and hearings are not going to get the job done. This Senate needs to act.

I am amazed at the degree to which the finger-pointing continues to go on and on, with the tired and lame excuse that it is somehow the Democrats' fault that we have not addressed reimportation, that we have not addressed any of the other pending issues.

We have had specific commitments on mental health parity and that bill is now unlikely to be addressed, even though we have had very specific commitments to take up mental health parity in the Senate. That has not happened because there is a lack of commitment and energy on the other side.

We have not been able to deal with the FSC bill, the welfare reform bill, the tax bill, the highway bill, in large measure because our Republican friends have not been able to agree among themselves. So all of these and other issues continue to languish. This is a do-nothing Congress and in large measure it is do-nothing because they have done nothing to bring themselves together and force these issues on to the Senate floor to allow us the opportunity to vote and to do the right thing.

Senior citizens deserve better than that. Those who are in this country looking to the Senate for answers on all of these and other issues deserve better than that. I hope we can make the most of what limited time we have remaining so we can do better than that.

THE FEDERAL GOVERNMENT MUST KEEP ITS EDUCATION PROMISES

Mr. DASCHLE. Mr. President, throughout America, another new school year is beginning. As children settle into new classes and parents meet their children's new teachers, we are reminded once again of the importance of public education to America's future.

Good, strong public schools are not a Democratic or a Republican concern; they are a cornerstone of American democracy. They are what has helped America create the most innovative, powerful economy the world has ever known and they are essential to the survival of the middle class in this country.

Nearly 3 years ago, Congress passed the No Child Left Behind Act containing the most far-reaching changes in Federal education policy in nearly 40 years. Recently, States released their second annual No Child Left Behind report cards, showing how their schools are measuring up under the new law. This afternoon, I would like to talk briefly about how the Federal Government is measuring up—whether we are keeping the promises we made under No Child Left Behind and other important education laws.

All of us know that, if we mention No Child Left Behind at a town hall meeting, we are just as likely to hear boos as we are to hear applause. Why is that?

One reason is because of some basic design flaws. What seemed to work well on paper, we are discovering, may not work as well in practice. Parts of No Child Left Behind need fine-tuning.

There were also some problems, early on, with the way the administration was implementing the new law. Fortunately, some of those problems are starting to be addressed. Yesterday, Senator KENNEDY introduced legislation to make sure the No Child Left Behind Act is implemented correctly. No one understands the No Child Left Behind Act better, and no one worked harder with President Bush to pass it. We ought to have a serious debate—and a vote—on Senator KENNEDY's bill this year.

Unfortunately, the administration and Congressional Republicans remain unwilling to acknowledge one of the biggest impediments to the success of the No Child Left Behind Act: inadequate resources.

Our Republican colleagues cite numbers to show that education funding is increasing. With all due respect, their numbers miss the point. The question isn't: Is the Federal Government spending more on education? The question is: Is the Federal Government providing States with the resources they need to make the No Child Left Behind Act, and other Federal education mandates, work? The answer is no. The President's budget for this year provides the smallest increase in education in nearly a decade. Over the last 3 years, the President's budgets have shortchanged No Child Left Behind by $26 billion.

We all know that more money alone won't make schools better. But we also know that money does matter. It costs money to make the changes the No Child Left Behind Act requires. It costs money to put a highly trained teacher in every classroom. It costs money to test every student, every year, in grades 3 through 8. It costs money to produce and distribute the school report cards that are required under the new law, and to collect and analyze all the data that go into those report cards.

The No Child Left Behind Act aims to close the achievement gap by raising the educational achievement of poor and minority students and students with disabilities. This is a noble and necessary goal. Yet, year after year, the programs that actually help close that achievement gap are the very programs that are the most seriously underfunded. In the President's budget this year, 80 percent of the total shortfall in the No Child Left Behind Act is in Title I programs. The children and schools that need the most help are instead targeted for the biggest funding shortfalls.

Shortchanging Title I and other parts of the No Child Left Behind Act means denying schools the resources they need to succeed—then punishing them for not measuring up.

Refusing to fund No Child Left Behind adequately also undermines local control of schools. Rapid City, SD, is a good example. Parents and educators in Rapid City have come up with an innovative plan for a new, year-round school that would provide extra help to low-income children. It would also work with the children's parents so they can be better partners in their children's education. It is exactly the kind of intensive help that is needed to close the achievement gap. But Rapid City doesn't have the Title I resources to make it a reality.

The underfunding of the No Child Left Behind Act is a major reason that legislators in 17 States—many of them Republican-controlled States—have endorsed bills protesting the law.

The President's budget also provides less than half of what Congress agreed nearly 40 years ago was Washington's fair share of special education costs.

The National Council of State Legislatures estimates the cost of unfunded Federal mandates will hit an unprecedented $34 billion this year. The two most expensive unfunded Federal mandates? No Child Left Behind, and special education. In South Dakota, the shortfall this year just in these two programs is $61 million; $30 million for No Child Left Behind, and $31 million for special education.

Accountability is critical. But accountability has to work both ways. If the Federal Government passes a law, we ought to fund it adequately—not push the cost off on State and local taxpayers.

In South Dakota, we have a State law that allows school districts to "opt out" of the State freeze on local property taxes if they can't provide basic educational programs and still balance their budgets. These are not cases where communities choose to pay higher taxes in order to pay for extras. Before districts can even seek an opt out agreement they have to have already made significant budget cuts.

The number of districts seeking such agreements has increased dramatically since No Child Left Behind was passed. Today, 46 percent of South Dakota school districts are operating under opt out agreements. Think about that: Nearly half the school districts in South Dakota are raising local property taxes, in part to make up for the Federal Government's failure to keep its education promises.

Custer is one those communities. It is a small ranching town in western South Dakota. Last year, Custer went to a 4-day school-week to balance its budget—and it still ended the year with a deficit. This year, Custer has to find an extra $300,000 to replace the 70-year-old boiler in its elementary school. It has no idea where the money will come from.

In Faith, SD, the town's only school building was condemned in June. The people of Faith have no idea how they will replace their school. The local tax base can produce only a fraction of the cost. For now, the children of Faith are attending classes in double-wide trailers.

During the debate on No Child Left Behind, I fought to include a Rural Education Assistance Program to address the unique circumstances of schools in small towns like Custer and Faith. That program, too, is underfunded in the President's budget. In South Dakota alone, the shortfall in rural education this year is $700,000.

Nearly every district in our State has laid off teachers in the last few years. They have cut advanced placement courses, art programs, foreign languages, vocational education programs—you name it. Wall, SD, has eliminated its entire middle-school staff. High school teachers in Wall now teach high school and middle school. Rural districts are forming consortia to share administrators and education specialists.

Across the country, schools are laying off teachers and other employees, and cutting programs, bus routes, textbook purchases, and other expenses. Many communities are rationing Title I funds—limiting them to elementary schools only—because, they say, if they had to include high schools, there wouldn't be enough left for elementary schools to make a difference.

The refusal by Republicans in Washington to adequately fund Federal education programs is not the only reason many public schools are having a difficult time balancing their budgets. But, at a time when many State and local governments are still struggling, these Republican unfunded education mandates are making a difficult situation worse in many places.

And it is going to get much worse. That is not speculation. The Bush administration's own internal budget documents project more than $5.5 billion in cuts for elementary and secondary education in fiscal years 2005 through 2009. Those cuts are more than six times larger than the education increases they are calling for in this election year. That is from the President's own Office of Management and Budget.

If we really couldn't do any better, that would be one thing. But this is a matter of choice, not necessity. At the same time the President and Congressional Republicans are telling us that we can't afford—or don't need—to keep the education promises the Federal Government makes, they insist that Congress needs to create tens of billions of dollars in new tax breaks for millionaires and wealthy corporations. That is the wrong choice for America. Real reform requires real resources, otherwise it is just an empty slogan, or worse—a set-up for failure.

As they start this new school year, most children probably aren't paying any attention to what goes on in Washington. But what we decide here about education will have a profound effect on their future. During the education appropriations debate, Democrats are going to fight to keep the education promises our Government has made. We hope our Republican colleagues will join us—for our children's future, and for the future of our democracy.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for debate only for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the majority leader or his designee.

Mr. REID. On behalf of Senator DASCHLE, I yield 10 minutes to the Senator from Illinois, and following him 15 minutes to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER. The Senator from Illinois.

HEALTH CARE IN AMERICA

Mr. DURBIN. Mr. President, yesterday President Bush went to Battle Creek, MI. The purpose of his visit, of course, was in preparation for the election but also to raise a critical issue, and the issue is the same one we have discussed this morning: health care in America. President Bush was outspoken in attacking Senator JOHN KERRY for having the nerve to suggest we need to change health care in America.

In criticizing JOHN KERRY, President Bush, quoting from the morning newspaper, said JOHN KERRY's proposal would be ultimately a Government takeover of medicine. It would be a massive, complicated blueprint to have our Government take over decisionmaking in health care. Bureaucrats would become the decisionmakers.

Once again, the Republican Party and President Bush wave the bloody shirt that if anyone suggests a change in the health care system in America today that they are calling for socialism and more bureaucracy.

What the President refuses to acknowledge and what the leadership on the Republican side of the Senate refuses to acknowledge is the health care system in America is in crisis. Since this President took office, census figures show 3.8 million more Americans are uninsured. In addition, the Kaiser Family Foundation study released last week said families are paying on average $1,000 more out of pocket for health coverage this year than in the year before the President was elected.

It tells us that health care is becoming more expensive, more exclusive, and, frankly, that the average working family doesn't have a fighting chance under this system. What is the response on the Republican side of the aisle? What is the response from President Bush? More of the same. Don't rock the boat. We cannot say anything negative when it comes to the enormous profits that are being garnered by the drug companies and the HMOs.

But families and businesses across America understand the reality of health care today. When the Republican leader comes to the floor of the Senate and announces that we don't have time in the remaining weeks of the session to consider the issue of reimporting drugs from Canada or other countries, what he has basically said to thousands of seniors and families across America is that we are going to protect American drug companies and their profits at any cost. That is what has happened with our own prescription drug plan for seniors, and it is what is happening for the agenda for the Senate.

Look at what happened to premiums across America. On this chart is a trendline. I don't have to go year by year. Ask any employer in America what has happened to health insurance premiums and they will tell you that every year it is more expensive. I go around Illinois and meet with good, solid, God-fearing Republican businessmen who tell me: Senator, we cannot take it anymore. There is no way we can deal with these annual increases in health insurance. What are you doing in Washington about this? The honest answer is, under the Bush administration and the Republican-controlled Congress, absolutely nothing. So what do these businesses do? They will tell you over and over again they have no choice. How big an obstacle is health care cost in hiring new employees? And 78 percent say it is an obstacle. They cannot hire a new person because the cost of health insurance is so high.

What about the health insurance companies, the HMOs? How are they faring as these health insurance premiums go up? Do the premium increases just reflect the fact that it costs more to provide health care? Look at their profit margins. HMO profits from 2002 to 2003 went from $5.5 billion to almost double that amount, $10.2 billion.

You ask yourself, why is the President criticizing JOHN KERRY for bringing up meaningful health care reform to help working families and help small businesses and large businesses as well? Because the HMOs don't want anybody to rock the boat. The Bush administration, whether they are dealing with the drug companies or HMOs, is going to protect their profit margins, even at the expense of adequate health care for Americans.

When you take a look at what JOHN KERRY proposed, I don't believe it is radical. Would you be in favor of reducing the tax cuts for people making over $200,000 a year and taking that money and expanding the coverage of health insurance in America? Is that a radical idea? No, that is a commonsense idea. People making over $200,000 a year are not going to miss that tiny tax cut as a percentage of their income. But when you put that money together, you are able to address some of the serious problems facing us.

I believe President Bush forgot the obvious. Average working people cannot keep up with the cost of health insurance and health care in America. His administration has done nothing, absolutely nothing, to deal with it. What do they do when JOHN KERRY comes forward and says it is time for us to have a bipartisan discussion on bringing the costs of health care under control and expanding coverage? President Bush goes to Battle Creek, MI, and accuses him of socialized medicine, huge bureaucracies. He says, "A Government takeover of medicine." Those days have passed.

It has been over 10 years since the Congress and the Government in Washington have had a serious conversation about the cost of health insurance. In that period of time, the private sector has been in charge. The private sector has done to health care what you would expect them to do. They have raised the cost and reduced the risk. So every year you find your health care premiums going up and coverage going down while their profits go through the roof. If you want 4 more years of the same, you will have a chance to vote for it on November 2.

Also, consider that Congress—this Chamber, the Senate, and across the rotunda in the House—has failed to meet our responsibilities under Republican leadership. When we have the Republican leader come before us today and say we don't have time to deal with the reimportation of drugs before we adjourn for a recess this year, trust me, if the Republicans continue in control of this Chamber, there will be another excuse next year.

Despite the best efforts of Senator DASCHLE, Senator DORGAN, Senator KENNEDY, and so many others, we are not going to have an opportunity to help people across America deal with the soaring costs of health care until there is a change in leadership and attitude. It is time for business and labor, Republicans and Democrats, to come together to face this health care issue and to do it in a bipartisan fashion. We can do it, but we need a change of leadership to achieve it.

Mr. President, I yield the floor.

Mr. REID. Will the Senator from Massachusetts allow the Senator from Michigan 2 minutes?

Mr. KENNEDY. I am delighted to.

Mr. REID. Senator KENNEDY still has 15 minutes. The Senator from Michigan has 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my colleagues very much. I thank the Senator from Massachusetts for allowing me to take 2 minutes to follow up on the comments of the distinguished Senator from Illinois concerning what is happening on health care and reimportation.

I just came from a gathering with colleagues on both sides of the aisle and the House of Representatives, speaking out again on why we need to pass that bill immediately. We want to lower prices. We need to allow pharmacists to do business with pharmacists across the border in Canada or other countries where it is safe, and we can drop prices in half.

I also raise one more time this issue of the Medicare premium increase that was announced by the administration over a week ago at the end of the day, on a Friday, in the middle of a hurricane, unfortunately, right after the Republican convention, when the President indicated he was going to lower pricing for seniors for health care, and then we saw an announcement of the largest premium increase in the history of the country—17.5-percent premium increase. Social Security is only going up by approximately 3 percent this year, which means seniors will be moving backward, being put in a real hole as a result of what is happening.

I am pleased to have introduced legislation along with my colleague from Massachusetts and other Members. We welcome everyone's support and cosponsorship, and I hope we can get this taken up as quickly as possible. There will be a 17.5-percent increase in Medicare premiums, and a piece of that, as a result of policy changes to privatize Medicare, is not acceptable. As I indicated before, Social Security is going to go up about 3 percent. Yet, we are going to see the highest increase in Medicare's history in premiums.

The majority of seniors have not asked to privatize Medicare. They have not chosen that option. They should not be paying for it. I urge my colleagues to join us to fix that before we leave this fall.

Mr. REID. Mr. President, I yield our additional 5 minutes to Senator KENNEDY, for a total of 20 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first, I commend our leader, Senator DASCHLE, for his presentation this morning and for his constancy and leadership in attempting to bring reimportation legislation before the Senate. He has supported the bipartisan legislation. He reminds us about the importance of it. I am a strong supporter of that legislation. I am disappointed, as Senator DORGAN is, that we have not been able to address it.

This legislation would have an important impact in terms of grabbing a hold of the problem of the escalation of prescription drug prices. The issues on safety have been addressed. I commend our leader for recognizing this and bringing it to the Senate, and I thank Senator DORGAN for his persistence and leadership. Once again, I commend as well my friend and colleague from Michigan, DEBBIE STABENOW, who has been a leader in pursuing a legitimate prescription drug program for years—certainly since she has been in the Senate. I thank again Senator DURBIN from Illinois for his very eloquent summation about where we are in terms of our health care challenges in this country.

I was somewhat surprised, although I should not have been, reading through the President's statement yesterday.

I ask the Chair if he would let me know when I have 3 minutes left, please.

I was surprised, listening to the President talk about the health care challenges we are facing in this Nation. What troubled me about the presentation is that the President went on to misrepresent what my friend and colleague stands for, and basically what I stand for, in the health care choices that are before this Nation. Then, in a technique which some of us have gotten used to here in the Senate—but certainly I think it is unworthy in the Presidential debate—to misrepresent, distort the position of the opposition, and then to differ with it. That is a debate technique which is used here frequently, but is certainly not, I think, fitting in terms of the office of the Presidency of the United States.

In his comments he mentioned that today we are going to hear a lot of talk about a difference of opinion. It starts with: You know what you expect from a Senator from Massachusetts.

I imagine he was, in all respect, making a reference to the longstanding position I have held which I think is still absolutely essential for this country; that we have a universal, comprehensive program that is affordable, dependable, and reliable, at a price that working families, middle-income families can afford. That has been my position. I have offered legislation for more than 35 years to try to be able to do it. We have been unable to do it and I think the American people have suffered.

When I was reading through the comments of the President, they had a wisp of the kind of comments made 35 years ago when a comprehensive, universal program was proposed. At that time the opponents said, Can you imagine, this bill to have a universal, comprehensive program will cost $100 billion?

Let me remind America, this year we are going to spend $1.8 trillion, and $500 billion of that $1.8 trillion has been the increase of the cost of health care for American families since this President assumed office. Hello? Hello, Mr. President? Five hundred billion dollars, half a trillion dollars in increases, and what do you get for it? I will come back to that.

The basic point, so all of us know what JOHN KERRY is fighting for, is to let the American people buy the same kind of insurance policy we have. Who are we? We are Members of the Congress of the United States. We are Senators of the United States. We are executive members of the U.S. Government. We have a very good program. JOHN KERRY believes that same program ought to be made available to the American people. But President Bush does not, nor does the Republican leadership. That is the basic difference.

We know we have a very good program. There is not a Member of this body, not a single Member of this body who doesn't have the Federal Employees Insurance Program. It is an excellent one. We pay 25 percent of the premium and the taxpayers pay 75 percent. That is true with regard to the President of the United States. I wonder, for all those people who were out in that crowd yesterday listening, what percent are they paying for their premiums? I doubt if 2 percent or 3 percent or 4 percent of the crowd he was talking to have the same quality of health insurance we have in the Senate.

It bothers me when we have statements which misrepresent what my friend and colleague is fighting for, which I believe in very deeply. That the American people are entitled to and should have the same kind of health insurance everyone in this body has. That is the issue.

This President says no to that. The Republican leadership says no to that. In the meantime, what they do reminds me very much of what they did with regard to the Iraqi policy. They misrepresent, they distort, and they basically deceive the American people with regard to the facts of the opposition. That is what they have done with regard to Senator KERRY's position.

We have a campaign on. I was here during the debates on the Medicare program. We had legitimate debates on it. It is true the Republicans overwhelmingly opposed Medicare, as they opposed Social Security. So when you listen to a lot of our colleagues—including this administration—talk about how they are for comprehensive universal health care, we ought to say: Hello? When did that come about? We haven't heard that for the last 4 years.

I challenge any Republican to identify the legislation that has been advanced, put before the Senate, that would provide the kind of comprehensive, universal health care coverage at the cost people can afford. It is not there. This administration has not fought for it, doesn't believe in it, and is distorting and misrepresenting the program JOHN KERRY has offered.

There has been reference today to "Medical Costs Eat At Social Security." I wonder if the President mentioned that yesterday. When the actual publication of the Medicare actuaries came out, they designated these increases, not by dollars, but by lines. That is because this administration has been hiding the costs of their various programs. It even says here at the bottom of the article which Senator DASCHLE has had printed, that Foster, who is one of the principal spokespersons for the administration "is at the center of another dispute over missing data. He said he withheld from Congress higher cost estimates for the Medicare law last year. . . ."

Hello? Here it is, the administration trying to hide the costs of Medicare, and complaining, out in Michigan, about the costs of Senator KERRY's health care program. The article says Foster "withheld from Congress higher cost estimates last year at the direction of a Bush appointee."

A Bush appointee? Hello, Mr. President, why haven't you mentioned this in your comments about Senator KERRY?

That would be sad enough, if it weren't for the real results of these increases and in particular the failure of this administration to get a handle on health care costs and on prescription drugs. With the passage of what I call the good-for-nothing Medicare bill the President referred to as—well, he talks about:

> I was sent to Washington to do something, so we modernized Medicare . . . [Listen to this, so we modernized Medicare] with the Medicare bill that was passed just this last year.

We will come to that in a moment. But let's look at what is happening to the increased costs on Social Security. I draw your attention to this chart entitled "The Bush Medicare Program, Health Costs Impoverish Senior Citizens."

These are not the figures of the Senator from Massachusetts. These are the figures of the Office of the Actuary, Department of Health and Human Services. The chart they used in the article, "Medical Costs Eat At Social Security," is for a 65-year-old. This is for an 85-year-old. These are the members of the "greatest generation." These are the men and women who fought in World War II, the great generation that lifted the Nation out of the Depression, fought in World War II.

By 2006, 43 percent of their Social Security benefit is going to be used to pay for the premium and the copayments under Medicare. In 2016 it will be 52 percent. By 2026, it will be 65 percent. That is 43 percent by 2006. How are our seniors going to do it? Well, Senator KENNEDY, we have had an increase in the cost of health care, and this has been terrible but this administration has tried to do something about it. Baloney. This administration has done nothing about the health care costs that are out of control.

This chart shows that health care costs are out of control. This chart indicates the increase in the premiums that we have seen during the period of 2001 cumulatively to 2004. The blue indicates the CPI during that period of time. What we have seen cumulatively is the CPI has gone up 9.2 percent, and health care costs, 59 percent.

Costs are out of control. Where is the administration's answer to the cost of the control? Why aren't we debating that on floor of the Senate after we do homeland security? Why aren't we doing it? We have an opportunity to do something about it with the reimportation. You just heard the majority leader say we were not going to consider it at this time.

The President says costs are out of control. We say OK. Let us do something. Let us make a downpayment and try to get a handle on prescription drugs. The majority leader and the President say: No. You can't do that. We are not going to let you do that. We are going to block you here in the U.S. Senate.

Here it is with regard to the general costs being out of control in relation to the CPI.

Let us look at health care costs. Family coverage costs have increased in 2004. It was $6,348; now it is $9,050. For single coverage in 2000 it was $2,400; now it is $3,600.

That is what has been happening over the period of the last 3 years under this administration. What is their answer? No. The one thing we can do about getting a handle on costs and we are not going to let you do it; we are not going to do reimportation.

Look at the Bush record with regard to the price of prescription drugs. This chart, based on data from HHS, CPI and the Bureau of Labor Statistics shows the cumulative changes in the CPI and the cost of prescription drugs from 2001 to 2003. The CPI grew at 6.8 percent over the period of 2001, 2002, and 2003, and the cost of prescription drugs at 51.5 percent. How are our seniors going to do it? They can't do it. They make the choice between nutrition and prescription drugs, between heating their homes and prescription drugs, between food and prescription drugs, in my part of the country, in walling off part of their houses in the wintertime because they can't afford heating oil and prescription drugs. It is happening every single day. Can't we do something about it? Sure we can, as we have pointed out.

The costs of these prescription drugs are a half or even a third of that in other places around the world.

We have ways to deal with both the costs as well as the safety. But no, the administration won't do it. We see that the administration has basically abandoned any effort to do something about getting a handle on costs. We have seen the total amount that has been expended in this country increase by $500 billion, from $1.3 trillion to $1.8 trillion.

We have seen the President talking about the opposition while JOHN KERRY is trying to get a universal comprehensive program. It ought to be a matter of right in this country. The President says no. And we have denial on the floor of the Senate on the day after the President has spoken of doing something about getting a handle on costs, and this administration wants 4 more years? Talk about irresponsibility. They mislead us in going into Iraq. They mislead us in the use of intelligence. They mislead the people of Iraq, and they have done the same thing on health care. How long are we going to take it? What do the American people need?

Here it is with the number of the uninsured—large and rising by 1 million a year in the increase of the uninsured. Look at this. That is the census figure. Look at this. Seventy-three million of our fellow citizens are without health insurance coverage at some point in this year—for at least 1 to 4 months. This is why the Americans who have health insurance know that they are a pink-slip away from losing it.

We have seen an explosion of part-time workers. Do you think they get health insurance coverage? Absolutely not; a fraction of them maybe, but a great majority don't. We see the whole movement away from the employer-based system to part-time work. That is what is happening out here across this country.

Under the Medicare bill, 3 million American retirees are going to be dropped and low-income seniors will pay under newer financial provisions. Premiums are going to be affected and 15 million seniors are going to be disadvantaged under current Medicare. That is the situation. This is the Medicare bill that was passed.

Look at what has happened. Here we have excess payment to HMOs of $46 billion and a $139 billion windfall profit to the drug companies. If you want to know where expenditures are, if you want to know what is costing more for the average taxpayers, we have given $139 billion over the next 8 years as windfall profits to the prescription drug industry, and we have given the HMOs $46 billion.

My fellow citizens, if you want to go out and invest in something, go out today and invest in HMOs and prescription drugs because we have guaranteed it.

Talk about small business—I wish small business had that kind of guarantees and Government payouts. Talk about competition, it doesn't exist in that Medicare bill. That is what the problem is. The drug industry is doing well and the HMOs are doing well but the average workers are not doing well.

Let us level with the American people about what the real debate is about in this Congress. Let us not distort and misrepresent the position of the opposition. I know the Republicans were against Social Security, I know they were against Medicare, and I know they were against a comprehensive prescription drug program that would have made a difference. We had a good one which actually got 76 votes. It was bipartisan. It was not this program.

But then the hand of the White House ruled and we have massive giveaways to the drug industry and to HMOs. That is why we see the increase—a failure of leadership on health care in the last 4 years, and the denial on the floor of the Senate to our Democratic leaders and to this party to do something about it.

We want to do something about it. We have a bipartisan bill to do something about it. Why, Mr. President, when you make those speeches out there in Michigan, why don't you call up the Republican leadership and do something about it?

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

HEALTH CARE

Mr. BENNETT. Mr. President, I came to the floor to speak on another subject, but after listening to the Senator from Massachusetts I want to try to respond to some of the comments he made.

There is no question that we have a health care crisis in this country. There is a great deal of disagreement as to why. There is no question that the issue is tremendously complicated and does not lend itself to a solution with a single silver bullet. I am interested at the suggestion that the silver bullet to solve the rising health care costs is to allow drug reimportation. We have had that suggestion made here this morning. I would like to talk about that for a moment.

The evidence is that drug importation or reimportation, whichever phrase you choose, does not, in fact, produce major savings, except on an anecdotal basis; that is, one senior here or there might receive a significant benefit but overall the benefit of importation is very limited.

A recent London School of Economics study shows that parallel trade in drugs in Europe where they have importation back and forth across the borders has resulted in a savings of less than 2 percent by consumers. A World Bank study found that parallel trade in Sweden cost consumers as much as it saved them after accounting for reshipping and repackaging costs as well as profits for the traders.

So to stand here and say, whatever the decibel level, that we can somehow solve the problem if we just adopt the reimportation legislation that is being proposed is to go in the face of previous experience. I would be willing to adopt this just to prove the point if there were not a downside connected with it that our friends on the Democratic side do not talk about.

I have a sister-in-law who is a very aggressive shopper. She is a senior. She is very familiar with the Internet. She makes sure she gets the best deal in every circumstance. She takes prescription drugs and gets on the Internet and discovers that she can find a price cheaper on the Internet, if she buys overseas, than the price she can get at her local druggist.

She came to me and asked: Bob, is this a good idea? Now, I am not one of your constituents. I don't want a political answer. I am your sister-in-law who is trying to save money, and I want the truth. Is this a good idea for me to get my prescription drugs in Canada where the prices are so much lower?

I said to her: Based on what I know, if you get on a bus or a plane and drive to Canada and walk into a Canadian drugstore and buy the goods over the counter, chances are you will get reliable drugs at a lower price, and that will be the thing for you to do. On the other hand, if you get on the Internet and order these drugs to be shipped to you across national boundaries, there is no guarantee whatever that the drugs you will get will be the drugs you think you are getting.

Indeed, if we are going to talk anecdotal evidence, as we have been in the Senate, there are plenty of examples of people who have gotten on the Internet, gone to a Web site that appears to be in Canada, purchased drugs in Canada at a lower cost, and said to themselves: Aren't I a hero for being able to lower my drug costs so much.

Then when the drugs arrived, they found that while they may have been transshipped from Canada, they were produced in Bangladesh or Nigeria or wherever else in the world. There is absolutely no guarantee the drugs they are buying at such attractive lower prices are, in fact, the drugs that are outlined on the label of the bottle or box they receive.

Indeed, one of the interesting things that has started to happen is not only are we seeing degradation of the quality and accuracy of drugs being shipped across borders as a result of Internet sales, the Canadians themselves are beginning to lose control of the quality in their pharmacies. There are so many different sources of drugs now available that even within the network of drug distribution points within Canada, they cannot be sure of the purity and state of their drugs.

I am interested that there are those in the Senate who have said the drug companies are making enormous profits, and all we need to do is cut out those profits, lower the price of drugs, and everything will be fine, and at the same time they are insisting we have to have more research. What has lowered the cost of health care on a per person basis? It is the introduction of new wonder drugs. Where did the new wonder drugs come from? They do not come out of the air. They do not come as a result of Federal legislation. We cannot pass a bill in the Senate that says there will be a new drug that will solve this, that, or the other problem. Drugs come as a result of research.

We talk about the profits of the drug companies. I am not here to carry any water for the drug companies, but I have been a businessman long enough to know that profits that show up on a balance sheet or a profit-and-loss statement do not automatically go immediately into the pockets of the Donald Trumps and the Warren Buffetts of the world. Profits get retained in companies. There is an accounting term for it called retained earnings.

What do companies do with those retained earnings? They invest them in research. It takes roughly $1 billion to determine whether a new idea for a drug will produce a drug that works. A company has to have enough financial strength that it can put $1 billion into research to produce one drug.

That is expensive enough. You can spend millions of dollars on a drug that does not work before you know it is not going to work. So the amount of profits they will make on the drugs that do work not only have to recover the cost that it took for the drug that does work, but it has to recover the millions again and again for the drugs that do not work.

To suggest there is a silver bullet to the rising health care costs, and that the silver bullet can be found in beating up the drug companies and buying drugs from Canada, is to demonstrate vast ignorance of the way the free market really works.

Let me make, again, the standard statement that I make over and over in the campaign. I am not questioning the patriotism of my friends across the aisle. I am questioning their wisdom and their judgment and their decisions, but I am not questioning their patriotism. We hear that over and over again.

Finally, we hear the drug benefit that was passed in this body denigrated again and again on the Democratic side of the aisle, the do-nothing program, the program that did not do anything for senior citizens, and the cry that has gone out to the point that I find many of my constituents believe this program is so complicated that nobody can figure it out, and nobody can get any benefit from it.

Senator HATCH and I put together a series of town meetings across our State. We gathered seniors. We said: Here is how it works. We walked them through how to get on the Internet and order drugs. Then we said: If this is too complicated for you, you are not Internet friendly. Get your grandchild to get on the Internet, and they can make it work. If you do not have a grandchild who can make it work, call 1–800–Medicare, and the person who answers the phone will get on the Internet for you and make it work.

We took seniors out of the audience, asked what drugs they are currently taking, then, on the Internet, we checked it. They came back and said: We are going to save 45 to 50 percent of our drug costs, and this was easy. This was simple.

Talk about misleading the American people. Those who stand in the Senate at a high decibel rate attacking this bill are misleading the American people. Senator HATCH and I found with our constituents this program is easy to deal with. It will save up to half of your drug costs right now, and it is the law. You do not have to wait for an election or for an eruption to have this come to pass.

I hope my friends on the other side of the aisle will not be offended when I disagree with them when they say: The President has lied. The President has misled. That is election year rhetoric that we should learn to ignore, and spend our time on the reality, which is this Congress, under this President, has, in fact, done significant things. And if we will just level with the American people as to what we have done, they will find that it is easy to navigate, and it will produce significant financial benefit.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Utah. His comments are right on. When I have an hour or two I will be happy to explain my strenuous opposition to this issue of importation of pharmaceuticals from countries that can very much harm our patients in America.

ANTI-JEWISH SENTIMENT IN EUROPE

Mr. SANTORUM. Today, as I come forward—and Senator BROWNBACK will be joining me in a few minutes—as we enter into Rosh Hashanah, the Jewish new year, a time of reflection for the Jewish people, I thought it would be appropriate to reflect upon the state of affairs with respect to Jewry around the world and the frightening rise in anti-Semitism we have seen in many parts of the world, and I argue, unfortunately, even in this country.

Senator BROWNBACK will talk about a different aspect than I, and there will be some speakers tomorrow morning during morning business who will cover various other aspects of this problem.

An area I have been particularly concerned about is the rise of anti-Semitism in Europe. As we know, the roots of anti-Semitism in various parts of Europe are very deep, and we have seen the horrific consequences of that within the last century. It is important, as a result, to keep a very close, watchful eye on any precursors to what could be another tragic, horrific situation occurring on that continent.

There is a rabbi, Chief Rabbi Jonathan Sacks, who said—and this quote, to me, is quite telling—"Let it not be said of us that we saw the tiny flame but did not put it out until it became a raging fire." I think that is one of our duties and responsibilities as the leader of the free world, in our diplomatic bodies around the world and through diplomatic channels country to country, to use our good offices in America to make sure we are watchful, and we do more than just watch idly, to call attention to situations which are of concern to us as freedom-loving people and as people who put first among our freedoms the freedom of conscience.

The freedom of religion is the fundamental and first of our freedoms because all freedoms flow from that. If you do not have the freedom to believe what you want to believe, then freedom of speech is a meaningless freedom, freedom of assembly is a meaningless freedom. So this is the first of the freedoms, and it is one that we believe, as Americans, very strongly.

We believe, as the President says, that liberty, that basic freedom is the right of all people given by God. Yet we see, in Europe in particular, a growing and rising tension in the world, in that continent.

I submit for the RECORD recent incidents of anti-Semitism in Europe, just in this year, the year 2004. I will go through and pick one incident from each of the countries I will talk about. Unfortunately, on this list—which is about 5 pages long—almost half of the incidents occurred in France. I have had meetings with the French Ambassador on this issue and expressed concerns about religious freedom and expressed concerns, via correspondence and meetings, about anti-Semitism. Yet this is a growing problem in this region of the world. But it is not only in France.

This first example is of a situation in France. This is a situation where we have the World War II memorial to Jewish soldiers in Lyon, where you have swastikas painted on the memorial.

You have instance after instance—and I think there are, as I said, 5½ pages of this document that I will be submitting for the RECORD—talking about anti-Semitic activity, whether it is graffiti or turning over tombstones, destroying graves, whether it is vandalism of synagogues, or whether it is assaults on Jewish children, particularly in school and coming from religious schools. We are seeing it more and more and more.

We need to understand this is not a problem that will go away if we ignore it. This is a problem which we have to speak up on and bring attention to.

In Belgium, four Jewish teenagers, all students from the same school in an Antwerp suburb, were attacked by a group of 15 men. One of the Jewish students was stabbed in the back and seriously injured. Again, an attack, in this case, by "youth of Arab origin."

In the Czech Republic, some 80 tombstones were overturned in a Jewish cemetery in Hranice in the east of the Czech Republic.

In Austria, a Holocaust memorial was desecrated, with the word "lie" spray painted over a historical plaque. This memorial near Vienna is at the site of a former concentration camp.

In Germany, in Dusseldorf, vandals sprayed swastikas and SS symbols on at least 40 gravestones at a Jewish cemetery.

In Hungary, a Jewish cemetery in northern Hungary was vandalized. More than 90 gravestones were smashed only weeks after the cemetery had been renovated by the local town council to mark the 60th anniversary of the Holocaust.

In Moldova, vandals threw Molotov cocktails at the synagogue in Tiraspol.

In Poland, in Krakow, police discovered the desecration of a 19th century synagogue. Vandals had painted swastikas on a Star of David hanging from gallows on the Tempel Synagogue.

In Romania, the wall of a Jewish cemetery in northwestern Romania was smeared with swastikas as well as anti-Semitic and fascist slogans.

In Russia, there were several instances of vandalism and an explosion in Debent that shattered several windows in a synagogue in the southern region of Dagestan.

In Ukraine, more than 50 gravestones were vandalized in a Jewish cemetery.

In Great Britain, the British rabbi—I will put up another quote from him—said, "Jews wait anxiously for the next news of a synagogue vandalized, a cemetery desecrated, a Jewish school set on fire, Jews attacked in the streets."

In London, only a couple months ago, there was an arson attack on a London area synagogue, destroying religious books, including some that had been smuggled out by Jewish refugees fleeing the Nazis. A burning rag was thrown into the South Tottenham United Synagogue.

In Birmingham, just last month, 60 Jewish gravestones were destroyed in a cemetery.

We can go on and on and on.

Mr. President, I ask unanimous consent the full text of this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECENT INCIDENTS OF ANTI-SEMITISM IN EUROPE (2004)

AUSTRIA

June 1, 2004.—Villach.—A memorial honoring Holocaust victims in southern Austria, consisting of 17 glass plates engraved with the names of 108 local Holocaust victims, was smashed. The memorial, which was created in 1999, was previously damaged by vandals in March 2003.

January 18, 2004.—Hinterbruehl—A Holocaust memorial was desecrated, with the word "lie" spray painted over a historical plaque. The memorial near Vienna is at the site of a former concentration camp.

BELGIUM

July 1, 2004.—Antwerp—In separate incidents, two Jewish men were attacked in the Antwerp area. A Jewish cyclist in Berchem had stones and bottles thrown at him by a group of 15 youths. He escaped injury. In the second attack, a young Jewish man was found bleeding on the street. His attacker was described as "Eastern European origin." No arrests have been made.

June 24, 2004.—Antwerp—Four Jewish teenagers, all students from the same school in an Antwerp suburb, were attacked by a group of 15 men described by authorities as "youth of Arab origin." One of the Jewish students, who was stabbed in the back, was seriously injured with a punctured lung. In response to the attack, ADL wrote to the Belgian Ambassador urging an investigation.

CZECH REPUBLIC

August 10, 2004.—Hranice—Some 80 tombstones were overturned at the Jewish cemetery in Hranice in the east of the Czech Republic.

FRANCE

August 26, 2004.—Paris—The director of the main public library, the Bibliotheque Publique d'Information, announced that anti-Semitic inscriptions were found stamped into a dozen books about the Dreyfus case and legal issues. The vandals stamped the edge of the books with the words "Against the Jewish Mafia and Jewish Racism" with the addresses of a Holocaust denial and Islamic propaganda Web sites.

August 14, 2004.—Paris—Anti-Semitic graffiti, including a sign saying "death to Jews" and a swastika, was found scrawled on a wall on the grounds of Notre Dame Cathedral. Police are investigating.

August 9, 2004:—Lyon—Some 60 gravestones were vandalized with swastikas in a Jewish cemetery in Lyon in southeastern France. On August 15, a 24-year-old man turned himself in to Paris police and admitted to desecrating the graves in Lyon. He did not appear to have links to far-right groups and told investigators that he was inspired by a television documentary about American racist groups. A state prosecutor said that the man was inspired by a hatred of Arabs.

July 28, 2004.—Saverne—Thirty-two tombstones were vandalized with swastikas, Stars of David and satanic "666" symbols in a Jewish cemetery in the Alsatian town of Saverne, north of Strasbourg. The vandalism was discovered by a family member visiting the cemetery.

June 11, 2004.—Rivesaltes—A Holocaust-era mural painted by Jewish children in a transit camp who were being held before being sent to Nazi death camps, was discovered vandalized in southwestern France. A historian visiting the site, where 4,500 Jews and Gypsies were held, found that the mural had been chiseled off the wall. According to The Independent, in 1942, a Swiss nurse at the camp asked the children to paint a Swiss landscape on the infirmary wall. The painting was discovered in 1999 and was to become the central exhibition of a Holocaust museum at the Rivesaltes transit camp. Half of the inmates of the transit camp, including 400 children, were later killed in Auschwitz. French government officials condemned the incident, and the Interior Minister promised that the mural would be restored.

June 4, 2004.—Epinay-sur-Seine—A 17-year-old Jewish student was stabbed by a man with a knife shouting "Allahu Aqbar" (G-d is great in Arabic). The student was leaving a Jewish school in the northern Parisian suburbs. The attacker tried to hurt two other students with a screwdriver. The student was in serious, but not critical condition. President Jacques Chirac condemned the attack and the French Interior Minister, Dominque de Villepin, visited the scene.

May 30, 2004.—Boulogne-Billancourt—A 17-year-old Jewish youth was attacked outside his home in a Paris suburb by a group of young men yelling anti-Semitic slogans. The youth is the son of a local rabbi. President Jacques Chirac condemned the attack.

May 7, 2004.—Villier-le-Bel—A small explosive device was discovered outside a synagogue north of Paris. According to media reports, the bomb was in a bag with the writing "Boom anti-Jews" and a swastika. On May 14, an 18-year-old man was found guilty of putting the fake bombs on the grounds of the synagogue and was sentenced to two months in prison.

May 6/7, 2004.—Verdun—A memorial to Jewish soldiers who died in the Battle of Verdun was vandalized. Nazi slogans and symbols were scrawled on the memorial. The Battle of Verdun was fought between French and German armies near the northern French city in 1916.

May 4, 2004.—Paris—In the suburb of Cretiel, a rabbi and his young son were attacked on their way home from Friday night services.

April 29/30, 2004.—Colmar—A Jewish cemetery in the Alsace region in eastern France was vandalized. At least 127 headstones were spray painted with swastikas and anti-Semitic statements. The cemetery dates back to the 18th century. The attack was condemned by numerous French officials, including President Jacques Chirac.

April 4, 2004.—Valenciennes—A synagogue in northern France was defaced with neo-Nazi slogans, including swastikas, and "One people, one empire, one leader, 59 years, sieg heil." The 59 is believed to be a reference to the 59 years since the death of Nazi dictator Adolf Hitler.

March 23, 2004.—Toulon—A Jewish synagogue and community center was set on fire. According to media reports, the arsonist broke a window and threw a Molotov cocktail into the building. There was minor damage and no injuries.

January 23, 2004.—Villiers-au-Bois—Two gravestones marked with Stars of David were damaged in the World War I cemetery of Villiers-au-Bois near the English Channel coast.

January 20, 2004.—Strasbourg—A parked minibus used to transport children to a Jewish school in the eastern French city of Strasbourg was burned. Police are investigating the attack as an arson.

January 20, 2004.—Strasbourg—Police reported that a group of assailants hurled stones at the door of a Strasbourg synagogue.

January 20, 2004.—Paris—A Jewish teenager was injured in an attack by Muslim youths at an ice-skating rink. The youths shouted anti-Semitic insults at the 15-year old boy before kicking him in the head and jaw with ice skates.

GERMANY

August 15, 2004.—Berlin—A Jewish monument was smeared with a swastika. Police are investigating.

July 22, 2004.—Hagen—A fifteen-year old boy, along with two others, threatened visitors to a synagogue with a knife, and made anti-Semitic remarks. The visitors were leaving the synagogue at around 7 p.m. when they were confronted by the boys.

June 25, 2004.—Dusseldorf—Vandals sprayed swastikas and SS symbols on at least 40 gravestones at a Jewish cemerty.

HUNGARY

July 21, 2004.—Debrecen—Vandals defaced a Holocaust memorial with swastikas in the eastern Hungarian city of Debrecen. Police are investigating.

July 1, 2004.—Gyongyos—A Jewish cemetery in northern Hungary was vandalized. More than 90 gravestones were smashed just weeks after the cemetery had been renovated by the local town council to mark the 60th anniversary of the Holocaust.

MOLDOVA/TRANSDNIESTRIAN REPUBLIC

May 5, 2004.—Tiraspol—Vandals threw Molotov cocktails at the synagogue in Tiraspol.

POLAND

June 13, 2004.—Krakow—Police discovered the desecration of a 19th century synagogue. Vandals had painted swastikas and a Star of David hanging from gallows on the Tempel Synagogue.

ROMANIA

August 20, 2004.—Cluj—The wall of a Jewish cemetery in northwestern Romania was smeared with swastikas as well as anti-Semitic and fascist slogans.

RUSSIA

April 15/16, 2004.—Pyatigorsk—Fourteen tombstones were vandalized in a Jewish cemetery. The cemetery had been previously attacked in June 2003.

March 29, 2004.—St. Petersburg—The city's only kosher restaurant had its windows broken by vandals.

February 15, 2004.—St. Petersburg—Vandals desecrated about 50 graves in a Jewish cemetery, painting swastikas and anti-Semitic graffiti on headstones. Police are investigating.

January 27, 2004.—Derbent—An explosion shattered several windows in a synagogue in Derbent in the the southern region of Dagestan.

UKRAINE

May 23, 2004.—Kiev—More than 50 gravestones were vandalized in a Jewish cemetery. According to the chief rabbi of Kiev, headstones were broken and heavy old stones were thrown about. Ukrainian Interior Ministry spokesman Viktor Korchinsky denied any acts of vandalism, saying the graves were destroyed "all by themselves, because they were too old."

March 23/24, 2004.—Odessa—Vandals broke several windows of the Osipova Street Synagogue. No one was injured.

UNITED KINGDOM

August 21/22, 2004.—Birmingham—Sixty Jewish gravestones were destroyed in the Witton cemetery. Community officials reported that stickers with the logo of the neo-Nazi National Front were found on some of the stones.

June 18, 2004.—London—A "suspicious fire" damaged the synagogue and headquarters of Aish Ha Torah, a Jewish educational group, in Hendon. Two Torah scrolls were torn and desecrated in the attack and the synagogue and offices suffered serious smoke damage.

June 17, 2004.—London—An arson attack on a London area synagogue destroyed religious books, including some that had been smuggled out by Jewish refugees fleeing the Nazis. A burning rag was thrown into the south Tottenham United Synagogue.

Mr. SANTORUM. But what we see here is a very troubling trend in an area of the world which has been, unfortunately, a hotbed for this kind of behavior which has led to horrific consequences. We have an obligation, particularly in this region of the world, to point out to the governments of those countries the importance of making sure that religious liberty is respected, and religious liberty of all faiths, but in particular any kind of rise or any kind of motion toward a return to a horrific time in the world's history.

This is one of the reasons I wanted to get up and talk today. I think it is important that we bring attention to this issue, as well as the broader issue of anti-Semitism.

Later, we will hear people talk about the acceptance—it is almost incredible to believe—the acceptance of anti-Semitic behavior at our colleges and universities here in the United States of America, as well as a whole host of problems.

Mr. President, I see my time is up. I know the Senator from Kansas is here. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Pennsylvania for addressing the topic of anti-Semitism and anti-Israelism expanding in the world. I have comments to add to this issue as well.

This is a disheartening development that is taking place. We are seeing it. It is being documented. I say to my colleagues, if they are interested, I have "The Rise of Anti-Israelism & Anti-Semitism," by Dr. Gary Tobin, Dr. Alexander Karp, and others. It is a good 2, 2½ inches thick, documenting what is taking place in the world today. It is full of pictures and leaflets that are being distributed. Some of them are ghastly to look at. I do not want to show them on the Senate floor because they are so dark and evil and diabolical. But I think it is something for people to be able to see the documentation.

When I first heard about this developing, I said this can't really take place now. We are 60 years out from Auschwitz. That is close enough. People are still alive who experienced this. Surely this does not happen in the world today. Yet it does. We need to identify it as evil and dark and wrong and castigate it and tell people this is wrong and stand up against it. And it is, unfortunately, well documented about what is taking place.

I particularly thank my colleague Senator VOINOVICH for his tireless work in promoting the Global Anti-Semitism Review Act of 2004 and pushing to identify and get at the roots of the issue.

In his book titled "Never Again? The Threat of the New Anti-Semitism," National Director of the Anti-Defamation League, Abraham Foxman, likens anti-Semitism to a disease. He says:

> Like many diseases, it spreads from person to person. It can be inherited—not genetically, of course, but through the malign impact of a bigoted adult on his or her children and grandchildren. It can lie dormant within an individual, sowing symptoms only in times of stress. And at times when a community is vulnerable, it can spread rapidly, causing an outbreak that is equivalent to an epidemic.

We cannot tolerate further spread of this epidemic. Many of us here associate anti-Semitism with the hatred of Jews that hit Europe in the 1930s and escalated to the genocidal measures of Adolph Hitler and the Nazis. However, as President Bush stated in a recent speech:

> . . . Anti-Semitism is not a problem of the past; the hatred of Jews did not die in a Berlin bunker. . . . The demonization of Israel, the most extreme anti-Zionist rhetoric can be a flimsy cover for anti-Semitism, and contribute to an atmosphere of fear in which synagogues are desecrated, people are slandered, [and] folks are threatened. . . .

This hatred of Israel and her people continues, endorsed and propagated by many states and their leaders.

In a time when we are concerned about terrorism and security, some might question the need to focus on a problem like anti-Semitism. The issues of terrorism and anti-Semitism are inseparably married, wedded by their intolerable hatred of Israel and Jews. They are joined together by their disgust for defenders of peace and democracy. The eerie and lasting relationship of state-sponsored terrorism and state-sponsored anti-Semitism is destroying hope of peace for future generations.

In the book I just referenced, the authors state:

> Terrorism has clearly been chosen and relied upon as a primary tactic by the world's most vehement anti-Israelists and anti-Semites: despotic Arab dictatorships. Syria, Iran, Saudi Arabia, and Palestine are all led by those who have chosen to use fear and terror to weaken Israeli resolve.

In the State Department's Pattern of Global Terrorism report released in 2001, it certifies that:

> Iran's involvement in terrorist-related activities remained focused on support for groups opposed to Israel and peace between Israel and its neighbors. . . . Supreme Leader Khamenei continued to refer to Israel as a "cancerous tumor" that must be removed. . . .

The most recent report states that:

> During 2003, Iran maintained a high-profile role in encouraging anti-Israeli activity, both rhetorically and operationally. . . . Iran provided Lebanese Hizballah and Palestinian rejectionist groups—notably Hamas, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command—with funding, safe-haven, training, and weapons.

That is from our own State Department.

In Foxman's book, he reiterates the trend of state-sponsored terrorism taking a more religious approach:

> So today, thanks to the propaganda of a number of fundamentalist Islamic clerics, supported by Arab leaders in many countries, the Arab-Israeli conflict has been transformed from a nationalist struggle into a religious one. When Palestinian suicide bombers go out on their deadly missions, they wrap themselves not in the banner of the Palestinian Authority but in the green and white flag of Islam. When terrorists record videotapes to inspire their followers and frighten their opponents, they don't talk about demands for land or autonomy, they talk about religious martyrdom and about their wish to kill Jews.

We are living in a critical period of history. The war for civilization—and our very way of life—is being fought not only in Baghdad and Kabul, but it is being fought in Jerusalem a well, and has been for a long time. This battle pits democracy against totalitarianism. It pits freedom against subjugation. It pits a culture that values life against a culture willing to throw it away with neither remorse nor regret.

While the global war on terror is our common cause now, peace and reconciliation are our actual objectives. Through time immemorial, the people of Israel have simply sought and taught of peace; of a time when swords would be beaten into plowshares; and children would be taught of war no more. When the lion would lay down with the lamb and there would be no more tears. Yet today we are beset with hostilities. Nations are embracing terrorism. Hatreds exist without reason.

Peace and truth go together. We must speak of peace with all who embrace peace and speak the truth about those who do not. Evil must be identified for what it is and once exposed to the sunlight of the truth, will waken, whither and fall. Terrorism and anti-Semitism are evil and must be rejected by all civilized people and every nation. Terrorism is practiced on the innocent and anti-Semitism on the vulnerable, and they are tools of dark souls. Those that employ these means must be confronted and renounced by all humanity.

Let us call on Syria and Iran, Sudan and North Korea to embrace the nobility of their heritage and renounce terrorism and anti-Semitism. Immunity from the wrath of hatred is impossible, but inoculation from the spread of this disease to future generations is both possible and necessary.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

Pending:

> Nelson (FL) Amendment No. 3607, to provide funds for the American Red Cross.
>
> Corzine Amendment No. 3619, to appropriate an additional $100,000,000 to enhance the security of chemical plants.
>
> Mikulski Amendment No. 3624, to increase the amount appropriated for firefighter assistance grants.
>
> Kennedy Amendment No. 3626, to require the President to provide to Congress a copy of the Scowcroft Commission report on improving the capabilities of the United States intelligence community.
>
> Dayton Amendment No. 3629, to ensure the continuation of benefits for certain individuals providing security services for Federal buildings.

Mr. COCHRAN. Mr. President, the Senate has made progress on this bill. We hope to continue to consider amendments during the remainder of the session today. The leader would like us to complete action on this bill tonight. I hope we can achieve that goal. If we can't, we can go into the next day and try to complete action before noon on Wednesday. But we hope we can complete action today. We urge Senators who have amendments, suggestions for changes in the bill, to come to the floor. We will consider those amendments and deal with them in an orderly way. We hope we can reject most of them. There are some we can agree to.

I see my good friend from Connecticut is on the floor and has an amendment. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to lay the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3630

Mr. DODD. Mr. President, I send an amendment on behalf of myself and Senator SPECTER to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Connecticut [Mr. DODD], for himself, Mr. SPECTER, Mr. HARKIN, Mr. LEVIN, Mr. SARBANES, Mr. KENNEDY, Mr. DASCHLE, and Mr. SCHUMER, proposes an amendment numbered 3630.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To increase the amount provided for fire department staffing assistance grants; and to provide offsets)
>
> On page 21, between lines 20 and 21, insert the following:

FIRE DEPARTMENT STAFFING ASSISTANCE GRANTS

> For necessary expenses for programs authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), to remain available until September 30, 2006, $100,000,000: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration: *Provided, further*, That the amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby reduced by $70,000,000, the amount appropriated by title IV under the heading "INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION MANAGEMENT AND ADMINISTRATION" is hereby reduced by $20,000,000, and the amount appropriated by title IV under the heading "SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION" is hereby reduced by $10,000,000.

Mr. DODD. Mr. President, I am offering this amendment dealing with the SAFER Act. This is the No. 1 priority of the various firefighting organizations of the United States, whether they be paid firefighters, volunteer firefighters, fire chiefs organizations, and others. On behalf of Senators SPECTER, LEVIN, HARKIN, KENNEDY, SARBANES, DASCHLE, SCHUMER, and myself, we offer this important amendment.

I want to take a few minutes, with the full recognition that my friend and colleague from Mississippi wants to move matters along. I will take as little time as I can to explain this amendment and what we are trying to do, why I think it is a worthwhile amendment, how we pay for it, and why I don't feel that the offset we are suggesting here in any way would be detrimental to the Department of Homeland Security.

Our amendment will help the 33,000 fire departments across America—paid departments, volunteer departments, and combination departments. It will help them acquire the necessary personnel they need in order to fight fires and respond to situations all across the country, particularly terrorist incidents and other large-scale emergencies that may emerge.

Just yesterday, I spent a couple of hours with the fire department of Enfield, CT. I went out on one of the calls—a traffic accident. It turned out not to be a serious emergency, but the first vehicles to actually respond to the situation were the fire departments of Enfield. That happens every single day in this country. I think one firehouse in Enfield—one of five—has some 1,200 calls they respond to each year, to give you an idea of the magnitude of emergencies these departments are called upon to respond to every day of the year, all hours of the day and night.

Mr. President, this amendment is the single most important legislative priority of the International Association of Firefighters. It is also strongly supported by the International Association of Fire Chiefs and the National Volunteer Fire Council. If our colleagues support firefighters—and I know many, if not all, do—this is an opportunity to support bipartisan legislation that will make a huge difference in the personnel area of a fire department.

In particular, this amendment provides $100 million for the SAFER Act, which stands for Staffing for Adequate Fire and Emergency Response. It was enacted last year with significant bipartisan support as part of the fiscal year 2004 Department of Defense Authorization Act. In fact, the lead sponsors at that time were Senator WARNER of Virginia, Chairman of the Senate Armed Services Committee, along with Senators SARBANES, DASCHLE, SNOWE, CLINTON, CORZINE, DURBIN, JOHNSON, KERRY, LANDRIEU, MURRAY, REED, and SCHUMER.

The House of Representatives also has championed very similar, if not exact, legislation. It has been supported by the Chairman of the House Science Committee, SHERWOOD BOEHLERT of New York; Republican Congressman CURT WELDON, a tremendous champion of firefighters for many years; along with House minority whip STENY HOYER, and Representative BILL PASCRELL, a strong advocate of firefighters.

The $100 million our amendment provides is fully offset by reductions in management and administrative expenses in title I and title IV of the underlying bill. Even with these offsets, the accounts that will be affected will still receive an increase over last year's funding levels.

After all, this debate is fundamentally about priorities. Senator SPECTER and I strongly believe the need for additional firefighters on our Nation's streets far outweighs the need for increased resources devoted to administration and management in Washington, DC.

If I can, I will explain how this offset works because I know my good friend from Mississippi will want to address this. I know that my friend from Mississippi has a very difficult job trying to put a bill together that is balanced. I respect him immensely for having to wrestle with these important issues. Certainly, I would have supported a larger 302(b) allocation for homeland security, but that is a debate for another day.

Nevertheless, Senator SPECTER and I have chosen these offsets with a great deal of care. In no instance do they cut programs below last year's levels. They don't affect the intelligence community in any way. If anything, our offsets will respect the increases in the underlying bill but grant smaller increases. In addition, these offsets are from increases to administrative and management accounts. We believe it is more important to place new firefighters on the streets than new managers and administrators in Washington. I will mention specifically what we are doing.

The Office of the Undersecretary for Management in Title I, for example, received a significant increase in this bill over last year's level. Last year, we funded it at $130 million. This year, the Senate bill provides an increase to $245 million for the same office. That is an 88-percent increase over last year! If our amendment is adopted, the Office of the Under Secretary of Management would still receive a 35-percent increase over last year's bill.

It seems to me that if we were gutting the Office for Undersecretary for Management and making it impossible for it to operate, others could argue we don't have a good case. But in order to help put 75,000 new firefighters on the street over the next seven years, I think is a fair tradeoff.

Under title IV of the bill, the $30 million we offset only comes from management and administrative expenses. By the way, with that cut we are talking about, we still leave the level under title IV higher than what is in the House-passed bill.

We don't believe these offsets we found are in any way damaging to the underlying bill. They still allow for substantial increases in management and administrative costs, as well as leaving title IV in the same position it would be funded at in the House-passed legislation.

You don't have to take our word on the importance of the legislation and the need for increasing the number of people we have in our fire departments. The U.S. Fire Administration—not the firefighters, not the fire chiefs, but U.S. Fire Administration—and National Fire Protection Association found that fire departments throughout the Nation, rural America and urban America, lack sufficient personnel to adequately protect the public.

These concerns were echoed last year in the Council on Foreign Relations report, authored by our former colleague Warren Rudman. The report was entitled "Emergency Responders: Drastically Underfunded, Drastically Underprepared." It noted that "only 10 percent of fire departments in the United States have the personnel . . . to respond to a building collapse." It also found that "two-thirds of our fire departments do not meet the consensus fire standard from minimum safe staffing levels," which is at least four firefighters per truck at the scene of an emergency.

If our colleagues are not concerned about these findings, they ought to be concerned about the Rudman report's conclusion. It said:

> If the Nation does not take immediate steps to better identify and address the needs of emergency first responders, the next terrorist incident could have an even more devastating impact than the September 11 attacks.

On Saturday our Nation commemorated the third anniversary of that tragic day three years ago. No American citizen will ever forget—no citizen in the world, for that matter, could ever forget—the heroism of the firefighters who were among the first on the scene that day and who charged the stairs, while everybody else was running out of these buildings.

Those 343 members of the New York Fire Department made the ultimate sacrifice that day in their efforts to save thousands of lives trapped in the World Trade Center.

After September 11, of course, we realized that firefighters face new and profound challenges. No longer do they just fight fires, promote safety, and inspect fire code violations. Firefighters still have those traditional responsibilities, but they are now called upon to do far more. They are now asked to respond to the threat of biological, chemical, and even nuclear terrorism. In other words, they are asked to confront what once seemed unthinkable on American soil. It is, therefore, not an exaggeration to say that the Nation's firefighters are now literally on the front lines of the war on terror, protecting our Nation from the very clear and present danger of future terrorist attacks.

In the past, the Congress has come to the aid of America's firefighters. We have provided substantial funds for the FIRE Act Grant Program, which I also authored with my good friend Senator DEWINE of Ohio. FIRE Act grants have enabled fire departments, large and small, paid and volunteer, to purchase the necessary equipment and train firefighters. That assistance allows them to do a better job. In Enfield, CT, yesterday, I saw exactly the kind of equipment that can be purchased with a fire grant proposal. It has made a huge difference to that one department in a relatively small community in my home State of Connecticut.

While training and equipment are extremely important, they are meaningless, obviously, without the personnel needed to take advantage of it. After all, what good is a new breathing apparatus if there is no firefighter to use it? What good is new protective clothing if there is no firefighter to wear it? What good are new firetrucks if there are no firefighters to drive them? What good are new portable radios if there are no firefighters to communicate with each other?

We cannot lose sight of the human side of this important issue. It takes significant manpower to rush into burning houses and buildings, to save the life of a child, deliver emergency medical services and respond to an incident involving a chemical or biological agent. It is, therefore, this shortfall in firefighter staffing that this bipartisan, fully offset amendment that I am offering with Senator SPECTER and others addresses.

The manpower situation was not always this dire. Yet over the past two decades the number of firefighters as a percentage of the U.S. workforce has declined considerably. I am going to put up a chart that lays out exactly what has happened. This chart will give us a clear understanding of the problems that exist.

Only 11 percent of fire departments can handle, with local personnel, a building collapse with 50 occupants or more in it. That means 89 percent of our departments cannot respond to that. Only 13 percent of fire departments can handle a hazardous material incident with chemical or biological agents and 10 injuries. Again, 87 percent cannot respond to this in an adequate way. Forty percent of fire department personnel involved in hazardous material response lack formal training in these duties, and 60 to 75 percent of fire departments do not have enough fire stations to achieve widely used response time guidelines. That gives some idea just in a brief synopsis of how serious the problems are across our country as far as the lack of personnel.

In 1983, for example, there was 1 firefighter for every 212 of our citizens. In the year 2000, there was only 1 firefighter for every 260 Americans. To put it another way, the number of firefighters has declined by almost 20 percent, nearly one-fifth, over the last two decades. In fact, we have fewer firefighters per capita than nurses and police officers.

The amendment I am offering with our colleagues, if it is approved today, will hopefully begin to reverse this disquieting trend. In fact, the fire chief at Enfield, CT, told me that when he joined the department, there was a waiting list in order to get on the fire department. Today they are out every single day seeking to find people who will make this a career choice. In fact, they are understaffed at that particular station house.

As to our volunteer departments across the country, particularly in rural America, the days when people would be able to serve in a volunteer fire department and work in the town they lived in is diminishing. More and more people are choosing to live in rural environments and work someplace else, and they are unable to be volunteer firefighters in the home communities. Thus, the number of hired personnel becomes more important. In rural and urban America, the problem is the same.

These numbers I have just cited have recently been exacerbated by the fact that many firefighters have been called to active duty in the National Guard or Army Reserves. According to a recent survey, the smallest fire departments are disproportionately affected by the call-up of military personnel, and I note the presence of the Presiding Officer who comes from the State of Wyoming, where again a lot of small rural communities have been disproportionately affected by the call-ups and are feeling it in a very significant way. We are told that these departments are the least able to absorb the loss of trained staff and will stand to benefit from assistance made available under this amendment.

Finally, making matters worse for the fire services are the budget crises that State and local governments are enduring. This amendment is not suggesting that this ought to be a permanent program where we assume the responsibility of paying for the personnel at local fire departments across America; it is saying that the U.S. Government ought to be a better partner. Just as we have been doing with the COPS program, we can be so doing with our fire departments—not at the same level, not even close to the same level—but being a better partner to help get this on the right track again. Then hopefully, as our economy improves, our State and local governments will take over the responsibility.

Over the next 5 or 6 years, stretching this out, not trying to do it in 1 year, we can make a real difference in putting some people on the ground who can make a difference and save lives in this country.

Across our Nation today, firefighter staffing is being cut, and fire stations are being closed because of State and local budget shortfalls. These events are occurring at the same time that threats to our Nation by terrorism are placing unprecedented demands on the Nation's fire services.

I need not remind our colleagues this morning that we are currently spending billions of America's tax dollars to reconstruct Iraq. Some of those very funds are being spent to hire and train Iraqi firefighters and build fire stations in that nation. If we can find the resources to hire firefighters and renovate fire stations in Iraq, I do not think it is outrageous at all to suggest that we might find some resources to make a difference in hiring some people to protect our own communities in this great Nation of ours.

Again, I want to emphasize that our amendment is fully paid for, with reductions in management and administrative expenditures, by allowing for an increase of 35 percent in those areas, reducing the increase from 88 to 35 percent, and still by allowing under title 4 the amount for administrative and management expenditures at levels above those included in the House-passed bill.

It also has the endorsement of every major firefighter organization in this country. This is their No. 1 bill. This is their No. 1 priority. If we are going to go back home and talk about the importance of homeland security and doing a better job, standing up for these men and women who put their lives on the line every single day for our country, then it seems to me the very least we can do is see to it that they have the necessary personnel to do the job, and that is what we are asking for with this amendment.

America's firefighters are always the first ones in and the last ones out. They risk their own lives to save the lives of others. They stare danger in the face every single day because they know they have a duty to fulfill. On the third anniversary of the September 11 attacks, where 343 firefighters lost their lives doing just that, first ones in and last out, I believe there is no better way for us to commemorate September 11 and recognize the contribution of those individuals than to respond to the very organizations who represented them, who have asked us to do a bit better under this bill to see to it that our firefighters have the necessary personnel they need in order to do their job.

I thought I had already done this, but if not, I ask unanimous consent that Senator CLINTON of New York be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. At the conclusion of these remarks, I ask unanimous consent that the letter of full endorsement of the Dodd-Specter amendment by Harold Schaitberger, general president of the International Association of Fire Fighters, be printed in the RECORD. I have mentioned already where the fire chiefs are on this issue. I also ask unanimous consent that the letter from Chief Robert DiPoli, who is the president of the International Association of Fire Chiefs, of full endorsement of this legislation as well be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

This is their priority. This is their opportunity. I need not waste a lot more time talking about this. I am sure my colleagues understand its importance. I hope on one of these amendments, a bipartisan amendment, our colleagues would see fit to be supportive of this amendment.

I yield the floor.

EXHIBIT 1

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
Washington, DC, September 9, 2004.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of our nation's more than 265,000 professional fire fighters, I am writing to urge your support for the Dodd-Specter amendment to the Homeland Security Appropriation (HR 4567) to provide $100 million for a fire fighter staffing initiative. The amendment is fully offset, and enjoys bipartisan support.

As you know, Congress last year enacted the SAFER Fire Fighters Act to address the critical staffing shortage in both career and volunteer fire departments nationwide. While other federal programs, such as the FIRE Act, have provided funding for fire fighter training and equipment, no federal assistance is currently being provided to ensure that fire departments have adequate personnel to take advantage of these resources.

Studies conducted by FEMA, the Council on Foreign Relations, and other organizations have consistently found that fire departments throughout the nation lack sufficient personnel to adequately protect the public. The SAFER Fire Fighters Act addresses this need by providing temporary matching funds to enable fire departments to hire additional fire fighters, and providing grants for the recruitment and retention of volunteer fire fighters.

Thank you for your consideration, and your continued support of America's fire fighters. If you have any questions about this issue, please feel free to contact Barry Kasinitz, IAFF Director of Governmental Affairs, at 202-824-1581.

Sincerely,
HAROLD A. SCHAITBERGER,
General President.

EXHIBIT 2

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
Fairfax, VA, September 13, 2004.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the nation's fire chiefs, I urge you to vote for the Dodd-Specter Amendment to the homeland security appropriations bill. This amendment would fund the Staffing for Adequate Fire and Emergency Response Firefighters Act of 2004 (the "SAFER Act") at $100 million in Fiscal Year 2004 (FY05).

Established in 1873, the International Association of Fire Chiefs (IAFC) is a powerful network of more than 12,000 chief fire and emergency officers. Our members lead fire departments in responding to structural and wildland fires, hazardous materials incidents (including chemical, biological, radiological, and nuclear events), technical rescues (including swiftwater rescues, confined-space rescues, and auto extrication, among others), and emergency medical situations.

The SAFER Act would go along way toward ensuring the safety of the public—and firefighters—during each of these emergency events. Large numbers of fire departments respond with an inadequate number of personnel. National Fire Protection Association (NFPA) Standard 1710 requires that, at a minimum, four members of a fire or emergency medical services company respond to an event. Often, however, more personnel are needed. In initiating a complete attack on a structural fire, for example, four firefighters are needed to meet OSHA's "Two In/Two Out" rule of having two firefighters inside the building and two outside, in case those inside need to be rescued. An incident commander is also required, along with a firefighter operating the water pump and one person ventilating the building.

Congress authorized the SAFER Act to grant federal funds to local communities to hire more firefighters. Grants would be awarded on the basis of need through a competitive, peer-reviewed process modeled after the highly successful Assistance to Firefighters Grant Program, which assists fire departments in funding much-needed equipment and training. The grants would be for a four-year period and must not exceed a total of $100,000 per firefighter. They require communities to match the grant (at 10, 20, 50 and 70 percent in years one through four of the grant, respectively, to phase down local government dependence on the federal government). Recipients would be required to retain new hires for at least one year following the conclusion of federal funding.

Because volunteer firefighters are such an important part of America's fire service, SAFER contains a specific provision to make sure that 10 percent of the appropriated funds are used for departments with majority volunteer or all volunteer personnel. In addition, at least 10 percent of the total appropriated funds must be used to recruit and retain volunteer firefighters.

Please vote for the Dodd-Specter Amendment to fund SAFER in FY05.

Sincerely,
Chief ROBERT A. DIPOLI,
President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate very much the offering of the amendment by the Senator from Connecticut. We oppose the amendment, and I have some very persuasive comments I am going to make on that subject. But before I proceed to do so, the Senator from New York has indicated an interest in offering an amendment and describing it to the Senate. I am happy to withhold my discussion of the Dodd amendment.

I ask unanimous consent, if the Senator has no objection, to set aside his amendment temporarily so the Senator from New York can offer her amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from New York.

Mrs. CLINTON. Mr. President, I appreciate very much the courtesy of my friend and colleague. I know, though, that the Senator from Connecticut is still on the floor. Perhaps he would want to hear the immediate response from the chairman of the Homeland Security Appropriations Subcommittee. So given that, if it is appropriate, I ask unanimous consent I be permitted to follow Senator COCHRAN, upon the conclusion of his response to Senator DODD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the bill we presented to the committee—and the committee approved it and referred it to the Senate for its consideration—has been very carefully crafted, analyzing the needs of the Department. We conducted a lot of hearings. We have been in consultation with the administration, the officials at the Department who are administering these programs, trying to make sure that, across the board, we are utilizing the funds that are available to us to get the maximum amount of benefit, in the most efficient way possible, to identify the critical and emergency needs we have, and to try to address those in a way that helps guarantee the safety and security of our homeland.

This is an important and very challenging task for the Senate. We appreciate the fact there are going to be differences of opinion and there are going to be suggestions made to increase this account or that account, reducing the funding for another, and that is what the Senator has proposed: that we add money for firefighter grants; that we take away money from other accounts in the bill, administration accounts. It is an easy vote to add money for a popular program. That is the easiest thing that we can do as a Representative or a Senator.

I am not suggesting the amendment is offered just because it calls for an easy vote, because this amendment suggests not only adding money for a popular program, but it also offsets by cutting funds for some that may not be as popular or as well known or understood as well as the firefighter program.

We all know firefighters. We know what they do. We know how heroically they performed on 9/11, and how much we depend on them every day. So we want to be sure they are well funded, that they have the training they need and the equipment they need, so we want to be generous.

That is why I point out at the outset that Senator FRIST and Senator BYRD, the former chairman of the full committee, the ranking Democrat on this subcommittee, and I joined in offering an amendment early in the consideration of this bill to increase firefighter assistance to $750 million. The bill now contains the level of funding that was included in last year's appropriations act for these purposes.

If you look at the history of funding of these programs, the firefighter assistance grants alone have received over $2.1 billion in funding since fiscal year 2002.

This does not reflect the resources that have been made available for fire departments through the basic State grant program or from State and local government support. They have, after all, the initial responsibility for these activities.

The amendment suggests offsets that we cannot afford to take. We are going to put at risk the Department of Homeland Security's initiatives in many areas if these offsets are approved in this amendment. For example, the suggestion of the Senator from Connecticut would reduce the Under Secretary for Management by $70 million, the Information Analysis and Infrastructure Protection Directorate's account by $20 million, and the Science and Technology Directorate's account by $10 million.

Buffer zone protection plans for critical infrastructure cannot be completed if the offset, cutting funds for the Infrastructure Protection Directorate, is approved. If the amendment is adopted, funding the Homeland Security Operations Center, which serves as the nerve center for sharing information across all levels of Government and the private sector, will be decimated.

In addition, the Homeland Security Information Network will not be able to provide threat information to State and local government entities as they are expected to do without the funds that are cut out of the bill by the Dodd amendment.

The management administration account, which is in the Science and Technology Directorate, provides the front line workers of the Directorate the funds for grants to university-based research facilities where many of the new technologies are being developed and designed, to more fully protect the safety and security of our homeland.

An immediate freeze is called for in all Federal hiring. The cut would decrease management administration accounts below last year's level, significantly and adversely affecting the number of employees in the Science and Technology Directorate.

The cut in funding could require a layoff of workers due to the reconfiguration and prioritization that is called for at that Directorate.

I am hopeful the Senate will carefully review the effect of this amendment, the damage that it would do to programs that are already underway that have to do with threat vulnerability programs that we cannot afford to abandon at this point. We want to work with the firefighter programs and make sure the grant programs are continued. They are generously funded in this bill, as I have pointed out, and they have been. We will continue to defend them, and we will work in conference to try to accommodate some of the concerns the Senator has mentioned in his excellent remarks.

For these and other reasons which I may state before we actually get to a vote on this amendment, I urge the Senate to vote against and reject the amendment proposed by Senator DODD.

Mr. DODD. If I may briefly respond, let me thank my colleague again. As I said at the outset, he has a difficult job. Everyone has different ideas. I understand he has to balance all these.

If I may respectfully challenge what he said on the offsets, because this is a critical question and obviously we have to pay for these initiatives. We took money from two different titles in this bill, Title I and Title IV.

In Title I, which is where the bulk of the money would come from for the amendment, it would still leave an increase in the account of 35-percent over last year. The offset reduces it from an 88 percent increase that is in the underlying legislation.

I should mention at the outset, and I don't want to confuse our colleagues, that there are two separate proposals. One is the FIRE Act grant initiative, which the committee has been very supportive of, and I appreciate that. The bill has funding for $700 million for the FIRE Act grant program, which provides assistance for training and equipment. This amendment, however, is about personnel, which is a different issue. Our argument is that you can get a grant for new equipment, but it is meaningless if you don't have the personnel to do the job. That is why the SAFER bill is a top priority for the fire organizations.

Second, when it comes to the Title IV offsets, you still leave the administrative and management dollars at a level higher than what is in the House-passed bill.

So it is not bare-bones budgeting at all in this area. In those three categories, we are leaving more money than was in last year's budget, and at least as much as in the House-passed bill in either case.

We did it very carefully with the full knowledge that you don't want to be robbing Peter to pay Paul, as the expression goes, or cut into other critical areas. So by reducing across the board in these management areas, bringing them down to levels that still are above what they were previously, we think we have come up with a very balanced approach that deals with a very serious problem, and that is the 20-percent decline in the number of personnel that is affecting paid and volunteer departments across the country. It is a glaring problem that even the U.S. Fire Administration, aside from what firefighters and fire chiefs are saying, believes is absolutely critical.

Again, I thank my colleague from Mississippi for allowing me to bring up the amendment by having a unanimous consent to set aside pending amendments. If need be, Senator SPECTER may also want to share some comments before we finally vote on the matter. Would that be permissible?

I understand that at a later time another Senator wants to talk on this before we actually vote. Would that be permissible?

Mr. COCHRAN. Mr. President, if the Senator will yield, I think we have an opportunity for Senators to discuss these amendments out of order, if they would like. I don't think there would be any objection made to that.

Mr. DODD. I thank the Senator.

I yield the floor.

Mr. COCHRAN. Mr. President, knowing that the Senator from New York wishes to offer an amendment, I am not going to talk long. But I want to make one observation. We ought not to be getting into the business in the Senate of deciding for States and localities how they spend this grant money or how they spend the SAFER Act money. We need to have the flexibility to make those decisions with State and local governments. If we start telling a fire department they have to buy equipment with this amount of money, that they have to train people with this other amount of money, they have to equip trucks and vehicles with this amount, this amount is for that or the other, we are making a big mistake.

We are not the managers of these departments. We are not in the position to make the best decisions about how to efficiently use funds from Washington that will help our communities be safer and improve the quality of service provided by firefighters, law enforcement personnel, emergency management workers, or the rest. That is why the grant programs are broad and general. The States develop the plans for using the funds available to them from the Department of Homeland Security in many of these areas. It is the States and localities we ought to depend on to make the best decisions.

If we did what the Senator from Connecticut is suggesting we do, we would get into the business of making these departments allocate funds for one category or one specific activity or the other, and that is a big mistake. Adopting this amendment flies right in the face of the administrative policies that this Department is trying to develop and implement, and it is working to make our communities safer because we are leaving the decisions to those who are in the best position to know what is needed in their communities.

Do the firefighters need training in a certain area or another? I don't know the answer to that, if it applies to a fire department in my State. But the chief may know. He ought to know. He is in a better position to make the recommendations to the State officials as to what their needs are.

These people are applying for these funds. They are having to set out how they propose to use them. At other levels of administration, the decision is made to assign priorities and which ones have a higher priority than another.

That ought not to be made on the floor of the U.S. Senate. It is a mistake to get into the details as suggested by this amendment and take money away from activities that are ongoing, that are planned for this year, and then cut the funding for it. That is just going to make it more and more difficult to have a coherent, balanced approach to homeland security.

We hope the Senate will reject the amendment of the Senator from Connecticut.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3631

Mrs. CLINTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 3631.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to allocate formula-based grants to State and local governments based on an assessment of threats and vulnerabilities and other factors that the Secretary considers appropriate, in accordance with the recommendation of the 9/11 Commission)

On page 19, line 21, insert ", which shall be allocated based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors that the Secretary considers appropriate," after "grants".

Mrs. CLINTON. Mr. President, I again appreciate the courtesy of our chairman and colleague, the Senator from Mississippi. I also applaud him for taking on a heavy responsibility with respect to Homeland Security appropriations. I am going to be offering two amendments that I believe are necessary.

This first amendment is intended to do what every expert who has looked at homeland security has recommended and advised us to do.

Most recently, the 9/11 Commission reached the very same conclusion; that is, the Secretary of the Department of Homeland Security should allocate formula-based State and local homeland security grants on the basis of threats and vulnerabilities and other factors that the Secretary deems appropriate.

There are two major categories of grant money going from Washington out to the States and localities with respect to homeland security. One is called the State Homeland Security Grant Program. The other is the Law Enforcement Terrorism Prevention Grant Program.

As the Commission stated:

> We understand the contention that every State and city needs to have some minimum infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risks or vulnerability that merit additional support. Congress should not use this money as a pork barrel.

The Commission, as we know, made a number of recommendations, some of which are being considered in other bills. We will have reports from some of the committees working on intelligence reform and the like. But this is a recommendation that we can and should act on now while we are debating and considering Homeland Security funding.

Specifically, my amendment does not affect the State minimum in the bill. I would underscore that, because I know there are legitimate concerns on the part of my colleagues which I share.

I represent a very diverse State. We have a lot of rural areas. We have a lot of open space up in particularly the northern part of the State and the western part of the State. I know very well that every State has legitimate needs. My bill does not affect the State minimum. It states that the grant funds above the State minimum should be allocated based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors that the Secretary considers appropriate.

In crafting this amendment, only the factors mentioned by the 9/11 Commission were included, no more and no less.

As my colleagues know, the 9/11 Commission recommended that an advisory committee be established to advise the Secretary on any additional factors that the Secretary of Homeland Security should consider, such as benchmarks for evaluating community homeland security needs. As the Commission stated in its report, "the benchmarks will be imperfect and subjective, and they will continually evolve. But hard choices must be made. Those who would allocate money on a different basis should then defend their view of the national interest."

Not only did the 9/11 Commission recommend that such changes be made in how Federal homeland security funds are allocated, but so did the other commissions that we quote in the Senate all the time, commissions such as the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by former Senator Warren Rudman. In fact, every homeland security expert I have talked to has said that the way the administration has chosen to allocate funding beyond the PATRIOT Act minimum—in other words, the State minimum that everybody will get—to allocate the additional funding beyond the minimum, on a per capita basis, simply makes no sense other than—I grant this—political sense. In this area of homeland security, we must, as the 9/11 Commission urged us to do, leave our politics at the door.

This should be a debate about what is in the best interests of our entire country, every region, and particularly on the basis of those threats and vulnerabilities that place certain parts of our country at greater risk than others.

I am concerned because in the Senate report accompanying the bill that is now before the Senate, there is language that says Secretary Ridge must allocate funds beyond the all-State so-called PATRIOT minimum on a per capita basis. In other words, we are not even leaving it to chance. We are not even leaving it to the discretion of the Secretary. In the report language of this bill, we are directing, or certainly strongly urging, the Secretary to allocate that funding on a per capita basis. That is literally the antithesis of the September 11 report, the Rudman task force. It is also the antithesis of what we have heard time and time again from Secretary Ridge and even from President Bush and homeland security experts.

The Rudman task force unequivocally made clear that for the sake of homeland defense we must employ a better formula. Certainly, they reached the same conclusion as the 9/11 Commission. I am a little concerned we have report language in our Senate bill that goes so contrary to what everyone has said needs to be done.

We have talked many times about the need for a better formula, and we should continue to talk about it until we actually do something. But it is discouraging to talk and not act and, in fact, to continue to go in a different direction.

It is important when we make the decisions about this that we recognize—I am not just talking about New York or Washington, although they were specifically mentioned in the 9/11 Commission—there are other parts of our country that have critical infrastructure. For example, in southern Louisiana, we have a major port. We have offshore petroleum platforms. We have part of the Strategic Petroleum Reserve, river road crossing, facilities pumping natural gas.

Considering that complex critical infrastructure, I imagine the Secretary of Homeland Security might very well determine the State of Louisiana should get some extra threat-based funding in order to deal with what is a very real danger.

We have communities such as Lancaster County, PA. We think of that as the home of the Amish and beautiful rolling countryside, but it also has two nuclear powerplants within the borders of that county. There are only five counties in the entire country that are in that position. Again, I argue that should be taken into account.

None of this could be taken into account, however, if we follow the House bill or we follow the report language of the Senate bill and see where the Secretary is being directed to continue to distribute this money on a per capita basis.

In closing, with respect to this amendment, it is simply long past time that we conclude that we must do something on a threat basis, and in order to do that, we need to give direction to the Secretary. He and I have had many conversations about this. He has expressed to me on many occasions his desire to provide threat-based funding, but his belief is that his hands are tied, because we continue to send the message to him and to the entire country we are going to distribute this money on a per capita basis.

I ask that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3632

Mrs. CLINTON. I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 3632.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate an additional $625,000,000 for discretionary grants for high-threat, high-density urban areas)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) It is the sense of the Senate that in allocating Urban Area Security Initiative funds to high-threat, high-density urban areas, the Secretary of Homeland Security should ensure that urban areas that face the greatest threat receive Urban Area Security Initiative resources commensurate with that threat.

(b) The amount appropriated to the Office of State and Local Government Coordination and Preparedness for the fiscal year ending September 30, 2005, for discretionary grants for use in high-threat, high-density urban areas under title III of this Act is increased by $625,000,000.

Mrs. CLINTON. In addition to my first amendment, which would provide the Secretary with the discretion to distribute money above the State minimum, above the so-called PATRIOT Act minimum on the basis of threat, Senator SCHUMER and I offer this amendment to provide an additional $625 million for high-threat urban areas. This is a separate category of funding in homeland security in addition to the other two I mentioned.

In this category, we know that the Secretary does have discretion, but what we have found is that over the last several years the discretion that he has felt obligated to exercise has meant less money going to more places as opposed to concentrating money on a threat analysis so we could really take care of the needs of particular areas and then move on down to take care of the needs of others.

Last week, when Secretary Ridge spoke at the National Press Club, he said:

> I would tell you that we assess the level of terrorist threat outside of Washington and New York, which will always be at the top of the list. I mean, that's just a fact of life. . . . I'm not telling you anything [new]. It's not news.
>
> New York City, for obvious reasons—the impact on the economy and al-Qaida has always talked about the disruption or the undermining of our national economy. It's not just the iconic nature of New York City. A lot of the stock exchanges, the financial services community drives not only our national economy but the international economy.
>
> And Washington, D.C., the nation's capital, will always be targets.

The 9/11 Commission and all the commissions before it, President Bush, and Secretary Ridge have all acknowledged the acute homeland security needs of high-threat urban areas, especially New York and Washington.

I was delighted the recent Republican convention in New York went so well. Everyone seemed to have a great time in the greatest city in the world. The amount of work, the extraordinary expense of making it run so smoothly, was defrayed to some extent by Federal assistance, but to a large measure it reflected the ongoing investment that the people of the city of New York and the State of New York made in ensuring that we are always on high alert because, in fact, in New York City we are always on high alert.

Yet despite that, last year, the Department of Homeland Security allocated only $47 million to the New York City area under the high-threat program. They admit that was insufficient. Everyone who looked at it knows it is insufficient.

Our mayor has come forth with a very scrubbed list of immediate needs that is in the area of about $600 million just for New York City. That is why I am offering this amendment along with my colleague. I recognize Secretary Ridge has the authority to allocate high-threat resources in the way he deems appropriate. But, unfortunately, there is not enough money in the pot for him to do the job he knows needs to be done. So my amendment expresses the sense of the Senate that in allocating resources under the Urban Area Security Initiative, the Secretary should allocate commensurate with the threat these areas face.

Now, $47 million, which was the allocation last year to New York City, is a lot of money. But it pales in comparison to the $200 million the New York City Police Department alone spends on counterterrorism activities and the $1 billion in New York City's specific homeland security needs.

My guess is many of our guests at the Republican Convention enjoyed the city in part because the police presence was so pervasive and the reputation of our firefighters so well deserved for courage and bravery that it was not a matter you needed to think much about. You could get out and enjoy the city and go back and forth to hotels and go out for meals and maybe even go to the theater. I was thrilled by that. I am always very happy when people come to New York City.

But the very bottom line is, we are not getting adequate funding to be as prepared as we need to be. And other high-threat areas are also in the same position. I hope we are able to recognize these two amendments are real, commonsense amendments. They are aimed at making sure the money gets where it is most needed and at increasing the money that is specifically addressing high-threat urban areas. Because, unfortunately, we are playing a little bit of a shell game here. We are cutting money for first responders, which is why I strongly support the amendment from my colleague, the Senator from Connecticut.

We are expecting those firefighters and police officers and emergency responders and emergency room doctors and nurses and others to be ready when we need them. Hopefully, we will not need them, but they better be ready if we do need them. Yet we are cutting money for first responders. The omnibus Byrd amendment that we failed to pass in the Senate last week tried to address that. It is unfortunate we are taking money away with one hand while we are giving it back with the other. But what we are giving back does not make up for either what was lost or what is needed.

I hope we can address the continuing emergency needs when it comes to our first responders. There is nothing more important—I am told this all the time—than funding specifically for interoperable communications systems. Unfortunately, there is no money in this bill to help our first responders do that. This is something we have talked about now for 3 years. Our police and firefighters could not talk to each other in New York. This is a problem that happens all over the country. Yet we do not seem to address it.

Again, the 9/11 Commission came forward with a good recommendation:

> [H]igh-risk urban areas such as New York City and Washington, D.C., should establish single corps units to ensure communications connectivity between and among civilian authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress.

I hope we will do that before we finish this bill. I hope we can recognize that in most parts of our country that face these risks—whether it is a tourist attraction such as Las Vegas or a large melting-pot city as Los Angeles or, of course, other cities of similar size and population density—having interoperable communications among and between first responders is essential to being able to deal with both threat and reality.

We are on the lookout for potential terrorist activities and we need to be able to hope that all of our various law enforcement and firefighting responders and others are preventers as well as responders and are well equipped to do that. We can do the right thing by increasing the amount in the high-threat urban areas. If we put in the $625 million Senator SCHUMER and I are recommending in this amendment, we would bring the total appropriated amount to $1.5 billion. This is the amount I have been arguing for and fighting for in legislation I introduced back in January of this year. It is also in line with President Bush, according to his proposed fiscal year 2005 budget. In that budget, he called for $1,446,000,000 specifically for high-threat urban areas.

So again, everybody seems to be in sync except our Congress. I do not understand that. I find it bewildering that we have the administration proposing this amount of money, we have every expert proposing this amount of money, but when it comes to action on the floor of the Senate and the House, somehow we do not do it. I hope my colleagues will support both of my amendments. I hope they will go along with the 9/11 Commission report which has won broad bipartisan support. It is, apparently, the fastest selling paperback in the country. A lot of Americans are reading it, digesting it. It is not only a debate among experts and policy wonks and security gurus.

There is now a debate that is happening out in America. And it is a life-or-death debate. It goes to the heart of whether we are serious about homeland security, whether we are going to put our dollars where our words have been, whether we are going to get the results we need so we can feel confident we have done everything we know to do.

So I ask my colleagues for support of the two amendments I have offered today and, in keeping with the recommendations of the 9/11 Commission, to do so in a broad bipartisan way that sends a signal to not only our Nation but to any who wish us ill anywhere in the world that we are vigilant, we are prepared, we are doing all we humanly know to do to prevent and deter attacks and respond effectively should one occur.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3631

Mr. COCHRAN. Mr. President, I am sure Senators are aware that the Governmental Affairs Committee of the Senate has jurisdiction over the legislative authority, the law, creating the Department of Homeland Security. In that, legislation grant programs are described, allocation formulas are contained, that give guidance to the distribution of Federal funds to States and localities for various programs.

The Senator from New York is suggesting, by her first amendment, that the appropriations bill that is before the Senate should be amended to change the way the grants are being given to States and localities. The Senate Governmental Affairs Committee has already addressed this issue. Hearings have been held. A review and consideration of various changes in the allocation process have all been reviewed. And the committee has acted. They have reported out of the Senate Governmental Affairs Committee S. 1245. That is a Senate bill called the Homeland Security Grant Enhancement Act. The act, as reported by the committee, will modify the formula for distributing domestic preparedness grants.

If the Senate wants to take action as suggested by the Senator from New York, it can adopt that bill or amend it as may be suggested by the Senator from New York. That is the appropriate vehicle for revising first responder grant funding, not this appropriations bill. We are bound by the law. We are funding the programs authorized by the law. We are giving funds according to the priorities of that law. Every time we have an annual appropriations bill, we cannot change the way those formulas are written. That would be bad policy, bad practice, and it should not be followed in this instance on this issue.

Every State in the Nation is entitled to a base level of Federal support for homeland security needs. A State's size or population does not necessarily reflect the level of danger to a State's population or to a city's population. Each State has the responsibility to make decisions that are designed to protect the property and the lives of its citizens, and they must allocate State resources—and local resources may be allocated as well—to train, equip, and maintain qualified first responders for those purposes.

I believe the committee has done a very good job of analyzing and recognizing the needs of our larger and most threatened cities. In the fiscal year 2003 appropriations and the wartime supplemental, $850 million was set aside for high-threat urban discretionary grants. In fiscal year 2004, in the appropriations bill, a further $725 million was set aside for these high-threat urban areas. The bill now before the Senate contains $875 million dedicated to high-threat urban discretionary grants. Taken together, this is over $2.4 billion just for the urban areas of our country. This is on top of the basic grant each State receives.

The Department of Homeland Security has developed a model using classified information to allocate resources to major urban areas based on a combination of current threat estimates, critical assets within the urban area, as well as population density. The formula uses a combination of these factors to produce proportional resource allocations. Of the high-threat urban grant funding for fiscal year 2004, over $79 million has gone to communities in New York State. Since the inception of the Urban Area Security Initiative, over $316 million has been made available to cities in New York. These funds are in addition to the dollars that were received by the State of New York through the basic State grants.

In fiscal year 2004, more than $141 million in discretionary high-threat funding has been allocated to communities in California. Since the inception of the Urban Area Security Initiative, more than $247 million has been made available to the State of California. So the needs of our urban areas and the States with high population centers are already being addressed. But so, too, are those in other States of our great Nation.

We should not come in on this bill today with this amendment and change the formula for the basic State grant program. That debate should occur when the Senate considers the Governmental Affairs Committee bill, S. 1245, which is now on the calendar of the Senate.

I urge my colleagues to oppose the first amendment of the Senator from New York.

The second amendment the Senator has offered deals with Urban Area Security Initiative funding and suggests to the Senate that the amount available in the bill should be increased. In this bill, as in last year's appropriation, we have continued to provide funds specifically for the largest metropolitan areas that face the most risk. The Urban Area Security Initiative grant fund is distributed at the discretion of the Secretary of Homeland Security. I have mentioned that. It is based on current threat information and other factors. With the resources available, the bill makes the best use of these limited resources.

Let me make that point again. These are limited resources. This committee has been allocated a certain amount of money, around $32 billion, to provide funding for this next fiscal year for activities under the jurisdiction of the Department of Homeland Security and other agencies that are funded in this bill. With those limitations, choices have to be made. It would be good to be able to increase funding for all of the programs in this bill. They are all worthwhile programs or they would not be in the bill. They are all important activities. But at some point the committee has to make a decision. It has to say: This is the amount that is allocated for this next fiscal year for this particular account or program.

This bill includes $875 million for the Urban Area Security Initiative. Since fiscal year 2003, including the amount provided here, over $2.4 billion will have been made available for the Urban Area Security Initiative. The Senator's amendment would add an additional $625 million, almost doubling the Urban Area Security Initiative, to this grant program.

Because of the reasons I have cited, at the appropriate time, I will suggest that a point of order should lie against this amendment.

Next let me read another provision of the committee report which I think will explain why it is important for us to reject this amendment:

> The Committee is concerned with the administration of the funds available to assist the communities most in danger in the United States. The continued expansion of the cities eligible for this funding has the impact of diluting the resources that have been made available, shortchanging those communities with the most serious quantifiable threat. The Committee believes the Department achieved a more optimal use of the funds in fiscal year 2003. Further, the Committee believes the Department's practice over the past two fiscal years, to allocate the full amount appropriated for the program at one time near the beginning of the year, leaves the Department with little ability to respond to new or updated intelligence or recent terrorist threats. Consequently, the Committee recommends that at least 10 percent of the funds appropriated for the program be reserved to meet any needs over the course of the fiscal year warranted by more current threat information and intelligence. Any reserve funds remaining at the beginning of the last quarter of the fiscal year shall be released to fiscal year 2005 grant recipients as determined by the Secretary.

It is my hope that the Senate will reject both of the amendments offered by the Senator from New York.

The PRESIDING OFFICER. The senior Senator from New York.

AMENDMENT NO. 3632

Mr. SCHUMER. Mr. President, I rise in support of this amendment introduced by my colleague and friend, Senator CLINTON, and me. It doesn't take money away from anybody else. It simply increases the amount of money to the high-needs areas. There are lots of ways to skin this cat. It is clear that the areas most under threat, cities such as New York City, the No. 1 target, as we know, of the terrorists, need far more help than we get. I think there has been a general outcry by the 9/11 Commission and many others that it is so unfair to give, say, the State of Wyoming more on a per-capita basis than New York City gets in terms of terror. I don't doubt the need Wyoming has for dollars. But if Wyoming has the need for dollars, certainly New York has a greater need for dollars.

What we have done with this amendment, which is one way to do it, is to simply increase the high-needs area. It does not touch the general formula but, rather, goes to high needs.

Let me share a little history about this high-needs area. As you may know, when we first were setting up this formula, I spent a lot of time negotiating with the White House as to how we would allocate money. Then the point person for the White House was the Secretary of OMB, Mitch Daniels. We came to the conclusion that obviously every State needed some money. And knowing how the House and Senate work, we weren't going to get a formula which would send money to the 5 or 10 largest cities or the 5 or 10 largest focal points. So we negotiated the formula in two parts.

The first was the general formula, and there was a specific need for every State and taking care of those States. Now, the remainder of that formula, which we are not discussing now, was supposed to be allocated by discretion by the administration. They basically punted the ball and did that on a per capita basis.

I ask unanimous consent that I be given an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I will not object. I have a unanimous consent request to make.

Mr. SCHUMER. I yield to the Senator for that purpose.

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 2:20 today, the Senate proceed to a vote in relation to the Mikulski amendment No. 3624, with no amendments in order to the amendment prior to the vote; provided further that there be 2 minutes equally divided for debate prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator SCHUMER has asked for 5 minutes and I have no objection to that. The other Senator from New York may wish additional time.

Mr. SCHUMER. Mr. President, I ask unanimous consent for 10 minutes.

Mr. COCHRAN. Mr. President, I have no objection.

Mr. REID. The Senator from New York wishes 5 minutes.

The PRESIDING OFFICER. Without objection; it is so ordered.

Mr. SCHUMER. Mr. President, we had the high-needs formula, which really didn't do justice to the areas that had the highest needs. We came up with this high-needs formula.

Frankly, the first year it worked quite well and quite fairly. The bottom line is that, of the high-needs allocation the first year, which I believe was $700 million, New York City, the city that has been the focus of both terrorist attacks, received $225 million. While still on a per capita basis, we were not getting what we thought was a fair share, it certainly came a lot closer.

But what has happened is two things. First, on the high-needs formula, other localities came in and asked for money. They said they are a high-needs area. The number of cities last year that were under the high-needs rubric expanded. The first year it was a handful, the next year it was 30, and last year it was 50. So now lots of localities are competing for this high-needs money. That is fine. I am not one to begrudge that. I think we are not doing enough on homeland security, and this is one place we should be spending more dollars.

We are not trying to take away money from the high-needs area. I remind my colleagues that the amendment we are offering will apply to a larger number of cities than first proposed. But the bottom line is very simple; that is, once the high-needs funding was spread among many cities, the cities of the greatest need, such as New York and Washington, did not get the dollars they needed. Over the last 3 years, the amount of money that New York City has received has shrunk and shrunk and shrunk. The bottom line is very simple: We are not getting what we need.

Let me talk about some of the needs in New York City. I live in Brooklyn, a proud Brooklynite. We have the Brooklyn Bridge, which crosses from Brooklyn to Manhattan. Every time I cross that bridge—usually by car and once in a while on a bicycle—there are two police officers at each end of the bridge. That bridge is guarded 24 hours a day, 7 days a week, as it must be. We picked up somebody in Ohio a few years ago who was intent on trying to destroy that bridge. Well, that is 20 police officers, because it is five shifts of four people. Multiply that by the number of bridges and tunnels comparable to the Brooklyn Bridge in New York and that shows you the magnitude of what we are doing.

It is the same thing with our firefighters and our emergency responders and our hospitals. All of them have had to do so much more because our city is at the epicenter more, quite frankly, than a hospital, police department, or a firefighting department in a middle-sized city in the middle of America, which doesn't have to do quite what we do. My guess is that bridges in Omaha, or Wichita, or Albuquerque are not guarded by two police officers at either end for 24 hours a day, 7 days a week; nor should they be. But they have to be in New York.

We will do everything we can to prevent another 9/11. Yet as we have gone further along, the amount of money New York City has been given has decreased. I know there are other cities that have needs. I worked hard to see that Buffalo was included in this formula, with $10 million. A few other cities in upstate New York have problems.

So there are only two ways to go about solving this problem. One is to rob Peter to pay Paul, to reallocate the funds that are there. That is not this amendment. We don't touch that. The other is to increase the high-needs funding, so the cities that are under the greatest threat and the greatest danger can at least be reimbursed in greater part. Certainly, we won't be made whole for the homeland security efforts that we must undertake.

We heard a few months ago, when we picked up the new intelligence, what the areas were they were focusing on: Washington, DC, and the New York City metropolitan area; five buildings, two in DC, two in Manhattan, and one in northern New Jersey. Again, we can bring home the need to focus that should be here. Yet we are not doing it.

Let me tell you, if you think we don't have the money, we are going to spend $416 billion on defense this year. We are only spending $33 billion on homeland security in toto. We are spending less than $2 billion on helping our first responders, on helping our localities that have worked so hard and so well to defend us from terrorism. It would seem to me that any fair allocation of dollars would be giving New York City more money, giving some of the other cities more money.

Let me go over the numbers. Last year, New York's share of high-needs areas dropped to 9 percent. We didn't receive 9 percent of the attacks. Thus far—and I hope there are no more anywhere in America—we received 100 percent of the two terrorist attacks that have occurred.

Our city, as I say, is struggling. We have needs like everybody else. We have a great police department, a great fire department, a great EMT department, and great hospitals. But they cannot do it alone. So it is my hope that our colleagues will rise to the occasion.

This money, as I say, will not just benefit New York but other cities of high needs throughout the country. Let's stop underfunding this very needed program. Let's stop saying let the other guy do it. In a time of terrorism, we need leadership. This amendment represents leadership, and I hope we can get the sufficient number of our colleagues on both sides of the aisle to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise to respond to some of the points made by the chairman of the subcommittee. I start by saying that as I understand the underlying legislation from the House, there is no language, either legislative or report, that addresses how the Secretary of the Department of Homeland Security should distribute the funding above the small State minimum.

The language that my amendment is addressing specifically appears in the report to the Senate bill. So I want everyone to understand that I agree every State should receive a minimum level of funding. I think that is not only politically necessary, it is appropriate and fair.

Based on the calculation of that funding, about 38 percent of all of the homeland security funding in the two biggest grant categories for the State homeland security grants and the terrorism prevention grants will go across the board on a per capita basis to all the States. So everybody will get a per capita basis that they can then use to meet their homeland security needs.

Now, the remaining 62 percent of the money is what my formula amendment is addressing. At the very least, the Senate should not be, in report language, recommending that the Department of Homeland Security also distribute the funding on a per capita basis. That runs absolutely counter to the recommendations of the 9/11 Commission. The 9/11 Commission said do away with small State minimums, do away with any kind of per capita funding, begin to distribute this money on the basis of risk and threat. Yet we get a committee recommendation from our Senate committee which basically recommends that the funds that are used consistent with each State's homeland security strategy are to be allocated on a per capita basis.

So it is not only that we are failing to change the formula to comply with the 9/11 Commission, we are directing the Department of Homeland Security not to comply with the 9/11 Commission.

I am not saying take the money away from all the States and direct it where it is most needed. I am not going the full place that the 9/11 Commission has set out for us. I am recognizing the political reality and the fairness of allocating money to every State. At the very least, let us not direct the Department of Homeland Security to distribute the money above the small State minimum on a per capita basis. So I hope we could remove that language, and my formula amendment would do that.

Secondly, we cannot wait for the Governmental Affairs Committee to come forward with their authorization. I stood on this floor months ago and said we needed to change the risk and threat analysis in order to distribute the money more effectively. The very effective chairwoman of that committee came down to the floor and said: We are working on a change of formula. Work with us. Let us get the authorization changed.

We have been waiting for that bill ever since. There is no authorization. The only opportunity we have to begin to try to focus our efforts on homeland security to address the kind of threats that we face is in this appropriations. In fact, the door has been opened because in this appropriations bill coming from the House, they talk about a PATRIOT Act minimum, and then the Senate committee goes one step forward and says above that minimum do not direct it any other way except per capita.

So I understand very well that everybody has to look out for his or her own State, but on this matter we have to put the money where the threat is, and the threat is in places such as New York and Washington. Every committee, every commission that has looked at this has come to the same conclusion.

So I look forward to working with the chairman to make it possible to distribute the money on a threat-based analysis as opposed to directing the Department to distribute the money above the small State minimum, 62 percent of the money, also on a per capita basis.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005—Continued

AMENDMENT NO. 3624

The PRESIDING OFFICER. There is 2 minutes evenly divided before proceeding to the vote on the amendment.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, at the appropriate time it will be my intention to make the point of order against the amendment, in that it violates the Budget Act because it provides for the appropriation of additional funds above the allocation of the amount available to this subcommittee and there is no offset provided in the amendment. So for the information of Senators, that is the intention of the managers of the bill.

Under the previous order, as I understand it, a vote is scheduled to occur at 2:20. Is that the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. I thank the Chair and yield the floor.

Ms. MIKULSKI. Mr. President, what is the pending business before the Senate? Is it my amendment increasing firefighters funds?

The PRESIDING OFFICER. Pending before the Senate is the Senator's amendment.

Ms. MIKULSKI. As I understand it, I have 1 minute and then there will be a subsequent comment by the chairman of the subcommittee; is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Maryland.

Ms. MIKULSKI. My amendment which is pending adds $150 million to the Fire Grant Program, bringing it to the authorized level of $900 million. This Fire Grant Program is peer-reviewed and merit based with no pork in it. It provides grants to local fire departments. The President requested $500 million, the chairman added another $200 million, then Senator FRIST added another $50 million on Friday, but I want to bring it up to the full $900 million. Why? This Fire Grant Program is the only program that really helps our firefighters have the equipment they need to protect themselves, as well as modern equipment.

Last year, the Fire Grant Program received $2.5 billion for its requests—20,000 worthy applications. I know we can't fund it at $2.5 billion, but we can fund it at the authorized level. Therefore, I urge adoption of my amendment. Let us protect the first responders so they can protect us.

I ask unanimous consent that letters of support from the National Volunteers Fire Council and the Congressional Fire Services Institute be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL VOLUNTEER FIRE COUNCIL,
Washington, DC, September 8, 2004.

Hon. BARBARA A. MIKULSKI,
Hart Senate Office Building,
Washington, DC

DEAR SENATOR MIKULSKI: The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the interests of the more than 800,000 members of America's volunteer fire, EMS, and rescue services. On behalf of our membership, I am writing to lend our full support for your amendment to the FY 2005 Homeland Security Appropriations Bill to fully fund the Assistance to Firefighters Grant program at the $900 million level.

As you know, the Assistance to Firefighters Grant program provides critical funding to our nation's 1.1 million firefighters, 75% of which are volunteers. The purpose of the program is to bring every fire department up to a base-line level of readiness—and keep them there. The program has proven to be the most effective program to date in directly providing local volunteer and career fire departments not only with the tools they need to perform their day-to-day duties, but it has also enhanced their ability to respond to large disasters as well. As we move to prepare for terrorist incidents at home, we must first ensure that local fire departments have the basic tools they need to do their jobs on a daily basis.

The program benefits our entire nation by providing local fire departments with much-needed training and equipment to respond to 21 million calls annually. These calls include structural fire suppression, emergency medical response, hazardous materials incidents, technical rescues, wildland fire protection, natural disasters and events of terrorism.

Once again, we strongly support your amendment to the FY 2005 Homeland Security Appropriations Bill and we thank you for your continued leadership and support of America's fire service. If you or your staff have any questions please feel free to contact Craig Sharman, NVFC Director of Government Relations.

Sincerely,

PHILIP C. STITTLEBURG,
Chairman.

CONGRESSIONAL FIRE
SERVICES INSTITUTE,
Washington, DC, September 7, 2004.

Hon. BARBARA MIKULSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the Congressional Fire Services Institute's National Advisory Committee comprised of 42 national fire and emergency organizations, I am writing to thank you for all your efforts, past and present, to preserve the Assistance to Firefighters Grant Program (AFGP), also known as the FIRE Act. As you know, the FIRE Act has been a critical program in our efforts to prepare America's firefighters to effectively respond to all emergencies. It is for this reason that I would like to commend you on your efforts to increase the funding allocation for the AFGP in the FY05 Homeland Security Appropriations Act to $900 million, the full amount authorized by Congress.

The purpose of the FIRE Act is to bring every fire department up to a base-line level of readiness—and keep them there. Too many fire departments in this country lack even the most basic needs, including proper turn-out gear, communication systems, training, prevention, and public education programs. These facts are contained in the Needs Assessment of the U.S. Fire Service published by the United States Fire Administration in cooperation with the National Fire Protection Association. It revealed that many departments lack the basic tools and training they need to respond to over 21 million calls, annually—from daily incidents to major disasters, both deliberate acts and natural events. The all-hazards response enhancement provided by the FIRE Act ensures the most efficient and effective use of federal funding. It not only prepares departments to respond to acts of terrorism, it enhances the department's ability to respond to all other emergencies that occur thousands of times each day across our country.

The FIRE Act addresses another important mission of every fire department, one that often does not command the attention it deserves because of budgetary constraints: prevention and education. Over 3,000 people die in fires every year and over 20,000 people suffer injuries. We can reduce these figures with additional funds targeted at prevention and education programs. This would allow firefighters to spend time in their communities teaching children and others about fire prevention or conducting inspections of both occupied and abandoned buildings.

A growing challenge facing the fire service is urban sprawl. As construction increases in wildland/urban interface, fire departments face new challenges requiring additional resources and personnel. During the Southern California fires last October, the media reported the number of homes destroyed. Largely overlooked were the number of lives saved and homes protected because of the heroic actions taken by the fire service. Yet we cannot expect the fire service assigned to these areas to meet the public's expectations to safeguard their lives and property without adequate resources.

When reviewing the totality of a fire department's responsibilities, it is important to recognize that every function serves a vital role in fulfilling a fire department's mission, protecting lives and property. By design, the FIRE Act addresses the entire spectrum of education, prevention and response.

The FIRE Act is not about supplanting local fiduciary responsibilities; it's about supplementing efforts to protect this country's people, property, and economy. And because the fire service provides protection to so much of our nation's infrastructure, the federal government does indeed have a responsibility to support the mission of our first responders.

In the three years the FIRE Act has been in existence, it has become one of the most effective programs administered by the federal government. In January of 2003, officials from the U.S. Department of Agriculture selected the Fire Grant Program for a study they were conducting as part of a management training course. Summarizing the programs, they said that the grant program has been "highly effective in increasing the safety and effectiveness of grant recipients." Their study found:

97% of program participants reported positive impact on their ability to handle fire and fire-related incidents.

Of those recipients receiving firefighting equipment, 99% indicated improvements in the safety of firefighters and 98% indicated improvements in operation capacity.

90% of the participants indicated that their department operated more efficiently and safely as a result of the training provided by the grant program.

Over 88% of the participants who were able to measure change at the time the survey was distributed reported improvement in the fitness and health of their firefighters as a result of the program and 86% indicated reduced injuries.

The FIRE Act plays a critical role in addressing the needs of over 30,000 fire departments and one million fire and rescue personnel. We thank you for your commitment to our nation's firefighters and this important program.

Sincerely,

STEVE EDWARDS,
Chairman, CFSI National Advisory Committee.

Mr. DORGAN. Mr. President, I support the Mikulski amendment because I think that it includes important funding for firefighter grants. The amendment includes $200 million for firefighter grants—the authorized level—so that we can increase the resources available for our first responders.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today—and I hope that it will be—I intend to work with the conferees to offset these increases by reducing funds that have been earmarked for Iraqi reconstruction. I believe these expenditures should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate $18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than $1 billion has been actually expended and only about $7 billion has been obligated.

Therefore, I support Senator MIKULSKI's amendment. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset these needed security investments.

Mr. COCHRAN. Mr. President, the bill provides adequate funds—generous funding—for this program.

I make a point of order under section 302(f) that the amendment exceeds the subcommittee's allocation under section 302(b) of the Budget Act.

The PRESIDING OFFICER. A point of order has been raised.

Ms. MIKULSKI. I move to waive the point of order.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "no".

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—50

Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Talent
Wyden

NAYS—45

Alexander
Allard
Allen
Bennett
Brownback
Burns
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thomas
Voinovich
Warner

NOT VOTING—5

Akaka
Bunning
Campbell
Edwards
Kerry

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the point of order was sustained.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are at a point now where we are hopeful we can begin disposing of amendments that have previously been offered and on which debate has occurred. They have been set aside so Senators can offer amendments on other subjects. We have at this time nine amendments that are in that situation: amendments offered by Senators NELSON, CORZINE, KENNEDY, DAYTON, DODD, CLINTON, and one by CLINTON and SCHUMER.

We are hopeful we can reach some understanding about a time to begin voting on these amendments. We do know there are a couple meetings that require Senators' attendance off the floor at this time, and that might be the situation until about 3:30. But I am hopeful the leaders on the other side can consider entering into an understanding or an agreement that we will begin voting on these amendments at 3:30. So I say that for the information of Senators.

There is a markup session going on by the Senate Appropriations Committee. That may start at 3 o'clock. That is going to require the attendance of a good number of Senators. So for the information of Senators, we are hopeful we can begin a series of votes at about 3:30, dispose of the pending amendments, and then proceed to consider other amendments that Senators may wish to offer.

Mr. NELSON of Florida. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend from Florida.

Mr. NELSON of Florida. Perhaps the distinguished Senator from Mississippi—by the way, the third hurricane has a track that keeps getting closer and closer to the Mississippi gulf coast. But as the distinguished Senator, the chairman of the committee, and I have been talking about the emergency supplemental appropriations for hurricane damage, I have been provided with a copy of what will be the President's request for the new supplemental.

I note that it does include a lot of the agencies of Government about which this Senator has spoken that have desperate needs as a result of two hurricanes hitting back to back in Florida. I noticed there is nothing in here for the agricultural losses, including crop losses as well as equipment losses, of which the Florida commissioner of agriculture has written to the White House, to OMB, and said those losses are $2 billion. What would the advice of the chairman of the committee to this Florida Senator be of how we want to address that, since the President is not requesting in his new supplemental any money for agricultural losses?

Mr. COCHRAN. Mr. President, I appreciate the inquiry of the Senator from Florida. It is my understanding that the Department of Agriculture has existing authority under current law to provide assistance for agricultural purposes in areas where people have suffered disasters. It provides opportunities for haying and grazing on conservation lands. There are a wide range of emergency activities that can be undertaken under existing law.

When we reach a point at which there is a determination of exact dollar amounts of damage incurred by citrus growers or others who have been hurt by the storms in Florida, that may be a possible reason for an additional supplemental to be submitted whose benefits were not described in the submission that was received today. This is considered an emergency for the Federal Emergency Management Agency and others who are on the frontline of recovery, providing shelter, providing food, emergency items to protect life, debris removal, particularly areas where the debris poses a danger to life and limb.

This is the kind of supplemental, as I understand it, the President has submitted. We hope to be able to approve that and call it up. The Appropriations Committee is meeting this afternoon. Senator STEVENS, chairman of the committee, wants to take action on it as soon as possible. The House has to act on it as well. It may very well be that we will have a vehicle on which to go to conference with the House this week.

I am hopeful we can keep the President's request clean and approve the request, get the money to the agencies that need the funds, and look to these other issues as they mature in time, in the sense that there has been time to assess the damages and we know what they are and who is entitled to the benefits and what kind of benefits there are in agriculture.

But there is no doubt in my mind there will be a need for sensitive and generous assistance for agricultural producers which do not have any other benefits. We do have crop insurance. There are other things available to farmers under current law, and they will be able to receive these and be provided with deserved and well-needed benefits.

Mr. NELSON of Florida. Mr. President, if the distinguished Senator will yield for a further question.

Mr. COCHRAN. I am happy to yield to my friend.

Mr. NELSON of Florida. Indeed, I understand what the Senator is referring to. There are section 32 discretionary funds that would be, for example, available for Florida citrus growers. But it comes nowhere close to the estimated amount of losses in these two hurricanes for the citrus crop and equipment which is going to exceed $½ billion, just in itself. That is not even to speak of all the other kinds of crops—vegetables, sod, timber, milk that was dumped as a result of the dairies, all kinds of vegetables, tropical fruit, clams, oysters, poultry. Nurseries, Florida's top cash crop, has suffered $½ billion in losses.

My question is, there is buzzing out here an amendment that is being put together by midwestern Senators, Republican and Democratic, to take care of their agricultural problems. Yet they do not address the full need of Florida which has suffered back-to-back hurricane losses that have affected its agriculture.

What would be the advice of the Senator from Mississippi to the Florida Senators, when others are coming forth, and yet Florida's agricultural needs, after two disastrous hurricanes, are not being met?

Mr. COCHRAN. Mr. President, my advice to all Senators, including my good friend from Florida, is to try to work with the Appropriations Committee leadership. Senator STEVENS is chairing a meeting marking up individual appropriations bills this afternoon. The committee will be considering the request for supplemental appropriations submitted by the President that we just talked about. At that time, when we are considering the supplemental for disaster assistance, would be the time, in my view, when we could consider other hurricane damage that the Senator is discussing now. In my mind that would be a more appropriate vehicle for the Senators who are talking about midwestern agricultural needs as well.

I hope this annual appropriations bill for the Department of Homeland Security won't get held up with a debate over disaster assistance because of drought or other problems in other parts of the country. It is hard to say yes, let's have some funds included in the bill for those purposes, and then say no to those in our part of the country where we do know the needs are real. They are just as expensive, maybe much more so in reality, than the Midwestern problems.

I am hopeful that we can protect the integrity of the appropriations process and the integrity of the Homeland Security appropriations bill. Let's move this to completion, go to conference with the House, and, in an orderly, coherent way, fund the needs of the Department of Homeland Security to protect us from terrorist threats, other natural disasters such as the ones that are being addressed by the Federal Emergency Management Agency. Then in a separate action, let's consider disaster assistance for hurricane victims and drought victims and others in agriculture who have otherwise suffered serious losses this year.

Mr. NELSON of Florida. Did this Senator misunderstand the distinguished Senator from Mississippi in that the President's request for this hurricane relief that has happened on those two hurricanes was going to be or not going to be attached as an amendment to the Department of Homeland Security appropriations bill?

Mr. COCHRAN. I don't think that is a decision that has been made.

Mr. NELSON of Florida. I see.

Mr. COCHRAN. My expectation is that the committee leadership, in consultation with the leaders of the Senate, will make that decision at a later time. Today they are trying to mark up individual appropriations bills, and in due course they will take up the supplemental as well.

Mr. NELSON of Florida. Then I would say to the distinguished Senator from Mississippi, I was given to believe that, in fact, was a decision that was made, that this hurricane relief was going to be attached to this Homeland Security bill. I got that impression from the majority leader, Senator FRIST. If that decision has not been made then, fine.

Mr. COCHRAN. It may have been made and I just haven't heard about it. The Senator from Florida may be more up to date than I am. But I knew it was an option that was being considered and being discussed. I was not aware that the decision had definitely been made to do that.

Mr. NELSON of Florida. Then this Senator certainly would not have to encourage the quickening of the interests in all of this hurricane disaster assistance relief as this Senator speaks with the Senator from Mississippi, because right now Hurricane Ivan, a category 5 hurricane, is bearing down on the Mississippi coast. It could well be that we are looking at an additional hurricane emergency disaster relief supplemental that would directly affect the State represented by the distinguished Senator who is the chairman of the committee.

Mr. COCHRAN. Mr. President, the Senator is absolutely correct. It poses a real danger, not only to the people in that area but also to property. It is clear that the disaster relief fund of the Federal Emergency Management Agency, which we replenished just a few days ago to the tune of $2 billion, could run out of money again. I know the tendencies of this Congress to be that where there are needs like that, we will act to address them. At a time when that relief fund or any other account is depleted and hurricane victims need the attention of these agencies and the benefits to which they are entitled, we will act. I believe we will act promptly and with dispatch and with generosity to the fullest extent allowed under the law.

Mr. NELSON of Florida. Mr. President, is FEMA appropriated under the Appropriations subcommittee the Senator chairs?

Mr. COCHRAN. It is one of the agencies under the Department of Homeland Security, and it is covered in this annual appropriations bill.

Mr. NELSON of Florida. Then this Senator simply makes a recommendation that we should never be in an emergency posture like we were last week, where FEMA is not carrying the adequate reserves. On Thursday, they ran out of money and were, in fact, not spending the money that was desperately needed in the previous 5 days for hurricane relief. This Senator is merely making the recommendation that, as we look to FEMA appropriations in the future, there should be a cushion of reserves in FEMA because this country can face all kinds of disasters, as we know, and this year FEMA's budget was too lean to be able to respond.

Mr. COCHRAN. The Senator makes a point we should consider. I agree with that. It is awfully difficult for us to know the future or to be able to predict it and the needs of every agency of the Government, even FEMA. But we do the best we can and we will continue to work hard. Any advice or suggestions the Senators might have for the appropriate level of funding on an annual basis would be welcome.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3619, AS MODIFIED

Mr. CORZINE. I ask unanimous consent that I be allowed to modify amendment No. 3619 at the desk. The change is to allow for funding of the offset of the proposed amendment, regarding chemical security plants.

The PRESIDING OFFICER. Is the Senator asking that amendment be made pending at this time?

Mr. CORZINE. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I send the modified amendment to the desk.

The PRESIDING OFFICER. The amendment will be so modified, and it is now pending.

The amendment (No. 3619), as modified, is as follows:

On page 19, line 17, strike "$2,845,081,000" and all that follows through "grants" on page 20, line 11, and insert the following: "$2,915,081,000, which shall be allocated as follows:

"(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT Act (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

"(2) $1,270,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided*, That the amount under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by $70,000,000: *Provided further*, That $150,000,000 shall be for port security grants; $15,000,000 shall be for trucking industry security grants; $10,000,000 shall be for intercity bus security grants; $150,000,000 shall be for rail and transit security grants; $70,000,000 shall be for enhancing the security of chemical plants".

Mr. CORZINE. Mr. President, this amendment addresses one of the most serious security threats facing our Nation: the threat of terrorist attacks on chemical facilities. It is a subject I have worked on with a number of colleagues on both sides of the aisle over the last 3 years. It addresses an issue where there are literally thousands of chemical facilities across the country where a chemical release could expose tens of thousands of Americans to highly toxic gases.

I have tried to stress that there are 123 of these where more than a million people could be exposed. About eight of those are in New Jersey, so this is an intensely important subject matter for the community I represent. We need to change this.

While we are working today on the Department of Homeland Security appropriations, there is authorizing legislation working through the Environment and Public Works Committee that would deal with this problem. I want to be a constructive element in bringing that to a conclusion. We have a security problem now with our chemical plants. My modified amendment would provide $70 million to State and local governments in order to enhance the security of those chemical plants. Also, it includes that offset I mentioned, which is changed from the original version of the amendment.

This amendment only takes a modest first step by appropriating that money to these State and local efforts. Funds could be used, for example, to strengthen law enforcement's presence around chemical plants. When we go to Code Orange, the Department of Homeland Security requests that our local law enforcement provide additional security for these plants. It is not like they are not doing this already. That is overtime for additional individuals. Also, this money would go to train and prepare officials to respond to a terrorist attack. The release of a chemical toxic cloud is not like fighting a fire; it takes different kinds of actions. This amendment would provide some of that support. It would also provide guidance and assistance to plant managers. It would have the proper interface with State and local officials on how to respond and maybe even prevent attacks on chemical security plants.

As I said, the funds will be offset by eliminating funds for a new Department of Homeland Security performance pay system, and we will provide the resources that I think—at least looking at a tradeoff of how I see it in New Jersey, and I think it is the case across the country, since 123 plants expose more than a million people, it is a good tradeoff. It may be an important issue to get on with pay systems, but I don't understand how we trade that off versus the security of the individuals who surround the plants.

Remember, these plants were built in a different era, at a different time. They are very prominently located in densely populated areas in the country. We ought to do what we can to protect them. One of the ways is to provide these funds. That is what this amendment is about. I spoke about it at length the other day on the Senate floor. I believe very strongly that there are real reasons for us to pay attention to chemical plant security in this country. Every time the Department of Homeland Security raises the code level, they mention chemical plant security. It is in the Hart-Rudman report. It is in studies of the vulnerabilities of the critical infrastructure in this country. We ought to take special steps to make sure there is security at these plants. We would not tolerate the kind of security arrangement we have in chemical plants if they were nuclear powerplants, and there are as many people exposed to these toxic exposures, if there were to be a terrorist attack, as there would be in many, if not most, nuclear powerplants, which are located in many different areas.

I hope my colleagues will realize this is an important consideration, a modest first step. It is paid for, and I believe we can make the American people a little bit more secure by adjusting where we are spending $70 million to provide for chemical plant security. I appreciate it, and I hope that it will be favorably considered by my colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, we are at a point now where we can announce to Senators our intention to proceed to votes on some of the amendments that are pending now. The amendment of the Senator from New Jersey, which he has modified, would be the first amendment we would consider. It would be the intention of this manager to move to table the Corzine amendment and get the yeas and nays, and then have a similar motion against the Dayton amendment No. 3629 and the Clinton/Schumer amendment No. 3632. We are advised that the Appropriations Committee is in meeting now and members may not be available until close to 4, but we could begin these votes at 3:45.

The distinguished assistant leader has assured us that is an agreement that is OK with the Democratic side of the aisle, and with that understanding, I will propound this unanimous consent request.

I ask unanimous consent that at 3:45 p.m. today, the Senate vote in relation to the following amendments in the order mentioned: Corzine No. 3619, as modified; Dayton No. 3629; Clinton No.

3632. I further ask unanimous consent that no amendments be in order to the amendments prior to those votes and that there be 2 minutes equally divided for debate prior to each of the votes, and finally that the second and third votes in the series be limited to 10 minutes each.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the distinguished leader and I thank all Senators for that agreement.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I direct a question through the Chair to the distinguished manager of the bill. On this side, we still have every intention to try to finish this bill tonight. Unless something comes up we do not know about, it is my understanding that the manager also feels the same way. So if people have amendments—for example, I talked to a couple of my Senators this afternoon and they said, well, we will do it later. Everyone should know later is here. We are now at that time. Later is right now. This would be an appropriate time for someone to come over and offer an amendment as we speak. We would set what is pending aside, lay that down. It is my understanding the manager of the bill wants to move through these pending amendments as quickly as possible. We have several amendments after we finish this block of votes that are still outstanding. That is going to get us into the evening time. So if people still have amendments they want to offer, they should get over here and do that.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator very much for his suggestions. He is absolutely right. We do intend to press on and try to complete action on this bill tonight. We would appreciate the cooperation of all Senators in that regard. We are going to try to get to the point where we can announce that we are definitely going to finish the bill tonight. That is our intention. We hope we can move forward with dispatch and determination to achieve that goal. We thank the distinguished Senator for his good assistance in that regard.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3619, AS MODIFIED

Under the previous order, there are now 2 minutes equally divided on the Corzine amendment.

Mr. JEFFORDS. Mr. President, homeland security experts refer to chemical plants as "pre-positioned weapons of mass destruction." Yet more than 3 years after the September 11 attacks, the Bush administration has done almost nothing to enhance the security of the estimated 15,000 chemical facilities in the United States.

I therefore support the amendment of Senator CORZINE to provide $100 million for State and local efforts to enhance the safety of communities around chemical plants. These funds are needed to allow for expanded law enforcement presence around plants, better training and preparation for first responders and local officials, and additional guidance for plant managers.

This is just a first step, however. Communities cannot do it alone. To truly enhance security, chemical sources must implement security plans that address their unique vulnerabilities. Some facilities have already made considerable improvements, such as repositioning storage tanks away from public roads and hiring more guards. Here in Washington, DC, the Blue Plains water treatment plant went one step further by switching from chlorine to bleach, thereby reducing the inherent hazards posed by their operations. Notwithstanding these improvements, numerous media and government reports continue to document significant security gaps at many facilities.

National legislation mandating federally enforceable minimum standards is long overdue. When I was chairman of the Environment and Public Works Committee, we unanimously passed Senator CORZINE's legislation out of committee. Bowing to pressure from the petroleum and chemical industries, the Bush administration put the brakes on this legislation. Now, almost 2 years later, we are still debating the issue.

We cannot afford to ignore the risks posed by chemical plants any longer. A terrorist attack at any one of the 15,000 chemical facilities nationwide would likely cause death or injury to the people in the surrounding communities. The chemical industry's own data indicates that, in a worst case release, toxic chemicals could threaten more than 1 million people at each of 123 facilities spread across 24 States. There are also more than 700 facilities from which a chemical release could threaten more than 100,000 residential neighbors.

This issue is too important to ignore or add at the last minute to another bill without adequate time for proper consideration. I have asked my staff to continue working in a tri-partisan fashion to develop legislation that can be adopted unanimously by the Senate. If such an agreement cannot be reached quickly, however, we should move stand-alone legislation to the floor for a full debate.

In the meantime, I urge my colleagues to support the amendment of Senator CORZINE to help communities surrounding chemical plants address the added security risks that these facilities pose. We should then quickly enact comprehensive chemical security legislation to supplement these community efforts and ensure that the chemical facilities themselves do their part to ensure the safety of our home towns.

Mr. COCHRAN. Has a motion to table the Corzine amendment been made?

The PRESIDING OFFICER. It cannot be made until the time is expired.

Mr. COCHRAN. Mr. President, the committee has recommended in this bill $193,673,000 for protective action activities, for developing and implementing protective programs for the Nation's critical infrastructures, including chemical facilities, Federal, State and local, and private sector activities and programs and best practices.

Nationwide, we have seen 2,040 chemical facilities complete vulnerability assessments as developed by Sandia National Laboratories and the Center for Chemical Process Safety. The Department of Homeland Security has made considerable progress in increasing the security of chemical facilities across the country. Site visits are conducted at chemical facilities as part of a buffer zone protection plan. These plans reduce specific vulnerabilities and build a general protection capacity of communities. As part of the protective buffer zone effort, the protective security division has developed plans to install cameras to detect and deter surveillance and other threatening activities.

The Department has provided protective measures and risk management efforts on the sites of greatest concern. We are confident these are working to improve the safety and security of chemical facilities.

We urge the Senate to support the committee and vote to approve the motion to table the Corzine amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, this amendment addresses one of the most serious security threats we have in the Nation, the threat of terrorist attack on our chemical plants. There are literally thousands—not 230 but literally thousands—of plants that are exposed to more than 10,000 folks in the country; 123 plants expose a million people or more.

My amendment provides $70 million to State and local governments, particularly to focus on this issue of security of chemical plants. It includes an offset, as I mentioned a few minutes ago.

The facts speak loudly: We need to address chemical plants. Time and time again, there are reports where people can walk on to plants without there being any kind of protection and actually following through on a lot of the security plans that were talked about before.

There is a whole further authorization bill working its way through the Environment and Public Works Committee right now, which is a very bipartisan effort to try to get at this issue, but we need to do something now.

There are, as I said, literally thousands of plants across this country. We need to provide the support to State and local officials to be able to provide the security, the overtime, needed at these plants, and particularly when we raise our code levels. The lack of security at our chemical plants has been cited as one of the greatest threats to our infrastructure. We need to provide for training. We need to provide funds for guidance and assistance to plant managers and for other steps that State and local officials can take to prevent and respond to attacks on chemical plants.

I hope my colleagues will recognize we have a problem. We ought to be doing everything we can to support and protect the American people.

Mr. COCHRAN. Mr. President, I move to table the Corzine amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—47

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Wyden

NOT VOTING—5

Akaka
Bunning
Campbell
Edwards
Kerry

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3629

The ACTING PRESIDENT pro tempore. There are 2 minutes evenly divided on Dayton amendment No. 3629.

Mr. COCHRAN. Mr. President, the Senator from Minnesota has offered an amendment dealing with the Federal protective service. It is my intention as a manager of the bill to urge my colleagues to vote against it. First, it is the intention of the manager to move to table this amendment and ask for the yeas and nays, and I do so now.

The ACTING PRESIDENT pro tempore. There is still time remaining. The motion is not in order at this time.

The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, this amendment is necessary to protect the health care benefits of security guards who are protecting our security at Federal buildings in Minnesota and in other States.

In this instance, private contractors have low-bid these security contracts, and they unilaterally have shifted the employees' health payments to 401(k) contributions. The company thereby increases its profits by not paying taxes at the expense of their own employees, with no consultation, no negotiation, just cold-blooded profiteering. No wonder a company like this can underbid its competitors. The bids can go lower and lower every time they cut wages or benefits. That is why there should be employee protections—protections that were eliminated, unfortunately, over the objections of many of us when this Department of Homeland Security was created just 2 years ago.

This amendment simply requires that if a company takes over a contract, it must negotiate changes in health benefits with its employees. I think that is the least we can do on behalf of those who are risking their lives to protect our lives.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment seeks to define the responsibilities of the Federal Protective Service to negotiate employment contracts with other agencies or individuals who seek to work for the Federal Protective Service. This is actually a Department of Labor Fair Labor Standards Act issue. It is not a Homeland Security issue. It should not be offered as an amendment to this bill but, rather, the issue should be presented to the Department of Labor which is responsible for overseeing employee and employer relationships.

This amendment would have a very serious adverse effect on the Federal Protective Service's ability to carry out protective services and ensure the security of Federal buildings throughout the country. It could bring the efforts to a standstill.

I move to table the amendment and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The ACTING PRESIDENT Pro Tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—45

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd

Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—6

Akaka
Bunning
Campbell
Edwards
Kerry
Sessions

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3632

The ACTING PRESIDENT pro tempore. There are 2 minutes equally divided on the amendment of the Senator from New York.

Mr. COCHRAN. Mr. President, this is the amendment offered by the distinguished Senator from New York.

Mrs. CLINTON. Mr. President, are there 2 minutes available equally divided?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. CLINTON. Mr. President, I ask unanimous consent to add Senators KENNEDY and CORZINE as cosponsors of this high-threat amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, this amendment would add $625 million to the high-threat urban area category of Homeland Security funding. This would bring the amount close to what the President asked in his budget where he asked for $1.5 billion for the high-threat category.

What has been happening over the last several years is that the Department of Homeland Security has added the number of cities and localities with critical infrastructure to this category, which I support and agree with. But as a result, the amount of money is not sufficient in order to meet the needs of the number of places that the Secretary deems appropriate for high-threat urban funding. So I ask that we support this increase. It brings us close to the President's requested amount in the 2005 budget, and it enables the Secretary to provide the funding to a number of places that have high-threat needs.

Mr. DORGAN. Mr. President, I support the Clinton amendment because I think that it includes important funding for high risk areas. The amendment provides additional funds for those areas that are under the highest threat alert.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today—and I hope that it will be—I intend to work with the conferees to offset these increases by reducing funds that have been earmarked for Iraqi reconstruction. I believe these expenditures should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate $18.4 billion Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than $1 billion has been actually expended and only about $7 billion has been obligated.

Therefore, I support Senator CLINTON's amendment. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset these needed security investments.

Mr. COCHRAN. Mr. President, I appreciate very much the suggestion of the Senator from New York. The fact is, we have already identified an appropriate amount of funding for this area of concern in the bill. The committee has reviewed the request very carefully. Because the committee has exhausted its allocation of funds available to it under the allocation of the full committee on appropriations, we have identified what we think is an appropriate amount of funding for this area of concern and activity of the Department of Homeland Security. I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mrs. CLINTON. Mr. President, I move to waive the applicable sections of the Congressional Budget Act and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "no."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Florida (Mr. NELSON) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 50, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—44

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Akaka
Bunning
Campbell
Edwards
Kerry
Nelson (FL)

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 44, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Hawaii.

VOTE CORRECTION

Mr. INOUYE. Mr. President, on rollcall No. 178, I was present and voted aye. The Official record has me listed as absent. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

AMENDMENT NO. 3598

Mr. ENSIGN. Mr. President, I ask unanimous consent to set aside the pending amendment to call up amendment No. 3598.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. BOND, Mr. REID, Mr. KYL, Mr. CORNYN, Mrs. HUTCHISON, Mr. CORZINE, Mr. NELSON of Florida, Mr. CHAMBLISS, Mr. MILLER, Mr. GRAHAM of Florida, Mr. BURNS, Mr. ROBERTS, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. CLINTON, Mr. WARNER, Mr. DURBIN, Ms. LANDRIEU, Mr. CAMPBELL, and Mr. ALLEN, proposes an amendment numbered 3598.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount appropriated for baggage screening activities, and for other purposes)

Beginning on page 10, line 25, strike "$1,437,460,000" and all that follows through "presence" on page 11, line 3, and insert the following: "$1,512,460,000 shall be for baggage screening activities, of which $210,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $796,890,000 shall be for airport security direction and enforcement presence, of which $217,890,000 shall be available for airport information technology".

Mr. ENSIGN. Mr. President, I thank Chairman COCHRAN and Senator BYRD and their staffs for working with me to draft the Ensign-Bond amendment, which has 20 cosponsors from both sides of the aisle.

This amendment addresses a shortfall in the Transportation Security Administration's budget for our airports' in-line baggage screening systems, or Explosive Detection Systems, for all checked baggage.

My amendment adds $75 million to the TSA's budget request of $250 million, for a total of $325 million. It is fully offset through a reduction in TSA's airport information technology and support.

TSA has asked for a $154 million increase in airport information technology, so we will still be giving them half of that increase. Still, even with this offset, this technology account is left with $218 million, and the reduction will not damage TSA's mission.

The reason I am offering this amendment is clear: One of the major threats of terrorism we face today is crowded airport lobbies. The huge explosive detection devices in the lobbies of airports makes the packed-in crowds an inviting target for terrorists. They could harm and kill more people in an airport lobby than they could on an entire airplane these days.

The amount that TSA requested in fiscal year 2005 for in-line baggage screening is not enough to fully fund the eight airports that are currently constructing their baggage systems, let alone the 21 airports that are waiting for money to become available so they can start their own.

It is estimated that $5 billion is needed to fully install the baggage screening systems. At $250 million a year, we are not going to get there any time soon. We need to live up to our obligation to our airports by clearing the backlog of airports that need to get these monster machines out of their lobbies. It is a huge unfunded mandate for airports that have to operate on tight budgets.

Our airports will be safer as a result. In fact, one of the recommendations of the 9/11 Commission is to expedite the installation of in-line baggage screening equipment. We will never get there if TSA cannot request enough funding for eight airports, let alone for all the airports in America that need these baggage screening systems.

In summary, my amendment is offset and will help 30 airports in our country speed up the installation of their in-line baggage screening systems. We have a huge vulnerability on our hands, and we need to act quickly.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, we reviewed the amendment of the distinguished Senator from Nevada. We think it should be accepted by the Senate, so we hope it will be adopted on a voice vote.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3598) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3630

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, in my conversations with the distinguished chairman of the committee, the Senator from Mississippi, it is my understanding the bipartisan amendment I offered earlier today—on behalf of myself and Senator SPECTER, along with several other colleagues, including Senators STABENOW, SNOWE, BIDEN, MIKULSKI, CORZINE, and CLINTON—to provide funds to fire departments to hire firefighters, will be accepted by the committee. That being the case, I see no reason for us to ask for a rollcall vote.

I ask unanimous consent that a letter from the National Volunteer Fire Council be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL VOLUNTEER FIRE COUNCIL,
Washington, DC, September 13, 2004.

Hon. CHRISTOPHER DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: The National Volunteer Fire Council (NVFC) is a non-profit membership association representing the interests of the more than 800,000 members of America's volunteer fire, EMS, and rescue services. On behalf of our membership, I am writing to lend our full support for your amendment to the FY 2005 Homeland Security Appropriations Bill to fund the SAFER program at the $100 million level.

The Staffing for Adequate Fire and Emergency Response (SAFER) Firefighters Act, which was passed as part of the FY 2004 Defense Authorization bill, would not only provide grants to local fire departments to hire additional personnel, but also includes a component to provide grants to volunteer and combination departments to implement recruitment and retention programs. In addition, the amendment includes language that ensures that firefighters hired under the SAFER Bill are guaranteed the right to continue to volunteer in other jurisdictions during their off-duty hours.

As you know, recruitment and retention is often cited as the number one challenge facing America's volunteer fire and EMS departments. The SAFER program would not only help to address staffing shortages in career departments, but would go a long way to reverse the national trend in the volunteer fire service that has resulted in a loss of nearly 15% of the volunteer ranks in the last 20 years.

Once again, we strongly support your amendment to the FY 2005 Homeland Security Appropriations Bill and we thank you for your continued leadership and support of America's fire service. If you or your staff have any questions please feel free to contact Craig Sharman, NVFC Director of Government Relations at (202) 887–5700.

Sincerely,
PHILIP C. STITTLEBURG,
Chairman.

Mr. DODD. I appreciate immensely the support of the Senator from Mississippi and others who are willing to accept the amendment. I want to commend Senator BYRD, Senator SPECTER, as well as their staffs, for the tremendous efforts they have made on behalf of the amendment. We were able to work out an offset that will not do any significant damage to the management and administrative functions of the Homeland Security Department. We still would have a 35-percent increase in title I, and roughly the status quo when it comes to title IV.

Firefighter staffing is the No. 1 issue for firefighters all across America. By agreeing to this amendment, we are fulfilling our pledge to these heroes to do everything we can to not only provide them with the materials, training, and equipment they need, but also the necessary personnel these departments must have if they are going to complete their jobs.

Again, I thank the Senator from Mississippi and his staff for their outstanding efforts.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we thank the Senator from Connecticut for his good advice and suggestions in the handling of this bill. We recommend we proceed to a voice vote on his amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3630.

The amendment (No. 3630) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3639

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to laying aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. Bingaman], for himself and Mr. Domenici, proposes an amendment numbered 3639.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for continued support by the New Mexico National Guard for the performance of the vehicle and cargo inspection activities of the Department of Homeland Security)

On page 39, between lines 5 and 6, insert the following:

Sec. 515. During fiscal year 2005 the Secretary of Homeland Security and the Secretary of Defense shall permit the New Mexico Army National Guard to continue performing vehicle and cargo inspection activities in support of the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement under the authority of the Secretary of Defense to support counterdrug activities of law enforcement agencies.

Mr. BINGAMAN. Mr. President, this is an amendment which simply provides that during fiscal year 2005, the Secretary of Defense shall permit the New Mexico Army National Guard personnel to continue performing vehicle and cargo inspection activities in support of Customs and Border Protection and immigration enforcement agencies along the border.

This is work our New Mexico National Guard has been doing now for some time. They do an excellent job. We have 17 full-time guardsmen who are involved with this inspection. They are well trained to accomplish this work. This is work which will be very difficult for the other Federal agencies involved to try to take over themselves. It is important that the National Guard be allowed to continue doing the work. The amendment would accomplish that. It is a very meritorious amendment, and I urge my colleagues to support it.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we understand the Senator from New Mexico, Mr. Domenici, is a cosponsor of the amendment. We appreciate Senator Bingaman's bringing this issue to the attention of the Senate. We recommend that we proceed to a voice vote on the Senator's amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3639.

The amendment (No. 3639) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3636

Mr. BAUCUS. Mr. President, I rise to speak on an issue that is vitally important. If there are any pending amendments, I ask unanimous consent that they be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. I call up amendment No. 3636.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Baucus], for himself, Mr. Burns, Mr. Conrad, Mr. Roberts, Mr. Dorgan, Mr. Brownback, Mr. Nelson of Nebraska, and Mr. Hagel, proposes an amendment numbered 3636.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency disaster assistance to agricultural producers in Florida and other States due to losses from hurricanes, droughts, freezes, floods, and other natural disasters)

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 01. CROP DISASTER ASSISTANCE.

(a) Definitions.—In this section:

(1) Additional coverage.—The term "additional coverage" has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) Insurable commodity.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) Noninsurable commodity.—The term "noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(b) Emergency Financial Assistance.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both, due to damaging weather or related condition, as determined by the Secretary.

(c) Administration.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(d) Reduction in Payments.—The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under this section shall be reduced by the amount of assistance that the producer receives under the crop loss assistance program announced by the Secretary on August 27, 2004.

(e) Ineligibility for Assistance.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(f) Contract Waiver.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(g) Effect of Violation.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) In General.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

SEC. 03. TREE ASSISTANCE PROGRAM.

The Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to producers who suffered tree losses during the winter of 2003 through 2004.

SEC. 04. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 06. EMERGENCY DESIGNATION.

Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

Mr. BAUCUS. Mr. President, this is a bipartisan amendment. My colleague from Montanam Mr. BURNS, is a cosponsor of the amendment, along with Senators ROBERTS, BROWNBACK, HAGEL, CONRAD, DORGAN, and NELSON from Nebraska. Maybe there will be more later.

This amendment provides for emergency agricultural natural disaster assistance. Some might ask why I am offering this amendment, particularly on this bill. The answer is very simple. First of all, there is a tremendous need, a need in rural America to address drought agricultural disaster assistance. Just as there is a need in Florida because of the two hurricanes which have devastated that State, and a third potentially on its way, for agricultural disaster assistance, agricultural disasters from droughts in many parts of America are just as devastating. We don't hear about them as much because it is in the nature of a silent killer. They don't get on TV as much. It is over a period of time, for years. But the effect is just the same, if not worse, in many parts of our country.

We are in America. We are an entire country. Just above the Presiding Officer is our national motto, "e pluribus unum." Clearly, this is something of which we should all be reminded. We are many States, but we are one Nation, here to help each other—one indeed.

Our amendment would fully fund the Crop Disaster Program, the Livestock Assistance Program, and the American Indian Livestock Feed Program for losses incurred in 2003 or 2004. The producer would have the option of deciding which of the 2 years he or she needs the assistance.

I might point out that in 1996, the year before the major years of drought began, Montana sold $847 billion worth of wheat. Just a couple years ago, we sold only $366 million. That is a 43-percent decline. Why? Essentially because of drought.

This devastation does not end at the front door of our rural homes. It is unrelenting and has taken an enormous economic toll on our communities as well as our farmers. It will take years to recover. Businesses are closing doors. Employees are being layed off in many parts of rural America as a consequence, and main streets are just drying up. Producers are considering selling parcels of land they own or pieces of equipment that they have in order to keep their operation going. They will do so only if they can keep the farm or the ranch that their family has been working on for, in many cases, generations, and scraping that money together has never been more difficult as most of the potential buyers are similarly in financial straits.

So we are drying up in many parts of the country. It is all patchwork. It is not uniform. There are certain parts of the drought that even in certain parts of my State of Montana, you can tell from this map which indicates it is very dry. Some parts are more drought stricken than others. This bill is tailored to give help to those producers who are experiencing drought, who have a disaster, very little of their crop is left, and they would be compensated for only a portion of the loss. We have to act now.

Some will say: Put this off to another bill. This is the Homeland Security bill. This is not an agricultural disaster assistance bill.

That is a technical argument. The unanimous consent request states, and I will point it out to my colleagues, that first-degree amendments to this bill are in order related to the text of homeland security and natural disasters. This is a natural disaster amendment.

This bill clearly contemplates amendments that address assistance to parts of the country that are experiencing natural disasters. You might hear, gee whiz, after all, we should wait until an agriculture bill comes up. We cannot do that. We know there are 3 weeks left before we are scheduled to adjourn. There is no time to wait. We know the big disaster bill comes up for Florida, and we know the pressure here for that to be a clean bill—don't add anything to it because it so accurately portrays the devastation in Florida, and there is going to be a rush to adjourn and they don't want any amendments, and that will happen.

We are going to hear the argument to put it off until the supplemental or another bill. Well, you have to strike while the iron is hot here. You need to take advantage of your opportunities. This is needed now, not weeks from now. It is needed right now. Frankly, a bird in the hand is worth two in the bush. If we don't act now, we jeopardize assistance that farmers deserve, as well as the folks in Florida.

I point out that we see hurricanes and tornadoes and ice storms and floods in the news; newspapers and television cover that. Those folks deserve help and we will give them help before we adjourn.

We must also remember that an agricultural disaster such as drought is more of a silent killer; it is not as visible on TV screens, but the effect is just as bad, if not worse.

You are going to hear, why doesn't the farm bill take care of all this? We know it is important to remind ourselves that disaster assistance is completely separate from funding in the farm bill. It is a totally different animal, a different phenomenon.

The argument is also made that farmers and ranchers should be satisfied with the funding they will receive in the farm bill. The truth is, only 18 percent of the total funding in the farm bill goes directly to producers. The rest goes to food stamps, nutrition programs, et cetera. The farm bill is never intended to cover losses from natural disasters; it is economic losses, not natural disasters, as this amendment so provides.

In the same way we use emergency funds to rebuild communities hurt by tornadoes and hurricanes, we should rebuild communities hurt by drought. We should not treat natural disasters differently and just pay attention to the ones that make the evening news. A disaster is a disaster. There is no reason a double standard should apply. We must not and cannot continue to ignore the impact of drought, the effect it has on our agricultural producers, and our rural communities. It is every bit as deserving of assistance.

I repeat that it is just as important as small business owners in Florida or anybody else. Florida needs assistance and we will give them that. Those folks are hurting. But I might also say that parts of rural America need assistance and we should give them assistance because they are hurting just as much in some cases, if not worse.

I will end there, just by saying this is bipartisan. We have just as many Republican cosponsors as Democratic cosponsors. It is not a political issue. This is meant to help people who really need help.

With that, I yield the floor and urge my colleagues to take a good long hard look at this and not be—I am trying to use another word—deceived by arguments that say this is just a Homeland Security bill. That is a technicality. The unanimous consent provides for natural disaster amendments to this bill. Second, there is no time to wait. That is why we are here. That is why we are elected, to do what is right.

Somebody, who was wise, said to me: When you are going to do something, do it now, don't wait. Second, do it right the first time. Don't do it wrong the first time.

I think if we are going to do it, we should do it now, do it right the first time; and the right way is a basic, simple amendment. We are not trying to take advantage of somebody or pad anybody's pockets. It is to help people who need help.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I rise in strong support of the amendment of the Senators from Montana, Kansas, and others States that have been affected by natural disasters. We have enormous sympathy for the State of Florida and the extraordinary disasters they have faced, and we are ready to help them, as we have been helped in the past.

My State has once again been hit by the most remarkable set of disasters I have seen yet—and I have seen a lot—from the worst floods in the 1990s—we had the 500-year flood of the Red River. People may recall the images of that extraordinary flooding. In the 1980s, we had the worst drought since the 1930s.

This year, our State has been hit by a combination of flooding and drought that is truly stunning. It is almost hard to express what I have seen as I have crisscrossed North Dakota this summer.

These headlines on the chart sum up a little of what people in North Dakota have been reading all year: "Water Everywhere, While Deadline Looms to Get Crops in the Ground." What that is talking about is that, in our State this year, nearly 2 million acres were prevented from even being planted because of extraordinary flooding. This is a continuation of the flooding in the Devil's Lake Basin that we have seen over the past 6 or 7 years. This lake is now bigger than the District of Columbia; it is several times the size of the District of Columbia. The lake has risen 25 feet in the last 7 years.

Throughout this entire basin, which is the size of the State of Massachusetts, the land is increasingly under water. There is a joke in North Dakota that Lake Agassiz may be reforming. Lake Agassiz, my colleagues will remember, was a giant lake, a glacial lake that covered much of the State of North Dakota in earlier ages.

Something truly phenomenal is happening in my State. Some have suggested that global climate change is affecting the severity of the weather. I don't know, but something dramatic is happening. We have towns that have experienced 18 inches of rain in 1 day, and these are places that only get 20 inches of rain in a year. It is Biblical and it is unlike anything we have ever seen.

In the midst of all of this, we had a killer frost in August. Whoever heard of a frost in August? In fact, we had several frosts in August. And while that is happening in the northern tier of the State, in the southwestern part of the State is the meanest, toughest drought I have seen in my lifetime. I just toured the southwestern part of our State. In county after county, I was in pastures that are like moonscapes because nothing is growing.

This is a headline from one of the newspapers back home: "Drought Cancels Annual Crop Show." They cannot have a crop show because there are no crops to show. That is how devastating the drought has been in the southwestern part of the State. At the same time, the great irony is, just a hundred miles north, it is so wet they cannot get the crops off. I had one farmer—Mr. BAUCUS—say to me: The incredible thing here, Senator, is when you look from the road, it looks like there is 90 bushels of barley there, but you cannot get in to harvest it because it is so wet that your equipment bogs down. Now, here we are in the second week of September and there are very few days left that will be warm enough to mature the crop. The result is going to be losses that will mount geometrically.

This says, "Losses Total $530 million." This is our State university that has done a calculation of the extraordinary losses. Already, there have been Presidential disaster declarations.

I make these points because while we have enormous sympathy for Florida and are prepared to assist them and to vote for natural disaster assistance to them, they are not the only ones being affected by natural disasters. I wish it were not so. I wish nobody was being faced with natural disasters, but that is the circumstance we face.

On this most recent tour, this is a wheat field that we were looking at. This is a wheat field in September. It is not up much past a person's socks. There is nothing here. It was a total loss. These people are going to lose their entire investment.

Here is a cornfield. We say knee high by the Fourth of July. You can see this corn is not knee high by the first week in September. In fact, most of these corn plants have no ears on them. About one in four has any ears, and the ears they have are like those little miniature ears that one gets in a salad when going to a restaurant. It is unlike anything I have ever seen.

This is a cornfield that is totally stunted. This is one of my assistants who is holding up this corn plant showing there are no ears on it. It is a total loss. As the farmer who was with me said: Senator, that is garbage. That whole field is just garbage.

Yet here is another part of North Dakota—I do not know if people can see this clearly through the television lens, but this is mile after mile of northern North Dakota—water, water everywhere. Everywhere one looks there is water. That is the circumstance we face in North Dakota.

In the middle of all of this, here is a map that shows the damage. There are 1.7 million acres that were prevented from even being planted all across northern North Dakota. All the green area is places where acreage was prevented from being planted. Just to put 1.7 million acres in perspective, how much is that? That is 25 percent more than the whole State of Delaware. That is the acreage they could not even plant. Those who were lucky enough to plant could not harvest. They could not harvest because it is so wet the machines are bogged down. That is what we are facing in North Dakota. It is not just drought and it is not just flooding.

On top of that, killer frost. Here is the indication of where they had killer frost. My colleagues can see in the blue those are areas that had killing frost this year. On August 20, 2004, there were freezing temperatures. The areas in the lightest blue experienced temperatures from 28.5 degrees to 32.2. In the next shade of blue, 32.2 to 35.9. In all of these areas, enormous damage was done to the crops.

One does not have to take my word for it. We brought back pictures showing what has happened. This picture is from Cass County, ND, an ear of corn unaffected. This picture was taken on August 24. That is a healthy ear of corn. Look at the Foster County picture taken the day before, August 23. This is frost-damaged corn.

My colleagues can see what a totally different picture it is, the difference between corn that is healthy and unaffected and that which has been damaged by frost.

The losses in my State are now enormous and growing geometrically. Our

State university just did this assessment: Prevented planting losses as I described, 1.7 million acres, a loss of over $206 million; crop production losses, $264 million; crop quality losses, another $58 million. Total losses in my State so far, $530 million.

Now, some say that is what crop insurance is for. Let me explain. Crop insurance will only cover 40 percent of the loss, not even 40 percent of the loss, because of the way crop insurance works. That is with the vast majority of my farmers buying crop insurance. Some will say, gee, more farmers should have bought crop insurance. In my State more than 90 percent of the farmers do buy crop insurance.

The way crop insurance works, it in no way makes one whole. It just offsets the losses, and when the losses are this massive and this significant, crop insurance only covers less than 40 percent. This shows net direct crop losses of almost $330 million.

The economists at our State university then did an analysis of what the indirect losses would be to the State. Households will lose $511 million. Retail sales will be reduced by $245 million, and put in the direct crop losses, that is an economic loss to North Dakota's economy of over $1 billion, and $1 billion to my little State is a huge amount of money. I know in Washington $1 billion may not seem all that significant. It may not be all that significant in California or New York, but in North Dakota $1 billion is real money. It means real hardship to real people, people who deserve assistance just as much as the people in Florida who have been devastated by hurricane after hurricane.

Our people have not been hit by a hurricane. They have been hit by flooding, frost, and drought. What a perverse collection of natural disasters to visit any State in any year.

The final point I wish to make to my colleagues who may be concerned that we are busting the budget is this is what has happened to the pattern of farm payments under the new farm bill. The national press has missed this story completely, I might say, but the fact is, farm program payments have come down dramatically under the new farm bill.

This is where they were under the old farm bill, $32.3 billion in the year 2000; 2001 it came down to $22.1 billion; 2002, $15.7 billion. Then we had a tick up in 2003 to $17 billion, and in 2004 they are anticipating the spending will be $11.5 billion. That is $20 billion less than 2000. The national press has not reported this at all.

The fact is, the new farm bill is costing a lot less than what we were spending under the old farm bill, much less. This year, it is $20 billion less than the cost was going to be in 2000.

My colleagues know I have been voting against waivers of the Budget Act for amendment after amendment, and I have told my colleagues there is only one exception for me and that is natural disaster, whether it is Florida, Georgia, North Carolina, South Carolina, North Dakota, Minnesota, Montana.

The hard reality is, natural disasters are unpredictable. Nobody can know who is next. Nobody can know who is going to face a flood or a drought or a hurricane. That is why we have always treated them as emergencies, with emergency funding. That is my intention this year as well.

I believe we have natural disasters. Nobody could have predicted Hurricane Charley or Hurricane Frances or Hurricane Ivan. And nobody could have predicted these terrible droughts.

Senator NELSON from Nebraska said we ought to be naming droughts because then it would get more attention. It kind of personalizes things. People could understand when we are getting hit with a natural disaster, because it has a name. We don't name droughts. Maybe we should. We certainly name a hurricane and that helps us personalize it and remember it. Droughts and floods don't have names, but I will tell you what, they affect real people who have names.

I have gone all across my State in dozens of farm meetings, all across the northern tier of North Dakota with this devastating flooding, and all across the southwestern part of my State with this disastrous drought. These are real people, real families, who are being devastated and, through no fault of their own, they are on the brink of being pushed off the farm. They have been devastated every bit as much as the people in Florida. All of them deserve our assistance and our support. I hope very much our colleagues will support this amendment.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3641

Mrs. BOXER. Mr. President, I ask the pending amendment be set aside and that we take up amendment No. 3641, which has been cleared on both sides.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. CARPER, proposes an amendment numbered 3641.

On page 20, line 14, strike "rail" and insert "inter-city passenger rail transportation (as defined in section 24102(5) of title 49, United States Code), freight rail,".

Mrs. BOXER. Mr. President, this is a very simple amendment. I give tremendous thanks to Senator TOM CARPER of Delaware who has worked so hard on this amendment, and Senator BIDEN for his strong support. They have been a real leadership team, in terms of real security for Amtrak. I am pleased we were able to work together.

I also thank Senator COCHRAN enormously, because he has been so helpful to us, and of course Senator BYRD. Basically, last March we received what should have been a wake-up call when terrorists blew up a commuter train in Madrid, Spain, killing nearly 200 people and injuring 1,400. I don't think there is any American who will not remember our shock and sadness at what occurred.

Obviously, we have to address the vulnerabilities of America's rail systems. We must act now. I am so pleased that the bill before us includes more than $207 million for rail and transit security. This amendment that Senator CARPER has done so much work on and which I have worked with him on will make it clear that all rail operators will be eligible for this vital funding. This will allow the Secretary of Homeland Security to use full discretion to allocate funds to those operators with the greatest need regardless of whether they are local transit agencies, Amtrak, or freight railroad. This minor change will go a long way toward helping, and clearly many of us believe we need to do more.

I proudly sit on the Commerce Committee. That committee has now twice voted out rail security bills that are very strong. But adding more dollars to rail security would enable us to do more checking on what may be lying on the railroad tracks and set up a system so we can be sure that baggage on trains does not contain bombs. We have K-9 teams.

There are many things we want to do. It is a great frustration for me that even though Senator MCCAIN and Senator HOLLINGS and the whole committee in a bipartisan way passed railroad security not once but twice, that bill sits at the desk, as does the port security bill that we voted out, as does the nuclear plant security bill the Environment Committee voted out, and the chemical plant security bill. It is frustrating. But tonight, at least we have a chance to do a little bit more for rail security. I am very grateful for that. I know this amendment has been cleared on both sides.

I see Senator CARPER coming to the Senate floor, so I will yield the floor. But once more, I give him my tremendous thanks for his very hard work. It is wonderful to see that we can accomplish something when we reach across the aisle. We have taken a big step. Of course, we want to take even bigger steps to make sure our rail passengers are safe.

I will yield the floor at this time. I would like to know, because I would like to leave the floor at this time, if it is OK to ask for this amendment to be adopted in a unanimous consent fashion at the conclusion of Senators who wish to speak.

Mr. COCHRAN. Mr. President, if the Senator will yield, I am happy to express my support for the adoption of this amendment on a voice vote at the conclusion of the remarks of Senators from Delaware and California or any other Senators who would like to speak.

Mrs. BOXER. All right. At the end of Senator CARPER's remarks, if no other Senator seeks recognition, then he can make that request. Would that be appropriate at that time?

Mr. COCHRAN. Mr. President, that would be my suggestion. If the Senator will yield, we will adopt the amendment on a voice vote at the conclusion of the remarks of Senators who are interested.

Mrs. BOXER. My thanks to everyone involved.

I yield the floor.

Mr. CARPER. Mr. President, before Senator BOXER leaves the Senate floor, I want to thank her for her tenacity and leadership on this issue. I think we have come to a conclusion.

I see my senior Senator, Senator BIDEN, has joined us as well. This is an issue he has worked on longer than I have been in the Senate. I want to say to my friend, job well done.

I say to Senator COCHRAN and his staff on the Senate floor, and Senator BYRD as well, thank you very much for working with us in writing a very good compromise. A number of us have expressed concern upon learning that as money was added to this bill for transit security, there was an inability—in fact, no ability—for us to access these dollars to enhance security for innercity passenger rail, on rails principally Amtrak, and to enhance the safety and security of freight railroad operations.

As it turns out, the Northeast corridor, which runs from Washington, DC, up to Boston, MA, is owned by Amtrak. Not only do Amtrak trains ply these corridors from here to Baltimore to Wilmington to Philadelphia and New York, on to Boston, but you can stop in Providence, the State of the Presiding Officer. Also, a lot of freight rail use these tracks. The tracks themselves, the overhead wires, the tunnels through which these trains go, the bridges over which they cross are owned and operated by Amtrak. The commuter trains that use the tracks from here to New York City and on up to Boston in many cases are owned and operated by Amtrak. For us to have passed legislation here today which attempts to promote rail security at least by giving money through State and local governments to transit operations without allowing Amtrak to have any access to those moneys I believe would be very shortsighted.

With the addition of this language which we have worked out on the Republican and Democratic side, we have actually a larger pot of money than we started with. That is good. With the addition of this amendment, we have the ability to enhance the safety and security of inner-city passenger rail operations and freight rail operations, too.

When I go home later this week, I will probably take the train. There is a tunnel that runs under this Capitol in which we work that is about 100 years old. There are concerns about the safety and security of trains that go through there. There is a tunnel under Baltimore that is about 130 or 140 years old. There are six tunnels that are about 100 years old which go in and out of New York City and under the rivers. They have problems with respect to ventilation, lighting, surveillance, and all kinds of safety concerns. They need to be addressed, and they can be addressed at least partly with money made available here.

Not all enhancements to safety and security for rail need to be as expensive as fixing old tunnels. Some of them can be as inexpensive as adding dollars for an old technology—the ability of our K-9 corps to detect bombs and explosives. It is as good today as it was 20, 30, or 40 years ago. With this money, those folks who are running our innercity passenger rail will be able to better use K-9, if that makes sense, for detecting and ensuring our trains don't end up with explosives on board.

Again, in conclusion, we have come to a good place. This is not an amendment that, frankly, asks for more money. It is an amendment that actually enables us to use some common sense in allocating the moneys that have been added to the bill. It will allow us to enhance the safety and operation of our commuter operations, whether it be commuter trains or buses. Hopefully, we will also be able to use a good deal of this money to enhance the safety of inner-city passenger rail and some of our freight operations. For that, I think we can all be grateful.

I yield the floor.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3641) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I would like to read a list of supporters of the pending amendment which provides for emergency agricultural disaster assistance: the Alabama Farmers Federation, American Corn Growers Association, American Farm Bureau Federation, American Soybean Association, Georgia Fresh Fruit and Vegetable Association, Georgia Peanut Commission, National Association of Farmer Elected Committees, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Barley Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Farmers Union, National Grain Sorghum Producers, National Milk Producers Federation, National Potato Council, National Sunflower Association, Southern Peanut Farmers Federation, U.S. Canola Association, USA Dry Pea & Lentil Council, USA Rice Federation, and Women Involved in Farm Economics.

Mr. President, I ask unanimous consent, if consent is necessary, to add as cosponsors to the pending amendment Senator COLEMAN of Minnesota, Senator DAYTON of Minnesota, and Senator CLINTON of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I think the growing support indicates we should adopt this amendment. There may be a point of order raised. It would be a technicality. I hope if that is raised, Senators will vote to waive that point of order so we can help some people in America, farmers and ranchers in various States all around our country, who have suffered from drought disasters or, as in the case in North Dakota—it is very interesting—from flood disaster.

It was very sad listening to Senator CONRAD speak about North Dakota, how part of the State has been devastated by flooding, with 18 inches of rain in 1 day, if you can believe it. The average annual rainfall in the upper plains States is about 14 inches a year. They had 18 inches in 1 day. That is in one part of North Dakota. In another part of North Dakota, they have had the worst drought he has said he has seen in his lifetime.

I might say, the condition is somewhat similar to that in Montana. Northeast Montana is getting a little more moisture than it usually gets, but southwest Montana is getting a lot less than it normally gets. It is hard to know where we are going to get drought and where we are not. But there is drought.

We are asking to use the formulas that are in the law; that is, the Emergency Livestock Feed Program and the Crop Disaster Assistance Program. Let's use the formulas in the law. If they need disaster assistance, we should give it to them.

In addition, Mr. President, I ask unanimous consent to add Senator MURRAY as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. The more I speak, the more I am getting cosponsors. I ought to keep talking. They are coming in at a rate of about four a minute.

With that, I urge Senators to support this legislation.

TREES

Mrs. CLINTON. I would like to engage the Senator from Montana in a colloquy on Senate amendment No. 3636, the agriculture disaster assistance amendment. I appreciate his hard work in bringing this amendment forward. New York's farmers have suffered this year—both from heavy rains in July and from damaging winter frosts. In particular, both apple trees and grape vines were destroyed in New York this past winter. And while the losses for this year's crop will be covered by the crop disaster assistance provisions of this amendment, it is the tree assistance program that assists growers in replacing their lost trees and vines. So I thank the Senator for including that provision, and I would like to clarify with the Senator that the term "tree" as used in his amendment is used in the same way as it is defined in the 2002 farm bill. That is, term "tree" in this context means trees, bushes and vines, and would therefore assist New York's apple growers and grape growers alike.

Mr. BAUCUS. I thank the Senator from New York for her support of the amendment, and I assure her that the Tree Assistance Program provision in my amendment is intended to cover eligible losses of trees, bushes and vines.

Mrs. CLINTON. I thank the Senator for his assurance on this issue.

Mr. COLEMAN. Mr. President, I rise in strong support of the bipartisan amendment offered by my good friends and colleagues from Montana, Senators BAUCUS and BURNS, and am proud to be an original cosponsor of this measure important to my State of Minnesota.

Earlier this year, heavy precipitation and moisture prevented many farm families from planting a crop at all and not long afterward, many of them lost what they had planted. This led to a disaster declaration request for three especially hard hit counties along the Canadian border: Lake of the Woods, Roseau, and Marshall Counties.

Then, after a late start in the growing season, my State's farm families were hit with a bizarre August, yes August, freeze that took its toll on another at least 29 counties for which disaster declarations are being sought. This includes pretty much everything north of Interstate 94 that runs from the Twin Cities northwest toward Fargo Moorhead.

It's been said that Minnesota is a place with 9 months of winter and 3 months of poor sledding but a freeze in August even surprised us.

But all kidding aside, this has been a rough season for my farm families and depending on what happens in the next few weeks, it could get a lot worse and become a statewide problem. My farm families tell me, particularly south of I–94, that they need an extra 15 days of growing season beyond what is normal in order to get the heat units necessary to produce a decent crop. If they don't, they are looking at some of the lowest yields since the great flood of 1993, which I remember as the newly minted Mayor of Saint Paul when the same flood ripped up parts of our capitol city.

Now, I know some folks think that we should not be providing disaster assistance to my farm families. They note that my farmers already have insurance. In fact, better than 95 percent of my farm families do carry crop insurance. But, those who face other kinds of disasters also carry insurance, and yet this does not bar them from disaster relief—nor should it. In fact, folks who carry insurance on their cars, on their boats, on their businesses, and on their houses carry insurance that—save the deductible—allows them to recoup the market value of what they have lost. Not so with farmers. Our farmers have to absorb as much as 15 percent, 25 percent, 35 percent, and sometimes even more of their loss alone before they even begin to qualify under their insurance policy. So, disaster assistance is meant to help bridge the gap that exists for farmers but not for others.

This disaster assistance amendment is not out of bounds. It is the traditional level of disaster provided in past years. There is a crop disaster payment covering crops of every kind; a livestock assistance program that helps our livestock producers recoup feed costs resulting from natural disaster; and a quality loss program to help producers who do not suffer yield losses but suffer quality losses that cut into the price they receive in the market place.

Frankly, I believe it is time for us to put our heads together in a bipartisan fashion and craft a more coherent, predictable, fiscally responsible, and long-term policy that better addresses natural disasters. I know that this has been attempted in earnest numerous times in the context of crop insurance—with considerable success—as well as in the context of an emergency reserve or standing disaster program, albeit with less traction in this regard. But, clearly, we need to take another hard look at this issue and see what we can do about alleviating the need for ad hoc relief like this, which is not very reliable to those it's intended to help and not the best option in terms of Federal budgeting.

I urge the amendment's adoption, but I do so looking down the road a ways in hopes that, in the future, we find a new and better way of addressing these crises whose timing we can not always predict but whose occurrence we can certainly all foresee.

Mr. NELSON of Nebraska. Mr. President, I support our amendment to provide emergency drought disaster assistance for farmers and ranchers who have suffered under a prolonged—in some areas a 5 year—drought. I am pleased to be working with Senators CONRAD, BAUCUS, DORGAN, BURNS, ROBERTS and BROWNBACK to offer this amendment. It is a bipartisan amendment, with strong support. This amendment has the strong support of our national farm organizations, such as the American Farm Bureau Federation and the National Farmers Union.

Nebraska's facing its fifth straight year of record drought, which as you know has a damaging effect on the agriculture industry, as well as the main street of every Nebraska community. The same is true in Montana, North Dakota, Kansas and other States as well. Droughts, hurricanes, tornadoes and earthquakes, are natural disasters and deserve to be treated the same. Multiple years of drought have cost our Nation billions of dollars in economic losses and have many farmers wondering whether they'll be able to carry on.

We were successful in 2003 in getting assistance to our producers, but only at half the amount necessary. We passed a $3.1 billion assistance package that was offset with farm bill programs—a plan I opposed. I offered a $6 billion emergency assistance package that if it had passed; we probably wouldn't be here today seeking what we were denied in 2003.

I have continuously worked for the additional assistance we have been unable to secure. I have repeatedly called on the President and Congress to support funding for drought aid for our farmers and ranchers, and to fully fund the crop and livestock disaster programs so critical to Nebraska's farmers and ranchers. This is of the utmost importance to farmers and ranchers in Nebraska and across all the areas suffering from this natural disaster.

The estimated cost for this disaster assistance is $2.9 billion. The assistance will be provided through emergency assistance in the form of a Corp Disaster Program, Quality Loss Program and a Livestock Assistance Program. This assistance is targeted to those who need it most. It will help recover eligible losses sustained by producers in counties designated as primary or continuous disaster areas during the 2003 or 2004 production years.

Producers can choose to claim losses for either the 2003 or 2004 production years, but not both years. This flexibility will allow for ranchers and producers to seek assistance for the year with the greatest negative impact on their farm operation.

I am happy to report that a similar effort is underway in the House of Representatives. Nebraska's own TOM OSBORNE is leading a bipartisan effort to secure relief for agriculture producers. I am hopeful that my Senate colleagues will join me in supporting this amendment. We must respond to the crisis this drought has caused in Nebraska and our Midwestern neighbors.

Mr. BURNS. Mr. President, I am pleased to join my fellow Senator from Montana in sponsoring this agricultural disaster amendment. Agriculture is Montana's largest industry, and these persistent weather-related losses are devastating to our economy. Farmers and ranchers across the country are struggling to cope with weather-related disasters, and this amendment will deliver needed relief to those producers. Whether we are talking about hurricanes, floods, or the prolonged devastation caused by drought, some of our producers are barely hanging on.

I am particularly happy that this amendment responsibly targets assistance to those individuals who need it most. It provides crop disaster assistance, livestock disaster assistance, and funds for the American Indian livestock feed program. It allows producers to choose which year's losses 2003 or 2004 were the worst. In Montana, most folks suffered the biggest losses in 2003. Our crop losses that year were over $70 million. Livestock producers in many counties in 2003 lost a good percentage of their pasture land to drought. For others, 2004 may have been the year that nearly finished them off. Nearly half of our grazing land is in poor or very poor condition. Record low streamflows are still being recorded, and our reservoirs are nearly empty. And even though some of our wheat producers had good yields, topsoil moisture is still well below average. The drought is far from over in Montana, and throughout the West. Some folks need the assistance for 2003 losses, others for severe weather losses incurred this year. This amendment will let farmers and ranchers make the right choice, based on their individual situation.

I know some of my colleagues have concerns about the price tag of this bill, and I admit it worries me too. But there are people back home who might not make it another year if they don't get relief from the impacts of a 6-year drought. Drought is a silent killer. It doesn't make headlines, and few television stations report on it. This assistance is essential for those people just like it is critical for farmers with flooded cropland, or producers with unexpected summer frost damage. This bill is targeted to just those who meet certain loss thresholds, to make sure that assistance goes where it is most needed, whether that need be in Florida, Maine, or Montana. We cannot discriminate between producers or disasters.

I thank my colleagues for their support of this amendment, and look forward to its adoption.

Mr. ROBERTS. Mr. President, today I rise in support of the Baucus amendment. This amendment ensures that farmers and ranchers across the country will receive assistance for losses sustained through natural disasters.

In Kansas this assistance is critical to provide aid to our farmers and ranchers who have been hit hard by a multiyear drought. While many have viewed the terrible destruction wrought across Florida and the Southeastern U.S. by successive hurricanes in recent weeks, I cannot forget the terrible drought that has continued to grip much of the western portion of Kansas.

I also cannot forget the eerie photographs, taken earlier this summer, of a giant dust cloud that swept across western Kansas. This dire result of continuous drought caused Interstate 70 to shut down, its dust inundated homes and hospitals and even caused a tragic traffic accident that claimed the life of a distinguished Kansan, the late State Senator Stan Clark.

It may surprise my colleagues, but I am no fan of Federal disaster programs for agriculture. They are difficult to pass and often a disaster to implement.

It is unfortunate that the current farm bill, which I voted against, does not provide producers with assistance when they need it most—when there is no crop to harvest.

Without the crop insurance program, which I fought to improve and enhance in 2000, and additional Federal disaster aid, many Kansas producers might not be around another year to continue participating in the current farm bill.

Mr. President, I stand in support of the Baucus amendment. I urge my colleagues to do the same.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have been in a markup of the Appropriations Committee for the past several hours. I wanted to be here when my colleagues offered the disaster relief legislation. I was not able to be here at that point, but let me add to the comments that have been made by my colleague from Montana, Senator BAUCUS, and my colleague from North Dakota, Senator CONRAD, and many others.

The amendment that has been offered, as a bipartisan amendment on behalf of Republicans and Democrats who represent a significant part of farm country, is to ask the Congress to consider passing a disaster bill to respond to weather-related disasters in our part of the country.

Let me begin by saying it is my intention that I would support all and any resources that are necessary to respond to those who have been devastated by successive hurricanes.

Those in Florida and other parts of the Southeast, and now those in the gulf area who may well be hit by another hurricane, have had a devastating time of it. It is sad to see the plight of the victims on television when these hurricanes come through and destroy property and destroy homes and destroy livelihoods. It is a pretty awful scene. When that happens, this country has an obligation to extend its hand to those victims and say: You are not alone. This country wishes to help.

I have always voted in favor of disaster assistance and always will because it is part of what this country needs to do for those who have been hit with tough times. That is certainly the case with respect to those hit by the successive hurricanes in the southern part of our country. My colleague from Montana and others have said that as devastating as those hurricanes are—and it is hard to adequately describe the devastation—there are, in addition to the damage from those hurricanes, other areas of the country that have suffered weather-related disasters.

My State is one of those States. I will describe what has happened in my State.

I have toured throughout the entire State of North Dakota in the past months. In the northern part of our State, torrential rains in the spring that came and stayed in a torrent of moisture meant that 1.7 million acres of ground could not even be planted in North Dakota. Obviously, that is a serious economic problem for our State, but it is a devastating circumstance for a farmer that had all of their ground inundated by these torrential rains and couldn't plant an acre. That is a personal circumstance that is very difficult because they will lose all of their revenue. Many of them will go out of business. That is a time when disaster assistance is necessary.

In other parts of North Dakota in the southwestern corner, I had ranchers tell me that from January 1 to July 1, they received 2.2 inches of moisture total in 6 months. One can imagine what their crops look like.

These are two pictures from my State. They describe the circumstances faced by producers. This is a field inundated with water. It would not have been planted, and this farmer would not have an opportunity to make a living by planting this field because the field will be prevented from being planted by this water.

This, in the same State, looks like a moonscape. It is an area that is completely without moisture, a pastureland that has no growth. These are from the same State in the same year.

We had, in addition to the torrential rains and the drought in different parts of the State, in the month of August, strangely enough, a frost, and then a freeze. What happened as a result? My colleagues can look at a cob of corn. This shows a healthy cob of corn. That is what you get when you produce it and you have the heat units and you are able to harvest and pick the corn. Here is what happens when you have a freeze in August, exactly when corn needs heat units to grow. Perhaps even more dramatic, here is what a healthy field of soybeans looks like. We have a lot of acres of soybeans. It looks great, a beautiful green field.

Here is what that same field looks like after you have a freeze in the month of August when you need the heat units to be able to have these beans reach maturity and growth.

It is estimated by North Dakota State University that in North Dakota, the impact of these weather-related disasters was about $1 billion total. The impact on farmers is more than half a billion dollars. And that which is above that, which crop insurance would pay, is over a third of $1 billion. That is a weather-related series of disasters that is significant and troubling to the producers in our State.

My colleague described the circumstances in Montana. Others will describe circumstances in their States. The point is, this damage was not from a hurricane that came with a fury and in just a matter of days blew its way through and devastated a lot of property. In most cases, this was either a slow motion drought that just drained the life from the soil, or torrential rains, as happened in the northern part of North Dakota that made 1.7 million acres unplantable. Those, too, are weather-related disasters and circumstances in which the Congress should want to—and I expect will want to—reach out its hand to say you are not alone to family farmers and ranchers trying to make a living, trying to survive tough times, trying to deal with weather-related disasters by themselves.

I hope this Congress will, once again, say to those family farmers and ranchers: You are not alone. You don't have to deal with this by yourself because we know you can't. When you lose all sources of revenue for an entire year, then we want to help.

I have served in the House and the Senate. I don't believe I have ever failed to support disaster assistance when it is necessary. I will continue to aggressively support disaster assistance again now for the people of Florida, the Southeast, the people in the gulf region who may be hit. We need to pass that disaster assistance. I will strongly support that.

The amendment being discussed is offered by my colleague and me and others who say there are other weather-related disasters as well that we need to deal with in this bill. We expect our colleagues will understand that. But it should not in any way be misinterpreted as wanting to hold up the necessary resources to deal with and to help make whole those—I guess we probably never make whole people who have suffered a disaster, but at least to say to those folks who have been hit over and over again by the vicious hurricanes: You are not alone. This country wishes to help. We are determined to do that.

I am pleased to at least raise my voice to say I am going to be one person who supports aggressively that which is needed for the citizens of Florida and other parts that have been affected by hurricanes. My hope is that they, too, will help our family farmers and ranchers in South Dakota and North Dakota, Montana, and other regions of our northern Great Plains that have been hard hit by weather-related disasters this year.

Mr. JOHNSON. May I put a question to my colleague?

Mr. DORGAN. I am happy to yield for a question.

Mr. JOHNSON. We all feel for the enormous damage that has occurred in the State of Florida, and there is great risk that there will be additional damage in other Southern States from these hurricanes. One of the great problems that strikes me about the kinds of disasters we are talking about in the northern plains, where we have had this severe drought year after year after year, and the Missouri River now, I am told, is at the lowest level in living memory, or at least since it was impounded into the Missouri River Dam, one of the characteristics of that kind of disaster is that it is as profound as a hurricane, but it is in slow motion. It does not turn buildings upside down, and it doesn't throw cars around. But what it does to the Earth and the lives of these producers is catastrophic.

I am especially pleased with the recently adopted drought provision to the American Jobs Creation Act. With my support, the Senate adopted legislation authored by Senator DASCHLE that would provide increased flexibility for livestock producers to rebuild their herd after drought. The legislation extends the amount of time from two to four years that producers have to reinvest an amount equivalent to the sale of cattle into their farm through the purchase of machinery or equipment with no tax owed whatsoever. Unfortunately, the American Jobs Creation Act has failed to emerge from conference so that it can be voted on by this body. I am hopeful that we will see this bill emerge from conference soon, and that this exceptionally beneficial provision will be included.

The United States Department of Agriculture (USDA) released $1.9 million in unused Emergency Conservation Program (ECP) funding for stopgap water hauling measures, and authorized emergency grazing on Conservation Reserve Program (CRP) acres in limited counties across the country. In South Dakota, only parts of a few counties have qualified for emergency grazing. These measures fail to provide any substantive relief for our agriculture producers during an exceedingly challenging time. I am also concerned for the Agriculture Secretary's recent decision regarding emergency nonfat dry milk assistance. Although nine states and 95 counties were included in this program, South Dakota was excluded from this assistance.

In 2002 and 2003, Senator DASCHLE and I pushed for a $6 billion drought relief plan that would have helped many farmers and ranchers make it through this multi-year drought. President Bush and others in the Senate opposed our proposal and in the end, would only allow a $3 billion package to pass. While it has taken an enormous amount of time and effort to secure bipartisan support for relief in such a harsh budgetary year, I am pleased to see that Senators from both sides of the aisle recognize the importance of ensuring that victims of agriculture disaster are deserving of a comprehensive assistance package. I am pleased to support this amendment and am hopeful for the impact on South Dakota agriculture.

I have walked across fields of South Dakota that frankly look like a moonscape, where there is nothing growing. It is simply dirt. Stock dams where there is either no water, or the water is of such poor quality, it is so murky that it would be a mistake to allow cattle even near the water. In fact, there are stories of pulling cattle out with a tractor because they get mired in the mud. It would seem to me that this disaster, although different in nature than the others, is equally as profound, equally as damaging, and has an equally long-term negative consequence on those who are victimized as any other disaster that may be striking America today.

Does my colleague see it in that perspective?

Mr. DORGAN. Senator JOHNSON has described well the circumstance in a number of areas.

I have seen big, strong family farmers and ranchers with tears in their eyes describing circumstances where they approached this year with some hope and then discovered that almost everything they intended to do was gone. The grain they planted was washed away, or the field they intended to plant was inundated with water and they couldn't plant it, or in the Southwest they planted seeds and they never grew because they got no moisture. It is a devastating circumstance.

The network of farmers around this country who live on the land, under that yard light all by themselves, they live on hope. They risk everything in the spring to put a seed in the ground. They live on hope that somehow it will grow, that somehow they won't get too much rain but they will get enough rain, that they won't have crop disease, that all of these things will happen, and they will be able to harvest and maybe somehow there will be a good price when they harvest.

But it has been devastating when they can't plant a seed that will grow because there is no moisture, or when they can't plant a seed at all because the water has inundated their land. They set their jaw and they act like, well, they will get through this. But many of them have told me that they won't get through this. You can't live without income, especially with the cost of doing business on family farms these days.

That is why at this time, in this circumstance, my colleagues who have joined in offering this amendment are simply saying let's say to these folks as well you are not alone. They have had a tough time. This, too, is a weather-related disaster. Let's recognize it and deal with it in an appropriate way. That is what this legislation does.

We have done this before. It is time now, and there is a need to do it again—to say to family farmers and ranchers in this country: You matter; we care whether you exist out there. You are part of the culture of this country in which family values exist, nurturing, refreshing families' values from small towns to big cities.

That is part of the important culture of this country. When they are in trouble, this country is in trouble. I hope we will agree to advance this amendment as we will advance all the help necessary for the hurricane victims.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I will make a few comments concerning the Baucus amendment requesting $2.65 billion of drought assistance. I have two or three comments. One, it doesn't belong on this bill. This is the Homeland Security bill. This is not an agriculture bill, not even an urgent supplemental bill.

Senator REID, the assistant minority leader, has stated repeatedly let's do the supplemental separately from Homeland Security. I happen to think he is right. One could debate it, but he stated repeatedly and recommended strongly to the Senate to have a separate bill on the President's request.

The President requested yesterday $3.1 billion for hurricane relief. He requested it yesterday. That doesn't mean it has to be done on the Homeland Security bill. Senator REID thought it should not be on this bill. We don't even have that amendment. The President didn't request drought assistance. I looked back over the history of drought assistance and I see a lot of requests. In 2002, we had $600 million, I guess, in drought assistance. In 2003, it was $3.6 billion.

But I might say it was offset by reductions in other programs in the Agriculture Committee. How can we pay for this request, because we don't have the Agriculture bill up to have offsets? This bill is not offset. This is just to add $2 billion or $3 billion of additional money. I would like to have it be paid for. I might support it if it is paid for. I might not. I want to see how it is paid for. I know in this case it is not paid for. It would add to the deficit. I am not willing to do that. So a budget point of order will lie against the amendment, and this Senator plans on making one.

I don't think this is the way we should do business. I think we should follow the regular order, to the extent we can. We should be talking about an appropriations bill and maybe consider the President's request. If Congress wishes to change it or alter it, I guess we have the right to do so. But to try to double it, when we just got the President's request, and not even consider an offset, not even look at an offset, I think is a serious mistake.

I don't know if this is more about helping farmers or politicians. If you want to help farmers, I think we can find a couple billion dollars in offsets. We did last year. Why can we not find an offset to pay for it this year?

I make those comments. Senator REID urged us time and again to do the urgent supplemental separate from Homeland Security. We just received the President's request, which was $3.1 billion, and it didn't include this. To pass an urgent emergency supplemental takes 60 votes, and it is this Senator's intention to hopefully join with Senator COCHRAN and Senator STEVENS in objecting to the emergency designation and making the budget point of order on this amendment, and passing Homeland Security.

Let's finish the job we have at hand. We have a real problem. Senator COCHRAN has done an outstanding job in managing the bill. He has already defeated amendments that totaled over $19 billion—not including the amendments this afternoon—for 2004, and $256 billion I think over a 10-year period of time, using budget points of order. A budget point of order lies against this amendment as well.

So I compliment Senator COCHRAN for his leadership and urge our colleagues who are pushing this amendment to postpone it, hold it back another day, or find offsets to help pay for it. That is what we did last year. It had strong support last year after it was paid for.

If memory serves me correctly—and I am stretching it—early last year we considered this and, initially, people tried to pass it without offsets. Objections were raised and eventually some offsets were found. That was done in the early part of last year. That was done in February of 2003. I don't think we should just be adding another $2.5 billion to our debt and deficit in this manner. So I urge our colleagues, at the appropriate time, to support a budget point of order against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, the amount just referred to as an urgent supplemental requested by the President of $3 billion is the money that is requested by the President for Florida's two hurricanes that just hit us. It does not include any amount for agricultural losses. The $3.1 billion includes Department of Defense losses, NASA losses, Small Business Administration losses. FEMA itself is $2 billion of that, with all of these ongoing expenses of the back-to-back hurricanes.

What is missing from the President's request is the agricultural losses, which are substantial, from these two hurricanes. For example, the citrus crop alone is over $½ billion in losses. The nursery industry, which is a huge industry in Florida, has losses of $½ billion.

Now, the question is, How do we address this? I was expecting that the President was going to include the agricultural losses in his request. He has not. So how do we address this, since the needs are obviously there?

Presently, there are discussions going on between my office and the sponsors of this amendment. There is a little bit in this amendment for Florida agricultural losses from the two hurricanes, but it is somewhere in the range of $150 million to $300 million. That is a drop in the bucket compared to what the elected Florida agriculture commissioner has totaled up the losses at, which is $2 billion.

It is my hope that we are going to be able on this amendment—if we proceed with this amendment, I will certainly support it because, as all of these Senators from the Midwest, both Republican and Democrat, say, disaster doesn't know anything about partisan politics. Disaster knows something about hitting people where it hurts them, and that is one of the reasons you have the Federal Government to protect people and to respond in times of disaster.

So I am going to help these Senators with their amendment. What I am hoping is that through our discussions we can expand this so it can be acceptable and address the needs of Florida agriculture after these back-to-back hurricanes. If those discussions are not fruitful, then it is my intention that I will offer an amendment to this bill for the disaster to Florida agriculture. That will be somewhere in the range of about a billion dollars in losses, which will not even get anywhere close to the estimated $2 billion, but it will be a step in the right direction.

Now, this is, as you know, "no fooling" time.

We have just been hit by two hurricanes. There is a third on the way. And until 2 days ago, that third one was headed for Florida. As a matter of fact, until a day ago, that third one was headed for Florida, and that centerline now on the projected path is shifting to the West, and that centerline is headed straight for the State of the Senator from Mississippi.

We know there is an error because in hurricane path projection, it can either go to the right or to the left. In the projected path, it can go all the way over into the panhandle of Florida, or it can go all the way to the left, as far as New Orleans. It is about a day out. It is churning in the Gulf of Mexico, moving in a northward direction.

What I am saying is if it continues on its present path to Mississippi or to Alabama or to Louisiana, there are going to be other Senators who are going to be in here trying to help their people. This Senator is going to help them when that happens because that is the right thing to do. Now it is the right thing to do to help the people of Florida.

I yield the floor, Mr. President.

Mr. COCHRAN. Mr. President, I do not know if there are other Senators who wish to continue to debate. If there are, this would be a good time to do it.

Mr. BAUCUS. Mr. President, very briefly, I heard two arguments from one Senator as to why this pending amendment, agricultural disaster assistance, should not pass. It is a very technical argument that it violates the Budget Act.

I remind my colleagues, the unanimous consent agreement that applies to this bill, to this amendment basically says first-degree amendments are in order: First-degree amendments are in order, that they be related to the text of the bill, homeland security, and also natural disasters.

This is a natural disaster amendment. It clearly is contemplated by the unanimous consent agreement. The argument was made: Not on this bill. That is clearly not an argument because the unanimous consent agreement clearly contemplates amendments that relate to natural disasters. So that argument is gone. That is wrong.

The second argument was made: Gee, the cost violates the Budget Act. A very simple point I make is if one wants to press that argument, it also applies to disaster assistance for the State of Florida.

Agricultural disaster assistance is the same as Florida hurricane disaster assistance under the Budget Act. They are the same. They are technically the same. There can be a point of order made against both. Sixty votes are required. I do not know whether the other side is going to make a point of order against the Florida hurricane disaster assistance. I frankly doubt it. I think it would be very unwise. The very same law, the Budget Act, applies to the pending amendment, which is the amendment providing for agricultural disaster assistance.

I say to my colleagues, what is sauce for the goose is sauce for the gander. We are Americans, and let's work together as Americans. Let's help people who need help, and those are our farmers, ranchers, and Floridians because of the hurricanes—all of us. I see no reason why a point of order should be made. And, second, if it is made, I see no reason why the point of order should be sustained. We are talking again about natural disasters that apply—this amendment does not apply to Florida, but it is tied with it because we are going to have that in the next several days. They are all the same. We are all in the same boat.

I very much hope this does not become a partisan political measure. I do not think it is. I remind my colleagues of the bipartisan support of this amendment. Senator BROWNBACK of Kansas is a cosponsor. Senator BURNS, my colleague from Montana, is a cosponsor of this amendment. Senator COLEMAN from Minnesota told me an hour ago he wants to be a cosponsor of this amendment. Senator ROBERTS of Kansas is a cosponsor of this amendment. Senator HAGEL of Nebraska is also a cosponsor of this amendment. I hope Senators can all work together. Let's help each other. Let us help people in various parts of our country, not only in Florida, but in other parts of America who are hurt very much by agricultural disasters.

Mr. President, I yield the floor. I do not know what the chairman has in mind, but I hope whatever it is we can move rather quickly.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I know some Senators who are interested in this issue are in discussions off the Senate floor, and pending completion of those, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I wish to speak briefly in favor of the Baucus amendment because of the situation in my home State. Parts of my State have had the worst drought in a century. It is being compared by some veteran farmers to what they witnessed in the Dust Bowl era—crops withering and dying in the fields before the farmers' eyes without any ability to address it.

I grew up on a farm. My family still farms. I was secretary of agriculture in Kansas. I have seen these situations.

The one point I want to add—I think people pretty well understand these issues—what I want to address is that in some disaster relief—and we seem to be in a cycle because we have disasters hitting every year, but it is a compassionate society that tries to help those in the worst situation. But more than that, they do not win if they get hit by a disaster and then we do disaster drought assistance. I have not seen people come out ahead.

What we try to do is get them back toward zero so they do not lose too much money, so they can continue to farm and continue to operate their ranch and work their crops. That is what we are trying to do, to help people sustain themselves and not have to go out of business altogether. They are not hitting the jackpot when we pass these types of bills. They are simply trying to sustain themselves in their operations—a commodity-based business. Margins are thin, and it is difficult to make it. So we try to help them.

Crop insurance is helpful, it is important, but despite its critical value to farmers, it cannot mitigate effects of prolonged drought and its impact in the area. And the weather condition has been building for several years. Fortunately, in areas of my State this has broken. Not all areas.

I was at the State fair this past weekend and people continue to cite the problem they are having with the drought and this continuing cycle of lack of rainfall.

I support the Baucus amendment. I appreciate him raising it.

It is difficult because we are in a budget situation where we all want to get this budget more under control. Yet I do not think that is the place to do it in a situation where we have people suffering because of natural disasters or natural causes. So I am pleased that the amendment has been brought up. I am a cosponsor and am pleased to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I certainly appreciate the efforts of the Senator from Montana to make certain our farm families do not lose, as the Senator from Kansas said, because of the droughts that have periodically struck the Midwest. Missouri has suffered as well. I am very interested in this issue being worked out in a way that is satisfactory.

I do want to take a minute, though, on a different subject to thank the ranking member and the chairman for what I understand is an agreement on a sense-of-the-Senate resolution I have offered in the form of an amendment, and I think it is going to be added later on a voice vote. I believe it has been cleared on both sides. I wanted to make the Senate aware of the importance of this subject.

We had a situation in St. Louis last year where our local Jewish community was hosting the Maccabee Games. It is an international event where Jewish youths come and participate in effect in Olympic games. Obviously, it is an event with special security risks in today's day and age. Locally, we needed several hundred thousand dollars in extra funds for security.

The State had the Federal homeland defense money but not in the right account, and despite all of our efforts on a Federal, State, and local level, we were unable to free up dollars to provide for the necessary security. It ended up being okay, but it did not have to end up okay. As a result of that, I have become very interested in allowing at least some discretion on the part of the Secretary and the Director of the Office for State and Local Government Coordination to approve waiver applications on the part of the State to reprogram some of their Federal grant homeland money when some new kind of security issue arises that was unforeseen when they originally applied for those grants.

So the sense-of-the-Senate resolution in effect says that we ought to be able to do that. It is a first step toward what I hope will be a successful change in the law by allowing this kind of discretion in these kinds of cases.

I ask Senators to think about the situation because it could come up in anybody's State where an unforeseen new security risk arises and their local authorities have to spend substantial dollars in order to be able to deal with it. That is exactly what we have this homeland defense money for. Under certain circumstances, they will be unable to access it without some kind of discretionary waiver authority being allowed the department. I hope we can follow up on this sense-of-the-Senate resolution with an appropriate change in the underlying authorization.

Again, I appreciate the help of the Senator from Mississippi and the distinguished Senator from West Virginia in getting this amendment cleared.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am pleased to advise the Senate that we have been able to reach agreement to recommend approval of several amendments offered by Senators on both sides of the aisle. I am prepared to propound a unanimous consent request.

AMENDMENTS NOS. 3589, 3603, 3611, 3633, 3634, 3635, 3638, 3640, 3642, AND 3645, EN BLOC

I ask unanimous consent that the Senate proceed to the en bloc consideration of the following amendments: No. 3589 proposed by Mr. ALLARD; No. 3611 proposed by Ms. MIKULSKI; No. 3634 proposed by Mrs. BOXER; No. 3603 proposed by Ms. LANDRIEU; No. 3640 proposed by Mrs. BOXER; No. 3642 proposed by Mrs. BOXER; No. 3633 proposed by Mr. REED of Rhode Island; No. 3638 proposed by Mr. HATCH; No. 3635 proposed by Mr. FEINGOLD; and No. 3645 proposed by Mrs. DOLE.

I understand these amendments are cleared on both sides of the aisle, and I urge that they be adopted en bloc.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the amendments en bloc.

Mr. COCHRAN. I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 3589

(Purpose: To provide for a report on common geospatial awareness of critical infrastructure)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives and to the Committee on Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the implementation of Homeland Security Presidential Directive Seven.

(b) The report under this section shall include—

(1) the Department's plan and associated timeline for the mapping of the United States critical infrastructure;

(2) an assessment of the resource requirements of relevant States, counties, and local governments so that full participation by those entities may be integrated into the plan;

(3) the Department's plan for oversight of all geospatial information systems management, procurement, and interoperability; and

(4) the timeline for creating the Department-wide Geospatial Information System capability under the direction of the Chief Information Officer.

AMENDMENT NO. 3603

(Purpose: To require a GAO report on employment discrimination complaints relating to employment in airport screener positions in the Transportation Security Administration)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Congress finds that (1) there is disproportionate number of complaints against the Transportation Security Administration for alleged violations of equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, and (2) there is a significant backlog of those complaints remaining unresolved.

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the personnel policies of the Department of Homeland Security that apply to the employment of airport screeners in the Transportation Security Administration, particularly with regard to compliance with equal employment opportunity and veterans' preference laws.

(2) The report under this subscription shall include an assessment of the extent of compliance of the Transportation Security Administration with equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, a discussion of any systemic problems that could have caused the circumstances giving rise to the disproportionate number of complaints described in subsection (a), and the efforts of the Secretary of Homeland Security and the Under Secretary for Border and Transportation Security to eliminate the backlog of unresolved complaints and to correct any systemic problems identified in the report.

(3) In conducting the review necessary for preparing the report, the Comptroller General shall examine the experience regarding the airport screener positions at particular airports in various regions, including the Louis Armstrong New Orleans International Airport.

AMENDMENT NO. 3611

(Purpose: To ensure the fiscal year 2004 overtime cap applies to certain Customs Service employees)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Notwithstanding any other provision of law, the fiscal year 2004 aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000 and the total amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES" is hereby reduced by $1,000,000.

AMENDMENT NO. 3633

(Purpose: To require a report on processes for issuing required permits for proposed liquefied gas marine terminals)

On page 14, line 19, strike the period and insert the following: ": *Provided further*, That not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, a report on opportunities for integrating the process by which the Coast Guard issues letters of recommendation for proposed liquefied natural gas marine terminals, including the elements of such process relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act, and the process by which the Federal Energy Regulatory Commission issues permits for such terminals under the National Environmental Policy Act: *Provided further*, That the report shall include an examination of the advisability of requiring that activities of the Coast Guard relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act be completed for a proposed liquefied natural gas marine terminal before a final environmental impact statement for such terminal is published under the Federal Energy Regulatory Commission process.".

AMENDMENT NO. 3634

(Purpose: To require reports on the Federal Air Marshals program)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Secretary of Homeland Security shall provide to the Committee on Commerce, Science, and Transportation and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate, a classified report on the number of individuals serving as Federal Air Marshals. Such report shall include the number of Federal Air Marshals who are women, minorities, or employees of departments or agencies of the United States Government other than the Department of Homeland Security, the percentage of domestic and international flights that have a Federal Air Marshal aboard, and the rate at which individuals are leaving service as Federal Air Marshals.

AMENDMENT NO. 3635

(Purpose: To provide a data-mining report to Congress)

At the appropriate place, insert the following:

SEC. . DATA-MINING REPORT.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist, criminal, or other law enforcement related activity.

(2) DATABASE.—The term "database" does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each agency in the Department of Homeland Security or the privacy officer, if applicable, that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology, the plans for the use of such technology, the data that will be used, and the target dates for the deployment of the data-mining technology.

(B) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(C) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(D) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2005.

AMENDMENT NO. 3638

(Purpose: To retain the uniqueness of the United States Secret Service within the Department of Homeland Security)

At the appropriate place, insert the following:

SEC. . None of the funds available in this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

AMENDMENT NO. 3640

(Purpose: To protect the security of the Federal Air Marshals)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 5 . No funds appropriated or otherwise made available by this Act shall be used to pursue, implement, or enforce any law, procedure, guideline, rule, regulation, or other policy that exposes the identity of an air marshal to any party not designated by the Secretary of the Department of Homeland Security.

AMENDMENT NO. 3642

(Purpose: To require a report on protecting commercial aircraft from the threat of man-portable air defense systems)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. (a) The Secretary of Homeland Security, in coordination with the head of the Transportation Security Administration and the Under Secretary for Science and Technology, shall prepare a report on protecting commercial aircraft from the threat of man-portable air defense systems (referred to in this section as "MANPADS").

(b) The report required by subsection (a) shall include the following:

(1) An estimate of the number of organizations, including terrorist organizations, that have access to MANPADS and a description of the risk posed by each organization.

(2) A description of the programs carried out by the Secretary of Homeland Security to protect commercial aircraft from the threat posed by MANPADS.

(3) An assessment of the effectiveness and feasibility of the systems to protect commercial aircraft under consideration by the Under Secretary for Science and Technology for use in phase II of the counter-MANPADS development and demonstration program.

(4) A justification for the schedule of the implementation of phase II of the counter-MANPADS development and demonstration program.

(5) An assessment of the effectiveness of other technology that could be employed on commercial aircraft to address the threat posed by MANPADS, including such technology that is—

(A) either active or passive;

(B) employed by the Armed Forces; or

(C) being assessed or employed by other countries.

(6) An assessment of alternate technological approaches to address such threat, including ground-based systems.

(7) A discussion of issues related to any contractor liability associated with the installation or use of technology or systems on commercial aircraft to address such threat.

(8) A description of the strategies that the Secretary may employ to acquire any technology or systems selected for use on commercial aircraft at the conclusion of phase II of the counter-MANPADS development and demonstration program, including—

(A) a schedule for purchasing and installing such technology or systems on commercial aircraft; and

(B) a description of—

(i) the priority in which commercial aircraft will be equipped with such technology or systems;

(ii) any efforts to coordinate the schedules for installing such technology or system with private airlines;

(iii) any efforts to ensure that aircraft manufacturers integrate such technology or systems into new aircraft; and

(iv) the cost to operate and support such technology or systems on a commercial aircraft.

(9) A description of the plan to expedite the use of technology or systems on commercial aircraft to address the threat posed by MANPADS if intelligence or events indicate that the schedule for the use of such technology or systems, including the schedule for carrying out development and demonstration

programs by the Secretary, should be expedited.

(10) A description of the efforts of the Secretary to survey and identify the areas at domestic and foreign airports where commercial aircraft are most vulnerable to attack by MANPADS.

(11) A description of the cooperation between the Secretary and the Administrator of the Federal Aviation Administration to certify the airworthiness and safety of technology and systems to protect commercial aircraft from the risk posed by MANPADS in an expeditious manner.

(c) The report required by subsection (a) shall be transmitted to Congress along with the budget for fiscal year 2006 submitted by the President pursuant to section 1105(a) of title 31, United States Code.

AMENDMENT NO. 3645

(Purpose: To provide that funds appropriated to the Bureau of Customs and Border Protection be used to enforce the provisions relating to textile transshipments provided for in the Customs Border Security Act of 2002, and for other purposes)

On page 6, line 2, strike the period and insert ": *Provided further*, That of the total amount provided, not less than $4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107-210; 116 Stat. 988 et seq.).".

On page 8, line 18, strike the period and insert ": *Provided further*, That of the total amount provided for, not less than $4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107-210; 116 Stat. 988 et seq.).".

AMENDMENT NO. 3638

Mr. HATCH. Mr. President, I rise to speak in favor of an amendment that I offer together with my colleague from Vermont, Senator LEAHY. Senator LEAHY serves as ranking democrat member of the Judiciary Committee, which I chair.

The purpose of the Hatch-Leahy amendment is to help ensure that the United States Secret Service continues to carry out its most critical functions, including the protection of the President of the United States. The Secret Service has a distinguished history over a 139 year period of protecting the President and protecting the financial institutions of this country.

This amendment clarifies that the Secret Service shall be maintained as a distinct entity within the Department of Homeland Security, forbidding it from being merged with any other subunit within the Department. And, it makes clear that Secret Service personnel report directly to the Director of the Secret Service who, in turn, reports directly to the Secretary of Homeland Security.

It is important that the Secretary not re-delegate any of his or her authority to other DHS officials or entities nor to unduly interfere with the unique historical relationship that exists between the President and White House and the Secret Service. That is the intent of the Hatch-Leahy Amendment.

This is a codification of what was originally intended when we created the Department of Homeland Security and ensures that the Secret Service operates within the Department of Homeland Security just as it did prior to September 11 within the Department of Treasury.

Given its proven track record of performance and independence, we must guard against this relatively small but critical agency from being lost in or swallowed up by the myriad of programs and entities within the new Department of Homeland Security. Any attempt by DHS managers, however well-intentioned, to interpose themselves in the decision making processes, resource allocations, and field operations of the Secret Service should be avoided.

Simply stated, there is much wisdom in the old saying that "if it ain't broke, don't fix it." The Secret Service has operated well in the past and operates well today. The Hatch-Leahy Amendment will help provide the autonomy and responsibility that will help keep the Secret Service operating well in the future.

We made a similar clarification with the Coast Guard and should do the same for the Secret Service. I believe that this clarification of intent, and delineation of reporting requirements, will ensure that the mission of the Secret Service remains clear, definite, and unimpeded.

Senator LEAHY and I urge all of our colleagues to support this important amendment which I understand is supported by the administration.

Mr. LEAHY. Mr. President, I have worked closely with the United States Secret Service for many years. Their tradition of excellence and the quality of their protective services and investigations is well known. I know that the Sergeant at Arms of the Senate, William Pickle, proudly served with them for many years.

As the chairman and ranking member of the Judiciary Committee, with jurisdiction regarding United States Secret Service matters, Senator HATCH and I have introduced an amendment to ensure that the Service remains a distinct entity within the Department of Homeland Security. It is important that the Secret Service continue, as they did under the Department of the Treasury, to function as a cohesive unit and not have its functions divided. It is also important that the Secret Service, as they did under the Department of the Treasury, not be merged with other agencies which would dilute the Service's ability to achieve their crucial mission. It is also important to preserve their current chain of command structure.

Our amendment requires that the United States Secret Service be maintained as a "distinct entity within the Department of Homeland Security" and that the Secret Service not be merged with any other Department function. Further, our amendment requires that all personnel and operational elements of the Service report at all times to "the Director of the United States Secret Service" who shall report directly to the Secretary of Homeland Security without having to report through other officials.

The United States Secret Service is doing an outstanding job in tough times and this amendment will assure that they keep fully devoted to their critical missions in the same excellent manner as they have done in the past.

I hope all Members will join us in including this important amendment in the Department of Homeland Security appropriations bill.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3649

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LEVIN, Mr. BINGAMAN, and Mr. FEINGOLD, proposes an amendment numbered 3649.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fulfill Homeland Security promises)

At the appropriate place, insert the following:

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration relating to aviation security services pursuant to the amendments made by the Aviation and Transportation Security Act (115 Stat. 597), $70,000,000, to remain available until expended, for activities relating to screening passengers and carry-on baggage for explosives.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses," $20,000,000, for non-homeland security missions (as defined in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a))).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements," $80,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for "State and Local Programs," $225,000,000: *Provided*, That of the amounts made available under this heading, $100,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security, and $125,000,000 shall be for port security grants.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses relating to mass transit, freight and passenger rail security grants, including security grants for the National Railroad Passenger Corporation, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, $75,000,000.

SEC. . PROHIBITION ON ACQUISITION OF PETROLEUM PRODUCTS FOR STRATEGIC PETROLEUM RESERVE.

(a) FUNDING PROHIBITION.—None of the funds made available by this Act or any other Act may be used during fiscal year 2005 to acquire petroleum products for storage in the Strategic Petroleum Reserve.

(b) AMOUNTS OF OIL CURRENTLY UNDER CONTRACT FOR DELIVERY.—The Secretary of the Interior shall sell, in fiscal year 2005, any petroleum products under contract, as of the date of enactment of this Act, for delivery to the Strategic Petroleum Reserve in that fiscal year.

Mr. BYRD. Mr. President, the Senate has before it a $32 billion homeland security appropriations bill. Chairman COCHRAN has put together a fair and balanced bill. Regrettably, the allocation that is available for homeland security programs is simply inadequate. This is not a criticism of Chairman COCHRAN, nor is it a criticism of full committee Chairman TED STEVENS. The fact is that the overall levels in the allocation constrain our ability to address known threats to the safety of the American people.

In response to the threats so often invoked by the President, the Attorney General, the Secretary of Homeland Security, and the FBI Director, one might anticipate that the President would not be satisfied with a bill that cuts funds for first responders, that leaves first responders unable to communicate, that leaves airline passengers worrying about whether a fellow passenger has brought explosives on board, or that fails to adequately invest in securing our ports and trains.

To address these shortcomings, I offered an amendment last week to add $2 billion to the bill. The amendment would have funded authorizations signed by the President; it would have funded 9/11 Commission recommendations; and it would have addressed known vulnerabilities not funded in the committee bill.

The amendment was defeated. The principal argument made against the amendment was that it was not paid for. So today, I offer an amendment that provides $470 million for homeland security, and it is fully paid for.

Last March, during debate on the budget resolution, an amendment was adopted with support on both sides of the aisle. The amendment would have set up a reserve for homeland security programs. The reserve was paid for by directing the Secretary of the Interior to cancel planned deliveries of oil to the Strategic Petroleum Reserve and to instead sell the oil on the open market in order to finance homeland security programs.

As a provision on a budget resolution, that amendment did not have the force of law. Today, I offer an amendment that will make America safer.

The amendment adds funds for first responders that, consistent with the 9/11 Commission recommendation, will be allocated based on threat; for securing mass transit systems; for expediting the modernization of Coast Guard ships, planes and helicopters and improving Coast Guard operations; for purchasing equipment for screening passengers and carry-on baggage for explosives; and for port security.

The amendment addresses vulnerabilities that we all know exist. And, let there be no doubt, if we know that these gaps exist, so do the terrorists.

The amendment includes $125 million for port security grants, bringing the total in the bill to $275 million, the same level assumed in the budget resolution. A 1-month closure of a major port would cost our national economy $60 billion. But because of the tremendous volume of containerized cargo, Customs officials are inspecting only 5 percent of the 9 million containers that come into our ports on vessels each year. With Chairman COCHRAN's support, we have provided additional resources on the floor for Customs and Border Protection inspectors. But, we must do more for securing the ports.

The Coast Guard has estimated that $1.125 billion will be needed in the first year and $5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act, which was signed into law by President Bush with great fanfare in November 2002. It has been 2 years since the law was signed. If this amendment is adopted and becomes law, Congress will have approved only $770 million for port security, far less than the $1.125 billion Coast Guard estimate for the first year of implementation.

It has been more than 2½ years since Richard Reid, the so-called "shoe bomber," tried to blow up a Miami-bound aircraft over the Atlantic Ocean with explosives he carried onto the aircraft. Last month, two Russian airplanes simultaneously were blown out of the sky, most probably by Chechnyan terrorists who carried the explosives on board the aircraft. The 9/11 Commission Report states clearly and succinctly that the threat posed to passenger aircraft by explosives being carried onto the plane is real.

The additional $70 million in this amendment will significantly expand the effort to screen air travelers for explosives. We know that newly developed passenger portals can detect whether passengers are carrying explosives. These systems have been tested and proven to work. We need the money to physically deploy these systems at our Nation's airports.

Following the March 11 Madrid railroad bombings, the administration issued security bulletins to law enforcement officials and transit authorities warning of the danger of similar attacks here at home. But they requested no funding to help our mass transit agencies hire more guards, train new canine teams, or install additional cameras. Paper directives and press releases will not stop terrorist bombs.

With Chairman COCHRAN's support, we have provided $278 million for mass transit security grants. But that level does not come close to the level authorized by the Senate Banking Committee, on a bipartisan basis, on May 6, 2004. The committee authorizes $5.2 billion for transit security. On May 21, 2004, the Senate Commerce Committee, also on bipartisan basis, approved S. 2273, which authorizes $1.2 billion for additional rail security activities. My amendment would add $75 million for mass transit and Amtrak security.

The 9/11 Commission recommends allocating first responder funds based on threat rather than on population. My amendment adds $100 million to the $875 million currently provided in the Senate bill for urban area security initiative grants. These grants are targeted to cities determined to be at greatest risk of a terrorist attack, that have the highest number of critical assets, such as tunnels, bridges and chemical plants, and that have high population densities. We need to get funds to the places most at risk.

My amendment also includes $100 million for the Coast Guard, including $80 million for the Deepwater Program and $20 million for traditional Coast Guard missions, such as search and rescue and protection of our marine resources. The committee bill funds these activities at levels $575 million below the levels just authorized by the Congress and the President.

Prior to September 11, 2001, the Coast Guard began to modernize its fleet of assets. Since the attacks on 9/11, the Coast Guard's responsibilities have grown substantially. As a result, assets vital to homeland security are being used more today than ever in the Coast Guard's history. The Government Accountability Office recently reported that "resource usage as measured by the number of hours the Coast Guard's cutters, boats, and aircraft used to perform its missions—was up almost 40 percent from the pre-September 11 baseline."

The Coast Guard Commandant, in testimony before the Senate Appropriations Subcommittee on Homeland Security, testified that the current condition of the aging fleet threatens Coast Guard mission performance. He testified that Coast Guard assets are in a "declining readiness spiral."

Yet, the President has not responded. My amendment will help address the Coast Guard's "declining readiness spiral." The funding would go to accelerate the Coast Guard's highest priorities, which are to enhance safety and reliability on the HH–65 helicopter, to accelerate the design of the fast response cutter for near shore missions, and to complete design of the offshore response cutter for the high endurance missions of the Coast Guard.

The amendment is paid for by suspending the fill of the Strategic Petroleum Reserve. This step makes economic sense. Using Federal dollars to buy high-priced oil for the reserve does not. Oil prices hit an all-time high on August 20, and oil is currently trading at about $44 per barrel. By filling the reserve in this high-priced environment, we are paying more for oil now than we would if we waited until prices went down. This makes no sense for U.S. taxpayers.

Suspending the fill of the reserve in no way threatens our energy security. The reserve is already filled to 96 percent capacity, with 669 million barrels now stored, the highest level that it has ever been. The reserve currently covers 67 days of import capacity.

Buying oil when the market is so high makes no economic sense. It is a bad deal for the taxpayer. Failing to fund critical homeland security measures that the 9/11 Commission has recommended and that address clear vulnerabilities is also a bad deal for the taxpayer. This amendment is a good deal.

I urge Members to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COCHRAN. Mr. President, I was going to respond to the Senator's comments and his amendment which would add funding to this bill in the amount of $470 million for the Department of Homeland Security.

I don't know at what point we want to consider the fact that, because of the way it is drafted, the impact the amendment would have on future appropriations for fiscal year 2006 would actually, according to the Budget Committee staff and chairman, violate the Budget Act and that a point of order would lie against this amendment.

Reluctantly and with great respect for my friend from West Virginia, I am constrained to make that point of order. Rather than going through all the talking points that my staff has prepared on the subject of the individual amounts to be added by the amendment and the offsets that are identified, which is the Strategic Petroleum Reserve, I am constrained to make a point of order.

Mr. LEVIN. I wonder if the Senator would withhold making the point of order for a few minutes so I have an opportunity to speak in support.

Mr. COCHRAN. I am happy to reserve that right and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi yields the floor.

The Senator from Michigan.

Mr. LEVIN. I greatly appreciate my old friend from Mississippi yielding.

We are in an energy crisis. I will speak about that part of the Byrd amendment particularly, which would use the money from not continuing to fill the 96-percent filled Strategic Petroleum Reserve and taking the money that would then be made available and using it for some critical homeland security needs.

I congratulate the Senator from West Virginia for both identifying some very significant needs in the homeland security area, as well as paying for it in a very rational way; that is, to suspend further deliveries into the Strategic Petroleum Reserve.

The energy crisis is obvious. We are paying a record amount per barrel for oil. The addition of these millions of barrels to the Strategic Petroleum Reserve is significantly adding to the cost of oil and is weakening our economy.

Last week, Alan Greenspan stated:

> [E]conomic activity hit a soft patch in late spring. . . . That softness in activity no doubt is related, in large measure, to this year's steep increase in energy prices.

Chairman Greenspan further stated:

> Most macroeconomic models treat an increase in oil prices as a tax on U.S. residents that saps the purchasing power of households and raises costs for businesses.

Yet in the face of this crisis, the administration is decreasing rather than increasing the supply of oil. Day after day, month after month, regardless of how much American consumers and industry need oil, regardless of how high the cost is of this oil, the administration has been taking millions of barrels of oil off the market and depositing them into the Strategic Petroleum Reserve. And by doing that, the administration is increasing the price of oil and gasoline and decreasing our energy security.

The use to which the $470 million that would be saved by using this oil in the commercial market rather than depositing it into a reserve—which is already 96 percent filled—those uses provide a win-win situation for national security and energy security. For energy security, we would have this energy placed into the private sector, into commercial inventories, rather than into the Petroleum Reserve. For national security, the way in which the Senator from West Virginia would use these funds—for airline security, port security, mass transit and rail security, firefighter grants, State and homeland security grants—these are all very important needs and uses.

Now, very quickly, supplies are tight. That is the reason crude oil prices are high. Demand is strong. Commercial inventories are low. Supplies are vulnerable. Supplies are tight because OPEC is producing barely enough oil to meet demand. Private sector inventories of crude oil are near the lows, historically, for this time of year. Of course, there is also great concern over the vulnerability of Iraqi oil supplies to terrorism—we see that again today—the problems in Russia with Yukos, the largest oil company in that country; and the turmoil in Nigeria and Venezuela, which have added a premium to prices.

Over the last 2 years, private sector inventories have declined significantly. Last January, private sector inventories fell to their lowest levels since the mid-1970s. The SPR Program is a major reason for the decline in private inventories. From April 2002 through December 2003, the Department of Energy deposited about 78 million barrels of oil in SPR. During that same period, private sector inventories declined by about 61 million barrels. Thus, the total amount of oil in inventory in the United States in both private and public storage increased by only 17 million barrels over this entire period.

The SPR Program is directly the reason for recent price increases to the extent of somewhere between 10 cents and 25 cents a gallon when looking at gasoline.

Goldman Sachs, one of the largest and most successful crude oil traders in the world, reported, on January 16 of this year, that "large speculative positions, builds in strategic petroleum reserves, and low inventory coverage have contributed to current price levels." In this report, Goldman Sachs also stated that "past government storage builds will provide persistent support for the market," and that "current plans for the injection of 130 thousand [barrels a day] of royalty-in-kind barrels into the US Strategic Petroleum Reserve (SPR) between now and the end of September . . . will likely provide even further support."

Goldman Sachs estimated that the strategic reserve programs in the United States and Europe in 2003 and 2004 are adding about $4.25 to the price of each barrel of crude oil sold in the United States.

Now, DOE's plans, regardless of the price of oil, are to continue to deposit oil into the Petroleum Reserve. Until late 2001, the policy of the Department of Energy was to buy oil for the Strategic Petroleum Reserve when prices were low and to buy less oil when prices were high. That policy was explained by DOE officials, in late 2001, to energy officials in other countries, and the presentation was entitled: "The Key To A Successful Strategic Reserve Is Cost Control." The DOE identifies the "Lessons Learned to Control Oil Acquisition Costs" as follows—this was the DOE, before they changed their policy in 2002—1, "let the markets determine your buying pattern;" 2, "buy in weak markets;" 3, "delay delivers during strong markets;" and 4, "use your acquisition strategy to stabilize markets."

That was prior to early 2002. They have now reversed it. Instead of buying low and selling high, they are buying high and shorting supply. It makes absolutely no sense to do this. We are all paying more for the price of gasoline and heating oil and jet fuel as a result of this policy. We should stop continuing to deposit oil into the Strategic Petroleum Reserve, which is 96 percent filled. And when we do this in a tight supply, which is now the case, we are adding to gasoline prices alone somewhere between 10 and 25 cents per gallon.

Indeed, "buy low, sell high" is just plain common sense. Unfortunately, in early 2002, the Department of Energy abandoned this commonsense approach. Instead, since early 2002, DOE has been buying oil for the SPR without regard to the price of oil. No matter how high the price of oil has been or will be, DOE has been and will be buying more and more oil for the SPR.

Since over this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight, this cost-blind approach has increased the costs of the program to the taxpayer and put further pressure on tight oil markets, thereby helping boost oil and gasoline prices to American consumers and businesses.

It is a rip-off of the taxpayers to pay $45 a barrel for oil in today's market, when the same oil could be acquired for $10 to $15 a barrel less in a couple of years.

We need oil in the private sector more than in the SPR. In the current tight market, there is a critical need to prevent minor shortages or disruptions from causing major price spikes. Increasing private inventories, not the SPR, is the best way to meet this need.

Canceling the deposits into the SPR could lower gasoline prices by 10 to 15 cents a gallon. Each $1 increase in the price of oil increases gasoline prices by about 2.5 cents. Depending on which estimates of the effect of the SPR fill is correct, postponing the upcoming SPR deposits therefore could lower gasoline prices by 10 to 25 cents.

Postponing SPR deliveries will signal speculators that the U.S. Government is willing to take action to put a lid on increasing prices. The administration has repeatedly stated that it will keep on filling the SPR regardless of price. The market, therefore, correctly believes DOE will not stop SPR deliveries or release SPR oil no matter how high the price of oil. This has eliminated an important potential brake on speculation that prices will keep rising. In effect, the administration's statements have taken off any lid on prices. Stopping SPR deliveries will signal this is not the case, and could take speculative steam out of the market.

In 2002, DOE SPR staff urged the postponement of deliveries in tight markets. In 2002, when the administration told DOE to change its policy and buy oil for the SPR regardless of the price, the DOE career staff attempted to persuade the administration to retain the old policy of taking price into consideration.

DOE staff wrote the new policy:

> [I]s a business model different from that followed by all private market participants, and if followed by a significant number of market participants would lead to explosive price swings.

In another memo, DOE SPR staff reported the current policy "appears irrational to the market place."

In spring 2002, as prices were rising and inventories falling, the DOE SPR staff recommended that DOE postpone filling the SPR:

> This is good public policy. Commercial inventories are low, retail prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.

The market conditions today are the same as they were in 2002 when the DOE SPR staff recommended that SPR deliveries be postponed.

Many other oil industry leaders and economists believe now is not the time to fill the SPR.

In May of this year, Bill Greehey, CEO of Valero Energy, the largest independent refiner in the U.S., said:

> They tell Saudi Arabia to produce more oil. Then they put it into Strategic Petroleum Reserve. It just doesn't make any sense at all.

Writing in Forbes magazine, Professor Steve Hanke of Johns Hopkins University, commented:

> The oil price run-up and scarcity of private inventories can be laid squarely at the White House's door. Since Nov. 13, 2001 private companies have been forced to compete for inventories with the government.

This May, The Houston Chronicle stated:

> With oil at more than $40 a barrel and the federal government running a huge deficit, it should take a timeout on filling the stockpile until crude prices come down from record levels. That would relieve pressure on the petroleum market and ameliorate gasoline prices.

A leading energy consulting firm, PFC Energy, wrote this May:

> The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR.

Mr. President, I ask unanimous consent that a list of other comments be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. The Senate has twice acted on this issue to restore some common sense to our SPR policy. The Senate passed an amendment Senator COLLINS and I offered, by a bipartisan vote of 52 to 43, SPR deliveries and use the receipts from the sale of the royalty oil for homeland security programs. The Senate amendment regrettably was not retained in conference.

Last fall, the Senate unanimously passed an amendment to the Interior Appropriations Bill that Senator COLLINS and I offered that would have required DOE to adopt procedures to acquire oil for the SPR in a manner that minimizes the program's cost to the taxpayers while maximizing our overall energy security. The Senate amendment was not retained in conference, and, unfortunately, DOE has chosen to ignore the Senate's direction in the amendment.

The major reason given by DOE for not postponing any of the scheduled shipments into the SPR is that, according to DOE, the amount of oil that is placed into the SPR is only a small fraction of the global daily supply and demand. This comparison is not relevant in a tight market. The amount that is being put into the SPR is about as much as is produced in several of our own States—Wyoming or Oklahoma, for example. It is about three-quarters of our daily imports from Kuwait. In a tight market, this additional demand can cause a large price increase. Moreover, these daily deposits add up to a lot of oil over weeks and months. The Department of Energy's own documents explain this effect as follows:

> Essentially, if the SPR inventory grows, and OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices.

I support the filling of the SPR, but not at any price. DOE, like any well-managed business, should acquire more oil when prices are low, and less when prices are high. DOE should not be diverting crude oil from depleted private-sector inventories when prices are high and supplies are tight. Deferring further shipments to the SPR at this time will reduce energy prices, lower taxpayer costs, and help strengthen our economy. It will also make about $470 million available for vital homeland security programs.

Clearly, now is not the time to be taking more oil off the market. This amendment is a win-win for consumers, taxpayers, and the Government.

I urge the adoption of the amendment.

Mr. President, I commend the Senator from West Virginia for his amendment, for both parts of it, for both adding money to needed homeland security needs but also finding the source from suspending deposits in the Strategic Petroleum Reserve.

EXHIBIT 1

COMMENTS ON THE SPR PROGRAM

"Commercial petroleum inventories are low, retail product prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances. . . . Essentially, if the SPR inventory grows, and OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices." John Shages, Director, Office of Finance and Policy, Strategic Petroleum Reserves, U.S. Department of Energy, Spring 2002.

"As a U.S. Senate committee pointed out Wednesday, the U.S. government was filling the Strategic Petroleum Reserve last year as prices were rising. And by my estimate, had the U.S. government not filled the Strategic Petroleum Reserve or returned the 20 million barrels they'd put in back to the market, prices right now would be around $28 a barrel instead of $38 a barrel and gasoline prices might be 25 to 35 cents lower." Philip Verleger, NPR Morning Edition, March 7, 2003.

"We believe the administration has been making a mistake by refilling the reserve to the tune of about 11 million barrels since the start of May. . . . Washington should back off until oil prices fall somewhat. Doing otherwise is costing the Treasury unnecessarily and is punishing motorists during summer vacation driving time." Omaha World Herald, August 14, 2003.

"They've continued filling the reserve—which is crazy, putting the oil under ground when it's needed in refineries." Dr. Leo Drollas, Chief Economist, Centre for Global Energy Studies, The Observer, August 24, 2003.

"If that was going into inventory, instead of the reserve, you would not be having $29 oil, you'd be having $25 oil. So, I think they've completely mismanaged the strategic reserve." Bill Greehey, CEO of Valero Energy, largest independent refiner in the U.S., Octane Week, September 29, 2003.

"Over the last year, the [DOE] has added its name to this rogues list of traders by continuing to acquire oil for the nation's Strategic Petroleum Reserve (SPR). In doing so, it has (1) wasted taxpayer money, (2) done its part to raise crude oil prices, (3) made oil prices more volatile, and (4) caused financial hardship for refiners and oil consumers." Philip K. Verleger, Jr., The Petroleum Economics Monthly, December 2003.

"U.S. taxpayers and the economy would realize greater economic potential with a more prudent management of this national asset by not further filing the SPR under the current market structure. The DOE should wait for more favorable prices before filing the reserve both today and in the future." Richard Anderson, CEO, Northwest Airlines, NWA WorldTraveler, January 2004.

"The government is out buying fuel, it appears, without much regard for the impact that it is having on prices." James May, Chief Executive, Air Transport Association, quoted in U.S. Airlines Blame Bush for Cost of Oil, Associated Press, January 2004.

"Government storage builds have lowered commercially available petroleum supplies" and "will provide persistent support to the markets." "Changes in global government storage injections will have [a] big impact on crude oil prices." Goldman Sachs, Energy Commodities Weekly, January 16, 2004.

"The average price per barrel for 2003 was the highest in 20 years and to date, the price for 2004 is even higher. All the while, our government continues to depress inventory stocks by buying oil at these historic highs and then pouring it back into the ground to fill the strategic petroleum reserve." Larry Kellner, President and Chief Operating Officer, Continental Airlines, Continental Airlines Earnings Conference Call, January 20, 2004.

"The act of building up strategic stocks diverts crude supplies that would otherwise have entered the open market. The natural time to do this is when supplies are ample, commercial stocks are adequate and prices low. Yet the Bush Administration, contrary to this logic, is forging ahead with plans to add [more oil to] the stockpile." Petroleum Argus, January 26, 2004.

[Bill O'Grady, Director of Futures Research at A.G. Edwards, Inc.] also notes the Bush administration has been on an oil-buying binge to stock the nation's strategic petroleum reserves. He guesses that artificial demand boost is adding as much as 15 cents to the cost of a gallon of gas." Las Vegas Review-Journal, February 29, 2004. [West Coast gasoline about $2/gallon at the time].

"When the government becomes a major purchaser of oil, it only bids up the price exactly when we need relief. I know that you recently testified to Congress that the SPR fill has a negligible impact on the price of crude oil, but we politely disagree." Letter from American Trucking Association to Secretary of Energy Spencer Abraham, March 9, 2004.

"Normally, in Wall Street parlance, you're supposed to buy low and sell high, but in Strategic Petroleum Reserve actions, we're buying higher and higher and that has really helped keep oil prices high." Larry Kudlow, Kudlow & Cramer, CNBC, March 22, 2004.

"Filling the SPR, without regard to crude oil prices and the availability of supplies, drives oil prices higher and ultimately hurts consumers." Letter from 53 Members of the House of Representatives (39 Republicans, 14 Democrats) to President Bush, March 22, 2004.

"Despite the high prices, American officials continue to buy oil on the open market to fill their country's strategic petroleum reserves. Why buy, you might ask, when prices are high, and thereby keep them up? The Senate has asked that question as well. It passed a non-binding resolution this month calling on the Bush administration to stop SPR purchases; but Spencer Abraham, the energy secretary, has refused." The Economist, March 27, 2004.

"[T]he Energy Department plans to buy another 202,000 barrels a day in April. It can't resist a bad bargain." Alan Reynolds, Senior Fellow, CATO Institute, Investor's Business Daily, April 2, 2004.

"In my opinion, we have grossly mismanaged the SPR in the last 12 months. When Venezuela went on strike and we had the war in Iraq we probably should have drawn down some of the Reserve in order to build up supplies in the Gulf Coast of the U.S. We didn't do that. When the war was over we started adding to the Reserve, so we were actually taking oil out of the Market. We took something like 40–45 million barrels that would have gone into our inventories—we put in the strategic reserves. . . . We should have stopped filling the Reserves 6 months ago." Sarah Emerson, Managing Director, Energy Security Analysis, Inc., Interview, New England Cable News, April 4, 2004, 8:59 p.m.

"The administration continues to have its hands tied on the Strategic Petroleum Reserve, particularly with candidate Kerry's 'high ground' proposal to suspend purchases putting Bush in a 'me too' position." Deutsche Bank, Global Energy Wire, "Election-Year Oil: Bush Painted into a Corner," April 6, 2004.

"At a time when supplies are tight and prospects for improvement are grim, Bush continues to authorize the purchase of oil on the open market for the country's Strategic Petroleum Reserve. Bush is buying serious quantities of oil in a high-price market, helping to keep it that way." Thomas Oliphant, Blatant Bush Tilt Toward Big Oil, Boston Globe, April 6, 2004.

"He pointed out that Senator Carl Levin, D–Mich. had a good idea earlier this month in proposing earlier this month cutting back the contribution level to the Strategic Petroleum Reserve, which Kerr said is 93 percent full. 'By reducing the input, it could provide a great deal more supply to help rein in prices a bit.'" CBS MarketWatch, Gasoline, crude prices pull back, April 23, 2004, referring to the views of and quoting Kevin Kerr, editor of Kwest Market Edge.

"The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR." Crude Or Gasoline? Who Is To Blame For High Oil Prices: OPEC Or The US? Market Fundamentals & Structural Problems, PFC Energy, May 6, 2004.

"Kilduff said the Bush administration could have stopped filling the SPR, saying 'it's not the best move to start filling the SPR when commercial inventories were at 30-year lows.'" John Kilduff, senior analyst, Fimat, in Perception vs. reality, CBS MarketWatch, May 17, 2004.

"Oppenheimer's [Fadel] Gheit said Bush's decision to fill the nation's Strategic Petroleum Reserve in the wake of the Sept. 11 attacks caused a crisis of confidence around the world that led to the perception of short supply and drove up prices. 'The administration has not tried hard to dispel notions and rumors and perceptions and concerns over supply disruption,' [said Gheit]. 'Gasoline prices are at record levels because of mismanagement on a grand scale by the administration.'" Fadel Gheit, oil and gas analyst at Oppenheimer & Co., in Perception vs. reality, Camps debate Bush influence on Big Oil, CBS MarketWatch, May 17, 2004.

"With oil at more than $40 a barrel and the federal government running a huge deficit, it should take a timeout on filling the stockpile until crude prices come down from record levels. That would relieve pressure on the petroleum market and ameliorate gasoline prices." Houston Chronicle, Keep the oil in it, but take a timeout on filling it, May 18, 2004.

"They tell Saudi Arabia to produce more oil. Then they put it into the Strategic Petroleum Reserve. It just doesn't make any sense at all." Bill Greehey, CEO of Valero Energy, Washington Post, May 18, 2004.

"The Bush administration contributed to the oil price squeeze in several ways, according to industry experts. First, it failed to address the fact that demand for gasoline in the United States was increasing sharply, thanks to ever more gas guzzlers on the road and longer commutes. The administration also continued pumping 120,000 barrels a day of crude into the Strategic Petroleum Reserve, making a tight market even tighter." David Ignatius, Homemade Oil Crisis, Washington Post, May 25, 2004.

"How can the administration rectify its mistakes? It could calm the market by moving away from its emergency-only stance. It could also stop buying oil to add to the strategic reserve. The government has done a good job making sure that the reserve is at its 700-million barrel capacity. But now that we are close to that goal there is no reason to keep buying oil at exorbitant prices." Edward L. Morse and Nawaf Obaid, The $40-a-Barrel Mistake, New York Times, May 25, 2004.

"President Bush's decision to fill the reserve after the terror attacks of September 2001 has been one of the factors driving up oil prices in recent months, along with reports that China, which recently surpassed Japan as the second-largest importer of oil, is going ahead with plans to build its own petroleum reserve." Simon Romero, If Oil Supplies Were Disrupted, Then . . . New York Times, May 28, 2004.

"The oil price run-up and scarcity of private inventories can be laid squarely at the White House's door. Since Nov. 13, 2001 private companies have been forced to compete for inventories with the government." Steve Hanke, Oil and Politics, Forbes, August 16, 2004.

The PRESIDING OFFICER (Mr. TALENT). Who seeks recognition?

The Democratic leader is recognized.

AMENDMENT NO. 3636

Mr. DASCHLE. Mr. President, I know we have set aside the Baucus-Burns-Brownback et al. amendment. I just want to come to the floor to express my support for the amendment as well. This is a bipartisan effort. It is long overdue. As others have noted, the need is great. There are disasters around the country that have to be addressed, including some in South Dakota. It is not just the severity of the drought, but it is the length of time that drought has existed in some parts of our country, especially in South Dakota.

So I am very hopeful the Senate will express itself on a unanimous basis and provide the kind of support that our farmers and ranchers and others need. I hope the amendment will be adopted.

I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

Who seeks recognition?

The Senator from New Mexico is recognized.

AMENDMENT NO. 3649

Mr. BINGAMAN. Mr. President, I just want to speak briefly in support of Senator BYRD's amendment as well.

This amendment will make available to the market an additional 19 million barrels of oil that the Federal Government will receive in fiscal year 2005 as in-kind royalties. Without this amendment, the Federal Government would hold this oil off the market by putting it in the Strategic Petroleum Reserve in 2005. Because this Federal royalty oil would be sold, under this amendment it would generate an offset of $470 million, which the amendment then proposes to use for important homeland security measures, such as port security grants, aviation passenger screening, the Coast Guard, mass transit grants, and the SAFER Program.

It is important to note that the amendment will not take out of the Strategic Petroleum Reserve any oil that is now in the Reserve.

It is merely suspending further filling of the reserve. Suspending the fill of the Strategic Petroleum Reserve during times of high oil prices makes economic sense. Using Federal dollars to buy high-priced oil for the Strategic Petroleum Reserve does not make economic sense.

Oil prices hit an all-time high on the NYMEX on August 20, trading at $49.40 a barrel. Today oil is trading at close to $45 a barrel, which represents a price increase of more than 30 percent since the beginning of the year. By filling the Strategic Petroleum Reserve in this very high-priced environment, we are paying more for oil now than we would if we waited until prices went down.

Filling the Strategic Petroleum Reserve when oil prices are high costs American taxpayers unnecessarily. It also puts more pressure on already tight fuel markets and keeps oil prices higher for longer.

The royalty-in-kind oil program used to fill the Strategic Petroleum Reserve was first envisioned in a low-price environment. The Government bought oil from domestic producers on Federal lands when prices were low in order to absorb some of the excess oil. The royalty-in-kind program was used to keep domestic oil prices from falling even further, but we were then talking about below $14 per barrel, not below the $45 per barrel which is currently prevailing. The royalty-in-kind program was not established to help high oil prices remain high, but buying in a high-priced environment has that exact effect.

Suspending the fill of the Strategic Petroleum Reserve does not pose an immediate security threat, as the Senator from Michigan pointed out. The reserve is already 96 percent of capacity, with 669 million barrels now stored. That is the highest level of storage we have ever had in the Strategic Petroleum Reserve. It currently covers 67 days of import capacity at a level of 10 million barrels per day of imports. Using scarce Federal dollars to fill the Strategic Petroleum Reserve while failing to fund necessary homeland security measures presents a security threat itself.

Some of you may recall—I think we all recall—that the Senate passed a similar amendment to this to the budget resolution that was considered earlier this year, the Levin-Collins amendment.

I urge support of Senator BYRD's amendment this evening. It will put our limited homeland security dollars to work in the most beneficial way for Americans.

I yield the floor.

AMENDMENT NO. 3636

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are at a point now where I think we can proceed to dispose of an earlier amendment that was offered. If there is no objection to setting aside the pending Byrd amendment for that purpose, I ask unanimous consent that the Byrd amendment be set aside and that we proceed to a voice vote on the Baucus amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The question is on agreeing to the Baucus amendment No. 3636.

The amendment (No. 3636) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3649

Mr. COCHRAN. Mr. President, the Byrd amendment has been presented and discussed by the Senator from West Virginia, the Senator from Michigan, and the Senator from New Mexico. Compelling arguments have been made for the additional funds that would be made available to the Department of Homeland Security under this amendment. The difficulty, however, is that the amendment would provide appropriations that are not consistent with the Budget Act. Section 501 of H. Con. Res. 95, the fiscal year 2004 concurrent resolution on the budget, limits the amount and type of advance appropriations which may be provided for fiscal years 2005 and 2006. The pending amendment would provide advance appropriations for fiscal year 2006 which are not on the list of programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying the budget resolution.

Thus, I raise a point of order pursuant to section 501(b) of H. Con. Res. 95, the 108th Congress, against the pending amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent to set aside the pending amendment to permit the Senator from New York to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 3651

Mrs. CLINTON. Mr. President, I call up amendment No. 3651.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 3651.

Mrs. CLINTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3651) is as follows:

(Purpose: To require the Federal Emergency Management Agency to allocate at least $4,450,000 of any funds previously made available in response to the September 11, 2001, attacks in New York City for continued mental health counseling services for emergency services personnel requiring additional assistance as a result of the September 11, 2001, terrorist attacks)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Of any funds previously made available to the Federal Emergency Management Agency in response to the September 11, 2001, attacks in New York City, not less than $4,450,000 shall be provided, subject to the request of the Governor of New York, to those mental health counseling service entities that have historically provided mental health counseling through Project Liberty to personnel of the New York City Police Department, the New York City Fire Department, and other emergency services agencies, to continue such counseling.

Mrs. CLINTON. Mr. President, I thank the chairman of the subcommittee, the Senator from Mississippi, and his excellent staff for their assistance in working out this amendment.

This is an amendment that would continue to provide funding for the mental health counseling that the fire department and police department and other first responders have been receiving because of their experiences arising out of September 11. We are finding that only now are some of the firefighters, police officers, and others coming forward and expressing their need for some kind of intervention and assistance.

This is a program that has worked very well. I am grateful for the Federal assistance to start this program, and we are hopeful that this amendment will enable FEMA, which already has money set aside arising out of already appropriated money for New York and for purposes like this, to obtain the requisite support they need to go forward with this mental health counseling. So I am very grateful that we have worked this out.

There is no new money in it, there is no new earmarking or appropriations; it is merely giving FEMA the go-ahead, with the appropriate authorization, to continue the mental health program that has proven so successful.

So, again, I appreciate greatly the chairman and his staff's assistance. I ask for a voice vote on this amendment, if appropriate at this time.

Mr. COCHRAN. Mr. President, we are happy this has been resolved. I think it improves the bill. We are ready to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3651) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. COCHRAN. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—48

Allen
Baucus
Biden
Bingaman
Boxer
Breaux
Byrd
Carper
Clinton
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—47

Alexander
Allard
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Cantwell
Chafee
Chambliss
Cochran
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Akaka
Campbell
Edwards
Kerry
Sessions

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are at a point now where we can proceed with two or three other amendments that may require votes and then we expect to have a vote on final passage. We would like to get an agreement that these are the amendments which will be voted on and that we will have votes in sequence on those amendments and final passage of the bill. I hope my friend from Nevada will consider that.

The Senator from Florida wants to be heard.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3652

Mr. NELSON of Florida. Mr. President, I send amendment 3652 to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM of Florida, proposes an amendment numbered 3652.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide supplemental disaster relief assistance for agricultural losses in the State of Florida resulting from Hurricanes Charley and Frances)

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. . CROP LOSSES.

In addition to amounts otherwise made available under this Act, there is appropriated $560,000,000, to remain available until expended, for the Commodity Credit Corporation Fund for crop losses in excess of 25 percent of the expected production of a crop (including nursery stock, citrus, dairy, timber, vegetables, tropical fruit, clams and other shellfish, tropical fish, poultry, sugar, hay, equines, wildflower seed, sod, and honeybees and losses sustained by packing houses) in the State of Florida resulting from Hurricane Charley or Frances: *Provided*, That any producer of crops and livestock in the State of Florida that has suffered at least 25 percent loss to a crop covered by this section, 25 percent loss to livestock, and damage to building structure in 2004, resulting from Hurricane Charley or Frances, shall be eligible for emergency crop loss assistance, emergency livestock feed assistance under the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471 et seq.), and loans and loan guarantees under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. . WATERSHED AND FLOOD PREVENTION OPERATIONS.

In addition to amounts otherwise made available under this Act, there is appropriated $30,000,000, to remain available until expended, for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) and related watershed and flood prevention operations, an additional amount to repair damage to the waterways and watersheds in the State of Florida resulting from Hurricane Charley or Frances.

SEC. . EMERGENCY CONSERVATION PROGRAM.

In addition to amounts otherwise made available under this Act, there is appropriated $60,000,000, to remain available until expended, for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), an additional amount to repair damage to farmland (including nurseries and structures) in the State of Florida resulting from Hurricane Charley or Frances.

SEC. . AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT.

In addition to amounts otherwise made available under this Act, there is appropriated $25,000,000, to remain available until expended, for the Agricultural Credit Insurance Fund program account for the cost of emergency insured loans for costs in the State of Florida resulting from Hurricane Charley or Frances.

SEC. . EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

In addition to amounts otherwise made available under this Act, there is appropriated $10,000,000, to remain available until expended, for emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a): *Provided*, That the emergency services to be provided may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate (including repair of existing farmworker housing and construction of new farmworker housing units, including housing that may be used by H-2A workers) to replace housing damaged as a result of Hurricane Charley or Frances.

SEC. . RURAL HOUSING FOR DOMESTIC FARM LABOR.

In addition to amounts otherwise made available under this Act, there is appropriated $10,000,000, to remain available until expended, for rural housing for domestic farm labor for the cost of repair and replacement of uninsured losses resulting from natural disasters such as Hurricanes Charley and Frances.

SEC. . STATE AND PRIVATE FORESTRY.

In addition to amounts otherwise made available under this Act, there is appropriated $5,000,000, to remain available until expended, of which $2,500,000 shall be made available for urban and community forestry and of which $2,500,000 shall be made available for wildland-urban interface fire suppression efforts resulting from fuel loading from damaged or destroyed tree stands in the State of Florida resulting from Hurricane Charley or Frances.

SEC. . EMERGENCY DESIGNATION.

The amounts appropriated in this title are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1014).

Mr. NELSON of Florida. Mr. President, we have had two major hurricanes in Florida that have done a great deal of damage to our agricultural industry in Florida. Our agricultural industry is a $62 billion industry. We have just passed a disaster relief bill for drought for several Midwestern States which was a $3 billion disaster relief bill.

Naturally, where we have an existing disaster that has occurred over the course of the last 6 weeks, we have a lot of farmers hurting, and the well has run dry in the Department of Agriculture funds. Naturally, the Federal Government will respond, which we do in times of disaster, and this Senator and Senator GRAHAM want to make sure we have the funds.

We have bipartisan unanimity in our House delegation, along with Senator GRAHAM and me, on what we are requesting in this particular amendment I have sent to the desk. This is requesting $700 million of disaster relief for agricultural disaster. The figure may be more.

The distinguished chairman of the Appropriations Committee and I will enter into a colloquy in which I can be assured this matter is going to be addressed in this bill when it goes to conference and that the funds are going to be needed.

I engage in a colloquy with the chairman of the Appropriations Committee.

We are told the administration has existing funds to address the massive damage done to Florida agriculture by Hurricanes Charley and Frances, and, indeed, Secretary Veneman has authorized $300 million in section 32 funds which are certainly welcome and appreciated. However, I can state that back in Florida we are also told that already the U.S. Department of Agriculture is running out of relief funds. I ask the distinguished chairman of the Appropriations Committee if he will work with me to ensure additional emergency appropriations for USDA disaster relief can be provided to address this crisis in Florida?

I yield to the Senator.

Mr. STEVENS. We will provide the needed disaster relief for Florida agriculture as soon as possible. This relief will come in the form of appropriations for the U.S. Department of Agriculture disaster relief programs. These funds will be used to help Florida citrus farmers as well as other Florida farmers. If the funds are not provided before we address Hurricane Ivan, we will address this issue when we do address Ivan in the conference on this bill, the Homeland Security bill.

Mr. NELSON of Florida. Mr. President, I thank the chairman of the Appropriations Committee, and I appreciate his cooperation.

I ask the chairman, with his commitment in the Senate, am I in a position to guarantee the agricultural industry of my State that we will provide additional USDA disaster relief or other disaster funds to meet this need in supplemental appropriations in the conference report on this bill, the Homeland Security appropriations bill?

Mr. STEVENS. Mr. President, yes, that is my commitment to the Senator from Florida. We fully intend to take up the Hurricane Ivan funds as an amendment to this bill in conference when the supplemental request is received.

Mr. NELSON of Florida. Mr. President, around this place, a man's word is his bond, and that is good enough for me.

I thank the Senator. Our people are hurting. The President has requested, in addition, a $3.1 billion relief package for FEMA and other agencies of Government other than the agriculture relief. He did not request that. That is the reason for bringing this to a head at this late hour.

AMENDMENT NO. 3652 WITHDRAWN

Therefore, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. GRAHAM of Florida. Mr. President, I commend Senator NELSON on this issue and thank Senator STEVENS for his efforts.

This amendment represents the first step in correcting an injustice. That injustice is the lack of meaningful disaster relief for the farmers, ranchers, and growers of Florida.

Agriculture is the second largest generator of income in Florida. It is responsible for $7 billion in cash receipts and accounts for a total of $60 billion in total economic impact.

Mr. President, 44,000 farmers and growers produce 280 different crops ranging from tropical fruits to winter vegetables to greenhouse and nursery products to aquaculture and honey and more.

The twin disasters of Charley and Frances devastated a significant portion of this economic sector. Preliminary estimates indicate more than $2 billion in damage to Florida agriculture.

Some growers were hit twice; before they could determine their initial losses, they lost the rest of their crops. It may take months to determine the final cost of these storms. The ground first must dry out before growers can learn if they will be able to plant and harvest a crop this year.

The growers and their families need help now. Yet today's request from the administration contains no aid for them.

Between fiscal year 1989 and fiscal year 2003, Congress added $49.2 billion to USDA programs. Of that amount, $21.4 billion went for market loss payments to compensate for low prices, and $17.9 billion went to crop disaster payments to producers who suffered a natural disaster crop loss.

In the past, the Senate has responded when our farmers and ranchers were in need. We again must respond in an appropriate way by providing the aid that is contained in this amendment.

I want to commend those officials who have been trying to help Florida agriculture since Hurricane Charley first hit the State. Dedicated public servants from the U.S. Department of Agriculture and the Florida Department of Agriculture and Consumer Services have been assessing the damage and directing farmers to available assistance programs. The private sector has worked long hours to minimize the damage. Producers who may have suffered only minor losses are helping their neighbors who are not as fortunate.

The U.S. Department of Agriculture as always is using its resources to aid the victims of these disasters. Additional funds are necessary to begin recovery operations. Yet, those funds were not included in the administration's recent request.

I want to explain why these funds are necessary. Some natural disasters destroy crops. These hurricanes have destroyed more than crops. For example, nurseries and greenhouses collapsed or were crushed by the storms. Replacing a structure is more difficult and costly than just replacing plants.

Consider the citrus industry. In some groves, you can walk from end to end and never touch the ground because it is covered with fallen grapefruits. Next year, another crop may grow, but the grove's owners, and their families, need help today. Even worse, the storms destroyed thousands of citrus trees. It takes 5 years for a new tree to produce fruit and seven years for it to turn a profit.

We are approaching that time of year when people throughout the country order and send gifts of Florida citrus. Its been estimated that packing houses and related businesses could lose as much as $100 million from the storms. Consider the impact on the workers in these facilities.

Preliminary estimates indicate that the sod industry in Florida has suffered $300 million in losses. Many of the sod farms are flooded, and too much water is not good for sod.

Florida's cattle and calving operations generate more than $370 million in cash receipts. The storms destroyed fences and dumped debris on grazing lands. Florida calves are fed and grow at feedlots in other parts of the country.

Consider the plight of the winter vegetable growers. Many in Florida began preliminary planting before the hurricanes hit. Existing programs do not cover their pre-planting costs. They must plant by a certain date to be eligible for aid. If the ground is too wet and they can't plant in time, they suffer twice—the lack of a cash crop and the lack of disaster aid.

The amendment does not ignore the human side of agriculture. It includes funds to assist groups that provide emergency services to the many people who work on farms where crops have been destroyed. Many farm workers have lost their jobs. They also have seen their homes destroyed, or they find themselves without water or power.

I realize that the preliminary estimates of $2 billion in losses will be reduced, once insurance and other payments are taken into account. But the need exists today.

The transmittal letter for the emergency supplemental asked Congress "to limit this emergency request to those items directly related to the recovery efforts from the impact of these recent major disasters." This amendment meets this requirement.

After a more detailed examination of the damage, we may have a need for additional funds for agriculture assistance. That is why I consider this amendment to be just an important first step but not the final step toward the goal of helping the farmers, ranchers, and producers of Florida.

AMENDMENT NO. 3656

Mr. SCHUMER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. SARBANES, Mr. REED, Mrs. CLINTON, and Mr. KENNEDY, proposes an amendment numbered 3656.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for rail and transit security grants)

On page 20, line 7, strike "$1,200,000,000" and insert "1,550,000,000".

On page 20, line 13, strike "$150,000,000" and insert "$500,000,000".

Mr. SCHUMER. Mr. President, I will be brief. I know the hour is late, but as I am sure this body knows, these issues, I believe, are extremely important and have to be considered. This amendment deals with rail security. It is rail security and transit grants.

Now, first, I do want to say that we are providing $278 million for these grants. The amendment by my friend from West Virginia raised the amount to that. But it is not close to enough when we are considering that rail is one of the great dangers we face in this war on terrorism. If anything, we have learned since last year's appropriations bill that al-Qaida has chosen rail as one of its methods of terror. We all looked in shock at what happened in Madrid.

Our rail systems, whether they be mass transit, subways, commuter rails, passenger rails, freight rails, are utterly unprotected. While we are making small steps in the direction of protecting them, we are not moving close to quickly enough. Despite the significant threat to transit systems, the funding for transit security has been grossly inadequate.

Over the last 2 years, Congress appropriated only $115 million in transit security: $65 million in fiscal year 2003; $50 million—less—in 2004. The administration's budget requested no additional funding. Now, of course, we have raised it a little bit here but not close to enough.

Furthermore, only 30 to 40 percent of what has been appropriated for transit security has been received by transit agencies. So even with the small amounts we have appropriated, our agencies that are supposed to make our subways, our mass transit, our commuter rail, our passenger rail safer have not been able to do it. As a result, many transit agencies, including those in my city, in my State, many of which are likely to be at risk, have pressing security needs that are still unfunded. In fact, the Banking Committee found that we have invested $9.16 per passenger on aviation improvements but less than 1 cent per passenger on transit security improvements. Now does that make any sense: $9.16 on air travel, less than 1 cent on transit?

On April 8, the Commerce Committee passed the Rail Security Act of 2004. The bill would provide $1.2 billion to enhance the safety of our Nation's mass rail systems. On May 6, the Banking Committee unanimously passed the Public Transportation Terrorism Prevention Act of 2004. That bill would provide over $5 billion to enhance the safety of the Nation's mass transit systems and would mean so much to the New York area where we face a need for hundreds of millions of dollars to shore up our security. So when my friend from Mississippi will get up and say, well, we are giving some money, it is not close to what the authorizing committees felt was needed. It is not a little less; it is not a lot less; it is a huge amount less. If the Commerce Committee would say that $1.2 billion is needed and the Banking Committee would say that $5 billion is needed and we are appropriating as little as we are, clearly we are not doing something right.

These two bills were not taken up by the Senate leadership for several months, and then, in July, Secretary Ridge announced there was credible information indicating al-Qaida is moving ahead with plans for a large-scale attack in the U.S. aimed at disrupting the political elections. In reaction, all of a sudden the Senate leadership decided to try to pass some security measures that were long overdue. I am told the reason they did not bring them up is because they felt these measures cost too much. I am sure my esteemed colleague from Mississippi will make that argument again today, that spending $350 million to secure the thousands of miles of tracks, tunnels, bridges, and stations used by millions of Americans every day is too expensive. I have to respectfully disagree. We are vulnerable. God forbid 10 terrorists strap explosives to themselves and go into 10 of our busiest rail stations and detonate them at a single time. This would cause huge loss of life, tremendous suffering, and economic hardship.

There are things we can do. We can develop detectors that fit mass transit as we are doing in the airports. We are not. We can protect our tunnels and bridges upon which trains go. We are not. The bottom line is, we are doing virtually nothing.

Mr. REID. Mr. President, could I ask my friend to withhold? We have a unanimous consent request that Members have been waiting on for a while.

Mr. SCHUMER. I am happy to yield.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are at a point where we can advise Senators of amendments that will now be presented to the Senate for votes. We hope we can get this unanimous consent agreement adopted so we will have an orderly process to follow.

I ask unanimous consent that other than any amendments cleared by both managers, the only remaining amendments be the following and that there be no second degrees in order to the listed amendments prior to votes in relation to those amendments: the pending Kennedy amendment for 5 minutes equally divided; the Schumer amendment on rail safety with 10 minutes equally divided; the Schumer amendment on immigration with 10 minutes equally divided; and the Clinton amendment, No. 3631, with 10 minutes equally divided—and I am sure the Senator from Florida will call up his amendment on funds for the Red Cross, and we will adopt that on a voice vote—further, that any other pending amendments be withdrawn, and following disposition of the above-listed amendments, the bill be read a third time and the Senate proceed to passage as under the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. I thank all Senators.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I appreciate the understanding of my colleague from Mississippi. I think I have used pretty much my time on transit even though I have been given another 10 minutes.

I just want to say this in conclusion: We are currently spending $5 billion a month in Iraq alone. While I wholeheartedly support making sure that our troops have everything they need—and I have supported all of these funding requests—if we can spend $5 billion a month in Iraq, we can surely spend $350 million over 5 years to help ensure the safety of our transit riders here at home. The priorities are wrong. There is a disconnect. We spend what it takes to win a war on terror overseas, as we should. We spend virtually nothing to protect ourselves at home. To say that a couple hundred million dollars is too much when the safety of our citizens is at stake and we are spending $5 billion a month in Iraq is a schizophrenia that this country, as we fight this war on terror in this brave, new world, cannot afford.

I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment would add $350 million to the bill for rail and security transit grants. A previously adopted amendment has already added $128 million to the bill for this purpose.

The amendment will cause the bill to exceed the committee's 302(b) allocation; therefore, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. COCHRAN. Mr. President, I ask unanimous consent that these votes be stacked that are in order: the two Schumer amendments, the Clinton amendment, the vote on final passage, and any vote in relation to the Kennedy amendment as well—that they be stacked so we can then proceed with debate on the second Schumer amendment or the Clinton amendment and dispose of the discussion, and then we will have a vote on all of those issues at the same time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 3655

Mr. SCHUMER. Mr. President, I offer the Schumer amendment on immigration security. The amendment is at the desk, I believe.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 3655.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate an additional $350,000,000 to improve the security at points of entry into the United States)

On page 7, line 16, strike "$2,413,438,000," and insert the following: "$2,763,438,000, of which $200,000,000 shall be reserved for the International Civil Aviation Organization to establish biometric and document identification standards to measure multiple immutable physical characteristics, including fingerprints, eye retinas, and eye-to-eye width and for the Department of Homeland Security to place multiple biometric identifiers at each point of entry; of which $50,000,000 shall be reserved for a program that requires the government of each country participating in the visa waiver program to certify that such country will comply with the biometric standards established by the International Civil Aviation Organization; of which $25,000,000 shall be reserved for the entry and exit data systems of the Department of Homeland Security to accommodate traffic flow increases; of which $50,000,000 shall be reserved to integrate the entry and exit data collection and analysis systems of the Department of Homeland Security, the Department of State, and the Department of Justice, including the Federal Bureau of Investigation; of which $25,000,000 shall be reserved to establish a uniform translation and transliteration service for all ports of entry to identify the names of individuals entering and exiting the United States:".

Mr. SCHUMER. Mr. President, there are so many places where we have to tighten up our security at home. We have talked about security in the air and security at the ports and security on the rails and security with trucks. We have talked about helping our police and our firefighters and hospitals. There is another area that we do have to address even at this late hour because it is so crucial. That is security at our country's borders.

The question is, Who can come across our borders, whether by land or sea or by air, and how do we monitor who they are, and how do we make sure terrorists do not come into this country as they did in the years and months before 9/11, where one part of the Government knew that those who came across the borders might well cause harm, but those who were at the borders letting people into this country did not?

The good news is that technology can help us. We can keep our borders open and free. We can have commerce that we need and at the same time separate those few bad apples. Technology will allow us to do that. But we are not doing it. Again, we run the risk that our porous borders will serve as an attraction to those who want to be in this country to do evil things, either here or abroad.

The amendment I have offered would provide funding necessary to strengthen the eyes and ears and coordination of personnel at our country's borders. Perhaps the greatest threat to our country as a whole is what New York Times columnist Thomas Friedman has called "people of mass destruction" or PMDs coming through our borders. It was people of mass destruction who turned airplanes into missiles on 9/11, and we have to do something to avoid that.

My amendment contains five parts. First, the amendment provides $200 million to help bring the biometric technology already at our busiest ports of entry up to the standards called for by the 9/11 Commission and the task force report. The 19 hijackers who invaded my city and our country 3 years ago ran through the borders in a wave of deception. Were there more accurate measures of identifying those terrorists when they entered the country, we might not have suffered 9/11.

Three years after 9/11, it is staggering that we are leaving so much of our safety up to the subjective, fallible judgment of individuals rather than to superior biometric technology. The first part of the amendment deals with upgrading that technology.

Second, my amendment would provide $50 million to help ensure that all travelers entering the United States are held to the same high level of scrutiny. Specifically, the amendment would provide funding to help persuade visa waiver program governments to produce passports compatible with the state-of-the-art biometric technology that I hope will be deployed at U.S. ports of entry.

Third, the amendment would provide $25 million to fund the expansion of the Homeland Security Department's exit and entry data systems to accommodate the ever increasing traffic of travelers in and out of our Nation's ports of entry. As the pace of globalization quickens, U.S. airports, bridges, and ports see a rising number of visitors. We have to have the technology to keep up with that increasing number.

Fourth, the amendment addresses the need to integrate the entry and exit data systems housed within the Department of Homeland Security, the FBI, and the Department of State. We have in our Government a number of sophisticated databases collecting critical information about individuals who could harm our country. Each of these systems has different access rules and runs on different algorithms. It makes integration of these systems with one another and with the people at the borders very chancy and difficult.

Finally, the amendment would provide $25 million to support a uniform transliteration and translation system to identify each visitor entering and exiting. You don't want to let someone in because Mohammed or Bill was spelled incorrectly and that person slipped through the borders.

I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. The bottom line is simple. We have a long way to go to make our borders safe. The frustration that many of us have is we can do it but we are not. Again, we are taking tiny baby steps where bold, imaginative, and large steps are required. No one, no matter what their ideology, party, or even vote on this measure, wants to repeat what happened at 9/11 when people came across our borders and should not have. This amendment will help close that loophole. It is worth the cost. I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment would add to the bill $350 million for components of the United States Visitor and Immigration Status Indicator Technology system, known as US VISIT. We have included the amount requested by the administration in this bill for the US VISIT system in the amount of $340 million. So the Senator's amendment would double the amount that is already included in the bill. The amendment will cause the bill to exceed the committee's 302(b) allocation. Therefore, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, under the order previously entered, there is an opportunity for consideration of a pending Kennedy amendment or the offering of amendment No. 3631 by Senator CLINTON.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

AMENDMENT NO. 3631

Mrs. CLINTON. Mr. President, I call up amendment No. 3631.

The PRESIDING OFFICER. The amendment is pending.

Mrs. CLINTON. Mr. President, this amendment—sponsored by myself and Senators ENSIGN, LAUTENBERG, FEINSTEIN, BOXER, and CORZINE—follows the recommendation in the 9/11 Commission. What it does is to put into our bill language that permits the Secretary of the Department of Homeland Security to allocate the money above the minimum that goes to all States. In other words, 38 percent of the money for homeland security will be distributed on a per capita basis to all States. The remaining 62 percent, which is the subject of my amendment, will be distributed as recommended by the 9/11 Commission and every other expert who has studied this issue on threat factors and risk assessments that will take into account matters such as population, population density, critical infrastructure, and such other factors as the Secretary considers appropriate.

We have debated this on the floor for a number of years. I engaged in a colloquy about this back in July of 2003 when we were considering the Homeland Security appropriations. I have spoken on numerous occasions with Secretary Ridge. I know we have been given assurance that there would be developed some kind of threat matrix so we could take into account the full range of issues that should be considered. I am not in any way suggesting what those factors should be. I think food security should be among them. I think our petrochemical complexes should be among them.

I think our laboratories in States such as New Mexico should be among them. I think there are probably threat-based assessments that would apply to every single State. But we know, having gone through this debate now year after year, that what happens is the path of least resistance is followed and the money is distributed on a per capita basis. I don't think that is good for any State, whether it is a large State or a small State, or any State in any part of our country.

Some have argued my amendment would take money away from other States, particularly the small States. It does not. The money that was guaranteed to the small States, to all States, will continue to flow. But what we have done is to say, wait a minute, the Secretary of this Department should begin to be able to develop a threat assessment. And let's look at our critical infrastructure. Every State has such infrastructure. Instead, the money is going out to the States and they are spending it as they see fit, without necessary regard for our national interests and our homeland security concerns, some of which cross State and county borders, and I believe that looking to this opportunity as recommended by the 9/11 Commission is absolutely essential.

So my amendment embodies the factors that were noted by the 9/11 Commission and it gives the administration—not me—and the Department of Homeland Security the discretion and authority to come up with any other factors they believe are relevant.

It is time we follow the advice of the experts—this Commission and the Rudman Commission. Every commission and every security expert who has looked at this has come to the same conclusion: We should give the Secretary discretion to develop a threat matrix to do a risk analysis, and then to make sure the money is distributed accordingly. I hope for the sake of our homeland defense and in keeping with the words of this Commission, you will support the Clinton-Ensign amendment. Senator ENSIGN wanted to get back in time to be part of the debate, but it moved a little more quickly than we had expected. I look forward to working with him and working with our colleagues to ensure that we do this right.

We have spent a lot of money and we have given a lot of equipment and given a lot of local communities money that, frankly, according to the articles that are often printed about this, they are looking for ways to spend.

Mr. President, I hope we will vote for this amendment.

I ask unanimous consent that Senator SCHUMER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, the funds allocated for this program in this bill are done on a formula basis under the provisions of the USA PATRIOT Act. The Senate Governmental Affairs Committee held hearings on this issue and has reported out a bill, S. 1245, the Homeland Security Grant Enhancement Act, to deal with domestic preparedness grants and how they are distributed. That is the legislation that is the appropriate vehicle for further debate and amendments if Senators want to offer amendments dealing with the formula for distributing State and local first responder grant funding.

This should not be done on an appropriation bill, on this bill, as the Senator seeks to do with her amendment. Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I think we are at a point now where the Senator from Massachusetts has an amendment, which is the only one left under the agreed-upon process for finalizing the handling of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 3626

Mr. KENNEDY. Mr. President, I understand we have 2½ minutes. I yield myself 1 minute 15 seconds. I will yield the remaining time to my friend and colleague, the Senator from Florida, Senator GRAHAM.

Mr. President, in May of 2001, President Bush appointed General Scowcroft to review the intelligence system to make recommendations about how it could be more effective for the President of the United States. General Scowcroft has been relied upon by Democratic and Republican Presidents. He is one of the distinguished generals and foreign policy experts and arms control individuals. He issued such a report 3 months after 9/11.

It seems to me the most important decision we are going to make in this body by the time we have adjournment is going to be intelligence reform. This particular amendment says we believe the Scowcroft Commission report ought to be made available to all the Members of the Senate. If there has to be a classified annex, so be it. Over the course of the last weeks, we have had Secretary Rumsfeld who commented on it. This is what he said in the Armed Services Committee:

> I have been briefed on the Scowcroft Commission record. I don't see any reason why there shouldn't be a process so it can be declassified.

I asked him a question:

> Was there anything in there that you thought could be declassified?

He said:

> No, I cannot recall anything that could not be declassified.

Senator WARNER, for the record, said the Scowcroft Commission has not been released by the White House. We are going to seek to see whether we can have greater access to it.

Senator ROBERTS said:

> I had talked to Scowcroft last Thursday. I begged on my hands and knees to release the report.

That is what we are doing, releasing the report.

Mr. GRAHAM of Florida. I strongly support the amendment. We have had too much classification of material, which has had the result of making us less secure, not more secure. The expert opinion of people like General Scowcroft ought to be made available to the American people and the Congress so it can be used as we attempt to construct systems that will make us safer.

There is no reason for the extensive classification process used in this administration, ranging from the Scowcroft report to the classification of 27 pages of our Senate-House joint inquiry relating to the role of foreign governments in assisting the terrorists. This would be a good place to start. The American people will be safer by our actions.

Mr. COCHRAN. Mr. President, let me make a couple points I think are important before we vote on this amendment. This is a report—the subject of this amendment by Senator KENNEDY—that was prepared at the President's request to advise him on intelligence issues. The report constitutes privileged advice to the President from a confidential adviser.

In order to protect the ability of not only this President but future Presidents in their ability to receive advice as a matter of separation of powers, recognized previously by the courts, Presidents of both parties have long declined to turn over to Congress privileged advice that is prepared for them at their request. For this same reason, the President does not ask Members of Congress to turn over advisory information prepared for us by our staff members. We think this is a tradition that should be honored in this case.

I am prepared to move to table the amendment if no other Senator wants to be recognized. If others want to speak on the issue, I am happy to yield the floor.

Mr. President, I move to table the amendment of the Senator from Massachusetts and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS), are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—45

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—6

Akaka
Campbell
Edwards
Kerry
Lott
Sessions

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, my understanding of the order is another vote will occur on an amendment without intervening debate under the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. This vote will be a 10-minute vote. Would the Chair state the question before the Senate?

Mr. REID. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. REID. Mr. President, I ask that the unanimous consent agreement be amended so that all succeeding votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

VOTE ON AMENDMENT NO. 3656

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to Schumer amendment No. 3656. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—43

Baucus
Bayh
Biden
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Akaka
Campbell
Edwards
Kerry
Lott
Sessions

The PRESIDING OFFICER. On this question, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3655

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with regard to amendment No. 3655 by the Senator from New York, Mr. SCHUMER.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 49, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—44

Baucus
Bayh
Biden
Boxer
Breaux
Byrd
Cantwell
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Feingold
Feinstein
Graham (FL)
Hagel
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hatch
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—7

Akaka
Campbell
Domenici
Edwards
Kerry
Lott
Sessions

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the point of order was sustained, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3631

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to table amendment No. 3631. The yeas and nays have previously been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—54

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Daschle
Dayton
Dole
Dorgan
Enzi
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Johnson
Kohl
Kyl
Lincoln
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Pryor
Roberts
Rockefeller
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Wyden

NAYS—39

Allen
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Cornyn
Corzine
DeWine
Dodd
Durbin
Ensign
Feinstein
Graham (FL)
Hollings
Hutchison
Inouye
Jeffords
Kennedy
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Nelson (FL)
Nickles
Reed
Reid
Santorum
Sarbanes
Schumer
Specter
Stabenow
Warner

NOT VOTING—7

Akaka
Campbell
Domenici
Edwards
Kerry
Lott
Sessions

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3607

Mr. COCHRAN. Mr. President, under the previous order, the amendment of the Senator from Florida adding funds for the Red Cross is the pending business, which should be adopted by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3607) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3614, 3643, 3644, 3646, 3647, AND 3648, EN BLOC

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following amendments: amendment No. 3614 proposed by Ms. COLLINS and Mr. PRYOR; amendment No. 3647 proposed by Ms. STABENOW, Mr. CRAIG, Mr. LEVIN, Mr. CRAPO, Mr. JEFFORDS, Mr. BIDEN, and Mr. ROCKEFELLER; amendment No. 3648 proposed by Mr. SHELBY; amendment No. 3643 proposed by Mr. ROBERTS; amendment No. 3646 proposed by Mr. TALENT and Mr. BOND; and amendment No. 3644 proposed by Ms. MURKOWSKI, Mr. INOUYE, and Mr. STEVENS.

These amendments have been agreed to on both sides of the aisle, and I ask they be adopted en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc and are adopted en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3614

(Purpose: To set aside $50,000,000 from the amount appropriated for law enforcement terrorism prevention grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies)

On page 19, line 22, strike the colon and insert the following: ", of which $50,000,000 shall be used for grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies:"

AMENDMENT NO. 3643

(Purpose: To express the sense of the Senate concerning the American Red Cross and Critical Biomedical Systems)

At the appropriate place, insert the following:

SEC. ___ . SENSE OF THE SENATE CONCERNING THE AMERICAN RED CROSS AND CRITICAL BIOMEDICAL SYSTEMS.

(a) FINDINGS.—The Senate finds that—

(1) the blood supply is a vital public health resource that must be readily available at all times, particularly in response to terrorist attacks and natural disasters;

(2) the provision of blood is an essential part of the critical infrastructure of the United States and must be protected from threats of terrorism;

(3) disruption of the blood supply or the compromising of its integrity could have wide-ranging implications on the ability of the United States to react in a crisis; and

(4) the need exists to ensure that blood collection facilities maintain adequate inventories to prepare for disasters at all times in all locations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Homeland Security's Information Analysis and Infrastructure Protection should consult with the American Red Cross to—

(1) identify critical assets and interdependencies;

(2) perform vulnerability assessments; and

(3) identify necessary resources to implement protective measures to ensure continuity of operations and security of information technology systems for blood and blood products.

AMENDMENT NO. 3644

(Purpose: To encourage the Secretary of Homeland Security to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians into Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate)

At the appropriate place, insert the following:

SEC. ___ . DISASTER ASSISTANCE EMPLOYEE CADRES OF EMERGENCY PREPAREDNESS AND RESPONSE DIRECTORATE.

(a) IN GENERAL.—The Secretary of Homeland Security is encouraged to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians for positions within Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate.

(b) REPORT.—The Secretary of Homeland Security shall report periodically to the Senate and the House of Representatives with respect to—

(1) the representation of American Indians, Alaska Natives, and Native Hawaiians in the Disaster Assistance Employee cadres; and

(2) the efforts of the Secretary of Homeland Security to increase the representation of such individuals in the cadres.

AMENDMENT NO. 3646

(Purpose: To express the sense of the Senate that the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from State Homeland Security Directors to reprogram Federal homeland security grant funds to address specific security requirements based on credible threat assessments)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. It is the sense of the Senate that—

(1) the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from the senior official responsible for emergency preparedness and response in each State to reprogram funds appropriated for the State Homeland Security Grant Program of the Office for State and Local Government Coordination and Preparedness to address specific security requirements that are based on credible threat assessments, particularly threats that arise after the State has submitted an application describing its intended use of such grant funds;

(2) for each State, the amount of funds reprogrammed under this section should not exceed 10 percent of the total annual allocation for such State under the State Homeland Security Grant Program; and

(3) before reprogramming funds under this section, a State official described in paragraph (1) should consult with relevant local officials.

AMENDMENT NO. 3647

(Purpose: To allow State Homeland Security Program grant funds to be used to pay costs associated with the attendance of part-time and volunteer first responders at terrorism response courses approved by the Office for State and Local Government Coordination and Preparedness)

On page 21, line 4, insert "*Provided further*, That funds under this heading may be used to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be paid if such first responder is otherwise compensated by an employer for such time and shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.):" after "Homeland Security:".

AMENDMENT NO. 3648

(To require the President's fiscal year 2006 budget to include an amount sufficient for funding a certain level of maritime patrol capability)

On page 16, line 4, before the period at the end, insert the following: ": *Provided, further*, That the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, may include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN–235 aircraft beyond the three aircraft already funded in previous fiscal years".

AMENDMENT NO. 3653, AS MODIFIED

Mr. REID. Mr. President, amendment No. 3653 is at the desk. I send a modification to that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 3653, as modified.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 23, insert before the last period ": *Provided*, That not to exceed $53,000,000 may be provided for transportation worker identification credentialing and $2,000,000 for tracking trucks carrying hazardous material".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3653), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I call to the attention of the members of the Appropriations Committee that there will be a markup in our committee of three bills at 10:30. We will also consider appropriations bills on the floor tomorrow morning.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENTS NOS. 3657, 3658, AND 3659, EN BLOC

Mr. COCHRAN. Mr. President, I send three amendments to the desk: one on behalf of Senators DURBIN and AKAKA; one on behalf of Senator DOMENICI; and one on behalf of Senator TALENT. I understand these amendments have been cleared on both sides of the aisle. I ask unanimous consent that they be adopted en bloc.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3657

(Purpose: To provide for reporting by the Chief Financial Officer and the Chief Information Officer of the Department of Homeland Security)

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342 and 343) are amended by striking ", or to another official of the Department, as the Secretary may direct" each place it appears.

AMENDMENT NO. 3658

At the appropriate place, insert the following:

SEC. .

Section 208(a) of Public Law 108–137; 117 Stat. 1849 is amended by striking "current" and inserting "2005".

AMENDMENT NO. 3659

(Purpose: To require the Secretary of Agriculture to deploy disaster liaisons when requested by a Governor or appropriate State agency in a federally declared disaster area)

At the appropriate place, insert the following:

SEC. . LIAISON FOR DISASTER EMERGENCIES.

(a) DEPLOYMENT OF DISASTER LIAISON.—If requested by the Governor or the appropriate State agency of the affected State, the Secretary of Agriculture may deploy disaster liaisons to State and local Department of Agriculture Service Centers in a federally declared disaster area whenever Federal Emergency Management Agency Personnel are deployed in that area, to coordinate Department programs with the appropriate disaster agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) QUALIFICATIONS.—A disaster liaison shall be selected from among Department employees who have experience providing emergency disaster relief in federally declared disaster areas.

(c) DUTIES.—A disaster liaison shall—

(1) serve as a liaison to State and Federal Emergency Services;

(2) be deployed to a federally declared disaster area to coordinate Department interagency programs in assistance to agricultural producers in the declared disaster area;

(3) facilitate the claims and applications of agricultural producers who are victims of the disaster that are forwarded to the Department by the appropriate State Department of Agriculture agency director; and

(4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

(d) DURATION OF DEPLOYMENT.—The deployment of a disaster liaison under subsection (a) may not exceed 30 days.

(e) DEFINITION.—In this section, the term "federally declared disaster area" means—

(1) an area covered by a Presidential declaration of major disaster, including a disaster caused by a wildfire, issued under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(2) determined to be a disaster area, including a disaster caused by a wildfire, by the Secretary under subpart A of part 1945 of title 7, Code of Federal Regulations.

MODIFICATION TO AMENDMENT NO. 3589

Mr. COCHRAN. Mr. President, notwithstanding the adoption of amendment No. 3589, I ask unanimous consent that the amendment be modified with the following change: On line 7 of the amendment, insert "and the Committee on Environment and Public Works of the Senate" after "Governmental Affairs."

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the three amendments adopted previously were agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Will the Senator yield?

Mr. COCHRAN. I will be happy to yield to my friend.

Mr. REID. Mr. President, we worked real hard today. It is my understanding we will have no votes tomorrow.

Mr. COCHRAN. Mr. President, I yield the floor.

DUGWAY PROVING GROUND'S FIRST RESPONDER CLASSES

Mr. HATCH. Mr. President, I would like to compliment my friend, Senator COCHRAN. He has been a tireless advocate for defending the homeland. His subcommittee has made impressive strides in helping to prepare first responders for a day that we all hope will never come. Therefore, I rise to share my thoughts about the First Responder Classes that are taught at Dugway Proving Ground.

These Ph.D. driven courses focus on agent characteristics, sampling, protection, detection, decontamination and chemical/biological production recognition, such as the difference between clandestine drug laboratories, industrial accidents or chemical/biological production capabilities. Additionally, Dugway, as part of its effort to provide innovative training capabilities, has also built a "training town" in order for students to assess a situation and determine the proper course of action. The high quality of these classes is reflected in the comments from the Chief of the HAZMAT Unit of one of our largest cities who has categorized the program as "one that all first responders should attend" and many other students that have stated it was the best training they had experienced.

Mr. COCHRAN. I thank my colleague for his kind words. Identifying the very best in first responder training programs is a priority for the subcommittee. Accordingly, the subcommittee has created a system in which the Department of Homeland Security distributes funding through a competitive grant program. I appreciate the Senator's comments on the quality of classes conducted at Dugway Proving Ground. I look forward to hearing about the program's continued progress in the future.

Mr. HATCH. Mr. President, I appreciate my colleague's comments.

PORT SECURITY GRANTS

Mr. AKAKA. Mr. President, I rise today to engage in a colloquy concerning language in the Senate version of H.R. 4567, the Department of Homeland Security Appropriations Act, regarding the distribution of the port security grant program.

Under current policy, any port designated as a critical national seaport terminal may apply for a port security grant even though the grants are funded through the Urban Area Security Initiative, UASI, grant program. I would like to clarify that it is the intent of Congress that the port security grant program continue to be administered in this manner, and not limited to ports in UASI cities, as such a policy would deprive many American ports of crucial security funding.

I would like to ask my distinguished colleague from Mississippi if he agrees that it is the intent of Congress to continue the distribution of port security grants to all national critical seaports as has been done in the past?

Mr. COCHRAN. Mr. President, the Senator from Hawaii is correct. I appreciate the opportunity to clarify this point. It is not the intent of the Appropriations Committee to limit the recipients of port security grants to only UASI cities but rather to maintain the distribution criteria utilized in the fiscal year 2003 wartime supplemental.

Mr. INOUYE. Mr. President, will the distinguished Senator from Mississippi yield for a clarification?

Mr. COCHRAN. I yield to the senior Senator from Hawaii.

Mr. INOUYE. Mr. President, it is my understanding that the House version of the Homeland Security appropriations bill has language that clarifies this point. I would like to express my hope that the House language be preserved in the final version of the bill.

FLOOD ASSISTANCE

Mr. CARPER. Mr. President, I thank Senator COCHRAN and Senator BYRD for working with Senator BIDEN and me to try and assist the community of Glenville, in New Castle County, DE. About 1 year ago, on September 16, 2003, Tropical Storm Henri dropped between 8 and 10 inches of rain on the northern part of our State over a 14-hour period. Glenville was hardest hit. Every street in that development, home to 200 families, was flooded. Many resident's had to be rescued from their homes by boat. Hurricane Isabel hit just days later, causing further damage. Virtually the entire community is now uninhabitable.

Mr. BIDEN. Mr. President, Delaware Governor Ruth Ann Minner's requests for Federal disaster relief following Henri and Isabel was approved and FEMA was on the ground in Glenville immediately to assist. Since last September, however, we have come to the realization that more help is needed. Repairs to flood-damaged homes would be difficult because Glenville, hit hard in 1994 by Hurricane Floyd, is certain to suffer repeated flooding. The State of Delaware and New Castle County have now stepped in with $15 million each to purchase and destroy flood-damaged homes.

Mr. COCHRAN. I appreciate the Senators' comments regarding the disaster situation in Delaware last September. There are two programs at the Federal Emergency Management Agency to address a portion of this problem. The first program is the Hazard Mitigation Grant Program which is available to States such as the Senators' which have been declared disaster areas by the President. I am informed by FEMA that funds are available to assist the Glenville community with home buyouts. The other program available to the State is the Pre-Disaster Mitigation Program which is a Federal grant program which accepts competitive applications. However, I understand that these programs do not provide the resources to fully buy out the Glenville community at one time.

Mr. CARPER. I appreciate the Senator's comments. Delaware is now facing the beginning of another hurricane season. With the amount of money the State and the county have put into the mitigation effort in Glenville, we are concerned that they may be hard pressed to respond effectively to another storm like Henri or Isabel.

Mr. BIDEN. I know that no existing FEMA program was intended to buy out an entire community but $30 million is a lot of money in a State like mine. I believe additional Federal assistance for Glenville will help the State and the county finish their work there while maintaining sufficient emergency response capacity to deal with future storms.

Mr. COCHRAN. I thank the Senators from Delaware for this discussion and assure them that I will continue to assist them in their effort to work with FEMA on additional Federal funding.

Mr. DORGAN. Mr. President, I thank the managers of the Homeland Security Appropriations bill, Senators COCHRAN and BYRD, for agreeing to accept an amendment that I cosponsored. This amendment will ensure prompt funding for the accelerated deployment of Northern Border Air Wing run by the Department of Homeland Security.

In the wake of the September 11 attacks, Congress mandated the establishment of a Northern Border Air Wing. The Department of Homeland Security, which is responsible for implementing this initiative, intends to have 5 bases, in Washington, Montana, North Dakota, Michigan, and New York, from which planes can be dispatched to track, identify, and intercept any unauthorized aircraft detected on the northern border.

I have been working with Department officials in particular on their plan to base one of those air wings in Grand Forks, ND, which is a major aerospace center, and would be an invaluable base in this effort.

Despite the urgency of this initiative, the dollars were simply lacking for its prompt implementation. At the funding levels called for in the administration's budget and the original appropriations bill, the Northern Border Air Wing would not have been fully established, staffed, and equipped until 2008.

This amendment will allow the Department of Homeland Security to procure aircraft for, and begin operations at, all 5 air bases on the northern border in fiscal year 2005.

I believe that this is an essential step, and I thank my colleagues for accepting our amendment.

Mr. BIDEN. Mr. President, I will vote in favor of this Homeland Security Appropriations bill today, but I do so with great reservation and with the knowledge that its funding levels are woefully inadequate for the job of providing an effective defensive front in the war on terror.

Our highest priorities, as a Congress and as a Nation, have to be the security of the homeland and prevailing in the fight against terrorism. I fear that the bill before us does not provide the resources necessary to meet these priorities.

This bill does not reflect my priorities, nor does it represent a homeland security budget I would write. I voted against the President's budget when it was before the Senate earlier this year. One of the main reasons I gave then for my opposition to the majority's budget resolution was its low level of funding for homeland security. Today, unfortunately, we are seeing the results of that budget.

The President's priorities seem to be along the lines of tax cuts for the wealthy and a missile defense system. Those are not my priorities. My priorities are the safety and security of my constituents and of the Nation. This bill reflects the President's priorities, as his tax cuts have left us with too few dollars to adequately secure the homeland.

Let me give just a few examples of where this bill is deficient. Senator BYRD offered an amendment to add $2 billion to this $33 billion Homeland Security Appropriations bill. I voted in favor of this proposal; yet, the majority voted in lock-step against it. Senator BYRD included in his amendment funds to double the amounts allocated to deploy radiation monitors at our ports. The Department of Homeland Security estimates it will cost $496 million to deploy enough radiation monitors to screen all inbound containerized cargo at the Nation's busiest ports; yet, the Department has insisted upon deploying this technology over a 5-year period. I do not believe we have 5 years to wait, and Senator BYRD would have doubled the pace of this effort. How can opponents justify voting against these funds?

Also included in this $2 billion amendment was an additional $100 million to beef up passenger security screening at airports. One of the portions of the 9/11 Commission's Report that leapt out at me dealt with the security vulnerabilities that remain in our airports. According to the Commission, "[t]he TSA and the Congress must give priority attention to improving the ability of screening checkpoints to detect explosives on passengers. As a start, each individual selected for special screening should be screened for explosives."

I expect it would surprise many of my constituents to know that the long lines we all go through at airports do not result in passengers being screened only for metal objects. When Russian airplanes are being blown out of the sky, likely by Chechen terrorists carrying explosives, and when the so-called "shoe bomber," Richard Reid, tries to blow up a Miami-bound plane with carried-on explosives, we know we need to do a better job. But this bill provides only $75 million to continue to test for chemical and explosive material. Industry representatives have reported to me that these systems are ready to be deployed now, and that we need merely to spend the resources necessary to deploy them around the country. The $100 million proposed by Senator BYRD would have started us down that road, and I do not know how those who voted against these funds justify their position.

How can my friends on the other side of the aisle vote against additional resources to secure our seaport and railway systems? The $2 billion I referenced earlier also included an additional $350 million for transit and rail security grants, along with an additional $125 million for port security grants.

Not once since the attacks of 9/11 has the administration asked for an additional dollar of funding to protect passengers on our Nation's rails. More people pass through Penn Station in New York City every day than pass through all 3 of that city's major airports, to take just one example. But not a dime of new money has been requested by the President to protect those passengers.

The Commerce committee, under the leadership of Senator McCAIN and Senator HOLLINGS, has reported legislation authorizing over $1.1 billion to enhance rail security. As my good friend from California has said, that legislation has not passed the Senate. In fact, since the attacks of 9/11 the Congress has refused to authorize additional security resources for Amtrak. Anonymous holds on the other side of the aisle have blocked action for 2 Congresses. The administration has done nothing to get that legislation—bipartisan bills—moving. That ought to be a scandal.

I am pleased that the amendment offered by Senator CARPER and Senator BOXER has been accepted. That will give Amtrak a fighting chance to get some of the funding this bill makes available for rail and transit security. But this will not feed the bulldog, Mr. President. This will not close the obvious gaps in our rail security. Given the low priority that rail security has been given, despite known and announced threats, I can only hope that Amtrak will get its share of the funds. I hope that when we revisit rail security in the next Congress, we will not regret the delay and penny-pinching that we have displayed on this issue.

This bill is underfunded and shortsighted, and I regret that the amendments I supported to add needed homeland security dollars were not included. While the bill before us today does not reflect my priorities, I will vote for it so that funds can continue to flow to our States, our critical infrastructures, and for the day-to-day operations of the Department of Homeland Security. But I look forward to debating appropriations bills that do reflect my priorities, and that truly do all we should do to secure the homeland and wage an effective war on terror.

Mr. BOND. Mr. President, I lend my support to a very important issue that would provide funding for the permanent installation of explosive detection system, EDS, equipment in airports. This amendment would increase the overall amount of money of EDS installation from $250 million to $325 million. I have been joined by Senator JOHN ENSIGN of Nevada and a bipartisan group of Senators in this very important effort to enhance security and convenience for our Nation's air travelers.

As passengers traveling through St. Louis, Kansas City, and other airports across the country have surely noticed, a number of bulky baggage screening machines sit in crowded terminal buildings where they were temporarily placed in the aftermath of 9/11.

I am concerned that the current situation creates safety and security risks and unduly inconveniences the traveling public since passengers are forced to work their way around these obtrusive machines. Additionally, the current in-lobby configuration unnecessarily wastes Federal resources since in-lobby equipment requires additional screening personnel to operate, transfer bags, and the like.

The goal of our amendment is to provide additional resources to move EDS equipment from airport lobbies out of the way and behind the scenes as part of an airport's baggage system. This is a costly undertaking requiring extensive construction at airports. The project cost estimate at St. Louis, for example, is $90 million, and $34 million at Kansas City. Nationwide, estimates to permanently install EDS equipment in airports run from $4 billion to $5 billion.

While costly, it is clear that EDS installation should be a high priority for the Federal Government. I made that point in a March letter to the Senate subcommittee responsible for drafting the DHS spending bill. Additionally, I would note that the 9/11 Commission Report, which Congress is in the midst of considering, also calls for expediting the "installation of advanced (in-line) baggage screening equipment as part of its aviation-related recommendations."

Our amendment is fully offset through a reduction of $75 million in an account aimed at establishing information technology connectivity between TSA and airports. While IT connectivity is certainly an important goal, that account has been increased by $154 million over last year's level under the current bill, and a $75 million reduction still leaves $218 million available for that purpose.

Given the difficulties that airports around the country are beginning to face with increasing wait times at screening checkpoints as air traffic continues to rebound, it is critical that we act now to move forward with EDS installation projects as quickly as possible. Adoption of this amendment is critical if we are to make any real progress in that regard.

Mr. McCAIN. Mr. President, as we debate the Department of Homeland Security appropriations bill for fiscal year 2005, threats against our country and our way of life continue to mount. The reality of the world in which we live today is that terrorists are plotting ways to destroy our way of life and seek to destroy the freedoms and liberties we cherish.

The recently released 9/11 Commission report outlines the failures that lead to the September 11 terrorist attacks and poses 41 recommendations on how to address identified failures and deter future terrorist attacks. Senators LIEBERMAN, SPECTER, BAYH and others have joined with me introducing legislation that encompasses all of the Commission recommendations. A number of the Commission's recommendations relate directly to the Department of Homeland Security and merit discussion today.

Obviously, one of the best ways to prevent terrorists from attacking our country is to prevent them from entering in the first place. The Commission urges the Government to integrate watch lists, speed up the full implementation of USVISIT, which is an automated biometric exit and entry program, and work with our allies to better coordinate terrorist travel intelligence. Actions must be taken to close current gaps in our security that allow people to travel into the United States without passports or other identification. Though challenging, it will be possible to tighten security and implement needed changes as recommended by the Commission without unnecessarily impeding the flow of people in and out of our country.

The Commission also was clear that "[h]omeland security assistance should be based strictly on an assessment of risks and vulnerabilities" and that "Congress should not use this money as a pork barrel." As the Commission reported, "[p]opulation density, vulnerability and critical infrastructure should be the criteria by which homeland security assistance is based. I whole-heartedly agree. We must continue to resist any urge to earmark homeland security funds and I am pleased by the restraint the Appropriations Committee has once again shown while considering this homeland security funding legislation.

Just 2 years ago, we created the third largest Government agency, the Department of Homeland Security, bringing 21 distinct Federal agencies under the direction of one Department. Since that time, considerable progress has been made in protecting our country. However, as succinctly stated in the Commission's report, we are still not safe. We have yet to adequately develop strong measures to protect our air, land, and sea ports of entry. Our borders remain porous. We need to develop more efficient ways for states and localities to receive much needed funding to increase their preparedness for a terrorist attack. I also remain very concerned at the continuing problems surrounding interoperability.

I commend the chairman of the DHS Subcommittee, Senator COCHRAN, for developing an appropriations bill with minimal earmarks or unrequested spending. Although this is only the second Homeland Security Appropriations bill, I remain encouraged that the Appropriations Committee has resisted the urge to load its DHS appropriations legislation with unrequested spending. I urge my colleagues to hold strong as the bill continues through the legislative process.

I would be remiss if I did not point out that the few earmarks contained in this bill are targeted, as usual, to the home States of appropriators. Examples of earmarks and directive language include:

The bill provides $15.4 million for the Coast Guard's bridge alteration program, despite the fact that the President requested no funds for this program. The report then earmarks the funds as follows: $4.4 million for the Florida Avenue Bridge, New Orleans, LA; $3 million for the EJ&E Railroad Bridge, Morris, IL; $5 million for the Fourteen Mile CSX Railroad Bridge, Mobile, AL; $3 million for the Burlington Northern Santa Fe Bridge, Burlington, IA.

The bill provides $5 million above the President's request for identified perimeter security and firearms range needs, and the report specifies that the extra funds are to be spent at the Federal Law Enforcement Training Center in Artesia, NM;

Agricultural pests: citing Hawaii's "globally significant natural environment," the Committee report states that DHS should work with the U.S. Department of Agriculture and the Hawaii Department of Agriculture in sharing information and expertise to ensure protection against agricultural pests. In this time of heightened security and exploding federal budgets, one should question the need for such a provision. I, for one, had not been unaware of an impending scourge of agricultural pests—pests that obviously have the good sense to live in a state that is popular travel destiny—pose a threat to the security of the homeland.

Out of the acquisition, construction, improvements and related expenses account provided for the Federal Law Enforcement Training Center, the committee report specifically identifies alterations and maintenance funding for buildings at four locations three of which happen to be represented by appropriators. The locations are Artesia, NM; Cheltenham, MD; Charleston, SC; and Glynco, GA.

Mr. President, the role of our Department of Homeland Security is perhaps most vital when it comes to protecting our Nation's borders. I am pleased that the committee has continued to fund improvements in the technology available for the Department of Homeland Security to protect our borders. However, money alone will not solve this problem. We must reform our immigration laws while we work to improve border security.

Historians will judge the 108th Congress by the way we address international terrorism and respond to the attacks of September 11. While much work remains to be done to secure our homeland, including action on 9/11 Commission recommendations, we can take another important step by passing this legislation.

Mr. President, once again, I thank the appropriators for their efforts to move a relatively clean homeland security appropriations bill. I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—93

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—7

Akaka
Campbell
Domenici
Edwards
Kerry
Lott
Sessions

The bill (H.R. 4567), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House of Representatives on the disagreeing votes of the two Houses.

The Presiding Officer appointed Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY conferees on the part of the Senate.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business for debate only with Senators speaking up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO KATIE ILG

Mr. DEWINE. Mr. President, I come to the Senate today with mixed emotions. A very important, very trusted member of my staff—Katie Ilg—is leaving our office to embark on a host of new adventures in Chicago. While I am happy for her and proud of her as she begins this new chapter in her life, I am also sad to see her go. Katie has become a central figure in our office. As my executive assistant, she has been my right hand for the last year and a half. She has been my friend.

I take a few minutes today to talk about Katie and the impact she has had on my office and me and to thank her for all she has done for us.

Katie first came to us in April 2000, after graduating from John Carroll University near Cleveland. Her first job in my office was as a staff assistant, where she answered phones, dealt with flag requests, and gave tours of the Capitol. The thing that most impressed me about Katie was that she would always go the extra mile for Ohio constituents—or anyone who wandered into my office, for that matter. She would listen to them with great compassion and concern. She was patient and understanding and a great ambassador for my office.

Of course, this is not surprising to anyone who knows Katie. The fact is that people are drawn to her. She endears herself to people. She is kind to people. She goes out of her way for others. She isn't showy or elaborate or judgmental. She just cares about people—constituents, colleagues, strangers. She reads people, and she worries about them.

It is also not surprising that Katie moved up in my office quickly. By December 2000, she took a position as my personal assistant. Though, after a year and a half, she left our office briefly to work for JP Morgan, she came back in February 2003—this time as my executive assistant, a management position that put her in charge of my personal assistant and scheduler.

Katie has thrived in this job. She is an excellent manager and role model. She works so hard and is so dedicated. She is always looking out for me—always taking care of me, always putting up with me—which, some would say is certainly not an easy thing to do. I've called her at all hours, and she's always there to help—always there with the same enthusiasm and good nature. Katie never complains, or makes excuses, or passes the buck to someone else. No job is ever too small—or too big.

Indeed, Katie Ilg is a very special young woman. No one knows that better than the people Katie has worked with in my office. I'd like to share some of the words that my staff has used to describe Katie. I think they paint a very accurate picture of exactly who she is.

Katie is "thoughtful and thorough." She is "sweet, bubbly, ebullient, compassionate, generous, warm, steady—a calming influence."

"She is willing to do anything for others. She is always there for you when you need her—whether in a work environment or on a personal level. She is the person everyone goes to for support, a good job done, a laugh, a joke. . . . She keeps the office alive!"

"Katie is cute, perky, friendly, positive, upbeat."

And, no matter who you ask, there are four words that everyone uses to describe her:

Katie is caring, selfless, genuine—and short! She makes me look tall! Though Katie is a tiny little thing in body, she is a giant in spirit. She is a powerful, positive force, who is smart, quick, and intuitive. She makes good decisions—good choices. She follows her heart and trusts her instincts. Above all else, Katie makes a difference each day—not in big splashy ways, necessarily, but in just a touch on the shoulder or through a kind word.

Katie is a good person. And, there is goodness in everything that she does.

As her dear friend Matt said, "Whether comforting a family member in a time of loss or discomfort, counseling a friend through a difficult life challenge or affliction, celebrating a success with a co-worker or classmate, or orienting an old friend to a new city, Katie is always there with genuine and heartfelt words, actions, and deeds no matter the occasion and regardless of the other personal commitments she has at the time. . . . She has the ability to be a friend and confidant to all, whether you have known her for 8 years or 8 days."

In conclusion, I'd like to say a word to Katie's parents, Tim and Mimi Ilg. Thank you. Katie is solid in her values and beliefs. She is grounded. She is ethical. She has a great sense of right and wrong. And, she loves her family more than anything else in the world. She is a good daughter to you; granddaughter to Lois; sister to Julie; companion to that boy in Detroit, we know as Mert; and friend to countless others.

Every once in a while, we are fortunate enough to have a Katie Ilg come into our lives. Without question, Katie has been one of the best things to happen to my office since I have been here in the Senate. While my wife, Fran, and I are sad to see her go, we know it is time for her to move on, as she has many more lives to touch and people to help.

We know she will just be a phone call or an e-mail away. And, I'm sure we'll see her at a few OSU football games this fall. Nevertheless, we're going to miss you, Katie Ilg. God bless you, and thank you for everything. You are certainly one of a kind.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On May 30, 2000 in Salt Lake City, UT, a man armed with a pellet gun stormed into a gym, fired several shots, and made threatening comments to the gay people in the gym. The club's manager said the gym is a health and social club for gay and straight men.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO NANCY KASSEBAUM BAKER AND AMBASSADOR HOWARD BAKER

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to our former Senate colleagues, Nancy Kassebaum Baker and Ambassador Howard Baker, for their leadership in organizing a regional conference in Tokyo on "strategies for combating human trafficking in Asia." Together, they led the U.S. Embassy's effort to bring together government officials, nongovernmental organizations and multilateral organizations in a 2-day conference in June on the most effective ways to deal with the global scourge of human trafficking. The conference was cosponsored by the Vital Voices Global Partnership and the International Labor Organization.

The conference took place several days after the publication of the State Department's annual Trafficking in Persons Report. Japan and other countries were placed on the "watch list" for not fully complying with minimum standards for the elimination of human trafficking. Officials from the National Policy Agency of Japan and the Justice Ministry participated in the conference, and several high level officials were among the keynote speakers. Japan announced that it has established an inter-ministerial body to address the challenge through a number of actions, including drafting new legislation to strengthen existing rules and penalties. Representatives from many other countries including India, Cambodia, Thailand, the Philippines, Russia, and Colombia, also participated in the conference, as did U.S. Government officials.

Each year, at least 1 million human beings, predominantly women and children, are shipped across national boundaries and sold into what has become modern-day slavery. Traffickers use fraud, coercion and outright kidnapping to obtain their victims. No country is immune from this problem. Both the United States and Japan are destination countries. Such trafficking is a flourishing criminal industry, second only to criminal drug and arms trafficking. Human trafficking is an urgent global challenge and progress against it is possible only through international cooperation.

As Ambassador Baker said in opening the meeting: "I hope the ideas that come out of this conference help victims all over the world." I commend our two former Senate colleagues for convening this significant conference to raise international awareness of human trafficking and for bringing countries together to exchange best practices and develop effective strategies to combat it. Their leadership is an excellent example of our Nation's commitment to address this global scourge.

DEATH OF HUGH LANGDON ELSBREE

Mr. LOTT. Mr. President, I rise today to pay tribute to Hugh Langdon Elsbree, who served as the Director of the Library of Congress' Legislative Reference Service, LRS, from 1958 to 1966. The LRS was the forerunner of the Congressional Research Service, CRS. Dr. Elsbree, a resident of the Washington area for more than 50 years, died on August 30, 2004. He was 100 years old.

Dr. Elsbree joined the Legislative Reference Service as a research counsel in 1945 and served as senior specialist in American Government and Public Administration from 1946 to 1954. After he was promoted to Deputy Director in 1955, he became Director in 1958 and served in that position until he retired in 1966.

Dr. Elsbree was born in Preston Hollow, N.Y., on Feb. 24, 1904. He graduated from Phillips Andover Academy in 1921 and received three degrees from Harvard University: a Bachelors in 1925, Masters in 1927, and Doctorate in 1930. He was also elected a member of Phi Beta Kappa.

Dr. Elsbree taught in Harvard's Government Department from 1928 to 1933 and then at Dartmouth University from 1933 to 1943. Dr. Elsbree was a political science professor from 1937 to 1943 and chairman of Dartmouth's Political Science Department from 1937 to 1941.

His Government service began with a short stint as a research specialist for the Federal Power Commission in 1934 and continued during World War II. He moved to Washington and worked for the Office of Price Administration as principal business economist from 1943 to 45 and for the Bureau of Budget as an administrative analyst from 1945 to 46.

During the period of his library service, he was given a special assignment as deputy director of research for the Commission on Intergovernmental Relations from 1954 to 1955, and from March 1957 to September 1958 he served as chairman of the Political Science Department at Wayne State University.

A longtime member of the American Political Science Association, Dr. Elsbree was the managing editor of the American Political Science Review—1952–56. After he retired from the LRS, Dr. Elsbree and his LRS predecessor, Ernest S. Griffith, edited a series of 35 volumes on U.S. Government departments and agencies.

When Dr. Elsbree retired in 1966, Senator ROBERT BYRD paid tribute to Dr. Elsbree's accomplishments in the CONGRESSIONAL RECORD. Senator BYRD said in part: A political scientist of wide repute and a dedicated public official, Dr. Elsbree has earned the respect and the confidence of the Congress through his skillful and competent leadership of the Legislative Reference Service in a period when Congress has experienced its greatest need for research assistance.

To Dr. Elsbree's brother, Willard, his son, Hugh L. Elsbree, Jr. and his family, friends, and former colleagues, I extend the Senate's deepest sympathies.

TRIBUTE TO SENATOR ARTHUR H. VANDENBERG

Mr. LEVIN. Mr. President, today I join all of my colleagues in paying tribute to one of the giants of the United States Senate, a son of Michigan, Senator Arthur H. Vandenberg.

Earlier today, the Senate Commission on Art unveiled a wonderful portrait, painted by Tennessee artist Michael Shane Neal, of Senator Vandenberg in the Reception Room just outside of this Chamber. The Senate, in 2000, selected Senator Vandenberg for this rare honor, along with Senator Robert F. Wagner of New York. They join only five others, known as the "Famous Five" whose portraits grace the beautiful Reception Room, Senators Henry Clay of Kentucky, Daniel Webster of Massachusetts, John C. Calhoun of South Carolina, Robert M. La Follette, Sr. of Wisconsin, and Robert A. Taft of Ohio.

Arthur Vandenberg was born in Grand Rapids, MI on March 22, 1884. After studying law at the University of Michigan, he worked as a reporter for the Grand Rapids Herald, later becoming the managing editor for the paper. Following the death of U.S. Senator Woodbridge Ferris in March 1928, he was appointed by Governor Fred Green to fill the vacancy, a seat that he was already campaigning for. In November of 1928, he was elected in his own right. He was reelected three times, rose to become chairman of the Senate Foreign Relations Committee and the President Pro-Tempore of the Senate and served in the Senate until his death, from lung cancer, in 1951. Although he is best known for his views on foreign policy, among his many notable accomplishments was the establishment of the FDIC, the Federal Deposit Insurance Corporation in 1933.

Vandenberg entered the Senate as an isolationist, an advocate of very limited U.S. involvement in international affairs. However, after the Japanese attack at Pearl Harbor, he recognized the Nation's greater interest and rose above partisanship to become one of the strongest proponents of a bipartisan foreign policy. On January 10, 1945, in this Chamber, he delivered the "speech heard round the world" calling for the establishment of the United Nations. He was largely responsible for drafting the 1945 United Nations Charter, and he steered its passage through the Senate. He played a leading role in constructing the Marshall Plan, and he engineered the Senate ratification of the NATO Treaty.

A couple of years ago I read David McCullough's best-selling biography of Harry Truman. The book makes clear the indispensable role of Vandenberg in forging and maintaining the bipartisan coalition in Congress that supported Truman's successful post-World War II strategy establishing America's place as a leader of the free world and setting in motion the foreign policy which ultimately decades later won the cold war.

Senator Arthur Vandenberg's call to "unite our official voice at the water's edge" resonated for many years, uniting Republicans and Democrats in support of the Nation's foreign policy through administrations of both parties. The impact of his words were all the greater because of his own political roots as a isolationist Republican leader. Vandenberg, himself, often liked to point out, Pearl Harbor ended isolationism for any realist.

Arthur Vandenberg was a forward-looking man who saw beyond partisan politics and worked for the good of the country. His service in the Senate is an example of true bipartisan leadership, which is so desperately needed today.

I know that all of my colleagues in the Senate and the people of Michigan join me in celebrating the life and works of this son of Michigan, and in congratulating the family of Senator Arthur H. Vandenberg.

VOTE EXPLANATION

Mr. REED. Mr. President, during Senate consideration of Senate amendments 3615 and 3617, I was attending a memorial service for the father of my Rhode Island colleague, Representative JAMES LANGEVIN. Had I been present for these votes I would have voted against the motion to table amendment No. 3615, and I would have voted to waive the point of order against amendment No. 3617.

DEATH OF FIREFIGHTER EVA SCHICKE

Mrs. BOXER. Mr. President, today, it is with a heavy heart that I pay tribute to a fallen California firefighter.

Firefighter Eva Schicke was killed on Sunday, September 12, when her crew was overwhelmed by flames after being dropped by helicopter to fight a wildfire in the Tuolumne River Canyon of the Stanislaus National Forest.

Eva Schicke was part of an elite 7-person helicopter wildfire crew stationed at Columbia Air Attack Base in Columbia, CA. She and the six other members of this helicopter crew selflessly risked their lives trying to protect our communities and our treasured forests.

A graduate of California State University at Stanislaus where she played basketball and majored in criminal justice, Eva Schicke worked part time as a firefighter for more than 4 years. When she died she was beginning to pursue a career in nursing—yet another testament to her generosity of spirit and her desire to serve the community.

Not only was Ms. Schicke one of the few female firefighters to serve, she is now, tragically, the first ever female firefighter from the California Department of Forestry to die in the line of duty.

I offer my sincere condolences to her family, friends, and classmates. I know they must be devastated by the loss of this courageous, young woman.

I take this opportunity to extend my gratitude to the search and rescue team that went back in to recover Ms. Schicke's body.

I also extend my gratitude and express my admiration for all of our firefighters, particularly the six members of the Columbia Helitack Team that fought by Ms. Schicke's side and were themselves injured in that fire. The people of California honor their work. May God bless them for their dedication and service.

WILLIAM McSWEENY

Mr. LEAHY. Mr. President, my wife Marcelle and I have been privileged to know Bill and Dorothy McSweeny during the time I have been in the Senate.

During my conversations with them, I have especially appreciated their sense of history. When Mr. McSweeny writes an op-ed piece, based on his knowledge and experience, I think we should pay special attention.

Recently, he wrote one for the Washington Post. Nothing I could say would add to the value of this fine statement, so I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 18, 2004]

No Debating a Sense of Duty

(By William McSweeny)

I am from that generation of younger brothers who just missed World War II and went to war against communism in Korea in 1950. Many of us became fathers to those who fought in Vietnam and grandfathers to those fighting in Iraq.

I would not presume to speak for a whole generation, but as a veteran of that combat, I say it is time to tell both presidential campaigns to cease their macho posturing and get on with real programs to run—or save—our country.

In our long-ago time, we went to war reluctantly against an unknown enemy in an unknown land.

But, we went.

The conditions were harsh. The fighting—pre-instant TV—was ferocious at the front and mostly unseen at home. When we came back, no one particularly cared, and only one film ("Pork Chop Hill") and a handful of books remain to mark our passing.

That and a free South Korea.

We weren't noticeably upset at men who deferred service and went to college (except those who stole our girls). We didn't come home with rows of medals—although many of us came home with injuries that still warn us of changes in the weather. We didn't do any complaining. We just came home and got on with our lives.

Why did we go? Why did we allow our young bodies and our young psyches to be subjected to a war so forgotten that even today it has not been mentioned by either candidate, both of whom failed to notice the anniversary of its June beginning and July ending?

I believe it was because we knew that we should. Some of us enlisted as regular Army infantry privates and later became combat officers because other men of the "greatest generation" had done it and we should too. It is a young man's reaction to a sense of responsibility and duty, done without much forethought.

That, I believe, is the key ingredient in John Kerry's service in Vietnam—and why both campaigns should drop this contrived issue.

He did not have to go—because he had been. His tour on a destroyer was overseas time enough. But he went to the boats because other young men were there. The men and the boats had a mission—and he commanded, because he could. That is enough for me. I couldn't care less whether he received a medal. The rest of it is frosting. There is no honor in this debate for our country. We need to know whether a man can save the economy and slow terrorism, not listen to harangues about who was a shooter and who was a dodger.

Most of the real heroics are performed by young kids and young officers who just accept it as a cost of doing business in the peculiar exchange that is a combat battleground. The whole place—and it does not matter which war we describe—is one of fear, noise, smoke, confusion and a strange comradeship where you might risk your life for someone you will never see again. I don't know what the expression is in the Navy, but the Army's bittersweet joke is that the two most dangerous words in the English language are "follow me." It takes courage to utter those words and to follow that command—something any veteran of any combat will recognize.

It is time for some of us older veterans to take one last stand and call on both parties to drop this base and meaningless debate. At the end of the day, and the end of the battle, medals are just symbols. And the bravery of thousands of our soldiers has passed into history unheralded by stars and ribbons. By engaging in mudslinging over this issue, both campaigns undermine the bravery and honor of all who serve in times of war and peace. And they distract us from the real issues of this election.

John Kerry heard the siren song of his moment—that fragile call on the wind that is the call to the colors. He went. He came back. I give him credit for that. If he threw some ribbons over the fence, he's welcome to mine. They lie quietly in a desk drawer, entombed with memories of better men who lie in the dirt of faraway fields, where there really is no glory, but where courage and compassion came with the C-rations.

They believed ours was a great country, one that fought not for conquest or for gain but because freedom isn't free and someone has to pay for it. The bill comes due again in this election. Let's hope these two candidates don't leave us paupers.

HUNGARIAN GOLD TRAIN

Mrs. CLINTON. Mr. President, on May 24, 2004, 17 Senators wrote to Attorney Generai John Ashcroft to urge him to resolve the claims brought by several thousand elderly Holocaust survivors in the matter of the Hungarian Gold Train. These survivors seek restitution and an accounting for the mishandling, loss and theft of their property in the years after World War II. Administrations of both parties have made clear our belief that when faced with evidence of wrongdoing, governments should not rely on legalisms and technicalities to avoid responsibility. Those of us who wrote the Attorney General hoped that our own Government would rise to the same level of accountability when its own conduct was at fault.

Unfortunately, the Justice Department continues to resist these survivors strenuously in court. One disturbing tactic is to try to undercut the Government's own research and admissions. The facts about the Hungarian Gold Train were first brought to light by the Presidential Advisory Commission on Holocaust Assets, chaired by Edgar Bronfman, in a "Progress Report" issued in October 1999. The commission called the Gold Train "a mysterious example of a single egregious failure of the United States to follow [its own] policy" regarding restitution of Holocaust victims' property after World War II. Now, however, in its recent filings in Federal court, the Justice Department claims that the PCHA somehow retracted or backed away from its findings. However, I recently received a powerful letter from Edgar Bronfman, the chairman of that commission. Mr. Bronfman makes plain that the commission stands by its report, which, as he points out, is still prominently displayed on its website. I ask unanimous consent that Mr. Bronfman's letter be made part of the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW YORK, NY,
August 25, 2004.

Hon. HILLARY R. CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR: I have been reading your efforts as a member of the United States Senate to address some of the open but extremely important issues in the arena of restitution for living victims of the Holocaust and their heirs. In particular, I am aware, as was reported in the recent edition of The National Journal, that you have taken on a leadership role in seeking a fair and rapid settlement of the Hungarian Gold Train matter.

As you know, I had the privilege of serving as the Chairman of the Presidential Advisory Commission on Holocaust Assets in the United States ("PCHA") from its inception in 1998 through its conclusion in December 2000.

PCHA was established by act of Congress (P.L. 105–186) in 1998. the enabling legislation directed PCHA to "conduct a thorough study and develop a historical record of the collection and disposition of the assets" taken from victims of the Holocaust by Nazi Germany or by the governments it controlled, "if such assets came into the possession or control of the Federal Government" at any time after January 30, 1933. As part of its task, PCHA was directed to file such interim reports with the President as it deemed appropriate, and to submit a final report to the President containing any recommendations for legislative, administrative or other actions it deemed necessary or appropriate.

Puruant to its Congressional mandate PCHA issued one such interim report on October 14, 1999, the Progress Report On: The Mystery Of The Hungarian Gold Train ("Progress Report"). The Progress Report is a comprehensive and in-depth historical analysis of the Gold Train story and is, in my view, an accurate account of the United States' handling and disposition of the "Gold Train" property. Tragically, that report made public the long-concealed facts that the United States mishandled the Hungarians' property and disposed of it in violation of our laws, a blemish on an otherwise magnificent record at that time.

When I learned that the Department of Justice has criticized the Progress Report, and attempted to minimize its significance in the current Federal court litigation, I wanted to contact you about this urgent matter and state my position as the former PCHA Chairman.

In December 2000 PCHA issued its final report as required by P.L. 105–186. This report, Plunder and Restitution: The U.S. and Holocaust Victims' Assets ("Plunder and Restitution"), did not repeat all the findings of the Progress Report. There was no need to repeat all of the specific findings because they had already been made public and remained available. Rather the findings were summarized along with many others in the final report. In no way, however, did PCHA intend to retract or retreat from the findings of the Progress Report. In fact, for years the Progress Report remained prominently displayed on PCHA's web site and it remains there today at http://www.holocaustassets.gov/.

I hope this clarifies the historical record and addresses any questions your colleagues may have on this point.

Yours sincerely,

EDGAR M. BRONFMAN.

Mrs. CLINTON. It is time for the Justice Department to do the right thing. It is time to stop the delay and stop hiding behind legalisms and technicalities. The Government should work with the survivors to pay fair, timely and long overdue restitution. As my colleagues and I wrote in May, for these survivors, justice delayed is justice denied.

ADDITIONAL STATEMENTS

40TH YEAR ANNIVERSARY OF THE LATIN AMERICAN RESEARCH AND SERVICE AGENCY

• Mr. CAMPBELL. Mr. President, I take this opportunity to recognize a significant service agency in my home State of Colorado.

Forty years ago in Denver, CO a small group of visionaries worked to achieve their dream of eliminating the disparities that existed between Latinos and the mainstream community.

Prior to the passage of the Civil Rights Act on July 2, 1964, these visionaries incorporated the first 501(c) 3 non-profit agency in the Nation to address the specific needs of Latinos. On March 3, 1964, the Latin American Research and Service Agency was born. Working with these visionaries was an enlightened philanthropic organization that was the first in the Nation to take a risk of giving a significant grant to a Latino based agency. That agency at the time known as the United Fund is today known as the Mile High United Way.

Much has happened over the past four decades since attorney Roger Cisneros first wrote the incorporation papers for LARASA. In November of 1964 Mr. Cisneros became the first Hispanic elected to the Colorado Senate since the early 1900's. Bernard (Bernie) Valdez, the first Hispanic appointed to a Denver Mayor's Cabinet was the first Chairman of LARASA's Board of Directors. Ms. Lena Archuletta who was the first Hispanic to serve as a school principal in the Denver Public Schools system was the first Secretary of the Board. Also serving on the first board of directors was Rodolfo "Corky" Gonzales a leader in the Chicano Movement and Herrick Roth former leader of the Colorado Labor Movement and founder of the Colorado Forum.

Today LARASA continues to provide leadership in the areas of health, education, public policy, leadership development and community outreach. On the occasion of their 40th Anniversary I am proud to recognize their significant achievements by entering this statement into the RECORD.•

RECOGNIZING IOWA EDUCATORS WHO PARTICIPATED IN THE NATIONAL HISTORY DAY 2004 SUMMER TEACHER INSTITUTE, POLITICS AND THE PRESS: THE INFLUENCE OF THE MEDIA ON HISTORY

• Mr. GRASSLEY. Mr. President, I would like to take a moment to congratulate two Iowa educators, Kelly Smith Arickx, a teacher at Rockford High School in Nora Springs, IA and Naomi Peuse, an educator at the State Historical Society of Iowa in Des Moines, IA. They were part of a group of 25 educators selected from across America to participate in the National History Day 2004 Summer Teacher Institute, "Politics and the Press: The Influence of the Media on History." The institute took place from July 25 to July 30, 2004, at the University of Maryland in College Park, Maryland.

This select group of participants from across the country had the opportunity to work with prominent journalists and historians. They were exposed to an array of resources, including oral histories and discussions, learning about various primary source materials that can be incorporated into teaching.

I am pleased to recognize Kelly Smith Arickx and Naomi Peuse for their accomplishment in having been selected to participate in the National History Day Summer Teacher Institute. I am proud to have had them representing my home State of Iowa.•

NATIONAL POW/MIA RECOGNITION DAY

• Mr. CAMPBELL. Mr. President, I wish to say a few words today about the significance of observing September 14, 2004 as National POW/MIA Recognition Day, which honors the memory of the POWs and MIAs who have served in our Nation's wars.

As my colleagues know, the United States has fought in numerous wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In 20th Century wars alone, more than 147,000 Americans were captured and became Prisoners of War; of that number more than 15,000 died while in captivity. When we add to this number those who are still missing in action, we realize that we cannot do enough to remember their service.

As a veteran who served in Korea, I personally know that the remembrance of another's sacrifice in battle is one of the highest and most noble acts we can perform. Remembering demonstrates our indebtedness and gratitude for those who served that we might live in freedom.

Many of us have visited one or more of the military academies that train America's future military leaders. These academies have varied missions and yet all of them share in the critical task of developing leaders for their particular branch of service. On the grounds of each academy is a chapel, spectacular places that are easily identifiable as places of worship.

In each chapel, a place has been reserved for those prisoners of war and the missing in action from each particular service. A pew has been set aside and marked by a candle, a powerful symbol that not all have returned from battle. These hallowed places have been set aside so that all POWs and MIAs are remembered with dignity and honor. It is a moving and emotional experience to pause at these reserved pews, to be encouraged by the burning candle, to recall the valor and sacrifice of those soldiers, sailors, marines, and pilots and to be inspired today by what they have done.

Yet, I believe we can and should do more to honor the memory of all the POWs and MIAs who have so gallantly served our Nation.

The display of the POW/MIA flag is a forceful reminder that we care not only for them, but also for their families who personally carry with them the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

Mr. President, I believe that those who have been captured or are missing in action in the Nation's wars deserve to be honored with dignity and devotion. So today I ask my colleagues to join me in honoring these Americans and their families by remembering their sacrifice and declaring that it will never be forgotten.•

TRIBUTE TO COACH SAMMY DUNN

• Mr. SHELBY. Mr. President, I pay tribute to a great Alabamian who has made it his life's work to teach our youth about being great athletes, fair sportsmen, and strong members of their community.

Mr. Sammy Dunn, baseball coach of Vestavia Hills High School, was recently inducted into the Alabama Sports Hall of Fame and named the National High School Coaches Association baseball coach of the year. He has dedicated his life to coaching young men, not just on the athletic field, but in life's lessons.

For 27 seasons, Coach Dunn served as head baseball coach at Vestavia Hills High School, where he built a nationally recognized program. He won more games than any baseball coach in the history of Alabama and has a 621-159 record, a staggering .796 winning percentage. From 1991 to 2000, he led the Vestavia Hills Rebels to 10 State titles, including a record 7 consecutive titles between 1994 and 2000. In 1998, the Rebels were voted national champions by Baseball America and the Baseball Coaches Association. In 2000, Vestavia Hills High School named its baseball field in honor of Coach Dunn.

Throughout Coach Dunn's tenure, more than 100 players signed baseball scholarships, and some went on to play professionally, including veteran Oakland Athletic's pitcher Chris Hammond, Cincinnati Red's pitcher Josh Hancock, and New York Yankee pitching prospect Colter Bean. Moreover, his leadership inspired a handful of his former players to pursue coaching careers, including his son Casey, who is the head coach at Samford University.

Coach Dunn's lifelong devotion to young people and the sport of baseball made him an outstanding coach and much deserving of these recent accolades. He is a devoted husband to Linda, dedicated father to Casey, father-in-law to Marty, and grandfather to Sam. I wish him my sincerest congratulations on all of his achievements.•

TRIBUTE TO WCAX TELEVISION

• Mr. JEFFORDS. Mr. President, I pay tribute today to WCAX Channel 3, the CBS affiliate based in South Burlington, VT, which will reach a milestone this month when it marks its 50th year of broadcasting.

WCAX has documented many changes in my home State during that half-century, some for the better, some not. But Channel 3's crucial role in chronicling history cannot be overstated. From its coverage of high school baseball to State House politics, Channel 3 gives Vermonters the news they need. The station's patriarch, Stuart "Red" Martin, is as much a part of the Vermont fabric as the State's dairy farms and dirt roads.

Vermont had the distinction of being the very last State in the Nation to have its own television station when WCAX aired its first broadcast from a transmitter at the top of Mount Mansfield, according to the authors of the recently released book, "Freedom and Unity: a History of Vermont."

In this book, the authors write, "By then, the image of Vermont both within and outside the State as an isolated, rural, museumlike, homogeneous, and unchanging society was becoming increasingly difficult to maintain." Indeed it was, and Channel 3 was there to broadcast Vermont's changing image into living rooms from one end of the State to the other.

Today, Channel 3 has a little more competition than it did back in 1954, but it maintains the distinction of being "Vermont's Own." Over the years, Channel 3 has amassed a variety of impressive awards too numerous to list. But suffice it to say that many a political career has risen or fallen based on Channel 3 news coverage, and some of us are better off for it. Now if they would just purge that old file tape!

Thank you, Channel 3, for being there through all these years of public service—from helping farmers through the Agriculture Extension Service to the advent of satellite hookups—to capture Vermont's rich and unique history.•

MESSAGE FROM THE HOUSE

At 5:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1318. An act to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the "Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic".

H.R. 2400. An act to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

H.R. 2457. An act to authorize funds for an educational center for the Castillo de Sam

Marcos National Monument, and for other purposes.

H.R. 3056. An act to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P.

H.R. 3478. An act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission.

H.R. 4027. An act to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center.

H.R. 4481. An act to amend Public Law 86–434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

H.R. 4632. An act to designate the facility of the United States Postal Services located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building".

H.R. 4836. An act to name the Department of Veterans Affairs medical center in Amarillo, Texas, as the "Thomas E. Creek Department of Veterans Affairs Medical Center".

H.R. 5008. An act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 363. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic.

H. Con. Res. 407. Concurrent resolution saluting the life and courage of the late Commander Lloyd "Pete" Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER–2) at the time of its capture by North Korea on January 23, 1968.

The message further announced that the House has passed the following bill, without amendment:

S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1318. An act to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the "Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 2400. An act to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; to the Committee on Energy and Natural Resources.

H.R. 2457. An act to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3056. An act to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; to the Committee on Environment and Public Works.

H.R. 3478. An act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission; to the Committee on Governmental Affairs.

H.R. 4027. An act to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center; to the Committee on Commerce, Science, and Transportation.

H.R. 4481. An act to amend Public Law 86–434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4632. An act to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4836. An act to name the Department of Veterans Affairs medical center in Amarillo, Texas, as the "Thomas E. Creek Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 363. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic; to the Committee on Foreign Relations.

H. Con. Res. 407. Concurrent resolution saluting the life and courage of the late Commander Lloyd "Pete" Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER–2) at the time of its capture by North Korea on January 23, 1968; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9139. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2004" (Rev. Rul. 2004–69) received on August 26, 2004; to the Committee on Finance.

EC–9140. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2004 National Protocol" (Rev. Proc. 2004–52) received on August 26, 2004; to the Committee on Finance.

EC–9141. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 1502; Treatment of Loss Carryovers from Separate Return Limitation Years" (RIN1545–BD58) received on August 26, 2004; to the Committee on Finance.

EC–9142. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Plan Amendments Following Election of Alternative Deficit Reduction Contribution" (Notice 2004–59) received on August 26, 2004; to the Committee on Finance.

EC–9143. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "July-September 2004 Bond Factor Amounts" (Rev. Rule 2004–89) received on August 26, 2004; to the Committee on Finance.

EC–9144. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Extension of Time to Elect Method for Determining Allowable Loss" (TD9154) received on August 26, 2004; to the Committee on Finance.

EC–9145. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Subsidiary Stock Loss Under Section 1.337(d)–2T" (Notice 2004–58) received on August 26, 2004; to the Committee on Finance.

EC–9146. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance on Discrepancies Caused by Acquisitions, Statutory Mergers, or Consolidations" (Rev. Proc. 2004–53) received on August 26, 2004; to the Committee on Finance.

EC–9147. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to Customs and Border Protection Regulations" (CBP Dec 04–28) received on September 6, 2004; to the Committee on Finance.

EC–9148. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Patent Surveys" (RIN1561–AA36) received on September 6, 2004; to the Committee on Finance.

EC–9149. A communication from the Chief, Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Customs Broker License Examination Date" (RIN1651–AA46) received on September 6, 2004; to the Committee on Finance.

EC–9150. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, a report entitled "US-Dominican Republic-Central America Free Trade Agreement: Potential Economywide and Selected Sectoral Effects"; to the Committee on Finance.

EC–9151. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, National Wildlife Refuge Service, transmitting, pursuant to law, the report of a rule entitled "2004–2005 Refuge Specific Hunting and Sport Fishing Regulations" (RIN1018–AT40) received on September 6, 2004; to the Committee on Energy and Natural Resources.

EC–9152. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Accounting and Auditing Relief for

Marginal Properties" (RIN1010–AC30) received on September 13, 2004; to the Committee on Energy and Natural Resources.

EC–9153. A communication from the Director, Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Environmental Management, Department of Energy, received on September 6, 2004; to the Committee on Energy and Natural Resources.

EC–9154. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to vegetation management practices for designated transmission facilities and rights-of-way; to the Committee on Energy and Natural Resources.

EC–9155. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the amount of acquisitions made by the Department of Energy that manufacture the articles, materials, or supplies outside of the United States; to the Committee on Energy and Natural Resources.

EC–9156. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Maryland Regulatory Program" (MD–054–FOR) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9157. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of Minnesota Municipal Solid Waste Landfill Program" (FRL#7810–9) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9158. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units" (FRL#7810–7) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9159. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval of Revisions to the Title V Operating Permit Program in the State of New Mexico, Albuquerque/Bernalillo County, New Mexico, and the State of Arkansas" (FRL#7810–2) received on September 8, 2004; to the Committee on Energy and Natural Resources.

EC–9160. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Quality of Water, Colorado River Basin, Progress Report No. 21"; to the Committee on Energy and Natural Resources.

EC–9161. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Compacts of Free Association with the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM); to the Committee on Energy and Natural Resources.

EC–9162. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Extension of Time for Filing Written Statement Under Rev. Proc. 2004-23" (Rev. Proc. 2004–57) received on September 8, 2004; to the Committee on Finance.

EC–9163. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "I.R.C Sec. 7805(b) Relief from Retroactive Application of Rev. Rule 2004-75" (Rev. Rule 2004–97) received on September 8, 2004; to the Committee on Finance.

EC–9164. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2004–60) received on September 8, 2004; to the Committee on Finance.

EC–9165. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Transfers of Compensatory Options" (TD9148) received on September 8, 2004; to the Committee on Finance.

EC–9166. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Kaffenberger v. United States 314 F 3d944 (8th Cir. 2003)" (AOD2004–35) received on September 8, 2004; to the Committee on Finance.

EC–9167. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Diane Fernandez v. Commissioner" (AOD 2004–35) received on September 8, 2004; to the Committee on Finance.

EC–9168. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 42 Q&A II" (Rev. Rule 2004–82) received on September 8, 2004; to the Committee on Finance.

EC–9169. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 988 Foreign Currency Denominated Contingent Debt Instruments" (RIN1545–AW33) received on September 8, 2004; to the Committee on Finance.

EC–9170. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Prices Indexes for Department Stores" (Rev. Rul. 2004–93) received on September 8, 2004; to the Committee on Finance.

EC–9171. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Leasing Promotions—Penalties for Leasing Stripping Transactions" (UIL:9300.03–00) received on September 8, 2004; to the Committee on Finance.

EC–9172. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rates—October 1, 2004" (Rev. Rule 2004–92) received on September 8, 2004; to the Committee on Finance.

EC–9173. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Evidence Requirements for Assignment of Social Security Numbers (SSNs); Assignment of SSNs to Foreign Academic Students in Immigration and Naturalization Classification Status F1" (RIN0960–AF87) received on September 9, 2004; to the Committee on Finance.

EC–9174. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements, other than treaties; to the Committee on Foreign Relations.

EC–9175. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the export of Oleoresin Capsicum (OC) riot control equipment and rubber hand ball grenades to the Iraq Ministry of Interior; to the Committee on Foreign Relations.

EC–9176. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; to the Committee on Foreign Relations.

EC–9177. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a discontinuation of service in acting role for the position of Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development; to the Committee on Foreign Relations.

EC–9178. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development; to the Committee on Foreign Relations.

EC–9179. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; to the Committee on Foreign Relations.

EC–9180. A communication from the Secretary of State, transmitting, pursuant to law, a report prepared by the Department of State relative to the Authorization for the Use of Force Against Iraq Resolution; to the Committee on Foreign Relations.

EC–9181. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements for international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9182. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 to Japan; to the Committee on Foreign Relations.

EC–9183. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially in the amount of $100,000,000 or more to the United States; to the Committee on Foreign Relations.

EC-9184. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed transfer of major defense equipment valued at $25,000,000 or more to the governments of Belgium, Denmark, the Netherlands, and Norway; to the Committee on Foreign Relations.

EC-9185. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed transfer of major defense equipment valued at $25,000,000 or more to Spain; to the Committee on Foreign Relations.

EC-9186. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed transfer of major defense equipment valued at $25,000,000 or more to the Netherlands; to the Committee on Foreign Relations.

EC-9187. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 2006; to the Committee on Governmental Affairs.

EC-9188. A communication from the Director, Office of Personnel Management, Division for Strategic Human Resources Policy, transmitting, pursuant to law, the report of a rule entitled "Executive Performance and Accountability" received on September 6, 2004; to the Committee on Governmental Affairs.

EC-9189. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC-9190. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 to March 31, 2004; to the Committee on Governmental Affairs.

EC-9191. A communication from the Director for Benefit Design and Compliance, AgriBank, transmitting, pursuant to law, a report relative to the financial condition of the Retirement Plans for the Employees of the Seventh and Eleventh Farm Credit Districts and Northwest Farm Credit Services; to the Committee on Governmental Affairs.

EC-9192. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-488, "Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-9193. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-489, "District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9194. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-490, "Juvenile Flotation Device Requirement Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9195. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-491, "Washington Convention Center Authority Advisory Committee Continuity Third Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9196. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-492, "Free Clinic Assistance Program Extension Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9197. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-498, "Board of Education Continuity and Transition Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9198. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-503, "Inspector General Appointment and Term Clarification Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9199. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-504, "Washington Convention Center Authority Advisory Committee Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9200. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-505, "Georgetown Project and Noise Control Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9201. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-506, "Captive Insurance Company Enhancement Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9202. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-521, "Commission on Human Rights Establishment Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9203. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-522, "Office of Administrative Hearings Establishment Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9204. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-523, "Help America Vote Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9205. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-527, "Anacostia Waterfront Corporation Act of 2004"; to the Committee on Governmental Affairs.

EC-9206. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-478, "Board of Education Continuity and Transition Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-473, "Mental Health Civil Commitment Extension Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-9208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-477, "Motorized Bicycle Responsibility Clarification Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-476, "Office of Property Management Reform Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9210. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-475, "Public Congestion and Venue Protection Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-9211. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-474, "Presidential Elector Deadline Waiver Second Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9212. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-472, "Tax Increment Financing Reauthorization Date Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9213. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-471, "Walter Reed Property Tax Exemption Reconfirmation Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-9214. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-470, "Juvenile Flotation Device Requirement Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9215. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-469, "Eastern Market Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-9216. A communication from the Director, Office of Personnel Management, Division for Strategic Human Resources Management, transmitting, pursuant to law, the report of a rule entitled "Locality-based Comparability Payments" received on September 6, 2004; to the Committee on Governmental Affairs.

EC-9217. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to Executive Branch Regulation Governing the Reporting Period for Incumbent Public Financial Disclosure Reports" (RIN3209-AA00) received on September 9, 2004; to the Committee on Governmental Affairs.

EC-9218. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's Federal Financial Management Report; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals—2005." (Rept. No. 108–338).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 2639. A bill to reauthorize the Congressional Award Act (Rept. No. 108–339).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 2803. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108–340).

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 2804. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108–341).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2797. A bill to amend the Internal Revenue Code of 1986 to expand the deduction for college tuition expenses to include expenses for books; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CLINTON, Mr. COCHRAN, Mr. GRAHAM of South Carolina, and Mr. JEFFORDS):

S. 2798. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 2799. A bill to amend title 18 of the United States Code to increase the penalties for smuggling goods into the United States; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 2800. A bill to amend title 36, United States Code, to grant a Federal charter to the Pulaski Cadets, Ltd; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2801. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Finance.

By Mr. DAYTON:

S. 2802. A bill to amend the Congerssional Budget and Impoundment Control Act of 1974 to limit the implementation, phase-in, or phase-out of revenue measures to 1 year; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BENNETT:

S. 2803. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BURNS:

S. 2804. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 424. A resolution designating October 2004 as "Protecting Older Americans From Fraud Month"; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. REID):

S. Res. 425. A resolution honoring former President William Jefferson Clinton on the occasion of his 58th birthday; considered and agreed to.

ADDITIONAL COSPONSORS

S. 373

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 373, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 540

At the request of Mr. INHOFE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 606

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 847

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1477

At the request of Mr. CORZINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1477, a bill to posthumously award a Congressional gold medal to Celia Cruz.

S. 1647

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1647, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for medicare beneficiaries, and for other purposes.

S. 1707

At the request of Ms. STABENOW, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1707, a bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes.

S. 2352

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2365

At the request of Mr. COLEMAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2365, a bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003.

S. 2647

At the request of Mr. HOLLINGS, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2759

At the request of Mr. ROCKEFELLER, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2764

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Indiana (Mr. LUGAR), the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New York (Mrs. CLINTON) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2764, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 2791

At the request of Mr. DASCHLE, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2791, a bill to enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extend active duty, and for other purposes.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from New York (Mr. SCHUMER), the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 420

At the request of Mr. PRYOR, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 420, a resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School.

S. RES. 422

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 422, a resolution expressing the sense of the Senate that the President should designate the week beginning September 12, 2004, as "National Historically Black Colleges and Universities Week".

AMENDMENT NO. 3619

At the request of Mr. CORZINE, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3619 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3624

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3624 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 3624 proposed to H.R. 4567, supra.

AMENDMENT NO. 3629

At the request of Mr. DAYTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3629 proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 2797. A bill to amend the Internal Revenue Code of 1986 to expand the deduction for college tuition expenses to include expenses for books; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Textbook Affordability Act of 2004".

SEC. 2. DEDUCTION FOR COLLEGE BOOK EXPENSES.

(a) IN GENERAL.—Section 222(b)(2) of the Internal Revenue Code of 1986 (relating to applicable dollar limit) is amended—

(1) by inserting "with respect to qualified tuition and related expenses described in subsection (d)(1)(A)(i)" after "amount" in the matter preceding clause (i) in subparagraph (B),

(2) by redesignating subparagraph (C) as subparagraph (F), and

(3) by inserting after subparagraph (B) the following new subparagraphs:

"(C) BOOKS.—In the case of any taxable year beginning after 2003, the applicable dollar amount with respect to qualified tuition and related expenses described in subsection (d)(1)(A)(ii) shall be equal to $1,000 reduced (but not below zero) by the amount determined under subparagraph (D).

"(D) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's adjusted gross income for such taxable year, over

"(II) $65,000 ($130,000 in the case of a joint return), bears to

"(ii) $15,000 ($30,000 in the case of a joint return).

"(E) INFLATION ADJUSTMENTS.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2004, both of the dollar amounts in subparagraph (D)(i)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(b) EXPANSION OF RELATED EXPENSES.—Paragraph (1) of section 222(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

"(1) QUALIFIED TUITION AND RELATED EXPENSES.—

"(A) IN GENERAL.—The term 'qualified tuition and related expenses'—

"(i) has the meaning given such term by section 25(f), and

"(ii) includes books (within the meaning of section 529(e)(3)(A)(i)).

"(B) SPECIAL RULE.—Such expenses shall be reduced in the same manner as under section 25A(g)(2).".

(c) DEDUCTION FOR BOOKS MADE PERMANENT.—Section 222(e) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "This" and inserting "Except with respect to qualified tuition and related expenses described in subsection (d)(1)(A)(ii), this".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2003.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs, CLINTON, Mr. COCHRAN, Mr. GRAHAM of South Carolina, and Mr. JEFFORDS):

S. 2798. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. LUGAR. Mr. President, I rise today to introduce the Health Promotion FIRST (Funding Integrated Research, Synthesis and Training) Act, legislation to provide the foundation for solid planning and a scientific base for health promotion.

Between one half and two-thirds of premature deaths in the United States and much of our health care costs are caused by just three risk factors: poor diet, physical inactivity, and tobacco. Recent news reports have highlighted the alarming increase in obesity across the Nation. In the last 10 years, obesity rates have increased by more than 60 percent among adults—with approximately 59 million adults considered obese today.

We also know that medical costs are directly related to lifestyle risk factors. The September 2000 issue of the American Journal of Health Promotion reported that approximately 25 percent of all employer medical costs are caused by lifestyle factors. Emerging research is showing the value may be closer to 50 percent today.

Medical care costs are reaching crisis levels. Some major employers are actively exploring discontinuing medical insurance coverage if costs are not controlled. The Federal Government has the same cost problems with its own employees, and the cost to Medicare of lifestyle-related diseases will only increase as Baby Boomers retire, and more and more beneficiaries are diagnosed with lifestyle-related illnesses.

An obvious first step to addressing our health and medical cost problems is to help people stay healthy.

The good news is that both the public and private sectors are starting to do more in the area of health prevention and health promotion. For instance, the Medicare Modernization Act of 2003 included several new prevention initiatives for Medicare beneficiaries.

Also in recent years Congress and the Administration have worked together to pass numerous pieces of legislation to establish grants to provide health services for improved nutrition, increased physical activity, and obesity prevention.

However, despite the success of many health promotion programs, there is a quality gap between the best programs and typical programs. This occurs because most professionals are not aware of the best practice methods. Furthermore, even the best programs reach a small percentage of the population and do poorly in creating lasting change.

The Health Promotion FIRST Act will build the foundation for a stable coordinated strategy to develop the basic and applied science of health promotion, synthesize research results and disseminate findings to researchers, practitioners and policy makers.

The bill directs the Department of Health and Human Services to develop strategic plans focusing on the following: how to develop the basic and applied science of health promotion; how to best utilize the authority and resources of the Department of Health and Human Services and other federal agencies to integrate health promotion concepts into health care and other elements of society; how to synthesize health promotion research into practical guidelines that can be easily disseminated and; how to foster a strong health workforce for health promotion activities.

Additional funding is also provided for the Centers for Disease Control and the National Institutes of Health to augment current activities related to health promotion research and dissemination.

We have made a good start, at the Federal level, in addressing the needs of health promotion. However, we need to go further. I believe this legislation will serve as a good basis for Congress and the administration to take the next step in developing health promotion programs for the next decade.

By Mr. GRASSLEY:

S. 2799. A bill to amend title 18 of the United States Code to increase the penalties for smuggling goods into the United States; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President. The safety and security of our Nation's borders has been on all of our minds lately. In the past, we have approached the problem in a stovepipe manner, focusing on what illegal items criminals were bringing across our borders. We need to begin thinking about these challenges differently.

Increasingly, smuggling organizations do not tie themselves to the movement of one particular commodity, but are specialists in smuggling merchandise of any type into the United States undetected. So long as there is profit to be made, smugglers don't really care what they smuggle. If we are going to encourage effective investigations and prosecutions of these smuggling organizations, we must ensure sufficient penalties to send a clear message that smuggling—whether it's heroin, pirated CDs, AK-47s, or look-alike designer hand bags—is wrong, and will be severely punished.

Today I am introducing a bill that will do just that. It is very simple. Raise the penalty for smuggling contraband into the United States from a maximum of 5 years to a maximum of 20 years. This will give prosecutors and law enforcement agents a better tool to go after those who try and evade our customs, border, and port security efforts. If we are serious about securing our borders, then we need to be serious about punishing those who try and evade our controls. I urge my colleagues to join me in sponsoring this legislation.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 2800. A bill to amend title 36, United States Code, to grant a Federal charter to the Pulaski Cadets, Ltd; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill to create a Federal charter for the Pulaski Cadets, Ltd. The purpose of this organization is to perpetuate the history of General Kazimierz Pulaski and military personnel of Polish origin with other nationals who served with the Continental Army of America in the Revolutionary War. Leaders of the Pulaski Cadets work hard devoting time and energy to the memory of a military hero, General Pulaski.

It is fitting that the Pulaski Cadets should be granted a Federal charter to show the appreciation and respect Congress maintains for this organization and the values espoused by its members. I am proud to stand before the Senate and proclaim my admiration for this group and the many soldiers and leaders of Polish origin who have made our country great and continue to protect Americans at home and abroad. Their contribution has been recognized by many in New Jersey, including Mayor Joe Vas, of Perth Amboy, who has been a key supporter in their quest for a charter.

I believe it is vital to study and emulate those leaders who came before us, particularly those who left such an impressive mark on our country's behalf. As such, I ask the United States Senate to support a Federal Charter for the Pulaski Cadets.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER FOR PULASKI CADETS, LTD.

Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 2501—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 2501—PULASKI CADETS, LTD.

"Sec.
"250101. Organization.
"250102. Purposes.
"250103. Membership.
"250104. Governing body.
"250105. Powers.
"250106. Exclusive right to name, seals, emblems, and badges.
"250107. Restrictions.
"250108. Duty to maintain tax-exempt status.

"250109. Principal office.
"250110. Records and inspection.
"250111. Service of process.
"250112. Liability for acts of officers and agents.
"250113. Annual report.

"§ 250101. Organization

"(a) FEDERAL CHARTER.—The Pulaski Cadets, Ltd. (in this chapter, the 'corporation'), incorporated in New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

"§ 250102. Purposes

"The purposes of the corporation are as provided in the articles of incorporation and include—

"(1) to perpetuate the history of General Kazimierz Pulaski and military personnel of Polish origin with other nationals who served with the Continental Army of America in the war of our Independence;

"(2) to promote Americanism, patriotism, and establish a military unit to encourage willingness to serve and defend these United States of America; and

"(3) to maintain a nonbiased military and social structure to assist and prepare all members eligible for basic military training for the purpose of enlisting in all branches and components of the United States Military Services.

"§ 250103. Membership

"Eligibility for membership in the corporation and the rights and privileges of membership are as provided in the bylaws.

"§ 250104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

"(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

"§ 250105. Powers

"The corporation shall have only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 250106. Exclusive right to name, seals, emblems, and badges

"The corporation has the exclusive right to use the names 'Pulaski Cadets, Ltd.' and 'Pulaski Cadets' and any seals, emblems, and badges relating thereto that the corporation adopts.

"§ 250107. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or member in an amount approved by the board of directors.

"(d) LOANS.—The corporation may not make any loan to a director, officer, or employee.

"(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

"§ 250108. Duty to maintain tax-exempt status

"The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 250109. Principal office

"The principal office of the corporation shall be in the State of New Jersey, or another place decided by the board of directors.

"§ 250110. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete books and records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote.

"(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 250111. Service of process

"The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

"§ 250112. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 250113. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report shall not be printed as a public document.".

SEC. 2. CLERICAL AMENDMENT.

The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 2501 and inserting the following new item:

"**2501. Pulaski Cadets, Ltd. ....250101**".

By Mrs. FEINSTEIN:

S. 2801. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to protect one of Americans' most valuable but vulnerable assets: Social Security Numbers. The bill I propose today is identical to legislation that is making progress in the House of Representatives. Just before recess, the House Ways and Means Committee passed the bill not only with bipartisan support, but with unanimous support. Even though this bill has differences from S. 228, which I proposed at the beginning of this Congress to help prevent the misuse of Social Security numbers, the issue is too important for me, or for any other Senator, to stand by and do nothing.

The legislation, which in the House is H.R. 2971, was authored by Representative CLAY SHAW, the Republican from Florida's 22nd Congressional District. Very briefly, the key provisions of the legislation will do the following: It will generally prohibit the Federal and State governments, and private businesses, from displaying, buying, and selling Social Security Numbers. However, realizing that there are certain instances where Social Security Numbers must be communicated, the bill makes exceptions for areas such as law enforcement, national security, vehicle registration, and certain limited forms of research.

The bill will also toughen the methods that the Social Security Administration uses to verify birth records, and that it uses to issue Social Security numbers to newborn infants.

Additionally, the legislation will prohibit companies from requiring consumers to provide their Social Security Numbers, and will treat any such requirement as a prohibited unfair trade practice.

The bill will also punish violators with fines and up to five years in prison, with up to 25 years for those who are involved in drug trafficking or terrorism.

The bill also allows other sections of Federal law to impose stronger restrictions, and calls for reports analyzing the process for issuing Social Security Numbers.

This legislation is necessary to help stop the epidemic of identity theft that has been plaguing America and its citizens.

According to a report that the Federal Trade Commission released in September, 2003, almost ten million people were victimized by identity theft in the previous year. This led to losses of over 47 billion dollars.

The damage is not merely monetary. According to the same FTC report, the average victim had to spend thirty hours that is, three-fourths of a standard work-week—to resolve the problems. Often, the entire process can drag out for years.

Perhaps worst of all, victims must confront the trauma that someone else has hijacked their very identity. According to the Identity Theft Resource Center, a non-profit group that operates in my home state of California: "Each time you answer the telephone or go to the mailbox, you wonder what new bill will appear. The idea of dealing with yet another collection agency or a newly discovered credit card leaves you filled with dread, rage and helplessness. . . . Some feel like they are experiencing a form of 'post-traumatic stress disorder' for a short time."

Theft of a Social Security number can be especially devastating, because that piece of information has become a de facto universal identifier in American society.

One recent book on privacy in the United States documents how far the use of Social Security Numbers has spread beyond its original purpose, when they were created in 1936, of tracking American workers' earnings and benefits. According to the book: "The SSN began to be used for military personnel, legally admitted aliens, anyone receiving or applying for federal benefits, food stamps, school lunch program eligibility, draft registration, and federal loans. State and local governments, as well as private sector entities such as schools and banks, began to use SSNs as well—for drivers' licenses, birth certificates, blood donation, jury selection, worker's compensation, occupational licenses, and marriage licenses. " (SOURCE: Daniel Solove and Marc Rotenberg, Information Privacy Law, Aspen Publishers, 2003, at page 447–48.)

Despite this widespread use of Social Security Numbers, according to the General Accounting Office, "No single federal law regulates the overall use or restricts the disclosure of SSNs by governments." (SOURCE: Social Security Numbers: SSNs are Widely Used by Government and Could be Better Protected, 2002 (Report Number GAO–02–691T) at page 5). As a result, the use of Social Security Numbers is regulated by an inconsistent and insufficient patchwork of State and Federal laws, that often leaves the numbers in plain view of the whole world.

It isn't surprising, then, that the sale of Social Security Numbers is proceeding at a furious pace. According to the GAO in a report that it released earlier this year, "Internet-based information resellers whose Web sites we accessed also obtain SSNs from their customers and scour public records and other publicly available information to provide the information to persons willing to pay a fee." (SOUCE: Social Security Numbers: Private Sector Entities Routinely Obtain and Use SSNs, and Laws Limit the Disclosure of this Information (2004, Report Number GAO–04–11), on Highlights Page).

I personally first became aware of the need for a law to restrict the sale and display of Social Security numbers about eight years ago, when one of my staff members sat me down and downloaded my own Social Security Number from the Internet in a matter of minutes. Congress has done shockingly little to protect Social Security Numbers since then.

Therefore, we badly need a uniform law such as the one that the GAO report anticipates. Year after year, I have advocated and proposed such legislation that would restrict the public display and use of Social Security Numbers.

In the 106th Congress, I introduced S. 2966.

In the 107th Congress, I introduced, S. 848 and S. 3100.

In the 108th Congress, I introduced S. 228.

None of these bills moved. Today, I stand before you yet again, to introduce a fifth bill to take steps that will make it more difficult for thieves to steal this precious resource. This is not a partisan issue—all of the bills that I introduced in the past were bipartisan. And so is this bill: in the House, as I mentioned, it was passed unanimously in the Ways and Means Committee, and also has 41 co-sponsors, including 16 Republicans and 25 Democrats. This issue does not concern Republican government or Democratic government; rather, this is an issue of good government.

Earlier this year, the President signed into law a bill that I helped to author, to increase punishment for those who steal the identities of others. But punishment is not enough. We need to stop identity theft from occurring in the first place.

We have only three weeks until the end of this Congress to enact this legislation to prevent such thefts by protecting Social Security Numbers. If we do not pass this legislation now, we will have to wait yet again to give basic protection to information that should have been under lock and key long ago. It is time for us to act.

I ask unanimous consent, the text of the accompanying bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Number Privacy and Identity Theft Prevention Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROVISIONS RELATING TO THE SOCIAL SECURITY ACCOUNT NUMBER IN THE PUBLIC AND PRIVATE SECTORS

Sec. 101. Restrictions on the sale or display to the general public of social security account numbers by governmental agencies.
Sec. 102. Regulatory authority.
Sec. 103. Prohibition of display of social security account numbers on checks issued for payment by governmental agencies.
Sec. 104. Prohibition of the display of social security account numbers on driver's licenses or motor vehicle registrations.
Sec. 105. Prohibition of the display of personal identification numbers on government employee identification cards or tags.
Sec. 106. Prohibition of inmate access to social security account numbers.
Sec. 107. Measures to preclude unauthorized disclosure of social security account numbers and protect the confidentiality of such numbers.
Sec. 108. Prohibition of sale, purchase, and display to the general public of the social security account number in the private sector.
Sec. 109. Confidential treatment of credit header information.
Sec. 110. Refusal to do business without receipt of social security account number considered unfair or deceptive Act or practice.

TITLE II—MEASURES TO ENSURE THE INTEGRITY OF APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS AND REPLACEMENT SOCIAL SECURITY CARDS

Sec. 201. Independent verification of birth records provided in support of applications for social security account numbers.
Sec. 202. Enumeration at birth.
Sec. 203. Study relating to use of photographic identification in connection with applications for benefits, social security account numbers, and social security cards.
Sec. 204. Restrictions on issuance of multiple replacement social security cards.
Sec. 205. Study relating to modification of the social security account numbering system to show work authorization status.

TITLE III—ENFORCEMENT

Sec. 301. New criminal penalties for misuse of social security account numbers.
Sec. 302. Extension of civil monetary penalty authority.
Sec. 303. Criminal penalties for employees of the Social Security Administration who knowingly and fraudulently issue social security cards or social security account numbers.
Sec. 304. Enhanced penalties in cases of terrorism, drug trafficking, crimes of violence, or prior offenses.

TITLE I—PROVISIONS RELATING TO THE SOCIAL SECURITY ACCOUNT NUMBER IN THE PUBLIC AND PRIVATE SECTORS

SEC. 101. RESTRICTIONS ON THE SALE OR DISPLAY TO THE GENERAL PUBLIC OF SOCIAL SECURITY ACCOUNT NUMBERS BY GOVERNMENTAL AGENCIES.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

"(x)(I) An executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or a political subdivision thereof or a trustee appointed in a case under title 11, United States Code (or person acting as an agent of such an agency or instrumentality or trustee) may not sell or display to the general public any social security account number if such number has been disclosed to such agency, instrumentality, trustee, or agent pursuant to the assertion by such an agency, instrumentality, trustee, or agent to any person that disclosure of such number is mandatory. Notwithstanding the preceding sentence, such number may be sold or displayed to the general public in accordance with the exceptions specified in subclauses (II), (III), (IV), (V), (VI), (VII), and (VIII) (and for no other purpose).

“(II) Notwithstanding subclause (I), a social security account number may be sold by an agency, instrumentality, trustee, or agent referred to in subclause (I) to the extent that such sale is specifically authorized by this Act.

“(III) Notwithstanding subclause (I), a social security account number may be sold by an agency, instrumentality, trustee, or agent referred to in subclause (I) to the extent that is necessary or appropriate for law enforcement or national security purposes, as determined under regulations which shall be issued as provided in subparagraph (I) of this paragraph.

“(IV) Notwithstanding subclause (I), a social security account number may be sold by an agency, instrumentality, trustee, or agent referred to in subclause (I) to the extent that such sale is required to comply with a tax law of the United States or of any State (or political subdivision thereof).

“(V) Notwithstanding subclause (I), a social security account number may be sold by a State department of motor vehicles as authorized under subsection (b) of section 2721 of title 18, United States Code, if such number is to be used pursuant to such sale solely for purposes permitted under paragraph (1), (6), or (9) of such subsection.

“(VI) Notwithstanding subclause (I), a social security account number may be sold or otherwise made available by an agency, instrumentality, trustee, or agent referred to in subclause (I) to a consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) for use or disclosure solely for permissible purposes described in section 604(a) of such Act (15 U.S.C. 1681b(a)).

“(VII) Notwithstanding subclause (I), a social security account number may be sold by an agency, instrumentality, trustee, or agent referred to in subclause (I) to the extent necessary for research (other than market research) conducted by any agency or instrumentality referred to in subclause (I) (or an agent of such an agency or instrumentality) for the purpose of advancing the public good, on the condition that the researcher provides adequate assurances that the social security account numbers will not be used to harass, target, or publicly reveal information concerning any identifiable individuals, that information about identifiable individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals, and that the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about identifiable individuals, including procedures to ensure that the social security account numbers will be encrypted or otherwise appropriately secured from unauthorized disclosure. In the case of social security account numbers which constitute personally identifiable medical information, the Commissioner of Social Security, with respect to medical research referred to in the preceding sentence, and the Attorney General of the United States, with respect to any medical research not referred to in the preceding sentence but which is treated in regulations of the Attorney General issued pursuant to subclause (VIII), shall maintain ongoing consultation with the Office for Civil Rights of the Department of Health and Human Services to ensure that the sale or purchase of such social security account numbers is permitted only in compliance with existing Federal rules and regulations prescribed by the Secretary of Health and Human Services pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (110 Stat. 2033).

“(VIII) Notwithstanding subclause (I), a social security account number may be sold or displayed to the general public by an agency, instrumentality, trustee, or agent referred to in subclause (I) under such other circumstances as may be specified in regulations issued as provided in subparagraph (I) of this paragraph.

“(IX) This clause does not apply with respect to a social security account number of a deceased individual.

“(X) For purposes of this clause, the term ‘sell’ means, in connection with a social security account number, to accept an item of material value in exchange for such number.

“(XI) For purposes of this clause, the term ‘display to the general public’ shall have the meaning provided such term in section 208A(a)(3)(A). In any case in which an agency, instrumentality, trustee, or agent referred to in subclause (I) requires transmittal to such agency, instrumentality, trustee, or agent of an individual's social security account number by means of the Internet without reasonable provisions to ensure that such number is encrypted or otherwise appropriately secured from disclosure, any such transmittal of such number as so required shall be treated, for purposes of this clause, as a ‘display to the general public’ of such number by such agency, instrumentality, trustee, or agent for purposes of this clause.

“(XII) For purposes of this clause, the term social security account number includes any derivative of such number. Notwithstanding the preceding sentence, any expression, contained in or on any item sold or displayed to the general public, shall not be treated as a social security account number solely because such expression sets forth not more than the last 4 digits of such number if the remainder of such number cannot be determined based solely on such expression or any other matter presented in such material.

“(XIII) Nothing in this clause shall be construed to supersede, alter, or affect any restriction or limitation on the sale or display to the general public of social security account numbers, provided in any Federal statute, regulation, order, or interpretation, if the restriction or limitation is greater than that provided under this clause, as determined under applicable regulations issued by the Commissioner of Social Security or by the Attorney General of the United States or another agency or instrumentality of the United States as provided in subparagraph (I) of this paragraph.”.

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—Initial final regulations prescribed to carry out the provisions of section 205(c)(2)(C)(x) of the Social Security Act (added by this section) shall be issued not later than the last date of the 18th calendar month following the date of the enactment of this Act. Such provisions shall take effect, with respect to matters governed by such regulations issued by the Commissioner of Social Security, or (pursuant to section 205(c)(2)(I) of such Act (added by section 102)) by the Attorney General of the United States or any other agency or instrumentality of the United States, 1 year after the date of the issuance of such regulations by the Commissioner, the Attorney General, or such other agency or instrumentality, respectively. Such amendment shall apply in the case of displays to the general public, as defined in section 208A(a)(3) of such Act (added by section 108), to such displays originally occurring after such 1-year period. Such provisions shall not apply with respect to any display of a record (containing a social security account number (or any derivative thereof)) generated prior to the close of such 1-year period.

(2) SUNSET OF EXCEPTION.—The last sentence of subclause (XI) of section 205(c)(2)(C)(x) of the Social Security Act (added by this section) shall cease to be effective with respect to sales, purchases, or displays to the general public occurring after 6 years after the 18th calendar month referred to in paragraph (1).

SEC. 102. REGULATORY AUTHORITY.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

“(I)(i) The Attorney General of the United States shall prescribe regulations to carry out the provisions of subclauses (III) and (VIII) of subparagraph (C)(x) of this paragraph, subparagraphs (A) and (B) of section 208A(b)(2), section 208A(b)(3)(B), and section 208A(c)(2). In issuing such regulations, the Attorney General shall consult with the Commissioner of Social Security, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Secretary of the Treasury, the Federal Trade Commission, the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, the Securities and Exchange Commission, State attorneys general, and such representatives of the State insurance commissioners as may be designated by the National Association of Insurance Commissioners. Any agency or instrumentality of the United States may exercise the authority of the Attorney General under this subparagraph, with respect to matters otherwise subject to regulation by such agency or instrumentality, to the extent determined appropriate in regulations of the Attorney General.

“(ii) In issuing the regulations described in clause (i) pursuant to the provisions of subparagraph (C)(x)(III), paragraph (A) or (B) of section 208A(b)(2), or section 208A(c)(2) (relating to law enforcement and national security), the Attorney General may authorize the sale or purchase of Social Security account numbers only if the Attorney General determines that—

“(I) such sale or purchase would serve a compelling public interest that cannot reasonably be served through alternative measures, and

“(II) such sale or purchase will not pose an unreasonable risk of identity theft, or bodily, emotional, or financial harm to an individual (taking into account any restrictions and conditions that the Attorney General imposes on the sale, purchase, or disclosure).

“(iii) In issuing the regulations described in clause (i) pursuant to the provisions of subparagraph (C)(x)(VIII) of this paragraph or section 208A(b)(3)(B), the Attorney General may authorize the sale, purchase, or display to the general public of social security account numbers only after considering, among other relevant factors—

“(I) the associated cost or burden to the general public, businesses, commercial enterprises, non-profit organizations, and Federal, State, and local governments; and

“(II) the associated benefit to the general public, businesses, commercial enterprises, non-profit associations, and Federal, State, and local governments.

“(iv) If, after considering the factors in clause (iii), the Attorney General authorizes, in regulations referred to in clause (iii), the sale, purchase, or display to the general public of social security account numbers, the Attorney General shall impose restrictions and conditions on the sale, purchase, or display to the general public to the extent necessary—

"(I) to provide reasonable assurances that social security account numbers will not be used to commit or facilitate fraud, deceptions, or crime, and

"(II) to prevent an unreasonable risk of identity theft or bodily, emotional, or financial harm to any individual, considering the nature, likelihood, and severity of the anticipated harm that could result from the sale, purchase, or display to the general public of social security account numbers, together with the nature, likelihood, and extent of any benefits that could be realized.

"(v) In the issuance of regulations pursuant to this subparagraph, notice shall be provided as described in paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code, and opportunity to participate in the rule making shall be provided in accordance with section 553(c) of such title.

"(vi) Each agency and instrumentality exercising authority to issue regulations under this subparagraph shall consult and coordinate with the other such agencies and instrumentalities for the purposes of assuring, to the extent possible, that the regulations prescribed by each such agency or instrumentality are consistent and comparable, as appropriate, with the regulations prescribed by the other such agencies and instrumentalities. The Attorney General shall undertake to facilitate such consultation and coordination.

"(vii) For purposes of this subparagraph, the terms 'sell', 'purchase', and 'display to the general public' shall have the meanings provided such terms under subparagraph (C)(x) of this paragraph or under section 208A(a), as applicable.

"(viii) For purposes of this subparagraph, subparagraph (C)(x)(XI) shall apply.".

SEC. 103. PROHIBITION OF DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.

(a) In General.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by section 101) is amended further by adding at the end the following new clause:

"(xi) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or a political subdivision thereof or trustee appointed in a case under title 11, United States Code (or person acting as an agent of such an agency or instrumentality or trustee) may include the social security account number of any individual (or any derivative of such number) on any check issued for any payment by the Federal Government, any State or political subdivision thereof, or any agency or instrumentality thereof, or such trustee or on any document attached to or accompanying such a check.".

(b) Effective Date.—The amendment made by this section shall apply with respect to checks (and documents attached to or accompanying such checks) issued after 1 year after the date of the enactment of this Act.

SEC. 104. PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON DRIVER'S LICENSES OR MOTOR VEHICLE REGISTRATIONS.

(a) In General.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(1) by inserting "(I)" after "(vi)"; and

(2) by adding at the end the following new subclause:

"(II) Any State or political subdivision thereof (and any person acting as an agent of such an agency or instrumentality), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display a social security account number issued by the Commissioner of Social Security (or any derivative of such number) on any driver's license or motor vehicle registration or any other document issued by such State or political subdivision to an individual for purposes of identification of such individual or include on any such license, registration, or other document a magnetic strip, bar code, or other means of communication which conveys such number (or derivative thereof).".

(b) Effective Date.—The amendments made by this section shall apply with respect to licenses, registrations, and other documents issued or reissued after 1 year after the date of the enactment of this Act.

SEC. 105. PROHIBITION OF THE DISPLAY OF PERSONAL IDENTIFICATION NUMBERS ON GOVERNMENT EMPLOYEE IDENTIFICATION CARDS OR TAGS.

(a) In General.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the preceding provisions of this title) is amended further by adding at the end the following new clause:

"(xii) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof, and no other person offering benefits in connection with an employee benefit plan maintained by such agency or instrumentality or acting as an agent of such agency or instrumentality, may display a social security account number (or any derivative thereof) on any card or tag that is commonly provided to employees of such agency or instrumentality (or to their family members) for purposes of identification or include on such card or tag a magnetic strip, bar code, or other means of communication which conveys such number.".

(b) Effective Date.—The amendment made by this section shall apply with respect to cards or tags issued after 1 year after the date of the enactment of this Act.

SEC. 106. PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.

(a) In General.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the preceding provisions of this title) is amended further by adding at the end the following new clause:

"(xiii) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or person acting as an agent of such an agency or instrumentality) may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility.".

(b) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to employment of prisoners, or entry into contract for the use or employment of prisoners, on or after the date of the enactment of this Act.

(2) Treatment of current arrangements.—In the case of—

(A) prisoners employed as described in clause (xiii) of section 205(c)(2)(C) of the Social Security Act (as added by this section) on the date of the enactment of this Act, and

(B) contracts described in such clause in effect on such date,

the amendment made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 107. MEASURES TO PRECLUDE UNAUTHORIZED DISCLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS AND PROTECT THE CONFIDENTIALITY OF SUCH NUMBERS.

(a) In General.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by the preceding provisions of this title) is amended further by adding at the end the following new clause:

"(xiv) Except as otherwise provided in this paragraph, in the case of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof and any trustee appointed in a case under title 11, United States Code (and any agent of such agency, instrumentality, or trustee) having in its possession an individual's social security account number—

"(I) no officer or employee thereof shall have access to such number for any purpose other than the effective administration of the statutory provisions governing its functions,

"(II) such agency, instrumentality, trustee, or agent shall restrict, to the satisfaction of the Commissioner of Social Security, access to social security account numbers obtained thereby to officers and employees thereof whose duties or responsibilities require access for the administration or enforcement of such provisions, and

"(III) such agency, instrumentality, trustee, or agent shall provide such other safeguards as the Commissioner of Social Security determines to be necessary or appropriate to preclude unauthorized access to the social security account number and to otherwise protect the confidentiality of such number.

For purposes of this clause the term social security account number includes any derivative thereof. ".

(b) Effective Date.—The amendment made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 108. PROHIBITION OF THE SALE, PURCHASE, AND DISPLAY TO THE GENERAL PUBLIC OF THE SOCIAL SECURITY ACCOUNT NUMBER IN THE PRIVATE SECTOR.

(a) In General.—Title II of the Social Security Act is amended by inserting after section 208 (42 U.S.C. 408) the following new section:"Prohibition of the sale, purchase, and display to the general public of the Social Security account number in the private sector

"Sec. 208A. (a) Definitions.—For purposes of this section:

"(1) Person.—

"(A) In general.—Subject to subparagraph (B), the term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

"(B) Governmental entities.—Such term does not include a governmental entity. Nothing in this subparagraph shall be construed to authorize, in connection with a governmental entity, an act or practice otherwise prohibited under this section or section 205(c)(2)(C).

"(2) Selling and purchasing.—

"(A) In general.—Subject to subparagraph (B)—

"(i) Sell.—The term 'sell' in connection with a social security account number means to obtain, directly or indirectly, anything of value in exchange for such number.

“(ii) Purchase.—The term ‘purchase’ in connection with a social security account number means to provide, directly or indirectly, anything of value in exchange for such number.

“(B) Exceptions.—The terms ‘sell’ and ‘purchase’ in connection with a social security account number do not include the submission of such number as part of—

“(i) the process for applying for any type of Government benefits or programs (such as grants or loans or welfare or other public assistance programs),

“(ii) the administration of, or provision of benefits under, an employee benefit plan, or

“(iii) the sale, lease, merger, transfer, or exchange of a trade or business.

“(3) Display to the general public.—

“(A) In general.—The term ‘display to the general public’ means, in connection with a social security account number, to intentionally place such number in a viewable manner on an Internet site that is available to the general public or to make such number available in any other manner intended to provide access to such number by the general public.

“(B) Internet transmissions.—In any case in which a person requires, as a condition of doing business with such person, transmittal to such person of an individual's social security account number by means of the Internet without reasonable provisions to ensure that such number is encrypted or otherwise secured from disclosure, any such transmittal of such number as so required shall be treated as a ‘display to the general public’ of such number by such person.

“(4) Social security account number.—The term ‘social security account number’ has the meaning given such term in section 208(c), except that such term includes any derivative of such number. Notwithstanding the preceding sentence, any expression, contained in or on any item sold or displayed to the general public, shall not be treated as a social security account number solely because such expression sets forth not more than the last 4 digits of such number, if the remainder of such number cannot be determined based solely on such expression or any other matter presented in or on such item.

“(b) Prohibition of Sale, Purchase, and Display to the General Public.—(1) Except as provided in paragraph (2), it shall be unlawful for any person to—

“(A) sell or purchase a social security account number or display to the general public a social security account number, or

“(B) obtain or use any individual's social security account number for the purpose of locating or identifying such individual with the intent to physically injure or harm such individual or using the identity of such individual for any illegal purpose.

“(2) Notwithstanding paragraph (1), and subject to paragraph (3), a social security account number may be sold or purchased by any person to the extent provided in this subsection (and for no other purpose) as follows:

“(A) to the extent necessary for law enforcement, including (but not limited to) the enforcement of a child support obligation, as determined under regulations issued as provided in section 205(c)(2)(I);

“(B) to the extent necessary for national security purposes, as determined under regulations issued as provided in section 205(c)(2)(I);

“(C) to the extent necessary for public health purposes;

“(D) to the extent necessary in emergency situations to protect the health or safety of 1 or more individuals;

“(E) to the extent that the sale or purchase is required to comply with a tax law of the United States or of any State (or political subdivision thereof);

“(F) to the extent that the sale or purchase is to or by a consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) for use or disclosure solely for permissible purposes described in section 604(a) of such Act (15 U.S.C. 1681b(a)); and

“(G) to the extent necessary for research (other than market research) conducted by an agency or instrumentality of the United States or of a State or political subdivision thereof (or an agent of such an agency or instrumentality) for the purpose of advancing the public good, on the condition that the researcher provides adequate assurances that—

“(i) the social security account numbers will not be used to harass, target, or publicly reveal information concerning any identifiable individuals;

“(ii) information about identifiable individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals; and

“(iii) the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about identifiable individuals, including procedures to ensure that the social security account numbers will be encrypted or otherwise appropriately secured from unauthorized disclosure.

“(3) Notwithstanding paragraph (1), a social security account number assigned to an individual may be sold, purchased, or displayed to the general public by any person—

“(A) to the extent consistent with such individual's voluntary and affirmative written consent to the sale, purchase, or display of the social security account number, but only if—

“(i) the terms of the consent and the right to refuse consent are presented to the individual in a clear, conspicuous, and understandable manner,

“(ii) the individual is placed under no obligation to provide consent to any such sale, purchase, or display, and

“(iii) the terms of the consent authorize the individual to limit the sale, purchase, or display to purposes directly associated with the transaction with respect to which the consent is sought, and

“(B) under such circumstances as may be deemed appropriate in regulations issued as provided under section 205(c)(2)(I).

“(4) In the case of social security account numbers which constitute personally identifiable medical information—

“(A) the Commissioner of Social Security, with respect to medical research referred to in paragraph (3)(A), and

“(B) the Attorney General of the United States, with respect to any medical research not referred to in paragraph (3)(A) but which is treated in regulations of the Attorney General issued pursuant to paragraph (3)(B), shall maintain ongoing consultation with the Office for Civil Rights of the Department of Health and Human Services to ensure that the sale or purchase of such social security account numbers is permitted only in compliance with existing Federal rules and regulations prescribed by the Secretary of Health and Human Services pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (110 Stat. 2033).

“(c) Prohibition of Unauthorized Disclosure to Government Agencies or Instrumentalities.—(1) It shall be unlawful for any person to communicate by any means to any agency or instrumentality of the United States or of any State or political subdivision thereof the social security account number of any individual other than such person without the written permission of such individual, unless the number was requested by the agency or instrumentality. In the case of an individual who is legally incompetent, permission provided by the individual's legal representatives shall be deemed to be permission provided by such individual.

“(2) Paragraph (1) shall not apply to the extent necessary—

“(A) for law enforcement, including (but not limited to) the enforcement of a child support obligation, or

“(B) for national security purposes,

as determined under regulations issued as provided under section 205(c)(2)(I).

“(d) Prohibition of the Displays on Cards or Tags Required for Access to Goods, Services, or Benefits.—No person may display a social security account number on any card or tag issued to any other person for the purpose of providing such other person access to any goods, services, or benefits or include on such card or tag a magnetic strip, bar code, or other means of communication which conveys such number.

“(e) Prohibition of the Displays on Employee Identification Cards or Tags.—No person that is an employer, and no other person offering benefits in connection with an employee benefit plan maintained by such employer or acting as an agent of such employer, may display a social security account number on any card or tag that is commonly provided to employees of such employer (or to their family members) for purposes of identification or include on such card or tag a magnetic strip, bar code, or other means of communication which conveys such number.

“(f) Measures to Preclude Unauthorized Disclosure of Social Security Account Numbers and Protect the Confidentiality of Such Numbers.—Subject to the preceding provisions of this section, any person having in such person's records the social security account number of any individual other than such person shall, to the extent that such records are maintained for the conduct of such person's trade or business—

“(1) ensure that no officer or employee thereof has access to such number for any purpose other than as necessary for the conduct of such person's trade or business,

“(2) restrict, in accordance with regulations of the Commissioner, access to social security account numbers obtained thereby to officers and employees thereof whose duties or responsibilities require access for the conduct of such person's trade or business, and

“(3) provide such safeguards as may be specified, in regulations of the Commissioner, to be necessary or appropriate to preclude unauthorized access to the social security account number and to otherwise protect the confidentiality of such number.

“(g) Deceased Individuals.—This section does not apply with respect to the social security account number of a deceased individual.

“(h) Criminal Penalty.—Any person who violates this section shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(l) APPLICABILITY OF OTHER PROTECTIONS.—Nothing in this section shall be construed to supersede, alter, or affect any restriction or limitation on the sale, purchase, display to the general public, or other disclosure of social security account numbers, provided in any Federal statute, regulation, order, or interpretation, if the restriction or limitation is greater than that provided under this section, as determined under applicable regulations issued by the Commissioner of Social Security or by the Attorney General of the United States or another agency or instrumentality of the United States as provided in section 205(c)(2)(I).".

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—Initial final regulations prescribed to carry out the provisions of section 208A of the Social Security Act (added by this section) shall be issued not later than the last date of the 18th calendar month following the date of the enactment of this Act. Such provisions shall take effect, with respect to matters governed by such regulations issued by the Commissioner of Social Security, or (pursuant to section 205(c)(2)(I) of such Act (added by section 102)) by the Attorney General of the United States or any other agency or instrumentality of the United States, 1 year after the date of the issuance of such regulations by the Commissioner, the Attorney General, or such other agency or instrumentality, respectively. Section 208A(b) of such Act shall apply in the case of displays to the general public (as defined in section 208A(a)(3) of such Act) to such displays to the general public originally occurring after such 1-year period. Such provisions shall not apply with respect to any such display to the general public of a record (containing a social security account number (or any derivative thereof)) generated prior to the close of such 1-year period.

(2) SUNSET OF EXCEPTION.—The last sentence of section 208A(a)(4) of the Social Security Act (added by this section) shall cease to be effective with respect to sales, purchases, or displays to the general public occurring after 6 years after the 18th calendar month referred to in paragraph (1).

SEC. 109. CONFIDENTIAL TREATMENT OF CREDIT HEADER INFORMATION.

(a) IN GENERAL.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(q) CONFIDENTIAL TREATMENT OF CREDIT HEADER INFORMATION.—Information regarding the social security account number of the consumer, or any derivative thereof, may not be furnished to any person by a consumer reporting agency other than in a full consumer report furnished in accordance with section 604 and other requirements of this title.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 110. REFUSAL TO DO BUSINESS WITHOUT RECEIPT OF SOCIAL SECURITY ACCOUNT NUMBER CONSIDERED UNFAIR OR DECEPTIVE ACT OR PRACTICE.

(a) IN GENERAL.—Any person who refuses to do business with an individual because the individual will not consent to the receipt by such person of the social security account number of such individual shall be considered to have committed an unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45). Action may be taken under such section 5 against such a person.

(b) EXCEPTION.—Subsection (a) shall not apply to any person in any case in which such person is expressly required under Federal law, in connection with doing business with an individual, to submit to the Federal Government such individual's social security account number.

(c) EFFECTIVE DATE.—The preceding provisions of this section shall apply with respect to acts or practices committed after 180 days after the date of the enactment of this Act.

TITLE II—MEASURES TO ENSURE THE INTEGRITY OF APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS AND REPLACEMENT SOCIAL SECURITY CARDS

SEC. 201. INDEPENDENT VERIFICATION OF BIRTH RECORDS PROVIDED IN SUPPORT OF APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS.

(a) APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS.—Section 205(c)(2)(B)(ii) of the Social Security Act (42 U.S.C. 405(c)(2)(B)(ii)) is amended—

(1) by inserting "(I)" after "(ii)"; and

(2) by adding at the end the following new subclause:

"(II) With respect to an application for a social security account number for an individual, other than for purposes of enumeration at birth, the Commissioner shall require independent verification of any birth record provided by the applicant in support of the application. The Commissioner may provide by regulation for reasonable exceptions from the requirement for independent verification under this subclause in any case in which the Commissioner determines there is minimal opportunity for fraud.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to applications filed after 270 days after the date of the enactment of this Act.

(c) STUDY REGARDING APPLICATIONS FOR REPLACEMENT SOCIAL SECURITY CARDS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to test the feasibility and cost effectiveness of verifying all identification documents submitted by an applicant for a replacement social security card. As part of such study, the Commissioner shall determine the feasibility of, and the costs associated with, the development of appropriate electronic processes for third party verification of any such identification documents which are issued by agencies and instrumentalities of the Federal Government and of the States (and political subdivisions thereof).

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under paragraph (1). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary to implement needed improvements in the process for verifying identification documents submitted by applicants for replacement social security cards.

SEC. 202. ENUMERATION AT BIRTH.

(a) IMPROVEMENT OF APPLICATION PROCESS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake to make improvements to the enumeration at birth program for the issuance of social security account numbers to newborns. Such improvements shall be designed to prevent—

(A) the assignment of social security account numbers to unnamed children;

(B) the issuance of more than 1 social security account number to the same child; and

(C) other opportunities for fraudulently obtaining a social security account number.

(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall transmit to each House of the Congress a report specifying in detail the extent to which the improvements required under paragraph (1) have been made.

(b) STUDY REGARDING PROCESS FOR ENUMERATION AT BIRTH.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to determine the most efficient options for ensuring the integrity of the process for enumeration at birth. Such study shall include an examination of available methods for reconciling hospital birth records with birth registrations submitted to agencies of States and political subdivisions thereof and with information provided to the Commissioner as part of the process for enumeration at birth.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under paragraph (1). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary to implement needed improvements in the process for enumeration at birth.

SEC. 203. STUDY RELATING TO USE OF PHOTOGRAPHIC IDENTIFICATION IN CONNECTION WITH APPLICATIONS FOR BENEFITS, SOCIAL SECURITY ACCOUNT NUMBERS, AND SOCIAL SECURITY CARDS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to—

(1) determine the best method of requiring and obtaining photographic identification of applicants for old-age, survivors, and disability insurance benefits under title II of the Social Security Act, for a social security account number, or for a replacement social security card, and of providing for reasonable exceptions to any requirement for photographic identification of such applicants that may be necessary to promote efficient and effective administration of this title, and

(2) evaluate the benefits and costs of instituting such a requirement for photographic identification, including the degree to which the security and integrity of the old-age, survivors, and disability insurance program would be enhanced.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under paragraph (1). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary relating to requirements for photographic identification of applicants described in subsection (a).

SEC. 204. RESTRICTIONS ON ISSUANCE OF MULTIPLE REPLACEMENT SOCIAL SECURITY CARDS.

(a) IN GENERAL.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended by adding at the end the following new sentence: "The Commissioner shall restrict the issuance of multiple replacement social security cards to any individual to 3 per year and to 10 for the life of the individual, except in any case in which the Commissioner determines there is minimal opportunity for fraud.".

(b) Regulations and Effective Date.—The Commissioner of Social Security shall issue regulations under the amendment made by subsection (a) not later than 1 year after the date of the enactment of this Act. Systems controls developed by the Commissioner pursuant to such amendment shall take effect upon the earlier of the issuance of such regulations or the end of such 1-year period.

SEC. 205. STUDY RELATING TO MODIFICATION OF THE SOCIAL SECURITY ACCOUNT NUMBERING SYSTEM TO SHOW WORK AUTHORIZATION STATUS.

(a) In General.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall undertake a study to examine the best method of modifying the social security account number assigned to individuals who—

(1) are not citizens of the United States,

(2) have not been admitted for permanent residence, and

(3) are not authorized by the Secretary of Homeland Security to work in the United States, or are so authorized subject to one or more restrictions,

so as to include an indication of such lack of authorization to work or such restrictions on such an authorization.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under this section. Such report shall include the Commissioner's recommendations of feasible options for modifying the social security account number in the manner described in subsection (a).

TITLE III—ENFORCEMENT

SEC. 301. NEW CRIMINAL PENALTIES FOR MISUSE OF SOCIAL SECURITY ACCOUNT NUMBERS.

(a) In General.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (7), by adding after subparagraph (C) the following new subparagraph:

"(D) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 205(c)(2) to establish and maintain records), to any person; or";

(2) in paragraph (8), by adding "or" at the end; and

(3) by inserting after paragraph (8) the following new paragraphs:

"(9) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number that purports to be a social security account number; or

"(10) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or a person acting as an agent of such an agency or instrumentality), willfully acts or fails to act so as to cause a violation of section 205(c)(2)(C)(xi); or

"(11) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or a person acting as an agent of such an agency or instrumentality) in possession of any individual's social security account number (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C); or

"(12) being a trustee appointed in a case under title 11, United States Code (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (x), (xi), or (xiv) of section 205(c)(2)(C);".

(b) Effective Dates.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act (added by subsection (a)(2)) shall apply with respect to each violation occurring after the date of the enactment of this Act. Paragraphs (10), (11), and (12) of section 208(a) of such Act (added by subsection (a)(2)) shall apply with respect to each violation occurring on or after the effective date applicable with respect to such violation under title I.

SEC. 302. EXTENSION OF CIVIL MONETARY PENALTY AUTHORITY.

(a) Application of Civil Money Penalties to Elements of Criminal Violations.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a-8(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the last sentence of paragraph (1) as a new paragraph (2), appearing after and below paragraph (1); and

(3) by inserting after paragraph (2) (as designated under paragraph (2) of this subsection) the following:

"(3) Any person (including an organization, agency, or other entity) who—

"(A) uses a social security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

"(B) falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the social security account number assigned by the Commissioner to such individual;

"(C) knowingly alters a social security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

"(D) knowingly buys or sells a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to buy or sell it;

"(E) counterfeits a social security card, or possesses a counterfeit social security card with intent to buy or sell it;

"(F) discloses, uses, compels the disclosure of, or knowingly sells or purchases the social security account number of any person in violation of the laws of the United States;

"(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person), furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

"(H) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number which purports to be a social security account number;

"(I) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security under section 205(c)(2)(B), to any person;

"(J) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or a person acting as an agent of such an agency or instrumentality), in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation of clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C);

"(K) being a trustee appointed in a case under title 11, United States Code (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (x), (xi), or (xiv) of section 205(c)(2)(C);

"(L) violates section 208A (relating to prohibition of the sale, purchase, or display of the social security account number in the private sector); or

"(M) violates section 208B (relating to fraud by social security administration employees);

shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.".

(b) Effective Dates.—The amendments made by this section shall apply with respect to violations committed after the date of the enactment of this Act, except that subparagraphs (J), (K), (L), and (M) of section 1129(a)(3) of the Social Security Act (added by subsection (a)) shall apply with respect to violations occurring on or after the effective date provided in connection with such violations under title I.

SEC. 303. CRIMINAL PENALTIES FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION WHO KNOWINGLY AND FRAUDULENTLY ISSUE SOCIAL SECURITY CARDS OR SOCIAL SECURITY ACCOUNT NUMBERS.

(a) In General.—Title II of the Social Security Act (as amended by the preceding provisions of this Act) is amended further by inserting after section 208A the following new section:

"FRAUD BY SOCIAL SECURITY ADMINISTRATION EMPLOYEES

"Sec. 208B. (a) Whoever is an employee of the Social Security Administration and knowingly and fraudulently sells or transfers one or more social security account numbers or social security cards shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, imprisoned as provided in subsection (b), or both.

"(b) Imprisonment for a violation described in subsection (a) shall be for—

"(1) not less than 1 year and up to 5 years, in the case of an employee of the Social Security Administration who has fraudulently sold or transferred not more than 50 social security account numbers or social security cards,

"(2) not less than 5 years and up to 10 years, in the case of an employee of the Social Security Administration who has fraudulently sold or transferred more than 50, but not more than 100, social security account numbers or social security cards, or

"(3) not less than 10 years and up to 20 years, in the case of an employee of the Social Security Administration who has fraudulently sold or transferred more than 100 social security account numbers or social security cards.

"(c) For purposes of this section—

"(1) The term 'social security employee' means any State employee of a State disability determination service, any officer, employee, or contractor of the Social Security Administration, any employee of such a contractor, or any volunteer providing services or assistance in any facility of the Social Security Administration.

"(2) The term 'social security account number' means a social security account number assigned by the Commissioner of Social Security under section 205(c)(2)(B) or another number that has not been so assigned but is purported to have been so assigned.

"(3) The term 'social security card' means a card issued by the Commissioner of Social Security under section 205(c)(2)(G), another card which has not been so issued but is purported to have been so issued, and banknote paper of the type described in section 205(c)(2)(G) prepared for the entry of social security account numbers, whether fully completed or not.

"(d) Any employee of the Social Security Administration who attempts or conspires to commit any violation of this section shall be subject to the same penalties as those prescribed for the violation the commission of which was the object of the attempt or conspiracy.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 304. ENHANCED PENALTIES IN CASES OF TERRORISM, DRUG TRAFFICKING, CRIMES OF VIOLENCE, OR PRIOR OFFENSES.

(a) AMENDMENTS TO TITLE II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) in subsection (a), by striking "shall be fined" and all that follows and inserting the following: "shall be fined, imprisoned, or both, as provided in subsection (b).";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection:

"(b) A person convicted of a violation described in subsection (a) shall be—

"(1) fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, in the case of an initial violation, subject to paragraphs (3) and (4),

"(2) fined under title 18, United States Code, or imprisoned for not more than 10 years, or both, in the case of a violation which occurs after a prior conviction for another offense under subsection (a) becomes final, subject to paragraphs (3) and (4),

"(3) fined under title 18, United States Code, or imprisoned for not more than 20 years, in the case of a violation which is committed to facilitate a drug trafficking crime (as defined in section 929(a)(2) of title 18, United States Code) or in connection with a crime of violence (as defined in section 924(c)(3) of title 18, United States Code), subject to paragraph (4), and

"(4) fined under title 18, United States Code, or imprisoned for not more than 25 years, in the case of a violation which is committed to facilitate an act of international or domestic terrorism (as defined in paragraphs (1) and (5), respectively, of section 2331 of title 18, United States Code)."; and

(4) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking the first sentence; and

(B) in the second sentence, by striking "any violation described in the preceding sentence, including a first such violation" and inserting "a violation of any of the provisions of this section committed by any person or other entity in the role of such person or entity as, or in applying to become, a certified payee under section 205(j) on behalf of another individual (other than such person's spouse)".

(b) AMENDMENTS TO TITLE VIII.—Section 811 of such Act (42 U.S.C. 1011) is amended—

(1) in subsection (a), by striking "shall be fined" and all that follows and inserting "shall be fined, imprisoned, or both, as provided in subsection (b).";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) PUNISHMENT.—A person convicted of a violation described in subsection (a) shall be—

"(1) fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, in the case of an initial violation, subject to paragraphs (3) and (4),

"(2) fined under title 18, United States Code, or imprisoned for not more than 10 years, or both, in the case of a violation which occurs after a prior conviction for another offense under subsection (a) becomes final, subject to paragraphs (3) and (4),

"(3) fined under title 18, United States Code, or imprisoned for not more than 20 years, in the case of a violation which is committed to facilitate a drug trafficking crime (as defined in section 929(a)(2) of title 18, United States Code) or in connection with a crime of violence (as defined in section 924(c)(3) of title 18, United States Code), subject to paragraph (4), and

"(4) fined under title 18, United States Code, or imprisoned for not more than 25 years, in the case of a violation which is committed to facilitate an act of international or domestic terrorism (as defined in paragraphs (1) and (5), respectively, of section 2331 of title 18, United States Code).".

(c) AMENDMENTS TO TITLE XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) in subsection (a), by striking "shall be fined" and all that follows and inserting "shall be fined, imprisoned, or both, as provided in subsection (b).";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection:

"(b) A person convicted of a violation described in subsection (a) shall be—

"(1) fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, in the case of an initial violation, subject to paragraphs (3) and (4),

"(2) fined under title 18, United States Code, or imprisoned for not more than 10 years, or both, in the case of a violation which occurs after a prior conviction for another offense under subsection (a) becomes final, subject to paragraphs (3) and (4),

"(3) fined under title 18, United States Code, or imprisoned for not more than 20 years, in the case of a violation which is committed to facilitate a drug trafficking crime (as defined in section 929(a)(2) of title 18, United States Code) or in connection with a crime of violence (as defined in section 924(c)(3) of title 18, United States Code), subject to paragraph (4), and

"(4) fined under title 18, United States Code, or imprisoned for not more than 25 years, in the case of a violation which is committed to facilitate an act of international or domestic terrorism (as defined in paragraphs (1) and (5), respectively, of section 2331 of title 18, United States Code).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 424—DESIGNATING OCTOBER 2004 AS "PROTECTING OLDER AMERICANS FROM FRAUD MONTH"

Mr. CRAIG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 424

Whereas perpetrators of financial crimes frequently target their fraud schemes at older Americans because older Americans possess a large percentage of the individual household wealth in the United States;

Whereas many older Americans have been divested of their hard-earned life savings by fraud and frequently pay a high emotional cost, losing not only their money, but also their self-respect and dignity;

Whereas perpetrators of fraud schemes against older Americans reach their victims through the telephone, the mail, or the Internet;

Whereas the United States Postal Inspection Service responded to nearly 80,000 fraud complaints, arrested 1,453 fraud offenders, secured nearly 1,387 fraud convictions, and initiated 102 civil or administrative actions involving fraud in fiscal year 2003;

Whereas fraud investigations by the United States Postal Inspection Service in fiscal year 2003 resulted in nearly $1,500,000,000 in court-ordered and voluntary restitution payments;

Whereas older Americans are often the disproportionate targets of cross-border fraud, including prize promotions, sweepstakes scams, foreign money offers, advance-fee loans, and foreign lotteries, and file 20 percent of all cross-border fraud complaints;

Whereas there was an 80 percent increase in 2003 of reports of Internet fraud targeting older Americans, and the amount of money lost by older Americans to Internet fraud increased from $2,690,618 in 2002 to $12,818,313 in 2003, a 375 percent increase in money lost;

Whereas the Federal Trade Commission reports that 27,300,000 people in the United States have been victims of identity theft in the last 5 years, including 9,900,000 people in the last year alone, and that identity theft has cost businesses and financial institutions nearly $48,000,000,000, in addition to the reported $5,000,000,000 in out-of-pocket expenses incurred by consumer fraud victims;

Whereas there was a 200 percent increase in 2002 of identity theft targeting older Americans, and credit card fraud is perpetrated against older Americans at a higher rate than the general population of the United States;

Whereas the Federal Trade Commission continues to successfully implement its do-not-call registry, with 60 percent of consumers surveyed stating that they registered and 80 percent of the registered consumers surveyed reporting fewer calls, but more older Americans need to be aware that the do-not-call registry is available;

Whereas fraud schemes targeting older Americans have caused losses estimated at millions of dollars a year, and have cost some older Americans their homes;

Whereas consumer awareness is the best protection from telemarketing, mail, Internet, and identity fraud schemes, and the Federal Trade Commission and the United States Postal Inspection Service have resources available to educate and assist the public; and

Whereas it is vital to increase public awareness of the enormous impact that fraud has on older Americans and to educate the public, older Americans, their families, and their caregivers about a wide array of fraud schemes, such as telemarketing, mail, Internet, and identity fraud, and how to report suspected fraud to the appropriate authorities: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2004 as "Protecting Older Americans From Fraud Month"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the month with appropriate activities and programs that—

(A) prevent the purveyors of telemarketing, mail, Internet, and identity fraud from victimizing the people of the United States; and

(B) educate and inform the public, older Americans, their families, and their caregivers about a number of financial crimes, such as telemarketing, mail, Internet, and identity fraud.

SENATE RESOLUTION 425—HONORING FORMER PRESIDENT WILLIAM JEFFERSON CLINTON ON THE OCCASION OF HIS 58TH BIRTHDAY

Mr. DASCHLE (for himself and Mr. Reid) submitted the following resolution; which was considered and agreed to:

S. Res. 425

Whereas former President William Jefferson Clinton was born in Hope, Arkansas, on August 19, 1946;

Whereas William Jefferson Clinton attended Georgetown University as an undergraduate and received a Rhodes Scholarship in 1968;

Whereas William Jefferson Clinton received a law degree from Yale University in 1973;

Whereas William Jefferson Clinton established a record of public service as Attorney General of Arkansas, Governor of Arkansas, and Chairman of the National Governors Association;

Whereas William Jefferson Clinton campaigned for and won the Democratic nomination for President in 1992;

Whereas William Jefferson Clinton was elected the 42d President of the United States in 1992 and was reelected for a second term in 1996;

Whereas during William Jefferson Clinton's time in office the United States experienced 8 years of economic expansion, job growth, and the transformation of a budget deficit into a budget surplus;

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords;

Whereas William Jefferson Clinton played a major role in the Good Friday Peace Accords which finally brought peace to war-torn Northern Ireland; and

Whereas, in the words of President George W. Bush, William Jefferson Clinton 'showed a deep and far-ranging knowledge of public policy, a great compassion for people in need, and the forward-looking spirit the Americans like in a President': Now, therefore, be it

Resolved, That the Senate honors former President William Jefferson Clinton on the occasion of his 58th birthday on August 19, 2004, and extends best wishes to him and his family.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3630. Mr. DODD (for himself, Mr. Specter, Mr. Harkin, Mr. Levin, Mr. Sarbanes, Mr. Kennedy, Mr. Daschle, Mr. Schumer, Mrs. Clinton, and Mr. Reid) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

SA 3631. Mrs. CLINTON (for herself, Mrs. Feinstein, Mr. Dodd, and Mr. Schumer) proposed an amendment to the bill H.R. 4567, supra.

SA 3632. Mrs. CLINTON (for herself, Mr. Schumer, Mr. Kennedy, and Mr. Corzine) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3633. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3634. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3635. Mr. FEINGOLD (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3636. Mr. BAUCUS (for himself, Mr. Burns, Mr. Conrad, Mr. Roberts, Mr. Dorgan, Mr. Brownback, Mr. Nelson of Nebraska, Mr. Hagel, Mr. Coleman, Mr. Dayton, Mrs. Clinton, Mrs. Murray, Ms. Stabenow, Mr. Johnson, Mr. Daschle, and Mr. Levin) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3637. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3638. Mr. HATCH (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3639. Mr. BINGAMAN (for himself and Mr. Domenici) proposed an amendment to the bill H.R. 4567, supra.

SA 3640. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3641. Mrs. BOXER (for herself, Mr. Carper, and Mrs. Clinton) proposed an amendment to the bill H.R. 4567, supra.

SA 3642. Mrs. BOXER (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3643. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3644. Ms. MURKOWSKI (for herself, Mr. Inouye, and Mr. Stevens) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3645. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3646. Mr. TALENT (for himself and Mr. Bond) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3647. Ms. STABENOW (for herself, Mr. Craig, and Mr. Levin) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3648. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3649. Mr. BYRD (for himself, Mr. Levin, Mr. Bingaman, and Mr. Feingold) proposed an amendment to the bill H.R. 4567, supra.

SA 3650. Mr. BAYH (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3651. Mrs. CLINTON (for herself and Mr. Schumer) proposed an amendment to the bill H.R. 4567, supra.

SA 3652. Mr. NELSON of Florida (for himself and Mr. Graham of Florida) proposed an amendment to the bill H.R. 4567, supra.

SA 3653. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3654. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3655. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3656. Mr. SCHUMER (for himself, Mr. Sarbanes, Mr. Reed, Mrs. Clinton, and Mr. Kennedy) proposed an amendment to the bill H.R. 4567, supra.

SA 3657. Mr. COCHRAN (for Mr. Durbin (for himself and Mr. Akaka)) proposed an amendment to the bill H.R. 4567, supra.

SA 3658. Mr. COCHRAN (for Mr. Domenici) proposed an amendment to the bill H.R. 4567, supra.

SA 3659. Mr. COCHRAN (for Mr. Talent) proposed an amendment to the bill H.R. 4567, supra.

TEXT OF AMENDMENTS

SA 3630. Mr. DODD (for himself, Mr. Specter, Mr. Harkin, Mr. Levin, Mr. Sarbanes, Mr. Kennedy, Mr. Daschle, Mr. Schumer, Mrs. Clinton, and Mr. Reid) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 21, between lines 20 and 21, insert the following:

FIRE DEPARTMENT STAFFING ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), to remain available until September 30, 2006, $100,000,000: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration: *Provided, further*, That the amount appropriated by title I under the heading "Office of the Under Secretary for Management" is hereby reduced by $70,000,000, the amount appropriated by title IV under the heading "Information Analysis and Infrastructure

Protection Management and Administration" is hereby reduced by $20,000,000, and the amount appropriated by title IV under the heading "Science and Technology Management and Administration" is hereby reduced by $10,000,000.

SA 3631. Mrs. CLINTON (for herself, Mrs. Feinstein, Mr. Dodd, and Mr. Schumer) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 21, insert ", which shall be allocated based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors that the Secretary considers appropriate," after "grants".

SA 3632. Mrs. CLINTON (for herself, Mr. Schumer, Mr. Kennedy, and Mr. Corzine) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

Sec. 515.

(a) It is the sense of the Senate that in allocating Urban Area Security Initiative funds to high-threat, high-density urban areas, the Secretary of Homeland Security should ensure that urban areas that face the greatest threat receive Urban Area Security Initiative resources commensurate with that threat.

(b) The amount appropriated to the Office of State and Local Government Coordination and Preparedness for the fiscal year ending September 30, 2005, for discretionary grants for use in high-threat, high-density urban areas under title III of this Act is increased by $625,000,000.

SA 3633. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 14, line 19, strike the period and insert the following: ": *Provided further*, That not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, a report on opportunities for integrating the process by which the Coast Guard issues letters of recommendation for proposed liquefied natural gas marine terminals, including the elements of such process relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act, and the process by which the Federal Energy Regulatory Commission issues permits for such terminals under the National Environmental Policy Act: *Provided further*, That the report shall include an examination of the advisability of requiring that activities of the Coast Guard relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act be completed for a proposed liquefied natural gas marine terminal before a final environmental impact statement for such terminal is published under the Federal Energy Regulatory Commission process.".

SA 3634. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

Sec. 515. Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Secretary of Homeland Security shall provide to the Committee on Commerce, Science, and Transportation and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate, a classified report on the number of individuals serving as Federal Air Marshals. Such report shall include the number of Federal Air Marshals who are women, minorities, or employees of departments or agencies of the United States Government other than the Department of Homeland Security, the percentage of domestic and international flights that have a Federal Air Marshal aboard, and the rate at which individuals are leaving service as Federal Air Marshals.

SA 3635. Mr. FEINGOLD (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . DATA-MINING REPORT.

(a) Definitions.—In this section:

(1) Data-mining.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist, criminal, or other law enforcement related activity.

(2) Database.—The term "database" does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) Reports on Data-Mining Activities.—

(1) Requirement for report.—The head of each agency in the Department of Homeland Security or the privacy officer, if applicable, that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the agency under the jurisdiction of that official.

(2) Content of report.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology, the plans for the use of such technology, the data that will be used, and the target dates for the deployment of the data-mining technology.

(B) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(C) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(D) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) Time for report.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2005.

SA 3636. Mr. BAUCUS (for himself, Mr. Burns, Mr. Conrad, Mr. Roberts, Mr. Dorgan, Mr. Brownback, Mr. Nelson of Nebraska, Mr. Hagel, Mr. Coleman, Mr. Dayton, Mrs. Clinton, Mrs. Murray, Ms. Stabenow, Mr. Johnson, Mr. Daschle, and Mr. Levin) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 01. CROP DISASTER ASSISTANCE.

(a) Definitions.—In this section:

(1) Additional coverage.—The term "additional coverage" has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) Insurable commodity.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) Noninsurable commodity.—The term "noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(b) Emergency Financial Assistance.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both, due to damaging weather or related condition, as determined by the Secretary.

(c) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(d) REDUCTION IN PAYMENTS.—The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under this section shall be reduced by the amount of assistance that the producer receives under the crop loss assistance program announced by the Secretary on August 27, 2004.

(e) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(f) CONTRACT WAIVER.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(g) EFFECT OF VIOLATION.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

SEC. 03. TREE ASSISTANCE PROGRAM.

The Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to producers who suffered tree losses during the winter of 2003 through 2004.

SEC. 04. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 06. EMERGENCY DESIGNATION.

Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

SA 3637. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, between lines 7 and 8, insert the following:

ASSISTANCE FOR PRAIRIE DOG OVERPOPULATION AND GRASSLAND REVEGETATION

For projects and activities of the Nebraska National Forest relating to the control of prairie dog overpopulation and development of a long-term strategy for control and revegetation of national grasslands, $2,000,000, to be derived by transfer from the Vegetation and Watershed Management Account of the Forest Service and to be available without regard to any requirement for a statement or analysis: *Provided*, That the amount appropriated under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

SA 3638. Mr. HATCH (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . None of the funds available in this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SA 3639. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. During fiscal year 2005 the Secretary of Homeland Security and the Secretary of Defense shall permit the New Mexico Army National Guard to continue performing vehicle and cargo inspection activities in support of the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement under the authority of the Secretary of Defense to support counterdrug activities of law enforcement agencies.

SA 3640. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 5 . No funds appropriated or otherwise made available by this Act shall be used to pursue, implement, or enforce any law, procedure, guideline, rule, regulation, or other policy that exposes the identity of an air marshal to any party not designated by the Secretary of the Department of Homeland Security.

SA 3641. Mrs. BOXER (for herself, Mr. CARPER, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 20, line 14, strike "rail" and insert "inter-city passenger rail transportation (as defined in section 24102(5) of title 49, United States Code), freight rail,".

SA 3642. Mrs. BOXER (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

Sec. 515. (a) The Secretary of Homeland Security, in coordination with the head of the Transportation Security Administration and the Under Secretary for Science and Technology, shall prepare a report on protecting commercial aircraft from the threat of man-portable air defense systems (referred to in this section as "MANPADS").

(b) The report required by subsection (a) shall include the following:

(1) An estimate of the number of organizations, including terrorist organizations, that have access to MANPADS and a description of the risk posed by each organization.

(2) A description of the programs carried out by the Secretary of Homeland Security to protect commercial aircraft from the threat posed by MANPADS.

(3) An assessment of the effectiveness and feasibility of the systems to protect commercial aircraft under consideration by the Under Secretary for Science and Technology for use in phase II of the counter-MANPADS development and demonstration program.

(4) A justification for the schedule of the implementation of phase II of the counter-MANPADS development and demonstration program.

(5) An assessment of the effectiveness of other technology that could be employed on commercial aircraft to address the threat posed by MANPADS, including such technology that is—

(A) either active or passive;

(B) employed by the Armed Forces; or

(C) being assessed or employed by other countries.

(6) An assessment of alternate technological approaches to address such threat including ground-based systems.

(7) A discussion of issues related to any contractor liability associated with the installation or use of technology or systems on commercial aircraft to address such threat.

(8) A description of the strategies that the Secretary may employ to acquire any technology or systems selected for use on commercial aircraft at the conclusion of phase II of the counter-MANPADS development and demonstration program, including—

(A) a schedule for purchasing and installing such technology or systems on commercial aircraft; and

(B) a description of—

(i) the priority in which commercial aircraft will be equipped with such technology or systems;

(ii) any efforts to coordinate the schedules for installing such technology or system with private airlines;

(iii) any efforts to ensure that aircraft manufacturers integrate such technology or systems into new aircraft; and

(iv) the cost to operate and support such technology or systems on a commercial aircraft.

(9) A description of the plan to expedite the use of technology or systems on commercial aircraft to address the threat posed by MANPADS if intelligence or events indicate that the schedule for the use of such technology or systems, including the schedule for carrying out development and demonstration programs by the Secretary, should be expedited.

(10) A description of the efforts of the Secretary to survey and identify the areas at domestic and foreign airports where commercial aircraft are most vulnerable to attack by MANPADS.

(11) A description of the cooperation between the Secretary and the Administrator of the Federal Aviation Administration to certify the airworthiness and safety of technology and systems to protect commercial aircraft from the risk posed by MANPADS in an expeditious manner.

(c) The report required by subsection (a) shall be transmitted to Congress along with the budget for fiscal year 2006 submitted by the President pursuant to section 1105(a) of title 31, United States Code.

SA 3643. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING THE AMERICAN RED CROSS AND CRITICAL BIOMEDICAL SYSTEMS.

(a) Findings.—The Senate finds that—

(1) the blood supply is a vital public health resource that must be readily available at all times, particularly in response to terrorist attacks and natural disasters;

(2) the provision of blood is an essential part of the critical infrastructure of the United States and must be protected from threats of terrorism;

(3) disruption of the blood supply or the compromising of its integrity could have wide-ranging implications on the ability of the United States to react in a crisis; and

(4) the need exists to ensure that blood collection facilities maintain adequate inventories to prepare for disasters at all times in all locations.

(b) Sense of the Senate.—It is the sense of the Senate that the Department of Homeland Security's Information Analysis and Infrastructure Protection should consult with the American Red Cross to—

(1) identify critical assets and interdependencies;

(2) perform vulnerability assessments; and

(3) identify necessary resources to implement protective measures to ensure continuity of operations and security of information technology systems for blood and blood products.

SA 3644. Ms. MURKOWSKI (for herself, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . DISASTER ASSISTANCE EMPLOYEE CADRES OF EMERGENCY PREPAREDNESS AND RESPONSE DIRECTORATE.

(a) In General.—The Secretary of Homeland Security is encouraged to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians for positions within Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate.

(b) Report.—The Secretary of Homeland Security shall report periodically to the Senate and the House of Representatives with respect to—

(1) the representation of American Indians, Alaska Natives, and Native Hawaiians in the Disaster Assistance Employee cadres; and

(2) the efforts of the Secretary of Homeland Security to increase the representation of such individuals in the cadres.

SA 3645. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 6, line 2, strike the period and insert ": *Provided further*, That of the total amount provided, not less than $4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107-210; 116 Stat. 988 et seq.).".

On page 8, line 18, strike the period and insert ": *Provided further*, That of the total amount provided for, not less than $4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107-210; 116 Stat. 988 et seq.).".

SA 3646. Mr. TALENT (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

Sec. 515. It is the sense of the Senate that—

(1) the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from the senior official responsible for emergency preparedness and response in each State to reprogram funds appropriated for the State Homeland Security Grant Program of the Office for State and Local Government Coordination and Preparedness to address specific security requirements that are based on credible threat assessments, particularly threats that arise after the State has submitted an application describing its intended use of such grant funds;

(2) for each State, the amount of funds reprogrammed under this section should not exceed 10 percent of the total annual allocation for such State under the State Homeland Security Grant Program; and

(3) before reprogramming funds under this section, a State official described in paragraph (1) should consult with relevant local officials.

SA 3647. Ms. STABENOW (for herself, Mr. CRAIG, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 21, line 4, insert "*Provided further*, That funds under this heading may be used to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be paid if such first responder is otherwise compensated by an employer for such time and shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.):" after "Homeland Security:".

SA 3648. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 16, line 4, before the period at the end, insert the following: ": *Provided, further*, That the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, may include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN–235 aircraft beyond the three aircraft already funded in previous fiscal years".

SA 3649. Mr. BYRD (for himself, Mr. LEVIN, Mr. BINGAMAN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration relating to aviation security services pursuant to the amendments made by the Aviation and Transportation Security Act (115 Stat. 597), $70,000,000, to remain available until expended, for activities relating to screening passengers and carry-on baggage for explosives.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses," $20,000,000, for non-homeland security missions (as defined in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a))).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements," $80,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for "State and Local Programs," $225,000,000: *Provided*, That of the amounts made available under this heading, $100,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security, and $125,000,000 shall be for port security grants.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses relating to mass transit, freight and passenger rail security grants, including security grants for the National Railroad Passenger Corporation, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, $75,000,000.

SEC. . PROHIBITION ON ACQUISITION OF PETROLEUM PRODUCTS FOR STRATEGIC PETROLEUM RESERVE.

(a) FUNDING PROHIBITION.—None of the funds made available by this Act or any other Act may be used during fiscal year 2005 to acquire petroleum products for storage in the Strategic Petroleum Reserve.

(b) AMOUNTS OF OIL CURRENTLY UNDER CONTRACT FOR DELIVERY.—The Secretary of the Interior shall sell, in fiscal year 2005, any petroleum products under contract, as of the date of enactment of this Act, for delivery to the Strategic Petroleum Reserve in that fiscal year.

SA 3650. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . The total amount appropriated by title II for the Pre-Disaster Mitigation Fund under the heading "MITIGATION GRANTS" is hereby increased by $10,654,000. Of such total amount, as so increased, $10,654,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014) and shall be available for for the purchase of flood-damaged homes in northeastern Indiana.

SA 3651. Mrs. CLINTON (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Of any funds previously made available to the Federal Emergency Management Agency in response to the September 11, 2001, attacks in New York City, not less than $4,450,000 shall be provided, subject to the request of the Governor of New York, to those mental health counseling service entities that have historically provided mental health counseling through Project Liberty to personnel of the New York City Police Department, the New York City Fire Department, and other emergency services agencies, to continue such counseling.

SA 3652. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. . CROP LOSSES.

In addition to amounts otherwise made available under this Act, there is appropriated $560,000,000, to remain available until expended, for the Commodity Credit Corporation Fund for crop losses in excess of 25 percent of the expected production of a crop (including nursery stock, citrus, dairy, timber, vegetables, tropical fruit, clams and other shellfish, tropical fish, poultry, sugar, hay, equines, wildflower seed, sod, and honeybees and losses sustained by packing houses) in the State of Florida resulting from Hurricane Charley or Frances: *Provided*, That any producer of crops and livestock in the State of Florida that has suffered at least 25 percent loss to a crop covered by this section, 25 percent loss to livestock, and damage to building structure in 2004, resulting from Hurricane Charley or Frances, shall be eligible for emergency crop loss assistance, emergency livestock feed assistance under the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471 et seq.), and loans and loan guarantees under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. . WATERSHED AND FLOOD PREVENTION OPERATIONS.

In addition to amounts otherwise made available under this Act, there is appropriated $30,000,000, to remain available until expended, for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) and related watershed and flood prevention operations, an additional amount to repair damage to the waterways and watersheds in the State of Florida resulting from Hurricane Charley or Frances.

SEC. . EMERGENCY CONSERVATION PROGRAM.

In addition to amounts otherwise made available under this Act, there is appropriated $60,000,000, to remain available until expended, for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), an additional amount to repair damage to farmland (including nurseries and structures) in the State of Florida resulting from Hurricane Charley or Frances.

SEC. . AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT.

In addition to amounts otherwise made available under this Act, there is appropriated $25,000,000, to remain available until expended, for the Agricultural Credit Insurance Fund program account for the cost of emergency insured loans for costs in the State of Florida resulting from Hurricane Charley or Frances.

SEC. . EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

In addition to amounts otherwise made available under this Act, there is appropriated $10,000,000, to remain available until expended, for emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a): *Provided*, That the emergency services to be provided may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate (including repair of existing farmworker housing and construction of new farmworker housing units, including housing that may be used by H-2A workers) to replace housing damaged as a result of Hurricane Charley or Frances.

SEC. . RURAL HOUSING FOR DOMESTIC FARM LABOR.

In addition to amounts otherwise made available under this Act, there is appropriated $10,000,000, to remain available until expended, for rural housing for domestic farm labor for the cost of repair and replacement of uninsured losses resulting from natural disasters such as Hurricanes Charley and Frances.

SEC. . STATE AND PRIVATE FORESTRY.

In addition to amounts otherwise made available under this Act, there is appropriated $5,000,000, to remain available until expended, of which $2,500,000 shall be made available for urban and community forestry and of which $2,500,000 shall be made available for wildland-urban interface fire suppression efforts resulting from fuel loading from damaged or destroyed tree stands in the State of Florida resulting from Hurricane Charley or Frances.

SEC. . EMERGENCY DESIGNATION.

The amounts appropriated in this title are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

SA 3653. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 12, line 23, insert before the last period ": *Provided*, That not to exceed $53,000,000 may be provided for transportation worker identification credentialing and $2,000,000 for tracking trucks carrying hazardous material".

SA 3654. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

In section 515 (a) insert "and the Committee on Environment and Public Works of the Senate" after "Governmental Affairs".

SA 3655. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 7, line 16, strike "$2,413,438,000," and insert the following: "$2,763,438,000, of which $200,000,000 shall be reserved for the International Civil Aviation Organization to establish biometric and document identification standards to measure multiple immutable physical characteristics, including fingerprints, eye retinas, and eye-to-eye width and for the Department of Homeland Security to place multiple biometric identifiers at each point of entry; of which $50,000,000 shall be reserved for a program that requires the government of each country participating in the visa waiver program to certify that such country will comply with the biometric standards established by the International Civil Aviation Organization; of which $25,000,000 shall be reserved for the entry and exit data systems of the Department of Homeland Security to accommodate traffic flow increases; of which $50,000,000 shall be reserved to integrate the entry and exit data collection and analysis systems of the Department of Homeland Security, the Department of State, and the Department of Justice, including the Federal Bureau of Investigation; of which $25,000,000 shall be reserved to establish a uniform translation and transliteration service for all ports of entry to identify the names of individuals entering and exiting the United States;".

SA 3656. Mr. SCHUMER (for himself, Mr. SARBANES, Mr. REED, Mrs. CLINTON, and Mr. KENNEDY) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 20, line 7, strike "$1,200,000,000" and insert "$1,550,000,000".

On page 20, line 13, strike "$150,000,000" and insert "$500,000,000".

SA 3657. Mr. COCHRAN (for Mr. DURBIN (for himself and Mr. AKAKA)) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342 and 343) are amended by striking ", or to another official of the Department, as the Secretary may direct" each place it appears.

SA 3658. Mr. COCHRAN (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. —.

Section 208(a) of Public Law 108–137; 117 Stat. 1849 is amended by striking "current" and inserting "2005".

SA 3659. Mr. COCHRAN (for Mr. TALENT) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . LIAISON FOR DISASTER EMERGENCIES.

(a) DEPLOYMENT OF DISASTER LIAISON.—If requested by the Governor or the appropriate State agency of the affected State, the Secretary of Agriculture may deploy disaster liaisons to State and local Department of Agriculture Service Centers in a federally declared disaster area whenever Federal Emergency Management Agency Personnel are deployed in that area, to coordinate Department programs with the appropriate disaster agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) QUALIFICATIONS.—A disaster liaison shall be selected from among Department employees who have experience providing emergency disaster relief in federally declared disaster areas.

(c) DUTIES.—A disaster liaison shall—

(1) serve as a liaison to State and Federal Emergency Services;

(2) be deployed to a federally declared disaster area to coordinate Department interagency programs in assistance to agricultural producers in the declared disaster area;

(3) facilitate the claims and applications of agricultural producers who are victims of the disaster that are forwarded to the Department by the appropriate State Department of Agriculture agency director; and

(4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

(d) DURATION OF DEPLOYMENT.—The deployment of a disaster liaison under subsection (a) may not exceed 30 days.

(e) DEFINITION.—In this section, the term "federally declared disaster area" means—

(1) an area covered by a Presidential declaration of major disaster, including a disaster caused by a wildfire, issued under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(2) determined to be a disaster area, including a disaster caused by a wildfire, by the Secretary under subpart A of part 1945 of title 7, Code of Federal Regulations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 14, 2004, at 10 a.m., to hear testimony on "Implementing the Medicare Prescription Drug Benefit and Medicare Advantage Program: Perspectives on the Proposed Rules."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Tuesday, September 14, 2004 at 10 a.m. in Dirksen Senate Office Building Room 226.

Agenda

I. Nominations

Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa, to be Chair of the United States Sentencing Commission; Michael O'Neill, to be a Member of the United States Sentencing Commission; Ruben Castillo, to be a Member of the United States Sentencing Commission; William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice; Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

II. Legislation

S. 1635, L–1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss;

S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards;

S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer;

H.R. 1417, To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith–TX, Berman–CA, Conyers–MI;

S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein, DeWine;

S. 1860, A bill to reauthorize the Office of National Drug Control Policy Act of 2003, Hatch, Biden, Grassley;

S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein;

S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 14, 2004 at 10 a.m. to hold a hearing on the nomination of Porter J. Gross to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, September 14, 2004 from 10:00 a.m. to 12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Tuesday, September 14, 2004 to conduct a hearing on "Hospital Group Purchasing: How To Maintain Innovation and Cost Savings", at 2 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List:

Dr. Robert Betz, President and CEO, Health Industry Group Purchasing Association, Arlington, VA.

Joe E. Kiani, President and CEP, Masimo Corporation, Irvine, CA.

David Balto, Robins, Kaplan, Miller & Ciresi, LLP, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, FISHERIES, AND COAST GUARD

Mr. COCHRAN. Mr. President, I ask unanimous consent that Subcommittee on Oceans, Fisheries and Coast Guard be authorized to meet on Tuesday, September 14, 2004, at 8:30 a.m. on Magnuson/Stevens Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, be authorized to meet on Tuesday, September 14, 2004 at 9:30 a.m. for a hearing entitled, "The 9/11 Commission Human Capital Recommendations: A Critical Element of Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Land and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 14 at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, NV, and for other purposes; S. 2723, to designate certain land in the State of Oregon as wilderness, and for other purposes; and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. SCHUMER. Mr. President, I ask unanimous consent my new Judiciary staffer, Joshua Levy, be given floor privileges during the duration of this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 2674

Mr. FRIST. Mr. President, I ask unanimous consent that at 9:45 a.m. on Wednesday, September 15, the Senate proceed to the consideration of Calender No. 674, S. 2674, the military construction appropriations bill; that the two managers' amendments at the desk be agreed to and no other amendments be in order. I further ask unanimous consent that there be 1 hour of debate equally divided and at the conclusion or yielding back of the time the bill, as amended, be read the third time and returned to the Senate Calendar.

I further ask unanimous consent that the Senate then proceed to Calender No. 690, H.R. 4837, the House-passed military construction bill; that all after the enacting clause be stricken and the text of S. 2674, as amended, be inserted in lieu thereof; that the bill be read the third time and the Senate proceed to a vote on H.R. 4837 at a time to be determined by the majority leader in consultation with the Democratic leader, all without intervening action or debate.

I further ask unanimous consent that upon passage of the bill, the Senate insist on its amendment, as amended, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO REQUEST RETURN OF PAPERS—S. 2261

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate request the House to return the papers with respect to S. 2261.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING FORMER PRESIDENT WILLIAM JEFFERSON CLINTON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 425 submitted earlier today by Senators DASCHLE, REID, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 425) honoring former President William Jefferson Clinton on the occasion of his 58th birthday.

There being no objection, the Senate proceeded to consider the resolution.

THE BIRTHDAY OF FORMER PRESIDENT CLINTON

Mr. HATCH. Mr. President, like many Americans, I was concerned to learn that former President Bill Clinton was suffering serious heart disease and had to be hospitalized for heart bypass surgery. Like many Americans, I was relieved to learn that his surgery had gone well, and that the former President is recuperating in his home in New York. The former President is known for his energy, and I hope that he will have a speedy recovery and will return to full health soon. I offer my best regards to him and his family, including our distinguished colleague, Senator CLINTON.

Inspired, no doubt, by this concern, our Democratic colleagues have joined in sponsoring a resolution to honor the former President on his 58th birthday. I wish to join them in wishing former President Clinton greetings on his 58th birthday, and I wish him many more.

Unfortunately, there is language in this resolution that is incorrect, at least because it is historically inaccurate, and at most because it seriously distorts the historical record and defames the memory of 200,000 victims of genocide in southeastern Europe.

There is a bizarre clause in this otherwise laudable attempt to give the President a legislative birthday card that states:

> Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords. . . .

I know that, in the hurried pace of work around here, particularly in this type of political season, a certain sloppiness can find its way into legislative language. But this statement, as I have said, is incorrect and offensive.

It is incorrect because, as anyone who knows the history will confirm—and I was here in the Senate throughout the bloody wars of southeast Europe in the 1990s—the removal of Slobodan Milosevic from power occurred in 2000, almost 5 years after the Dayton Peace Accords were signed in the autumn of 1995. That's why the statement is inaccurate.

The statement is offensive because almost 200,000 innocent civilians died as victims of ethnic cleansing from the outbreak of the wars of southeast Europe in 1992 until the United States finally acted in the late summer of 1995. The majority of those deaths, I must remind my colleagues, occurred during the first three years of the Clinton Presidency.

From the outbreak of the wars of Yugoslavia in 1992, I came to this floor advocating a policy of "lift and strike": lift the international arms embargo imposed on Yugoslavia and strike, with air power, the Yugoslavian army under the control of the mass murderers Slobodan Milosevic, Radovan Karadzic and Ratko Mladic. I was joined on the Senate floor by my colleagues JOE BIDEN, JOE LIEBERMAN and Bob Dole and many other Members of this body. The first Bush administration ignored us and left office shortly after the wars began. President Clinton, who ran on a campaign platform supporting "lift and strike," reversed his position upon entering office and assumed a policy consistent, it appears, with current Democratic foreign policy thinking, that deferred to the international community.

We can recall the effectiveness of the United Nations in Bosnia, when we think of blue-helmeted U.N. forces remaining by the sidelines as Serb forces captured Srebrenica in the summer of 1995, and herded thousands of unarmed men and boys—boys—to their slaughter in mass graves.

That summer, a summer that began with Serb militaries surrounding the eastern enclaves of Bosnia and the Clinton administration refusing to lift the arms embargo preventing the Bosnians from defending themselves, while Bosnian Prime Minister Siladzic came to Washington and begged not to leave his people to die unarmed, the Dole-Lieberman-Hatch resolution lifting the arms embargo passed by 69 votes. This veto-proof measure, along with the photos of the horrors of Srebrenica on the front page of The Washington Post—one horrid photo showed a woman hanging herself in despair—caused the Clinton administration to relent.

When Bill Clinton acted, in late 1995, he saw that, when the United States leads, the international community will follow. When he acted again, in 1999, to stop Milosevic's campaign in Kosovo—a campaign we knew would happen when Milosevic was not removed from power in 1995—the international community followed. In both cases, I supported the President, as did a number of Republican Members in this body. He acted too late for hundreds of thousands, but he finally acted. It will be left to the historians, along with the members of that administration, to ponder and justify and explain why there was value in waiting while genocide raged across southeastern Europe.

A birthday gesture to a former President is not the place for this debate, and I certainly would not speak here were it not for this ill-conceived language that appears in this resolution. But legislation of any kind becomes a permanent record of the work of the United States Congress. This language, when stating historical fact, contributes to the interpretation of history. I am a proud member of the council of the Holocaust Museum and I am proud to support the mission of that revered institution, which could simply be stated that the truth of genocide should always be stated. To allow the clause I have just read from this otherwise harmless birthday resolution to become a statement of historical fact is a whitewash of history, something a democratic body should never do.

But worse, it is a calumny, a grave dishonor, on the memories of 200,000 civilians of southeastern Europe, people who died in a genocidal war in Europe less than 50 years after the Holocaust, civilian men and women and children who died while the international community failed, the U.N. failed and two administrations, including President Clinton's administration, for almost 3 years, waited for a power to act like only the United States can.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 425) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 425

Whereas former President William Jefferson Clinton was born in Hope, Arkansas, on August 19, 1946;

Whereas William Jefferson Clinton attended Georgetown University as an undergraduate and received a Rhodes Scholarship in 1968;

Whereas William Jefferson Clinton received a law degree from Yale University in 1973;

Whereas William Jefferson Clinton established a record of public service as Attorney General of Arkansas, Governor of Arkansas, and Chairman of the National Governors Association;

Whereas William Jefferson Clinton campaigned for and won the Democratic nomination for President in 1992;

Whereas William Jefferson Clinton was elected the 42d President of the United States in 1992 and was reelected for a second term in 1996;

Whereas during William Jefferson Clinton's time in office the United States experienced 8 years of economic expansion, job growth, and the transformation of a budget deficit into a budget surplus;

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords;

Whereas William Jefferson Clinton played a major role in the Good Friday Peace Accords which finally brought peace to war-torn Northern Ireland; and

Whereas, in the words of President George W. Bush, William Jefferson Clinton 'showed a deep and far-ranging knowledge of public policy, a great compassion for people in need, and the forward-looking spirit the Americans like in a President': Now, therefore, be it

Resolved, That the Senate honors former President William Jefferson Clinton on the occasion of his 58th birthday on August 19, 2004, and extends best wishes to him and his family.

EXTENSION OF SMALL BUSINESS ADMINISTRATION PROGRAMS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5008, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5008) to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. SNOWE. Mr. President, I rise today to address H.R. 5008, a bill to provide a temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and to enhance the operations of the Small Business Administration.

The bill before us would extend until September 30, 2004, SBA programs that have expired. In addition, it would provide clarification as to the SBA's method of reimbursing its Fiscal and Transfer Agent, which assists in the operation of the SBA's vital loan programs.

In July 2004 I introduced S. 2700, a bill that extended these same SBA programs and also provided this clarification regarding the Fiscal and Transfer Agent. The Senate unanimously approved S. 2700 on July 20, but unfortunately the other body failed to pass that bill, leaving many critical small business assistance programs unauthorized. Today, we have another opportunity to renew these programs and to provide this legislative improvement, and we should not miss the chance.

Since 1953, nearly 20 million small business owners have received direct or indirect help from one of the SBA's lending or technical assistance programs, making the agency one of the Government's most cost-effective instruments for economic development. The SBA's current loan portfolio of more than 175,000 loans, worth more than $45 billion, makes it the largest single supporter of small businesses in the country.

According to the SBA, the $65.5 billion awarded to small businesses in Federal prime and subcontracts in FY 2003 allowed small businesses to create or retain close to 500,000 jobs. Over the last five years the SBA's programs and services have helped create and retain over 6.2 million jobs.

The Senate agreed unanimously in September 2003 to pass a bill I introduced, the Small Business Administration 50th Anniversary Reauthorization Act of 2003, to authorize the entire SBA for a three-year period. However, we have been unable to reauthorize the SBA because the other body has been stalled in its consideration of SBA authorization legislation. According to the SBA, reauthorizing the agency will result in an estimated 3.3 million jobs created or retained over the next 5 years, with the SBA and its programs predicted to support over 1 million additional jobs over that same period through prime contracts and subcontracts.

In the absence of a full reauthorization of the Agency, which I am still working to bring about, it is vital that we extend those programs that can provide current assistance to small businesses. The bill before us, H.R. 5008, would renew the authorization for several SBA programs, including the Preferred Surety Bond Program. This program provides an essential service to small businesses by guaranteeing surety bonds for small business contracts, thereby permitting small businesses to undertake thousands of projects which would otherwise be out of reach.

H.R. 5008 would also specify the manner in which the SBA may compensate its Fiscal and Transfer Agent. This agent administers payments and fee collection in the SBA's loan programs and in the secondary market for those loans. This legislative change, requested by the administration in its budget submission to Congress for Fiscal Year 2005, would provide guidance as to the SBA's method of compensating its agent.

Additionally, this legislation will preserve the operations of existing Women's Business Center that currently serve women entrepreneurs in almost every State and territory. Today, more than 10.6 million women-owned small businesses are helping to fuel our economic recovery: they employ over 19 million Americans and contribute $2.46 trillion in revenues. In my home State of Maine, there are more than 63,000 women-owned firms, generating more than $9 billion in sales. Numbers like these speak for themselves, and are clear evidence of the success of the Women's Business Centers Program.

Moreover, according to research, between 2001 and 2003, women's business center clients reported starting over 6,600 new firms and creating more than 12,000 new jobs.

Mr. President, without this legislation, many of the Centers may be in jeopardy of closing their doors. This would be a significant loss, given that some of these Centers have proven to be powerful engines of economic development in communities across the Nation.

As we work toward the larger goal of a full reauthorization of the SBA, I urge my colleagues to support the enactment of H.R. 5008. This legislation would allow essential SBA programs to continue to assist small businesses during the remainder of this Fiscal Year.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, today I join Chair SNOWE in supporting legislation to keep the Small Business Administration and its financing and counseling assistance available to small businesses. This bill temporarily authorizes the SBA and most of its programs through September 30, 2004. In addition to the temporary extension, this bill includes a provision necessary to bring the administration into compliance with a January 2003 recommendation by the SBA's Inspector General. This change will save the SBA hundreds of thousands of dollars by allowing the agency's fiscal and transfer agent for the 7(a) loan program's secondary market program to keep the interest earned on fees lenders pay before they are remitted to the Government. Currently, the SBA does not have that authority. The committee wants the program to continue running smoothly and successfully, and we think this change should accomplish this.

Six SBA programs were halted after S. 2700, a similar bill sponsored by Senate Small Business and Entrepreneurship Committee Chair OLYMPIA SNOWE and myself, passed the Senate on July 20 but did not pass the House prior to the August recess. The six programs reinstated by H.R. 5008 are: the Women's Business Center Sustainability program, the Small Disadvantaged Business, SDB, program, the Preferred Surety Bond, PSB, Guarantee program, the Small Business Development Center, SBDC, Drug-Free Workplace Assistance Grants program, the Very Small Business Concerns program, and the SBA's co-sponsorship authority.

With passage of this bill, the committee expects the SBA to move forward on grants for all its programs and certification for minority businesses, and any other activities it has been delaying.

And while I am pleased that this bill will extend all of SBA's programs and pilot programs, I am disappointed that the dire and urgent needs of the women's business center program have yet to be fully addressed. Given the abysmal job creation record of this administration, we must aggressively seek and support innovative ways to create jobs, and the women's business center program has a proven track record of doing just that. Last year alone, the women's business center network helped over 100,000 female entrepreneurs grow their businesses, employ more people, and expand economic opportunity.

A study recently released by the National Women's Business Council shows that over the past 2 years, while funding for the women's business center program has remained essentially flat, the number of clients served increased by 91 percent and the number of new businesses started went up 376 percent. The study also found that the businesses counseled by women's business centers had an economic impact of $500 million in gross receipts, $51.4 million in profit, and created 12,719 new jobs. With these numbers, it is clear that the women's business center program is a wise investment that will continue to pay dividends to women in business, the Government and our national economy well into the future.

As many of my colleagues know, there are currently 87 women's business centers. Of these, 35 are in the initial grant program and 53 have graduated to the sustainability part of the program. These sustainability centers make up more than half of the total women's business centers, but under the current funding formula are only allotted 30 percent of the funds. Without changing the portion reserved for sustainability centers to 48 percent, as the Senate-passed Snowe-Kerry bill, S. 2267, directs, all grants to sustainability centers could be cut in half, or worse, more than 20 experienced centers could lose funding completely.

I believe it is very important to pass H.R. 5008 and extend the pilot so that our most experienced centers can continue their good work for women-owned businesses; however, the current funding formula for the Women's Business Center still needs to be updated. As the author of the bill to establish the sustainability program, I am hopeful that my colleagues in Congress will soon come together to fix this problem and secure the women's business center network once and for all.

I thank my colleagues for their support of small businesses and for considering immediate passage of this important small business bill.●

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5008) was passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 15, 2004

Mr. FRIST. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until 9:45 a.m. on Wednesday, September 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the consideration of the military construction appropriations bill as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, it is a little after 11:15 tonight. We have had a very long day, a long evening, but a very productive day and evening in that we have completed the homeland appropriations bill with a unanimous vote of 93 to 0. I thank all Members for their patience and for their willingness to continue late into the night to wrap up our work on the bill.

We will resume business tomorrow morning and consider another appropriations measure. I will update all Members tomorrow as to what to expect over the course of the next couple of days. Again, I congratulate our colleagues, THAD COCHRAN, and the ranking member for all of their hard work on the homeland bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:18 p.m., adjourned until Wednesday, September 15, 2004, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 14, 2004*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

TRIBUTE TO BEN JEFFERSON: VETERAN, LEADER, CITIZEN

Mr. HAYWORTH. Mr. Speaker, it is my sad duty to inform this House and the people of Arizona of the passing of the Veterans Affairs Coordinator for the people of the Fifth Congressional District of Arizona, Ben Jefferson. Ben lost his battle with leukemia at 1 o'clock a.m. Arizona time Monday. Mary and I were privileged to be with Ben Sunday afternoon prior to his passing, and we reflect back on a remarkable life of service.

Mr. Speaker, too often what we do is described as public service. That is an honor and an accolade, but ultimately it is somewhat inaccurate, for what we are involved in is public office. But public service is a dimension that does not require election to office; it instead requires a spirit of servanthood, and that spirit of service sums up the life of Ben Jefferson.

Ben moved to Phoenix as a very young boy from Louisiana. He saw Phoenix grow, and, as he grew, so too did that responsibility of service, made manifest by a career in the Navy, a career which saw him as a medical corpsman in Korea, which saw him again answer the call to duty in Vietnam, which literally took him around the world, even for a year's duty at the research station at the South Pole.

Ben had a heart for people. And how fortunate I was, and, indeed, Mr. Speaker, those of us who serve here are honored by one of the gratifying mysteries of running for public office, which is that good people cross your path, and, more amazingly, those good people are willing to donate their time and their energy and their enthusiasm, first to campaigns and then as support staff.

So it was for Ben Jefferson. After a career in the Navy, after a career in business, stepping forward first in a campaign, and then assuming a role that he prepared for throughout his life, that of service to our Nation's veterans and the important role that the military plays, not only for retirees, but for those young people who aspire to attend a service academy.

It was Ben Jefferson who put together the groups for the Army and the Navy and the Air Force, who would review the candidates and candidacies of those who aspire to attend our Nation's academies. Ben Jefferson would be along my side when I would have one of the most gratifying experiences any Member of this House can have, when you call a young person and their family to inform them that they have been accepted at one of our military academies.

The same Ben Jefferson would take calls from veterans who had questions about their benefits, veterans who needed help at the hospital, veterans who had fallen on hard times, and always Ben Jefferson was willing to help.

We celebrate his life, even as we mourn his passing, his wife, Bette, his children, his relatives who will gather in Arizona later this week to remember this remarkable man.

At one point in his life he thought he would be called into the ministry. But it turned out his ministry was not from the pulpit, it was not as a pastor per se. Instead, in the spirit of James in the New Testament, it was not wrapped up in talk and good wishes, it was service and action and stepping forward to help people. Indeed, Mr. Speaker, on what became his deathbed, Ben Jefferson spoke about constituents in need and friends who faced similar challenges of disease, always in a spirit of what can I do to help?

In those last minutes when Mary and I were with Ben and with his wife Bette and with other loved ones, I could not help but reflect on the words I think he has heard by now: "Well done, good and faithful servant."

Ben Jefferson: Veteran, leader, citizen. We will always remember you and all you did for the people of Arizona.

ENDING LAWSUIT ABUSE

The SPEAKER pro tempore (Mr. CARTER). Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, frivolous, parasitic lawsuits are a clear and present danger to the economic health of the United States. They clog our courts, generate billions of dollars in administrative fees, artificially raise insurance premiums, kill jobs, stifle investment and innovation and otherwise produce little else for American society but headaches and lawyer jokes.

It has been and remains a principle of the Republican congressional majority to rein in trial lawyers and their predatory, self-serving litigation, thereby protecting American jobs and companies from their crippling effects.

The pestilent culture of hyper-litigation now corrupting our legal system may be championed in the name of "the little guy," but the only thing little about its true beneficiaries is their shame. Plaintiffs and defendants are merely a means to an end for the trial lawyers, who get fat off the pain of one group or the hard work of the other.

The time for reform is now, Mr. Speaker, and this week, the House will continue its long-term strategy of taking back America's legal system from the "Lords of the Ambulance Chase."

Today we will take up four bills to rein in lawsuit abuse. We will pass bills specifically protecting interscholastic sports organizations from lawsuits concerning their athletic rules; protecting volunteer firefighters from lawsuits that discourage generous Americans from donating equipment to them; and protecting volunteer pilots who come to the aid of their communities in times of crisis. And more comprehensively, Mr. Speaker, we will take up legislation presented by the gentleman from Texas (Mr. SMITH), the Lawsuit Abuse Reduction Act, which will impose mandatory penalties on those who file frivolous lawsuits.

This bill will also prevent clever lawyers from shopping around for favorable judges and venues wholly unrelated to the case, it will remove the "free pass" provisions in the Federal Rules of Civil Procedure that many lawyers hide behind once their claim is exposed as a farce, and it will better hold lawyers accountable for their behavior during the discovery process.

In short, Mr. Speaker, these bills together will further help take back the judicial system for legitimate plaintiffs, real defendants, principled lawyers who serve the ideals of their honorable profession, our national economic health, and, finally, for justice itself.

PROPOSING A TEMPORARY MEMORIAL IN THE CAPITOL ROTUNDA

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Illinois (Mr. EMANUEL) is recognized during morning hour debates for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last week we passed the 1,000th casualty mark in Iraq. Since then, we have lost another 12 of our fellow citizens in service to their country and its ideals. 1,012 American families are grieving the loss of their loved ones; 1,140 when we count the theater of Afghanistan and its conflict.

Mr. Speaker, we salute our Soldiers, Marines, Airmen, Sailors, Reservists and Guardsmen called to duty. We thank them deeply for their service and their sacrifice and that of their families. We must honor their service and pay tribute to their heroism.

For these reasons, the gentleman from Texas (Mr. TURNER) and I have written a letter to the Speaker asking that the Capitol Rotunda be used for a temporary memorial to honor the troops from Iraq and Afghanistan.

This memorial would display pictures of each fallen soldier, along with biographical information, and would give visitors to the Capitol Rotunda, the People's House, an opportunity to pay tribute to the troops. They could write notes, letters, anything they want to the families, so they know in this time that they have the thoughts and the prayers of their fellow countrymen.

I have done this outside my office as an individual gesture, as the gentleman from North Carolina (Mr. JONES), a colleague of mine from the other party, has done outside his office, so you could write a note, you could write a card, some way to let this family know, whether they are from your State or not, that in this moment of pain and grief they are not alone; they have the thoughts and the prayers of their fellow countrymen.

The gentleman from North Carolina (Mr. JONES) is from the other party. This is not a Democrat or Republican issue, it is not whether you were or were not against the war; it is a way of paying respect.

Throughout our history, the Rotunda has been used for public viewing of our fallen heroes, bestowing upon them one of our Nation's highest honors. After World War I, we saluted fallen soldiers in the Rotunda. For World War II, Korea and Vietnam, we did the same. It is only fitting that we use the Capitol Rotunda to honor those who have fallen in Iraq and Afghanistan.

The war in Iraq is not over, and there will certainly be more lives lost, unfortunately. But this tribute is for all Americans, to show their respect for the men and women who paid the ultimate sacrifice, as well as to their families.

I do not often agree with President Bush, but I do agree with the sentiment he expressed in his Saturday radio express. "Since September 11, the sacrifices in the War on Terror have fallen most heavily on members of our military and their families. Our Nation is grateful to the brave men and women who are taking risks on our behalf at this hour, and America will never forget the ones who have fallen, men and women last seen doing their duty, whose names we will honor forever."

I agree with the sentiments expressed by President Bush, and I hope that the Speaker and the Republican leadership would take up those sentiments and do a temporary memorial. I am now doing it outside my office. The gentleman from North Carolina (Mr. JONES), as I mentioned, is doing it outside his office. I would ask that it no longer be an individual gesture, but it be an institutional gesture of that sentiment that the President expressed Saturday in his radio address.

Mr. Speaker, since this Congress convened, we have found time to name no less than 70 post offices, and we named another one just yesterday. I think we can, indeed, it is our duty and responsibility, find the time to properly honor those who have sacrificed everything in Iraq and Afghanistan.

Mr. Speaker, this tribute was initiated by an individual Member of the House. We should make an institutional decision today in the People's House to expand it to an institutional gesture for all people who come to the People's House to remind those families that they have our love, our respect, our prayers and our thoughts in this time.

I hope that all this body will join me in saluting their families.

DRUG IMPAIRED DRIVING ENFORCEMENT ACT OF 2004

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Indiana (Mr. SOUDER) is recognized during morning hour debates for 5 minutes.

Mr. SOUDER. Mr. Speaker, I would like to talk briefly about H.R. 3922, the Drug Impaired Driving Enforcement Act of 2004 that the gentleman from Ohio (Mr. PORTMAN) introduced in this House earlier this year, along with the gentleman from Michigan (Mr. LEVIN), the gentleman from Ohio (Mr. LATOURETTE) the gentleman from Minnesota (Mr. RAMSTAD) and myself.

Mr. Speaker, we often hear about drunk driving, but we have not heard enough about drug-impaired driving. Let me read some of the findings in this bill.

Driving under the influence of or after having used illegal drugs has become a significant problem worldwide. 35 million persons in the United States age 12 or older had used illegal drugs this past year, and almost 11 million of those persons age 12 or older and 31 percent in the past year had driven under the influence of or after having used illegal drugs.

This is a sobering thought when you are driving down the highway. Not only may somebody be high on alcohol, but they may be whacked out on drugs, and they may be combining the drugs, alcohol and illegal drugs to put you and your family at risk.

According to the National Highway Traffic Safety Administration, illegal drugs are used by approximately 10 to 22 percent of all drivers in motor vehicle crashes. In other words, when we talk about what the problems are on the road, we have to have illegal drugs in that mix.

Across the country, we do not have in many cases the ability to detect or prosecute, because we do not have the detection, the use of illegal drugs in automobile wrecks, particularly in higher incidence most likely of deaths than even other types of automobile wrecks. Too few police officers have been trained, and there is lack of uniformity and consistency in State laws.

What this bill would do is provide grants and money to the different States for model legislation on how to do drug-impaired driving statutes, to ensure drivers in need of drug education or treatment are identified and provided with the appropriate assistance, to advance research and development of testing mechanisms and knowledge about drug driving and its impact on traffic safety, and to enhance the training of traffic safety officers and prosecutors to detect, enforce and prosecute drug-impaired driving laws. I hope that each Member of Congress will sponsor this bill and that we can move this bill, if not as part of the larger transportation will, as a freestanding bill.

I also wanted to call attention and will include in the RECORD this article about a DEA exhibit that highlights, among other things, the drug-impaired driving accidents. This was in USA Today yesterday, September 13, 2004, about an exhibit that is opening in One Times Square, New York City, today. It will be a three floor exhibit on the perils of drug use and what it is doing to devastate American youth, adults and people in our country, as well as around the world. The exhibit also links terror and drug traffic.

The picture here shows an automobile obliterated in a wreck, I believe in Ohio, a 1994 Ford Thunderbird, whose driver killed a woman and just obliterated the car.

We have had multiple deaths in my hometown because of drug-impaired driving, even though we have a very limited ability to test. It has been clear that the marijuana in particular has been the primary culprit. We have had multiple deaths related to meth, and in addition kids using that and taking other kids out. We even had a couple of grizzly murders where it appears the kids were either after the Ecstasy or some other drug, at the very minimum, marijuana.

In this DEA exhibit, among other things, in addition to the display regarding the automobile wrecks and the deaths due to drug-impaired driving, on the third floor they have a "Wall of Lost Talent," a display of prom, graduation and school photos of those who have died because of drugs. Visitors are encouraged to leave photos of friends and family members who have been harmed by drugs as well.

Karen Tandy, the Director of DEA, said, "I want Americans to realize that although they may not use drugs, everyone is impacted by drug use in this country. That car," and she is referring to the devastated car that caused the deaths, "represents the threat to every one of us on the road."

I am glad that the DEA administrator and the DEA is taking the message out to the general public that drug use is not just something you do at home on your own or a recreational-type thing. When you use drugs and you get behind the wheel, you are putting everybody else on the road at risk.

Mr. Speaker, I chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, and what we have heard in testimony after testimony after testimony is not only when you go out on the road, but even in the home, is of young kids terrorized by their parents, who come home and beat them or just ignore them but use up their food money. This article also links the terrorists to drug money and much destabilization in other countries.

Mr. Speaker, it is very important that the DEA has done this, and it is very important that we pass the legislation in the House.

[From the USA Today, Sept. 13, 2004]

EXHIBIT LINKS TERROR, DRUG TRAFFIC

(By Donna Leinwand)

NEW YORK.—The crumpled green 1994 Thunderbird is a jarring sight in the lobby of One Times Square. The driver, DEA agents say, was high on cocaine, barbiturates and marijuana when he hit and killed a 31-year-old Ohio woman. The man is serving 10 years.

The car is the opening assault in an exhibit meant to lay bare the harsh world of illicit drugs from the intensely personal car accident to the global financing of rebel armies and terrorists.

Target America: Drug Traffickers, Terrorists and You is an expanded version of a Drug enforcement Administration Museum traveling exhibit that opens here Tuesday.

The exhibit, housed in three floors of borrowed space, is designed to illustrate through graphic photos and artifacts the societal costs of the production, trafficking and use of illegal drugs.

"I want Americans to realize that, although they may not use drugs, everyone is impacted by drug use in this country," DEA administrator Karen Tandy says. "That car represents the threat to every one of us on the road."

The car is the centerpiece of a field of debris piled in the lobby of the tall retail-and-office building. The wreck is surrounded by drug paraphernalia and barrels of chemicals used to make methamphetamine, as well as broken toys representing children neglected by drug-addled parents.

The overriding theme of the exhibit, visible from Times Square through plate-glass windows, is the link between drug trafficking and global terrorism.

The exhibit invites visitors to trace the path of cocaine and heroin from drug labs in Afghanistan and Colombia to the pockets of insurgents in Colombia and Peru and to such terrorist organizations as Hezbollah.

But it also makes a more controversial link between terrorism and the 9/11 attacks on the World Trade Center and the Pentagon. The exhibit includes a large display of debris collected from both sites. The exhibit does not specifically tie the attacks to drug trafficking, but it uses the events to explain how terrorists use the drug trade as one of several methods to fund attacks. It cites U.S. intelligence linking the Taliban in Afghanistan, and by extension its thriving heroin economy, to Osama bin Laden and al-Qaeda.

"Someone who thinks he or she is making an individual choice that won't harm anyone else is not seeing the larger picture of where their money eventually goes," says Anthony Placido, special agent in charge of the New York division of the DEA.

In Peru, for example, Shining Path insurgents "killed thousands of people, destroyed the economy, reduced the country to rubble, and paid for it all with the cocaine trade," Placido says.

After 9/11, Americans shifted their focus from the war on drugs to the war on terror, Placido says. The exhibit, he says, will help relate the illicit drug trade to homeland security.

"The same techniques used to smuggle in drugs can be used to smuggle in weapons of mass destruction," Placido says. Terrorists and drug criminals "fish out of the same sewer."

Although the exhibit includes the events of Sept. 11, it takes a broader look at the drug trade, tracing its history from the Silk Road routes between China and Europe, says Sean Ferans, director of the exhibit and also the small DEA museum in the agency's headquarters in Arlington, Va.

The Times Square exhibit is loaded with whiz-bang law enforcement memorabilia. Visitors can beep into an actual cocaine lab uncovered by DEA agents in Colombia, dismantled and shipped to the USA; a Stinger missile launcher; heroin tax receipts from the Taliban; Ecstasy pills; and photos of arrested drug kingpins.

On the second floor, visitors will see a replica of a crack den cluttered with soiled diapers and guns. There are photographs of children rescued from their parents' meth labs, including one who was covered in car battery acid.

A "Wall of Lost Talent" is a display of prom, graduation and school photos of those who have died because of drugs. Visitors are encourage to leave photos of friends and family members who have been harmed by drugs.

Parts of the exhibit have traveled to other cities, including Dallas and Omaha. Sections may go on the road again; no schedule has been set. In New York, hours are 9 a.m. to 8 p.m. daily through January. Information: www.usdoj.gov/dea/deamuseum/website/index.html.

Admission is free.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 21 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, as people loyal to diverse faith perspectives and hoping to be consistent in the commitment to serve the common good of the Nation, we pray today for the Members of the House of Representatives.

Lord, grant wisdom to the leaders of this Government by the people. We hear, "You, O God, give wisdom generously without finding fault to all who ask."

You provide people of faith with values, standards and principles. These need to be applied with human wisdom to specific events and recognized challenges of the times. You sustain believers, particularly in critical moments, that they may discern the real importance of needs and events and be able to deal with times of adversity with a certain calmness and deepening hope.

For You are our saving Lord now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. HAYWORTH) come forward and lead the House in the Pledge of Allegiance.

Mr. HAYWORTH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TWO QUESTIONS FOR DAN RATHER

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, earlier this morning, I came to this well reflecting on the difference between holding public office and being engaged in public service. Public office is not a prerequisite for public service. Neither, Mr. Speaker, is public office a prerequisite for holding the public trust.

It is in that spirit that I again come to the well to cite apparently falsified documents utilized by CBS News in portraying the service record in the Texas Air National Guard of our Commander in Chief.

Mr. Speaker, two questions need to be answered: What did Dan Rather know, and when did he know it?

Understand, we believe in the first amendment; Congress shall make no law abridging the freedom of the press. All we ask, Mr. Speaker, is that Dan Rather answer those two questions.

SUPPORT NEW TRANSPORTATION FUNDING

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, America's roads are coming to a standstill because of ever-increasing congestion. The latest research shows that the average American wastes almost 2 full days a year in traffic. Measured in dollars, the cost of congestion is now $63 billion per year. My own hometown of Los Angeles is again ranked as the most congested city in America, with congestion delays and costs twice the national average.

With this congestion causing such a drag on our economy, the American public might expect their Congress to be rushing to resolve such a problem. But we are now almost 2 years past the deadline for passing a new transportation bill, and the administration is still blocking Congress from passing new transportation funding. The issue is, as always, money. The President, after having racked up the largest deficits in American history, is fighting to block this needed investment in roads and transit.

Mr. Speaker, my constituents are as fed up with government gridlock as they are with freeway gridlock. America needs transportation relief now.

TERROR ATTACKS ON AUSTRALIA WILL NOT DETER WAR ON TERROR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week, al Qaeda-linked terrorists savagely attacked the Australian embassy in Jakarta, Indonesia. The blast killed nine and wounded more than 180 innocent people, most of whom were Muslims. Australian Prime Minister John Howard properly responded by saying, "This is not a nation that is going to be intimidated by acts of terrorism. We are a robust, strong democracy."

Indeed, he is exactly correct. Free nations must never be intimidated by hate-filled extremists which will only lead them to commit more murderous acts. The only proper response to terror is to aggressively go on the offense as President Bush and coalition partners have done for the past 3 years. Instead of waiting for another attack, we need to bring justice to the terrorists wherever they are and hold terror-supporting regimes accountable.

Australia, Spain, Russia, Israel, America and many others have been attacked in a war started by radicals against the civilized world. Yet this campaign of fear will fail as nations who value freedom will continue to fight together to win the war on terror.

In conclusion, may God bless our troops, and we will never forget September 11.

IN SUPPORT OF DRUG REIMPORTATION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, today, in The Washington Post, there was a story about a senior executive from Pfizer who announced that reimportation of pharmaceutical drugs was safe and could be worked out. Peter Rost, vice president of marketing for the pharmaceutical company Pfizer, publicly announced his support for drug reimportation.

In addressing the issue of safety, which the pharmaceutical companies continue to raise as their main concern with reimportation, I want to quote this executive from Pfizer, "This has been proven safe in Europe. The real concern about safety is about people who do not take drugs because they cannot afford it. The safety issue is a made-up story." This, from an executive in Pfizer Corporation.

Mr. Speaker, today seniors are traveling to Canada and buying their medications there where they save up to 40 to 50 percent. Kaiser Foundation found that 29 percent of seniors had not filled prescriptions because they could not afford them.

The issue of safety is a hoax, and when somebody tells you it is not about money, folks, it is about money. It is time we do right by the American seniors and taxpayers.

CONGRATULATING THE FIRST BAPTIST CHURCH OF GARLAND

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, today, I would like to welcome Dr. Greg Ammons to Garland, Texas, as the new pastor of the First Baptist Church.

The First Baptist Church of Garland was founded in 1868. They currently have over 3,500 active members and offer countless mission and service opportunities for their members to help serve the community.

The First Baptist mission statement reads, "To know Jesus and make him known." I can tell you that, through their faith and through their dedication to service, they are living up to that statement and doing the Lord's work in the Garland area.

Today, I would like to offer my heartfelt welcome and prayers to Dr. Ammons, his family and his entire congregation at the First Baptist Church. I know firsthand that the members are very excited to have Dr. Ammons, Lisa and young Camden join their congregation.

May God continue to bless Dr. Ammons, the First Baptist Church of Garland, and may He continue to bless the United States of America.

THE PRESIDENT'S BUDGET RECORD

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, there is a certain humor in the Bush attacks on Senator KERRY's budget plans. The Bush administration, after all, has the most reckless fiscal management in our Nation's history. It has produced the largest deficit, after turning the largest budget surplus that they inherited into a sea of red ink.

His prescription drug Medicare program hid the true cost even from Republicans in Congress. His proposal to privatize Social Security, all independent observers indicate, will cost at least $2 trillion.

While he wastes money on missile defense, he is shortchanging homeland security, all the while proposing more tax cuts for people who do not need them while ignoring the needs of those who do. No wonder he wants to talk about JOHN KERRY's fiscal proposals. His record is indefensible.

EBAY PART OF 21ST CENTURY ECONOMY

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, last week, we had a great statement made by Vice President CHENEY talking about the new 21st century vibrant economy. He pointed to the fact that there are, in this new economy, 430,000 Americans who make their income, their living, selling on eBay. They are entrepreneurs.

Over the weekend, there were a number of pundits who criticized him, saying, Well, because of the slow economy, that Vice President CHENEY was advocating that people go down and find something in the basement and sell it on eBay, and that will take care of them.

The fact of the matter is, that is not what he was saying. He was talking about an industry that did not exist 10 years ago; eBay did not even exist. Today, we have got nearly half a million Americans earning their living on eBay. Frankly, if you look at the number of people who are selling things on eBay, it is in the millions.

So, Mr. Speaker, it is important for us to acknowledge that this administration and this Congress are helping us build and expand in this new 21st century economy.

THE REPUBLICANS HAVE LOST THEIR WAY

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, what were they thinking? The Republicans that control this House look at our economy and the job losses, the declining wages and rising cost of health care, and you know what they think the problem is? That the people are earning too much overtime pay. So they decided to cut it for 6 million American families.

They look at jobs going overseas, and do you know what they think the problem is? They do not think there are enough jobs going overseas, so they continue to vote for tax credits to help companies send jobs overseas rather than create them at home.

And they look at crime in America, and do you know what they think the problem is? That there are not enough guns and assault weapons on our streets, so they let the assault weapons ban expire and want to end the gun ban in the District of Columbia.

They look at the cost of pharmaceuticals, and they decide that they are not as expensive as the senior citizens in this country find them. So they decide they are not going to let them go to Canada. They are not going to let them reimport drugs from overseas to cut the cost of drugs. Rather, they are going to prosecute them and the governments, cities and counties that are trying to help those individuals have affordable drugs.

They have lost their way.

CONSTITUTION RESTORATION ACT PROMISES FREEDOM OF RELIGION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the American Congress in 1776 adopted a Declaration of Independence which asserted the belief that we are endowed by our creator with certain inalienable rights. In fact, the Congress that adopted the first amendment and its freedom of religion clause also established the chaplaincy and the practice, as we saw today, of opening this House in prayer.

Nevertheless, over the past 42 years, since the famous prayer in school cases, our Federal courts have showed increased hostility toward the acknowledgement of God in the public square. But as we heard yesterday before the Judiciary subcommittee, Congress can finally do something about it.

The Constitution Restoration Act simply put, Mr. Speaker, would use article III powers to deny the Federal courts jurisdiction over any case where the action is brought because a public official simply acknowledges God.

Let us restore that basic freedom of religion in the public square, the acknowledgment of God that our founders so cherished and enshrined in this institution. The freedom of religion must never become the freedom from religion. Let us pass the Constitution Restoration Act in this Congress.

AMERICA NEEDS A LEADERSHIP TRANSPLANT

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, among all the chaos and the economy and Iraq, the administration is bellowing these days about tort reform. It is the solution to a national health care crisis, they shout. That is the closest thing to a perpetual motion machine and just as phony.

Tort reform is a smoke screen by the administration to cover its own failure to do anything about the health care crisis. The administration squandered 4 years and did nothing on premiums, slamming Americans with double-digit increases year after year. Americans cannot find decent jobs. That is why millions do not have health care. Millions of other Americans with jobs cannot afford the premiums.

But the administration has to cover its tracks, so they launch a diversion against the lawyers, and they are blaming the other guy because JOHN KERRY actually has a health care plan.

The President has a plan. It is called more of the same; 4 more years of record profits for special interests; 4 more years of skyrocketing costs for the average American; 4 more years of failure; and a 17 percent increase for seniors.

America needs a leadership transplant, and surgery is set for the 2nd of November.

□ 1015

THE 150TH ANNIVERSARY OF THE REPUBLICAN PARTY

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, this is the 150th anniversary year of the Republican Party. Over a century and a half, from the abolition of slavery to the establishment of women's suffrage, to the freeing of millions in the Soviet Empire and Afghanistan and in Iraq, the Republican Party has been the most effective political organization in the history of the world in advancing the cause of freedom.

So that all of us can learn more about the achievements of this fundamentally American institution in its 150th anniversary year, the House Republican Policy Committee has published the 2005 Republican Freedom Calendar. Each day of the year, the calendar lists an important milestone of the Republican Party's history of advancing freedom and civil rights in America.

It was on this day in 1901, 103 years ago, that America mourned the death of Republican President William McKinley, who established an impressive civil rights record. To show his support for African Americans, President McKinley defied Democrat protests to travel to Alabama and deliver an address at the Tuskegee Institute, which was founded by the celebrated African American Republican Booker T. Washington.

Mr. Speaker, the calendar is available on line at policy.house.gov.

BUSH PROPOSALS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Republicans are at it again. President Bush yesterday attacked Senator KERRY's budget plan; yet President Bush has presided over the biggest budget deficit in our Nation's history.

Now it appears all the domestic proposals President Bush listed off during his convention acceptance speech will cost $3 trillion over 10 years. That is at least $1 trillion more than the initiatives that Senator KERRY has proposed.

And despite this huge price tag, President Bush continues to deceive the American people by telling them that this can all be done without raising taxes on one single American. Over the past 4 years, we have gone from record surpluses to record deficits. It is because we have a man in the White House and leaders here in Congress who simply cannot balance a checkbook.

It is time for the President to level with the American people. He simply cannot afford all these new proposals without either raising taxes or increasing the deficit even more.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). The Chair will remind all Members that remarks in debate may not engage in personalities toward the President or the Vice President, or the acknowledged candidates for those offices.

Policies may be addressed in critical terms. But personal references of an offensive or accusatory nature are not proper.

PROVIDING FOR CONSIDERATION OF H.R. 4571, LAWSUIT ABUSE REDUCTION ACT OF 2004

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 766 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 766

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Turner of Texas or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution before us is a well-balanced, modified closed rule that provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill and provides that the bill shall be considered as read for amendment. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted and also makes in order the amendment printed in the Committee on Rules report accompanying the resolution, if offered by the gentleman from Texas (Mr. TURNER) or his designee. This amendment shall be considered as read and shall be debatable for 40 minutes equally divided and controlled by the proponent and the opponent.

Finally, this rule waives all points of order against the amendment printed in that report and provides for one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of the rule for H.R. 4571, the Lawsuit Abuse Reduction Act of 2004, as well as the underlying legislation. This bill offered by the gentleman from San Antonio, Texas (Mr. SMITH), my good friend, is carefully constructed legislation that will create a disincentive for attorneys and plaintiffs to file many of the frivolous lawsuits that currently clog our court system and act as a drain on our Nation's economy.

Just 6 months ago almost to the day, I came to the floor to manage the rule for H.R. 339, the Personal Responsibility in Food Consumption Act. Later that day the House voted overwhelmingly by a vote of 267 to 139 to require courts to dismiss frivolous lawsuits seeking damages for injuries resulting from obesity and its intended health problems that are filed against the producers and sellers of food. Through passing this legislation today, we have another opportunity to help bring our tort system back to reality by amending the Federal Rules of Civil Procedure to impose greater attorney and client accountability for pursuing other frivolous or nuisance lawsuits.

Our current tort system costs American consumers well over $200 billion a year, the equivalent of a 5 percent tax on wages. Our courts today handle cases ranging from legitimate claims to those that are highly suspect and wasteful of time and resources. Some of these examples of lawsuit abuse include a woman in Knoxville, Tennessee, who sought $125,000 in damage against McDonald's, claiming a hot pickle dropped from a hamburger, burned her chin and caused her mental injury. Her husband also sued for $15,000 for loss of consortium. Or the case of the Girl Scouts of America in metro Detroit, who have to sell 36,000 boxes of cookies each year just to pay for their liability insurance. In fact, according to a former Girl Scout from the greater Philadelphia, Pennsylvania area, frivolous litigation is making it increasingly hard for them to even sell their cookies and their local convenience stores will no longer allow these girls to set up their booths anymore for fear of liability issues.

This economic drain, created by frivolous lawsuits on American productivity, is unacceptable and prevents the American economy from being as competitive as it should be with the rest of the world.

H.R. 4571 will help to discourage the filing of frivolous lawsuits by restating several important provisions to rule 11 of the Federal Rules of Civil Procedure that were changed in 1993 and add several new deterrents against baseless claims. In short, this legislation will make rule 11 sanctions against attorneys or parties who file frivolous lawsuits mandatory rather than discretionary. It will remove rule 11 safe harbor provisions that currently allow parties and their attorneys to avoid sanctions for making frivolous claims by withdrawing them within 21 days after motions for sanctions that have been filed. It implements a "three strikes and you're out" provision that would disbar any lawyer for at least 1 year that filed three frivolous lawsuits in Federal court. It allows for rule 11 sanctions for frivolous or harassing conduct during discovery, and it allows monetary sanctions, including attorney fees and compensation against a represented party.

The Lawsuit Abuse Reduction Act also provides new protections against frivolous lawsuits such as extending rule 11 sanctions to State cases that affect interstate commerce, and reducing forum shopping by requiring that a plaintiff in a civil tort action may sue only where he or she lives or was injured or where the defendant's principal place of business is located.

A recent poll found that 83 percent of likely voters believe that there are too many lawsuits in America and 76 percent believe that lawsuit abuse results in higher prices for goods and services. Another poll found that 73 percent of Americans support requiring sanctions against attorneys who file frivolous lawsuits, just as H.R. 4571 would do.

Small businesses, the engine of job growth in our economy, rank the cost and availability of liability insurance as second only to the costs of health care as their top priority, and both problems are fueled by frivolous lawsuits. A recent report by AEI-Brookings Joint Center for Regulatory Studies has concluded: "The tort liability price tag for small businesses in America is $88 billion a year" and that "small businesses bear 68 percent of the business tort liability cost but only take in 25 percent of the business revenue." The small businesses studied in this report account for 98 percent of the total number of small businesses with employees in the United States.

Mr. Speaker, I believe it is time for Congress to listen to what the average Americans say about frivolous lawsuits. It is time for us to hear the concerns of small businessmen and -women in our communities, along with consumers, who list frivolous lawsuits as one of their greatest impediments to success.

And it is time for us to get serious about encouraging economic growth, job creation, and international competitiveness by ending the practice that keeps our economy from thriving. The choice presented by this legislation is stark and clear and will demonstrate whether we support the frivolous actions of the trial lawyer and the drain that they place on the American economy or whether we support American workers and businesses.

I encourage all of my colleagues to stand up for our economy and for consumers by supporting this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to this rule and in opposition to H.R. 4571, the so-called Frivolous Lawsuit Protection Act.

Today the Republican leadership of this body continues willful disregard for the American public. Once again we are considering legislation in the shadow of the November elections, and once again the Republican leadership is catering to big business at the expense of the public good. And once again that leadership is squandering the House's limited time with foolish, misguided special interest legislation.

This is a bill that attempts to turn back the judicial clock by over a decade; and in the process, more pressing issues and priorities are ignored. Mr. Speaker, this simply is not needed.

Yesterday the Federal Assault Weapons Ban died at the hands of the Republican leadership. President Bush, who, during his first campaign, said he saw no reason for such weapons to be on the street, indicated on more than one occasion that he would sign a new bill if the Republican-controlled Congress sent him one. But the Republican leadership refused to bring the reauthorization up for a vote. I believe they prevented a vote to protect President Bush from having to sign or veto the reauthorization of the Federal Assault Weapons Ban. Why? Because doing the bidding of the gun lobby is their priority. Apparently the Republican strategy in homeland security includes defying law enforcement by making these military-style assault weapons more available.

□ 1030

Mr. Speaker, in addition to failing to act on the Federal assault weapons ban this week, the Republican leadership has scheduled zero time, that is zero time, to consider the 9/11 Commission's recommendations. The Commission took a hard and comprehensive look at the intelligence and homeland security needs of our country. They asked Congress to do its job, to take a hard look at the way this House organizes and carries out its works, ways that potentially undercut the security of our Nation and our people. Yet, today, in this House, it is business as usual, with special interest legislation on the House floor. Six weeks have passed since the Commission's report was first issued, and we still have no firm date as to when this House will take up legislation and debate the Commission's recommendations.

Will it be before Congress breaks for elections? Will we have to wait for another September 11 anniversary to come and go before we take up the Commission's findings? Or, like today, will this body continue to waste its time on frivolous legislation?

The Republican leadership in both parties of Congress has failed to pass a budget resolution, but we are not talking about that today. And today we begin one more legislative week without a transportation bill. We certainly are not working on a bill to increase the minimum wage, even though wages are stagnant and over 4 million Americans have fallen out of the middle class into poverty since George Bush became President. In fact, the Bush administration and the Republican Congress are on track to have the worst jobs record since the Great Depression, all the way back to Herbert Hoover. The average length of unemployment is at a 10-year high, and manufacturing employment remains at a 53-year low. Yet, this House does not seem to have the time to do anything to help the millions of Americans who have lost their jobs. No extension of unemployment benefits, no help for the millions of uninsured Americans, and certainly, no effort to reduce gas prices or lower the cost of college tuition, or pass a highway bill that might create good-paying jobs.

No, Mr. Speaker, we are not taking up legislation to address these issues today.

Mr. Speaker, if the American public wants real leadership on real issues, they should not look here for help. Indeed, this body is guilty of willful neglect of America's priorities. Why do we not work on a bill to help the millions of uninsured Americans? Over 70 percent of the uninsured live in households with at least one worker, and yet we sit idly by as more and more Americans work in jobs that provide little or no health care benefits.

Instead, here we are, taking up H.R. 4571, the so-called Frivolous Lawsuit Reduction Act, a bill that does nothing to address the real problems facing working families of America, yet does so much to help the special interests who fill the campaign coffers of the majority.

Among its provisions, H.R. 4571 would turn back the clock to the pre-1993 provision of Rule 11 of the Federal Rules of Civil Procedure, provisions that were changed on the recommendation of the Judicial Conference after years of study, approved by the U.S. Supreme Court, and reviewed by Congress in accordance with the Rules Enabling Act.

What will this bill change? The supporters of H.R. 4571 contend that it would help reduce frivolous lawsuits. That is what they say. But in reality, the bill would have a terrible effect on credible claims brought by families, workers, consumers, and senior citizens.

Without many of these civil lawsuits, the following changes in consumer products would likely never have occurred: The redesign of defective baby cribs so that they no longer strangle infants; flammable children's pajamas taken off the market; the redesign of harmful medical devices; the strengthening of auto fuel systems so that they do not blow up upon impact; the addition of basic safeguards to dangerous farm machinery; and the elimination of asbestos so that workers are no longer poisoned in their workplaces.

Mr. Speaker, instead of providing more protections for the average American, the Republican leadership actually provides protections for, get this, the "Benedict Arnold corporations" who reincorporate in a foreign tax shelter only to avoid paying U.S. taxes. Specifically, this bill protects these Benedict Arnold corporations from lawsuits American citizens could file if they are injured by those corporations' products. Unbelievable. The bill limits the venue of a lawsuit against a corporate defendant to either the place the injury happened or the jurisdiction where "the defendant's principal place of business is located." If a foreign corporation does not do significant business in a place where the injury occurred, a plaintiff cannot sue a corporation headquartered outside the United States. In other words, a person injured by a defective product would be able to sue a U.S. corporation in its principal place of business, but he or she would often have no way to seek redress against a foreign corporation.

Now, the gentleman from Texas (Mr. TURNER) attempted to fix this provision. While the Republican leadership actually made the Turner amendment in order, they did so only after a provision intended to hold these Benedict

Arnold corporations accountable for their actions in the United States was removed from the amendment. The provision the Republican leadership removed from the Turner amendment defines Benedict Arnold corporations as U.S. companies that set up corporate shells in foreign countries in order to escape U.S. tax liability and other U.S. regulatory duties.

In other words, Mr. Speaker, the one proposal that was intended to protect people, not corporations, was left on the Committee on Rules floor last night. The Republican leadership does not want the American people to know that their bill puts Benedict Arnold corporations ahead of American consumers. This is just one example of the Republican leadership bending over backwards for special interests, while ignoring the real issues facing the American people. I hope my friend, the gentleman from Texas (Mr. SESSIONS), will take the time during this debate to explain to the American people why the Republican leadership continues to protect Benedict Arnold companies instead of fighting for American jobs here at home.

But, then again, today's debate is not about the real issues confronting the American people; it is all about distraction. If we waste enough time on this bill, maybe the American people will not have time to ponder the failures and the lack of action by the Republican-controlled Congress on our most pressing priorities. It is a cynical ploy, and I hope that the American people recognize it.

I urge my colleagues to reject H.R. 4571.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Republicans do listen to Democrats, and we have had a number of times where the Republican Party, the majority party, has talked about tort reforms and other issues that are important to consumers.

One of the persons that we have listened to repeatedly in this debate is perhaps one of the most successful trial lawyers who is now a United States Senator, and his name is JOHN EDWARDS. Senator EDWARDS has written in Newsweek that "lawyers who bring frivolous lawsuits should face tough mandatory sanctions with the '3-strikes' penalty." That is what Mr. EDWARDS has said. Senator EDWARDS has also said that he "believes we need a national system in place that will weed out meritless lawsuits." That is exactly what H.R. 4571 would do.

We are listening to the American people. We are listening to people who are lawyers who are engaged in the business of advocating on behalf of people who have been harmed. But sometimes those people know most about the system, as Senator JOHN EDWARDS, who knows best that we need to reform the system. That is what we are doing here today. I do appreciate the opportunity to have Senator EDWARD'S remarks that were in Newsweek magazine included today, because I think it is important for the American public to hear that.

Mr. Speaker, I yield 3 minutes to the gentleman from Bristol, Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of this rule and in support of the Lawsuit Abuse Reduction Act, and I do so because I have seen firsthand the very destructive nature that frivolous lawsuits have on our country, on our job creation, and on our health care costs.

Before coming to Congress I was in the private sector and ran a business, and every year we spent hundreds of thousands of dollars on liability insurance in an attempt to protect ourselves and our employees from frivolous lawsuits. We spent millions of dollars every year on inflated health care costs for our employees, and those suits that were filed against us were usually settled and they were usually settled in a fashion where the lawyers got millions of dollars and the plaintiffs essentially got pennies. In the end, we spent millions of dollars every single year to protect ourselves against frivolous lawsuits and to get rid of frivolous lawsuits.

Instead of spending millions of dollars on frivolous lawsuits, it would have been much more productive to spend that money on creating more jobs and lowering the health care costs for our employees. Every year frivolous lawsuits cost our economy $233 billion. That is 2.23 percent of our GDP, and it costs $109 for every single person in America.

Mr. Speaker, I do not think there are many things that we could do to give our economy a boost, to help American companies compete better in a global marketplace, than ending frivolous lawsuits. So I encourage all of my colleagues to support this rule and to support the Lawsuit Abuse Reduction Act.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Texas (Mr. SESSIONS), I am happy to yield to him 30 seconds to answer the question that I asked in my opening statement and that is, why did you remove this section of the Turner amendment that held Benedict Arnold corporations accountable? Why do you feel that we need to protect companies who purposely open up P.O. Boxes in Bermuda so that they can escape paying U.S. taxes? Even if you support paying Benedict Arnold corporations, why can we not have at least an up or down vote on an amendment so that the House can decide?

I am happy to yield to the gentleman 30 seconds so that he can clarify that for me.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding, and I am pleased to respond. First of all, I would like to say that the gentleman from Texas (Mr. TURNER) requested its removal.

Secondly, I would like to say that the provision actually allows a covered company under this provision that they have the absolute right not only to remove their case to Federal court, but they can remove the case to any Federal court in the country that they would like, and that they can pick the Federal court if they have one, wherever the Federal court is, and have the case there; whereas our bill prevents unfair forum shopping by making sure that cases are actually brought in States that actually have a connection to the case.

As the gentleman may be aware, there are abuses that take place all across this country, including in Illinois and Mississippi, where there are cases that are accepted by courts where no one actually even lives in those jurisdictions.

I thank the gentleman for asking for a response.

Mr. MCGOVERN. Mr. Speaker, reclaiming my time, I appreciate the gentleman's response, but it really did not answer my question, and I yield myself such time as I may consume.

The bottom line is the gentleman from Texas (Mr. TURNER) decided not to pursue his amendment only after he was told by the leadership of this House that he could not have the language he wanted, and the companies that we are talking about here, these Benedict Arnold companies, are not in individual States, they are in places like Bermuda.

I just think it is outrageous that these companies that really skirt U.S. tax law, and I think are not the kind of corporations that deserve to be protected, are in fact protected in this bill, and I think it is wrong.

Mr. Speaker, I would like to insert in the RECORD the complete text of the amendment that the gentleman from Texas (Mr. TURNER) wanted to offer and was told that he could not offer because I think it is instructive for the American people to at least have on record what he tried to do.

SEC. 6. ACCOUNTABILITY FOR BENEDICT ARNOLD CORPORATIONS.

(a) JURISDICTION.—In any civil action concerning an injury that was sustained in the United States and in which the defendant is a Benedict Arnold corporation, any Federal court in which such action is brought shall have jurisdiction over such defendant.

(b) SERVICE OF PROCESS.—Process in an action described in subsection (a) may be served wherever the Benedict Arnold corporation is located, has an agent, or transacts business.

(c) DEFINITIONS,—For purposes of this subsection:

(1) The term "Benedict Arnold corporation" means a foreign corporation that acquires a domestic corporation in a corporate repatriation transaction.

(2) The term "corporate repatriation transaction" means any transaction in which—

(A) a foreign corporation acquires substantially all of the properties held by a domestic corporation;

(B) shareholders of the domestic corporation, upon such acquisition, are the beneficial owners of securities in the foreign corporation that are entitled to 50 percent or more of the votes on any issue requiring shareholder approval; and

(C) the foreign corporation does not have substantial business activities (when compared to the total business activities of the corporate affiliated group) in the foreign country in which the foreign corporation is organized.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H. Res. 766, a modified, closed rule for H.R. 4571, the Lawsuit Abuse Reduction Act of 2004. This is a fair rule which provides for consideration of this important legislation and gives the minority an opportunity to offer a substitute amendment for the full House to consider.

With regard to the underlying measure, I support placing some level of accountability upon those who would otherwise unnecessarily burden our Nation's judicial system. While most tort reform measures focus primarily on the amount of damages one can collect through civil actions, little is ever said, much less done, to admonish the individuals who are the cause of the unnecessary litigation. As a matter of reason, we all agree that individuals should be given the right to seek redresses for certain grievances through civil litigation, as long as those claims are legitimate in their nature. After all, it is the responsibility of this Nation's judicial system to uphold the rights and liberties of the American citizen.

Our system of justice is flawed, however, in that it fails to incorporate checks upon those who would use it for other either malevolent means or personal gain. Under current law, for example, a lawyer who files a blatantly frivolous lawsuit in violation of Rule 11 may actually avoid punishment as long as he or she withdraws the filing within 21 days after the opposing party has filed a motion for sanctions. Judicial filings, whether legitimate or frivolous, bring cost burdens to both parties involved and the government, and these costs, most notably attorneys fees, do not evaporate once the frivolous claim has been withdrawn.

H.R. 4571, however, corrects these shortcomings by imposing reasonable standards of responsibility on the legal community and preventing lawyers from circumventing Rule 11. Most importantly, this legislation sends out a clear message that our judicial system was intended to protect the rights of the aggrieved, not to provide wealth to those who would profit from the aggrieved. As such, I am hopeful that my colleagues will join me in support of this bill.

□ 1045

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to reject H.R. 4571, and I ask that they support the substitute that will be offered by the gentleman from Texas (Mr. TURNER).

The Turner substitute is a stronger bill and addresses the real needs of the American public. The Turner substitute respects all Americans by setting up other three strikes and you are out systems while protecting civil rights lawsuits. The Turner substitute also prevents corporate wrongdoers from sealing their activities in court records. And the Turner substitute requires States to put into action a system to speed up the trial process and eliminate junk lawsuits.

Let me again state for the record, Mr. Speaker, that it is frustrating and it is mind boggling to me that the Republican leadership insists that the Turner substitute not include language that would hold Benedict Arnold corporations accountable. What is the deal?

Why does the Republican leadership not only on this bill but on so many other bills in which we try to hold these companies accountable insist on bending over backwards to protect them. These are companies that purposefully set up P.O. Boxes in places like Bermuda to avoid paying U.S. taxes. There is no citizen in this country that can do that. But these corporations that make millions and millions, if not billions of dollars get to do that, get to take advantage of all the benefits of this country, but do not have to pay U.S. taxes and here they are being protect from lawsuits if in fact they produce a damaging product.

It is wrong. It is outrageous. This should not be happening, and I would again just say that it is sad that we are at this point.

Mr. Speaker, I would urge the adoption again of the Turner substitute and the rejection of this ill-conceived, ill-advised bill, and I would urge my colleagues to vote no on H.R. 4571.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, as I had stated, this is balanced legislation that is important to consumers. It is important to judges who sit to make themselves ready for those lawsuits that are necessary to make wise decisions on. But frivolous lawsuits are clogging our courts.

Mr. Speaker, I would remind this body that we have debated numerous tort reform issues, and one which was decided as a local issue in Texas was about medical malpractice, tort reform for medical malpractice. It was passed last year. It became law in January of this year. And one of the most important health care systems in Texas, a company called Christus HealthCare Systems, has announced earlier this month that as a result of those tort reform changes in Texas, they are able to put $21 million that previously they had set aside for lawsuits, that would go right back into their hospitals, to health care, to retraining of their employees, to make their system better, to make health care work better for every single consumer, and most of all to hire more nurses which is where the shortage was in their hospital.

Tort reform issues and ideas work but so do those things like we are doing today, H.R. 4571, that says we are going to alleviate and stop frivolous lawsuits from clogging our courts. I would remind this wonderful body that the young chairman, the gentleman from San Antonio, Texas (Mr. SMITH), has worked very diligently to ensure that this is balanced legislation that was brought to the floor, as he appeared yesterday in the Committee on Rules to talk about the need for this. I think we are listening to the special interests and we admit in the Republican Party we do have a specialty interest, they are call consumers. They are called taxpayers. And those special interest people that the Republican Party represents, we will continue to do so with common sense legislation that will allow the United States Congress to speak on issues that are important.

Mr. Speaker, I encourage all of my colleagues to stand up to support not only this rule but also the underlying legislation that is good for consumers. It is good for small businesses. It is good to ensure that America's economic growth continues. And most of all, it is good for the people, like Senator EDWARDS noted, who are there on the front line in our courts who say that frivolous lawsuits must end. The United States Congress will speak today. Every single Member of this body will have a chance to make that firm decision whether we want to end frivolous lawsuits or whether we are going to allow the status quo.

I urge my fellow Members to please support this underlying legislation and we will make a strong statements on behalf of consumers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the rule issued by the Committee on Rules for H.R. 4571, the Lawsuit Abuse Reduction Act of 2004.

As I mentioned during the Committee on the Judiciary's oversight hearing on this legislation and reiterated in my statement for the markup, one of the main functions of that body's oversight is to analyze potentially negative impact against the benefits that a legal process or piece of legislation will have on those affected. The base bill before the House today does not represent the product of careful analysis and therefore, it is critical that Members be given the ability to offer amendments to improve its provisions.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act, the oversight functions of the Judiciary Committee allowed us to craft a bill that will protect those affected from negative impacts of the shield from liability that it proposes. This legislation requires an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting State laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that State governments are closer to the people and better able to assess local needs and desires. National uniformity is also an important consideration in federalism—Congress's exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure (FRCP) that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the rule, and (3) the rule would be extended to State cases affecting interstate commerce so that if a State judge decides that a case affects interstate commerce, he or she must apply rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying rule 11 sanctions. Furthermore, it infringes States' rights by forcing State courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent-fee basis. Because the application of rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and noneconomic transactions in order to enjoy economic benefits in this country.

This is a bad rule that will have terrible implications on our legislative branch, and I ask that my colleagues defeat the rule, defeat the bill, and support the substitute offered by Mr. TURNER. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation of corporate fraud.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. OSE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded voted or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

NONPROFIT ATHLETIC ORGANIZATION PROTECTION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3369) to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices.

The Clerk read as follows:

H.R. 3369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonprofit Athletic Organization Protection Act of 2003".

SEC. 2. DEFINITIONS.

In this Act:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSS.—The term "noneconomic loss" means any loss resulting from physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) NONPROFIT ATHLETIC ORGANIZATION.—The term "nonprofit athletic organization" means a nonprofit organization that has as one of its primary functions the adoption of rules for sanctioned or approved athletic competitions and practices. The term includes the employees, agents, and volunteers of such organization, provided such individuals are acting within the scope of their duties with the nonprofit athletic organization.

(6) STATE.—The term "State" includes the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 3. LIMITATION ON LIABILITY FOR NONPROFIT ATHLETIC ORGANIZATIONS.

(a) LIABILITY PROTECTION FOR NONPROFIT ATHLETIC ORGANIZATIONS.—Except as provided in subsections (b) and (c), a nonprofit athletic organization shall not be liable for harm caused by an act or omission of the nonprofit athletic organization in the adoption of rules for sanctioned or approved athletic competitions or practices if—

(1) the nonprofit athletic organization was acting within the scope of the organization's duties at the time of the adoption of the rules at issue;

(2) the nonprofit athletic organization was, if required, properly licensed, certified, or authorized by the appropriate authorities for the competition or practice in the State in which the harm occurred or where the competition or practice was undertaken; and

(3) the harm was not caused by willful or criminal misconduct, gross negligence, or reckless misconduct on the part of the nonprofit athletic organization.

(b) RESPONSIBILITY OF EMPLOYEES, AGENTS, AND VOLUNTEERS TO NONPROFIT ATHLETIC ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit athletic organization against any employee, agent, or volunteer of such organization.

(c) EXCEPTIONS TO NONPROFIT ATHLETIC ORGANIZATION LIABILITY PROTECTION.—If the laws of a State limit nonprofit athletic organization liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit athletic organization to adhere to risk management procedures, including mandatory training of its employees, agents, or volunteers.

(2) A State law that makes the nonprofit athletic organization liable for the acts or omissions of its employees, agents, and volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

SEC. 4. PREEMPTION.

This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to the rule-making activities of nonprofit athletic organizations.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a nonprofit athletic organization that is filed on or after the effective date of this Act but only if the harm that is the subject of the claim or the conduct that caused the harm occurred on or after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3369.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to join me in voting for H.R. 3369, the Nonprofit Athletic Organization Protection Act of 2003. I would like to thank the bill's sponsor, the gentleman from Indiana (Mr. SOUDER) for bringing attention to this issue and offering this legislation.

Volunteer athletic organizations play an important role in the lives of children and communities throughout the country. Rulemaking bodies that set standards and uniform rules for sports play a vital role in facilitating a broad range of athletic competition. Nonprofit rulemaking bodies, such as Little League baseball or Pop Warner football, rely on the expertise of volunteers to establish rules for athletic competition and training that promote sportsmanship, preserve sports traditions, ensure fair and competitive play, and minimize risk to participants.

As we know, almost all athletic competition carries risks to those who participate, and accidents do occur when young men and women are flying about on fields and courts and rinks. But rulemaking is a predictive endeavor, and rulemakers do not have the advantage of 20-20 hindsight when they make rules for competition. Unfortunately, no rule book can prevent injuries from occurring in the games that we play and love.

What we also know after multiple lawsuits is that when those accidents occur sometimes the very nonprofit athletic organizations that seek to minimize risk to athletes have become the targets of costly, protracted, and often frivolous litigation based on harm that occurs in the course of a sporting event. Over the last several years nonprofit athletic organizations have been subject to mounting legal assault.

Egregious examples are all too common. One Little League organization chose to avoid the threat of massive damages by settling a claim by a parent who was hit by a ball her own child failed to catch. In another example, lawyers for a youth who suffered an injury in a volunteer sponsored and supervised Boy Scout game of touch football filed a multimillion dollar lawsuit against the adult supervisors and the Boy Scouts of America.

The explosion in the number of lawsuits against volunteer athletic organizations has had a corresponding impact on the price of insurance premiums these organizations are required to carry. According to the National High School Federation, for example, liability insurance rates for high school athletic organizations have spiked 300 percent over the last 3 years.

In the short term, these increases divert resources from safety programs and equipment that reduce the risk of these injuries to athletes. If this trend continues to escalate, rulemaking authorities may be driven out of existence.

H.R. 3369, the Nonprofit Athletic Organization Protection Act, would stem the growing tide of lawsuits against the range of nonprofit youth and high school athletic rulemaking bodies for rules that govern competition on the field. The legislation merely protects nonprofit athletic organizations from legal assault if harm was not caused by that organization's misconduct.

Critically, this legislation would effect only a limited category of claims against the nonprofit rulemaking organizations, and all claims for willful misconduct, gross negligence or reckless misconduct would still be actionable. Nothing in this legislation provides liability relief for a school or a school district holding a competition or for coaches or officials supervising or conducting a game.

The legislation also provides deference to States by preserving any State law that affords additional protection from liability relating to the rulemaking activities of the nonprofit athletic organization. The bill is a narrowly tailored, common sense remedy to a very serious and growing threat to volunteer athletic organizations.

If we fail to act, some of these valuable organizations will close up shop. If we fail to act, youth sports and those who play them will ultimately suffer. I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask the gentleman if this is the same bill that was reported from committee, because there were other drafts floating around in the last couple of days.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the answer is yes. This bill is in the form that was reported from committee and it is also in the form that it was introduced by the gentleman from Indiana (Mr. SOUDER).

Mr. SCOTT of Virginia. Reclaiming my time, Mr. Speaker, I oppose the legislation that is drafted. H.R. 3369 provides immunity for nonprofit athletic organizations from lawsuits in the adoption of rules for sanctioned or approved athletic competitions or practices. This legislation would virtually eliminate any valid claims from being brought forth.

Specifically, the legislation does not differentiate between meritorious lawsuits and frivolous lawsuits. H.R. 3369 prohibits civil litigation of any grievance arising under the rules promulgated by the nonprofit sporting organization. It exempts the athletic organization from liability for harm caused by an act or omission of the adoption of rules for sanctioned or approved athletic competitions or practices if the organization was acting within the scope of its duties, the organization was properly licensed, certified or authorized for the competition or practice, and the harm was not caused by the organization's willful or criminal misconduct, gross negligence, or reckless misconduct.

So while lawsuits filed by parents because their child was not put on a team may rightly be dismissed, cases with legal merit such as a rule that endangers the life of a child would also be dismissed.

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In effect, this legislation would effectively bar them from their day in court, and H.R. 3369 would dramatically obstruct valid discrimination claims or other kinds of discrimination claims against such athletic organizations. Such lawsuits call attention to public safety hazards and discriminatory acts and need to be available for litigation to protect our Nation's children.

As drafted, the broad immunity H.R. 3369 extends to nonprofit organizations reaches far beyond the potential for frivolous lawsuits in our Federal judicial system. H.R. 3369 prohibits civil litigation of any grievance arising out of the rules promulgated by nonprofit organizations.

As drafted, this legislation is so broad that it would bar legitimate issues from being brought forth. Thus, such cases as discrimination, antitrust, labor, environmental and other important claims would not be allowed to go forward.

Additionally, H.R. 3369 protects the right of a nonprofit organization to sue others. If the legislation is designed to suppress unnecessary litigation altogether, how is an organization's grievance legitimate but individual complaints are not?

Written to suppress only the outlets available for individual citizens, this legislation simply overreaches. It is the height of hypocrisy to suggest that these organizations should be allowed to have their day in court while limiting the ability of individual athletes and others to hold them accountable.

Mr. Speaker, previous immunity statutes like this would immunize coaches, volunteers and board members, but the injured party, somebody injured through no fault of their own, would have recourse against the organization.

This bill leaves the injured party without any recourse at all.

There are serious problems with this legislation, so I would urge my colleagues to oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), the author of the bill.

Mr. SOUDER. Mr. Speaker, I want to thank the chairman for moving this bill. I very much appreciate his leadership in the whole area of tort reform and particularly appreciate his willingness to move this bill.

I also would like to thank the original cosponsors of the bill, the gentleman from Maryland (Mr. WYNN), the gentleman from Nebraska (Mr. OSBORNE), the gentleman from Washington (Mr. HASTINGS), the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from Colorado (Mrs. MUSGRAVE).

My colleagues have heard some of the opening debate on this, and let me say, to put this in realistic terms, in a new book by the gentleman from Illinois (Speaker HASTERT), he talks about how he injured his shoulder off-season practicing wrestling. Then he wanted to play football, and his coach and the association rules outfitted him in a shoulder pad, and he played with pain. He goes through a number of things that he and his good friend Tom Jarman did with that shoulder. Then he went through the wrestling season. Then he had surgery.

The question is and the plain truth is, under today's society, he could have sued the State of Illinois blind. He could have sued his school. He could be as outrageous as some of these other people because, in wrestling and football, occasionally people get hurt. And it does not give people the right to sue the schools and to make it hard for every other kid to play the sport.

What we have seen in this country, just recently, costs of lawsuits have gone out of control. One provider has informed us that they have gone up 300 percent; another one, 600 percent. One has dropped coverage of all high school associations and Little Leagues and Pop Warners. Three more are considering it.

Their costs are going up every year faster than they can charge assessments. One governing body that provides for 5,000 athletes, some of the elite athletes in the country, for an Olympic sport has had a 1,000 percent increase in their costs. How are they supposed to deal with this? Who pays for this?

Often, it is the taxpayer, but in this case, the taxpayers are not giving more money to the schools. So, if the Indiana State High School Athletic Association has to absorb 300, 600 percent, 1,000 percent increases in costs, they do not have anywhere to pass it. The kids pay it. They will lose certain sports that are higher risk. They have computers reduced in the schools, books reduced in the schools. Sometimes even teachers, when they retire, are not replaced. And so we have class size increase because the taxpayers are not giving the schools more money.

So what happens when they increase their rates? Something has to give. What happens when a Little League or a Pop Warner league has a 300 percent or a 600 percent or 1,000 percent increase in their costs? Where do they get their money? They get it from the kids who are playing.

If one is a mom or dad and you are working on a tight budget and you wanted your kid to play Pee Wee Football or Little League and you want to have them go and you just saw a 300 percent or 600 percent or 1,000 percent increase in the cost of playing and you do not have much money, you are not going to let them play.

In many middle class families, I know in my family, we make the judgment, boy, we have got spring soccer, fall soccer, summer, winter, indoor, okay, you know, you start taking double, triple costs on these type of things, even middle- and upper-income families are going to restrict the amount.

At a time of rising obesity in this country, the last thing we need to do right now is shut down high school sports.

The plain truth of the matter is that some of the objections my good friend from Virginia raised, we have been trying to negotiate. We offered amendments. They said that they still would not support the bill. Then they came up with this last one on physical injury, because the bill does not even relate to other things other than physical injury. But we said, Okay, we will put them in, even though they are extraneous. If you are worried about them, we have protections about State laws. We have protection on civil rights laws, but if you want to put that in, we will put it in.

Then they went physical injury. What is a pitcher supposed to do in Little League? Unless you can throw it straight over the plate, you are not allowed to pitch or the umpire is going to be held liable. The coach is going to be held liable. The association is going to be held liable.

In football, when a linebacker's coming up, does he have to say, Excuse me, brace yourself, I am going to hit you at the knees, I am going to hit you in your back? In wrestling, are you supposed to say, before a take-down in the State rules, Uh-oh, I am going to go for a pin now, be ready? How does this actually work?

The way we have governing bodies is, they have to take into account the risk to the individual plus the historic purpose of the sport. They have governing bodies that change these rules every year to try to make them safer, but you know what? Sports are not always safe. If we are going to have these ridiculous suits that go for millions of dollars, nobody's doing physical damages, hospital costs. This is for nonrelated to physical costs. If this is what we are going to do in our society, what we are going to have is silly sports or no sports, and everybody's going to be playing Frisbee unless the Frisbee hits somebody in the head, and then there will be a lawsuit off that, too.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman has made all these statements that somebody can sue, somebody can sue, somebody can sue. What he has not related is anyone who has filed suit and actually recovered a judgment.

I would like to introduce for the RECORD at this point a letter from the Leadership Conference on Civil Rights which outlines several civil rights claims that would be barred by this legislation.

SEPTEMBER 13, 2004.

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights

(LCCR), the nation's oldest, largest, and most diverse civil rights coalition representing people of color, women, children, older Americans, persons with disabilities, gays and lesbians, major religious organizations, labor unions, and civil and human rights groups, we urge you to vote against H.R. 3369, the "Nonprofit Athletic Organization Protection Act of 2003." If enacted, this bill could set a dangerous precedent for the enforcement of civil rights laws generally and could specifically allow nonprofit athletic organizations to evade civil rights laws and unlawfully discriminate on the basis of race, sex, disability, or other characteristics protected by federal and/or state law.

While the preamble suggests that the bill's intent is to protect nonprofit athletic organizations from liability arising from claims of ordinary negligence relating to the adoption of rules for competitions/practices, the actual text of the bill is much broader and creates the risk that such organizations could evade their obligations under laws unrelated to negligence, such as federal and state civil rights laws. More specifically, the bill provides that "a nonprofit athletic organization [which includes the employees, agents, and volunteers of such organization] shall not be liable for harm caused by an act or omission of the . . . organization in the adoption of rules for sanction or approved athletic competitions or practices. . . . This language creates the risk of eliminating valid discrimination claims such as those found in the following cases:

In Cureton v. NCAA, a class action lawsuit filed by African-American student athletes challenged the National Collegiate Athletic Association's rule requiring all potential student-athletes to achieve a minimum score on the SAT or the ACT as having a disparate impact on African-American students, in violation of Title VI of the Civil Rights Act of 1964. Early on, the Educational Testing Services (ETS), which designed the SAT, criticized the NCAA's then-proposed use of a fixed cut-off score and warned that such a rule would have such a disproportionate impact, and it did. But only in the face of a lawsuit did the NCAA change its rule so that student athletes could be eligible for Division I schools on the basis of their grades, not just their test scores.

In Michigan High School Athletic Association v. Communities for Equity, federal district and appellate courts in the Sixth Circuit have ruled that the state high school athletic association's practice of scheduling six girls' sports, and no boys' sports, in nontraditional and/or disadvantageous seasons discriminated against female athletes in violation of Title IX of the Education Amendments of 1972 and the U.S. Constitution. The court found that the association's scheduling decisions harmed girls by limiting their opportunities for athletic scholarships and collegiate recruitment, limiting their opportunities to play in club or Olympic development programs, and causing them to miss opportunities for awards and recognition.

In PGA Tour, Inc. v. Martin, the U.S. Supreme Court ruled that the Americans with Disabilities Act requires the PGA Tour to allow professional golfer Casey Martin, who suffers from a circulatory disorder making it painful to walk long distances, to ride in a golf cart between shots at Tour events. The nonprofit PGA had ruled that walking the course in an integral part of golf, and Martin would gain an unfair advantage using the cart. In a 7–2 decision, the Supreme Court decided that the PGA could not deny Martin equal access to its tours on the basis of his disability.

In addition, H.R. 3369 allows nonprofit athletic organizations to sue, but not be sued. It is the height of hypocrisy to suggest that these organizations should be allowed to have their day in court while limiting the ability of individual athletes and others to hold them accountable.

Finally, the bill preempts state law that provides less liability protection to nonprofit athletic organizations but not state law that gives additional protection to nonprofit athletic organizations. There is no need for Congress to preempt state law at all. If states want to protect certain state athletic organizations, they can do so right now without any action by Congress.

While we understand that those who oppose this bill might be accused of fueling litigation, we urge you to consider the risk that this bill could be used to exempt nonprofit athletic organizations, which exercise control over the lives of student-athletes, coaches, and many others, from treating these individuals fairly and in accordance with our nation's civil rights laws. Moreover, this bill would create additional litigation regarding who is covered by the bill and what types of claims it precludes.

LCCR strongly urges you to oppose the "Nonprofit Athletic Organization Protection Act of 2003." If you have any questions, or would like additional information, please contact Nancy Zirkin at 202/263–2880, or Julie Fernandes, Senior Policy Analyst, at 202/263–2856.

Thank you in advance for your support.

Sincerely,

WADE HENDERSON,
Executive Director.
NANCY ZIRKIN,
Deputy Director.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the chairman for the time.

The increased cost of insuring youth athletic leagues is of great concern to me and the constituents of the Seventh Congressional District of Virginia. Millions of youngsters around the country participate in soccer, football, baseball, basketball, lacrosse and other sports. They learn discipline and teamwork, and most importantly, they have fun.

As a parent of three, I have spent countless hours on the football, soccer, lacrosse fields and other athletic facilities watching my children compete and grow from their athletic experience. It is something that I am very concerned about.

As has been said, we are now facing a very real prospect of a chilling of the desire for parents to form athletic associations to give their children an opportunity to compete on the athletic field. This bill takes on the prospects of this chilling.

It addresses the fact that there is increasing costs playing sports in a voluntary way, cost-prohibitive for American families. That is why I am here.

I thank the gentleman from Indiana for his sponsorship of this important legislation. I urge its passage and return to common sense so that we can see our children continue to play on the fields.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for the time, and I not only stand here as a mother of two who spent many countless hours in soccer and Little League and a variety of other sports, basketball and others, I agree with my colleagues who express their concern for the validity and support of these nonprofit athletic organizations.

But I also say that we are going at our concern in the wrong manner and wrong-headed way.

All of us enjoy the mementos and the various awards that our young people get in the playing of competitive voluntary sports as children, but the problem with this legislation, H.R. 3369, frankly, is that it does not differentiate between meritorious lawsuits and frivolous claims. It allows the organizations to sue but not to be sued and, thereby, I think, finds us in a very bad dilemma.

There are a number of suits involving civil rights, discrimination, disabled issues, disabled Americans that would not have gotten the attention if we had not allowed them to sue these various organizations.

In the Cureton v. NCAA, a class of African American student athletes challenged the National Collegiate Athletic Association's rule regarding national testing. They deserve their day in court.

The PGA Tour, Inc., v. Martin was a case dealing with the Americans with Disabilities Act which would suggest that the organization was antiquated in its understanding of the rights of disabled Americans.

Why would my colleagues deny these rights? And why would they deny the rights of Americans to provide themselves with some sort of relief?

I believe this legislation preempts State law unnecessarily. If States want to protect certain State athletic organizations, they can do so right now without any action by Congress. They can do so right now.

Unfortunately, H.R. 3369 does not just preempt State law. It preempts State law that gives more protections to athletes and leaves in place States that give additional liability protections to nonprofit athletic organizations.

I believe that this bill goes too far in the desire that we have, which is to make sure that we have a free or an open playing field, if you will, for our young people of America to develop their character skills, their leadership skills and their athletic ability.

Why are we interfering? I believe that we can look at the record and find a number of lawsuits did not generate into judgment, and so we understand that frivolous lawsuits are taken care of by the legal system, the judicial system that we put in place. Why are we putting our heavy hand to deny those parents and students and players on the field, those young people and others, the opportunity to engage when their rights have been deprived?

I would ask my colleagues to, one, appreciate the desire of my good friend the gentleman from Indiana (Mr. SOUDER) on this bill but recognize that laws are already in place to protect these nonprofit athletic organizations, and I ask them to reject this legislation at this time.

Mr. Speaker, I rise in opposition of this legislation, H.R. 3369, the "Nonprofit Athletic Organization Protection Act." This bill provides immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices. As a member of the House Judiciary Committee, many of my colleagues have reservations about the broad sweep of immunity that this bill will give to certain organizations and eliminate valid discrimination claims.

H.R. 3369 would provide immunity for any act or omission of a nonprofit athletic organization and its employees in the adoption of rules for sanctioned or approved athletic competitions or practices. This broad sweep of immunity would virtually eliminate valid discrimination claims such as those found in the following cases:

In Cureton v. NCAA, a class of African-American student-athletes challenged the National Collegiate Athletic Association's rule requiring all potential student-athletes to achieve a minimum score on the SAT or the ACT. Early on, the Educational Testing Services (ETS), which designed the SAT, criticized the NCAA's then-proposed use of a fixed cut-off score and warned such a rule would have a disproportionate impact on African-American students. It did in fact have such an impact, but the NCAA did not change its rule. Only when this class brought a civil action did the NCAA change its rule so that student athletes could be eligible for Division I schools on the basis of their grades, not just their test scores.

In PGA Tour, Inc. v. Martin, the U.S. Supreme Court ruled that the Americans with Disabilities Act requires the PGA Tour to allow professional golfer Casey Martin, who suffers from a circulatory disorder making it painful to walk long distances, to ride in a golf cart between shots at Tour events. The nonprofit PGA had ruled that walking the course is an integral part of golf, and Martin would gain an unfair advantage using the cart. In a 7–2 decision, the Supreme Court decided that the PGA could not deny Martin equal access to its tours on the basis of his disability.

Moreover, in Michigan High School Athletic Association v. Communities for Equity, a Federal district court ruled that the State's high school athletic association practice of scheduling its female teams during nontraditional seasons discriminated against female athletes. The court found that scheduling the girls' sports, but not boys' sports, during nontraditional seasons resulted in limited opportunities for athletic scholarships and collegiate recruitment, limited opportunities to play in club or Olympic development programs, and missed opportunities for awards and recognition.

H.R. 3369 allows nonprofit athletic organizations to sue, but not be sued. It is the height of hypocrisy to suggest that these organization be allowed to have their day in court while limiting the ability of individual athletes and others to hold them accountable.

There is no need for Congress to preempt State law. If States want to protect certain State athletic organizations, they can do so right not without any action by Congress. Unfortunately, H.R. 3369 doesn't just preempt State law. It preempts State law that gives more protections to athletes and leaves in places States that give additional liability protections to nonprofit athletic organizations.

I urge my colleagues to see this bill for what it really does, catering to special interests. Please join me in voting against H.R. 3369.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I rise in support of H.R. 3369.

There is no question there has been a huge increase in personal injury lawsuits targeted at rulemaking bodies in recent years, such as Pop Warner, Little League, high school athletic associations and on and on.

Sports-governing authorities' premiums have risen, as has been stated previously, from about 120 percent to about 1,000 percent. At least one known carrier has completely dropped providing general liability coverage, while three others are looking at nonrenewing all policies.

So this is a concern, and so the rulemaking bodies will be driven out of existence if they, number one, cannot afford the premium or, number two, if they just simply cannot get coverage. This would take roughly 7 million high school athletes right off the field, and I think that the good that is done by college athletics and amateur sports far outweighs what we might see in terms of lawsuits.

The legal attack against all rulemaking bodies relies on the presumption that rules should eliminate all risk in athletic competition. In 1905, the NCAA was formed to eliminate the flying wedge. Recently, in football, a person cannot block with their head. They cannot chop block; clipping; practice in sweat clothes during the early season; water breaks; spring practice rules and so on. Yet if some young man decides to go out and tackle with his head down or has a spinal injury, there is absolutely no way we can prevent that. The rules have all been written, that I know of, that would provide safety in football. So accidents will happen.

So this rule, I think, is a good one because it would allow the rulemaking bodies to be protected from frivolous lawsuits by raising the standard of liability from negligence to gross negligence. And if we do not do something like this, a great number of young people will simply be taken off the field. I do not think that is a viable alternative.

□ 1115

Mr. SCOTT of Virginia. Mr. Speaker, can you tell us how much time remains on both sides?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Virginia (Mr. SCOTT) has 12½ minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 7½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the Nonprofit Athletic Organization Protection Act before us today I believe sets a very dangerous civil rights precedent. I take this personally, because I raised four, now grown, children, and each and every one of them was an athlete, from competitive skater to All American football player, and I cannot imagine what our family would have been like if they had not been able to use their energy in sports. I cannot imagine the learning experience they would have missed if they had been faced with some unfair practice or decision that I could not challenge if that would have kept them out of athletics.

So I think what we are setting up here is the possibility of unfair practices and policies when I do not believe there is a need. This bill attempts to protect nonprofit athletic organizations from liability arising from claims of negligence, but I believe it could do more than that. What I believe it does is protect organizations from actual legitimate lawsuits.

What position does this put a parent in, when and if their daughter is told she cannot play soccer because she is not a boy? What does a parent do when their handicapped child is told they cannot be on a golf team because they cannot walk the course, but they could certainly get around the course in a wheelchair?

While my children are now grown, they join me in wanting to have their children have every opportunity to play any sport. They know the value of their experience and they want all children, every child in this country, to have the same experiences that they had.

Mr. Speaker, this legislation will prevent athletes from fighting for their rights to play, and that is just plain wrong. I urge my colleagues to oppose H.R. 3369.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, the bill relates specifically to harm on the athletic field. We offered the Democrats this amendment, and they still opposed the bill.

Mr. Speaker, every single State high school athletic association supports this bill. So Members of Congress, if we have a recorded vote on this, need to know their high school association is already on record, including California, including Virginia, including Texas, every single State high school athletic association supports this bill.

Mr. Speaker, I will insert the list of these State associations into the RECORD.

NATIONAL FEDERATION OF STATE
HIGH SCHOOL ASSOCIATIONS,
Indianapolis, IN, September 10, 2004.

DEAR MEMBER OF CONGRESS: On behalf of the National Federation of State High School Associations (NFHS), I am writing to voice our strong support for the "Nonprofit Athletic Organization Protection Act of 2003", H.R. 3369, and urge you to vote for this legislation when it reaches the House floor. On September 8, the Judiciary Committee voted to support moving this bill forward and we understand it will reach the House floor soon.

The National Federation of State High School Associations, a non-profit organization that administers education-based athletic competitions, has been the target of liability claims alleging negligence due to the passage or adoption of rules for sanctioned or approved competitions. These allegations have resulted in an increase in the number of liability claims against this organization. The claims are beginning to have a detrimental financial impact on the NFHS and could affect our ability to continue to provide services to the nation's 20,000 high schools.

While these claims are believed to be without merit, the cost of defending claims and the uncertainty of judicial proceedings have caused significant financial challenges. It is possible we will need to reconsider providing such rules or guidelines in the future. This may also be true of other amateur sports rule makers. Without this legislation, we expect this will continue to deteriorate and will further jeopardize non-profit organizations that administer athletic competition and publish rules.

For education-based athletics to continue in America, nonprofit athletic organizations must have the ability to make rules without the constant threat of litigation.

Earlier this summer, the Federation adopted a resolution supporting H.R. 3369. A list of each state association supporting this legislation is attached.

Sincerely,

ROBERT KANABY,
Executive Director.

STATE HIGH SCHOOL ATHLETIC ASSOCIATIONS SUPPORTING H.R. 3369—THE NON PROFIT ATHLETIC ASSOCIATION PROTECTION ACT

- Alabama High School Athletic Association
- Alaska School Activities Association
- Arizona Interscholastic Association
- Arkansas Activities Association
- California Interscholastic Federation
- Colorado High School Activities Association
- Connecticut Interscholastic Athletic Conference
- Delaware Secondary School Association
- District of Columbia Interscholastic Athletic Association
- Florida High School Activities Association
- Georgia High School Association
- Hawaii High School Athletic Association
- Idaho High School Activities Association
- Illinois High School Association
- Indiana High School Athletic Association
- Iowa High School Athletic Association
- Kansas High Activities Association
- Kentucky High School Athletic Association
- Louisiana High School Athletic Association
- Maine Principals' Association
- Maryland Public Secondary Schools Athletic Association
- Massachusetts Interscholastic Athletic Association
- Michigan High School Athletic Association
- Minnesota State High School League
- Mississippi High School Activities Association
- Missouri High School Activities Association
- Montana High School Association
- Nebraska School Activities Association
- Nevada Interscholastic Activities Association
- New Hampshire Interscholastic Athletic Association
- New Jersey State Interscholastic Athletic Association
- New Mexico Activities Association
- New York State Public High School Athletic Association
- North Carolina High School Athletic Association
- North Dakota High School Activities Association
- Ohio High School Athletic Association
- Oklahoma Secondary School Activities Association
- Oregon School Activities Association
- Pennsylvania Interscholastic Athletic Association
- Rhode Island Interscholastic League
- South Carolina High School League
- South Dakota High School Activities Association
- Tennessee Secondary School Athletic Association
- Texas University Interscholastic League
- Utah High School Activities Association
- Vermont Principals' Association
- Virginia High School League
- Washington Interscholastic Activities Association
- West Virginia Secondary School Activities Commission
- Wisconsin Interscholastic Athletic Association
- Wyoming High School Activities Association

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume, and I would point out to the gentleman from Indiana that I would assume that anyone who has been immunized from liability would support the legislation. I would like to see a list of people who have been injured by negligence, victims of discrimination, victims of violations of labor law. Let us get some of those to see what they think about it.

Mr. Speaker, as I said, we have immunized the volunteers, so in terms of running the organization, the volunteers have been immunized. A lot of places do not have problems with insurance. This mandates there is a blanket for everybody, State, local, everybody else, whether there are insurance problems or not.

We hear so much from the other side about States rights. Well, here we are, whether there is a problem in the State or not, here we come with a Federal mandate changing all their tort laws. Whether or not you disagree or agree with the Americans for Disabilities Act, or whether you agree or disagree with civil rights laws or labor laws, people ought to have the right to bring these cases in appropriate circumstances. Otherwise, the agency has no responsibility in any of these areas.

Now, accidents happen. We are not talking about accidents. What we are talking about is when an organization violates good common sense and someone is injured as a direct result of negligence. Should there be a recourse? Who should be responsible for the damage? If there is insurance, if you can get insurance, then certainly you should not immunize everybody. This can be done on a State-by-State basis. If Indiana cannot get insurance, then maybe Indiana can deal with that the best way Indiana feels Indiana can deal with it. If Virginia wants to deal with it in a different way, they can deal with it in a different way based on the availability of insurance.

But, Mr. Speaker, this bill goes too far. It immunizes more than is needed and it immunizes more causes of action. Now, the gentleman has talked about what kinds of negotiations were going back and forth. That is true. But we are not talking about the negotiations, we are talking about what is in the bill. The fact is, because of what is in the bill discrimination cases are thrown out; because of the bill, labor disputes are thrown out; all kinds of Americans with disabilities and everything else are thrown out because of the legislation. It is clearly overbroad and should be defeated.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

With all due respect, Mr. Speaker, I believe the arguments advanced by the gentleman from Virginia are wrong. This bill defines a nonprofit athletic organization as one whose primary function is "the adoption of rules for sanctioned or approved athletic competitions and practices." And the bill only provides liability protection for an act or omission in the adoption of rules for such competitions and practices.

This language is very clear, and it should be interpreted only to deal with on-the-field rules that govern such competitions and the injuries that arise from them. It does not cover civil rights cases alleging discrimination or other off-the-field harms.

Now, I am a little bit puzzled about these objections coming up at this late date. This bill went through the regular committee process. There was a full committee hearing on July 20 and a full committee markup on September 8. The bill was open for amendment at the markup, and had the gentleman from Virginia or anybody else on either side of the aisle been concerned about the aspect that has been complained about, they had the opportunity to offer an amendment and to have the amendment voted on. They chose not to do so.

I do not think that the amendment would have been necessary, because what this bill does is it says that if a State athletic association, like the Wisconsin Interscholastic Athletic Association, decides to adopt a rule for competition that means that everybody who competes in a sanctioned high school competition has to have a certain piece of equipment on, they cannot be sued merely for adopting that rule if the equipment failed. That is what the protection is all about.

Now, if this bill goes down, with the huge increases in insurance premiums that have been recounted by many of the Members here, one of two things is going to happen. One is that there will be an increase in premiums that are passed on to the schools involved, both public schools and private schools; or, alternatively, if there is no coverage that is available, then the State athletic association or the Little League governing bodies or the Pop Warner governing body will simply cease to exist and there will not be any rules that are adopted that are designed to protect athletes from injury to the greatest extent humanly possible.

This is a good bill. This is a narrow bill. It should be passed.

Mr. UDALL of Colorado. Mr. Speaker, I think this bill is well-intentioned but I must reluctantly oppose it because I think it goes further than it should and because the House will have no opportunity to consider amendments that would narrow its scope.

As it stands, the bill would not only prevent lawsuits related to personal injuries, but also evidently would apply to complains that rules adopted by these organizations unfairly discriminate against women or otherwise violate civil rights protected by the constitution or by federal laws.

That this is a real possibility is made clear by the Judiciary Committee's report, which notes that "To further clarify that this legislation only applies to a limited category of claims that arise out of activities on the field in sanctioned athletic competitions, an amendment may be added to this legislation before House floor action to further clarify that the liability relief is not intended to apply to civil rights and discrimination cases that challenge eligibility rules set by such organizations."

Unfortunately, no such clarifying change was included—and now the bill is being considered under a procedure that prevents the House from considering any amendment.

I also am concerned that the bill as it stands might also inadvertently protect individuals who could potentially harm children. During the Judiciary Committee markup, Representative LOFGREN remarked that if a poor hiring rule was in place that did not screen out pedophiles, parents would be barred from suing the athletic association regarding that rule. Here again I think it would have been better for the House to be able to at least consider an amendment to address this point.

Because of these problems, and because the only choice before us is to approve or disapprove the bill as it stands, I will vote against this measure in the hope that it can be reconsidered under a procedure that permits more extensive debate and consideration of amendments.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3369.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GOOD SAMARITAN VOLUNTEER FIREFIGHTER ASSISTANCE ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1787) to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies, as amended.

The Clerk read as follows:

H.R. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Good Samaritan Volunteer Firefighter Assistance Act of 2004".

SEC. 2. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death proximately caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission proximately causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that notwithstanding subsection (b) this Act shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term "person" includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term "fire control or fire rescue equipment" includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term "volunteer fire company" means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This Act applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 3. STATE-BY-STATE REVIEW OF DONATION OF FIREFIGHTER EQUIPMENT.

(a) IN GENERAL.—The Attorney General of the United States shall conduct a State-by-State review of the donation of firefighter equipment to volunteer firefighter companies during the 5-year period ending on the date of the enactment of this Act.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General of the United States shall publish and submit to the Congress a report on the results of the review conducted under subsection (a). The report shall include, for each State, the most effective way to fund firefighter companies, whether first responder funding is sufficient to respond to the Nation's needs, and the best method to ensure that the equipment donated to volunteer firefighter companies is in usable condition.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1787, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume. I rise today to urge my colleagues to vote for H.R. 1787, the Good Samaritan Volunteer Firefighter Assistance Act of 2004. I would like to thank the sponsor of the bill, the gentleman from Delaware (Mr. CASTLE), for bringing attention to an important issue.

This straightforward, narrowly tailored legislation deserves our support, as do the volunteer firefighters who stand to benefit from its passage. The purpose of the bill is simple and clear: To encourage increased donation of surplus firefighting equipment to volunteer firefighting units by removing civil liability barriers that currently cause some corporation, individuals, and professional firefighting entities that destroy or mothball surplus or used equipment rather than to donate it.

The Committee on the Judiciary had a hearing on H.R. 1787 on July 20, 2004, at which Chief Philip Stittleburg of the National Volunteer Fire Council testified in favor of the bill. According to the testimony received by the committee, volunteer fire departments account for 75 percent of all the Nation's firefighters and represent a cost savings estimated to be as much as $37 billion annually, which taxpayers would otherwise have to spend if those services that volunteers provide had to be replaced with full-time paid professional firefighters.

Many of these volunteer departments are in rural areas, with fewer resources, and face a constant struggle to provide their members with adequate equipment to protect local communities. Volunteer fire departments have traditionally benefited from the donation of surplus or used equipment when professional fire departments or firefighting units of private enterprises upgrade or replace their own equipment. Surplus equipment may include hoses, oxygen masks, protective clothing or even fire trucks. However, today, some of this needed, usable, and safe equipment is being destroyed or put in storage by the better-equipped fire units instead of being donated to the volunteer departments.

Many times donations never occur because of the fear of legal liability exposure if such equipment were ever to fail, even through no fault of the donor. The legislation before us would remove both the fear and reality of such liability for potential donors of fire safety or fire rescue equipment to volunteer departments.

The bill before us is a good, commonsense idea, but not an entirely original one. Ten States have already passed versions of this legislation at the State level. Texas, most notably, passed a law 7 years ago granting liability relief to donors of firefighting equipment that have resulted in approximately $13 million worth of donations to over a thousand volunteer departments since 1997. However, volunteer firefighter advocates do not have the resources to wage legislative campaigns in the remaining 40 States.

At a time when the Federal Government is more involved than ever in funding local first responders, Congress has the responsibility to do whatever it can to help volunteer firefighters get better equipment at zero taxpayer cost. What the bill does is simply provide that a person or entity who donates fire control or rescue equipment to a volunteer department will not be liable for civil damages for damage or loss proximately caused by the equipment after donation.'

Despite some allegations by trial lawyers and other opponents, what the bill does not do is to protect the manufacturer of such equipment. It does not protect any donor whose actual mission constitutes gross negligence or intentional misconduct. Furthermore, the bill does not endanger the safety of firefighters. As Chief Stittleburg testified at the committee's hearing, fire chiefs are responsible for inspecting donated and purchased equipment alike, and no chief would allow their firefighters to answer an alarm using equipment that was not properly inspected and deemed fit for use.

Given a choice between no equipment and donated equipment that they inspect before using, volunteer fire departments are clearly in favor of the latter. And given a choice between believing trial lawyers versus volunteer firefighters about the need for use and safety of donated equipment, I will choose the latter.

□ 1130

Mr. Speaker, today we have an opportunity to provide some limited, commonsense relief to Good Samaritan donors of needed equipment to Members' own local fire departments and to the communities that rely upon volunteer firefighters. I urge my colleagues to join me in supporting H.R. 1787.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this legislation. While I salute the hard work of our volunteer firefighters, it appears to me we have before us a very extreme solution to a problem that does not exist. Although H.R. 1787 is supposed to encourage donation of firefighting equipment by eliminating civil liability barriers, there are no reported cases of businesses refusing to donate equipment, nor cases of volunteer firefighting companies suing their donors. The so-called problem could be solved without congressional action.

First, we heard during our committee deliberations that a volunteer fire department could simply sign a contract waiving liability of the donors from negligence resulted from the donated firefighting equipment. This tactic would ensure that fire companies are informed and have consented to the immunity of the donor. We do not have to mandate the immunity. They can agree to it if they want or if the donor insists.

Furthermore, Mr. Speaker, this is not a Federal issue. It is a matter that can be dealt with by the States. There is nothing Federal about local volunteer fire departments. This liability issue is a State issue, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has pointed out that many States have already dealt with the issue on a State basis. Companies should not be given blanket immunity for donating fire equipment. While it may be true that most of the equipment is perfectly usable, companies should be prevented from donating obsolete equipment known to be of dubious safety. Certain equipment, like protective gear and breathing apparatus, can deteriorate over time and may not be suitable for reuse.

With all of the other pertinent issues we have before Congress, I find it problematic that we are focusing our attention and problems on something that is frankly not a problem. I urge my colleagues to reject this bill which may in fact endanger firefighters.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the author of the bill.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding. I rise in support of the legislation which I introduced, the Good Samaritan Volunteer Firefighter Assistance Act, and I find it stunning that anyone would oppose this legislation. It just never occurred to me that could happen.

The legislation removes a barrier which currently prevents some organizations from donating surplus firefighting equipment to fire departments in need. Under current law, the threat of civil liability has caused some organizations to destroy fire equipment rather than donating it to volunteer rural and other financially strapped departments.

We know that every day across the United States, firefighters respond to calls for help. We are grateful that these brave men and women work to save our lives and protect our homes and businesses. We may presume that firefighters work in departments with the latest and best firefighting and protective equipment when in reality there are an estimated 30,000 firefighters who risk their lives daily due to a lack of basic personal protective equipment.

In both rural and urban fire departments, limited budgets make it difficult to purchase more than fuel and minimum maintenance. There is rarely enough money to buy new equipment. At the same time, certain industries are constantly improving and updating their fire protection equipment to take advantage of new state-of-the-art innovation. Sometimes the surplus equipment has never been used to put out a single fire. Sadly, the threat of civil liability causes many organizations to destroy, rather than donate, millions of dollars of quality fire equipment.

Not only do volunteer fire departments provide an indispensable service, some estimates indicate that the nearly 800,000 volunteer firefighters nationwide save State and local governments $36.8 billion a year. Of the 26,000 fire departments in the United States, more than 19,000 are all volunteers and another 3,800 are mostly volunteer. While volunteering to fight fires, these same selfless individuals are asked to raise funds to pay for new equipment. Bake sales, potluck dinners, and raffles consume valuable time that could be better spent training to respond to emergencies. All this, while surplus equipment is being destroyed.

In States that have removed liability barriers, such as Texas, fire companies have received millions of dollars in quality firefighting equipment. In the 7 years of the Texas program, more than $12 million worth of firefighter equipment has been donated and given to needy departments. This includes nearly 70 emergency vehicles and more than 1,500 pieces of communications equipment. In total more than 33,000 items have been donated.

The generosity and goodwill of private entities donating surplus fire equipment to volunteer fire companies are well received by the firefighters and the communities. The donated fire equipment will undergo a safety inspection by the fire company to make sure firefighters and the public are safe.

We can help solve this problem. Congress can respond to the needs of fire companies by removing civil liability barriers. This bill accomplishes this by raising the current liability standard.

Mr. Speaker, I hope all of my colleagues will join me in supporting this bipartisan legislation to better equip our Nation's firefighters.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I understand it, the threat of civil liability causes some to think twice about donating dangerous equipment, equipment which may place our firefighters in danger. If this bill passes, they will not have to be concerned about donating dangerous equipment. I am not sure that is a good thing. I would hope that we would defeat the bill, allow the volunteer firefighters to waive liability if they see fit, but not impose this mandated waiver on everybody whether they want it or not.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the choice in this bill is either pass the bill and allow for the donation of the equipment, or do not pass the bill and no equipment is going to be donated at all because the donor does not want to be on the hook for a civil liability lawsuit merely as a result of the donation.

This bill does not immunize the manufacturer of the equipment so if the equipment was defectively manufactured, a lawsuit would still lie against that manufacturer for either product liability or negligence.

The gentleman from Virginia (Mr. SCOTT) also says, well, the way to deal with this is to defeat the bill and have every volunteer fire company sign a waiver when they receive donated equipment. Well, that means that there is going to have to be a lawyer sitting in the firehouse drafting these waiver documents. Most of the volunteer fire companies that I am familiar with in my State, and I do not think they are any different from volunteer fire companies in other States, are staffed entirely by volunteers. These are people who donate their time to deal with emergency situations. Many of the volunteer fire companies in Wisconsin also run the first responder and emergency medical technician teams, and they ought to be spending their time and efforts doing training and raising money to purchase equipment that could not be donated, rather than paying for lawyers' fees to draft up waiver of liability agreements.

I think this is a very sound bill. It is a commonsense bill. It should be passed.

Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding me this time.

I really find it amazing that anyone would come to the floor and vote against this legislation. There are nine States which have this in place at this time, and they are large States. I mentioned Texas, but there are also other large States such as Florida and California.

This is clearly something which has worked in these States. They have received contributions of communications and firefighting equipment. In most instances, it is far better equipment than what they have already. In every single case, the fire companies inspect the equipment to make sure it is safe, contrary to what the gentleman from Virginia (Mr. SCOTT) has stated regarding the safety aspects. In the research I have done, it has proven to be extremely safe.

But a lot of companies, frankly, in other States, corporations, absolutely refuse to make donations because they are worried about liability. We are simply trying to clear the way to do that. What is in the best public interest, to worry that somebody does not inspect the equipment properly, that is just not very likely to happen, or saving people's lives in firefighting, which is really what this legislation is all about.

There is no doubt the scale on this one is overwhelming in terms of doing something such as this. This protects the donor only, not the manufacturer. No one is donating dangerous equipment in this particular circumstance. There is no reason whatsoever not to support this legislation, not to support the volunteer firefighters, not to support the public who will benefit from this, not to support the use of the equipment rather than destroying the equipment because of concern about litigation and concerns such as those.

Mr. Speaker, for all these reasons, I hope when the time comes there is only one vote against this, and that is the gentleman from Virginia, and all other Members are aware of the benefits and what this legislation does.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation, H.R. 1787, the Good Samaritan Volunteer Firefighter Assistance Act of 2003, but will express the reservations that I had during the Judiciary Committee oversight and markup hearings. The purpose of this legislation—purportedly, is to ensure that an individual or entity that donates fire control or fire rescue equipment to a volunteer fire company is not held liable for State or Federal civil damages for personal injuries, property damage or loss, or death caused by the equipment after the donation.

On its face, this legislation has beneficial purpose, that is, to encourage large companies that own new or virtually new equipment to donate it to rural area fire companies or those that lack resources. This purpose is definitely consistent with America's need to support its first responders as terror threats continue to loom and cause continual rise in threat level.

However, records—or the lack of record—shows that there is currently no need for this legislation. There have been no reported cases of volunteer firefighting companies bringing suit to recover from damages caused by defective equipment. Moreover, we have no record of numbers of companies that have refused to donate their used or new fire equipment to volunteer fire companies.

This legislation preempts State law in terms of shielding donors of equipment from liability. We in Congress have a duty to uphold the Constitution, and given the lack of immediate need, it seems "frivolous" to contravene the 10th amendment and erode the rights of the individual States to handle matters relating to their local firevcompanies.

In Texas, this issue is already legislatively addressed in 1997, as it is in the States of Alabama, Arizona, Arkansas, California, Florida, Illinois, Indiana, Missouri, and South Carolina. Therefore, if we refrain from taking this unnecessary congressional action, other States will follow suit and pass similar measures to achieve positive results.

Therefore, I would have offered two amendments. I would have offered an amendment that would limit this legislation to situations where the donee has not executed a waiver of liability.

The text of the first amendment read "if the volunteer fire company waives all liability claims against the donor with respect to that equipment."

This amendment would have appropriately narrowed the scope of this legislation by specifying that a donor of fire equipment will be exempt from liability only if the donee fire company has executed a waiver of liability. Moreover, by adding this provision, "frivolous lawsuits" would be prevented with minimal congressional action and with minimal effects on the 10th amendment to the Constitution.

Additionally, this amendment would have protected both the donor and the donee by requiring a legal showing that there was acceptance as to the quality of the equipment donated in any given circumstance.

I also planned to offer an amendment that called for the State-by-State review of the amount of equipment donated to volunteer firefighter companies for 5 years after enactment of H.R. 1787. This provision would have shown the public the results of this legislation in order to reveal its effectiveness or the lack thereof. The second part of this amendment would have required the Attorney General to submit a report to Congress of the results of the State-by-State review.

The Jackson-Lee "State review" amendment would have allowed Congress to clearly analyze how our first responders benefit from this legislation against the effects it will have on the execution of State law. If the legislation fails to serve its purported purpose, the study would have clearly revealed it to Congress so that corrective measures may be taken.

The two amendments above would have helped to narrow the scope of this vague legislation as well as to even the scale for the donee firefighting corporation as well as the donor. It is critical that we protect and preserve the rights of the individual States as well, consistent with the 10th amendment to the U.S. Constitution.

Nevertheless, I ask that my colleagues support this legislation recognizing the points that I have made above.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1787, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VOLUNTEER PILOT ORGANIZATION PROTECTION ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1084) to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations, as amended.

The Clerk read as follows:

H.R. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Pilot Organization Protection Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Scores of public benefit nonprofit volunteer pilot organizations provide valuable services to communities and individuals.

(2) In calendar year 2001, nonprofit volunteer pilot organizations provided long-distance, no-cost transportation for over 30,000 people in times of special need.

(3) Such organizations are no longer able to reasonably purchase non-owned aircraft liability insurance to provide liability protection, and thus face a highly detrimental liability risk.

(4) Such organizations have supported the interests of homeland security by providing volunteer pilot services at times of national emergency.

(b) PURPOSE.—The purpose of this Act is to promote the activities of nonprofit volunteer pilot organizations flying for public benefit and to sustain the availability of the services that such organizations provide, including transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis, as well as other flights of compassion and flights for humanitarian and charitable purposes.

SEC. 3. LIABILITY PROTECTION FOR NONPROFIT VOLUNTEER PILOT ORGANIZATIONS FLYING FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as (i) and (ii), respectively;

(B) by inserting "(A)" after "(4)";

(C) by striking the period at the end and inserting "; or" and

(D) by adding at the end the following:

"(B) the harm was caused by a volunteer of a nonprofit volunteer pilot organization that flies for public benefit, while the volunteer was flying in furtherance of the purpose of the organization and was operating an aircraft for which the volunteer was properly licensed and insured."; and

(2) in subsection (c)—

(A) by inserting "(1)" before "Nothing"; and

(B) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), a nonprofit volunteer pilot organization that flies for public benefit, and the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such organization or a referring agency of such organization, shall not be liable with respect to harm caused to any person by a volunteer of such organization, while the volunteer is flying in furtherance of the purpose of the organization and is operating an aircraft for which the volunteer is properly licensed and has certified to such organization that such volunteer has in force insurance for operating such aircraft.".

SEC. 4. REPORT BY ATTORNEY GENERAL.

(a) STUDY REQUIRED.—The Attorney General shall carry out a study on the availability of insurance to nonprofit volunteer pilot organizations that fly for public benefit. In carrying out the study, the Attorney General shall make findings with respect to—

(1) whether nonprofit volunteer pilot organizations are able to obtain insurance;

(2) if no, then why;

(3) if yes, then on what terms such insurance is offered; and

(4) if the inability of nonprofit volunteer pilot organizations to obtain insurance has any impact on the associations' ability to operate.

(b) REPORT.—After completing the study, the Attorney General shall submit to Congress a report on the results of the study. The report shall include the findings of the study and any conclusions and recommendations that the Attorney General considers appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1084, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 1084, the Volunteer Pilot Organization Protection Act of 2004. I would like to thank the bill's sponsors, the gentleman from Virginia (Mr. SCHROCK), and also the other gentleman from Virginia (Mr. FORBES), for their work in bringing this legislation before us.

The bill provides limited liability relief for volunteer pilot and volunteer pilot organizations that do some of the most invaluable and unappreciated volunteer work in the Nation. The legislation is intended to promote the publicly beneficial activities of volunteer pilot organizations and their employees and members by exempting them from liability when flying volunteer missions in furtherance of the purpose of such organizations.

Volunteer pilot organizations and the pilots who fly for them are involved in a range of activities constituting what generally may be called public benefit aviation. The activities of public benefit aviation include environmental observation, wilderness rescue, delivery of medical supplies and organs, and transporting medical patients. In the area of medical patient transport alone, volunteer pilot organizations provided long-distance transportation for free to over 40,000 patients and their escorts in 2003.

Since the activities of volunteer pilot organizations are not protected from liability by the Volunteer Protection Act, they are exposed to significant liability risks leading many insurers to drop coverage for those pilots and organizations. In addition, hospitals and other medical establishments are leery of referring patients to volunteer pilot medical transport services because of their own fear of liability exposure based upon the simple act of recommendation.

The legislation limits liability exposure for volunteer pilots and organizations by bringing them within the scope of coverage of the Volunteer Protection Act. This legislation will not confer blanket immunity. Liability will still attach for gross negligence or reckless misconduct. The bill would also have an added benefit of allowing hospitals, clinics, and other organizations to refer needy patients for no-cost medical transport with less fear of their own liability exposure.

The bill is supported by a wide array of charitable organizations, including the National Association of Hospital Hospitality Houses, the Children's Organ Transplant Association, the Health and Medical Research Charities of America, the National Organization For Rare Disorders, the National Foundations For Transplant, the Independent Charities of America, the Air Care Alliance, and others.

Mr. Speaker, H.R. 1084 will end the cycle of litigation that has stifled the efforts of the brave and public-minded volunteer pilots who risk their own lives by flying patients so the patients they serve might have a chance to live. I urge support of the legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1145

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, unlike many of the others, this bill is narrowly drawn, and it is my understanding, and my colleague from Virginia, I think, can correct me if I am wrong, but the usual problem we have in this case is you have an injured party without any recourse at all.

This bill requires insurance on the part of the pilot. And so if there is negligence, the injured party does have recourse. He has recourse against the insurance policy, but he does not have recourse, in the bill, to the organization, the volunteer organization that just matched the pilot and the injured party together, so that the party, injured through ordinary negligence, would have recourse against the insurance policy covering the airplane and the pilot.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. FORBES), one of the authors of the bill.

Mr. FORBES. Mr. Speaker, several days before Christmas, the phone rang at Angel Flight, and the voice on the other end of the line said she only had 4 weeks to live. Her only hope was receiving an experimental drug treatment in San Antonio, but with a mountain of medical bills, she could not afford the flight.

A few minutes later, an urgent e-mail would go out. Responses would come back in, and within a few hours, a pilot would be located. The patient would be flown to San Antonio for treatment. And upon arrival, a car would be waiting to drive her to the hospital. She would never see a bill for any of her transportation.

Angel Flight is a nonprofit organization that offers free, long-distance transportation for medical care and removes the financial burden from patients. Its volunteer pilots are stockbrokers, realtors, private businessmen, retired Air Force pilots, commercial pilots, lawyers and doctors and others. Every year, on their free time, these pilots fly over 10,000 patients nationwide. Some pilots fly one or two mercy flights a year. Others may fly as many as 50 flights. All are flown at the pilot's expense.

Angel Flight is just one organization involved in nonprofit public-benefit flying. Last year, volunteer pilot organizations provided long-distance, no-cost transportation for over 40,000 patients and their escorts in times of special need. Other organizations flew missions ranging from environmental observation to organ transportation. Following the terrorist attacks of September 11, significant quantities of blood and blood products were transported by volunteer pilots.

In the last several years, however, in part due to the fear of litigation, yearly insurance once available for $1,000 has skyrocketed to more than $25,000 a year even though there was no evidence presented to the Judiciary Committee of any negligence committed by any of these pilots or their organizations. Not only are talented volunteers afraid of flying mercy flights for fear of being sued, most of the organization's nonflying staff cannot afford liability protection.

Mr. Speaker, today, we consider legislation to address this serious problem sponsored by my colleague from Virginia (Mr. SCHROCK). H.R. 1084 will create specific liability protection for nonprofit volunteer pilot organizations flying for the public's benefit. It will ensure that, when these pilots take to the skies, the only thing on their mind is getting that patient to the treatment they need. And ultimately, it will encourage others to join them in this network of charity.

Without H.R. 1084, the Volunteer Pilot Organization Protection Act, we risk that these charitable organizations will no longer be able to provide their important services, and tens of thousands of people who benefit from their work will be unable to obtain the medical care they desperately need.

Equally important, without this and other vital legislation aimed at curbing lawsuit abuse, we risk the possibility that America's abundant tradition of generosity and charity will be undermined by a few who use the judicial system for the wrong purposes. I urge my colleagues to vote in favor of H.R. 1084 to keep these committed volunteers in our skies and keep America's spirit of generosity flying high.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to add my support to this legislation.

I had concerns about it, because I am always concerned when we have a dilemma between helping and providing good things and good activities juxtaposed, if you will, or conflicted with the idea of closing out rights of the injured.

But in any event, I believe that the ultimate goal of this legislation is to enhance the needed services to communities in need, and therefore, I think it is important to promote the activities of our nonprofit pilot organizations as we should protect all of our nonprofit organizations as we can in balance with the need to be able to address our grievances.

I think it is important to make note of a valuable point made by the distinguished ranking member of the Subcommittee on Crime, and that is that this legislation does have and provide for coverage and insurance by these pilots. In Texas, for example, the Angel Flight South Central was established in 1991 as Angel Flight of Texas, a nonprofit corporation. Its pilots use their flying skills to provide transportation to medical treatment for seriously ill or injured people who are geographically isolated or are in financial need.

This organization serves institutions such as the M.D. Anderson Cancer Center located in Houston, Texas, and the University of Texas Health Medical Branch of Galveston in Galveston, Texas, among many others. Therefore, I would want to make all efforts to support organizations such as Angel Flight. However, we must carefully weigh the benefits of selfless acts of others with the need to craft narrowly tailored legislation that protects all parties equally.

H.R. 1084 as drafted requires serious analysis and amendment by this committee. Section 3 as drafted departs from the 1997 Volunteer Protection Act by shielding not only the volunteer pilot from liability but also the staff, mission coordinator, officer or director of the nonprofit organization.

This expansion of protection, as I indicated in my earlier remarks, seems a little bit too broad. An injured party has a right to bring a claim for recovery of damages against some principal of the nonprofit organization or responsible party. And the courts, I believe, should retain discretion as to whether it will hear the matter. I would hope, as this legislation moves through the Congress, through the Senate and ultimately, finally passed, that we will have the opportunity to look at this again.

Congress should legislate when necessary, especially in areas of the law that affect an individual's right to sue for damages. To date, there has been no reported civil liability case filed against a volunteer pilot or against a volunteer pilot organization. Furthermore, 43 States, which include Texas, have passed legislation that deals with volunteer liability. Therefore, this committee and this body, as this legislation moves, should again make sure that all of these matters are taken care of.

I would hope that, also, the issues dealing with the liability would be considered. I had concerns and had amendments in committee that would have narrowed the scope of the liability protection given to volunteers of nonprofit pilot organizations to cover persons within the aircraft only. The rights of the bystander who is not inside the aircraft and who might be injured through the negligence of the pilot should be preserved given that no compelling justification has been given to include those outside the aircraft. I hope, maybe, in the final writing of this bill that that matter were handled and, if not, that it will be taken care of as it moves, as I said, through the Congress.

Mr. Speaker, in addition, the appropriate scope of this legislation should be the volunteer injured person, for policy reasons. One of the purported purposes of this legislation was to encourage continued service to individuals in rural areas who do not have the financial means to receive this service otherwise. The proposed language that I spoke about earlier of the concept of bystander would still again provide more clarified aspects to this legislation.

It is important as well to make sure that we cover issues dealing with terrorism and misuse of airplanes. Again, I hope that these issues may be ironed out because they are important points that were raised.

Overall, however, as I started, knowing that Angel Flight of Texas, Incorporated, as one of many nonprofit volunteer pilots organizations around the Nation, needs our concern about them being able to provide life and safety to those who are seeking medical care and other needs, I think this legislation on its face is important and deserves our support.

Mr. Speaker, I add my support to this legislation and would hope that, as it makes its way to its final signing, that it will have all these issues that we have spoken of and raised concerns about taken care of so that the legislation can serve our communities and our Nation.

Mr. Speaker, I rise in support of the bill before the House, H.R. 1084, the Volunteer Pilot Organization Protection Act, although I had reservations about certain of its provisions during Committee consideration. It is important that we promote the activities of our nonprofit pilot organizations—as we should protect all of our nonprofit organizations as a whole, especially when they provide a service that facilitates the protection of our homeland at a time like now when our vulnerabilities are at a high level.

In Texas, Angel Flight South Central was established in 1991 as Angel Flight of Texas, Inc., a 501(c)(3) non-profit corporation. Its pilots use their flying skills to provide transportation to medical treatment for seriously ill or injured people who are geographically isolated or are in financial need. This organization serves institutions such as the M.D. Anderson Cancer Center, located in Houston, Texas and the University of Texas Health Medical Branch of Galveston in Galveston, Texas, among many others. Therefore, I would want to make all efforts to support organizations such as Angel Flight.

However, we must carefully weigh the benefits of selfless acts of others with the need to craft narrowly tailored legislation that protects all parties equally. H.R. 1084, as drafted, requires serious analysis and amendment by this committee.

Section 3, as drafted, departs from the 1997 Volunteer Protection Act by shielding not only the volunteer pilot from liability but also the staff, mission coordinator, officer, or director of the nonprofit organization. This expansion of protection is far too broad to justify the proposed benefits it intends to confer. An injured party has a right to bring a claim for recovery of damages against some principal of the nonprofit organization or responsible party, and the Courts should retain discretion as to whether it will hear the matter.

Congress should legislate when necessary, especially in areas of the law that affect individuals' right to sue for damages. To date, there has been no reported civil liability case filed against a volunteer pilot or against a volunteer pilot organization. Furthermore, 43 states, which include Texas, have passed legislation that deals with volunteer liability. Therefore, this Committee has no immediate need to consider this legislation and can better spend its time working on legislation to implement the recommendations of the 9/11 Commission or other similar legislative agendas.

Therefore, I would have offered two amendments. I would have offered an amendment that would have narrowed the scope of the liability protection given to volunteers of nonprofit pilot organizations to cover persons within the aircraft only. The rights of the bystander who is not inside the aircraft and who might be injured through the negligence of the pilot should be preserved given that no compelling justification has been given to include those outside the aircraft, from relief.

In addition, the appropriate scope of this legislation should be the volunteer-injured person for policy reasons. One of the purported purposes of this legislation is to encourage continued service to individuals in rural areas or who do not have the financial means to receive this service otherwise.

The proposed language of my "bystander" amendment would have clarified and narrowed the scope of this legislation.

I also planned to offer an amendment that would prevent perpetrators of hate crimes in the last 5 years (as defined in the Hate Crime Statistics Act) from receiving the benefits of this legislation. This Act defines "hate crimes" as those which "manifest prejudice based on race, religion, sexual orientation, disability or ethnicity."

In 1991, the FBI documented a total of 4,558 hate crimes, reported from nearly 2,800 police departments in 32 states. The FBI's most recent HCSA report, for 1996, documented 8,759 hate crimes reported to the FBI by 11,355 agencies across the country.

Because the incidence of hate crimes is so large and an aircraft has been demonstrated to be a highly effective instrumentality of terrorist offenses, no one convicted of a hate crime should be allowed to benefit under this legislation or a pilot.

While I have reservations about certain provisions of this proposal, I recognize the benefits that it can bring to injured parties. Therefore, I ask that my colleagues support this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

This bill is narrowly drawn and is different from the other bills because victims of negligence will have recourse. It is similar to Good Samaritan State laws that immunize volunteers but fails to immunize them from automobile accidents because there is an expectation that the automobile will have insurance. So victims of the negligence will have recourse.

This bill requires insurance so victims, either on the plane or on the ground, will have recourse against the insurance policy but not against the volunteer organization. That is an appropriate balance, and I support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we should make it very clear that this bill is narrowly drawn. There is liability to the volunteer pilot for willful or criminal misconduct, gross negligence, reckless misconduct or conscious flagrant indifference to the rights and safety of the individual that is harmed by the volunteer. Anything that rises above ordinary negligence, there is no immunity involved.

I guess I would be remiss if I did not express my concern that there have been allegations that passing this bill will increase the risk of terrorism. The volunteer pilots who fly these important missions are carefully screened professionals. They undergo background checks that are above and beyond those that are required for licensure as a pilot, and many of the pilots who do volunteer their services are commercial pilots when they are being paid. I think that the checks that a terrorist could slip through are so severe that the chances of that happening really do not exist at all.

I take great umbrage at the notion that the passage of this bill, which provides a limited immunity from liability, opens the door, even a crack, to increased risk of terrorism in the airways. I would hope that the House would reject this notion by passing this bill overwhelmingly.

Mr. CONYERS. Mr. Speaker, I cannot support H.R. 1084, the "Volunteer Pilot Organization Protection Act" for the following reasons: First, it undoes the balance achieved in the Volunteer Protection Act by specifically exempting pilots and aircraft carriers from liability; second, it not only applies to pilots, but also to staff, mission coordinators, officers and directors of volunteer pilot organizations, and referring agencies, whether for profit or not-for-profit; third, it would leave innocent victims without recourse in some situations by reducing the standard of care applicable to pilots; fourth, it does nothing to tackle the real problem, which is the insurance industry's failure to offer insurance to the volunteer pilot organizations; finally, it is poorly drafted and includes loopholes that would insulate international terrorist organizations from liability and subjects innocent bystanders to harm without any recourse.

H.R. 1084 flies in the face of the Volunteer Protection Act, a bill Congress passed into law after 8 years of debate extending over 5 Congresses. The Volunteer Protection Act was carefully deliberated and negotiated, but this bill wipes the slate clean by giving volunteer pilots protection from liability despite the fact that the Volunteer Protection Act specifically excluded that category of volunteers from protection.

Under the Volunteer Protection Act, pilots and those operating aircraft were specifically left out of the liability exemption because of the highly dangerous nature of the activity and the fact that States require these pilots to have insurance. This bill undoes that and exempts pilots from liability.

Moreover, it goes further than the Volunteer Protection Act was willing to go by giving this exemption to not only the pilots, but also to staff, mission coordinators, officers and directors of volunteer pilot organizations, and referring agencies, whether for profit or not-for-profit. In the Volunteer Protection Act, Congress made sure that it was only the volunteers being protected.

Finally, H.R. 1084 does nothing to tackle the real problem, which is the insurance industry's failure to offer insurance to the volunteer pilot organizations. In testimony we heard on this bill, it was suggested that these nonprofit volunteer pilot organizations need liability protection because they can't get insurance. If this is the case, why not have a bill that requires insurance agencies to offer insurance to these organizations? Why not that instead of exempting everyone under the sun from liability?

This bill establishes national policy specifically allowing certain pilots to operate their aircraft negligently and still escape liability. And by immunizing both the negligent pilot and the organization that arranges and provides the transportation, this bill will in many cases leave the victims of an air tragedy—and their surviving families—with no means of seeking compensation for their loss. Congress should not turn its back on the victims of air tragedies.

For these reasons, I cannot support passage of this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1084, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

H. Res. 766, by the yeas and nays;

Motions to suspend the rules and pass:

H.R. 3369, by the yeas and nays;
H.R. 1787, by the yeas and nays;
H.R. 1084, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 4571, LAWSUIT ABUSE REDUCTION ACT OF 2004

The SPEAKER pro tempore. The pending business is the vote on the adoption of House Resolution 766 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on resolution on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 165, not voting 40, as follows:

[Roll No. 444]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonilla
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hyde
Isakson
Israel
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Ose
Otter
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—165

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Costello
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)

Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kilpatrick
Kind
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Sherman
Skelton
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—40

Ackerman
Ballenger
Beauprez
Blackburn
Boehlert
Bonner
Cannon
Clay
Clyburn
Conyers
Crowley
Engel
Gephardt
Goss
Greenwood
Hastings (FL)
Hinojosa
Hoeffel
Houghton
Hunter
Istook
Johnson, E. B.
Kaptur
Kennedy (RI)
Kleczka
Langevin
McInnis
Owens
Oxley
Pryce (OH)
Quinn
Rogers (KY)
Rohrabacher
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

☐ 1222

Mr. WYNN, Ms. ESHOO, and Mr. THOMPSON of California changed their vote from "yea" to "nay."

Mr. MOORE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 444, had I been present, I would have voted "no."

NONPROFIT ATHLETIC ORGANIZATION PROTECTION ACT OF 2003

The SPEAKER pro tempore (Mr. OSE). The pending business is the question of suspending the rules and passing the bill, H.R. 3369.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3369 on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 176, not voting 40, as follows:

[Roll No. 445]

YEAS—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Bonilla
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw.
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Matheson
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—176

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clyburn
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—40

Ackerman
Ballenger
Beauprez
Blackburn
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Dicks
Dunn
Engel
Gephardt
Goss
Greenwood
Hastings (FL)
Hoeffel
Houghton
Hunter
Issa
Istook
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
McInnis
Owens
Pryce (OH)
Rogers (KY)
Rohrabacher
Ruppersberger
Schrock
Serrano
Slaughter
Smith (MI)
Tauzin
Towns
Velázquez
Whitfield

☐ 1230

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, I was in a meeting with constituents and missed rollcall vote 445. If I was present for the vote I would have voted "yea" on H.R. 3369, the Nonprofit Athletic Organization Protection Act.

GOOD SAMARITAN VOLUNTEER FIREFIGHTER ASSISTANCE ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1787, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R.

1787, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 3, not voting 33, as follows:

[Roll No. 446]

YEAS—397

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Nadler
Paul
Scott (VA)

NOT VOTING—33

Ackerman
Ballenger
Beauprez
Blackburn
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Engel
Gephardt
Goss
Greenwood
Harris
Hastings (FL)
Hoeffel
Houghton
Hunter
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
McInnis
Owens
Rogers (KY)
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1238

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VOLUNTEER PILOT ORGANIZATION PROTECTION ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1084, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1084, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 12, not voting 36, as follows:

[Roll No. 447]

YEAS—385

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)

Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

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Lofgren
Manzullo
Markey
Nadler
Paul
Peterson (MN)
Ryan (OH)
Stark
Terry
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Wexler

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Ballenger
Beauprez
Blackburn
Boehlert
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Cannon
Clay
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Hastings (FL)
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Houghton
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Issa
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
McInnis
Owens
Rogers (KY)
Ros-Lehtinen
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1246

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, today, I missed two recorded votes. If I had been present for rollcall vote No. 445, I would have votes "yea." If I had been present for rollcall vote No. 447, I would have voted "yea."

LAWSUIT ABUSE REDUCTION ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 766, I call up the bill (H.R. 4571) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 766, the bill is considered read for amendment.

The text of H.R. 4571 is as follows:

H.R. 4571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lawsuit Abuse Reduction Act of 2004".

SEC. 2. ATTORNEY ACCOUNTABILITY.

Rule 11 of the Federal Rules of Civil Procedure is amended—

(1) in subdivision (c)—

(A) by amending the first sentence to read as follows: "If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the attorney, law firm, or parties that have violated this subdivision or are responsible for the violation, an appropriate sanction, which may include an order to the other party or parties to pay for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper, that is the subject of the violation, including a reasonable attorney's fee.";

(B) in paragraph (1)(A)—

(i) by striking "Rule 5" and all that follows through "corrected." and inserting "Rule 5."; and

(ii) by striking "the court may award" and inserting "the court shall award"; and

(C) in paragraph (2), by striking "shall be limited to what is sufficient" and all that follows through the end of the paragraph (including subparagraphs (A) and (B)) and inserting "shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the parties that were injured by such conduct. The sanction may consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorney's fee."; and

(2) by striking subdivision (d).

SEC. 3. APPLICABILITY OF RULE 11 TO STATE CASES AFFECTING INTERSTATE COMMERCE.

In any civil action in State court, the court, upon motion, shall determine within 30 days after the filing of such motion whether the action affects interstate commerce. Such court shall make such determination based on an assessment of the costs to the interstate economy, including the loss of jobs, were the relief requested granted. If the court determines such action affects interstate commerce, the provisions of Rule 11 of the Federal Rules of Civil Procedure shall apply to such action.

SEC. 4. PREVENTION OF FORUM-SHOPPING.

(a) In General.—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or Federal district) in which—

(1) the person bringing the claim, including an estate in the case of a decedent and a parent or guardian in the case of a minor or incompetent—

(A) resides at the time of filing; or

(B) resided at the time of the alleged injury; or

(2) the alleged injury or circumstances giving rise to the personal injury claim allegedly occurred; or

(3) the defendant's principal place of business is located.

(b) Determination of Most Appropriate Forum.—If a person alleges that the injury or circumstances giving rise to the personal injury claim occurred in more than one county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subsection.

(c) Definitions.—In this section:

(1) The term "personal injury claim"—

(A) means a civil action brought under State law by any person to recover for a person's personal injury, illness, disease, death, mental or emotional injury, risk of disease, or other injury, or the costs of medical monitoring or surveillance (to the extent such claims are recognized under State law), including any derivative action brought on behalf of any person on whose injury or risk of injury the action is based by any representative party, including a spouse, parent, child, or other relative of such person, a guardian, or an estate; and

(B) does not include a claim brought as a class action.

(2) The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, but not any governmental entity.

(3) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and any other territory or possession of the United States.

(d) Applicability.—This section applies to any personal injury claim filed in Federal or State court on or after the date of the enactment of this Act.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in section 3 or in the amendments made by section 2 shall be construed to bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lawsuit Abuse Reduction Act of 2004".

SEC. 2. ATTORNEY ACCOUNTABILITY.

Rule 11 of the Federal Rules of Civil Procedure is amended—

(1) in subdivision (c)—

(A) by amending the first sentence to read as follows: "If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the attorney, law firm, or parties that have violated this subdivision or are responsible for the violation, an appropriate sanction, which may include an order to the other party or parties to pay for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper, that is the subject of the violation, including a reasonable attorney's fee.";

(B) in paragraph (1)(A)—

(i) by striking "Rule 5" and all that follows through "corrected." and inserting "Rule 5."; and

(ii) by striking "the court may award" and inserting "the court shall award"; and

(C) in paragraph (2), by striking "shall be limited to what is sufficient" and all that follows through the end of the paragraph (including subparagraphs (A) and (B)) and inserting "shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the parties that were injured by such conduct. The sanction may consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorney's fee."; and

(2) by striking subdivision (d).

SEC. 3. APPLICABILITY OF RULE 11 TO STATE CASES AFFECTING INTERSTATE COMMERCE.

In any civil action in State court, the court, upon motion, shall determine within 30 days after the filing of such motion whether the action affects interstate commerce. Such court shall make such determination based on an assessment of the costs to the interstate economy, including the loss of jobs, were the relief requested granted. If the court determines such action affects interstate commerce, the provisions of Rule 11 of the Federal Rules of Civil Procedure shall apply to such action.

SEC. 4. PREVENTION OF FORUM-SHOPPING.

(a) In General.—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or Federal district) in which—

(1) the person bringing the claim, including an estate in the case of a decedent and a parent or guardian in the case of a minor or incompetent—

(A) resides at the time of filing; or

(B) resided at the time of the alleged injury; or

(2) the alleged injury or circumstances giving rise to the personal injury claim allegedly occurred; or

(3) the defendant's principal place of business is located.

(b) Determination of Most Appropriate Forum.—If a person alleges that the injury or circumstances giving rise to the personal injury claim occurred in more than one county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subsection.

(c) Definitions.—In this section:

(1) The term "personal injury claim"—

(A) means a civil action brought under State law by any person to recover for a person's personal injury, illness, disease, death, mental or emotional injury, risk of disease, or other injury, or the costs of medical monitoring or surveillance (to the extent such claims are recognized under State law), including any derivative action brought on behalf of any person on whose injury or risk of injury the action is based by any representative party, including a spouse, parent, child, or other relative of such person, a guardian, or an estate; and

(B) does not include a claim brought as a class action.

(2) The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, but not any governmental entity.

(3) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and any other territory or possession of the United States.

(d) Applicability.—This section applies to any personal injury claim filed in Federal or State court on or after the date of the enactment of this Act.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in section 3 or in the amendments made by section 2 shall be construed to bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law.

SEC. 6. THREE-STRIKES RULE FOR SUSPENDING ATTORNEYS WHO COMMIT MULTIPLE RULE 11 VIOLATIONS.

(a) Mandatory Suspension.—Whenever a Federal district court determines that an attorney has violated Rule 11 of the Federal Rules of Civil Procedure, the court shall determine the number of times that the attorney has violated that rule in that Federal district court during that attorney's career. If the court determines that the number is 3 or more, the Federal district court—

(1) shall suspend that attorney from the practice of law in that Federal district court for 1 year; and

(2) may suspend that attorney from the practice of law in that Federal district court for any additional period that the court considers appropriate.

(b) Appeal; Stay.—An attorney has the right to appeal a suspension under subsection (a). While such an appeal is pending, the suspension shall be stayed.

(c) Reinstatement.—To be reinstated to the practice of law in a Federal district court after completion of a suspension under subsection (a), the attorney must first petition the court for reinstatement under such procedures and conditions as the court may prescribe.

SEC. 7. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.

(a) In General.—Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, obstruct, or impede, a pending court proceeding through the willful and intentional destruction of documents sought in, and highly relevant to, that proceeding shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 37 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply.

(b) Applicability.—This section applies to any court proceeding in any Federal or State court.

The SPEAKER pro tempore. After one hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 108-684, if offered by the gentleman from Texas (Mr. TURNER), or his designee, which shall be considered read, and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

□ 1245

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recently President Bush said, "We must protect small business owners and workers from the explosion of frivolous lawsuits that threaten jobs across America." Even Senator KERRY claims to support national legislation in which "lawyers who file frivolous cases would face tough, mandatory sanctions, including a 'three strikes and you're out' provision that forbids lawyers who file three frivolous cases from bringing another suit for the next 10 years." Well, help is on the way.

H.R. 4571, the Lawsuit Abuse Reduction Act, would restore mandatory sanctions and monetary penalties under Federal rule 11 of the Federal Rules of Civil Procedure for filing frivolous lawsuits and abusing the litigation process. It would also extend these same protections to cover State cases that a State judge determines to have interstate effects, and it would prevent forum shopping by requiring personal injury cases to be brought only where the plaintiff lives or was allegedly injured, or where the defendant's principal place of business is located.

H.R. 4571 will also apply a "three strikes and you're out" rule to attorneys who commit multiple rule 11 violations in Federal district court and impose mandatory civil sanctions for willful and intentional document destruction intended to obstruct the pending court proceeding. The bill would apply to lawsuits brought by individuals as well as businesses, and it expressly precludes the application of the bill to civil rights cases if applying the bill to such cases would bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law.

Today, frivolous lawsuits are legalized extortion. Without the threat of certain punishment for filing frivolous lawsuits, innocent people and small businesses will continue to face the harsh economic reality that simply paying off frivolous claims through monetary settlements is always cheaper than litigating the case until no fault is found.

No part of American society rests easy in a legal culture of fear. Churches are discouraging counseling by ministers. Children have learned to threaten teachers with lawsuits. Youth sports are shutting down in the face of lawsuits for injury or even hurt feelings. Monkey bars and other once-common equipment are now endangered species at playgrounds. As a result, children stay at home and get fat, and their parents sue the restaurants that serve them. The Girl Scouts in metro Detroit alone have to sell 36,000 boxes of cookies each year just to pay for liability insurance, 36,000 boxes of cookies.

Good Samaritans are told to hit the road. When one man routinely cleared a trail after snowstorms, the county had to ask him to stop. The supervisor of district operations wrote, "If a person falls, you are more liable than if you had never plowed at all. Crazy world. Unfortunately, the times we are in allow for a much more litigious environment than common sense would dictate."

Because existing rules against frivolous lawsuits are ineffective, the right to sue has not only been exploited by lawyers; it has been turned into one of the most destructive business models in the American economy. Today, personal injury lawyers can gamble on taking cases on a contingency-fee basis because they only need to win one in 10 to score the big judgment that would make up for the losses in other cases. We all live with the consequences, including higher taxes and insurance rates; chaos in our schools; doctors going out of business, limiting Americans' access to health care.

Small businesses and workers may suffer the most. The Nation's oldest ladder manufacturer, the family-owned John S. Tilley Ladders Company near Albany, New York, recently filed for bankruptcy protection and sold off most of its assets due to litigation costs. Founded in 1855, the Tilley firm could not handle the cost of liability insurance, which had risen from 6 percent of sales a decade ago to 29 percent, even though the company had never lost an actual court judgment.

Sadly, the Federal rule designed to deter frivolous lawsuits was gutted over 10 years ago; and today, we live with the results. Shockingly, rule 11 of the Federal Rules of Civil Procedure does not require sanctions or even allow monetary penalties against parties who bring frivolous lawsuits. Without certain punishment for those who bring frivolous lawsuits, and the threat of monetary penalties to compensate the victims of frivolous lawsuits, there is little incentive for lawsuit victims to spend time and money seeking sanctions for lawsuit abuse.

Rule 11 also does not allow sanctions for the abuses of the discovery process. Rule 11 as currently written even allows lawyers to avoid sanctions entirely from making frivolous claims by withdrawing them within 3 weeks. Such a rule actually encourages frivolous lawsuits because personal injury attorneys can file harassing pleadings, secure in the knowledge that they have nothing to lose. If someone objects, they can simply retreat without penalty. H.R. 4571 closes all of these loopholes.

Forum shopping further encourages frivolous litigation. Lax rules regarding where a lawsuit can be brought have turned certain parts of the country into lawsuit factories, the only factories that lose jobs rather than creating them. One of the Nation's wealthiest personal injury attorneys described what he calls "magic jurisdictions" as follows: "What I call the 'magic jurisdiction' is where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges that are elected. It's almost impossible to get a fair trial if you're a defendant in some of these places. Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or law is." H.R. 4571 would prevent the unfair practice of forum shopping that currently allows personal injury lawyers to sue wherever the most favorable court is.

Congress cannot sit back and allow the personal injury lawyers to bankrupt the very concept of personal responsibility that has made America great. I urge my colleagues to support this bipartisan legislation that will protect both America's values and its vital small businesses.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume, and I rise to speak against the bill

Mr. Speaker, I do not support the legislation because it will have a significant adverse effect on the ability of unpopular plaintiffs to seek recourse in our courts, and it will operate to benefit foreign corporate defendants at the expense of domestic counterparts and will skew the playing field against injured victims.

Now, a lot of organizations oppose the bill, and I would like to read from a letter from the Judicial Conference of the United States, the Chief Justice of the United States presiding, in a letter to the committee chairman.

It says that "section 2 of the bill would reinstitute a rule eliminated in 1993 upon the recommendation of the Judicial Conference, approved by the Supreme Court, and after review by Congress, because of the serious problems it engendered during a 10-year period of operation. Section 2 also would amend rule 11 of the Federal Rules of Civil Procedure in a manner consistent with the longstanding Judicial Conference policy opposing direct amendment of the Federal rules by legislation."

The letter goes on to say that the bill "would directly amend civil rule 11 to remove a court's discretion to impose sanctions on a frivolous filing and eliminate the rule's 'safe-harbor' provisions. The bill undoes amendments to rule 11 that took effect on December 1, 1993, and would bring back the provisions that were first introduced in 1983 and removed from the rule in 1993, after a decade of signally bad experiences with the operation and effects of the 1983 rule."

The Judicial Conference of the United States goes on to state: "Like H.R. 4571, the 1983 version of rule 11 required sanctions for every violation of the rule. It spawned thousands of court decisions and generated widespread criticism. The rule was abused by resourceful lawyers, and an entire 'cottage industry' developed that churned tremendously wasteful satellite litigation that had everything to do with strategic gamesmanship and little to do with underlying claims. Rule 11 motions came to be met with countermotions that sought rule 11 sanctions for making the original rule 11 motion.

"Some of the serious problems caused by the 1983 amendments to rule 11 included:

"Creating a significant incentive to file unmeritorious rule 11 motions by providing a possibility of monetary penalty."

It goes on to cite other problems that occurred that were cured in 1993. The letter goes on: "The 1993 amendments to rule 11 were designed to strike a fair and equitable balance between competing interests, remedy the major problems with the rule, and allow courts to focus on the merits of the underlying cases rather than on rule 11 motions."

It goes on to say that the "experience with the amended rule since 1993 has demonstrated a marked decline in rule 11 satellite litigation without any noticeable increase in the number of frivolous filings. In June 1995, the Federal Judicial Center conducted a survey of 1,130 lawyers and 148 judges on the effects of the 1993 rule 11 amendments . . . The Center found general satisfaction with the amended rule. It also found that more than 75 percent of the judges and lawyers would oppose a provision that would require a court to impose a sanction when the rule is violated. A majority of the judges and lawyers, both plaintiffs' and defendants' lawyers, believed that groundless litigation was handled effectively by judges.

"Undoing the 1993 rule 11 amendments, even though no serious problem has been brought to the Judicial Conference rules committee's attention, would frustrate the purpose and intent of the Rules Enabling Act."

It goes on to criticize the provisions in section 3, the mandatory application to State laws, and section 4, the provision on forum shopping.

Mr. Speaker, in addition to the Judicial Conference, other organizations oppose the legislation. The NAACP, the Public Citizen, the Alliance for Justice, People for the American Way, the American Association of People with Disabilities, the Lawyers' Committee for Civil Rights Under Law, the American Bar Association, the National Conference of State Legislatures, National Partnership for Women, National Women's Law Center, the Center for Justice and Democracy, Consumers Union, National Association of Consumer Advocates, USAction, U.S. PIRG, and the NAACP Legal Defense Fund all oppose the legislation.

Mr. Speaker, one of the additional problems with the bill is the chilling effect it may have on bringing important, legitimate, unpopular actions. This is due to the fact that much of the impetus of the 1993 changes stemmed from abuses by defendants in civil rights cases, namely, that civil rights defendants were choosing to harass civil rights plaintiffs by filing a series of rule 11 motions intended to slow down and impede meritorious cases.

Although the bill states that the proposed rule 11 changes shall not be construed to "bar or impede the assertion of new claims or remedies under Federal, State or local civil rights law," the language does not clearly and simply exempt civil rights and discrimination cases under current law, as should be the case. Determining what a new claim or remedy might be would just add to the litigation.

Certainly, it does not cover the fact that this bill and rule 11 do not offer an attorney the ability to appeal a rule 11 sanction. History has demonstrated that civil rights lawsuits are often extremely unpopular, particularly in certain parts of the country where some judges almost automatically consider civil rights cases as frivolous. In such courts, plaintiffs' attorneys could be unreasonably subject to sanctions, even suspensions, without appeal contrary to the purpose of rule 11.

□ 1300

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me this time.

Mr. Speaker, frivolous lawsuits bankrupt individuals, ruin reputations, drive up insurance premiums, increase health care costs, and put a drag on the economy. Frivolous lawsuits are brought, for example, where there is no evidence that shows negligence on the part of the defendant. These nuisance lawsuits make a mockery of our legal system.

Of course, many Americans have legitimate legal grievances, from someone wrongly disfigured during an operation to a company responsible for contaminating a community's water supply. No one who deserves justice should be denied justice. However, gaming of a system by a few lawyers drives up the cost of doing business and drives down the integrity of the judicial system.

Let me give some examples. The Chief Executive Officer of San Antonio's Methodist Children's Hospital was sued after he stepped into a patient's hospital room and asked how he was doing. Of course, a jury cleared him of any wrongdoing.

A Pennsylvania man sued the Frito-Lay company, claiming that Doritos chips were "inherently dangerous" after one stuck in his throat. After 8 years of costly litigation, the Pennsylvania Supreme Court threw out the case, writing that there is "a common sense notion that it is necessary to properly chew hard foodstuffs prior to swallowing."

In a New Jersey Little League game, a player lost sight of a fly ball because of the sun. He was injured when the ball struck him in the eye. The coach was forced to hire a lawyer after the boy's parents sued. The coach settled the case for $25,000.

Today, almost any party can bring any suit in almost any jurisdiction. That is because plaintiffs and their attorneys simply have nothing to lose. All they want is for the defendant to settle. This is legalized extortion. It is lawsuit lottery.

Some lawyers file lawsuits for reasons that can only be described as absurd. They sue a theme park because its haunted houses are too scary. They sue the Weather Channel for an inaccurate forecast. And they sue McDonald's, claiming a hot pickle dropped from a hamburger caused a burn and mental injury.

Defendants, on the other hand, can unfairly lose their careers, their businesses and their reputations. In short, they can lose everything. This is not justice, and there is a remedy. The Lawsuit Abuse Reduction Act.

Mr. Speaker, this applies to both plaintiffs who file frivolous lawsuits merely to extort financial settlements and to defendants who unnecessarily prolong the legal process. If the judge determines a claim is frivolous, then they can order that person to pay the attorney's fees of the party who is the victim of their frivolous claim. This will make a lawyer think twice before he or she brings a lawsuit.

In addition, this legislation prevents forum shopping. It requires that personal injury claims be filed only where the plaintiff resides, where the injury occurred, or where the defendant's principal place of business is located. This provision addresses the growing problem of attorneys who shop around the country for judges who routinely award excessive amounts.

One of the Nation's wealthiest trial lawyers, Dickie Scruggs, has told us exactly how this abuse occurs, and the chairman of the Committee on the Judiciary used this example a while ago, but, quite frankly, it is just too good not to repeat.

Here is what one of the king of torts says about forum shopping: "What I call 'the magic jurisdiction.' It's where the judiciary is elected with verdict money, the trial lawyers have established relationships with the judges that are elected; they've got large populations of voters who are in on the deal, they're getting their piece in many cases. It's almost impossible to get a fair trial if you're a defendant in some of these places. Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or law is."

Mr. Speaker, I do not know how anyone can justify the continuation of this kind of abuse. One of these magic jurisdictions where trial lawyers flock is in my home State of Texas in Jefferson County. The Austin American Statesman noted that trial lawyers claim this is where "juries pass down sizable judgments." Soaring medical liability insurance rates have followed, which has caused doctors to flee the area.

Mr. Speaker, forum shopping is a part of lawsuit abuses and we must pass legislation to stop it from occurring. The following organizations support H.R. 4571: American Tort Reform Association, National Association of Home Builders, National Association of Manufacturers, National Restaurant Association, National Federation of Independent Business, American Insurance Association, and the U.S. Chamber of Commerce.

Also, I might add, both Republican and Democratic presidential and vice presidential candidates are on record as wanting to stop frivolous lawsuits. So the Lawsuit Abuse Reduction Act is sensible reform that will help restore confidence to America's justice system.

Mr. Speaker, I want to add one point and address a concern that was raised by my friend from Virginia and that had to do with a letter he raised from the Judicial Conference. Well, the Judicial Conference does not exactly enhance their credibility when they take a position contrary to the judges that they purport to represent. And, in fact, in surveys taken by the Judicial Conference before the rule was changed in 1993, it found that 80 percent of the judges favored the rule that we seek to go back to. After the rule was changed and weakened, which we opposed, they took another survey and found a majority of judges, in fact almost a majority of trial lawyers, liked the original rule that we seek to go back to in this legislation.

So, Mr. Speaker, I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to comment that the letter from the Judicial Conference of the United States outlining the survey results, showed a majority of judges, lawyers, both plaintiffs and defense lawyers, believed that groundless litigation was handled effectively by the judges and preferred the 1993 amendment.

Mr. Speaker, I submit herewith the letter from the Judicial Conference for the RECORD.

JUDICIAL CONFERENCE OF
THE UNITED STATES,
Washington, DC, July 9, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Judicial Conference, I write to urge you to reconsider your position on the "Lawsuit Abuse Reduction Act of 2004" (H.R. 4571). Section 2 of the bill would reinstitute a rule eliminated in 1993 upon the recommendation of the Judicial Conference, approval by the Supreme Court, and after review by Congress, because of the serious problems it engendered during a ten-year period of operation. Section 2 also would amend Rule 11 of the Federal Rules of Civil Procedure in a manner inconsistent with the longstanding Judicial Conference policy opposing direct amendment of the federal rules by legislation. Section 3 of H.R. 4571 would apply the revised federal Rule 11 to certain state court actions, while section 4 would amend the venue standards governing the filing of tort actions in both the federal and state courts: Sections 3 and 4 implicate federal-state comity interests and raise important policy and practical concerns.

SECTION 2

Section 2 would directly amend Civil Rule 11 to remove a court's discretion to impose sanctions on a frivolous filing and eliminate the rule's "safe-harbor" provisions. The bill undoes amendments to Rule 11 that took effect on December 1, 1993, and would bring back the provisions that were first introduced in 1983 and removed from the rule in 1993, after a decade of signally bad experiences with the operation and effects of the 1983 rule.

Like H.R. 4571, the 1983 version of Rule 11 required sanctions for every violation of the rule. It spawned thousands of court decisions and generated widespread criticism. The rule was abused by resourceful lawyers, and an entire "cottage industry" developed that churned tremendously wasteful satellite litigation that had everything to do with strategic gamesmanship and little to do with underlying claims. Rule 11 motions came to be met with counter motions that sought Rule 11 sanctions for making the original Rule 11 motion.

Some of the other serious problems caused by the 1983 amendments to Rule 11 included:

(1) Creating a significant incentive to file unmeritorious Rule 11 motions by providing a possibility of monetary penalty;

(2) engendering potential conflict of interest between clients and their lawyers, who advised withdrawal of particular claims despite the clients' preference;

(3) exacerbating tensions between lawyers; and

(4) providing little incentive, and perhaps a distinctive disincentive, to abandon or withdraw a pleading or claim—and thereby admit error—that lacked merit after determining that it no longer was supportable in law or fact.

The 1993 amendments to Rule 11 were designed to strike a fair and equitable balance between competing interests, remedy the major problems with the rule, and allow courts to focus on the merits of the underlying cases rather than on Rule 11 motions. The rule establishes a safe harbor, providing a party 21 days within which to withdraw a particular claim or defense before sanctions can be imposed. If the party fails to withdraw an allegedly frivolous claim or defense within the 21 days, a court may impose sanctions, including assessing reasonable attorney fees. The 1983 Rule 11 authorized a court to sanction discovery-related abuse under Rule 11, Rule 26(g), or Rule 37, which created confusion. Under the 1993 amendments to Rule 11, sanctioning of discovery-related abuse was limited to Rules 26 and 37, which provide for sanctions that include awards for reasonable attorney fees.

The 1993 amendments to Rule 11 culminated a long, critical examination of the rule begun four years earlier. The Advisory Committee on Civil Rules (Advisory Committee) reviewed a significant number of empirical examinations of the 1983 Rule 11, including three separate studies conducted by the Federal Judicial Center in 1985, 1988, and 1991, a Third Circuit Task Force report on Rule 11 in 1989, and a New York State Bar Committee report in 1987. The Advisory Committee took note of several book-length analyses of Rule 11 case law.

The 1991 Federal Judicial Center survey noted that most federal judges believed that the 1983 version of Rule 11 had positive effects. But the study also noted that most judges found several other methods more effective than Rule 11 in handling such litigation and, most significantly, that about one-half of the judges reported that Rule 11 exacerbates behavior between counsel. After reviewing the literature and empirical studies of problems caused by the 1983 amendments to Rule 11, the Advisory Committee issued in 1990 a preliminary call for general comment on the operation and effect of the rule. The response was substantial, calling for a change in the rule.

The Advisory Committee concluded that the cost-shifting in Rule 11 created an incentive for too many unnecessary Rule 11 motions. Amendments to Rule 11 were drafted. The Supreme Court promulgated and transmitted the amendments to Congress in May 1993 after extensive scrutiny and debate by the bench, bar, and public in accordance with the Rules Enabling Act process (28 U.S.C. §§2071–2077).

Experience with the amended rule since 1993 has demonstrated a marked decline in Rule 11 satellite litigation without any noticeable increase in the number of frivolous filings. In June 1995, the Federal Judicial Center conducted a survey of 1,130 lawyers and 148 judges on the effects of the 1993 Rule 11 amendments. About 580 attorneys and 120 judges responded to the survey. The Center found general satisfaction with the amended rule. It also found that more than 75 percent of the judges and lawyers would oppose a provision that would require a court to impose a sanction when the rule is violated. A majority of the judges and lawyers, both plaintiffs' and defendants' lawyers, believed that groundless litigation was handled effectively by judges.

Undoing the 1993 Rule 11 amendments, even though no serious problem has been brought to the Judicial Conference rules committees' attention, would frustrate the purpose and intent of the Rules Enabling Act. Section 2 of H.R. 4571 would effectively reinstate the 1983 version of Rule 11 that proved so contentious and wasted so much time and energy of the bar and bench. Section 2, indeed, in some ways seems to go beyond the provisions that created serious problems with the 1983 rule. It may cause even greater mischief. Rule 11 in its present form has proven effective and should not be revised.

SECTIONS 3 AND 4

Section 3 would extend the new requirements of a mandatory Rule 11 to all state court litigation that the state court deems, on motion, to affect interstate commerce. Two features of this provision stand out. First, it would directly regulate the practice and procedure of state courts, mandating a federal standard for the imposition of sanctions for the filing of frivolous or ungrounded complaints and other papers in state court. At present, states have been free to adopt their own rules of practice, including a version of Rule 11, if a state so chooses. Second, section 3 does not specify the actions to which it would apply. Rather, it imposes on state judges a broad generalized test to determine whether or not federal Rule 11 would apply in a given case. If enacted, this section could affect the cost and duration of a very large number of civil actions in state courts.

Section 4 seeks to prevent forum shopping by specifying the places where a plaintiff may bring a "personal injury" claim by imposing a federal standard for determining the venue of state law personal injury claims, in both state and federal court. Such a federal standard would displace existing state venue rules or statutes. It would also significantly alter the statutes in title 28, United States Code, that now govern venue (section 1391) and transfer of venue (section 1404) in the federal courts.

The Judicial Conference opposes the enactment of H.R. 4571 for the reasons stated above as to section 2. Sections 3 and 4 would make important changes in the administration of civil justice in both federal and state courts. The Judicial Conference has not had the opportunity to formally assess the advisability or impact of these sections, but notes that they may substantially affect federal-state comity interests and raise important policy and practical concerns.

The Judicial Conference greatly appreciates your consideration of its views: If you or your staff have any questions, please contact Michael W. Blommer, Assistant Director, Office of Legislative Affairs, Administrative Office of the U.S. Courts, at (202) 502–1700.

Sincerely,
LEONIDAS RALPH MECHAM,
Secretary.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I wonder if the majority ever steps back for a second and looks at the situation that they are in. They run around asking the Committee on the Judiciary in the House to pass legislation stripping Federal courts of jurisdiction, including the U.S. Supreme Court of jurisdiction, to decide fundamental constitutional questions presented under the U.S. Constitution, and at the same time they run around asking the Committee on the Judiciary of the House and the House of Representatives to pass bills writing the venue laws for personal injury actions brought in State court.

This is Federal intrusion in areas traditionally reserved for the States and an effort to reverse everything that Marbury v. Madison and all of its subsequent cases have said with respect to the Federal Judiciary's role in dealing with questions arising under the Constitution.

My friend, the very able chairman of the Committee on the Judiciary, says on the question of frivolous lawsuits, help is on the way. But the truth is, help is not on the way for those who are looking for it. The germ of a good idea, mandatory sanctions for filing of frivolous pleadings or frivolous motions, improved by an amendment by the gentleman from Florida (Mr. KELLER), to say that where an attorney is responsible for three such frivolous filings he is subject to suspension, that to be reviewed by an appellate court so that there are real teeth and deterrence to the filing of frivolous lawsuits, is combined with an overreaching, egregious effort to exchange the venue laws of 50 State legislatures and the courts of those States with respect to personal injury actions, any of which could be corrected by those State legislatures on their own in matters having no serious Federal interest.

Once again, the Republican majority, as it has done consistently for the past 10 years in the area of tort reform, overreaches. It takes a good idea, adds so many outrageous and overreaching provisions to that good idea that the other House ignores it.

Let us go back and look at a little history. In 1994, the Republicans came down with their Contract For America, and one of them was tort reform. I will give a classic example. In the committee they eliminate joint and several liability. There are arguments for it and there are arguments against it. Either the plaintiff who is not able to recover and made whole is hurt, or some defendant is potentially liable for the entire judgment, even though he is only partially responsible.

In the Committee on Rules two amendments are offered; one to take care of the minor tort feasers, the people who are involved in a relatively small amount of the negligent conduct that produced the injury; and the other one to wipe out that rule. The Republican majority, fearful that the compromise proposal might pass the House, does not allow the rule for that amendment to go through and, instead, allows the one to simply reinstate the existing law.

In that bill, which of course never passed the Senate, in the medical malpractice legislation, where they resisted any effort to make the caps on pain and suffering relevant to today's costs and today's times and the current situation, whether it is on class action lawsuits, where they sought to suck up all State actions without any balance, they have consistently overreached. And the result, as they are doing with this bill, of overreaching is that we lose a chance to make some improvement in the present system to deal effectively, in this case with frivolous lawsuits, because they want everything or they want the issue, and end up with nothing.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

Over the past decade, our Nation has witnessed an explosion of civil lawsuits. Large jury awards and settlements have produced an ever-growing number of actions in Federal and State courts, costing the American people more than $200 billion each year and really drastically reshaping our civil justice system.

Tort liability was developed to hold responsible those parties who injure or harm others through actions determined to be negligent or reckless or careless. However, civil actions are increasingly being used to harass and threaten and manipulate innocent parties, undermining the credibility and traditional notions of justice in this country.

In 1993, Rule 11 of the Federal Rules of Civil Procedure, the Federal safeguard against Federal lawsuits, was weakened, thereby making frivolous claims easier to file. Those changes to Rule 11 provided judges with more leeway to avoid sanctioning attorneys who filed meritless claims.

For example, the rule changes allowed trial attorneys a 21-day "safe-harbor period" to correct or withdraw meritless claims without fear of penalty, often at the expense of innocent defendants.

While a number of initiatives have been introduced in Congress to reform specific aspects of the tort system, such as medical malpractice reform, small business reform, and product liability reform, or the 18-year Statute of Repose, the legislation that is being offered on the floor today seeks to reduce frivolous lawsuits on a broader scale.

Restoring Rule 11, with its intended authority and expanding its applicability, the Lawsuit Abuse Reduction Act will put teeth back into the safeguard against frivolous claims. This legislation will remove the safe-harbor provision I mentioned before, it would authorize judges to impose sanctions, including monetary, against attorneys and parties who file meritless claims, it would extend sanctions to discovery, and it would extend Rule 11 claims that affect interstate commerce.

Mr. Speaker, I would strongly urge my colleagues to support this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me first agree with my colleagues on both sides of the aisle that I do not think anybody really likes frivolous litigation, and this bill provides an opportunity for people to get up and say that. I think if we were to ask either the Republican or the Democratic nominees for President and Vice President that are out there running, all of them will say, no, I do not like frivolous litigation.

The problem here is that my colleagues just do not want to be confused by the facts, because this bill is going to do more to encourage frivolous litigation, potentially, than it is going to do to discourage frivolous litigation. The Judicial Conference of the United States has made that clear in the letter that has been introduced into the RECORD in which they say that the provisions of this bill, which go back to the rules that were in effect prior to 1983, those rules were changed because they spawned a whole cottage industry of litigation related to frivolous lawsuits.

□ 1315

So even if this were going to discourage frivolous lawsuits, which they say it would not, you are going to engender a whole new set of problems because what they say happened was Rule 11 motions came to be met with countermotions that sought Rule 11 sanctions for making the original Rule 11 motion. What sense does that make that we would set up a system to encourage people to file countermotions against each other claiming that the other side was frivolous in what they were doing in the lawsuit?

The Judicial Conference is clear that this bill would provide incentives to encourage litigants to keep a frivolous claim in court because if they ever withdrew the frivolous claim, it in effect would be a concession that it was frivolous. So somebody files a lawsuit, realizes they have a bad claim, then has no way of getting out of it because they are afraid to withdraw the claim because somebody is going to hit them with sanctions, and the fact that they withdrew the claim is an admission that it was a frivolous claim. It is going to set up situations where lawyers are put in conflicts of interest with their clients because the client wants to pursue a claim that may be frivolous, the lawyer does not want to pursue it, realizes that the claim is frivolous and cannot back out of it without getting into a conflict of interest with their client. All of that is outlined in the letter from the Judicial Conference.

This is not really about doing something that is going to discourage frivolous lawsuits, this bill is going to encourage frivolous lawsuits and encourage pursuit of frivolous lawsuits in a way that the Judicial Conference has outlined clearly.

There seems to be this mentality, I hate frivolous lawsuits and do not confuse me with the facts because that is not what I am interested in. We should vote this bill down and keep the rules in place that are there that allow judges to make reasonable decisions in their courts.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the Judicial Conference has amnesia and they did not look back into the history of what happened between 1983 and 1993 when the rules that this bill proposes were in place.

In 1991, the Judicial Conference Advisory Committee on Civil Rule did a survey and reviewed Rule 11. At that time 751 Federal judges found that an overwhelming majority of them, 95 percent, believed Rule 11 did not impede development of the law; 72 percent believed that the benefits of the rule outweighed any additional requirement of judicial time; 81 percent believed that the 1983 version of Rule 11 had a positive effect on litigation in the Federal courts; and 80 percent believed that the rule should be retained in its then-current form. That is what the judges who were on the bench at the time this rule was in effect said.

The Judicial Conference ought to spend their time looking back at their own records and their own surveys rather than sending these types of letters advising us that what we are doing here is no good.

Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I rise today in strong support of the Lawsuit Abuse Reduction Act of 2004. The overriding central purpose of this legislation is to prevent frivolous lawsuits from being filed in the first place. To achieve this, we provide for tough, mandatory sanctions, including a three strikes and you are out penalty, which I authored.

Now should Members vote for this legislation? To determine that answer, may I suggest that Members consider three questions:

First, do Members believe frivolous lawsuits waste good people's time and money?

Second, should lawyers who bring frivolous lawsuits face tough mandatory sanctions?

Third, when a court has determined that an attorney has brought at least three frivolous lawsuits under Rule 11, should there be a three strikes and you are out penalty?

If the answers to those questions are yes, Members should vote in favor of this legislation. In fact, I will take it a step further and tell Members flat out that the answers to those questions are yes, at least according to Senator JOHN EDWARDS, a Democrat from North Carolina, who was a plaintiff's personal injury attorney.

On December 15, 2003, Newsweek magazine published an article written by Senator JOHN EDWARDS where he said, "Frivolous lawsuits waste good people's time and hurt the real victims. Lawyers who bringing frivolous cases should face tough, mandatory sanctions, with a 'three strikes' penalty."

Mr. Speaker, I agree, and that is precisely what this legislation does. Congress should act today in a bipartisan manner to prevent and punish frivolous lawsuits. We should care about each more and sue each other less. I urge my colleagues to vote yes on the Lawsuit Abuse Reduction Act of 2004.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in strong opposition both to this bill and to the process which produced it. H.R. 4571 would make fundamental changes to the Rule 11 sanctions process without our even receiving the benefit of input from either the Judicial Conference or the Supreme Court.

Mr. Speaker, it is obvious that the proponents of this legislation do not want to hear from our judges because they know that the vast majority of our judges do not agree with this bill. As a matter of fact, I think that this bill could appropriately be named big business versus the people.

Mr. Speaker, big businesses pay expensive lawyers by the hour to protect their interests. Trial lawyers handling many of these cases that are being termed frivolous are paid only if they win.

I would like to quote John Q. Quinn, a veteran trial lawyer from Houston, who sees this as a make-or-break election issue in an article that appeared in the Los Angeles Times. "Corporate America is in charge these days. They control the White House, the Congress and the Supreme Court. But so far they do not control the right to trial by jury. That is the only place where ordinary citizens can go and have their complaints heard," Quinn said. I further quote him when he said "Ordinary people cannot hire lobbyists in Washington, but in the courtroom they get an equal chance to stand up against a corporation."

Now the Chamber of Commerce and big corporate America, spending millions of dollars in public relations campaigns, would have Members believe that the number of civil cases have risen and thus the number of frivolous lawsuits, but that is simply not the case. I would like to further quote this Los Angeles Times article which said, "The Justice Department's Bureau of Justice Statistics and the National Center for State Courts track civil trials and verdicts in the Nation's 75 largest counties. In April, the bureau reported in the last decade the number of cases have gone down, not up."

The number of general civil cases disposed of by trial in the Nation's largest counties declined from 22,451 in 1992 to 11,908 in 2001. That is a 47 percent decline. The plaintiffs won about half the time, and the overall median award was $37,000 in 2001, down from $65,000 in 1992.

These cases included automobile accidents, medical malpractice and product liability claims. About one-third of the cases involved contract claims which typically involve one business against each other. Mr. Speaker, we are talking about ordinary people. We are talking about people who get up every day and go to work, common folk who just earn sometimes entry-level wages. We are talking about people who could be harmed in an automobile accident or on the job working at a company that does not care about their safety, where they can lose a limb, their eyes, they could be killed. They could lose their lives.

Are we going to prevent the ability of these people to be heard and have their day in court? Big business may not want to accept liability, but it must; and we cannot live in a country where we have big business, because they have money, come to the Congress of the United States and produce legislation that would prevent the average, little person from having their day in court and being heard by a jury.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for bringing this bill up today, and I rise in support of the legislation.

Interestingly enough, every Member who has spoken in support of the legislation today is an attorney, me included. In my private practice, I represented small businesses, businesses which employed four or five people on the average.

I recall very clearly their concerns when they came to see me and my colleagues. It was, unfortunately, the fear of lawsuits. Retail businesses today are not opening at the rate they probably should be because of fear of lawsuits. Our economic recovery has begun, but it would be moving along much more quickly but for fear of lawsuits.

We have the opportunity today to prevent many of those lawsuits, lawsuits that are frivolous. This bill will in no way effect anyone who has a legitimate lawsuit. It will only affect those who do not; those who waste money and resources, those who cause a lot of job loss. The Lawsuit Abuse Reduction Act of 2004 will provide for appropriate sanctions against frivolous lawsuits. That means it will provide for fewer frivolous lawsuits.

This bill applies to cases brought by individuals as well as by businesses both big and small, including business claims filed to harass competitors and gain market share. The bill applies to both plaintiffs and defendants if what they are filing is a frivolous action. Polls show that Americans overwhelmingly support legislation barring frivolous lawsuits.

A recent poll showed that 83 percent of likely voters believe there are too many lawsuits in America; 76 percent believe lawsuit abuse results in increased prices for goods and services; and 73 percent of Americans support requiring sanctions against attorneys who file frivolous lawsuits, and that is what this legislation does.

Frivolous lawsuits make businesses and workers suffer. This year the Nation's older ladder manufacturer, a family-owned company in New York, filed for bankruptcy protection and sold off most of its assets due to litigation costs. The company was founded in 1855, but it could not handle the cost of liability insurance which had risen from 6 percent of their sales to nearly 30 percent today, even though the company never actually lost a court judgment. The company owner said, "We could see the handwriting on the wall, and just want to end this whole thing."

Let us pass this legislation and make sure that our U.S. manufacturing sector stays strong.

□ 1330

It is our error if we fail to protect them today. Our manufacturing sector, which has been the envy of the world, finds itself mired in a slow recovery due to the cost of many lawsuits.

I encourage my colleagues to support this legislation. It has been costly to our business sector and especially costly to jobs.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for his leadership on this issue and a number of Members who have come to the floor to express their opposition to this legislation.

Mr. Speaker, the prime place for the answer to the question of frivolous lawsuits has to be in our judicial system. I am not sure why Congress considers it necessary to interfere on a regular basis with the normal process of the court system. They have done that throughout the years of the leadership of the Republican agenda, particularly as relates to closing the door to the injured, to plaintiffs, with the representation that there are too many frivolous lawsuits.

They did it in product liability, so a child injured on the Nation's playground, their parents could not find their way into the courthouses and have the judges or juries make the decisions that are necessary on the facts that are presented.

In the bankruptcy setting, they attempted to alter the bankruptcy code so that those in the middle class would never be able to go in and file Chapter 11 as our large corporations have been able to do over the years. Why do we feel the necessity to think that we are the arbiter on frivolous lawsuits when we do not have the facts before us?

The legislation we have would reverse the changes to rule 11 of the Federal Rules of Civil Procedure that were made by the Judicial Conference in 1993 such that, one, sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court; two, discovery-related activity would be included within the scope of the rule; and, three, the rule would be extended to State cases affecting interstate commerce so that if a State judge decides that a case affects interstate commerce, he or she must apply rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying rule 11 sanctions. Furthermore, it infringes on States' rights by forcing State courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether rule 11 sanctions should be assessed rather than having a must-apply rule implemented on them by eliminating from them the ability to review the facts?

Part of the legal justice system is the eye on the facts, the presence in the courtroom, the lawyers, plaintiffs, defendants, prosecutors, defense lawyers, fact finders in the jury, the judge; not an oversight body way up here in Washington that has no knowledge of what is going on in individual courthouses.

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent-fee basis. Because the application of rule 11 would be mandatory, attorneys will have to enhance their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Mistakes do happen.

Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the potential of high legal fees. This goes right in the face, if you will, of contingent fees that have been so important to those that have been injured on their job, injured in catastrophic disasters, such as issues dealing with mobility. All of those questions, individuals will now be deterred because lawyers will have this enhanced, if you will, burden that could have been handled in the courthouse.

I have not seen a dearth of judges who have had the ability and the responsibility to throw out frivolous lawsuits, fear doing so. Yet we want to sit on the high and look down the mountain and interject into the courts in Texas, Louisiana, New York, Wisconsin, Georgia and States all around the Nation and legislate what judges already do—create a fair justice system.

The "Benedict Arnold corporation" refers to a company that in bad faith takes advantage of loopholes in our Tax Code to establish bank accounts or to ship jobs abroad for the main purpose of tax avoidance, I will support this provision in the motion to recommit.

Let me simply say, in closing, Mr. Speaker, this is a bad legislative initiative. I would ask my colleagues to oppose it. Give all the decisions back to the courthouse and let us have a fair judicial system for all.

Mr. Speaker, I rise in opposition to the base bill before the Committee of the Whole, H.R. 4571, the Lawsuit Abuse Reduction Act of 2004 and state my support for the substitute as offered by the gentleman from Texas, Mr. TURNER.

As I mentioned during the Committee on the Judiciary's oversight hearing on this legislation and reiterated in my statement for the markup, one of the main functions of that body's oversight is to analyze potentially negative impact against the benefits that a legal process or piece of legislation will have on those affected. The base bill before the House today does not represent the product of careful analysis.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act, this legislation requires an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting state laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that state governments are closer to the people and better able to assess needs and desires. National uniformity is also an important consideration, in federalism—Congress' exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure (FRCP) that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the Rule, and (3) the Rule would be extended to state cases affecting interstate commerce so that if a state judge decides that a case affects interstate commerce, he or she must apply Rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying Rule 11 sanctions. Furthermore, it infringes States' rights by forcing state courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether Rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to fund out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent-fee basis. Because the application of Rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and noneconomic transactions in order to enjoy economic benefits in this country. Therefore, I planned to offer an amendment that would preclude these entities from so benefiting.

The text of the amendment defined the term "Benedict Arnold Corporation" and proposed to prevent such companies from benefiting from the legal remedies that H.R. 4571 purports to offer.

The "Benedict Arnold Corporation" refers to a company that, in bad faith, takes advantage loopholes in our tax code to establish bank accounts or to ship jobs abroad for the main purpose of tax avoidance. A tax-exempt group that monitors corporate influence called "Citizen Works" has compiled a list of 25 Fortune 500 Corporations that have the most offshore tax-haven subsidiaries. The percentage of increase in the number of tax havens held by these corporations since 1997 ranges between 85.7 percent and 9,650 percent.

This significant increase in the number of corporate tax havens is no coincidence when we look at the benefits that can be found in doing sham business transactions. Some of these corporations are "Benedict Arnolds" because they have given up their American citizenship; however, they still conduct a substantial amount of their business in the United States and enjoy tax deductions of domestic corporations.

Such an amendment would preclude these corporations from enjoying the benefit of mandatory attorney sanctions for a Rule 11 violation. By forcing these corporate entities to fully litigate matters brought helps to put their true corporate identity into light and discourages them from performing as many domestic transactions that may be actionable for a claimant.

In the context of the Judiciary's consideration of the Terrorist Penalties Enhancement Act, H.R. 2934, my colleagues accepted an amendment that I offered that ensured that corporate felons were included in the list of individuals eligible for prosecution for committing terrorist offenses. The amendment that I would have offered for this bill has the same intent—to increase corporate accountability and to encourage corporate activity with integrity.

I ask that my colleagues support the substitute offered by Mr. TURNER and defeat the base bill. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation or corporate fraud.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in very strong support of LARA, the Lawsuit Abuse Reduction Act of 2004.

Mr. Speaker, as many of my colleagues know, during this recent August recess, I spent about 10 days in court defending myself against an alleged medical malpractice suit. I am not sure whether this fits the definition, this particular suit, of a frivolous lawsuit, but after the plaintiff's attorneys presented their evidence, over 8 days, to the jury, the trial judge ruled in favor of me and my two partners in my OB/GYN group on a directed verdict. Her decision was based on the fact that there was no evidence whatsoever presented of proximate causation.

I was willing to defend myself in that lawsuit, but a lot of physicians are not. Many times they are faced with what truly are frivolous lawsuits, and they are sometimes encouraged by their malpractice carrier, if it is determined by the carrier that the cost of defending a lawsuit even though it is frivolous is more than what the settlement amount would be, then they are encouraged and oftentimes do settle. It makes the problem that much worse.

Obviously, this problem and what this law addresses is not just unique to the medical profession. There are 600,000 small business men and women in this country who are literally being put out of business because of frivolous lawsuits and, yes, further loss of jobs, which the other side wants to talk about so often and we are concerned about as well. It is time to end this nonsense of frivolous lawsuits.

As the gentlewoman from Pennsylvania said a few minutes ago, 80 percent of the American public agree with us on this issue. Let us get together, both sides of the aisle, and pass this good, commonsense legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding me this time.

Mr. Speaker, just think for a second what is going on in the world this week.

The assault weapons ban expired yesterday, freeing the way for an assault weapons buying frenzy. The Republican Congress refuses to allow a vote on extending the ban on the sale of assault weapons.

Companies all over America continue to offshore American jobs to foreign countries with tax breaks as incentives that the Republicans refuse to take off the books.

Oil prices remain sky high, with analysts expecting them to stay sky high for the foreseeable future, but the Republicans have no plan to protect American consumers from being tipped upside down as they pay gasoline prices and home heating oil prices.

The 9/11 Commission has come back with recommendations that they insist that Congress pass to make sure there is not a repetition of 9/11. The Republican Party refuses to bring those bills out here on the floor.

Osama bin Laden is still at large, and just last week, we had a videotape from his top deputy threatening further attacks on the United States.

We have 1,000 troops who have died in Iraq. We have suffered 5,000 wounded in Iraq, and no end in sight.

North Korea may have exploded a nuclear bomb this week. South Korea is now enriching uranium and plutonium.

So what has the Republican United States Congress decided to do this week? What important issue are we debating? Will it be Iraq? Will it be terrorism? Will it be oil prices? Will it be a stagnant economy? No.

The Republicans have decided that this week, 3 weeks before we adjourn, is lawsuit abuse week, so that we can deny families in our country that have been injured by large corporations from being able to sue those corporations for the damage they did to the children, to the families. And the centerpiece is this Lawsuit Abuse Reduction Act that really should be called the Legislative Abuse Expansion Act.

This bill contains unconstitutional provisions that would force every State court to implement entirely new court rules and procedures. The bill contains unfunded mandates that would force States to conduct an inquiry about what the outcome of the case will be before discovery and trial have even taken place. How is the court supposed to know that? If a case is not lucky enough to be brought before Judge Carnac, the court may have to subpoena witnesses, hold evidentiary hearings and ask the individuals involved to the litigation proceeding to spend time and money on the new "pretrial trial" mandated by this bill to block individuals from suing corporations who have hurt American families.

The simple fact is that the amount of civil litigation in this country is not expanding. The Justice Department's Bureau of Justice Statistics and National Center for State Courts track civil cases and verdicts in the Nation's 75 largest counties. They reported in April that, in the last decade, the number of cases has gone down, not up. The bureau reported that the number of general civil cases disposed of by trial in the Nation's largest counties declined from 22,000 in 1992 to 11,000 in 2001, a 47 percent decline.

There is no urgency on this issue. There has been a 47 percent decline in these kind of cases. The plaintiffs won about half the time. And the overall median award was $37,000 in 2001, down from $65,000 in 1992.

Why are we taking these bills up when there is no litigation explosion? Why are we running roughshod over the rights of the States to set rules? Why are we restricting the flexibility of judges to protect ordinary families in our country?

There is only one reason why, because the Republican Party wants to shut down the access that every citizen currently has to our legal system to seek justice and compensation when they have been harmed by the actions of a wealthy corporation. That is what this is all about. Vote "no" on this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I respect greatly the gentleman from Massachusetts (Mr. Markey), but when he armed his cannon, he pointed it at the wrong target. This bill has nothing to do with assault weapons or tax breaks or oil prices or the 9/11 Commission or catching Osama bin Laden or casualties in Iraq or whether the North Koreans have a nuclear weapon or not; nor does it deal with legitimate meritorious lawsuits.

What it does deal with is frivolous lawsuits, frivolous lawsuits as defined by the same Federal Rule of Civil Procedure that was on the books for 10 years, between 1983 and 1993, that 80 percent of the Federal judges when they were surveyed believed should be retained in its then current form. This bill does not restrict the access to the courts to anybody who has got a meritorious claim.

But what it does do is that it sanctions those lawyers who file frivolous lawsuits and deter them from filing frivolous lawsuits again. If we did not have sanctions against people, people would ignore the law. If there were no sanctions for driving 50 miles an hour over the speed limit or running a red light, I think it would be pretty dangerous for all of us when we went home. Because the sanctions that are currently in Rule 11 have no deterrent effect against filing frivolous lawsuits, there are too many of them. We have heard about them in this debate.

What this bill does is simply go back to what happened prior to 1993, prevents forum shopping and says that, if a lawyer files repeated frivolous filings in the court three times, they are out. We have got to do that if we want to have our courts be used for the administration of justice rather than being a cover for those who wish to file frivolous papers.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. Inslee).

Mr. INSLEE. Mr. Speaker, there is a fatal defect in this bill, and that fatal defect is that it would essentially refuse to give American citizens relief if they were injured by a foreign corporation's clear and palpable negligence. The defect in this bill is that, if you live in Seattle, you are hurt in Portland by a failure of a Tokyo corporation, this bill says you cannot bring a claim anywhere in the United States against a Japanese corporation that injured you unless that corporation happens to have a retail outlet in the State where you live or where the accident happened.

□ 1345

And this is a very serious matter. If one lives in Seattle, if they are injured in Portland, and the product that injures them is made in Germany or Japan or England, they are out of luck. They are now shielding out-of-U.S. corporations.

I understand the Republican Party's infatuation with outsourcing, but I do not understand why they would expose Americans and say they cannot bring a claim against somebody that makes a foreign car or foreign construction equipment that injures them.

If my colleagues think I am just sort of blowing smoke here, I want to read from the Congressional Research Service memo on this subject. It says: "However, if a defendant's principal place of business was not in the United States, then this option," meaning suing here, "could not be exercised in the United States court. Consequently, it would appear that in certain circumstances, the United States citizen or resident injured in this country would not have a judicial forum in the United States in which to seek relief."

What this bill is, is the Foreign Corporation Protection Act. And for the life of me, I cannot figure out why they would want on the Republican side of the aisle to deny American citizens an avenue in an American court under the American judicial system some right of protection when a foreign corporation hurts them. What is the possible rationale for that?

We need to fix this or reject it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Smith).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Speaker, let me respond to some of the concerns voiced by some of those who think they might oppose this bill. First of all, if a foreign corporation is involved, that does not prevent someone from having their day in court. The bill clearly says that it is where the plaintiff lives, and if one is a U.S. citizen, most likely they are going to live in the United States, or where the injury occurred, and the injury would have occurred in this country. So that takes care of their concerns there.

Another previous speaker from Massachusetts started off by talking about the ban on assault weapons. This bill has nothing to do with that, but we do attempt to ban frivolous lawsuits, and in that we are successful. But the gentleman from Massachusetts did make a good point, and I will embrace it entirely, and that is he acknowledged, which I thought was quite an admission, that today there are, in fact, even by his own standards, 11,000 frivolous lawsuits a year. He said they have come down. That is because of the asbestos lawsuits working their way through the various courts. Eleven thousand frivolous lawsuits filed today. I guarantee my colleagues that 99 percent of the American people think 11,000 frivolous lawsuits a year today is 11,000 frivolous lawsuits too many.

Another point I want to respond to, Mr. Speaker, was made by a gentleman who was concerned about the effect of this legislation on civil rights cases that might be filed. I want to assure him and others who might have that similar concern that if they look at section 5 of this bill, it reads: "Nothing in this bill shall be construed to bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law." The reason it says "new claims" is because claims that already exist under current law obviously are not frivolous. There is a basis in law for filing those lawsuits. So we protect anybody who might file a civil rights lawsuit in this legislation. Furthermore, if there was some concern about that, one would think that it would have been raised in the full Committee on the Judiciary consideration of this bill. It was not mentioned and no amendments were offered on that point.

Lastly, Mr. Speaker, I also want to reassure not only my colleagues but those who might be listening to this debate that this is not a bill trying to impugn the motives of all trial lawyers. In fact, the great majority of trial lawyers serve their profession and serve Americans honorably. We are talking about a very few attorneys who, quite frankly, abuse the system, who engage in legalized extortion, who file lawsuits for no other reason than they think someone can settle out of court and they are trying to extract money from them. That is the type of abuse we seek to stop in this bill, and that is the kind of abuse we intend to.

Finally, there are many pieces of legislation considered by this body where we can see where half of the American people might benefit, half might not benefit. But in this case we have at least 99 percent of the American people on one side and just a few lawyers on the other side. And it is very rare, I think, that we would have the vast majority of the American people so clearly favoring one cause, and that is the cause of trying to reduce frivolous lawsuits.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Virginia (Mr. SCOTT) has 1 minute remaining.

Mr. SCOTT of Virginia. Mr. Speaker, as it has been indicated, there is a serious question in some cases of whether or not the forum shopping is limited, one, to a situation where they cannot file anywhere. But I want to quote from a letter from several civil rights organizations. It states: "More than a decade ago civil rights organizations, including several of the undersigned organizations, worked to amend Rule 11 because the old rule unfairly discouraged meritorious civil rights claims. Nationwide surveys about the former rule found that motions for sanctions were most frequently sought and granted in civil rights cases." This bill "seeks to take us back to the changes made in 1993 to Rule 11 and force litigants to operate under the terms that we fear, like the former rule we worked so hard to amend, will be used to punish and deter valid claims of discrimination. But" this bill "goes even further. Not content with changing rules for Federal courts, the bill extends its reach to State courts," where the problem of biased judges would even be more acute.

I would point out again that there is no appeal to these cases and this does not apply to cases under existing law that many judges feel are frivolous.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 1 minute remaining.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman from Texas (Mr. SMITH) clearly stated that there is an exemption in this bill on civil rights law and this bill does not apply to the development of new civil rights laws. Further, the survey of the judges that I have referred to in the past, 95 percent of the 751 federal judges believe that the old Rule 11, which the gentleman from Virginia complains of, did not impede the development of the law. That is, 19 judges out of 20 said that the assertion that the gentleman from Virginia made was not correct in their opinion. That is why this bill is a good one and it ought to be passed.

Mr. WEXLER. Mr. Speaker, a vote for this bill is a vote for a rule—Rule 11—that it had become an impediment to practicing law, not an impediment to frivolous suits as its proponents would have yŏu think.

The bill before us today seeks to turn back the clock. Eleven years ago, Congress rewrote rule 11 to get rid of mandatory sanctions for frivolous filings because mandatory sanctions had not helped stop frivolous filings and in some cases made them worse. Why then are we going backward today? And if we are going to turn back the clock, why can't we turn back the clock to the unprecedented economic prosperity of the Clinton administration—where we had a balanced budget and a budget surplus, where we had reduced welfare roles and respect on the international stage, and where we had 100,000 new cops on the street and the lowest crime rate in decades.

If we are dead-set on turning back the clock, why must we turn it back to a system that was proven not to work? We tried mandatory sanctions for 10 years. After 10 years with mandatory sanctions, Federal courts recommended against them because they were widely abused and actually added to the wasteful litigating they were intended to prevent.

Our court system is not perfect by any stretch of the imagination. We need to meaningfully address the burden that frivolous lawsuits are placing on our courts and on our society. However, this bill does not provide any new answers; instead it takes us backward to a solution we know doesn't work.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in opposition to H.R. 4571, the misnamed "Frivolous Lawsuit Reduction Act," and in support of the Turner substitute.

Mr. Speaker, the 11,000 frivolous lawsuits filed yearly are a burden on our court system, which interfere with the administration of justice, and cost U.S. taxpayers millions of dollars each year. I fully support commonsense reform.

H.R. 4571 was drafted by and for large corporations and special interests with unlimited legal resources. It denies justice to injured Americans by limiting them from getting their day in court. That's wrong, Mr. Speaker. It does nothing to help consumers, Mr. Speaker, and targets innocent victims instead of holding responsible those who recklessly or negligently harm others.

The bill also unfairly benefits foreign corporations because it only permits a lawsuit to be filed where the corporation's principal place of business is located, making it more difficult to pursue a personal injury or product liability action against a foreign corporation in the United States. That's also wrong, Mr. Speaker, and it's not the kind of reform that America needs.

The Turner substitute is measured and tough on abuse of the system, while also protecting the rights of injured victims to receive the compensation they deserve. In fact, the substitute's "three-strikes-and-you're-out" provisions forbid frivolous filing attorneys from bringing another suit for 10 years. For a first violation the substitute would hold the attorney in contempt. For the second violation the substitute imposes a mandatory fine. And for a third and final violation, a "third strike," you're out. That's tough, Mr. Speaker, and a commonsense approach to frivolous litigation that everyone should support.

The substitute also contains a civil rights carve-out, so that citizens who want to bring new civil rights cases can do so. It contains expedited disposition provisions to weed out junk lawsuits, enhances sanctions for document destruction, and protects injured parties and consumers. Finally, it eliminates the provision in the underlying bill that provides a windfall to foreign or "Benedict Arnold" corporations to the disadvantage of their U.S. competitors.

The Turner substitute is tough, Mr. Speaker, it's fair, and it provides real reform while preserving access to the courts for millions of Americans. I urge my colleagues to support it.

Mr. PAYNE. Mr. Speaker, I am pleased to support the Lawsuit Abuse Reduction Act, H.R. 4571, that addresses the problem of frivolous lawsuits in a constitutional manner. As an OB–GYN, I am very aware of the damage frivolous litigation is causing small businesses and medical practitioners. Frivolous lawsuits filed by unscrupulous trial lawyers can drive small businesses into bankruptcy and force doctors to abandon their medical practice. These lawsuits inflict the greatest danger on consumers who must pay more for goods and services and medical patients who cannot find needed medical services in their communities.

H.R. 4571 reduces frivolous lawsuits by exercising Congress's constitutional authority to establish rule of civil procedure for federal courts. Specifically, H.R. 4571 restores mandatory sanctions for attorneys who file frivolous lawsuits. Among other sanctions, attorneys who file frivolous lawsuits may be required to pay the other side's attorneys fees. The possibility of having to pay attorneys fees is an important factor in discouraging "nuisance" suits—lawsuits filed in the hopes of extorting cash settlements from defendants who have decided it is better to settle quickly than face the possibility of a lengthy and costly legal proceedings. This form of legal blackmail is one of the most abhorrent practices plaguing our legal system today. I am pleased to see Congress taking action to address it.

H.R. 4571 also ends the practice of forum shopping. Forum shopping is an abuse of Federal "diversity jurisdiction" that allows a trial attorney to pick a venue known for awarding large cash awards for spurious claims. All too often, a plaintiff's attorney will choose a forum that has a very tenuous or insignificant relation to the main case, but has a reputation for awarding huge victories to the plaintiff's bar. Forum shopping is especially a problem in class action suits. H.R. 4571 addresses this problem by requiring cases be filed in the Federal district or State where the plaintiff resides, the State or Federal district where the plaintiff was injured or the State or Federal district where the defendant's principal place of business is located.

Mr. Speaker, frivolous lawsuits endanger small business across the country. I am pleased to see Congress today addressing the litigation crisis, not by attempting to nationalize tort law, but by exercising our constitutional authority over the rules of Federal civil procedure and diversity jurisdiction. I, therefore, urge all my colleagues to support H.R. 4571, the Lawsuit Abuse Reduction Act.

Mr. STARK. Mr. Speaker, I rise in opposition to the so-called Lawsuit Abuse Reduction Act, Nonprofit Athletic Organization Protection Act, and Volunteer Pilot Organization Protection Act. The Republicans are now so desperate to run against trial lawyers in this election that they have turned against our judicial system, student athletes, and countless other Americans.

Almost all volunteers, including coaches, are already protected from frivolous lawsuits by the Volunteer Protection Act of 1997, but the Republicans want to go beyond the better judgment and bipartisan consensus of 1997 in order to create an election-year issue.

Under the athletic organization act, an organization like the NCAA could violate title IX by failing to provide equal opportunities for female athletes, or court violate civil rights, antitrust, or labor laws, and not be held accountable in court.

The 1997 Volunteer Protection Act rightly excluded volunteers who operate "a motor vehicle, vessel [or] aircraft" from legal immunity for negligence because volunteerism has to be encouraged without sacrificing the rights of injured parties. The pilot organization protection act destroys this balance by holding most pilots to one standard but allowing volunteer pilots to escape liability for negligence.

The Lawsuit Abuse Protection Act hurts all Americans by exposing them and their attorneys to motions intended to harass them and slow down the legal process, a tactic often used by wealthy defendants in civil rights trials. This is one of many reasons why the U.S. Judicial Conference, headed by Chief Justice William Rehnquist, opposes this bill. H.R. 4571 is also unconstitutional, because it forces every state court to implement new court rules and procedures, even though Congress has no jurisdiction over state courts.

Mr. Speaker, I am happy to stand up for our Constitution, judicial system, athletes, and all Americans by voting "no" on these three bills. If that makes me a friend of the trial lawyers, then I proudly stand with Thurgood Marshall, William Jennings Bryan, and Abraham Lincoln over TOM DELAY and George W. Bush.

Mr. BLUMENAUER. Mr. Speaker, H.R. 4571 is a thinly veiled attack on the trial lawyers at the expense of injured plaintiffs. By requiring mandatory sanctions that would apply to civil rights cases, H.R. 4571 will prohibit many legitimate and important civil rights actions from being filed.

No one wants frivolous abuses of our court system. There is no need to sacrifice the rights of individuals to do so. I vote in support of a substitute amendment offered by Congressman TURNER that will protect the civil rights of individuals and against H.R. 4571.

Mr. CONYERS. Mr. Speaker, I do not support this legislation because it will have a significant, adverse impact on the ability of civil rights plaintiffs to seek recourse in our courts, it will operate to benefit foreign corporate defendants at the expense of their domestic counterparts, and it will massively skew the playing field against injured victims.

This bill must be bad given the number of organizations that are opposed to it. This list includes the United States Judicial Conference, the NAACP, Public Citizen, the Alliance for Justice, People for the American Way, the American Association of People with Disabilities, the Lawyers' Committee for Civil Rights Under Law, the American Bar Association, the National Conference on State Legislatures, National Partnership for Women, National Women's Law Center, the Center for Justice & Democracy, Consumers Union, National Association of Consumer Advocates, USAction, U.S. PIRG, and the NAACP Legal Defense Fund.

By requiring a mandatory sanctions regime that would apply to civil rights cases, H.R. 4571 will chill many legitimate and important civil rights actions. This is due to the fact that much if not most of the impetus for the 1993 changes stemmed from abuses by defendants in civil rights cases—namely that civil rights defendants were choosing to harass civil rights plaintiffs by filing a series of rule 11 motions intended to slow down and impede meritorious cases.

Although the bill states that the proposed rule 11 changes shall not be construed to "bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law," the language does not clearly and simply exempt civil rights and discrimination cases, as should be the case. Determining what a "new claim or remedy" is will be a daunting and complex issue for most courts and clearly does not cover all civil rights cases in any event.

Section 4, the "forum shopping" provision, would operate to provide a litigation and financial windfall to foreign corporations at the expense of their domestic competitors. This is because, instead of permitting claims to be filed wherever a corporation does business or has minimum contacts, as most state long-arm statutes provide, the bill only permits the suit to be brought where the defendant's principal place of business is located—in the case of a foreign corporation, that does not exist in the United States.

If a U.S. citizen is harmed by a product produced or manufactured by a foreign competitor, under H.R. 4571 the harmed U.S. citizen could have no recourse against a foreign corporation, whereas he or she would have recourse against a comparable U.S. corporation. This is unfair to both the U.S. citizen and all U.S. companies that compete against the foreign firm.

I urge you to vote "no" to this poorly drafted and unfair piece of legislation.

SEPTEMBER 13, 2004.

DEAR REPRESENTATIVE: We, the undersigned civil rights groups, urge you to vote against H.R. 4571 and H.R. 3369. If enacted, these bills will embolden some to unlawfully discriminate without fear of being held accountable. This legislation will turn back the progress civil rights organizations have made to achieve equal rights under the law these past decades.

Currently, Rule 11 of the Federal Rules of Civil Procedure gives judges discretion to determine whether a claim or defense is frivolous and if so, the appropriate sanctions for such a filing. H.R. 4571 would take away the judge's discretion to impose sanctions and changes Rule 11 of the Federal Rules of Civil Procedure in significant ways that will harm victims of discrimination. By removing the "safe harbor" provision that allows a party to withdraw or amend the claim or defense that an opponent argues violates Rule 11 and making sanctions more severe and mandatory, the bill will trigger additional, contentious judicial proceedings that have little to do with the merits of the claims. Thus even civil rights plaintiffs who pursue their legitimate claims with the heightened risk of severe sanctions, may give up at the hands of litigious defendants who employ a rope-a-dope technique to simply wear out their opponents.

Our concerns about the threat to civil rights cases posted by H.R. 4571 are well founded and based on real life experience. More than a decade ago, civil rights organizations—including several of the undersigned organizations—worked to amend Rule 11 because the old rule unfairly discouraged meritorious civil rights claims. Nationwide surveys about the former rule found that motions for sanctions were most frequently sought and granted in civil rights cases. Expressing his concern about the former Rule 11, the Honorable Robert L. Carter, United States District Court Judge for the Southern District of New York, noted, "I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal [in Brown v. Board of Education] would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions to plead our legal theory explicitly from the start."

H.R. 4571 seeks to take back the changes made in 1993 to Rule 11 and force litigants to operate under the terms that we fear, like the former rule we worked so hard to amend, will be used to punish and deter valid claims of discrimination. But H.R. 4571 goes even further. Not content with changing the rules for federal courts, the bill extends its reach to State court cases. Upon motion, the court is required to assess the costs of the action "to the interstate economy." If the court determines that the state court action "affects interstate commerce," Rule 11 of the Federal Rules of Civil Procedure "shall apply to such action." Imagining the proceedings necessary to determine whether a particular state court action "affects interstate commerce" is mind-boggling. Moreover, the total disregard for federalism is astounding.

We also oppose H.R. 3369, the "Nonprofit Athletic Organization Protection Act." This bill gives immunity to nonprofit athletic organizations. The scope of the legislation could protect an organization that violates federal or state law by discriminating against an athlete on the basis of race, gender, disability or other protections given under federal or state law. No evidence has been presented that nonprofit athletic organizations need such protection. Coaches and other volunteers are already protected from liability under the 1997 Volunteer Protection Act.

We understand that members of Congress who oppose H.R. 3369 risk being accused of siding with "trial lawyers" over "Little Leagues," particularly this election season. But it is not the "trial lawyers" that need your protection; it is the players themselves and others who may be discriminated against and may have no recourse under this bill who need your protection. Therefore, we respectfully ask you to oppose the bill.

If you have any questions or need more information, please contact Hilary O. Shelton, Director, NAACP Washington Bureau, 202.463.2940 or Sandy Brantley, Legislative Counsel, Alliance for Justice, 202.822.6070.

Sincerely,

Alliance for Justice, American Association of People with Disabilities (AAPD), Lawyers' Committee for Civil

Rights Under Law, National Association for the Advancement of Colored People (NAACP), National Partnership for Women, National Women's Law Center, People For the American Way, USAction, U.S. Public Interest Research Group (U.S. PIRG).

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, July 9, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Judicial Conference, I write to urge you to reconsider your position on the "Lawsuit Abuse Reduction Act of 2004" (H.R. 4571). Section 2 of the bill would reinstitute a rule eliminated in 1993 upon the recommendation of the Judicial Conference, approval by the Supreme Court, and after review by Congress, because of the serious problems it engendered during a ten-year period of operation. Section 2 also would amend Rule 11 of the Federal Rules of Civil Procedure in a manner inconsistent with the longstanding Judicial Conference policy opposing direct amendment of the federal rules by legislation. Section 3 of H.R 4571 would apply the revised federal Rule 11 to certain state court actions, while section 4 would amend the venue standards governing the filing of tort actions in both the federal and state courts: Sections 3 and 4 implicate federal-state comity interests and raise important policy and practical concerns.

SECTION 2

Section 2 would directly amend Civil Rule 11 to remove a court's discretion to impose sanctions on a frivolous filing and eliminate the rule's "safe-harbor" provisions. The bill undoes amendments to Rule 11 that took effect on December 1, 1993, and would bring back the provisions that were first introduced in 1983 and removed from the rule in 1993, after a decade of signally bad experiences with the operation and effects of the 1983 rule.

Like H.R. 4571, the 1983 version of Rule 11 required sanctions for every violation of the rule. It spawned thousands of court decisions and generated widespread criticism. The rule was abused by resourceful lawyers, and an entire "cottage industry" developed that churned tremendously wasteful satellite litigation that had everything to do with strategic gamesmanship and little to do with underlying claims. Rule 11 motions came to be met with counter motions that sought Rule 11 sanctions for making the original Rule 11 motion.

Some of the other serious problems caused by the 1983 amendments to Rule 11 included:

(1) creating a significant incentive to file unmeritorious Rule 11 motions by providing a possibility of monetary penalty;

(2) engendering potential conflict of interest between clients and their lawyers, who advised withdrawal of particular claims despite the clients' preference;

(3) exacerbating tensions between lawyers; and

(4) providing little incentive, and perhaps a distinct disincentive, to abandon or withdraw a pleading or claim—and thereby admit error—that lacked merit after determining that it no longer was supportable in law or fact.

The 1993 amendments to Rule 11 were designed to strike a fair and equitable balance between competing interests, remedy the major problems with the rule, and allow courts to focus on the merits of the underlying cases rather than on Rule 11 motions. The rule establishes a safe harbor, providing a party 21 days within which to withdraw a particular claim or defense before sanctions can be imposed. If the party fails to withdraw an allegedly frivolous claim or defense within the 21 days, a court may impose sanctions, including assessing reasonable attorney fees. The 1983 Rule 11 authorized a court to sanction discovery-related abuse under Rule 11, Rule 26(g), or Rule 37, which created confusion. Under the 1993 amendments to Rule 11, sanctioning of discovery-related abuse was limited to Rules 26 and 37, which provide for sanctions that include awards of reasonable attorney fees.

The 1993 amendments to Rule 11 culminated a long, critical examination of the rule begun four years earlier. The Advisory Committee on Civil Rules (Advisory Committee) reviewed a significant number of empirical examinations of the 1983 Rule 11, including three separate studies conducted by the Federal Judicial Center in 1985, 1988, and 1991, a Third Circuit Task Force report on Rule 11 in 1989, and a New York State Bar Committee report in 1987. The Advisory Committee took note of several book-length analyses of Rule 11 case law.

The 1991 Federal Judicial Center survey noted that most federal judges believed that the 1983 version of Rule 11 had positive effects. But the study also noted that most judges found several other methods more effective than Rule 11 in handling such litigation and, most significantly, that about one-half of the judges reported that Rule 11 exacerbates behavior between counsel. After reviewing the literature and empirical studies of problems caused by the 1983 amendments to Rule 11, the Advisory Committee issued in 1990 a preliminary call for general comment on the operation and effect of the rule. The response was substantial, calling for a change in the rule.

The Advisory Committee concluded that the cost-shifting in Rule 11 created an incentive for too many unnecessary Rule 11 motions. Amendments to Rule 11 were drafted. The Supreme Court promulgated and transmitted the amendments to Congress in May 1993 after extensive scrutiny and debate by the bench, bar, and public in accordance with the Rules Enabling Act process (28 U.S.C. §§2071–2077).

Experience with the amended rule since 1993 has demonstrated a marked decline in Rule 11 satellite litigation without any noticeable increase in the number of frivolous filings. In June 1995, the Federal Judicial Center conducted a survey of 1,130 lawyers and 148 judges on the effects of the 1993 Rule 11 amendments. About 580 attorneys and 120 judges responded to the survey. The Center found general satisfaction with the amended rule. It also found that more than 75% of the judges and lawyers would oppose a provision that would require a court to impose a sanction when the rule is violated. A majority of the judges and lawyers, both plaintiffs' and defendants' lawyers, believed that groundless litigation was handled effectively by judges.

Undoing the 1993 Rule 11 amendments, even though no serious problem has been brought to the Judicial Conference rules committees' attention, would frustrate the purpose and intent of the Rules Enabling Act. Section 2 of H.R. 4571 would effectively reinstate the 1983 version of Rule 11 that proved so contentious and wasted so much time and energy of the bar and bench. Section 2, indeed, in some ways seems to go beyond the provisions that created serious problems with the 1983 rule. It may cause even greater mischief. Rule 11 in its present form has proven effective and should not be revised.

SECTIONS 3 AND 4

Section 3 would extend the new requirements of a mandatory Rule 11 to all state court litigation that the state court deems, on motion, to affect interstate commerce. Two features of this provision stand out. First, it would directly regulate the practice and procedure of state courts, mandating a federal standard for the imposition of sanctions for the filing of frivolous or ungrounded complaints and other papers in state court. At present, states have been free to adopt their own rules of practice, including a version of Rule 11, if a state so chooses. Second, section 3 does not specify the actions to which it would apply. Rather, it imposes on state judges a broad generalized test to determine whether or not federal Rule 11 would apply in a given case. If enacted, this section could affect the cost and duration of a very large number of civil actions in state courts.

Section 4 seeks to prevent forum shopping by specifying the places where a plaintiff may bring a "personal injury" claim by imposing a federal standard for determining the venue of state law personal injury claims, in both state and federal court. Such a federal standard would displace existing state venue rules or statutes. It would also significantly alter the statutes in title 28, United States Code, that now govern venue (section 1391) and transfer of venue (section 1404) in the federal courts.

The Judicial Conference opposes the enactment of H.R. 4571 for the reasons stated above as to section 2. Sections 3 and 4 would make important changes in the administration of civil justice in both federal and state courts. The Judicial Conference has not had the opportunity to formally assess the advisability or impact of these sections, but notes that they may substantially affect federal-state comity interests and raise important policy and practical concerns.

The Judicial Conference greatly appreciates your consideration of its views. If you or your staff have any questions, please contact Michael W. Blommer, Assistant Director, Office of Legislative Affairs, Administrative Office of the U.S. Courts, at (202) 502-1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, September 14, 2004.

Re NAACP opposition to H.R. 4571, the so-called "Frivolous Lawsuit Reduction Act".

MEMBERS,
House of Representatives,
Washington, DC.

DEAR MEMBERS OF CONGRESS: On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grass roots civil rights organization, I am writing to urge you, in the strongest terms possible, to oppose H.R. 4571, the so-called "Frivolous Lawsuit Reduction Act." Specifically, the NAACP is convinced that should this misguided legislation become law, it will have a serious and adverse impact on the ability to bring civil rights cases.

While the NAACP is actively opposed to strategic lawsuits against public participation (SLAPP suits), a careful review of H.R.

4571 shows clearly that this particular legislation does not address our concerns. In fact, if enacted, H.R. 4571 would embolden some to unlawfully discriminate without fear of being held accountable. H.R. 4571 would dramatically alter the operation of Rule 11 of the Federal Rules of Civil Procedure and apply the new rule to state as well as federal courts. Rule 11 prohibits attorneys from engaging in litigation tactics that harass or cause unnecessary delay or cost, or from making frivolous legal arguments or unwanted factual assertions. The current Rule 11 was adopted in 1993 in an effort to correct numerous problems resulting from amendments that had been made in 1983. Rather than curbing the problem of frivolous lawsuits, as it was intended to do, the 1983 revisions spawned thousands of court decisions and generated widespread criticism. It was abused by resourceful attorneys and resulted in wasteful satellite litigation and rising incivility of the bar.

Furthermore, much of the impetus for the 1993 changes stemmed from abuses by defendants in civil rights cases; civil rights defendants were choosing to harass civil rights plaintiffs by filing a series of Rule 11 motions intended to slow down or impeded meritorious cases or intimidate the defendants or their attorneys. In fact, several studies determined that prior to the 1993 changes Rule 11 motions were used more frequently in civil rights cases than any other types of lawsuits.

While language nominally intended to mitigate the damage that this bill will cause to civil rights cases has been added, it is vague and simply insufficient in addressing our concerns. Even with this weak and ineffective provision, H.R. 4571 would be extremely detrimental to those of us who are forced to seek legal recourse to address discrimination in our country. Thus, I urge you again, in the strongest terms possible, to oppose H.R. 4571 and to see that it is defeated. Should you have any questions about this legislation or the NAACP opposition to it, please feel free to contact either me or Carol Kaplan on my staff at (202) 463-2940. Thank you in advance for your consideration of the NAACP position.

Sincerely,

HILARY O. SHELTON,
Director.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, June 29, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding the hearing your Committee held June 22, 2004 on H.R. 4571, legislation to make changes in Rule 11 of the Federal Rules of Civil Procedure; make an amended Rule 11 of the Federal Rules of Civil Procedure applicable to cases filed in state courts if such cases affect interstate commerce; and make changes relating to jurisdiction and venue for personal injury cases filed in state and federal courts.

The ABA opposes the provisions in the legislation that would change the Federal Rules of Civil Procedure without going through the process set forth in the Rules Enabling Act. The ABA fully supports the Rules Enabling Act process, which is based on three fundamental concepts: (1) the central role of the judiciary in initiating judicial rulemaking, (2) procedures that permit full public participation, including by the members of the legal profession, and (3) recognition of a congressional review period. We view the proposed rules changes to the Federal Rules in H.R. 4571 as a retreat from the Rules Enabling Act.

In 28 U.S.C. §§2072–74, Congress prescribed the appropriate procedure for the formulation and adoption of rules of evidence, practice and procedure for the federal courts. This well-settled, Congressionally-specified procedure contemplates that evidentiary and procedural rules will in the first instance be considered and drafted by committees of the United States Judicial Conference, will thereafter be subject to thorough public comment and reconsideration, will then be submitted to the United States Supreme Court for consideration and promulgation, and will finally be transmitted to Congress, which retains the ultimate power to veto any rule before it takes effect.

This time-proven process proceeds from separation-of-powers concerns and is driven by the practical recognition that, among other things:

(1) Rules of evidence and procedure are inherently a matter of intimate concern to the judiciary, which must apply them on a daily basis;

(2) Each rule forms just one part of a complicated, interlocking whole, rendering due deliberation and public comment essential to avoid unintended consequences; and

(3) The Judicial Conference is in a unique position to draft rules with care in a setting isolated from pressures that may interfere with painstaking consideration and due deliberation.

We do not question congressional power to regulate the practice and procedure of federal courts. Congress exercised this power by delegating its rulemaking authority to the judiciary through the enactment of the Rules Enabling Act, while retaining the authority to review and amend rules prior to their taking effect. We do, however, question the wisdom of circumventing the Rules Enabling Act, as H.R. 4571 would.

We also have serious concerns about the provisions in H.R. 4571 that would impose the Federal Rules on the state courts and would impose the changes relating to jurisdiction and venue for personal injury cases filed in state and federal courts. We hope your Committee will not move on legislation containing such departures from current law until we and others have sufficient time to analyze the impact they would have on the state courts and so we will be able to present our views to you on these very important matters.

We respectfully request that this letter be made part of the permanent hearing record of June 22, 2004.

Sincerely,

ROBERT D. EVANS.

Mr. GOODLATTE. Mr. Speaker, I rise today in support of H.R. 4571, the Lawsuit Abuse Reduction Act.

Last year, I introduced legislation to address the escalating problems that accompany frivolous lawsuits, the Class Action Fairness Act. This legislation would reform the Federal rules that govern class actions so that truly interstate lawsuits would be heard in Federal courts, like the Framers envisioned. The current class action rules provide an opportunity for opportunistic lawyers to game the system and extort money from legitimate businesses.

The abuse of the class action process is just one example of how the current litigious atmosphere in our country threatens to undermine the growth and innovation that has characterized our great Nation since its founding. Frivolous lawsuits force businesses to waste time and resources that could otherwise be spent on new products, new services, or innovative procedures that could reduce the costs of goods and services for consumers.

Small businesses rank the cost and availability of liability insurance second only to the costs of health care as their top priority. Not coincidentally, both of these problems are fueled by frivolous lawsuits.

H.R. 4571 is another commonsense approach to combat frivolous lawsuits. It would restore mandatory sanctions for filing frivolous lawsuits and allow monetary sanctions, including attorney's fees and compensatory costs, against any party making a frivolous claim. H.R. 4571 would also allow sanctions for abuse of the discovery process, and would abolish the current "free pass" provision that allows lawyers to avoid sanctions if they withdraw the frivolous claim within 21 days after a motion for sanctions has been filed.

By restoring strong penalties against those that file frivolous claims, the Lawsuit Abuse Reduction Act will give businesses the freedom to devote their resources to doing business, rather than wasting their resources defending frivolous litigation.

I urge my colleagues to support this important legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. TURNER OF TEXAS

Mr. TURNER of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. TURNER of Texas:

Strike all after the enacting clause and insert the following:

SEC. 1. "THREE STRIKES AND YOU'RE OUT" FOR FRIVOLOUS PLEADINGS.

(a) SIGNATURE REQUIRED.—Every pleading, written motion, and other paper in any action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) CERTIFICATE OF MERIT.—By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a non frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) Mandatory Sanctions.—

(1) First violation.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) Second violation.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) Third and subsequent violations.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings, require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney, or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) Appeal; stay.—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(5) Not applicable to civil rights claims.—Notwithstanding subsection (d), this subsection does not apply to an action or claim arising out of Federal, State, or local civil rights law or any other Federal, State, or local law providing protection from discrimination.

(d) Applicability.—Except as provided in subsection (c)(5), this section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

SEC. 2. "THREE STRIKES AND YOU'RE OUT" FOR FRIVOLOUS CONDUCT DURING DISCOVERY.

(a) Signatures Required on Disclosures.—Every disclosure made pursuant to subdivision (a)(1) or subdivision (a)(3) of Rule 26 of the Federal Rules of Civil Procedure or any comparable State rule shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made.

(b) Signatures Required on Discovery.—

(1) In general.—Every discovery request, response, or objection made by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the request, response, or objection and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the request, response, or objection is:

(A) consistent with the applicable rules of civil procedure and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(B) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

(C) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

(2) Stricken.—If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection, and a party shall not be obligated to take any action with respect to it until it is signed.

(c) Mandatory Sanctions.—

(1) First violation.—If without substantial justification a certification is made in violation of this section, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional sanctions, such as imposing sanctions plus interest or imposing a fine upon the person in violation, or upon such person and such person's attorney or client (as the case may be).

(2) Second violation.—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) Third and subsequent violations.—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed more than one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court, shall require the payment of costs and attorneys fees, require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine, and refer such attorney to one or more appropriate State bar associations for disciplinary proceedings. The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) Appeal; stay.—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(d) Applicability.—This section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

SEC. 3. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.

(a) In General.—A court may not order that a court record be sealed or subjected to a protective order, or that access to that record be otherwise restricted, unless the court makes a finding of fact in writing that identifies the interest that justifies the order and that determines that the order is no broader than necessary to protect that interest.

(b) Applicability.—This section applies to any court record, including a record obtained through discovery, whether or not formally filed with the court.

SEC. 4. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.

(a) In General.—Whoever influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, a pending court proceeding through the intentional destruction of documents sought in, and highly relevant to, that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 37 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

(b) Applicability.—This section applies to any court proceeding in any Federal or State court.

SEC. 5. EXPEDITED DISPOSITION OF FRIVOLOUS AND OTHER LAWSUITS.

(a) In General.—For each State, each judicial district in the State shall, within 2 years of the date of the enactment of this Act, develop and implement a civil justice expense and delay reduction plan and submit it to the appropriate governing body of the State. The governing body shall make the plan available to the public.

(b) Principles.—Each plan required by subsection (a) shall apply to actions in State court that affect interstate commerce and any other actions that the governing body considers appropriate. The plan shall be developed and implemented with regard to the following principles:

(1) Systematic, differential treatment of civil cases that tailors the level of individualized and case specific management to such criteria as case complexity, the amount of time reasonably needed to prepare the case for trial, and the judicial and other resources required and available for the preparation and disposition of the case.

(2) Early and ongoing control of the pretrial process through involvement of a judicial officer in—

(A) assessing and planning the progress of a case;

(B) setting early, firm trial dates, such that the trial is scheduled to occur within eighteen months after the filing of the complaint, unless a judicial officer certifies that—

(i) the demands of the case and its complexity make such a trial date incompatible with serving the ends of justice; or

(ii) the trial cannot reasonably be held within such time because of the complexity of the case or the number or complexity of pending criminal cases;

(C) controlling the extent of discovery and the time for completion of discovery, and ensuring compliance with appropriate requested discovery in a timely fashion; and

(D) setting, at the earliest practicable time, deadlines for filing motions and a time framework for their disposition.

(3) For all cases that the court or an individual judicial officer determines are complex and any other appropriate cases, careful and deliberate monitoring through a discovery-case management conference or a series of such conferences at which the presiding judicial officer—

(A) explores the parties' receptivity to, and the propriety of, settlement or proceeding with the litigation;

(B) identifies or formulates the principal issues in contention and, in appropriate cases, provides for the staged resolution or bifurcation of issues for trial consistent with Rule 42(b) of the Federal Rules of Civil Procedure;

(C) prepares a discovery schedule and plan consistent with any presumptive time limits that a district court may set for the completion of discovery and with any procedures a district court may develop to—

(i) identify and limit the volume of discovery available to avoid unnecessary or unduly burdensome or expensive discovery; and

(ii) phase discovery into two or more stages; and

(D) sets, at the earliest practicable time, deadlines for filing motions and a time framework for their disposition.

(4) Encouragement of cost-effective discovery through voluntary exchange of information among litigants and their attorneys and through the use of cooperative discovery devices.

(5) Conservation of judicial resources by prohibiting the consideration of discovery motions unless accompanied by a certification that the moving party has made a reasonable and good faith effort to reach agreement with opposing counsel on the matters set forth in the motion.

(6) Authorization to refer appropriate cases to alternative dispute resolution programs that—

(A) have been designated for use in a district court; or

(B) the court may make available, including mediation, minitrial, and summary jury trial.

(c) TECHNIQUES.—In developing the plan required by subsection (a), a judicial district shall consider and may include the following techniques:

(1) A requirement that counsel for each party to a case jointly present a discovery-case management plan for the case at the initial pretrial conference, or explain the reasons for their failure to do so.

(2) A requirement that each party be represented at each pretrial conference by an attorney who has the authority to bind that party regarding all matters previously identified by the court for discussion at the conference and all reasonably related matters.

(3) A requirement that all requests for extensions of deadlines for completion of discovery or for postponement of the trial be signed by the attorney and the party making the request.

(4) A neutral evaluation program for the presentation of the legal and factual basis of a case to a neutral court representative selected by the court at a nonbinding conference conducted early in the litigation.

(5) A requirement that, upon notice by the court, representatives of the parties with authority to bind them in settlement discussions be present or available by telephone during any settlement conference.

(6) Such other features as the judicial district considers appropriate.

The SPEAKER pro tempore. Pursuant to House Resolution 766, the gentleman from Texas (Mr. TURNER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 20 minutes.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

I offered a substitute, which I believe is much stronger in preventing frivolous lawsuits than the bill offered to the House. In addition, it preserves the right that was mentioned earlier to sue a foreign corporation, which is jeopardized in the bill offered before us.

The Republican bill also weakens our civil rights laws by having a chilling effect upon suits relating to civil rights, and our substitute carves out an exception for civil rights litigation. But, most importantly, it does not eliminate the possibility that one may be unable to sue a foreign corporation in the United States.

First of all, our bill strengthens the provisions against frivolous lawsuits. Members on both sides of the aisle uniformly, unanimously agree that our laws and our rules of procedure must prohibit frivolous lawsuits. Our bill imposes a mandatory "three strikes and you're out" provision on frivolous pleadings and discovery violations. Thus, it is far more stringent than the Republican bill, which merely subjects these violations to mandatory payment of cost and fees. More importantly, our bill includes clear and specific civil rights carve outs so there will not be a chilling effect on these actions. We also amend the United States Code so that the change is not subject to future changes and modifications by the courts as the Republican bill would be.

Second, our bill limits the ability of corporate wrongdoers to conceal any conduct harmful to the public welfare by requiring that court records may not be sealed unless the court first enters a finding that such sealing is justified. This provision will help ensure that information on dangerous products and actions is made available to the public. A nearly identical provision passed by voice vote in the 107th Congress with the support of the gentleman from Wisconsin (Chairman SENSENBRENNER). The Republican bill does not contain this very important protection.

Third, we provide that parties which destroy documents in connections with civil proceedings shall be punished with mandatory civil sanctions, held in contempt of court, and referred to the State bar for disciplinary proceedings. Again, this is far tougher than the Republican bill, which does not provide for contempt of court and disciplinary proceedings.

And, fourth, we specify that the Civil Justice Reform Act, which has been so successful in the Federal courts, be applied to all courts in order to speed up the pretrial process and to weed out junk lawsuits.

And, finally, unlike the Republican bill, our substitute does not have this new rule of jurisdiction that operates to make it impossible to sue a foreign corporation in this country and, further, by the absence of such provision, promotes corporations in our own country continuing this despicable process of relocating their headquarters overseas in order to avoid U.S. taxes, and now they will do so to avoid being sued. There is no reason to give these companies a windfall profit, windfall gain, at the expense of corporations who do the right thing and stay here at home.

This is a common sense substitute. It cracks down on frivolous lawsuits even more forcefully than the Republican bill. It preserves our antitrust laws and our ability to obtain justice against foreign corporations. It is a better bill, a stronger bill, and one that we would urge this House to substitute for the bill offered by our Republican colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this substitute amendment which guts the bill.

Where to begin? I will begin with the title of the first section of the substitute. It is entitled "Three Strikes and You're Out." But it is not true when we read the substitute. In fact, the substitute provides that following three violations of this provision, the court "shall refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings." Three strikes and you are still in.

The Democratic substitute does not say that the attorney shall be suspended from the practice of law. That is what the base bill says. The bill says that after three strikes "The Federal District court shall suspend that attorney from the practice of law in that Federal District Court."

The base bill follows through on its "three strikes and you're out" promise. The Democratic substitute says "three strikes and you have a foul ball."

But it gets worse. Not only are the filers of frivolous lawsuits not out after three strikes under the Democratic substitute, but the Democratic substitute even changes what a strike is under existing law. Currently Rule 11 contains four criteria that can lead to a Rule 11 violation. The Democratic substitute references only three, kind of like shrinking the strike zone.

Currently, Rule 11 allows sanctions against frivolous filers whose denials of factual contentions are not "warranted on the evidence" or are not "reasonably based on the lack of information and belief." The Democratic substitute removes this protection from the victims of frivolous lawsuits under existing law. The Democratic substitute for the first time without penalty allows defendants to file papers with the court that include factual denials of allegations against them that are not warranted by the evidence and not reasonably based. In other words, misleading and unfactual filings end up getting a get-out-of-jail-free card under the Democratic substitute.

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Instead, the substitute provides additional protection for defendants filing frivolous defenses that are not warranted by the evidence and not reasonably based. This is a step backward for victims of frivolous lawsuits under both State and Federal law.

Further, the base bill provides that those who file frivolous lawsuits can be made to pay all of the costs and attorneys' fees that are "incurred as a direct result of filing of the pleading, motion, or other paper, that is the subject of the violation." The Democratic substitute does not include that critical language, which is necessary to make clear that those filing frivolous lawsuits must be made to pay the full costs imposed on their victim by the frivolous lawsuit.

The Democrat substitute also imposes complicated mandates on each State's judicial districts, requiring them to "develop and implement a civil justice expense and delay reduction plan." The Democratic substitute requires States to implement these mandates under exceedingly complex requirements that span all the way from pages 10 to page 15 of the Democratic substitute and requires things like "systematic, differential treatment of civil cases that tailors the level of individualized and case specific management," whatever that means. At a minimum, this is overly burdensome, and may be unconstitutional.

The Democratic substitute requires that States "develop and implement" these plans when the Supreme Court has held that "Congress may not simply commandeer the States by directly compelling them to enact and enforce a Federal regulatory program." That is in New York v. The United States 1992. That is exactly what the Democratic substitute does without any justification under the Commerce Clause of the Constitution.

The Democratic substitute also completely overrides State laws regarding the sealing of records in all cases, including proceedings in which State laws protect the privacy of sexual abuse victims, including children. And let me repeat this: if the Democratic substitute passes and becomes law, State laws relative to the sealing of court records on sexual abuse cases, including those against minors, can be open to public scrutiny. Shame on you. This blunderbuss provision in the Democratic substitute covers State divorce proceedings, and even all criminal cases, without a showing of why State procedures are inadequate.

The Democratic substitute also retains rule 11's current "free pass" provision, which allows lawyers to avoid sanctions for making frivolous claims simply by withdrawing those claims within 21 days after a motion for sanctions has been filed.

Now, let us look at that. A frivolous claim or frivolous filing has been made. You have 21 days after you make it to withdraw it. But meantime, the opposite party has got to go to the legal expense to make the motion to the court to show that the claim is frivolous. And who ends up paying the bill on that? Not the lawyer who filed the frivolous claim, but the defendant and the defendant's lawyers; and that provision actually encourages frivolous lawsuits by allowing unlimited numbers of frivolous pleadings to be filed without penalty. Talk about a loophole big enough to drive the Queen Mary through, that is it.

The Democratic substitute also does not include the bill's essential provisions to prevent the unfair practice of forum shopping.

In short, the Democratic substitute does not provide for three strikes and you are out. It provides for three strikes and you get referred to the State Bar Association that can continue to let the offending attorney practice law. The Democratic substitute even weakens existing law that protects plaintiffs from defendants that file frivolous denials that are not warranted by the evidence and are not reasonably based. The substitute also fails to provide that attorneys' fees be awarded to cover the full costs of responding to a frivolous lawsuit, and the substitute also burdens the States by directly compelling them to enact and enforce a Federal regulatory program. It overrides State procedures governing the confidentiality of documents in the course of legal proceedings. That is more than three strikes against the Democratic substitute, and it should be soundly defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would remind the distinguished chairman that careful reading of our bill would reveal to him there is no safe harbor allowing any period of days, 21 or otherwise, to withdraw pleadings that may be frivolous. What we have done in our bill is we have amended the statute. We have provided a new statute against frivolous lawsuits; we do not disturb rule 11. We urge him to take a closer look at the bill and what we propose.

I would also suggest to the distinguished chairman that the provision in our bill to protect the public against automatic sealing of certain court records which may be important and contain important information that should be available to the public to protect the public against things like defective products and other things, the decision to seal is one that is in the hands of the court and the sealing must be justified clearly. In the cases of sexual abuse, that sealing is justified. I do not know any judge in the land that would not understand that. And, certainly, I do not see any judge taking the language that we have offered and overturning any State law or issuing any ruling contrary to State law that would not result in the sealing of sexual abuse cases.

The major principal defect in the Republican bill relates to the fact that you are unable to sue a foreign corporation because they attempt to change the law as it presently exists and to make the provision require that you file against a corporation where their principal place of business is. There are many foreign corporations that may be in the United States that do not have their principal place of business here; it is overseas. So the language that has been offered has the effect of denying a plaintiff with a genuine injury, not a frivolous lawsuit, but a genuine, valid lawsuit from being able to sue a foreign corporation.

That provision, perhaps the Republican drafters of their bill did not understand what they were doing with the language they offered, but that is the effect of it; and I think anyone who votes for the Republican bill and says that we are denying an American citizen the opportunity with a legitimate claim to file a suit in the United States against a foreign corporation is casting a vote they will regret.

I also think it is important to point out that the sanctions that are provided in the Democratic substitute are stronger than the provisions in the Republican bill. It is also, I think, important to point out that our sanctions apply to State courts where interstate commerce is involved. Your "three strikes and you are out" provision does not apply in State courts, perhaps, again, by drafting error; but it does not apply.

So we think it is very critical that this bill be the one the House adopts.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding me this time. It frequently falls upon me as a nonlawyer on the Committee on the Judiciary to try to sort through the facts of these things and try to reduce them into small words that those of us who are nonlawyers can understand. But I was taken by one fact that was articulated by one of my colleagues on the other side that according to a recent survey, 80 percent of the American people are against frivolous lawsuits. I would love to know who the 20 percent are that like frivolous lawsuits so that we can have a focus group with them. They are probably lawyers of some sort, I would imagine.

First, let me just say we rarely have an opportunity to take a look at a proposal before us today and look at almost an identical proposal that was the law of the land between 1983 and 1993. Then, too, there was an effort to unclog the courts of frivolous lawsuits; then, too, the Judicial Conference, not this body, the Judicial Conference said we have to try to come up with some rules.

What was the effect? The effect was not reducing the amount of frivolous lawsuits; it was adding a whole new level of litigation around frivolous lawsuits. Rather than simply having a judge say, that is frivolous, it is out of here, let us move on with the case, you then had suits and countersuits over whether or not something was frivolous, because it was elevated with the changes that were made in that decade.

We also found that an unintended consequence, and I think even my colleagues acknowledge that it was unintended by their effort, albeit insubstantial, to carve out civil rights suits, we found that when you were bringing a novel, new kind of suit, you found yourself being charged with making a frivolous lawsuit. Civil rights cases is just one of them. We also saw the same thing could have or did happen when you sued tobacco companies to recover for States.

And today, I would dare say that someone who brought a case that is being brought in New York today, suing the country of Saudi Arabia for their culpability in the September 11 attacks, someone could come before a judge and say this is a frivolous lawsuit because it represents no precedent, it has never been tried before and, therefore, should be dismissed.

Obviously, it did not have that effect in that 10 years of clearing out the docket of frivolous lawsuits. If anything, it increased them.

Secondly, we have heard frequently the matrix drawn between frivolous lawsuits, increase of litigation, and insurance rates. I looked at the bill fairly carefully. Nowhere does it require that insurance rates go down, so I will have to assume the same thing will happen upon passage of this bill, although the passage will not happen, because the other body will never take up such a bill, that you will put in the restrictions of average Americans getting into court and then, lo and behold, insurance rates keep going up and up and up, because that is what happened in California, and that is what happened in Florida. So if my colleagues think that by voting for this bill they will be reducing insurance rates, nothing could be further from the truth.

There has been some back-and-forth about this notion of venue shopping: you can only bring an action in the defendant's, not the person who is bringing the case, the defendant's principal place of business. Well, again, I have very talented lawyers on both sides of this, but the Congressional Research Service, the American Law Division, hardly a pantheon of partisanship, hardly the place to go to get the talking points for Fox News or for whoever guys think lies, they write, "If a defendant's principal place of business was not the United States, then this option could not be exercised in a United States court. Consequently, it would appear that in certain circumstances, a United States citizen or resident injured in this country would not have a judicial forum in the United States in which to seek relief."

That is what a relatively unbiased analysis of this thing looks like; but even if it is not, what problem are you trying to solve? You should allow Americans to take their cases where they are most appropriate, not where you believe it should be.

Now, let me conclude with this thought. I heard a couple of times on the campaign trail President Bush talked about not having a Washington-based, one-size-fits-all solution for our Nation's problems. There is another way to do this. There is another way. There is a way to look at cases that have individual facts, have individual people, take them before an individual, say a judge; or take those cases before a group of individuals, say six or nine or 12 individual Americans from their community, and allow them to vet the different sides of the argument and allow that to be the decision-making process. It is called the American justice system, and as contemptuous as my colleagues on the other side of the aisle are that you could actually have a judge that has the common sense to make a decision or a jury that has the common sense to make a decision, or whether you can possibly have two lawyers in the adversarial proceeding get the truth out, we here in Washington have to say, this one size fits all.

Well, fortunately, this one size will only be in this one House and will never be the law of this one land.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, anyone who is worried about what frivolous lawsuits will do to them, their family, their friends, or their businesses ought to rush to oppose this Democratic substitute amendment. That is because it is an amendment that will do very little to prevent frivolous lawsuits.

The underlying bill makes several key changes that will deter lawyers from filing frivolous lawsuits. The substitute amendment before us strips all these away.

First, this legislation, the underlying legislation, allows the court to require an individual who files a frivolous lawsuit to pay attorneys' fees incurred as a result of the frivolous lawsuit. This provision obviously makes attorneys think twice before they file such a frivolous lawsuit. However, the Democratic substitute amendment does not include this key provision. In other words, there is no disincentive to file a frivolous lawsuit.

This also means that under the Democratic substitute, small business owners would still suffer from the cost of frivolous lawsuits. Individuals would still suffer because they would see their insurance premiums go up. They would see their health care costs rise. They would still see their reputations damaged, all because of wrongfully filed, frivolous lawsuits.

In other words, Mr. Speaker, this substitute amendment does not provide any relief to those who would get unfairly slapped with a frivolous lawsuit. Those victims would still have to pay their own legal fees.

Next, this substitute claims to have a "three strikes and you are out" provision. But if you look at it closely, as the chairman mentioned a while ago, there are no real consequences for the attorney who repeatedly files frivolous lawsuits.

□ 1415

Instead, the substitute merely requires a court to refer the offending attorney to his State bar association; and you can imagine that means that nothing is going to happen.

By contrast, the base bill requires that attorneys who fill frivolous claims face real consequence. Those attorneys can be barred from practicing in that Federal court for a year. That is a real disincentive to file frivolous lawsuits.

Also, the Democratic substitute we are considering now places heavy mandates on States. It requires a new regulatory scheme to deal with "civil justice expense and delay" issues. Mr. Speaker, I think that is a very nice but meaningless euphemism for frivolous lawsuits. The requirements would create a new bureaucratic nightmare instead of dealing with the real problem, which is of course frivolous lawsuits.

Finally, Mr. Speaker, the substitute amendment does nothing to address the problem of forum shopping and that is at least half the problem. We simply cannot continue to allow trial attorneys to flock to counties that will award unreasonably high verdicts to any plaintiff who walks in the door. This does too much damage to many Americans and it is, quite frankly, time to put a stop to this type of abuse.

Mr. Speaker, I urge my colleagues to oppose to substitute amendment and vote yes on the underlying bill which would deter lawsuit abuse.

Mr. TURNER of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, there is a significant difference in the civil rights exemption in the underlying bill and this amendment. This amendment is vastly superior because it exempts all civil rights cases, not just those cases that are based on new or evolving law. Many of the cases brought under present laws are treated with hostility. Civil rights cases are often unpopular and some judges do not like to see them.

In fact, the Alliance For Justice had a report on Judge Pickering's hearing and said, "At his hearing, Judge Pickering was asked about his record of strongly favoring defendants in employment cases. Incredibly, Judge Pickering defended his record by opining that almost no employment discrimination cases that come before the Federal courts have merit."

Obviously, the problem is made worse when you expand the possibility to State courts, where local judges in some areas may have a civil bias. That is why the civil rights lawyers oppose the underlying bill because they do not want those kind of judges empowered to essentially allow mandatory sanctions to prevent those kind of cases from being brought in the first place.

I would hope that we would adopt the language in the substitute, but we should defeat the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me time.

I rise today in opposition to the Democratic substitute and I will address the three or four strikes and you are out provision of the Democratic substitute. I would like to begin by pointing out what the Democratic White House hopefuls have said about this issue.

Senator JOHN EDWARDS published an article in Newsweek Magazine on December 15, 2003, where he says, "Frivolous lawsuits waste good people's time and hurt the real victims. Lawyers who bring frivolous cases should face tough mandatory sanctions with a three strikes penalty."

He also told the Washington Post on May 20, 2003, "We need to prevent and punish frivolous lawsuits. Lawyers who file frivolous lawsuits should face tough mandatory sanctions. Lawyers who file three frivolous cases should be forbidden to bring another suit for the next 10 years. In other words, three strikes and you are out."

That is not what the Democratic substitute says. The Democratic substitute only provides that on three strikes the offending attorney will be referred to a bar association and no action need be taken by the bar to discipline the attorney under the substitute. That is not what Senator EDWARDS said. Senator EDWARDS did not say, three strikes and we are going to put a letter in your personnel file. He did not say, three strikes and we will send a diplomat from the U.N. to talk to you. He did not say, three strikes and we will refer this matter to a State bar association where they will not be required to take any disciplinary action.

Could it be that when it comes to cracking down on frivolous lawsuits with a tough three strikes and you are out penalty that the White House presidential candidate were for it before they were against it? Could this be an example of flip-flopping? Do we really have, in fact, two Americas, one America where we see very tough campaign rhetoric about cracking down with mandatory sanctions and a three strikes and you are out penalty and another America where we see watered-down liberal legislation on the floor of Congress?

I think there should be one America, one America where we prevent and punish frivolous lawsuits, not just with words but with actions. I urge my colleagues to vote no on this Democrat substitute.

Mr. TURNER of Texas. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. TURNER) has 6 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 7½ minutes remaining.

Mr. TURNER of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we do have an honest debate and an honest difference of opinion between the two parties here and it is rather stark.

Democrats believe that if a Japanese car manufactured in Japan, the brakes fail and injured you or your family and it is through negligence of the manufacturer, you ought to be able to have redress in an American court.

The Republicans want to outsource that to the Japanese courts and make you fly to Tokyo to file your lawsuit.

If a German car blows up and burns you and your family to a crisp, Democrats believe you ought to be able to go to the American judicial system and have relief. Republicans believe you should outsource your claims to the German courts. But it gets worse than that.

If a French car fails and injures your family, Democrats believe you should go to an American court and get American justice. Republicans believe you can outsource that even to the French. We do not even have french fries in our cafeteria any more, but you would be happy to send Americans to the French judicial system.

Now, the gentleman from Texas (Mr. SMITH) took issue with what I was saying about this claim, and I want to explain to you why this is.

First, I want to tell you that the Congressional Research Service, the bipartisan, nonpartisan referee of these matters, agrees with exactly what I have said when they said, "Consequently it would appear that in certain circumstances a United States citizen or resident injured in this country would not have a judicial forum in the United States in which to seek relief."

The jury is closed and out. The verdict is in. Your policies have outsourced a lot of jobs, but we do not understand why you want to outsource judicial activity for American citizens. Now, why is that?

It is because there is an error apparently in drafting. I do not know if you really intended this but this is what you accomplished, and the reason is even though the statute, and excuse me if I am technical for a moment but this is an important issue. It is Americans' judicial rights. Even where the statute suggests on its face that it would allow an American to sue in any one of three places, where you live or where you are hurt or where the principal place of the business is that hurt you, there is a constitutional principle that says if that corporation does not have a minimal contact where you live or where the injury occurs you cannot sue under the United States Constitution in either one of those circumstances.

That is why the Congressional Research Service, the bipartisan or nonpartisan Congressional Research Service, has concluded that the Republican bill wants to outsource our judicial system to the German, French and Japanese judicial systems. That makes no sense whatsoever, and, frankly, I would invite a response to this as to why you would want to do that.

The Japanese, they build some okay cars, not as good as American cars of course, but their judicial system is not one that we should have to be exposed to in America. Americans should have access to the American judicial system. We should pass this substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we have debated this issue extensively and the venue for these types of personal injury cases are, one, the district where the plaintiff resides; two, the district where the injury occurred; or three, where the principal place of business of the defendant is located. Any one of these three criteria would trigger the venue.

Now, it is elemental under the corporation law of all 50 States that if a corporation that is incorporated elsewhere and that includes in any one of the other 49 States or in a foreign country, wants to do business in a State, it has to get a certificate of authority and appoint an agent for the service of process. And that is what is done with practically every multinational corporation or interstate corporation that does bills in the United States.

If they do not do that, then they do not have limited liability protection of the corporation law that applies. So the entire argument that is made by the gentleman from Washington (Mr. INSLEE) and the gentleman from Texas (Mr. TURNER) is a complete red herring.

Now, the two gentlemen have quoted extensively from a Congressional Research Service memorandum that was dated today. And it begins, "This rushed memorandum discusses this issue." Well, the CRS is wrong upon occasion. And in yesterday's extension of remarks in the CONGRESSIONAL RECORD, I inserted into the RECORD correspondence that indicated that a similar rushed memorandum of the Congressional Research Service on the Marriage Protection Act was erroneous in nature. Wrong once, maybe wrong again.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I have tremendous respect for the chairman but in this case the Congressional Research Service is right. Here is where they are right. It is a constitutional principle that a court in Washington, for instance, does not have jurisdiction over a Japanese corporation if they do not have minimal contact with Washington; for instance, if they do not have a retail outlet in Washington. So if a Washington resident is injured by a Japanese car, and they have got an enormous retail outlet down in California but their principal place of business, which is the language you chose in this statute, is in Tokyo, you are out of luck as an American. And I am betting on CRS on this one.

Mr. TURNER of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I am prepared to close if the gentleman from Texas will yield back.

Mr. TURNER of Texas. Mr. Speaker, do I close or does the chairman close?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) has the right to close.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say the language regarding the establishment of the forum is very clear in the Republican bill as the gentleman from Washington (Mr. INSLEE) pointed out. It says the suit should be filed where the defendant has its principal place of business.

Now, the distinguished chairman says, well, the law has established that you can sue where somebody is registered to do business and all these foreign corporations have to register to do business.

That is not what the language offered in the Republican bill says. It does not say you can sue a foreign corporation in States where it is registered to do business. It says where its principal place of business is located, and many foreign corporations have no principal place.

I would suggest to the gentleman who offered up the quote of Senator EDWARDS, we agree with Senator EDWARDS. We should ban frivolous lawsuits, and the bill that we have offered does it more forcefully and effectively than the Republican bill does. At the end of the third strike under the Republican bill you can be barred in practicing law in that court. You are suspended. Under our bill, the third strike, you are referred to your State bar association for disciplinary proceedings, to include possible disbarment.

Now, under your bill a lawyer from New York can come down to east Texas and file a lawsuit and if it is frivolous then he gets barred from ever practicing law in the Eastern District of Texas again.

What good is that going to do for a New York lawyer who may never come back to east Texas anyway? What good will it do to say you cannot come to east Texas? Even if he has to come back he can send a law partner and let him file the frivolous lawsuit again.

If you want to get a lawyer's attention, you refer them to the State disciplinary board that governs their right to practice law in that State.

□ 1430

I practiced law for many years, and anytime a lawyer gets referred to the State bar association for disciplinary action, it is a serious thing. If a lawyer continues to file frivolous lawsuits, they should be disbarred; and then we would not have to worry about them running to another court to file another frivolous lawsuit where they had not already filed one before. They would not be practicing law.

So I would suggest, if my colleagues really want to get tough on frivolous lawsuits, they will support the Democratic substitute, and if they want to be sure that an American citizen who is injured in America has the right to sue a foreign corporation that was the perpetrator of a tortious act, they better vote against the Republican bill and vote for the substitute.

I know the gentleman from Wisconsin (Mr. SENSENBRENNER) did not intend for that to be the effect, but that is the effect of the language that he has offered up today; and I would suggest that any Member on either side of the aisle would be well advised to vote against his bill to ensure that that does not occur to an American citizen who would be denied the right to file a lawsuit against a foreign corporation.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the JOHN KERRY for President campaign has endorsed national legislation in which "lawyers who file frivolous cases would face tough, mandatory sanctions, including a 'three strikes and you're out' provision that forbids lawyers who file three frivolous cases from bringing another suit for the next 10 years."

Unfortunately, the Democratic substitute did not listen to what the Kerry campaign said and does not forbid lawyers who file three or more frivolous lawsuits from bringing future lawsuits. The substitute only provides that on three strikes the offending attorney will be referred to a bar association, and no action need be taken by the bar to discipline the lawyer.

The base bill, H.R. 4571, on the other hand, currently provides that an attorney who files frivolous lawsuits will be suspended for at least a year and perhaps much longer if the court deems it appropriate.

I would ask all Members to reject the Democratic substitute. This quote that I have given from the Kerry for President campaign and those that the gentleman from Florida (Mr. KELLER) has quoted of Senator EDWARDS in Newsweek magazine of last December, the Republican bill has got the type of bipartisan support that is needed to deal with this problem.

I would urge a "no" vote on the substitute and passage of the base bill.

Mr. DELAHUNT. Mr. Speaker, I am profoundly concerned about the erosion of the independence and statehood role in our judicial system. This bill is just another attack on access to the courts, and the latest attempt to override existing State laws. At this rate, we will have a justice system available only to corporate America. Litigation costs already make the courts unavailable for the average person and small business. This bill takes our country further in the wrong direction.

This bill will not "take back the courts" for plaintiffs. To the contrary, Congress continues to block access to justice. Imagine a system that leaves the tobacco industry unchecked. Imagine the number of unnecessary deaths if the trial bar could not keep unsafe tires off our cars. Or a justice system that fails to uncover contamination of public water supplies. We need the private sector. The trial bar plays an important role in the protection of American consumers. Yet, I dare say, we are going in the wrong direction.

In another all-too-familiar pattern for this Congress, this bill is another court-stripping measure limiting judicial discretion. From civil rights claims to constitutional challenges, this Congress strips courts of their ability to hear cases. Congress—not a judge sitting in a courtroom—wants to decide if a case is meritorious. Congress—not a judge—will establish inflexible guidelines and impose mandatory sanctions for lawyers. Congress is trying to micromanage the judicial system as well as state judiciaries.

We talk a lot in this Chamber about respecting States' rights. Yet, this bill represents an unprecedented invasion into the traditional jurisdiction of State courts. This unwarranted intrusion into States' rights is wrong. States should be able to set their own rules for the game, including those governing the professional conduct of lawyers. Let's not waste any more time undermining the principles of federalism on a piecemeal basis. Why not simply abolish the 10th Amendment? The bill's sponsors claim an agenda of reform—this is not reform. This is about reeling in the wrong direction.

For all these reasons, I urge my colleagues to reject H.R. 4571 and support the Democratic substitute offered by my colleague from Texas.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 766, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Texas (Mr. TURNER).

The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. TURNER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TURNER of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 177, nays 226, not voting 30, as follows:

[Roll No. 448]

YEAS—177

Abercrombie
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Cooper
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Majette
Maloney
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berman
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonilla
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Markey
Matheson
McCotter
McCrery
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

Ackerman
Ballenger
Blackburn
Boehlert
Bonner
Cannon
Conyers
Crowley
Engel
Gephardt
Goss
Greenwood
Hastings (FL)
Istook
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
Marshall
McInnis
Miller (FL)
Owens
Radanovich
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

□ 1457

Mrs. KELLY, Mr. GINGREY and Mr. GARRETT of New Jersey changed their vote from "yea" to "nay."

Messrs. CARDOZA, DINGELL and CUMMINGS changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. DELAURO. I am opposed to the bill in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. DeLauro moves to recommit the bill H.R. 4571 to the Committee on the Judiciary with instructions to report the same back to the House forth with with the following amendment:

Section 4, insert at the end the following new subsection:

(e) NOT APPLICABLE TO BENEDICT ARNOLD CORPORATIONS.—

(1) IN GENERAL.—To the extent the defendant is a Benedict Arnold corporation, this section does not apply, notwithstanding subsection (d).

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term "Benedict Arnold corporation" means a foreign corporation that acquires a domestic corporation in a corporate repatriation transaction.

(B) The term "corporate repatriation transaction" means any transaction in which—

(i) a foreign corporation acquires substantially all of the properties held by a domestic corporation;

(ii) shareholders of the domestic corporation, upon such acquisition, are the beneficial owners of securities in the foreign corporation that are entitled to 50 percent or more of the votes on any issue requiring shareholder approval; and

(iii) the foreign corporation does not have substantial business activities (when compared to the total business activities of the corporate affiliated group) in the foreign country in which the foreign corporation is organized.

Ms. DELAURO (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes in support of her motion to recommit.

Ms. DELAURO. Mr. Speaker, this motion to recommit is designed to help address the problem of domestic corporations reincorporating abroad for the express purpose of avoiding new U.S. taxes and now new legal liability.

As we fight terrorism at home and abroad, when we have hundreds of thousands of troops in harm's way and are trying to find the resources to equip our first responders and ensure the safety of our ports and air transit, the last thing we should be doing is passing legislation that helps what are essentially corporate tax dodgers.

With increasing frequency, companies are setting up shell corporations in places like Bermuda while continuing to be owned by U.S. shareholders and doing business in the United States. The only difference is that this new so-called foreign company escapes substantial tax liability. What these companies have done is a slap in the face of every company which has chosen to stay in America and of every citizen who faithfully pays their taxes.

In my State of Connecticut, Stanley Works once considered incorporating in Bermuda to keep up with their competitors who had already moved overseas. But they changed their mind. They did the right thing.

But the bill before us provides a litigation and financial windfall to corporate expatriates at the expense of companies like Stanley Works. Instead of permitting claims to be filed wherever a corporation does business, or has minimum contacts, this bill requires the suit to be brought where the defendant's principal place of business is located. Perhaps that makes some sort of sense in the abstract, but in the case of a corporate expatriate what that means is that in most cases claims could only be filed in places like Bermuda under their liability laws.

It is bad enough that these companies are essentially cheating on their taxes by arguing, rather unconvincingly, that they are not American companies. But for them to use this rationale to escape liability is outrageous. This is unfair to the victims, and unfair to the domestic company who would be forced to compete against these companies.

□ 1500

The Congressional Research Service has analyzed this bill and wrote: "In certain circumstances a United States citizen injured in this country would not have the judicial forum in the United States in which to seek relief." In other words, in certain cases, American citizens would have no judicial recourse whatsoever.

These are American companies flouting American tax law. They do business here in the United States, and they should be subject to our laws, period. So my motion to recommit amends the underlying bill to say the new limitations on jurisdiction and venue do not apply to a corporate expatriate company. This is a modest, commonsense change to address the irresponsible actions of a handful of companies. It is time for these companies to live up to their obligations as American corporate citizens. I urge my colleagues to vote "yes" on this motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we have a delicious debate before us because we Democrats believe if Stanley Tool tries to avoid taxes by moving to Bermuda and their tool blows up and puts out your eye, an American ought to have access to the American judicial system in front of an American jury.

The Republicans want to outsource the job to Bermuda. If a corporation goes to France and a product blows up and hurts you, we Democrats believe Americans ought to have access to the Americans judicial system. The Republicans want to outsource the jury system to Paris. We do not even have French fries in our cafeteria anymore, and the other side is outsourcing our jobs to France. The same applies to Germany and every other country. The other side has outsourced enough jobs; we are not going to allow the outsourcing of our jury system, too. Support this motion.

Ms. DELAURO. Mr. Speaker, I urge my colleagues to support this motion to recommit, and I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE), who is a member of the Committee on the Judiciary who was going to offer this motion in committee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4571.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, the real outsourcing motion is the one which has been made by the gentlewoman from Connecticut (Ms. DELAURO). If this motion is adopted and this bill is enacted into law, it will cost American jobs. Anytime the cost of doing business in the United States goes up, the number of Americans with jobs will go down. This motion to recommit would increase the cost of doing business in this country and in the process lose American jobs.

I do not want to hear anybody who has argued in favor of this motion ever to come back and complain about the outsourcing of American jobs to foreign countries if this motion passes because this is the type of thing that will absolutely do that.

The motion to recommit defines the covered entities as those that have substantial business activities in this country, and hurting substantial business in American substantially hurts American workers. Stand up for American workers; vote down this motion to recommit. Stop the outsourcing of jobs by last-minute motions made on the floor with red herring arguments. Vote "no" on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. DELAURO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum period of time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 196, noes 211, not voting 26, as follows:

[Roll No. 449]

AYES—196

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Cooper
Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—211

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonilla
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Ackerman
Ballenger
Blackburn
Boehlert
Bonner
Cannon
Conyers
Crowley
Engel
Gephardt
Hastings (FL)
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
Marshall
McInnis
Miller (FL)
Owens
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that 2 minutes remain to vote.

□ 1525

Mr. SMITH of New Jersey changed his vote from "aye" to "no."

Mr. CARSON of Oklahoma, Mr. TAYLOR of North Carolina and Mrs. NORTHUP changed their vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 174, not voting 30, as follows:

[Roll No. 450]

YEAS—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonilla
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—174

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley

Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson (IN)
Chandler
Clay
Clyburn
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (VA)
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—30

Ackerman
Ballenger
Blackburn
Boehlert
Bonner
Cannon
Conyers
Crowley
Engel
Frelinghuysen
Gephardt
Gordon
Hastings (FL)
John
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
Marshall
McInnis
Miller (FL)
Owens
Sanders
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain to vote.

☐ 1535

Mr. SANDLIN and Mr. BISHOP of New York changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of September 13 and the morning of September 14, I was attending the funeral services of the Richard Langevin, the father of our colleague Congressman JAMES LANGEVIN, and was unable to vote on rollcall votes Nos. 441–450.

I respectfully request the opportunity to record my position on rollcall votes Nos. 441, 442, 443, 444, 445, 446, 447, 448, 449, 450.

It was my intention to vote "aye" on rollcall vote No. 441, "aye" on rollcall vote No. 442, "aye" on rollcall vote No. 443, "no" on rollcall vote No. 444, "no" on rollcall vote No. 445, "aye" on rollcall vote No. 446, "aye" on rollcall vote No. 447, "aye" on rollcall vote No. 448, "aye" on rollcall vote No. 449, and "no" on rollcall vote No. 450.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5025, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–686) on the resolution (H. Res. 770) providing for consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 5025, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 770 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 770

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The question is, Will the House now consider House Resolution 770.

The question was taken; and (two thirds having voted in favor thereof) the House agreed to consider House Resolution 770.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 770 is an open rule that provides for consideration of H.R. 5025, the Departments of Transportation, Treasury, and Independent Agencies Appropriations Act for fiscal year ending September 30, 2005. The rule waives all points of order against consideration of the bill.

The rule also provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule provides that the bill shall be considered for amendment by paragraph. Further, the rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. And, finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Committee on Appropriations had an extremely difficult task this year in funding the many needs of our Nation. They answered the call by diligently working to produce a bill that deals with our needs in a whole host of areas, including the Department of Transportation, the Department of the Treasury, along with the Postal Service and the Executive Office of the President.

In total the bill provides $89.8 in total budgetary resources. This funding represents the commitment of this Congress to provide the necessary resources for programs and projects across the Nation. The bill provides close to $35 billion in highway spending, a boost of $1 billion over last year's guarantee. This amount fully funds the House-passed authorization level and will go a long ways towards constructing and improving highways and roads in our communities.

Transit spending of over $7 billion includes over $1 billion for new fixed guideway systems. Amtrak is provided with $900 million, which is equal to the President's request. Included in this funding is $500 million for capital improvements and $60 million to ensure that important commuter operations continue.

Mr. Speaker, the underlying bill also provides significant support for the Federal Aviation Administration with a total of $14 billion. This includes $3.5 billion for the Airport Improvement Program and $102 million for Essential Air Service. The total FAA funding also includes $9 million above the budget request in order to hire and train additional traffic controllers.

From highways and transit programs to airports and the FAA, the underlying bill ensures that we have a reliable and stable transportation infrastructure. Mr. Speaker, the underlying bill also gives support to the Treasury Department, bringing their appropriation to over $11 billion. Included under the General Services Administration is over $90 million in funding for new border stations. This will not only enhance protection of our borders but also improve commercial efficiency. The bill also includes an increase of $2.8 million for the Financial Crimes Enforcement Network, which is tasked with implementing the Treasury Department's anti-money laundering regulations.

Also included in the bill is considerable funding for support of national anti-drug efforts. The Office of National Drug Control Policy is provided with just over $468 million. Within that funding is assistance to the National Youth Anti-Drug Media Campaign and full funding for the Drug-Free Communities program. This funding is essential to keep our children safe from drugs through education and community support.

Mr. Speaker, there are many more vital programs funded in the appropriations bill that I have not mentioned but that I know will be highlighted in detail during our debate later today.

I would like to commend the chairman and ranking member of both the full Committee on Appropriations and the subcommittee for their hard work on this extensive bill.

Mr. Speaker, I urge my colleagues to support the bill and the underlying rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes.

Mr. Speaker, sadly, the best that can be said of this fiscal year 2005 Transportation, Treasury, and Independent Agencies Appropriations bill is that it represents a valiant effort to fund the important agencies it covers despite a grossly deficient budget allocation. The subcommittee's fiscal year 2005 budget allocation is $389 million less than the President's request and $2 billion than the level of budget authority provided in the fiscal year 2004 Omnibus Appropriations bill.

So, therefore, I want to be begin by thanking the gentleman from Oklahoma (Mr. ISTOOK), subcommittee chairman, and the gentleman from Massachusetts (Mr. OLVER), ranking member, for their hard work and diligence in bringing this bill forward under very difficult and trying circumstances. The gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), ranking member, also deserves credit for helping to craft a bipartisan bill that attempts to spread the pain of this pitifully inadequate budget allocation equally.

That being said, the fact remains that this appropriations bill does not meet the very real and growing needs of our Nation in a number of areas, particularly with respect to our deteriorating transportation infrastructure. And, Mr. Speaker, that simple fact is especially hard to reconcile with this administration's reckless fiscal policies of tax cuts for the wealthy.

This fiscal year 2005 Transportation, Treasury Appropriations bill provides $89.9 billion in total funding, an increase of $1 billion over the President's request and $495 million below the fiscal year 2004 level. Discretionary spending is capped at $25.4 billion, which is $2.9 billion below the fiscal year 2004 level.

Among the more glaring shortcomings of this appropriations bill is the continued, conscious and deliberate underfunding of Amtrak. This recurring game of brinksmanship with our national passenger rail system has simply got to stop. During their brief tenure, David Gunn and his management team have made significant improvements in the operational efficiency of Amtrak by cutting waste and reducing expenses while increasing ridership and raising revenues. However, despite these impressive gains, there still exists a massive $6 billion backlog of critical capital improvements, created in large part by years of deferred maintenance along the Northeast Corridor, which absolutely must be addressed.

No less than the Inspector General has stated that Amtrak needs $1.5 billion annually just for its capital needs. Mr. Speaker, this capital backlog is not imagined. It is very real and we need to provide sufficient funding to address it.

The $900 million provided for Amtrak in this appropriations bill is half of the $1.8 billion Amtrak says it needs next fiscal year to keep the system operating reliably and to begin to address its capital backlog. If this $900 million in funding is allowed to stand, Amtrak will likely cease operations in mid-2005. If my colleagues doubt that, perhaps they should update their resume and apply for Mr. Gunn's job. Otherwise, do not be surprised when the trains stop running in the spring of next year and no private rail carrier steps up and offers to operate passenger service without a public subsidy. My colleagues should consider themselves warned.

Mr. Speaker, the underfunding of Amtrak in this appropriations bill is compounded by a reduction in spending on new starts projects within the Federal Transit Administration's budget. At a time when our cities and towns are choking from congestion and the transportation reauthorization bill is mired in election year politics, we can scarcely afford to underfund projects which promote public transit. I have cities in my congressional district like Fall River in Massachusetts, which has 92,000 residents and is located only 50 miles south of Boston but has no access to commuter rail service. In these tough fiscal times, the FTA's new start program represents the only hope of expanding commuter rail to cities like Fall River. We should be increasing funding for new starts, not reducing it.

Equally as troubling to me is the dramatic decrease in funding for Federal Aviation Administration facilities and equipment. This fiscal year 2005 appropriations bill provides $392 million less for FAA facilities and equipment than the fiscal year 2004 enacted level. As the commercial airline industry continues to recover from the terrorist attacks of 9/11 and consumer confidence returns, we must not jeopardize the safety and the security of America's airways by short-changing the agency's staffing equipment or facilities.

□ 1545

In the Committee on Rules earlier today, Mr. Speaker, several amendments were offered to the rule, motions that would have provided protections for important amendments so that they could be debated and voted on right here on the House floor today. If the Committee on Rules had approved these motions, the House would have had the opportunity to debate and to vote on these amendments today. Unfortunately, as has become kind of regular order in the Committee on Rules, the Committee on Rules, on party-line votes, denied providing the necessary protections for these amendments, and they cannot be voted on today.

The first amendment brought to the Committee on Rules by the ranking member, the gentleman from Massachusetts (Mr. OLVER), would have increased funding for Amtrak by $300 million. The cost of the amendment would be paid for by a small reduction in the 2001 and 2003 tax cuts for any person making more than $1 million. This amendment would provide badly needed funds for Amtrak; and, as we all know, Amtrak desperately needs increased funds if it is to continue providing the services that all of our constituents rely on.

The second amendment would have protected from a point-of-order language already included in the bill that allows government jobs to be privatized only if such actions would save at least $10 million or 10 percent of the program's cost. The Office of Management and Budget has been working on a proposed rule that puts civilian employees at a competitive disadvantage to noncivilian employees. This language would ensure that the civilian employees have a level playing field when it comes to competition with noncivilian employees.

Additionally, it would provide that taxpayer funds are properly spent, which is simply not the case under the new OMB guidelines. In other words, by leaving this provision unprotected, this important language, originally adopted in the committee, can be struck from the bill, making it much easier to privatize important Federal jobs.

The third amendment offered in the Committee on Rules today would have protected a provision in the bill that provides a 3.5 percent COLA for Federal civilian employees. This is the same level the President proposed for members of the Armed Forces; and while all of us support our troops and we want to ensure that our troops and their families are paid what they deserve, we cannot and we must not forget about the jobs that civilian and Federal employees do each and every day. In fact, I strongly believe we should provide Federal employees with equal pay adjustments.

Beyond that, a fair pay adjustment is needed to keep pace with private sector salaries so the Federal Government can compete for quality employees in the future.

Finally, Mr. Speaker, on a special note, I want to publicly commend the gentleman from Wisconsin (Mr. OBEY) for raising the very important issue of foreign truck certification in the full committee markup of this appropriations bill. As a former member of the House Committee on Transportation and Infrastructure and the lead sponsor of the Safe Highways and Infrastructure Preservation Act, I am keenly aware of the danger bigger trucks, foreign or domestic, pose to the American driving public on our interstates and highways. I would strongly encourage Members to take this issue very, very seriously and to immediately insist on stringent safety and environmental standards for foreign trucks.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I looked over the transcript from last year and noticed how similar the debate is coming from my colleague, as the presentation was: we have to keep spending more money. There is not a district or a State or, quite frankly, a region of the country that does not feel that there is more need in transportation appropriations, whether it be this or from the trust fund; but the reality is, it becomes a time to look at working within a budget, working within the allocations.

I also want to remind my colleague that while the Committee on Rules is a traffic cop, deciding many things that comes before the Congress as it comes from committees to the floor, we have to be a little careful of just how much legislating we do on appropriations bills. I do not have to remind my colleague that there was a great deal of legislating on the appropriations bills via the amendments offered before the Committee on Rules today, thus making a decision not to make them in order, as they were not germane; and also there becomes the subject of looking at paying for some of this by raising taxes.

Now, I look at the fact that there is a tax cut on the books and it is the law of the land, and that is the rate and what people are going to pay. Every time we want to add something by taking it from the tax cut, we are raising taxes. I think the Committee on Rules, at least on the Republican side of the aisle, did not want to get into raising taxes.

So, Mr. Speaker, this is not an easy budget. The entire 13 appropriations bills and the transportation bill is no easier than the others that we have moved before us or a few that we have to complete our work on. But the fact is, the Committee on Appropriations has worked hard. They have worked under the allocations that they had available, and we should always be on the lookout for an opportunity where we can provide assistance in transportation needs as money becomes available.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I just want to say I appreciate the gentleman's response, but I would just suggest that his priorities and the priorities of his leadership are wrong. What we are suggesting here is that we do have serious needs in this country, and the gentleman admitted it, in terms of transportation and infrastructure needs, and we need to address them. The gentleman and his party think that it is more important to give millionaires tax cuts rather than take those resources and invest it in our infrastructure so our communities can become more competitive, so that we can create more jobs. I mean, this mess we are in is wholly created by those of you who run this Congress, and it is an unfortunate situation that we find ourselves in right now.

There are communities all across this country, States all across this country, Governors all across this country, Republicans and Democrats, who are frustrated that the Republican leadership cannot get their act together and get a highway and transportation bill before both the House and the Senate that we could put on the President's desk. I think when they look at the underfunding of some very important public transportation needs, that frustration is going to continue.

So you are making choices, and I am suggesting that you are making the wrong choices.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, these are difficult times for our Nation. We are fighting terrorism on numerous fronts. We have commitments to keep our troops overseas, and we struggle to meet our needs here at home. Our economy needs a boost, unemployment is high, and our future budget deficits are predicted to be the highest in the history of this great Nation.

Now is not the time for Members of Congress to be voting themselves a pay raise. We need to show the American people that we are willing to make sacrifices. We need to budget, live within our means, and make careful spending decisions based on our most pressing priorities.

Mr. Speaker, let us send a signal to the American people that we recognize their struggle in today's economy. Vote "no" on the previous question so we can have an opportunity to block the automatic cost-of-living adjustment to Members of Congress. This vote ought to be cast in the light of day and on the record. A "no" vote on the previous question will allow Members to vote up or down on the cost-of-living adjustment.

If the previous question is defeated, I will offer an amendment to the rule. My amendment will block the fiscal year 2005 automatic cost-of-living pay raise for Members of Congress. Because this amendment requires a waiver, the only way to get to this issue is to defeat the previous question. Therefore, I urge Members to vote "no" on the previous question.

Mr. REYNOLDS. Mr. Speaker, I was listening to my colleague, the gentleman from Massachusetts (Mr. McGOVERN). I know that he is an expert on rules and rules policy. That is, with an open rule, any Member can offer any germane amendment to change however they want this transportation and postal bill. So as we bring the rule, which is an open rule, to the body and the House makes its decisions of passing the rule, it allows us to get into the debate on the appropriations report. That certainly allows, under an open rule, any germane amendment to be offered that any Member chooses, and I know we will have many. This bill always has a tremendous amount of amendments to it.

So I look forward to the debate and the votes as they come, and I am sure there will be many where individual Members will offer amendments that they deem are important for consideration here; and if they are germane, they will be entertained by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just simply respond to the gentleman that the Committee on Rules makes its own rules, as we have seen so clearly since the majority has taken over control of that committee. So one of the frustrations that Members of Congress have is that the only way for their issues to be heard, the only way to bring up these different points of view is to go before the Committee on Rules and to ask the Committee on Rules for protections or for waivers, which, to be honest with my colleagues, is something that has happened in the past. So I would simply say to the gentleman, that is all we want, is to be able to, in the people's House, have a good debate and to be able to bring up the issues that our constituents talk to us about.

With regard to this bill in particular, which many of us think is sadly underfunded because of some bad priorities of the people who are running this House, we would like to have the opportunity to correct that. When we go home, and I suspect when the gentleman goes home and he talks to his mayors and his town managers and to his Governor, they will tell him that there is a desperate need for additional transportation infrastructure funding. There are bridges that are collapsing in this country, there are road projects that are not being done; and the longer we put them on hold, the more expensive they are going to be. I would say also, it has a negative impact on economic development.

I would also suggest to the gentleman, since his party does not seem very interested in creating jobs, since they have a job-loss record that is on par with Herbert Hoover, that this is a way to create jobs. We might actually do something different and get up and actually pass a piece of legislation that will stimulate economic growth and create some jobs, and I think a lot more people would be happy in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Again, the Committee on Rules has to sort it all out. I suppose each of us would like our own personal waiver of something that we would like to add into this appropriations bill, whether it is our favorite road, our favorite bridge, our favorite railroad station or track or some other aspect, or ports or harbors or whatever else we can stick in the bill.

The reality is that we have a budget. We have 302(b) allocations to 13 appropriations bills, and we have some tough work to do. Our appropriators on this subcommittee have done their job, and they have brought the bill here. It is now, as we consider it under an open rule on the appropriations bill, one that will come to the floor so that any Member can provide any amendment they so desire that is germane to this bill for consideration, and that becomes the process of a decision of whether 218 Members of this body decide in favor of that amendment or not.

It is not up to the Committee on Rules to sort through each and every personal agenda item that may come up through the rules hearings for deliberation. This is a fair and open rule that is before this House for decisions today and as long as it takes to complete this appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just respectfully disagree with the gentleman, that it is the job of the Committee on Rules to go through and to analyze each and every amendment and every proposal that every Member of this House, Republican and Democrat, brings before the committee. Everybody in this Chamber should have the right to be able to go to the Committee on Rules and have their amendment considered, be given fair consideration. All of us were elected. We represent the same number of people; all of us have the same right to be able to do that.

I would also say to the gentleman when he mentioned about the budget, to the best of my knowledge, Congress has not approved a budget yet, notwithstanding the fact that the Republican Party controls both the House and the Senate. So we are kind of operating under kind of imaginary budget caps that the Republican Party has decided to put into place. I would again say that to the extent that there is a shortfall here, it is because the gentleman and his leadership and his party have chosen to devote these resources to something else, namely, tax cuts for very wealthy people in this country.

I think that is the wrong choice. I think it would be better to invest some of that money in a strong infrastructure. I think it would be better for our economy, and it would create more jobs.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

□ 1600

Mr. OBEY. Mr. Speaker, I intend to vote against the previous question on the rule. I intend to vote against the rule. And if the House does what I think it is going to do on this bill in the next 2 days, I intend to vote against the bill as well.

The gentleman from New York (Mr. REYNOLDS) indicates that the Committee on Appropriations has done its job. That is correct. But what is happening now, the Committee on Appropriations is trying even though we are at the end of the fiscal year and even though many of the programs that we are supposed to appropriate money for have not yet been authorized because of failure of the authorization process, the Committee on Appropriations is going to see its product shredded because of the inability of the authorizing committee and the White House and the majority leadership in both the Senate and the House to get together on a reasonable compromise, which hopefully would also include Members of the minority.

And so now what is happening is that a rule is being produced which is theoretically an open rule, but which in reality will result in about 80 percent of this bill being shredded. The carcass of this bill will then go to conference, and in conference the Committee on Appropriations will be asked to reconstruct the legislation which will have been shredded on the House floor. No individual member will have any input into what the final product that comes out of conference will be.

The reason we have a Committee on Rules is to avoid this kind of chaos. The reason we have a Committee on Rules is to bring adult supervision to the House floor from time to time, and the fact is that the Committee on Rules is being derelict in its duty and the House leadership is being derelict in its duty when it does not step in to resolve what Dick Bolling used to call these dung hill fights between different committees. Dick Bolling used to bemoan the fact that Members of this House seemed to think that they had a greater obligation to their committee than they do to the House as a whole. They do not. At least they should not.

We were not elected to be members of the Committee on Appropriations or members of the Committee on Transportation and Infrastructure or members of the Committee on Rules. We were elected to be Members of the House of Representatives, and it is our job to sometimes defend the House against the arbitrary actions of individual committees. And when the Committee on Rules does not step in to guarantee that, then the result is chaos.

That is what we are going to see here today. We are going to have three different factions of the majority party each trying to impose its own will by taking advantage of the fact that the Committee on Rules did not do its job. So in protest, I mean, we only have about 2 weeks before the end of the fiscal year. We only have passed one appropriations bill. And in my view it is this lack of leadership which has resulted in this miserable record of performance or rather miserable record of nonperformance on the part of the House of Representatives on appropriations issues.

The Committee on Appropriations on both sides of the aisle has worked and worked and worked to try to overcome an inability to perform on the part of other committees, and yet the product that the committee has tried to produce is going to be shredded today because the leadership did not pull people in and knock their heads together to get them to act like adults. That is nothing new around here, but I wish to God it would not be routine.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to make sure that there was no question in my comments earlier as the gentleman from Massachusetts (Mr. MCGOVERN) brought forth some thought.

I believe it is for the Committee on Rules to listen to each and every Member on its amendments. What I said was that the Committee on Rules, that it was not responsible and necessary to give every member a waiver on everything they wanted as they came up there, which you well know.

A couple of things that become important also while I listen to both the ranking member of the Committee on Appropriations as well as the minority member managing this rule, and that is that appropriations has a very unique aspect here. They can move privileged measures right to the floor without any rule. Now, I know the ranking member of the Committee on Appropriations knows that because last year the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies came through exactly that way, as a privileged measure that was regular order and never had a rule, and it came right to the floor as they have that opportunity here in the House of Representatives.

In fact, as we look at this bill, this bill started with the aspect that the Committee on Appropriations was going to move it to the floor as a privileged measure that would not require a rule at all. And it was also, as I understand, that the Committee on Appropriations did not want to accommodate waivers, they did not want waivers on this bill, so they elected that the Committee on Rules would come to play, make its decisions and bring the bill to the floor without those waivers under an open rule where every single Member of this body can introduce any germane amendment he or she so desires. And that is what will happen today if this rule is passed and we are able to move on to the appropriations matter.

When we look at the discussion, and there is a debate. I remember when we had a discussion saying I want to add back all this stuff and I want to raise taxes to do it, as the minority ranking member of the Committee on Appropriations brought a measure before this House. I respect his ability to bring that amendment. I also think we were fortunate that it was defeated so we did not raise taxes on the American people. But the fact is there was the opportunity to have that vote after the debate and the decision was not to raise taxes.

I accept those in the minority who want to raise taxes to spend. It is a fact of life over some of the policies that this body had when the other party was in power. But the fact is that we are holding the line on spending. We are making difficult choices. And today as we move this appropriations bill to the floor, it gives everyone ample opportunity to amend it with germane amendments how they see fit.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I found the gentleman's response interesting, Mr. Speaker. He starts to talk about taxes. This bill and my position on it has nothing whatsoever to do with taxes. It has everything to do with the fact that the leadership on your side of the aisle will not meet their responsibility in choosing which individual Members they are going to discipline in order to bring a coherent piece of legislation to the floor. This has nothing to do with tax levels.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must recall it has only been about a half hour when I listened to my colleague, the gentleman from Massachusetts (Mr. MCGOVERN), who brought his viewpoint to the floor that said there is not enough money in this thing because there was a tax cut and, therefore, we have got to increase taxes in order to have more money to spend. And so while I did not necessarily hear that from the gentleman today, the ranking member led the debate on increasing taxes so we could put more stuff back into programs that you put forth in a line by line fashion that you wanted back from money.

That was not today but you certainly brought that forth and it was something that you very much wanted to bring forth and we have accommodated that opportunity. But today the Member managing this rule on the minority side did bring forth the fact that he did not see the goals of what he wanted to see in a transportation bill because the tax cut did not allow him to have that.

Again, I want to remind my colleagues that we have ample opportunity for every Member to offer whatever amendment they want that is germane to this bill; and I am sure we will see many of those in the forthcoming hours on this Committee on Appropriations item.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me clarify to the gentleman, the point I was trying to make is your priorities are all messed up. The bottom line is there is a real need out there, all across this country, even in your State, for more transportation funding, more public transportation funding, more support. It is essential for economic growth. It is essential for job creation and you are short-changing it, and those are your priorities, and I think they are messed up.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me time.

I wanted to set the record straight, Mr. Speaker, on this discussion of taxes that we keep hearing about, my friend from Wisconsin, when he raised taxes. And he can correct me if I am wrong about this, but every time he has attempted to make an amendment in order on these appropriations bills, in committee and here, and when he was permitted to have an order, a vote that would have amended the budget resolution, every time, if I am not mistaken, the bottom 99 percent of American families would not have had their taxes raised at all.

Mr. Speaker, I ask the gentleman from Wisconsin (Mr. OBEY) if that is correct.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, that is absolutely correct. The majority knows it but they try to hide it at every opportunity because they do not have the guts to take the issue on directly.

Mr. ANDREWS. Reclaiming my time, it is also my understanding that to the extent that we have talked about restoring the tax rates that were in effect in 2001, a tax code which by the way created 22 million new jobs in the last decade, that the gentleman from Wisconsin's (Mr. OBEY) proposal simply reclaimed a portion of the tax cut that people in that top 1 percent would have received.

In other words, even under the gentleman from Wisconsin's (Mr. OBEY) proposals, they would get a tax cut because the amount reclaimed was less than the amount received.

Mr. Speaker, I ask the gentleman from Wisconsin (Mr. OBEY) if that is correct.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, that is also absolutely correct.

Mr. ANDREWS. Mr. Speaker, I also want the RECORD to reflect this choice: As our constituents sit in traffic tonight, as they cannot get home because of suburban sprawl and the lack of mass transit, as they cannot deal with the many, many problems they have, the majority has made a choice and its choice is a huge tax reduction for the top 1 percent of the people in the country or an honest choice which we would make which we would say, the top 1 percent could do without that huge tax reduction. Let us not raise taxes on the other 99 percent and meet the needs of this country.

That is the real choice. I understand why the majority wants to obscure it because they are making the wrong choice.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me conclude again by saying what I said at the beginning of this debate and that is that it is unfortunate that we are dealing with such an inadequate allocation. Our cities, our towns, our States deserve much better than this. This reflects poorly on the priorities of the leadership of this Congress. This has to change. Our communities cannot afford to be short-changed on important transportation dollars.

This undercuts their economic development. This undercuts job growth. We need to do much better.

Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no question when we look at our infrastructure and our roads and bridges and our transit systems and our ports and our airports, there is always an additional need for money. That is why we have invested so much as what we have done in our trust funds as well as annual appropriations. But there also comes a time where you cannot just keep taxing and spending on the aspect of wanting to provide a big government to the entire country on every single item, every single day.

It requires some of the tough looks of where we have to hold some line item spending. It comes to looking at a budget, and 302(b) allocations that set forth those tough decisions that both the appropriators and then this body have to do. Just as the difficulty that everyone knows we have in bringing forth the final solution for TEA-LU.

If it was just an unlimited big spending picture of what some of the failed liberal policies of the 40 years before this majority came into power, I guess you could keep that tax and spending going. But the American people have also said a couple of things: One, we need to hold the line on spending. We need to hold the line on taxes, and we also need to look at making some of those tough decisions that we have today as this appropriations bill comes to the floor of the House after the vote on the rule.

Mr. Speaker, I have said it time and time again, it is an open rule. It is one that gives every single member of this body an opportunity to bring any germane amendment to the floor for consideration on their amendments by this body, and I am sure upon the completion of the hard work that this body will do over the next several days on this bill we will get the best bill possible to bring forth as a completed appropriations bill that we have as a rule before us.

□ 1615

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MATHESON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 235, nays 170, not voting 28, as follows:

[Roll No. 451]

YEAS—235

Abercrombie
Akin
Andrews
Baca
Bachus
Barton (TX)
Bass
Berman
Biggert
Bilirakis
Bishop (GA)
Blumenauer
Blunt
Boehner
Bonilla
Bono
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp
Cantor
Capuano
Cardin
Carter
Clay
Clyburn
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Eshoo
Everett
Farr
Fattah
Feeney
Ferguson
Foley
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Granger
Green (TX)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (WA)
Hefley
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Houghton
Hoyer
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (OK)
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Ney
Nunes
Oberstar
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Pickering
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Saxton
Schakowsky
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Sherman
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Spratt
Stark
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
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Aderholt
Alexander
Allen
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bishop (NY)
Bishop (UT)
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Burgess
Burns
Burr
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Coble
Costello
Davis (CA)
Davis (TN)
Davis, Jo Ann
DeFazio
DeMint
Deutsch
Doggett
Duncan
Edwards
Emerson
English
Etheridge
Evans
Filner
Flake
Forbes
Ford
Fossella
Franks (AZ)
Gerlach
Gibbons
Gingrey
Goode
Gordon
Graves
Green (WI)
Hall
Harris
Hart
Hayes
Hayworth
Hensarling
Herseth
Hill
Holden
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Hooley (OR)
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Inslee
Isakson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
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Kucinich
LaHood
Lampson
Latham
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Lynch
Majette
Marshall
Matheson
McCollum
McGovern
McIntyre
Mica
Michaud
Miller (NC)
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Murphy
Musgrave
Napolitano
Neugebauer
Northup
Norwood
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Pearce
Peterson (MN)
Peterson (PA)
Petri
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Pomeroy
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Price (NC)
Rahall
Ramstad
Renzi
Rogers (AL)
Rogers (MI)
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Sensenbrenner
Shays
Shimkus
Shuster
Simmons
Smith (WA)
Snyder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tierney
Toomey
Turner (TX)
Udall (CO)

Udall (NM)
Upton
Vitter
Walden (OR)
Wamp
Wu

NOT VOTING—28

Ackerman
Baker
Ballenger
Blackburn
Boehlert
Bonner
Burton (IN)
Cannon
Conyers
Crowley
Engel
Gephardt
Greenwood
Hastings (FL)
Johnson, E. B.
Kleczka
Langevin
McInnis
Miller (FL)
Nethercutt
Owens
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Towns
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). There are 2 minutes remaining in this vote.

□ 1641

Messrs. JENKINS, SULLIVAN, MARSHALL, GIBBONS, Mrs. JOHNSON of Connecticut, Mr. MICA, Ms. KAPTUR, Mr. RAMSTAD, Ms. HOOLEY of Oregon, Mr. ADERHOLT, Ms. McCOLLUM, and Mr. FOSSELLA changed their vote from "yea" to "nay."

Messrs. LIPINSKI, FRANK of Massachusetts, COOPER, CLYBURN, and Ms. WATERS changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote Nos. 444, 445, 446, 447, 448, 449, 450, and 451. Had I been present, I would have voted "aye" on rollcall vote Nos. 446, 447, 448, and 449. I would have voted "nay" on rollcall vote Nos. 444, 445, 450, and 451.

PERSONAL EXPLANATION

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, this afternoon I was meeting with Veteran constituents and upon the vote being called for the previous question for the H. Res. 770, I hurriedly ran from the office to the floor. I had intended to vote against the order of previous question as I did last year but in my haste, inadvertently voted in its favor. I oppose the Congressional pay raise for 2005 and would like the record to reflect that view.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 770 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5025.

□ 1640

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume, and I am pleased to present to the House the appropriations bill H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for fiscal year 2005.

Mr. Chairman, this is one of the most fiscally responsible bills that we have considered this year. It is a large bill. It is a diverse bill. It includes funding for the Department of Transportation, the Treasury Department, the General Services Administration, the Executive Office of the President, National Archives, Office of Management and Budget, Office of Personnel Management and many other agencies that are critical to the functioning of our Federal Government.

This measure is also one that includes a number of government-wide general provisions that are there to facilitate efficiency and effectiveness in the day-to-day functions of large and small Federal agencies.

Mr. Chairman, we have a lot of budget constraints this year. In examining the budget picture for this particular bill, it is important to note that this bill is within the budget that has been produced by this House of Representatives and the allocation that has been provided to this subcommittee.

Of course, the Congress, working with the President and his administration, has rightfully put a priority on spending for the ongoing conflict in Iraq and the war on terror. At the same time, we have a serious Federal deficit. These have forced this body and our Committee on Appropriations and our subcommittee to make many difficult and challenging choices. This bill reflects the difficulty of those choices.

In fact, if you look at this bill, Mr. Chairman, and compare it with last year's parallel bill, you will find that this particular measure is $3 billion below the amount that we spent on the same accounts last year. There are reasons that it is not a pure apples-to-apples comparison, but, nevertheless, the bill is below what the similar funding was for last year. That reflects, again, the priority choices and the tough choices we have made.

So we will hear, during debate upon this measure, many people say, "Oh, I wish we had more money for this program or that or some other." But the answer is that we do not. We are in deficit spending already, and this is about as fiscally responsible a bill as you will find before this body this year.

Overall, the bill provides a total of $89.9 billion for the Department of Transportation, for the Treasury Department, the Internal Revenue Service, highways, transit, rail programs, seafaring programs, and the heart of the executive branch, including the White House itself.

□ 1645

Overall, for salary and expense accounts, the bill does provide increases, some 2.6 percent, but that is within the context of a bill that overall is $3 billion less than the bill last year, so many agencies will have to do some belt tightening. We have tried to give them the maximum flexibility to manage those resources.

I appreciate the fact that the gentleman from Florida (Chairman YOUNG) did not have the funds he would have liked to have had to put into highways and other forms of transportation, but he gave us a fair allocation and I am grateful for it. Not only is it $3 billion below last year's spending on these accounts, it is below the amounts requested by the President in his budget.

There were some highly controversial provisions we did not include. Some Members said if you can put a provision in the bill to end a process known as dumping, which has to do with reparation payments to industry to offset unfair trade practices, then you can grab over a billion dollars to put back into the bill. That would not have been good because whatever Members' position on dumping is, it has not passed the House and we cannot assume we will have the money.

Despite the budget constraints we have, I am pleased we have been able to improve the most important part of our transportation network, and that is funding for highways. The $34 billion in this bill for highway funding is a billion dollars above the funding level for highways last year. So in the context of a bill that itself is $3 billion below last year, when we are still able to improve highway funding, that shows we have addressed priorities and tried to put the money where it is most important.

That money for highways is going to be good news for the economy because each billion dollar investment is estimated to create some 40,000 jobs.

There is also some confusion in the context of this bill, Mr. Chairman, because we have a two-stage process. We have still pending in the conference committee a surface transportation highways and transit reauthorization bill. I do not want to confuse this bill with that. The reauthorization bill establishes a framework for spending transportation dollars, but this bill actually provides the money. We do not have a new framework created, so we have had to assume the old framework remains in place, but we are going to have some controversy over that because we have not been able to achieve passage into law of a highway reauthorization bill. We have some technicalities, some rules of this House, and I know many Members are going to come forward and raise points of order. They are going to say you have to strike this part out of the bill because we have not authorized it.

Well, we have been waiting a year for an authorization bill which has not happened. We had to do our work anyway. Some Members may want to pick the bill apart and say you are putting money into something that is not authorized. Under the rules of the House they may be successful in doing that. But I want to reassure every Member of this body that we are going to repair those things when it gets to conference. We are going to have the same kind of responsible bill that the Committee on Appropriations has produced that comes out of conference regardless of how Members may want to pick at it with parliamentary tactics on the House floor today.

It is not the fault of the Committee on Appropriations that a reauthorization measure has not passed as the rules of the House dictate it should have been a year ago.

Looking at some other details of the bill, the FAA, the Federal Aviation Administration, will receive a 3 percent increase for its operations, less than they requested, but more than the government-wide average for nondefense, nonhomeland security programs. That again is because we have put priority into aviation funding, just as we have in highway funding, and we have put cuts in place elsewhere in the bill to compensate for that.

The bill meets the aviation funding guarantees mandated by authorizing legislation which has passed this body. It provides the budget request for the capital investment programs of the FAA and grants-in-aid for airports all across America.

The essential air service program, which I am not personally fond of, but one which is important to many Members of this body, receives the same funding as it did in fiscal year 2004. And there is $20 million for the small community air service program.

Amtrak is always a point of controversy in this House. The bill proposes $900 million for Amtrak, the same amount suggested by the administration in their budget proposal, and I believe it is a responsible number for Amtrak because Amtrak still has not resolved its long-term problems, and we have not developed the kind of partnerships that we need with States and communities that want Amtrak service investing in Amtrak service. The administration believes and I agree that realistic Amtrak reform has to be enacted before we start putting more money into that passenger rail service.

The Secretary of Transportation and the President and his administration believe the amount in this bill is sufficient to keep that rail service operating in the next year, and I agree with them.

Funding for transit in the bill is essentially at the level of fiscal year 2004, also the same as the administration requested, but we have done some adjustment inside of the numbers. Within the overall total, we have put more of the transit funding into the formula grant program that goes into every community in every State in the country on a formula basis. That benefits everyone. We put more money through the formula and less in the so-called new starts program which is fixed guideway and light rail programs, and so forth, which only benefit a handful of communities. We have tried to put the transit funding more than ever before into a formula that benefits everyone, not just select areas of the country.

I want to make one more comment about the new starts program. We do not know how much money is going to be available over the next 5 years to fund these expensive rail systems that a lot of communities want and often do not do the necessary cost-benefit analysis. The Department of Transportation Inspector General told us this year there are far more systems being proposed than we will ever have money to pay for. The requests exceed the resources by billions of dollars, so this bill takes a prudent step to slow down that program, put money instead into the formula grants instead of making some decisions that we might regret tomorrow on how we prioritize the new starts program. But the bill does fund all of the existing full funding grant agreements on new start programs that are between different communities and the Federal Transit Administration.

In the Treasury Department of this bill, which includes the Internal Revenue Service, we essentially have funded it at the same level of fiscal year 2004. Some of the proposals we believe need further refinement. New initiatives such as the IRS initiative to increase its hiring to improve collections are too financially ambitious for the budget climate we have.

One of the largest increases in the bill, 12.7 percent, goes to what is known as FinCEN, the Financial Crimes Enforcement Network. It is part of the Department of Treasury and it is part of counterterrorism activities, trying to disrupt the financial basis of terrorists.

When we look at another part of the bill, the Executive Office, the President, the White House and the offices that work with the White House, it is actually a little below last year's because we have reduced contract programs. The bill includes funding for the majority of the construction program of the GSA, General Services Administration. That is the landlord for the Federal Government. But even though it includes the majority of the GSA construction program and GSA says it has something like a $7 billion backlog, we have shaved back those requests to meet our budget allocation.

All 12 border stations that are proposed in the budget request are fully funded because of the priority that we have given to homeland security. A more complete summary of all of the funding levels in the bill, as well as significant provision, is in the committee report at pages 3 and 4, and I direct Members to those pages.

Mr. Chairman, a final comment before I close my debate for now. My final comment is about the messiness that I know we are going to experience with the points of order and money in the bill being stricken. We are probably going to have to offer some amendments on what do we do with the money. I would just as soon have it go to pay the national debt, but in our protocol that is not how it works in this process. So if some money is stricken on points of order, I will offer the necessary amendments to park that money into some of the major accounts with the understanding that when we get to conference we will be overcoming the parliamentary problems of those points of order and restoring that money to the transportation programs which I think some people are going to try to take it from with their points of order.

I thank the gentleman from Massachusetts (Mr. OLVER), our ranking member. The gentleman presents his personal views and the views of the minority tenaciously and effectively and is good to work with. I appreciate that and his no-nonsense approach to things.

I also appreciate our staff that has worked so well and will reiterate a thank you to them later on before we close this debate.

This is a good, solid bill. It is responsible. It merits and deserves the support of every Member of this body, and I ask that Members support it when we come to passage of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Oklahoma (Chairman ISTOOK) for working so hard to get this bill to the floor. I suspect from the comments the gentleman has made and what I know about what is likely to go forward today, he is going to be working even harder to keep this bill moving in the days ahead.

I would also like to thank the staff on both sides of the aisle for their work on the bill: On the minority side, Mike Malone and Bob Bonner from our appropriations staff; and on the majority side, Rich Efford, Cheryle Tucker, Leigha Shaw, and Kurt Dodd. I may be missing somebody, but at least those for the majority. This bill has become more complex than any of us thought it would, and I appreciate all of their efforts and all of the efforts that they will be asked to make.

As Members know, the Congress has not adopted a budget resolution for fiscal year 2005. Instead, the deemed resolution under which the House is operating and which placed tax cuts number one among all priorities, resulted in a severely constrained 302(b) allocation for this subcommittee, along with several other subcommittees of the Committee on Appropriations.

I give credit to the gentleman from Oklahoma (Mr. ISTOOK) to distribute the pain broadly, if not totally evenly, and for making significant adjustments during the subcommittee and full committee deliberations, particularly in regard to hiring additional air traffic controllers in anticipation of the impending wave of controller retirements which everyone except the Department of Transportation seems to know is coming, and in regard to better funding the Financial Crimes Enforcement Network, one of the Treasury Department's front lines against terrorism, yet the subcommittee's abysmal allocation precluded us from fixing several more serious problems with the bill.

On the transportation side, Mr. Chairman, every major account in the Department of Transportation is underfunded. The bill only provides $900 million for Amtrak, which I would say parenthetically, to parse the chairman's words, is another program of which he is not particularly fond. At this level there should be no surprise next spring when Amtrak must curtail services. And furthermore, as critical maintenance is further deferred, we risk serious to catastrophic accidents on the very trackage for which Congress has direct responsibility in our budgetary process.

Transit programs are also underfunded. The new starts transit account is $300 million below the President's request.

□ 1700

There are so many new urban areas growing in this country, areas that are rising in population at substantially larger than the average population increase year by year in this country where it is becoming totally unthinkable to simply add additional lanes of highways and where more and more of them are thinking about how to use bus transit, rail transit, various kinds of programs, under the transit administration; and the new starts transit account is $300 million below the President's request to deal with those needs.

The FAA's operations account is well below the President's fiscal year 2005 request and the FAA facilities and equipment account is nearly $400 million below the fiscal year 2004 enacted level. The two highway safety agencies, the Motor Carrier Safety Administration and the National Highway Traffic Safety Administration, taken together, are cut by 25 percent below the President's request. Those are two major highway safety programs. They are not terribly large, but they are cut from the President's request by 25 percent, one much higher than the other.

Even the Federal Highway Administration, which is up 1.5 percent from the enacted fiscal year 2004 budget, is underfunded because 1.5 percent is well below the standard overall inflation rate. Fifteen percent of our whole economy comes from the transportation industry, broadly taken, and the chairman has already pointed out that construction in transportation infrastructure produces, he used the number 40,000 jobs per $1 billion. My understanding is that the Department of Transportation typically uses 45,000 jobs per $1 billion of construction, but we do not need to quibble about that. I will accept his number and he probably would accept my number as being in the ballpark.

So that moneys in the transportation budget and in the Federal highway budget, particularly vitally important for infrastructure improvements all over the country, construction in every mode of transportation costs more every year as the population and congestion increase.

I do not understand what the benefit is to us as individuals in our districts and to the people of America in general cutting below inflation, at least below inflation and in some cases far beyond below inflation, of programs in the transportation area.

On the Treasury portion of this budget, the IRS tax law enforcement account is $286 million below the President's request and nearly half a billion dollars below what the IRS oversight board says is needed to properly enforce tax laws in fiscal year 2005.

Since we have had sworn testimony that moneys expended properly on tax law enforcement brings in on average a six-to-one return, thereby the proper use of $286 million would bring in nearly $2 billion of additional revenue. In effect, we are giving tax cuts to tax cheaters by not fully funding the tax law enforcement request that the President made.

Secondly, on the Treasury portion, language is included that bars the use of matricula consular identification cards, language which is harmful to homeland security and the Department of Treasury's fight against terrorist financing. I am hopeful that that language will be taken out of this bill before it becomes law.

On the floor today and in conference, I hope we will be able to rectify these problems and have strong bipartisan support for the end product that we hope to produce as expeditiously as possible.

Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this bill, and I do appreciate the hard work that the subcommittee has been grappling with. Clearly, there is not enough money that is allocated to meet all of the varied transportation interests that we have. I also appreciate that this is a dynamic process and that there is going to be probably more give and take on top of the give and take that has occurred.

I would like to speak briefly on behalf of three simple points. First, I heard the chairman talk about the new starts being oversubscribed and talked about how there is more in the pipeline than is likely to be funded at current levels for some time. I agree wholeheartedly, but I would think that that is a signal, a signal about the popularity and the importance of these programs across the country, the way the chairman a moment ago talked about the need for more highway funding because of the need for highways.

We have an extraordinarily popular and important program for communities across the country, including some that may not leap to mind for people thinking about multimodal transportation systems, like in Houston, Texas, where the voters there just this last fall, actually against formidable political opposition, the voters decided that they were going to extend that program. It simply as yet does not keep pace with demand, but we have a broad and growing range of interest around the country.

I would suggest that unlike the highway projects which are basically an entitlement that are not subjected to rigorous analysis in terms of cost-benefit, I know of no projects in the Federal arena in terms of major capital outlay that are subjected to more aggressive cost-benefit analysis than what we do now to the new starts. I think they meet the test. They are in community after community proving to be the most cost-effective ways of reducing congestion, far more effective than spending a similar amount simply widening roads as has been the case in the past. That is why it is popular. That is why it has been supported by Republican and Democratic administrations. That is why we see it in communities large and small across the country.

I am concerned, because I know that there has been some report language that talks about how to deal with the weighing of land-use considerations. I would respectfully suggest that this is an area that I think the FTA can, in fact, improve its performance; but it is rather, I would suggest, looking at the value of land use rather than to undervalue land-use criteria.

What community after community is finding is that if you do not look at supportive land uses around transportation facilities, without proper land use you can have them be ineffective, you can have a road project that is basically producing congestion the day it is opened if you are not careful with what the land uses are there. We ought to strengthen the land use provisions, not weaken them. That was part of the original ISTEA. That was part of TEA-21. That is part of what is going through the process now if we ever reauthorize the Surface Transportation Act. This is in TEA-LU.

I would hope that we could work with the FTA to balance, to strengthen, to give more of these choices and, frankly, to provide some weight to the economic development potential of these activities. My concern is at the FTA now there is not enough weight for the economic development potential of transportation. I have seen it, and I can give example after example where it has arisen. I would hope that we are able to provide proper weight for it.

The final point that I wanted to raise deals with Amtrak. I am concerned that the Republican leadership, with their Rules Committee, that we have not been able to protect the spending under Amtrak and maybe subject it to a point of order.

This continues an ongoing drama we have here where the administration proposes to undercut it, where there are proposals here in the House to chop it down even further, but it is always restored because it is something the public understands is an essential part of our transportation infrastructure. It is critical in corridors like in the Northeast. It is something that we have historically starved and underfunded. We have spent less in total of Amtrak's entire history than we do in 1 year of highway spending.

I would hope that we not get involved with that charade this time where we go through the motions of cutting Amtrak funding or even eliminating it, because the American public will not stand for it. It will ultimately be reinstated, but it undercuts the effective administration that we see with the new director, Peter Gunn, who is the best I have seen since I have been in Congress. They deserve better and so does the rail passenger public.

Mr. OLVER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. I thank the gentleman from Massachusetts for his generous yielding of time.

Mr. Chairman, I would like to express my concern about the funding in this bill. I realize the chairman's hands are tied by the allocation given to the subcommittee which is in turn driven by the budget resolution passed by the House earlier this year, but not passed by the Congress. I thank Chairman YOUNG and Ranking Member OBEY for doing the best they could with the limited resources available to this committee, but this committee did not have sufficient funds to meet its responsibilities.

This highlights the fact that the decisions we make about the budget and taxes have real consequences. With this bill today, we unfortunately see one major result of our decisions. We have failed to live up to the commitments we made to our constituents.

I am, however, pleased in certain instances that we have followed the President's recommendation. The FDA consolidation which we are about has been included in the bill, an extraordinarily important effort that a bipartisan effort of the administration and the Congress has pursued. These funds will go a long way in helping to relocate FDA employees from their current substandard facilities into modern, state-of-the-art facilities. The consolidation would bring to an end the practice of extending costly leases for various FDA offices throughout the region. We in fact will save money as a result of this.

On the other hand, I am deeply disappointed that the bill does not provide any election reform grants. We have funded the commission. That is appropriate. We had a press conference this morning with the president of the National Association of Secretaries of State. One of the most important things that remains left to do on election reform is revising the statewide election system of recording registrants and having those registrants available to each and every precinct. The grants that are due under the authorization are not included in this bill.

The administration, in my opinion, Mr. Chairman, must show a stronger commitment to election reform, including calling for more funding, if this Nation is to avoid a repeat of the 2000 election debacle. We will not do anything between now and November 2 with this money; but very frankly the registration that we require in the bill be a statewide system must be online by January of 2006. That is a very brief period of time, some 14 months from now.

□ 1715

And if we do not fully fund the authorization, I fear the States will not meet that deadline. We made a promise to the States that the efforts to address the most serious deficiencies in their electoral systems would not turn into another unfunded federal mandate. By failing to fund fully the commitment of the authorization bill, we have mandated something and we have not helped pay for it.

Also, Mr. Chairman, I remain concerned that the proposed funding for tax law enforcement is insufficient to adequately enforce compliance and make our tax system fair and efficient. I am also disappointed there are no funds to reimburse small airports in the Washington region for the losses incurred when the Federal Government shut them down. I have had extensive discussions with the chairman on this issue. There is some language in the bill that hopefully will make this a conferencable item, but I will tell the chairman once again and I will tell the chairman of the caucus it is ironic that small business people who have invested and taken a risk in being entrepreneurs, as the majority party says it supports, are left hanging in the wind by governmental action and, through no fault of their own, none, zero, find themselves one of the few people who have not been reimbursed for the losses they have incurred. That is, I think, ironic and wrong.

While the bill recognizes that the Department of Transportation should consider ways to reimburse general aviation, the failure to provide funds will only leave small airports, specifically College Park, Potomac, and Washington Executive, dangling on the brink of financial ruin. We should do more for general aviation and small business, what we did for the airlines, large airports, and the insurance industry in the aftermath of the terrorist attacks, help ease the burden our actions have caused. Those actions were caused by terrorists.

I urge the chairman to include funds for general aviation reimbursement as we move forward to make fair restitution to the small airports.

Finally, Mr. Chairman, the failure to provide funds for DOT headquarters is short-sighted, in my opinion, and leaves the Department of Transportation headquartered in an aging building with an infrastructure well beyond the end of its useful life. I urge the chairman to correct this oversight, and we ought to look for the resources to do that.

I appreciate the committee's hard work, and I hope we can make some changes and make this a better bill. And I thank the gentleman for yielding me this time.

Mr. OLVER. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, following on the comments of the gentleman from Maryland (Mr. HOYER), I rise to express my disappointment that this bill does not fully fund the amounts authorized in the Help America Vote Act for Fiscal Year 2005. We were proud to pass, on the eve of the 2002 election, groundbreaking election reform legislation that authorized almost $4 billion in Federal funding that would, among other things, improve the administration of elections; provide for increased accessibility to voting equipment and polling places for people with physical disabilities; fund the replacement of obsolete voting equipment; pay for protection and advocacy systems; provide for the establishment of State-based administrative procedures to remedy grievances, including grievances pertaining to accessibility; call for the establishment of an Election Assistance Commission to serve as a national clearinghouse and resource for the compilation of information and review procedures with respect to the administration of Federal elections; and to call for the establishment of a Standards Board, a Board of Advisors and a Technical Guidelines Development Committee, all of which would assist in the development of good voting systems.

Although over the past couple of years I have been primarily focused on standards for voting systems, specifically the lack of meaningful security standards for such systems, the Help America Vote Act funded many important things. And considering how important it is to our democracy to have fair, accessible, auditable elections and considering how many doubts citizens have had about elections in recent years, I am deeply disappointed that this appropriations bill provides so little HAVA funding, only $15 million, a pittance on the amount yet to be funded authorized under HAVA. Fifteen million dollars provided in this bill, leaving unappropriated more than $700 million of HAVA's total $4 billion in authorized sums.

The absence of consistent funding for HAVA has caused a fundamental problem; namely, that Federal funding of election systems outpaced the critical need for implementation of meaningful security standards. The Committee on Appropriations recognizes this. With respect to the $15 million appropriated for the Election Assistance Commission, $5 million is specified "to address the desperate need for research and standardization of election systems." The committee urged the EAC to "address standards and technology issues related to voting equipment." That is their quote. But the committee does not provide adequate funding. Forty million dollars was authorized to fund the protection and advocacy systems to ensure full participation in the election process for individuals with disabilities. Less than a third of that amount has been appropriated. One hundred million dollars was authorized to fund polling place accessibility and education and outreach to disabled voters. Only about a third, less than a third of that, has been appropriated. HAVA has called for the establishment of a Help America Vote college program and Help America Vote high school program. Each of those has received only about half of the authorized amount. HAVA called for $3 billion in payments to States to help them meet their audit trail, accessibility, language and other voting system requirements, and we fall far short of the appropriations in that category.

HAVA, I believe, will have to be amended. There are some improvements that need to be made. But that is no excuse for not fully funding this central part of the American democratic system to make sure that we have fair, accessible, and auditable elections.

Mr. OLVER. Mr. Chairman, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time, and I recognize that there is a lot of hard work that the chairman and the ranking member have done on this bill and we are grateful for the bill despite its horrific shortcomings. The subcommittee has worked hard.

Secretary Ridge was before the Select Committee on Homeland Security today, and an issue came forward that I think simply must be discussed during this debate. I said to the Secretary, whose hard work I very much appreciate, how much it looked like we were fighting the last war. The private sector, the business sector does not even have up on the website of the Department of Homeland Security some guidance as to what they should do, except that is where all the people are and that is where all the revenue is raised in our country. And where the people are in transportation, on rail, on public transportation, it is not even on the radar when it comes to homeland security.

I have got an act that has a lot of cosponsors called the Safe Transportation Act, and I have to tell my colleagues that terrorists really do have an open field. Not in aviation anymore. We have shored up some of that. But they have an open field in public transportation and in rail. That is where the people of the United States spend their time going to and from one part of the country and the other and one city and the other. We have allocated about $14 billion for aviation security, and we are sure we are doing the right thing there. I am on the Subcommittee on Aviation. That was the right thing to do. There is more still to be done there.

But even after Madrid, there is something approximating $300 million for all of rail and public security. People go down into subways. People get on buses. And there is almost a blank slate there. There are 9 billion passenger trips annually on public transportation. I first learned of this problem when Amtrak security here in the Nation's capital came to see me, and I tell my colleagues that my hair stood on end because Union Station is here, and he told me what his work had been with transportation security, and he told me that virtually nothing had been done here or in Penn Station or in Philadelphia's 30th Street Station. Do not even let us get to the tracks and the tunnels. Amtrak accounts for only 22,000 of U.S. rail routes. There are 140,000, and sometimes they are a big company like Amtrak. Most of the time they are much smaller.

We are living in the post-Madrid era, not the post-9/11 era. There were 200 innocent civilians killed there, 1,500 injured. One-third of terrorist attacks in the world target public transportation systems because they are the easiest to get at. I sat in on a Subcommittee on Railroads hearing a couple of months ago, and I was horrified. There were two agencies there who are supposed to be responsible, the Federal Railways Administration and the Department of Homeland Security official. Nobody is in charge. There is no national security plan for rail security, for subways, for buses. There is no assessment of our rail security, of our public transportation security. And here we have a transportation bill before us. Hey, not a word about it. It simply has to be inserted into this debate. It is no way to run a railway, no way to run a public transportation system. And we are in mortal danger when we leave the major form of transportation used by Americans hanging out there with $300 million while we have fought the last $14 billion war in the air. Let us begin to fight this war.

Mr. OLVER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the help of the gentleman from Massachusetts (Mr. OLVER) in trying to expedite the time for the benefit of everyone.

Let me just make a couple of responses to things that a couple of speakers mentioned on the Help America Vote Act. We have provided federally something like a little bit over $3 billion in the last couple of years to improve voting systems around the country. A billion dollars of that remains unspent. The States are not prepared for us to add more money on this bill or any other bill because they have got $1 billion that has not been spent yet. They are waiting on some voting standards that are supposed to be coming from the Federal Commission, which has not produced those standards yet. So I do not think it would be responsible for us to take away from other urgent and pressing priorities to put more money into an account that already has much more money than it is able to spend. So I figured it was important to mention that.

Let me, in closing, Mr. Chairman, repeat something I said before, and I realize it is confusing to anyone that may be listening as well as to Members. We will be having in this bill a number of parliamentary tactics, points of order brought up. It is not because we on the Committee on Appropriations have not produced a responsible piece of legislation, trying to fund the most important priorities in transportation and in the Federal agencies that are a part of this bill. However, because the authorizing committee has not been able to complete its work, it is overdue by over a year now, we have some things that technically are unauthorized programs. It is unauthorized for this Congress to provide Federal highway transportation dollars.

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Now, it is authorized to collect the gasoline tax that our citizens and our constituents pay at the pump. They are paying the fuel tax, but it is not authorized with that money to go back into the roads. That is not right, so we went ahead and we provided that transportation funding. We provided the highway funding and the transit funding and the aviation funding, even though the authorizers say, Well, it is not authorized.

So because of that, they are going to come to this floor, and people are going to say: Well, strike out this part of the bill. Strike out funding for highways. Strike out provisions, some of which spend money and some of which, frankly, save money. We are going to have a messy process.

But ultimately, when this committee produces the House-Senate conference report, we are going to take care of those things that are addressed in this. We will resolve the parliamentary problems because, frankly, the points of order, the parliamentary points of order do not lie against a conference report as they do against legislation in the House.

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

I would like to clarify on the point that the gentleman just made and the example that you just used, that the authorization bill on T&I highway programs has an extension. As of the moment, it is an extension to September 24. If there is not a full bill, authorization bill that has passed by then, there will be another extension into the next fiscal year. And the irony is that we would then be operating within the authorization of the extension into the next fiscal year in what we would be doing.

Mr. ISTOOK. Mr. Chairman, the gentleman is certainly correct.

Reclaiming my time, this Committee on Appropriations is doing its work, whether the rest of Congress is able to for whatever reason fulfill their work or not. I regret that this is going to be a messy process. We are going to have some things stricken out of the bill. If the things that the Committee on Transportation and Infrastructure want stricken out of the bill are all out, we would be above our budget allocation. We would be in violation of the rules of this House on the amount of money that we have to spend. That is pretty bad when we have a deficit already to make it worse.

We are not going to do that. We will make sure appropriate amendments are offered and that this bill ultimately is within the amount of money that has been allocated to our subcommittee. There may be some money that has been shifted about to what essentially will be a holding account, just to make sure that we reserve it, and we will resolve those things in committee.

I realize it is confusing, Mr. Chairman, but I appreciate the trust and patience of the Members of this body in resolving it.

I do, in final comment, want to make sure that I express my appreciation for the people that work behind the scenes so hard and so diligently to help us present this legislation: The chief clerk of our subcommittee, Rich Efford; the staff members of the subcommittee, Cheryle Tucker, Leigha Shaw, Dena Baron, Kristen Jones; and a member of my staff who works on these issues, Kurt Conrad, as well as my chief of staff, John Albaugh.

We are grateful because we, as Members of Congress, could not do our work without the good support of these people.

I thank the gentleman from Massachusetts and other Members for their comments. I ask every Member to support this bill.

Mr. Chairman, I was ready to yield back the balance of my time, but I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding me this time.

I just want to say that the Subcommittee on Transportation, Treasury and Independent Agencies has done an outstanding job of bringing this legislation before the House of Representatives, and it is during some very difficult times with some constraints.

I am going to be here representing the Committee on Transportation and Infrastructure, raising some points of order, not to object to specific actions the subcommittee has taken; I think they have been well-intended on behalf of the appropriators, but to offer and preserve some of the integrity of the authorization process on behalf of the full committee, the gentleman from Florida (Mr. YOUNG), myself, and other subcommittee chairs.

So again, it is a process of give and take, but we do know the constraints the gentleman has worked under, and we have to preserve the integrity of our jurisdiction. And I think that is important in this legislative process.

So I congratulate the gentleman from Oklahoma and the staff on the fine job they have done, and we will offer these in that light.

Mr. ISTOOK. Mr. Chairman, I appreciate the comments of the gentleman from Florida (Mr. MICA).

Mr. PASTOR. Mr. Chairman, the bill we are considering funds an important national security program. The Maritime Security Program ensues that a fleet of privately owned, commercially viable and militarily useful vessels are available to meet national defense and other security requirements.

A critical new element of the MSP program as reauthorized in the Department of Defense FY04 Authorization Act is the construction and operation of militarily useful U.S.-flag product tankers, which are essential for the carriage of jet fuel and other refined petroleum products. To facilitate the construction of U.S.-flag tankers in American shipyards for the MSP program, the FY04 Defense Authorization Act created the National Defense Tank Vessel Construction Assistance Program.

Implementation of this program has been underway for seven months, with seven proposals submitted to the Maritime Administration (MARAD) to construct tankers for the MSP program. Final proposals for the program are due very shortly—on October 22, 2004—with awards scheduled to occur in January 2005. However, a provision in the Transportation Appropriations Bill—sec. 187—would bring this vital program to a halt by prohibiting any funds from being expended by MARAD to administer or ward any of the contracts under the new program.

On August 24, 2004, the U.S. Transportation Command, the Defense Department's logistics arm, identified "New Tank Vessels . . . constructed in the United States after November 25, 2003, and capable of carrying militarily useful petroleum products," as critical to the new MSP fleet. I am concerned about the potential impact this section 187 prohibition would have on our Nation's military sealift at a time when the support of our overseas troops is critical.

I intend to work with the Committee and Subcommittee in conference to ensure that this key component of our military sealift is not jeopardized, and I encourage my colleagues who share this concern to do the same.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Sanders Amendment.

The Sanders Amendment would ensure that the Treasury department not use any of its funds to undermine the federal court decision in Cooper v. IBM that held that cash balance conversions violate federal pension and age discrimination law.

We've been here many times before.

In fact, this is the fourth time that the House is voting to protect older workers' pensions under cash balance pension plan conversions. The last 2 times the amendment passed by 308–121 and 258–160.

Instead of voting to prevent the Treasury department from undermining workers' pensions, I wish we were voting on affirmative legislation to set standards for cash balance plans.

This issue has been going on since 1999.

In 1999, IBM converted its pension plan to a cash balance plan.

Luckily, it's computer savvy workers quickly figured out that the conversion would reduce their expected pensions.

The workers mobilized and got Congress to hold hearings.

The Clinton administration imposed a moratorium on approvals of conversions in September 1999.

But then, the new Bush administration tried to issue regulations lifting the moratorium and permit conversions without any worker protections.

Immediately 218 members of Congress wrote to the President urging him to revise the regulations and protect older workers.

Four times the House and Senate have voted to require Treasury to withdraw its regulations and protect older workers.

Finally, this year, in 2004, the Bush administration relented and withdrew the regulations. The administration even sent up a revised legislative proposal that contained a modicum of older worker protections though it did not go far enough to protect older workers.

But, still the issue is not resolved.

Either Congress or the courts must set standards for cash balance plans and conversions to such plans.

The Republican Congress has done nothing on this issue for almost six years.

If anything, Republican leaders would defer to employer lobbying and simply permit cash balance conversions without any protections for older workers.

That's why the Courts may have to be the body that resolves some of these issues.

One court, the federal district court for the state of Illinois, determined that conversions are illegal. Other courts have disagreed. These cases and others still waiting to be heard will take years to resolve.

This amendment makes clear that the Treasury department shall not interfere in these cases.

Today worker pension security is in crisis.

This administration has done nothing to protect workers' pensions and done everything to undermine them.

They didn't protect workers after Enron and WorldCom from employers loading pension plans with employer stock and letting the executives protect themselves while leaving the workers stuck with worthless stock.

They didn't protect participants in 401(k) plans from a broad range of mutual fund abuses that have decimated retirement nest eggs.

And they are not protecting workers now from rampant pension underfunding. The PBGC, the agency that insures traditional pensions, has a $10 billion deficit. And if the airlines go under, the deficit will increase by another $30 billion. Over 1,000 pension plans are more than $50 million underfunded. And workers don't even know because the PBGC is required to keep the information secret.

The administration and the Republican majority are doing nothing to protect worker pensions.

I urge my colleagues to vote once again and remind the majority that it is the will of the Congress that older workers be protected in cash balance pension plan conversions.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill will be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $89,000,000, of which not to exceed $2,219,100 shall be available for the immediate Office of the Secretary; not to exceed $704,500 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,394,300 shall be available for the Office of the General Counsel; not to exceed $12,639,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,572,900 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,315,700 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,435,700 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,928,700 shall be available for the Office of Public Affairs; not to exceed $1,456,000 shall be available for the Office of the Executive Secretariat; not to exceed $704,000 shall be available for the Board of Contract Appeals; not to exceed $1,277,200 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,052,900 for the Office of Intelligence and Security; not to exceed $3,300,000 shall be available for the Office of Emergency Transportation; and not to exceed $13,000,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,700,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $10,800,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $125,000,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2006: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $51,700,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against the phrase, "to be derived from the airport and airway trust fund," beginning on page 5, line 24 and ending on line 25. This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Is there further discussion on the point of order?

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, the point of order, if I understand it correctly, is made against a portion, rather than an entirety, of the paragraph. I believe the House rules require the point of order must lie against the entire paragraph and not just a portion thereof. I believe the point of order is incorrectly offered accordingly.

The CHAIRMAN. The point of order may be surgical. Does the gentleman from Oklahoma wish to expand the point of order?

Mr. ISTOOK. If the gentleman's point of order lies against the entire paragraph, I concede the point of order.

The CHAIRMAN. The gentleman has made a point of order against a portion of the paragraph. Does the gentleman from Oklahoma wish to expand the point of order?

Mr. MICA. Mr. Chairman, I believe that we want to raise the point of order against a phrase. Again, the point of order which we want to raise against is the phrase, "to be derived from the airport and airway trust fund," beginning on page 5, line 24, and ending on line 25.

The CHAIRMAN. It is permissible to make a point of order against a portion of the paragraph, but the gentleman from Oklahoma may expand the point of order.

Mr. ISTOOK. Mr. Chairman, I insist that the point of order lie against the entire paragraph, that it be expanded against the entire paragraph.

The CHAIRMAN. The point of order is against the entire paragraph.

Mr. MICA. Mr. Chairman, just to that point, I do not believe that the gentleman would have the ability to expand. I thought that would be my prerogative in this case.

The CHAIRMAN. Any Member may assert the point of order against the entire paragraph.

The Chair will hear argument on the point of order.

Mr. ISTOOK. Mr. Chairman, with it expanded to include the entire paragraph, I must concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order. The point of order is sustained. The paragraph is stricken.

Mr. ISTOOK. Mr. Chairman, for the purposes of clarity, the Chair has ruled to strike the entire paragraph?

The CHAIRMAN. The point of order is against the entire paragraph, and the entire paragraph is stricken.

Mr. OLVER. Mr. Chairman, I am sorry to raise this, but there are apparently different versions, different copies floating around, and I would like to know, if I could, what is it that has now been stricken?

The CHAIRMAN. The paragraph beginning on page 5, line 20 through line 26.

Mr. OLVER. All right. I thank the Chair very much, because my recollection was that one of the Members on the other side was reading from a different section at one point, and the words did not correspond to what is in that section, so I got a little confused.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $7,726,000,000, of which $6,002,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,160,617,600 shall be available for air traffic services activities; not to exceed $916,894,000 shall be available for aviation regulation and certification activities; not to exceed $224,039,000 shall be available for research and acquisition activities; not to exceed $11,674,000 shall be available for commercial space transportation activities; not to exceed $50,624,000 shall be available for financial services activities; not to exceed $69,821,600 shall be available for human resources program activities; not to exceed $149,569,800 shall be available for region and center operations and regional coordination activities; not to exceed $139,302,000 shall be available for staff offices; and not to exceed $38,254,000 shall be available for information services: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $7,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That of the funds provided under this heading, $4,000,000 is available only for recruitment, personnel compensation and benefits, and related costs to raise the level of operational air traffic control supervisors to the level of 1,846: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against the phrase, "of which $6,002,000,000 shall be derived from the airport and airway trust fund," beginning on page 6, line 13 and ending on line 14.

This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I wish to be heard on the point of order.

First, I believe the point of order would properly lie against the entire paragraph. However, in this case, and I want to make sure this is agreeable with my counterpart, the gentleman from Florida (Mr. MICA), I intend to offer an amendment after the sustaining of the point of order to insert the language, "of which $4.972 billion shall be derived from the airport and airway trust fund," effectively reinserting the stricken provision but changing the dollar figure from $6.2 billion to $4.972, which I believe satisfies the parliamentary requirements.

Mr. MICA. Mr. Chairman, if the gentleman will yield, I have no objection to that.

Mr. ISTOOK. Mr. Chairman, with that in mind, I will not ask that the point of order be expanded.

The CHAIRMAN. The Chair will not permit a colloquy on this, but will hear each gentleman in turn. Does the gentleman concede the point of order?

Mr. ISTOOK. I do.

The CHAIRMAN. The point of order is conceded and sustained, and the language identified by the point of order is stricken from the bill.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

On page 6 of the bill, after "$7,726,000,000," insert: "of which $4,972,000,000 shall be derived from the Airport and Airway Trust Fund,".

Mr. ISTOOK. Mr. Chairman, this simply changes the figure that comes from the airport trust fund to satisfy the point of order that was raised without doing further damage to this section of the bill. I ask that it be adopted.

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Mr. MICA. Mr. Chairman, we agree with that amendment and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,500,000,000, of which $2,056,300,000 shall remain available until September 30, 2007, and of which $443,700,000 shall remain available until September 30, 2005: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2006 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2006 through 2010, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That of the funds provided under this heading, not less than $3,000,000 is for contract audit services provided by the Defense Contract Audit Agency.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $117,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2007: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

RESCISSION OF CONTRACT AUTHORIZATION

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,993,000,000 in fiscal year 2005, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, not more than $69,302,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program: *Provided further*, That of the funds made available for the Small Community Air Service Development Pilot Program, $4,000,000 shall be for airports which have been discontinued from the Essential Air Service program since January 1, 2001: *Provided further*, That of amounts available in this or prior year Acts under 49 U.S.C. 48112 and 48103, as amended, $758,000,000 are rescinded.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against page 11, line 13, beginning with in "for grants," through page 11, line 18, ending with "United States Code."

This provision violates clause 2 of Rule XXI. It provides an appropriation not supported by authorization in violation of House rules.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I insist that the point of order be expanded to lie against the entire paragraph.

The CHAIRMAN. The point of order is expanded and is pending against the entire paragraph.

Does any Member wish to be heard further on the point of order? If not, the Chair will rule.

The provision proposes to appropriate certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests in this instance with the committee. Finding that this burden has not been carried, the point of order is sustained and the paragraph is stricken from the bill.

Mr. MICA. Mr. Chairman, how far would that strike through, to what line and page?

The CHAIRMAN. It would strike the entire paragraph.

Mr. MICA. Mr. Chairman, through page 12, line 15?

The CHAIRMAN. The gentleman is correct.

The Clerk will read.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the gentleman from Oklahoma (Mr. ISTOOK), the distinguished chairman of the Subcommittee on Transportation, Treasury and Independent Agencies of the Committee on Appropriations.

Mr. Chairman, I rise on behalf of the gentleman from New Hampshire (Mr. BASS), the gentlewoman from Pennsylvania (Ms. HART) and Resident Commissioner, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) to discuss an issue that is critical to our districts, air traffic control training programs.

As you know, the Air Traffic Collegiate Training Initiative, also known as CTI, is a successful program that provides the Federal Aviation Administration an educated pool of candidates to meet its air traffic controller staffing needs.

I am proud to inform you that the University of North Dakota's air traffic controller program is one of the 13 FAA approved and certified CTI programs that graduates exemplary students ready for assignment with the FAA.

As a strong supporter of the Air Traffic Collegiate Training Initiative Program, I am concerned that the proposed report language in fiscal year

2005 House, Transportation and Related Agencies appropriation bill may effect the current role CTI programs play in the Federal Aviation Administration's training process. Some may read this report language as requiring all new air traffic controllers to receive their initial training at the FAA Academy. I would appreciate the chairman's confirmation that this proposed report directive does not jeopardize the status of CTI programs as an integral part of the FAA's training process.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman from North Dakota for raising this important issue. I welcome the opportunity to set record straight.

As you know, the fiscal year 2005 House Transportation Appropriations bill provides the FAA with an additional $9 million for additional hiring and training of air traffic controllers. This $9 million is above the amount already budgeted by the FAA.

Our report does not specify how much has to go for salaries and how much for training, but we can safely assume the majority will go for salaries. Probably no more than $2 million to $4 million more of those funds would be for the actual training.

The base budget for the FAA includes $47.5 million for controller training. Our bill allows that money to be used at the discretion of the FAA at the CTI programs, at the FAA Academy or elsewhere. Contrary to inaccurate press report, this report language does not affect the role of CTI programs as a vital source of air traffic control candidates for the FAA. The language only directs that the portion of the extra $9 million that is used for training is to be used at the FAA Academy. But that leaves the overwhelming majority of training funds that are in the base budget, $47.5 million, at the discretion of the FAA, which can include the CTI programs at the same level as currently.

This report language does not affect the role that CTI programs play in the training process of the FAA. There is nothing in this bill that prevents CTI programs such as the one in the gentleman's district at the University of North Dakota from continuing in the same level and scope as they do currently.

Mr. POMEROY. Mr. Chairman, reclaiming my time, that was a very important clarification for us. I thank the gentleman for participating in it.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to briefly explain what is happening here with these points of order that are being raised by the Committee on Transportation and Infrastructure and the subsequent points of order that are being raised by the Committee on Appropriations.

The bill was finely tuned and very well crafted. The gentleman from Oklahoma (Mr. ISTOOK), of the subcommittee, did a really good job bringing out a transportation bill. They could have used more money but they had a certain amount available and they used it wisely. But when the Committee on Transportation and Infrastructure raises their points of order, and when the gentleman from Florida (Mr. MICA) concludes raising these points of order, this bill will be at least a billion dollars over its 302(b) allocation. And, of course, we have committed ourselves, since I have been chairman of this committee, to staying within our 302(a) allocation and the subcommittees to staying within their 302(b) allocations.

So we are required to raise our own points of order to deal with unauthorized projects that we had agreed to fund but that we will no longer be able to fund, because the points of order raised by the Committee on Transportation and Infrastructure will take us beyond our 302(b) allocation.

I explain that in advance because very shortly I will raise several points of order that will bring the bill back into balance within the 302(b) allocation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2005.

SEC. 103. None of the funds made available in this Act may be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

AMENDMENT OFFERED BY MR. JEFFERSON

Mr. JEFFERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFERSON:
Page 13, strike lines 11 through 14.

Mr. JEFFERSON. Mr. Chairman, this amendment is offered because the provision is dated by some 3½ years. It has been carried over year after year. It prohibits the use of engineering funds in the program for engineering work related to an additional runway.

It raises an issue of concern on the part of our authority with respect to planning. It was ostensibly placed in the bill, in the legislation some years ago because of concerns about practices that a prior administration that existed some 2 years ago now, which has been replaced by a new aviation board, a new mayor, widely regarded as a reforming regime, and is simply now in the way of appropriate planning.

There are issues of safety, issues of security, issues now even of evacuation as we try and move people. It is very important our airport be permitted to plan as it should. So this provision is dated and I urge that it be stricken from the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

I do want to speak against the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON). This particular language has been carried in this bill, I understand, for several years. The airport is actually in the district of the gentleman from Louisiana (Mr. TAUZIN), who I understand is in the hospital currently, but he strongly desires the provision to remain in the bill and not be stricken.

I am also advised that the gentleman from Louisiana (Mr. VITTER), another of the Louisiana Members whose district adjoins the airport, strongly supports keeping this provision in the bill.

Members should have the right, Mr. Chairman, to protect their district. The runway would not, as I understand it, be in the district of the gentleman from Louisiana (Mr. JEFFERSON), though I understand his concern for his State and for the overall community. I do ask, however, that the amendment be opposed, that it remain in the bill, and that we respect the wishes of the Members who are most closely involved and fully informed on this problem.

Mr. JEFFERSON. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. I wish to inform the gentleman that the airport is in the district that I represent. It is not in the gentleman from Louisiana's (Mr. TAUZIN) district or the gentleman from Louisiana's (Mr. VITTER) district.

It may be that a part of the runway may stretch into the area but the airport is in my district. It is not in the district of the gentleman as you have so stated. So I want that corrected.

We have a vital interest in this. It is the city's property. It is the district's property that I represent and, really, we have the greatest interest in the outcome here.

Mr. ISTOOK. I understand that. I appreciate the gentleman. I do not want to be incorrect on any of these things. It is obviously a project that affects a multiplicity of districts, the way the boundaries are configured. I do ask that the language remain in the bill.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

If I understand, Mr. Chairman, the argument that was used, the reasoning that was used by the chairman and then the correction that was made by the gentleman from Louisiana (Mr. JEFFERSON), it would appear to me that using the gentleman from Oklahoma's (Mr. ISTOOK) argument, that this language should be stricken from the bill because the area involved is in the district of the member from Louisiana (Mr. JEFFERSON). So I would support the gentleman from Louisiana (Mr. JEFFERSON) in his position.

The CHAIRMAN. The question on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 105. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 106. WAR RISK INSURANCE.—Title 49, United States Code, is amended:

(a) In section 44302(f) by striking "August 31, 2004, and may extend through December 31, 2004," and inserting in lieu thereof "December 31, 2005".

(b) In section 44302(g)(1) by striking "may provide" and inserting in lieu thereof "shall make available".

(c) In section 44303(b) by—

(1) striking "December 31, 2004" and inserting in lieu thereof "December 31, 2005."

(2) striking the phrase "may extend" in the last sentence of the subsection and inserting in lieu thereof "shall extend"

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $346,000,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I raise a point of order.

For the reasons that I announced earlier I make a point of order on page 14, line 21 to page 15, line 3, because it provides an appropriation for an unauthorized program and, therefore, violates section 2(a) of rule XXI. Clause 2 of rule XXI states in pertinent part, "An appropriation may not be in order for an expenditure not previously authorized by law."

Mr. Chairman, this program is unauthorized and I insist on my point of order.

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The CHAIRMAN. Do any other Members wish to be heard on the point of order? If not, the Chair is prepared to rule.

The paragraph proposes to appropriate certain funds for specified objects. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the committee. Finding that this burden has not been carried, the Chair sustains the point of order, and the paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $34,641,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2005: *Provided*, That within the $34,641,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $478,000,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2005: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, again I rise to offer a point of order.

Mr. Chairman, on page 15, line 4, to page 15, line 22, I raise a point of order on that language because it provides an appropriation for an unauthorized program and, therefore, violates section 2(a) of rule XXI. Clause 2 of rule XXI states in pertinent part, an appropriation may not be in order for an expenditure not previously authorized by law.

Mr. Chairman, this program is not authorized, and I insist on my point of order.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order? The Chair is prepared to rule.

The paragraph proposes to appropriate certain funds for specified objects. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the committee. Finding that this burden has not been carried, the Chair sustains the point of order. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $35,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order against the phrase "notwithstanding any other provision of law," on page 16, line 4.

This phrase violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill, in violation of House rules.

The CHAIRMAN. Do any further Members wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this language explicitly supersedes existing law. The language, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the phrase identified by the point of order is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS

HIGHWAY TRUST FUND

(RESCISSION)

Of the unobligated balances of funds apportioned to each State under the programs authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and 1101(a)(5) of Public Law 105–178, as amended, $386,000,000 are rescinded.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order against page 16, line 13, through line 20. This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of the House rules.

The CHAIRMAN. Does any other Member desire to be heard on the point of order? If not, the Chair is prepared to rule.

The paragraph identified in the point of order by the gentleman from Florida rescinds contract authority provided in a law other than an appropriation Act. As such, the paragraph constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI. The point of order is sustained, and the paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 121. (a) For fiscal year 2005, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses by section 104(a)(1)(A) and 104(a)(1)(B) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for federal-aid highway and highway safety construction programs for future fiscal years.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to make a couple of observations, in a sense give a progress report on what has happened on this bill so far, given what the Rules Committee did in exposing this bill to these points of order. There are a lot of things that have happened to this bill so far, but I would like to simply talk about the values that have led the House at this point to strike certain programs from the bill, while not striking others.

As I understand the actions that have been taken so far by points of order raised by Members of the majority, as I understand it, we have so far eliminated formula highway grants to the States; we have done serious damage to the essential airline service for small rural airports; we have done significant damage to FAA grants for airports, all of which will impact States' and localities' ability to develop their economies. But let me describe something that has not been eliminated from this bill.

This bill still contains—and it is interesting that this provision was not stricken by any of those who lodged their motions—this bill contains a provision that extends government-offered reduced rate insurance for airlines operating in the domestic United States. Premiums are set under that program at no more than twice what commercial rates were 3 years ago. This means that airlines only pay about one-fifth what they would pay if they were forced to obtain their insurance from the private sector.

My understanding is that this year airlines will pay about $150 million for government-subsidized risk insurance as opposed to $700 million they would have to pay on the open market. So, once again; we are keeping a let-us-pretend industry afloat, an industry which for all practical purposes is bankrupt. All you have to do is watch what has happened with USAir, I do not know how many times USAir, Continental will go bankrupt before they are bankrupt; but all you have to do is watch that to understand that if you are big enough in this society, you have a safety net created which holds you up no matter how many times you tend to fall. But we do not provide that same kind of safety net to average workers in this country.

What it demonstrates, for instance, is that the Federal Government is now willing to provide this huge subsidy in order to provide insurance to big airline corporations around the world or around the country, at the same time that this Congress continuously refuses to provide health insurance for 45 million Americans. I find that distinction interesting. I do not find it surprising, given the values of this Congress that I have come to expect, unfortunately; but it does say something about our national priorities.

If we are willing to exempt from our parliamentary purity our concern about language in this bill when it affects some of the big industries in the country, but we are not willing to skip over it when it comes to inconveniencing and damaging State economies and the transportation ability of small units of government, I find it especially interesting that while the Congress continues to deny actions that would provide health insurance for the 45 million Americans who do not have it, and every time we talk about doing that work we are being for socialized medicine; yet we are willing to socialize risk when it comes to insurance costs for the airline industry. That is a great set of values, isn't it?

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes, but just very briefly in response, I did start out the consideration of this bill with the point that the Committee on Transportation and Infrastructure has certain prerogatives, and that is what we wanted to exercise tonight.

This House of Representatives works under a set of rules, and that rule is our charter of jurisdiction: and if we go outside of the rules or outside of the committee's jurisdiction and get into other areas, we can create chaos.

Each of the points of order that have been, in fact, raised, that I have raised, tonight deal with the charter that is set forth of responsibilities for conduct of legislative business of this House, and each of those have been ruled on by the Chair in a favorable manner.

I chose to propose a narrow scope in some of the limitations and some of the points of order that have I raised because we want programs to continue; and quite frankly, they are going to continue. I did not choose to expand them to wipe out these programs. So I think some of the accusations that have just been made are not accurate.

We are concerned about essential air service. We are concerned about airlines that may be going out of business, although I do not support the government underwriting losing-business propositions. I do support health care for everyone and am concerned about those who may lose their benefits if businesses go out of business, but that is not the intent of this.

We have a set of rules by which we operate, by which the Committee on Transportation and Infrastructure can operate. I cannot get up here and appropriate money. I would love to have that power. These are some of the most powerful people in the United States of America. The chairman of the full committee I respect from Florida; the gentleman who controls a lot of the transportation agenda and appropriations, the gentleman from Oklahoma (Mr. ISTOOK). All are honorable individuals and doing their job.

I am trying to do my job on behalf of the 70-plus members of the Committee on Transportation and Infrastructure and do it in a responsible fashion.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 122. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 123. Notwithstanding any other provision of law, in section 1602 of the Transportation Equity Act for the 21st Century, item number 89 is amended by striking "Construct I-495/Route 2 interchange east of existing interchange to provide access to commuter rail station, Littleton" and inserting "Ayer commuter rail station improvements, land acquisition and parking improvements".

POINT OF ORDER

Mr. MICA. Mr. Chairman, I stand and graciously and humbly raise a point of order against section 123 on page 22, line 20, through page 23, line 2.

This provision clearly violates clause 2 of rule XXI. It does, in fact, change existing law; and, therefore, it constitutes legislating on an appropriations bill, which is in clear violation of House rules.

The CHAIRMAN. Do any Members desire to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this section explicitly supersedes existing law. The section, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. Section 123 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 124. Of the $6,000,000 portion of the funds appropriated under the heading "Highway Demonstration Projects" in title I of Public Law 102–143 (105 Stat. 929) that was allocated for Routes 70/38 Circle Elimination, NJ, $4,500,000 shall be transferred to, and made available for, the following projects in the specified amounts: Mantua Creek Overpass in Paulsboro, NJ, $2,000,000; Delsea Drive Route 47 Timber Creek in Westville, NJ, $787,000; Camden Northern End Parking Garage in Camden, NJ, $1,213,000; and Route 47 Chapel Heights Avenue in Gloucester, NJ, $500,000.

SEC. 125. Division F, title I, section 115 of Public Law 108–199 is amended by inserting before the period at the end the following: ": *Provided further*, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available by this section to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code".

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order against section 125 on page 23, line 14, through line 22.

This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill, in clear violation of House rules.

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this section directly amends existing law. The section, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. Section 125 is stricken from the bill.

□ 1815

The Clerk will read.

The Clerk read as follows:

SEC. 126. None of the funds made available in this Act may be used to require a State or local government to post a traffic control device or variable message sign, or any other type of traffic warning sign, in a language other than English, except with respect to the names of cities, streets, places, events, or signs related to an international border.

SEC. 127. Of the funds available under section 104(a)(1)(A) of title 23, United States Code, $4,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, non-profit or for-profit corporation, or institution of higher education.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order against section 127.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against section 127 on page 24, line 5 through line 12. This provision clearly violates clause 2 of rule XXI. It changes existing law by addressing funds in other acts and therefore constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Do any other Members wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this section addresses funds in other acts. The section, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. Section 127 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, none of the funds in this Act shall be available for expenses for administration of motor carrier safety programs and motor carrier safety research, and grants, the obligations for which are in excess of $248,480,000 for fiscal year 2005: *Provided*, That $33,000,000 shall be available to make grants to, or enter into contracts with, States, local governments, or other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects for the purposes described in 49 U.S.C. 31104(f)(2)(B), and the Federal share payable under such grants shall be 100 percent; $20,000,000 shall be available to make grants to, or enter into contracts with, States, local governments, or other persons for commercial driver's licenses program improvements, and the Federal share payable under such grants shall be 100 percent; and $14,200,000 shall be available to make grants to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999, and the Federal share payable under such grant shall be 100 percent: *Provided further*, That notwithstanding any other provision of law, for payment of obligations incurred to pay administrative expenses of and grants by the Federal Motor Carrier Safety Administration, $248,480,000, to be derived from the Highway Trust Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I raise a point of order on page 24, line 15, to page 25, line 20, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

Clause 2 of rule XXI states in pertinent part, "An appropriation may not be in order for an expenditure not previously authorized by law." Mr. Chairman, this program is not authorized.

The CHAIRMAN. Do any other Members desire to be heard on the point of order? If not, the Chair is prepared to rule.

The paragraph proposes to appropriate certain funds for specified objects. Under clause 2(a) of rule XXI such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the committee.

Finding that the burden has not been carried, the chair sustains the point of order. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106, and 31309, $190,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for "Motor Carrier Safety Grants" and "Information Systems," and of which $17,000,000 shall be available for grants to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764–1765) and $1,000,000 shall be available for grants to States, local governments, or other entities for commercial driver's license program improvements: *Provided further*, That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764–1765), and for grants to States, local governments, or other entities for commercial driver's license program improvements, the Federal share payable under such grants shall be 100 percent.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I raise a point of order on page 25, line 21, to page 26, line 19, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

Clause 2 of rule XXI states in pertinent part "An appropriation may not be in order for an expenditure not previously authorized by law." Mr. Chairman, this program is not authorized by law.

The CHAIRMAN. Do other Members desire to be heard on the point of order? If not, the Chair is prepared to rule.

The paragraph proposes to appropriate certain funds for specified objects. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the committee.

Finding that this burden has not been carried, the chair sustains the point of order. The paragraph is stricken from the bill.

The Clerk will read:

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 141. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 142. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA–97–2350), with respect to the operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

SEC. 143. None of the funds appropriated or otherwise made available by this Act shall be used to implement or enforce 49 CFR subsections 395.3 or 395.8 as they may apply to operators of utility service vehicles as defined in 49 CFR 395.2. This prohibition on implementing or enforcing such regulations shall also apply to any State or agency receiving funds pursuant to chapter 311 of title 49 U.S.C.

POINT OF ORDER

Mr. BLUMENAUER. Mr. Chairman, I make a point of order against section 143, on page 27, lines 10 through 17.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLUMENAUER. Mr. Chairman, the second sentence of section 143 would prevent any State or agency from enforcing the U.S. Department of Transportation hours-of-service regulations for operators of utility service vehicles. This provision imposes a new duty on the Department and the States and agencies. This section is legislative in nature and is in violation of clause 2 of rule XXI.

The CHAIRMAN. Do any other Members desire to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that the sentence beginning on page 27, line 14, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. Section 143 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $129,514,000, of which $107,000,000 shall remain available until September 30, 2007: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: *Provided further*, That none of the funds in this Act may be used to augment information technology or computer support funds provided to NHTSA beyond $2,620,000.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I raise a point of order on page 27, line 19, to page 28, line 10, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

Clause 2 of rule XXI states in pertinent part "An appropriation may not be in order for an expenditure not previously authorized by law." Mr. Chairman, this program is not authorized, and I insist on my point of order.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order? If not, the Chair is prepared to rule.

The paragraph proposes to appropriate certain funds for specified objects. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the committee.

Finding that the burden has not been carried, the Chair sustains the point of order. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $90,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2005, are in excess of $90,000,000 for programs authorized under 23 U.S.C. 403.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I raise a point of order on page 28, line 11, to page 28, line 22, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

Clause 2 of rule XXI states in pertinent part "An appropriation may not be in order for an expenditure not previously authorized by law." Mr. Chairman, this program is not authorized, and I insist on my point of order.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order? If not, the Chair is prepared to rule.

The paragraph proposes to appropriate certain funds for specified objects. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the committee.

Finding that this burden has not been carried, the Chair sustains the point of order. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NATIONAL DRIVER REGISTER
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $3,600,000 to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $3,600,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I raise a point of order on page 29, line 1, to page 29, line 14, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

Clause 2 of rule XXI states in pertinent part, "An appropriation may not be in order for an expenditure not previously authorized by law." Mr. Chairman, this program is unauthorized, and I insist on my point of order.

The CHAIRMAN. Do other Members desire to be heard on the point of order? If not, the Chair is prepared to rule.

The paragraph proposes to appropriate certain funds for specified objects. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the committee.

Finding that the burden has not been carried, the Chair sustains the point of order. The paragraph is stricken from the bill.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

Again, I want to explain, for those who did not hear the first explanation, that the reason for these points of order is very simple.

The authorizing committee has decided to raise certain points of order in this bill that will make the bill at least $1 billion over our 302(b) allocation. So in order to bring the bill back down to within the 302(b) allocation, we have to raise these additional points of order to strike out projects that were not authorized.

Mr. Chairman, everybody knows the way this system works; that is, we have authorizing committees and we have appropriating committees. The Committee on Appropriations appropriates for those projects and programs that are authorized. In this case, the authorizing committee did not pass a bill; did not pass authorizations; and, frankly, are not even able to extend the existing transportation authorizations to keep the programs going. That is why we find ourselves in this dilemma.

The system is not working the way it is supposed to. The authorizers did not authorize, so the appropriators had to do the best we could within our budgetary limitations to make this bill stay within the 302(b) allocations as set by our 302(a) budget allocation.

I appreciate the chairman of this subcommittee for yielding to me so that I could make this brief explanation.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to note my agreement with the comments of the distinguished gentleman from Florida. Even before this bill came to the floor, we were faced with the prospect of having a miserable record in producing appropriation bills and finishing them before the end of the fiscal year before we go home to face our constituents in the new elections.

The House has passed all but, I believe, two appropriation bills, this one and the VA-HUD bill. And many of the bills that have passed have, I think, been in pitiful shape, but at least they have passed. None of them, except Defense, has been signed into law.

This bill was at least on track to pass in inadequate though meaningful form before we leave here for the election, but now, as the gentleman from Florida has said, we are facing an even bleaker situation. We are going to leave here in October with even less of the people's business done than would have been the case if this debacle had not occurred on the floor today.

What has happened is essentially this: The transportation authorizing committee, the Committee on Transportation and Infrastructure, or the No Transportation, No Infrastructure Committee, as it probably ought to be called, their basic highway authorization, for instance, expired 9 months ago. They have not yet been able to renew that basic legislation. The reason for that is that they have a three-corner debate going with themselves.

There is a debate between the Committee on Transportation and Infrastructure members in the House, those in the Senate, and the wizards in the White House Budget Office, and none of them want to give. So, as a result, what do we have here? The authorizing committee has not been able to get its job done, so the Committee on Appropriations has tried to at least keep these programs afloat while we continue to go through this Little League debate between the White House and the authorizers.

But in fact now I guess the situation is that if the Committee on Transportation and Infrastructure cannot pass their legislation, they do not want anybody else to pass meaningful legislation either, or perhaps they somehow think they are producing leverage for themselves by shredding this bill. This is, as I said earlier, this is a sad case.

My great friend and mentor Dick Bolling, who used to be the chairman of the Committee on Rules, and in my view is the greatest Member of this body who never became Speaker. Dick Bolling used to deride Members who practiced what he called dung hill politics, Members who were more interested in protecting the jurisdiction of their own committee than they were in protecting the legislative reputation and record of the House as a whole.

□ 1830

What we have seen today is a sad, sad example of what Dick Bolling worried about when he referred to that practice of "dung hill politics." I wish the House were in a more mature mood, and I wish that the leadership had led so we could have avoided this point today.

There is no point, in my view, in proceeding further with this bill. I intend to vote against it on final passage because there will be nothing left of it except the title. We have a motion around here called "striking the enacting clause." Instead, I suggest today we should probably strike everything except the enacting clause because we will have almost done that by the time we get to the last page of this bill. All we will have done is waste a day and a half of the House's time when we could have been dealing with more serious business, and that, indeed, is a shame.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2005, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $20,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, and $40,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $10,000,000 of the funds made available for section 402, not to exceed $2,306,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I raise a point of order on page 29, line 15 to page 30, line 20, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

Clause 2 of rule XXI states in pertinent part: "An appropriation may not be in order for an expenditure not previously authorized by law."

Mr. Chairman, this program is not authorized by law, and I insist on my point of order.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 151. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided*, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: *Provided further*, That $10,000,000 of the funds allocated under section 157 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: *Provided further*, That, of the funds allocated under section 163 of title 23, United States Code, $7,000,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, $12,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts.

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PETRI. Mr. Chairman, I raise a point of order against page 31, line 6, beginning with "provided further" through line 19.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I insist the point of order be expanded to lie against the entire paragraph; and as so expanded, I would concede the point of order.

The CHAIRMAN. The point of order is expanded; and the point of order being conceded, it is sustained. The section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 152. Funds appropriated or limited in this Act to educate the motoring public on how to share the road safely with commercial motor vehicles shall be jointly administered and implemented by the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $137,738,000, of which $15,350,000 shall remain available until expended.

POINT OF ORDER

Mr. TANCREDO. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TANCREDO. Mr. Chairman, I raise a point of order on page 32, line 2, through page 32, line 6, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $33,289,000, to remain available until expended.

POINT OF ORDER

Mr. TANCREDO. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TANCREDO. Mr. Chairman, I raise a point of order on page 32, line 7, to page 32, line 10, because it provides an appropriation for unauthorized programs and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2005: *Provided further*, That within thirty days of enactment of this Act, the National Railroad Passenger Corporation shall make full payment of all principal and interest to the Federal Railroad Administrator in satisfaction of the Corporation's July 3, 2002, direct loan from the Federal Railroad Administration.

POINT OF ORDER

Mr. BLUMENAUER. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLUMENAUER. Mr. Chairman, page 32, line 26, through page 33, line 5, I would make a point of order against the last proviso of the Railroad Rehabilitation and Improvement Program paragraph. The proviso begins on page 32, line 26, and ends on page 33, line 5. This proviso would require Amtrak to repay its loan and interest in full to the Federal Railroad Administration within 30 days; it is legislative in nature and in violation of clause 2 of rule XXI.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I insist that the point of order be expanded to lie against the entire paragraph; and as so expanded, I would concede the point of order.

The CHAIRMAN. The point of order is expanded to the entire paragraph.

The point of order is conceded and is therefore sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $11,000,000, to remain available until expended.

POINT OF ORDER

Mr. TANCREDO. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TANCREDO. Mr. Chairman, I raise a point of order on page 33, line 6, to page 33, line 10, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

(TRANSFER OF FUNDS)

Of the unobligated balances of funds made available in section 232 of appendix E of Public Law 106–113, $39,827,000 are hereby transferred to and merged with funds for the Federal Transit Administration, Capital Investment Grants, for the purposes of constructing the New York Long Island Rail Road East Side Access (Extension).

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, $900,000,000, to remain available until September 30, 2005: *Provided*, That not less than $500,000,000 shall be provided in quarterly grants for capital expenses: *Provided further*, That the Secretary of Transportation shall approve funding to cover operating losses and capital expenditures, including advance purchase orders, for the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Secretary of Transportation shall reserve $60,000,000 of the funds provided under this heading and is authorized to transfer such sums to the Surface Transportation Board, upon request from said Board, to carry out directed service orders issued pursuant to section 11123 of title 49, United States Code to respond to the cessation of commuter rail operations by the National Railroad Passenger Corporation: *Provided further*, That the Secretary of Transportation shall make the reserved funds available to the National Railroad Passenger Corporation through an appropriate grant instrument during the end of the fourth quarter of fiscal year 2005 to the extent that no directed service orders have been issued by the Surface Transportation Board as of the date of transfer or there is a balance of reserved funds not needed by the Board to pay for any directed service order issued through September 30, 2005: *Provided further*, That not later than 60 days after enactment of this Act, Amtrak shall transmit, in electronic format, to the Secretary of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2005 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: *Provided further*, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; state-supported service; each intercity train route; including Autotrain; and commercial activities including contract operations and mail and express: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That not later than October 1, 2004 and no later than 30 days following the last business day of the previous month thereafter, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report, in electronic format, regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: *Provided further*, That none of the funds in this Act may be used for operating expenses, including advance purchase orders, and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2005 business plan: *Provided further*, That Amtrak shall display the business plan and all subsequent supplemental plans on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That the Secretary of Transportation is authorized to retain up to $4,000,000 of the funds provided to be used to retain a consultant or consultants to assist the Secretary in preparing a comprehensive valuation of Amtrak's assets to be completed not later than September 30, 2005: *Provided further*, That these funds shall be available to the Secretary of Transportation until expended: *Provided further*, That this valuation shall to be used to retain a consultant or consultants to develop to the Secretary's satisfaction a methodology for determining the avoidable and fully allocated costs of each Amtrak route: *Provided further*, That once the Secretary has approved the methodology for determining the avoidable and fully allocated costs of each Amtrak route, Amtrak shall apply that methodology in compiling an annual report to Congress on the avoidable and fully allocated costs of each of its routes, with the initial report for fiscal year 2005 to be submitted to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation before December 31, 2005, and each subsequent report to be submitted within ninety days after the end of the fiscal year to which the report pertains.

POINT OF ORDER

Mr. TANCREDO. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TANCREDO. Mr. Chairman, I raise a point of order on page 33, line 20, through page 37, line 20, because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

The gentleman from Massachusetts (Mr. OLVER) is recognized on the point of order.

Mr. OLVER. Mr. Chairman, I think we now have reached a second level of ignominy at this point because here we are now into a whole second bill which has not been authorized. It has not been authorized. It is not a bill that is only 9 months or 11 months late of authorization, but rather the bill for the Federal Rail Administration and Amtrak is one that is a year and 11 months late at least, if not 2 years and 11 months late.

So while earlier items which have been stricken by the points of order dealt with highway administration programs and obviously will also apply to FTA, Federal Transit Administration programs, and have already stricken the two major safety programs that I mentioned earlier in my opening remarks which had been already cut by the Committee on Appropriations to only 75 percent, cut from the President's request, a dollar figure had been cut 25 percent or giving them only 75 percent of the President's request, those highway safety programs have already been stricken from this legislation. That is also carried with the general highway administration T&I authorization.

But here we are now in the Amtrak and highway administration bill. I just want to point out that this is an area where I intended to offer two different versions of an amendment to add funding.

The CHAIRMAN. The gentleman from Massachusetts (Mr. OLVER) will confine his remarks to the point of order. The gentleman may proceed on the point of order.

Mr. OLVER. Mr. Chairman, I will defer my comments to a striking of the last word immediately after the Chair sustains this point of order.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

The gentleman from Oregon is recognized to speak on the point of order.

Mr. BLUMENAUER. Mr. Chairman, I must confess I share the frustration of the gentleman from Massachusetts. We produced out of the Committee on Transportation and Infrastructure a bipartisan bill a year ago that has never been brought to floor action.

The CHAIRMAN. I remind the gentleman from Oregon that we are on the point of order and debate on other issues may be taken up after the Chair disposes of the point of order.

Are there further Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

As previous stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to express some of my frustration, and maybe then the gentleman from Oregon (Mr. BLUMENAUER) will do the same.

We have now stricken what was already an appropriation of $900 million which was the President's request, true, but which was already low by $300 million, lower than what each of the last 2 years had appropriated after the final operation of the Committee on Appropriations and the conference committee reports for the operation of Amtrak.

It is silly to think they even could have operated within $900 million in this year without ending up in a shutdown situation, or without leaving us with an ever-worsening deferred maintenance problem.

I want to use this time to point out that Amtrak is a hybrid program. It runs on 600 miles of the Northeast Corridor roughly, which is owned by Amtrak and is the direct responsibility of that governmental agency. That 600 miles of trackage takes more than half of all of the passengers that are being dealt with by Amtrak.

Now that is the part that we have direct responsibility for. The rest of the Amtrak lines operate on some 20,000 other miles of trackage that is run by private freight carriers and Amtrak has contracts with them and has priority to use that trackage. But we do not have specific direct maintenance of those. We have the responsibility of making certain that on the 600 miles the use of that track and that commutation that is involved will be safe, and we have some responsibility to make certain that the maintenance of that trackage does provide safety for the people who are using it.

Now Congress has said several times by appropriating, has said, keep the national rail system open; and Congress has not suggested that any particular lines are supposed to be cut out even though they are not profitable or ever may be profitable. We are waiting for an authorization; there is no authorization. But the use of Amtrak remains, and it is an exceptionally important use which moves a very large number of people, 20 million people or thereabouts, on the northeast line itself.

Furthermore, we have now eliminated by points of order that one thing that many people think is a wonderful idea for the future, namely high-speed rail. High-speed rail was already reduced by two-thirds from last year's appropriation, more than two-thirds; but it also now has been stricken and is not authorized either.

So high-speed rail, which is a process used in various parts of the world, in Japan, Europe, running 120 to 150 miles an hour, where one moves large numbers of people for relatively short distances between large metropolitan areas, manages to move people that otherwise would have to be in the air, and it is done that way much more efficiently.

☐ 1845

Now we take out that possibility as well in the motions that have occurred.

Mr. Chairman, the Congress has appropriated $1.3 billion in the year 2003, $1.2 billion in the year 2004, an average of $1.1 billion over each of the last 5 years, some of which came under authorizations that were in effect, but the last two of which apparently occurred after there was no authorization, but we managed to get the job done; and the important thing is that we managed to get the job done. Even at the level of funding that Amtrak was appropriated for over the last couple of years, they cannot provide for the critical capital investments that are particularly needed on the Northeast Corridor where we are directly responsible for the maintenance and for the safety of the people who are using that program.

Mr. Chairman, I think it is well understood at this point that we should be appropriating at least what has been out there for the last couple of years, or we are not doing the duty that we have to the passengers who are using that system at the present time.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is an ongoing debate that I find somewhat ironic. There is, on behalf of some of my colleagues, an almost theological belief that the United States should be the only industrialized country in the world that does not have subsidized passenger rail service, that it is not an integral part of our transportation system. We have Amtrak today because the private sector that had rail passenger service from the 1830s until 1970 and was mammothly subsidized by the Federal Government to do so, reached the point where it was not particularly profitable for them to do it. Then the private rail roads with Congress and the Nixon administration, created Amtrak so that there would be a rail passenger alternative.

Some people now think that somehow the private sector is going to step in and run a national system so that we would not be actually the only country without passenger rail. Even most Third World countries have rail passenger service as well as all the developed countries that surpasses the United States. I find that somewhat ironic because this Congress year after year after year puts billions of dollars into the air passenger service which in its long illustrious history of being force fed by Federal subsidies, starting with airmail, dealing with air traffic control and the construction of airports, in its entire history has a net profit of zero. And we continue, appropriately, to put billions of dollars into it because it is an important part of the Federal transportation infrastructure.

Now there are those that want to pull the plug on Amtrak. We passed out of our Rail Subcommittee and then our Transportation and Infrastructure Committee a year ago with broad bipartisan support, there may have been one or two people who voted against it, in the largest committee in Congress, maybe one or two, but I cannot remember them, that bill has been languishing for 1 year because the Republican leadership cannot somehow bring it to the floor and allow the will of Congress to be worked.

So we have this travesty today where we have a program that is not authorized despite the fact that the authorizing committee did its work a year ago.

This embarrassing charade, and I am embarrassed for the majority party that we are going through this, is not going to be sustained. As George Will pointed out in his column of June 2003 when we were going through the last shutdown charade, that support for Amtrak is strong enough among all regions, ages, education levels, and income groups. A CNN/Gallup/USA Today poll put it, at the height of last year's funding crisis, at 70 percent American public support. No indication of anything that that is not even stronger today.

So ultimately we will bump along, we will go through this, we will fund Amtrak. Unfortunately, the inability of this Congress to move forward to meet the other body in a responsible fashion and put a reasonable authorizing bill on the floor means Amtrak is going to continue to be hamstrung. You will not kill it because the public will not let you. When we will have a crisis like 9/11 where if we did not have our rail transportation system, the east coast would have been shut down in gridlock from Alexandria to New Haven. Ultimately, this bill will fail, but it continues to cut away at the ability of the new administration in Amtrak to move forward, to build on the strong ridership increase and to build the private and public partnerships with State and local government that will be necessary, ultimately, to have a successful program.

I as a Member of Congress am embarrassed that we are going through this again. As somebody who cares about a balanced transportation system, transit, air, road and rail, I am embarrassed because we need this as a critical component. We will get there, but today's failure makes it harder, more expensive, as Congress is increasingly marginalized.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, of course the effect of the point of order raised is to take the money that was in the bill, $900 million, the amount requested by the administration for Amtrak, and to remove it. I regret that the people who are staunch proponents of Amtrak want to continue it the way that it is running now.

The administration opposes any more than $900 million for Amtrak without reforming it. Amtrak has not been authorized since December of 2002 when the prior authorization bill expired. I think it is important that we recognize why it has not been reauthorized. Until a couple of years ago, Amtrak was still telling us, oh, they are about to start making a profit and not to need Federal subsidies anymore.

After operating for 30 years, Amtrak has received over $40 billion in Federal subsidies. It still only provides one-half of 1 percent of all inner city transportation. Half of it is in the Northeast Corridor. In the last 5 years, the subsidies by taxpayers through the appropriations process have gone up 71 percent. In the same time, Amtrak's ridership is only up 11 percent. It is a huge gap.

It continues to operate with substantial losses. Why? Because we do not apply business principles. We do not apply proper principles to it. Amtrak is only, I think, about 5 percent of all the rail passenger service in the country. Most of the rail passenger service is commuter rail. Amtrak functions in many areas actually as commuter rail and the subsidies are astounding. If Amtrak is operating to provide commuter rail passenger service, why is all the subsidy dumped on the Federal taxpayer? Where are the States? Where are the cities? The administration wants to create partnerships with them to have participation of the people who benefit from Amtrak and who want a subsidized rail service which is limited to certain parts of the country. Those parts of the country need to be the ones that come to the table and say we want this and therefore we are willing to pay for part of it.

Amtrak passengers in some cases on some routes receive hundreds of dollars per passenger in taxpayer subsidies. There are plenty of examples where it is cheaper to hire a private limousine and driver to pick up somebody at their door in one city and transport them to another city to the door of their destination; it is cheaper to hire a limo and a driver and give them personal service than to have them ride Amtrak in some situations.

We are not taking a realistic look at this. We should not be bemoaning the fact that Amtrak is not being given more taxpayers' money. If you want subsidized rail travel, you need to get your mayors, you need to get your Governors, you need to get your local communities and officials willing to pay for some of the costs of what operates for many of them as a commuter rail service.

If you take the train, as I have done, between Washington and New York City, so often you will find when it leaves Washington it does not have that many people on it. When it gets to Baltimore it still does not have that many people on it. Only when you get to the outskirts of New York City do you start picking up a lot of passengers because it is a commuter rail to them.

Why are we not talking to the communities about saying, you have a role in Amtrak if you want it. Do not tell us it is all a Federal responsibility. I know that the people feel passionately about it; but we have a failed approach to Amtrak, and it is time that we recognize it. If we want to do something about rail passenger service, we need a lot more realistic model than we have with Amtrak. I support the administration's proposal, which is to say we should not be increasing funding for Amtrak until such time as we have reform legislation that brings local and State people to the table and the private sector as partners in that.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. Mr. Chairman, I would just like to point out to the chairman that in every place, in every metropolitan area, at least that I know of in this country, that has commuter rail, those commuter rail systems are subsidized. None of them operate on a profitable basis. So the real unreality here has been always the concept that Amtrak, that our passenger rail system could operate and would operate on a profitable basis. There has been no passenger rail system that has been run in any industrialized country anywhere in the world that has operated on a profitable basis.

The rest of the unreality here is that at the same time that we are saying they should do that while leaving Amtrak with the mandate of providing a national rail system with routes which have been designated and mandated by the Congress and then blaming them for not being able to do this in a profitable way, the ultimate unreality, it seems to me, is what we started in the direction of high speed rail where we have created 10 corridors, hopefully in the belief that there may be some way of providing high-speed rail, which is extremely costly in its infrastructure development in the first place, in its capital cost, that that can possibly be done; and I do not disagree with the chairman that there are things that probably ought to be done in dealing with a rail system and in trying to make them more efficient.

We are being totally unrealistic, but we still have a very large number of commuters who are using the system as we have it, and this Congress has not managed to pass an authorization suggesting how it is otherwise to be done. So we still have the problem; we still have people who are operating every day in an ever less safe manner because we are funding as low as we are and here we have stricken the money from the legislation. The unreality here is monumental.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I had hoped to deal with just the notion that somehow Amtrak had promised that it was going to turn a profit. I sat in committees and watched people browbeat the previous administration; but what people made clear is that it was going to be necessary to fund the capital requirements of Amtrak.

□ 1900

There is a planned infrastructure improvement over 5 years, reconstructing interlockings; installation of almost a million concrete ties to improve efficiency; 423 miles of track undercutting; new rail, 352 miles; rebuilding of major bridges; cable signal replacement. These are things that will improve the efficiency of the operation.

Congress has never fully funded the capital requirements, making it inherently inefficient and chipping away at it. The Amtrak administration has requested a reasonable capital budget to be able to move it forward to meet the mandate that Members of Congress had for more efficiency.

I would respectfully suggest when we look at the funding that we lavish on the capital for airlines, what we do for highways, only a portion of which comes from the user fee, only a portion of which comes from the user fee, that we are selling this important element short at a time when, if we would enhance it, it would actually reduce demand on the roads. We would also reduce demand in congested airports when now a third of our flights are 350 miles or less. We are not thinking this through in a proper fashion.

I appreciate the gentleman's yielding to me because I wanted to make that point about its capital investment, which is critical if it is ever going to operate the way my friend on the other side of the aisle knows I would like to see, but we cannot starve Amtrak first.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 161. For the purpose of assisting State-supported intercity rail service, in order to demonstrate whether competition will provide higher quality rail passenger service at reasonable prices, the Secretary of Transportation, working with affected States, shall continue to develop and implement a procedure for fair competitive bidding by Amtrak and non-Amtrak operators for State-supported routes: *Provided*, That in the event a State desires to select or selects a non-Amtrak operator for the route, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the non-Amtrak operator to provide the State-supported service: *Provided further*, That if the parties cannot agree on terms, the Secretary shall, as a condition of receipt of Federal grant funds, order that the facilities and equipment be made available and the services be provided by Amtrak under reasonable terms and compensation: *Provided further*, That when prescribing reasonable compensation to Amtrak, the Secretary shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services: *Provided further*, That the Secretary may reprogram up to $2,500,000 from the Amtrak operating grant funds for costs associated with the implementation of the fair bid procedure and demonstration of competition under this section.

POINT OF ORDER

Mr. BLUMENAUER. Mr. Chairman, I make a point of order against section 161, which begins on page 37, line 23, and ends on page 38, line 25. Section 161 would require the Department of Transportation to develop and implement a procedure of competitive bidding for State-supported passenger rail routes, to require Amtrak to provide service in some routes and a compensation determined by the Secretary and to allow the Secretary to reprogram up to $2.5 million from Amtrak operating funds to support this effort. This is clearly legislative in nature and is in violation of clause 2 of rule XXI.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision includes language imparting direction. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 161 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 162. Section 24315(b) of title 49 U.S. Code, is amended to read as follows:

"(b) AMTRAK ANNUAL REPORT AND BUDGET REQUEST.—(1) Not later than February 15 of each year, Amtrak shall submit to the President and Congress a complete report of its operations, activities, and accomplishments, including a statement of revenues and expenditures for the prior fiscal year. The report—

"(A) shall include a discussion and accounting of Amtrak's success in meeting the goal of section 24902(b) of this title; and

"(B) may include recommendations for other legislation.

"(2) Not later than May 1st of each year, Amtrak's Board of Directors shall submit to the Secretary of Transportation Amtrak's budget request for the fiscal year commencing 17 months later.

"(3) The Secretary shall annually submit to Congress an approved budget request for Amtrak as part of the President's annual budget request to Congress.

"(4) Amtrak shall not submit any other requests for funding unless such requests have been approved by the Secretary of Transportation.".

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PETRI. Mr. Chairman, I make a point of order against section 162 on page 39, line 1 through 23.

This provision violates clause 2 of rule XXI, changing existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision directly amends existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 162 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 163. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 2005, and hereafter, the Federal Railroad Administration may use funds appropriated by this or any other Act to provide for the installation of a broadband high speed internet service connection, including necessary equipment, for Federal Railroad Administration employees, and to either pay directly recurring monthly charges or to reimburse a percentage of such monthly charges which are paid by such inspectors: *Provided*, That the Federal Railroad Administration certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $15,100,000: *Provided*, That no more than $75,500,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds available not to exceed $424,565 shall be available for the Office of the Administrator; not to exceed $6,715,000 shall be available for the Office of Administration; not to exceed $4,061,000 shall be available for the Office of the Chief Counsel; not to exceed $1,200,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,600,000 shall be available for the Office of Program Management; not to exceed $6,700,000 shall be available for the Office of Budget and Policy; not to exceed $2,750,000 shall be available for the Office of Civil Rights; not to exceed $4,000,000 shall be available for the Office of Planning; not to exceed $19,982,000 shall be available for regional offices; and not to exceed $19,557,000 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than a total of 3 percent by all such transfers: *Provided further*, That any change in funding totaling an amount greater than 3 percent during the fiscal year shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this or any other Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $3,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That $2,500,000 shall be for the National transit database to remain available until expended: *Provided further*, That upon submission to the Congress of the fiscal year 2006 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, proposed allocations of funds for fiscal year 2006: *Provided further*, That the amount herein appropriated shall be reduced by $20,000 per day for each day after initial submission of the President's budget that the report has not been submitted to the Congress.

POINT OF ORDER

Mr. HEFLEY. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEFLEY. Mr. Chairman, I make a point of order against page 40, line 13, to page 42, line 15 because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

PARLIAMENTARY INQUIRY

Mr. PETRI. Mr. Chairman, was the previous point of order against the language of the entire paragraph?

The CHAIRMAN. The entire paragraph was stricken.

Mr. PETRI. Including all of page 41 and page 42 through line 16?

The CHAIRMAN. All of page 41, yes.

Mr. PETRI. And page 42 through line 16, Mr. Chairman?

The CHAIRMAN. Page 42 through line 15.

The Clerk will read.

The Clerk read as follows:

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000 to remain available until expended: *Provided*, That no more than $4,039,000,000 of budget authority shall be available for these purposes.

POINT OF ORDER

Mr. HEFLEY. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEFLEY. Mr. Chairman, I make a point of order on page 42, line 16, to page 42, line 21 because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

POINT OF ORDER

Mr. HEFLEY. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEFLEY. Mr. Chairman, I make a point of order against page 42, line 22, to page 42, line 26 because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $25,200,000, to remain available until expended: *Provided*, That no more than $126,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $60,386,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $12,614,000 is available for State planning (49 U.S.C. 5313(b)); and $35,500,000 is available for the national planning and research program (49 U.S.C. 5314).

POINT OF ORDER

Mr. HEFLEY. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEFLEY. I make a point on page 43, line 1, to page 43, line 16 because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $6,047,200,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $3,271,200,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $100,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $60,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $100,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $2,610,000,000 shall be paid to the Federal Transit Administration's capital investment grants account.

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PETRI. Mr. Chairman, I make a point of order against the phrase "notwithstanding any other provision of law" on page 43, line 20.

This phrase violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

Mr. ISTOOK. Mr. Chairman, I insist that the point of order must be expanded to lie against the entire paragraph and, as so expanded, concede the point of order.

The CHAIRMAN. The point of order is expanded. The point of order is conceded. The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $342,647,000, to remain available until expended: *Provided*, That no more than $2,852,647,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,400,000, and there shall be available for new fixed guideway systems $1,030,827,000, which shall include $39,827,000 transferred from the "Federal Railroad Administration, Pennsylvania Station Redevelopment Corporation", together with $4,307,395 in unobligated balances made available in Public Law 106–69, $26,259,689 in unobligated balances made available in Public Law 106–346, and $127,347,021 in unobligated balances made available in Public Law 107–87, to carry out section 3037 of Public Law 105–178, as amended, to be available as follows:

Atlanta, Georgia, North Springs Extension, $260,000;

Baltimore, Maryland, Central Light Rail Double Track, $29,010,000;

Chicago, Illinois, Douglas Branch Reconstruction, $85,000,000;

Chicago, Illinois, Metra Commuter Rail Expansions and Extensions, $52,000,000;

Chicago, Illinois, Ravenswood Line Extension, $40,000,000;

Denver, Colorado, Southeast Corridor LRT, $80,000,000;

Fort Lauderdale, Florida, South Florida Commuter Rail Upgrades, $11,210,000;

Las Vegas, Nevada, Resort Corridor Fixed Guideway Project, $36,800,000;

Los Angeles, California, Eastside Light Rail Transit Project, $60,000,000;

Los Angeles, California, North Hollywood Extension, $660,000;

Minneapolis, Minnesota, Hiawatha Light Rail Project, $33,110,000;

New Orleans, Louisiana, Canal Street Corridor Project, $16,460,000;

New York, New York Long Island Rail Road East Side Access, $92,000,000;

Northern New Jersey Hudson-Bergen Light Rail MOS1, $310,000;

Northern New Jersey Hudson-Bergen Light Rail MOS2, $100,000,000;

Northern New Jersey Newark-Elizabeth Rail Line MOS1, $1,340,000;

Phoenix, Arizona, Central Phoenix/East Valley Light Rail, $69,000,000;

Pittsburgh, Pennsylvania, Stage II Light Rail, $1,121,000;

Portland, Oregon, Interstate Max Light Rail Extension, $23,480,000;

Salt Lake City, Utah, CBD to University LRT, $1,130,000;

Salt Lake City, Utah, Medical Center Extension, $8,680,000;

San Diego, California, Mission Valley East Light Rail Extension, $81,640,000;

San Diego, California, Oceanside-Escondido Rail Corridor, $55,000,000;

San Francisco, California, BART Extension to San Francisco International Airport, $100,000,000;

San Juan, Puerto Rico, Tren Urbano Rapid Transit System, $54,820,000;

Seattle, Washington, Central Link Initial Segment, $80,000,000;

St. Louis, Missouri, Metrolink St. Clair Extension, $60,000;

Washington, DC/MD, Largo Metrorail Extension, $75,430,000; and

Hawaii and Alaska Ferry Boats, $10,296,000.

POINT OF ORDER

Mr. HEFLEY. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEFLEY. Mr. Chairman, I make a point of order on page 44, line 15, to page 47, line 19 because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $50,000,000, to remain available until expended: *Provided*, That no more than $150,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

POINT OF ORDER

Mr. HEFLEY. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEFLEY. Mr. Chairman, I make a point of order on page 47, line 20, to page 48, line 3 because it provides an appropriation for an unauthorized program and therefore violates section 2(a) of rule XXI.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

As previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

On page 48 of the bill, line 4, insert the following:

"GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), $1,775,261,000."

Mr. PETRI. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. PETRI) reserves a point of order.

Mr. ISTOOK. Mr. Chairman, due to the points of order that have been raised, we have many amounts, of course, that have been stricken from the bill. Some of the amounts would have added money to the bill through the point of order strikings. Some would have subtracted money from the bill. The net of those is this $1.7 billion figure. We need a place to put that. I know it might be nice to put it on the national debt or such, but that would still under parliamentary procedures allow people to offer an amendment to spend it someplace else.

We have in the General Services Administration the Federal Building Fund, an unmet backlog of I believe some $7 billion in unmet Federal construction needs. Although it is not my intent to keep this money back when this bill goes to conference, it is my intent essentially to restore and to resolve the parliamentary problems and to restore it to the accounts of which it was taken.

Nevertheless, for the purpose of this bill today, I offer this amendment to take this money that has been stricken from the bill and put it in the Federal Building Fund.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. PETRI) insist on his point of order?

Mr. PETRI. Mr. Chairman, I do not.

The CHAIRMAN. The gentleman from Wisconsin (Mr. PETRI) withdraws his point of order.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 171. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 172. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2007, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 173. Notwithstanding any other provision of law, any funds appropriated before October 1, 2004, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 174. Notwithstanding any other provision of law, for the purpose of calculating the non-New Starts share of the total project cost of both phases of San Francisco Muni's Third Street Light Rail Transit project for fiscal year 2005, the Secretary of Transportation shall include all non-New Starts contributions made towards Phase 1 of the two-phase project for engineering, final design and construction, and also shall allow non-New Starts funds expended on one element or phase of the project to be used to meet the non-New Starts share requirement of any element or phase of the project: *Provided further*, That none of the funds provided in this Act for the San Francisco Muni Third Street Light Rail Transit Project shall be obligated if the Federal Transit Administration determines that the project is found to be "not recommended" after evaluation and computation of revised transportation system user benefit data.

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PETRI. Mr. Chairman, I make a point of order against section 174 on page 48, line 25, through page 49, line 15.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of the rules of this House.

The CHAIRMAN. Are there further Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this language explicitly supersedes existing law. The language therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 174 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 175. None of the funds in this Act shall be available to any Federal transit grantee after February 1, 2004, involved directly or indirectly, in any activity that promotes the legalization or medical use of any substance listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812 et seq.).

SEC. 176. From unobligated balances in the Federal Transit Administration's Discretionary Grants account, not to exceed $72,792,311 shall be transferred as follows: to the Federal Transit Administration's Formula Grants account, not to exceed $42,190,828; and to the Interstate Transfer Grants—Transit account, not to exceed $30,601,483: *Provided*, That these unobligated balances are used, together with Formula Grant funds that are available for reapportionment in such account, to restore obligation authority reduced due to a prior deficiency.

SEC. 177. Notwithstanding any other provision of law, any unobligated funds designated to the Oklahoma Transit Association on pages 1305 through 1307 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–7 may be made available to the Metropolitan Tulsa Transit Authority and the Central Oklahoma Transportation and Parking Authority for any project or activity authorized under section 3037 of Public Law 105–178 upon receipt of an application.

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POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against this section.

The CHAIRMAN. The gentleman will state it.

Mr. PETRI. Mr. Chairman, I raise a point of order against section 177 on page 50, line 7 through line 15.

This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of the rules of this House.

The CHAIRMAN. Do any further Members desire to be heard on the point of order?

If not, the Chair finds that this language explicitly supersedes existing law. The language, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 177 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $15,900,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662: *Provided*, That, of this amount, $1,500,000 shall be for the concrete replacement project and related expenses at the Eisenhower and Snell Locks.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $106,400,000, of which $23,753,000 shall remain available until September 30, 2005, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $13,138,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $8,090,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $19,116,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,764,000, which shall be transferred to and merged with the appropriation for Operations and Training.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $1,979,000 are rescinded.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

SEC. 185. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 186. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

SEC. 187. None of the funds appropriated or otherwise made available by this Act may be used to implement or make an award pursuant to the National Defense Tank Vessel Construction Assistance Program Request for Proposals issued by the Maritime Administration on February 20, 2004.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $46,790,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,025,000 shall remain available until September 30, 2007: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $68,466,000, of which $14,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2007; of which $54,466,000 shall be derived from the Pipeline Safety Fund, of which $22,901,000 shall remain available until September 30, 2007: *Provided further*, That not less than $1,000,000 of the funds provided under this heading shall be for the one-call state grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2006: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2004 from amounts made available by 49 U.S.C. 5116(i) and 5127(d) 2007: *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $58,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $20,771,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2005, to result in a final appropriation from the general fund estimated at no more than $19,721,000.

POINT OF ORDER

Mr. HEFLEY. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEFLEY. Mr. Chairman, I raise a point of order on page 56, line 6, to page 56, line 20, because it provides an appropriation for an unauthorized program and, therefore, violates section 2(a) of rule XXI.

The CHAIRMAN. Do further Members desire to be heard on the point of order?

If not, as previously stated by the Chair, the burden of demonstrating authorization has not been met.

The point of order is sustained. The paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 188. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 189. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 190. None of the funds in this Act shall be available for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 191. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 192. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 193. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 194. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 195. None of the funds in title I of this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 196. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 197. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 198. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the secretary, salaries and expenses" to "Minority business outreach".

SEC. 199. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the departmental offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,750,000 for official travel expenses; not to exceed $3,000,000, to remain available until September 30, 2006 for information technology modernization requirements; not to exceed $75,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $177,000,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than $22,511,000 and 120 full-time equivalent positions: *Provided further*, That of these amounts, up to $2,900,000 is for grants to State and local law enforcement groups to help fight money laundering; $3,393,000, to remain available until September 30, 2006, shall be for the Treasury-wide financial statement audit program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $36,072,000, to remain available until September 30, 2007: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement "Internal revenue service, information systems" or "Internal revenue service, business systems modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $16,500,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $129,126,000.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act

(Public Law 107–42), $2,000,000 to remain available until expended.

Treasury Building and Annex Repair and Restoration

(INCLUDING TRANSFER OF FUNDS)

For the repair, alteration, and improvement of the Treasury Building and Annex, $20,316,000, to remain available until September 30, 2007: *Provided*, That up to $2,000,000 of the amount provided under this heading shall be transferred to and merged with "Office of Inspector General, salaries and expenses" for costs associated with the audit of this account.

Expanded Access to Financial Services

(RESCISSION)

Of the unobligated balances available under this heading, $4,000,000 are rescinded.

Violent Crime Reduction Program

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

For necessary expenses of the financial crimes enforcement network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; and for assistance to Federal law enforcement agencies, with or without reimbursement, $64,502,000, of which not to exceed $7,000,000 shall remain available until September 30, 2007; and of which $8,354,000 shall remain available until September 30, 2006: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

Financial Management Service

SALARIES AND EXPENSES

For necessary expenses of the financial management service, $230,930,000, of which not to exceed $9,220,000 shall remain available until September 30, 2007, for information systems modernization initiatives.

Alcohol and Tobacco Tax and Trade Bureau

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $82,542,000; of which not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

United States Mint

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2005 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $41,100,000.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $179,566,000, of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2005 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury direct investor account maintenance fees are collected, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at $175,166,000. In addition, $60,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,071,824,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, and of which $7,500,000 shall be available for low-income taxpayer clinic grants.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,278,107,000, of which not to exceed $1,000,000 shall remain available until September 30, 2007, for research: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,622,093,000, of which $200,000,000 shall remain available until September 30, 2006.

Mr. OLVER (during the reading). Mr. Chairman, I am not sure where we have gotten here. I was standing and thought I had spoken when the tax law administration and tax law enforcement item came up. Where are we now?

The Clerk had called information systems, I think, or had moved to there and moved right on.

The CHAIRMAN. We have read through page 70, line 3, at this point.

Mr. OLVER. Page 70, line 3?

The CHAIRMAN. Page 70, line 3.

Mr. OLVER. Well, Mr. Chairman, I ask unanimous consent to return to page 68, line 16.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to point out, as I did in my earlier comments in the opening statement, that the IRS tax enforcement program has been underfunded by $286 million compared with the President's recommendation.

Mr. Chairman, the tax law enforcement program is an exceedingly important program. The President has requested $286 million more than the bill before us provides, and the Commissioner of the IRS has given us sworn testimony that the proper use of that money would afford us at least a 6-to-1 margin on revenue gained for the use of the $286 million.

Now, in fact, in my discussion with the IRS Commissioner, he has made it clear to me that that is an average over all of the administrative uses of the tax law enforcement program; and that, at least, if one were to use that in some areas of enforcement, that one might be able to get as much as a 15- or 20-to-1 return for the amount of money; but that in the process of trying to organize an orderly program for the enforcement, that you try to balance that program, as we have been talking about a balanced transportation program, and only enforce very hard in one area or another; but that it is possible in some areas to mix what would be enforcement gains of as much as 15- or 20-to-1 with other places, so that we really ought to put some effort into where the gain may be only 2- or 3- or 4-to-1 and end up with an average in the range of approximately 6-to-1.

Now, with that money, the revenue gained by the use of such enforcement monies, which the President requested, of just under $300 million, then we have an opportunity to gain $2 billion of revenue, which can be used in a variety of ways: to cut the debt; to take care of problems such as we have in this bill even before the charade of all of the points of order that have been added here or have been taken here; or for what I originally called the most serious problems of lack of funding for things like transit new-starts for Amtrak and other things in the Highway Safety Administration.

Besides that, one has to think of exactly where this money is coming from. The Commissioner of the IRS points out that there is at least $300 billion every year of money which is owed under the law to the Government, which is not collected, which is evaded, in essence, evaded. And every time there is that kind of evasion, since that is roughly $1 of $6 or $7 of tax revenue that the whole Government raises, that when that happens, that people, honest people who have paid their taxes, as they ought to, in what is basically a voluntary system that we have, when those people pay their taxes, then the six out of seven or so that do pay the taxes that are owed under the law end up subsidizing the one out of seven that is evading the taxes and not paying any.

So those people, that six out of seven, have to put in a sum of money which is 10 percent higher or 15 percent higher by the rate in order to make up for those who are not paying taxes at all.

□ 1930

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to return to page 66 of this bill.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York (Mrs. KELLY) to return to the last paragraph that begins on page 65?

Mr. ISTOOK. I reserve the right to object, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) reserves the right to object.

To what paragraph did the gentlewoman wish to return to on page 66?

Mrs. KELLY. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The gentleman has reserved the right to object to the unanimous consent request. Does the gentleman wish to exercise his right?

Mr. ISTOOK. I was trying to grant the gentlewoman the courtesy to state her intent, but I do intend to assert my objection.

The CHAIRMAN. Does the gentleman from Oklahoma (Mr. ISTOOK) object?

Mr. ISTOOK. Mr. Chairman, I object.

The CHAIRMAN. The unanimous consent request is not agreed to.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my unanimous consent request has been turned down. However, that unanimous consent request was for an amendment to be considered as the Kelly - Oxley - Frank - Gutierrez - Royce - Maloney - Lowey amendment.

Today I have a solidly bipartisan amendment to offer to this bill on page 66 to increase funding for the Financial Crimes Enforcement Network within the Treasury Department also known as FinCEN. FinCEN is probably not one of the more well known agencies within our government, but it is an increasingly important one as we continue to sharpen our government's abilities to fight terror finance.

I want to thank the gentleman from Oklahoma (Mr. ISTOOK) because I know that he recognizes the important role of FinCEN which he did by meeting the level of the administration at the start of this year. I offer this amendment, however, because I believe that a relatively modest increase for FinCEN above the current House level would significantly improve our government's efforts to combat terrorist financing and other financial crimes.

Mr. Chairman, I have held 3 years of hearings on following terrorist crimes and terrorist financing. As many Members know, FinCEN is the Treasury bureau responsible for administering our anti-money laundering system. They are also the bureau responsible for collecting, analyzing and when necessary sharing information with law enforcement and intelligence agencies regarding illicit financial activity.

The importance of these responsibilities to our national security is very clear. As Secretary Snow pointed out earlier this year, our ability to combat terrorist financing is linked with our ability to combat money laundering. And as many of my fellow members of the Committee on Financial Services will remember, 9/11 Commissioner Vice Chairman Lee Hamilton recently testified before our committee about the critical importance of enforcing our anti-money laundering law. I am quoting his statement.

"Vigilance in this area assists in preventing notorious and open fund-raising. It forces terrorists and their sympathizers to raise and move money clandestinely, therefore raising the costs and risks involved."

Unfortunately, it has become clear that we are not doing as well in this fundamental aspect of our fight against terror finance. In spite of this important role in our fight against terrorism, FinCEN still lacks important resources it sorely needs to be an effective center point in combating terror financing and money laundering.

It must be understood by Members that FinCEN while responsible for our anti-money laundering law has few tools of its own. It is reliant on eight different regulatory bodies, most of which do not fall within the Treasury Department's jurisdiction, and as we have found through the Inspector General reports and highly publicized regulatory failures such as Riggs Bank, this fragmented system has had a serious interaction problem which has prevented the synchronized effective regime that circumstances clearly want.

This amendment would bring forth more effective and streamlined focus to our efforts to trace money laundering and combat terrorist financing. Progress can only be made through a strong, substantive commitment to equipping FinCEN with new assets, which is what this amendment would do.

I would like to point out that the President's request of FinCEN was made prior to several high profile regulatory failures. This legislation before us was considered in committee prior to the 9/11 Commission's report and the Commission's subsequent testimony to the Committee on Financial Services on terrorist financing. Since then, there has been significant evidence that our government has made many improvements to combat money laundering. However, we must enhance the tools that we have to combat terrorist financing and FinCEN is one of those.

The authorities have all indicated it requires new and different tools. That is why there is such strong bipartisan support for my amendment. Increasing funding for FinCEN by a small amount will have a significant impact on our government's ability to fight the war against terrorism in a more negative way than it would if my amendment were accepted. In fact, it is estimated that the agency needs $25.5 million to expand and improve its capabilities. This additional funding will help FinCEN secure the appropriate application of state of the art technology that would dramatically improve its ability to track terrorist financing. It will also enable the agency to hire much needed full-time employees to support more effective and extensive examination.

That being said, having heard my plea, I would again ask unanimous consent to return to page 66.

Mr. ISTOOK. Mr. Chairman, I object to the unanimous consent request.

The CHAIRMAN. Objection is heard.

Mr. FRANK of Massachusetts. Mr. Chairman, I would ask unanimous consent that the gentlewoman from New York and others be allowed to submit statements on this subject of this amendment that has been objected to.

The CHAIRMAN. That request would have to be made in the full House.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I very much appreciate the presentation by the gentlewoman from New York (Mrs. KELLY).

FinCEN financing in this measure is already increased by 12.7 percent over the last fiscal year. We have added significant dollars in the full committee to the FinCEN appropriations, and the FinCEN appropriations is at the level that was requested by the administration. However, for the gentlewoman from New York and other Members who are concerned, we will continue to work with them on this issue to make sure that we do not disagree, have a disagreement with the administration, and might perhaps be persuaded that there might be some different number that should be in the final vote of conference.

However, Mr. Chairman, I do not want to be constantly in this process with a long night ahead of us going back and reopening different parts of the bill that have been closed. We all know it is a slow moving process as it is. And if we start accepting every unanimous consent, we would not be completed.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, parliamentary inquiry. Are we at the point of the bill dealing with section 216?

The CHAIRMAN. The reading has not progressed to that section.

The Clerk will read.

The Clerk read as follows:

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $285,000,000, to remain available until September 30, 2007, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $34,841,000.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service Shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue service shall be available for improved facilities and manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 205. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 206. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 207. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 208. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 209. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 210. The Secretary of the Treasury may transfer funds from "Financial management service, salaries and expenses" to "Debt services" as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Services Account.

SEC. 211. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "6 years" and inserting "7 years".

SEC. 212. The Treasury Department Appropriations Act, 1997 under the heading "Treasury Franchise Fund", as amended, is further amended by striking "October 1, 2004" and inserting "October 1, 2005".

SEC. 213. (a) Section 3333 of title 31, United States Code, is amended as follows:

(1) By amending subsection (a)(1) to read as follows:

"(a)(1) The Secretary of the Treasury is not liable for a payment made by the Secretary or depositary in due course and without negligence, of—

(A) a check, draft, or warrant drawn on the Treasury or the depositary;

(B) an electronic payment issued by the Treasury or the depositary; and

(C) a debt obligation guaranteed or assumed by the United States Government.";

(2) By inserting after paragraph (2) of subsection (a) the following new paragraph:

"(3) The amount of the relief shall be charged to the Check Forgery Insurance Fund (31 U.S.C. 3343). A recovery or repayment of a loss for which replacement is made out of the fund shall be credited to the fund and is available for the purposes for which the fund was established.".

(b) The Check Forgery Insurance Fund (31 U.S.C. 3343) shall be available to fund amounts relating to the payment of items listed in 31 U.S.C. 3333(a)(1), as amended above, prior to the enactment of this Act.

SEC. 214. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 215. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 76, line 2 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Are there any points of order to that portion of the bill?

Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 216. None of the funds made available in this Act to the Secretary of the Treasury may be used to publish, implement, administer, or enforce regulations that permit financial institutions to accept the matricula consular identification card as a form of identification.

AMENDMENT NO. 3 OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. OXLEY:

Strike section 216 (relating to identification accepted by financial institutions).

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour and that the time be equally divided.

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, I just want to point out there is a difference between ending in 1 hour and 1 hour of debate; namely, whether or not the clock stops.

I would agree if we are talking about 1 full hour of debate, but if we are talking about 1 hour on the clock I would object.

Mr. ISTOOK. Mr. Chairman, that is satisfactory.

The CHAIRMAN. The unanimous consent request is that all debate cease after 1 hour of debate.

Mr. FRANK of Massachusetts. Mr. Chairman, equally divided, I assume?

The CHAIRMAN. It will be divided and controlled equally between the gentleman from Ohio (Mr. OXLEY).

Mr. ISTOOK. Mr. Chairman, I yield the time in opposition to the gentleman from Ohio's (Mr. OXLEY) amendment to the gentleman from Texas (Mr. CULBERSON), a member of the subcommittee to let him control that debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma (Mr. ISTOOK)?

Mr. OXLEY. Mr. Chairman, I would ask that half of my time be allocated to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Committee on Financial Services.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. OXLEY)?

There was no objection.

The CHAIRMAN. The time is divided, one-fourth to the gentleman from Ohio (Mr. OXLEY), one-fourth to the gentleman from Massachusetts (Mr. FRANK) and one-half to the gentleman from Texas (Mr. CULBERSON).

The gentleman from Ohio (Mr. OXLEY) is recognized.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment on behalf of myself and the ranking member of the Committee on Financial Services, as well as a respected member of the Committee on Appropriations, the gentleman from Arizona (Mr. KOLBE).

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Our amendment will strike ill advised language adopted in the Committee on Appropriations that, if allowed to remain in the bill, would prevent the Treasury Department from enforcing regulations implementing customer identification provisions in the USA PATRIOT Act that are critically important to combating money laundering and disrupting the financing of terrorism.

I note at the outset that the Bush administration has issued a strongly worded statement of administration position opposing the language that the Oxley-Frank-Kolbe amendment would strike from this legislation.

My colleagues are going to hear a lot in today's debate about what whether one form of ID is better than another; but as the author of the USA PATRIOT Act's anti-terrorist financing provisions and as a former FBI, agent, let me set the record straight. Today's debate is not about good or bad ID. It is about whether we are going to ask financial services customers for any ID at all. My amendment says yes; and the bill, as currently constructed, says no.

By way of background, the regulations that the bill seeks to block were issued by the Treasury Department last year under section 326 of the USA PATRIOT Act, which I authored. That provision was intended to enhance the ability of financial institutions to detect and prevent money laundering and the financing of terrorism by requiring those institutions to develop comprehensive procedures for verifying customer identity at the time of account opening. Among other things, the provision requires financial institutions to consult lists of known or suspected terrorists or terrorist organizations when opening accounts for new customers.

In implementing section 326, the administration ultimately decided to give institutions the flexibility to tailor their customer identification programs to the risks of money laundering or terrorist financing posed by their products, services, and customer base. Consistent with this risk-based approach, the final regulations give financial institutions the discretion to determine which forms of identification issued by foreign governments they will accept and under what circumstances.

Make no mistake, the regulations do not mandate or require the acceptance of the matricula consular card. If financial institutions are concerned about their validity, they are free to reject the use of those cards as identification.

These regulations were finalized only after two lengthy public comment periods, which included extensive input from the financial services industry, law enforcement agencies, and a host of other interested parties, and after careful analysis and study by the Treasury Department and other financial regulators. The regulations, effective last year, are currently being enforced by Treasury and the Federal financial regulators and implemented by financial institutions across the country.

The so-called Culberson amendment throws into question the obligation of financial institutions to verify the identities of their customers and ties Treasury's hands in enforcing one of the centerpieces of the post-September 11 congressional response to the terrorist financing threat.

Indeed, when he appeared before our committee last month, 9/11 Commission Vice Chairman Lee Hamilton, a former distinguished colleague of ours, singled out section 326 for particular praise, calling it a "significant tool to assist fast-moving terrorism investigations."

Failure to adopt this amendment will result in this critical tool being taken from the Government's hands. I would suggest to my colleagues that now is not the time to be unilaterally disarming in the financial war against terrorists.

The Bush administration and the Treasury Department have registered their strong support for this amendment, arguing that denying access to the mainstream financial system serves only to drive consumers into the underground financial economy, making it virtually impossible to track their financial activity and frustrating the Government's efforts to enforce antimoney laundering and antiterrorist financing laws. In the words of Secretary Snow, if the section my amendment seeks to strike becomes law, "it will be a step backwards in the financial war on terror."

Let us be very serious and understand that that is what the PATRIOT Act is all about. This is an effort to repeal part of the PATRIOT Act that has worked so successfully in protecting American citizens.

Finally, let me express my frustration with this kind of back-door legislating in appropriations bills. This is simply not the way we should be operating in this House.

My colleagues have a simple choice before them: vote for our amendment and give our financial regulators the ability to track, seize, and freeze terrorist funds or vote against us and drive terrorist money laundering even further underground. The choice is clear.

Support our fight against the funding of terror. Support the Oxley-Frank-Kolbe amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I yield myself such time as I may consume.

With immense respect to my good friend, the Chairman of the Committee on Financial Services, the Congress has already passed the PATRIOT Act. The Secretary of the Treasury was required under the PATRIOT Act to prescribe regulations that set forth minimum standards for financial institutions to open a bank account. The authorizers have already spoken on this, and the law requires the minimum requirements for banks to verify the identity of a person opening the account, to maintain records of that person's identity, and consult lists of known or suspected terrorists.

I would not have offered this amendment in subcommittee and full committee, and the Committee on Appropriations would not have felt it necessary to put this in the bill, had the

Treasury Department honored the PATRIOT Act. In the opinion of the Committee on Appropriations, in the opinion of the Chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Chairman SENSENBRENNER) has objected to the Treasury Department's rule.

The gentleman from Wisconsin (Chairman SENSENBRENNER) stated that he believes the reference to regulations adopted by Treasury are insufficient to address the intention of the PATRIOT Act to accurately identify and track individuals opening bank accounts. The law could not be any clearer. Yet the Treasury Department yielded to pressure from the banks, although the banks were required to verify identity, keep documents of records used to open the account. The Treasury adopted a rule which specifically allows the banks to shred photocopies of the person's identifying documents. So there is no record being kept.

I am quoting directly from the rule, in violation of the PATRIOT Act, the Treasury rule says that any foreign government-issued document that evidences nationality, as long as it bears a photograph, is valid to open a bank account. That is in complete violation of the PATRIOT Act. So the regulation the Treasury Department adopted does not even meet the express letter of the law in the PATRIOT Act. So we had no other choice but to cut off the funding to this regulation.

The parents of the families of the victims of September 11 have written a letter in opposition to this amendment because the parents, and I am quoting from the 9/11 Families For a Secure America, all of our members are aware of the fact that the 9/11 murderers relied upon government-issued identification to open bank accounts and charge accounts, rent cars and apartments and maintain an aura of legitimacy during the months that they planned, rehearsed, financed and carried out their conspiracy. Finally, on the morning of 9/11, government-issued IDs permitted them to board the planes they used to murder our loved ones.

For that reason, the parents of the families of 9/11 are scoring this vote. The parents of 9/11 are asking that Members vote against the Oxley-Frank amendment.

This is a straight-up national security vote because the FBI has testified, the Department of Justice also has objected strongly to this Treasury Department regulation. The Department of Homeland Security, all Federal law enforcement, uniformly objected to this Treasury Department regulation because, number one, these consular ID cards that foreign nationals would use to open bank accounts are widely known to be easily forged.

The FBI and the Department of Justice have concluded that the matricula consular is not reliable. It is not a reliable form of identification due to the nonexistence of any means of verifying the true identity of the cardholder.

So we have a situation today, Mr. Chairman, where we know the terrorists are coming back to hit us again between now and the election. The FBI agent in charge of the southern border in Texas has seen a large number of countries with al Qaeda connections that are exploiting the southern border, utilizing long-established and well-disciplined alien smuggling organizations in Mexico to transit individuals, foreign nationals through Mexico, into the United States. It was brought to my attention by Federal law enforcement authorities in Texas that they have now identified a number of individuals from Islamic countries changing their Islamic surnames to Hispanic surnames, coming across the border with all the illegals crossing the border.

So we have a situation where we are about to be hit. We have individuals using false identities, and we have a rule adopted by Treasury that essentially, according to the Committee on the Judiciary chairman and the FBI, is making it easier for individuals to create false identities and open bank accounts.

The Treasury regulation is so wide open that an Iraqi listed on the 50 Most Wanted List but who is not yet apprehended could open a bank account using an ID card printed in Arabic, issued in 2001, and the bank would still be in compliance. So the Treasury Department's already had their chance to comply with existing law, and they did not. So the appropriators had no choice.

If I could, if my subcommittee chairman, the gentleman from Oklahoma (Mr. ISTOOK), is available, I will be sure to yield to him.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman very much for the time, and I rise in strong opposition to the Oxley-Frank amendment.

This is the quintessential example of an interest group, namely, this time, financial interest groups, the banks, et cetera, putting themselves over the well-being of our country. In this case, we are talking about an interest group putting its self-interests, its profits above the safety of our country. Yes, it would make it easier for these banks to do business with illegal immigrants, and they would make a profit from it; but our country would be far less safe, and our children will be less safe if we do this.

Let us note that the matricula consular cards have no other purpose than providing identification for illegal immigrants. Anyone in the country lawfully can present a visa, a passport, or other government-issued identification to do financial transactions. What we have got here is an effort to make it easier for illegal immigrants to stay in this country and to be in this country at the expense of the safety of our very people. During a time when there are terrorist acts being threatened in our country and throughout the world, this is an insane proposition.

Hundreds and hundreds of soldiers have sacrificed their lives to win the war against terror. It is not too much to ask our banks to sacrifice a little bit of profit to make sure that our country is safe. This is a disgrace. These financial institutions are putting themselves above the well-being and safety of the United States of America, and that is what this amendment is all about.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds to point out that the last I looked, no bank was sitting in the White House. We are talking about a policy issued under the authority of the President of the United States and supported by the Justice Department. So this very transitory populism on the part of some of my Republican colleagues, denouncing the bank, may sound right; but this is not any bank's policy we are talking about.

These are regulations issued by George Bush's Department of Treasury, supported by George Bush; and the George Bush administration supports this particular amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Chairman, first of all, the language of the bill only deals with one identification card. It is the matricula consular. So it is specific to a card that is issued by the Mexican consulate, and the Mexican consulate has been issuing this card since 1871.

A Mexican resident has to go to the consulate, show proof of citizenship, Mexican citizenship, a photo ID to show that that is the person, and thirdly, proof of the residence that they are having in this country. That is the requirement.

Since 9/11, the Mexican Government has made this card harder to get and also more authentic in terms of a fraud-free card to the best of their ability.

□ 2000

Since 9/11, because of the USA PATRIOT Act, according to section 219, the Treasury, in cooperation and consultation with the various departments, Department of Justice, FBI, et cetera, accepted a regulation that allows this card to be used as primary identification for a bank or financial institution.

Now, we have heard a number of allegations. All throughout this debate, at the subcommittee and the full Committee of Appropriations, the only letter that has come to the Committee on

Appropriations has been the letter signed by the Secretary of the Treasury. The FBI has not sent a letter. Today, we have a letter before us that is signed by the Deputy Attorney General from the U.S. Department of Justice saying that they agree with the regulation of the Treasury and would like to continue the use of its card.

I have to tell my colleagues that when we talk about terrorist acts, and I also am concerned about them. But I must say that there are a number of cities and towns in this country who have accepted this consular card as a form of I.D., because it allows an entity, city, county or State, to know the residence of a person who is here undocumented. If that person did not identify themselves through this card, we would never know where they live. So sheriffs, police departments, city governments, county governments, because of the fear of terrorism, accept this card because they now know where an undocumented person resides in this country. So it is not only the financial I.D. aspect of this card but it is also the security provided by this card that we must vote for the amendment.

The allegations that have been made that the FBI did not support this card and Homeland Security did not support this card, was done months ago, and the only notification that we have from this administration is the Treasury saying they want to keep the regulation and now from the Department of Justice saying they support the regulation.

Mr. CULBERSON. Mr. Chairman, I yield myself such time as I may consume to briefly say that the Department of Justice is on record in opposition to these regulations before they were issued, and then when they were issued the Department of Justice issued strong objections.

Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I do rise in opposition, and I thought what I might do is simply quote some of the testimony before this Congress, starting with Steve McCraw of the Federal Bureau of Investigation, the Office of Intelligence, and he says of these cards: "It is the terrorist threat presented by matricula consular that is most worrisome. The ability of foreign nationals to use the matricula consular to create a well-documented but fictitious identity in the United States provides an opportunity for terrorists to move freely within the United States without triggering name-based watch lists that are disseminated to local police officers." Now, that is problem number one.

Problem two, as the FBI says, "It also allows them to board planes without revealing their true identity." Mr. McCraw goes on to say that "Federal officials have discovered individuals from many different countries in possession of matricula consular cards, and that is because the documents are easy to forge." He testified that "An individual of Middle Eastern descent has also been arrested and was in possession of a matricula consular card."

What we are doing here, if we pass this amendment, is legalizing a method that would make it easy for terrorists to gain access to our financial system, thereby enabling the next group of terrorists to freely move money around the United States and finance their operations. This flies in the face of the 9/11 Commission's recommendations to strengthen I.D.'s.

I do not know how many of my colleagues sat through the hearings and heard the chairman and cochairman say that instead of permitting the use of new forms of I.D.'s from other countries that are not secure and not verifiable, we should be strengthening our own I.D. and visa systems. We heard the testimony like that from Lee Hamilton, former chairman of our Committee on International Relations, that we should adopt biometric identification systems for everyone who comes into the country. And, frankly, this flies in exactly the opposite direction.

I strongly urge my colleagues to oppose this amendment, and I would just like to further quote from the FBI document. "A September 2002 bust of a document production operation in Washington State illustrated the size of this trade. A huge cache of fake Mexican birth certificates was discovered. It is our belief that the primary reason a market for these birth certificates exists is the demand for fraudulently obtained matricula consular cards. In some locations, when an individual seeking a card is unable to produce any document whatsoever, he will still be issued a card by the Mexican Consular official if the official feels that he filled out the questionnaire and satisfies the official that he is who he purports to be."

That is another problem. In addition to being vulnerable to fraud, the matricula consular is also vulnerable to forgery. As this FBI agent says, "There have been several generations of the card and even the newest version can be easily replicated despite its security features. It is our estimate that more than 90 percent of these cards now in circulation are the earlier versions of the cards, which are little more than simple laminated cards without any security features."

As a result of these problems, as the FBI says, "There are two major criminal threats posed by the cards and one potential terrorist threat. The first criminal threat stems from the fact that the cards can be a perfect breeder document for establishing a false identity. Such false identities are particularly useful to facilitate the crime of money laundering, as the criminal is able to establish one or more bank accounts under completely fictitious names. Accounts based upon such fraudulent premises greatly hamper money laundering investigations once the criminal activity is discovered."

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 45 seconds to say that I agree we have a forgery problem, but it is greater than Members may think. It is not of the matricula consular. Apparently someone has forged a letter from the United States Department of Justice. Because I have a letter today, I know my chairman has it, signed by a man who purports to be James B. Comey, the Deputy Attorney General, and it is on the letterhead of the U.S. Department of Justice and it supports this amendment. And it says, "The Department of Justice fully supports the administration's current policy under the USA PATRIOT Act that requires banks and financial institutions to establish reasonable procedures. Therefore, the Department supports the Oxley-Frank-Kolbe amendment that preserves these regulations."

So it is not just the matricula consular that is being forged. Apparently there is somebody forging letters from the Department of Justice. So maybe we should suspend the proceedings and send out the Sergeant of Arms. Contempt of Congress.

Now, I think, frankly, that forgery has been somewhat exaggerated in this debate, but the biggest exaggeration is this: So, yes, a couple of years ago people said various things, but there has been an evolution and we now have the policy of President Bush, supported by the Department of Justice and the Department of Treasury, and that is what is being assailed here today.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise today in strong support of and as a proud cosponsor of this amendment. I want to thank my colleagues for all their support, especially the chairman, the gentleman from Ohio (Mr. OXLEY) for offering this amendment.

Mr. Chairman, I have been working on the matricula consular I.D. card issue for quite some time with a number of different groups and individuals. I want to express my particular appreciation for all the assistance that the Democratic leader, the gentlewoman from California (Ms. PELOSI), the gentleman from Massachusetts (Mr. FRANK), and their staff have provided during that time.

On February 13, 2003, I introduced H.R. 773, entitled the 21st Century Access to Banking Act. My legislation would authorize U.S. financial institutions to accept the matricula consular

I.D. card as valid forms of identification for the purpose of opening an account, thus bringing unbanked individuals into the U.S. banking system and resulting in a more efficient regulation of currency in the United States.

My legislation would result in an increased infusing of cash into our banks, credit unions, and other financial institutions and, ultimately, our economy on the whole.

This legislation would allow hardworking families to enter the mainstream U.S. financial system. It would enable them to open checking and savings accounts, establish a credit history and possibly even eventually purchase a car or home. It would help improve our sagging economy by enabling these struggling families to avoid being preyed upon by sometimes unscrupulous check cashers and payday lenders.

The chairman of the Subcommittee on Financial Institutions and Consumer Credit, the gentleman from Alabama (Mr. BACHUS), was kind enough to hold the first hearing on the importance of the matricula consular card to the U.S. economy and to the economies of our trading partners. And I want to take this opportunity to thank Chairman BACHUS for holding this hearing at my request and for supporting the card.

I was also pleased when Treasury promulgated its rule on section 326 of the USA PATRIOT Act, allowing financial institutions to accept the matricula card as a form of identification. However, I was deeply disappointed when the House Committee on Appropriations adopted an amendment to this legislation that would ban certain Hispanics from using their matricula consular I.D. card to open an account at a financial institution in the United States.

When it is adopted, this amendment we offer today will right that wrong. Because the United States is a party to the Vienna Convention on Consular Relations, we do not have the authority to prevent Mexican consulates from issuing the matricula consular I.D. card to Mexican nationals residing in this country. Similarly, foreign countries do not have the right to prevent United States consulates from issuing similar cards to its citizens overseas.

I want to stress this latter point. Our United States does issue cards similar to the matricula card to its own citizens in foreign countries. It seems to me that the question then becomes whether or not we should allow financial institutions in the United States to accept the card as a valid form of I.D. to open an account. The answer to that question is a very simple yes.

Should my colleagues vote to overturn the misguided anti-matricula card language currently in this bill? The answer is yes. The card is a safe, reliable form of identification. The card has over a dozen security features, including a hologram and infrared band. As the Washington Times reported in 2002, the matricula card is "A high-tech I.D. that is more fraud proof than many State driver's licenses."

Approximately 163 counties, 1,180 police departments, 377 cities, 33 States and 178 financial institutions accept the matricula card as a valid form of identification.

The police departments support the use of the card because it helps undermine the market for illegal identification and fraudulent documents. It helps them to quickly identify witnesses, victims, and suspects.

Immigrants with consular identification are more likely to report crimes and cooperate in police investigations. These police departments do not believe that the acceptance of the card by financial institutions will increase immigration.

Despite what its detractors and opponents might claim, the card does not legalize the status of any immigrant.

It cannot be used to obtain any immigration or citizenship benefits such as work authorization or to obtain public benefits. It cannot be used to cross the U.S./Mexico border, and it is only available to foreign nationals already in the United States. Moreover, Mexican consulates clearly explain the nature of the document to assure their Nationals know that the card does not regularize their immigration status.

If we allow financial institutions to continue to use the card, with consultations between the U.S. and Mexican governments, the result will not only be an improvement in the U.S. economy. It will also lead to increased transparency and strength in our line of defense against terrorists gaining access to our financial institutions.

For these reasons and more, I strongly encourage my colleagues to support and vote "yes" on the Oxley-Frank-Kolbe-Pastor-Hinojosa amendment.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of the Oxley-Frank-Kolbe amendment. This language that is included in the Transportation-Treasury bill regarding the matricula consular card is a classic case of confusion about an issue.

Let me take my time for a moment here to tell my colleagues what this is not about. This is not about giving driver's licenses to illegal aliens. This is not about giving social services to any illegal aliens. This is not about allowing any other illegal aliens to enter this country. It is not about an I.D. card that may be used to obtain any government service. In fact, what the language does, in effect, is limit the ability of the Federal Government, the language that is in the bill now, that was adopted in committee, limits the ability of the Federal Government to track the money of people who are in this country. We do not even know who they are. At least we ought to know something about where their money is going.

Now, if this legislation were adopted with this language in it, the Treasury Department would be prohibited from issuing any regulations about identification to the banks, because the language specifically does not speak about any particular document and, therefore, the matricula consular card could be included in it and, therefore, they could not issue any kind of documentation about it.

The administration is not confused about this. There has been a lot of talk today about this. I have been hearing this going around here, that, oh, really and truly the FBI and the Justice Department supports this. Well, they do not support this. They have sent a letter which makes it very clear that the Justice Department does not support the language that is in the bill. They support the Oxley-Frank-Kolbe amendment.

Secretary Snow made that very clear when we debated this in the Committee on Appropriations. They do not support adding such language that prohibits the use of the matricula consular card, because it is one form of identification that we do not have.

This is not a Department of Homeland Security issue. This is a Department of Treasury issue that has to do with private banks identifying people so that they can open bank accounts. And DHS, Department of Homeland Security, has not said anything about whether these cards should be used for banking purposes or not.

Treasury does not use a list of particular documents. They set the standard for what the verification ought to be. The standard accommodates local conditions as well as innovations of verification techniques. And the government ought not to be in the business of saying yes to this document, no to that document, because any document can be forged or counterfeited. What we need to do is set standards for verification of those documents, and banks need to have some kind of standard for that.

□ 2015

They look to this as one more piece of documentation they can use. Police departments like it very much because it is one more piece of documentation they can use when they pick up somebody and the person does not have a driver's license, for example. It is an added piece of identification that can help to identify an individual.

This decision ought to be left to the Committee on Financial Services, if we are going to get into the business at all of trying to micromanage the regulation being written by the Treasury Department.

The real argument is over whether we are going to have a secure form of ID. Should we be in the position of saying no to private institutions? If banks are to be secure, I urge us to vote in favor of the Oxley-Frank amendment.

Mr. CULBERSON. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in opposition to the amendment offered by the gentleman from Ohio (Chairman OXLEY) and the gentleman from Massachusetts (Mr. FRANK), the ranking member.

No matter how we spin it, the fact of the matter is this amendment is not about banking, it is about making it easier for illegal immigrants to remain in the United States.

U.S. immigration authorities have said the matricula consular is virtually worthless as an identity document. In fact, if Members do not believe them, all one has to do is look at the reputation of these cards in Mexico. Mexican banks themselves do not recognize the matricula consular card as a valid identity document. In fact, no bank in Mexico accepts this card to open a bank account.

Despite the fact that its own banks do not accept this card, for 3 years, the Mexican government has aggressively lobbied U.S. banks to accept the document. Mexico's actions to advance acceptance by U.S. banks is a blatant attempt to make illegal immigrants in Mexico as inconspicuous as possible, while facilitating uninterrupted transmission remittances back to Mexico.

According to the FBI, matricula consular cards are almost exclusively used by illegal immigrants. Anyone here legally has valid identity documents they can present to open a bank account, such as a driver's license, Social Security number or passport.

As a representative from part of the country that bears much of the burden of illegal immigration, it is $5 billion a year in California, I feel compelled to tell Members who do not represent areas impacted by illegal immigration about the impact this amendment will have on those who are forced to live with the problem on a daily basis.

Illegal immigration places a strain on our society, and I want every Member in this body to understand, California bears the brunt of the burden of the failed immigration policies of the Federal Government. California has the highest number of illegal immigrants residing within its borders. The estimated number of illegal residents in California is 2.2 million people, or 32 percent of the total number of illegal immigrants in the United States.

The cost of illegal immigration in terms of governmental expenditures for education, criminal justice and emergency medical care are significant. For emergency health care, California spends the most of any State treating illegal immigrants in our hospitals. The cost of health care costs for illegal immigrants for California are nearly $650 million per year. For education in California, $2.2 billion each year is spent on educating the children of illegal immigrants.

While incarceration of illegal immigrants while securing our Nation's borders falls under the exclusive jurisdiction of the Federal Government, it is State and local government who must bear the cost when illegal immigrants are incarcerated, and California incurs greater cost than any other State. In fact, 15 percent of California's inmates are illegal immigrants, costing the State over $500 million a year.

It is always easy to come to Washington and speak about compassion for those less fortunate, but when it comes to illegal immigration, the price California pays for Congress's so-called compassion is steep, and it is unacceptable. The fact that States must bear the cost of the government's failed immigration policies make illegal immigration an unfunded mandate.

If Congress wants to continue to pass policies to encourage illegal immigration, then we must be willing to reimburse the States for the high costs they incur as they are forced to live with the impact of Congress's unfunded mandate. This amendment should be accompanied by a $5 billion check each year to California for problems of illegal immigration. I oppose this amendment.

Mr. CULBERSON. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I simply want to record my support for the position of the gentleman from Texas (Mr. CULBERSON). I think the use of these cards is very misleading. It facilitates money laundering, and it is completely out of the spirit of the PATRIOT Act.

Therefore, with extreme regret because I do not think I have ever disagreed with the gentleman from Ohio (Mr. OXLEY) and only two or three times have I disagreed with the gentleman from Massachusetts (Mr. FRANK), but I think this matter should stay in the bill and should not be taken out because it is so important that we close down their financial money laundering.

I am pleased to support the gentleman from Texas (Mr. CULBERSON).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds to make one point.

The notion that people will stop coming here illegally if they do not have a matricula consular is totally at variance with logic and experience. People who want to stop illegal immigration have a very good point, but the notion that people will come to the border and say, Oh, my God, I forgot my matricula consular, I am staying home, has no basis in reality.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I rise in support of this amendment to strike the Culberson provision. It says something that this amendment is supported by such a diverse coalition, the Bush administration, the banking industry, immigration groups, Members from both sides of the aisle joining together to remove language that is at its heart designed to keep immigrants out of the regulated banking system.

This issue is one that I have worked on since I was elected 12 years ago to the Congress of the United States, and that is, how do you transfer money back to loved ones that really need it?

If we want to have a debate on immigration, let us have a debate on immigration. I think that is a substantive debate we should have. As a matter of fact, it was the President of the United States who, on January 7, said we should take people who live in obscurity and are exploited; the leader of the Republican Party, as I saw him at the convention in New York, in command of the Republican Party and your candidate for President, who said we should deal with this immigration issue.

As a matter of fact, it is President Bush who Members are attacking here tonight who are saying is making our system unfair because it is President Bush and his administration that supports this amendment. Let us make that absolutely clear and have no quibbles about whose policy this is. This is the Bush administration's. Since the PATRIOT Act, we dealt with the regulation and the Treasury Department for more than a year before these provisions were enacted.

Mr. Chairman, I do not know how Members of the President's party can say the banking industry is trying to sugarcoat this.

Members know what they get with the matricula consular. Ten million people live in the United States who are probably undocumented. We should know something about them. Where is the political will in this country and the requisite resources to deport those 10 million people? This Congress has never had a serious debate about deporting and putting the resources towards 10 million people. We never will.

Some Members walk up here and say there are 2 million undocumented Mexicans in California as if they are just there. Do Members know what they are doing? They are cleaning bathrooms. They are picking the grapes. They are doing the arduous work that many of us born in this country will not do. Let us face up to it, they are working, and they are contributing to our economy. They are not just here stagnant.

Let us have a real debate, but the matricula consular is not the place to have debate on immigration policy. They are going to continue to come. They came before the matricula consular; they will come after the matricula consular. Let us give an identification that local economies and local administrations want. That is the matricula consular.

Mr. OXLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Alabama (Mr. BACHUS), a subcommittee chairman of the Committee on Financial Services.

Mr. BACHUS. Mr. Chairman, I think if the Members back in their offices were listening to this debate, they would be sufficiently confused. I think the reason they would be confused is because something said by both the opponents and the proponents of this amendment is true. I think there is a great deal of frustration over the use of these cards, and I think that is the reason that the gentleman from Texas and others are supporting this amendment.

Unfortunately, the amendment does not accomplish what they want to accomplish, and that is to make our Nation more secure. I do not question the sincerity of the gentleman and the frustration of he and the supporters of this amendment, but I simply ask us all to take a deep breath and to actually look at what this amendment does.

Now, the underlying section is section 326, and it has been called the cornerstone of our money laundering efforts. We have letters from the Department of Justice and from the Treasury Department saying it is absolutely essential for an effective anti-money laundering program. Section 326, it is there.

Now, because of frustration with these cards, the gentleman from Texas has offered an amendment which stops the Treasury Department and FinCEN from issuing regulations or carrying out regulations or enforcing the provisions of 326.

Now, just 2 weeks ago, the vice chair of the 9/11 Commission came to this Congress and testified before our committee and commended our committee for the passage of 326. Unfortunately, what we are all caught in here tonight is that section 326 is not self-executing. It requires regulations to be issued.

So the gentleman from Texas has offered, and successfully in the subcommittee, an amendment which really prevents Treasury from administering or enforcing regulations pursuant to section 326. Now that is what the gentleman's amendment does. I hope we can all agree to that. It basically shuts down 326. For that reason, I have to oppose it.

Several of the things the gentleman said tonight, I think, are true. I think there are problems with this card. I think some of the things that the proponents have said are also true about the policy of excluding a certain nationality. That is also very troublesome.

In conclusion, I cite a letter from the Department of Justice which also says, "including the FBI"; this letter is signed by the deputy attorney general. And I know the gentleman from Texas (Mr. CULBERSON) was probably caught off guard because when he first rose in this body, he said Treasury was on one side, and law enforcement and Justice was on the other side. That is really not true.

I think, had the gentleman gotten an effective remedy, that is true, but the Department of Justice, including the FBI, asked that we defeat this and says, if we do not, there will be many dangers associated.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the FBI and Justice want us to pass this amendment.

Mr. BACHUS. If the gentleman from Ohio will continue to yield, that is right, they are in favor of the Oxley-Frank-Kolbe amendment, and I include for the RECORD this letter to that effect.

DEPARTMENT OF JUSTICE, OFFICE OF
THE DEPUTY ATTORNEY GENERAL,
Washington, DC, September 14, 2004.

HON. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: The Department of Justice fully supports the Administration's current policy under the USA PATRIOT Act that requires banks and other financial institutions to establish reasonable procedures for the identification and verification of new account holders, which is set forth in regulations of the Department of the Treasury. Therefore the Department supports the Oxley-Frank-Kolbe amendment to H.R. 5025 that preserves these regulations.

One concern addressed by the regulations is the danger associated with driving sectors of the population into unregulated, underground financial service providers, such as unregulated hawalas, where persons may be more exposed to elements involved in money laundering and terrorist financing. In order to counter this concern, the Justice Department supports the Administration's determination to permit—but not encourage—the acceptance of Matricula Consular cards by financial institutions, under circumstances where financial institutions reasonably believe they can properly identify the new customer. Of course, the Administration will continue to evaluate the security and reliability of identification documents, including Matricula Consular cards, that potentially are subject to misuse.

The Department of Justice, including the FBI, continue to work closely with the Treasury Department on this and other issues related to halting all financing of terrorists. If we can be of further assistance regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,

JAMES B. COMEY,
Deputy Attorney General.

Mr. CULBERSON. Mr. Chairman, I yield myself such time as I may consume.

Had the Department of Treasury actually implemented the PATRIOT Act, the Committee on Appropriations would not have shut off funding to this regulation.

The Treasury-Transportation bill, and this is within our jurisdiction and the full Committee on Appropriations, cut off funding to implement or enforce the Treasury regulation which is on the books, and let me quote from it again. "The Treasury regulation authorizes banks to open a bank account for any non-U.S. citizen who can produce any foreign government issued document with a photograph."

Now that rule that Treasury adopted is in complete violation of the PATRIOT Act. That is the opinion of the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary. Statute 326 has not been complied with by the Treasury Department. It requires Treasury to adopt a rule that requires banks to verify identity, maintain records of the person's identity and consult lists of known terrorists.

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This rule is so bad and so broad, the banks can shred photocopies of the person's identifying documents as soon as you make the deposit. So the Appropriations Committee had no choice but to shut off funding to this regulation. And before the regulation was adopted, the Justice Department and the FBI and Homeland Security were all opposed to it. The Department of Justice was on record.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Ohio.

Mr. OXLEY. I thank the gentleman for yielding. I think there has been a very broad misunderstanding about the destruction of those photographs and/or records. The law clearly requires that the financial institutions keep those documents for 5 years. That is not a change in policy. Treasury has recognized that for a number of years. The law has recognized that for a number of years. Financial institutions have recognized that for a number of years. It is simply not accurate to say that those records are destroyed immediately by the banks. They are required by law to keep those records for 5 years.

Mr. CULBERSON. I certainly agree under current law, but the rule adopted by Treasury, and again I am quoting from the Department of Justice, the Department of Justice objected very strongly to these last-minute changes in the Treasury rule because Treasury did change the rule at the last minute to allow these records to be destroyed and that is in the rule which is why we cut off the funding. This is the only way that we could stop the implementation of this rule which violates the spirit of the PATRIOT Act by cutting off the funding, because the Treasury ignored the PATRIOT Act's very clear requirements.

Mr. OXLEY. If the gentleman will continue to yield, let me just quote from the letter from the Department of

Justice: "The Justice Department supports the administration's determination to permit the acceptance of matricula consular cards by financial institutions under circumstances where financial institutions reasonably believe they can properly identify the new customer."

That is from the letter of the Justice Department.

Mr. CULBERSON. From the Justice Department today. Yes, the Justice Department is being a good team player. The Justice Department testified formally in objection to this rule July 31 when it was adopted. Quoting from the Justice Department:

"The Department of Justice believes that consular identification cards issued by foreign governments should not be among the documents that could be accepted by financial institutions."

Once the Department of Justice made that argument, they lost that argument. Treasury adopted this very broad rule that allows anybody from a foreign country to walk in the door with any kind of photo ID and open a bank account. The Justice Department lost that argument, and obviously they have gotten on board.

Mr. OXLEY. That letter was dated today. The Justice Department clearly supports the Oxley amendment.

Mr. CULBERSON. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentleman from Ohio knows good and well, so does my counterpart on the Democrat side, we have testimony before the committee from the Justice Department, from the FBI, from law enforcement that this is not a good idea. And you know under President Clinton or President Bush, if they say this is what we want out of the White House, those Secretaries and those Department heads are going to say, Aye-aye, three bags full. That is what they have done in your letter today.

You are putting this country at risk today. FBI has testified that these matricula cards, some individuals have up to 30 of these things. You say Mexico requires a birth certificate. Have you ever tried to get something in Mexico? I have been down there a lot, and a few dollars will get you anything. There is no database.

You want to work on a bipartisan bill? You want to work something bipartisan? Let us have our U.S. Government with a database issue a card, I will support it, that is controlled by our homeland security, our FBI; but to take a Costco card out of Mexico and risk our national security, I am disappointed in this White House, I am disappointed in my own party, and I am disappointed in those on the other side that support this amendment.

The gentleman from Ohio is my friend, but he is wrong on this. I have been here 14 years and nothing has ever bothered me as much from my own party to put us at risk. These cards are fake. Every single day they use these cards illegally. It is not about financial services. The FBI testified, they use these cards to gain driver's licenses. And guess what? They can get on an airplane, and they can blow it up. FBI has testified to this. Justice Department. I do not care what letter you got out of the White House or these guys that are going to say, okay, Mr. President, we'll give you a letter to support your position. It means nothing. You look at today's situation, with these folks coming over that are illegal, with these cards, using them every day, and that is wrong. I am so disappointed in my own party, I cannot believe it.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Ohio.

Mr. OXLEY. I thank my good friend from California for yielding.

Mr. Chairman, let me say, this bill was drafted in our committee. I was the lead sponsor of the legislation. We have fully determined the efficacy of using these matricula consular cards. By the way, it is not the only form of identification. As a matter of fact, matricula consular is not even mentioned in the statute, nor is it mentioned in the rules and regulations from Treasury Department.

Mr. CUNNINGHAM. Taking my time back, why do we not do a U.S.-side card that has a database? Mexico has no database whatsoever. You can go from area to area and get a different matricula card like this. Why do we not work this out to where a U.S.-side matricula card that has a database that can actually control the services and not allow additional IDs to be formed so that these guys can drive airplanes and bomb this country? Why do we not do that?

Mr. OXLEY. I would invite the gentleman and the gentleman from Texas to introduce a bill and to have it referred to the appropriate committee, the Committee on Financial Services.

Mr. CUNNINGHAM. I will be happy to. In the meantime, I do not want to support your amendment which in my opinion is a disaster to national security in this country. Special interests in banking, a caucus over on this side and people that want to support this, I disagree 100 percent. If you say I am fighting the White House, you are absolutely 100 percent right.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds to make what I think is a central point. Whether or not the card exists, whether or not it is honored by banks will have zero effect on immigration. No one gets to the border deciding to come here without legal authorization and says, Whoops, I can't cross that river without my matricula consular.

Illegal immigration is a problem, but it is a wholly irrelevant one to this.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the ranking member on the immigration committee in Judiciary, we have been asking this Republican Congress to give us comprehensive reform on immigration. To the 9/11 families, let me tell you that this is post-9/11. We understand the concern, and we have changed things in America. My understanding is there was no person of Mexican descent on the 9/11 planes. And so this issue of juxtaposing terrorism and threatening on this very point is really misusing this debate.

First of all. I am confident that the matricula card is a secure form of identification. You do not get the card in Mexico. You get it in the United States. The consular office of Mexico is in my congressional district. I know their intensity and their sincerity in making this card secure. The person requesting a card must produce an original birth certificate and an official Mexican identification card, such as a passport or a Federal electoral card. There is a computer system to this that requires a fluorescent light that reveals the letters "SRE" across the front of the card. An infrared band appears on the upper back of the card.

Mr. Chairman, these are wrong arguments. This is wrong and misdirected. This card is for people in the United States, it is issued right here in the United States, and we should support the Oxley amendment and dismiss this irrelevant debate.

I rise in support of this amendment, which would strike Sec. 216 of the Transportation, Treasury Appropriations bill, H.R. 5025. That section prohibits the Department of Treasury from implementing regulations which provide for Mexico's matricula consular card to be used as a form of identification when opening a bank account or renting a safe deposit box.

Opponents of the Matricula will argue that the documents is not secure. I disagree. I am confident that the Matricula is a secure form of identification. The person requesting a Matricula must produce an original birth certificate and an official Mexican identification card such as a passport or a federal electoral card, and his photograph will be taken by the consulate office, on the consulate premises.

In addition, the Matricula has been modernized with the use of new technologies to improve its security features. The Mexican government uses security standards in making the Matricula that are similar to the ones by the United States Government in its own official documents.

It has visible security features such as green security paper with the official Mexican seal printed in a special security pattern, and a colored hologram with a seal that appears over the holder's photograph and changes color from green to brown.

It also has security features that are visible only under fluorescent light. The fluorescent light reveals the letters "SRE" across the front of the card. An infra red band appears on the upper back of the card.

In case this is not enough, there are security marks visible only with the use of a special decoder. The decoder reveals the word "Mexico" printed on the left side of the card, next to the holder's photograph. "Matricular Consular ID Card" is printed at the bottom. And, "SRE" is printed three times on the right side.

Consequently, I see no reason why matricula consular cards should be prohibited from use as a form of identification when opening a bank account or renting a safe deposit box. I urge you therefore to vote for this amendment to strike Sec. 216 of the Transportation, Treasury Appropriations bill, H.R. 5025.

Mr. CULBERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time, and I rise in opposition to the Oxley-Frank amendment. By accepting these cards as legitimate forms of identification, banks, State, and local governments are undermining the intent of the USA PATRIOT Act and our national security. The Mexican consulate is issuing matricula consular by aggressively marketing these documents, often to individuals living in the United States illegally.

According to the October 21, 2002, report to Congress, in accordance with section 326(b) of the USA PATRIOT Act, serious weaknesses exist in the acceptance of foreign documents to verify identity. The Treasury report identified several problems related to foreign documents, including forgery, lack of uniformity, recognition, reliability, and legitimacy issues.

Accepting matricula will provide safe harbor for foreign nationals residing in the United States illegally. The rule makes no distinction between non-U.S. persons who are here legally and those who are here illegally. Furthermore, it allows documents issued by any government, including a foreign government, to be utilized to verify identification. The rule would allow noncitizens who are in the U.S. illegally to utilize documents issued by a foreign government with the intended purpose of bypassing U.S. security laws. We should not allow this.

Through the acceptance of matricula consular, significant immigration and national security policy would be undermined. It weakens the very mechanisms that Members of Congress put in place to prevent identity theft, fraud, and money laundering. Therefore, I rise in opposition to this amendment. I support the underlying bill with the original Culberson language.

Mr. CULBERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank my colleague from Texas for yielding me this time.

Mr. Chairman, I frankly cannot think of another time when I have disagreed with my friend from Ohio (Mr. OXLEY), but I do oppose this amendment. We simply should not put the private interests of a few financial institutions ahead of the public good and the security of the American people.

This amendment would allow matricula cards, which are primarily used by illegal immigrants, to be accepted in the United States. Giving illegal immigrants an identification card encourages them to come to the United States and, of course, makes it easier for them to stay. That is why the FBI has testified against the use of these matricula cards and why they pose a grave threat to the security of the United States.

How regrettable that at the very time when we should discourage illegal immigration and deter those who would enter our country to do us harm, we would consider an amendment to undermine the PATRIOT Act and give terrorists and others the opportunity to exploit our laws for their own evil purposes.

As a former chairman of the Subcommittee on Immigration, I recommend that my colleagues oppose this amendment and put the interests of Americans first.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I rise in support of this bipartisan amendment and thank my colleagues for bringing it up.

When we passed the PATRIOT Act in 2001, we asked the Department of the Treasury to develop customer identification programs subject to evaluation. This was done to tighten security to our banking systems and to improve our ability to monitor.

Since these rules were established, matricula consular ID cards have widely been accepted as a legitimate form of identification at a bank. Similar cards are issued by our consulates for our citizens who live in other nations. These cards do not confer citizenship. They do not confer the right to a driver's license. All they do is say that Gene Green lives at a certain address, whether it be in Guadalajara, Mexico, or Frankfurt, Germany.

My concern about this, without adopting this amendment, we are going to limit our own consular office's ability to do this for our citizens. I would expect retaliation from countries who we are doing this to their consulates to do the same thing to us. I have some concern about it because we have thousands of our residents who retire to Mexico, retire to lots of places who may need this assistance from our own consulates. But in all honesty, we do need to have some type of identification for our local law enforcement to be able to deal with people that they can show.

Mr. Chairman and fellow Members, I rise today to support this amendment and I thank my colleagues for bringing it to this floor with bipartisan support.

When we passed the PATRIOT Act in 2001, we asked the U.S. Department of the Treasury to develop customer identification programs subject to evaluation. This was done to tighten security to our banking systems and to improve our ability to monitor financial transactions.

Since these rules were established, Matricula Consular I.D. cards have been widely accepted as a legitimate form of identification to open a bank account. Similar cards are issued by our consulates for our citizens who live in other nations.

If we do not amend this bill to keep the Matricula Consular identification card as a legal form of identification, it will be the only identification document explicitly banned as proof of identity in opening a bank account.

What bothers me most about the provision that we are trying to amend is it specifically targets a form of I.D. issued by the Mexican government. We could see retaliation against cards issued by our government.

Businesses in my home state of Texas conduct billions of dollars of business with Mexican companies. The need for Mexican nationals to come to the United States and establish legitimate bank accounts is imperative to the success of our state's economy.

The Department of the Treasury has examined this issue thoroughly and decided that a flexible standard which accommodates local conditions is the best and most secure for our nation.

Matricula Consular I.D. cards allow authorities to pursue those who are breaking our banking laws and then prosecute them diligently.

Without these I.D. cards, it will be more difficult for Treasury. I urge my colleagues to vote in favor of this amendment.

Mr. OXLEY. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding time.

Mr. Chairman, I rise in support of this amendment. I have argued very vocally that the Federal Government should not accept matricula consular. That is a different issue altogether. But should we be telling banks what they can and cannot accept? It is their own risk. They ought to be able to accept this, and we ought to be able to track and have a better idea where the money is and where it is going. If this language stays in without the amendment, I fear that it will impact on that.

I come from Arizona where we face the impact of illegal immigration very strongly. We bear the brunt of the Federal Government's failure to enforce and to secure the border. But this does not fix the situation at all. It may seem something like a fix, but it is not. I commend those who have brought this amendment forward, and I urge its passage.

Mr. CULBERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma (Mr. ISTOOK), the distinguished subcommittee chairman.

□ 2045

Mr. ISTOOK. Mr. Chairman, I rise in opposition to this amendment and in support of the language that is in this bill which was adopted in the Committee on Appropriations.

Certainly the arguments that are being heard today played out in the committee, and we decided that this was indeed an issue that relates to financial institutions, sure, but it relates to homeland security as well. The gentleman from Arizona that spoke before me, talking about the problems with porous borders, look at the latest issue of Time Magazine if they want to look at challenges of it and remember that we have adopted a great amount of legislation telling financial institutions they need to know their customer. We are talking about the financial center that is in the Treasury Department to track terrorism money. And if we do not have valid identification for the people when we are trying to track foreign assets in the United States and spot those that are using phony IDs to cover up terrorism, then why are we spending all the tens of millions and hundreds of millions and billions of dollars on homeland security if we say, oh, this is just a matter for the federally chartered, federally regulated financial institutions? We are going to put a loophole in the Federal law and all of our efforts to track foreign and potentially terrorism money are going to be undone because we can use unreliable identification. In the name of political correctness, we are going to accept the matricula consular? I think not.

I oppose this amendment. I ask that the Members reject the amendment and keep in the language that is put in this bill by the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I cannot believe the number of misstatements I have heard tonight. I think this is an argument between dumb and dumber. This is a debate about ID.

Let us look at the facts. Mexico has a national statistics ID program. The United States does not. Mexico uses the exact same ID protections in their ID form that the FBI uses for their badges. We do not have that for American civilians at all. Mexico has a database on life, death, divorce. It has a base that they can rely upon. We do not.

So what happens in retaliation? What happens the next time you want to go to a foreign country, you want to rent a car, you want to cash a check? Where is your national ID? Are you going to pull out your voter card? That is not recognized as an international ID. It is probably the only thing we have closest to it. It would not even be recognized at an airport. You pull out your California driver's license? That is not a national ID. What are you going to show as your national ID? A Social Security card? It does not even exist.

Allow a program that has assurances for protection, moderate protection. The propriety of this protection in this card is owned by a United States company. It is the same propriety that is used in our top security cards. That is what they want to use, and all this is, is an ID card. All this is, is an ID card. Let this amendment pass.

Mr. CULBERSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GALLEGLY), the chairman of the Subcommittee on International Terrorism, Nonproliferation and Human Rights.

Mr. GALLEGLY. Mr. Chairman, I rise in strong opposition to this amendment.

The amendment guts the section of the PATRIOT Act that Congress enacted to restrict terrorists' ability to open bank accounts, transfer funds, and otherwise use the banking system to further terrorist acts. This amendment would uphold ill-advised Treasury regulations that permit banks to accept nonsecure identification, including the matricula consular, to meet the requirements of the PATRIOT Act. Unfortunately, nonsecure IDs do not establish identity, at all, rendering identification requirements to the PATRIOT Act useless.

The FBI and Department of Justice have concluded that matricula consular is not a reliable form of identification. Forgeries are rampant. An Iranian national trying to cross a U.S.-Mexican border was caught with one. Smugglers have been caught carrying several matriculas, each with the same photo with different names.

Because matricula consulars are not reliable identification, a terrorist can use them to assume an alias, or several. He can use the banking system to further terrorist plans. PATRIOT Act requirements that banks check customer names against terrorist lists become useless.

Money is key in carrying out the acts of terrorism. The 9/11 terrorists had to pay tuition. They had to rent apartments. They had to rent cars and eventually had to buy plane tickets.

It is absurd for Congress to pass laws that attempt to cut off the funding of terrorist groups, as we did in the PATRIOT Act, and then allow regulations to create an end run around the law through tax identity requirements.

Mr. Chairman, in my 18 years in this body, I have seen no piece of legislation that presents a greater threat to national security than this amendment, and I urge the defeat of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to thank him and the gentleman from Ohio (Mr. OXLEY) for offering the amendment.

Let me very briefly say this is not about terrorism and homeland security. This is about immigration. That is the bottom line, because I saw the Republican Convention, as I think many others did, and I heard the number one fighter against terrorism was George W. Bush. If that is true, then the statement of administration policy that all of us have says under the heading of matricula consular card, the administration objects to the provision that would prevent the Treasury Department from spending any funds to issue or enforce regulations that do not preclude acceptance by financial institutions of the matricula consular card as a form of identification. It goes on to say the administration, including the Department of Justice and the FBI, believe that it is appropriate that these regulations provide a flexible standard that accommodates local conditions as well as innovation and verification techniques, not a list of documents or methods that must or must not be used. The administration strongly opposes this provision and supports efforts to remove it from the bill during floor consideration. Hence the administration supports the Oxley-Frank amendment and understands this is not about terrorism. This is ultimately about immigration.

We have seen this siege time and time again, and what it is about really is not only about immigration. It is about targeting Mexican nationals. And why do I say that? Because only the matricula consular out of all of the identity documents in the United States would be explicitly banned by this section of the bill. And yet those of us who want to fight terrorism understand that it is in the ultimate interest to have an identification of who is here and it is the ultimate interest to make sure that we cannot use the banking services unless we have information on who is using it.

Support the Oxley-Frank amendment. Understand that the administration supports it and support our fight against terrorism.

Mr. CULBERSON. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding me this time.

I thank the gentleman from New Jersey for his comments because he is absolutely correct. This is about immigration. It is about immigration. I know it is because I see the apologists for illegal immigrants come to the floor and give speech after speech after speech. And the people over on this side of the aisle want to open the borders and allow as many illegals in because they think they can get them to vote for their guy. And the people over on this side making the argument are multinational corporation apologists who want to get as many people in because it is cheap labor. That is the equation.

In the middle are the patriotic Americans who believe that we have to have cultural continuity in this country and the rule of law.

That is the core of this argument and this debate. I thank the gentleman for bringing his opposition to the Oxley amendment.

Mr. OXLEY. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman from Iowa and the gentleman from New Jersey, who certainly disagree, but they both have one thing in common: They are both wrong.

This is about 326, which is a terrorist financing bill. That is what it is about. And to try to unscramble this egg, I do not think I have ever seen this body so confused, but let us say we took the gentleman's amendment off and we took 326 off because that is what will happen either way tonight, and then what we will have is we will go back to the present system where 350 banks today are accepting these cards. So if the gentleman's amendment passes, we will have no regulations, no monitoring, and they will continue to accept the cards. If the gentleman from Ohio's (Mr. OXLEY) amendment passes, then the banks can accept the cards. The 350 will probably go ahead and accept them. The others will not, and as the gentleman from Arizona (Mr. FLAKE) said, nothing in the regulations say that a bank has to accept these cards. Some of them are doing it now, and they can continue to do it. And the Members need to know that. They are accepting them today, and these regulations are not in force.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for my part in closing, I first want to say it has been a pleasure to work with the gentleman from Massachusetts (Mr. FRANK), my ranking member.

I do not think any of us take a back seat, I know I do not, in fighting terrorism. And our committee was in the thick of passing the PATRIOT Act, and one of the proudest moments I have had as chairman was the section 326 and what we did in the Act, and to see the President sign that was indeed a real honor.

This provision that we had is important in the fight on terrorism. And I regret some of the arguments that indicate otherwise because our committee had it right the first time, and what I regret, frankly, is the Committee on Appropriations stepping into an area that the authorizing committee has the knowledge and the expertise in.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the chairman for yielding to me.

I would just stress no one who understands what drives immigration, legal or illegal, thinks that illegal immigration will decrease by one person if they do not have the matricula consular. I have never heard anyone argue that it is the ability to have the matricula consular that brings people here illegally. So the question is, as the chairman has phrased it, whatever we can do or not do to stop illegal immigration, this has nothing to do with it. There will be people here. This is part of an effort to try to identify some of the people who are here. It is a separate question. And, again, I would ask does anyone really think that if we get rid of the matricula consular that this would decrease illegal immigration by as much as one person? I see no argument for that. And then once we accept that fact, the chairman's argument is correct, that it is a way of dealing with facts that are here, while we try to diminish them to other means, that do have the support of law enforcement because better information is helpful.

Mr. CULBERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a national security issue. The Congress has already spoken through the PATRIOT Act. Section 326 requires the Treasury Department to adopt rules requiring banks to verify the identity of persons opening an account, to keep records of that person's identity, and to consult lists of known terrorists.

The Treasury Department did not do that. The rule adopted by Treasury, against the advice of the FBI, against the advice of the Department of Justice, the rule that the Committee on Appropriations has cut off funding for, the rule the Treasury Department adopted, says that a bank can open an account of a non-U.S. citizen as long as that person shows any government-issued document with a photograph.

This is why the families of 9/11 have come out strongly in opposition to the gentleman from Ohio's (Mr. OXLEY) amendment. This is why the Committee on Appropriations voted to cut off funding for this rule. To quote the families of 9/11, I think they say it so well: All the Members are aware that the 9/11 murderers relied upon government-issued IDs." The Committee on Appropriations cut off funding to this rule because the rule does not require banks to keep records. The rule does not allow banks to accept any kind of foreign government-issued identification. So it is important that Members understand that they need to vote "no" against this amendment in the interest of national security to ensure that Congress' intent in the PATRIOT Act is enforced. It is the only way to stop this Treasury rule from being implemented.

Mr. DREIER. Mr. Chairman, as we all learned just over three years ago, on September 11, 2001, protecting the American people from terrorist attack has become the highest priority of all of us here in the House of Representatives. Shortly after that terrible day, this body came together and passed the USA Patriot Act to enable our law enforcement agencies to more effectively investigate and apprehend foreign terrorists on U.S. soil.

One of our goals when crafting the Patriot Act was to strengthen the ability of our government to track and eliminate funding sources and illicit bank accounts which we know terrorists have used to carry out their deadly attacks. To that end, section 326 of the Patriot Act requires financial institutions to establish "reasonable procedures" to verify the identity of customers seeking to open a new account.

This particular provision of the Patriot Act was written to improve the ability of financial institutions to detect and prevent money laundering and terrorist financing. If we were to block funding for this provision, as the underlying legislation seeks to do, we would be prohibiting the Treasury Department from telling financial institutions that they must verify the identity of the customers. We would also be pushing people toward an underground economy, where tracking terrorist financing becomes even more difficult. And we would be reversing a key anti-money-laundering provision of the Patriot Act, which was specifically singled out by the 9/11 Commission as an important defense against terrorism.

I am, however, very sensitive to concerns regarding the reliability of the Matricula Consular card, in particular, as a valid form of identification. And I recognize that both the Department of Justice and the Federal Bureau of Investigation have stated concerns regarding possible fraudulent use of the Matricula Consular ID.

Because of these concerns, I want to say that I plan to work with my good friend from Texas, Mr. CULBERSON, to address this very important issue. At the end of the day, I am hopeful that we will be able to implement a system that both allows us to root out terrorist financing and give us confidence in the validity of identification documents used at financial institutions. In the meantime, I think it would be wholly short-sighted to cripple our ability to track terrorist financing by supporting the existing language in the bill.

Mr. STEARNS. Mr. Chairman, I rise today in opposition to this amendment. This amendment would strip language in the bill that represents a small but absolutely necessary step toward restoring some sense of sanity to our national immigration policy.

Ever since September 11, we have endured proposals to reward those who come here illegally, while efforts to enact responsible immigration reform have been defeated.

It just doesn't make sense. It seems that we have made no progress whatsoever in controlling illegal immigration.

Time Magazine has just reported that 3 million illegals will enter our country this year, adding to the 10 million who are already here.

This is the largest number since 2001, the year we were attacked. Is this progress?

Instead of cracking down on illegal immigrants and enforcing law and order, our borders are more porous and chaotic than ever.

Not only does this huge amount of illegal immigrants endanger our national security, but our crime rates and taxes are also adversely affected.

I say enough is enough. No more enticing or rewarding illegal immigrants with promises of amnesty or benefits. No more putting our national security at risk.

This means ending the acceptance of Matricula Consular cards, which are issued as a form of identification in Mexico.

Unfortunately, these cards can be easily forged or counterfeited, and they often are.

The FBI reports that there is no centralized database for issuing these cards, there are no uniform standards for its issuance, and in some cases all an applicant has to do to receive a card is say that he is who he purports to be.

The FBI determined that these are not adequate standards, that they are fraught with fraud, and I wholeheartedly agree.

This means that those with criminal backgrounds can easily assume false identities, come here, and break our laws.

This means that even those who are not Mexican can abuse the process and obtain one of these cards.

And don't think that people from Middle Eastern countries aren't trying to enter America over the Mexican border, because they are.

The FBI has noted that an Iranian national was recently found in possession of one of these cards.

And just a few weeks ago, the Associated Press reported that suspected al Qaeda member Adnan El Shurkrijamah might try to cross into Arizona or Texas.

This suspected terrorist has been identified by the FBI as the apparent mastermind of an al Qaeda plot to "launch a mass-casualty attack in the United States."

Mr. Chairman, none of us want illegal aliens using these cards to cross our border or to escape detection once they get here.

None of us want illegal aliens using these cards as a way to obtain driver's licenses or other forms of state-issued ID. Thirteen states, by the way, allow these cards to be used as ID for obtaining a driver's license.

And nobody wants these cards to be used to threaten our national security.

If people are here legally, God bless them, they should be eager to get a state-issued ID, because it's a benefit of citizenship.

And as was mentioned earlier in this debate by opponents of this amendment, there are sufficient measures in place to fight terrorist financing.

Mr. Chairman, I ask my colleagues to support the Department of Homeland Security, to secure our banking system, and to oppose this amendment.

☐ 2100

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). All time for debate has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OXLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. OXLEY) will be postponed.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 166, line 3 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. PETRI. Mr. Chairman, I reserve the right to object.

Mr. Chairman, under the unanimous consent request, at what point in the subsequent proceedings would it be in order to raise points of order? Could they be done at any time, or is there any particular time that they would have to be raised?

The CHAIRMAN pro tempore. If the unanimous consent request is agreed to, then any portion within that point of the bill would be open for points of order.

Mr. PETRI. And they should be made forthwith?

The CHAIRMAN pro tempore. That is correct.

Mr. PETRI. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the bill from page 76, line 8 through page 166, line 3 is as follows:

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $59,525,000: *Provided*, That $8,345,395 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,760,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,900,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,040,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $2,267,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,932,000.

HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $2,475,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $92,696,000, of which $12,075,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: *Provided*, That $4,000,000 of Capital Investment Plan funds may not be obligated until the Executive Office of the President has submitted a report to the Committees on Appropriations that includes an Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance, that is reviewed and approved by the Office of Management and Budget, reviewed by the U.S. General Accountability Office, and approved by the Committees on Appropriations.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $67,759,000, of which not to exceed $1,500 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: *Provided further*, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $28,109,000; of which $1,350,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $30,000,000, which shall remain available until expended, consisting of $10,000,000 for counternarcotics research and development projects, and $20,000,000 for the continued operation of the technology transfer program: *Provided*, That the $10,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $215,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which not less than $208,000,000 shall be provided as base funding to High Intensity Drug Trafficking Areas: *Provided*, That no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided further*, That up to 49 percent, to remain available until September 30, 2006, may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2004, shall be funded at no less than the fiscal year 2004 initial allocation levels unless the Director submits to the House and Senate Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2005 budget request: *Provided further*, That such request shall be made in compliance with the reprogramming guidelines.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $195,000,000 to remain available until expended, of which the following amounts are available as follows: $120,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $70,000,000 to continue a program of matching grants to drug-free communities, of which $1,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,000,000 for the Counterdrug Intelligence Executive Secretariat; $500,000 for the National Alliance for Model State Drug Laws; $1,000,000 for evaluations and research related to National Drug Control Program performance measures; $500,000 for the National Drug Court Institute; $1,500,000 for the United States Anti-Doping Agency for anti-doping activities; and $500,000 for the United States membership dues to the World Anti-Doping Agency: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, no less than 78 percent shall be used for the purchase of advertising time and space for the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,571,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $333,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

TITLE IV—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended $5,686,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) $76,925,000, of which not to exceed $2,000 may be used for official reception and representation expenses. Of the available unobligated balances made available under Public Law 106-246, $8,000,000 are hereby cancelled.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $52,159,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, *and* of which not to exceed $5,000 shall be available for reception and representation expenses: *Provided*, That none of the funds provided in this Act or from any other source may be used to allow any candidate for or member of the House of Representatives or United States Senate to file information and reports required by the Commission in any form other than electronically.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (HAVA), $15,000,000, of which not less than $2,500,000 shall be transferred to the National Institutes of Standards and Technology for election reform activities as authorized by HAVA: *Provided*, That none of the funds under this heading may be used for any member or employee of the Election Assistance Commission for lobbying activities, if the lobbying relates to the advocacy of a change in the date provided under Federal law for general elections for Federal office.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $29,673,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, $19,362,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,996,741,000, of which: (1) $522,251,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
California:
Los Angeles, United States Courthouse, $314,385,000
San Diego, United States Courthouse, $3,068,000
District of Columbia:
Southeast Federal Center Site Remediation, $2,650,000
Maine:
Calais, Border Station, $3,269,000
Madawaska, Border Station, $1,760,000
Maryland:
Montgomery County, Food and Drug Administration Consolidation, $88,710,000
Minnesota:
Warroad, Border Station, $1,837,000
New York:
Alexandria Bay, Border Station, $8,884,000
Massena, Border Station, $15,000,000
North Dakota:
Dunseith, Border Station, $2,301,000
Portal, Border Station, $22,351,000
Texas:
El Paso, Paso Del Norte Border Station, $26,191,000
El Paso, United States Courthouse, $2,714,000
El Paso, Ysleta Border Station, $2,491,000
Vermont:
Derby Line, Border Station, $3,348,000
Norton, Border Station, $1,747,000
Richford, Border Station, $1,545,000
Nonprospectus Construction, $10,000,000
Judgment Fund repayment, $10,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2006, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $931,211,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services: *Provided further*, That the Administrator shall fund the following projects from repair and alterations as the limitation will allow:

Repairs and Alterations:
District of Columbia:
Eisenhower Executive Office Building, $5,000,000
Federal Office Building 6, $8,267,000
Hoover FBI Building, $10,242,000
Mary E. Switzer Building, $80,335,000
New Executive Office Building, $6,262,000
Steam Distribution System, $2,000,000
Theodore Roosevelt Building, $9,730,000
Georgia:
Atlanta, Martin Luther King, Jr. Federal Building, $14,800,000
Atlanta, United States Court of Appeals, $32,004,000
Hawaii:
Hilo, Federal Building, $5,133,000
Louisiana:
New Orleans, Boggs Federal Building, $22,581,000
New Orleans, Wisdom Courthouse of Appeals, $8,005,000
Maryland:
Baltimore, George H. Fallon Federal Building, $46,163,000
Suitland, National Record Center, $7,989,000
Woodlawn, Social Security Administration Altmeyer Building, $6,300,000
Minnesota:
St. Paul, Warren E. Burger Federal Building—Courthouse, $36,644,000
Missouri:
Kansas City, Richard Bolling Federal Building, $40,048,000
New York:
New York, Foley Square Courthouse, $2,505,000

Queens, Joseph P. Addabbo Federal Building, $5,455,000

Ohio:

Cincinnati, Potter Stewart Courthouse, $37,975,000

Cleveland, Celebreeze Federal Building, $37,375,000

Washington:

Seattle, William Nakamura Courthouse, $50,210,000

Special Emphasis Programs:

Chlorofluorocarbons Program, $13,000,000

Energy Program, $30,000,000

Glass Fragment Retention, $20,000,000

Design Program, $49,699,000

Basic Repairs and Alterations, $394,500,000: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for repairs and alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for repairs and alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading repairs and alterations, may be transferred to basic repairs and alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2006 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for basic repairs and alterations may be used to pay claims against the Government arising from any projects under the heading repairs and alterations or used to fund authorized increases in prospectus projects; (3) $161,442,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,672,315,000 for rental of space which shall remain available until expended; and (5) $1,709,522,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2005, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $62,100,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $82,175,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $42,351,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT (E-GOV) FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,449,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended, $7,700,000, of which not to exceed $1,000,000 is for activities authorized by sections 3(a) (8) and (9) of the Presidential Transition Act of 2000, and may be used notwithstanding section 3(f) of such Act (3 U.S.C. 102, note).

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

Sec. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

Sec. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

Sec. 403. Funds in the Federal Buildings Fund made available in fiscal year 2005 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

Sec. 404. No funds made available by this Act shall be used to transmit a fiscal year 2006 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2006 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

Sec. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

Sec. 406. From funds made available under the heading "Federal buildings fund, limitations on availability of revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

Sec. 407. Notwithstanding 40 U.S.C. 524, 571, and 572, the Administrator of General Services may sell the Middle River Depot at Middle River, Maryland, and credit the proceeds of such sale as offsetting collections to the Federal Buildings Fund, to be available, in addition to amounts otherwise appropriated for such Fund, for such capital activities of the Fund as the Administrator may deem appropriate.

SEC. 408. Section 572(a)(2)(A)(ii) of title 40, United States Code, is amended by inserting the following before the period: ", highest and best use of property studies, utilization of property studies, deed compliance inspection, and the expenses incurred in a relocation".

SEC. 409. Notwithstanding any other provision of law, the Administrator of General Services may convey, by sale, lease, exchange or otherwise, including through leaseback arrangements, real and related personal property, or interests therein, and retain the net proceeds of such dispositions in an account within the Federal Buildings Fund to be used for the General Services Administration's real property capital needs: *Provided*, That all net proceeds realized under this section shall only be expended as authorized in annual appropriations acts: *Provided further*, That for the purposes of this section, the term "net proceeds" means the rental and other sums received less the costs of the disposition, and the term "real property capital needs" means any expenses necessary and incident to the agency's real property capital acquisitions, improvements, and dispositions.

SEC. 410. LAND CONVEYANCE, NAHANT, MASSACHUSETTS.—(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Administrator of the General Services Administration may sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at Castle Road, Gardner Road and Goddard Drive in Nahant, Massachusetts to the Town of Nahant. In the event a binding sales contract is not executed within 30 days of enactment the Administrator shall commence with a public, competitive sale of the property.

(b) CONSIDERATION.—As consideration for conveyance under subsection (a), the Town of Nahant shall pay, in a single lump sum payment, $2 million.

(c) DEPOSIT OF FUNDS.—Notwithstanding any other provision of law, the Administrator may deposit the net proceeds in the Real Property Relocation account of the General Services Administration. In the event proceeds exceed $2 million, the net amount in excess of $2 million shall be deposited in the United States Coast Guard Housing Fund established under 14 U.S.C. Sec. 687.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the purchaser.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Adminstrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Adminstrator considers appropriate to protect the interests of the United States.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $34,683,000 together with not to exceed $2,620,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,984,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289), notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,301,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $264,185,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $35,914,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $7,182,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $3,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,238,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $120,444,000, of which $2,000,000 shall remain available until expended for the cost of the enterprise human resources integration project, $6,615,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery; $800,000 shall remain available until expended for the cost of the e-human resources information system project; $2,000,000 shall remain available until expended for the cost of the e-clearance project; and $3,300,000 shall remain available until expended for the recruitment one stop project; and in addition $128,462,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2005, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,627,000, and in addition, not to exceed $16,461,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

HUMAN CAPITAL PERFORMANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For a human capital performance fund, as authorized by 5 U.S.C. 5408, $12,514,000: *Provided*, That such amounts as determined by the Director of the Office of Personnel Management may be transferred to Federal agencies to carry out the purposes of this fund as authorized by 5 U.S.C. 5403: *Provided further*, That no funds shall be available for obligation or transfer to any Federal agency until the Director has notified the relevant subcommittees of jurisdiction of the Committees on Appropriations of the approval of a performance pay plan for that agency, and the prior approval of such subcommittees has been attained.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $15,449,000.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $61,709,000, which shall not be available for obligation until October 1, 2005: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2005.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $41,180,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE V—GENERAL PROVISIONS

THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 502. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 505. For the purpose of any applicable law, for fiscal years 2004 and 2005, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City urbanized area.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 507. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 508. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 509. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy America Act").

SEC. 510. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—Hereafter, in the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 511. Hereafter, if it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 512. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2005 from appropriations made available for salaries and expenses for fiscal year 2005 in this Act, shall remain available through September 30, 2006, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 513. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 514. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 515. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 516. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 517. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 518. The provision of section 517 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 519. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is greater;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is greater; or

(7) creates or reorganizes a branch, division, office, bureau, board, commission, agency administration, or department different from the budget justifications submitted to the Committees on Appropriations;

unless prior approval is received from the House and Senate Committees on Appropriations.

SEC. 520. EXEMPTION FROM LIMITATIONS ON PROCUREMENT OF FOREIGN INFORMATION TECHNOLOGY THAT IS A COMMERCIAL ITEM.—In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code, that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 521. It is the sense of the House of Representatives that empowerment zones within cities should have the necessary flexibility to expand to include relevant communities so that empowerment zone benefits are equitably distributed.

SEC. 522. It is the sense of the House of Representatives that all census tracts contained in an empowerment zone, either fully or partially, should be equitably accorded the same benefits.

SEC. 523. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 524. It is the sense of Congress that, after proper documentation, justification, and review, the Department of Transportation should consider programs to reimburse general aviation ground support services at Ronald Reagan Washington National Airport, and airports located within fifteen miles of Ronald Reagan Washington National Airport, for their financial losses due to Government actions after the terrorist attacks of September 11, 2001.

SEC. 525. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2005 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2005, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2005, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2005, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2005 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2005 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2004, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2004, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2004.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 616. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 617. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 618. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating,

denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 619. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 620. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 621. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 622. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 623. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 624. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 625. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 626. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 627. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, government-wide policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Federal Acquisition Council for procurement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed $17,000,000: *Provided further*, That such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 628. None of the funds made available in this or any other Act may be used by the Office of Personnel Management or any other department or agency of the Federal Government to prohibit any agency from using appropriated funds as they see fit to independently contract with private companies to provide online employment applications and processing services.

SEC. 629. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 630. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 631. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 632. Subsection (f) of section 403 of Public Law 103-356 (31 U.S.C. 501 note), as amended, is further amended by striking "October 1, 2004" and inserting "October 1, 2005".

SEC. 633. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 634. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 635. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.'

SEC. 636. None of the funds made available under this or any other Act for fiscal year 2005 shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc. unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

SEC. 637. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to (a) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card, or (b) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 638. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 639. None of the funds provided in this Act shall be used to implement or enforce regulations for locality pay areas in fiscal year 2005 that are inconsistent with the recommendations of the Federal Salary Council adopted on October 7, 2003.

SEC. 640. (a) Not later than 180 days after the enactment of this Act, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

SEC. 641. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 642. Subsection (e) of section 3716 of title 31, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding any other provision of law (including 42 U.S.C. 407 and 1383(d)(1), 30 U.S.C. 923(b), and 45 U.S.C. 231(m), regulation, or administrative limitation, no limitation shall terminate the period within which an offset may be initiated or taken pursuant to this section.

"(2) This section does not apply when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.".

SEC. 643. Section 453(j) of the Social Security Act (42 U.S.C. 653(j)), is amended by adding at the end the following new paragraph:

"(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN FEDERAL DEBT COLLECTION.—

"(A) FURNISHING OF INFORMATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall furnish to the Secretary, on such periodic basis as determined by the Secretary of the Treasury in consultation with the Secretary, information in the custody of the Secretary of the Treasury for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to persons—

"(i) who owe delinquent nontax debt to the United States; and

"(ii) whose debt has been referred to the Secretary of the Treasury in accordance with 31 U.S.C. 3711(g).

"(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Secretary of the Treasury shall seek information pursuant to this section only to the extent necessary to improve collection of the debt described in subparagraph (A).

"(C) DUTIES OF THE SECRETARY.—

"(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Secretary of the Treasury, shall compare information in the National Directory of New Hires with information provided by the Secretary of the Treasury with respect to persons described in subparagraph (A) and shall disclose information in such Directory regarding such persons to the Secretary of the Treasury in accordance with this paragraph, for the purposes specified in this paragraph. Such comparison of information shall not be considered a matching program as defined in 5 U.S.C. 552a.

"(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) of this title shall be given priority over collection of any delinquent federal nontax debt against the same income.

"(D) USE OF INFORMATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury may use information provided under this paragraph only for purposes of collecting the debt described in subparagraph (A).

"(E) DISCLOSURE OF INFORMATION BY THE SECRETARY OF THE TREASURY.—

"(i) PURPOSE OF DISCLOSURE.—The Secretary of the Treasury may make a disclosure under this subparagraph only for purposes of collecting the debt described in subparagraph (A).

"(ii) DISCLOSURES PERMITTED.—Subject to clauses (iii) and (iv), the Secretary of the Treasury may disclose information resulting from a data match pursuant to this paragraph only to the Attorney General in connection with collecting the debt described in subparagraph (A).

"(iii) CONDITIONS ON DISCLOSURE.—Disclosures under this subparagraph shall be—

“(I) made in accordance with data security and control policies established by the Secretary of the Treasury and approved by the Secretary;

“(II) subject to audit in a manner satisfactory to the Secretary; and

“(III) subject to the sanctions under subsection (l)(2).

“(iv) Additional disclosures.—

“(I) Determination by secretaries.—The Secretary of the Treasury and the Secretary shall determine whether to permit disclosure of information under this paragraph to persons or entities described in subclause (II), based on an evaluation made by the Secretary of the Treasury (in consultation with and approved by the Secretary), of the costs and benefits of such disclosures and the adequacy of measures used to safeguard the security and confidentiality of information so disclosed.

“(II) Permitted persons or entities.—If the Secretary of the Treasury and the Secretary determine pursuant to subclause (I) that disclosures to additional persons or entities shall be permitted, information under this paragraph may be disclosed by the Secretary of the Treasury, in connection with collecting the debt described in subparagraph (A), to a contractor or agent of either Secretary and to the Federal agency that referred such debt to the Secretary of the Treasury for collection, subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

“(v) Restrictions on redisclosure.—A person or entity to which information is disclosed under this subparagraph may use or disclose such information only as needed for collecting the debt described in subparagraph (A), subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

“(F) Reimbursement of hhs costs.—The Secretary of the Treasury shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph. Any such costs paid by the Secretary of the Treasury shall be considered costs of implementing 31 U.S.C. 3711(g) in accordance with 31 U.S.C. 3711(g)(6) and may be paid from the account established pursuant to 31 U.S.C. 3711(g)(7).”.

Sec. 644. (a) In General.—Section 6402 of the Internal Revenue Code of 1986, is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

“(f) Collection of Past-Due, Legally Enforceable State Unemployment Compensation Debts.—

“(1) In general.—Upon receiving notice from any State that a person owes a past-due, legally enforceable State unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

“(A) reduce the amount of any overpayment payable to such person by the amount of such unemployment compensation debt;

“(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

“(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a past-due, legally enforceable State unemployment compensation debt. If an offset is made pursuant to a joint return, the notice under subparagraph (B) shall include the names, taxpayer identification numbers, and addresses of each person filing such return.

“(2) Priorities for offset.—Any overpayment by a person shall be reduced pursuant to this subsection—

“(A) after such overpayment is reduced pursuant to—

“(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

“(ii) subsection (c) with respect to past-due support;

“(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

“(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b). If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) and/or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

“(3) Notice; consideration of evidence.—No State may take action under this subsection until such State—

“(A) notifies the person owing the past-due legally enforceable State unemployment compensation debt that the State proposes to take action pursuant to this section;

“(B) gives such person at least 60 days to present evidence that all or part of such liability is not past-due or not legally enforceable;

“(C) considers any evidence presented by such person and determines that an amount of such debt is past-due and legally enforceable; and

“(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such unemployment compensation debt.

“(4) Past-due, legally enforceable state unemployment compensation debt.—For purposes of this subsection, the term ‘past-due, legally enforceable State unemployment compensation debt’ means overpayments of unemployment compensation assessed under the law of a State certified by the Secretary of Labor pursuant to section 3304 of the Internal Revenue Code, which have become final under State law and remain uncollected.

“(5) Regulations.—The Secretary shall issue regulations prescribing the time and manner in which States must submit notices of past-due, legally enforceable State unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations shall specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied. The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure. The regulations may include a requirement that States submit notices of past-due, legally enforceable State unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

“(6) Erroneous payment to state.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).”.

(b) Disclosure of certain information to States requesting refund offsets for past-due legally enforceable State unemployment compensation debt.

(1) Paragraph (10) of section 6103(l) is amended by striking “(c), (d), or (e)” each place it appears and inserting “(c), (d), (e) or (f)”.

(2) Paragraph (10)(A) of section 6103(l) is amended by inserting “and to officers and employees of the Department of Labor in connection with a reduction under subsection (f) of section 6402” after the words “section 6402”.

(3) The heading of paragraph (10) is amended by striking “subsection (c), (d), or (e) of section 6402” and inserting “subsection (c), (d), (e) or (f) of section 6402”.

(c) Conforming Amendments.—

(1) Subsection (a) of section 6402 is amended by striking “(c), (d), and (e),” and inserting “(c), (d), (e) and (f),”.

(2) Paragraph (2) of section 6402(d) is amended by striking “and before such overpayment is reduced pursuant to subsection (e)” and inserting “and before such overpayment is reduced pursuant to subsections (e) and (f)”.

(3) Subsection (g) of section 6402, as redesignated by subsection (a), is amended by striking “(c), (d) or (e)” and inserting “(c), (d), (e) or (f)”.

(4) Subsection (i) of section 6402, as redesignated by subsection (a), is amended by striking “subsection (c) or (e)” and inserting “subsection (c), (e) or (f)”.

(d) Effective Date.—The amendments made by this section shall be effective as to refunds payable under section 6402 of the Internal Revenue Code on or after the date of enactment.

Sec. 645. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2005 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.5 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2005.

(b) Notwithstanding section 613 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2005 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to section 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2005.

SEC. 646. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or any other Act shall be available to convert to contractor performance an activity or function of an executive agency, that on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(1) the conversion is based on the result of a public-private competition plan that includes a most efficient and cost effective organization plan developed by such activity or function, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003; and

(2) the Competitive Sourcing Official determines whether over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000.

The CHAIRMAN pro tempore. Are there any points of order to this portion of the bill?

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against section 505.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. PETRI. Mr. Chairman, I raise a point of order against section 505 on page 117, line 7 through line 10.

This provision violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

This section contains legislative prescription. Therefore, the point of order is sustained. Section 505 is stricken.

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against the language on page 148, lines 11 through 21.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. PETRI. The language referred to constitutes a violation of House rule XXI which prohibits provisions, changing existing law in a general appropriations bill, especially since it contains the language "or any other act," which clearly changes existing law, and includes a proviso relating to a specific determination by the agency which also changes substantive law. This is legislating on an appropriations bill in violation of the rules of the House.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section addresses funds in other acts. This section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. Section 636 is stricken from the bill.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Chairman, I have a parliamentary inquiry. Mr. Chairman, was that section 636?

The CHAIRMAN pro tempore. The gentleman is correct.

POINT OF ORDER

Mr. SOUDER. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SOUDER. Mr. Chairman, I raise a point of order against the fourth proviso under the heading, "High Intensity Drug Trafficking Areas" program on page 85, lines 10 to 19. This provision violates clause 2(b) of House rule XXI and proposes to change existing law within the jurisdiction of the Committee on Government Reform and, therefore, constitutes legislating on an appropriations bill in violation of the House rules.

Mr. Chairman, this provision is clearly authorizing language in appropriations legislation, and I am disappointed that it is in the bill. It directly violates language used in H.R. 2096, the Office of National Drug Control Policy Act 2003.

Not only did this pass the House, it passed our subcommittee and full committee unanimously, which is no small feat. Four major committees of this House either waived or sent additional information into the Committee on Rules, the Committee on Education and Workforce, the Committee on Energy and Commerce, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence. Then it came to the floor of the House and passed unanimously.

So I do not understand why in the relations with other committees they would not have worked with us when they choose to authorize on an appropriations bill.

Let me get to the specifics of this. This has to do with High Intensity Drug Trafficking Areas. What has happened to this program, which was supposed to focus on High Intensity Drug Trafficking Areas, it has become a pork program in many cases to move money around to individual Members' personal HIDTAs. The bill that passed the House unanimously says that will give flexibility to the appropriators, but there has to be a fixed amount that goes to the southwest border HIDTA, which is the number one drug trafficking point we have in the United States, and then next to the seven HIDTAs originally authorized and appropriated by the Committee on Appropriations, and then the rest of the money can be divided; but you have to have some priority system in the HIDTA program.

We have passed this unanimously in the House. We see the changing patterns of drug trafficking. We know we need more HIDTAs. We know we need more money. We have methamphetamine problems across the country. But when we establish a program and we have rules of the House, that needs to be followed.

So I appreciate all of the work that the chairman has done in the drug area, and I regret that I have to make a point of order; but I believe that without this point of order, this bill is in clear violation of the House rules and would also devastate our High Intensity Drug Trafficking Program.

The CHAIRMAN pro tempore. The Chair would remind Members that they should confine their remarks to the point of order.

If no other Member wishes to be heard on this point of order, the Chair is prepared to rule.

The Chair finds that this proviso includes language imparting direction. It therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The fourth proviso is stricken from the last paragraph that begins on page 84.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Chairman, I make a point of order against section 642 as legislation in an appropriations bill.

The CHAIRMAN pro tempore. Does the gentleman wish to speak on his point of order?

Mr. FRANK of Massachusetts. No, Mr. Chairman. I think it is pretty clear.

The CHAIRMAN pro tempore. Does any other Member wish to be heard?

If not, the Chair is prepared to rule.

The Chair finds that this section directly amends existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 642 is stricken from the bill.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Chairman, I make a point of order that section 643 is legislation in an appropriations bill.

The CHAIRMAN pro tempore. Does the gentleman wish to be heard on his point?

Mr. FRANK of Massachusetts. I make the same argument as I made on the previous point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard?

If not, the Chair is prepared to rule.

The Chair finds that this section directly amends existing law. This section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 643 is stricken from the bill.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Chairman, I make a point of order that section 644 is legislation on an appropriations bill and therefore should be stricken.

The CHAIRMAN pro tempore. The same response?

Mr. FRANK of Massachusetts. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. If there are no other remarks, the Chair is prepared to rule.

The Chair finds that this section directly amends existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 644 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I have 11 points of order, and I will try to go through them quickly.

I rise for a point of order against section 407. This provision violates clause 2(b) of the House rule XXI. I could speak longer, but I can end here.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section explicitly supercedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 407 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 408. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard?

If not, the Chair is prepared to rule.

The Chair finds that this section directly amends existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 408 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 409. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard?

If not, the Chair will rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 409 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 410. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard?

If not, the Chair is prepared to rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 410 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 509. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard on this point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section contains a legislative contingency. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 509 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 510. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section expresses a legislative sentiment. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 510 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 511. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section contains legislative prescription. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 511 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 628. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard on this point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section addresses funds in other acts. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 628 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 637. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section imparts direction. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 637 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I raise a point of order against section 640. This provision violates clause 2(b) of House rule XXI.

The CHAIRMAN pro tempore. Does any Member wish to be heard?

If not, the Chair is prepared to rule.

The Chair finds that this section imparts direction. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 640 is stricken from the bill.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, finally, and I do appreciate the indulgence of the House and the chairman of the subcommittee, I make a point of order against section 646. This provision violates clause 2(b) of House rule XXI. That is section 646.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section addresses funds in other acts. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. Section 646 is stricken from the bill.

Are there any other points of order to this portion of the bill?

Are there any amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POMBO:

At the end of the bill before the short title, insert the following:

SEC. 647. None of the funds made available in this Act shall be available for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places.

□ 2115

Mr. POMBO. Mr. Chairman, my amendment is a simple one. No funds in this bill are to be used by the Federal Highway Administration to pursue a nationwide programmatic agreement that would make part of the Interstate Highway System eligible for inclusion on the National Register Of Historic Places.

I do not question the historic importance of the Interstate Highway System. Things like the Golden Gate and

George Washington Bridges are undoubtedly historic elements that should be protected. However, the importance of these elements does not make the entire system something that should be shoehorned into the Historic Preservation Act.

The programmatic agreement has several problems, including the fact that my committee which has exclusive jurisdiction over the National Historic Preservation Act was not included. Another and more basic problem with the programmatic agreement is the fact that it incorrectly assumes that the entire interstate highway system is something that should be eligible for inclusion on the register. In other words, including massive public work projects like the interstate system is not consistent with the intent of the Historic Preservation Act.

Little, if anything, would be gained by listing the interstate system on the register and it is becoming more and more obvious that there is a growing effort by some groups to use Federal laws such as the Historic Preservation Act to further a land usage agenda which includes preventing road construction.

Finally and most important, adding another bureaucratic layer by listing the interstate system could have the effect of delaying critical safety improvements in a timely way.

All of this being said, I understand the Federal Highway Administration may attempt to craft an administrative exemption for the interstate system. It is not my intention that my amendment would affect that effort.

Finally, I want to say that dealing with the issue of including the interstate system on the National Register is yet another reason why we need to complete work on the 6-year transportation bill, which will include a strong exemption of the interstate system from the Historic Preservation Act. With that, I ask the support of my amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there further discussion on the amendment?

The question is on the amendment offered by the gentleman from California (Mr. POMBO).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. DE LAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

At the end of the bill (before the short title), insert the following:

SEC. 647. None of the funds made available in this Act may be used to enter into any contract with an incorporated entity where such entity's sealed bid or competitive proposal shows that such entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama.

Ms. DELAURO (during the reading). Mr. Chairman, I ask the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendment thereto be limited to 20 minutes to be equally divided and controlled by the proponents and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentlewoman from Connecticut (Ms. DELAURO) will control 10 minutes. The gentleman from Oklahoma (Mr. ISTOOK) will control 10 minutes in opposition.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is simple. It would prevent the departments and agencies under this bill from using any funds to contract with American companies which have created shell corporations in tax haven countries in order to avoid paying U.S. taxes. Both the House and the Senate have now passed a similar ban on the Homeland Security Appropriations bill.

Recent data shows that despite costing our government $5 billion in lost tax revenue, corporate expatriates reaped $1.4 billion in Federal contracts in 2002 alone. This in the middle of a budget crisis. As a result, this bill lacks sufficient funding for public transit for the Nation's commuters and for Amtrak.

We are struggling to find the resources to fund an ongoing war on terrorism, to equip our first responders, and ensure the safety of our ports and air transit. The notion that we would reward these companies for their bad behavior with taxpayer funded contracts is not only counterintuitive, it offends our values as Americans.

This amendment will not affect existing contracts. Let me repeat that. This amendment will not affect existing contracts. It will simply ensure that in the future we will favor good corporate citizens with government contracts rather than rewarding companies for moving overseas and putting tax paying American companies at a permanent competitive disadvantage.

Failing to pass this amendment will allow companies who reduce their tax burdens by setting up these shell corporations overseas to underbid these good corporate citizens. That hurts American companies who pay their taxes and employ citizens across this Nation.

These companies have made a clear choice to leave this country and not pay their taxes. It is now up to us to make a choice. We should set standards. We should set the tone. We should set the obligation that if they are going to do that and not pay taxes in the United States, then in fact they can not feed at the public trough and get government contracts.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is important that we distinguish what is being claimed from what is actually being sought. I want to read to people so they understand. I want to read to them what this amendment actually says. I ask the gentlewoman that if we have the wrong copy for any reason, please correct us.

The amendment that is before the House states, "None of the funds made available in this act may be used to enter into any contract with an incorporated entity where such entity's sealed bids or competitive proposal shows that such entities is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua or Panama."

This is not about corporations that started in the U.S. and went someplace else. This is not about corporations that are necessarily involved in any colorable claim of tax evasion.

This is saying if you are chartered in Bermuda, Barbados, the Cayman Islands, Antigua or Panama, you cannot do business with the United States Government. It does not matter whether you are a big company or a small one. It does not matter whether you are offering lodging or travel services or financial services or what knows what. It does not matter if you ever had a presence in the United States before this time. This is not about jobs that started in the U.S. and have been moved overseas.

No matter what you claim the amendment may be about, it is important that everyone who votes on the amendment reads it and knows what it is really doing.

Now, we could just as easily say, we have got some beefs with France. Why do we not add France to this list? There are a lot of Americans that are unhappy about France. Or we could say maybe somebody does not want America to do business with Italy or South Africa or Luxembourg, Thailand, pick your country. Automatically, automatically under the amendment being offered here we are going to pick out nations and start disqualifying them not based upon any logical claim that they have done something wrong in transferring jobs or trying to evade our tax laws, but that is where they are incorporated.

I think that is a bad policy, Mr. Chairman, and I would ask people to vote against the amendment.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I thank the gentleman. I appreciate his comments and his argument except that the countries were culled from a list of corporate expatriates and their countries of incorporation. They are the top destinations of corporate tax dodgers. It is also I think important for people to know none are members of the WTO.

Mr. ISTOOK. Reclaiming my time, I thought I was yielding for a question.

The fact that there may be corporate expatriates in these countries does not mean you should disqualify everybody that is in those countries. If you want to get at corporate expatriates, go after them, but do not say that because, maybe, let us pick a number, maybe it is as high as 5 percent of the companies that are chartered in one of these nations is a corporate expatriate you are disqualifying 100 percent.

I do not know what those ratios are, but I do know the vast majority of companies in these nations are not corporate expatriates. The fact that the list that you have of corporate expatriates say these are their chosen destinations does not mean that everybody in those countries are corporate expatriates.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. Mr. Chairman, no. I do not want running debate.

Just because people that may do a corporate inversion, may choose to go to these countries does not mean that everybody that is in there is. If you live in a country or in a city where there is a lot of crime, it does not mean that you are a criminal. You do not say we will go out and penalize everybody in that community because some among them are people that we do not like. We should not do that to any other country on the Earth.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman would not yield me time and I want to say that, in fact, we have been trying over the last probably 2 years to deal with the issue of corporate expatriates. And, quite frankly, as I said in my opening remarks, we have had success in both the House and the Senate. And they have now passed a civil ban on the Homeland Security Appropriations bill. And that is because the rank and file members of this institution and in the other body realize that, in fact, this is the height of un-Americanism.

These are corporations who try to diminish their tax liabilities by going overseas to places like Bermuda and the Cayman Islands, and they do it for one purpose and one purpose alone, and that is not to pay their fair share of taxes to this country.

We have tried in committee, we have tried in the floor and we have, truly, we have had moderate success and for that I am grateful to my colleagues on both sides of the aisle. But the fact of the matter is that at every opportunity the leadership on the other side of the aisle, the White House, have truly removed, removed the will of the body in their legislation in the bills that have been passed here.

I would say to you that we are going to continue to address this issue. We do need to make a choice. We do have to demonstrate values and what we are about, and whether or not we are going to allow businesses who walk away from their tax obligation and their responsibility to the United States of America, we are going to allow them as we did this here afternoon to be exonerated from legal liability and then we are going to say to them, come back and get government contracts because your behavior has been so exemplary that we want to reward you with billions and billions of dollars of taxpayers funds.

Do we really believe that that says what this country is all about? It defies logic. Individuals in this Nation and businesses who are good corporate citizens are paying their fair share of taxes. They cannot evade them. They cannot dodge them. Why should these corporations be allowed to do that at a time when we have so few resources that we cannot do anything about health care, about retirement security, about education, about transportation?

□ 2130

I say to my colleagues, those who vote against this amendment surely do have some explaining to do to their constituents and their constituents deserve an answer; and if the answer is they will allow these tax dodgers to be able to get billions of dollars in Federal funds and in contracts, then maybe the constituents ought to think twice when election time rolls around.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I have no other speakers except myself to close. I am not sure if the gentlewoman has any other speakers or if she was yielding back her time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). She reserved her time.

Mr. ISTOOK. Mr. Chairman, I reserve my time until closing. I believe I have the right to close.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) has the right to close.

Ms. DELAURO. Mr. Chairman, I yield myself the remaining time.

In closing, let me just say I have no other speakers. As I have said, this is an issue of values, and it is an issue of priorities. We talk a lot today about values and what they mean in our lives, what they mean to this country and who, in fact, is the best representation of the fundamentals of this country, as adhered to in its entire history.

If my colleagues want to stand with corporations who have abandoned our country in a time of war and have gone through such elaborate contortions to avoid paying U.S. taxes or they have to look into their souls tonight and say can they stand with those companies who have been good corporate citizens, they employ Americans, they live up to their responsibilities to their Nation, I think if we ask any American citizen, whether they be a Democrat or a Republican, that the answer would be the same. I have to pay my taxes, why do they not?

Let us put this people's House on record. Let us take an opportunity to demonstrate that we are on the side of everyday Americans, middle-class Americans, and let us tell these corporate expatriates, the free ride is over. Vote in favor of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I just want to reiterate that this is not an amendment aimed at corporate inversions. This is not an amendment aimed at expatriating companies from the United States. This is an amendment that says if you are in those countries, you are not only presumed to be guilty, you are judged beyond all doubt that you are guilty and we do not want to do business with you. It is presuming guilt, not presuming innocence. It is making guilt not just an assumption, but an absolute finding that nobody can question.

This would cut off trade between our Nation and Bermuda, Barbados, the Cayman Islands, Antigua, and Panama. Talk about going too far. If my colleagues want to go after companies that were once in the U.S. and moved their headquarters to these, fine, bring an amendment that is targeted that way; but do not say that every business in these countries is disqualified. The vast majority of those in these nations are not corporate expatriates. They are not corporate inversions. My colleagues disqualify every business in those nations, not just those who may have moved their corporate presence out of the United States and into them.

This amendment goes too, too far. It ought to be rejected. It is not what the author purports it to be, and I ask people to reject the amendment accordingly.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount made available for "Financial Crimes Enforcement Network—Salaries and Expenses"; and reducing the amount made available for "General Services Administration—Real Property Activities—Federal Buildings Fund" (consisting of a reduction of $12,750,000 in the amount made available for rental of space and a reduction of $12,750,000 in the amount made available for building operations); by $25,500,000.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from New York (Mrs. KELLY) will control 10 minutes and the gentlewoman is recognized.

Mrs. KELLY. Mr. Chairman, I ask unanimous consent that the amendment be considered as the Kelly-Oxley-Frank-Gutierrez-Royce-Maloney-Lowey amendment.

The CHAIRMAN pro tempore. The Chair would state that the gentlewoman's unanimous consent request does not recognize cosponsors, but we will acknowledge that there are others that are with her on this.

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

This is a solidly bipartisan amendment to increase funding for the Financial Crimes Enforcement Network within the Treasury Department, which is known as FinCEN.

This amendment increases funding for the Financial Crimes Enforcement Network, FinCEN, by $25.5 million to provide new tools to expand and improve the agency's ability to combat terrorist financing. This money would be used to secure the appropriate application of state-of-the-art technology that would dramatically improve FinCEN's ability to track terrorist financing and enable the agency to hire very much-needed, full-time employees to improve compliance with the anti-terror finance laws.

Mr. Chairman, I want to thank the gentleman from Oklahoma (Chairman ISTOOK) for allowing me to offer this amendment at this time. I know he recognizes the important role of FinCEN, and he did that by meeting the level requested by the administration at the start of this year, but things have changed since the start of this year. The need for FinCEN to have more money is more acute than was originally thought.

I offer this amendment because I think the modest funding in this bill will not be enough, and that is based on the amount of hearings that we have held and the testimony of the GAO in front of my committee. They testified that FinCEN needs $25.5 million in order to do the job that FinCEN must do, and that is, to disseminate the information that FinCEN collects to the appropriate agencies. This is a piece of the fight against terrorism.

Mr. Chairman, I yield such time as he might consume to the gentleman from Ohio (Mr. OXLEY), the chairman of the full Committee on Financial Services.

Mr. OXLEY. Mr. Chairman, let me first commend the gentlewoman from New York (Mrs. KELLY) and the other cosponsors for this important legislation.

In late August, our committee held a hearing on the 9/11 Commission recommendations. We heard from the Homeland Security Department, we heard from the Justice Department and the Treasury Department. A lead witness was our former colleague and good friend. Lee Hamilton from Indiana, who, as my colleagues know, was the vice chair of the 9/11 Commission, vice chair to Governor Kean of New Jersey.

In his testimony, Mr. Hamilton made it very clear that FinCEN not only plays an important logistical and strategic position in determining and finding terrorist financing, but that their desire for new technology and a need for new technology was very much appreciated by the commission. As a result of that testimony, the gentlewoman from New York (Mrs. KELLY), showing excellent leadership having had a number of oversight hearings on terrorist financing, and indeed the gentlewoman from New York (Mrs. KELLY) is one of the real experts in this Congress on terrorist financing, she felt it imperative to introduce this legislation that would provide another $25 million so FinCEN could provide this kind of information in real-time, working with some 70 other countries to locate, identify, in some cases freeze, or certainly try to recapture those amounts of funding by terrorist groups.

So I come to the floor not only as a cosponsor of the gentlewoman from New York's (Mrs. KELLY) amendment, but as chairman of the Committee on Financial Services to say that clearly Mr. Hamilton made the kind of point that all of us need to listen to. As we will begin our efforts in the Congress to adopt the 9/11 Commission report this month or early next month, this is a first opportunity we have in this vehicle, this appropriations measure to show that the Congress is serious about funding FinCEN with the kind of funding necessary for them to be fully implemented and fully up to speed in terms of technology. That is what this amendment is about, and I commend the gentlewoman.

Twenty-five million dollars in the overall scheme of things in an appropriation is not a lot of money, but FinCEN is not a large government bureaucracy. It is a very effective, relatively small group that does an excellent job.

So I stand here in strong support of the gentlewoman from New York's (Mrs. KELLY) amendment.

Mrs. KELLY. Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time to close.

Mrs. KELLY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I am proud to offer along with my colleagues an amendment to increase funding by $25.5 million for the Financial Crimes Enforcement Network, an agency that is critically important to our efforts to combat terrorist financing and money laundering.

I am pleased to work, once again, with the gentlewoman from New York (Mrs. KELLY), my cochair on the congressional Anti-Terrorist Financing Task Force. We have also worked on these issues in our roles on the oversight subcommittee in the Committee on Financial Services, and I thank her for her leadership on these issues which are so important to both of us.

Since its establishment in 1990, FinCEN has been dedicated to collecting, analyzing, and distributing financial data to help identify and trace financial intersection of potential criminal and terrorist activity. While FinCEN is a small agency with relatively little funding, the agency is at the center of our Nation's anti-money laundering infrastructure, supporting the critical work of the financial services, law enforcement and intelligence communities.

Recently, the 9/11 Commission stressed the importance of building global alliances. FinCEN also plays a key role in our country's international efforts to trace illicit money by actively promoting coordination with other countries. The agency chairs a global network of 94 countries that works to improve funding and information sharing and interaction.

Increasing funding for FinCEN by a small amount would have a significant impact on our government's ability to fight the global war against terrorism. In fact, it is estimated that the agency needs $25 million to expand and improve its capabilities. It will help FinCEN secure the appropriate application of state-of-the-art technology that would dramatically improve its ability to track and expose terrorist financing.

I hope we can all join in adding this very, very necessary $25.5 million.

Mrs. KELLY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), my colleague.

□ 2145

Mrs. MALONEY. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her leadership on oversight terrorist financing and money laundering; and, in fact, she has spearheaded a leadership role on an Anti-Terrorism Task Force on which I serve.

Mr. Chairman, this is a very, very important amendment. FinCEN is currently a small bureau of the Treasury Department, but it has suddenly been put into the position of being at the very center of the government effort to combat terrorist financing. If the 9/11 Commission recommendations were implemented, and I firmly support all 41 of the recommendations and have introduced legislation to implement them, FinCEN would be required by the government to analyze and distribute financial information for all of the United States Government. They have very few members now in their area, and this money is needed for the technology and the infrastructure and the personnel to complete the task that is being thrust upon them.

FinCEN was underfunded in the budget request, therefore this amendment is very much needed and very much in order. We know that the terrorists, like any small business, if they are out of money, they are out of business. And if you track the money, you can figure out what is going on.

Mr. Chairman, this is a tremendously important amendment. I support this $25 million allocation and I hope that my colleagues will join me in supporting it in a bipartisan way.

Mr. ISTOOK. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time, and to the Members of this body, we had a request from the President for $64.5 million for FinCEN. In the chairman's mark at the subcommittee level, the number that the chairman gave for this agency was $59 or $60 million, exactly $60 million. I urged, and persuaded actually, I think, the chairman to raise that to the President's request, to $64.5 million, because I felt this was a very important agency. It is a frontline agency of the Department of the Treasury for fighting financial crimes and getting at terrorist networks.

Now, the President has never been very shy about asking for large sums of money increases if he really thought that those were necessary. He has asked for some other agencies within this legislation for at least a 50 percent increase in the monies. The amendment that the gentlewoman from New York has now offered has grown since I first heard about it earlier this evening from about $8 million, which I probably would not have bothered to stand up for, but now it is $25 million, on top of what is already the President's full request for this agency.

There has been no information given to me, as the ranking member, from any of the people who are saying this is an important thing to do that we need this kind of an increase. I am not quite sure that any agency is able to take a 60 percent increase all at once in an effective kind of a way. I would think it would be much better that we try to work this out in conference and see whether in fact the President's Office of Budget, and so forth, thinks that this is what we ought to be doing at this time.

So at this point, Mr. Chairman, I am going to oppose and vote against the amendment as it has been proposed, as best I understand it, because I have heard no real evidence for how this would be done. No one has come to me as the ranking member to defend this kind of an increase in the amount for this agency.

Mrs. KELLY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentlewoman from New York has 30 seconds remaining.

Mrs. KELLY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the President's request for FinCEN was made prior to several high-profile regulatory failures. Since then, the 9/11 Commission has testified before our committee, and the Committee on Financial Services has also looked at this and has also considered this legislation. It is very important to FinCEN. It is very important in our fight against the terrorists financing that we give FinCEN the appropriate amount of appropriate money that they deserve. So I urge Members to support my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I very much appreciate the words of my ranking member, the gentleman from Massachusetts (Mr. OLVER), and I agree with him that this matter is going to ultimately be resolved in conference.

We have had a very tight bill, and I realize that some Members think that, well, because money has been freed up by all these points of order that we can accomplish lots of things now. But when we get back to conference, we have to compare the priority of this proposal with everything else.

FinCEN has already received in this bill a 12.7 percent increase. The administration has not asked us for one penny more. We have given them every penny they have asked for, and if they are communicating with other Members of Congress and not coming to our committee about their financial needs, they are sure going about things the wrong way.

When someone says, well, maybe they need $8 million more, and then it balloons up to $25 million more, that is going about things the wrong way. And so I am not going to subject Members of this body to a vote for somebody claiming that this is crucial to fight terrorism when we have not even had a proposal from the administration that reflects how supposedly this money would be spent to do that.

We will take care of the needs of FinCEN, the legitimate needs, in conference. We will make sure that the effort to combat the financial network of terrorism is fully funded. But to say on the spur of the moment, and to suddenly have a sky-is-falling mentality that if they do not get a 40 percent increase in a brand new agency, far more than they have asked for, I think, is going way overboard.

Mr. Chairman, I do not think this issue has been well handled, because if the administration wanted more money for this, they would have come to the Committee on Appropriations. They have not done so. Like I say, I am not going to subject Members to a vote on this because somebody might think that somehow they are voting against terrorism, but it will be resolved in a correct manner in the conference committee.

We have given this agency a 12.7 percent increase already, every penny that they were asking for. And people can always say things have changed since then, but we would have heard from the administration if they wanted this change, and we have not heard from them on the Committee on Appropriations.

Mr. Chairman, I urge Members to vote this down. We have other needs that need to be done. We do not need to give an agency more money than they can consume just because people claim if you do not do it you are not against terrorism. I urge opposition to this amendment.

Mrs. MALONEY. Mr. Chairman, I rise in support of the amendment to increase funding for the Financial Crimes Enforcement Network (FinCEN), an agency that is critically important to our efforts to combat terrorist financing and money laundering. I am pleased to offer this amendment together with a bipartisan group of my colleagues from the Financial Services Committee.

As a co-founder of the 9/11 Commission Caucus, dedicated to implementing the recommendations of the 9/11 Commission, I am also a strong supporter of this amendment because it is an important step in that direction.

In its Report, the 9/11 Commission made clear recommendation on how best to fight terrorism in the financial arena: “Follow the Money.”

That is the mission of FinCEN, which is dedicated to collecting, analyzing and disseminating financial data for the purpose of combating crime.

The Commission's recommendation puts FinCEN in the limelight, and requires a relatively small Treasury bureau with little funding to assume a key role in fighting terrorism.

FinCEN is essential—as never before—to the work of the intelligence, law enforcement, and financial services communities in tracing terrorist money and disrupting potential terrorist action.

The 9/11 Commission also advised that we cannot succeed in combating terrorist funding without building global alliances.

FinCEN is the United States' voice in that effort.

The present appropriation to FinCEN does not adequately provide for the bureau to assume the responsibilities that have been thrust upon it.

The additional funding provided by this amendment would allow FinCEN to purchase appropriate technology and hire additional staff—steps that would dramatically improve its ability to track terrorist financing and provide critical information to our government and our global allies.

I can think of few investments that are more worth while than this amendment. I ask for your support for additional funding for FinCEN.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. KELLY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. KELLY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 3 offered by the gentleman from Ohio (Mr. OXLEY), amendment offered by the gentlewoman from Connecticut (Ms. DELAURO), and amendment offered by the gentlewoman from New York (Mrs. KELLY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. OXLEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentleman from Ohio (Mr. OXLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 177, not voting 34, as follows:

[Roll No. 452]

AYES—222

Abercrombie
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cantor
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Castle
Clyburn
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gilchrest
Gillmor
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walsh
Waters
Watson
Watt
Waxman
Weller
Wexler
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn

NOES—177

Aderholt
Akin
Alexander
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Bonilla
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Emerson
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kirk
Kline
Knollenberg
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Manzullo
Marshall
McCotter
McHugh
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—34

Ackerman
Baker
Ballenger
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Dunn
Engel
Everett
Gephardt
Goss
Houghton
John
Johnson, E. B.
Kleczka
Langevin
McInnis
Miller (FL)
Murtha
Nethercutt
Owens
Rogers (MI)
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Taylor (MS)
Towns
Weiner
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2220

Mr. LIPINSKI and Mrs. CAPITO changed their vote from "aye" to "no."

Mr. BROWN of Ohio and Ms. SCHAKOWSKY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 211, not voting 33, as follows:

[Roll No. 453]

AYES—189

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clyburn
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stearns
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOES—211

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Ehlers
Emerson
English
Etheridge
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Spratt
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—33

Ackerman
Baker
Ballenger
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Dunn
Engel
Everett
Gephardt
Goss
Houghton
John
Johnson, E. B.
Kleczka
Langevin
McInnis
Miller (FL)
Murtha
Nethercutt
Owens
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Taylor (MS)
Towns
Weiner
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 2228

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. KELLY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. KELLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 360, noes 37, not voting 36, as follows:

[Roll No. 454]

AYES—360

Abercrombie
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer

Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kline
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—37

Aderholt
Burton (IN)
Coble
Collins
Cunningham
Davis, Tom
Deal (GA)
Duncan
Goode
Hayes
Hostettler
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Knollenberg
Lewis (CA)
Mollohan
Moran (VA)
Myrick
Norwood
Oberstar
Olver
Pastor
Paul
Petri
Pickering
Sabo
Smith (MI)
Terry
Visclosky
Waters
Weldon (FL)
Whitfield
Wicker
Wilson (SC)

NOT VOTING—36

Ackerman
Baker
Ballenger
Boehlert
Bonilla
Bonner
Cannon
Clay
Conyers
Crowley
Dunn
Engel
English
Everett
Gephardt
Goss
Houghton
John
Johnson, E. B.
Kleczka
Langevin
Matsui
McInnis
Miller (FL)
Murtha
Nethercutt
Owens
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Taylor (MS)
Towns
Weiner
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2236

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, on Tuesday, September 14, 2004, I was granted an official leave of absence as a result of my illness. Therefore, I was unable to make rollcall votes 444 to 454.

Had I been here, I would have voted "no" for rollcall No. 444, providing for consideration of the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability; "no" for rollcall No. 445, H.R. 3369, Nonprofit Athletic Organization Protection Act; "aye" for rollcall No. 446, H.R. 1787, Good Samaritan Volunteer Firefighter Assistance Act; "aye" for rollcall No. 447, H.R. 1084, Volunteer Pilot Organization Protection Act; "aye" for rollcall No. 448, the Turner Substitute Amendment; "aye" for rollcall No. 449, On Motion to Recommit with Instructions; "no" for rollcall No. 450, H.R. 4571, Lawsuit Abuse Reduction Act; "yes" for rollcall No. 451, on Ordering the Previous Question; "yes" for rollcall No. 452, the Oxley Amendment; "yes" for rollcall No. 453, the DeLauro Amendment; "yes" for rollcall No. 454, the Kelly Amendment.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLINE) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5025, TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5025 in the Committee of the Whole pursuant to House Resolution 770, no amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendment 1; amendment 2, which shall be debatable for 1 hour; amendment 5, which shall be debatable for 40 minutes; an amendment by the gentleman from Oklahoma (Mr. ISTOOK) regarding GSA; an amendment by the gentleman from Massachusetts (Mr. OLVER) regarding Federal Motor Vehicle Safety Standards, which shall be debatable for 30 minutes; an amendment by the gentleman from Massachusetts (Mr. OLVER) regarding the IRS or regarding election reform, which shall be debatable for 20 minutes; an amendment by the gentleman from Ohio (Mr. BROWN) regarding the definition of manufacturing; an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding OMB circular A-76, which shall be debatable for 20 minutes; an amendment by the gentlewoman from West Virginia (Mrs. CAPITO) regarding private collection, which shall be debatable for 20 minutes; an amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba, which shall be debatable for 1 hour; an amendment by the gentleman from Massachusetts (Mr. DELAHUNT) regarding Cuba; an amendment by the gentleman from New York (Mr. RANGEL) regarding Cuba; an amendment by the gentlewoman from California (Ms. LEE) regarding Cuba; an amendment by the gentlewoman from California (Ms. WATERS) regarding Cuba; an amendment by the gentleman from Texas (Mr. STENHOLM) regarding the debt limit, which shall be debatable for 20 minutes; an amendment by the gentleman from Illinois (Mr. GUTIERREZ) regarding the Comptroller of the Currency, which shall be debatable for 30 minutes; an amendment by the gentleman from Virginia (Mr. MORAN) regarding chapter 89 of title 5 of the United States Code, which shall be debatable for 20 minutes; an amendment by the gentleman from North Carolina (Mr. BUTTERFIELD) on disadvantaged business enterprises; and an amendment by the gentlewoman from the District of Columbia (Ms. NORTON) regarding federal employee health benefit plans.

Each amendment may be offered only by the Member named in the request or a designee or the Member who caused it to be printed or a designee; shall be considered as read; shall not be subject to amendment except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations for the purpose of debate; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. OBEY. Mr. Speaker, reserving the right to object, at this point, this bill looks like an accident that started out to happen to somebody else.

I would like to ask one question of the gentleman from Oklahoma. It is my understanding that, with this unanimous consent agreement, that Members can count on the fact that the last vote on this bill will begin at noon tomorrow. It is my understanding that the leadership intends to bring up a suspension bill after consideration of this bill but that the last vote on this bill will start around noon tomorrow. Is that not correct?

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, my understanding is the same as the gentleman's, that indeed the last vote on this bill tomorrow will be at noon and that we will complete consideration of this bill this following Tuesday.

Mr. OBEY. Mr. Speaker, with that understanding, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. SANDERS. Mr. Speaker, I would indicate that I inadvertently missed a vote this afternoon on H.R. 4571. If I had voted, I would have voted "no."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE AMERICAN SOLDIERS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tonight, I will read an article that was written by Joan Ryan, a columnist at the San Francisco Chronicle, that was in the newspaper on September 9, 2004. Joan was talking before a TV show, and she wrote an article about the conversation she had with Dolores Kesterson, and these are Joan's words: "Dolores Kesterson wanted to know if I had read about the father in Florida. Dolores's 29-year-old son, Erik, her only child, was killed almost 10 months ago when his Black Hawk helicopter crashed in Mosul during a firefight. He had been in Iraq just 8 days.

"She found out the ways parents always find out, a knock on their door. For her, it came around 8:25 the night of November 15 as she was washing her dinner dishes. A man and a woman from the Army stood in the doorway. They gently suggested she sit down. 'This father in Florida,' she was telling me, 'when the Marines came to the door to tell him his son had died, took a hammer to their van, poured gasoline into it, set it on fire and got in.' "

□ 2245

Her face remained expressionless, but her eyes lifted to meet mine as if to say, do you get it? That is what it feels like.

Later, during the show, I saw a picture of Eric: good-looking, square-jawed, and smiling. But what I really saw on the screen was my own son, my own only child.

That is why we do not look too closely, I think, on those occasions when the names and photos of the dead appear in print. We do not want to get too close to that pain. That is why neighbors have been giving Kesterson a wide berth. They do not know what to say, but they also do not want to think too hard about what she has lost: not a soldier, but a boy, who once slept in footie pajamas, who waved at her from the merry-go-round, who liked her cooking more than any on Earth.

The only way to make this war at all tolerable is to allow it to be a televised blur of road-side bombings, insurgent militia and thick reports issued from Washington at regular enough intervals to keep the talking heads occupied on the Sunday morning shows.

When embedded reporters covered the start of this war, the big picture issues, namely, the shaky rationale for the war, were buried beneath the stories of individual military units. This is why embedding reporters was such a brilliant stroke. The unwavering focus on the grit and courage of the American soldiers made it nearly impossible to criticize the war publicly.

Now that those soldiers are dying, the lens has gone panoramic. The farther we stay from Erik Kesterson and Steven Bridges and Jimmy Arroyave and Arron Clark and Ken Ballard, the easier to imagine that this war is not a horrifying disaster.

The Bush administration is so determined to keep us from thinking about dead soldiers that it even will not allow photographs of flag-draped coffins being transported back to the United States. "Maybe if everyone could see them, they would realize that they are somebody's children," one parent at the town hall meeting said, which is exactly the point. This administration would rather we not listen too closely to Mark Crowley tell us that his 18-year-old son, just 10 months out of high school, was killed on patrol, or that his gunner, who weathered six hits to his machine gun, was killed when the seventh bullet went through his head.

It would rather we not listen to Cindy Sheehan holding her son's childhood Teddy bear, say that she sleeps only when she takes a pill, and even then, just 3 or 4 hours. "It gets worse every day," she said Tuesday night. Her son, Casey, died in April.

All of our children have given their futures, and our futures, Kesterson satisfied, finally raising her hand to speak on camera toward the end of the show: "There will be no grandchildren. These young men had so much more to give. They could have been great. They are not just wooden pieces pushed around a war table like a game."

Somewhere, there is a mother hearing on the news that there have been casualties in Mosul or Fallujah or Baghdad. She prays, "Please, don't let it be my child." Maybe this time it will not be, but it is always somebody's child.

The number of dead Americans in the Iraqi war passed the 1,000 mark this Tuesday, before the show's taping, and kept going. More knocks on the door, more gentle suggestions to sit down.

Mr. Speaker, there is a smarter, safer way for America to conduct itself in Iraq. The course the Bush administration currently has us on is not it.

EXCHANGE OF SPECIAL ORDER TIME

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Pennsylvania (Mr. SHUSTER).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, this past weekend, like so many of my colleagues, I spent time at a memorial ceremony, several in my district, to remember the victims of September 11, to honor the soldiers who have bought our security with their lives, and to pray for those who battle at this very moment in Iraq and Afghanistan to preserve our freedom. Today, I traveled to Fort Campbell in my district to spend the day with our 101st Airborne soldiers and to join Secretary Rumsfeld as he held a town hall meeting with the community there at Fort Campbell.

Mr. Speaker, it occurred to me while surrounded by those thousands of Americans, all united, all prepared to do what it takes to win this war on terrorism, it occurred to me that the terrorists sorely have misjudged our Nation and that they certainly have misjudged our President and his leadership team.

On September 12, America made a conscious decision to change the world, not to withdraw from it. And President Bush deserves credit for not wavering, for realizing the time had come for America's military might to be used. The terrorists never expected we would have the fortitude to invade Afghanistan, to remove the Taliban, to hunt down and destroy two-thirds of the al Qaeda leadership.

The attacks were meant to change us, but only those who have a fundamental misunderstanding of what makes America unique could think that that is possible.

Today, the al Qaedas, the Saddams, Qadhafi in Libya, Iran's President, Mohammed Khatami, and North Korean Dictator Kim Jong Ill, they understand us better and they know that America is not the one who will change.

Some say that Iraq was not worth it. These are the same people who believed we could win the Cold War with nothing more than diplomacy, and these are the same people who think U.N. sanctions are the answer to the world's problems. But what I have found and what I saw today was that most Americans want a substantive, serious debate on what direction we should take in the war on terrorism, not disagreement for disagreement's sake, which is what I believe Candidate KERRY is giving them. I think they respect the job that President Bush has done and is continuing to do, and they understand that what we are doing in Iraq is something that needs to be done. They understand that much better than most politicians.

People across America, our constituents, know that Iraq is tough. They understand it is a struggle, but they also realize that we have no choice but to change the world, to change the Middle East if we hope to have a chance to end terrorism. Containment and detente simply do not work when we are talking about planes being hijacked and when we are faced with people strapping bombs to their bodies and annihilating crowds of civilians.

So I support President Bush. He has helped America stand tall in the face of terror. He told the world that America would not be changed by their threats of terrorism; and today, we are on the offensive in this war on terrorism for the first time. We must not change course now.

Americans have always recognized leadership when they saw it; and today, they see it. President Bush is a leader who is not afraid to make the tough decisions, and that is what our Nation needs.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Oregon (Mr. DEFAZIO).

Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE PRESIDENT'S PLAYBOOK: DENIAL, DISINFORMATION, AND DODGING RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, Republican leadership in the Senate confirmed last week they have no intention of acting on prescription drug importation legislation. Senate leader FRIST said there just is not time to take it up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members not to make improper references to the Senate.

Mr. BROWN of Ohio. Mr. Speaker, it has been 400 days since a bipartisan majority in the House passed legislation giving Americans access to safe, affordable medicine from Canada and other allied nations, 400 days. Since then, the Senate has passed legislation commending a sculptor, a painter, its own staff, the nation of Bulgaria, and Smokey the Bear. The Senate has recognized the importance of motorsports. The Senate, as has the House, has spent many days renaming post offices and Federal buildings from sea to shining sea.

There was time for all of those things, but for an issue as important to the American people as relief from the exploding price of prescription drugs, the other body simply could not find the time.

This importation issue is just one example of the three Ds of the Bush administration's health policy playbook: denial, disinformation, and dodging responsibility.

Here is one example: the Bush administration suppressed the new true cost of the Medicare law. The bill was originally tagged at $400 billion. The President told us that. The President said he would not sign it if it cost more than that. The government's own Medicare actuary and the President surely knew, the President's staff knew, that the bill actually cost $530 billion.

So what did they do? They suppressed it. In a nutshell, the President's gag order worked, the bill passed, and the President signed it. And do my colleagues know what we got? Seniors got a 17 percent increase in their premiums, the largest increase ever inflicted on America's senior population, simply because the President of the United States did not tell the truth when he signed that bill and when he lobbied Congress for that bill.

Importation is another example of the Bush disinformation strategy. The drug industry has no better friend than President Bush. Of course they do not. The drug industry has given President Bush $30 million for his reelection, has given millions of dollars to my friends on the other side of the aisle. Of course President Bush will do the drug industry's bidding. That is why we ended up with a 17 percent increase, the largest premium increase ever inflicted on America's seniors.

Dodging responsibility is the third play in the Bush administration's health policy playbook. The best example is a 17 percent increase. The President announced the 17 percent increase on Friday afternoon before Labor Day. The press had gone home, people had turned their TV sets off if they were watching any of these announcements, and the President thought nobody would notice. Well, people certainly noticed. But the President then said, because people did notice, he said, it is not really my fault. I was the hapless victim, he said, of a formula written into the law.

It happened to be the law that he pushed through Congress and that he signed, the Medicare law. That is like stomping on the gas pedal and blaming the engine for getting a speeding ticket.

President Bush championed the Medicare bill. He twisted arms. We remember in this Chamber, my friends on the other side of the aisle remember this, we had a 3-hour vote starting at 3 in the morning, and it took until 6 in the morning. One Member was bribed on the House floor. Member after Member had his arm twisted, her arm twisted, yet the President says it is not my fault that we had this 17 percent premium increase.

The fact is, the President is responsible for that 17 percent premium increase, and the President needed to get that increase so that the insurance companies and the drug companies could get their money out of the bill.

So basically what happened is the money is taken out of seniors' pockets; that is why we have this record 17 percent premium increase for every one of America's seniors. The money is taken out of the pockets of seniors; and then that money is taken together, billions of dollars, and put into the coffers of the drug companies and the insurance companies, direct subsidies for the drug companies, increased profits to the insurance companies, and then it comes full circle, and those companies then put millions of dollars in President Bush's campaign, in Majority

Leader DELAY's campaign, in the campaigns of Republican leadership in the House, in the other body, and for the President of the United States.

Mr. Speaker, it is scandalous that seniors are inflicted with a 17 percent, a record increase in premiums so that George Bush could have his campaign funded by the drug companies and funded by the insurance companies. It is wrong. They should be ashamed.

DROUGHT RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I would like to indulge in a little change of pace here. This is an issue that is completely nonpartisan, which, hopefully, my friends on the other side will appreciate.

What we are looking at here is a drought map. As most people know, Florida has been hit by two hurricanes recently, and we have a third one that may hit them and may hit Alabama. This is an unbelievable set of circumstances.

□ 2300

The Congress quickly sent $2 billion in relief to Florida which is certainly appropriate, and we have a request for another $3 billion.

What I would like to do is to call attention to another disaster which has occurred and this is the drought. This is the drought monitor map which was drawn up in 2002, and you can see that the eastern seaboard had considerable drought. Most all of the western States were badly impacted. We will take another look now, 2 years later and we see a very similar picture. The eastern seaboard is certainly improved but most of the West is still gripped by a drought that is one of the worst in history, and that has been going on now for 5 years.

So what has happened is that any dry land crops in these areas in here have been relatively nonexistent now for 5 years. And so these farmers' equity has been eaten up to the point where many of them now are being driven off the land. Many of their ranchers have had their pastures destroyed, sometimes for 4, 5 years in a row. We have had some livestock feed assistance which has been very helpful, but, again, some of them have had to sell some of their herd, some have had to sell all of their herd, and some have been driven out of business.

The other thing that is pretty dire at this point is that most of the reservoirs in the West are anywhere from 15 to 25 percent full which means the irrigators have been receiving half, some of them none of their water for the last couple of years. And in most of these reservoirs they will simply run out of water in the next couple of years. So it is a very difficult situation. And many have said, well, a drought is not quite like a hurricane. It is not quite like a fire. It is not quite like a flood or a tornado because those things come very quickly but a drought takes time to develop and, therefore, you have time to adjust and, therefore, we really should not give any emergency aid for this type of activity that we see on this map.

But actually if you plant your crop in May and you do not get any rain for the next 3 or 4 weeks you do not have a crop. Now 2 or 3 or 4 weeks is pretty quick, so many of these people have been suffering from a drought that has not been of their own doing and has certainly come on relatively quickly.

I would like to call attention to one other chart here. Many people have said, well, it is unreasonable to ask for any drought assistance with this situation here because of the slowness of the oncoming of the drought. The thing that I would like to call attention here is what has happened with the farm bill. The farm bill was supposed to cost roughly $50 billion over the first 3 years of its existence, and we can see that in 2002 the projected cost was $14.3 billion. Actually it cost $13.2 billion. In 2003, a year ago it was supposed to cost 18.6. It actually cost 12.1, and the projection for this year which we are about through the fiscal year was $17.5, and the actual cost will be about 10.1. So what this means is the projected cost was to be $50 billion. In actuality it will be about $35 billion. So this is one of the few government programs that I know of where the cost is considerably less than what it was supposed to cost.

And so you say, where did that $15 billion come from? What happened here? Well, part of it is the drought. And here is the logic. The drought has reduced production. When you have reduced production it causes prices to go up. When prices go up, you have fewer farm payments because you have no LDP's. You have no countercyclical payment. So much of this $15 billion difference is due to the drought. And so my suggestion is that Congress think about this a little bit as we think about Florida, and we should, as we think about wildfires, and we should. Let us think a little bit about what is going on in the West, those 6 or 7 or 8 western states which have been hit so hard.

It is my understanding that the other body has acted this evening and have appropriated or have added on roughly $2.9 billion for the drought. I am hopeful that this body that the House will follow suit and will consider this.

Mr. Speaker, I would like to call my colleagues' attention to the situation that we think is fairly serious in the western part of the United States and something that has been ongoing for the last 5 years.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AN AMERICAN STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, let me tell you an American story. While I will not mention her name, the person is real. The woman is retired and she receives about $900 per month in Social Security. That is the average amount that a retired American receives.

So this is more than a story about the one person I know. This is a story about millions of people across America. Millions of retired Americans receive $900 per month to pay for food, clothing, housing, health care and everything else.

The administration recently professed its intent to address the health care crisis in this country. The President said so in his acceptance speech at the Republican National Convention. The very next morning the administration announced a 17 percent increase in Medicare premiums. Seventeen percent is the largest increase in the history of Medicare.

Let me translate the increase into the every day life of an average senior citizen like the one I know drawing an average monthly payment. Over one-third, 37 percent of senior citizens entire monthly Social Security check will go to Medicare in 2006. That is just 2 years away. One-third of that $900 is gone.

Now, if a senior is lucky they might have a family as this woman does who can give them some extra money each month. What about those without a family? What about the retirees who have seen their loved ones, their children struggle this these last 4 years without jobs or health care for themselves? After, all over the last 4 years 5 million Americans under the age of 65 have lost their health care coverage. Those who still have it are under increasing pressure from employers to pay more and more of premiums.

Every labor dispute is over health insurance. Companies like Ford and GM bluntly say they can not remain competitive as things stand now. These are just the most recent headlines, the tip of the iceberg. The crisis gets deeper. Everyone in America today is either struggling with health care or knows someone who is.

Health care is an urgent national crisis, just like the drought we just heard about. But we are not treating it that way. If a category 5 hurricane were bearing down on us in the United States, as one really is, we would see bulletins in the media about the dangers to life and property. And we would see action by government to protect the citizens and get them out of harm's way.

Well, America's health care crisis is the perfect storm and it is already on shore wreaking havoc across this country. The damage to lives and property from health care crises is greater than a season of the greatest storms, yet we are forcing everyone to go it alone.

Here is one example. A law passed by the Republican leadership on behalf of the President forbids the Federal Government from negotiating lower prescription drug prices for American senior citizens. Never mind the other 250 million Americans who are getting no relief. When a health care plan announces a double digit increase, Americans have a choice, either pay or go without. When companies shift more of the health care burdens to employees, workers can either pay or go without. When half the bankruptcies in America today are from unpaid medical expenses democracy is at risk.

There is something fundamentally wrong in a society when people fail because they get sick. When an American gets sick the outcome ought to be health care that makes them well, not medical expenses that make them insolvent. But that is the way it is. When 37 percent, remember, of seniors total Social Security goes to Medicare premiums, when seniors spend another hundred or more dollars per month for supplemental coverage, when they have not included any cost for prescription drugs it begs the obvious.

How does someone buy food or shoes or pay for housing? Every senior citizen listening to me right now knows what I am talking about. When medical expenses take at least half of what a senior gets in Social Security, it is time to declare a medical emergency in U.S. health care coverage. It is time for universal health care.

As a medical doctor let me immediately vaccinate you from the certain administration attack. They will call it socialized medicine. And they will try to frighten the be-jesus out of you. That is standard procedure for the President and his surrogates. We do not say that about police and fire and roads and schools and everything else we do collectively. But with health care we say, you are on your own.

You should be afraid of what they have done over the last 4 years.

□ 2310

Nothing for you but lots for special interests like big drug companies. I think the drug companies deserve to make a profit. I mean, they should make something. I also think senior citizens deserve to eat every day and not have to choose between medication and food, and I think every American has the right to get well without going bankrupt.

America needs a universal health care system designed, built and financed by Americans. We can look at what other Nations have done and learn from their mistakes and successes. We can create a universal health care system that is of the people, by the people and for the people. The President will call it socialized medicine; I call it "Made in America."

TRIBUTE TO MR. LUTRELLE PALMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in tribute to the life and legacy of Mr. Lutrelle Palmer, better known as Lu, one of the greatest and most prolific journalists known in this country during the last half of the 20th century.

Mr. Palmer was born in 1922 in Newport News, Virginia. He attended the local schools, went to Virginia Union where he earned a bachelor's degree, then to Syracuse University where he was awarded a master's degree in communications. He then went on to the University of Iowa where he completed course work for a Ph.D. but lost his dissertation materials on a train and consequently never received his doctoral degree.

Lu worked for several newspapers and taught at a number of colleges and universities. He wrote for the Chicago Daily Defender, the Chicago Courier, the Chicago Daily News, the Tri state Defender, and he developed and owned the Chicago Black X Express and wrote freelance articles for other newspapers and magazines.

Lu had a unique and provocative style of writing and was known as "the Panther with a pen." He spent 50 years informing, stimulating, motivating and activating the African American community as a reporter, syndicated columnist, newspaper publisher, radio commentator, activist, community organizer and political strategist.

Lu and Vernon Jarrett were black journalistic pioneers in Chicago in that they worked for mainline publications and major electronic outlets but always returned to the black press. Lu Palmer was a Black Nationalist who wrote and spoke eloquently and passionately about black plight, black needs, injustice and black hopes.

During the activist 1960s, Lu's pen and voice were read and heard all over America. When the police raided the Black Panther headquarters in Chicago and killed Fred Hampton and Mark Clark, Lu's articles were scathing. He was a leader in the successful effort to defeat then-Cook County State's attorney Edward Hahnrahan.

As a result of editorial interference, Lu eventually resigned from the Daily News and organized his own paper, the Black X Express. However, Lu was very selective in the kind of advertising that he would accept. Therefore, his paper only survived for a little more than a year.

Lu then got involved with radio journalism and developed Lu's Notebook, a hard-hitting editorial newscast which often ended with the phrase, "That's enough to make a Negro turn black."

Lu was now, for all practical purposes, a full-time activist. He was holding community forums, book reviews and seminars. He organized CBUC, Chicago Black United Communities, and then BIPO, Black Independent Political Organization, which held political education classes and trained hundreds of citizens to better understand and be involved in the political process.

After the death of Mayor Richard J. Daley, black activists and white political progressives in Chicago saw a crack in the dominant political machine, and Lu Palmer emerged as a leader in the effort to elect a black mayor in Chicago. While Lu was characterized as a black nationalist, he was also a coalition builder. He played a key role in the development of Pro-Can, the Progressive Chicago Area Network, which was made up of mostly blacks, young whites and Hispanics whose goals were good, clean, progressive and honest government.

Lu became so obsessed with understanding what a good black mayor could mean for Chicago that he was willing to lose sponsorship of his radio series, and he did. He organized forums, focus groups, rallies and eventually a plebiscite to convince then-Congressman Harold Washington to run for mayor. Mayor Jane Byrne had infuriated the black community with some of her appointments to the school board and the Chicago Housing Authority, plus engineered the loss of Lu's radio series sponsorship from which came the slogan, "We shall see in '83."

Harold Washington agreed, ran for mayor and was elected. Lu ran for Harold Washington's vacated seat. Harold, as mayor, supported labor leader Charles Hayes and Charlie was elected. Lu was always a political independent, and after Harold Washington's death, Lu became even more disillusioned with local Democrats and helped Republican Jim Edgar to become governor of Illinois and had enough influence with the black or African American Illinois voters to make it happen.

Lu eventually became ill and retired from active public life, but helped his wife Jorja to operate the MENHELCO Group Home for boys which was founded in honor of their son Skipper who suffered from a disability and is now deceased.

Lu represented the best of what is a husband, father, teacher, journalist and lover of freedom, liberation, self-determination and race pride could exhibit. He was fiercely black, made no bones about it, and often referred to himself as being an African in America.

He leaves to mourn his wife, Jorja, and their children Trudy Palmer, Darien Simon, Karen English, Lu Palmer III, Jamie English, Junior, five grandchildren and two great-grandchildren.

Lu Palmer, a man of principle, a man of the people, for the people and of the people. Lu Palmer, a man of greatness.

GOOD FRIDAY PEACE ACCORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 6 years ago this past April, the people of Northern Ireland, Great Britain, and the republic of Ireland entered into a peace agreement, commonly referred to as the Good Friday Agreement. This legendary accord set out a framework that would allow Northern Ireland to govern itself and provide for a rule of law that was responsible to all people in the north of Ireland.

Unfortunately, 6 years later, much of the agreement has been stalled, derailed or simply never implemented.

Mr. Speaker, it is almost 2 years now since Prime Minister Blair suspended the power-sharing government of Northern Ireland, and almost 10 months have passed since elections were held in Northern Ireland to the Belfast Assembly. However, the peace agreement remains stalled and no elected Assembly members have been permitted to take their seats.

I believe it is essential that the Good Friday Accords be fully implemented for a true and lasting peace to be achieved in Northern Ireland. The Assembly must be reinstated immediately and let the process continue.

Later this week, we see our best opportunity for the reimplementation of these Accords.

All the parties to the agreement, including Sinn Fein, the DUP, and Prime Ministers Blair and Ahern, are set to meet at Leeds Castle to try and work out a solution to reinstate the Belfast Assembly and get the Good Friday Agreement back on track.

Recently, Prime Minister Blair was quoted in press reports stating that this may be the last chance to save the Good Friday Accords. Also, rumors are circulating that if an agreement is not made at Leeds, Prime Minister Blair will return Northern Ireland to direct rule of the British Government.

Mr. Speaker, this is simply unacceptable. While I agree that a solution must be found to reinstate the Accords, I think Prime Minister Blair's words may be too harsh. We cannot allow these monumental Accords to be just discarded. Too much hard work and negotiation has gone into the process, and we are too close to a final peace to just throw it all away.

However, the negotiations at Leeds do give me great hope. Having all parties at the same table in a formal setting with only peace as a priority is the most positive development since the elections were announced more than a year ago.

□ 2320

Now it is up to Prime Ministers Blair and Ahern to force the hand of Reverend Paisley and the DUP, the Democratic Union Party, ensuring that any deal brokered is in fact in good faith. Ian Paisley and the DUP have been holding the peace agreement in Northern Ireland hostage for too long. All other parties are ready to reinstate the Assembly and the Good Friday Accords. Blair and Ahern cannot allow this radical party to continue to halt the peace process.

I am concerned if Prime Minister Blair does not keep the DUP in check during these negotiations, the Good Friday Accords will fall by the wayside.

Mr. Speaker, while the DUP is a major political party in Northern Ireland, their constituency is not so large that they should be able to stop the peace from progressing. I want to remind Mr. Blair that he has the ability and the means to implement the Accords with or without the cooperation of Reverend Paisley and the DUP. The Good Friday Accords have been approved by the voters of Northern Ireland, Great Britain, and the Republic of Ireland. Prime Ministers Blair and Ahern have a responsibility to exercise the people's will.

Finally, Mr. Speaker, I would say that the Good Friday Accords are the vehicle to peace, and no matter the circumstance, the leaders in Great Britain, Northern Ireland, and the Republic of Ireland should not walk away from the process. We are too close to peace to let it all fall apart.

DROUGHT AND FIRE IN OUR NATION'S FORESTS

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for half the time until midnight as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, I appreciate the opportunity to address this body tonight. My colleague, the gentleman from Nebraska (Mr. OSBORNE), has addressed the concept of the drought and what it means in the West, and again I would draw the attention of our audience to the areas that are affected by the drought.

Now, many of us do not necessarily make the connection of what the drought means to us in our everyday lives, what it means to the Nation, but let me just take one example of what the drought means and how it plays out.

We can see here that the drought is mostly concentrated in the West. In the last several years, we have seen a precedent, kind of a first-time precedent, of our forests, and national forests, burning to the ground. Many people wonder, well, why have I not seen that previously in my lifetime. I have not really seen it. I will tell you, Mr. Speaker, that there are several things that have converged at this particular time in history.

First of all, we decided about 100 years ago to manage our forests in such a way that we put out every single fire. Now, the tree rings give us a very good history, and the tree rings in the arid States of the West will show us that about every 8 years a very hot fire would burn through, and it would burn the low-lying brush and the small diameter trees that had not yet reached maturity. Fire by that mechanism then kept our forests clean.

In New Mexico, for instance, the general tree density was between 30 and 50 trees per acre. If one looks at photographs from 100 years ago, they will find that there was a savannah with widely-spaced trees through much of New Mexico, whereas today we have a tree load per acre not of 30 to 50 trees per acre but instead we find that there are anywhere from 1,500 trees per acre to about 2,500 trees per acre.

Now, this tree density, this tree load, this fuel loading has been occurring for the past 100 years without much substantial negative impact. The situation in the West in the 1950s was that we had an extremely dry period. But even in that period of the 1950s, we had not yet reached the median drought indicator. So as dry as it was, we were not yet to the historic drought median line.

Through much of the rest of the 1960s, the 1970s, the 1980s, the 1990s, and on in to the 2000-year period, most of the West had historic wet periods. If we look at a 2,000-year summary of moisture in the West, and especially in New Mexico, we will see that same thing verified; that in the past 2,000 years there have been droughts of up to 200 years, sometimes more. And yet in our lifetimes we have had an unprecedented history, an unprecedented time of very high moisture levels. So the tree loads, these 1,500 trees per acre, really did not cause many great difficulties because there was enough water to dampen down the effects.

Now, when you get too many trees per acre, more than nature would have allowed to grow, more than nature would allow if the fires had been allowed to clean out naturally our forests, then you would find that if the tree loads increase, then there are three risks: The first risk, of course, is fire; the second risk is insects; and the third risk is disease. Trees that do not have enough water or nutrients are going to be subject to all three of those problems.

We are finding in New Mexico and throughout the West that that exact situation is occurring. We find that the area around Santa Fe, New Mexico, the estimates are that we have lost 1 million trees in that area because of disease. The trees were weakened through a lack of moisture and through a lack of nutrients because they were overcrowded, sucking up too many nutrients and not allowing enough per tree. But we are also finding through the West that hundreds of thousands of acres of our prime forest land is simply burned up.

Now, these are not fires that burn the timber from the ground up. They are fires that began in the brush, maybe by lightning, maybe by some other means, maybe a campfire, but the fire begins and soon it uses the small diameter trees that are struggling to reach the sunlight. These small diameter trees are at the height of the mature trees, and the fire uses those small diameter trees as kindling to get a fire that is burning up in the cap of the trees, the cap of the forest, and that fire then begins to sweep across the forest much like many of us have seen our Christmas trees burn if we would throw them out after the Christmas season.

The trees are stressed by drought, they are stressed by a lack of nutrients, they are small in diameter, and they are easily consumed by fire, so the fire begins to build and rage across our forests. These trees are then killed because the top part, the green part, is burned, but the stand, the tree itself, is left standing and the timber in that tree is actually still good for a period of time for harvest.

What we are finding is that our forests are going to be damaged and destroyed by fire, by pests, or by disease. There are not many other options. But the Forest Service, in its policy of putting out all fires in the last several decades, has also had a policy of not cutting trees. There is a community of extreme environmentalists in this Nation who say that to cut one tree is bad, and so we have in the West the drought, accompanied by the overcrowding, the overpopulation, the overdensity, whatever terminology you would like to use, and we have conditions where not only are we not using our national natural resource of our forests and the timber in it, but we are also committing those same resources to be squandered due to pests, fire, and disease.

Mr. Speaker, I think that anyone who would look at it with a common-sense view would say that this is impractical and it is not good stewardship of our resources. Yet we find ourselves today where we have passed the Healthy Forest Initiative, which tells the Forest Service to begin to thin, to do a common-sense balance, a thinning program in our forests; to take some of the small trees, take some of the large trees out and get the tree density, the tree loading back to where nature would have sustained itself in many areas.

We have much natural forest in the Southern District of New Mexico, and in many areas we find that the people on the field understand the need to cut the trees, the need to begin to thin them out. But many times their supervisors upstream are discouraging or even not allowing those common-sense thinning processes to occur.

Now, there are a couple of results of that. Number one is, as long as the drought continues, and we see this 2004 chart of the drought, but as long as the drought continues, then we have no choice, we are going to continue to squander this tremendous resource that we have all because of an ideological position that says no tree will be cut, ever, out of our national forests. And we have many people in the Forest Service itself who, as managers, have adopted that simple philosophy.

□ 2330

We can see the destructive results of it, but one thing that is rarely seen by members of a State is that an entire industry infrastructure begins to decay and finally go away.

There were in excess of 20 lumber mills in New Mexico at one point, and today there are two left, and both of those are in my district near a town called Alamogordo. We as a congressional office have been asking the Forest Service a very commonsense question: will you please cut enough timber to keep these mills in business otherwise we have no one who will take logs at some point to process them.

The Forest Service has taken 3 years to give us an answer. Now the mills have told us they are getting quite a lot of timber from the Indian reservation, the Mescalero Indian Reservation, but they need an additional 12 million board feet per year. In the Lincoln National Forest, which is in close proximity to the lumber mills, we are growing 50 million board feet per year.

It took 3 years for the government agency to find out if they could make a decision about cutting that much timber. Now, I was in the district for the August recess when we met with the Lincoln National Forest forester. We met there with the supervisor of that particular forest and a couple of his staff members. They indicated after 3 years of study the regional office in New Mexico had finally said we could cut 9 million board feet. We needed 12 to maximize the capabilities of the mill, and about 85 jobs are involved in my district.

We took 3 years to get an answer, to find out we are growing 50 million board feet. We needed to cut 12, and yet the answer was we could cut 9 million board feet. I asked the next question, which was approximately what value does that 9 million board feet bring to the Federal Government. The amazing answer from the gentleman who is the supervisor of the forest was he did not know the value of 9 million board feet. It has been so long since we have cut timber in many of our forests he simply did not know that.

I pulled out my calculator and we began to do calculations, and determined that the approximate value of 9 million board feet was $54,000. Now $54,000 worth of timber is a very modest amount. That same Lincoln National Forest has an annual budget of $13 million. They have not cut timber recently, so they have a timber department that is funded at about half a million dollars, for a timber-cutting department that does not cut timber and does not seem to know how much 9 million board feet represented. Again we calculated and came up with a response that was $54,000, but the thing that happened next stunned me.

I asked what would be required to cut this 9 million board feet. I was thinking in terms of what would be required in the manpower, what would be required in the time to get the permits and the time to get approval to cut this. But I was stunned at the response. The supervisor of the Lincoln National Forest said it would take $11 million to cut that 9 million board feet. That is $11 million to generate $54,000 worth of income. Any 9th grader would know that is not a very good return on investment, and yet this forester declared that was as good as it could get and we could not cut it cheaper.

At some point we must have a national discussion on the value that is added by a department that is so engrained in this bureaucracy they would require $11 million to cut $54,000 worth of timber.

My wife and I were in business for 14 years. We had to make a payroll every week for 14 years. We had to pay the bills. We had to pay the expenses; and yet our government bureaucracies, they simply do not understand that kind of thinking any more. They simply say we need more money to do those things that we have to do.

That same forest has half a million dollars in a department already that is appropriated for the tree-cutting department, and yet the stunning response was we need $11 million more to cut $54,000 worth of timber. Needless to say, I simply said I do not think we are going to get that. I am now worried that we are going to continue to send more jobs overseas.

Many times our friends on the other side of the aisle complain about sending jobs overseas; and yet if we follow the progression from our policies down to the field level down to a job level, we will see that possibly 85 more jobs are going to go overseas to where they do not have such restrictions on the cutting of timber.

If we were saving the timber for a future generation, we might argue that it is justified. But again because of the drought situation, I would remind the House that it is not that we are saving these trees for future generations. We have been burning millions of acres per year for the last several years. We are not saving them. Because of the weakened nature of our national forest based on the drought and the overcrowding of our trees, we are going to donate these trees to insects, disease, and fire.

So the offshoot is we find fewer jobs every year in America; we find the infrastructure completely gone in many areas. In New Mexico, we are down to two mills. We find the infrastructure is completely gone, and we look at each other and wonder why. And our friends on the other side of the aisle declare that it is evil corporations who are moving out of America, when the truth is many times our policies are starving companies out of America; and I am using this example of our forests and tree products.

We had a hearing several months ago where members of the union that cuts trees and makes pulp wood and paper came in, and they expressed dismay that jobs were going overseas because of policies that said we are not going to cut trees out of our national forests. These are professionals. These are people who understand the industry. They were union members were asking their friends on the other side of the aisle, Why?

The best answer that could be given was you get jobs in the hospitality industry. The answer was the same you or I would give. It was a measured anger that said we do not want jobs in the tourism and hospitality industry. We want our good, high-paying jobs in the timber industry where we are cutting trees that are going to burn or be destroyed by pests. We are doing a service to our country, and yet we are being told that our jobs are going to go overseas and you, in the grace of Washington, are going to give us jobs in the hospitality industry.

I was offended that we would consider sending those jobs overseas and that we would consider policies that would be so restrictive as to not allow an industry to operate in the United States; and yet we see that same mentality playing out in the oil and gas industry, in the farming industry, in mines. Every industry is under assault from these extremists on one side who say we are not going to do any of that kind of production in this country, but the mines, gas and oil, agriculture and timber are respectful positions.

☐ 2340

Those are respected jobs that have a place in this Nation. When we begin to overregulate, when we begin to adopt policies that cause these industries to lose their infrastructure and to go away, then we need to understand that we ourselves are going to suffer in the long term. For instance, the shifting of our agriculture production overseas, many people say, what does it matter; but I will tell you that we restrict chemicals and insecticides in this Nation because we do not want our consumers to eat things that are put on our row crops, our vegetables, and yet we will allow imports to come in that do not have any of the restrictions for the application of those pesticides, none of the restrictions for the herbicides that we find in this Nation. So it is an unfair competitive playing field. But in the end, the American consumers pays because they are consuming products that we as a Nation have declared to be banned for use inside this country but that we tolerate if the products are imported into this country.

Mr. Speaker, as a previous business owner, my attempt is always to bring some common sense to the discussions about how we are going to treat the national forests, how we are going to treat the production of food, how we are going to treat the industries in this country that provide us with our energy, with our minerals, with our lumber, and with our food. Again, I remind our viewers and our listeners that we have extreme drought conditions that are affecting all of these.

The final bad outcome of the way we have managed our forests is that the water supplies are greatly diminished in the West. In New Mexico, we have approximately, the estimates by specialists are that because of management of our forests, about 1 billion trees too many in New Mexico. Estimates range as to how much water one tree uses. The lowest estimate is a gallon per day. Higher estimates are up to and including and exceeding 100 gallons per day.

But just for discussion purposes, if we accept the lower figure, one gallon per day, a billion too many trees, then every day 1 billion gallons of water are being used by trees, transpired into the atmosphere, and that water is being sucked out of the ground, water that should be percolating into our aquifers, recharging our streams and being water that is available for development, water that is available for drinking in our towns, for watering lawns, water for life as we know it and appreciate it in America.

But because of our mismanagement, we are finding that not only are our trees at risk but even the resource of water itself. Water is life. Water is development. Water is our future. Without water, water being the most strategic of all resources, without water we cannot have industry, we cannot have growth and jobs and continue the lifestyle that continues as we know it.

Mr. Speaker, we find that a very simple policy transcends into very disastrous results, disastrous results for our forests, for our future, for our water and for job situations in the current time and in future times.

Mr. Speaker, I think this is an important issue that we as a Nation must continue to talk about.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today on account of medical reasons.

Mr. EVERETT (at the request of Mr. DELAY) for today after 6:00 p.m. and the balance of the week on account of the hurricane.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. PEARCE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, September 15.

Ms. HARRIS, for 5 minutes, September 15.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 15, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9557. A communication from the President of the United States, transmitting requests for additional emergency FY 2004 supplemental appropriations for the Departments of Defense, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, and Veterans Affairs, the Corps of Engineers, the National Aeronautics and Space Administration, the Small Business Administration, and the Executive Office of the President; (H. Doc. No. 108-215); to the Committee on Appropriations and ordered to be printed.

9558. A letter from the Chairman, Commission on Review of Overseas Military Facility Structure of the United States, transmitting as prescribed by Congress, a copy of the Commission's charter, pursuant to 10 U.S.C. 111 note, Public Law 108-132, section 128(b)(3)(A), (117 Stat. 1383); to the Committee on Armed Services.

9559. A letter from the Acting Comptroller, Department of Defense, transmitting a notice that the Department of the Navy is pursing a multiyear procurement (MYP) for fiscal year 2004 through fiscal year 2008, pursuant to Public Law 108-87 and Public Law 108-136; to the Committee on Armed Services.

9560. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Rutland, Vermont) [MB Docket No. 02-66; RM-10252] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9561. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Anchorage, Alaska) [MB Docket No. 04-189; RM-10962] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9562. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Keeseville, New York, Hartford and White River Junction, Vermont) [MM Docket No. 02-23; RM-10359] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9563. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Crawfordville, Georgia) [MB Docket No. 02-225; RM-10517] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9564. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992; Direct Broadcast Satellite Public Interest Obligations; Sua Sponte Reconsideration [MM Docket No. 93-25] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9565. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

9566. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

9567. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized retransfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

9568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period June 1, 2004 through July 31, 2004; to the Committee on International Relations.

9569. A letter from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting a draft bill "To adjust the boundary of Lowell National Historical Park, and for other purposes"; to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of September 13, 2004]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1787. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; with an amendment (Rept. 108-680). Referred to the Committee of the Whole House on the State of the Union.

[Filed on September 14, 2004]

Mr. REYNOLDS: Committee on Rules. House Resolution 770. Resolution providing for consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108-686). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2971. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes, with an amendment; referred to the Committee on the Judiciary for a period ending not later than October 1, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108-685, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2971. Referral to the Committees on Financial Services, and Energy and Commerce, extended for a period ending not later than October 1, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PALLONE (for himself, Mr. Bilirakis, and Mrs. Maloney):

H.R. 5071. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 5072. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance relating to hurricane damage, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. Sanders, Mrs. Maloney, Mr. Cummings, Mr. Kucinich, Mr. Clay, Mr. Van Hollen, Ms. Norton, Ms. McCollum, and Mr. McDermott):

H.R. 5073. A bill to restore and strengthen the laws that provide for an open and transparent Federal Government; to the Committee on Government Reform, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 5074. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. Scott of Virginia, and Mr. Rangel):

H.R. 5075. A bill to encourage successful reentry of incarcerated persons into the community after release, and for other purposes;

to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Education and the Workforce, Financial Services, Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. TOWNS, and Mr. BISHOP of New York):

H.R. 5076. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

By Mr. NETHERCUTT:

H.R. 5077. A bill to require the conveyance of a small parcel of Federal land in the Colville National Forest, Washington, and for other purposes; to the Committee on Resources.

By Mr. RUPPERSBERGER:

H.R. 5078. A bill to amend the Internal Revenue Code of 1986 to provide incentives for alternative fuels and alternative fuel vehicles; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. BAIRD, and Mr. DELAHUNT):

H.J. Res. 103. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mr. TOM DAVIS of Virginia, Mr. MARKEY, Mr. PAYNE, Mr. RYUN of Kansas, and Mr. WALSH):

H. Con. Res. 491. Concurrent resolution recognizing the achievements of the National Captioning Institute in providing closed captioning services to Americans who are deaf or hard-of-hearing; to the Committee on Education and the Workforce.

By Mr. HINCHEY:

H. Con. Res. 492. Concurrent resolution supporting the goals and ideals of Melanoma/Skin Cancer Detection and Prevention Month and Melanoma Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H. Con. Res. 493. Concurrent resolution supporting the goals and ideals of National Volunteer Blood Donor Month; to the Committee on Government Reform.

By Mr. SIMMONS (for himself, Mr. COLLINS, Mrs. MILLER of Michigan, Mr. EVANS, Mr. SNYDER, Mr. GIBBONS, and Mr. SKELTON):

H. Res. 771. A resolution expressing the thanks of the House of Representatives and the Nation for the contributions to freedom made by American POW/MIAs on National POW/MIA Recognition Day; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Mr. MCHUGH, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. RANGEL, Mr. BROWN of Ohio, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. MCDERMOTT, Mr. OWENS, and Mr. SNYDER):

H. Res. 772. A resolution supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities; to the Committee on Government Reform.

By Mr. EDWARDS:

H. Res. 773. A resolution providing for the consideration of the bill (H.R. 4628) to protect consumers in managed care plans and other health coverage; to the Committee on Rules.

By Mr. MEEHAN (for himself, Mr. BILIRAKIS, and Mrs. MALONEY):

H. Res. 774. A resolution commending the people and Government of Greece for the successful completion of the 2004 Summer Olympic Games; to the Committee on International Relations.

By Mr. SHERMAN:

H. Res. 775. A resolution expressing the sense of the House of Representatives with respect to the continuity of Government and the smooth transition of executive power; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. ROTHMAN and Mr. KENNEDY of Rhode Island.

H.R. 104: Mr. VAN HOLLEN.

H.R. 141: Mr. BUTTERFIELD.

H.R. 571: Ms. ROS-LEHTINEN.

H.R. 677: Mr. BELL, Ms. CARSON of Indiana, and Mr. ISRAEL.

H.R. 742: Ms. HOOLEY of Oregon and Mr. EVANS.

H.R. 806: Mr. LEWIS of Kentucky.

H.R. 857: Mr. PITTS.

H.R. 953: Ms. HARRIS.

H.R. 962: Mr. DAVIS of Florida and Ms. LORETTA SANCHEZ of California.

H.R. 1064: Mr. WEINER.

H.R. 1101: Mr. SIMMONS.

H.R. 1310: Mr. DEMINT.

H.R. 1406: Mr. COLE.

H.R. 1478: Mr. LARSEN of Washington.

H.R. 1622: Mr. FILNER.

H.R. 1639: Mr. BLUMENAUER.

H.R. 1653: Mr. EDWARDS and Mr. PICKERING.

H.R. 1824: Mr. GEPHARDT.

H.R. 1858: Mr. FATTAH.

H.R. 1930: Ms. SCHAKOWSKY.

H.R. 2034: Mr. UPTON, Mr. CAMP, and Mr. PENCE.

H.R. 2094: Mrs. CUBIN.

H.R. 2265: Mrs. JOHNSON of Connecticut.

H.R. 2353: Mr. BOEHLERT and Mr. MOORE.

H.R. 2387: Mr. MCDERMOTT and Mr. MILLER of North Carolina.

H.R. 2442: Mr. EVANS.

H.R. 2510: Mrs. BONO.

H.R. 2511: Mr. WILSON of South Carolina.

H.R. 2680: Mr. BUTTERFIELD, Mr. SHIMKUS, Mr. FALEOMAVAEGA, Mr. DICKS, Mr. MEEHAN, Mr. DOYLE, Mr. NADLER, Mr. CAPUANO, Mr. COOPER, Mr. FRANKS of Arizona, Mr. VAN HOLLEN, Mr. CHANDLER, Mr. ANDREWS, Mr. MCINTYRE, Mr. STUPAK, Mr. OBERSTAR, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. OBEY, Ms. SOLIS, Mr. ORTIZ, Mr. KLECZKA, Mr. WAMP, Mr. LYNCH, Mr. HOYER, Mr. EVANS, Ms. ESHOO, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. INSLEE, Ms. DEGETTE, Mr. DEFAZIO, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mrs. NAPOLITANO, Mr. MURTHA, Mr. PASCRELL, and Mr. WU.

H.R. 2699: Mr. ANDREWS.

H.R. 2735: Mr. CALVERT.

H.R. 2821: Mr. EHLERS and Mr. SIMMONS.

H.R. 2968: Mr. SNYDER.

H.R. 3103: Mr. DUNCAN, Mr. DOOLITTLE, Mrs. JO ANN DAVIS of Virginia, and Mr. ORTIZ.

H.R. 3111: Mrs. BONO, Mr. BARTLETT of Maryland, Mr. WYNN, and Mr. CHANDLER.

H.R. 3119: Mr. KLINE.

H.R. 3192: Mr. COSTELLO and Mr. PRICE of North Carolina.

H.R. 3359: Mr. ANDREWS and Mr. HASTINGS of Florida.

H.R. 3455: Mr. WEXLER.

H.R. 3558: Mr. KILDEE.

H.R. 3729: Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. LATOURETTE, Ms. DELAURO, Mr. FORD, and Mr. JEFFERSON.

H.R. 3755: Mrs. KELLY.

H.R. 3870: Mr. DOOLITTLE.

H.R. 3929: Mr. ALEXANDER.

H.R. 3993: Ms. HERSETH.

H.R. 4026: Mr. COLE.

H.R. 4051: Mr. PLATTS.

H.R. 4067: Ms. WATSON.

H.R. 4100: Mr. OBERSTAR.

H.R. 4113: Ms. HARRIS.

H.R. 4169: Mr. BOSWELL and Mr. LAHOOD.

H.R. 4232: Mr. STENHOLM.

H.R. 4341: Mr. COSTELLO.

H.R. 4356: Mr. OBERSTAR.

H.R. 4367: Mr. RYAN of Ohio, Mr. WEXLER, and Mr. LARSEN of Washington.

H.R. 4374: Mr. WEXLER.

H.R. 4420: Mr. BEAUPREZ, Mr. BISHOP of Utah, Mr. MORAN of Kansas, Mr. MOLLOHAN, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, and Mr. EHLERS.

H.R. 4433: Ms. LEE, Mr. CUMMINGS, Mr. BOYD, and Mr. KING of New York.

H.R. 4578: Mr. LIPINSKI, Mr. SHIMKUS, and Mr. AKIN.

H.R. 4616: Mr. BROWN of Ohio and Mr. CUMMINGS.

H.R. 4622: Mr. OSBORNE.

H.R. 4626: Mr. RAMSTAD and Mr. GINGREY.

H.R. 4628: Mr. ISRAEL and Mr. HOUGHTON.

H.R. 4634: Mr. BURR and Mr. WELDON of Pennsylvania.

H.R. 4689: Mr. PASTOR.

H.R. 4711: Mr. STUPAK.

H.R. 4724: Mr. ETHERIDGE and Mr. GORDON.

H.R. 4779: Mr. COOPER and Mr. HOLDEN.

H.R. 4826: Mr. INSLEE, Mr. UDALL of Colorado, Mr. MCHUGH, and Mr. PORTMAN.

H.R. 4866: Mrs. JOHNSON of Connecticut, Ms. MCCOLLUM, Mr. ENGLISH, and Mr. GILLMOR.

H.R. 4875: Mr. STRICKLAND.

H.R. 4887: Mr. CHANDLER.

H.R. 4889: Mr. RANGEL and Mr. DAVIS of Florida.

H.R. 4924: Mr. BOYD, Mr. MICA, Mr. KELLER, Mr. DAVIS of Florida, Mr. FOLEY, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DEUTSCH, and Mr. HASTINGS of Florida.

H.R. 4927: Ms. BERKLEY, Ms. BALDWIN, and Mr. NETHERCUTT.

H.R. 4928: Ms. BORDALLO and Mr. ACEVEDO-VILÁ.

H.R. 4936: Mr. WAXMAN, Mr. BROWN of Ohio, Mr. PALLONE, Mrs. CAPPS, Ms. MCCARTHY of Missouri, Mr. ENGEL, Ms. ESHOO, Mr. TOWNS, Mr. JOHN, Mr. GREEN of Texas, and Mr. HOUGHTON.

H.R. 4956: Mr. DUNCAN.

H.R. 5001: Mr. FARR.

H.R. 5040: Mr. SCOTT of Georgia.

H.R. 5053: Mrs. MCCARTHY of New York and Mr. KING of New York.

H.R. 5057: Mrs. MALONEY, Mr. WEXLER, Mr. COOPER, Mr. WALSH, Mr. ETHERIDGE, Mr. STENHOLM, and Mr. MCINTYRE.

H. Con. Res. 111: Ms. CARSON of Indiana.

H. Con. Res. 218: Mr. FEENEY.

H. Con. Res. 468: Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. DEFAZIO, Mr. GORDON, Mr. HONDA, Ms. BERKLEY.

H. Con. Res. 475: Mr. MCHUGH and Mr. ACKERMAN.

H. Con. Res. 485: Mr. CASE.

H. Con. Res. 486: Mr. FROST, Mrs. MCCARTHY of New York, Mr. BUYER, Mr. BONNER, and Mr. BISHOP of Georgia.

H. Res. 125: Mr. GILLMOR.

H. Res. 556: Mrs. NAPOLITANO, Mrs. JO ANN DAVIS of Virginia, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, and Mr. PAYNE.

H. Res. 690: Mr. ETHERIDGE.

H. Res. 752: Mr. AKIN, Mr. SMITH of New Jersey, and Mr. KING of Iowa.

H. Res. 761: Mr. BACA, Mr. MORAN of Virginia, Mr. CARSON of Oklahoma, Mr. CANNON, Mr. THOMPSON of California, Mr. WEINER, Mr. STRICKLAND, Mr. SHAYS, Mr. WU, Mr. WAMP, Mr. SHAW, Mr. MCGOVERN, Mr. RUPPERSBERGER, Mr. ROSS, Mr. SNYDER, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Mr. WAXMAN, Mr. SCOTT of Georgia, and Mr. OLVER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5025

OFFERED BY: MR. JEFFERSON

AMENDMENT NO. 8: Page 13, strike lines 11 through 14.

H.R. 5025

OFFERED BY: MR. POMBO

AMENDMENT NO. 9: At the end of the bill before the short title, insert the following:

SEC. 647. None of the funds made available in this Act shall be available for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places.

H.R. 5025

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 10: Page 166, after line 3, insert the following new section:

SEC. 647. None of the funds appropriated by the Act may be used to plan, enter into, implement, or provide oversight of contracts between the Secretary of the Treasury, or his designee, and any private collection agency.

H.R. 5025

OFFERED BY: MR. VAN HOLLEN

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A-76 made on May 29, 2003.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE 9/11 COMMISSION RECOMMENDATIONS IMPLEMENTATION ACT OF 2004 (H.R. 5024)

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Ms. PELOSI. Mr. Speaker, recently the nation marked the third anniversary of the September 11 attacks.

In addition to mourning the loss of so many lives, it is appropriate to ask: "Are we as safe as we should be?" Sadly, two high level inquiries, including the independent 9/11 Commission, have said: "no."

Our rail lines, ports, commercial aircraft, power plants, chemical facilities, and other critical infrastructure components are not as secure as they should be.

Our first responders are not able to communicate with one another in real time, as they should be.

Much of the world's supply of the materials used to build weapons of mass destruction is not secured, as it should be.

Initiatives in the Department of Homeland Security are not funded adequately by the President and the Republican Congress, as they should be.

The nation's unmet security needs involve more than insufficient resources. The systemic governmental failures that opened the door for the terrorists to strike on 9/11 have been repeatedly identified. But there has been no concerted effort to fix them.

Eighteen months ago, a Joint Inquiry by the congressional intelligence committees produced a bipartisan call for change in the structure of the intelligence community. Nothing came of it.

Eight weeks ago, the 9/11 Commission issued a unanimous, bipartisan report recommending change—in the intelligence community and elsewhere—to deal with the terrorist threat. The Commission coupled its recommendations with a call for urgent action.

What was the response? The congressional recess went on, largely undisturbed, even after the threat level for New York and Washington was raised.

There has been too much delay. Congress must commit itself today to using the time left in this session to enact legislation to address the problems identified so clearly by the Commission and others.

To focus our efforts, many of my Democratic colleagues have joined me in introducing a bill that translates the Commission's recommendations into legislative language.

This bill will give the committees of jurisdiction a framework for considering the proposals on their merits, and reporting them to the House quickly for debate and votes.

United together, with an unwavering bipartisan commitment to the security of our country, let us make as much progress as we can so that our words of comfort to the victims' families on September 11 are not diminished by their knowledge of how much critical work remains unfinished.

* * *

INTRODUCTION OF THE EVERY VOTE COUNTS AMENDMENT TO THE CONSTITUTION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. GREEN of Texas. Mr. Speaker, I propose an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States. I would like to start with a quote from Thomas Jefferson regarding the electoral college.

> I have ever considered the constitutional mode of election ultimately by the Legislature voting by States as the most dangerous blot in our Constitution, and one which some unlucky chance will some day hit and give us a pope and antipope.

Mr. Speaker, I believe that these unlucky chances are hitting us today. The stakes of American presidential elections are tremendous for all of us but our Presidential candidates focus their activities on small numbers of "swing voters" in roughly a dozen states.

This is an injustice. All Americans are created equal and all Americans vote should count the same. So today, I am reintroducing legislation I authored in 2001 with my colleague from Washington State, Mr. BAIRD.

Our legislation, the Every Vote Counts Amendment would begin a Constitutional Amendment process to create national elections that are simple, democratic and counts every American equally. The heart of the amendment is Section Three, which reads: "The persons having the greatest number of votes for President and Vice President shall be elected."

The people, not small groups of partisans, should be responsible for filling the highest office in America. The Electoral College violates the sacred democratic principle of "one man, one vote." It should be abolished and replaced by something simple and fair.

Why should the candidate who wins the most votes not win the election? Opponents of this Amendment cannot justify why a less popular candidate should win, without saying, "that's the way we have always done it."

In 1913, Congress and the states trusted the people to elect their senators when we approved the Seventeenth Amendment. Today, we should trust the people to elect the President of the United States through a direct vote.

Every vote should carry the same weight in the election, no matter where in the nation it was cast. Texas Democrats, New York Republicans, California Republicans, and South Carolina Democrats would again have a say in the election of their President.

America is one nation, and our President should not wage a handful of separate campaigns in evenly balanced states, but one campaign, in all states, for all the people.

My constituents are unjustly ignored because neither candidate ever comes to Texas except to look for money, not votes. That is an insult to all Texans, Democratic and Republican.

Americans got a shocking look at our needlessly complex national election process in 2000, when we watched outcomes of recounts of hundreds of votes in a handful of counties determine an election in which over 100 million people voted.

We began to worry whether members of the Electoral College would be faithful to their states. We began to fear an election decided by just 435 individuals in the House of Representatives, which we have seen can be manipulated by redistricting.

There is nothing more simple and fair than: "the persons having the greatest number of votes for President and Vice President shall be elected."

In America, every vote should count and they should count equally. Therefore, we should adopt the Every Vote Counts Amendment and allow the states to begin the process of ratification.

* * *

RECOGNIZING THE ROBERT E. MITCHELL CENTER FOR PRISONER OF WAR STUDIES

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today in recognition of the Robert E. Mitchell Center for Prisoner of War Studies.

The original Center for Prisoner of War Studies was established in 1972 under a five-year charter to study long-term effects of captivity on repatriated Vietnam prisoners-of-war. After the initial five years, the Air Force and Army programs were discontinued. Captain Robert Mitchell continued to successfully direct the Navy-Marine program, so successfully in fact that Air Force Vietnam POWs rejoined the program in 1993 and Army POWs rejoined in 1997.

Located in my district in Northwest Florida, the Mitchell Center is the only program in existence that works with three branches of the armed services in this field, and currently sees over half of today's surviving Vietnam POWs.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Findings from the Center's research have been used worldwide in medical and psychological fields, paving the way for further insight into POW studies. The Center now works with repatriated POWs from World War II all the way through Desert Storm.

Recognizing the importance of the Mitchell Center's findings, Secretary of the Navy Gordon England signed a Memorandum of Understanding this year with the Robert E. Mitchell Foundation allowing it to raise money for the sole purpose of supporting the Mitchell Center's success.

Mr. Speaker, on behalf of the United States Congress, I would like to commend the Mitchell Center for its groundbreaking work in supporting our nation's prisoners of war as we bring them home.

TRIBUTE TO THE PINELANDS CULTURAL SOCIETY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to the Pinelands Cultural Society as it celebrates its 30th year of incorporation with a special celebration concert at Albert Music Hall on November 20, 2004.

The Pinelands Cultural and Historical Preservation Society is a grass roots, non-profit, all-volunteer organization that has been operating in southern New Jersey for the past three decades to preserve the cultural heritage of the New Jersey Pinelands region.

The Society's goals include preservation and stimulation of interest in South Jersey's musical and cultural heritage. Running a live show 50 Saturday nights each year, plus special occasion Sunday shows, the proceeds, along with individual donations of time, talents and money have culminated in the creation of the present 350–seat concert hall building called "Albert Music Hall" which serves as a "living history" venue for the presentation of live acoustic music concerts in the decades-old tradition of people indigenous to the Pinelands area. It also serves as a repository for extensive historic archives including audiotape and videotape recordings, documentation and photographs reflecting life in the New Jersey Pines from the early 1900s.

Albert Music Hall has been inducted into the American Folklore Center, Local Legacies Collection Archive at the Library of Congress, and is also registered in the Library of Congress' Moving Image Collections Archive Database.

Thus, I am pleased to recognize the efforts of an expert staff of volunteers for their efforts in bringing New Jersey's history to life. I congratulate them, and wish them many more decades of success.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. GOSS. Mr. Speaker, this afternoon I was called away on official government business, as a result, I was not able to be present for rollcall vote 431. Had I been present, I would have voted "yes". I request that this statement appear at the appropriate place in the RECORD.

HONORING LAWRENCE B. MARTIN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary career of Lawrence "Larry" Martin of San Francisco, California on the occasion of his retirement from 38 years of outstanding civic leadership and public service.

Upon completion of his service time on active duty in the U.S. Army, Larry began his civilian career in San Francisco in 1966. Upon joining the ranks of the platform employees of the San Francisco Municipal Railway System, he became an active member of the Transportation Workers Union of America, AFL–CIO Local 250–A. Committed to pursuing his educational interest in the labor movement, Larry attended the Labor and Management School at the University of San Francisco, took classes in Labor and Urban Studies at the University of California, Berkeley, and was later awarded his A.A. degree in Labor and Urban Studies at Merritt College in Oakland, California.

In the decades that followed, Larry would draw on these experiences to become increasingly active in the areas of labor studies and civic leadership. While serving as President of TWU Local 250–A and later as a member of the Labor Advisory Boards of the Labor Studies departments at U.C. Berkeley, San Francisco State University, the University of San Francisco, and the Community College District of San Francisco, he was also instrumental in steering various city boards and commissions. Not only did Larry serve for over 12 years on the San Francisco Human Rights Commission, but also served for over 8 years on the Planning Commission. In addition, Larry has played a vital role for several years as an Executive Board Member of the National Association for the Advancement of Colored People, on the San Francisco Recreation and Parks Commission since 2000, as an Executive Board Member of the San Francisco Labor Council, and as the Director of the TWU California State Conference.

On September 17 and 18, 2004, Larry will be honored in San Francisco, California on the occasion of his retirement. I would like to take this opportunity to commend his exceptional achievements not only in the areas of education and labor, but also for his role as a leader in the areas of civic planning and local government. By demonstrating his commitment to the improvement of workplace standards and quality of life for all, Larry has contributed immeasurably to the community of the Bay Area, and the 9th Congressional District salutes and congratulates him for 38 remarkable years of service.

ON THE 50TH ANNIVERSARY OF THE DEPARTMENT OF COMMERCE'S LABORATORIES IN BOULDER, CO

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. EHLERS. Mr. Speaker, I rise today to recognize the 50th anniversary and rededication of the Department of Commerce laboratories located in Boulder, Colorado. Three Commerce Department agencies have labs located in Boulder: the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the National Telecommunications and Information Administration (NTIA). As chairman of the House Science Subcommittee on Environment, Technology, and Standards, I have the honor and pleasure to be responsible for overseeing the research work of these three important research laboratories.

The Boulder laboratories were first dedicated by President Dwight D. Eisenhower on September 14, 1954. Since then they have made significant contributions in such fields as precision timekeeping, nanotechnology, wireless communications, and atmospheric and climate science. This research has been critical to developments in public and private infrastructure, homeland security, and a variety of technology-based industries.

The Boulder laboratories are located on land that was donated by the citizens of Boulder who, in 1950, raised the necessary $90,000 in funds in two weeks to purchase 217 acres for the first buildings. This generous act set the stage for the strong relationship between the Commerce laboratories and the community in Boulder that continues to this day.

The Commerce laboratories have two joint institutes with the University of Colorado at Boulder: the Joint Institute for Laboratory Astrophysics, or JILA, a partnership with NIST, and the Cooperative Institute for Research in the Environmental Sciences (CIRES), a partnership with NOAA. As a young physicist, I spent a year doing research at JILA, and have happy memories of the research and collegial atmosphere fostered by this relationship between NIST and the university.

Let me mention just a few of the recent accomplishments of the employees at the Department of Commerce's Boulder laboratories and Joint Institutes. NIST staff at Boulder include Eric Cornell, who in 2001 won the Nobel Prize for Physics together with Carl Wieman of the University of Colorado for creation of a Bose-Einstein condensate, a new state of matter. Deborah Jin recently won a MacArthur "Genius" Award to pursue research on the science of atomic clocks and lasers. Staff at the NOAA laboratories include Susan Solomon, recipient of the "Blue Planet Prize" and the 1999 National Medal of Science for her work on identifying the cause of the Antarctic Ozone Hole. Dr. Hans Liebe of NTIA won the 2002 Harry Diamond Memorial Award, the highest recognition for technical achievement given by the 235,000–member United States unit of the Institute of Electrical and Electronics Engineers (IEEE). This is just a sample of the hundreds of hard-working, dedicated personnel at the Boulder labs, and their contributions to American science and technology.

Mr. Speaker, I want to congratulate the Department of Commerce laboratories in Boulder, Colorado on their first 50 years. Based on their performance since 1954, I believe we can expect at least another 50 years of pioneering scientific research from these outstanding institutions, their academic and industrial partners, and their many scientists and technicians.

PERSONAL EXPLANATION

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. TAYLOR of Mississippi. Mr. Speaker, yesterday, on September 13, 2004, I was unavoidably detained in my congressional district while making preparations for the probable landfall of Hurricane Ivan. Unfortunately, I missed rollcall votes no. 441, 442 and 443. Had I been present, I would have voted "yea" on each of the rollcall votes.

Mr. Speaker, I would like to request unanimous consent to enter my statement into the record at the appropriate location.

PAYING TRIBUTE TO SEAN LINDSTONE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. TANCREDO. Mr. Speaker, I would like to take a moment to recognize Sean Lindstone, whose outstanding academic achievement has given him the opportunity to continue his education abroad. Sean has earned the prestigious Fulbright award to teach English as a foreign language in South Korea during the 2004–2005 academic year.

The Fulbright Program is the oldest of its kind in the United States and is designed to increase mutual understanding amongst international academia. Since its inception in 1946, the program has seen some 285,000 grantees. Recipients are selected on the basis of their academic, professional, and leadership potential within their respective fields.

Mr. Speaker, it is my pleasure to honor Mr. Lindstone and his achievements, and wish him all the best to come in his travel and studies.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Monday, September 13, 2004, the House had votes on H. Con. Res. 363, H. Res. 667, H. Res. 760. On House rollcall votes Nos. 441, 442, 443, I was unavoidably detained. Had I been present, I would have voted "yea" on all three.

COMMON SENSE AUTOMOBILE EFFICIENCY ACT OF 2004

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. RUPPERSBERGER. Mr. Speaker, today I am introducing legislation that provides a credit for the purchase of new qualified fuel cell, hybrid, or other alternative fuel motor vehicle.

The Common Sense Automobile Efficiency Act of 2004 encourages consumers to purchase environmentally friendly vehicles that will help reduce greenhouse gas emissions while simultaneously reducing our country's oil dependence. It repeals the phase-out of the Qualified Electric Vehicles Credit and Deduction for Clean Fuel-Vehicles so that 100% of the credit can be claimed through 2006. Consumers would receive a tax credit of up to $1,000 for hybrid gas-electric powered vehicles and $4,000 for fuel-cell vehicles.

Making our environment cleaner and reducing our dependence on foreign oil requires the participation of all stakeholders, including both consumers and manufacturers.

Cars, SUVs and other light trucks consume millions of barrels of oil every day and emit harmful amounts of carbon dioxide, a principal greenhouse gas. Passenger vehicles alone account for one-fifth of all U.S. carbon dioxide emissions. With significant fuel economy and low tailpipe emissions, alternative-fuel and advanced-technology vehicles help to reduce the environmental impact of driving an automobile. Getting more miles out of a gallon of gas means lessening our dangerous reliance on oil, lowering levels of key air pollutants, and saving consumers money at the gas pumps.

All Americans need a choice in buying cars that can increase their fuel-efficiency. While the average fuel economy of vehicles on the road is at a twenty-one year low, gasoline prices continue to strain business and family budgets. Americans now spend more than $500 million per day to fuel their cars and light trucks. Families deserve a more affordable way to get to work, school, vacation, home or any destination on the road. Businesses that rely on vehicles to function need the cost-efficiency of driving hybrid vehicles.

Although major automakers currently offer advanced technology and alternative fuel vehicles and plan to produce a full range of fuel-efficient options, including SUVs, mini vans, and pickup trucks, the cleanest vehicles available to the public should be more economical.

The tax incentives provided by this bill would not only save consumers money—but spur market demand for more fuel-efficient vehicles. As people around the country embrace cleaner, more efficient cars, American automobile manufacturers must continue to improve fuel efficiency in order not to lose market share and jobs. This bill would help automakers invest in the production of alternative fuel motor vehicles—and accelerate the introduction of newer models into the marketplace.

The Common Sense Automobile Efficiency Act provides a win-win situation for consumers, the economy, and the environment. It offers valuable incentives for the purchase and production of alternative vehicles and fuels—and enables consumers to help limit fuel consumption, reduce our dependence on foreign oil, and protect our air quality.

IN PRAISE OF SAM BUDNYK

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. FOLEY. Mr. Speaker, I rise to praise Sam Budnyk, a remarkable coach in South Florida who is retiring this year as head football coach for the Cardinal Newman High School Crusaders in West Palm Beach.

After 43 years as the school's only head football coach ever, Coach Budnyk has decided to retire his position. He also coached men's basketball and women's softball and track over the course of his career.

As first coach and athletic director, Coach Budnyk was responsible for pushing both minority and women's rights in high school athletics in Palm Beach County.

In 1965, he hired the first African-American assistant football coach to work at a private school in the state. By 1967, he was the first coach in the county in an all-white high school to have a football game against the all-black John F. Kennedy High School. In 1973, he was recognized by the National Organization for Women for allowing the first girl in Palm Beach County to run varsity track.

Not only have his victories been represented on the playing field, they also have resonated through the student-athletes who went on to various college institutions on scholarships and completed their education successfully. As the winningest coach in Palm Beach County history, Coach Budnyk was responsible for sending at least three of his Crusader football players to the NFL.

Sam Budnyk is a legend in his own time among all those who have met him, learned from him, became better people because of him—including my own father, who had the honor of serving as his assistant coach in football, baseball, basketball and track in the late '60s.

Sam Budnyk will still contribute at Cardinal Newman by remaining its athletic director and by teaching there. But his presence on the football field will be missed.

I would like to congratulate and thank him for all his selfless years of giving that have affected countless Newman graduates.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mrs. BIGGERT. Mr. Speaker, due to a prior commitment in my district, I missed the following rollcall votes yesterday: rollcall number

441 on passage of H. Con. Res. 363, rollcall number 442 on passage of H. Res. 667, and rollcall number 443 on passage of H. Res. 760. Had I been present, I would have voted "yea" on all of these votes.

HONORING RANCHO SANTA FE HISTORICAL SOCIETY'S 20TH ANNIVERSARY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. CUNNINGHAM. Mr. Speaker, I would like to congratulate the Rancho Santa Fe Historical Society on their 20th anniversary, commemorating two decades of public service. The Society dedicates itself to preserving and documenting local history; while educating members of the community and visitors on such matters.

The Rancho Santa Fe Historical Society received national attention for its World War II Veterans Oral History Project. The Society has also published a book, Rancho Santa Fe: A California Village, which was just printed in its fifth edition. The book captures the distinctive beauty and an architectural quality of one of California's first planned communities through early and contemporary photographs.

In 1989 Rancho Santa Fe was designated a California State Historic Landmark. The Society provides educational tours and lectures to students of all ages, and graciously offers their archives to researchers. Also, via the Architectural Review Committee, the Society offers expertise and advice on the preservation of historic homes.

Mr. Speaker, I am delighted to share with you the contributions and accomplishments of the Rancho Santa Fe Historical Society. Their enthusiasm and earnest efforts over the past 20 years have contributed greatly to the community of Rancho Santa Fe.

HONORING DAVID D'ERAMO, PH.D.

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor David D'Eramo, Ph.D. on the occasion of his retirement as President and Chief Executive Officer of St. Francis Hospital and Medical Center.

Not only has Dr. D'Eramo led St. Francis through a period of tremendous change during his sixteen year tenure, he has extended the reach of critical programs and services to our communities through the development of St. Francis Care.

His leadership has gone well beyond the walls of the hospital through his volunteer service and the chairmanship of key civic organizations, such as the MetroHartford Chamber of Commerce and the Greater Hartford Arts Council.

On a national level, Dr. D'Eramo has been deeply involved in the development of health policy through leadership and service with the American Hospital Association, the Catholic Health Association, and the Association of American Medical Colleges.

Mr. Speaker, I ask my colleagues to join me in congratulating Dr. D'Eramo for his many accomplishments and for his contributions to the health and well being of the citizens of Connecticut and beyond.

ANNUAL DINNER OF ROFEH INTERNATIONAL AND THE NEW ENGLAND CHASSIDIC CENTER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, for many years I've had the great privilege of sharing with my colleagues and the nation the description of those who are being honored by ROFEH International and the New England Chassidic Center. This year, the dinner for these two valuable institutions will be held on November 14, and the awardees are Dr. Edwin H. Kolodny, and Mr. Daniel M. Wyner.

Dr. Kolodny will receive the "ROFEH International Distinguished Service Award," for his very charitable service, and the great distinction he has achieved in the fields of birth defects, genetic diseases of the nervous system, and mental retardation and developmental disabilities.

The "Man of the Year," Daniel Wyner, has performed outstanding service to the New England Chassidic Center and to the Greater Boston Jewish Community as a whole.

These two organizations, under the leadership of Grand Rabbi Levi Y. Horowitz, make extremely important contributions to the religious, cultural and social life of Greater Boston, and indeed have a relevant impact in the medical field. I am pleased to join in honoring Mr. Wyner and Dr. Kolodny, and I ask unanimous consent to include here biographies of both men as an example of the sort of valuable community service that we should be encouraging through appropriate recognition.

Dr. Edwin H. Kolodny is a renowned neurologist and geneticist. He is the Bernard A. and Charlotte Marden Professor of Neurology and Chairman of the Department of Neurology at the New York University School of Medicine and Director of its Division of Neurogenetics. He is a specialist in inherited metabolic and degenerative diseases of the nervous system and has made many contributions to the field of Jewish genetic diseases. He serves on many scientific advisory boards and has authored numerous articles in leading medical journals.

A native of Brookline, Massachusetts and graduate of the Boston Latin School, he received his A.B. from Harvard College (cum laude in Economics) and his M.D. from the NYU School of Medicine (with honors). Dr. Kolodny trained in Internal Medicine for 2 years at Bellevue Hospital in New York and completed his Neurology residency at the Massachusetts General Hospital in Boston. After 3 additional years of training in Neurochemistry at the NIH in Bethesda, Maryland, he returned to Boston and the Harvard Medical School where he rose to Professor of Neurology and Director of the Eunice Kennedy Shriver Center for Mental Retardation.

Dr. Kolodny is the recipient of numerous awards and honors for his work as a clinician, researcher and teacher. These include the Alpha Omega Alpha Award of the NYU School of Medicine, the Above and Beyond Award of the National Tay-Sachs and Allied Diseases Association, and listing in "Best Doctors in the U.S." He has also served as a Visiting Professor at medical schools in Israel and elsewhere overseas.

Dr. Edwin Kolodny and his wife, Dr. Roselyn Kolodny, a pediatrician, have four children, Nancy Lieberman, Dr. Leonard Kolodny, Robin Leshem, and Noah Kolodny, two son-in-laws, Ralph and Erez, and two daughter-in-laws, Debby and Michelle, of whom they are equally proud, and fabulous grandchildren Naomi, Tamar, Benjamin, Daniel, and Sarah.

Dan Wyner is President of Shawmut Corporation, a fourth generation family business that manufactures innovative textile composites for the Automotive, Medical, Military and Industrial markets, with three plants in Massachusetts and Michigan. Dan has worked for Shawmut for over 23 years, working alongside his grandfather, father and most recently, one of his brothers.

In addition to his role at Shawmut, Dan is one of the founders of Omniflex LLC; a Western Massachusetts based technical film supplier, and currently serves as a director of Omniflex, which is a Shawmut Joint Venture. He is also one of the founders of PolyWorks LLC; a Rhode Island based low-pressure injection molding company and serves on its board of directors.

In addition to his business interest, Dan has worked to support a number of charitable organizations.

Over the past several years, Dan and his wife Lorna have been supporters of ROFEH International, helping in the development and renovation of ROFEH's residential facility for the benefit of families of Bone Marrow Transplant patients.

Dan presently serves on the board of trustees of the Rhode Island chapter of the Leukemia and Lymphoma Society as treasurer of that organization, and he and his wife Lorna are significant supporters of the Society, supporting both direct research projects, annual fundraising events, and recruiting for and participating in this year's Team in Training Cyclefest 100-mile bike ride.

Dan is also a member of the Board of Trustees of the Alperin Schechter Day School in Providence, RI where their daughter Madelyn is a fourth grade student. Dan is also a member of the Board of Overseers at the Beth Israel Deaconess Medical Center.

Dan and his wife support a number of other charitable causes, including the Fred Hutchinson Cancer Research Center, University of Washington Medical Center, Beth Israel Deaconess Hospital and the American Jewish Historical Society.

Dan is a graduate of Dartmouth College where he majored in Philosophy. He, together with his wife and daughter, live on a small horse farm in Rhode Island. In his spare time Dan plays tennis, pilots ultra-light aircraft and does some wheel-thrown pottery.

DON ARTH, LEADER IN MISSOURI AGRICULTURE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that Don Arth of Malta Bend, Missouri, will soon retire from the Missouri Corn Merchandising Council and the Missouri Corn Growers Association Board. Let me take this means to pay tribute to this outstanding American who has contributed much to Missouri agriculture, especially the corn growers of our State.

Don Arth graduated from Corder High School in 1957 and worked for several years at Mason Chevrolet in Lexington, Missouri, and at Ford Motor Company in Claycomo, Missouri. With his brother Bob Arth and Uncles Lewis, John, and Frank Arth, he began farming in 1962 in the Missouri River bottoms of Waverly and Grand Pass, Missouri, an area known as White's Island. Don continues to farm these fields today with his youngest brother, Michael Arth of Grand Pass, Missouri.

Throughout his career in agriculture, Don has exhibited tremendous leadership in the corn producer community. He has served as a board member and chairman of the Missouri Corn Merchandising Council and a board member of the Missouri Corn Growers Association. He also serves as Vice President of Mid-Missouri Energy, Inc., a producer-owned ethanol plant that is currently rising from the fields of Saline County, Missouri. Don was instrumental in reaching out to farmers throughout central Missouri to create Mid-Missouri Energy, Inc.

In addition to his positions in agriculture, Don is active in his community and is a man who cares deeply for his family. Since 1964, he has been a member of the Waverly Jaycees and since 1985 has been a member of the Waverly Lions Club, serving as president of both organizations. Don is a member of the Waverly Rural Fire Department and has served on the board for Lafayette County Regional Health Center for 12 years. Don has also served on the Carrollton Country Club board of directors and held the office of president of the board. Don is a member of St. Peter Catholic Church in Marshall, Missouri, and a member of the Knights of Columbus.

Don and his late wife Donna Lieser were married in Dover, Missouri, in 1964, and have two children and three grandchildren.

Mr. Speaker, through the years, I have been lucky to know Don Arth as a friend. He is truly an expert in Show-Me State agriculture and a role model for young Missourians. As he prepares to retire from these agricultural boards and to dedicate more time to his community and his family, I know that all members of the House will join me in paying tribute to this outstanding American.

TRIBUTE TO LTC (RET.) K. PAUL LEGRICE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to LTC (Ret.) K. Paul LeGrice as he prepares to retire as the Director of Force Projection, United States Army, Fort Dix, New Jersey, effective September 30, 2004.

A true patriot, Paul tirelessly supported this nation's military through both his service in the military and as a key Department of the Army Civilian. He enlisted in the United States Army in 1962 and later received his commission in 1965. In February 1993, after serving 30 years in enlisted and officer status, Paul retired as a Lieutenant Colonel and began his service as the Director of Force Projection Directorate, Fort Dix, New Jersey.

In his role as Director, he constantly demonstrated his unparalleled ability to accomplish complex tasks in an outstanding fashion through his untiring diligence, uncanny foresight and exceptionally noteworthy leadership. His response to the events of September 11, 2001, demonstrated his true mettle. Paul provided the even-tempered, professional leadership required as Fort Dix successfully mobilized over 30,000 soldiers for both OCONUS combat missions and CONUS support missions in support of Operations Enduring Freedom, Iraqi Freedom and Noble Eagle.

As Ft. Dix continued its role as a major power projection platform, Paul took very personally his responsibility to ensure proper support of the mobilizing and demobilizing soldiers. Additionally, he constantly sought ways to improve and expand upon the Joint Installation Partnership between Ft. Dix, McGuire Air Force Base, and Naval Air Engineering Station Lakehurst to better serve our nation's military personnel. These joint installation projects all proved advantageous to the three bases and their personnel by efficiently consolidating activities while saving valuable tax dollars.

Thus, I am pleased to recognize the efforts and accomplishments of this outstanding American patriot. I congratulate and thank LTC (Ret.) K. Paul LeGrice for his 42 years of selfless service to this nation and wish him a happy retirement.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. NETHERCUTT. Mr. Speaker, on Monday, September 13, I was unavoidably detained due to a prior obligation. Had I been present, I would have voted "yea" on rollcall vote No. 441 to suspend the rules and agree, as amended, to H. Con. Res. 363; "yea" on rollcall vote No. 442 to suspend the rules and agree to H. Res. 667; and "yea" on rollcall vote No. 443 to suspend the rules and agree to H. Res. 760.

TRIBUTE TO MR. CHARLES STRANG

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to Mr. Charles "Chuck" Strang, who on September 29, 2004, will mark 20 years of service with the Servicemembers' and Veterans' Group Life Insurance programs. Chuck is the director of the Office of Servicemembers' Group Life Insurance (OSGLI), the office established by the Prudential Insurance Company of America to administer VA's Servicemembers' and Veterans' Group Life Insurance programs (SGLI and VGLI).

Following the example set by his family's military service, Chuck served in the U.S. Army from 1966 through 1969. Trained as a Communication Center Specialist, he spent his entire military career in Nuremburg, Germany. In 1982, he earned an Associate's Degree in Occupational Studies with a major in Life and Health Insurance from The College of Insurance in New York City.

Chuck's distinguished career with OSGLI began on September 24, 1984, as the manager of New Business and Insurance Services. Through various managerial positions, he became a recognized authority on the many details of veterans' insurance programs, and was promoted to Director in 1993.

Chuck's accomplishments at OSGLI are many. Some noteworthy program enhancements he has overseen include: an increase in servicemembers' insurance coverage from $35,000 to $250,000; the addition of insurance coverage for family members; reductions in premiums for each of the veterans' insurance programs; and allowing terminally ill insureds to receive up to 50 percent of their Servicemembers' or Veterans Group Life Insurance coverage in a lump sum.

Through nationwide toll-free telephone service, Internet access to personal accounts, design and installation of updated computer systems, and imaging capabilities, Chuck has instituted changes that have improved service to policyholders and their families.

Mr. Speaker, I have spent all my life in the business world and it is evident to me that owing to Chuck Strang and the Office of Servicemembers' Group Life Insurance, VA's SGLI and VGLI insurance programs are two of the best-managed in the government. I am pleased to pay tribute to Chuck's professionalism and dedication to our Nation's servicemembers, veterans, and their families.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. CARTER. Mr. Speaker, during rollcall votes No. 441, H. Con. Res. 363, the Human rights/civil liberties violations by Syria, 442, H. Res. 667, the Expressing support for freedom in Hong Kong, and 443, H. Res. 760, the Condemning the terrorist attacks in Russia, I was unavoidably detained. If I had been present, I would have voted "yea."

A TRIBUTE TO THE RANCHO SANTA FE HISTORICAL SOCIETY'S 20TH ANNIVERSARY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. CUNNINGHAM. Mr. Speaker, I would like to congratulate the Rancho Santa Fe Historical Society on their 20th Anniversary, commemorating two decades of public service. The Society dedicates itself to preserving and documenting local history; while educating members of the community and visitors on such matters.

The Rancho Santa Fe Historical Society received national attention for its World War II Veterans Oral History Project. The Society also published a book, Rancho Santa Fe: A California Village, which was just printed in its fifth edition. The book captures the distinctive beauty and the architectural quality of one of California's first planned communities through early and contemporary photographs.

In 1989 Rancho Santa Fe was designated a California State Historic Landmark. The Society provides educational tours and lectures to students of all ages, and graciously offers their archives to researches. Also, via the Architectural Review Committee, the Society offers expertise and advice on the preservation of historical homes.

Mr. Speaker, I am delighted to share with you the contributions and accomplishments of the Rancho Santa Fe Historical Society. Their enthusiasm and earnest efforts over the past 20 years have contributes greatly to the community of Rancho Santa Fe.

REBUILD LIVES AND FAMILIES RE-ENTRY ENHANCEMENT ACT OF 2004

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Rebuild Lives and Families Re-Entry Enhancement Act of 2004. This legislation will be the next important step in establishing policy to help the men and women emerging from our Nation's prisons and jails re-integrate into society and rebuild their lives.

While our national crime rates have fallen over the last decade, we have seen an unprecedented explosion in our prison and jail populations. Over two million prisoners are now held in Federal and State prisons and local jails. Each year, approximately 650,000 people return to their communities following a prison or jail sentence, resulting in more than 6.7 million under some form of criminal justice supervision.

Reentry refers to the return of incarcerated individuals from America's jails and prisons to the community and their reintegration into society. There is a pressing need to provide these individuals with the education and training necessary to obtain and hold onto steady jobs, undergo drug treatment, and get medical and mental health services. However, they are confronted with the "prison after imprisonment"—a plethora of seemingly endless obstacles and impediments which stymie successful re-integration into society. These obstacles have substantially contributed to the historically high rate of recidivism, with two-thirds of returning prisoners having been rearrested for new crimes within 3 years.

This legislation is designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of reoffending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully reintegrate into society. Title I of the bill reauthorizes and enhances our early adult and juvenile reentry programs to broaden the availability of critical ex-offender services, while Title II addresses the substantive federal barriers to successful reentry. Both titles include provisions requiring that the funded programs be rigorously evaluated and the results widely disseminated, so that reentry programs can be modified as needed, to ensure that recidivism is reduced and public safety enhanced.

A recent study by Peter D. Hart Research Associates reveals that Americans strongly favor rehabilitation and reentry programs as the best method of insuring public safety. With this changing paradigm in public opinion, the opportunity is ripe to sensibly reassess the role and impact of criminal justice policies. This legislation translates this emerging public perception into balanced policies and procedures which dismantle the structural impediments to successful reintegration into society.

TRIBUTE TO MR. JOEL D. HEDENSTROM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. SKELTON. Mr. Speaker, let me take this means to honor and pay tribute to Mr. Joel D. Hedenstrom who retired September 3, 2004, from the United States Army Training and Doctrine Command at Fort Monroe, Virginia, after more than 35 years of service to our Nation.

Mr. Hedenstrom served in the United States Army from 1969 until 1973 with the United States Army Military Personnel Center in Alexandria, Virginia. His military service included an assignment with the Office of the Secretary of Defense to support a study-group that established the Survivor Benefit Plan.

Following his military service, he resumed duties with the United States Military Personnel Center, in a civilian capacity. He later accepted a position with the Secretary of the Army's Chief of Legislative Liaison, where he subsequently became a team chief and carried an additional duty as the Congressional point of contact for mass casualties.

In 1988, Mr. Hedenstrom was selected to serve as Congressional Affairs Specialist for the United States Army Training and Doctrine Command. Mr. Hedenstrom displayed the highest level of expertise in his field and was respected throughout the Command and the Department of the Army for his sound guidance and advice.

In recognition of his dedicated service, he was awarded the Meritorious Civilian Service Award for his outstanding performance of duties. I commend Mr. Hedenstrom for 35 years of honorable service to the Nation and the United States Army and wish him all the best in his future endeavors.

TRIBUTE TO MR. CECIL BROOKS III

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize a cultural innovator in my district, Mr. Cecil Brooks III. A world renowned jazz artist, drummer, band leader, composer, arranger, and record producer, Mr. Brooks and his wife Adreena have recently established a jazz club in West Orange. Opening in late June 2003, Cecil's is quickly establishing a reputation as one of the most prestigious addresses in northern New Jersey.

Mr. Brooks is responsible for bringing internationally acclaimed entertainers to our community, including renowned jazz saxophonist Don Braden and American comic legend Bill Cosby.

Mr. Brooks achieved international prominence as a Goodwill Ambassador, and is considered one of the most popular and innovative figures in the world of modern jazz, as well one of the most prolific record producers and band leaders on the scene today. He has been credited with numerous recordings which have been ranked in the Top Ten of the Gavin National Radio Airplay Chart and has worked for several labels including Muse and Highnote/Savant records.

He has been recognized in the Downbeat Magazine Critic's Poll as "Producer Deserving Wider Recognition," and has performed on world tour with jazz icons such as Houston Person and Etta James, Pharoah Sanders, Stanley Turrentine, the Mingus Dynast Big Band, the Dizzy Gillespie Reunion Band, and was the drummer for The Bill Cosby Show.

Mr. Speaker, please join me in extending my thanks to my neighbors Cecil and Adreena Brooks for their contributions to the civic and cultural life of our community, and I invite my colleagues to join me in sending our congratulations for their outstanding achievements which celebrate jazz, the truly American art form, and have brought such positive recognition to the city of West Orange.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes:

Mr. CARDIN. Mr. Chairman, each year the Labor-HHS-Education appropriations bill is one of the most difficult measures for this body to complete. One reason is that it is often the costliest of our spending bills. Another is that the programs it funds are the most critical to the well-being of our citizens.

I want to thank the members of the Appropriations Committee, particularly Chairman YOUNG, Ranking Member OBEY, and Subcommittee Chairman REGULA for their hard work on this measure, particularly in light of the budgetary limitations on what we can accomplish for many vital domestic programs.

I am pleased that the House has increased by $22 million the bill's funding for the Low Income Home Energy Assistance Program (LIHEAP), and I want to thank the gentleman from Vermont, Mr. SANDERS, for his leadership and my colleagues on both sides of the aisle for their support of his amendment.

I also want to thank Mr. OBEY for his leadership on the key issue of overtime pay. American workers deserve to be paid fairly for the work they perform, and I am proud that the House has voted to eliminate damaging aspects of the Labor Department's rule.

This is a bill that in many ways improves upon the President's budget proposals, and I intend to support it. However, I am concerned about the low funding levels in several areas that I hope can be improved upon in conference.

In the area of education, this bill does not do enough for our Nation's elementary and secondary school students. In my home state of Maryland, more than 100 schools do not meet state standards required by the No Child Left Behind Law. Even though many school districts find themselves unable to meet the goals of the law, the bill before us today provides $9.5 billion less than the funding promised. Today's bill also falls $2.5 billion short of the $13.6 billion promised last year for special education when IDEA was reauthorized last year. I would also hope that we can improve upon the higher education funding, particularly in the areas of Pell Grants and Perkins Loans, so that lower and middle-income students can continue to enroll in public and private colleges across the Nation.

This bill also shortchanges Americans already in the labor market. Eight million Americans who want to work cannot find jobs, but the job training funds do not keep pace with inflation. In fact, compared FY 2001, it cuts job training funding in real terms by over $700 million. I would hope that we can improve upon these levels in conference.

Finally, we must increase funding for several programs in the Department of Health and Human Services. Last month, we learned that the number of uninsured Americans reached 45 million, yet this bill reduces Maternal and Child Health Block Grants that fund care for uninsured women and children, and it eliminates the Community Access Program, which has funded grants across the Nation for preventive and primary care. This bill also cuts vital Ryan White AIDS Care programs, and it does not adequately fund the lifesaving NIH research that Americans diagnosed with Alzheimer's, cancer, diabetes, and other debilitating diseases are depending upon. Unfortunately, this bill contains an increase of only 2.6% in NIH funding—less than medical research inflation.

I hope, as this House bill moves forward in conference, that the funding levels for these critical needs can be increased to a more realistic level.

VICTIMS COMPENSATION FUND EXTENSION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mrs. MALONEY. Mr. Speaker, in the immediate aftermath of the September 11th terrorist attacks the Congress created the Victims Compensation Fund (VCF) to provide compensation for victims of 9/11. This fund provided aid to the families of 9/11 victims and to individuals who suffered personal injury. Among other things, aid from the fund pays for medical expenses and lost wages. In return for accepting these funds, recipients relinquished rights to any future litigation. The fund had a deadline for applicants of December 22, 2003.

At the deadline, close to 100% of the families who lost a loved one had filed with the fund, but many individuals who were injured as a direct result of 9/11 had not. After the filing, many of the injured were denied benefits, despite a clear need.

The main reasons for not filing applications included people who did not know they were eligible as well as others whose injuries were late-onset. There are literally hundred of individuals who are now just developing career-ending injuries—such as pulmonary and respiratory ailments—but are not eligible to receive assistance because they developed their symptoms after the deadline.

Largely as a result of the VCF's restrictions on applicants, 1,755 of the 4,430 personal injury claims considered were denied. While there was some leeway, the rules required workers to have arrived at Ground Zero within 96 hours of the attack and would have needed to seek medical treatment within 72 hours. This is reasonable for rescue workers who suffered immediate injuries, but leaves no recourse for individuals with late-onset injuries or who arrived after September 15, 2001 to assist in the recovery effort and are now suffering from injuries.

In order to care for the individuals who are now just developing physical injuries and to provide an opportunity for injured individuals who did not know they were eligible, I am introducing the Victims Compensation Fund Extension Act.

This bill would: Amend eligibility rules so that responders to the 9/11 attacks who arrived later than the first 96 hours could be eligible if they experienced illness or injury from their work at the site. Amend eligibility rules so that those who did not seek immediate medical verification for their illness or injury from the disaster, but who have since obtained medical evidence, would be eligible. Extend the deadline for applications to allow those with either late-onset illness from the disaster or those who were never informed of their eligibility for the Victim Compensation Fund to consider applying.

HONORING JERRY RABER FOR HER CONTRIBUTIONS TO THE COMMUNITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. STARK. Mr. Speaker, I rise today to honor Jerry Raber, a resident of Newark, California. The city of Newark will pay tribute to Jerry on September 16, 2004 at the dedication of Jerry Raber Ash Street Park.

All who know her describe Jerry as a truly special woman. For over thirty years, Jerry has been a tireless advocate fighting to meet the needs of children in her community.

When a fire devastated the original Ash Street Youth Center in March 1969, Jerry pushed and pursued the city to replace the building. Through her leadership and perseverance, she garnered support from volunteers and local contractors to help rebuild the center. Service clubs, such as Kiwanis and Rotary donated funds for play equipment while local contractors contributed roofing, concrete and other building materials. Area businesses and restaurants joined forces and placed donation jars in their establishments to collect funds that helped to complete the softball field.

Along with city funding, federal grants, generous grassroots donations and hard work, the Ash Street Youth Center was rebuilt. The Center was ready to serve the community with programs such as ballet, cake decorating, adult education, secretarial courses, storybook hours, book exchanges, arts and crafts, a game lending library and a horse clinic.

In June 1971, Ash Street Park joined the Ash Street Youth Center and services to the community were expanded. A wide variety of recreational activities included picnicking, softball, flag football, Easter egg hunts, supervised overnight camping and even a pet parade.

Jerry Raber continued to push for further services for the community and assisted in the expansion of Ash Street Park. In 1992, Jerry, along with area residents, school officials and PTA members, formed a non-profit organization, Friends for Ash Street Community Enrichment, better known as FACE. FACE, with the city of Newark, started a new balanced lunch and recreation program.

Children enrolled in the program received free hot lunches and the opportunity to participate in arts and crafts, sports games, lessons on public safety awareness and teambuilding.

Jerry Raber's drive and persistence to make Newark a better place for children has been recognized and appreciated through the years. She has many markers of success she can point to with pride. Her accomplishments have earned her the honorary title "Mayor of Old Town". I join in thanking Jerry for her tireless efforts and investment in the community to make a difference in the lives of others.

TRIBUTE TO PAUL AND KATE TAUER

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. BEAUPREZ. Mr. Speaker, I rise today to recognize two distinguished Coloradoans who reside in my district. I am pleased to announce that Paul and Kate Tauer, of Aurora, Colorado, were recipients of the 2004 National Excellence in Parenting Award presented by the National Parents' Day Council.

I believe that commitment to family and community is a core value all Americans should share. Unfortunately, we rarely take the time to recognize individuals who place their own interests behind those of their family and community.

Paul and Kate Tauer have been married for 47 years and are the parents of 8 children and the grandparents of 13. They have been tireless in their volunteer efforts, in which their children take an active role. The Tauers have served on countless committees and participate in a myriad of volunteer endeavors. Together they started the Aurora Asian Pacific Partnership and both serve on the Mental Health Center Board. Paul recently retired as a four-term Mayor of Aurora, the third most populous city in Colorado. Following in the footsteps of his father, Paul's son Ed was elected to succeed him as Mayor of Aurora.

This award provides an opportunity to recognize and promote parenting as a central vocation for our families and our communities. It is my genuine honor to be able to represent Paul and Kate Tauer. They are distinguished citizens, activists and parents—there is no higher or more honorable calling.

HONORING LIEUTENANT GENERAL ROBERT R. DIERKER, U.S. AIR FORCE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mrs. TAUSCHER. Mr. Speaker, on October 8, 2004, Lieutenant General Robert R. Dierker, U.S. Air Force, will complete his tour of duty as the Deputy Commander, United States Pacific Command. At the end of his tour, General Dierker will retire from the Air Force after 32 years of service to our nation.

Robert Dierker represents all that is good about the United States military. He is a distinguished graduate of the United States Air Force Academy. He has served honorably throughout his career in various key operational and staff positions in the United States, Southeast Asia, Northeast Asia, and Europe. And he has commanded a fighter group and a fighter wing.

Lieutenant General Dierker is himself an accomplished command pilot. He has logged more than 2,500 flying hours, primarily in tactical aircraft, and is a master parachutist with more than 130 military jumps.

Mr. Chairman, on behalf of the United States Congress and the nation, I take great pride in formally recognizing the exceptionally meritorious service of Lieutenant General Robert R. Dierker.

PAYING TRIBUTE TO KATHY GRISWOLD-McKEAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. TANCREDO. Mr. Speaker, on August 23, 2004, one of my constituents, Mrs. Kathy Griswold-McKean 53, tragically and unexpectedly lost her life in a single-car accident. Kathy was a true patriot, devoted to both this country and the lives of people in general.

Kathy had a positive outlook that was simply infectious. It emanated from her and welled up in others bringing out the best in them. She and her husband, Andy McKean, were together for 16 years and rarely did I ever see one without the other. Together they created the Complete Cycle Center through an Environmental Protection Agency grant where they showcased recycled products.

In addition to educating others about recycling, they worked on the Earning by Learning program to promote children to read. They also worked on various political campaigns, including my own, with the same unending energy and enthusiasm that they put into every endeavor. Kathy could be counted on to bring out the best in everyone around her.

Kathy and her husband were the driving force behind legislation in the 106th Congress which I sponsored, and more than a dozen other members cosponsored. The resolution, H. Con. Res. 376, Recognized Liberty Day.

Andy and Kathy sponsored an education project, which began March 16, 1998, of the same name. That initiative encouraged school children to learn more about the founding documents of our great nation, and with the passage of that resolution, their efforts were officially recognized by the United States Congress.

Together, Kathy and Andy promoted Liberty Day in order to preserve and pass on the great tradition of America's history, freedom and way of life. Kathy's passing, while on an errand to deliver mail to supporters of this project was a tragedy, but her commitment to the cause will be remembered and honored by many.

Kathy is survived by her Husband, her parents and her brother.

RECOGNIZING SENATOR JAMES L. MATHEWSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2004

Mr. SKELTON. Mr. Speaker, a distinguished career in public service is coming to an end in the Show-Me State. Missouri State Senator James L. (Jim) Mathewson, a member of the State Senate from Sedalia, Missouri, will retire at the end of the year. He has served the people of the 21st District since 1981.

Senator Mathewson was born and raised in Warsaw, Missouri. After graduating from Warsaw public schools, he attended Redding College and then California State University at Chico.

Before being elected to the state Senate, Jim Mathewson served in the Missouri House of Representatives. The people of his district chose to send him back to the state House in 1976 and 1978. First elected to the Missouri Senate in 1980, Senator Mathewson is currently serving the people of the 21st district for his fourth term. Earning the respect of his party, Senator Mathewson was elected Majority Floor Leader of the Senate in 1984 and 1986. He earned unanimous support among his fellow senators in 1989 and was elected the President Pro Tem of the Missouri Senate. He remained in this position through 1996.

Through the years, Senator Mathewson has been successful in many impressive legislative initiatives. He is admired for his knowledge and courage. When the history of the Missouri Senate is written of this era, the name of Senator James Mathewson will have a prominent role. I am proud to call him my friend.

Mr. Speaker, I am sure the Members of the House will join me in thanking Senator Mathewson for his years of public service. I wish the Senator and his wife, Doris, all the best in the years ahead.